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8 **Attorneys for Plaintiffs**

9 **UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

10 **KEVIN ARRONA,
STEVEN ARRONA**

11 **Plaintiffs,**

12 **vs.**

13 **JOHN McMAHON, COUNTY OF SAN
BERNARDINO, SGT. JAMES PORTER,
14 DEPUTY J. CASEY, DEPUTY SEAN
15 TABOR and DOES 1-10, INCLUSIVE**

16 **Defendants.**
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Case No.

COMPLAINT FOR DAMAGES

1. Violation of Civil Rights (42 U.S.C. § 1983)
2. Excessive Force (42 U.S.C. § 1983)
3. Excessive Force (42 U.S.C. § 1983)
4. Monell Claim (42 U.S.C. § 1983)
5. Failure to Intervene (42 U.S.C. § 1986)

DEMAND FOR JURY TRIAL

JURISDICTION

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20 1. Jurisdiction of this Court is invoked under 28 U.S.C. §§ 1343, (1), (2), (3) and (4).
21 This action at law for money damages arises under 42 U.S.C. § 1983 and the United
22 States Constitution, the laws of the State of California and common law principles to
23 redress a deprivation under color of state law of rights, privileges and immunities
24 secured to Plaintiff by said statutes, and by the First, Fourth, and Fourteenth
25 Amendments of the United States Constitution.
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3 Plaintiff allege:

4 1. Plaintiff Kevin Arrona was, at all times herein mentioned a citizen of the United
5 States of America and a resident of San Bernardino County over the age of 18.

6 2. Plaintiff Steven Arrona was, at all times herein mentioned a citizen of the United
7 States of America and a resident of San Bernardino County over the age of 18.

8 3. Defendant John McMahon (McMahon) was, at all times herein mentioned, the
9 elected Sheriff of the County of San Bernardino (Sheriff). Sheriff McMahon was and
10 is the policy maker for the County of San Bernardino Sheriff Department as that term
11 is understood in 42 U.S.C. Section 1983 litigation.

12 4. Defendant Sgt. James Porter was, at all times herein mentioned, employed by the
13 Sheriff's department employed as a sworn officer and is at all times acting under color
14 of authority, for the County of San Bernardino Sheriff's Department as that term is
15 understood in 42 U.S.C. Section 1983 litigation.

16 5. Defendant Deputy J. Casey was at all times employed by the Sheriff's
17 Department, acting under color of authority and is a high ranking supervisor.

18 6. Defendant Deputy Sean Tabor was at all times employed by the Sheriff's
19 Department, acting under the color of authority.

20 7. Defendant County of San Bernardino was, at all times mentioned herein, a
21 political subdivision for the State of California.

22 8. The individual defendants other than Sheriff McMahon were and are employed
23 by the County of San Bernardino as deputy sheriffs, or supervisors and assigned to the
24 San Bernardino Sheriff's department.

25 9. Each of the acts or omissions alleged herein was under color of state law.

26 10. At all times alleged herein Defendant Sheriff McMahon and Defendant
27 County of San Bernardino had duty to control the manner in which the deputy

1 defendants carried their duties and to insure that their treatment of the Plaintiff and
2 others similarly situated were done in conformity with the United States Constitution,
3 the California Constitution, the laws of the United States, the laws of the State of
4 California.

5 11. The unknown named defendants, identified herein as DOES 1 through 10,
6 defendants herein, resulting in the deprivation of Plaintiff's civil rights and injuries to
7 their person, as is described below.

8 12. Said DOE Defendants additionally include unknown employees of the
9 County of San Bernardino and the San Bernardino Sheriff Department who were
10 supervisors who created, fostered, acquiesced, ratified and/or maintained the policies,
11 customs and/or practices that caused the deprivation of Plaintiff's Constitutional rights
12 and his injuries.

13 13. Plaintiffs are ignorant of the true names and capacities of these DOE
14 Defendants, though all are believed to have been employed by Defendant County of
15 San Bernardino, or Defendant San Bernardino Sheriff Department or acting in concert
16 with Defendants and in the capacity of state actors, but allege that each such Defendant
17 was in some manner responsible for their injuries due to their own conduct which were
18 either intentional done or done with reckless indifference to the rights of the Plaintiff.

19 14. Plaintiffs are informed and believes and thereon alleges that each of the
20 Defendants designated as a DOE is intentionally responsible in some manner for the
21 events and happenings herein referred to, and thereby caused injuries and damages as
22 herein alleged. The true names and capacities of DOES 1 through 10, inclusive, and
23 each of them, are not now known to Plaintiff who therefore sues said Defendants by
24 such fictitious names and will be added to this action as provided by California Code of
25 Civil Procedure Section 484.

1 15. Defendants, and each of them, did the acts and omissions hereinafter
2 alleged in bad faith and with knowledge that their conduct violated well established and
3 settled law.

4 16. Defendants, and each of them, did the acts and omissions alleged herein in
5 done intentionally or with reckless indifference to the rights of the Plaintiff and in
6 violation of clearly established law.

7 17. Each of the individual Defendants are being sued in their individual
8 capacity as well as their official capacity.

9 18. This Court has jurisdiction over this action by virtue of 28 U.S.C. Section
10 1331, e.g. "federal question."

11 19. On June 15, 2013, Plaintiffs Steven and Kevin Arrona, along with family
12 members and children were at home, 56956 Navajo Trail, Yucca Valley, California
13 enjoying a Sunday night when San Bernardino deputies knocked on the security screen
14 door and demanded permission to enter the home of Steven Arrona.

15 20. Plaintiff Steven Arrona answered the door, but did not open the security
16 screen door and spoke with the deputies. The Deputies said they wanted to look for
17 Steven Arrona's son, Jason Arrona, who according to the Police had a warrant for his
18 arrest.

19 21. Plaintiff Steven Arrona explained that Jason Arrona did not live at his
20 residence and had not lived there for over a year and requested to a search warrant.

21 22. Plaintiff Steven Arrona told the deputy his son, Jason, was not present and
22 shut door after the conversation had concluded, Plaintiff Steven Arrona also explained
23 he would like to see a search warrant or a warrant.

24 23. A short time after, Defendant Sgt. James Porter arrived at the scene and
25 made contact with Plaintiff Steven Arrona, who once again stated he did not live at the
26 residence, and was not present. Plaintiff Steven Arrona requested to see a search warrant
27 or any kind of warrant which was not produced.

1 24. Plaintiff Steven Arrona shut the door and he along with Kevin Arrona went
2 to the living room where he remained.

3 25. Defendant Sgt. Porter along with deputies, smashed through the security
4 door and knocked down the front door and stormed into the residence, with all
5 defendants and screaming at the Plaintiffs and their family members.

6 26. Deputy Wilson entered into the home and immediately handcuffed
7 Plaintiff Steven Arrona. At no time did Plaintiff Steven Arrona resist or not comply
8 with the deputy who put him in handcuffs

9 27. After being placed in handcuffs, Defendant Sgt. James Porter walked over
10 and with a closed hand, making a fist and punched Plaintiff Steven Arrona in his face,
11 knocking him to the ground. The Plaintiff Steven Arrona sustained injury to his face,
12 neck, and shoulders causing him severe pain as he had recently undergo surgery for his
13 neck and back.

14 28. Plaintiff Kevin Arrona was ordered to get on the ground, which he
15 immediately complied and put his hands behind his back. Defendant Deputy Jay Casey
16 jumped on Plaintiffs Kevin Arronas back and put him in a choke hold.

17 29. Plaintiff Kevin Arrona was then tased five or six times. Each tasing caused
18 Arrona's body to lock up and he was having problems breathing. Defendant Deputy J.
19 Casey maintained Arrona in a choke hold as the Plaintiff was being tased by Defendant
20 Sgt. James Porter. The hold prevented Plaintiff Kevin Arrona from breathing and he
21 was suffocating and was kicked, struck and beaten by Defendant Deputy Sean Tabor.
22 During the entire time, Arrona was compliant.

23 30. Plaintiff Kevin Arrona was being held down and struck by deputies and
24 tased. During this entire time the deputies were yelling "Stop Resisting! Stop
25 Resisting!", as a ploy to create false evidence on their recorders or so witnesses would
26 hear the false statements.

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FIRST CAUSE OF ACTION
(VIOLATION OF CIVIL RIGHTS - EXCESSIVE FORCE, FALSE
ARREST, MALICIOUS PROSECUTION AND CONSPIRACY - 42
U.S.C. § 1983)

(By Plaintiffs Against All Individual Defendants)

31. Plaintiffs refers to and re-pleads each and every allegation contained in paragraphs 1 through 30 of this complaint, and by this reference incorporates the same herein and make each a part hereof.
32. This action at law for money damages arises under 42 U.S.C. § 1983 and the United States Constitution, the laws of the State of California and common law principles to redress a deprivation under color of state law of rights, privileges and immunities secured to Plaintiffs by said statutes, and by the First, Fourth, and Fourteenth Amendments of the United States Constitution.
33. Commencing at or about the aforementioned date and place, without cause or justification, and acting under color of law, Defendants and DOES 1-10 and each of them, intentionally and maliciously deprived Plaintiffs of rights secured to him by the First, Fourth, and Fourteenth Amendments to the United States Constitution in that Defendants and each of them, subjected Plaintiffs to unreasonable force, unlawful arrest, groundless criminal prosecution and a cover-up conspiracy
34. Defendants, and each of them, carried out and perpetrated the mutually supportive conspiracy to deprive Plaintiffs of his rights by participating in a corrupt effort to illegally seize, book, and fraudulently convict Plaintiffs on false charges manufactured and supported by Defendants.
35. As a proximate result of the aforesaid acts and omissions of Defendants, and each of them, Plaintiffs sustained great physical and mental pain and shock to his nervous system, fear, anxiety, torment, degradation and emotional distress.

1 36. By reason of the aforementioned acts and omissions of Defendants, and each of
2 them, Plaintiffs incurred medical and therapeutic expenses in an amount as proved.

3 37. In addition, by reason of the aforementioned acts and omissions of Defendants, and
4 each of them, Plaintiffs were kept from attending to his usual occupations, and has
5 suffered loss and impairment of earnings and employment opportunities all to his
6 damage in an amount as proved.

7 38. By reason of the aforementioned acts of Defendants, and each of them, Plaintiffs
8 were compelled to secure the services of an attorney at law to redress the wrongs
9 hereinbefore mentioned and by virtue thereof, Plaintiffs are indebted and liable for
10 attorney's fees.

11 39. The aforementioned acts and omissions of Defendants were committed by each of
12 them knowingly, willfully and maliciously, with the intent to harm, injure, vex,
13 harass and oppress Plaintiffs with a conscious disregard of Plaintiffs' constitutional
14 rights and by reason thereof, Plaintiffs seeks punitive and exemplary damages from
15 Defendants, and each of them, (except Defendant County of San Bernardino) in an
16 amount as proved.

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19 **SECOND CAUSE OF ACTION**

20 **Plaintiff Kevin Arrona**

21 **Excessive Force (42 U.S.C. § 1983)**

22 **Fourth and Fourteenth Amendments**

23 **(Against all Defendants)**

24 40. Plaintiffs refers to and re-pleads each and every allegation contained in
25 paragraphs 1 through 46 of this complaint, and by this reference
26 incorporates the same herein and make each a part hereof.

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41. Sheriff's deputies, Defendant Sgt. James Porter, Defendant Deputy J. Casey including the Doe Defendants brutally tortured Plaintiffs. Defendant Deputies tased Plaintiff Kevin Arrona although Plaintiff was at all times compliant and never resisted or refused any deputy's command. After being placed in handcuffs Kevin Arrona was tased repeatedly. This constituted excessive force against Plaintiff in violation of his Fourth and Fourteenth Amendment rights.

42. Defendants' use of excessive force caused Plaintiff severe physical injuries; pain and suffering; extreme emotional distress, fear, trauma, and humiliation; bruises on his face and body; lacerations and abrasions on his face and body.

43. Plaintiff claims against Defendants COUNTY and Sheriff McMAHON are based on their maintaining and permitting the practices, policies and customs described in this complaint in particular, Plaintiff is informed and believes and based thereon alleges Sheriff McMahan, as the official policy maker for Defendant COUNTY, was aware of widespread beatings and use of excessive force in COUNTY. On information and belief, instead of taking proper steps to discipline deputies, Sheriff McMahan condoned, encouraged, fostered and/or ratified the unlawful conduct of the Defendant deputies. Plaintiff is further informed and believes thereon alleges that Defendants Sheriff McMahan and COUNTY have ratified the individual deputies' unconstitutional conduct toward Plaintiff.

44. As result of the conduct, Defendants reliable for Plaintiff's injuries either because they were integral participants in the misconduct, or because they failed to intervene when they had the opportunity and try to do so to prevent these violations.

45. Plaintiffs alleges that the acts of the individual Defendants were willful, malicious, intentional, oppressive, reckless, and/or were done in willful or conscious disregard of Plaintiff's rights, welfare, and safety, thereby justifying the awarding of punitive and exemplary damages in an amount to be determined at the time of trial.

1 46. As a direct and legal result of Defendants' acts and omissions, Plaintiff has
2 suffered damages, including without limitation, pain and suffering, extreme mental and
3 emotional distress, severe physical injuries, medical expenses, attorneys' fees, costs of
4 suit, loss of earnings, and other pecuniary losses not yet ascertained.
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7 **THIRD CAUSE OF ACTION**

8 **Plaintiff Steven Arrona**

9 **(EXCESSIVE FORCE)**

10 **(By Plaintiff Against Defendants Sgt. James Porter, Sheriff John McMahon,**

11 **County of San Bernardino only)**

12 **Excessive Force (42 U.S.C. § 1983)**

13 **Fourth and Fourteenth Amendments**
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15 47. Plaintiff refers to and re-pleads each and every allegation contained in paragraphs 1
16 through 46 of this complaint, and by this reference incorporates the same herein and
17 make each a part hereof.

18 48. After deputies entered residence, Plaintiff Steven Arrona was placed in handcuffs after
19 he complied with deputies' orders. The handcuffs were placed on his wrists, and no
20 resistance of any kind came from the Plaintiff, as he put his hands in the small of his
21 back.

22 49. Defendant Sgt. James Porter walked over to the Plaintiff Steven Arrona, after the
23 handcuffs were secured, and he made a fist by closing his hand and struck the Plaintiff
24 in the face so hard as to knock him backwards, several feet and fall onto the furniture
25 with his hands handcuffed behind him. Defendant Sgt. James Porter's actions
26 constituted excessive force.
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50. Plaintiff Steven Arrona had recently undergone back surgery and his neck, shoulders, and back were extremely sensitive and sore. The punch and fall cost the Plaintiff to suffer extreme pain and fear that the fall created a new injury.

51. Defendants' use of excessive force caused Plaintiff severe physical injuries; pain and suffering; extreme emotional distress, fear, trauma, and humiliation; bruises on his face and body; lacerations and abrasions on his face and body.

52. Plaintiff claims against Defendants COUNTY and Sheriff McMAHON are based on their maintaining and permitting the practices, policies and customs described in this complaint in particular, Plaintiff is informed and believes and based thereon alleges Sheriff McMahan, as the official policy maker for Defendant COUNTY, was aware of widespread beatings and use of excessive force in COUNTY. On information and belief, instead of taking proper steps to discipline deputies, Sheriff McMahan condoned, encouraged, fostered and/or ratified the unlawful conduct of the Defendant deputies. Plaintiff is further informed and believes thereon alleges that Defendants Sheriff McMahan and COUNTY have ratified the individual deputies' unconstitutional conduct toward Plaintiff.

53. As result of the conduct, Defendants reliable for Plaintiff's injuries either because they were integral participants in the misconduct, or because they failed to intervene when they had the opportunity and try to do so to prevent these violations.

54. Plaintiffs alleges that the acts of the individual Defendants were willful, malicious, intentional, oppressive, reckless, and/or were done in willful or conscious disregard of Plaintiff's rights, welfare, and safety, thereby justifying the awarding of punitive and exemplary damages in an amount to be determined at the time of trial.

55. As a direct and legal result of Defendants' acts and omissions, Plaintiff has suffered damages, including without limitation, pain and suffering, extreme mental and emotional distress, severe physical injuries, medical expenses, attorneys' fees, costs of suit, loss of earnings, and other pecuniary losses not yet ascertained.

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FOURTH CAUSE OF ACTION
(UNLAWFUL CUSTOM AND PRACTICE UNDER SECTION 1983)
(By Plaintiff Against Defendants COUNTY OF SAN BERNARDINO &
SHERIFF JOHN McMAHON individually)

56. Plaintiffs refers to and re-pleads each and every allegation contained in paragraphs 1 through 55 of this complaint, and by this reference incorporates the same herein and make each a part hereof.

57. Defendant COUNTY OF SAN BERNARDINO is and at all times herein mentioned has been a public entity and an incorporated municipality duly authorized and existing as such in and under the laws of the State of California; and at all times herein mentioned, Defendant COUNTY OF SAN BERNARDINO, possessed the power and authority to adopt policies and prescribe rules, regulations and practices affecting the operation of the San Bernardino Police Department and its tactics, methods, practices, customs and usages related to internal investigations, personnel supervision and records maintenance, and the proper uses of force by its rank and file, generally.

58. At all times herein mentioned, Defendants, and each of them, were employees acting under the COUNTY OF SAN BERNARDINO direction and control, who knowingly and intentionally promulgated, maintained, applied, enforced and suffered the continuation of policies, customs, practices and usages in violation of the First, Fourth and Fourteenth Amendments respectively to the United States Constitution, which customs, policies, practices and usages at all times herein mentioned required and encouraged the employment, deployment and retention of persons as peace officers who have demonstrated their brutality, dishonesty, bigotry, and numerous

1 other serious abuses of their powers as peace officers in the employment of the
2 COUNTY OF SAN BERNARDINO .

3 59. Defendant COUNTY OF SAN BERNARDINO knowingly maintains and
4 permits official sub-rosa policies or customs of permitting the occurrence of the kinds
5 of wrongs set forth above, by deliberate indifference to widespread police abuses,
6 failing and refusing to impartially investigate, discipline or prosecute peace officers
7 who commit acts of felonious dishonesty and crimes of violence, each ratified and
8 approved by COUNTY OF SAN BERNARDINO and SHERIFF JOHN McMAHON

9 60. The unconstitutional policies, practices or customs promulgated, sanctioned or
10 tolerated by Defendants COUNTY OF SAN BERNARDINO , and SHERIFF JOHN
11 McMAHON include, but are not limited to:

12 61. Defendants COUNTY OF SAN BERNARDINO and SHERIFF JOHN
13 McMAHON had knowledge, prior to and since this incident, of repeated allegations of
14 abuse and assaultive misconduct toward detainees and arrestees. Specifically,
15 COUNTY OF SAN BERNARDINO and SHERIFF JOHN McMAHON knew
16 Defendants had in the past committed acts of police abuse, dishonesty and
17 prevarication;

18 62. Defendants COUNTY OF SAN BERNARDINO and SHERIFF JOHN
19 McMAHON had knowledge, prior to and since this incident, of similar allegations of
20 abuse and dishonesty by Defendants, and refused to enforce established administrative
21 procedures to insure the safety of detainees and arrestees;

22 63. Defendants COUNTY OF SAN BERNARDINO and SHERIFF JOHN
23 McMAHON refused to adequately discipline individual officers and employees found
24 to have committed similar acts of abuse and misconduct;

25 64. Defendants COUNTY OF SAN BERNARDINO and SHERIFF JOHN
26 McMAHON refused to competently and impartially investigate allegations of abuse
27

1 and misconduct alleged to have been committed by Fullerton Police Department
2 officers;

3 65. Defendants COUNTY OF SAN BERNARDINO and SHERIFF JOHN
4 McMAHON reprimanded, threatened, intimidated, demoted and fired officers who
5 reported acts of abuse by other officers;

6 66. Defendants COUNTY OF SAN BERNARDINO and SHERIFF JOHN
7 McMAHON covered up acts of misconduct and abuse by deputies and sanctioned a
8 code of silence by and among officers;

9 67. Defendants COUNTY OF SAN BERNARDINO and SHERIFF JOHN
10 McMAHON rewarded officers who displayed aggressive and abusive behavior
11 towards detainees and arrestees;

12 68. Defendants COUNTY OF SAN BERNARDINO and SHERIFF JOHN
13 McMAHON failed to adequately train and educate officers in the use of reasonable
14 and proper force and failed to enforce the department's written regulations with
15 respect to uses of force;

16 69. Defendant COUNTY OF SAN BERNARDINO and SHERIFF JOHN
17 McMAHON failed to adequately supervise the actions of officers under their control
18 and guidance;

19 70. Defendants COUNTY OF SAN BERNARDINO and SHERIFF JOHN
20 McMAHON condoned and participated in the practice of prosecuting known
21 groundless criminal charges for the purpose of insulating the County of San
22 Bernardino and its officers from civil liability and reducing or dismissing criminal
23 charges against individuals in return for release from civil liability;

24 71. Defendants COUNTY OF SAN BERNARDINO and SHERIFF JOHN
25 McMAHON condone and encourage a conspiracy of silence among their employees
26 for the purpose of concealing and furthering wrongful and illegal conduct by their
27 employees;

1 72. Defendants COUNTY OF SAN BERNARDINO and SHERIFF JOHN
2 McMAHON engaged in the practice and custom of withholding from criminal
3 defendants, judges and prosecutors, known Brady evidence unfavorable to their
4 officers in violation of law and the Constitution.

5 73. Defendants COUNTY OF SAN BERNARDINO , and SHERIFF JOHN
6 McMAHON fostered and encouraged an atmosphere of lawlessness, abuse and
7 unconstitutional misconduct, which by March 2013 and thereafter, represented the
8 unconstitutional policies, practices and customs of the COUNTY OF SAN
9 BERNARDINO .

10 74. By reason of the aforesaid policies, customs, practices and usages, Plaintiffs'
11 rights under the First, Fourth, and Fourteenth Amendments to the United States
12 Constitution were deprived.

13 **FIFTH CAUSE OF ACTION**
14 **(VIOLATION OF 42 U.S.C. § 1986)**

15 **(By Plaintiffs Against All Individual Defendants)**

16 75. Plaintiffs refers to and re-pleads each and every allegation contained in
17 paragraphs 1 through 74 of this complaint, and by this reference incorporates the same
18 herein and make each a part hereof.

19 76. Commencing on March 2013, Defendants, and each of them knew and
20 understood Plaintiffs were being subjected to a deprivation of his constitutional rights
21 and were in the position and had the duty and authority to intervene to prevent the
22 wrongdoing committed against Plaintiffs by Defendants

23 77. By virtue of the foregoing, Defendants, and each of them, violated 42 U.S.C. §
24 1986.

25 78. As a direct result of the foregoing, Plaintiffs have been damaged as recited
26 above and demands and is entitled to the damages recited in First Cause of Action,
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including, but limited to, general and punitive damages (except to as to County of San Bernardino) , and attorney’s fees.

PRAYER

WHEREFORE, Plaintiffs prays judgment against Defendants and each of them, as follows:

AS TO EACH CAUSE OF ACTION AS APPLICABLE

- 1. For General damages, \$1,000,000.00;
- 2. For Special damages according to proof;
- 3. For Punitive damages as provided by law, in an amount to be provided against each individual Defendant;
- 4. For attorney’s fees;
- 5. For Costs of suit;
- 6. For such other and further relief as the Court may deem proper.

Dated:6/14/15

By: _____ /s/

James Terrell, Esq

Attorney for Plaintiff