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15 Attorneys for Plaintiffs
16 LATISHA NIXON as Successor in Interest of
17 GEMMEL MOORE, Deceased; and LATISHA
NIXON, Individually

18 UNITED STATES DISTRICT COURT
19 CENTRAL DISTRICT OF CALIFORNIA

20 LATISHA NIXON as Successor in
21 Interest of GEMMEL MOORE,
22 Deceased; and LATISHA NIXON,
23 Individually,

24 Plaintiffs.

25 v.

26 EDWARD BUCK, individually; the
27 COUNTY OF LOS ANGELES, a
28

CASE NO.: CV 19-04610-CJC(SHSx)

FOURTH AMENDED COMPLAINT

EDWARD BUCK:

1. WRONGFUL DEATH& SURVIVAL ACTION
2. SEXUAL BATTERY
3. ASSAULT
4. BATTERY

1 municipal entity; and DOES 1
2 through 20, inclusive,
3 Defendants.

- 5. HATE VIOLENCE
- 6. NEGLIGENCE (PREMISES LIABILITY)
- 7. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
- 8. HUMAN TRAFFICKING (18 U.S.C. § 1591)
- 9. DISTRIBUTION OF PRIVATE SEXUALLY EXPLICIT MATERIALS (CAL. CIV. CODE § 1708.85)

COUNTY OF LOS ANGELES:

- 10. 42 U.S.C. § 1983 (BASED ON MUNICIPAL POLICY OF EQUAL PROTECTION VIOLATIONS BASED ON RACE)
- 11. 42 U.S.C. § 1983 (BASED ON MUNICIPAL POLICY OF EQUAL PROTECTION VIOLATIONS BASED ON RACE AND SEXUAL ORIENTATION)
- 12. 42 U.S.C. § 1983 (BASED ON MUNICIPAL POLICY OF EQUAL PROTECTION VIOLATIONS SUFFERED BY VICTIMS OF EDWARD BUCK)

JURY DEMAND

26 LATISHA NIXON, Individually and as Successor in Interest of GEMMEL
27 MOORE, Deceased, complains of EDWARDBUCK, the COUNTY OF LOS
28

1 ANGELES, and DOES 1 through 20, inclusive (hereafter collectively
2 “Defendants”), and brings this combined Survival and Wrongful Death Action
3 and Civil Rights Complaint, and as for her claims and causes of action alleges as
4 follows:

5 **INTRODUCTION**

6 1. LATISHA NIXON’S son, GEMMEL MOORE, was a young Black
7 and gay man whose life was abruptly and tragically cut short on July 27, 2017
8 when he died after being forcibly injected with or forced to inject a lethal dose of
9 crystal methamphetamine at the hands of EDWARD BUCK, a wealthy older
10 white man who has a well-documented history of isolating Black men for
11 predatory sexual encounters during which he forcibly injects them or forces them
12 to be injected with crystal methamphetamine in the confines of his West
13 Hollywood-apartment –turned-drug-den. Even after a second Black man’s dead
14 body was recovered from EDWARD BUCK’s apartment on January 7, 2019, and
15 after LATISHA NIXON presented the COUNTY OF LOS ANGELES with
16 several eye witness statements by Black gay men who had been similarly forcibly
17 injected with nearly fatal doses of narcotics by EDWARD BUCK, District
18 Attorney JACKIE LACEY, and Assistant Head Deputy District Attorney CRAIG
19 HUM indicated on several occasions that they had ignored Black gay men’s
20 criminal complaints about EDWARD BUCK, who has donated generously and
21 consistently to elected members of the COUNTY OF LOS ANGELES, including
22 District Attorney JACKIE LACEY.

23 2. The COUNTY OF LOS ANGELES’s ignorance of the several
24 criminal reports made by Black gay men against EDWARD BUCK hinges on a
25 racially-motivated widespread and pervasive pattern of administrative acts and
26 investigatory functions whereby the COUNTY OF LOS ANGELES, JACKIE
27 LACEY, and CRAIG HUM reject the criminal complaints of Black and/or gay
28 men presented to them by LATISHA NIXON, a Black woman. Ultimately, this

1 pervasive pattern of rejecting the criminal reports of Black gay men manifested in
2 the COUNTY OF LOS ANGELES's filing of criminal charges that failed to
3 reflect any of the complaints made by any of the Black gay men whose criminal
4 reports were presented to the COUNTY OF LOS ANGELES by LATISHA
5 NIXON.

6 **PARTIES**

7 3. Plaintiff LATISHA NIXON (hereafter "Ms. Nixon" or "Plaintiff") is,
8 and at all times herein mentioned was, a citizen and resident of Harris County in
9 the State of Texas. Ms. Nixon is the surviving parent of GEMMEL MOORE
10 (hereafter "Mr. Moore" or "Decedent"), now deceased.

11 4. At all times relevant to the acts and omissions herein alleged,
12 GEMMEL MOORE was a man of African American (hereinafter "Black")
13 descent, and was gay.

14 5. Ms. Nixon is the Successor in Interest of Mr. Moore, Deceased, and is
15 entitled to bring this Survival Action pursuant to section 377.30 of the California
16 Code of Civil Procedure because there is no personal representative of the Estate
17 of Mr. Moore. Ms. Nixon has fully complied with section 377.32 of the
18 California Code of Civil Procedure by filing with this Complaint the requisite
19 declaration, executed by Ms. Nixon under penalty of perjury.

20 6. Ms. Nixon is entitled to bring this Wrongful Death Action pursuant
21 to subdivision (a) of section 377.60 of the California Code of Civil Procedure.

22 7. Defendant EDWARD BUCK (hereafter "Mr. Buck" or "Defendant")
23 is and, at all times herein mentioned, was a citizen and resident of the State of
24 California and Los Angeles County.

25 8. Defendant COUNTY OF LOS ANGELES (hereafter "County" or
26 "Defendant") is and, at all times herein mentioned, was a municipal entity duly
27 incorporated in the State of California.

1 9. Referenced herein is JACKIE LACEY (hereafter “Ms. Lacey”) is
2 and, at all times herein mentioned, was a citizen and resident of the State of
3 California and Los Angeles County, where she has served and continues to serve
4 as the County of Los Angeles’s District Attorney since December 3, 2012.

5 10. Referenced herein is CRAIG HUM (hereafter “Mr. Hum”) is and, at
6 all times herein mentioned, was a citizen and resident of the State of California
7 and Los Angeles County, where he has served as Deputy District Attorney and
8 currently serves as an Assistant Head Deputy District Attorney of the County of
9 Los Angeles.

10 11. Plaintiff is unaware of the true names and capacities of those
11 Defendants named herein as DOE Defendants. Plaintiff will amend this Complaint
12 to allege said Defendants’ true names and capacities when that information
13 becomes known to Plaintiff.

14 12. Plaintiff is informed, believes, and thereon alleges that these DOE
15 Defendants are legally responsible and liable for the incident, injuries, and
16 damages hereinafter set forth, and that each of said Defendants proximately
17 caused the injuries and damages by reason of negligent, careless, deliberately
18 indifferent, intentional, willful, or wanton misconduct, including the negligent,
19 careless, deliberately indifferent, intentional, willful, or wanton misconduct in
20 creating and otherwise causing the incidents, conditions, and circumstances
21 hereinafter set forth, or by reason of direct or imputed negligence or vicarious
22 fault or breach of duty arising out of the matters herein alleged. Plaintiff will seek
23 leave to amend this Complaint to set forth said true names and identities of the
24 unknown named DOE Defendants when they are ascertained.

25 13. Each of the individual Defendants sued herein is sued both in his
26 individual and personal capacity, as well as in his official capacity.

27 14. Plaintiff is informed, believes, and thereon alleges that at all times
28 herein mentioned, each of the Defendants was the agent and/or employee and/or

1 co-conspirator of each of the remaining Defendants, and in doing the things
2 hereinafter alleged, was acting within the scope of such agency, employment,
3 and/or conspiracy and with the permission and consent of other co-Defendants.

4 **VENUE**

5 15. Venue is proper in the Central District of California under 28 U.S.C.
6 § 1391(a)-(b), wherein all events, conduct, and injuries giving rise to this
7 complaint occurred.

8 **FACTUAL ALLEGATIONS**

9 16. Mr. Buck is a 65-year old white man who has contributed more than
10 \$50,000 to the election campaigns and legal defense funds of numerous County of
11 Los Angeles and City of Los Angeles government officials and candidates since
12 2008.¹Combining his contributions to both federal and state-level officials and
13 candidates, Mr. Buck has contributed in excess of \$500,000 since 2007.

14
15
16 ¹ According to mandatory public disclosures of campaign contribution, Mr. Buck made the following
17 donations and contributions: \$100 to Ms. Lacey for District Attorney on March 3, 2012; \$1,400 to Eric
18 Garcetti for Mayor on November 3, 2016; \$2,600 to Mike Feuer for City Attorney on September 4,
19 2011, March 23, 2012, and April 2, 2013; \$2,000 Mike Feuer’s Legal Defense Fund on April 7, 2013
20 and October 14, 2015; \$2,000 to Mike Feuer’s Attorney Officeholder Account on May 13, 2015;
21 \$1,400 to the Re-Elect Mike Feuer for City Attorney campaign on May 13, 2015; \$2,600 to Ron
22 Galperin for City Controller on March 5, 2014 and May 21, 2014; \$1,000 to Ron Galperin’s Controller
23 Officeholder Account on October 13, 2014; \$1,400 to Ron Galperin for City Controller on December
24 31, 2015; \$700 to Bob Blumenfield for City Council on September 25, 2012; \$700 to Bob
25 Blumenfield’s City Council Officeholder Account on December 7, 2015; \$700 to Bob Blumenfield for
26 City Council on December 7, 2015; \$500 to Tony Cardenas for City Council on February 8, 2011;
27 \$1,400 to Cedillo for City Council on February 27, 2013 and May 20, 2013; \$500 to Paul Koretz for
28 City Council on August 20, 2008; \$1,000 to Paul Koretz’s Officeholder Account on April 29, 2011
and December 17, 2014; \$700 to Paul Koretz for City Council on June 30, 2016; \$1000 to Krekorian
for City Council on November 19, 2009 and December 2, 2009; \$500 to Krekorian for City Council on
June 24, 2011; \$700 to Krekorian for City Council on February 26, 2015; \$1,400 to Mitch O’Farrell
for City Council on February 17, 2013 and April 2, 2013; \$700 to Mitch O’Farrell’s Officeholder
Account on September 30, 2015; \$1,400 to Mitch O’Farrell’s Legal Defense Fund on March 23, 2016;
\$700 to Mitch O’Farrell for City Council on September 30, 2015; \$9,500 to Jeffrey Prang for County
Accessor on November 1, 2013, June 13, 2014, June 18, 2014, and June 26, 2014; \$13,000 to John
Duran for County Supervisor on January 6, 2014, February 11, 2014, April 21, 2014, and May 17,
2014; \$1,000 to Scott Svonkin for Los Angeles Community College District on February 15, 2015;
\$500 to Sydney Kamlager for Los Angeles Community College District on February 7, 2015; and
\$500 to Scott Houston for West Basin Municipal Water District.

1 17. Throughout much of the early half of 2017, Mr. Moore, who was 26-
2 years old, lived with his mother, Ms. Nixon, and his siblings in Harris County,
3 Texas. Mr. Moore had a loving relationship with his mother and siblings, and his
4 friends described him as a good man with a kind and generous heart. Like most
5 young people his age, Mr. Moore had hopes and dreams for his future. Mr. Moore
6 liked to cook and he wanted to go back to school.

7 18. On or around July 27, 2017, Mr. Buck purchased for Mr. Moore an
8 airplane ticket for a flight departing from Houston, Texas and arriving in Los
9 Angeles, California that same evening. Mr. Moore took the flight for which Mr.
10 Buck purchased him a ticket. Upon landing at Los Angeles International Airport
11 on July 27, 2017, Mr. Moore went to Mr. Buck's West Hollywood apartment.

12 19. Within hours after he arrived at Mr. Buck's West Hollywood
13 apartment on July 27, 2017, Mr. Moore was dead. According to the official
14 autopsy report describing Mr. Buck's apartment where Mr. Moore's lifeless body
15 was recovered by employees of the County of Los Angeles, the apartment was
16 littered with multiple syringes with brown residue, a scale, several lighters and
17 torches, a straw with white residue, glass pipes with white residue and burn marks,
18 plastic bags with white powdery residue and a clear plastic bag containing a
19 crystal-like substance.

20 20. Mr. Buck had previously solicited sex from Mr. Moore on numerous
21 occasions. During previous encounters, Mr. Buck would insist upon forcibly
22 injecting Mr. Moore or forcing Mr. Moore to be injected with crystal
23 methamphetamine. Before encountering Mr. Buck, Mr. Moore had never used
24 crystal methamphetamine. Mr. Buck introduced Mr. Moore to crystal
25 methamphetamine, administering to Mr. Moore what he narrated in his journal as
26 his first and "extremely painful" injection. After injecting Mr. Moore with crystal
27 methamphetamine, Mr. Buck required Mr. Moore to view hardcore gay male
28 pornography, which played loudly on a large flatscreen television set situated in

1 Mr. Buck’s living room. Mr. Buck further required Mr. Moore to masturbate and
2 engage in other autoeroticsex acts for Mr. Buck’s sexual gratification and
3 voyeuristic pleasure. Reflecting on his encounters with Mr. Buck, Mr. Moore
4 wrote in his final journal entry, dated December 3, 2016, “If it didn’t hurt so bad,
5 I’d kill myself, but I’ll let Ed Buck do it for now.”

6 21. Upon information and belief, Mr. Buck secretly videorecorded his
7 meth-fueled sexual encounters with Mr. Moore.

8 22. Mr. Buck was neither detained, arrested, nor charged in connection
9 with the possession of narcotics, paraphernalia, or Mr. Moore’s dead body in Mr.
10 Buck’s West Hollywood apartment.

11 23. On or around July 31, 2017, the County Department of Coroner
12 preliminarily opined that Mr. Moore’s death was caused by an accidental
13 methamphetamine overdose. In or around November 19, 2017 the County of Los
14 Angeles specifically stated to Ms. Nixon that the final results of the autopsy were
15 still pending and that further clarification was needed regarding “the final
16 toxicology results.” It was not until January or February of 2019 that the County
17 of Los Angeles finally provided Ms. Nixon with the aforementioned clarification
18 regarding the final toxicology results.

19 24. On or around September 13, 2017, the County of Los
20 Angeles’s Sheriff’s Department began conducting interviews with other Black men
21 (hereinafter “Does 21-30) whose testimonies about their own encounters with Mr.
22 Buck corroborated Mr. Moore’s own descriptions of past encounters with Mr.
23 Buck. Each of Does 21-30, many of whom were strangers to one another,
24 independently described their first-hand experiences of being forcefully pressured
25 to ingest and/or being forcibly injected with crystal methamphetamine by Mr.
26 Buck, whom they alleged had a predatory and injurioussystem of soliciting Black
27 men and watching themcling to lifewhile battling symptoms of methamphetamine
28 toxicityafterhe intravenously administered large doses of the drug to them. Each

1 of Does 21-30 further independently described their first-hand experiences of
2 engaging in sexual acts or acts of a generally sexual nature with and in front of
3 Mr. Buck in exchange for compensation in the form of temporary housing,
4 money, alcohol, marijuana, and other substances.

5 25. On or around July 26, 2018, the County of Los Angeles’s District
6 Attorney Jackie Lacey, assisted in her administrative duties and investigatory
7 functions by Assistant Head Deputy District Attorney Craig Hum, declined to file
8 criminal charges against Mr. Buck.

9 26. On or around January 7, 2019, the lifeless body of a second Black
10 man, Timothy Dean, was recovered from Mr. Buck’s West Hollywood apartment
11 – the same apartment in which Mr. Moore died less than 18 months earlier.

12 27. Mr. Buck was neither detained, arrested, nor charged in connection
13 with the discovery of Mr. Dean’s dead body in Mr. Buck’s West Hollywood
14 apartment.

15 28. On approximately March 21, 2019, Ms. Nixon presented the County
16 with one of Does 21-30, a Black gay man who described four incidents involving
17 Mr. Buck. During each of these incidents, Mr. Buck laced this one of Does 21-30
18 with a drug that caused him to lose consciousness. During one of these incidents,
19 this one of Does 21-30 awoke to Mr. Buck injecting him with crystal
20 methamphetamine against his will. During another one of these incidents, this one
21 of Does 21-30 recalled how Mr. Buck referred to him as a “nigger.”

22 29. On approximately May 8, 2019, Ms. Nixon presented the County
23 with one of Does 21-30, a gay man who described an incidents involving Mr.
24 Buck that took place in late April of 2019. This one of Does 21-30 described how
25 Mr. Buck enticed him to enter his home. Mr. Buck offered to provide this one of
26 Does 21-30 with temporary housing and compensation in exchange for engaging in
27 or performing sexual acts. Mr. Buck proceeded to aggressively pressure this one
28 of Does 21-30 into ingesting crystal methamphetamine and viewing homemade

1 pornographic videorecordeddepicting Mr. Moore masturbating while apparently
2 intoxicated on crystal methamphetamine.

3 30. On or around June 13, 2019, District Attorney Jackie Lacey admitted
4 point blank that she was unaware of the witness statements of Does 21-30 that
5 were presented to the County by Ms. Nixon after the death of Mr. Moore. Jackie
6 Lacey further claimed that, because Craig Hum never shared with her the criminal
7 complaints made by Does 21-30, there was an alleged lack of probative evidence.
8 Ms. Nixon previously tried to meet with Ms. Lacey to talk about these statements,
9 but Ms. Lacey refused to meet with Ms. Nixon to discuss the same.

10 31. On or around July of 2019, County Sheriff Alex Villanueva admitted
11 point blank that he was unaware of the witness statements of Does 21-30 that were
12 presented to the County by Ms. Nixon after the death of Mr. Moore. Ms. Nixon
13 previously tried to meet with Ms. Lacey to talk about these statements, but Ms.
14 Lacey refused to meet with Ms. Nixon to discuss the same.

15 32. On or around August 20, 2019, and after Ms. Nixon attempted to
16 ensure that Jackie Lacey's office was aware of the existence of the witness
17 statements of Does 21-30, Cynthia Barnes of the County of Los Angeles's District
18 Attorney's Office indicated that she had neither requested nor reviewed the
19 investigative file containing the witness statements of Does 21-30. Ms. Nixon
20 previously tried to meet with Cynthia Barnes's supervisor, Ms. Lacey, to talk
21 about these statements, but Ms. Lacey refused to meet with Ms. Nixon to discuss
22 the same.

23 33. Taken together, the criminal complaints made by Does 21-30, who
24 were identified by and presented to the County of Los Angeles by LaTisha Nixon,
25 contained several eye-witness accounts constituting probative evidence of the
26 following felonious and misdemeanor criminal acts: (1) that Edward Buck
27 regularly possesses and consumes illicit narcotics, including crystal
28 methamphetamine; (2) that Edward Buck regularly solicits sex from Black men in

1 exchange for temporary housing and/or monetary compensation; (3) that Edward
2 Buck has in his possession and causes to be distributed videorecordings depicting
3 Gemmel Moore masturbating while intoxicated; and (4) that Edward Buck
4 regularly attempts to coerce the Black men he solicits for sex to ingest or be
5 forcibly injected with crystal methamphetamine.

6 34. Finally, on approximately September 18, 2019 the United States of
7 America filed criminal charges against Mr. Buck for committing various criminal
8 acts against Does 21-30, described in the United States of America’s affidavit as
9 Victims 2-9. Meanwhile, on approximately September 17, 2019, The People of
10 the State of California filed criminal charges against Mr. Buck but not for any of
11 the criminal acts describe by Does 21-30 in the criminal reports that the County
12 would never have obtained had it not been for LaTisha Nixon’s diligent efforts at
13 identifying witnesses and providing their information to the County of Los
14 Angeles.

15 **FIRST CAUSE OF ACTION: WRONGFUL DEATH & SURVIVAL**
16 **DAMAGES**

17 **(Against Defendant EDWARD BUCK and DOES 1 through 20, Inclusive)**

18 35. Ms. Nixon restates, as though fully set forth herein, the allegations
19 contained in each of the paragraphs above.

20 36. Ms. Nixon has standing to bring this action because at the time of his
21 passing, Mr. Moore was unmarried and had no surviving issue.

22 37. Prior to Mr. Moore’s death, Mr. Moore was living in Harris County,
23 Texas with Ms. Nixon and the rest of his family. Mr. Moore was a dutiful and
24 loving son to Ms. Nixon and brother to Ms. Nixon’s other children, his siblings.

25 38. As described herein and upon information and belief, Ms. Nixon
26 alleges that on or about July 27, 2017, Mr. Buck injected Mr. Moore with a lethal
27 dose of crystal methamphetamine.
28

1 39. As a direct and proximate result of Mr. Buck’s wrongful conduct,
2 Mr. Moore died and his heir, Ms. Nixon, has been deprived of his care, society,
3 comfort, attention, services and support to their general damages in an amount
4 according to proof at trial. As a direct and proximate result of Mr. Buck’s
5 wrongful conduct, Ms. Nixon has incurred funeral and burial expenses and other
6 special damages according to proof at trial.

7 40. As a direct and proximate result of Mr. Buck’s wrongful conduct,
8 Mr. Moore was forced to endure severe mental and physical anguish and fear of
9 impending death and he ultimately suffered severe physical injuries which caused
10 his death. As a result of the foregoing, Ms. Nixon, as Successor in Interest of Mr.
11 Moore, hereby asserts survivor’s claims on behalf of Mr. Moore, Deceased,
12 pursuant to Sections 377.10, 377.20, 377.30, *et seq.*, of the Code of Civil
13 Procedure, and based upon all other applicable statutes and case law and succeed
14 to the Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth,
15 Eleventh, Twelfth, Thirteenth, Fourteenth, and Fifteenth Causes of Action, all of
16 which might have been brought by Mr. Moore, Deceased.

17 **SECOND CAUSE OF ACTION: SEXUAL BATTERY**

18 **(Against Defendant EDWARD BUCK and DOES 1 through 20, Inclusive)**

19 41. Ms. Nixon, as Successor in Interest of Mr. Moore, Deceased, restates
20 and incorporates by reference, as though fully set forth herein, the allegations
21 contained in each of the paragraphs above.

22 42. Cal. Civ. Code Section 1708.5(a) provides: “A person commits a
23 sexual battery who does any of the following: (1) Acts with the intent to cause a
24 harmful or offensive contact with an intimate part of another, and a sexually
25 offensive contact with that person directly or indirectly results; (2) Acts with the
26 intent to cause a harmful or offensive contact with another by use of his or her
27 intimate part, and a sexually offensive contact with that person directly or
28 indirectly results; (3) Acts to cause an imminent apprehension of the conduct

1 described in paragraph (1) or (2), and a sexually offensive contact with that person
2 directly or indirectly results.”

3 43. Mr. Buck is a “person” under section 1708.5 of the Civil Code.

4 44. Mr. Buck intended to cause harmful and offensivesexual contact with
5 Mr. Moore and a sexually offensive contact with Mr. Moore resulted, either
6 directly or indirectly, when Mr. Buck distributed or furnished crystal
7 methamphetamine to Mr. Moore and then forcibly and repeatedly injected Mr.
8 Moore with crystal methamphetamine while requiring Mr. Moore to view
9 hardcore pornographic films, masturbate and perform other various sexually
10 graphic acts.

11 45. At no time did Mr. Moore consent, either expressly or impliedly, to
12 Mr. Buck’s acts.

13 46. Mr. Moore lacked the mental capacity to consent due to his being
14 intoxicated and mentally impaired as a result of being forcibly injected with
15 crystal methamphetamine by Mr. Buck.

16 47. Mr. Moore was harmed and offended by Mr. Buck’s conduct, as any
17 reasonable person in his situation would have been. \

18 48. As a direct and proximate result of Mr. Buck’s actions, Mr. Moore
19 suffered special and general damages, including physical pain, mental suffering,
20 loss of enjoyment of life, anxiety, embarrassment, humiliation, and severe
21 emotional distress, all in an amount according to proof at trial. Additionally, Mr.
22 Moore suffered a loss of earnings and other economic opportunities.

23 49. Mr. Buck’s conduct was malicious and oppressive, and done with a
24 conscious disregard of Mr. Moore’s rights. Mr. Buck also acted with the
25 knowledge of or with reckless disregard for the fact that his conduct was certain to
26 cause injury and/or humiliation to Mr. Moore. Ms. Nixon is further informed and
27 believes that Mr. Buck intended to cause fear, physical injury and/or pain and
28 suffering to Mr. Moore. Ms. Nixon, as Successor in Interest of Mr. Moore,

1 Deceased, is entitled to recover punitive and exemplary damages from Mr.
2 Buck according to proof at trial.

3
4 **THIRD CAUSE OF ACTION: ASSAULT**

5 **(Against Defendant EDWARD BUCK and DOES 1 through 20, Inclusive)**

6 50. Ms. Nixon, as Successor in Interest of Mr. Moore, Deceased, restates
7 and incorporates by reference, as though fully set forth herein, the allegations
8 contained in each of the paragraphs above.

9 51. Mr. Buck intended to cause Mr. Moore apprehension of an imminent
10 harmful and offensive contact with his person when Mr. Buck distributed or
11 furnished crystal methamphetamine to Mr. Moore and then forcibly and
12 repeatedly injected Mr. Moore with crystal methamphetamine while requiring Mr.
13 Moore to view hardcore pornographic films, masturbate and perform other various
14 sexually graphic acts.

15 52. As a result of Mr. Buck's acts, Mr. Moore was, in fact, placed in
16 great apprehension of imminent harmful and offensive contact with his person.

17 53. At no time did Mr. Moore consent, either expressly or impliedly, to
18 Mr. Buck's acts.

19 54. Mr. Moore lacked the mental capacity to consent due to his being
20 intoxicated and mentally impaired as a result of being forcibly injected with
21 crystal methamphetamine by Mr. Buck.

22 55. In performing the acts described above, Mr. Buck acted with the
23 intent to make contact with Mr. Moore's person.

24 56. Mr. Buck's conduct as described above, caused Mr. Moore to be
25 apprehensive that Mr. Buck would subject Mr. Moore to further intentional
26 invasions of his right to be free from offensive and harmful contact and
27 demonstrated that at all material times, Mr. Buck had a present ability to subject
28 Mr. Moore to an intentional offensive and harmful touching.

1 57. As a direct and proximate result of Mr. Buck's actions, Mr. Moore
2 suffered special and general damages, including physical pain, mental suffering,
3 loss of enjoyment of life, anxiety, embarrassment, humiliation, and severe
4 emotional distress, all in an amount according to proof at trial. Additionally, Mr.
5 Moore suffered a loss of earnings and other economic opportunities.

6 58. Mr. Buck's conduct was malicious and oppressive, and done with a
7 conscious disregard of Mr. Moore's rights. Mr. Buck also acted with the
8 knowledge of or with reckless disregard for the fact that his conduct was certain to
9 cause injury and/or humiliation to Mr. Moore. Ms. Nixon is further informed and
10 believes that Mr. Buck intended to cause fear, physical injury and/or pain and
11 suffering to Mr. Moore. Ms. Nixon, as Successor in Interest of Mr. Moore,
12 Deceased, is entitled to recover punitive and exemplary damages from Mr. Buck
13 according to proof at trial.

14 **FOURTH CAUSE OF ACTION: BATTERY**

15 **(Against Defendant EDWARD BUCK and DOES 1 through 20, Inclusive)**

16 59. Ms. Nixon, as Successor in Interest of Mr. Moore, Deceased, restates
17 and incorporates by reference, as though fully set forth herein, the allegations
18 contained in each of the paragraphs above.

19 60. When Mr. Buck forcibly and repeatedly injected Mr. Moore with
20 crystal methamphetamine, Mr. Buck acted with the intent to make a harmful and
21 offensive contact with Mr. Moore's person.

22 61. When Mr. Buck forcibly and repeatedly injected Mr. Moore with
23 crystal methamphetamine, Mr. Buck did, in fact, bring himself into offensive and
24 unwelcome contact with Mr. Moore's person.

25 62. Mr. Moore was harmed and offended by Mr. Buck's conduct, as any
26 reasonable person in his situation would have been.

27 63. At no time did Mr. Moore consent, either expressly or impliedly, to
28 Mr. Buck's acts.

1 64. Mr. Moore lacked the mental capacity to consent due to his being
2 intoxicated as a result of being forcibly injected with crystal methamphetamine by
3 Mr. Buck.

4 65. As a direct and proximate result of Mr. Buck’s actions, Mr. Moore
5 suffered special and general damages, including physical pain, mental suffering,
6 loss of enjoyment of life, anxiety, embarrassment, humiliation, and severe
7 emotional distress, all in an amount according to proof at trial. Additionally, Mr.
8 Moore suffered a loss of earnings and other economic opportunities.

9 66. Mr. Buck’s conduct was malicious and oppressive, and done with a
10 conscious disregard of Mr. Moore’s rights. Mr. Buck also acted with the
11 knowledge of or with reckless disregard for the fact that his conduct was certain to
12 cause injury and/or humiliation to Mr. Moore. Ms. Nixon is further informed and
13 believes that Mr. Buck intended to cause fear, physical injury and/or pain and
14 suffering to Mr. Moore. Ms. Nixon, as Successor in Interest of Mr. Moore,
15 Deceased, is entitled to recover punitive and exemplary damages from Mr. Buck
16 according to proof at trial.

17 **FIFTH CAUSE OF ACTION: HATE VIOLENCE**

18 **(Against Defendant EDWARD BUCK and DOES 1 through 20, Inclusive)**

19 67. Ms. Nixon, as Successor in Interest of Mr. Moore, Deceased, restates
20 and incorporates by reference, as though fully set forth herein, the allegations
21 contained in each of the paragraphs above.

22 68. Cal. Civ. Code Section 51.7 (a) states “all persons within the
23 jurisdiction of this state have the right to be free from any violence, or
24 intimidation by threat of violence, committed against their persons or property
25 because of political affiliation, or on account of any characteristic listed or defined
26 in subdivision (b) or (e) of Section 51 ... or because another person perceives
27 them to have one or more of those characteristics.”
28

1 69. Upon information and belief, Mr. Buck had a strong sexual
2 preference for Black gay men. Mr. Buck consistently sought out Black gay men,
3 just like Mr. Moore, to inject them with lethal doses of crystal methamphetamine.
4 During these predatory encounters, Mr. Buck regularly referred to his victims as
5 niggers. Mr. Buck sought out Mr. Moore because he is Black.

6 70. At all times mentioned herein, Mr. Moore had the right to be free
7 from any violence, or intimidation by threat of violence, committed against his
8 person on account of his race.

9 71. Mr. Buck subjected Mr. Moore to violence, and/or intimidation by
10 threats of violence, against his person on account of his race and/or acted to deny
11 Mr. Moore his right to be free from any violence, or intimidation by threat of
12 violence, committed against his person on the account of his race.

13 72. In doing so, Mr. Buck violated Mr. Moore's civil rights, as set forth
14 in the Ralph Civil Rights Act, which is codified in Cal. Civ. Code § 51.7.

15 73. As a direct and proximate result of Mr. Buck's actions, Mr. Moore
16 suffered special and general damages, including physical pain, mental suffering,
17 loss of enjoyment of life, anxiety, embarrassment, humiliation, and severe
18 emotional distress, all in an amount according to proof at trial. Additionally, Mr.
19 Moore suffered a loss of earnings and other economic opportunities.

20 74. Mr. Buck's conduct was malicious and oppressive, and done with a
21 conscious disregard of Mr. Moore's rights. Mr. Buck also acted with the
22 knowledge of or with reckless disregard for the fact that his conduct was certain to
23 cause injury and/or humiliation to Mr. Moore. Ms. Nixon, as Successor in Interest
24 of Mr. Moore, Deceased, is further informed and believes that Mr. Buck intended
25 to cause fear, physical injury and/or pain and suffering to Mr. Moore. Ms. Nixon,
26 as Successor in Interest of Mr. Moore, Deceased, is entitled to recover punitive
27 and exemplary damages from Mr. Buck according to proof at trial.

1 75. In addition to and/or in lieu of Ms. Nixon's, as Successor in Interest
2 of Mr. Moore, Deceased, election, Ms. Nixon is entitled to receive and hereby
3 seeks statutory damages pursuant to Cal. Civ. Code § 52(b), including actual and
4 exemplary damages.

5 76. Pursuant to Cal. Civ. Code § 52(b)(3), Ms. Nixon, as Successor in
6 Interest of Mr. Moore, Deceased, has incurred, and will continue to incur,
7 attorneys' fees in the prosecution of this action and therefore demands such
8 reasonable attorneys' fees and costs as set by the Court.

9 **SIXTH CAUSE OF ACTION: NEGLIGENCE (PREMISES LIABILITY)**
10 **(Against Defendant EDWARD BUCK and DOES 1 through 20, Inclusive)**

11 77. Ms. Nixon, as Successor in Interest of Mr. Moore, Deceased, restates
12 and incorporates by reference, as though fully set forth herein, the allegations
13 contained in each of the paragraphs above.

14 78. In the alternative, Ms. Nixon alleges that Mr. Buck was negligent in
15 the use and/or maintenance of the property on which Mr. Moore was harmed.

16 79. Mr. Buck occupied or controlled the property on which Mr. Moore
17 was harmed. As the occupier or controller of the property, Mr. Buck was under a
18 duty to manage and act reasonably to control his property and guests to prevent
19 injury from, among other things, foreseeable sexual battery, battery, assault, and
20 injuries resulting from the distribution, manufacturing, or furnishing of illegal
21 controlled substances to Mr. Moore.

22 80. Based on information and belief, as described herein, Ms. Nixon
23 alleges that Mr. Buck has a history of hosting sexual encounters at the property
24 during which he facilitated the distribution, manufacturing or furnishing of illegal
25 controlled substances to his guests, into whom Mr. Buck forcibly injected crystal
26 methamphetamine. Mr. Buck was aware or should have been aware of the risk of
27 injury to his guests.

1 85. Ms. Nixon, as Successor in Interest of Mr. Moore, Deceased, restates
2 and incorporates by reference, as though fully set forth herein, the allegations
3 contained in each of the paragraphs above.

4 86. Mr. Buck knew or should have known that Mr. Moore did not want
5 to be injected with crystal methamphetamine by Mr. Buck. Mr. Buck further
6 knew or should have known that Mr. Moore did not want to be rendered
7 incapacitated and made to view hardcore pornographic films while masturbating
8 and being forced to perform various other sexually graphic acts.

9 87. Mr. Buck's conduct was extreme and outrageous. Mr. Buck acted
10 with reckless disregard for Mr. Moore's rights and feelings, and with deliberate
11 indifference to the certainty that Mr. Moore would suffer emotional distress.

12 88. As a direct and proximate result of Mr. Buck's actions, Mr. Moore
13 suffered and continued to suffer severe mental anguish, humiliation, pain, severe
14 emotional distress and physical distress. Mr. Moore suffered general and special
15 damages as a direct and proximate result of Mr. Buck's wrongful actions in an
16 amount according to proof at trial.

17 89. Ms. Nixon, as Successor in Interest of Mr. Moore, Deceased, is
18 informed and believes, and based upon such information and belief alleges, that
19 the outrageous conduct of Mr. Buck described above was performed with
20 conscious disregard for Mr. Moore's rights and feelings. As a result, Ms. Nixon,
21 as Successor in Interest of Mr. Moore, Deceased, is entitled to punitive or
22 exemplary damages from Mr. Buck in an amount according to proof at trial.

23 **EIGHTH CAUSE OF ACTION: HUMAN TRAFFICKING (18 U.S.C. §**
24 **1591)**

25 **(Against Defendant EDWARD BUCK and DOES 1 through 20, Inclusive)**

26 90. Ms. Nixon, as Successor in Interest of Mr. Moore, Deceased, restates
27 and incorporates by reference, as though fully set forth herein, the allegations
28 contained in each of the paragraphs above.

1 91. Federal law provides for a private right of action for human
2 trafficking in violation of 18 U.S.C. § 1591. *Noble v. Weinstein*, 335 F.Supp.3d
3 504, 514 (S.D.N.Y. 2018), *quoting* 18 U.S.C. § 1595, subd. (a):

4 An individual who is a victim of a violation of Section ...
5 1591 of title 18, United States Code, may bring a civil
6 action in any appropriate district court of the United
7 States. The court may award actual damages, punitive
8 damages, reasonable attorneys’ fees, and other litigation
9 costs reasonably incurred.

10 The *Noble* court noted that a § 1591 claim “requires
11 Plaintiff to plausibly allege knowledge, or a *modus*
12 *operandi* ... that Defendant enticed Plaintiff with
13 knowledge that means of force or fraud would be used to
14 cause a commercial sex act to take place.” *Noble*, 335
15 F.Supp.3d at 517-18, *citing* *U.S. v. Todd*, 627 F.3d 329,
16 333-34 (9th Cir. 2010).

17 92. Mr. Buck knowingly utilized interstate commerce for the purpose of
18 recruiting, enticing, and transporting Mr. Moore, deceased, from Houston, Texas
19 to Los Angeles, California for the purpose of engaging in commercial sex acts.

20 93. Upon information and belief, Mr. Buck knowingly made false
21 material statements to Mr. Moore regarding Mr. Buck’s intention to host Mr.
22 Moore without causing serious harm or injury to Mr. Moore. Mr. Buck
23 knowingly made further false material statements to Mr. Moore regarding Mr.
24 Buck’s intention to compensate Mr. Moore as payment for engaging in sex acts or
25 acts of a generally sexual nature.

26 94. Mr. Buck knew these statements were false at the time and he further
27 knew that Mr. Moore would rely on them.

28 ///

///

1 95. Mr. Moore relied on Mr. Buck's statements and traveled to Los
2 Angeles, CA from Houston, TX on a commercial flight paid for or arranged by
3 Mr. Buck.

4 96. Upon his arrival in Los Angeles, CA, Mr. Buck coerced Mr. Moore
5 to ingest or forcibly injected Mr. Moore with crystal methamphetamine whereby
6 Mr. Moore was incapacitated and was unable to consent Mr. Buck's imposition of
7 hardcore pornographic films while further coercing Mr. Moore to masturbate and
8 perform various other sexually graphic acts or acts of a generally sexual nature, all
9 which Mr. Buck videorecorded.

10 97. As a direct and proximate result of Mr. Buck's actions, Mr. Moore
11 suffered and continued to suffer severe mental anguish, humiliation, pain, severe
12 emotional distress and physical distress. Mr. Moore suffered general and special
13 damages as a direct and proximate result of Mr. Buck's wrongful actions and in an
14 amount according to proof at trial.

15 98. Ms. Nixon, as Successor in Interest of Mr. Moore, Deceased, is
16 informed and believes, and based upon such information and belief alleges, that
17 the outrageous conduct of Mr. Buck described above was performed with
18 conscious disregard for Mr. Moore's rights and feelings. As a result, Ms. Nixon,
19 as Successor in Interest of Mr. Moore, Deceased, is entitled to punitive or
20 exemplary damages from Mr. Buck in an amount according to proof at trial.

21
22 **NINTH CAUSE OF ACTION: DISTRIBUTION OF PRIVATE SEXUALLY**
23 **EXPLICIT MATERIALS (CAL. CIV. CODE § 1708.85)**

24 **(Against Defendant EDWARD BUCK and DOES 1 through 20, Inclusive)**

25 99. Ms. Nixon, as Successor in Interest of Mr. Moore, Deceased, restates
26 and incorporates by reference, as though fully set forth herein, the allegations
27 contained in each of the paragraphs above.

1 100. Mr. Buck violated Mr. Moore’s right to privacy by intentionally
2 distributing private sexually explicit materials of Mr. Moore when Mr. Buck
3 showed DOE 21 a private nude videorecording of Mr. Moore on or around April
4 of 2019.

5 101. At all times relevant, Mr. Moore did not consent to Mr. Buck’s
6 distribution of a private nude videorecording of Mr. Moore.

7 102. Mr. Buck knew that Mr. Moore had a reasonable expectation that Mr.
8 Buck would not distribute nude videorecordings of Mr. Moore.

9 103. Ms. Nixon, as Successor in Interest of Mr. Moore, Deceased,
10 suffered shame, mortification, and hurt feelings upon learning of Mr. Buck’s
11 violation of Mr. Moore’s right to privacy by intentionally distributing private
12 sexually explicit materials of Mr. Moore when Mr. Buck showed DOE 21 a
13 private nude videorecording of her son on or around April of 2019.

14 104. Mr. Buck’s conduct was malicious and oppressive, and done with a
15 conscious disregard of Mr. Moore’s rights. Mr. Buck also acted with the
16 knowledge of or with reckless disregard for the fact that his conduct was certain to
17 cause injury and/or humiliation to Mr. Moore. Ms. Nixon, as Successor in Interest
18 of Mr. Moore, Deceased, is further informed and believes that Mr. Buck intended
19 to cause fear, physical injury and/or pain and suffering to Mr. Moore. Ms. Nixon,
20 as Successor in Interest of Mr. Moore, Deceased, is entitled to recover punitive
21 and exemplary damages from Mr. Buck according to proof at trial.

22
23 **FACTS COMMON TO TENTH, ELEVENTH, AND TWELFTH CAUSES**
24 **OF ACTION BROUGHT PURSUANT TO 42 U.S.C. § 1983**

25 105. During a time period which included, but was not limited to, the two-
26 year period preceding July 27, 2017, Edward Buck engaged in a pattern of
27 criminal conduct, marked by multiple criminal acts against Black men, which
28

1 were committed in his private residence, an apartment located in the city of West
2 Hollywood, California.

3 106. The crimes committed by Mr. Buck followed a distinct modus
4 operendi, which involved solicitations of gay Black men through promises of
5 financial payments, illicit substances, and/or offers of temporary housing, whom
6 he then directed to his apartment. Once in his apartment, Mr. Buck would induce
7 his victims to ingest controlled substances, commonly crystal methamphetamine,
8 which were typically administered through intravenous injections, which Mr.
9 Buck insisted on administering himself. Unbeknownst to his victims, Mr. Buck
10 would frequently administer toxic levels of such narcotics intravenously, which
11 resulted in serious injuries to his victims, such as Gemmel Moore, who was
12 administered a lethal dose of methamphetamine by Mr. Buck. On occasion, some
13 of Mr. Buck's victims were given tranquilizers without their knowledge, some
14 having been drugged while unconscious. During his encounters with his victims,
15 Mr. Buck engaged in a pattern and practice of committing acts of sexual violence
16 against his victims without their consent while they were unconscious, or unable
17 to resist his attacks due to the debilitating effects of narcotics administered by Mr.
18 Buck. During his encounters with his victims, Mr. Buck would frequently threaten
19 acts of extreme violence, and would, on occasion, torture his victims with objects
20 and implements designed for sadomasochistic activities. During his encounters
21 with his victims, it was not uncommon for Mr. Buck to videotape, and/or capture
22 digital photographic images of his victims engaged in various forms of sex acts.

23 107. Plaintiff is informed and believes that Mr. Buck's ongoing pattern of
24 criminal activity took place over a period of several years, and in the two year
25 period preceding July of 2017, a significant number of Mr. Buck's victims who
26 include, but are not limited to, John Does 1 through 10, each of whom were Black
27 gay men, reported between 30 and 50 specific acts of domestic violence to
28 heretofore unknown deputies, agents, and employees of the West Hollywood

1 Station of the Los Angeles County Sheriff's Department complaining of specific
2 instances of Mr. Buck's criminal activities that they witnessed and personally
3 suffered at the hands of Mr. Buck. These reports of criminal activity included, but
4 were not limited to, Mr. Buck's open and obvious possession of large amounts of
5 illegal controlled substances, specific reports of varying forms of battery and
6 domestic violence suffered by Mr. Buck's Black gay victims, including, but not
7 limited to, John Does 1 through 10, through the nonconsensual administration of
8 toxic levels of illicit substances and nonconsensual acts of sexual battery, torture,
9 domestic violence, and threats of domestic violence.

10 108. Additionally, in the two year period preceding July 27, 2017,
11 deputies employed by the West Hollywood Station of the Los Angeles County
12 Sheriff's Department visited the residence of Edward Buck at the behest of Mr.
13 Buck, who on occasion made calls for service. Plaintiff is informed and believes
14 that in the two year period preceding July 27, 2017, these deputies visited Mr.
15 Buck's residence from five to fifteen times, and that police reports, incident
16 reports, and/or field contact reports memorializing such visits are in the exclusive
17 possession of Defendants.

18 109. As discussed in the Tenth, Eleventh, and Twelfth Causes of action
19 herein alleged, these complaints and reports of domestic violence brought by
20 Black gay men were either ignored altogether, or given a lower priority compared
21 to other reports of domestic violence made by similarly situated victims with
22 regard to the discretionary distribution of law enforcement resources directed
23 towards the investigation of these crimes and the protection of the victims of these
24 crimes.

25 110. As discussed in the Tenth, Eleventh, and Twelfth Causes of action
26 herein alleged, the deputies, employees, and agents of the West Hollywood
27 Station of the Los Angeles County Sheriff's Department he Sheriff's Department
28 of the County of Los Angeles, deliberately and consciously adopted a policy of

1 systematically failing to abide by the provisions of state laws governing the
2 required law enforcement response to domestic violence, which include, but are
3 not limited to, Cal. Penal Code Section 13700 et seq. as well as the standards of
4 police instruction included in Peace Officer Standards and Training (POST)
5 Learning Domain 25, governing statewide law enforcement training and
6 enforcement protocols concerning reports of domestic violence. Plaintiff is
7 informed and believes that the historic performance of the West Hollywood
8 Station of the Los Angeles County Sheriff's Department in the years preceding
9 July of 2017 in response to the numerous complaints of Edward Buck's domestic
10 violence made by black gay men are reflective of attitudes and belief systems
11 which are pervasive within the West Hollywood Station which systematically
12 devalue, undermine, or fail to ascribe legitimacy to reports made by, or
13 concerning, black gay male victims of domestic violence.

14 111. Plaintiff is informed and believes that the inequitable distribution of
15 police resources demonstrated in the discriminatory undermining of complaints of
16 Edward Buck's domestic violence made by black gay men was the result of a long
17 standing animus against Black men, and Black gay men, which became a tenet of
18 the culture and consciousness among the deputies, employees, and agents of the
19 West Hollywood station which had been reinforced the years preceding July 27,
20 2017, and that these belief systems, which were systematically reinforced over a
21 period of years, and had the effect of minimizing the existence and legitimacy of
22 the pain and suffering of Black gay men who suffered acts of domestic violence,
23 such as Edward Buck's victims, as referenced herein. These belief systems
24 manifested themselves in the deliberate choices made by the deputies, employees,
25 and agents of the West Hollywood Sheriff's Station who responded to and
26 evaluated calls for service from Mr. Buck's victims, as described herein, and in the
27 systematic failure to discipline and/or reprimand deputies, agents and employees
28 of the West Hollywood Sheriff's Station who displayed, through their words and

1 actions, a discriminatory animus against Black gay men, including Edward Buck's
2 victims.

3 112. Plaintiff is informed and believes that the decisions, and the decision
4 making process that determined the deployment of law enforcement resources
5 within the West Hollywood Sheriff's Station were discretionary. Plaintiff is
6 informed and believes and thereupon alleges, that in the years preceding July 27,
7 2017, the deputies, employees, and agents of the West Hollywood Sheriff's
8 Station received training and instruction concerning receiving, evaluating, and
9 deploying departmental resources in response to calls for service that involved
10 domestic violence from sworn deputies in positions of leadership, such as watch
11 commanders, shift commanders, training deputies, captains, lieutenants, deputy
12 chiefs and other sworn and non-sworn agents and employees in leadership
13 positions within the West Hollywood Station, such as dispatchers, trainers of
14 dispatchers, trainers of front desk employees, community relations officers, and
15 trainers of persons charged with evaluating telephonic, electronic an in-person
16 calls for service from citizens of the geographical area assigned to or contracted to
17 receive service by the law enforcement personnel employed at the West
18 Hollywood Sheriff's Station.

19 113. Plaintiff is informed and believes that in the years preceding July 27,
20 2017 calls for service involving allegations of and/or complaints concerning
21 domestic violence which were made by or on behalf of Black gay men, were
22 either ignored, or given a lower priority than allegations of and/or complaints
23 concerning domestic violence which were not made by Black gay men, as a result
24 of discretionary choices that were made by the deputies, employees, and agents of
25 the Los Angeles County Sheriff's Department, as described herein. This policy of
26 the discriminatory distribution of law enforcement resources manifested itself in
27 specific actions and inactions by deputies, employees, and agents of the West
28 Hollywood Sheriff's station resulting in acts and omissions which included, but

1 were not limited to, the failure to adequately document and/or record and preserve
2 reports and complaints of domestic violence made by Black gay men, the
3 discretionary failure to adequately dispatch and/or deploy law enforcement
4 personnel to investigate reports and complaints of domestic violence made by
5 Black gay men, including complaints of domestic violence made by Black gay
6 victims of Edward Buck, the discretionary failure to adequately dispatch and/or
7 deploy law enforcement personnel to respond to reports and complaints of Black
8 gay men, including Edward Buck's victims, the discretionary failure to adequately
9 report complaints and incidences of domestic violence made by Black gay men,
10 including Edward Buck's victims, to appropriate state and federal agencies, the
11 discretionary failure to undertake an adequate tactical response aimed at
12 preventing incidences of domestic violence against Black gay men, including
13 Edward Buck's victims, the discretionary failure to coordinate community
14 resources to adequately document, report, investigate and prevent acts of domestic
15 violence against Black gay men, including victims of Edward Buck, and the
16 discretionary failure to coordinate departmental resources to inform the civilians
17 residing in the communities assigned to and/or contracted to receive the services
18 of the West Hollywood Sheriff's Department the existence of, and the prevention
19 of, incidents of domestic violence against Black gay men, including victims of
20 Edward Buck.

21 114. Plaintiff is informed and believes that certain documents,
22 electronically stored data, and other forms of written documentary and
23 electronically preserved evidence within the exclusive possession of defendants,
24 including police reports, field contact reports, call logs, various forms of
25 electronically stored and computer generated data, reports made to state and
26 federal law enforcement agencies, and archived photographic and video evidence
27 demonstrate that during the years preceding July 27, 2017, complaints of domestic
28 violence that were not made by Black gay men, and not made by victims of

1 Edward Buck, received a disproportionately higher level of priority in the
2 discretionary distribution of the police resources within the West Hollywood
3 Sheriff's station, and correspondingly were marked by a disproportionately higher
4 quality of investigation by departmental personnel, and a higher quality of
5 documentation and preservation of evidence, and a disproportionately higher and
6 more aggressive level of police activity, responsiveness of deputies, and
7 deployment of departmental resources aimed at protecting safety of reporting
8 parties, than were afforded to reports and complaints Black gay victims of
9 domestic violence, including Edward Buck's victims.

10 **TENTH CAUSE OF ACTION: RACE DISCRIMINATION IN VIOLATION**
11 **OF THE EQUAL PROTECTION CLAUSE OF THE FOURTEENTH**
12 **AMENDMENT AND 42 U.S.C. § 1981 (42 U.S.C. § 1983)**

13 **(Against Defendant COUNTY OF LOS ANGELES)**

14 **(Based on Equal Protection Violations Resulting in Race Discrimination)**

15 115. Plaintiff restates and incorporates by reference, as though fully set
16 forth herein, the allegations contained in each of the paragraphs above.

17 116. This cause of action is a survival action, brought by Plaintiff in her
18 capacity as Successor in Interest to Decedent Gemmel Moore, who would, but for
19 his death, assert this cause of action individually.

20 117. The County of Los Angeles is and at all times herein mentioned has
21 been a public entity and an incorporated municipal entity duly authorized and
22 existing as such in and under the laws of the State of California. The County of
23 Los Angeles, as such, is a person for purposes of 42 U.S.C. § 1983. *Monell v.*
24 *Dept. of Soc. Services of the City of New York*, 436 U.S. 658 (1978).

25 118. The Equal Protection Clause of the Fourteenth Amendment prohibits
26 a state from denying "any person within its jurisdiction the equal protection of the
27 laws." U.S. Const. amend XIV, § 1, and mandates that local governments treat
28 alike all persons that are similarly situated. The provisions of the Equal Protection

1 Clause prohibited the involved deputies, employees, and agents of the West
2 Hollywood Station of the Los Angeles County Sheriff's Department from
3 providing law enforcement services in a discriminatory manner and as such,
4 Gemmel Moore had a constitutional right to have police services that concerned
5 his encounters with Edward Buck administered in a non-discriminatory manner.

6 119. Gemmel Moore is an African American man and is therefore the
7 member of a suspect class. This Cause of Action is to redress violations of the
8 Equal Protection Clause of the Fourteenth Amendment which were suffered by
9 Gemmel Moore, individually, due to his race.

10 120. Plaintiff is informed and believes that one of the moving forces that
11 caused Gemmel Moore to suffer racial discrimination, as described herein, was a
12 longstanding custom and practice among deputies, employees, and agents of the
13 West Hollywood Station of the Los Angeles County Sheriff's Department and
14 County of Los Angeles which systematically discriminated against Black male
15 victims of domestic violence in the discretionary deployment and distribution of
16 police resources. Regarding complaints of domestic violence made by Black men,
17 this policy manifested itself through a systematic pattern and practice among the
18 deputies, employees, and agents of the West Hollywood Station of the Los
19 Angeles County Sheriff's Department to either ignore their complaints altogether,
20 or give their complaints a lower priority compared to reports of domestic violence
21 not made by Black men with regard to the discretionary distribution of law
22 enforcement resources directed towards the investigation of these crimes and the
23 protection of the victims of these crimes.

24 121. As a direct and proximate result of the acts and omissions alleged in
25 this Cause of Action, Mr. Buck suffered violations of his civil rights and
26 associated constitutional deprivations and damages occasioned by his being
27 denied police services in a non-discriminatory manner, including, at a minimum,
28 nominal monetary damages, prior to his death.

1 122. Plaintiff hereby demands attorneys' fees pursuant to 42 U.S.C.,
2 Section 1988.

3 **ELEVENTH CAUSE OF ACTION: RACE AND SEXUAL ORIENTATION**
4 **DISCRIMINATION IN VIOLATION OF THE EQUAL PROTECTION**
5 **CLAUSE OF THE FOURTEENTH AMENDMENT AND 42 U.S.C. § 1981**
6 **(42 U.S.C. § 1983)**

7 **(Against Defendant COUNTY OF LOS ANGELES)**

8 **(Based on Equal Protection Violations Resulting**
9 **in Discrimination based on Race and Sexual Orientation)**

10 123. Plaintiff restates and incorporates by reference, as though fully set
11 forth herein, the allegations contained in each of the paragraphs above.

12 124. This cause of action is a survival action, brought by Plaintiff in her
13 capacity as Successor in Interest to DECEDENT GEMMEL MOORE, who
14 would, but for his death, assert this cause of action individually.

15 125. The County of Los Angeles is and at all times herein mentioned has
16 been a public entity and an incorporated municipal entity duly authorized and
17 existing as such in and under the laws of the State of California. The County of
18 Los Angeles, as such, is a person for purposes of 42 U.S.C. § 1983. *Monell v.*
19 *Dept. of Soc. Services of the City of New York*, 436 U.S. 658 (1978).

20 126. The Equal Protection Clause of the Fourteenth Amendment prohibits
21 a state from denying "any person within its jurisdiction the equal protection of the
22 laws." U.S. Const. amend XIV, § 1, and mandates that local governments treat
23 alike all persons that are similarly situated. The provisions of the Equal Protection
24 Clause prohibited the involved deputies, employees, and agents of the West
25 Hollywood Station of the Los Angeles County Sheriff's Department from
26 providing law enforcement services in a discriminatory manner and as such,
27 Gemmel Moore had a constitutional right to have police services that concerned
28 his encounters with Edward Buck administered in a non-discriminatory manner.

1 127. Gemmel Moore was an African American man and was therefore the
2 member of a suspect class. At all times relevant herein, Gemmel Moore was also
3 openly gay and as such, was a member of a suspect class and/or quasi suspect
4 class. This Cause of Action is to redress violations of the Equal Protection Clause
5 of the Fourteenth Amendment which were suffered by Gemmel Moore,
6 individually, due to his race and sexual orientation.

7 130. Plaintiff is informed and believes that one of the moving forces that
8 caused Gemmel Moore to suffer discrimination based on his race and sexual
9 orientation, as described herein, was a longstanding custom and practice among
10 deputies, employees, and agents of the West Hollywood Station of the Los
11 Angeles County Sheriff's Department and County of Los Angeles which
12 systematically discriminated against Black gay male victims of domestic violence
13 in the discretionary deployment and distribution of police resources. Regarding
14 complaints of domestic violence made by Black gay men, this policy manifested
15 itself through a systematic pattern and practice among the deputies, employees,
16 and agents of the West Hollywood Station of the Los Angeles County Sheriff's
17 Department to either ignore their complaints altogether, or give their complaints a
18 lower priority compared to reports of domestic violence not made by Black gay
19 men with regard to the discretionary distribution of law enforcement resources
20 directed towards the investigation of these crimes and the protection of the victims
21 of these crimes.

22 131. As a direct and proximate result of the acts and omissions alleged in
23 this Cause of Action, Mr. Buck suffered violations of his civil rights and
24 associated constitutional deprivations and damages occasioned by his being
25 denied police services in a non-discriminatory manner, including, at a minimum,
26 nominal monetary damages, prior to his death.

27 132. Plaintiff hereby demands attorneys' fees pursuant to 42 U.S.C.,
28 Section 1988.

TWELFTH CAUSE OF ACTION

**DISCRIMINATION IN VIOLATION OF THE EQUAL PROTECTION
CLAUSE OF THE FOURTEENTH AMENDMENT AND 42 U.S.C. § 1981**

(42 U.S.C. § 1983)

(Against Defendant COUNTY OF LOS ANGELES)

**(Based on Equal Protection Violations Resulting
in Discrimination Against Victims of Edward Buck)**

133. Plaintiff restates and incorporates by reference, as though fully set forth herein, the allegations contained in each of the paragraphs above.

134. This cause of action is a survival action, brought by Plaintiff in her capacity as Successor in Interest to Decedent Gemmel Moore, who would, but for his death, assert this cause of action individually.

135. The County of Los Angeles is and at all times herein mentioned has been a public entity and an incorporated municipal entity duly authorized and existing as such in and under the laws of the State of California. The County of Los Angeles, as such, is a person for purposes of 42 U.S.C. § 1983. *Monell v. Dep't. of Soc. Services of the City of New York*, 436 U.S. 658 (1978).

136. The Equal Protection Clause of the Fourteenth Amendment prohibits a state from denying "any person within its jurisdiction the equal protection of the laws." U.S. Const. amend XIV, § 1, and mandates that local governments treat alike all persons that are similarly situated. The provisions of the Equal Protection Clause prohibited the involved deputies, employees, and agents of the West Hollywood Station of the Los Angeles County Sheriff's Department from providing law enforcement services in a discriminatory manner and as such, Gemmel Moore had a constitutional right to have police services that concerned his encounters with Edward Buck administered in a non-discriminatory manner.

137. This Cause of Action Seeks to redress a policy of discrimination against an identifiable class of plaintiffs, who are identified as victims of Edward

1 Buck. In addition to Decedent Gemmel Moore, this class of individuals includes,
2 at a minimum, those individuals referred to herein as John Does 1 through 10.

3 138. Plaintiff is informed and believes that one of the moving forces that
4 caused Gemmel Moore to suffer discrimination based on the fact that he was
5 among the class of persons who suffered domestic violence inflicted by Edward
6 Buck, as described herein, was a longstanding custom and practice among
7 deputies, employees, and agents of the West Hollywood Station of the Los
8 Angeles County Sheriff's Department and County of Los Angeles which
9 systematically discriminated against Edward Buck's victims of domestic violence
10 in the discretionary deployment and distribution of police resources. Regarding
11 complaints of domestic violence made by said victims, this policy manifested
12 itself through a systematic pattern and practice among the deputies, employees,
13 and agents of the West Hollywood Station of the Los Angeles County Sheriff's
14 Department to either ignore their complaints altogether, or give their complaints a
15 lower priority compared to reports of domestic violence not made by Black gay
16 men with regard to the discretionary distribution of law enforcement resources
17 directed towards the investigation of these crimes and the protection of the victims
18 of these crimes.

19 139. As a direct and proximate result of the acts and omissions alleged in
20 this Cause of Action, Mr. Buck suffered violations of his civil rights and
21 associated constitutional deprivations and damages occasioned by his being
22 denied police services in a non-discriminatory manner, including, at a minimum,
23 nominal monetary damages, prior to his death.

24 140. Plaintiff hereby demands attorneys' fees pursuant to 42 U.S.C.,
25 Section 1988.

26 ///

27 ///

28 ///

JURY DEMAND

1
2 Plaintiff hereby demands that a jury be empaneled for the trial of this
3 matter.

PRAYER FOR RELIEF

4
5
6 **WHEREFORE**, Plaintiff prays for judgment and damages against the
7 Defendants as follows:

- 8 1. General damages in an amount to be determined at trial;
- 9 2. Past and future medical and related expenses in an amount to be
10 determined at trial;
- 11 3. Past and future lost earnings in an amount to be determined at trial;
- 12 4. Impairment of earning capacity in an amount to be determined at trial;
- 13 5. Punitive damages pursuant to applicable law (except as to County);
- 14 6. Reasonable attorneys’ fees pursuant to applicable law;
- 15 7. Prejudgment and post-judgment interest, including but not limited to,
16 California Civil Code § 3288; and
- 17 8. Any other and further relief that the Court considers just and
18 proper.

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21 DATED: February 13, 2020

/s/ Brian T. Dunn
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THE COCHRAN FIRM CALIFORNIA
Attorneys for Plaintiff