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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

11 LESLIE MOLERA, D. W., a minor,)
through his Guardian Ad Litem, Leslie)
12 Molera, and WILLIAM WALKER, all)
Individually and as Co-Successors in)
13 Interest of Decedent KENDALL)
WALKER,)
14)
15 Plaintiffs,)
vs.)
16)
17 CITY OF VACAVILLE, a public entity;)
CITY OF VACAVILLE POLICE CHIEF)
18 RICHARD WORD, in his individual)
and official capacities; OFFICER)
19 KENJI, OFFICER VALK, and DOES 1)
through 20, individually, jointly and)
20 severally,)
21 Defendants.)

No:

Hon.

**COMPLAINT FOR DAMAGES,
DECLARATORY, AND INJUNCTIVE
RELIEF, AND DEMAND FOR JURY
TRIAL**

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1 Plaintiffs, by and through their attorneys, HADDAD & SHERWIN for their Complaint
2 against Defendants, state as follows:

3 **JURISDICTION**

4 1. This is a civil rights, wrongful death, and survival action arising from
5 Defendants' wrongful shooting, use of excessive force and recklessly provocative tactics,
6 resulting in the death of Kendall Walker, Deceased, on or about July 18, 2013, in the City
7 of Vacaville, County of Solano, California. This action is brought pursuant to 42 USC §§
8 1983 and 1988; Title II of the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12132 *et*
9 *seq.*; § 504 of the Rehabilitation Act ("RA"), 29 U.S.C. §§ 794 and 794a *et seq.*; 42 U.S.C.
10 §§ 2000d-7 and 12202; and the Fourth, First, and Fourteenth Amendments to the United
11 States Constitution, as well as the laws and Constitution of the State of California,
12 including but not limited to California Civil Code §§ 52.1, 51.7, and 52, and California
13 common law. Jurisdiction is founded upon 28 USC §§ 1331 and 1343(a)(3) and (4), and
14 the aforementioned statutory and constitutional provisions. Plaintiffs further invoke the
15 supplemental jurisdiction of this Court pursuant to 28 USC §1367 to hear and decide
16 claims arising under state law.

17 **INTRADISTRICT ASSIGNMENT**

18 2. A substantial part of the events and/or omissions complained of herein
19 occurred in the City of Vacaville, Solano County, California, and this action is properly
20 assigned to the Sacramento Division of the United States District Court for the Eastern
21 District of California.
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25 **PARTIES AND PROCEDURE**

26 3. Minor Plaintiff D. W. is and was at all times herein mentioned the son of
27 Decedent KENDALL WALKER and a resident of the State of California. He is being
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1 represented in this matter by his grandmother and guardian ad litem, Leslie Molera,
2 pursuant to Federal Rule of Civil Procedure 17(c). Minor Plaintiff D. W. brings these
3 claims individually for wrongful death and violation of his personal rights, and as successor
4 in interest for Decedent KENDALL WALKER asserting survival claims for KENDALL
5 WALKER under state and federal law.

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7 4. Plaintiff LESLIE MOLERA is the mother of decedent, KENDALL WALKER,
8 and a resident of the State of California. Plaintiff LESLIE MOLERA brings these claims
9 individually for wrongful death and violation of her personal rights.

10 5. Plaintiff WILLIAM WALKER is the father of Decedent KENDALL WALKER
11 and a resident of the State of California. Plaintiff WILLIAM WALKER brings these claims
12 individually for wrongful death and violation of his personal rights.

13 6. Plaintiffs bring these claims pursuant to California Code of Civil Procedure §§
14 377.20 et seq. and 377.60 et seq. which provide for survival and wrongful death actions.
15 Plaintiffs also bring their claims individually and on behalf of Decedent KENDALL
16 WALKER on the basis of 42 USC §§ 1983 and 1988, the United States Constitution, and
17 federal and state civil rights law. Plaintiffs also bring these claims as Private Attorneys
18 General, to vindicate not only their rights, but others' civil rights of great importance.
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20 7. Defendant CITY OF VACAVILLE is a public entity established by the laws
21 and Constitution of the State of California, and owns, operates, manages, directs, and
22 controls the Vacaville Police Department ("VPD") which employs other defendants in this
23 action.
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25 8. Defendant Chief of Police RICHARD WORD ("WORD") at all material times
26 was employed as Chief of Police by Defendant CITY OF VACAVILLE, and was acting
27 within the course and scope of that employment. As Chief of Police, Defendant WORD
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1 was a policy-making official for Defendant CITY OF VACAVILLE with the power to make
2 official and final policy for the VPD. Defendant WORD is being sued in his individual and
3 official capacities.

4 9. Defendants OFFICER KENJI and OFFICER VALK at all material times were
5 employed as Police Officers by the VPD, and were acting within the scope of that
6 employment.
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8 10. Despite Plaintiffs' multiple requests for records, Defendants have not
9 provided Plaintiffs or their representatives with information concerning this shooting,
10 including the names of the other involved police officers, any police reports, records of any
11 investigation, or recordings of this incident. As a result, the true names and capacities of
12 Defendants sued herein as DOES 1–20 (“DOE defendants”) are unknown to Plaintiffs, who
13 therefore sue said Defendants by such fictitious names, and Plaintiffs will seek leave to
14 amend this complaint to show their true names and capacities when the same are
15 ascertained. Each DOE defendant was an employee/agent of the City of Vacaville and the
16 VPD, and at all material times acted within the course and scope of that relationship.
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18 11. Plaintiffs are informed and believe and thereon allege that each of the
19 Defendants sued herein was negligently, wrongfully, and otherwise responsible in some
20 manner for the events and happenings as hereinafter described, and proximately caused
21 injuries and damages to Plaintiffs. Further, one or more DOE defendants was at all
22 material times responsible for the hiring, training, supervision, and discipline of other
23 defendants, including Doe Defendants.
24

25 12. Plaintiffs are informed and believe, and thereon allege, that each of the
26 Defendants was at all material times an agent, servant, employee, partner, joint venturer,
27 co-conspirator, and/or alter ego of the remaining Defendants, and in doing the things
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1 herein alleged, was acting within the course and scope of that relationship. Plaintiffs are
2 further informed and believe, and thereon allege, that each of the Defendants herein gave
3 consent, aid, and assistance to each of the remaining Defendants, and ratified and/or
4 authorized the acts or omissions of each Defendant as alleged herein, except as may be
5 hereinafter otherwise specifically alleged.

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7 13. At all material times, each Defendant was jointly engaged in tortious activity,
8 and was an integral participant to the events and violations of rights described herein,
9 resulting in the deprivation of Plaintiffs' constitutional rights and other harm.

10 14. The acts and omissions of all Defendants as set forth herein were at all
11 material times pursuant to the actual customs, policies, practices and procedures of the
12 VPD.

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14 15. At all material times, each Defendant acted under color of the laws, statutes,
15 ordinances, and regulations of the State of California.

16 16. Each Plaintiff herein timely and properly filed tort claims pursuant to Cal.
17 Gov. Code § 910 et seq., and this action is timely filed within all applicable statutes of
18 limitation.

19 17. This complaint may be pled in the alternative pursuant to Federal Rule of
20 Civil Procedure 8(d)(2).

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23 **GENERAL ALLEGATIONS**

24 18. Plaintiffs reallege each and every paragraph in this complaint as if fully set
25 forth here.

26 19. On or about July 18, 2013, at about 7:30 p.m., unidentified members of the
27 VPD fatally shot Kendall Walker (Decedent) near the intersection of Ulatis Drive and Nut
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1 Tree Road in the City of Vacaville, County of Solano, California. Defendant VPD officers
2 shot Decedent multiple times after a low-speed car chase instituted by Defendants.

3 20. Before the low-speed car chase involving Kendall Walker and Defendant
4 VPD officers, the Defendant VPD officers, including Defendants Kenji and Valk, had been
5 informed and knew that Decedent Walker was suffering from mental illness and/or
6 emotional disturbance. Defendants had also been informed that Kendall Walker had no
7 firearms or other weapons in his car.
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9 21. Kendall Walker was driving a Geo Metro that could not travel very fast. He
10 was driving about fifteen to twenty miles per hour. Decedent Walker had not committed
11 any crime, and Defendants lacked legal cause to seize him. The VPD tried to pull
12 Decedent Walker over, but he engaged in a low-speed chase with the VPD. Decedent
13 Walker had the right to non-violently resist Defendants' attempt to unlawfully seize him.
14 The VPD stopped Kendall Walker after one of the VPD's patrol cars pulled up along the
15 right side of his car and rammed it using the tactical ramming "PIT" maneuver. This
16 aggressive, provocative, and dangerous maneuver caused the Decedent's car to spin
17 around out of control so that it faced the other direction. This incident occurred near Ulatis
18 Drive and either Nut Tree Road or Christine Drive. Several VPD police cars surrounded
19 Kendall Walker's car, cutting off avenues of escape. Decedent Walker began to get out of
20 his car, and less than about five seconds later several VPD shot him.
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23 22. Decedent had no weapon in his hands and posed no significant or immediate
24 threat of death or serious bodily harm to Defendant VPD officers or others at the time he
25 was shot. Decedent Walker had not made any movement or gesture under the
26 circumstances that a reasonable officer would perceive as posing an immediate threat to
27 justify the use of deadly force. Defendant VPD officers unlawfully seized and used
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1 excessive force against Kendall Walker, including but not limited to firing multiple,
2 deliberate gunshots at Decedent without warning and without legal justification, causing
3 great pain and suffering to Decedent and causing his death.

4 23. At all times, Decedent Kendall Walker did not pose a significant and
5 immediate threat of death or serious physical injury to Defendants, officers, or others.
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7 24. At all material times, Defendants VPD officers knew and/or had reason to
8 know that Decedent was a mentally ill and/or emotionally disturbed person. Defendants
9 failed to follow generally accepted law enforcement standards and training for safely
10 handling Decedent as a mentally ill and/or emotionally disturbed person.

11 25. Further, as a result of Defendants' unreasonable, reckless, excessive,
12 unlawful, and provocative tactics, Defendants created the situation where deadly force was
13 used.
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15 26. At all material times, and alternatively, the actions and omissions of each
16 defendant were intentional, wanton and/or willful, conscience shocking, reckless,
17 malicious, deliberately indifferent to Decedent's and Plaintiffs' rights, done with actual
18 malice, grossly negligent, negligent, and objectively unreasonable.

19 27. As a direct and proximate result of each Defendant's acts and/or omissions
20 as set forth above, Plaintiffs sustained the following injuries and damages, past and future,
21 among others:
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- 23 a. Wrongful death of Kendall Walker;
- 24 b. Hospital and medical expenses (Survival claims);
- 25 c. Coroner's fees, funeral and burial expenses (Survival claims);
- 26 d. Loss of familial relationships, including loss of love, companionship,
27 comfort, affection, consortium, society, services, solace, and moral
28 support (All Plaintiffs, based on wrongful death and loss of familial
 association);

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- e. Loss of economic support (D.W., based on wrongful death and loss of familial association);
- f. Violation of constitutional rights;
- g. Pain and Suffering, including emotional distress (All Plaintiffs, based on individual §1983 claims for loss of familial association);
- h. Kendall Walker’s loss of life, pursuant to federal civil rights law (Survival claims);
- i. Kendall Walker’s conscious pain and suffering, pursuant to federal civil rights law (Survival claims);
- j. All damages, penalties, and attorneys’ fees and costs recoverable under 42 USC §§ 1983, 1988, 12205, 29 U.S.C. § 794a, the ADA, the RA, California Civil Code §§ 51.7, 52, and 52.1, California Code of Civil Procedure § 1021.5, and as otherwise allowed under California and United States statutes, codes, and common law;

COUNT ONE
-- 42 USC §1983 --
ALL PLAINTIFFS AGAINST DEFENDANTS KENJI, VALK, AND DOES 1–20

28. Plaintiffs reallege each and every paragraph in this complaint as if fully set forth here.

29. By the actions and omissions described above, Defendants KENJI, VALK and DOES 1-20 violated 42 USC §1983, depriving Plaintiffs and Decedent of the following clearly established and well-settled constitutional rights protected by the First, Fourth and Fourteenth Amendments to U.S. Constitution:

- a. The right to be free from unreasonable searches and seizures as secured by the Fourth and Fourteenth Amendments;
- b. The right to be free from excessive and unreasonable force in the course of arrest or detention as secured by the Fourth and Fourteenth Amendments;
- c. The right to be free from the use of unlawful deadly force as secured by the Fourth and Fourteenth Amendments;

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2 d. The right to be free from wrongful government interference with familial
3 relationships, and Plaintiffs' right to companionship, society and support
4 of each other, as secured by the First, Fourth and Fourteenth
5 Amendments, and California Code of Civil Procedure §§ 377.20 et seq.
6 and 377.60 et seq.;

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8 30. Defendants subjected Plaintiffs to their wrongful conduct, depriving Plaintiffs
9 of rights described herein, knowingly, maliciously, and with conscious and reckless
10 disregard for whether the rights and safety of Plaintiffs (individually and on behalf of
11 Kendall Walker, Deceased) and others would be violated by their acts and/or omissions.

12 31. As a direct and proximate result of Defendants' acts and/or omissions as set
13 forth above, Plaintiffs sustained injuries and damages as set forth at paragraph 27, above.

14 32. The conduct of Defendants KENJI, VALK, and DOES 1-20 entitles Plaintiffs
15 to punitive damages and penalties allowable under 42 USC §1983 and California law.
16 Plaintiffs do not seek punitive damages against the City of Vacaville.

17 33. Plaintiffs are also entitled to reasonable costs and attorneys' fees under 42
18 USC §1988 and applicable federal and California codes and laws.

19 **COUNT TWO**
20 **- 42 USC §1983 (Municipal and Supervisory Liability) –**
21 **ALL PLAINTIFFS AGAINST DEFENDANTS CITY OF VACAVILLE, CHIEF OF POLICE**
22 **RICHARD WORD, AND DOES 1-20**

23 34. Plaintiffs reallege each and every paragraph in this complaint as if fully set
24 forth here.

25 35. The unconstitutional actions and/or omissions of Defendants KENJI, VALK,
26 DOES 1-20, and other officers employed by or acting on behalf of Defendant City of
27 Vacaville, on information and belief, were pursuant to the following customs, policies,
28 practices, and/or procedures of the VPD, stated in the alternative, which were directed,

1 encouraged, allowed, and/or ratified by policy making officers for City of Vacaville and the
2 VPD, including but not limited to Defendant WORD:

- 3 a. To use or tolerate the use of excessive and/or unjustified force;
- 4 b. To use or tolerate the use of unlawful deadly force;
- 5 c. To fail to use appropriate and generally accepted law enforcement
6 policies, procedures, and training in handling mentally ill, emotionally
7 disturbed and/or medically disabled persons;
- 8 d. To fail to use appropriate and generally accepted law enforcement
9 policies, procedures, and training in handling disabled persons;
- 10 e. To fail to use appropriate and generally accepted law enforcement
11 policies, procedures, and training in handling persons experiencing
12 medical emergencies;
- 13 f. To fail to accommodate persons with disabilities, particularly mental
14 illness and/or emotional disturbance;
- 15 g. To cover-up violations of constitutional rights by any or all of the
16 following:
- 17 i. by failing to properly investigate and/or evaluate complaints or
18 incidents of excessive and unreasonable force, unlawful seizures,
19 and/or handling of mentally ill or emotionally disturbed persons;
- 20 ii. by ignoring and/or failing to properly and adequately investigate
21 and discipline unconstitutional or unlawful police activity; and
- 22 iii. by allowing, tolerating, and/or encouraging police officers to: fail to
23 file complete and accurate police reports; file false police reports;
24 make false statements; intimidate, bias and/or “coach” witnesses
25 to give false information and/or to attempt to bolster officers’
26 stories; and/or obstruct or interfere with investigations of
27 unconstitutional or unlawful police conduct, by withholding and/or
28 concealing material information;
- h. To allow, tolerate, and/or encourage a “code of silence” among law
enforcement officers and police department personnel, whereby an
officer or member of the department does not provide adverse
information against a fellow officer or member of the department;
- i. To use or tolerate inadequate, deficient, and/or improper procedures
for handling, investigating, and reviewing complaints of officer

1 misconduct made under California Government Code § 910 et seq.;
2 and

- 3 j. To fail to have and enforce necessary, appropriate, and lawful
4 policies, procedures, and training programs to prevent or correct the
5 unconstitutional conduct, customs, and procedures described in this
6 Complaint and in subparagraphs (a) through (i) above, with deliberate
indifference to the rights and safety of Plaintiffs and the public, and in
the face of an obvious need for such policies, procedures, and training
programs.

7 36. Defendants City of Vacaville, Chief WORD, and DOES 1-20 failed to properly
8 hire, train, instruct, monitor, supervise, evaluate, investigate, and discipline Defendants
9 KENJI, VALK, DOES 1-20, and other VPD personnel, with deliberate indifference to
10 Plaintiffs' constitutional rights, which were thereby violated as described above.

11 37. The unconstitutional actions and/or omissions of Defendants KENJI, VALK,
12 DOES 1-20, and other VPD personnel, as described above, were approved, tolerated
13 and/or ratified by policy-making officers for the VPD. Plaintiffs are informed and believe,
14 and thereupon allege, the details of this incident have been revealed to the authorized
15 policy makers within City of Vacaville and the VPD including Defendant WORD, and that
16 such policy makers have direct knowledge of the fact that the Kendall Walker shooting was
17 not justified, but represented an unconstitutional display of unreasonable, excessive and
18 deadly force. Notwithstanding this knowledge, the authorized policy makers within City of
19 Vacaville and the VPD have approved of Defendant DOES 1–20s' shooting of Kendall
20 Walker, and have made a deliberate choice to endorse Defendant DOES 1–20s' shooting
21 of Kendall Walker and the basis for that shooting. By so doing, the authorized policy
22 makers within City of Vacaville and the VPD have shown affirmative agreement with the
23 individual defendant officers' actions, and have ratified the unconstitutional acts of the
24 individual defendant officers.
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1 violated Plaintiffs' rights under California Civil Code §52.1, and the following clearly-
2 established rights under the United States Constitution and the California Constitution:

- 3 a. The right to be free from unreasonable searches and seizures as
4 secured by the Fourth and Fourteenth Amendments;
- 5 b. The right to be free from excessive and unreasonable force in the
6 course of arrest or detention as secured by the Fourth and
7 Fourteenth Amendments;
- 8 c. The right to be free from the unreasonable use of deadly force as
9 secured by the Fourth and Fourteenth Amendments;
- 10 d. The right to be free from wrongful government interference with
11 familial relationships, and Plaintiffs' right to companionship and
12 society with each other, as secured by the First, Fourth and
13 Fourteenth Amendments;
- 14 e. The right to be free from unlawful and unreasonable seizure of
15 one's person, including the right to be free from unreasonable or
16 excessive deadly force, as secured by the California Constitution,
17 Article 1, Section 13;
- 18 f. The right to protection from bodily restraint, harm, or personal
19 insult, as secured by Cal. Civil Code § 43.

20 43. Separate from, and above and beyond, Defendants' attempted interference,
21 interference with, and violation of Plaintiffs' rights, Defendants violated Plaintiffs' rights by
22 the following conduct constituting threats, intimidation, or coercion:

- 23 a. Chasing and threatening Kendall Walker in the absence of any threat
24 presented by Mr. Walker, or any justification whatsoever;
- 25 b. Using deliberately reckless and provocative tactics to apprehend
26 Kendall Walker in violation of generally accepted law enforcement
27 training and standards, and in violation of Kendall Walker's rights;
- 28 c. Deliberately causing Kendall Walker's car to be rammed by a police
car, in the absence of a justifiable threat or need;

- 1 d. Causing multiple officers to point guns at Kendall Walker, threatening
- 2 the use of deadly force, without justification;
- 3 e. Threatening violence against Kendall Walker, with the apparent ability
- 4 to carry out such threats, in violation of Civ. Code § 52.1(j);
- 5 f. Causing Kendall Walker to be shot multiple times, without warning and
- 6 without justification; and
- 7 g. Violating Kendall Walker's rights to be free from unlawful seizures by
- 8 both wrongful arrest and excessive force.
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10 44. As a direct and proximate result of Defendants' violation of California Civil
11 Code §52.1 and of Plaintiffs' rights under the United States and California Constitutions,
12 Plaintiffs sustained injuries and damages, and against each and every Defendant are
13 entitled to relief as set forth above at paragraphs 30 - 33 and punitive damages against
14 Defendants WORD, KENJI, VALK, and Does 1–20 in their individual capacities, including
15 all damages allowed by California Civil Code §§ 52, 52.1, and California law, not limited to
16 costs, attorneys fees, three times actual damages, and civil penalties.
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18 **COUNT FOUR**
19 **-- NEGLIGENCE; PERSONAL INJURIES --**
20 **ALL PLAINTIFFS AGAINST ALL DEFENDANTS**

21 45. Plaintiffs reallege each and every paragraph in this complaint as if fully set
22 forth here.

23 46. At all times, each Defendant owed Plaintiffs the duty to act with due care in
24 the execution and enforcement of any right, law, or legal obligation.

25 47. At all times, each Defendant owed Plaintiffs the duty to act with reasonable
26 care.

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1 48. These general duties of reasonable care and due care owed to Plaintiffs by
2 all Defendants include but are not limited to the following specific obligations:

- 3 a. to refrain from using excessive and/or unreasonable force against
4 Kendall Walker;
- 5 b. to refrain from unreasonably creating the situation where force,
6 including but not limited to deadly force, is used;
- 7 c. to refrain from abusing their authority granted them by law;
- 8 d. to use tactics and force appropriate for a disabled, mentally ill and/or
9 emotionally disturbed person having a medical emergency;
- 10 e. to refrain from violating Plaintiffs' rights guaranteed by the United
11 States and California Constitutions, as set forth above, and as
otherwise protected by law.

12 49. Additionally, these general duties of reasonable care and due care owed to
13 Plaintiffs by Defendants City of Vacaville, Chief WORD, and Does 1–20, include but are
14 not limited to the following specific obligations:

- 15 a. to properly and adequately hire, investigate, train, supervise, monitor,
16 evaluate, and discipline their employees, agents, and/or law
17 enforcement officers to ensure that those employees/agents/officers
act at all times in the public interest and in conformance with law;
- 18 b. to make, enforce, and at all times act in conformance with policies,
19 training, and customs that are lawful and protective of individual rights,
20 including Plaintiffs'.
- 21 c. to refrain from making, enforcing, and/or tolerating the wrongful
22 policies, training, and customs set forth at paragraph 35, above.

23 50. Defendants, through their acts and omissions, breached each and every one
24 of the aforementioned duties owed to Plaintiffs.

25 51. As a direct and proximate result of Defendants' negligence, Plaintiffs
26 sustained injuries and damages, and against each and every Defendant are entitled to
27 relief as set forth above at paragraphs 30 - 33, and punitive damages against Defendants
28 Chief WORD, KENJI, VALK, and DOES 1–20 in their individual capacities.

1 63. Defendant is within the mandate of the RA that no person with a disability
2 may be “excluded from participation in, be denied benefits of, or be subjected to
3 discrimination under any program or activity.” 29 U.S.C. § 794.

4 64. Further, Plaintiffs are informed and believe and thereon allege that
5 Defendant City of Vacaville receives federal financial assistance.

6 65. Under the ADA, the City of Vacaville is mandated to “develop an effective,
7 integrated, comprehensive system for the delivery of all services to persons with mental
8 disabilities and developmental disabilities . . .” and to ensure “that the personal and civil
9 rights” of persons who are receiving services under its aegis are protected.

10 66. Also under the ADA, the City of Vacaville is mandated not to discriminate
11 against any qualified individual “on the basis of disability in the full and equal enjoyment of
12 the goods, services, facilities, privileges, advantages or accommodations of any place of
13 public accommodation.” 42 U.S.C. § 12182(a). The ADA applies generally to police
14 “services, programs, or activities.” 42 U.S.C. § 12132. The ADA applies to arrests, other
15 seizures, and Defendants’ contacts with Kendall Walker.

16 67. At all material times and as described herein, Decedent Kendall Walker (1)
17 was an individual with a disability; (2) was otherwise qualified to participate in or receive
18 the benefit of a public entity’s services, programs or activities, including the City of
19 Vacaville’s police services, programs, or activities; (3) was either excluded from
20 participation in or denied the benefits of the City of Vacaville’s services, programs or
21 activities or was otherwise discriminated against by the City of Vacaville; and (4) such
22 exclusion, denial of benefits or discrimination was by reason of his disability.
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1 68. As described herein, Defendant failed to reasonably accommodate
2 Decedent's disability in the course of contacting and seizing him, causing him to suffer
3 greater injury in the process than other detainees or arrestees, including death.

4 69. As a direct and proximate result of Defendant's violations of the ADA and
5 RA, Plaintiffs sustained serious and permanent injuries and are entitled to damages,
6 penalties, costs and attorneys' fees as set forth in paragraphs 30 - 33 above.
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9 WHEREFORE, Plaintiffs respectfully request the following relief against each and
10 every Defendant herein, jointly and severally:

- 11 a. compensatory and exemplary damages in an amount according to
12 proof and which is fair, just and reasonable;
- 13 b. punitive damages under 42 USC §1983 and California law in an
14 amount according to proof and which is fair, just, and reasonable
(punitive damages are not sought against the City of Vacaville);
- 15 c. all other damages, penalties, costs, interest, and attorneys' fees as
16 allowed by 42 USC §§ 1983, 1988, and 12205 and Title II of the ADA,
17 29 U.S.C. §§ 794 and 794a, Cal. Code of Civ. Proc. §§ 377.20 et seq.,
377.60 et seq., and 1021.5, Cal. Civil Code §§ 52 et seq., 52.1, 51.7,
18 and as otherwise may be allowed by California and/or federal law;
- 19 d. Injunctive relief, including but not limited to the following:
- 20 i. an order prohibiting Defendants and their police
21 officers from unlawfully interfering with the rights of
22 Plaintiffs and others to be free from unreasonable
searches and seizures and excessive and
unreasonable force;
- 23 ii. an order requiring Defendants to institute and
24 enforce appropriate and lawful policies and
25 procedures for stopping and detaining individuals,
26 particularly persons with disabilities, persons
experiencing a medical emergency, and mentally ill
27 or emotionally disturbed persons;
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- iii. an order prohibiting Defendants and their police officers from engaging in the “code of silence” as may be supported by the evidence in this case;
 - iv. an order requiring Defendants to train all VPD law-enforcement officers concerning generally accepted and proper tactics and procedures for the use of deadly force and this Court’s orders concerning the issues raised in injunctive relief requests i-iii, above;
 - v. an order requiring Defendants to train all VPD Officers concerning generally accepted and proper tactics and procedures for handling mentally ill or emotionally disturbed persons and this Court’s orders concerning the issues raised in injunctive relief requests i-iii, above;
 - vi. an order requiring Defendants to train all VPD Officers concerning generally accepted and proper tactics and procedures for handling disabled persons and this Court’s orders concerning the issues raised in injunctive relief requests i-iii, above;
 - vii. an order requiring Defendants to train all VPD Officers concerning generally accepted and proper tactics and procedures for handling persons experiencing a medical emergency and this Court’s orders concerning the issues raised in injunctive relief requests i-iii, above;
- e. such other and further relief as this Court may deem appropriate.

DATED: March 26, 2014

HADDAD & SHERWIN

/s/ Michael J. Haddad

Michael J. Haddad
Attorneys for Plaintiffs

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JURY DEMAND

Plaintiffs hereby request a trial by jury.

DATED: March 26, 2014

HADDAD & SHERWIN

/s/ Michael J. Haddad

Michael J. Haddad
Attorneys for Plaintiffs