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**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

**ESTATE OF RICARDO DIMITRI
CENDEJAS; RICARDO CENDEJAS,
SR.; MARIA TERESA PENALOZA;
MARIA ISABEL CENDEJAS; V.C. (A
Minor), and Y.C. (A Minor) through
G.A.L. MARIA GUADALUPE
MORALES DE CENDEJAS,**

Plaintiffs,

vs.

**COUNTY OF LOS ANGELES, a
public entity; JUAN RODRIGUEZ;
and DOES 2 through 10, individually
and in their official capacity as
deputy sheriffs for the Los Angeles
County Sheriff's Department,**

Defendants.

Case No.: CV 18-09560 GW (AFMx)

**FIRST AMENDED
COMPLAINT FOR DAMAGES**

- 1. Violation of Federal Civil Rights [42 U.S.C. § 1983] False Arrests, Illegal Search, and Excessive Use of Force in Violation of 4th Amendment to U.S. Constitution;**
- 2. Violation of Federal Civil Rights [42 U.S.C. § 1983 Interference with Familial Relationship in Violation of 14th Amendment to U.S. Constitution;**
- 3. Violation of Federal Civil Rights by Public Entity [42 U.S.C. § 1983;**
- 4. Violation of Civil Rights [Cal. Civil Code §§ 51.7, 52.1];**
- 5. Wrongful Death [C.C.P. § 377.60];**
- 6. Negligence [Cal. Gov. Code § 815.2(a)];**
- 7. Battery.**

DEMAND FOR JURY TRIAL

JURISDICTION

1. Jurisdiction is conferred upon this Court by Title 28, United States Code

1 §§ 1331 and 1343, and arises under Title 42, United States Code §§ 1983 and
2 1988. This court has supplemental jurisdiction of the state law claims.

3 **VENUE**

4 2. The acts complained of arose within the Central District of California,
5 therefore venue properly lies here pursuant to 28 U.S.C. § 1391. One or more of
6 the Defendants resides in or has its principle place of business in Los Angeles
7 County.

8 **PARTIES**

9 3. Plaintiff ESTATE OF RICARDO DIMITRI CENDEJAS, by and through
10 its Personal Representative, RICARDO CENDEJAS, SR., sues herein on behalf of
11 Plaintiffs' Decedent, RICARDO DIMITRI CENDEJAS. Plaintiffs RICARDO
12 CENDEJAS, SR., MARIA TERESA PENALOZA, and MARIA ISABEL
13 CENDEJAS, sue herein for themselves as the Father, Mother, and Step-Mother of
14 Plaintiffs' Decedent RICARDO DIMITRI CENDEJAS, respectively. Plaintiffs
15 V.C and Y.C. are Minors, and represented herein by MARIA GUADALUPE
16 MORALES DE CENDEJAS, their Guardian ad Litem, sue herein for themselves.
17 Plaintiffs RICARDO CENDEJAS, SR., MARIA TERESA PENALOZA, MARIA
18 ISABEL CENDEJAS, V.C, and Y.C. are and at all times material herein were
19 residents of Los Angeles County.

20 4. At all times material herein, Defendant COUNTY OF LOS ANGELES
21 was and is a public entity duly organized and chartered under the laws of the State
22 of California, and was responsible for the hiring, training, and supervising of the
23 conduct of its employees and agents of the COUNTY OF LOS ANGELES, and its
24 Sheriff's Department, the LOS ANGELES SHERIFF'S DEPARTMENT, and all
25 of its officers and members. This Defendant is a "person" and subject to suit
26 within the meaning of Title 42, U.S.C. § 1983 under *Monell v. New York Dept. of*
27 *Social Serv.*, 436 U.S. 658, 691 (1978).

1 5. At all times material herein, said Defendant COUNTY OF LOS
2 ANGELES was responsible for the employment, training, and supervision of the
3 actions, conduct, policies, practices, and customs of the employees and agents of
4 the COUNTY OF LOS ANGELES, including its Sheriff's Department and all of
5 its members. At all times material herein, Defendant COUNTY OF LOS
6 ANGELES was responsible for assuring that the actions, conduct, policies,
7 procedures, and customs of the Los Angeles County Sheriff's Department
8 complied with the laws and the Constitutions of the United States and of the State
9 of California.

10 6. Plaintiffs are informed and believe, and based thereon hereby allege that
11 Defendant COUNTY OF LOS ANGELES is responsible for implementing,
12 maintaining, sanctioning, or condoning a policy, custom or practice, under which
13 the wrongful or illegal acts hereinafter complained of occurred. By reason of this
14 policy, custom or practice, Defendant COUNTY OF LOS ANGELES is liable for
15 the damages hereinafter complained of. As to the claims filed under the laws of
16 the State of California, Defendant COUNTY OF LOS ANGELES is liable for the
17 damages under the principle of *respondeat superior*.

18 7. Plaintiffs are informed and believe, and based thereon allege that at all
19 times material herein, Defendants JUAN RODRIGUEZ (previously named in
20 Complaint as DOE 1), and DOES 2 through 10, inclusive, were each duly
21 appointed and acting Deputy Sheriffs employed as such by the Defendant
22 COUNTY OF LOS ANGELES, and at the time of the acts hereinafter complained
23 of, each said Defendant was acting within the course and scope of such
24 employment and under the color of law. Plaintiffs sue each of these Defendants
25 both in their official and individual capacities.

26 8. The true names of Defendants DOES 2 through 10, inclusive, are not now
27 known to Plaintiffs who therefore sue said Defendants by such fictitious names,
28 but upon ascertaining the true name of a DOE Defendant, Plaintiffs will amend this

1 complaint, or seek leave to do so, by substituting same for said fictitious name.
2 Plaintiffs are informed and believe, and based thereon allege, that each DOE
3 Defendant is in some manner responsible for the injuries and damages herein
4 complained of.

5 9. At all times material herein, Defendants were each acting as the
6 employee, agent representative, and officer of every other Defendant herein, and
7 within the course and scope of such employment and agency. Plaintiffs filed a
8 timely Claim pursuant to California Government Code Section 910, et seq. with
9 Defendants on March 30, 2018. Defendants denied the Claim on May 14, 2018,
10 and this action is filed in a timely manner.

11 **FACTS COMMON TO ALL CLAIMS**

12 10. On November 2, 2017, at approximately 3:00 p.m., the Plaintiffs'
13 Decedent, RICARDO DIMITRI CENDEJAS, was walking around behind the
14 residence of 2104 East Lucien Street, Compton, California, 90222, while carrying
15 an assault rifle, when unknown Deputies put out a radio call of a person armed
16 with a firearm and a shot had been fired. A SWAT team was called. It is unknown
17 whether Plaintiffs' Decedent was the source of the gunshot that was reported.

18 11. The Plaintiffs' Decedent RICARDO DIMITRI CENDEJAS, made his
19 way to the side of the house, in the space between two houses more or less on the
20 property line, walking in the direction of the street. There was no fence separating
21 the adjacent properties nor bordering the front corners nearest the street. No
22 structures obscured a view of Plaintiffs' Decedent from the street. At about 3:30
23 p.m. he stopped and put the weapon down near a gas meter. (See Exhibit A, a
24 frame from a news camera video depicting CENDEJAS putting the firearm on the
25 ground by the gas meter attached to the house to his right.) Then CENDEJAS
26 stepped back to talk to an unknown occupant of the house through the window.
27 When he did so he was not holding a firearm or weapon of any type. (See Exhibit
28 B, a frame shot from a news video depicting CENDEJAS without a weapon in his

1 hands in the moment before he shot.) When he turned toward the street, unarmed
2 at the time, Defendant JUAN RODRIGUEZ (a Sheriff's Deputy member of the
3 SWAT team) came into view while standing behind an armored vehicle on the
4 street, and fired approximately three shots hitting Plaintiffs' Decedent RICARDO
5 DIMITRI CENDEJAS, JR., in the torso, inflicting fatal injuries.

6 12. At the time Defendant JUAN RODRIGUEZ fired the fatal shots
7 Plaintiffs' Decedent was NOT holding any weapon (having just put the weapon
8 down out of reach), and NOT threatening anyone with injury of any kind, but
9 despite having actual knowledge that Plaintiffs' Decedent was unarmed and not
10 posing an immediate threat to anyone, Defendant JUAN RODRIGUEZ shot and
11 killed Plaintiffs' Decedent anyway.

12 13. In shooting Plaintiffs' Decedent CENDEJAS under such circumstances,
13 Defendant JUAN RODRIGUEZ knew, based on his training, that he was not
14 permitted to shoot anybody unless that person presented an immediate threat of
15 death or great bodily injury, whereas Defendant JUAN RODRIGUEZ knew that
16 Plaintiffs' Decedent did not pose an immediate deadly threat. Thereby, at the time
17 of the shooting Defendant JUAN RODRIGUEZ had the specific intent to violate
18 Decedent's constitutional rights.

19 14. Just before or near the time of the shooting, Plaintiffs' Decedent's Father
20 RICARDO CENDEJAS, SR. arrived at the location and informed Deputies that he
21 was the Father of the subject, that the subject suffered from mental illness, and
22 pleaded with them to allow him to speak to his son. Instead, Defendants DOES 2
23 through 10, tried to tackle RICARDO CENDEJAS, SR. to the ground and
24 handcuffed him, placing him under arrest without probable cause. He remained in
25 custody overnight.

26 15. Meanwhile, his wife, MARIA ISABEL CENDEJAS, Plaintiffs'
27 Decedent's Step-Mother, arrived at the location with their minor children. When
28 she learned what was going on she also attempted to persuade Defendants DOES 2

1 through 10 to allow her to speak to her step-son because he was suffering from a
2 mental illness, and she and her daughter V.C. (A Minor dob 10/06/01) were both
3 handcuffed and placed under arrest without probable cause. They remained in
4 custody overnight.

5 16. The other minor children, including Y.C. (A Minor, dob 01/04/03),
6 having been left in the vehicle alone, were then rescued by a neighbor who took
7 them into her home. Defendants DOES 2 through 10 came to the neighbor's house
8 and demanded the keys to the family home, and when the minor Y.C. came out to
9 talk to Defendants DOES 2 through 10, the Deputies threatened that if she didn't
10 give them the keys they would call Children's Services to remove the children and
11 that they would not be returned to their parents until the case was over. In fear of
12 the threats made by Defendants DOES 2 through 10 Minor Y.C. gave them the
13 keys to the house. As a Minor she did not have authority to grant the Deputies
14 consent to enter the family home, and gave them the keys only under coercion due
15 to the threats made by Defendants DOES 2 through 10.

16 17. Defendants DOES 2 through 10 then entered the house and searched the
17 entire home, retrieving certain unknown items, despite not having valid permission
18 to enter, nor a validly issued search warrant granting judicial authority to search,
19 nor or other exigent circumstances warranting and authorizing such a search.

20 18. At the time of the shooting none of the Deputy Sheriffs, including the
21 remaining Defendants, were never threatened with harm by the Plaintiffs'
22 Decedent. Based on the circumstances confronting the Deputies at the time, there
23 was no imminent threat of death or great bodily injury to any of the Deputies or
24 members of the general public.

25 **CHARGING ALLEGATIONS**

26 **FIRST CLAIM FOR RELIEF**

27 (Title 42, U.S.C. §§ 1983, 1988)

28 False Arrest, Illegal Search, and Excessive Use of Force

1 in Violation of Fourth Amendment to the U.S. Constitution
2 [By Plaintiffs ESTATE OF RICARDO DIMITRI
3 CENDEJAS, RICARDO CENDEJAS, SR., MARIA
4 ISABEL CENDEJAS, and V.C., against Defendants Los
5 Angeles County Deputy Sheriffs DOES 1 through 10,
6 inclusive]

7 19. Plaintiffs hereby incorporate by reference each and every allegation
8 contained in paragraphs 1 through 18 of this complaint and make each a part
9 hereof as if set forth in full.

10 20. The use of said force, and particularly, the use of lethal force, under the
11 circumstances presented to said Defendant JUAN RODRIGUEZ was excessive
12 and unreasonable, and unlawfully caused the death of and deprived Plaintiffs'
13 Decedent RICARDO DIMITRI CENDEJAS of the rights, privileges, and
14 immunities guaranteed him by the Fourth and Fourteenth Amendments to the U.S.
15 Constitution, in violation of Title 42, U.S.C. § 1983.

16 21. The arrests and handcuffing of Plaintiffs RICARDO CENDEJAS, SR.,
17 MARA ISABEL CENDEJAS, and V.C., and the unconsented search of their home
18 were conducted without probable cause, warrant, or exigent circumstances, and as
19 such were in violation of the rights, privileges, and immunities guaranteed them by
20 the Fourth and Fourteenth Amendments to the U.S. Constitution, in violation of
21 Title 42, U.S.C. § 1983.

22 22. By reason of the afore-described acts and omissions of Defendants
23 DOES 2 through 10, inclusive, and each of them, Plaintiffs RICARDO
24 CENDEJAS, SR., MARA ISABEL CENDEJAS, and V.C. were falsely arrested
25 and held in detention while handcuffed for several hours, and unlawfully deprived
26 of their freedom.

27 23. In addition, by reason of the afore-described acts and omissions of
28 Defendant JUAN RODRIGUEZ Plaintiffs' Decedent RICARDO DIMITRI

1 CENDEJAS was killed, suffering great physical and emotional pain prior to his
2 demise, as well as the loss of the enjoyment of life, and as a result thereof Plaintiffs
3 RICARDO CENDEJAS, SR., MARIA TERESA PENALOZA, MARIA ISABEL
4 CENDEJAS, suffered great physical and mental injury, trauma, pain, shock to their
5 nervous system, injury to his health, strength and activity, loss of society,
6 companionship, support and affection, great anguish, anxiety, degradation,
7 humiliation, fear and emotional distress; all to their damages in an amount not yet
8 ascertained but to be proved.

9 24. By reason of the afore-described acts and omissions of Defendants
10 DOES 2 THROUGH 10, inclusive, and each of them, Plaintiffs RICARDO
11 CENDEJAS, SR., MARIA TERESA PENALOZA, MARIA ISABEL
12 CENDEJAS, and V.C., were and will be required in the future to receive medical
13 and psychiatric care, treatment, and examination and by reason thereof, said
14 Plaintiffs incurred and will continue to incur doctor, medical, chiropractic,
15 psychiatric, pharmaceutical and incidental expenses in an amount not yet
16 ascertained but to be proved.

17 25. The afore-described acts and omissions of Defendants JUAN
18 RODRIGUEZ and DOES 2 through 10, inclusive, were done recklessly,
19 knowingly, intentionally, and for the purpose of vexing and injuring Plaintiffs'
20 Decedent and to maliciously deprive Plaintiffs' Decedent and Plaintiffs RICARDO
21 CENDEJAS, SR., MARIA TERESA PENALOZA, MARA ISABEL CENDEJAS,
22 and V.C. of rights guaranteed them by the U.S. and California Constitutions and in
23 conscious disregard thereof; and by reason thereof, Plaintiffs claim exemplary and
24 punitive damages from said Defendants in an amount to be proved.

25 26. By reason of the afore-described acts and omissions of Defendants,
26 Plaintiffs were required to retain an attorney to institute and prosecute the within
27 action and to render legal assistance to Plaintiffs that they might vindicate the loss
28 and impairment of their aforementioned rights; and by reason thereof Plaintiffs

1 requests payment by Defendants of a reasonable sum for attorney's fees pursuant
2 to 42, U.S.C. § 1988.

3
4 **SECOND CLAIM FOR RELIEF**

5 (Title 42, U.S.C. §§ 1983, 1988)

6 Interference with Familial Association in Violation of

7 Fourteenth Amendment to the U.S. Constitution

8 [By Plaintiffs RICARDO CENDEJAS, SR., MARIA

9 TERESA PENALOZA, and MARIA ISABEL

10 CENDEJAS, against Defendant JUAN RODRIGUEZ]

11 27. Plaintiffs hereby incorporate by reference each and every allegation
12 contained in paragraphs 1 through 26 of this complaint and make each a part
13 hereof as if set forth in full.

14 28. Said excessive force by Defendant JUAN RODRIGUEZ also deprived
15 Plaintiffs RICARDO CENDEJAS, SR., MARIA TERESA PENALOZA, and
16 MARIA ISABEL CENDEJAS, of the rights, privileges, and immunities
17 guaranteed them by the Fourteenth Amendment to the U.S. Constitution, in
18 violation of Title 42, U.S.C. § 1983, by arbitrarily and unlawfully interfering with
19 their familial association, by causing the untimely and unnecessary death of
20 Plaintiffs' Decedent RICARDO DIMITRI CENDEJAS.

21 29. By reason of the afore-described acts and omissions of Defendant JUAN
22 RODRIGUEZ, Plaintiffs' Decedent RICARDO DIMITRI CENDEJAS was killed,
23 suffering great physical and emotional pain prior to his demise, as well as the loss
24 of the enjoyment of life, and as a result thereof Plaintiffs RICARDO CENDEJAS,
25 SR., MARIA TERESA PENALOZA, and MARIA ISABEL CENDEJAS suffered
26 great physical and mental injury, trauma, pain, shock to their nervous system,
27 injury to their health, strength and activity, loss of society, companionship, support
28

1 and affection, great anguish, anxiety, degradation, humiliation, fear and emotional
2 distress; all to their damages in an amount not yet ascertained but to be proved.

3 30. By reason of the afore-described acts and omissions of Defendant JUAN
4 RODRIGUEZ Plaintiffs RICARDO CENDEJAS, SR., MARIA TERESA
5 PENALOZA, and MARIA ISABEL CENDEJAS were and will be required in the
6 future to receive medical and psychiatric care, treatment, and examination and by
7 reason thereof, said Plaintiffs incurred and will continue to incur doctor, medical,
8 chiropractic, psychiatric, pharmaceutical and incidental expenses in an amount not
9 yet ascertained but to be proved.

10 31. The afore-described acts and omissions of Defendant JUAN
11 RODRIGUEZ were done recklessly, knowingly, intentionally, and for the purpose
12 of vexing and injuring Plaintiffs' Decedent and to maliciously deprive Plaintiffs'
13 Decedent and Plaintiffs of rights guaranteed them by the U.S. and California
14 Constitutions and in conscious disregard thereof; and by reason thereof, Plaintiffs
15 claim exemplary and punitive damages from said Defendants in an amount to be
16 proved.

17 32. By reason of the afore-described acts and omissions of Defendants,
18 Plaintiffs were required to retain an attorney to institute and prosecute the within
19 action and to render legal assistance to Plaintiffs that they might vindicate the loss
20 and impairment of their aforementioned rights; and by reason thereof Plaintiffs
21 request payment by Defendants of a reasonable sum for attorney's fees pursuant to
22 42, U.S.C. § 1988.

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25 **THIRD CLAIM FOR RELIEF**

26 (Title 42, U.S.C. §§ 1983, 1988)

27 (Violation of Civil Rights by a Public Entity)

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[By Plaintiffs ESTATE OF RICARDO DIMITRI
CENDEJAS, RICARDO CENDEJAS, SR., MARIA
TERESA PENALOZA, MARIA ISABEL CENDEJAS,
against Defendants COUNTY OF LOS ANGELES, and
DOES 8 through 10, inclusive]

33. Plaintiffs hereby incorporate by reference each and every allegation contained in paragraphs 1 through 24, 26 through 30, and 32 of this complaint and make each a part hereof as if set forth in full.

34. On or about November 2, 2017, and for some time prior thereto, Defendants COUNTY OF LOS ANGELES and DOES 8 through 10, inclusive, maintained an unconstitutional policy, or allowed a pattern of conduct that was unconstitutional in its implementation, with respect to their policy of allowing the use of lethal force, namely firearms, against unarmed persons, or persons that that did not engage in behavior that constituted an imminent threat of death or great bodily injury to the deputies or members of the general public. The policy of using lethal force against an unarmed person is now universally accepted as the unnecessary taking of a human life without proper authority, probable cause, or legal justification.

35. On or about November 2, 2017, and for some time prior thereto, Defendants COUNTY OF LOS ANGELES, and DOES 6 through 10, inclusive, failed to properly train, assign, supervise, and guide their officers, in regards to the use of deadly force, use of non-lethal weapons, apprehension tactics, and appropriate methods for dealing with minimally resisting individuals, or persons suffering from mental illness or emotional disturbances, and for some time prior thereto and since, have condoned, tolerated and accepted, and continue to condone, tolerate, and accept the excessive use of force, the writing of false police reports, the planting of evidence or withholding evidence to allow police misconduct to escape detection, the deficient supervision of line or patrol deputies, and in

1 particular, the use of unnecessary and unreasonable lethal force by its sworn
2 deputies.

3 36. Furthermore, on or about November 2, 2017, and for some time prior
4 thereto, Defendants COUNTY OF LOS ANGELES and DOES 6 through 10,
5 inclusive, failed to fully and objectively investigate claims, reports or allegations of
6 misconduct by the deputies under their command, including failing to conduct
7 vigorous examination and questioning of involved deputies, disregarding of the
8 statements of percipient witnesses, and minimizing the acts and conduct of the
9 involved deputies. As a result of said acts, omissions, policies, customs and
10 practices, deputies who so engaged in a pattern of misconduct, violations of law,
11 and wholesale violations of the civil rights of the citizenry were allowed to
12 continue in their malfeasance unabated by any efforts of their superiors.

13 37. In this instance, due to the extensive news video coverage of the
14 shooting incident demonstrating that Plaintiffs' Decedent CENDEJAS was
15 unarmed and not threatening anyone at the time Defendant JUAN RODRIGUEZ
16 made his decision to shoot and kill CENDEJAS, and furthermore reviewing Los
17 Angeles County Sheriff's Department supervisors (sued herein as Defendants
18 DOES 8 through 10, inclusive), knew that at the time of the shooting Defendant
19 JUAN RODRIGUEZ was aware and/or should have known that CENDEJAS was
20 unarmed and not threatening injury to anyone, and notwithstanding those facts and
21 findings the reviewing Sheriff's Department supervisors, including DOES 8
22 through 10, who were the Los Angeles County Sheriff's Department policymakers
23 responsible for determining if the shooting was within policy, found that
24 Defendant JUAN RODRIGUEZ shot CENDEJAS in accordance to and pursuant to
25 Los Angeles County Sheriff's Department policy, and failed to failed to sanction or
26 discipline Defendant JUAN RODRIGUEZ.

27 38. By so doing, Defendant COUNTY OF LOS ANGELES effectively
28 ratified the wrongful acts or misconduct of Defendant JUAN RODRIGUEZ, and in

1 practice, allows such wrongful acts, misconduct, and violations of civil rights to
2 become the actual policy of Defendant COUNTY OF LOS ANGELES.

3 39. Said acts and omissions, policies, customs and practices by Defendants
4 COUNTY OF LOS ANGELES and DOES 8 through 10, inclusive, were the
5 moving force behind the violation of constitutional rights and damages complained
6 of herein by Plaintiffs.

7 **FOURTH CLAIM OF RELIEF**

8 (Violation of Civil Rights)

9 [Cal. Civil Code § 52.1(b), by Plaintiffs

10 ESTATE OF RICARDO DIMITRI CENDEJAS,
11 RICARDO CENDEJAS, SR., MARIA ISABEL
12 CENDEJAS, V.C., and Y.C. against Defendants
13 COUNTY OF LOS ANGELES]

14 40. Plaintiffs hereby incorporate by reference each and every allegation
15 contained in paragraphs 1 through 24, 26 through 30, and 32 through 39 of this
16 complaint and makes each a part hereof as if set forth in full.

17 41. The COUNTY OF LOS ANGELES, by and through each individual
18 Defendant JUAN RODRIGUEZ and DOES 2 through 10, inclusive, interfered by
19 violence, threats of violence, intimidation, or coercion, namely, the unnecessary
20 and excessive use of lethal force against Plaintiffs' Decedent RICARDO DIMITRI
21 CENDEJAS, the false arrests of Plaintiffs RICARDO CENDEJAS, SR., MARIA
22 ISABEL CENDEJAS, and Minor V.C., and the threats of calling child protective
23 services made against Plaintiff Minor Y.C., with the exercise or enjoyment of the
24 constitutional or statutory rights of said Plaintiffs, which rights included, but are
25 not limited to:

26 -- the right to be free of unreasonable searches and seizures made
27 without a warrant or probable cause in violation of rights protected under Article 1,
28 Section 13 of the California Constitution;

1 -- the right to be treated with dignity, fairness, and compassion
2 regardless of the circumstances confronting a Minor.

3 42. Plaintiffs ESTATE OF RICARDO DIMITRI CENDEJAS, RICARDO
4 CENDEJAS, SR., MARIA ISABEL CENDEJAS, and Minors V.C. and Y.C.
5 allege that the above-named Defendants' wrongful conduct in violation of
6 California Civil Code § 52.1(b) caused deprivations of rights and freedom, and
7 caused injury and damage, both physical and emotional, including pain and
8 suffering. Plaintiffs ESTATE OF RICARDO DIMITRI CENDEJAS, RICARDO
9 CENDEJAS, SR., MARIA ISABEL CENDEJAS, and Minors V.C. and Y.C.
10 allege that this wrongful conduct of these Defendants and DOES 1 through 5,
11 inclusive, legally caused Plaintiffs general and special damages as allowable
12 pursuant to constitutional law in an amount according to proof.

13 43. By virtue of the provisions of California Civil Code § 52.1(h), Plaintiffs
14 ESTATE OF RICARDO DIMITRI CENDEJAS, RICARDO CENDEJAS, SR.,
15 MARIA ISABEL CENDEJAS, and Minors V.C. and Y.C. are entitled to an award
16 of treble damages, reasonable attorneys' fees and costs according to proof.

17 44. These afore-mentioned acts of individual Defendants JUAN
18 RODRIGUEZ, and DOES 2 through 10, inclusive, and each of them, were done
19 recklessly, knowingly, intentionally, and for the purpose of vexing and injuring
20 Plaintiffs' Decedent and to maliciously deprive Plaintiffs' Decedent of rights
21 guaranteed him by the U.S. and California Constitutions and in conscious disregard
22 thereof; and by reason thereof, Plaintiffs ESTATE OF RICARDO DIMITRI
23 CENDEJAS, RICARDO CENDEJAS, SR., MARIA ISABEL CENDEJAS, and
24 Minors V.C. and Y.C. claim exemplary and punitive damages from said
25 Defendants in an amount to be proved.
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1 48. Plaintiffs hereby incorporate by reference each and every allegation
2 contained in paragraphs 1 through 47 of this complaint and make each a part
3 hereof as if set forth in full.

4 49. On or about November 2, 2017, and at all times mentioned herein,
5 Plaintiffs' Decedent, RICARDO DIMITRI CENDEJAS was subjected to use of
6 deadly force by Defendant JUAN RODRIGUEZ who was acting within the course
7 and scope of his duties as a Deputy Sheriff for the COUNTY OF LOS ANGELES.
8 Defendant JUAN RODRIGUEZ breached the standard of performance of his
9 duties, and was negligent in the performance of the Los Angeles County Sheriff's
10 Department tactics and duties, and this negligence caused Plaintiffs' injuries.
11 Defendant JUAN RODRIGUEZ failed to comply with his above stated Sheriff's
12 Department's tactics and duties and his conduct was at all times mentioned herein,
13 below the standard of care for reasonable law enforcement officers, and this
14 negligence caused the injuries and damages alleged herein.

15 50. As a direct and legal result of the aforesaid negligence, carelessness and
16 unskillfulness of Defendants, and each of them, Plaintiffs were injured, and have
17 suffered the damages as alleged above. Pursuant to Cal. Government Code §§
18 815.2, 820, Defendant COUNTY OF LOS ANGELES is liable for the injuries
19 caused by its employees.

20
21 **SEVENTH CLAIM OF RELIEF**

22 (Battery, Cal. Government Code §§ 815.2, 820)

23 [By Plaintiff ESTATE OF RICARDO DIMITRI CENDEJAS
24 against Defendants COUNTY OF LOS ANGELES, and Defendant
25 JUAN RODRIGUEZ]

26 51. Plaintiff hereby incorporates by reference each and every allegation
27 contained in paragraphs 1 through 50 of this complaint and makes each a part
28 hereof as if set forth in full.

1 52. At all times mentioned herein, Plaintiffs' Decedent RICARDO
2 DIMITRI CENDEJAS was subjected to a battery by Defendant JUAN
3 RODRIGUEZ while acting within the scope and course of his employment with
4 the Defendant COUNTY OF LOS ANGELES. Pursuant to Cal. Government Code
5 §§ 815.2, 820, Defendant COUNTY OF LOS ANGELES is liable for the injuries
6 caused by its employees.

7
8 WHEREFORE, Plaintiffs pray for judgment as follows:

- 9 1. General damages in an amount to be proved;
- 10 2. Medical, doctor, psychiatric, pharmaceutical, funeral and
11 incidental expenses to be proved;
- 12 3. Punitive damages from Defendants JUAN RODRIGUEZ, and
13 DOES 2 through 10, inclusive;
- 14 4. Costs of litigation;
- 15 5. Reasonable attorney's fees pursuant to 42, U.S.C. § 1988 and/or
16 California Civil Code § 52.1 (h);
- 17 6. Such other and further relief as the court deems appropriate and
18 just.

19 Dated: January 4, 2019

LAW OFFICES OF JORGE GONZALEZ

20
21 By: */S/ Jorge Gonzalez*
22 Jorge Gonzalez

23 Attorney for Plaintiffs
24 ESTATE OF RICARDO DIMITRI
25 CENDEJAS, RICARDO CENDEJAS, SR.,
26 MARIA TERESA PENALOZA, MARIA
27 ISABEL CENDEJAS, V.C., and Y.C.
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DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury.

Dated: January 4, 2019

LAW OFFICES OF JORGE GONZALEZ

By: */S/ Jorge Gonzalez*
Jorge Gonzalez, Esq.

Attorney for Plaintiffs
ESTATE OF RICARDO DIMITRI
CENDEJAS, RICARDO CENDEJAS, SR.,
MARIA TERESA PENALOZA, MARIA
ISABEL CENDEJAS, V.C., and Y.C.

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