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

12 **CHERIE TOWNSEND, an individual;) Case No.**
13 **JALEN LAPREE HAMLER, an)**
14 **individual,) COMPLAINT FOR DAMAGES:**
15 **)**
16 **Plaintiffs,) CIVIL RIGHTS VIOLATIONS**
17 **) PURSUANT TO 42 U.S.C. § 1983**
18 **V.)**
19 **) 1. False Arrest/False Imprisonment;**
20 **JIM MCDONNELL, an individual;) 2. Unlawful Search and Seizure;**
21 **CHRISTOPHER BERGNER, an) 3. Violation of Substantive Due**
22 **individual; MARCELO QUINTERO,) Process;**
23 **an individual; MICHAEL AUSTIN, an) 4. Defamation-Plus Liability;**
24 **individual; LOS ANGELES COUNTY,) 5. Monell Liability;**
25 **a public entity; LOS ANGELES) STATE LAW CLAIMS**
26 **SHERIFF’S DEPARTMENT, a public)**
27 **entity; SUSAN BROOKS, an)**
28 **individual; THE CITY OF RANCHO) 6. Bane Act Liability;**
PALOS VERDES, a public entity;) 7. False Imprisonment;
BRITT HUFF, an individual; THE) 8. Intentional Infliction of
CITY OF ROLLING HILLS) Emotional Distress;
ESTATES, a public entity; and DOES) 9. Negligent Investigation;
1-20, inclusive,) 10. Negligent Infliction of Emotional
) Distress;
Defendants.) 11. Defamation.
)

DEMAND FOR JURY TRIAL

1 3. This press conference was published or broadcast live by all local
2 news media outlets, nationally by the Associated Press, and appeared on Twitter,
3 Facebook, and Instagram, including the Los Angeles County Sheriff's Department
4 Facebook Page, and various other social media pages of the Los Angeles County
5 Sheriff's Department and the City of Rolling Hills Estates.

6 4. On May 22, 2018, after six nights in jail, and long after being
7 fingerprinted and submitted for DNA testing, Ms. Townsend was released from
8 custody without restrictions after Los Angeles County prosecutors informed the
9 Sheriff's Department that they did not have enough evidence to charge her with a
10 crime.

11 5. Upon her release, Ms. Townsend received a receipt of property for her
12 personal belongings taken incident to her arrest which did not include her
13 automobile, cell phones, medication, and other items of personal property. More
14 than six months later, Ms. Townsend's automobile, cell phones, and medications,
15 still have not been returned to her, and are still being held by the Sheriff's
16 Department, along with other unidentified personal property of the Plaintiff.

17 6. As a result of the unreasonable arrest and announcement to the public
18 by the Sheriff Department officers and City of Rolling Hills Mayor Britt Huff, the
19 failure of the Los Angeles Sheriff's Department and Los Angeles County to conduct
20 an adequate investigation before labeling Ms. Townsend as a murderer, the failure
21 of the Los Angeles Sheriff's Department to provide an accurate receipt for the return
22 of Ms. Townsend's property, and the now widespread belief that Ms. Townsend
23 committed such a heinous murder, Ms. Townsend and her son, Jalen Lapree
24 Hamler, have sustained significant and permanent injuries to their mind, property,
25 and social well-being.

26 7. This action seeks justice and redress for the violation of their rights
27 secured by the Constitution and the laws of California and the United States of
28 America.

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II.

VENUE AND JURISDICTION

8. This action is brought pursuant to 42 U.S.C. §§ 1983 et seq., and the Fourth and Fourteenth Amendments of the United States Constitution. Subject matter jurisdiction is premised on 29 U.S.C. §§ 1331 and 1343(a)(1), (2), (3), and (4), and the aforementioned statutory and constitutional provisions. The Court has supplemental jurisdiction to hear Plaintiff’s state law claims pursuant to 28 U.S.C. § 1367.

9. Venue is proper in the United States District Court for the Central District of California pursuant to 28 U.S.C. § 1391(b) because the events, injuries, and violations of rights alleged herein occurred within the County of Los Angeles, California, which is within this district, and because some, if not all of the Defendants, reside within the County of Los Angeles, and the jurisdictional boundaries of this Court.

10. Prior to the commencement of this action, Plaintiffs timely filed claims for money damages with the County of Los Angeles, the Los Angeles Sheriff’s Department, the City of Rancho Palos Verdes, and the City of Rolling Hills Estates, as required by the California Government Code, and all entities have rejected, denied, or denied by operation of law their timely-filed claims. Accordingly, Plaintiffs complied with the claim presentment requirements of the California Government Code and hereby timely institute the present lawsuit for all state law claims.

III.

PARTIES

11. Plaintiffs’ Cherie Townsend and Jalen Lapree Hamler are, and were at all times herein mentioned, citizens of the United States, residing in Los Angeles County, in the State of California.

1 12. At all times herein mentioned, Defendant Los Angeles County
2 (“County”) was a public entity and municipal corporation duly organized and
3 existing under and by virtue of the laws of the State of California.

4 13. At all times herein mentioned, Defendant Los Angeles Sheriff’s
5 Department (“LASD”) was a public entity and municipal corporation duly organized
6 and existing under and by virtue of the laws of the State of California.

7 14. At all times herein mentioned, Defendant City of Rancho Palos Verdes
8 was a public entity and municipal corporation duly organized and existing under and
9 by virtue of the laws of the State of California.

10 15. At all times herein mentioned, Defendant City of Rolling Hills Estates
11 was a public entity and municipal corporation duly organized and existing under and
12 by virtue of the laws of the State of California.

13 16. At all times herein mentioned, Plaintiffs are informed and believe, and
14 thereon allege that individual Defendants Sheriff Jim McDonnell, Captain
15 Christopher Bergner, Sergeant Marcelo Quintero, and Sergeant Michael Austin,
16 (collectively “Defendant Sheriff Department Officers”), were residents of the
17 County of Los Angeles and were officers, sergeants, detectives, and/or civilian
18 employees, agents and/or representatives of the LASD, and were employees and
19 agents of Defendant LASD. At all times relevant hereto, said Defendants were
20 acting within the course and scope of their employment as officers, sergeants,
21 detectives, and/or civilian employees of the LASD, a department and subdivision of
22 Defendant Los Angeles County. At all times relevant herein, said Defendants were
23 acting under color of law, under the color of statutes, ordinances, regulations,
24 policies, customs, practices and usages of Defendant Los Angeles County, its
25 Sheriff’s department, and/or the State of California. At all times relevant hereto,
26 Plaintiffs allege Jim McDonnell served as the highest official for the LASD and
27 made Los Angeles County and LASD policy for that office.
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1 17. At all times herein mentioned, Plaintiffs are informed and believe, and
2 thereon allege that individual Defendant Susan Brooks was a resident of the County
3 of Los Angeles and an elected Mayor and representative of the City of Rancho Palos
4 Verdes. At all times relevant hereto, said Defendant was acting within the course
5 and scope of her employment as Mayor of the City of Rancho Palos Verdes, a
6 subdivision of Defendant Los Angeles County. At all times relevant herein, said
7 Defendant was acting under color of law, under the color of statutes, ordinances,
8 regulations, policies, customs, practices and usages of Defendant Los Angeles
9 County, Defendant City of Rancho Palos Verdes, and/or the State of California.

10 18. At all times herein mentioned, Plaintiffs are informed and believe, and
11 thereon allege that individual Defendant Britt Huff was a resident of the County of
12 Los Angeles and an elected Mayor and representative of the City of Rolling Hills
13 Estates. At all times relevant hereto, said Defendant was acting within the course
14 and scope of her employment as Mayor of the City of Rolling Hills Estates, a
15 subdivision of Defendant Los Angeles County. At all times relevant herein, said
16 Defendant was acting under color of law, under the color of statutes, ordinances,
17 regulations, policies, customs, practices and usages of Defendant Los Angeles
18 County, Defendant City of Rolling Hills Estates, and/or the State of California.

19 19. Plaintiffs are ignorant of the true names and capacities of Defendants
20 sued herein as DOE Defendants 1 through 20, inclusive, and therefore sue these
21 defendants by such fictitious names. Plaintiffs will amend this complaint to allege
22 their true names and capacities when ascertained. Plaintiffs are informed and
23 believe, and thereon allege that each of the fictitiously named defendants is
24 responsible in some manner for the occurrences herein alleged, and that Plaintiffs'
25 injuries as alleged were proximately caused by the acts and/or omissions of said
26 fictitiously named defendants.

27 20. At all times relevant hereto, Defendant Sheriff Department Officers
28 employed and conspired to commit unlawful and illegal customs and practices of

1 unreasonable searches and seizures, arrested and slandered Plaintiff Cherie
2 Townsend without probable cause, and intentionally caused emotional distress upon
3 Plaintiffs. Said misconduct was known, encouraged, tolerated, and/or condoned by
4 Defendant County of Los Angeles and the Los Angeles Sheriff's Department.

5 21. At all times relevant herein, Defendant Sheriff Department Officers
6 were acting within the course and scope of their employment as officers and
7 employees of the LASD, which is liable under the principles of respondeat superior
8 for said employees' tortious conduct pursuant to California Government Code
9 section 815.2.

10 22. At all times relevant hereto, Defendant Susan Brooks libeled and/or
11 slandered Plaintiff Cherie Townsend and/or conspired to do so without probable
12 cause, and intentionally caused emotional distress upon Plaintiffs.

13 23. At all times relevant herein, Defendant Susan Brooks was acting within
14 the course and scope of her employment as Mayor and employee of the City of
15 Rancho Palos Verdes, which is liable under the principles of respondeat superior for
16 said employees' tortious conduct pursuant to California Government Code section
17 815.2.

18 24. At all times relevant hereto, Defendant Britt Huff libeled and/or
19 slandered Plaintiff Cherie Townsend and/or conspired to do so without probable
20 cause, and intentionally caused emotional distress upon Plaintiffs.

21 15. At all times relevant herein, Defendant City of Rolling Hills Estates
22 contracted with Defendant LASD for police protection under the authority of
23 California Government Code section 55632. At all times relevant herein, Defendant
24 LASD and Defendant Sheriff Department Officers were acting within the course and
25 scope of their duties to provide law enforcement, and Defendant City of Rolling
26 Hills Estates is jointly and severally liable for their acts under California
27 Government Code section 895.2.

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1 IV.

2 **FACTS COMMON TO ALL CAUSES OF ACTION**

3 25. At 12:22 p.m. on May 3, 2018, Susan Leeds was found dead inside her
4 Mercedes SUV on the first floor of the Promenade shopping mall parking structure
5 with multiple stab wounds to her chest and her throat had been slashed.

6 26. This was the first murder reported in the Palos Verdes Peninsula in nine
7 years.

8 27. Plaintiff Cherie Townsend's car was parked on the same floor of the
9 parking garage around the time that the murder was believed to have occurred. Many
10 other vehicles were also parked on the same floor of the parking garage around that
11 time.

12 28. The Los Angeles Sheriff's Department, which contracts with the City
13 of Rolling Hills Estates for law enforcement, initiated an investigation of the case.

14 29. On May 10, 2018, investigators released a surveillance photo from the
15 mall showing Ms. Leeds just hours before she was killed.

16 30. In the photo, Ms. Leeds was seen wearing sneakers, a blue, short-
17 sleeved shirt, and black exercise pants. She was not wearing jewelry and was not
18 carrying a purse or any shopping bags. She was not carrying anything in her hands
19 in the photo.

20 31. On May 16, 2018, at approximately 11:00 p.m., Ms. Townsend was
21 pulled over while driving on the 10 Freeway near Pomona and was arrested at
22 gunpoint by Los Angeles Sheriff's Department officers for the murder of Susan
23 Leeds without a warrant or probable cause.

24 32. Upon her arrest, deputies seized Ms. Townsend's car and other personal
25 property items within her vehicle, including her cell phones and medication, which
26 are still being held at the Los Angeles Sheriff's Department, Lomita Station, despite
27 repeated written requests for their return by Ms. Townsend and her attorneys.
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1 33. Upon information and belief, there was no warrant issued for Ms.
2 Townsend's arrest or for a search of her property.

3 34. Defendants LASD arrested Ms. Townsend because she was parked on
4 the same floor of the parking garage where the murder took place around the time of
5 the murder.

6 35. This level of evidence does not give any more cause to believe Ms.
7 Townsend committed this crime than it does anyone else that was in the garage at
8 the time.

9 36. After her arrest, Ms. Townsend was taken to the police station and was
10 interrogated for three to four hours by Sergeant Marcelo Quintero and Sergeant
11 Michael Austin, among others.

12 37. Ms. Townsend repeatedly asserted that she did not know what the
13 officers were talking about and denied taking part in the murder.

14 38. Despite the repeated assertions of innocence and obvious distress they
15 were causing Ms. Townsend, these officers continued to question Plaintiff and tell
16 her to "come clean," and that they knew she killed Ms. Leeds.

17 39. As Ms. Townsend continued to assert her innocence, she was subjected
18 to a battery of forensic tests, including fingerprinting and DNA analysis, and was
19 later placed into a recorded cell with an undercover LASD officer.

20 40. On the morning of May 18, 2018, the Los Angeles Sheriff's Department
21 and Rolling Hills Estates Mayor Britt Huff held a press conference regarding the
22 murder of Susan Leeds and identified Ms. Townsend by her full name as the arrestee
23 and sole suspect in the murder, despite the limited investigation that was conducted
24 to that point.

25 41. During this press conference, Defendant McDonnell stated that "critical
26 evidence" found at the scene of the crime led investigators to Plaintiff Cherie
27 Townsend.
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1 42. McDonnell also stated that “forensic evidence” and “video
2 surveillance” indicated that the only other person of interest was not involved in the
3 murder.

4 43. Defendants McDonnell and Bergner both gave Ms. Townsend’s full
5 name as the person arrested.

6 44. Defendant McDonnell stated for the first time that investigators
7 believed the motivation behind the murder was a robbery.

8 45. A grainy video of security footage from the Promenade parking garage
9 at the time of the incident was played at this conference.

10 46. Defendant Bergner stated that the purpose of showing this video was to
11 show that there were witnesses walking by and cars driving through the parking
12 garage at the time of the murder that could have seen something.

13 47. The video was also uploaded as a comment to the Facebook Live post
14 and identified the specific time during the video in which the incident occurred and
15 the time that Plaintiff Townsend’s vehicle left the parking structure.

16 48. This video was not shown for the public to help find or identify
17 potential suspects and was of such low-quality that it likely would have been no help.

18 49. Defendant McDonnell stated at the press conference that there were no
19 other suspects in the case.

20 50. Defendant McDonnell also declined to show Plaintiff Townsend’s
21 booking photo, claiming it would “jeopardize the integrity of future lineups.”

22 51. Nevertheless, members of the public were able to publicly comment on
23 the Facebook Live video.

24 52. Comments left on the video included:

25 a. “Random 39 year old woman is the murderer. They are asking
26 the public for more information- I think they need more evidence to convict”

27 b. “This is a good example how DESPERATE criminals are in
28 California. A female, traveled from Victorville, stabbing several times, slit

1 throat of a stranger. The POLITICIANS must, MUST work to establish
2 stronger penalties.”

3 c. “Did they say how they were led to the killer?”

4 d. “amazing the internet sleuths here. Here is another tidbit. If its
5 Cherie Lynette Townsend...she has ties to the South Bay. Seems like she has
6 a son that plays football for Lawndale High. Seems like the star quarterback
7 also. I already know how she looks like.”

8 53. The general impression from members of the public viewing this press
9 conference was that the murderer was arrested and that members of the community
10 could feel safe. The Sheriff Department issued a press release right after the press
11 conference declaring that there was no ongoing threat to the community.

12 54. The public announcement of Cherie Townsend’s name as the sole
13 suspect in the murder of Susan Leeds received widespread media coverage and was
14 published online, in print, and broadcast live by all local news media outlets,
15 nationally by the Associated Press, and appeared on Twitter, Facebook, and
16 Instagram, including the Los Angeles County Sheriff’s Department Facebook Page,
17 and various other social media pages of the Los Angeles County Sheriff’s
18 Department and the City of Rolling Hills Estates.

19 55. Viewers were able to obtain additional personal information about Ms.
20 Townsend beyond what was stated at the press conference, including her height,
21 weight, and race, as well as her son’s high school and extracurricular activities.

22 56. Following the conference, the Daily Breeze published a comment by
23 Rancho Palos Verdes Mayor Susan Brooks stating: “I’m relieved to know that the
24 individual was apprehended, but it’s disturbing to know that she came from so far
25 away (to commit a crime).”

26 57. On May 22, 2018, members of the Los Angeles Sheriff’s Department
27 presented their evidence against Ms. Townsend to Los Angeles County prosecutors,
28

1 including Patricia Wilkinson, Head Deputy of the Major Crimes Division of the Los
2 Angeles County District Attorney's Office.

3 58. Ms. Wilkinson declined to press charges, stating that the Los Angeles
4 Sheriff's Department did not have enough evidence to bring a case. Similarly, the
5 Filing Deputy District Attorney at the Torrance Branch of the District Attorney's
6 Office, likewise rejected to press murder charges against Plaintiff Townsend.

7 59. On May 22, 2018, after six nights in jail, Ms. Townsend was released
8 from custody without restrictions.

9 60. If there was any plausible evidence that Plaintiff stabbed Ms. Leeds a
10 dozen times in the chest and slit her throat in the commission of a robbery, Plaintiff
11 would not have been released without restrictions.

12 61. As of the filing of this Complaint, no charges have been brought against
13 Ms. Townsend, no new evidence has been released to the public regarding the crime,
14 and the Los Angeles County Sheriff's Department and Sheriff Jim McDonell have
15 assumed no responsibility for the results, or lack thereof, of this investigation.

16
17 **Sheriff McDonnell and Others Continue to Insist in the Media that Plaintiff**
18 **Cherie Townsend is the Murderer, Compounding Her Emotional Distress**

19 62. Following Plaintiff's release, Benjamin Leeds, Susan Leeds' stepson,
20 was interviewed by CBS Los Angeles.

21 63. During this interview, Benjamin Leeds stated that the LASD were
22 letting a "murderer back on the streets."

23 64. On May 23, 2018, Defendant McDonnell was asked by a reporter if the
24 LASD made a mistake by announcing Ms. Townsend's arrest.

25 65. In response, Defendant McDonnell stated, "No, I thought it was what
26 we needed to do to be able to let the community know where we were on the case. .
27 . . [T]o the degree that we were able to provide some closure, some comfort to that
28 community, we wanted to do that."

1 **The LA Sheriff's Department Rushed to Name a Murder Suspect to Calm a**
2 **Frightened White Community Without Investigating all Possible Leads and**
3 **Potential Suspects**

4 66. The murder of Ms. Leeds shocked the community.

5 67. Defendants McDonnell, Bergner, and LASD were under significant
6 pressure to resolve this case quickly.

7 68. Defendants McDonnell, Bergner, and LASD announced Plaintiff
8 Townsend's arrest before conducting an adequate investigation to alleviate public
9 concerns.

10 69. Upon information and belief, neighbors and friends of murder victim
11 Susan Leeds have called the tip hotline suggesting that the Los Angeles Sheriff's
12 Department investigate Ms. Leeds' husband, Donald Leeds, as a murder suspect and
13 further, that the Sheriff's Department interview the Leeds' neighbors. At least one
14 neighbor called Sheriff McDonnell suggesting that his department investigate the
15 murder victim's husband but did not receive a response. To date, Plaintiff Townsend
16 does not believe any of the Leeds' neighbors have been interviewed. On the other
17 hand, Sheriff Department investigators continue to harass Ms. Townsend's family
18 and friends.

19 70. Defendant Los Angeles County implicitly ratified an LASD policy of
20 announcing the names of arrestees to the public and calling them criminals before
21 conducting an adequate investigation by not disciplining or reprimanding
22 Defendants McDonnell and Bergner or in admitting to error in the investigation.

23 71. Defendant McDonnell remains vigilant in his support of the
24 investigation, saying that its focus has "absolutely not changed" following Plaintiff
25 Townsend's release.

26 72. As of the filing of this complaint, Plaintiff Townsend has still not been
27 charged with the murder.
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1 73. As of the filing of this complaint, there are no other suspects and the
2 public has been made aware of no other evidence or leads in the case.

3 74. Defendants maintain that there is no remaining threat to the community
4 despite the brutality of the murder and the fact that nobody is in custody or being
5 monitored.

6 75. Defendants appear credible in their assertions that the community is
7 safe because their only suspect is conveniently not a resident of the Palos Verdes
8 Peninsula community.

9 76. The false accusations by all Defendants that Plaintiff Townsend is a
10 murderer has caused her and her son, Plaintiff Jalen Lapree Hamler, severe
11 emotional distress, humiliation, physical distress, inconvenience, mental anguish,
12 pain and suffering, and loss of enjoyment of life.

13 77. Members of the public were easily able to ascertain personal
14 information about Plaintiff and her family which has effectively placed a target on
15 their backs.

16 78. This unfounded public condemnation has further compounded
17 Plaintiffs' emotional distress.

18 79. Any potential lineups involving Ms. Townsend were compromised by
19 Defendants McDonnell and Bergner giving Plaintiff's full name and arrest
20 information at the May 18, 2018 press conference.

21
22 **Plaintiff Cherie Townsend is Released Without Restrictions But Her**
23 **Automobile and Other Property is Not Returned**

24 80. Upon her release, Plaintiff Townsend was given a Receipt for Property
25 ("Receipt") from Defendant Austin.

26 81. Plaintiff Townsend collected her purse, wallet, backpack,
27 miscellaneous items, and some cash that was seized and listed on the Receipt.
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1 82. The Receipt did not list Plaintiff Townsend’s vehicle, cell phones,
2 medication, or other personal items that were in her vehicle when she was arrested.

3 83. Plaintiff Townsend was unable to reclaim any of those items to the
4 present day, despite repeated written requests by Plaintiff Townsend and her
5 attorney.

6 84. As a result of the actions taken by members and agents of the LASD
7 against Plaintiff, Ms. Townsend was unlawfully arrested and held in jail for six days,
8 continues to be unable to use her vehicle or take her medication that was taken
9 incident to the unlawful arrest, and continues to suffer extreme emotional distress,
10 humiliation, physical distress, inconvenience, mental anguish, pain and suffering,
11 loss of enjoyment of life, loss of bodily and neurological functioning, deprivation of
12 property, and civil rights violations. The full extent of the injuries and/or prognosis
13 is currently unknown. Plaintiff Townsend was diagnosed for the first time with post-
14 traumatic stress disorder (“PTSD”) as a result of the incident and the actions of the
15 Sheriff Department Officers and others.

16 85. This action seeks justice and redress for the violation of Plaintiffs’
17 rights secured by the Constitution, and the laws of the United States and of the State
18 of California, and seeks compensation for the wrongful, unreasonable, negligent,
19 reckless, intentional and/or malicious conduct that caused and exacerbated their
20 injuries and delayed the return of Plaintiff Townsend’s property. Plaintiffs hired
21 attorneys to effectively vindicate their rights and are therefore entitled to attorney’s
22 fees pursuant to 42 U.S.C. § 1988.

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1 V.

2 **FIRST CAUSE OF ACTION**

3 **FALSE ARREST/FALSE IMPRISONMENT**

4 *(Plaintiff Cherie Townsend as against Defendants McDonnell, Bergner,*
5 *Quintero, Austin, Los Angeles Sheriff's Department, and Does 1-20)*

6 86. Plaintiff hereby realleges and incorporates by this reference the
7 allegations contained in all paragraphs above as though fully set forth herein.

8 87. Commencing at or about the aforementioned dates and places, without
9 justification, and acting under color of state law, Defendants McDonnell, Los
10 Angeles Sheriff's Department, and DOES 1-20, and each of them, intentionally,
11 maliciously and recklessly deprived Plaintiff Cherie Townsend of clearly established
12 rights secured to her by the Fourth and Fourteenth Amendments to the United States
13 Constitution in that the referenced Defendants, and each of them, subjected Plaintiff
14 Cherie Townsend to unreasonable, unnecessary and unwarranted searches and
15 seizure even though no strong government interest compelled the need for the
16 officers to engage in such acts, including but not limited to the following:

- 17 a. Detaining Ms. Townsend without her consent or reasonable suspicion;
18 b. Arresting Ms. Townsend without a warrant or probable cause;
19 c. Causing the continued imprisonment of Ms. Townsend after her
20 repeated demonstrations of innocence; and
21 d. Causing the continued imprisonment of Ms. Townsend in a recorded
22 jail cell with an undercover LASD officer informant;

23 88. No reasonable Sheriff Department Officer would believe that there was
24 probable cause to arrest Plaintiff for the murder solely because her car was one of
25 many vehicles parked at the mall structure around the time of the murder.

26 89. As a direct and proximate result of the foregoing wrongful acts of
27 Defendants McDonnell, Los Angeles Sheriff's Department, and DOES 1-20, and
28 each of them, Plaintiff Cherie Townsend has suffered, and continues to suffer,

1 permanent and severe mental and emotional distress, humiliation, physical distress,
2 inconvenience, mental anguish, pain and suffering, loss of enjoyment of life, loss of
3 bodily and neurological functioning, deprivation of property, and civil rights
4 violations, and is entitled to and demands damages, jointly and severally, including
5 but not limited to special damages and general damages, all in an amount to be
6 proven at trial.

7 90. The actions of said defendants were committed maliciously,
8 oppressively, and constituted despicable conduct, sufficient for an award of punitive
9 / exemplary damages against said Defendants and each of them, in an amount to be
10 proven at trial.

11 **VI.**

12 **SECOND CAUSE OF ACTION**

13 **VIOLATION OF CIVIL RIGHTS: UNLAWFUL SEARCH AND SEIZURE**

14 *(Plaintiff Cherie Townsend as against Defendants McDonnell, Austin, Los*
15 *Angeles Sheriff's Department, and Does 1-20)*

16 91. Plaintiff Cherie Townsend hereby realleges and incorporates by this
17 reference the allegations contained in all paragraphs above as though fully set forth
18 herein.

19 92. This action is brought pursuant to 42 U.S.C. Section 1983, and the
20 Fourth and Fourteenth Amendments of the United States Constitution.

21 93. At all times relevant hereto, Plaintiff Townsend possessed the clearly
22 established right, guaranteed by the Fourth Amendment of the United States
23 Constitution, to be free from unreasonable searches and seizures by police officers
24 acting under the color of law.

25 94. As described herein above, Defendants McDonnell, LASD, and DOES
26 1-20 violated Plaintiff's Fourth Amendment rights by arresting her without a warrant
27 or probable cause, and by causing several items of her personal property to be seized
28 incident to that unlawful arrest.

1 95. Said Defendants subjected Plaintiff Townsend to the aforementioned
2 deprivations with either malice, deliberate indifference, or reckless disregard for
3 Plaintiff's rights under the United States Constitution.

4 96. As a direct and proximate result of the aforementioned acts of said
5 Defendants, Plaintiff Townsend suffered the violation of her Constitutional rights as
6 described above. Furthermore, Plaintiff Townsend has sustained severe emotional
7 and psychological injuries including permanent and severe mental and emotional
8 distress, humiliation, physical distress, inconvenience, mental anguish, pain and
9 suffering, loss of enjoyment of life, loss of bodily and neurological functioning,
10 deprivation of property, and civil rights violations. The amount of damages suffered
11 by Plaintiff Townsend will be subject to proof at the time of trial and exceeds the
12 minimum jurisdictional amount of this Court.

13 97. The aforementioned acts of said individual Defendants were willful,
14 wanton, malicious, and oppressive, thereby justifying the awarding of exemplary
15 and punitive damages as to individual Defendants.

16 98. In addition, Plaintiff Townsend is entitled to reasonable attorney's fees
17 and costs of litigation upon prevailing.

18 **VII.**

19 **THIRD CAUSE OF ACTION**

20 **VIOLATION OF CIVIL RIGHTS: SUBSTANTIVE DUE PROCESS**

21 *(Plaintiff Cherie Townsend as against Defendants McDonnell, Bergner,*
22 *Quintero, Austin, Los Angeles Sheriff's Department, and Does 1-20)*

23 99. Plaintiff Cherie Townsend hereby realleges and incorporates by this
24 reference the allegations contained in all paragraphs above as though fully set forth
25 herein.

26 100. This action is brought pursuant to 42 U.S.C. Section 1983, and the
27 Fourteenth Amendment of the United States Constitution.

28 101. At all times relevant hereto, Plaintiff Townsend possessed the clearly

1 established right, guaranteed by the Fourteenth Amendment of the United States
2 Constitution, to be free from deprivations of liberty or property.

3 102. As described herein above, Defendants McDonnell, Bergner, Quintero,
4 Austin, LASD, and DOES 1-20 violated Plaintiff's Fourteenth Amendment rights
5 by depriving her of her guaranteed liberty interest to not be unlawfully imprisoned,
6 and by depriving her of her interest in her personal property.

7 103. Said Defendants subjected Plaintiff Townsend to the aforementioned
8 deprivations with either malice, deliberate indifference, or reckless disregard for
9 Plaintiff's rights under the United States Constitution.

10 104. As a direct and proximate result of the aforementioned acts of said
11 Defendants, Plaintiff Townsend suffered the violation of her Constitutional rights as
12 described above. Furthermore, Plaintiff Townsend has sustained severe emotional
13 and psychological injuries, including permanent and severe mental and emotional
14 distress, humiliation, physical distress, inconvenience, mental anguish, pain and
15 suffering, loss of enjoyment of life, loss of bodily and neurological functioning,
16 deprivation of property, and civil rights violations. The amount of damages suffered
17 by Plaintiff will be subject to proof at the time of trial and exceeds the minimum
18 jurisdictional amount of this Court.

19 105. The aforementioned acts of said individual Defendants were willful,
20 wanton, malicious, and oppressive, thereby justifying the awarding of exemplary
21 and punitive damages as to individual Defendants.

22 106. In addition, Plaintiff Townsend is entitled to reasonable attorney's fees
23 and costs of litigation upon prevailing.

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VIII.
FOURTH CAUSE OF ACTION
DEFAMATION-PLUS
(Plaintiff Cherie Townsend as against McDonnell, Bergner, Los Angeles Sheriff's Department, and Does 1-20)

107. Plaintiff Cherie Townsend hereby realleges and incorporates by this reference the allegations contained in all paragraphs above as though fully set forth herein.

108. This action is brought pursuant to 42 U.S.C. Section 1983, and the Fourteenth Amendment of the United States Constitution.

109. At all times relevant hereto, Plaintiff Townsend possessed the clearly established right, guaranteed by the Fourteenth Amendment of the United States Constitution, to be free from deprivations of liberty or property.

110. At all times relevant hereto, Plaintiff Townsend additionally possessed the clearly established right to be free from governmentally imposed burdens as a result of false statements that damage her reputation.

111. As described herein above, Defendants McDonnell, Bergner, LASD, and DOES 1-20 violated Plaintiff's Fourteenth Amendment rights by making false and defamatory statements that she is a murderer in connection with deprivations of her federally protected rights.

112. Said Defendants subjected Plaintiff Townsend to the aforementioned deprivations with either malice, deliberate indifference, or reckless disregard for Plaintiff's rights under the United States Constitution.

113. As a direct and proximate result of the aforementioned acts of said Defendants, Plaintiff suffered damage to her reputation in addition to the violation of her Constitutional rights as described above. Furthermore, Plaintiff has sustained severe emotional and psychological injuries, including permanent and severe mental and emotional distress, humiliation, physical distress, inconvenience, mental

1 anguish, pain and suffering, loss of enjoyment of life, loss of bodily and neurological
2 functioning, deprivation of property, and civil rights violations. The amount of
3 damages suffered by Plaintiff Townsend will be subject to proof at the time of trial
4 and exceeds the minimum jurisdictional amount of this Court.

5 114. The aforementioned acts of said individual Defendants were willful,
6 wanton, malicious, and oppressive, thereby justifying the awarding of exemplary
7 and punitive damages as to individual Defendants.

8 115. In addition, Plaintiff Townsend is entitled to reasonable attorney's fees
9 and costs of litigation upon prevailing.

10 **IX.**

11 **FIFTH CAUSE OF ACTION**

12 **MONELL CLAIM UNDER 42 U.S.C. SECTION 1983**

13 *(Plaintiff Cherie Townsend as against Defendant Los Angeles County)*

14 116. Except as to the punitive damages allegations, Plaintiff Cherie
15 Townsend hereby realleges and incorporates by this reference the allegations
16 contained in all paragraphs above as though fully set forth herein.

17 117. This action is brought pursuant to 42 U.S.C. § 1983 for violation of
18 Plaintiff's rights under the Fourth and Fourteenth Amendments.

19 118. On the date of Plaintiff's arrest indicated in Section IV above,
20 Defendant Sheriff Department Officers, acting within the course and scope of their
21 duties as peace officers of Los Angeles County, deprived Plaintiff Townsend of her
22 rights to be free from unreasonable seizures and unlawful arrests as delineated herein
23 above, and thereafter in violation of Plaintiff's due process rights proceeded to
24 defame Plaintiff and refuse to return her property.

25 119. Defendant Los Angeles County was aware of the practices and customs
26 described in the present count/cause of action. Said Defendant had the authority to
27 change the policies and practices, and prior to the incident alleged in this complaint,
28 had caused the revocation, revision, alteration, and abolishment of other LASD

1 practices and customs through agreements with Defendant McDonnell and the
2 LASD during the approval of settlements in cases involving said department and its
3 officers, during budget negotiations and during informal discussions and agreements
4 with the Sheriff and his staff and the members of the Sheriff's Department.

5 120. Failure on the part of Los Angeles County to address actions taken by
6 members of the LASD constitutes an implicit approval and ratification of the
7 particular practices and customs used by said members.

8 121. The members of the LASD, at all times relevant to the present action,
9 acted as representatives of Los Angeles County, carrying out the plans, orders and
10 requests of the Sheriff and the Los Angeles County Board of Supervisors.

11 123. At the time of these constitutional violations by Defendant Los Angeles
12 County, said County had in place, and had ratified, implicitly or explicitly, policies,
13 procedures, customs and practices which permitted and encouraged their Sheriff
14 Department Officers to unjustifiably, unreasonably and in violation of the Fourth
15 and Fourteenth Amendments, to unlawfully arrest persons without probable cause,
16 seize their personal property without a warrant, deny repeated requests for return of
17 property without legal justification, failing to provide an accurate Receipt of
18 Property, and make false, defamatory assertions of guilt before conducting an
19 adequate investigation.

20 124. Said policies, procedures, customs, and practices of said Defendants
21 and each of them evidenced a deliberate indifference to the violations of the
22 constitutional rights of Plaintiff Townsend. This indifference was manifested by the
23 failure to change, correct, revoke, or rescind said policies, procedures, customs and
24 practices.

25 125. As the actual and proximate result of the acts and omissions of said
26 Defendants as described wherein, Plaintiff Townsend was made to lose her freedom
27 and liberty for the period stated above in Section IV, this in violation of the
28 Fourteenth Amendment's procedural and substantive due process guarantees as well

1 as the psychological and emotional injuries described above.

2 126. Plaintiff is informed and believes, and therein alleges that the customs,
3 practices and policies alleged above were the moving force behind the violations of
4 Plaintiff's rights. Based upon the principles set forth in *Monell v. New York Dept. Of*
5 *Social Services*, Los Angeles County is liable for all of the injuries and damages
6 sustained by Plaintiff as set forth above.

7 **X.**

8 **SIXTH CAUSE OF ACTION**

9 **VIOLATION OF BANE ACT**

10 **(Cal. Civil Code § 52.1)**

11 ***(Plaintiff Cherie Townsend as against McDonnell, Bergner, Quintero, Austin,***
12 ***Los Angeles Sheriff's Department, Los Angeles County, the City of Rolling Hills***
13 ***Estates, and Does 1-20)***

14 127. Plaintiff Cherie Townsend hereby realleges and incorporates by this
15 reference the allegations contained in all paragraphs above as though fully set forth
16 herein.

17 128. As alleged herein, Defendants McDonnell, Bergner, LASD, and DOES
18 1-20 interfered by threats, intimidation, or coercion with Plaintiff's rights under state
19 and federal laws and under the state and federal Constitution, including without
20 limitation, her rights under the Fourth and Fourteenth Amendments of the United
21 States Constitution, her rights under California Civil Code section 44, and other
22 rights granted under the laws of the State of California set forth below. Defendant
23 Los Angeles County is liable under the principles of respondeat superior for the
24 aforementioned acts of Defendant Sheriff Department Officers pursuant to
25 California Government Code section 815.2. Defendant City of Rolling Hills Estates
26 is jointly and severally liable for the LASD's actions under California Government
27 Code section 895.2.

28 129. Said Defendants' conduct exceeded beyond the threats, intimidation, or

1 coercion inherent in conducting a typical investigation.

2 130. As a result of their conduct, Defendants are liable for Plaintiff
3 Townsend's injuries.

4 131. As a direct and legal result of Defendants' acts and omissions, Plaintiff
5 Townsend suffered damages, including loss of enjoyment of life, pain and suffering,
6 emotional distress, medical expenses, attorneys' fees, and costs of suit.

7 132. As a result thereof, Plaintiff Townsend, as alleged was unjustifiably,
8 purposefully, recklessly, and wantonly, and with deliberate indifference, exposed to
9 the injuries and damages and harm by said Defendants as alleged in the first cause
10 of action.

11 133. The acts and omissions constituting this cause of action were
12 purposeful, malicious, and reckless and wanton so as to justify the imposition of
13 punitive damages on Defendants in their respective capacities.

14 **XI.**

15 **SEVENTH CAUSE OF ACTION**

16 **FALSE IMPRISONMENT (CA)**

17 *(Plaintiff Cherie Townsend as against McDonnell, Bergner, Los Angeles*
18 *Sheriff's Department, Los Angeles County, the City of Rolling Hills Estates, and*
19 *Does 1-20)*

20 134. Plaintiff Cherie Townsend hereby realleges and incorporates by this
21 reference the allegations contained in all paragraphs above as though fully set forth
22 herein.

23 135. Defendants McDonnell, LASD, and DOES 1-20, willfully,
24 intentionally, and recklessly deprived Plaintiff Townsend of her freedom of
25 movement by, through action or omission, causing Plaintiff to be arrested and
26 booked without any probable cause or other legal basis and held at the Los Angeles
27 Sheriff's Department and the Lynwood women's jail for six nights. Defendant Los
28 Angeles County is liable under the principles of respondeat superior for the

1 committing the most heinous of crimes without any factual basis, and all else as
2 alleged, was outrageous and exceeded the bounds of conduct usually tolerated in this
3 society. Defendant Los Angeles County is liable under the principles of respondeat
4 superior for the aforementioned acts of Defendant Sheriff Department Officers
5 pursuant to California Government Code Section 815.2. Defendant City of Rolling
6 Hills Estates is jointly and severally liable for the LASD's actions under California
7 Government Code section 895.2.

8 **XIII.**

9 **NINTH CAUSE OF ACTION**

10 **NEGLIGENT INVESTIGATION CAUSING FALSE ARREST**

11 *(Plaintiff Cherie Townsend as against McDonnell, Bergner, Los Angeles*
12 *Sheriff's Department, Los Angeles County, the City of Rolling Hills Estates, and*
13 *Does 1-20)*

14 143. Except as to allegations of intentional conduct, Plaintiff Cherie
15 Townsend hereby realleges and incorporates by this reference the allegations
16 contained in all paragraphs above as though fully set forth herein.

17 144. As Sheriff's Deputies, Defendants owed Plaintiff Townsend a duty of
18 reasonable care in the performance of their duties, were duty-bound to conduct an
19 adequate investigation before making false accusations of murder, and were duty-
20 bound by the Fourteenth Amendment of the U.S. Constitution to ensure Due Process.

21 145. Defendants breached their reasonable duty of care toward Plaintiff
22 Townsend by unlawfully and unjustifiably defaming Plaintiff Townsend in an
23 attempt to quell community unrest over an inadequate murder investigation, leading
24 to Plaintiffs' severe emotional distress. Defendant Los Angeles County is liable
25 under the principles of respondeat superior for the aforementioned acts of Defendant
26 Sheriff Department Officers pursuant to California Government Code Section 815.2.
27 Defendant City of Rolling Hills Estates is jointly and severally liable for the LASD's
28 actions under California Government Code section 895.2.

1 146. Defendants' conduct was a substantial factor in causing Plaintiffs to
2 suffer severe emotional and psychological injuries, including permanent and severe
3 mental and emotional distress, humiliation, physical distress, inconvenience, mental
4 anguish, pain and suffering, loss of enjoyment of life, loss of bodily and neurological
5 functioning, deprivation of property, and civil rights violations . The amount of
6 special damages claimed by Plaintiff will be sought according to proof at the time
7 of trial.

8 **XIV.**

9 **TENTH CAUSE OF ACTION**

10 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

11 *(Plaintiffs as against McDonnell, Bergner, Los Angeles Sheriff's Department,*
12 *Los Angeles County, the City of Rolling Hills Estates, and Does 1-20)*

13 147. Except as to allegations of intentional conduct, Plaintiffs hereby
14 realleges and incorporates by this reference the allegations contained in all
15 paragraphs above as though fully set forth herein.

16 148. As Sheriff's Deputies, Defendants owed Plaintiffs a duty of reasonable
17 care in the performance of their duties, were duty-bound to conduct an adequate
18 investigation before making false accusations of murder, and were duty-bound by
19 the Fourteenth Amendment of the U.S. Constitution to ensure Due Process.

20 149. Defendants breached their reasonable duty of care toward Plaintiffs by
21 unlawfully and unjustifiably defaming Plaintiff Townsend in an attempt to quell
22 community unrest over an inadequate murder investigation, leading to Plaintiffs'
23 severe emotional distress. Defendant Los Angeles County is liable under the
24 principles of respondeat superior for the aforementioned acts of Defendant Sheriff
25 Department Officers pursuant to California Government Code Section 815.2.
26 Defendant City of Rolling Hills Estates is jointly and severally liable for the LASD's
27 actions under California Government Code section 895.2.

28 150. Defendants' conduct was a substantial factor in causing Plaintiffs to

1 suffer severe emotional and psychological injuries, including permanent and severe
2 mental and emotional distress, humiliation, physical distress, inconvenience, mental
3 anguish, pain and suffering, loss of enjoyment of life, loss of bodily and neurological
4 functioning, deprivation of property, and civil rights violations . The amount of
5 special damages claimed by Plaintiff will be sought according to proof at the time
6 of trial.

7 **XV.**

8 **ELEVENTH CAUSE OF ACTION**

9 **DEFAMATION**

10 *(Plaintiff Cherie Townsend as against all Defendants Excepting Quintero and*
11 *Austin)*

12 151. Plaintiff Cherie Townsend hereby realleges and incorporates by this
13 reference the allegations contained in all paragraphs above as though fully set forth
14 herein.

15 152. At all times relevant hereto, Plaintiff Townsend had a right to be free
16 from libel and slander under California Civil Code section 44.

17 153. Said Defendants’ conduct of falsely accusing Plaintiff Townsend of
18 being a murderer to the press violates her rights under the State of California.
19 Defendants Los Angeles County and City of Rancho Palos Verdes are liable under
20 the principles of respondeat superior for the aforementioned acts of Defendant
21 Sheriff Department Officers and Defendant Mayor Susan Brooks pursuant to
22 California Government Code Section 815.2. Defendant City of Rolling Hills Estates
23 is jointly and severally liable for the LASD’s actions under California Government
24 Code section 895.2.

25 **PRAYER**

26 Wherefore Plaintiffs pray for judgment against each Defendant as follows:

- 27 1. For general and compensatory damages past, present and future, and
28 for emotional and psychological pain and suffering, distress and injury

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in an amount according to proof and in excess of this court's jurisdiction;

2. For punitive or exemplary damages where alleged against each of the Sheriff Department Officers, supervisory and policy-maker Defendants and not as to Los Angeles County, the City of Rolling Hills Estates, and the City of Rancho Palos Verdes, in an amount sufficient to deter and to make an example of those Defendants;
3. For legal interest on the judgment;
4. For reasonable attorneys' fees and litigation expenses where provided by statute;
5. For costs of suit incurred herein; and
6. For such other and further relief as the Court may deem just and proper.

DATED: November 29, 2018

HAYSBERT MOULTRIE, LLP

By: /s/ Nazareth M. Haysbert
Nazareth M. Haysbert, Esq.
James L. Moultrie III, Esq.

Attorneys for Plaintiffs

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DEMAND FOR JURY TRIAL

Cherie Townsend, an individual, and Jalen Lapree Hamler, an individual, and collectively Plaintiffs, respectfully request that the present matter be set for a jury trial.

DATED: November 29, 2018

HAYSBERT MOULTRIE, LLP

By: /s/ Nazareth M. Haysbert
Nazareth M. Haysbert, Esq.
James L. Moultrie III, Esq.

Attorneys for Plaintiffs