

Assigned for all purposes to: Spring Street Courthouse, Judicial Officer: Audra Mori

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9 Attorneys for Plaintiffs, Antwon Land, Michael Land, Marcus Land and Karen Land, Deceased,
10 through her successor in interest, Antwon Land

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

12 **FOR THE COUNTY OF LOS ANGELES**

13 ANTWON LAND, an individual;
14 MICHAEL LAND, an individual;
15 MARCUS LAND, an individual;
16 KAREN LAND, DECEASED, through her
17 successor in interest, ANTWON LAND.

18 Plaintiffs,

19 vs.

20 COUNTY OF LOS ANGELES, ARMANDO
21 IBARRA and DOES 1 through 20.

22 Defendants.

Case No.: **21STCV32725**

COMPLAINT FOR DAMAGES

Negligence
Wrongful Death
Violation of Civil Rights (42 U.S.C. § 1983)

23 COME NOW the Plaintiffs, ANTWON LAND; MICHAEL LAND; MARCUS LAND
24 and KAREN LAND, DECEASED, through her successor in interest, ANTWON LAND by their
25 Attorneys of record, CURD, GALINDO & SMITH, LLP, complain and allege the following
26 multiple causes of action and allegations against the Defendants:

27 **COMMON ALLEGATIONS TO ALL CAUSES OF ACTION**

28 1. KAREN LAND, (hereinafter "Decedent"), at all times relevant to this action and

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1 herein mentioned was the biological mother of Plaintiffs, ANTWON LAND; MICHAEL LAND;
2 and MARCUS LAND.

3 2. At all times herein, Decedent was an adult residing within the County of Los
4 Angeles. Decedent died on December 11, 2020. Decedent died with three surviving adult
5 children, named herein as Plaintiffs.

6 3. Plaintiffs, ANTWON LAND; MICHAEL LAND; and MARCUS LAND as the
7 surviving sons of Decedent and at all times herein mentioned were, heirs-at-law entitled to bring
8 an action for the Wrongful Death of their mother, under California Code of Civil Procedure
9 Section 377.60. Plaintiffs herein bring these claims pursuant to California Code of Civil
10 Procedure sections 377.20 et seq. and 377.60 et seq., which provide for survival and wrongful
11 death actions. These claims are also brought individually and on behalf of Karen Land,

12 Deceased, on the basis of the 42 USC §§ 1983 and 1988, the United States Constitution, and
13 federal and state civil rights law

14 4. That the true names and capacities, whether individual, corporate, associate,
15 governmental or otherwise of Defendants, Does 1 through 20, inclusive, are unknown to
16 Plaintiffs at this time, who therefore sue said Defendants by said fictitious names, and when the
17 true names and capacities of said Defendants are ascertained, leave of Court will be sought to
18 amend this Complaint to allege the true names and capacities of said Defendants.

19 5. The Plaintiffs are over the age of 18 years old and reside in the State of
20 California. The Plaintiffs are informed and believe, and thereupon allege, that each of the
21 Defendants, designated herein as a DOE is legally responsible in some manner or means for the
22 events and happenings to the Plaintiff, as herein alleged, either through their conduct or through
23 the conduct of their agents, servants, or employees, or due to their ownership, manufacture,
24 maintenance, repair or sale of the instrumentalities causing injuries and damages, or in some
25 manner or means presently unknown to Plaintiff.
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1 6. That at all times herein alleged, Defendants, and each of them, were residents, or
2 were doing business in the County of Los Angeles, State of California.

3 7. Defendants, DOES 6 through 10 (hereinafter “DOES 6 through 10”) is/are, and at
4 all times relevant to this action and herein mentioned was, a natural person. DOE 6-10 is, and at
5 all times relevant to this action and herein mentioned was, a medical doctor and/or nurse licensed
6 to practice such profession in the State of California. DOE 6-10 is, and at all times relative to
7 this complaint and herein mentioned was an employee of DOE 11 a licensed medical facility.

8 8. Plaintiffs are informed and believe, and on the basis of that information and belief
9 allege, that at all times mentioned in this complaint and herein mentioned Defendant DOES 6 -
10 10 were the agents and employees of Defendant DOE 11, and in doing the things alleged in this
11 complaint, was/were acting within the course and scope of that agency and employment.

12 9. Decedent age 60, was admitted to DOE 11 upon intake Plaintiff was identified as
13 a patient with drug withdrawal difficulty. Plaintiff required 2 staff members to assist her in
14 ambulation, including ambulating to and from the bathroom, among many other notations in her
15 records regarding her inability to ambulate without assistance.

16 10. On or about November 23, 2020, Decedent who required the assistants of a
17 wheelchair, contracted with DOE 11 and DOES 6 THROUGH 10 for medical treatment and
18 care. On or about December 8, 2020 DOE 11, and DOES 6 through 10 caused Decedent to leave
19 the care and custody of DOE 11. Defendants DOE 6 through 11, negligently and carelessly
20 allowed Decedent to leave the facility knowing that Decedent did not have the ability to
21 ambulate on her own or care for herself. Defendants DOES 6 through 11 failed to notify
22 authorities and Decedent’s family that Decedent had left the facility, DOE 11. The negligent and
23 careless treatment of Decedent by DOES 6 through 11 caused the Decedent’s subsequent injury
24 on December 11, 2020.

25 11. Defendants DOES 6 through 11, at all relevant times, were considered “care
26 custodians” of Decedent as defined in § 15610.170 of the Welfare & Institutions Code.

1 12. That at all times herein alleged, Defendant, DOE 1 was acting within the course
2 and scope of his employment with defendant COUNTY OF LOS ANGELES and its agency LOS
3 ANGELES COUNTY SHERIFF'S DEPARTMENT.

4 13. That at all times herein alleged, Defendants, COUNTY OF LOS ANGELES and
5 Does 1 through 5, and each of them, were the operators, owners, permittee, lessee or bailee of a
6 certain patrol vehicle which at the time and place of the collision herein sued upon, was
7 negligently being driven, maintained, operated and controlled by LOS ANGELES COUNTY
8 SHERIFF DEPARTMENT employee, DOE 1.

9 14. The Plaintiffs allege and incorporate the Government Codes which sets forth the
10 statutory authority to seek damages against a governmental entity such as the COUNTY OF LOS
11 ANGELES.

12 15. Government Code, section 815.2 provides:

13 (a) A public entity is liable for injury proximately caused by an act or omission of an
14 employee of the public entity within the scope of his employment if the act or omission would,
15 apart from this section, have given rise to a cause of action against that employee or his personal
16 representative.

17 (b) Except as otherwise provided by statute, a public entity is not liable for an injury
18 resulting from an act or omission of an employee of the public entity where the employee is
19 immune from liability.

20 16. On December 11, 2020, the Decedent, KAREN LAND, was attempting to cross
21 Imperial Highway in her wheelchair within a marked cross-walk on Imperial Highway and Slater
22 Street, in the City of Los Angeles. Decedent collapsed and fell into Imperial Highway in or near
23 the marked cross-walk which is marked with street signage. Several motorists observed
24 Decedent and swerved or stopped to avoid striking her. However, Decedent was struck and
25 killed by a Los Angeles County Sheriff patrol vehicle driven by defendant ARMANDO
26 IBARRA and DOE 1 both Los Angeles County Sheriff Deputies, while in the course and scope
27 of their employment with the COUNTY OF LOS ANGELES. The Los Angeles County Sheriff
28 Deputy ARMANDO IBARRA and DOE 1 failed to swerve, stop and avoid for the Decedent who

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1 was in distress while attempting to cross Imperial Highway in a marked cross walk.

2 17. Los Angeles County Sheriff Deputy ARMANDO IBARRA and DOE 1 were
3 negligent in failing to yield to the Decedent, a violation of Vehicle Code § 21950.

4 18. That at said time and place, Defendants, ARMANDO IBARRA, COUNTY OF
5 LOS ANGELES and DOES 1 through 5 , inclusive, and each of them, so negligently, carelessly
6 and unlawfully drove, operated, controlled, supervised, manufactured, assembled, maintained,
7 owned, inspected, repaired, leased, rented, trained, supervise and entrusted their said vehicle so
8 as to cause the same and the same did cause a collision with Decedent, KAREN LAND and as a
9 direct and proximate result thereof, Plaintiffs were injured and damaged as hereinafter more fully
10 set forth.
11

12 19. A motor vehicle operator in California is required by California Civil Code §
13 1714(a) to use ordinary care or skill in the management of his person and operation of his
14 vehicle.

15 20. In the course and scope of his employment and/or agency with the LOS
16 ANGELES COUNTY SHERIFF DEPUTY ARMANDO IBARRA, and DOE 1, breached Civil
17 Code § 1714(a) duty to use ordinary care and skill in the management of his person and
18 operation of his motor vehicle.

19 21. Pursuant to Vehicle Code § 17001, the COUNTY OF LOS ANGELES is liable
20 for injury to a person or property proximately caused by any negligent or wrongful act or
21 omission in the operation of a motor vehicle by Los Angeles County Sheriff Deputy DOE 1,
22 while acting within the scope of his employment.

23 22. Pursuant to Vehicle Code § 21056, Los Angeles County Sheriff Deputy
24 ARMANDO IBARRA, and DOE 1, breached his duty to drive his patrol vehicle with due regard
25 for the safety of all persons using the roadway, and to refrain from the arbitrary exercise of
26 privileges granted in Vehicle Code § 21055, and DOE 1 breached that duty when he struck
27 Plaintiffs' mother KAREN LAND.
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1 23. Los Angeles County Sheriff Deputy ARMANDO IBARRA and DOE 1, as agent
2 and employees of defendant County of Los Angeles, violated California law, including but not
3 limited to, Vehicle Code § 21056, which, among other things, prohibited him from arbitrarily
4 violating Vehicle Code §§ 21950.
5

6 24. Los Angeles County Sheriff Deputy ARMANDO IBARRA and DOE 1, as agent
7 and employees of defendant County of Los Angeles's violation of Vehicle Code § 21056 and
8 21950 among others, during the incident was a substantial factor in causing injury to plaintiffs ,
9 all to their damage in excess of the jurisdictional limits of this Court.
10

11 25. On or about February 10, 2021, Plaintiffs presented to the COUNTY OF LOS
12 ANGELES, by mailing a claim form that substantially complied with Government Code,
13 Sections 910 and 910.2. Said claim form was received by the COUNTY OF LOS ANGELES,
14 and put the COUNTY OF LOS ANGELES on notice that the plaintiffs would be seeking from
15 the COUNTY OF LOS ANGELES the damages suffered and incurred by them by reason of the
16 above described occurrence, all in compliance with the requirements of section 905 of the
17 Government Code.
18

19 26. At no time after receiving the claim form did the COUNTY OF LOS ANGELES
20 formally request clarification of the claim form, from the claimants, nor did the COUNTY OF
21 LOS ANGELES notify the claimants of any defects or omissions in the claim form pursuant to
22 Government Code, Section 910.8, 911 and 911.3 and Phillips v. Desert Hospital District, (4th
23 Dist 1989) 49 Cal. 3d 699.
24

25 27. The COUNTY OF LOS ANGELES denied the claim on March 9, 2021.
26
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28

1 **FIRST CAUSE OF ACTION**

2 (FOR NEGLIGENCE BY ALL PLAINTIFFS)

3 (AGAINST DOES 6 through 11 DEFENDANTS)

4
5 28. Plaintiffs fully incorporate by reference, as though fully set forth herein,
6 paragraphs 1 through 8 above of this Complaint.

7
8 29. Defendants DOES 6 through 11 owed a duty of care to Decedent to provide
9 medical services in accordance with the standards and practices of HEALTH CARE
10 PROVIDERS, physicians and nurses in the local community.

11
12 ~~30. Defendants DOES 6 through 11, breached that duty of care to Decedent by not~~
13 ~~adhering to the standards and practices of healthcare providers in the local community.~~

14
15 31. As a legal and proximate cause of the Defendants, and each of their breach of
16 care, Decedent died.

17
18 32. Defendants DOES 6 through 11 had a legal duty of care to provide adequate and
19 sufficient professional Medical services to Decedent, pursuant to the Medical services' contracts
20 executed by Decedent and the Defendants, DOES 6 through 11 and pursuant to the acceptable
21 standards and practices of healthcare providers in the local community.

22
23 33. Defendants breached their legal duty to provide professional Medical services to
24 Decedent negligently and carelessly when they caused her to leave the facility DOE 11.

25
26 34. As a direct, legal and proximate result of the Defendants' (DOES 6 through 11)
27 negligent conduct, Decedent died causing damages to Plaintiffs named herein, in amounts to be
28 proven at trial.

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SECOND CAUSE OF ACTION

(FOR NEGLIGENCE BY ALL PLAINTIFFS AGAINST ARMANDO IBARRA, COUNTY OF LOS ANGELES AND DOES 1 THROUGH 5)

35. Plaintiffs incorporate by reference as though fully set forth paragraphs 1 through 12 of this complaint.

36. The Plaintiffs allege that Vehicle Code § 17001 and Government code 815.2 provide for the appropriate statutes whereby the defendant COUNTY of LOS ANGELES can be held liable for injury to plaintiffs.

37. As a direct and proximate result of said tortious acts, omissions and/or conduct of Defendants, ARMANDO IBARRA, COUNTY OF LOS ANGELES and DOES 1 through 5, and each of them, Plaintiffs have sustained and incurred, and is certain in the future to sustain and incur losses, injuries, and damages which are itemized as follows:

(a) Funeral and burial expenses in a sum to be determined according to proof. Plaintiffs will request leave of court to determine the total amount thereof, once the same has been ascertained and medical expenses; and

(b) The value of Decedent's financial support and household services to be determined according to proof; and

(c) Plaintiffs have been deprived of the love, aid, comfort, society, affection, care, protection, guidance, service, solace and companionship of Decedent, stemming from their loving and devoted relationship, all to Plaintiffs' loss and general damage in a sum in excess of the minimum jurisdictional requirements herein according to proof.

THIRD CAUSE OF ACTION

FOR WRONGFUL DEATH BASED ON NEGLIGENCE BY ALL PLAINTIFFS AGAINST ALL DEFENDANTS INCLUDING DOES 1-20.

1 42. Defendants ARMANDO IBARRA and DOE 1's unjustified use of deadly force,
2 striking, Decedent with their vehicle deprived DECEDENT of her right to be secure in her
3 person against unreasonable seizures as guaranteed to DECEDENT under the Fourth
4 Amendment to the United States Constitution and applied to state actors by the Fourteenth
5 Amendment.

6
7 43. As a result, DECEDENT suffered extreme pain and suffering and eventually
8 suffered a loss of life. Plaintiffs have also been deprived of the life-long love, companionship,
9 comfort, support, society, care, and sustenance of DECEDENT, and will continue to be so
10 deprived for the remainder of the their natural lives.
11

12 44. As a result of their conduct, Defendants ARMANDO IBARRA and DOE 1 are
13 liable for DECEDENT's injuries, either because they were integral participants in the excessive
14 force, or because they failed to intervene to prevent these violations.
15

16 45. Defendants ARMANDO IBARRA and DOE 1 knew that failure to stop and yield
17 for Decedent could result in significant injury or the unnecessary and wanton infliction of pain,
18 causing her great bodily harm and death.

19 46. The conduct of Defendants ARMANDO IBARRA and DOE 1 was willful,
20 wanton, malicious, and done with reckless disregard for the rights and safety of DECEDENT and
21 therefore warrants the imposition of exemplary and punitive damages as to Defendants
22 ARMANDO IBARRA and DOE 1.
23

24 47. Plaintiff ANTWON LAND brings this claim individually and as successor-in-
25 interest for the DECEDENT, and seeks both survival and wrongful death damages under Federal
26 law for the violation of DECEDENT's rights. Plaintiffs also seek attorney fees under this claim.
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FIFTH CUASE OF ACTION
SURVIVAL CLAIM/WRONGFUL DEATH
DENIAL OF SUBSTANTIVE DUE PROCESS RIGHT TO FAMILIAL RELATIONSHIP
(42 U.S.C. § 1983)

BY ALL PLAINTIFFS AGAINST ARMANDO IBARRA AND DOE 1.

48. Plaintiffs reallege each and every paragraph in this Complaint as if fully set forth herein.

49. All of the acts of Defendants, ARMANDO IBARRA and DOE 1 and the persons involved were done under color of state law.

50. The acts and omissions of each Defendants ARMANDO IBARRA and DOE 1 deprived ANTWON LAND, MICHAEL LAND and MARCUS LAND of rights, privileges, and immunities secured by the Constitution and laws of the United States, including but not limited to the Fourteenth Amendment by, among other things, depriving Plaintiffs of their right to a familial relationship with their mother KAREN LAND without due process of law by their striking and killing her.

51. As a direct and proximate result of the foregoing wrongful acts, Defendants, and each of them, Plaintiffs sustained general damages, including grief, emotional distress and pain and suffering, loss of comfort and society, in an amount in accordance with proof.

52. In doing the foregoing wrongful acts and omissions, Defendants, and each of them, acted in reckless and callous disregard for the constitutional rights of Plaintiffs.

WHEREFORE, Plaintiffs pray for judgment against the Defendants, and each of them, as follows:

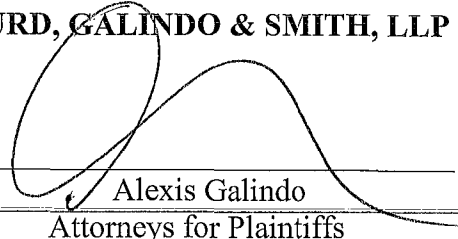
1. For general damages shown according to proof;

2. For all medical and incidental expenses shown according to proof;
3. For pre-death damages, decedent's pain & suffering according to proof;
4. For damages and injuries according to proof;
5. For attorneys' fees;
6. For costs of suit incurred herein; and
7. For such other and further relief as the Court may deem just and proper.

DATED: September 1, 2021

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By



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