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8 Attorneys for Plaintiffs

9  
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

12 ELISA GUARDADO and CRISTOBAL  
13 EDGARDO GUARDADO, individually, and  
as successors-in-interest to ANDRES  
14 EDGARDO GUARDADO PINEDA,

15 Plaintiffs,

16 v.

17 LOS ANGELES COUNTY SHERIFF'S  
DEPARTMENT, COUNTY OF LOS  
18 ANGELES, DEPUTY MIGUEL VEGA, in his  
individual capacity, and DEPUTY CHRIS  
19 HERNANDEZ, in his individual capacity, and  
DOES 1 through 100,

20 Defendants.  
21

Case No. 20STCV33203

**COMPLAINT FOR DAMAGES**

- 1. Battery (Wrongful Death)
- 2. Assault
- 3. Negligence (Wrongful Death)
- 4. False Arrest/False Imprisonment
- 5. Violation of the Bane Act (Cal. Civ. Code § 52.1)
- 6. Negligent Training, Retention, and Supervision
- 7. Survival Action

**DEMAND FOR JURY TRIAL**

22  
23 COME NOW plaintiffs, Elisa Guardado and Cristobal Edgardo Guardado, individually,  
24 and as successors-in-interest to Andres Edgardo Guardado Pineda for causes of action against  
25 defendants, Los Angeles County Sherriff's Department, County of Los Angeles, Deputy Miguel  
26 Vega, in his individual capacity, Deputy Chris Hernandez, in his individual capacity, and DOES 1  
27 through 100, inclusive, who complain and allege as follows:

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1 **GENERAL ALLEGATIONS**

2 1. On or about June 18, 2020, at approximately 5:53 p.m., 18-year-old Andres  
3 Edgardo Guardado Pineda (hereinafter referred to as "Andres Guardado" or "decedent") was shot  
4 and killed by defendant Los Angeles County Sheriff's Department Deputy Miguel Vega at the  
5 general location of an alleyway at 420 West Redondo Beach Boulevard in an unincorporated area  
6 of Los Angeles County, known as East Gardena, California 90248. On that evening, Los Angeles  
7 County Sheriff's Department Deputy Miguel Vega and Deputy Chris Hernandez, in a display of  
8 unreasonable and excessive force, drew their guns and chased decedent, Andres Guardado, down  
9 an alleyway. Soon thereafter, Deputy Miguel Vega, without provocation or justification, and with  
10 willful and conscious disregard, fatally unloaded, at least six shots at Andres' back. Five of  
11 Deputy Vega's shots struck Andres directly in the back, and each of those five gunshot wounds  
12 possessed an independent lethal capacity, ultimately, causing his tragic and untimely death.

13 **PARTIES**

14 2. At all relevant times mentioned herein, plaintiffs Elisa Guardado and Cristobal  
15 Edgardo Guardado, and plaintiffs' decedent, Andres Guardado, were residents of the State of  
16 California, County of Los Angeles.

17 3. At all relevant times, Elisa Guardado was the mother, and Cristobal Edgardo  
18 Guardado was the father, of decedent, Andres Guardado, who had neither a spouse or children,  
19 thereby qualifying Elisa Guardado and Cristobal Edgardo Guardado as successors-in-interest, for  
20 purposes of maintaining a claim for survival damages. For these same reasons, at all relevant  
21 times, Elisa Guardado and Cristobal Edgardo Guardado, are the heirs at law of the decedent, for  
22 purposes of wrongful death damages.

23 4. At all relevant times mentioned herein, defendants Los Angeles County Sheriff's  
24 Department and County of Los Angeles were, and are, municipal corporations organized and  
25 existing under the laws of the State of California.

26 5. At all relevant times mentioned herein, defendants Deputy Miguel Vega, Deputy  
27 Chris Hernandez, and DOES 1 through 50, inclusive, were employed by defendants Los Angeles  
28

1 County Sheriff's Department, County of Los Angeles, and DOES 51 through 100, inclusive, and  
2 acting in the course and scope of their employment for such municipal corporations and under  
3 color of state law. These defendants are being sued herein in their individual capacity.

4  
5 **THE SUBJECT INCIDENT**

6 6. On or about June 18, 2020, at approximately 5:53 p.m., decedent, Andres  
7 Guardado, was working as a security guard for an auto shop located at 420 West Redondo Beach  
8 Boulevard in an unincorporated area of Los Angeles County, known as East Gardena, California  
9 90248 (hereinafter "subject location"). At some point, a white Lexus pulled up in front of the auto  
10 shop with two occupants inside of the vehicle. Decedent, Andres Guardado, approached the  
11 passenger-side door, bent down, and began having a friendly conversation. Soon thereafter, Los  
12 Angeles County Sheriff's Department Deputy Miguel Vega, Deputy Chris Hernandez, and DOES  
13 1 through 50, inclusive, arrived at the subject location. Deputy Miguel Vega and Deputy Chris  
14 Hernandez parked their vehicle next to the driver-side of the white Lexus and rapidly exited their  
15 vehicle to approach the direction of the auto shop. Decedent, 18-year-old Andres Guardado,  
16 became scared and fled south down the alleyway. Without provocation or justification, and in  
17 violation of defendants' policies and procedures, the deputies immediately drew their weapons,  
18 and proceeded to chase after decedent down the alleyway. At some point, Deputy Vega, again  
19 without provocation or justification, shot Andres Guardado in the back, firing in total at least six  
20 times. Five of those bullets struck Andres directly in the back and each of those five gunshot  
21 wounds possessed an independent lethal capacity, ultimately causing his tragic and untimely  
22 death.

23 7. Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
24 mentioned herein, decedent never posed a risk of imminent injury or death to Deputy Miguel  
25 Vega, Deputy Chris Hernandez, or any other person. Plaintiffs are also informed, believe, and  
26 thereon allege that at all times relevant and mentioned herein, the use of deadly force by Deputy  
27 Miguel Vega was not necessary to prevent imminent serious injury or death. Plaintiffs are further  
28 informed, believe, and thereon allege that at all times relevant and mentioned herein, Deputy

1 Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive, failed to use other  
2 available resources and techniques and, moreover, an objectively reasonable officer would know  
3 and believe that it was reasonably safe and feasible to use these other available resources and  
4 techniques.

5 8. Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
6 mentioned herein, Deputy Miguel Vega's use of deadly force was in violation of the law and in  
7 violation of the policies and procedures used by defendants Los Angeles County Sheriff's  
8 Department and County of Los Angeles.

9 9. Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
10 mentioned herein, the manner in which the Los Angeles County Sheriff's Department deputies  
11 conducted the stop and pursuit of decedent, Andres Guardado, was negligent, reckless, constituted  
12 an unjustifiable excessive use of force, and endangered the community. On further information  
13 and belief, the tactics used that day were in violation of recognized standards within the law  
14 enforcement community, constituted an unjustifiable excessive use of force, were negligent and  
15 reckless, and resulted in a needless loss of life. Moreover, prior to Andres Guardado's death,  
16 defendants willfully and knowingly created a situation where death or injury would be likely,  
17 thereby acting with reckless disregard and with full knowledge of the probable dangerous  
18 consequences of such conduct.

19 10. Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
20 mentioned herein, defendants Los Angeles County Sheriff's Department, County of Los Angeles,  
21 and DOES 51 through 100, inclusive, negligently trained, hired, supervised, and retained the  
22 deputies that chased decedent and ultimately fired, at least six rounds at 18-year-old Andres. In  
23 addition, at the scene, defendant Los Angeles County Sheriff's Department deputies, supervisors,  
24 and DOES 1 through 50, inclusive, negligently handled the stop and were negligent in their  
25 control and direction of the tactics utilized by the deputies.

26 11. Plaintiffs also are informed, believe, and thereon allege that at all times relevant  
27 and mentioned herein, defendants Los Angeles County Sheriff's Department, County of Los  
28 Angeles, and DOES 51 through 100, inclusive, and Sheriff Villanueva knew or should have

1 known about gangs within the Los Angeles County Sheriff's Department. Based on information  
2 and belief, these gangs are comprised of Los Angeles County Sheriff deputies who use violence,  
3 threats, and retaliation against other deputies, supervisors, and the public. Plaintiffs also are  
4 informed, believe, and thereon allege that at all times relevant and mentioned herein, defendants  
5 Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive, had possible  
6 affiliations with at least one of these Los Angeles County Sheriff's Department gangs, including,  
7 but not limited to, the gangs known as the Executioners and/or the 3,000 Boys.

8         12. Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
9 mentioned herein, defendants Los Angeles County Sheriff's Department, County of Los Angeles,  
10 and DOES 51 through 100, inclusive, and all of their employees and sworn officers, were  
11 negligent in the hiring, training, selection, retention, and discipline of Deputy Miguel Vega,  
12 Deputy Chris Hernandez, and DOES 1 through 50, inclusive, who were involved in the shooting,  
13 as well as the employees who trained the involved deputies throughout their careers, from the  
14 academy to the date in question.

15         13. Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
16 mentioned herein, defendants Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1  
17 through 50, inclusive, had a history of improper uses of unjustified excessive force, improper  
18 discharging of their firearms, bad traffic and pedestrian stops, failing to follow proper procedures,  
19 making false statements during investigations, and other improper conduct. Yet, they were never  
20 disciplined, or were not disciplined properly, and were never trained or re-trained properly, and  
21 were never removed from service. All the above components and factors also contributed to the  
22 death of Andres Guardado.

23         14. Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
24 mentioned herein, defendant Los Angeles County Sheriff's Department allowed a custom, policy,  
25 and practice to exist, whether express or implied, oral or written, that allowed all of the conduct  
26 outlined in this complaint and that fostered an environment that allowed and permitted this  
27 shooting to occur, all creating liability under the laws of the State of California, the Constitution of  
28 the State of California, the laws of the United States, and the United States Constitution.



1           19.     Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
2 mentioned herein, defendants Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1  
3 through 50, inclusive, willfully and unlawfully used force upon the person of decedent, Andres  
4 Guardado, by shooting and killing him. At the time of the aforementioned battery, decedent,  
5 Andres Guardado, posed no threat whatsoever to defendants or anyone else.

6           20.     Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
7 mentioned herein, defendants Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1  
8 through 50, inclusive, intentionally touched decedent, Andres Guardado, and/or caused decedent  
9 to be touched.

10          21.     Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
11 mentioned herein, defendants Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1  
12 through 50, inclusive, used unreasonable and excessive force in an effort to arrest and prevent  
13 decedent, Andres Guardado, from running away. Plaintiffs are also informed, believe, and thereon  
14 allege that at all times relevant and mentioned herein, that defendants Deputy Miguel Vega,  
15 Deputy Chris Hernandez, and DOES 1 through 50, inclusive, had no reasonable belief that  
16 decedent, Andres Guardado, had committed any crime. Furthermore, defendants Deputy Miguel  
17 Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive, never reasonably believed that  
18 decedent, Andres Guardado, appeared to pose an immediate threat to the safety of the deputies or  
19 anyone else.

20          22.     Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
21 mentioned herein, that decedent, Andres Guardado, did not consent to this unreasonable and  
22 excessive use of force.

23          23.     Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
24 mentioned herein, decedent was physically harmed and then killed when defendant Deputy Vega  
25 fatally and unjustifiably shot him in the back five times.

26          24.     The aforementioned acts of defendants and DOES 1 through 50, inclusive, were  
27 done by them knowingly, intentionally, and maliciously, for the purpose of harassment,

28     ///

1 oppression and inflicting injury upon decedent, Andres Guardado, and in reckless, wanton, and  
2 callous disregard of his safety, security, and civil rights.

3 25. Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
4 mentioned herein, defendants Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1  
5 through 50's, inclusive, use of unreasonable force was a substantial factor in causing Andres  
6 Guardado's physical injuries and tragic death.

7 26. Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
8 mentioned herein, defendants Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1  
9 through 50, inclusive, did not have a reasonable cause to believe that decedent, Andres Guardado,  
10 had committed any crime. Plaintiffs are further informed, believe, and thereon allege that at all  
11 times relevant and mentioned herein, that decedent, Andres Guardado, complied with all of the  
12 deputies' commands and did not physically resist arrest. Plaintiffs are informed, believe, and  
13 thereon allege that at all times relevant and mentioned herein, that any resistance to arrest by  
14 decedent, Andres Guardado, was the result of the unreasonable use of force by defendants Deputy  
15 Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive.

16 27. Plaintiffs are further informed, believe, and thereon allege that at all times relevant  
17 and mentioned herein, decedent, Andres Guardado, was harmed by defendants Deputy Miguel  
18 Vega, Deputy Chris Hernandez's battery and that DOES 1 through 50, inclusive, were responsible  
19 for the harm, because they were part of a conspiracy to commit battery against the public. As  
20 described above, based on information and belief, within Los Angeles County Sheriff's  
21 Department and County of Los Angeles, there was a custom, policy and practice, and agreement,  
22 whether express or implied, oral or written, whereby gangs, including, but not limited to, the  
23 Executioners and/or the 3,000 Boys, would use violence, threats, and retaliation against other  
24 deputies, supervisors, and the public. Plaintiffs are informed, believe, and thereon allege that at all  
25 times relevant and mentioned herein, defendants Deputy Miguel Vega, Deputy Chris Hernandez,  
26 and DOES 1 through 50, inclusive, had possible affiliations with these gangs and, on the day of  
27 the subject incident, were possibly acting in connection and in agreement with these other gang  
28 members.



1           28.     Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
2 mentioned herein, DOES 1 through 50, inclusive, were aware that defendants Deputy Miguel  
3 Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive, planned to commit an act of  
4 battery by harming decedent, Andres Guardado. Plaintiffs are further informed, believe, and  
5 thereon allege that at all times relevant and mentioned herein, DOES 1 through 50, inclusive,  
6 agreed with Deputy Miguel Vega and Deputy Chris Hernandez and intended that the act of battery  
7 be committed against decedent.

8           29.     The conduct of defendants Deputy Miguel Vega, Deputy Chris Hernandez, and  
9 DOES 1 through 50, inclusive, and each of them, was done within the course and scope of their  
10 employment, agency and/or service with defendants Los Angeles County Sheriff's Department,  
11 County of Los Angeles, and DOES 51 through 100, inclusive, and under color of their authority,  
12 and defendants Los Angeles County Sheriff's Department and County of Los Angeles, and each of  
13 them, are, therefore, vicariously liable for same under Government Code sections 815.2, 815.3 and  
14 820.

15           30.     As a legal, direct, and proximate result of the negligence, carelessness, and/or  
16 violation of the law, by defendants, and each of them, including DOES 1 through 100, inclusive,  
17 plaintiffs have sustained damages resulting from the loss of love, companionship, comfort, care,  
18 assistance, protection, affection, society, and support, expectations of future support, and  
19 counseling, companionship, solace and mental support, as well as other benefits and assistance, of  
20 their respective decedent, all to their general damage in a sum in excess of the jurisdictional limits  
21 of this Court, which will be stated according to proof, in accordance with California Code of Civil  
22 Procedure section 425.10.

23           31.     As a legal, direct, and proximate result of the conduct of defendants, and each of  
24 them, including DOES 1 through 100, inclusive, plaintiffs, and each of them, have incurred  
25 economic losses, including, but not limited to, funeral and burial expenses in an amount to be  
26 stated according to proof, pursuant to California Code of Civil Procedure section 425.10.

27           32.     As a legal, direct, and proximate result of the conduct of defendants, including  
28 DOES 1 through 100, inclusive, plaintiffs, Elisa Guardado and Cristobal Edgardo Guardado, as

1 successors-in-interest to decedent, Andres Edgardo Guardado Pineda, hereby seek all damages  
2 accruing to decedent in a survival action, under California Code of Civil Procedure section 377.34,  
3 including punitive damages, against each defendant, other than the Los Angeles County Sheriff's  
4 Department, County of Los Angeles, and DOES 51 through 100, inclusive. In addition, plaintiffs  
5 seek all damages under the Bane Act, including, but not limited to, attorneys' fees. All of said  
6 damages combine to a sum in excess of the jurisdictional minimum of this Court, including any  
7 penalties, punitive, or exemplary damages that the decedent would have been entitled to had he  
8 lived, with the exception of pain, suffering, disfigurement, which will be stated according to proof,  
9 pursuant to California Code of Civil Procedure section 425.10.

10  
11 **SECOND CAUSE OF ACTION**

12 **ASSAULT**

13 **By Plaintiffs against All Defendants and DOES 1 through 100, inclusive.**

14 33. Plaintiffs re-allege and incorporate herein by reference each and every allegation  
15 and statement contained in the prior paragraphs.

16 34. Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
17 mentioned herein, defendants Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1  
18 through 50, inclusive, willfully and unlawfully violated decedent's right to live without being put  
19 in fear of personal harm when defendants demonstrated an unlawful intent to inflict immediate  
20 injury on decedent, Andres Guardado.

21 35. Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
22 mentioned herein, defendants Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1  
23 through 50, inclusive, willfully and unlawfully acted, intending to cause harm or offensive contact  
24 upon decedent, Andres Guardado. At the time of the aforementioned assault, decedent, Andres  
25 Guardado, posed no threat whatsoever to defendants or anyone else.

26 36. Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
27 mentioned herein, decedent, Andres Guardado, reasonably believed that he was about to be  
28 touched in a harmful and offensive manner by defendants Deputy Miguel Vega, Deputy Chris

1 Hernandez, and DOES 1 through 50, inclusive. Moreover, defendants Deputy Miguel Vega,  
2 Deputy Chris Hernandez, and DOES 1 through 50, inclusive, actually threatened to touch  
3 decedent, Andres Guardado, in an offensive and harmful manner.

4 37. Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
5 mentioned herein, it reasonably appeared to decedent, Andres Guardado, that defendants Deputy  
6 Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive, were about to carry  
7 out the threat of harmful and offensive touching, which would offend a reasonable sense of  
8 personal dignity and did, in fact, offend decedent's reasonable sense of personal dignity.

9 38. Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
10 mentioned herein, decedent, Andres Guardado, never consented to the conduct of defendants  
11 Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive.

12 39. Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
13 mentioned herein, decedent, Andres Guardado, was harmed by the conduct of defendants Deputy  
14 Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive.

15 40. Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
16 mentioned herein, defendants Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1  
17 through 50's, inclusive, conduct was a substantial factor in causing harm to decedent, Andres  
18 Guardado.

19 41. The aforementioned acts of defendants and DOES 1 through 50, inclusive, were  
20 done by them knowingly, intentionally, and maliciously, for the purpose of harassment,  
21 oppression and inflicting injury upon decedent, Andres Guardado, and in reckless, wanton, and  
22 callous disregard of his safety, security, and civil rights.

23 42. Plaintiffs are further informed, believe, and thereon allege that at all times relevant  
24 and mentioned herein, decedent, Andres Guardado, was harmed by defendants Deputy Miguel  
25 Vega, Deputy Chris Hernandez's assault and that DOES 1 through 50, inclusive, were responsible  
26 for the harm, because they were part of a conspiracy to commit assault against the public. As  
27 described above, based on information and belief, within Los Angeles County Sheriff's  
28 Department and County of Los Angeles, there was a custom, policy and practice, and agreement,

1 whether express or implied, oral or written, whereby gangs, including, but not limited to, the  
2 Executioners and/or the 3,000 Boys, would use violence, threats, and retaliation against other  
3 deputies, supervisors, and the public. Plaintiffs are informed, believe, and thereon allege that at all  
4 times relevant and mentioned herein, defendants Deputy Miguel Vega, Deputy Chris Hernandez,  
5 and DOES 1 through 50, inclusive, had possible affiliations with these gangs and, on the day of  
6 the subject incident, were possibly acting in connection and in agreement with these other gang  
7 members.

8 43. Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
9 mentioned herein, DOES 1 through 50, inclusive, were aware that defendants Deputy Miguel  
10 Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive, planned to commit an act of  
11 assault by harming decedent, Andres Guardado. Plaintiffs are further informed, believe, and  
12 thereon allege that at all times relevant and mentioned herein, DOES 1 through 50, inclusive,  
13 agreed with Deputy Miguel Vega and Deputy Chris Hernandez and intended that the act of assault  
14 be committed against decedent.

15 44. The conduct of defendants Deputy Miguel Vega, Deputy Chris Hernandez, and  
16 DOES 1 through 50, inclusive, and each of them, was done within the course and scope of their  
17 employment, agency and/or service with defendants Los Angeles County Sheriff's Department,  
18 County of Los Angeles, and DOES 51 through 100, inclusive, and under color of their authority,  
19 and defendants Los Angeles County Sheriff's Department, County of Los Angeles, and DOES 51  
20 through 100, inclusive, and each of them, are, therefore, vicariously liable for same under  
21 Government Code sections 815.2, 815.3 and 820.

22 45. As a legal, direct, and proximate result of the negligence, carelessness, and/or  
23 violation of the law, by defendants, and each of them, including DOES 1 through 100, inclusive,  
24 plaintiffs have sustained damages resulting from the loss of love, companionship, comfort, care,  
25 assistance, protection, affection, society, and support, expectations of future support, and  
26 counseling, companionship, solace and mental support, as well as other benefits and assistance, of  
27 their respective decedent, all to their general damage in a sum in excess of the jurisdictional limits

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1 of this Court, which will be stated according to proof, in accordance with California Code of Civil  
2 Procedure section 425.10.

3 46. As a legal, direct, and proximate result of the conduct of defendants, and each of  
4 them, including DOES 1 through 100, inclusive, plaintiffs, and each of them, have incurred  
5 economic losses, including, but not limited to, funeral and burial expenses in an amount to be  
6 stated according to proof, pursuant to California Code of Civil Procedure section 425.10.

7 47. As a legal, direct, and proximate result of the conduct of defendants, including  
8 DOES 1 through 100, inclusive, plaintiffs, Elisa Guardado and Cristobal Edgardo Guardado, as  
9 successors-in-interest to decedent, Andres Edgardo Guardado Pineda, hereby seek all damages  
10 accruing to decedent in a survival action, under California Code of Civil Procedure section 377.34,  
11 including punitive damages, against each defendant, other than the Los Angeles County Sheriff's  
12 Department, County of Los Angeles, and DOES 51 through 100, inclusive. In addition, plaintiffs  
13 seek all damages under the Bane Act, including, but not limited to, attorneys' fees. All of said  
14 damages combine to a sum in excess of the jurisdictional minimum of this Court, including any  
15 penalties, punitive, or exemplary damages that the decedent would have been entitled to had he  
16 lived, with the exception of pain, suffering, disfigurement, which will be stated according to proof,  
17 pursuant to California Code of Civil Procedure section 425.10.

18

19

**THIRD CAUSE OF ACTION**

20

**NEGLIGENCE (Wrongful Death)**

21

**By Plaintiffs against All Defendants and DOES 1 through 100, inclusive.**

22

23

48. Plaintiffs re-allege and incorporate herein by reference each and every allegation  
and statement contained in the prior paragraphs.

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49. Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
mentioned herein, defendants, including DOES 1 through 100, inclusive, and each of them, owed  
a duty of care to all reasonably foreseeable people, including plaintiffs and decedent, to carry out  
their law enforcement duties in a reasonable manner, including with the use of any firearms or any  
force whatsoever.

1           50.       Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
2 mentioned herein, defendants, including DOES 1 through 100, inclusive, and each of them,  
3 carelessly and negligently carried out their law enforcement duties, and particularly Deputy  
4 Miguel Vega used his firearm in a reckless way, and with willful and conscious disregard, when  
5 he shot and killed decedent, Andres Guardado, an 18 year old that posed no threat of harm to  
6 defendants and DOES 1 through 100, at the time he was shot.

7           51.       Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
8 mentioned herein, said careless, negligent, reckless, and unlawful conduct by defendants and  
9 DOES 1 through 100, inclusive, and each of them, was the direct, legal, and proximate cause of  
10 the death of Andres Guardado, and the resulting damages to plaintiffs herein alleged.

11           52.       Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
12 mentioned herein, defendants Los Angeles County Sheriff's Department and County of Los  
13 Angeles owed a duty of care to all reasonably foreseeable people, including plaintiffs and  
14 decedent, to reasonably hire, select, retain, and discipline their police deputies. Plaintiffs are  
15 informed, believe, and thereon allege that at all times relevant and mentioned herein, defendants  
16 Los Angeles County Sheriff's Department and County of Los Angeles owed a duty of care to all  
17 reasonable foreseeable people, including plaintiffs and decedent, to reasonably train and supervise  
18 their police officers to carry out their law enforcement duties, including particularly, with the use  
19 of any firearms or any force whatsoever, in a reasonable manner.

20           53.       Plaintiffs are further informed, believe, and thereon allege that at all times relevant  
21 and mentioned herein, defendants Los Angeles County Sheriff's Department and County of Los  
22 Angeles breach these duties by failing to adequately train and supervise their deputies in the use of  
23 force. In fact, police deputies at the scene were negligently and poorly trained, negligently and  
24 poorly hired, negligently and poorly supervised (both at the scene and before), and negligently  
25 retained. Additionally, defendants Los Angeles County Sheriff's Department and County of Los  
26 Angeles, and all their employees and sworn deputies, were negligent in the hiring, training,  
27 supervision, retention, and disciplining of the deputies involved in the shooting, as well as the

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1 officers who trained the involved deputies throughout their careers, from the academy to the date  
2 in question.

3 54. Defendants further breached their duty in that defendants Los Angeles County  
4 Sheriff's Department and County of Los Angeles deputies who were at the scene of the subject  
5 incident, including defendants Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1  
6 through 50, and each of them, had a history of bad traffic and pedestrian stops, improper uses of  
7 force, improperly discharging their firearms, failing to follow proper procedures, and making false  
8 statements during investigations. Yet, the deputies were never disciplined, or were not disciplined  
9 properly, and were never trained or re-trained properly, and were never removed from service.

10 55. Defendants further breached their duty because within Los Angeles County  
11 Sheriff's Department and County of Los Angeles, there was a custom, policy and practice, whether  
12 express or implied, oral or written, that allowed all of the conduct outlined in this claim to occur  
13 and that allowed this tragic shooting of Andres Guardado to occur. Plaintiffs also are informed,  
14 believe, and thereon allege that at all times relevant and mentioned herein, defendants Los Angeles  
15 County Sheriff's Department, County of Los Angeles, and DOES 51 through 100, inclusive, and  
16 Sheriff Villanueva knew or should have known about gangs within the Los Angeles County  
17 Sheriff's Department. Based on information and belief, these gangs are comprised of Los Angeles  
18 County Sheriff deputies who use violence, threats, and retaliation against other deputies,  
19 supervisors, and the public. Plaintiffs also are informed, believe, and thereon allege that at all  
20 times relevant and mentioned herein, defendants Deputy Miguel Vega, Deputy Chris Hernandez,  
21 and DOES 1 through 50, inclusive, had possible affiliations with at least one of these Los Angeles  
22 County Sheriff's Department gangs, including, but not limited to, the gangs known as the  
23 Executioners and/or the 3,000 Boys. Moreover, plaintiffs are informed, believe, and thereon  
24 allege that at all times relevant and mentioned herein, Sheriff Villanueva and DOES 1 through  
25 100, inclusive, specifically knew or should have known of these gangs' presence in the Los  
26 Angeles County Sheriff's Department and failed to take any action.

27 56. Plaintiffs are further informed, believe, and thereon allege that at all times relevant  
28 and mentioned herein, decedent, Andres Guardado, was harmed by defendants Deputy Miguel

1 Vega, Deputy Chris Hernandez's negligence and that DOES 1 through 50, inclusive, were  
2 responsible for the harm, because they were part of a conspiracy to commit negligence against the  
3 public. As described above, based on information and belief, within Los Angeles County Sheriff's  
4 Department and County of Los Angeles, there was a custom, policy and practice, and agreement,  
5 whether express or implied, oral or written, whereby gangs, including, but not limited to, the  
6 Executioners and/or the 3,000 Boys, would use violence, threats, and retaliation against other  
7 deputies, supervisors, and the public. Plaintiffs are informed, believe, and thereon allege that at all  
8 times relevant and mentioned herein, defendants Deputy Miguel Vega, Deputy Chris Hernandez,  
9 and DOES 1 through 50, inclusive, had possible affiliations with these gangs and, on the day of  
10 the subject incident, were possibly acting in connection and in agreement with these other gang  
11 members.

12 57. Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
13 mentioned herein, DOES 1 through 100, inclusive, were aware that defendants Deputy Miguel  
14 Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive, planned to commit an act of  
15 negligence by harming decedent, Andres Guardado. Plaintiffs are further informed, believe, and  
16 thereon allege that at all times relevant and mentioned herein, DOES 1 through 50, inclusive,  
17 agreed with Deputy Miguel Vega and Deputy Chris Hernandez and intended that the negligence  
18 be committed against decedent.

19 58. The conduct of defendants Deputy Miguel Vega, Deputy Chris Hernandez, and  
20 DOES 1 through 50, inclusive, and each of them, was done within the course and scope of their  
21 employment, agency and/or service with defendants Los Angeles County Sheriff's Department,  
22 County of Los Angeles, and DOES 51 through 100, inclusive, and under color of their authority,  
23 and defendants Los Angeles County Sheriff's Department and County of Los Angeles, and each of  
24 them, are, therefore, vicariously liable for the same under Government Code sections 815.2, 815.3  
25 and 820.

26 59. As a legal, direct, and proximate result of the negligence, carelessness, and/or  
27 violation of the law, by defendants, and each of them, including DOES 1 through 100, inclusive,  
28 plaintiffs have sustained damages resulting from the loss of love, companionship, comfort, care,



1 assistance, protection, affection, society, and support, expectations of future support, and  
2 counseling, companionship, solace and mental support, as well as other benefits and assistance, of  
3 their respective decedent, all to their general damage in a sum in excess of the jurisdictional limits  
4 of this Court, which will be stated according to proof, in accordance with California Code of Civil  
5 Procedure section 425.10.

6 60. As a legal, direct, and proximate result of the conduct of defendants, and each of  
7 them, including DOES 1 through 100, inclusive, plaintiffs, and each of them, have incurred  
8 economic losses, including, but not limited to, funeral and burial expenses in an amount to be  
9 stated according to proof, pursuant to California Code of Civil Procedure section 425.10.

10 61. As a legal, direct, and proximate result of the conduct of defendants, including  
11 DOES 1 through 100, inclusive, plaintiffs, Elisa Guardado and Cristobal Edgardo Guardado, as  
12 successors-in-interest to decedent, Andres Edgardo Guardado Pineda, hereby seek all damages  
13 accruing to decedent in a survival action, under California Code of Civil Procedure section 377.34,  
14 including punitive damages, against each defendant, other than the Los Angeles County Sheriff's  
15 Department, County of Los Angeles, and DOES 51 through 100, inclusive. In addition, plaintiffs  
16 seek all damages under the Bane Act, including, but not limited to, attorneys' fees. All of said  
17 damages combine to a sum in excess of the jurisdictional minimum of this Court, including any  
18 penalties, punitive, or exemplary damages that the decedent would have been entitled to had he  
19 lived, with the exception of pain, suffering, disfigurement, which will be stated according to proof,  
20 pursuant to California Code of Civil Procedure section 425.10.

21  
22 **FOURTH CAUSE OF ACTION**

23 **FALSE ARREST/FALSE IMPRISONMENT**

24 **By Plaintiffs against All Defendants and DOES 1 through 100, inclusive.**

25 62. Plaintiffs re-allege and incorporate herein by reference each and every allegation  
26 and statement contained in the prior paragraphs.

27 ///

28 ///

1           63.     Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
2 mentioned herein, that decedent, Andres Guardado, was wrongfully arrested by defendants Deputy  
3 Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive.

4           64.     Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
5 mentioned herein, defendants Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1  
6 through 50, inclusive, arrested decedent, Andres Guardado.

7           65.     Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
8 mentioned herein, that the wrongful arrest of decedent, Andres Guardado, physically harmed and,  
9 in fact, led to his tragic death when defendant Deputy Vega fatally shot decedent, Andres  
10 Guardado, in the back five times.

11          66.     Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
12 mentioned herein, defendants Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1  
13 through 50's, inclusive, conduct was a substantial factor in causing Andres Guardado's tragic  
14 death.

15          67.     Plaintiffs are further informed, believe, and thereon allege that at all times relevant  
16 and mentioned herein, decedent, Andres Guardado, was harmed by defendants Deputy Miguel  
17 Vega, Deputy Chris Hernandez's false arrest/false imprisonment and that DOES 1 through 50,  
18 inclusive, were responsible for the harm, because they were part of a conspiracy to commit false  
19 arrest/false imprisonment against the public. As described above, based on information and belief,  
20 within Los Angeles County Sheriff's Department and County of Los Angeles, there was a custom,  
21 policy and practice, and agreement, whether express or implied, oral or written, whereby gangs,  
22 including, but not limited to, the Executioners and/or the 3,000 Boys, would use violence, threats,  
23 and retaliation against other deputies, supervisors, and the public. Plaintiffs are informed, believe,  
24 and thereon allege that at all times relevant and mentioned herein, defendants Deputy Miguel  
25 Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive, had possible affiliations with  
26 these gangs and, on the day of the subject incident, were possibly acting in connection and in  
27 agreement with these other gang members.

28     ///

1           68.     Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
2 mentioned herein, DOES 1 through 50, inclusive, were aware that defendants Deputy Miguel  
3 Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive, planned to commit an act of  
4 false arrest/false imprisonment by harming decedent, Andres Guardado. Plaintiffs are further  
5 informed, believe, and thereon allege that at all times relevant and mentioned herein, DOES 1  
6 through 50, inclusive, agreed with Deputy Miguel Vega and Deputy Chris Hernandez and  
7 intended that the act of false arrest/false imprisonment be committed against decedent.

8           69.     The conduct of defendants Deputy Miguel Vega, Deputy Chris Hernandez, and  
9 DOES 1 through 50, inclusive, and each of them, was done within the course and scope of their  
10 employment, agency and/or service with defendants Los Angeles County Sheriff's Department,  
11 County of Los Angeles, and DOES 51 through 100, inclusive, and under color of their authority,  
12 and defendants Los Angeles County Sheriff's Department and County of Los Angeles, and each of  
13 them, are, therefore, vicariously liable for same under Government Code sections 815.2, 815.3 and  
14 820.

15           70.     As a legal, direct, and proximate result of the negligence, carelessness, and/or  
16 violation of the law, by defendants, and each of them, including DOES 1 through 100, inclusive,  
17 plaintiffs have sustained damages resulting from the loss of love, companionship, comfort, care,  
18 assistance, protection, affection, society, and support, expectations of future support, and  
19 counseling, companionship, solace and mental support, as well as other benefits and assistance, of  
20 their respective decedent, all to their general damage in a sum in excess of the jurisdictional limits  
21 of this Court, which will be stated according to proof, in accordance with California Code of Civil  
22 Procedure section 425.10.

23           71.     As a legal, direct, and proximate result of the conduct of defendants, and each of  
24 them, including DOES 1 through 100, inclusive, plaintiffs, and each of them, have incurred  
25 economic losses, including, but not limited to, funeral and burial expenses in an amount to be  
26 stated according to proof, pursuant to California Code of Civil Procedure section 425.10.

27           72.     As a legal, direct, and proximate result of the conduct of defendants, including  
28 DOES 1 through 100, inclusive, plaintiffs, Elisa Guardado and Cristobal Edgardo Guardado, as

1 successors-in-interest to decedent, Andres Edgardo Guardado Pineda, hereby seek all damages  
2 accruing to decedent in a survival action, under California Code of Civil Procedure section 377.34,  
3 including punitive damages, against each defendant, other than the Los Angeles County Sheriff's  
4 Department, County of Los Angeles, and DOES 51 through 100, inclusive. In addition, plaintiffs  
5 seek all damages under the Bane Act, including, but not limited to, attorneys' fees. All of said  
6 damages combine to a sum in excess of the jurisdictional minimum of this Court, including any  
7 penalties, punitive, or exemplary damages that the decedent would have been entitled to had he  
8 lived, with the exception of pain, suffering, disfigurement, which will be stated according to proof,  
9 pursuant to California Code of Civil Procedure section 425.10.

10  
11 **FIFTH CAUSE OF ACTION**

12 **VIOLATION OF THE BANE ACT (Cal. Civ. Code § 52.1)**

13 **By Plaintiffs against All Defendants and DOES 1 through 100, inclusive.**

14 73. Plaintiffs re-allege and incorporate herein by reference each and every allegation  
15 and statement contained in the prior paragraphs.

16 74. Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
17 mentioned herein, defendants, including DOES 1 through 100, inclusive, intentionally interfered  
18 by threats, intimidation and/or coercion, with the exercise and enjoyment by decedent, Andres  
19 Guardado, prior to his death, of rights secured by the Constitution of the United States and the  
20 State of California, including interference with his rights to be secure in his person and free from  
21 the use of excessive force, unreasonable harassment or detention without reasonable suspicion and  
22 probable cause, and the right of protection from bodily restraint and harm

23 75. Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
24 mentioned herein, defendants, including DOES 1 through 100, inclusive, made threats of violence  
25 against decedent, Andres Guardado, causing him to reasonably believe that if he exercised his  
26 rights guaranteed to him by the Constitutions of the United States and the State of California, and  
27 under Civil Code section 52.1, including, but not limited, his right to be secure in his person and  
28 free from the use of excessive force, the right of protection from bodily restraint and harm,

1 unreasonable harassment or detention without reasonable suspicion and probable cause, the right  
2 to due process, and equal protection, defendants, including DOES 1 through 100, inclusive, would  
3 commit violence against him and/or his property. Furthermore, plaintiffs are informed, believe,  
4 and thereon allege that at all times relevant and mentioned herein, defendants, including DOES 1  
5 through 100, inclusive, had the apparent ability to carry out these threats.

6 76. Plaintiffs are also informed, believe, and thereon allege that at all times relevant  
7 and mentioned herein, defendants, including DOES 1 through 100, inclusive, acted violently  
8 against decedent, Andres Guardado, to prevent him from exercising his rights guaranteed to him  
9 by the Constitutions of the United States and the State of California, and under Civil Code section  
10 52.1, including, but not limited, his right to be secure in his person and free from the use of  
11 excessive force, the right of protection from bodily restraint and harm, the right to due process,  
12 and equal protection. Furthermore, plaintiffs are informed, believe, and thereon allege that at all  
13 times relevant and mentioned herein, defendants, including DOES 1 through 100, inclusive, acted  
14 violently to retaliate against decedent, Andres Guardado, for having exercised his aforementioned  
15 rights.

16 77. Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
17 mentioned herein, defendants, including DOES 1 through 100, inclusive, decedent, Andres  
18 Guardado was, without any provocation or justification whatsoever, fatally shot in the back five  
19 times by defendant Deputy Vega.

20 78. Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
21 mentioned herein, defendants', including DOES 1 through 100, inclusive, conduct was a  
22 substantial factor in causing the tragic death of Andres Guardado.

23 79. The conduct of defendants Deputy Miguel Vega, Deputy Chris Hernandez, and  
24 DOES 1 through 100, inclusive, and each of them, was done within the course and scope of their  
25 employment, agency and/or service with defendants Los Angeles County Sheriff's Department,  
26 County of Los Angeles, and DOES 51 through 100, inclusive, and under color of their authority,  
27 and defendants Los Angeles County Sheriff's Department and County of Los Angeles, and each of

28 ///

1 them, are, therefore, vicariously liable for same under Government Code sections 815.2, 815.3 and  
2 820.

3 80. As a legal, direct, and proximate result of the negligence, carelessness, and/or  
4 violation of the law, by defendants, and each of them, including DOES 1 through 100, inclusive,  
5 plaintiffs have sustained damages resulting from the loss of love, companionship, comfort, care,  
6 assistance, protection, affection, society, and support, expectations of future support, and  
7 counseling, companionship, solace and mental support, as well as other benefits and assistance, of  
8 their respective decedent, all to their general damage in a sum in excess of the jurisdictional limits  
9 of this Court, which will be stated according to proof, in accordance with California Code of Civil  
10 Procedure section 425.10.

11 81. As a legal, direct, and proximate result of the conduct of defendants, and each of  
12 them, including DOES 1 through 100, inclusive, plaintiffs, and each of them, have incurred  
13 economic losses, including, but not limited to, funeral and burial expenses in an amount to be  
14 stated according to proof, pursuant to California Code of Civil Procedure section 425.10.

15 82. As a legal, direct, and proximate result of the conduct of defendants, including  
16 DOES 1 through 100, inclusive, plaintiffs, Elisa Guardado and Cristobal Edgardo Guardado, as  
17 successors-in-interest to decedent, Andres Edgardo Guardado Pineda, hereby seek all damages  
18 accruing to decedent in a survival action, under California Code of Civil Procedure section 377.34,  
19 including punitive damages, against each defendant, other than the Los Angeles County Sheriff's  
20 Department, County of Los Angeles, and DOES 51 through 100, inclusive. In addition, plaintiffs  
21 seek all damages under the Bane Act, including, but not limited to, attorneys' fees. All of said  
22 damages combine to a sum in excess of the jurisdictional minimum of this Court, including any  
23 penalties, punitive, or exemplary damages that the decedent would have been entitled to had he  
24 lived, with the exception of pain, suffering, disfigurement, which will be stated according to proof,  
25 pursuant to California Code of Civil Procedure section 425.10.

26 83. Under California Civil Code section 52(b)(2), plaintiffs are further entitled to a  
27 civil penalty of \$25,000.00.

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**SIXTH CAUSE OF ACTION**

**NEGLIGENT TRAINING, RETENTION, AND SUPERVISION**

**By Plaintiffs against Defendants Los Angeles County Sheriff's Department, County of Los Angeles, and DOES 51 through 100, inclusive.**

84. Plaintiffs re-allege and incorporate herein by reference each and every allegation and statement contained in the prior paragraphs.

85. Plaintiffs are informed, believe, and thereon allege that they were harmed by the actions of Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 100, inclusive, when their son, Andres Guardado, was shot and killed. Plaintiffs further allege and believe that defendants Los Angeles County Sheriff's Department, County of Los Angeles, and DOES 51 through 100, inclusive, negligently hired, supervised, and retained Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive.

86. Plaintiffs are informed, believe, and thereon allege that at all times relevant and mentioned herein, defendants Los Angeles County Sheriff's Department, County of Los Angeles, and DOES 51 through 100, inclusive, hired Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 51 through 100, inclusive. Plaintiffs are further informed, believe, and thereon allege that at all times relevant and mentioned herein, defendants Los Angeles County Sheriff's Department, County of Los Angeles, and DOES 51 through 100, inclusive, owed a duty of care to all reasonably foreseeable people, including plaintiffs and decedent, to reasonably hire, select, retain, and discipline their police deputies.

87. Plaintiffs are informed, believe, and thereon allege that at all times relevant and mentioned herein, defendants Los Angeles County Sheriff's Department, County of Los Angeles, and DOES 51 through 100, inclusive, owed a duty of care to all reasonable foreseeable people, including plaintiffs and decedent, to reasonably train and supervise their deputies to carry out their law enforcement duties, including particularly, with the use of any firearms or any force whatsoever, in a reasonable manner.

88. Plaintiffs are further informed, believe, and thereon allege that at all times relevant and mentioned herein, defendants Los Angeles County Sheriff's Department, County of Los

1 Angeles, and DOES 51 through 100, inclusive, breached these duties by failing to adequately train  
2 and supervise their deputies in the use of force. In fact, deputies at the scene were negligently and  
3 poorly trained, negligently and poorly hired, negligently and poorly supervised (both at the scene  
4 and before), and negligently retained. Additionally, defendants Los Angeles County Sheriff's  
5 Department and County of Los Angeles and all their employees and sworn deputies, were  
6 negligent in the hiring, training, supervision, retention, and disciplining of the deputies involved in  
7 the shooting, as well as the officers who trained the involved deputies throughout their careers,  
8 from the academy to the date in question.

9 89. Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
10 mentioned herein, Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 50,  
11 inclusive, were unfit and incompetent to perform the work for which they were hired. In  
12 particular, Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive,  
13 were improperly provided a gun and entrusted with the ability to use lethal force on members of  
14 the public.

15 90. Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
16 mentioned herein, defendants Los Angeles County Sheriff's Department, County of Los Angeles,  
17 and DOES 51 through 100, inclusive, knew or should have known that Deputy Miguel Vega,  
18 Deputy Chris Hernandez, and DOES 1 through 50, inclusive, were unfit and incompetent to carry  
19 out the duties of a police officer. Specifically, plaintiffs are further informed, believe, and thereon  
20 allege that at all times relevant and mentioned herein, defendants Deputy Miguel Vega, Deputy  
21 Chris Hernandez, and DOES 1 through 50, inclusive, had a history of misconduct and use of  
22 excessive force.

23 91. Defendants Los Angeles County Sheriff's Department, County of Los Angeles, and  
24 DOES 51 through 100, inclusive, further breached their duty since the deputies who were at the  
25 scene of the subject incident, including defendants Deputy Miguel Vega, Deputy Chris Hernandez,  
26 and DOES 1 through 50, and each of them, had a history of bad traffic and pedestrian stops,  
27 improper uses of force, improperly discharging their firearms, failing to follow proper procedures,  
28 and making false statements during investigations. Yet these deputies were never disciplined, or



1 were not disciplined properly, and were never trained or re-trained properly, and were never  
2 removed from service.

3 92. Plaintiffs also are informed, believe, and thereon allege that at all times relevant  
4 and mentioned herein, defendants Los Angeles County Sheriff's Department, County of Los  
5 Angeles, and DOES 51 through 100, inclusive, and Sheriff Villanueva knew or should have  
6 known that Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive,  
7 had possible affiliations with gangs within the Los Angeles County Sheriff's Department.

8 93. For all of the aforementioned reasons, plaintiffs are informed, believe, and thereon  
9 allege that at all times relevant and mentioned herein, defendants Deputy Miguel Vega, Deputy  
10 Chris Hernandez, and DOES 1 through 50, inclusive, were unfit and incompetent to work as  
11 deputies and that this unfitness and incompetence created a particular risk to others including  
12 decedent, Andres Guardado.

13 94. Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
14 mentioned herein, Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 50's,  
15 inclusive, unfitness and incompetence caused the tragic death of Andres Guardado when they,  
16 without provocation or justification, and in violation of their own policies and procedures, chased  
17 after decedent down the alleyway and then defendant Deputy Miguel Vega fatally shot decedent in  
18 the back five times.

19 95. Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
20 mentioned herein, Los Angeles County Sheriff's Department, County of Los Angeles, and DOES  
21 51 through 100's, inclusive, negligence in hiring, supervising, and retaining Deputy Miguel Vega,  
22 Deputy Chris Hernandez, and DOES 1 through 50, inclusive, was a substantial factor in causing  
23 the death of Andres Guardado.

24 96. The conduct of defendants Deputy Miguel Vega, Deputy Chris Hernandez, and  
25 DOES 1 through 50, inclusive, and each of them, was done within the course and scope of their  
26 employment, agency and/or service with defendants Los Angeles County Sheriff's Department,  
27 County of Los Angeles, and DOES 51 through 100, inclusive, and under color of their authority,  
28 and defendants Los Angeles County Sheriff's Department, County of Los Angeles, and DOES 51

1 through 100, inclusive, and each of them, are, therefore, vicariously liable for the same under  
2 Government Code sections 815.2, 815.3 and 820.

3 97. As a legal, direct, and proximate result of the negligence, carelessness, and/or  
4 violation of the law, by defendants, and each of them, including DOES 51 through 100, inclusive,  
5 plaintiffs have sustained damages resulting from the loss of love, companionship, comfort, care,  
6 assistance, protection, affection, society, and support, expectations of future support, and  
7 counseling, companionship, solace and mental support, as well as other benefits and assistance, of  
8 their respective decedent, all to their general damage in a sum in excess of the jurisdictional limits  
9 of this Court, which will be stated according to proof, in accordance with California Code of Civil  
10 Procedure section 425.10.

11 98. As a legal, direct, and proximate result of the conduct of defendants, and each of  
12 them, including DOES 51 through 100, inclusive, plaintiffs, and each of them, have incurred  
13 economic losses, including, but not limited to, funeral and burial expenses in an amount to be  
14 stated according to proof, pursuant to California Code of Civil Procedure section 425.10.

15 99. As a legal, direct, and proximate result of the conduct of defendants, including  
16 DOES 1 through 100, inclusive, plaintiffs, Elisa Guardado and Cristobal Edgardo Guardado, as  
17 successors-in-interest to decedent, Andres Edgardo Guardado Pineda, hereby seek all damages  
18 accruing to decedent in a survival action, under California Code of Civil Procedure section 377.34,  
19 including punitive damages, against each defendant, other than the Los Angeles County Sheriff's  
20 Department, County of Los Angeles, and DOES 51 through 100, inclusive. In addition, plaintiffs  
21 seek all damages under the Bane Act, including, but not limited to, attorneys' fees. All of said  
22 damages combine to a sum in excess of the jurisdictional minimum of this Court, including any  
23 penalties, punitive, or exemplary damages that the decedent would have been entitled to had he  
24 lived, with the exception of pain, suffering, disfigurement, which will be stated according to proof,  
25 pursuant to California Code of Civil Procedure section 425.10.

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**SEVENTH CAUSE OF ACTION**

**SURVIVAL ACTION**

**By Plaintiffs against All Defendants and DOES 1 through 100, inclusive.**

100. Plaintiffs re-allege and incorporate herein by reference each and every allegation and statement contained in the prior paragraphs.

101. The subject incident and the conduct of defendants, as set forth above, caused decedent Andres Guardado to suffer traumatic injuries, as well as damage to his personal property, including clothing, and other items.

102. Plaintiffs are informed, believe, and thereon allege that at all times relevant and mentioned herein, Deputy Miguel Vega and Deputy Chris Hernandez, in a display of unreasonable and excessive force, drew their guns and chased decedent, Andres Guardado, down an alleyway. Soon thereafter, Deputy Miguel Vega, without provocation or justification, and with willful and conscious disregard fatally unloaded at least six shots at Andres' back. Five of Deputy Vega's shots struck Andres directly in the back, and each of those five gunshot wounds possessed an independent lethal capacity, ultimately causing his tragic and untimely death.

103. Plaintiffs are also informed, believe, and thereon allege that at all times relevant and mentioned herein, defendants Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive, had no reasonable belief that decedent, Andres Guardado, had committed any crime. Furthermore, defendants Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive, never reasonably believed that decedent, Andres Guardado, appeared to pose an immediate threat to the safety of the deputies or anyone else.

104. The aforementioned acts of defendants and DOES 1 through 50, inclusive, were done by them knowingly, intentionally, and maliciously, for the purpose of harassment, oppression, and inflicting injury upon decedent, Andres Guardado, and in reckless, wanton, and callous disregard of his safety, security, and civil rights.

105. As a legal, direct, and proximate result of the intentional, reckless, and negligent conduct of defendants, and each of them, as aforesaid, decedent Andres Guardado was injured in

///

1 his person by the subject incident, and survived for an ascertainable period of time after his initial  
2 injury during the subject incident.

3 106. Plaintiffs are further informed, believe, and thereon allege that at all times relevant  
4 and mentioned herein, decedent, Andres Guardado, was harmed by defendants Deputy Miguel  
5 Vega, Deputy Chris Hernandez's actions and that DOES 1 through 50, inclusive, were responsible  
6 for the harm, because they were part of a conspiracy to commit these acts, including, but not  
7 limited to, battery against the public. As described above, based on information and belief, within  
8 Los Angeles County Sheriff's Department and County of Los Angeles, there was a custom, policy  
9 and practice, and agreement, whether express or implied, oral or written, whereby gangs,  
10 including, but not limited to, the Executioners and/or the 3,000 Boys, would use violence, threats,  
11 and retaliation against other deputies, supervisors, and the public. Plaintiffs are informed, believe,  
12 and thereon allege that at all times relevant and mentioned herein, defendants Deputy Miguel  
13 Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive, had possible affiliations with  
14 these gangs and, on the day of the subject incident, were possibly acting in connection and in  
15 agreement with these other gang members.

16 107. Plaintiffs, Elisa Guardado and Cristobal Edgardo Guardado, as successors-in-  
17 interest to decedent Andres Guardado, hereby seek all damages accruing to decedent in a survival  
18 action, under California Code of Civil Procedure section 377.34, including punitive damages,  
19 against each defendant, other than the Los Angeles County Sheriff's Department, County of Los  
20 Angeles, and DOES 51 through 100, inclusive. All of said damages combine to a sum in excess of  
21 the jurisdictional minimum of this Court, including any penalties, punitive, or exemplary damages  
22 that the decedent would have been entitled to had he lived, with the exception of pain, suffering,  
23 disfigurement, which will be stated according to proof, pursuant to California Code of Civil  
24 Procedure section 425.10.

25 108. Defendants caused serious bodily injury in connection with the subject incident.

26 109. Prior to Andres Guardado's death, defendants willfully and knowingly created a  
27 situation where death or injury would likely, thereby acting with reckless disregard and with full  
28 knowledge of the probable dangerous consequences of such conduct.




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- 1           2.       For economic damages suffered by plaintiffs, including, but not limited to, for  
2 funeral and burial expenses, according to proof;
- 3           3.       For plaintiffs, as successors-in-interest to decedent, Andres Edgardo Guardado  
4 Pineda, all damages available in a survival action, including punitive damages, against each  
5 defendant, other than the Los Angeles County Sheriff's Department and the County of Los  
6 Angeles, according to proof;
- 7           4.       For statutory damages, including damages under to Civil Code sections 52(b)(2),  
8 52(b)(3) and 52.1(b);
- 9           5.       For attorneys' fees, including under Civil Code section 52(b)(3) and 52.1(h);
- 10          6.       For cost of suit incurred herein, including attorneys' fees, according to proof;
- 11          7.       For damages for plaintiffs' other losses, according to proof; and
- 12          8.       For such other and further relief as the Court may deem just and proper.

13  
14 DATED: August 31, 2020

PANISH SHEA & BOYLE LLP

15  
16 By:   
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18 Adam Shea  
19 Spencer R. Lucas  
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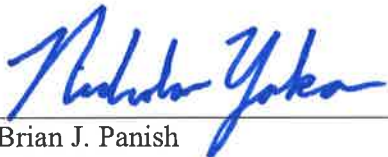
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**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a trial by jury as to all causes of action.

DATED: August 31, 2020

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By:   
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