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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

A.P. and I.P., by and through their  
guardian ad litem Diana Perez, in each  
case individually and as successors-in-  
interest to Luis Morin, deceased,

Plaintiffs,

COUNTY OF RIVERSIDE; and DOES  
10, inclusive,

Defendants.

ED CV 14-01793

COMPLAINT FOR DAMAGES

1. Unreasonable Search and Seizure—Detention and Arrest (42 U.S.C. § 1983)
2. Unreasonable Search and Seizure—Excessive Force (42 U.S.C. § 1983)
3. Unreasonable Search and Seizure—Denial of Medical Care (42 U.S.C. § 1983)
4. Due Process—Interference with Familial Relationship (42 U.S.C. § 1983)
5. Municipal Liability – Ratification (42 U.S.C. § 1983)
6. Municipal Liability – Inadequate Training (42 U.S.C. § 1983)
7. Municipal Liability – Unconstitutional Custom, Practice, or Policy (42 U.S.C. § 1983)
8. False Arrest/False Imprisonment
9. Battery (wrongful death)
10. Negligence (wrongful death)
11. Violation of Cal. Civil Code § 52.1

DEMAND FOR JURY TRIAL

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CENTRAL DISTRICT OF CALIFORNIA  
RIVERSIDE

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**COMPLAINT FOR DAMAGES**

COME NOW, Plaintiffs A.P. and I.P., by and through their guardian ad litem Diana Perez, in each case individually and as successors-in-interest to Luis Morin, deceased, for their Complaint against Defendants County of Riverside and Does 1-10, inclusive, and allege as follows:

**JURISDICTION AND VENUE**

1. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3)-(4), because Plaintiffs assert claims arising under the laws of the United States including 42 U.S.C. § 1983 and the Fourth and Fourteenth Amendments of the United States Constitution. This Court has supplemental jurisdiction over Plaintiffs’ claims arising under state law pursuant to 28 U.S.C. § 1367(a), because those claims are so related to the federal claims that they form part of the same case or controversy under Article III of the United States Constitution.

2. Venue is proper in this Court under 28 U.S.C. § 1391(b), because Defendants reside in this district, and all incidents, events, and occurrences giving rise to this action occurred in this district.

**INTRODUCTION**

3. This civil rights and state tort action seeks compensatory and punitive damages from Defendants for violating various rights under the United States Constitution and state law in connection with the fatal sheriff’s shooting of Plaintiffs’ father, Luis Morin (“DECEDENT”), on January 27, 2014.

**PARTIES**

4. At all relevant times, Decedent Luis Morin was an individual residing in the County of Riverside, California.

1           5.       Plaintiffs A.P. and I.P. are minor individuals residing in the County of  
2 Riverside, California and are natural born children of DECEDENT. A.P. and I.P.  
3 are represented by and through their guardian ad litem Diana Perez, who is the  
4 natural mother of A.P. and I.P. and not a plaintiff to this action. A.P and I.P. sue  
5 both in their individual capacities as the children of DECEDENT and in a  
6 representative capacity as successors-in-interest to DECEDENT pursuant to  
7 California Code of Civil Procedure § 377.60. A.P and I.P. seek both survival and  
8 wrongful death damages under federal and state law.

9           6.       At all relevant times, Defendant COUNTY OF RIVERSIDE  
10 (“COUNTY”) is and was a municipal corporation existing under the laws of the  
11 State of California. COUNTY is a chartered subdivision of the State of California  
12 with the capacity to be sued. COUNTY is responsible for the actions, omissions,  
13 policies, procedures, practices, and customs of its various agents and agencies,  
14 including the Riverside County Sheriff’s Department and its agents and employees.  
15 At all relevant times, COUNTY was responsible for assuring that the actions,  
16 omissions, policies, procedures, practices, and customs of the Riverside County  
17 Sheriff’s Department and its employees and agents complied with the laws of the  
18 United States and of the State of California. At all relevant times, COUNTY was  
19 the employer of Defendants DOES 1-10.

20           7.       Defendants DOES 1-5 are sheriff’s deputies for the Riverside County  
21 Sheriff’s Department. DOES 1-5 were acting under color of law within the course  
22 and scope of their duties as sheriff’s deputies for the Riverside County Sheriff’s  
23 Department. DOES 1-5 were acting with the complete authority and ratification of  
24 their principal, Defendant COUNTY.

25           8.       Defendants DOES 6-8 are supervisory officers for the Riverside  
26 County Sheriff’s Department who were acting under color of law within the course  
27 and scope of their duties as sheriff’s deputies for the Riverside County Sheriff’s  
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1 Department. DOES 6-8 were acting with the complete authority and ratification of  
2 their principal, Defendant COUNTY.

3 9. Defendants DOES 9-10 are managerial, supervisory, and  
4 policymaking employees of the Riverside County Sheriff's Department, who were  
5 acting under color of law within the course and scope of their duties as managerial,  
6 supervisory, and policymaking employees for the Riverside County Sheriff's  
7 Department. DOES 9-10 were acting with the complete authority and ratification of  
8 their principal, Defendant COUNTY.

9 10. On information and belief, DOES 1-10 were residents of the County of  
10 Riverside.

11 11. In doing the acts and failing and omitting to act as hereinafter  
12 described, Defendants DOES 1-5 were acting on the implied and actual permission  
13 and consent of Defendants DOES 6-10.

14 12. In doing the acts and failing and omitting to act as hereinafter  
15 described, Defendants DOES 1-10 were acting on the implied and actual permission  
16 and consent of the COUNTY.

17 13. The true names and capacities, whether individual, corporate,  
18 association or otherwise of Defendants DOES 1-10, inclusive, are unknown to  
19 Plaintiffs, who otherwise sue these Defendants by such fictitious names. Plaintiffs  
20 will seek leave to amend this complaint to show the true names and capacity of  
21 these Defendants when they have been ascertained. Each of the fictitiously-named  
22 Defendants is responsible in some manner for the conduct or liabilities alleged  
23 herein.

24 14. At all times mentioned herein, each and every defendant was the agent  
25 of each and every other defendant and had the legal duty to oversee and supervise  
26 the hiring, conduct, and employment of each and every defendant.

27 15. All of the acts complained of herein by Plaintiffs against Defendants  
28 were done and performed by said Defendants by and through their authorized

1 agents, servants, and/or employees, all of whom at all relevant times herein were  
2 acting within the course, purpose, and scope of said agency, service, and/or  
3 employment capacity. Moreover, Defendants and their agents ratified all of the acts  
4 complained of herein.

5 16. DOES 1-10 are sued in their individual capacity.

6 17. On May 22, 2014, Plaintiffs filed comprehensive and timely claims for  
7 damages with the County of Riverside pursuant to applicable sections of the  
8 California Government Code.

9 18. On May 28, 2014, Plaintiffs filed an amended claim with the County of  
10 Riverside pursuant to applicable sections of the California Government Code.

11 19. On June 10, 2014, the County of Riverside denied said claims.

12

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

14 20. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
15 through 19 of this Complaint with the same force and effect as if fully set forth  
16 herein.

17 21. On January 27, 2014, Luis Morin (“DECEDENT”) was riding home  
18 with his mother at approximately 9:45 p.m. When they reached his mother’s home,  
19 located in the 48-800 block of Camino Real, DECEDENT exited the vehicle and  
20 began walking backwards while looking at his cell phone. DECEDENT then looked  
21 behind him and observed a sheriff’s deputy (Defendant “DOE 1”) who had just  
22 emerged from a hiding place. DECEDENT ran away from Defendant DOE 1 across  
23 his mother’s yard. Defendant DOE 1 tackled DECEDENT to the ground. The pair  
24 landed in DECEDENT’s mother’s driveway, with Defendant DOE 1 on top of  
25 DECEDENT and one of DECEDENT’s arms trapped beneath his body. Defendant  
26 DOE 1 then unholstered his gun and shot DECEDENT once in the back at close  
27 range. Prior to shooting DECEDENT, DOE 1 gave no warning that he was going to  
28 use deadly force. At no point did DECEDENT resist arrest, nor was he ever

1 physically or verbally combative or assaultive. Several family members, including  
2 children, witnessed the shooting. DECEDENT died on the scene approximately  
3 thirty minutes after being shot.

4 22. After being shot, DECEDENT was immobile, bleeding profusely, and  
5 in obvious and critical need of emergency medical care and treatment. Defendant  
6 DOE 1 did not timely summon medical care or permit medical personnel to treat  
7 DECEDENT. The delay of medical care to DECEDENT caused DECEDENT  
8 extreme physical and emotional pain and suffering, and was a contributing cause of  
9 DECEDENT's death.

10 23. The use of deadly force against DECEDENT was excessive and  
11 objectively unreasonable under the circumstances, and DECEDENT did not pose an  
12 immediate threat of death or serious bodily injury to anyone at the time of the  
13 shooting.

14 24. Plaintiffs I.P. and A.P. are DECEDENT's successors-in-interest as  
15 defined in Section 377.11 of the California Code of Civil Procedure and succeed to  
16 DECEDENT's interest in this action as the biological children of DECEDENT.

17  
18 **FIRST CLAIM FOR RELIEF**

19 **Unreasonable Search and Seizure—Detention and Arrest (42 U.S.C. § 1983)**

20 (Against Defendant DOE 1)

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

24 26. Defendant DOE 1 detained DECEDENT without reasonable suspicion  
25 and arrested him without probable cause.

26 27. When Defendant DOE 1 pointed a gun at DECEDENT, shot  
27 DECEDENT, and placed him in handcuffs, he violated DECEDENT's right to be  
28 secure in his person against unreasonable searches and seizures as guaranteed to

1 DECEDENT under the Fourth Amendment to the United States Constitution and  
2 applied to state actors by the Fourteenth Amendment.

3 28. Defendant DOE 1 was acting under color of state law.

4 29. The conduct of Defendant DOE 1 was willful, wanton, malicious, and  
5 done with reckless disregard for the rights and safety of DECEDENT, and therefore  
6 warrants the imposition of exemplary and punitive damages as to Defendant DOE 1.

7 30. Plaintiffs A.P. and I.P. bring this claim individually and as successors-  
8 in-interest to DECEDENT, and seek both survival and wrongful death damages for  
9 the violation of DECEDENT's rights.

10 31. Plaintiffs seek damages for Decedent's pain and suffering and loss of  
11 enjoyment of life.

12 32. Plaintiffs seek attorney fees under this claim. Plaintiffs are also seeking  
13 funeral and burial expenses and loss of financial support.

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**SECOND CLAIM FOR RELIEF**

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**Unreasonable Search and Seizure—Excessive Force (42 U.S.C. § 1983)**

17

(Against Defendant DOE 1)

18

19 33. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
20 through 32 of this Complaint with the same force and effect as if fully set forth  
21 herein.

22

23 34. Defendant DOE 1's unjustified shooting deprived DECEDENT of his  
24 right to be secure in his person against unreasonable searches and seizures as  
25 guaranteed to DECEDENT under the Fourth Amendment to the United States  
26 Constitution and applied to state actors by the Fourteenth Amendment.

27

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

28

1 36. The shooting was excessive and unreasonable, especially because  
2 DECEDENT was unarmed and posed no immediate threat of death or serious bodily  
3 injury to Defendant DOE 1 or to anyone else at the time of the shooting.

4 37. As a result of the conduct of Defendant DOE 1, DECEDENT died.

5 38. Defendant DOE 1 was acting under color of state law.

6 39. Defendant DOE 1's shooting and use of force violated his training and  
7 standard sheriff's training.

8 40. The conduct of Defendant DOE 1 was willful, wanton, malicious, and  
9 done with reckless disregard for the rights and safety of DECEDENT, and therefore  
10 warrants the imposition of exemplary and punitive damages as to Defendant DOE 1.

11 41. Plaintiffs A.P. and I.P. bring this claim individually and as successors-  
12 in-interest to DECEDENT, and seek both survival and wrongful death damages for  
13 the violation of DECEDENT's rights.

14 42. Plaintiffs seek damages for DECEDENT's pain and suffering and loss  
15 of enjoyment of life.

16 43. Plaintiffs seek attorney fees under this claim. Plaintiffs are also seeking  
17 funeral and burial expenses and loss of financial support.

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**THIRD CLAIM FOR RELIEF**

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**Unreasonable Search and Seizure—Denial of Medical Care (42 U.S.C. § 1983)**

21

(Against Defendant DOE 1)

22

23 44. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
24 through 43 of this Complaint with the same force and effect as if fully set forth  
herein.

25

26 45. The denial of medical care by Defendant DOE 1 deprived  
27 DECEDENT of his right to be secure in his person against unreasonable searches  
28 and seizures as guaranteed to DECEDENT under the Fourth Amendment to the  
United States Constitution and applied to state actors by the Fourteenth Amendment.

1 46. As a result of the foregoing, DECEDENT suffered great physical pain  
2 and emotional distress up to the time of his death, loss of enjoyment of life, loss of  
3 life, and loss of earning capacity.

4 47. Defendant DOE 1 knew that failure to provide timely medical  
5 treatment to DECEDENT could result in further significant injury or the  
6 unnecessary and wanton infliction of pain, but disregarded that serious medical  
7 need, causing DECEDENT great bodily harm and death.

8 48. Defendant DOE 1 was acting under color of state law.

9 49. The conduct of Defendant DOE 1 was willful, wanton, malicious, and  
10 done with reckless disregard for the rights and safety of DECEDENT and therefore  
11 warrants the imposition of exemplary and punitive damages as to Defendant DOE 1.

12 50. Plaintiffs I.P. and A.P. bring this claim as successors-in-interest to  
13 DECEDENT, and seek both survival and wrongful death damages for the violation  
14 of DECEDENT's rights.

15 51. Plaintiffs seek damages for DECEDENT's pain and suffering and loss  
16 of enjoyment of life.

17 52. Plaintiffs seek attorney fees under this claim. Plaintiffs are also seeking  
18 funeral and burial expenses and loss of financial support.

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**FOURTH CLAIM FOR RELIEF**

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**Due Process—Interference with Familial Relationship (42 U.S.C. § 1983)**

22

(Against Defendant DOE 1)

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53. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
through 52 of this Complaint with the same force and effect as if fully set forth  
herein.

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54. Plaintiffs A.P. and I.P. had a cognizable interest under the Due Process  
Clause of the Fourteenth Amendment of the United States Constitution to be free  
from state actions that deprive them of life, liberty, or property in such a manner as

1 to shock the conscience, including but not limited to unwarranted state interference  
2 in Plaintiffs' familial relationship with their father, DECEDENT.

3 55. The aforementioned actions of Defendant DOE 1, along with other  
4 undiscovered conduct, shock the conscience, in that they acted with deliberate  
5 indifference to the constitutional rights of DECEDENT and Plaintiffs, and with  
6 purpose to harm unrelated to any legitimate law enforcement objective.

7 56. Specifically, the following conduct of Defendant DOE 1 shocks the  
8 conscience:

- 9 (a) shooting an unarmed person;  
10 (b) shooting a non-dangerous person; and  
11 (c) shooting that person when that person did not pose a threat.

12 57. Defendant DOE 1 acted under color of state law.

13 58. Defendant DOE 1 thus violated the substantive due process rights of  
14 Plaintiffs to be free from unwarranted interference with their familial relationship  
15 with DECEDENT.

16 59. As a direct and proximate cause of the acts of Defendant DOE 1,  
17 Plaintiffs suffered emotional distress, mental anguish, and pain. Plaintiffs have also  
18 been deprived of the life-long love, companionship, comfort, support, society, care,  
19 and sustenance of DECEDENT, and will continue to be so deprived for the  
20 remainder of their natural lives.

21 60. The conduct of Defendant DOE 1 was willful, wanton, malicious, and  
22 done with reckless disregard for the rights and safety of DECEDENT and Plaintiffs  
23 and therefore warrants the imposition of exemplary and punitive damages as to  
24 Defendants Defendant DOE 1.

25 61. Plaintiffs bring this claim individually and as successors in interest to  
26 DECEDENT, and seek wrongful death and survival damages for the violation of  
27 DECEDENT's rights.

28





1 omissions also caused DECEDENT's pain and suffering, loss of enjoyment of life,  
2 and death.

3 79. Accordingly, Defendant COUNTY is liable to Plaintiffs for  
4 compensatory damages under 42 U.S.C. § 1983.

5 80. Plaintiffs seek both survival and wrongful death damages under this  
6 claim.

7 81. Plaintiffs also seek attorney fees under this claim. Plaintiffs are also  
8 claiming funeral and burial expenses.

9  
10 **SEVENTH CLAIM FOR RELIEF**

11 **Municipal Liability – Unconstitutional Custom or Policy (42 U.S.C. § 1983)**

12 (Against Defendant COUNTY)

13 82. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
14 through 81 of this Complaint with the same force and effect as if fully set forth  
15 herein.

16 83. Defendant DOE 1 acted under color of state law;

17 84. Defendant DOE 1 acted pursuant to an expressly adopted official  
18 policy or a longstanding practice or custom of the Defendant COUNTY.

19 85. On information and belief, Defendant DOE 1 was not disciplined,  
20 reprimanded, retrained, suspended, or otherwise penalized in connection with  
21 Decedent's death.

22 86. Defendants COUNTY and Defendant DOE 1, together with other  
23 COUNTY policymakers and supervisors, maintained, inter alia, the following  
24 unconstitutional customs, practices, and policies:

- 25 (a) Using excessive force, including excessive deadly force;  
26 (b) Providing inadequate training regarding the use of deadly force;  
27 (c) Employing and retaining as police officers individuals such as  
28 Defendant DOE 1, who Defendant COUNTY at all times

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material herein knew or reasonably should have known had dangerous propensities for abusing his authority and for using excessive force;

(d) Inadequately supervising, training, controlling, assigning, and disciplining COUNTY deputies, and other personnel, including Defendant DOE 1, who Defendant COUNTY knew or in the exercise of reasonable care should have known had the aforementioned propensities and character traits;

(e) Maintaining grossly inadequate procedures for reporting, supervising, investigating, reviewing, disciplining and controlling misconduct by COUNTY deputy Defendant DOE 1;

(f) Failing to adequately discipline COUNTY sheriff's deputies for the above-referenced categories of misconduct, including "slaps on the wrist," discipline that is so slight as to be out of proportion to the magnitude of the misconduct, and other inadequate discipline that is tantamount to encouraging misconduct;

(g) Announcing that unjustified shootings are "within policy," including shootings that were later determined in court to be unconstitutional;

(h) Even where shootings are determined in court to be unconstitutional, refusing to discipline, terminate, or retrain the officers involved;

(i) Encouraging, accommodating, or facilitating a "blue code of silence," "blue shield," "blue wall," "blue curtain," "blue veil," or simply "code of silence," pursuant to which police officers do not report other officers' errors, misconduct, or crimes. Pursuant to this code of silence, if questioned about an incident of misconduct involving another officer, while following the code,

1 the officer being questioned will claim ignorance of the other  
2 officers' wrongdoing.

- 3 (j) Maintaining a policy of inaction and an attitude of indifference  
4 towards soaring numbers of police shootings, including by  
5 failing to discipline, retrain, investigate, terminate, and  
6 recommend officers for criminal prosecution who participate in  
7 shootings of unarmed people.

8 87. The aforementioned unconstitutional customs, practices, and policies, in  
9 addition to the ratification of the deficient customs, practices, and policies, are  
10 evidenced by the number of prior cases in which a jury has found force used by a  
11 sheriff's deputy working for the Riverside County Sheriff's Department to be  
12 excessive and unreasonable. The following cases are only a few examples of  
13 continued misconduct by sheriff's deputies working for the Riverside County  
14 Sheriff's Department:

- 15 (a) In *Munoz v. County of Riverside*, case number RIC1207941, a jury  
16 returned a verdict of \$1 million after determining that sheriff's deputies  
17 for the Riverside County Sheriff's Department used excessive and  
18 unreasonable force when he shot and killed Mr. Munoz.
- 19 (b) In *Howard v. County of Riverside*, case number 12-cv-00700-VAP-OP,  
20 a jury returned a verdict of \$7.8 million after determining that sheriff's  
21 deputies for the Riverside County Sheriff's Department used excessive  
22 and unreasonable force in shooting an unarmed man.
- 23 (c) In *Bosch v. County of Riverside*, case number EDCV 13-2352 SVW  
24 (FFMx), the County of Riverside settled for \$1.5 million with the  
25 family of an unarmed man who was killed by a sheriff's deputy  
26 working for the Riverside County Sheriff's Department.
- 27 (d) In *Fryer v. County of Riverside*, case number 12-cv-01528-OP, the  
28 County of Riverside settled for \$750,000 with the family of a man who

1 was killed by a sheriff's deputy working for the Riverside County  
2 Sheriff's Department.

3 88. By reason of the aforementioned acts and omissions, Plaintiffs have  
4 suffered loss of the love, companionship, affection, comfort, care, society, training,  
5 guidance, and past and future support of DECEDENT. The aforementioned acts and  
6 omissions also caused DECEDENT's pain and suffering, loss of enjoyment of life,  
7 and death.

8 89. Defendants COUNTY and Defendant DOE 1, together with various  
9 other officials, whether named or unnamed, had either actual or constructive  
10 knowledge of the deficient policies, practices and customs alleged in the paragraphs  
11 above. Despite having knowledge as stated above, these defendants condoned,  
12 tolerated and through actions and inactions thereby ratified such policies. Said  
13 defendants also acted with deliberate indifference to the foreseeable effects and  
14 consequences of these policies with respect to the constitutional rights of  
15 DECEDENT, Plaintiffs, and other individuals similarly situated.

16 90. By perpetrating, sanctioning, tolerating and ratifying the outrageous  
17 conduct and other wrongful acts, Defendant DOE 1 acted with intentional, reckless,  
18 and callous disregard for the life of DECEDENT and for DECEDENT's and  
19 Plaintiffs' constitutional rights. Furthermore, the policies, practices, and customs  
20 implemented, maintained, and still tolerated by Defendants COUNTY and DOES 1-  
21 10 were affirmatively linked to and were a significantly influential force behind the  
22 injuries of DECEDENT and Plaintiffs.

23 91. Accordingly, Defendants COUNTY is liable to Plaintiffs for  
24 compensatory damages under 42 U.S.C. § 1983.

25 92. Plaintiffs bring this claim in each case individually and as successors-  
26 in-interest to Decedent, and in each case seek both survival and wrongful death  
27 damages under this claim.

28

1 93. Plaintiffs also seek attorney fees under this claim. Plaintiffs are also  
2 claiming funeral and burial expenses and a loss of financial support.

3  
4 **SIXTH CLAIM FOR RELIEF**

5 **False Arrest/False Imprisonment**

6 (Against Defendant DOE 1 and COUNTY)

7 94. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1  
8 through 93 of this Complaint with the same force and effect as if fully set forth  
9 herein.

10 95. Defendant DOE 1, while working as a sheriff's deputy for the  
11 Riverside County Sheriff's Department and acting within the course and scope of  
12 his duties, intentionally deprived DECEDENT of his freedom of movement by use  
13 of force, threats of force, menace, fraud, deceit, and unreasonable duress for an  
14 appreciable amount of time. Defendant DOE 1 detained DECEDENT without  
15 reasonable suspicion and arrested him without probable cause.

16 96. DECEDENT did not knowingly or voluntarily consent.

17 97. The conduct of Defendant DOE 1 was a substantial factor in causing  
18 the harm to DECEDENT.

19 98. Defendant City is vicariously liable for the wrongful acts of Defendants  
20 Defendant DOE 1 pursuant to section 815.2(a) of the California Government Code,  
21 which provides that a public entity is liable for the injuries caused by its employees  
22 within the scope of the employment if the employee's act would subject him or her  
23 to liability.

24 99. The conduct of Defendant DOE 1 was malicious, wanton, oppressive,  
25 and accomplished with a conscious disregard for the rights of DECEDENT, entitling  
26 Plaintiffs to an award of exemplary and punitive damages.

27 100. As a result of his misconduct, Defendants Defendant DOE 1 is liable  
28 for DECEDENT's injuries.

1 101. Plaintiffs bring this claim in each case individually and as a successor  
2 in interest to Decedent, and they seek wrongful death damages for the violation of  
3 Decedent's rights.

4  
5 **SEVENTH CLAIM FOR RELIEF**

6 **Battery**

7 (wrongful death)

8 (Against Defendants COUNTY and DOE 1)

9 102. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
10 through 101 of this Complaint with the same force and effect as if fully set forth  
11 herein.

12 103. DOE 1, while working as a sheriff's deputy for the Riverside County  
13 Sheriff's Department, and acting within the course and scope of his duties,  
14 intentionally shot DECEDENT with a department-issued firearm. As a result of the  
15 actions of DOE 1, DECEDENT suffered severe pain and suffering and ultimately  
16 died from his injuries. DOE 1 had no legal justification for using force against  
17 DECEDENT, and his use of force while carrying out his duties as a sheriff's deputy  
18 was an objectively unreasonable and nonprivileged use of force.

19 104. As a direct and proximate result of the conduct of DOE 1 as alleged  
20 above, DECEDENT sustained injuries and died from his injuries and also lost his  
21 earning capacity.

22 105. Also as a direct and proximate result of the conduct of DOE 1 as  
23 alleged above, Plaintiffs have also been deprived of the life-long love,  
24 companionship, comfort, support, society, care and sustenance of DECEDENT, and  
25 will continue to be so deprived for the remainder of their natural lives. Plaintiffs are  
26 also claiming funeral and burial expenses and loss of financial support.

27 106. The COUNTY is vicariously liable for the wrongful acts of Defendant  
28 DOES 1 pursuant to section 815.2(a) of the California Government Code, which

1 provides that a public entity is liable for the injuries caused by its employees within  
2 the scope of the employment if the employee's act would subject him or her to  
3 liability.

4 107. Plaintiffs bring this claim in each case individually and as a successor  
5 in interest to DECEDENT, and they seek wrongful death damages for the violation  
6 of DECEDENT's rights.

7  
8 **EIGHTH CLAIM FOR RELIEF**

9 **Negligence**

10 (wrongful death)

11 (Against Defendants COUNTY and DOE 1)

12 108. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
13 through 107 of this Complaint with the same force and effect as if fully set forth  
14 herein.

15 109. The actions and inactions of Defendant DOE 1 were negligent and  
16 reckless, including but not limited to:

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

1 110. As a direct and proximate result of Defendant DOE 1's conduct as  
2 alleged above, and other undiscovered negligent conduct, DECEDENT was caused  
3 to suffer severe pain and suffering and ultimately died. Also as a direct and  
4 proximate result of Defendants' conduct as alleged above, Plaintiffs suffered  
5 emotional distress and mental anguish. Plaintiffs also have been deprived of the  
6 life-long love, companionship, comfort, support, society, care and sustenance of  
7 DECEDENT, and will continue to be so deprived for the remainder of their natural  
8 lives.

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

14 112. Plaintiffs bring this claim in each case individually and as a successor  
15 in interest to DECEDENT, and they seek wrongful death damages for the violation  
16 of DECEDENT's rights.

17  
18 **NINTH CLAIM FOR RELIEF**

19 **(Violation of Cal. Civil Code § 52.1)**

20 **(Against Defendants COUNTY and DOE 1)**

21 113. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
22 through 112 of this Complaint with the same force and effect as if fully set forth  
23 herein.

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

27 115. On information and belief, Defendant DOE 1, inclusive, while working  
28 for the COUNTY, and acting within the course and scope of his duties, intentionally

1 committed and attempted to commit acts of violence against DECEDENT, including  
2 by shooting him without justification or excuse, by integrally participating and  
3 failing to intervene in the above violence, and by denying him necessary medical  
4 care.

5 116. When Defendant DOE 1 shot DECEDENT and allowed him to lie  
6 bleeding on the pavement, he interfered with his civil rights to be free from  
7 unreasonable searches and seizures, to due process, to equal protection of the laws,  
8 to medical care, to be free from state actions that shock the conscience, and to life,  
9 liberty, and property.

10 117. On information and belief, Defendants intentionally and spitefully  
11 committed the above acts to discourage DECEDENT from exercising his civil  
12 rights, to retaliate against him for invoking such rights, or to prevent him from  
13 exercising such rights, which they were fully entitled to enjoy.

14 118. On information and belief, DECEDENT reasonably believed and  
15 understood that the violent acts committed by Defendant DOE 1 were intended to  
16 discourage him from exercising the above civil rights, to retaliate against him, or  
17 invoking such rights, or to prevent them from exercising such rights.

18 119. Defendants successfully interfered with the above civil rights of  
19 DECEDENT and Plaintiffs.

20 120. The conduct of Defendants was a substantial factor in causing  
21 Plaintiffs' harms, losses, injuries, and damages.

22 121. The COUNTY is vicariously liable for the wrongful acts of Defendant  
23 DOE 1 pursuant to section 815.2(a) of the California Government Code, which  
24 provides that a public entity is liable for the injuries caused by its employees within  
25 the scope of the employment if the employee's act would subject him or her to  
26 liability.

27 122. Defendants DOES 8-10 are vicariously liable under California law and  
28 the doctrine of *respondeat superior*.

1           123. The conduct of Defendants was malicious, wanton, oppressive, and  
2 accomplished with a conscious disregard for DECEDENT's and Plaintiffs' rights,  
3 justifying an award of exemplary and punitive damages as to Defendant DOE 1.

4           124. Plaintiffs seek both wrongful death and survival damages under this  
5 claim; Plaintiffs also seek attorney fees under this claim.  
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**PRAYER FOR RELIEF**

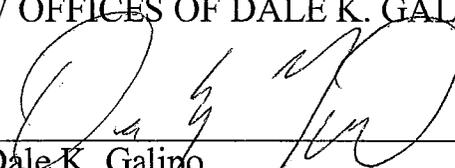
WHEREFORE, Plaintiffs request entry of judgment in their favor and against Defendants County of Riverside and Does 1-10, inclusive, as follows:

- A. For compensatory damages, including both survival damages and wrongful death damages under federal and state law, in the amount to be proven at trial;
- B. For funeral and burial expenses, and loss of financial support;
- C. For punitive damages against the individual defendants in an amount to be proven at trial;
- D. For interest;
- E. For reasonable attorneys' fees, including litigation expenses;
- F. For costs of suit; and
- G. For such further other relief as the Court may deem just, proper, and appropriate.

DATED: August 26, 2014

LAW OFFICES OF DALE K. GALIPO

By



\_\_\_\_\_  
 Dale K. Galipo  
 Attorneys for Plaintiffs

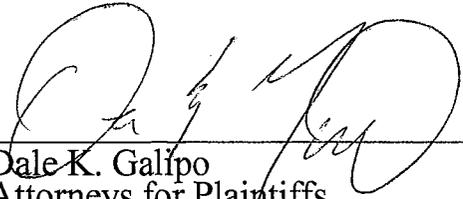
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**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a trial by jury.

DATED: August 26, 2014

LAW OFFICES OF DALE K. GALIPO

Bv   
Dale K. Galipo  
Attorneys for Plaintiffs