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7 **UNITED STATES DISTRICT COURT**  
8 **CENTRAL DISTRICT OF CALIFORNIA**  
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10 DEJON HEMPHILL,

11 Plaintiff,

12 vs.

13 COUNTY OF SAN BERNARDINO;  
14 CITY OF SAN BERNARDINO and  
15 DOES 1-10, inclusive,

16 Defendants.  
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Case No. 5:24-cv-825

**COMPLAINT FOR DAMAGES**

1. Unreasonable Search and Seizure—Detention and Arrest (42 U.S.C. § 1983)
2. Unreasonable Search and Seizure—Excessive Force (42 U.S.C. § 1983)
3. Unreasonable Search and Seizure—Denial of Medical Care (42 U.S.C. § 1983)
4. Municipal Liability – Ratification (42 U.S.C. § 1983)
5. Municipal Liability – Inadequate Training (42 U.S.C. § 1983)
6. Municipal Liability – Unconstitutional Custom or Policy (42 U.S.C. § 1983)
7. Battery
8. Negligence
9. Bane Act (Cal. Civil Code 52.1)

**DEMAND FOR JURY TRIAL**

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**COMPLAINT FOR DAMAGES**

DEJON HEMPHILL brings this Complaint against Defendants COUNTY OF SAN BERNARDINO, CITY OF SAN BERNARDINO, and DOES 1-10, inclusive, and hereby alleges as follows:

**INTRODUCTION**

1. This civil rights and state tort action seeks compensatory and punitive damages for serious physical injuries sustained by Plaintiff DEJON HEMPHILL (“HEMPHILL” or “Plaintiff”) as a result of force used against him by County of San Bernardino Sheriff’s Deputies and City of San Bernardino Police Officers on April 2, 2023. The use of force was excessive and unreasonable because HEMPHILL posed no immediate threat to any person and was unarmed at the time the use of force. As a result of the officers’ use of force, HEMPHILL endured pain and suffering and sustained serious physical injuries. HEMPHILL also experienced and continues to experience emotional distress from the physical injuries. Also, as a result of the use of force, HEMPHILL has incurred medical expenses, has lost earnings, has suffered a reduced earning capacity, and expects to incur future medical expenses and lose future earnings.

**JURISDICTION AND VENUE**

2. This case arises under 42 U.S.C. § 1983 and 1988 as well as California law. This court has subject matter jurisdiction over Plaintiff’s federal question and civil rights claims pursuant to 28 U.S.C. §§ 1331 and 1343. This Court has jurisdiction over Plaintiff’s supplemental state law claims under 28 U.S.C. § 1367 as those claims arise out of the same transactions and occurrences as Plaintiff’s federal question claims.

3. Venue is proper in the Central District of California pursuant to 28 U.S.C. § 1391(b)(2) because all incidents, events, and occurrences giving rise to this action occurred in the City and the County of San Bernardino, California.

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**PARTIES**

4. At all relevant times, Plaintiff DEJON HEMPHILL was and is an individual residing in the City of Rialto, California.

5. At all relevant times, Defendant COUNTY OF SAN BERNARDINO (“COUNTY”) is and was a municipal corporation existing under the laws of the State of California. COUNTY is a chartered subdivision of the State of California with the capacity to be sued. COUNTY is responsible for the actions, omissions, policies, procedures, practices, and customs of its various agents and agencies, including the San Bernardino County Sheriff’s Department (“SBSD”) and its agents and employees. At all relevant times, Defendant COUNTY was responsible for assuring that the actions, omissions, policies, procedures, practices, and customs of the and its employees and agents complied with the laws of the United States and of the State of California. At all relevant times, COUNTY was the employer of Defendants DOE DEPUTIES.

6. At all relevant times, Defendant CITY of San Bernardino (“CITY”) is and was a duly organized public entity, form unknown, existing under the laws of the State of California. CITY is a chartered subdivision of the State of California with the capacity to be sued. CITY is responsible for the actions, omissions, policies, procedures, practices, and customs of its various agents and agencies, including the San Bernardino Police Department (“SBPD”) and its agents and employees. At all relevant times, Defendant CITY was responsible for assuring that the actions, omissions, policies, procedures, practices, and customs of SBPD and its employees and agents complied with the laws of the United States and of the State of California. At all relevant times, the CITY was the employer of Defendants DOE OFFICERS.

7. At all relevant times, Defendants DOES 1-4 (“DOE DEPUTIES”) are deputies for SBSB who were acting under color of law within the course and scope

1 of their duties as deputies for the SBSB. DOES 1-4 were acting with the complete  
2 authority and ratification of their principal, Defendant COUNTY.

3 8. At all relevant times, Defendants DOES 5-8 (“DOE OFFICERS”) are  
4 police officers for SBSB who were acting under color of law within the course and  
5 scope of their duties as police officers for the SBPD. DOES 1-5 were acting with  
6 the complete authority and ratification of their principal, Defendant CITY.

7 9. Defendant DOE 9 is a managerial, supervisory, and policymaking  
8 employee of SBSB, who at all relevant times was acting under color of law within  
9 the course and scope of their duties as managerial, supervisory, and policymaking  
10 employees for the SBSB. DOE 9 was acting with the complete authority and  
11 ratification of their principal, Defendant COUNTY.

12 10. Defendant DOE 10 is a managerial, supervisory, and policymaking  
13 employee of SBPD, who at all relevant times was acting under color of law within  
14 the course and scope of their duties as a managerial, supervisory, and policymaking  
15 employee for the SBPD. DOE 10 was acting with the complete authority and  
16 ratification of their principal, Defendant CITY.

17 11. On information and belief, at all relevant times DOES 1-10 were  
18 residents of the County of San Bernardino.

19 12. In doing the acts and failing and omitting to act as hereinafter  
20 described, DOE DEPUTIES were acting on the implied and actual permission and  
21 consent of DOE 9 and the COUNTY.

22 13. In doing the acts and failing and omitting to act as hereinafter  
23 described, Defendant DOE 9 was acting on the implied and actual permission and  
24 consent of the COUNTY.

25 14. In doing the acts and failing and omitting to act as hereinafter  
26 described, DOE OFFICERS were acting on the implied and actual permission and  
27 consent of DOE 10 and the CITY.

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1           15. In doing the acts and failing and omitting to act as hereinafter  
2 described, Defendant DOE 10 was acting on the implied and actual permission and  
3 consent of the CITY.

4           16. The true names and capacities, whether individual, corporate,  
5 association, or otherwise of Defendants DOES 1-10, inclusive, are unknown to  
6 Plaintiff, who otherwise sues these Defendants by such fictitious names. Plaintiff  
7 will seek leave to amend this complaint to show the true names and capacity of  
8 these Defendants when they have been ascertained. Each of the fictitiously-named  
9 Defendants is responsible in some manner for the conduct or liabilities alleged  
10 herein.

11           17. At all times mentioned herein, each and every Defendant was the agent  
12 of each and every other Defendant and had the legal duty to oversee and supervise  
13 the hiring, conduct, and employment of each and every Defendant.

14           18. All of the acts complained of herein by Plaintiff against Defendants  
15 were done and performed by said Defendants by and through their authorized  
16 agents, servants, and/or employees, all of whom at all relevant times herein were  
17 acting within the course, purpose, and scope of said agency, service, and/or  
18 employment capacity. Moreover, Defendants and their agents ratified all of the acts  
19 complained of herein.

20           19. All Defendants who are natural persons, including DOES 1-10, are  
21 sued individually and in their official capacities as officers, sergeants, captains,  
22 commanders, supervisors, and/or civilian employees, agents, policy makers, and  
23 representatives for their respective principals, COUNTY and CITY.

24           20. Plaintiff suffered injuries as a direct and proximate result of the actions  
25 DOE DEPUTIES and DOE OFFICERS. DOE DEPUTIES and DOE OFFICERS are  
26 directly liable for Plaintiff's injuries and damages under federal law pursuant to 42  
27 U.S.C. § 1983.  
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1           21. Defendants COUNTY and DOE 9 are liable for Plaintiff's injuries  
2 under California law and under the doctrine of *respondeat superior*. Liability under  
3 California law for public entities and public employees is based upon California  
4 Government Code §§ 815.2, 820, and 820.8.

5           22. Defendants CITY and DOE 10 are liable for Plaintiff's injuries under  
6 California law and under the doctrine of *respondeat superior*. Liability under  
7 California law for public entities and public employees is based upon California  
8 Government Code §§ 815.2, 820, and 820.8.

9           23. On September 28, 2023, Plaintiff filed comprehensive and timely  
10 claims for damages with the County of San Bernardino pursuant to applicable  
11 sections of the California Government Code.

12           24. On October 24, 2023, the County of San Bernardino denied said claim.

13           25. On September 28, 2023, Plaintiff filed comprehensive and timely  
14 claims for damages with the City of San Bernardino pursuant to applicable sections  
15 of the California Government Code.

16           26. On October 18, 2023, the City of San Bernardino denied said claim.

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18                           **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

19           27. Plaintiff repeats and realleges each and every allegation in paragraphs 1  
20 through 26 of this Complaint with the same force and effect as if fully set forth  
21 herein.

22           28. On April 2, 2023 at approximately 1:00 a.m., Plaintiff HEMPHILL was  
23 driving in his vehicle when he was pulled over by DOE DEPUTIES and DOE  
24 OFFICERS near 5th Street and North Mt. Vernon Avenue in San Bernardino, CA,  
25 allegedly due to the vehicle's tinted windows. When HEMPHILL was informed of  
26 the reason for the traffic stop, he informed DOE DEPUTIES and DOE OFFICERS  
27 that he intended to get the window tint fixed.  
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1 removing Plaintiff from his vehicle, subjecting Plaintiff to forcible strikes to his  
2 body, and using physical control to handcuff Plaintiff. The scope and manner of  
3 Defendants DOE DEPUTIES and DOE OFFICERS's detention and arrest of  
4 Plaintiff was unreasonable.

5 36. The conduct of Defendants DOE DEPUTIES and DOE OFFICERS  
6 violated Plaintiff's right to be secure in his person against unreasonable searches and  
7 seizures as guaranteed to Plaintiff under the Fourth Amendment to the United States  
8 Constitution and applied to state actors by the Fourteenth Amendment.

9 37. The conduct of Defendants DOE DEPUTIES and DOE OFFICERS  
10 was willful, wanton, malicious, and done with reckless disregard for the rights and  
11 safety of Plaintiff and therefore warrants the imposition of exemplary and punitive  
12 damages as to Defendants DOE DEPUTIES and DOE OFFICERS.

13 38. As a result of their misconduct, Defendants DOE DEPUTIES and DOE  
14 OFFICERS are liable for Plaintiff's injuries, either because they were integral  
15 participants in the unreasonable seizure or because they failed to prevent these  
16 violations.

17 39. Plaintiff seeks compensatory damages and attorney's fees under this  
18 claim.

19 **SECOND CLAIM FOR RELIEF**

20 **Unreasonable Search and Seizure—Excessive Force (42 U.S.C. § 1983)**

21 (Against Defendants DOE DEPUTIES and DOE OFFICERS)

22 40. Plaintiff repeats and realleges each and every allegation in paragraphs 1  
23 through 39 of this Complaint with the same force and effect as if fully set forth  
24 herein.

25 41. DOE DEPUTIES and DOE OFFICERS used excessive and  
26 unreasonable force when they forcibly removed Plaintiff from his vehicle and  
27 subjected him to multiple strikes and blows to his head and body. Defendant DOE  
28 DEPUTIES AND DOE OFFICERS' unjustified use of force deprived Plaintiff of



1 his right to be secure in his person against unreasonable searches and seizures as  
2 guaranteed to Plaintiff under the Fourth Amendment to the United States  
3 Constitution and applied to state actors by the Fourteenth Amendment.

4 42. At all relevant times, HEMPHILL did not forcibly resist nor did he  
5 pose an immediate threat to DOE DEPUTIES, DOE OFFICERS, or anyone else.

6 43. Defendants DOE DEPUTIES and DOE OFFICERS' use of force was  
7 excessive and objectively unreasonable and contrary to basic police officer training  
8 because Plaintiff posed no immediate threat to any person at the time.

9 44. Defendants DOE DEPUTIES and DOE OFFICERS did not exhaust all  
10 reasonable alternative measures prior using force on Plaintiff. Defendants DOE  
11 DEPUTIES and DOE OFFICERS failed provide adequate commands and warnings  
12 prior to using force, despite it be feasible to do so.

13 45. Plaintiff suffered serious and permanent physical injuries as a result of  
14 the use of force.

15 46. At all relevant times, Defendants DOE DEPUTIES and DOE  
16 OFFICERS were acting under color of state law.

17 47. As a result of their misconduct as described above, Defendants DOE  
18 DEPUTIES and DOE OFFICERS are liable for Plaintiff's injuries, either because  
19 they were integral participants in the use of excessive force or because they failed to  
20 prevent these violations.

21 48. The conduct of Defendants DOE DEPUTIES and DOE OFFICERS  
22 was willful, wanton, malicious, and done with reckless disregard for the rights and  
23 safety of Plaintiff and therefore warrants the imposition of exemplary and punitive  
24 damages as to Defendants DOE DEPUTIES and DOE OFFICERS.

25 49. Plaintiff seeks compensatory damages for the violations of his rights,  
26 including damages for past and future medical expenses, past and future loss of  
27 earnings and decreased earning capacity, physical injuries, past and future pain and  
28 suffering, emotional and mental distress stemming from the physical injuries,

1 humiliation, and disfigurement. Plaintiff also seeks punitive damages, costs, and  
2 attorney's fees under this claim.

3 **THIRD CLAIM FOR RELIEF**

4 **Unreasonable Search and Seizure—Denial of Medical Care (42 U.S.C. § 1983)**

5 (Against Defendant DOE DEPUTIES and DOE OFFICERS)

6 50. Plaintiff repeats and realleges each and every allegation in paragraphs 1  
7 through 48 of this Complaint with the same force and effect as if fully set forth  
8 herein.

9 51. After the detention, arrest, and use of force, Plaintiff was denied  
10 prompt medical attention while he was seriously injured and in pain. The delay of  
11 medical care to Plaintiff caused him extreme physical and emotional pain and  
12 suffering and contributed to his damages.

13 52. The denial of medical care by Defendants DOE DEPUTIES and DOE  
14 OFFICERS deprived Plaintiff of his right to be secure in his person against  
15 unreasonable searches and seizures as guaranteed to him under the Fourth  
16 Amendment to the United States Constitution and applied to state actors by the  
17 Fourteenth Amendment.

18 53. The delay in medical attention contributed to Plaintiff's pain and  
19 suffering and was a contributing cause of Plaintiff's injuries and his mental and  
20 emotional distress.

21 54. Defendant DOE DEPUTIES and DOE OFFICERS knew that failure to  
22 provide timely medical treatment to Plaintiff could result in further significant injury  
23 or the unnecessary and wanton infliction of pain, but disregarded that serious  
24 medical need, causing Plaintiff great bodily harm.

25 55. The conduct of Defendants DOE DEPUTIES and DOE OFFICERS  
26 was willful, wanton, malicious, and done with reckless disregard for the rights and  
27 safety of Plaintiff and therefore warrants the imposition of exemplary and punitive  
28 damages as to DOE DEPUTIES and DOE OFFICERS.



1 DEPUTIES’ acts, which include use of excessive force against Plaintiff as well as  
2 the unreasonable detention and arrest of Plaintiff and denial of medical care.

3 63. Upon information and belief, a final policymaker for COUNTY has  
4 determined (or will determine) that the acts of DOE DEPUTIES were “within  
5 policy.”

6 64. Upon information and belief, a final policymaker for CITY, acting  
7 under color of law, who had final policymaking authority concerning the acts of  
8 DOE OFFICERS, ratified (or will ratify) Defendant DOE OFFICERS’s acts and the  
9 bases for them. Upon information and belief, the final policymaker knew of and  
10 specifically approved of (or will specifically approve of) Defendant DOE  
11 OFFICERS’s acts, which include use of excessive force against Plaintiff as well as  
12 the unreasonable detention and arrest of Plaintiff and denial of medical care.

13 65. Upon information and belief, a final policymaker for CITY has  
14 determined (or will determine) that the acts of DOE OFFICERS were “within  
15 policy.”

16 66. Plaintiff seeks compensatory damages for the violations of his rights,  
17 including damages for past and future medical expenses, past and future loss of  
18 earnings and decreased earning capacity, physical injuries, past and future pain and  
19 suffering, emotional and mental distress stemming from the physical injuries,  
20 humiliation, and disfigurement. Plaintiff also seeks costs and attorney’s fees under  
21 this claim.

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**FIFTH CLAIM FOR RELIEF**

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**Municipal Liability – Failure to Train (42 U.S.C. § 1983)**

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(Against Defendants COUNTY, CITY and DOES 9-10)

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67. Plaintiff repeats and realleges each and every allegation in paragraphs 1  
through 65 of this Complaint with the same force and effect as if fully set forth  
herein.

1           68. At all relevant times, Defendants DOE DEPUTIES and DOE  
2 OFFICERS were acting under color of state law.

3           69. The acts of Defendants DOE DEPUTIES and DOE OFFICERS  
4 deprived Plaintiff of his rights under the United States Constitution.

5           70. The training policies of Defendants COUNTY and CITY were not  
6 adequate to train its officers to handle the usual and recurring situations with which  
7 they must deal.

8           71. Defendants COUNTY and CITY were deliberately indifferent to the  
9 obvious consequences of its failure to train its police officers adequately.  
10 Specifically, COUNTY and CITY failed to adequately train DOE DEPUTIES and  
11 DOE OFFICERS, respectively, with respect to detentions and arrests, tactics, use of  
12 less-lethal options, and the use of deadly force, including determining whether the  
13 use of deadly force is reasonable and appropriate under the circumstances.

14           72. The failure of Defendants COUNTY and CITY to provide adequate  
15 training caused the deprivation of the Plaintiff's rights by DOE DEPUTIES AND  
16 DOE OFFICERS; that is, COUNTY and CITY's failure to train is so closely related  
17 to the deprivation of Plaintiff's rights as to be the moving force that caused the  
18 ultimate injury.

19           73. By reason of the aforementioned acts and omissions, Plaintiff suffered  
20 serious bodily injury, humiliation, pain and suffering, disfigurement, and past and  
21 future emotional and mental distress, and financial loss. Accordingly, Defendants  
22 COUNTY, CITY and DOES 9-10 each are liable to Plaintiff for compensatory  
23 damages under 42 U.S.C. § 1983.

24           74. Plaintiff seeks compensatory damages for the violations of his rights,  
25 including damages for past and future medical expenses, past and future loss of  
26 earnings and decreased earning capacity, physical injuries, past and future pain and  
27 suffering, emotional and mental distress stemming from the physical injuries,  
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1 humiliation, and disfigurement. Plaintiff also seeks punitive damages, costs, and  
2 attorney's fees under this claim.

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4 **SIXTH CLAIM FOR RELIEF**

5 **Municipal Liability – Unconstitutional Custom or Policy (42 U.S.C. § 1983)**

6 (Against Defendants COUNTY, CITY and DOES 9-10)

7 75. Plaintiff repeats and realleges each and every allegation in paragraphs 1  
8 through 73 of this Complaint with the same force and effect as if fully set forth  
9 herein.

10 76. At all relevant times, Defendants DOE DEPUTIES and DOE  
11 OFFICERS were acting under color of state law.

12 77. When Defendants DOE DEPUTIES and DOE OFFICERS detained and  
13 arrested Plaintiff, forcibly removed Plaintiff from his vehicle, subjected Plaintiff to  
14 multiple strikes and blows to his head and body, and then denied him timely medical  
15 attention, they acted pursuant to an expressly adopted official policy/ies or a  
16 longstanding practice(s) or custom of the Defendants COUNTY and CITY,  
17 respectively.

18 78. On information and belief, Defendants DOE DEPUTIES and DOE  
19 OFFICERS were not disciplined, reprimanded, retrained, suspended, or otherwise  
20 penalized in connection with the detention, arrest and shooting of Plaintiff.

21 79. Defendants COUNTY, CITY and DOES 9-10, together with other  
22 COUNTY and CITY policymakers and supervisors, maintained, inter alia, the  
23 following unconstitutional customs, practices, and policies:

- 24 (a) Using excessive force, including excessive deadly force;  
25 (b) Providing inadequate training regarding the use of deadly force;  
26 (c) Employing and retaining as officers individuals whom Defendant  
27 COUNTY and CITY at all times material herein knew or  
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- reasonably should have known had dangerous propensities for abusing their authority and for using excessive force;
- (d) Inadequately supervising, training, controlling, assigning, and disciplining COUNTY sheriff’s deputies and CITY police officers, and other personnel, whom Defendants COUNTY and CITY knew or in the exercise of reasonable care should have known had the aforementioned propensities and character traits;
  - (e) Maintaining grossly inadequate procedures for reporting, supervising, investigating, reviewing, disciplining and controlling misconduct by COUNTY sheriff’s deputies and CITY officers;
  - (f) Failing to adequately discipline COUNTY sheriff’s deputies and CITY officers for the above-referenced categories of misconduct, including “slaps on the wrist,” discipline that is so slight as to be out of proportion to the magnitude of the misconduct, and other inadequate discipline that is tantamount to encouraging misconduct;
  - (g) Announcing that unjustified shootings are “within policy,” including shootings that were later determined in court to be unconstitutional;
  - (h) Even where shootings are determined in court to be unconstitutional, refusing to discipline, terminate, or retrain the officers involved;
  - (i) Encouraging, accommodating, or facilitating a “blue code of silence,” “blue shield,” “blue wall,” “blue curtain,” “blue veil,” or simply “code of silence,” pursuant to which police officers do not report other officers’ errors, misconduct, or crimes. Pursuant to this code of silence, if questioned about an incident of

1 misconduct involving another officer, while following the code,  
2 the officer being questioned will claim ignorance of the other  
3 officers' wrongdoing;

4 (j) Maintaining a policy of inaction and an attitude of indifference  
5 towards soaring numbers of police shootings, including by  
6 failing to discipline, retrain, investigate, terminate, and  
7 recommend officers for criminal prosecution who participate in  
8 shootings of unarmed people.

9 80. By reason of the aforementioned acts and omissions, Plaintiff suffered  
10 serious bodily injury, humiliation, pain and suffering, disfigurement, and past and  
11 future emotional and mental distress, and financial loss.

12 81. Defendants COUNTY, CITY and DOES 9-10, together with various  
13 other officials, whether named or unnamed, had either actual or constructive  
14 knowledge of the deficient policies, practices and customs alleged in the paragraphs  
15 above. Despite having knowledge as stated above, these defendants condoned,  
16 tolerated and through actions and inactions thereby ratified such policies. Said  
17 defendants also acted with deliberate indifference to the foreseeable effects and  
18 consequences of these policies with respect to the constitutional rights of Plaintiff  
19 and other individuals similarly situated.

20 82. By perpetrating, sanctioning, tolerating and ratifying the outrageous  
21 conduct and other wrongful acts, COUNTY, CITY and DOES 9-10 acted with  
22 intentional, reckless, and callous disregard for the life and constitutional rights of  
23 Plaintiff. Furthermore, the policies, practices, and customs implemented,  
24 maintained, and still tolerated by Defendants COUNTY CITY and DOES 9-10 were  
25 affirmatively linked to and were a significantly influential force behind the injuries  
26 of Plaintiff.

27 83. Accordingly, Defendants COUNTY, CITY and DOES 9-10 each are  
28 liable to Plaintiff for compensatory damages under 42 U.S.C. § 1983.





1           89. The officers' use of force was unreasonable and contrary to basic police  
2 officer training because Plaintiff posed no immediate threat to any person at the  
3 time. Plaintiff was unarmed at all times.

4           90. As a direct and proximate result of the conduct of DEPUTIES and  
5 DOE OFFICERS as alleged above, Plaintiff suffered serious and permanent  
6 physical injuries.

7           91. The COUNTY is vicariously liable for the wrongful acts of Defendants  
8 DOE DEPUTIES pursuant to section 815.2(a) of the California Government Code,  
9 which provides that a public entity is liable for the injuries caused by its employees  
10 within the scope of the employment if the employee's act would subject him or her  
11 to liability.

12           92. The CITY is vicariously liable for the wrongful acts of Defendants  
13 DOE OFFICERS pursuant to section 815.2(a) of the California Government Code,  
14 which provides that a public entity is liable for the injuries caused by its employees  
15 within the scope of the employment if the employee's act would subject him or her  
16 to liability.

17           93. The conduct of DEPUTIES and DOE OFFICERS was malicious,  
18 wanton, oppressive, and accomplished with a conscious disregard for the rights of  
19 Plaintiff, entitling Plaintiff to an award of exemplary and punitive damages, which  
20 Plaintiff seeks under this claim.

21           94. Plaintiff seeks compensatory damages for the violations of his rights,  
22 including damages for past and future medical expenses, past and future loss of  
23 earnings and decreased earning capacity, physical injuries, past and future pain and  
24 suffering, emotional and mental distress stemming from the physical injuries,  
25 humiliation, and disfigurement.

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**SEVENTH CLAIM FOR RELIEF**

**Negligence (Cal. Govt. Code § 820 and California Common Law)**

(Against all Defendants)

95. Plaintiff repeats and realleges each and every allegation in paragraphs 1 through 93 of this Complaint with the same force and effect as if fully set forth herein.

96. The actions and inactions of Defendants were negligent and reckless, including but not limited to:

- (a) DOE DEPUTIES and DOE OFFICERS' failure to properly and adequately assess the need to detain, arrest, and use force or deadly force against Plaintiff;
- (b) DOE DEPUTIES and DOE OFFICERS' negligent tactics and handling of the situation with Plaintiff, including pre-force negligence;
- (c) DOE DEPUTIES and DOE OFFICERS' negligent detention, arrest, and use of force, against Plaintiff;
- (d) DOE DEPUTIES and DOE OFFICER''s failure to provide prompt medical care to Plaintiff,
- (e) the COUNTY and CITY's failure to properly train and supervise employees, both professional and non-professional, including DOE DEPUTIES and DOE OFFICERS, respectively;
- (f) the COUNTY and CITY's failure to ensure that adequate numbers of employees with appropriate education and training were available to meet the needs of and protect the rights of Plaintiff.

97. As a direct and proximate result of Defendants' conduct as alleged above, and other undiscovered negligent conduct, Plaintiff suffered past and future

1 financial loss, serious and permanent physical injuries, and past and future  
2 emotional and mental distress.

3 98. The COUNTY is vicariously liable for the wrongful acts of DOE  
4 DEPUTIES and DOE 9 pursuant to section 815.2(a) of the California Government  
5 Code, which provides that a public entity is liable for the injuries caused by its  
6 employees within the scope of the employment if the employee's act would subject  
7 him or her to liability.

8 99. The CITY is vicariously liable for the wrongful acts of DOE  
9 OFFICERS and DOE 10 pursuant to section 815.2(a) of the California Government  
10 Code, which provides that a public entity is liable for the injuries caused by its  
11 employees within the scope of the employment if the employee's act would subject  
12 him or her to liability.

13 100. Plaintiff brings this claim in his individual capacity and seeks  
14 compensatory damages for the violations of his rights, including damages for past  
15 and future medical expenses, past and future loss of earnings and decreased earning  
16 capacity, physical injuries, past and future pain and suffering, emotional and mental  
17 distress stemming from the physical injuries, and disfigurement.

18  
19 **EIGHTH CLAIM FOR RELIEF**

20 **(Violation of Cal. Civil Code § 52.1)**

21 **(Against All Defendants)**

22 101. Plaintiff repeats and realleges each and every allegation in paragraphs 1  
23 through 99 of this Complaint with the same force and effect as if fully set forth  
24 herein.

25 102. California Civil Code, Section 52.1 (the Bane Act), prohibits any  
26 person from using violent acts or threatening to commit violent acts in retaliation  
27 against another person for exercising that person's constitutional rights. An intent to  
28

1 violate a person's civil rights can be inferred by a reckless disregard for the person's  
2 civil rights.

3 103. On information and believe, DOE DEPUTIES and DOE OFFICERS,  
4 while working for COUNTY and CITY, respectively, and acting within the course  
5 and scope of their duties as police officers, intentionally committed and attempted to  
6 commit acts of violence against Plaintiff and also acted with a reckless disregard for  
7 Plaintiff's civil rights, including beating him without justification or excuse,  
8 detaining him without reasonable suspicion and arresting him without probable  
9 cause, and by denying him timely medical care.

10 104. When DOE DEPUTIES and DOE OFFICERS detained and arrested  
11 Plaintiff without reasonable suspicion or probable cause, severely beat Plaintiff, and  
12 failed to provide any care to his subsequent injuries, they interfered with Plaintiff's  
13 civil rights to be free from unreasonable searches and seizures, to equal protection of  
14 the laws, to timely and adequate medical care, to be free from state actions that  
15 shock the conscience, and to life, liberty, and property.

16 105. On information and belief, DOE DEPUTIES and DOE OFFICERS  
17 intentionally and spitefully committed the above acts to discourage Plaintiff from  
18 exercising his civil rights, to retaliate against him for invoking such rights, or to  
19 prevent him from exercising such rights, which he was and is fully entitled to enjoy.

20 106. On information and belief, Plaintiff reasonably believed and understood  
21 that the violent acts committed by DOE DEPUTIES and DOE OFFICERS were  
22 intended to discourage him from exercising the above civil rights, to retaliate against  
23 him for invoking such rights, or to prevent him from exercising such rights.

24 107. DOE DEPUTIES and DOE OFFICERS intentionally interfered with  
25 the above civil rights of Plaintiff, including his right to be free from excessive force,  
26 and acted with a reckless disregard for these rights.

27 108. The conduct of Defendants was a substantial factor in causing  
28 Plaintiff's harms, losses, injuries, and damages.

1           109. The COUNTY is vicariously liable for the wrongful acts of DOE  
2 DEPUTIES pursuant to section 815.2(a) of the California Government Code, which  
3 provides that a public entity is liable for the injuries caused by its employees within  
4 the scope of the employment if the employee’s act would subject him or her to  
5 liability.

6           110. The CITY is vicariously liable for the wrongful acts of DOE  
7 OFFICERS pursuant to section 815.2(a) of the California Government Code, which  
8 provides that a public entity is liable for the injuries caused by its employees within  
9 the scope of the employment if the employee’s act would subject him or her to  
10 liability.

11           111. Defendants DOES 9-10 are vicariously liable under California law and  
12 the doctrine of *respondeat superior*.

13           112. DOE DEPUTIES and DOE OFFICERS’ conduct was malicious,  
14 wanton, oppressive, and accomplished with a conscious disregard for Plaintiff’s  
15 rights, justifying an award of exemplary and punitive damages as to DOE  
16 DEPUTIES and DOE OFFICERS.

17           113. Plaintiff seeks compensatory damages for the violations of his rights,  
18 including damages for past and future medical expenses, past and future loss of  
19 earnings and decreased earning capacity, physical injuries, past and future pain and  
20 suffering, emotional and mental distress stemming from the physical injuries,  
21 humiliation, and disfigurement. Plaintiff also seeks punitive damages, costs, and  
22 attorney’s fees under California Civil Code section 52 as to this claim.

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**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff DEJON HEMPHILL, requests entry of judgment in his favor and against Defendants the County of San Bernardino, City of San Bernardino, and DOES 1-10, inclusive, as follows:

- A. For compensatory damages in an amount to be proven at trial, including damages for his serious physical injuries, for his pain and suffering, for past and future medical expenses, for past and future financial loss, and past and future mental and emotional distress;
- B. For punitive damages against the individual defendants in an amount to be proven at trial;
- D. For statutory damages;
- E. For treble damages pursuant to California Civil Code Sections 52, 52.1;
- F. For interest;
- G. For reasonable costs of this suit and attorneys’ fees; and
- H. For such further other relief as the Court may deem just, proper, and appropriate.

DATED: April 18, 2024

LAW OFFICES OF DALE K. GALIPO

By s/ Dale K. Galipo  
Dale K. Galipo  
Attorneys for Plaintiff

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**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury.

DATED: April 18, 2024

LAW OFFICES OF DALE K. GALIPO

By \_\_\_\_\_ *s/ Dale K. Galipo*  
Dale K. Galipo  
Attorneys for Plaintiff