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11 Attorneys for Plaintiffs

11 UNITED STATES DISTRICT COURT  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
13

14 L.S., individually and as Successor-in-Interest to  
15 Decedent ERIK SALGADO by and through her  
16 guardian ad litem Michael Colombo; BRIANNA  
17 COLOMBO and FELINA RAMIREZ, Mother  
18 of decedent ERIK SALGADO

18 Plaintiffs,

19 vs.

20 DOES 1-25, inclusive,

21 Defendants.  
22

Case No.

**COMPLAINT FOR DAMAGES FOR  
VIOLATION OF CIVIL RIGHTS AND  
WRONGFUL DEATH.  
JURY TRIAL DEMANDED**

24 INTRODUCTION

25 On June 2, 2020, in broad daylight in the afternoon, Defendant DOE California  
26 Highway Patrol Officers, part of an auto theft task force, opened fire on a red Dodge that  
27 had been reported stolen and which they were attempting to stop in their unmarked  
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1 vehicles. The Dodge was contained when the Defendant DOES initiated a hail of gunfire  
2 on the driver and passenger of the car, firing at least 40 gunshots at the vehicle, at a time  
3 when no officer or civilian was in any danger, and Defendant DOES had no reason to  
4 believe anyone inside the vehicle was armed with any weapon. Even the theft of the  
5 vehicle, for which the occupants of the vehicles were not suspected of, did not occur by  
6 means of violence. Decedent ERIK SALGADO, the father of a young daughter, who  
7 drove the vehicle, was shot at least 18 times, and was dead at the scene. His girlfriend,  
8 Plaintiff BRIANNA COLOMBO, who was approximately four months pregnant with Mr.  
9 SALGADO's child, was in the passenger seat. Defendants shot her 3 times, including in  
10 the abdomen. Plaintiff COLOMBO's unborn child died as a consequence of the subject-  
11 incident.  
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14 Defendants gave no warning they would shoot before they opened fire,  
15 intentionally positioned themselves at angles around the red Dodge where they would not  
16 shoot each other, and fired away over an extended period of time, executing Mr.  
17 SALGADO and severely injuring Plaintiff COLOMBO. The extended shooting by  
18 Defendant DOES was deliberately indifferent to human life, premeditated, and  
19 criminal. It is currently being criminally investigated by the Alameda County District  
20 Attorney's Office, as well as the Oakland Police Department.  
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### 23 JURISDICTION

24 1. This action arises under Title 42 of the United States Code, Sections  
25 1983. Jurisdiction is conferred upon this Court by Title 28 of the United States Code,  
26 Sections 1331 and 1343. The unlawful acts and practices alleged herein occurred in the  
27 City of Oakland, County of Alameda, California, which is within this judicial district.  
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PARTIES

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2           2.       Plaintiff herein, L.S., is and was at all times herein mentioned a citizen of  
3 the United States residing in California. She is a minor and is the daughter and Successor-  
4 in-Interest to Decedent ERIK SALGADO, who died intestate and unmarried. Mr.  
5 SALGADO was 23 years old when Defendants killed him. She is represented in the  
6 instant action by and through her Guardian ad Litem MICHAEL COLOMBO.  
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8           3.       Plaintiff herein, BRIANNA COLOMBO, is and was at all times herein  
9 mentioned a citizen of the United States residing in California. Ms. COLOMBO is 23  
10 years old. Ms. COLOMBO was pregnant at the time she was shot by defendants during  
11 the subject-incident, putting her in a critical medical emergency which caused the death  
12 of her unborn child.  
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14           4.       Plaintiff FELINA RAMIRIZ is Decedent ERIK SALGADO’s mother and  
15 asserts violation of her 14<sup>th</sup> Amendment rights against interference with the familial  
16 relationship with her son caused by the conscience-shocking killing of her son.  
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18           5.       Minor Plaintiff L.S., as Decedent ERIK SALGADO’s only child, is his  
19 only Successor-in-Interest as defined in California Code of Civil Procedure section  
20 377.11 and succeeds to Decedent ERIK SALGADO’s interest in the instant action  
21 pursuant to California Code of Civil Procedure section 377.32. Minor Plaintiff L.S. has  
22 complied with the requirements of California Code of Civil Procedure Section 377.22 to  
23 establish her standing.  
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26           6.       Plaintiffs have requested information from the California Highway Patrol  
27 (“CHP”) regarding the identities of the CHP officers involved in the shooting and killing  
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1 SALGADO and COLOMBO, several unmarked CHP officers were pursuing the red  
2 Dodge driven by Mr. SALGADO. No one in the red Dodge was armed, and the pursuing  
3 CHP officers had no articulable basis to believe that anyone in the red Dodge was armed  
4 with any weapons. The red Dodge was one of 80 vehicles that had been reported stolen  
5 on May 30, 2020, from a San Leandro auto dealership. Defendants had no information  
6 that vehicles were taken by force, that Mr. SALGADO was involved with that robbery, or  
7 how Mr. SALGADO came to be in possession of the red Dodge.  
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9           10.     An unmarked CHP vehicle driving North on Cherry Street blocked the  
10 path of the red Dodge's travel. Other unmarked CHP's vehicles pursued behind the red  
11 Dodge. The red Dodge attempted to navigate past the unmarked CHP truck in front of it,  
12 and while attempting to pass bumped into the unmarked car. The car then backed up and  
13 bumped into a CHP car directly behind it. Thereafter the plaintiff again attempted to  
14 squeeze by the CHP truck but for inexplicable reasons three CHP officers unleashed a  
15 hail of bullets into the front and sides of the car sending the car smashing into the rear-  
16 end of a white Lincoln Continental parked on the west side of Cherry Street. Right  
17 before the shooting, one of the unmarked CHP vehicles pulled up to a stop in front of the  
18 red Dodge, blocking the front end of the driver's side of the red Dodge. The front end of  
19 the passenger side of the red Dodge was blocked by the white Lincoln Continental. Two  
20 unmarked CHP vehicles blocked the red Dodge from behind.  
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23           11.     One Defendant CHP officer exited each of the three unmarked CHP  
24 vehicles. Defendant Officer DOE No. 1, who had blocked the path of travel of the red  
25 Dodge on Cherry Street prior to the crash and then stopped his unmarked vehicle  
26 blocking the front end driver's side of the red Dodge, exited the passenger side and went  
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1 around the rear of the of the unmarked vehicle, and stood in front of the red Dodge with  
2 his handgun drawn and pointed at Mr. SALGADO in the driver's seat. Defendant Officer  
3 DOE No. 1, who was dressed in plainclothes, yelled at Mr. SALGADO to turn off the  
4 car's engine. Several seconds later, though the red vehicle had not moved and was  
5 effectively pinned in and unable to move, Defendant Officer DOE No. 1 fired multiple  
6 gunshots into the red Dodge, striking Mr. SALGADO.  
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8           12. After being shot, Mr. SALGADO slumped forward. The engine of the red  
9 Dodge began to rev, and the tires began to spin, but the vehicle continued to move  
10 forward. Mr. Salgado after being shot multiple times in the chest was unable to control  
11 the vehicle which continued to move, uncontrolled and strike a parked  
12 vehicle. Defendant Officer DOE No. 2, who had exited from the passenger side of one  
13 the unmarked CHP vehicles behind the red Dodge and was offset behind the rear driver's  
14 side of the red Dodge, then began shooting wantonly into the red Dodge, until he ran out  
15 of ammunition.  
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18           13. Defendant Officer DOE No. 3, who was offset behind the rear passenger  
19 side of the red Dodge, also fired gunshot rounds into the red Dodge.  
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21           14. At all times, Plaintiff COLOMBO was visible and present in the front  
22 passenger seat of the red Dodge. She was shot by Defendants three times, including  
23 being shot in her pregnant abdomen. The three Defendant Officer DOES fired over 40  
24 rounds of gunshots into the red Dodge. Based on the wound pattern to Mr. SALGADO's  
25 body, Plaintiffs contend that Defendant Officer DOE No. 1 fired additional rounds at Mr.  
26 SALGADO'S chest. Mr. SALGADO was shot at least 18 times by Defendants.  
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1 a. The right to be free from unreasonable searches and seizures, as  
2 guaranteed by the Fourth and Fourteenth Amendments to the United States  
3 Constitution.

4 b. The right not to be deprived of life or liberty without due process of law,  
5 as guaranteed by the Fifth and Fourteenth Amendments to the United States  
6 Constitution.

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8 25. Said rights are substantive guarantees under the First, Fourth, Fifth and/or  
9 Fourteenth Amendments to the United States Constitution.

10 WHEREFORE, Plaintiffs prays for relief as hereinafter set forth.

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12 **SECOND CAUSE OF ACTION**  
13 (14<sup>th</sup> Amendment Substantive Due Process- Right to Familial Relationship)  
14 (Plaintiffs L.S. individually, and (MOTHER OF DECEDENT Against Defendants DOES  
1-10)

15 26. Plaintiffs reallege and incorporate by reference herein paragraphs 1  
16 through 25 of this Complaint.

17 27. Defendant DOES 1-10, acting under color of law, and without due process  
18 of law deprived Plaintiffs of their right to a familial relationship with Decedent by use of  
19 unreasonable, unjustified deadly force and violence, causing injuries which resulted in  
20 decedent's death, all without provocation, in violation of the Fourteenth Amendment to  
21 the United States Constitution. Defendants DOES 1-10 acted with an intent to harm  
22 Decedent unrelated to legitimate law enforcement purposes in killing Decedent.

23 28. As a proximate result of defendants' conduct, Plaintiffs suffered damages  
24 as hereinafter set forth.

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27 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.  
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JURY DEMAND

29. Plaintiffs hereby demand a jury trial in this action.

PRAYER

WHEREFORE, Plaintiff prays for relief, as follows:

1. For general damages in a sum according to proof;
2. For special damages in a sum according to proof;
3. For punitive damages in a sum according to proof;
4. For reasonable attorney’s fees pursuant to 42 U.S.C. Section 1988;
5. For the costs of suit herein incurred; and
6. For such other and further relief as the Court deems just and proper.

Dated: July 13, 2020

**LAW OFFICES OF JOHN L. BURRIS**

*/s/ John L. Burris* \_\_\_\_\_  
John L. Burris, Esq.  
Attorney for Plaintiffs