

Assigned for all purposes to: Spring Street Courthouse, Judicial Officer: Thomas Long

1 PANISH SHEA & BOYLE LLP
BRIAN J. PANISH, State Bar No. 116060
2 *panish@psblaw.com*
ADAM SHEA, State Bar No. 166800
3 *shea@psblaw.com*
SPENCER R. LUCAS, State Bar No. 232498
4 *lucas@psblaw.com*
RYAN A. CASEY, State Bar No. 271865
5 *casey@psblaw.com*
NICHOLAS W. YOKA, State Bar No. 314906
6 *yoka@psblaw.com*
11111 Santa Monica Boulevard, Suite 700
7 Los Angeles, California 90025
Telephone: 310.477.1700; Facsimile: 310.477.1699

8 Attorneys for Plaintiffs

9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

12 ELISA GUARDADO and CRISTOBAL
13 EDGARDO GUARDADO, individually, and
as successors-in-interest to ANDRES
14 EDGARDO GUARDADO PINEDA,

15 Plaintiffs,

16 v.

17 LOS ANGELES COUNTY SHERIFF'S
DEPARTMENT, COUNTY OF LOS
18 ANGELES, DEPUTY MIGUEL VEGA, in his
individual capacity, and DEPUTY CHRIS
19 HERNANDEZ, in his individual capacity, and
DOES 1 through 100,

20 Defendants.

Case No. 20STCV33203

COMPLAINT FOR DAMAGES

1. Battery (Wrongful Death)
2. Assault
3. Negligence (Wrongful Death)
4. False Arrest/False Imprisonment
5. Violation of the Bane Act (Cal. Civ. Code § 52.1)
6. Negligent Training, Retention, and Supervision
7. Survival Action

DEMAND FOR JURY TRIAL

23 COME NOW plaintiffs, Elisa Guardado and Cristobal Edgardo Guardado, individually,
24 and as successors-in-interest to Andres Edgardo Guardado Pineda for causes of action against
25 defendants, Los Angeles County Sherriff's Department, County of Los Angeles, Deputy Miguel
26 Vega, in his individual capacity, Deputy Chris Hernandez, in his individual capacity, and DOES 1
27 through 100, inclusive, who complain and allege as follows:

28 ///

PANISH SHEA & BOYLE LLP
11111 Santa Monica Boulevard, Suite 700
Los Angeles, California 90025
310.477.1700 phone • 310.477.1699 fax

1 **GENERAL ALLEGATIONS**

2 1. On or about June 18, 2020, at approximately 5:53 p.m., 18-year-old Andres
3 Edgardo Guardado Pineda (hereinafter referred to as "Andres Guardado" or "decedent") was shot
4 and killed by defendant Los Angeles County Sheriff's Department Deputy Miguel Vega at the
5 general location of an alleyway at 420 West Redondo Beach Boulevard in an unincorporated area
6 of Los Angeles County, known as East Gardena, California 90248. On that evening, Los Angeles
7 County Sheriff's Department Deputy Miguel Vega and Deputy Chris Hernandez, in a display of
8 unreasonable and excessive force, drew their guns and chased decedent, Andres Guardado, down
9 an alleyway. Soon thereafter, Deputy Miguel Vega, without provocation or justification, and with
10 willful and conscious disregard, fatally unloaded, at least six shots at Andres' back. Five of
11 Deputy Vega's shots struck Andres directly in the back, and each of those five gunshot wounds
12 possessed an independent lethal capacity, ultimately, causing his tragic and untimely death.

13 **PARTIES**

14 2. At all relevant times mentioned herein, plaintiffs Elisa Guardado and Cristobal
15 Edgardo Guardado, and plaintiffs' decedent, Andres Guardado, were residents of the State of
16 California, County of Los Angeles.

17 3. At all relevant times, Elisa Guardado was the mother, and Cristobal Edgardo
18 Guardado was the father, of decedent, Andres Guardado, who had neither a spouse or children,
19 thereby qualifying Elisa Guardado and Cristobal Edgardo Guardado as successors-in-interest, for
20 purposes of maintaining a claim for survival damages. For these same reasons, at all relevant
21 times, Elisa Guardado and Cristobal Edgardo Guardado, are the heirs at law of the decedent, for
22 purposes of wrongful death damages.

23 4. At all relevant times mentioned herein, defendants Los Angeles County Sheriff's
24 Department and County of Los Angeles were, and are, municipal corporations organized and
25 existing under the laws of the State of California.

26 5. At all relevant times mentioned herein, defendants Deputy Miguel Vega, Deputy
27 Chris Hernandez, and DOES 1 through 50, inclusive, were employed by defendants Los Angeles
28

1 County Sheriff's Department, County of Los Angeles, and DOES 51 through 100, inclusive, and
2 acting in the course and scope of their employment for such municipal corporations and under
3 color of state law. These defendants are being sued herein in their individual capacity.

4
5 **THE SUBJECT INCIDENT**

6 6. On or about June 18, 2020, at approximately 5:53 p.m., decedent, Andres
7 Guardado, was working as a security guard for an auto shop located at 420 West Redondo Beach
8 Boulevard in an unincorporated area of Los Angeles County, known as East Gardena, California
9 90248 (hereinafter "subject location"). At some point, a white Lexus pulled up in front of the auto
10 shop with two occupants inside of the vehicle. Decedent, Andres Guardado, approached the
11 passenger-side door, bent down, and began having a friendly conversation. Soon thereafter, Los
12 Angeles County Sheriff's Department Deputy Miguel Vega, Deputy Chris Hernandez, and DOES
13 1 through 50, inclusive, arrived at the subject location. Deputy Miguel Vega and Deputy Chris
14 Hernandez parked their vehicle next to the driver-side of the white Lexus and rapidly exited their
15 vehicle to approach the direction of the auto shop. Decedent, 18-year-old Andres Guardado,
16 became scared and fled south down the alleyway. Without provocation or justification, and in
17 violation of defendants' policies and procedures, the deputies immediately drew their weapons,
18 and proceeded to chase after decedent down the alleyway. At some point, Deputy Vega, again
19 without provocation or justification, shot Andres Guardado in the back, firing in total at least six
20 times. Five of those bullets struck Andres directly in the back and each of those five gunshot
21 wounds possessed an independent lethal capacity, ultimately causing his tragic and untimely
22 death.

23 7. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
24 mentioned herein, decedent never posed a risk of imminent injury or death to Deputy Miguel
25 Vega, Deputy Chris Hernandez, or any other person. Plaintiffs are also informed, believe, and
26 thereon allege that at all times relevant and mentioned herein, the use of deadly force by Deputy
27 Miguel Vega was not necessary to prevent imminent serious injury or death. Plaintiffs are further
28 informed, believe, and thereon allege that at all times relevant and mentioned herein, Deputy

1 Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive, failed to use other
2 available resources and techniques and, moreover, an objectively reasonable officer would know
3 and believe that it was reasonably safe and feasible to use these other available resources and
4 techniques.

5 8. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
6 mentioned herein, Deputy Miguel Vega's use of deadly force was in violation of the law and in
7 violation of the policies and procedures used by defendants Los Angeles County Sheriff's
8 Department and County of Los Angeles.

9 9. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
10 mentioned herein, the manner in which the Los Angeles County Sheriff's Department deputies
11 conducted the stop and pursuit of decedent, Andres Guardado, was negligent, reckless, constituted
12 an unjustifiable excessive use of force, and endangered the community. On further information
13 and belief, the tactics used that day were in violation of recognized standards within the law
14 enforcement community, constituted an unjustifiable excessive use of force, were negligent and
15 reckless, and resulted in a needless loss of life. Moreover, prior to Andres Guardado's death,
16 defendants willfully and knowingly created a situation where death or injury would be likely,
17 thereby acting with reckless disregard and with full knowledge of the probable dangerous
18 consequences of such conduct.

19 10. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
20 mentioned herein, defendants Los Angeles County Sheriff's Department, County of Los Angeles,
21 and DOES 51 through 100, inclusive, negligently trained, hired, supervised, and retained the
22 deputies that chased decedent and ultimately fired, at least six rounds at 18-year-old Andres. In
23 addition, at the scene, defendant Los Angeles County Sheriff's Department deputies, supervisors,
24 and DOES 1 through 50, inclusive, negligently handled the stop and were negligent in their
25 control and direction of the tactics utilized by the deputies.

26 11. Plaintiffs also are informed, believe, and thereon allege that at all times relevant
27 and mentioned herein, defendants Los Angeles County Sheriff's Department, County of Los
28 Angeles, and DOES 51 through 100, inclusive, and Sheriff Villanueva knew or should have

1 known about gangs within the Los Angeles County Sheriff's Department. Based on information
2 and belief, these gangs are comprised of Los Angeles County Sheriff deputies who use violence,
3 threats, and retaliation against other deputies, supervisors, and the public. Plaintiffs also are
4 informed, believe, and thereon allege that at all times relevant and mentioned herein, defendants
5 Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive, had possible
6 affiliations with at least one of these Los Angeles County Sheriff's Department gangs, including,
7 but not limited to, the gangs known as the Executioners and/or the 3,000 Boys.

8 12. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
9 mentioned herein, defendants Los Angeles County Sheriff's Department, County of Los Angeles,
10 and DOES 51 through 100, inclusive, and all of their employees and sworn officers, were
11 negligent in the hiring, training, selection, retention, and discipline of Deputy Miguel Vega,
12 Deputy Chris Hernandez, and DOES 1 through 50, inclusive, who were involved in the shooting,
13 as well as the employees who trained the involved deputies throughout their careers, from the
14 academy to the date in question.

15 13. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
16 mentioned herein, defendants Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1
17 through 50, inclusive, had a history of improper uses of unjustified excessive force, improper
18 discharging of their firearms, bad traffic and pedestrian stops, failing to follow proper procedures,
19 making false statements during investigations, and other improper conduct. Yet, they were never
20 disciplined, or were not disciplined properly, and were never trained or re-trained properly, and
21 were never removed from service. All the above components and factors also contributed to the
22 death of Andres Guardado.

23 14. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
24 mentioned herein, defendant Los Angeles County Sheriff's Department allowed a custom, policy,
25 and practice to exist, whether express or implied, oral or written, that allowed all of the conduct
26 outlined in this complaint and that fostered an environment that allowed and permitted this
27 shooting to occur, all creating liability under the laws of the State of California, the Constitution of
28 the State of California, the laws of the United States, and the United States Constitution.

1 19. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
2 mentioned herein, defendants Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1
3 through 50, inclusive, willfully and unlawfully used force upon the person of decedent, Andres
4 Guardado, by shooting and killing him. At the time of the aforementioned battery, decedent,
5 Andres Guardado, posed no threat whatsoever to defendants or anyone else.

6 20. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
7 mentioned herein, defendants Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1
8 through 50, inclusive, intentionally touched decedent, Andres Guardado, and/or caused decedent
9 to be touched.

10 21. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
11 mentioned herein, defendants Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1
12 through 50, inclusive, used unreasonable and excessive force in an effort to arrest and prevent
13 decedent, Andres Guardado, from running away. Plaintiffs are also informed, believe, and thereon
14 allege that at all times relevant and mentioned herein, that defendants Deputy Miguel Vega,
15 Deputy Chris Hernandez, and DOES 1 through 50, inclusive, had no reasonable belief that
16 decedent, Andres Guardado, had committed any crime. Furthermore, defendants Deputy Miguel
17 Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive, never reasonably believed that
18 decedent, Andres Guardado, appeared to pose an immediate threat to the safety of the deputies or
19 anyone else.

20 22. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
21 mentioned herein, that decedent, Andres Guardado, did not consent to this unreasonable and
22 excessive use of force.

23 23. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
24 mentioned herein, decedent was physically harmed and then killed when defendant Deputy Vega
25 fatally and unjustifiably shot him in the back five times.

26 24. The aforementioned acts of defendants and DOES 1 through 50, inclusive, were
27 done by them knowingly, intentionally, and maliciously, for the purpose of harassment,

28 ///

1 oppression and inflicting injury upon decedent, Andres Guardado, and in reckless, wanton, and
2 callous disregard of his safety, security, and civil rights.

3 25. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
4 mentioned herein, defendants Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1
5 through 50's, inclusive, use of unreasonable force was a substantial factor in causing Andres
6 Guardado's physical injuries and tragic death.

7 26. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
8 mentioned herein, defendants Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1
9 through 50, inclusive, did not have a reasonable cause to believe that decedent, Andres Guardado,
10 had committed any crime. Plaintiffs are further informed, believe, and thereon allege that at all
11 times relevant and mentioned herein, that decedent, Andres Guardado, complied with all of the
12 deputies' commands and did not physically resist arrest. Plaintiffs are informed, believe, and
13 thereon allege that at all times relevant and mentioned herein, that any resistance to arrest by
14 decedent, Andres Guardado, was the result of the unreasonable use of force by defendants Deputy
15 Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive.

16 27. Plaintiffs are further informed, believe, and thereon allege that at all times relevant
17 and mentioned herein, decedent, Andres Guardado, was harmed by defendants Deputy Miguel
18 Vega, Deputy Chris Hernandez's battery and that DOES 1 through 50, inclusive, were responsible
19 for the harm, because they were part of a conspiracy to commit battery against the public. As
20 described above, based on information and belief, within Los Angeles County Sheriff's
21 Department and County of Los Angeles, there was a custom, policy and practice, and agreement,
22 whether express or implied, oral or written, whereby gangs, including, but not limited to, the
23 Executioners and/or the 3,000 Boys, would use violence, threats, and retaliation against other
24 deputies, supervisors, and the public. Plaintiffs are informed, believe, and thereon allege that at all
25 times relevant and mentioned herein, defendants Deputy Miguel Vega, Deputy Chris Hernandez,
26 and DOES 1 through 50, inclusive, had possible affiliations with these gangs and, on the day of
27 the subject incident, were possibly acting in connection and in agreement with these other gang
28 members.

1 28. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
2 mentioned herein, DOES 1 through 50, inclusive, were aware that defendants Deputy Miguel
3 Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive, planned to commit an act of
4 battery by harming decedent, Andres Guardado. Plaintiffs are further informed, believe, and
5 thereon allege that at all times relevant and mentioned herein, DOES 1 through 50, inclusive,
6 agreed with Deputy Miguel Vega and Deputy Chris Hernandez and intended that the act of battery
7 be committed against decedent.

8 29. The conduct of defendants Deputy Miguel Vega, Deputy Chris Hernandez, and
9 DOES 1 through 50, inclusive, and each of them, was done within the course and scope of their
10 employment, agency and/or service with defendants Los Angeles County Sheriff's Department,
11 County of Los Angeles, and DOES 51 through 100, inclusive, and under color of their authority,
12 and defendants Los Angeles County Sheriff's Department and County of Los Angeles, and each of
13 them, are, therefore, vicariously liable for same under Government Code sections 815.2, 815.3 and
14 820.

15 30. As a legal, direct, and proximate result of the negligence, carelessness, and/or
16 violation of the law, by defendants, and each of them, including DOES 1 through 100, inclusive,
17 plaintiffs have sustained damages resulting from the loss of love, companionship, comfort, care,
18 assistance, protection, affection, society, and support, expectations of future support, and
19 counseling, companionship, solace and mental support, as well as other benefits and assistance, of
20 their respective decedent, all to their general damage in a sum in excess of the jurisdictional limits
21 of this Court, which will be stated according to proof, in accordance with California Code of Civil
22 Procedure section 425.10.

23 31. As a legal, direct, and proximate result of the conduct of defendants, and each of
24 them, including DOES 1 through 100, inclusive, plaintiffs, and each of them, have incurred
25 economic losses, including, but not limited to, funeral and burial expenses in an amount to be
26 stated according to proof, pursuant to California Code of Civil Procedure section 425.10.

27 32. As a legal, direct, and proximate result of the conduct of defendants, including
28 DOES 1 through 100, inclusive, plaintiffs, Elisa Guardado and Cristobal Edgardo Guardado, as

1 successors-in-interest to decedent, Andres Edgardo Guardado Pineda, hereby seek all damages
2 accruing to decedent in a survival action, under California Code of Civil Procedure section 377.34,
3 including punitive damages, against each defendant, other than the Los Angeles County Sheriff's
4 Department, County of Los Angeles, and DOES 51 through 100, inclusive. In addition, plaintiffs
5 seek all damages under the Bane Act, including, but not limited to, attorneys' fees. All of said
6 damages combine to a sum in excess of the jurisdictional minimum of this Court, including any
7 penalties, punitive, or exemplary damages that the decedent would have been entitled to had he
8 lived, with the exception of pain, suffering, disfigurement, which will be stated according to proof,
9 pursuant to California Code of Civil Procedure section 425.10.

10
11 **SECOND CAUSE OF ACTION**

12 **ASSAULT**

13 **By Plaintiffs against All Defendants and DOES 1 through 100, inclusive.**

14 33. Plaintiffs re-allege and incorporate herein by reference each and every allegation
15 and statement contained in the prior paragraphs.

16 34. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
17 mentioned herein, defendants Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1
18 through 50, inclusive, willfully and unlawfully violated decedent's right to live without being put
19 in fear of personal harm when defendants demonstrated an unlawful intent to inflict immediate
20 injury on decedent, Andres Guardado.

21 35. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
22 mentioned herein, defendants Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1
23 through 50, inclusive, willfully and unlawfully acted, intending to cause harm or offensive contact
24 upon decedent, Andres Guardado. At the time of the aforementioned assault, decedent, Andres
25 Guardado, posed no threat whatsoever to defendants or anyone else.

26 36. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
27 mentioned herein, decedent, Andres Guardado, reasonably believed that he was about to be
28 touched in a harmful and offensive manner by defendants Deputy Miguel Vega, Deputy Chris

1 Hernandez, and DOES 1 through 50, inclusive. Moreover, defendants Deputy Miguel Vega,
2 Deputy Chris Hernandez, and DOES 1 through 50, inclusive, actually threatened to touch
3 decedent, Andres Guardado, in an offensive and harmful manner.

4 37. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
5 mentioned herein, it reasonably appeared to decedent, Andres Guardado, that defendants Deputy
6 Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive, were about to carry
7 out the threat of harmful and offensive touching, which would offend a reasonable sense of
8 personal dignity and did, in fact, offend decedent's reasonable sense of personal dignity.

9 38. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
10 mentioned herein, decedent, Andres Guardado, never consented to the conduct of defendants
11 Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive.

12 39. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
13 mentioned herein, decedent, Andres Guardado, was harmed by the conduct of defendants Deputy
14 Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive.

15 40. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
16 mentioned herein, defendants Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1
17 through 50's, inclusive, conduct was a substantial factor in causing harm to decedent, Andres
18 Guardado.

19 41. The aforementioned acts of defendants and DOES 1 through 50, inclusive, were
20 done by them knowingly, intentionally, and maliciously, for the purpose of harassment,
21 oppression and inflicting injury upon decedent, Andres Guardado, and in reckless, wanton, and
22 callous disregard of his safety, security, and civil rights.

23 42. Plaintiffs are further informed, believe, and thereon allege that at all times relevant
24 and mentioned herein, decedent, Andres Guardado, was harmed by defendants Deputy Miguel
25 Vega, Deputy Chris Hernandez's assault and that DOES 1 through 50, inclusive, were responsible
26 for the harm, because they were part of a conspiracy to commit assault against the public. As
27 described above, based on information and belief, within Los Angeles County Sheriff's
28 Department and County of Los Angeles, there was a custom, policy and practice, and agreement,

1 whether express or implied, oral or written, whereby gangs, including, but not limited to, the
2 Executioners and/or the 3,000 Boys, would use violence, threats, and retaliation against other
3 deputies, supervisors, and the public. Plaintiffs are informed, believe, and thereon allege that at all
4 times relevant and mentioned herein, defendants Deputy Miguel Vega, Deputy Chris Hernandez,
5 and DOES 1 through 50, inclusive, had possible affiliations with these gangs and, on the day of
6 the subject incident, were possibly acting in connection and in agreement with these other gang
7 members.

8 43. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
9 mentioned herein, DOES 1 through 50, inclusive, were aware that defendants Deputy Miguel
10 Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive, planned to commit an act of
11 assault by harming decedent, Andres Guardado. Plaintiffs are further informed, believe, and
12 thereon allege that at all times relevant and mentioned herein, DOES 1 through 50, inclusive,
13 agreed with Deputy Miguel Vega and Deputy Chris Hernandez and intended that the act of assault
14 be committed against decedent.

15 44. The conduct of defendants Deputy Miguel Vega, Deputy Chris Hernandez, and
16 DOES 1 through 50, inclusive, and each of them, was done within the course and scope of their
17 employment, agency and/or service with defendants Los Angeles County Sheriff's Department,
18 County of Los Angeles, and DOES 51 through 100, inclusive, and under color of their authority,
19 and defendants Los Angeles County Sheriff's Department, County of Los Angeles, and DOES 51
20 through 100, inclusive, and each of them, are, therefore, vicariously liable for same under
21 Government Code sections 815.2, 815.3 and 820.

22 45. As a legal, direct, and proximate result of the negligence, carelessness, and/or
23 violation of the law, by defendants, and each of them, including DOES 1 through 100, inclusive,
24 plaintiffs have sustained damages resulting from the loss of love, companionship, comfort, care,
25 assistance, protection, affection, society, and support, expectations of future support, and
26 counseling, companionship, solace and mental support, as well as other benefits and assistance, of
27 their respective decedent, all to their general damage in a sum in excess of the jurisdictional limits

28 ///

1 of this Court, which will be stated according to proof, in accordance with California Code of Civil
2 Procedure section 425.10.

3 46. As a legal, direct, and proximate result of the conduct of defendants, and each of
4 them, including DOES 1 through 100, inclusive, plaintiffs, and each of them, have incurred
5 economic losses, including, but not limited to, funeral and burial expenses in an amount to be
6 stated according to proof, pursuant to California Code of Civil Procedure section 425.10.

7 47. As a legal, direct, and proximate result of the conduct of defendants, including
8 DOES 1 through 100, inclusive, plaintiffs, Elisa Guardado and Cristobal Edgardo Guardado, as
9 successors-in-interest to decedent, Andres Edgardo Guardado Pineda, hereby seek all damages
10 accruing to decedent in a survival action, under California Code of Civil Procedure section 377.34,
11 including punitive damages, against each defendant, other than the Los Angeles County Sheriff's
12 Department, County of Los Angeles, and DOES 51 through 100, inclusive. In addition, plaintiffs
13 seek all damages under the Bane Act, including, but not limited to, attorneys' fees. All of said
14 damages combine to a sum in excess of the jurisdictional minimum of this Court, including any
15 penalties, punitive, or exemplary damages that the decedent would have been entitled to had he
16 lived, with the exception of pain, suffering, disfigurement, which will be stated according to proof,
17 pursuant to California Code of Civil Procedure section 425.10.

18
19 **THIRD CAUSE OF ACTION**

20 **NEGLIGENCE (Wrongful Death)**

21 **By Plaintiffs against All Defendants and DOES 1 through 100, inclusive.**

22 48. Plaintiffs re-allege and incorporate herein by reference each and every allegation
23 and statement contained in the prior paragraphs.

24 49. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
25 mentioned herein, defendants, including DOES 1 through 100, inclusive, and each of them, owed
26 a duty of care to all reasonably foreseeable people, including plaintiffs and decedent, to carry out
27 their law enforcement duties in a reasonable manner, including with the use of any firearms or any
28 force whatsoever.

1 50. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
2 mentioned herein, defendants, including DOES 1 through 100, inclusive, and each of them,
3 carelessly and negligently carried out their law enforcement duties, and particularly Deputy
4 Miguel Vega used his firearm in a reckless way, and with willful and conscious disregard, when
5 he shot and killed decedent, Andres Guardado, an 18 year old that posed no threat of harm to
6 defendants and DOES 1 through 100, at the time he was shot.

7 51. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
8 mentioned herein, said careless, negligent, reckless, and unlawful conduct by defendants and
9 DOES 1 through 100, inclusive, and each of them, was the direct, legal, and proximate cause of
10 the death of Andres Guardado, and the resulting damages to plaintiffs herein alleged.

11 52. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
12 mentioned herein, defendants Los Angeles County Sheriff's Department and County of Los
13 Angeles owed a duty of care to all reasonably foreseeable people, including plaintiffs and
14 decedent, to reasonably hire, select, retain, and discipline their police deputies. Plaintiffs are
15 informed, believe, and thereon allege that at all times relevant and mentioned herein, defendants
16 Los Angeles County Sheriff's Department and County of Los Angeles owed a duty of care to all
17 reasonable foreseeable people, including plaintiffs and decedent, to reasonably train and supervise
18 their police officers to carry out their law enforcement duties, including particularly, with the use
19 of any firearms or any force whatsoever, in a reasonable manner.

20 53. Plaintiffs are further informed, believe, and thereon allege that at all times relevant
21 and mentioned herein, defendants Los Angeles County Sheriff's Department and County of Los
22 Angeles breach these duties by failing to adequately train and supervise their deputies in the use of
23 force. In fact, police deputies at the scene were negligently and poorly trained, negligently and
24 poorly hired, negligently and poorly supervised (both at the scene and before), and negligently
25 retained. Additionally, defendants Los Angeles County Sheriff's Department and County of Los
26 Angeles, and all their employees and sworn deputies, were negligent in the hiring, training,
27 supervision, retention, and disciplining of the deputies involved in the shooting, as well as the

28 ///

1 officers who trained the involved deputies throughout their careers, from the academy to the date
2 in question.

3 54. Defendants further breached their duty in that defendants Los Angeles County
4 Sheriff's Department and County of Los Angeles deputies who were at the scene of the subject
5 incident, including defendants Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1
6 through 50, and each of them, had a history of bad traffic and pedestrian stops, improper uses of
7 force, improperly discharging their firearms, failing to follow proper procedures, and making false
8 statements during investigations. Yet, the deputies were never disciplined, or were not disciplined
9 properly, and were never trained or re-trained properly, and were never removed from service.

10 55. Defendants further breached their duty because within Los Angeles County
11 Sheriff's Department and County of Los Angeles, there was a custom, policy and practice, whether
12 express or implied, oral or written, that allowed all of the conduct outlined in this claim to occur
13 and that allowed this tragic shooting of Andres Guardado to occur. Plaintiffs also are informed,
14 believe, and thereon allege that at all times relevant and mentioned herein, defendants Los Angeles
15 County Sheriff's Department, County of Los Angeles, and DOES 51 through 100, inclusive, and
16 Sheriff Villanueva knew or should have known about gangs within the Los Angeles County
17 Sheriff's Department. Based on information and belief, these gangs are comprised of Los Angeles
18 County Sheriff deputies who use violence, threats, and retaliation against other deputies,
19 supervisors, and the public. Plaintiffs also are informed, believe, and thereon allege that at all
20 times relevant and mentioned herein, defendants Deputy Miguel Vega, Deputy Chris Hernandez,
21 and DOES 1 through 50, inclusive, had possible affiliations with at least one of these Los Angeles
22 County Sheriff's Department gangs, including, but not limited to, the gangs known as the
23 Executioners and/or the 3,000 Boys. Moreover, plaintiffs are informed, believe, and thereon
24 allege that at all times relevant and mentioned herein, Sheriff Villanueva and DOES 1 through
25 100, inclusive, specifically knew or should have known of these gangs' presence in the Los
26 Angeles County Sheriff's Department and failed to take any action.

27 56. Plaintiffs are further informed, believe, and thereon allege that at all times relevant
28 and mentioned herein, decedent, Andres Guardado, was harmed by defendants Deputy Miguel

1 Vega, Deputy Chris Hernandez's negligence and that DOES 1 through 50, inclusive, were
2 responsible for the harm, because they were part of a conspiracy to commit negligence against the
3 public. As described above, based on information and belief, within Los Angeles County Sheriff's
4 Department and County of Los Angeles, there was a custom, policy and practice, and agreement,
5 whether express or implied, oral or written, whereby gangs, including, but not limited to, the
6 Executioners and/or the 3,000 Boys, would use violence, threats, and retaliation against other
7 deputies, supervisors, and the public. Plaintiffs are informed, believe, and thereon allege that at all
8 times relevant and mentioned herein, defendants Deputy Miguel Vega, Deputy Chris Hernandez,
9 and DOES 1 through 50, inclusive, had possible affiliations with these gangs and, on the day of
10 the subject incident, were possibly acting in connection and in agreement with these other gang
11 members.

12 57. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
13 mentioned herein, DOES 1 through 100, inclusive, were aware that defendants Deputy Miguel
14 Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive, planned to commit an act of
15 negligence by harming decedent, Andres Guardado. Plaintiffs are further informed, believe, and
16 thereon allege that at all times relevant and mentioned herein, DOES 1 through 50, inclusive,
17 agreed with Deputy Miguel Vega and Deputy Chris Hernandez and intended that the negligence
18 be committed against decedent.

19 58. The conduct of defendants Deputy Miguel Vega, Deputy Chris Hernandez, and
20 DOES 1 through 50, inclusive, and each of them, was done within the course and scope of their
21 employment, agency and/or service with defendants Los Angeles County Sheriff's Department,
22 County of Los Angeles, and DOES 51 through 100, inclusive, and under color of their authority,
23 and defendants Los Angeles County Sheriff's Department and County of Los Angeles, and each of
24 them, are, therefore, vicariously liable for the same under Government Code sections 815.2, 815.3
25 and 820.

26 59. As a legal, direct, and proximate result of the negligence, carelessness, and/or
27 violation of the law, by defendants, and each of them, including DOES 1 through 100, inclusive,
28 plaintiffs have sustained damages resulting from the loss of love, companionship, comfort, care,

1 assistance, protection, affection, society, and support, expectations of future support, and
2 counseling, companionship, solace and mental support, as well as other benefits and assistance, of
3 their respective decedent, all to their general damage in a sum in excess of the jurisdictional limits
4 of this Court, which will be stated according to proof, in accordance with California Code of Civil
5 Procedure section 425.10.

6 60. As a legal, direct, and proximate result of the conduct of defendants, and each of
7 them, including DOES 1 through 100, inclusive, plaintiffs, and each of them, have incurred
8 economic losses, including, but not limited to, funeral and burial expenses in an amount to be
9 stated according to proof, pursuant to California Code of Civil Procedure section 425.10.

10 61. As a legal, direct, and proximate result of the conduct of defendants, including
11 DOES 1 through 100, inclusive, plaintiffs, Elisa Guardado and Cristobal Edgardo Guardado, as
12 successors-in-interest to decedent, Andres Edgardo Guardado Pineda, hereby seek all damages
13 accruing to decedent in a survival action, under California Code of Civil Procedure section 377.34,
14 including punitive damages, against each defendant, other than the Los Angeles County Sheriff's
15 Department, County of Los Angeles, and DOES 51 through 100, inclusive. In addition, plaintiffs
16 seek all damages under the Bane Act, including, but not limited to, attorneys' fees. All of said
17 damages combine to a sum in excess of the jurisdictional minimum of this Court, including any
18 penalties, punitive, or exemplary damages that the decedent would have been entitled to had he
19 lived, with the exception of pain, suffering, disfigurement, which will be stated according to proof,
20 pursuant to California Code of Civil Procedure section 425.10.

21
22 **FOURTH CAUSE OF ACTION**

23 **FALSE ARREST/FALSE IMPRISONMENT**

24 **By Plaintiffs against All Defendants and DOES 1 through 100, inclusive.**

25 62. Plaintiffs re-allege and incorporate herein by reference each and every allegation
26 and statement contained in the prior paragraphs.

27 ///

28 ///

1 63. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
2 mentioned herein, that decedent, Andres Guardado, was wrongfully arrested by defendants Deputy
3 Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive.

4 64. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
5 mentioned herein, defendants Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1
6 through 50, inclusive, arrested decedent, Andres Guardado.

7 65. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
8 mentioned herein, that the wrongful arrest of decedent, Andres Guardado, physically harmed and,
9 in fact, led to his tragic death when defendant Deputy Vega fatally shot decedent, Andres
10 Guardado, in the back five times.

11 66. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
12 mentioned herein, defendants Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1
13 through 50's, inclusive, conduct was a substantial factor in causing Andres Guardado's tragic
14 death.

15 67. Plaintiffs are further informed, believe, and thereon allege that at all times relevant
16 and mentioned herein, decedent, Andres Guardado, was harmed by defendants Deputy Miguel
17 Vega, Deputy Chris Hernandez's false arrest/false imprisonment and that DOES 1 through 50,
18 inclusive, were responsible for the harm, because they were part of a conspiracy to commit false
19 arrest/false imprisonment against the public. As described above, based on information and belief,
20 within Los Angeles County Sheriff's Department and County of Los Angeles, there was a custom,
21 policy and practice, and agreement, whether express or implied, oral or written, whereby gangs,
22 including, but not limited to, the Executioners and/or the 3,000 Boys, would use violence, threats,
23 and retaliation against other deputies, supervisors, and the public. Plaintiffs are informed, believe,
24 and thereon allege that at all times relevant and mentioned herein, defendants Deputy Miguel
25 Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive, had possible affiliations with
26 these gangs and, on the day of the subject incident, were possibly acting in connection and in
27 agreement with these other gang members.

28 ///

1 68. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
2 mentioned herein, DOES 1 through 50, inclusive, were aware that defendants Deputy Miguel
3 Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive, planned to commit an act of
4 false arrest/false imprisonment by harming decedent, Andres Guardado. Plaintiffs are further
5 informed, believe, and thereon allege that at all times relevant and mentioned herein, DOES 1
6 through 50, inclusive, agreed with Deputy Miguel Vega and Deputy Chris Hernandez and
7 intended that the act of false arrest/false imprisonment be committed against decedent.

8 69. The conduct of defendants Deputy Miguel Vega, Deputy Chris Hernandez, and
9 DOES 1 through 50, inclusive, and each of them, was done within the course and scope of their
10 employment, agency and/or service with defendants Los Angeles County Sheriff's Department,
11 County of Los Angeles, and DOES 51 through 100, inclusive, and under color of their authority,
12 and defendants Los Angeles County Sheriff's Department and County of Los Angeles, and each of
13 them, are, therefore, vicariously liable for same under Government Code sections 815.2, 815.3 and
14 820.

15 70. As a legal, direct, and proximate result of the negligence, carelessness, and/or
16 violation of the law, by defendants, and each of them, including DOES 1 through 100, inclusive,
17 plaintiffs have sustained damages resulting from the loss of love, companionship, comfort, care,
18 assistance, protection, affection, society, and support, expectations of future support, and
19 counseling, companionship, solace and mental support, as well as other benefits and assistance, of
20 their respective decedent, all to their general damage in a sum in excess of the jurisdictional limits
21 of this Court, which will be stated according to proof, in accordance with California Code of Civil
22 Procedure section 425.10.

23 71. As a legal, direct, and proximate result of the conduct of defendants, and each of
24 them, including DOES 1 through 100, inclusive, plaintiffs, and each of them, have incurred
25 economic losses, including, but not limited to, funeral and burial expenses in an amount to be
26 stated according to proof, pursuant to California Code of Civil Procedure section 425.10.

27 72. As a legal, direct, and proximate result of the conduct of defendants, including
28 DOES 1 through 100, inclusive, plaintiffs, Elisa Guardado and Cristobal Edgardo Guardado, as

1 successors-in-interest to decedent, Andres Edgardo Guardado Pineda, hereby seek all damages
2 accruing to decedent in a survival action, under California Code of Civil Procedure section 377.34,
3 including punitive damages, against each defendant, other than the Los Angeles County Sheriff's
4 Department, County of Los Angeles, and DOES 51 through 100, inclusive. In addition, plaintiffs
5 seek all damages under the Bane Act, including, but not limited to, attorneys' fees. All of said
6 damages combine to a sum in excess of the jurisdictional minimum of this Court, including any
7 penalties, punitive, or exemplary damages that the decedent would have been entitled to had he
8 lived, with the exception of pain, suffering, disfigurement, which will be stated according to proof,
9 pursuant to California Code of Civil Procedure section 425.10.

10
11 **FIFTH CAUSE OF ACTION**

12 **VIOLATION OF THE BANE ACT (Cal. Civ. Code § 52.1)**

13 **By Plaintiffs against All Defendants and DOES 1 through 100, inclusive.**

14 73. Plaintiffs re-allege and incorporate herein by reference each and every allegation
15 and statement contained in the prior paragraphs.

16 74. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
17 mentioned herein, defendants, including DOES 1 through 100, inclusive, intentionally interfered
18 by threats, intimidation and/or coercion, with the exercise and enjoyment by decedent, Andres
19 Guardado, prior to his death, of rights secured by the Constitution of the United States and the
20 State of California, including interference with his rights to be secure in his person and free from
21 the use of excessive force, unreasonable harassment or detention without reasonable suspicion and
22 probable cause, and the right of protection from bodily restraint and harm

23 75. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
24 mentioned herein, defendants, including DOES 1 through 100, inclusive, made threats of violence
25 against decedent, Andres Guardado, causing him to reasonably believe that if he exercised his
26 rights guaranteed to him by the Constitutions of the United States and the State of California, and
27 under Civil Code section 52.1, including, but not limited, his right to be secure in his person and
28 free from the use of excessive force, the right of protection from bodily restraint and harm,

1 unreasonable harassment or detention without reasonable suspicion and probable cause, the right
2 to due process, and equal protection, defendants, including DOES 1 through 100, inclusive, would
3 commit violence against him and/or his property. Furthermore, plaintiffs are informed, believe,
4 and thereon allege that at all times relevant and mentioned herein, defendants, including DOES 1
5 through 100, inclusive, had the apparent ability to carry out these threats.

6 76. Plaintiffs are also informed, believe, and thereon allege that at all times relevant
7 and mentioned herein, defendants, including DOES 1 through 100, inclusive, acted violently
8 against decedent, Andres Guardado, to prevent him from exercising his rights guaranteed to him
9 by the Constitutions of the United States and the State of California, and under Civil Code section
10 52.1, including, but not limited, his right to be secure in his person and free from the use of
11 excessive force, the right of protection from bodily restraint and harm, the right to due process,
12 and equal protection. Furthermore, plaintiffs are informed, believe, and thereon allege that at all
13 times relevant and mentioned herein, defendants, including DOES 1 through 100, inclusive, acted
14 violently to retaliate against decedent, Andres Guardado, for having exercised his aforementioned
15 rights.

16 77. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
17 mentioned herein, defendants, including DOES 1 through 100, inclusive, decedent, Andres
18 Guardado was, without any provocation or justification whatsoever, fatally shot in the back five
19 times by defendant Deputy Vega.

20 78. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
21 mentioned herein, defendants', including DOES 1 through 100, inclusive, conduct was a
22 substantial factor in causing the tragic death of Andres Guardado.

23 79. The conduct of defendants Deputy Miguel Vega, Deputy Chris Hernandez, and
24 DOES 1 through 100, inclusive, and each of them, was done within the course and scope of their
25 employment, agency and/or service with defendants Los Angeles County Sheriff's Department,
26 County of Los Angeles, and DOES 51 through 100, inclusive, and under color of their authority,
27 and defendants Los Angeles County Sheriff's Department and County of Los Angeles, and each of

28 ///

1 them, are, therefore, vicariously liable for same under Government Code sections 815.2, 815.3 and
2 820.

3 80. As a legal, direct, and proximate result of the negligence, carelessness, and/or
4 violation of the law, by defendants, and each of them, including DOES 1 through 100, inclusive,
5 plaintiffs have sustained damages resulting from the loss of love, companionship, comfort, care,
6 assistance, protection, affection, society, and support, expectations of future support, and
7 counseling, companionship, solace and mental support, as well as other benefits and assistance, of
8 their respective decedent, all to their general damage in a sum in excess of the jurisdictional limits
9 of this Court, which will be stated according to proof, in accordance with California Code of Civil
10 Procedure section 425.10.

11 81. As a legal, direct, and proximate result of the conduct of defendants, and each of
12 them, including DOES 1 through 100, inclusive, plaintiffs, and each of them, have incurred
13 economic losses, including, but not limited to, funeral and burial expenses in an amount to be
14 stated according to proof, pursuant to California Code of Civil Procedure section 425.10.

15 82. As a legal, direct, and proximate result of the conduct of defendants, including
16 DOES 1 through 100, inclusive, plaintiffs, Elisa Guardado and Cristobal Edgardo Guardado, as
17 successors-in-interest to decedent, Andres Edgardo Guardado Pineda, hereby seek all damages
18 accruing to decedent in a survival action, under California Code of Civil Procedure section 377.34,
19 including punitive damages, against each defendant, other than the Los Angeles County Sheriff's
20 Department, County of Los Angeles, and DOES 51 through 100, inclusive. In addition, plaintiffs
21 seek all damages under the Bane Act, including, but not limited to, attorneys' fees. All of said
22 damages combine to a sum in excess of the jurisdictional minimum of this Court, including any
23 penalties, punitive, or exemplary damages that the decedent would have been entitled to had he
24 lived, with the exception of pain, suffering, disfigurement, which will be stated according to proof,
25 pursuant to California Code of Civil Procedure section 425.10.

26 83. Under California Civil Code section 52(b)(2), plaintiffs are further entitled to a
27 civil penalty of \$25,000.00.

28 ///

1 **SIXTH CAUSE OF ACTION**

2 **NEGLIGENT TRAINING, RETENTION, AND SUPERVISION**

3 **By Plaintiffs against Defendants Los Angeles County Sheriff's Department, County of Los**
4 **Angeles, and DOES 51 through 100, inclusive.**

5 84. Plaintiffs re-allege and incorporate herein by reference each and every allegation
6 and statement contained in the prior paragraphs.

7 85. Plaintiffs are informed, believe, and thereon allege that they were harmed by the
8 actions of Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 100, inclusive,
9 when their son, Andres Guardado, was shot and killed. Plaintiffs further allege and believe that
10 defendants Los Angeles County Sheriff's Department, County of Los Angeles, and DOES 51
11 through 100, inclusive, negligently hired, supervised, and retained Deputy Miguel Vega, Deputy
12 Chris Hernandez, and DOES 1 through 50, inclusive.

13 86. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
14 mentioned herein, defendants Los Angeles County Sheriff's Department, County of Los Angeles,
15 and DOES 51 through 100, inclusive, hired Deputy Miguel Vega, Deputy Chris Hernandez, and
16 DOES 51 through 100, inclusive. Plaintiffs are further informed, believe, and thereon allege that
17 at all times relevant and mentioned herein, defendants Los Angeles County Sheriff's Department,
18 County of Los Angeles, and DOES 51 through 100, inclusive, owed a duty of care to all
19 reasonably foreseeable people, including plaintiffs and decedent, to reasonably hire, select, retain,
20 and discipline their police deputies.

21 87. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
22 mentioned herein, defendants Los Angeles County Sheriff's Department, County of Los Angeles,
23 and DOES 51 through 100, inclusive, owed a duty of care to all reasonable foreseeable people,
24 including plaintiffs and decedent, to reasonably train and supervise their deputies to carry out their
25 law enforcement duties, including particularly, with the use of any firearms or any force
26 whatsoever, in a reasonable manner.

27 88. Plaintiffs are further informed, believe, and thereon allege that at all times relevant
28 and mentioned herein, defendants Los Angeles County Sheriff's Department, County of Los

1 Angeles, and DOES 51 through 100, inclusive, breached these duties by failing to adequately train
2 and supervise their deputies in the use of force. In fact, deputies at the scene were negligently and
3 poorly trained, negligently and poorly hired, negligently and poorly supervised (both at the scene
4 and before), and negligently retained. Additionally, defendants Los Angeles County Sheriff's
5 Department and County of Los Angeles and all their employees and sworn deputies, were
6 negligent in the hiring, training, supervision, retention, and disciplining of the deputies involved in
7 the shooting, as well as the officers who trained the involved deputies throughout their careers,
8 from the academy to the date in question.

9 89. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
10 mentioned herein, Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 50,
11 inclusive, were unfit and incompetent to perform the work for which they were hired. In
12 particular, Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive,
13 were improperly provided a gun and entrusted with the ability to use lethal force on members of
14 the public.

15 90. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
16 mentioned herein, defendants Los Angeles County Sheriff's Department, County of Los Angeles,
17 and DOES 51 through 100, inclusive, knew or should have known that Deputy Miguel Vega,
18 Deputy Chris Hernandez, and DOES 1 through 50, inclusive, were unfit and incompetent to carry
19 out the duties of a police officer. Specifically, plaintiffs are further informed, believe, and thereon
20 allege that at all times relevant and mentioned herein, defendants Deputy Miguel Vega, Deputy
21 Chris Hernandez, and DOES 1 through 50, inclusive, had a history of misconduct and use of
22 excessive force.

23 91. Defendants Los Angeles County Sheriff's Department, County of Los Angeles, and
24 DOES 51 through 100, inclusive, further breached their duty since the deputies who were at the
25 scene of the subject incident, including defendants Deputy Miguel Vega, Deputy Chris Hernandez,
26 and DOES 1 through 50, and each of them, had a history of bad traffic and pedestrian stops,
27 improper uses of force, improperly discharging their firearms, failing to follow proper procedures,
28 and making false statements during investigations. Yet these deputies were never disciplined, or

1 were not disciplined properly, and were never trained or re-trained properly, and were never
2 removed from service.

3 92. Plaintiffs also are informed, believe, and thereon allege that at all times relevant
4 and mentioned herein, defendants Los Angeles County Sheriff's Department, County of Los
5 Angeles, and DOES 51 through 100, inclusive, and Sheriff Villanueva knew or should have
6 known that Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive,
7 had possible affiliations with gangs within the Los Angeles County Sheriff's Department.

8 93. For all of the aforementioned reasons, plaintiffs are informed, believe, and thereon
9 allege that at all times relevant and mentioned herein, defendants Deputy Miguel Vega, Deputy
10 Chris Hernandez, and DOES 1 through 50, inclusive, were unfit and incompetent to work as
11 deputies and that this unfitness and incompetence created a particular risk to others including
12 decedent, Andres Guardado.

13 94. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
14 mentioned herein, Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 50's,
15 inclusive, unfitness and incompetence caused the tragic death of Andres Guardado when they,
16 without provocation or justification, and in violation of their own policies and procedures, chased
17 after decedent down the alleyway and then defendant Deputy Miguel Vega fatally shot decedent in
18 the back five times.

19 95. Plaintiffs are informed, believe, and thereon allege that at all times relevant and
20 mentioned herein, Los Angeles County Sheriff's Department, County of Los Angeles, and DOES
21 51 through 100's, inclusive, negligence in hiring, supervising, and retaining Deputy Miguel Vega,
22 Deputy Chris Hernandez, and DOES 1 through 50, inclusive, was a substantial factor in causing
23 the death of Andres Guardado.

24 96. The conduct of defendants Deputy Miguel Vega, Deputy Chris Hernandez, and
25 DOES 1 through 50, inclusive, and each of them, was done within the course and scope of their
26 employment, agency and/or service with defendants Los Angeles County Sheriff's Department,
27 County of Los Angeles, and DOES 51 through 100, inclusive, and under color of their authority,
28 and defendants Los Angeles County Sheriff's Department, County of Los Angeles, and DOES 51

1 through 100, inclusive, and each of them, are, therefore, vicariously liable for the same under
2 Government Code sections 815.2, 815.3 and 820.

3 97. As a legal, direct, and proximate result of the negligence, carelessness, and/or
4 violation of the law, by defendants, and each of them, including DOES 51 through 100, inclusive,
5 plaintiffs have sustained damages resulting from the loss of love, companionship, comfort, care,
6 assistance, protection, affection, society, and support, expectations of future support, and
7 counseling, companionship, solace and mental support, as well as other benefits and assistance, of
8 their respective decedent, all to their general damage in a sum in excess of the jurisdictional limits
9 of this Court, which will be stated according to proof, in accordance with California Code of Civil
10 Procedure section 425.10.

11 98. As a legal, direct, and proximate result of the conduct of defendants, and each of
12 them, including DOES 51 through 100, inclusive, plaintiffs, and each of them, have incurred
13 economic losses, including, but not limited to, funeral and burial expenses in an amount to be
14 stated according to proof, pursuant to California Code of Civil Procedure section 425.10.

15 99. As a legal, direct, and proximate result of the conduct of defendants, including
16 DOES 1 through 100, inclusive, plaintiffs, Elisa Guardado and Cristobal Edgardo Guardado, as
17 successors-in-interest to decedent, Andres Edgardo Guardado Pineda, hereby seek all damages
18 accruing to decedent in a survival action, under California Code of Civil Procedure section 377.34,
19 including punitive damages, against each defendant, other than the Los Angeles County Sheriff's
20 Department, County of Los Angeles, and DOES 51 through 100, inclusive. In addition, plaintiffs
21 seek all damages under the Bane Act, including, but not limited to, attorneys' fees. All of said
22 damages combine to a sum in excess of the jurisdictional minimum of this Court, including any
23 penalties, punitive, or exemplary damages that the decedent would have been entitled to had he
24 lived, with the exception of pain, suffering, disfigurement, which will be stated according to proof,
25 pursuant to California Code of Civil Procedure section 425.10.

26 ///

27 ///

28 ///

SEVENTH CAUSE OF ACTION

SURVIVAL ACTION

By Plaintiffs against All Defendants and DOES 1 through 100, inclusive.

100. Plaintiffs re-allege and incorporate herein by reference each and every allegation and statement contained in the prior paragraphs.

101. The subject incident and the conduct of defendants, as set forth above, caused decedent Andres Guardado to suffer traumatic injuries, as well as damage to his personal property, including clothing, and other items.

102. Plaintiffs are informed, believe, and thereon allege that at all times relevant and mentioned herein, Deputy Miguel Vega and Deputy Chris Hernandez, in a display of unreasonable and excessive force, drew their guns and chased decedent, Andres Guardado, down an alleyway. Soon thereafter, Deputy Miguel Vega, without provocation or justification, and with willful and conscious disregard fatally unloaded at least six shots at Andres' back. Five of Deputy Vega's shots struck Andres directly in the back, and each of those five gunshot wounds possessed an independent lethal capacity, ultimately causing his tragic and untimely death.

103. Plaintiffs are also informed, believe, and thereon allege that at all times relevant and mentioned herein, defendants Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive, had no reasonable belief that decedent, Andres Guardado, had committed any crime. Furthermore, defendants Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive, never reasonably believed that decedent, Andres Guardado, appeared to pose an immediate threat to the safety of the deputies or anyone else.

104. The aforementioned acts of defendants and DOES 1 through 50, inclusive, were done by them knowingly, intentionally, and maliciously, for the purpose of harassment, oppression, and inflicting injury upon decedent, Andres Guardado, and in reckless, wanton, and callous disregard of his safety, security, and civil rights.

105. As a legal, direct, and proximate result of the intentional, reckless, and negligent conduct of defendants, and each of them, as aforesaid, decedent Andres Guardado was injured in

///

1 his person by the subject incident, and survived for an ascertainable period of time after his initial
2 injury during the subject incident.

3 106. Plaintiffs are further informed, believe, and thereon allege that at all times relevant
4 and mentioned herein, decedent, Andres Guardado, was harmed by defendants Deputy Miguel
5 Vega, Deputy Chris Hernandez's actions and that DOES 1 through 50, inclusive, were responsible
6 for the harm, because they were part of a conspiracy to commit these acts, including, but not
7 limited to, battery against the public. As described above, based on information and belief, within
8 Los Angeles County Sheriff's Department and County of Los Angeles, there was a custom, policy
9 and practice, and agreement, whether express or implied, oral or written, whereby gangs,
10 including, but not limited to, the Executioners and/or the 3,000 Boys, would use violence, threats,
11 and retaliation against other deputies, supervisors, and the public. Plaintiffs are informed, believe,
12 and thereon allege that at all times relevant and mentioned herein, defendants Deputy Miguel
13 Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive, had possible affiliations with
14 these gangs and, on the day of the subject incident, were possibly acting in connection and in
15 agreement with these other gang members.

16 107. Plaintiffs, Elisa Guardado and Cristobal Edgardo Guardado, as successors-in-
17 interest to decedent Andres Guardado, hereby seek all damages accruing to decedent in a survival
18 action, under California Code of Civil Procedure section 377.34, including punitive damages,
19 against each defendant, other than the Los Angeles County Sheriff's Department, County of Los
20 Angeles, and DOES 51 through 100, inclusive. All of said damages combine to a sum in excess of
21 the jurisdictional minimum of this Court, including any penalties, punitive, or exemplary damages
22 that the decedent would have been entitled to had he lived, with the exception of pain, suffering,
23 disfigurement, which will be stated according to proof, pursuant to California Code of Civil
24 Procedure section 425.10.

25 108. Defendants caused serious bodily injury in connection with the subject incident.

26 109. Prior to Andres Guardado's death, defendants willfully and knowingly created a
27 situation where death or injury would likely, thereby acting with reckless disregard and with full
28 knowledge of the probable dangerous consequences of such conduct.

1 110. Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive,
2 actions were done in a willful and conscious disregard for the rights and safety of decedent.
3 Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive, conduct was
4 despicable and so base, vile, and contemptible that it would be looked down on and despised by
5 reasonable people. This conduct, which was carried on by defendants with a willful and conscious
6 disregard of the rights and safety of decedent, and the general public, was the direct, legal, and
7 proximate cause of the decedent's injuries and deaths, and plaintiffs' damages.

8 111. Defendants' actions were either committed or authorized, ratified, or otherwise
9 approved by officers, directors, or managing agents of defendants and DOES 1 through 100 in a
10 deliberate, cold, callous, malicious, and/or intentional manner, as fully set forth above.

11 112. As a result, plaintiffs request the assessment of punitive damages against
12 defendants Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 50, inclusive, in
13 an amount appropriate to punish or set an example of them for their despicable conduct in
14 conscious disregard of the rights and safety of others that resulted in this, and other, tragic deaths.

15
16 **PRAYER FOR RELIEF**

17 WHEREFORE, plaintiffs, Elisa Guardado and Cristobal Edgardo Guardado,
18 individually, and as successors-in-interest to Andres Edgardo Guardado Pineda for causes of
19 action against defendants, Los Angeles County Sherriff's Department, County of Los Angeles,
20 Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 100, inclusive, and each of
21 them, pray as follows:

22 1. For general damages suffered by plaintiffs, including, but not limited to, loss of
23 love, affection, care, society, service, comfort, support, right to support, companionship, solace or
24 moral support, expectations of future support and counseling, other benefits and assistance of their
25 respective decedent, which will be stated according to proof, and beyond the jurisdictional
26 minimum of this Court, and in a sum within the jurisdiction of this Court and which will be
27 established according to proof at trial;

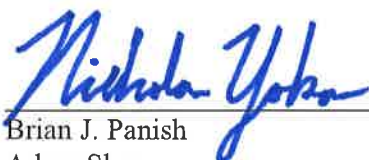
28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 2. For economic damages suffered by plaintiffs, including, but not limited to, for funeral and burial expenses, according to proof;
- 3. For plaintiffs, as successors-in-interest to decedent, Andres Edgardo Guardado Pineda, all damages available in a survival action, including punitive damages, against each defendant, other than the Los Angeles County Sheriff's Department and the County of Los Angeles, according to proof;
- 4. For statutory damages, including damages under to Civil Code sections 52(b)(2), 52(b)(3) and 52.1(b);
- 5. For attorneys' fees, including under Civil Code section 52(b)(3) and 52.1(h);
- 6. For cost of suit incurred herein, including attorneys' fees, according to proof;
- 7. For damages for plaintiffs' other losses, according to proof; and
- 8. For such other and further relief as the Court may deem just and proper.

DATED: August 31, 2020

PANISH SHEA & BOYLE LLP

By: 

Brian J. Panish
Adam Shea
Spencer R. Lucas
Ryan A. Casey
Nicholas W. Yoka
Attorneys for Plaintiffs

PANISH SHEA & BOYLE LLP
11111 Santa Monica Boulevard, Suite 700
Los Angeles, California 90025
310.477.1700 phone • 310.477.1699 fax

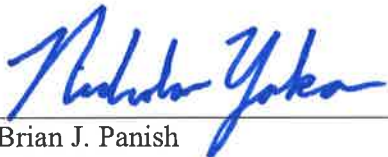
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury as to all causes of action.

DATED: August 31, 2020

PANISH SHEA & BOYLE LLP

By: 

Brian J. Panish
Adam Shea
Spencer R. Lucas
Ryan A. Casey
Nicholas W. Yoka
Attorneys for Plaintiffs