

BARNES & THORNBURG LLP
PETER MORRIS (SBN 126195)
pmorris@btlaw.com
ALEXANDRA KELLY (SBN 305811)
akelly@btlaw.com
2029 Century Park East, Suite 300
Los Angeles, California 90067
Telephone: (310) 284-3880
Facsimile: (310) 284-3894

Attorneys for Plaintiff
JANET WILLIAMS

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JANET WILLIAMS,

Plaintiff,

v.

LOS ANGELES SHERIFF'S
DEPARTMENT, a division of the
County of Los Angeles; COUNTY OF
LOS ANGELES, a public entity; and
DOES 1 through 50, Inclusive,

Defendants.

Case No.

**COMPLAINT FOR VIOLATIONS
OF 42 U.S.C. § 1983**

DEMAND FOR JURY TRIAL

I. INTRODUCTION

Dennis “Todd” Rogers, a 41-year old black man, was shot and killed by one or more Los Angeles Sheriff’s Department deputies on the night of March 8, 2017 in Ladera Heights. One or more of the deputies shot Mr. Rogers multiple times. Mr. Rogers was unarmed and made no offensive moves toward the deputies when they killed him. Janet Williams, Mr. Rogers’s mother, brings this civil rights action against the Los Angeles Sheriff’s Department and others (“Defendants”) for their violation of her liberty interest in the companionship of her son under the Fourteenth Amendment of the United States Constitution because Defendants killed her son without legal justification.

II. PARTIES

1. Plaintiff Janet Williams is the mother of Dennis “Todd” Rogers, deceased. She is, and at all relevant times has been, a resident of the State of Indiana.

2. Defendant Los Angeles Sheriff's Department ("LASD" or "Sheriff's Department"), is, and at all relevant times set forth herein was, a public agency and/or division of the County of Los Angeles.

3. Defendant County of Los Angeles (“COLA”) is a legal and political entity established under the laws of the State of California, with all the powers specified and necessarily implied by the Constitution and laws of the State of California and exercised by a duly elected Board of Supervisors, an appointed county manager, and Sheriff, and their agents and officers.

4. The true names of Does 1 through 50 presently are unknown to Plaintiff, who therefore sues each of these Defendants by such fictitious names. Upon ascertaining the true identity of a Defendant Doe, Plaintiff will amend this Complaint or seek leave to do so by inserting the true name in lieu of the fictitious name.

1 5. Plaintiff is informed and alleges thereon, that Does 1 through 50 are,
 2 and at all relevant times were, deputies or employees of COLA and/or LASD and
 3 are in some manner responsible for the injuries and damages herein alleged and that
 4 each Defendant Doe herein pursued the course of conduct herein alleged while
 5 acting in the scope and course of his or her employment and under color of state
 6 law. Does 1 through 50 are collectively referred to herein in part as the “Defendant
 7 LASD Deputies.”

8 6. At all relevant times herein, each of the Defendants was an agent,
 9 servant, or employee of each of the remaining Defendants acting under color of
 10 state and/or federal law, and was at all times acting within the time, purpose, or
 11 scope of said agency or employment, and was acting with the express or implied
 12 knowledge, permission, or consent of the remaining Defendants, and each of them.
 13 Each of the Defendants held out the other as its authorized representative and each
 14 of the Defendants ratified the conduct of its agents. At all times herein mentioned,
 15 the Defendant LASD Deputies were and are Defendants whose identity is unknown
 16 at this time who supervised, controlled, or were in some manner responsible for the
 17 activities alleged herein and proximately caused Plaintiff’s damages.

18 **III. JURISDICTION AND VENUE**

19 7. Pursuant to 28 U.S.C. §§ 1331 and 1343, this Court has original
 20 jurisdiction over Plaintiff’s 42 U.S.C. §1983 civil action for deprivation of her
 21 rights under the Fourteenth Amendment of the U.S. Constitution. In Chaudhry v.
 22 City of Los Angeles, et al., 751 F.3d 1096, 1106 (9th Cir. 2014), the Ninth Circuit
 23 Court of Appeal held that “parents have a liberty interest in the companionship of
 24 their adult children and have a cause of action under the Fourteenth Amendment
 25 when the police kill an adult child without legal justification.”

26 8. Venue is proper in the United States District Court for the Central
 27 District of California pursuant to 28 U.S.C. § 1391 because one or more LASD
 28 deputies shot and killed Mr. Rogers in the Central District of California.

1 **IV. GOVERNMENTAL CLAIM SERVED AND DENIED**

2 9. Prior to filing this action, Plaintiff complied with the California Tort
3 Claims Act by serving timely claims for damages on the Los Angeles County
4 Board of Supervisors on April 25, 2017, pursuant to the applicable sections of the
5 California Government Code . The claim was rejected on April 27, 2017.
6 Accordingly, the present Complaint is timely.

7 **V. FACTUAL ALLEGATIONS**

8 10. On information and belief, on the night of March 8, 2017, Mr. Rogers
9 was at the 24 Hour Fitness in the 5000 block of Slauson Avenue in Los Angeles
10 where he was a member.

11 11. On information and belief, Mr. Rogers was asked to leave the 24 Hour
12 Fitness, which he did.

13 12. On information and belief, Mr. Rogers returned to the 24 Hour Fitness
14 a few hours later.

15 13. On information and belief, one or more Defendant LASD Deputies
16 attempted to shock Mr. Rogers with stun guns.

17 14. On information and belief, Mr. Rogers was unarmed and made no
18 offensive moves toward the Defendant LASD Deputies.

19 15. On information and belief, without any legal justification, one or more
20 Defendant LASD Deputies opened fire on Mr. Rogers and killed him.

21 16. Mr. Rogers's death certificate, which is attached as Exhibit 1, states
22 that Mr. Rogers died as a result of "multiple gunshot wounds."

23 **FIRST CAUSE OF ACTION**

24 **(Violation of 42 U.S.C. § 1983)**

25 **(Against All Defendants)**

26 17. Plaintiff repeats and re-alleges the allegations contained in Paragraphs
27 1 through 16 of this Complaint, and incorporates the same herein by reference.
28

1 18. Based on the facts set forth in Paragraphs 1 through 16 above,
2 Defendants acted with deliberate indifference, or they acted with a purpose to harm
3 Mr. Rogers for reasons unrelated to legitimate law enforcement objectives. As the
4 result of this conduct, plaintiff Janet Williams has suffered the loss of her
5 companionship of her son, Dennis "Todd" Rogers.

6 19. Plaintiff Janet Williams possessed a liberty interest in the
7 companionship of her son, Dennis "Todd" Rogers.

8 20. The unlawful conduct of the Defendants deprived Plaintiff of her
9 liberty interest in the companionship of her son in violation of her substantive due
10 process rights under the Fourteenth Amendment to the United States Constitution.

11 21. The Defendant LASD Deputies had the opportunity to make unhurried
12 judgments regarding the tactics to be used in this situation. Instead, the Defendant
13 LASD Deputies acted with deliberate indifference to the life of Dennis "Todd"
14 Rogers by shooting him multiple times and killing him.

15 22. In the alternative, Plaintiff alleges that the Defendant LASD Deputies
16 acted with a purpose to harm Dennis "Todd" Rogers that was unrelated to
17 legitimate law enforcement objectives. One or more Defendant LASD Deputies
18 shot Mr. Rogers multiple times despite the fact that he was unarmed and made no
19 offensive moves toward the Defendant LASD Deputies. Instead of actual
20 deliberation before shooting to kill, one or more Defendant LASD Deputies shot
21 with the purpose to harm that was unrelated to the legitimate law enforcement
22 objectives to protect and serve.

23 23. The Defendant LASD Deputies acted, or purported to act, in the
24 performance of their official duties.

25 24. Defendants LASD and/or COLA failed to adequately train and/or
26 supervise the Defendant LASD Deputies and that failure to train and/or supervise
27 amounted to a deliberate indifference to the rights of persons with whom the
28 Defendant LASD Deputies come into contact. The failure to train and/or supervise

1 amounts to a de facto custom, practice or policy of LASD and/or COLA allowing
2 deputies to use excessive force.

3 25. The Defendant LASD Deputies' conduct was a proximate and legal
4 cause of Mr. Rogers's death and the violation of Plaintiff's constitutional rights.

5 26. Defendants LASD and/or COLA's failure to adequately train and/or
6 supervise the Defendant LASD Deputies was a moving force and cause behind Mr.
7 Rogers's death and the violation of Plaintiff's constitutional rights.

8 27. Plaintiff is entitled to damages for the loss of her companionship of her
9 son, Mr. Rogers, as the result of Defendants' violation of her constitutional rights.

10 28. The aforementioned acts and omissions of the Defendant LASD
11 Deputies were committed by each of them knowingly, willfully and/or maliciously,
12 with the intent to harm, injure, vex, harass and/or oppress Plaintiff and/or with a
13 conscious disregard of Mr. Rogers's and Plaintiff's rights and by reason thereof,
14 Plaintiff seeks punitive and exemplary damages from the Defendant LASD
15 Deputies, and each of them, according to proof at the time of trial.

16 **PRAYER**

17 WHEREFORE, Plaintiff prays for judgment as follows:

- 18 1. Damages according to proof at the time of trial;
- 19 2. Punitive damages against each of the Defendant LASD Deputies in an
20 amount sufficient to punish and to make an example of each said
21 Defendant LASD Deputy, and to deter others from engaging in similar
22 conduct, but not against Defendants County of Los Angeles or the Los
23 Angeles Sheriff's Department;
- 24 3. Prejudgment and post-judgment interest;
- 25 4. Attorneys' fees;
- 26 5. Costs of suit necessarily incurred herein;

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