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COUNTY SHERIFF'S DEPARTMENT and SHERIFF ALEX VILLANUEVA

8
9 **UNITED STATES DISTRICT COURT**

10 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

11
12 ESTATE OF ERIC ESTEBAN
13 BRICENO, Deceased, through his
14 successor in interest Blanca Luisa
15 Briceno and BLANCA LUISA
16 BRICENO, individually and as
17 successor in interest; and JUAN
18 MANUEL BRICENO, individually and
19 as successor in interest,

20 Plaintiffs,

21 v.

22
23 COUNTY OF LOS ANGELES, LOS
24 ANGELES COUNTY SHERIFF'S
25 DEPARTMENT, SHERIFF ALEX
26 VILLANUEVA, and DOES 1 to 10,

27 Defendants.

CASE NO. 2:21-cv-01388-SB(Ex)

**ANSWER OF DEFENDANTS
COUNTY OF LOS ANGELES, LOS
ANGELES COUNTY SHERIFF'S
DEPARTMENT, AND SHERIFF
ALEX VILLANUEVA TO
COMPLAINT OF PLAINTIFFS
BLANCA LUISA BRICENO AND
JUAN MANUAL BRICENO;
DEMAND FOR JURY TRIAL**

[Assigned to Hon. Stanley Blumenfeld,
Jr., Courtroom "6C"]

28
29 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD HEREIN:

30 Defendants COUNTY OF LOS ANGELES, LOS ANGELES COUNTY
31 SHERIFF'S DEPARTMENT, and SHERIFF ALEX VILLANUEVA ("defendants"),
32 for themselves alone and for no other persons, entities, firms or corporations, answer
33 plaintiffs' Complaint as follows:

34 ///

JURISDICTION AND VENUE

1
2 1. In answer to paragraph 1, defendants acknowledge plaintiffs are
3 bringing this action pursuant to alleged deprivations of constitutional rights
4 protected by 42 U.S.C. §§ 1983 *et seq.*, and the Fourth and Fourteenth Amendments
5 of the United States Constitution and the Americans with Disabilities Act.
6 Defendants admit jurisdiction is proper in federal court.

7 2. In answer to paragraph 2, defendants acknowledge plaintiffs are
8 invoking the supplemental jurisdiction of this Court pursuant to 28 U.S.C. §1367 to
9 hear and decide their claims arising under state law. As to the remaining allegations
10 contained in said paragraph, defendants are without sufficient knowledge or
11 information to form a belief as to the truth of the allegations contained in said
12 paragraph.

13 3. In answer to paragraph 3, defendants are without sufficient knowledge
14 or information to form a belief as to the truth of the allegations contained in said
15 paragraph.

16 4. In answer to paragraph 4, defendants admit venue is proper in this
17 Court. As to the remaining allegations contained in said paragraph, defendants are
18 without sufficient knowledge or information to form a belief as to the truth of the
19 allegations contained in said paragraph.

PARTIES

20
21 5. In answer to paragraph 5, defendants are without sufficient knowledge
22 or information to form a belief as to the truth of the allegations contained in said
23 paragraph and on that basis, defendants deny each and every allegation contained
24 therein.

25 6. In answer to paragraph 6, defendants are without sufficient knowledge
26 or information to form a belief as to the truth of the allegations contained in said
27 paragraph and on that basis, defendants deny each and every allegation contained
28 therein.

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1 7. In answer to paragraph 7, defendants admit that the County of Los
2 Angeles is and was at all relevant times mentioned in the Complaint as a public
3 entity duly organized under the laws of the State of California. As to the remaining
4 allegations contained in said paragraph, defendants are without sufficient knowledge
5 or information to form a belief as to the truth of the allegations contained in said
6 paragraph.

7 8. In answer to paragraph 8, answering defendants admit that SHERIFF
8 ALEX VILLANUEVA was employed by the County of Los Angeles at all relevant
9 times. As to the remainder of the allegations contained in said paragraph,
10 defendants are without sufficient knowledge or information to form a belief as to the
11 truth of the allegations contained in said paragraph and on that basis, defendants
12 deny each and every allegation against these defendants contained therein.
13 Defendants are also without sufficient knowledge or information to form a belief as
14 to the truth of the allegations contained in said paragraph with respect to the DOE
15 defendants, given that the DOE defendants have not yet been identified, and on that
16 basis deny each and every allegation against the DOE defendants contained therein.

17 9. In answer to paragraph 9, defendants are without sufficient knowledge
18 or information to form a belief as to the truth of the allegations contained in said
19 paragraph with respect to the DOE defendants, given that the DOE defendants have
20 not yet been identified, and on that basis deny each and every allegation against the
21 DOE defendants contained therein. As to the remainder of the allegations contained
22 in said paragraph, defendants are without sufficient knowledge or information to
23 form a belief as to the truth of the allegations contained in said paragraph and on
24 that basis, defendants deny each and every allegation against these defendants
25 contained therein. Moreover, plaintiffs' allegations in said paragraph are overbroad,
26 vague and ambiguous and thus defendants are unable to admit or deny the
27 allegations and on that basis defendants deny each and every remaining allegation in
28 said paragraph.

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10. In answer to paragraph 10, defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis, defendants deny each and every allegation against these defendants contained therein. Defendants are also without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph with respect to the DOE defendants, given that the DOE defendants have not yet been identified, and on that basis deny each and every allegation against the DOE defendants contained therein. Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and ambiguous and thus defendants are unable to admit or deny the allegations and on that basis defendants deny each and every remaining allegation in said paragraph.

11. In answer to paragraph 11, defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis, defendants deny each and every allegation against these defendants contained therein. Defendants are also without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph with respect to the DOE defendants, given that the DOE defendants have not yet been identified, and on that basis deny each and every allegation against the DOE defendants contained therein. Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and ambiguous and thus defendants are unable to admit or deny the allegations and on that basis defendants deny each and every remaining allegation in said paragraph.

PRELIMINARY ALLEGATIONS

12. In answer to paragraph 12, defendants acknowledge plaintiffs are bringing this action pursuant to alleged deprivations of constitutional rights protected by 42 U.S.C. §§ 1983 *et seq.*, and the Fourth and Fourteenth Amendments of the United States Constitution and the Americans with Disabilities Act and under laws of the State of California. As to the remainder of the allegations contained in

1 said paragraph, defendants are without sufficient knowledge or information to form
2 a belief as to the truth of the allegations contained in said paragraph and on that
3 basis, defendants deny each and every allegation against these defendants contained
4 therein. Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
5 ambiguous and thus defendants are unable to admit or deny the allegations and on
6 that basis defendants deny each and every remaining allegation in said paragraph.

7 **FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS**

8 13. In answer to paragraph 13, defendants are without sufficient knowledge
9 or information to form a belief as to the truth of the allegations contained in said
10 paragraph and on that basis deny each and every allegation contained therein.

11 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
12 ambiguous and thus defendants are unable to admit or deny the allegations and on
13 that basis defendants deny each and every remaining allegation in said paragraph.

14 14. In answer to paragraph 14, defendants are without sufficient knowledge
15 or information to form a belief as to the truth of the allegations contained in said
16 paragraph and on that basis deny each and every allegation contained therein.

17 15. In answer to paragraph 15, defendants are without sufficient knowledge
18 or information to form a belief as to the truth of the allegations contained in said
19 paragraph and on that basis deny each and every allegation contained therein.

20 16. In answer to paragraph 16, defendants are without sufficient knowledge
21 or information to form a belief as to the truth of the allegations contained in said
22 paragraph and on that basis deny each and every allegation contained therein.

23 17. In answer to paragraph 17, defendants are without sufficient knowledge
24 or information to form a belief as to the truth of the allegations contained in said
25 paragraph and on that basis deny each and every allegation contained therein.

26 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
27 ambiguous and thus defendants are unable to admit or deny the allegations and on
28 that basis defendants deny each and every remaining allegation in said paragraph.

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1 18. In answer to paragraph 18, defendants are without sufficient knowledge
2 or information to form a belief as to the truth of the allegations contained in said
3 paragraph and on that basis deny each and every allegation contained therein.

4 19. In answer to paragraph 19, defendants are without sufficient knowledge
5 or information to form a belief as to the truth of the allegations contained in said
6 paragraph and on that basis deny each and every allegation contained therein.

7 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
8 ambiguous and thus defendants are unable to admit or deny the allegations and on
9 that basis defendants deny each and every remaining allegation in said paragraph.

10 20. In answer to paragraph 20, defendants are without sufficient knowledge
11 or information to form a belief as to the truth of the allegations contained in said
12 paragraph and on that basis deny each and every allegation contained therein.

13 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
14 ambiguous and thus defendants are unable to admit or deny the allegations and on
15 that basis defendants deny each and every remaining allegation in said paragraph.

16 21. In answer to paragraph 21, defendants are without sufficient knowledge
17 or information to form a belief as to the truth of the allegations contained in said
18 paragraph and on that basis deny each and every allegation contained therein.

19 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
20 ambiguous and thus defendants are unable to admit or deny the allegations and on
21 that basis defendants deny each and every remaining allegation in said paragraph.

22 22. In answer to paragraph 22, defendants are without sufficient knowledge
23 or information to form a belief as to the truth of the allegations contained in said
24 paragraph and on that basis deny each and every allegation contained therein.

25 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
26 ambiguous and thus defendants are unable to admit or deny the allegations and on
27 that basis defendants deny each and every remaining allegation in said paragraph.

28 Defendants are also without sufficient knowledge or information to form a belief as

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1 to the truth of the allegations contained in said paragraph with respect to the DOE
2 defendants, given that the DOE defendants have not yet been identified, and on that
3 basis deny each and every allegation against the DOE defendants contained therein.

4 23. In answer to paragraph 23, defendants are without sufficient knowledge
5 or information to form a belief as to the truth of the allegations contained in said
6 paragraph and on that basis deny each and every allegation contained therein.

7 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
8 ambiguous and thus defendants are unable to admit or deny the allegations and on
9 that basis defendants deny each and every remaining allegation in said paragraph.

10 Defendants are also without sufficient knowledge or information to form a belief as
11 to the truth of the allegations contained in said paragraph with respect to the DOE
12 defendants, given that the DOE defendants have not yet been identified, and on that
13 basis deny each and every allegation against the DOE defendants contained therein.

14 24. In answer to paragraph 24, defendants are without sufficient knowledge
15 or information to form a belief as to the truth of the allegations contained in said
16 paragraph and on that basis deny each and every allegation contained therein.

17 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
18 ambiguous and thus defendants are unable to admit or deny the allegations and on
19 that basis defendants deny each and every remaining allegation in said paragraph.

20 25. In answer to paragraph 25, defendants are without sufficient knowledge
21 or information to form a belief as to the truth of the allegations contained in said
22 paragraph and on that basis deny each and every allegation contained therein.

23 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
24 ambiguous and thus defendants are unable to admit or deny the allegations and on
25 that basis defendants deny each and every remaining allegation in said paragraph.

26 26. In answer to paragraph 26, defendants are without sufficient knowledge
27 or information to form a belief as to the truth of the allegations contained in said
28 paragraph and on that basis deny each and every allegation contained therein.

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1 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
2 ambiguous and thus defendants are unable to admit or deny the allegations and on
3 that basis defendants deny each and every remaining allegation in said paragraph.
4 Defendants are also without sufficient knowledge or information to form a belief as
5 to the truth of the allegations contained in said paragraph with respect to the DOE
6 defendants, given that the DOE defendants have not yet been identified, and on that
7 basis deny each and every allegation against the DOE defendants contained therein.

8 27. In answer to paragraph 27, defendants are without sufficient knowledge
9 or information to form a belief as to the truth of the allegations contained in said
10 paragraph and on that basis deny each and every allegation contained therein.

11 28. In answer to paragraph 28, defendants are without sufficient knowledge
12 or information to form a belief as to the truth of the allegations contained in said
13 paragraph and on that basis deny each and every allegation contained therein.

14 29. In answer to paragraph 29, defendants are without sufficient knowledge
15 or information to form a belief as to the truth of the allegations contained in said
16 paragraph and on that basis deny each and every allegation contained therein.

17 30. In answer to paragraph 30, defendants are without sufficient knowledge
18 or information to form a belief as to the truth of the allegations contained in said
19 paragraph and on that basis deny each and every allegation contained therein.

20 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
21 ambiguous and thus defendants are unable to admit or deny the allegations and on
22 that basis defendants deny each and every remaining allegation in said paragraph.

23 31. In answer to paragraph 31, defendants are without sufficient knowledge
24 or information to form a belief as to the truth of the allegations contained in said
25 paragraph and on that basis deny each and every allegation contained therein.

26 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
27 ambiguous and thus defendants are unable to admit or deny the allegations and on
28 that basis defendants deny each and every remaining allegation in said paragraph.

1 Defendants are also without sufficient knowledge or information to form a belief as
 2 to the truth of the allegations contained in said paragraph with respect to the DOE
 3 defendants, given that the DOE defendants have not yet been identified, and on that
 4 basis deny each and every allegation against the DOE defendants contained therein.

5 **FIRST CLAIM**

6 **Excessive Force, Denial of Medical Care, False Arrest and Detention** 7 **Warrantless Entry into Home, and Excessive Warrantless Search of the** 8 **Briceno Home, Vehicle and Property** 9 **(42 U.S.C. § 1983 against Does 1-10)**

10 32. In answer to paragraph 32, which incorporates by reference the
 11 allegations of other paragraphs of the pleading, defendants to the same extent
 12 incorporate by reference the answers provided herein to those paragraphs.

13 33. In answer to paragraph 33, inclusive of subparagraphs a through c,
 14 defendants are without sufficient knowledge or information to form a belief as to the
 15 truth of the allegations contained in said paragraph and on that basis deny each and
 16 every allegation contained therein. Moreover, plaintiffs' allegations in said
 17 paragraph are overbroad, vague and ambiguous and thus defendants are unable to
 18 admit or deny the allegations and on that basis defendants deny each and every
 19 remaining allegation in said paragraph. Defendants are also without sufficient
 20 knowledge or information to form a belief as to the truth of the allegations contained
 21 in said paragraph with respect to the DOE defendants, given that the DOE
 22 defendants have not yet been identified, and on that basis deny each and every
 23 allegation against the DOE defendants contained therein.

24 34. In answer to paragraph 34, defendants are without sufficient knowledge
 25 or information to form a belief as to the truth of the allegations contained in said
 26 paragraph and on that basis deny each and every allegation contained therein.
 27 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
 28 ambiguous and thus defendants are unable to admit or deny the allegations and on

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1 that basis defendants deny each and every remaining allegation in said paragraph.
 2 Defendants are also without sufficient knowledge or information to form a belief as
 3 to the truth of the allegations contained in said paragraph with respect to the DOE
 4 defendants, given that the DOE defendants have not yet been identified, and on that
 5 basis deny each and every allegation against the DOE defendants contained therein.

6 35. In answer to paragraph 35, defendants acknowledge plaintiffs seek
 7 attorney's fees and expenses under this claim. Defendants deny that plaintiffs are
 8 entitled to an award of damages or any other form of relief as requested in the
 9 Complaint as a result of any acts or omissions by these answering defendants.

10 36. In answer to paragraph 36, defendants acknowledge plaintiffs seek
 11 punitive and exemplary damages under this claim. Defendants deny that plaintiffs
 12 are entitled to an award of damages or any other form of relief as requested in the
 13 Complaint as a result of any acts or omissions by these answering defendants. As to
 14 the remaining allegations contained in said paragraph, defendants are without
 15 sufficient knowledge or information to form a belief as to the truth of the allegations
 16 contained in said paragraph and on that basis deny each and every allegation
 17 contained therein. Moreover, plaintiffs' allegations in said paragraph are overbroad,
 18 vague and ambiguous and thus defendants are unable to admit or deny the
 19 allegations and on that basis defendants deny each and every remaining allegation in
 20 said paragraph. Defendants are also without sufficient knowledge or information to
 21 form a belief as to the truth of the allegations contained in said paragraph with
 22 respect to the DOE defendants, given that the DOE defendants have not yet been
 23 identified, and on that basis deny each and every allegation against the DOE
 24 defendants contained therein.

25 **SECOND CLAIM**

26 **FOR VIOLATION OF SUBSTANTIVE DUE PROCESS**

27 **(42 U.S.C. § 1983 against all Defendants and Doe Defendants)**

28 37. In answer to paragraph 37, which incorporates by reference the

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1 allegations of other paragraphs of the pleading, defendants to the same extent
2 incorporate by reference the answers provided herein to those paragraphs.

3 38. In answer to paragraph 38, defendants are without sufficient knowledge
4 or information to form a belief as to the truth of the allegations contained in said
5 paragraph and on that basis deny each and every allegation contained therein.

6 39. In answer to paragraph 39, defendants are without sufficient knowledge
7 or information to form a belief as to the truth of the allegations contained in said
8 paragraph and on that basis deny each and every allegation contained therein.

9 40. In answer to paragraph 40, defendants acknowledge plaintiffs bring
10 their claims as successors in interest of decedent pursuant to California *Code of*
11 *Civil Procedure* Section 377.30. As to the remaining allegations contained in said
12 paragraph, defendants are without sufficient knowledge or information to form a
13 belief as to the truth of the allegations contained in said paragraph and on that basis
14 deny each and every allegation contained therein.

15 41. In answer to paragraph 41, defendants are without sufficient knowledge
16 or information to form a belief as to the truth of the allegations contained in said
17 paragraph and on that basis deny each and every allegation contained therein.

18 42. In answer to paragraph 42, defendants deny each and every allegation
19 against these answering defendants contained therein. As to the remaining
20 allegations contained in said paragraph, defendants are without sufficient knowledge
21 or information to form a belief as to the truth of the allegations contained in said
22 paragraph and on that basis deny each and every allegation contained therein.

23 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
24 ambiguous and thus defendants are unable to admit or deny the allegations and on
25 that basis defendants deny each and every remaining allegation in said paragraph.
26 Defendants are also without sufficient knowledge or information to form a belief as
27 to the truth of the allegations contained in said paragraph with respect to the DOE
28 defendants, given that the DOE defendants have not yet been identified, and on that

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1 basis deny each and every allegation against the DOE defendants contained therein.
2 43. In answer to paragraph 43, defendants deny each and every allegation
3 against these answering defendants contained therein. As to the remaining
4 allegations contained in said paragraph, defendants are without sufficient knowledge
5 or information to form a belief as to the truth of the allegations contained in said
6 paragraph and on that basis deny each and every allegation contained therein.
7 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
8 ambiguous and thus defendants are unable to admit or deny the allegations and on
9 that basis defendants deny each and every remaining allegation in said paragraph.
10 Defendants are also without sufficient knowledge or information to form a belief as
11 to the truth of the allegations contained in said paragraph with respect to the DOE
12 defendants, given that the DOE defendants have not yet been identified, and on that
13 basis deny each and every allegation against the DOE defendants contained therein.

14 44. In answer to paragraph 44, defendants acknowledge plaintiffs seek
15 attorney's fees and costs under this claim. Defendants deny that plaintiffs are entitled
16 to an award of damages or any other form of relief as requested in the Complaint as
17 a result of any acts or omissions by these answering defendants. As to the remaining
18 allegations contained in said paragraph, defendants are without sufficient knowledge
19 or information to form a belief as to the truth of the allegations contained in said
20 paragraph and on that basis deny each and every allegation contained therein.
21 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
22 ambiguous and thus defendants are unable to admit or deny the allegations and on
23 that basis defendants deny each and every remaining allegation in said paragraph.
24 Defendants are also without sufficient knowledge or information to form a belief as
25 to the truth of the allegations contained in said paragraph with respect to the DOE
26 defendants, given that the DOE defendants have not yet been identified, and on that
27 basis deny each and every allegation against the DOE defendants contained therein.

28 45. In answer to paragraph 45, defendants acknowledge plaintiffs seek

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1 punitive and exemplary damages under this claim. Defendants deny that plaintiffs
 2 are entitled to an award of damages or any other form of relief as requested in the
 3 Complaint as a result of any acts or omissions by these answering defendants. As to
 4 the remaining allegations contained in said paragraph, defendants are without
 5 sufficient knowledge or information to form a belief as to the truth of the allegations
 6 contained in said paragraph and on that basis deny each and every allegation
 7 contained therein. Moreover, plaintiffs' allegations in said paragraph are overbroad,
 8 vague and ambiguous and thus defendants are unable to admit or deny the
 9 allegations and on that basis defendants deny each and every remaining allegation in
 10 said paragraph. Defendants are also without sufficient knowledge or information to
 11 form a belief as to the truth of the allegations contained in said paragraph with
 12 respect to the DOE defendants, given that the DOE defendants have not yet been
 13 identified, and on that basis deny each and every allegation against the DOE
 14 defendants contained therein.

15 **THIRD CLAIM**

16 **Supervisor Liability Causing Constitutional Violations**

17 **(Against Defendant VILLANUEVA and Does 1-10)**

18 46. In answer to paragraph 46, which incorporates by reference the
 19 allegations of other paragraphs of the pleading, defendants to the same extent
 20 incorporate by reference the answers provided herein to those paragraphs.

21 47. In answer to paragraph 47, defendants deny each and every allegation
 22 against these answering defendants contained therein. As to the remaining
 23 allegations contained in said paragraph, defendants are without sufficient knowledge
 24 or information to form a belief as to the truth of the allegations contained in said
 25 paragraph and on that basis deny each and every allegation contained therein.
 26 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
 27 ambiguous and thus defendants are unable to admit or deny the allegations and on
 28 that basis defendants deny each and every remaining allegation in said paragraph.

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1 Defendants are also without sufficient knowledge or information to form a belief as
2 to the truth of the allegations contained in said paragraph with respect to the DOE
3 defendants, given that the DOE defendants have not yet been identified, and on that
4 basis deny each and every allegation against the DOE defendants contained therein.

5 48. In answer to paragraph 48, defendants deny each and every allegation
6 against these answering defendants contained therein. As to the remaining
7 allegations contained in said paragraph, defendants are without sufficient knowledge
8 or information to form a belief as to the truth of the allegations contained in said
9 paragraph and on that basis deny each and every allegation contained therein.

10 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
11 ambiguous and thus defendants are unable to admit or deny the allegations and on
12 that basis defendants deny each and every remaining allegation in said paragraph.
13 Defendants are also without sufficient knowledge or information to form a belief as
14 to the truth of the allegations contained in said paragraph with respect to the DOE
15 defendants, given that the DOE defendants have not yet been identified, and on that
16 basis deny each and every allegation against the DOE defendants contained therein.

17 49. In answer to paragraph 49, defendants deny each and every allegation
18 against these answering defendants contained therein. As to the remaining
19 allegations contained in said paragraph, defendants are without sufficient knowledge
20 or information to form a belief as to the truth of the allegations contained in said
21 paragraph and on that basis deny each and every allegation contained therein.

22 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
23 ambiguous and thus defendants are unable to admit or deny the allegations and on
24 that basis defendants deny each and every remaining allegation in said paragraph.
25 Defendants are also without sufficient knowledge or information to form a belief as
26 to the truth of the allegations contained in said paragraph with respect to the DOE
27 defendants, given that the DOE defendants have not yet been identified, and on that
28 basis deny each and every allegation against the DOE defendants contained therein.

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1 50. In answer to paragraph 50, defendants deny each and every allegation
2 against these answering defendants contained therein. As to the remaining
3 allegations contained in said paragraph, defendants are without sufficient knowledge
4 or information to form a belief as to the truth of the allegations contained in said
5 paragraph and on that basis deny each and every allegation contained therein.
6 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
7 ambiguous and thus defendants are unable to admit or deny the allegations and on
8 that basis defendants deny each and every remaining allegation in said paragraph.
9 Defendants are also without sufficient knowledge or information to form a belief as
10 to the truth of the allegations contained in said paragraph with respect to the DOE
11 defendants, given that the DOE defendants have not yet been identified, and on that
12 basis deny each and every allegation against the DOE defendants contained therein.

13 51. In answer to paragraph 51, defendants deny each and every allegation
14 against these answering defendants contained therein. As to the remaining
15 allegations contained in said paragraph, defendants are without sufficient knowledge
16 or information to form a belief as to the truth of the allegations contained in said
17 paragraph and on that basis deny each and every allegation contained therein.
18 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
19 ambiguous and thus defendants are unable to admit or deny the allegations and on
20 that basis defendants deny each and every remaining allegation in said paragraph.
21 Defendants are also without sufficient knowledge or information to form a belief as
22 to the truth of the allegations contained in said paragraph with respect to the DOE
23 defendants, given that the DOE defendants have not yet been identified, and on that
24 basis deny each and every allegation against the DOE defendants contained therein.

25 52. In answer to paragraph 52, defendants deny each and every allegation
26 against these answering defendants contained therein. As to the remaining
27 allegations contained in said paragraph, defendants are without sufficient knowledge
28 or information to form a belief as to the truth of the allegations contained in said

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1 paragraph and on that basis deny each and every allegation contained therein.

2 53. In answer to paragraph 53, defendants deny each and every allegation
3 against these answering defendants contained therein. As to the remaining
4 allegations contained in said paragraph, defendants are without sufficient knowledge
5 or information to form a belief as to the truth of the allegations contained in said
6 paragraph and on that basis deny each and every allegation contained therein.

7 54. In answer to paragraph 54, defendants deny each and every allegation
8 against these answering defendants contained therein. As to the remaining
9 allegations contained in said paragraph, defendants are without sufficient knowledge
10 or information to form a belief as to the truth of the allegations contained in said
11 paragraph and on that basis deny each and every allegation contained therein.

12 55. In answer to paragraph 55, defendants deny each and every allegation
13 against these answering defendants contained therein. As to the remaining
14 allegations contained in said paragraph, defendants are without sufficient knowledge
15 or information to form a belief as to the truth of the allegations contained in said
16 paragraph and on that basis deny each and every allegation contained therein.

17 56. In answer to paragraph 56, defendants deny each and every allegation
18 against these answering defendants contained therein. As to the remaining
19 allegations contained in said paragraph, defendants are without sufficient knowledge
20 or information to form a belief as to the truth of the allegations contained in said
21 paragraph and on that basis deny each and every allegation contained therein.

22 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
23 ambiguous and thus defendants are unable to admit or deny the allegations and on
24 that basis defendants deny each and every remaining allegation in said paragraph.
25 Defendants are also without sufficient knowledge or information to form a belief as
26 to the truth of the allegations contained in said paragraph with respect to the DOE
27 defendants, given that the DOE defendants have not yet been identified, and on that
28 basis deny each and every allegation against the DOE defendants contained therein.

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1 57. In answer to paragraph 57, defendants deny each and every allegation
2 against these answering defendants contained therein. As to the remaining
3 allegations contained in said paragraph, defendants are without sufficient knowledge
4 or information to form a belief as to the truth of the allegations contained in said
5 paragraph and on that basis deny each and every allegation contained therein.
6 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
7 ambiguous and thus defendants are unable to admit or deny the allegations and on
8 that basis defendants deny each and every remaining allegation in said paragraph.
9 Defendants are also without sufficient knowledge or information to form a belief as
10 to the truth of the allegations contained in said paragraph with respect to the DOE
11 defendants, given that the DOE defendants have not yet been identified, and on that
12 basis deny each and every allegation against the DOE defendants contained therein.

13 58. In answer to paragraph 58, defendants deny each and every allegation
14 against these answering defendants contained therein. As to the remaining
15 allegations contained in said paragraph, defendants are without sufficient knowledge
16 or information to form a belief as to the truth of the allegations contained in said
17 paragraph and on that basis deny each and every allegation contained therein.
18 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
19 ambiguous and thus defendants are unable to admit or deny the allegations and on
20 that basis defendants deny each and every remaining allegation in said paragraph.

21 59. In answer to paragraph 59, defendants deny each and every allegation
22 against these answering defendants contained therein. As to the remaining
23 allegations contained in said paragraph, defendants are without sufficient knowledge
24 or information to form a belief as to the truth of the allegations contained in said
25 paragraph and on that basis deny each and every allegation contained therein.
26 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
27 ambiguous and thus defendants are unable to admit or deny the allegations and on
28 that basis defendants deny each and every remaining allegation in said paragraph.

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1 60. In answer to paragraph 60, defendants deny each and every allegation
2 against these answering defendants contained therein. As to the remaining
3 allegations contained in said paragraph, defendants are without sufficient knowledge
4 or information to form a belief as to the truth of the allegations contained in said
5 paragraph and on that basis deny each and every allegation contained therein.
6 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
7 ambiguous and thus defendants are unable to admit or deny the allegations and on
8 that basis defendants deny each and every remaining allegation in said paragraph.

9 61. In answer to paragraph 61, defendants deny each and every allegation
10 against these answering defendants contained therein. As to the remaining
11 allegations contained in said paragraph, defendants are without sufficient knowledge
12 or information to form a belief as to the truth of the allegations contained in said
13 paragraph and on that basis deny each and every allegation contained therein.
14 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
15 ambiguous and thus defendants are unable to admit or deny the allegations and on
16 that basis defendants deny each and every remaining allegation in said paragraph.

17 62. In answer to paragraph 62, defendants deny each and every allegation
18 against these answering defendants contained therein. As to the remaining
19 allegations contained in said paragraph, defendants are without sufficient knowledge
20 or information to form a belief as to the truth of the allegations contained in said
21 paragraph and on that basis deny each and every allegation contained therein.
22 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
23 ambiguous and thus defendants are unable to admit or deny the allegations and on
24 that basis defendants deny each and every remaining allegation in said paragraph.

25 63. In answer to paragraph 63, defendants deny each and every allegation
26 against these answering defendants contained therein. As to the remaining
27 allegations contained in said paragraph, defendants are without sufficient knowledge
28 or information to form a belief as to the truth of the allegations contained in said

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1 paragraph and on that basis deny each and every allegation contained therein.

2 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
3 ambiguous and thus defendants are unable to admit or deny the allegations and on
4 that basis defendants deny each and every remaining allegation in said paragraph.
5 Defendants are also without sufficient knowledge or information to form a belief as
6 to the truth of the allegations contained in said paragraph with respect to the DOE
7 defendants, given that the DOE defendants have not yet been identified, and on that
8 basis deny each and every allegation against the DOE defendants contained therein.

9 64. In answer to paragraph 64, defendants deny each and every allegation
10 against these answering defendants contained therein. As to the remaining
11 allegations contained in said paragraph, defendants are without sufficient knowledge
12 or information to form a belief as to the truth of the allegations contained in said
13 paragraph and on that basis deny each and every allegation contained therein.

14 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
15 ambiguous and thus defendants are unable to admit or deny the allegations and on
16 that basis defendants deny each and every remaining allegation in said paragraph.
17 Defendants are also without sufficient knowledge or information to form a belief as
18 to the truth of the allegations contained in said paragraph with respect to the DOE
19 defendants, given that the DOE defendants have not yet been identified, and on that
20 basis deny each and every allegation against the DOE defendants contained therein.

21 65. In answer to paragraph 65, defendants deny each and every allegation
22 against these answering defendants contained therein. As to the remaining
23 allegations contained in said paragraph, defendants are without sufficient knowledge
24 or information to form a belief as to the truth of the allegations contained in said
25 paragraph and on that basis deny each and every allegation contained therein.

26 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
27 ambiguous and thus defendants are unable to admit or deny the allegations and on
28 that basis defendants deny each and every remaining allegation in said paragraph.

1 Defendants are also without sufficient knowledge or information to form a belief as
 2 to the truth of the allegations contained in said paragraph with respect to the DOE
 3 defendants, given that the DOE defendants have not yet been identified, and on that
 4 basis deny each and every allegation against the DOE defendants contained therein.

5 **FOURTH CLAIM**

6 **Violation of 42 U.S.C. § 1983 for Custom, Policy or Practice Causing** 7 **Constitutional Violations (Against COUNTY and LASD)**

8 66. In answer to paragraph 66, which incorporates by reference the
 9 allegations of other paragraphs of the pleading, defendants to the same extent
 10 incorporate by reference the answers provided herein to those paragraphs.

11 67. In answer to paragraph 67, inclusive of subparagraphs a through h,
 12 defendants deny each and every allegation against these answering defendants
 13 contained therein. As to the remaining allegations contained in said paragraph,
 14 defendants are without sufficient knowledge or information to form a belief as to the
 15 truth of the allegations contained in said paragraph and on that basis deny each and
 16 every allegation contained therein. Moreover, plaintiffs' allegations in said
 17 paragraph are overbroad, vague and ambiguous and thus defendants are unable to
 18 admit or deny the allegations and on that basis defendants deny each and every
 19 remaining allegation in said paragraph. Defendants are also without sufficient
 20 knowledge or information to form a belief as to the truth of the allegations contained
 21 in said paragraph with respect to the DOE defendants, given that the DOE
 22 defendants have not yet been identified, and on that basis deny each and every
 23 allegation against the DOE defendants contained therein.

24 68. In answer to paragraph 68, defendants deny each and every allegation
 25 against these answering defendants contained therein.

26 69. In answer to paragraph 69, defendants deny that plaintiffs are entitled
 27 to an award of damages or any other form of relief as requested in the Complaint as
 28 a result of any acts or omissions by these answering defendants.

FIFTH CLAIM

**Violation of Title II of the Americans with Disabilities Act
(42 U.S.C. § 12131 et seq., against COUNTY and LASD)**

70. In answer to paragraph 70, which incorporates by reference the allegations of other paragraphs of the pleading, defendants to the same extent incorporate by reference the answers provided herein to those paragraphs.

71. In answer to paragraph 71, defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph.

72. In answer to paragraph 72, defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph.

73. In answer to paragraph 73, defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph.

74. In answer to paragraph 74, inclusive of subparagraphs a through c, defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph.

75. In answer to paragraph 75, defendants admit that the County of Los Angeles is and was at all relevant times mentioned in the Complaint as a public entity duly organized under the laws of the State of California. As to the remaining allegations contained in said paragraph, plaintiffs' allegations in said paragraph are overbroad, vague and ambiguous and thus defendants are unable to admit or deny the allegations and on that basis defendants deny each and every remaining allegation in said paragraph.

76. In answer to paragraph 76, defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis deny each and every allegation contained therein.

78. In answer to paragraph 78, defendants deny that plaintiffs are entitled to an award of damages, attorneys' fees or costs or any other form of relief as requested in the Complaint as a result of any acts or omissions by these answering defendants.

**Violation of Section 504 of the Rehabilitation Act of 1973
(29 U.S.C. § 794; against Defendants COUNTY and LASD)**

84. In answer to paragraph 84, defendants deny that plaintiffs are entitled to an award of damages, attorneys' fees or costs or any other form of relief as requested in the Complaint as a result of any acts or omissions by these answering defendants.

///

SEVENTH CLAIM

**Cal. Const., Art. I, § 7; Cal. Civil Code §§ 51, 51.7, 52, 52.1, 54, 54.1 and 54.3;
and Cal. Gov't Code § 11135.**

(Against COUNTY, LASD and Does 1 - 10)

85. In answer to paragraph 85, which incorporates by reference the allegations of other paragraphs of the pleading, defendants to the same extent incorporate by reference the answers provided herein to those paragraphs.

86. In answer to paragraph 86, defendants deny each and every allegation against these answering defendants contained therein. As to the remaining allegations contained in said paragraph, defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis deny each and every allegation contained therein.

Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and ambiguous and thus defendants are unable to admit or deny the allegations and on that basis defendants deny each and every remaining allegation in said paragraph. Defendants are also without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph with respect to the DOE defendants, given that the DOE defendants have not yet been identified, and on that basis deny each and every allegation against the DOE defendants contained therein.

87. In answer to paragraph 87, inclusive of subparagraphs a through d, defendants deny each and every allegation against these answering defendants contained therein. As to the remaining allegations contained in said paragraph, defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis deny each and every allegation contained therein. Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and ambiguous and thus defendants are unable to admit or deny the allegations and on that basis defendants deny each and every remaining allegation in said paragraph. Defendants are also without sufficient

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1 knowledge or information to form a belief as to the truth of the allegations contained
2 in said paragraph with respect to the DOE defendants, given that the DOE
3 defendants have not yet been identified, and on that basis deny each and every
4 allegation against the DOE defendants contained therein.

5 88. In answer to paragraph 88, defendants deny each and every allegation
6 against these answering defendants contained therein.

7 89. In answer to paragraph 89, defendants deny each and every allegation
8 against these answering defendants contained therein.

9 90. In answer to paragraph 90, defendants deny each and every allegation
10 against these answering defendants contained therein. As to the remaining
11 allegations contained in said paragraph, defendants are without sufficient knowledge
12 or information to form a belief as to the truth of the allegations contained in said
13 paragraph and on that basis deny each and every allegation contained therein.

14 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
15 ambiguous and thus defendants are unable to admit or deny the allegations and on
16 that basis defendants deny each and every remaining allegation in said paragraph.
17 Defendants are also without sufficient knowledge or information to form a belief as
18 to the truth of the allegations contained in said paragraph with respect to the DOE
19 defendants, given that the DOE defendants have not yet been identified, and on that
20 basis deny each and every allegation against the DOE defendants contained therein.

21 91. In answer to paragraph 91, defendants deny each and every allegation
22 against these answering defendants contained therein. As to the remaining
23 allegations contained in said paragraph, defendants are without sufficient knowledge
24 or information to form a belief as to the truth of the allegations contained in said
25 paragraph and on that basis deny each and every allegation contained therein.

26 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
27 ambiguous and thus defendants are unable to admit or deny the allegations and on
28 that basis defendants deny each and every remaining allegation in said paragraph.

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1 Defendants are also without sufficient knowledge or information to form a belief as
2 to the truth of the allegations contained in said paragraph with respect to the DOE
3 defendants, given that the DOE defendants have not yet been identified, and on that
4 basis deny each and every allegation against the DOE defendants contained therein.

5 92. In answer to paragraph 92, defendants are without sufficient knowledge
6 or information to form a belief as to the truth of the allegations contained in said
7 paragraph.

8 93. In answer to paragraph 93, defendants are without sufficient knowledge
9 or information to form a belief as to the truth of the allegations contained in said
10 paragraph.

11 94. In answer to paragraph 94, defendants are without sufficient knowledge
12 or information to form a belief as to the truth of the allegations contained in said
13 paragraph.

14 95. In answer to paragraph 95, defendants deny each and every allegation
15 against these answering defendants contained therein. As to the remaining
16 allegations contained in said paragraph, defendants are without sufficient knowledge
17 or information to form a belief as to the truth of the allegations contained in said
18 paragraph and on that basis deny each and every allegation contained therein.

19 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
20 ambiguous and thus defendants are unable to admit or deny the allegations and on
21 that basis defendants deny each and every remaining allegation in said paragraph.
22 Defendants are also without sufficient knowledge or information to form a belief as
23 to the truth of the allegations contained in said paragraph with respect to the DOE
24 defendants, given that the DOE defendants have not yet been identified, and on that
25 basis deny each and every allegation against the DOE defendants contained therein.

26 96. In answer to paragraph 96, defendants deny each and every allegation
27 against these answering defendants contained therein. As to the remaining
28 allegations contained in said paragraph, defendants are without sufficient knowledge

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1 or information to form a belief as to the truth of the allegations contained in said
 2 paragraph and on that basis deny each and every allegation contained therein.
 3 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
 4 ambiguous and thus defendants are unable to admit or deny the allegations and on
 5 that basis defendants deny each and every remaining allegation in said paragraph.
 6 Defendants are also without sufficient knowledge or information to form a belief as
 7 to the truth of the allegations contained in said paragraph with respect to the DOE
 8 defendants, given that the DOE defendants have not yet been identified, and on that
 9 basis deny each and every allegation against the DOE defendants contained therein.

10 97. In answer to paragraph 97, defendants deny each and every allegation
 11 against these answering defendants contained therein. Defendants deny that
 12 plaintiffs are entitled to an award of damages, attorneys' fees or costs or any other
 13 form of relief as requested in the Complaint as a result of any acts or omissions by
 14 these answering defendants. As to the remaining allegations contained in said
 15 paragraph, defendants are without sufficient knowledge or information to form a
 16 belief as to the truth of the allegations contained in said paragraph and on that basis
 17 deny each and every allegation contained therein. Moreover, plaintiffs' allegations in
 18 said paragraph are overbroad, vague and ambiguous and thus defendants are unable
 19 to admit or deny the allegations and on that basis defendants deny each and every
 20 remaining allegation in said paragraph. Defendants are also without sufficient
 21 knowledge or information to form a belief as to the truth of the allegations contained
 22 in said paragraph with respect to the DOE defendants, given that the DOE
 23 defendants have not yet been identified, and on that basis deny each and every
 24 allegation against the DOE defendants contained therein.

25 **EIGHTH CLAIM**

26 **Assault and Battery**

27 **(Against Defendants COUNTY, LASD and Does 1 - 10)**

28 98. In answer to paragraph 98, which incorporates by reference the

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allegations of other paragraphs of the pleading, defendants to the same extent incorporate by reference the answers provided herein to those paragraphs.

99. In answer to paragraph 99, defendants deny each and every allegation against these answering defendants contained therein. As to the remaining allegations contained in said paragraph, defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis deny each and every allegation contained therein.

Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and ambiguous and thus defendants are unable to admit or deny the allegations and on that basis defendants deny each and every remaining allegation in said paragraph. Defendants are also without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph with respect to the DOE defendants, given that the DOE defendants have not yet been identified, and on that basis deny each and every allegation against the DOE defendants contained therein.

100. In answer to paragraph 100, defendants deny each and every allegation against these answering defendants contained therein. As to the remaining allegations contained in said paragraph, defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis deny each and every allegation contained therein.

Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and ambiguous and thus defendants are unable to admit or deny the allegations and on that basis defendants deny each and every remaining allegation in said paragraph. Defendants are also without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph with respect to the DOE defendants, given that the DOE defendants have not yet been identified, and on that basis deny each and every allegation against the DOE defendants contained therein.

101. In answer to paragraph 101, defendants deny each and every allegation against these answering defendants contained therein. As to the remaining

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1 allegations contained in said paragraph, defendants are without sufficient knowledge
2 or information to form a belief as to the truth of the allegations contained in said
3 paragraph and on that basis deny each and every allegation contained therein.
4 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
5 ambiguous and thus defendants are unable to admit or deny the allegations and on
6 that basis defendants deny each and every remaining allegation in said paragraph.
7 Defendants are also without sufficient knowledge or information to form a belief as
8 to the truth of the allegations contained in said paragraph with respect to the DOE
9 defendants, given that the DOE defendants have not yet been identified, and on that
10 basis deny each and every allegation against the DOE defendants contained therein.

11 102. In answer to paragraph 102, defendants deny each and every allegation
12 against these answering defendants contained therein. Defendants deny that
13 plaintiffs are entitled to an award of punitive or exemplary damages, or any other
14 form of relief as requested in the Complaint as a result of any acts or omissions by
15 these answering defendants. As to the remaining allegations contained in said
16 paragraph, defendants are without sufficient knowledge or information to form a
17 belief as to the truth of the allegations contained in said paragraph and on that basis
18 deny each and every allegation contained therein. Moreover, plaintiffs' allegations in
19 said paragraph are overbroad, vague and ambiguous and thus defendants are unable
20 to admit or deny the allegations and on that basis defendants deny each and every
21 remaining allegation in said paragraph. Defendants are also without sufficient
22 knowledge or information to form a belief as to the truth of the allegations contained
23 in said paragraph with respect to the DOE defendants, given that the DOE
24 defendants have not yet been identified, and on that basis deny each and every
25 allegation against the DOE defendants contained therein.

26 103. In answer to paragraph 103, defendants deny each and every allegation
27 against these answering defendants contained therein. As to the remaining
28 allegations contained in said paragraph, defendants are without sufficient knowledge

1 or information to form a belief as to the truth of the allegations contained in said
 2 paragraph and on that basis deny each and every allegation contained therein.
 3 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
 4 ambiguous and thus defendants are unable to admit or deny the allegations and on
 5 that basis defendants deny each and every remaining allegation in said paragraph.
 6 Defendants are also without sufficient knowledge or information to form a belief as
 7 to the truth of the allegations contained in said paragraph with respect to the DOE
 8 defendants, given that the DOE defendants have not yet been identified, and on that
 9 basis deny each and every allegation against the DOE defendants contained therein.

10 **NINTH CLAIM**

11 **False Arrest and False Imprisonment.**

12 **(Against Defendants COUNTY, LASD and Does 1 - 10)**

13 104. In answer to paragraph 104, which incorporates by reference the
 14 allegations of other paragraphs of the pleading, defendants to the same extent
 15 incorporate by reference the answers provided herein to those paragraphs.

16 105. In answer to paragraph 105, defendants deny each and every allegation
 17 against these answering defendants contained therein. As to the remaining
 18 allegations contained in said paragraph, defendants are without sufficient knowledge
 19 or information to form a belief as to the truth of the allegations contained in said
 20 paragraph and on that basis deny each and every allegation contained therein.

21 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
 22 ambiguous and thus defendants are unable to admit or deny the allegations and on
 23 that basis defendants deny each and every remaining allegation in said paragraph.
 24 Defendants are also without sufficient knowledge or information to form a belief as
 25 to the truth of the allegations contained in said paragraph with respect to the DOE
 26 defendants, given that the DOE defendants have not yet been identified, and on that
 27 basis deny each and every allegation against the DOE defendants contained therein.

28 106. In answer to paragraph 106, defendants deny each and every allegation

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1 against these answering defendants contained therein. As to the remaining
 2 allegations contained in said paragraph, defendants are without sufficient knowledge
 3 or information to form a belief as to the truth of the allegations contained in said
 4 paragraph and on that basis deny each and every allegation contained therein.
 5 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
 6 ambiguous and thus defendants are unable to admit or deny the allegations and on
 7 that basis defendants deny each and every remaining allegation in said paragraph.
 8 Defendants are also without sufficient knowledge or information to form a belief as
 9 to the truth of the allegations contained in said paragraph with respect to the DOE
 10 defendants, given that the DOE defendants have not yet been identified, and on that
 11 basis deny each and every allegation against the DOE defendants contained therein.

12 107. In answer to paragraph 107, defendants deny each and every allegation
 13 against these answering defendants contained therein. As to the remaining
 14 allegations contained in said paragraph, defendants are without sufficient knowledge
 15 or information to form a belief as to the truth of the allegations contained in said
 16 paragraph and on that basis deny each and every allegation contained therein.
 17 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
 18 ambiguous and thus defendants are unable to admit or deny the allegations and on
 19 that basis defendants deny each and every remaining allegation in said paragraph.
 20 Defendants are also without sufficient knowledge or information to form a belief as
 21 to the truth of the allegations contained in said paragraph with respect to the DOE
 22 defendants, given that the DOE defendants have not yet been identified, and on that
 23 basis deny each and every allegation against the DOE defendants contained therein.

24 108. In answer to paragraph 108, defendants deny each and every allegation
 25 against these answering defendants contained therein. Defendants deny that
 26 plaintiffs are entitled to an award of damages, or any other form of relief as
 27 requested in the Complaint as a result of any acts or omissions by these answering
 28 defendants. As to the remaining allegations contained in said paragraph, defendants

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1 are without sufficient knowledge or information to form a belief as to the truth of
 2 the allegations contained in said paragraph and on that basis deny each and every
 3 allegation contained therein. Moreover, plaintiffs' allegations in said paragraph are
 4 overbroad, vague and ambiguous and thus defendants are unable to admit or deny
 5 the allegations and on that basis defendants deny each and every remaining
 6 allegation in said paragraph. Defendants are also without sufficient knowledge or
 7 information to form a belief as to the truth of the allegations contained in said
 8 paragraph with respect to the DOE defendants, given that the DOE defendants have
 9 not yet been identified, and on that basis deny each and every allegation against the
 10 DOE defendants contained therein.

11 109. In answer to paragraph 109, defendants deny each and every allegation
 12 against these answering defendants contained therein. Defendants deny that
 13 plaintiffs are entitled to an award of punitive or exemplary damages, or any other
 14 form of relief as requested in the Complaint as a result of any acts or omissions by
 15 these answering defendants. As to the remaining allegations contained in said
 16 paragraph, defendants are without sufficient knowledge or information to form a
 17 belief as to the truth of the allegations contained in said paragraph and on that basis
 18 deny each and every allegation contained therein. Moreover, plaintiffs' allegations in
 19 said paragraph are overbroad, vague and ambiguous and thus defendants are unable
 20 to admit or deny the allegations and on that basis defendants deny each and every
 21 remaining allegation in said paragraph. Defendants are also without sufficient
 22 knowledge or information to form a belief as to the truth of the allegations contained
 23 in said paragraph with respect to the DOE defendants, given that the DOE
 24 defendants have not yet been identified, and on that basis deny each and every
 25 allegation against the DOE defendants contained therein.

26 ///

27 ///

28 ///

TENTH CLAIM

Negligence

(Against All Defendants and Doe Defendants)

110. In answer to paragraph 110, which incorporates by reference the allegations of other paragraphs of the pleading, defendants to the same extent incorporate by reference the answers provided herein to those paragraphs.

111. In answer to paragraph 111, defendants deny each and every allegation against these answering defendants contained therein. As to the remaining allegations contained in said paragraph, defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis deny each and every allegation contained therein.

Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and ambiguous and thus defendants are unable to admit or deny the allegations and on that basis defendants deny each and every remaining allegation in said paragraph. Defendants are also without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph with respect to the DOE defendants, given that the DOE defendants have not yet been identified, and on that basis deny each and every allegation against the DOE defendants contained therein.

112. In answer to paragraph 112, inclusive of subparagraphs a through j, defendants deny each and every allegation against these answering defendants contained therein. As to the remaining allegations contained in said paragraph, defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis deny each and every allegation contained therein. Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and ambiguous and thus defendants are unable to admit or deny the allegations and on that basis defendants deny each and every remaining allegation in said paragraph. Defendants are also without sufficient knowledge or information to form a belief as to the truth of the allegations contained

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1 in said paragraph with respect to the DOE defendants, given that the DOE
2 defendants have not yet been identified, and on that basis deny each and every
3 allegation against the DOE defendants contained therein.

4 113. In answer to paragraph 113, defendants deny each and every allegation
5 against these answering defendants contained therein. As to the remaining
6 allegations contained in said paragraph, defendants are without sufficient knowledge
7 or information to form a belief as to the truth of the allegations contained in said
8 paragraph and on that basis deny each and every allegation contained therein.

9 Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and
10 ambiguous and thus defendants are unable to admit or deny the allegations and on
11 that basis defendants deny each and every remaining allegation in said paragraph.
12 Defendants are also without sufficient knowledge or information to form a belief as
13 to the truth of the allegations contained in said paragraph with respect to the DOE
14 defendants, given that the DOE defendants have not yet been identified, and on that
15 basis deny each and every allegation against the DOE defendants contained therein.

16 114. In answer to paragraph 114, defendants deny each and every allegation
17 against these answering defendants contained therein. Defendants deny that
18 plaintiffs are entitled to an award of damages, or any other form of relief as
19 requested in the Complaint as a result of any acts or omissions by these answering
20 defendants. As to the remaining allegations contained in said paragraph, defendants
21 are without sufficient knowledge or information to form a belief as to the truth of
22 the allegations contained in said paragraph and on that basis deny each and every
23 allegation contained therein. Moreover, plaintiffs' allegations in said paragraph are
24 overbroad, vague and ambiguous and thus defendants are unable to admit or deny
25 the allegations and on that basis defendants deny each and every remaining
26 allegation in said paragraph. Defendants are also without sufficient knowledge or
27 information to form a belief as to the truth of the allegations contained in said
28 paragraph with respect to the DOE defendants, given that the DOE defendants have

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not yet been identified, and on that basis deny each and every allegation against the DOE defendants contained therein.

115. In answer to paragraph 115, defendants deny each and every allegation against these answering defendants contained therein. Moreover, plaintiffs' allegations in said paragraph are overbroad, vague and ambiguous and thus defendants are unable to admit or deny the allegations and on that basis defendants deny each and every remaining allegation in said paragraph. Defendants are also without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph with respect to the DOE defendants, given that the DOE defendants have not yet been identified, and on that basis deny each and every allegation against the DOE defendants contained therein. In answer to plaintiffs' Prayer for Relief, inclusive of paragraphs a through f, these answering defendants deny generally and specifically each and every allegation contained therein as it refers to these answering defendants, and further deny that plaintiffs are entitled to an award of damages, punitive or exemplary damages, interest, costs of suit or reasonable attorney's fees, treble damages, injunctive and/or declaratory relief or any other form of relief as requested in the Complaint as a result of any acts or omissions by these answering defendants.

AFFIRMATIVE DEFENSES

As for their separate affirmative defenses, answering defendants allege as follows:

FIRST AFFIRMATIVE DEFENSE

1. As a separate and distinct affirmative defense, answering defendants allege plaintiffs' Complaint fails to state facts sufficient to constitute a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

2. As a separate and distinct affirmative defense, answering defendants allege plaintiffs' claims against answering defendants are barred, as answering

1 defendants have qualified immunity from the allegations set forth in plaintiffs'
2 Complaint.

3 **THIRD AFFIRMATIVE DEFENSE**

4 3. As a separate and distinct affirmative defense, answering defendants
5 allege plaintiffs' Complaint, and each claim contained therein, is barred on the
6 ground that answering defendants were not the cause of any alleged damage, injury,
7 or loss to plaintiffs, if any.

8 **FOURTH AFFIRMATIVE DEFENSE**

9 4. As a separate and distinct affirmative defense, answering defendants
10 allege plaintiffs' Complaint, and each and every claim contained therein, is barred
11 by the applicable statute of limitations, including, but not limited to, California
12 *Code of Civil Procedure* §§ 335.1, 338, 339, 340, 342, 343, and 583.210.

13 **FIFTH AFFIRMATIVE DEFENSE**

14 5. As a separate and distinct affirmative defense, answering defendants
15 allege plaintiffs claims are barred by the failure of plaintiffs to commence the action
16 within the time required by California *Government Code* §§ 911.2, 911.4, 945.4,
17 945.6, 950.2, and 950.6.

18 **SIXTH AFFIRMATIVE DEFENSE**

19 6. As a separate and distinct affirmative defense, answering defendants
20 allege plaintiffs' Complaint, and each claim contained therein, is barred pursuant to
21 the equitable doctrine of laches.

22 **SEVENTH AFFIRMATIVE DEFENSE**

23 7. As a separate and distinct affirmative defense, answering defendants
24 allege plaintiffs' Complaint, and each claim contained therein, is barred pursuant to
25 the doctrine of unclean hands.

26 **EIGHTH AFFIRMATIVE DEFENSE**

27 8. As a separate and distinct affirmative defense, answering defendants
28 allege plaintiffs' Complaint, and each claim contained therein, is barred pursuant to

1 the equitable doctrine of waiver.

2 **NINTH AFFIRMATIVE DEFENSE**

3 9. As a separate and distinct affirmative defense, answering defendants
4 allege plaintiffs are estopped by their own acts or omissions from recovery against
5 answering defendants for the claims asserted in the Complaint.

6 **TENTH AFFIRMATIVE DEFENSE**

7 10. As a separate and distinct affirmative defense, answering defendants
8 allege any injury to plaintiffs was due to and caused by the negligence and
9 omissions of plaintiffs to care for themselves, which carelessness and negligence
10 and omissions were the proximate cause of the damage, if any, to plaintiffs.

11 **ELEVENTH AFFIRMATIVE DEFENSE**

12 11. As a separate and distinct affirmative defense, answering defendants
13 allege plaintiffs' alleged damages, if any, contained in the Complaint, were caused
14 by persons and/or entities other than answering defendants, who failed to exercise
15 ordinary care, caution, prudence, and were negligent, or acted wrongfully in their
16 dealing with plaintiffs, and that at all times, said persons or entities were acting
17 without consent, authorization, knowledge, and/or ratification of these answering
18 defendants. Accordingly, any recovery against answering defendants by plaintiffs,
19 if any, must be precluded and/or reduced in a proportionate amount to the fault on
20 the part of such other person(s) and/or entities.

21 **TWELFTH AFFIRMATIVE DEFENSE**

22 12. As a separate and distinct affirmative defense, answering defendants
23 allege that to the extent plaintiffs suffered any detriment, such detriment was caused
24 or contributed to by plaintiffs' negligence, and damages, if any, should be reduced
25 in direct proportion to their fault.

26 **THIRTEENTH AFFIRMATIVE DEFENSE**

27 13. As a separate and distinct affirmative defense, answering defendants
28 allege the conduct, if any, which is the subject of plaintiffs' Complaint, was

1 absolutely and/or conditionally legally privileged, and/or justified. Further all
2 actions by answering defendants were in good faith and reasonable.

3 **FOURTEENTH AFFIRMATIVE DEFENSE**

4 14. As a separate and distinct affirmative defense, answering defendants
5 allege answering defendants are not liable for the failure to discharge any
6 mandatory duty in that they exercised reasonable diligence in the discharge of all
7 duties as provided by California *Government Code* § 815.6.

8 **FIFTEENTH AFFIRMATIVE DEFENSE**

9 15. As a separate and distinct affirmative defense, answering defendants
10 allege answering defendants are not liable in that the injuries and damages, if any,
11 were the result of the exercise of the discretion vested in public officers and
12 employees.

13 **SIXTEENTH AFFIRMATIVE DEFENSE**

14 16. As a separate and distinct affirmative defense, answering defendants
15 allege answering defendants are not liable pursuant to statute by operation of
16 California *Government Code* §§ 818.2 and 821 for the adoption or failure to adopt
17 or enforce any law.

18 **SEVENTEENTH AFFIRMATIVE DEFENSE**

19 17. As a separate and distinct affirmative defense, answering defendants
20 allege answering defendants are not liable by operation of California *Government*
21 *Code* § 820.2 for injury resulting from an act or omission where the act or omission
22 was the result of the exercise of the discretion vested in answering defendants,
23 whether or not such discretion be abused.

24 **EIGHTEENTH AFFIRMATIVE DEFENSE**

25 18. As a separate and distinct affirmative defense, answering defendants
26 allege answering defendants are not liable by operation of California *Government*
27 *Code* § 820.4 for the execution or enforcement of the law by public officers
28 exercising due care.

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NINETEENTH AFFIRMATIVE DEFENSE

19. As a separate and distinct affirmative defense, answering defendants allege answering defendants are not liable by operation of California *Government Code* § 820.6 for injury caused by acts done in good faith, without malice, and under the apparent authority of an enactment that is unconstitutional, invalid or inapplicable.

TWENTIETH AFFIRMATIVE DEFENSE

20. As a separate and distinct affirmative defense, answering defendants allege answering defendants are not liable by operation of California *Government Code* § 820.8, in that the injuries and damages, if any, were caused by the acts or omissions of other persons, and not answering defendants.

TWENTY-FIRST AFFIRMATIVE DEFENSE

21. As a separate and distinct affirmative defense, answering defendants allege on or about the time, date, and place alleged in plaintiffs' Complaint, the conduct of plaintiffs and/or third persons was of such nature as to constitute an independent, intervening, and superseding cause, which was the sole proximate cause of the injuries and damages allegedly suffered by plaintiffs.

TWENTY-SECOND AFFIRMATIVE DEFENSE

22. As a separate and distinct affirmative defense, answering defendants allege answering defendants' acts or omissions were discretionary, requiring deliberation, decision and judgment which were done honestly, reasonably and in good faith, and by virtue of which they are immune from liability.

TWENTY-THIRD AFFIRMATIVE DEFENSE

23. As a separate and distinct affirmative defense, answering defendants allege all the claims set forth in plaintiffs' Complaint are barred because plaintiffs failed to take reasonable steps to mitigate their damages.

TWENTY-FOURTH AFFIRMATIVE DEFENSE

24. As a separate and distinct affirmative defense, answering defendants

1 allege plaintiffs have failed to comply with the California Tort Claims Act.

2 **TWENTY-FIFTH AFFIRMATIVE DEFENSE**

3 25. As a separate and distinct affirmative defense, answering defendants
4 allege answering defendants are shielded from liability for civil damages insofar as
5 the conduct in this case did not violate any statutory or constitutional right of which
6 a reasonable person would have known.

7 **TWENTY-SIXTH AFFIRMATIVE DEFENSE**

8 26. As a separate and distinct affirmative defense, answering defendants
9 allege the Complaint, and each claim contained therein, is barred by the doctrines of
10 collateral estoppel and *res judicata*.

11 **TWENTY-SEVENTH AFFIRMATIVE DEFENSE**

12 27. As a separate and distinct affirmative defense, answering defendants
13 allege plaintiffs' claims are barred by plaintiffs' failure to comply with the
14 administrative claim provisions of California *Government Code* § 910, et seq.

15 **TWENTY-EIGHTH AFFIRMATIVE DEFENSE**

16 28. As a separate and distinct affirmative defense, answering defendants
17 allege plaintiffs' action is barred by the failure of plaintiffs to join, in a timely
18 fashion, indispensable and/or necessary parties to this action.

19 **TWENTY-NINTH AFFIRMATIVE DEFENSE**

20 29. As a separate and distinct affirmative defense, answering defendants
21 allege the actions of answering defendants in all respects were reasonable, proper
22 and legal.

23 **THIRTIETH AFFIRMATIVE DEFENSE**

24 30. As a separate and distinct affirmative defense, answering defendants
25 allege answering defendants' conduct did not cause the constitutional violations
26 alleged in plaintiffs' Complaint.

27 **THIRTY-FIRST AFFIRMATIVE DEFENSE**

28 31. As a separate and distinct affirmative defense, answering defendants

1 allege the conduct alleged in plaintiffs' Complaint did not violate an interest
2 cognizable under 42 U.S.C. § 1983.

3 **THIRTY-SECOND AFFIRMATIVE DEFENSE**

4 32. As a separate and distinct affirmative defense, answering defendants
5 allege plaintiffs' claims are barred by the doctrine of offset.

6 **THIRTY-THIRD AFFIRMATIVE DEFENSE**

7 33. As a separate and distinct affirmative defense, answering defendants
8 allege plaintiffs' claims are barred by the doctrine of release.

9 **THIRTY-FOURTH AFFIRMATIVE DEFENSE**

10 34. As a separate and distinct affirmative defense, answering defendants
11 allege plaintiffs do not have standing to sue.

12 **THIRTY-FIFTH AFFIRMATIVE DEFENSE**

13 35. As a separate and distinct affirmative defense, answering defendants
14 allege that the damages, if any, should be in direct proportion to the fault of
15 answering defendants, if any, as provided by California *Civil Code* §§ 1431 and
16 1431.5.

17 **THIRTY-SIXTH AFFIRMATIVE DEFENSE**

18 36. As a separate and distinct affirmative defense, answering defendants
19 allege the force used was caused and necessitated by the actions of the decedent,
20 and was reasonable and necessary for self-defense and defense of others.

21 **THIRTY-SEVENTH AFFIRMATIVE DEFENSE**

22 37. As a separate and distinct affirmative defense, answering defendants
23 allege that pain and suffering damages are not awardable on plaintiffs' claims as
24 successor in interest of decedent, pursuant to California *Code of Civil Procedure*
25 Section 377.34.

26 **THIRTY-EIGHTH AFFIRMATIVE DEFENSE**

27 38. As a separate and distinct affirmative defense, answering defendants
28 allege plaintiffs failed to comply with the requirements of California *Code of Civil*

1 *Procedure* Sections 367, 377.20, 377.30, and 377.32 with respect to each of the
 2 plaintiffs' survival claims.

3 **THIRTY-NINTH AFFIRMATIVE DEFENSE**

4 39. As a separate and distinct affirmative defense, answering defendants
 5 allege that each and every one of plaintiffs' wrongful death claims are barred by
 6 plaintiffs' failure to satisfy the requirements of California *Code of Civil Procedure*
 7 Section 377.60.

8 **FORTIETH AFFIRMATIVE DEFENSE**

9 40. As a separate and distinct affirmative defense, answering defendants
 10 allege answering defendants are immune from liability under the provisions
 11 California Statutes, including, but not limited to the following, each of which is set
 12 forth as a separate and distinct affirmative defense: California *Government Code*
 13 §§ 820, 821.6, 821.8, 822.2, 850.8, 856.2, and 856.4.

14 **FORTY-FIRST AFFIRMATIVE DEFENSE**

15 41. As a separate and distinct affirmative defense, answering defendants
 16 allege that they are immune from the claims for relief in plaintiffs' Complaint due
 17 to the application of California *Penal Code* § 4015(a).

18 **FORTY-SECOND AFFIRMATIVE DEFENSE**

19 42. As a separate and distinct affirmative defense, answering defendants
 20 allege they are immune from the claim for relief in plaintiffs' Complaint due to the
 21 application of California *Code of Civil Procedure* § 262.1.

22 **FORTY-THIRD AFFIRMATIVE DEFENSE**

23 43. As a separate and distinct affirmative defense, answering defendants
 24 allege that under California *Government Code* §§ 815(b), 815.4, and 820.2, a public
 25 entity and its employees, officers, and agents are not responsible for injury and
 26 damages resulting from the act or omission that was a result of an exercise of
 27 discretion vested in such officer, employee, or agent.

28 ///

FORTY-FOURTH AFFIRMATIVE DEFENSE

44. As a separate and distinct affirmative defense, answering defendants allege plaintiffs' claims are barred because answering defendants hold sovereign immunity under the Eleventh Amendment of the United States Constitution.

FORTY-FIFTH AFFIRMATIVE DEFENSE

45. As a separate and distinct affirmative defense, answering defendants allege they are not liable per the doctrine of assumption of risk.

FORTY-SIXTH AFFIRMATIVE DEFENSE

46. As a separate and distinct affirmative defense, answering defendants allege plaintiffs' claims are barred because the alleged violation of civil rights did not occur pursuant to a governmental policy, custom, practice, or procedure.

FORTY-SEVENTH AFFIRMATIVE DEFENSE

47. Answering defendants allege they are immune from plaintiffs' causes of action under *Welfare & Institutions Code* §§ 5150, and 5278.

FORTY-EIGHTH AFFIRMATIVE DEFENSE

48. As a separate and distinct affirmative defense, answering defendants allege the Complaint fails to state sufficient facts to entitle plaintiffs to claims of punitive or exemplary damages from answering defendants as a matter of law.

FORTY-NINTH AFFIRMATIVE DEFENSE

49. Answering defendants allege that in the event that they prevail at trial, or by way of dispositive motion, they will be entitled to recovery of reasonable attorneys' fees and costs under *California Code of Civil Procedure* § 1038 and Title 42 U.S.C. § 1988.

ADDITIONAL AFFIRMATIVE DEFENSES

50. Answering defendants assert other affirmative defenses may exist as to plaintiffs' Complaint, and answering defendants do not waive but reserve the right to subsequent defenses.

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1 WHEREFORE, these Answering Defendants pray for judgment as follows:
2 1. That Plaintiffs take nothing by reason of their Complaint and that
3 judgment be entered in favor of Answering Defendants;
4 2. Plaintiffs' Complaint be dismissed with prejudice;
5 3. That Answering Defendants recover costs of suit incurred herein,
6 including reasonable attorney's fees; and
7 For such other relief as the Court deems proper and just.

8
9 DATED: March 12, 2021

HURRELL CANTRALL LLP

10
11 By: 

12 THOMAS C. HURRELL

13 DIANE MARTINEZ

14 ROY GARCIA

15 Attorneys for Defendants, COUNTY OF
16 LOS ANGELES, LOS ANGELES
COUNTY SHERIFF'S DEPARTMENT
and SHERIFF ALEX VILLANUEVA

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DEMAND FOR JURY TRIAL

Defendants COUNTY OF LOS ANGELES, LOS ANGELES COUNTY SHERIFF'S DEPARTMENT, and SHERIFF ALEX VILLANUEVA hereby respectfully demand a trial by jury in the above-entitled action. This demand is made to all claims, matters, and issues to which they may legally be entitled to demand a jury.

DATED: March 12, 2021

HURRELL CANTRALL LLP

By: 

THOMAS C. HURRELL

DIANE MARTINEZ

ROY GARCIA

Attorneys for Defendants, COUNTY OF
LOS ANGELES, LOS ANGELES
COUNTY SHERIFF'S DEPARTMENT
and SHERIFF ALEX VILLANUEVA

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