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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF FRESNO**

CORTNEY RIDER, an individual; THE
ESTATE OF TIERNEY COOPER-
MCCANN, by and through her Successors in
Interest and as Individuals; THE ESTATE OF
JUDITH COOPER, by and through her
Successors in Interest and as individuals;

Plaintiff,

v.

DAVE MCCANN, an individual,
CITY OF CLOVIS POLICE DEPARTMENT,
a government entity; and DOES 1-10

Defendants.

CASE NO.:

COMPLAINT FOR DAMAGES:

1. NEGLIGENCE
2. NEGLIGENT SUPERVISION
3. PUBLIC ENTITY LIABILITY FOR FAILURE TO PERFORM A MANDATORY DUTY
4. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
5. WRONGFUL DEATH

JURY TRIAL DEMANDED

Plaintiffs CORTNEY RIDER (hereinafter, "Rider"), ESTATE OF TIRENEY COOPER-
MCCANN; and ESTATE OF JUDITH COOPER (together, Plaintiffs) hereby demand a jury
trial, and complain against Defendants as follows:

THE PARTIES

1. At all relevant times, Plaintiff Cortney Rider has been a resident of the State of
California, San Luis County, Paso Robles.

1 has sufficient minimum contacts with the State of California, is a citizen of the State of
2 California, or otherwise intentionally availed itself of the State of California, or otherwise
3 intentionally availed itself of the State of California so as to render the exercise of jurisdiction by
4 the State of California courts consistent with traditional notions of fair play and substantial
5 justice.

6 8. Venue is proper in this Court under Code of Civil Procedure §§395 and 395.5
7 because the injury to Rider occurred and is occurring in the city of Clovis within the County of
8 Fresno, State of California, and the liabilities to which Defendant are subject rise in the city of
9 Clovis, within the County of Fresno, State of California. The Fresno County Superior Court has
10 venue over matters that arise in the city of Clovis within the County of Fresno, State of
11 California.

12 GENERAL ALLEGATIONS

13 9. At all times stated herein, Clovis Police Department, and DOES 1 through 10
14 represented that Clovis PD officers, staff and administration were highly qualified and skilled.
15 Based upon these representations, Plaintiffs reasonably believed that that Clovis PD, and DOES
16 1 through 10 could be entrusted with the care and supervision of the decedents Tierney Cooper
17 McCann and Judith Cooper (together, "Decedents").

18 10. On May 6, 2016, Defendants arrived at the residence where Decedents and Rider
19 were present so that McCann could retrieve his property following a call to the police reporting
20 domestic violence.

21 11. Upon arrival, Plaintiffs are informed and believe that Decedents informed Clovis
22 PD that they feared for their safety with McCann at the house. Clovis PD suggested making a
23 911 call if Decedents truly feared for their safety with McCann in the house.

24 12. On or about May 7, 2016, McCann gained access to the same residence by
25 breaking and entering through the front door of the house. McCann then slit Cooper-McCann's
26 throat and stabbed Cooper to death.

27 13. After McCann had attacked Decedents, Rider escaped to a neighbor's house to
28 call Clovis PD and report the incident.

1 Plaintiff a duty to provide reasonable assistance when responding to the incident, to use
2 reasonable force to apprehend the suspect and to provide adequate assistance to Decedents. As
3 an organization responsible for, and entrusted with, the welfare of the public at large, Defendants
4 had a duty to protect, supervise and monitor the perimeter to keep Decedents from being
5 murdered. Defendants further had a duty to supervise and monitor the incident such that
6 descendants would not be exposed to an unreasonable risk of death or serious bodily injury.

7 21. Defendants by and through their respective agents, servants and employees, knew
8 or had reason to know of McCann's dangerous and deadly propensities and that the responding
9 police officers were unfit agents. Despite such knowledge, Defendants negligently failed to
10 supervise their police officers in their positions of trust and being authority figures to the public
11 at large. Defendants failed to provide reasonable supervision of Clovis PD officers, failed to
12 apprehend the suspect (McCann) and failed to take reasonable steps to ensure the safety of the
13 public, including the Decedents, from being exposed to the unreasonable risk of death or serious
14 bodily injury.

15 22. At no time during the periods alleged, did Defendants have in place a reasonable
16 system or procedure to investigate, supervise, control and monitor deadly suspects, such as
17 McCann, to prevent assaults with deadly weapons, nor did they implement a system or procedure
18 to oversee or monitor the conduct towards others in the Defendants' care.

19 23. Defendants were aware or had reason to be aware of how vulnerable the public at
20 large was to assaults by criminal suspects such as McCann.

21 24. Defendants were put on notice, knew or had reason to know that given the history
22 between the Decedents and McCann, it was foreseeable that he would engage in dangerous or
23 felonious activities with the Decedents or others.

24 25. Defendants were placed on actual or constructive notice that Edward was a
25 dangerous individual with the potential to harm the Decedents when they were called regarding a
26 domestic violence/ domestic disturbance incident occurring.

27 **THIRD CAUSE OF ACTION**
28 **PUBLIC ENTITIY LIABILITY FOR FAILURE TO PERFORM A MANDATORY DUTY**

1 that Plaintiff would suffer severe emotional distress as a result of Defendant's failure to provide
2 reasonable assistance to Decedents.

3 32. By virtue of both Decedents' and Plaintiff's special relationship with Defendants,
4 Defendants owed both a duty to provide reasonable assistance when responding to the incident,
5 to use reasonable force to apprehend the suspect, and to provide adequate assistance to
6 Decedents, after they were assaulted with a deadly weapon. Defendant was negligent by
7 breaching the duty of care it owed to Decedents and Plaintiff when Defendants did not provide
8 reasonable assistance when responding to the incident.

9 33. Plaintiff has suffered severe emotional distress as a direct and proximate result of
10 Defendant's negligent actions towards her by their failure to provide adequate assistance to
11 decedents.

12 34. Defendant's actions were a substantial factor in causing Plaintiff's severe
13 emotional distress. The actions alleged herein were done with malice, fraud and oppression, and
14 in reckless disregard of Plaintiff's rights.

15 35. As a direct and legal result of Defendants' breach, Plaintiff has suffered and
16 continues to suffer great pain of mind and body, shock, emotional distress, physical
17 manifestations of emotional distress including embarrassment, loss of self-esteem, disgrace,
18 humiliation, loss of enjoyment of life; has suffered and continues to suffer and was prevented and
19 will continue to be prevented from obtaining the full enjoyment of life, and has incurred
20 expenses for funerals for both her mother and sister in amount not yet ascertained, but which
21 exceeds the minimum jurisdictional limits of this Court.

22 **FIFTH CAUSE OF ACTION**
23 **WRONGFUL DEATH**
24 **(As Against Defendant Dave McCann)**

25 36. Plaintiffs re-allege and incorporate by reference every allegation contained in this
26 complaint as through set forth herein in full.
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5. For such other relief as the Court may deem just and proper.

DEMAND FOR TRIAL BY JURY

WHEREFORE, Plaintiffs CORTNEY RIDER; ESTATE OF TIRENEY COOPER-MCCANN; and ESTATE OF JUDITH COOPER hereby demands trial of all causes by jury.

DATED: April 23, 2021

SEVERO, PLC

By: s/ Raoul J. Severo
RAOUL J. SEVERO, Esq.
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Khelya Okunor, Esq.
Attorneys for Plaintiffs