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

12 ALEXANDER DAVID ARNDT,
13 individually,
14
15 Plaintiff,

16 v.

17 COUNTY OF LOS ANGELES, a
18 Governmental entity; AARON
19 BORITZ-ROOT, an individual;
20 ANDREA LEFEBVRE, an individual;
21 VICTOR EKANEM, an Individual;
22 JEFFREY SHREVES, an individual;
23 and DOES 1 through 10, individually,

24 Defendants.

Case No.:

COMPLAINT FOR DAMAGES

1. **Unreasonable Seizure/ Excessive Force- 42 U.S.C. § 1983**
2. **Failure to Intervene -42 U.S.C. § 1983**
3. **Failure to Train-Municipal Liability-42 U.S.C. § 1983**
4. **Municipal Liability for Custom, Policy etc.- *Monell* 42 U.S.C. § 1983**

DEMAND FOR JURY TRIAL

25 Plaintiff, Alexander David Arndt (hereinafter referred to as "Plaintiff" or
26 "Mr. Arndt") upon information and belief, alleges the following:

27 **INTRODUCTION**

28 1. This civil rights action challenges the unjustified seizure and use of
excessive force upon Mr. Arndt at the hands of County of Los Angeles
("COUNTY") sheriff's deputies and their failure to intervene in the use of
excessive force that caused permanent injuries to Mr. Arndt jaw and face. Aaron
Boritz-Root ("BORITZ"), Victor Ekanem ("EKANEM"), Andrea Lefebvre

1 (“LEFEBVRE”), Jeffrey Shreves, (“SHREVES”), and DOES ONE (1) through
2 10 are deputies that participated or failed to intervene in the battery and use of
3 excessive at the hand of the BORITZ that caused bodily harm to Mr. Arndt.
4 COUNTY failed to properly train its deputies and allowed for a custom and
5 policy of excessive force and illegal behaviors by its deputies.

6 2. Even though the deputies were present to assist Mr. Arndt, who at
7 the time was a hiker in a dehydrated state, they managed to worsen his medical
8 condition by inflicting devastating injuries in the process.

9 3. No deputies came to Mr. Arndt’ assistance nor attempted to
10 interfere or stop BORITZ’ use of excessive force.

11 4. The use of force against Mr. Arndt to seize his person was
12 unconstitutional and violated clearly established federal and state laws that would
13 have been known to any reasonable law enforcement agent.

14 5. As such, this action is brought against BORITZ, SHREVES,
15 LEFEBVRE and EKANEM, COUNTY and DOES 1-10, collectively
16 ("Defendants").

17 **JURISDICTION AND VENUE**

18 6. This case arises under 42 U.S.C. §1983. This Court has subject
19 matter jurisdiction over this action pursuant to 28 U.S.C. §1331.

20 7. Venue is proper in this District pursuant to 28 U.S.C. §1391 (b) and
21 (e) in that (1) the unlawful actions challenged herein occurred in the Central
22 District; and (2) all of the parties reside in the Central District.

23 **PLAINTIFF**

24 8. Alexander David Arndt, at all relevant times was a resident of the
25 County of Los Angeles, State of California.

26 **DEFENDANTS**

27
28 9. BORITZ, SHREVES, LEFEBVRE, EKANEM, and DOES 1-10 are

1 COUNTY sheriff's deputies who were duly authorized employees and agents of
2 the COUNTY, and were acting under color of law within the course and scope of
3 his or her perspective duties as a sheriff's deputies and with the complete
4 authority and ratification of their principal, COUNTY. BORITZ, SHREVES,
5 LEFEBVRE and EKANEM, and DOES ONE (1) through TEN (10) are being
6 sued in their individual capacity.

7 10. Each named Defendant is a natural person except for Defendants
8 COUNTY. COUNTY is, and at all times herein mentioned was, a political
9 subdivision of the State of California, duly organized and existing under the laws
10 of the State of California.

11 11. Mr. Arndt is unaware of the true identities and capacities of DOES
12 ONE (1) through DOES TEN (10), inclusive. Each of the fictitiously named
13 Defendants is in some manner and to some extent liable for the injuries alleged in
14 this Complaint. Mr. Arndt will seek leave to amend this Complaint to allege the
15 true identities and capacities of those fictitiously named defendants when they are
16 determined.

17 12. At all relevant times, DOES ONE (1) through DOES ten (10) were
18 sheriff's deputies and employees of COUNTY. Liability under California law for
19 Defendant COUNTY and its employees, including DOES ONE (1) through
20 DOES TEN Defendants, is based upon California Government Code § 815.2 and
21 § 820 and/or Civil Code § 43.

22 13. Each Defendant is, and at all times mentioned was, the agent,
23 employee, representative, successor and/or assignee of each other Defendant. At
24 all times herein mentioned, each and every Defendant herein had the legal duty to
25 oversee and supervise the hiring, conduct, employment and discipline of each and
26 every other defendant herein. Each Defendant, in doing the acts, or in omitting to
27 act as alleged in this Complaint, was acting within the scope of his or her actual
28 or apparent authority, or the alleged acts and omission of each Defendant as agent

1 subsequently were ratified and adopted by each other Defendant as principal.

2 14. At all times relevant to this Complaint, Defendants BORITZ,
3 SHREVES, LEFEBVRE and EKANEM acted under the color of state law.

4 15. Each of the individual Defendants BORITZ, SHREVES,
5 LEFEBVRE and EKANEM, was in some way responsible for the constitutional
6 violations alleged in this Complaint.

7 16. In committing the acts alleged in this complaint Defendants acted
8 knowingly, maliciously and with reckless or callous disregard for the rights of
9 Mr. Arndt, justifying an award of punitive damages, under federal and California
10 law against each individual Defendant.

11 **FACTUAL ALLEGATIONS**

12 17. On May 1, 2017, Mr. Arndt was hiking in the trails of the Pacific
13 Crest Trail in Santa Clarita, California. The reason for the hike was to become
14 enlightened in the hopes of finding a new path on taking his musical project to
15 the next level.

16 18. In the midst of his hike, Mr. Arndt became notably dehydrated and
17 disoriented. Another hiker who crossed paths with Mr. Arndt and observed his
18 dehydrated and disoriented physical state, called 911 out of concern for his
19 welfare.

20 19. Defendants were then dispatched to Mr. Arndt's location along with
21 paramedic assistance. Once they reached the location of the trail where Mr. Arndt
22 was located, paramedics assisted Mr. Arndt and checked his vital signs. They
23 along with deputies BORITZ, SHREVES, LEFEBVRE and EKANEM began
24 escorting Mr. Arndt down the trail to have Mr. Arndt further evaluated for signs
25 and symptoms of dehydration.

26 20. During the walk back down the trail, Mr. Arndt began sharing his
27 story about his spirituality and the spiritual meaning behind the subject hike. Mr.
28 Arndt further delved on the topic of fear-based mentality and how it is the cause

1 of many of the world current problems.

2 21. Apparently, defendant BORITZ was not too keen on Mr. Arndt'
3 verbose and talkative demeanor and although Mr. Arndt was cooperative,
4 BORITZ punched him multiple times on the right side of his face fracturing his
5 jaw and face. The assault continued on the ground until Mr. Arndt was rendered
6 unconscious.

7 22. Just moments prior to BORITZ striking and knocking out Mr.
8 Arndt, deputy EKANEM attempted to perform a take-down maneuver of Mr.
9 Arndt by physically leaning on him and pulling him to the ground. Not once did
10 EKANEM attempt to strike Mr. Arndt. EKANEM's attempted takedown
11 maneuver was cut short by BORITZ' preemptive punch-out of Mr. Arndt. Upon
12 information and belief, deputy EKANEM did *not* believe Mr. Arndt's verbose
13 conduct justified the vicious use of multiple closed-fist strikes to the face to
14 subdue a talkative Mr. Arndt.

15 23. Mr. Arndt, who at the time of the incident weighed 150 lbs, was not
16 combative as claimed by the defendants, nor struck or attempted to strike any of
17 the defendants or paramedics summoned to assist him for his medical condition.

18 24. Despite the presence and close proximity of deputies EKANEM,
19 LE FEBVRE and SHREVES, none of these deputies attempted to interfere nor
20 interfered with deputy BORITZ to stop both the onset and the continued use of
21 excessive force upon Mr. Arndt.

22 25. Once the assault ended, Mr. Arndt was transported by ambulance to
23 the nearest the hospital where he was treated for his injuries. Ironically,
24 paramedics were previously on scene to treat Mr. Arndt for his dehydration now
25 had their work cut out due to newly inflicted injuries caused by the deputy to an
26 already weak and ailing Mr. Arndt.

27 26. Given his extensive facial injuries consisting of multiple
28 comminuted left orbital and mandibular fractures, Mr. Arndt underwent

1 maxillofacial Open Reduction Internal Fixation surgery on May 10, 2017 which
2 further required his jaw to be wired shut along with the insertion of metallic
3 plates, and a subsequent limited liquid dietary intake.

4 27. Despite over a year and half past the incident, Mr. Arndt continues
5 to suffer from pain and nerve impairment in the form of numbness of his face and
6 teeth.

7 28. As a further result of the Defendants' acts of excessive force, Mr.
8 Arndt suffered significant injuries including, but not limited to, surgery, multiple
9 facial fractures, permanent nerve impairment and complications that affect Mr.
10 Arndt's daily life.

11 **FIRST CLAIM FOR RELIEF**
12 **UNREASONABLE SEARCH AND SEIZURE &**
13 **EXCESSIVE FORCE (42 U.S.C. § 1983)**
14 **(Against BORITZ and DOES 1-10)**

15 29. The allegations set forth in paragraphs 1 through 4, and 17 through
16 28 are incorporated herein by reference.

17 30. Defendants, while working as Deputies for the COUNTY Sheriff's
18 Department, and acting within the course and scope of their duty, performed a
19 vicious beat-down without warning, with the intent to inflict serious injury, while
20 Mr. Arndt was ironically being assisted for severe dehydration and disorientation.
21 Mr. Arndt was not a threat to Defendant Deputies nor to the paramedics present
22 to render aid.

23 31. All aforementioned acts were in violation of Mr. Arndt's right to be
24 secure in his person against unreasonable seizure guaranteed by the Fourth
25 Amendment to the United States Constitution.

26 32. Mr. Arndt is informed and believes and hereon alleges that the acts
27 of the individual Defendants were not only objectively unreasonable but also
28 willful, malicious, intentional, oppressive, reckless and/or were done in willful

1 and conscious disregard of Mr. Arndt's rights, welfare and safety, thereby
2 justifying the awarding of punitive and exemplary damages in an amount to be
3 determined at time of trial.

4 33. As a direct and legal result of the relevant Defendants' acts and
5 omissions, and the ensuing injuries to Mr. Arndt, Mr. Arndt has suffered
6 damages, including, without limitation, medical expenses, loss of earnings, and
7 the past and future pain and suffering all to his general and special damages
8 according to proof, including attorneys' fees, costs of suit, and other pecuniary
9 losses not yet ascertained.

10 **SECOND CLAIM FOR RELIEF**
11 **FAILURE TO INTERVENE- (42 U.S.C. § 1983)**
12 **(Against SHREVES, LE FEBVRE, EKANEM and DOES 1-10)**

13 34. The allegations set forth in paragraphs 1 through 4, and 17 through
14 30 are incorporated herein by reference.

15 35. At all times relevant to this complaint, Defendants SHREVES, LE
16 FEBVRE, EKANEM were acting under color of law.

17 36. At all times relevant to this complaint, Defendants SHREVES, LE
18 FEBVRE and EKANEM had an obligation to stop and interfere with another
19 deputy's misconduct and/or use of excessive force upon another.

20 37. At no point during the encounter between Mr. Arndt and deputies
21 SHREVES, LE FEBVRE and EKANEM had said deputies attempted to interfere
22 nor interfered with deputy BORITZ' excessive force against Plaintiff.

23 38. All aforementioned acts or omissions were in violation of Mr.
24 Arndt's right to be secure in his person against unreasonable seizure guaranteed
25 by the Fourth Amendment to the United States Constitution.

26 39. As a direct and legal result of the relevant Defendants' acts and
27 omissions, and the ensuing injuries to Mr. Arndt, Mr. Arndt has suffered
28 damages, including, without limitation, medical expenses, loss of earnings, and
the past and future pain and suffering all to his general and special damages

1 according to proof, including attorneys' fees, costs of suit, and other pecuniary
2 losses not yet ascertained.

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4 **THIRD CLAIM FOR RELIEF**
5 **FAILURE TO TRAIN- (42 U.S.C. § 1983)**
6 **(Against COUNTY and DOES 1-10)**

7 40. The allegations set forth in paragraphs 1 through 4, and 17 through
8 30 are incorporated herein by reference.

9 41. Defendant COUNTY possessed the power and authority to hire and
10 fire employees of COUNTY's Sheriff's Department, based upon information and
11 belief, and negligently hired BORITZ, SHREVES, LE FEBVRE, and EKANEM,
12 and DOES ONE (1) through DOES TEN (10), entrusted them with the following
13 duties: protect citizens, conduct reasonable investigations based upon reasonable
14 beliefs that persons have been harmed, or property has been stolen or destroyed,
15 and cause persons who commit crimes on property to be arrested.

16 42. By virtue of the foregoing, these Defendants owed Mr. Arndt a duty
17 of due care, and that duty was breached by Defendants' negligent and careless
18 manner in hiring, training, supervising and retaining by, among other things:

19 a) Failing to adequately train its deputies, including the use of force,
20 as well as constitutional limitations in the use of force;

21 b) Failing to adequately train its deputies in identifying a person that
22 presents a threat of force or violence, as opposed to one that does not;

23 c) Failing to adequately train its deputies in identifying a person that
24 poses an immediate risk of escape, as opposed to one that does not;

25 d) Failing to adequately investigate background, training and
26 experience of an officer and his propensity for violence;

27 e) Failing to provide adequate supervisory control over the actions of
28 its deputies in regard to adequate training, supervision, equipment, planning,

1 oversight, and administration;

2 f) Failing to discipline deputies, such as BORITZ, who allow their
3 anger and temperament to go unchecked resulting in preventable incidents of
4 excessive and unreasonable force when subduing suspects; and

5 g) Sanctioning, condoning and approving a law enforcement-wide
6 custom and practice of a code of silence, cover-up and dishonesty.

7 43. As a direct and proximate cause of the aforementioned acts of these
8 Defendants, Mr. Arndt was injured as set forth above and is entitled to
9 compensatory damages according to proof at the time of trial.

10 44. By reason of the aforementioned policies and practices of
11 Defendants BORITZ, SHREVES, LE FEBVRE, and EKANEM, and DOES ONE
12 (1) through DOES TEN (10) inclusive, Mr. Arndt was injured in his health,
13 strength and activity, and sustained great injuries and damage as described
14 elsewhere herein.

15 **FOURTH CLAIM FOR RELIEF**

16 **MUNICIPAL LIABILITY FOR POLICY, CUSTOM, ETC.-MONELL**

17 **(42 U.S.C. § 1983)**

18 **(Against COUNTY and DOES 1-10)**

19 45. The allegations set forth in paragraphs 1 through 4, and 17 through
20 30 are incorporated herein by reference.

21 46. At all times herein mentioned the unknown named employees of
22 the COUNTY were employees acting under the direction and control of
23 Defendant COUNTY. Defendant COUNTY and the unknown named employees
24 of the COUNTY knowingly and intentionally promulgated, maintained, applied,
25 enforced and suffered the continuation of policies, customs, practices and usages
26 in violation of the Fourth and Fourteenth Amendments to the United States
27 Constitution. These customs, policies, practices and usages required and
28 encouraged the employment, deployment and retention of persons, as peace
deputies, who have a propensity for violence, excessive force, dishonesty, and

1 additional abuses of their duties as peace deputies in the employment of
2 Defendant COUNTY.

3 47. Defendant COUNTY, knowingly maintained or permitted an
4 official policy or custom of permitting the occurrences of the types of wrongs
5 alleged herein by, among other things, failing and refusing to meaningfully
6 investigate or discipline police deputies known to have repeatedly violated the
7 constitutional rights of the public.

8 48. Additionally, Defendants COUNTY, BORITZ, SHREVES, LE
9 FEBVRE, and EKANEM and DOES ONE (1) through DOES TEN (10) have
10 displayed a deliberate indifference to the rights of citizens and, based upon the
11 principles set forth in *Monell v. New York COUNTY Department of Social*
12 *Services*, 436 U.S. 658 (1978), the COUNTY is liable for all injuries sustained by
13 Mr. Arndt as set forth herein.

14 49. Defendant COUNTY bears liability because their policies, practices
15 and/or customs were a cause of Plaintiff's injuries. Defendant COUNTY, and its
16 officials maintained or permitted a policy, practice and custom of permitting,
17 encouraging and ratifying the use of unnecessary and unreasonable force, false
18 arrest, and acting with reckless indifference to the constitutional rights of
19 members of the public by its police deputies by, among other things:

20 a. Failing to adequately train and supervise deputies with respect to
21 constitutional limits on use of force, arrest, and detention;

22 b. Failing to discipline deputies known to have a propensity for
23 violence, the use of unnecessary and unreasonable force, false arrest and/or
24 dishonesty;

25 c. Continuing to assign such deputies to duties where they are likely
26 to, and indeed do, injure members of the public;

27 d. Writing false reports and giving false testimony to cover up acts of
28 misconduct, including, but not limited to, the use of unnecessary force, false

1 arrest and/or dishonesty by its deputies and thereby conveying to them its
2 approval and/or lack of concern about police misconduct;

3 e. Refusing to discipline adequately individual deputies and
4 employees found to have committed similar acts of abuse and misconduct;

5 f. Refusing to investigate competently and impartially allegations of
6 abuse and misconduct alleged to have been committed by deputies of the
7 COUNTY, including the allegations made by Plaintiff in this case;

8 g. Planting evidence or withholding evidence in favor of the
9 participant deputies to favor the same deputies' version of the police misconduct;

10 h. Reprimanding, threatening, intimidating, demoting firing and
11 otherwise retaliating against deputies who reported acts of abuse by other
12 deputies;

13 i. Rewarding police deputies who displayed aggressive and abusive
14 behavior toward detainees, arrestees, and members of the public;

15 j. Condoning and participating in the practice of reducing or
16 dismissing criminal charges against individuals in return for releasing the
17 COUNTY and employees of LACSD from civil liability;

18 k. Condoning and encouraging deputies' beliefs that they can violate
19 the rights of persons, such as the Plaintiff, with impunity and such conduct will
20 not adversely affect their opportunities for promotion and other employment
21 benefits;

22 l. Promoting and/or acquiescing in the policy of stopping, detaining,
23 questioning, arresting and shooting members of the public without probable
24 cause or reasonable suspicion;

25 m. Sanctioning, condoning and approving a department wide code of
26 silence, a euphemism for perjury and dishonesty by peace deputies; and

27 n. Ratification by the highest levels of authority the specific
28 unconstitutional acts alleged in this Complaint.

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50. On or about May 1, 2017, and for some time prior thereto, Defendant COUNTY knew or should have known, that the Defendant deputies BORITZ, SHREVES, LE FEBVRE, and EKANEM, and DOES ONE (1) through DOES TEN (10) had propensities for violence, dishonesty, and for abusing their authority but failed to discipline, and ratified, acquiesced in, authorized or directed the violent acts and abuses of power committed by these deputies.

51. As a direct and legal result of the aforementioned wrongful acts of the individual officer Defendants, and the aforementioned policy, pattern, practice or custom of the COUNTY, Defendants violated the rights of Mr. Arndt as guaranteed by the Fourth and Fourteenth Amendments to the United States Constitution.

52. Defendants' acts and omissions as herein alleged proximately caused Mr. Arndt's injuries.

53. As a direct and legal result of these Defendants' acts and omissions, and the ensuing injuries to Mr. Arndt, Mr. Arndt has suffered damages, including, without limitation, medical expenses, loss of earnings, and the past and future pain and suffering all to his general and special damages according to proof, including Attorney's fees, costs of suit, and other pecuniary losses not yet ascertained.

54. By reason of the aforementioned acts and omissions of Defendants COUNTY's individual deputies, Mr. Arndt was compelled to secure the services of an attorney at law to redress the wrongs described herein. As a result, Mr. Arndt is indebted and liable for legal costs, including attorneys' fees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff's request entry of judgment in his favor and against Defendants as follows:

- a. For general and compensatory damages, including loss of earnings, medical costs under federal and state law, and

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- interest, in an amount to be proven at trial;
- b. For punitive damages against individual defendants in an amount to be proven at trial;
- c. For reasonable costs of this suit and attorney's fees pursuant 42 U.S.C. § 1988 and C.C. §52.1; and
- d. For such further relief as the Court may deem just, proper, and appropriate.

Dated: December 26, 2018 THE SEHAT LAW FIRM, PLC

By: /s/ Cameron Sehat
Attorney for Plaintiff,
Alexander David Arndt

DEMAND FOR JURY TRIAL

Plaintiff hereby respectfully demands a trial by jury.

Dated: December 26, 2018 THE SEHAT LAW FIRM, PLC

By: /s/ Cameron Sehat
Attorney for Plaintiff,
Alexander David Arndt