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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 THOMAS ANTHONY PEREZ,
12 Plaintiff,

13 vs.

14 CITY OF FONTANA, DAVID
15 JANUSZ, JEREMY HALE, RONALD
16 KOVAL, ROBERT MILLER, JOANNA
17 PINA, and DOES 1 through 10,
18 INCLUSIVE,
19 Defendants.

Case No.:

COMPLAINT FOR VIOLATIONS OF
FEDERAL CONSTITUTIONAL
RIGHTS UNDER 42 U.S.C. § 1983;
UNREASONABLE SEIZURE OF
PERSON (U.S. CONST. AMEND IV);
UNREASONABLE USE OF FORCE
(U.S. CONST. AMEND IV);
UNREASONABLE SEARCH AND
SEIZURE OF PROPERTY (U.S.
CONST. AMEND IV); DENIAL OF
SUBSTANTIVE DUE PROCESS OF
LAW (U.S. CONST. AMEND XIV);
RETALIATION FOR PROTECTED
SPEECH (U.S. CONST. AMEND I);
CALIFORNIA STATE LAW CLAIMS
FOR VIOLATION OF BANE ACT
(CAL. CIV. CODE § 52.1); FALSE
ARREST, BATTERY,
INTENTIONAL INLICTION OF
EMOTIONAL DISTRESS

JURY TRIAL DEMANDED

1 **COMES NOW** plaintiff THOMAS PEREZ and shows this honorable court the
2 following:
3

4 **JURISDICTIONAL ALLEGATIONS**

5 1. As this action is brought under 42 U.S.C. § 1983, this court has
6 jurisdiction over this case under its federal question jurisdiction pursuant to 28
7 U.S.C. § 1331.
8

9 2. As the incidents complained of in this action occurred in the City of
10 Fontana, State of California, within the territorial jurisdiction of this court, venue
11 properly lies in this court pursuant to 28 U.S.C. § 1391(b)(2).
12

13 3. As Plaintiff's claims brought under California state law arise out of
14 the same transactions and occurrences and out of a common nucleus of operative
15 facts as the Plaintiff's federal questions claims, this court may exercise
16 supplemental jurisdiction over the Plaintiff's California state law claims pursuant
17 to 28 U.S.C. § 1367, and otherwise pursuant to *United Mine Workers of America*
18 *v. Gibbs*, 383 U.S. 715 (1966).
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21

22 4. Plaintiff timely filed his Claims For Damages against the City of
23 Fontana on or about February 7, 2019, pursuant to the California Tort Claims Act,
24 Cal. Gov't. Code § 900 et seq., and said claim was denied by defendant City of
25 Fontana on or about February 25, 2019, less than six months prior to the filing of
26 this instant action.
27
28

GENERAL ALLEGATIONS

1
2 5. Plaintiff THOMAS ANTHONY PEREZ, hereinafter referred to as
3
4 “PEREZ” or “Plaintiff,” is a natural person who, at all times complained of in this
5 action, resided in the State of California, in the City of Fontana.

6
7 6. Defendant City of Fontana, hereinafter also referred to as “City of
8 Fontana” or “CITY,” is a political subdivision of the State of California and is a
9 municipal entity located within the territorial jurisdiction of this Honorable Court.

10
11 7. Defendant Ronald KOVAL, hereinafter referred to as “KOVAL,” is,
12 and was at all times complained of herein, employed as a full-time sworn Police
13 Officer with the Fontana CITY Police Department (hereinafter “Fontana CITY
14 Police Department” and/or “FPD”), with a rank of Lieutenant. At all times
15 complained of herein, KOVAL was acting as an individual person under the color
16 of state law, pursuant to his status as a Lieutenant Police Officer, and was acting
17 in the course of and within the scope of his employment with defendant City of
18 Fontana.

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22 8. Defendant David Janusz, hereinafter referred to as “JANUSZ,” is,
23 and was at all times complained of herein, employed as a full-time sworn Police
24 Officer with the Fontana CITY Police Department, with a rank of Corporal. At all
25 times complained of herein, JANUSZ was acting as an individual person under
26 the color of state law, pursuant to his status as a Police Officer, and was acting in
27
28

1 the course of and within the scope of his employment with defendant City of
2 Fontana.

3
4 9. Defendant Robert MILLER, hereinafter referred to as “MILLER,” is,
5 and was at all times complained of herein, employed as a full-time sworn Police
6 Officer with the Fontana CITY Police Department, with a rank of Corporal. At all
7 times complained of herein, MILLER was acting as an individual person under
8 the color of state law, pursuant to his status as a Police Officer, and was acting in
9 the course of and within the scope of his employment with defendant City of
10 Fontana.
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12

13
14 10. Defendant Jeremy HALE, hereinafter referred to as “HALE,” is, and
15 was at all times complained of herein, employed as a full-time sworn Police
16 Officer with the Fontana CITY Police Department. At all times complained of
17 herein, HALE was acting as an individual person under the color of state law,
18 pursuant to his status as a Police Officer, and was acting in the course of and
19 within the scope of his employment with defendant City of Fontana.
20
21

22 11. Defendant Joanna PINA, hereinafter referred to as “PINA,” is, and
23 was at all times complained of herein, employed as a full-time sworn Police
24 Officer with the Fontana CITY Police Department. At all times complained of
25 herein, PINA was acting as an individual person under the color of state law,
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1 pursuant to her status as a Police Officer, and was acting in the course of and
2 within the scope of her employment with defendant City of Fontana.
3

4 12. Defendants DOES 1 through 6, inclusive, are sworn peace officers
5 and/or Officers and/or supervisors and/or investigators and/ Special Officers
6 and/or a dispatchers and/or Social Services Practitioners and/or some other public
7 officer, public official or employee of defendant City of Fontana, who in some
8 way committed some or all of the tortious actions (and constitutional violations)
9 complained of in this action, and/or are otherwise responsible for and liable to
10 Plaintiff for the acts complained of in this action, whose identities are unknown to
11 Plaintiff.
12
13
14

15 13. At all times complained of herein, DOES 1 through 6, inclusive, were
16 acting as individual persons under color of state law, pursuant to their authority as
17 sworn peace officers and/or Officers and/or Special Officers and/or police officers
18 and/or Supervisors (i.e. Sergeants, Lieutenants, Captains, Commanders, etc.)
19 and/or Social Services Practitioners and/or dispatchers, employed by defendant
20 City of Fontana, and were acting in the course of and within the scope of their
21 employment with defendant City of Fontana.
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24

25 14. Defendants DOES 7 through 10, inclusive, are sworn peace officers
26 and/or Supervisors and/or Commanders and/or Captains and/or Lieutenants and/or
27 Sergeants and/or Detectives and/or other Supervisory personnel (such as) and/or
28

1 policy making and/or final policy making officials, employed by the City of
2 Fontana, who are in some substantial way liable and responsible for, or otherwise
3 proximately caused and/or contributed to the occurrences complained of by
4 Plaintiff in this action, such as via supervisory liability (i.e. failure to properly
5 supervise, improperly directing subordinate officers, approving actions of
6 subordinate officers), via bystander liability (failing to intervene in and stop
7 unlawful actions of their subordinates and/or other officers), and such as by
8 creating and/or causing the creation of and/or contributing to the creation of the
9 policies and/or practices and/or customs and/or usages of the City of Fontana for:
10
11 1) for unlawfully taking and detaining the children of persons by using false
12 statements of material facts¹ with deliberate indifference and malice; 2) for
13 unlawfully seizing persons; 3) for unlawful searching and seizing persons and
14 their personalty / property; 4) for falsely arresting and falsely imprisoning
15 persons; 5) for fabricating / destroying / concealing / altering / withholding
16 evidence in criminal and civil actions, and for otherwise “framing” persons in
17 criminal actions, in order to falsely and maliciously, oppressively convict innocent
18 persons, to protect them and other Officers, social service practitioners and
19 supervisory personnel from civil, administrative and criminal liability; 6) for
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¹ And omissions of material facts.

1 interfering with persons' and/or otherwise violating persons' constitutionally
2 protected right to free speech; 7) for defaming peace officers to their employers
3 with false allegations of criminal conduct with spite, hatred and ill-will; 8) for
4 covering-up unlawful and tortious conduct by City of Fontana personnel, and were
5 a proximate cause of the very same California state law, and federal and state
6 constitutional violations complained above, and complained of by the Plaintiff in
7 this action.
8
9

10
11 15. At all times complained of herein, DOES 7 through 10, inclusive,
12 were acting were acting as individual persons acting under the color of state law,
13 pursuant to their authority as Officers and/or Supervisory Officers, Commanders
14 and/or Captains and/or Lieutenants and/or Sergeants and/or other Supervisory
15 personnel and/or policy making and/or final policy making officials, employed by
16 the City of Fontana, and/or some other public official(s) with City of Fontana, and
17 were acting in the course of and within the scope of their employment with
18 defendant City of Fontana.
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21

22 16. Moreover, at all times complained of herein, defendants DOES 1
23 through 10, inclusive, were acting pursuant to, or otherwise contributed to the
24 creation and maintenance of, the customs, policies, usages and practices of the
25 City of Fontana, for, inter alia: 1) for unlawfully taking and detaining the children
26 of persons by using false statements of material fact with deliberate indifference
27
28

1 and malice; 2) for unlawfully seizing persons; 3) for unlawful searching and
2 seizing persons and their personalty / property; 4) for falsely arresting and falsely
3 imprisoning persons; 5) for fabricating / destroying / concealing / altering /
4 withholding evidence in criminal and civil actions, and for otherwise “framing”
5 persons in criminal actions, in order to falsely and maliciously, oppressively
6 convict innocent persons, to protect them and other Officers, social service
7 practitioners and supervisory personnel from civil, administrative and criminal
8 liability; 6) for interfering with persons’ and/or otherwise violating persons’
9 constitutionally protected right to free speech; 7) for defaming peace officers to
10 their employers with false allegations of criminal conduct with spite, hatred and
11 ill-will; 8) for covering-up unlawful and tortious conduct by City of Fontana
12 personnel, and were a proximate cause of the very same California state law, and
13 federal and state constitutional violations complained above, and complained of
14 by the plaintiff in this action.
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21 17. In addition to the above and foregoing, defendants DOES 1 through
22 6, inclusive, acted pursuant to a conspiracy, agreement and understanding and
23 common plan and scheme to deprive the Plaintiff THOMAS PEREZ of his federal
24 Constitutional and statutory rights, as complained of in this action, and acted in
25 joint and concerted action to so deprive Plaintiff THOMAS PEREZ of those rights
26 as complained of herein; all in violation of 42 U.S.C. § 1983, and otherwise in
27
28

1 violation of United States (Constitutional and statutory) law.

2 18. Said conspiracy / agreement / understanding / plan / scheme / joint
3 action / concerted action, above-referenced, was a proximate cause of the
4 violation of the Plaintiff THOMAS PEREZ's federal and state constitutional and
5 statutory rights, as complained of herein.
6
7

8 19. Plaintiff is presently unaware of the identities of DOES 1 through 10,
9 inclusive, and will amend this complaint to add and to show the actual names of
10 said DOE defendants, when ascertained by Plaintiff.
11

12
13 **INCIDENT THAT GAVE RISE TO LITIGATION**
14

15 20. The events described below took place between August 7, 2018 and
16 August 13, 2018. All events described below occurred chronologically, unless
17 otherwise specified.
18

19 21. At the time of the events described below, Plaintiff THOMAS
20 PEREZ owned a home in Fontana, California, where he lived with his father,
21 Thomas Perez Senior (hereinafter "Plaintiff's Father").
22

23 22. At the time of the events described below, Plaintiff PEREZ was in
24 the process of renovating and repairing his home, in anticipation of selling the
25 property and/or moving.
26

27 23. At the time of the events described below, Plaintiff PEREZ was in
28

1 the process of separating from his wife.

2 24. On August 7, 2018, Plaintiff PEREZ's Father went out to retrieve the
3 mail, but never returned.
4

5 25. Unbeknownst to Plaintiff PEREZ, his father had decided to visit
6 overnight with a female friend, and then travel to visit his daughter in Northern
7 California. Plaintiff's father left without telling Plaintiff PEREZ of his plans.
8

9 26. Plaintiff soon noticed that his father was absent from the home.
10 Plaintiff believed his father was out wandering the streets of Fontana. Because of
11 Plaintiff's father's advanced age, limited English capabilities, and physical/mental
12 frailty, Plaintiff was concerned for his father's safety and/or well-being.
13
14

15 27. Plaintiff called the FPD's non-emergency line and spoke with Lt.
16 Carlos Granillo regarding Plaintiff's father's absence. Plaintiff asked to speak
17 with Lt. Granillo because Plaintiff had corresponded with Granillo numerous
18 times over the years while reporting incidents in the community, i.e., while acting
19 as a neighborhood watch. Plaintiff had a good working relationship with Lt.
20 Granillo, and they were on a "first name basis."
21
22

23 28. Plaintiff informed Lt. Granillo that his father had not returned home,
24 and that his father was likely out wandering the streets of Fontana. Lt. Granillo
25 told Plaintiff to wait and call back in a few hours.
26

27 29. On August 8, 2018, Plaintiff PEREZ noticed that his father had not
28

1 returned home.

2 30. Plaintiff again called the FPD non-emergency line regarding his
3 father's absence. This time, however, Lt. Granillo was unavailable and/or unable
4 to respond. Instead, Plaintiff's inquiry was directed to Defendant Lt. Ronald
5 KOVAL.
6

7
8 31. Plaintiff had a negative relationship with Defendant KOVAL, due to
9 their previous interactions on a separate matter. Based on his prior interactions
10 with Plaintiff, it was apparent that Lt. KOVAL personally disliked Plaintiff.
11

12 32. After several non-emergency calls to the FPD, an Officer was sent to
13 Plaintiff's home to complete a "missing person report form." The first FPD
14 Officer to respond to Plaintiff's home was Defendant Joanna PINA.
15

16 33. When Officer PINA arrived at Plaintiff's home, she approached the
17 front doorway. Plaintiff opened his front door and met Officer PINA.
18

19 34. Immediately after Plaintiff opened the front door, Officer PINA
20 barged into Plaintiff's home, forcing her way past Plaintiff, over the threshold of
21 the doorway and into the home's interior. At that time, Officer PINA did not have
22 a warrant. Nor had Plaintiff consented to Officer PINA's entry into his home.
23
24

25 35. Upon contacting Plaintiff, Officer PINA immediately displayed a
26 hostile demeanor.
27

28 36. Plaintiff objected / protested as Officer PINA barged her way into his

1 home. Officer PINA appeared to become increasingly agitated as a result of
2 Plaintiff's protesting of Officer PINA's actions.
3

4 37. Officer PINA told Plaintiff PEREZ that her Lieutenant had directed
5 her to respond to Plaintiff's house. The FPD Lieutenant to whom Officer PINA
6 referred was Lieutenant Koval.
7

8 38. Officer PINA said that it looked like a struggle had taken place in
9 Plaintiff's home. Plaintiff PEREZ immediately disputed Officer PINA's
10 statement, as there was no evidence of a struggle. Plaintiff's house was messy
11 because he was renovating / repairing it, but the mess did not remotely resemble
12 evidence of a struggle. No reasonable person could have believed that the mess
13 from Plaintiff's renovation / repairing activities resembled evidence of a struggle.
14
15

16 39. At that time, from Officer PINA's perspective, Plaintiff did not have
17 any visible injuries.
18

19 40. At that time, from Officer PINA's perspective, there was no visible
20 blood or traces of blood.
21

22 41. At that time, from Officer PINA's perspective, there was no evidence
23 indicating that a crime of any sort had taken place in Plaintiff's home.
24

25 42. Nevertheless, Officer PINA decided to treat Plaintiff as a criminal
26 suspect and summoned FPD homicide detectives.
27

28 43. Soon, Defendant FPD Officer Robert MILLER arrived at Plaintiff's

1 home and entered without a warrant, consent, or exigent circumstances.

2 44. Within minutes of his arrival at Plaintiff's home, Officer MILLER
3 told Plaintiff that he would have to go down to the FPD station for an
4 interrogation.
5

6 45. Plaintiff immediately protested Officer MILLER's direction to
7 Plaintiff. Plaintiff expressed that he did not want to go to the FPD station, and that
8 he did not want to submit to an interrogation.
9

10 46. Officer MILLER told Plaintiff that he did not have a choice, and that
11 he would be required to submit to an interrogation at the FPD station.
12

13 47. Officer MILLER directed Plaintiff to get into the back of an FPD
14 vehicle, which was parked outside. Plaintiff complied, under protest.
15

16 48. Officer MILLER drove Plaintiff to the FPD station.
17

18 49. Upon reaching the FPD station, Plaintiff PEREZ was placed in an
19 interrogation room. Soon, Defendants David JANUSZ and Jeremy HALE
20 approached Plaintiff.
21

22 50. Thereafter, for an extended period of time, Defendants JANUSZ and
23 HALE subjected Plaintiff to an intense interrogation and accused Plaintiff of
24 murdering his father.
25

26 51. Plaintiff told Defendants that he wanted to call a lawyer. Defendants
27 refused to let Plaintiff call a lawyer.
28

1 52. Plaintiff asked for his medications, which were at his home. Plaintiff
2 was prescribed medications for, among other things, depression, stress, asthma,
3 and high blood pressure. Plaintiff explained to defendants that he felt unwell, and
4 that he needed his medications to feel better. Defendants refused to stop the
5 interrogation, and instead gave only empty assurances that Officers would retrieve
6 the medications as some point in the future. Plaintiff did not receive his
7 medications for several hours.

8 53. At some point while Plaintiff was in custody, Defendants procured a
9 warrant to search Plaintiff’s home and to seize various items therein. The warrant
10 was procured without probable cause, based on Defendants’ misrepresentations
11 and exaggerations of the aforementioned facts. Defendants represented to the
12 court that facts existed suggesting that Plaintiff had murdered his father, and that
13 Plaintiff’s home would contain evidence of the alleged murder.

14 54. Defendants executed the warrant at Plaintiff’s home. After entering
15 Plaintiff’s home, Defendants seized numerous items of property belonging to
16 Plaintiff, including Plaintiff’s laptop computers, tablet computers, cellular
17 telephones, hard drives, and tools. Defendants even seized Plaintiff’s dog,
18 “Margosha”—a healthy, friendly Labrador retriever.

19 55. Defendants also towed and impounded Plaintiff’s vehicles—a 2018
20 Ford F-150, and a 2017 Ford Fusion.

1 56. Meanwhile, back at the FPD station, Defendants continued
2
3 interrogating Plaintiff PEREZ. Plaintiff repeatedly expressed his desire to leave
4 the interrogation and go home. Defendants refused to let Plaintiff leave the
5 interrogation.

6
7 57. At some point during the interrogation, Defendant JANUSZ told
8 Plaintiff that “your father is dead,” that they found his body, and that “he has a toe
9 tag on him.” Defendant JANUSZ was lying.

10
11 58. Defendants accused Plaintiff of murdering his father, and told
12 Plaintiff that he would “never see the light of day again”—implying that Plaintiff
13 would be convicted of murdering his father.

14
15 59. During the interrogation sequences, Plaintiff PEREZ repeatedly,
16 specifically, and consistently denied each of Defendants’ murder accusations. This
17 is because Plaintiff PEREZ had not murdered his father. In fact, Plaintiff’s father
18 was not even dead.

19
20 60. During the interrogation, Plaintiff PEREZ gave Defendants numerous
21 leads which would have quickly led them to discover that Plaintiff’s father was
22 alive and well. Plaintiff told Defendants that his father may have taken the
23 “Metro” to visit his friend in Los Angeles. Plaintiff also told Officers that his
24 father may have gone to visit his daughter (i.e., Plaintiff’s sister) in Northern
25 California. Plaintiff provided Defendants with contact information for his sister.
26
27
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1 At that time, Defendants failed to follow up on those leads, instead focusing on
2 building a murder case against Plaintiff.
3

4 61. At some point during the interrogation, Defendants JANUSZ and
5 HALES drove Plaintiff to an undeveloped dirt lot at the end of a remote road near
6 the edge of Fontana. Defendants ordered Plaintiff to exit the vehicle, but Plaintiff
7 refused, fearing that Defendants would either beat or kill him at that remote
8 location. Defendants continued to ask Plaintiff questions about the alleged murder
9 of his father. Defendants continued to ask Plaintiff questions about the alleged murder
10 of his father. After some time, Defendants drove Plaintiff back to the FPD station.
11

12 62. Later in the day, Defendants again drove Plaintiff to the same remote
13 dirt lot at the edge of Fontana. There, Defendants continued interrogating Plaintiff
14 about the alleged murder of Plaintiff's father. Plaintiff continued to deny
15 murdering his father. After some time, Defendants drove Plaintiff back to the FPD
16 station.
17

18 63. After returning to the FPD station, Defendants continued to
19 interrogate Plaintiff. Defendants became increasingly hostile and accusatory
20 toward Plaintiff.
21

22 64. Plaintiff, accepting Defendants' representations that his father had
23 been murdered and was dead, became increasingly despondent.
24

25 65. Plaintiff was also alarmed that Defendants were accusing him of
26 murdering his father. Plaintiff was terrified at Defendants' suggestion that he
27
28

1 would go to jail for the rest of his life, because under the circumstances, it seemed
2 like a real possibility.
3

4 66. After some time, Defendants brought Plaintiff's dog, Margosha, into
5 Plaintiff's view. Defendants callously told Plaintiff to "say goodbye" to
6 Margosha, then told Plaintiff "okay your dog's gone now, forget about it."
7 Defendants then sent Margosha off to be euthanized. Defendants accomplished
8 this by erroneously classifying Margosha as a "stray" dog.²
9
10

11 67. Plaintiff valued the company and companionship of his dog,
12 Margosha, and was deeply hurt when Defendants told Plaintiff to "say goodbye"
13 before sending Margosha off to be euthanized.
14

15 68. Because of Defendants' actions in telling Plaintiff that his father had
16 been murdered, accusing Plaintiff of committing that murder, brutally
17 interrogating Plaintiff for hours, seizing Plaintiff's possessions, and sending
18 Plaintiff's dog off to be euthanized, Plaintiff suffered extreme emotional distress.
19
20

21 69. Defendants were also aware that Plaintiff suffered from several
22 ailments that would compound emotional distress, including depression, stress,
23 asthma, and high blood pressure. Plaintiff's distress was compounded by his
24
25

26
27
28 ² Luckily, Plaintiff had Margosha implanted with a microchip identification. For
this reason, she was returned to pound, and was ultimately was not euthanized.

1 depression, stress disorder, asthma, and high blood pressure.

2
3 70. Defendants were also aware of the fact that Plaintiff was in the
4 process of separating from his wife. Plaintiff's distress was compounded by the
5 fact that he was in the process of separating from his wife.

6
7 71. As a result of the extreme emotional distress that Plaintiff was
8 suffering because of Defendants' actions, Plaintiff attempted suicide by hanging
9 during a break in the interrogation.

10
11 72. Defendants then handcuffed Plaintiff PEREZ and transported him to
12 Arrowhead Regional Medical Center (ARMC).

13
14 73. The handcuffs were applied to Plaintiff in an excessively tight
15 manner, such that they caused him to suffer extreme pain and discomfort.

16
17 74. Plaintiff asked Defendants to loosen the handcuffs. However,
18 Defendants refused to loosen the handcuffs.

19
20 75. On August 9, 2018, Plaintiff was admitted to the psychiatric unit at
21 ARMC, where he remained until August 13, 2018 on a "hold" pursuant to Cal.
22 Welf. & Inst. Code section 5150.

23
24 76. On August 9, 2018, shortly after being admitted to ARMC, Plaintiff
25 received a call from his father, Thomas Perez, Senior. Plaintiff was surprised and
26 overjoyed to hear from his father, as Plaintiff had been under the impression that
27 his father had been murdered and was dead.
28

1 77. Unbeknownst to Plaintiff, at some point after his attempted suicide,
2 Defendants had contacted Plaintiff’s sister, and had verified that Plaintiff’s father
3 was en route to Northern California to visit Plaintiff’s sister. Defendants also
4 learned that Plaintiff’s father had spent the previous nights with a female
5 companion in the Los Angeles area. Defendants learned that Plaintiff’s father had
6 taken the “Metro” to Los Angeles, just as Plaintiff suggested.
7

8
9 78. Defendants learned that Plaintiff’s father had a flight booked on
10 August 9, 2018 from the Los Angeles International Airport (“LAX”) to Oakland,
11 California. Defendants, with the assistance of the Airport Police, took Plaintiff’s
12 father into custody at LAX.
13
14

15 79. Plaintiff was released from ARMC on August 13, 2018.

16 80. Because Plaintiff’s father was not dead, and no murder had taken
17 place, Plaintiff was not charged with any crime.
18

19 81. Plaintiff later picked up his dog, Margosha, from the Riverside
20 County Department of Animal Services. Plaintiff soon noticed that Margosha
21 couldn’t walk. Margosha had an injury to her crucial ligament, and injury for
22 which she needed “TPLO surgery” to her right hind limb. Plaintiff has presently
23 paid approximately \$12,000 toward Margosha’s medical needs as a result of the
24 aforementioned incident. Plaintiff expects that Margosha will have additional
25 medical bills in the future as a result of her injuries.
26
27
28

1 82. Plaintiff later retrieved most of his property from Defendants,
2 including his cars, his computers, and his cellular telephones. However, numerous
3 items were damaged and rendered unusable.
4

5 83. Moreover, Defendants did not return several items of Plaintiff's
6 property, and have refused to do so.
7

8
9 **FIRST CAUSE OF ACTION**
10 **UNREASONABLE SEIZURE OF PERSON**
11 **UNDER THE FOURTH AMENDMENT**
12 **[42 U.S.C. § 1983]**
13 **(By Plaintiff THOMAS PEREZ Against All Defendants)**

14 84. Plaintiff hereby re-alleges and incorporates by reference the
15 allegations set forth in paragraphs 1 through 83, inclusive, above, as if set forth in
16 full herein.

17 85. On August 8, 2018, Plaintiff PEREZ called the FPD non-emergency
18 line and informed them that his father had not returned home.
19

20 86. Defendants KOVAL, PINA, MILLER, and DOES 1 through 10,
21 inclusive, immediately decided to treat Plaintiff's report as a homicide
22 investigation.
23

24 87. There was no sign of struggle in Plaintiff's home. Plaintiff's house
25 was messy because he was renovating / repairing it, but the mess did not remotely
26 resemble evidence of a struggle. No reasonable person could have believed that
27 the mess from Plaintiff's renovation / repairing activities resembled evidence of a
28

1 struggle. Plaintiff explained this to Defendants at the scene of his arrest.

2 88. At the time of Plaintiff's arrest, Plaintiff did not have any visible
3 injuries.
4

5 89. At the time of Plaintiff's arrest, there was no visible blood or traces
6 of blood in Plaintiff's home.
7

8 90. At the time of Plaintiff's arrest, there was no evidence indicating that
9 a crime of any sort had taken place in Plaintiff's home.
10

11 91. Thus, based on the facts Defendants confronted, they lacked probable
12 cause to suspect Plaintiff PEREZ of murder or any other crime. The only fact they
13 had was that Plaintiff had reported his father missing.
14

15 92. Nevertheless, Defendants took Plaintiff in to custody against his will
16 and transported him to the FPD station. Defendants told Plaintiff he had no choice
17 but to accompany Defendants to the FPD station and submit to an interrogation.
18

19 93. Thus, Plaintiff was arrested when Defendants transported him to the
20 FPD station for an interrogation.
21

22 94. At the FPD station, Defendants, including Defendants JANUSZ and
23 HALE, repeatedly refused to let Plaintiff leave the interrogation.
24

25 95. During the interrogation sequences, Plaintiff PEREZ repeatedly,
26 specifically, and consistently denied each of Defendants' murder accusations. This
27 is because Plaintiff PEREZ had not murdered his father. In fact, Plaintiff's father
28

1 was not even dead.

2
3 96. During the interrogation, Plaintiff PEREZ gave Defendants numerous
4 leads which would have quickly led them to discover that Plaintiff's father was
5 alive and well. Plaintiff told Defendants that his father may have taken the
6 "Metro" to visit his friend in Los Angeles. Plaintiff also told Officers that his
7 father may have gone to visit his daughter (i.e., Plaintiff's sister) in Northern
8 California. Plaintiff provided Defendants with contact information for his sister.
9
10 Yet Defendants failed to follow up on those leads, and otherwise ignored them,
11 instead focusing on building a murder case against Plaintiff.
12

13
14 97. Thus, Defendants unreasonably refused to release Plaintiff from
15 arrest.

16
17 98. The arrest and interrogation continued, against Plaintiff's will, and he
18 was ultimately transferred to the psychiatric unit at ARMC, where he remained
19 until August 13, 2018.

20
21 99. Accordingly, the arrest of Plaintiff THOMAS PEREZ by Defendants
22 constituted an unreasonable seizure in violation of PEREZ's right to be free from
23 unreasonable seizures of person under the Fourth Amendment to the United States
24 Constitution.
25

26
27 100. As a result of the above-mentioned unreasonable seizures caused by
28 Defendants, Plaintiff THOMAS PEREZ suffered substantial damages, including,

1 but not limited to, lost wages / profits and other income, damage to Plaintiff's real
2 and personal property, medical and psychological bills, emotional / mental
3 distress, and other special damages; all in an amount to be shown at trial, in excess
4 of \$10,000,000.00.
5

6
7 101. Said actions and omissions of the Defendants, above-referenced,
8 were committed maliciously and in reckless disregard of THOMAS PEREZ's
9 Constitutional rights, sufficient for an award of punitive damages against said
10 Defendants, save Defendant CITY, in an amount to be shown at trial, in excess of
11 \$10,000,000.00.
12
13

14
15 **SECOND CAUSE OF ACTION**
16 **USE OF UNREASONABLE / EXCESSIVE FORCE ON PERSON**
17 **UNDER THE FOURTH AMENDMENT**
18 **[42 U.S.C. § 1983]**
19 **(By Plaintiff THOMAS PEREZ Against All Defendants)**

20
21 102. Plaintiff hereby re-alleges and incorporate by reference the
22 allegations set forth in paragraphs 1 through 101, inclusive, above, as if set forth
23 in full herein.

24
25 103. As shown above, on August 9, 2018, Plaintiff THOMAS PEREZ was
26 handcuffed by Defendants.

27
28 104. Said handcuffing was deliberately done in a very tight, painful and
cruel and sadistic manner with the very purpose of causing Plaintiff THOMAS

1 PEREZ excruciating pain and agony.

2 105. Plaintiff asked Defendants to loosen the handcuffs.

3
4 106. Defendants refused to loosen the handcuffs.

5 107. Accordingly, said excessive handcuffing of Plaintiff THOMAS
6 PEREZ was done in violation of his right to be free from the use of unreasonable
7 force upon their persons under the Fourth Amendment to the United States
8 Constitution.
9

10
11 108. As a result of the above-mentioned unreasonable / excessive use of
12 force caused by Defendants, Plaintiff THOMAS PEREZ suffered substantial
13 damages, including, but not limited to, lost wages / profits and other income,
14 damage to Plaintiff's real and personal property, medical and psychological bills,
15 emotional / mental distress, and other special damages; all in an amount to be
16 shown at trial, in excess of \$10,000,000.00.
17

18
19 109. Said actions and omissions of the Defendants, above-referenced,
20 were committed maliciously and in reckless disregard of THOMAS PEREZ's
21 Constitutional rights, sufficient for an award of punitive damages against said
22 Defendants, save Defendant CITY, in an amount to be shown at trial, in excess of
23 \$10,000,000.00.
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1 evidence of a struggle, Plaintiff did not have any visible injuries, and there was no
2 visible blood or traces of blood.

3
4 118. When Defendant Officer MILLER arrived, his knowledge was
5 limited to the observations of Defendant PINA, who herself had unlawfully
6 entered Plaintiff's home. MILLER entered Plaintiff's house without a warrant,
7 consent, or probable cause to believe that any crime had been committed.
8

9
10 119. Later, when Defendants procured a warrant to search Plaintiff's home
11 and to seize various items therein, they did so based on Defendants'
12 misrepresentations and exaggerations of the aforementioned facts for the purpose
13 of causing the Court to believe that Plaintiff had murdered his father.
14

15
16 120. Thus, the warrant was not based upon a valid showing of probable
17 cause, the warrant was invalid, and any search pursuant to the warrant was
18 unreasonable.

19
20 121. Nevertheless, Defendants executed the warrant at Plaintiff's home.
21 Defendants entered Plaintiff's home, where they seized numerous items of
22 property.

23
24 122. Defendants thereafter refused to allow Plaintiff to return to his home
25 until August 13, 2018.

26
27 123. Accordingly, Defendants entries on to Plaintiff's real property
28 between August 8, 2018 and August 13, 2018 without a warrant, consent, exigent

1 circumstances, or probable cause, constituted an unreasonable search of Plaintiff's
2 real property in violation of Plaintiff's Fourth Amendment rights.
3

4 124. Moreover, Defendants' refusal to allow Plaintiff to return to his
5 property, without a valid warrant, probable cause, or consent, constituted an
6 unreasonable seizure of Plaintiff's real property, in violation of Plaintiff's Fourth
7 Amendment rights.
8

9 125. As a result of Defendants' unreasonable search / seizure of Plaintiff's
10 real property, Plaintiff THOMAS PEREZ suffered substantial damages, including,
11 but not limited to, lost wages / profits and other income, damage to Plaintiff's real
12 and personal property, medical and psychological bills, emotional / mental
13 distress, and other special damages; all in an amount to be shown at trial, in excess
14 of \$10,000,000.00.
15
16
17

18 126. Said actions and omissions of the Defendants, above-referenced,
19 were committed maliciously and in reckless disregard of THOMAS PEREZ's
20 Constitutional rights, sufficient for an award of punitive damages against said
21 Defendants, save Defendant CITY, in an amount to be shown at trial, in excess of
22 \$10,000,000.00.
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28

1 would be jailed for the rest of his life.

2 133. Plaintiff, accepting Defendants' representations that his father had
3 been murdered and was dead, became increasingly despondent. Defendants were
4 aware of this, but were deliberately indifferent.
5

6 134. Plaintiff was also alarmed that Defendants were accusing him of
7 murdering his father. Plaintiff was terrified at Defendants' suggestion that he
8 would go to jail for the rest of his life, because under the circumstances, it seemed
9 like a real possibility. Defendants were aware of this, but were deliberately
10 indifferent.
11

12 135. Defendants brought Plaintiff's dog, Margosha, into Plaintiff's view.
13 Defendants callously told Plaintiff to "say goodbye" to Margosha, then told
14 Plaintiff "okay your dog's gone now, forget about it." Defendants then sent
15 Margosha off to be euthanized. Defendants accomplished this by intentionally
16 classifying Margosha as a "stray" dog. Defendants were aware that Margosha was
17 not a stray dog, but were deliberately indifferent.
18

19 136. Plaintiff valued the company and companionship of his dog,
20 Margosha, and was deeply hurt when Defendants told Plaintiff to "say goodbye"
21 before sending Margosha off to be euthanized. Defendants were aware of this, but
22 were deliberately indifferent.
23

24 137. Because of Defendants' actions in telling Plaintiff that his father had
25
26
27
28

1 been murdered, accusing Plaintiff of committing that murder, brutally
2 interrogating Plaintiff for hours, seizing Plaintiff's possessions, and sending
3 Plaintiff's dog off to be euthanized, Plaintiff suffered extreme emotional distress.
4 Defendants were aware of this, but were deliberately indifferent.
5

6
7 138. Defendants were also aware that Plaintiff suffered from several
8 ailments that would compound emotional distress, including depression, stress,
9 asthma, and high blood pressure. Plaintiff's distress was compounded by his
10 depression, stress disorder, asthma, and high blood pressure. Defendants were
11 aware of this, but were deliberately indifferent.
12

13
14 139. Defendants were also aware of the fact that Plaintiff was in the
15 process of separating from his wife. Plaintiff's distress was compounded by the
16 fact that he was in the process of separating from his wife. Defendants were aware
17 of this, but were deliberately indifferent.
18

19
20 140. As a result of the extreme emotional distress that Plaintiff was
21 suffering because of Defendants' actions, Plaintiff attempted suicide by hanging
22 during a break in the interrogation.
23

24
25 141. Defendants at all times knew that there was no evidence that
26 Plaintiff's father was dead, let alone evidence that Plaintiff killed him.
27

28 142. Defendants at all times knew that Plaintiff's dog was not a "stray,"
and otherwise was not lawfully subject to euthanization.

1 143. Defendants were deliberately indifferent to the emotional anguish
2 and destruction their actions were causing to Plaintiff, who was at all times an
3 innocent man.
4

5 144. Defendants' conduct, as set forth above, would shock the conscience
6 of any reasonable person.
7

8 145. Thus, Defendants' conduct, as set forth above, constituted outrageous
9 government misconduct, in violation of Plaintiff's Fourteenth Amendment right to
10 substantive due process of law.
11

12 146. As a result of Defendants' outrageous government misconduct,
13 Plaintiff THOMAS PEREZ suffered substantial damages, including, but not
14 limited to, lost wages / profits and other income, damage to Plaintiff's real and
15 personal property, medical and psychological bills, emotional / mental distress,
16 and other special damages; all in an amount to be shown at trial, in excess of
17 \$10,000,000.00.
18

19 147. Said actions and omissions of the Defendants, above-referenced,
20 were committed maliciously and in reckless disregard of THOMAS PEREZ's
21 Constitutional rights, sufficient for an award of punitive damages against said
22 Defendants, save Defendant CITY, in an amount to be shown at trial, in excess of
23 \$10,000,000.00.
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1 damaged upon their return. Several items have not been returned.

2
3 155. Thus, when Defendants took possession of Plaintiff's personal
4 property, they did so unreasonably, and unlawfully, in violation of Plaintiff's
5 Fourth Amendment right to be free from unreasonable seizures of personal
6 property.
7

8 156. As a result of Defendants' unreasonable seizures of Plaintiff's
9 personal property, Plaintiff THOMAS PEREZ suffered substantial damages,
10 including, but not limited to, lost wages / profits and other income, damage to
11 Plaintiff's real and personal property, medical and psychological bills, emotional /
12 mental distress, and other special damages; all in an amount to be shown at trial,
13
14 in excess of \$10,000,000.00.
15

16 157. Said actions and omissions of the Defendants, above-referenced,
17 were committed maliciously and in reckless disregard of THOMAS PEREZ's
18 Constitutional rights, sufficient for an award of punitive damages against said
19 Defendants, save Defendant CITY, in an amount to be shown at trial, in excess of
20 \$10,000,000.00.
21

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1 unreasonable invasions / searches / seizures of Plaintiff's electronic
2 communications.

3
4 164. As a result of Defendants' unreasonable searches of Plaintiff's
5 electronic devices, Plaintiff THOMAS PEREZ suffered substantial damages,
6 including, but not limited to, lost wages / profits and other income, damage to
7 Plaintiff's real and personal property, medical and psychological bills, emotional /
8 mental distress, and other special damages; all in an amount to be shown at trial,
9 in excess of \$10,000,000.00.
10

11
12 165. Said actions and omissions of the Defendants, above-referenced,
13 were committed maliciously and in reckless disregard of THOMAS PEREZ's
14 Constitutional rights, sufficient for an award of punitive damages against said
15 Defendants, save Defendant CITY, in an amount to be shown at trial, in excess of
16 \$10,000,000.00.
17
18

19
20 **SEVENTH CAUSE OF ACTION**
21 **RETALIATION FOR PROTECTED SPEECH**
22 **UNDER THE FIRST AMENDMENT**
23 **[42 U.S.C. § 1983]**
24 **(By Plaintiff THOMAS PEREZ Against All Defendants)**

25 166. Plaintiff hereby re-alleges and incorporates by reference the
26 allegations set forth in paragraphs 1 through 165, inclusive, as if set forth in full
27 herein.
28

1 167. During the unreasonable searches and seizures at the hands of the
2 above-named Defendants, Plaintiff THOMAS PEREZ verbally protested
3 Defendants' actions.
4

5 168. Moreover, Plaintiff repeatedly invoked his Constitutional rights in
6 refusing to consent to Defendants' warrantless and obnoxious entry on to his
7 property.
8

9 169. In retaliation for Plaintiff's protests, Defendants treated Plaintiff as a
10 murder suspect and falsely arrested Plaintiff on bogus charges of murdering his
11 father.
12

13 170. Furthermore, at the time and date of Plaintiff THOMAS PEREZ's
14 arrests in this matter, the policy, custom, usage and practice of the Fontana CITY
15 Police Department was to arrest persons who exercise their First Amendment
16 rights by verbally protesting police action.
17

18 171. Plaintiff's protected speech and invocation of Constitutional rights
19 was a substantial motivating factor in Defendants' decision to treat Plaintiff as a
20 murder suspect, and to arrest him without probable cause for the murder of his
21 father.
22

23 172. Defendants' actions in treating Plaintiff as a murder suspect, and
24 arresting him without probable cause, would chill a person of ordinary firmness
25 from exercising his/her First Amendment rights.
26
27
28

1 173. Thus, Defendants’ actions constituted a violation of Plaintiff’s First
2 Amendment right to be free from retaliation for protected speech.
3

4 174. As a result of Defendants’ retaliation for Plaintiff’s protected speech,
5 Plaintiff THOMAS PEREZ suffered substantial damages, including, but not
6 limited to, lost wages / profits and other income, damage to Plaintiff’s real and
7 personal property, medical and psychological bills, emotional / mental distress,
8 and other special damages; all in an amount to be shown at trial, in excess of
9 \$10,000,000.00.
10

11
12 175. Said actions and omissions of the Defendants, above-referenced,
13 were committed maliciously and in reckless disregard of THOMAS PEREZ’s
14 Constitutional rights, sufficient for an award of punitive damages against said
15 Defendants, save Defendant CITY, in an amount to be shown at trial, in excess of
16 \$10,000,000.00.
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1 Constitutional rights, pursuant to California Civil Code §52.1, and California
2 Government Code §§ 815.2(a), 815.6, 820, 820.8.
3

4 182. As a result of Defendants’ actions set forth above, Plaintiff
5 THOMAS PEREZ suffered substantial damages, including, but not limited to, lost
6 wages / profits and other income, damage to Plaintiff’s real and personal property,
7
8 medical and psychological bills, emotional / mental distress, and other special
9 damages; all in an amount to be shown at trial, in excess of \$10,000,000.00.
10

11 183. In addition, as a result of the actions of said Defendants in violation
12 of the Plaintiff’s rights under Cal. Civil Code § 52.1, the Plaintiff is entitled to an
13 award of treble compensatory damages against all Defendants, and each of them
14
15 in this action.

16 184. Said actions and omissions of the Defendants, above-referenced,
17
18 were committed maliciously and in reckless disregard of THOMAS PEREZ’s
19 Constitutional rights, sufficient for an award of punitive damages against said
20 Defendants, save Defendant CITY, in an amount to be shown at trial, in excess of
21 \$10,000,000.00.
22

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1 190. Said actions and omissions of the Defendants, above-referenced,
2 were committed maliciously and in reckless disregard of THOMAS PEREZ's
3 Constitutional rights, sufficient for an award of punitive damages against said
4 Defendants, save Defendant CITY, in an amount to be shown at trial, in excess of
5 \$10,000,000.00.
6
7

8
9
10 **TENTH CAUSE OF ACTION**
11 **BATTERY**
12 **UNDER CAL. CIVIL CODE § 52.1 AND CALIFORNIA STATE LAW**
13 **(By Plaintiff and THOMAS PEREZ Against All Defendants)**

14 191. Plaintiff hereby re-alleges and re-incorporates by reference the
15 allegations set forth in paragraphs 1 through 190, inclusive, above, as if set forth
16 in full herein.

17 192. As complained of above, Defendants used unreasonable force upon
18 Plaintiff PEREZ when they unlawfully arrested him on August 8, 2018, then
19 applied excessively tight handcuffs on August 9, 2018.
20

21 193. Defendants' touching of Plaintiff was harmful and offensive to
22 Plaintiff, and would be harmful and offensive to a reasonable person.
23

24 194. Plaintiff was actually harmed by Defendants' harmful and offensive
25 contact.
26

27 195. The conduct of Defendants was a substantial factor in causing
28

1 Plaintiff THOMAS PEREZ's harm.

2 196. Defendants are liable to Plaintiff THOMAS PEREZ for their false
3 arrests / false imprisonments pursuant to Cal. Gov't Code §§ 815.2(a), 815.6, 820,
4 820.4 and 820.8.
5

6 197. As a result of Defendants' actions set forth above, Plaintiff
7 THOMAS PEREZ suffered substantial damages, including, but not limited to, lost
8 wages / profits and other income, damage to Plaintiff's real and personal property,
9 medical and psychological bills, emotional / mental distress, and other special
10 damages; all in an amount to be shown at trial, in excess of \$10,000,000.00.
11

12 198. Said actions and omissions of the Defendants, above-referenced,
13 were committed maliciously and in reckless disregard of THOMAS PEREZ's
14 Constitutional rights, sufficient for an award of punitive damages against said
15 Defendants, save Defendant CITY, in an amount to be shown at trial, in excess of
16 \$10,000,000.00.
17

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1 Plaintiff “okay your dog’s gone now, forget about it.” Defendants then sent
2 Margosha off to be euthanized. Defendants accomplished this by intentionally
3 misclassifying Margosha as a “stray” dog.
4

5 206. Plaintiff valued the company and companionship of his dog,
6 Margosha, and was deeply hurt when Defendants told Plaintiff to “say goodbye”
7 before sending Margosha off to be euthanized.
8

9 207. Because of Defendants’ actions in telling Plaintiff that his father had
10 been murdered, accusing Plaintiff of committing that murder, brutally
11 interrogating Plaintiff for hours, seizing Plaintiff’s possessions, and sending
12 Plaintiff’s dog off to be euthanized, Plaintiff suffered extreme emotional distress.
13
14

15 208. Defendants were also aware that Plaintiff suffered from several
16 ailments that would compound emotional distress, including depression, stress,
17 asthma, and high blood pressure. Plaintiff’s distress was compounded by his
18 depression, stress disorder, asthma, and high blood pressure.
19

20 209. Defendants were also aware of the fact that Plaintiff was in the
21 process of separating from his wife. Plaintiff’s distress was compounded by the
22 fact that he was in the process of separating from his wife.
23
24

25 210. As a result of the extreme emotional distress that Plaintiff was
26 suffering because of Defendants’ actions, Plaintiff attempted suicide by hanging
27 during a break in the interrogation.
28

1 211. Defendants actions, as set forth above, constituted outrageous
2 conduct, and would be offensive to any reasonable member of a civilized society.
3

4 212. Defendants knew and/or should have known that Plaintiff THOMAS
5 PEREZ was uniquely susceptible to suffering severe emotional distress from
6 Defendants' outrageous actions as complained of above and herein.
7

8 213. Defendants, and each of them, are liable to THOMAS PEREZ
9 pursuant to Cal. Government Code §§ 815.2(a), 815.6, 820, 820.8 and otherwise
10 pursuant to the common-law.
11

12 214. As a result of Defendants' actions set forth above, Plaintiff
13 THOMAS PEREZ suffered substantial damages, including, but not limited to, lost
14 wages / profits and other income, damage to Plaintiff's real and personal property,
15 medical and psychological bills, emotional / mental distress, and other special
16 damages; all in an amount to be shown at trial, in excess of \$10,000,000.00.
17

18 215. Said actions and omissions of the Defendants, above-referenced,
19 were committed maliciously and in reckless disregard of THOMAS PEREZ's
20 Constitutional rights, sufficient for an award of punitive damages against said
21 Defendants, save Defendant CITY, in an amount to be shown at trial, in excess of
22 \$10,000,000.00.
23
24
25

26 **WHEREFORE**, plaintiff prays for judgment as follows:
27

28 a) For a judgment against all defendants for compensatory damages in

1 an amount in excess of \$10,000,000.00; trebled to \$30,000,000.00³;

2 b) For a judgment against all defendants, save defendant CITY for
3
4 punitive damages in an amount in excess of \$10,000,000.00;

5 c) For an award of reasonable attorney's fees and costs;

6
7 d) For a trial by jury; and

8 e) For such other and further relief as this honorable court deems just
9 and equitable.

10
11 
12 _____
13 JERRY L. STEERING
14 Attorney for THOMAS PEREZ
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³ Pursuant to Plaintiff's claim under Section 52.1.