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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

1 Stephen Allen Jamieson (SBN 115805)
2 Sjamieson@ssjlaw.com
3 Michael Akopyan (SBN 239574)
4 Makopyan@ssjlaw.com
5 SOLOMON, SALTSMAN & JAMIESON
6 426 Culver Boulevard
7 Playa Del Rey, California 90293
8 Telephone: 310.822.9848
9 Facsimile: 310.822.3512

7 Attorneys for Plaintiffs
8 G.H. by and through her Guardian ad Litem
9 DAWN HOPKINS, ROBERT R. GREGG
10 individually, and as victim decedent's personal
11 representative, JUDITH GREGG, individually,
12 and as victim decedent's personal representative.

11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA

13 G.H. by and through her Guardian ad Litem
14 DAWN HOPKINS, ROBERT R. GREGG
15 individually, and as victim decedent's
16 personal representative, JUDITH GREGG,
17 individually, and as victim decedent's
18 personal representative,

17 Plaintiffs,

18 vs.

19 CITY OF LOS ANGELES, a municipality
20 of the State of California, LOS ANGELES
21 POLICE DEPARTMENT, a public agency
22 within the City of Los Angeles, WILLIAM
23 BRATTON, an individual sued in his
24 official capacity and individual capacity,
25 PAUL RAZO, an individual, MINERVA
26 MOTA, an individual, and DOES 1 through
27 100, inclusive,

25 Defendants.

Case No. **08-cv-02368 (AGR)**
COMPLAINT FOR DAMAGES

1. WRONGFUL DEATH - VIOLATION OF CIVIL RIGHTS [42 U.S.C. § 1983]
2. SURVIVAL ACTION - VIOLATION OF CIVIL RIGHTS [42 U.S.C. § 1983]
3. DEPRIVATION OF RIGHTS OF PLAINTIFFS TO FAMILIAL RELATIONS WITH THE DECEDENT -- VIOLATION OF CIVIL RIGHTS [42 U.S.C. § 1983]
4. CAL. CIV. CODE §52.1
5. ASSAULT AND BATTERY
6. NEGLIGENCE

DEMAND FOR JURY TRIAL BY PLAINTIFFS

COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL

LOGGED

III.
PARTIES

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3 3. Plaintiff G.H. is and at all times relevant herein, has been an individual residing in
4 the County of Contra Costa, California, and is currently under the age of 18. G.H. is Decedent
5 Mark's daughter. DAWN HOPKINS, (hereinafter "Dawn") is G.H.'s mother. Dawn is to be
6 appointed as the Guardian ad Litem for G.H. for purposes of this legal action.

7 4. Plaintiff ROBERT R. GREGG (hereinafter "Robert") is and at all times relevant
8 herein, has been an individual residing in the County of Santa Clara, California. Robert is
9 Decedent Mark's father. Robert is to be appointed as one of the two personal representatives of
10 Mark's estate. Robert also brings this action in his capacity as the successor in interest and
11 personal representative of the Decedent for whom there is no estate opened as of yet.
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13 5. Plaintiff JUDITH GREGG (hereinafter "Judith") is and at all times relevant herein,
14 has been an individual residing in the County of Santa Clara, California. Judith is Decedent
15 Mark's mother. Judith is to be appointed as one of the two personal representatives of Mark's
16 estate. Judith also brings this action in her capacity as the successor in interest and personal
17 representative of the Decedent for whom there is no estate opened as of yet.
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19 6. Defendant CITY OF LOS ANGELES (hereinafter referred to as "Defendant"
20 and/or "City" and/or "Los Angeles") is and all relevant times has been, a municipality in the State
21 of California. It is a local government entity and is not an arm of the State of California for
22 Eleventh Amendment purposes.

23 7. Defendant LOS ANGELES POLICE DEPARTMENT (hereinafter referred to as
24 "Defendant" and/or "Police Department" and/or "LAPD") is and all relevant times has been a
25 public agency within, and a Department of, the City of Los Angeles. It is a local government
26 entity and is not an arm of the State of California for Eleventh Amendment purposes.
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1 8. Defendant WILLIAM BRATTON (hereinafter referred to as "Defendant" and/or
2 "Bratton") is, and at all relevant times has been the Chief of the LAPD. Defendant Bratton is
3 employed by the City and works within the LAPD. Defendant Bratton was, at all times mentioned
4 in this Complaint, acting under color of state law. Defendant Bratton is sued in both his official
5 capacity and his individual capacity.
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7 9. Defendant Razo is, and at all relevant times has been, a police officer employed by
8 the City who works within the LAPD. Defendant Razo was, at all times alleged herein, acting
9 within the course and scope of his employment with the City. Defendant Razo was, at all times
10 mentioned in this Complaint, acting under color of state law. Defendant Razo is sued in his
11 individual capacity.
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13 10. Defendant Mota is, and at all relevant times has been, a police officer employed by
14 the City who works within the LAPD. Defendant Mota was, at all times alleged herein, acting
15 within the course and scope of her employment with the City. Defendant Mota was, at all times
16 mentioned in this Complaint, acting under color of state law. Defendant Mota is sued in her
17 individual capacity.
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19 11. Plaintiffs are unaware of the true names and capacities, whether individual,
20 corporate, associate or otherwise, of Defendants DOES 1 through 100 (hereinafter "DOES" and/or
21 "Defendants"), inclusive, and therefore sues said Does by such fictitious names. Plaintiffs will
22 amend and/or seek leave of Court to amend this Complaint to show the true names and capacities
23 of such DOES when the same has been ascertained. Plaintiffs are informed, believe, and
24 thereupon allege that each of the fictitiously named Defendants are responsible to Plaintiffs for the
25 injuries suffered and alleged herein, or are subject to the jurisdiction of the Court as a necessary
26 party for the relief herein requested.
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12. Plaintiffs are informed and believe that at all times herein mentioned, Defendants, and each of them, were the agents (ostensible and actual) and employees of the other named Defendants (or others yet unnamed), and in doing the things herein alleged, were acting within the course and scope of such agency and employment and with the conspiracy, permission, consent, authorization and ratification of each of the other Co-Defendants (and/or other unnamed persons). Additionally, each of the Defendants (and/or as yet unnamed persons) who took actions herein described was taking those actions in the course and scope of their employment and agency with and on behalf of each of the other Defendants, and in conspiracy therewith. Furthermore, all reference to "Defendants" or any named Defendant is also considered throughout this pleading to be a reference to DOES 1-10 as well. Plaintiffs are informed and believe and thereon alleges that each of the Defendants is negligently, intentionally, or otherwise legally responsible for the actions or omissions referred to in this Complaint, and negligently or intentionally caused the injuries and damages to Plaintiffs alleged as in this Complaint.

13. In the wrongful acts or omissions described in this Complaint, Defendants Razo, and/or Mota, and/or Bratton, and/or Does, and each of them acted with fraud, oppression, and malice. By reason of these Defendants' wrongful acts or omissions as more fully described in this Complaint, Plaintiffs are entitled to recover punitive and exemplary damages as against the individuals identified herein.

14. Tort Claims against the governmental entities and their agents were timely served and filed. The governmental entities thereafter either explicitly rejected said Tort Claims and/or they are rejected by operation of law. This lawsuit is being filed timely following said rejections of Tort Claims.

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IV.
FACTUAL ALLEGATIONS FOR CLAIM FOR RELIEF

15. Mark Gregg was a twenty five (25) year old actor with a promising future. He lived at 1452 N. Martel Avenue in Los Angeles, California (hereinafter "the Property") where he rented living quarters from its owner HENRY SPIEGEL. (hereinafter "Spiegel.") MICHAEL KRAMER (hereinafter "Kramer") was also a tenant at the Property and was Mark's housemate. He and Kramer had always been on good terms. Mark had always been a peaceful, considerate, and polite individual. Mark was never known to be aggressive or confrontational.

16. During the early morning hours of July 24, 2007, Mark and Kramer were involved in an arcane altercation resulting in Kramer sustaining a laceration from a knife. Emergency response personnel, including but not limited to officers of the LAPD, were summoned to, and arrived at, the Property. Spiegel escorted Kramer outside the Property through a side entrance where Kramer received medical attention from the emergency medical personnel allowed to enter the scene by LAPD.

17. Sometime thereafter, Mark exited the Property through the front entrance, stopped, then slowly walked across the front porch, down several stairs to a walkway towards the sidewalk in front of the house. Mark took very short, slow, and deliberate steps towards the sidewalk. The walkway to the sidewalk was bordered by thigh high shrubs, and other foliage. Mark, who had a very slender build, walked in a slow and steady manner, with his hands down at his sides. Mark displayed no expression on his face, and his eyes stared straight forward. He made no abrupt movements, and slowly haltingly proceeded in a very calm non-responsive sleeplike manner. Mark displayed no signs of aggression, and his behavior was tranquil and orderly. At no time did he make any threatening gestures towards the LAPD officers or anyone else. Mark appeared to be traumatized or sleep walking.

1 18. As Mark inched from the front door towards the street, LAPD police officers,
2 including but perhaps not limited to Officers Razo and Mota and Does one (1) through thirty (30),
3 (hereinafter collectively referred to as the "Offending Police Officers") were standing
4 approximately 50 feet to the north of the walkway in the driveway of the Property speaking to
5 Spiegel. These Offending Police Officers outnumbered Mark, and had, or should have had, access
6 to weapons of less-than-deadly force including but not limited to "taser" guns, and/or electric
7 shock prods, and/or pepper spray, and/or rubber bullets, and/or bean bag shots, and/or had been
8 extensively trained, or should have been extensively trained in hand-to-hand methods of combat
9 and subduction, and how to recognize and contain someone suffering from mental illness, or drug
10 misuse, or sleep walking, or any other mind altering or personality altering condition of varying
11 kinds. Nevertheless, Razo and Mota each drew their respective firearm, aimed them at Mark, and
12 yelled across the lawn to him to "drop the knife." In response, Spiegel advised the Offending
13 Police Officers that Mark was not wielding a knife. Mark continued to inch forward in a trance-
14 like state as herein described, and made no indication that he heard either officer's order. Mark
15 was not inching forward towards the Offending Police Officers, nor was he walking away from
16 them, but rather Mark was stepping a trance-like manner from east to west while the Offending
17 Police Officers were to the north of Mark.

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21 19. Other than yelling at him to "drop the knife" the officers gave Mark no warning of
22 any sort. Instead, Mota advised Razo something to the effect of "partner, I am going to shoot" or
23 "permission to shoot." Razo did not answer. Mota again said something to Razo to the effect of
24 "partner, I am going to shoot" or "permission to shoot." At no time did Mark say anything to any
25 of the Offending Police Officers.

26 20. Immediately thereafter, Razo and Mota together concurrently and intentionally
27 discharged their respective firearms several times. Razo and Mota both shot and discharged their
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1 firearms at Mark from a distance of approximately fifty (50) feet and thereby intentionally caused
2 Mark to be touched by the bullets from their firearms. Razo and Mota used unreasonable force to
3 seize Mark. Mark did not consent to being touched by the bullets from Razo's and Mota's
4 firearms or to the force utilized by these Offending Police Officers, and no reasonable person
5 would. Mark was harmed by the unlawful touching caused by Razo and Mota, and their use of
6 unreasonable force to seize his person. Some of the aforementioned bullets ripped through Mark's
7 clothing and struck Mark in his back, side, and front, and he immediately collapsed to the ground.
8 As a proximate result of Defendants actions, Mark also sustained damages to his personal
9 property, and was transported by ambulance to a hospital facility, and was required to and did
10 incur incidental expenses.
11

12 21. The Offending Police Officers, including but not limited to Razo and Mota, owed a
13 duty to Mark and to the Plaintiffs to refrain from resorting to the use of deadly force to seize Mark
14 absent probable cause to believe that Mark posed an imminent threat of death or serious bodily
15 injury to anyone. A reasonably careful and prudent person under the circumstances described
16 herein, and in the same situation as the Offending Police Officers would not have resorted to the
17 use of deadly force to seize Mark's person. Razo and Mota violated Mark's rights under the
18 Fourth and Fourteenth Amendments, *inter alia*, by unreasonably utilizing excessive and deadly
19 force to seize him when they both discharged their firearms at him. In doing so, they were acting
20 or purporting to act as police officers. Neither Razo nor Mota had justification for using deadly
21 force in this situation, and certainly they had no justification for both of them together using
22 deadly force in this situation. Razo and Mota both violated Mark's Constitutional rights by
23 utilizing deadly force to seize his person notwithstanding the fact that they did not have probable
24 cause to believe that Mark posed an imminent threat of death or serious bodily injury to them or to
25 others. Indeed Mark did not pose an imminent threat of death or serious bodily harm to the
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1 Offending Police Officers or anyone else. Razo and Mota reasonably could have, and lawfully
2 should have, avoided the use of deadly force, and should have used less-than-deadly force to seize
3 Mark, if any force was needed at all. In committing these acts, these Offending Police Officers
4 acted with intentional and deliberate indifference to, and in conscious disregard of, as well as
5 intentional deprivation of, Mark's and these Plaintiffs' rights. Their acts deprived Mark of his
6 right to be free from unreasonable seizures as guaranteed by the Fourth and Fourteenth
7 Amendments to the United States Constitution, and otherwise violated his rights and those of
8 Plaintiffs herein.

10 22. Some time thereafter, Mark died in the hospital as result of the multiple gunshot
11 wounds from both officers. Some of the bullets that killed Mark were 9 mm and others were .45
12 caliber. According to the autopsy report, one bullet entered Mark's chest, one bullet entered
13 Mark's back, one bullet entered his side, and one grazed Mark's back. Not all of the bullets were
14 considered by the Coroner's Department to have caused the fatality.

16 23. Plaintiffs are informed and believe and thereon further allege as follows: The
17 police officers of the LAPD including, but not limited to the Offending Police Officers are, and at
18 all relevant times were, the subordinates of Defendants Bratton and Does thirty one (31) through
19 sixty (60) (hereinafter collectively referred to as "Supervisors.") These Supervisors are, and at all
20 relevant times were, responsible for the administration of the LAPD, and the supervision, training,
21 oversight, monitoring, retention, and hiring of persons employed by the City, and working within
22 the LAPD. These Supervisors owed a legal duty to use reasonable care in hiring, training,
23 supervising, retaining, and disciplining, and controlling the Offending Police Officers so as to
24 avoid causing harm to people by these police officers' unjustified and unlawful use of deadly
25 force. These Supervisors failed to adequately hire, retain, train, supervise, discipline or in any way
26 control the Offending Police Officers despite previous complaints alleging the use of excessive
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1 force and other constitutional violations by the LAPD and/or these Defendant police officers.
2 Indeed, these Supervisors should not have hired the Offending Police Officers given their history
3 and propensities before and during their employment as LAPD officers of which these Supervisors
4 were aware or of which they should have been aware, and certainly should not have allowed them
5 to remain officers of the LAPD as of the time the incident in this case occurred. A reasonably
6 prudent person in the position of these Supervisors, would not have hired the Offending Police
7 Officers or allowed them to remain officers of the LAPD as of the time this incident occurred. By
8 hiring the Offending Police Officers and allowing them to remain LAPD officers, these Defendant
9 Supervisors, and the LAPD itself through other persons as well, knew or in the exercise of
10 reasonable diligence should have known of the Offending Police Officers' unreasonable and
11 unnecessary resort to, and propensity for, the use of deadly force which deprived Mark of his
12 constitutional rights. Nonetheless, these Supervisors, and the LAPD by them and other persons,
13 permitted the Offending Police Officers to continue to act as police officers. As a result, they
14 failed to act to prevent the Offending Police Officers from unreasonably using excessive and
15 deadly force, and prevent them being in a position whereby the Offending Police Officers could
16 use excessive deadly force. If these Supervisors properly trained the Offending Police Officers or
17 refused to permit them to act as police officers, neither Mark nor these Plaintiffs would be harmed
18 as herein described. Moreover, these Supervisors failed to adequately respond to the Offending
19 Police Officers' wrongful and unjustified murder of Mark thereby evidencing a deliberate
20 indifference to, and authorization and ratification of the Offending Police Officers' wrongful
21 conduct. The Defendant Supervisors' failure to meet their legal duty to use reasonable care in
22 hiring, training, supervising, and disciplining, and controlling the Offending Police Officers was a
23 proximate and legal cause of the resulting injury to Mark and these Plaintiffs as herein described.
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1 24. Plaintiffs are informed and believe and thereon further allege as follows: Seizures
2 of an individual is a usual and recurring situation faced by police officers who work for the City of
3 Los Angeles, the LAPD and DOES sixty one (61) through seventy (70) (hereinafter collectively
4 referred to as "Governmental Entities"). These Governmental Entities owed a legal duty to Mark
5 and these Plaintiffs to use reasonable care in training, supervising, and disciplining, and
6 controlling the Offending Police Officers so as to avoid harm to others caused by these police
7 officers' use of excessive force to effect seizures of individuals. The training policies of the
8 Governmental Entities were not adequate to train its police officer employees regarding the lawful,
9 reasonable, and proportional amount of force necessary to effect seizures of individuals. In failing
10 to design, maintain, and/or implement adequate rules, regulations, procedures and policies
11 regarding the "use of force" to seize individuals (which includes but is not limited to the "use of
12 deadly force") the Governmental Entities failed to act as a reasonable person would under the
13 same or similar circumstances, and instead acted with deliberate indifference to, and/or conscious
14 disregard of the obvious consequences of their failure to train their police officer employees
15 adequately. These Governmental Entities knew that by failing to appropriately train their police
16 officer employees concerning the reasonable and proportional amount of force necessary to effect
17 seizures of individuals, in different factual scenarios, they made it highly predictable that police
18 officers such as the Offending Police Officers would unreasonably and unjustifiably utilize deadly
19 force to seize individuals such as Mark, and thereby deprive them, and their kin of their rights
20 under the Fourth and Fourteenth Amendments to the United States Constitution, or otherwise. As
21 a result of the Governmental Entities' failure or refusal to properly train their police officers, Mark
22 was unjustifiably killed, and these Plaintiffs were harmed as herein described, and otherwise
23 present their claims for his damages. The inadequacy and failure of the Governmental Entities to
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1 properly train their police officers was a substantial cause of Marks' death and the harms, injuries
2 and damages resulting.

3 25. Plaintiffs are further informed and believe and thereon allege as follows:

4 Defendant Supervisors had final policymaking authority from the City and the LAPD concerning
5 the acts of persons employed by the City, and working within the LAPD. The Defendant
6 Supervisors ratified and/or authorized Razo's and Mota's use of deadly force to seize Mark, and
7 their purported basis for using deadly force to seize Mark. The Defendant Supervisors and/or
8 others in the LAPD, knew of and specifically approved Razo's and Mota's use of deadly force to
9 seize Mark. No adequate disciplinary action has been taken against the Offending Police Officers.
10 The response from the Defendant Supervisors to this situation, in the investigation therefrom, and
11 the inquiries related thereto is so inadequate that it shows ratification and/or authorization of
12 Razo's and Mota's unlawful, unreasonable, and excessive use of deadly force to arrest Mark.
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15 26. Plaintiffs are informed and believe and thereon furthermore allege as follows: The
16 Defendant Supervisors were responsible for designing, maintaining and implementing the
17 Governmental Entities' policies regarding the "use of force" to seize individuals which includes,
18 but is not limited to, the "use of deadly force." The Defendant Supervisors, knowingly and
19 deliberately fostered, maintained and condoned a policy, practice and custom or otherwise acted in
20 a manner that was deliberately indifferent to, and in conscious disregard of the constitutional
21 rights of the Decedent and these Plaintiffs, and that such policy, practice, custom, and/or actions
22 were a direct and legal cause of the Decedent's death, and these Plaintiffs' damages. The policy,
23 practice, customs, and actions included, without limitation, knowingly and deliberately failing to
24 properly train, discipline and supervise employees regarding the use of force, including but not
25 limited to the use of deadly force. Based on the custom and practice of condoning, tolerating,
26 authorizing, and ratifying constitutional violations and a failure to adequately train and discipline
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1 subordinate LAPD officers who committed constitutional violations, Defendant Governmental
2 Entities are liable for constitutional violations committed by Razo and Mota for the damages
3 suffered by the Decedent and Plaintiffs as set forth herein.
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5 27. Plaintiffs are informed and believe and thereon allege as follows: When Razo and
6 Mota utilized deadly force to seize Mark despite the fact that they had neither legal nor factual
7 justification to do so; they were acting pursuant to an expressly or implicitly adopted official
8 policy of the City and LAPD. There is a longstanding practice and custom amongst the LAPD
9 officers, and the LAPD in general that deadly force may be utilized to seize persons who pose no
10 immediate threat of death or serious bodily injury to anyone, provided that the police officer
11 believes that the person to be seized is armed. This practice and custom is permanent, widespread,
12 and well-settled, and therefore constituted a standard operating procedure of Defendant
13 Governmental Entities.
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15 28. Mark's death caused pecuniary loss to Plaintiffs and each of them which includes,
16 but is not limited to: the financial support that Mark would have contributed during the life
17 expectancy that he had before his death, the loss of gifts or benefits that Plaintiffs and each of
18 them would have expected to receive from Mark; funeral and burial expenses; and the reasonable
19 value of household services that the Mark would have provided; the loss of Mark's love,
20 companionship, comfort, care, assistance, protection, affection, society, moral support. In addition
21 to the foregoing, Plaintiff G.H.'s injury, loss and damage includes the loss of her father's training
22 and guidance. Furthermore, decedent Mark sustained economic losses and damage to his personal
23 property which survive his death, and otherwise sustained deprivation of his constitutionally
24 protected civil rights.
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V.
CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF
(42 U.S.C. § 1983 – WRONGFUL DEATH)

29. All allegations hereinbefore set forth are incorporated herein by this reference.

30. Defendants, acting under color of state law, deprived the decedent and Plaintiffs herein of rights, privileges, and immunities secured by the Constitution and laws of the United States, including those secured by the Fourth and Fourteenth Amendments to the Constitution by, among other things:

- a) Seizing the decedent without probable cause; and
- b) Subjecting the decedent to excessive force.

31. The foregoing wrongful acts of Defendants killed the decedent.

32. Plaintiffs are proper parties with standing pursuant to *Cal. Code of Civ. Proc.*, § 377.60 (incorporated herein by virtue of 42 U.S.C. § 1988), to pursue remedies for wrongful death, including but not limited to pecuniary loss and other compensable injuries resulting from loss of the care, comfort, society, attention, services, and support of the decedent in an amount according to proof, but not less than \$10,000,000.00.

33. As a further proximate result of the acts of Defendants, as alleged above, Plaintiffs have incurred expenses, including burial expenses, in an amount in accordance with proof.

SECOND CLAIM FOR RELIEF
(42 U.S.C. §1983 – SURVIVAL ACTION)

34. All allegations hereinbefore set forth are incorporated herein by this reference.

35. Plaintiffs, Robert Gregg and Judith Gregg, bring this claim for relief in their capacity as the successors in interest and personal representatives of the decedent, for whom there is no estate yet opened.

1 36. The foregoing claim for relief arose in the decedent's favor, and the decedent
2 would have been a plaintiff with respect to this claim for relief had he lived.

3 37. Defendants, acting under color of state law, deprived the decedent of rights,
4 privileges, and immunities secured by the Constitution and laws of the United States, including
5 those secured by the Fourth and Fourteenth Amendments to the Constitution by, among other
6 things:
7

8 (a) Seizing the decedent without probable cause; and

9 (b) Subjecting the decedent to excessive force.

10 38. The foregoing wrongful acts of Defendants killed the decedent, and were
11 malicious, oppressive, fraudulent, and/or committed with conscious disregard of rights, or
12 intentionally.

13 39. As a proximate result of the foregoing wrongful acts of Defendants, and each of
14 them, the decedent sustained general damages, including pain and suffering, and a loss of the
15 enjoyment of life and other hedonic damages, as well as economic damages and damages to
16 personal property such that compensatory damages of \$10,000,000.00 or according to proof have
17 been and will be incurred, and punitive damages according to proof, but not less than
18 \$10,000,000.00 are demanded.
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21 **THIRD CLAIM FOR RELIEF**
22 **(42 U.S.C. § 1983 DEPRIVATION OF THE RIGHTS OF PLAINTIFF TO FAMILIAL**
23 **RELATIONS WITH THE DECEDENT)**

24 40. All allegations hereinbefore set forth are incorporated herein by this reference.

25 41. Defendants, acting under the color of state law, deprived Plaintiffs of their rights to
26 familial relations in violation of the Fourth Amendment and without due process of law in
27 violation of the Fourteenth Amendment by use of unreasonable, unjustified force and violence.
28 causing injuries which resulted in the decedent's death, all without provocation, and all in

1 violation of rights, privileges, and immunities secured by the Fourth and Fourteenth Amendments
2 to the United States Constitution.

3 42. As a proximate result of the foregoing wrongful acts of Defendants, and each of
4 them, Plaintiff sustained general damages including, but not limited to, grief, emotional distress
5 and pain and suffering and loss of the care, comfort and anxiety, and special damages, including
6 loss of support, in an amount in accordance with proof, but not less than \$10,000,000.00.

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8 43. In doing the foregoing wrongful acts, Defendants and each of them, acted in
9 reckless and callous disregard for the constitutional rights of Plaintiffs. The wrongful acts, and
10 each of them, were willful, oppressive, fraudulent, and malicious, or with conscious disregard of
11 rights, and intentionally, then warranting the award of punitive damages against each individual
12 Defendant (but not the entity Defendants, which are immune from such damages) in an amount
13 adequate to punish the wrongdoers and deter future misconduct, but not less than \$10,000,000.00.
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15 **FOURTH CLAIM FOR RELIEF**
16 **(Cal. Civ. Code § 52.1)**

17 44. All allegations hereinbefore set forth are incorporated herein by this reference.

18 45. The United States Constitution, Amendment IV, and the *Cal. Const. Art. I § 13*
19 guarantee the right of persons to be free from excessive force and arrests without probable cause.
20 Defendants, by engaging in the wrongful conduct alleged herein, denied these rights to the
21 decedent and Plaintiffs, thus giving rise to claims for damages pursuant to *Cal. Civ. Code § 52.1*.

22 46. As a direct and proximate cause of the aforementioned acts of Defendants,
23 decedent and Plaintiffs were injured as set forth above, and are entitled to statutory damages under
24 *Cal Civ. Code § 52*, as well as compensatory and punitive damages in an amount according to
25 proof, but not less than \$10,000,000.00.
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1 **FIFTH CLAIM FOR RELIEF**
2 **ASSAULT AND BATTERY**

3 47. All allegations hereinbefore set forth are incorporated herein by this reference.

4 48. Defendants assaulted and battered the decedent, causing his death.

5 49. As a direct and proximate cause of the aforementioned acts of Defendants,
6 decedent and Plaintiffs were injured, as set forth above, and are entitled to compensatory and
7 punitive damages in an amount according to proof, but not less than \$10,000,000.00.
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9 **SIXTH CLAIM FOR RELIEF**
10 **(NEGLIGENCE AND GROSS NEGLIGENCE)**

11 50. The allegations hereinbefore set forth are incorporated herein by this reference.

12 51. By virtue of the foregoing, Defendants owed decedent and Plaintiffs duty of due
13 care, and that duty was breached by Defendants' negligence and gross negligence, and failure to
14 exercise due care in dealing with the decedent on July 24, 2007.

15 52. As a direct and proximate cause of the aforementioned acts of Defendants,
16 decedent and Plaintiffs were injured and damaged as set forth above, and are entitled to
17 compensatory damages in an amount according to proof, but not less than \$10,000,000.00.
18

19 **PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiffs pray for judgment as follows:

21 **On All Causes of Action:**

- 22 (a) Compensatory general and special damages in an amount in accordance with proof but not
23 less than \$10,000,000.00; and
24 (b) Costs of suit necessarily incurred herein; and
25 (c) For such other and further relief as the Court deems just or proper; and

26 **On the First, Second, Third and Fourth Causes of Action:**

- 27 (d) Reasonable attorney's fees and expenses of litigation;

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1 **On the Fourth Cause of Action:**

2 (e) Statutory damages;

3 **On the First, Second, Third, Fourth and Fifth Causes of Action:**

4 (f) Exemplary damages against the individual Defendants in an amount sufficient to make an
5 example of the individual Defendants and to deter future misconduct, in an amount according to
6 proof, but not less than \$10,000,000.00.

7 DATED: April 10, 2008

SOLOMON SALTSMAN & JAMIESON

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10 By: 

STEPHEN A. JAMIESON
sjamieson@ssjlaw.com
MICHAEL AKOPYAN
makopyan@ssjlaw.com
Attorneys for Plaintiffs

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14 **DEMAND FOR JURY TRIAL**

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16 Plaintiffs, G.H. by and through her Guardian ad Litem, DAWN HOPKINS, ROBERT R.
17 GREGG individually, and as victim decedent's personal representative, JUDITH GREGG
18 individually, and as victim decedent's personal representative, hereby demand a Jury
19 Trial.

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22 Respectfully submitted,

23 SOLOMON, SALTSMAN & JAMIESON

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25 By: 

STEPHEN A. JAMIESON
Sjamieson@ssjlaw.com
MICHAEL AKOPYAN
Makopyan@ssjlaw.com
Attorneys for Plaintiffs

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28 **COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL**