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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 DONALD HUNTER, individually and
11 as successor in interest to Antoine
12 Hunter, deceased;
13 MARTHA WILLIS, individually and as
14 successor in interest to Antoine Hunter,
15 deceased;
16 A.B., a minor, individually and as
17 successor in interest to Antoine Hunter,
18 deceased, by and through Angela
19 Washington;
20 GEREMY EVANS, individually;

21 Plaintiffs,

22 vs.

23 COUNTY OF LOS ANGELES;
24 TIMOTHY LEE;
25 GREGORY RODRIGUEZ;
26 DOES 3-10, inclusive;

27 Defendants.

Lead Case: 14-cv-9482-GHK (MANx)

Hon. George H. King

**CONSOLIDATED FIRST
AMENDED COMPLAINT FOR
DAMAGES**

1. Fourth Amendment—Excessive Force (42 U.S.C. § 1983)
2. Substantive Due Process (42 U.S.C. § 1983)
3. Municipal Liability—Ratification (42 U.S.C. § 1983)
4. Municipal Liability—Inadequate Training (42 U.S.C. § 1983)
5. Municipal Liability—Unconstitutional Custom, Practice, or Policy (42 U.S.C. § 1983)
6. Battery (Wrongful Death)
7. Negligence (Wrongful Death)
8. Violation of Cal. Civil Code § 52.1

DEMAND FOR JURY TRIAL

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COMPLAINT FOR DAMAGES

COME NOW, Plaintiffs DONALD HUNTER, individually and as successor in interest to Antoine Hunter, deceased; MARTHA WILLIS, individually and as successor in interest to Antoine Hunter, deceased; A.B., a minor, individually and as successor in interest to Antoine Hunter, deceased, by and through Angela Washington; and GEREMY EVANS, individually; for their Complaint against Defendants C COUNTY OF LOS ANGELES; TIMOTHY LEE; GREGORY RODRIGUEZ; DOES 3-10, inclusive; and allege as follows:

JURISDICTION AND VENUE

1. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3)-(4) because Plaintiffs assert claims arising under the laws of the United States including 42 U.S.C. § 1983 and the Fourth and Fourteenth Amendments of the United States Constitution. This Court has supplemental jurisdiction over Plaintiffs’ claims arising under state law pursuant to 28 U.S.C. § 1367(a), because those claims are so related to the federal claims that they form part of the same case or controversy under Article III of the United States Constitution.
2. Venue is proper in this Court under 28 U.S.C. § 1391(b) because Defendants reside in this district and all incidents, events, and occurrences giving rise to this action occurred in this district.

INTRODUCTION

3. This civil rights and state tort action seeks compensatory and punitive damages from Defendants for violating various rights under the United States Constitution and state law in connection with the shooting of Antoine Hunter and Jeremy Evans.

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PARTIES

4. At all relevant times, Antoine Hunter (“DECEDENT”) was an individual residing in the County of Los Angeles, California.

5. Plaintiff DONALD HUNTER is an individual residing in the County of Los Angeles, California and is the natural father of DECEDENT. Donald Hunter sues both in his individual capacity as the father of DECEDENT and in a representative capacity as a successor-in-interest to DECEDENT pursuant to California Code of Civil Procedure § 377.60. Donald Hunter seeks both survival and wrongful death damages under federal and state law.

6. MARTHA WILLIS is an individual residing in the County of Los Angeles, California and is the natural mother of the DECEDENT. Martha Willis sues both in her individual capacity as the mother of DECEDENT and in a representative capacity as a successor-in-interest to decedent pursuant to California Code of Civil Procedure § 377.60. Martha Willis seeks both survival and wrongful death damages under federal and state law.

7. A.B. is a minor child residing in the County of Los Angeles, California, who claims to be the child of DECEDENT. Angela Washington is A.B.’s mother. A.B. sues both in an individual capacity as a child of DECEDENT and in a representative capacity as a successor-in-interest to DECEDENT pursuant to California Code of Civil Procedure § 377.60. A.B. seeks both survival and wrongful death damages under federal and state law.

8. GEREMY EVANS is an individual residing in the County of Los Angeles, California.

9. TIMOTHY LEE and GREGORY RODRIGUEZ are sheriff’s deputies or other employees of the County of Los Angeles Sheriff’s Department. At all relevant times, Timothy Lee and Gregory Rodriguez were acting under color of law within the course and scope of their duties as sheriff’s deputies for the County of Los Angeles Sheriff’s Department. At all relevant times, Timothy Lee and Gregory

1 Rodriguez were acting within the course and scope of their employment and under
2 color of law, with the complete authority and ratification of their principal,
3 Defendant County of Los Angeles.

4 10. At all relevant times, Defendant COUNTY OF LOS ANGELES
5 (“COUNTY”) was and is a municipal corporation existing under the laws of the
6 State of California. COUNTY is a chartered subdivision of the State of California
7 with the capacity to be sued. COUNTY is responsible for the actions, omissions,
8 policies, procedures, practices, and customs of its various agents and agencies,
9 including the Los Angeles County Sheriff’s Department and its agents and
10 employees. At all relevant times, Defendant COUNTY was responsible for assuring
11 that the actions, omissions, policies, procedures, practices, and customs of its
12 employees and agents complied with the laws of the United States and of the State
13 of California. At all relevant times, COUNTY was the employer of Defendants
14 DOES 3-10.

15 11. Defendants DOES 3-10 are sheriff’s deputies or other employees of the
16 County of Los Angeles Sheriff’s Department. At all relevant times, DOE
17 DEPUTIES were acting under color of law within the course and scope of their
18 duties as sheriff’s deputies for the County of Los Angeles Sheriff’s Department. At
19 all relevant times, DOE DEPUTIES were acting with the complete authority and
20 ratification of their principal, Defendant COUNTY.

21 12. On information and belief, Timothy Lee, Gregory Rodriguez, and
22 DOES 3-10 (together, “DEPUTY DEFENDANTS”) were residents of the County of
23 Los Angeles.

24 13. In doing the acts and failing and omitting to act as hereinafter
25 described, DEPUTY DEFENDANTS were acting on the implied and actual
26 permission and consent of the COUNTY.

27 14. The true names and capacities of Defendants DOES 3-10, inclusive, are
28 unknown to Plaintiff, who otherwise sues these Defendants by such fictitious names.

1 Plaintiff will seek leave to amend this complaint to show the true names and
2 capacity of these Defendants when they have been ascertained. Each of the
3 fictitiously-named Defendants is responsible in some manner for the conduct or
4 liabilities alleged herein.

5 15. Upon information and belief, at all times mentioned herein, each and
6 every Defendant was the agent of each and every other defendant and had the legal
7 duty to oversee and supervise the hiring, conduct, and employment of each and
8 every other defendant.

9 16. All of the acts complained of herein by Plaintiff against Defendants
10 were done and performed by said Defendants by and through their authorized
11 agents, servants, and/or employees, all of whom at all relevant times herein were
12 acting within the course, purpose, and scope of said agency, service, and/or
13 employment capacity.

14 17. DEPUTY DEFENDANTS are sued in their individual capacities.

15 18. Plaintiffs filed comprehensive and timely claims for damages with the
16 County of Los Angeles pursuant to applicable sections of the California
17 Government Code. The County of Los Angeles rejected said claims. In the
18 alternative, Plaintiff A.B. intends to petition pursuant to California Government
19 Code section 946.6 for an order reliving A.B. from Government Code section 945.4.

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21 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

22 19. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1
23 through 18 of this Complaint with the same force and effect as if fully set forth
24 herein.

25 20. On June 24, 2014, Defendants DEPUTY DEFENDANTS contacted the
26 DECEDENT and GEREMY EVANS at approximately 9:50 p.m. near the
27 intersection of East Palmer Street and North Pointsettia Avenue, in the City of
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1 Compton. The DECEDENT was driving a vehicle and GEREMY EVANS was a
2 passenger in the front seat.

3 21. DECEDENT and GEREMY EVANS had been attending a vigil near
4 that location for a friend who had died. They were followed from the vigil by a
5 marked patrol car. The patrol car collided with the rear of the car being driven by
6 DECEDENT. DECEDENT'S vehicle collided with a parked car in front of it. Upon
7 information and belief, there was no warrant for DECEDENT's or EVANS's arrest
8 and there was no probable cause to detain them.

9 22. After the patrol car collided with DECEDENT's vehicle,
10 DECEDENT's vehicle was immobilized between two other vehicles. DECEDENT's
11 vehicle was not moving and was not able to move. At that point, the vehicle pursuit
12 (if any) was over. Likewise, DEPUTY DEFENDANTS' patrol car was stopped.
13 DEPUTY DEFENDANTS exited the patrol car, approached DECEDENT's vehicle,
14 and drew their firearms. DEPUTY DEFENDANTS commanded DECEDENT and
15 GEREMY EVANS to raise their hands. DECEDENT and GEREMY EVANS
16 raised their hands.

17 23. Without justification, DEPUTY DEFENDANTS opened fire. DEPUTY
18 DEFENDANTS fired numerous rounds into the vehicle containing DECEDENT
19 and GEREMY EVANS. Upon information and belief, the shooting was witnessed
20 by a number of civilians in the area.

21 24. DECEDENT was struck repeatedly by gunfire, suffered extreme pain
22 and anguish, and died. GEREMY EVANS was also repeatedly struck by gunfire,
23 suffered extreme pain and anguish, and survived with permanent injuries.

24 25. At the time he was shot, DECEDENT was unarmed and did not pose
25 imminent danger of death or serious bodily injury to DEPUTY DEFENDANTS or
26 anyone else. DEPUTY DEFENDANTS shot DECEDENT repeatedly. DECEDENT
27 was trapped in the vehicle when he was struck and was not in any danger of
28 escaping.

1 33. DEPUTY DEFENDANTS used excessive and unreasonable force
2 against DECEDENT when they shot and killed him. Their unjustified shooting of
3 DECEDENT deprived DECEDENT of his right to be secure in his person against
4 unreasonable searches and seizures as guaranteed to DECEDENT under the Fourth
5 Amendment to the United States Constitution and applied to state actors by the
6 Fourteenth Amendment.

7 34. As a result of the foregoing, DECEDENT suffered great physical pain
8 and emotional distress up to the time of his death, loss of enjoyment of life, loss of
9 life, and loss of earning capacity.

10 35. DEPUTY DEFENDANTS used excessive and unreasonable force
11 against GEREMY EVANS when they shot him. Their unjustified shooting of
12 GEREMY EVANS deprived GEREMY EVANS of his right to be secure in his
13 person against unreasonable searches and seizures as guaranteed to GEREMY
14 EVANS under the Fourth Amendment to the United States Constitution and applied
15 to state actors by the Fourteenth Amendment.

16 36. As a result of the foregoing, GEREMY EVANS suffered great physical
17 pain and emotional distress, physical injuries, disfigurement, loss of enjoyment of
18 life, and loss of earning capacity.

19 37. The conduct of DEPUTY DEFENDANTS was willful, wanton,
20 malicious, and done with reckless disregard for the rights and safety of DECEDENT
21 and GEREMY EVANS, and therefore warrants the imposition of exemplary and
22 punitive damages as to DOE DEPUTIES.

23 38. DECEDENT and GEREMY EVANS posed no immediate threat of
24 death or serious bodily injury at the time of the shooting. The shooting and use of
25 force by DEPUTY DEFENDANTS violated their training and standard LASD
26 training.

27 39. DEPUTY DEFENDANTS are each liable for DECEDENT's injuries,
28 either because they engaged in the above conduct, because they were integral

1 participants in the above conduct, or because they failed to intervene to prevent the
2 above conduct.

3 40. Plaintiffs DONALD HUNTER, MARTHA WILLIS, and A.B. bring
4 this claim as successors-in-interest to the DECEDENT, and seek both survival and
5 wrongful death damages for the violation of DECEDENT's rights. Plaintiffs
6 DONALD HUNTER and MARTHA WILLIS also seek funeral and burial expenses.

7 41. Plaintiff GEREYMY EVANS brings this claim individually.

8 42. Plaintiffs also seek attorneys' fees on this claim.

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SECOND CLAIM FOR RELIEF

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Substantive Due Process (42 U.S.C. § 1983)

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(Against DEPUTY DEFENDANTS)

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43. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1
through 42 of this Complaint with the same force and effect as if fully set forth
herein.

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44. Plaintiffs DONALD HUNTER, MARTHA WILLIS, and A.B. had a
cognizable interest under the Due Process Clause of the Fourteenth Amendment of
the United States Constitution to be free from state actions that deprive them of life,
liberty, or property in such a manner as to shock the conscience, including but not
limited to unwarranted state interference in their familial relationship with his son,
DECEDENT.

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45. DECEDENT had a cognizable interest under the Due Process Clause of
the Fourteenth Amendment of the United States Constitution to be free from state
actions that deprive him of life, liberty, or property in such a manner as to shock the
conscience.

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46. GEREYMY EVANS had a cognizable interest under the Due Process
Clause of the Fourteenth Amendment of the United States Constitution to be free

1 from state actions that deprive him of life, liberty, or property in such a manner as to
2 shock the conscience.

3 47. The aforementioned actions of DEPUTY DEFENDANTS, along with
4 other undiscovered conduct, shock the conscience, in that they acted with deliberate
5 indifference to the constitutional rights of DECEDENT, GEREMY EVANS, and
6 PLAINTIFF, and with purpose to harm unrelated to any legitimate law enforcement
7 objective.

8 48. As a direct and proximate result of these actions, DECEDENT was
9 harmed, experienced pain and suffering, and died. DEPUTY DEFENDANTS thus
10 violated the substantive due process rights of DONALD HUNTER, MARTHA
11 WILLIS, and A.B. to be free from unwarranted interference with their familial
12 relationship with DECEDENT.

13 49. As a direct and proximate cause of the acts of DOE DEPUTIES,
14 DECEDENT, GEREMY EVANS, DONALD HUNTER, MARTHA WILLIS, and
15 A.B. suffered emotional distress, mental anguish, and pain. Plaintiffs DONALD
16 HUNTER, MARTHA WILLIS, and A.B. have also been deprived of the life-long
17 love, companionship, comfort, support, society, care, and sustenance of
18 DECEDENT, and will continue to be so deprived for the remainder of his natural
19 life.

20 50. The conduct of DEPUTY DEFENDANTS was willful, wanton,
21 malicious, and done with reckless disregard for the rights and safety of
22 DECEDENT, GEREMY EVANS, and Plaintiffs DONALD HUNTER, MARTHA
23 WILLIS, and A.B., and therefore warrants the imposition of exemplary and punitive
24 damages as to Defendants DEPUTY DEFENDANTS.

25 51. DEPUTY DEFENDANTS are each liable for DECEDENT's injuries,
26 either because they engaged in the above conduct; because they were integral
27 participants in the above conduct; or because they failed to intervene to prevent the
28 above conduct.

1 future support of DECEDENT. The aforementioned acts and omissions also caused
2 DECEDENT's pain and suffering, loss of enjoyment of life, and death. The
3 aforementioned acts and omissions also caused GEREMY EVAN's pain and
4 suffering, loss of enjoyment of life, and disfigurement.

5 61. Accordingly, Defendant COUNTY is directly liable to Plaintiffs for
6 compensatory damages under 42 U.S.C. § 1983.

7 62. Plaintiff brings this claim individually and as successor-in-interest to
8 DECEDENT, and seeks both survival and wrongful death damages under this claim.

9 63. Plaintiffs DONALD HUNTER, MARTHA WILLIS, and A.B. bring
10 this claim individually and as successors-in-interest to the DECEDENT, and seek
11 both survival and wrongful death damages. Plaintiffs DONALD HUNTER and
12 MARTHA WILLIS also seek funeral and burial expenses.

13 64. Plaintiff GEREMY EVANS brings this claim individually.

14 65. Plaintiffs also seek attorneys' fees on this claim.

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FOURTH CLAIM FOR RELIEF

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Municipal Liability – Failure to Train (42 U.S.C. § 1983)

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(Against Defendant COUNTY)

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20 66. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1
21 through 65 of this Complaint with the same force and effect as if fully set forth
22 herein.

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67. DEPUTY DEFENDANTS acted under color of law.

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24 68. The acts of DEPUTY DEFENDANTS deprived Plaintiffs of their
25 particular rights under the United States Constitution.

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26 69. The training policies of Defendant COUNTY were not adequate to
27 train its deputies to handle the usual and recurring situations with which they must
28 deal.

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1 80. On information and belief, Defendant DEPUTY DEFENDANTS were
2 not disciplined, reprimanded, retrained, suspended, or otherwise penalized in
3 connection with Decedent's death.

4 81. Defendants COUNTY and DEPUTY DEFENDANTS, together with
5 other COUNTY policymakers and supervisors, maintained, inter alia, the following
6 unconstitutional customs, practices, and policies:

- 7 (a) Using excessive force, including excessive deadly force;
8 (b) Providing inadequate training regarding the use of deadly force;
9 (c) Employing and retaining as police officers individuals such as
10 Defendant DEPUTY DEFENDANTS, who Defendant COUNTY
11 at all times material herein knew or reasonably should have
12 known had dangerous propensities for abusing their authority
13 and for using excessive force;
14 (d) Inadequately supervising, training, controlling, assigning, and
15 disciplining COUNTY deputies, and other personnel, including
16 Defendants DOE DEPUTIES, who Defendant COUNTY knew
17 or in the exercise of reasonable care should have known had the
18 aforementioned propensities and character traits;
19 (e) Maintaining grossly inadequate procedures for reporting,
20 supervising, investigating, reviewing, disciplining and
21 controlling misconduct by COUNTY deputies, including
22 Defendants DEPUTY DEFENDANTS;
23 (f) Failing to adequately discipline COUNTY police deputies,
24 including DEPUTY DEFENDANTS, for the above-referenced
25 categories of misconduct, including "slaps on the wrist,"
26 discipline that is so slight as to be out of proportion to the
27 magnitude of the misconduct, and other inadequate discipline
28 that is tantamount to encouraging misconduct;

- 1 (g) Announcing that unjustified shootings are “within policy,”
- 2 including shootings that were later determined in court to be
- 3 unconstitutional;
- 4 (h) Even where shootings are determined in court to be
- 5 unconstitutional, refusing to discipline, terminate, or retrain the
- 6 officers involved;
- 7 (i) Encouraging, accommodating, or facilitating a “blue code of
- 8 silence,” “blue shield,” “blue wall,” “blue curtain,” “blue veil,”
- 9 or simply “code of silence,” pursuant to which deputies do not
- 10 report other deputies’ errors, misconduct, or crimes. Pursuant to
- 11 this code of silence, if questioned about an incident of
- 12 misconduct involving another officer, while following the code,
- 13 the deputy being questioned will claim ignorance of the other
- 14 deputies’ wrongdoing.
- 15 (j) Maintaining a policy of inaction and an attitude of indifference
- 16 towards soaring numbers of deputy-involved shootings,
- 17 including by failing to discipline, retrain, investigate, terminate,
- 18 and recommend officers for criminal prosecution who participate
- 19 in shootings of unarmed people.

20 82. The aforementioned unconstitutional customs, practices, and policies, in
21 addition to the ratification of the deficient customs, practices, and policies, are
22 evidenced by the number of prior shootings, which constituted excessive force,
23 involving sheriffs’ deputies working for the Los Angeles County Sheriff’s
24 Department. The following cases, without limitation, are examples of continued
25 misconduct by sheriff’s deputies working for the Los Angeles County Sheriff’s
26 Department:

- 27 (a) In *Mitchell v. County of Los Angeles*, case number CV 03-8421 RJK,
- 28 Defendant County of Los Angeles argued that the use of deadly force

1 against an unarmed civilian was reasonable. A jury found otherwise,
2 returning a \$4,000,000 verdict after finding that a sheriff's deputy
3 working for the Los Angeles County Sheriff's department used
4 excessive and unreasonable force when he shot and killed an unarmed
5 man. Upon information and belief, the involved deputy was never
6 disciplined, retrained, reprimanded, suspended, or terminated.

7 (b) Another example of the pattern of excessive force is provided by the
8 facts underlying *Gutierrez v. County of Los Angeles*, case number CV
9 10-7608 PSG (AJWx). In that case, a man was shot and killed by a
10 sheriff's deputy working for the Los Angeles County Sheriff's
11 department. (Defendant County of Los Angeles settled for \$2,000,000).

12 (c) Another example of the pattern of excessive force is provided by the
13 facts underlying *Jacobo v. County of Los Angeles*. In that case, an
14 unarmed man was shot and killed by a sheriff's deputy working for the
15 Los Angeles County Sheriff's department. (Defendant County of Los
16 Angeles settled for \$750,000)

17 (d) Other cases evidencing this pattern of excessive force include
18 *Rubalcava v. County of Los Angeles*, case number CV 14-01183-R-JC,
19 and *N.K.A. v. County of Los Angeles*, case number CV 13-05507. Both
20 of these cases involve sheriffs' deputies working for the Los Angeles
21 County Sheriff's Department shot who shot unarmed civilians who
22 posed no immediate threat of death or serious injury to any deputy or
23 any other individual.

24 83. By reason of the aforementioned acts and omissions, DECEDENT and
25 Plaintiffs have been harmed.

26 84. Defendants COUNTY and DOES 3-10, together with various other
27 officials, whether named or unnamed, had either actual or constructive knowledge
28 of the deficient policies, practices and customs alleged in the paragraphs above.

1 Despite having knowledge as stated above, these defendants condoned, tolerated and
2 through actions and inactions thereby ratified such policies. Said defendants also
3 acted with deliberate indifference to the foreseeable effects and consequences of
4 these policies with respect to the constitutional rights of DECEDENT, Plaintiff, and
5 other individuals similarly situated.

6 85. By perpetrating, sanctioning, tolerating and ratifying the outrageous
7 conduct and other wrongful acts, DEPUTY DEFENDANTS acted with intentional,
8 reckless, and callous disregard for the life of DECEDENT and for DECEDENT's
9 and Plaintiff's constitutional rights. Furthermore, the policies, practices, and
10 customs implemented, maintained, and still tolerated by Defendants COUNTY and
11 DEPUTY DEFENDANTS were affirmatively linked to and were a significantly
12 influential force behind the injuries of DECEDENT and Plaintiff.

13 86. Accordingly, Defendant COUNTY is liable to Plaintiffs for
14 compensatory damages under 42 U.S.C. § 1983.

15 87. Plaintiffs DONALD HUNTER, MARTHA WILLIS, and A.B. bring
16 this claim individually and as successors-in-interest to the DECEDENT, and seek
17 both survival and wrongful death damages. Plaintiffs DONALD HUNTER and
18 MARTHA WILLIS also seek funeral and burial expenses.

19 88. Plaintiff GEREYMY EVANS brings this claim individually.

20 89. Plaintiffs also seek attorneys' fees on this claim.

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22 **SIXTH CLAIM FOR RELIEF**

23 **Battery**

24 (Wrongful Death)

25 (Against All Defendants)

26 90. Plaintiffs repeat and reallege each and every allegation in paragraphs 1
27 through 89 of this Complaint with the same force and effect as if fully set forth
28 herein.

1 91. DEPUTY DEFENDANTS, while working as sheriff’s deputies, and
2 acting within the course and scope of their duties, intentionally shot DECEDENT
3 and GEREMY EVANS and used unreasonable and excessive force against them.
4 As a result of the actions of DOE DEPUTIES, DECEDENT and GEREMY EVANS
5 were injured and sustained pain and suffering, and DECEDENT died from his
6 injuries. DEPUTY DEFENDANTS had no legal justification for using force against
7 DECEDENT and GEREMY EVANS.

8 92. As a result of the actions of DOE DEPUTIES, PLAINTIFFS
9 DONALD HUNTER, MARTHA WILLIS, and A.B. were deprived of the lifelong
10 love, companionship, comfort, support, society, care, sustenance, training, and
11 guidance of DECEDENT, and will continue to be so deprived for the remainder of
12 his natural life.

13 93. The COUNTY is vicariously liable for the wrongful acts of DEPUTY
14 DEFENDANTS pursuant to section 815.2(a) of the California Government Code,
15 which provides that a public entity is liable for the injuries caused by its employees
16 within the scope of the employment if the employee’s act would subject him or her
17 to liability.

18 94. The conduct of DEPUTY DEFENDANTS was malicious, wanton,
19 oppressive, and accomplished with a conscious disregard for the rights of Plaintiffs
20 and DECEDENT, entitling Plaintiffs, individually and as successors-in-interest to
21 DECEDENT, to awards of exemplary and punitive damages.

22 95. Plaintiffs DONALD HUNTER, MARTHA WILLIS, and A.B. bring
23 this claim individually and as successors-in-interest to the DECEDENT, and seek
24 both survival and wrongful death damages. Plaintiffs DONALD HUNTER and
25 MARTHA WILLIS also seek funeral and burial expenses.

26 96. Plaintiff GEREMY EVANS brings this claim individually.
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SEVENTH CLAIM FOR RELIEF

Negligence

(Wrongful Death)

(Against All Defendants)

97. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1 through 97 of this Complaint with the same force and effect as if fully set forth herein.

98. Police deputies, including DEPUTY DEFENDANTS, have a duty to use reasonable care to prevent harm or injury to others. This duty includes using appropriate tactics, giving appropriate commands, giving warnings where feasible, not using any force unless necessary, using less than lethal options, and only using deadly force as a last resort.

99. Defendants DEPUTY DEFENDANTS breached this duty of care. Upon information and belief, the actions and inactions of Defendants DEPUTY DEFENDANTS were negligent and reckless, including but not limited to:

- (a) the failure to properly and adequately assess the need to detain, arrest, and use force or deadly force against DECEDENT;
- (b) the negligent tactics and handling of the situation with DECEDENT, including pre-shooting negligence;
- (c) the negligent detention, arrest, and use of force, including deadly force, against DECEDENT;
- (d) the failure to provide prompt medical care to DECEDENT;
- (e) the failure to properly train and supervise employees, both professional and non-professional, including DOE DEPUTIES;
- (f) the failure to ensure that adequate numbers of employees with appropriate education and training were available to meet the needs of and protect the rights of DECEDENT;
- (g) the negligent handling of evidence and witnesses; and

1 (h) the negligent communication of information during the incident.

2 100. As a direct and proximate result of DEPUTY DEFENDANTS's
3 conduct as alleged above, and other undiscovered negligent conduct, DECEDENT
4 and Plaintiffs were harmed. Also as a direct and proximate result of Defendants'
5 conduct as alleged above, Plaintiffs suffered emotional distress and mental anguish.
6 Plaintiffs DONALD HUNTER, MARTHA WILLIS, and A.B. have been deprived
7 of the life-long love, companionship, comfort, support, society, care, sustenance,
8 training, and guidance of DECEDENT, and will continue to be so deprived for the
9 remainder of their natural lives.

10 101. The COUNTY is vicariously liable for the wrongful acts of Defendants
11 DEPUTY DEFENDANTS pursuant to section 815.2(a) of the California
12 Government Code, which provides that a public entity is liable for the injuries
13 caused by its employees within the scope of the employment if the employee's act
14 would subject him or her to liability.

15 102. Plaintiffs DONALD HUNTER, MARTHA WILLIS, and A.B. bring
16 this claim individually and as successors-in-interest to the DECEDENT, and seek
17 both survival and wrongful death damages. Plaintiffs DONALD HUNTER and
18 MARTHA WILLIS also seek funeral and burial expenses.

19 103. Plaintiff GEREYMY EVANS brings this claim individually.

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EIGHTH CLAIM FOR RELIEF

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(Violation of Cal. Civil Code § 52.1)

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(Against all Defendants)

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104. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1
through 105 of this Complaint with the same force and effect as if fully set forth
herein.

1 105. California Civil Code, Section 52.1 (the Bane Act), prohibits any
2 person from using violent acts or threatening to commit violent acts in retaliation
3 against another person for exercising that person's constitutional rights.

4 106. Defendants DEPUTY DEFENDANTS while working for the
5 COUNTY, and acting within the course and scope of their duties, intentionally
6 committed and attempted to commit acts of violence against DECEDENT and
7 GEREMY EVANS, including by shooting them without justification or excuse, and
8 by integrally participating and failing to intervene in the above violence.

9 107. When DEPUTY DEFENDANTS shot DECEDENT and GEREMY
10 EVANS, they interfered with their civil rights to be free from unreasonable searches
11 and seizures, to due process, to equal protection of the laws, to be free from state
12 actions that shock the conscience, and to life, liberty, and property.

13 108. On information and belief, Defendants intentionally and spitefully
14 committed the above acts to discourage DECEDENT and GEREMY EVANS from
15 exercising their civil rights, to retaliate against them for invoking such rights, or to
16 prevent them from exercising such rights, which they were fully entitled to enjoy.

17 109. On information and belief, DECEDENT and GEREMY EVANS
18 reasonably believed and understood that the violent acts committed by DEPUTY
19 DEFENDANTS were intended to discourage them from exercising the above civil
20 rights, to retaliate against them for invoking such rights, or to prevent them from
21 exercising such rights.

22 110. DEPUTY DEFENDANTS successfully interfered with the above civil
23 rights of DECEDENT and GEREMY EVANS.

24 111. The conduct of DEPUTY DEFENDANTS was a substantial factor in
25 causing the above harms, losses, injuries, and damages.

26 112. The COUNTY is vicariously liable for the wrongful acts of Defendants
27 DEPUTY DEFENDANTS pursuant to section 815.2(a) of the California
28 Government Code, which provides that a public entity is liable for the injuries

1 caused by its employees within the scope of the employment if the employee's act
2 would subject him or her to liability.

3 113. Defendants DOES 6-10 are vicariously liable under California law and
4 the doctrine of *respondeat superior*.

5 114. The conduct of DEPUTY DEFENDANTS was malicious, wanton,
6 oppressive, and accomplished with a conscious disregard for DECEDENT's and
7 GEREMY EVANS' rights, justifying an award of exemplary and punitive damages
8 as to DEPUTY DEFENDANTS.

9 115. Plaintiffs DONALD HUNTER, MARTHA WILLIS, and A.B. bring
10 this claim as successors-in-interest to the DECEDENT. Plaintiffs DONALD
11 HUNTER and MARTHA WILLIS also seek funeral and burial expenses.

12 116. Plaintiff GEREMY EVANS brings this claim individually.

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PRAYER FOR RELIEF

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WHEREFORE, Plaintiffs request entry of judgment in their favor and against
Defendants COUNTY OF LOS ANGELES, TIMOTHY LEE, GREGORY
RODRIGUEZ, and DOES 3-10, inclusive, as follows:

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- A. For compensatory damages in whatever amount may be proven at trial, including both survival damages and wrongful death damages under federal and state law;
- B. For funeral and burial expenses in an amount to be proven at trial;
- C. For damages for loss of financial support in an amount to be proven at trial;
- D. For punitive damages against the individual defendants in an amount to be proven at trial;
- E. For statutory damages;
- F. For interest;

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- G. For reasonable attorney fees, including litigation expenses;
- H. For costs of suit; and
- I. For such further relief as the Court may deem just, proper, and appropriate.

DATED: April 15, 2015

LAW OFFICES OF DALE K. GALIPO

By _____/s/ Thomas C. Seabaugh
 Dale K. Galipo
 Thomas C. Seabaugh
 Attorneys for Plaintiff
 DONALD HUNTER and A.B.

DATED: April 15, 2015

GUIZAR. HENDERSON. & CARRAZCO

By _____/s/ Humberto M. Guizar
 Humberto M. Guizar
 Attorneys for Plaintiffs
 GEREYMY EVANS and
 MARTHA WILLIS

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DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury.

DATED: April 15, 2015

LAW OFFICES OF DALE K. GALIPO

By _____/s/ Thomas C. Seabaugh
Dale K. Galipo
Thomas C. Seabaugh
Attorneys for Plaintiff
DONALD HUNTER and A.B.

DATED: April 15, 2015

GUIZAR. HENDERSON. & CARRAZCO

By _____/s/ Humberto M. Guizar
Humberto M. Guizar
Attorneys for Plaintiffs
GEREMY EVANS and
MARTHA WILLIS