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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES – CENTRAL DISTRICT

10 JAVIER GABRIEL GUZMAN, JR., an
individual;

11
12 Plaintiff,

13 vs.

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15 COUNTY OF LOS ANGELES, a political
subdivision of the State of California; and DOES
16 1-99, inclusive;

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18 Defendants.
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Case No.: 21STCV07629

FIRST AMENDED COMPLAINT FOR DAMAGES

- (1) LAB. CODE § 1102.5 RETALIATION
(2) BANE ACT
(3) PUBLIC ENTITY LIABILITY FOR FAILURE TO PERFORM MANDATORY DUTY (GOV'T CODE § 815.6)

[JURY FEE DEPOSIT POSTED CONCURRENTLY]

25 **COMES NOW THE Plaintiff** JAVIER GABRIEL GUZMAN, JR. (“Plaintiff”), who
26 heretofore alleges the following facts in support of his First Amended Complaint for Damages and
27 hereby respectfully demands *a speedy jury trial* on all causes of action stated herein as against COUNTY
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1 OF LOS ANGELES (“COLA”), who along with DOES 1-99, inclusive, is referred to herein as the
2 “Defendants”.

3 **CASE SYNOPSIS**

4 1. Plaintiff has been employed as a Los Angeles County Deputy Sheriff since September
5 2007.

6 2. Plaintiff was retaliated against for protesting illegal arrest quotas at Compton Station,
7 and suffered permanent injury to his career as a result of the resulting retaliation.

8 **ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

9 **Jurisdiction and Venue**

10 3. This Court has jurisdiction of the subject matter of Plaintiff’s claims. Jurisdiction is
11 proper in this Court because the damages and claims alleged and demanded herein by Plaintiff exceeds
12 \$25,000, and Plaintiff herein does make a demand and prayer for damages, in excess, of the jurisdictional
13 limit of this Court.

14 4. This Court has personal jurisdiction over Defendant COLA in that it was, at all relevant
15 periods of time covered by this complaint, a political subdivision of the State of California maintaining
16 hundreds of places of business in the County of Los Angeles.

17 5. Venue in this Court is proper in that, upon information and belief, Defendants reside in
18 the County of Los Angeles.

19 6. All the harm suffered by Plaintiff took place within this judicial district.

20 **The Plaintiff**

21 7. Plaintiff is, and was, at all relevant periods of time covered by this complaint, a resident
22 of the City of Upland, County of San Bernardino.

23 8. Plaintiff is an employee of Defendants, jointly and severally.

24 **The Defendants**

25 9. Defendant COLA is a public entity who maintains a place of business, where it employed
26 Plaintiff at: 275 N. Willowbrook Avenue, Compton, CA 90220.

1 **Relationships Between Defendants**

2 10. Plaintiff is informed and believes, and thereupon alleges, that Defendants, and each of
3 them, were at all times mentioned herein the agents, servants, and employees of each other, or otherwise
4 were acting with the full knowledge and consent of each other. Plaintiff is further informed and believes,
5 and upon such basis and belief alleges, that in doing all the things alleged in this complaint, Defendants,
6 and each of them, were acting within the scope and authority of their agency, servitude, or employment,
7 and were acting with the express and/or implied knowledge, permission, and consent of one another.
8 Plaintiff is further informed and believes, and upon such basis and belief alleges, that Defendants learned
9 of, ratified, and/or approved the wrongful conduct of its agents and/or employees identified in this
10 Complaint as having engaged in wrongful conduct.

11 11. Plaintiff is informed and believes, and thereupon alleges, that at all relevant times,
12 Defendants, and each of them, were business entities or individuals who owned, controlled, or managed
13 the business which has damaged Plaintiff, and are each therefore jointly, severally, and individually
14 liable to Plaintiff.

15 12. Plaintiff is informed and believes, and thereupon alleges, that at all relevant times,
16 Defendants, and each of them, were in some fashion, by contract or otherwise, the successor, assignor,
17 indemnitor, guarantor, or third-party beneficiary of one or more of the remaining Defendants, and at all
18 relevant times to Plaintiff's claims alleged herein, were acting within that capacity. Plaintiff further
19 alleges that Defendants, and each of them, assumed the liabilities of the other Defendants, by virtue of
20 the fact that each to some degree wrongfully received and/or wrongfully benefited from the flow of
21 assets from the other Defendants to the detriment of Plaintiff. Plaintiff further alleges that by wrongfully
22 receiving and/or benefiting from Defendants' assets, and in the consummation of such transactions, a *de*
23 *facto* merger of the Defendants, and each of them, resulted, such that Defendants, and each of them, may
24 be treated as one for purposes of this Complaint.

25 13. Plaintiff is informed and believes, and thereupon alleges, that at all relevant times
26 mentioned herein, Defendants, and each of them, were the partners, agents, servants, employees, joint
27 venturers, or co-conspirators of each other defendant, and that each defendant was acting within the
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1 course, scope, and authority of such partnership, agency, employment, joint venture, or conspiracy, and
2 that each defendant, directly or indirectly, authorized, ratified, and approved the acts of the remaining
3 Defendants, and each of them.

4 **Common Factual Allegations**

5 14. Plaintiff has been employed by the County of Los Angeles (“COLA”) and the Los
6 Angeles County Sheriff’s Department (“LASD”) as a Deputy Sheriff since September 2007. Plaintiff
7 was subject to harassment, discrimination, and retaliation by the Executioners gang at Compton Sheriff’s
8 Station (“CPT”), and thus was no longer able to work at CPT station, and involuntarily transferred in
9 approximately February 2020 to the Body Worn Camera Unit.

10 15. CPT was under scrutiny by Division command, in that Marina Del Rey station (ostensibly
11 with lower rates of crime) had a higher number of arrests per Deputy. Plaintiff was one of 6-7 Deputies
12 who was unlawfully targeted for low arrest stats, although arrest quotas are illegal under California law
13 as provided by Veh. Code § 41602. Plaintiff was retaliated against for refusing to violate California law
14 with respect to illegal arrest quotas, which posed a danger to the public. The illegal arrest quotas put
15 Deputies and the public in greater danger of death or injury in that the additional number of arrests
16 would have necessarily and unavoidably led to increased violent conflicts between Deputies and
17 suspects, which would have otherwise been avoided but for the illegal arrest quotas.

18 16. The illegal, retaliatory traffic car punishment was meted out by Training Sergeant Sgt.
19 Andy Leos and Scheduling and Training Deputy Jaime Juarez. Juarez is the confirmed leader of the
20 illegal Executioners gang at CPT, and Sgt. Leos was a gang sympathizer and facilitator. When Plaintiff
21 confronted Sgt. Leos about the punitive assignment to the traffic car, Sgt. Leos immediately presented
22 Plaintiff with his arrest statistics, telling Plaintiff, “Here are your stats.”

23 17. Plaintiff protested the illegal arrest quota, and the unlawful punishment. Sgt. Leos denied
24 that the arrest quota was illegal, in that a specific number of arrests was not made known to the targeted
25 Deputies. Plaintiff disputes this and alleges that there was a secret arrest quota number agreed to
26 between the Executioners gang, its gang affiliates, and LASD employees in command positions
27 supervising CPT, including but not limited to Commander Michael Thatcher. Commander Thatcher is
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1 believed to have enabled and encouraged the Executioners gang at CPT, to the severe detriment to
2 Station Deputies and the public in the areas serviced by the Station. All the Deputies subjected to
3 unlawful discipline for low arrest stats also became targets of retaliation by the Executioners gang,
4 including Plaintiff. This retaliation was most effectuated by Deputy Juarez, who would abuse his
5 position as Scheduling and Training Deputy to punish Deputies who refused to comply with the illegal
6 arrest order. Plaintiff would work overtime, and Deputy Juarez would punish him by making him serve
7 as a front-counter Deputy at CPT Station, a severely undesirable position, even though there had never
8 been a Deputy at the front counter of the Station during Plaintiff's tenure at CPT. Further, but perhaps
9 more importantly, non-members of the gang were regularly dispatched to undesirable calls, as the gang
10 also controlled dispatch operations at CPT.

11 18. Plaintiff retained electronic documentation (stored text messages) evidencing Sgt. Leos'
12 knowledge, and implementation, of the illegal arrest quota order.

13 19. Plaintiff was pressured to give citations and effectuate arrests in situations where CPT
14 protocol and precedent dictated that the Deputy could exercise discretion and provide warnings for
15 minor, nonviolent offenses. Finally, after raising his arrest stats to comport with the illegal quota order,
16 Plaintiff was relieved of his assignment to the traffic car after 2-3 months.

17 20. Finally, as a result of incessant abuse and intimidation by the Executioners and their
18 enablers at the Station, Plaintiff was forced to initiate an involuntary transfer to the Body-Worn Cameras
19 unit, in order to escape the retaliation of the Executioners gang.

20 21. Punishment for not comporting with illegal orders relating to arrest quotas included, but
21 was not limited to, punitive demotion/transfer to the assigned traffic collision patrol vehicle (the "traffic
22 car"). CPT policy is to assign new patrol Deputies to the traffic car, with Plaintiff having spent 11-12
23 months in the traffic car after completing his patrol training at CPT. Plaintiff is informant and believes,
24 and thereupon alleges that he was retaliated against by the gang by being forced to work 12-18 hour
25 shifts for 15 days straight, with no time off, during the Malibu fires. When Plaintiff protested to Sgt.
26 Leos about the abusive and punitive scheduling, Sgt. Leos threatened Plaintiff with a charge of
27 insubordination prior to ultimately relenting. Plaintiff and other non-Executioners were given non-
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1 preferential training opportunities, while Executioners received preferred training opportunities such as
2 narcotics and gang intelligence training.

3 22. Plaintiff's career advancement prospects have been severely damaged. Plaintiff was an
4 outstanding Deputy at CPT, and desired to have continued his career trajectory at CPT in order to test
5 for OSS, narcotics, Detectives Bureau, or K-9. Plaintiff was waiting for coveted testing, but was forced
6 to transfer, thus causing permanent harm to his career advancement prospects with LASD. Most
7 troubling, Plaintiff will not be allowed to take the Sergeant's exam, in that he was only able to complete
8 approximately 3 ½ years of patrol duty prior to his involuntary transfer, falling short of the 4 years of
9 line Deputy experience required to sit for the Sergeant's exam.

10 23. At this time, Plaintiff learned that a Deputy had placed an anonymous call to the
11 Deputies' union, ALADS, complaining about the illegal arrest quotas and command ratification of same.
12 Plaintiff later learned that at a PM shift briefing, Lt. Garrido castigated the Deputies for engaging in
13 whistleblowing activities and ordered them to, "just do [their] fucking jobs."

14 24. At all times relevant to this lawsuit, the accused COLA employees were working within
15 the course and scope of their employment as agents of the COLA, with a *respondent superior*
16 relationship existing as between the employee-agent and the employer-principals. All bad acts alleged
17 to have been undertaken by the bad actors against Plaintiff were carried out under color of authority,
18 that authority having been vested in them by COLA. Had these bad actors not been employee-agents of
19 COLA, the harms herein alleged would not have transpired, and Plaintiff would not have been injured.
20 COLA is liable for the acts and omissions of its employees as provided by Gov't Code §§ 815.2 and
21 820.

22 25. LASD was fully aware of the violent and retaliatory propensities of the Executioners
23 gang and took zero steps to protect LASD employees from violent attack or retaliation, creating and
24 constituting an unsafe workplace in violation of California law. LASD permitted and encouraged the
25 Executioners to perpetrate a regime of violence upon LASD employees and citizens of the areas
26 patrolled by CPT Station. The facilitation of the Executioners by LASD permitted the gang to grow to
27 the point where its members could engage in violence with impunity, as the gang was aware that LASD
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1 was unable and/or unwilling to protect individuals situated similarly to Plaintiff from violence by the
2 gang. Further, this violent reputation extended to total control of patrol services at CPT Station, resulting
3 in Plaintiff's involuntary transfer.

4 **No Claims Arising from Privileged Conduct**

5 26. In the avoidance of doubt, Plaintiff does not herein allege any claim for damages as
6 against Defendants for any privileged action, such as the conducting of an investigation by a public
7 entity. Plaintiff, however, reserves the right to claim all damages arising out of *consequences or actions*
8 resulting from, or occasioned by, such a privileged investigation by a public entity.

9 27. Plaintiff expressly excludes from this Complaint any privileged act by any Defendant to
10 this action that would otherwise result in a Special Motion to Strike pursuant to Code Civ. Proc. §
11 425.16.

12 **Applicable Enactments**

13 28. County of Los Angeles Civil Service Rule 25 states that: "*No person in the classified*
14 *service or seeking admission thereto shall be appointed, reduced or removed, or in any way favored or*
15 *discriminated against in employment or opportunity for employment because of race, color, religion,*
16 *sex, physical handicap, medical condition, marital status, age, national origin or citizenship, ancestry,*
17 *political opinions or affiliations, organizational membership or affiliation, or other non-merit factors,*
18 *any of which are not substantially related to successful performance of the duties of the position. "Non-*
19 *merit factors" are those factors that relate exclusively to a personal or social characteristic or trait and*
20 *are not substantially related to successful performance of the duties of the position. Any person who*
21 *appeals alleging discrimination based on a non-merit factor must name the specific non-merit factor(s)*
22 *on which discrimination is alleged to be based. No hearing shall be granted, nor evidence heard relative*
23 *to discrimination based on unspecified non-merit factors."* This Rule is aimed at preventing the kind of
24 harm that Plaintiff complains of in this Complaint.

25 29. Section 30 of the Los Angeles County Charter states the following: "*The purpose of this*
26 *article is to establish a Civil Service System for the classified service which shall provide County*
27 *government with a productive, efficient, stable, and representative work force by: (1) Recruiting,*
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1 *selecting, and advancing employees on the basis of their relative ability, knowledge, and skills relevant*
2 *to the work to be performed. (2) Retaining employees on the basis of the adequacy of their performance,*
3 *correcting inadequate performance, and separating employees whose inadequate performance cannot*
4 *be corrected.”*

5 30. Further, the County and/or its agents violated the following COLA rules and regulations:

6 (1) Los Angeles County Civil Service Rule 25 (2) Los Angeles County Sheriff’s Department Manual
7 of Policies and Procedures Rule No. 3-01/010.40 – Authority of Rank; (3) Los Angeles County Sheriff’s
8 Department Manual of Policies and Procedures Rule No. 3-01/010.50 – Manner of Exercising Authority;
9 (4) Los Angeles County Sheriff’s Department Manual of Policies and Procedures Rule No. 3-01/010.62
10 – Managers and Supervisors Orders; (5) Los Angeles County Sheriff’s Department Manual of Policies
11 and Procedures Rule No. 3-01/030.07 – Immoral Conduct; (6) Los Angeles County Sheriff’s
12 Department Manual of Policies and Procedures Rule No. 3-01/030.10 – Obedience to Laws,
13 Regulations, and Orders; (7) Los Angeles County Sheriff’s Department Manual of Policies and
14 Procedures Rule No. 3-01/030.13 – Relationships and Mentoring; (8) Los Angeles County Sheriff’s
15 Department Manual of Policies and Procedures Rule No. 3-01/030.23 – Workplace Violence; (9) Los
16 Angeles County Sheriff’s Department Manual of Policies and Procedures Rule No. 3-01/030.29 –
17 Supervisor Responsibilities; (10) Los Angeles County Sheriff’s Department Manual of Policies and
18 Procedures Rule No. 3-01/050.05 – Performance of Duty; (11) Los Angeles County Sheriff’s
19 Department Manual of Policies and Procedures Rule No. 3-01/050.10 – Performance to Standards; and
20 (12) Los Angeles County Sheriff’s Department Manual of Policies and Procedures Rule No. 3-01/050.15
21 – Duties of Deputy Personnel; (13) Los Angeles County Sheriff’s Department Manual of Policies and
22 Procedures Rule No. 3-01/050.83 – Employee Groups which Violate Rights of Other Employees or
23 Members of Public. Each of these enactments imposes a mandatory duty on the County of Los Angeles.
24 The County of Los Angeles and/or its agents failed to discharge each such duty, and each such failure
25 is a proximate cause of Plaintiff’s injuries as set forth in this Complaint. Each of the foregoing policies
26 is aimed at preventing the kind of harm that Plaintiff suffered.

1 31. The duty provided by Civil Service Rule 25 to not favor employees on the basis of
2 organizational affiliation is mandatory and is aimed at preventing the kind of harm that Plaintiff
3 complains of in this Complaint. LASD personnel at CPT violated Rule 25 by favoring Executioners over
4 non-Executioners and by relegating non-Executioners, including Plaintiff, to undesirable and demeaning
5 job assignments. Such breach of mandatory duty is a proximate cause of Plaintiff’s harms.

6 32. Los Angeles County Sheriff’s Department Manual of Policies and Procedures Rule No.
7 3-01/010.40 – Authority of Rank provides in relevant part as follows: “Deputy personnel shall exercise
8 the authority of their position under all conditions which require the use of such authority for the best
9 interest of the Department.” This duty is mandatory, and it is aimed at preventing the kind of harm that
10 Plaintiff complains of in this Complaint. The deputies at CPT failed to exercise their authority in the
11 best interest of the department, including but not limited to imposing an illegal arrest quota, and
12 tolerating the existence of the Executioners. These failures are proximate causes of Plaintiff’s harms.

13 33. Los Angeles County Sheriff’s Department Manual of Policies and Procedures Rule No.
14 3-01/010.50 – Manner of Exercising Authority provides as follows: “Authority in the Department shall
15 be exercised with firmness and impartiality. Under no circumstances shall personal attitudes influence
16 decisions.” This duty is mandatory and is aimed at preventing the kind of harm that Plaintiff complains
17 of in this Complaint. The deputies at CPT made decisions that negatively impacted Plaintiff on the basis
18 of personal attitudes, including but not limited to personal attitudes relating to membership in the
19 Executioners, personal attitudes relating to opposition of the Executioners, personal attitudes relating to
20 the illegal arrest quota, and personal attitudes relating to opposition to the illegal arrest quota. Such acts
21 are proximate causes of Plaintiff’s harms.

22 34. Los Angeles County Sheriff’s Department Manual of Policies and Procedures Rule No.
23 3-01/010.62 – Managers and Supervisors Orders provides as follows: “Managers and/or supervisors
24 shall not order, encourage, knowingly direct, or knowingly cause any County employee to violate any
25 federal, state, or county code or law, Department policy or regulation, or court order.” This duty is
26 mandatory and is aimed at preventing the kind of harm that Plaintiff complains of in this Complaint.

1 Supervisors at CPT knowingly violated the Vehicle Code by imposing an illegal arrest quota on CPT
2 deputies. Such acts are proximate causes of Plaintiff's harms.

3 35. Los Angeles County Sheriff's Department Manual of Policies and Procedures Rule No.
4 3-01/030.07 – Immoral Conduct provides as follows: "Members shall maintain a level of moral conduct
5 in their personal and business affairs which is in keeping with the highest standards of the law
6 enforcement profession. Members shall not participate in any incident involving moral turpitude which
7 tends to impair their ability to perform as law enforcement officers or causes the Department to be
8 brought into disrepute." This duty is mandatory and is aimed at preventing the kind of harm that Plaintiff
9 complains of in this Complaint. LASD personnel at CPT engaged in acts of moral turpitude. Such acts
10 and/or omissions are proximate causes of Plaintiff's harms.

11 36. Los Angeles County Sheriff's Department Manual of Policies and Procedures Rule No.
12 3-01/030.10 – Obedience to Laws, Regulations, and Orders provides in relevant part as follows:
13 "Members shall not willfully violate any federal statute, state law or local ordinance." This duty is
14 mandatory and is aimed at preventing the kind of harm that Plaintiff complains of in this Complaint.
15 LASD personnel at CPT willfully violated state law, specifically, the prohibition on arrest quotas
16 provided by Vehicle Code § 41602, by imposing an arrest quota and punishing deputies, including
17 Plaintiff, who opposed the illegal requirement. This failure to discharge a mandatory duty is a proximate
18 cause of Plaintiff's harms.

19 37. Los Angeles County Sheriff's Department Manual of Policies and Procedures Rule No.
20 3-01/030.13 – Relationships and Mentoring provides in relevant part as follows: "The Department and
21 its members have an affirmative duty to intervene in the professional performance of another member
22 (or when a personal issue or behavior exposes the Department or the member to risk) when it is
23 determined to be in the best interest of the member or the organization." This duty is mandatory and is
24 aimed at preventing the kind of harm Plaintiff complains of in this Complaint. LASD personnel at CPT
25 breached this duty by failing to intervene to stop the illegal arrest quota and prevent deputies, including
26 Plaintiff, from being punished for opposing it. This breach of mandatory duty is a proximate cause of
27 Plaintiff's harms.

1 38. Los Angeles County Sheriff’s Department Manual of Policies and Procedures Rule No.
2 3-01/030.23 – Workplace Violence provides as follows: “The Los Angeles County Sheriff’s
3 Department is committed to providing a safe workplace for all employees. It is the policy of the Sheriff’s
4 Department that all employees have the right to work in an environment that promotes safety, respect
5 and dignity, free from acts of violence and threats of violence. To ensure a safe workplace, the Los
6 Angeles County Sheriff’s Department has adopted a policy of zero tolerance for workplace violence or
7 threats of violence. The Department prohibits both threats and acts of violence, including physical
8 assault and intimidation. Any activity involving violence and/or the threat of violence is subject to
9 disciplinary action up to and including discharge.” This duty is mandatory, and is aimed at preventing
10 the kind of harm that Plaintiff complains of in this Complaint. LASD personnel at CPT violated this
11 policy by threatening and intimidating all non-Executioners who opposed them and their activities, such
12 as the illegal arrest quota, including but not limited to Plaintiff. This breach of mandatory duty is a
13 proximate cause of Plaintiff’s harms.

14 39. Los Angeles County Sheriff’s Department Manual of Policies and Procedures Rule No.
15 3-01/030.29 – Supervisor Responsibilities provides in relevant part as follows: “Supervisors shall
16 monitor their work sites and personnel to maintain a violence-free environment. The goal is to prevent
17 the maturation of violent behavior in the workplace by taking appropriate action and facilitating timely
18 intervention. Supervisors shall intervene to prevent incidents of workplace violence.” This duty is
19 mandatory and is aimed at preventing the kind of harms that Plaintiff suffered. LASD personnel at CPT
20 breached this duty by threatening non-Executioners. This breach of mandatory duty is a proximate cause
21 of Plaintiff’s harms.

22 40. Los Angeles County Sheriff’s Department Manual of Policies and Procedures Rule No.
23 3-01/050.05 – Performance of Duty provides in relevant part as follows: “While on duty, employees
24 shall be governed by the following rules: Employees shall devote their time and attention to the service
25 of the County and the Department, and shall direct and coordinate their efforts in a manner which will
26 establish and maintain the highest standard of efficiency; . . . Members shall serve the Department
27 loyally and discreetly and shall not display cowardice or fail to support their fellow members in the
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1 lawful performance of duty.” This duty is mandatory and is aimed at preventing the kind of harm
2 Plaintiff complains of in this Complaint. LASD personnel at CPT breached this duty by forming the
3 deputy gang the Executioners, by permitting the existence of the Executioners, and by violating their
4 mandatory duty of loyalty to the Department by acting in the interest of the Executioners and not the
5 Department by, among other offenses, instituting an illegal arrest quota and punishing honorable
6 deputies who opposed the Executioners and who opposed the illegal arrest quota. These breaches of
7 mandatory duty are proximate causes of Plaintiff’s harms.

8 41. Los Angeles County Sheriff’s Department Manual of Policies and Procedures Rule No.
9 3-01/050.10 – Performance to Standards provides in relevant part as follows: “Members shall perform
10 their duties in a manner which will tend to establish and maintain the highest standard of efficiency in
11 carrying out the functions and objectives of the Department.” This duty is mandatory and is aimed at
12 preventing the kind of harms that Plaintiff complains of in this Complaint. LASD personnel at CPT
13 breached this duty by forming the Executioners deputy gang, permitting the Executioners deputy gang
14 to exist, instituting an illegal arrest quota, punishing deputies who opposed the illegal arrest quota, and
15 threatening non-Executioners, including Plaintiff. These breaches of mandatory duty are proximate
16 causes of Plaintiff’s harms.

17 42. Los Angeles County Sheriff’s Department Manual of Policies and Procedures Rule No.
18 3-01/050.15 – Duties of Deputy Personnel provides as follows: “Deputy personnel shall: Protect life
19 and property; Preserve the public peace; Prevent crime; Detect and arrest violators of the law; and
20 Enforce federal, state, County and city laws or ordinances as required of this Department by statute or
21 policy.” This duty is mandatory and is aimed at preventing the kind of harm that Plaintiff complains of
22 in this Complaint. LASD personnel at CPT breached this duty by forming the Executioners deputy gang,
23 permitting the Executioners deputy gang to exist, instituting an illegal arrest quota, punishing deputies
24 who opposed the illegal arrest quota, including Plaintiff, and threatening non-Executioners, including
25 Plaintiff. These breaches of mandatory duty are proximate causes of Plaintiff’s harms.

26 43. The facilitation, promotion of, and enabling of, and permitting to exist and to operate the
27 illegal Executioners gang by LASD violated Los Angeles County Sheriff’s Department Manual of
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1 Policies and Procedures Rule No. 3-01/050.83 – Employee Groups which Violate Rights of Other
2 Employees or Members of Public. This rule imposes a mandatory duty on the County of Los Angeles to
3 bar participation in deputy gangs like the Executioners. Specifically, this rule provides that “Department
4 personnel shall not participate or join in any group of Department employees which promotes conduct
5 that violates the rights of other employees or members of the public. Participation in these illicit groups,
6 herein referred to as “deputy cliques” or “subgroups” which often include an associated symbol and/or
7 tattoo, harms morale and erodes public trust. These groups undermine the Department’s goals and can
8 create a negative public perception of the Department, increasing the risk of civil liability to the
9 Department and involved personnel. Any employee engaging in misconduct of any kind, including but
10 not limited to, the use of excessive force or mistreating or harassing others, will be subject to
11 discipline. If the misconduct involves criminal allegations, the matter may be referred to the District
12 Attorney’s Office for possible prosecution. All personnel will be held accountable for this
13 policy. Failure to adhere to this policy may subject violators to discipline under the MPP, including
14 sections 3-01/030.05, General Behavior, 3-01/030.73, Hazing, and 3-01/050.10, Performance to
15 Standards” (emphasis added). In the avoidance of doubt, the Executioners gang is one of the ““deputy
16 cliques” or “subgroups”” referred to in the above rule, and the terms “deputy clique” and “deputy
17 subgroups” are euphemisms that the County of Los Angeles has adopted for the purpose of hiding,
18 obscuring, obfuscating, and minimizing the decades-old problem of illegal gangs composed of sworn
19 law enforcement officers existing within the Sheriff’s Department, which have been widely published
20 despite the Department’s best efforts to obfuscate and minimize them. Rule 3-01/050.83 is designed to
21 protect against the abuse of Sheriff’s Department employees by other Sheriff’s Department employees
22 who are associated with criminal gangs composed of Sheriff’s Department employees. The existence of
23 deputy gangs is tolerated, and on information and belief is actually condoned, by the highest levels of
24 the Sheriff’s Department. The Sheriff’s Department has willfully refused to obey the mandate of its own
25 Rule No. 3-01/050.83. Rule No. 3-01/050.83 is aimed at preventing the kind of harm that Plaintiff
26 suffered as set forth in this Complaint. The Sheriff’s Department’s failure to heed the mandate of Rule
27 No. 3-01/050.83 is the proximate cause of Plaintiff’s harms.

1 44. Vehicle Code § 41602 provides as follows: “No state or local agency employing peace
2 officers or parking enforcement employees engaged in the enforcement of this code or any local
3 ordinance adopted pursuant to this code, may establish any policy requiring any peace officer or parking
4 enforcement employees to meet an arrest quota.” This duty is mandatory and is aimed at preventing the
5 kind of harm that Plaintiff complains of in this Complaint. LASD personnel at CPT breached this duty
6 by establishing a policy that required peace officers to meet an arrest quota. This breach of mandatory
7 duty is a proximate cause of Plaintiff’s harms.

8 45. Labor Code § 3602(b)(1) provides in relevant part as follows: “An employee, or his or
9 her dependents in the event of his or her death, may bring an action at law for damages against the
10 employer, as if this division did not apply, in the following instances: (1) Where the employee's injury
11 or death is proximately caused by a willful physical assault by the employer. . . .” This enactment
12 provides that employers have a mandatory duty to prevent assaults by coworkers. This duty is mandatory
13 and is aimed at preventing the kind of harm that Plaintiff complains of in this Complaint. LASD
14 personnel at CPT breached this duty by threatening non-Executioners, including Plaintiff, who was
15 made to feel that his physical safety was in danger as a consequence of such threat. Such breach of duty
16 is a proximate cause of Plaintiff’s harms.

17 **Exhaustion of Administrative Remedies**

18 46. Plaintiff presented a Tort Claim to COLA on August 18, 2020. COLA notified Plaintiff
19 that his Tort Claim had been rejected on September 18, 2020, by means of a letter dated September 22,
20 2020. This action is being commenced within six months of this date in accordance with Gov. Code §
21 945.6. A true and correct copy of this Notice of Rejection is heretofore attached as “**EXHIBIT 1**”.

22 **Continuing Violations Doctrine**

23 47. Plaintiff is informed and believes, and thereupon alleges, that the allegations in the
24 foregoing paragraphs were part and parcel of continuing violations by the tortfeasors identified herein,
25 and are therefore not time-barred pursuant to the continuing violations doctrine.

26 48. Plaintiff is informed and believes, and thereupon alleges that these events relate to
27 unlawful acts by Defendant and its employee-agents, and that there existed a unity of decision-making
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1 between Plaintiff's supervisors and Executioners gang shot caller Jaime Juarez which had the actual
2 effect of violating the rights of Plaintiff and other similarly situated employees of Defendant. Plaintiff
3 is further informed and believes, and thereupon alleges that each and every one of the adverse
4 employment actions alleged herein were imposed by, dictated by, or ratified by a unified group of
5 decision makers with a common interest in furthering the interests of the Executioners gang at the
6 expense of Deputies who were not members of the gang. This discrete, identifiable, and unified
7 decision-making structure included, but was not limited to: Chief Eliezer Vera, Commander Michael
8 Thatcher, Captain La Tonya Clark, Sgt. Andy Leos, and Deputy Jaime Juarez. This decision-making
9 group may also have included Undersheriff Timothy Murakami and Sheriff Alex Villanueva. Former
10 Acting Captain of Compton Station, Lt. Larry Waldie, was also retaliated against by the same decision-
11 making apparatus involving the same set of facts and transactions and was denied the opportunity to
12 promote to the permanent Captain of Compton Station due to his opposition to the racketeering activities
13 of the Executioners gang.

14 **FIRST CAUSE OF ACTION**

15 **UNLAWFUL RETALIATION**

16 **Lab. Code § 1102.5**

17 **(Against All Defendants)**

18 49. Plaintiff realleges, and incorporates herein by their reference, each and every allegation
19 contained in the foregoing Paragraphs, inclusive, as though fully set forth herein. Further, all allegations
20 set forth in this cause of action are pled upon information and belief, unless otherwise stated.

21 50. Lab. Code § 1102.5(b) provides, in pertinent part, "[a]n employer, or any person acting
22 on behalf of the employer, shall not retaliate against an employee for disclosing information, or because
23 the employer believes that the employee disclosed or may disclose information, to a government or law
24 enforcement agency, to a person with authority over the employee or another employee who has the
25 authority to investigate, discover, or correct the violation or noncompliance, . . . if the employee has
26 reasonable cause to believe that the information discloses a violation of state or federal statute, or a
27 violation of or noncompliance with a local, state, or federal rule or regulation, regardless of whether
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1 disclosing the information is part of the employee's job duties.” This statute reflects the broad public
2 policy interest in encouraging workplace whistleblowers to report unlawful acts without fearing
3 retaliation.

4 51. Defendants were employers for purposes of California law.

5 52. Plaintiff was an employee of Defendants, performing work on behalf of Defendants.

6 53. Defendants subjected Plaintiff to the following adverse employment actions: (1)
7 demoted; (2) denied any employment benefit or privilege; (3) denied hire or promotion; (4) denied or
8 forced to transfer; (5) denied work opportunities or assignments; (6) reprimanded; or (7) terminated.

9 54. Defendants subjected Plaintiff to the foregoing adverse employment actions in retaliation
10 for engaging in protected activities, including, but not limited to protesting or reporting violations of:
11 (1) Los Angeles County Police of Equity, Policies, Procedures and Guidelines § 910 on cooperation
12 with administrative investigations; (2) Los Angeles County Board of Supervisors Policy Manual 9.020
13 on employee accountability; (3) Los Angeles County Board of Supervisors Policy Manual 9.010 on
14 Equal Employment Opportunity and Non-Discrimination; (4) Los Angeles County Civil Service Rule
15 25 on merit system employment; (5) Los Angeles County Code 5.08 on equal employment opportunity;
16 (6) Los Angeles County Code 5.10 on the policy of diversity; (7) Los Angeles County Sheriff’s
17 Department Manual of Policies and Procedures Rule No. 3-01/005.00 – Accountability; (8) Los Angeles
18 County Sheriff’s Department Manual of Policies and Procedures Rule No. 3-01/010.40 – Authority of
19 Rank; (9) Los Angeles County Sheriff’s Department Manual of Policies and Procedures Rule No. 3-
20 01/010.50 – Manner of Exercising Authority; (10) Los Angeles County Sheriff’s Department Manual
21 of Policies and Procedures Rule No. 3-01/010.62 – Managers and Supervisors Orders; (11) Los Angeles
22 County Sheriff’s Department Manual of Policies and Procedures Rule No. 3-01/020.05 – Extent of
23 Supervision; (12) Los Angeles County Sheriff’s Department Manual of Policies and Procedures Rule
24 No. 3-01/020.30 – Responsibility for Subordinate Supervisors; (13) Los Angeles County Sheriff’s
25 Department Manual of Policies and Procedures Rule No. 3-01/020.35 – Organizational Control; (14)
26 Los Angeles County Sheriff’s Department Manual of Policies and Procedures Rule No. 3-01/020.55 –
27 Manner of Giving Orders and Instructions; (15) Los Angeles County Sheriff’s Department Manual of
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1 Policies and Procedures Rule No. 3-01/020.60 – Responsibility for Subordinates; (16) Los Angeles
2 County Sheriff’s Department Manual of Policies and Procedures Rule No. 3-01/020.61 – Welfare of
3 Subordinates; (17) Los Angeles County Sheriff’s Department Manual of Policies and Procedures Rule
4 No. 3-01/020.62 – Relationship with Subordinates; (18) Los Angeles County Sheriff’s Department
5 Manual of Policies and Procedures Rule No. 3-01/020.63 Evaluation of Subordinates’ Work; (19) Los
6 Angeles County Sheriff’s Department Manual of Policies and Procedures Rule No. 3-01/020.70 –
7 Responsibility for Conduct of Subordinates; (20) Los Angeles County Sheriff’s Department Manual of
8 Policies and Procedures Rule No. 3-01/020.80 – Conformance with Department Manual of Policy and
9 Procedures; (21) Los Angeles County Sheriff’s Department Manual of Policies and Procedures Rule
10 No. 3-01/030.07 – Immoral Conduct; (22) Los Angeles County Sheriff’s Department Manual of Policies
11 and Procedures Rule No. 3-01/030.05 – General Behavior; (23) Los Angeles County Sheriff’s
12 Department Manual of Policies and Procedures Rule No. 3-01/030.10 – Obedience to Laws,
13 Regulations, and Orders; (24) Los Angeles County Sheriff’s Department Manual of Policies and
14 Procedures Rule No. 3-01/030.13 – Relationships and Mentoring; (25) Los Angeles County Sheriff’s
15 Department Manual of Policies and Procedures Rule No. 3-01/030.23 – Workplace Violence; (26) Los
16 Angeles County Sheriff’s Department Manual of Policies and Procedures Rule No. 3-01/030.26 –
17 Violation of Workplace Violence Policy; (27) Los Angeles County Sheriff’s Department Manual of
18 Policies and Procedures Rule No. 3-01/030.27 – Retaliation; (28) Los Angeles County Sheriff’s
19 Department Manual of Policies and Procedures Rule No. 3-01/030.28 – Reporting of Workplace
20 Violence and/or Retaliation; (29) Los Angeles County Sheriff’s Department Manual of Policies and
21 Procedures Rule No. 3-01/030.29 – Supervisor Responsibilities; (30) Los Angeles County Sheriff’s
22 Department Manual of Policies and Procedures Rule No. 3-01/030.34 – During the Investigation; (31)
23 Los Angeles County Sheriff’s Department Manual of Policies and Procedures Rule No. 3-01/030.37 –
24 Unnecessary/Inappropriate Interference in an Investigation; (32) Los Angeles County Sheriff’s
25 Department Manual of Policies and Procedures Rule No. 3-01/030.75 – Bribes, Rewards, Loans, Gifts,
26 Favors; (33) Los Angeles County Sheriff’s Department Manual of Policies and Procedures Rule No. 3-
27 01/030.85 – Derogatory Language; (34) Los Angeles County Sheriff’s Department Manual of Policies
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1 and Procedures Rule No. 3-01/040.65 – Tampering with Evidence; (35) Los Angeles County Sheriff’s
2 Department Manual of Policies and Procedures Rule No. 3-01/040.69 – Honesty Policy; (36) Los
3 Angeles County Sheriff’s Department Manual of Policies and Procedures Rule No. 3-01/040.70 –
4 Dishonesty/False Statements; (37) Los Angeles County Sheriff’s Department Manual of Policies and
5 Procedures Rule No. 3-01/040.75 – Dishonest/Failure to Make Statements and/or Making False
6 Statements During Departmental Internal Investigations; (38) Los Angeles County Sheriff’s Department
7 Manual of Policies and Procedures Rule No. 3-01/040.76 – Obstructing an Investigation/Influencing a
8 Witness; (39) Los Angeles County Sheriff’s Department Manual of Policies and Procedures Rule No.
9 3-01/040.90 – Reporting Information; (40) Los Angeles County Sheriff’s Department Manual of
10 Policies and Procedures Rule No. 3-01/050.05 – Performance of Duty; (41) Los Angeles County
11 Sheriff’s Department Manual of Policies and Procedures Rule No. 3-01/050.10 – Performance to
12 Standards; (42) Los Angeles County Sheriff’s Department Manual of Policies and Procedures Rule No.
13 3-01/050.15 – Duties of Deputy Personnel; (43) Los Angeles County Sheriff’s Department Manual of
14 Policies and Procedures Rule No. 3-01/050.83 – Employee Groups which Violate Rights of Other
15 Employees or Members of Public; (44) Bane Act; (45) Ralph Act; (46) Lab. Code 3602; or (47) Veh.
16 Code § 41602 (outlawing arrest quotas).

17 **SECOND CAUSE OF ACTION**

18 **BANE ACT**

19 **Civ. Code § 52.1 / Gov’t. Code §§ 815.2, 820 / Civ. Code § 43**

20 **(Against All Defendants)**

21 55. Plaintiff realleges, and incorporates herein by their reference, each and every allegation
22 contained in the foregoing Paragraphs, inclusive, as though fully set forth herein. Further, all allegations
23 set forth in this cause of action are pled upon information and belief, unless otherwise stated.

24 56. COLA is liable for the acts and omissions of its employees pursuant to Gov. Code §§
25 815.2 and 820.

26 57. Agent-employees of Defendant communicated a threat to murder co-workers Deputies
27 Austreberto Gonzalez and Thomas Banuelos, evidenced by leaving a mutilated rat at the home of
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1 Banuelos and having identified Gonzalez as a “rat,” communicating that Plaintiff would suffer the same
2 fate as the rat: being killed. Gonzalez and Banuelos are not members of the deputy gang the
3 Executioners, and oppose them. Plaintiff, too, is not a member of the Executioners and opposes them.
4 Consequently, the threat was not just communicated to Gonzalez and Banuelos. It was communicated
5 to all Compton deputies who oppose the Executioners, including but not limited to Plaintiff. Plaintiff
6 took this threat seriously and is in fear of his safety and the safety of his family.

7 58. Defendants or their agents made threats of violence to co-workers of Plaintiff who were
8 fellow whistleblowers to the same illegal activity, causing Plaintiff to reasonably believe that if he
9 exercised his right to engage in protected whistleblowing activities or protest the aforementioned
10 violations of applicable laws or regulations, Defendants or their agents would commit violence against
11 Plaintiff or his property, and that Defendants or their agents had the apparent ability to carry out the
12 threats.

13 59. Plaintiff was harmed.

14 60. Defendants or their agents’ conduct was a substantial factor in causing Plaintiff’s harm.

15 61. Defendants or their agents violated, or attempted to violate, Plaintiff’s rights as provided
16 by Civ. Code § 43.

17 62. All allegations made pursuant to this cause of action were continuing violations that
18 transpired over a period of time to include the applicable period covered by the timely government claim
19 made by Plaintiff as against Defendants.

20 **THIRD CAUSE OF ACTION**

21 **PUBLIC ENTITY LIABILITY FOR FAILURE TO PERFORM MANDATORY DUTY (Gov’t**

22 **Code § 815.6)**

23 **(Against Defendant County of Los Angeles)**

24 63. Plaintiff realleges, and incorporates herein by their reference, each and every allegation
25 contained in the foregoing Paragraphs, inclusive, as though fully set forth herein. Further, all allegations
26 set forth in this cause of action are pled upon information and belief, unless otherwise stated.

1 64. The County of Los Angeles is liable as provided by Gov't Code § 815.6 for failure to
2 perform a mandatory duty.

3 65. Defendants breached multiple mandatory duties imposed by enactment as set forth in this
4 Complaint. Such mandatory duties are aimed at preventing the kind of harms that Plaintiff suffered.

5 66. Plaintiff was harmed.

6 67. Such breaches of mandatory duties are proximate causes of Plaintiff's harms.

7
8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiff prays for judgment as against Defendants as follows, for:

- 10 1) Compensatory damages in an amount according to proof at time of trial.
11 2) Attorney's fees and costs pursuant to all applicable statutes or legal principles, including, but not
12 limited to Lab. Code § 1102.5, and/or Civ. Code §§ 52.1 & 1021.5.
13 3) Costs of suit incurred.
14 4) Prejudgment interest on all amounts claimed as permitted by law.
15 5) Such other and further relief as the Court may deem proper.

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ROMERO LAW, APC

Dated: July 12, 2021

_____/s/
Alan Romero (SBN 249000)
Edward S. Wells (SBN 321696)
Attorneys for Plaintiff
JAVIER GABRIEL GUZMAN, JR.

DEMAND FOR JURY TRIAL

Plaintiff hereby makes demand for Jury Trial and has concurrently posted the jury fee deposit.

ROMERO LAW, APC

Dated: July 12, 2021

/s/

**Alan Romero (SBN 249000)
Edward S. Wells (SBN 321696)
Attorneys for Plaintiff
JAVIER GABRIEL GUZMAN, JR.**

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