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14 **UNITED STATES DISTRICT COURT**  
15 **CENTRAL DISTRICT OF CALIFORNIA**

16 SLADE DOUGLAS, individually  
17 Plaintiff,

18 vs.

19 CITY OF LOS ANGELES; OFFICER  
20 YABANA; OFFICER WHEELER; AND  
21 DOES 1 TO 10.  
22 Defendants.

Case No.:

**COMPLAINT FOR DAMAGES**

- 1. VIOLATION OF 42 U.S.C. § 1983 (UNCONSTITUTIONAL DETENTION)
- 2. VIOLATION OF 42 U.S.C. § 1983 (EXCESSIVE FORCE)
- 3. VIOLATION OF 42 U.S.C. § 1983 (RETALIATION)
- 4. VIOLATION OF 42 U.S.C. § 1983 (VIOLATION OF DUE PROCESS)
- 5. VIOLATION OF 42 U.S.C. § 12101 ET SEQ. (AMERICANS WITH DISABILITIES ACT)
- 6. BANE ACT
- 7. BATTERY
- 8. FALSE ARREST & IMPRISONMENT
- 9. NEGLIGENCE
- 10. NEGLIGENT EMPLOYMENT AND SUPERVISION

23 COMPLAINT FOR DAMAGES

**INTRODUCTION**

1  
2 1. This case arises out of Defendant LAPD Officers Yabana’s and  
3 Wheeler’s unjustified arrest on August 27, 2019. On that date, Officers Yabana  
4 and Wheeler arrived at Plaintiff Slade Douglas’ (“Mr. Douglas”) home, ostensibly  
5 to check on his welfare. Mr. Douglas invited them in. It was clear that Mr.  
6 Douglas was not a threat to himself, or others, and that he was not gravely disabled  
7 and the officers observed the same. However, as soon as Mr. Douglas complained  
8 about Defendants’ verbal harassment of him, and attempted to call LAPD  
9 supervisors to inform them of the Defendant officers’ conduct, Defendants  
10 snatched the phone out of his hand and arrested Mr. Douglas in retaliation for his  
11 attempts to make a complaint about their actions. There was no basis to arrest or  
12 detain Mr. Douglas. Nonetheless the officers arrested him and handcuffed him in  
13 an extremely painful manner and despite Mr. Douglas telling them about pre-  
14 existing spinal injuries.

15 2. Defendants took Mr. Douglas to Good Samaritan Hospital (“Good  
16 Samaritan”) against his will. Once at Good Samaritan, the officers sought to “find  
17 something” in Mr. Douglas’ system in order to justify their actions. Mr. Douglas  
18 declined treatment and requested to be released. At no point was he a threat to any  
19 officer, or anyone else. Nevertheless hospital personnel assisted the officers , and  
20 had Mr. Douglas injected with sedatives and forcibly extracted samples from his  
21 body against his will.

22 3. As a result of these abuses Mr. Douglas suffered physical injuries in  
23 the form of a wound and infection inside his penis due to the non-consensual  
24 insertion of a catheter into his penis. He also suffered sustained nerve damage and  
25 numbness in his wrist due to the Defendants’ abusive handcuffing of him, and  
26 severe emotional distress from the incident.

27 //

1 **JURISDICTION AND VENUE**

2 4. This Court has subject matter jurisdiction over this action under 28  
3 U.S.C. §§ 1331, and supplemental jurisdiction over Plaintiff’s state law claims  
4 under 28 U.S.C. § 1367. The Court has personal jurisdiction over the Defendants  
5 because they are residents of and/or conduct business in the Central District of  
6 California.

7 5. Venue is proper in this District under 28 U.S.C. § 1391 because the  
8 unlawful actions challenged herein occurred in the Central District; and all parties  
9 reside in the Central District.

10 **PARTIES**

11 6. Plaintiff Slade Douglas brings this action individually. Plaintiff is a  
12 resident of the City of Los Angeles and was a resident of the City at all times  
13 during the events alleged in this complaint. Plaintiff is a veteran who has resided in  
14 the City of Los Angeles for many years.

15 7. Defendant City of Los Angeles (“City”) is a municipality duly  
16 organized under the laws of the State of California. At all relevant times, the Los  
17 Angeles Police Department (“LAPD”) was a branch or agency of the City. The  
18 LAPD officers involved in unlawful acts alleged herein were all LAPD officers  
19 acting within the course and scope of their duties. The City is responsible for  
20 Plaintiff’s injuries under 42 U.S.C. § 1983 because its policies and customs caused  
21 Plaintiff’s injuries. The City is also responsible for the actions of its employees for  
22 violations of California law under California Government Code § 815.2 based on  
23 *respondeat superior*.

24 8. Defendant Yabana, Serial Number 36877, is an LAPD Officer who  
25 falsely arrested Mr. Douglas and subjected him to excessive force as retaliation for  
26 requesting that he leave and stop verbally harassing him, and attempting to inform  
27 the LAPD of Defendant Yabana’s actions, as alleged in greater detail herein.



1 as principal. The defendant officers, including those involved in the obstruction of  
2 justice, were engaged in a conspiracy to violate Plaintiff's constitutional rights and  
3 were acting as co-conspirators with this aim in mind.

4 13. All Defendants, at all times relevant to the allegations herein, acted  
5 under the color of state law and are sued in both their individual and official  
6 capacities.

7 14. In committing the acts alleged in this complaint, the individual  
8 Defendants acted knowingly, maliciously and with reckless or callous disregard for  
9 Plaintiff's constitutional and other justifying an award of punitive damages under  
10 federal and California law against each individual Defendant.

11  
12 **STATEMENT OF FACTS**

13 15. On August 27, 2019, Plaintiff spoke with a woman at the Veterans  
14 Administration ("VA") assistance hotline by telephone regarding discrimination he  
15 was facing. The woman to whom Plaintiff spoke did not listen to him and  
16 continued to interrupt him. Plaintiff became frustrated and informed her that he  
17 was going to hang up, and eventually did so.

18 16. The hotline operator called the LAPD and suggested that they perform  
19 a welfare check on Plaintiff. Plaintiff did not have any intention to harm himself,  
20 nor did he express such a desire to the hotline operator.

21 17. After this call, Officers Yabana and Wheeler from the LAPD arrived  
22 at Plaintiff's apartment, purportedly to conduct a welfare check. When Plaintiff  
23 answered the door, he invited the officers into the apartment. He explained to  
24 Officers Yabana and Wheeler that he is in no danger of harming himself or others.  
25 Plaintiff also gave no indication that he posed any such risk and made it obvious to  
26 any reasonable officer that he posed none.

1 18. The officers became condescending and began to provoke Mr.  
2 Douglas. Because of this, Plaintiff asked them to leave his home. The officers  
3 refused, at which point Plaintiff began to call 911.

4 19. One of the officers snatched the phone out of Plaintiff's hand and told  
5 him that they were the police and Plaintiff could not call the police on them. They  
6 placed him under arrest. Plaintiff was not given a reason why he was being  
7 detained. The officers mocked Mr. Douglas, a Black man in his forties, including  
8 calling him "boy."

9 20. As Plaintiff was handcuffed the officers began to search his home,  
10 though he had given no consent to do so.

11 21. Mr. Douglas has a spinal injury and radiculopathy and requested that  
12 the officers handcuff him in a way that reasonably accommodated his disabilities.  
13 The officers refused handcuffing his hands in front, or otherwise accommodating  
14 Mr. Douglas, claiming it was required by departmental policy. LAPD policy did  
15 not require handcuffing Mr. Douglas in this way.

16 22. Plaintiff posed no threat to the officers at any time. There was no  
17 basis or probable cause to arrest him, and no basis for arresting him in this manner.  
18 The officers did so based on Mr. Douglas' lawful request that the officers leave his  
19 home, and his attempts to inform the police about their actions.

20 23. Mr. Douglas was taken from his apartment by Defendants Yabana and  
21 Wheeler in handcuffs. The officers handcuffed Mr. Douglas to a stretcher and had  
22 Mr. Douglas transported to Good Samaritan Hospital. Mr. Douglas repeatedly  
23 requested that he be taken to the nearby VA Medical Center if he was to be seen by  
24 medical personnel, but the officers refused and took him to Good Samaritan  
25 Hospital.

26 24. At Good Samaritan, Plaintiff protested that he was not a danger to  
27 himself or others and did not want treatment.

1 25. Plaintiff also told the officers he was handcuffed too tightly and that  
2 he was in great pain, and the officers refused to loosen his handcuffs.

3 26. Mr. Douglas overheard the police officers saying words to the effect  
4 that they needed to "find something" in his system to justify the arrest with medical  
5 personnel present. Following conversations with the officers, medical staff stated  
6 they could "give him something" that would enable them to extract samples from  
7 Plaintiff without consent. Police officers restrained Plaintiff while nurses injected  
8 him with what appear to have been sedatives, including Ativan, Haldol, and  
9 Benadryl, rendering him semi-unconscious, despite Mr. Douglas refusing consent  
10 to this, and without telling Plaintiff what they were injecting him with. Mr.  
11 Douglas did not behave violently or in any way that would cause a reasonable  
12 person to believe restraining Mr. Douglas and subjecting him to forced medical  
13 procedures was appropriate.

14 27. As part of these forced medical procedures, a catheter was inserted  
15 into Plaintiff's penis to perform tests on him. Plaintiff developed a wound inside  
16 his penis shortly thereafter.

17 28. Mr. Douglas was restrained and subjected to forced medical  
18 procedures, including injecting him against his will with sedatives and forcibly  
19 collecting specimens for a toxicology screen.

20 29. There was no basis for this forced treatment. Mr. Douglas was not a  
21 danger to himself or others, and he was not on drugs, nor has he ever used illegal  
22 drugs. The hospital itself later conceded that Plaintiff posed no risk to his life or  
23 others' and was not disabled. After being forcibly drugged and detained, he was  
24 placed in a vehicle and returned home on orders from the hospital.

25 30. Plaintiff is ignorant of the true names of other individuals responsible  
26 for these acts, but will amend to allege their true identities when they are  
27 ascertained.

1 31. As a result of the Defendants' false arrests and forced treatment of  
2 him, Plaintiff was emotionally traumatized, and has lasting physical injuries,  
3 including a wound to his urethra after it became infected from his forced  
4 catheterization. As a result of the LAPD officers unnecessary and painful  
5 handcuffing of him, he sustained nerve damage to his wrist, including numbness,  
6 and aggravation of his pre-existing back injury.

7 32. Mr. Douglas filed a claim with the City of Los Angeles on January 30,  
8 2020. His claim was denied on February 28, 2020.

9 **MONELL ALLEGATIONS**

10 33. Based on the principles set forth in *Monell v. New York City*  
11 *Department of Social Services*, 436 U.S. 658 (1978), the City Defendants are liable  
12 for all injuries sustained by Plaintiff as set forth herein. The City Defendants are  
13 liable because their policies, practices, and/or customs caused Plaintiff's injuries.  
14 The conduct alleged above resulted from the following policies, customs, or  
15 practices of the LAPD:

- 16 A. It was a common custom or practice for Los Angeles Police Department  
17 officers to seize people and take them into custody without probable  
18 cause for the seizure, and to fail to conduct any assessment of people  
19 alleged to be suffering from a mental health crisis.
- 20 B. It was also a custom and practice of LAPD officers to handcuff in an  
21 overly tight manner, resulting in wrist or nerve damage.
- 22 C. The LAPD had a custom, policy, or practice of allowing officers to  
23 handcuff arrestees behind their back with a single set of handcuffs,  
24 whether or not they were disabled or injured and this caused them great  
25 pain, and the arrestee posed no threat to the officers. The LAPD was  
26 previously sued for unnecessarily injuring such persons, and has  
27 declined to alter its training or policies. The LAPD failed to train

1 officers that they may not handcuff disabled and injured persons behind  
2 their back when there was no need to do so and such handcuffing  
3 injured them.

4 D. The LAPD had a policy, custom, or practice of failing to provide  
5 adequate training and supervision to officers with respect to  
6 constitutional limits the ability to arrest, particularly as part of an  
7 alleged check on a person suffering from a mental health crisis, and  
8 with respect to handcuffing.

9 E. The LAPD failed to train officers who may encounter a person they  
10 suspect to be mentally ill in how to evaluate and assess that person.

11 F. The LAPD failed to adequately discipline or retrain officers involved in  
12 misconduct;

13 G. The LAPD condoned and encouraged officers in the belief that they can  
14 violate the rights of persons such as Plaintiff with impunity, and that  
15 such conduct will not adversely affect officers' opportunities for  
16 promotion and other employment benefits;

17 34. The LAPD failed to adequately train Officers Yabana, Wheeler and  
18 DOES 1-10 in assessing whether a person should be detained pursuant to a § 5150  
19 hold, and that wrongfully arresting a person when not justified by § 5150 or an  
20 applicable warrant exception would result in negative consequences.

21 35. The LAPD also failed to adequately train Officers Yabana, Wheeler  
22 and DOES 1-10 in assessing whether a person should be handcuffed at all as well  
23 as in assessing whether to handcuff a person in front of or behind their back.

24 36. The LAPD also failed to adequately train Officers Yabana, Wheeler  
25 and DOES 1-10 that they should alter the method of handcuffing or remove the  
26 handcuffs if a person complained that the handcuffs were causing them great pain,  
27

1 or that they must include in the situation statements by an arrestee or detainee  
2 concerning their disabilities and/or medical conditions.

3 **FIRST CLAIM FOR RELIEF**  
4 **42 U.S.C. § 1983 FOR VIOLATIONS OF THE FOURTH AND**  
5 **FOURTEENTH AMENDMENTS OF THE UNITED STATES**  
6 **CONSTITUTION**  
7 **(UNCONSTITUTIONAL DETENTION)**

8 **(Against All Defendants)**

9 37. Plaintiff hereby incorporates by reference paragraphs 1 through 36  
10 herein, as if set forth in full.

11 38. The actions of Defendants City, Yabana, and Wheeler and DOES 1–  
12 10 deprived Plaintiff of his rights under the Fourth and Fourteenth Amendments to  
13 the United States Constitution. Plaintiff brings his claims for damages for the  
14 violation of these rights based on 42 U.S.C. § 1983.

15 43. Defendants violated Plaintiff’s rights under the Fourth and Fourteenth  
16 Amendments by, inter alia, detaining him without probable cause or a warrant  
17 knowing they had no justification to detain him at all. Defendants had no basis to  
18 detain him under Welfare and Institutions Code § 5150, or for any other reason.  
19 Defendants had no basis to detain Mr. Douglas for any period of time much less  
20 the period of time they did detain him. Defendants also had Mr. Douglas detained  
21 and subjected him to forceful treatment at Good Samaritan when there was no  
22 basis and no probable cause to do so.

23 45. As a direct and legal result of the acts and omissions of Defendants,  
24 Plaintiff has suffered great bodily injury, fear, anxiety, torment, and emotional  
25 distress.

26 46. Defendants’ acts were willful, malicious, intentional, oppressive,  
27 reckless and/or were done in willful and conscious disregard of the rights, welfare

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

3 **SECOND CLAIM FOR RELIEF**

4 **42 U.S.C. § 1983 FOR VIOLATIONS OF THE FOURTH AND**  
5 **FOURTEENTH AMENDMENTS OF THE UNITED STATES**

6 **CONSTITUTION**

7 **(Excessive Force)**

8 **(Against All Defendants)**

9 47. Plaintiff hereby incorporates by reference paragraphs 1 through 46  
10 herein, as if set forth in full.

11 48. The actions of Defendants City, Yabana, Wheeler and DOES 1–10  
12 deprived Plaintiff of his rights under the Fourth and Fourteenth Amendments to the  
13 United States Constitution. Plaintiff brings his claims for damages for the violation  
14 of these rights based on 42 U.S.C. § 1983.

15 49. Defendants violated Plaintiff’s Fourth and Fourteenth Amendment rights  
16 by subjecting him to excessive force by handcuffing him without justification and  
17 in a way which they knew would cause him significant pain, and subjecting him to  
18 forced and involuntary medical procedures. Defendants had absolutely no  
19 justification to use any force against Mr. Douglas. Defendants were informed that  
20 handcuffing would cause him pain and of Mr. Douglas’ injuries and nonetheless  
21 proceeded to handcuff him painfully and behind his back. There was no need to  
22 arrest Mr. Douglas at all, apart from which there was no reason to handcuff him in  
23 his way. Defendants could have taken Mr. Douglas without handcuffs. He posed  
24 no physical threat or danger to the officers. Nor did Defendants have any  
25 justification for handcuffing Mr. Douglas overly tightly, and refusing to loosen the  
26 handcuffs when it was apparent they were too tight, including after Mr. Douglas  
27

1 told them so. Likewise, Defendants had no justification for having him subjected  
2 to forceful and involuntary medical treatment, and drugging Mr. Douglas.

3 50. As a direct and legal result of the acts and omissions of Defendants,  
4 Plaintiff has suffered great bodily injury, fear, anxiety, torment, and emotional  
5 distress.

6 51. Defendants’ acts were willful, malicious, intentional, oppressive,  
7 reckless and/or were done in willful and conscious disregard of the rights, welfare  
8 and safety of Mr. Douglas, thereby justifying the awarding of punitive and  
9 exemplary damages in an amount to be determined at time of trial.

10 **THIRD CLAIM FOR RELIEF**

11 **42 U.S.C. § 1983 FOR VIOLATIONS OF THE FIRST AND FOURTEENTH**

12 **AMENDMENTS OF THE UNITED STATES CONSTITUTION**

13 **(RETALIATION)**

14 **(Against all Defendants)**

15 52. Plaintiff hereby incorporates by reference paragraphs 1 through 51  
16 herein, as if set forth in full.

17 53. The actions of Defendants City, Yabana, Wheeler and DOES 1–10  
18 deprived Plaintiff of his rights under the First and Fourteenth Amendments to the  
19 United States Constitution. Plaintiff brings his claims for damages for the violation  
20 of these rights based on 42 U.S.C. § 1983.

21 54. Defendants arrested Mr. Douglas, handcuffed him the way they did, and  
22 had him subjected to forced medical procedures in retaliation for his statements to  
23 the officers requesting they leave his home and his attempts to inform the LAPD  
24 about their actions. Defendants acted maliciously in retaliation for these  
25 statements.

1 55. As a direct and legal result of the acts and omissions of Defendants,  
2 Plaintiff has suffered great bodily injury, fear, anxiety, torment, and emotional  
3 distress.

4 56. Defendants' acts were willful, malicious, intentional, oppressive,  
5 reckless and/or were done in willful and conscious disregard of the rights, welfare  
6 and safety of Mr. Douglas thereby justifying the awarding of punitive and  
7 exemplary damages in an amount to be determined at time of trial.

8  
9 **FOURTH CLAIM FOR RELIEF**  
10 **42 U.S.C. § 1983 FOR VIOLATIONS OF THE FOURTEENTH**  
11 **AMENDMENTS OF THE UNITED STATES CONSTITUTION**  
12 **(VIOLATION OF DUE PROCESS)**  
13 **(Against All Defendants)**

14 57. Plaintiff hereby incorporates paragraphs 1 through 56 herein as  
15 though set forth in full.

16 58. Defendants' actions deprived Mr. Douglas of his rights under the  
17 Fourteenth Amendment to the United States Constitution. Mr. Douglas brings his  
18 claims for damages for the violation of these rights based on 42 U.S.C. § 1983.

19 59. Defendants violated Mr. Douglas' rights under the Fourteenth  
20 Amendment to substantive due process. Their conduct in causing Mr. Douglas to  
21 be detained as he was and undergo forced medical treatment, described in greater  
22 detail above, was deliberate and shocks the conscience. Furthermore it was also  
23 designed to punish Mr. Douglas, when there was neither any reason to do so nor  
24 any adjudication of guilt.

25 60. As a direct and legal result of the acts and omissions of Defendants,  
26 Plaintiff has suffered great bodily injury, fear, anxiety, torment, and emotional  
27 distress.

1 61. Defendants’ acts were willful, malicious, intentional, oppressive,  
2 reckless and/or were done in willful and conscious disregard of the rights, welfare  
3 and safety of Mr. Douglas thereby justifying the awarding of punitive and  
4 exemplary damages in an amount to be determined at time of trial.

5  
6 **FIFTH CLAIM FOR RELIEF**  
7 **DISCRIMINATION ON THE BASIS OF DISABILITY IN VIOLATION OF**  
8 **THE AMERICANS WITH DISABILITIES ACT**

9 (42 U.S.C. §§ 12101 et seq.)

10 (Against All Defendants)

11 62. Plaintiff hereby incorporates paragraphs 1 through 61 herein as  
12 though set forth in full.

13 63. Plaintiff suffers from a "disability" within the meaning and scope of  
14 42 U.S.C. § 12102. In particular, Plaintiff’s disability includes a spinal injury,  
15 which causes him radiating pain and interferes with his sleep and his ability to  
16 grasp objects. Accordingly, Mr. Douglas is a member of the class of persons  
17 protected by 42 U.S.C. § 12132, which makes it an unlawful for a public entity to  
18 discriminate against an individual with a disability or to deny the benefits of the  
19 services, programs or activities of a public entity to a person with a disability.

20 64. As alleged herein, Defendants discriminated against Mr. Douglas by,  
21 among other things, their failure to provide reasonable accommodations for Mr.  
22 Douglas’ disability. Defendant City of Los Angeles is a public entity within the  
23 meaning of 42 U.S.C. § 12131. Public entities are required to “make reasonable  
24 modifications in policies, practices, or procedures when the modifications are  
25 necessary to avoid discrimination on the basis of disability.” 28 C.F.R. §  
26 35.130(b)(7).

1 65. Defendant CITY is vicariously liable for the acts of Officers Yabana  
2 and Wheeler and DOES 1–10, and directly liable for its own failures to reasonably  
3 accommodate persons like Mr. Douglas, including through any appropriate  
4 trainings and policies as to handcuffing disabled persons like Mr. Douglas.

5 66. As a direct and legal result of the acts and omissions of Defendants,  
6 Plaintiff has suffered great bodily injury, fear, anxiety, torment, and emotional  
7 distress.

8 67. Defendants’ acts were willful, malicious, intentional, oppressive,  
9 reckless and/or were done in willful and conscious disregard of the rights, welfare  
10 and safety of Mr. Douglas thereby justifying the awarding of punitive and  
11 exemplary damages in an amount to be determined at time of trial.

12  
13 **SIXTH CLAIM FOR RELIEF**  
14 **(BANE ACT, CAL. CIVIL CODE §52.1)**  
15 **(Against All Defendants)**

16 68. Plaintiff hereby incorporates by reference paragraphs 1 through 67  
17 herein, as if set forth in full.

18 69. Defendants’ actions violated Plaintiff’s state and federal constitutional  
19 rights as guaranteed by the First, Fourth, and Fourteenth Amendments to the  
20 United States Constitution and via the California Constitution Article 1 sections 1,  
21 2, 7, and 13, as well as the Americans with Disabilities Act.

22 70. Defendants used force, intimidation, coercion, and intimidation in  
23 falsely imprisoning Mr. Douglas and subjecting him to unnecessary force. This  
24 was intended by the officer Defendants as a form of retaliation against Plaintiff for  
25 his request that officers leave and attempts to inform the LAPD of their actions,  
26 and to teach Mr. Douglas a lesson about exercising his First Amendment right in  
27 this way. The Defendants also subjected Mr. Douglas to an unlawful detention and

1 to uses of force that they knew were unlawful and excessive, notwithstanding this  
2 knowledge.

3 71. Defendant City is also liable for the acts of its officers under Cal.  
4 Gov't Code § 815.2.

5 72. Defendants' acts were willful, malicious, intentional, oppressive,  
6 reckless and/or were done in willful and conscious disregard of the rights, welfare  
7 and safety of Plaintiffs.

8 73. As a direct and legal result of the acts and omissions of Defendants,  
9 Plaintiff has suffered great bodily injury, fear, anxiety, torment, and emotional  
10 distress. He is entitled to compensatory damages for his injuries and, as to the  
11 individual Defendants, to all damages authorized by California Civil Code § 52.1,  
12 including punitive damages and attorney's fees as permitted by law.

13  
14 **SEVENTH CLAIM FOR RELIEF**

15 **(BATTERY)**

16 **(Against All Defendants)**

17 74. Plaintiff hereby incorporates paragraphs 1 through 73 herein as  
18 though set forth in full.

19 75. Defendants' conduct, as described above, caused Mr. Douglas to be  
20 apprehensive that Defendants would subject him to intentional invasions of his  
21 right to be free from offensive and harmful contact and demonstrated that at all  
22 times material herein, Defendants had a then-present ability to subject him to such  
23 contact, and in fact did so. This includes the Defendants' assault and battery  
24 against Mr. Douglas in arresting and handcuffing him, and in having him  
25 transported to Good Samaritan and handcuffing and restraining him there, and in  
26 subjecting him to forced medical procedures. Such conduct was neither consented  
27 to, nor at all reasonable or justified.

28 COMPLAINT FOR DAMAGES

1 76. Defendants' conduct was malicious and oppressive, and done with a  
2 conscious disregard of Plaintiff's rights. Defendants had absolutely no justification  
3 to use any force against Plaintiff. Defendants were informed that the handcuffing  
4 would cause him extreme pain due to his spinal injury and proceeded nonetheless  
5 to handcuff him behind his back. There was no basis to subject him to forced  
6 medical procedures or drug him.

7 77. Defendant City is liable for the acts of its officers under Cal. Gov't  
8 Code § 815.2.

9 78. As a direct and legal result of the acts and omissions of Defendants,  
10 Plaintiff has suffered great bodily injury, fear, anxiety, torment, and emotional  
11 distress.

12 79. Defendants' acts were willful, malicious, intentional, oppressive,  
13 reckless and/or were done in willful and conscious disregard of the rights, welfare  
14 and safety of Mr. Douglas thereby justifying the awarding of punitive and  
15 exemplary damages in an amount to be determined at time of trial.

16  
17 **EIGHTH CLAIM FOR RELIEF**  
18 **(FALSE ARREST AND IMPRISONMENT)**  
19 **(Against All Defendants)**

20 80. Plaintiff hereby incorporates paragraphs 1 through 79 herein as  
21 though set forth in full.

22 81. Defendants intentionally caused Mr. Douglas to be arrested and  
23 imprisoned, at his home and at Good Samaritan hospital, without justification to do  
24 so. There was no warrant permitting Mr. Douglas' arrest, and no exception to the  
25 requirement for a warrant otherwise permitting arresting or imprisoning Mr.  
26 Douglas. Defendants had no reasonable basis to conclude Mr. Douglas was a  
27

1 danger to himself, to others, or that he was gravely disabled requiring his detention  
2 pursuant to §5150, and he repeatedly showed and explained that he was not.

3 82. As a direct and legal result of the acts and omissions of Defendants,  
4 Plaintiff has suffered great bodily injury, fear, anxiety, torment, and emotional  
5 distress.

6 83. Defendant City is liable for the acts of its officers under Cal. Gov't  
7 Code § 815.2.

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

12  
13 **NINTH CLAIM FOR RELIEF**

14 **(NEGLIGENCE)**

15 **(Against All Defendants)**

16 85. Plaintiff hereby incorporates paragraphs 1 through 84 herein as  
17 though set forth in full.

18 84. Defendants owed Plaintiff a duty of care while in their custody and  
19 care. The officers had a duty to not use excessive force against him and to provide  
20 reasonable accommodations to accommodate his disability. They also had a duty  
21 of care not to unreasonably restrain, detain, and subject Mr. Douglas to forcible  
22 injections and medical procedures against his will.

23 85. Defendants, acting within the course and scope of their employment,  
24 breached their duties of care including, but not limited to arresting and restraining  
25 Mr. Douglas without probable cause or basis to do so, by subjecting him to  
26 excessive force and unnecessarily painful handcuffing, and by subjecting him to  
27 forceful medical procedures without his consent.

1 86. As a direct and legal result of the acts and omissions of Defendants,  
2 Plaintiff has suffered great bodily injury, fear, anxiety, torment, and emotional  
3 distress.

4 87. Defendant City is liable for the acts of its officers under Cal. Gov't  
5 Code § 815.2.

6 88. Defendants' acts were willful, malicious, intentional, oppressive,  
7 reckless and/or were done in willful and conscious disregard of the rights, welfare  
8 and safety of Mr. Douglas thereby justifying the awarding of punitive and  
9 exemplary damages in an amount to be determined at time of trial.

10 **TENTH CLAIM FOR RELIEF**

11 **(NEGLIGENT EMPLOYMENT AND SUPERVISION)**

12 **(Against Defendant City of Los Angeles)**

13 89. Plaintiff hereby incorporates paragraphs 1 through 89 herein as  
14 though set forth in full.

15 90. By August 27, 2019, Defendant City of Los Angeles, by and through  
16 its employees in the LAPD, as supervisors of the individually named Officer-  
17 Defendants herein, knew or in the exercise of due care should have known, that the  
18 individually named Defendants had not been trained properly in assessing whether  
19 a person should be detained pursuant to a § 5150 hold.

20 91. Defendant City of Los Angeles knew or should have known that its  
21 officers had a custom, practice, or policy of retaliating against citizens they  
22 perceived to challenge them, including in unnecessarily detaining them, and failed  
23 to discipline officers who so acted or to correct this custom, practice, or policy.

24 92. Defendant City of Los Angeles knew or should have known that its  
25 officers had a custom, practice, or policy of failing to accommodate disabled and  
26 wounded detainees who could not put their arms behind their back and causing  
27

1 them significant pain unnecessarily. Defendant City failed to take any action to  
2 correct this custom, practice, and policy.

3 93. On August 27, 2019, Defendants City of Los Angeles owed Plaintiff a  
4 duty of care when Defendant officers arrived at Plaintiff's home.

5 94. Defendant City of Los Angeles failed to adequately train and  
6 supervise its officers and therefore breached its duty of care to Plaintiff. On  
7 information and belief, the employees involved in the abuses alleged herein were  
8 neither punished or further trained in order to avoid such abuses again.

9 95. Defendants' acts were malicious, oppressive, reckless and/or were  
10 done in willful and conscious disregard of the rights, welfare and safety of Mr.  
11 Douglas thereby justifying the awarding of punitive and exemplary damages in an  
12 amount to be determined at time of trial.

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**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs seeks relief as follows:

- (a) for general damages, including emotional distress, according to proof;
- (b) for compensatory damages, according to proof;
- (c) for economic or pecuniary damages, according to proof;
- (d) for punitive or exemplary damages, against any non-government entity Defendants according to proof;
- (e) The award of any and all other damages allowed by law according to proof to be determined at the time of trial in this matter;
- (f) The award of costs of suit and reasonable attorneys’ fees pursuant to 42 U.S.C. §§ 1988 and 12205, California Code of Civil Procedure §1021.5, and California Civil Code § 52.1;
- (g) for prejudgment interest; and
- (h) for such other and further relief as the Court deems just and proper.

Dated: August 17, 2020

s/ Paul Hoffman  
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 Paul L. Hoffman  
 John Washington  
 SCHONBRUN SEPLOW HARRIS  
 HOFFMAN & ZELDES LLP

**DEMAND FOR JURY TRIAL**

Plaintiffs hereby respectfully demands that a trial by jury be conducted with respect to all issues presented herein.

Dated: August 17, 2020

s/ Paul Hoffman  
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Paul L. Hoffman  
John Washington  
SCHONBRUN SEPLOW HARRIS  
HOFFMAN & ZELDES LLP

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