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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRANDY WOOD, an individual,

Plaintiff,

v.

CITY OF SACRAMENTO, a municipal
corporation; and DOES 1-50, inclusive.

Defendant.

) Case No.:

) COMPLAINT FOR DAMAGES
) (42 U.S.C § 1983)

) JURY TRIAL DEMANDED

INTRODUCTION

1
2 1. Plaintiff Brandy Wood, mother and African-American female, participated in a
3 peaceful march to protest the unpunished killing of Stephon Clark by Sacramento Police. Along
4 with a crowd of other peaceful protesters she was funneled and trapped in a closed-off location in
5 compliance with the Sacramento police.

6 2. While lining up with the other protesters to be unlawfully arrested, a passing
7 Sacramento officer used his bike to ram into her leg causing her to fall to the ground and break
8 her leg. The yet-to-be-identified Sacramento officer offered no medical attention or even stopped
9 to check on her. Later on after she was arrested with others, and after continually complaining of
10 her broken leg, was she able to secure medical care for her broken leg.

JURISDICTION

11
12 3. This action arises under Title 42 of the United States Code, Section 1983. The
13 unlawful acts and practices alleged herein occurred in Sacramento, California, which is within
14 this judicial district. Title 28 United State Code Section 1391 (b) confers venue upon this Court.

PARTIES

15
16 4. Plaintiff BRANDY WOOD is a competent adult. Plaintiff is a resident of
17 CALIFORNIA.

18 5. Defendant CITY OF SACRAMENTO was and at all times mentioned herein is a
19 municipal corporation that operates the Sacramento Police Department, and is vicariously liable
20 for the conduct of its officers.

21 6. Plaintiff is ignorant of all the true names and/or capacities of defendants sued
22 herein as DOES 1-50 inclusive, and therefore sues some said defendants by such fictitious
23 names. Plaintiff will amend this complaint to allege the true names and capacities when
24 ascertained. Plaintiff believes and alleges that DOE defendants are legally responsible and liable
25

1 for the incident, injuries and damages hereinafter set forth. Each defendant proximately caused
2 injuries and damages because of their negligence, breach of duty, negligent supervision,
3 management or control, violation of public policy. Each defendant is liable for his/her personal
4 conduct, vicarious or imputed negligence, fault, or breach of duty, whether severally or jointly,
5 or whether based upon agency, employment, ownership, entrustment, custody, care or control or
6 upon any other act or omission. Plaintiff will ask leave to amend this complaint subject to
7 further discovery.

8 7. In doing the acts alleged herein, Defendant, DOES 1-50, and each of them acted
9 within the course and scope of their employment for the Sacramento Police Department.

10 8. In doing the acts and/or omissions alleged herein, Defendants, and each of them,
11 acted under color of authority and/or under color of law.

12 9. Due to the acts and/or omissions alleged herein, Defendants, and each of them,
13 acted as the agent, servant, and employee and/or in concert with each of said other Defendants
14 herein.

15 10. Plaintiff filed a timely government claim City of Sacramento on or about
16 September 4, 2019, which was rejected by operation of law.

17 **STATEMENT OF FACTS**

18 11. The incident took place on the night of March 4, 2019 at or near Trader Joe's,
19 5000 Folsom Blvd, Sacramento, CA 95819. After the announcement of the Sacramento District
20 Attorney's clearing of criminal charges for the officers that shot and killed Stephon Clark, a
21 group of concerned citizen assembled and marched peacefully near a Trader Joe's.

22 12. Dozens of Sacramento police officers responded, surrounded and funneled the
23 hundreds of protestors into a closed-off location, wherein the officers unlawfully ordered
24 protestors to line up and then systematically and unlawfully arrested each one.
25

1 Therefore, the use of any force, including hitting Plaintiff onto the concrete, was unlawful and
2 excessive. Defendant officers conduct was excessive and unreasonable, which violated both
3 their training and Plaintiff's constitutional rights under the Fourth Amendment.

4 19. As a result of their misconduct, Defendant Does are liable for Plaintiff's
5 injuries.

6 WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

7
8 **SECOND CAUSE OF ACTION**
9 **(Fourth Amendment – Unlawful Detention/Arrest under 42 U.S.C. Section 1983)**
10 *(Against DOES 1-25)*

11 20. Plaintiff hereby re-alleges and incorporates by reference each and every
12 paragraph of this Complaint.

13 21. When Defendant Does arrested Plaintiff, they had no reasonable suspicion
14 and/or probable cause, and issued no lawful warnings and/or instructions. Furthermore Plaintiff
15 had not committed any crimes. Therefore, Defendant use of force, detention and arrest was an
16 unlawful seizure violated both their training and Plaintiff's constitutional rights under the
17 Fourth Amendment.

18 22. As a result of their misconduct, Defendant officers are liable for Plaintiff's
19 injuries and his imprisonment.

20 WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

21 **FOURTH CAUSE OF ACTION**
22 **(Violation of the Bane Act (Cal. Civ. Code § 52.1))**
23 *(Against DOES 1-25)*

24 23. Plaintiff hereby re-alleges and incorporates by reference each and every paragraph
25 of this Complaint.

26 24. Plaintiff brings this "Bane Act" claim individually for direct violation of his own
27 rights.

1 26. By their conduct described herein, Defendants and Does 1-50, acting in
2 concert/conspiracy, as described above, violated Plaintiff's rights under California Civil Code
3 §52.1, and the following clearly-established rights under the United States Constitution and the
4 California Constitution:

5 a. Plaintiff's right to be free from unreasonable searches and seizures
6 as secured by the Fourth Amendment to the United States Constitution
7 and by Article I, § 13 of the California Constitution;

8 b. Plaintiff's right to be free from excessive and unreasonable force in
9 the course of arrest or detention, as secured by the Fourth Amendment
10 to the United States Constitution and by Article 1, § 13 of the
11 California Constitution;

12 27. Excessive force which violates the Fourth Amendment, also violates the Bane
13 Act.¹ Defendants' use of unlawful force against Plaintiff, in and of itself, satisfies the "by threat,
14 intimidation, or coercion" requirement of the Bane Act.

15 28. Further, any volitional violation of rights done with reckless disregard for those
16 rights also satisfies the "by threat, intimidation, or coercion" requirement of the Bane Act.² All
17 of Defendants' violations of duties and rights were volitional, intentional acts, done with reckless
18 disregard for Plaintiff's rights; none was accidental or merely negligent.

19 29. Alternatively, Defendants violated Plaintiff's rights by the following conduct
20 constituting threat, intimidation, or coercion that was above and beyond any lawful seizure or use
21 of force:

22 a. Threatening Plaintiff in the absence of any threat presented by Plaintiff or
23 any justification whatsoever;

24 ¹ See *Chaudhry v. City of Los Angeles*, 751 F.3d 1096, 1105 (9th Cir. May 19, 2014) (citing *Cameron v. Craig*, 713
25 F.3d 1012, 1022 (9th Cir. 2013)).

² *Cornell v. City and County of San Francisco*, 17 Cal.App.5th 766, 801-02 (2017) (*review denied*).

1 Defendants and Does did not have legal justification for using force against Plaintiff, and
2 Defendants' use of force while carrying out their duties was an unreasonable use of force.

3 35. As a direct and proximate result of Defendants' battery of Plaintiff, Plaintiff
4 sustained injuries and damages, and are entitled to relief as set forth above.

5 WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

6 **SIXTH CAUSE OF ACTION**
7 **(Negligence)**
8 *(Against DOES 1-25)*

9 36. Plaintiff hereby re-alleges and incorporates by reference each and every
10 paragraph of this Complaint.

11 37. At all times, Defendants and Does owed Plaintiff the duty to act with due care
12 in the execution and enforcement of any right, law, or legal obligation.

13 38. At all times, Defendants and Does owed Plaintiff the duty to act with reasonable
14 care.

15 39. These general duties of reasonable care and due care owed to Plaintiff by
16 Defendants include but are not limited to the following specific obligations:

- 17 a. to refrain from using excessive and/or unreasonable force against
18 Plaintiff;
- 19 b. to refrain from unreasonably creating the situation where force,
20 including but not limited to excessive force, is used;
- 21 c. to refrain from abusing their authority granted them by law;
- 22 d. to refrain from violating Plaintiff's rights guaranteed by the United
23 States and California Constitutions, as set forth above, and as otherwise
24 protected by law.

25 40. Defendants, through their acts and omissions, breached each and every one of the
aforementioned duties owed to Plaintiff.

1 41. Defendant SACRAMENTO police department is vicariously liable for the
2 wrongful acts and omissions of its employees and agents pursuant to Cal. Gov. Code section
3 815.2.

4 42. As a direct and proximate result of Defendant's negligence, Plaintiff sustained
5 injuries and damages, and against each and every Defendant is entitled to relief as set forth
6 above.

7 **SEVENTH CAUSE OF ACTION**
8 **(False Imprisonment/Illegal Detention)**
9 *(Against DOES 1-25)*

10 43. Plaintiff re-alleges and incorporates by reference each and every paragraph of this
11 Complaint.

12 44. Defendants DOES 1-25 detained and assaulted him without just cause under false
13 pretenses. Defendants restrained, detained, and/or confined Plaintiff without his consent or a
14 lawful basis.

15 45. As a result of the Defendants' unlawful confinement, Plaintiff suffered emotional
16 distress.

17 WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

18 **EIGHTH CAUSE OF ACTION**
19 **(False Arrest)**
20 *(Against DOES 1-25)*

21 46. Plaintiff re-alleges and incorporates by reference each and every paragraph of
22 this complaint.

23 47. Defendants Does, while working as employees for the SACRAMENTO
24 POLICE DEPARTMENT, and acting within the course an scope of their duties, falsely
25 arrested Plaintiff without any reasonable suspicion and/or probable cause.

48. As a result of the actions of these the Defendants, Plaintiff suffered physical
injuries and/or emotional distress. Defendants did not have legal justification for using force,
arresting and/or detaining.

1 WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

2
3 **JURY DEMAND**

4 49. Plaintiff hereby demands a jury trial in this action.

5
6 **PRAYER**

7 WHEREFORE, Plaintiff prays for relief, as follows:

- 8 1. For general damages in a sum to be proven at trial;
- 9 2. For special damages, including but not limited to, past, present and/or future wage
10 loss, income and support, medical expenses and other special damages in a sum to
11 be determined according to proof;
- 12 3. For punitive damages against DOES 1-50 in a sum according to proof;
- 13 4. All other damages, penalties, costs, interest, and attorney fees as allowed by 42
14 U.S.C. §§ 1983 and 1988, Cal. Civil Code §§ 52 et seq., 52.1, and as otherwise
15 may be allowed by California and/or federal law;
- 16 5. For cost of suit herein incurred; and
- 17 6. For such other and further relief as the Court deems just and proper.
- 18
- 19

20 Dated: March 4, 2020

LAW OFFICES OF JOHN BURRIS

21 **/s/ Patrick Buelna**

22 PATRICK M. BUELNA
23 JOHN L. BURRIS

24 Attorneys for Plaintiff

25 BRANDY WOOD