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9 Counsel for Plaintiff,  
10 NOAH KIRK

11 **UNITED STATES DISTRICT COURT**  
12 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

14 NOAH KIRK  
15 Plaintiff,  
16  
17 vs.

) CIVIL ACTION NO.  
)  
) **PLAINTIFF'S COMPLAINT FOR**  
) **DAMAGES**

18 LOS ANGELES COUNTY, LOS  
19 ANGELES COUNTY SHERIFF'S  
20 DEPARTMENT, JOE DEMPSEY,  
ERIC PARRA, GINA PARRA,  
21 CHRISTY GUYOVICH, JOHANN  
THRALL, GABE RAMIREZ,  
22 MILTON MURPHEY, BRANDON  
LEFEVRE, JOHN KEPLEY, JOEL  
23 BARNETT, PATRICK VALDEZ,  
YVONNE O' BRIEN, JESSIKA  
TREND AND DOES 1-200,  
24 Defendants.  
25

26  
27 **COMPLAINT**  
28

1 1. The plaintiff, Noah Kirk (“Plaintiff”), complains for entry of judgment in his  
2 favor against Defendants County of Los Angeles, the Los Angeles County Sheriff’s  
3 Department, ERIC PARRA, GINA PARRA, CHRISTY GUYOVICH, JOHANN  
4 THRALL, GABE RAMIREZ, MILTON MURPHEY, BRANDON LEFEVRE,  
5 JOHN KEPLEY, JOEL BARNETT, PATRICK VALDEZ, YVONNE O’ BRIEN,  
6 JESSIKA TREND and Does 1-200 (collectively, “Defendants”).

7 2. In support of his Complaint, Plaintiff alleges and avers as follows:

8 **NATURE OF ACTION AND JURISDICTION**

9 3. This civil action arises under 42 U.S.C § 1983, *inter alia*., seeking damages and  
10 injunctive relief against Defendants for committing acts, under color of law, with the  
11 intent and for the purpose of depriving Plaintiff of rights secured under the  
12 Constitution and laws of the United States; retaliating against Plaintiff for his  
13 exercise of his constitutionally protected right of free speech, to cooperate with  
14 federal investigators; and for refusing or neglecting to prevent such deprivations and  
15 denials to Plaintiff.

16 4. This case arises under the United States Constitution and 42 U.S.C.  
17 §§ 1983 and 1988, as amended. This Court has jurisdiction in this matter pursuant to  
18 28 U.S.C. §§ 1331 and 1343. The declaratory and injunctive relief sought is  
19 authorized by 28 U.S.C. §§ 2201 and 2202, 42 U.S.C. § 1983 and Rule 57 of the  
20 Federal Rules of Civil Procedure.

21 5. This Court is an appropriate venue for this Complaint pursuant to 28  
22 U.S.C. 1391(b)(1) and (b)(2). The actions complained of took place in this judicial  
23 district; evidence and employment records relevant to the allegations are maintained  
24 in this judicial district; Plaintiff would be employed in this judicial district but for the  
25 unlawful actions and practices of the Defendants; and the Defendants are domiciled  
26 and regularly conduct affairs in this judicial district.

27 6. In addition, the Court has pendant jurisdiction over the California State Law  
28 claims asserted in this Complaint.

1 **PARTIES**

2 **Plaintiff**

3 7. Plaintiff Noah Kirk is a deputy Sheriff who was employed as a Los Angeles  
4 Deputy Sheriff deputy at all times relevant herein. As shall be seen, Mr. Kirk was  
5 one of the few deputy sheriffs in the LASD who was instrumental in providing  
6 testimony which led to the conviction of Sheriff Lee Baca, Undersheriff Paul Tanaka  
7 and several corrupt deputies working at their behest, and otherwise working to  
8 address significant corruption within the LASD. He would be repaid for his acts of  
9 courage by shunning, humiliation and ultimately the termination of his career.

10 **Defendants**

11 8. Defendant Los Angeles County Sheriff's Department is one of the largest, if not  
12 the largest, Sheriff's departments in the Country. It is overseen and is an agency of  
13 Defendant Los Angeles County. It is also the former Plaintiff's former and present  
14 putative employer. Among other things, Defendant LASD is in charge of maintaining  
15 and guarding the Men's Central Jail (the "MCJ").

16 9. Defendants ERIC PARRA, GINA PARRA, CHRISTY GUYOVICH, JOHANN  
17 THRALL, GABE RAMIREZ, MILTON MURPHEY, BRANDON LEFEVRE,  
18 JOHN KEPLEY, JOEL BARNETT, PATRICK VALDEZ, YVONNE O' BRIEN,  
19 JESSIKA TREND and Does 1-50 were and/or still are officers, officials and/or  
20 civilian employees within the LASD. These Defendants were among the persons  
21 with supervisory power over Plaintiff during his tenure at the LASD.

22 10. Plaintiff is informed and believes and thereon alleges that each of the  
23 Defendants was acting in concert with, and at the direction of, the other Defendants in  
24 a joint effort to chill and retaliate against Plaintiff's exercise of his constitutional right  
25 to free speech, and to give truthful testimony in the federal courts as a result of their  
26 animus toward him in connection with his doing same.

27 11. The true names and capacities of Does 1-200 are currently unknown to  
28 Plaintiff, but Plaintiff is informed and believes that they contributed to or caused his

1 injuries complained of herein. Plaintiff will amend this complaint as their identities  
2 are discovered.

3 **FACTS**

4 **Background Giving Rise to Defendants' Animus.**

5 12. Plaintiff was hired as a deputy sheriff in 2006.

6 13. In August of 2008, Plaintiff was assigned to work on the "Fallen Hero" task  
7 force in connection with researching murder of Deputy Juan Able Escalante.

8 14. After the murder was solved, and the task force was disbanded, Plaintiff  
9 continued to work with the lead investigator on a number of matters, including  
10 corruption and crime activity within the MSJ. Plaintiff's continuing work in this  
11 regard caused him to work interfacing with other law enforcement agencies,  
12 including the Federal Bureau of Investigation.

13 15. In September of 2011, during a routine search of inmates inside the MCJ,  
14 personnel of the LASD discovered a cellular telephone (the "Cell Phone") amidst the  
15 property of an inmate named Anthony Brown. Unauthorized possession of a cellular  
16 telephone is a felony violation.

17 16. The investigation of that violation was ultimately assigned to Deputies Gerald  
18 Smith and Mickey Manzo. During the course of his investigation, as a result of  
19 monitoring Mr. Brown's telephone communications through the Inmate Telephone  
20 Monitoring System (the "ITMS"), Deputy Smith came to suspect that the Cell Phone  
21 had been provided to Mr. Brown by someone connected with law-enforcement.

22 17. In fact, Anthony Brown was an FBI informant who had been given the Cell  
23 Phone by the FBI agents working with him. Mr. Brown was part of the FBI's  
24 investigation of corruption within the LASD and would ultimately lead to the ouster  
25 and/or criminal indictment of among others, Sheriff Lee Baca, Undersheriff Robert  
26 Tanaka, Deputies Smith and Deputy Manzo for a variety of charges, including,  
27 among others, those based upon these men's efforts to impede the FBI's investigation  
28 into MCJ corruption.

1 18. Deputy Smith represented to Plaintiff that he was of the opinion that the Cell  
2 Phone had been given to Mr. Brown by a corrupt deputy sheriff. Deputy Smith on  
3 this basis asked Plaintiff to reach out to his contacts in the FBI to trace the origin of  
4 the Cell Phone.

5 19. As requested, Plaintiff contacted a crime analyst within the FBI, explained to  
6 her the circumstances, and asked her to do a work-up on the Cell Phone. Later that  
7 day, the analyst contacted Plaintiff and informed him that the Cell Phone belonged to  
8 the FBI's Civil Rights Department. Plaintiff and the FBI analyst agreed that they  
9 would both contact their respective supervisors of the fact and content of their  
10 correspondence.

11 20. Approximately one year later, Plaintiff would be subpoenaed to testify before  
12 the Grand Jury. Plaintiff's testimony went forward on September 12, 2012. Plaintiff  
13 would also be called upon to repeatedly testify in other criminal proceedings  
14 involving Lee Baca, Paul Tanaka and the cadre of deputies indicted with them in  
15 2014.

16 21. Plaintiff would continue to work with a federal task force (the "Federal Task  
17 Force") the FBI and other policing agencies investigating corrupt deputies working  
18 with that organization and had excellent reviews for his work. However, Plaintiff  
19 began to sense a great deal of hostility to him from certain quarters in the department.

20 22. Among others, Defendant Chief Eric Para, in June of 2014, hinted to Plaintiff  
21 that he thought that Plaintiff was surreptitiously taping him. He also explicitly told  
22 Plaintiff that no one in the department trusted him and that he had no friends there.

23 23. Shortly thereafter, Defendant Lt. Johann Thrall of the LASD called Plaintiff  
24 into his office and informed him that any and all of Plaintiff's reports to the FBI  
25 should pass through Lt. Thrall's offices. He further mentioned in that meeting that  
26 Plaintiff might have better opportunities in the LASD by leaving the OSJ and going  
27 back to patrol. Lt. Thrall also stated that he saw no reason for Plaintiff to necessarily  
28 be involved in further federal investigations of corruption when his current set of

1 investigations were concluded. Plaintiff is informed and believes and thereon alleges  
2 that Lt. Thrall intended this as a thinly veiled hint that Plaintiff was no longer  
3 welcome in his position.

4 24. Despite these and other communications of suspicion and animus from various  
5 of his supervisors, Plaintiff continued to do his investigative work with integrity. He  
6 also vocally advised other OSJ investigators to resist management pressure to lie  
7 about their investigative findings in written reports to their superiors on at least one  
8 occasion.

9 25. Plaintiff began to notice an alarming trend that various of the informers who  
10 worked with Plaintiff on his investigations of gang activity in the MCJ were being  
11 put in harms way by his superiors by those informers being put into contact with  
12 members of the very gangs they were informing upon and from whom they were  
13 supposed to be isolated. Lt. Kevin Lloyd of the LASD noticed the same and  
14 complained to Defendants Captain Joe Dempsey (who is now a Commander) and  
15 Chief Parra of the LASD about it. Captain Dempsey shortly thereafter called  
16 Plaintiff, informed Plaintiff that Lt. Lloyd had accused both Dempsey and Chief Parra  
17 of obstructing federal investigations in this and other manners and demanded that  
18 Plaintiff agree that Lt. Lloyd's criticisms were unfounded. Plaintiff declined to do so.

19 26. Plaintiff continued to do the same work with the Federal Task Force but both  
20 were relocated to Pomona where he was working on an ongoing federal investigation  
21 of the Mexican Mafia (the "Mexican Mafia Investigation") which was subject to  
22 grand jury secrecy requirements. Despite this fact, Plaintiff's superiors demanded that  
23 he physically drive to the MCJ once a week to report on the investigation.

24 27. Part of the investigation in which Plaintiff and Lt. Lloyd were involved  
25 resulted in the interception and seizure of narcotics in the LASD. Plaintiff is  
26 informed and believes that on or about September 2, 2015, Defendant Sergeant Gabe  
27 Ramirez held a meeting advising the other OSJ Deputies not to cooperate or assist in  
28 any way in Plaintiff's and Lt. Lloyd's investigative efforts on behalf , and to only

1 cooperate with the MCJ internal narcotics investigation team.

2 28. In response to this meeting, Lt. Lloyd wrote an email to defendants Ramirez  
3 and Commander Christy Guyovich among others in which he requested cooperation  
4 and a meeting to address the September 2, 2015 incident.

5 29. Thereafter, on or about September 9, 2015, Defendant Guyovich, Defendant  
6 Lt. Milton Murphey, Defendant Lt. John Kepley and Plaintiff, among others, met to  
7 discuss the September 2, 2015 incident and Lt. Lloyd's email. Plaintiff shared at that  
8 meeting his suspicion that the lack of cooperation he was receiving was related to his  
9 having offered testimony before the Federal Grand Jury and the Federal Courts  
10 concerning corruption within the LASD, among others. While Defendants Murphy  
11 and Kepley and appeared visibly upset and angry at the suggestion, Commander  
12 Guyovich expressed both verbally and in writing a desire to fix the situation. She  
13 also contended that the non-cooperation complained of by Plaintiff and Defendant  
14 Lloyd was a matter of miscommunication, which would not happen again in the  
15 future.

16 30. Despite these assurances, in or about December of 2015, Deputy Christopher  
17 Hernandez of the LASD assisted Plaintiff in confiscating a significant amount of  
18 narcotics which a gang member attempted to smuggle into the MCJ. Defendant  
19 Sergeant Ramirez reprimanded Deputy Hernandez for doing so and told him to only  
20 work with OSJ members located within the MCJ.

21 **The Adverse Job Actions.**

22 31. In mid-2016, Defendants began to take affirmative adverse job actions against  
23 not only Plaintiff, but the persons assisting him. In May of 2016, Defendants fired  
24 Deputy Hernandez ostensibly based upon his purportedly having used a password  
25 other than his own to log onto the ITMS. In fact, Plaintiff is informed and believes  
26 that Deputy Hernandez was fired because of his cooperation with Plaintiff's  
27 investigations for the Federal Task Force. Plaintiff is also informed and believes and  
28 thereon alleges that the Defendants, acting in concert, engaged in the remaining

1 adverse job actions described hereinbelow in an effort to destroy Plaintiff's career and  
2 force him out of the LASD.

3 32. In August of 2016, Defendants' adverse job actions turned to Plaintiff and  
4 Defendants engaged in a series of actions that have and will impact Plaintiff's ability  
5 to advance, promote and/or obtain assignments to coveted positions. Plaintiff was  
6 transferred out of investigative work to patrol school against his wishes. In patrol  
7 school, Plaintiff was shunned. No one would eat with him, and very few of the  
8 training officers talked with him. Plaintiff was forced to eat of the trunk of his patrol  
9 car while the other deputies would go inside restaurants to eat dinner. At some point  
10 in or about September of 2016, Plaintiff's training officer, Defendant Brandon  
11 Lefevre, stated that Plaintiff was not to be trusted because of his work with the  
12 federal authorities.

13 33. At this point, the stress from LASD's harassment began to become unbearable  
14 and Plaintiff began to suffer from physical manifestations of that stress. Most  
15 notably, the stress caused Plaintiff to begin to suffer from anxiety, major weight loss,  
16 irritable bowel syndrome ("IBS") with attendant inability to control his bowel  
17 movements.

18 34. In November of 2016 and again in January of 2017, Plaintiff was placed off  
19 work based upon his doctor's orders. Thereafter, Plaintiff communicated with his  
20 current immediate supervisor, Defendant Captain Patrick Valdez, requesting a  
21 transfer out of patrol training and back to the custody division of the LASD. Plaintiff  
22 explained that the principal reason for his request was his concern that his bowel  
23 problems might lead to Plaintiff defecate while out on patrol and out of reach of a  
24 bathroom.

25 35. In early February, Defendant Captain Valdez communicated to Plaintiff that he  
26 could not transfer back into custody unless he received a doctor's notice. Approxi-  
27 mately one week later, Plaintiff attended an "interactive processes meeting"  
28 conducted by, among others, Defendant Sgt. Yvonne O' Brien and Defendant Jessika



1 Trend. Plaintiff explained at this meeting that he was having difficulties traveling  
2 long distances and asked if he could obtain a temporary placement closer to home  
3 which would reduce his difficulties in traveling. Defendant O'Brien's response was to  
4 assign Plaintiff to work in the inmate reception center reporting directly to Defendant  
5 Gina Parra who was the wife of Defendant Chief Eric Parra.

6 36. At this point, Plaintiff is informed and believes and thereon alleges that his  
7 fellow whistleblower, Lt. Kevin Lloyd, learned that Plaintiff was to be supervised by  
8 Eric Parra's wife and communicated to one or more persons in authority and  
9 expressed his reservations at Gina Parra's being assigned to supervise Plaintiff in light  
10 of her husband's open animus toward Plaintiff.

11 37. Later that evening, Defendant Sgt. O'Brien called Plaintiff and home and told  
12 him that the position he had been offered in the IRC was no longer available.  
13 Another interactive processes meeting followed in which defendants Sgt. O'Brien and  
14 Lieut. Joel Barnett both participated. Now, despite the fact that Plaintiff's stated  
15 medical reason for needing the transfer was to be put in a position where he would  
16 have easier access to a bathroom, Defendants Sgt. O'Brien and Lt. Barnett now told  
17 Plaintiff that he would need to report to work in a location more than 45 minutes  
18 drive from his home. Plaintiff explained to Defendants O'Brien and Barnett that he  
19 was deeply concerned that such an assignment would put them in a position where he  
20 might lose control of his bowels while driving. They were not sympathetic. Plaintiff  
21 acceded to their wishes and attempted to fulfill his new assignment.

22 38. Approximately two weeks later, Plaintiff was traveling to his new assignment  
23 it was caught in traffic, lost control of his bowels and defecated all over himself in the  
24 car. The experience was extremely humiliating to Plaintiff and caused him deep  
25 emotional distress.

26 39. Thereafter, other interactive processes meetings followed, with the  
27 Defendants offering similarly unsatisfactory options to Plaintiff which Plaintiff is  
28 informed and believes and thereon alleges were specifically formulated to be

1 unacceptable to Plaintiff and to affect his *de facto* termination.

2 40. Plaintiff's physical condition has worsened from the stress of the treatment  
3 which he has received. Plaintiff is informed and believes and thereon alleges that  
4 were the Defendants to stop engaging in hostile retaliatory action against him, and if  
5 he were given a reasonable period of time to recover thereafter, his condition would  
6 improve and he would be able to fulfill his prior duties as an investigative officer  
7 within the OSC unit of the LASD. Furthermore, Plaintiff would be able to perform  
8 most of such duties even now, if allowed to do so. Defendants, however, continue to  
9 fail and refused to provide Plaintiff with an appropriate accommodation all in an  
10 effort to punish Plaintiff for his participation and cooperation in the various federal  
11 investigations in court proceedings referred to in this complaint.

12 41. This lawsuit is the result.

13 **CAUSES OF ACTION**

14 **COUNT ONE**

15 **Constitutional and Civil Rights Pursuant to 42 U.S.C. §§ 1983, 1988 Violation of**  
16 **First Amendment Speech Rights**  
17 **(Against all Defendants)**

18 42. The foregoing allegations are incorporated as if re-alleged herein in full.

19 43. Through the foregoing acts, and each of them, the Defendants sought to and  
20 did retaliate against Plaintiff for his exercise of his constitutional right of free speech  
21 and did so under color of their authority as law enforcement officers. Defendants'  
22 efforts in this regard were also were intended to protect the Defendants' ongoing  
23 abuse under color of law of the constitutional rights of the inmates under their  
24 supervision.

25 44. As a result of the wrongdoing of Defendants, and each of them, Plaintiff  
26 suffered emotional and physical symptoms including extreme stress, crying jags,  
27 headaches, muscular pain and hair loss. Plaintiff also endured the loss of his chosen  
28 career.

1 45. As a result of the foregoing, Plaintiff has been damaged in an amount presently  
2 unknown to him, but to be proven at time of trial, but in no event less than  
3 \$5,000,000.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiff requests judgment against Defendants as follows:

6 A. For appropriate declaratory relief regarding the unlawful and unconstitutional  
7 acts and practices of Defendants.

8 B. For appropriate compensatory damages in an amount to be determined at trial;

9 C. For civil penalties.

10 D. For appropriate equitable relief against all Defendants as allowed by the Civil  
11 Rights Act of 1871, 42 U.S.C. Section 1983, including the enjoining and permanent  
12 restraining of these violations, and direction to Defendants to take such affirmative  
13 action as is necessary to ensure that the effects of the unconstitutional and unlawful  
14 employment practices are eliminated and do not continue to affect Plaintiff's, or  
15 others', employment opportunities;

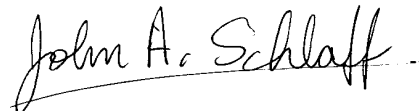
16 E. For an award of reasonable attorney's fees and costs on his behalf expended as  
17 to such Defendants; and

18 F. For such other and further relief to which Plaintiff may show himself justly  
19 entitled.

20 **PLAINTIFF REQUESTS TRIAL BY JURY ON ALL ISSUES SO TRIABLE.**

21  
22 Dated: April 23, 2018

THE LAW OFFICES OF JOHN A. SCHLAFF

23 

24 By \_\_\_\_\_  
25 John A. Schlaff  
26 Counsel for Plaintiff, Noah Kirk

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