



1 Eugene P. Ramirez (State Bar No. 134865)  
*eugene.ramirez@manningkass.com*  
 2 Kayleigh Andersen (State Bar No. 306442)  
*kayleigh.andersen@manningkass.com*  
 3 Jessica Becerra (State Bar No. 325884)  
*jessica.becerra@manningkass.com*  
 4 MANNING & KASS  
 ELLROD, RAMIREZ, TRESTER LLP  
 5 801 S. Figueroa St, 15th Floor  
 Los Angeles, California 90017-3012  
 6 Telephone: (213) 624-6900  
 Facsimile: (213) 624-6999

7 Attorneys for Defendants, COUNTY OF  
 8 RIVERSIDE; RIVERSIDE COUNTY  
 SHERIFF'S DEPARTMENT; Correctional  
 9 Deputy R. TORRES; Correctional Deputy  
 VILLALOBOS; Correctional Deputy M.  
 10 ELENES; Correctional Deputy MICHEL;  
 Correctional Deputy ROSE; Correctional  
 11 Deputy SULTAN; Correctional Deputy M.  
 ARREOLA; Correctional Deputy CASTRO

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

15 BROOKE EGGER,  
 16  
 Plaintiffs,  
 17  
 vs.

Case No.: 5:24-cv-1439  
 (State Court Case No. CVPS2403654)

18 COUNTY OF RIVERSIDE;  
 19 RIVERSIDE COUNTY SHERIFF'S  
 DEPARTMENT; CITY OF  
 20 CATHEDRAL CITY; CATHEDRAL  
 CITY POLICE DEPARTMENT;  
 21 Officer MARIO VALDEZ;  
 Correctional Deputy R. TORRES;  
 22 Correctional Deputy VILLALOBOS;  
 Correctional Deputy M. ELENES;  
 23 Correctional Deputy MICHEL;  
 Correctional Deputy ROSE;  
 24 Correctional Deputy SULTAN;  
 Correctional Deputy M. ARREOLA;  
 25 Correctional Deputy CASTRO and  
 DOES 1 through 100, inclusive,

**NOTICE OF REMOVAL OF  
 ACTION UNDER 28 U.S.C. §1441(a)**

State Complaint Filed: 07/01/2024  
 Trial Date: Not Yet Set

26 Defendants.  
 27  
 28

1 **TO THE CLERK OF THE ABOVE-ENTITLED COURT:**

2 PLEASE TAKE NOTICE that defendants COUNTY OF RIVERSIDE;  
3 RIVERSIDE COUNTY SHERIFF’S DEPARTMENT; Correctional Deputy R.  
4 TORRES; Correctional Deputy VILLALOBOS; Correctional Deputy M. ELENES;  
5 Correctional Deputy MICHEL; Correctional Deputy ROSE; Correctional Deputy  
6 SULTAN; Correctional Deputy M. ARREOLA; Correctional Deputy CASTRO  
7 (hereinafter, “Defendants”) hereby removes to this Court the state court action  
8 described below.

9 1. On June 3, 2022, an action was commenced in the Superior Court of the  
10 State of California in and for the County of Riverside, entitled *Brook Egger. v. County*  
11 *of Riverside, et al.*, as Case Number CVPS2403654 (the “Action”). Plaintiff served  
12 Defendants with the original Complaint and summons on or about July 1, 2024. A  
13 true and correct copy of the original Complaint and summons is attached hereto as  
14 Exhibit “A,” as required by 28 U.S.C. § 1446.

15 2. As the attached record demonstrates, the action pending in the state court  
16 is a civil action within the original federal question jurisdiction of the federal district  
17 courts under 28 U.S.C. §§ 1331 and 1343, in that it arises under the Fourth  
18 Amendment and/or 42 U.S.C. § 1983 of the Federal Civil Rights Act.

19 4. Because the state court action is one within the federal question  
20 jurisdiction of the federal district courts, the action is removable to federal court  
21 without regard to the citizenship of the parties under 28 U.S.C. § 1441(a) and (c).

22 5. Removal to this District Court is proper under 28 U.S.C. § 1441(a)  
23 because the Superior Court of the State of California for the County of Riverside is  
24 geographically located within this District Court's jurisdiction.

25 6. Removal is timely under 28 U.S.C. § 1446(b)(2)(B) because this Notice  
26 of Removal has been filed within 30 days of the service of the Complaint stating a  
27 claim within federal jurisdiction.

28 7. Removal is proper under 28 U.S.C. § 1446(b)(2)(A) because all named

1 defendants who have been served have consented to the removal of this action to this  
2 Court without opposition.

3  
4 DATED: July 11, 2024

**MANNING & KASS  
ELLROD, RAMIREZ, TRESTER LLP**

5  
6  
7 By:           /s/ Eugene P. Ramirez            
8 Eugene P. Ramirez  
9 Kayleigh Andersen  
10 Jessica L. Becerra  
11 Attorneys for Defendants, COUNTY OF  
12 RIVERSIDE; RIVERSIDE COUNTY  
13 SHERIFF’S DEPARTMENT; Correctional  
14 Deputy R. TORRES; Correctional Deputy  
15 VILLALOBOS; Correctional Deputy M.  
16 ELENES; Correctional Deputy MICHEL;  
17 Correctional Deputy ROSE; Correctional  
18 Deputy SULTAN; Correctional Deputy M.  
19 ARREOLA; Correctional Deputy  
20 CASTRO  
21  
22  
23  
24  
25  
26  
27  
28



**EXHIBIT A**

**SUMMONS  
(CITACION JUDICIAL)**

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):**

COUNTY OF RIVERSIDE; RIVERSIDE COUNTY SHERIFF'S DEPARTMENT; CITY OF CATHEDRAL CITY; CATHEDRAL CITY POLICE DEPARTMENT; Officer MARIO VALDEZ; Correctional Deputy R. TORRES; Correctional Deputy VILLALOBOS; Correctional Deputy M. ELENES; Correctional Deputy MICHEL; Correctional Deputy ROSE; Correctional Deputy SULTAN; Correctional Deputy M. ARREOLA; Correctional Deputy CASTRO and DOES 1 through 100, inclusive

**YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

BROOKE EGGER

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

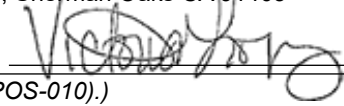
The name and address of the court is:  
(El nombre y dirección de la corte es): Palm Springs Courthouse  
3255 E. Tahquitz Canyon Way, Palm Springs, CA 92262

CASE NUMBER:  
(Número del Caso):

CVPS 2403654

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Steven C. Glickman, Glickman & Glickman ALC, 15233 Ventura Blvd, Suite 400, Sherman Oaks CA 91403 Tel: (310) 273-4040

DATE: 06/03/2024  
(Fecha)

Clerk, by , Deputy  
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



**NOTICE TO THE PERSON SERVED:** You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify):  
under:  CCP 416.10 (corporation)  CCP 416.60 (minor)  
 CCP 416.20 (defunct corporation)  CCP 416.70 (conservatee)  
 CCP 416.40 (association or partnership)  CCP 416.90 (authorized person)  
 other (specify):
- by personal delivery on (date):

1 Steven C. Glickman, Esq. (SBN 105436)  
Nicole E. Hoikka, Esq. (SBN 306324)  
2 GLICKMAN & GLICKMAN  
A LAW CORPORATION  
3 15233 Ventura Blvd., Suite 400  
Sherman Oaks, CA 91403  
4 Tel: (310) 273-4040  
Email: scg@glickman-law.com  
5 Email: neh@glickman-law.com

6 Attorneys for Plaintiff Brooke Egger  
7

8 SUPERIOR COURT OF CALIFORNIA

9 IN AND FOR THE COUNTY OF RIVERSIDE, PALM SPRINGS COURTHOUSE  
10

11 BROOKE EGGER, ) CASE NO. CVPS2403654  
12 )  
Plaintiff, )

13 v. )  
14 )

COUNTY OF RIVERSIDE; RIVERSIDE ) 1. Violation of Civil Rights Under the 14<sup>th</sup>  
15 COUNTY SHERIFF'S DEPARTMENT; ) Amendment – Deliberate  
CITY OF CATHEDRAL CITY; ) Indifference to Medical Care (42  
16 CATHEDRAL CITY POLICE ) U.S.C. § 1983)  
DEPARTMENT; Officer MARIO VALDEZ; ) 2. Violation of Civil Rights Under the 14<sup>th</sup>  
17 Correctional Deputy R. TORRES; Correctional ) Amendment – State-Created Danger  
Deputy VILLALOBOS; Correctional Deputy ) (42 U.S.C. § 1983)  
18 M. ELENES; Correctional Deputy MICHEL; ) 3. Violation of Civil Rights Under the 14<sup>th</sup>  
Correctional Deputy ROSE; Correctional ) Amendment – Special Relationship  
19 Deputy SULTAN; Correctional Deputy M. ) with Detainee (42 U.S.C. § 1983)  
ARREOLA; Correctional Deputy CASTRO ) 4. Violation of Civil Rights Under the 14<sup>th</sup>  
20 and DOES 1 through 100, inclusive, ) Amendment – Monell Claim (42  
U.S.C. § 1983)  
21 Defendants. ) 5. Violation of the Bane Act (California  
Civil Code § 52.1)  
22 ) 6. Failure to Summon Immediate  
Medical Care (California  
Government Code § 845.6)  
23 ) 7. Negligence

24 [Unlimited Jurisdiction]

25 JURY TRIAL DEMANDED  
26  
27  
28

**I.**

**PARTIES**

1  
2  
3 1. Plaintiff BROOKE EGGER (hereinafter “Plaintiff”) is and at all times mentioned  
4 in this Complaint was a resident of the County of Riverside, State of California.

5 2. Defendant COUNTY OF RIVERSIDE (hereinafter “County”) is and at all times  
6 herein mentioned was a governmental entity organized and existing under the laws of the State of  
7 California, and assumes the liabilities for the RIVERSIDE COUNTY SHERIFF’S  
8 DEPARTMENT. Defendant COUNTY is liable under Government Code sections 815.2 and 820  
9 for the negligent acts of the COUNTY’S employees.

10 3. Defendant CITY OF CATHEDRAL CITY (hereinafter “Cathedral City”) is and at  
11 all times herein mentioned was a governmental entity organized and existing under the laws of the  
12 State of California, and assumes the liabilities for the CATHEDRAL CITY POLICE  
13 DEPARTMENT, and other Cathedral City entities, officials, and personnel.

14 4. Defendant Cathedral City Police Officer MARIO VALDEZ (#20221) at all times  
15 mentioned herein was a police officer employed by Defendant Cathedral City. Defendant  
16 VALDEZ was the police officer responsible for providing Plaintiff with medical care at the time  
17 of her arrest, and who should have directed that Plaintiff be transported to a hospital following her  
18 head-on automobile collision that left her face bloodied and bruised.

19 5. Defendant Correctional Deputy R. TORRES (#N6736) at all times mentioned  
20 herein was a deputy sheriff employed by Defendant County. Defendant TORRES was a booking  
21 officer at the John Benoit Detention Center, a jail operated by Defendant COUNTY (hereinafter  
22 referred to simply as the “jail”), when Plaintiff was booked into jail.

23 6. Defendant Correctional Deputy VILLALOBOS (#N6706) at all times mentioned  
24 herein was a deputy sheriff employed by Defendant COUNTY. Defendant VILLALOBOS was a  
25 booking officer when Plaintiff was booked into jail.

26 7. Defendant Correctional Deputy M. ELENES (#N6855) at all times mentioned  
27 herein was a deputy sheriff employed by Defendant COUNTY. Defendant ELENES was one of  
28 the deputies responsible for releasing Plaintiff from jail during the early morning hours of May 7,



1 2023.

2 8. Defendant Correctional Deputy MICHEL (#N8196) at all times mentioned herein  
3 was a deputy sheriff employed by Defendant COUNTY. Defendant MICHEL was one of the  
4 deputies responsible for releasing Plaintiff from jail during the early morning hours of May 7,  
5 2023.

6 9. Defendant Correctional Deputy ROSE (#N5467) at all times mentioned herein was  
7 a deputy sheriff employed by Defendant COUNTY. Defendant ROSE was one of the deputies  
8 responsible for releasing Plaintiff from jail during the early morning hours of May 7, 2023.

9 10. Defendant Correctional Deputy SULTAN (#N4831) at all times mentioned herein  
10 was a deputy sheriff employed by Defendant COUNTY. Defendant SULTAN was one of the  
11 deputies responsible for releasing Plaintiff from jail during the early morning hours of May 7,  
12 2023.

13 11. Defendant Correctional Deputy M. ARREOLA (#N6776) at all times mentioned  
14 herein was a deputy sheriff employed by Defendant COUNTY. Defendant ARREOLA was one of  
15 the deputies responsible for releasing Plaintiff from jail during the early morning hours of May 7,  
16 2023.

17 12. Defendant Correctional Deputy CASTRO (#N7526) at all times mentioned herein  
18 was a deputy sheriff employed by Defendant COUNTY. Defendant CASTRO was one of the  
19 deputies responsible for releasing Plaintiff from jail during the early morning hours of May 7,  
20 2023.

21 13. Defendant Deputy DOE 1, whose badge number is believed to #N7079, was at all  
22 times mentioned herein a deputy sheriff employed by Defendant COUNTY. Defendant DOE 1  
23 was a witness to the filling out of Plaintiff's Medical History form at the jail, and is responsible in  
24 some manner for the failure to provide Plaintiff with medical treatment for her head  
25 injury/concussion.

26 14. The true names or capacities, whether individual, corporate, associate, or otherwise  
27 of defendants, DOES 1 through 100, inclusive, are unknown to Plaintiff, who therefore sues said  
28 defendants by such fictitious names. Plaintiff is informed and believes and thereon alleges that



1 each of the defendants designated herein as a DOE is responsible in some manner for the events  
2 and happenings herein referred to and was a substantial factor in causing injuries and damages to  
3 Plaintiff as herein alleged.

4 15. Plaintiff is informed and believes and on that basis alleges that at all times herein  
5 mentioned, each of the defendants was the agent or employee of each of the remaining defendants,  
6 and in doing the things alleged in this Complaint, were acting within the course and scope of this  
7 agency and employment.

8 **II.**

9 **COMPLIANCE WITH THE TORT CLAIMS ACT**

10 16. Plaintiff incorporates by reference the allegations in paragraphs 1-15, as set forth  
11 above.

12 17. On May 10, 2024, this Court granted Plaintiff's Petition for Relief from  
13 Government Claim Filing Requirements as to Defendant COUNTY ("Petition"). See *Egger v.*  
14 *County of Riverside*, Riverside Superior Court Case No. CVPS2402055. This Complaint has been  
15 timely filed within 30 days of the Court's granting of Plaintiff's Petition. Plaintiff has thus been  
16 relieved from the government claim filing requirements as to Defendant COUNTY.

17 18. Defendant CATHEDRAL CITY was served with Plaintiff's government tort claim  
18 on January 22, 2024. Defendant Cathedral City did not respond or otherwise serve Plaintiff with a  
19 denial of the tort claim. This Complaint has been timely filed with respect to Defendant  
20 CATHEDRAL CITY.

21 **III.**

22 **STATEMENT OF FACTS**

23 19. Plaintiff incorporates by reference the allegations in paragraphs 1-18, as set forth  
24 above.

25 20. On or around May 6, 2023, Plaintiff was the driver of an automobile that was  
26 involved in a head-on collision. As a result of the collision, Plaintiff sustained a head injury and  
27 concussion, and her face was bloodied and bruised.

28 21. At the time of the collision, Plaintiff's blood alcohol level was above the legal

1 limit. Following the collision, Plaintiff was arrested by Defendant Officer VALDEZ from the  
2 Cathedral City Police Department. Officer VALDEZ cut his arm on the glass from the crashed car  
3 and, in an apparent attempt to ‘punish’ Plaintiff for his arm being cut, refused to take Plaintiff to a  
4 hospital. It was apparent from Plaintiff’s totaled car and her injuries, including a bloodied and  
5 bruised face and a head injury, that Plaintiff needed to be taken to a hospital.

6 22. Although firefighters employed by Defendant CATHEDRAL CITY evaluated  
7 Plaintiff at the scene, she did not receive any medical treatment for her concussion/head injury,  
8 and the firefighters likewise did not take Plaintiff to the hospital for treatment of her  
9 concussion/head injury. Instead, Plaintiff was transported to a Cathedral City police station, where  
10 her blood was drawn as part of a DUI investigation.

11 23. After the blood draw, Plaintiff was transported to and booked at the Riverside  
12 County John Benoit Detention Center. She did not receive any medical care for her head injury or  
13 concussion at the jail. She also was not transported to a hospital after being booked by jail staff.

14 24. In the early morning hours of May 7, 2023, at or around 4:00 a.m., while it was still  
15 dark out, Plaintiff was released from jail by Riverside County Sheriff’s Department personnel,  
16 including Defendants ELENES, MICHEL, ROSE, SULTAN, ARREOLA, and CASTRO, and  
17 DOES 1 through 100.

18 25. The area surrounding the jail is a high-crime, unsafe area at night. At the time of  
19 her release, Plaintiff was still inebriated and concussed. Plaintiff was released without her glasses  
20 and without a working mobile phone, such that she had no means of securing transportation.

21 26. Plaintiff sought help from the jail staff by knocking on the jail doors, but no one  
22 came to answer the door, which was locked. Plaintiff crossed Highway 111 to look for an open  
23 business, but everything was closed.

24 27. Plaintiff eventually came across a vehicle in the area with a paper Uber sign; the  
25 driver purported to be an Uber driver. Plaintiff requested a ride home and the driver agreed.  
26 Plaintiff got in the car. Instead of taking her home, the driver then took her to a nearby area and  
27 sexually assaulted her.

28 28. As a result of this incident, Plaintiff experienced physical injuries as well as

1 extreme mental anguish and suffering. Plaintiff suffered injuries to Plaintiff's body, nervous  
2 system, and person and was caused to suffer general damages and will continue to suffer general  
3 damages in excess of the jurisdictional limits of this Court, in an amount to be specified in  
4 accordance with the provisions of Code of Civil Procedure Section 425.10 and Section 425.11.

5 29. As a proximate result of the said conduct of the actions of defendants, and each of  
6 them, plaintiff was required to and did employ physicians and surgeons to examine, treat, and care  
7 for plaintiff, and did incur medical and incidental expenses. Plaintiff is informed and believes and  
8 based thereon alleges that there will be some additional medical expense, the exact amount of  
9 which is unknown. Leave of Court will be sought to amend the Complaint to set forth the correct  
10 amount of medical expense at such time as it is ascertained.

11 30. As a further proximate result of the said conduct of the defendants, and each of  
12 them, plaintiff was prevented from attending to plaintiff's usual occupation for a period of time;  
13 plaintiff is informed and believes and thereon alleges that plaintiff will be prevented from  
14 attending to said usual occupation for a period in the future and will sustain a further loss of  
15 earnings. Leave of Court will be sought to amend the Complaint to set forth the exact amount  
16 when the same is ascertained.

17 **IV.**

18 **FIRST CAUSE OF ACTION**

19 **VIOLATION OF CIVIL RIGHTS (14<sup>th</sup> AMENDMENT) – Deliberate Indifference to**  
20 **Medical Care**

21 **42 U.S.C. § 1983**

22 **By Plaintiff Against All Defendants**

23 31. Plaintiff incorporates by reference the allegations in paragraphs 1-30, as set forth  
24 above.

25 32. In the pre-conviction context, the right to medical care derives from the due process  
26 clause, which “imposes, at a minimum, the same duty the Eighth Amendment poses: persons in  
27 custody have the established right to not have officials remain deliberately indifferent to their  
28 serious medical needs,” including head injuries and concussions. *See Gibson v. County of Washoe,*

1 290 F.3d 1175, 1187 (9th Cir. 2002).

2 33. A defendant is deliberately indifferent if he knows of and disregards an excessive  
3 risk to a detainee' health and safety. *Farmer v. Brennan*, 511 U.S. 825 (1970).

4 34. In doing the acts and omissions described above, including failing to transport  
5 Plaintiff to a hospital or by otherwise failing to provide Plaintiff with medical evaluation or  
6 treatment/medical care for her head injury/concussion, Defendants deprived Plaintiff of her right  
7 to medical care while in the custody of Defendants CATHEDRAL CITY and COUNTY.

8 35. It is apparent that Defendants should have known of the excessive risk to Plaintiff's  
9 safety if Plaintiff was not treated for a concussion/head injury after a serious car accident that left  
10 her face bloodied and totaled her car. The individual officers and deputies who interacted with  
11 Plaintiff actually knew of a risk to Plaintiff's health and safety because they knew she was in a  
12 head-on automobile collision.

13 36. As a direct and proximate result of Defendants' acts and omissions as set forth  
14 above, which deprived Plaintiff of her clearly-established and well-settled constitutional rights  
15 protected by the Fourteenth Amendment to the United States Constitution, Plaintiff sustained  
16 injuries and damages as set forth in this complaint.

17 37. In doing the foregoing wrongful acts, the individual Defendants, and each of them,  
18 acted in reckless and callous disregard of the constitutional rights of Plaintiff. The wrongful acts,  
19 and each of them, were willful, oppressive, fraudulent, and malicious, and thus warrant an award  
20 of punitive damages against each individual defendant in an amount adequate to punish the  
21 wrongdoers and deter future misconduct.

22 38. The conduct of Defendants entitles Plaintiff to punitive damages (as to the  
23 individual defendants only) and penalties allowable under 42 U.S.C. § 1983, as well as reasonable  
24 costs and attorneys' fees.

25 ///

26 ///

27 ///

28 ///

1 V.

2 **SECOND CAUSE OF ACTION**

3 **VIOLATION OF CIVIL RIGHTS (14<sup>th</sup> AMENDMENT) – State-Created Danger**

4 **42 U.S.C. § 1983**

5 **By Plaintiff Against All Defendants**

6 39. Plaintiff incorporates by reference the allegations in paragraphs 1-38, as set forth  
7 above.

8 40. Under the Due Process clause of the Fourteenth Amendment, an officer may be  
9 held liable for failing to protect an individual where the state has placed that individual in danger  
10 through its affirmative conduct. A person also has the constitutional right to be free from a  
11 government employee affirmatively placing that person in a situation of actual, particularized  
12 danger that is more dangerous than the position that the person already faced if the government  
13 employee acted with deliberate indifference to a known or obvious danger.

14 41. Here, Defendants knew and/or should have known of the obvious danger, and the  
15 excessive risk to Plaintiff’s safety, of releasing Plaintiff, whom Defendants knew was inebriated  
16 and had been injured in a head-on automobile accident, from jail at night, in an unsafe and high-  
17 crime area, without glasses or a working phone, without a means of transportation, while  
18 inebriated and concussed. By doing so, Defendants placed Plaintiff in a situation of actual,  
19 particularized danger.

20 42. Defendants had a duty not to leave Plaintiff in a situation that was more dangerous  
21 than the one they found her in, and breached that duty first by failing to have Plaintiff properly  
22 evaluated and to administer medical aid for Plaintiff’s concussion/head injury at the time of her  
23 arrest and detention, and second by releasing Plaintiff in the early hours of the morning, in the  
24 dark, without glasses, a working phone, or a means of transportation, in a dangerous and deserted  
25 area. By these acts and omissions, Defendants placed Plaintiff in a situation that was more  
26 dangerous than the one they found her in.

27 43. Such a “state-created danger” exception has been found under similar  
28 circumstances, i.e., where a police officer ejected a woman from a vehicle in a high-crime area

1 where she was subsequently raped. *See Wood v. Ostrander*, 879 F.2d 583 (9th Cir. 1989).

2 44. By releasing Plaintiff into the area around the jail with an untreated head injury,  
3 without glasses or a working phone, while still inebriated, Defendants placed Plaintiff in a  
4 situation more dangerous than the one they found her in. Specifically, prior to Plaintiff's arrest,  
5 she had her phone and glasses, and was in a populated area of Cathedral City during daytime  
6 hours. By taking her to jail instead of to the hospital, Defendants intensified and worsened the  
7 situation that Plaintiff was in. By then releasing Plaintiff in the dark early morning hours of May  
8 7, 2023, instead of keeping her inside the jail until it was light out, Defendants further intensified  
9 and worsened the situation that Plaintiff was in.

10 45. Defendants acted with deliberate indifference towards a known danger to Plaintiff,  
11 namely, that she had not been provided medical care, was inebriated, concussed, alone, unable to  
12 see well, without a means of contacting someone for transportation.

13 46. By arresting, detaining, and then releasing Plaintiff without conducting a proper  
14 medical evaluation of her head injury, Defendants put Plaintiff in a more dangerous state than she  
15 was in prior to arrest. Plaintiff's condition worsened while she was held in jail without being  
16 treated for her head injury. Defendants showed that they were deliberately indifferent to Plaintiff's  
17 wellbeing when they failed to take her to the hospital, failed to medically evaluate or treat her at  
18 the jail, released her in the dark early morning hours into a dangerous area without any means of  
19 transportation, and refused to come to the locked door or respond when Plaintiff tried to get their  
20 attention by knocking on the door of the jail.

21 47. As a direct and proximate result of Defendants' acts and omissions as set forth  
22 above, which deprived Plaintiff of her clearly-established and well-settled constitutional rights  
23 protected by the Fourteenth Amendment to the United States Constitution, Plaintiff sustained  
24 injuries and damages as set forth in this complaint.

25 48. In doing the foregoing wrongful acts, the individual Defendants, and each of them,  
26 acted in reckless and callous disregard of the constitutional rights of Plaintiff. The wrongful acts,  
27 and each of them, were willful, oppressive, fraudulent, and malicious, and thus warrant an award  
28 of punitive damages against each individual defendant in an amount adequate to punish the

1 wrongdoers and deter future misconduct.

2 49. The conduct of Defendants entitles Plaintiff to punitive damages (as to the  
3 individual defendants only) and penalties allowable under 42 U.S.C. § 1983, as well as reasonable  
4 costs and attorneys' fees.

5 **VI.**

6 **THIRD CAUSE OF ACTION**

7 **VIOLATION OF CIVIL RIGHTS (14<sup>th</sup> AMENDMENT) – Special Relationship with**  
8 **Detainee**

9 **42 U.S.C. § 1983**

10 **By Plaintiff Against All Defendants**

11 50. Plaintiff incorporates by reference the allegations in paragraphs 1-49, as set forth  
12 above.

13 51. In the alternative, an officer may also be liable for an omission “when a state takes  
14 a person into its custody and holds him there against his will,” including by incarceration. *Patel v.*  
15 *Kent Sch. Dist.*, 648 F.3d 965 (9th Cir. 2011). Here, Defendants’ actions created and intensified  
16 the risk of harm to Plaintiff, with whom Defendants had a special relationship because she was a  
17 detainee. As set forth above, Plaintiff was bloodied and bruised after the head-on collision and  
18 should have been taken to a hospital. At the jail, her condition worsened as she received no  
19 medical evaluation or treatment for her concussion/head injury. Her situation further deteriorated  
20 when Defendants released her at night into a high-crime area with no working phone or glasses.

21 52. As a direct and proximate result of Defendants’ acts and omissions as set forth  
22 above, which deprived Plaintiff of her clearly-established and well-settled constitutional rights  
23 protected by the Fourteenth Amendment to the United States Constitution, Plaintiff sustained  
24 injuries and damages as set forth in this complaint.

25 53. In doing the foregoing wrongful acts, the individual Defendants, and each of them,  
26 acted in reckless and callous disregard of the constitutional rights of Plaintiff. The wrongful acts,  
27 and each of them, were willful, oppressive, fraudulent, and malicious, and thus warrant an award  
28 of punitive damages against each individual defendant in an amount adequate to punish the



1 wrongdoers and deter future misconduct.

2 54. The conduct of Defendants entitles Plaintiff to punitive damages (as to the  
3 individual defendants only) and penalties allowable under 42 U.S.C. § 1983, as well as reasonable  
4 costs and attorneys' fees.

5 **VII.**

6 **FOURTH CAUSE OF ACTION**

7 **VIOLATION OF CIVIL RIGHTS (*Monell*) – 42 U.S.C. 1983**

8 **By Plaintiff Against Defendants COUNTY and CATHEDRAL CITY**

9 55. Plaintiff incorporates by reference the allegations in paragraphs 1-54, as set forth  
10 above.

11 56. Defendants COUNTY and CATHEDRAL CITY knowingly, with gross negligence,  
12 and in deliberate indifference to the Constitutional rights of Plaintiff and all citizens, maintain and  
13 permit an official policy and custom or permitting the occurrence of the types of wrongs set forth  
14 herein. These policies and customs include, but are not limited to, the deliberately indifferent  
15 training of its law enforcement officers in the evaluation and custodial control of arrestees with  
16 head injuries/concussions, and in the release of arrestees from jail under dangerous circumstances  
17 with clearly foreseeable risks of harm, including releasing concussed/intoxicated persons without  
18 glasses, a phone, or a means of transportation during the dark early morning hours into a high-  
19 crime area.

20 57. Defendants' failure to train their employees amounts to a deliberate indifference to  
21 the rights of persons with whom they come into contact. Upon information and belief, Defendants  
22 were on notice of crucial failures and the lack of appropriate and functional systems to ensure  
23 arrestees with head injuries were provided with medical care. Defendants lacked appropriate  
24 protocols with respect to releasing inmates and had no consideration for factors including, but not  
25 limited to, the time of day for the release.

26 58. The above-described policies and customs demonstrated a deliberate indifference  
27 on the part of Defendants to the constitutional rights of persons within their jurisdiction, and were  
28 the cause of the violations of Plaintiff's civil rights as alleged herein.

1 59. The unconstitutional actions and/or omissions of Defendants, as described above,  
2 were approved, tolerated, and/or ratified by policy-making officers for Defendants COUNTY and  
3 CATHEDRAL CITY.

4 60. Plaintiff is informed and believes and thereon alleges that the above-described  
5 customs and policies were the moving force behind the violations of Plaintiff's rights. Based upon  
6 the principles set forth in *Monell v. New York City Department of Social Services*, Defendants  
7 COUNTY and CATHEDRAL CITY are liable for all of the injuries sustained by Plaintiff as set  
8 forth above.

9 61. As a proximate result of the foregoing wrongful acts of Defendants, and each of  
10 them, Plaintiff sustained general damages, including pain and suffering, in an amount in  
11 accordance with proof.

12 62. Due to the conduct of Defendants, and each of them, Plaintiff has been required to  
13 incur attorneys' fees and will continue to incur attorneys' fees. Plaintiff is entitled to recovery of  
14 said fees pursuant to 42 U.S.C. § 1988.

15 **VIII.**

16 **FIFTH CAUSE OF ACTION**

17 **VIOLATION OF CAL. CIVIL CODE § 52.1 (BANE ACT)**

18 **By Plaintiff Against Defendants COUNTY and CATHEDRAL CITY**

19 63. Plaintiff incorporates by reference the allegations in paragraphs 1-62, as set forth  
20 above.

21 64. All of the individual defendants and DOES 1 through 100, acting within the course  
22 and scope of their duties as employees of Defendants COUNTY and CATHEDRAL CITY, caused  
23 the injuries to Plaintiff described herein.

24 65. Pursuant to California Government Code § 815.2, Defendants COUNTY and  
25 CATHEDRAL CITY are liable for the acts, omissions, and conduct of their employees, including  
26 the individual defendants and DOES 1 through 100, whose negligent conduct was the cause of  
27 Plaintiffs injuries.

28 66. The conduct of Defendants constituted interference with the exercise of enjoyment

1 by Plaintiff of rights secured by the Constitution and laws of the United States, and/or secured by  
2 the Constitution and laws of the State of California, including the constitutional right to be  
3 protected while in custody and the right to be free from affirmative state conduct that put Plaintiff  
4 in danger.

5 67. As a direct result of Defendants' conduct, Plaintiff's rights pursuant to California  
6 Civil Code § 52.1 were violated, causing injuries and damages in an amount to be proven at the  
7 time of trial.

8 68. Due to the to the conduct of Defendants, and each of them, Plaintiff has been  
9 required to incur attorneys' fees and will continue to incur attorneys' fees. Plaintiff is entitled to  
10 recovery of said fees pursuant to California Civil Code § 52.1.

11 **IX.**

12 **SIXTH CAUSE OF ACTION**

13 **VIOLATION OF CAL. GOV. CODE §§ 844.6, 845.6 (FAILURE TO SUMMON**  
14 **IMMEDIATE MEDICAL CARE)**

15 **By Plaintiff Against All Defendants**

16 69. Plaintiff incorporates by reference the allegations in paragraphs 1-68, as set forth  
17 above

18 70. Pursuant to California Government Code §§ 844, 844.6, and 845.6, a public  
19 employee and the public entity where the employee is acting within the course and scope of  
20 employment is liable for injury proximately caused to a prisoner if the employee knows or has  
21 reason to know that the prisoner is in need of immediate medical care and fails to take reasonable  
22 action to summon such medical care.

23 71. Under these statutes, a "prisoner" includes an inmate of a jail or correctional  
24 facility, and a lawfully arrested person who is brought into a law enforcement facility for the  
25 purpose of being booked becomes a prisoner, as a matter of law, upon his or her initial entry into a  
26 jail or correctional facility, pursuant to penal processes.

27 72. Government Code § 845.6 authorizes a cause of action against a public entity for its  
28 employees' failure to summon immediate medical care.

1           73.     Defendants knew or had reason to know that the Plaintiff was seriously injured in a  
2 head-on car accident that left her face bloodied and bruised, and needed immediate medical care  
3 for a potential head injury. Despite knowing this, Defendants failed to take reasonable action to  
4 summon immediate care for Plaintiff’s head injury/concussion.

5           74.     As a direct and legal consequence of the aforesaid acts and omissions of  
6 Defendants, and each of them, Plaintiff has sustained and incurred, and is certain to incur in the  
7 future, losses, injuries, and damages. Plaintiff will request leave of Court to determine the total  
8 amount of damages once the same as been ascertained.

9   **X.**

10    **SEVENTH CAUSE OF ACTION**

11    **NEGLIGENCE**

12           **By Plaintiff Against Defendants VALDEZ, TORRES; VILLALOBOS, ELENES, MICHEL,**  
13                                   **ROSE, SULTAN, ARREOLA, CASTRO and DOES 1 - 100**

14           75.     Plaintiff incorporates by reference the allegations in paragraphs 1-74, as set forth  
15 above.

16           76.     Under Government Code § 844.6, a public employee is liable for injuries  
17 proximately caused by his negligent or wrongful act or omission.

18           77.     At all relevant times, the individual Defendants and DOES 1 through 100 owed  
19 Plaintiff, as an individual in their custody, a duty of care not to injure or harm Plaintiff. This duty  
20 encompassed a legal duty to provide Plaintiff with reasonable protection against foreseeable risks  
21 of harm.

22           78.     Defendants, through their acts and omissions as described above, breached their  
23 aforementioned duty owed to Plaintiff. Said acts and omissions included failing to provide  
24 Plaintiff with medical care for her concussion/head injury while she was at the jail, and releasing  
25 Plaintiff from jail while concussed and intoxicated, during the dark early morning hours in a  
26 dangerous and high-crime area, without glasses, a phone, or a means of transportation.

27           79.     As a direct and proximate result of Defendants’ acts and omissions as described  
28 above, Plaintiff suffered pain, suffering, and physical injuries. Defendants’ acts and omissions

1 were substantial factors in causing Plaintiff's injuries.

2 80. As a direct and legal consequence of the aforesaid carelessness of Defendants, and  
3 each of them, Plaintiff has sustained and incurred, and is certain to incur in the future, losses,  
4 injuries, and damages. Plaintiff will request leave of Court to determine the total amount of  
5 damages once the same as been ascertained.

6 **PRAYER FOR RELIEF**

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

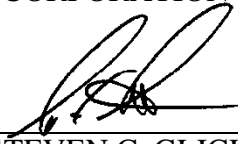
- 8 1. For general damages in an amount to be ascertained in accordance with Code of
- 9 Civil Procedure §§ 425.10 and 425.11;
- 10 2. For all medical and incidental expenses according to proof;
- 11 3. For all loss of earnings according to proof;
- 12 4. For exemplary and punitive damages against the individual defendants in an
- 13 amount according to proof;
- 14 5. For other losses in an amount according to proof;
- 15 6. For attorneys' fees under California Civil Code §§ 52 and 52.1, California Code of
- 16 Civil Procedure §1021.5, and/or any other applicable provision of law;
- 17 7. For costs of suit incurred herein;
- 18 8. For prejudgment interest and other interest as provided by law; and
- 19 9. For such other and further relief as the court shall deem just and proper.

20 **JURY TRIAL DEMANDED**

21 PLEASE TAKE NOTICE that Plaintiff hereby demands trial by jury in the above-entitled  
22 action.

23 DATED: June 3, 2024

GLICKMAN & GLICKMAN,  
A LAW CORPORATION

24 

25 By \_\_\_\_\_

26 STEVEN C. GLICKMAN  
27 NICOLE E. HOIKKA  
Attorneys for Plaintiff  
28 BROOKE EGGER