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17 UNITED STATES DISTRICT COURT  
18 CENTRAL DISTRICT OF CALIFORNIA

19 JOHNNY JACKSON, an individual;

20 Plaintiff,

21 v.

22 CITY OF LONG BEACH, a California  
23 public entity; and DOES 1-10, inclusive,

24 Defendants.

25 Case No.:

26 **COMPLAINT FOR DAMAGES**  
27 **FOR:**

- 28 (1) Excessive Force in violation of the Fourth Amendment (42 U.S.C., § 1983)
- (2) Municipal Liability (42 U.S.C., § 1983)
- (3) Battery (Cal. Gov. Code, § 820)
- (4) Negligence (Cal. Gov. Code, § 820)
- (5) Violation of the Tom Bane Civil Rights Act (Cal. Civ. Code, § 52.1)

**DEMAND FOR JURY TRIAL**

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1 **COMPLAINT FOR DAMAGES**

2 Plaintiff Johnny Jackson, for his Complaint against Defendant City of Long  
3 Beach and DOES 1 through 10, inclusive (collectively, “Defendants”), hereby alleges  
4 as follows:

5 **THE PARTIES**

6 1. At the times of the violations of law alleged herein, and continuing to the  
7 present time, Plaintiff Johnny Jackson (“Plaintiff”) was and remains a competent adult,  
8 a citizen of the United States and a resident of the County of Los Angeles in the State  
9 of California.

10 2. Defendant City of Long Beach (the “City”) is a municipal public entity  
11 located within this judicial district and duly authorized and existing as such in and under  
12 the laws of the State of California. The City manages and operates the Los Beach Police  
13 Department (“LBPD”) and the involved LBPD officer DOE defendants identified  
14 herein. At the times of the violations of law alleged herein, the City was responsible for  
15 assuring that the actions, omissions, policies, procedures, practices and customs of the  
16 City, LBPD and its employees / agents complied with the laws of the United States and  
17 the State of California.

18 3. Plaintiff is ignorant of the true names and/or capacities of Defendants sued  
19 herein as DOES 1 through 10 and, therefore, sue the DOE Defendants by such fictitious  
20 names. Plaintiff will amend this Complaint to allege the true names and capacities of  
21 the DOE Defendants when ascertained. Plaintiff believes and alleges that each of the  
22 DOE Defendants is legally responsible and liable for the incident, injuries and damages  
23 hereinafter set forth. Each of the DOE Defendants proximately caused Plaintiff’s  
24 injuries and damages because of their conduct, negligence, breach of duty, management  
25 and/or violation of public policy. Each DOE Defendant is liable for their personal  
26 conduct, vicarious or imputed negligence, fault, or breach of duty, whether severally or  
27 jointly, or whether based upon agency, employment, ownership, entrustment, custody,  
28

1 care, or control or upon any other act or omission. On information and belief, DOE  
2 Defendants are residents of the County of Los Angeles in the State of California.

3 4. All Defendants who are natural persons, including DOES 1 through 10, are  
4 sued individually and in their capacities as officers, deputies, investigators, sergeants,  
5 captains, commanders, supervisors, and/ or civilian employees, agents, policy makers,  
6 and representatives of the City and the LBPD.

7 5. In doing the acts alleged herein, Defendants, and each of them, acted  
8 within the course and scope of their employment for the City.

9 6. In doing the acts and/or omissions alleged herein, Defendants, and each of  
10 them, acted under color of authority and/or under color of law.

11 7. Due to the acts and/or omissions alleged herein, Defendants, and each of  
12 them, acted as the agent, servant, and employee and/or in concert with each of said other  
13 Defendants herein.

14 **JURISDICTION & VENUE**

15 8. This Court has original jurisdiction over Plaintiff’s federal law claims  
16 under 28 U.S.C. sections 1331 [federal question jurisdiction] and 1343(a)(3) [federal  
17 civil rights jurisdiction]. All claims for violations of the United States Constitution are  
18 brought pursuant to 42 U.S.C. section 1983. This Court has supplemental jurisdiction  
19 over Plaintiff’s state law claims under 28 U.S.C. section 1367.

20 9. Venue is proper in this judicial district under 28 U.S.C. section 1391(b)(2),  
21 because a substantial part of the events or omissions giving rise to the Plaintiffs’ claims  
22 occurred in this judicial district.

23 10. Pursuant to the California Tort Claims Act, Plaintiff presented a tort claim  
24 to the City within six months of the violations of law alleged herein, which the City  
25 rejected. As such, Plaintiff has exhausted their administrative remedies.

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**FACTUAL ALLEGATIONS**

1  
2 11. On September 2, 2022, Plaintiff underwent an invasive prostate surgery to  
3 treat his prostate cancer.

4 12. The following day (September 3, 2022), Plaintiff drove his vehicle from  
5 his home in Long Beach to Staples to make a copy of a doctor’s note he had received  
6 from his health care providers post-surgery. (The “Doctor’s Note.”) Plaintiff made a  
7 copy of the Doctor’s Note in the event it became necessary to give his employer a copy.

8 13. After making a copy of the Doctor’s Note, Plaintiff returned home in his  
9 vehicle.

10 14. At approximately 3:20 p.m.<sup>1</sup>, when Plaintiff was pulling his vehicle into  
11 his driveway (the “Driveway”), Plaintiff noticed he was being followed very closely by  
12 an SUV vehicle.

13 15. The SUV vehicle was an unmarked LBPD vehicle driven by DOE  
14 Defendant 1, DOE Defendant 2 and DOE Defendant 3.

15 16. Plaintiff parked his vehicle in his driveway. The unmarked LBPD vehicle  
16 followed Plaintiff’s vehicle and was ultimately parked in the entryway to the driveway  
17 on the sidewalk outside of Plaintiff’s home.

18 17. DOE Defendants 1, 2 and 3 exited the unmarked LBPD vehicle and  
19 approached Plaintiff.

20 18. Plaintiff exited his vehicle with the Doctor’s Note in-hand and told DOE  
21 Defendants 1, 2 and 3 that he was aware of an infraction he had on his vehicle  
22 registration.

23 19. DOE Defendants 1, 2 and 3 yelled at Plaintiff to put his hands in the air  
24 and to walk towards them. In response, Plaintiff placed the Doctor’s Note on top of his  
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<sup>1</sup> All times refer to times on September 3, 2022, unless otherwise indicated.

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1 vehicle, put his hands up in the air and walked towards DOE Defendant 1 without  
2 incident.

3 20. DOE Defendant 1 then instructed Plaintiff to put his hands behind his head  
4 and to turn around so that Plaintiff was facing away from DOE Defendant 1 (back  
5 towards his vehicle), which Plaintiff did without incident.

6 21. Meanwhile, DOE Defendant 2 made his way onto the front porch of  
7 Plaintiff's home.

8 22. Plaintiff continued to explain to DOE Defendants 1, 2 and 3 that he was  
9 aware his vehicle registration may have been expired, and that he had driven to Staples  
10 for the narrow purpose of copying the Doctor's Note. Plaintiff further explained that he  
11 had just had prostate surgery the day before (September 2, 2022) to treat his prostate  
12 cancer and was still recovering.

13 23. As Plaintiff was speaking, a gust of wind began blowing the Doctor's Note  
14 off the top of his vehicle. Concerned his Doctor's Note would blow away, Plaintiff told  
15 DOE Defendants 1, 2 and 3 that he was going to secure the Doctor's Note and thereafter  
16 place one of his hands on top of it to prevent it from blowing away.

17 24. DOE Defendant 2 then jumped off Plaintiff's porch from behind Plaintiff  
18 and proceeded to grab, pull and twist Plaintiff's left arm and forearm. DOE Defendant  
19 2 told Plaintiff that he was "about to get fucked up."

20 25. DOE Defendant 1 then grabbed Plaintiff's right arm, after which time DOE  
21 Defendant 3 took the Doctor's Note from Plaintiff and stood idly next to the group  
22 reading the doctor's note.

23 26. Like a rope in a tug-of-war, Plaintiff was being pulled in opposite  
24 directions by DOE Defendant 1 and 2. Meanwhile, Plaintiff continued explaining to  
25 DOE Defendants 1, 2 and 3 that he was recovering from a prostate surgery from the day  
26 before, that he was in significant pain and that he was not trying to hurt the officers  
27  
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1 when he reached for his Doctor’s Note but was merely trying to keep it from blowing  
2 away.

3 27. In response, DOE Defendant 1 told Plaintiff repeatedly that he “was going  
4 to jail.” Also in response, DOE Defendant 1 forearmed Plaintiff on the left side of  
5 Plaintiff’s head and attempted a takedown maneuver. When Plaintiff did not fall, DOE  
6 Defendant 1 kned Plaintiff in the groin three (3) times.

7 28. DOE Defendant 1 intentionally kned Plaintiff in the groin three (3) times  
8 with significant force not because he had to, but because DOE Defendant 1 knew  
9 Plaintiff had just had prostate surgery and would be extra sensitive to strikes to the groin  
10 area.

11 29. Meanwhile, DOE Defendant 3 grabbed Plaintiff’s left arm and began  
12 pulling and twisting it, and DOE Defendant 2 proceeded to bear-hug Plaintiff and pull  
13 Plaintiff in the opposite direction.

14 30. Plaintiff continued to plead with DOE Defendants 1, 2 and 3 – asking them  
15 why they were employing for against him for no reason.

16 31. DOE Defendants 1, 2 and 3 then placed Plaintiff in handcuffs and put  
17 Plaintiff into the rear of their patrol vehicle – which was not difficult, because Plaintiff  
18 was not resisting them in any way whatsoever.

19 32. Plaintiff pleaded with the officers to loosen the handcuffs, which had been  
20 put on so tight they were cutting into his skin and causing him to feel pain and lose  
21 circulation. DOE Defendants 1, 2 and 3 did not listen to Plaintiff’s request at first, but  
22 eventually recognized the handcuffs were too tight and loosened them, but not before  
23 Plaintiff sustained abrasions and bruising to his wrists.

24 33. When Plaintiff complained of being hot and asked for water, one of the  
25 DOE Defendants responded as follows: “Where I am going to get it from? The gutter?”

26 (Collectively, the foregoing events alleged in Paragraphs 12 through 31 will be  
27 referred to herein as the “Subject Incident,” and the foregoing uses of force employed  
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1 by DOE Defendants 1, 2 and 3 will be referred to herein as the “Subject Uses for  
2 Force.”)

3 34. Plaintiff was ultimately cited by DOE Defendants 1, 2 and 3 for expired  
4 vehicle registration (which was the purported probable cause basis for DOE Defendants  
5 1, 2 and 3 to follow and question Plaintiff) as well as for purportedly resisting arrest.

6 35. Following the Subject Incident, and as a result of the Subject Uses of  
7 Force, Plaintiff experienced immense pain in his groin area as well as in his wrists.  
8 Couple with Plaintiff’s emotional distress, Plaintiff’s pain made it difficult for him to  
9 functionally normally and sleep.

10 36. Plaintiff’s urine was clear before and following his September 2, 2022  
11 prostate surgery. After the Subject Incident, and as a result of the Subject Uses of Force,  
12 Plaintiff began urinating blood. Two days after the Subject Incident, because he  
13 continued to urinate blood and because the pain was so severe and had not subsided,  
14 Plaintiff presented to an emergency room for emergency medical care.

15 37. As such, Plaintiff was physically, emotionally and financially damaged as  
16 a direct and proximate result of the Subject Uses of Force employed against him.

17 38. Plaintiff found it necessary to engage the services of private counsel to  
18 vindicate his rights under the law. Plaintiff is therefore entitled to an award of attorneys’  
19 fees and/or costs pursuant to statute(s) if he is the prevailing party in this action under  
20 42 U.S.C. sections 1983 and 1988.  
21

22 **FIRST CLAIM FOR RELIEF**

23 **Excessive Force in violation of the Fourth Amendment (42 U.S.C., § 1983)**

24 **(Against DOE Defendants 1, 2 & 3)**

25 39. Plaintiffs incorporate all the foregoing allegations of this Complaint as  
26 though fully set forth herein.  
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1 40. The Subject Uses of Force employed against Plaintiff were not objectively  
2 reasonable in light of the facts and circumstances confronting DOE Defendants 1, 2 and  
3 3.

4 41. As explained in more detail above, DOE Defendant 2 grabbed, pulled and  
5 twisted Plaintiff’s left arm and forearm, without any justification. Additionally, DOE  
6 Defendant 1 kned Plaintiff in his groin (intentionally, to inflict the most pain possible  
7 to a post-surgical person) not once, or twice but three (3) times – also without any  
8 justification, and then proceeded to forearm Plaintiff in the head and tackle Plaintiff to  
9 the ground. Meanwhile, DOE Defendant 3 pulled and twisted Plaintiff’s left arm while  
10 DOE Defendant 2 bear-hugged Plaintiff and pulled Plaintiff in the opposite direction.  
11 Afterwards, Plaintiff was placed in handcuffs that were too tight and resulted in  
12 abrasions and bruising.

13 42. The nature and quality of the Subject Uses of Force were significant. *See*,  
14 *e.g.*, Lopez v. City of Imperial, 2015 WL 4077635, at \*7 (S.D. Cal. 2015) [explaining  
15 that “[f]ist and knee strikes may ... be considered a significant use of force”] (citing  
16 Davis v. City of Las Vegas, 478 F.3d 1048, 1055 (9th Cir. 2007)); Aranda v. City of  
17 McMinnville, 942 F. Supp. 2d 1096, 1105 (D. Or. 2013) [finding officer’s use of a knee  
18 to deliver multiple “focused” blows to the plaintiff’s head, shoulder, and side a  
19 significant use of force]; Acevedo v. City of Farmersville, 2019 WL 3003996, at \*6  
20 (E.D. Cal. 2019) [“[A]n unneeded and unprovoked kick causing severe injury is a  
21 serious intrusion upon Plaintiff’s Fourth Amendment rights.”] (citing P.B. v. Koch, 96  
22 F.3d 1298, 1303 n.4 (9th Cir. 1996)); Wall v. Cnty. of Orange, 364 F.3d 1107, 1112  
23 (9th Cir. 2004) [It is clearly established that “overly tight handcuffing can constitute  
24 excessive force.”]; Meredith v. Erath, 342 F.3d 1057, 1063 (9th Cir.2003) [holding that  
25 “to place and keep [a person] in handcuffs that were so tight that they caused her  
26 unnecessary pain violated her Fourth Amendment right to be free from an unreasonable  
27 seizure”].  
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1 43. Defendants' interest in the Subject Uses of Force was minimal, for  
2 numerous reasons.

3 44. First, Plaintiff was suspected of driving without proper vehicle registration  
4 and, during the Subject Incident, of resisting arrest. But *even if* there was probable cause  
5 to suspect Plaintiff of having committed those crimes, none of those crimes were severe  
6 under Ninth Circuit precedent. *See, e.g., Bey v. Malec*, 2020 WL 2041940, at \*7 (N.D.  
7 Cal. 2020) ["Individually, plaintiff's traffic violations—the illegal U-turn, failing to  
8 stop his vehicle when instructed to do so, initiating a low-speed car chase, and resisting  
9 arrest by a police officer—are not typically serious offenses."] (citing *Mattos v.*  
10 *Agarano*, 661 F.3d 433, 444 (9th Cir. 2011)); *Davis*, 478 F.3d at 1055 (9th Cir. 2007)  
11 [noting that obstructing a police officer is generally not a severe crime for purposes of  
12 a Fourth Amendment excessive force analysis]; *Huber v. Coulter*, 2015 WL 13173223,  
13 at \*1 (C.D. Cal. 2015), *aff'd*, 684 F. App'x 623 (9th Cir. 2017) ["[O]bstructing a police  
14 officer is generally not considered a severe crime for purposes of a Fourth Amendment  
15 excessive force analysis."]. As such, the nature of the crimes at issue provided little, if  
16 any, basis for Defendants to employ the Subject Uses of Force against Plaintiff.

17 45. Second, Plaintiff did not pose an immediate threat to the safety of DOE  
18 Defendant Officers 1, 2 or 3 or any other person. During the entirety of the Subject  
19 Incident, Plaintiff was unarmed. Plaintiff explained again and again to DOE Defendant  
20 Officers 1, 2 or 3 that he was recovering from prostate cancer surgery from the day  
21 before, which is why he had reached his arm out to prevent his doctor's note from  
22 blowing away in the wind. Plaintiff was also outnumbered three-to-one. *See Green v.*  
23 *City & Cnty. of San Francisco*, 751 F.3d 1039, 1047 (9th Cir. 2014) ["The number of  
24 police officers present is also highly relevant" in determining the immediacy of the  
25 threat posed.]. In fact, DOE Defendant 3 stood idly by during the entirety of the Subject  
26 Incident except at one moment to lend his support / force as DOE Defendants 1 and 2  
27 violently subdued Plaintiff. It was apparent to DOE Defendant Officers 1, 2 or 3—from  
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1 Plaintiff’s statements, tone, demeanor and fragile post-surgery state—that Plaintiff did  
2 not pose any threat to them whatsoever.

3 46. Third, Plaintiff did not actively resist or try to flee from DOE Defendant  
4 Officers 1, 2 or 3. *Even if* DOE Defendant Officers 1, 2 or 3 thought Plaintiff was  
5 passively resisting their efforts to subdue him (when they grabbed his arms on both  
6 sides and began pulling him in opposite directions), cases dating back to 2001 have  
7 established that “[a] failure to fully or immediately comply with an officer’s orders  
8 neither rises to the level of active resistance nor justifies the application of a non-trivial  
9 amount of force.” *See Nelson v. City of Davis*, 685 F.3d 867, 881 (9th Cir. 2012);  
10 *Gravelet–Blondin v. Shelton*, 728 F.3d 1086, 1093 (9th Cir. 2013) [where individuals  
11 “engag[e] in mere passive resistance,” use of “non-trivial force” is unlawful];  
12 *Blankenhorn*, 485 F.3d at 479-80 [finding that where a suspect defied an officer's order  
13 to kneel down to be handcuffed, the officers' need for force did not overcome the  
14 passively resistant misdemeanor suspect's right to be free from excessive force]

15 47. Fourth, the extent of Plaintiff’s injuries was significant.

16 48. Following the Subject Incident, and as a result of the Subject Uses of  
17 Force, Plaintiff experienced immense pain in his groin area as well as in his wrists.  
18 Couple with Plaintiff’s emotional distress, Plaintiff’s pain made it difficult for him to  
19 functionally normally and sleep.

20 49. Plaintiff’s urine was clear before and following his September 2, 2022  
21 prostate surgery. After and as a result of the Subject Uses of Force, Plaintiff began  
22 urinating blood. Two days after the Subject Incident, because he continued to urinate  
23 blood and because the pain was so severe and had not subsided, Plaintiff presented to  
24 an emergency room for emergency medical care.

25 50. The Subject Uses of Force employed by DOE Defendant Officer 1 were  
26 egregious, outrageous and shock the conscience; and/or were committed with  
27 oppression and/or malice; and/or were despicable and perpetrated with a willful and  
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1 conscious disregard for Plaintiff’s safety, health and wellbeing. Indeed, it is no  
2 coincidence that DOE Defendant 1 struck Plaintiff’s groin over and over and over again  
3 with his knee with brutal force – DOE Defendant 1 had just been told by Plaintiff that  
4 Plaintiff had undergone prostate surgery the day before, and DOE Defendant 1 targeted  
5 Plaintiff groin and penis region on purpose to inflict extreme pain against Plaintiff.

6 51. Plaintiff was physically, emotionally and financially damaged as a direct  
7 and proximate result of the Subject Uses of Force.

8 52. Balancing the nature and quality of the intrusions on Plaintiff’s Fourth  
9 Amendment right to be free from excessive force against the countervailing  
10 governmental interests at stake, the Subject Uses of Force employed by DOE Defendant  
11 Officers 1 and 2 were excessive.

12 **SECOND CLAIM FOR RELIEF**

13 **Municipal Liability (42 U.S.C., § 1983)**

14 **(Against the City)**

15 53. Plaintiff incorporates all the foregoing allegations of this Complaint as  
16 though fully set forth herein.

17 54. The City’s customs, policies and/or practices were the moving force  
18 behind the Fourth Amendment violations alleged herein.

19 55. The City, together with City policymakers and supervisors, maintained,  
20 among others, the following customs, policies and practices:

21 (a) The City routinely fails to train its officers in the constitutional use  
22 of force on unarmed individuals, including the use of knee strikes and other types of  
23 significant force;

24 (b) The City routinely fails to train its officers in intervening to stop the  
25 unconstitutional uses of force of other officers;

26 (c) Failing to discipline officers who use excessive force; and  
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1 (d) Maintaining inadequate procedures for reporting, supervising,  
2 investigating, reviewing, disciplining and controlling misconduct by law enforcement  
3 officers of the City;

4 56. As a direct and proximate result of the City's customs, policies and/or  
5 practices, Plaintiff was physically, emotionally and financially damaged.

6 **THIRD CLAIM FOR RELIEF**

7 **Battery (Cal. Gov. Code, § 820)**

8 **(Against DOE Defendants 1, 2 & 3)**

9 57. Plaintiff incorporates all the foregoing allegations of this Complaint as  
10 though fully set forth herein.

11 58. As explained in more detail above, DOE Defendant 2 grabbed, pulled and  
12 twisted Plaintiff's left arm and forearm, without any justification. Additionally, DOE  
13 Defendant 1 kned Plaintiff in his groin (intentionally, to inflict the most pain possible  
14 to a post-surgical person) not once, or twice but three (3) times – also without any  
15 justification, and then proceeded to forearm Plaintiff in the head and tackle Plaintiff to  
16 the ground. Meanwhile, DOE Defendant 3 pulled and twisted Plaintiff's left arm while  
17 DOE Defendant 2 bear-hugged Plaintiff and pulled Plaintiff in the opposite direction.  
18 Afterwards, Plaintiff was placed in handcuffs that were too tight and resulted in  
19 abrasions and bruising.

20 59. The Subject Uses of Force employed against Plaintiff were intended by  
21 DOE Defendants 1, 2 and 3 to harm or offend Plaintiff.

22 60. A reasonable person in Plaintiff's position would have been offended by  
23 the Subject Uses of Force employed against him.

24 61. Plaintiff did not consent to the Subject Uses of Force employed against  
25 him.

26 62. DOE Defendant Officer 1's battery conduct against Plaintiff was  
27 egregious, outrageous and shock the conscience; and/or was committed with oppression  
28 and/or malice; and/or were despicable and perpetrated with a willful and conscious

1 disregard for Plaintiff’s safety, health and wellbeing. Indeed, it is no coincidence that  
2 DOE Defendant 1 struck Plaintiff’s groin over and over and over again with his knee  
3 with brutal force – DOE Defendant 1 had just been told by Plaintiff that Plaintiff had  
4 undergone prostate surgery the day before, and DOE Defendant 1 targeted Plaintiff  
5 groin and penis region on purpose to inflict extreme pain against Plaintiff.

6 63. The Subject Uses of Force as described herein were done within the scope  
7 of DOE Defendants 1, 2 and 3’s employment with the City. The City is vicariously  
8 liable for the state law torts committed by Ser DOE Defendants 1, 2 and 3, including  
9 their battery against Plaintiff, pursuant to California Government Code section 815.2(a).

10 **FOURTH CLAIM FOR RELIEF**

11 **Negligence (Cal. Gov. Code, § 820)**

12 **(Against DOE Defendants 1, 2 & 3)**

13 64. Plaintiff incorporates all the foregoing allegations of this Complaint as  
14 though fully set forth herein.

15 65. DOE Defendants 1, 2 and 3 had a duty to exercise reasonable care when  
16 engaging with Plaintiff, even if they suspected Plaintiff of having committed certain  
17 crimes.

18 66. DOE Defendants 1, 2 and 3 breached their duty to exercise reasonable care  
19 when they employed the Subject Uses of Force against Plaintiff, because the Subject  
20 Uses of Force were unreasonable and excessive under the circumstances, as described  
21 in more detail herein.

22 67. As a direct and proximate result of DOE Defendants 1, 2 and 3’s breach of  
23 their duty to exercise reasonable care, Plaintiff was physically, emotionally and  
24 financially damaged.

25 68. DOE Defendants 1, 2 and 3’s negligence was committed within the scope  
26 of their employment with the City. The City is vicariously liable for the state law torts  
27 committed by DOE Defendants 1, 2 and 3, including their negligence, pursuant to  
28 California Government Code section 815.2(a).

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**FIFTH CLAIM FOR RELIEF**

**Violation of the Tom Bane Civil Rights Act (Cal. Civ. Code, § 52.1)**

**(Against DOE Defendants 1, 2 & 3)**

69. Plaintiff incorporates all the foregoing allegations of this Complaint as though fully set forth herein.

70. As described in more detail above, DOE Defendants 1, 2 and 3 used excessive force against Plaintiff in violation of the Fourth Amendment,

71. DOE Defendants 1, 2 and 3’s Fourth Amendment violations against Mark demonstrated their specific intent to violate Plaintiff’s Fourth Amendment rights.

72. DOE Defendants 1’s Fourth Amendment violations were egregious, outrageous and shock the conscience; and/or were committed with oppression and/or malice; and/or were despicable and perpetrated with a willful and conscious disregard for Plaintiff’s safety, health and wellbeing.

73. As a direct and proximate result of DOE Defendants 1, 2 and 3’s Fourth Amendment violations, Plaintiff was physically, emotionally and financially damaged.

74. DOE Defendants 1, 2 and 3’s Bane Act violations were committed within the scope of their employment with the City. The City is vicariously liable for the state law torts committed by DOE Defendants 1 and 2, including Bane Act violations, pursuant to California Government Code section 815.2(a).

**JURY TRIAL DEMAND**

**WHEREFORE**, Plaintiff demands a trial by jury.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff Johnny Jackson prays for judgment against Defendant City of Long Beach and DOES 1 through 10, inclusive; as to each claim for relief as follows:

**AS TO THE FIRST CLAIM FOR RELIEF** (Excessive Force in violation of the Fourth Amendment):

1. For actual and special damages according to proof at trial;

2. For punitive and exemplary damages (against DOE Defendant 1 only);
3. For reasonable attorneys’ fees pursuant to 42 U.S.C. section 1988(b);
4. For costs pursuant to Federal Rule of Civil Procedure section 54(d); and
5. For such other relief as the Court deems just and proper.

**AS TO THE SECOND CLAIM FOR RELIEF (Municipal Liability):**

1. For actual and special damages according to proof at trial;
2. For reasonable attorneys’ fees pursuant to 42 U.S.C. section 1988(b);
3. For costs pursuant to Federal Rule of Civil Procedure section 54(d); and
4. For such other relief as the Court deems just and proper.

**AS TO THE THIRD CLAIM FOR RELIEF (Battery)**

1. For actual and special damages according to proof at trial;
2. For punitive and exemplary damages (against DOE Defendant 1 only); and
3. For such other relief as the Court deems just and proper.

**AS TO THE FOURTH CLAIM FOR RELIEF (Negligence):**

1. For actual and special damages according to proof at trial; and
2. For such other relief as the Court deems just and proper.

**AS TO THE FIFTH CLAIM FOR RELIEF (Violation of the Tom Bane Civil Rights Act):**

1. For three times actual damages according to proof at trial but no less than the statutory minimum;
2. For punitive and exemplary damages (against DOE Defendant 1 only);
3. For reasonable attorneys’ fees pursuant to California Civil Code section 52.1;
4. For such other relief as the Court deems just and proper.

Dated: October 11, 2023

**POINTER & BUELNA, LLP  
LAWYERS FOR THE PEOPLE**

By: /s/ Patrick M. Buelna

ADANTE POINTER  
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1 Dated: October 11, 2023

**THE SLATER LAW FIRM, APC**

2  
3 By: /s/ *Michael A. Slater*

MICHAEL A. SLATER  
Counsel for Plaintiff,  
JOHNNY JACKSON

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