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CENTRAL DISTRICT COURT
LOS ANGELES

FILED

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF THE STATE OF CALIFORNIA
11

12 MARTHA RAUDA, REGULO
PUEBLA, individually and as
13 successors in interest to MARTHA
PUEBLA, decedent,
14
Plaintiffs,

15 vs.

17 CITY OF LOS ANGELES, a public
entity, CHIEF WILLIAM BRATTON,
18 an individual, DETECTIVE MARTIN
PINNEN, an individual, DETECTIVE
19 JUAN RODRIGUEZ, an individual,
AND DOES 1 THROUGH 10
20

21 Defendants.
22

NO. CV-08-3128 CAS (PJWx)
FIRST AMENDED COMPLAINT
FOR DAMAGES
1. VIOLATION OF 42 U.S.C. §
1983
2. VIOLATION OF CIVIL CODE
OF PROCEDURE § 377.6
(WRONGFUL DEATH
CLAIM)
3. VIOLATION OF CIVIL CODE
§ 52.1
4. NEGLIGENCE
5. NEGLIGENT INFLICTION
OF EMOTIONAL DISTRESS
6. INTENTIONAL INFLICTION
OF EMOTIONAL DISTRESS

23 DEMAND FOR JURY TRIAL
24

1 The above named plaintiffs allege, on information and belief, as follows:
2

3 **INTRODUCTION**

4 1. This action is based on the egregious, cold and calculating,
5 unconstitutional actions of LAPD Detectives Defendants Martin Pinner and Juan
6 Rodriguez, whose reckless and intentional acts caused the death of an innocent 16
7 year-old girl, Martha Puebla. In their zeal to obtain a confession from a criminal
8 suspect, defendants Pinner and Rodriguez, acting with a reckless disregard for the
9 safety of an innocent girl, effectively set up Martha Puebla to be gunned down by
10 a violent gang member. Detectives Pinner and Rodriguez, as part of a so-called
11 "ruse" designed to elicit a confession from a murder suspect and known gang
12 member, Jose Ledesma, told Mr. Ledesma that Plaintiffs' daughter had identified
13 him in a photo line-up as the shooter in a gang killing, knowing that the
14 information that they were providing to Mr. Ledesma was completely false.

15 Thereafter, Ledesma made a telephone call to a Vineland Boyz gang associate
16 ordering the killing of Martha Puebla. That telephone call which ordered the
17 killing of Martha Puebla was recorded by the LAPD but no action was taken to
18 stop the killing or to protect Martha Puebla.

19 Incredibly, Detectives Pinner and Rodriguez failed to inform Ms. Puebla of
20 her unwitting role in the "ruse" or provide her with any police protection, even
21 though a reasonable officer in their positions knew or should have known that
22 their ruse clearly placed Ms. Puebla's life in mortal danger. As a result of
23 Defendants' deliberate actions and omissions, Mr. Ledesma's order to kill Ms.
24 Puebla was carried out and she was gunned down and killed in front of her home
25 on May 11, 2003. Thereafter, Defendants concealed their illegal actions from
26 Plaintiffs, who did not learn of them until about January 2008. Defendants
27 Pinner, Rodriguez, Chief Bratton, and the City of Los Angeles are responsible for
28 these gross violations of the plaintiffs' civil rights, the wrongful death of Ms.

1 Puebla, and other California common law violations.
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3 **JURISDICTION AND VENUE**

4 2. This case arises under 42 U.S.C. § 1983. This Court has jurisdiction
5 over this action pursuant to 28 U.S.C. § 1331.

6 3. This Court has jurisdiction over plaintiffs' supplemental California
7 law claims under 28 U.S.C. §1367.

8 4. Venue is proper in this District pursuant to 28 U.S.C. § 1391 (b) and
9 (e) in that (1) the unlawful actions challenged herein occurred in the Central
10 District; and (2) all of the parties reside in the Central District.

11
12 **PARTIES**

13 5. Plaintiffs Martha Rauda and Regulo Puebla bring this action
14 individually and as heirs and the sole successors-in-interest to their daughter
15 Martha Puebla. Plaintiffs Martha Rauda and Regulo Puebla in their respective
16 capacities as the successors in interest to the decedent Martha Puebla, assert all
17 survival claims and rights under California law, which survive the death of this
18 decedent pursuant to California Code of Civil Procedure § 377.30 and any survival
19 claims they may bring under 42 U.S.C. §1983. After Detectives Pinner and
20 Rodriguez falsely and knowingly informed murder suspect and gang member Jose
21 Ledesma that Martha Puebla had identified him as a shooter in a gang murder, Mr.
22 Ledesma ordered that Ms. Puebla be killed. Thereafter, Martha Puebla was shot
23 and killed in front of her home on May 11, 2003.

24 6. The plaintiff and the plaintiffs' decedent were residents of the County
25 of Los Angeles at all times relevant to the allegations in this complaint.

26 7. Defendant City of Los Angeles ("City") is a municipality duly
27 organized under the laws of the State of California. At all relevant times, the Los
28 Angeles Police Department ("LAPD") was a branch or agency of City. Defendant

1 Detective Martin Pinner ("Pinner") is an individual employee of City. Defendant
2 Officer Juan Rodriguez ("Rodriguez") is also an individual employee of City.
3 Liability under California law for defendants City and its employees, including
4 defendants Pinner and Rodriguez, is based upon California Government Code §
5 815.2 and § 820. Plaintiffs timely filed a tort claim with defendant City of Los
6 Angeles and therefore complied with the California Tort Claims Act.

7 8. Defendant William Bratton ("Bratton") is, and at all times relevant
8 hereto was, the Chief of Police of the LAPD. He was charged by law with the
9 administration of the LAPD and with the supervision, training and hiring of
10 persons working within the LAPD, including peace officers and specifically
11 including defendants Pinner, Rodriguez, and DOES 1-10. Plaintiffs are further
12 informed and believe and thereon allege that at all relevant times, defendant
13 Bratton was responsible for supervising all officers and for maintaining and
14 implementing the policies regarding the identification of witnesses, the
15 interrogation of suspects and eliciting of admissions from suspects in custody, and
16 is one of the persons responsible for plaintiffs' damages. In particular, defendant
17 Bratton specifically ratified the conduct complained of herein. Defendant Bratton
18 is sued in both his individual and official capacities on all claims.

19 9. Plaintiffs are informed and believe and thereon allege that, at all
20 relevant times, defendants Pinner, Rodriguez and DOES 1-10 were employees of
21 City, a municipality of the State of California and were California peace officers.
22 Plaintiffs are ignorant of the true identities and capacities of defendants DOES 1-
23 10 and for that reason sue those defendants by such fictitious names. Plaintiffs are
24 informed and believe and thereon allege that each of the fictitiously named
25 defendants is in some manner and to some extent liable for the injuries alleged in
26 this Complaint. Plaintiffs will seek leave to amend this Complaint to allege the
27 true identities and capacities of these fictitiously named defendants when they are
28 ascertained.

1 peace officers with respect to the interrogation of
2 suspects and eliciting of admissions from criminal
3 suspects;

4 B. Failure to provide adequate discipline, training and
5 supervision to peace officers who violate the
6 constitutional rights of others;

7 C. Failure to provide adequate training and supervision to
8 peace officers with respect to the protection of individuals
9 whom they have falsely or otherwise claimed are
10 eyewitnesses in a criminal matter, including the failure to
11 monitor and follow up on the actions of criminal suspects
12 who have been informed that they have been identified by
13 eyewitnesses .

14
15 Based upon the principles set forth in Monell v. New York City Department of
16 Social Services, (1978) 436 U.S. 658, each government entity or supervisory
17 official defendant is liable for all injuries sustained by plaintiffs and plaintiffs'
18 decedent as set forth herein. The City's liability arises from the fact that the
19 defendants' policies and customs were a direct and legal cause of plaintiffs'
20 damages. Any and all supervisory official defendants are liable on this theory as
21 well as with respect to their individual capacities.

22 15. Plaintiffs are informed and believe and thereon allege that in
23 December 2002, detectives Pinner and Rodriguez arrested Vineland Boyz gang
24 member Jose Ledesma on suspicion of murdering a rival gang member, Christian
25 Vargas.

26 16. In order to elicit an admission from Mr. Ledesma, detectives Pinner
27 and Rodriguez used what is called a "ruse." Detectives Pinner and Rodriguez
28 made photocopies of a "six-pack" - a photographic version of a police lineup used

1 to help witnesses identify a suspect - which contained the photograph of Mr.
2 Ledesma. Detective Rodriguez circled Mr. Ledesma's photograph, wrote "this is
3 the guy that shot my friend's boyfriend," dated the document and forged the
4 signature of Martha Puebla at the bottom of the page.

5 17. Detectives Pinner and Rodriguez intentionally, knowingly, and with
6 reckless disregard for the safety of Martha Puebla, showed the six-pack to Mr.
7 Ledesma and falsely asserted that Martha Puebla, a 16 year-old girl whom Mr.
8 Ledesma knew from the neighborhood, had identified him as the shooter in a gang
9 killing. However, detectives Pinner and Rodriguez never notified Martha Puebla
10 that they had told Mr. Ledesma that she identified him as the killer, and never
11 offered her any form of police protection. As a direct and foreseeable result of the
12 "ruse," Mr. Ledesma ordered the death of Martha Puebla, and caused her to be
13 gunned down in front of her home on May 11, 2003.

14 18. The night after Ledesma was shown the "ruse" by detectives Rodriguez
15 and Pinner which indicated that Martha Puebla had identified him as the killer,
16 Ledesma made a telephone call to an associate ordering that Martha Puebla be
17 killed. That phone call was recorded by the LAPD but never acted upon by
18 detectives Rodriguez or Pinner to protect or even warn Martha Puebla of the
19 imminent danger.

20 19. Martha Puebla never, in fact, identified Mr. Ledesma as a killer, nor was
21 she a witness to the killing of Vargas. Indeed, Ms. Puebla never identified or
22 implicated Mr. Ledesma in any way and she informed the LAPD and the
23 prosecutors that she had no knowledge of Mr. Ledesma's role in the killing.
24 Nonetheless, Defendants' ruse caused Mr. Ledesma's to order that Ms. Puebla be
25 killed.

26 20. After Plaintiffs' daughter was killed, Defendants did not provide them
27 with any information about their role in causing Ms. Puebla's death and in fact
28 concealed their role from Plaintiffs. It was not until about January 2008 that

1 Plaintiffs first learned of Defendants' actions which led to their daughter's death.
2 At all times, Plaintiffs Martha Rauda and Regulo Puebla, who do not speak
3 English, relied upon the Defendants for information concerning their daughter's
4 death.

5 21. Plaintiffs were unaware of the actions of detectives Pinner and
6 Rodriguez or the motivation behind their daughter's death until about January
7 2008. At all times, Plaintiffs acted diligently, and had no reason to suspect that
8 defendants were the ones who caused their daughter to be killed. Indeed,
9 defendants deliberately concealed their actions from plaintiffs and plaintiffs'
10 decedent, who would have had no reason to know that Detectives Pinner and
11 Rodriguez falsely told Mr. Ledesma that Martha Puebla had identified him as a
12 killer. Therefore, plaintiffs' claims did not accrue until January 2008, when they
13 learned of defendants' actions, which defendants had been concealing from them.
14 In the alternative, as a result of defendants' actions in fraudulently concealing their
15 unlawful actions to prevent plaintiffs from learning of them, any statutes of
16 limitations were tolled until plaintiffs learned of defendants' wrongful conduct.

17 22. Plaintiffs are informed and believe and thereon allege that Defendants
18 Pinner and Rodriguez violated plaintiff's rights under federal and state law by
19 falsely and knowingly informing Mr. Ledesma that Martha Puebla had identified
20 him as a killer, failing to notify Martha Puebla of her fictitious role in the "ruse,"
21 failing to notify or warn her that a recorded telephone call from Ledesma to an
22 associate ordered her killing and failing to provide police protection to Martha
23 Puebla when the police knew or should have known she would be killed.
24 Defendants' actions placed Martha Puebla in mortal danger that she would be
25 killed by Mr. Ledesma's associates and a reasonable officer in their position
26 would have known that their actions were unlawful and that they owed a duty not
27 to affirmatively place Ms. Puebla in danger. Further, once defendants did place
28 Ms. Puebla in mortal danger as a result of their "ruse," they further owed her a

1 duty to protect her from the very danger which defendants created.

2 23. Plaintiffs are informed and believe and thereon allege that the officers
3 and employees of the LAPD and of the City of Los Angeles, including defendants
4 Pinner and Rodriguez, were negligently and inadequately trained, hired, retained
5 and/or supervised regarding interrogations and the eliciting of admissions from
6 criminal suspects, as well as the proper procedures for notifying the alleged
7 witness and providing him or her with police protection and for monitoring and
8 following up on the actions of criminal suspects who have been informed that they
9 have been identified by eyewitnesses as having engaged in criminal conduct..

10
11 **FIRST CAUSE OF ACTION**
12 **VIOLATION OF 42 U.S.C. § 1983**
13 **AGAINST ALL DEFENDANTS**

14
15 24. Plaintiffs hereby incorporate by reference paragraphs 1 through 23
16 herein, as if set forth in full.

17 25. This Complaint sets forth claims for deprivation of civil rights
18 pursuant to 42 U.S.C. § 1983. These claims are made on behalf of plaintiffs in
19 their capacities as the successors in interest of the decedent Martha Puebla and on
20 their own behalf.

21 26. The successors' in interest claim against defendants is based upon
22 plaintiffs' allegations that defendants' acts and omissions were deliberately
23 indifferent to the life and liberty of Martha Puebla and, in fact, caused Ms. Puebla
24 to be killed. Defendants' acts and omissions created a substantial risk that Ms.
25 Ms. Puebla would be killed by Mr. Ledesma's associates, yet despite creating this
26 danger, defendants failed to protect her. Accordingly, defendants' deliberate and
27 intentional acts and omissions were a direct and legal cause of Martha Puebla's
28 death.

29 27. Plaintiffs further assert individual claims against all defendants

1 pursuant to 42 U.S.C. § 1983 on the grounds that the unreasonable, reckless,
2 intentional and deliberate acts and omissions of all defendants as set forth herein
3 and their deliberate indifference to plaintiffs' rights and the rights of their decedent
4 were a direct and legal cause of the deprivation of their constitutionally protected
5 rights under the Fourteenth Amendment to the companionship and society of their
6 daughter Martha Puebla.

7 28. The claim against defendants City of Los Angeles, Bratton and other
8 named unknown supervisory employees of the LAPD is based upon plaintiffs'
9 allegations that these defendants knowingly and deliberately fostered, maintained
10 and condoned a policy, practice and custom or otherwise acted in a manner that
11 was deliberately indifferent to the lives and liberty of persons such as Martha
12 Puebla and that such policy, practice, custom and/or actions created a risk of
13 danger for Ms. Puebla, and were a direct and legal cause of her death and harm to
14 plaintiffs. The policy, practice, custom, and actions included, without limitation,
15 knowingly and deliberately failing to properly train, discipline and supervise
16 employees regarding interrogations and eliciting confessions from criminal
17 suspects, notifying the alleged witnesses, and providing police protection to said
18 witnesses and monitoring and following up on the actions of criminal suspects
19 who have been informed that they have been identified by eyewitnesses.

20 29. Plaintiffs are informed and believe and thereon allege that these acts
21 of defendants were willful, malicious, intentional, oppressive, reckless and/or were
22 done in willful and conscious disregard of the rights, welfare and safety of
23 plaintiffs, thereby justifying the awarding of punitive and exemplary damages
24 against the non governmental entity defendants in an amount to be determined at
25 time of trial.

26 30. As a direct and legal result of the acts and omissions of defendants,
27 and each of them, plaintiffs have suffered damages, including, without limitation,
28 loss of earnings and earnings capacity, loss of enjoyment of life, pain and
suffering, emotional distress, medical expenses, funeral expenses, attorneys' fees,

1 costs of suit, other pecuniary losses not yet ascertained and the loss of the love,
2 affection, society, support and companionship of Martha Puebla.

3
4 **SECOND CAUSE OF ACTION**

5 **VIOLATION OF CALIFORNIA CODE OF CIVIL PROCEDURE § 377.60**
6 **(WRONGFUL DEATH CLAIM)**
7 **AGAINST ALL DEFENDANTS**

8 31. Plaintiffs hereby incorporate by reference paragraphs 1 through 30
9 herein, as if set forth in full.

10 32. As the sole heirs of their minor daughter Martha Puebla, plaintiffs
11 Martha Rauda and Regulo Puebla assert wrongful death actions against all
12 defendants pursuant to § 377.60 *et seq.* of the California Code of Civil Procedure.
13 This claim is based upon the fact that the negligent, reckless and wrongful acts and
14 omissions of defendants, as alleged herein, were a direct and legal cause of the
15 death of Martha Puebla and the resulting damages to plaintiffs.

16 33. Plaintiffs are informed and believe and thereon allege that these acts
17 of defendants were willful, malicious, intentional, oppressive, reckless and/or were
18 done in willful and conscious disregard of the rights, welfare and safety of
19 plaintiffs, thereby justifying the awarding of punitive and exemplary damages
20 against the non governmental entity defendants, in an amount to be determined at
21 time of trial.

22 34. As a direct and legal result of the acts and omissions of defendants,
23 and each of them, plaintiffs have suffered damages, including, without limitation,
24 loss of earnings and earnings capacity, loss of enjoyment of life, pain and
25 suffering, emotional distress, medical expenses, funeral expenses, attorneys' fees,
26 costs of suit, other pecuniary losses not yet ascertained and the loss of the love,
27 affection, society and companionship of Martha Puebla.

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THIRD CAUSE OF ACTION
NEGLIGENCE
AGAINST ALL DEFENDANTS

35. The allegations set forth in paragraphs 1 through 34 are incorporated herein by reference.

36. Plaintiffs are informed and believe and thereon allege that defendants, and each of them owed a duty of care towards plaintiffs and their decedent in which they were required to use reasonable diligence to see that plaintiffs were not harmed by defendants' acts or omissions. Accordingly, this count asserts a claim for negligence against all defendants based on plaintiffs' allegations that all defendants owed a duty of care to the plaintiffs and their decedent, that defendants breached that duty of care and as a result caused damages to plaintiffs and decedent.

37. As alleged herein, plaintiffs are further informed and believe and thereon allege that defendants City of Los Angeles, LAPD, Bratton and other named unknown supervisors negligently hired, retained, supervised, trained, assigned and failed to discipline the LAPD employees responsible for plaintiffs' injuries.

38. As a direct and legal result of the negligent acts and omissions of defendants, and each of them, plaintiffs have suffered damages, including, without limitation, loss of earnings and earnings capacity, loss of enjoyment of life, pain and suffering, emotional distress, medical expenses and future medical expenses.

FOURTH CAUSE OF ACTION
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
AGAINST ALL DEFENDANTS

39. Plaintiffs hereby incorporate by reference paragraphs 1 through 38 herein, as if set forth in full.

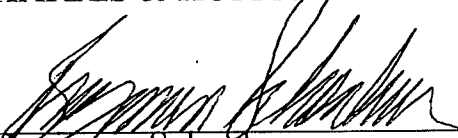
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7. For interest at the legal rate;

8. For such other and further relief as the Court may deem just and proper.

Dated: July 7, 2008

SCHONBRUN DESIMONE SEPLow
HARRIS & HOFFMAN LLP

By: 
Benjamin Schonbrun
Michael D. Seplow
Attorneys for Plaintiffs

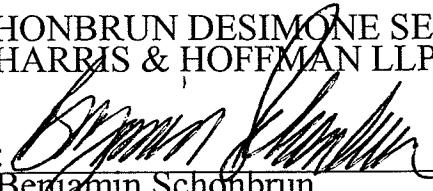
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DEMAND FOR JURY TRIAL

Plaintiffs hereby demand trial by jury on all issues.

Dated: July 7, 2008

SCHONBRUN DESIMONE SELOW
HARRIS & HOFFMAN LLP

By: 
Benjamin Schonbrun
Michael D. Seplow
Attorneys for Plaintiffs