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9
10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 NOHO DIAGNOSTIC CENTER, INC.;
13 USTIANA SHAGINIAN,

14 Plaintiffs,

15 vs.

16 CITY OF LOS ANGELES; LOS ANGELES
17 POLICE DEPARTMENT and DOE
18 OFFICERS OF THE LOS ANGELES POLICE
19 DEPARTMENT; KENNETH FRANCO;
20 CHIEF MICHAEL MOORE; and DOES 1
21 through 20, inclusive,

22 Defendants.

Case No.: 2:24-cv-07952

COMPLAINT FOR:

**VIOLATION OF FOURTH
AMENDMENT (42.U.S.C. § 1983)
MUNICIPAL LIABILITY (42.U.S.C. §
1983)**

SUPPLEMENTAL STATE CLAIMS

**NEGLIGENCE
NEGLIGENT HIRING
CALIFORNIA CIVIL CODE § 52.1**

DEMAND OF JURY TRIAL

23 NOW COME Plaintiffs NOHO DIAGNOSTIC CENTER, INC. and USTIANA
24 SHAGINIAN, by and through their attorneys, YMPK Law Group, LLP, and as for their
25 Complaint against Defendants, CITY OF LOS ANGELES, LOS ANGELES POLICE
26 DEPARTMENT and DOE OFFICERS OF THE LOS ANGELES POLICE DEPARTMENT,
27 KENNETH FRANCO, CHIEF MICHAEL MOORE and DOES 1 through 20, and state the

1 following:

2 **I. JURISDICTION AND VENUE**

- 3
- 4 1. Jurisdiction and venue is vested in this Court pursuant to 28 U.S.C. § 1331, as a federal
- 5 question arising under the Fourth Amendment and the Fourteenth Amendment of the
- 6 United States Constitution.
- 7 2. Plaintiffs are entitled to bring this action pursuant to 42 U.S.C. § 1983, which enables
- 8 every person who, under color of any statute, ordinance, regulation, custom, or usage, of
- 9 any State or Territory or the District of Columbia, subjects, or causes to be subjected, any
- 10 citizen of the United States or other person within the jurisdiction thereof to the
- 11 deprivation of any rights, privileges, or immunities secured by the Constitution and laws,
- 12 to bring an action at law, suit in equity, or other proper proceeding for redress.
- 13 3. This suit is also brought pursuant to 28 U.S.C. § 1343(a)(3), which enables any citizen of
- 14 the United States to bring suit in order to redress the deprivation of rights, privileges, and
- 15 immunities secured by the constitution and laws of the United States.
- 16 4. This Court has pendant and supplemental jurisdiction over the California state law claims
- 17 alleged in this Complaint pursuant to 28 U.S.C. § 1367.
- 18 5. Venue is proper because the claims alleged herein arose from events or omissions that
- 19 occurred in the County of Los Angeles. Therefore, venue lies in the Central District of
- 20 California pursuant to 28 U.S.C. § 1391 (b)(2).

21 **II. PARTIES**

- 22 6. Plaintiff USTIANA SHAGINIAN is and at all relevant times herein mentioned, a citizen
- 23 of the United States of America and a resident of the County of Los Angeles in the State
- 24 of California.
- 25 7. Plaintiff NOHO DIAGNOSTIC CENTER, INC. is and at all relevant times herein
- 26 mentioned, a corporation doing business in the County of Los Angeles, State of
- 27 California. Plaintiff NOHO DIAGNOSTIC CENTER, INC. is a diagnostic healthcare
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1 facility located in the heart of Van Nuys, California, at the hectic intersection of Whitsett
2 Ave. and Victory Blvd. The North and West windows are tinted to maintain a sense of
3 privacy for patients. Plaintiff NOHO DIAGNOSTIC CENTER, INC. is part of an open
4 shopping plaza and is adjacent to five other businesses and sits directly across from
5 another large shopping plaza with nine additional businesses. Notably, Plaintiff NOHO
6 DIAGNOSTIC CENTER, INC. is approximately *2.4 miles* from *the Los Angeles Police*
7 *Department, Van Nuys Division.*

8 8. At all times material herein, Defendant LOS ANGELES POLICE DEPARTMENT
9 (“LAPD”) was and is a public entity existing within the State of California, County of
10 Los Angeles. Plaintiffs are informed and believe that LAPD is and was the official police
11 agency for Defendant CITY OF LOS ANGELES at all times mentioned herein, and is the
12 employer of the individual officers named as DOE OFFICERS OF THE LOS ANGELES
13 POLICE DEPARTMENT, KENNETH FRANCO and CHIEF MICHAEL MOORE in this
14 action.

15 9. At all times material herein, Defendant CITY OF LOS ANGELES (“CITY OF LOS
16 ANGELES”) was and is a municipal corporation duly organized and existing under the
17 Constitution and laws of the State of California and is, or was, the employer of LAPD, as
18 well as one, or all, of the individual DOE Defendants in this action.

19 10. At all times material herein, Defendant MICHAEL MOORE (“CHIEF MOORE”) is and
20 was the LAPD police chief and a policymaker for his department. He is being sued
21 individually and in his official capacity.

22 11. At all times material herein, Defendant Kenneth Franco (“OFFICER FRANCO”) was an
23 LAPD officer assigned to the Narcotics Enforcement Detail for North Hollywood
24 Division of the LAPD. OFFICER FRANCO is the affiant of the application submitted in
25 support of the search warrant issued to search the premises of Plaintiff NOHO
26 DIAGNOSTIC CENTER, INC. Plaintiffs are informed, believe, and thereupon allege that
27 OFFICER FRANCO was the leader of the SWAT team which unlawfully and
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1 unreasonably executed the aforesaid search warrant. He is being sued individually and in
2 his official capacity.

3 12. Defendant DOE OFFICERS OF THE LOS ANGELES POLICE DEPARTMENT
4 (“LAPD Officers”) are and at all times mentioned herein were, unknown Officers
5 employed by the LAPD, who were acting within the course and scope of their
6 employment at the time they undertook the activities alleged herein and were, at all times
7 herein mentioned, acting under color of state law as employees, agents, and
8 representatives of every other defendant.

9 13. The true names of DOES 1 through 20, inclusive, are not now known to Plaintiffs who
10 therefore sue these Defendants by fictitious names. Plaintiffs will amend this complaint
11 to allege their true names and capacities when ascertained. Plaintiffs are informed and
12 believe and based thereon allege that each of the fictitious named defendants are
13 responsible for the acts complained of herein.

14 14. At all relevant times herein, each of the Defendants was an agent, servant, or employee of
15 each of the remaining Defendants acting under color of state law, and was at all times
16 acting within the time, purpose or scope of said agency or employment, and was acting
17 with the express or implied knowledge, permission or consent of the remaining
18 Defendants, and each of them. Each of the Defendants held out the other as its authorized
19 representative and each of the Defendants ratified the conduct of its agents. At all times
20 herein mentioned, DOES 1-20 were and are Defendants whose identity is unknown at this
21 time who supervised, controlled, or were in some manner responsible for the activities
22 alleged herein and proximately caused Plaintiffs’ damages.

23 **III. COMPLIANCE WITH PRE-SUIT REQUIREMENTS**

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25 15. On November 3, 2023, within the limitation period after the claims herein arose, Plaintiff
26 served a Notice of Claim on the City of Los Angeles in compliance with Gov’t Code §
27 911.2.
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1 16. On March 18, 2024, the County gave notice that it had rejected the claim.

2 17. This action has been commenced within the applicable limitations period for the claims
3 asserted herein.

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5 **IV. FACTUAL BASIS FOR THE CLAIMS ASSERTED**

6 18. Plaintiff NOHO DIAGNOSTIC CENTER, INC. (hereinafter, "TARGET PREMISES") is
7 a healthcare facility specializing in diagnostic services, including imaging such as X-rays,
8 MRI, CT scans, and ultrasounds.

9 19. On October 12, 2023, based on the supporting affidavit of OFFICER FRANCO, a search
10 warrant was issued for the TARGET PREMISES.

11 20. The warrant described the TARGET PREMISES as a taller-than-average, single-story
12 commercial building with signage reading "NOHO DIAGNOSTIC CENTER" and "MRI"
13 and "X-RAY."

14 21. The warrant alleged potential illegal cannabis cultivation at the TARGET PREMISES
15 and authorized the seizure of cannabis and controlled substances under the Uniform
16 Controlled Substance Act.

17 22. As part of the application for the search warrant, OFFICER FRANCO stated that the Los
18 Angeles Department of Building and Safety received a noise complaint about the air
19 conditioning units, suggesting cannabis cultivation at the TARGET PREMISES.

20 23. OFFICER FRANCO conducted surveillance on multiple dates in 2023, reporting the
21 "distinct odor of live cannabis plant and not the odor of dried cannabis being smoked,"
22 tinted windows – which he attributed to efforts to conceal cannabis cultivation, security
23 cameras –which he associated with locations where cannabis is grown to prevent theft,
24 and two individuals in similar attire at the premises – whom he concluded were
25 performing maintenance or expanding the cultivation operation.

26 24. OFFICER FRANCO compared the power usage of the TARGET PREMISES to nearby
27 businesses and found it significantly higher.

1 25. OFFICER FRANCO, therefore, concluded that the TARGET PREMISES was cultivating
2 cannabis, disregarding the fact that it is a diagnostic facility utilizing an MRI machine, X-
3 ray machine, and other heavy medical equipment—unlike the surrounding businesses
4 selling flowers, chocolates, and childrens’ merchandise, none of which would require
5 significant power usage.

6 26. Adding to the list of OFFICER FRANCO's utterly reaching and ultimately failed
7 conclusions, OFFICER FRANCO conducted an internet search, and this futile check of
8 “public record documents” revealed that the owner of the TARGET PREMISES is
9 “Fouad Ashour.”

10 27. It is unclear what “public record documents” OFFICER FRANCO “searched,” but a
11 proper business search of the TARGET PREMISES on the California Secretary of State's
12 website would have revealed that it was incorporated in 2021, with PLAINTIFF
13 USTIANA SHAGINIAN serving as its Chief Executive Officer.

14 28. OFFICER FRANCO, however, did learn that the TARGET PREMISES holds a valid
15 City of Los Angeles Business Tax Registration Certificate as “NOHO DIAGNOSTIC
16 CENTER, INC.”

17 29. Despite the TARGET PREMISES’ legitimate business certification, OFFICER
18 FRANCO, as a *natural next step*, contacted LAPD’s Gang and Narcotics Division-
19 Cannabis Support Unit. OFFICER FRANCO learned that the TARGET PREMISES, *a*
20 *medical diagnostic center*, does not have a license to cultivate cannabis, a finding he
21 promptly labeled a “violation of the California Health and Safety Code.”

22 30. Based on his *15 years* as an LAPD officer and *twelve hours* of narcotics training, and
23 based upon the presence of security cameras (typical of any reasonable commercial
24 business), tinted windows (a reasonable practice for any medical facility concerned with
25 patient privacy), high power usage (as any diagnostic facility), the alleged odor of
26 cannabis plants (in a busy shopping plaza with no prior reports), the absence of a
27 cultivation permit (which no diagnostic healthcare facility would possess), and the
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1 presence of two men wearing identical company-branded shirts (unexpected of
2 individuals involved in illegal cultivation), OFFICER FRANCO found probable cause for
3 cannabis cultivation at the TARGET PREMISES.

4 31. On or about October 12, 2023, OFFICER FRANCO's search warrant was issued by
5 Magistrate Diego H. Edber.

6 32. On or about October 18, 2023, OFFICER FRANCO and LAPD Officers, acting within
7 the course and scope of their duties as employees of the LAPD and acting as
8 representatives of the CITY OF LOS ANGELES, executed the search warrant at the
9 TARGET PREMISES pursuant to the rules, guidelines, procedures and protocols of
10 LAPD.

11 33. Upon entry, the LAPD Officers detained the sole employee on-site and conducted a
12 search of all offices within the TARGET PREMISES, including the office containing the
13 Magnetic Resonance Imaging (MRI) machine.

14 34. Four LAPD Officers physically entered the MRI office, while the remaining LAPD
15 Officers continued down the hallway to search the remaining offices.

16 35. At 4:57 PM, the LAPD Officers, including OFFICER FRANCO, concluded their search
17 and headed toward the entrance of the TARGET PREMISES.

18 36. The search yielded no live cannabis plants, nor any incriminating evidence or illegal
19 substances.

20 37. As they were exiting, one of the LAPD Officers glanced inside the MRI office, as the
21 door had been left open. He then closed the door, and the group continued toward the
22 entrance.

23 38. The LAPD Officers then released the detained on-site employee and allowed her to re-
24 enter the TARGET PREMISES. She was instructed to contact the owner or manager of
25 the TARGET PREMISES. Following the LAPD Officers' request, the employee
26 contacted the manager and requested the manager's immediate presence.
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1 39. Considering the search yielded no live cannabis plants or any other contraband, and the
2 detained employee had already been released, it was evident—or should have been—that
3 any further action taken by the LAPD Officers would exceed the scope of the search
4 warrant.

5 40. However, some LAPD Officers continued to roam freely throughout the TARGET
6 PREMISES, casually engaging in conversation with one another. The whole operation
7 was nothing short of a disorganized circus, with no apparent rules, procedures, or even a
8 hint of coordination.

9 41. At 5:01 PM, an LAPD Officer was observed standing in front of the MRI office door,
10 reading the sign that read, “Warning. Magnetic Field. High Frequency Yield. Metal Parts
11 and Medical Instruments of All Types prohibited.” Additionally, the warning sign
12 displayed photographs of items prohibited in the room, which included scissors,
13 screwdrivers, keys, watches, and credit cards.

14 42. The LAPD Officer then proceeded to the end of the hallway and returned a few seconds
15 later with another LAPD Officer.

16 43. Said LAPD officer, dangling a rifle in his right hand, with an unsecured strap,
17 approached the MRI Office, glanced at the large warning sign on the door, reopened the
18 door with his left hand and proceeded inside.

19 44. Expectedly, the magnetic force of the MRI machine attracted the LAPD Officer's loose
20 rifle, securing it to the machine.

21 45. The MRI machine was equipped with a sealed emergency pull button labeled, "Caution,
22 Emergency Use Only." This button was intended to be activated solely in the event of a
23 genuine emergency, such as a health risk to a patient inside the machine, a fire, or an
24 evacuation situation.

25 46. Rather than seeking assistance from the on-site employee, or waiting for the manager's
26 arrival, one of the LAPD Officers made the unilateral decision to break the seal and
27 activate the emergency shutdown button, deactivating the MRI machine.
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1 47. This action caused the MRI's magnet to rapidly lose superconductivity, leading to the
2 evaporation of approximately 2000 liters of helium gas and resulting in extensive damage
3 to the MRI machine.

4 48. The LAPD Officer then grabbed his rifle, this time wearing the strap over his shoulder as
5 he should have when he entered the MRI room, and proceeded to walk toward the
6 entrance, leaving the magazine full of bullets on the floor of the MRI office.

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8 **CAUSES OF ACTION**
9 **FIRST CAUSE OF ACTION**

10 **42 USC § 1983 - Violation of the Fourth Amendment**

(Plaintiffs against Los Angeles Police Department, Officer Franco and LAPD Officers)

11 49. Plaintiffs make a claim under 42 USC § 1983 for violation of the Fourth Amendment of
12 the U.S. Constitution.

13 50. 42 U.S.C. § 1983 provides that:

14 Every person, who under color of any statute, ordinance, regulation, custom or usage of
15 any state or territory or the District of Columbia subjects or causes to be subjected any
16 citizen of the United States or other person within the jurisdiction thereof to the
17 deprivations of any rights, privileges, or immunities secured by the constitution shall be
18 liable to the party injured in an action at law, suit in equity, or other appropriate
19 proceeding for redress.

20 51. The Fourth Amendment of the United States Constitution guarantees: “the right of the
21 people to be secure in their persons, houses, papers, and effects, against *unreasonable*
22 *searches* and seizures, shall not be violated, and no warrants shall issue, but upon
23 *probable cause*, supported by oath or affirmation, and particularly describing the place to
24 be searched, and the persons or things to be seized.” U.S. Const. Amend. IV.

25 52. In G.M. Leasing Corp. v. United States, 429 U.S. 338, 353 (1977), the Supreme Court
26 established that the Fourth Amendment protects business and corporations from
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1 unreasonable searches and seizures, see also Marshall v. Barlow's, Inc., 436 U.S. 307
2 (1978).

3 53. In Franks v. Delaware, 438 U.S. 154, 164 (1978), the Supreme Court established that the
4 use of false statements to obtain a search warrant violates the Fourth Amendment warrant
5 requirement.

6 54. Defendants LAPD, LAPD OFFICERS, OFFICER FRANCO, CHIEF MOORE, and
7 DOES 1 through 20, at all times relevant hereto, were acting under the color of State law
8 in their capacity as agents, officers, or employees of Defendant CITY OF LOS
9 ANGELES, and their acts or omissions were conducted within the scope of their official
10 duties or employment.

11 55. Plaintiffs in this action are citizens of the United States and Defendants LAPD
12 OFFICERS, OFFICER FRANCO and CHIEF MOORE are persons who, under the color
13 of law, subjected Plaintiffs, citizens of the United States, to the deprivations of their
14 rights, privileges or immunities secured by the Fourth Amendment to the United States
15 Constitution and are therefore liable to the Plaintiffs, who suffered damages, under 42
16 U.S.C. § 1983.

17 56. To the extent any of these constitutional deprivations require a showing of specific intent
18 and/or motive, Defendants LAPD, LAPD OFFICERS, OFFICER FRANCO and CHIEF
19 MOORE acted intentionally, maliciously, and/or with reckless disregard for the natural
20 and probable consequences of their actions.

21 57. The unlawful misconduct of Defendants LAPD, LAPD OFFICERS, OFFICER FRANCO
22 and CHIEF MOORE was objectively unreasonable and was undertaken intentionally with
23 willful indifference to Plaintiffs' constitutional rights.

24 58. More specifically, OFFICER FRANCO is liable for fabricating false statements intended
25 to support the affidavit for the search warrant application, fully aware that these
26 falsehoods would mislead the Magistrate into believing there was probable cause to issue
27 the search and seizure warrant.

1 59. OFFICER FRANCO is further liable because he knew, or should have known, that by
2 misleading the Magistrate into issuing a search warrant without probable cause, he was
3 intruding upon Plaintiffs' business and personal privacy. The resulting search of
4 Plaintiffs' property violated their Fourth Amendment rights to be free from unreasonable
5 searches, as guaranteed by the United States Constitution.

6 60. LAPD is liable for authorizing OFFICER FRANCO's use of false and perjured
7 statements in the affidavit submitted under oath in support of the search warrant
8 application, knowing it would deceive the Magistrate into issuing the warrant without
9 probable cause. This led to the violation of Plaintiffs' Fourth Amendment rights to be free
10 from unreasonable searches, as protected by the United States Constitution.

11 61. LAPD, LAPD Officers, and OFFICER FRANCO are further liable for executing the
12 search based on a warrant obtained through false and perjured statements, in violation of
13 Plaintiffs' Fourth Amendment right to be free from unreasonable searches, as guaranteed
14 by the United States Constitution.

15 62. Destruction of [property] during search violates Fourth Amendment if not necessary to
16 effectively execute search warrant. Tarpley v. Greene, 684 F.2d 1, 9 (D.C. Cir. 1982),
17 and officers may be held liable under section 1983 for executing a warrant in an
18 unreasonable manner. Duncan v. Barnes, 592 F.2d 1336, 1338 (5th Cir. 1979).

19 63. The extensive damage to Plaintiffs' property was neither accidental nor incidental to the
20 effective execution of the search warrant, but rather the result of an unreasonable and/or
21 recklessly indifferent LAPD Officer walking into an already searched and cleared MRI
22 room with his rifle carelessly dangling in one hand.

23 64. As a direct and proximate result of the aforementioned acts or omissions of Defendants
24 LAPD, LAPD Officers, OFFICER FRANCO, CHIEF MOORE, and Does 1 through 20,
25 individually and collectively, Plaintiffs suffered substantial economic damages.
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1 65. The actions described above were intentional, wanton, malicious, oppressive, and without
2 fear of the legal consequences for their constitutional misconduct, thus entitling Plaintiffs
3 to an award of punitive and compensatory damages.

4 66. Plaintiffs are entitled to an award of attorneys' fees, costs and expenses under 42 U.S.C.
5 Section 1988 due to Defendants' violations of Plaintiffs' Civil Rights.

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7 **SECOND CAUSE OF ACTION**

8 Municipal/Supervisory Liability—Unconstitutional Policy, Practice, Custom and Failure to
9 Train and/or Discipline (42 U.S.C. § 1983)
(Plaintiffs Against Defendants City of Los Angeles and Michael Moore)

10 67. Plaintiffs repeat, reallege, and incorporate by reference all allegations contained in all
11 previous paragraphs as though fully set forth at length herein.

12 68. As described above, the acts of OFFICER FRANCO and LAPD Officers, acting under
13 the color of law, deprived Plaintiffs of their rights under the United States Constitution.

14 69. Based on the aforementioned facts, Defendants CITY OF LOS ANGELES and CHIEF
15 MOORE maintained unconstitutional customs, practices, and policies of unreasonable
16 and unlawful searches and warrants.

17 70. Defendants CITY OF LOS ANGELES and CHIEF MOORE had either actual or
18 constructive knowledge of the different policies, practices, and customs alleged in the
19 paragraphs above. Defendants CITY OF LOS ANGELES and CHIEF MOORE also
20 acted or failed to act with deliberate indifference to both the foreseeable consequences of
21 these policies and to Plaintiffs' constitutional rights.

22 71. As a direct and proximate result of the aforementioned acts or omissions of Defendants
23 CITY OF LOS ANGELES and CHIEF MOORE, Plaintiffs have suffered economic
24 losses.

25 72. The conduct of Defendants CITY OF LOS ANGELES and CHIEF MOORE was willful,
26 wanton, malicious, and done with a reckless disregard for the rights of Plaintiffs and
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1 therefore warrants the imposition of exemplary and punitive damages in an amount
2 adequate to punish the wrongdoers and deter future misconduct.

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4 **THIRD CAUSE OF ACTION**

5 **[Negligent Hiring, Training and Retention]**

6 (By Plaintiff Against Defendants City of Los Angeles and LAPD)

7 73. Plaintiffs repeat, reallege and incorporate by reference the allegations contained in all
8 previous paragraphs as though fully set forth at length herein.

9 74. Plaintiffs are informed and believe and thereon allege that Defendants CITY OF LOS
10 ANGELES and LAPD were aware of the unfitness of OFFICER FRANCO and LAPD
11 OFFICERS and that Defendants CITY OF LOS ANGELES and LAPD as a policy,
12 custom and practice continued to employ and utilize OFFICER FRANCO and LAPD
13 OFFICERS resulting in the violation of the Civil Rights of Plaintiffs.

14 75. At all times herein mentioned, Defendants CITY OF LOS ANGELES and LAPD were
15 negligent in supervising the conduct of OFFICER FRANCO and LAPD OFFICERS,
16 resulting in the extensive destruction of Plaintiffs' property.

17 76. Plaintiffs are informed and believe, and thereon allege, that on or before October 2023,
18 Defendants CITY OF LOS ANGELES and LAPD negligently hired, trained, supervised,
19 employed and/or managed OFFICER FRANCO and LAPD OFFICERS, by failing and
20 refusing to train OFFICER FRANCO and LAPD OFFICERS in proper use of their
21 firearms, so that they did not pose an unreasonable risk of harm; in that the Defendants
22 knew, or in the exercise of reasonable diligence, should have known, that OFFICER
23 FRANCO and LAPD OFFICERS were unreasonable in the manner of conducting
24 searches and in a manner that demonstrated disregard for the rights and safety of civilian
25 citizens.
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1 77. As a legal, direct and proximate result of the aforementioned negligence by Defendants
2 CITY OF LOS ANGELES and LAPD, and each of them, Plaintiffs suffered economic
3 damages.

4 78. Defendant CITY OF LOS ANGELES is liable to Plaintiffs for the acts of its public
5 employees, for conduct and/or omissions herein alleged, pursuant to the doctrine of
6 Respondeat Superior, codified at California Government Code § 815.2.

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8 **FOURTH CAUSE OF ACTION**
9 **(Violation of the Bane Act (Cal. Civ. Code § 52.1))**
10 **(By Plaintiffs against all Defendants)**

11 79. Plaintiffs repeat, reallege and incorporate by reference the allegations contained in all
12 previous paragraphs as though fully set forth at length herein.

13 80. California Civil Code, Section 52.1 (the Tom Bane Civil Rights Act) states “if a person
14 or persons, whether or not acting under color of law, interferes by threat, intimidation, or
15 coercion, or attempts to interfere by threat, intimidation, or coercion, with the exercise or
16 enjoyment by any individual or individuals of rights secured by the Constitution or laws
17 of the United States [...] may institute and prosecute in his [...] own name on his [...]
18 behalf a civil action for damages, including, but not limited to, damages under Section
19 52, injunctive relief, and other appropriate equitable relief to protect the peaceable
20 exercise or enjoyment of the right or rights secured, including appropriate equitable and
21 declaratory relief to eliminate a pattern or practice of conduct.” Cal. Civ. Code § 52.1.

22 81. As alleged herein, LAPD subjected Plaintiffs to an unlawful and unreasonable search,
23 which led to the extensive destruction of Plaintiffs’ property.

24 82. By engaging in an unreasonable and unlawful search, Defendants violated Plaintiffs’
25 rights secured under the Constitution of the United States. The Defendants’ actions
26 violated the Bane Act.

27 83. Plaintiffs are entitled to damages pursuant to Civil Code §§ 52 and 52.1.
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1 84. The conduct of Defendants was willful, wanton, malicious, and done with a reckless
2 disregard for the rights of Plaintiffs and therefore warrants the imposition of exemplary
3 and punitive damages in an amount adequate to punish the wrongdoers and deter future
4 misconduct.

5 **FIFTH CAUSE OF ACTION**
6 **NEGLIGENCE**
(By Plaintiffs against all Defendants)

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8 85. Plaintiffs repeat, reallege and incorporate by reference the allegations contained in all
9 previous paragraphs as though fully set forth at length herein.

10 86. The conduct of Defendants, and each one of them, as set forth herein, was tortious in that
11 Defendants breached their duty of care to Plaintiffs when OFFICER FRANCO and
12 LAPD OFFICERS conducted an unlawful and unreasonable search of the TARGET
13 PREMISES.

14 87. Defendants CITY OF LOS ANGELES and CHIEF MOORE failed to supervise, review,
15 and ensure that its officers abided by the standards of care and failed to enact appropriate
16 standards, procedures, and training that would have prevented such harm to Plaintiffs.

17 88. At all times herein mentioned, OFFICER FRANCO AND LAPD Officers failed to
18 follow procedural dictations and intentionally, recklessly and/or negligently caused
19 extensive property damage to Plaintiffs.

20 89. At all times material herein, OFFICER FRANCO, and LAPD Officers had a duty to act
21 reasonably to avoid, or foresee, the risk that said Defendants themselves, or their
22 colleagues or subordinates, would commit the acts complained of herein.

23 90. LAPD, CHIEF MOORE, CITY OF LOS ANGELES, AND DOES1 through 20, and each
24 of them, had a duty to act reasonably to avoid, or foresee, the risk that said Defendants
25 themselves, or their colleagues or subordinates, would commit the acts complained of
26 herein.

1 91. LAPD, CHIEF MOORE, CITY OF LOS ANGELES, DOES 1 through 20, and each of
2 them, breached their duty of care by not acting reasonably under the circumstances of
3 such risk, as described herein above, and/or by impeding or otherwise curtailing
4 the civil rights of Plaintiffs.

5 92. LAPD, CHIEF MOORE, CITY OF LOS ANGELES, and DOES 1 through 20, and each
6 of them, breached their duty of care by not acting reasonably under the circumstances of
7 such risk, as described herein above, and/or by failing to discharge their respective duties
8 to appropriately screen and train their employees and investigate and discipline their
9 employees for misconduct.

10 93. All said DEFENDANTS, and each of them, ratified the aforesaid conduct committed
11 under color of law.

12 94. Each DEFENDANT'S aforesaid breaches of duty were proximate and actual causes of
13 injury to Plaintiffs.

14 95. The conduct of said DEFENDANTS, and each of them, was willful, wanton, malicious,
15 and done with a reckless disregard for the rights of Plaintiffs and therefore warrants the
16 imposition of exemplary and punitive damages in an amount adequate to punish the
17 wrongdoers and deter future misconduct.

18 96. Defendant CITY OF LOS ANGELES is liable to Plaintiffs for the acts of its public
19 employees for conduct and/or omissions herein alleged, pursuant to the doctrine of
20 Respondeat Superior, codified at California Government Code § 815.2.

21 **V. PRAYER FOR RELIEF**

22 WHEREFORE, Plaintiffs seek judgment against all Defendants, as follows:

23 General and compensatory damages for Plaintiffs for the violations of their federal
24 constitutional and statutory rights, all to be determined according to proof;

25 An award of attorneys' fees pursuant to 42 U.S.C. 1988;

26 Costs of suit;
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Pre-and post-judgement interest as permitted by law;
Punitive Damages;
Such other and further relief as the Court may deem just and proper.

Dated September 18, 2024

Signature: Hayk Yeghoyan

By: Hayk Yeghoyan, Esq.

YMPK Law Group, LLP.