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

ARI AKI YOUNG,

Plaintiff,

vs.

SAN BERNARDINO COUNTY, a  
municipal entity; MICHAEL MARTINEZ,  
an individual; NICHOLAS COLLAS, an  
individual; and DOES 1 to 10, inclusive,

Defendants.

) CASE NO. 5:24-cv-592

) **COMPLAINT FOR DAMAGES:**

) 1) 42 U.S.C. §1983 – (Unreasonable  
) and Excessive Force)

) 2) 42 U.S.C. §1983 – (Racial  
) Discrimination and Profiling)

) 3) 42 U.S.C. §1981 – (Violation of  
) Equal Protection Clause)

) 4) 42 U.S.C. §1983 – (*Monell* Claims –  
) Municipal Liability)

) **SUPPLEMENTAL STATE CLAIMS**

) 5) Assault & Battery

) 6) Negligence

) **DEMAND FOR JURY TRIAL**

1 Plaintiff ARI AKI YOUNG (hereinafter “ARI YOUNG” and/or “Plaintiff”)  
2 alleges as follows under California and Federal law:

3 **I. JURISDICTION**

4 1. This case is brought pursuant to 42 U.S.C. § 1983. Jurisdiction is based  
5 upon 28 U.S.C. §§ 1331 and 1342. The court also has pendent jurisdiction over the  
6 state claims, and supplemental jurisdiction over Defendants SAN BERNARDINO  
7 COUNTY (hereinafter “SBCO”), MICHAEL MARTINEZ (hereinafter  
8 “MARTINEZ”), NICHOLAS COLLAS (hereinafter “COLLAS”), and the Defendant  
9 Does 1-10 herein.

10 **II. VENUE**

11 2. The claims alleged herein arose in the County of San Bernardino,  
12 California. Venue lies in the Central District of California. 28 U.S.C. §1391(b)(2).

13 **III. PARTIES**

14 3. At all times herein mentioned, Plaintiff ARI YOUNG was a resident of  
15 the City of Victorville, County of San Bernardino and the State of California.  
16 Plaintiff is a 26 year old African-American male.

17 4. Talona Young is the biological mother of ARI YOUNG. Imani Young is  
18 the biological sister of ARI YOUNG. At the time of this incident herein, Talona  
19 Young and Imani Young witnessed and/or perceived the incident as percipient  
20 witness bystanders.<sup>1</sup>

21 5. At all times herein concerned, Defendant SBCO was a municipality  
22 and/or governmental entity operating under a Charter, organized and incorporated  
23 under the laws of the State of California, and located in the County of San  
24 Bernardino, State of California. Defendant SBCO is liable through application of  
25 *respondeat superior* pursuant to §815.2 of the California Government Code for the  
26

27 <sup>1</sup> Talona and Imani Young are currently appealing the San Bernardino County Superior Court’s ruling denying their  
28 Petition for Relief from Government Code §945.4 in Case #CIVSB2324409. See also, Court of Appeal, 4<sup>th</sup> Dist., Div 2  
Case #E083023. Depending on the outcome of this appeal, Talona and Imani intend to assert their own claims for  
emotional distress based upon California law.

1 acts of its employees named herein who at all times alleged herein were acting in the  
2 course and scope of their employment with said public entity.

3 6. Defendant MARTINEZ is and was, at all times relevant herein to the  
4 matters alleged in this complaint, a Deputy and employed by the Sheriff's  
5 Department of Defendant SBCO and was acting within the course and scope of his  
6 employment and was acting under color of law.

7 7. Defendant COLLAS is and was, at all times relevant herein to the  
8 matters alleged in this complaint, a Deputy and employed by the Sheriff's  
9 Department of Defendant SBCO and was acting within the course and scope of his  
10 employment and was acting under color of law.

11 8. At all times herein concerned, DOES 1 through 10 inclusive, were law  
12 enforcement officers, agents and/or servants and/or employees of the San Bernardino  
13 County Sheriff's Department and thus employees of Defendant SBCO. Said  
14 defendants were acting within the course and scope of their authority as such agents  
15 and/ or servants and/or employees, with the permission and consent of their co-  
16 defendants, and each of them.

17 9. The true names and/or capacities, whether individual, corporate, associate  
18 or otherwise, of defendants named herein as DOES 1 through 10, inclusive, are  
19 unknown to Plaintiff, who therefore sues said defendants by such fictitious names.  
20 Plaintiff will amend this Complaint to state the true names and capacities when the  
21 same have been ascertained.

22 10. Plaintiff is informed and believes, and upon such information and belief  
23 alleges, that each of the defendants, as well as those designated as a DOE is legally  
24 responsible in some manner for the events and happenings referred to, and legally  
25 caused injury and damages to the Plaintiff as hereinafter set forth.

26 **IV. FACTUAL BACKGROUND**

27 11. On September 3, 2019, SBCO Sheriff's Department Deputy Starsun  
28

1 Fincel received a call for service at 13154 Cabazon Court, in the City of Victorville.  
2 The call was placed by Talona Young indicating her son (ARI YOUNG) was in  
3 psychiatric distress and that she needed help. Deputy Fincel arrived, took no action,  
4 and left despite Talona's pleas for help. The next day, ARI YOUNG was still in  
5 psychiatric distress and Talona Young called 911 again on September 4, 2019.  
6 Deputy Fincel, Defendant COLLAS, and Defendant MARTINEZ were having  
7 breakfast together approximately 2-3 miles away at the time and did not immediately  
8 respond to the call. Deputy Fincel heard the call to the Cabazon Court location and  
9 remembered being there the day prior.

10 12. Deputy Fincel sent SBCO Sheriff's Department Deputy Megan Forsberg  
11 detailed messages about the nature of the call the day before but Deputy Forsberg did  
12 not review Fincel's notes sent to her prior to arriving at the Cabazon Court location.  
13 When Deputy Forsberg arrived, she had no knowledge of the nature of the call.

14 13. Despite this, Forsberg approached the driveway and Talona Young exited  
15 the residence with a knife in her hand. ARI YOUNG came out behind his mother.  
16 Forsberg made contact with ARI YOUNG in the driveway. Immediately, Forsberg  
17 began to attempt to detain ARI YOUNG. To do this, Forsberg grabbed his arm and  
18 walked around to his back in an unlawful attempt to restrain and handcuff him. ARI  
19 YOUNG protested this unlawful detention and Forsberg pulled out her ASP (Baton).  
20 ARI YOUNG then grabbed the ASP and threw it away. Forsberg continued her  
21 forceful and illegal detention of him and pulled out her firearm. Forsberg threatened  
22 to shoot ARI YOUNG and tried to do so. Sensing Forsberg's panic and imminent use  
23 of unlawful deadly force, ARI YOUNG began to punch Forsberg repeatedly to  
24 protect himself. Forsberg and ARI YOUNG went to the ground. Forsberg again  
25 attempted to shoot him in the head but missed. ARI YOUNG, now on top of Ms.  
26 Forsberg was able to dislodge the gun from Ms. Forsberg.

27 14. ARI YOUNG then stood up and immediately moved backwards. He then  
28 pivoted to the left and walked straight ahead into the street and fired one round in a

1 northeasterly direction – away from Forsberg. At no time was there any intent by  
2 ARI YOUNG to shoot Forsberg or anyone else.

3 15. At the time ARI YOUNG got the gun from her hand, Ms. Forsberg ran  
4 immediately due south toward an area of safety she referred to as “cubby”. Mr.  
5 Young walked in the street in the opposite direction of Forsberg and never looked at  
6 her again.

7 16. After ARI YOUNG walked into the street, the additional deputies started  
8 to arrive. Fincel, COLLAS and MARTINEZ each arrived on scene in separate  
9 vehicles. As the three vehicles approached, ARI YOUNG fired another round into  
10 the air. His hands were up in the universal sign of surrender.

11 17. Deputy COLLAS gave commands to ARI YOUNG to drop the gun.  
12 MARTINEZ heard COLLAS give these commands. ARI YOUNG complied with  
13 COLLAS’s commands and began lowering his hand to drop the gun.

14 18. Despite hearing COLLAS’s commands to “drop the gun” and ARI  
15 YOUNG’s attempt to comply, MARTINEZ got out and immediately started firing on  
16 ARI YOUNG from only 10-15 feet away. MARTINEZ testified under oath as  
17 follows:

18 *“Q. Okay. How much time do you think there was*  
19 *when you got out of your car and you heard*  
20 *Deputy Collas say “Drop the gun” until you shot?*

21 *A. Less than a second.”*

22 19. MARTINEZ also testified under oath:

23 *“Q. . . . when you get out of your vehicle, you*  
24 *didn’t ask anything; correct?*

25 *A. That’s correct. I didn’t give any commands.*

26 *Q. When you got out of the vehicle, you just shot;*  
27 *correct?*

28 *A. Yes.”*

1           20. At no point did ARI YOUNG ever point the gun at MARTINEZ or  
2 COLLAS or anyone else.

3           21. On information and belief, MARTINEZ fired at least 11 rounds and  
4 COLLAS fired at least 7 times. ARI YOUNG was struck at least 6 times.

5           22. As ARI YOUNG lay in the street, approximately 20 seconds passed since  
6 the initial volley of shots and MARTINEZ fired another round – an execution shot –  
7 at ARI YOUNG’s back, striking him near the base of his spine.

8           23. The gun MARTINEZ used in the incident was his department issued  
9 weapon, but with a “trigger reset” modification which allowed MARTINEZ to fire  
10 multiple shot in succession “faster”.

11           24. As result of the incident, ARI YOUNG suffered severe and permanent  
12 injuries.

13           25. On May 31, 2023 a jury empaneled in San Bernardino County Court Case  
14 #FVI19002410 found ARI YOUNG not guilty of several charges including attempted  
15 murder, assault with a firearm on police officer, and firearm enhancements. Mr.  
16 Young was found guilty only of negligent discharge of a firearm. The jury hung on  
17 the remaining charges including resisting arrest and battery with injury on a police  
18 officer. On July 17, 2023, San Bernardino County Judge Miriam Morton dismissed  
19 all remaining criminal charges against Mr. Young.

20 **Other Incidents and/or Misconduct Involving Deputy Michael Martinez:**

21           26. On January 16, 2019, several SBCO Sheriff’s Department deputies  
22 responded to a report of two black males armed with guns in the City of Victorville.  
23 When the first-responding deputies made contact with the suspects, one of the  
24 suspects ran and one of the deputies broadcast the foot pursuit over the radio. Other  
25 deputies arrived on scene and assisted with taking both suspects into custody.  
26 Defendant MARTINEZ was one of the deputies who arrived on scene in response to  
27 the call.  
28

1           27. When one of the suspects was handcuffed and lying on his stomach,  
2 MARTINEZ kicked him near his head and shoulder area. When it was clear that this  
3 suspect was handcuffed, lying face down, in custody, and not a threat to anyone,  
4 MARTINEZ nevertheless used unreasonable and excessive force by kicking him  
5 repeatedly. Other than kicking, MARTINEZ made no effort to assist the other  
6 deputies in taking this suspect into custody. MARTINEZ attempted more blows to  
7 this suspect but they were prevented by at least one female deputy at the scene. After  
8 the suspect was handcuffed, this female deputy yelled at MARTINEZ to “Stop” and  
9 then tried to intervene to stop MARTINEZ from kicking any more. After the suspect  
10 was detained in the rear of a patrol unit, this female deputy confronted MARTINEZ  
11 about his use of force. In response, MARTINEZ told her to “Fuck off.”

12           28. Shortly after this incident, several of the deputies who responded at the  
13 scene, including MARTINEZ, discussed what to write and what not to write in each  
14 of their respective incident reports. Specifically, they agreed not to discuss any use of  
15 force by other deputies (i.e., MARTINEZ). It wasn’t until the next day that one of  
16 these deputies came forward to actually discuss MARTINEZ’s use of force – because  
17 this deputy was concerned that several citizens may have recorded the incident on  
18 their cell phones.

19           29. On January 28, 2019, Sergeant Joshua Conley of the SBCO Sheriff’s  
20 Department began an Administrative Investigation over MARTINEZ’s use of force  
21 against one of the young black male suspects. It was discovered that MARTINEZ  
22 did not activate his belt recorder during the incident. However, an audio recording  
23 from one of the other deputies’ belt recorders revealed that MARTINEZ kicked  
24 and/or attempted to kick the suspect approximately 10-12 seconds after the “clicking”  
25 of the handcuffs could be heard.

26           30. On April 17, 2019, MARTINEZ sent a text message to another deputy  
27 about how he (MARTINEZ) had instructed another deputy not to document the force  
28 applied by other deputies in a use of force report and how it was an unwritten rule.



1           31. On or about May 15, 2019, SBCO received a written complaint by a  
2 civilian against MARTINEZ regarding excessive use of force. There were also  
3 complaints of using pepper spray and being punched in the head while detained and  
4 on the ground.

5           32. On July 4, 2019, MARTINEZ asked another SBCO Sheriff's Department  
6 from the Victorville station if he had any confiscated fireworks that MARTINEZ  
7 could take for his own personal use. MARTINEZ was aware that Victorville station  
8 deputies commonly confiscated fireworks from citizens and then possessed them for  
9 their own use. In fact, MARTINEZ himself previously acquired confiscated  
10 fireworks and ignited them at his own residence. An investigation concluded that  
11 MARTINEZ violated SBCO Sheriff's Department Policy section 1.678 – Misconduct  
12 (The Department could be discredited if his request for confiscated fireworks became  
13 public).

14           33. On August 21, 2019, the SBCO Sheriff's Department issued a written  
15 Order of Disciplinary Action to Martinez for his misconduct and actions in the  
16 January 16, 2019 excessive force incident. SBCO proposed that MARTINEZ receive  
17 a “reduction in pay equivalent to ten (10) days suspension as a Deputy Sheriff with  
18 the San Bernardino County Sheriff's Department.” MARTINEZ was also ordered to  
19 complete use of force training, among other classes.

20           34. On August 29, 2019, the SBCO Sheriff's Department served  
21 MARTINEZ with the Order of Disciplinary Action. MARTINEZ acknowledged  
22 receiving this document on the same day.

23           35. On September 4, 2019, MARTINEZ knowingly created a false Grand  
24 Theft Auto call for service and conducted a California Law Enforcement  
25 Telecommunications System (CLETS) inquiry on SBCO Sheriff's Department  
26 Deputy Starsun Finchel and also prepared a false Ramey warrant. The following day,  
27 MARTINEZ gave the police incident, CLETS inquiry, and Ramey warrant to  
28 Sargeant Joshua Conley to present to the Victorville station deputies during briefing.



1 MARTINEZ and Conley knew these documents were false and that this type of  
2 conduct was against SBCO Sheriff’s Department Policy section 2.522 – Use of  
3 Department Communications Systems and Networks.

4 36. On September 11, 2019, MARTINEZ participated in a text exchange  
5 with another SBCO colleague. The colleague asked MARTINEZ how he was coping  
6 after being involved in the September 4, 2019 incident where he shot Plaintiff  
7 YOUNG. MARTINEZ replied:

8 *“I’m good bro. Got my homicide interview*  
9 *tomorrow with the rep. I gotta articulate really I*  
10 *shot taken 17 seconds from the initial volley of*  
11 *shots.”*

12 The SBCO colleague sent a responsive text to MARTINEZ saying:

13 *“Hahaha, I mean he was probably still on the*  
14 *ground moving and you thought he might still have*  
15 *the gun. No one can say what you saw.”*

16 MARTINEZ continued by stating:

17 *“Yep you know exactly what’s up ☺ ☺ verbatim.”*

18 37. MARTINEZ admitted that these text exchanges violated Department  
19 Policy section 1.678 – Misconduct, because he believed the Department could be  
20 discredited if his comments about the lethal use of force incident involving YOUNG  
21 became public.

22 38. On September 14, 2019, MARTINEZ was involved in an incident for  
23 which he was disciplined for using excessive force against a Black male.  
24 MARTINEZ used his OC spray and his taser against this suspect. After a formal  
25 SBCO investigation, MARTINEZ was notified that he would be suspended “for five  
26 (5) days as a Deputy Sheriff with the San Bernardino County Sheriff’s Department.”  
27 MARTINEZ was also ordered to complete use of force training.  
28

1           39. On June 5, 2020, MARTINEZ participated in a group text exchange with  
2 other SBCO colleagues about a group of protestors outside the Victorville station.  
3 This text message stated:

4                           *“Let’s dress up in all black with masks and run up*  
5                           *on the protestors. Beat their ass and be GOA for*  
6                           *P2’s. You know P2’s won’t do anything.”*

7           40. MARTINEZ responded to this text by using the laughing feature on his  
8 phone. MARTINEZ admitted that this text exchange violated Department Policy  
9 section 1.678 – Misconduct, because he believed the Department could be discredited  
10 if his text message became public.

11           41. On June 15, 2020, MARTINEZ participated in a group text exchange  
12 with other SBCO colleagues with an image of a Gerber fixed blade with “VC-17”  
13 and an image of a shark etched into the blade. MARTINEZ knew that the “VC”  
14 represented Victorville City and the “17” was the Victorville station identifier.  
15 MARTINEZ also knew that the shark was the unofficial mascot of the Victorville  
16 station. MARTINEZ responded to this message by stating:

17                           *“Badass, can’t get caught stabbing someone.*  
18                           *Would be transferred to Baker, Mount Baldy,*  
19                           *Trona, if someone found out.”*

20           42. Another SBCO colleague sent the group another message stating that the  
21 cost of the knife was “88.00”. MARTINEZ knew that the “88” was in reference to  
22 the numeric code for “**Heil Hitler**”.

23           43. MARTINEZ admitted that this text exchange violated Department  
24 Policy section 1.678 – Misconduct, because he believed the Department could be  
25 discredited if his text messages about the knife became public.

26           44. On June 19, 2020, MARTINEZ sent the group a text message asking  
27 what they had planned for the Independence Day holiday. One of the deputies said  
28

1 he planned to upset his neighbors with confiscated fireworks. MARTINEZ stated,  
2 “I’ve got a brown bag full of em haha” – referring to confiscated fireworks he  
3 received from another deputy.

4 45. On July 20, 2020, MARTINEZ sent a text message to another deputy  
5 after MARTINEZ responded to a call for service and his belt recording captured a  
6 juvenile screaming in agony when MARTINEZ detained the juvenile. MARTINEZ  
7 believed his contact with the juveniles sounded poorly and could result in  
8 administrative discipline. MARTINEZ asked the deputy how to get rid of the audio  
9 recording. Another deputy talked MARTINEZ out of disposing of the audio  
10 recording.

11 46. On October 27, 2020, MARTINEZ sent a video to another deputy of a  
12 while male who was bleeding from an apparent head injury. MARTINEZ asked him  
13 to say “Hell yeah brother”, because MARTINEZ knew a former Victorville station  
14 member used that phrase as a joke. After this victim used blood to fingerprint on a  
15 patrol vehicle, MARTINEZ sent another text message stating:

16 *“Like bro 4 years ago I would’ve taken a 663/187*  
17 *dr if I crosses paths with this guy like that. Now*  
18 *we are having people finger paint with the blood*  
19 *from their cracked skull ☺ ☺.”*

20 47. On December 24, 2020, MARTINEZ sent the group a photograph of a  
21 homicide victim with an apparent gunshot wound to the head. MARTINEZ admitted  
22 that he believed the victim’s family would disapprove of him disseminating this  
23 image. MARTINEZ admitted that this text exchange violated Department Policy  
24 section 1.678 – Misconduct, because he believed the Department could be discredited  
25 if his text messages about the photo became public. MARTINEZ admitted that this  
26 text exchange also violated Department Policy section 1.760.25 – Recording or  
27 Distribution of Department Actions, when he disseminated the photograph of the  
28

1 homicide victim to deputies in the group thread.

2 48. On January 10, 2021, MARTINEZ sent the group a meme of a Black  
3 adult male with a caption which read:

4 *“HIDE YO PARENTS HIDE YO*  
5 *GRANDPARENTS CAUSE VICTORVILLE PD*  
6 *SHOOTIN EVERYONE’S GRAM GRAMS OUT*  
7 *HERE.”*

8 49. MARTINEZ sent this meme in reference to a recent incident involving a  
9 Victorville deputy shooting a deaf and blind person. MARTINEZ said he believed  
10 the family of the victim would disapprove of the meme and would be offended, but  
11 MARTINEZ sent the group the meme because he thought the group would find it  
12 humorous.

13 50. On June 10, 2021, MARTINEZ sent the group a video of himself driving  
14 to work a patrol shift at the Morongo Basin station. This was shortly after an SBCO  
15 deputy was involved in a lethal force incident. One of the deputies responded to  
16 MARTINEZ’s message, stating *“I bet you guys shoot someone tonight.”* Another  
17 deputy responded, stating *“Morongo always shoots people. Morongo coupled with*  
18 *VC depts equals justified homicide.”*

19 51. On June 16, 2021, SBCO Sheriff Deputy Corie Smith was caught on  
20 video assaulting a Black male suspect by twice kicking him in the head after the  
21 suspect had surrendered to Smith. On information and belief, Deputy Corie Smith  
22 was one of the members of the group with whom MARTINEZ was texting and  
23 sending inappropriate photos/videos.

24 52. The conduct of MARTINEZ, both before, during, and after the incident  
25 involving ARI YOUNG, demonstrates a racial animus and bias against Black  
26 individuals. The text messages, pictures, words, and overall conduct of MARTINEZ  
27 clearly show a discriminatory motive towards ARI YOUNG and other Black  
28

1 individuals within the community.

2 53. On information and belief, Plaintiff alleges that there have been  
3 numerous other incidents involving SBCO deputies and officers using excessive,  
4 unreasonable, and unnecessary force against Black individuals within the community.  
5 However, SBCO has permitted a racially hostile environment to persist, and has  
6 failed to adequately train, supervise, and discipline its deputies so as to allow said  
7 environment to continue – all to the detriment of persons like ARI YOUNG and other  
8 Black individuals.

9 54. The widespread abuse by MARTINEZ, as well as others within SBCO  
10 Sheriff’s Department highlights a pattern and practice of discriminatory law  
11 enforcement based on race and racial profiling. Deputies like MARTINEZ have  
12 engaged in vile derogatory speech, physical mistreatment of community members,  
13 and violations of individual civil rights. The abuses in question were the product of a  
14 culture of intolerance within the SBCO Sheriff’s Department. This culture is rooted  
15 in the deliberate indifference of high ranking County officials, who have routinely  
16 acquiesced in the misconduct and otherwise failed to take necessary measures to  
17 curtail and prevent it. Despite the repeated and frequent nature of the misconduct and  
18 civil rights violations committed by its deputies, high ranking County officials failed  
19 to take any or appropriate remedial action. As a result, deputies engaged in repeated  
20 and serious acts of misconduct and civil rights violations against citizens living,  
21 visiting, and/or traveling in SBCO.

22 55. Plaintiff alleges Defendant SBCO was aware of the openly racist  
23 conduct of the deputies it employed (such as MARTINEZ), their use of excessive  
24 force as set forth herein, the widespread acceptance within the SBCO of  
25 unconstitutional actions by deputies as set forth herein, and failed to take any  
26 remedial measures, and tolerated, encouraged and ratified the repeated and  
27 widespread pattern and practice of these unconstitutional actions.  
28

**FIRST CAUSE OF ACTION – VIOLATION 42 U.S.C. §1983**

**(Unreasonable and Excessive Force)**

**Against Defendants MARTINEZ, COLLAS, and DOES 1-10, Only**

56. Plaintiff re-alleges and incorporates by reference the information set forth in paragraphs 1 through 55 above, and as though fully set forth herein.

57. This cause of action is brought pursuant to 42 U.S.C. §1983, for violation of Plaintiff’s rights under the Fourth and Fourteenth Amendments of the U.S. Constitution.

58. 42 U.S.C. § 1983 provides in part:

“Every person who, under color of any statute, ordinance, regulation, custom, or usage of any State or Territory subjects, or causes to be subjected, any person of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws shall be liable to the party injured in an action at law, suit at equity or other proper proceeding for redress.”

59. The conduct of Defendants MARTINEZ, COLLAS, and DOES 1-10 deprived Plaintiff of his right to be free of Unreasonable searches and seizures, pursuant to the Fourth and Fourteenth Amendments to the United States Constitution. Defendants' conduct also deprived Plaintiff of his right to due process of law, pursuant to the Fourteenth Amendment of the United States Constitution.

60. At the time Defendants MARTINEZ and COLLAS shot plaintiff, they were in a situation in which an objective, reasonable police officer would not have used lethal force. Plaintiff did not represent a threat to their lives or to the lives of others. Plaintiff was not actively resisting arrest. Plaintiff was not attempting to evade arrest by flight. Plaintiff was instead complying with commands given to him.

61. The shooting was not justified by the purported crime at issue, if any, nor was a warning given by Defendants that deadly force would be used. Defendants

1 MARTINEZ and COLLAS discharged their firearm(s) negligently, recklessly,  
2 intentionally, tortiously and/or with the intent to kill and/or commit serious bodily  
3 injury and to violate said Plaintiff’s civil rights.

4 62. As a direct result of the actions by Defendants MARTINEZ, COLLAS,  
5 and DOES 1-10, Plaintiff was severely injured and sustained permanent injuries.  
6 Plaintiff seeks general and special damages and attorneys’ fees, according to proof.

7 63. The aforementioned acts of Defendants MARTINEZ, COLLAS, and  
8 DOES 1-10 were willful, wanton, malicious, oppressive and shocking to the  
9 conscience thereby justifying the awarding of exemplary and punitive damages as to  
10 said defendants.

11 **SECOND CAUSE OF ACTION – VIOLATION 42 U.S.C. §1983**

12 **(Racial Profiling and Discrimination)**

13 **Against Defendant MARTINEZ and DOES 1-10, Only**

14 64. Plaintiff re-alleges and incorporates by reference the information set  
15 forth in paragraphs 1 through 63 above, and as though fully set forth herein.

16 65. This cause of action is brought pursuant to 42 U.S.C. §1983, for  
17 violation of Plaintiff’s rights under the Fourth and Fourteenth Amendments of the  
18 U.S. Constitution.

19 66. Racial profiling and discrimination by law enforcement is also unlawful  
20 under 34 U.S.C. §12601 which provides:

21  
22 “It shall be unlawful for any governmental  
23 authority, or any agent thereof, or any person  
24 acting on behalf of a governmental authority, to  
25 engage in a pattern or practice of conduct by law  
26 enforcement officers or by officials or employees  
27 of any governmental agency with responsibility for  
28 the administration of juvenile justice or the  
incarceration of juveniles that deprives persons of  
rights, privileges, or immunities secured or



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protected by the Constitution or laws of the United States.”

67. As set forth above, the conduct of MARTINEZ, both before, during, and after the incident involving ARI YOUNG, demonstrates a racial animus and bias against Black individuals. The text messages, pictures, words, and overall conduct of MARTINEZ clearly show a discriminatory motive towards ARI YOUNG and other Black individuals within the community.

68. On information and belief, ARI YOUNG’s race was a motivating factor in MARTINEZ’s use of excessive, unreasonable, and deadly force herein.

69. As a direct result of the actions by Defendant MARTINEZ and DOES 1-10, Plaintiff was severely injured and sustained permanent injuries. Plaintiff seeks general and special damages and attorneys’ fees, according to proof.

70. The aforementioned acts of Defendant MARTINEZ and DOES 1-10 were willful, wanton, malicious, oppressive and shocking to the conscience thereby justifying the awarding of exemplary and punitive damages as to said defendants.

**THIRD CAUSE OF ACTION – VIOLATION 42 U.S.C. §1981**

**(Violation of Equal Protection Clause)**

**Against Defendant MARTINEZ and DOES 1-10, Only**

71. Plaintiff re-alleges and incorporates by reference the information set forth in paragraphs 1 through 70 above, and as though fully set forth herein.

72. This cause of action is brought pursuant to 42 U.S.C. §1981, for violation of Plaintiff’s rights under the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. The Equal Protection Clause of the Fourteenth Amendment requires that policing, like other government activities, afford all persons the equal protection of the laws. The Equal Protection Clause does not permit law enforcement personnel to target persons based upon race or racial animus.

73. 42 U.S.C. §1981(a) provides:

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“All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

74. On information and belief, ARI YOUNG’s race was a motivating factor in MARTINEZ’s use of excessive, unreasonable, and deadly force herein.

75. As a direct result of the actions by Defendant MARTINEZ and DOES 1-10, Plaintiff was severely injured and sustained permanent injuries. Plaintiff seeks general and special damages and attorneys’ fees, according to proof.

76. The aforementioned acts of Defendant MARTINEZ and DOES 1-10 were willful, wanton, malicious, oppressive and shocking to the conscience thereby justifying the awarding of exemplary and punitive damages as to said defendants.

**FOURTH CAUSE OF ACTION - VIOLATION 42 U.S.C. §1983**

**(Municipal Liability – *Monell*)**

**Against Defendant SAN BERNARDINO COUNTY, and Does 1-10 Only**

77. Plaintiff re-alleges and incorporates by reference the information set forth in paragraphs 1 through 76 above, and as though fully set forth herein.

78. Defendant SBCO, pursuant to municipal custom, policy or practice, negligently or recklessly hired, trained, supervised, investigated, disciplined, retained, and/or restrained Defendants MARTINEZ, COLLAS, and DOES 1-10 so as to be a moving force in violation of Plaintiff’s civil and statutory rights based on the aforesaid conduct alleged herein.

79. Plaintiff alleges that one or more of the Defendants have been involved in previous episodes of alleged excessive force, and/or deliberate indifference to the lives and wellbeing of detainees/arrestees and alleges that Defendant SBCO

1 condones, endorses actively and/or passively tolerates the deliberate indifference to  
2 such lives, use of excessive force, and dishonesty, especially when civil liability may  
3 result, in an effort to avoid responsibility, and accountability for the actions of their  
4 employees, specifically the uniformed officers of the Defendant SBCO.

5 80. At the time of the subject incident, Plaintiff alleges on information and  
6 belief that Defendant SBCO had in place, and had ratified policies, procedures,  
7 customs and practices which permitted and encouraged its police officers to  
8 unjustifiably, unreasonably and in violation of the Fourth Amendment to use deadly  
9 force against unarmed suspects.

10 81. Plaintiff alleges on information and belief that said policies, procedures,  
11 customs and practices also called for SBCO not to discipline, prosecute, or  
12 objectively and/or independently investigate or in any way deal with or respond to  
13 known incidents, complaints of excessive force, wrongful shootings of such persons,  
14 conduct by police officers of SBCO to fail to objectively and/or independently  
15 investigate or in any way properly deal with or respond to claims and lawsuits made  
16 as a result of such shootings and misconduct.

17 82. Plaintiff alleges on information and belief that said policies, procedures,  
18 customs and practices called for and led to the refusal of said defendants to properly  
19 investigate complaints of previous incidents of excessive force, wrongful shootings of  
20 such persons and instead, officially claim that such incidents were justified and  
21 proper.

22 83. Plaintiff alleges on information and belief that said policies, procedures,  
23 customs and practices evidenced a deliberate indifference to the violations of the  
24 constitutional rights of the plaintiff. This indifference was manifested by the failure  
25 to change, correct, revoke, or rescind said policies, procedures, customs and practices  
26 in light of prior knowledge by said defendants of their similar incidents.

27 84. The actions of Defendant SBCO were the cause of, and/or a substantial  
28 factor in causing Plaintiff's injuries.

1 85. As a direct result of the actions by Defendant SBCO, Plaintiff was  
2 severely injured and sustained permanent injuries. Plaintiff seeks general and special  
3 damages and attorneys' fees, according to proof.

4 **SUPPLEMENTAL CLAIMS**

5 **FIFTH CAUSE OF ACTION – STATE LAW**

6 (Assault and Battery – Violation of Penal Code §242 et seq.)

7 **Against Defendants MARTINEZ, COLLAS, and DOES 1-10, Only**

8 86. Plaintiff re-alleges and incorporates by reference the information set forth  
9 in paragraphs 1 through 85 above, and as though fully set forth herein.

10 87. Pursuant to California *Government Code* §910 et seq., Plaintiff timely  
11 filed a Claim for Damages with the County of San Bernardino and Plaintiff has  
12 complied with this timeline.

13 88. Plaintiff invokes the pendant jurisdiction of this Court to hear and  
14 determine this claim.

15 89. Pursuant to California *Government Code* §815.2, Defendant SBCO is  
16 liable for injury proximately caused by an act or omission of its employees within the  
17 scope of his/her employment if the act or omission would have given rise to a cause  
18 of action against that employee or his personal representative. Section 815.2's  
19 "[v]icarious liability is a primary basis for liability on the part of a public entity, and  
20 flows from the responsibility of such an entity for the acts of its employees under the  
21 principle of respondeat superior." (*Zelig v. County of Los Angeles* (2002) 27 Cal.4th  
22 1112, 1128.).

23 90. Pursuant to California *Government Code* §820(a), Defendants  
24 MARTINEZ, COLLAS, and DOES 1-10 are liable for their individual torts to the  
25 same extent as private persons. No privileges or immunities exist to exonerate these  
26 Defendants from their actions herein.

27 91. The actions of Defendants MARTINEZ, COLLAS, and DOES 1-10 were  
28 in violation of California *Penal Code* §242 et seq.

1           92. Pursuant to California *Code of Civil Procedure* §377.32, Plaintiff seeks  
2 only punitive/exemplary damages against Defendants MARTINEZ, COLLAS, and  
3 DOES 1-10 through this cause of action.

4           93. Said harmful and offensive conduct toward plaintiff was intentionally  
5 committed by Defendants MARTINEZ, COLLAS, and DOES 1-10, and was willful,  
6 wanton, malicious and oppressive thereby justifying the awarding of exemplary, or  
7 punitive, damages as to each of the individual Defendants (Does 1-10) in an amount  
8 to be proven at trial.

9           94. Said assault and battery was not consented to by Plaintiff, nor was the  
10 infliction of serious bodily injury upon plaintiff privileged or immunized by the laws  
11 of the State of California.

12                                   **SIXTH CAUSE OF ACTION – STATE LAW**

13   **(For Negligence)**

14   **Against All Defendants**

15           95. Plaintiff re-alleges and incorporates by reference the information set forth  
16 in paragraphs 1 through 94 above, and as though fully set forth herein.

17           96. Pursuant to California *Government Code* §815.2, Defendant SBCO is  
18 liable for injury proximately caused by an act or omission of its employees within the  
19 scope of his/her employment if the act or omission would have given rise to a cause  
20 of action against that employee or his personal representative. Section 815.2's  
21 "[v]icarious liability is a primary basis for liability on the part of a public entity, and  
22 flows from the responsibility of such an entity for the acts of its employees under the  
23 principle of respondeat superior." (*Zelig v. County of Los Angeles* (2002) 27 Cal.4th  
24 1112, 1128.).

25           97. Pursuant to California *Government Code* §820(a), Defendants  
26 MARTINEZ, COLLAS, and DOES 1-10 are liable for their individual torts to the  
27

1 same extent as private persons. No privileges or immunities exist to exonerate these  
2 Defendants from their actions herein.

3 98. At all times herein mentioned, each of the Defendants owed a duty to  
4 Plaintiff to not endanger his life or liberty, to use appropriate police tactics and  
5 procedures and to follow an appropriate custom and practice regarding persons in the  
6 same situation as plaintiff, and to utilize forces, if necessary, that would be reasonable  
7 to an objective officer under the circumstances at the scene.

8 99. Said defendants breached their duty of care to plaintiff through their acts  
9 and failures to act, thereby proximately causing plaintiff's injuries.

10 100. As a proximate, legal and direct result of the above mentioned conduct of  
11 the defendants, and each of them, Plaintiff severe and permanent injuries.

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13 **PRAYER**

14 Wherefore, Plaintiff prays for judgment as follows:

- 15 1. For all available general damages according to proof;
- 16 2. For all available special damages according to proof;
- 17 3. Loss of earnings and earning capacity according to proof;
- 18 4. Attorneys' fees according to proof;
- 19 5. Costs of suit incurred herein; and
- 20 6. For exemplary and punitive damages as to Defendants MARTINEZ,
- 21 COLLAS, and DOES 1-10, only; and
- 22 7. For any other available relief as the court may deem just and proper;

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**JURY DEMAND**

Plaintiff hereby demands a trial by jury on all issues.

DATED: March 20, 2024

HARRIS GROMBCHEVSKY LLP

BY:   
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DARREN M. HARRIS  
Attorneys for Plaintiff  
ARI AKI YOUNG