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11 Attorneys for Plaintiffs,
12 ESTATE OF ORAL W. NUNIS, SR., by
13 and through, ROXIE A. NUNIS, Individually,
14 and as Successor In Interest to the ESTATE, and
15 NAOMI NUNIS, Individually,
16 and WILLIE MAE KIRKLAND as Guardian
17 *ad Litem* for ABIGAIL TABITHA NUNIS and
18 JABEZ CALEB NUNIS

19 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
20 **FOR THE COUNTY OF SAN DIEGO**

21 ESTATE OF ORAL W. NUNIS, SR. by and
22 Through, ROXIE A. NUNIS, Individually,
23 and as Successor In Interest to the ESTATE,
24 NAOMI NUNIS, Individually, and WILLIE
25 MAE KIRKLAND as Guardian *ad Litem* for
26 ABIGAIL TABITHA NUNIS and JABEZ
27 CALEB NUNIS

28 *Plaintiffs,*

v.

CITY OF CHULA VISTA, and DOES 1
through 40, inclusive,

Defendants.

Case No.:

COMPLAINT FOR DAMAGES

1. Civil Rights Violations (Civil Code §§ 51.7, 52.1(b), and 52.1(h));
2. Assault and Battery - *Cal. Govt. Code* § 820;
3. False Imprisonment - *Cal. Govt. Code* § 820; and
4. Negligence *Cal. Govt. Code* § 820.

DEMAND FOR JURY TRIAL

I.

INTRODUCTORY ALLEGATIONS

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3 1. At all relevant times mentioned here, Plaintiff ROXIE A. NUNIS (“ROXIE” or
4 “Mrs. NUNIS”) is a resident of the CITY of Manteca, San Luis Obispo County, CA. Mrs.
5 NUNIS is the Successor In Interest to the ESTATE of ORAL W. NUNIS, SR. (the “ESTATE”).
6 She is the legally married wife of ORAL W. NUNIS, SR. (“ORAL” or “Mr. NUNIS”), and as
7 such is duly authorized to bring this action individually and on the ESTATE’s behalf. They
8 were married on September 13, 1994.

9 2. At all relevant times mentioned here, Plaintiff NAOMI NUNIS (“NAOMI”) is a
10 resident the CITY of Manteca, San Luis Obispo County, CA. NAOMI is Mr. NUINS’ natural
11 daughter.

12 3. At all relevant times mentioned here, Plaintiff WILLIE MAE KIRKLAND
13 (“Mrs. KIRKLAND”) is a resident the CITY of Manteca, San Luis Obispo County, CA. Mrs.
14 KIRKLAND is the duly appointed Guardian *ad Litem* for ABIGAIL TABITHA NUNIS
15 (“ABIGAIL”) born May 16, 2003 and JABEZ CALEB NUNIS (“JABEZ”), born July 13, 2012,
16 and bears this action in her representative capacity. ABIGAIL and JABEZ are Mr. NUNIS’
17 natural children.

18 4. At all relevant times mentioned here, Defendants CITY OF CHULA VISTA (the
19 “CITY”) is a governmental public entity, and/or political subdivision within the State of
20 California, duly organized and existing under the laws of the State of California.

21 5. Plaintiffs are unaware of the true names and/or capacities of those individuals or
22 businesses sued here as DOES 1 through 40, and therefore sues these Defendants using their
23 fictitious names. Plaintiffs will amend this Complaint to allege each DOE’S true name and
24 capacity when that information becomes known. Plaintiffs are informed and believe that each of
25 these fictitiously named Defendants is legally responsible in some manner for the wrongful,
26 intentional, and/or negligent actions and inactions alleged here, whether by reason of their own
27 actions and/or inactions, or as a result of the conduct of their agents, employees, joint venturers
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1 and/or co-conspirators, and that the injuries and damages alleged in this Complaint were legally
2 caused by these actions and inactions.

3 6. At all relevant times mentioned here, each of the Defendants DOES 1 through 40
4 is an agent, employee, servant, and/or co-conspirator of the CITY, the Chula Vista Police
5 Department, and each of the Defendants DOES 1 through 40, and in doing the things alleged here,
6 is acting within the course and scope of that agency, employment, service, and/or conspiracy, and
7 with the consent of each of their co-Defendants.

8 7. On or about May 8, 2020, Plaintiffs filed a timely Claim for Damages against the
9 CITY for actions and failures to act arising out of Mr. NUNIS' death, pursuant to *Government*
10 *Code* § 910 *et seq.* That Claim was rejected by operation of law. Accordingly, this Complaint for
11 Damages is timely filed.

12 II.

13 FACTS COMMON TO ALL CAUSES OF ACTION

14 8. This lawsuit concerns the outrageous, careless, and unlawful use of deadly force
15 by CITY officers, as well as their malicious effort to distort the true facts of their own misconduct.
16 In addition, this case raises questions concerning the proper use of the “wrap” the latest in a line
17 of law enforcement weaponry that directly lead to Mr. NUNIS. Death.

18 9. On or about March 13, 2020, at about 12:08 a.m., in or near the 1300 block of
19 Camino Carmelo in Chula Vista, California, ORAL WESLEY NUNIS, Sr. (“Mr. NUNIS”) is
20 approached by unknown police officers employed by the CITY of Chula Vista who decide to
21 detain him even though Mr. NUNIS' daughter had dialed 911 because her daughter felt her father
22 was then in need of mental health attention.
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24 10. When they first come upon Mr. NUNIS, it is clear, or through the exercise of
25 reasonable skill, training and experience should be clear, that Mr. NUNIS is then suffering from
26 some mental disease or mental illness crisis. Mr. NUNIS is reportedly acting out of character,
27 trying to injure himself, and is giving the distinct impression that there is something going on
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1 with him which is highly abnormal. Defendants 1 through 30 have no reason to believe that Mr.
2 NUNIS is armed, dangerous, or creating a serious threat to anyone's physical safety. Mr. NUNIS
3 is a small framed man standing on 5'4" tall, and weighing no more than 147 pounds. Each of the
4 Defendants was bigger, stronger, and more powerful than him. Thus, none of the Defendants
5 who arrived on scene were intimidated in any way by Mr. NUNIS' physical presence.

6 11. Rather than making efforts to contact a member of San Diego County's
7 psychological evaluation team, Defendants DOES 1 through 30 negligently, carelessly, and
8 recklessly investigate Mr. NUNIS' presence in his daughter's home and conclude that they need
9 to handcuff him. They negligently made the decision to handcuff him, though he had broken no
10 law, nor committed no crime to justify this manner of detention. In addition, the Plaintiffs are
11 informed and believe that others who are then present at the apartment plead with the Defendants
12 against handcuffing Mr. NUNIS, explaining that he suffers from claustrophobia, or some other
13 emotional condition, so, restricting his hands with cuffs would likely cause him to react
14 negatively.

15 12. Despite this warning from his family, Defendants 1 through 30 negligently,
16 careless, recklessly, and maliciously threaten to hit, grab and detain Mr. NUNIS, and do in fact
17 hit, grab, and restrict his body movements with handcuffs and a body wrapping device. As they
18 are doing so, Mr. NUNIS' family and friends plead with the Defendants against using force.

19 13. The CITY and DOES 31 through 40 failed to properly train each of the Defendants
20 1 through 30 based on standards taught in California's Peace Officers Standards and Training
21 program on evaluating citizens suffering from mental health problems; as well as alternative
22 ways of escorting citizens to metal health evaluations, who were then in the midst of some mental
23 disease or mental health crisis, rather than by using unreasonable force.

24 14. Alternatively, each of the involved police officers failed to properly implement the
25 training they had received from the CITY and DOES 31 through 40 concerning evaluating and
26 then detaining citizens who were then in the midst of some mental disease or mental health crisis,
27 rather than by using unreasonable force.
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1 15. The Plaintiffs also allege that each of the Defendants DOES 1 through 30
2 negligently, carelessly, and mistakenly concluded that Mr. NUNIS posed a threat to their safety,
3 and then negligently, carelessly, and mistakenly deployed handcuffs and a wrapping device
4 designed to restrict a subject's movement. The Plaintiffs are informed and believe the use of that
5 wrapping device was a substantial factor legally causing Mr. NUNIS' death.

6 16. Alternatively, each of the Defendants DOES 1 through 30 who were present at that
7 day and time negligently, carelessly, and mistakenly attempted to detain Mr. NUNIS by pushing
8 his small-framed body against the asphalt using their collective body weight. As Mr. NUNIS
9 struggled to regain his breath, the Defendants mistakenly interpreted Mr. NUNIS' struggles to
10 regain his breath as acts of resistance, shouting "Stop resisting, stop resisting." The collective
11 weight of the Defendants DOES 1 through 30 on Mr. NUNIS' chest and upper body was a
12 substantial factor causing his heart to begin beating frantically as Mr. NUNIS struggled to breath.
13 The Defendants' collective weight pressing on Mr. NUNIS' body was a substantial factor causing
14 his death.

15 17. The Plaintiffs also contend that the CITY negligently trained these Defendants
16 DOES 1 through 30 as to the appropriate circumstances and techniques to deploy when using
17 force, including body wraps, leading to the actions and failures to act as alleged here. The actions
18 and inactions described here are unfortunately part of the long-standing custom, habit, and
19 practice of members of Chula Vista's Police Department to use unreasonable force, including
20 using this body wrapping device to detained unarmed citizens, in an unreasonable, unsafe, and/or
21 excessive manner.

22 18. Mr. NUNIS did not consent to this use of unreasonable force. He did nothing to
23 justify this use of serious and unreasonable force against him. He was unarmed when the
24 Defendants detained him, was not suspected of any crime, and had not posed any reasonable
25 threat of serious bodily injury to any other person, so as to justify this use of unreasonable force
26 against him. He was not suspected of having committed any crime or violence against any person.
27 The Defendants DOES 1 through 30 far outnumbered him, and were bigger, stronger better
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1 trained and equipped to escort him to a mental health facility, or detain and handcuff him safely
2 without using unreasonable force, or deploying the body wrap.

3 19. Mr. NUNIS was an African American male. None of the Defendants who
4 assaulted, battered, and detained him was African American. The Plaintiffs are informed and
5 believe that because of implicit bias, each of the Defendants DOES 1 through 30 assumed Mr.
6 NUNIS presented a serious threat to someone's safety, and then assaulted, battered and detained
7 him. Consequently, the Plaintiffs are informed and believe that Mr. NUNIS had not posed any
8 objectively reasonable threat to anyone, but was hit, struck and aggressively detained on account
9 of his African American race. Accordingly, each Defendants DOES 1 through 30's use of
10 unreasonable force under these circumstances was calculated, intentional, excessive, unlawful,
11 malicious, oppressive, and/or with a deliberate indifference to Mr. NUNIS 's rights and safety,
12 justifying the imposition of punitive damages against the individual Defendants, all in an amount
13 to be determined according to proof at trial.

14 20. The Plaintiffs are informed and believe that Mr. NUNIS did not die immediately
15 after being assaulted battered, and detained by the Defendants DOES 1 through 30. Instead, he
16 was alive for several minutes after Defendants handcuffed him, and was not pronounced dead by
17 treating emergency room doctors until after he was transported to a local hospital and had suffered
18 excruciating pain and injury. Accordingly, as the Successor in Interest to her husband's Estate,
19 Mrs. NUNIS seeks recovery for survival and economic damages which her husband suffered, all
20 in an amount to be determined according to proof at trial.

21 21. The Plaintiffs are informed and believe that after he had been detained, it was
22 clear, or through the exercise of reasonable diligence should have been clear, that Mr. NUNIS
23 was then in immediate need of medical attention. Nevertheless, each of the Defendants DOES 1
24 through 30 at the scene of the interaction negligently, wrongfully, intentionally, and/or with a
25 deliberate indifference to Mr. NUNIS' rights and safety, failed to immediately summon medical
26 assistance to the scene to attend to his injuries. This delay in seeking medical assistance
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1 demonstrated a conscious and/or reckless disregard for Mr. NUNIS' medical condition, and was
2 a substantial factor leading to his death.

3 22. The Plaintiffs are further informed and believe that each of the Defendants DOES
4 1 through 30 has conspired, and continues to conspire to hide and distort the true facts concerning
5 this incident. This conspiracy is furthered by each of the Defendants DOES 1 through 30
6 described above, preparing false and misleading reports, as well as providing false and misleading
7 statements concerning the true nature of their interaction with Mr. NUNIS, the circumstances
8 leading up to his being assaulted, battered, and detained, and their delay in summoning medical
9 assistance to treat Mr. NUNIS's injuries.

10 23. As a legal consequence of the actions and failures to act of Defendants CITY, and
11 DOES 1 through 40's as described here, ROXIE NUNIS has suffered severe, emotional, and
12 financial pain, injury, and damages resulting from the loss of her husband's love, comfort,
13 companionship, society, care, assistance, protection, and financial and moral support all in an
14 amount to be determined according to proof at trial.

15 24. As a legal consequence of the actions and failures to act of Defendants CITY, and
16 DOES 1 through 40's as described here, NAOMI, ABIGAIL TABITHA NUNIS, and JABEZ
17 CALEB NUNIS has each suffered severe, emotional, and financial pain, injury, and damages
18 resulting from the loss of their father's love, comfort, companionship, society, care, assistance,
19 protection, and financial and moral support further in an amount to be determined according to
20 proof at trial.

21 25. As a further legal result of each of the Defendants DOES 1 through 40's conduct,
22 each of the Plaintiffs has been required to employ and did employ medical doctors, psychologists
23 and psychiatrists to examine, treat and care for them. Consequently, each of the Plaintiffs has
24 incurred medical costs for past medical bills and expenses, and expects to incur similar medical
25 costs and expenses in the future, all in an amount to be determined according to proof at trial.
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1 31. As a legal result of these acts, omissions, customs, practices, policies and decisions
2 of each of the Defendants CITY, and DOES 1 through 40, Mr. NUNIS was killed, and his civil
3 rights were violated when the Defendants DOES 1 through 30 assaulted, battered, and suffocated
4 him on account of his race. Plaintiffs are informed and believe, and on that basis allege, that each
5 of the Defendants DOES 1 through 30 intended to cause Mr. NUNIS' serious physical injury and
6 acted with a malicious, willful and conscious disregard for their rights as secured by *Civil Code*
7 § 52.1 and the California Constitution.

8 32. As a legal result of Defendants CITY, and DOES 1 through 40's actions and
9 inactions as described here, ROXIE, NAOMI, ABIGAIL, and JABEZ has each suffered severe,
10 emotional, and financial pain, injury, and damages resulting from the loss of ORAL's love,
11 comfort, companionship, society, care, assistance, protection, and financial and moral support, all
12 in an amount to be determined according to proof at trial.

13 33. As a further legal result of each of the Defendants DOES 1 through 40's conduct,
14 ROXIE, NAOMI, ABIGAIL, and JABEZ has each been required to employ and did employ
15 medical doctors, psychologists and psychiatrists to examine, treat and care for them.
16 Consequently, each has incurred medical costs for past medical bills and expenses, and expects
17 to incur similar medical costs and expenses in the future, all in an amount to be determined
18 according to proof at trial.

19 34. As a further legal result of each of the Defendants DOES 1 through 40's
20 conduct, Mrs. NUNIS has incurred funeral and burial expenses, all in an amount to be
21 determined according to proof at trial.

22 35. Mr. NUNIS did not consent to this use of force. He did nothing to justify this use
23 of serious and unreasonable force against him. He was unarmed when Defendant DOES 1
24 through 30 attempted to detain him, and had not posed any reasonable threat of death, or serious
25 bodily injury to any other person, so as to justify this use of unreasonable force against him. The
26 Defendants DOES 1 through 30 knew nothing about him, other than that Mr. NUNIS was
27 suffering from some mental condition, and was in need of help from mental health experts. There
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1 was no allegation that Mr. NUNIS was armed or had engaged in any seriously violent conduct
2 for the Defendants to reasonably fear for their safety when they chose to aggressively handle him.
3 The Defendants far outnumbered him, and were better trained and equipped to detain and question
4 him without using unreasonable force. Consequently, the Defendants DOES 1 through 30's
5 unreasonable use under these circumstances was intentional, malicious, oppressive, and
6 despicable, and/or with a deliberate indifference to Mr. NUNIS' rights and safety, justifying the
7 imposition of punitive damages against the individual Defendants DOES 1 through 30, all in an
8 amount to be determined according to proof at trial.

9 36. Each of the Plaintiffs is entitled to and demands trial costs, attorney fees, and
10 litigation expenses incurred prosecuting this action, all in an amount to be determined according
11 to proof at trial pursuant to *Civil Code* §§ 52.1(b) and 52.1(h).

12 37. As a further legal result of this civil rights violation, Plaintiffs seek, in addition to
13 the other damages stated here, the statutory civil penalty of \$25,000.00 per wrongdoer pursuant
14 to *Civil Code* § 52(b)(2).

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16 **IV.**
17 **SECOND CAUSE OF ACTION**
18 **ESTATE OF ORAL W. NUNIS, by**
19 **and through, ROXIE A. NUNIS, Individually,**
20 **and as Successor in Interest to the ESTATE, and**
21 **NAOMI NUNIS, Individually, WILLIE MAE KIRKLAND as**
22 **GUARDIAN AD LITEM for ABIGAIL TABITHA NUNIS and JABEZ CALEB NUNIS**
23 **Against the CITY of CHULA VISTA and DOES 1 through 40 for**
24 **ASSAULT and BATTERY (*Cal. Govt. Code* § 820)**

25 38. Plaintiffs incorporate by reference the allegations contained in paragraphs 1
26 through 37 above as if fully set forth here.

27 39. Plaintiffs are informed and believe that on or about March 13, 2020, at the time
28 and place described above, each of the Defendants DOES 1 through 30, with the knowledge,
permission and consent of Defendants CITY and DOES 31 through 40, threatened hit, kick, and
wrap Mr. NUNIS's body, and did in fact hit, wrap, and kill Mr. NUNIS as described above,

1 though Mr. NUNIS did not pose a reasonable threat of bodily injury to anyone. In addition, each
2 of the Defendants DOES 1 through 30 used more force against Mr. NUNIS than was reasonable.
3 As such, the conduct of each of the Defendants use of force under the circumstances was
4 wrongful, unreasonable, and unlawful.

5 40. As a legal result of Defendants CITY, and DOES 1 through 40's actions and
6 inactions as described here, ROXIE, NAOMI, ABIGAIL, and JABEZ has each suffered severe,
7 emotional, and financial pain, injury, and damages resulting from the loss of ORAL's love,
8 comfort, companionship, society, care, assistance, protection, and financial and moral support, all
9 in an amount to be determined according to proof at trial.

10 41. As a further legal result of each of the Defendants DOES 1 through 40's conduct,
11 ROXIE, NAOMI, ABIGAIL, and JABEZ has each been required to employ and did employ
12 medical doctors, psychologists and psychiatrists to examine, treat and care for them.
13 Consequently, each has incurred medical costs for past medical bills and expenses, and expects
14 to incur similar medical costs and expenses in the future, all in an amount to be determined
15 according to proof at trial.

16 42. As a further legal result of each of the Defendants DOES 1 through 40's
17 conduct, Mrs. NUNIS has incurred funeral and burial expenses, all in an amount to be
18 determined according to proof at trial.

19 43. Mr. NUNIS did not consent to this use of force. He did nothing to justify this use
20 of serious and unreasonable force against him. He was unarmed when Defendant DOES 1
21 through 30 attempted to detain him, and had not posed any reasonable threat of death, or serious
22 bodily injury to any other person, so as to justify this use of unreasonable force against him. The
23 Defendants DOES 1 through 30 knew nothing about him, other than that Mr. NUNIS was
24 suffering from some mental condition, and was in need of help from mental health experts.
25 There was no allegation that Mr. NUNIS was armed or had engaged in any seriously violent
26 conduct for the Defendants to reasonably fear for their safety when they chose to aggressively
27 handle him. The Defendants far outnumbered him, and were better trained and equipped to
28 detain and question him without using unreasonable force. Consequently, the Defendants

1 DOES 1 through 30's unreasonable use of force under these circumstances was intentional,
2 malicious, oppressive, and despicable, and/or with a deliberate indifference to Mr. NUNIS's
3 rights and safety, justifying the imposition of punitive damages against the individual
4 Defendants DOES 1 through 30, all in an amount to be determined according to proof at trial.

5 **V.**

6 **THIRD CAUSE OF ACTION**

7 **ESTATE OF ORAL W. NUNIS, by**

8 **and through, ROXIE A. NUNIS, Individually,**

9 **and as Successor in Interest to the ESTATE, and**

10 **NAOMI NUNIS, Individually, WILLIE MAE KIRKLAND as**

11 **GUARDIAN AD LITEM for ABIGAIL TABITHA NUNIS and JABEZ CALEB NUNIS**

12 **Against the CITY of CHULA VISTA and DOES 1 through 40 for**

13 **FALSE IMPRISONMENT (*Cal. Govt. Code § 820*)**

14 44. Plaintiffs incorporate by reference the allegations contained in paragraphs 1
15 through 43 above as if fully set forth here.

16 45. On or about March 13, 2020, at the time and place described above, each of the
17 Defendants CITY, and DOES 1 through 40 intentionally deprived Mr. NUNIS of his freedom of
18 movement by force and threats of force and violence. This confinement lasted for some
19 appreciable time. Mr. NUNIS did not voluntarily consent to this restriction on his movement
20 and this false imprisonment.

21 46. As a legal result of this false imprisonment, Mr. NUNIS died. As a further legal
22 result of this false imprisonment and Mr. NUNIS's death, ROXIE, NAOMI, ABIGAIL, and
23 JABEZ has each suffered severe, emotional, and financial pain, injury, and damages resulting
24 from the loss of ORAL's love, comfort, companionship, society, care, assistance, protection, and
25 financial and moral support, all in an amount to be determined according to proof at trial.

26 47. As a further legal result of each of the Defendants DOES 1 through 40's conduct,
27 ROXIE, NAOMI, ABIGAIL, and JABEZ has each been required to employ and did employ
28 medical doctors, psychologists and psychiatrists to examine, treat and care for them.
Consequently, each has incurred medical costs for past medical bills and expenses, and expects

1 to incur similar medical costs and expenses in the future, all in an amount to be determined
2 according to proof at trial.

3 48. As a further legal result of each of the Defendants DOES 1 through 40's
4 conduct, Mrs. NUNIS has incurred funeral and burial expenses, all in an amount to be
5 determined according to proof at trial.

6 49. Mr. NUNIS did not consent to this false imprisonment. He did nothing to justify
7 this use of serious and unreasonable force against him. He was unarmed when Defendant DOES
8 1 through 30 attempted to imprison him, and had not posed any reasonable threat of death, or
9 serious bodily injury to any other person, so as to justify this use of unreasonable force against
10 him. The Defendants DOES 1 through 30 knew nothing about him, other than that Mr. NUNIS
11 was suffering from some mental condition, and was in need of help from mental health experts.
12 There was no allegation that Mr. NUNIS was armed or had engaged in any seriously violent
13 conduct for the Defendants to reasonably fear for their safety when they chose to aggressively
14 confront him. The Defendants far outnumbered him, and were better trained and equipped to
15 detain and question him without using deadly force. Consequently, the Defendants DOES 1
16 through 30's unreasonable use of force under these circumstances was intentional, malicious,
17 oppressive, and despicable, and/or with a deliberate indifference to Mr. NUNIS's rights and
18 safety, justifying the imposition of punitive damages against the individual Defendants DOES 1
19 through 30, all in an amount to be determined according to proof at trial.

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VI.

FOURTH CAUSE OF ACTION
ESTATE OF ORAL W. NUNIS, by
and through, ROXIE A. NUNIS, Individually,
and as Successor in Interest to the ESTATE, and
NAOMI NUNIS, Individually, WILLIE MAE KIRKLAND as
GUARDIAN AD LITEM for ABIGAIL TABITHA NUNIS and JABEZ CALEB NUNIS
Against the CITY of CHULA VISTA and DOES 1 through 40 for
NEGLIGENCE (*Cal. Govt. Code* § 820)

50. Plaintiffs incorporate by reference the allegations contained in paragraphs 1 through 49 above as if fully set forth here.

51. On or before March 13, 2020, each of the Defendants CITY, and DOES 1 through 40 owed Mr. NUNIS a duty to be free to seek mental health assistance by calling the CITY's Police Department, without responding officers inflicting using excessive, unreasonable, or unlawful force on him.

52. On or about March 13 2020, each of these Defendants CITY, and DOES 1 through 40 violated that duty of care in the negligent, careless, unintentional and reckless manner with which they interacted with Mr. NUNIS, including, but not limited to:

- a. The CITY and DOES 31 through 40's negligent hiring and supervision of DOES 1 through 30, although it was clear, or through the exercise of reasonable diligence should have been clear that each of the Defendants who was present that night was a dangerous and unsafe police officer, who was prone to using unreasonable force, and recklessly violated the rights and safety of citizens who were then suffering symptoms of a mental health crisis.
- b. The negligent investigation into Mr. NUNIS' presence at his daughter's home, and the subsequent negligent decision to use restrictive devices and techniques against him; and/or
- c. The negligent and careless training the CITY and DOES 31 through 40 provided DOES 1 through 30 concerning the proper way of interacting with citizens in need of mental health assistance, which was inconsistent with best police practices, as well as the state-mandated policies and procedures as reflected in the Peace Officers Standards and Training ("POST") program; and/or

- 1 d. Defendants DOES 1 through 30's negligent, careless, and unintentional failure to
2 follow the training the Defendants CITY and DOES 31 through 40 provided
3 them concerning interacting with citizens who may be suffering from a mental
4 health crisis; and/or
5 e. Defendants DOES 1 through 30's failure to properly assess the need to handcuff,
6 imprison, and/or deploy a wrap device against Mr. NUNIS, given Mr. NUNIS'
7 small frame, and his stated fear of handcuffs; and/or
8 f. Defendants DOES 1 through 30's negligent, careless, and unintentional
9 deployment of their wrap device; and/or
10 g. The negligent failure develop a tactical coordinated plan to escort Mr. NUNIS to
11 a mental health facility, though Defendants had Mr. NUNIS outnumbered; and/or
12 h. The negligent, careless, and reckless manner in which Defendants attempted to
13 detain Mr. NUNIS without giving due consideration to his small size and weight,
14 as compared to the much larger sized Defendants
15 i. The failure to assess the need to provide Mr. NUNIS prompt medical care, after
16 it was clear he was then in immediate need of medical attention; and/or
17 j. The negligent handling of evidence and witnesses during the course of the
18 investigation following the death.

19 53. As a direct and legal result of Defendants' conduct as alleged above, and other
20 undiscovered negligent conduct, As a legal result of Defendants CITY, and DOES 1 through 40's
21 actions and inactions as described here, ROXIE, NAOMI, ABIGAIL, and JABEZ has each
22 suffered severe, emotional, and financial pain, injury, and damages resulting from the loss of
23 ORAL's love, comfort, companionship, society, care, assistance, protection, and financial and
24 moral support, all in an amount to be determined according to proof at trial.

25 54. As a further legal result of each of the Defendants DOES 1 through 40's conduct,
26 each of the Plaintiffs has been required to employ and did employ medical doctors, psychologists
27 and psychiatrists to examine, treat and care for them. Consequently, each has incurred medical
28 costs for past medical bills and expenses, and expects to incur similar medical costs and in the
future, all in an amount to be determined according to proof at trial.

55. As a further legal result of each of the Defendants DOES 1 through 40's conduct,

1 ROXIE and NAOMI NUNIS has each been required to employ and did employ medical doctors,
2 psychologists and psychiatrists to examine, treat and care for them. Consequently, each has
3 incurred medical costs for past medical bills and expenses, and expects to incur similar medical
4 costs and expenses in the future, all in an amount to be determined according to proof at trial.

5 56. As a further legal result of each of the Defendants DOES 1 through 40's
6 conduct, Mrs. NUNIS has incurred funeral and burial expenses, all in an amount to be
7 determined according to proof at trial.

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9 **WHEREFORE**, Plaintiffs pray for Judgment as follows:

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11 **FOR THE FIRST CAUSE OF ACTION**

- 12 1. For general damages in an amount determined according to proof at trial;
- 13 2. For past and future medical expenses in an amount to be determined according to
14 proof at trial;
- 15 3. For funeral and burial expenses in an amount to be determined according to proof
16 at trial;
- 17 4. For punitive damages against each of the Defendants pursuant to Civil Code §
18 52(b)(1);
- 19 5. For attorney fees, costs, and expenses in an amount to be determined according to
20 proof at trial pursuant to Civil Code § 52(a), (b)(3); and
- 21 6. For a statutory civil penalty of \$25,000.00 for each violation of law pursuant to
22 Civil Code § 52(b)(2).

23
24 **FOR THE SECOND CAUSE OF ACTION**

- 25 1. For general damages in an amount determined according to proof at trial;
- 26 2. For past and future medical expenses in an amount to be determined according to proof
27 at trial;

3. For funeral and burial expenses in an amount to be determined according to proof at trial; and
4. For punitive damages against each of the individual Defendants pursuant to Civil Code § 52(b)(1).

FOR THE THIRD CAUSE OF ACTION

1. For general damages in an amount determined according to proof at trial;
2. For past and future medical expenses in an amount to be determined according to proof at trial;
3. For funeral and burial expenses in an amount to be determined according to proof at trial; and
4. For punitive damages against each of the individual Defendants pursuant to Civil Code § 52(b)(1).

FOR THE FOURTH CAUSE OF ACTION

1. For general damages in an amount determined according to proof at trial;
2. For past and future medical expenses in an amount to be determined according to proof at trial; and
3. For funeral and burial expenses in an amount to be determined according to proof at trial.

FOR ALL CAUSES OF ACTION

1. For costs of the suit incurred here; and
2. For such other and further relief as this Court may deem just and proper.

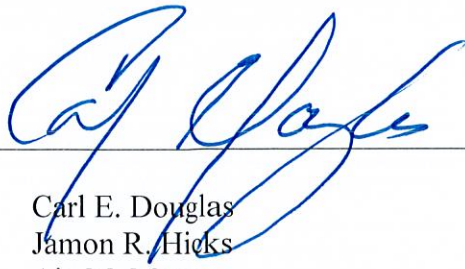
DATED: November 18, 2020

Respectfully submitted,

DOUGLAS / HICKS LAW, APC

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By: _____



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Attorneys for Plaintiffs,
ESTATE OF ORAL W. NUNIS, SR., by
and through, ROXIE A. NUNIS,
Individually, and as Successor In Interest to
the ESTATE, and NAOMI NUNIS,
Individually, and WILLIE MAE
KIRKLAND as Guardian *ad Litem* for
ABIGAIL TABITHA NUNIS and JABEZ
CALEB NUNIS

