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10 THOMAS BANUELOS

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 COUNTY OF LOS ANGELES – CENTRAL DISTRICT

13 Case No.: 21STCV05638

14 THOMAS BANUELOS, an individual;  
15  
16 Plaintiff,

17 vs.

18 COUNTY OF LOS ANGELES, a political  
19 subdivision of the State of California, EUGENE  
20 CONTRERAS, a public employee, and DOES 1-  
21 99, inclusive;

22 Defendants.

**FIRST AMENDED COMPLAINT FOR DAMAGES**

- 23 (1) LAB. CODE § 1102.5 RETALIATION
- 24 (2) BANE ACT
- 25 (3) ASSAULT
- 26 (4) BATTERY
- 27 (5) NEGLIGENCE

**[JURY FEE DEPOSIT POSTED CONCURRENTLY]**

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

1 **CASE SYNOPSIS**

2 1. Plaintiff was a Sheriff's Deputy assigned to Compton Patrol Station ("CPT").

3 2. Plaintiff was violently assaulted by a member of the Executioners gang, a criminal gang  
4 composed of sworn law enforcement officers that operates out of CPT, at CPT on February 8, 2020.  
5 After being assaulted, Plaintiff was warned that if he reported the assault, that he could be targeted for  
6 future violence.

7 3. On August 20, 2020, the Executioners gang, or someone acting as their agent, left a dead  
8 rat at Plaintiff's house as a death threat, demonstrating that as a result of his protected whistleblowing  
9 activities, he was a "rat," and that he would be killed, like the dead rat left at his home.

10 4. Plaintiff did not directly report the assault. As a result of his being a victim of workplace  
11 violence, the Los Angeles Sheriff's Department ("LASD") served a Notice of Intent to Terminate on  
12 Plaintiff on or about February 2, 2021.

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

14 **Jurisdiction and Venue**

15 5. This Court has jurisdiction of the subject matter of Plaintiff's claims. Jurisdiction is  
16 proper in this Court because the damages and claims alleged and demanded herein by Plaintiff exceeds  
17 \$25,000, and Plaintiff herein does make a demand and prayer for damages, in excess, of the jurisdictional  
18 limit of this Court.

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

22 7. Venue in this Court is proper in that, upon information and belief, Defendants reside in  
23 the County of Los Angeles.

24 8. All the harm suffered by Plaintiff took place within this judicial district.

25 **The Plaintiff**

26 9. Plaintiff is, and was, at all relevant periods of time covered by this complaint, a resident  
27 of the City of La Mirada, County of Los Angeles.

28 10. Plaintiff was an employee of Defendants, jointly and severally.

1 **The Defendants**

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

4 **Relationships Between Defendants**

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

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

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

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

7 **Common Factual Allegations**

8 16. Plaintiff has been employed by LASD as a Deputy since June 28, 2006. Plaintiff has  
9 been assigned as a patrol Deputy to Compton Station (“CPT”) since December 2015.

10 17. On February 8, 2020, Plaintiff was violently assaulted and battered by LASD Deputy  
11 Eugene Contreras, a member of the Executioners gang at CPT Station. The battery caused injury. The  
12 battery constitutes felony battery of a police officer as provided by Penal Code § 243. Contreras  
13 assaulted Plaintiff in his capacity as a Deputy Sheriff and as an enforcer for the gang, in order to further  
14 the prestige of the gang and the degree of control it exercised over the Station through workplace  
15 violence. The assault was the culmination of over five years of bullying and intimidation against  
16 Plaintiff by members of the Executioners as a result of Plaintiff’s refusal to accept the Executioner’s  
17 unwritten rules, refusing to strategically network and be a servant to those affiliated with the gang, and  
18 refusing to accept violent control of CPT Station. Contreras and Banuelos were on duty at the time of  
19 the attack.

20 18. After Plaintiff was violently beaten, he was contacted again by Contreras, who warned  
21 Plaintiff not to cooperate with investigators and to lie about the violent attack. Plaintiff, in actual fear  
22 of further violence against himself, resigned himself to comply with the demands of Contreras, fearing  
23 further and escalating violence if he did not comply. Plaintiff’s initial recalcitrance to cooperate with  
24 the investigation into the violent attack was the result of having been a victim of extortion, where  
25 Plaintiff understood that he was to withhold cooperation or suffer being labeled as “no good” by the  
26 gang. Being labeled as “no good” would inhibit Plaintiff from being able to hold coveted positions  
27 within the Department, would cause Plaintiff to be saddled with calls in a practice known in the Sheriff’s  
28 Department as being “slammed” with calls, being dispatched the undesirable calls such as report calls,

1 being unfairly micromanaged by supervisors who sympathize with the gang, and/or cause other Deputies  
2 to refuse or delay in responding to assistance requests by Plaintiff.

3 19. At all times relevant to this action, the Executioners had de facto control of CPT and  
4 could dictate the working conditions of individual deputies, including but not limited to assignments,  
5 shifts, and days off. Being labeled as “no good” by the Executioners would cause deputies at CPT  
6 Station to refuse to greet and literally ignore Plaintiff, single Plaintiff out for public ridicule on the  
7 tactical radio frequency to humiliate Plaintiff, or potentially resulting in Plaintiff being lured into another  
8 violent beating by members of the Executioners.

9 20. On the date when the attack took place, Contreras had demanded that Plaintiff proceed  
10 to a specific location, and Plaintiff complied under threat of violence. Plaintiff did not have a reasonable  
11 option to not comply with the demand of Contreras, as Plaintiff rightfully believed he would be subject  
12 to violence if he did not comply with Contreras’ unlawful demand. Plaintiff complied with the hope  
13 that Contreras could be dissuaded from using violence against his person, as Plaintiff, along with the  
14 LASD, and Contreras’ supervisors, were on notice of Contreras’ propensity for extreme workplace  
15 violence. LASD took zero efforts to protect the safety of the public or other LASD employees at CPT  
16 Station from Contreras’ violent attacks. On the contrary, LASD executives at CPT were aware of the  
17 Executioners’ de facto control of CPT and ratified it. This ratification of the Executioners’ conduct was  
18 common knowledge at CPT. Consequently, all statements Banuelos made to investigators that did not  
19 fully disclose all facts surrounding his attack were motivated entirely by the fear of further, criminal  
20 violence by members of the Executioners gang, or negative career consequences sure to come if  
21 Banuelos crossed the Executioners or subjected them to official scrutiny outside the CPT chain of  
22 command, which was aware of the Executioners and approved of them.

23 21. Plaintiff feared retaliation for reporting the violent attack to Internal Affairs or to CPT  
24 Station command. This real fear was proven 100% true when another Deputy at the Station, Austreberto  
25 Gonzalez, reported violence by the Executioners by an anonymous phone call. This recording was  
26 immediately leaked to the Executioners, who in turn began a campaign of harassment and abuse against  
27 Deputy Gonzalez.

1           22.     On July 27, 2020, Plaintiff was relieved of duty as a result of the investigation into the  
2 assault and battery on his person perpetrated by Executioner Eugene Contreras. Plaintiff still remains  
3 in reasonable and actual fear of further workplace violence by the Executioners, which has resulted in  
4 Plaintiff being unable to continue his work as a Patrol Deputy at CPT Station, and, in conjunction with  
5 retaliation by LASD as a result of his status as a victim of criminal workplace violence, has likely  
6 jeopardized Plaintiff’s career with LASD by no fault of his own.

7           23.     At all times relevant to this action, Deputy Contreras was working within the course and  
8 scope of his employment as an agent of the County of Los Angeles, with a *respondent superior*  
9 relationship existing as between the employee-agent and the employer-principals. All bad acts alleged  
10 to have been undertaken by Deputy Contreras against Plaintiff were carried out under color of authority,  
11 that authority having been vested in him by the County of Los Angeles. Had Deputy Contreras not been  
12 an employee-agent of the County of Los Angeles, the harms herein alleged would not have transpired,  
13 and Plaintiff would not have been injured.

14           24.     In a memorandum by County Counsel to the Civilian Oversight Commission published  
15 by the Los Angeles Times on September 16, 2021, which was provided to the Times by a member of  
16 County Counsel, and therefore to which no privilege whatsoever attaches, the County made the  
17 following admissions with respect to deputy gangs such as the Executioners (which the County  
18 euphemizes with the obscurantist phrase “deputy subgroups”<sup>1</sup>): “[o]ver the past 15 years, at least 18  
19 deputy subgroups [gangs] have operated within LASD. Deputy subgroups [gangs] have plagued LASD  
20 since the 1970s,” and “[t]he County’s need to avoid the harms that subgroups [deputy gangs] cause  
21 (lawsuits, community distrust, workplace harassment, and retaliation) outweighs any First Amendment  
22 interest that personnel might have in participating in subgroups.” The County is aware of deputy gangs,  
23  
24

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25 <sup>1</sup> This euphemism follows the premise and aims of the euphemism pioneered by the Los Angeles  
26 Police Department for when an officer shoots a person or a family dog: “officer-involved shooting”  
27 (“OIS” in legal circles). The idea is to obscure and minimize agency and fault by means of neutral-  
28 valence vocabulary. Where the term “officer-involved shooting” suggests to the naïve reader that  
maybe the officer was shot at (the officer is almost never shot at), the term “deputy subgroup” is meant  
to obscure from the reality that deputy gangs operate almost exactly like street gangs.

1 aware of the Executioners, and has refused to take any action whatsoever to stop them from operating.  
2 The County has ratified the existence and operations of the Executioners.

3 25. Plaintiff's physical assault constituted an injury caused by a willful physical assault by  
4 the employer, pursuant to Lab. Code § 3602(d). Deputy Contreras was acting within the course and  
5 scope of his employment as a Los Angeles County Sheriff's Deputy, and his acts are imputed to the  
6 County of Los Angeles.

7 26. LASD was fully aware of the violent propensities of Deputy Contreras, and took zero  
8 steps to protect LASD employees from violent attack by Contreras, creating and constituting an unsafe  
9 workplace in violation of California law. LASD permitted and encouraged the Executioners to  
10 perpetrate a regime of violence upon LASD employees and citizens of the areas patrolled by CPT  
11 Station. The facilitation of the Executioners by LASD permitted the gang to grow to the point where its  
12 members could engage in violence with impunity, as the gang was aware that LASD was unable and/or  
13 unwilling to protect individuals situated similarly to Plaintiff from violence by the gang.

14 27. Plaintiff complied with the hope that Contreras could be dissuaded from using violence  
15 against his person, as Plaintiff, along with the LASD, and Contreras' supervisors, were on notice of  
16 Contreras' propensity for extreme workplace violence. LASD took zero efforts to protect the safety of  
17 the public or other LASD employees at CPT Station from Contreras' violent attacks.

18 28. On August 20, 2020, the Executioners gang, or someone acting as their agent, left a dead  
19 rat at Plaintiff's house as a death threat, demonstrating the as a result of his protected whistleblowing  
20 activities, that he was a "rat," and that he would be killed, like the dead rat left at his home.

21 29. Plaintiff did not directly report the assault. As a result of his being a victim of workplace  
22 violence, LASD served a Notice of Intent to Terminate on Plaintiff on or about February 2, 2021.

23 30. These acts constitute violations of California and federal law, including, but not limited  
24 to the: Ralph Act (Civ. Code § 51.7), Bane Act (Civ. Code § 52.1), and/or Lab. Code §§ 1102.5, 6310  
25 & 6400. Plaintiff has been damages in an amount to be determined at time of trial. Plaintiff has  
26 experienced economic and non-economic damages in an amount set forth in this claim form. Plaintiff's  
27 damages are ongoing.

28 **No Claims Arising from Privileged Conduct**

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

5 32. Plaintiff expressly excludes from this Complaint any privileged act by any Defendant to  
6 this action that would otherwise result in a Special Motion to Strike pursuant to Code Civ. Proc. §  
7 425.16.

8 **Applicable Provisions of the County Charter and Civil Service Rules**

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

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

27 35. Further, the exercise of undue command influence in interfering with discipline  
28 investigations into members of the Executioners and their associates violated the following COLA rules



1 and regulations: (1) Los Angeles County Policy of Equity, Policies, Procedures and Guidelines § 910  
2 on cooperation with administrative investigations; (2) Los Angeles County Board of Supervisors Policy  
3 Manual 9.020 on employee accountability; (3) Los Angeles County Board of Supervisors Policy Manual  
4 9.010 on Equal Employment Opportunity and Non-Discrimination; (4) Los Angeles County Civil  
5 Service Rule 25 on merit system employment; (5) Los Angeles County Code 5.08 on equal employment  
6 opportunity; (6) Los Angeles County Code 5.10 on the policy of diversity; (7) Los Angeles County  
7 Sheriff's Department Manual of Policies and Procedures Rule No. 3-01/005.00 – Accountability; (8)  
8 Los Angeles County Sheriff's Department Manual of Policies and Procedures Rule No. 3-01/010.40 –  
9 Authority of Rank; (9) Los Angeles County Sheriff's Department Manual of Policies and Procedures  
10 Rule No. 3-01/010.50 – Manner of Exercising Authority; (10) Los Angeles County Sheriff's Department  
11 Manual of Policies and Procedures Rule No. 3-01/010.62 – Managers and Supervisors Orders; (11) Los  
12 Angeles County Sheriff's Department Manual of Policies and Procedures Rule No. 3-01/020.05 – Extent  
13 of Supervision; (12) Los Angeles County Sheriff's Department Manual of Policies and Procedures Rule  
14 No. 3-01/020.30 – Responsibility for Subordinate Supervisors; (13) Los Angeles County Sheriff's  
15 Department Manual of Policies and Procedures Rule No. 3-01/020.35 – Organizational Control; (14)  
16 Los Angeles County Sheriff's Department Manual of Policies and Procedures Rule No. 3-01/020.55 –  
17 Manner of Giving Orders and Instructions; (15) Los Angeles County Sheriff's Department Manual of  
18 Policies and Procedures Rule No. 3-01/020.60 – Responsibility for Subordinates; (16) Los Angeles  
19 County Sheriff's Department Manual of Policies and Procedures Rule No. 3-01/020.61 – Welfare of  
20 Subordinates; (17) Los Angeles County Sheriff's Department Manual of Policies and Procedures Rule  
21 No. 3-01/020.62 – Relationship with Subordinates; (18) Los Angeles County Sheriff's Department  
22 Manual of Policies and Procedures Rule No. 3-01/020.63 Evaluation of Subordinates' Work; (19) Los  
23 Angeles County Sheriff's Department Manual of Policies and Procedures Rule No. 3-01/020.70 –  
24 Responsibility for Conduct of Subordinates; (20) Los Angeles County Sheriff's Department Manual of  
25 Policies and Procedures Rule No. 3-01/020.80 – Conformance with Department Manual of Policy and  
26 Procedures; (21) Los Angeles County Sheriff's Department Manual of Policies and Procedures Rule  
27 No. 3-01/030.07 – Immoral Conduct; (22) Los Angeles County Sheriff's Department Manual of Policies  
28 and Procedures Rule No. 3-01/030.05 – General Behavior; (23) Los Angeles County Sheriff's

1 Department Manual of Policies and Procedures Rule No. 3-01/030.10 – Obedience to Laws,  
2 Regulations, and Orders; (24) Los Angeles County Sheriff’s Department Manual of Policies and  
3 Procedures Rule No. 3-01/030.13 – Relationships and Mentoring; (25) Los Angeles County Sheriff’s  
4 Department Manual of Policies and Procedures Rule No. 3-01/030.23 – Workplace Violence; (26) Los  
5 Angeles County Sheriff’s Department Manual of Policies and Procedures Rule No. 3-01/030.26 –  
6 Violation of Workplace Violence Policy; (27) Los Angeles County Sheriff’s Department Manual of  
7 Policies and Procedures Rule No. 3-01/030.27 – Retaliation; (28) Los Angeles County Sheriff’s  
8 Department Manual of Policies and Procedures Rule No. 3-01/030.28 – Reporting of Workplace  
9 Violence and/or Retaliation; (29) Los Angeles County Sheriff’s Department Manual of Policies and  
10 Procedures Rule No. 3-01/030.29 – Supervisor Responsibilities; (30) Los Angeles County Sheriff’s  
11 Department Manual of Policies and Procedures Rule No. 3-01/030.34 – During the Investigation; (31)  
12 Los Angeles County Sheriff’s Department Manual of Policies and Procedures Rule No. 3-01/030.37 –  
13 Unnecessary/Inappropriate Interference in an Investigation; (32) Los Angeles County Sheriff’s  
14 Department Manual of Policies and Procedures Rule No. 3-01/030.75 – Bribes, Rewards, Loans, Gifts,  
15 Favors; (33) Los Angeles County Sheriff’s Department Manual of Policies and Procedures Rule No. 3-  
16 01/030.85 – Derogatory Language; (34) Los Angeles County Sheriff’s Department Manual of Policies  
17 and Procedures Rule No. 3-01/040.65 – Tampering with Evidence; (35) Los Angeles County Sheriff’s  
18 Department Manual of Policies and Procedures Rule No. 3-01/040.69 – Honesty Policy; (36) Los  
19 Angeles County Sheriff’s Department Manual of Policies and Procedures Rule No. 3-01/040.70 –  
20 Dishonesty/False Statements; (37) Los Angeles County Sheriff’s Department Manual of Policies and  
21 Procedures Rule No. 3-01/040.75 – Dishonest/Failure to Make Statements and/or Making False  
22 Statements During Departmental Internal Investigations; (38) Los Angeles County Sheriff’s Department  
23 Manual of Policies and Procedures Rule No. 3-01/040.76 – Obstructing an Investigation/Influencing a  
24 Witness; (39) Los Angeles County Sheriff’s Department Manual of Policies and Procedures Rule No.  
25 3-01/040.90 – Reporting Information; (40) Los Angeles County Sheriff’s Department Manual of  
26 Policies and Procedures Rule No. 3-01/050.05 – Performance of Duty; (41) Los Angeles County  
27 Sheriff’s Department Manual of Policies and Procedures Rule No. 3-01/050.10 – Performance to  
28

1 Standards; and (42) Los Angeles County Sheriff’s Department Manual of Policies and Procedures Rule  
2 No. 3-01/050.15 – Duties of Deputy Personnel.

3 36. The facilitation, promotion of, and enabling of the illegal Executioners gang by LASD  
4 also violated Los Angeles County Sheriff’s Department Manual of Policies and Procedures Rule No. 3-  
5 01/050.83 – Employee Groups which Violate Rights of Other Employees or Members of Public.

6 **Exhaustion of Administrative Remedies**

7 37. Plaintiff presented a Tort Claim to COLA on August 4, 2020. COLA notified Plaintiff  
8 that his Tort Claim had been rejected on September 18, 2020 by means of letter dated October 29, 2020.  
9 This action is being commenced within six months of this date in accordance with Gov. Code § 945.6.  
10 A true and correct copy of this Notice of Rejection is heretofore attached as “**EXHIBIT 1**”.

11 **Continuing Violations Doctrine**

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

15 39. Plaintiff is informed and believes, and thereupon alleges that these events relate to  
16 unlawful acts by Defendant and its employee-agents, and that there existed a unity of decision-making  
17 between Plaintiff’s supervisors and Executioners gang shotcaller Jaime Juarez which had the actual  
18 effect of violating the rights of Plaintiff and other similarly situated employees of Defendant. Plaintiff  
19 is further informed and believes, and thereupon alleges that each and every one of the adverse  
20 employment actions alleged herein were imposed by, dictated by, or ratified by a unified group of  
21 decision makers with a common interest in furthering the interests of the Executioners gang at the  
22 expense of Deputies who were not members of the gang. This discrete, identifiable, and unified  
23 decision-making structure included, but was not limited to: Chief Eliezer Vera, Commander Michael  
24 Thatcher, Captain La Tonya Clark, Sgt. Andy Leos, and Deputy Jaime Juarez. This decision-making  
25 group may also have included Undersheriff Timothy Murakami and Sheriff Alex Villanueva. Former  
26 Acting Captain of Compton Station, Lt. Larry Waldie, was also retaliated against by the same decision-  
27 making apparatus involving the same set of facts and transactions, and was denied the opportunity to  
28

1 promote to the permanent Captain of Compton Station due to his opposition to the racketeering activities  
2 of the Executioners gang.

3 40. Plaintiff is informed and believes, and thereupon alleges that each of the acts that are  
4 alleged herein constitute a single continuing violation which culminated in a recent threat on or about  
5 August 20, 2020 to murder Plaintiff as a result of Plaintiff having engaged in protected whistleblowing  
6 activities.

7 **Public Entity Liability – Applicable Statutes**

8 41. Gov’t Code § 815.2 provides for respondeat superior liability for public entities under  
9 California law. Subdivision (a) of the same provides that “A public entity is liable for injury proximately  
10 caused by an act or omission of an employee of the public entity within the scope of his employment if  
11 the act or omission would, apart from this section, have given rise to a cause of action against that  
12 employee or his personal representative.”

13 42. Gov’t Code § 820(a) provides that “Except as otherwise provided by statute (including  
14 Section 820.2), a public employee is liable for injury caused by his act or omission to the same extent  
15 as a private person.”

16 **FIRST CAUSE OF ACTION**

17 **UNLAWFUL RETALIATION**

18 **Lab. Code § 1102.5**

19 **(Against All Defendants)**

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

23 44. Lab. Code § 1102.5(b) provides, in pertinent part, “[a]n employer, or any person acting  
24 on behalf of the employer, shall not retaliate against an employee for disclosing information, or because  
25 the employer believes that the employee disclosed or may disclose information, to a government or law  
26 enforcement agency, to a person with authority over the employee or another employee who has the  
27 authority to investigate, discover, or correct the violation or noncompliance, . . . if the employee has  
28 reasonable cause to believe that the information discloses a violation of state or federal statute, or a

1 violation of or noncompliance with a local, state, or federal rule or regulation, regardless of whether  
2 disclosing the information is part of the employee's job duties” (emphasis added) This statute reflects  
3 the broad public policy interest in encouraging workplace whistleblowers to report unlawful acts without  
4 fearing retaliation.

5 45. Defendants were employers for purposes of California law.

6 46. A Doe Defendant, acting on behalf of the County of Los Angeles, threatened to kill  
7 Banuelos because he believed that Banuelos would report Eugene Contreras’s felony battery of a police  
8 officer to the Los Angeles County Sheriff’s Department.

9 47. Plaintiff was an employee of Defendants, performing work on behalf of Defendants.

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

13 49. Defendants subjected Plaintiff to the foregoing adverse employment actions in retaliation  
14 for engaging in protected activities, including, but not limited to a belief that Banuelos would report  
15 Contreras’s felony battery to the Los Angeles County Sheriff’s Department.

16 **SECOND CAUSE OF ACTION**

17 **BANE ACT**

18 **Civ. Code § 52.1 / Gov’t Code §§ 815.2, 820 / U.S. Const. Amend. I / Civ. Code § 43**

19 **(Against All Defendants)**

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

23 51. Eugene Contreras deprived Plaintiff of the rights secured by Civ. Code § 43 by means of  
24 intimidation, coercion, and threat, to wit, physical assault, and battery.

25 52. Agent-employees of Defendant communicated a threat to murder Plaintiff, evidenced by  
26 the mutilated rat and having identified Plaintiff as a “rat,” communicating that Plaintiff would suffer the  
27 same fate as the rat: being killed. Plaintiff took this threat seriously and is in fear of his safety and the  
28 safety of his family.

1 53. Defendants or their agents made threats of violence against Plaintiff, causing Plaintiff to  
2 reasonably believe that if he exercised his right to engage in protected whistleblowing activities or  
3 protest the aforementioned violations of applicable laws or regulations, Defendants or their agents would  
4 commit violence against Plaintiff or his property, and that Defendants or their agents had the apparent  
5 ability to carry out the threats.

6 54. Such threats violated, or attempted to violate, Plaintiff's rights under the 1st Amendment  
7 of the United States Constitution by means of coercion, threat, or intimidation.

8 55. Plaintiff's speech was actually chilled by this death threat.

9 56. A death threat such as the one Plaintiff suffered would chill the speech of a reasonable  
10 person of ordinary firmness.

11 57. Plaintiff was harmed.

12 58. Defendants or their agents' conduct was a substantial factor in causing Plaintiff's harm.

13 59. All allegations made pursuant to this cause of action were continuing violations that  
14 transpired over a period of time to include the applicable period covered by the timely government claim  
15 made by Plaintiff as against Defendants.

16 60. Defendant County of Los Angeles is liable for the violations of the Bane Act by its  
17 employees as provided by Gov't Code §§ 815.2 and 820.

18 **THIRD CAUSE OF ACTION**

19 **ASSAULT**

20 **Gov't Code §§ 815.2, 820**

21 **(Against All Defendants)**

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

25 62. Contreras was an employee-agent of Defendants, acting at all times relevant to this  
26 Complaint within the course and scope of his employment with Defendants.

27 63. Contreras acted, intending to cause harmful or offensive contact with Plaintiff.

1 64. Plaintiff reasonably believed that he was about to be touched in a harmful or an offensive  
2 manner.

3 65. Plaintiff did not consent to Contreras' conduct.

4 66. Plaintiff was harmed.

5 67. Contreras' conduct was a substantial factor in causing Plaintiff's harm.

6 68. Plaintiff's reasonable sense of personal dignity was offended by Contreras' assault.

7 69. Contreras acted within the course and scope of his employment when he assaulted  
8 Plaintiff.

9 70. The County of Los Angeles is liable for Contreras's assault on Plaintiff as provided by  
10 Gov't Code §§ 815.2 and 820.

11 71. Contreras is liable for the assault on Plaintiff as provided by Gov't Code § 820.

12 **FOURTH CAUSE OF ACTION**

13 **BATTERY**

14 **Gov't Code §§ 815.2, 820**

15 **(Against All Defendants)**

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

19 73. Contreras was an employee-agent of Defendants, acting at all times relevant to this  
20 Complaint within the course and scope of his employment with Defendants.

21 74. Contreras touched Plaintiff with the intent to harm or offend him.

22 75. Plaintiff did not consent to the touching.

23 76. Plaintiff was harmed or offended by Contreras's conduct.

24 77. A reasonable person in Plaintiff's situation would have been offended by the touching.

25 78. The County of Los Angeles is liable for Contreras's battery as provided by Gov't Code  
26 §§ 815.2 and 820.

27 79. Contreras is liable for his battery as provided by Gov't Code § 820.

1 **FIFTH CAUSE OF ACTION**

2 **NEGLIGENCE**

3 **Gov't Code §§ 815, 820**

4 **(Against All Defendants)**

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

8 81. Defendants were negligent.

9 82. Plaintiff was harmed.

10 83. Defendants' negligence was a substantial factor in causing Plaintiff's harm.

11 84. Defendants violated the law by permitting a violent Deputy gang to control the day-to-  
12 day affairs of Compton Station in violation of California law and Los Angeles County Sheriff's  
13 Department Manual of Policies and Procedures Rule No. 3-01/050.83 – Employee Groups which Violate  
14 Rights of Other Employees or Members of Public.

15 85. These violations were a substantial factor in bringing about Plaintiff's harm.

16 86. The County of Los Angeles is liable for its negligence as set forth in this First Amended  
17 Complaint as provided by Gov't Code §§ 815.2 and 820.

18 87. The individual defendants are liable for their negligence as provided by Gov't Code §  
19 820.

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**PRAYER FOR RELIEF**

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

- 1) Compensatory damages in an amount according to proof at time of trial.
- 2) Attorney’s fees and costs pursuant to all applicable statutes or legal principles, including, but not limited to Lab. Code § 1102.5, Civ. Code §§ 51.7 & 52.1, and Civ. Code 1021.5.
- 3) Civil penalties pursuant to statute.
- 4) Costs of suit incurred.
- 5) Such other and further relief as the Court may deem proper.

**ROMERO LAW, APC**

**Dated: September 17, 2021**

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/s/  
**Alan Romero (SBN 249000)**  
**Edward Wells (SBN 321696)**  
Attorneys for Plaintiff  
**THOMAS BANUELOS**

**DEMAND FOR JURY TRIAL**

Plaintiff hereby makes demand for Jury Trial, and has posted jury fees.

**ROMERO LAW, APC**

**Dated: September 17, 2021**

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/s/  
**Alan Romero (SBN 249000)**  
**Edward Wells (SBN 321696)**  
Attorneys for Plaintiff  
**THOMAS BANUELOS**