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FSC-9/29/14
TRIAL-10/15/14
OSC-4/15/16

FILED
LOS ANGELES SUPERIOR COURT

APR 15 2013

JOHN A. CLARKE, CLERK
M. Flores
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14 Attorneys for Plaintiffs DANIEL BURLEY and DYLAN BURLEY,
15 by and through their Guardian *ad Litem* TERRI THOMAS, and RHANDI THOMAS, individually
16 and as Successor in Interest for the ESTATE of DARREN BURLEY

17 SUPERIOR COURT OF THE STATE OF CALIFORNIA
18 FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT

19 **DANIEL BURLEY and DYLAN**
20 **BURLEY, by and through their Guardian**
21 ***ad Litem* TERRI THOMAS, and**
22 **RHANDI THOMAS, Individually and as**
23 **Successor in Interest to the ESTATE of**
24 **DARREN BURLEY, Deceased,**

25 Plaintiffs,

26 vs.

27 **COUNTY OF LOS ANGELES; and**
28 **DOES 1 through 20, Inclusive,**

Defendants.

CASE NO. **BC505918**

COMPLAINT FOR DAMAGES FOR:

1. **Discrimination/ Civil Rights Violations**
(Civil Code §51.7);
(Survival Action)
2. **Civil Rights Violations**
(Civil Code §52.1(b)(h));
(Survival Action)
3. **Wrongful Death**
4. **Negligence (Govt Code § 815.2(a))**
(Survival Action)
5. **Battery (Survival Action)**

DEMAND FOR JURY TRIAL

COMES NOW, Plaintiffs DANIEL BURLEY and DYLAN BURLEY, by and through their Guardian Ad Litem TERRI THOMAS, and RHANDI THOMAS, Individually and as

RECEIPT #: CCH4785705
 DATE PAID: 04/15/13 12:00 PM
 PAYMENT: \$435.00
 RECEIVED: 210
 CASH: \$435.00
 CHECK: \$0.00
 CHANGE: \$0.00
 CASH: \$0.00

D 93 Samantha Jesswel

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1 Successor in Interest to the ESTATE of DARREN BURLEY for causes of action against all
2 Defendants and complain and alleges as follows:

3 I.

4 INTRODUCTORY ALLEGATIONS

5 1. At all relevant times mentioned here, Plaintiffs DANIEL BURLEY and
6 DYLAN BURLEY were residents of DeKalb County, Georgia. DANIEL and DYLAN are the
7 natural minor sons of the decedent DARREN BURLEY (referred to as "DARREN" or "Mr.
8 BURLEY"). DANIEL was born on January 23, 2008, and DYLAN was born on June 2, 2010.

9 At all relevant times mentioned here, TERRI THOMAS ("TERRI" or "Mrs. THOMAS") was
10 a resident of DeKalb County, Georgia and the duly appointed Guardian *ad Litem* for DANIEL
11 and DYLAN.

12 2. At all relevant times mentioned here, Plaintiff RHANDI THOMAS
13 ("RHANDI" or "Ms. THOMAS") was a resident of DeKalb County, Georgia. Ms. THOMAS
14 is DARREN's lawful wife and his heir and successor in interest under the provisions of Code
15 of Civil Procedure section 377.32. Ms. THOMAS is the duly appointed Successor in Interest
16 of the Estate of DARREN BURLEY.

17 3. DARREN BURLEY was an African American male who was born on June 9,
18 1982. He died on August 15, 2012, 12 days after he was attacked by the Defendants as
19 described below.

20 4. In or about April 2013, RHANDI THOMAS complied with the provisions of
21 Code of Civil Procedure § 377.32 by, concurrently with the filing of this Complaint, signing
22 and filing the affidavits referred to there with the Superior Court for the County of Los
23 Angeles.

24 5. At all relevant times mentioned here, Defendants COUNTY OF LOS
25 ANGELES (the "COUNTY") and DOES 19 through 20 were and are governmental and
26 public entities, and/or political subdivisions within the State of California, duly organized and
27 existing under the laws of the State of California.

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1 6. Plaintiffs are unaware of the true names and capacities of those Defendants sued
2 here as DOES 1 through 20, and therefore sue these Defendants using their fictitious names.
3 Plaintiffs are informed and believe that at all relevant times mentioned here, each of the DOES
4 1 through 18 was the agent and/or employee of Defendant COUNTY OF LOS ANGELES
5 and/or DOES 19 through 20, working as peace officers and/or other employees and agents of
6 the Los Angeles Sheriffs Department ("LASD") and/or DOES 19 through 20, and acting
7 within the course and scope of that agency and/or employment. Plaintiffs are further informed
8 and believe that at all relevant times mentioned here, Defendants COUNTY and/or DOES 19
9 through 20, owned, managed and/or operated the LASD. Plaintiffs will amend this complaint
10 to allege each DOE's true name and capacity when that information becomes known. Plaintiffs
11 are informed and believe that each of these fictitiously named Defendants is legally responsible
12 in some manner for the negligent, wrongful and/or intentional actions and inactions alleged
13 here, whether by reason of their own actions and/or inactions, or as a result of the conduct of
14 their agents, employees, joint venturers and/or co-conspirators, and that the injuries and
15 damages alleged in this complaint were legally caused by these actions and inactions.

16 7. At all relevant times mentioned here, each of the Defendants DOES 1 through
17 18 was the agent, partner, co-conspirator, and/or employee of each other, as well as of each of
18 their co-Defendants, and in doing the things alleged here, was acting within the course and
19 scope of that agency, partnership, conspiracy, and/or employment and with the permission and
20 consent of each of their co-Defendants.

21 8. During the evening hours on or about August 3, 2012, at or near the 1300 block
22 of East Glencoe St. Compton, CA. 90211, DARREN was walking down the street when he
23 was stopped by several unknown members of the Los Angeles County Sheriff's Dept. After
24 being stopped, the deputies threatened to hit, taser, and strike Mr. BURLEY with impact
25 weapons, and did in fact hit, taser, and strike DARREN with impact weapons about his head
26 and body. As a legal result of their actions, Mr. BURLEY sustained serious injury and
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1 damages to his mind and body. As a further legal result of the Defendant deputies' actions and
2 failures to act on August 3, DARREN died on August 15, 2012.

3 9. DARREN did nothing to justify this use of deadly force against him. He had
4 not posed any reasonable threat of imminent death or serious bodily injury to any of the
5 involved COUNTY deputies, or any other person, so as to justify this use of serious and deadly
6 force against him. Plaintiffs are informed and believe that DARREN's race, color and
7 ancestry were each a substantial factor leading to the Defendants' decision to assault, batter,
8 taser and strike him about the head and body, given the circumstances with which they were
9 then presented. None of the deputy Defendants who battered, tasered, and struck Mr. Burley
10 was African American. Consequently, in choosing to exercise severe and malicious force
11 against him, each of the Defendants discriminated against him on account of his race.

12 10. Plaintiffs are informed and believe that DARREN did not die immediately after
13 being battered, tasered, and struck in the head and body with impact weapons by the Defendant
14 deputies. It was clear, or through the exercise of reasonable diligence should have been clear,
15 that immediately after he was attacked by the deputies, DARREN was then in immediate need
16 of medical attention. Nevertheless, the Defendant deputies who were present at the scene,
17 wrongfully, negligently, intentionally, and/or with a deliberate indifference to DARREN's
18 rights and safety, failed to immediately summon medical assistance to the scene to attend to his
19 injuries. This delay in seeking medical assistance demonstrated a conscious disregard for
20 DARREN's medical condition, and was a contributing factor in his falling into a coma and
21 eventual death.

22 11. On or about October 6, 2012, the Plaintiffs filed a timely Claim for Damages
23 against the COUNTY for the injuries and damages sustained as a result of the incident set forth
24 in this complaint. That Claim was rejected by letter dated November 26, 2012.

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1 II.

2 FOR THE FIRST CAUSE OF ACTION

3 (PLAINTIFFS DANIEL BURLEY and DYLAN BURLEY, by and through their
4 GUARDIAN AD LITEM TERRI THOMAS and RHANDI THOMAS, INDIVIDUALLY
5 and as Successor in Interest for the ESTATE of DARREN BURLEY
6 AGAINST DEFENDANTS COUNTY and DOES 1 through 18
7 for DISCRIMINATION/CIVIL RIGHTS VIOLATIONS,
8 CIVIL CODE SEC. 51.7 and 52) (SURVIVAL ACTION))

9 12. Plaintiffs incorporate by reference the allegations contained in paragraphs 1
10 through 11 above as if fully set forth here.

11 13. Plaintiffs are informed and believe that each of the Defendants DOES 1 through
12 18 decided to batter, taser, and strike DARREN with impact weapons all over his head and
13 body as a result of their racial prejudice against him because he was an African-American male.
14 Plaintiffs contend that the Defendants would not have battered, tasered, and struck DARREN
15 with impact weapons all over the head and body had he not been African-American.
16 Consequently, in choosing to exercise severe and malicious force against Mr. BURLEY, each
17 of the Defendants DOES 1 through 18 discriminated against him on account of his race and
18 deprived him of civil rights protected under the California Constitution.

19 14. In committing the acts described above, each of the Defendants violated
20 DARREN's right to be free from violence and intimidation by threats of violence because of
21 his race, as guaranteed him by *Civil Code* §§ 51.7 and 43, in that Defendants battered, tasered,
22 and struck Mr. BURLEY, and intimidated him by threatening to so batter, taser, and strike him.

23 15. As a legal result of this unlawful use of severe and malicious force, DARREN
24 BURLEY died from the damages and injuries he sustained on August 3, 2012.

25 16. As a further legal result of the Defendants' conduct as described here, for 12
26 days prior to his death, DARREN suffered severe physical and emotional pain and injury to his
27 mind and body, all in an amount to be determined according to proof at trial.

1 17. As a further legal result of the conduct described here, Mr. BURLEY's ESTATE
2 and/or successors have incurred medical, funeral, burial, and other expenses, all in an amount to
3 be determined according to proof at trial.

4 18. In doing the acts alleged in this complaint, each of the Defendants DOES 1
5 through 18, knew or through the exercise of reasonable diligence should have known, that their
6 actions were highly likely to severely and/or fatally injure DARREN. Plaintiffs are informed
7 and believe that each of the Defendant deputies had been trained at the Sheriff's Academy that
8 a deputy should never kick or strike an individual above the shoulders with an impact weapon,
9 unless the circumstance justified the use of deadly force. Here, the Plaintiffs are informed and
10 believe that since DARREN never posed a reasonable threat of death or serious physical injury
11 to any deputy, or any other person, each of these Defendants intended to cause DARREN to
12 sustain serious physical injury when they struck this unarmed man above his shoulders with
13 impact weapons. Accordingly, each of the Defendants DOES 1 through 18 acted with a
14 malicious, oppressive, willful and conscious disregard for his rights as secured by *Civil Code* §
15 51.7, justifying the imposition of punitive damages against each of the individual defendants.

16 19. DARREN did nothing to justify the use of severe and malicious force against
17 him. He was unarmed and had not posed any reasonable threat of death or serious bodily harm
18 to any person at or near the scene. This unjustified use of severe and malicious force against
19 him was inflicted, in whole or in part, on account of his race, and with the intent to maliciously
20 and oppressively deny him of his civil rights, and/or to deprive him of his life, and/or to inflict
21 severe bodily injury on him. Accordingly, the conduct of DOES 1 through 18 in battering,
22 tasing and striking him in the head with impact weapons, justifies the awarding of punitive
23 damages against each of them, pursuant to *Civil Code* § 52(b)(1) and *Civil Code* § 3294.

24 20. As a further legal result of this civil rights violation, the Plaintiffs seek the award
25 of reasonable attorney fees as provided for in *Civil Code* §§ 52.1(b) and 52.1(h), in an amount
26 to be determined according to proof at trial.

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1 21. As a further legal result of this civil rights violation, the Plaintiffs seek in
2 addition to the other damages stated here, the statutory civil penalty of \$25,000 per wrongdoer,
3 except as to Defendants COUNTY and DOES 19 and 20, pursuant to *Civil Code* § 52(b)(2).

4 **III.**

5 **FOR THE SECOND CAUSE OF ACTION**

6 **(PLAINTIFFS DANIEL BURLEY and DYLAN BURLEY, by and through their**
7 **GUARDIAN AD LITEM TERRI THOMAS and RHANDI THOMAS, INDIVIDUALLY**
8 **and as Successor in Interest for the ESTATE of DARREN BURLEY**
9 **AGAINST DEFENDANTS COUNTY OF LOS ANGELES**
10 **and DOES 1 through 18 for CIVIL RIGHTS VIOLATIONS,**
11 ***Civil Code* §§ 52.1(b) and 52.1(h)) (SURVIVAL ACTION))**

12 22. Plaintiffs incorporate by reference the allegations in paragraphs 1 through
13 21 above as if fully set forth here.

14 23. On or about August 3, 2012, at the time and place described above, each of the
15 Defendants DOES 1 through 18 interfered with DARREN BURLEY's exercise and enjoyment
16 of rights guaranteed him by *Civil Code* § 52.1 and California Constitution, Article I, §§ 7 and
17 31, including the right to equal protection under the laws of California and the right not to be
18 discriminated against on account of his race. Specifically, each of these Defendants
19 discriminated against and interfered with DARREN's right to be free from any threats and/or
20 acts of violence or intimidation on account of his race; and, DARREN was additionally
21 discriminated against and denied equal protection and equal rights under the law in that he was
22 battered, tasered, and struck with impact weapons on account of his race as an African
23 American.

24 24. As a legal result of this unjustified use of severe and malicious force and
25 discrimination, DARREN died from the damages and injuries he sustained in this incident.
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1 25. As a further legal result each of the Defendants' conduct as described here,
2 before he died, DARREN suffered severe physical and emotional pain and injury to his mind
3 and body, all in an amount to be determined according to proof at trial.

4 26. As a further legal result of the conduct described here, RHANDI THOMAS has
5 incurred medical, funeral, burial, and other expenses all in an amount to be determined
6 according to proof at trial.

7 27. In doing the acts alleged in this complaint, each of the Defendants DOES 1
8 through 18 knew, or through the exercise of reasonable diligence should have known that their
9 actions were likely to injure DARREN BURLEY. Plaintiffs are informed and believe, and on
10 that basis allege, that each of those Defendants intended to cause DARREN injury and acted
11 with a malicious, willful and conscious disregard for his rights as secured by *Civil Code* § 52.1
12 and the California Constitution. DARREN did nothing to justify the use of severe and
13 malicious force against him. He was unarmed and had not posed any reasonable threat of death
14 or serious bodily harm to any person at or about the scene. The unjustified use of severe and
15 malicious force against him was inflicted, in whole or in part, on account of his race, and with
16 the intent to maliciously and oppressively deny him of his civil rights, and/or to deprive him of
17 his life, and/or to inflict severe bodily injury on him. Accordingly, the conduct of Defendants
18 DOES 1 through 18 in battering, tasing and striking him in the head with impact weapons
19 justifies the awarding of punitive damages against each of the individual Defendants pursuant
20 to *Civil Code* §§ 52(b)(1) and 3294.

21 28. As a further legal result of this civil rights violation, Plaintiffs seek the award of
22 reasonable attorney fees as provided for in *Civil Code* §§ 52.1(b) and 52.1(h), in an amount to
23 be determined according to proof at trial.

24 29. As a further legal result of this civil rights violation, Plaintiffs seek in addition
25 to the other damages stated here, the statutory civil penalty of \$25,000.00 per wrongdoer,
26 except as to COUNTY and DOES 91-20, pursuant to *Civil Code* § 52(b)(2).

1 IV.

2 **FOR THE THIRD CAUSE OF ACTION**

3 (PLAINTIFFS DANIEL BURLEY and DYLAN BURLEY, by and through their
4 GUARDIAN AD LITEM TERRI THOMAS, and RHANDI THOMAS, INDIVIDUALLY
5 AGAINST DEFENDANTS COUNTY DOES 1 through 18
6 FOR WRONGFUL DEATH)

7 30. Plaintiffs incorporate by reference the allegations in paragraphs 1 through 29
8 above as if fully set forth here.

9 31. On and before August 3, 2012, Plaintiffs were the natural sons and lawful wife
10 of DARREN BURLEY, entitled to bring this action pursuant to California *Code of Civil*
11 *Procedure* § 377.60.

12 32. On or about August 3, 2012, Mr. BURLEY was battered, tasered, and struck all
13 over his head with impact weapons by each of the Defendants DOES 1 through 18, resulting in
14 his death. At that time and place, DARREN did nothing to justify this use of severe and
15 malicious force by the Defendants against him. He had not posed any reasonable threat of
16 death or serious bodily injury to any of the Defendants or any other person, so as to justify
17 their use of severe and malicious force against him. Consequently, this use of severe and
18 malicious force was wrongful, unlawful, and in wilful disregard of his rights and safety.

19 33. Under an alternative theory of recovery, the Plaintiffs are informed and believe
20 that each of the Defendants DOES 1 through 18 negligently, carelessly, and recklessly battered,
21 tasered, and struck Mr. BURLEY with impact weapons all over his head and body. As a result
22 of the negligent, careless and reckless manner in which they attempted to detain him, DARREN
23 was rendered unconscious, slipped into a coma, and died 12 days later.

24 34. As a legal result of each of the Defendants' conduct as described here, and
25 DARREN BURLEY's subsequent death, his two sons, DANIEL and DYLAN, and his wife
26 RHANDI THOMAS sustained pecuniary damages resulting from the loss of the love, comfort,
27 society, care, assistance, protection, companionship, attention, moral support, training,

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1 guidance, and financial support from DARREN, all in an amount to be determined according
2 to proof at trial.

3 35. As a further legal result of the conduct of each of these Defendants, RHANDI
4 THOMAS has incurred medical, funeral and burial expenses, all in an amount to be determined
5 according to proof at trial.

6 V.

7 **FOR THE FOURTH CAUSE OF ACTION**

8 (**PLAINTIFFS DANIEL BURLEY and DYLAN BURLEY, by and through their**
9 **GUARDIAN AD LITEM TERRI THOMAS, and RHANDI THOMAS INDIVIDUALLY**
10 **and as Successor in Interest of The ESTATE of DARREN BURLEY,**
11 **AGAINST DEFENDANTS COUNTY and DOES 1 through 18**
12 **FOR NEGLIGENCE (*Govt Code* § 815.2(a)) (SURVIVAL ACTION))**

13 36. Plaintiffs incorporate by reference the allegations in paragraphs 1 through 35
14 above as if fully set forth here.

15 37. On or about August 3, 2012, at the time and place described above, each of the
16 Defendants DOES 1 through 18 were sheriff deputies acting within the course and scope of
17 their employment who negligently, carelessly, and without reasonable care battered, tasered,
18 and struck Mr. BURLEY. Alternatively, at the time and place described above, each of the
19 Defendants came upon DARREN and negligently, carelessly and/or recklessly concluded that
20 he presented a risk of death or serious injury or harm to one of them, thereby necessitating the
21 use of severe and deadly force against him. Thereafter, and as a result of that negligent
22 conduct and the injuries he sustained as a result, and after some period of time, DARREN
23 BURLEY passed away.

24 38. Alternatively, on or before August 3, 2012, each of the Defendants DOES 1
25 through 18 was negligently, carelessly, and/or recklessly trained by the Defendants COUNTY
26 and/or DOES 91 - 20 including, but not limited to, the circumstances under which a deputy is
27 privileged to use deadly force. As a legal result of this negligent training, DARREN was struck
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1 with deadly force when he was repeatedly hit in the head with impact weapons, though he did
2 not present a reasonable threat of death or serious physical injury to any other person. As a
3 legal result of this negligent training, and this negligent use of deadly force, Mr. BURLEY was
4 seriously injured, slipped into a coma, and died 12 days later.

5 39. As a legal result of the Defendants' negligent conduct as described here, prior to
6 his death, DARREN suffered severe physical and emotional pain and injury to his mind and
7 body, all in an amount to be determined according to proof at trial.

8 40. As a further legal result of the conduct described here, RHANDI THOMAS, as
9 Successor in Interest to the ESTATE of DARREN BURLEY, has incurred medical, funeral,
10 burial, and other expenses, all in an amount to be determined according to proof at trial.

11 **VI.**

12 **FOR THE FIFTH CAUSE OF ACTION**

13 **(PLAINTIFFS DANIEL BURLEY and DYLAN BURLEY, by and through their**
14 **GUARDIAN AD LITEM TERRI THOMAS, and RHANDI THOMAS INDIVIDUALLY**
15 **and as Successor in Interest of The ESTATE of DARREN BURLEY,**
16 **AGAINST DEFENDANTS COUNTY and DOES 1 through 18**
17 **FOR BATTERY (SURVIVAL ACTION))**

18 41. Plaintiffs incorporate by reference the allegations in paragraphs 1 through
19 40 above as if fully set forth here.

20 42. Plaintiffs are informed and believe that Defendants DOES 1 through 18, with the
21 knowledge, permission and consent of Defendants COUNTY and/or DOES 91 through 20,
22 decided to batter, taser, and strike DARREN in the head with impact weapons though
23 DARREN had not posed any reasonable threat of death or serious bodily injury to anyone. The
24 Plaintiffs contend that the Defendants would not have used deadly force against DARREN had
25 he not been African-American.

26 43. DARREN did not consent to being battered, tasered, or struck in the head
27 repeatedly with impact weapons.

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1 44. Each of the Defendants DOES 1 through 18 battered, tasered, and struck
2 DARREN in the head with impact weapons with the intent to harm and/or offend
3 him. Mr. BURLEY was in fact harmed by the attack, resulting in his sustaining severe pain and
4 injury to his mind and body. As a legal result of the above-described conduct, Darren slipped
5 into a coma and died 12 days later.

6 45. As a further legal result each of the Defendants' conduct as described here,
7 before he died, DARREN suffered severe physical and emotional pain and injury to his mind
8 and body, all in an amount to be determined according to proof at trial.

9 46. As a further legal result of the conduct described here, RHANDI THOMAS has
10 incurred medical, funeral, burial, and other expenses all in an amount to be determined
11 according to proof at trial.

12 47. In doing the acts alleged in this complaint, each of the Defendants DOES 1
13 through 18 knew, or through the exercise of reasonable diligence should have known that their
14 actions were likely to injure DARREN BURLEY. Plaintiffs are informed and believe, and on
15 that basis allege, that each of those Defendants intended to cause DARREN injury and acted
16 with a malicious, willful and conscious disregard for his rights. DARREN did nothing to
17 justify the use of severe and malicious force against him. He was unarmed and had not posed
18 any reasonable threat of death or serious bodily harm to any person at the scene. The
19 unjustified use of severe and malicious force against him was inflicted, in whole or in part, on
20 account of his race, and with the intent to maliciously deprive him of his life, and/or to inflict
21 severe bodily injury on him. Accordingly, the conduct of Defendants DOES 1 through 18 in
22 battering, tasered and striking him in the head with impact weapons justifies the awarding of
23 punitive damages against each of the individual Defendants pursuant to *Civil Code* § 3294.

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1 **WHEREFORE**, Plaintiffs pray for judgment against all Defendants as follows:

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3 **FOR THE FIRST CAUSE OF ACTION**

- 4 1. For general damages in an amount to be determined according to proof at trial;
- 5 2. For medical, funeral, burial and related expenses in an amount to be determined
- 6 according to proof at trial;
- 7 3. For attorney fees, costs, and expenses in an amount to be determined according
- 8 to proof at trial pursuant to *Civil Code* § 52(a), (b)(3);
- 9 4. For punitive damages against each of the individual Defendants pursuant to *Civil*
- 10 *Code* § 52(b)(1) and/or *Civil Code* § 3294; and
- 11 5. For a statutory civil penalty of \$25,000 pursuant to *Civil Code* § 52(b)(2) against
- 12 each of the individual Defendants;

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14 **FOR THE SECOND CAUSE OF ACTION**

- 15 1. For general damages in an amount to be determined according to proof at trial;
- 16 2. For medical, funeral, burial and related expenses in an amount to be determined
- 17 according to proof at trial;
- 18 3. For attorney fees, costs, and expenses in an amount to be determined according
- 19 to proof at trial pursuant to *Civil Code* § 52(a), (b)(3);
- 20 4. For punitive damages against each of the individual Defendants pursuant to *Civil*
- 21 *Code* § 52(b)(1); and
- 22 5. For a statutory civil penalty of \$25,000 pursuant to *Civil Code* § 52(b)(2) against
- 23 each of the individual Defendants;

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FOR THE THIRD CAUSE OF ACTION

1. For general damages in an amount to be determined according to proof at trial including the loss of the love, comfort, society, care, assistance, protection, companionship, attention, moral support, training, guidance, and financial support; and
2. For medical, funeral and burial expenses in an amount to be determined according to proof at trial.

FOR THE FOURTH CAUSE OF ACTION

1. For general damages in an amount to be determined according to proof at trial; and
2. For medical, funeral and burial expenses in an amount to be determined according to proof at trial.

FOR THE FIFTH CAUSE OF ACTION

1. For general damages in an amount to be determined according to proof at trial;
2. For medical, funeral and burial expenses in an amount to be determined according to proof at trial; and
3. For punitive damages against each of the individual Defendants pursuant to *Civil Code* § 3294.

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FOR ALL CAUSES OF ACTION

1. Costs of suit;
2. For such other and further relief as the court deems just and proper.

DATED: April 8, 2013

Respectfully submitted,

THE DOUGLAS FIRM
ANTABLIN & BRUCE, ALP

By: _____



Carl E. Douglas
Attorneys for Plaintiffs
DANIEL BURLEY and DYLAN BURLEY, by
and through their Guardian *ad Litem* TERRI
THOMAS, and RHANDI THOMAS, individually
and as Successor in Interest to the ESTATE of
DARREN BURLEY

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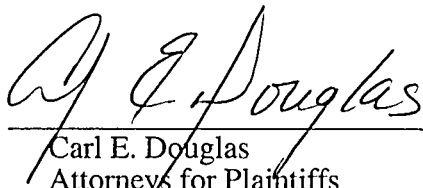
DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury of all issues in this action.

DATED: April 8, 2013

Respectfully submitted,

THE DOUGLAS FIRM, APC
ANTABLIN & BRUCE, ALP

By: 

Carl E. Douglas
Attorneys for Plaintiffs
DANIEL BURLEY and DYLAN BURLEY, by
and through their Guardian *ad Litem* TERRI
THOMAS, and RHANDI THOMAS, individually
and as Successor in Interest for DARREN
BURLEY

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