

**SUMMONS
(CITACION JUDICIAL)**

**CONFORMED COPY
ORIGINAL FILED**
Superior Court of California
County of Los Angeles

SUM-100

**FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)**

**NOTICE TO DEFENDANT: COUNTY OF LOS ANGELES; LEE BACA;
(AVISO AL DEMANDADO): ROD KUSCH; PATRICK HOBBS; JOHN BONES;
DUSTIN STILLWELL; RON DUVAL; FRANK SALTERNO; JEFF SIROONIAN;
ROBERT MITTLEBRUN; NATHAN GRIMES; DETECTIVE GONZALEZ;
DETECTIVE BERTIERI; DEPUTY RANIAG; DEPUTY VELASQUEZ;
DEPUTY McCAY; DEPUTY SMITH; and DOES 1-50, Inclusive,**

**YOU ARE BEING SUED BY PLAINTIFF: TONYA PATE, an
(LO ESTÁ DEMANDANDO EL DEMANDANTE): individual, and as
the Successor in Interest to and surviving spouse and
heir at law, of Decedent, EUGENE ROBERT MALLORY,**

**Sharron Carter, Executive Officer/Clerk
By Shaunya Bolden, Deputy**
**Sharron Carter, Executive Officer/Clerk
By Shaunya Bolden, Deputy**

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación**

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.**

The name and address of the court is:
(El nombre y dirección de la corte es):

LOS ANGELES COUNTY SUPERIOR COURT
Central District - Stanley Mosk Courthouse
111 N. Hill Street
Los Angeles, CA 90012

CASE NUMBER:
(Número del Caso):

BC 53 2856

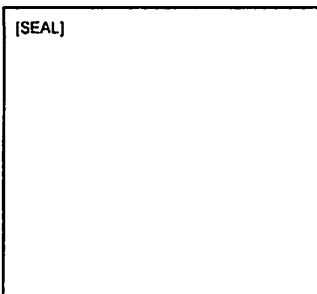
The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Mark S. Algorri - SBN 88859 James M. Bergener - SBN 226570 t. 626-568-4000 f. 626-584-3980
Carolyn L. Tan - SBN 269770 BERGENER & ASSOCIATES
DeWITT ALGORRI & ALGORRI 4675 MacArthur Court, Suite 1400
25 E. Union St., Pasadena, CA 91103 Newport Beach, CA 92660

DATE: _____ Clerk, by _____, Deputy
(Fecha) **JAN 10 2014** (Secretario) **SHAUNYA BOLDEN** (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

- 1. as an individual defendant.
- 2. as the person sued under the fictitious name of (specify):
- 3. on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
- 4. by personal delivery on (date):

1 MARK S. ALGORRI, ESQ. - SBN 88859
2 CAROLYN L. TAN, ESQ. - SBN 269770
3 **DeWITT ALGORRI & ALGORRI**
4 Lawyers
5 25 E. Union Street
6 Pasadena, CA 91103
7 Tel: (626) 568-4000
8 Fax: (626) 584-3980

9 JAMES M. BERGENER - SBN 226570
10 **BERGENER & ASSOCIATES**
11 4675 MacArthur Court, Suite 1400
12 Newport Beach, CA 92660
13 Tel: (949) 644-1000
14 Fax: (949) 644-1005

15 Attorneys for Plaintiff, TONYA PATE, an individual,
16 and as the Successor in Interest to and surviving spouse
17 and heir at law, of Decedent, EUGENE ROBERT MALLORY
18

19 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
20 **CENTRAL DISTRICT - STANLEY MOSK COURTHOUSE**

21 TONYA PATE, an individual, and as the)
22 Successor in Interest to and surviving)
23 spouse and heir at law, of Decedent,)
24 EUGENE ROBERT MALLORY,)
25 Plaintiff,)

26 v.)

27 COUNTY OF LOS ANGELES; LEE BACA;))
28 ROD KUSCH; PATRICK HOBBS; JOHN))
29 BONES; DUSTIN STILLWELL; RON))
30 DUVAL; FRANK SALERNO; JEFF))
31 SIROONIAN; ROBERT MITTLERBRUN;))
32 NATHAN GRIMES; DETECTIVE))
33 GONZALEZ; DETECTIVE BERTIERI;))
34 DEPUTY RANIAG; DEPUTY))
35 VELASQUEZ; DEPUTY McCAY; DEPUTY))
36 SMITH; and DOES 1- 50, Inclusive,))

37 Defendants.)
38)

**CONFORMED COPY
ORIGINAL FILED**
Superior Court of California
County of Los Angeles

JAN 10 2014

Sherri R. Carter, Executive Officer/Clerk
By Shaunya Bolden, Deputy

CASE NO.: **BC 53 2856**
COMPLAINT FOR VIOLATION OF CIVIL
RIGHTS (42 U.S.C. §1983); WRONGFUL
DEATH; SURVIVAL ACTION
[DEMAND FOR JURY TRIAL]

1 PLAINTIFF alleges as follows:
2

3 **PARTIES**

4 1. Plaintiff, TONYA PATE, was the wife and heir at law of EUGENE ROBERT
5 MALLORY, hereafter, DECEDENT, at all times mentioned herein.

6 2. Plaintiff is DECEDENT'S successor-in-interest, pursuant to Section 377.11 of
7 the *California Code of Civil Procedure*. Plaintiff TONYA PATE is authorized to bring and
8 maintain this present action pursuant to *C.C.P.* Section 377.32. Plaintiff also brings and
9 maintains this action in her individual capacity as DECEDENT'S heir at law.

10 3. Plaintiff is ignorant of the true names and capacities of Defendants sued
11 herein as DOES 2 through 50 inclusive, and therefore sues these Defendants by such
12 fictitious names pursuant to *C.C.P.* Section 473. Plaintiff will amend this complaint to
13 allege said Defendants' true names and capacities when ascertained. Plaintiff is informed
14 and believes and thereon alleges that each of the fictitiously named Defendants are
15 responsible in some manner for the occurrences herein alleged, and that Plaintiff's
16 damages as herein alleged were legally caused by said fictitiously named Defendants.

17 4. At all said times each Defendant, with permission and consent thereof, was
18 the agent of each other Defendant and was acting within the course and scope of said
19 agency. All non-municipal Defendants are sued in both their individual capacities and in
20 their official capacities as the officers, deputies, sergeants, lieutenants, captains,
21 commanders, supervisors, sheriffs, policymakers, and as other sworn peace officers for
22 the COUNTY OF LOS ANGELES, hereafter COLA, and the LOS ANGELES COUNTY
23 SHERIFF'S DEPARTMENT, hereafter LACSD, and the LOS ANGELES COUNTY
24 CORONER'S OFFICE, hereafter LACCO.

25 5. The Defendant COUNTY OF LOS ANGELES is located within the State of
26 California. Both LACSD and LACCO are departments of COLA.

27 6. Each Defendant sued herein that was employed by LACSD, was acting
28 under color of law, statutes, ordinances, regulations, policies, procedures, customs, and

1 usage for and on behalf of LACSD and with authorization and permission thereof by
2 LACSD.

3 7. At all times mentioned herein, Defendant LEE BACA ("BACA") was the
4 sheriff; Defendant ROD KUSCH ("KUSCH"), a Captain and Unit Commander; Defendant
5 DUSTIN STILLWELL ("STILLWELL"), a Lieutenant; and Defendants JOHN BONES
6 ("BONES") and JEFF SIROONIAN ("SIROONIAN"), sergeants. Said Defendants as well
7 as Defendant DOES 2-50, were all in management and supervisory capacities within
8 LACSD, and were charged by law with the administration of LACSD and with the
9 supervision, training, and hiring of persons working within LACSD. They were further
10 responsible for supervising of all officers and for maintaining and implementing the policies
11 regarding the use of force by the LACSD against DECEDENT and as a result of their
12 unconstitutional policies, customs and actions are a direct and legal cause of Plaintiff's
13 damages.

14 8. At all times mentioned herein, Defendants PATRICK HOBBS, ("HOBBS");
15 ROBERT MITTLEBRUN, ("MITTLEBRUN"); NATHAN GRIMES, ("GRIMES"); DETECTIVE
16 GONZALEZ, ("GONZALEZ"); DETECTIVE BERTIERI, ("BERTIERI"); DEPUTY RANIAG,
17 ("RANIAG"); DEPUTY VELASQUEZ, ("VELASQUEZ"); DEPUTY McCAY, ("McCAY");
18 DEPUTY SMITH, ("SMITH") and DOES 2 through 50 were, at all times mentioned herein,
19 sworn peace officers deputies, and employees and representatives of LACSD, and as a
20 result of their unconstitutional policies, customs and actions, are a direct and legal cause
21 of Plaintiff's damages.

22 9. DOE 1 is an unknwn "secret informant" whose name has not bee publicly
23 disclosed and whom, according to HOBBS, provided HOBBS with information that turned
24 out to be false and misleading.

25 JURISDICTION

26 10. For every state law claim, Plaintiff has filed a claim for damages with the
27 COUNTY OF LOS ANGELES as required by the *California Government Code* with said
28 claims being rejected, denied, or denied by operation of law.

1 11. The federal law claims are brought pursuant to 42 U.S.C. sections 1983 and
2 1985 and the Fourth and Fourteenth Amendments of the United States Constitution.
3 Jurisdiction is founded under 29 U.S.C. sections 1331 and 1343(1) through (4), and 28
4 U.S.C. section 1367(a), and on related statutory and Constitutional authority and state law
5 claims.

6 **FIRST CAUSE OF ACTION**

7 **VIOLATION OF CIVIL RIGHTS [42 U.S.C. §1983]**

8 **[FALSE AFFIDAVIT AND SEARCH WARRANT]**

9
10 **[AS TO DEFENDANTS LEE BACA; ROD KUSCH; JOHN**
11 **BONES; DUSTIN STILLWELL; PATRICK HOBBS; JEFF**
12 **SIROONIAN; ROBERT MITTLEBRUN; NATHAN GRIMES;**
13 **DETECTIVE GONZALEZ; DETECTIVE BERTIERI; DEPUTY**
14 **RANIAG; DEPUTY VELASQUEZ; DEPUTY McCAY;**
15 **DEPUTY SMITH; AND DOES 2 - 50]**

16 12. This cause of action is brought pursuant to 42 U.S.C. § 1983, and the
17 Fourth and Fourteenth Amendments of the United States Constitution for the violation of
18 the civil rights for violation of the procedural and substantive due process rights of
19 DECEDENT.

20 13. On or about June 25, 2013, in the County of Los Angeles, State of California,
21 HOBBS filed with the Superior Court for the County of Los Angeles, his sworn affidavit and
22 statement attesting to certain facts in support of a search warrant for the residence and
23 real property of DECEDENT located at 36644 117th Street East, Littlerock, County of Los
24 Angeles, State of California. At all times stated herein, HOBBS either lied under oath
25 making these representations, knowing that the material facts he stated to the court were
26 false or were likely untrue, or were made by him with a reckless disregard for the truth,
27 with the further intent to deceive the court and to intentionally deprive DECEDENT and
28 Plaintiff of their constitutional rights under the law.

14. HOBBS, among other things, falsely misrepresented to the court that
DECEDENT had on his property "a clandestine methamphetamine lab site, store, and/or

1 sell methamphetamine on an ongoing basis” and that “methamphetamine is presently at
2 the location, that this is a continuing drug operation and that the supply of narcotic
3 contraband will be replenished after being sold”.

4 15. HOBBS also made material omissions in his affidavit and statement to the
5 court. He knew that on multiple times in the recent past and within the year before his
6 statements to the court, the LACSD had inspected DECEDENT’s property with
7 DECEDENT’s consent, along Defendant’s code enforcement personnel and that
8 Defendant did not observe or suspect illicit activity upon DECEDENT’s property. HOBBS
9 intentionally withheld this information from the court, knowing that the court would not
10 likely find probable cause to issue said search warrant.

11 16. HOBBS further made material omissions regarding the “secret informant.”
12 HOBBS knew that the “secret informant,” if he or she existed at all, was unreliable, had a
13 personal vendetta against DECEDENT and Plaintiff, and had reason to lie and fabricate
14 false information about DECEDENT and Plaintiff. Consequently, HOBBS knew that at the
15 time he made his false representations, that he had no basis for forming his opinion that
16 DECEDENT was engaged in criminal activity or that DECEDENT’s property was being
17 used for criminal activity.

18 17. At the time HOBBS filed his affidavit with the court, he intended that the court
19 would issue the search warrant, with the further intent that the LACSD would thereafter
20 conduct an illegal and unconstitutional search of DECEDENT and his property. As a direct
21 result of HOBBS’ conduct and actions, the Superior Court issued the search warrant on
22 June 25, 2013.

23 18. On or about June 27, 2013, at the vicinity of 36644 117th Street East, Little
24 Rock, COUNTY OF LOS ANGELES, and as a result of HOBBS’ false affidavit, statements,
25 and omissions made to the court and the resulting search warrant, Defendants BONES,
26 SIROONIAN, HOBBS, MITTLEBRUN, GRIMES, GONZALEZ, BERTIERI, RANIAG,
27 VELASQUEZ, McCAY, SMITH, and unknown others including DOES 2 through 50, raided
28 DECEDENT’s and Plaintiff’s residence without announcing themselves, and encountered

1 DECEDENT who was lawfully present in his bedroom, sleeping and in bed and who was
2 neither engaged in any illegal activity, nor provoking a threat or danger of any nature to
3 anyone.

4 19. At said time and place, said Defendants confronted DECEDENT and
5 Defendant BONES shot DECEDENT multiple times, causing him a severe gunshot injury
6 from which he died.

7 20. Said shooting was without provocation, cause or necessity, and was an
8 objectively unreasonable, unjustified, unwarranted, and an excessive use of deadly force.

9 21. The shooting was a violation of DECEDENT's constitutional rights under the
10 Fourth Amendment of the Constitution of the United States to be free from an
11 unreasonable search and seizure of his person that caused his loss of life and physical
12 pain and suffering.

13 22. Defendants BACA, BONES, KUSCH, STILLWELL and DOES 2 through 50,
14 as the Sheriff and supervisors of the other Defendants, acted with deliberate indifference,
15 and directed, encouraged, and knew that the other Defendants were engaged in
16 unconstitutional conduct, causing said other Defendants to act in the way they did, further
17 causing DECEDENT's death. Said Defendants maintained or permitted one or more of
18 the following official policies or customs:

- 19 a. Failure to hire competent or qualified personnel or provide adequate
20 training, control, and supervision of peace officers with respect to
21 constitutional limits on the use of force, including deadly force;
- 22 b. Failure to provide adequate discipline, training, control, and
23 supervision to peace officers who themselves have either a propensity
24 for lying and fabrication of evidence, for violence or a history of
25 violence, and for engagement in other unconstitutional actions;
- 26 c. Failure to provide adequate training, control, and supervision to peace
27 officers who were emotionally or otherwise unfit to perform their duties.
- 28

1 23. As a direct and legal result of the aforementioned acts of said Defendants,
2 and each of them, DECEDENT suffered gunshot wounds and injuries to his body and
3 person which eventually caused his death.

4 24. That all acts or omissions alleged to have been engaged in by any individual
5 Defendants are alleged to have been engaged in with evil motive and intent, and/or in
6 callous, reckless, and wanton disregard to the rights of Plaintiff and DECEDENT. The acts
7 of said Defendants, and each of them, were willful, wanton, malicious, and oppressive,
8 thereby justifying the awarding of exemplary and punitive damages as to each of the
9 individual Defendants.

10 **SECOND CAUSE OF ACTION**

11 **VIOLATION OF CIVIL RIGHTS [42 U.S.C §1983]**

12 **[EXCESSIVE FORCE; SUMMARY PUNISHMENT]**

13 **[AS TO DEFENDANTS LEE BACA; ROD KUSCH; JOHN**
14 **BONES; DUSTIN STILLWELL; PATRICK HOBBS; JEFF**
15 **SIROONIAN; ROBERT MITTLEBRUN; NATHAN GRIMES;**
16 **DETECTIVE GONZALEZ; DETECTIVE BERTIERI; DEPUTY**
17 **RANIAG; DEPUTY VELASQUEZ; DEPUTY McCAY;**
18 **DEPUTY SMITH; AND DOES 2 - 50]**

19 25. Plaintiff realleges each and every allegation contained in the previous
20 paragraphs as though fully set forth herein.

21 26. This first cause of action is brought pursuant to 42 U.S.C. § 1983, and the
22 Fourth and Fourteenth Amendments of the United States Constitution for the violation of
23 the civil rights for violation of the procedural and substantive due process rights of
24 DECEDENT.

25 27. DECEDENT possessed the rights, guaranteed by the Fourth and Fourteenth
26 Amendments of the United States Constitution, to be free from unreasonable seizures and
27 excessive force by police officers.

28 28. DECEDENT was intentionally shot without justification or just cause,
violating his rights under the Constitution of the United States, in particular the Fourth
Amendment of the United States Constitution.

1 29. At the time of his seizure and shooting, DECEDENT was not engaged in any
2 provocative, assaultive, or threatening behavior toward any Defendant or any other person
3 or persons.

4 30. The shooting by Defendants was unjustified by any actions of DECEDENT
5 and constituted an unreasonable and excessive use of force.

6 31. Said Defendants, and each of them, acted specifically with the intent to
7 deprive DECEDENT of the following rights under the United States Constitution:

- 8 a. Freedom from unreasonable search and seizures, in the form
9 of the fraudulently procured search warrant procured with
10 intentionally false and misleading information provided under
11 oath and the use of excessive force pursuant thereto;
- 12 b. Freedom from a deprivation of liberty without due process of
13 law;
- 14 c. Freedom from summary punishment;
- 15 d. Freedom from infliction of physical and emotional pain; and
- 16 e. Freedom from his right to be provided prompt and timely
17 medical and or other attention while under LACSD's custody;

18 32. DECEDENT did not die instantaneously, but shortly thereafter on the same
19 day as a result of said wounds.

20 33. Thereafter, Defendants deliberately denied prompt and necessary medical
21 attention to DECEDENT, additionally violating his right to due process under the
22 Fourteenth Amendment of the Constitution of the United States.

23 34. Defendants BONES, KUSCH, STILLWELL, SIROONIAN, and DOES 2
24 through 50 were present at the immediate scene of the shooting of DECEDENT, and were
25 otherwise in control and in charge of the operation and in the position and authority and
26 were compelled to, under the laws of the State of California and under the Constitution of
27 the United States, to lawfully intervene and prevent same.

28

- 1 a. BONES in concert with STILLWELL, SIROONIAN, HOBBS,
2 MITTLEBRUN, GRIMES, GONZALEZ, BERTIERI, RANIAG,
3 VELASQUEZ, McCAY, SMITH, DOES 1-9, and unknown others,
4 stalked DECEDENT, and provided cover and support for BONES and
5 assisted BONES in shooting and killing DECEDENT and causing his
6 death. They then assisted him in trying to cover up their
7 unconstitutional conduct.
 - 8 b. KUSCH, DOES 2-50, and unknown others, as the captains in charge
9 at the scene, among other things, instructed BONES, and directed his
10 conduct thereby assisting him in shooting decedent and causing his
11 death.
 - 12 c. STILLWELL, DOES 2-50, and unknown others as a lieutenant in
13 charge at the scene, among other things, directed BONES' conduct
14 thereby assisting him in shooting DECEDENT and causing his death.
- 15 35. Defendants BACA, BONES, KUSCH, STILLWELL, DOES 2 through 50, and
16 unknown others as the Sheriff and supervisors of the other Defendants, acted with
17 deliberate indifference, and directed, encouraged, and knew that the other Defendants
18 were engaged in unconstitutional conduct, causing said other Defendants to act in the way
19 they did, further causing DECEDENT's death. Said Defendants maintained or permitted
20 one or more of the following official policies or customs:
- 21 a. Failure to hire competent or qualified personnel or provide adequate
22 training, control, and supervision of peace officers with respect to
23 constitutional limits on the use of force, including deadly force;
 - 24 b. Failure to provide adequate discipline, training, control, and
25 supervision to peace officers who themselves have either a propensity
26 for lying and fabrication of evidence, violence or a history of violence,
27 or engagement in other unconstitutional actions;
- 28

1 c. Failure to provide adequate training, control, and supervision to peace
2 officers who were emotionally or otherwise unfit to perform their duties.

3 36. Said Defendants, and each of them, acted at all times herein knowing that
4 the established practices, customs, procedures, and policies of COLA and the LACSD
5 would allow a cover-up and allow the continued use of illegal force in violation of the
6 Fourth Amendment of the Constitution of the United States and the laws of the State of
7 California. Defendants and each of them also conspired together to act, and to fail and
8 omit to act, as alleged, for the purpose of impeding, hindering, obstructing, and defeating
9 the due course of justice in the State of California.

10 a. Defendant HOBBS in conspiracy with unknown others, and COLA, made
11 false statements and caused to be issued a search warrant, based on false
12 information. These false statements were done to deprive DECEDENT and
13 Plaintiff of their constitutional rights.

14 b. Defendant BONES in conspiracy with other unknown others and COLA,
15 made false statements and filed a false police report in violation of P.C.
16 §118.1 concerning DECEDENT'S death. These false statements were done
17 to deprive DECEDENT and Plaintiff of their constitutional rights.

18 c. Defendant BONES, in conspiracy with unknown others and COLA,
19 intentionally covered up their criminal and illegal activity to deprive
20 DECEDENT and Plaintiff of their constitutional rights.

21 37. That all acts or omissions alleged to have been engaged in by any individual
22 Defendants are alleged to have been engaged in with evil motive and intent, and/or in
23 callous, reckless, and wanton disregard of the rights of Plaintiff and DECEDENT. The acts
24 of said Defendants, and each of them, were willful, wanton, malicious, and oppressive,
25 thereby justifying the awarding of exemplary and punitive damages as to each of the
26 individual Defendants.

27 ///

28

THIRD CAUSE OF ACTION
MUNICIPAL LIABILITY FOR VIOLATION OF
CONSTITUTIONAL RIGHTS [42 U.S.C §1983]
[AS TO DEFENDANT COLA]

1
2
3
4
5 38. Plaintiff realleges each and every allegation contained in the previous
6 paragraphs as though fully set forth herein.

7 39. This action is brought pursuant to 42 U.S.C. § 1983 and the Fourth
8 Amendment of the Constitution of the United States.

9 40. At the time of these constitutional violations by said police officer
10 Defendants, Defendant COLA had in place, and had ratified policies, procedures,
11 customs, and practices which permitted and encouraged their police officers to
12 unjustifiably, unreasonably, and in violation of the Fourth and Fourteenth Amendments,
13 use deadly force against unarmed suspects. These policies, customs, practices, also
14 called for or permitted the unreasonable or excessive use of force against members of the
15 local public.

16 41. Said policies, procedures, customs, and practices also called for COLA and
17 the LACSD not to discipline, prosecute, or objectively and/or independently investigate or
18 in any way deal with or respond to known incidents, complaints of excessive force,
19 wrongful shootings of such persons, falsification of evidence, the preparation of false
20 police reports to justify such wrongful conduct, and the giving of false testimony in trial to
21 cover-up and conceal such wrongful conduct by officers of the LACSD. COLA also failed
22 to objectively and/or independently investigate, or in any way deal with or respond to
23 claims and lawsuits made as a result of such shootings and misconduct.

24 42. Said policies, procedures, customs, and practices called for said
25 Defendants, and each of them, by means of inaction and cover-up, to encourage an
26 atmosphere of lawlessness within the police department and to encourage their police
27 officers to believe that excessive force against suspects was permissible and to believe
28

1 that unlawful acts of falsification of evidence and perjury would be overlooked without
2 discipline or other official ramifications.

3 43. Said policies, procedures, customs, and practices evidenced a deliberate
4 indifference to the violations of the constitutional rights of the present Plaintiff. This
5 indifference was manifested by the failure to change, correct, revoke, or rescind said
6 policies, procedures, customs, and practices in light of prior knowledge by said
7 Defendants of their indistinguishably similar incidents, and of falsification of evidence,
8 evidence tampering, submission of false police reports, and perjury.

9 a. Deliberate indifference to the civil rights victims of the LACSD excessive
10 force and officer-involved shootings was evidenced by the failure to identify
11 and investigate instances of excessive force against suspects, improper use
12 of firearms, falsification of evidence, submission of false police reports, and
13 perjury, and by said Defendants' failure to adequately train and more closely
14 supervise or re-train officers and/or discipline or recommend prosecution of
15 those officers who in fact improperly used excessive force against suspects,
16 falsified evidence, tampered with evidence, submitted false and misleading
17 police reports, and/or committed perjury;

18 b. Other systemic deficiencies of said Defendants which indicated, and
19 continue to indicate, a deliberate indifference to the violations of the civil
20 rights by the officers of the LACSD;

21 b. Said Defendants also maintained a system of grossly inadequate training
22 regarding the use of force, and regarding the training for police testimony in
23 trial as well as the collection of evidence, and the preparation of arrest and
24 investigative reports;

25 c. Deliberate indifference to the civil rights of suspects and other victims of the
26 LACSD excessive force and officer-involved shootings was also evidenced
27 by said Defendants' failure to implement an officer discipline system which
28 would conduct meaningful and independent investigations of officer

1 shootings and of citizen complaints of falsified evidence, evidence
2 tampering, authoring and filing of false and misleading police reports, and
3 the presentation of false testimony at trial.

4 44. The foregoing acts, omissions, systemic deficiencies are the policies and
5 customs of Defendant COLA and caused the other Defendants to be unaware of, or
6 intentionally overlook and ignore, the rules and laws governing the permissible use of
7 force, including the use of force against suspects, the falsification of evidence or the
8 tampering with evidence, the submission of false police reports, and the commission of
9 perjury in a court proceeding.

10 45. The foregoing acts, omissions, and systemic deficiencies are policies and
11 customs of said Defendants and such caused, permitted, and/or allowed under official
12 sanction, the other Defendants to believe that their use of firearms and police force against
13 suspects is entirely within the discretion of the officer and that improper and unlawful use
14 of force, evidence falsification, filing of false and misleading police reports, and the
15 commission of perjury would not be objectively, thoroughly, and/or properly investigated,
16 all with the foreseeable result that Defendant's officers would use deadly force in situations
17 where such force is not necessary, reasonable or legal, and falsify evidence, submit false
18 and misleading police reports, and commit perjury, and thereby violate the civil rights of
19 the citizens of this state with whom said officers would come into contact with.

20 46. As a direct and legal result of the aforementioned acts of said Defendants,
21 and each of them, DECEDENT suffered gunshot wounds and injuries to his body and
22 person, which eventually caused his death.

23 **FOURTH CAUSE OF ACTION**

24 **UNLAWFUL INTERFERENCE OF FAMILIAL RELATIONSHIP**

25 **UNDER THE FOURTEENTH AMENDMENT**

26 **[AS TO ALL DEFENDANTS, EXCLUDING DOE 1]**

27 47. Plaintiff realleges each and every allegation contained in the previous
28 paragraphs as though fully set forth herein.

1 48. Plaintiff had a cognizable interest under, among other things, the due
2 process clause of the Fourteenth Amendment of the United States Constitution to be free
3 from unwarranted state interference in her familial relationship with DECEDENT.

4 49. Said unreasonable and unjustified shooting and the resulting violation of the
5 present Plaintiff's due process rights was also legally caused by the failure of Defendants
6 to intervene and prevent the shooting as delineated in detail in the second count/cause of
7 action above.

8 50. Said shooting was also a direct and legal result of the policies, procedures,
9 customs, and practices of Defendant COLA and the deliberate indifference of said
10 Defendants to the violations of civil rights caused by said policies, procedures, customs,
11 and practices, as set forth above in the third counts/causes of action above.

12 51. As a result of the excessive force used by the Defendant officers,
13 DECEDENT was killed. The unreasonable and unjustified shooting caused Plaintiff to be
14 deprived of the love, affection, society, and comfort of her husband and said shooting
15 represented a violation of the present Plaintiff's due process rights under the Fourteenth
16 Amendment.

17 52. As a direct and legal result of the aforementioned use of excessive force, the
18 above-named Defendants and each of them, violated the constitutional rights of present
19 Plaintiff under the due process clause of the Fourteenth Amendment not to be deprived of
20 the life, love, comfort, support, services, companionship, and society of DECEDENT by
21 the unwarranted state interference in his relationship with his wife through the use of
22 excessive force in violation of the Fourth Amendment.

23 53. As a direct and legal cause of the acts of Defendants, and each of them,
24 Plaintiff suffered extreme and severe mental anguish and pain, and has been injured in
25 mind and body, all to their general damage, which is hereby sought, according to proof.
26 Plaintiff has also been deprived of the life-long comfort, support, society, care, and
27 sustenance of DECEDENT, and will continue to be so deprived for the remainder of his
28 natural live, all to her damage in an amount which is hereby sought, according to proof.

1 54. The aforementioned acts of Defendants were willful, wanton, malicious, and
2 oppressive, and done with the intent to deprive Plaintiff of her constitutional rights under
3 the Fourteenth Amendment, thereby justifying the awarding of exemplary and punitive
4 damages against each of the individual Defendants.

5 **FIFTH CAUSE OF ACTION**
6 **CONSPIRACY TO DEPRIVE DECEDENT AND PLAINTIFF**
7 **OF THEIR CIVIL RIGHTS [42 U.S.C. § 1985]**
8 **[AS TO ALL DEFENDANTS EXCLUDING COLA]**

9 55. Plaintiff realleges each and every allegation contained in the previous
10 paragraphs as though fully set forth herein.

11 56. Defendants and each of them conspired with one another within the course
12 and scope of said conspiracy to go onto the premises of DECEDENT and Plaintiff, for the
13 purpose of depriving DECEDENT and Plaintiff of their constitutional rights under 42 U.S.C.
14 §§ 1983 & 1985 and the Fourth and Fourteenth Amendments of the United States
15 Constitution as well as their equal protection of the law, causing DECEDENT to be shot
16 and killed, and to deprive Plaintiff of her familial and other rights under the law.

17 57. The conduct of each Defendant was authorized and ratified by each other
18 and by Defendant COLA.

19 58. Plaintiff realleges each and every allegation contained in the previous
20 paragraphs as though fully set forth herein.

21 59. At all times mentioned herein, Plaintiff, as DECEDENT's lawful wife and heir-
22 at-law, was entitled to his remains after his death.

23 60. Defendants, in a conscious disregard of Plaintiff's rights, negligently,
24 recklessly, and intentionally disposed of DECEDENT's remains without her permission or
25 consent.

26 61. As a result of Defendants' conduct, Plaintiff suffered extreme emotional and
27 mental distress to her mind and body, including special damages, and suffering general
28 damages as allowed according to proof at time of trial.

1 and was willful, wanton, malicious, and oppressive, thereby justifying the awarding of
2 exemplary and punitive damages as to each individual Defendant

3 **SEVENTH CAUSE OF ACTION**

4 **WRONGFUL DEATH: NEGLIGENCE**

5 **[AS TO ALL DEFENDANTS]**

6 69. Plaintiff realleges each and every allegation contained in the previous
7 paragraphs as though fully set forth herein and invokes the supplemental jurisdiction of
8 this Court to hear and determine this claim.

9 70. On or about June 27, 2013, in the County of Los Angeles, State of California,
10 Defendants negligently conducted themselves and did, and negligently performed their
11 duties, including the investigation of the DECEDENT.

12 71. Defendant DOE 1 negligently provided erroneous and false information to
13 each other Defendant regarding DECEDENT, including but not limited to information that
14 DECEDENT was operating a methamphetamine lab site upon his property, causing each
15 other Defendant to negligently enter DECEDENT's property and to cause DECEDENT to
16 be shot and killed by Defendant BONES with the permission, consent, instruction,
17 direction, and encouragement of each other Defendant.

18 72. Defendants thereafter negligently and carelessly failed to promptly summon
19 aid, treatment, or care for DECEDENT, causing his death.

20 73. Further, Defendants negligently hired, retained, trained, supervised, and
21 controlled each other, and negligently allowed each other to proceed with their official
22 duties. Each said Defendant was unfit, untrained, and not properly supervised for their
23 duties, legally causing DECEDENT to be wrongfully shot and killed by Defendant BONES
24 who was unfit for his duties, causing Plaintiff damages.

25 74. As a legal result thereof, Plaintiff has been deprived of the comfort, love,
26 support, society, care, and sustenance of DECEDENT, and will continue to be so deprived
27 for the remainder of her natural life, all to her damage and which is hereby sought
28 according to proof.

1 75. Plaintiff has also incurred special damages for which she will seek
2 compensation according to proof.

3 **EIGHTH CAUSE OF ACTION**

4 **NEGLIGENT INTERFERENCE WITH DECEDENT'S REMAINS**

5 **[AS TO DEFENDANT COLA EXCLUDING DOE 1]**

6 76. Plaintiff realleges each and every allegation contained in the previous
7 paragraphs as though fully set forth herein and invokes the supplemental jurisdiction of
8 this Court to hear and determine this claim.

9 77. At all times mentioned herein, Plaintiff, as DECEDENT's lawful wife and heir-
10 at-law, was entitled to his remains after his death.

11 78. Within the year last past, and in the County of Los Angeles, State of
12 California, Defendants negligently conducted themselves and disposed of DECEDENT's
13 remains without her permission or consent.

14 79. As a result of Defendants' conduct, Plaintiff suffered extreme emotional and
15 mental distress to her mind and body, including special damages, and suffering general
16 damages as allowed according to proof at time of trial.

17 **NINTH CAUSE OF ACTION**

18 **INTENTIONAL INTERFERENCE WITH DECEDENT'S REMAINS**

19 **[AS TO DEFENDANT COLA EXCLUDING DOE 1]**

20 80. Plaintiff realleges each and every allegation contained in the previous
21 paragraphs as though fully set forth herein and invokes the supplemental jurisdiction of
22 this Court to hear and determine this claim.

23 81. At all times mentioned herein, Plaintiff as DECEDENT's lawful wife and heir-
24 at-law, was entitled to his remains after his death.

25 82. Within the year last past, and within the County of Los Angeles, State of
26 California, Defendant, in a conscious disregards of Plaintiff's rights, recklessly and
27 intentionally disposed of DECEDENT's remains without her permission or consent.
28

1 83. As a result of Defendant's conduct, Plaintiff suffered extreme emotional and
2 mental distress to her mind and body, including special damages and suffering general
3 damages as allowed according to proof at time of trial.

4 84. Defendants' conduct was repugnant, insulting, offensive, and done with the
5 intent to cause Plaintiff to suffer severe emotional distress, knowing that such action would
6 in fact cause such emotional and mental distress to Plaintiff.

7 85. Plaintiff, in her capacity as successor in interest to DECEDENT, is entitled to
8 punitive damages pursuant to California Code of Civil Procedure §§ 3294 & 3295. Said
9 conduct was intentionally committed by said Defendants, and each of them, and was
10 willful, wanton, malicious, and oppressive, thereby justifying the awarding of exemplary
11 and punitive damages as to each individual Defendant.

12 **TENTH CAUSE OF ACTION**

13 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS BY INFORMANT**

14 **[AS TO DOE 1]**

15 86. Plaintiff realleges each and every allegation contained in the previous
16 paragraphs as though fully set forth herein and invokes the supplemental jurisdiction of
17 this Court to hear and determine this claim.

18 87. Within the year last past, in the County of Los Angeles, State of California,
19 Defendants negligently conducted themselves and negligently reported to members of the
20 LACSD that DECEDENT and Plaintiff were, among other things, committing criminal
21 activity upon their property, including but not limited to operating a methamphetamine lab
22 site.

23 88. As a legal result thereof and on reliance on said informant's false
24 information, Defendant members of LACSD wrongly entered DECEDENT's and Plaintiff's
25 property and shot and killed DECEDENT and further took and held Plaintiff against her
26 will, causing Plaintiff to suffer severe emotional and mental distress to her special and
27 general damages.

28

1 **ELEVENTH CAUSE OF ACTION**

2 **INTENTIONAL INFLICTION EMOTIONAL DISTRESS BY INFORMANT**

3 **[AS TO DOE 1]**

4 89. Plaintiff realleges each and every allegation contained in the previous
5 paragraphs as though fully set forth herein and invokes the supplemental jurisdiction of
6 this Court to hear and determine this claim.

7 90. Within the year last past, in the County of Los Angeles, State of California,
8 Defendants intentionally and recklessly reported to members of the LACSD that
9 DECEDENT and Plaintiff were, among other things, committing criminal activity upon their
10 property, including but not limited to operating a methamphetamine lab site.

11 91. At all times mentioned herein, Defendants' conduct was outrageous, as they
12 knew this information was false, and they so acted to cause severe emotional and mental
13 distress to DECEDENT and Plaintiff.

14 92. As a legal result thereof, and on reliance on said informant's false
15 information, Defendant members of LACSD wrongly entered DECEDENT's and Plaintiff's
16 property and shot and killed DECEDENT and further took and held Plaintiff against her
17 will, causing Plaintiff to suffer severe emotional and mental distress to her special and
18 general damages.

19 93. Plaintiff, in her capacity as successor in interest to DECEDENT, is entitled to
20 punitive damages pursuant to California Code of Civil Procedure §§ 3294 & 3295. Said
21 conduct was intentionally committed by said Defendants, and each of them, and was
22 willful, wanton, malicious, and oppressive, thereby justifying the awarding of exemplary
23 and punitive damages as to each individual Defendant.

24 **PRAYER**

25 WHEREFORE, PLAINTIFF for each and every cause of action above, demands the
26 following relief, jointly and severally, against all Defendants:

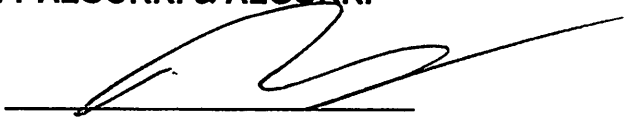
- 27 a. Compensatory general and special damages in an amount in
28 accordance with proof;

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- b. Exemplary damages, against each of all Defendants, except the COUNTY OF LOS ANGELES, for the intentional acts described above, or for those done recklessly or with deliberate indifference, in an amount sufficient to deter and to make an example of those Defendants;
- c. Reasonable attorneys' fees and expenses of litigation, including those fees permitted by 42 U.S.C. § 1988;
- d. Costs of suit necessarily incurred herein;
- e. Prejudgment interest according to proof; and
- f. Such further relief as the Court deems just or proper.

DeWITT ALGORRI & ALGORRI

DATED: January 10, 2014

By: 
MARK S. ALGORRI
CAROLYN L. TAN

BERGENER & ASSOCIATES

DATED: January 10, 2014

By: 
JAMES M. BERGENER

Attorneys for Plaintiff,
TONYA PATE, an individual,
and as the Successor in Interest to and
surviving spouse and heir at law, of
Decedent, EUGENE ROBERT
MALLORY

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DEMAND FOR JURY TRIAL

Plaintiff hereby demands that a trial by jury be conducted with respect to all issues presented herein.

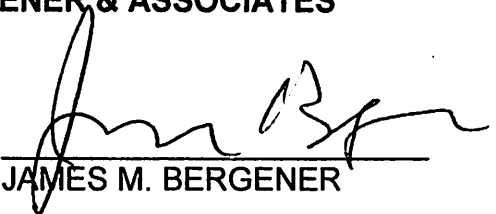
DeWITT ALGORRI & ALGORRI

DATED: January 10, 2014

By: 
MARK S. ALGORRI
CAROLYN L. TAN

BERGENER & ASSOCIATES

DATED: January 10, 2014

By: 
JAMES M. BERGENER
Attorneys for Plaintiff,
TONYA PATE, an individual,
and as the Successor in Interest to and
surviving spouse and heir at law, of
Decedent, EUGENE ROBERT
MALLORY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
 Mark S. Algorri - SBN 88859
 Carolyn L. Tan - SBN 269770
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FOR COURT USE ONLY

**CONFORMED COPY
ORIGINAL FILED**
 Superior Court of California
 County of Los Angeles

JAN 10 2014

Sherri R. Carter, Executive Officer/Clerk
 By Shaunya Bolden, Deputy

ATTORNEY FOR (Name): Plaintiff

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
 STREET ADDRESS: 111 N. Hill Street
 MAILING ADDRESS: 111 N. Hill Street
 CITY AND ZIP CODE: Los Angeles, CA 90012
 BRANCH NAME: Central District-Stanley Mosk Courthouse

CASE NAME: PATE v. COUNTY OF LOS ANGELES, et al.

CIVIL CASE COVER SHEET

Unlimited (Amount demanded exceeds \$25,000) Limited (Amount demanded is \$25,000 or less)

Complex Case Designation
 Counter Joinder
 Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: **BC 53 2856**

JUDGE:
 DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- | | | |
|--|---|---|
| <p>Auto Tort</p> <p><input type="checkbox"/> Auto (22)
 <input type="checkbox"/> Uninsured motorist (46)</p> <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <p><input type="checkbox"/> Asbestos (04)
 <input type="checkbox"/> Product liability (24)
 <input type="checkbox"/> Medical malpractice (45)
 <input checked="" type="checkbox"/> Other PI/PD/WD (23)</p> <p>Non-PI/PD/WD (Other) Tort</p> <p><input type="checkbox"/> Business tort/unfair business practice (07)
 <input type="checkbox"/> Civil rights (08)
 <input type="checkbox"/> Defamation (13)
 <input type="checkbox"/> Fraud (16)
 <input type="checkbox"/> Intellectual property (19)
 <input type="checkbox"/> Professional negligence (25)
 <input type="checkbox"/> Other non-PI/PD/WD tort (35)</p> <p>Employment</p> <p><input type="checkbox"/> Wrongful termination (36)
 <input type="checkbox"/> Other employment (15)</p> | <p>Contract</p> <p><input type="checkbox"/> Breach of contract/warranty (06)
 <input type="checkbox"/> Rule 3.740 collections (09)
 <input type="checkbox"/> Other collections (09)
 <input type="checkbox"/> Insurance coverage (18)
 <input type="checkbox"/> Other contract (37)</p> <p>Real Property</p> <p><input type="checkbox"/> Eminent domain/Inverse condemnation (14)
 <input type="checkbox"/> Wrongful eviction (33)
 <input type="checkbox"/> Other real property (26)</p> <p>Unlawful Detainer</p> <p><input type="checkbox"/> Commercial (31)
 <input type="checkbox"/> Residential (32)
 <input type="checkbox"/> Drugs (38)</p> <p>Judicial Review</p> <p><input type="checkbox"/> Asset forfeiture (05)
 <input type="checkbox"/> Petition re: arbitration award (11)
 <input type="checkbox"/> Writ of mandate (02)
 <input type="checkbox"/> Other judicial review (39)</p> | <p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</p> <p><input type="checkbox"/> Antitrust/Trade regulation (03)
 <input type="checkbox"/> Construction defect (10)
 <input type="checkbox"/> Mass tort (40)
 <input type="checkbox"/> Securities litigation (28)
 <input type="checkbox"/> Environmental/Toxic tort (30)
 <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)</p> <p>Enforcement of Judgment</p> <p><input type="checkbox"/> Enforcement of judgment (20)</p> <p>Miscellaneous Civil Complaint</p> <p><input type="checkbox"/> RICO (27)
 <input type="checkbox"/> Other complaint (not specified above) (42)</p> <p>Miscellaneous Civil Petition</p> <p><input type="checkbox"/> Partnership and corporate governance (21)
 <input type="checkbox"/> Other petition (not specified above) (43)</p> |
|--|---|---|

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- a. Large number of separately represented parties d. Large number of witnesses
 b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
 c. Substantial amount of documentary evidence f. Substantial postjudgment judicial supervision
3. Remedies sought (check all that apply): a. monetary b. nonmonetary, declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): Eleven
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: January 10, 2014

Mark S. Algorri, Esq. _____ (TYPE OR PRINT NAME) _____ (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

- Auto (22)—Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)
 - Asbestos Property Damage
 - Asbestos Personal Injury/Wrongful Death
- Product Liability (*not asbestos or toxic/environmental*) (24)
- Medical Malpractice (45)
 - Medical Malpractice—Physicians & Surgeons
 - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
 - Premises Liability (e.g., slip and fall)
 - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
 - Intentional Infliction of Emotional Distress
 - Negligent Infliction of Emotional Distress
 - Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
 - Legal Malpractice
 - Other Professional Malpractice (*not medical or legal*)
- Other Non-PI/PD/WD Tort (35)

Employment

- Wrongful Termination (36)
- Other Employment (15)

Contract

- Breach of Contract/Warranty (06)
 - Breach of Rental/Lease Contract (*not unlawful detainer or wrongful eviction*)
 - Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
 - Negligent Breach of Contract/Warranty
- Other Breach of Contract/Warranty Collections (e.g., money owed, open book accounts) (09)
- Collection Case—Seller Plaintiff
- Other Promissory Note/Collections Case
- Insurance Coverage (*not provisionally complex*) (18)
 - Auto Subrogation
 - Other Coverage
- Other Contract (37)
 - Contractual Fraud
 - Other Contract Dispute

Real Property

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
 - Writ of Possession of Real Property
 - Mortgage Foreclosure
 - Quiet Title
 - Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
 - Writ—Administrative Mandamus
 - Writ—Mandamus on Limited Court Case Matter
 - Writ—Other Limited Court Case Review
- Other Judicial Review (39)
 - Review of Health Officer Order
 - Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

- Enforcement of Judgment (20)
 - Abstract of Judgment (Out of County)
 - Confession of Judgment (*non-domestic relations*)
 - Sister State Judgment
 - Administrative Agency Award (*not unpaid taxes*)
 - Petition/Certification of Entry of Judgment on Unpaid Taxes
 - Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

- RICO (27)
- Other Complaint (*not specified above*) (42)
 - Declaratory Relief Only
 - Injunctive Relief Only (*non-harassment*)
 - Mechanics Lien
 - Other Commercial Complaint Case (*non-tort/non-complex*)
 - Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

- Partnership and Corporate Governance (21)
- Other Petition (*not specified above*) (43)
 - Civil Harassment
 - Workplace Violence
 - Elder/Dependent Adult Abuse
 - Election Contest
 - Petition for Name Change
 - Petition for Relief from Late Claim
 - Other Civil Petition

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? YES CLASS ACTION? YES LIMITED CASE? YES TIME ESTIMATED FOR TRIAL⁵⁻¹⁰ HOURS/ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked “Limited Case”, skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in central (other county, or no bodily injury/property damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office |

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/ Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input checked="" type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4. 1., 4. 1., 3. 1., 4.

SHORT TITLE: PATE v. COUNTY OF LOS ANGELES, et al.

CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/Property Damage/ Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
	Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud	1., 2., 3., 5.
		<input type="checkbox"/> A6031 Tortious Interference	1., 2., 3., 5.
<input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)		1., 2., 3., 8.	
Real Property	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2., 6.
<input type="checkbox"/> A6032 Quiet Title		2., 6.	
<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)		2., 6.	
Unlawful Detainer	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2., 9.
		<input type="checkbox"/> A6160 Abstract of Judgment	2., 6.
		<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2., 9.
		<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2., 8.
		<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2., 8.
		<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 8., 9.
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1., 2., 8.
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2., 8.
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1., 2., 8.
<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)		1., 2., 8.	
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment	2., 3., 9.
		<input type="checkbox"/> A6123 Workplace Harassment	2., 3., 9.
		<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case	2., 3., 9.
		<input type="checkbox"/> A6190 Election Contest	2.
		<input type="checkbox"/> A6110 Petition for Change of Name	2., 7.
		<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law	2., 3., 4., 8.
<input type="checkbox"/> A6100 Other Civil Petition		2., 9.	


SHORT TITLE: PATE v. COUNTY OF LOS ANGELES, et al.	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input checked="" type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		ADDRESS: 36644 117th St. East
CITY: Littlerock	STATE: CA	ZIP CODE: 93543

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: Jan. 10, 2014


 (SIGNATURE OF ATTORNEY/FILING PARTY)
 Mark S. Algorri, Esq.

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
NOTICE OF CASE ASSIGNMENT - UNLIMITED CIVIL PERSONAL INJURY CASE

Case Number _____

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

Your case is assigned for all purposes to the judicial officer indicated below (Local Rule 3.3(c)).

ASSIGNED JUDGE			DEPT	ROOM	ASSIGNED JUDGE			DEPT	ROOM
<input type="checkbox"/>	Hon. Rafael Ongkeko		91	635					
<input type="checkbox"/>	Hon. Elia Weinbach		92	633					
<input type="checkbox"/>	Hon. Samantha P. Jessner		93	631					
<input checked="" type="checkbox"/>	Hon. Teresa Beaudet		97	630					
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BC 532856

Given to the Plaintiff/Cross-Complainant/Attorney of Record on _____

JAN 10 2014 SHERRI R. RTER, Executive Officer/Clerk

SHAUNYA BOLDEN

LACIV PI 190 (Rev09/13)
LASC Approved 05-06
For Optical Use

By _____, Deputy Clerk

JUL 15 2013

John A. Clarke, Executive Officer/Clerk
By E. Ramon Adell, Deputy
Regina Colera

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

7) Case No.:
8 In re Personal Injury Cases Assigned to the)
9 Personal Injury Courts (Departments 91, 92) AMENDED GENERAL ORDER RE
10 and 93)) PERSONAL INJURY COURT ("PI Court")
11) PROCEDURES (Effective as of July 10,
12) 2013)

DEPARTMENT: 91 92 93

FINAL STATUS CONFERENCE ("FSC"):

- Date: _____ at 10:00 a.m.

TRIAL:

- Date: _____ at 8:30 a.m.

OSC re DISMISSAL (Code Civ. Proc., § 583.210):

- Date: _____ at 8:30 a.m.

TO EACH PARTY AND TO THE ATTORNEY OF RECORD FOR EACH PARTY:

Pursuant to the California Code of Civil Procedure ("C.C.P."), the California
Rules of Court, and the Los Angeles County Court Rules ("Local Rules"), the Los
Angeles Superior Court ("LASC" or "Court") HEREBY AMENDS AND
SUPERSEDES ITS March 12, 2013 GENERAL ORDER AND GENERALLY

1 **ORDERS AS FOLLOWS IN THIS AND ALL OTHER GENERAL JURISDICTION**
2 **PERSONAL INJURY ACTIONS:**

3 Effective March 18, 2013, the Court responded to systemic budget reductions by
4 centralizing the management of more than 18,000 general jurisdiction personal injury cases
5 in the Stanley Mosk Courthouse. LASC opened three Personal Injury Courts ("PI Courts")
6 (Departments 91, 92 and 93) to adjudicate all pretrial matters for these cases. It also
7 established a Master Calendar Court (Department One), to manage the assignment of trials to
8 31 dedicated Trial Courts located countywide. This Amended General Order lays out the
9 basic procedures for the PI Courts' management of pretrial matters. The parties will find
10 additional information about the PI Courts on the court's website, *www.lasuperiorcourt.org*.

11
12 1. To ensure proper assignment to a PI Court, Plaintiff(s) must carefully fill out the Civil
13 Case Cover Sheet Addendum (form LACIV 109). The Court defines "personal injury" as:

14 "an unlimited civil case described on the Civil Case Cover Sheet Addendum and
15 Statement of Location (LACIV 109) as Motor Vehicle-Personal Injury/Property
16 Damage/Wrongful Death; Personal Injury/Property Damage/Wrongful Death-
17 Uninsured Motorist; Product Liability (other than asbestos or
18 toxic/environmental); Medical Malpractice-Physicians & Surgeons; Other
19 Professional Health Care Malpractice; Premises Liability; Intentional Bodily
20 Injury/Property Damage/Wrongful Death; or Other Personal Injury/Property
21 Damage/Wrongful Death. An action for intentional infliction of emotional
22 distress, defamation, civil rights/discrimination, or malpractice (other than
23 medical malpractice), is not included in this definition. An action for injury to
24 real property is not included in this definition." Local Rule 2.3(a)(1)(A).
25
26
27

1 The Court will assign a case to the PI Courts if plaintiff(s) check any of the following
2 boxes in the Civil Case Cover Sheet Addendum:

3 A7100 Motor Vehicle – Personal Injury/Property Damage/Wrongful
4 Death

5 A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured
6 Motorist

7 A7260 Product Liability (not asbestos or toxic/environmental)

8 A7210 Medical Malpractice – Physicians & Surgeons

9 A7240 Medical Malpractice – Other Professional Health Care Malpractice

10 A7250 Premises Liability (e.g., slip and fall)

11 A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g.,
12 assault, vandalism etc.)

13 A7220 Other Personal Injury/Property Damage/Wrongful Death

14
15 The Court will not assign cases to the PI Courts if plaintiff(s) check any boxes
16 elsewhere in the Civil Case Cover Sheet Addendum (any boxes on pages two and
17 three of that form).
18

19
20 2. The Court sets the above dates in this action in the PI Court circled above
21 (Department 91, 92 or 93) at the Stanley Mosk Courthouse, 111 North Hill Street, Los
22 Angeles, CA 90012. Cal. Rules of Court, Rules 3.714(b)(3), 3.729.

23 **SERVICE OF SUMMONS AND COMPLAINT**

24 3. Plaintiff(s) shall serve the summons and complaint in this action upon defendant(s)
25 within three years of the date when the complaint is filed. C. C. P. § 583.210, subd. (a). On
26 the OSC re Dismissal date noted above, the PI Court will dismiss the action and/or all
27

1 unserved parties unless the plaintiff(s) show cause why the action or the unserved parties
2 should not be dismissed. C.C.P. §§ 583.250; 581, subd. (b)(4).

3 4. The Court sets the above trial and FSC dates on condition that plaintiff(s) effectuate
4 service on defendant(s) of the summons and complaint within six months of filing the
5 complaint. Upon a showing that the plaintiff(s) failed to effect service within six months, the
6 PI Court will vacate the trial and FSC date noted above.
7

8 **STIPULATIONS TO CONTINUE TRIAL**

9 5. Provided that all parties agree (and there is no violation of the "five-year rule," C.C.P.
10 § 583.310), the parties may advance or continue any trial date in the PI Courts without
11 showing good cause or articulating any reason or justification for the change. To continue or
12 advance a trial date, the parties (or their counsel of record) should jointly execute and file (in
13 Room 102 of the Stanley Mosk Courthouse; fee required) a Stipulation to Continue Trial,
14 FSC and Related Motion/Discovery Dates (form available on the court's website, Personal
15 Injury Court link). The PI Courts schedule FSCs for 10:00 a.m., eight (8) court days before
16 the trial date. Parties seeking to continue the trial and FSC dates shall file the Stipulation at
17 least eight court days before the FSC date. Parties seeking to advance the trial and FSC
18 dates shall file the Stipulation at least eight court days before the proposed advanced FSC
19 date. Code Civ. Proc., § 595.2; Govt. Code § 70617, subd. (c)(2).
20

21 **NO CASE MANAGEMENT CONFERENCES**

22 6. The PI Courts do not conduct Case Management Conferences. The parties need not
23 file a Case Management Statement.
24

25 **LAW AND MOTION**

26 **Chambers Copies Required**
27

1 7. In addition to filing original motion papers in Room 102 of the Stanley Mosk
2 Courthouse, the parties must deliver, directly to the PI Court courtrooms, an extra copy
3 (marked "Chambers Copy") of reply briefs and all other motion papers filed less than seven
4 (7) court days before a hearing calendared in the PI Courts. The PI Courts also strongly
5 encourage the parties filing and opposing lengthy motions, such as motions for summary
6 judgment/adjudication, to submit one or more three-ring binders organizing the Chambers
7 Copies behind tabs.

9 **Reservation of Hearing Date**

10 8. Parties are directed to reserve hearing dates for motions in the PI Courts using the
11 Court Reservation System available online at www.lasuperiorcourt.org (link on homepage).
12 Parties or counsel who are unable to utilize the online Court Reservation System may reserve
13 a motion hearing date by telephoning the PI Court courtroom, Monday through Friday,
14 between 3:00 p.m. and 4:00 p.m.

16 **Withdrawal of Motion**

17 9. California Rules of Court, Rule 3.1304(b) requires a moving party to notify the court
18 immediately if a matter will not be heard on the scheduled date. In keeping with that rule, the
19 PI Courts urge parties who amend pleadings in response to demurrers to file amended
20 pleadings before the date when opposition to the demurrer is due so that the PI Courts do not
21 needlessly prepare tentative rulings on demurrers.

22 **Discovery Motions**

23 10. Informal Discovery Conferences ("IDCs"). On a daily basis, the PI Court judges are
24 available to conduct 30-minute, in-person IDCs with lead trial counsel on each side (or
25 another attorney who has full authority to make binding agreements in discovery disputes).
26

1 The PI Court judges will not make rulings in an IDC. The purpose of the IDC is to help the
2 parties resolve discovery disputes by agreement rather than by motion practice. To that end,
3 an IDC judge may refer the parties to applicable code sections or other legal authorities. The
4 IDC judge may also promote compromise by suggesting agreements to narrow the scope of
5 the requests, to provide amended responses that better explain the responding party's
6 compliance, or to use an alternative, more efficient means of discovery. The PI Court judges
7 find that, in nearly every case, the parties amicably resolve their discovery disputes at, or as a
8 result of, the IDCs.

10 11. Scheduling IDCs. Parties should reserve (and, if necessary, promptly cancel)
11 appointments for IDCs via email to *PISMC@lasuperiorcourt.org*. Parties should schedule an
12 IDC as soon as a discovery dispute arises, and before any party files a discovery motion. The
13 PI Court judges expect the parties to make every effort to resolve discovery disputes by
14 conferring in person or on the telephone before the PI Court judge invests time in the IDC.
15 Scheduling or participating in an IDC does not extend any deadlines imposed by the Code of
16 Civil Procedure for noticing and filing motions to compel or motions to compel further
17 discovery. In order to avoid unnecessary *ex parte* applications, the PI Courts recommend
18 that the parties extend deadlines for filing discovery motions and for serving discovery
19 responses pending their participation in the IDC.

21 12. Motions to Compel Further Responses. The PI Courts will not hear motions to
22 compel further discovery unless and until (a) the parties participate in an IDC; or (b) the
23 moving party submits evidence, by way of declaration, that the opposing party has failed or
24 refused to participate in an IDC. To allow time for an IDC at least 16 court days before the
25 motion hearing, parties must reserve a hearing on any motion to compel further discovery at
26

1 10:00 a.m. on a date at least 60 days after the date when the reservation is made. Parties
2 must reserve an IDC with the same judge who is scheduled to hear any discovery motion
3 involving the same discovery. Likewise, a party who participates in an IDC regarding certain
4 discovery requests, and then files a motion to compel further responses to the same discovery
5 requests, must calendar the motion for a hearing before the same judge who conducted the
6 IDC. After participating in an IDC, a moving party may advance the hearing on a motion to
7 compel further discovery to 10:00 a.m. on any available hearing date that complies with the
8 notice requirements of the Code of Civil Procedure. The PI Courts may consider a party's
9 failure or refusal to participate in an IDC as a factor in deciding whether or not to award
10 sanctions on a motion to compel further discovery.

11
12 **Ex Parte Applications**

13 13. Under the California Rules of Court, courts may only grant *ex parte* relief upon a
14 showing, by admissible evidence, that the moving party will suffer "irreparable harm,"
15 "immediate danger," or where the moving party identifies "a statutory basis for granting
16 relief *ex parte*." Cal. Rules of Court, Rule 3.1202(c). With over 6,000 cases in each docket,
17 the three PI Courts have no capacity to hear multiple *ex parte* applications or to shorten time
18 to add hearings to their fully booked motion calendars. The PI Courts do not regard the
19 Court's unavailability for timely motion hearings as an "immediate danger" or threat of
20 "irreparable harm" justifying *ex parte* relief. Instead of seeking *ex parte* relief, counsel
21 should reserve the earliest available motion hearing date, and stipulate with all parties to
22 continue the trial to a date thereafter using the Stipulation to Continue Trial, FSC and Related
23 Motion/Discovery Dates (form available on the court's website, PI Court Tab). Counsel
24
25
26
27

1 should also check the Court Reservation System from time to time because earlier hearing
2 dates may become available as cases settle or counsel otherwise take hearings off calendar.

3 **REQUEST FOR TRANSFER TO INDEPENDENT CALENDAR DEPARTMENT**

4 14. Parties seeking to transfer a case from a PI Court to an Independent Calendar (“I/C”)
5 Court shall file (in Room 102 of the Stanley Mosk Courthouse) and serve the Court’s
6 “Motion to Transfer Complicated Personal Injury Case to Independent Calendar Court”
7 (form available on the Court’s website, PI Courts link). The PI Courts will transfer a matter
8 to an I/C Court if the case is not a “Personal Injury” case as defined in the General Order re
9 General Jurisdiction PI Cases, or if it is “complicated.” In determining whether a personal
10 injury case is too “complicated” for the PI Courts to manage, the PI Courts will consider,
11 among other things, whether the case will involve numerous parties, cross-complaints,
12 witnesses (including expert witnesses), and/or pretrial hearings.

14 15. Parties opposing a motion to transfer have five days to file (in Room 102) an
15 Opposition (using the same Motion to Transfer form).

17 16. The PI Courts will not conduct a hearing on any Motion to Transfer to I/C Court.
18 Although the parties may stipulate to transfer a case to an Independent Calendar Department,
19 the PI Courts will make an independent determination whether to transfer the case or not.

20 **GENERAL ORDER – FINAL STATUS CONFERENCE**

21 17. Parties shall comply with the requirements of the PI Courts’ “Amended General
22 Order – Final Status Conference,” which shall be served with the summons and complaint.

23 **JURY FEES**

24 18. Parties must pay jury fees no later than 365 calendar days after the filing of the initial
25 complaint. (Code Civ. Proc., § 631, subs. (b) and (c).)
26


1 **JURY TRIALS**

2 19. The PI Courts do not conduct jury trials. On the trial date, a PI Court will transfer the
3 case to the Master Calendar Court in Department One in the Stanley Mosk Courthouse.
4 Department One assigns the case out for trial to one of 31 dedicated Trial Courts located in
5 the Stanley Mosk, Chatsworth, Van Nuys, Santa Monica, Torrance, Long Beach, Pomona,
6 and Pasadena courthouses.
7

8 **SANCTIONS**

9 20. The Court has discretion to impose sanctions for any violation of this general order.
10 (C.C.P. §§ 128.7, 187 and Gov. Code, § 68608, subd. (b).)

11
12 Dated: July 15, 2013

13
14 
15 Daniel J. Buckley
16 Supervising Judge, Civil
17 Los Angeles Superior Court
18
19
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JUL 19 2013

John A. Clarke, Executive Officer/Clerk
By E. Roman Adams, Deputy
Regina Collins

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT

In re Personal Injury Cases Assigned to the) Case No.: _____
Personal Injury Courts (Departments 91, 92)
and 93),) AMENDED GENERAL ORDER - FINAL
STATUS CONFERENCE, PERSONAL
INJURY ("PI") COURTS (Effective as of July
19, 2013)

The dates for Trial and Final Status Conference ("FSC") having been set in this matter, the Court
**HEREBY AMENDS AND SUPERSEDES ITS March 12, 2013 GENERAL ORDER –
FINAL STATUS CONFERENCE AND GENERALLY ORDERS AS FOLLOWS IN THIS
AND ALL OTHER GENERAL JURISDICTION PERSONAL INJURY ACTIONS:**

1. PURPOSE OF THE FSC

The purpose of the FSC is to verify that the parties/counsel are completely ready to
proceed with trial continuously and efficiently, from day to day, until verdict. The PI Courts
will verify at the FSC that all parties/counsel have (1) prepared the Exhibit binders and Trial
Document binders and (2) met and conferred in an effort to stipulate to ultimate facts, legal
issues, motions *in limine*, and the authentication and admissibility of exhibits.

1 **2. TRIAL DOCUMENTS TO BE FILED**

2 At least five calendar days prior to the Final Status Conference, the parties/counsel shall serve
3 and file (in Room 102 of the Stanley Mosk Courthouse) the following Trial Readiness

4 Documents:

5 **A. TRIAL BRIEFS (OPTIONAL)**

6 Each party/counsel may file, but is not required to file, a trial brief succinctly identifying:

- 7 (1) the claims and defenses subject to litigation;
- 8 (2) the major legal issues (with supporting points and authorities);
- 9 (3) the relief claimed and calculation of damages sought; and
- 10 (4) any other information that may assist the court at trial.

11 **B. MOTIONS *IN LIMINE***

12 Before filing motions *in limine*, the parties/counsel shall comply with the statutory notice
13 provisions of Code of Civil Procedure (“C.C.P.”) Section 1005 and the requirements of Los
14 Angeles County Court Rule (“Local Rule”) 3.57(a). The caption of each motion *in limine* shall
15 concisely identify the evidence that the moving party seeks to preclude. Parties filing more than
16 one motion *in limine* shall number them consecutively. Parties filing opposition and reply papers
17 shall identify the corresponding motion number in the caption of their papers.

18 **C. JOINT STATEMENT TO BE READ TO THE JURY**

19 For jury trials, the parties/counsel shall work together to prepare and file a joint written statement
20 of the case for the court to read to the jury. Local Rule 3.25(i)(4).

21 **D. JOINT WITNESS LIST**

22 The parties/counsel shall work together to prepare and file a joint list of all witnesses that each
23 party intends to call (excluding impeachment and rebuttal witnesses). Local Rule 3.25(i)(5).
24
25

1 The joint witness list shall identify each witness by name, specify which witnesses are experts,
2 and estimate the length of the direct, cross examination re-direct examination (if any) of each
3 witness. The parties/counsel shall identify and all potential witness scheduling issues and special
4 requirements. Any party/counsel who seeks to elicit testimony from a witness not identified on
5 the witness list must first make a showing of good cause.

6 **E. LIST OF PROPOSED JURY INSTRUCTIONS (JOINT AND**
7 **CONTESTED)**

8 The parties/counsel shall jointly prepare and file a list of proposed jury instructions, organized in
9 numerical order, specifying the instructions upon which all sides agree and the contested
10 instructions, if any.

12 **F. JURY INSTRUCTIONS (JOINT AND CONTESTED)**

13 The parties/counsel shall prepare a complete set of full-text proposed jury instructions, editing all
14 proposed California Civil Jury Instructions for Judges and Attorneys ("CACI") instructions to
15 insert party names and eliminate blanks and irrelevant material. The parties shall prepare special
16 instructions in a format ready for submission to the jury (placing citations of authority and the
17 identity of the requesting party above the text in compliance with Local Rules 3.170 and 3.171).
18

19 **G. JOINT VERDICT FORM(S)**

20 The parties/counsel shall prepare and jointly file a proposed general verdict form or special
21 verdict form (with interrogatories) acceptable to all sides. If the parties/counsel cannot agree on
22 a joint verdict form, each party must separately file a proposed verdict form. Local Rule
23 3.25(i)(7) and (8).
24
25 /

1 **H. JOINT EXHIBIT LIST**

2 The parties/counsel shall prepare and file a joint exhibit list organized with columns identifying
3 each exhibit and specifying each party's evidentiary objections, if any, to admission of each
4 exhibit. To comply with Local Rules 3.52(i)(5) and 3.53, the parties shall meet and confer in an
5 effort to resolve objections to the admissibility of each exhibit.

6 **3. EVIDENTIARY EXHIBITS**

7 The parties/counsel shall jointly prepare (and be ready to temporarily lodge for inspection at the
8 FSC), three sets of tabbed, internally paginated and properly-marked exhibits, organized
9 numerically in three-ring binders (a set for the Court, the Judicial Assistant and the witnesses).

10 The parties/counsel shall mark all non-documentary exhibits and insert a simple written
11 description of the exhibit behind the corresponding numerical tab in the exhibit binder.

12 **4. TRIAL BINDERS REQUIRED IN THE PI COURTS**

13 The parties/counsel shall jointly prepare (and be ready to temporarily lodge for inspection at
14 the FSC) the Trial Documents, tabbed and organized into three-ring binders as follows:
15

16 **Tab A: Trial Briefs**

17 **Tab B: Motions *in limine***

18 **Tab C: Joint Statement to Be Read to the Jury**

19 **Tab D: Joint Witness List**

20 **Tab E: Joint List of Jury Instructions (identifying the agreed upon and contested**
21 **instructions)**

22 **Tab F: Joint and Contested Jury Instructions**

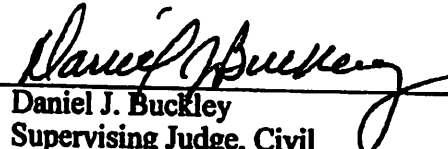
23 **Tab G: Joint and/or Contested Verdict Forms**

1 The parties shall organize motions *in limine* (tabbed in numerical order) behind tab B with
2 the opposition papers and reply papers for each motion placed directly behind the moving
3 papers. The parties shall organize proposed jury instructions behind tab F, with the agreed upon
4 instructions first in order followed by the contested instructions (including special instructions)
5 submitted by each side.

6 **5. FAILURE TO COMPLY WITH FSC OBLIGATIONS**

7 The court has discretion to require any party/counsel who fails or refuses to comply with this
8 General Order to Show Cause why the court should not impose monetary, evidentiary and/or
9 issue sanctions (including the entry of a default or the striking of an answer).
10

11 Dated this 19th day of July, 2013

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13 
14 Daniel J. Buckley
15 Supervising Judge, Civil
16 Los Angeles Superior Court
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25

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9 **BERGENER & ASSOCIATES**
10 4675 MacArthur Court, Suite 1400
11 Newport Beach, CA 92660
12 Tel: (949) 644-1000
13 Fax: (949) 644-1005

14 Attorneys for Plaintiff, TONYA PATE,
15 an individual, and as the Successor in Interest
16 to and surviving spouse and heir at law, of
17 Decedent, EUGENE ROBERT MALLORY

18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

19 **FOR THE COUNTY OF LOS ANGELES**

20 **CENTRAL DISTRICT - STANLEY MOSK COURTHOUSE**

21 TONYA PATE, an individual, and as the
22 Successor in Interest to and surviving spouse
23 and heir at law, of Decedent, EUGENE
24 ROBERT MALLORY,

25 Plaintiff,

26 v.

27 COUNTY OF LOS ANGELES; LEE BACA;
28 ROD KUSCH; PATRICK HOBBS; JOHN
BONES; DUSTIN STILLWELL; RON
DUVAL; FRANK SALERNO; JEFF
SIROONIAN; ROBERT MITTLERUN;
NATHAN GRIMES; DETECTIVE
GONZALEZ; DETECTIVE BERTIERI;
DEPUTY RANIAG; DEPUTY
VELASQUEZ; DEPUTY McCAY; DEPUTY
SMITH; and DOES 1- 50, Inclusive,

Defendants.

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

JAN 10 2014

Sherri R. Carter, Executive Officer/Clerk
By Raul Sanchez, Deputy

STATEMENT FROM SUCCESSOR IN INTEREST; DECLARATION OF TONYA PATE,
PURSUANT TO CCP §377.32

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DECLARATION OF TONYA PATE

I, TONYA PATE, state and declare as follows:

1. I have personal knowledge of the within facts and if called as witnesses to testify to the contents thereto, we would be competent to do so.

2. I am the widow and the sole surviving issue of EUGENE ROBERT MALLORY, deceased, who died on June 27, 2013, in Los Angeles County, State of California. A certified copy of the decedent's death certificate is attached hereto as Exhibit "1."

3. That there is no proceeding pending in California for administration of the decedent's estate.

4. I am the decedent's successor in interest as defined by §377.11, of the California Code of Civil Procedure and succeed to the decedent's interest in the action or proceeding captioned above. Declarant is authorized to act on behalf of decedents successor's in interest herein.

5. That no other person has the superior right to commence this action or proceeding or to be substituted for the decedent in the pending action or proceeding.

I declare, under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed this 17th day of December, 2013, at Littlerock, CA.



TONYA PATE

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EXHIBIT "1"

STATE OF CALIFORNIA

CERTIFICATION OF VITAL RECORD

COUNTY OF LOS ANGELES • REGISTRAR-RECORDER/COUNTY CLERK

3052013155993

CERTIFICATE OF DEATH

3201319035034

STATE FILE NUMBER		LOCAL REGISTRATION NUMBER			
1. NAME OF DECEDENT - FIRST (Given) EUGENE		2. MIDDLE R		3. LAST (Family) MALLORY	
4. DATE OF BIRTH mm/dd/yyyy 05/27/1933		5. AGE Yrs. 80		6. SEX M	
9. BIRTH STATE/FOREIGN COUNTRY MN		10. SOCIAL SECURITY NUMBER 538-30-7430		11. EVER IN U.S. ARMED FORCES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK	
12. MARITAL STATUS/SRDP (at Time of Death) MARRIED		7. DATE OF DEATH mm/dd/yyyy 06/27/2013		8. HOUR (24 Hours) 0738	
13. EDUCATION - Highest Level/Degree MASTER'S		14. WAS DECEDENT HISPANIC/LATINO/AY/SPANISH? (If yes, see worksheet on back) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		16. DECEDENT'S RACE - Up to 3 races may be listed (see worksheet on back) WHITE	
17. USUAL OCCUPATION - Type of work for most of life. DO NOT USE RETIRED ELECTRONIC RADIO TECHNICIAN		18. KIND OF BUSINESS OR INDUSTRY (e.g., grocery store, road construction, employment agency, etc.) AEROSPACE		19. YEARS IN OCCUPATION 60	
20. DECEDENT'S RESIDENCE (Street and number or location) 36644 117TH ST EAST					
21. CITY LITTLEROCK		22. COUNTY/PROVINCE LOS ANGELES		23. ZIP CODE 93543	
24. YEARS IN COUNTY 60		25. STATE/FOREIGN COUNTRY CA			
26. INFORMANT'S NAME, RELATIONSHIP EDWARD MALLORY, STEPSON			27. INFORMANT'S MAILING ADDRESS (Street and number, or rural route number, city or town, state and zip) 524 W IVESBROOK AVE # 101, LANCASTER, CA 93534		
28. NAME OF SURVIVING SPOUSE/SRDP - FIRST UNKNOWN		29. MIDDLE -		30. LAST (BIRTH NAME) UNKNOWN	
31. NAME OF FATHER/PARENT - FIRST LAURENCE		32. MIDDLE WARD		33. LAST MALLORY	
34. BIRTH STATE MN		35. NAME OF MOTHER/PARENT - FIRST ARDITH		36. MIDDLE MARION	
37. LAST (BIRTH NAME) HOAGLAND		38. BIRTH STATE WI			
39. DISPOSITION DATE mm/dd/yyyy 08/20/2013		40. PLACE OF FINAL DISPOSITION FOREST LAWN MEMORIAL PARK 6300 FOREST LAWN DR, LOS ANGELES, CA 90068			
41. TYPE OF DISPOSITION(S) CR/BU		42. SIGNATURE OF EMBALMER ▶ NOT EMBALMED		43. LICENSE NUMBER -	
44. NAME OF FUNERAL ESTABLISHMENT SOCAL CREMATIONS		45. LICENSE NUMBER FD 2100		46. SIGNATURE OF LOCAL REGISTRAR ▶ JONATHAN FIELDING, MD	
47. DATE mm/dd/yyyy 08/20/2013		48. SIGNATURE OF LOCAL REGISTRAR JONATHAN FIELDING, MD			
101. PLACE OF DEATH RESIDENCE		102. IF HOSPITAL, SPECIFY ONE <input type="checkbox"/> IP <input type="checkbox"/> SRUP <input type="checkbox"/> DCA <input type="checkbox"/> Hospice <input type="checkbox"/> Nursing Home/LTC <input checked="" type="checkbox"/> Decedent's Home <input type="checkbox"/> Other		103. IF OTHER THAN HOSPITAL, SPECIFY ONE <input type="checkbox"/> Home <input type="checkbox"/> Other	
104. COUNTY LOS ANGELES		105. FACILITY ADDRESS OR LOCATION WHERE FOUND (Street and number, or location) 36644 117TH STREET EAST		106. CITY LITTLEROCK	
107. CAUSE OF DEATH IMMEDIATE CAUSE (Final disease or condition resulting in death) A) MULTIPLE GUNSHOT WOUNDS		108. DEATH REPORTED TO CORONER? (AT) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO RAPID		109. BIOPSY PERFORMED? (BT) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
110. AUTOPIY PERFORMED? (CT) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		111. USED IN DETERMINING CAUSE? (DT) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		112. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE GIVEN IN 107 NONE	
113. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEM 107 OR 112? (If yes, list type of operation and date) NO		113A. IF FEMALE, PREGNANT IN LAST YEAR? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK		114. I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE DEATH OCCURRED AT THE HOUR, DATE, AND PLACE STATED FROM THE CAUSE(S) STATED. Decedent Attended Since (A) mm/dd/yyyy (B) mm/dd/yyyy Decedent Last Seen Alive ▶	
115. SIGNATURE AND TITLE OF CERTIFIER ▶		116. LICENSE NUMBER 53		117. DATE mm/dd/yyyy 08/20/2013	
118. TYPE ATTENDING PHYSICIAN'S NAME, MAILING ADDRESS, ZIP CODE ▶		119. I CERTIFY THAT IN MY OPINION DEATH OCCURRED AT THE HOUR, DATE, AND PLACE STATED FROM THE CAUSE(S) STATED. MANNER OF DEATH: <input type="checkbox"/> Natural <input type="checkbox"/> Accidental <input checked="" type="checkbox"/> Homicide <input type="checkbox"/> Suicide <input type="checkbox"/> Pending Investigation <input type="checkbox"/> Could not be determined			
120. INJURED AT WORK? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK		121. INJURY DATE mm/dd/yyyy 06/27/2013		122. HOUR (24 Hours) 0705	
123. PLACE OF INJURY (e.g., Home, construction site, wooded area, etc.) RESIDENCE					
124. DESCRIBE HOW INJURY OCCURRED (Events which resulted in injury) SHOT WITH HANDGUN BY ANOTHER					
125. LOCATION OF INJURY (Street and number, or location, and city, and zip) 36644 117TH STREET EAST, LITTLEROCK, CA 93543					
126. SIGNATURE OF CORONER / DEPUTY CORONER ▶ REGINA M AUGUSTINE		127. DATE mm/dd/yyyy 08/20/2013		128. TYPE NAME, TITLE OF CORONER / DEPUTY CORONER REGINA M AUGUSTINE, DEPUTY CORONER	
STATE REGISTRAR		A B C D E		FAX AUTH.#	
				CENSUS TRACT	

This is to certify that this document is a true copy of the official record filed with the Registrar-Recorder/County Clerk.

Dean C Logan
DEAN C. LOGAN
Registrar-Recorder/County Clerk

SEP 30 2013



* 0 0 2 4 9 2 3 2 7 *

This copy not valid unless prepared on engraved border displaying the Seal and Signature of the Registrar-Recorder/County Clerk. PHNCO (REV) 07/11

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE



1 MARK S. ALGORRI, ESQ. - SBN 88859
CAROLYN L. TAN, ESQ. - SBN 269770

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7 **BERGENER & ASSOCIATES**

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9 Fax: (949) 644-1005

10 Attorneys for Plaintiff, TONYA PATE, an individual,
11 and as the Successor in Interest to and surviving spouse
and heir at law, of Decedent, EUGENE ROBERT MALLORY

12
13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

14 **CENTRAL DISTRICT - STANLEY MOSK COURTHOUSE**

15
16 TONYA PATE, an individual, and as the
Successor in Interest to and surviving
17 spouse and heir at law, of Decedent,
EUGENE ROBERT MALLORY,

) **CASE NO.: BC532856**

) *Assigned to Hon. Teresa Beaudet, Dept.*
97

) **STATEMENT OF DAMAGES**

18)
19 Plaintiff,

20 v.

21 COUNTY OF LOS ANGELES; LEE BACA;
ROD KUSCH; PATRICK HOBBS; JOHN
22 BONES; DUSTIN STILLWELL; RON
DUVAL; FRANK SALERNO; JEFF
23 SIROONIAN; ROBERT MITTLEBRUN;
NATHAN GRIMES; DETECTIVE
24 GONZALEZ; DETECTIVE BERTIERI;
DEPUTY RANIAG; DEPUTY
25 VELASQUEZ; DEPUTY McCAY; DEPUTY
SMITH; and DOES 1- 50, Inclusive,

26)
27 Defendants.
28)

) *Complaint filed: January 10, 2014*

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Plaintiff sustained the following damages:


1. Special Damages: in excess of \$5,000,000.00 and/or according to proof.
2. General Damages: in excess of \$25,000,000.00 and/or according to proof.
3. Punitive Damages: in excess of \$75,000,000.00 and/or according to proof.

Plaintiff reserves the right to amend this statement of damages to conform to proof at any time.

DeWITT ALGORRI & ALGORRI

DATED: January 10, 2014

By:


MARK S. ALGORRI
CAROLYN L. TAN
Attorneys for Plaintiff, TONYA PATE, an individual, and as the Successor in Interest to and surviving spouse and heir at law, of Decedent, EUGENE ROBERT MALLORY