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8 JORGE ENRIQUE SERRANO ROBLES SENIOR and
9 YURIDIA DOLORES MIRANDA
10 Individually, and as Successors in Interest to
11 JORGE ENRIQUE SERRANO JUNIOR

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 JORGE ENRIQUE SERRANO)
14 ROBLES SENIOR, and YURIDIA)
15 DOLORES MIRANDA, Individually,)
16 and as Successors in Interest to JORGE)
17 ENRIQUE SERRANO JUNIOR,)

17 Plaintiffs,)

18 v.)

19 COUNTY OF LOS ANGELES, a legal)
20 subdivision of the State of California;)
21 SHERIFF ALEX VILLANUEVA, in his)
22 individual capacity; DEPUTY NIKOLIS)
23 PEREZ, an individual; and DOES 1)
24 through 10, inclusive,)

24 Defendants.)

CASE NO: 2:20-CV-6648-ODW-PLA

**SECOND AMENDED
COMPLAINT FOR DAMAGES**

-) 1. Unreasonable Search and Seizure—Excessive Force and Denial of Medical Care (42 U.S.C. § 1983);
-) 2. Substantive Due Process (42 U.S.C. § 1983);
-) 3. Ratification Causing Constitutional Violations (42 U.S.C. § 1983);
-) 4. Municipal Liability for Unconstitutional Custom, Practice, or Policy (42 U.S.C. § 1983);
-) 5. Municipal Liability for Failure to Train (42 U.S.C. § 1983);
-) 6. Battery (Wrongful Death);
-) 7. Negligence (Wrongful Death);
-) 8. Violation of Section 52.1 of The California Civil Code (Tom Bane Act Violation)

DEMAND FOR JURY TRIAL

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COMPLAINT FOR DAMAGES

1. Plaintiffs JORGE ENRIQUE SERRANO ROBLES SENIOR (hereinafter “JORGE SERRANO SR.”), and YURIDIA DOLORES MIRANDA (hereinafter “YURIDIA MIRANDA”) individually, and as successors in interest to JORGE ENRIQUE SERRANO JUNIOR (“hereinafter “JORGE SERRANO” or “DECEDENT”) bring this action against the COUNTY OF LOS ANGELES, (hereinafter also referred to as “COUNTY”), NIKOLIS PEREZ, (hereinafter also referred to as “PEREZ”), Sheriff ALEX VILLANUEVA, in his individual capacity (hereinafter also referred to as “VILLANUEVA”), and DOES 1 THROUGH 10, inclusive and alleges as follows:

PRELIMINARY ALLEGATIONS

2. This action seeks compensatory and punitive damages from individual deputy sheriffs, from senior sheriff’s department officials, and from the County of Los Angeles for violations state law and fundamental rights under the United States Constitution in connection with the brutal police shooting and killing of JORGE SERRANO on December 16, 2019. Decedent JORGE SERRANO was shot dead by Defendant, COUNTY Sheriff Deputies NIKOLIS PEREZ, and DOES 1 through 5 on December 16, 2019 in East Los Angeles.

3. Decedent JORGE SERRANO is the second victim shot and killed by a rogue deputy, NIKOLIS PEREZ, who is an alleged documented member of a clandestine Los Angeles Sheriff’s Department (hereinafter “LASD”) deputy gang, called the “Banditos,” which members are all sheriff deputies employed by the COUNTY. Rather than take measures to stop such shootings, and stop related deputy gang activity, sheriff ALEX VILLANUEVA and other LASD and COUNTY officials have adopted and ratified a deputy gang culture in which individual deputies and their supervisors turn a blind eye when LASD deputy misconduct occurs that results in the death of civilians. VILLANUEVA and other LASD officials have openly and systemically ratified the unlawful use of deadly force by deputies in the

1 Banditos gang and other deputy gangs by adopting fabricated deputy accounts of said
2 shooting. VILLANUEVA and other LASD officials have intentionally obstructed
3 justice by intentionally delaying Homicide Investigation and Internal Affairs
4 Investigations of sheriff deputy shootings, and further obstructing investigations by
5 the Justice System Integrity Division of the Los Angeles County District Attorney.
6 There have been multiple shootings by LASD Deputies who shoot and kill
7 individuals who are unarmed at the time of the officer involved shooting, including
8 from 2008 through the date of the shooting of Decedent JORGE SERRANO. From
9 at least 2008 through the date of the shooting of Decedent JORGE SERRANO,
10 Defendants COUNTY and its sheriff's department, LASD, have maintained a
11 custom, policy and practice in which sheriff Deputies are permitted to shoot persons
12 who are visibly unarmed and in which the Sheriff Deputies are not fired or disciplined
13 for such unjustified shootings, and instead promoted, thereby condoning this practice.
14 As in the case of PEREZ, who on August 12, 2018 was involved in a shooting in
15 which PEREZ and another sheriff deputy, Jonathan Rojas shot a 21 year old man two
16 (2) times in the back of the head, ten (10) times in the back, and one (1) time in the
17 back of the arm. Rather than re-training said deputies, both deputies were promoted
18 before the Internal Affairs Investigation and Justice System Integrity Division
19 Investigation of the August 12, 2018 were completed. These actions by COUNTY
20 management and VILLANUEVA clearly demonstrate there is a unwritten policy of
21 condoning the existence of deputy gangs such as the Bandito to operate in the LASD,
22 and not properly investigating the shootings of unarmed civilians by sheriff deputies
23 connected to the Banditos gang was a moving force in the shooting of Decedent
24 JORGE SERRANO on December 16, 2019.

25 4. More specifically, Decedent JORGE SERRANO is a victim of gang
26 violence at the hands of deputy "gang/cliques" who have been running rampant
27 within the Sheriff's Department since 1971 as seen in the deputy gang the "Little
28 Devil" and most recently since the early 2000s with the deputy gangs the "Jump Out

1 Boys,” and the “Banditos.” Instead of ridding the Sheriff’s Department of these
2 illegal subgroups who hold *de facto* control over the sheriff’s department and sheriff
3 stations throughout the County, Defendants COUNTY, LASD, VILLANUEVA, and
4 Does 6-10 have acquiesced in the criminality and lawlessness of these deputy gangs
5 which has allowed deputy gangs to thrive.

6 5. The policies and customs behind shootings of unarmed civilians such as
7 JORGE SERRANO are fundamentally unconstitutional and constitute a menace of
8 major proportions to the public and the neighborhood throughout the County of Los
9 Angeles that COUNTY deputies are charged with protecting and serving.

10 6. Accordingly, Plaintiffs herein seeks to hold accountable those
11 individuals responsible for the killing of JORGE SERRANO and to challenge the
12 County’s unconstitutional policies and practices, this civil rights action is firmly in
13 the public interest.

14 **PARTIES**

15 7. At all relevant times up until his death, JORGE SERRANO was an
16 individual residing in the County of Los Angeles, California.

17 8. Plaintiff JORGE SERRANO SENIOR, is an individual residing in the
18 Mexico and is the father of Decedent JORGE SERRANO JUNIOR. Plaintiff
19 YURIDIA DOLORES MIRANDA, is an individual residing in Provo, Utah and is
20 the mother of Decedent JORGE SERRANO. Plaintiffs JORGE SERRANO SENIOR
21 and YURIDIA DOLORES MIRANDA sue in their individual capacities as parents
22 of the DECEDENT, and in a representative capacity as successors-in-interest to
23 Decedent and THE ESTATE OF JORGE SERRANO pursuant to California C.C.P.
24 Section 377.32. Plaintiffs JORGE SERRANO SENIOR is an “heir at law” (C.C.P.
25 Section 373.60, wrongful death) and a “successors-in-interest” (C.C.P. Section
26 377.30, survival) to Decedent JORGE SERRANO. Plaintiffs JORGE SERRANO
27 SENIOR and YURIDIA DOLORES MIRANDA seek both wrongful death and
28 survival damages under federal and state law. Furthermore, Plaintiffs JORGE

1 SERRANO SENIOR and YURIDIA DOLORES MIRANDA seek all damages
2 available under federal and state law including under C.C.P. Section 373.60
3 (wrongful death); C.C.P. Section 373.30 (survival) and under federal law for
4 wrongful death and survival. The damages sought by Plaintiffs JORGE SERRANO
5 SENIOR and YURIDIA DOLORES MIRANDA for the death of their son, JORGE
6 SERRANO, include for loss of DECEDENT’s love, companionship, comfort, care,
7 assistance, protection, affection, society, moral support; loss of financial support and
8 earning capacity; loss of gifts and benefits; funeral and burial expenses; loss of
9 relationship with Decedent, including loss of society and companionship and the
10 mental, physical and emotional pain and suffering of Decedent and all other damages
11 allowed under federal and state law. Plaintiffs the ESTATE OF JORGE SERRANO
12 appear through its successors-in-interest, the Plaintiffs JORGE SERRANO SENIOR
13 and YURIDIA DOLORES MIRANDA.

14 9. Defendant COUNTY is a chartered subdivision of the State of
15 California with the capacity to sue and be sued. Defendant COUNTY is responsible
16 for the actions, omissions, policies, procedures, practices and customs of its various
17 agents and agencies, including the LASD, and its agents and employees. At all times
18 relevant to the facts alleged herein, Defendant COUNTY was responsible for
19 assuring that the actions, omissions, policies, procedures, practices and customs of
20 the LASD and its employees and agents complied with the laws and the Constitution
21 of the United States and of the State of California.

22 10. Defendant ALEX VILLANUEVA is, at all times mentioned herein,
23 and on or about December 19, 2019, the Sheriff of Los Angeles County Sheriff’s
24 Department. VILLANEUVA was charged by law and was responsible with the
25 administration of the LASD and its employees, and for the supervision, training and
26 hiring of persons, agents and employees working within said LASD, including
27 officers, deputies, defendants PEREZ, and Does 1 Through 10, inclusive. Sheriff
28 VILLANUEVA is sued in his personal and individual capacity as a supervisory

1 official for his own culpable action or inaction in the training, supervision, or control
2 of his subordinates, or for his acquiescence in the constitutional deprivations which
3 this Complaint alleges, or for conduct that showed a reckless or callous indifference
4 to the rights of others. Sheriff VILLANUEVA's affirmative conduct involves his
5 failure to ensure enforcement of policies, rules, or directives that set in motion a series
6 of acts by others which he knew or reasonably should have known, would cause
7 others to inflict the constitutional injury.

8 11. At all relevant times, defendants PEREZ, and Does 1 Through 10 were
9 employees of the LASD. At all times relevant, defendant NIKOLIS PEREZ, and
10 each of the defendants Does 1 Through 10 were an employee and/or agent of
11 defendant COUNTY and each of these individual defendants acted under color of
12 law, to wit, under the color of the statutes, ordinances, regulations, policies, customs,
13 and usages of Defendant COUNTY and the LASD, as well as under the color of the
14 statutes and regulations of the State of California.

15 12. At all relevant times, defendants VILLANUEVA, PEREZ, and each of
16 the Defendant's Does 1 Through 10 were acting within his or her capacity as an
17 employee, agent, representative and/or servant of COUNTY.

18 13. Defendants VILLANUEVA, PEREZ and Does 1 Through 10 are sued
19 in their individual capacities for damages only.

20 14. On information and belief, at all relevant times, Defendants
21 VILLANUEVA, PEREZ, and Does 1 Through 10, inclusive, were residents of
22 County of Los Angeles, California. Defendants PEREZ, and Does 1 through 10, are
23 sued herein in their individual and/or representative capacity and/or in their capacity
24 as employees and agents of Defendant COUNTY.

25 15. At all relevant times, PEREZ, and Does 1 Through 10, inclusive, were
26 duly authorized employees and agents of COUNTY, who were acting under color of
27 law within the course and scope of their individual and/or representative capacities
28 and respective duties as deputies and law enforcement agents and with the complete

1 authority and ratification of their principal, Defendant COUNTY.

2 16. In doing the acts and failing and omitting to act as hereinafter described,
3 defendants PEREZ, and Does 1 Through 10 were acting on the implied and actual
4 permission and consent of COUNTY and VILLANUEVA.

5 17. The true names of defendants Does 1 Through 10, inclusive, are
6 unknown to Plaintiffs, who therefore sues these defendants by such fictitious names.
7 Plaintiffs will seek leave to amend this complaint to show the true names and
8 capacities of these defendants when they have been ascertained. Each of the fictitious
9 named defendants is responsible in some manner for the conduct and liabilities
10 alleged herein.

11 18. At all times relevant to the facts alleged herein, Defendants, including
12 Does are duly appointed, qualified and acting officers, employees, and/or agents of
13 COUNTY and LASD, employed as such by Defendants, and acting within the course
14 and scope of their employment and/or agency and under color of state law. Each of
15 the Defendants and Doe Defendants caused and is responsible for the unlawful
16 conduct and resulting by, inter alia, personally participating in the conduct, or acting
17 jointly and in concert with others who did so by authorizing, acquiescing, condoning,
18 acting, omitting or failing to take action to prevent the unlawful conduct by
19 promulgating or failing to promulgate policies and procedures pursuant to which the
20 unlawful conduct occurred; by failing and refusing, with deliberate indifference to
21 Plaintiffs' rights, to initiate and maintain adequate supervision, security, training,
22 compliance with responsibilities and duties, and staffing; by failing to maintain
23 proper and adequate policies, procedures and protocols; and by ratifying and
24 condoning the unlawful conduct performed by agents and officers, deputies, and
25 employees under their direction and control.

26 19. Each of the Defendants caused and is responsible for the unlawful
27 conduct and resulting, by, inter alia, personally participating in the conduct, or acting
28 jointly and in concert with others who did so; by authorizing, acquiescing or failing

1 to take action to prevent the unlawful conduct; by promulgating policies and
2 procedures pursuant to which the unlawful conduct occurred; by failing and refusing,
3 with deliberate indifference to Plaintiffs and DECEDENT's rights, to initiate and
4 maintain adequate supervision and/or training; and, by ratifying the unlawful conduct
5 that occurred by agents and peace officers under their direction and control.
6 Whenever and wherever reference is made in this Complaint to any act by a
7 Defendant, such allegation and reference shall also be deemed to mean the acts and
8 failures to act of each Defendant individually, joint, and severally. They are sued in
9 their individual and official capacities and in some manner are responsible for the
10 acts and omissions alleged herein. Plaintiffs will ask leave of this Court to amend
11 this Complaint to allege such name and responsibility when that information is
12 ascertained. Each of Defendants is the agent of the other and the actions of each of
13 the Defendants were ratified by the other Defendants.

14 20. Whenever and wherever reference is made in this Complaint to any act
15 by Defendants and Doe Defendants, such allegations and references shall also be
16 deemed to mean the acts and failures to act of each Defendants individually, jointly
17 or severally.

18 **JURISDICTION AND VENUE**

19 21. This action is properly filed in the Los Angeles Superior Court, Central
20 District, as it is a wrongful death case and seeks remedies under state law for the
21 personal injuries suffered by the Decedent, JORGE SERRANO, as well as his father,
22 Plaintiff JORGE SERRANO SR. and mother, YURIDIA MIRANDA. Furthermore,
23 this civil action is brought by Plaintiffs JORGE SERRANO SR. YURIDIA
24 MIRANDA for the redress of alleged deprivations of constitutional rights as
25 protected by 42 U.S.C. §§ 1983, 1985, 1986, 1988, the Fourth and Fourteenth
26 Amendment of the United States Constitution, and the California Constitution.
27 Jurisdiction is founded on 28 U.S.C. §§ 1331, 1343, and 1367.

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22. Venue is proper in this Court because defendants reside in, and in all incidents, events, and occurrences giving rise to this action occurred in, the County of Los Angeles, California. Plaintiffs herein timely and properly filed tort claims pursuant to Cal. Gov. Code § 910 et seq., and this action is timely filed within all applicable statutes of limitations.

FACTUAL ALLEGATIONS

23. Plaintiffs repeats and re-alleges each allegation in all the preceding paragraphs of this Complaint with same force and effect as if fully set forth herein.

24. On December 16, 2019 at approximately 5:30 P.M., Decedent JORGE SERRANO was walking on 4th Street near Ditman Ave. in East Los Angeles.

25. While JORGE SERRANO was walking on 4th Street, JORGE SERRANO was aggressively approached by Defendant PEREZ and another LASD Deputy, Doe 1. Defendant NIKOLIS PEREZ is a member of the violent deputy gang known as the “Banditos.”

26. Upon information and belief, no crime was in progress when Defendant PEREZ and another COUNTY Sheriff Deputy initially approached JORGE SERRANO.

27. Upon information and belief, shaken and shocked by the aggressive approach by Defendant PEREZ and Doe Deputy, JORGE SERRANO ran away from the deputies.

28. Upon information and belief, JORGE SERRANO gave up and stopped running away from Defendant PEREZ and Doe Deputy after running for one (1) block.

29. Once JORGE SERRANO gave up and stopped running, JORGE SERRANO dropped to his knees with his hands up to show Defendant PEREZ and Doe Deputy that JORGE SERRANO was not a threat, and was unarmed thereby posing no danger nor imminent threat to PEREZ and Doe Deputy, nor the public.

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1 30. Despite JORGE SERRANO being on his knees with his hands up and
2 unarmed, Defendant PEREZ shot a total of seven (7) deadly shots at JORGE
3 SERRANO. JORGE SERRANO was struck with seven (7) deadly shots, shot by
4 Defendant PEREZ.

5 31. Decedent sustained injuries, pain, and suffering, and death when he was
6 shot dead by Defendants PEREZ who was acting under color of law, in his individual
7 and official capacities and as employee of COUNTY/LASD. JORGE SERRANO
8 was unarmed and at the time of the shooting posed no imminent threat of death or
9 serious bodily injury to any person and the force that was used by Defendants
10 NIKOLIS PEREZ was unreasonable, excessive deadly force.

11 32. Upon information and belief, after being shot, DECEDENT collapsed,
12 became immobile, and was bleeding profusely in obvious critical need of immediate
13 emergency care and treatment. Instead of immediately providing or facilitating
14 emergency care and treatment, DECEDENT's need for immediate medical care was
15 ignored. Defendants NIKOLIS PEREZ, and DOES 1 through 10, inclusive did not
16 timely summon medical care or permit medical personnel to treat DECEDENT. The
17 delay of medical care to DECEDENT caused DECEDENT extreme physical and
18 emotional pain and suffering and was a contributing cause of Decedent's death.
19 JORGE SERRANO died at the scene of the shooting.

20 33. Both prior to and during the time in which Plaintiffs was shot at by
21 Defendants PEREZ, Plaintiffs, JORGE SERRANO made no aggressive movements,
22 no furtive gestures, and no physical movements which would suggest to a reasonable
23 officer that the DECEDENT was armed with any kind of weapon, or had the will, or
24 the ability to inflict substantial bodily harm against any individual, deputy or member
25 of the public.

26 34. Upon information and belief, Defendants PEREZ and DOE Deputies
27 did not warn Decedent that they were about to shoot him.

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1 35. Furthermore, upon information and belief, Defendant PEREZ is a
2 member of the violent deputy gang/cliq̄ue the “Banditos.” The Banditos terrorize
3 innocent civilians throughout Los Angeles County communities, the same
4 community’s sheriff deputies are trusted to protect and serve. Instead of protecting
5 and serving the community, the Banditos unlawfully misclassify innocent civilians
6 as street gang members, brutalize civilians, and shoot and kill civilians under the
7 guise of “self-defense.” Not only do the Banditos terrorize the community, the
8 Banditos also operate sheriff stations like prison yards which prevents non-deputy
9 gang sheriff deputies from performing their duties adequately and therefore, also
10 depriving the general community at large from competent law enforcement services.

11 36. Prior to August 12, 2018, Defendant PEREZ was a “prospect” of the
12 Banditos. On August 12, 2018, Defendant PEREZ became a full-fledged member of
13 the Banditos when he shot and killed Anthony Vargas. Defendant PEREZ and
14 another deputy fired their service weapons at Anthony Vargas a total of sixteen (16)
15 times whereby ten (10) shots struck Anthony Vargas in the back, one (1) shot struck
16 Anthony Vargas in the arm, and two (2) shots struck Anthony Vargas in the back of
17 the head. Defendant PEREZ was not held accountable for his actions. To the contrary,
18 Defendant PEREZ gained full access to illegal privileges the Banditos gang members
19 hold by reason of their the *de facto* control over the Sheriff’s Department and sheriffs
20 stations and he was formally promoted by defendants COLA, LASD,
21 VILLANUEVA and DOES 6-10.

22 37. On September 27, 2018, the brazen violence of the Banditos was
23 displayed after an attack at Kennedy Hall in East Los Angeles, where the Banditos
24 deputy gang members attacked and assaulted multiple law-abiding deputies who
25 were in opposition to the deputy gang.

26 38. Defendant PEREZ, along with other deputies including fellow Banditos
27 members, were present at the September 27, 2018 Kennedy Hall incident.

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1 39. Upon information and belief, at the time of the Kennedy Hall incident
2 Defendant PEREZ was a full-fledged member of the Banditos by virtue of his
3 initiation on or before August 12, 2018. Defendants PEREZ did not face any
4 punishment whatsoever for killing Anthony Vargas nor being a Banditos gang
5 member.

6 40. Sometime in 2019 before December 19, 2019, Defendant PEREZ was
7 promoted to a field training officer/deputy. Defendant PEREZ was promoted before
8 the Internal Affairs Investigation and Justice System Integrity Division Investigation
9 of the August 12, 2018 shooting were completed.

10 41. Defendant PEREZ is still on patrol at the East Los Angeles Sheriff's
11 station and was never even disciplined in any form by for the August 12, 2018
12 shooting and will likely not face any discipline whatsoever for the JORGE
13 SERRANO shooting.

14 42. As a result of DEFENDANTS' conduct, stated above, Plaintiffs is
15 entitled to damages.

16 43. The conduct defendants PEREZ, and DOES 1-10 was willful, wanton,
17 malicious, and done with reckless disregard for the rights and safety of Plaintiffs and
18 therefore warrants the imposition of exemplary and punitive damages against each
19 and every aforementioned Defendant.

20 **FIRST CLAIM FOR RELIEF**
21 **FOR UNREASONABLE SEARCH AND SEIZURE — UNREASONABLE**
22 **AND/OR EXCESSIVE FORCE & DENIAL OF MEDICAL CARE**
23 **(42 U.S.C. § 1983)**

24 **(By Plaintiffs against all Defendants)**

25 44. Plaintiffs repeats and re-alleges each allegation in all the preceding
26 paragraphs of this Complaint with same force and effect as if fully set forth herein.

27 45. The shooting of Decedent JORGE SERRANO by Defendant PEREZ
28 and Does 1-5 deprived DECEDENT of his right to be secure in his person against

1 unreasonable searches and seizures as guaranteed to DECEDENT under the Fourth
2 Amendment to the United States Constitution and applied to state actors by the
3 Fourteenth Amendment.

4 46. On December 16, 2019, Defendants PEREZ, acting in his individual
5 and/or representative capacity, in the course and scope of his employment with
6 Defendant LASD, acting under color of law, used unreasonable and excessive deadly
7 force and violated the Constitutional Rights of DECEDENT when he shot and killed
8 DECEDENT. JORGE SERRANO who did not present an imminent threat of death
9 or serious bodily injury, and the deadly force used by Defendant PEREZ, was
10 objectively unreasonable and therefore in violation of 42 U.S.C. Section 1983.

11 47. The foundation of the Fourth Amendment is reasonableness, the deadly
12 force used on DECEDENT was fundamentally unreasonable and in violation of
13 DECEDENT's Fourth Amendment right to be secure in his person against an
14 unreasonable searches and seizures.

15 48. By virtue of their misconduct, Defendants PEREZ, and Does 1 through
16 10, inclusive are liable for DECEDENT's tragic death, either because these
17 Defendants were integral participants in the use of deadly and excessive force, or
18 because they failed to intervene to prevent these violations.

19 49. Furthermore, Defendants PEREZ, and Does 1 through 10, inclusive
20 knew that failure to provide timely medical treatment to DECEDENT could result in
21 further significant injury or the unnecessary and wanton infliction of pain, but
22 nevertheless disregarded his serious medical needs, causing him great bodily harm,
23 physical and emotional pain and suffering, and death.

24 50. This use of deadly force by Defendants was excessive and objectively
25 unreasonable under the circumstances. Defendants' actions thus deprived
26 DECEDENT of his right to be free from unreasonable searches and seizures under
27 the Fourth Amendment and applied to state actors by the Fourteenth Amendment.

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1 51. The conduct of Defendants PEREZ, and Does 1 through 10, inclusive
2 was willful, wanton, malicious, and done with reckless disregard for the rights and
3 safety of DECEDENT and therefore warrants the imposition of exemplary and
4 punitive damages as to Defendants PEREZ, and Does 1 through 10, inclusive.

5 **SECOND CLAIM FOR RELIEF**
6 **FOR VIOLATION OF SUBSTANTIVE DUE PROCESS**
7 **(42 U.S.C. § 1983)**

8 **(By Plaintiffs against all Defendants)**

9 52. Plaintiffs repeats and re-alleges each allegation in all the preceding
10 paragraphs of this Complaint with same force and effect as if fully set forth herein.

11 53. Plaintiffs JORGE SERRANO SR. and YURIDIA MIRANDA, as the
12 biological father and mother of Decedent JORGE SERRANO, had a cognizable
13 interest under the Due Process Clause of the Fourteenth Amendment of the United
14 States Constitution to be free from state actions that deprive them life, liberty, or
15 property in such a manner as to shock the conscience by being deliberately indifferent
16 to the constitutional rights of the JORGE SERRANO and/or by being a purpose to
17 harm unrelated to any legitimate law enforcement objective, including but not limited
18 to unwarranted state interference in Plaintiffs' familial relationship with their son,
19 Decedent JORGE SERRANO.

20 54. Decedent JORGE SERRANO had a cognizable interest under the Due
21 Process Clause of the Fourteenth Amendment of the United States Constitution to be
22 free from state actions that would deprive him of life, liberty, or property in such a
23 manner as to shock the conscience by being deliberately indifferent to the
24 constitutional rights of the DECEDENT and/or by being a purpose to harm unrelated
25 to any legitimate law enforcement objective.

26 55. The aforementioned actions of Defendants PEREZ, and Does 1 through
27 10, inclusive, along with other undiscovered conduct, violated the Due Process
28 Clause of the Fourteenth Amendment, shocked the conscience, and interfered with

1 the familial relationship of DECEDENT and Plaintiffs, in that said Defendants had
2 time to deliberate and then used deadly force that shocks the conscience and with a
3 purpose to harm unrelated to any legitimate law enforcement objective in violation
4 of 42 U.S.C. Section 1983 in violation of the constitutional rights of DECEDENT
5 and Plaintiffs.

6 56. Defendants PEREZ, and Does 1 through 10, inclusive, thus violated the
7 substantive due process rights of Plaintiffs to be free from unwarranted interference
8 with their familial relationship with DECEDENT.

9 57. As a direct and proximate result of the actions of Defendants, Plaintiffs
10 JORGE SERRANO SR. and YURIDIA DOLORES suffered the loss of their beloved
11 son, DECEDENT JORGE SERRANO, including damages for the loss of
12 DECEDENT's life-long love, companionship, comfort, care, assistance, protection,
13 affection, society, moral support; loss of financial support, sustenance and earning
14 capacity; loss of gifts and benefits; funeral and burial expenses; loss of the reasonable
15 value of household services; loss of relationship with DECEDENT, including loss of
16 society and companionship.

17 58. As a direct and proximate result of the actions of Defendants, Plaintiffs
18 JORGE SERRANO SR. and YURIDIA DOLORES as successors in interest to the
19 ESTATE OF DECEDENT JORGE SERRANO, also claim as damages the loss of
20 the value and enjoyment of the life of JORGE SERRANO to himself in that his life
21 was cut short by Defendants and DECEDENT JORGE SERRANO was an otherwise
22 healthy 25-year-old man who had approximately 59 years of remaining life
23 expectancy at the time of his death. Plaintiffs JORGE SERRANO SR. and YURIDIA
24 DOLORES by this action, further claim all of Plaintiffs' attorneys' fees and costs
25 incurred and to be incurred in Plaintiffs presenting, maintaining and prosecuting this
26 action under 42 U.S.C. Section 1988.

27 59. The conduct of PEREZ, and Does 1 through 10, inclusive, was willful,
28 wanton, malicious, and done with reckless disregard for the rights and safety of

1 DECEDENT and Plaintiffs and therefore warrants the imposition of exemplary and
2 punitive damages as to PEREZ, and Does 1 through 10, inclusive.

3 **THIRD CLAIM FOR RELIEF**

4 **RATIFICATION CAUSING CONSTITUTIONAL VIOLATIONS**

5 **(42 U.S.C. § 1983)**

6 **(By Plaintiffs Against Defendant Alex Villanueva**

7 **in his Individual Capacity, and does 6-10)**

8 60. Plaintiffs repeats and re-alleges each allegation in all the preceding
9 paragraphs of this Complaint with same force and effect as if fully set forth herein

10 61. DOES 6-10 are sued in their capacity as supervisor officers and line
11 officers on duty at the time of this incident, and for their ongoing duties and
12 responsibilities as supervisors responsible for the safety of deputies at the East Los
13 Angeles Sheriff' Station and the civilians in the East Los Angeles community they
14 are required to serve and protect.

15 62. Sheriff VILLANUEVA is sued in his individual capacity.
16 VILLANUEVA ratified, knew or reasonably could have known, of his subordinates'
17 ongoing constitutional violations as set forth more fully in Paragraphs 24 through 42,
18 above, Paragraph 67 through 147 below. VILLANUEVA is also sued in his
19 individual capacity based on his ratification and/or failure to prevent sheriff deputies
20 associated to deputy gangs, under the influence of deputy gangs, or members of
21 deputy gangs including but not limited to, the Banditos gang, from violating the civil
22 rights of innocent civilians, allowing deputy gangs to hold *de facto* control over
23 sheriff stations, allowing deputy gangs to engage in illegal conduct, allow deputy
24 gang members to have deputy gang tattoos with impunity and without being
25 questioned about even having tattoos, re-hiring previously fired deputies who are
26 known deputy gangs members, willfully delaying investigation into shootings of
27 civilians which implicate deputy gang members, and allowing deputy gangs to harm
28 other deputies in public and in private which allows deputy gangs to hold influence

1 amongst the ten thousand (10,000) COLA deputies.

2 63. VILLANUEVA has made admissions publicly that the Banditos gang
3 has been a problem at the East Los Angeles Sheriff's Station, that he would transfer
4 out deputies of the East Los Angeles Sheriff's Station in the gang, and that such
5 deputy behavior would not be tolerated by him as the top sheriff. However,
6 VILLANUEVA and DOES 6-10 have not ordered the beginning of an internal affairs
7 investigation into the shooting of DECEDENT JORGE SERRANO despite knowing
8 of Defendant PEREZ's connection to the Banditos. In fact, though the internal affairs
9 investigation of the August 12, 2019 has even been completed, PEREZ and the other
10 involved deputy have been promoted.

11 64. As a result, VILLANUEVA is liable in his individual capacity by virtue
12 of the foregoing paragraph and his personal knowledge or constructive knowledge of
13 approving settlements and claims, being the recipient of weekly reports from his
14 subordinates responsible for reporting deputy involved shootings and injuries caused
15 by COUNTY OF LOS ANGELES deputies, receiving information in oral and written
16 form to the VILLANUEVA, knowledge that there is a custom of deputies being
17 careless, deliberately indifferent to the constitutional rights of civilians which has
18 become well settled and widespread that VILLANUEVA, the policymaking officials
19 of the municipality can be said to have either actual or constructive knowledge of it
20 yet did nothing to end the practice of Deputies' failure to prevent constitutional
21 violations. VILLANUEVA's inaction to investigate, re-train, reprimand or request
22 disciplinary action of the involved deputies is acquiescence in the unconstitutional
23 conduct and constitutes a custom and practice and is the moving force of Plaintiffs'
24 injuries, for which the Sheriff, VILLANUEVA, is liable. VILLANUEVA delegated
25 to subordinates his non-delegated statutory duties and responsibilities as the policy
26 maker and his non-delegated duty to supervise and hold his subordinates accountable,
27 and failed to take corrective measures to ensure that his subordinates were complying
28 with their duties and responsibilities to prevent ongoing constitutional violations.

1 65. As a result of Defendants VILLANUEVA’s actions and/or inactions
 2 and/or policies are themselves a repudiation of constitutional rights and are the
 3 “moving force of the Constitutional violations, and the above policies, practices and
 4 customs were in force on or about December 16, 2019, and was the moving force of
 5 Deputy NIKOLIS PEREZ and Does 1-10 unconstitutional conduct and with
 6 deliberate indifference to Plaintiffs’ rights.

7 **FOURTH CLAIM FOR RELIEF**
 8 **MUNICIPAL LIABILITY FOR UNCONSTITUTIONAL**
 9 **CUSTOM OR POLICY**
 10 **(42 U.S.C. § 1983)**

11 **(By Plaintiffs Against COUNTY OF LOS ANGELES and Does 1 through 10)**

12 66. Plaintiffs repeats and re-alleges each allegation in all the preceding
 13 paragraphs of this Complaint with same force and effect as if fully set forth herein.

14 67. On information and belief, Defendants PEREZ, and Does 1 through 10,
 15 inclusive unjustified shooting of DECEDENT was found to be within COUNTY
 16 policy.

17 68. On information and belief, Defendants PEREZ, and Does 1 through 10,
 18 inclusive, unjustified shooting of DECEDENT was ratified by VILLANUEVA and
 19 LASD supervisory officials.

20 69. On information and belief, Defendants PEREZ, and Does 1 through 10,
 21 inclusive, were not disciplined for the unjustified shooting of DECEDENT.

22 70. On information and belief, Defendants PEREZ, shot and killed another
 23 unarmed man on August 12, 2018, his name is ANTHONY VARGAS. A complaint
 24 filed on behalf of Mr. Vargas heirs is currently pending in the United States District
 25 Court under CASE NO.: 2:19-cv-03279-PSG-AS. In the Vargas action the decedent
 26 was shot 13 times. Ten (10) times in the back, one (1) time in the upper extremity,
 27 and two (2) times in the back of head. It is alleged in the complaint that Mr. Vargas
 28 was killed in a gangland style shooting, and it is alleged defendant PEREZ is member

1 of the BANDITOS deputy gang. It has been reported in local news outlets that the
2 COUNTY has launched an investigation into the Banditos gang, and that a federal
3 probe is under way. Furthermore, VILLANUEVA has made admissions publicly
4 that the Banditos gang has been a problem at the East Los Angeles Sheriff's Station,
5 that he would transfer out deputies of the East Los Angeles Sheriff's Station in the
6 gang, and that such deputy behavior would not be tolerated by him as the top sheriff.
7 However, VILLANUEVA and DOES 6-10 have not ordered the beginning of an
8 internal affairs investigation into the shooting of DECEDENT JORGE SERRANO
9 despite knowing of Defendant PEREZ's connection to the Banditos. In fact, though
10 the internal affairs investigation of the August 12, 2019 has even been completed,
11 PEREZ and the other involved deputy have been promoted.

12 71. On information and belief, at the direction of VILLANUEVA, LASD
13 and DOES 6-10 have delayed the internal investigation of the Vargas shooting and
14 the shooting in this case as a pretext to prevent Plaintiffs from obtaining evidence
15 regarding the Banditos gang and the involvement of defendant PEREZ and other
16 deputies in the gang. In fact, the COUNTY Civilian Oversight Commission, which
17 was appointed by the COUNTY Board of Supervisors out of concern of the multiple
18 shooting by deputies and other lawsuits regarding deputy gangs, has ordered
19 VILLANUEVA to investigate and terminate deputies found to be involved in deputy
20 gangs. VILANUEVA has blatantly and openly defied the Civilian Oversight
21 Commission and by refusing to investigate the deputies alleged to be in gangs and he
22 has not transferred any of the deputies alleged to be members of the Banditos gang,
23 including defendant PEREZ AND Does 1-5.

24 72. On information and belief, the COUNTY sheriff's department at the
25 direction of VILLANUEVA and DOES 6-10 have openly rehired and promoted
26 deputies such as PEREZ and ROJAS that have been terminated for rogue behavior
27 and alleged deputy gang involvement, despite having specific knowledge of the
28 deputies bad acts.

1 73. On and for some time prior to December 16, 2019 (and continuing to
2 the present date), Defendants COUNTY, VILLANUEVA , and DOES 1-10, acting
3 with gross negligence and with reckless and deliberate indifference to the rights and
4 liberties of the public in general, and of Plaintiffs and DECEDENT, and of persons
5 in their class, situation and comparable position in particular, knowingly maintained,
6 enforced and applied an official recognized custom, policy, and practice of:

7 A. Employing and retaining as deputy sheriffs and other personnel, including
8 Defendants PEREZ, whom Defendants COUNTY, VILLANUEVA , and
9 Does 1-10 at all times material herein knew or reasonably should have
10 known had dangerous propensities for abusing their authority and for
11 mistreating citizens by failing to follow written LASD policies, including
12 the use of excessive force;

13 B. Of inadequately supervising, training, controlling, assigning, and
14 disciplining COUNTY employees and other personnel, including
15 Defendant PEREZ, whom Defendants COUNTY, LASD, VILLANUEVA,
16 and Does 1-10 knew or in the exercise of reasonable care should have
17 known had the aforementioned propensities and character traits, including
18 the propensity for violence and the use of excessive force;

19 C. By maintaining grossly inadequate procedures for reporting, supervising,
20 investigating, reviewing, disciplining and controlling the intentional
21 misconduct by Defendants PEREZ and DOE Deputies, who are deputies
22 and/or agents of COUNTY and LASD;

23 D. By failing to discipline COUNTY deputies' and/or agents' conduct,
24 including but not limited to, unlawful detention and excessive force;

25 E. By ratifying the intentional misconduct of PEREZ and other COUNTY
26 deputies and/ or agents, who are COUNTY deputies and/or agents of
27 COUNTY;

28 ///

1 F. By having and maintaining an unconstitutional policy, custom, and practice
2 of detaining and arresting individuals without probable cause or reasonable
3 suspicion, and using excessive force, including deadly force, which also is
4 demonstrated by inadequate training regarding these subjects. The policies,
5 customs, and practices of Defendants COUNTY and Does 1-10 were
6 maintained with a deliberate indifference to individuals' safety and rights;
7 and

8 G. By failing to properly investigate claims of unlawful detention and
9 excessive force by LASD deputies.

10 74. By reason of the policies and practices of Defendants VILLANUEVA,
11 COUNTY, LASD, and DOES 1-10, DECEDENT was severely injured and subjected
12 to pain and suffering and ultimately, lost his life. The aforementioned policies and
13 practices of Defendants, including the custom, policy and practice of Defendant
14 COUNTY in allowing its deputies to use unjustified, excessive and unreasonable
15 deadly force in shooting unarmed persons who had fired no shots with no punishment
16 for the involved deputies was a moving force that caused Defendants PEREZ and
17 DOE Deputies to use unreasonable deadly force on DECEDENT, who was also
18 unarmed and fired no shots at Defendants nor otherwise, presented an imminent
19 danger to Defendants or others.

20 75. Defendants COUNTY and DOES 1-10, together with various other
21 officials, whether named or unnamed, had either actual or constructive knowledge of
22 the deficient policies, practices and customs alleged in the paragraphs above. Despite
23 having knowledge as stated above, these defendants condoned, tolerated and through
24 actions and inactions thereby ratified such policies. Said defendants also acted with
25 deliberate indifference to the foreseeable effects and consequences of these policies
26 with respect to the constitutional rights of Decedent, Plaintiffs, and other individuals
27 similarly situated.

28 ///

1 76. By perpetrating, sanctioning, tolerating and ratifying the outrageous
2 conduct and other wrongful acts, Defendants Does 1-10 acted with intentional,
3 reckless, and callous disregard for the life of Decedent and for Decedent's and
4 Plaintiffs' constitutional rights. Furthermore, the policies, practices, and customs
5 implemented, maintained, and still tolerated by Defendants COUNTY and Does 1-
6 10 were affirmatively linked to and were a significantly influential force behind the
7 injuries of DECEDENT and Plaintiffs.

8 77. Moreover, on information and belief, there knowingly exists a secret
9 group, society, fraternity, clique, and/or gang of deputies in the COUNTY which
10 encourages, condones, ratifies, and/or otherwise turns a blind eye to acts of violence
11 and other police misconduct against citizens, especially citizens of color as
12 demonstrated in the subject incident.

13 78. Upon information and belief, Defendant PEREZ and DOES 1 through
14 10, and each of them, are a member of a secret group, society, fraternity, clique,
15 and/or gang of deputies in the COUNTY OF LOS ANGELES that encourages,
16 condones, ratifies, and/or otherwise turns a blind eye to acts of violence and other
17 police misconduct against citizens, especially citizens of color as demonstrated in the
18 subject incident.

19 79. On and for some time prior to August 12, 2018 (and continuing to the
20 present date) at the East Los Angeles Sheriff's Station of the Los Angeles County
21 Sheriff's Department, there is a group of deputies who have been acting as criminally
22 street "gang members," as defined by Penal Code Section 186.2. These deputies have
23 identified themselves as the "Banditos." These are Latino deputies who have tattoos
24 of a skeleton with a sombrero, bandolier and pistol. The Banditos from the Sheriff's
25 department use gang tactics of fear and intimidation during work hours to silence
26 deputies from reporting deputy acts of misconduct, including the use of excessive
27 force. COLA, LASD and VILLANUEVA are fully aware of this behavior and they
28 have collectively failed to take reasonable steps to stop this egregious behavior. By

1 failing to stop these deputies from being involved in this gang culture the East Los
2 Angeles Sheriff's Station has fostered a custom and practice that encourages deputies
3 to engage in unconstitutional conduct such as using excessive force on civilians. This
4 gang culture has created a custom and practice within the precinct that encourages
5 deputies to not report and account for the use of force on civilians with candor and
6 honesty. This Sheriff gang culture was a moving force behind the use of excessive
7 force on the Decedent, JORGE SERRANO, by defendants PEREZ, and Doe
8 Deputies because said defendants knew they could use excessive force on JORGE
9 SERRANO with impunity, and they also knew they could also use excessive deadly
10 force on civilians without any accountability to anyone, including their supervisors.

11 80. At all times herein mentioned, Leroy Baca served as Los Angeles
12 County Sheriff from December 7, 1998 to December 1, 2014. John Scott served as
13 interim Sheriff from January 30, 2014 to December 1, 2014. Jim McDonell served as
14 Los Angeles County Sheriff from December 1, 2014 to December 3, 2018. Alex
15 Villanueva served (and currently serves) as Los Angeles County Sheriff from
16 December 3, 2018 to present. At all times herein mentioned, Defendant County of
17 Los Angeles (COUNTY) established a custom and practice of excessive use of force
18 within its Sheriff's Department (LASD) by the Sheriff and by the Supervisors at the
19 station level and by an informal custom with the ranks of the Deputies.

20 81. JORGE SERRANO was shot and killed on December 16, 2019. During
21 the time Leroy Baca, John Scott, Jim McDonell and Alex Villanueva have been
22 Sheriff, Defendant County of Los Angeles and the LASD has instituted formal and
23 informal policies and practices that condone excessive use of force shootings and do
24 not discipline Deputies who shoot unarmed persons. The toleration of the shooting
25 of unarmed persons and of deputy gangs that use excessive force was the moving
26 force behind the shooting of JORGE SERRANO on December 16, 2019. Some of
27 the specific shootings are identified herein.

28 ///

1 82. At all times herein mentioned, the Banditos gang members oversaw all
2 the operations at the East LA Sheriff's Station including the activities of Defendants
3 NIKOLIS PEREZ and other Doe Deputies. Based on information and belief,
4 NIKOLIS PEREZ, and JONATHAN ROJAS, shot and killed Anthony Vargas,
5 PEREZ and ROJAS were "prospects" of the Banditos, and they were also referred to
6 as "puppies."

7 83. At all times herein mentioned, actions of excessive use of force, were
8 and are, protected by superiors at the East Los Angeles Sheriff's Station who make
9 sure they are not disciplined or face any consequences for their actions. In May 2018,
10 training officers Benjamin Zaredini and Louis Granados took their concerns about
11 harassment from the gang to their superiors. Multiple officers were interviewed as
12 part of an investigation that ultimately went nowhere as is verified by five deputies
13 and two veteran officers who filed claims with COUNTY. This is because COUNTY
14 already knew had decided to do nothing about Sheriff's gangs, including the
15 Banditos.

16 84. At all times herein mentioned, and before the shooting of JORGE
17 SERRANO, a superior officer, Sgt. Patty Estrada – referred to as "Pink Hand," a play
18 on the Black Hand tattoo worn by the Mexican Mafia prison gang – made sure the
19 Banditos members were not disciplined. The Banditos are Deputies who work out of
20 the department's East Los Angeles station and have for years driven non-gang
21 members out of the station. The Captain, sergeants and others who supervised the
22 East Los Angeles Station, on and before the shooting of JORGE SERRANO, were
23 Banditos gang members and/or were deliberately indifferent and ratified the actions
24 of the Banditos gang. Some of these Captain(s), sergeants, lieutenants, sergeants and
25 supervisors were transferred *after* the shooting of Anthony Vargas but some Banditos
26 member still remained at the station up until to the JORGE SERRANO shooting they
27 were there supervising the East Los Angeles station on and before the time of the
28 shooting of JORGE SERRANO and encouraging, ratifying and endorsing a formal

1 and informal custom and practice of excessive, unconstitutional use of force and a
2 code of silence. This custom and practice that existed at the East LA station on and
3 before December 16, 2019 was a moving force in Defendants PEREZ's excessive
4 force shooting of JORGE SERRANO on December 16, 2019.

5 85. At all times herein mentioned, there was a custom and practice of
6 practice of allowing the sheriff gang members to conduct their own vigilante justice
7 which created a *de facto* independent department, with a secret gang, with front line
8 supervisors in on the special cover, stopping some of the complaints from reaching
9 elected officials. Those in the gang of deputies were used in a way that brought
10 rewards to those within the gang of deputies, in extrajudicial uses of state authority
11 whereas it was well known that those deputies who did not do what the Banditos
12 gang wanted would suffer consequences including in their employment. This gang
13 of street officers, including the supervisors at the East Sheriff's station, including the
14 Captain, sergeants, lieutenants, sergeants and supervisors who were transferred *after*
15 the shooting of JORGE SERRANO, was operating under color of law for their own
16 purposes and not within the law. This existing sheriff gang was well known,
17 including being known to Defendants NIKOLIS PEREZ and was a moving force in
18 their excessive force shooting of JORGE SERRANO on December 16, 2019.

19 86. In addition, COUNTY and LASD failed to discipline excessive force
20 shootings, as was well known and is as set forth below in detail below regarding
21 numerous previous incidents. This failure to discipline was well known, including
22 being known to Defendants NIKOLIS PEREZ and was a moving force in their
23 excessive force shooting of JORGE SERRANO on December 16, 2019.

24 87. In addition, and in the alternative, even policy makers, up to an
25 including the elected Sheriffs Baca, Scott and McDonell (and now Villanueva), were
26 and are aware of the deputy gang and its tactics, aware of the cover by first line and
27 mid-level supervisors, but policy-makers were and are turning a blind eye, because
28 there is a public perception that the Department is actively engaging is tough law

1 enforcement, ratifying its existence by deliberate indifference.

2 88. At all times herein mentioned, the deputy gang in the East Los Angeles
3 Sheriff's Station and the excessive use of force generally, were so severe and
4 outrageous, that the absence of discipline as to Deputy NIKOLIS PEREZ, and other
5 previous shootings described herein, makes it plausible that supervisors are covering
6 up similar violations of law by gang members, and that the supervisors themselves
7 are acting in concert with gang members, and that policy-makers, in concert, are
8 turning a blind eye, when they too should take a corrective action, like they should
9 have in this case but did not, making it plausible that there is a unique custom and
10 practice of deputy gang violence and selective excessive force, that caused the death
11 challenged here. Plaintiffs allege that the continued lack of correction and no
12 discipline of Deputy NIKOLIS PEREZ after the shooting of JORGE SERRANO
13 supports the inference of a custom of excessive force.

14 89. In 2014, a lawsuit was filed by a female deputy who was bullied by the
15 Banditos Sheriff's gang at the East LA Sheriff's Station. That lawsuit was settled for
16 \$1.5 Million before the shooting of JORGE SERRANO and yet no one was fired or
17 disciplined at the East LA Sheriff's Station. Instead COUNTY, LASD and its
18 policymakers didn't do anything to fix the problem and the actions from the LASD
19 were simply to quiet down the incident; no one was disciplined. COUNTY and LASD
20 knew about the Bandito's gang at the East LA Sheriff's Station before the shooting
21 of JORGE SERRANO, having been sued by the female deputy, conducting discovery
22 and paying \$1.5 Million and then being deliberately indifferent and ratifying the
23 actions of the Banditos by imposing no discipline. This was a ratification by
24 COUNTY and LASD of the Banditos Sheriff's gang and was a moving force in the
25 excessive force used by Defendants NIKOLIS PEREZ and Doe Deputies when they
26 shot and killed JORGE SERRANO by shooting him while JORGE SERRANO was
27 on his knees, giving up, pleading not to be killed in cold blood and then, lying about
28 how it happened all the while knowing that COUNTY and LASD would never

1 discipline them and protect them with the code of silence (as COUNTY and LASD
2 continue to do to this day).

3 90. In a Motion by COUNTY Supervisors Sheila Kuehl and Hilda Solis
4 dated April 30, 2019, Defendant COUNTY admitted that “The Los Angeles County
5 Sheriff’s Department (LASD or the Department) has a long and troubled history
6 involving unauthorized, exclusive and secretive Department groups consisting of
7 sworn deputies, whose membership is based on a variety of factors, including station
8 or unit assignment, ethnicity, involvement in excessive uses of force, intimidation of
9 fellow deputies, and harassment and even shootings of civilians. Many of these
10 groups are known for their identical, hidden, sinister tattoos, and have been the
11 subjects of investigations, lawsuits and settlements involving excessive uses of force,
12 violence and dishonesty, against other Sheriff’s Deputies, as well as against members
13 of the community.” The Motion goes on to state “[o]ver the past several years, the
14 violent, lawless conduct of many of these group members has led to investigations,
15 disciplinary actions, damage claims, lawsuits and settlements reaching into the
16 millions of dollars.”

17 91. The Motion recites the history of LASD gangs that existed in the LASD
18 before and at the time of the shooting of JORGE SERRANO and that still exist. The
19 Motion notes that the “Citizens’ Commission on Jail Violence (CCJV), in its
20 comprehensive report addressing dysfunction within the Sheriff’s Department, then
21 run by Sheriff Leroy Baca, noted a culture of tolerance and even “tacit approval” of
22 what the Commission termed ‘violent cliques.’” The CCJV report was in 2012 and
23 yet Defendant COUNTY through Baca, Scott, McDonell and Villanueva and the
24 supervisors at the East LA station have been deliberately indifferent and have
25 purposefully taken no action to curb Sheriff Gangs, including the Banditos, which
26 was a moving force in the shooting of JORGE SERRANO on December 16, 2019.
27 Specifically, Plaintiffs is informed and believe and thereon alleges that Defendants
28 NIKOLIS PEREZ is a member of the Banditos gang and was a prospect up until he

1 shot and killed ANTHONY VARGAS on August 12, 2018. Membership in the
2 Banditos gang included using excessive force and shooting those who are unarmed.
3 Plaintiffs are informed and believe and thereon allege that Prospects could gain entry
4 into membership in the Banditos gang by using excessive force, including shooting
5 those who are unarmed (and were encouraged to do so) and was the moving force in
6 the shooting of the unarmed ANTHONY VARGAS on August 12, 2018.

7 92. The Motion by COUNTY Supervisors Sheila Kuehl and Hilda Solis
8 dated April 30, 2019 further states: “[t]his gang-style violence by sworn Deputies is
9 not limited to the jails or to conflicts between deputies. In May 2012, discovery of
10 the existence of the Jump Out Boys was due to the accidental discovery of a printed
11 “creed” which stated members would receive a tattoo after being involved in a
12 shooting. The Jump Out Boys, a group of gang enforcement officers, were compared
13 to the lawless Rampart Division of the LAPD in the 1980’s, whose members had a
14 similar tattoo: a skeleton holding a revolver. Whenever a deputy in the group was
15 involved in a shooting, he would earn extra ink of smoke coming out of the barrel of
16 the gun.

17 93. The Motion by COUNTY Supervisors Sheila Kuehl and Hilda Solis
18 dated April 30, 2019 additionally states: The Citizens’ Commission on Jail Violence
19 (CCJV), in its comprehensive report addressing dysfunction within the Sheriff’s
20 Department, then run by Sheriff Leroy Baca, noted a culture of tolerance and even
21 “tacit approval” of what the Commission termed “violent cliques” (“Report of the
22 Citizen’s Commission on Jail Violence,” p. 101). The Commission recommended
23 that the agency ban visible tattoos associated with the groups because they had
24 sometimes been used to reward aggressive behavior.” Defendants COUNTY and
25 LASD did not ban the Sheriff Gangs, did not band visible tattoos and, instead,
26 deliberately let them flourish. Defendant COUNTY and it LASD did not even ban
27 visible tattoos after its Assistant Sheriff Paul Tanaka was criminally convicted in part
28 based on evidence that he had a Sheriff gang tattoo. This was a ratification or

1 deliberate indifference by COUNTY and LASD of sheriff gangs. *After* the shooting
2 of ANTHONY VARGAS, defendant VILLANUEVA stated in public that he would
3 investigate and transfer any problem deputies. He then reported that between 34 to
4 38 Deputies were transferred out or re-assigned from the East Los Angeles Station
5 where Defendants NIKOLIS PEREZ and Doe Deputies were stationed at the time of
6 the shooting of JORGE SERRANO. VILLANUEVA's reports to the press were
7 factually incorrect and a fraud on the public. Plaintiffs contend this was not
8 intentional to decrease public outrage, so that he could allow problem deputies to
9 continue working in East Los Angeles. These are verified facts, not hyperbole, that
10 show VILLANUEVA is doing everything he can within his power as the top sheriff
11 to help rogue deputies repeatedly violate the law and the rights of the public he is
12 supposed to serve and protect.,

13 94. Furthermore, VILLANUEVA, who is the top sheriff and a policy maker
14 for the LASD, has publicly admitted the Banditos Gang at the East Los Angeles
15 Sheriff's Station was run by "supervisors" who had an official policy, custom and
16 practice to violate civil rights during the time Jim McDonell was Sheriff continuing
17 and further exacerbated when VILLANUEVA assumed the top sheriff position and
18 when JORGE SERRANO was shot. VILLANUEVA, who worked at the East L.A.
19 station acknowledges there was a "bully culture" in the East LA station at the time
20 that McDonell was Sheriff and when JORGE SERRANO was shot. VILLANUEVA
21 admits that, during the time that Jim McDonell was Sheriff, the Banditos gang came
22 to control even the station captain in the East Los Angeles station. VILLANUEVA
23 stated: "Some of the supervisors were part of the problem, they were facilitating this
24 and that really it made matters even worse -- it's like pouring gasoline on fire,"
25 VILLANUEVA said.

26 95. Conversely, on information and belief, VILLANUEVA previously
27 trained a deputy who later became a Bandito. This fact raises the inference that
28 VILLANUEVA is also a Bandito or directly associated with the gang.

1 96. VILLANUEVA has also admitted sheriff's gangs existing within the
2 ranks of the LASD is a concern that goes back to the 1970's and it resurfaces every
3 ten years or so." Plaintiffs are informed and believe and thereon allege that the
4 Sheriff's gangs do not "resurface", they are consistently there and COUNTY's
5 toleration of, deliberate indifference to and ratification of sheriff gangs, including the
6 Banditos in the East Los Angeles station, were a moving force in Defendants
7 NIKOLIS PEREZ and Doe Deputies excessive use of force, excessive use of force,
8 which resulted in the shooting of JORGE SERRANO.

9 97. Policymakers including VILLANUEVA, Sheriffs Baca, Scott and
10 McDonell were deliberately indifferent to the sheriff's gangs, including the Banditos.
11 Moreover, the Captain, the Sergeants, supervisors and other policy makers who
12 controlled the East Los Angeles station were not transferred *after* the shooting of
13 ANTHONY VARGAS for the very reason that they were part of and leading a
14 sheriff's gang inside the East Los Angeles Station. The Captain, the Sergeants,
15 supervisors and other policy makers who controlled the East Los Angeles station,
16 encouraged and ratified the use of excessive force prior to the shooting of JORGE
17 SERRANO. The Captain, the Sergeants, supervisors and other policy makers who
18 controlled the East Los Angeles station, encouraged and ratified the use of a code of
19 silence to cover up unjustified, excessive force shootings prior to the shooting of
20 JORGE SERRANO. The code of silence remains as a inherent part of being a deputy
21 sheriff for the LASD. All of these aforementioned facts were the moving force in
22 Defendants NIKOLIS PEREZ's Doe Deputies' excessive force shooting of JORGE
23 SERRANO

24 98. Plaintiffs are informed and believe and thereon allege that in 2016,
25 Sheriff Jim McDonell knew the names of approximately three hundred (300) deputies
26 who had committed misconduct so serious that it had to be disclosed to criminal
27 defense attorneys in a Brady List. Defendants COUNTY and its LASD, through
28 McDonell, did not fire the 300 but rather continued them in their employment.

1 Additionally, the Sheriff's Deputies union, campaigned to not have the list released
2 to anyone so that those Deputies who commit misconduct could continue to do so in
3 secret with no consequences. As of the date of the shooting of JORGE SERRANO,
4 this toleration of approximately three hundred (300) deputies who committed
5 misconduct of such a nature continuing to be retained was widely known by Deputies
6 including Defendants NIKOLIS PEREZ and Doe Deputies and was a moving force
7 in the excessive use of force, which resulted in the shooting of JORGE SERRANO.

8 99. At all times herein mentioned, Deputies employed by Defendants
9 COUNTY and its LASD were, and, are regularly deploying excessive force.
10 Deputies employed by Defendants COUNTY and LASD used excessive force on
11 persons who were unarmed and/or did not represent a threat to life or of serious
12 bodily injury as identified below. These incidents did not result in discipline and
13 were a moving force in Defendants NIKOLIS PEREZ's excessive force shooting of
14 JORGE SERRANO.

15 100. **Deondre "Trey" Brunston:**

16 On or about August 24, 2003, Brunston died in a hail of 81 bullets, fired by
17 Los Angeles County Sheriff's Deputies, twenty (22) of which hit him, and which also
18 fatally wounded a police dog. There was no discipline for this incident prior to the
19 shooting of JORGE SERRANO.

20 101. **Carl Williams:**

21 On or about June 13, 2006, Six Los Angeles County Sheriff's Deputies fired
22 about 70 rounds into the car occupied by Williams after a chase when he represented
23 no threat to life or serious bodily injury. There was no discipline for this incident
24 prior to the shooting of JORGE SERRANO.

25 102. **Bryan Moore:**

26 On or about June 26, 2008, Moore and he ran, jumped over a fence holding
27 his waist, and when officers ordered him to raise his hands, he looked at the Deputies,
28 who shot him to death. Moore represented no threat to life or serious bodily injury.

1 There was no discipline for this incident prior to the shooting of JORGE SERRANO.

2 103. **Christian Portillo:**

3 On or about June 13, 2006, Six Los Angeles County Sheriff's Deputies
4 approached a man in a parked car and one of the Deputies shot him to death. No
5 drugs or weapons were found, but the police say Portillo had a suspended license.
6 Portillo represented no threat to life or serious bodily injury. There was no discipline
7 for this incident prior to the shooting of JORGE SERRANO.

8 104. **Darrick Collins:**

9 On or about September 14, 2009, a Los Angeles County Sheriff's Deputy
10 chased Collins up his driveway and into his own backyard, believing he was a
11 robbery suspect. The deputy fired at Collins through a wooden gate, fatally hitting
12 him in the back of the neck. Portillo represented no threat to life or serious bodily
13 injury. There was no discipline for this incident prior to the shooting of JORGE
14 SERRANO.

15 105. On or about April 13, 2010 at approximately 10:00 p.m., near Kern
16 Avenue in East Los Angeles, Los Angeles County Sheriff Deputies shot and killed a
17 subject and no firearm was recovered. The subject represented no threat to life or
18 serious bodily injury. There was no discipline for this incident prior to the shooting
19 of JORGE SERRANO.

20 106. **Dexter Luckett:**

21 On or about June 16, 2010, Los Angeles County Sheriff's Deputies shot and
22 killed Dexter Luckett. Dexter Luckett was unarmed. No weapon was recovered at the
23 scene. Luckett represented no threat to life or serious bodily injury. There was no
24 discipline for this incident prior to the shooting of JORGE SERRANO.

25 107. **Johnathan Cuevas:**

26 On or about October 10, 2010, a Los Angeles County Sheriff's Deputy shot
27 and killed Johnathan Cuevas. The deputy stopped next to men walking, Cuevas ran
28 and fell, then the deputy shot him on the ground. The LA County Sheriff's Office

1 settled by paying the son of Cuevas \$875,000 for a deputy shooting Cuevas. Despite
2 this, there was no discipline for this incident prior to the shooting of JORGE
3 SERRANO.

4 108. On or about December 1, 2010, on Hammel Street in East Los Angeles,
5 Los Angeles County Sheriff Deputies shot and killed a subject and no firearm was
6 recovered. The subject represented no threat to life or serious bodily injury. There
7 was no discipline for this incident prior to the shooting of JORGE SERRANO.

8 109. **Darrell Logan:**

9 On or about October 13, 2011, a Los Angeles County Sheriff's Deputy shot
10 and killed Darrell Logan. A lawsuit alleged that the Sheriff's Department contained
11 a clique of deputies for whom it was a badge of honor to kill a gang member, which
12 Logan may have been suspected of being. There was no discipline for this incident
13 prior to the shooting of JORGE SERRANO nor any action to break up Sheriff gangs
14 even after being sued for it.

15 110. **Jazmyne Ha Eng.**

16 On or about January 4, 2012, Los Angeles County Sheriff's Deputies shot and
17 killed Jazmyne Ha Eng. Eng, standing 4-foot-9 and weighing 93 pounds, was shot to
18 death in the lobby of a mental health clinic where she was a schizophrenia patient.
19 Witnesses described her as sitting calmly before the arrival of the county police. In
20 February 2014 the family settled with the County of Los Angeles for \$1.8 Million.
21 Eng represented no threat to life or serious bodily injury. There was no discipline for
22 this incident prior to the shooting of JORGE SERRANO.

23 111. **Christian Cobian:**

24 On or about January 21, 2012, Los Angeles County Sheriff's Deputies shot
25 and killed Christian Cobian. Deputies reported that they attempted to stop Cobian
26 because he was riding a bike with no light, and he ran. Deputies shot him to death.
27 No weapon was found. Cobian represented no threat to life or serious bodily injury.
28 There was no discipline for this incident prior to the shooting of JORGE SERRANO.

1 **112. Arturo Cabrales:**

2 On or about March 7, 2012, Los Angeles County Sheriff's Deputies shot and
3 killed Arturo Cabrales. The family of Cabrales settled for \$1.5 million because it was
4 alleged that the deputies involved shot him when he was at his home, running away,
5 and unarmed. The deputies were alleged to be a part of a clique called the Jump Out
6 Boys. The Jump Out Boys are one of the Los Angeles County Sheriff's gangs that
7 operated in East Los Angeles and it was never disbanded. There were over 40 sheriff
8 deputies that were investigated regarding this deputy gang. 7 deputies were fired from
9 the department. However, the other deputies investigated were not fired because they
10 did not have a Jump Out Boys tattoo.

11 **113. Tony Louis Francis:**

12 On or about August 28, 2012, a Los Angeles County Sheriff's Deputy shot
13 and killed Tony Louis Francis. The deputy followed Francis into a driveway and
14 ended up shooting and killing him while he was still inside his vehicle. No gun was
15 found. There was no discipline for this incident prior to the shooting of JORGE
16 SERRANO.

17 **114. Jose de la Trinidad:**

18 On or about November 10, 2012, Los Angeles County Sheriff's Deputies shot
19 and killed Jose de La Trinidad. Deputies attempted a traffic stop on a vehicle in which
20 De la Trinidad was a passenger. After a brief chase, he got out of the car and deputies
21 shot him five times in the back, according to an autopsy. He was unarmed. There was
22 no discipline for this incident prior to the shooting of JORGE SERRANO.

23 **115. Rigoberto Arceo:**

24 On or about May 5, 2013, a Los Angeles County Sheriff's Deputy shot and
25 killed Rigoberto Arceo. Rigoberto Arceo was killed by a Sheriff deputy, on May 11,
26 2013, Mother's Day. The engaged 34-year old young father was returning home from
27 a party, celebrating Mother's Day, when a Los Angeles County Sheriff's Deputy, L
28 Mendoza, ordered Rigo to the ground. Rigo with his hands raised in the air, was

1 telling Deputy Mendoza that he did not have to do anything, when the deputy shot
2 him once in the chest. In order to try and justify the shooting Deputy Mendoza
3 claimed that Rigo was trying to grab his gun. However, independent percipient
4 witnesses who saw the shooting, described Rigo as having his hands raised over his
5 head when he was shot and that he was approximately 10 feet away from the deputy
6 when the deputy shot and killed him. Rigoberto Arceo was unarmed. There was no
7 discipline for this incident prior to the shooting of JORGE SERRANO.

8 **116. Ignacio Ochoa:**

9 On or about May 14, 2013, a Los Angeles County Sheriff's Deputy shot and
10 killed Ignacio Ochoa. Witnesses reported that Ochoa was riding his bike home after
11 buying something to drink. He had his headphones on and couldn't hear a deputy's
12 orders. A resident reported that the deputy handcuffed Ochoa and then shot him in
13 the back of the head. He was unarmed. There was no discipline for this incident
14 prior to the shooting of JORGE SERRANO.

15 **117. Carlos Ernesto Oliva Sola:**

16 On or about September 10, 2013, Los Angeles County Sheriff's Deputies shot
17 and killed Carlos Ernesto Oliva Silva. Deputies were flagged by a bystander who
18 reported a "man with gun" in the vicinity. They report that they saw Oliva on the
19 street, and that when they confronted him, he pointed a gun at them. Deputy Anthony
20 Forlano shot and killed him. Oliva reportedly was not the man they were looking for,
21 and the autopsy report shows he was shot eight times from behind. The family
22 announced they would file a lawsuit against the LASD. The family requested
23 Forlano, who had shot 7 people, be fired. Plaintiffs are informed and believe and
24 thereon allege that there was no discipline for this incident prior to the shooting of
25 JORGE SERRANO.

26 **118. Salvador Martin Palencia Cruz.**

27 On or about April 25, 2014, Los Angeles County Sheriff's Deputies Andrew
28 Alatorre and Daniel Marquez shot and killed Salvador Martin Palencia Cruz.

1 Salvador Martin Palencia Cruz was a 42-year-old loving husband and father. The
2 deputies shot Palencia Cruz nine times as they stood within six feet while Mr.
3 Palencia Cruz held a pastry spatula. A lawsuit was filed against COUNTY. There
4 was no discipline for this incident prior to the shooting of JORGE SERRANO.

5 **119. Noel Enrique Aguilar:**

6 On or about May 26, 2014, Los Angeles County Sheriff's Deputies shot and
7 killed Noel Enrique Aguiar Ignacio Ochoa. Aguilar was riding a bicycle, committing
8 no crime. Los Angeles County Sheriff's Deputies disarmed Aguilar and shot him to
9 death. The incident was captured on video and witnesses confirmed that Aguilar was
10 unarmed when he was shot to death. The County of Los Angeles settled a lawsuit in
11 the amount of \$2,970,000.00 regarding the excessive force shooting death of Aguilar
12 in September of 2017. Aguilar was unarmed when he was shot, and he even told the
13 deputies he was unarmed (captured on video). They shot him anyway. There was no
14 discipline for this incident prior to the shooting of JORGE SERRANO.

15 **120. Antoine Hunter and Jeremy Evans.**

16 On or about June 24, 2014, Los Angeles County Sheriff's Deputies Timothy
17 Lee, and Gregory Rodriguez, shot and killed Antoine Hunter and severely wounded
18 Geremey Evans. Antoine Hunter and Jeremy Evans were in a vehicle that had come
19 to a stop when the Deputies poured shots into the vehicle. Hunter did not have a gun
20 in his hand. Evans dove in the back seat and was totally unarmed while the Deputies
21 shot at him when he posed no threat whatsoever. COUNTY and LASD knew that
22 Gregory Rodriguez was a member of a sheriff's gang and that he had gang tattoos,
23 but they withheld this information, including while represented by counsel. The case
24 of Antoine Hunter and Jeremy Evans was settled for a substantial sum and only after
25 it was settled was it revealed publicly that Deputy Rodriguez is sheriff's gang
26 member with a sheriff's gang tattoo. Deputy Gregory Rodriguez aka "G-Rod" is one
27 of the Deputies named in government claims filed by fellow deputies regarding a
28 beating of fellow deputies from the East LA Station that took place in September

1 2018. Although that beating of fellow sheriff’s deputies by Banditos gang members
2 took place in September 2018, the Banditos gang existed on and before the August
3 12, 2018 shooting of ANTHONY VARGAS. Ironically, Deputy Gregory Rodriguez
4 aka “G-Rod remains working as sheriff deputy, and he is currently working at the
5 ELA Banditos headquarters, which is the ELA Sheriff’s Precinct. This shows that
6 policymakers, including VILLANUEVA ratify and condone deputy gang
7 membership.

8 **121. Johnny Ray Anderson:**

9 On or about July 5, 2015, Los Angeles County Sheriff’s Deputies shot and
10 killed Johnny Ray Anderson. Deputies responding to reports of a prowler found
11 Anderson and his wife, Kathleen, trespassing in a backyard and fatally shot the 42-
12 year-old. Hundreds of people later protested the shooting. Johnny Ray Anderson was
13 unarmed when he shot to death. There was no discipline for this incident prior to the
14 shooting of JORGE SERRANO.

15 **122. Eduardo Rodriguez:**

16 On or about February 14, 2016, Los Angeles County Sheriff’s Deputies shot
17 and killed Eduardo Rodriguez. During the course of a traffic stop, which deputies
18 made in the course of a stolen-vehicle investigation, Deputies shot and killed Eduardo
19 Rodriguez, who was unarmed. There was no discipline for this incident prior to the
20 shooting of JORGE SERRANO.

21 **123. Francisco Garcia:**

22 On or about February 24, 2016, Los Angeles County Sheriff’s Deputy Luke
23 Liu shot and killed Francisco Garcia who was driving away in a car, completely
24 unarmed and he was shot in the back. The incident was caught on video. No criminal
25 charges were filed as of the date of the shooting of Anthony Vargas on August 12,
26 2018. *After* the shooting of JORGE SERRANO, the Los Angeles County District
27 Attorney has filed criminal charges against Deputy Luke Liu for this clearly
28 excessive force shooting. A lawsuit was filed, and Defendant COUNTY paid a

1 settlement of \$1,750,000.00 in April of 2017 to Francisco Garcia's survivors.
2 Plaintiffs are informed and believe and thereon allege, that there was no discipline
3 for this incident prior to the shooting of JORGE SERRANO or even to date. In fact,
4 the Deputy's union backs his actions and endorses them and other LASD deputies
5 showed up to his arraignment to support Luke Liu who shot an unarmed man in the
6 back. It appears that COUNTY and LASD are endorsing the obvious excessive force
7 deadly shooting by LASD Deputy Luke Liu even *after* he is being criminally
8 prosecuted. There was no discipline for this incident prior to the shooting of JORGE
9 SERRANO (or at all to date).

10 124. **Christian Rene Medina:**

11 On or about March 16, 2016, Los Angeles County Sheriff's Deputies shot and
12 killed Christian Rene Medina. Deputies responded to a false robbery report and found
13 Medina. Medina was unarmed and he was shot and killed. There was no discipline
14 for this incident prior to the shooting of JORGE SERRANO.

15 125. **Carmelo Pizarro, Jr.:**

16 On or about July 19, 2018, Los Angeles County Sheriff's Deputy shot and
17 killed Carmelo Pizarro, Jr. Deputies chased Pizzaro and caught up to him and then
18 shot him to death. Pizzaro was unarmed when he was shot and killed. There was no
19 discipline for this incident prior to the shooting of JORGE SERRANO.

20 126. **Donta Taylor:**

21 In addition to the other shootings identified above, in or about June of 2016,
22 Los Angeles County Sheriff's Deputies shot and killed Donta Taylor. One of the
23 deputies was Samuel Aldama who was a deputy at the center of controversy
24 regarding sheriff gang tattoos. Deputy Aldama admitted that he had such a tattoo that
25 he got two months before he shot Donta Taylor. Donta Taylor was unarmed when
26 he was shot. In June of 2019, COUNTY paid \$7 Million regarding the excessive
27 force shooting of Donta Taylor. There was no discipline for this June 2016 incident
28 prior to the shooting of JORGE SERRANO.

1 127. **Anthony Vargas.**

2 On or about August 12, 2019, defendant Los Angeles County Sheriff's Deputy
3 NIKOLIS PEREZ, and deputy JONATHAN ROJAS, shot and fired their service
4 weapons sixteen (16) striking ANTHONY VARGAS ten (10) times in the back, one
5 (1) time in the arm, and two (2) times in the back of the head. There was no discipline
6 for this incident prior to the shooting of JORGE SERRANO.

7 128. These specific shooting incidents identified above, indicate that
8 Defendant COUNTY's the deputies were and are regularly deploying excessive
9 force and these specific incidents with no discipline demonstrate that COUNTY's
10 policymakers and supervisors had a custom, policy and practice of endorsing
11 excessive force shootings. This custom, policy and practice of endorsing excessive
12 force shootings was a moving force in Defendants NIKOLIS PEREZ' excessive
13 force shooting of JORGE SERRRANO on December 16, 2019 when the deputies
14 shot JORGE SERRANO while JORGE SERRANO was on his knees pleading for
15 Defendant PEREZ not to kill him knowing they could shoot him when he posed no
16 threat and not be disciplined.

17 129. Additionally, Defendants NIKOLIS PEREZ knew that if they shot
18 JORGE SERRANO, the Banditos gang would look favorably on this and this also
19 was a moving force in Defendants NIKOLIS PEREZ' excessive force shooting of
20 JORGE SERRANO on December 16, 2019. Defendants NIKOLIS PEREZ was, at
21 all times herein mentioned, a member of the Banditos and/or wanted to be looked
22 upon favorably by the Banditos gang and shooting JORGE SERRANO was a means
23 to win favor with the Banditos gang (who controlled the East LA Sheriffs' Station)
24 and was a moving force in Defendants NIKOLIS PEREZ' excessive force shooting
25 of JORGE SERRANO on December 16, 2019.

26 130. The specific facts that there existed a Banditos gang in the East LA
27 station include that Sgt. Patty Estrada (referred to as "Pink Hand," a play on the Black
28 Hand tattoo worn by the Mexican Mafia prison gang) made sure the Banditos

1 members were not disciplined; that the Captain, sergeants, lieutenants, sergeants and
2 supervisors who were transferred *after* the shooting of JORGE SERRANO also made
3 sure no deputies were disciplined for excessive force shootings and this was a moving
4 force in Defendants NIKOLIS PEREZ' excessive force shooting of JORGE
5 SERRANO on December 16, 2019.

6 131. Defendants COUNTY and its LASD had not only constructive but
7 *actual knowledge* of the LASD sheriff gang problem and the Banditos in particular
8 in the East LA station when they were sued by the female deputy and when they
9 settled her action before the shooting of JORGE SERRANO. The Captain, sergeants,
10 lieutenants, sergeants and supervisors who were transferred *after* the shooting of
11 JORGE SERRANO were known about by COUNTY *before* the shooting of JORGE
12 SERRANO but COUNTY and its LASD, including the policy makers, fired no one,
13 transferred no one, disciplined no one and paid \$1.5 Million without taking any action
14 against the known Banditos gang whatsoever. COUNTY and LASD just knowingly
15 left the Banditos in place. This endorsement of the Banditos gang by deliberate
16 indifference and ratification of their actions let Defendants NIKOLIS PEREZ and
17 Doe Deputies knew that they could use excessive force with impunity and that they
18 would never be disciplined. To date, Defendant NIKOLIS PEREZ has not been
19 disciplined and COUNTY continues to endorse their actions even after it is known
20 that they have told inconsistent stories and he unjustifiably shot ANTHONY
21 VARGAS and JORGE SERRANO. Instead of being disciplined or reprimanded for
22 the use of excessive force PEREZ has been promoted by defendant VILLANUEVA
23 and other LASD personnel affiliated and associated with the Banditos deputy gang.

24 132. The training that existed for Defendants NIKOLIS PEREZ before the
25 shooting of JORGE SERRANO included the training at the East LA Sheriff's Station.
26 This training was by Sgt. Patty Estrada and the Captain, sergeants, lieutenants,
27 sergeants and supervisors who were also members of the Banditos. They trained
28 NIKOLIS PEREZ that he could use excessive force and shoot those who posed no

1 threat because he and other Banditos involved in similar conduct would not be
2 disciplined for such excessive force shootings. This training was a moving force in
3 Defendants NIKOLIS PEREZ’ excessive force, unconstitutional shooting of JORGE
4 SERRANO on December 16, 2019.

5 133. The actions of each of Defendants Does 1-10 were willful, wanton,
6 oppressive, malicious, fraudulent, and extremely offensive and unconscionable to
7 any person of normal sensibilities, and therefore warrants the imposition of
8 exemplary and punitive damages as to Defendants Does 1-10.

9 134. By reason of the acts and omissions of Defendants COUNTY and Does
10 1-10, Plaintiffs were caused to incur damages as stated elsewhere herein.

11 135. By reason of the acts and omissions of Defendants COUNTY and Does
12 1-10, Plaintiffs have suffered loss of love, companionship, affection, comfort, care,
13 society, and future support.

14 136. Accordingly, Defendants COUNTY and Does 1-10 each are liable to
15 Plaintiffs for compensatory damages under 42 U.S.C. § 1983.

16 137. Plaintiffs seek both wrongful death damages and survival damages
17 under this claim. Plaintiffs further claim all of Plaintiffs’ attorneys’ fees and costs
18 incurred and to be incurred in Plaintiffs presenting, maintaining and prosecuting this
19 action under 42 U.S.C. Section 1988.

20 **FIFTH CLAIM FOR RELIEF**

21 **MUNICIPAL LIABILITY FOR FAILURE TO TRAIN**

22 **(42 U.S.C. § 1983)**

23 **(By Plaintiffs Against COUNTY OF LOS ANGELES and Does 1 through 10)**

24 138. Plaintiffs repeats and re-alleges each allegation in all the preceding
25 paragraphs of this Complaint with same force and effect as if fully set forth herein.

26 139. At all relevant times, Defendants PEREZ, and DOES 1-10, inclusive,
27 acted under color of law.

28 ///

1 140. The acts of Defendants PEREZ, and DOES 1-10, inclusive, deprived
2 Plaintiffs of his rights under the United States Constitution and aforementioned
3 statutes.

4 141. The training policies of Defendant COUNTY OF LOS ANGELES were
5 not adequate to train its deputies to handle the usual and recurring situations with
6 which they must deal with.

7 142. Defendant COUNTY was deliberately indifferent to the obvious
8 consequences of its failure to train its deputies adequately.

9 143. The failure of Defendant COUNTY to provide adequate training caused
10 the deprivation of the Plaintiffs' rights by Defendants. That is, the COUNTY's failure
11 to train is so closely related to the deprivation of the Plaintiffs' rights as to be the
12 moving force that caused Plaintiffs' ultimate injury.

13 144. More specifically, Defendant COUNTY OF LOS ANGELES failed to
14 train or ensure that Defendants remained compliant with Defendant COUNTY's
15 training to not use excessive force, not shoot at moving vehicles, and/or not detain
16 persons without reasonable suspicion or arrest persons without probable cause.

17 145. By reason of the aforementioned acts and omissions, Plaintiffs has
18 suffered damages according to proof a trial.

19 146. Accordingly, Defendant CITY is directly liable to Plaintiffs for
20 compensatory damages under 42 U.S.C. § 1983. Plaintiffs also seeks attorneys' fees
21 under this claim.

22 **SIXTH CLAIM FOR RELIEF**

23 **FOR BATTERY CAUSING WRONGFUL DEATH**

24 **(Cal. Govt. Code §815; 820 And California Common Law)**

25 **(By Plaintiffs Against All Defendants including DOES 1 through 10)**

26 147. Plaintiffs repeat and re-allege each allegation in all the preceding
27 paragraphs of this Complaint with same force and effect as if fully set forth herein.

28 ///

1 148. Defendants PEREZ, and DOES 1 through 10, inclusive, while working
2 as deputies for COUNTY OF LOS ANGELES, and acting within the course and
3 scope of their duties, intentionally shot DECEDENT JORGE SERRANO.
4 Defendants PEREZ, and DOES 1 through 10, inclusive had no legal justification for
5 using force against DECEDENT and the use of force was excessive and
6 unreasonable.

7 149. At all times herein mentioned, law enforcement officers in California
8 were only allowed to use reasonable force to effect an arrest, prevent escape or
9 overcome resistance. Defendants PEREZ, and DOES 1 through 10, inclusive
10 committed an unconsented touching of DECEDENT and battered him when they
11 used unreasonable and excessive deadly force when they shot DECEDENT to death.

12 150. As a direct and proximate result of the actions of Defendants, Plaintiffs
13 JORGE SERRANO SR. and YURIDIA MIRANDA suffered the loss of their son,
14 DECEDENT JORGE SERRANO, including damages for the loss of DECEDENT's
15 life-long love, companionship, comfort, care, assistance, protection, affection,
16 society, moral support, training and guidance; loss of financial support, sustenance
17 and earning capacity; loss of gifts and benefits; funeral and burial expenses; loss of
18 the reasonable value of household services; loss of relationship with DECEDENT,
19 including loss of society and companionship and all other damages allowed under
20 state law, including under California's "Wrongful Death" statute, California Code of
21 Civil Procedure Section 377.60, et seq. and CACI 3921 "Wrongful Death (Death of
22 an Adult)".

23 151. COUNTY OF LOS ANGELES is vicariously liable for the wrongful
24 acts of Defendants PEREZ, and DOES 1 through 10, inclusive, pursuant to section
25 815.2(a) and 820 of the California Government Code, which provides that a public
26 entity is liable for the injuries caused by its employees within the scope of the
27 employment if the employee's acts would subject him or her to liability. Plaintiffs
28 JORGE SERRANOSR. and YURIDIA MIRANDA bring their claim each

1 individually as an heir at law of DECEDENT in wrongful death and as successor-in-
2 interest to the DECEDENT and to The ESTATE OF JORGE SERRANO, and in each
3 case, seeks both survival and wrongful death damages for the violation of
4 DECEDENT's rights.

5 152. The conduct of Defendants PEREZ, and DOES 1 through 10, inclusive,
6 and was malicious, wanton, oppressive, and accomplished with a conscious disregard
7 for the rights of Plaintiffs and DECEDENT, entitling Plaintiffs JORGE SERRANO
8 SR. and YURIDIA MIRANDA in each case individually and as a successors-in-
9 interest to Decedent, to an award of exemplary and punitive damages as to
10 Defendants PEREZ, and DOES 1 through 10, inclusive.

11 **SEVENTH CLAIM FOR RELIEF**
12 **FOR NEGLIGENCE CAUSING WRONGFUL DEATH**
13 **(By Plaintiffs against All Defendants)**

14 153. Plaintiffs repeat and re-allege each allegation in all the preceding
15 paragraphs of this Complaint with same force and effect as if fully set forth herein.

16 154. The actions and inactions of Defendants, including the actions of
17 Defendants PEREZ, and DOES 1 through 10, inclusive, were negligent and reckless.
18 At all times herein mentioned, among other things, Defendants PEREZ, and DOES
19 1 through 10, inclusive owed a duty to follow California law that provides that "Law
20 enforcement personnel's tactical conduct and decisions preceding the use of deadly
21 force are relevant considerations under California law in determining whether the use
22 of deadly force gives rise to negligence liability. Such liability can arise, for example,
23 if the tactical conduct and decisions show, as part of the totality of circumstances,
24 that the use of deadly force was unreasonable." Defendants PEREZ, and DOES 1
25 through 10, inclusive, breached their duty and were negligent and unreasonable in
26 their actions and inactions which included but are not limited to:

27 A. The failure to properly and adequately assess the need to detain, arrest, and
28 use force or deadly force against DECEDENT JORGE SERRANO;

- 1 B. The negligent tactics and handling of the situation with DECEDENT
- 2 JORGE SERRANO, including pre-shooting negligence;
- 3 C. The failure to use alternative means to take into custody including, but not
- 4 limited to, time, space, verbalization, commands, hands on grappling, non-
- 5 deadly impact weapons, less-than-lethal weapons and less-than-lethal
- 6 force;
- 7 D. The negligent detention, arrest, and use of force, including deadly force,
- 8 against DECEDENT JORGE SERRANO;
- 9 E. The failure to provide prompt medical care to DECEDENT JORGE
- 10 SERRANO;
- 11 F. The failure to properly train and supervise employees, both professional
- 12 and non-professional, including Defendants PEREZ, and DOES 1 through
- 13 10, inclusive, including, but not limited to the failure to train to follow the
- 14 LASD Manual of Policies and Procedures;
- 15 G. The failure to ensure that adequate numbers of employees with appropriate
- 16 education and training were available to meet the needs of and protect the
- 17 rights of DECEDENT JORGE SERRANO; and
- 18 H. The violation of Defendant LASD Department Manual of Policies,
- 19 Procedures and training regarding foot pursuits, tactics and use of force;
- 20 violation of other portions of the Manual, tactics and training and the failure
- 21 to follow Police Officer Standards and Training (POST) guidelines and
- 22 learning domains in regards to foot pursuits, tactics and use of force.

23 155. As a direct and proximate result of Defendants' conduct as alleged

24 above, and other undiscovered negligent conduct, DECEDENT was caused to suffer

25 severe pain and suffering and ultimately died and lost earning capacity.

26 156. As a direct and proximate result of the actions of Defendants, Plaintiffs

27 JORGE SERRANO SR. and YURIDIA MIRANDA suffered the loss of their son,

28 DECEDENT JORGE SERRANO, including damages for the loss of DECEDENT's

1 life-long love, companionship, comfort, care, assistance, protection, affection,
2 society, moral support, training and guidance; loss of financial support, sustenance
3 and earning capacity; loss of gifts and benefits; funeral and burial expenses; loss of
4 the reasonable value of household services; loss of relationship with Decedent,
5 including loss of society and companionship and all other damages allowed under
6 state law, including under California’s “Wrongful Death” statute, California Code of
7 Civil Procedure Section 377.60, et seq. and CACI 3921 “Wrongful Death (Death of
8 an Adult).”

9 157. The COUNTY is vicariously liable for the wrongful acts of Defendants
10 PEREZ, and DOES 1 through 10, inclusive, pursuant to sections 815.2(a) and 820 of
11 the California Government Code, which provides that a public entity is liable for the
12 injuries caused by its employees within the scope of the employment if the
13 employee's act would subject him or her to liability.

14 158. The conduct of Defendants PEREZ, and DOES 1 through 10, inclusive,
15 was malicious, wanton, oppressive, and accomplished with a conscious disregard for
16 the rights of Plaintiffs and DECEDENT, entitling Plaintiffs, individually and as
17 successor-in-interest to DECEDENT, to an award of exemplary and punitive
18 damages as to individual Defendants PEREZ, and DOES 1 through 10, inclusive.

19 159. Plaintiffs JORGE SERRANO SR. and YURIDIA MIRANDA bring
20 their claim, individually as an heirs at law of DECEDENT in wrongful death and as
21 successors-in-interest to the DECEDENT and to The ESTATE OF JORGE
22 SERRANO, and in each case, seeks both survival and wrongful death damages for
23 the violation of DECEDENT's rights.

24 **EIGHTH CLAIM FOR RELIEF**

25 **VIOLATION OF CALIFORNIA CIVIL CODE SECTION 52.1**

26 **(Tom Bane Act Violations)**

27 **(By Plaintiffs, JORGE SERRANO SR. and YURIDIA MIRANDA, as**
28 **Successors in Interest to JORGE SERRANO against All Defendants)**

1 160. Plaintiffs repeats and re-alleges each allegation in all the preceding
2 paragraphs of this Complaint with same force and effect as if fully set forth herein.

3 161. This action is brought pursuant to section 52.1 of the California Civil
4 Code. The present action is also brought pursuant to section 820 and 815.2 of the
5 Government Code. Pursuant to section 820 of the California Government Code, as a
6 public employee, Defendants PEREZ, and DOES 1 through 10, inclusive, are liable
7 for injuries caused by their acts or omissions to the same extent as a private person.

8 162. At all times mentioned herein, Defendants PEREZ, and DOES 1 through
9 10, inclusive, were acting within the course and scope of their employment and/or
10 agency with defendant COUNTY OF LOS ANGELES. As such defendant COUNTY
11 OF LOS ANGELES is liable in respondent superior for the injuries caused by the
12 acts and omissions of Defendants PEREZ, and DOES 1 through 10, inclusive,
13 pursuant to section 815.2 of the California Government Code.

14 163. DECEDENT JORGE SERRANO was subjected to excessive force by
15 Defendants PEREZ, and DOES 1 through 10, inclusive, in the form of gunshots fired
16 by said defendants which struck JORGE SERRANO and caused him serious personal
17 injuries from which he eventually died. The shooting was unreasonable and
18 unwarranted as the circumstances under which the shooting occurred did not require
19 the use of any force whatsoever. As an unreasonable use of force, the shooting
20 constituted a violation of JORGE SERRANO constitutional rights against
21 unreasonable searches and seizures protected by the Constitution of the State of
22 California.

23 164. All of the above acts and omissions of Defendants PEREZ, and DOES
24 1 through 10, inclusive were willful, wanton, malicious and oppressive thereby
25 justifying the awarding of exemplary and punitive damages to Plaintiffs as to said
26 defendants.

27 ///

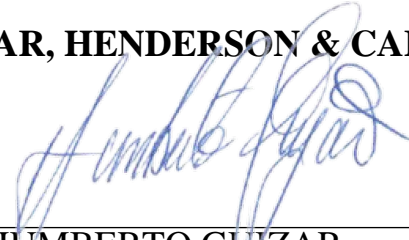
28 ///

- 1 G. For reasonable costs of this suit and attorneys' fees, including pursuant to 42
- 2 U.S.C. § 1988;
- 3 H. For reasonable costs of this suit and attorneys' fees, including pursuant to the
- 4 Tom Bane Act and other state statutes;
- 5 I. For all other damages allowed under federal and state law and;
- 6 J. For such further other relief as the Court may deem just, proper, and
- 7 appropriate.

8 Respectfully Submitted,

9 Dated: August 30, 2020

GUIZAR, HENDERSON & CARRAZCO, LLP

10 

11 By:

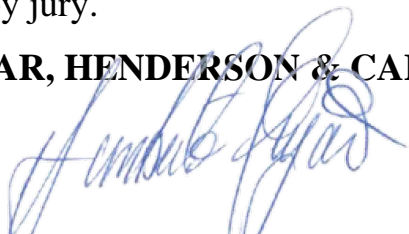
12 _____
 13 HUMBERTO GUIZAR
 14 CHRISTIAN CONTRERAS
 15 Attorney for Plaintiffs,
 16 JORGE SERRANO SR. and YURIDIA
 17 MIRANDA, individually, and as Successors
 18 in Interest to JORGE SERRANO

DEMAND FOR JURY TRIAL

19 Plaintiffs hereby demand a trial by jury.

20 Dated: August 30, 2020

GUIZAR, HENDERSON & CARRAZCO, LLP

21 

22 By:

23 _____
 24 HUMBERTO GUIZAR
 25 CHRISTIAN CONTRERAS
 26 Attorney for Plaintiffs,
 27 JORGE SERRANO SR. and YURIDIA
 28 MIRANDA, individually, and as Successors
 in Interest to JORGE SERRANO