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County of Alameda
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By: Steven Ashby-Anderson,
Deputy Clerk

1 Christopher B. Dolan (SBN 165358)
Aimee E. Kirby (SBN 216909)
2 Aimee.Kirby@dolanlawfirm.com
3 Cristina Garcia (SBN 308161)
Cristina.Garcia@dolanlawfirm.com
4 Breanna Martinez (SBN 340261)
Breanna.Martinez@dolanlawfirm.com
5 1438 Market Street
San Francisco, California 94102
6 Telephone: (415) 421-2800
7 Facsimile: (415) 421-2830

8 Attorneys for Plaintiffs:
9 Jennie Wong as an individual, as
10 the Guardian Ad Litem for Brendon-Bao-Binh
Tran and the Personal Representative of the
11 Estate of Maria Tran, Dalton Duc Tran,
Kimanh Thi Le, Thi Thanh Thuy Le, and
12 Tracey Tran

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14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **COUNTY OF ALAMEDA**
16 **UNLIMITED CIVIL JURISDICTION**

17 Jennie Wong as an Individual, as the
Guardian Ad Litem for Brendon Bao-Binh
18 Tran, and as Personal Representative of the
Estate of Maria Tran, Dalton Duc Tran,
19 Kimanh Thi Le, Thi Thanh Thuy Le, and
Tracey Tran,

20
21 Plaintiff,

22 v.

23 ALAMEDA COUNTY SHERIFF'S
DEPARTMENT, a public entity, COUNTY
24 OF ALAMEDA, a public entity, YESENIA
SANCHEZ, in her official capacity as a
25 Sheriff of the Alameda County Sheriff's
Department, GREGORY J. AHERN, in his
26 Official Capacity as a Sheriff of the Alameda
County Sheriff's Department, DEPUTY
27 DEVIN WILLIAMS, JR. and DOES 1
28

Case No.: 23CV040667

**COMPLAINT FOR DAMAGES AND
DEMAND FOR JURY TRIAL**

- 1. **NEGLIGENCE, PERSONAL INJURY, BY ESTATE OF MARIA - BREACH OF MANDATORY DUTY**
- 2. **NEGLIGENCE, PERSONAL INJURY**
- 3. **ASSAULT**
- 4. **BATTERY**
- 5. **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
- 6. **NEGLIGENCE PER SE, PERSONAL INJURY**
- 7. **NEGLIGENT HIRING RETENTION AND SUPERVISION**
- 8. **WRONGFUL DEATH – BREACH OF MANDATORY DUTY**
- 9. **WRONGFUL DEATH**



1 through 50, inclusive,

2 Defendants.

10. **WRONGFUL DEATH, NEGLIGENT
HIRING RETENTION AND
SUPERVISION**

11. **NEGLIGENT INFLICTION OF
EMOTIONAL DISTRESS**

12. **ASSAULT**

13. **BATTERY**

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9 **COMPLAINT FOR DAMAGES**

10 COME NOW Plaintiffs, by and through their attorneys, The Dolan Law Firm, PC, who allege
11 on information and belief as follows:

12 **JURISDICTION AND VENUE**

- 13 1. Venue in this action is proper in the County of Alameda based upon the fact that
14 ALAMEDA COUNTY’S SHERIFF’S DEPARTMENT, (“ACSD”) and the COUNTY OF
15 ALAMEDA, (“COUNTY”) are public entities located in the Jurisdiction of the Alameda
16 County Superior Court. The incidents and injuries which form the basis of this Complaint
17 occurred within the bounds of the Alameda County.
- 18 2. The subject matter of this Complaint is properly heard by this Court, as the amount in
19 controversy as set forth in this Complaint exceeds the statutory minimum of the Unlimited
20 Jurisdiction of the Superior Court.

21 **COMPLIANCE WITH GOVERNMENT CODE NOTICE REQUIREMENTS**

- 22 3. Defendants the COUNTY, ACSD, its agents and employees, and/or DOES 1-10 and 21-50
23 are public entities, upon which Plaintiffs have, pursuant to *Cal. Gov. Code* §§ 905 and 910,
24 et. seq., timely filed Notices of Claims on or about February 17, 2023. Pursuant to
25 *Government Code* Section 945.4, the government claims have been denied as an operation
26 of law.



INTRODUCTION
PARTIES

4. MARIA TRAN (“MARIA”) and BENISON TRAN (“BENISON”) were an adult married couple, living in Dublin, California.
5. Plaintiff BRENDON BAO-BINH TRAN (“BRENDON”) is the minor biological son of decedents MARIA and BENISON.
6. Plaintiff JENNIE TRAN WONG (“JENNIE”) is the sister of MARIA and Guardian Ad Litem of minor Plaintiff BRENDON. She is also the personal representative of the Estate of Maria Tran.
7. TRACEY TRAN (“TRACEY”) is the biological sister of MARIA.
8. DALTON DUC TRAN (“DALTON”) is the biological brother of decedent MARIA.
9. KIMANH THI LE (“KIMANH”) is the biological mother of the decedent MARIA.
10. THI THANH THUY LE (THI) is the cousin of MARIA.
11. THE ESTATE OF MARIA is that party which is entitled to bring legal action pursuant to *Cal. Code. Civ Pro. 377.34*.
12. Defendant DEVIN WILLIAMS, JR. (“WILLIAMS”) is an adult male who, at the time of the events forming the basis of this Complaint, was employed by the COUNTY, ACSD and DOES 1-10 as an ACSD Deputy Sherriff and as such was given police powers and a service weapon.
13. Defendant the COUNTY is, and at all times relevant hereto was, a public entity, duly organized and existing under charter and by virtue of the laws of the State of California.
14. Defendant ACSD is and was, at all relevant hereto, a department of Defendant COUNTY.
15. Defendant YESENIA SANCHEZ (“SANCHEZ”) is the current Alameda County Sheriff.
16. GREGORY J. AHERN (“AHERN”) was the Sheriff before SANCHEZ, acting as such during the time of WILLIAMS hiring and throughout his employment.
17. AHERN, and/or DOES 1-10 and 21-30, were responsible for the operations of Defendant ACSD, including the hiring and certification of candidates, such as WILLIAMS, to



1 become, and remain, employed as Peace Officers/Deputy Sheriffs for the COUNTY and
2 ACSD.

3 18. The COUNTY, ACSD, AHERN, and/or DOES 1-10 and 21-30 owed a mandatory duty to
4 abide by the *Cal. Gov. Code*, *Cal. Pen. Code*, and the regulations relating to the screening
5 of candidates, and continued monitoring of sheriffs for eligibility including, but not limited
6 to those established by the *Commission on Police Officer Standards and Training*
7 (“POST”) Regulations.

8 19. Defendants AHERN, SANCHEZ, and DOES 1-10 and 21-30, during the time of
9 WILLIAMS hiring, and throughout his employment, were responsible for the operations
10 of Defendant the COUNTY’s police authority, the ACSD, including but not limited to
11 recruitment of applicants, review of applicant qualifications, scheduling of fitness for duty
12 exams, recording the results of said exams, conveying the results of the exam to authorities
13 making the hiring decision, and communicating the results to the Commission on POST.
14 They also had an ongoing duty to train and supervise sheriff applicants, new recruits, and
15 acting sheriffs.

16 20. DOES 11-20 were responsible for the medical, emotional, and psychological evaluation of
17 sheriff applicants, including WILLIAMS, to determine their psychological and physical
18 suitability to become a ACSD Deputy Sherriff, pursuant to the *Cal. Gov. Code*, the *Cal.*
19 *Pen. Code*, and the *California Code of Regulations*, including but not limited to, Title 11,
20 § 1955 et. seq. (“*Commission Regulations*” and “*Regulation 1955.*”).

21 21. DOES 11-20 were also responsible for communicating the results and significance of the
22 same to the COUNTY, ACSD, AHERN, SANCHEZ and DOES 1-10 and 21-30 in the
23 form proscribed by Regulation 1955(f)(3).

24 22. DOES 21-30, at all times relevant to this complaint, were employees, agents and or
25 contractors of the COUNTY and/or ACSD who had an obligation to monitor the results of
26 WILLIAMS suitability exam, including but not limited to his emotional and/or
27 psychological suitability, as well as his continued performance and fitness to act as a
28 ACSD Deputy Sherriff.



- 1 23. DOES 31-50 are individuals and/or businesses and/or entities which are in some manner
2 liable for the harm caused to Plaintiffs.
- 3 24. As the employer and/or principal and/or contractor of WILLIAMS, AHERN, and/or
4 SANCHEZ, COUNTY, ACSD and DOES 1-10 and 21-30, are vicariously liable for their
5 acts and/or omissions as well as those of WILLIAMS, AHERN, SANCHEZ, and/or DOES
6 11-20.
- 7 25. The true names and capacities and culpability of Defendants, whether a public entity,
8 corporation, agent, individual or otherwise, identified as DOES 1 through 50, inclusive,
9 are unknown to Plaintiffs at this time, and therefore, they are named as DOE defendants.
10 Pursuant to *Cal. Code of Civ. Pro.* § 474. Plaintiffs will amend this Complaint to identify
11 the true names, capacities, and culpability of the DOE Defendants when they have been
12 determined.
- 13 26. Plaintiffs are informed and believe, and on the basis of that information and belief allege,
14 that each of the fictitiously named Defendants are legally responsible in some manner for
15 the occurrences herein alleged, and that Plaintiffs' injuries as herein alleged were
16 proximately caused by the acts and/or omissions of said fictitiously named Defendants.
- 17 27. Based on information and belief, at all relevant times mentioned herein, Defendants
18 COUNTY, ACSD, AHERN, SANCHEZ, WILLIAMS, and/or DOES 1 through 50 were
19 employees, agents, contractors, contractees, alter egos, and affiliates of each other. On
20 information and belief, these Defendants acted as co-conspirators, aiders-and-abettors, and
21 participants in the wrongs alleged in this lawsuit.
- 22 28. Plaintiff is informed and believes and thereon alleges that each Defendant is, and all times
23 mentioned was the agent, employee, contractor, or representative of the COUNTY, ACSD
24 and/or DOES 1 through 50 acting within the scope and course of their actual or apparent
25 authority, and/or their conduct was ratified and adopted by the other Defendants.
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1 **FACTS COMMON TO ALL CAUSES OF ACTION**

2 **MANDATORY DUTY OF COUNTY, ACSD, SANCHEZ, AHERN and/or DOES 1-50**

- 3 29. *Cal. Gov. Code* § 1031(f) mandates that peace officers be free of any physical, emotional,
4 or mental condition which could negatively affect their performance and/or use of their
5 police powers.
- 6 30. *Cal. Pen. Code* § 13510, Rules of Minimum Standards; Adoption; requires that COUNTY,
7 ACSD, AHERN, SANCHEZ and/or DOES 1-10 and 21-30, adopt rules set forth by the
8 Commission on Peace Officer Standards and Training concerning minimum standards
9 relating to physical, mental, and moral fitness of individuals applying for or serving as
10 sworn peace officers, including but not limited to, ACSD Deputy Sheriffs. The regulations
11 are set forth in Title 11, § 1955 et. seq. and include a mandatory requirement that each
12 applicant receive a Physical and Psychological Suitability Declaration, signed by a licensed
13 physician, psychologist, or psychiatrist, who has a minimum of five years of experience
14 and has met the POST education and training standards.
- 15 31. *Cal. Pen. Code* § 832.05 requires that entities which hire peace officers ensure that their
16 screening psychologists and fitness for duty evaluators meet the requirements outlined in
17 *Cal. Govt. Code* § 1031(f).
- 18 32. Peace officers must be found to be of good moral character as determined by a thorough
19 background investigation. *Cal. Gov. Code* §1031(f) mandates that peace officers be free of
20 any physical, emotional, or mental condition, including bias against race or ethnicity,
21 gender, nationality, religion, disability, or sexual orientation, that might adversely affect
22 the exercise of their powers. It further mandates that the evaluation of emotional and
23 mental condition must be conducted by a licensed psychologist or psychiatrist who has a
24 minimum of five years of experience and has met the POST education and training
25 standards.
- 26 33. *Cal. Pen. Code* § 832.05 requires departments that hire peace officers to ensure that their
27 screening psychologists and fitness for duty evaluators meet the requirements outlined in
28 *Cal. Gov. Code* § 1031(f)(2).



1 34. *Cal. Gov. Code* § 1031(f)(2)(B) sets forth the requirements for a psychological suitability
2 evaluator as follows: A psychologist licensed by the California Board of Psychology who
3 has at least the equivalent of five full-time years of experience in the diagnosis and
4 treatment of emotional and mental disorders, including the equivalent of three full-time
5 years accrued post doctorate. The physician and surgeon or psychologist shall also have
6 met any applicable education and training procedures set forth by the California
7 Commission on Peace Officer Standards and Training designed for the conduct of
8 preemployment psychological screening of peace officers.

9 35. *Commission Regulation* 1955 et. seq. sets forth, in greater detail, the requirements for an
10 evaluation including but not limited to the following:

11 (1) The psychological evaluation shall be conducted by either of the following:

12 (A) A physician and surgeon who holds a valid California license to practice medicine, has
13 successfully completed a postgraduate medical residency education program in psychiatry
14 accredited by the Accreditation Council for Graduate Medical Education and has at least
15 the equivalent of five full-time years of experience in the diagnosis and treatment of
16 emotional and mental disorders, including the equivalent of three full-time years accrued
17 after completion of the psychiatric residency program.

18 (B) A psychologist licensed by the California Board of Psychology who has at least the
19 equivalent of five full-time years of experience in the diagnosis and treatment of emotional
20 and mental disorders, including the equivalent of three full-time years accrued post-
21 doctorate.

22 (2) The psychological evaluator (hereinafter referred to as "Evaluator") shall be competent
23 in the conduct of preemployment psychological screening of peace officers. The required
24 areas of competence are defined in the POST Peace Officer Psychological Evaluator
25 Competencies (Competencies): Assessment, Clinical, Communication, Jurisprudence,
26 Multicultural, Occupational, Procedural, Psychometric, and Standards, herein incorporated
27 by reference. The Competencies are contained and defined in Chapter 3 of the POST Peace
28 Officer Psychological Screening Manual (2022).



1 (3) The Evaluator must complete a minimum of 12 hours biennially of POST-approved
2 continuing professional education per subsection 1955(b). Commission Regulation
3 1955(f)(2) states that the Evaluator shall provide the department with their findings from
4 the bias assessment [subsection 1955(d)(3)] and identify the data sources relied upon for
5 their findings, including information obtained through the background investigation
6 [*Commission Regulation 1953(g)(3)*].

7 36. *Commission Regulation 1955(f)(3)* further requires the Evaluator to provide a
8 psychological suitability declaration which contains:

9 (A) The psychologist's printed name, contact information and professional license
10 number,

11 (B) The name of the candidate,

12 (C) The date the evaluation was completed, and

13 (D) A statement, signed by the psychologist, affirming that the candidate was
14 evaluated in accordance with Commission Regulation 1955. The statement shall
15 include a determination of the candidate's psychological suitability for exercising the
16 powers of a peace officer.

17 37. Beyond the information specified above, the written report should include any information
18 "which is necessary and appropriate, such as the candidate's job-relevant functional
19 limitations, reasonable accommodation requirements, and the nature and seriousness of the
20 potential risks posed by the candidate" [*Commission Regulation 1955(f)(5)*]. The declaration
21 must be included in the candidate's background investigation file and made available during
22 POST compliance reviews. (*Commission Regulation 1955(f)(5)*.)

23 38. Plaintiffs are informed and believe, and on the basis of said information and belief allege,
24 that POST had specifically published clear mandates that any candidate who is evaluated as
25 "D. Not Suited" cannot serve as a peace officer in the State of California.

26 39. Plaintiffs are informed and believe, and on the basis of said information and belief allege,
27 that the COUNTY, ACSD, AHERN, SANCHEZ and/or DOES 1-30 failed to follow the
28 statutory mandates above, including, but not limited to, failure to establish appropriate



1 psychological screening processes, having inadequate psychological screening processes,
2 failing to retain and employ screening psychologists and psychiatrists which met the
3 requirements of *Cal. Pen. Code* § 832.05, *Cal. Gov. Code* § 1031(f), *Commission*
4 *Regulation* 1955(f)(2) and/or failing to properly conduct, record and report findings of
5 WILLIAMS's fitness for duty evaluation.

6 Plaintiffs are informed and believe, and on the basis of said information and belief allege,
7 that COUNTY, ACSD, AHERN, SANCHEZ, and/or DOES 1-10 and 21-30 failed to
8 employ the services of an Evaluator who met the training, experience and other training
9 requirements of *Cal. Gov. Code* § 1031(f) and *Commission Regulation* 1955(f)(2). Plaintiffs
10 are further informed and believe, and on the basis of said information and belief allege, that
11 DOES 11-20 did fail to meet the requirements of *Commission Regulations* §§ 1955(f)(2),
12 (f)(3) and (f)(5) and were otherwise negligent in conducting, or failing to conduct,
13 examinations and providing psychological suitability declarations concerning WILLIAMS.

14 40. Plaintiffs are informed and believe, and on the basis of said information and belief allege,
15 that WILLIAMS had failed the above-referenced psychological suitability exam and had
16 been designated "D. Not Suited," or otherwise ineligible to serve as a sworn peace officer.
17 ACSD, the COUNTY, AHERN, SANCHEZ and/or DOES 1-10 and 21-30 knew, or should
18 have known, that WILLIAMS, who was "D. Not Suited," was just that, not suited for
19 employment as sworn Peace Officer/Deputy Sheriff and that he should not have been issued
20 police powers and a service weapon.

21 41. Plaintiffs are informed and believe, and on the basis of said information and belief allege,
22 that the COUNTY, ACSD, AHERN, SANCHEZ, and/or DOES 1-10 and 21-30, despite
23 WILLIAMS being designated as "D. Not Suited" or otherwise ineligible to serve as a sworn
24 police officer/deputy sheriff hired WILLIAMS, gave him a lethal weapon, a service
25 revolver, and police powers.

26 42. Plaintiffs are also informed and believe, and on the basis of said information and belief
27 allege, that the COUNTY, ACSD, AHERN, SANCHEZ and/or DOES 1-10 and 21-30 had a
28 practice and/or procedure of either failing to conduct the statutorily required screening of



1 new hires and/or failing to obtain Declarations of Suitability and/or hiring unsuitable
2 applicants, such as WILLIAMS, despite their being rated “D. Not Suited” to serve as peace
3 officers/Deputy Sheriffs.

4 **THE MURDERS**

5 43. On or about the late evening of September 6, early morning of September 7, 2022, MARIA
6 and BENISON were shot and killed in their home by WILLIAMS using his service weapon
7 issued by the COUNTY, ACSD, AHERN, SANCHEZ and/or DOES 1-10 and 21-30.

8 44. Plaintiffs BRENDON, DALTON, THI, and KIMANH were present at the residence and
9 were contemporaneously aware of the shooting of BENISON and MARIA.

10 45. Plaintiffs are informed and believe, and on the basis of said information and belief allege, that
11 WILLIAMS, as part of the course and scope of his employment with the COUNTY, ACSD
12 and DOES 1-10, was required to, requested to, or suggested to, carry his service weapon
13 when he was off duty so that he could respond to emergencies.

14 46. Prior to the shooting, WILLIAMS had been hired by the COUNTY, ACSD, AHERN,
15 SANCHEZ and/or DOES 1-10 and 21-30, as a sworn Peace Officer and was employed as an
16 ACSD Deputy Sheriff.

17 47. MARIA and WILLIAMS were both employed by the COUNTY and had met through their
18 work. MARIA was a nurse at John George Psychiatric Hospital (“JGPH”) in San Leandro.
19 WILLIAMS was an ACSD Deputy Sheriff and had duties which required him to interact
20 with staff at JGPH, including MARIA.

21 48. Sometime after meeting at JGPH, MARIA and WILLIAMS developed a personal
22 relationship. After a period of time thereafter, MARIA told WILLIAMS that she no longer
23 wanted to have a personal relationship with him.

24 49. On or about August 8, 2022, prior to the shooting of MARIA and BENISON, and after
25 MARIA told WILLIAMS that she no longer wanted to have a personal relationship with
26 him, it was reported that police/sheriffs were called to the TRANS’ home on Colebrook
27 Lane, in Dublin, because the TRANS were in fear of WILLIAMS who was repeatedly
28 ringing their doorbell and demanding to speak with them.



1 50. Plaintiffs are informed and believe, and on the basis of said information and belief allege,
2 that a female Officer/Deputy with the DUBLIN Police and/or ACSD, responded and
3 confronted WILLIAMS who informed the Officer/Deputy that he was a Deputy Sheriff
4 employed by the ACSD and/or Does 1-10 AND/OR 21-30 and was at the TRAN's home to
5 speak with his "girlfriend" and her husband about their relationship.

6 51. Plaintiffs are informed and believe, and on the basis of said information and belief allege,
7 that the DUBLIN Police Department and the COUNTY, ACSD and/or DOES 1-10 and 21-
8 30, had an agreement, including but not limited to a mutual aid agreement, or other such
9 agreement, where they had concurrent police powers in the County of Alameda and/or City
10 of Dublin.

11 52. Plaintiffs are informed and believe, and on the basis of said information and belief, allege
12 that the COUNTY, ACSD AHERN, SANCHEZ and/or DOES 1-10 and 21-30 had actual
13 and/or constructive knowledge of WILLIAMS' unlawful harassment of MARIA and
14 BENNISON and based on this and other conduct knew, or should have known, that
15 WILLIAMS was acting compulsively, irrationally and in a threatening unstable manner
16 inconsistent with an officer of the law, that he was "Not Suited" to be a Peace
17 Officer/Deputy Sheriff and that he was reasonably likely to threaten or injure MARIA and
18 BENNISON.

19 53. Plaintiffs are informed and believe, and on the basis of said information and belief allege,
20 that WILLIAMS was given preferential treatment by the Dublin Police, the COUNTY,
21 ACSD, AHERN, SANCHEZ and/or DOES 1-10 and 21-50 because of his status as a Deputy
22 Sheriff/Peace Officer.

23 54. Plaintiffs are informed and believe, and on the basis of said information and belief allege,
24 that the COUNTY, ACSD, AHERN, SANCHEZ and/or DOES 1-10 and 21-30 as well as
25 their agents, employees, contractors and affiliates with whom they had joint powers and a
26 mutual aid relationship/agreement, knew or should have known that WILLIAMS had made
27 statements concerning MARIA and/or BENNISON which did, would, or should have,
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1 alerted them of WILLIAMS' dangerous propensities and a foreseeable risk of injury and/or
2 death to MARIA and/or BENISON.

3 55. Plaintiffs are informed and believe, and on the basis of said information and belief allege,
4 that ACSD and the COUNTY, DOES 1-30 as well as their agents, employees, contractors
5 and affiliates failed to take reasonable, appropriate, and mandated action which could have
6 and should have prevented WILLIAMS from killing MARIA and BENISON including but
7 not limited never hiring WILLIAMS as a Peace Officer/Deputy Sheriff and giving him a
8 service weapon and/or suspending him and/or terminating him and removing his service
9 weapon from his possession.

10 56. Plaintiffs are informed and believe, and on the basis of said information and belief allege,
11 that, in a September 23, 2022, letter, AHERN, admitted that Peace Officers/Deputy Sheriffs
12 such as WILLIAMS, who were not suitable for employment, were employed despite the
13 mandatory requirements that they not be hired.

14 57. Plaintiffs are informed and believe, and on the basis of said information and belief allege,
15 that, in his September 23, 2022, letter AHERN wrote: "The Sheriff's Office has been
16 operating under information provided a number of years ago from POST that we can hire
17 candidates who receive a D. Not Suited evaluation." This was not true and in direct
18 contradiction of the mandatory provisions of the *Government Code, Penal Code* and
19 *Commission Regulations*.

20 58. Plaintiffs are informed and believe, and on the basis of said information and belief allege,
21 that Defendants the COUNTY, ACSD, AHERN, SANCHEZ and Does 1-10 and 21-30,
22 owed a mandatory duty to keep current with all POST requirements and any belief that
23 POST allowed candidates designated "D. Not Suited" to be sworn and employed as peace
24 officers/Deputy Sheriffs was, at a minimum, negligent and/or a breach of a mandatory duty
25 and does not relieve them of their mandatory duty to prevent "Not Suited" candidates from
26 being sworn as Peace Officers/Deputy Sheriffs and being given lethal service weapons and
27 police powers.

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- 1 59. Plaintiffs are further informed and believe, and on the basis of said information and belief
2 allege that, WILLIAMS was terminated by his prior employer where he had been acting as a
3 sworn peace officer and that the agents, employees and affiliates of the COUNTY, ACSD
4 and DOES 1-10 and 21-30, knew, or should have known, in the exercise of due diligence,
5 and in compliance with state law and POST regulations, that he had been deemed unsuitable
6 to act as a sworn Peace Officer/Deputy Sheriff.
- 7 60. Plaintiffs are informed and believe, and on the basis of said information and belief allege,
8 that the COUNTY, ACSD, AHERN, SANCHEZ and/or DOES 1-10 and 21-30, through
9 their agents and representatives, enacted a policy and procedure of hiring “Not Suited”
10 individuals as sworn Peace Officers/Deputy Sheriffs to expand the force.
- 11 61. Plaintiffs are informed and believe, and on the basis of said information and belief allege,
12 that the COUNTY, ACSD, and DOES 1-10 and 21-30 through their agents and employees,
13 deliberately hired “Not Suited” rated individuals, including WILLIAMS, to act as Peace
14 Officers/Deputy Sheriffs.
- 15 62. Plaintiffs are informed and believe, and on the basis of said information and belief allege,
16 that the choice to breach their mandatory duties was made because of a lack of applicants
17 and because of a perceived shortage in Deputy Sheriffs.
- 18 63. Therefore, Plaintiffs are informed and believe, and on the basis of said information and
19 belief allege, that the COUNTY, ACSD, AHERN, SANCHEZ and/or Does 1-10 and 21-30
20 did knowingly, and with indifference to the safety of the public, hired individuals, including
21 WILLIAMS, who they had been informed were “Not Suited” to act as sworn Peace
22 Officers/Deputy Sheriffs when they should not have done so.
- 23 64. Plaintiffs are informed and believe, and on the basis of said information and belief allege,
24 that following the shooting deaths of MARIA and BENISON, the other, numerous, Deputy
25 Sheriffs, also ranked “D. Not Suited,” immediately had their service revolvers taken and
26 were placed on “desk jobs” and that some or all of them were ultimately separated from
27 their employment. Unfortunately, that was too late to save MARIA and BENISION and the
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1 other Plaintiffs from the fatal consequences of the COUNTY's, ACSD's, AHERN's,
2 SANCHEZ's and/or DOES 1-30's dereliction and breach of their mandatory duties.

3 65. Had WILLIAMS never been employed by the COUNTY, ACSD, AHERN, SANCHEZ and
4 DOES 1-10 and 21-30, he: (a) never would have met MARIA through work, (b) he would
5 not have been issued a service weapon, (c) he would not have used said service weapon to
6 shoot MARIA and BENISON, (d) he would not have assaulted other Plaintiffs; and (e) the
7 wrongful death plaintiffs would not have suffered the loss of MARIA and all of the damages
8 flowing therefrom.

9 **FIRST CAUSE OF ACTION**

10 **NEGLIGENCE, PERSONAL INJURY, BY ESTATE OF MARIA - BREACH OF**
11 **MANDATORY DUTY**

12 **[Cal. Gov. Code §§ 815.2, 820, 1209, 1031: California Penal Code § 832.05, Commission**
13 **Regulations 1955(f)(2) et. seq.]**
14 **(AGAINST DEFENDANTS COUNTY, ACSD, AHERN, SANCHEZ AND DOES 1**
15 **THROUGH 30)**

16 66. Plaintiffs re-alleges and incorporate the foregoing paragraphs as if set forth herein.

17 67. Plaintiffs are informed and believe, and on the basis of said information and belief allege,
18 that the COUNTY, ACSD, AHERN, SANCHEZ and DOES 1-10 and 21-30 owed a
19 mandatory duty to screen applicants for the position of Deputy Sheriff, utilizing qualified
20 evaluators pursuant to the statutes and regulations outlined above, including the obligation to
21 conduct mandatory fitness for duty evaluations.

22 68. Plaintiffs are informed and believe, and on the basis of said information and belief allege,
23 that DOES 11-20 were Evaluators and/or their employees or contractors, who owed the
24 COUNTY, ACSD, DOES 1-10 and 21-30, and the public, including MARIA, BENISON
25 and the Plaintiffs, a mandatory duty to conduct their fitness for duty examinations and report
26 the results of those examinations in a manner prescribed by the statutes and regulations
27 identified above, including but not limited to *Commission Regulations 1955 et. seq.*

28 69. Plaintiffs are informed and believe, and on the basis of said information and belief allege,
that the COUNTY, ACSD, AHERN, SANCHEZ and/or DOES 1-20 owed a mandatory



1 duty, before WILLIAMS employment, to carefully review WILLIAMS' record of
2 employment with other agencies, departments, and employers, as well as his POST "Jackett"
3 and record, to make sure he was fit for duty.

4 70. Plaintiffs are informed and believe, and based on said information and belief allege, that the
5 COUNTY, ACSD, AHERN, SANCHEZ and/or DOES 1-10 and 21-30 owed a mandatory
6 duty to continue to assess WILLIAMS' performance and behavior during his tenure as a
7 ACSD Deputy Sheriff and to remove his police powers and service weapon should he act in
8 a manner which would provide reasonable notice of his unfitness and/or dangerousness.

9 71. Plaintiffs are informed and believe, and based on said information and belief allege, that
10 prior to the killing of BENISON and MARIA, WILLIAMS engaged in and exhibited
11 behavior which would put the COUNTY, ACSD, AHERN and /or DOES 1-30 on notice that
12 WILLIAMS was unfit to serve as a Deputy Sheriff and/or presented a danger to the public
13 and, specifically, MARIA and/or BENISON.

14 72. Plaintiffs are informed and believe, and based on said information and belief allege, that
15 given the behavior of WILLIAMS, the COUNTY, ACSD, AHERN, SANCHEZ and/or
16 DOES 1-30 owed a mandatory duty to take steps to mitigate and prevent the risk of
17 WILLIAMS acting in a dangerous and threatening manner and to reduce the risk he posed to
18 the public including, but not limited to, BENISON and MARIA. These steps should have
19 included suspension, reassignment, reassessment, relief from his police powers and
20 removing his service weapon from him.

21 73. Plaintiffs are informed and believe, and on the basis of said information and belief allege,
22 that the COUNTY, ACSD, AHERN, SANCHEZ and/or DOES 1-10 and 21-30 breached
23 their mandatory duties to engage qualified individuals, as defined in *Cal. Gov. Code* § 1031
24 and *Commission Regulation* 1955(f), to conduct fitness for duty examinations.

25 74. Plaintiffs are informed and believe, and on the basis of said information and belief allege,
26 that the COUNTY, ACSD, AHERN, SANCHEZ and/or DOES 1-30 breached their
27 mandatory duties to conduct proper fitness for duty evaluations and/or background checks
28 and/or properly record and report the findings of said fitness for duty evaluations, as



1 required by various statutes and regulations including, but not limited to, *Commission*
2 *Regulations* 1955(f)(2), (f)(3) and (f)(5).

3 75. Plaintiffs are informed and believe, and on the basis of said information and belief allege,
4 that the COUNTY, ACSD, AHERN and DOES 1-30, breached their mandatory duty to
5 conduct a thorough background check on WILLIAMS including investigating his prior
6 employment.

7 76. Plaintiffs are informed and believe, and on the basis of said information and belief allege,
8 that DOES 11-20 breached their mandatory duties to conduct their fitness for duty
9 examinations and report the results of those examinations in a manner prescribed by the
10 statutes and regulations identified above including, but not limited to, *Commission*
11 *Regulation* 1955.

12 77. Plaintiffs are informed and believe, and on the basis of said information and belief allege,
13 that the COUNTY, ACSD, AHERN, SANCHEZ and/or DOES 1-10 and 21-30 breached
14 their mandatory duties by employing WILLIAMS, despite his being rated “Not Suited,” and
15 providing him with a lethal service weapon and allowing him to continue to be employed
16 despite him being unfit for duty.

17 78. Plaintiffs are informed and believe, and on the basis of said information and belief allege,
18 that the COUNTY, ACSD, AHERN, SANCHEZ and/or DOES 1-10 and 21-30 breached
19 their mandatory duty by continuing to employ WILLIAMS despite his being “Not Suited”
20 for employment and his compulsive, unstable, threatening, harassing and menacing behavior
21 directed towards MARIA and/or BENISON.

22 79. Plaintiffs are informed and believe, and on the basis of said information allege that breach of
23 one or more of these mandatory duties was a substantial factor in causing injury to MARIA
24 and the other Plaintiffs.

25 80. Plaintiffs are informed and believe, and on the basis of said information and belief allege,
26 that MARIA lived for a period of time after she was shot and suffered pain, anxiety, fear,
27 emotional and physical distress, and required medical treatment thereby incurring expense,
28 prior to her death.



- 1 81. The ESTATE OF MARIA hereby seeks pre-death economic and non-economic damages as
2 provided for in *Cal. Code Civ. Pro.* § 377.34(b) and *CACI* 3903, and 3905A.
- 3 82. The ESTATE OF MARIA is informed and believes, and on the basis of said information and
4 belief alleges, that the conduct of DOES 11-20 and 31-50 was fraudulent, oppressive and/or
5 malicious as defined in *Cal. Civ. Code* § 3294 and, therefore, they are liable to the ESTATE
6 OF MARIA for punitive damages.

7
8 **SECOND CAUSE OF ACTION**
9 **NEGLIGENCE, PERSONAL INJURY**
10 **(BY ESTATE OF MARIA AGAINST WILLIAMS)**
11 **(AGAINST DEFENDANTS COUNTY, ACSD, AHERN, SANCHEZ AND DOES 1**
12 **THROUGH 30)**

- 13 83. Plaintiff ESTATE OF MARIA re-alleges and incorporates the foregoing paragraphs as if set
14 forth herein.
- 15 84. Defendant WILLIAMS owed MARIA a duty not to inflict grievous bodily harm upon her.
- 16 85. WILLIAMS breached his duty by entering MARIA's home and discharging a weapon which
17 shot MARIA.
- 18 86. Plaintiffs are informed and believe, and on the basis of said information allege that the
19 breach said duty was a substantial factor in causing injury to MARIA.
- 20 87. Plaintiffs are informed and believe, and on the basis of said information and belief allege,
21 that MARIA lived for a period of time after she was shot and suffered pain, anxiety, fear,
22 emotional and physical distress, and required medical treatment thereby incurring expense,
23 prior to her death.
- 24 88. The ESTATE OF MARIA hereby seeks economic and non-economic damages as provided
25 for in *Cal. Code Civ. Pro* § 377.34(b) and *CACI* 3903, and 3905A.
- 26 89. The ESTATE OF MARIA is informed and believes, and on the basis of said information
27 and belief alleges, that the conduct of WILLIAMS was fraudulent, oppressive and/or
28 malicious as defined in *Cal. Civ. Code* § 3294 and, therefore, he is liable to the ESTATE OF
MARIA for exemplary damages.



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**THIRD CAUSE OF ACTION
ASSAULT
(BY ESTATE OF MARIA AGAINST WILLIAMS)**

90. Plaintiff ESTATE OF MARIA re-alleges and incorporates the foregoing paragraphs as if set forth herein.

91. WILLIAMS acted, intending to cause harmful and offensive contact to MARIA.

92. MARIA reasonably believed that she was about to be touched in a harmful or offensive way.

93. MARIA did not consent to WILLIAMS' conduct.

94. MARIA was harmed.

95. WILLIAMS's conduct was a substantial factor in causing MARIA harm.

96. The ESTATE OF MARIA hereby seeks economic and non-economic damages as provided for in Cal. Code Civ. Pro. § 377.34(b) and CACI 3903, and 3905A.

97. The ESTATE OF MARIA is informed and believes, and on the basis of said information and belief alleges, that the Conduct of WILLIAMS was fraudulent, oppressive and/or malicious as defined in Cal. Civ. Code § 3294 and, therefore, he is liable to the ESTATE OF MARIA for exemplary damages.

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**FOURTH CAUSE OF ACTION
BATTERY
(BY ESTATE OF MARIA AGAINST WILLIAMS)**

98. Plaintiff ESTATE OF MARIA re-alleges and incorporates the foregoing paragraphs as if set forth herein.

99. WILLIAMS touched/shot MARIA with the intent to harm her.

100. MARIA did not consent to the touching/shooting.

101. MARIA was harmed by WILLIAM's touching/shooting.

102. The ESTATE OF MARIA hereby seeks economic and non-economic damages as provided for in Cal. Code Civ. Pro § 377.34(b) and CACI 3903, and 3905A.



1 103. The ESTATE OF MARIA is informed and believes, and on the basis of said information
2 and belief alleges, that the conduct of WILLIAMS was fraudulent, oppressive and/or
3 malicious as defined in *Cali. Civ. Code* § 3294 and, therefore, he is liable to the ESTATE
4 OF MARIA for exemplary damages.

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6 **FIFTH CAUSE OF ACTION**
7 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
8 **(BY ESTATE OF MARIA AGAINST WILLIAMS)**

9 104. Plaintiff ESTATE OF MARIA re-alleges and incorporates the foregoing paragraphs as if set
10 forth herein.

11 105. WILLIAMS intentional conduct towards MARIA was outrageous and shocking to the
12 conscience of an ordinary member of society.

13 106. WILLIAMS conduct was the type which could foreseeably cause great emotional distress to
14 a reasonable person such as MARIA.

15 107. WILLIAMS caused MARIA great emotional distress.

16 108. WILLIAMS conduct was a substantial factor in causing MARIA emotional distress.

17 109. The ESTATE OF MARIA hereby seeks economic and non-economic damages as provided
18 for in *Cal. Code. Civ. Pro* § 377.34(b) and CACI 3905A.

19 110. The ESTATE OF MARIA is informed and believes, and on the basis of said information
20 and belief alleges, that the Conduct of WILLIAMS was fraudulent, oppressive and/or
21 malicious as defined in *Cali. Civ. § Code* 3294 and, therefore, he is liable to the ESTATE
22 OF MARIA for exemplary damages.

23 **SIXTH CAUSE OF ACTION**
24 **NEGLIGENCE PER SE, PERSONAL INJURY**
25 **(BY THE ESTATE OF MARIA AGAINST COUNTY, ACSO, AHERN, SANCHEZ AND/OR**
26 **DOES 1-30)**

27 111. Plaintiff ESTATE OF MARIA re-alleges and incorporates the foregoing paragraphs as if set
28 forth herein.



1 112. The above-referenced statutes and regulations, including but not limited to those identified
2 in the *Ca. Govt. Code*, *Cal. Pen. Code*, and *Commission Regulations* were in full force and
3 effect at all times material to this Complaint and created a duty of care.

4 113. The above referenced statutes and regulations, including but not limited to those identified
5 in the *Ca. Govt. Code*, *Cal. Pen. Code*, and *Commission Regulations* were designed to
6 protect the public, including MARIA from the very type of harm which occurred herein, the
7 investing of police powers, and a service weapon, to an individual “Not Suited” for
8 employment as a Peace Officer/Deputy Sheriff and the abuse of those powers and the
9 discharge of a service weapon causing injury.

10 114. The COUNTY, ACSD, AHERN, SANCHEZ and/or DOES 1-30 breached the duty of care
11 established by these statutes.

12 115. MARIA was harmed as a direct and proximate result.

13 116. The breach was a substantial factor in causing MARIA’s harm.

14 117. Plaintiffs are informed and believe, and on the basis of said information and belief allege,
15 that MARIA lived for a period of time after she was shot and suffered pain, anxiety, fear,
16 emotional and physical distress, and required medical treatment thereby incurring expense,
17 prior to her death.

18 118. The ESTATE OF MARIA hereby seeks economic and non-economic damages as provided
19 for in *Cal. Code Civ. Pro.* § 377.34 and *CACI* 3903, and 3905A.

20
21 **SEVENTH CAUSE OF ACTION**
22 **NEGLIGENT HIRING RETENTION AND SUPERVISION**
23 **(BY ESTATE OF MARIA AGAINST THE COUNTY, ACSD, AHERN, SANCHEZ and**
24 **DOES 1-10 and 21-30.)**

25 119. Plaintiff ESTATE OF MARIA re-alleges and incorporates the foregoing paragraphs as if set
26 forth herein.

27 120. Defendants the COUNTY, ACSD, AHERN, SANCHEZ and DOES 1-10 and 21-30 did hire
28 WILLIAMS.



- 1 121. Defendants the COUNTY, ACSD, AHERN, SANCHEZ and DOES 1-10 and 21-30 did owe
2 a duty to the public, including MARIA to reject from employment individuals, including
3 WILLIAMS, who were “Not Suited” for employment as peace officers/Deputy Sheriffs.
- 4 122. Defendants the COUNTY, ACSD, AHERN, SANCHEZ and DOES 1-10 and 21-30 owed a
5 duty to the public, including MARIA, to supervise the conduct of Peace Officers/Deputy
6 Sheriffs, including WILLIAMS to make sure that they acted in conformity with the rules,
7 regulations, statutes, conduct and performance expectations of Deputy Sheriffs.
- 8 123. Defendants the COUNTY, ACSD, AHERN, SANCHEZ and DOES 1-10 and 21-30 owed a
9 duty to the public, including MARIA, to discharge from employment individuals who were
10 “Not Suited” for employment and/or who failed to act.
- 11 124. At the time of his hiring, and throughout the time of his employment as a Deputy Sheriff,
12 WILLIAMS was unfit (“Not Suited”) to be hired and employed as a Deputy Sherriff.
- 13 125. Defendants the COUNTY, ACSD, AHERN, SANCHEZ and DOES 1-10 and 21-30 knew or
14 should have known that this unfitness created a particular risk, of the very type of event
15 which forms the basis of this action, of occurring, to wit, providing an unsuited individual
16 with police powers and a service weapon which she/he foreseeably would use to shoot a
17 member of the public.
- 18 126. Throughout the time of WILLIAMS’s employment, Defendants the COUNTY, ACSD,
19 AHERN, SANCHEZ and DOES 1-10 and 21-30 knew or should have known that
20 WILLIAMS remained unfit and, further, that he was acting in a manner which displayed
21 compulsive and irrational behavior, fixation on MARIA, conduct demonstrating he was
22 emotionally and psychologically unstable, and otherwise was acting in a manner
23 inconsistent with the duties, responsibilities, and POST requirements and other requirements
24 of an ACSD Deputy Sherriff.
- 25 127. Throughout his employment Defendants the COUNTY, ACSD, AHERN, SANCHEZ and
26 DOES 1-10 and 21-30 failed to adequately supervise the conduct of WILLIAMS.
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- 28



- 1 128. Despite WILLIAMS being “Not Suited” for employment, and his other behaviors referenced
2 above demonstrating that he was unfit to be employed as a Deputy Sheriff, , the COUNTY,
3 ACSD, AHERN, SANCHEZ and/or DOES 1-10 and 21-30, did retain WILLIAMS.
- 4 129. As a direct and proximate result of Defendants the COUNTY’s, ACSD’s, SANCHEZ’s.
5 AHERN’s and/or DOES 1-10 and 21-30’s breach/negligence MARIA was harmed.
- 6 130. The breach by Defendants the COUNTY, ACSD, AHERN, SANCHEZ and DOES 1-10 and
7 21-30 was a substantial factor in causing MARIA harm.
- 8 131. Plaintiffs are informed and believe, and on the basis of said information and belief allege,
9 that MARIA lived for a period of time after she was shot and suffered pain, anxiety, fear,
10 emotional and physical distress, and required medical treatment thereby incurring expense,
11 prior to her death.
- 12 132. The ESTATE OF MARIA hereby seeks economic and non-economic damages as provided
13 for in *Cal. Code Civ. Pro.* § 377.34(b) and *CACI* 3903, and 3905A.

14
15 **EIGHTH CAUSE OF ACTION**
16 **WRONGFUL DEATH- BREACH OF MANDATORY DUTY**
17 **[Cal. Gov. Code §§ 815.2, 820, 1209, 1031: California Penal Code § 832.05, Commission**
18 **Regulations 1955(f)(2)et. seq.)]**
19 **(BY BRENDON, DALTON, TRACEY, KIMANH, JENNIE & THI AGAINST THE**
20 **COUNTY, ACSD, AHERN, SANCHEZ AND DOES 1 THROUGH 30)**

- 21 133. Plaintiffs BRENDON, DALTON, TRACEY, KIMANH, JENNIE & THI re-allege and
22 incorporate the foregoing paragraphs as if set forth herein.
- 23 134. Plaintiffs BRENDON, DALTON, TRACEY, KIMANH, JENNIE & THI have standing
24 pursuant to *Cal. Code. Civ. Pro.* § 377.60.
- 25 135. Plaintiffs BRENDON, DALTON, TRACEY, KIMANH, JENNIE & THI are informed and
26 believe, and on the basis of said information and belief allege, that the COUNTY, ACSD,
27 SANCHEZ, AHERN and DOES 1-30 owed a mandatory duty to screen applicants for the
28 position of Deputy Sheriff, utilizing qualified evaluators, pursuant to the statutes and
evaluations.



1 136. Plaintiffs BRENDON, DALTON, TRACEY, KIMANH, JENNIE & THI are informed and
2 believe, and on the basis of said information and belief allege, that DOES 11-20 were
3 Evaluators and/or their employees or contractors, who owed the COUNTY, ACSD, the
4 public, including MARIA, BENISON and the Plaintiffs BRENDON, DALTON, TRACEY,
5 KIMANH, JENNIE & THI, a mandatory duty to conduct their fitness for duty examinations
6 and report the results of those examinations in a manner prescribed by the statutes and
7 regulations identified above, including but not limited to *Commission Regulations 1955 et.*
8 *seq.*

9 137. Plaintiffs BRENDON, DALTON, TRACEY, KIMANH, JENNIE & THI are informed and
10 believe, and on the basis of said information and belief allege, that the COUNTY, ACSD,
11 AHERN, SANCHEZ and/or DOES 1-30 owed a mandatory duty, before WILLIAMS’
12 employment, to carefully review WILLIAMS’ record of employment with other agencies,
13 departments and employers, as well as his POST “Jackett” and record, to make sure he was
14 fit for duty.

15 138. Plaintiffs BRENDON, DALTON, TRACEY, KIMANH, JENNIE & THI are informed and
16 believe, and based on said information and belief allege, that the COUNTY, ACSD,
17 AHERN, SANCHEZ and/or DOES 1-10 and 21-30 owed a mandatory duty to continue to
18 assess WILLIAMS’ performance and behavior during his tenure as a ACSD Deputy Sheriff.

19 139. Plaintiffs BRENDON, DALTON, TRACEY, KIMANH, JENNIE & THI are informed and
20 believe, and based on said information and belief allege, that prior to the killing of
21 BENISON and MARIA, WILLIAMS engaged in and exhibited behavior which would put
22 the COUNTY, ACSD, AHERN SANCHEZ and /or DOES 1-30 on notice that WILLIAMS
23 presented a danger to the public and, specifically, MARIA and/or BENISON.

24 140. Plaintiffs BRENDON, DALTON, TRACEY, KIMANH, JENNIE & THI are informed and
25 believe, and based on said information and belief allege, that given the behavior of
26 WILLIAMS, the COUNTY, ACSD, AHERN, SANCHEZ and/or DOES 1-10 21-30 had a
27 mandatory duty to take steps to mitigate and prevent the risk of WILLIAMS acting in a
28 dangerous and threatening manner and reduce the risk he posed to the public including, but



1 not limited to, BENISON and MARIA and those who could be foreseeably injured as a
2 result of MARIA's and BENISON's death, such as BRENDON, DALTON, TRACEY,
3 KIMANH, JENNIE & THI. These steps should have included suspension and/or
4 reassignment and/or reassessment and/or relief of his police powers and /or removing his
5 service weapon from him.

6 141. Plaintiffs BRENDON, DALTON, TRACEY, KIMANH, JENNIE & THI are informed and
7 believe, and on the basis of said information and belief allege, that the COUNTY, ACSD,
8 AHERN, SANCHEZ and/or DOES 1-10 breached their mandatory duties to engage
9 qualified individuals, as defined in *Cal. Gov. Code* § 1031 and *Commission Regulation*
10 1955(f), to conduct fitness for duty examinations.

11 142. Plaintiffs BRENDON, DALTON, TRACEY, KIMANH, JENNIE & THI are informed and
12 believe, and on the basis of said information and belief allege, that the COUNTY, ACSD,
13 AHERN, SANCHEZ and/or DOES 1-20 breached their mandatory duties to conduct proper
14 fitness for duty evaluations and/or background checks and/or properly record and report the
15 findings of said fitness for duty evaluations, as required by various statutes and regulations
16 including, but not limited to, *Commission Regulations* 1955(f)(2), (f)(3) and (f)(5).

17 143. Plaintiffs are informed and believe, and on the basis of said information and belief allege,
18 that the COUNTY, ACSD, AHERN, SANCHEZ and DOES 1-30 breached their mandatory
19 duty to conduct a thorough background check on WILLIAMS including investigating his
20 prior employment.

21 144. Plaintiffs BRENDON, DALTON, TRACEY, KIMANH, JENNIE & THI are informed and
22 believe, and on the basis of said information and belief allege, that DOES 11-20 breached
23 their mandatory duties to conduct their fitness for duty examinations and report the results of
24 those examinations in a manner prescribed by the statutes and regulations identified above
25 including, but not limited to, *Commission Regulation* 1955.

26 145. Plaintiffs BRENDON, DALTON, TRACEY, KIMANH, JENNIE & THI are informed and
27 believe, and on the basis of said information and belief allege, that the COUNTY, ACSD,
28 AHERN, SANCHEZ and/or DOES 1-10 breached their mandatory duties by employing



1 WILLIAMS, despite his being rated “Not Suited,” and providing him with a lethal service
2 weapon and allowing him to continue to be employed despite him being unfit for duty.

3 146. Plaintiffs BRENDON, DALTON, TRACEY, KIMANH, JENNIE & THI are informed and
4 believe, and on the basis of said information and belief allege, that the COUNTY, ACSD,
5 AHERN, SANCHEZ and/or DOES 1-10 breached their mandatory duty by continuing to
6 employ WILLIAMS despite his being “Not Suited” for employment and his compulsive,
7 unstable, threatening, harassing and menacing behavior directed towards MARIA and/or
8 BENISON.

9 147. Plaintiffs BRENDON, DALTON, TRACEY, KIMANH, JENNIE & THI are informed and
10 believe, and on the basis of said information allege that breach of one or more of these
11 mandatory duties was a substantial factor in MARIA being killed and BRENDON,
12 DALTON, TRACEY, KIMANH, JENNIE & THI suffering injury.

13 148. Plaintiffs BRENDON, DALTON, TRACEY, KIMANH, JENNIE & THI hereby seek
14 economic and non-economic damages as provided for in *CACI* 3921.

15
16 **NINTH CAUSE OF ACTION**
17 **WRONGFUL DEATH**
18 **(BY PLAINTIFFS BRENDON, DALTON, TRACEY, KIMANH, JENNIE & THI AGAINST**
19 **WILLIAMS)**

20 149. Plaintiffs BRENDON, DALTON, TRACEY, KIMANH, JENNIE & THI re-allege and
21 incorporate the foregoing paragraphs as if set forth herein.

22 150. Defendant WILLIAMS owed MARIA a duty not to inflict grievous bodily harm or death
23 upon her.

24 151. WILLIAMS breached his duty of care by discharging his service weapon and killing
25 MARIA.

26 152. Because of WILLIAMS’ conduct, Plaintiffs BRENDON, DALTON, TRACEY, KIMANH,
27 JENNIE & THI suffered the loss of MARIA.

28 153. WILLIAMS’ breach of said duty was a substantial factor in causing MARIA’s death and
harm to BRENDON, DALTON, TRACEY, KIMANH, JENNIE & THI.



1 154. Plaintiffs BRENDON, DALTON, TRACEY, KIMANH, JENNIE & THI hereby seek
2 economic and non-economic damages as provided for in *CACI* 3921.

3 155. Plaintiffs BRENDON, DALTON, TRACEY, KIMANH, JENNIE & THI are informed and
4 believes, and on the basis of said information and belief alleges, that the Conduct of
5 WILLIAMS was fraudulent, oppressive and/or malicious as defined in *Cal. Civ. Code* §
6 3294 and, therefore, he is liable to them for exemplary damages.

7 **TENTH CAUSE OF ACTION**
8 **WRONGFUL DEATH, NEGLIGENT HIRING RETENTION AND SUPERVISION**
9 **(BY BRENDON, DALTON, TRACEY, KIMANH, JENNIE & THI AGAINST THE**
10 **COUNTY, ACSD, AHERN, SANCHEZ AND DOES 1-10 AND 21-30)**

11 156. Plaintiffs BRENDON, DALTON, TRACEY, KIMANH, JENNIE & THI re-allege and
12 incorporate the foregoing paragraphs as if set forth herein.

13 157. Defendants the COUNTY, ACSD, AHERN, SANCHEZ and DOES 1-10 and 21-30 did hire
14 WILLIAMS.

15 158. Defendants the COUNTY, ACSD, AHERN, SANCHEZ and DOES 1-10 and 21-30 did owe
16 a duty to the public, including, but not limited to, MARIA and/or BRENDON, DALTON,
17 TRACEY, KIMANH, JENNIE & THI, to reject from employment individuals, including
18 WILLIAMS, who were” Not Suited” for employment as Peace Officers/Deputy Sheriffs.

19 159. Defendants the COUNTY, ACSD, AHERN, SANCHEZ and DOES 1-10 and 21-30 owed a
20 duty to the public, including, but not limited to, MARIA, BRENDON, DALTON,
21 TRACEY, KIMANH, JENNIE & THI, to supervise the conduct of Peace Officers/Deputy
22 Sheriffs, including WILLIAMS to make sure that they acted in conformity with the rules,
23 regulations, statutes, conduct and performance expectations of Deputy Sheriffs.

24 160. Defendants the COUNTY, ACSD, AHERN, SANCHEZ and DOES 1-10 and 21-30 owed a
25 duty to the public, including, but not limited to, MARIA, BRENDON, DALTON,
26 TRACEY, KIMANH, JENNIE & THI, to discharge from employment individuals who were
27 “Not Suited “for employment and/or who acted in a manner demonstrating their unfitness,
28 as WILLIAMS did.



- 1 161. At the time of his hiring, and throughout his employment, WILLIAMS was unfit (“Not
2 Suited”) to be hired and employed as a Deputy Sherriff.
- 3 162. Defendants the COUNTY, ACSD, AHERN, SANCHEZ and DOES 1-10 and 21-30 knew or
4 should have known that this unfitness created a particular risk, of the very type of event
5 which forms the basis of this action of occurring, to wit, providing an unfit individual with
6 police powers and a service weapon and their discharge of the same causing great bodily
7 injury or death.
- 8 163. Throughout the time of WILLIAMS’s employment Defendants the COUNTY, ACSD,
9 AHERN, SANCHEZ and DOES 1-10 and 21-30 knew or should have known that
10 WILLIAMS remained unfit and, further, that he was acting in a manner which displayed
11 compulsive and irrational behavior, fixation on MARIA, conduct demonstrating he was
12 emotionally and psychologically unstable, and otherwise was acting in a manner
13 inconsistent with the duties, responsibilities, and POST requirements and other requirements
14 of an ACSD Deputy Sherriff.
- 15 164. Throughout his employment Defendants the COUNTY, ACSD, AHERN, SANCHEZ and
16 DOES 1-10 and 21-30 failed to adequately supervise the conduct of WILLIAMS.
- 17 165. Despite WILLIAMS being “Not Suited” for employment, and his other behaviors referenced
18 above, the COUNTY, ACSD, AHERN, SANCHEZ and/or DOES 1-10 and 21-30, did retain
19 WILLIAMS.
- 20 166. As a direct and proximate result of Defendants the COUNTY’s, ACSD’s, SANCHEZ’s.
21 AHERN’s and/or DOES 1-10 and 21-30’s breach/negligence MARIA was shot and killed
22 and BRENDON, DALTON, TRACEY, KIMANH, JENNIE & THI were harmed.
- 23 167. The breach by Defendants the COUNTY, ACSD, AHERN, SANCHEZ and DOES 1-10 and
24 21-30 was a substantial factor in causing the death of MARIA and the resulting harm to
25 BRENDON, DALTON, TRACEY, KIMANH, JENNIE & THI.
- 26 168. Plaintiffs BRENDON, DALTON, TRACEY, KIMANH, JENNIE & THI hereby seek
27 economic and non-economic damages as provided for in *CACI* 3921.
28



1 **ELEVENTH CAUSE OF ACTION**
2 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**
3 **(BY BRENDON, THI, DALTON AND KIMANH AGAINST WILLIAMS, THE COUNTY,**
4 **ACSD, SANCHEZ, AHERN, AND DOES 1-30)**

5 169. Plaintiffs re-allege and incorporate the foregoing paragraphs as if set forth herein.

6 170. At the time MARIA was killed, BRENDON, THI, DALTON, and KIMANH were in the
7 zone of danger.

8 171. At or closely following the shooting BRENDON, THI, DALTON, and KIMANH were
9 aware that MARIA had been shot.

10 172. BRENDON, THI, DALTON, and KIMANH suffered extreme emotional distress as a result.

11 173. The breach of mandatory duties and/or negligence of the Defendants was a substantial factor
12 in causing BRENDON, THI, DALTON, and KIMANH harm.

13 174. Plaintiffs BRENDON, DALTON, KIMANH, and THI hereby seek economic and non-
14 economic damages as provided for in *CACI* 3903 and 3905(A).

15 175. As to Defendants WILLIAMS and DOES 21-50, BRENDON, DALTON, TRACEY,
16 KIMANH, and THI hereby seek exemplary damages pursuant to *Cal. Civ Code* § 3294 as
17 the conduct of these defendants was fraudulent, oppressive and/or malicious.

18 **TWELFTH CAUSE OF ACTION**
19 **ASSAULT**
20 **(BY DALTON AND KIMANH AGAINST WILLIAMS)**

21 176. Plaintiffs re-allege and incorporate the foregoing paragraphs as if set forth herein.

22 177. WILLIAMS acted intending to cause harmful and offensive contact to DALTON and
23 KIMANH.

24 178. DALTON and KIMANH reasonably believed that he/she was about to be touched in a
25 harmful or offensive way.

26 179. DALTON and KIMANH did not consent to WILLIAMS' conduct.

27 180. DALTON and KIMANH were harmed.

28 181. WILLIAMS' conduct was a substantial factor in causing DALTON and KIMANH harm.

.....



1 182. DALTON and KIMANH hereby seek economic and non-economic damages as provided for
2 in *CACI 3903*, and 3905A.

3 183. BRENDON and KIMANH hereby seek exemplary damages pursuant to *Cal. Civ Code* §
4 3294 as WILLIAMS' conduct was fraudulent, oppressive and/or malicious.

5
6 **THIRTEENTH CAUSE OF ACTION**
7 **BATTERY**
8 **(BY DALTON AND KIMANH AGAINST WILLIAMS)**

9 184. Plaintiffs re-alleges and incorporate the foregoing paragraphs as if set forth herein.

10 185. WILLIAMS touched DALTON AND KIMANH with the intent to harm them.

11 186. DALTON AND KIMANH did not consent to the touching.

12 187. DALTON AND KIMANH were harmed by WILLIAM's touching.

13 188. DALTON AND KIMANH hereby seek economic and non-economic damages as provided
14 for in *CACI 3903*, and 3905A.

15
16 **PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiffs requests entry of judgment in her favor and against Defendants
18 as follows:

- 19 1. FOR THE FIRST CAUSE OF ACTION
 - 20 a. Past economic damages (*CACI 3903*);
 - 21 b. Past non-economic damages (*Cal. Code Civ. Pro. § 377.34, CACI 3905*);
 - 22 c. Punitive damages as to DOES 11-20 and 21-30;
 - 23 d. Prejudgment interest;
 - 24 e. Reasonable costs of suit; and
 - 25 f. For other reasonable costs, fees and award as deemed appropriate by the Court.
- 26 2. FOR THE SECOND CAUSE OF ACTION
 - 27 a. Past economic damages. (*CACI 3903*);
 - 28 b. Past non-economic damages (*Cal. Code Civ. Pro. § 377.34, CACI 3905*);



- c. Punitive damages;
- d. Prejudgment interest;
- e. Reasonable costs of suit; and
- f. For other reasonable costs, fees and award as deemed appropriate by the Court.

3. FOR THE THIRD CAUSE OF ACTION

- a. Past economic damages. (*CACI* 3903);
- b. Past non-economic damages (*Cal. Code Civ. Pro.* § 377.34, *CACI* 3905);
- c. Punitive damages;
- d. Prejudgment interest;
- e. Reasonable costs of suit; and
- f. For other reasonable costs, fees and award as deemed appropriate by the Court.

4. FOR THE FOURTH CAUSE OF ACTION

- a. Past economic damages. (*CACI* 3903);
- b. Past non-economic damages (*Cal. Code Civ. Pro.* § 377.34, *CACI* 3905);
- c. Punitive damages;
- d. Prejudgment interest;
- e. Reasonable costs of suit; and
- f. For other reasonable costs, fees and award as deemed appropriate by the Court.

5. FOR THE FIFTH CAUSE OF ACTION

- a. Past economic damages. (*CACI* 3903);
- b. Past non-economic damages (*Cal. Code Civ. Pro.* § 377.34, *CACI* 3905);
- c. Punitive damages;
- d. Prejudgment interest;
- e. Reasonable costs of suit; and
- f. For other reasonable costs, fees and award as deemed appropriate by the Court.



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- 6. FOR THE SIXTH CAUSE OF ACTION
 - a. Past economic damages (*CACI 3903*);
 - b. Past non-economic damages (*Cal. Code Civ. Pro. § 377.34, CACI 3905*);
 - c. Punitive damages as to DOES 11-30;
 - d. Prejudgment interest;
 - e. Reasonable costs of suit; and
 - f. For other reasonable costs, fees and award as deemed appropriate by the Court.

- 7. FOR THE SEVENTH CAUSE OF ACTION
 - a. Past economic damages (*CACI 3903*);
 - b. Past non-economic damages (*Cal. Code Civ. Pro. § 377.34, CACI 3905*);
 - c. Prejudgment interest;
 - d. Reasonable costs of suit; and
 - e. For other reasonable costs, fees and award as deemed appropriate by the Court.

- 8. FOR THE EIGHTH CAUSE OF ACTION
 - a. Wrongful death damage as provide for in *CACI 3921*;
 - b. Punitive damages as to DOES 11-30;
 - c. Prejudgment interest;
 - d. Reasonable costs of suit; and
 - e. For other reasonable costs, fees and award as deemed appropriate by the Court.

- 9. FOR THE NINTH CAUSE OF ACTION
 - a. Wrongful death damage as provide for in *CACI 3921*;
 - b. Punitive damages as provided for in *Cal. Civ. Code § 3294*;
 - c. Prejudgment interest;
 - d. Reasonable costs of suit; and



1 e. For other reasonable costs, fees and award as deemed appropriate by the Court.

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10. FOR THE TENTH CAUSE OF ACTION

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a. Wrongful death damage as provide for in *CACI* 3921;

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b. Punitive Damages as to DOES 11-30;

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c. Prejudgment interest;

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d. Reasonable costs of suit; and

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e. For other reasonable costs, fees and award as deemed appropriate by the Court.

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11. FOR THE ELEVENTH CAUSE OF ACTION

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a. Past economic damages (*CACI* 3903);

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b. Past non-economic damages (*CACI* 3905);

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c. Punitive damages as to WILLIAMS and DOES 11-30;

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d. Prejudgment interest;

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e. Reasonable costs of suit; and

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f. For other reasonable costs, fees and award as deemed appropriate by the Court.

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12. FOR THE TWELVTH CAUSE OF ACTION

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a. Past economic damages. (*CACI* 3903);

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b. Past non-economic damages (*CACI* 3905);

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c. Punitive damages;

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d. Prejudgment interest;

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e. Reasonable costs of suit; and

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f. For other reasonable costs, fees and award as deemed appropriate by the Court.

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13. FOR THE THIRTEENTH CAUSE OF ACTION

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a. Past economic damages. (*CACI* 3903);

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b. Past non-economic damages (*CACI* 3905);



- c. Punitive damages;
- d. Prejudgment interest;
- e. Reasonable costs of suit; and
- f. For other reasonable costs, fees and award as deemed appropriate by the Court.

DEMAND FOR JURY TRIAL

The Plaintiff demands a trial by jury on all claims.

Dated: August 14, 2023

DOLAN LAW FIRM, PC

By: _____



Christopher B. Dolan, Esq.
Aimee E. Kirby, Esq.
Cristina Garcia, Esq.
Breanna Martinez, Esq.
Attorneys for Plaintiffs

