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U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
EASTERN DIVISION

BY:

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ATTORNEYS FOR: Plaintiff, ANTONIO ZENDEJAS

UNITED STATES DISTRICT COURT

CENTRAL COURT OF CALIFORNIA

CV 09-04858

Case No.:

ANTONIO ZENDEJAS,
Plaintiff,

COMPLAINT FOR MONEY DAMAGES
AND DEMAND FOR JURY TRIAL

vs.

COUNTY OF LOS ANGELES, LOS
ANGELES COUNTY SHERIFF'S
DEPARTMENT, LOS ANGELES COUNTY
SHERIFF LEE BACA, LOS ANGELES
COUNTY DEPUTY SHERIFF DON NELSON
and DOES 1 to 50, Inclusive,

Defendant.

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1 Plaintiff, ANTONIO ZENDEJAS, alleges:
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3 **JURISDICTION**

4 1. This action is brought pursuant to 42 U.S.C. § 1983, and the Fourth, Fifth, Eighth
5 and Fourteenth Amendments of the United States Constitution. Jurisdiction is founded on 28
6 U.S.C. §§ 1331 and 1343(1), (2), (3) and (4), and the aforementioned statutory and constitutional
7 provisions.

8 **PARTIES**

9 2. Plaintiff, ANTONIO ZENDEJAS, is and was at all times mentioned herein a citizen
10 of the United States and a resident of the County of Orange, State of California.

11 3. The defendant COUNTY OF LOS ANGELES is a municipal corporation with the
12 State of California and at all times relevant hereto, employed the defendants LOS ANGELES
13 COUNTY SHERIFF LEE BACA and LOS ANGELES COUNTY DEPUTY SHERIFF DON
14 NELSON.

15 4. The defendant COUNTY OF LOS ANGELES is a municipal corporation with the
16 State of California and at all times relevant hereto, employed the defendant SHERIFF LEE BACA.

17 5. Defendant LOS ANGELES COUNTY SHERIFF LEE BACA, is, and at all time
18 herein mentioned, was the Sheriff of the County of Los Angeles. As such, he was the commanding
19 officer of defendant LOS ANGELES COUNTY DEPUTY SHERIFF DON NELSON and was
20 responsible for the training, supervision, hiring and conduct of defendant LOS ANGELES
21 COUNTY DEPUTY SHERIFF DON NELSON as more fully set forth below. He is responsible by
22 law for enforcing the regulations and procedures of the Sheriff's Department of the COUNTY OF
23 LOS ANGELES and for ensuring that defendant LOS ANGELES COUNTY DEPUTY SHERIFF
24 DON NELSON obey the laws of the State of California and the United States. He is sued
25 individually and in his official capacity.

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1 12. Zendejas Restaurant located at 665 W. Arrow Hwy in the City of San Dimas,
2 County of Los Angeles, State of California is a restaurant and bar which is in the jurisdiction of the
3 Defendants COUNTY OF LOS ANGELES and LOS ANGELES COUNTY SHERIFF'S
4 DEPARTMENT.

5 13. Defendants, COUNTY OF LOS ANGELES, LOS ANGELES COUNTY
6 SHERIFF'S DEPARTMENT, LOS ANGELES COUNTY SHERIFF LEE BACA and LOS
7 ANGELES COUNTY DEPUTY SHERIFF DON NELSON, and each of them, are familiar with
8 and know the Plaintiff, ANTONIO ZENDEJAS, as a former professional football player with the
9 Los Angeles Rams and the operator of the Zendejas Restaurant.

10 14. On or about 2001 through 2008, Defendants, COUNTY OF LOS ANGELES, LOS
11 ANGELES COUNTY SHERIFF'S DEPARTMENT, LOS ANGELES COUNTY SHERIFF LEE
12 BACA and LOS ANGELES COUNTY DEPUTY SHERIFF DON NELSON, wrongfully identified
13 the Plaintiff, ANTONIO ZENDEJAS and Zendejas Restaurant, as an operator of a location where
14 significant crime is committed and constantly harassed customers, Plaintiff and his employees of
15 the Zendejas Restaurant solely for the purpose of protecting a neighborhood country western bar
16 known as Montana's which held many functions for Defendants COUNTY OF LOS ANGELES,
17 LOS ANGELES COUNTY SHERIFF'S DEPARTMENT, LOS ANGELES COUNTY SHERIFF
18 LEE BACA, LOS ANGELES COUNTY DEPUTY SHERIFF DON NELSON, and each of them.

19 15. On or about 2003 through 2008, Defendants, COUNTY OF LOS ANGELES, LOS
20 ANGELES COUNTY SHERIFF'S DEPARTMENT, LOS ANGELES COUNTY SHERIFF LEE
21 BACA, LOS ANGELES COUNTY DEPUTY SHERIFF DON NELSON, and each of them,
22 discriminated against Plaintiff ANTONIO ZENDEJAS and Zendejas Restaurant as follows:

23 (a) Completed official police reports improperly identifying the address of
24 Zendejas Restaurant as the location of crimes including rape, assault with a deadly weapon,
25 attempted murder, assault, battery and various other alcohol and drug related offenses;

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1 (b) Completed official police reports improperly identifying the address of
2 Zendejas Restaurant as the location of illegal activity affecting other local businesses, including
3 Montana's, Red Robin and Apple Bee's;

4 (c) Illegally and wrongfully issuing parking tickets to patrons and customers of
5 Zendejas Restaurant solely for the purpose of interfering with their business operations in an
6 attempt to negatively impact business operations and the profitability of Zendejas Restaurant.

7 (d) Completing official correspondence improperly indentifying Zendejas
8 Restaurant as a hot spot of illegal and criminal activity and that they were the most dangerous
9 business and/or location in the City of San Dimas.

10 16. On or about December 2007, Defendants COUNTY OF LOS ANGELES and LOS
11 ANGELES COUNTY SHERIFF'S DEPARTMENT, and its employees, had a brawl in the patio
12 and parking lot areas of Zendejas Restaurant and individual employees of the COUNTY OF LOS
13 ANGELES and LOS ANGELES COUNTY SHERIFF'S DEPARTMENT contacted Plaintiff
14 ANTONIO ZENDEJAS and asked him not to report the incident for fear of an internal affairs
15 investigation.

16 17. On or about December 2007, Plaintiff ANTONIO ZENDEJAS complied with
17 Defendants COUNTY OF LOS ANGELES and LOS ANGELES COUNTY SHERIFF'S
18 DEPARTMENT request and did not report the incident for fear of retaliation by Defendants.

19 18. From 2007 through January 26, 2008, Plaintiff ANTONIO ZENDEJAS had formed
20 a friendship with an individual female known as Jane Doe. Jane Doe was a patron of Zendejas
21 Restaurant and from time to time Plaintiff and Jane Doe would talk while she was patronizing
22 Zendejas Restaurant and from time to time Plaintiff would provide drinks to Jane Doe and her
23 friends.

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2 19. On or about January 25, 2008 and January 26, 2008, Plaintiff and Jane Doe had a
3 consensual sexual relationship which resulted in Jane Doe filing a false rape claim against Plaintiff
4 alleging that Plaintiff has served her drinks which were laced with alcohol and GHB or some other
5 type of date rape drug.

6 20. The facts surrounding the events of January 25, 2008 and January 26, 2008 as are
7 follows:

8 (a) On January 25, 2008, Jane Doe worked from home until 4:30 p.m.

9 (b) On January 25, 2008, Jane Doe ate both lunch and dinner and specifically
10 remembers eating two taquitos and fideo soup at 6:00 p.m.

11 (c) On January 25, 2008, Jane Doe did not ingest any prescription drugs
12 throughout the course of the day.

13 (d) On January 25, 2008, prior to arriving at Zendejas Restaurant, Jane Doe did
14 not ingest any alcoholic beverage.

15 (e) On January 25, 2008, prior to arriving at Zendejas Restaurant, Jane Doe felt
16 good and was not feeling the effects of any kind of sickness or other ill feelings.

17 (f) On January 25, 2008, Jane Doe arrived at Zendejas Restaurant at
18 approximately 8:15 p.m. to meet friends for a birthday party.

19 (g) On January 25, 2008, at approximately 8:15 p.m. through 8:45 p.m., Jane
20 Doe ingested one-half of a bottle of Miller Lite beer.

21 (h) On January 25, 2008, at approximately 9:15 p.m., Jane Doe ingested a
22 mixed drink described as a "Red Drink" containing Southern Comfort and cranberry or red Kool-
23 Aid which was provided by Plaintiff ANTONIO ZENDEJAS.

24 (i) On January 25, 2008, Jane Doe recognized the taste, smell, texture and
25 contents of the mixed drink described as a "Red Drink" as no different than the Red Drinks she had
26 been previously served during the past one months of patronizing Zendejas Restaurant.

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1 (j) On January 25, 2008, at approximately 9:15 p.m, Jane Doe characterized
2 herself as “buzzed” due to ingesting the one-half bottle of Miller Lite beer and the “Red Drink”.

3 (k) On January 25, 2008, at approximately 10:00 p.m., Jane Doe ingested a
4 second “Red Drink” containing Southern Comfort and cranberry or red Kool-Aid provided by
5 Plaintiff ANTONIO ZENDEJAS.

6 (l) From September and October 2007 through January 25, 2008, Plaintiff
7 ANTONIO ZENDEJAS, provided Jane Doe and her friends with “Red Drinks” on numerous
8 occasions and on January 25, 2008, Jane Doe did not think it was unusual that Plaintiff ANTONIO
9 ZENDEJAS, provided her and her friends with a “Red Drink” as it was customary due to their
10 patronage of the Zendejas Restaurant.

11 (m) On January 25, 2008, Jane Doe recognized the taste, smell, texture and
12 contents of the second mixed drink described as a “Red Drink” as no different than the Red Drinks
13 she had been previously served during the past months of patronizing Zendejas Restaurant.

14 (n) On January 25, 2008, from 8:15 p.m. through 11:00 p.m., Jane Doe did not
15 make any statement to any friend present, any employee of Zendejas Restaurant to Plaintiff
16 ANTONIO ZENDEJAS that she was feeling buzzed, dizzy, losing control or feeling any different
17 than when she entered the Zendejas Restaurant.

18 (o) On January 25, 2008, from 8:15 p.m. through 11:00 p.m., Jane Doe did not
19 fall down or faint due to dizziness nor did she ever describe being unconscious. On January 25,
20 2008, Jane Doe recognized the taste, smell, texture and contents of the mixed drink described as a
21 “Red Drink” as no different than the Red Drinks she had been previously served during the past one
22 year of patronizing Zendejas Restaurant.

23 (p) On January 25, 2008, from 8:15 p.m. through 10:00 p.m., Jane Doe did not eat any
24 food or snack at Zendejas Restaurant.

25 (q) On January 25, 2008, from approximately 10:00 p.m. through 10:30 p.m., Jane Doe
26 danced with friends.
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(r) On January 25, 2008, at approximately 10:40 p.m. through 10:45 p.m., Jane Doe began to exchange electronic text messages with a friend, Tom Flippen, without incident.

(s) On January 25, 2008, at approximately 11:00 p.m., Jane Doe began dancing with Plaintiff ANTONIO ZENDEJAS.

(t) On January 25, 2008, at approximately 11:00 p.m., Jane Doe returned to a table accompanied by Plaintiff ANTONIO ZENDEJAS and remained seated for an unknown period of

time. (u) On January 25, 2008, at approximately 11:00 p.m. to 11:30 p.m., a third "Red Drink" is presented to Jane Doe but is refused and is ingested by Janette Mier-Lomeli.

(v) On January 25, 2008, from approximately 11:30 p.m. through 5:00 a.m. on January 26, 2008, Jane Doe has only limited recollection which includes visions of black leather in a car, tan pants of Plaintiff ANTONIO ZENDEJAS, an individual standing at a counter or hotel lobby, and finally visions of a well lit room.

(w) On January 26, 2008, at approximately 5:00 a.m., Jane Doe recalls waking up nude in a hotel room, seeing white sheets, car keys on a night stand and pain in the vaginal and rectum areas.

(x) On January 26, 2008, at approximately 5:00 a.m., Jane Doe did not feel pain anywhere else on her body.

(y) On January 26, 2008, at approximately 5:00 a.m., after waking up, Jane Doe immediately got dressed without any problem or disrepair of her clothing.

(z) On January 26, 2008, at approximately 5:15 a.m., Jane Doe made telephone calls to Janette Mier-Lomeli and Plaintiff ANTONIO ZENDEJAS to inquire as to the whereabouts of Plaintiff ANTONIO ZENDEJAS.

(aa) On January 26, 2008, Jane Doe did not vomit or become violently ill at any time throughout the day.

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(bb) On January 26, 2008, from approximately 6:00 p.m. to 8:45 p.m., Jane Doe underwent a sexual assault rape trauma examination by Registered Nurse Malinda Wheeler wherein Jane Doe was given a physical examination and blood and urine were obtained for a toxicology testing.

(cc) On May 13, 2008 and May 21, 2008, Jane Doe provided a hair follicle sample to law enforcement officials.

(dd) The Los Angeles County Sheriff's Department toxicology tests upon Jane Doe's blood, urine and hair samples were negative for the following: (1) alcohol; (2) GHP; (3) barbiturates; (4) benzodiazepine; (5) cocaine; (6) amphetamines; (7) opiates; (8) PCP; (9) cannabis; (10) ketamine or norketamine; (11) rohypnol and (12) flunitrazepam.

(ee) On or about July 8, 2008, a felony complaint was filed by the Los Angeles County District Attorneys Office charging Plaintiff with four felony counts as follows:

- (1) Rape by use of drugs – PC 261(A)(3);
- (2) Rape of an unconscious person – PC 261(A)(4);
- (3) Sodomy by intoxication – PC 286(I)
- (4) Sodomy with an unconscious person – PC 286(F)

(ff) On July 10, 2008, Plaintiff was arrested at his residence in Yorba Linda, California. The arrest was completed by Defendants, COUNTY OF LOS ANGELES, LOS ANGELES COUNTY SHERIFF'S DEPARTMENT and LOS ANGELES COUNTY DEPUTY SHERIFF DON NELSON. The arrest was made pursuant to an arrest warrant issued following the filing of a felony complaint. The arrest was effectuated by breaking into Plaintiff's home and having fifteen sworn law enforcement officers, with guns drawn; enter the home and pointing their firearms at Plaintiff and his two daughters.

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1 (gg) On March 6, 2009 and March 10, 2009, following a five day jury trial in the Los
2 Angeles County Superior Court, East District, Plaintiff was acquitted of each charge by way of
3 Motion and jury verdict. The jury deliberated approximately one to one and one-half hours before
4 rendering a not guilty verdict.

5 FIRST CAUSE OF ACTION

6 (Deprivation of Civil Rights)

7 As a First Cause of Action against defendants, and each of them, plaintiff ANTONIO
8 ZENDEJAS alleges:

9 21. Plaintiff ANTONIO ZENDEJAS refers to the jurisdiction allegations contained in
10 paragraph 1, the parties allegations contained in paragraphs 2 through 9, and the factual allegations
11 contained in paragraphs 10 through 20 set forth above and incorporates them herein as though fully
12 set forth anew.

13 22. Defendants, COUNTY OF LOS ANGELES, LOS ANGELES COUNTY
14 SHERIFF'S DEPARTMENT, LOS ANGELES COUNTY SHERIFF LEE BACA, LOS
15 ANGELES COUNTY DEPUTY SHERIFF DON NELSON, and DOES 1 through 50, Inclusive
16 falsely arrested, unlawfully detained and falsely imprisoned plaintiff ANTONIO ZENDEJAS
17 without just and legal cause thereby violating his rights under the laws and the Constitution of the
18 United States, in particular the Fourth, Fifth and Fourteenth Amendments, and his rights under the
19 California Constitution.

20 23. In falsely arresting, unlawfully detaining and falsely imprisoning plaintiff
21 ANTONIO ZENDEJAS, defendants, COUNTY OF LOS ANGELES, LOS ANGELES COUNTY
22 SHERIFF'S DEPARTMENT, LOS ANGELES COUNTY SHERIFF LEE BACA, LOS
23 ANGELES COUNTY DEPUTY SHERIFF DON NELSON, and DOES 1 through 50, Inclusive
24 violated the rules and regulations of each of the aforementioned named defendants, and/or
25 departments and agencies and each of them regarding falsely and intentionally arresting plaintiff
26 ANTONIO ZENDEJAS without probable cause and subsequently unlawfully and falsely
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1 imprisoning plaintiff ANTONIO ZENDEJAS for a period of one day. The defendants' actions
2 were willful, malicious and the product of a policy and custom of deliberate indifference and in
3 gross disregard of the plaintiff's constitutional rights.

4 24. As a direct and proximate result of the above described unlawful and malicious acts
5 of defendants COUNTY OF LOS ANGELES, LOS ANGELES COUNTY SHERIFF'S
6 DEPARTMENT, LOS ANGELES COUNTY SHERIFF LEE BACA, LOS ANGELES COUNTY
7 DEPUTY SHERIFF DON NELSON, and DOES 1 through 50, Inclusive all committed under the
8 color of their authority as various law enforcement agencies, departments, employees and/or
9 officials and while acting in their respective capacities, plaintiff ANTONIO ZENDEJAS suffered
10 grievous bodily harm, extreme pain, loss of life, liberty and freedom, all of which violates his rights
11 under the laws and Constitution of the United States, in particular the Fourth, Fifth, Eighth and
12 Fourteenth Amendments thereof, and 42 U.S.C. Section 1983.

13 25. Plaintiff ANTONIO ZENDEJAS was the victim of punishment administered in a
14 grossly disproportionate manner to whatever acts of plaintiff ANTONIO ZENDEJAS, which
15 constituted cruel and unusual punishment and deprived him of his right to due process under the
16 laws and the Constitution of the United States, in particular the Fifth, Eighth and Fourteenth
17 Amendments thereof. The unlawful and false arrest without probable cause, unlawful detention
18 and false imprisonment of plaintiff ANTONIO ZENDEJAS was unwarranted, cruel, unjustifiable
19 and excessive punishment.

20 26. As a further result of the above described acts, plaintiff ANTONIO ZENDEJAS was
21 deprived of rights and immunities provided to him under the laws and the Constitution of the
22 United States and the State of California, including, but not limited to, his rights under the
23 Fourteenth Amendment to be secure in his person, to be free from punishment without due process,
24 and to equal protection under the law.

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1 27. The failure of the defendants COUNTY OF LOS ANGELES, LOS ANGELES
2 COUNTY SHERIFF'S DEPARTMENT, LOS ANGELES COUNTY SHERIFF LEE BACA, LOS
3 ANGELES COUNTY DEPUTY SHERIFF DON NELSON and DOES 1 through 50, Inclusive
4 regarding the lawful methods in which to place an individual under arrest with probable cause
5 pursuant to facts and circumstances available including Plaintiff ANTONIO ZENDEJAS', lack of
6 criminal record, lawful employment, legitimate business operations in the City of San Dimas for
7 over 20 years, negative toxicology results of victim Jane Doe, no signs of forcible or physical
8 restraint amounts to gross negligence, recklessness and a conscious and deliberate indifference for
9 the safety and lives of the citizens of the County of Los Angeles. This gross negligence,
10 recklessness and conscious and deliberate indifference for the safety and lives of the citizens of the
11 County of Los Angeles was a legal and proximate cause of the injury, false arrest without probable
12 cause, unlawful detention and false imprisonment of plaintiff ANTONIO ZENDEJAS.

13 28. Defendants, COUNTY OF LOS ANGELES and LOS ANGELES COUNTY
14 SHERIFF'S DEPARTMENT and LOS ANGELES COUNTY SHERIFF LEE BACA are directly
15 liable and responsible for the acts of defendant LOS ANGELES COUNTY DEPUTY SHERIFF
16 DON NELSON because they knowingly failed to enforce the laws of the State of California and the
17 regulations of the COUNTY OF LOS ANGELES and LOS ANGELES COUNTY SHERIFF'S
18 DEPARTMENT pertaining to the rules, regulations and methods and/or guidelines used for
19 arresting individual citizens pursuant, thereby creating within the COUNTY OF LOS ANGELES
20 SHERIFF'S DEPARTMENT an atmosphere of lawlessness and a pattern of constitutional
21 violations involving the exercise of police discretion, evidenced by the Deputy Sheriffs unlawful
22 arrest without probable cause, unlawful detention and false imprisonment and use of excessive and
23 illegal force and violence, in the belief that such acts will be condoned and justified by their
24 superiors. Defendants COUNTY OF LOS ANGELES, LOS ANGELES COUNTY SHERIFF'S
25 DEPARTMENT and LOS ANGELES COUNTY SHERIFF LEE BACA therefore were, or should
26 have been aware of such unlawful acts prior to and at the time of the unlawful arrest without
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1 probable cause, unlawful detention and false imprisonment of plaintiff ANTONIO ZENDEJAS and
2 failure to remedy same established a policy, custom and practice of deliberate indifference to the
3 rights of plaintiff herein. This is evidenced by the fact that the defendant, COUNTY OF LOS
4 ANGELES and LOS ANGELES COUNTY SHERIFF LEE BACA, elected not to train defendant
5 marshals on the Constitutional limits in the use of force, probable cause for arrest, subsequent
6 unlawful detention and false imprisonment.

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8 29. Defendants, COUNTY OF LOS ANGELES and LOS ANGELES COUNTY
9 SHERIFF'S DEPARTMENT and LOS ANGELES COUNTY SHERIFF LEE BACA are directly
10 liable and responsible for the acts of defendants DOES 1 through 10 because they knowingly failed
11 to enforce the laws of the State of California and the regulations of the COUNTY OF LOS
12 ANGELES and ORANGE COUNTY SHERIFF'S DEPARTMENT pertaining to the rules,
13 regulations and methods of guidelines used for arresting individual citizens pursuant to facts and
14 circumstances available including Plaintiff ANTONIO ZENDEJAS', lack of criminal record,
15 lawful employment, legitimate business operations in the City of San Dimas for over 20 years,
16 negative toxicology results of victim Jane Doe, no signs of forcible or physical restraint thereby
17 creating within the COUNTY OF LOS ANGELES Sheriff's Department an atmosphere of
18 lawlessness and a pattern of constitutional violations involving the exercise of police discretion,
19 evidenced by the Deputy Sheriffs unlawful arrest without probable cause, unlawful detention and
20 false imprisonment and use of excessive and illegal force and violence, in the belief that such acts
21 will be condoned and justified by their superiors. Defendants COUNTY OF LOS ANGELES, and
22 LOS ANGELES COUNTY SHERIFF'S DEPARTMENT and LOS ANGELES COUNTY
23 SHERIFF LEE BACA therefore were, or should have been aware of such unlawful acts prior to and
24 at the time of the unlawful arrest without probable cause, unlawful detention and false
25 imprisonment of plaintiff ANTONIO ZENDEJAS and failure to remedy same established a policy,
26 custom and practice of deliberate indifference to the rights of plaintiff herein. This is evidenced by
27 the fact that the defendant, COUNTY OF LOS ANGELES, LOS ANGELES COUNTY
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1 SHERIFF'S DEPARTMENT and LOS ANGELES COUNTY SHERIFF LEE BACA, elected not
2 to train defendant deputy sheriffs on the Constitutional limits in the use of force, probable cause for
3 arrest, identification procedures, subsequent unlawful detention and false imprisonment.

4 30. Defendants, COUNTY OF LOS ANGELES and LOS ANGELES COUNTY
5 SHERIFF'S DEPARTMENT and LOS ANGELES COUNTY SHERIFF LEE BACA are directly
6 liable and responsible for the acts of defendants, and each of them, because they knowingly failed to
7 enforce the laws of the State of California and the regulations of the COUNTY OF LOS
8 ANGELES and LOS ANGELES COUNTY SHERIFF'S DEPARTMENT pertaining to the rules,
9 regulations and methods of guidelines used for arresting individual citizens pursuant to facts and
10 circumstances available including Plaintiff ANTONIO ZENDEJAS', lack of criminal record,
11 lawful employment, legitimate business operations in the City of San Dimas for over 20 years,
12 negative toxicology results of victim Jane Doe, no signs of forcible or physical restraint thereby
13 creating within the COUNTY OF LOS ANGELES Sheriff's Department an atmosphere of
14 lawlessness and a pattern of constitutional violations involving the exercise of police discretion,
15 evidenced by the Los Angeles County Deputy Sheriffs unlawful arrest without probable cause,
16 unlawful detention and false imprisonment and use of excessive and illegal force and violence, in
17 the belief that such acts will be condoned and justified by their superiors. Defendants COUNTY
18 OF LOS ANGELES, LOS ANGELES COUNTY SHERIFF'S DEPARTMENT and the SHERIFF
19 OF LOS ANGELES COUNTY LEE BACA therefore were, or should have been aware of such
20 unlawful acts prior to and at the time of the unlawful arrest without probable cause, unlawful
21 detention and false imprisonment of plaintiff ANTONIO ZENDEJAS and failure to remedy same
22 established a policy, custom and practice of deliberate indifference to the rights of plaintiff herein.
23 This is evidenced by the fact that the defendant, COUNTY OF LOS ANGELES, LOS ANGELES
24 COUNTY SHERIFF'S DEPARTMENT and LOS ANGELES COUNTY SHERIFF LEE BACA,
25 elected not to train defendant deputy sheriffs on the Constitutional limits in the use of force,
26 probable cause for arrest, rape investigation, and subsequent unlawful detention and false
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1 imprisonment.

2 WHEREFORE, Plaintiff, ANTONIO ZENDEJAS, prays judgment against defendants, and
3 each of them, as follows:

4 1. Compensatory damages for plaintiff ANTONIO ZENDEJAS in an amount which
5 this Court shall consider to be just and fair and which will be proved at the time of trial but not less
6 than one million dollars (\$1,000,000);

7 2. Punitive damages for plaintiff pursuant to law in an amount to be proved at the time
8 of trial which is just and fair against defendant LOS ANGELES COUNTY DEPUTY SHERIFF
9 DON NELSON in an amount not less than one million dollars (\$1,000,000);

10 3. Attorneys' fees and costs as permitted by statute, including but not limited to 42
11 U.S.C. Section 1988 and law; and,

12 4. For such other relief as the Court may deem just and proper.
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14 DATED: June 30, 2009

REISS & JOHNSON

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17 By: _____

JAMES V. REISS
Attorneys for Plaintiff,
ANTONIO ZENDEJAS

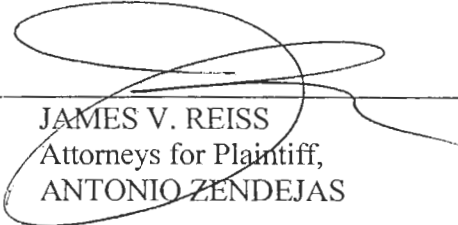
DEMAND FOR JURY TRIAL

Plaintiff, ANTONIO ZENDEJAS, hereby demands a jury trial as to all issues framed by the pleadings pursuant to Rule 38(b), FRCP and Local Rule 3.4.10.1.

DATED: June 30, 2009

REISS & JOHNSON

By: _____


JAMES V. REISS
Attorneys for Plaintiff,
ANTONIO ZENDEJAS