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CENTRAL DISTRICT OF CALIF.  
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1 **ROBERT MANN**, SBN 48293  
2 **DONALD W. COOK**, SBN 116666  
ATTORNEYS AT LAW  
3 E-Mail: manncook@earthlink.net  
3435 Wilshire Boulevard., Suite 2900  
4 Los Angeles, California 90010  
Telephone: (213) 252-9444  
5 Facsimile: (213) 252-0091

6 **CYNTHIA ANDERSON-BARKER**, SBN 175764  
LAW OFFICE OF CYNTHIA ANDERSON-BARKER  
7 E-Mail: cablaw@hotmail.com  
8 3435 Wilshire Blvd., Suite 2900  
Los Angeles, CA 90010  
9 (213) 381-3246

10 **ELLEN HAMMILL ELLISON**, SBN 141429  
LAW OFFICE OF ELLEN HAMMILL ELLISON  
11 E-Mail: ellenellison1116@yahoo.com  
12 3435 Wilshire Blvd., Suite 2900  
Los Angeles, California 90010  
13 (213) 365-8225

**OLU ORANGE**, SBN 213653  
ORANGE LAW OFFICES  
E-Mail: o.orange@orangelawoffice.com  
6080 Center Drive, Sixth Floor  
Los Angeles, California 90045  
Telephone: (310) 815-8600  
Facsimile: (775) 416-9221

14  
15 Attorneys for Plaintiff

16 **UNITED STATES DISTRICT COURT**  
17 **CENTRAL DISTRICT OF CALIFORNIA**

18 Henry Fuentes,  
19 Plaintiff,

20 vs.

21 City of Maywood, Maywood-Cudahy  
22 Police Department, Bruce Leflar, Paul  
23 Pine, Officer Urbina and Does 1-30,

24 Defendants.

Case No. **CV08-03101** (PRL)  
**CIVIL RIGHTS and RICO**  
**COMPLAINT WITH INJUNCTIVE**  
**AND STATE LAW CLAIMS**

**DEMAND FOR JURY TRIAL**

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## INTRODUCTION

1. This is a RICO and civil rights action brought under 42 U.S.C. §1962, 42 U.S.C. §§1983 and 1985, and various related state laws by plaintiff against the City of Maywood, the Maywood-Cudahy Police Department, and their employees individually and in their official capacities, for injunctive relief and compensatory and punitive damages because of a continuing systematic abuse of authority, including but not limited to unlawful searches and seizures of person and property; wrongful detentions and arrests, false imprisonments, malicious prosecutions, cover ups, false report writing, use of excessive and unnecessary force, sexual assaults and other acts of lawlessness. Plaintiff(s) first filed this action in *Gonzalez v. City of Maywood*, CV 07 3469 ODW (Shx), on May 29, 2007; on January 28, 2008, the Court ordered the Plaintiffs' actions be severed and refiled as a separate case.

## JURISDICTION

2. This case is brought pursuant to 18 U.S.C. § 1961 and 42 U.S.C. §§ 1983, 1985 and 1986. Jurisdiction is based upon 28 U.S.C. §§ 1331 and 1343 (1-4). This court also has supplemental jurisdiction over the state claims and over defendants pursuant to 28 U.S.C. § 1367. Plaintiff is a victim of City of Maywood employees acting under color of law and within the scope of their authority and pursuant to the policies and practices of the entities.

## VENUE

3. The claims alleged herein arose from events or omissions occurring in the County of Los Angeles. Therefore, venue lies in the Central District of California. 28 U.S.C. 1391(b)(2).

## PLAINTIFF

4. Plaintiff Henry Fuentes is a resident of the County of Los Angeles, State of

1 California. At all times material to this complaint, plaintiff was a private person in the  
2 State of California, United States of America.

3 **DEFENDANTS**

4 5. Plaintiff is informed and believes and thereon alleges that at all times herein  
5 mentioned defendants City of Maywood, the Maywood-Cudahy Police Department, and  
6 Does 1 through 5, were and are public entities duly organized and existing as such under  
7 the laws of and within the State of California under the laws of the United States and the  
8 laws of the State of California.

9  
10 6. Plaintiff is informed and believes and thereon alleges that at all times herein  
11 mentioned defendants Bruce Leflar, Paul Pine, and Does were and/or are police  
12 supervisors and/or policymakers for the City of Maywood, the Maywood-Cudahy Police  
13 Department and Does 6 through 15, and in such capacity were/are managers and/or chief  
14 administrators and/or policy makers. The named entities, supervisors and Does are  
15 responsible for, among other things, the employment, discharge, training, supervision,  
16 control, assignment and discipline of all sworn and civilian personnel of their entities  
17 and the formulation, promulgation, adoption, application, implementation,  
18 administration, enforcement and revocation of the policies and practices of the named  
19 entities and Does.

20  
21 7. Plaintiff is informed and believes and thereon alleges that the actions of named  
22 and Doe supervisors were committed while employed by the entities and represent the  
23 customs, practices and policies of the entities. The acts herein described and  
24 complained of were committed and done pursuant to policies, rules, regulations,  
25 practices, customs, and/or usages [hereinafter "policies and practices"] of the entities  
26 and were created and enforced by the managers and/or supervisors and/or policy makers.

27  
28 8. Plaintiff is informed and believes and thereon alleges that the defendants

1 Urbina and Does are individual officers or agents of the City of Maywood and/or the  
2 Maywood-Cudahy Police Department and/or others at the times of the acts herein  
3 complained of.

4 9. The true names and capacities of defendants Does 1-30 are presently unknown  
5 to plaintiff; who therefore sues each of these defendants by such fictitious names; but  
6 upon ascertaining the true identity and/or liability of a defendant Doe, plaintiff will  
7 amend this Complaint or seek leave to do so by inserting the true name in lieu of the  
8 fictitious name. Plaintiff is informed and believes and thereon alleges that each  
9 defendant Doe herein is in some manner responsible for the injuries and damages herein  
10 complained of.

11  
12 **INCORPORATION**

13 10. The above paragraphs are hereby repeated, realleged and incorporated by this  
14 reference in each cause of action.

15 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

16 11. On or about March 28, 2007, in front of the home of Henry Fuentes located  
17 at 4031 E. 58th Street in Maywood, California, Urbina and other unknown Doe officers  
18 wrongfully detained, assaulted, battered, threatened, and prepared false official reports  
19 for the purpose of covering up their wrongful actions and maliciously prosecuting Henry  
20 Fuentes. The entire incident was witnessed by Mr. Fuentes five small children, aged four  
21 to twelve. The children were very frightened and cried during the incident. On that day,  
22 Urbina's vehicle was blocking Mr. Fuentes driveway. Mr. Fuentes asked Urbina to  
23 move it because there were no parking spaces on the street and he had his five children  
24 in the car. Urbina refused. Mr. Fuentes then drove up his neighbor's driveway and  
25 across his own grass into his own driveway and parked. Urbina walked up to Mr.  
26 Fuentes, forcefully twisted his arm behind his back and threw him against the police car.  
27  
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1 Urbina then handcuffed Mr. Fuentes and placed him in the police car for about one hour.  
2 After that, Mr. Fuentes gave Urbina his driver's license upon request. Urbina asked Mr.  
3 Fuentes if he would rather have a ticket or go to jail. Mr. Fuentes opted for the ticket  
4 and received one for "driving on the sidewalk." Urbina then told Mr. Fuentes to go  
5 inside his house or Urbina would arrest him. Mr. Fuentes later sought medical treatment  
6 at a clinic for the injury to his arm. Plaintiff is informed and believes and thereon  
7 alleges that defendants committed these wrongful acts because they believed in the  
8 existence of and actively participated in the code of silence in the Maywood/Cudahy  
9 Police Department allowing them to engage in wrongful conduct and obstruct justice  
10 with impunity.

12 12. Plaintiff is informed and believes and thereon alleges that defendants'  
13 wrongful conduct included but is not limited to fraud, fraud by wire, obstruction of  
14 justice, kidnaping and bribery.

15 13. Plaintiff is informed and believes there are numerous other similar victims  
16 of defendants' wrongful acts who are afraid to seek, and/or unable to seek redress  
17 because of their reasonable fears of retaliation, and/or because they are recent  
18 immigrants who are reasonably concerned about the lawfulness of their status, and/or  
19 because they are unable to find representation.

21 14. Plaintiff complied with the provisions of the California Tort Claims Act.

22 **The Maywood Police Department**

23 15. Plaintiff is informed and believes and thereon alleges that the  
24 Maywood-Cudahy Police Department has for years been a department composed of  
25 persons not conforming their conduct to the requirements of the law, or to established  
26 standards of proper police practices.

27 16. Plaintiff is informed and believes and thereon alleges that the defendants,  
28

1 officers and supervisors within the Maywood-Cudahy Police Department, invidiously  
2 singled out, targeted and violated the rights of recent immigrants and/or persons  
3 defendants perceived to be recent immigrants because defendants knew that recent  
4 immigrants were easy victims, afraid to exercise their rights, and readily subject to  
5 retaliation if they attempted to exercise their rights.

6  
7 17. Plaintiff is informed and believes and thereon alleges that the violations of  
8 individuals' rights by Maywood-Cudahy officers occurred not because of a few "bad  
9 apples" but is instead the result of a culture of lawlessness permeating the entities and  
10 constituting and/or proximately caused by their routine practices, including a code of  
11 silence and conspiracy to obstruct justice.

12 18. Plaintiff is informed and believes and thereon alleges that the  
13 Maywood-Cudahy police department regularly hires police officers who have been  
14 pushed out of other law enforcement agencies for crimes or serious misconduct,  
15 including but not limited to: A former Los Angeles County sheriff's deputy terminated  
16 for abusing jail inmates; a onetime Los Angeles Police Department officer fired for  
17 intimidating a witness; and an ex-Huntington Park officer charged with negligently  
18 shooting a handgun and driving drunk.

19  
20 19. Plaintiff is informed and believes and thereon alleges, based in part upon  
21 allegations contained in a Superior Court complaint filed by Maywood-Cudahy Officer  
22 Pablo Cunningham, one of the named defendants in this action (and in many other  
23 federal civil rights actions, as alleged below), that supervisors required officers to  
24 "engage in racial profiling and quotas," and that Cunningham was "threatened by [  
25 Police Chief Bruce] Leflar with loss of his job after he refused to engage in racial  
26 profiling." Plaintiff is informed and believes that Cunningham was fired by the  
27 Maywood-Cudahy Police Department and then rehired because he threatened to expose  
28

1 improprieties within the department.

2         20. Plaintiff is informed and believes and thereon alleges, as pleaded by  
3 Defendant Cunningham his Superior Court complaint, that defendants covered up  
4 misconduct including excessive force, promoted a code of silence and conspiracy to  
5 obstruct justice, hired people unfit to be officers (for improper reasons, including but not  
6 limited to their connections to other City officials), extorted people for sex, and took  
7 kickbacks and bribes.

8  
9         21. Plaintiff is informed and believes and thereon alleges that official public  
10 records document that Pine resided in an apartment owned by the proprietors of a tow  
11 yard. Plaintiff is informed and believes that the tow yard owner is Maywood Club Tow.

12         22. Plaintiff is informed and believes that Pine was permitted to live in the  
13 apartment as a quid pro quo for Pine's assistance in causing the towing, impoundment,  
14 and sale of vehicles, for the illicit gain of Pine, the City of Maywood, the  
15 Maywood-Cudahy Police Department, Does, and others.

16         23. Plaintiff is informed and believes and thereon alleges that Maywood Club  
17 Tow and/or its owners and/or Does gave money and/or things of value to defendants as  
18 a quid pro quo for the assistance and cooperation of defendants in causing the towing,  
19 impoundment, and sale of vehicles.

20  
21         24. Plaintiff is informed and believes that governing officials of the City of  
22 Maywood received money and/or things of value from Maywood City Tow and/or its  
23 owners, and/or Does as a quid pro quo for, among other things, starting, continuing,  
24 implementing and/or protecting defendants' illicit vehicle towing scheme.

25         25. Plaintiff is informed and believes that the Cities of Maywood and Cudahy  
26 and the Maywood-Cudahy Police Department did a land-office business with Maywood  
27 Club Tow, towing, impounding, confiscating, and selling vehicles, and reaping huge  
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1 profits in doing so, and that Pine and other defendants were personally involved in this  
2 illicit, fraudulent and criminal practice, including the conduct of supposed hearings to  
3 determine whether vehicles should be returned to their owners. The involvement of  
4 defendants including Pine in the hearings made them unfair and deprived vehicle owners  
5 of due process of law.

6           26. Plaintiff is informed and believes and thereon alleges that existence of graft  
7 and corruption, and the knowledge of the graft and corruption, within the  
8 Maywood-Cudahy Police Department and the City of Maywood, including but not  
9 limited to the illicit, fraudulent and criminal scheme to tow, impound and sell vehicles,  
10 made it difficult and/or impossible for any supervisor to exercise meaningful  
11 supervision and/or to discipline officers who abused people and violated the law, for  
12 fear that officers would blow the whistle on the corruption and nepotism including but  
13 not limited to the vehicle towing scheme, if any meaningful discipline were threatened  
14 or imposed and proximately caused, fostered and contributed to the code of silence and  
15 conspiracy to obstruct justice within the department.  
16

17           27. Plaintiff is informed and believes that the code of silence and defendants'  
18 conspiracy to obstruct justice, and an absence of meaningful supervision and discipline,  
19 was each a proximate cause of defendants' violations of Plaintiff's rights.  
20

21           28. Plaintiff is informed and believes and thereon alleges that the  
22 Maywood-Cudahy Police Department does not have adequate procedures to supervise  
23 and/or discipline its employees, including but not limited to the following:

24           a. Inadequate reporting requirements, including but not limited to  
25 inadequate use-of-force reporting;

26           b. Inadequate procedures for documenting and investigating citizens'  
27 complaints, including but not limited to refusing to accept citizens' complaints,  
28



1 failing adequately to documents citizens' complaints, failing to investigate  
2 citizens' complaints, and failing to respond to court orders requiring defendants  
3 to disclose citizens' complaints.

4 29. Failures by all the supervisor, manager and policy-making defendants to  
5 provide oversight over the Maywood-Cudahy police, to make them follow the  
6 requirements of the Constitution, and/or to stop officers from making false charges  
7 against innocent persons and lying to support false charges, among other things, make  
8 those defendants liable to plaintiffs.  
9

10 30. Plaintiff is informed and believes that all the injunctive relief prayed for in  
11 this complaint is necessary to stop the wide-scale violation of peoples' rights by  
12 defendants.

13 **Scope and Nature of Allegations**

14 31. Plaintiff is informed and believes and thereupon alleges that officials,  
15 supervisors, policy makers and other individuals with the authority to set or modify  
16 municipal and/or departmental policy, de jure or defacto, of Defendant City of  
17 Maywood, participated in, approved of, ratified and/or failed to prevent the acts by  
18 Defendants City of Maywood, Maywood-Cudahy Police Department, Bruce Leflar, Paul  
19 Pine, Cunningham and Does 1-30, complained of by Plaintiff.  
20

21 32. Plaintiff is informed and believes and thereon alleges that at all times herein  
22 mentioned, each of the defendants; including officials, supervisors, watch commanders  
23 and other policy makers from Defendant City of Maywood; was the agent, employee or  
24 co-conspirator of one other, some, or all of their Co-defendants. Plaintiff is informed,  
25 believes and thereupon alleges that each of the defendants, acting individually, and in  
26 concert with each other, engaged in a common plan wrongfully to deprive Plaintiff of  
27 his rights to: security in Plaintiff's person, property and effects, freedom from  
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1 unreasonable searches and seizures, equal protection and due process of law, and of the  
2 right to seek redress and obtain compensation for the wrongs committed against  
3 Plaintiff.

4 33. In doing each and all of the things herein mentioned, or neglecting or  
5 intentionally failing to rectify said misconduct, each and all defendants were acting  
6 pursuant to a defacto policy and within the scope of such agency, employment and  
7 conspiracy and with full permission, knowledge, approval, ratification and support of  
8 each other.  
9

### 10 Damages

11 34. By reason of the aforementioned acts of defendants, and each of them,  
12 Plaintiff was injured in Plaintiff's health, strength and activity, sustained great mental  
13 pain, suffering and shock to Plaintiff's nervous systems, torment, anxiety, anguish,  
14 humiliation and severe emotional distress, all to Plaintiff's damage in an amount  
15 according to proof at trial. As a proximate result of the foregoing wrongful acts of  
16 defendants, and each of them, property belonging to Plaintiff was damaged and  
17 destroyed in an amount according to proof.  
18

19 35. Plaintiff is informed and believes and thereon alleges that, by reason of the  
20 aforementioned acts of defendants and each of them, Plaintiff was and/or will in the  
21 future be required to receive hospital, medical, doctor, nursing, dental and psychological  
22 care and treatment, and by reason thereof, will incur expenses related thereto in an  
23 amount according to proof at trial.

24 36. By reason of defendants' wrongful acts, Plaintiff was injured in Plaintiff's  
25 businesses and/or property, including but not limited to being unable to work and earan  
26 money, and Plaintiff will in the future be injured in Plaintiff's business and/or property  
27 by sustaining a loss and impairment of earnings and earning capacity, in an amount  
28

1 according to proof at trial. By reason of defendants' code of silence and conspiracy to  
2 obstruct justice, defendants have damaged, impaired and reduced the value of Plaintiff's  
3 property interests, including but not limited to Plaintiff's property interest in his right  
4 and/or causes of action to obtain redress and compensation for the wrongs committed  
5 against Plaintiff.

6 37. Defendants acts were done and committed by each individual defendant  
7 knowingly, deliberately and maliciously with the intent to oppress, injure and harass  
8 Plaintiff (with the exception of the claims by Plaintiff based on negligence) and with  
9 reckless indifference to Plaintiff's civil rights, personal security and safety, and by  
10 reason thereof, Plaintiff prays for punitive and exemplary damages from and against  
11 individual defendants and each of them in an amount according to proof at trial.

12 **CLAIMS FOR RELIEF**

13 **FIRST CLAIM FOR RELIEF**  
14 **BY PLAINTIFF AGAINST ALL DEFENDANTS**  
15 **(Violation of RICO Statute - 18 U.S.C. §§ 1962(c), (d))**

16  
17 38. This cause of action is brought by Plaintiff for treble damages for injury to  
18 his business or property including but not limited to lost employment and accrued  
19 interest resulting from the conduct alleged herein, which violates the provisions of 18  
20 U.S.C. §§ 1961-1968 (hereafter "RICO").

21 39. The following constitute an enterprise within the meaning of RICO generally  
22 and 18 U.S.C. § 1961(4) specifically:

- 23 a. The Maywood-Cudahy Police Department;  
24 b. The City of Maywood;  
25 c. Maywood Club Towing Company;  
26 d. The Association in Fact of defendants City of Maywood, Maywood-  
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1 Cudahy Police Department, Maywood Club Towing Company (“the AIF  
2 Enterprise”).

3 40. Plaintiff is informed and believes and thereon alleges that each enterprise  
4 alleged herein is an entity distinct from the pattern of racketeering activity alleged  
5 herein; is or was an ongoing organization, formal or informal; and functions or  
6 functioned as a continuing unit, to wit:

7  
8 a. The City of Maywood is a public entity with a formal structure and  
9 capacity engaging in a wide range of activities, only part of which entails the  
10 pattern of racketeering activity alleged in this complaint. The defendants charged  
11 with operating it under 42 U.S.C. § 1962 (c) were animated by, among other  
12 things, engaging in bribery, obstruction of justice, and fraud.

13 b. The Maywood-Cudahy Police Department is a subdivision of the City  
14 of Maywood and City of Cudahy whose charge is enforcement of the laws of the  
15 State of California and the Cities of Maywood and Cudahy, in which capacity it  
16 has a formal structure and engages in a wide range of activities, only part of  
17 which entails the pattern of racketeering activity alleged in this complaint. The  
18 defendants charged with operating it under 42 U.S.C. § 1962 (c) were animated  
19 by, among other things, bribery, extortion, obstruction of justice, and kidnaping.

20 c. Maywood Club Towing Company is a formally organized business  
21 entity engaged in the business of towing and impounding vehicles under a variety  
22 of circumstances, only part of which entails the pattern of racketeering activity  
23 alleged in this complaint. The defendants charged with operating it under 42  
24 U.S.C. § 1962 (c) were animated by, among other things, the common purpose of  
25 unlawfully impounding vehicles in order to collect and receive the illegal charges  
26 resulting from the impound, and implemented the illegal scheme by mail fraud  
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1 and bribery.

2 d. The AIF Enterprise had an ascertainable structure, comprised of the  
3 Maywood-Cudahy Police Department, Maywood Club Towing Company, and the  
4 key individuals who directed the enterprise's unlawful activities which included  
5 but are not limited to Pine and Does. This structure was distinct from the pattern  
6 of racketeering activity in that the enterprise's activities encompassed both lawful  
7 and unlawful activities. The AIF Enterprise's associates were animated by  
8 common purposes, including but not limited to unlawfully and fraudulently  
9 impounding vehicles to collect and receive the illegal charges resulting from the  
10 impound and receive kickbacks, and to cover up and conceal their activities by  
11 obstructing justice in state and federal civil and criminal proceedings by means  
12 of a code of silence. The AIF Enterprise functioned as a continuing unit with  
13 continuity in both structure and personnel.  
14

15 41. The activities of the enterprises affect interstate commerce in numerous ways,  
16 including but not limited to: 1) the use of interstate mail, telephone and wires (including  
17 transmission and dissemination of false arrests and false criminal charges); 2) the  
18 purchase of materials for use in the enterprises which materials were in the stream of  
19 interstate commerce; 3) the provision of federal funds to the Maywood-Cudahy Police  
20 Department, received through the stream of interstate commerce; 4) oversight by federal  
21 governmental entities of various of the activities of the Maywood-Cudahy Police  
22 Department and/or the City of Maywood, involving interstate travel and the expenditure  
23 of funds through the stream of interstate commerce; 5) the interstate travel of various  
24 of the owners of impounded vehicles to retrieve their impounded vehicles or attempt to  
25 do so; 6) the travel, paid from proceeds of the pattern of racketeering activity alleged  
26 herein, of members of the Maywood-Cudahy Police Department from California to Las  
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1 Vegas; 7) the purchase of tow trucks, and gasoline and equipment for said trucks, used  
2 in furtherance of the pattern of racketeering activity alleged herein that reached the  
3 purchasers through the stream of interstate commerce.

4 42. Defendants' racketeering activities included but are not limited to the  
5 following:

6 a. Condoning and encouraging the fabrication of evidence including but  
7 not limited to the filing of materially false police reports intended to be used in  
8 state and federal civil and criminal proceedings;

9 b. Condoning and encouraging a "code of silence," which keeps and/or  
10 dissuades employees from reporting the misdeeds of fellow employees, and/or  
11 causes and/or facilitates the preparation, submission and use of false official  
12 reports, and/or making false official statements, and/or perjury; and which thereby  
13 obstructs justice in official proceedings, including but not limited to state and  
14 federal criminal investigations and proceedings, and/or state and federal civil  
15 investigations and proceedings;

16 c. Condoning and encouraging officers in the belief that their failure or  
17 refusal to participate in the "code of silence" or to cover up or conceal the  
18 misconduct of other officers will cause them to be ostracized by other officers,  
19 will adversely affect their ability to get support from other officers in dangerous  
20 and/or life-threatening situations in the field and will adversely affect their  
21 opportunities for promotion and other employment benefits, and which thereby  
22 obstructs justice in official proceedings, including but not limited to state and  
23 federal criminal investigations and proceedings, and/or state and federal civil  
24 investigations and proceedings;

25 d. Condoning and encouraging the acceptance of "gratuities," "kickbacks,"  
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1 and/or other wrongful and/or illicit compensation, which has the effect of  
2 strengthening defendants' code of silence and conspiracy to obstruct justice by  
3 making all department employees, including but not limited to supervisors,  
4 vulnerable to accusations of misconduct and unable and/or unwilling to  
5 accurately report misconduct, and/or to supervise and/or discipline subordinates.

6 43. Plaintiff is informed and believes that defendants' code of silence and  
7 conspiracy to obstruct justice is and was operative in many state and federal  
8 proceedings, including but not limited to the following federal cases:  
9

10 a. *Jose Rodriguez and Guillermo De La Torre v. City of Maywood, CV*  
11 *99-9898 CBM (Ex);*

12 b. *Ortiz v. City of Maywood, Pablo Cunningham, et.al., CV 06-3622 DSF*  
13 *(FMOx);*

14 c. *Flores v. City of Maywood, Pablo Cunningham, CV 04-7565 GPS (Ex)*

15 d. *Pacheco v. City of Maywood, Pablo Cunningham, et.al., CV 06-7613*  
16 *PSG (FFMx);*

17 e. *Cruz v. City of Maywood, Paul [Pablo] Cunningham, CV 07-1999 PSG*  
18 *(JCx);*

19 f. *Sena v. City of Maywood, et.al., CV 07-1724 AHM (Jcx);*

20 g. *Trujillo v. City of Maywood, et.al., CV 06-2738 PA (VBKx);*

21 h. *Gonzalez v. City of Maywood, et.al., CV 05-6953 RJK (VBKx);*

22 i. *Anderson (Estate) v. City of Maywood, et.al., CV 04-10119 RGK (Shx);*

23 j. *Densmore v. Maywood, et.al., CV 06-3535 PSG (Rzx).*

24 ///

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26 ///





1 reasonable suspicion and/or probable cause;

2 b. Using unreasonable and/or excessive force;

3 c. Allowing and/or encouraging employees to brutalize, hurt and/or injure  
4 members of the public, by failing to require effective use-of-force training,  
5 supervision, discipline and reporting, including but not limited to not requiring  
6 employees to report uses of force, by permitting and/or encouraging false and/or  
7 misleading and/or incomplete reporting, and/or by failing adequately to monitor  
8 employee uses of force;

9 d. Condoning, tolerating and/or acquiescing in officers' engaging in racist  
10 conduct and/or racially motivated attacks on minority members of the community,  
11 and/or using racist speech when speaking with minorities and/or denigrating the  
12 race and/or nationality of minority members of the community;

13 e. Condoning, tolerating and/or acquiescing in officers' sexually abusing  
14 members of the community, including minors;

15 f. Failing adequately to investigate incidents involving the use of  
16 unreasonable force and/or other misconduct;

17 g. Conducting investigations in such a manner as to conceal misconduct,  
18 including but not limited to using investigative techniques and procedures known  
19 to have that effect;

20 h. Condoning and encouraging the fabrication of evidence including but  
21 not limited to the filing of materially false police reports;

22 i. Condoning and encouraging a "code of silence," which keeps and/or  
23 dissuades employees from reporting the misdeeds of fellow employees, and/or  
24 causes and/or facilitates the preparation, submission and use of false official  
25 reports, and/or making false official statements, and/or perjury; and which thereby  
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1 obstructs justice in official proceedings, including but not limited to state and  
2 federal criminal investigations and proceedings, and/or state and federal civil  
3 investigations and proceedings;

4 j. Condoning and encouraging officers in the belief that their failure or  
5 refusal to participate in the "code of silence" or to cover up or conceal the  
6 misconduct of other officers will cause them to be ostracized by other officers,  
7 will adversely affect their ability to get support from other officers in dangerous  
8 and/or life-threatening situations in the field and will adversely affect their  
9 opportunities for promotion and other employment benefits, and which thereby  
10 obstructs justice in official proceedings, including but not limited to state and  
11 federal criminal investigations and proceedings, and/or state and federal civil  
12 investigations and proceedings;  
13

14 k. Condoning and encouraging the acceptance of "gratuities," "kickbacks,"  
15 and/or other wrongful and/or illicit compensation, which has the effect of making  
16 supervisors within the department vulnerable to accusations of misconduct and  
17 unable and/or unwilling to effectively supervise and/or discipline subordinates;  
18

19 l. Hiring individuals who are unsuited for police work, including but not  
20 limited to hiring individuals who have been fired or disciplined by other law  
21 enforcement agencies because they engaged in misconduct; and/or failing to  
22 conduct appropriate and/or required background investigations.

23 47. Defendants and each of them, acting under color of state law, have deprived  
24 Plaintiff of rights, privileges, and immunities secured by the Constitution and laws of  
25 the United States, in particular by the First, Fourth, and Fourteenth Amendments to the  
26 United States Constitution by *inter alia* maintaining, enforcing, tolerating, permitting,  
27 acquiescing and, and/or applying the policies and practices set forth above. As a direct  
28

1 and proximate result of those policies and practices, Plaintiff has sustained injury and  
2 damage as described hereinafter.

3 48. Plaintiff is informed and believes and thereon alleges that defendant entities  
4 and supervisory defendants ordered, authorized, acquiesced in, tolerated, or permitted  
5 other defendants herein to engage in the unlawful and unconstitutional actions, policies,  
6 and practices set forth above. Defendants' conduct alleged herein constitutes a pattern  
7 of intimidation, illicit law enforcement behavior, and statutory and constitutional  
8 violations based either on a deliberate plan by defendants or on defendants' deliberate  
9 indifference, gross negligence, or reckless disregard for the safety, security and  
10 constitutional and statutory rights of Plaintiff.  
11

12 **THIRD CAUSE OF ACTION**  
13 **(Violation of Civil Rights - 42 U.S.C. § 1983)**  
14 **Against All Individually Named Defendants**

15 49. Defendants and each of them, acting under color of state law, did without  
16 probable cause and by use of excessive force unlawfully detain, arrest, batter, search,  
17 molest and write false reports about Plaintiff, and did do all of the above in a  
18 conspiratorial manner for the purpose of illegally obtaining criminal conviction(s)  
19 against Plaintiff and to conceal their own wrongdoing and did also do so to intimidate  
20 Plaintiff's witness(es) in said criminal prosecutions for the same improper purposes, all  
21 of which were intended with deliberate indifference of and reckless disregard for  
22 Plaintiff's constitutional rights under the First, Fourth and Fourteenth Amendments to  
23 the United States Constitution. As a direct and proximate result of defendants' acts,  
24 Plaintiff sustained injury and damage as set forth herein.

25 **FOURTH CAUSE OF ACTION**  
26 **(Violation of 42 U.S.C. §1985(2))**  
27 **Against All Individually Named Defendants**

28 50. Defendants, and two or more of them, in the State of California, County of

1 Los Angeles, and City of Maywood-Cudahy, by reason of Defendants' animus against  
2 minorities, including Plaintiff's Latino heritage and invidious animus, conspired  
3 together to act and to fail and omit to act as hereinbefore alleged, for the purpose of (I)  
4 impeding, hindering, obstructing, and defeating the due course of justice in the State of  
5 California and County of Los Angeles, (ii) to deny Plaintiff his right to free speech, (iv)  
6 to deny equal protection of the laws to Plaintiff and (v) to subject Plaintiff's persons and  
7 property to unlawful search and seizure thereby depriving Plaintiff of immunities  
8 secured by the Constitution and the laws of the United States, including the First, Fourth  
9 and Fourteenth Amendments to the Unites States Constitution, by, *inter alia*, ordering,  
10 authorizing, maintaining, enforcing, tolerating, ratifying, permitting, acquiescing in,  
11 and/or applying the policies and practices set forth hereinabove. Defendants' conspiracy  
12 was and is motivated by animus directed against Plaintiff because of his race, color or  
13 national origin, and/or by the race, color, or national origin of persons with whom they  
14 associated, and/or by other class-based, invidiously discriminatory animus directed  
15 against Plaintiff. In furtherance of the conspiracy one or more of the defendants  
16 committed one or more of the overt acts set forth hereinabove which did in fact deprive  
17 Plaintiff of equal rights, privileges or immunities.

20 51. Defendants, and each of them, purposefully, under color of law, planned and  
21 conspired to deny Plaintiff equal protection of the laws in the following respects:

- 22 a. to deny the right to be free from unreasonable search and seizure;
- 23 b. to deny the right not to be deprived of life, property or liberty without  
24 due process of law;
- 25 c. to deny the right of free speech;
- 26 d. to be free from use of excessive force.

27 52. By virtue of the foregoing, defendants, and each of them, violated 42 U.S.C.  
28

1 §1985(2).

2 53. As a direct and proximate result of the foregoing, Plaintiff has been damaged  
3 as recited above and demand and isentitled to the damages recited above, including, but  
4 not limited to, general and punitive damages (except entities) and attorney's fees.

5 **FIFTH CAUSE OF ACTION**  
6 **(Violation of 42 U.S.C. §1985(3))**  
7 **Against All Individually Named Defendants**

8 54. By virtue of the foregoing, Defendants, and two or more of them, conspired  
9 for the purpose of:

10 a. depriving Plaintiff of (1) equal protection of the law; and (2) liberty and  
11 property without due process of law.

12 55. Defendants, and each of them, did and caused to be done, an act or acts in  
13 furtherance of the object of the conspiracy, whereby Plaintiff was deprived of the rights  
14 and privileges as set forth above.

15 56. As a direct and proximate result of the foregoing, Plaintiff is entitled to and  
16 demands damages against defendants, jointly and severally, as recited in the First and  
17 Second Causes of Action, including, but not limited to, general and punitive damages  
18 (except entities) and attorneys fees.

19 **SIXTH CAUSE OF ACTION**  
20 **(California Constitution, Article I, §§ 1, 7, and 13)**  
21 **Against All Defendants**

22 57. The conduct of each defendant in detaining, searching, arresting, and  
23 assaulting Plaintiff and in threatening and in doing or failing to do the other wrongful  
24 acts herein alleged was done for the purpose of interfering with and attempting to  
25 interfere with Plaintiff's rights to freedom of expression, to be free from unreasonable  
26 invasions of their privacy and unreasonable search and seizure, and to be accorded due  
27 process and equal protection under Article I, §§ 1, 7 and 13 of the California  
28

1 Constitution.

2 **SEVENTH CAUSE OF ACTION**  
3 **(California Civil Code §52.1)**  
4 **Against All Defendants**

5 58. The conduct of each defendant in detaining, searching, and assaulting  
6 Plaintiff and in threatening and in doing or failing to do the other wrongful acts herein  
7 alleged was done for the purpose of interfering with and attempting to interfere with  
8 Plaintiff's rights under the First, Fourth and Fourteenth Amendments and Plaintiff's right  
9 to freedom of expression, to be free from unreasonable invasions of his privacy and  
10 unreasonable search and seizure and accorded due process and equal protection under  
11 Article I, §§ 1, 7, 12, and 13 of the California Constitution, and for that reason violated  
12 Plaintiff's rights under California Civil Code Section 52.1(b). Plaintiff is informed and  
13 believes and thereon alleges that the defendants' wrongful acts were done maliciously  
14 and criminally and for the purpose of inflicting injury on Plaintiff.

15 59. As the proximate cause of defendants' and each of their conduct as  
16 hereinbefore alleged, Plaintiff has been damaged in an amount not presently ascertained,  
17 but subject to proof at trial.

18 60. Plaintiff is informed and believes and thereon alleges that Defendants' and  
19 each of their conduct was malicious, willful, fraudulent and oppressive, done with a  
20 conscious disregard for Plaintiff's rights and with the intent to injure Plaintiff, thereby  
21 justifying the award of exemplary damages (except for entities) in a sum to be  
22 determined according to proof.  
23

24 **EIGHTH CAUSE OF ACTION**  
25 **(California Civil Code Section 51.7)**  
26 **Against All Defendants**

27 61. Plaintiff is informed and believes and thereon alleges that the conduct of each  
28 defendant in using force upon and injuring Plaintiff and in threatening and attempting

1 to use force upon and injure Plaintiff, and in doing or failing to do the other wrongful  
2 acts herein alleged was motivated by defendants' invidious racial and/or ethnic and/or  
3 other impermissible animus toward Plaintiff, and for that reason violated Plaintiff's  
4 rights under California Civil Code § 51.7. Plaintiff is informed and believes and thereon  
5 alleges that the defendants' wrongful acts were done maliciously and criminally and for  
6 the purpose of inflicting injury on Plaintiff.  
7

8 **NINTH CAUSE OF ACTION**  
9 **(Assault and Battery)**  
10 **Against all Defendants**

11 62. At the date, time and location, defendants, and each of them, as either  
12 employees, supervisors or employees in the course and scope of their duties  
13 intentionally and maliciously abused Plaintiff by reason of the acts alleged herein above  
14 causing Plaintiff, without provocation, necessity or lawful justification, to suffer said  
15 violations of their civil rights.

16 63. As a proximate result of the acts of defendants, and each of them, as herein  
17 alleged, Plaintiff was compelled to expend money all to their damage in an amount  
18 according to proof.

19 64. As a proximate result of the acts of defendants, and each of them, Plaintiff  
20 was injured in health, strength and activity, sustaining injuries to his body and shock  
21 and injury to his nervous systems and persons; all of which injuries have caused Plaintiff  
22 to suffer severe pain and mental anguish.

23 65. As a further proximate result of the acts of defendants, and each of them,  
24 Plaintiff was required to and/or did employ physicians and surgeons for medical  
25 examination, treatment and care of injuries, and did incur medical and incidental  
26 expenses. Plaintiff did incur and will incur further treatment, the exact amount of which  
27 is unknown at this time.  
28







1 **INJUNCTIVE RELIEF**

2 78. Plaintiff is informed and believes and thereon alleges that, unless enjoined,  
3 as requested in the prayer, defendants will continue to engage in the unlawful acts and  
4 in the policies and practices described above, in violation of the legal and constitutional  
5 rights of the Plaintiff. Plaintiff face the real and immediate threat of repeated and  
6 irreparable injury and continuing, present adverse effects as a result of the unlawful  
7 misconduct, policies and practices of the defendants. Plaintiff has no adequate and  
8 complete remedy at law.  
9

10 **PRAYER**

11 Wherefore, Plaintiff prays judgment against defendants and each of them, as  
12 follows:

13 As to each cause of action at to each Plaintiff as applicable:

- 14 1. For general damages according to proof;
- 15 2. For special damages according to proof;
- 16 3. For statutory damages under Cal. Civ. Code §§ 52(a) and/or (b), 52.1(b),  
17 California Code of Civil Procedure 1021.5, and under any other applicable statute or  
18 theory;
- 19 4. For punitive damages against each individual Defendant;
- 20 5. For attorney's fees pursuant to 42 U.S.C. §1988, California Civil Code §52.1,  
21 California Code of Civil Procedure 1021.5, and under any other applicable statute or  
22 theory;
- 23 6. For costs of suit;
- 24 7. Declaring, pursuant to 28 U.S.C. §§ 2201-2202 that the acts, policies, rules,  
25 regulations, practices, customs, and usages that the defendants engaged in as set forth  
26 above violate the legal and constitutional rights of the Plaintiff.  
27  
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1           8. Permanently enjoining defendants and their agents, employees, and successors,  
2 and all persons in active concert or participation with defendants, from engaging in the  
3 unlawful and unconstitutional acts, policies, rules, regulations, practices, customs, and  
4 usages set forth above.

5           9. Placing the Maywood-Cudahy Police Department under the direct supervision  
6 and control of a receiver or special master to be appointed by the Court; directing the  
7 receiver or special master to review all existing written and unwritten policies and  
8 procedures of defendants with respect to the acts, policies, rules, regulations, practices,  
9 customs, and usages set forth above; directing the receiver or special master to modify,  
10 amend, or revoke, or to confirm and enforce, existing policies and procedures and to  
11 establish such new or additional written policies and procedures as may be necessary  
12 and proper; and directing the receiver or special master to implement and enforce  
13 appropriate written policies and procedures with respect to the following subjects,  
14 among others:  
15

16           a. Ensuring compliance with constitutional standards governing the use of  
17 firearms, the use of force, the conduct of searches, and the use of deadly force.

18           b. Providing adequate training, certification, and periodic recertification  
19 of all officers in the lawful use of force, including firearms and other deadly  
20 force.

21           c. Specifying departmentally approved weaponless control techniques,  
22 and providing for adequate training, certification, and periodic recertification of  
23 all officers in the use of such techniques.

24           d. Ensuring that members of the public injured by officers receive prompt  
25 and appropriate medical care, and that their injuries are catalogued and recorded  
26 in police reports and by photographs of all such injuries.  
27  
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1 e. Requiring that all persons in custody be transported to a hospital for  
2 examination and treatment by a medical doctor whenever:

- 3 i. the person sustains a head injury, strikes his or her head on a  
4 hard object, or sustains a blow to the head, regardless of how  
5 minor any such injury may appear;  
6 ii. the person is choked or is subjected to any control hold  
7 involving the neck, regardless of whether or not the person is  
8 rendered unconscious;  
9 iii. the person has any injuries that appear to require medical  
10 attention;  
11 iv. the person requests medical treatment, regardless of whether  
12 or not the person has any apparent injuries.  
13

14 f. Prohibiting the use of saps in any circumstances, and prohibiting the use  
15 of head strikes and strikes to other vital areas of the body by batons or  
16 flashlights, punches or kicks, except in cases where there is legal justification for  
17 the use of deadly force.  
18

19 g. Requiring that searches be conducted in a manner which inflicts the  
20 least amount of damage necessary in order to conduct an adequate search; that  
21 officers be required to photograph or videotape the premises before and after each  
22 and every search; that officers return to their original location and condition all  
23 items displaced in any search; and that the Maywood-Cudahy Police Department  
24 pay for the repair or replacement of any property unnecessarily damaged or  
25 destroyed in the course of any search.  
26

27 h. Recording in writing each instance in which an officer is involved in the  
28 use of force in arresting a suspect or in detaining any person, regardless of

1 whether an arrest is made.

2 i. Requiring that any officer who participates in or witnesses any incident  
3 involving the use of force by an officer shall prepare and submit a departmental  
4 report containing detailed information regarding the incident, including:

- 5 i. A full description of the actions of the suspect or member of  
6 the public which made the use of force necessary;  
7  
8 ii. A full description of the specific force used or observed by  
9 the officer;  
10  
11 iii. A full description of any injuries or complaints of injuries  
12 sustained by the suspect or member of the public, including  
13 photographs or videotapes of the suspect or member of the  
14 public;  
15  
16 iv. A full description of any medical treatment received by and  
17 any refusal of such treatment by the suspect or member of the  
18 public.

18 j. Establishing a system that allows an immediate on-duty supervisor to  
19 readily access a historical record of any officer who has used force in a period of  
20 at least the last 5 years, including the identity of the officer(s) involved in the use  
21 of force, the file number(s) of the report(s) in which the use of force is reported,  
22 and a description of the nature of the force used (*e.g.*, "intentional head strike  
23 with baton"; "accidental head strike with flashlight"); requiring periodic review  
24 of such records for patterns of unjustified use of force by officers and institution  
25 of disciplinary proceedings where appropriate; requiring review of such records  
26 whenever a supervisor prepares a departmental performance evaluation of any  
27 officer; and requiring that performance evaluations include documentation of any  
28

1 patterns concerning the unjustified use of force.

2 k. Providing that, in any situation in which deadly force has been used by  
3 an officer and death or serious injury has resulted, there shall be an administrative  
4 review of the use of force to determine whether it was in compliance with  
5 departmental policy and constitutional standards, and whether departmental  
6 policy should be modified in view of the circumstances surrounding the use of  
7 such force.  
8

9 l. Requiring that, in departmental investigations of officer-involved  
10 shootings, other use of deadly force by officers, or complaints of officer  
11 misconduct:

- 12 i. all percipient witnesses (including officers) be segregated  
13 from each other as soon as practicable after the incident;  
14 ii. such witnesses not be permitted to discuss the incident with  
15 any other witness until after all witnesses have been  
16 interviewed by departmental investigators;  
17 iii. such witnesses not be informed of the contents or substance  
18 of the statements of other witnesses until after all witnesses  
19 have been interviewed by departmental investigators; and  
20 iv. all witness interviews, including interviews of involved  
21 officers, be fully and completely tape-recorded.  
22

23 m. Indexing by individual officer and maintaining files of complaints by  
24 members of the public, Cal. Govt. Code § 910 claims, and lawsuits concerning  
25 officer misconduct; adequately investigating such complaints, claims, and  
26 lawsuits; and using such files to monitor the conduct of officers.  
27

28 n. Requiring psychological testing and counseling of officers with a record

1 of using unreasonable or excessive force, making false arrests, filing false  
2 charges, engaging in related acts of dishonesty, or engaging in racially motivated  
3 misconduct.

4 o. Maintaining a promotional system which penalizes officers for instances  
5 of unjustified use of firearms or unjustified use of force, violence, sexual  
6 innuendo, dishonesty, racial or ethnic bias, or other misconduct.

7  
8 p. Requiring dismissal of officers involved in instances of sexual  
9 misconduct, and/or repeatedly involved in instances of unjustified use of firearms  
10 or unjustified use of force, violence, dishonesty, racial or ethnic bias, or other  
11 misconduct.

12 q. Requiring that, where an investigation discloses any improper use of  
13 force by an officer, particularly improper use of force which causes serious bodily  
14 injury as defined in Cal. Penal Code § 243, that matter should be referred to the  
15 District Attorney's Office for consideration of filing a criminal complaint.

16 r. Requiring that, whenever any officer has been judicially determined to  
17 have engaged in a violation of constitutional or civil rights, whenever a monetary  
18 settlement has been made or a judgment has been rendered based on the use of  
19 excessive force by an officer, or whenever any arrest has been made as to which  
20 an officer claims to be the victim of a crime:

- 21
- 22 i. a departmental investigation be conducted, regardless of any  
23 earlier investigation or the findings thereof;
  - 24 ii. The investigators review all evidence introduced at trial or  
25 provided to them by any person, and that they interview all  
26 known witnesses including Plaintiff's trial experts, and  
27 interview Plaintiff's counsel in any lawsuit alleging officer  
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misconduct;

iii. a full report be made to the Chief of Police and to the receiver or special master with recommendations for or against disciplinary or criminal sanctions against the officer.

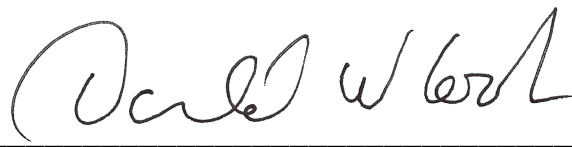
s. Directing that the defendants seek tangible ways (for example, through disciplinary measures) to establish the principle that racial and ethnic bias will not be tolerated within the Maywood-Cudahy Police Department, and that the defendants establish an adequate program of cultural awareness training and periodic retraining to eliminate racial or ethnic stereotypes for all officers.

t. Directing that the defendants seek tangible ways to establish the principle that gender bias and discrimination and sexual misconduct will not be tolerated within the Maywood-Cudahy Police Department, and that the defendants establish an adequate program of gender awareness training and periodic retraining to eliminate any and all gender discrimination and sexual misconduct.

10. For such other and further relief as the Court may deem proper.

DATED: May 12, 2008

**CYNTHIA ANDERSON-BARKER**  
**ELLEN HAMMILL ELLISON**  
**OLU ORANGE**  
**ROBERT MANN**  
**DONALD W. COOK**  
ATTORNEYS AT LAW

By   
Donald W. Cook  
Attorneys for Plaintiff



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**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury trial.

DATED: May 12, 2008

**CYNTHIA ANDERSON-BARKER  
ELLEN HAMMILL ELLISON  
OLU ORANGE  
ROBERT MANN  
DONALD W. COOK  
ATTORNEYS AT LAW**



By \_\_\_\_\_  
Donald W. Cook  
Attorneys for Plaintiff