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10 ESTATE OF RODNEY COLEMAN, et al.

11 **UNITED STATES DISTRICT COURT**
12
13 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

14
15 ESTATE OF RODNEY COLEMAN,
16 by and through successor in interest,
17 WILLIE MAE BAYLOR; WILLIE
18 MAE BAYLOR, individually,

19 Plaintiffs,

20 v.

21 SAN BERNARDINO SHERIFF'S
22 DEPARTMENT, a public entity,
23 COUNTY OF SAN BERNARDINO, a
24 public entity; and DOES 1 through 10,
25 individually,

26 Defendants.

27 **CASE NO.: 5:23-cv-1586**

28 **COMPLAINT FOR DAMAGES**

- 1. Excessive Force, Fourth Amendment Violation (42 U.S.C. § 1983);
- 2. Denial of Medical Care, Fourth Amendment Violation (42 U.S.C. § 1983);
- 3. Deprivation of the Right to Familial Relationship with Decedent (42 U.S.C. § 1983);
- 4. Policies, Customs, Practices Causing Constitutional Violations (*Monell*, 42 U.S.C. § 1983);

DEMAND FOR JURY TRIAL

1 **JURISDICTION AND VENUE**

2 1. This action is brought pursuant to 42 U.S.C. §§ 1983 and 1988, and the
3 Fourth and Fourteenth Amendments to the United States Constitution. Jurisdiction is
4 conferred upon this Court by 28 U.S.C. §§ 1331 and 1343.

5 2. This Court has the authority to grant the requested declaratory relief
6 pursuant to 28 U.S.C. §§ 2201, as well as Federal Rules of Civil Procedure 57,
7 including pursuant to the Court’s inherent equitable powers.

8 3. Venue is proper within the Central District of California pursuant to 28
9 U.S.C. § 1391(b)(1) and (2) because all Defendants reside within this district and the
10 events and omissions giving rise to Plaintiffs’ claims occurred within this district.

11 **PARTIES**

12 4. Plaintiff WILLIE MAE BAYLOR, is and was, at all times relevant hereto,
13 the natural mother and sole heir of decedent RODNEY COLEMAN, and at all times
14 relevant hereto was a resident of the Shreveport, Louisiana. Plaintiff WILLIE MAE
15 BAYLOR brings these claims pursuant to California Code of Civil Procedure §§
16 377.20 *et seq.* and 377.60 *et seq.*, which provide for survival and wrongful death
17 actions. Plaintiff WILLIE MAE BAYLOR also brings her claims individually and on
18 behalf of decedent RODNEY COLEMAN on the basis of 42 U.S.C. §§ 1983 and 1988,
19 the United States Constitution, federal civil rights law. Plaintiff WILLIE MAE
20 BAYLOR also brings these claims as a Private Attorney General, to vindicate not only
21 her rights, but others’ civil rights of great importance.

22 5. Defendant COUNTY OF SAN BERNARDINO (hereinafter also
23 “COUNTY”) owns, operates, manages, directs and controls Defendant SAN
24 BERNARDINO SHERIFF’S DEPARTMENT (hereinafter also “SBSD”), also a
25 separate public entity,¹ which employs other Doe Defendants in this action. At all times

26 _____
27 ¹ The Ninth Circuit has held that California law permits § 1983 claims against municipal police
28 departments. *See Karim-Panahi v. Los Angeles Police Dep’t*, 839 F.2d 621, 624 n. 2 (9th Cir. 1988)
 (“Municipal police departments are ‘public entities’ under California law and, hence, can be sued in
 federal court for alleged civil rights violations.).

1 relevant to the facts alleged herein, Defendant COUNTY was responsible for assuring
2 that the actions, omissions, policies, procedures, practices and customs of its
3 employees, including SBSD employees complied with the laws and the Constitutions
4 of the United States and of the State of California.

5 6. Plaintiffs are ignorant of the true names and capacities of Defendants DOES
6 1 through 10 (“DOE Defendants”) and therefore sue these Defendants by such fictitious
7 names. Plaintiffs are informed and believe and thereon allege that each Defendant so
8 named is responsible in some manner for the injuries and damages sustained by Plaintiffs
9 as set forth herein. Plaintiffs will amend their complaint to state the names and capacities
10 of each DOE Defendant when they have been ascertained.

11 7. Plaintiff ESTATE OF RODNEY COLEMAN does not yet know of the
12 exact names or titles of the individual defendants sued fictitiously as DOES 1-10,
13 inclusive. However, Plaintiff ESTATE OF RODNEY COLEMAN will seek leave to
14 amend this Complaint to allege such names and titles as that information is ascertained.

15 8. Each of the defendants named herein has caused and is responsible for the
16 unlawful conduct and resulting rights violations suffered by RODNEY COLEMAN,
17 either through personal participation in the conduct; by acting jointly and in concert with
18 those who did; by authorizing, acquiescing, or failing to take action to prevent or
19 intervene in the unlawful conduct; by promulgating policies or procedures pursuant to
20 which the unlawful conduct occurred; by failing and refusing, with deliberate
21 indifference to the rights and wellbeing of Plaintiffs and others similarly situated, to
22 initiate and maintain adequate supervision and/or training of the wrongful actors; or by
23 officially ratifying or endorsing the misconduct of the actors under their supervision,
24 direction, and/or control.

25 9. Whenever and wherever reference is made in a claim for relief to any act
26 or omission by a defendant, such allegation and reference shall also be deemed to mean
27 the acts and omissions of each defendant individually, jointly, and severally.
28 Accordingly, each of the individual defendants is sued in their personal capacities for the

1 harms caused by their acts or omissions, whereas the Defendants COUNTY and SBSB
2 are sued vis-a-vis the unconstitutional policies, practices, customs, training failures,
3 and/or official ratifications that were the moving force behind the individual defendants'
4 misconduct.

5 **FACTUAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

6 10. On August 11, 2021 at approximately 8:55 AM, RODNEY COLEMAN
7 was at a bus stop in the area of Park Ave. and Palmdale Road in Victorville.

8 11. Upon information and belief, RODNEY COLEMAN was no engaging in
9 any violent behavior, was not presenting a danger to any member of the public, and
10 was not engaging in any conduct which required emergency intervention by law
11 enforcement.

12 12. Subsequently, at 9:55 AM, Defendants DOES 1-5, inclusive, arrived to
13 the bus stop at Park Ave. and Palmdale Road in Victorville and contacted RODNEY
14 COLEMAN. Upon information and belief, RODNEY COLEMAN did not consent to
15 the police contact.

16 13. Despite no emergency occurring and despite RODNEY COLEMAN not
17 being a threat to anyone, Defendants DOES 1-5, inclusive, physically detained and
18 handcuffed RODNEY COLEMAN.

19 14. Upon information and belief, when Defendants DOES 1-5, inclusive,
20 detained and handcuffed RODNEY COLEMAN, Defendants DOES 1-5, inclusive,
21 used force on RODNEY COLEMAN. Upon information and belief, Defendants DOES
22 1-5, inclusive, used force on RODNEY COLEMAN despite RODNEY COLEMAN
23 not resisting, not being a threat to the deputies, and not evading arrest by flight.

24 15. Furthermore, RODNEY COLEMAN was exhibiting signs of intoxication
25 and also was short of breath when he was contacted by Defendants DOES 1-5,
26 inclusive. Upon information and belief, it was clear that RODNEY COLEMAN was
27 having difficulties breathing throughout his contact with Defendants DOES 1-5,
28 inclusive.

1 20. Plaintiffs reallege and incorporate herein by reference each of the
2 preceding paragraphs of this complaint, and any subsequent paragraphs.

3 21. Plaintiffs allege that Defendants DOES 1-5, inclusive, used excessive
4 force against RODNEY COLEMAN which deprived RODNEY COLEMAN of his
5 right to be secure in his person against unreasonable searches and seizures as
6 guaranteed to RODNEY COLEMAN under the Fourth Amendment to the United
7 States Constitution and applied to state actors by the Fourteenth Amendment.

8 22. The touchstone of the Fourth Amendment is reasonableness and the force
9 used on RODNEY COLEMAN was fundamentally unreasonable and in violation of
10 RODNEY COLEMAN's Fourth Amendment right to be secure in his person against
11 an unreasonable searches and seizures.

12 23. On August 11, 2021, Defendants DOES 1-5, inclusive, acting in their
13 individual and/or representative capacities, in the course and scope of their
14 employment with SBSB, acting under color of law, used unreasonable and excessive
15 force and violated the constitutional rights of RODNEY COLEMAN when they used
16 more force than necessary under the circumstances and also placed RODNEY
17 COLEMAN in a position which caused positional asphyxia.

18 24. When Defendants DOES 1-5, inclusive, used force on RODNEY
19 COLEMAN and placed RODNEY COLEMAN in a position which caused positional
20 asphyxia, RODNEY COLEMAN did not present a threat to the deputies and was not
21 resisting. Therefore, the force used by Defendants DOES 1-5, inclusive, was
22 objectively unreasonable and therefore in violation of the Fourth Amendment.

23 25. Therefore Defendants DOES 1-5, inclusive, caused the death of
24 RODNEY COLEMAN. By virtue of their misconduct, Defendants DOES 1-5,
25 inclusive, are liable for RODNEY COLEMAN's tragic death, either because these
26 Defendants were integral participants in the use of excessive force, or because they
27 failed to intervene to prevent these violations. Accordingly, Defendants DOES 1-5,
28 inclusive, are liable for all damages recoverable under 42 U.S.C. Section 1983.

1 needs, Defendants DOES 1-5, inclusive, failed to summon medical care in violation of
2 the Fourth Amendment.

3 31. Therefore, Defendants DOES 1-5, inclusive, caused the death of
4 RODNEY COLEMAN. By virtue of their misconduct, Defendants DOES 1-5,
5 inclusive, are liable for RODNEY COLEMAN's tragic death, either because these
6 Defendants were integral participants in the failure to summon medical care, or because
7 they failed to intervene to prevent these violations. Accordingly, Defendants DOES 1-
8 5, inclusive, are liable for all damages recoverable under 42 U.S.C. Section 1983.

9 32. The ESTATE OF RODNEY COLEMAN by this action, further claims all
10 of Plaintiff's attorneys' fees and costs incurred and to be incurred in Plaintiff
11 presenting, maintaining and prosecuting this action under 42 U.S.C. Section 1988.

12 33. The conduct of Defendants DOES 1-5, inclusive was willful, wanton,
13 malicious, and done with reckless disregard for the rights and safety of RODNEY
14 COLEMAN and therefore warrants the imposition of exemplary and punitive damages
15 as to Defendants DOES 1-5, inclusive.

16 **THIRD CLAIM FOR RELIEF**

17 **Deprivation of the Right to Familial Relationship with Decedent,**
18 **Violation of the Fourteenth Amendment to the United States Constitution**
19 **(42 U.S.C. § 1983)**

20 **(By All Plaintiffs As Against DOES 1 through 5)**

21 34. Plaintiffs reallege and incorporate herein by reference each of the
22 preceding paragraphs of this complaint, and any subsequent paragraphs.

23 35. The aforementioned acts and/or omissions of Defendants DOES 1 through
24 5 including the use of excessive force, subjecting RODNEY COLEMAN to positional
25 asphyxia, and failing to summon medical care deprived WILLIE MAE BAYLOR, of
26 her liberty interests in the familial relationship in violation of her substantive due
27 process rights as defined by the Fourteenth Amendments of the Constitution.

28 ///

1 36. Plaintiff WILLIE MAE BAYLOR, as the biological mother of RODNEY
2 COLEMAN, had a cognizable interest under the Due Process Clause of the Fourteenth
3 Amendment of the United States Constitution to be free from state actions that deprive
4 them life, liberty, or property in such a manner as to shock the conscience by being
5 deliberately indifferent to the constitutional rights of the RODNEY COLEMAN and/or
6 by being a purpose to harm unrelated to any legitimate law enforcement objective,
7 including but not limited to unwarranted state interference in Plaintiff’s familial
8 relationship with their son, Decedent SERRANO.

9 37. The aforementioned actions of Defendants DOES 1-5, inclusive, along
10 with other undiscovered conduct, violated the Due Process Clause of the Fourteenth
11 Amendment, shocked the conscience, and interfered with the familial relationship of
12 RODNEY COLEMAN and Plaintiff, in that said Defendants had time to deliberate and
13 then used excessive force, caused positional asphyxia, and failed to summon medical
14 care that shocked the conscience and with a purpose to harm unrelated to any legitimate
15 law enforcement objective in violation of 42 U.S.C. Section 1983 in violation of the
16 constitutional rights of Plaintiff WILLIE MAE BAYLOR.

17 38. Defendants DOES 1-5, inclusive, thus violated the substantive due
18 process rights of Plaintiff WILLIE MAE BAYLOR to be free from unwarranted
19 interference with their familial relationship with RODNEY COLEMAN.

20 39. As a direct and proximate result of the actions of Defendants, Plaintiff
21 WILLIE MAE BAYLOR suffered the loss of her beloved son, RODNEY COLEMAN,
22 including damages for the loss of RODNEY COLEMAN’s life-long love,
23 companionship, comfort, care, assistance, protection, affection, society, moral support;
24 loss of financial support, sustenance and earning capacity; loss of gifts and benefits;
25 funeral and burial expenses; loss of the reasonable value of household services; loss of
26 relationship with RODNEY COLEMAN, including loss of society and companionship.

27 40. WILLIE MAE BAYLOR by this action, further claims all of Plaintiff’s
28 attorneys’ fees and costs incurred and to be incurred in Plaintiff presenting, maintaining

1 and prosecuting this action under 42 U.S.C. Section 1988.

2 41. The conduct of Defendants DOES 1-5, inclusive was willful, wanton,
3 malicious, and done with reckless disregard for the rights and safety of RODNEY
4 COLEMAN and therefore warrants the imposition of exemplary and punitive damages
5 as to Defendants DOES 1-5, inclusive.

6 **FOURTH CLAIM FOR RELIEF**

7 **Municipal Policies, Customs, Practices Causing Constitutional Violations**

8 ***(Monell - 42 U.S.C. § 1983)***

9 **By Plaintiff ESTATE OF RODNEY COLEMAN as Against Defendants**
10 **(COUNTY OF SAN BERNARDINO and SAN BERNARDINO COUNTY**
11 **SHERIFF’S DEPARTMENT AND DOES 6-10)**

12 42. Plaintiffs reallege and incorporate herein by reference each of the
13 preceding paragraphs of this complaint, and any subsequent paragraphs.

14 43. On and for some time prior to August 11, 2021 (and continuing to the
15 present date), Defendants COUNTY, SBSD and DOES 6-10, acting with gross
16 negligence and with reckless and deliberate indifference to the rights and liberties of
17 the public in general, and of Plaintiff and RODNEY COLEMAN, and of persons in
18 their class, situation and comparable position in particular, knowingly maintained,
19 enforced and applied an official recognized custom, policy, and practice of:

- 20 A. Permitting SBSD deputies to restrain individual in such a manner which
21 would cause asphyxiation and lead to death;
- 22 B. Permitting SBSD deputies to not reasonably monitor for signs of asphyxia;
- 23 C. Permitting SBSD deputies to not summon medical care when a subject is in
24 need of medical care;
- 25 D. Placing a subject who needs medical care in a patrol vehicle and not
26 monitoring their condition;
- 27 E. Employing and retaining as deputy sheriffs and other personnel, including
28 Defendants Does 1-5 at all times material herein knew or reasonably should

1 have known had dangerous propensities for abusing their authority and for
2 mistreating citizens by failing to follow written SBSB policies, including the
3 use of excessive force;

4 F. Of inadequately supervising, training, controlling, assigning, and disciplining
5 COUNTY employees and other personnel, including Defendants Does 1-5,
6 whom Defendants COUNTY, SBSB, and Does 6-10 knew or in the exercise
7 of reasonable care should have known had the aforementioned propensities
8 and character traits, including the propensity for violence and the use of
9 excessive force;

10 G. By maintaining grossly inadequate procedures for reporting, supervising,
11 investigating, reviewing, disciplining and controlling the intentional
12 misconduct by Defendants Does 1-5, who are deputies and/or agents of
13 COUNTY and SBSB;

14 H. By failing to discipline COUNTY deputies' and/or agents' conduct, including
15 but not limited to, unlawful detention and excessive force;

16 I. By ratifying the intentional misconduct of Defendants Does 1-5 and other
17 COUNTY deputies and/ or agents, who are COUNTY and SBSB deputies
18 and/or agents of COUNTY and SBSB; and

19 J. By failing to properly investigate claims of unlawful detention and excessive
20 force by SBSB deputies.

21 44. By reason of the policies and practices of Defendants COUNTY, SBSB,
22 and DOES 6-10, RODNEY COLEMAN was severely injured and subjected to pain
23 and suffering and ultimately, lost his life. The aforementioned policies and practices of
24 Defendants.

25 45. Defendants COUNTY, SBSB and DOES 6-10, together with various
26 other officials, whether named or unnamed, had either actual or constructive
27 knowledge of the deficient policies, practices and customs alleged in the paragraphs
28 above. Despite having knowledge as stated above, these defendants condoned,

1 tolerated and through actions and inactions thereby ratified such policies. Said
2 defendants also acted with deliberate indifference to the foreseeable effects and
3 consequences of these policies with respect to the constitutional rights of Decedent,
4 Plaintiff, and other individuals similarly situated.

5 46. By perpetrating, sanctioning, tolerating and ratifying the outrageous
6 conduct and other wrongful acts, Defendants COUNTY, SBSD and DOES 6-10 acted
7 with intentional, reckless, Plaintiff's constitutional rights. Furthermore, the policies,
8 practices, and customs and callous disregard for the life of Decedent and for Decedent's
9 and implemented, maintained, and still tolerated by Defendants COUNTY, SBSD and
10 Does 6-10 were affirmatively linked to and were a significantly influential force behind
11 the injuries of RODNEY COLEMAN and Plaintiff.

12 47. By reason of the acts and omissions of Defendants COUNTY, SBSD and
13 Does 6-10, Plaintiffs were caused to incur damages as stated elsewhere herein.

14 48. By reason of the acts and omissions of Defendants COUNTY, SBSD and
15 Does 6-10, Plaintiff WILLIE MAE BAYLOR has suffered loss of love,
16 companionship, affection, comfort, care, society, and future support of RODNEY
17 COLEMAN.

18 49. The actions of each of Defendants Does 6-10 were willful, wanton,
19 oppressive, malicious, fraudulent, and extremely offensive and unconscionable to any
20 person of normal sensibilities, and therefore warrants the imposition of exemplary and
21 punitive damages as to Defendants Does 6-10.

22 50. Accordingly, Defendants COUNTY, SBSD and Does 6-10 each are liable
23 to Plaintiffs for compensatory damages under 42 U.S.C. § 1983. Plaintiff seeks both
24 wrongful death damages and survival damages under this claim. Plaintiff further claim
25 all of Plaintiff's attorneys' fees and costs incurred and to be incurred in Plaintiff
26 prosecuting this action.

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REQUEST FOR RELIEF

Wherefore, Plaintiffs respectfully requests that the Court enter a judgment as to Defendants as follows:

- A. Loss of support and familial relationships, including loss of love, companionship, comfort, affection, society, services, solace, and moral support;
- B. RODNEY COLEMAN’s coroner’s fees, funeral and burial expenses;
- C. Violation of RODNEY COLEMAN’s constitutional rights, pursuant to federal civil rights law;
- D. RODNEY COLEMAN’s loss of life, pursuant to federal civil rights law;
- E. RODNEY COLEMAN’s conscious pain, suffering, and disfigurement, pursuant to federal civil rights law;
- F. General Damages, including wrongful death and survival damages, in excess of the mandatory amount for jurisdiction in the Unlimited Superior Court;
- G. Non-Economic Damages, including wrongful death and survival damages, according to proof plus all further and proper relief;
- H. Punitive damages as to individual peace officer defendants;
- I. Interest; and
- J. All other damages, penalties, costs, interest, and attorneys’ fees as allowed by 42 U.S.C. §§ 1983 and 1988 and as otherwise may be allowed by California and/or federal law.

Dated: August 8, 2023

**LAW OFFICES OF CHRISTIAN CONTRERAS
A PROFESSIONAL LAW CORPORATION**

By: 
Christian Contreras, Esq.
Attorneys for Plaintiffs,
ESTATE OF RODNEY COLEMAN, et al.

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DEMAND FOR JURY TRIAL

Plaintiffs, ESTATE OF RODNEY COLEMAN and WILLIE MAE BAYLOR
hereby make a demand for a jury trial in this action.

Dated: August 8, 2023

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