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

SHARON KIDD; MEGHAN O’Malley-KAIL;
and MAYA KAIL; LEAH KAIL, individually
and as successor-in-interest to Estate of JUSTIN
KAIL (Decedent),

Plaintiffs,

vs.

SHERIFF CHAD BIANCO, an Individual;
Correctional Deputy GARRETT SCHULTZ, an
Individual; Correctional Deputy MICHAEL
GUNDRY, an Individual; Correctional Deputy
JARED COX, an Individual; Correctional
Deputy AARON ESPANOL, an Individual;
Correctional Deputy JASON JUCO, an
Individual; Correctional Deputy MARIA
CORONEL, an Individual; Correctional Deputy
VINH VUONG, an Individual; Correctional
Sergeant CHRISTIAN MURPHY, an
Individual; Correctional Sergeant BRYAN
BURNETT, an Individual; Correctional
Lieutenant LESLIE URIARTE, an Individual;
Correctional Lieutenant GABRIEL RAMIREZ,
an Individual; Correctional Corporal JARED
WARD SR., an Individual; Sergeant LACY
STUTLER, an Individual; Sergeant JERET

**PLAINTIFFS’ COMPLAINT FOR
DAMAGES AND VIOLATIONS OF
CIVIL RIGHTS PURUSNT TO 42 U.S.C.
§1983 AND WRONGFUL DEATH**

DEMAND FOR JURY TRIAL

1 MCCLELLAN, an Individual; Deputy JACOB
2 HUSKEY, an Individual; Deputy ANDREW
3 CLARK; RIVERSIDE COUNTY SHERIFF'S
4 DEPARTMENT; COUNTY OF RIVERSIDE,
a Government Entity and DOES 1- 25,
Inclusive,

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6 Defendant(s).
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12 **INTRODUCTION**

13 1. This action involves the death of Justin Kail (hereinafter "Mr. Kail" or "Decedent")
14 which is filed by Mr. Kail's surviving mother, Sharon Kidd (hereinafter "Plaintiff Sharon"),
15 surviving wife Meghan O'Malley Kail (hereinafter "Plaintiff Meghan"), and his surviving
16 daughters Maya Kail (hereinafter "Plaintiff Maya"), and Leah Kail (hereinafter "Plaintiff Leah")
17 individually and collectively as ("Plaintiffs"). Mr. Kail died due to an alleged fatal overdose
18 while detained at the Cois Byrd Detention Center in Murrieta, California, County of Riverside.
19 Mr. Kail, as all other inmates, required the highest possible observation while in detention. On or
20 about May 17, 2022, at or near 11:28 p.m., Riverside County Sheriff's Deputies assigned to the
21 Murrieta jail responded to Mr. Kail's jail cell and found him unresponsive. The jail personnel
22 allegedly performed life-saving measures on Mr. Kail; however, they were not successful in their
23 resuscitation efforts and Mr. Kail died inside his jail cell.
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JURISDICTION AND VENUE

2. This Court has jurisdiction over Plaintiffs’ federal claim under 28, U.S.C. §§1331, 1343, as it arises under 42 U.S.C. §1983.

3. This court has personal jurisdiction over all Defendants as Plaintiffs are informed and belief and thereon allege that each defendant is a resident of the State of California.

4. Venue in the United States Central District Court for the Western Division is proper pursuant to 28 U.S.C. §1391(b) because the events giving rise to Plaintiffs’ claim occurred in this district and in the Riverside County which is within this judicial district.

5. Plaintiffs commence this action timely and in accordance with the applicable statutes of limitations and the amount of controversy herein, excluding interest and costs, exceeds the minimum jurisdictional limit of this Court.

PARTIES

PLAINTIFF:

6. Plaintiff Meghan is the surviving spouse of Decedent and has a special interest in this matter that is concrete and therefore has standing to bring this claim as Civil Rights Violation under §1983. PLAINTIFFS were residents of the State of California, Riverside County at the time of the SUBJECT INCIDENT. Pursuant to CCP §377.34(b), effective January 1, 2022, in an action by a Decedent’s Successor-in-Interest on the Decedent’s cause of action, the damages recoverable may include damages for pre-death pain, suffering, and disfigurement since this action is being filed after January 1, 2022, and before January 1, 2026.

7. Plaintiff Maya is the surviving child of Decedent, and has a special interest in this

1 matter that is concrete and therefore has standing to bring this claim as Civil Rights Violation
2 under §1983. Plaintiff was a resident of the State of California, Riverside County at the time of
3 the incident. Under CCP §377.30, a cause of action that survives the death of the person entitled
4 to commence an action or proceeding passes to the Decedent's Successor-in-Interest. Pursuant
5 to CCP §377.34(b), effective January 1, 2022, in an action by a Decedent's Successor-in-Interest
6 on the Decedent's cause of action, the damages recoverable may include damages for pre-death
7 pain, suffering, and disfigurement since this action is being filed after January 1, 2022, and
8 before January 1, 2026.
9

10
11 8. Plaintiff Leah is the surviving child of Decedent, and has a special interest in this matter
12 that is concrete and therefore has standing to bring this claim as Civil Rights Violation under
13 §1983. Plaintiff was a resident of the State of California, Riverside County at the time of the
14 incident. Under CCP §377.30, a cause of action that survives the death of the person entitled to
15 commence an action or proceeding passes to the Decedent's Successor-in-Interest. Pursuant to
16 CCP §377.34(b), effective January 1, 2022, in an action by a Decedent's Successor-in-Interest on
17 the Decedent's cause of action, the damages recoverable may include damages for pre-death
18 pain, suffering, and disfigurement since this action is being filed after January 1, 2022, and
19 before January 1, 2026.
20

21 9. Plaintiff Sharon is the surviving mother of Decedent, and has a special interest in this
22 matter that is concrete and therefore has standing to bring this claim as Civil Rights Violation
23 under §1983. Plaintiff was a resident of the State of California, Riverside County at the time of
24 the incident. Under CCP §377.30, a cause of action that survives the death of the person entitled
25 to commence an action or proceeding passes to the Decedent's Successor-in-Interest. Pursuant
26

1 to CCP §377.34(b), effective January 1, 2022, in an action by a Decedent’s Successor-in-Interest
2 on the Decedent’s cause of action, the damages recoverable may include damages for pre-death
3 pain, suffering, and disfigurement since this action is being filed after January 1, 2022, and
4 before January 1, 2026.
5

6
7 **DEFENDANTS:**

8 10. Plaintiffs are informed and believe and thereon allege that Defendant CHAD
9 BIANCO (“Defendant Bianco”) is a citizen of California, and is and was elected Sheriff,
10 Coroner and Public Administrator of Riverside County Sheriff Department and serves as the
11 Chief Law Enforcement Officer of Riverside County.
12

13 11. Plaintiffs are informed and believe and thereon allege that Defendant GARRETT
14 SCHULTZ (“Defendant Shultz”) is a citizen of California, and is a correctional deputy employed
15 by or an agent of the Riverside County Sheriff Department and Cois M. Byrd Detention Center,
16 located at 30755-B Auld Rd., Murrieta, CA, 92563. He was one of the officers at the aforesaid
17 detention center who responded to the scene and acted under the color of law within the scope of
18 his agency with the Riverside County Sheriff’s Department.
19

20 12. Plaintiffs are informed and believe and thereon allege that Defendant MICHAEL
21 GUNDRY (“Defendant Gundry”) is a citizen of California, and is a correctional deputy
22 employed by or an agent of the Riverside County Sheriff Department and Cois M. Byrd
23 Detention Center, located at 30755-B Auld Rd., Murrieta, CA, 92563. He was one of the officers
24 at the aforesaid detention center who responded to the scene and acted under the color of law
25 within the scope of his agency with the Riverside County Sheriff’s Department.
26

1 at the aforesaid detention center who responded to the scene and acted under the color of law
2 within the scope of his agency with the Riverside County Sheriff's Department.

3 17. Plaintiffs are informed and believe and thereon allege that Defendant JASON JUCO
4 ("Defendant Juco") is a citizen of California, and is a correctional deputy employed by or an
5 agent of the Riverside County Sheriff Department and Cois M. Byrd Detention Center, located at
6 30755-B Auld Rd., Murrieta, CA, 92563. He was one of the officers at the aforesaid detention
7 center who responded to the scene and acted under the color of law within the scope of his
8 agency with the Riverside County Sheriff's Department.
9

10 18. Plaintiffs are informed and believe and thereon allege that Defendant VINH VUONG,
11 ("Defendant Vuong") is a citizen of California, and is a correctional deputy employed by or an
12 agent of the Riverside County Sheriff Department and Cois M. Byrd Detention Center, located at
13 30755-B Auld Rd., Murrieta, CA, 92563. He was one of the officers at the aforesaid detention
14 center who responded to the scene and acted under the color of law within the scope of his
15 agency with the Riverside County Sheriff's Department.
16

17 19. Plaintiffs are informed and believe and thereon allege that Defendant CHRISTIAN
18 MURPHY ("Defendant Murphy") is a citizen of California, and is a correctional sergeant
19 employed by or an agent of the Riverside County Sheriff Department and Cois M. Byrd
20 Detention Center, located at 30755-B Auld Rd., Murrieta, CA, 92563. He was one of the officers
21 at the aforesaid detention center who responded to the scene and acted under the color of law
22 within the scope of his agency with the Riverside County Sheriff's Department.
23

24 20. Plaintiffs are informed and believe and thereon allege that Defendant BRYAN
25 BURNETT ("Defendant Burnett") is a citizen of California, and is a correctional sergeant
26

1 employed by or an agent of the Riverside County Sheriff Department and Cois M. Byrd
2 Detention Center, located at 30755-B Auld Rd., Murrieta, CA, 92563. He was one of the officers
3 at the aforesaid detention center who responded to the scene and acted under the color of law
4 within the scope of his agency with the Riverside County Sheriff's Department.
5

6 21. Plaintiffs are informed and believe and thereon allege that Defendant LESLIE
7 URIARTE ("Defendant Uriarte") is a citizen of California, and is a correctional lieutenant
8 employed by or an agent of the Riverside County Sheriff Department and Cois M. Byrd
9 Detention Center, located at 30755-B Auld Rd., Murrieta, CA, 92563. He was one of the officers
10 at the aforesaid detention center who responded to the scene and acted under the color of law
11 within the scope of his agency with the Riverside County Sheriff's Department.
12

13 22. Plaintiffs are informed and believe and thereon allege that Defendant GABRIEL
14 RAMIREZ ("Defendant Ramirez") is a citizen of California, and is a correctional lieutenant
15 employed by or an agent of the Riverside County Sheriff Department and Cois M. Byrd
16 Detention Center, located at 30755-B Auld Rd., Murrieta, CA, 92563. He was one of the officers
17 at the aforesaid detention center who responded to the scene and acted under the color of law
18 within the scope of his agency with the Riverside County Sheriff's Department.
19

20 23. Plaintiffs are informed and believe and thereon allege that Defendant JARED WARD
21 SR. ("Defendant Ward") is a citizen of California, and is a correctional corporal employed by or
22 an agent of the Riverside County Sheriff Department and Cois M. Byrd Detention Center,
23 located at 30755-B Auld Rd., Murrieta, CA, 92563. He was one of the officers at the aforesaid
24 detention center who responded to the scene and acted under the color of law within the scope of
25 his agency with the Riverside County Sheriff's Department.
26

1 center who responded to the scene and acted under the color of law within the scope of his
2 agency with the Riverside County Sheriff's Department.

3 28. Plaintiffs are informed and believe and thereon allege that Defendants RIVERSIDE
4 COUNTY SHERIFF'S DEPARTMENT ("Sheriff's Dept.") and THE COUNTY OF
5 RIVERSIDE; are, and were at all times herein alleged the Law Enforcement Agency in Riverside
6 County, in the State of California and in the course, scope, direction, and employees of the
7 COUTY OF RIVERSIDE.
8

9 29. Plaintiffs are informed and believe and thereon allege that Defendant COIS BYRD
10 DETENTION CENTER ("Detention Center"), located at 30755-B Auld Road, Murrieta, CA
11 92563, is and was at all times herein alleged a correctional facility within the Riverside County
12 in the State if California.
13

14 **OTHER DEFENDANTS:**

15 30. The true names and capacities, whether individual, plural, corporate, partnership,
16 associate, or otherwise, of Does 1-25, inclusive, are unknown to Plaintiffs who therefore sued
17 said Defendants by such fictitious names. The full extent of the facts linking such fictitiously
18 sued Defendants is unknown to Plaintiffs. Plaintiffs are informed and believe, and thereupon
19 allege, that each of the Defendant designated herein as a Doe was, and is negligent, or in some
20 other actionable manner, responsible for the events and happenings hereinafter referred to, and
21 thereby negligently, or in some other actionable manner, legally and proximately caused the
22 hereinafter described injuries and damages to Plaintiffs. Plaintiffs will hereafter seek leave of the
23 Court to amend this Complaint to show the Defendants' true names and capacities after the same
24 have been ascertained.
25
26

1 **AGENCY & CONCERT OF ACTION:**

2 31. At all times herein mentioned, Defendants, and each of them, hereinabove, were the
3 agents, servants, employees, partners, aiders and abettors, and/or joint venturers of each of the
4 other Defendants named herein and were at all times operating and acting within the scope and
5 purpose of said agency, service, employment, partnership, enterprise, and/or joint venture, and
6 each Defendant has ratified and approved the acts of each of the remaining Defendants.
7

8 **GENERAL ALLEGATIONS**

9 32. Plaintiffs are informed and believe, and thereon allege, that at all times herein
10 mentioned, each Defendant was an agent and/or employee and/or co-conspirator or each
11 remaining Defendants, and in engaging in acts and/or omissions hereinafter alleged, was acting
12 within the scope of such agency, employment, and/or conspiracy, and with the permission and
13 consent of other Co-Defendants.
14

15 33. The acts and omissions of all Defendants were engaged in maliciously, callously,
16 oppressively, wantonly, recklessly, and with deliberate indifference to the rights of Plaintiffs.
17

17 **STATEMENT OF FACTS**

18 34. Decedent was a 31-year-old resident of Winchester, California who was
19 booked at the Cois Byrd Detention Center located in Murrieta, California and under the care,
20 custody, and control of the Riverside County Sheriff's Department at the time of his death.
21

22 35. Plaintiffs are informed and believe and thereon allege that on or May 17,
23 2022, Riverside County Sheriff's Deputy found Mr. Kail in his jail cell unresponsive.
24

25 36. Plaintiffs are informed and believe and thereon allege that while Decedent was inside
26 Cois Byrd Detention Center, he had access to narcotics, including Fentanyl.
27

27 37. Plaintiffs are informed and believe and thereon allege that the Riverside County Sheriff's
28

1 Department and the officers at the Cois Byrd Detention Center in Murrieta knew or should have
2 known that the inmates, including the Decedent were consuming narcotics, including Fentanyl at
3 an alarming rate which could cause death.

4
5 38. Plaintiffs are informed and believe and thereon allege that the Riverside County Sheriff's
6 Department failed to prevent the procurement and the consumption of narcotics, including
7 Fentanyl at the Cois Byrd Detention Center.

8
9 39. Decedent was a loving husband, father and son who lost his life due to the
10 Defendants' negligence in failing to properly secure the facility and the entrance of narcotics into
11 the jail.

12
13 40. Plaintiffs are informed and believe and thereon allege that many inmates, including
14 Decedent lost their lives inside the Cois Byrd Detention Center in Murrieta, California due to
15 similar acts.

16
17 41. Plaintiffs are informed and believe and thereon allege that the Riverside
18 County Sheriff's Department failed to take proper measures to prevent inmates from obtaining
19 and consuming Fentanyl while in custody.

20
21 42. Plaintiffs are informed and believe and thereon allege that Defendants failed to protect
22 Decedent and Decedent's life by providing necessary medical care and drug rehabilitation
23 services while he was detained at the Cois Byrd Detention Center.

24
25 43. Plaintiffs are informed and believe and thereon allege that Defendants were
26 obligated and required by law to take proper measures to prevent the inmates at the Cois Byrd
27 Detention Center from obtaining and consuming narcotics, including Fentanyl.

28 44. Plaintiffs are informed and believe and thereon allege that Defendants

1 failed to conduct a regular welfare check on inmates as required to help Decedent seek medical
2 treatment promptly to save his life.

3 45. Plaintiffs are informed and believe and thereon allege that there were
4 numerous inmate deaths due to Fentanyl or other narcotic substance overdose in the years 2021
5 and 2022, and the Defendants failed to report those deaths to the State Officials.
6

7 46. Plaintiffs are informed and believe and thereon allege that Defendants knew or should
8 have known individuals who are incarcerated, including Decedent are vulnerable to a fatal
9 Fentanyl overdose as contrabands such as Fentanyl can easily enter the detention center.
10

11 47. Plaintiffs are informed and believe and thereon allege that Defendants failed to utilize
12 intense surveillance and other control measures to prevent illicit drugs such as Fentanyl from
13 entering the Cois Byrd Detention Center.

14 48. Plaintiffs are informed and believe and thereon allege that Defendants failed
15 to take even modest actions to prevent the deaths of the inmates due to drug overdose while in
16 custody at the Cois Byrd Detention Center.
17

18 49. Plaintiffs are informed and believe and thereon allege that despite
19 numerous inmate deaths, Defendants failed to tighten the security measures for inmates such as
20 the Decedent to not obtain Fentanyl or narcotics inside the detention center.
21

22 50. Plaintiffs are informed and believe and thereon allege that inmates are at an increased risk
23 of obtaining Fentanyl or other types of narcotic substances for distribution and consumption
24 while detained at the aforesaid detention center; however, Defendants knowingly and/or
25 recklessly disregarded that risk and Decedent's potential death due to Fentanyl overdose by
26 failing to secure the facility and prevent the entrance of illicit drugs.
27

DAMAGES

1
2 51. As a direct result of Defendants', and DOES's 1-25 acts/omissions as herein before
3 described, Plaintiff Sharon suffered the loss of her beloved son; Plaintiff Meghan suffered the
4 loss of her beloved husband, Plaintiff Maya and Plaintiff Leah suffered the loss of their loving
5 father and the right to receive continued support, love and affection from Decedent. It is evident
6 that Plaintiffs have suffered emotional distress, embarrassment, mental and physical pain, pain
7 and suffering, humiliation, and other damages which they will continue to suffer in the future.
8

9 52. Plaintiffs claim damages for Decedent pre-death pain and suffering because Decedent
10 suffered an immense amount of discomfort hours before he passed away as a direct and
11 proximate cause of Defendants' negligent acts and/or omissions. Further, Plaintiffs sustained
12 damages resulting from the loss of aid, affection, comfort, society, and companionship, as well
13 as other benefits and assistance from Decedent as a result of Defendant's deliberate indifference
14 to life, safety, and medical needs.
15

16 53. As a direct result of Defendants' conduct herein before described, Plaintiffs suffered
17 violation of their rights under the Fourteenth Amendment to the United States Constitution as
18 made actionable against Defendants pursuant to 42 U.S.C. §1983, under California Constitution
19 Article §§1 and 7 and under the state tort law, by Defendants' deliberate indifference towards
20 Decedent's safety while being incarcerated; deliberate indifference to assist Decedent to receive
21 the necessary medical treatments for his drug addiction that he was entitled to; and deliberate
22 indifference to Decedent's safety and life.
23

24 54. Therefore, Plaintiffs are entitled to an award of all attorney's costs, fees and litigation
25 costs incurred in pursuing this action for violation of his Civil Rights.
26

CLAIMS FOR RELIEF

**First Claim For Relief
Violation of Civil Rights- 42 U.S.C. §1983- Fourteenth Amendment and Eight
Amendment
Deliberate Indifference to Serious Medical Need
Against all DEFENDANTS**

55. Plaintiffs re-allege and incorporate the allegations set forth in the preceding paragraphs as though fully set forth herein.

56. Plaintiffs are informed and believe and thereon allege that on or May 17, 2022, Riverside County Sheriff's Deputy found Mr. Kail in his jail cell unresponsive.

57. Plaintiffs are informed and believe and thereon allege that while Decedent was inside Cois Byrd Detention Center, he had access to narcotics, including Fentanyl.

58. Plaintiffs are informed and believe and thereon allege that the Riverside County Sheriff's Department and the officers at the Cois Byrd Detention Center in Murrieta knew or should have known that the inmates, including the Decedent were consuming narcotics at an alarming rate which could easily cause an overdose.

59. Plaintiffs are informed and believe and thereon allege that the Riverside County Sheriff's Department had knowledge of prior drug overdoses in the named facility and failed to take proper measures to prevent inmates from obtaining and consuming Fentanyl while in detention center.

60. Plaintiffs are informed and believe and thereon allege that Defendants failed to prevent Decedent, and others, from obtaining and consuming narcotics, including Fentanyl.

61. Plaintiffs are informed and believe and thereon allege that Defendants were obligated

1 and required by law to take proper measures to prevent the inmates at the Cois Byrd Detention
2 Center from obtaining and consuming narcotics, including Fentanyl.

3 62. Plaintiffs are informed and believe and thereon allege that Defendants failed to utilize
4 intense surveillance and other control measures to prevent illicit drugs such as Fentanyl from
5 entering the Cois Byrd Detention Center.
6

7 63. Plaintiffs are informed and believe and thereon allege that Defendants failed to
8 protect Decedent and provide necessary medical care and drug rehabilitation services while he
9 was in Cois Byrd Detention Center.
10

11 64. Plaintiffs are informed and believe and thereon allege that Defendants
12 failed to conduct a regular welfare check on inmates as required to help Decedent seek medical
13 treatment promptly to save his life.

14 65. Decedent had a constitutional right under the Fourteenth Amendment to receive
15 prompt medical and/or health care for his opioid use disorder; however, Defendants and DOES
16 1-25 violated Decedent constitutional right to medical and/or health care when they acted with
17 deliberate indifference to Decedent serious medical needs.
18

19 66. At all times, Defendants and Does 1-25 were acting under the color of law and were
20 acting in the course and scope of their employment with Riverside County Sheriff Department
21 and Cois Byrd Detention Center in Murrieta California.
22

23 67. At all times, Defendants and Does 1-25, knew or should have known that Decedent,
24 and others, had access to Fentanyl, and other illicit narcotics while incarcerated, which ultimately
25 caused the death of the Decedent.

26 68. Plaintiffs are informed and believe and thereon allege that Defendants had prior
27

1 notice and dealings with narcotics, including Fentanyl, found in the named facility which placed
2 Decedent, and other inmates, at an increased risk of obtaining Fentanyl or other types of narcotic
3 substances for distribution and consumption while detained at the aforesaid detention center;
4 however, Defendants knowingly and/or recklessly disregarded this risk and Decedent's potential
5 death due to Fentanyl overdose.
6

7 69. As a direct and proximate result of Defendants' and Does' 1-25
8 acts and omissions that were deliberately indifferent Decedent serious medical and/or health
9 needs, Decedent lost his life due to Fentanyl overdose while in custody and care of Defendants.
10

11 70 . Defendants and Does 1-25 acted with deliberate or reckless disregard to Decedent's
12 constitutionally protected rights, justifying an award of punitive or exemplary damages against
13 Defendants and Does 1-25 in an amount subject to proof at the time of trial in order to deter
14 Defendants and Does 1-25 from deliberately disregarding the inmates' needs for constitutionally
15 protected rights to receive medical and health treatments and to make an example by way of
16 monetary punishment. Further Plaintiffs as a successor-in-interest to Decedent are also entitled to
17 attorneys fees and costs associated with this complaint.
18

19 **Second Claim For Relief**
20 **Violation of Civil Rights- 42 U.S.C. §1983- Fourteenth Amendment**
21 **Right to Familial Association**
22 **Against all DEFENDANTS**

23 71. Plaintiffs re-allege and incorporate the allegations set forth in the preceding
24 paragraphs as though fully set forth herein.

25 72. Plaintiffs are informed and believe and thereon allege that Defendants and Does 1-25
26 were aware that Decedent was a loving and caring husband, son and father who was in their care
27 custody, and control at the Cois Byrd Detention Center in Murrieta California.
28

1 73. Plaintiffs are informed and believe and thereon allege that Defendants knew or should
2 have known that inmates, including Decedent, had access to illicit drugs while in custody, which
3 required Defendants to tighten the security measures at the aforesaid detention center to prevent
4 these inmates from getting access to illicit and deadly drugs.
5

6 74. Plaintiffs are informed and believe and thereon allege that the Riverside
7 County Sheriff's Department had knowledge of drug dealings with Fentanyl in the mentioned
8 facility and failed to take proper measures to prevent inmates, and the Decedent, from obtaining
9 and consuming Fentanyl while detained at the Detention Center.
10

11 75. Plaintiffs are informed and believe and thereon allege that Defendants were aware
12 that due to the Defendant's failure of preventing illicit drugs, such as Fentanyl, from entering the
13 facility, Defendants knowingly and/or recklessly disregarded the risks associated with Fentanyl
14 consumptions and the likelihood of a Fentanyl overdose.
15

16 76. Defendants' and Does 1-25 failure to take intense and proper measures to prevent
17 Decedent from obtaining and consuming Fentanyl inside the detention center, Defendants' and
18 Does' 1-25 deliberate indifference towards Decedent medical needs, and their failure to at least
19 conduct a welfare check on the Decedent while he was inside his detention cell to ensure he was
20 not in danger, amounts to a deliberate indifference to Decedent's safety and thereby to Plaintiffs'
21 constitutional right to companionship and society.
22

23 77. Plaintiffs are informed and believe and thereon allege that Defendants' and Does' 1-
24 25 hereinabove mentioned deliberate indifference, Plaintiffs have been deprived of their liberty
25 interest in the companionship and society of Decedent as Defendants' and Does' 1-25 conduct
26
27

1 shocks the conscience, justifying a ward of punitive or exemplary damages against Defendants
2 and Does 1-25.

3
4 **Third Claim For Relief**
5 **Violation of Civil Rights- 42 U.S.C. § 1983; Art. 1, §§1 and 7, California**
6 **Constitution**
7 **Right to Safety and Life**
8 **Against all DEFENDANTS**

9
10 78. Plaintiffs re-allege and incorporate the allegations set forth in the preceding
11 paragraphs as though fully set forth herein.

12 79. Plaintiffs are informed believe and allege that Defendants and Does 1-25 violated
13 Decedent's rights to life and safety protected under California Constitution Article 1 §1 and §7
14 by failing to take proper measure to ensure the DECEDENT 1 and DECEDENT 2's safety and
15 that they were free from a potential life-threatening harm which could result due to Decedent
16 Fentanyl overdose.

17 80. Defendants' and Does' 1-25 wrongful acts and/or omission were intentional in failing
18 to protect and preserve Decedent's and similarly situated inmates' lives, and each of them were
19 deliberately indifferent to the likely consequences of Decedent's Fentanyl consumption inside
20 the Cois Byrd Detention Center I Murrieta, California.

21 81. As a direct and proximate consequence of Defendants' unlawful conduct, Decedent
22 lost his life; Plaintiff Sharon lost her beloved son; Plaintiff Meghan lost her husband; and
23 Plaintiffs Leah and Maya lost their loving father.

24 82. Defendants' and Does' 1-25 failure to act and/or conduct alleged herein amounts to
25 oppression, fraud or malice within the meaning of Civil Code §3294 and was performed
26 knowingly, intentionally and maliciously, amounting to despicable conduct by reason of which
27

1 Plaintiffs are entitled to an award of exemplary damages against these Defendants in an amount
2 subject to proof at the time of trial in order to deter these Defendants from engaging in similar
3 conducts and to make an example by the way of monetary punishment. Plaintiffs are entitled to
4 attorney's fees and costs of the suit herein pursuant to statute.
5

6 **Fourth Claim For Relief**
7 **Failure to Properly Train and Supervise & Monell Liability for Unconstitutional**
8 **Policy, Practice & Custom- 42 U.S.C. § 1983**
9 **Against RIVERSIDE COUNTY SHERIFF'S DEPARTMENT, RIVERSIDE**
10 **COUNTY, AND DOES 1-25.**

11 83. Plaintiffs re-allege and incorporate the allegations set forth in the preceding paragraphs
12 as though fully set forth herein.

13 84. Plaintiffs are informed and believe, and thereon alleges, that Riverside County's
14 Sheriff's Department and the officers at the Cois Byrd Detention Center are required to utilize
15 intense surveillance and control of the inmates to prevent illicit drugs such as Fentanyl from
16 entering into facilities.

17 85. Plaintiffs are informed and believe and thereon allege that California Department of
18 Corrections and Rehabilitation and California Correctional Health Care Services have
19 implemented the Integrated Substance Use Disorder Treatment ("ISUDT") which detention
20 centers such as the Cois Byrd Detention Center are required to abide by and through which they
21 are required to provide assistance to inmates, including Decedent who suffer from substance use
22 disorder to receive proper treatment.

23 86. Plaintiffs are informed and believe and thereon allege that Defendants and Does 1-25
24 were aware of Decedent's need to receive ISUDT as Decedent had a constitutionally protected
25 right to receive such treatment while he was incarcerated at the Cois Byrd Detention Center.
26

1 However, Defendants and Does 1-25, and each of them knowingly, recklessly and deliberately
2 disregarded Decedent's need for such assistance and caused Decedent to obtain Fentanyl which
3 resulted in him dying due to Fentanyl overdose.
4

5 87. Further, the detention officers are required to promptly assess each inmate and
6 inmate's health and illicit drug use to assess whether a particular inmate suffers from substance
7 use disorder and if so, they are required to assist the inmate to seek treatments under the ISUT
8 program in order to save the inmate's life and to preserve the safety and wellbeing of other
9 inmates inside the detention centers.
10

11 88. Plaintiffs are informed and believe and thereon allege that at many inmates at the
12 Cois Byrd Detention Center lost their lives due to Fentanyl overdose which was never reported
13 to the state officials as it would have prompted the state officials to question the Riverside
14 County Sheriff's Department's and the Cois Byrd Detention Center's officials conduct and
15 failure to undertake necessary measures such as assisting inmates to seek treatments for their
16 substance use disorder, or to at least strengthen the security measures to prevent Fentanyl from
17 entering the detention center.
18

19 89. Defendants Sheriff's Dept.'s and Detention Center's lack of a proper hiring, training,
20 and retention, of the detention center officers who are conduct routine welfare checks on inmates
21 in general and on inmates with drug use history in particular to ensure they are not in danger of
22 an overdose or to assist the aforesaid inmates to receive proper treatments for the drug use
23 disorder as required under the ISUDT was a direct and proximate cause of Plaintiffs' loss of their
24 loved one and Decedent's loss of life inside the Detention Center. Defendants' lack of proper
25
26

1 training, hiring, and retention of detention officers clearly amounts to deliberate indifference to
2 Decedent's well-being and safety.

3 90. Sheriff's Dept.'s and Detention Center's failure to maintain adequate and proper
4 training for its law enforcement officers, including deputy sheriffs and detention center officers
5 to educate them as to the constitutional rights of the inmates general and the inmates with drug
6 use disorder and/or history of drug dealings in particular; to ensure their safety and well-being
7 amounts to deliberate indifference.
8

9 91. Sheriff's Dept. and Detention Center were aware, or should have been aware, of the
10 propensities of its officers in general and the officers inside the Detention Center in particular to
11 abuse their discretion and show reluctance towards inmates who are suffering from drug use
12 disorder and toward ensuring their safety and wellbeing; however, the Sheriff's Dept. and
13 Detention Center failed to adequately train and supervise its officers from violating the afore-
14 mentioned individuals' rights.
15

16 92. Defendants' and Does' 1-25 deliberate indifference to Plaintiffs' constitutional rights,
17 their failure to provide adequate training and supervision to the Detention Center officers and to
18 the Sheriff Deputies that hold the power, authority, insignia, equipment, and resources available
19 to them to protect inmates in situation such as the one in question, amounts to deliberate
20 indifference to citizen's constitutional rights.
21

22 93. Sheriff's Department's inadequate policy and procedures and failure to equip its
23 officers, including officers at the Cois Byrd Detention Center in Murrieta, California with proper
24 training related to dealings with inmates who suffer from drug use disorder, was the direct and
25 proximate cause of the death of Decedent.
26

1 **Fifth Claim For Relief**
2 **Wrongful Death**
3 **Against all DEFENDANTS**

4 94. Plaintiffs reallege and incorporate the allegations set forth in the preceding
5 paragraphs as though fully set forth herein.

6 95. Defendants, and Does 1-25, and each of them, owed a duty of care to
7 Decedent, whom they had taken into custody and booked at the Cois Byrd Detention Center in
8 Murrieta, California to act with ordinary care and prudence to ensure his safety and wellbeing
9 while inside Detention Center. Defendants and Does 1-25, and each of them owed a duty of
10 reasonable care to periodically check on Decedent to make sure she did not pose a threat of harm
11 to himself and/or others to avoid a fatality that could easily occur considering Decedent's
12 Fentanyl use disorder.
13

14 96. Further, Plaintiffs allege that Defendants and Does 1-25 had a duty pursuant to
15 California Department of Corrections and Rehabilitation and California Correctional Health Care
16 Services' programs such as the ISUDT and Cognitive Behavior Interventions ("CBIs") programs
17 to assess and evaluate Decedent for substance use disorder and to provide him with proper
18 treatment if needed in order save his life from Fentanyl overdose.
19

20 97. At all times mentioned herein, Defendants and Does 1-25, and each of them were
21 acting in the course and within the scope of their employment with the Riverside County.
22 Defendants and Does 1-25, and each of them breached their duty of care to Decedent and
23 Plaintiffs by:
24

- 25 (a) failing to promptly get Decedent assessed for eligibility to receive treatments for drug
26 use disorder;

- 1 (b) failing to conduct a welfare check on Decedent while he was in his cell at the
2 Detention center;
- 3 (c) failing to preserve safety of Decedent;
- 4 (d) failing to evaluate available information to determine Decedent's propensity to obtain
5 and consume illicit drugs such as Fentanyl; and
- 6 (e) failing to evaluate safety conditions.

7
8 98. By engaging in the foregoing acts and/or omissions, Defendants, and each of
9 them, breached their duty of care owed to Decedent and Plaintiffs. Further, Riverside County is
10 responsible for the acts of its individual agents and employees under the theory of *respondeat*
11 *superior*.

12
13 99. As a direct and proximate result of Defendants' negligent conduct alleged herein,
14 Plaintiff Sharon lost her son, Plaintiff Meghan lost her husband and Plaintiffs Leah and Maya
15 lost their father. Furthermore, Plaintiffs sustained damages resulting from the loss of aid,
16 affection, comfort, society, and companionship, as well as other benefits and assistance from
17 Decedent as a result of Defendant's and Does' 1-25 negligence.

18
19 100. Further, the conduct and/or omission of Defendants and Does 1-25 amounts to
20 oppression, fraud, or malice within the meaning of Civil Code Section 3294 et seq., and punitive
21 damages should be assessed against each Defendant for the purposes of punishment and for the
22 sake of example.

23
24 **PRAYER FOR RELIEF**

25 WHEREFORE, PLAINTIFFS pray judgment against DEFENDANTS as follows:

- 26 a. General damages according to proof at the time of trial;

- b. Special damages according to proof at the time of trial;
- c. Prejudgment interest;
- d. Punitive Damages, at the time of trial;
- e. Costs of suit incurred herein; and
- f. Attorneys' fees;
- g. Exemplary damages.

DEMAND FOR JURY TRIAL

Plaintiff respectfully demands that the present matter be set for a jury trial.

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Respectfully Submitted by:

THE KHASHAN LAW FIRM, APC
A Professional Law Corporation

Dated: October 1, 2023

By: Lewis Khashan, Esq.

Lewis G. Khashan, Esq.
Attorneys for Sharon Kidd, Meghan O'Malley,
Leah Kail and Maya Kail