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 10 **UNITED STATES DISTRICT COURT**
 11 **CENTRAL DISTRICT OF CALIFORNIA**

12 VLADIMIR TSIPURSKY,
 13 individually, and INNA TSIPURSKY,
 14 individually,

15 Plaintiffs,

16 vs.

17 CITY OF LONG BEACH; and DOES
 18 1-10, inclusive,

19 Defendants.

Case No. 2:18-cv-10167

COMPLAINT FOR DAMAGES

1. Fourth Amendment—Detention and Arrest (42 U.S.C. § 1983)
2. Fourth Amendment—Excessive Force (42 U.S.C. § 1983)
3. Municipal Liability—Ratification (42 U.S.C. § 1983)
4. Municipal Liability—Inadequate Training (42 U.S.C. § 1983)
5. Municipal Liability—Unconstitutional Custom, Practice, or Policy (42 U.S.C. § 1983)
6. False Arrest/False Imprisonment
7. Battery
8. Negligence
9. Violation of Cal. Civil Code § 52.1

DEMAND FOR JURY TRIAL

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COMPLAINT FOR DAMAGES

COMES NOW, Plaintiffs Vladimir Tsipursky, individually, and Inna Tsipusky, individually, for their Complaint against Defendants City of Long Beach and DOES 1-10, inclusive, alleges as follows:

JURISDICTION AND VENUE

1. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3)-(4) because Plaintiff asserts claims arising under the laws of the United States including 42 U.S.C. § 1983 and the Fourth and Fourteenth Amendments of the United States Constitution. This Court has supplemental jurisdiction over Plaintiffs’ claims arising under state law pursuant to 28 U.S.C. § 1367(a), because those claims are so related to the federal claims that they form part of the same case or controversy under Article III of the United States Constitution.

2. Venue is proper in this Court under 28 U.S.C. § 1391(b) because Defendants reside in this district and all incidents, events, and occurrences giving rise to this action occurred in this district.

INTRODUCTION

3. This civil rights and state tort action seeks compensatory and punitive damages from Defendants for violating various rights under the United States Constitution and state law in connection with the officer-involved shooting and beating of Vladimir Tsipursky and detention of Inna Tsipursky on June 25, 2018.

PARTIES

4. At all relevant times, Plaintiff VLADIMIR TSIPURSKY is an individual residing in the City of Long Beach, California.

5. At all relevant times, Plaintiff INNA TSIPURSKY is an individual residing in the City of Long Beach, California.

6. At all relevant times, Defendant CITY OF LONG BEACH (“CITY”) is and was a municipal corporation existing under the laws of the State of California. CITY is a chartered subdivision of the State of California with the capacity to be

1 sued. CITY is responsible for the actions, omissions, policies, procedures, practices,
2 and customs of its various agents and agencies, including the Long Beach Police
3 Department (“LBPD”) and its agents and employees. At all relevant times,
4 Defendant CITY was responsible for assuring that the actions, omissions, policies,
5 procedures, practices, and customs of the and its employees and agents complied
6 with the laws of the United States and of the State of California. At all relevant
7 times, CITY was the employer of Defendants DOES 1-10.

8 7. At all relevant times, Defendants DOES 1-5 (“DOE OFFICERS”) are
9 officers for the LBPD who were acting under color of law within the course and
10 scope of their duties as officers for the LBPD. DOES 1-5 were acting with the
11 complete authority and ratification of their principal, Defendant CITY.

12 8. At all relevant times, Defendants DOES 6-10 are managerial,
13 supervisory, and policymaking employees of the LBPD, who were acting under
14 color of law within the course and scope of their duties as managerial, supervisory,
15 and policymaking employees for the LBPD. DOES 6-10 were acting with the
16 complete authority and ratification of their principal, Defendant CITY.

17 9. On information and belief, DOES 1-10 were residents of the City of
18 Long Beach, County of Los Angeles.

19 10. In doing the acts and failing and omitting to act as hereinafter
20 described, Defendants DOES 1-5 acting on the implied and actual permission and
21 consent of Defendants LBPD and DOES 6-10.

22 11. The true names and capacities, whether individual, corporate,
23 association or otherwise of Defendants DOES 1-10, inclusive, are unknown to
24 Plaintiff, who otherwise sues these Defendants by such fictitious names. Plaintiff
25 will seek leave to amend this complaint to show the true names and capacity of
26 these Defendants when they have been ascertained. Each of the fictitiously-named
27 Defendants is responsible in some manner for the conduct or liabilities alleged
28 herein.

1 12. At all times mentioned herein, each and every defendant was the agent
2 of each and every other defendant and had the legal duty to oversee and supervise
3 the hiring, conduct, and employment of each and every defendant.

4 13. All of the acts complained of herein by Plaintiff against Defendants
5 were done and performed by said Defendants by and through their authorized
6 agents, servants, and/or employees, all of whom at all relevant times herein were
7 acting within the course, purpose, and scope of said agency, service, and/or
8 employment capacity. Moreover, Defendants and their agents ratified all of the acts
9 complained of herein.

10 14. DOES 1-10 are sued in their individual capacity.

11 15. On or around August 13, 2018, Plaintiffs VLADIMIR TSIPURSKY
12 and INNA TSIPURSKY filed a comprehensive and timely claim for damages with
13 the City of Long Beach in substantial compliance with §910 of the California
14 Government Code. Said claim was rejected on October 2, 2018.

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

17 16. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1
18 through 15 of this Complaint with the same force and effect as if fully set forth
19 herein.

20 17. This incident occurred on June 25, 2018, at approximately 4:00 a.m. in
21 the City of Long Beach. DOE OFFICERS responded to the Covenant Manor
22 retirement housing community located at 600 E. Fourth Street in Long Beach,
23 California following reports of shots fired after a fire and explosion.

24 18. Plaintiffs VLADIMIR TSIPURSKY and INNA TSIPURSKY were
25 residents of Covenant Manor at the time of the incident and were evacuating the
26 building due to the fire in their building. As Plaintiffs VLADIMIR TSIPURSKY
27 and INNA TSIPURSKY made their way down the stairs of the building, DOE
28 OFFICERS shot VLADIMIR TSIPURSKY, striking him in the abdomen.

1 VLADIMIR TSIPURSKY did not pose an immediate threat of serious bodily injury
2 or death to anyone at the time of the shooting.

3 19. On information and belief, DOE OFFICERS failed to give a warning
4 that deadly force was going to be used before shooting at VLADIMIR
5 TSIPURSKY, despite it being feasible to do so.

6 20. After VLADIMIR TSIPURSKY was shot, both he and INNA
7 TSIPURSKY continued to make their way out of the building. When VLADIMIR
8 TSIPURSKY and INNA TSIPURSKY exited the building, they were both
9 immediately detained by DOE OFFICERS without reasonable suspicion or probable
10 cause.

11 21. DOE OFFICERS subsequently arrested VLADIMIR TSIPURSKY
12 without probable cause and transported him to St. Mary Medical Center in Long
13 Beach, California. While at the hospital and still in police custody, DOE OFFICERS
14 approached VLADIMIR TSIPURSKY and punched him in the face. VLADIMIR
15 TSIPURSKY had already been arrested and was in police custody at the time of the
16 assault and was not resisting arrest.

17 22. DOE OFFICERS detained INNA TSIPURSKY without reasonable
18 suspicion and arrested her without probable cause following the shooting. DOE
19 OFFICERS held INNA TSIPURSKY and questioned her for several hours.

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21 **FIRST CLAIM FOR RELIEF**

22 **Fourth Amendment—Detention and Arrest (42 U.S.C. § 1983)**

23 (Plaintiffs VLADIMIR TSIPURSKY and INNA TSIPURSKY against Defendants
24 DOE OFFICERS)

25 23. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1
26 through 22 of this Complaint with the same force and effect as if fully set forth
27 herein.

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1 24. Defendants DOE OFFICERS had no objectively reasonable or
2 specifically articulable factual basis to suspect that VLADIMIR TSIPURSKY and
3 INNA TSIPURSKY were involved in the commission of any crime, nor did
4 Defendants DOE OFFICERS have any confirmation that VLADIMIR TSIPURSKY
5 and INNA TSIPURSKY had committed any crime, posed any threat to anyone, and
6 did not see VLADIMIR TSIPURSKY and INNA TSIPURSKY in possession of any
7 illegal objects, contraband, or weapons.

8 25. Defendants DOE OFFICERS detained VLADIMIR TSIPURSKY and
9 INNA TSIPURSKY without reasonable suspicion. Defendants DOE OFFICERS
10 arrested VLADIMIR TSIPURSKY without probable cause. The scope and manner
11 of Defendants DOE OFFICERS' detention and arrest of VLADIMIR TSIPURSKY
12 and INNA TSIPURSKY was unreasonable.

13 26. The conduct of Defendants DOE OFFICERS violated VLADIMIR
14 TSIPURSKY and INNA TSIPURSKY's right to be secure in their person against
15 unreasonable searches and seizures as guaranteed to DECEDENT under the Fourth
16 Amendment to the United States Constitution and applied to state actors by the
17 Fourteenth Amendment.

18 27. The conduct of Defendants DOE OFFICERS was willful, wanton,
19 malicious, and done with reckless disregard for the rights and safety of VLADIMIR
20 TSIPURSKY and INNA TSIPURSKY and therefore warrants the imposition of
21 exemplary and punitive damages as to Defendants DOE OFFICERS.

22 28. As a result of their misconduct, Defendants DOE OFFICERS are liable
23 for VLADIMIR TSIPURSKY and INNA TSIPURSKY's injuries.

24 29. Plaintiff VLADIMIR TSIPURSKY brings this claim individually and
25 seeks compensatory damages for the violation of Plaintiff VLADIMIR
26 TSIPURSKY's rights. Plaintiff INNA TSIPURSKY brings this claim individually
27 and seeks compensatory damages for the violation of Plaintiff INNA TSIPURSKY's
28 rights. Plaintiffs also seek attorney's fees under this claim.

SECOND CLAIM FOR RELIEF

Fourth Amendment —Excessive Force (42 U.S.C. § 1983)

(Plaintiff VLADIMIR TSIPURSKY against Defendants DOE OFFICERS)

30. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1 through 29 of this Complaint with the same force and effect as if fully set forth herein.

31. Defendants DOE OFFICERS used excessive force against VLADIMIR TSIPURSKY when they shot at him and subsequently punched him in the face. Defendants DOE OFFICERS’ unjustified use of force deprived VLADIMIR TSIPURSKY of his right to be secure in his person against unreasonable searches and seizures as guaranteed to VLADIMIR TSIPURSKY under the Fourth Amendment to the United States Constitution and applied to state actors by the Fourteenth Amendment.

32. As a result of the foregoing, VLADIMIR TSIPURSKY suffered great physical pain and emotional distress.

33. The conduct of Defendants DOE OFFICERS was willful, wanton, malicious, and done with reckless disregard for the rights and safety of DECEDENT, and therefore warrants the imposition of exemplary and punitive damages as to Defendants DOE OFFICERS.

34. The shooting was excessive and unreasonable, and VLADIMIR TSIPURSKY posed no immediate threat of death or serious bodily injury at the time of the shooting. The subsequent punching was excessive and unreasonable as VLADIMIR TSIPURSKY posed no threat of harm to anyone and was not resisting arrest at the time of the punching. Further, Defendants DOE OFFICERS’ shooting and use of force violated their training and standard police officer training.

35. Plaintiff VLADIMIR TSIPURSKY brings this claim individually and seeks compensatory damages for the violation of his rights. PLAINTIFF also seeks attorney’s fees under this claim.

THIRD CLAIM FOR RELIEF

Municipal Liability – Ratification (42 U.S.C. § 1983)

(All Plaintiffs against All Defendants)

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4 36. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1
5 through 35 of this Complaint with the same force and effect as if fully set forth
6 herein.

7 37. Defendants DOE OFFICERS acted under color of law;

8 38. The acts of Defendants DOE OFFICERS deprived VLADIMIR
9 TSIPURSKY and INNA TSIPURSKY of their particular rights under the United
10 States Constitution.

11 39. A final policymaker, acting under color of law, who had final
12 policymaking authority concerning the acts of Defendants DOE OFFICERS, ratified
13 Defendants DOE OFFICERS’ detention and use of force including deadly force
14 against Plaintiffs and Defendant DOE OFFICERS’ bases for this conduct, despite
15 having information and evidence that show that Defendants DOE OFFICERS’
16 detention and arrest of Plaintiffs was unlawful and that their use of force including
17 deadly force against VLADIMIR TSIPURSKY was excessive because he did not
18 pose an immediate threat of death or serious bodily injury at the time of the shooting
19 and was in police custody and was not resisting arrest at the time of the beating. The
20 final policymaker knew of and specifically approved of Defendants DOE
21 OFFICERS’ acts.

22 40. Upon information and belief, a final policymaker has determined that
23 the acts of Defendants DOE OFFICERS were “within policy.”

24 41. By reason of the aforementioned acts and omissions, Plaintiffs have
25 suffered pain, emotional distress, terror, and anxiety.

26 42. Accordingly, Defendants CITY, DOE OFFICERS, and DOES 6-10
27 each are liable to Plaintiffs for compensatory damages under 42 U.S.C. § 1983.
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1 deprivation of the VLADIMIR TSIPURSKY and INNA TSIPURSKY's rights as to
2 be the moving force that caused the ultimate injury.

3 50. On information and belief, CITY failed to train Defendants DOE
4 OFFICERS properly and adequately.

5 51. By reason of the aforementioned acts and omissions, Plaintiffs have
6 suffered physical pain, emotional distress, terror, and anxiety.

7 52. Accordingly, Defendants CITY, DOE OFFICERS, and DOES 6-10
8 each are liable to Plaintiffs for compensatory damages under 42 U.S.C. § 1983.

9 53. Plaintiff VLADIMIR TSIPURSKY brings this claim individually and
10 seeks compensatory damages for the violation of Plaintiff VLADIMIR
11 TSIPURSKY's rights. Plaintiff INNA TSIPURSKY brings this claim individually
12 and seeks compensatory damages for the violation of Plaintiff INNA TSIPURSKY's
13 rights. Plaintiffs also seek attorney's fees under this claim.

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15 **FIFTH CLAIM FOR RELIEF**

16 **Municipal Liability – Unconstitutional Custom or Policy (42 U.S.C. § 1983)**

17 (All Plaintiffs against All Defendants)

18 54. Plaintiff repeats and re-alleges each and every allegation in paragraphs
19 1 through 53 of this Complaint with the same force and effect as if fully set forth
20 herein.

21 55. Defendants DOE OFFICERS acted under color of law;

22 56. Defendants DOE OFFICERS acted pursuant to an expressly adopted
23 official policy or a longstanding practice or custom of the Defendant CITY.

24 57. On information and belief, Defendants DOE OFFICERS were not
25 disciplined, reprimanded, retrained, suspended, or otherwise penalized in connection
26 with detention, arrest, and use of force including deadly force against VLADIMIR
27 TSIPURSKY and the detention of INNA TSIPURSKY.

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1 58. Defendants CITY, DOE OFFICERS, and DOES 6-10, together with
2 other CITY policymakers and supervisors, maintained, inter alia, the following
3 unconstitutional customs, practices, and policies:

- 4 (a) Using excessive force, including excessive deadly force;
5 (b) Providing inadequate training regarding the use of deadly force;
6 (c) Employing and retaining as police officers individuals such as
7 Defendants DOE OFFICERS, who Defendant CITY at all times
8 material herein knew or reasonably should have known had
9 dangerous propensities for abusing their authority and for using
10 excessive force;
11 (d) Inadequately supervising, training, controlling, assigning, and
12 disciplining CITY officers, and other personnel, including
13 Defendants DOE OFFICERS, who Defendant CITY knew or in
14 the exercise of reasonable care should have known had the
15 aforementioned propensities and character traits;
16 (e) Maintaining grossly inadequate procedures for reporting,
17 supervising, investigating, reviewing, disciplining and
18 controlling misconduct by CITY officers, including Defendants
19 DOE OFFICERS;
20 (f) Failing to adequately discipline CITY police officers, including
21 Defendants DOE OFFICERS, for the above-referenced
22 categories of misconduct, including “slaps on the wrist,”
23 discipline that is so slight as to be out of proportion to the
24 magnitude of the misconduct, and other inadequate discipline
25 that is tantamount to encouraging misconduct;
26 (g) Announcing that unjustified shootings are “within policy,”
27 including shootings that were later determined in court to be
28 unconstitutional;

- 1 (h) Even where shootings are determined in court to be
- 2 unconstitutional, refusing to discipline, terminate, or retrain the
- 3 officers involved;
- 4 (i) Maintaining a policy of inaction and an attitude of indifference
- 5 towards soaring numbers of police shootings, including by
- 6 failing to discipline, retrain, investigate, terminate, and
- 7 recommend officers for criminal prosecution who participate in
- 8 unjustified shootings.
- 9 (j) Failing to properly train police officers to use nonlethal force and
- 10 to maintain their equipment concerning nonlethal force.

11 59. By reason of the aforementioned acts and omissions, Plaintiffs have
12 suffered physical pain, emotional distress, terror, and anxiety.

13 60. Defendants CITY, DOE OFFICERS, and DOES 6-10, together with
14 various other officials, whether named or unnamed, had either actual or constructive
15 knowledge of the deficient policies, practices and customs alleged in the paragraphs
16 above. Despite having knowledge as stated above, these defendants condoned,
17 tolerated and through actions and inactions thereby ratified such policies. Said
18 defendants also acted with deliberate indifference to the foreseeable effects and
19 consequences of these policies with respect to the constitutional rights of
20 VLADIMIR TSIPURSKY, INNA TSIPURSKY, and other individuals similarly
21 situated.

22 61. By perpetrating, sanctioning, tolerating and ratifying the outrageous
23 conduct and other wrongful acts, Defendants DOE OFFICERS and DOES 6-10
24 acted with intentional, reckless, and callous disregard for the life of VLADIMIR
25 TSIPURSKY and for VLADIMIR TSIPURSKY and INNA TSIPURSKY
26 constitutional rights. Furthermore, the policies, practices, and customs implemented,
27 maintained, and still tolerated by Defendants CITY, DOE OFFICERS, and DOES 6-
28 10 were affirmatively linked to and were a significantly influential force behind the

1 injuries of VLADIMIR TSIPURSKY and INNA TSIPURSKY, including but not
2 limited to Defendants DOE OFFICERS' unreasonable detention of VLADIMIR
3 TSIPURSKY and INNA TSIPURSKY and use of excessive force, including deadly
4 force, against VLADIMIR TSIPURSKY.

5 62. Accordingly, Defendants CITY, DOE OFFICERS, AND DOES 6-10
6 each are liable to Plaintiffs for compensatory damages under 42 U.S.C. § 1983.

7 63. Plaintiff VLADIMIR TSIPURSKY brings this claim individually and
8 seeks compensatory damages for the violation of Plaintiff VLADIMIR
9 TSIPURSKY's rights. Plaintiff INNA TSIPURSKY brings this claim individually
10 and seeks compensatory damages for the violation of Plaintiff INNA TSIPURSKY's
11 rights. Plaintiffs also seek attorney's fees under this claim.

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13 **SIXTH CLAIM FOR RELIEF**

14 **False Arrest/False Imprisonment**

15 (Plaintiff INNA TSIPURSKY against All Defendants)

16 64. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1
17 through 63 of this Complaint with the same force and effect as if fully set forth
18 herein.

19 65. Defendants DOE OFFICERS, while working as officers for the LBPD
20 and CITY, and acting with the course and scope of their duties, intentionally
21 deprived INNA TSIPURSKY of her freedom of movement by use of force, threats
22 of force, menace, fraud, deceit, and unreasonable duress. DOE OFFICERS detained
23 INNA TSIPURSKY without reasonable suspicion and arrested her without probable
24 cause.

25 66. INNA TSIPURSKY did not knowingly or voluntarily consent.

26 67. Defendant DOE OFFICERS detained INNA TSIPURSKY for an
27 appreciable amount of time, subjected her to extensive and stressful questioning,
28 and did not allow her the freedom to leave.

1 68. The conduct of DOE OFFICERS was a substantial fact in causing harm
2 to INNA TSIPURSKY.

3 69. CITY is vicariously liable for the wrongful acts of Defendants DOE
4 OFFICERS pursuant to section 815.2(a) of the California Government Code, which
5 provides that a public entity is liable for the injuries caused by its employees within
6 the scope of the employment if the employee's act would subject him or her to
7 liability.

8 70. The conduct of Defendants DOE OFFICERS was malicious, wanton,
9 oppressive, and accomplished with a conscious disregard for the rights of INNA
10 TSIPURSKY, entitling INNA TSIPURSKY to an award of exemplary and punitive
11 damages as to Defendants DOE OFFICERS.

12 71. Plaintiff INNA TSIPURSKY brings this claim individually and seeks
13 compensatory damages.

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15 **SEVENTH CLAIM FOR RELIEF**

16 **Battery**

17 (Plaintiff VLADIMIR TSIPURSKY against All Defendants)

18 72. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1
19 through 63 of this Complaint with the same force and effect as if fully set forth
20 herein.

21 73. Defendants DOE OFFICERS, while working as officers for the LBPD
22 and CITY, and acting within the course and scope of their duties, intentionally shot
23 VLADIMIR TSIPURSKY and used unreasonable and excessive force against him.
24 As a result of the actions of Defendants DOE OFFICERS, VLADIMIR
25 TSIPURSKY suffered great physical pain and emotional distress. Defendants DOE
26 OFFICERS had no legal justification for using force against VLADIMIR
27 TSIPURSKY, and their use of force while carrying out their duties as police officers
28 was an unreasonable and non-privileged use of force.

1 OFFICERS and DOES 6-10 were negligent and reckless, including but not limited
2 to:

- 3 (a) the failure to properly and adequately assess the need to detain
4 INNA TSIPURSKY and arrest and use force or deadly force
5 against VLADIMIR TSIPURSKY;
- 6 (b) the negligent tactics and handling of the situation with INNA
7 TSIPURSKY and VLADIMIR TSIPURSKY, including pre-
8 shooting negligence;
- 9 (c) the negligent detention of INNA TSIPURSKY and arrest and use
10 of force, including deadly force, against VLADIMIR
11 TSIPURSKY;
- 12 (d) the failure to provide prompt medical care to VLADIMIR
13 TSIPURSKY;
- 14 (e) the failure to properly train and supervise employees, both
15 professional and non-professional, including DOE OFFICERS;
- 16 (f) the failure to ensure that adequate numbers of employees with
17 appropriate education and training were available to meet the
18 needs of and protect the rights of VLADIMIR TSIPURSKY and
19 INNA TSIPURSKY;
- 20 (g) the negligent handling of evidence and witnesses; and
- 21 (h) the negligent communication of information during the incident.

22 81. As a direct and proximate result of Defendants' conduct as alleged
23 above, and other undiscovered negligent conduct, VLADIMIR TSIPURSKY
24 suffered severe physical pain and injuries. Also as a direct and proximate result of
25 Defendants' conduct as alleged above, VLADIMIR TSIPURSKY and INNA
26 TSIPURSKY suffered emotional distress and mental anguish.

27 82. CITY is vicariously liable for the wrongful acts of Defendants DOE
28 OFFICERS and DOES 6-10 pursuant to section 815.2(a) of the California

1 Government Code, which provides that a public entity is liable for the injuries
2 caused by its employees within the scope of the employment if the employee's act
3 would subject him or her to liability.

4 83. Plaintiff VLADIMIR TSIPURSKY brings this claim individually and
5 seeks compensatory damages. Plaintiff INNA TSIPURSKY brings this claim
6 individually and seeks compensatory damages.

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NINTH CLAIM FOR RELIEF

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(Violation of Cal. Civil Code § 52.1)

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(Plaintiff VLADIMIR TSIPURSKY against all Defendants)

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84. Plaintiff repeats and re-alleges each and every allegation in
paragraphs 1 through 83 of this Complaint with the same force and effect as if fully
set forth herein.

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85. California Civil Code, Section 52.1 (the Bane Act), prohibits any
person from using violent acts or threatening to commit violent acts in retaliation
against another person for exercising that person's constitutional rights.

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86. On information and belief, Defendants DOE OFFICERS, while
working for the CITY and acting within the course and scope of their duties,
intentionally committed and attempted to commit acts of violence against
VLADIMIR TSIPURSKY or acted in reckless disregard of VLADIMIR
TSIPURSKY's civil rights, including by shooting him and beating him without
justification or excuse.

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87. When Defendants DOE OFFICERS shot VLADIMIR TSIPURSKY
and subsequently beat him, they interfered with his civil rights to be free from
unreasonable searches and seizures, to due process, to equal protection of the laws,
to medical care, to be free from state actions that shock the conscience, and to life,
liberty, and property.

1 88. On information and belief, Defendants intentionally and spitefully
2 committed the above acts to discourage VLADIMIR TSIPURSKY from exercising
3 his civil rights, to retaliate against him for invoking such rights, to prevent him from
4 exercising such rights, or acted in reckless disregard of his civil rights, which he was
5 fully entitled to enjoy.

6 89. On information and belief, VLADIMIR TSIPURSKY reasonably
7 believed and understood that the violent acts committed by Defendants DOE
8 OFFICERS, inclusive were intended to discourage them from exercising the above
9 civil rights, to retaliate against them, or invoking such rights, or to prevent them
10 from exercising such rights.

11 90. Defendants successfully interfered with the above civil rights of
12 VLADIMIR TSIPURSKY.

13 91. The conduct of Defendants was a substantial factor in causing
14 VLADIMIR TSIPURSKY's harms, losses, injuries, and damages.

15 92. CITY is vicariously liable for the wrongful acts of Defendants DOE
16 OFFICERS and DOES 6-10, inclusive pursuant to section 815.2(a) of the California
17 Government Code, which provides that a public entity is liable for the injuries
18 caused by its employees within the scope of the employment if the employee's act
19 would subject him or her to liability.

20 93. Defendants DOES 6-10 are vicariously liable under California law and
21 the doctrine of *respondeat superior*.

22 94. The conduct of Defendants DOE OFFICERS was malicious, wanton,
23 oppressive, and accomplished with a conscious disregard for VLADIMIR
24 TSIPURSKY's rights, justifying an award of exemplary and punitive damages as to
25 Defendants DOE OFFICERS.

26 95. Plaintiff VLADIMIR TSIPURSKY brings this claim individually and
27 seeks compensatory damages under this claim. Plaintiff VLADIMIR TSIPURSKY
28 also seeks treble damages, attorney's fees, and costs under this claim.

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DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury.

DATED: December 6, 2018

LAW OFFICES OF DALE K. GALIPO
BAER TREGER LLP

By _____ /s/ *Dale K. Galipo*
Dale K. Galipo
Hang D. Le
Andrew L. Treger
Attorneys for Plaintiffs