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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA—WESTERN DIVISION

CHRISTOPHER L. CHESTER; RILEY
CHESTER, a minor, by and through his
Guardian Ad Litem, CHRISTOPHER L.
CHESTER; HAYDEN CHESTER, a
minor, by and through his Guardian Ad
Litem, CHRISTOPHER L. CHESTER,

Plaintiffs,

vs.

COUNTY OF LOS ANGELES, a public
entity; LOS ANGELES COUNTY
SHERIFF'S DEPARTMENT, a public
entity; ALEX VILLANUEVA, as Sheriff
of the County of Los Angeles and as an
individual; LOS ANGELES COUNTY
FIRE DEPARTMENT, a public entity;
and DOES 1-100, inclusive,

Defendants.

CASE NO.

COMPLAINT FOR DAMAGES

- 1. VIOLATION OF FOURTEENTH AMENDMENT (42 USC §1983)**
- 2. VIOLATION OF FOURTEENTH AMENDMENT (42 USC §1983 – *Monell*)**
- 3. NEGLIGENCE**
- 4. INVASION OF PRIVACY**
- 5. INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS**

DEMAND FOR JURY TRIAL

JURISDICTION AND VENUE

1. This is an action for damages pursuant to 42 USC §1983, based upon violations of
Plaintiffs' rights under the Fourteenth Amendment to the United States Constitution. This action
also presents pendent state claims for Negligence (*California Gov. Code §§815.2, 820, et seq.*),
Invasion of Privacy, Intentional Infliction of Emotional Distress, and Negligent Infliction of
Emotional Distress.

2. Venus is proper in the Western Division of the Central District because the events and conduct alleged in this Complaint of occurred therein.

INTRODUCTION

3. Plaintiff CHRISTOPHER L. CHESTER's wife, Sarah, and his 13-year-old daughter, Payton, were among nine people who died when a helicopter crashed into the foothills of the Santa Monica mountains on January 26, 2020. Minor Plaintiffs RILEY CHESTER and HAYDEN CHESTER are Sarah's sons and Payton's brothers. Christopher, Riley and Hayden Chester hereinafter are referred to collectively as "the Chester Plaintiffs."

9 4. The remains and personal effects of Sarah and Payton were scattered across a
10 wilderness area located northeast of Las Virgenes Road and Willow Glen Street in
11 Calabasas, California. Because that location was within the territorial jurisdiction of Los
12 Angeles County, Defendant ALEX VILLANUEVA, as Sheriff of the County of Los
13 Angeles, and Defendant LOS ANGELES COUNTY SHERIFF'S DEPARTMENT (the
14 “Sheriff’s Department”) had both the authority and the duty to secure the accident scene.
15 Securing the crash scene was essential to protecting the dignity of those who had perished
16 and limiting the mental and emotional suffering of the loved ones left behind. Defendant
17 LOS ANGELES COUNTY FIRE DEPARTMENT (the “Fire Department”) had both the
18 authority and the duty to suppress and eliminate the risks of fire and explosion created by
19 the crash.

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1 security of the crash scene to deputies of the highest caliber, who had been trained properly
2 and were supervised adequately.

3 6. Defendant Villanueva was fully aware of the special duty owed to the Chester
4 Plaintiffs. On the afternoon of the crash, Defendant Villanueva met personally with Plaintiff
5 Christopher L. Chester at the Lost Hills Sheriff's Station and assured him that every possible
6 measure would be taken to preserve and protect the scene of the crash.

7 7. Defendant Villanueva failed to meet his special duty. He entrusted the
8 security of the accident scene to deputies who quickly turned into *paparazzi*. The assigned
9 deputies were so inadequately trained and supervised that they freely took numerous cell
10 phone photos of the remains and personal effects of Sarah and Payton. Defendant
11 Villanueva, himself, has admitted that there was no legitimate reason for his deputies to take
12 these photos. The deputies took them for their own dark excitement, morbid interest, and
13 depraved enjoyment. In so doing, Defendant Villanueva's deputies exploited and violated
14 the decedents and destroyed the minimal peace of mind which the Chester Plaintiffs were
15 struggling to preserve.

16 8. The abhorrent conduct of Defendant Villanueva's deputies was not confined
17 to the accident scene. The graphic images were displayed, shared and discussed within the
18 Sheriff's Department in circumstances that were completely unrelated to any investigation
19 of the accident. Within a matter of weeks, the photos had traveled nearly 50 miles, from
20 crash scene in Calabasas to Norwalk, on the southern edge of the County. It was there, at
21 the "Baja California Bar and Grill," that one of Defendant Villanueva's deputies shared the
22 photos while trying to gain favor with a woman seated at the bar. The deputy's conduct was
23 so abhorrent that a bartender who observed his behavior filed a written complaint with the
24 Sheriff's Department.

25 9. When he learned that his deputies had violated the Chester Plaintiffs'
26 constitutional rights to control images of Sarah's and Payton's remains, Defendant
27 Villanueva responded by instructing his deputies to destroy the evidence of their wrongful
28 conduct. Defendant Villanueva assured the offending deputies that they would face no

1 disciplinary action if they deleted and destroyed the photographs. Relying on the Sheriff's
2 assurances, the offending deputies purportedly deleted and destroyed each of the
3 photographs. Defendants Villanueva, Does 1 through 100, inclusive, and each of them,
4 deliberately engaged in spoliation of evidence.

5 10. Defendant Villanueva subsequently disclosed that his deputies had taken
6 “illicit photos” of the decedents’ remains. Further, Defendant Villanueva admitted that he
7 had ordered the destruction of those photos in an effort to avoid what he described as the
8 “usual routine” of an investigation in which everyone “lawyers up.”

9 11. The Chester Plaintiffs are informed and believe that various members of the
10 Los Angeles County Fire Department also photographed the remains of Sarah and Payton at
11 the scene of the crash. Further, these same firefighters shared, distributed and showed the
12 photographs of the decedents in circumstances that were unrelated to any investigation of
13 the crash.

14 12. Defendant Villanueva has admitted that the public display of a photograph
15 depicting the remains of a loved one “harms people [who] suffered a tragedy already.”
16 Already devastated by the loss of wife, mother, daughter and sister, the Chester Plaintiffs
17 suffered severe emotional distress, humiliation, anxiety and depression from the realization
18 that despite Defendant Villanueva’s personal assurances, Sarah’s and Payton’s remains had
19 been photographed by the very personnel that had been entrusted with securing the crash
20 site. The Chester Plaintiffs are further agonized over the realization that those photos had
21 been shown, disseminated, used during an attempted “pick-up” at a Norwalk bar, and may
22 be disseminated in the future through print, broadcast, and social media.

THE PARTIES

24 13. The Chester Plaintiffs are residents of the State of California. Plaintiff
25 Christopher L. Chester is the duly appointed Guardian *ad litem* for minor Plaintiffs Riley
26 Chester and Hayden Chester.

27 14. Defendant County of Los Angeles is a municipal corporation duly authorized
28 to operate under the laws of the State of California.

1 15. Defendant Los Angeles County Sheriff's Department is a local government
2 entity organized and existing under the laws of the State of California and a department of
3 Defendant County. The Sheriff's Department provides general law enforcement services
4 under contract with Calabasas, California. The Department's work is supervised by Sheriff
5 Alex Villanueva.

6 16. Defendant Los Angeles County Fire Department is a local government entity
7 organized and existing under the laws of the State of California and a department of
8 Defendant county. The Fire Department provides fire suppressions and prevention services
9 under contract with Calabasas, California.

10 17. Defendants County, Sheriff's Department and Fire Department are "persons"
11 subject to suit within the meaning of 42 USC §1983. *See Monell v. New York Department*
12 *of Social Services*, 436 US 658, 691 (1978).

13 18. Pursuant to California Government Code§ 815.2(a), Defendants County,
14 Sheriff's Department and Fire Department are liable for any and all wrongful acts in
15 violation of state law hereinafter complained of and committed by their employees acting
16 within the course and scope of their employment.

17 19. Defendant Alex Villanueva is an individual and was, at all times relevant
18 herein, the Sheriff of Los Angeles County. He is an elected official of the County with
19 responsibility for overseeing the Sheriff's Department and making and implementing its
20 policy. Sheriff Villanueva is sued in his individual capacity and as a representative of the
21 County. Upon information and belief, Sheriff Villanueva resides in Los Angeles County.

22 20. The Chester Plaintiffs are unaware of the true names, capacities and liabilities
23 of the Defendants named herein as Does 1 through 100, inclusive, and each of them.
24 Plaintiffs will amend their complaint by alleging the true names, capacities and liabilities of
25 these defendants when the same have been ascertained.

26 21. Pursuant to the provisions of *California Government Code §§900, et seq.*, the
27 Chester Plaintiffs filed written notices of claims against the Sheriff's Department, Defendant
28 Villanueva, and unknown deputies on May 26, 2020. On July 14, 2020, the Chester

1 Plaintiffs were notified that each of their claims had been rejected by operation of law on
2 July 10, 2020.

3 22. Pursuant to the provisions of *California Government Code §§900, et seq.*, the
4 Chester Plaintiffs filed written notices of claims against the County and the Fire Department
5 on July 22, 2020. As of the date of this complaint, the County has not substantively
6 responded to the Chester Plaintiffs' notice of claim, nor has it provided a definitive date by
7 which it shall respond. Pursuant to operation of law, the County's failure to respond to
8 those claims within the time set by the *California Government Code* constitutes a denial of
9 the claims.

10 **FIRST CAUSE OF ACTION**

11 **(42 USC §1983; Violation of Fourteenth Amendment Against Does 1-100)**

12 23. The Chester Plaintiffs repeat and re-allege the allegations previously set forth
13 in paragraphs 1 through 22, inclusive, of this complaint, and incorporate the same herein by
14 this reference thereto, as though fully hereinafter set forth at length.

15 24. Does 1 through 100, inclusive, and each of them, misappropriated and
16 destroyed the Chester Plaintiffs' right to control the death images of Sarah and Payton.
17 *Marsh v. City of San Diego*, 680 F.3d 1148, 1154 (9th Cir. 2012).

18 25. Does 1 through 100, inclusive, and each of them, were acting under color of
19 state law when the photographs were taken. Each of those Defendants were "on duty," "in
20 uniform," and working with the scope and course of their employment with either the
21 Sheriff's Department and/or the Fire Department, while assigned to duty at the crash scene.
22 Further, Does 1 through 100, inclusive, and each of them, shared, showed and disseminated
23 the death photos of Sarah and Payton while on duty, while in uniform, or otherwise in
24 connection with their employment with the Sheriff's Department and/or the Fire
25 Department.

26 26. By sharing, showing, or dissemination the death photos of Sarah and Payton,
27 Does 1 through 100, inclusive, and each of them, violated the Chester Plaintiffs' "right not
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to have government officials engage in unwarranted reproduction of . . . death images of deceased relatives," under *California Civil Code* §129. *Marsh, supra*, at 1157.

27. Does 1 through 100, inclusive, and each of them, either knew or should have known that the taking and/or sharing of death photos of Sarah and Payton for personal reasons violated the law.

28. The taking and sharing of death photos of Sarah and Payton for personal reasons was a substantial factor in causing the Chester Plaintiffs to suffer, and continue to suffer, severe emotional distress, humiliation, and anxiety, all to their damage in a sum to be established according to proof at trial.

10 29. In taking, sharing, showing and disseminating the death photos of Sarah and
11 Payton, Does 1 through 100, inclusive, and each of them, engaged in despicable conduct
12 with a willful and conscious disregard of the rights of the Chester Plaintiffs, who are entitled
13 to an award of punitive damages in an amount sufficient to punish the Doe Defendants and
14 to make an example of them to the community.

SECOND CAUSE OF ACTION

(42 USC §1983; Violation of Fourteenth Amendment

Against Sheriff Villanueva, in his official capacity, the Sheriff's Department, the Fire Department, and the County Pursuant to *Monell v. New York City Dept. of Social Servs.*)

20 30. The Chester Plaintiffs repeat and re-allege the allegations previously set forth
21 in Paragraphs 1 through 22, inclusive of this complaint, and incorporate the same herein by
22 this reference thereto, as though fully hereinafter set forth at length.

23 31. 42 USC §1983 dictates that public entities are liable for constitutional
24 violations when execution of their official policies or customs deprive individuals of their
25 constitutional rights. A public entity is also liable for constitutional violations when its
26 failure to establish a policy or procedure, or properly to train, supervise, and/or discipline its
27 employees, amounts to deliberate indifference to the rights of persons with whom its
28 employees interact.

1 32. Upon information and belief, Sheriff Villanueva, the Sheriff's Department, the
2 Fire Department and the County acted with deliberate indifference to the constitutional
3 rights of the Chester Plaintiffs through each of the acts and omissions alleged hereinabove,
4 which encompass each of the following customs, policies, and/or patterns of practice:

5 (a) The failure to train and supervise adequately the personnel of both the
6 Sheriff's Department and the Fire Department to ensure they do not take or share photos of
7 human remains for personal use;

8 (b) The failure to establish a policy or procedure addressing the treatment
9 of human remains, including a strict prohibition on the taking or sharing of photos of human
10 remains;

11 (c) The failure to investigate adequately and discipline the personnel of
12 both the Sheriff's Department and the Fire Department who have unnecessarily taken and/or
13 shared photos of human remains.

14 33. Given the frequency with which personnel of both the Sheriff's Department
15 and the Fire Department work at crime and accident scenes involving fatalities, it was
16 foreseeable, if not predictable, that some would be tempted to take photos of victims'
17 remains on their personal cell phones. Sheriff Villanueva, the Sheriff's Department, and the
18 Fire Department knew that some personnel keep "death books" containing photos of
19 victims' remains and that the taking of death photos for personal reasons is a chronic
20 problem "across the nation." The Sheriff, the Sheriff's Department, and the Fire
21 Department also were aware that due to the number of celebrities that live or work in the
22 Los Angeles area, its personnel frequently are called to accident and crime scenes that are
23 the subject of intense public interest and media scrutiny. Notwithstanding this knowledge
24 and awareness, Sheriff Villanueva, the Sheriff's Department, the Fire Department and the
25 County failed to establish a policy prohibiting the taking of death photos, or to train,
26 supervise, investigate, or discipline Department personnel who took and shared death photos
27 for personal reasons.

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34. The Sheriff's Department and the Fire Department were on actual and/or constructive notice that the lack of a policy prohibiting the taking of death photos at accident scenes would likely result in violations of community members' constitutional rights.

35. The actions of Does 1 through 100, inclusive, and each of them, reflect the pattern of practice and/or custom of both the Sheriff's Department and the Fire Department, as evidenced by the fact that the misconduct was not limited to a lone employee. Rather, multiple employees of both Departments took death photos of Sarah and Payton for personal purposes. Moreover, Sheriff Villanueva, who has spent his entire career in law enforcement with the Sheriff's Department, has admitted that he personally is aware that unnecessary death images are a widespread problem in law enforcement.

36. As a direct and proximate result of Sheriff Villanueva's, the Sheriff's Department's, the Fire Department's, and the County's failure to establish a policy prohibiting the taking of death photos, or to train, supervise, investigate, and discipline its employees who take and/or share death photos, as well as the Sheriff's Department's, the Fire Department's, and the County's pattern of practice and/or custom of unnecessarily taking and sharing death photos, the Chester Plaintiffs have suffered (and continue to suffer) severe emotional distress, all to their damage in an amount to be established according to proof at trial.

THIRD CAUSE OF ACTION

(Negligence Against Does 1-100; Alex Villanueva, in his personal capacity; the Sheriff's Department; the Fire Department; and the County)

37. The Chester Plaintiffs repeat and re-allege the allegations previously set forth in paragraphs 1 through 22, inclusive of this complaint, and incorporate the same herein by this reference thereto, as though fully hereinafter set forth at length.

38. Pursuant to *California Government Code* §815.2, the Sheriff's Department, the Fire Department, and the County are liable for acts and omissions committed by their employees in the scope of their employment. Further, and pursuant to *California Government Code* §820(a), public employees, including Defendant Villanueva and Does 1

1 through 100, inclusive, and each of them, are liable for injuries caused by their acts or
2 omissions to the same extent as a private person.

3 39. Pursuant to *California Government Code §815.2*, Defendant Villanueva, and
4 Does 1 through 100, inclusive, and each of them, were employed by the Sheriff's
5 Department, the Fire Department, and/or the County, and were under the direction and
6 control of either the Sheriff's Department or the Fire Department, when they took, or failed
7 to prevent the taking, shared and disseminated, or failed to prevent the sharing and
8 dissemination, of death photos of Sarah and Payton. The wrongful acts of the Sheriff and
9 Does 1 through 100, inclusive, and each of them, were committed within the course and
10 scope of their employment with the Sheriff's Department, the Fire Department, and/or the
11 County.

12 40. Sheriff Villanueva, the Sheriff's Department, the Fire Department, the
13 County, and Does 1 through 100, inclusive, and each of them, owed a duty of care to the
14 Chester Plaintiffs to use ordinary care in the care and treatment of remains of Sarah and
15 Payton, including the obligation to refrain from taking and/or sharing death photos for
16 personal purposes.

17 41. Does 1 through 100, inclusive, Sheriff Villanueva, the Sheriff's Department,
18 the Fire Department, and the County owed a duty to the Chester Plaintiffs to use ordinary
19 care in preventing the dissemination of any unnecessary death photos of Sarah and Payton,
20 once those photos were created and/or were within their control.

21 42. The Sheriff's Department, the Fire Department, the County, Sheriff
22 Villanueva, and Does 1 through 100, inclusive, and each of them, routinely undertake the
23 care, custody, and control of human remains at scenes of fatal accidents, and each did so
24 with respect to the remains of Sara and Payton at the crash site. As a result, they each owed
25 a duty of care to the Chester Plaintiffs to exercise ordinary care in their treatment of the
26 Sarah's and Payton's remains.

27 43. Shortly after the crash, Sheriff Villanueva assured Plaintiff Christopher L.
28 Chester that the Sheriff's Department was securing the crash site to ensure privacy.

1 Accordingly, he owed a duty to the Chester Plaintiffs to supervise his deputies to ensure
2 they conducted themselves with reasonable care and in a manner that protected, rather than
3 invaded, the privacy of the Chester Plaintiffs.

4 44. Does 1 through 100, inclusive, and each of them, breached their duties to the
5 Chester Plaintiffs by taking and/or sharing death photos of Sarah and Payton for purely
6 personal reasons.

7 45. Sheriff Villanueva breached his duty to the Chester Plaintiffs by failing
8 adequately to supervise his deputies' conduct at the crash site.

9 46. Sheriff Villanueva and Does 1 through 100, inclusive, and each of them,
10 breached their duties to the Chester Plaintiffs by failing to take reasonable steps to prevent
11 dissemination of the unnecessary images of Sarah's and Payton's remains after the images
12 were created and were in their constructive possession.

13 47. Sheriff Villanueva, the Sheriff's Department, the Fire Department, the
14 County, and Does 1 through 100, inclusive, and each of them, either foresaw or should have
15 foreseen that the acts and omissions described above would injure the Chester Plaintiffs.

16 48. The acts and omissions of Sheriff Villanueva, the Sheriff's Department, the
17 Fire department, the County, and Does 1 through 100, inclusive, and each of them, were
18 substantial factors in causing the Chester Plaintiffs to suffer, and continue to suffer, severe
19 emotional distress to their damage, in an amount to be established according to proof at trial.

20 49. Does 1 through 100, inclusive, Sheriff Villanueva, and each of them, engaged
21 in despicable conduct with a willful and conscious disregard of the rights of the Chester
22 Plaintiffs, who are entitled to an award of punitive damages in an amount sufficient to
23 punish said Defendants and make an example of them to the community.

24 50. Pursuant to *California Government Code §815.2*, the Sheriff's Department,
25 the Fire Department, and the County are liable for injuries proximately caused by acts or
26 omissions of their employees within the scope of their employment. Sheriff Villanueva and
27 Does 1 through 100, inclusive, and each of them, were employed by the Sheriff's
28 Department, the Fire Department, and/or the County, and were under the direction and

control of either those Departments or the County, when they engaged in the conduct described above. Does 1 through 100, inclusive, were able to take death photos of Sarah and Payton because of their access to the crash site while on duty, and personnel of both the Sheriff's Department and Fire Department who shared those photos had access to them by virtue of their employment with their respective Departments. The acts of Defendant Villanueva and Does 1 through 100, inclusive, and each of them, were committed within the course and scope of their employment, and the Sheriff's Department, the Fire Department, and the County are liable for their negligent and wrongful conduct.

FOURTH CAUSE OF ACTION

(Invasion of Privacy Against Does 1-100,

the Sheriff's Department, the Fire Department, and the County)

12 51. The Chester Plaintiffs repeat and re-allege the allegations previously set forth
13 in Paragraphs 1 through 22, inclusive of this complaint, and incorporate the same herein by
14 this reference thereto, as though fully hereinafter set forth at length.

15 52. The Chester Plaintiffs have a privacy interest in the physical remains of Sarah
16 and Payton.

17 53. Does 1 through 100, inclusive, and each of them, publicly disclosed and
18 shared photos of Sarah's and Payton's remains, both in person and electronically.

19 54. The disclosure and sharing of photos of Sarah's and Payton's remains,
20 without any law-enforcement purpose, is offensive and objectionable to a reasonable person
21 of ordinary sensibilities.

55. When Does 1 through 100, inclusive, and each of them, shared the death
photos of Sarah and Payton, no photos of their remains had been made public, and details
about the state of the victims' remains were not public knowledge. Sharing the graphic
details disclosed by those photos served no legitimate public purpose.

26 56. The acts, omissions, and conduct of Does 1 through 100, inclusive, and each
27 of them, were substantial factors in causing the severe emotional distress which the Chester

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1 Plaintiffs have suffered (and continue to suffer), all to their damage in an amount to be
2 established by proof at trial.

3 57. *California Government Code* §820(a) provides that Does 1 through 100,
4 inclusive, and each of them, are liable for injuries caused by their acts or omissions to the
5 same extent as a private person.

6 58. Does 1 through 100, inclusive, and each of them, engaged in despicable
7 conduct with a conscious and willful disregard of the rights of the Chester Plaintiffs, who
8 are entitled to an award of punitive damages in an amount sufficient to punish said
9 Defendants, and to make an example of them to the community.

10 59. Does 1 through 100, inclusive, and each of them, were employed at all
11 relevant times by either the Sheriff's Department, the Fire Department, or the County, and
12 were under the direction and control of those Departments or the County when they engaged
13 in the acts and omissions alleged. Does 1 through 100, inclusive, and each of them, were
14 enabled to take death photos of Sarah and Payton because of their access to the crash site
15 while on duty, and personnel of the Sheriff's Department and Fire Department who shared
16 or disseminated those photos had access to them as a result of their employment with those
17 Departments or the County. The acts and conduct of Does 1 through 100, inclusive, and
18 each of them, were committed within the course and scope of their employment with the
19 two Departments or the County, and the Sheriff's Department, the Fire Department, and the
20 County are liable for the damages caused by their negligent and wrongful conduct.

FIFTH CAUSE OF ACTION

(Intentional Infliction of Emotional Distress Against

Does 1-100, the Sheriff's Department, the Fire Department and the County)

24 60. The Chester Plaintiffs repeat and re-allege the allegations previously set forth
25 in Paragraphs 1 through 22, inclusive of this complaint, and incorporate the same herein by
26 this reference thereto, as though fully hereinafter set forth at length.

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1 61. The taking and/or sharing of photos of Sarah's and Payton's physical remains
2 for no official purpose constitutes extreme and outrageous conduct exceeding all bounds of
3 what is usually tolerated in a civilized community.

4 62. Does 1 through 100, inclusive, and each of them, took and/or shared, both in
5 person and electronically, photos of Sarah's and Payton's physical remains without any
6 official or law enforcement purpose.

7 63. At the time they shared photos of Sarah's and Payton's remains, Does 1
8 through 100, inclusive, and each of them, were aware that Sarah and Payton had surviving
9 immediate family members.

10 64. Does 1 through 100, inclusive, and each of them, showed and disclosed the
11 photos with the intention of causing, or with reckless disregard of the probability of causing,
12 severe emotional distress to the Chester Plaintiffs.

13 65. As a direct and proximate result of the conduct of Does 1 through 100,
14 inclusive, and each of them, the Chester Plaintiffs have suffered, and continues to suffer,
15 severe emotional distress in an amount to be established according to proof at trial.

16 66. Pursuant to *California Government Code §820(a)*, Does 1 through 100,
17 inclusive, and each of them, are liable for injuries caused by their acts or omissions to the
18 same extent as a private person.

19 67. In committing the acts alleged herein, Does 1 through 100, inclusive, and each
20 of them, engaged in despicable conduct with a conscious and willful disregard of the rights
21 of the Chester Plaintiffs, who are entitled to an award of punitive damages in an amount
22 sufficient to punish said Defendants, and to make an example of them to the community.

23 68. Pursuant to *California Government Code §815.2*, the Sheriff's Department,
24 the Fire Department, and the County are liable for injuries proximately caused by acts or
25 omissions of their employees within the scope of their employment. Upon information and
26 belief, Sheriff Villanueva and Does 1 through 100, inclusive, and each of them, were
27 employed by the Sheriff's Department, the Fire Department, or the County, and were under
28 the direction and control of those two Departments or the County, when they engaged in the

1 conduct described above. Does 1 through 100, inclusive, and each of them were able to take
2 photos of Sarah's and Payton's physical remains because they had access to the crash site
3 while on duty, and personnel of the Sheriff's Department, the Fire Department, or the
4 County who shared those photos had access to them because of of their employment with
5 either of the two Departments or the County. The acts of Does 1 through 100, inclusive, and
6 each of them, were committed within the course and scope of their employment with the
7 Sheriff's Department, the Fire Department, or the County, and the Sheriff's Department, the
8 Fire Department and County are liable for the negligent and wrongful conduct of Does 1
9 through 100, inclusive, and each of them.

10 **PRAYER FOR RELIEF**

11 WHEREFORE, the Chester Plaintiffs respectfully pray for judgment as follows:

- 12 1. For compensatory damages in an amount established by proof at trial;
- 13 2. For any additional general, specific, consequential, economic, non-economic,
14 or incidental damages in an amount to be proven at trial;
- 15 3. For punitive damages in an amount appropriate to punish the defendants and
make an example of the defendants to the community;
- 16 4. For all attorneys' fees and costs incurred by the Chester Plaintiffs in pursuit of
this action;
- 17 5. For prejudgment and post judgment interest, at the maximum rate permitted
by law; and
- 18 6. For such other and further relief as the Court deems just and proper.

19 **DEMAND FOR JURY TRIAL**

20 The Chester Plaintiffs demand a trial by jury on all issues triable by jury.

21 DATED: November 30, 2020

22 By _____
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Jerome M. Jackson
Attorney for Plaintiffs