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11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA
13 WESTERN DIVISION
14

DONOVAN JACKSON, a minor, by and)
15 through his guardian ad litem, COBY :
CHAVIS; COBY CHAVIS, individually,)

16 Plaintiffs,)

17 v.)

18 CITY OF INGLEWOOD, a public entity;)
19 Officer JEREMY MORSE, Officer :
MARIANO SALCEDO; Officer ANTOINE)
20 COOK; Officer BIJAN DARVISH; :
UNKNOWN NAMED INGLEWOOD)
21 POLICE DEPARTMENT OFFICERS; :
COUNTY OF LOS ANGELES, a public)
22 entity; Deputy Sheriff LEON, Badge No. :
436132; Deputy Sheriff FRANCO, Badge)
23 No. 408983; Deputy Sheriff LOPEZ; :
UNKNOWN NAMED LOS ANGELES)
24 COUNTY SHERIFF'S DEPUTIES; and 20 :
unknown other named defendants,)

25 Defendants.)
26

CASE NO. 02-5458

COMPLAINT FOR DAMAGES

1. Violation of Civil Rights and Con-
spiracy to Violate Civil Rights [42
U.S.C. 1983]

JURY DEMAND

27 ///

28 ///

JURISDICTION AND VENUE

1
2 1. Jurisdiction is vested in this Court under 28 U.S.C. §1343(3)(4) for
3 violation of the 1971 *Civil Rights Enforcement Act*, as amended, including 42 U.S.C.
4 §1983 and §§1331 and 1367(a),

5 2. Venue is proper in the Central District of California and the County of Los
6 Angeles under 28 U.S.C. 1391(a)(b).

PARTIES

7
8 3. Plaintiff DONOVAN JACKSON, a minor, is a resident of the State of
9 California and presently resides in Los Angeles County.

10 4. COBY CHAVIS is the natural father of, and has legal custody of
11 DONOVAN JACKSON, and is the duly appointed guardian ad litem of DONOVAN
12 JACKSON.

13 5. Plaintiff COBY CHAVIS is a resident of the State of California and the
14 County of Los Angeles.

15 6. Defendant CITY OF INGLEWOOD (hereinafter "INGLEWOOD") is a
16 municipal corporation, organized and existing under the laws of the State of California,
17 and is the public employer of the police officers named as defendants in this action.

18 7. Defendants JEREMY MORSE, MARIANO SALCEDO, ANTOINE COOK
19 and BIJAN DARVISH are an INGLEWOOD police officers.

20 8. Defendants FRANCO, LEON and LOPEZ are LOS ANGELES COUNTY
21 deputy sheriffs.

22 9. Defendant COUNTY OF LOS ANGELES (hereinafter "COUNTY") is a
23 municipal corporation, organized and existing under the laws of the State of California,
24 and is the public employer of the deputy sheriffs named as defendants in this action.

25 10. Plaintiffs are unaware of the true names and capacities of those sued herein
26 as unknown other named defendants. Plaintiffs will amend this complaint to allege
27 said defendants' true names and capacities when that information becomes known to
28 them. Plaintiffs are informed, believe and thereon allege that these unknown other

1 named defendants are legally responsible and liable for the incident, injuries and
2 damages hereinafter set forth, and that each of said defendants proximately caused the
3 injuries and damages by reason of negligence, careless, deliberately indifferent,
4 intentional, willful or wanton misconduct, including the negligent, careless,
5 deliberately indifferent, intentional, willful or wanton misconduct in creating and
6 otherwise causing the incident, conditions and circumstances hereinafter set forth, or
7 by reason of direct or impugned negligence or vicarious fault or breach of duty arising
8 out of the matters herein alleged. Plaintiffs will seek leave to amend this complaint to
9 set forth said true names and identities of the unknown other named defendants when
10 they are ascertained.

11 11. Each of the individual defendants sued herein is sued both in his individual
12 and personal capacities, as well as his official capacity.

13 12. Plaintiffs are informed and believe and thereon allege that at all times
14 herein mentioned each of the defendants was the agent and/or employee and/or co-
15 conspirator of each of the remaining defendants, and in doing the things hereinafter
16 alleged, was acting within the scope of such agency, employment and/or conspiracy,
17 and with the permission and consent of other co-defendants.

18

19

FACTS COMMON TO ALL COUNTS

20 13. This complaint concerns the unfortunate and preventable incident which
21 occurred on July 6, 2002, at or about 2:30 P.M., and began at a Thrifty Gas line station
22 at the intersection of Century Boulevard and Freeman, in Inglewood, California.

23 14. On said date and at said time and location, Officers JEREMY MORSE,
24 MARIANO SALCEDO, ANTOINE COOK, BIJAN DARVISH, and officers of the
25 Inglewood Police Department and Deputy Sheriffs LEON, FRANCO and LOPEZ, and
26 Los Angeles County Sheriff's deputies, sued herein as unknown named defendants,
27 while in the course and scope of employment, and without legal cause or justification,
28 arrested, handcuffed and violently assaulted and battered DONOVAN JACKSON and

1 COBY CHAVIS.

2 15. At said time and place, Officers JEREMY MORSE, MARIANO
3 SALCEDO, ANTOINE COOK, BIJAN DARVISH, and officers of the Inglewood
4 Police Department and Deputy Sheriffs LEON, FRANCO and LOPEZ, and Los
5 Angeles County Sheriff's deputies, sued herein as unknown named defendants, then
6 violently assaulted plaintiff COBY CHAVIS, and violently slammed plaintiff
7 DONOVAN JACKSON's head against a car and continued to beat him about his head
8 and body, while he was handcuffed.

9 16. Said officers of the Inglewood Police Department and Los Angeles County
10 Sheriff's Department then attempted to cover up the true facts of this incident by
11 fabricating an implausible story that plaintiff DONOVAN JACKSON had attacked
12 them.

13 17. At no time did plaintiffs DONOVAN JACKSON and COBY CHAVIS pose
14 any threat to officers of the Inglewood Police Department or Los Angeles County
15 Sheriff's Department deputies which would have justified the use of such excessive
16 force as described herein.

17

18 **FIRST CAUSE OF ACTION**

19 **(Plaintiff DONOVAN JACKSON by and through his guardian**
20 **ad litem, COBY CHAVIS, and Plaintiff COBY CHAVIS,**

21 **Individually, Against All Defendants for Violation**

22 **of Civil Rights [42 U.S.C. §1983])**

23 18. Plaintiffs restate and incorporate by reference the foregoing paragraphs of
24 this complaint as if set forth in full at this point.

25 19. This cause of action is to redress the deprivation, under color of statute,
26 ordinance, regulation, policy, custom, practice or usage of a right, privilege, and
27 immunity secured to DONOVAN JACKSON and COBY CHAVIS by the Fourth, Fifth
28 and Fourteenth Amendments to the United States Constitution.

1 20. At all times mentioned herein, defendants INGLEWOOD and COUNTY
2 employed the individual defendants herein. Said defendants provided their individual
3 defendant employees and agents with official badges and identification cards which
4 designated and described the bearers as employees of INGLEWOOD or COUNTY.

5 21. During all times mentioned herein, the individual defendants, and each of
6 them, separately and in concert, acted under color and pretense of law, under color of
7 the statutes, ordinances, regulations, policies, processes, customs and usages of
8 INGLEWOOD or COUNTY. Each of the individual defendants here, separately and
9 in concert, deprived plaintiff of the rights, privileges and immunities secured to him
10 by the Fourth, Fifth and Fourteenth Amendments to the United States Constitution and
11 the laws of the United States.

12 22. Plaintiffs are informed, believe and thereon allege that on or about July 5,
13 2002, officers of the Inglewood Police Department and Los Angeles County Sheriff's
14 deputies assaulted and battered them, as previously described above, all of which
15 constituted excessive, unjustifiable and unreasonable force in violation of and with
16 deliberate indifference to DONOVAN JACKSON's and COBY CHAVIS'
17 constitutional right to be free from unreasonable searches and seizures, and his due
18 process rights to be free from arbitrary deprivations of life, liberty, property and the
19 pursuit of happiness.

20 23. The above articulated constitutional violations were proximately caused
21 by COUNTY's and/or INGLEWOOD's deliberate indifference to the maintenance,
22 training and control of its officers and deputies, and the constitutional violations set
23 forth above were proximately caused by the customs, practices, policies and decisions
24 of defendant INGLEWOOD and the Inglewood Police Department, and COUNTY and
25 the Los Angeles County Sheriff's Department, including, but not limited to,
26 inadequately training and supervising employees of the Inglewood Police Department
27 and Los Angeles County Sheriff's Department with respect to the use of force and the
28 proper procedure for restraining and detaining individuals.

1 24. Plaintiff is informed and believes, and thereupon alleges, that before July
2 5, 2002, defendant INGLEWOOD and the Inglewood Police Department and
3 COUNTY and the Los Angeles County Sheriff's Department, hired, trained,
4 supervised, employed and/or managed the individual defendant officers and deputies
5 with conscious disregard and deliberate indifference to the constitutional rights of third
6 parties, in that it was plainly obvious to INGLEWOOD and the Inglewood Police
7 Department, and COUNTY and the Los Angeles County Sheriff's Department, that
8 these officers and deputies were dangerous and violent employees, prone to assault and
9 batter persons and/or use unnecessary, unreasonable, deadly and/or unlawful physical
10 force without reasonable justification. Since adequate scrutiny of these individual
11 defendants' backgrounds would have led reasonable policymakers within INGLE-
12 WOOD and the Inglewood Police Department, and COUNTY and the Los Angeles
13 County Sheriff's Department, to conclude that the plainly obvious consequence of the
14 decision to hire these individual defendants would be the deprivation of a third party's
15 Fourth Amendment rights to be free from unreasonable and excessive force,
16 INGLEWOOD and the Inglewood Police Department, and COUNTY and the Los
17 Angeles County Sheriff's Department, were deliberately indifferent to plaintiffs'
18 federally protected rights when the individuals named herein were hired.

19 25. That as set forth in the foregoing paragraphs of this complaint, the officers'
20 assaulting and battering of DONOVAN JACKSON and COBY CHAVIS was an
21 unconstitutional display of unreasonable and excessive force, which violated
22 DONOVAN JACKSON's and COBY CHAVIS' right to be free from unreasonable
23 seizures. Plaintiffs are informed and believe, and thereupon allege, that the details of
24 this incident have been revealed to the authorized policymakers within INGLEWOOD
25 and the Inglewood Police Department, and COUNTY and the Los Angeles County
26 Sheriff's Department, and that such policymakers have direct knowledge of the fact
27 that the assault and battery on DONOVAN JACKSON and COBY CHAVIS, and
28 deliberate indifference to DONOVAN JACKSON's and COBY CHAVIS' medical

1 condition was not justified, but rather represented an unconstitutional display of
2 unreasonable and excessive force. Notwithstanding this knowledge, the authorized
3 policymakers within INGLEWOOD and the Inglewood Police Department, and
4 COUNTY and the Los Angeles County Sheriff's Department have approved of the
5 officers' unjustifiable assault and battery of DONOVAN JACKSON and COBY
6 CHAVIS, and made a deliberate choice to endorse the Inglewood Police Department's
7 and Los Angeles County Sheriff's Department's assault and battery of DONOVAN
8 JACKSON and COBY CHAVIS, and the basis for that assault and battery. By so
9 doing, the authorized policymakers within INGLEWOOD and the Inglewood Police
10 Department, and COUNTY and the Los Angeles County Sheriff's Department, had
11 shown affirmative agreement with the individual defendant officers' actions, and had
12 ratified the unconstitutional acts of the individual defendant officers.

13 26. Despite the fact that INGLEWOOD and COUNTY knew or should have
14 known of the fact that these acts, omissions, decisions, practices, customs and policies,
15 both formal and informal, were being carried out by its agents and employees,
16 INGLEWOOD and COUNTY have taken no steps or efforts to order a halt to this
17 course of conduct, nor to make redress to these plaintiffs or other civilian citizens
18 injured thereby, and has failed to take any disciplinary action whatsoever against of its
19 employees or agents.

20 27. The above acts or omissions of the defendants were undertaken while under
21 color of state law and resulted in a violation of plaintiff's constitutional rights, as stated
22 herein. Likewise, the customs, practices, policies and decisions of INGLEWOOD and
23 COUNTY alleged herein and as applied to DONOVAN JACKSON and COBY
24 CHAVIS, resulted in the violation of plaintiffs' constitutional rights.

25 28. Plaintiffs had a liberty interest to life and the right not to be deprived of
26 liberty or property without due process of law. This right and privilege is secured to
27 plaintiffs by the provisions of the Fourth Amendment and the Due Process Clauses of
28 the Fifth and Fourteenth Amendments to the United States Constitution, and by 42

1 U.S.C. §1983. This interest was breached by the wrongful conduct of the defendants
2 which proximately caused DONOVAN JACKSON's and COBY CHAVIS' injuries,
3 as described herein. All of these rights and privileges are secured to all plaintiffs by
4 the provisions of the Fourth Amendment and the Due Process Clauses of the Fifth and
5 Fourteenth Amendments to the United States Constitution, and by 42 U.S.C. §1983.
6 All of these interests were implicated by the wrongful conduct of defendants which
7 proximately caused the injuries to DONOVAN JACKSON and COBY CHAVIS.

8 29. Each of the individual defendants acted in concert, acted outside the scope
9 of his or her jurisdiction and without authorization of law, and each of the individual
10 defendants, separately and in concert, acted wilfully, knowingly and with reckless
11 disregard and deliberate indifference to the known consequences of their acts and
12 omissions and purposefully with the intent to deprive plaintiffs of their federally
13 protected rights and privileges and did, in fact, violate those rights and privileges,
14 entitling plaintiffs to punitive and exemplary damages in an amount to be proven at the
15 trial of this matter.

16 30. As a direct and proximate result of the aforesaid acts, omissions, customs,
17 practices, policies and decisions of the defendants, and each of them, plaintiffs have
18 suffered great mental and physical pain, suffering, anguish, fright, nervousness,
19 anxiety, grief, shock, humiliation, indignity, embarrassment and apprehension, all to
20 their damage in a sum to be determined at trial. Additionally, plaintiffs have each
21 been forced to incur substantial amounts for attorneys' fees, investigations, expenses,
22 and other costs in the prosecution of the above-articulated constitutional violations.

23 31. As a result of these acts, plaintiffs have each lost future wages resulting
24 from the incident as described herein, in an amount to be determined according to
25 proof at time of trial. As a proximate result of the aforementioned conduct of
26 defendants, and each of them, plaintiffs each sustained emotional injuries and were
27 required to and did employ physicians and surgeons to examine, treat and care for
28 them, and incurred medical expenses for said treatment in an amount according to

1 proof at trial.

2 32. Plaintiffs are entitled to, and hereby demand, costs, attorneys' fees and
3 expenses pursuant to 42 U.S.C. §1988.

4 33. Plaintiffs hereby demand that a jury be impaneled for the trial of this
5 matter.

6 WHEREFORE, plaintiffs prays for judgment against defendants, as follows:

7 1. For general damages in an amount to be determined according to proof at
8 trial;

9 2. For medical and related expenses according to proof at trial;

10 3. For costs of suit incurred herein;

11 4. For punitive damages against each individual defendant in an amount to
12 be determined according to proof at trial;

13 5. Attorneys' fees, investigation fees and expert witnesses' fees incurred
14 herein; and

15 6. Such other and further relief as the Court deems just and proper.

16
17 DATED: July 9, 2002.

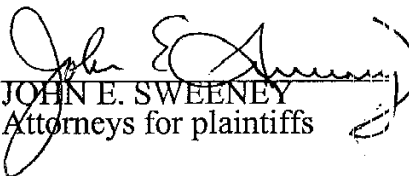
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