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

GILBERT NORIEGA, individually and as) Case No.

successor in interest to Decedent Jason)
Noriega,)

Plaintiff,)

vs.)

COUNTY OF SAN BERNARDINO;)
and DOES 1 through 100, inclusive,)

Defendants.)

COMPLAINT FOR DAMAGES FOR:

1. Due Process – Interference with Familial Relationship (42 U.S.C. 42 § 1983);
2. Excessive / Unreasonable Force (42 U.S.C. § 1983, 4th Amendment);
3. Failure to Provide Medical Care / Condition of Confinement (42 U.S.C. 42 § 1983, 8th and 14th Amendment);
4. State Created Danger Doctrine (42 U.S.C. 42 § 1983, 14th Amendment);
5. Due Process – Deprivation of Life Without Due Process (42 U.S.C. 42 § 1983);
6. Municipal Liability – Unlawful Custom, Practice and/or Policy (42 U.S.C. 42 § 1983);

COMPLAINT FOR DAMAGES

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-) 7. Municipal Liability – Inadequate Training (42 U.S.C. 42 § 1983);
-) 8. Wrongful Death (Cal. Civil Proc. Code § 377.60);
-) 9. Negligence (wrongful death);
-) 10. Violation Of Government Code §845.6 – Failure To Provide Immediate Medical Care;
-) 11. Battery;
-) 12. Cal. Civil Code § 52.1;
-) 13. Medical Negligence.

JURY TRIAL DEMANDED

COMES NOW Plaintiff Gilbert Noriega, individually and as successor in interest to Decedent Jason Noriega, and hereby alleges and complains as follows:

JURISDICTIONAL ALLEGATIONS

1. As this action is brought under 42 U.S.C. § 1983, this court has jurisdiction over this case under its federal question jurisdiction pursuant to 28 U.S.C. § 1331.
2. As the incidents complained of in this action occurred in the County of San Bernardino, State of California, within the territorial jurisdiction of this court, venue properly lies in this court pursuant to 28 U.S.C. § 1391(b)(2).
3. As Plaintiff’s claims brought under California state law arise out of the same transactions and occurrences, and out of a common nucleus of operative facts as the Plaintiff’s federal question claims, this court has jurisdiction over the Plaintiff’s

1 California State law claims under its supplemental jurisdiction under 28 U.S.C. § 1367,
2 and otherwise pursuant to *Mine Workers v. Gibbs*.

3
4 4. Plaintiff timely filed his Government Claim for Damages with Defendant
5 County of San Bernardino and filed this lawsuit within six months of the rejection of his
6 claim.

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8 **GENERAL ALLEGATIONS**

9 5. Plaintiff Gilbert Noriega, is a natural person, who, at all times complained of
10 in this action, resided in the County of San Bernardino, State of California. Gilbert
11 Noriega is also the legal and natural father of Decedent Jason Noriega. Gilbert Noriega
12 sues in his individual capacity as the father of Jason Noriega and also as successor in
13 interest to Jason Noriega. Gilbert Noriega seeks both survival and wrongful death
14 damages under federal and state law.
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18 6. Jason Noriega died intestate on January 13, 2023, as a direct and proximate
19 result of the conduct of the defendants complained of in this action.

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21 7. Defendant County of San Bernardino, hereinafter also referred to as
22 “COUNTY”, is a municipal entity located in the State of California; within the territorial
23 jurisdiction of this court. Defendant COUNTY includes the San Bernardino County
24 Sheriff’s Department and San Bernardino County medical providers, including
25 Arrowhead Regional Medical Center.
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1 8. Defendants DOES 1 through 3, inclusive, are sworn peace officers and / or
2 deputy sheriffs and/or investigators and/or Special Officers and/or a dispatchers and/or
3 some other public officer, public official or employee of defendant COUNTY and/or
4 otherwise employed by the San Bernardino County Sheriff's Department, who in some
5 way committed some or all of the tortious actions (and constitutional violations)
6 complained of in this action, and/or are otherwise responsible for and liable to plaintiff
7 for the acts complained of in this action, whose identities are, and remain unknown to
8 plaintiff, who will amend his complaint to add and to show the actual names of said DOE
9 defendants when ascertained by plaintiff.
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13 9. At all times complained of herein, DOES 1 through 3, inclusive, were acting
14 as individual persons acting under the color of state law, pursuant to their authority as
15 sworn peace officers and/or deputy sheriffs and/or Special Officers and/or Supervisors
16 (i.e. Sergeants, Lieutenants, Captains, Commanders, etc.) and/or dispatchers, employed
17 by the San Bernardino County Sheriff's Department, and were acting in the course of and
18 within the scope of their employment with defendant COUNTY.
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22 10. Defendants 4 through 6, inclusive, are medical doctors and/or doctors of
23 osteopathy and/or nurses and/or physicians assistants and/or any other medical care
24 providers acting under the color of state law, employed by COUNTY and/or COUNTY
25 medical facilities, including Arrowhead Regional Medical Center, and were acting in the
26 course and scope of their employment with defendant COUNTY.
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1 11. Defendants DOES 7 through 10, inclusive, are sworn peace officers and/or
2 the Sheriff and/or Assistant Sheriffs and/or Commanders and/or Captains and/or
3 Lieutenants and/or Sergeants and/or other Supervisory personnel and/or policy making
4 and/or final policy making officials, employed by San Bernardino County Sheriff's
5 Department and/or defendant COUNTY, who are in some substantial way liable and
6 responsible for, or otherwise proximately caused and/or contributed to the occurrences
7 complained of by plaintiff in this action, such as via supervisory liability (i.e. failure to
8 properly supervise, improperly directing subordinate officers, approving actions of
9 subordinate officers), via bystander liability (failing to intervene in and stop unlawful
10 actions of their subordinates and/or other officers), and such as by creating and/or causing
11 the creation of and/or contributing to the creation of the policies and/or practices and/or
12 customs and/or usages of the San Bernardino County Sheriff' Department for, *inter alia*,:
13 1) failing to adequately provide medical care to their inmates; 2) using excessive force
14 against inmates; 3) providing unlawful conditions of confinement; 4) fabricating
15 evidence; and 5) covering up tortious conduct by San Bernardino County Sheriff's
16 Department peace officers.
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23 12. Defendants 7 through 10, inclusive, are liable to plaintiff via supervisory
24 liability (e.g., failure to properly supervise, improperly directing subordinate officers
25 and/or approving unconstitutional actions of subordinate officers), bystander liability
26 (failing to intervene in and stop unlawful actions of their subordinates and/or other
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1 officers), and/or by creating and/or contributing to the creation of the policies, practices,
2 customs, and/or usages of the County of San Bernardino¹ for:

- 3
- 4 a) having a longstanding custom and practice of condoning and/or
5 otherwise failing to prevent² its deputy sheriffs / custodial officers /
6 special officers / other jail personnel from bringing dangerous narcotic
7 drugs like methamphetamine, heroin and methamphetamine into the San
8 Bernardino County Jails, including the West Valley Detention Center, for
9 sales and distribution to inmates at those jail facilities, after being placed
10 on notice that San Bernardino County deputy sheriffs / custodial officers
11 / special officers / other jail personnel have for many years now been
12 doing just that; said conduct resulting in the deaths of many inmates at
13 the various San Bernardino County Jail facilities, including the West
14 Valley Detention Center;
- 15 b) having a longstanding custom and practice of failing to train its deputy
16 sheriffs / custodial officers / special officers / other jail personnel on how
17 and when to provide medical care to jail inmates at the San Bernardino
18 County Jails, including the West Valley Detention Center, who appear to
19 be in serious / acute medical distress;
- 20 c) having a longstanding custom and practice of failing to train its deputy
21 sheriffs / custodial officers / special officers / other jail personnel on how
22 to prevent inmates and others from bringing illicit drugs, including
23 dangerous narcotics and amphetamines, into the San Bernardino County
24 Jails, including the West Valley Detention Center;
- 25 d) failing to take reasonable measures and precautions to prevent inmates

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27 ¹ And/or some other public entity.

28 ² Via failing to discipline and/or failing to otherwise take corrective measures to prevent, such as the screening of San Bernardino County Jail deputy sheriffs, Sheriff's special officers, custodial assistants and other jail staff and personnel.

1 and others from bringing illicit drugs, including dangerous narcotics and
2 amphetamines, into the San Bernardino County Jails, including the West
3 Valley Detention Center;

4 e) having a longstanding custom and practice of failing to train its deputy
5 sheriffs / custodial officers / special officers / other jail personnel on how
6 to recognize when inmates are suffering from severe medical distress
7 situations that require immediate medical attention and care, such as when
8 inmates are suffering from drug overdoses;

9 f) having a longstanding custom and practice of failing to provide medical
10 care to jail Inmates at the San Bernardino County Jails, including the
11 West Valley Detention Center, who appear to be in serious / acute medical
12 distress, such as when they are suffering from drug overdoses, and

13 g) having a longstanding custom and practice of failing to discipline and/or
14 to train its deputy sheriffs / custodial officers / special officers / other jail
15 personnel, for failing to provide medical care to jail Inmates at the San
16 Bernardino County Jails, including the West Valley Detention Center,
17 who appear to be in serious / acute medical distress, such as when they are
18 suffering from drug overdoses;

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20 13. At all times complained of herein, DOES 7 through 10, inclusive, were
21 acting as individual persons acting under the color of state law, pursuant to their authority
22 as the Sheriff and/or the Assistant Sheriffs and/or Captains and/or Lieutenants and/or
23 Sergeants and/or other Supervisory personnel and/or policy making and/or final policy
24 making officials with the San Bernardino County Sheriff's Department, and/or some
25 other public official(s) with defendant COUNTY, and were acting in the course of and
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27 within the scope of their employment with defendant COUNTY.
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1 14. At all times complained of herein, defendants DOES 7 through 10, inclusive,
2 were acting as individual persons under the color of state law; under and pursuant to their
3 status and authority as peace officers and/or Supervisory peace officers (as described
4 herein, above and below), and/or policy making peace officers, with the San Bernardino
5 County Department and/or otherwise with defendant COUNTY³.
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8 15. Plaintiff is presently unaware of the identities of DOES 1 through 10,
9 inclusive, and will amend his complaint to add and to show the actual names of said DOE
10 defendants, when made known to plaintiff.
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12 16. In addition to the above and foregoing, Defendants DOES 1 through 6,
13 inclusive, acted pursuant to a conspiracy, agreement and understanding and common plan
14 and scheme to deprive the plaintiff and decedent of their federal Constitutional and
15 statutory rights, and California constitutional and statutory state law rights, as complained
16 of in this action.
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19 17. Defendants DOES 1 through 6, inclusive, acted in joint and concerted action
20 to so deprive the plaintiff of those rights as complained of herein; all in violation of 42
21 U.S.C. § 1983, and otherwise in violation of United States (Constitutional and statutory)
22 law and California (Constitutional and statutory) state law.
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³ Such as a COUNTY executive officer.

1 18. Said conspiracy / agreement / understanding / plan / scheme / joint action /
2 concerted action, above-referenced, was a proximate cause of the violation of the
3 plaintiff's federal and state constitutional and statutory rights, as complained of herein.
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5 **FIRST CAUSE OF ACTION**
6 **VIOLATION OF 42 U.S.C. § 1983**
7 **LOSS OF PARENT-CHILD RELATIONSHIP WITHOUT DUE PROCESS OF**
8 **THE LAW UNDER THE FOURTH AND FOURTEENTH AMENDMENTS**
9 **(Against DOES 1 through 10, inclusive)**

10 19. Plaintiff hereby realleges and incorporates by reference the allegations set
11 forth in paragraphs 1 through 18, inclusive, above, as if set forth in full herein.

12 20. On January 9, 2023, plaintiff's decedent, Jason Gilbert, was arrested
13 by the San Bernardino County Sheriff's Department and was immediately taken to
14 Arrowhead Regional Medical Center. Decedent Jason Gilbert was in critical condition.
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16 21. Notwithstanding the fact that Decedent Jason Gilbert was still in critical
17 condition, on January 10, 2023, DOES 4 through 6, inclusive, knowingly prematurely
18 released Decedent Jason Gilbert from Arrowhead Regional Medical Center.
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20 22. San Bernardino County Sheriff's Department Deputies Defendants 1
21 through 3, inclusive, transported Decedent Jason Noriega from Arrowhead Regional
22 Medical Center to the San Bernardino County Jail, West Valley Detention Center.
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24 23. During the booking process at the West Valley Detention Center, Decedent
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1 Jason Noriega suffered a medical emergency⁴ and was taken back to Arrowhead Regional
2 Medical Center.

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4 24. On January 13, 2023, DOES 4 through 6, inclusive, again knowingly
5 prematurely discharged Decedent Jason Noriega from Arrowhead Regional Medical
6 Center and was taken back to West Valley Detention Center. During the transfer process
7 and when Decedent Jason Noriega reached the parking lot of the West Valley Detention
8 Center, he was found to be unresponsive and was pronounced dead. Defendants DOES 4
9 through 6, inclusive, repeated premature discharge of Decedent Jason Noriega, caused the
10 death of Decedent Jason Noriega.
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13 25. Alternatively, during his confinement at the West Valley Detention Center,
14 Jason Noriega was provided with dangerous narcotic drugs by inmates at said jail, with
15 DOES 1 through 3, inclusive, knowing that said inmates at the jail were providing said
16 dangerous narcotic drugs to other inmates at the jail, including inmate Jason Noriega, and
17 with DOES 1 through 3, inclusive, while having the opportunity to prevent said other
18 inmates from distributing said dangerous narcotic drugs, failing to stop them from doing
19 so.
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23 26. Also alternatively, following his arrest and confinement at the West Valley
24 Detention Center, and while he was so confined at said jail, Jason Noriega was provided
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28 ⁴ Said medical emergency was caused by DOES 4 through 6, inclusive, knowingly prematurely discharging him from Arrowhead Medical Regional Center.

1 with dangerous narcotic drugs by inmates at said jail, with DOES 1 through 3, inclusive,
2 knowing that said inmates at the jail were providing said dangerous narcotic drugs to
3 other inmates at the jail, including inmate Jason Noriega, while / because DOES 1
4 through 3, inclusive, were being paid by said other inmates at the West Valley Detention
5 Center to permit them to sell and distribute said dangerous narcotic drugs at the jail.
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8 27. Also alternatively, Jason Noriega was provided with dangerous narcotic
9 drugs by inmates at said jail, with DOES 1 through 3, inclusive, because the West Valley
10 Detention Center officials, including high level and/or lower-level jail deputies and
11 supervisors, failed to take reasonable measures and precautions to prevent persons from
12 bringing illicit drugs, including dangerous narcotics and amphetamines, into the San
13 Bernardino County Jails, including the West Valley Detention Center.
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16 28. Also alternatively, Defendants DOES 1 through 3, inclusive, used
17 unreasonable / excessive force against Decedent Jason Noriega during the arrest process
18 and while incarcerated at the West Valley Detention Center. Defendants DOES 1 through
19 3, inclusive, beat Decedent Jason Noriega for no legitimate law enforcement purpose. At
20 the time the force was used against Decedent Jason Noriega, he did not pose a threat to
21 anyone.
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25 29. As a result of the actions of DOES 1 through 6, inclusive, under at least one
26 of the alternative theories of liability factually set forth above, Jason Noriega faced a
27 substantial risk of serious harm as well as facing a serious medical need.
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1 30. Defendants DOES 1 through 6, inclusive, were deliberately indifferent to
2 that serious risk of serious physical harm posed to Jason Noriega by their conduct
3 complained of alternatively above, and said defendants knew of it and disregarded it by
4 failing to take reasonable measures to address it.
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6 31. In addition, defendants DOES 1 through 6, inclusive, were deliberately
7 indifferent to that serious medical need and acute medical distress faced by Jason
8 Noriega, and said defendants knew of it and disregarded it by failing to take reasonable
9 measures to address it, all in violation of plaintiff's decedent's rights under the Eighth /
10 Fourteenth Amendments to the United States Constitution.
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13 32. As a direct and proximate result of defendants DOES 1 through 6,
14 inclusive's, actions and omissions complained of above, plaintiff's decedent Jason
15 Noriega suffered severe pre-death pain and suffering, severe pre-death mental and
16 emotional injuries, pain and suffering, other general and special damages, as well as his
17 death on January 13, 2023.
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20 33. In addition, as a direct and proximate result of defendants DOES 1 through
21 6, inclusive's, actions and omissions complained of above, plaintiff's decedent Jason
22 Noriega also suffered lost wages/profits and other income that plaintiff's decedent Jason
23 Noriega would have earned/made / acquired during his lifetime, the hedonic damages to
24 Jason Noriega caused by the loss of Jason Noriega's life, funeral and burial expenses,
25 hospital and other medical expenses and costs, and other special damages; all of said
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1 injuries and damages to Jason Noriega totaling an amount to be shown at trial, in excess
2 of \$20,000,000.00.

3 34. The conditions of confinement described above, constitutes conduct by
4 defendants DOES 1 through 6, inclusive, that was done maliciously and in reckless
5 disregard plaintiff's decedent Jason Noriega's federal constitutional rights, sufficient for
6 an award of punitive damages against defendants DOES 1 through 6, inclusive, in an
7 amount in excess of \$20,000,000.00 against each defendant.
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11 **SECOND CAUSE OF ACTION**
12 **VIOLATION OF 42 U.S.C. § 1983**
13 **EXCESSIVE/UNREASONABLE USE OF FORCE UPON PERSON UNDER THE**
14 **FOURTH AMENDMENT TO THE UNITED STATES CONSTITUTION**
15 **(Against DOES 1 through 3, inclusive)**

16 35. Plaintiff hereby realleges and incorporates by reference the allegations set
17 forth in paragraphs 1 through 16 inclusive, above, as if set forth in full herein.

18 36. At all times complained of in this action, Defendants DOES 1 through 3,
19 inclusive, were acting under the color of state law and within the course and scope of
20 their employment with COUNTY.

21 37. The actions of Defendants DOES 1 through 3, inclusive, as complained
22 above herein, constituted a violation of Jason Noriega's rights under the Fourth
23 Amendment to the United States Constitution to be free from the use of unlawful,
24 unreasonable and excessive force upon his person.
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27 38. Plaintiff brings this claim as the successor-in-interest to Jason Noriega, and
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1 seek survival damages pursuant to Cal. Civ. Proc. Code § 377.30, including physical and
2 mental pre-death pain and suffering, Jason Noreiga's loss of life, and loss of enjoyment
3 of life, and wrongful death damages for the violation of Jason Noriega's rights. Jason
4 Noriega incurred other special and general damages and expenses in an amount to be
5 proven at trial which is in excess of \$20,000,000.00.
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8 39. The actions by said defendants were committed maliciously, oppressively
9 and in reckless disregard of Jason Noriega's constitutional rights, sufficient for an award
10 of punitive/exemplary damages against all defendants and each of them, save for
11 defendant COUNTY, in an amount to be proven at trial which is in excess of
12 \$20,000,000.00.
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15 **THIRD CAUSE OF ACTION**
16 **Violation of 42 U.S.C. 42 § 1983**
17 **Pre-Trial Detainee's Claim Re Conditions of Confinement**
18 **Failure to Provide Medical Care**
19 **(U.S. Const. Amends. 8 & 14)**
20 **(Against Defendants DOES 1 through 6, inclusive)**

21 40. Plaintiff hereby realleges and incorporates by reference the allegations set
22 forth in paragraphs 1 through 39, inclusive, above, as if set forth in full herein.

23 41. As set forth above, on January 9, 2023 plaintiff's decedent Jason Noriega
24 was arrested and taken into custody at the San Bernardino County Jail, West Valley
25 Detention Center, in the Rancho Cucamonga, San Bernardino County, California where
26 he was incarcerated as a pretrial detainee - inmate in that facility.
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1 42. Also as set forth above, thereafter, while in custody at the West Valley
2 Detention Center, Jason Noriega was sold or otherwise provided with dangerous narcotic
3 drugs by DOES 1 through 3, inclusive, while Jason Noriega was still in-custody and still
4 confined as a pre-trial detainee and inmate at the West Valley Detention Center.
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6 43. Also as set forth above, also alternatively, following his January 9, 2023
7 confinement at the West Valley Detention Center, and while he was so confined at the
8 West Valley Detention Center, Jason Noriega was provided with dangerous narcotic
9 drugs by inmates at said jail, with defendants DOES 1 through 3, inclusive, knowing that
10 said inmates at the jail were providing said dangerous narcotic drugs to other inmates at
11 the jail, including knowing that Jason Noriega had been provided with dangerous narcotic
12 drugs by defendants DOES 1 through 3, inclusive, and/or by inmates at said jail.
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16 44. Also as set forth above, defendants DOES 1 through 3, inclusive, knew that
17 dangerous narcotic drugs and/or along with other drugs, are deadly to humans.
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19 45. Also as set forth above, defendants DOES 1 through 3, inclusive, used
20 unreasonable / excessive force against Plaintiff's Decedent Jason Noriega, in violation of
21 the Fourth Amendment. Said use of force ultimately caused the death of Decedent Jason
22 Noriega.
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24 46. Also as set forth above, defendant DOES 4 through 6, inclusive, knowingly
25 prematurely discharged Plaintiff's Decedent Jason Noriega from Arrowhead Regional
26 Medical Center. At the time DOES 4 through 6, inclusive, discharged Jason Noriega, he
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1 was showing obvious signs of being in a life-threatening condition and in serious need of
2 medical attention. Defendants DOES 4 through 6, inclusive, knowingly discharged Jason
3 Noriega prematurely and failed to provide him with medical care, in violation of the 8th
4 and 14th Amendments to the United States Constitution.
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6 47. As a result of the actions and omissions of defendants DOES 1 through 6,
7 inclusive shown above, said defendants knew that Jason Noriega faced a substantial risk
8 of suffering serious and severe medical harm, as well as facing a serious medical need,
9 from his being distributed dangerous narcotics.
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11 48. Moreover, as shown above, defendants DOES 1 through 3, inclusive,
12 defendants DOES 1 through 6, inclusive, failed to attend to Jason Noriega, and failed to
13 summon medical care for him.
14

15 49. Defendants Does 4 through 6, inclusive, put Decedent Jason Noriega in
16 substantial risk of suffering serious harm and did not take reasonable available measures
17 to abate or reduce the risk of serious harm, even though a reasonable medical practitioner
18 under the circumstances would have understood the high degree of risk involved.
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20 50. As a direct and proximate result of defendants DOES 1 through 6,
21 inclusive's actions and omissions complained of above, plaintiff's decedent Jason
22 Noriega suffered severe pre-death pain and suffering, severe pre-death mental and
23 emotional injuries, pain and suffering, other general and special damages, as well as his
24 death on January 13, 2023.
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1 51. In addition, as a direct and proximate result of defendants DOES 1 through
2 6, inclusive's, actions and omissions complained of above, plaintiff's decedent Jason
3 Noriega also suffered lost wages / profits and other income that plaintiff's decedent Jason
4 Noriega would have earned / made / acquired during his lifetime, the hedonic damages to
5 Jason Noriega caused by the loss of Jason Noriega's life⁵, funeral and burial expenses,
6 hospital and other medical expenses and costs, and other special damages; all of said
7 injuries and damages to Jason Noriega totaling an amount to be shown at trial, in excess
8 of \$20,000,000.00.
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12 52. The conditions of Jason Noriega's confinement described above, namely the
13 failure to summon immediate medical care for Jason Noriega, and the deliberate
14 indifference of said DOE defendants to Jason Noriega's obvious serious medical
15 condition constitutes, conduct by defendants DOES 1 through 6, inclusive, that was done
16 maliciously and in reckless disregard plaintiff's decedent Jason Noriega's federal
17 constitutional rights, sufficient for an award of punitive damages against defendants
18 DOES 1 through 6, inclusive, in an amount in excess of \$20,000,000.00 against each
19 defendant.
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⁵ That is, the value of decedent's life to him.

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FOURTH CAUSE OF ACTION
Violation of 42 U.S.C. 42 § 1983
Substantive Due Process Rights – State-Created Danger
(U.S. Const. Amend. 14)
(Against Defendants DOES 1 through 6, inclusive)

53. Plaintiff hereby realleges and incorporates by reference the allegations set forth in paragraphs 1 through 52, inclusive, above, as if set forth in full herein.

54. As set forth above, on January 9, 2023 plaintiff's decedent Jason Noriega was arrested and taken into custody at the San Bernardino County Jail, West Valley Detention Center, in the Rancho Cucamonga, San Bernardino County, California where he was incarcerated as a pretrial detainee - inmate in that facility.

55. Also as set forth above, thereafter, while in custody at the West Valley Detention Center, Jason Noriega was sold or otherwise provided with dangerous narcotic drugs by DOES 1 through 3, inclusive, while Jason Noriega was still in-custody and still confined as a pre-trial detainee and inmate at the West Valley Detention Center.

56. Also as set forth above, also alternatively, following his January 9, 2023 confinement at the West Valley Detention Center, and while he was so confined at the West Valley Detention Center, Jason Noriega was provided with dangerous narcotic drugs by inmates at said jail, with defendants DOES 1 through 3, inclusive, knowing that said inmates at the jail were providing said dangerous narcotic drugs to other inmates at the jail, including knowing that Jason Noriega had been provided with dangerous narcotic drugs by defendants DOES 1 through 3, inclusive, and/or by inmates at said jail.

1 57. Also as set forth above, defendants DOES 1 through 3, inclusive, knew that
2 dangerous narcotic drugs and/or along with other drugs, are deadly to humans.

3 58. Also as set forth above, defendants DOES 1 through 3, inclusive, used
4 unreasonable / excessive force against Plaintiff's Decedent Jason Noriega, in violation of
5 the Fourth Amendment. Said use of force ultimately caused the death of Decedent Jason
6 Noriega.
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9 59. Also as set forth above, defendant DOES 4 through 6, inclusive, knowingly
10 prematurely discharged Plaintiff's Decedent Jason Noriega from Arrowhead Regional
11 Medical Center. At the time DOES 4 through 6, inclusive, discharged Jason Noriega, he
12 was showing obvious signs of being in a life threatening condition and in serious need of
13 medical attention. Defendants DOES 4 through 6, inclusive, knowingly discharged Jason
14 Noriega prematurely and failed to provide him with medical care, in violation of the 8th
15 and 14th Amendments to the United States Constitution.
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19 60. As a result of the actions and omissions of defendants DOES 1 through 6,
20 inclusive shown above, said defendants knew that Jason Noriega faced a substantial risk
21 of suffering serious and severe medical harm, as well as facing a serious medical need,
22 from his being distributed dangerous narcotics.
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25 61. Moreover, as shown above, defendants DOES 1 through 3, inclusive,
26 defendants DOES 1 through 6, inclusive, failed to attend to Jason Noriega, and failed to
27 summon medical care for him.
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1 62. The actions of DOES 1 through 6, inclusive, placed Jason Noriega in a
2 position of an actual, particularized danger by creating or exposing Jason Noriega to a
3 danger that he would not have otherwise faced.
4

5 63. In doing so, defendants DOES 1 through 6, inclusive, acted with deliberate
6 indifference to a known or obvious danger while Jason Noriega was in custody at the
7 West Valley Detention Center and Arrowhead Regional Medical Center.
8

9 64. These affirmative actions of defendants DOES 1 through 6, inclusive, that
10 created the actual, particularized danger to Jason Noriega caused injury to Jason Noriega
11 that was foreseeable.
12

13 65. As a result of the actions of DOES 1 through 6, inclusive, under at least one
14 of the alternative theories of liability factually set forth above, Jason Noriega faced a
15 substantial risk of serious harm as well as facing a serious medical need.
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17 66. Defendants DOES 1 through 6, inclusive, were deliberately indifferent to
18 that serious risk of serious physical harm posed to Jason Noriega by their conduct
19 complained of herein, and said defendants knew of it and disregarded it by failing to take
20 reasonable measures to address it; all in violation of plaintiff's decedent's rights under
21 the Fourteenth Amendment to the United States Constitution.
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24 67. As a direct and proximate result of Defendants DOES 1 through 6,
25 inclusive's, actions and omissions complained of above, plaintiff's decedent Jason
26 Noriega suffered severe pre-death pain and suffering, severe pre-death mental and
27
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1 emotional injuries, pain and suffering, other general and special damages, as well as his
2 death on January 13, 2023.

3 68. In addition, as a direct and proximate result of defendants DOES 1 through
4 6, inclusive's, actions and omissions complained of above, plaintiff's decedent Jason
5 Noriega also suffered lost wages / profits and other income that plaintiff's decedent Jason
6 Noriega would have earned / made / acquired during his lifetime, the hedonic damages to
7 Jason Noriega caused by the loss of Jason Noriega' life, funeral and burial expenses,
8 hospital and other medical expenses and costs, and other special damages; all of said
9 injuries and damages to Jason Noriega totaling an amount to be shown at trial, in excess
10 of \$20,000,000.00.
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15 69. The conditions of confinement described above, constitutes conduct by
16 defendants DOES 1 through 6, inclusive, that was done maliciously and in reckless
17 disregard plaintiff's decedent Jason Noriega' federal constitutional rights, sufficient for
18 an award of punitive damages against defendants DOES 1 through 6, inclusive, in an
19 amount in excess of \$20,000,000.00 against each defendant.
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22 **FIFTH CAUSE OF ACTION**
23 **Violation Of 42 U.S.C. § 1983**
24 **Deprivation Of Life Without Due Process Of Law**
25 **(U.S. Const. Amend. 14)**
26 **(Against Defendants DOES 1 through 10, inclusive)**

27 70. Plaintiff hereby realleges and incorporates by reference the allegations set
28 forth in paragraphs 1 through 69, inclusive, above, as if set forth in full herein.

1 71. As set forth above, on January 9, 2023 plaintiff's decedent Jason Noriega
2 was arrested and taken into custody at the San Bernardino County Jail, West Valley
3 Detention Center, in the Rancho Cucamonga, San Bernardino County, California where
4 he was incarcerated as a pretrial detainee - inmate in that facility.
5

6 72. Also as set forth above, thereafter, while in custody at the West Valley
7 Detention Center, Jason Noriega was sold or otherwise provided with dangerous narcotic
8 drugs by DOES 1 through 3, inclusive, while Jason Noriega was still in-custody and still
9 confined as a pre-trial detainee and inmate at the West Valley Detention Center.
10

11 73. Also as set forth above, also alternatively, following his January 9, 2023
12 confinement at the West Valley Detention Center, and while he was so confined at the
13 West Valley Detention Center, Jason Noriega was provided with dangerous narcotic
14 drugs by inmates at said jail, with defendants DOES 1 through 3, inclusive, knowing that
15 said inmates at the jail were providing said dangerous narcotic drugs to other inmates at
16 the jail, including knowing that Jason Noriega had been provided with dangerous narcotic
17 drugs by defendants DOES 1 through 3, inclusive, and/or by inmates at said jail.
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22 74. Also as set forth above, defendants DOES 1 through 3, inclusive, knew that
23 dangerous narcotic drugs and/or along with other drugs, are deadly to humans.
24

25 75. Also as set forth above, defendants DOES 1 through 3, inclusive, used
26 unreasonable / excessive force against Plaintiff's Decedent Jason Noriega, in violation of
27 the Fourth Amendment. Said use of force ultimately caused the death of Decedent Jason
28

1 Noriega.

2 76. Also as set forth above, defendant DOES 4 through 6, inclusive, knowingly
3 prematurely discharged Plaintiff's Decedent Jason Noriega from Arrowhead Regional
4 Medical Center. At the time DOES 4 through 6, inclusive, discharged Jason Noriega, he
5 was showing obvious signs of being in a life threatening condition and in serious need of
6 medical attention. Defendants DOES 4 through 6, inclusive, knowingly discharged Jason
7 Noriega prematurely and failed to provide him with medical care, in violation of the 8th
8 and 14th Amendments to the United States Constitution.
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12 77. As a result of the actions and omissions of defendants DOES 1 through 6,
13 inclusive shown above, said defendants knew that Jason Noriega faced a substantial risk
14 of suffering serious and severe medical harm, as well as facing a serious medical need,
15 from his being distributed dangerous narcotics.
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18 78. Moreover, as shown above, defendants DOES 1 through 3, inclusive,
19 defendants DOES 1 through 6, inclusive, failed to attend to Jason Noriega, and failed to
20 summon medical care for him.
21

22 79. Accordingly, defendants DOES 1 through 6, inclusive, used excessive /
23 unreasonable force and were deliberately indifferent to Jason Noriega' obvious medical
24 need, as said defendants knew of it and disregarded it by failing to take reasonable
25 measures to address it, to wit; to immediately summon medical care for Jason Noriega;
26 all in violation of plaintiff's decedent's rights under the Eighth and Fourteenth
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1 Amendments to the United States Constitution.

2 80. The actions of defendants DOES 1 through 6, inclusive, as complained of
3 above, that resulted in the death of plaintiff's decedent Jason Noriega, were done with a
4 deliberate indifference to plaintiff's decedent Jason Noriega' life, and were done in a
5 manner that shocks the conscience; all in violation of plaintiff's decedent Jason Noriega'
6 right to his life under the Fourteenth Amendment to the United States Constitution.
7

8 81. As a direct and proximate result of defendants DOES 1 through 6,
9 inclusive's, actions and omissions complained of above, plaintiff's decedent Jason
10 Noriega suffered the loss of his life; his hedonic damages, including loss of the rest of his
11 natural life, and his right to the enjoyment of the rest of his life, and all of those joys,
12 achievements and love that he would have experienced, but for said DOE defendants'
13 conduct complained of above, in the amount of \$20,000,000.00.
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17 82. The conduct by defendants DOES 1 through 3, inclusive, that was done
18 maliciously and in reckless disregard plaintiff's decedent Jason Noriega' federal
19 constitutional rights, sufficient for an award of punitive damages against defendants
20 DOES 1 through 6, inclusive, in an amount in excess of \$20,000,000.00 against each
21 defendant.
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SIXTH CAUSE OF ACTION

Violation of 42 U.S.C. 42 § 1983

Successor-in-Interest Claims and Personal Liability Claims for Municipal Liability (Monell Liability⁶), via Policy Created By Longstanding Custom & Practice & Failure to Protect Inmates and Failure to Discipline Jail Personnel (Against COUNTY and DOES 7 through 10, inclusive)

83. Plaintiff hereby realleges and incorporates by reference the allegations set forth in paragraphs 1 through 82, inclusive, above, as if set forth in full herein.

84. As set forth above, defendants DOES 7 through 10, inclusive, are supervisors and policy-making officials⁷, including the Sheriff of San Bernardino County, the Undersheriff of San Bernardino County, the Sheriff's Assistant Sheriffs, Commanders, Captains, Lieutenants, Sergeants, Detectives and/or other Supervisory personnel employed by COUNTY⁸ and/or the County Executive Officer and/or Members of the Board of Supervisors of San Bernardino County⁹, whose actions and/or omissions proximately caused some or all of the tortious actions complained of in this action, whose identities are presently unknown to plaintiff.

85. Defendants DOES 7 through 10, inclusive, have known for many years now that deputy sheriffs, Sheriff's Special Officers, Custodial Assistants and other jail personnel at the San Bernardino County Jails have sold and/or distributed, and/or otherwise facilitated the sale and/or distribution of, and/or have otherwise condoned

⁶ *Monell v. Department of Soc. Svcs.*, 436 U.S. 658 (1978).

⁷ Including the County Board of Supervisors and the County Executive Officer.

⁸ And/or some other public entity.

⁹ And/or some other public entity.

1 and/or permitted inmates to sell and/or distribute, dangerous illicit and narcotic drugs,
2 including methamphetamine, heroin and fentanyl to inmates at the San Bernardino
3 County Jails, including the San Bernardino County Jail, West Valley Detention Center.
4

5 86. Alternatively, defendants DOES 7 through 10, inclusive, have also known for
6 many years now that as a result of San Bernardino County Sheriff's Department deputy
7 sheriffs, Sheriff's Special Officers, Custodial Assistants and other jail personnel have
8 sold and/or distributed, and/or otherwise facilitated the sale and/or distribution of
9 dangerous illicit and narcotic drugs, including methamphetamine, heroin and fentanyl to
10 inmates at the San Bernardino County Jails, including the San Bernardino County Jail,
11 West Valley Detention Center, and/or have otherwise condoned and/or permitted inmates
12 to sell and/or distribute, dangerous illicit and narcotic drugs, including
13 methamphetamine, heroin and fentanyl to inmates at the San Bernardino County Jails,
14 including the San Bernardino County Jail, West Valley Detention Center, and that as a
15 direct and proximate result of said drug distribution to inmates at the San Bernardino
16 County Jails, many San Bernardino County Jail inmates have died from the ingestion of
17 such dangerous illicit and narcotic drugs.
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23 87. Notwithstanding such knowledge that San Bernardino County Jails
24 Personnel have for many years have sold and/or distributed, and/or otherwise facilitated
25 the sale and/or distribution of, and/or have otherwise condoned and/or permitted inmates
26 to sell and/or distribute, dangerous illicit and narcotic drugs, including
27
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1 methamphetamine, heroin and fentanyl, to inmates at the San Bernardino County Jails,
2 including the San Bernardino County Jail, West Valley Detention Center, the Command
3 Personnel with the San Bernardino County Sheriff's Department, and including DOES 7
4 through 10, inclusive, failed to take any reasonable measures to prevent such dangerous
5 illicit drugs / narcotics, such as: 1) screening San Bernardino County Jail deputy sheriffs,
6 Sheriff's Special Officers, Custodial Assistants and other jail personnel for such
7 dangerous illicit drugs / narcotics when they entered the San Bernardino County Jails,
8 and such as posting canine / police dogs who are trained to detect such dangerous illicit
9 drugs / narcotics in places where San Bernardino County Jail deputy sheriffs, Sheriff's
10 Special Officers, Custodial Assistants and other jail personnel enter the San Bernardino
11 County Jails; 2) using canine / police dogs who are trained to detect such dangerous illicit
12 drugs / narcotics in throughout the San Bernardino County Jails; 3) actually and honestly
13 investigating the identities of the San Bernardino County Jail personnel who were
14 involved in selling and/or distributing, and/or otherwise facilitating the sale and/or
15 distribution of, and/or have otherwise condoning and/or permitting inmates to sell and/or
16 distribute, dangerous illicit and narcotic drugs, including methamphetamine, heroin and
17 fentanyl, to inmates at the San Bernardino County Jails, and disciplining and/or
18 terminating (from employment) and/or procuring the arrests and the criminal
19 prosecutions of such San Bernardino County Jail personnel.
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88. Moreover, this custom and practice of San Bernardino County Jail

1 deputy sheriffs, Sheriff's Special Officers, Custodial Assistants and other jail personnel
2 of selling and/or distributing, and/or otherwise facilitating the sale and/or distribution of
3 dangerous illicit and narcotic drugs, including methamphetamine, heroin and fentanyl to
4 inmates at the San Bernardino County Jails, including the San Bernardino County Jail,
5 West Valley Detention Center, and/or have otherwise condoning and/or permitting
6 inmates to sell and/or distribute, dangerous illicit and narcotic drugs, including
7 methamphetamine, heroin and fentanyl to inmates at the San Bernardino County Jails,
8 including the San Bernardino County Jail, West Valley Detention Center, was so
9 longstanding and pervasive, as to become the custom, practice and policy of the San
10 Bernardino County Jails, including the West Valley Detention Center; the direct and
11 proximate result of which was the drug overdose death of many San Bernardino County
12 Jails inmates have died from the ingestion of such dangerous illicit and narcotic drugs.
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18 89. Moreover, DOES 7 through 10, inclusive, and their predecessors in office
19 have covered-up the role of San Bernardino County Jail personnel in the deaths of those
20 San Bernardino County Jail inmates in the deaths of those San Bernardino County Jail
21 inmates who died from the taking of such illicit and dangerous drugs.
22

23 90. As a proximate result of the actions and omissions of DOE 7 through 10,
24 inclusive, as complained of in paragraph 101 and otherwise above, plaintiff's decedent
25 Jason Noriega, died on January 13, 2023.
26

27 91. As a direct and proximate result of the actions and omissions of defendant
28

1 COUNTY, by and through DOES 7 through 10, inclusive, as complained of above,
2 plaintiff Gilber Noriega suffered severe mental and emotional distress, pain and
3 suffering, and the loss of the love, comfort, society, companionship and his Father – Son
4 relationship with plaintiff’s decedent Jason Noriega, as well funeral and burial expenses,
5 hospital and other special damages; all of said injuries and damages to plaintiff Gilbert
6 Noriega totaling, pursuant to the death of his son, Jason Noriega, an amount to be shown
7 at trial, in excess of \$20,000,000.00.
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11 92. Also, as a direct and proximate result of the actions and omissions of
12 defendant COUNTY, by and through DOES 1 through 10, inclusive, plaintiff’s decedent
13 Jason Noriega also suffered severe physical, mental and emotional distress, pain and
14 suffering. lost wages / profits and other income that plaintiff’s decedent Jason Noriega
15 would have earned / made / acquired during his lifetime, the hedonic damages to Jason
16 Noriega caused by the loss of Jason Noriega’ life, funeral and burial expenses, hospital
17 and other medical expenses and costs, and other special damages; all of said injuries and
18 damages to Jason Noriega totaling an amount to be shown at trial, in excess of of
19 \$20,000,000.00.
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SEVENTH CAUSE OF ACTION

Violation of 42 U.S.C. 42 § 1983

Successor-in-Interest Claims and Personal Liability Claims for Municipal Liability (Monell Liability¹⁰), via Failure to Train (Against COUNTY and DOES 7 through 10, inclusive)

93. Plaintiff hereby realleges and incorporates by reference the allegations set forth in paragraphs 1 through 92, inclusive, above, as if set forth in full herein.

94. As set forth above, defendants DOES 1 through 6, inclusive, knew that dangerous narcotics are deadly to humans.

95. As a result of the distribution of dangerous narcotics distributed to plaintiff's decedent Jason Noriega while he was incarcerated as an inmate at the San Bernardino County Jail, West Valley Detention Center on or about January 9, 2023, Jason Noriega suffered an overdose of said dangerous narcotics, and went into serious and obvious medical extremis.

96. As a result of the actions and omissions of defendants DOES 1 through 3, inclusive shown above, said defendants knew that Jason Noriega faced a substantial risk of suffering serious and severe medical harm, as well as facing a serious medical need, from his being distributed dangerous narcotics.

97. Moreover, as shown above, defendants DOES 1 through 3, inclusive, defendants DOES 1 through 6, inclusive, failed to attend to Jason Noriega, and failed to summon medical care for him.

¹⁰ *Monell v. Department of Soc. Svcs.*, 436 U.S. 658 (1978).

1 98. Accordingly, defendants DOES 1 through 3, inclusive, were deliberately
2 indifferent to Jason Noriega' obvious medical need, as said defendants knew of it and
3 disregarded it by failing to take reasonable measures to address it, to wit; to immediately
4 summon medical care for Jason Noriega; all in violation of plaintiff's decedent's rights
5 under the Eighth and Fourteenth Amendments to the United States Constitution.
6

7
8 99. In addition to the above and foregoing, as set forth above, defendants
9 DOES 7 through 10, inclusive, are supervisors and policy-making officials¹¹, including
10 the Sheriff of San Bernardino County, the Undersheriff of San Bernardino County, the
11 Sheriff's Assistant Sheriffs, Commanders, Captains, Lieutenants, Sergeants, Detectives
12 and/or other Supervisory personnel employed by COUNTY¹² and/or the County
13 Executive Officer and/or Members of the Board of Supervisors of San Bernardino
14 County¹³, whose actions and/or omissions proximately caused some or all of the tortious
15 actions complained of in this action, whose identities are presently unknown to plaintiff.
16
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19 100. Defendants DOES 7 through 10, inclusive, have known for many
20 years now that inmates at the San Bernardino County Jails, including the West Valley
21 Detention Center, have been overdosing on illicit dangerous drugs such as
22 methamphetamine, heroin and fentanyl, and many of them have been dying from such
23 drug overdoses.
24
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¹¹ Including the County Board of Supervisors and the County Executive Officer.

28 ¹² And/or some other public entity.

¹³ And/or some other public entity.

1 101. Said drug overdoses by inmates at the San Bernardino County Jails,
2 including the San Bernardino County Jail, West Valley Detention Center, have over the
3 years, and at the present time, become so frequent and recurring, that they have become
4 usual and recurring situations with which they must deal with at the San Bernardino
5 County Jails.
6

7
8 102. Notwithstanding that defendants DOES 7 through 10, inclusive, have
9 known for many years now that inmates at the San Bernardino County Jail, including the
10 West Valley Detention Center, have been overdosing on illicit dangerous drugs such as
11 methamphetamine, heroin and fentanyl, have become so frequent and recurring, that they
12 have become usual and recurring situations with which they must deal with, COUNTY,
13 by and through defendants DOES 7 through 10, inclusive, failed to adequately train San
14 Bernardino County Jails deputy sheriffs and its custodial officers and its deputy aids,
15 nurses, and other jail personnel on recognizing on how to recognize when jail inmates are
16 suffering from severe medical distress that requires immediate medical attention and care,
17 and has failed to train its deputy sheriff's, custodial officers, and other jail staff and jail
18 medical personnel to immediately summon medical care for inmates who are suffering
19 from severe medical distress.
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25 103. Defendant COUNTY, by and through defendants DOES 7 through 10,
26 inclusive, and their associate officers and predecessors, was deliberately indifferent to the
27 obvious consequences of its failure to train its deputy sheriff's, custodial officers, and
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1 other jail staff and jail medical personnel officers adequately on recognizing when jail
2 inmates are suffering from severe medical distress that requires immediate medical
3 attention and care, and its failure to train its deputy sheriff's, custodial officers, and other
4 jail staff and jail medical personnel to immediately summon medical care for inmates who
5 are suffering from severe medical distress from drug overdoses, such as when plaintiff's
6 decedent Jason Noriega suffered such severe and obvious medical distress on January 13,
7
8 2023.
9

10
11 104. As a direct and proximate result of the actions and omissions of defendant
12 COUNTY, by and through DOES 7 through 10, inclusive, as complained of above,
13 plaintiff Gilbert Noriega suffered severe mental and emotional distress, pain and
14 suffering, and the loss of the love, comfort, society, companionship and his Father – Son
15 relationship with plaintiff's decedent Jason Noriega, as well funeral and burial expenses,
16 hospital and other special damages; all of said injuries and damages to plaintiff Gilbert
17
18 Noriega totaling an amount to be shown at trial, in excess of \$20,000,000.00.
19

20
21 105. As a direct and proximate result of the actions and omissions of defendant
22 COUNTY, by and through DOES 7 through 10, inclusive, as complained of above,
23 plaintiff's decedent Jason Noriega suffered severe pre-death pain and suffering, severe
24 pre-death mental and emotional injuries, pain and suffering, other general and special
25 damages, as well as his death on January 13, 2023, as well as the loss of his life (hedonic
26 damages), as well as lost wages / profits and other income that plaintiff's decedent Jason
27
28

1 Noriega would have earned / made / acquired during his lifetime, the hedonic damages to
2 Jason Noriega caused by the loss of Jason Noriega' life, and other special damages; all of
3 said injuries and damages to Jason Noriega totaling an amount to be shown at trial, in
4 excess of \$20,000,000.00.
5

6
7 **EIGHTH CAUSE OF ACTION**
8 **California State Law Claim for Wrongful Death**
9 **Cal. Civ. Proc. Code § 377.60**
10 **(Against all Defendants)**

11 106. Plaintiff hereby realleges and incorporates by reference the allegations set
12 forth in paragraphs 1 through 105, inclusive, above, as if set forth in full herein.

13 107. As set forth above, on January 9, 2023 plaintiff's decedent Jason Noriega
14 was arrested and taken into custody at the San Bernardino County Jail, West Valley
15 Detention Center, in the Rancho Cucamonga, San Bernardino County, California where
16 he was incarcerated as a pretrial detainee - inmate in that facility.
17

18 108. Also as set forth above, thereafter, while in custody at the West Valley
19 Detention Center, Jason Noriega was sold or otherwise provided with dangerous narcotic
20 drugs by DOES 1 through 3, inclusive, while Jason Noriega was still in-custody and still
21 confined as a pre-trial detainee and inmate at the West Valley Detention Center.
22

23 109. Also as set forth above, also alternatively, following his January 9, 2023
24 confinement at the West Valley Detention Center, and while he was so confined at the
25 West Valley Detention Center, Jason Noriega was provided with dangerous narcotic
26 drugs by inmates at said jail, with defendants DOES 1 through 3, inclusive, knowing that
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1 said inmates at the jail were providing said dangerous narcotic drugs to other inmates at
2 the jail, including knowing that Jason Noriega had been provided with dangerous narcotic
3 drugs by defendants DOES 1 through 3, inclusive, and/or by inmates at said jail.
4

5 110. Also as set forth above, defendants DOES 1 through 3, inclusive, knew that
6 dangerous narcotic drugs and/or along with other drugs, are deadly to humans.
7

8 111. Also as set forth above, defendants DOES 1 through 3, inclusive, used
9 unreasonable / excessive force against Plaintiff's Decedent Jason Noriega, in violation of
10 the Fourth Amendment. Said use of force ultimately caused the death of Decedent Jason
11 Noriega.
12

13 112. Also as set forth above, defendant DOES 4 through 6, inclusive, knowingly
14 prematurely discharged Plaintiff's Decedent Jason Noriega from Arrowhead Regional
15 Medical Center. At the time DOES 4 through 6, inclusive, discharged Jason Noriega, he
16 was showing obvious signs of being in a life threatening condition and in serious need of
17 medical attention. Defendants DOES 4 through 6, inclusive, knowingly discharged Jason
18 Noriega prematurely and failed to provide him with medical care, in violation of the 8th
19 and 14th Amendments to the United States Constitution.
20
21

22 113. As a result of the actions and omissions of defendants DOES 1 through 6,
23 inclusive shown above, said defendants knew that Jason Noriega faced a substantial risk
24 of suffering serious and severe medical harm, as well as facing a serious medical need,
25 from his being distributed dangerous narcotics.
26
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1 114. Moreover, as shown above, defendants DOES 1 through 3, inclusive,
2 defendants DOES 1 through 6, inclusive, failed to attend to Jason Noriega, and failed to
3 summon medical care for him.
4

5 115. Accordingly, defendants DOES 1 through 6, inclusive, breached their
6 duty of due care that they owed to plaintiff's decedent Jason Noriega, and were
7 deliberately indifferent to Jason Noriega's obvious medical need, as said defendants knew
8 of it and disregarded it by failing to take reasonable measures to address it, to wit; to
9 immediately summon medical care for Jason Noriega.
10
11

12 116. Accordingly, the actions and omissions of defendants COUNTY and DOES
13 1 through 10, inclusive, were a proximate cause of the death of plaintiff's decedent Jason
14 Noriega on January 13, 2023, and make them liable to plaintiff Gilbert Noriega,
15 individually, for the wrongful death of plaintiff's decedent, Jason Noriega, under Cal.
16 Civ. Proc. Code § 377.60.
17
18

19 117. Moreover, defendants DOES 1 through 10, inclusive, and defendant
20 COUNTY are liable to plaintiff by way of Cal. Gov't Code §§ 815.2 and 820.
21

22 118. As a direct and proximate result of the actions and omissions of
23 defendant COUNTY, by and through DOES 1 through 10, inclusive, as complained of
24 above, plaintiff's decedent Jason Noriega suffered severe pre-death pain and suffering,
25 severe pre-death mental and emotional injuries, pain and suffering, other general and
26 special damages, as well as his death on January 13, 2023, as well as the loss of his life
27
28

1 (hedonic damages), as well as lost wages / profits and other income that plaintiff's
2 decedent Jason Noriega would have earned / made / acquired during his lifetime, the
3 hedonic damages to Jason Noriega caused by the loss of Jason Noriega's life, and other
4 special damages; all of said injuries and damages to Jason Noriega totaling an amount to
5 be shown at trial, in excess of \$20,000,000.00.
6

7
8 119. In addition, the actions of defendants DOES 1 through 10, inclusive,
9 were done maliciously and oppressively, sufficient for an award of punitive damages
10 against defendants DOES 1 through 10, inclusive, in an amount in excess of
11 \$20,000,000.00.
12

13
14 **NINTH CAUSE OF ACTION**
15 **California State Law Claim for Negligence**
16 **Cal. Civil Code § 1714**
17 **(Against Defendants DOES 1 through 10, inclusive)**

18 120. Plaintiff hereby realleges and incorporates by reference the allegations set
19 forth in paragraphs 1 through 119, inclusive, above, as if set forth in full herein.

20 121. As set forth above, on January 9, 2023 plaintiff's decedent Jason Noriega
21 was arrested and taken into custody at the San Bernardino County Jail, West Valley
22 Detention Center, in the Rancho Cucamonga, San Bernardino County, California where
23 he was incarcerated as a pretrial detainee - inmate in that facility.
24

25 122. Also as set forth above, thereafter, while in custody at the West Valley
26 Detention Center, Jason Noriega was sold or otherwise provided with dangerous narcotic
27 drugs by DOES 1 through 3, inclusive, while Jason Noriega was still in-custody and still
28

1 confined as a pre-trial detainee and inmate at the West Valley Detention Center.

2 123. Also as set forth above, also alternatively, following his January 9, 2023
3 confinement at the West Valley Detention Center, and while he was so confined at the
4 West Valley Detention Center, Jason Noriega was provided with dangerous narcotic
5 drugs by inmates at said jail, with defendants DOES 1 through 3, inclusive, knowing that
6 said inmates at the jail were providing said dangerous narcotic drugs to other inmates at
7 the jail, including knowing that Jason Noriega had been provided with dangerous narcotic
8 drugs by defendants DOES 1 through 3, inclusive, and/or by inmates at said jail.
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12 124. Also as set forth above, defendants DOES 1 through 3, inclusive, knew that
13 dangerous narcotic drugs and/or along with other drugs, are deadly to humans.
14

15 125. Also as set forth above, defendants DOES 1 through 3, inclusive, used
16 unreasonable / excessive force against Plaintiff's Decedent Jason Noriega, in violation of
17 the Fourth Amendment. Said use of force ultimately caused the death of Decedent Jason
18 Noriega.
19

20 126. Also as set forth above, defendant DOES 4 through 6, inclusive, knowingly
21 prematurely discharged Plaintiff's Decedent Jason Noriega from Arrowhead Regional
22 Medical Center. At the time DOES 4 through 6, inclusive, discharged Jason Noriega, he
23 was showing obvious signs of being in a life threatening condition and in serious need of
24 medical attention. Defendants DOES 4 through 6, inclusive, knowingly discharged Jason
25 Noriega prematurely and failed to provide him with medical care, in violation of the 8th
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1 and 14th Amendments to the United States Constitution.

2 127. As a result of the actions and omissions of defendants DOES 1 through 6,
3 inclusive shown above, said defendants knew that Jason Noriega faced a substantial risk
4 of suffering serious and severe medical harm, as well as facing a serious medical need,
5 from his being distributed dangerous narcotics,
6

7
8 128. Moreover, as shown above, defendants DOES 1 through 3, inclusive,
9 defendants DOES 1 through 6, inclusive, failed to attend to Jason Noriega, and failed to
10 summon medical care for him.
11

12 129. Accordingly, defendants DOES 1 through 10, inclusive, breached
13 their duty of due care that they owed to plaintiff's decedent Jason Noriega, and thereby
14 caused his death.
15

16 130. Accordingly, the actions and omissions of defendants DOES 1
17 through 10, inclusive, were a proximate cause of the death of plaintiff's decedent Jason
18 Noriega on January 13, 2023, and make them liable to plaintiff MS. VILLALOBOS,
19 individually and as successor-in-interest to plaintiff's decedent Jason Noriega under Cal.
20 Civil Code § 1714.
21

22
23 131. Moreover, defendants DOES 1 through 10, inclusive, and defendant
24 COUNTY are liable to plaintiff by way of Cal. Gov't Code §§ 815.2 and 820.
25

26 132. As a direct and proximate result of the actions and omissions of
27 defendant COUNTY, by and through DOES 7 through 10, inclusive, as complained of
28

1 above, plaintiff Gilbert Noriega suffered severe mental and emotional distress, pain and
2 suffering, and the loss of the love, comfort, society, companionship and his Father – Son
3 relationship with plaintiff’s decedent Jason Noriega, as well funeral and burial expenses,
4 hospital and other special damages; all of said injuries and damages to plaintiff Gilbert
5 Noriega totaling an amount to be shown at trial, in excess of \$20,000,000.00.
6

7
8 133. As a direct and proximate result of the actions and omissions of
9 defendant COUNTY, by and through DOES 7 through 10, inclusive, as complained of
10 above, plaintiff’s decedent Jason Noriega suffered severe pre-death pain and suffering,
11 severe pre-death mental and emotional injuries, pain and suffering, other general and
12 special damages, as well as his death on January 13, 2023, as well as the loss of his life
13 (hedonic damages), as well as lost wages / profits and other income that plaintiff’s
14 decedent Jason Noriega would have earned / made / acquired during his lifetime, the
15 hedonic damages to Jason Noriega caused by the loss of Jason Noriega’ life, and other
16 special damages; all of said injuries and damages to Jason Noriega totaling an amount to
17 be shown at trial, in excess of \$20,000,000.00.
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22 **TENTH CAUSE OF ACTION**

23 **California State Law Claim for Violation of Cal. Gov’t Code § 845.6**
24 **Failure to Provide Immediate Medical Care**
25 **(Against Defendants DOES 1 through 6, inclusive)**

26 134. Plaintiff hereby realleges and incorporates by reference the allegations set
27 forth in paragraphs 1 through 133, inclusive, above, as if set forth in full herein.

28 135. As set forth above, on January 9, 2023 plaintiff’s decedent Jason Noriega

1 was arrested and taken into custody at the San Bernardino County Jail, West Valley
2 Detention Center, in the Rancho Cucamonga, San Bernardino County, California where
3 he was incarcerated as a pretrial detainee - inmate in that facility.
4

5 136. Also as set forth above, thereafter, while in custody at the West Valley
6 Detention Center, Jason Noriega was sold or otherwise provided with dangerous narcotic
7 drugs by DOES 1 through 3, inclusive, while Jason Noriega was still in-custody and still
8 confined as a pre-trial detainee and inmate at the West Valley Detention Center.
9

10 137. Also as set forth above, also alternatively, following his January 9, 2023
11 confinement at the West Valley Detention Center, and while he was so confined at the
12 West Valley Detention Center, Jason Noriega was provided with dangerous narcotic
13 drugs by inmates at said jail, with defendants DOES 1 through 3, inclusive, knowing that
14 said inmates at the jail were providing said dangerous narcotic drugs to other inmates at
15 the jail, including knowing that Jason Noriega had been provided with dangerous narcotic
16 drugs by defendants DOES 1 through 3, inclusive, and/or by inmates at said jail.
17
18
19

20 138. Also as set forth above, defendants DOES 1 through 3, inclusive, knew that
21 dangerous narcotic drugs and/or along with other drugs, are deadly to humans.
22

23 139. Also as set forth above, defendants DOES 1 through 3, inclusive, used
24 unreasonable / excessive force against Plaintiff's Decedent Jason Noriega, in violation of
25 the Fourth Amendment. Said use of force ultimately caused the death of Decedent Jason
26 Noriega.
27
28

1 140. Also as set forth above, defendant DOES 4 through 6, inclusive, knowingly
2 prematurely discharged Plaintiff's Decedent Jason Noriega from Arrowhead Regional
3 Medical Center. At the time DOES 4 through 6, inclusive, discharged Jason Noriega, he
4 was showing obvious signs of being in a life threatening condition and in serious need of
5 medical attention. Defendants DOES 4 through 6, inclusive, knowingly discharged Jason
6 Noriega prematurely and failed to provide him with medical care, in violation of the 8th
7 and 14th Amendments to the United States Constitution.
8
9

10
11 141. As a result of the actions and omissions of defendants DOES 1 through 6,
12 inclusive shown above, said defendants knew that Jason Noriega faced a substantial risk
13 of suffering serious and severe medical harm, as well as facing a serious medical need,
14 from his being distributed dangerous narcotics.
15

16 142. Moreover, as shown above, defendants DOES 1 through 3, inclusive,
17 defendants DOES 1 through 6, inclusive, failed to attend to Jason Noriega, and failed to
18 summon medical care for him.
19

20 143. As a proximate result of defendants DOES 1 through 6, inclusive, failing to
21 provide immediate medical care to and to obtain immediate medical care for plaintiff's
22 decedent, he died on January 13, 2023.
23

24 144. Accordingly, defendants DOES 1 through 6, inclusive, breached their duty
25 of due care that they owed to plaintiff's decedent Jason Noriega under Cal. Gov't Code §
26 845.6, and were deliberately indifferent to Jason Noriega's obvious medical needs, as said
27
28

1 defendants knew of it and disregarded it by failing to take reasonable measures to address
2 it, to wit; to immediately summon and provide medical care for Jason Noriega.

3
4 145. As a direct and proximate result of the actions and omissions of defendant
5 COUNTY, by and through DOES 1 through 6, inclusive, as complained of above,
6 plaintiff's decedent Jason Noriega suffered severe pre-death pain and suffering, severe
7 pre-death mental and emotional injuries, pain and suffering, other general and special
8 damages, as well as his death on January 13, 2023, as well as the loss of his life (hedonic
9 damages), as well as lost wages/profits and other income that plaintiff's decedent Jason
10 Noriega would have earned/made/ acquired during his lifetime, and other special
11 damages; all of said injuries and damages to Jason Noriega totaling an amount to be
12 shown at trial, in excess of \$20,000,000.00.

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14
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16 146. In addition, the actions of defendants DOES 1 through 6, inclusive, were
17 done maliciously and oppressively, sufficient for an award of punitive damages in an
18 amount in excess of \$20,000,000.00.

19
20
21 **ELEVENTH CAUSE OF ACTION**
22 **BATTERY**
23 **Under California State Law**
24 **(Against COUNTY and DOES 1 through 3, inclusive)**

25 147. Plaintiff hereby realleges and incorporates by reference the allegations set
26 forth in paragraphs 1 through 146, inclusive, above, as if set forth in full herein.

27 148. The actions committed by Defendants DOES 1 through 3, inclusive, above-
28 described, constituted unjustified non-consensual use of unlawful force and violence

COMPLAINT FOR DAMAGES

1 upon Decedent Jason Noriega, and constituted a battery of him by defendants DOES 1
2 through 3, inclusive under California state law.

3
4 149. Defendants COUNTY and DOES 1 through 3, and each of them, are liable
5 to the plaintiff for said battery of Decedent Jason Noriega, pursuant to Cal. Government
6 Code §§ 815.2(a), 820 and otherwise pursuant to the common law.

7
8 150. As a direct and proximate result of the actions of defendants DOES 1
9 through 3, inclusive, Decedent Jason Noriega was: 1) substantially physically, mentally
10 and emotionally injured and shot to death, 2) incurred general damages and expenses
11 associated costs; all in an amount to be proven at trial which is in excess of
12 \$20,000.000.00.
13

14
15 151. The actions of said defendants, and each of them, as complained of herein,
16 were committed maliciously, oppressively and in reckless disregard of plaintiff Jason
17 Noriega's constitutional rights, sufficient for an award of punitive / exemplary damages
18 against said defendants, save defendant COUNTY, in an amount to be proven at trial, in
19 excess of \$5,000,000.00.
20

21
22 **TWELFTH CAUSE OF ACTION**
23 **Violation of Cal. Civil Code § 52.1**
24 **Under California State Law**
25 **(Against COUNTY and DOES 1 through 3, inclusive)**

26 152. Plaintiff hereby realleges and incorporates by reference the allegations set
27 forth in paragraphs 1 through 151, inclusive, above, as if set forth in full herein.
28

1 153. Defendants DOES 1 through 3, inclusive while working for the COUNTY
2 and acting within the course and scope of their duties, intentionally committed acts of
3 unreasonable and excessive force and violence against Decedent Jason Noriega;
4 excessive force that would also be violative of that force proscribed by the Fourth
5 Amendment to the United States Constitution without justification or excuse.
6

7
8 154. Defendants DOES 1 through 3, inclusive, interfered with Decedent Jason
9 Noriega's civil rights to be free from unreasonable searches and seizures to due process,
10 to equal protection of the laws, to medical care, to be free from state actions that shock
11 the conscience, and to life, liberty, and property.
12

13 155. On information and belief, Defendants intentionally and spitefully
14 committed the above acts to discourage Decedent Jason Noriega from exercising his civil
15 rights, to retaliate against him for invoking such rights, or to prevent him from exercising
16 such rights, which they were fully entitled to enjoy.
17
18

19 156. Decedent Jason Noriega reasonably believed and understood that the violent
20 acts committed by Defendants DOES 1 through 3, inclusive were intended to discourage
21 him from exercising the above civil rights, to retaliate against him, or invoking such
22 rights, or to prevent him from exercising such rights.
23
24

25 157. Plaintiff bring this claim as successor-in-interest to Decedent Jason Noriega,
26 and seeks survival damages, including physical and mental pre-death pain and suffering,
27 loss of life, and loss of enjoyment of life, and wrongful death damages for the violation of
28

1 Decedent Jason Noriega's rights. Plaintiff incurred other special and general damages and
2 expenses in an amount to be proven at trial which is in excess of \$20,000,000.00.

3
4 158. The actions by said defendants were committed maliciously, oppressively
5 and in reckless disregard of Decedent Jason Noriega's constitutional rights, sufficient for
6 an award of punitive / exemplary damages against all defendants and each of them, save
7 for Defendant COUNTY, in an amount to be proven at trial which is in excess of
8 \$20,000,000.00.
9

10
11 159. In addition, as a result of the actions of Defendants DOES 1 through 3,
12 inclusive, as complained of herein, constituted a violation of California Civil Code §
13 52.1, and, therefore, plaintiff is entitled to an award of treble compensatory damages
14 against said defendants, and each of them.
15

16 **THIRTEENTH CAUSE OF ACTION**
17 **MEDICAL NEGLIGENCE**
18 **Under California State Law**
19 **(Against COUNTY and DOES 4 through 6, inclusive)**

20 160. Plaintiff hereby realleges and incorporates by reference the allegations set
21 forth in paragraphs 1 through 159, inclusive, above, as if set forth in full herein.
22

23 161. As set forth above, on January 9, 2023 plaintiff's decedent Jason Noriega
24 was arrested and taken into custody at the San Bernardino County Jail, West Valley
25 Detention Center, in the Rancho Cucamonga, San Bernardino County, California where
26 he was incarcerated as a pretrial detainee - inmate in that facility.
27

28 162. Also as set forth above, defendant DOES 4 through 6, inclusive,

COMPLAINT FOR DAMAGES

1 prematurely discharged Plaintiff's Decedent Jason Noriega from Arrowhead Regional
2 Medical Center. At the time DOES 4 through 6, inclusive, discharged Jason Noriega, he
3 was showing obvious signs of being in a life-threatening condition and in serious need of
4 medical attention. Defendants DOES 4 through 6, inclusive, discharged Jason Noriega
5 prematurely and failed to provide him with medical care, in violation of the 8th and 14th
6 Amendments to the United States Constitution.
7
8

9 163. As a result of the actions and omissions of defendants DOES 4 through 6,
10 inclusive shown above, said defendants knew that Jason Noriega faced a substantial risk
11 of suffering serious and severe medical harm, as well as facing a serious medical need.
12

13 164. Accordingly, defendants DOES 4 through 6, inclusive, breached
14 their duty of due care that they owed to plaintiff's decedent Jason Noriega, and thereby
15 caused his death.
16

17 165. Defendants DOES 4 through 6, inclusive, failed to use the level of skill,
18 knowledge, and care in diagnosis and treatment that other reasonably careful medical
19 practitioners would use in the same or similar circumstances.
20

21 166. Accordingly, the actions and omissions of defendants DOES 1
22 through 10, inclusive, were a proximate cause of the death of plaintiff's decedent Jason
23 Noriega on January 13, 2023, and make them liable to plaintiff MS. VILLALOBOS,
24 individually and as successor-in-interest to plaintiff's decedent Jason Noriega.
25
26

27 167. Moreover, defendants DOES 1 through 10, inclusive, and defendant
28

1 COUNTY are liable to plaintiff by way of Cal. Gov't Code §§ 815.2 and 820.

2 168. As a direct and proximate result of the actions and omissions of
3 defendant COUNTY, by and through DOES 7 through 10, inclusive, as complained of
4 above, plaintiff Gilbert Noriega suffered severe mental and emotional distress, pain and
5 suffering, and the loss of the love, comfort, society, companionship and his Father – Son
6 relationship with plaintiff's decedent Jason Noriega, as well funeral and burial expenses,
7 hospital and other special damages; all of said injuries and damages to plaintiff Gilbert
8 Noriega totaling an amount to be shown at trial, in excess of \$20,000,000.00.
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10
11

12 169. As a direct and proximate result of the actions and omissions of
13 defendant COUNTY, by and through DOES 7 through 10, inclusive, as complained of
14 above, plaintiff's decedent Jason Noriega suffered severe pre-death pain and suffering,
15 severe pre-death mental and emotional injuries, pain and suffering, other general and
16 special damages, as well as his death on January 13, 2023, as well as the loss of his life
17 (hedonic damages), as well as lost wages / profits and other income that plaintiff's
18 decedent Jason Noriega would have earned / made / acquired during his lifetime, the
19 hedonic damages to Jason Noriega caused by the loss of Jason Noriega' life, and other
20 special damages; all of said injuries and damages to Jason Noriega totaling an amount to
21 be shown at trial, in excess of \$20,000,000.00.
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25

26 **WHEREFORE**, plaintiff prays for judgment as follows:

- 27 a) For a judgment against all defendants for compensatory damages,
28

- 1 b) For a judgment against all defendants, save defendant State of California
2 and County of Riverside, for punitive damages;
3
4 c) For an award of reasonable attorney's fees and costs;
5
6 d) For a trial by jury; and
7
8 e) For such other and further relief as this honorable court deems just and
9 equitable.

10 /S/ Gregory Peacock
11 GREGORY PEACOCK

12 /S/ Jerry L. Steering
13 JERRY L. STEERING
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