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 14 MAUREEN OKOBI

15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA

17 MAUREEN OKOBI, individually,  
 18  
 19 Plaintiff,  
 20  
 21 vs.

CASE NO.:

COMPLAINT FOR DAMAGES  
 (42 U.S.C. Section 1983)

JURY TRIAL DEMANDED

22 COUNTY OF SAN MATEO, a municipal  
 23 corporation; DAVID WEIDNER, individually  
 24 and in his official capacity as a deputy for the  
 25 San Mateo County Sheriff's Department; JOHN  
 26 DEMARTINI, individually and in his official  
 27 capacity as a deputy for the San Mateo County  
 28 Sheriff's Department; ALYSSA LORENZATTI,  
 individually and in her official capacity as a  
 deputy for the San Mateo County Sheriff's  
 Department; JOSHUA WANG, individually and  
 in his official capacity as a deputy for the San  
 Mateo County Sheriff's Department; BRYAN  
 WATT, individually and in his official capacity  
 as a deputy for the San Mateo County Sheriff's  
 Department; and DOES 1-50, inclusive,  
 individually and in their official capacity as  
 deputies for the County of San Mateo,

Defendants.

1 **INTRODUCTION**

2 1. This case arises out of the wrongful death of 36 year old Mr. Chinedu Valentine  
3 Okobi. On the afternoon of October 3, 2018, several San Mateo County Sheriff's deputies accosted,  
4 stalked, Tased, pepper-sprayed and positionally asphyxiated Mr. Okobi while he was walking alone  
5 and unarmed in downtown Millbrae, California.

6 2. This civil rights and wrongful death action seeks compensatory and punitive damages  
7 from Defendants for violating Plaintiff's and Decedent's rights under the United States Constitution  
8 in connection with the wrongful death of Mr. Okobi.

9 **JURISDICTION AND VENUE**

10 3. This action arises under Title 42 of the United States Code, § 1983. Title 28 of the  
11 United States Code, §§ 1331 and 1343 confers jurisdiction upon this Court. The unlawful acts and  
12 practices alleged herein occurred in the City of Millbrae, County of San Mateo, California, which is  
13 within the judicial district of this Court.

14 4. Venue is proper in this Court under 28 U.S.C. § 1391(b) because Defendants are  
15 believed to reside in this district and all incidents, events, and occurrences giving rise to this action  
16 occurred in this district.

17 **PARTIES**

18 5. Decedent CHINEDU VALENTINE OKOBI (hereinafter "Decedent") was an  
19 individual residing in the State of California. Decedent was 36 years-old at the time of his death and  
20 died intestate. Further, Decedent did not file any legal actions prior to his death.

21 6. Plaintiff MAUREEN OKOBI (hereinafter "Plaintiff"), is and was at all times herein  
22 mentioned the biological mother of Decedent. Plaintiff brings this suit in her individual capacity.

23 7. Defendant COUNTY OF SAN MATEO (hereinafter "County") is an incorporated  
24 public entity duly authorized and existing under the laws of the State of California; and at all times  
25 herein mentioned, Defendant County has possessed the power and authority to adopt policies and  
26 prescribe rules, regulations and practices affecting the operation of the San Mateo County Sheriff's  
27 Department and its tactics, methods, practices, customs and usage. At all relevant times, Defendant  
28 County was the employer of DOE Defendants, individually and as deputy sheriffs.

1           8.       Defendant DAVID WEIDNER (hereinafter “Defendant Weidner”), was a Sergeant for  
2 the San Mateo County Sheriff’s Department, and is sued individually and in his official capacity.

3           9.       Defendant JOHN DEMARTINI (hereinafter “Defendant DeMartini”), was a deputy  
4 for the San Mateo County Sheriff’s Department, and is sued individually and in his official capacity.

5           10.      Defendant ALYSSA LORENZATTI (hereinafter “Defendant Lorenzatti”), was a  
6 deputy for the San Mateo County Sheriff’s Department, and is sued individually and in her official  
7 capacity.

8           11.      Defendant JOSHUA WANG (hereinafter “Defendant Wang”), was a deputy for the  
9 San Mateo County Sheriff’s Department, and is sued individually and in his official capacity.

10          12.      Defendant BRYAN WATT (hereinafter “Defendant Watt”), was a deputy for the San  
11 Mateo County Sheriff’s Department, and is sued individually and in his official capacity.

12          13.      Plaintiff is ignorant of the true names and capacities of Defendants DOES 1 through  
13 25, inclusive, and therefore sues these defendants by such fictitious names. Plaintiff alleges  
14 Defendants DOES 1 through 25 violated Decedent's civil rights, wrongfully caused his death, and/or  
15 encouraged, directed, enabled and/or ordered other defendants to engage in such conduct. Plaintiff  
16 further alleges that the DOE Defendants violated Plaintiff’s Fourteenth Amendment rights to familial  
17 association and companionship and caused the wrongful death of Decedent. Plaintiff will amend this  
18 Complaint to state the names and capacities of DOES 1 through 25, inclusive, when they have been  
19 ascertained.

20          14.      Plaintiff is ignorant of the true names and capacities of Defendants DOES 26 through  
21 50, inclusive, and therefore sues these defendants by such fictitious names. Plaintiff is informed and  
22 believes and thereon alleges that each Defendant so named was employed by Defendant County at  
23 the time of the conduct alleged herein. Plaintiff alleges that each of Defendants DOES 26-50 were  
24 responsible for the training, supervision, conduct and/or discipline of the deputies and/or agents  
25 involved in the conduct alleged herein. Plaintiff alleges that each of Defendants DOES 26 through 50  
26 was also responsible for and caused the acts and injuries alleged herein. Plaintiff will amend this  
27 Complaint to state the names and capacities of DOES 26 through 50, inclusive, when they have been  
28 ascertained.

1 **PRELIMINARY ALLEGATIONS**

2 15. The County of San Mateo is a public entity and is being sued under Title 42 U.S.C. §  
3 1983 for violations of the United States Constitution for the acts and omissions of Defendants DOES  
4 1-50, and each of them, who at the time they caused Plaintiff's and Decedent's injuries, damages and  
5 death were duly appointed, qualified and acting officers, employees, and/or agents of County and  
6 acting within the course and scope of their employment and/or agency.

7 16. Plaintiff alleges that the conduct of each defendant deprived Decedent of his  
8 constitutional right to life and caused Decedent to suffer grievous harm prior to his death.

9 17. Each of the Defendants caused and is responsible for the unlawful conduct and  
10 resulting harm by, inter alia, personally participating in the conduct, or acting jointly and in concert  
11 with others who did so, by authorizing, acquiescing, condoning, acting, omitting or failing to take  
12 action to prevent the unlawful conduct, by promulgating or failing to promulgate policies and  
13 procedures pursuant to which the unlawful conduct occurred, by failing and refusing to initiate and  
14 maintain proper and adequate policies, procedures and protocols, and by ratifying and condoning the  
15 unlawful conduct performed by agents and officers under their direction and control.

16 18. Whenever and wherever reference is made in this Complaint to any act by Defendants  
17 DOES 1-50, such allegations and references shall also be deemed to mean the acts and failures to act  
18 of each DOE Defendants individually, jointly or severally.

19 **MONELL ALLEGATIONS**

20 19. Based upon the principles set forth in *Monell v. New York City Department of Social*  
21 *Services*, 436 U.S. 658 (1978), County is liable for all of the injuries sustained by Plaintiff as set forth  
22 herein. County bears liability because its policies, practices and/or customs were a cause of  
23 Decedent's death and Plaintiff's injuries. County and its officials maintained or permitted one or more  
24 of the following official policies or customs:

- 25 a) Failure to provide adequate training and supervision to deputies with respect to the  
26 constitutional limits on the use of an Electronic Control Device;
- 27 b) Failure to provide adequate training and supervision to deputies with respect to the  
28 constitutional limits on the use of force, arrests, searches, and detentions;

- 1 c) Failure to adequately discipline or retrain deputies involved in misconduct;
- 2 d) Selection, retention, and assignation of deputies with demonstrable propensities for
- 3 excessive force, violence, dishonesty, and other misconduct;
- 4 e) Encouragement of deputies in the belief that they can violate the rights of persons,
- 5 such as Plaintiff, with impunity, and that such conduct will not adversely affect their
- 6 opportunities for promotion and other employment benefits.;
- 7 f) Ratification by the highest levels of authority of the specific unconstitutional acts
- 8 alleged in this Complaint and, in particular, the ratification of the unjustified killing of
- 9 Decedent.

10 20. On information and belief, Defendants Weidner, DeMartini, Lorenzatti, Wang, Watt,

11 COUNTY and DOES 1-50 knew and/or should have known that prior to the Defendant Deputies

12 using their Taser on Decedent Okobi, at least two men had been recently killed at the hands of law

13 enforcement officers within San Mateo County on two separate occasions. The first casualty, 55 year-

14 old Mr. Ramsay Saad was killed by Redwood City Police Officers just two months before Decedent

15 Okobi. The second victim, 34 year-old Warren Ragudo was killed by Daly City Police Officers after

16 being Tased in January of 2018. Mr. Saad and Mr. Ragudo were killed within a mere 10 months

17 preceding the Decedent's own death.

18 21. Tellingly, San Mateo District Attorney Steve Wagstaffe who is charged with

19 investigating the three taser deaths was quoted in an October 31, 2018 article published in the

20 Guardian stating "In a county our size, to have three deaths where a Taser was used, it has to raise

21 concerns for everybody, for law enforcement and for everyone else in the community."

22 22. On information and belief, Defendants COUNTY and DOES 1-50 knew and/or should

23 have known that in the year 2015, at least 50 people died after being Tased by law enforcement

24 within the United States.

25 23. On information and belief, Defendants COUNTY and DOES 1-50 received numerous

26 written warnings, bulletins and/or advisories from Axon, the Taser manufacturer, informing

27 Defendants about the potential dangers, including death, which can result from repeatedly Tasing

28 someone.

1 24. Nevertheless, Defendants COUNTY and DOES 1-50 refused, neglected and/or  
2 willfully ignored the aforementioned warnings and did not provide sufficient training to its Sheriff's  
3 Deputies so as to prevent them from repeatedly Tasing persons they take into custody in an effort to  
4 avoid causing those persons unnecessary and preventable pain, serious physical injury and/or death.

5 25. On information and belief, Defendants Weidner, DeMartini, Lorenzatti, Wang, Watt,  
6 and DOES 1-25 were not adequately trained, counseled and warned to avoid making pre-textual  
7 detentions and/or arrests without having reasonable suspicion or probable cause.

8 26. On information and belief, Defendants COUNTY and DOES 1-50 were aware and/or  
9 should have known that its deputies routinely made pre-textual detentions and/or arrests without  
10 having reasonable suspicion or probable cause.

11 27. On information and belief, Defendants Weidner, DeMartini, Lorenzatti, Wang, Watt,  
12 and DOES 1-25 were not adequately trained, counseled and warned to avoid making pre-textual  
13 detentions and/or arrests without having reasonable suspicion or probable cause.

14 On information and belief, Defendants COUNTY and DOES 1-50 did not adequately train its  
15 deputies on how to make contact with and/or detain persons experiencing mental distress and/or  
16 suffering from a mental illness.

17 28. On information and belief, Defendants Weidner, DeMartini, Lorenzatti, Wang, Watt,  
18 and DOES 1-25 were not adequately trained to avoid needlessly escalating situations involving  
19 persons with mental illness and/or disabilities so as to avoid provoke unnecessary violent  
20 confrontations.

21 29. On information and belief, Defendants COUNTY and DOES 1-50 did not adequately  
22 train, counsel and warn Deputies of the danger of placing persons on their stomach while applying  
23 pressure to their back which can result in positional asphyxiation by impeding the person's ability to  
24 breathe.

25 **GENERAL ALLEGATIONS**

26 30. On the afternoon of October 3, 2018, 36 year-old Mr. Chinedu Valentine Okobi was in  
27 downtown Millbrae, California, carrying bags and walking down a sidewalk on or near the 1300  
28

1 block of El Camino Real. He was unarmed, not on probation or parole and had no wants or warrants  
2 for his detention or arrest. In fact, Mr. Okobi was a father and graduate of Morehouse College.

3 31. As Decedent was walking along the sidewalk, Defendant Wang pulled his patrol car  
4 toward the curb and shouted at the Decedent to tell him what Decedent was doing. Defendant Wang  
5 then told Decedent that he wanted to question Decedent on the sidewalk. Decedent quietly answered  
6 Defendant Wang then walked to the intersection, looked out for traffic, and crossed the street. At  
7 some point while following Decedent, Defendant Wang requested additional officers to come to the  
8 scene. Shortly thereafter, Defendants Weidner, DeMartini, Lorenzatti, and Watt arrived on the scene  
9 in response to Defendant Wang's call for emergency back-up.

10 32. As Decedent crossed the intersection he continued to walk on the sidewalk. Defendant  
11 Lorenzatti then approached Decedent and immediately commanded him to get on the ground.  
12 Decedent dropped his bags and put both of his arms in the air. Defendants Weidner, DeMartini,  
13 Lorenzatti, Wang, and Watt surrounded Decedent. Decedent then maneuvered around the deputies  
14 with both of his hands in the air in a clear attempt to avoid being hit and to avoid inadvertently hitting  
15 any of the deputies on the scene.

16 33. Defendant DeMartini then grabbed Decedent by the arm and proceeded to rip  
17 Decedent's jacket off of his body. As Decedent tried to get away from the deputies, Defendant Wang  
18 deployed his taser, causing Decedent to fall face first onto the ground. Decedent then got onto his  
19 back and put both of his arms in the air while he was on the ground. Defendants Weidner, DeMartini,  
20 Lorenzatti, Wang, and Watt surrounded Decedent while he was on the ground. Multiple deputies  
21 commanded Decedent to roll over onto his stomach. The deputies were grabbing Decedent's arms  
22 and legs in an attempt to get him onto his stomach.

23 34. Without legal cause or justification, as Decedent's arms were in the air in a surrender  
24 position, Defendant Wang deployed his taser a **second** time. The deputies watched as Decedent  
25 screamed in agony from the effects of the taser deployment. Confused and in pain, Decedent asked  
26 the deputies, "What did I do?"

27 35. Without need or legal justification, as Decedent questioned the deputies, Defendant  
28 Wang deployed his taser a **third** time. Defendants Weidner, DeMartini, Lorenzatti, Wang, and Watt

1 watched as Decedent desperately pleaded in agony for the taser deployments to stop. Decedent  
2 screamed multiple times, “get them off me!” as he was being Tased. Still confused, Decedent asked  
3 the deputies once again, “what did I do?” and desperately told the deputies “I’m lost.” Decedent then  
4 exclaimed, “spread the word of God.” A deputy on the scene responded by saying “we will do that.”  
5 With increasing urgency Decedent asked the deputies to remove the Taser prongs by repeatedly  
6 yelling in desperation, “get them off me!” Decedent then managed to briefly stand up.

7 36. As Decedent stood up, without legal cause or justification, Defendant Wang deployed  
8 his taser a **fourth** time. The unwarranted deployment of the taser caused Decedent to collapse again.  
9 Panicked, Decedent attempted to crawl backwards using his hands while seated on the ground.  
10 Confused and desperate, Decedent repeatedly exclaimed, “somebody help me!”

11 37. As Decedent begged for help, without cause, Defendant Wang deployed his taser a  
12 **fifth** time. Decedent then staggered to his feet and crossed the street.

13 38. As Decedent walked across the street, Defendant Wang deployed his taser a **sixth**  
14 time. Decedent continued to quickly walk down the street.

15 39. As Decedent continued to walk away, Defendant Wang deployed his taser a **seventh**  
16 time.

17 40. The deputies then tackled Decedent to the ground. Defendant Wang stood up and  
18 attempted to punch Decedent in the head. Defendant Wang drew his **OC spray and sprayed it**  
19 **directly into Decedent’s face.**

20 41. Defendant DeMartini applied pressure to Decedent’s legs while Defendant Lorenzatti  
21 crouched over Decedent with her left knee pressing down on Decedent’s body. Defendant Lorenzatti  
22 delivered a strike to Decedent’s lower body. Defendant Watt bent downward and used his hands to  
23 apply pressure to Decedent’s shoulders. Defendant Weidner then ordered the assembled deputies  
24 multiple times to “Stay on top of him.” The combination of the downward weight and pressure the  
25 Defendants applied to Decedent’s back coupled with forcing him to remain face down on his stomach  
26 impaired his ability to breath and was a significant factor that resulted in Decedent positional  
27 asphyxiating.  
28



1           42.     Nevertheless, the deputies handcuffed Decedent. Even though the deputies realized  
2 Decedent was unresponsive they failed to provide immediately administer emergency medical care.  
3 Defendant Wang's excessive deployment of his Taser and pepper-spray combined with the manner in  
4 which the deputies physically restrained Mr. Okobi by forcing him to remain face down on his  
5 stomach while applying downward pressure on his back which compromised his ability to breathe.  
6 All of the aforementioned physical force were significant contributing factors which caused Mr.  
7 Okobi's death.

8           43.     Decedent was noncombative throughout the subject incident. The deputies repeatedly  
9 shouted at Decedent to turn over on his stomach and Defendant Wang repeatedly Tased Decedent  
10 even as it was readily apparent that Decedent was in a confused state and had difficulty turning on his  
11 stomach because of the immobilizing effect of the Taser. Decedent repeatedly screamed in agony as  
12 Defendant Wang continued to needlessly and punitively Tase and pepper-spray him.

13           44.     Decedent's death was proximately caused by the injuries he suffered at the hands of  
14 the Defendants.

15           45.     Plaintiff alleges that reasonable deputies in Defendants' position would have clearly  
16 been on notice that Decedent did not pose a threat of harm to anyone at the times that he was  
17 needlessly Tased, pepper-sprayed and unreasonably physically restrained.

18           46.     The actions and omissions of County and the DOE Defendant San Mateo County  
19 deputies were objectively unreasonable under the circumstances, without legal justification or other  
20 legal right, done under color of law, within the course and scope of their employment as law  
21 enforcement officers and/or public officials, and pursuant to unconstitutional customs, policies and  
22 procedures of County and/or other jurisdictions.

23           47.     Plaintiff is informed and believes and thereon alleges that County and DOES 26-50,  
24 inclusive, breached their duty of care to the public in that they have failed to discipline DOES 1-25.  
25 Their failure to discipline DOES 1-25 inclusive, demonstrates the existence of an entrenched culture,  
26 policy or practice of promoting, tolerating and/or ratifying with deliberate indifference the making of  
27 improper detentions and arrests, the use of excessive and/or deadly force and the fabrication of  
28 official reports to cover up DOES 1-25's inclusive, misconduct.

1 48. Plaintiff is informed and believes and thereon alleges that members of the San Mateo  
2 County Sheriff's Department, including, but not limited to DOES 1-25 and/or each of them, have  
3 individually and/or while acting in concert with one another, engaged in a repeated pattern and  
4 practice of using excessive, arbitrary and/or unreasonable force against individuals, including, but not  
5 limited to Decedent.

6 49. Plaintiff is informed, believes and therein alleges that County knew or had reason to  
7 know by way of actual or constructive notice of the aforementioned policy, culture, pattern and/or  
8 practice and the complained of conduct and resultant injuries/violations.

9 50. At all material times, and alternatively, the actions and omissions of each Defendant  
10 were conscience-shocking, reckless, deliberately indifferent to Decedent's and Plaintiff's rights, and  
11 objectively unreasonable.

12  
13 **DAMAGES**

14 51. As a consequence of Defendants' violation of Plaintiff's federal civil rights under 42  
15 U.S.C. §1983 and the Fourteenth Amendment, Plaintiff was mentally, and emotionally injured and  
16 damaged as a proximate result of Decedent's wrongful death, including but not limited to: Plaintiff's  
17 loss of familial relations, Decedent's society, comfort, protection, companionship, love, affection,  
18 solace, and moral support and financial support.

19 52. Plaintiff found it necessary to engage the services of private counsel to vindicate the  
20 rights of Decedent and Plaintiff's rights under the law. Plaintiff is therefore entitled to an award of  
21 attorneys' fees and/or costs pursuant to statute(s) in the event that she is the prevailing party in this  
22 action under 42 U.S.C. § 1983 and 1988.

23  
24 **FIRST CAUSE OF ACTION**

(42 U.S.C. § 1983)

25 **(Violation of Plaintiff's 14<sup>th</sup> Amendment Right to a Familial Relationship)**  
26 **(Against Defendants Weidner, DeMartini, Lorenzatti, Wang, Watt, and DOES 1-25)**

27 53. Plaintiff hereby re-alleges and incorporates by reference herein paragraphs 1 through  
28 52 of this Complaint.

1           54. Plaintiff had a cognizable interest under the Due Process Clause of the Fourteenth  
2 Amendment of the United States Constitution to be free from state actions that deprive her of life,  
3 liberty, or property in such a manner as to shock the conscience, including but not limited to,  
4 unwarranted state interference in Plaintiff's familial relationship with her son, Decedent.

5           55. Decedent had a cognizable interest under the Due Process Clause of the Fourteenth  
6 Amendment of the United States Constitution to be free from state actions that deprive him of his  
7 right to life, liberty, or property in such a manner as to shock the conscience.

8           56. As a result of the excessive force by Defendants, Decedent died. Plaintiff was thereby  
9 deprived of her constitutional right of familial relationship with her son, Decedent.

10           57. Defendants, acting under color of state law, thus violated the Fourteenth Amendment  
11 rights of Plaintiff to be free from unwarranted interference with her familial relationship with  
12 Decedent.

13           58. The aforementioned actions of Defendants, along with other undiscovered conduct,  
14 shocks the conscience, in that they acted with deliberate indifference to the constitutional rights of  
15 Decedent, Plaintiff, and with purpose to harm unrelated to any legitimate law enforcement objective.

16           59. Defendants, acting under color of state law, thus violated the Fourteenth Amendment  
17 rights of Decedent and Plaintiff.

18           60. As a direct and proximate cause of the acts of Defendants, Plaintiff suffered extreme  
19 and severe mental anguish and pain and has been injured in mind and body. Plaintiff has also been  
20 deprived of the life-long love, companionship, comfort, support, society, care and sustenance of  
21 Decedent, and will continue to be so deprived for the remainder of her natural life.

22           61. As a result of the conduct of Defendants, they are liable for Plaintiff's injuries, either  
23 because they were integral participants in the denial of due process, or because they failed to  
24 intervene to prevent these violations.

25           62. The conduct of Defendants was willful, wanton, malicious, and done with reckless  
26 disregard for the rights and safety of Decedent and Plaintiff.

27           WHEREFORE, Plaintiff prays for relief as hereinafter set forth.  
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**SECOND CAUSE OF ACTION**

**(42 U.S.C. Section 1983)**

**(Monell - Municipal Liability for Unconstitutional Custom or Policy)**

**(Against Defendants County and DOES 26-50)**

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63. Plaintiff hereby re-alleges and incorporates by reference herein paragraphs 1 through 62 of this Complaint.

64. On information and belief Defendants' DOES 1-25 conduct, individually and as San Mateo County Sheriff's deputies was ratified by County's Sheriff's Department supervisory officers DOES 26-50.

65. Defendants were not disciplined for the killing of Decedent.

66. On and for some time prior to October 3, 2018, (and continuing to the present day) Defendants, individually and as sheriff's deputies, deprived Plaintiff and Decedent of the rights and liberties secured to them by the Fourth and Fourteenth Amendment to the United States Constitution, in that said defendants and their supervising and managerial employees, agents, and representatives, acting with gross negligence and with reckless and deliberate indifference to the rights and liberties of the public in general, and of Plaintiff and Decedent, and of persons in their class, situation and comparable position in particular, knowingly maintained, enforced and applied an official recognized custom, policy, and practice of:

- a) Employing and retaining as sheriff's deputies and other personnel, including Defendants, individually and as sheriff's deputies; who at all times material herein knew or reasonably should have known had dangerous propensities for abusing their authority and for mistreating citizens by failing to follow written County Sheriff's Department policies, including the proper use of an Electronic Control Device as well as for making unlawful and/or unreasonable detentions and arrest including but not limited to, using excessive and deadly force;
- b) Of inadequately supervising, training, controlling, assigning, and disciplining County sheriff's deputies, and other personnel, including Defendants who County knew or in the exercise of reasonable care should have known had the aforementioned propensities and character traits, including the propensity for violence and the use of excessive force;

- 1 c) Of inadequately supervising, training, controlling, assigning, and disciplining  
2 County sheriff's deputies, and other personnel, including Defendants in responding  
3 to individuals who were mentally impaired or disabled;
- 4 d) By maintaining grossly inadequate procedures for reporting, supervising,  
5 investigating, reviewing, disciplining and controlling the intentional misconduct  
6 by Defendants who are sheriff's deputies of County;
- 7 e) By failing to discipline County sheriff's deputies' conduct, including but not  
8 limited to, unlawful detention and excessive and deadly force;
- 9 f) By ratifying the intentional misconduct of Defendants and other officers who are  
10 sheriff's deputies of County;
- 11 g) By having and maintaining an unconstitutional policy, custom and practice of  
12 detaining and arresting individuals without probable cause or reasonable suspicion,  
13 and using excessive force, including the improper use of an Electronic Control  
14 Device and deadly force, which also is demonstrated by inadequate training  
15 regarding these subjects. The policies, customs and practices of Defendants were  
16 done with a deliberate indifference to individuals' safety and rights; and
- 17 h) By failing to properly investigate claims of unlawful detention and excessive force  
18 by County sheriff's deputies.

19 67. Defendants, individually and as sheriff's deputies, together with various other  
20 officials, whether named or unnamed, had either actual or constructive knowledge of the deficient  
21 policies, practices and customs alleged in the paragraphs above. Despite having knowledge as stated  
22 above these defendants condoned, tolerated and through actions and inactions thereby ratified such  
23 policies. Said defendants also acted with deliberate indifference to the foreseeable effects and  
24 consequences of these policies with respect to the constitutional rights of Decedent, Plaintiff, and  
25 other individuals similarly situated.

26 68. By perpetrating, sanctioning, tolerating and ratifying the outrageous conduct and other  
27 wrongful acts, Defendants, individually and as sheriff's deputies; acted with an intentional, reckless,  
28 and callous disregard for the life of Decedent. Each of their actions were willful, wanton, oppressive,

1 malicious, fraudulent, and extremely offensive and unconscionable to any person of normal  
2 sensibilities.

3 69. Furthermore, the policies, practices, and customs implemented and maintained and  
4 still tolerated by Defendants, individually and as sheriff's deputies; were affirmatively linked to and  
5 were significantly influential force behind the injuries of Decedent and Plaintiff.

6 70. By reason of the aforementioned acts and omissions of Defendants, individually and  
7 as sheriff's deputies, Plaintiff was caused to incur funeral and related burial expenses, loss of gifts  
8 and benefits, and loss of financial support.

9 71. By reason of the aforementioned acts and omissions of Defendants, individually and  
10 as sheriff's deputies, Plaintiff has suffered loss of love, companionship, affection, comfort, care,  
11 society, and future support.

12 72. Accordingly, Defendants, individually and as sheriff's deputies, each are liable to  
13 Plaintiff for compensatory damages under 42 U.S.C. § 1983.

14 WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

15  
16 **THIRD CAUSE OF ACTION**  
**(42 U.S.C. § 1983)**

17 **(Violation of Plaintiff's 4<sup>th</sup> Amendment Right to be free from Excessive Force)**  
18 **(Against Defendants Weidner, DeMartini, Lorenzatti, Wang, Watt, and DOES 1-25)**

19 73. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 72 of this  
20 complaint.

21 74. Defendants' above-described conduct violated Decedent's right, as provided for under the  
22 Fourth Amendment to the United States Constitution, to be free from excessive and/or arbitrary  
23 and/or unreasonable use of deadly force against him.

24 75. Chinedu Okobi was forced to endure great conscious pain and suffering because of the  
25 Defendants' conduct before his death.

26 76. Mr. Okobi did not file a legal action before his death.  
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1 77. Plaintiff is a successor in interest to Mr. Okobi's claims for damages for the conscious  
2 pain and suffering he incurred as provided for under 42 U.S.C. §1983.

3 78. Defendants acted under color of law by unreasonably detaining and/or arresting the  
4 Decedent without lawful justification and subjecting Decedent to excessive force thereby depriving  
5 the Decedent of certain constitutionally protected rights, including, but not limited to:

- 6 a. The right to be free from unreasonable searches and seizures, as guaranteed by the  
7 Fourth Amendment to the United States Constitution;

8 WHEREFORE, Plaintiff prays for relief as hereinafter set forth.  
9

10 **JURY DEMAND**

11 79. Plaintiff hereby demands a jury trial in this action.  
12

13 **PRAYER**

14 WHEREFORE, Plaintiff prays for relief, as follows:  
15

- 16 1. For general damages in a sum according to proof;  
17 2. For special damages in a sum according to proof;  
18 3. For punitive damages in a sum according to proof as to Defendants Weidner,  
19 DeMartini, Lorenzatti, Wang, Watt, and DOES 1-25;  
20 4. For reasonable attorney's fees pursuant to 42 U.S.C. Section 1988;  
21 5. For any and all statutory damages allowed by law;  
22 6. For cost of suit herein incurred; and  
23 7. For such other and further relief as the Court deems just and proper.  
24

25 **Law Offices of John L. Burris**

26 Dated: May 30, 2019

27 /s/ John L. Burris

28 John L. Burris, Esq.,  
Attorney for Plaintiff