

1 CURD, GALINDO & SMITH, L.L.P.  
2 ALEXIS GALINDO, SBN 136643  
3 301 East Ocean Boulevard, Suite 1700  
4 Long Beach, CA 90802  
5 Telephone: (562) 624-1177  
6 Facsimile: (562) 624-1178  
7 agalindo@cgsattys.com

8 Attorneys for Claimant

9  
10 In re Government Tort Claim of  
11 RYAN WAYNE ABNEY, DOB: 10/04/1993.  
12

13  
14 To the City Clerk, City of Huntington Beach, the Huntington Beach Police Department,  
15 the Chief of Police for the Huntington Beach Police Department, and all other appropriate claim  
16 boards or entities within the City of Huntington Beach for the conduct outlined below:

17 The undersigned hereby submits the following Government Claim, identifying all  
18 information set forth in California Government Code Section 910 et seq. This document is  
19 submitted in conjunction with the City of Huntington Beach Claim Form. The two are to be read  
20 together, in concert, and considered part of the same Government Claim.

21 **The Claimant:** RYAN WAYNE ABNEY

22 **Home Address:** The Claimant shall be contacted solely through his counsel, and all  
23 notices shall be sent to the Claimant's legal representative:

24 **Home Telephone Number:** 800-300-2300

25 **Legal Representative:** Alexis Galindo 562-624-1177

26 CURD, GALINDO & SMITH

27 301 E. Ocean Blvd., Ste 1700

28 Long Beach, CA 90802

**Date of Injury:** 02/19/2017 Approx. 1:30AM

**Jurisdiction:**

U.S. District Court/Central District of California

1 Unlimited Jurisdiction, Superior Court/ County of Orange  
2

3 **Amount of Damages:**

4 (1) Special/Economic Damages:

5 (a) Past Medical Bills \$ 206,870.20

6 (b) Future Medical Bills \$ 500,000.00

7 (c) Loss of Earnings/Capacity Past & Future \$ 500,000.00

8 (2) General Damages \$ 1,000,000.00

9 (3) Punitive Damages as to the Individual Officers Only  
10

11 **Description of Injury:**

12 Claimant suffered abrasions to his left forehead, right cheek, bilateral knees, multiple  
13 puncture wounds to his groin area, right arm (bicep rupture), multiple facial  
14 abrasions/lacerations, lower groin bites, emotional distress.  
15

16 **Where Injury Occurred:**

17 19081 Bikini Lane  
18 Huntington Beach, CA, 92646  
19

20 **Act Causing the Injury, How Injury Occurred & Names of Involved**  
21 **Public Employees Presently Known to Claimant:**

22 Officer Sean McDonough #421198, Officer Julian Beshore #421075 and K-9 Officer  
23 Casey Thomas #422115, of the Huntington Beach Police Department caused a K-9 (“Bodhy”) to  
24 be released and directed to attack Claimant without justification. The Officer commanding the K-  
25 9 (Officer Casey Thomas #422115), along with Officer Sean McDonough #421198, Officer  
26 Julian Beshore #421075, and others, acted while in the course and scope of their employment as  
27 police officers for the City of Huntington Beach, and further acted with excessive force as the  
28 Claimant was in a submissive position and had surrendered to officers.

1           The City of Huntington Beach and its employees, violated the Claimant’s civil rights and  
2 constitutional rights including unlawful search and seizure.

3           Officers Sean McDonough #421198, Julian Beshore #421075, and Casey Thomas  
4 #422115, of the Huntington Beach Police Department, along with other officers of the  
5 Huntington Beach Police Department whose names are presently unknown to Claimant, while in  
6 the course and scope of their employment as police officers for the City of HUNTINGTON  
7 BEACH, acted with excessive force when they made or caused to be made unlawful contact with  
8 Claimant’s person without justification. Officer Sean McDonough #421198 struck Claimant,  
9 RYAN ABNEY multiple times. The acts of Officer Sean McDonough #421198, Officer Julian  
10 Beshore #421075, and K-9 Officer Casey Thomas #422115, of the Huntington Beach Police  
11 Department and others employed by the HUNTINGTON BEACH Police Department whose  
12 names are presently unknown to Claimant, were unreasonable, in light of the facts and  
13 circumstances confronting them on the early morning hours of February 19, 2017.

14           The City of HUNTINGTON BEACH and its employees, including Officers Sean  
15 McDonough #421198, Officer Julian Beshore #421075 and K-9 Officer Casey Thomas  
16 #422115, and other officers whose names are presently unknown to Claimant, of the Huntington  
17 Beach Police Department violated the Claimant’s civil rights and constitutional rights including  
18 unlawful search and seizure.

19           Claimant is informed and believes and thereon alleges that the City of HUNTINGTON  
20 BEACH and its employees, including Officer Sean McDonough #421198, Officer Julian  
21 Beshore #421075 and K-9 Officer Casey Thomas #422115, and other officers of the Huntington  
22 Beach Police Department discriminated against Claimant, used excessive force, negligently beat  
23 and battered Claimant, used coercion, intimidation and force against Claimant without lawful  
24 purpose. Additionally, City of HUNTINGTON BEACH and its employees, including Officer  
25 Sean McDonough #421198, Officer Julian Beshore #421075 and K-9 Officer Casey Thomas  
26 #422115, and other officers of the Huntington Beach Police Department, falsely arrested and  
27  
28

1 imprisoned Claimant. The City of HUNTINGTON BEACH knowingly and deliberately fostered,  
2 maintained and condoned a policy, practice and custom or otherwise acted in a manner that was  
3 deliberately indifferent to the lives and liberty of persons such as RYAN WAYNE ABNEY and  
4 that such policy, practice, custom and/or actions were a direct and legal cause of his injuries. The  
5 policy, practice, custom, and actions included, without limitation, knowingly and deliberately  
6 failing to properly train, discipline and supervise employees regarding both the use of force,  
7 including deadly force, and the proper procedures to be followed in detaining individuals.  
8

9  
10 Additionally, the City of HUNTINGTON BEACH and the City of HUNTINGTON  
11 BEACH Police Department, and all its employees and sworn officers, were negligent in the  
12 hiring, training, selection, retention, and disciplining of the officers involved in the subject  
13 incident, as well as the officers who trained the involved officers throughout their careers, from  
14 the academy to the date in question.  
15

16  
17 At the time of the violence inflicted on RYAN WAYNE ABNEY by Officers (Sean  
18 McDonough #421198, Officer Julian Beshore #42107, K-9 Officer Casey Thomas #422115, and  
19 other officers whose names are presently unknown to Claimant) of the Huntington Beach Police  
20 Department, the City of HUNTINGTON BEACH Police Department had in place, and had  
21 ratified, policies, procedures, customs and practices, whether express or implied, oral or written,  
22 which permitted and encouraged their police officers to unjustifiably, unreasonably and in  
23 violation of the laws of the State of California, the Constitution of the State of California, the  
24 laws of the United States, and the United States Constitution (including but not limited to the  
25 Fourth and Fourteenth Amendments), use violence against individuals being detained. Said  
26 policies, procedures, customs and practices also called for the City of HUNTINGTON BEACH  
27 not to discipline, prosecute or in any way take corrective or responsive action to known incidents  
28

1 and/or complaints of unjustified beatings, unlawful use of force, shootings and violent acts by  
2 said officers or the related claims and lawsuits resulting from such violence.

3  
4 Said policies, procedures, customs and practices called for the refusal of the City of  
5 HUNTINGTON BEACH to investigate or document complaints of previous incidents of  
6 unjustified violence and, instead, officially claim that such incidents were justified and proper.

7  
8 The City of HUNTINGTON BEACH's policies, procedures, customs and practices of  
9 inaction and cover-up encouraged officers of HUNTINGTON BEACH Police Department,  
10 including Officers (Sean McDonough #421198, Officer Julian Beshore #421075, K-9 Officer  
11 Casey Thomas #422115, and other officers whose names are presently unknown to Claimant) of  
12 the Huntington Beach Police Department, to believe that unjustified beatings, violence, and  
13 deadly force against individuals being detained lawfully and unlawfully was permissible.

14  
15 The foregoing information is a general description of events only. Claimant expressly  
16 reserves the right to amend this claim, or to amend the pleadings during the course of litigation  
17 when such information is learned. Claimant will pursue all state law theories allowed by the  
18 Government Code, as well as all constitutional theories under the California and United States  
19 Constitutions, as well as all theories allowed under federal law.

20  
21  
22 Claimant's losses include but are not limited to: General Damages in excess of the  
23 required amount for an action to be brought in Unlimited Superior Court; Special Damages  
24 according to proof plus all further and proper relief; Punitive Damages as to individual police  
25 officer defendants and attorneys' fees pursuant to law.

26  
27 //

**Curd, Galindo & Smith, L.L.P.**  
 301 E. Ocean Boulevard, Suite 1700  
 Long Beach, CA 90802  
 Ph: (562) 624-1177  
 Fx: (562)624-1178

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**Claims Against the Individual Officers & City of Huntington Beach**

- 1. Assault
- 2. Battery
- 3. False Arrest
- 4. False Imprisonment
- 5. Bane Act Cal. Civil Code § 52.1
- 6. Negligence
- 7. Excessive Force (42 U.S.C. 1983) 4<sup>th</sup> and 14<sup>th</sup> Amendment Violations
- 8. Monell Claims/Municipal Claims

**Past Medical Bills Incurred:**

Huntington Beach Hospital	\$	1,768.20
Beach Emergency Physicians	\$	840.00
UCI Medical Center	\$	189,383.00
UCI Physicians	\$	9,679.00
University Anesthesia	\$	<u>5,200.00</u>
TOTAL	\$	206,870.20

This claim is being presented in accordance with California Government Code, Section 910 et seq.

//  
//  
//  
//

**Curd, Galindo & Smith, L.L.P.**  
301 E. Ocean Boulevard, Suite 1700  
Long Beach, CA 90802  
Ph: (562) 624-1177  
Fx: (562)624-1178

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

The Claimant requests that if the claim as set forth herein does not adequately notify the City of HUNTINGTON BEACH of all the claims presented, that the City of HUNTINGTON BEACH request further clarification pursuant to **Alliance Financial v. City and County of San Francisco** (June 1998) 64 Cal App.4th 635; 75 Cal Rptr.2d 341 and California Government Code, sections 910.8, 911 and 911.3.

DATED: July 6, 2017

**CURD, GALINDO & SMITH, LLP**

\_\_\_\_\_  
By: Alexis Galindo