

1 LAWRENCE S. MIDDLETON (SBN 157866)  
Attorney at Law  
2 811 Wilshire Boulevard, 17th Floor  
Los Angeles, California 90017  
3 Telephone: (213) 465-2646 (ext. 411)  
Facsimile: (310) 388-5671  
4 Email: lawrencemiddleton@lmiddletonlaw.com

5 Attorney for Plaintiff Kendrick Sampson

6  
7 **UNITED STATES DISTRICT COURT**  
8 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**  
9

10 KENDRICK SAMPSON,

11 Plaintiff,

12 vs.

13 THE CITY OF LOS ANGELES, THE LOS  
ANGELES POLICE DEPARTMENT, CHIEF  
14 MICHEL MOORE, individually, as a supervisor,  
and in his official capacity as Chief of the Los  
15 Angeles Police Department, Officer JERITT  
SEVERNS, Officer ALLAN SALAZAR, Officer  
16 OSCAR ARIAS, Officer RUBEN RODRIGUEZ,  
Officer DAVID MARTIN, and DOES 1-10  
17 inclusive,

18 Defendants.  
19

CASE NO. CV 22-\_\_\_\_\_

**COMPLAINT FOR DAMAGES**

**DEMAND FOR JURY TRIAL**

20 Plaintiff Kendrick Sampson, by and through his counsel, Lawrence S. Middleton, Attorney at  
21 Law, files this Complaint against Defendants, the City of Los Angeles, the Los Angeles Police  
22 Department (“LAPD”), the Chief of the Los Angeles Police Department, Michel Moore, LAPD  
23 Officers Jeritt Severns, Allan Salazar, Oscar Arias, Ruben Rodriguez, and David Martin, and Does 1  
24 through 10 inclusive, for violating Mr. Sampson’s rights under the First, Fourth, and Fourteenth  
25 Amendments of the United States Constitution.  
26  
27

1  
2 **INTRODUCTION**

3 1. For more than 30 years LAPD’s history of constitutional violations committed against  
4 members of the city’s communities of color has been symbolized by the March 1991 beating of  
5 motorist Rodney King. Captured on video from a nearby apartment balcony and later broadcast around  
6 the world, the images of King being beaten by police wielding metal batons as he lay writhing on the  
7 ground were viewed with shock and horror “from Paris to Tokyo.” The brutal<sup>1</sup> videotaped beating of  
8 Rodney King and the subsequent state criminal trial acquittals of the police who beat him sparked  
9 outrage, nationwide protests, and ultimately riots in Los Angeles that resulted in the loss of human life  
10 and a billion dollars in property damage. One year after the protests and riots the officers who beat King  
11 were prosecuted in a federal civil rights trial that ended with the conviction and imprisonment of an  
12 officer and a supervisory sergeant. LAPD and the City of Los Angeles were also both named as  
13 defendants in a civil lawsuit brought by King that ended in a multi-million-dollar payout to King for the  
14 violation of his constitutional rights.

15 2. Along with the post-traumatic stress brought on by the Rodney King beating and the riots  
16 that followed, came hope for many Black Americans that the video and trials would finally shine a light  
17 on the racial injustice seemingly inherent in the policing of minority communities and lead to lasting  
18 reform. However, roughly twenty years later nationwide reporting on the killing of Eric Garner at the  
19 hands of the New York City police marked the beginning of a seemingly continuous stream of viral  
20 news stories of Black people being brutalized and shot and killed by the police. These killings reignited  
21 and intensified debate regarding systemic racism in policing and led to protests in various cities across  
22 the United States. However, none of those protests would compare to what happened starting in May  
23 2020, when George Floyd, an unarmed Black man, was murdered by the Minneapolis police. Following

24  
25 \_\_\_\_\_  
26 <sup>1</sup> The level of police brutality against King was such that when the officers later appealed their federal court  
27 convictions and sentences, complaining that they would be subject to abuse in prison because of the degree of publicity and  
condemnation surrounding their crime, United States Supreme Court Justice David Souter noted the officers’ reasoning  
“overlook[ed] the fact that the publicity stemmed from **the remarkable brutality of [their] proven behavior**, which it was  
their misfortune to have precisely documented on film.” *Koon v. United States*, 518 U.S. 81, 115-16 (1996) (Souter J.  
concurring/dissenting opinion) (emphasis added).

1 Floyd's death, millions of Americans in cities and small towns across the country took to the streets in  
2 protest.

3 3. On May 27, 2020, and again on May 30, 2020, Plaintiff Kendrick Sampson joined and  
4 helped lead the protests in Los Angeles. On May 30, 2020, he was part of a lawful protest that began at  
5 Pan Pacific Park. Later the protesters marched to the area of Fairfax Avenue and Third Street, where  
6 Mr. Sampson was prepared to bring his day of protesting to an end. However, before he could leave,  
7 Mr. Sampson and other protesters were confronted by LAPD officers who, notwithstanding the fact that  
8 no formal unlawful assembly had been declared, told them their conduct was illegal and shouted at  
9 them to leave the area. Then, when otherwise lawful protesters were slow to respond to the police  
10 orders or tried to question why their right to protest guaranteed under the First Amendment of the  
11 United States Constitution was being denied, they were poked and prodded with batons, and those who  
12 objected, including Mr. Sampson, were beaten with batons and shot at close range by police officers  
13 with shotguns and launchers loaded with "non-lethal" projectiles. Even when Mr. Sampson and other  
14 protesters attempted to move, using a tactic known as "kettling," the police surrounded the protesters,  
15 boxing them in so that they had no place to go.

16 4. Despite knowing from years of studies, reports, and experience dealing with protests, that  
17 these less-lethal weapons often cause serious injury and can even kill,<sup>2</sup> the police nonetheless failed to  
18 draw any distinction between the many individuals who were lawfully exercising rights guaranteed to  
19 them by the United States constitution and those comparatively few individuals engaging in conduct  
20 that might be considered illegal. Instead, the police met any perceived resistance or disobedience to  
21 their often conflicting and contradictory orders and commands with a torrent of less-lethal projectiles  
22 and baton blows.

23 5. Mr. Sampson, who was non-threatening and non-violent, was shot multiple times with so-  
24 called less-lethal projectiles and beaten with a police baton.

25  
26 <sup>2</sup> James Rainey, Police Say Projectile Launchers are Safer than Other "Less Lethal" Alternatives. Injured Protesters  
27 Disagree, Los Angeles Times, (June 12, 2020, 5:00 AM), <https://www.latimes.com/california/story/2020-06-12/protesters-complain-about-excessive-force>



1 14. Defendant Severns was a City of Los Angeles Police Department police officer on May 30,  
2 2020. The acts of this Defendant, which are the subject of this lawsuit, were undertaken under color of  
3 law and in the regular course of his employment for the city of Los Angeles Police Department. He is  
4 sued in his individual capacity. Upon information and belief, aforesaid Defendant is a resident of  
5 Orange County, California.

6 15. Defendant Salazar was a City of Los Angeles Police Department police officer on May 30,  
7 2020. The acts of this Defendant, which are the subject of this lawsuit, were undertaken under color of  
8 law and in the regular course of his employment for the city of Los Angeles Police Department. He is  
9 sued in his individual capacity. Upon information and belief, aforesaid Defendant is a resident of the  
10 County of Los Angeles.

11 16. Defendant Arias was a City of Los Angeles Police Department police officer on May 30,  
12 2020. The acts of this Defendant, which are the subject of this lawsuit, were undertaken under color of  
13 law and in the regular course of his employment for the city of Los Angeles Police Department. He is  
14 sued in his individual capacity. Upon information and belief, aforesaid Defendant is a resident of the  
15 County of Los Angeles.

16 17. Defendant Rodriguez was a City of Los Angeles Police Department police officer on May  
17 30, 2020. The acts of this Defendant, which are the subject of this lawsuit, were undertaken under color  
18 of law and in the regular course of his employment for the city of Los Angeles Police Department. He  
19 is sued in his individual capacity. Upon information and belief, aforesaid Defendant is a resident of the  
20 County of Los Angeles.

21 18. Defendant Martin was a City of Los Angeles Police Department police officer on May  
22 30, 2020. The acts of this Defendant, which are the subject of this lawsuit, were undertaken under color  
23 of law and in the regular course of his employment for the city of Los Angeles Police Department. He  
24 is sued in his individual capacity. Upon information and belief, aforesaid Defendant is a resident of the  
25 County of Los Angeles.

26 19. Defendant Does 1 through 10 are agents, servants, and employees of Defendants the City of  
27

1 Los Angeles and/or LAPD. Mr. Sampson is ignorant of the true names and capacities of Defendants  
2 sued herein as Does 1 through 10 inclusive, and therefore sues these Defendants by such fictitious  
3 names. Mr. Sampson will amend this Complaint to allege their true names and capacities when those  
4 identities are ascertained. The individual Doe Defendants are sued in both their individual and official  
5 capacities. At all relevant times, Does 1 through 10, in addition to the named Defendants, were and are  
6 responsible for the damages and injuries alleged in this Complaint. And at all relevant times, Does 1  
7 through 10 were the agents, servants, and employees of the City of Los Angeles and the LAPD, and  
8 were acting at all times within the scope of their agency and employment, under color of state law, and  
9 with the knowledge and consent of their principal and employer.

10 **FACTUAL ALLEGATIONS**

11 20. Triggered by the death of George Floyd, an unarmed Black man, who on May 25, 2020 was  
12 killed by Minneapolis police officer Eric Chauvin, millions of Americans across the United States took  
13 to the streets to lawfully protest racial injustice, police brutality, and systemic racism in policing.  
14 Among the leaders of protests organized in the city of Los Angeles was Plaintiff Kendrick Sampson.  
15 Mr. Sampson was and is an accomplished stage and screen actor who has starred in popular television  
16 series such as the HBO series “Insecure,” and the CW Network’s “The Flash.” But Mr. Sampson is  
17 also a committed activist in the promotion of issues of racial justice and liberation. In 2019, Mr.  
18 Sampson co-founded BLD PWR (“Build Power”), a charitable organization whose mission is to bring  
19 together and leverage the influence of members of the entertainment and sports industries to promote  
20 social change, abolish the police, and empower marginalized communities. However, the seeds for Mr.  
21 Sampson’s life as an activist were sewn many years prior, during his encounters with the police while  
22 in high school in Houston, Texas, where like so many young Black teenagers and men, more than once  
23 he was the victim of overly aggressive, racially discriminatory policing.

24 21. It was against this backdrop, and in the context of having watched one unarmed Black man  
25  
26  
27

1 after another die at the hands of the police that Mr. Sampson made the decision to join and become a  
2 leader in the protests sparked by George Floyd’s murder.<sup>3</sup> On May 30, 2020, Mr. Sampson had been  
3 leading a group of protesters in a march near the intersection of 3<sup>rd</sup> and Fairfax, when he was beaten by  
4 police who bludgeoned him with batons and shot him at least seven times from point-blank range with  
5 “less-lethal” projectiles.

6 22. The assault on Mr. Sampson came at a time when Mr. Sampson and those around him were  
7 protesting lawfully, were unarmed, and presented no threat to the police officers. Indeed, at being  
8 confronted by the police the protesters stopped their march and many of them raised their hands in the  
9 air. Some of them held signs high over their heads, while others simply raised their hands to the sky, as  
10 if in surrender. For his part, like the other protesters Mr. Sampson stopped his forward march. Then,  
11 holding a cell phone in each hand, he sought to document the events by video recording them using his  
12 cell phone cameras.

13 23. Nevertheless, LAPD officers agitated and incited the protesters, and by their own reckless  
14 and negligent conduct were responsible for the use of force. That conduct included shooting non-  
15 violent, non-threatening protesters with less lethal projectiles from point-blank range and striking  
16 protesters, including females, so forcefully with baton blows that the blows caused them to fall to the  
17 ground.

18 24. Mr. Sampson, while unarmed and lawfully protesting, was shot at point-blank range with  
19 less lethal projectiles, including by Defendant LAPD Officers Oscar Arias and David Martin, and  
20 beaten with a baton by Defendant LAPD Officers Allan Salazar and Ruben Rodriguez, among other  
21 LAPD officers.

22 25. In addition to being personally assaulted and injured by the officers, Mr. Sampson witnessed  
23  
24

---

25 <sup>3</sup>George Floyd’s death came after a number of highly publicized deaths, including among others, Michael Brown,  
26 Eric Garner, Tamir Rice, Walter Scott, Alton Sterling, and Stephon Clark, not to mention Breonna Taylor, a Black woman  
27 who was shot and killed in her own home by police officers looking for a suspect who did not live there and who at the time  
of the shooting, was already in police custody. For many who were aware of this long line of tragedy and senseless killing,  
George Floyd’s death marked the final straw.

1 this provocative behavior against those around him, including against a female protester standing next  
2 to him who was bludgeoned to the ground by Defendant LAPD Officer Jeritt Severns. The LAPD  
3 officers' aggressive behavior, including violently striking lawful protesters with batons clearly violated  
4 LAPD's own use of force policies. Further, the violence against Mr. Sampson and others not only was  
5 excessive by constitutional standards, but also served to threaten, intimidate, and impede Mr. Sampson  
6 in the free exercise of his constitutional rights, including rights guaranteed to him under the First  
7 Amendment of the United States Constitution.

8 26. Finally, the attack on Mr. Sampson and those he was protesting with came before any formal  
9 declaration of an unlawful assembly and without the communication of any dispersal order issued  
10 consistent with LAPD policy or standard operating procedure.

11 **I. LAPD Has a Long and Well-Documented History of Using Excessive Force,  
12 Including Less-Lethal Projectiles to Violate the Rights of Lawful Protesters**

13 27. That LAPD officers in the field would react to lawful protesters with unreasonable,  
14 excessive force, including by beating them with batons and shooting them with less-lethal projectiles,  
15 could not have come as a surprise to Chief Moore and LAPD or to the City of Los Angeles. Regardless  
16 of any lip-service paid to the notion of reform and the importance of protecting the rights and safety of  
17 those seeking to lawfully exercise their constitutional rights to assemble and protest, history reveals a  
18 continuing, widespread, and persistent pattern of unconstitutionally excessive force exercised by LAPD  
19 against innocent protesters. Notwithstanding any policies and procedures that have been put on paper,  
20 at least the unofficial custom and practice has been to use and allow the use of excessive force.

21 28. During the protests following the beating of Rodney King, foreshadowing the words of  
22 Chief Moore 30 years later, rather than recognizing the legitimate grievances that caused protesters to  
23 take to the streets, the media, police officials, and politicians portrayed protesters as criminals and gang  
24 members without legitimate grievances. "By framing the uprising as one of lawlessness, criminality,  
25 and illegality, officials legitimated aggressive policing, mass arrest, and incarceration." *See The 1992*  
26 *Los Angeles Rebellion: "No Justice, No Peace" (osu.edu)*. Rather than engaging in even a pretense that  
27



1 the police’s relationship with communities of color bore any blame for what happened, an after-action  
2 report’s recommendations focused on “[f]inding new ways to mobilize police power and ‘rapid  
3 containment.’” *Id.*

4 29. Since the Rodney King protests, the City of Los Angeles and LAPD’s mishandling of  
5 protests associated with the Democratic National Convention in 2000, protests in MacArthur Park in  
6 2007, Occupy LA in 2011, and local demonstrations following the death of Michael Brown at the hands  
7 of the Ferguson, Missouri Police Department in 2014, have all led to significant monetary settlements.  
8 Similar to the instant Complaint, LAPD’s alleged constitutionally violative actions in those cases,  
9 involved, *inter alia*, the use of less-lethal projectiles, abusing the declaration of unlawful assemblies,  
10 kettling, and the misuse of dispersal orders. As a consequence, in the case of the Democratic National  
11 Convention, which settled for more than \$5,000,000, the court ordered that less lethal munitions may  
12 only be used to control persons who are aggressive and/or combative or persons armed with weapons  
13 other than firearms or who are destroying property, and that before declaring an unlawful assembly, the  
14 incident commander should consider isolating and arresting those responsible for unlawful conduct if  
15 feasible. (*See Exhibit 2*).<sup>4</sup>

16  
17  
18 30. Roughly seven years later, because of allegations of police misconduct during protests  
19 in MacArthur Park, the court ordered warnings should generally be given prior to the use of less-lethal  
20 munitions. The court further ordered that less-lethal munitions may only be deployed on aggressive  
21 and/or combative subjects in a crowd control situation and to prevent the destruction of property and  
22 that less lethal munitions are not to be used on lawfully dispersing crowds. The court also again ordered  
23 that before declaring an unlawful assembly, the incident commander should consider isolating and  
24

25  
26 <sup>4</sup> Exhibit 2 consists of appendices from “An Independent Examination of the Los Angeles Police Department 2020  
27 Protest Response.” These appendices summarize reforms required of LAPD in settlement agreements entered into to resolve  
prior lawsuits alleging excessive force and other constitutional violations committed against lawful protesters by LAPD.

1 arresting those responsible for unlawful conduct if feasible, and further that crowds shall be given a  
2 reasonable amount of time to disperse before being subjected to arrest. *Id.* The court finally mandated  
3 training for Metropolitan Division personnel every year, patrol officers every two years, and command  
4 staff every year. Claims stemming from the MacArthur Park protests settled for over \$13,000,000. *Id.*

5 31. In claims brought in 2011 based on Occupy LA, which settled for \$2,450,00, plaintiffs  
6 alleged they were arrested without being given an opportunity to leave. One of the terms of the  
7 settlement was that demonstrators not be kettled while trying to disperse. *Id.*

8 32. Finally, the settlement in the Ferguson lawsuit provided that demonstrators be given a  
9 dispersal order and an opportunity to leave before being arrested and that demonstrators shall not be  
10 kettled after the dispersal order is given. *Id.*

11 33. Since the end of the George Floyd protests in June 2020, multiple separately conducted  
12 after-action reviews have concluded LAPD failed to properly train its officers on the use of less-lethal  
13 launchers and shotguns and failed to maintain some of the requirements mandated by the settlement  
14 agreements in lawsuits filed after prior protests that also included allegations of excessive use of force  
15 against lawful protesters. One such report, prepared at the request of the Los Angeles City Council,  
16 unequivocally concluded that not all people struck with less-lethal munitions during the May – June  
17 2020 protests were engaging in criminal activity.<sup>5</sup> On the issues of training and supervision, it also  
18 found that “the deployment of less lethal munitions was not always done at the direction of a supervisor  
19 or officer. In some instances, officers were directed to be in front of a skirmish line and left to deploy  
20 less lethal tools, including the 40 mm, with no direction or coordination.”<sup>6</sup> That report finally concluded  
21  
22  
23  
24  
25

---

26 <sup>5</sup> Gerald Chaleff, Report by Independent Counsel: An Independent Examination of the Los Angeles Police  
Department 20202 Protest Response, (March 10, 2021).

27 <sup>6</sup> *Id.*

1 that personnel certified to deploy the 40 mm less-lethal launcher received only a two-hour block of  
2 instruction which was insufficient given the skill level needed to deploy the 40mm in a chaotic public  
3 order policing environment.<sup>7</sup>

4 **II. The City of Los Angeles, LAPD, and Chief Moore were put on Notice of Ongoing**  
5 **Constitutional Violations During the Three Days of Protests Leading Up to May 30**

6 34. In addition to the clear pattern established by LAPD conduct during prior protests, after the  
7 protests that occurred on May 27, 28, and 29, the City of Los Angeles and LAPD, including Chief  
8 Moore, were aware of complaints by protesters that LAPD officers on the ground were using less-  
9 lethal weapons against lawfully demonstrating protesters in clear violation of written LAPD policies  
10 and directives. *See James Queally, Kevin Rector, & Richard Winton, Troubling videos capture L.A.*  
11 *police violence amid protests - Los Angeles Times (latimes.com)* They were also aware of tactics  
12 employed by small groups of instigators and agitators who sought to incite violence by hiding within  
13 and behind lawful protesters and hurling projectiles at the police. *See An Independent Examination of*  
14 *the Los Angeles Police Department 2020 Protest Response at 7.*

15 35. Nevertheless, on May 30, 2020, LAPD still had no plan to isolate and arrest those  
16 responsible for unlawful conduct, but instead engaged in tactics that treated those properly exercising  
17 their constitutionally protected right to protest just the same as it treated agitators and those engaged in  
18 allegedly illegal activity. The City of Los Angeles, Chief Moore, and the Los Angeles Police  
19 Department also failed to appreciate and to account for the anti-police message underlying the protests,  
20 and how that message would impact officers managing the protests. Finally, rather than implement  
21 policies and procedures consistent with prior court orders, LAPD, and Chief Moore, supported by the  
22 Mayor and the City of Los Angeles, allowed for the use of unlawful assembly declarations and  
23 dispersal orders by field-level officers as a tool to quell lawful, constitutionally protected protests, and  
24 to justify the indiscriminate, excessive use of force.

25 36. At a minimum, the City of Los Angeles and LAPD's failure to take proper action in light of  
26

---

27 <sup>7</sup> Id.

1 LAPD's long history of using excessive force against lawful protesters and after having been put on  
2 notice by the news media through the reporting of allegations of excessive use of force by police during  
3 the three days of protesting prior to May 30, 2020, constitutes a deliberate indifference to the use of  
4 excessive force and other constitutional violations.

5 37. Notwithstanding a subsequent apology, rather than condemn the use of excessive force  
6 against lawful protesters, in comments made on June 1, 2020, Chief Moore chose to vilify the  
7 protesters, stating: "We didn't have protests last night. We had criminal acts. We didn't have people  
8 mourning the death of this man, George Floyd, we had people capitalizing. His death is on their hands,  
9 as much as it is those officers." Chief Moore, by his comments and in other ways, not only ratified the  
10 excessive use of force by officers in the field, in a very public way, he also labeled all protesters,  
11 including Mr. Sampson, as criminals.

12 **III. Chief Moore, Acting in His Official Capacity as a Policy Maker and Individually**  
13 **(Including as a Supervisor and Co-Conspirator) Violated the Constitutional Rights**  
14 **of Lawful Protesters**

15 38. Pursuant to the City Charter, Chief Moore, as the chief administrative officer of the  
16 Los Angeles Police Department is also a non-elected officer of the City of Los Angeles. He is also the  
17 Police Department's top law enforcement official. In those capacities, Chief Moore is directly  
18 responsible for issuing instructions to the employees of the department, which includes directives  
19 related to the use of less lethal force and other use of force final decisions that caused Plaintiff's injuries  
20 in this case. As an officer of the City of Los Angeles, and as the City's senior law enforcement officer  
21 responsible for some, if not all, final decisions related to the use-of-force, Chief Moore is a use of force  
22 policy maker for the City of Los Angeles. And, he and other high-ranking city officials (including the  
23 mayor) were undoubtedly aware of LAPD's historical and pervasive misuse of less-lethal projectiles  
24 and other tactics, such as kettling and baton strikes, against lawful protesters. Therefore, not only is the  
25 decision to use these tactics in May 2020 properly attributable to the City of Los Angeles, the inaction  
26 to prevent the constitutional violations is the functional equivalent of a decision – also attributable to  
27 the City of Los Angeles.

1 39. Chief Moore violated the rights of lawful protesters not only as a policy maker, but also, by  
2 personally supervising and involving himself in the tactical and operational decisions that caused  
3 officers in the field to beat and shoot Mr. Sampson and other lawful protesters. During the May 30,  
4 2020, protests, Chief Moore responded to the scene near Fairfax Avenue and Third Street and directly  
5 contributed to the violence against lawful protesters, first by issuing orders to field officers to establish  
6 skirmish lines, close-off certain streets, and setup boundaries to restrict the movement of lawful  
7 protesters, and then by failing to intervene when excessive force was used against lawful protesters.

8 40. Chief Moore knew or should have known the tactics being employed at his direction  
9 allowed for the use of force against protesters who were acting lawfully and had not committed any  
10 crime, and by his presence at the scene and by authorizing those tactics, Chief Moore at least tacitly  
11 agreed with those officers to violate the rights of the protesters, including Mr. Sampson. At the same  
12 time, the officers knew that shooting and beating unarmed, lawful protesters was an excessive use of  
13 force. By supervising, coordinating, and directing the activities of those officers, and by taking no  
14 action to prevent or to intervene in the excessive use of force, Chief Moore acted in concert with and  
15 conspired with them to violate the rights of lawful protesters to assemble and protest under the First  
16 Amendment, to not have unreasonable force used against them by police officers acting under color of  
17 law under the Fourth Amendment, and to not be deprived of liberty or be subjected to excessive force  
18 without due process of law under the Fourteenth Amendment.

19 **IV. Mr. Sampson's Physical, Emotional and Reputational Injuries and Suffering**

20 41. In this case, LAPD's violation of Mr. Sampson's constitutionally protected rights to  
21 assemble and protest and to not have unreasonable force used against him by police officers acting  
22 under color of law has led to untold physical, mental, and emotional pain, suffering and distress. The  
23 injuries and the resulting pain, anxiety, and trauma Mr. Sampson suffered from the police attack left  
24 him unable and unavailable to pursue opportunities in his chosen profession, or for a period of time, to  
25 work at all. The police violations in this case are also believed to have caused Mr. Sampson reputational  
26 and professional damage.

1 **COUNT I**

2 **Violation of the Fourth Amendment to the United States Constitution**

3 **(42 U.S.C. § 1983)**

4 Against Defendant Moore, Defendant Severns, Defendant Salazar, Defendant Arias, Defendant  
5 Rodriguez, Defendant Martin, and Does 1 through 10.

6 42. Mr. Sampson re-alleges and incorporates by reference the preceding paragraphs of this  
7 complaint.

8 43. Mr. Sampson was unlawfully seized by Defendants for purposes of the Fourth Amendment  
9 when, acting under color of State law, Defendants intentionally restricted or terminated his freedom of  
10 movement during a lawful protest by using a police tactic known as kettling and by using objectively  
11 unreasonable and excessive force against Mr. Sampson that included beating Mr. Sampson with a baton  
12 and shooting him with less lethal projectiles.

13 44. As a direct and proximate result of Defendants' unlawful actions, Mr. Sampson endured  
14 injury, pain, and suffering.

15 **COUNT II**

16 **Violation of the Fourteenth Amendment to the United States Constitution**

17 **(42 U.S.C. § 1983)**

18 Against Defendant Moore, Defendant Severns, Defendant Salazar, Defendant Arias, Defendant  
19 Rodriguez, Defendant Martin, and Does 1 through 10.

20 45. Mr. Sampson re-alleges and incorporates by reference the preceding paragraphs of this  
21 complaint.

22 46. Defendants deprived Mr. Sampson of liberty and subjected him to excessive force without  
23 due process of law for purposes of the Fourteenth Amendment when, acting under color of State law,  
24 Defendants sought to forcibly disperse a lawfully protesting Mr. Sampson by intentionally using force  
25 against him that shocked the conscience and was objectively unreasonable in that it caused substantial  
26 injury to Mr. Sampson and was disproportionate to any need to use force.

27 47. Defendants deprived Mr. Sampson of liberty without due process of law for purposes of the

1 Fourteenth Amendment when, acting under color of State law, Defendants intentionally kettled Mr.  
2 Sampson, thereby terminating and restricting his movement and his constitutionally protected right to  
3 assemble and protest.

4 48. Mr. Sampson had a protected First Amendment liberty interests in the right to assemble,  
5 protest, and demonstrate lawfully.

6 49. Mr. Sampson had a right not to be subjected to excessive force while engaging in expressive  
7 First Amendment activity.

8 50. Defendants' conduct in beating unarmed protesters and shooting them with less lethal  
9 projectiles as they lawfully exercised their constitutionally protected right to assemble and protest  
10 violated the protesters' right to due process under the Fourteenth Amendment as excessive force that  
11 shocks the contemporary conscience. *County of Sacramento v. Lewis*, 523 U.S. 833, 847 n.8 (1998).  
12 Defendants' conduct also violates Plaintiff's Fourteenth Amendment due process rights as an  
13 objectively unreasonable use of force against unarmed, non-violent protesters that caused substantial  
14 injury and was disproportionate to the need to use force based on any threat presented by Plaintiff and  
15 the surrounding protesters. *See Kingsley v. Hendrickson*, 576 U.S. 389, 397 (2015); *Edrei v. Maguire*,  
16 892 F.3d 525, 535-36 (2d Cir. 2018).

17 51. As a direct and proximate result of Defendants' unlawful actions, Mr. Sampson endured  
18 injury, pain, and suffering.

19 **COUNT III**

20 **Conspiracy to Violate Civil Rights**

21 **(42 U.S.C. § 1983)**

22 Against Defendant Moore, Defendant Severns, Defendant Salazar, Defendant Arias, Defendant  
23 Rodriguez, Defendant Martin, and Does 1 through 10.

24 52. Mr. Sampson re-alleges and incorporates by reference the preceding paragraphs of this  
25 complaint.

26 53. Each Defendant, acting in concert with one another and other yet-unknown co-conspirators,  
27

1 conspired to violate Mr. Sampson’s civil rights, including his freedom of speech and right to assemble,  
2 his right not to have excessive force used against him, and his right not to be deprived of liberty without  
3 due process of law.

4 54. The Defendants, including Chief Moore, at least tacitly agreed to violate Mr. Sampson’s  
5 rights and committed overt acts in furtherance of the conspiracy by, among other acts, shooting Mr.  
6 Sampson, who was unarmed, non-violent, and lawfully protesting, with less lethal projectiles, by  
7 beating him with batons, by using a police tactic against him known as kettling, by establishing  
8 skirmish lines, by closing off streets, and by failing to act to prevent the use of excessive force against  
9 Mr. Sampson and others that occurred in Defendants’ presence or that otherwise became known to  
10 Defendants.

11 55. As a direct and proximate result of Defendants’ unlawful actions, Mr. Sampson endured  
12 injury, pain, and suffering.

13 **COUNT IV**

14 **Violation of the First Amendment to the United States Constitution – Freedom of Speech**  
15 **(42 U.S.C. § 1983)**

16 Mr. Sampson re-alleges and incorporates by reference the proceeding paragraphs of this  
17 complaint.

18 56. Defendants suppressed and prevented Mr. Sampson’s free exercise of rights guaranteed by  
19 the First Amendment of the United States Constitution, including the right to lawfully assemble and  
20 protest, and retaliated against Mr. Sampson for speaking out against and attempting to document police  
21 abuse by shooting Mr. Sampson and other lawful protesters near him with less lethal projectiles and by  
22 beating them with batons.

23 57. Defendants threatened, intimidated, and impeded Mr. Sampson in the free exercise of his  
24 rights under the First Amendment not only by excessive force and violence directed at Mr. Sampson,  
25 but also by the use of excessive force and violence against those around Mr. Sampson.

26 58. Defendants acted under color of State law when they deprived Mr. Sampson of his right to  
27



1 assemble, protest, and demonstrate lawfully by shooting him and lawful protesters around him with  
2 less-lethal projectiles and beating them with batons.

3 59. The above-described conduct was a proximate cause of harm to Mr. Sampson.

4 **COUNT V**

5 **Deprivation of Civil Rights – *Monell* Liability<sup>8</sup>**

6 **(42 U.S.C. § 1983)**

7 Against Defendant City of Los Angeles, Defendant LAPD, Defendant Moore in his Official Capacity,  
8 and Does 1 through 10.

9 60. Mr. Sampson re-alleges and incorporates by reference the preceding paragraphs of this  
10 complaint.

11 61. Mr. Sampson was unlawfully seized by Defendants for purposes of the Fourth Amendment  
12 when, acting under color of State law, Defendants intentionally restricted or terminated his freedom of  
13 movement during a lawful protest by using a police tactic known as kettling<sup>8</sup> and by using objectively  
14 unreasonable and excessive force against Mr. Sampson that included beating Mr. Sampson with a baton  
15 and shooting him with less lethal projectiles.

16 62. Defendants deprived Mr. Sampson of liberty and subjected him to excessive force without  
17 due process of law for purposes of the Fourteenth Amendment when, acting under color of State law,  
18 Defendants sought to forcibly disperse a lawfully protesting Mr. Sampson by intentionally using force  
19 against him that shocks the conscience and was objectively unreasonable in that it caused substantial  
20 injury to Mr. Sampson and was disproportionate to any need to use force.

21 63. Defendants deprived Mr. Sampson of liberty without due process of law for purposes of the  
22 Fourteenth Amendment when, acting under color of State law, Defendants intentionally kettled Mr.  
23 Sampson, thereby terminating and restricting his movement and his constitutionally protected right to  
24 assemble and protest.

25 64. Defendants, by shooting Mr. Sampson and other lawful protesters around him with less  
26

---

27 <sup>8</sup> *Monell v. Department of Social Services of the City of New York*, 436 U.S. 658 (1978).

1 lethal projectiles and by beating them with batons, violated Mr. Sampson's First Amendment right to  
2 lawfully assemble and protest.

3 65. Defendants promulgated and implemented municipal policies, practices, and customs  
4 (including informal customs) that have caused the violations complained of herein, and in the  
5 alternative, having actual or constructive notice of the constitutional violations described herein, failed  
6 to act, thereby allowing the continuation of such policies or customs, and causing the harm complained  
7 of herein.

8 66. Defendants City of Los Angeles, LAPD, Chief Moore, and other officials of the City of Los  
9 Angeles authorized, condoned, allowed and ratified the use of batons and other "less lethal" weapons  
10 against protesters and Mr. Sampson, having knowledge of the indiscriminate use of "less lethal"  
11 weapons against lawful protesters that had caused injury to lawful protesters both during past protests  
12 and during the days of the May 2020 protests leading up to the use of less-lethal force against Mr.  
13 Sampson, and failed to effectively train officers or to adopt policies and procedures designed to isolate  
14 alleged criminals from lawful protesters and otherwise prevent the constitutional violations.

15 67. The actions and inactions of Defendants as set forth herein occurred with deliberate  
16 indifference to either the recurring constitutional violations elaborated herein, and/or the strong  
17 likelihood that constitutional rights would be violated as a result of failing to promulgate and  
18 implement, and/or failing to follow policies and directives reasonable likely to prevent the  
19 constitutional violations.

20 68. As a direct and proximate result of Defendants' unlawful acts and omissions, and by  
21 Defendant's actions in condoning, encouraging, ratifying, and deliberately ignoring the pattern and  
22 practice of constitutional violations described herein, Mr. Sampson endured injury, pain, and suffering.

### 23 **DAMAGES**

24 69. As a direct and proximate result of the aforesaid acts, practices, policies, and decisions of  
25 The City of Los Angeles, LAPD, Chief Moore, Officer Jeritt Severn, Officer Allan Salazar, Officer  
26 Oscar Arias, Officer Ruben Rodriguez, and Officer David Martin, and Does 1 through 10, Plaintiff has  
27 suffered great mental, emotional, and physical pain, physical injury, suffering, anguish, fright,

1 nervousness, anxiety, shock, humiliation, indignity, embarrassment, apprehension, and reputational and  
2 professional harm which have caused Plaintiff to sustain damages in a sum to be determined at trial.

3           70. By reason of the herein described acts and omissions of Defendants, and Does 1-10, Plaintiff  
4 was required to retain an attorney to prosecute the within action, and to render legal assistance to  
5 Plaintiff that he might vindicate the loss and impairment of his rights, and by reason thereof, Plaintiff  
6 requests payment by defendants of a reasonable sum for attorney's fees pursuant to 42 U.S.C. § 1988.

**PRAYER FOR RELIEF**

1  
2 71. WHEREFORE, Plaintiff prays for judgment against Defendant City of Los Angeles,  
3 Defendant LAPD, Defendant LAPD Chief Michel Moore, Defendant Jeritt Severns, Defendant Allan  
4 Salazar, Defendant Oscar Arias, Defendant Ruben Rodriguez, Defendant David Martin, and Does 1  
5 through 10, and each of them, jointly and severally, as described and limited in the Causes of Action set  
6 forth above, as follows:

- 7 1. For general compensatory damages according to proof;  
8 2. For special damages according to proof;  
9 3. For exemplary and punitive damages against individual defendants in an amount  
10 according to proof;  
11 4. For costs of suit and reasonable attorney's fees permitted pursuant to 42 U.S.C.  
12 § 1988; and  
13 5. For such further relief as the court may deem just and equitable.

14 Respectfully submitted,

15  
16 DATED: May 17, 2022

/s/ LAWRENCE S. MIDDLETON

Attorney for Plaintiff

17  
18 LAWRENCE S. MIDDLETON (SBN 157866)  
19 Attorney at Law  
20 811 Wilshire Boulevard, 17th Floor  
21 Los Angeles, California 90017  
22 Telephone: (213) 465-2646 (ext. 411)  
23 Facsimile: (310) 388-5671  
24 Email: lawrencemiddleton@lmiddletonlaw.com  
25  
26  
27

**JURY DEMAND**

Trial by jury of all issues is demanded.

DATED: May 17, 2022

/s/ LAWRENCE S. MIDDLETON  
Attorney for Plaintiff

LAWRENCE S. MIDDLETON (SBN 157866)  
Attorney at Law  
811 Wilshire Boulevard, 17th Floor  
Los Angeles, California 90017  
Telephone: (213) 465-2646 (ext. 411)  
Facsimile: (310) 388-5671  
Email: lawrencemiddleton@lmiddletonlaw.com