

1 SKAPIK LAW GROUP
 2 Mark J. Skapik (SBN 164957)
 3 Geralyn L. Skapik (SBN 145055)
 4 Blair J. Berkley (SBN 222293)
 5 Matthew T. Falkenstein (SBN 333302)
 6 5861 Pine Avenue, Suite A-1
 7 Chino Hills, California 91709
 8 Telephone: (909) 398-4404
 9 Facsimile: (909) 398-1883
 10 Email:
 11 mskapik@skapiklaw.com
 12 gskapik@skapiklaw.com
 13 bberkley@skapiklaw.com
 14 mfalkenstein@skapiklaw.com

10 UNITED STATES DISTRICT COURT
 11 CENTRAL DISTRICT OF CALIFORNIA
 12 EASTERN DIVISION

14 DESHAWN M. WRIGHT, an individual,

15 Plaintiff,

16 vs.

17
 18 CITY OF SAN BERNARDINO; IMRAN
 19 AHMED, an individual; K. BROWN, an
 20 individual; and DOES 1 through 10,
 21 inclusive,

22 Defendants.

Case No.

COMPLAINT FOR:

1. 42 U.S.C. § 1983 (Excessive force)
2. 42 U.S.C. § 1983 (Monell)
3. 42 U.S.C. § 1983 (Failure to intercede)
4. Civil Code § 51.7 (Ralph Act)
5. Civil Code § 52.1 (Bane Act)
6. Assault
7. Battery
8. Intentional infliction of emotional distress

JURY DEMAND

23
24 ///

25 ///

1 Plaintiff Deshawn Wright (“Plaintiff”) alleges as follows:

2 **PARTIES**

3 1. Plaintiff DESHAWN WRIGHT is an individual and resident of San
4 Bernardino, California.

5 2. Defendant CITY OF SAN BERNARDINO (“CITY”) is a municipal
6 corporation duly chartered under California Constitution Article XI, section 3.

7 3. Defendant IMRAN AHMED (“AHMED”) is an individual and Sergeant in
8 the San Bernardino Police Department (“SBPD”).

9 4. Defendant Officer K. BROWN (“BROWN”) is an individual and Police
10 Officer in the SBPD.

11 5. The true names of Defendants DOE 1 through 10 are unknown to Plaintiff
12 who, therefore, sues these Defendants by such fictitious names. When the true names of
13 these Defendants are ascertained, Plaintiff will amend this Complaint to allege their true
14 names.

15 **JURISDICTION AND VENUE**

16 6. The Court has original jurisdiction over Plaintiff’s 42 U.S.C. section 1983
17 claims pursuant to 28 U.S.C. sections 1331 and 1343. The Court has supplemental
18 jurisdiction over Plaintiff’s state-law claims.

19 **PRESENTATION OF WRITTEN CLAIM**

20 7. On November 24, 2021, in compliance with California *Government Code*
21 section 910-915.4, Plaintiff presented CITY a tort claim. CITY rejected the claim on
22 January 18, 2022.

23 **GENERAL ALLEGATIONS**

24 8. On June 1, 2021, Defendants AHMED and BROWN were assigned to
25 proactive patrol in the CITY.

26 9. At 9:48 p.m., Defendant AHMED observed Plaintiff and other individuals
27 in front of an apartment building located at 657 North Crescent Avenue, San
28

1 Bernardino. As AHMED and his partner, Defendant BROWN, stopped, Plaintiff
2 walked towards the apartment building.

3 10. AHMED and BROWN contacted several individuals in the carport facing
4 the street. After a few minutes, AHMED left BROWN with several individuals in the
5 carport and walked towards the apartment building. He saw Plaintiff sitting on the
6 external staircase. When Plaintiff saw AHMED, he got up and threw a semi-automatic
7 pistol from his over-the-chest satchel onto the roof. AHMED recovered the pistol and
8 arrested Plaintiff for violating *Penal Code* section 29800(a)(1) (felon in possession of
9 firearm).

10 11. AHMED handcuffed Plaintiff and read him the Miranda rights. Plaintiff
11 was uncooperative and profane, but did not threaten AHMED or BROWN and did not
12 kick anything in the patrol vehicle or attempt to remove the handcuffs.

13 12. Plaintiff was no threat to AHMED as he was handcuffed and only 5'9" and
14 135 pounds.

15 13. AHMED put Plaintiff in his police vehicle and headed east on 6th Street
16 towards the San Bernardino Central Detention Center ("CDC") located at 630 East
17 Rialto Avenue, San Bernardino. Plaintiff's verbal abuse continued.

18 14. Although AHMED asserted (and his assertion was recorded on his body-
19 worn camera and audio recorder) that Plaintiff was kicking the side of the patrol vehicle
20 and attempting to remove his handcuffs, Plaintiff did not kick the vehicle or attempt to
21 remove his handcuffs.

22 15. When AHMED, BROWN, and Plaintiff reached the vicinity of West 6th
23 Street and North "E" Street, AHMED decided to give Plaintiff a beating instead of
24 proceeding less than a mile to the Central Detention Center. AHMED stopped the
25 patrol vehicle and, at 10:22 p.m., called for the assistance of a unit with a hobble
26 restraint.

27 16. The entire purpose of AHMED's call for assistance was to provide cover
28 for the beating he was about to inflict on Plaintiff. Plaintiff was handcuffed in the rear

1 seat of AHMED's patrol vehicle and was not kicking anything. When AHMED
2 purportedly called for assistance, he was only two blocks from the San Bernardino
3 Police station.

4 17. AHMED pulled Plaintiff out of the patrol vehicle, threw him to the ground,
5 pushed his face into the pavement, and gave him a severe beating. Plaintiff suffered
6 severe injuries to his face, shoulders, and left wrist.

7 18. AHMED selectively turned off the audio and video recorder on his body-
8 worn camera at the incriminating points of his beating of Plaintiff.

9 19. Officer BROWN watched AHMED beat a non-resisting Plaintiff for
10 several minutes and had several realistic opportunities to intercede.

11 20. However, in deliberate indifference to Plaintiff's constitutional rights,
12 BROWN made no attempt to stop AHMED's beating of Plaintiff.

13 21. When the second unit arrived several minutes later with a hobble restraint,
14 AHMED, BROWN, and Defendant Officers DOES 1 and 2 improperly applied the
15 restraint so as to attach Plaintiff's wrists to his feet behind his back. Plaintiff was then
16 placed on his stomach in the back of AHMED's patrol vehicle.

17 22. AHMED and BROWN transported Plaintiff to the Central Detention
18 Center. When the officials at CDC saw that Plaintiff's face was severely beaten and
19 bloody, they directed that he be transported to the West Valley Detention Center in
20 Rancho Cucamonga for treatment of his injuries.

21 ///

22 ///

I.

FIRST CAUSE OF ACTION

VIOLATION OF FOURTH AMENDMENT

[42 U.S.C. § 1983]

(By Plaintiff Against Defendants AHMED, BROWN, and DOES 1-10)

23. Plaintiff incorporates by reference paragraphs 1-22 as though fully set forth herein.

24. On June 1, 2021, Defendant AHMED arrested Plaintiff at 657 North Crescent Avenue, San Bernardino for violation of *Penal Code* section 29800(a)(1) (felon in possession of firearm).

25. AHMED handcuffed Plaintiff and put Plaintiff in his patrol vehicle. Plaintiff was uncooperative and profane, but did not threaten AHMED or BROWN and did not kick anything in the patrol vehicle or attempt to remove the handcuffs.

26. AHMED headed east on 6th Street towards the San Bernardino CDC located at 630 East Rialto Avenue, San Bernardino. Plaintiff's verbal abuse continued.

27. Although AHMED asserted (and his assertion was recorded on his body-worn camera and audio recorder) that Plaintiff was kicking the side of the patrol vehicle and attempting to remove his handcuffs, Plaintiff did not kick the vehicle or attempt to remove his handcuffs.

28. AHMED threatened Plaintiff that if his verbal abuse did not stop, AHMED would cause it to stop.

29. When AHMED, BROWN, and Plaintiff reached the vicinity of West 6th Street and North "E" Street, AHMED decided to give Plaintiff a beating instead of proceeding less than a mile to the CDC. AHMED stopped the patrol vehicle and, at 10:22 p.m., called for the assistance of a unit with a hobble restraint.

30. The entire purpose of AHMED's call for assistance was to provide cover for the beating he was about to inflict on Plaintiff. Plaintiff was handcuffed in the rear seat of AHMED's patrol vehicle and Plaintiff was not kicking anything. When

1 AHMED purportedly called for assistance, he was only two blocks from the San
2 Bernardino Police station.

3 31. AHMED pulled Plaintiff out of the patrol vehicle, threw him to the ground,
4 pushed his face into the pavement, and gave him a severe beating.

5 32. AHMED selectively turned off the audio and video recorder on his body-
6 worn camera at the incriminating points of his beating of Plaintiff.

7 33. When the second unit arrived several minutes later with a hobble restraint,
8 AHMED, BROWN, and Defendant Officers DOES 1 and 2 improperly applied the
9 restraint so as to attach Plaintiff's wrists to his feet behind his back. AHMED further
10 twisted Plaintiff's arms behind his back so as to cause severe shoulder injuries. Plaintiff
11 was then placed on his stomach in the back of AHMED's patrol vehicle.

12 34. In so beating Plaintiff, AHMED, BROWN, and Officers DOE 1 and 2
13 acted intentionally and under color of state law.

14 35. Defendants' beating of Plaintiff was unreasonable, without probable cause,
15 and deprived Plaintiff of his Fourth Amendment right to be free of unreasonable
16 seizures.

17 36. Defendant's conduct was intentional, despicable, malicious, and oppressive
18 and was done with a willful, wanton, and conscious disregard for Plaintiff's Fourth
19 Amendment rights.

20 37. Defendants' beating of Plaintiff was the actual and proximate cause of the
21 injuries to his face, shoulders, and left wrist.

22 38. AHMED and BROWN transported Plaintiff to the CDC. When the
23 officials at CDC saw that Plaintiff's face was severely beaten and bloody, they directed
24 that he be transported to the West Valley Detention Center in Rancho Cucamonga for
25 treatment of his injuries.

26 ///

27 ///

28

1 46. AHMED pulled Plaintiff out of the patrol vehicle, threw him to the ground,
2 pushed his face into the pavement, and gave him a severe beating.

3 47. AHMED selectively turned off the audio and video recorder on his body-
4 worn camera at the incriminating points of his beating of Plaintiff.

5 48. When the second unit arrived several minutes later with a hobble restraint,
6 AHMED, BROWN, and Defendant Officers DOE 1 and 2 improperly applied the
7 restraint so as to attach Plaintiff's wrists to his feet behind his back. Plaintiff was then
8 placed on his stomach in the back of AHMED's patrol vehicle.

9 49. In so beating and restraining Plaintiff, Defendants AHMED, BROWN, and
10 DOES 1 and 2 acted intentionally and under color of state law.

11 50. Defendants' beating and restraint of Plaintiff constituted an unreasonable
12 seizure that deprived Plaintiff of his Fourth Amendment rights.

13 51. Plaintiff is informed and believes and thereon alleges that Defendants
14 AHMED, BROWN, and Officers DOE 1 and 2 acted pursuant to a longstanding CITY
15 Police Department custom and practice of using hobble devices to hogtie arrestees who
16 have not resisted less severe restraints and who are not violently resisting arrest. Such
17 restraint of arrestees constitutes an unreasonable seizure in violation of the Fourth
18 Amendment.

19 52. Defendant CITY's longstanding custom and practice of using hobble
20 devices to hogtie arrestees was the moving force that caused Defendants AHMED,
21 BROWN, and DOE 1 and 2 to violate Plaintiff's Fourth Amendment rights.

22 53. As a further actual and proximate result of CITY's custom and practice,
23 Plaintiff suffered severe injuries to his face, shoulders, and left wrist.

24 ///

25 ///

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

III.

THIRD CAUSE OF ACTION

FAILURE TO INTERCEDE

[42 U.S.C. § 1983]

(By Plaintiff Against Defendants BROWN and DOES 1-10)

54. Plaintiff incorporates by reference paragraphs 1-22 as though fully set forth herein.

55. On June 1, 2021, Defendant AHMED arrested Plaintiff at 657 North Crescent Avenue, San Bernardino for violation of *Penal Code* section 29800(a)(1) (felon in possession of firearm).

56. AHMED handcuffed Plaintiff and put Plaintiff in his patrol vehicle. Plaintiff was uncooperative and profane, but did not threaten AHMED or BROWN and did not kick anything in the patrol vehicle or attempt to remove the handcuffs.

57. AHMED headed east on 6th Street towards the San Bernardino CDC located at 630 East Rialto Avenue, San Bernardino. Plaintiff's verbal abuse continued.

58. Although AHMED asserted (and his assertion was recorded on his body-worn camera and audio recorder) that Plaintiff was kicking the side of the patrol vehicle and attempting to remove his handcuffs, Plaintiff did not kick the vehicle or attempt to remove the handcuffs.

59. When AHMED, BROWN, and Plaintiff reached the vicinity of West 6th Street and North "E" Street, AHMED decided to give Plaintiff a beating instead of proceeding less than a mile to the CDC. AHMED stopped the patrol vehicle and, at 10:22 p.m., called for the assistance of a unit with a hobble restraint.

60. The entire purpose of AHMED's call for assistance was to provide cover for the beating he was about to inflict on Plaintiff. Plaintiff was handcuffed in the rear seat of AHMED's patrol vehicle and was not kicking anything. When AHMED purportedly called for assistance, he was only two blocks from the San Bernardino Police station.

1 61. AHMED pulled Plaintiff out of the patrol vehicle, threw him to the ground,
2 pushed his face into the pavement, and gave him a severe beating.

3 62. AHMED selectively turned off the audio and video recorder on his body-
4 worn camera at the incriminating points of his beating of Plaintiff.

5 63. Officer BROWN watched AHMED beat a non-resisting Plaintiff for
6 several minutes and had several realistic opportunities to intercede.

7 64. However, in deliberate indifference to Plaintiff's constitutional rights,
8 BROWN made no attempt to stop AHMED's beating of Plaintiff.

9 65. In pulling Plaintiff out of the car and beating Plaintiff, AHMED acted
10 intentionally and under color of state law.

11 66. AHMED's acts deprived Plaintiff of his Fourth Amendment right to be free
12 of unreasonable seizures.

13 67. In watching AHMED beat Plaintiff, BROWN acted under color of state
14 law.

15 68. BROWN's failure to intercede was a proximate cause and moving force in
16 the deprivation of Plaintiff's Fourth Amendment rights.

17 69. When the second unit arrived several minutes later with a hobble restraint,
18 AHMED and Defendant Officers DOE 1 and 2 improperly applied the restraint so as to
19 attach Plaintiff's wrists to his feet behind his back.

20 70. AHMED further twisted Plaintiff's arms behind his back so as to cause
21 severe shoulder injuries.

22 71. In so restraining a non-resisting Plaintiff, AHMED and DOES 1 and 2
23 acted under color of state law.

24 72. The acts of AHMED and DOES 1 and 2 deprived Plaintiff of his Fourth
25 Amendment right to be free of unreasonable seizures.

26 73. In watching AHMED and DOES 1 and 2 improperly restrain a non-
27 resisting Plaintiff, BROWN acted under color of state law.

28

1 84. A reasonable person in Plaintiff's position would have been intimidated by
2 AHMED's conduct and threat.

3 85. When AHMED, BROWN, and Plaintiff reached the vicinity of West 6th
4 Street and North "E" Street, AHMED decided to give Plaintiff a beating instead of
5 proceeding less than a mile to the CDC. AHMED stopped the patrol vehicle and, at
6 10:22 p.m., called for the assistance of a unit with a hobble restraint.

7 86. AHMED pulled Plaintiff out of the patrol vehicle, threw him to the ground,
8 pushed his face into the pavement, and gave him a severe beating.

9 87. In beating Plaintiff, AHMED acted within the course and scope of his
10 employment as Sergeant in the SBPD.

11 88. AHMED's beating of Plaintiff was the actual and proximate cause of the
12 injuries to his face, shoulders, and left wrist.

13 89. AHMED's conduct was intentional, despicable, malicious, and oppressive
14 and was done with a willful, wanton, and conscious disregard for Plaintiff's rights.

15 90. The CITY is vicariously liable for the acts of AHMED pursuant to
16 California *Government Code* section 815.2(a), which provides that a public entity is
17 liable for the injuries proximately caused by an act or omission of an employee of the
18 public entity within the scope of his employment if the act or omission would have
19 given rise to a cause of action against that employee.

20 **V.**

21 **FIFTH CAUSE OF ACTION**

22 **BANE CIVIL RIGHTS ACT**

23 **[Civil Code § 52.1]**

24 (By Plaintiff Against Defendants AHMED, CITY, and DOES 1-10)

25 91. Plaintiff incorporates by reference paragraphs 1-22 as though fully set forth
26 herein.

27 92. At all times relevant, Defendant AHMED was a Sergeant in the San
28 Bernardino Police Department.

1 93. On June 1, 2021, Defendant AHMED arrested Plaintiff at 657 North
2 Crescent Avenue, San Bernardino for violation of *Penal Code* section 29800(a)(1)
3 (felon in possession of firearm).

4 94. AHMED handcuffed Plaintiff and put Plaintiff in his patrol vehicle.
5 Plaintiff was uncooperative and profane, but did not threaten AHMED or BROWN and
6 did not kick anything in the patrol vehicle or attempt to remove the handcuffs. Plaintiff
7 expressed his belief that he was being arrested because he is black.

8 95. AHMED headed east on 6th Street towards the San Bernardino CDC
9 located at 630 East Rialto Avenue, San Bernardino. Plaintiff continued to accuse
10 AHMED of racism.

11 96. AHMED threatened Plaintiff that if his verbal attack did not stop, AHMED
12 would cause it to stop.

13 97. Plaintiff reasonably believed that, if he continued to exercise his First
14 Amendment right of expression, AHMED would commit violence against him and that
15 AHMED had the apparent ability to carry out his threats.

16 98. When AHMED, BROWN, and Plaintiff reached the vicinity of West 6th
17 Street and North "E" Street, AHMED decided to give Plaintiff a beating and stopped the
18 patrol vehicle. AHMED intended to deprive Plaintiff of his enjoyment of the interests
19 protected by the First Amendment.

20 99. AHMED pulled Plaintiff out of the patrol vehicle, threw him to the ground,
21 pushed his face into the pavement, and gave him a severe beating. Plaintiff suffered
22 severe injuries to his face, shoulders, and left wrist.

23 100. Plaintiff's exercise of his First Amendment rights was a substantial factor
24 in causing AHMED's attack.

25 101. AHMED's conduct was intentional, despicable, malicious, and oppressive
26 and was done with a willful, wanton, and conscious disregard for Plaintiff's rights.

27 102. The CITY is vicariously liable for the acts of AHMED pursuant to
28 California *Government Code* section 815.2(a), which provides that a public entity is

1 liable for the injuries proximately caused by an act or omission of an employee of the
2 public entity within the scope of his employment if the act or omission would have
3 given rise to a cause of action against that employee.

4 **VI.**

5 **SIXTH CAUSE OF ACTION**

6 **ASSAULT**

7 (By Plaintiff Against Defendants AHMED, CITY, and DOES 1-10)

8 103. Plaintiff incorporates by reference paragraphs 1-22 as though fully set forth
9 herein.

10 104. On June 1, 2021, Defendant AHMED arrested Plaintiff at 657 North
11 Crescent Avenue, San Bernardino for violation of *Penal Code* section 29800(a)(1)
12 (felon in possession of firearm).

13 105. AHMED handcuffed Plaintiff, put Plaintiff in his patrol vehicle, and
14 headed towards the San Bernardino Central Detention Center. Plaintiff was
15 uncooperative and profane, but did not threaten AHMED or BROWN and did not kick
16 anything in the patrol vehicle or attempt to remove the handcuffs.

17 106. AHMED headed east on 6th Street towards the San Bernardino CDC
18 located at 630 East Rialto Avenue, San Bernardino. Plaintiff's verbal abuse continued.

19 107. AHMED threatened Plaintiff that if his verbal abuse did not stop, AHMED
20 would cause it to stop. Through this threat, AHMED intended to cause Plaintiff to
21 anticipate imminent harmful contact.

22 108. Plaintiff understood that AHMED intended to beat him if he did not stop
23 talking.

24 109. It reasonably appeared to Plaintiff that AHMED was about to carry out his
25 threat.

26 110. Plaintiff did not consent to AHMED's conduct.
27
28

1 111. When AHMED, BROWN, and Plaintiff reached the vicinity of West 6th
2 Street and North "E" Street, AHMED decided to give Plaintiff a beating and stopped the
3 patrol vehicle.

4 112. AHMED pulled Plaintiff out of the patrol vehicle, threw him to the ground,
5 pushed his face into the pavement, and gave him a severe beating. Plaintiff suffered
6 severe injuries to his face, shoulders, and left wrist.

7 113. AHMED's conduct was a substantial factor in causing Plaintiff's harm.

8 114. AHMED's conduct was intentional, despicable, malicious, and oppressive
9 and was done with a willful, wanton, and conscious disregard for Plaintiff's rights.

10 115. The CITY is vicariously liable for the acts of AHMED pursuant to
11 California *Government Code* section 815.2(a), which provides that a public entity is
12 liable for the injuries proximately caused by an act or omission of an employee of the
13 public entity within the scope of his employment if the act or omission would have
14 given rise to a cause of action against that employee.

15 **VII.**

16 **SEVENTH CAUSE OF ACTION**

17 **BATTERY**

18 (By Plaintiff Against Defendants AHMED, CITY, and DOES 1-10)

19 116. Plaintiff incorporates by reference paragraphs 1-22 as though fully set forth
20 herein.

21 117. On June 1, 2021, Defendant AHMED arrested Plaintiff at 657 North
22 Crescent Avenue, San Bernardino for violation of *Penal Code* section 29800(a)(1)
23 (felon in possession of firearm).

24 118. AHMED handcuffed Plaintiff, put Plaintiff in his patrol vehicle, and
25 headed towards the San Bernardino Central Detention Center. Plaintiff was
26 uncooperative and profane, but did not threaten AHMED or BROWN and did not kick
27 anything in the patrol vehicle or attempt to remove the handcuffs.

1 119. When AHMED, BROWN, and Plaintiff reached the vicinity of West 6th
2 Street and North “E” Street, AHMED decided to give Plaintiff a beating and stopped the
3 patrol vehicle.

4 120. AHMED pulled Plaintiff out of the patrol vehicle, threw him to the ground,
5 pushed his face into the pavement, and gave him a severe beating with the intent to
6 harm.

7 121. Plaintiff did not consent to AHMED’s beating.

8 122. As a direct and proximate result of the beating, Plaintiff suffered severe
9 injuries to his face, shoulders, and left wrist.

10 123. A reasonable person in Plaintiff’s situation would have been offended by
11 AHMED’s beating.

12 124. AHMED’s conduct was intentional, despicable, malicious, and oppressive
13 and was done with a willful, wanton, and conscious disregard for Plaintiff’s rights.

14 125. The CITY is vicariously liable for the acts of AHMED pursuant to
15 California *Government Code* section 815.2(a), which provides that a public entity is
16 liable for the injuries proximately caused by an act or omission of an employee of the
17 public entity within the scope of his employment if the act or omission would have
18 given rise to a cause of action against that employee.

19 **VIII.**

20 **EIGHTH CAUSE OF ACTION**

21 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

22 (By Plaintiff Against Defendants AHMED, BROWN, CITY, and DOES 1-10)

23 126. Plaintiff incorporates by reference paragraphs 1-22 as though fully set forth
24 herein.

25 127. On June 1, 2021, Defendant AHMED arrested Plaintiff at 657 North
26 Crescent Avenue, San Bernardino for violation of *Penal Code* section 29800(a)(1)
27 (felon in possession of firearm).
28

1 128. AHMED handcuffed Plaintiff, put Plaintiff in his patrol vehicle, and
2 headed towards the San Bernardino Central Detention Center. Plaintiff was
3 uncooperative and profane, but did not threaten AHMED or BROWN and did not kick
4 anything in the patrol vehicle or attempt to remove the handcuffs.

5 129. When AHMED, BROWN, and Plaintiff reached the vicinity of West 6th
6 Street and North "E" Street, AHMED decided to give Plaintiff a beating and stopped the
7 patrol vehicle.

8 130. AHMED pulled Plaintiff out of the patrol vehicle, threw him to the ground,
9 pushed his face into the pavement, and gave him a severe beating with the intention to
10 cause severe emotional distress.

11 131. Officer BROWN watched AHMED beat a non-resisting Plaintiff for
12 several minutes and had several realistic opportunities to intercede.

13 132. However, in deliberate indifference to Plaintiff's constitutional rights, and
14 with the intention to cause Plaintiff severe emotional distress, BROWN made no
15 attempt to stop AHMED's beating of Plaintiff.

16 133. As an actual and proximate result of AHMED's beating, Plaintiff suffered
17 severe emotional distress.

18 134. The conduct of AHMED and BROWN was intentional, despicable,
19 malicious, and oppressive and was done with a willful, wanton, and conscious disregard
20 for Plaintiff's rights.

21 135. The CITY is vicariously liable for the acts of AHMED and BROWN
22 pursuant to California *Government Code* section 815.2(a), which provides that a public
23 entity is liable for the injuries proximately caused by an act or omission of an employee
24 of the public entity within the scope of his employment if the act or omission would
25 have given rise to a cause of action against that employee.

26 ///

27 ///

1 THEREFORE, Plaintiff prays for judgment against Defendants as follows:

2 **ON THE FIRST CAUSE OF ACTION (§ 1983 EXCESSIVE FORCE)**

- 3 1. For general and special damages;
- 4 2. For exemplary and punitive damages;
- 5 3. For attorney fees pursuant to 42 U.S.C. § 1988;
- 6 4. For costs of suit; and
- 7 5. For such other and further relief as the court may deem proper.

8 **ON THE SECOND CAUSE OF ACTION (§ 1983 MONELL)**

- 9 6. For general and special damages;
- 10 7. For attorney fees pursuant to 42 U.S.C. § 1988;
- 11 8. For costs of suit; and
- 12 9. For such other and further relief as the court may deem proper.

13 **ON THE THIRD CAUSE OF ACTION (§ 1983 FAILURE TO INTERCEDE)**

- 14 10. For general and special damages;
- 15 11. For attorney fees pursuant to 42 U.S.C. § 1988;
- 16 12. For costs of suit; and
- 17 13. For such other and further relief as the court may deem proper.

18 **ON THE FOURTH CAUSE OF ACTION (RALPH ACT)**

- 19 14. For general and special damages;
- 20 15. For a statutory penalty in the sum of \$25,000 pursuant to *Civil Code* §
- 21 52(b)(2);
- 22 16. For exemplary and punitive damages;
- 23 17. For attorney fees pursuant to *Civil Code* § 52(b)(3);
- 24 18. For costs of suit; and
- 25 19. For such other and further relief as the court may deem proper.

26 **ON THE FIFTH CAUSE OF ACTION (BANE ACT)**

- 27 20. For general and special damages;
- 28 21. For exemplary and punitive damages;

- 22. For attorney fees pursuant to *Civil Code* § 52.1(h);
- 23. For costs of suit; and
- 24. For such other and further relief as the court may deem proper.

ON THE SIXTH CAUSE OF ACTION (ASSAULT)

- 25. For general and special damages;
- 26. For exemplary and punitive damages;
- 27. For costs of suit; and
- 28. For such other and further relief as the court may deem proper.

ON THE SEVENTH CAUSE OF ACTION (BATTERY)

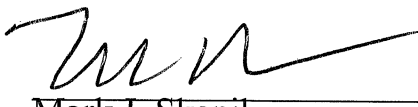
- 29. For general and special damages;
- 30. For exemplary and punitive damages;
- 31. For costs of suit; and
- 32. For such other and further relief as the court may deem proper.

ON THE EIGHTH CAUSE OF ACTION (IIED)

- 33. For general and special damages;
- 34. For exemplary and punitive damages;
- 35. For costs of suit; and
- 36. For such other and further relief as the court may deem proper.

SKAPIK LAW GROUP

Dated: January 21, 2022

By: 
 Mark J. Skapik
 Attorneys for Plaintiff
 DESHAWN WRIGHT

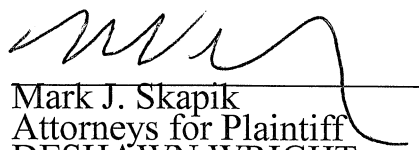
DEMEND FOR JURY TRIAL

Plaintiff hereby demands trial by jury.

SKAPIK LAW GROUP

Dated: January 21, 2022

By:


Mark J. Skapik
Attorneys for Plaintiff
DESHAWN WRIGHT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28