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12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA

14 CESAR MANCILLA,

15 Plaintiff,

16 v.

17 COUNTY OF LOS ANGELES, a local
18 public entity, DOES 1-10,
19 individually, Sheriff LEROY BACA,
20 individually and in his official
21 capacity,

22 Defendants.

23 **CV 12-1342** GW (AGK)

24 COMPLAINT FOR:

25 (1) EXCESSIVE FORCE (42 U.S.C.
26 § 1983);

27 (2) DENIAL OF MEDICAL CARE
28 (42 U.S.C. § 1983);

(3) VIOLATION OF BANE ACT
(Cal. Civil Code § 52.1);

(4) BATTERY;

(5) NEGLIGENCE.

DEMAND FOR JURY TRIAL

FILED
2012 FEB 16 AM 10:22
CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

1 Plaintiff Cesar Mancilla ("Plaintiff") upon information and belief, alleges
2 the following:

3 **INTRODUCTION**

4 1. This civil rights action seeks compensatory and punitive damages from
5 Defendants for brutally beating Plaintiff Cesar Mancilla ("Plaintiff"), without
6 justification, during his detention in the Los Angeles County Jail and then cruelly
7 denying him medical treatment for hours while he sat alone in pain in a cell after
8 the beating. Plaintiff was detained for a non-violent misdemeanor on February 24,
9 2011. On the afternoon of February 24, 2011, Plaintiff was being moved from a
10 cell in the Los Angeles County Twin Towers Correctional Facility ("Twin
11 Towers") with a number of other detainees. Without provocation, several Sheriff's
12 Deputies whose identities are currently unknown, subjected Plaintiff to a brutal
13 beating. During the beating, Plaintiff was kicked in the mouth, breaking four of
14 his teeth and causing him enormous pain. As a result of the beating, Plaintiff
15 suffered a collapsed lung, a broken nose, fractured ribs and fractured facial bones.
16 He was pepper sprayed and suffered bruises and lacerations all over his face and
17 body as a result of the beating. Defendants then failed to provide Plaintiff
18 treatment for his injuries, causing him even more physical pain and emotional and
19 psychological distress. Plaintiff was left handcuffed alone in a room without food,
20 water, or medical treatment until the morning of February 25, 2011. The Sheriff's
21 Department obstructed efforts by his mother to see him in the hospital over the
22 following four days so that the misconduct of the deputies would not be revealed.

23 **JURISDICTION AND VENUE**

24 2. This case arises under 42 U.S.C. §1983 and California law. This Court
25 has subject matter jurisdiction over this action pursuant to 28 U.S.C. §1331. This
26 Court has subject matter jurisdiction over Plaintiffs' pendent or supplemental state
27 law claims under 28 U.S.C. § 1367.

28 3. Venue is proper in this District pursuant to 28 U.S.C. §1391 (b) and (e)

1 in that (1) the unlawful actions challenged herein occurred in the Central District;
2 and (2) all of the parties reside in the Central District.

3 PARTIES

4 4. Plaintiff Cesar Mancilla brings this action in his individual capacity. At
5 all relevant times, Plaintiff was a resident of Los Angeles County and a citizen of
6 the state of California of Mexican-American descent. Plaintiff timely filed a tort
7 claim with the County of Los Angeles on August 8, 2011, which the County
8 rejected.

9 5. Defendant County of Los Angeles ("COUNTY") is a municipality duly
10 organized under the laws of the State of California. At all relevant times,
11 Defendant Does 1-10 were officers and employees of COUNTY. The Los
12 Angeles Sheriff's Department ("LASD") is a subsidiary of COUNTY. COUNTY
13 is responsible for Plaintiff's injuries under 42 U.S.C. § 1983 because its official
14 policies, practices, and/or customs caused Plaintiff's injuries. COUNTY is also
15 responsible for actions of its employees under a respondeat superior theory.
16 Liability under California law for all government entities and/or employees is
17 based upon California Government Code §§ 815.2, 820 and/or 845.6, Civil Code §
18 52.1 and/or Penal Code §§ 149, 240, and/or 242.

19 6. At all relevant times, Defendant Does 1-10 were members of the LASD
20 and were duly authorized COUNTY employees and agents, acting under color of
21 law within the course and scope of their respective duties as Officers of the
22 Sheriff's Department and with the complete authority and ratification of Defendant
23 County. The true names of Defendant Does 1-10 are unknown to Plaintiff.
24 Plaintiff will seek leave to amend this complaint to show the true names and
25 capacities of these defendants when they have been ascertained. Each of the
26 fictitious named Defendants is responsible for some part of the conduct of
27 liabilities alleged herein.

28 7. At all relevant times, Defendant Leroy Baca was Sheriff of Los Angeles

1 County. In that capacity he is the official responsible for setting and enforcing the
2 policies, customs, and practices of the LASD.

3 8. Plaintiff is informed and believes and thereon alleges that each
4 Defendant is, and at all times mentioned was, the agent, employee, representative,
5 successor, and/or assignee of each other Defendant. Each Defendant, in doing the
6 acts, or in omitting to act as alleged in this Complaint, was acting within the scope
7 of his or her actual and apparent authority or the alleged acts and omissions of
8 each Defendant as agent subsequently were ratified and adopted by each other
9 Defendant as principal. Plaintiff is informed and believes that each of the
10 individual Defendants was in some way responsible for the constitutional
11 violations and torts alleged in this complaint.

12 9. In committing the acts alleged in this complaint, Defendants acted
13 knowingly, maliciously, and with reckless or callous disregard for the
14 constitutional rights of Plaintiff, justifying an award of punitive damages under
15 federal and California law against each individual Defendant.

16 **MONELL ALLEGATIONS**

17 10. Based upon the principles set forth in *Monell v. New York City*
18 *Department of Social Services*, 436 U.S. 658 (1978), COUNTY is liable for all
19 injuries sustained by Plaintiff as set forth herein. COUNTY bears liability because
20 its policies, practices and/or customs caused Plaintiff's injuries. In particular,
21 Defendant Sheriff Leroy Baca has condoned an ongoing pattern of brutality
22 committed by deputies assigned to the jails. COUNTY and its officials, including
23 Sheriff Leroy Baca, maintained or permitted one or more of the following official
24 policies, customs, or practices:

25 A. Failure to provide adequate training and supervision to Sheriff's deputies
26 with respect to constitutional limits on use of force, detention, and provision of
27 medical care;

28 B. Failure to adequately discipline or retrain officers involved in

1 misconduct;

2 C. Selection, retention, and assignation of officers with demonstrable
3 propensities for excessive force, violence, dishonesty, and other misconduct;

4 D. Condonation and encouragement of officers in the belief that they can
5 violate the rights of persons such as Plaintiff with impunity, and that such conduct
6 will not adversely affect their opportunities for promotion and other employment
7 benefits;

8 E. Failure to provide proper and adequate medical care to inmates and
9 detainees;

10 F. Condoning, tolerating, ratifying and/or encouraging the formation of
11 criminal gangs by LASD employees, including and allowing such gangs to coerce,
12 threaten, use excessive force upon and/or intimidate inmates and detainees.

13 G. Retaining, assigning and selecting officers and deputies with known
14 propensities for excessive force, violence, dishonest and other misconduct and
15 failing to take adequate steps to discipline such persons.

16 H. Permitting deputies and other law enforcement personnel to have
17 extended contact with inmates and detainees in areas of the jail which are not
18 monitored with video surveillance or visible from areas staffed by supervisory
19 personnel, thereby creating zones and areas where deputies believe they have free
20 reign to engage in excessive force against inmates and detainees.

21 I. Failure to practice and enforce proper reporting and investigation of use
22 of force by LASD employees within the jail;

23 J. Ratification by the highest levels of authority of the specific
24 unconstitutional acts alleged in this complaint.

25 **FACTS COMMON TO ALL CAUSES OF ACTION**

26 11. On the night of February 23, 2011, Los Angeles Sheriff's Department
27 deputies stopped and arrested Plaintiff Cesar Mancilla, a Mexican-American male
28 in his mid-twenties, as he walked through an East Los Angeles neighborhood.

1 Although the deputies claimed they arrested Plaintiff for suspicion of being under
2 the influence, Plaintiff's urine sample test demonstrated that he was not under the
3 influence at the time of the arrest.

4 12. After stopping Plaintiff, Deputies arrested Plaintiff and took him to the
5 East Los Angeles Sheriff's Station, where he was detained for the night.

6 13. That morning, Plaintiff was transferred to Twin Towers. Officers
7 transferred Plaintiff from point to point in the detention facility throughout the
8 day. At some point during these transfers Plaintiff was given a black prison-issue
9 jumpsuit to wear. At one point Plaintiff was placed in a holding area connected to
10 a courtroom, but was never given a hearing.

11 14. At some point that day, deputies placed Plaintiff in a large holding cell
12 with other inmates. After spending a few minutes in this cell, Plaintiff and other
13 inmates in the cell were ordered by deputies to line up shoulder-to-shoulder and
14 stand with their heads down. Shortly thereafter, several deputies attacked Plaintiff
15 without justification or warning. Plaintiff was struck in the back of the head and
16 thrown to the floor violently. Defendant deputies struck Plaintiff all over his
17 body, kicked him in the groin, kicked him in his back, struck him repeatedly in the
18 neck, and pepper sprayed his face and body. One deputy kicked Plaintiff in his
19 mouth as he lay on the floor defenseless. This kick severely damaged Plaintiff's
20 mouth, displacing and injuring his teeth, and breaking four teeth. As he lay on the
21 floor in agony, Plaintiff could feel his broken teeth bent inwards and touching the
22 roof of his mouth. Deputies then handcuffed Plaintiff. The deputies continued to
23 handle Plaintiff roughly after he was handcuffed. At no point did Plaintiff disobey
24 any orders or resist the deputies in any way. There was no legitimate reason for
25 any deputy to use force against plaintiff at any time.

26 15. After the beating, Deputies grabbed Plaintiff by his arms and back
27 harshly and dragged him out of the holding cell. Plaintiff was in a state of shock
28 and extreme pain. He could not see due to the pepper spray remaining in his eyes.

1 The pepper spray also caused him great pain and discomfort. Plaintiff could
2 barely breathe or walk and felt as though his lung was punctured. He did not resist
3 the deputies in any way and could not believe what was happening to him. A
4 deputy pushed Plaintiff against a wall to increase his pain and suffering. Plaintiff
5 told the deputy he felt like his lung was punctured. The deputy continued to shove
6 Plaintiff against the wall several more times.

7 16. Deputies took Plaintiff to a small cell with a bench and a rectangular
8 window. Deputies handcuffed Plaintiff's arms to the bench. Plaintiff remained
9 alone in this room for many hours. Deputies gave Plaintiff no food, water, or
10 medical attention during this extended period of time. Plaintiff was handcuffed,
11 with blood dripping from his face and pepper spray burning his skin and eyes.
12 Plaintiff attempted to remove the jail clothes to alleviate the burning caused by
13 the pepper spray on his clothing. Plaintiff was extremely dehydrated. He
14 observed officers pass by the cell and tried numerous times to get their attention to
15 get water and medical treatment. No deputies responded to these repeated
16 requests. Plaintiff was in a state of shock, disorientation, terror, and extreme
17 physical pain and mental trauma from the time of his beating on. He feared for his
18 life and was in a dire psychological state.

19 17. On the morning of the following day, February 25, 2011, several
20 deputies took Plaintiff to the jail hospital. He experienced difficulty breathing
21 while walking down the hall. He told the deputies this but was forced to continue
22 walking despite his pain. Plaintiff was still in severe pain and suffering extreme
23 emotional distress.

24 18. At the jail hospital, Plaintiff was handcuffed to a bed and given oxygen.
25 A doctor examined Plaintiff and determined he had a left pneumothorax, or
26 collapsed lung, as a result of the beating. The doctor inserted a chest tube so
27 Plaintiff could breathe. Plaintiff was also placed on a machine to assist his
28 breathing. The doctor also finally rinsed the pepper spray from Plaintiff's eyes.

1 This was the first time anyone had taken action to dissipate the painful effects of
2 the pepper spray. Plaintiff's broken and displaced teeth were stabilized with a wire
3 and his jaw was wired shut. In addition to his other injuries Plaintiff had
4 cauliflower ear, reddening and burning of his skin from pepper spray, a black eye,
5 a displaced nasal bone, fractured facial bones, fractured ribs, and multiple
6 lacerations, abrasions, and bruises over his face and body. Plaintiff was also
7 severely traumatized and in psychological distress as a result of the beating. On
8 February 26, 2011, Plaintiff was transferred to the jail ward at County Hospital.

9 19. On February 25, 2011, Plaintiff's mother, Sandra Neal ("Ms. Neal"),
10 called and spoke with Sheriff's deputies, who refused to give her information on
11 Plaintiff's condition and would only state that he had been hospitalized. Ms. Neal
12 attempted to see her son at the County Hospital on February 25, 2011; February
13 26, 2011; and February 27, 2011. However Ms. Neal was not allowed to see her
14 son.

15 20. Plaintiff was kept in the psychiatric unit at County Hospital because of
16 his extreme psychological disposition caused by Defendants' beating. Plaintiff
17 remained under medical care in the County Hospital Psychiatric Medicine Unit
18 until March 10, 2011. He was then transferred to the University of Southern
19 California hospital in the psychiatric unit until March 15, 2011, when he was
20 finally released and returned home with his family.

21 21. Plaintiff suffered pain from his physical injuries for months after the
22 beating. He still suffers pain from the beating. Plaintiff is scarred from the chest
23 tube insertion. Plaintiff requires extensive dental work to repair the damage to his
24 teeth and mouth. Plaintiff's usual activities, such as working out or playing sports
25 have been restricted as a result of the incident. Plaintiff also suffered extreme
26 psychological distress and injury as result of this ordeal. He endured more than
27 two weeks of involuntary detention immediately after his beating and continued to
28 be in distress after he was released. Plaintiff suffered and still suffers symptoms

1 including but not limited to fear, trauma, anxiety, humiliation and emotional
2 distress as a result of the incident. He continues to undergo treatment for these
3 injuries.

4 22. Plaintiff was never charged with resisting an officer in connection with
5 the incident. He was not charged with any offense for the conduct in East Los
6 Angeles that caused him to be stopped in the first place. The charges of failure to
7 appear, which related to a subway fare evasion and a failure to show registration,
8 which formed the basis for Plaintiff's detention were resolved for time served.

9 **FIRST CLAIM FOR RELIEF**

10 **Excessive Force (42 U.S.C. § 1983)**

11 **Fourth and Fourteenth Amendments**

12 **(Against all Defendants)**

13 23. Plaintiff repeats and realleges each and every allegation in paragraphs 1
14 through 22 of this Complaint with the same force and effect as if fully set forth
15 herein.

16 24. Sheriff's deputies, including the Doe Defendants, brutally beat Plaintiff
17 without justification. Defendant Officers punched, kicked, and pepper sprayed
18 Plaintiff although Plaintiff was at all times compliant and never resisted or refused
19 any deputy's command. They continued beating Plaintiff even after he was
20 handcuffed. This beating was severe enough to collapse Plaintiff's lung,
21 displace/fracture his nasal bone, and fracture his ribs. Plaintiff was kicked in the
22 mouth, severely injuring his mouth and teeth, and breaking four of his teeth. This
23 beating constituted excessive force against Plaintiff in violation of his Fourth and
24 Fourteenth Amendment rights.

25 25. Defendants' use of excessive force caused Plaintiff severe physical
26 injuries; pain and suffering; extreme emotional distress, fear, trauma, and
27 humiliation; bruises on his face and body; lacerations and abrasions on his face
28 and body; a collapsed lung; severe dental damage including four broken teeth and

1 injuries to Plaintiff's mouth; reddening and burning of his skin from pepper spray;
2 cauliflower ear; a displaced/fractured nasal bone; fractured ribs.

3 26. Plaintiff's claims against Defendants COUNTY and Sheriff Leroy Baca
4 are based on their maintaining and permitting the practices, policies and customs
5 described in Paragraph 10. In particular, Plaintiff is informed and believes and
6 based thereon alleges that Sheriff Leroy Baca, as the official policy maker for
7 Defendant COUNTY, was aware of widespread beatings and use of excessive
8 force in COUNTY jails. On information and belief, instead of taking proper steps
9 to discipline these deputies, Sheriff Leroy Baca condoned, encouraged, fostered
10 and/or ratified the unlawful conduct of the Defendant deputies. Plaintiff is further
11 informed and believes and thereon alleges that Defendants Sheriff Leroy Baca and
12 COUNTY have ratified the individual deputies' unconstitutional conduct towards
13 Plaintiff.

14 27. As a result of their conduct, Defendants are liable for Plaintiff's injuries,
15 either because they were integral participants in the misconduct, or because they
16 failed to intervene when they had the opportunity and duty to do so to prevent
17 these violations.

18 28. Plaintiff alleges that the acts of the individual Defendants were willful,
19 malicious, intentional, oppressive, reckless, and/or were done in willful and
20 conscious disregard of Plaintiffs' rights, welfare and safety, thereby justifying the
21 awarding of punitive and exemplary damages in an amount to be determined at
22 time of trial.

23 29. As a direct and legal result of Defendants' acts and omissions, Plaintiff
24 has suffered damages, including, without limitation, pain and suffering, extreme
25 mental and emotional distress, severe physical injuries, medical expenses,
26 attorneys' fees, costs of suit, loss of earnings, and other pecuniary losses not yet
27 ascertained.

28 //

1 Baca and COUNTY have ratified the individual deputies' unconstitutional conduct
2 towards Plaintiff.

3 34. As a result of their conduct, Defendants are liable for Plaintiff's injuries,
4 either because they were integral participants in the misconduct, or because they
5 failed to intervene when they had the opportunity and duty to do so to prevent
6 these violations.

7 35. Plaintiff alleges that the acts of the individual Defendants were willful,
8 malicious, intentional, oppressive, reckless, and/or were done in willful and
9 conscious disregard of Plaintiffs' rights, welfare and safety, thereby justifying the
10 awarding of punitive and exemplary damages in an amount to be determined at
11 time of trial.

12 36. As a direct and legal result of Defendants' acts and omissions, Plaintiff
13 has suffered damages, including, without limitation, pain and suffering, extreme
14 mental and emotional distress, severe physical injuries, medical expenses,
15 attorneys' fees, costs of suit, loss of earnings, and other pecuniary losses not yet
16 ascertained.

17 **THIRD CLAIM FOR RELIEF**

18 **Violation of Bane Act (Cal. Civil Code § 52.1)**

19 **(Against all Defendants)**

20 37. Plaintiff repeats and realleges each and every allegation in paragraphs 1
21 through 37 of this Complaint with the same force and effect as if fully set forth
22 herein.

23 38. Sheriff's deputies, including the Doe Defendants, interfered or
24 attempted to interfere by threats, intimidation, or coercion with Plaintiff's rights
25 under state and federal laws and under the state and federal Constitution,
26 including, without limitation, the right to be free from excessive force and the
27 right to bodily integrity, including his rights under Civil Code § 43, Penal Code §§
28 149, 240, and 242, and his rights under the Fourth and Fourteenth Amendments to

1 the United States Constitution and under Articles 1, §§ 1, 7, and 13 of the
2 California Constitution.

3 39. Defendants' conduct caused Plaintiff extreme pain and suffering and
4 extreme emotional distress and severe physical injuries as alleged herein.

5 40. Plaintiff's claims against Defendants COUNTY and Sheriff Leroy Baca
6 are based on their maintaining and permitting the practices, policies and customs
7 described in Paragraph 10. In particular, Plaintiff is informed and believes and
8 based thereon alleges that Sheriff Leroy Baca, as the official policy maker for
9 Defendant COUNTY, was aware of widespread beatings and use of excessive
10 force in COUNTY jails. On information and belief, instead of taking proper steps
11 to discipline these deputies, Sheriff Leroy Baca condoned, encouraged, fostered
12 and/or ratified the unlawful conduct of the Defendant deputies. Plaintiff is further
13 informed and believes and thereon alleges that Defendants Sheriff Leroy Baca and
14 COUNTY have ratified the individual deputies' unconstitutional conduct towards
15 Plaintiff.

16 41. As a result of their conduct, Defendants are liable for Plaintiff's injuries,
17 either because they were integral participants in the misconduct, or because they
18 failed to intervene when they had the opportunity and duty to do so to prevent
19 these violations.

20 42. Plaintiff alleges that the acts of the individual Defendants were willful,
21 malicious, intentional, oppressive, reckless, and/or were done in willful and
22 conscious disregard of Plaintiffs' rights, welfare and safety, thereby justifying the
23 awarding of punitive and exemplary damages in an amount to be determined at
24 time of trial.

25 43. As a direct and legal result of Defendants' acts and omissions, Plaintiff
26 has suffered damages, including, without limitation, pain and suffering, extreme
27 mental and emotional distress, severe physical injuries, medical expenses,
28 attorneys' fees, costs of suit, loss of earnings, and other pecuniary losses not yet

1 ascertained.

2 **FOURTH CLAIM FOR RELIEF**

3 **Battery**

4 **(Against all Defendants, with the exception of Defendant Sheriff Baca)**

5 44. Plaintiff repeats and realleges each and every allegation in paragraphs
6 1 through 43 of this Complaint with the same force and effect as if fully set forth
7 herein.

8 45. Sheriff's deputies, including the Doe Defendants, committed battery
9 against Plaintiff when they brutally beat Plaintiff without justification. Defendant
10 Officers punched, kicked, and pepper sprayed Plaintiff. They continued beating
11 Plaintiff even after he was handcuffed. This beating was severe enough to
12 collapse Plaintiff's lung, displace/fracture his nasal bone, and fracture his ribs.
13 Plaintiff was kicked in the mouth, severely injuring his mouth and teeth and
14 breaking four of his teeth.

15 46. Defendants' battery caused Plaintiff pain and suffering, extreme
16 emotional distress, fear, trauma, and humiliation, bruises on his face and body,
17 lacerations and abrasions on his face and body, a collapsed lung, severe dental
18 damage including four broken teeth and injuries to Plaintiff's mouth, burning and
19 reddening of his skin from pepper spray, cauliflower ear; a fractured/displaced
20 nasal bone and fractured ribs. Defendants either participated in or failed to
21 prevent this misconduct.

22 47. As a result of their conduct, Defendants are liable for Plaintiff's injuries,
23 either because they were integral participants in the misconduct, or because they
24 failed to intervene when they had the opportunity and duty to do so to prevent
25 these violations.

26 48. Plaintiff is informed and believes and thereon alleges that the acts of the
27 individual Defendants were willful, malicious, intentional, oppressive, reckless,
28 and/or were done in willful and conscious disregard of Plaintiffs' rights, welfare

1 and safety, thereby justifying the awarding of punitive and exemplary damages in
2 an amount to be determined at time of trial.

3 49. As a direct and legal result of Defendants' acts and omissions, Plaintiff
4 has suffered damages, including, without limitation, pain and suffering, extreme
5 mental and emotional distress, severe physical injuries, medical expenses,
6 attorneys' fees, costs of suit, loss of earnings, and other pecuniary losses not yet
7 ascertained.

8 **FIFTH CLAIM FOR RELIEF**

9 **Negligence**

10 **(Against all Defendants)**

11 50. Plaintiff repeats and realleges each and every allegation in paragraphs 1
12 through 49 of this Complaint with the same force and effect as if fully set forth
13 herein.

14 51. Defendants owed a duty of care toward Plaintiff and were required to
15 use reasonable diligence to ensure Plaintiff's safety while in their custody and
16 control. Defendants' actions and omissions were negligent and reckless, including
17 but not limited to:

- 18 A. The failure to properly assess the need to use force against Plaintiff;
- 19 B. The negligent tactics and handling of the situation with Plaintiff;
- 20 C. The negligent use of excessive force against Plaintiff;
- 21 D. The failure to properly train, supervise, and discipline employees,
22 including the individual defendants;
- 23 E. The failure to provide timely medical assistance to Plaintiff; and
- 24 F. The negligent hiring, retention, and assignment of COUNTY employees,
25 including the individual defendants.
- 26 G. The violations of Government Code § 845.6 and thus Defendants are
27 liable for Negligence Per Se.

28 52. As a direct and legal result of Defendants' acts and omissions, Plaintiff

1 has suffered damages, including, without limitation, pain and suffering, extreme
2 mental emotional distress, medical expenses, attorneys' fees, costs of suit, and
3 other pecuniary losses not yet ascertained.

4 53. As a result of their conduct, Defendants are liable for Plaintiff's injuries,
5 either because they were integral participants in the misconduct, or because they
6 failed to intervene when they had the opportunity and duty to do so to prevent
7 these violations.

8 54. Plaintiff is informed and believes and thereon alleges that the acts of the
9 individual Defendants were willful, malicious, intentional, oppressive, reckless,
10 and/or were done in willful and conscious disregard of Plaintiffs' rights, welfare
11 and safety, thereby justifying the awarding of punitive and exemplary damages in
12 an amount to be determined at time of trial.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, Plaintiff requests entry of judgment in their favor and
15 against Defendants as follows:

16 A. For compensatory damages in an amount to be determined at trial;

17 B. For punitive damages against individual Defendants in an amount to be
18 proven at trial;

19 C. For reasonable costs of this suit and attorneys' fees; and

20 D. For such further relief as the Court may deem just, proper, and
21 appropriate.

22
23 Dated: February 15, 2012

SCHONBRUN DeSIMONE SEPLOW
HARRIS HOFFMAN AND HARRISON LLP

24
25 By: _____

26 Paul L. Hoffman
27 Victoria Don
Attorneys for Plaintiff
28 Cesar Mancilla

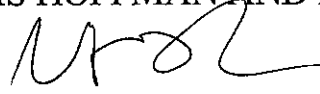
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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury.

Dated: February 15, 2012

SCHONBRUN DeSIMONE SEPLOW
HARRIS HOFFMAN AND HARRISON LLP

By:  _____

Paul L. Hoffman
Victoria Don
Attorneys for Plaintiff
Cesar Mancilla