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**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES, STANLEY MOSK COURTHOUSE**

VANESSA JOY CALHOUN,

Plaintiff,

vs.

COUNTY OF LOS ANGELES FIRE
DEPARTMENT; GARY GARRETT; JONATHON
PLASENCIA; AND DOES 1 TO 25,
Defendants.

) Case No.:

) COMPLAINT

) (Deprivation of Rights Under Color of
State Law)

) [42 U.S.C. Sections 1983, 1988]

Plaintiff alleges:

1. This is an action for deprivation of constitutional rights under color of state law brought pursuant to the recodification Section 1979 of the Civil Rights Act of 1971, Title 42 United States Code, Section 1983, for remedies for defendants' deprivation of plaintiff's civil rights. Plaintiff VANESSA JOY CALHOUN alleges that Defendants have unlawfully harassed, both physically and verbally, Plaintiff, possibly imprisoned Plaintiff, assaulted, battered and unlawfully arrested Plaintiff without justification or lawful reason. By this action plaintiff seeks all legal and equitable relief to which she may be entitled, including, but not limited to, compensatory and punitive damages, attorney's fees, costs and prejudgment interest against Defendant COUNTY OF LOS ANGELES FIRE DEPARTMENT; GARY GARRETT and JONATHON PLASENCIA, firemen employed by the County of Los Angeles.

1 2. Att al times herein mentioned, plaintiff was, and now is, a person lawfully
2 within the jurisdiction of the United States and resides at 38040 27th Street, Apartment
3 205, in Palmdale, Los Angeles County, California 93550.

4 3. At all times herein mentioned, COUNTY OF LOS ANGELES FIRE
5 DEPARTMENT was a municipal governmental agency and Defendants GARY
6 GARRETT and JONATHON PLASENCIA were firemen working for the COUNTY OF
7 LOS ANGELES FIRE DEPARTMENT, and in doing all things hereinafter mentioned
8 acted under color of their authority and as such, under color of the statutes, ordinances,
9 regulations, customs and usages of the State of California, the County of Los Angeles
10 and the COUNTY OF LOS ANGELES FIRE DEPARTMENT and pursuant to the official
11 policy of the COUNTY OF LOS ANGELES FIRE DEPARTMENT created by the Fire
12 Chief, acting under color of his authority as such.

13 4. On June 24, 2018, in Palmdale, California, Defendants GARY GARRETT
14 and JONATHON PLASENCIA, both employees of the COUNTY OF LOS ANGELES
15 FIRE DEPARTMENT, assaulted Plaintiff VANESSA JOY CALHOUN, falsely
16 imprisoned her, and then created a false police report resulting in criminal charges
17 being filed against Plaintiff. The motive for these allegations was to cover up the fact
18 that Defendant JONATHON PLASENCIA over-reacted when they restrained and
19 physically assaulted Plaintiff VANESSA JOY CALHOUN when she asked to drive a
20 relative to the hospital rather than incurring ambulance fees. The paramedics had
21 prohibited the relative to be taken with VANESSA JOY CALHOUN in her car rather
22 than in the ambulance.

23 5. By reason of the defendants' conduct, plaintiff was deprived of rights,
24 privileges and immunities secured to her by the constitution of the Untied States, the
25 constitution of the State of California and laws enacted thereunder in that the seizure of
26 plaintiff's person amounted to an arbitrary intrusion by defendants into the security of
27 plaintiff's privacy and person and were not authorized by law, and in that the contacts

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1 on plaintiff's person and restriction of her movements deprived plaintiff of liberty without
2 due process of law.

3 6. Jurisdiction of the subject matter of this action is established in this court
4 under Title 28 of the United States Code, Section 1343.

5 7. As a proximate result of defendants' actions against plaintiff, as alleged
6 above, plaintiff has been harmed in that plaintiff sustained physical injuries, was
7 subjected to humiliation and indignity and prevented from transacting her business,
8 and suffered great physical and mental pain and suffering, all to her damage including
9 medical bills in an amount to be proven at the time of trial according to proof.

10 8. The above-recited actions of defendants in depriving plaintiff of her
11 constitutionally protected rights were done with evil motive or intent, or with reckless or
12 callous indifference to plaintiff's rights.

13 SECOND CAUSE OF ACTION – NEGLIGENCE

14 9. Plaintiff incorporates herein by reference each of the above-stated causes
15 of action.

16 10. At all times herein mentioned, defendants owed a duty of care to plaintiff to
17 exercise the appropriate judgment in dealing with persons making a peaceful request to
18 take a relative in their own personal car to the emergency room rather than incurring
19 the expense of ambulance transportation.

20 11. On or about June 24, 2018, defendants GARY GARRETT and JONATHON
21 PLASENCIA breached that duty by negligently treating plaintiff as a criminal suspect
22 and negligently making the decision that she was to be taken into custody in the back
23 of a police car against her will.

24 12. Defendant COUNTY OF LOS ANGELES FIRE DEPARTMENT was further
25 negligent in the training of Defendants GARY GARRETT and JONATHON PLASENCIA
26 in that it did not properly instruct them in the proper way to handle persons requesting
27 to take a relative in their personal auto rather than incurring the expense of ambulance
28 transportation.

1 13. Defendant COUNTY OF LOS ANGELES FIRE DEPARTMENT breached
2 that duty in failing to properly train and instruct as indicated above.

3 14. The breach of defendants' duties, and each of them, has caused the suffering
4 and the injuries to plaintiff as hereinbefore alleged and were the sole and proximate
5 cause of these injuries.

6 WHEREFORE, plaintiff requests judgment as follows against defendants, and
7 each of them,

8 1. For general damages in an amount according to proof;

9 2. For medical expenses according to proof.

10 3. For punitive damages in an amount appropriate to punish defendants for
11 their wrongful conduct and set an example for others;

12 4. For costs of suit herein incurred;

13 5. For reasonable attorneys fees pursuant to Title 42 of the United States
14 Code, Section 1988;

15 6. For such other and further relief as the Court may deem proper.

16 *Dated: December 10, 2013*



17
18 *David M. Nisson*
19 *Attorney for Plaintiff*
20 *Vanessa Joy Calhoun*