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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TYRONNE DAVIS,

Plaintiff,

vs.

CITY OF OAKLAND, a municipal
corporation; RICHARD WORD,
individually and in his capacity
as Chief of Police for the
City of Oakland; RYAN GILL,
individually and in
his capacity as a police
officer for the City of Oakland;
DOES 1-100, inclusive,

Defendants.

) CASE NO.
)
)
) COMPLAINT FOR DAMAGES
) (42 U.S.C. §§1983; and
) pendent tort claims)
)

) JURY TRIAL DEMANDED
)

_____)

JURISDICTION

1 1. This action arises under 42 U.S.C. §§1983, 1985,
2 and 1986. Jurisdiction is based on 28 U.S.C. §§ 1331 and 1343.

INTRADISTRICT ASSIGNMENT

3
4 2. The claims alleged herein arose in the City of
5 Oakland, State of California. Therefore, venue and assignment
6 lies in the United States District Court for the Northern
7 District of California, San Francisco or Oakland Divisions. 28
8 U.S.C. Section 1391(b)(2).

PARTIES

9
10 3. Plaintiff, TYRONNE DAVIS, is an African American
11 male citizen of the United States.

12 4. Defendant CITY OF OAKLAND is, and at all times
13 herein mentioned was, a municipal corporation duly organized and
14 existing under the laws of the State of California.

15 5. Defendant RICHARD WORD (hereinafter, Defendant
16 WORD), is, and at all times herein mentioned was, the Chief of
17 Police for the CITY OF OAKLAND. Defendant WORD is sued in his
18 individual and official capacities. At all times mentioned
19 herein, Plaintiff is informed and believes and thereon alleges
20 that Defendant WORD was the policy-maker for Defendant CITY OF
21 OAKLAND on the matters alleged herein related to the customs,
22 policies, practices, of the CITY OF OAKLAND Police Department,
23 including, but not limited to, customs, policies and practices
24 related to the training, supervision, hiring and discipline of
25 police officers and with respect to the management and
26 supervision of the CITY OF OAKLAND Police Department. Defendant
27

1 WORD is sued herein in his official and individual capacities.

2 6. Defendant RYAN GILL (hereinafter Defendant GILL)
3 was at all times herein mentioned, a Police Officer for the CITY
4 OF OAKLAND and is sued herein in his individual and official
5 capacities.

6 7. Plaintiff is ignorant of the true names and/or
7 capacities of defendants sued herein as DOES 1 through 100,
8 inclusive, and therefore sues said defendants by such fictitious
9 names. Plaintiff will amend this complaint to allege their true
10 names and capacities when ascertained. Plaintiff is informed and
11 believes, and upon such information and belief alleges that each
12 of the Doe defendants is legally responsible and liable for the
13 incident, injuries and damages hereinafter set forth, and that
14 each of said defendants proximately caused said incidents,
15 injuries and damages by reason of their negligence, breach of
16 duty, negligent supervision, management or control, battery,
17 violation of constitutional rights, violation of public policy,
18 false arrests, or by reason of other personal, vicarious or
19 imputed negligence, fault, or breach of duty, whether severally
20 or jointly, or whether based upon agency, employment, ownership,
21 entrustment, custody, care or control or upon any other act or
22 omission. Plaintiff will ask leave to amend this complaint to
23 insert further charging allegations when such facts are
24 ascertained.

25 8. In doing the acts alleged herein, Defendants, and
26 each of them, acted within the course and scope of their
27 employment for Defendant CITY OF OAKLAND.

1 9. In doing the acts and/or omissions alleged herein,
2 Defendants, and each of them, acted under color of authority
3 and/or under color of law.

4 10. In doing the acts and/or omissions alleged herein,
5 Defendants, and each of them, acted as the agent, servant,
6 employee and/or in concert with each of said other Defendants
7 herein.

8 STATEMENT OF FACTS

9 11. Plaintiff is informed and believes and thereon
10 alleges that the CITY OF OAKLAND Police Department maintained
11 customs, policies and/or practices wherein Defendant CITY OF
12 OAKLAND Police Officers were encouraged, authorized and/or
13 otherwise permitted to engage in repeated civil rights violations
14 against African American citizens living, traveling and/or
15 visiting in the City of Oakland and were also encouraged,
16 authorized and/or otherwise permitted to prepare and file false
17 police reports, fabricate evidence, subject such persons to
18 excessive force and otherwise maliciously arrest numerous
19 individuals for crimes they did not commit.

20 12. Plaintiff is further informed and believes and
21 thereon alleges that the abuses in question were the product of a
22 culture of tolerance within the CITY OF OAKLAND Police
23 Department. This culture is rooted in the deliberate
24 indifference of high ranking City Officials, including, but not
25 limited to Defendants WORD, DOES 1-100, and/or other high ranking
26 Police Department officials and/or supervisors, and each of them,
27 individually and/or acting in concert with one another, who have

1 routinely acquiesced in the misconduct and otherwise failed to
2 take necessary measures to prevent and curtail such misconduct.

3 13. Plaintiff is informed and believes and thereon
4 allege that Plaintiff suffered the violation of his
5 constitutional rights as a result of customs, policies, patterns
6 and/or practices of Defendant CITY OF OAKLAND, Defendants WORD,
7 DOES 1-100, and each of them, including, but not limited to,
8 deliberate indifference in the hiring, supervision, training, and
9 discipline of members of the Oakland Police Department,
10 including, but not limited to, Defendants GILL, DOES 1-100,
11 and/or each of them.

12 14. Plaintiff is further informed and believes and
13 thereon alleges that he suffered the violation of his
14 constitutional rights as alleged herein as a result of customs,
15 policies and/or practices of Defendants CITY OF OAKLAND, WORD,
16 DOES 1-100, and/or each of them, including customs, policies
17 and/or practices of failing to ensure that officers were not
18 encouraged by their training officers, in the academy and
19 elsewhere to engage in acts of misconduct against citizens and to
20 falsify reports and evidence; of failing to fully and/or fairly
21 investigate alleged misconduct by its police officers; of failing
22 to appropriately monitor or otherwise track complaints of
23 misconduct against its police officers so that appropriate and
24 timely disciplinary action and/or training could be taken when
25 officer(s) were shown to have a history of complaints; and/or of
26 failing to promptly remove or terminate officers who repeatedly
27 violated the rights of citizens and/or engaged in the type of

1 misconduct alleged herein.

2 15. Plaintiff is informed and believes and thereon
3 alleges that the aforementioned incidents were caused by the
4 deliberate indifference of Defendants CITY OF OAKLAND, WORD, DOES
5 1-100, and/or other high ranking Police Department officials
6 and/or supervisors, with regard to the need for more or different
7 training and/or supervision and/or discipline of its police
8 officers, including, but not limited to, Defendants GILL, DOES 1-
9 100, and/or each of them.

10 16. Plaintiff is further informed and believes and
11 thereon alleges that he suffered the violation of his
12 constitutional rights as a result of customs, policies, or
13 practices of Defendants CITY OF OAKLAND, WORD, DOES 1-100, and
14 each of them, individually and/or acting in concert with one
15 another, including, but not limited to, customs, policies or
16 practices which encouraged, authorized or condoned false arrests,
17 fabrication of evidence, falsification of police reports and/or
18 other misconduct which foreseeably would result in the violation
19 of the rights of citizens.

20 17. Plaintiff is further informed and believes and
21 thereon alleges that as a result of Defendant CITY OF OAKLAND's
22 policy of indifference, a custom or practice developed within the
23 Oakland Police Department whereby it was accepted practice for
24 police officers to abide by a "Code of Silence." Under this
25 Code, police officers charged with upholding the law routinely
26 ignored or otherwise failed to report or take action against
27 fellow police officers who engaged in misconduct, including, but

1 not limited to, Defendants GILL, DOES 1-100 and/or each of them.

2 18. Plaintiff is further informed and believes and
3 thereon alleges that Defendants CITY OF OAKLAND, WORD, DOES 1-
4 100, and/or each of them, tacitly or directly ratified, approved,
5 condoned and/or otherwise encouraged a pattern, practice, custom
6 or policy of misconduct and/or civil rights violations by his
7 subordinates, such as occurred in the instant case.

8 19. Plaintiff is informed and believes and thereon
9 alleges that prior to the subject incident, Defendants CITY OF
10 OAKLAND, WORD, DOES 1-100 and/or other high ranking members of
11 the City of Oakland Police Department were on actual notice of
12 problems with the accountability of City of Oakland Police
13 Officers, including, but not limited to, problems with the
14 ability of the Professional Standards Division of the Oakland
15 Police Department in fully, fairly, and objectively investigate
16 citizens' complaints concerning misconduct of members of the City
17 of Oakland Police Department.

18 20. Plaintiff is informed and believes and thereon
19 alleges that as a result of customs, policies, practices and/or
20 the lack thereof, Defendants CITY OF OAKLAND, WORD and/or other
21 policy makers and/or high ranking supervisors of the City of
22 Oakland Police Department (DOES 1-100) have encouraged,
23 authorized, ratified, condoned and/or have failed to remedy
24 continuing acts of misconduct and civil rights violations,
25 including, but not limited to, those which have resulted in the
26 damage as alleged herein to the Plaintiff.

27 21. Plaintiff is informed and believes and thereon

1 alleges that the subject incident was the result of a custom,
2 policy, pattern and/or practice of Defendants CITY OF OAKLAND
3 and/or other members of the City of Oakland Police Department
4 (DOES 1-100 and/or each of them) whereby African American males,
5 such as the Plaintiff, were singled out for disparate treatment
6 and subjected to excessive force, false arrests and/or false
7 imprisonments because of their race, gender and/or age.

8 22. Plaintiff is further informed and believes and
9 thereon alleges that despite having notice of customs, policies,
10 patterns and/or practices by members of the City of Oakland
11 Police Department wherein African American men were repeatedly
12 subjected to excessive force, unreasonable searches and seizures,
13 false arrests, false imprisonments and false charges of drug
14 possession and/or sale, Defendants CITY OF OAKLAND, WORD and/or
15 other high ranking officials of the CITY OF OAKLAND and/or CITY
16 OF OAKLAND POLICE DEPARTMENT (DOES 1-100 and/or each of them)
17 have failed to take any or appropriate remedial action to prevent
18 continuing misconduct by members of the City of Oakland Police
19 Department.

20 **ALLEGATIONS CONCERNING THE PLAINTIFF'S INCIDENT**

21 23. On or about May 8, 2003, Plaintiff was arrested
22 without reasonable or probable cause to believe Plaintiff
23 committed any crime by a City of Oakland Police Officer whom
24 Plaintiff is informed and believes and thereon alleges was
25 Defendant RYAN GILL OR DOE 1.

26 24. During the course of said arrest, Defendant GILL
27 OR DOE 1 subjected the Plaintiff to excessive and unreasonable

1 force, including, but not limited to, throwing Plaintiff to the
2 ground, punching and kicking the Plaintiff in and about the
3 head and face

4 25. As a result of said use of force by Defendant
5 GILL OR DOE 1, Plaintiff was taken to Highland Hospital for
6 emergency medical treatment. Plaintiff received medical
7 treatment for his injuries at Highland Hospital which included,
8 but was not limited to, stitches in his face and lip

9 26. Plaintiff is informed and believes and thereon
10 alleges that Defendant GILL OR DOE 1 falsely accused Plaintiff
11 of crimes, including, but not limited to, loitering with the
12 intent to sell drugs and violating PC 148. Plaintiff is
13 informed and believes and thereon alleges that said charges
14 were later dismissed.

15 27. Plaintiff is informed and believes and thereon
16 alleges that Defendant GILL OR DOE 1'S supervisor(s) (DOES 2-
17 100) were notified of Defendant GILL OR DOE 1'S use of force on
18 the Plaintiff and that photographs were taken of the Plaintiff
19 while he was at Highland Hospital.

20 28. Plaintiff is informed and believes and thereon
21 alleges that Defendant GILL OR DOE 1'S acts and/or omissions as
22 alleged herein were motivated by racial animus and/or subjected
23 the Plaintiff to disparate treatment on account of Plaintiff's
24 race, gender and/or age.

25 29. Plaintiff is informed and believes and thereon
26 alleges that notwithstanding the fact that Defendant GILL OR
27 DOE 1 subjected Plaintiff to excessive force and falsely

1 claimed that the Plaintiff had committed the aforementioned
2 crimes, no disciplinary or other remedial action and/or
3 Defendant GILL OR DOE 1'S conduct was ratified by his
4 supervisor(s) (DOES 2-100), Defendants CITY OF OAKLAND, WORD
5 and/or other high ranking City of Oakland Police Department
6 officials (DOES 2-100) and/or each of them.

7 30. Plaintiff is informed and believes and thereon
8 alleges that he suffered the violation of his constitutional
9 rights as a result of customs, policies, or practices of
10 Defendants CITY OF OAKLAND, WORD and/or DOES 2-100, and/or each
11 of them, individually and/or while acting in concert with one
12 another, including, but not limited to, customs, policies or
13 practices which encouraged, ratified, authorized or condoned
14 the use of excessive force which foreseeably resulted in the
15 violation of the rights of the Plaintiff; customs, policies
16 and/or practices of inadequate and/or inappropriate training in
17 the use of force and/or in handling situations such as occurred
18 in this case; customs, policies and/or practices of conducting
19 searches and/or seizures in violation of the United States and
20 California Constitutions; customs, policies and/or practices of
21 inadequate and/or inappropriate supervision, control and/or
22 discipline with respect to the use of force; customs, policies
23 and/or practices of subjecting African Americans in Oakland to
24 unnecessary and excessive force, false arrests, unreasonable
25 searches and/or seizures and/or disparate treatment because of
26 their race, gender and/or age, and/or other customs, policies
27 and practices that caused and/or contributed to the cause of

1 the violation of the constitutional rights and/or other
2 wrongful conduct that occurred in this case subject to
3 continuing discovery

4 31. Plaintiff is further informed and believes and
5 thereon alleges that the CITY OF OAKLAND, WORD and/or DOES 2-
6 100 and/or each of them, tacitly or directly ratified, approved
7 and/or condoned the acts and/or omissions of Defendant GILL OR
8 DOE 1 and/or his supervisor(s) (DOES 2-100) and/or failed to
9 take any or appropriate remedial action in response to this
10 incident despite having actual or constructive notice of its
11 occurrence.

12 32. Plaintiff is further informed and believes and
13 thereon alleges that Defendants CITY OF OAKLAND, WORD and/or
14 DOES 2-100 and/or each of them, knew or reasonably should have
15 known in the exercise of reasonable diligence that Defendant
16 GILL OR DOE 1 engaged in prior similar acts and/or omissions,
17 yet Defendants CITY OF OAKLAND, WORD and/or DOES 2-100 and/or
18 each of them, failed to take any or appropriate remedial action
19 to ensure that Defendant GILL OR DOE 1 would not continue to
20 engage in said acts and/or omissions.

21 33. Plaintiff is informed and believes and thereon
22 allege that the acts and/or omissions of Defendants WORD, GILL,
23 and/or DOES 1-100 and/or each of them, was or may have been
24 intentional, malicious, oppressive and/or was or may have been
25 done with a conscious or callous disregard for the safety
26 and/or constitutional rights of the Plaintiff which may thereby
27 justify an award of punitive or exemplary damages in amounts to

be determined according to proof.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

(42 U.S.C. SECTION 1983)
(AGAINST DEFENDANTS GILL, DOES 1-100)

34. Plaintiff incorporates by reference and re-alleges herein Paragraphs 1 through 33.

35. In doing the acts complained of herein, Defendants GILL, DOES 1 through 100, individually and/or while acting in concert with one another, did act under color of state law to deprive Plaintiff as alleged heretofore of certain constitutionally protected rights, including, but not limited to:

(a) the right not to be deprived of liberty without Due Process of Law;

(b) the right to be free from unreasonable search or seizure; and/or

(c) the right to equal protection of the law.

36. Said rights are substantive guarantees under the Fourth and/or Fourteenth Amendments to the United States Constitution.

37. As a result of the violation of his constitutional rights, Plaintiff sustained the damages and injuries alleged in this Complaint.

WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

SECOND CLAIM FOR RELIEF

(42 U.S.C. SECTION 1983)
(AGAINST DEFENDANTS CITY OF OAKLAND, DOES 2-100)

1 38. Plaintiff incorporates by reference and re-
2 alleges herein Paragraphs 1 through 37.

3 39. As against Defendants CITY OF OAKLAND, WORD
4 and/or DOES 2-100 and/or each of them, individually and/or in
5 their capacities as official policy-maker(s) for the CITY OF
6 OAKLAND, the Plaintiff further alleges that the acts and/or
7 omissions alleged in the Complaint herein are indicative and
8 representative of a repeated course of conduct by members of
9 the CITY OF OAKLAND Police Department tantamount to a custom,
10 policy or repeated practice of condoning and tacitly
11 encouraging the abuse of police authority, and disregard for
12 the constitutional rights of citizens in Oakland.

13 40. Plaintiff is further informed and believes and
14 thereon alleges that the acts and/or omissions alleged herein
15 are the proximate result of a custom, policy, pattern or
16 practice of deliberate indifference by Defendants CITY OF
17 OAKLAND, WORD, DOES 2-100 and/or each of them, to the repeated
18 violations of the constitutional rights of citizens by CITY OF
19 OAKLAND police officers, which have included, but are not
20 limited to, repeated false arrests, repeated false
21 imprisonments, the repeated use of excessive force, denial of
22 equal protection of the law based on race, gender and/or age,
23 and other repeated violations of the constitutional rights of
24 citizens in Oakland.

25 41. Plaintiff is further informed and believes and
26 thereon alleges that the damages sustained as alleged herein
27 were the proximate result customs, policies and/or practices

1 which included, but were not limited to, the failure to
2 adequately or appropriately hold officers accountable for
3 their misconduct, the failure to properly and fairly
4 investigate complaints about officers' misconduct, the failure
5 to enact or adopt policies to ensure adequate and/or
6 appropriate oversight of officers to prevent continuing
7 violations of the rights of citizens, the failure to properly
8 train and/or discipline officers, the failure to adequately or
9 properly supervise officers, the failure to adopt an
10 appropriate early warning system, policies and customs which
11 encouraged officers to target certain groups of citizens for
12 aggressive police tactics and/or other customs, and/or
13 policies which caused and/or contributed to, the violation of
14 the rights of citizens by members of Defendant CITY OF
15 OAKLAND's Police Department.

16 42. The aforementioned deliberate indifference,
17 customs, policies or practices of Defendants CITY OF OAKLAND,
18 WORD, DOES 2-100, and each of them, resulted in the
19 deprivation of Plaintiff's constitutional rights including,
20 but not limited to, the following:

21 (a) the right not to be deprived of liberty without Due
22 Process of Law;

23 (b) the right to be free from unreasonable searches
24 and/or seizures; and/or

25 (C) the right to equal protection of the law.

26 43. Said rights are substantive guarantees under
27 the Fourth and/or Fourteenth Amendments to the United States

1 Constitution.

2 44. As a result of the violation of his
3 constitutional rights, Plaintiff suffered the damages and
4 injuries alleged in this Complaint.

5 WHEREFORE, Plaintiff prays for relief as hereinafter set
6 forth.

7 THIRD CLAIM FOR RELIEF

8 (NEGLIGENCE)

9 (AGAINST DEFENDANTS WORD, GILL, DOES 1-100, CITY OF OAKLAND)

10 45. Plaintiff incorporates by reference and re-
11 alleges herein Paragraphs 1 through 44.

12 46. Defendants WORD, GILL, DOES 1 through 100,
13 individually and/or acting in concert and while acting within
14 the course and scope of their employment for Defendant CITY OF
15 OAKLAND, owed Plaintiff a duty to use due care at or about the
16 times of the aforementioned incidents.

17 47. In doing the aforementioned acts and/or
18 omissions, said Defendants and/or each of them, individually
19 and/or while acting in concert with one another, negligently
20 breached said duty to use due care, directly and proximately
21 resulting in the injuries and damages to the Plaintiff as
22 alleged herein.

23 48. Defendant CITY OF OAKLAND is therefore liable
24 as respondeat superior for the negligence of its employees and
25 agents within the course and scope of their employment and
26 agency as alleged herein.

27 49. As a result of the negligence of said
28 Defendants, and each of them, Plaintiff suffered the damages

1 and injuries as alleged heretofore in this Complaint.

2 WHEREFORE, Plaintiff prays for relief as hereinafter set
3 forth.

4 FOURTH CLAIM FOR RELIEF

5 (FALSE ARREST/FALSE IMPRISONMENT)
6 (AGAINST DEFENDANTS GILL, DOES 1-100, CITY OF OAKLAND)

7 50. Plaintiff incorporates by reference and re-
8 alleges herein Paragraphs 1 through 49.

9 51. Defendants GILL, DOES 1 through 100,
10 individually and/or acting in concert with one another,
11 arrested and imprisoned the Plaintiff without reasonable or
12 probable cause to believe that he committed any crime.

13 52. The acts and/or omissions of said Defendants
14 and/or each of them, individually and/or while acting in
15 concert with one another, as alleged herein, were done within
16 the course and scope of their employment for Defendant CITY OF
17 OAKLAND. Defendant CITY OF OAKLAND is therefore liable for
18 said false arrest and/or false imprisonment as respondeat
19 superior.

20 53. As a result of the false arrest by said
21 Defendants, and each of them, Plaintiff suffered the damages
22 and injuries as alleged heretofore in this Complaint.

23 WHEREFORE, Plaintiff prays for relief as hereinafter set
24 forth.

25 FIFTH CLAIM FOR RELIEF

26 (BATTERY)
27 (AGAINST DEFENDANTS GILL, CITY OF OAKLAND, DOES 1-100)

28 54. Plaintiff incorporates by reference and re-

1 alleges herein Paragraphs 1 through 53.

2 55. In doing the acts alleged in this Complaint,
3 Defendants GILL, DOES 1-100 and/or each of them, individually
4 and/or while acting in concert with one another, caused
5 Plaintiff to be subjected to non-consensual, non-privileged,
6 offensive touching of the Plaintiff's body constituting
7 battery.

8 56. As a result of said battery, Plaintiff suffered
9 the damages and injuries alleged in this Complaint.

10 57. Said battery was caused by said Defendants
11 and/or each of them, within the course and scope of their
12 employment with Defendant CITY OF OAKLAND.

13 58. Defendant CITY OF OAKLAND is therefore liable
14 for said battery as respondeat superior.

15 WHEREFORE, Plaintiff prays for relief as hereinafter set
16 forth.

17 SIXTH CLAIM FOR RELIEF

18 (CAL. CIVIL CODE SECTION 51.7)
(AGAINST DEFENDANTS GILL, CITY OF OAKLAND, DOES 1-100)

19 59. Plaintiff incorporates by reference and re-
20 alleges herein Paragraphs 1 through 58.

21 60. In doing the acts and/or omissions as alleged
22 herein, Defendants GILL, DOES 1-100 and/or each of them,
23 caused the Plaintiff to be subjected to force or violence
24 because of his race and/or gender.

25 61. As a result, Plaintiff is entitled to relief
26 under California Civil Code Section 51.7, including, but not
27 limited to, compensatory damages, statutory damages, punitive

1 damages, attorneys' fees and costs in amounts to be determined
2 according to proof.

3 62. The acts or omissions of said Defendants, and
4 each of them, were within the course and scope of their
5 employment for Defendant City of Oakland. Defendant CITY OF
6 OAKLAND is therefore liable as respondeat superior.

7 WHEREFORE, Plaintiff prays for relief as hereinafter set
8 forth.

9 SEVENTH CLAIM FOR RELIEF

10 (CAL. CIVIL CODE SECTION 52.1)
(AGAINST DEFENDANTS WORD, GILL, CITY OF OAKLAND, DOES 1-100)

11 63. Plaintiff incorporates by reference and re-
12 alleges herein Paragraphs 1 through 62.

13 64. In doing the acts and/or omissions as alleged
14 herein, Defendants WORD, GILL, CITY OF OAKLAND, DOES 1-100
15 and/or each of them, caused the Plaintiff to suffer the
16 violation of his rights guaranteed by the United States
17 Constitution and the California Constitution.

18 65. As a result, Plaintiff is entitled to relief
19 under California Civil Code Section 52.1, including, but not
20 limited to, compensatory damages, statutory damages, punitive
21 damages against the individually named defendants, attorneys'
22 fees, and costs in amounts to be determined according to
23 proof.

24 WHEREFORE, Plaintiff prays for relief as hereinafter set
25 forth.

26 STATEMENT OF DAMAGES

27 66. Plaintiff incorporates by reference and re-

1 allege herein Paragraphs 1 through 65.

2 67. As a result of the acts and/or omissions of
3 Defendants, and each of them, as alleged herein, Plaintiff
4 suffered damages, including, but not limited to:

5 a. General damages, including, but not limited to,
6 past, present and future damages for pain, suffering,
7 emotional distress, and/or loss of liberty in amounts to be
8 determined according to proof;

9 b. Special damages, including, but not limited to,
10 past, present and/or future medical and related expenses in
11 amounts to be determined according to proof.

12 68. Plaintiff is informed and believes and thereon
13 alleges that the acts and/or omissions of Defendants WORD,
14 GILL, 1-100, and/or each of them, were intentional, malicious,
15 oppressive and/or done with a conscious or reckless disregard
16 for the rights of the Plaintiff. Accordingly, Plaintiff prays
17 for an award of punitive and exemplary damages in amounts to
18 be determined according to proof.

19 69. Plaintiff will also be entitled to an award of
20 attorneys' fees and costs pursuant to statute(s) in the event
21 that he is the prevailing party in this action under 42 U.S.C.
22 Sections 1983 and 1988, California Civil Code Sections 51.7,
23 52 and 52.1 and/or under other statutes and/or laws.

24 70. Plaintiff will also be entitled to an award of
25 statutory damages pursuant to California Civil Code Sections
26 51.7, 52 and/or 52.1 in the event that he is the prevailing
27 party in this action.

COMPLIANCE WITH GOVERNMENT TORT CLAIM REQUIREMENT

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71. Prior to commencing this litigation, Plaintiff presented a timely Tort Claim to the City of Oakland pursuant to the California Tort Claims Act. Said Claim was rejected by the City of Oakland.

JURY TRIAL DEMAND

72. Plaintiff hereby demands a jury trial.

PRAYER

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WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, as follows:

1. General damages in amounts to be determined according to proof;
2. Special damages in amounts to be determined according to proof;
3. Statutory damages pursuant to California Civil Code Sections 51.7, 52, and/or 52.1;
4. Attorneys' fees pursuant to statutes;
5. Costs of suit;
6. Punitive and exemplary damages in amounts to be determined according to proof as to the individual defendants;
7. For prejudgment interest as permitted by law;
8. For such other and further relief as the Court may deem just and proper.

CERTIFICATION OF INTERESTED ENTITIES OR PERSONS

Pursuant to Civil L.R. 3-16, the undersigned certifies that as of this date, other than the named parties, there is no such interest to report.

