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6 Attorneys for Plaintiffs,
7 ESTATE OF IRENE JARAMILLO, et al.

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

11 ESTATE OF IRENE JARAMILLO;)
12 ISABEL JARAMILLO, individually and)
13 as successor in interest to IRENE)
14 JARAMILLO; JULIAN RAMOS JR,)
15 individually and as successor in interest to)
16 IRENE JARAMILLO; ROBERT)
17 RAMOS, individually and as successor in)
18 interest to IRENE JARAMILLO; ESTATE)
OF AARON MCDONALD; BARBARA)
19 MCDONALD, individually and as)
20 successor in interest to AARON)
MCDONALD; PAUL MCDONALD,)
21 individually and as successor in interest to)
22 AARON MCDONALD)

23 Plaintiffs,)

24 v.)

25 RIALTO POLICE DEPARTMENT, a)
26 public entity; CITY OF RIALTO, a public)
27 entity; and DOES 1-10, inclusive,)

28 Defendants.)

CASE NO.: 5:24-cv-00687

COMPLAINT FOR DAMAGES

1. Substantive Due Process, Fourteenth Amendment Violation - (42 U.S.C. § 1983)
2. Interference with Parent/Child Relationship, Fourteenth Amendment Violation - (42 U.S.C. § 1983)
3. Municipal Liability, Unconstitutional Customs, Policies, and Practices - (*Monell* - 42 U.S.C. § 1983)
4. Municipal Liability, Failure to Train - (*Monell* - 42 U.S.C. § 1983)

DEMAND FOR JURY TRIAL

1 **JURISDICTION AND VENUE**

2 1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331,
3 as this action seeks redress for the violation of the Decedent’s constitutional and civil
4 rights pursuant to 42 U.S.C. § 1983. This Court has supplemental jurisdiction pursuant
5 to 28 U.S.C. § 1367(a) over Plaintiffs’ state law claims.

6 2. Venue is proper under 28 U.S.C. Sections 1391(b)(1)(2) because
7 Defendants can be found in, reside, or transact business in this judicial district and
8 because the events giving rise to this Complaint occurred in this judicial district.

9 **PARTIES**

10 3. At all times herein relevant, Plaintiff ISABEL JARAMILLO, was and is
11 an adult citizen and resident of San Bernardino County in the State of California and is
12 the surviving sister of Decedent Irene Jaramillo.

13 4. At all times herein relevant, Plaintiff JULIAN RAMOS JR., was and is an
14 adult citizen and resident of San Bernardino County in the State of California and is
15 the surviving brother of Decedent Irene Jaramillo.

16 5. At all times herein relevant, Plaintiff ROBERT RAMOS, was and is an
17 adult citizen and resident of San Bernardino County in the State of California and is
18 the surviving brother of Decedent Irene Jaramillo.

19 6. Plaintiff ESTATE OF IRENE JARAMILLO is represented by its
20 successors in interest, ISABEL JARAMILLO, JULIAN RAMOS JR and ROBERT
21 RAMOS. Plaintiffs were and was, at all times relevant hereto, the natural siblings of
22 decedent IRENE JARAMILLO, and at all times relevant hereto was a resident of the
23 County of San Bernardino, California. Plaintiffs ISABEL JARAMILLO, JULIAN
24 RAMOS JR and ROBERT RAMOS brings these claims pursuant to California Code
25 of Civil Procedure §§ 377.20 *et seq.* and 377.60 *et seq.*, which provide for survival and
26 wrongful death actions. Plaintiffs ISABEL JARAMILLO, JULIAN RAMOS JR and
27 ROBERT RAMOS also brings their claims individually and on behalf of decedent
28 IRENE JARAMILLO on the basis of 42 U.S.C. §§ 1983 and 1988, the United States

1 Constitution, federal and state civil rights law and California law. Plaintiffs ISABEL
2 JARAMILLO, JULIAN RAMOS JR and ROBERT RAMOS also brings these claims
3 as a Private Attorney General, to vindicate not only her rights, but others' civil rights
4 of great importance.

5 7. At all times herein relevant, Plaintiff BARBARA MCDONALD, was and
6 is an adult citizen and resident of San Bernardino County in the State of California and
7 is the surviving mother of Decedent Aaron McDonald.

8 8. At all times herein relevant, Plaintiff PAUL MCDONALD, was and is an
9 adult citizen and resident of San Bernardino County in the State of California and is
10 the surviving father of Decedent Aaron McDonald.

11 9. Plaintiff AARON MCDONALD is resented by its successor in interest,
12 BARBARA MCDONALD and PAUL MCDONALD. Plaintiffs were and was, at all
13 times relevant hereto, the natural parents of decedent AARON MCDONALD, and at
14 all times relevant hereto was a resident of the County of San Bernardino, California.
15 Plaintiffs BARBARA MCDONALD and PAUL MCDONALD bring these claims
16 pursuant to California Code of Civil Procedure §§ 377.20 *et seq.* and 377.60 *et seq.*,
17 which provide for survival and wrongful death actions. Plaintiffs BARBARA
18 MCDONALD and PAUL MCDONALD also brings their claims individually and on
19 behalf of decedent AARON MCDONALD on the basis of 42 U.S.C. §§ 1983 and 1988,
20 the United States Constitution, federal and state civil rights law and California law.
21 Plaintiffs BARBARA MCDONALD and PAUL MCDONALD also brings these
22 claims as a Private Attorney General, to vindicate not only her rights, but others' civil
23 rights of great importance.

24 10. Defendant the CITY OF RIALTO ("CITY") was and is a city, political
25 subdivision, governmental entity and municipality of the State of California, organized
26 and existing under the laws of the State of California, with a principal place of business
27 at 150 S. Palm Ave, Rialto, California 92376.

28

1 11. Defendant RIALTO POLICE DEPARTMENT (“RPD”) is a separate
2 legal entity¹, and public department of the CITY, and its policies and police services
3 within the CITY OF RIALTO.

4 12. Defendants Does 1-10, at all times mentioned herein, were employees of
5 CITY and RPD, respectively.

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

12 14. The identities, capacities, and/or nature of involvement of the defendants
13 sued as DOES 1 through 10 are presently unknown to the Plaintiffs who therefore sue
14 these defendants by fictitious names. Plaintiffs are informed, believe, and thereupon
15 allege that DOES 1 through 10 include employees of the public agencies names herein,
16 and that they were involved in some manner and are legally responsible for the
17 wrongful acts and conduct alleged herein. Plaintiffs will amend this complaint to
18 substitute the DOE Defendants’ true names and capacities when they have been
19 ascertained. Plaintiffs are informed, believe, and thereupon allege that each DOE
20 defendant is a resident of California.

21 15. Each of the defendants, including the DOE defendants, caused, and is
22 responsible for, the unlawful conduct and resulting injuries suffered by Plaintiffs by,
23 among other things, personally participating in the unlawful conduct, acting jointly, or
24 conspiring with others who did so; by ordering, authorizing, acquiescing in, or setting
25

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

1 in motion policies, plans, or actions that led to the unlawful conduct, by failing to take
2 action to prevent the unlawful conduct; by failing and refusing to initiate and maintain
3 adequate training and supervision; by failing to enact policies to address the
4 constitutional rights of protesters despite the obvious need for such a policy; and by
5 ratifying the unlawful conduct that occurred by agents and officers under their direction
6 and control, including failing to take remedial or disciplinary action.

7 16. Plaintiffs are informed and believe and thereon allege that each of the
8 Defendants was at all material times an agent, servant, employee, partner, joint venturer,
9 co-conspirator, and/or alter ego of the remaining Defendants, and in doing the things
10 herein alleged, was acting within the course and scope of that relationship. Plaintiffs are
11 further informed and believe and thereon allege that each of the Defendants herein gave
12 consent, aid, and assistance to each of the remaining Defendants, and ratified and/or
13 authorized the acts or omissions of each Defendant as alleged herein, except as may be
14 hereinafter specifically alleged. At all material times, each Defendant was jointly
15 engaged in tortious activity and an integral participant in the conduct described herein,
16 resulting in the deprivation of Plaintiffs' and decedent's constitutional rights and other
17 harm.

18 17. Plaintiffs are informed, believe, and thereupon allege that, at all times
19 relevant hereto, Defendants, and each of them, acted as the agents, servants, and
20 employees of each of the other defendants.

21 18. In doing each of the acts and/or omissions alleged herein, Defendants, and
22 each of them, acted within the course and scope of their employment.

23 19. In doing each of the acts and/or omissions alleged herein, Defendants, and
24 each of them, acted under color of authority and/or under the color of law.

25 **FACTUAL ALLEGATIONS**

26 20. On Saturday, April 2, 2022, at approximately 1:00 a.m., Colton Police
27 Department initiated a police pursuit on a grey Nissan Maxima being driven by
28 CANCHOLA.

1 21. After seeing CANCHOLA's reckless driving, officers engaged in a high
2 speed chase of CANCHOLA which began in the city of Colton. Rather than yield to
3 officers, CANCHOLA continued driving at speeds over 130 miles per hour. Because
4 of the speeds reaching over 130 miles per hour, Colton Police originally stopped
5 engaging in the chase and CANCHOLA was able to elude officers.

6 22. Moments later, Defendants RPD and Does 1-10, inclusive, initiated a
7 pursuit of CANCHOLA who was travelling at a high rate of speed. Defendant RPD
8 initiated the pursuit near Linden Ave. and Randall Ave. in the City of Fontana.

9 23. Defendant RPD initiated the police pursuit despite the previous high
10 speeds which CANCHOLA had been driving at and despite Colton Police
11 Department's failed attempts at stopping CANCHOLA.

12 24. Upon information and belief, despite CANCHOLA driving recklessly and
13 at dangerous speeds, Defendants RPD and Does 1-10, inclusive, continued pursuing
14 CANCHOLA. The dangerous driving of CANCHOLA placed the general public in
15 danger. Upon information and belief, Defendants RPD and Does 1-10, inclusive, were
16 aware of the danger to the public, yet intentionally disregarded such danger effectively
17 rendering their conduct being carried out with a purpose to harm.

18 25. Defendants RPD and Does 1-10, inclusive, continued their pursuit of
19 CANCHOLA, travelling through different parts of the city. Ultimately, CANCHOLA
20 ran a red light and collided into IRENE JARAMILLO and AARON MCDONALD's
21 vehicle.

22 26. At the time CANCHOLA violently struck IRENE JARAMILLO and
23 AARON MCDONALD, IRENE JARAMILLO and AARON MCDONALD were
24 returning from what should have been a happy birthday celebration for IRENE
25 JARAMILLO's thirtieth birthday. IRENE JARAMILLO and AARON MCDONALD
26 were pulled from the wreckage of their vehicle and were transported to a local medical
27 hospital where they succumbed to their injuries and were subsequently pronounced
28 dead. IRENE JARAMILLO was only 30 years-old and AARON MCDONALD was

1 only 31 years-old at the time of their death.

2 27. CANCHOLA and his passenger were transported to a local hospital where
3 they were treated for moderate injuries and survived.

4 28. CANCHOLA was not wanted for any criminal offense and the sole basis
5 for the pursuit was the commission of a traffic infraction for driving on the street at
6 high speeds.

7 **FIRST CLAIM FOR RELIEF**

8 **Substantive Due Process, Fourteenth Amendment Violation**

9 **(42 U.S.C. § 1983)**

10 **(Plaintiffs, as successors in interest, against Defendants DOES 1-10)**

11 29. The preceding paragraphs and allegations stated above are incorporated
12 by reference as though fully set forth herein.

13 30. The Fourteenth Amendment provides that “[n]o State shall . . . deprive any
14 person of life, liberty, or property, without due process of law. . .” U.S. Const., Amdt.
15 14, § 1. The Due Process Clause of the Fourteenth Amendment was intended to prevent
16 government “from abusing [its] power, or employing it as an instrument of
17 oppression.” *DeShaney v. Winnebago Cnty. Dep’t of Soc. Servs.*, 489 U.S. 189, 196,
18 109 S. Ct. 998, 1003, 103 L. Ed. 2d 249 (1989).

19 31. Under the Fourteenth Amendment's substantive due process prong, courts
20 use the “shocks the conscience” test to determine if a violation has occurred. *County of*
21 *Sacramento v. Lewis*, 523 U.S. 833, 846 (1998). The threshold question is “whether the
22 behavior of the governmental officer is so egregious, so outrageous, that it may fairly
23 be said to shock the contemporary conscience.” *Id.* at 848 n. 8.

24 32. At all relevant times, Defendants DOES 1-10, were RPD police officers
25 who were acting under color of law.

26 33. As alleged above, Defendants DOES 1-10, while under the course and
27 scope of their duties as RPD officers, initiated the police pursuit of CANCHOLA.
28 Defendants DOES 1-10 initiated the police pursuit of CANCHOLA. Defendants DOES

1 1-10 initiated the pursuit of CANCHOLA despite CANCHOLA travelling at high rates
2 of speed in excess of 100 miles per hour. Defendants DOES 1-10 initiated the pursuit
3 of CANCHOLA despite knowing that CANCHOLA was driving extremely
4 dangerously throughout three different jurisdictions, including residential streets,
5 placing members of the public at risk.

6 34. Foreseeably, after Defendants DOES 1-10 initiated the pursuit of
7 CANCHOLA, CANCHOLA collided into IRENE JARAMILLO and AARON
8 MCDONALD, killing them.

9 35. Defendant Defendants DOES 1-10's conduct clearly shocks the
10 conscience in violation of IRENE JARAMILLO's and AARON MCDONALD's
11 Fourteenth Amendment rights.

12 36. Upon information and belief, when Defendants DOES 1-10 initiated the
13 pursuit of CANCHOLA and throughout the course of the pursuit of CANCHOLA,
14 Defendants DOES 1-10 acted with a purpose to harm which shocks the conscience.

15 37. As a direct and proximate result of Defendants DOES 1-10' acts and/or
16 omissions as set forth above, IRENE JARAMILLO and AARON MCDONALD,
17 sustained injuries and damages.

18 38. The conduct of Defendants DOES 1-10 entitles Plaintiffs to punitive
19 damages and penalties allowable under 42 U.S.C. § 1983 and as provided by law.
20 Plaintiffs do not seek punitive damages against Defendants CITY and RPD.

21 39. Plaintiffs are also entitled to reasonable costs and attorneys' fees under 42
22 U.S.C. § 1988, and other applicable United States and California codes and laws.

23 **SECOND CLAIM FOR RELIEF**

24 **Interference with Parent/Child Relationship, Fourteenth Amendment Violation**

25 **(42 U.S.C. § 1983)**

26 **(Plaintiffs BARBARA MCDONALD and PAUL MCDONALD, individually,**
27 **against DOES 1-10)**

28 40. The preceding paragraphs and allegations stated above are incorporated

1 by reference as though fully set forth herein.

2 41. Parents and children possess a constitutionally protected liberty interest in
3 companionship and society with each other. *Smith v. City of Fontana*, 818 F.2d 1411,
4 1418 (9th Cir. 1987), overruled on other grounds by *Hodgers-Durgin v. de la Vina*, 199
5 F.3d 1037 (9th Cir. 1999) (en banc). This liberty interest is rooted in the Fourteenth
6 Amendment, which states in relevant part that “[n]o State shall . . . deprive any person
7 of life, liberty, or property, without due process of law.” U.S. Const. amend. XIV, § 1.

8 42. At all relevant times, Defendants DOES 1-10, were RPD police officers
9 who were acting under color of law.

10 43. As alleged above, the aforementioned acts and/or omissions of
11 Defendants DOES 1-10, inclusive, including initiation of a dangerous police pursuit
12 which endangered the public, was done with a purpose to harm IRENE JARAMILLO
13 and AARON MCDONALD in violation of Plaintiffs right to life, protection, and
14 safety. Such conduct violated decedent Plaintiffs’ Fourteenth Amendment rights.

15 44. As a direct and proximate result of Defendants DOES 1-10’ acts and/or
16 omissions as set forth above, IRENE JARAMILLO and AARON MCDONALD,
17 sustained injuries and damages.

18 45. The conduct of Defendants DOES 1-10 entitles Plaintiffs to punitive
19 damages and penalties allowable under 42 U.S.C. § 1983 and as provided by law.
20 Plaintiffs do not seek punitive damages against Defendants CITY and RPD.

21 46. Plaintiffs are also entitled to reasonable costs and attorneys’ fees under 42
22 U.S.C. § 1988, and other applicable United States and California codes and laws.

23 **THIRD CLAIM FOR RELIEF**

24 **Municipal Liability, Unconstitutional Customs, Policies, and Practices**

25 **(*Monell* - 42 U.S.C. § 1983)**

26 **(Plaintiffs, as successors in interest, against Defendants CITY and RPD)**

27 47. The preceding paragraphs and allegation stated above are incorporated by
28 reference as though set forth in full.

1 48. As set forth in the forgoing claims for relief, Defendants DOES 1-10,
2 inclusive, and each of them, committed clear and well-established violations of
3 constitutional rights against IRENE JARAMILLO and AARON MCDONALD within
4 the course and scope of their employment as RPD officers, under color of law.

5 49. On and for some time prior to April 2, 2022 (and continuing to the present
6 date), Defendants CITY, RPD and DOES 6-10, acting with gross negligence and with
7 reckless and deliberate indifference to the rights and liberties of the public in general,
8 and of IRENE JARAMILLO and AARON MCDONALD, and of persons in his class,
9 situation and comparable position in particular, knowingly maintained, enforced and
10 applied an official recognized custom, policy, and practice of:

- 11 A. Permitting RPD officers to initiate police pursuits without weighing the
12 risks and dangers to members of the public such as IRENE JARAMILLO
13 and AARON MCDONALD;
- 14 B. Permitting RPD officers to initiate police pursuits when it is evidence that
15 such pursuit will endanger members of the public such as IRENE
16 JARAMILLO and AARON MCDONALD;
- 17 C. Permitting RPD officers to initiate police pursuits when the target of the
18 pursuit is driving at excessively high rates of speed;
- 19 D. Permitting RPD officers to initiate police pursuits when the target of the
20 pursuit is driving dangerously;
- 21 E. Permitting RPD officers to initiate police pursuits when the target of the
22 pursuit is driving recklessly;
- 23 F. Permitting RPD officers to initiate police pursuits despite the target of the
24 pursuit eluding other police agencies;

25 50. The expressly adopted policies and/or widespread, well-known, and
26 longstanding customs or practices set forth above, constitute standard operating
27 procedures within the Defendants CITY and RPD, which have directly precipitated the
28 death of IRENE JARAMILLO and AARON MCDONALD as well as against innocent

1 members of the general public at an unignorable and unacceptable scale, not least of
2 which resemble the egregious constitutional violations suffered by IRENE
3 JARAMILLO and AARON MCDONALD.

4 51. Defendants CITY and RPD, and individual supervisory officials thereof,
5 whether named or unnamed, had either actual or constructive knowledge of the
6 unconstitutional policies, practices, and/or customs set forth herein. Despite this
7 knowledge, the Defendants CITY and RPD, by and through officials with final
8 policymaking authority, did condone, tolerate, and ratify such policies, customs, and
9 practices, and have shown deliberate indifference to the foreseeable effects and
10 consequences of these policies, customs, and practices with respect to the civil rights
11 and wellbeing of the present Plaintiff, other individuals similarly situated, and the
12 general public.

13 52. As a direct and proximate result of the unconstitutional actions, omissions,
14 customs, policies, practices, and procedures of Defendants CITY and RPD, as
15 described above, IRENE JARAMILLO and AARON MCDONALD suffered serious
16 injuries and death, Plaintiffs are entitled to damages, penalties, costs, and attorneys'
17 fees against Defendants CITY and RPD.

18 53. As a direct and proximate result of Defendants' conduct, the civil rights
19 of IRENE JARAMILLO and AARON MCDONALD, as protected by the Fourteenth
20 Amendment of the United States Constitution were violated and they lost their lives as
21 a result. Further, IRENE JARAMILLO and AARON MCDONALD experienced
22 physical pain, severe emotional distress, and mental anguish, as well as loss of their
23 life and other damages alleged herein.

24 54. As a direct and proximate result of Defendants' acts and/or omissions as
25 set forth above, Plaintiffs sustained injuries and damages.

26 55. Defendants subjected Decedent to their wrongful conduct, depriving
27 Decedent of rights described herein, knowingly, maliciously, and with conscious and
28 reckless disregard for whether the rights and safety of Decedent and others would be

1 violated by their acts and/or omissions. The conduct of Defendants entitles Plaintiffs
2 to punitive damages and penalties allowable under 42 U.S.C. § 1983 and as provided
3 by law. Plaintiffs do not seek punitive damages against Defendants CITY and RPD.

4 56. Plaintiffs are also entitled to reasonable costs and attorneys' fees under 42
5 U.S.C. § 1988, and other applicable United States.

6 **FOURTH CLAIM FOR RELIEF**

7 **Municipal Liability, Failure to Train**

8 ***(Monell - 42 U.S.C. § 1983)***

9 **(Plaintiffs, as successors in interest, against Defendants CITY and RPD)**

10 57. Plaintiff realleges and incorporates herein by reference each of the
11 preceding paragraphs of this complaint, and any subsequent paragraphs.

12 58. As set forth in the herein, Defendants CITY, RPD and DOES 6-10,
13 inclusive, and each of them, committed clear and well-established violations of
14 constitutional rights against IRENE JARAMILLO and AARON MCDONALD within
15 the course and scope of their employment as RPD officers, under color of law.

16 59. The training of Defendants DOES 1-10, inclusive, by the Defendants
17 CITY and RPD did not adequately instill the necessary discipline, restraint,
18 competence, and respect for civil rights required of armed law enforcement personnel
19 and employees carrying out certain law enforcement functions. In particular, the
20 training of Defendants DOES 1-10, inclusive, in terms of initiating police pursuits was
21 in violation of the Fourteenth Amendments to the United States Constitution, and was
22 manifestly inadequate.

23 60. The critical need for discipline, restraint, and competence on the part of
24 law enforcement and employees carrying out law enforcement functions was and is, or
25 reasonably should have been, well-known to the Defendants CITY and RPD and well
26 before the rights of IRENE JARAMILLO and AARON MCDONALD were violated.

27 61. In fact, Defendants CITY and RPD failed to train its employees in the
28 following regard:

- 1 A. Permitting RPD officers to initiate police pursuits without weighing the
- 2 risks and dangers to members of the public such as IRENE JARAMILLO
- 3 and AARON MCDONALD;
- 4 B. Permitting RPD officers to initiate police pursuits when it is evidence that
- 5 such pursuit will endanger members of the public such as IRENE
- 6 JARAMILLO and AARON MCDONALD;
- 7 C. Permitting RPD officers to initiate police pursuits when the target of the
- 8 pursuit is driving at excessively high rates of speed;
- 9 D. Permitting RPD officers to initiate police pursuits when the target of the
- 10 pursuit is driving dangerously;
- 11 E. Permitting RPD officers to initiate police pursuits when the target of the
- 12 pursuit is driving recklessly;
- 13 F. Permitting RPD officers to initiate police pursuits despite the target of the
- 14 pursuit eluding other police agencies;

15 62. Therefore, despite the resounding need for improved or further training,
16 both in general and with respect to Defendants DOES 1-10, inclusive, Defendants
17 CITY and RPD have allowed, if not encouraged, a culture of deliberate indifference to
18 the rights and wellbeing of the public to develop within their respective work forces,
19 thereby substantially causing the present Plaintiffs, and countless others like them, to
20 suffer extensive and irreversible violations of their civil rights, including but not limited
21 to be free from unconscionable governmental action.

22 63. Clearly, Defendants CITY and RPD have shown a conscience-shocking
23 level of deliberate indifference to the manifest, systemic consequences of the
24 referenced training failures and other departmental shortcomings. These training
25 failures directly produced the incompetence and impropriety of Defendants DOES 1-
26 10, inclusive, by which the present Plaintiff’s civil rights were violated.

27 64. Accordingly, the training failures of the Defendants CITY and RPD L are
28 so inextricably connected to the unconstitutional conduct that Plaintiff has endured as

1 to be a substantial moving force behind it. Therefore, the Defendants CITY and RPD
2 must be regarded as similarly liable for all claims raised herein against its employees,
3 agents, or representatives under 42 U.S.C. § 1983.

4 65. As a direct and proximate result of the unconstitutional actions, omissions,
5 customs, policies, practices, and procedures of Defendants CITY and RPD, as
6 described above, IRENE JARAMILLO and AARON MCDONALD suffered serious
7 injuries and death, Plaintiffs are entitled to damages, penalties, costs, and attorneys’
8 fees against Defendants CITY and RPD.

9 66. As a direct and proximate result of Defendants’ conduct, the civil rights
10 of IRENE JARAMILLO and AARON MCDONALD, as protected by the Fourteenth
11 Amendment of the United States Constitution were violated and they lost their lives as
12 a result. Further, IRENE JARAMILLO and AARON MCDONALD experienced
13 physical pain, severe emotional distress, and mental anguish, as well as loss of their
14 life and other damages alleged herein.

15 67. As a direct and proximate result of Defendants’ acts and/or omissions as
16 set forth above, Plaintiffs sustained injuries and damages.

17 68. Defendants subjected Decedent to their wrongful conduct, depriving
18 Decedent of rights described herein, knowingly, maliciously, and with conscious and
19 reckless disregard for whether the rights and safety of Decedent and others would be
20 violated by their acts and/or omissions. The conduct of Defendants entitles Plaintiffs
21 to punitive damages and penalties allowable under 42 U.S.C. § 1983 and as provided
22 by law. Plaintiffs do not seek punitive damages against Defendants CITY and RPD.

23 69. Plaintiffs are also entitled to reasonable costs and attorneys’ fees under 42
24 U.S.C. § 1988, and other applicable United States.

25 **REQUEST FOR RELIEF**

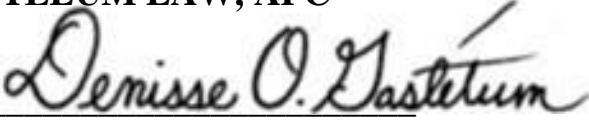
26 Wherefore, Plaintiffs respectfully requests that the Court enter a judgment as
27 follows:

- 28 A. Wrongful death of IRENE JARAMILLA and AARON MCDONALD,

- 1 pursuant to Cal. Code of Civ. Proc. § 377.60 *et. seq.*;
- 2 B. Loss of support and familial relationships, including loss of love,
3 companionship, comfort, affection, society, services, solace, and moral
4 support, pursuant to Cal. Code of Civ. Proc. § 377.60 *et. seq.*;
- 5 C. IRENE JARAMILLA and AARON MCDONALD’s coroner’s fees,
6 funeral and burial expenses, pursuant to Cal. Code of Civ. Proc. § 377.20
7 *et. seq.*;
- 8 D. Violation of IRENE JARAMILLA and AARON MCDONALD’s
9 constitutional rights, pursuant to Cal. Code of Civ. Proc. § 377.20 *et. seq.*
10 and federal civil rights law;
- 11 E. IRENE JARAMILLA and AARON MCDONALD’s loss of life, pursuant
12 to federal civil rights law;
- 13 F. IRENE JARAMILLA and AARON MCDONALD’s conscious pain,
14 suffering, and disfigurement, pursuant to federal civil rights law;
- 15 G. General Damages, including wrongful death and survival damages, in
16 excess of the mandatory amount for jurisdiction in the Unlimited Superior
17 Court;
- 18 H. Non-Economic Damages, including wrongful death and survival
19 damages, according to proof plus all further and proper relief;
- 20 I. Punitive damages as to individual employees;
- 21 J. Attorney’s fees pursuant to State Law (Cal. Code Civ. Proc. § 1021.5 &
22 private attorney general doctrine);
- 23 K. A multiplier of damages and penalties under the Tom Bane Act;
- 24 L. Interest; and
- 25 M. All other damages, penalties, costs, interest, and attorneys’ fees as allowed
26 by 42 U.S.C. §§ 1983 and 1988; California Code of Civil Procedure §§
27 377.20 *et. seq.*, 377.60 *et. seq.*, and as otherwise may be allowed by
28 California and/or federal law.


1 Dated: April 2, 2024

GASTÉLUM LAW, APC

2
3 By: 
4 Denisse O. Gastélum, Esq.
5 Attorneys for Plaintiffs,
6 ESTATE OF IRENE JARAMILLO, et al.

7 Dated: April 2, 2024

LAW OFFICES OF CHRISTIAN CONTRERAS
A PROFESSIONAL LAW CORPORATION

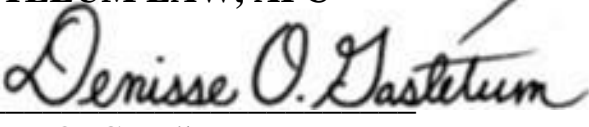
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9 By: 
10 Christian Contreras, Esq.
11 Attorneys for Plaintiffs,
12 ESTATE OF IRENE JARAMILLO, et al.

DEMAND FOR JURY TRIAL

13 Plaintiffs hereby make a demand for a jury trial in this action.


14 Dated: April 2, 2024

GASTÉLUM LAW, APC

15
16 By: 
17 Denisse O. Gastélum, Esq.
18 Attorneys for Plaintiffs,
19 ESTATE OF IRENE JARAMILLO, et al.

20 Dated: April 2, 2024

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22 By: 
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24 Attorneys for Plaintiffs,
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