

JUL 27 2010

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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF LOS ANGELES

12 BC442405

13 MICHAEL RICHARDSON, as an individual,)

CASE NO.

14 Plaintiff,)

COMPLAINT FOR DAMAGES

15 v.)

1. Violation of 42 U.S.C. §1983

16 COUNTY OF LOS ANGELES; LEE BACA;
FRANK BROWER; A. LOUREIRO; AND
DOES 1-100,)

2. Wrongful Disappearance

17 Defendants.)

3. Violation of Cal. Gov. Code § 845.6

4. Negligence, including Negligence per se

5. Violation of Cal. Code of Civil Procedure 526a

6. Negligent Hiring, Retention, and Supervision and/or Training

23 DEMAND FOR JURY TRIAL

25 Michael Richardson ("Plaintiff"), on information and belief, hereby makes the following
26 allegations in support of this Complaint:
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1 INTRODUCTION

2 Plaintiff Michael Richardson brings this lawsuit to hold the Los Angeles County Sheriff's
3 Department ("LASD") accountable for the wrongful disappearance of his mentally disabled
4 daughter, Mitrice Richardson, and to ensure that no other parent of a mentally disabled child has
5 to endure what he has. On September 17, 2009, Mitrice Richardson went missing after the Los
6 Angeles County Sheriff's Department released her from the Lost Hills/Malibu Sheriff's station.
7 Ms. Richardson demonstrated clear signs of mental distress while in the Sheriff's Department
8 custody. Nonetheless, no psychological examination was ordered, no mental health team
9 responded, and none of Ms. Richardson's family or friends were notified of her release. Instead,
10 she was released into the dark of night, alone, in an unfamiliar and remote area, without a car,
11 cell phone or wallet. She has not been seen since. The Sheriff's Department and its employees
12 are responsible for Ms. Richardson's disappearance and the loss of Mr. Richardson's loving
13 relationship with his daughter. Mr. Richardson further seeks to enjoin the Sheriff's Department
14 from mistreating other individuals with mental disabilities and the consequential suffering caused
15 to their parents.

16 JURISDICTION AND VENUE

- 17 1. This Court has personal jurisdiction over the Defendants because they are
18 residents of and/or doing business in the State of California.
- 19 2. Venue is proper in this county in accordance with Section 395(a) of the California
20 Code of Civil Procedure because (a) the Defendants, or some of them, reside in Los Angeles
21 County and/or (b) the injury occurred in Los Angeles County.

22 PARTIES

- 23 3. At all relevant times, Plaintiff Michael Richardson was and is a taxpayer and
24 resident living in the County of Los Angeles, State of California. Mr. Richardson is the father of
25 Mitrice Richardson and brings this action as an individual for the loss of his parental relationship
26 to his daughter. Mitrice Richardson is a 24 year old woman who resided in Los Angeles at the
27 time of her disappearance. On the evening of September 16, 2009, she was taken into custody by

1 the Los Angeles County Sheriff's Department and went missing after her release from the Lost
2 Hills/Malibu Sheriff's Station on the morning of September 17, 2009.

3 4. Defendant County of Los Angeles ("the County") is a government entity, duly
4 organized under the laws of the State of California. At all relevant times, the Los Angeles
5 County Sheriff's Department was a branch or agency of the County. Defendant DOES 1 through
6 100 are employees and/or agents of the County of Los Angeles.

7 5. Defendant Lee Baca ("Baca") is, and at all relevant times was, the Sheriff of the
8 Los Angeles County Sheriff's Department. At all relevant times, the Los Angeles County
9 Sheriff's Department was an agency of the County of Los Angeles and Mr. Baca was an agent of
10 the County. He was charged by law with the administration of the LASD and with the
11 supervision, training and hiring of persons working within the LASD, including peace officers
12 and specifically including defendants Brower, Loureiro, and Does 1-100. Mr. Baca is
13 responsible for Plaintiff's injuries under 42 U.S.C. § 1983 because he was responsible for those
14 policies, practices and/or customs of the Los Angeles County Sheriff's Department which caused
15 Plaintiff's injuries. Defendant Baca is sued in both his individual and official capacities on all
16 claims.

17 6. Plaintiff is informed and believes and thereon alleges that, at all relevant times,
18 Defendants Frank Brower and A. Loureiro were employees and/or agents of the County of Los
19 Angeles and are and were employed as peace officers and/or Sheriff's deputies by the County of
20 Los Angeles and the Los Angeles Sheriff's Department, and, at all relevant times, were acting
21 within the course and scope of their employment. Plaintiff is informed and believes and thereon
22 alleges that Defendants Brower and Loureiro and/or other LASD employees were aware of and
23 witnessed displays of Ms. Richardson's mental distress, yet took no precautions to order a mental
24 health evaluation or ensure that she was safely retrieved from the Sheriff's station upon her
25 release.

26 7. The true names and capacities of Defendants DOES 1 through 100, inclusive,
27 are presently unknown to Plaintiff, who therefore sues said Defendants by such fictitious names.

1 Plaintiffs will amend this complaint to set forth the true names and capacities of said Defendants
2 when they are ascertained. Plaintiff is informed and believe and upon such information and
3 belief alleges that, at all times relevant, each of the fictitiously-named Defendants was an agent,
4 employee or coconspirator of one or more of the named Defendants, and was acting within the
5 course and scope of said agency or employment. Plaintiff is further informed and believes, and
6 upon such information and belief alleges that, each of the fictitiously named Defendants aided
7 and assisted the named Defendants in committing the wrongful acts alleged herein, and that
8 Plaintiff's damages, as alleged herein, were proximately caused by such Defendants. Plaintiff is
9 further informed and believes and thereon alleges that, at all relevant times, Defendant DOES 1-
10 100 are and were employed by the County of Los Angeles and the Los Angeles Sheriff's
11 Department.

12 8. Liability under California law for Defendants County, Sheriff Baca, Deputies
13 Brower, Loureiro and its employees, is based upon California Government Code §§ 815.2, 820,
14 and 845.6 and California Civil Code Section 51. Plaintiff timely filed a tort claim with the
15 County of Los Angeles and has duly complied with the California Tort Claims Act.

16 9. Plaintiff is informed and believes and thereon alleges that each Defendant is, and
17 at all times mentioned was, the agent, employee, representative, successor and/or assignee of
18 each other defendant. Each Defendant, in doing the acts, or in omitting to act as alleged in this
19 Complaint, was acting within the scope of his or her actual or apparent authority or the alleged
20 acts and omissions of each defendant as agent subsequently were ratified and adopted by each
21 other Defendant as principal. All non-municipal, individual Defendants acted or failed to act in
22 the face of an obligation to do otherwise, and did so maliciously and/or with evil motive and
23 intent, and/or in callous, reckless, and wanton disregard to the rights of Plaintiff and thus are
24 liable for punitive damages.

25 10. Plaintiff is informed and believes and thereon alleges that Plaintiff was deprived
26 of an interest protected by the Constitution or other laws of the United States and the State of
27 California. Defendants, and each of them, caused such deprivation while acting under color of

1 state law.

2 **STATEMENT OF FACTS**

3 11. On September 16, 2009 at approximately 10 p.m. in the evening, a 911 call was
4 made by an employee of Geoffrey's restaurant in Malibu to LASD. The caller reported that a
5 patron of the restaurant, Mitrice Richardson, had dined there but stated that she would not pay
6 her bill. The caller further stated that Ms. Richardson was acting in a bizarre manner, saying that
7 she "sounds really crazy." In fact, Ms. Richardson suffers from bipolar disorder, a mental illness
8 that would explain her behavior that evening.

9 12. Deputies from the Lost Hills/Malibu Sheriff's station, including Deputies Brower
10 and Loureiro, responded to the call from the restaurant and contacted Ms. Richardson on the
11 premises. Deputy Brower inquired into whether Ms. Richardson had ever been placed under a 72
12 hour physiological hold and conducted field sobriety tests. Deputy Loureiro called Ms.
13 Richardson's great-grandmother, Ms. Mildred Harris, and Ms. Harris offered to pay the \$89.34
14 bill; however the restaurant would not complete the transaction with Ms. Harris over the phone.
15 Since Ms. Harris was 92 years old and it was late evening, she could not appear physically at the
16 restaurant. Thereafter, Ms. Richardson was placed under arrest. Ms. Richardson's wallet, cell
17 phone and other identification were in the car when it was impounded.

18 13. Despite the reports of Ms. Richardson's bizarre and strange behavior from
19 restaurant personnel and patrons, no deputy or other employee of the County of Los Angeles
20 conducted any mental health evaluation of Mitrice Richardson in the field, nor did any deputy
21 summon medical assistance on her behalf, even though such actions were required under the
22 circumstances.

23 14. The Sheriff's deputies then transported Ms. Richardson to the Los Hills/Malibu
24 Sheriff's Station where she was booked and processed. While she was jailed, Ms. Richardson
25 demonstrated additional signs of mental impairment, such as grabbing the walls of the holding
26 cell, pulling her hair, rocking back and forth, and curling up in a fetal position. Ms. Richardson
27 also attempted to make phone calls from the station, but failed, and received no assistance from

1 any of Defendants or their employees. Nonetheless, no mental health evaluation or examination
2 was conducted with Ms. Richardson at the Lost Hills/Malibu Sheriff's station either. Based upon
3 her reported bizarre behavior and her behavior with the officers, the officers involved knew or
4 should have known that Ms. Richardson was emotionally disturbed and in need of an immediate
5 medical evaluation.

6 15. While the Sheriff's deputies were in route to the station with Ms. Richardson,
7 Ms. Richardson's mother, Latice Sutton, contacted the Sheriff's Station, inquired extensively
8 about whether her daughter would be held in custody that night, and stressed her concerns about
9 her daughter being released late at night without her car in an unfamiliar area. She reiterated
10 several times to the Sheriff's Department deputy that she would come pick up her daughter if she
11 was going to be released that night. The Sheriff's deputy reassured Ms. Sutton, "you don't have
12 to worry about her safety." The deputy told Ms. Sutton that her daughter would contact her as
13 soon as she was brought into the station. However, this never occurred and no effort was made
14 to contact any of Ms. Richardson's family before she was released. Instead, the Sheriff's
15 Department released Ms. Richardson after midnight on September 17, 2009, alone, without her
16 car or other means of transportation, and without ensuring her safe transition into the custody of
17 someone who could care for her in her vulnerable mental state. When she was released, she was
18 without her wallet, cell phone or any other identification, she was in an unfamiliar area, and there
19 was no public transportation running in the vicinity.

20 16. Moreover, despite receiving a call from a resident in the early morning on
21 September 17, 2009 that a strange woman matching Mitrice Richardson's description was resting
22 on his property, Sheriff deputy employees discouraged Ms. Sutton from immediately filing a
23 missing person's report. Ms. Richardson has not been seen since September 17, 2009.

24 17. As a result of the incidents described above, Ms. Richardson has still not been
25 located. Plaintiff has engaged in extensive efforts to locate his child, to no avail, regularly
26 holding community rallies, mobilizing political figures and the media, and fueling search efforts
27 to raise awareness of his daughter's disappearance. Plaintiff has been relentless in his pursuit of
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1 the truth of his daughter's whereabouts and is unwilling to accept that his daughter is deceased
2 without proof of her remains. The loss of his daughter and the uncertainty surrounding the
3 unresolved nature of her status daily causes Plaintiff great suffering. Plaintiff continues to suffer
4 the loss of his relationship with his daughter and other damages alleged herein.

5 18. Plaintiff is further informed and believes and thereon alleges that the
6 Los Angeles County Sheriff's Department has a policy, practice, and custom of improperly
7 caring for the needs of the mentally disabled in their custody which results in the violation of the
8 rights of the mentally disabled and their loved ones as well as in the wasteful expenditure of
9 public resources. As a result of this policy, practice or custom, the officers and employees of
10 LASD were inadequately trained, hired, retained and/or supervised regarding identifying and
11 handling persons with disabilities, the proper procedures for summoning medical assistance for
12 those who appear to be suffering from emotional, mental and/or psychological conditions or
13 disabilities and the obligations to warn family members before their release from custody.
14 Plaintiff seeks an injunction to prevent this practice from harming other members of the
15 taxpaying public.

16 **FIRST CLAIM FOR RELIEF**

17 **VIOLATION OF 42 U.S.C. § 1983**

18 **(Due Process)**

19 **(Against All Defendants)**

20 19. Plaintiff realleges and incorporates by reference, as though fully set forth herein,
21 each and every allegation set forth in paragraphs 1 through 18 above.

22 20. This Complaint sets forth claims for deprivation of civil rights pursuant to 42
23 U.S.C. § 1983 for violation of his rights under the Fourteenth Amendment of the United States
24 Constitution. These claims are made on behalf of Plaintiff in his capacity as the father of Mitrice
25 Richardson.

26 21. Defendants' acts and omissions were deliberately indifferent to the life and liberty
27 of Mitrice Richardson. These acts and omissions interfered with Plaintiff's constitutionally

1 protected right to the enjoyment of his relationship with his daughter. Defendants' acts and
2 omissions created a substantial danger that Ms. Richardson would be harmed when they released
3 her, alone, into the night in an unfamiliar area without any of her belongings despite the clear
4 evidence of her mental illness or impairment. Yet despite this foreseeable, police-created danger,
5 Defendants failed to protect her or summon medical care on her behalf.

6 The unreasonable, reckless, intentional and deliberate acts and omissions of all Defendants as set
7 forth herein and their deliberate indifference to Plaintiff's rights and the rights of his daughter
8 were a direct and legal cause of the deprivation of Plaintiff's constitutionally protected rights
9 under the Fourteenth Amendment to the companionship and society with his child, Mitrice
10 Richardson, and to her disappearance. Moreover, as alleged herein defendant Baca and
11 supervisory officials under his command are liable to Plaintiff under 42 U.S.C. Section 1983
12 based on their unconstitutional customs, practices and/or policies, and acts or omissions.

13 22. As a direct and legal result of the acts and omissions of Defendants, and each of
14 them, Plaintiff has suffered damages, including, without limitation, loss of earnings and earnings
15 capacity, loss of enjoyment of life, pain and suffering, emotional distress, medical expenses,
16 other pecuniary losses not yet ascertained and the loss of the love, affection, society, support and
17 companionship of Mitrice Richardson.

18 23. Defendants' acts were willful, malicious, intentional, oppressive, reckless and/or
19 were done in willful and conscious disregard of the rights, welfare and safety of Plaintiff, thereby
20 justifying the awarding of punitive and exemplary damages against the individual, non-
21 government entity Defendants in an amount to be determined at time of trial.

22 24. Plaintiff is further informed and believes and thereon alleges that each
23 governmental entity defendant or supervisor, including Defendants County of Los Angeles and
24 Sheriff Baca, has knowingly, or with deliberate indifference to the constitutional rights of
25 persons within the jurisdiction of the United States, maintained or permitted one or more of the
26 following official policies, practices or customs:

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- 1 A. Failure to provide adequate training and supervision
2 to sheriff's deputies with respect to the treatment of
3 individuals with mental disabilities in their custody;
4 B. Failure to provide adequate discipline, training and
5 supervision to sheriff's deputies who violate the
6 constitutional rights of others;
7 C. Failure to provide adequate training and supervision to
8 sheriff's deputies with respect to the proper procedures for
9 summoning medical assistance for those who appear to be
10 suffering from emotional, mental and/or psychological
11 conditions or disabilities;
12 D. Failure to provide adequate training and supervision to sheriff's
13 deputies with respect to the proper procedures and obligations to
14 warn family members before releasing mentally disabled
15 individuals from custody.

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

22 25. Pursuant to 42 U.S.C. Section 1988, Plaintiff further seeks his costs and attorneys
23 fees incurred as a result of this lawsuit.

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1 b. California Government Code Section 845.6 when Defendants failed to summon
2 medical care on Ms. Richardson's behalf before releasing her, despite clear signs
3 of her mental distress, and

4 c. California Government Code Section 845.6 for Defendants failure to warn Ms.
5 Richardson's family before releasing Ms. Richardson.

6 38. Defendants violated various statutes with regard to their duties to a mentally
7 disabled detainee within their custody and their duties to warn Plaintiff prior to her release,
8 including those set forth above. Ms. Richardson is a member of the class of persons the above-
9 mentioned statutes were intended to protect and her disappearance resulted from the kind of
10 occurrence the above-mentioned statutes were designed to prevent. Defendants' negligent acts
11 and omissions, including the violation of the applicable statutes, resulted in Ms. Richardson's
12 untimely disappearance.

13 39. As a direct and legal result of the acts and omissions of Defendants, and each of
14 them, Plaintiff has suffered damages, including, without limitation, loss of earnings and earnings
15 capacity, loss of enjoyment of life, pain and suffering, emotional distress, medical expenses,
16 attorneys' fees, costs of suit, other pecuniary losses not yet ascertained and the loss of the love,
17 affection, society, support and companionship of Mitrice Richardson.

18 **FIFTH CLAIM FOR RELIEF**

19 **VIOLATION OF CALIFORNIA CODE OF CIVIL PROCEDURE 526a**

20 **(Against Sheriff Baca and Supervisor Does)**

21 40. Plaintiff realleges and incorporates by reference, as though fully set forth herein,
22 each and every allegation set forth in paragraphs 1 through 39 above.

23 41. Plaintiff has paid state and local taxes within the past year.

24 42. The expenditure of public funds towards the activities described herein, including,
25 but not limited to, the unlawful policies and practices toward individuals with mental disabilities
26 in Defendants' custody as described above, constitutes an illegal expenditure. The activities of
27 Defendants Baca and Does 1-100 with supervisory authority, in connection with their duties as

1 officers of the Los Angeles County Sheriff's Department, have resulted in, and unless restrained
2 will continue to result in, the illegal expenditure, waste of, or injury to the tax paying residents of
3 the County of Los Angeles.

4 43. An injunction against Defendants Baca and Does 1-100 with
5 supervisory authority is therefore warranted to restrain the illegal expenditure, waste of, or injury
6 to the tax paying residents of the County of Los Angeles.

7 44. The conduct of Defendants Baca and Does 1-100 with supervisory authority is
8 causing and will continue to cause immediate injury to the County of Los Angeles unless
9 restrained by this Court, and Plaintiff has no adequate remedy at law.

10 45. Plaintiff is further entitled to recover his reasonable costs and attorney fees
11 incurred in bringing this action pursuant to California Code of Civil Procedure § 1021.5.

12 **SIXTH CLAIM FOR RELIEF**

13 **NEGLIGENT HIRING, RETENTION, AND**

14 **SUPERVISION AND/OR TRAINING**

15 **(Against All Defendants)**

16 46. Plaintiff realleges and incorporates by reference, as though fully set forth herein,
17 each and every allegation set forth in paragraphs 1 through 45 above.

18 47. Plaintiff is informed and believes and thereon alleges that Defendants, and each of
19 them owed a duty of care towards Plaintiff in which they were required to use reasonable
20 diligence to see that Plaintiff was not harmed by defendants' acts or omissions. Accordingly, this
21 court asserts a claim for negligence against all Defendants based on Plaintiff's allegations that all
22 Defendants owed a duty of care to Plaintiff, that Defendants breached that duty of care and as a
23 result caused damages to Plaintiff.

24 48. As alleged herein, Plaintiff is further informed and believes and thereon alleges
25 that Defendants County of Los Angeles, Sheriff Baca, and other named unknown supervisors
26 negligently hired, retained, supervised, trained, assigned, and failed to discipline the employees,
27 including DOES 1-100, involved in the incident. Plaintiff alleges that Defendants' negligence

1 was a direct and legal cause of Ms. Richardson's disappearance and injuries to Plaintiff.

2 49. Plaintiff is further informed and believes and thereon alleges that all Defendants,
3 and DOES 1-100, inclusive, and other supervisors knew, or in the exercise of reasonable care
4 should have known that Ms. Richardson suffered from a mental illness. Yet Defendants, and
5 each of them, negligently failed to instruct and train defendant officers, in the proper procedures
6 for dealing with mentally disturbed persons.

7 50. As a direct and legal result of the acts and omissions of defendants, and each of
8 them, Plaintiff has suffered damages, including, without limitation, loss of earnings and earnings
9 capacity, loss of enjoyment of life, pain and suffering, emotional distress, medical expenses,
10 attorneys' fees, costs of suit, other pecuniary losses not yet ascertained and the loss of the love,
11 affection, society, support and companionship of Mitrice Richardson.

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15 **PRAYER**

16 WHEREFORE, Plaintiff seeks judgment as follows:

- 17 a. For general damages, including emotional distress, according to proof;
- 18 b. For compensatory damages, including medical expenses and related items of
19 expenses, according to proof;
- 20 c. For loss of earnings and other economic or pecuniary damages, according to
21 proof;
- 22 d. For punitive or exemplary damages, against any non-government entity
23 Defendants according to proof (but not against the County of Los Angeles);
- 24 e. For injunctive relief to stop Defendants illegal practices;
- 25 f. For attorneys' fees and costs pursuant to 42 U.S.C. Section 1988 and California
26 Civil Code Sections 51 and 1021.5;
- 27 g. For prejudgment interest; and

1 h. For such other and further relief as the Court deems just and proper.

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3 Dated: July 26, 2010

SCHONBRUN DESIMONE SEPLOW
HARRIS & HOFFMAN LLP

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5
6 By: 

7 Benjamin Schonbrun
8 Paul L. Hoffman
9 Amanda R. Canning
10 Attorneys for Plaintiff
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1 **DEMAND FOR JURY TRIAL**

2 Plaintiffs hereby respectfully demand that a trial by jury be conducted with respect to all
3 issues presented herein.

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5 Dated: July 26, 2010

SCHONBRUN DESIMONE SEPLOW
HARRIS & HOFFMAN LLP

6
7
8 By: 

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