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

IRMA RODRIGUEZ, individually and as
Successor in Interest to JESUS
RODRIGUEZ, deceased,

Plaintiff,

v.

COUNTY OF RIVERSIDE, a municipal
entity, and DOES 1 through 10, inclusive,

Defendants.

CASE NO.:

**COMPLAINT FOR DAMAGES AND
DEMAND FOR JURY TRIAL**

- 1. Violations of Civil Rights (42 U.S.C. § 1983) (Based on Unreasonable Use of Deadly Force)**
- 2. Violations of Civil Rights (42 U.S.C. § 1983) (Based on Substantive Due Process Violations)**
- 3. Violations of Civil Rights (Cal. Civ. Code § 52.1)**
- 4. Wrongful Death (Based on Battery)**
- 5. Wrongful Death (Based on Negligence)**

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JURISDICTION AND VENUE

1
2 1. Jurisdiction is vested in this court under 28 U.S.C. § 1343(3)-(4) for
3 violations of the 1871 Civil Rights Enforcement Act, as amended, including 42 U.S.C.
4 § 1983 and 28 U.S.C. § 1331.

5 2. Venue is proper in the Central District of California under 28 U.S.C.
6 § 1391(a)-(b).

PARTIES

7
8 3. Plaintiff IRMA RODRIGUEZ is, and at all relevant times mentioned
9 herein was, a resident of the County of Riverside and State of California. Plaintiff
10 IRMA RODRIGUEZ is the surviving biological mother of decedent JESUS
11 RODRIGUEZ, who lost his life on Sunday February 6, 2023 in the deputy involved
12 shooting that forms the basis of the instant civil action.

13 4. Defendant COUNTY OF RIVERSIDE (“COUNTY”) is and at all relevant
14 times mentioned herein was, a municipal entity or political subdivision of the United
15 States, organized and existing under the laws of the State of California.

16 5. Plaintiff is informed and believes, and there upon alleges, that Defendant
17 DOE DEFENDANTS (“DOE DEFENDANTS”) are, and at all relevant times
18 mentioned herein were, residents of the County of Riverside and State of California.
19 Further, at all times relevant to the acts and omissions herein alleged, Defendant DOE
20 DEFENDANTS were sworn Sheriff’s Department Deputies employed by the Defendant
21 COUNTY and the Riverside Sheriff’s Department.

22 6. On or around August 2, 2023 a timely Claim for Damages was submitted to
23 the County of Riverside, in substantial compliance with California Government Code §
24 910, et seq. on behalf of the plaintiff. At the time of the filing of this Complaint, said
25 Claim has been denied.

26 7. Plaintiff is unaware of the true names and capacities of those Defendants
27 named herein as DOE DEFENDANTS. Plaintiff will amend this Complaint to allege
28

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1 said Defendants’ true names and capacities when that information becomes known to
2 them.

3 8. Plaintiff is informed, believes, and thereon alleges that these DOE
4 DEFENDANTS are legally responsible and liable for the incident, injuries, and
5 damages hereinafter set forth, and that each of said Defendants proximately caused the
6 injuries and damages by reason of negligent, careless, deliberately indifferent,
7 intentional, willful, or wanton misconduct, including the negligent, careless, deliberately
8 indifferent intentional, willful, or wanton misconduct in creating and otherwise causing
9 the incidents, conditions, and circumstances hereinafter set forth, or by reason of direct
10 or imputed negligence or vicarious fault or breach of duty arising out of the matter
11 herein alleged. Plaintiff will seek leave to amend this Complaint to set forth said true
12 names and identities of the unknown named DOE DEFENDANTS when they were
13 ascertained.

14 9. Each of the individual Defendants sued herein is sued both in his individual
15 and personal capacity, as well as in his official capacity.

16 10. Plaintiff is informed, believe, and thereon allege that at all times herein
17 mentioned, each of the Defendants were an agent and/or employee and/or co-conspirator
18 of each of the remaining Defendants, and in doing the things hereinafter alleged, was
19 acting within the scope of such agency, employment, and/or conspiracy and with the
20 permission and consent of other co-Defendants.

21
22 **FACTS COMMON TO ALL COUNTS**

23 11. This Complaint concerns a fatal deputy-involved shooting which occurred
24 during the afternoon hours of Monday, February 6, 2023, at or around 25474 Filaree
25 Avenue, in the city of Moreno Valley, County of Riverside, and State of California,
26 when heretofore unknown Riverside Sheriff’s Department Deputies ("DOE
27 DEFENDANTS"), while acting under the color of law and in the course and scope of
28 their employment with the County of Riverside and the Riverside County Sheriff’s

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1 Department negligently assessed the circumstances presented to them, and then
2 violently confronted JESUS RODRIGUEZ (“MR. RODRIGUEZ”) without having
3 probable cause or reasonable suspicion to believe that Mr. Rodriguez had committed a
4 crime, or would commit a crime in the future.

5 12. During the course of the detention of Plaintiff’s decedent, MR.
6 RODRIGUEZ, DOE DEFENDANTS negligently assessed the circumstances presented
7 to them, and violently confronted MR. RODRIGUEZ. Without warning as to the
8 impending use of lethal force, DOE DEFENDANTS proceeded to assault and batter
9 MR. RODRIGUEZ by acts which included, but were not limited to, repeatedly and
10 unjustifiably discharging a department-issued firearm at the person of MR.
11 RODRIGUEZ, inflicting multiple gunshot wounds to his person. At no time during the
12 course of these events did MR. RODRIGUEZ pose any reasonable or credible threat of
13 violence to the responding deputies, nor did he do anything to justify the force used
14 against him, and the same was deadly, excessive, unnecessary, and unlawful. MR.
15 RODRIGUEZ suffered severe injuries as a direct and proximate result of the gunshot
16 wounds inflicted upon his person by DOE DEFENDANTS, which, after an appreciable
17 period of time passed following the shooting, proved to be fatal.

18 13. Upon information and belief, Plaintiff further contends that DOE
19 DEFENDANTS were negligently hired, trained, and retained by the County of
20 Riverside and the Riverside County Sheriff’s Department, in that it was or should have
21 been plainly obvious to the County of Riverside and the Riverside Sheriff’s Department
22 that DOE DEFENDANTS were dangerous and violent employees, prone to discharge
23 his firearm without reasonable justification, and in a manner that demonstrates callous
24 disregard for the rights and safety of third parties, and to assault and batter, persons
25 and/or use unnecessary, unreasonable, deadly, and/or unlawful physical force without
26 reasonable justification, all of which was a further proximate cause of the injuries
27 sustained by MR. RODRIGUEZ as a result of the subject deputy-involved shooting
28 incident. Plaintiff further contends that the death of Plaintiff’s decedent and the injuries

1 suffered by Plaintiff’s decedent and Plaintiff were the proximate result of
2 unconstitutional policies and customs of the County of Riverside and the Riverside
3 County Sheriff’s Department, which include, but are not limited to, unjustifiably using
4 excessive force, unjustifiably using deadly force against non-dangerous civilians and
5 suspects, inadequately training and supervising patrol deputies with respect to the
6 reasonable and proper use of deadly force, inadequately training and supervising patrol
7 deputies with respect to the reasonable and proper Sheriff procedures for the arrest and
8 detention of mentally ill suspects, as well as the deliberate and conscious approval,
9 endorsement, and ratification of unconstitutional seizures, unconstitutional uses of
10 deadly force, and other unconstitutional acts by authorized final policymakers within the
11 County of Riverside and the Riverside County Sheriff’s Department.

12
13 **FOR THE FIRST CAUSE OF ACTION**
14 **(Survival Action Against DOE DEFENDANTS For Violations of Civil Rights)**
15 **[42 U.S.C. §1983]**
16 **(Based on Unreasonable Use of Deadly Force)**

17 14. Plaintiff restates and incorporates by reference the foregoing paragraphs of
18 this Complaint as if set forth in full at this point.

19 15. This cause of action is in part brought on behalf of decedent JESUS
20 RODRIGUEZ, by and through his Successors in Interest, who would, but for his death,
21 be entitled to bring this cause of action, and is set forth herein to redress the deprivation,
22 under color of statute, ordinance, regulation, policy, custom, practice, and/or usage, of
23 rights, privileges, and/or immunities secured to JESUS RODRIGUEZ by the Fourth
24 Amendment to the Constitution of the United States, which include, but are not limited
25 to, the right to be free from unreasonable governmental seizures of his person.

26 16. Plaintiff is informed, believes, and thereon alleges that at all times
27 mentioned herein, Defendant COUNTY employed the individual Defendants named
28 herein, including DOE DEFENDANTS. Defendant COUNTY provided its individual

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1 employees and agents with official badges and identification cards which designated ad
2 described the bearers as employees of the Defendant COUNTY and the Riverside
3 County Sheriff’s Department.

4 17. At all times relevant to the acts and omissions herein alleged, all individual
5 defendant deputies were employed by the Defendant COUNTY and the Riverside
6 County Sheriff’s Department, and were acting under color of state law and in the course
7 and scope of their employment with Defendant COUNTY and the Riverside County
8 Sheriff’s Department.

9 18. During the afternoon hours of Monday February 6, 2023, Plaintiff’s
10 decedent, JESUS RODRIGUEZ, a mentally ill man, was approached at or around the
11 25474 Filaree Avenue, in the city of Moreno Valley, in the County of Riverside, after
12 which Defendant DOE DEFENDANTS, while acting under color of state law and in the
13 course and scope of their employment with the Defendant COUNTY and the Riverside
14 County Sheriff’s Department, negligently assessed the circumstances presented to them,
15 and then violently confronted Plaintiff’s decedent, JESUS RODRIGUEZ, without
16 having probable cause or reasonable suspicion to believe that JESUS RODRIGUEZ had
17 committed a crime, or would commit a crime in the future.

18 19. Without warning as the impending use of lethal force, DOE
19 DEFENDANTS proceeded to assault and batter JESUS RODRIGUEZ by acts which
20 included, but were not limited to repeatedly and unjustifiably discharging a department-
21 issued firearm at the person of JESUS RODRIGUEZ in a manner that demonstrated
22 deliberate indifference to his constitutional rights. After a significant and appreciable
23 period of time had passed following the shooting, JESUS RODRIGUEZ died as a direct
24 and proximate result of the gunshot wounds inflicted upon his person by Defendant
25 DOE DEFENDANTS.

26 20. At no time during the course of these events did JESUS RODRIGUEZ
27 pose any reasonable or credible threat of death or serious bodily injury to DOE
28 DEFENDANTS, nor did they do anything to justify the force used against him, and the

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1 same was deadly, excessive, unnecessary, and unlawful. Both prior to and during the
2 time in which he was fatally shot, JESUS RODRIGUEZ posed no reasonable or
3 credible threat of death or serious bodily injury to DOE DEFENDANTS, nor to any
4 other individual. Both prior to and during the time in which he was shot dead, JESUS
5 RODRIGUEZ made no aggressive movements, furtive gestures, or physical movements
6 which would suggest to a reasonable peace officer that he had the will, or the ability, to
7 inflict substantial bodily harm upon any individual. Both prior to and during the time in
8 which DOE DEFENDANTS shot and killed JESUS RODRIGUEZ, DOE
9 DEFENDANTS were not faced with any circumstances which would have led a
10 reasonable peace officer to believe that JESUS RODRIGUEZ posed an immediate
11 threat of death or serious bodily injury to any person.

12 21. At all times mentioned herein, DOE DEFENDANTS acted under color and
13 pretense of law, and under color of the statutes, ordinances, regulations, policies,
14 practices, customs, and/or usages of the State of California and the Defendant
15 COUNTY. DOE DEFENDANTS deprived JESUS RODRIGUEZ of the rights,
16 privileges and/or immunities secured to him by the Fourth Amendment to the
17 Constitution of the United States and the laws of the United States, including, but not
18 limited to, the right to be free from unreasonable governmental seizures of his person.

19 22. JESUS RODRIGUEZ had the right to be free from unreasonable
20 governmental seizures of his person, a right which was secured to JESUS
21 RODRIGUEZ, by the provisions of the Fourth Amendment to the United States
22 Constitution, and by 42 U.S.C. §1983. All of these interests were implicated by the
23 wrongful conduct of DOE DEFENDANTS, which proximately caused the death of
24 JESUS RODRIGUEZ.

25 23. Plaintiff is informed, believes, and thereon alleges that in unreasonably
26 seizing the person of JESUS RODRIGUEZ, as described in the foregoing paragraphs of
27 this Complaint, DOE DEFENDANTS acted outside the scope of his jurisdiction and
28 without authorization of law, and acted willfully, maliciously, knowingly, with reckless

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1 disregard and callous indifference to the known consequences of his acts and omissions,
2 and purposefully with the intent to deprive JESUS RODRIGUEZ of his federally
3 protected rights and privileges, and did in fact violate the aforementioned rights and
4 privileges, thereby warranting punitive and exemplary damages against DOE
5 DEFENDANTS in an amount to be proven at the trial of this matter.

6 24. As a direct and proximate result of the wrongful, intentional, and malicious
7 acts and omissions of DOE DEFENDANTS, JESUS RODRIGUEZ was shot and killed
8 on February 6, 2023, and suffered great mental and physical pain, suffering, anguish,
9 fright, nervousness, anxiety, grief, shock, humiliation, indignity, embarrassment,
10 apprehension, and loss of enjoyment of life prior to his death, all to his damage in a sum
11 to be determined at trial.

12 25. As a further proximate result of the wrongful, intentional, and malicious
13 acts and omissions of DOE DEFENDANTS, on JESUS RODRIGUEZ, were required to
14 employ, health care providers and/or medical practitioners to examine, treat, and care
15 for him, and incurred expenses for emergent medical services and medical treatment and
16 care prior to his death in an amount according to proof at trial.

17 26. Plaintiff is entitled to and hereby demands costs, attorneys' fees, and
18 expenses pursuant to 42 U.S.C. § 1988. For such other and further relief as the Court
19 deems just and proper.

20
21 **FOR THE SECOND CAUSE OF ACTION**
22 **(Against DOE DEFENDANTS For Violations of Civil Rights)**
23 **[42 U.S.C. §1983]**
24 **(Based on Substantive Due Process Violations)**

25 27. Plaintiff restates and incorporates by reference the foregoing paragraphs of
26 this Complaint as if set forth in full at this point.

27 28. This cause of action is to redress rights secured to IRMA RODRIGUEZ, as
28 well as decedent JESUS RODRIGUEZ, through the Fourteenth Amendment to United

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1 States Constitution, and the provisions therein protecting citizens' constitutional rights to
2 be free from invasions of privacy and from unwarranted governmental deprivations into
3 their rights of association with their family members.

4 29. In shooting and killing Plaintiff's decedent, as described herein, DOE
5 DEFENDANTS acted in a manner unrelated to any legitimate law enforcement
6 objective, and the manner in which DOE DEFENDANTS shot and killed JESUS
7 RODRIGUEZ, when he posed no reasonable threat of violence, would be considered to
8 shock the conscience, considering the gratuitous and unnecessary amount of deadly
9 force employed by DOE DEFENDANTS. Moreover, the circumstances faced by DOE
10 DEFENDANTS allowed ample time for DOE DEFENDANTS to deliberate as to the
11 propriety of this deputy's actions prior to using deadly force, and before making the
12 conscious decision to continue to use deadly force, which was not a snap judgment.
13 Notwithstanding this, DOE DEFENDANTS nevertheless made the deliberate decision
14 to fire, and continue to fire, multiple rounds at MR. RODRIGUEZ in an unlawful
15 manner as described herein.

16 30. Plaintiff is informed, believes, and thereon alleges that in unreasonably
17 seizing the person of JESUS RODRIGUEZ, as described in the foregoing paragraphs of
18 this Complaint, DOE DEFENDANTS acted outside the scope of their jurisdiction and
19 without authorization of law, and acted willfully, maliciously, knowingly, with reckless
20 disregard and callous indifference to the known consequences of his acts and omissions,
21 and purposefully with the intent to deprive JESUS RODRIGUEZ of his federally
22 protected rights and privileges, and did in fact violate the aforementioned rights and
23 privileges, thereby warranting punitive and exemplary damages against DOE
24 DEFENDANTS in an amount to be proven at the trial of this matter.

25 31. As a direct and proximate result of the wrongful, intentional, and malicious
26 acts and omissions of DOE DEFENDANTS, JESUS RODRIGUEZ was shot and killed
27 on February 6, 2023, and suffered great mental and physical pain, suffering, anguish,
28 fright, nervousness, anxiety, grief, shock, humiliation, indignity, embarrassment,

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1 apprehension, and loss of enjoyment of life prior to his death, and loss of the value of
2 his life, all to his damage in a sum to be determined at trial.

3 32. As a further proximate result of the wrongful, intentional, and malicious
4 acts and omissions of DOE DEFENDANTS on JESUS RODRIGUEZ, Plaintiffs were
5 required to employ, health care providers and/or medical practitioners to examine, treat,
6 and care for him, and incurred expenses for emergent medical services and medical
7 treatment and care prior to his death in an amount according to proof at trial.

8 33. Plaintiff is entitled to and hereby demands costs, attorneys’ fees, and
9 expenses pursuant to 42 U.S.C. § 1988. For such other and further relief as the Court
10 deems just and proper.

11 **FOR THE THIRD CAUSE OF ACTION**
12 **(Against DOE DEFENDANTS For Violations of Civil Rights)**
13 **[Cal Civ. Code Section 52.1]**
14 **(Based on Civil Rights Violations)**

15 34. Plaintiff restates and incorporates by reference the foregoing paragraphs of
16 this Complaint as if set forth in full at this point.

17 35. This cause of action is to redress rights afforded to JESUS RODRIGUEZ
18 under Cal Civ. Code Section 52.1 who suffered constitutional deprivations associated
19 with the deputy involved shooting discussed in the foregoing paragraphs of this
20 Complaint.

21 36. As described in the foregoing paragraphs of this Complaint, in detaining
22 MR. RODRIGUEZ in an unreasonable manner, and later inflicting deadly force on
23 multiple occasions, when the repeated instances of which were unnecessary and
24 unjustified, DOE DEFENDANTS used excessive force on multiple occasions,
25 independent of the coercion inherent in the detention as well as in the uses of deadly
26 force which occurred after DOE DEFENDANTS used lethal force against JESUS
27 RODRIGUEZ.
28

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1 37. As a direct and proximate result of the wrongful, intentional, and malicious
2 acts and omissions of DOE DEFENDANTS, JESUS RODRIGUEZ was shot and killed
3 on February 6, 2023, and suffered great mental and physical pain, suffering, anguish,
4 fright, nervousness, anxiety, grief, shock, humiliation, indignity, embarrassment,
5 apprehension, and loss of enjoyment of life prior to his death, all to his damage in a sum
6 to be determined at trial.

7 38. As a further proximate result of the wrongful, intentional, and malicious
8 acts and omissions of DOE DEFENDANTS on JESUS RODRIGUEZ, Plaintiffs were
9 required to employ, health care providers and/or medical practitioners to examine, treat,
10 and care for him, and incurred expenses for emergent medical services and medical
11 treatment and care prior to his death in an amount according to proof at trial.

12 39. Plaintiff is entitled to and hereby demands costs, attorneys’ fees, and
13 expenses pursuant to Cal. Civ. Code Section 57.1, et seq.

14 **FOR THE FOURTH CAUSE OF ACTION**
15 **(Against all Defendants for Wrongful Death)**
16 **[Cal. Government Code §§ 815.2(a), 820(a)]**
17 **(Based on Battery)**

18 40. Plaintiff restates and incorporates by reference the foregoing paragraphs of
19 this Complaint as if set forth in full at this point.

20 41. All claims asserted herein against the Defendant COUNTY are presented
21 pursuant to the Defendant COUNTY’S vicarious liability for acts and omissions of
22 municipal employees undertaken in the course and scope of their employment pursuant
23 to California Government Code §§ 815.2(a) and 820(a).

24 42. During the subject incident, Plaintiff’s decedent, JESUS RODRIGUEZ,
25 was approached by DOE DEFENDANTS at or around 25474 Filaree Avenue, in the
26 city of Moreno Valley, in the County of Riverside, when DOE DEFENDANTS, while
27 acting under color of law and in the course and scope of their employment with the
28 Defendant COUNTY and the Riverside Sheriff ’s Department, negligently addressed the

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1 circumstances presented to them, and then violently confronted JESUS RODRIGUEZ,
2 without having probable cause or reasonable suspicion to believe that JESUS
3 RODRIGUEZ had committed a crime, or would commit a crime in the future. Without
4 warning, DOE DEFENDANTS proceeded to assault and batter JESUS RODRIGUEZ
5 by acts which included, but were not limited to repeatedly and unjustifiably discharging
6 a department-issued firearm at the person of JESUS RODRIGUEZ, inflicting gunshot
7 wounds, which proved to be fatal.

8 43. As a direct and proximate result of the above-mentioned conduct of DOE
9 DEFENDANTS, JESUS RODRIGUEZ was shot on February 6, 2023. After surviving
10 for an appreciable period of time following the shooting, JESUS RODRIGUEZ died as
11 a direct and proximate result of the gunshot wounds inflicted upon his person by DOE
12 DEFENDANTS.

13 44. At no time during the course of these events did JESUS RODRIGUEZ
14 pose any immediate threat of death or serious bodily injury to DOE DEFENDANTS,
15 nor did he do anything to justify the force used against him, and the same was deadly,
16 excessive, unnecessary, and unlawful. Both prior to and during the time in which he
17 shot dead, JESUS RODRIGUEZ made no aggressive movements, furtive gestures, or
18 physical movements which would suggest to a reasonable peace officer that he had the
19 will, or the ability, to inflict substantial bodily harm upon any individual. Both prior to
20 and during the time in which DOE DEFENDANTS shot and killed JESUS
21 RODRIGUEZ, DOE DEFENDANTS were not faced with any circumstances which
22 would have lead a reasonable Sheriff's Deputy to believe that JESUS RODRIGUEZ
23 posed and immediate threat of death or serious bodily injury to any person.

24 45. Plaintiff is informed, believe, and thereon allege that in shooting JESUS
25 RODRIGUEZ, as described in the foregoing paragraphs of this Complaint, DOE
26 DEFENDANTS acted outside the scope of their jurisdictions and without authorization
27 of law, and acted willfully, maliciously, knowingly, with reckless disregard and callous
28 indifference to the known consequences of his acts and omissions, and purposefully

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1 with the intent to deprive JESUS RODRIGUEZ of his protected rights and privileges,
2 and did in fact violate the aforementioned rights and privileges, thereby warranting
3 punitive damages against DOE DEFENDANTS in an amount to be proven at the trial of
4 this matter.

5 46. As a direct and proximate result of the above-described conduct of DOE
6 DEFENDANTS, and the ensuing death of JESUS RODRIGUEZ, Plaintiff herein, has
7 sustained substantial economic and non-economic damages resulting from the loss of
8 the love, companionship, comfort, care, assistance, protection, affection, society, moral
9 support, training, guidance, services, earnings, and financial support of JESUS
10 RODRIGUEZ in an amount according to proof at trial.

11 47. As a further proximate result of the above-described conduct of DOE
12 DEFENDANTS, and the ensuing death of JESUS RODRIGUEZ, Plaintiff has incurred
13 funeral and burial expenses in an amount according to proof at trial.

14
15 **FOR THE FIFTH CAUSE OF ACTION**
16 **By THE PLAINTIFF**
17 **Against all Defendants for Wrongful Death**
18 **[Cal. Government Code §§ 815.2(a), 820(a)]**
19 **(Based on Negligence)**

20 48. Plaintiff restates and incorporates by reference the foregoing paragraphs of
21 this Complaint as if set forth in full at this point.

22 49. All claims asserted herein against the Defendant COUNTY are presented
23 pursuant to the Defendant COUNTY’S vicarious liability for acts and omissions of
24 municipal employees undertaken in the course and scope of their employment pursuant
25 to California Government Code §§ 815.2(a) and 820(a).

26 50. During the afternoon hours of Monday, February 6, 2023, Plaintiff’s
27 decedent JESUS RODRIGUEZ, was approached by DOE DEFENDANTS at or around
28 25474 Filaree Avenue, in the city of Moreno Valley, County of Riverside in the County
of Riverside, when DOE DEFENDANTS, while acting under color of state law and in

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1 the course and scope of their employment with the Defendant COUNTY and the
2 Riverside Sheriff’s Department, negligently assessed the circumstances presented to
3 them, and then violently confronted Plaintiff’s decedent, JESUS RODRIGUEZ, without
4 having probable cause or reasonable suspicion to believe that JESUS RODRIGUEZ had
5 committed a crime, or would commit a crime in the future. Without warning, DOE
6 DEFENDANTS proceeded to negligently discharge their department-issued firearms at
7 the person of JESUS RODRIGUEZ, inflicting multiple gunshot wounds, which proved
8 to be fatal. After a significant and appreciable period of time had passed following the
9 shooting, JESUS RODRIGUEZ died as a direct and proximate result of the gunshot
10 wounds negligently inflicted upon his person by DOE DEFENDANTS.

11 51. At no time during the course of these events did JESUS RODRIGUEZ
12 pose any immediate threat of death or serious bodily injury to DOE DEFENDANTS,
13 nor did he do anything to justify the force used against him, and the same was deadly,
14 excessive, unnecessary, and unlawful. Both prior to and during the time in which he was
15 fatally shot, JESUS RODRIGUEZ was not armed with any kind of weapon, and posed
16 no immediate threat of death or serious bodily injury to DOE DEFENDANTS, nor to
17 any other individual. Both prior to and during the time in which he was shot dead,
18 JESUS RODRIGUEZ made no aggressive movements, furtive gestures, or physical
19 movements which would suggest to a reasonable peace officer that he had the will, or the
20 ability, to inflict substantial bodily harm upon any individual. Both prior to and during
21 the time, in which DOE DEFENDANTS shot and killed JESUS RODRIGUEZ, DOE
22 DEFENDANTS, were not faced with any circumstances which would have lead a
23 reasonable peace officer to believe that JESUS RODRIGUEZ posed an immediate
24 threat of death or serious bodily injury to any person.

25
26 52. Plaintiff is informed, believes, and thereon alleges that on and before
27
28

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1 February 6, 2023, 2023, DOE DEFENDANTS had a duty to exercise the reasonable and
2 ordinary care which would be expected of similarly situated peace deputies in the use of
3 deadly force, and a duty to exercise the reasonable and ordinary care which would be
4 expected of similarly situated peace deputies in the execution of tactics and procedures
5 in approaching and/or detaining or arresting civilians and suspects who do not pose an
6 immediate threat of death or serious bodily harm to any person. Notwithstanding each
7 of these duties, upon information and belief DOE DEFENDANTS failed to exercise
8 reasonable and ordinary care in committing the acts alleged herein, by actions and
9 inactions which include, but are not limited to, negligently failing to utilize additional
10 departmental resources during the incident involving JESUS RODRIGUEZ, negligently
11 failing to utilize available forms of cover during the incident involving JESUS
12 RODRIGUEZ, negligently failing to maintain a position of tactical advantage during the
13 incident involving JESUS RODRIGUEZ, negligently failing to communicate and/or
14 effectively communicate with JESUS RODRIGUEZ, and with other departmental
15 personnel and resources, during the incident involving JESUS RODRIGUEZ,
16 negligently failing to utilize and/or appropriately utilize less lethal force options and
17 other alternatives less intrusive than deadly force during the incident involving JESUS
18 RODRIGUEZ, negligently failing to deescalate the situation involving JESUS
19 RODRIGUEZ, negligently employing a tactical response to the situation involving
20 JESUS RODRIGUEZ that resulted in the unnecessary and preventable shooting of
21 JESUS RODRIGUEZ, negligently failing to determine the fact that JESUS
22 RODRIGUEZ posed no immediate threat of death or serious bodily injury to any person
23 when he was shot and killed, negligently inflicting physical injury upon JESUS
24 RODRIGUEZ, as described herein, and negligently employing deadly force against
25 JESUS RODRIGUEZ when the same was unnecessary and unlawful. All of these
26 negligent acts proximately cause JESUS RODRIGUEZ’S death on February 6, 2023.
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1 53. As a proximate result of the above-described conduct of the Defendants,
2 and each of them, JESUS RODRIGUEZ was shot and killed on February 6, 2023.

3 54. As a direct and proximate result of the above-described conduct of the
4 Defendants and the ensuing death of JESUS RODRIGUEZ, Plaintiff’s decedent herein,
5 Plaintiff has sustained substantial damages resulting from the loss of the love,
6 companionship, comfort, care, assistance, protection affection, society, moral support,
7 training, guidance, services, earnings, and financial support of JESUS RODRIGUEZ in
8 an amount according to proof at trial, and have incurred substantial funeral and burial
9 expenses.

10 **PRAYER FOR RELIEF**

11
12 **WHEREFORE**, Plaintiff prays for judgment against Defendants as follows:

- 13 1. For funeral and burial related expenses according to proof at trial;
- 14 2. For compensatory damages, including wrongful death damages and
15 surviving damages, in an amount according to proof at trial;
- 16 3. For costs of suit incurred herein;
- 17 4. For attorneys’ fees incurred herein, as provided by law;
- 18 5. For punitive damages against the individual Defendants in their individual
19 capacities in an amount according to proof at trial; and
- 20 6. For such other and further relief as the Court deems just and proper.

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24 (Jury Demand next page)

JURY DEMAND

Plaintiff hereby demands that a jury be impaneled for the trial of this matter.

DATED: 1/24/2024

Respectfully submitted,

THE COCHRAN FIRM CALIFORNIA

By: */s/ Brian T. Dunn*

BRIAN T. DUNN

Attorneys for Plaintiff

THE COCHRAN FIRM – CALIFORNIA
4929 Wilshire Boulevard, Suite 1010, Los Angeles, CA 90010
(323) 435-8205 Telephone • (323) 282-5280 Facsimile

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ATTACHMENTS

THE COCHRAN FIRM – CALIFORNIA
4929 Wilshire Boulevard, Suite 1010, Los Angeles, CA 90010
(323) 435-8205 Telephone • (323) 282-5280 Facsimile

Declaration of Irma Rodriguez

1. The decedent's name who is the subject of this action is JESUS RODRIGUEZ.
2. On February 6, 2023, SAMUEL ARREDONDO lost his life at or around 25474 Filaree Avenue, , in the City of Moreno Valley, County of San Bernardino.
3. No proceeding is now pending in California for the administration of the decedent's estate.
4. I am the decedent's successor in interest (as defined in Section 377.11 of the California Code of Civil Procedure) with respect to the decedent's interest in the instant wrongful death action.
5. No other person has a superior right to commence the action or proceeding or to be substituted for the decedent in the pending action.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read 'Irma Rodriguez', written over a horizontal line.

Irma Rodriguez
Declarant

STATE OF CALIFORNIA

CERTIFICATION OF VITAL RECORD

COUNTY OF RIVERSIDE

RIVERSIDE, CALIFORNIA

3052023051907

CERTIFICATE OF DEATH

3202330033336

1. NAME OF DECEDENT—FIRST (Given) JESUS		2. MIDDLE— ANTONIO		3. LAST (Family) RODRIGUEZ	
4. DATE OF BIRTH: mm/dd/yyyy 12/14/1989					
5. AGE Yrs. 33		6. UNDER ONE YEAR Months 0 Days 0		7. UNDER TWO YEARS Months 0 Days 0	
8. SEX M		9. BIRTH STATE/FOREIGN COUNTRY CA			
10. SOCIAL SECURITY NUMBER 608-32-7755		11. EVER IN U.S. ARMED FORCES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK		12. MARITAL STATUS/SRDP* (at Time of Death) NEVER MARRIED	
13. EDUCATION—Highest Level/Degree (see worksheet on back) 10		14.15. WAS DECEDENT HISPANIC/LATINO/SPANISH? (If yes, see worksheet on back) <input checked="" type="checkbox"/> YES MEXICAN AMERICAN		16. DECEDENT'S RACE—Up to 3 races may be listed (see worksheet on back) <input type="checkbox"/> NO HISPANIC	
17. USUAL OCCUPATION—Type of work for most of life. DO NOT USE RETIRED. NEVER WORKED			18. KIND OF BUSINESS OR INDUSTRY (e.g., grocery store, road construction, employment agency, etc.)		19. YEARS IN OCCUPATION
20. DECEDENT'S RESIDENCE (Street and number, or location) 25474 FILAREE AVENUE					
21. CITY MORENO VALLEY		22. COUNTY/PROVINCE RIVERSIDE		23. ZIP CODE 92551	24. YEARS IN COUNTY 14
25. STATE/FOREIGN COUNTRY CA		27. INFORMANT'S MAILING ADDRESS (Street and number, or rural route number, city or town, state and zip) 25474 FILAREE AVENUE, MORENO VALLEY, CA 92551			
26. INFORMANT'S NAME, RELATIONSHIP IRMA C RODRIGUEZ, MOTHER		28. NAME OF SURVIVING SPOUSE/SRDP*—FIRST			
29. MIDDLE		30. LAST (BIRTH NAME)			
31. NAME OF FATHER/PARENT—FIRST RUBEN		32. MIDDLE		33. LAST RODRIGUEZ	
34. BIRTH STATE JAL, MX		35. NAME OF MOTHER/PARENT—FIRST IRMA		36. MIDDLE	
37. LAST (BIRTH NAME) CUEVAS		38. BIRTH STATE BC, MX			
39. DISPOSITION DATE: mm/dd/yyyy 03/10/2023		40. PLACE OF FINAL DISPOSITION RESIDENCE OF IRMA C RODRIGUEZ 25474 FILAREE AVENUE, MORENO VALLEY, CA 92551			
41. TYPE OF DISPOSITION(S) CREMATE/RESIDENCE		42. SIGNATURE OF EMBALMER JAMES LESLIE SHERMAN		43. LICENSE NUMBER EMB7275	
44. NAME OF FUNERAL ESTABLISHMENT MILLER-JONES MORTUARY & CREMATORY		45. LICENSE NUMBER FD1540		46. SIGNATURE OF LOCAL REGISTRAR GEOFFREY LEUNG, M.D., ED. M.	
47. DATE: mm/dd/yyyy 03/10/2023		101. PLACE OF DEATH RESIDENCE			
102. IF HOSPITAL, SPECIFY ONE <input type="checkbox"/> IP <input type="checkbox"/> ER/OP <input type="checkbox"/> DCA <input type="checkbox"/> Hospice		103. IF OTHER THAN HOSPITAL, SPECIFY ONE <input type="checkbox"/> Nursing Home/LTC <input checked="" type="checkbox"/> Decedent's Home <input type="checkbox"/> Other		104. COUNTY RIVERSIDE	
105. FACILITY ADDRESS OR LOCATION WHERE FOUND (Street and number, or location) 25474 FILAREE AVENUE		106. CITY MORENO VALLEY			
107. CAUSE OF DEATH: Enter the chain of events—diseases, injuries, or complications—that directly caused death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the etiology. DO NOT ABBREVIATE. (A) PENDING		108. DEATH REPORTED TO CORONER? (AT) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO REFERRAL NUMBER 2023-01123		109. BIRDSY PERFORMED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
110. AUTOPSY PERFORMED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		111. USED IN DETERMINING CAUSE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
112. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE GIVEN IN 107					
113. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEM 107 OR 112? (If yes, list type of operation and date.) NO		113A. DECEDENT PREGNANT IN LAST YEAR? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK			
114. I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE DEATH OCCURRED AT THE HOUR, DATE, AND PLACE STATED FROM THE CAUSES STATED: Decedent Abandoned Since Decedent Last Seen Alive		115. SIGNATURE AND TITLE OF CERTIFIER [Signature]		116. LICENSE NUMBER	
117. DATE: mm/dd/yyyy		118. TYPE ATTENDING PHYSICIAN'S NAME, MAILING ADDRESS, ZIP CODE			
119. I CERTIFY THAT IN MY OPINION DEATH OCCURRED AT THE HOUR, DATE, AND PLACE STATED FROM THE CAUSES STATED. MANNER OF DEATH: <input type="checkbox"/> Natural <input type="checkbox"/> Accident <input type="checkbox"/> Homicide <input type="checkbox"/> Suicide <input checked="" type="checkbox"/> Pending Investigation <input type="checkbox"/> Could not be determined		120. INJURED AT WORK? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK		121. INJURY DATE: mm/dd/yyyy	
122. HOUR (24 Hours)		123. PLACE OF INJURY (e.g., home, construction site, wooded area, etc.)			
124. DESCRIBE HOW INJURY OCCURRED (Events which resulted in injury)					
125. LOCATION OF INJURY (Street and number, or location, and city, and zip)					
126. SIGNATURE OF CORONER / DEPUTY CORONER ROSIE ROMERO		127. DATE: mm/dd/yyyy 03/02/2023		128. TYPE NAME, TITLE OF CORONER / DEPUTY CORONER ROSIE ROMERO, DEP CORONER	
STATE REGISTRAR		FAX AUTH.#		CENSUS TRACT	

CERTIFIED COPY OF VITAL RECORD

STATE OF CALIFORNIA }
COUNTY OF RIVERSIDE } SS

This is a true and exact reproduction of the document officially registered and placed on file by the Riverside University Health System, Department of Public Health.

002227920

DATE ISSUED **Jul 25, 2023** 1/3

Dr. Geoffrey Leung, M.D., Ed.M., County Health Officer
RIVERSIDE COUNTY, CALIFORNIA

This copy is not valid unless prepared on an engraved border, displaying the date, seal, and signature of the Registrar.

