

1 SHARON J. BRUNNER, (SBN: 229931)
2 Law Office of Sharon J. Brunner
3 14393 Park Avenue, Suite 100
4 Victorville, CA 92392
5 Tel. (760) 243-9997. Fax.(760) 843-8155
6 E-mail: sharonjbrunner@yahoo.com

7 JAMES S. TERRELL, (SBN 170409)
8 Law Office of James S. Terrell
9 15411 Anacapa Road
10 Victorville, CA 92392
11 Tel.760-951-5850Fax.760-952-1085
12 E-mail: jim@talktoterrell.com

13 **Attorneys for Plaintiff**

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

16 **ANGELA ZAMORA**

17 **Plaintiff,**

18 **vs.**

19 **COUNTY OF SAN BERNARDINO,**
20 **AND DOES 1-10, INCLUSIVE**

21 **Defendants.**

22 **Case No.: 5:24-cv-00909**

23 **COMPLAINT FOR DAMAGES**
24 **(42 U.S.C. Section 1983; Supplemental**
25 **Claims)**

- 26 1) Violation of Fourth Amendment – 42 USC §1983- Unlawful Seizure
- 27 2) Violation of 42 USC §1983 – Failure to Implement Policy/Procedure
- 3) Violation of 42 USC §1983 – Deprivation of Property
- 4) Negligence Per se – Cruelty to Animals California Penal Code §597
- 5) Intentional Infliction of Emotional Distress
- 6) Trespass to Chattels

28 **JURY TRIAL DEMANDED**

29 COMES NOW, Plaintiff ANGELA ZAMORA and for causes of action against
30 Defendants and each of them, complain and allege as follows:
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

JURISDICTION

1. Jurisdiction in this Honorable Court arises pursuant to Federal Statute, under Title 28 of the United States Code 1331, 1343, and 1367. Jurisdiction is further established in this Honorable Court under Title 42, United States Code, Sections 1983, 1985, and 1986.

2. Venue is proper in District Court, pursuant to U.S.C. Section 1391, as the underlying acts, omissions, events, injuries and related facts and circumstances upon which this present action are based, occurred in the county of San Bernardino, State of California, within the boundaries of the Central District of this Honorable Court.

3. Pursuant to the California Government Code, Plaintiff filed her tort claim with the County of San Bernardino, based upon the foregoing incident on September 21, 2023. The claim was rejected on October 31, 2023. Thus, the present complaint is timely, pursuant to California Government Code §945.6.

PARTIES

Plaintiff alleges:

4. Plaintiff ANGELA ZAMORA (“ZAMORA”) was, at all times herein mentioned a citizen of the United States of America and a resident of San Bernardino County over the age of 18.

5. Defendant County of San Bernardino was, at all times mentioned herein, a political subdivision for the State of California.

1 6. The individual defendants DOES 1-10 were and are employed by the County
2 of San Bernardino as deputy sheriffs, or supervisors and assigned to the San Bernardino
3 Sheriff's department.
4

5 7. Each of the acts or omissions alleged herein was under color of state law.

6 8. At all times alleged herein Defendant County of San Bernardino had duty to
7 control the manner in which the deputy defendants carried their duties and to ensure
8 that their treatment of the Plaintiff and others similarly situated were done in conformity
9 with the United States Constitution, the California Constitution, the laws of the United
10 States, the laws of the State of California.
11

12 9. The unknown named defendants, identified herein as DOES 1 through 10,
13 include, but are not necessarily limited to, unknown Deputies, Sergeants, Lieutenants,
14 Captains, and or other employees of Defendant San Bernardino Sheriff Department of
15 unknown rank and title who engaged in, assisted with, approved of, or acquiesced in
16 the actions and misconduct described by known defendants herein, resulting in the
17 deprivation of Plaintiff's civil rights and injuries to their person, as is described below.
18
19

20 10. Said DOE Defendants additionally include unknown employees of the
21 County of San Bernardino and the San Bernardino Sheriff Department who were
22 supervisors who created, fostered, acquiesced, ratified and/or maintained the policies,
23 customs and/or practices that caused the deprivation of Plaintiff's Constitutional rights
24 and his injuries.
25
26
27

1 11. Plaintiff is ignorant of the true names and capacities of these DOE
2 Defendants, though all are believed to have been employed by Defendant County of
3 San Bernardino, or Defendant San Bernardino Sheriff Department or acting in concert
4 with Defendants and in the capacity of state actors, but allege that each such Defendant
5 was in some manner responsible for their injuries due to their own conduct which were
6 either intentional done or done with reckless indifference to the rights of the Plaintiff.
7
8

9 12. Plaintiff is informed and believes and thereon alleges that each of the
10 Defendants designated as a DOE is intentionally responsible in some manner for the
11 events and happenings herein referred to, and thereby caused injuries and damages as
12 herein alleged. The true names and capacities of DOES 1 through 10, inclusive, and
13 each of them, are not now known to Plaintiff who therefore sues said Defendants by
14 such fictitious names and will be added to this action as provided by California Code of
15 Civil Procedure Section 484.
16
17

18 13. Defendants, and each of them, did the acts and omissions hereinafter alleged
19 in bad faith and with knowledge that their conduct violated well established and settled
20 law.
21

22 14. Defendants, and each of them, did the acts and omissions alleged herein in
23 done intentionally or with reckless indifference to the rights of the Plaintiff and in
24 violation of clearly established law.
25
26
27

1 21. After kicking Doo-Doo, Defendant Deputy Doe 1 pointed his service weapon
2 and shot Doo-Doo four times. Doo-Doo cried.

3
4 22. The entry of the Plaintiff's house was done without consent, exigent
5 circumstance or a warrant. The unlawful entry by Doe 1, violated the Fourth
6 Amendment.

7
8 23. The kicking of Doo-Doo was unnecessary as the dog did not attack or showed
9 sign of aggressiveness.

10 24. The destruction of Doo-Doo was not necessary or justified. The dog did not
11 attack, bark or show signs of aggression.

12
13 25. Plaintiff held her beloved dog until Doo-Doo died bleeding. Plaintiff suffers
14 extreme emotional distress from this senseless and cruel act.

15
16 26. Without a warrant, without Plaintiff's consent, and without consent of anyone
17 with authority to grant access to the property, Defendant Deputy Doe 1 and Defendant
18 Deputy Doe 2 opened the screen door and without consent stepped into the home. They
19 walked up the private driveway and approached the house.

20
21 27. Plaintiff had made several requests to render emergency aid to Doo-Doo,
22 who was bleeding inside the residence.

23
24 28. Despite the multiple requests to assist Doo-Doo, the deputies (Does 1-10)
25 ignored the Plaintiff or Doo-Doo.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FIRST CAUSE OF ACTION
(VIOLATION OF CIVIL RIGHTS -UNLAWFUL SEIZURE IN VIOLATION
OF 4TH AMENDMENT, 42 U.S.C. 1983)
(By Plaintiff ZAMORA Against All Individual Defendants)

29. Plaintiff refers to and re-pleads each and every allegation contained in paragraphs 1 through 28 of this complaint, and by this reference incorporates the same herein and make each a part hereof.

30. The unlawful entry of the Deputy into the house of the Plaintiff, was unlawful. The seizure of Plaintiff Zamora was unlawful and violated her Fourth Amendment rights.

31. The seizure of persons and property of the Plaintiff was in violation of the 4th amendment. The unlawful entry into the house with a forearm drawn was a seizure of the Plaintiff.

32. The actions of the individual defendants, including, DOE 1 and DOE 2, acted under color of law in violating Plaintiff’s rights protected by the Fourth Amendment to the United States Constitution, including, but not limited to, the right to be free from the use of excessive force and the unnecessary destruction of property by law enforcement officers. These actions included: pointing of a gun at Plaintiff without requisite cause; the prevention of Plaintiff from entering his property without the requisite cause; the trespass onto Plaintiff’s property without the requisite cause.

33. As a direct and proximate result of defendants’ actions and omissions,

1 Plaintiff was deprived of her rights and privileges under the Fourth Amendment to the
2 United States Constitution.

3
4 **SECOND CAUSE OF ACTION**

5 **Violation of Civil Rights Pursuant to Title 42 U.S.C. §1983**

6 **(Failure to Implement Appropriate Policies, Customs and Procedures)**

7 [PLAINTIFF ZAMORA vs. DEFENDANT COUNTY OF SAN BERNARDINO,
8 DOES 1-10]

9 34. Plaintiff refers to and re-pleads each and every allegation contained in
10 paragraphs 1 through 33 of this complaint, and by this reference incorporates the same
11 herein and make each a part hereof.

12 35. Defendant COUNTY OF SAN BERNARDINO implicitly or explicitly
13 adopted or implement careless and reckless policies, customs, or practices, that
14 included, among other things, allowing employees of the San Bernardino Sheriff’s
15 Department to confront canines without any reasonable policy regarding discharging a
16 firearm at an animal and in such a way as to cause the destruction of citizens’ canine
17 pets without justification.

18 36. Defendant COUNTY OF SAN BERNARDINO, implicitly or explicitly
19 adopted and implemented a careless and reckless policy, custom, or practice of
20 allowing employees of the COUNTY OF SAN BERNARDINO to confront canines
21 by use of excessive lethal force where less severe alternatives existed.
22
23
24
25
26
27

1 41. Plaintiff refers to and re-pleads each and every allegation contained in
2 paragraphs 1 through 40 of this complaint, and by this reference incorporates the same
3 herein and make each a part hereof.
4

5 42. Defendant Does 1-10, in concert with the other Defendants at the scene,
6 intentionally violated the civil rights of the Plaintiff by his malicious and wanton
7 disregard for Plaintiff's property rights. The killing of Doo-Doo amounted to the
8 deprivation of property in violation of the Fifth and Fourteenth Amendment.
9

10 43. Specifically, the conduct of Doe 1 included the unnecessary and
11 unprovoked shooting of Plaintiff's beloved family pet, Doo-Doo. Doo-Doo was the
12 animal companion of the Plaintiff since being a puppy and provided solace, affection,
13 friendship, and love for the period of his life, up until the date of his death. As a
14 companion in all those respects, Doo-Doo maintained a special relationship with the
15 Plaintiff, situationally and emotionally similar to that of a human family member or
16 relative.
17
18

19 44. By causing the death of Doo-Doo, Defendants Does 1-10 actually and
20 approximately inflicted an outrageous violation of constitutional rights upon the
21 Plaintiff which Defendants are liable, and Plaintiff seek damages therefor.
22
23

24 45. Defendant Deputy Doe 1, and the other Defendants, either with the specific
25 intent to violate the Plaintiff's civil rights or with a reckless disregard of the probability
26 of causing that violation, shot, and killed Plaintiff's beloved pet, Doo-Doo. The kicking
27

1 and shooting of the dog Doo-Doo, was so extreme and outrageous that it went beyond
2 the bounds of decency. It would be considered atrocious and utterly intolerable in a
3 civilized community. The killing of Doo-Doo in such a merciless fashion and caused
4 severe emotional distress to the Plaintiff, and the Plaintiff are entitled to compensatory
5 and punitive damages.
6

7
8 46. By reason of the aforementioned acts of Defendants, Plaintiff were required
9 to counsel and institute and prosecute the within action, and Plaintiff request payment
10 by the Defendants of a reasonable sum, and for attorney fees, pursuant to 42 U.S.C.
11 section 1988.
12

13
14 **FOURTH CAUSE OF ACTION**

15 **NEGLIGENCE PER SE**

16 **CRUELTY TO ANIMALS (VIOLATIONS OF CAL. PENAL CODE §597**

17 **(Plaintiff Zamora v. Doe Defendants 1-10)**

18 47. The allegations of paragraphs 1-46 are re-alleged and incorporated by
19 reference.
20

21 48. On or about March 22, 2023, Defendants, while working in the course and
22 scope of their employment, and individually, shot and killed Doo-Doo without due
23 process of law, and in violation of Plaintiff's rights as the owner of Doo-Doo.
24

25 49. Defendants' duty that gives rise to strict liability arises from conduct that
26 was both intentional and intended to harm.
27

1 50. Defendants had a duty to treat Doo-Doo kindly and not to shoot him. They
2 also had a duty to care for him once he was injured. Ignoring Doo-Doo was cruel.
3

4 51. Defendants breached this obligation imposed by law by not properly and
5 reasonably using care towards Plaintiff's dog, Doo-Doo. Instead, Doo-Doo was
6 intentionally shot four times and then left to suffer and die and not allowing any
7 assistance.
8

9 52. The acts or omissions of the defendants were wrongful, malicious,
10 intentional, and reckless, and done with the intent to harm, and amounted to no less
11 than gross negligence, in disregard of humanity, and were in violation of law,
12 including Penal Code §597, and justify the awarding of exemplary and punitive
13 damages.
14

15 53. As a direct and legal result of the acts and omissions enumerated above,
16 Plaintiff suffered the special, general, and other damages alleged heretofore, and
17 below, according to proof.
18

19 54. The shooting death of Plaintiff's dog Doo-Doo was done intentionally and
20 maliciously or with no less than gross negligence, in that it was an intentional
21 wrongful act without legal justification or excuse and was done in reckless disregard
22 of Plaintiff rights, and therefore in violation of Cal. Penal Code §597(a).
23

24 55. COUNTY OF SAN BERNARDINO is vicariously liable for the wrongful
25 acts of Defendant Deputy DOE 1, and all other Does, 2-10, pursuant to §815.2(a) of
26
27

1 the California Government Code, which provides that a public entity is liable for the
2 injuries caused by its employees within the scope of employment if the employee's act
3 would subject him or her to liability.
4

5 **FIFTH CAUSE OF ACTION**

6 **Intentional Infliction of Emotional Distress, or alternatively Negligently**

7 **Infliction of Emotional Distress**

8 **(Plaintiff ZAMORA v. Defendant Deputy DOE 1)**

9 56. Plaintiff incorporates paragraphs 1-55 of this Complaint for purposes of this
10 claim.
11

12 57. This claim is brought against Defendant Does 1-2, in their individual and
13 official capacity.
14

15 58. The decision to shoot a animal that had not been identified as vicious or
16 aggressive and who did not injure or threaten Defendants or anyone, or exhibit any
17 aggression or vicious propensity was an act purposefully committed by Defendant
18 Deputy 1, who realized his conduct was dangerous, and which conduct was done
19 heedlessly and recklessly, either without regard to the consequences, or without regard
20 to the rights and safety of others, particularly the Plaintiff.
21

22 59. Defendant Deputy Doe 1 knew that deliberately shooting Doo-Doo in front
23 of Plaintiff would cause severe emotional distress to the Plaintiff and shot Doo-Doo,
24 anyway. This created a higher-than-normal risk of harm to the Plaintiff.
25
26
27

1 60. Defendant Deputy Doe 1 intentionally or purposely failed to contact Animal
2 Control or any veterinarians to render emergency medical care to Doo-Doo, preferring
3 to keep Plaintiff from their dying dog and intimidating them
4

5 61. As a direct and proximate result of such conduct, Plaintiff have been damaged
6 in various respects including, but not limited to, suffering severe emotional distress due
7 to the willful and wanton actions of Doe 1.
8

9 62. COUNTY OF SAN BERNARDINO is vicariously liable for the wrongful
10 acts of Defendant Deputy DOE 1, and all other Does, 2-10, pursuant to §815.2(a) of
11 the California Government Code, which provides that a public entity is liable for the
12 injuries caused by its employees within the scope of employment if the employee’s act
13 would subject him or her to liability.
14

15
16 **SIXTH CAUSE OF ACTION**

17 **TRESPASS TO CHATTELS**

18 **[As to Defendant Deputy Doe 1, County of San Bernardino and does 2-10]**
19

20 63. Plaintiff refers to and re-pleads each and every allegation contained in
21 paragraphs 1 through 62 of this complaint, and by this reference incorporates the same
22 herein and make each a part hereof.
23

24 64. Plaintiff bring this cause of action for Trespass to Chattels against Defendants
25 Doe 1, County of San Bernardino, alleging Defendant Deputy Doe 1 under the color of
26 law and within the scope of his employment wrongfully trespassed on over Plaintiff
27

1 personal property, their dog Doo-Doo.

2 65. Plaintiff is the rightful owner of the dog, Doo-Doo, that Defendant Deputy
3 Doe 1, kicked a harmless dog and immediately thereafter killed DOO-DOO with his
4 firearm on March 22, 2023.
5

6 66. Defendant Deputy Doe 1 under the color of law and within the scope of his
7 employment for the County of San Bernardino intentionally interfered with Plaintiff'
8 use and/or possession of Plaintiff' personal property when Doe 1 killed Doo-Doo,
9 Plaintiff' dog.
10

11 67. Plaintiff did not consent to Defendant Doe 1 killing their dog and destroying
12 their personal property.
13

14 68. Plaintiff loss of their beloved dog, Doo-Doo, is an actual harm suffered by
15 Plaintiff and Defendant Deputy Doe 1 conduct was a substantial factor in causing
16 Plaintiff' harm. Plaintiff have suffered grief, anguish, shock and horror as a result of
17 Defendant Doe 1's intentional act of killing their pet, Doo-Doo.
18

19 69. COUNTY OF SAN BERNARDINO is vicariously liable for the wrongful
20 acts of Defendant Deputy DOE 1, and all other Does, 2-10, pursuant to §815.2(a) of
21 the California Government Code, which provides that a public entity is liable for the
22 injuries caused by its employees within the scope of employment if the employee's act
23 would subject him or her to liability.
24
25
26
27

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

PRAYER

WHEREFORE, Plaintiff prays judgment against Defendants and each of them, as follows:

AS TO EACH CAUSE OF ACTION AS APPLICABLE

- 1. For General damages according to proof;
- 2. For Special damages according to proof;
- 3. For Punitive damages as provided by law, in an amount to provide against each individual Defendant;
- 4. For attorney’s fees pursuant to 42 USC 1988
- 5. For Costs of suit;
- 6. For such other and further relief as the Court may deem proper.

Dated:4/30/2024

By/s/Sharon J. Brunner
Sharon Brunner, Esq
Attorney for Plaintiff

By: /s/James S. Terrell
James Terrell, Esq
Attorney for Plaintiff

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

JURY TRIAL DEMANDED

PLAINTIFF demands a jury trial.

Dated:4/30/2024

By: /s/ Sharon J. Brunner
Sharon J Brunner, Esq
Attorney for PLAINTIFF

Dated:4/30/2024

By: /s/
James Terrell, Esq
Attorney for PLAINTIFF