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GERARDO CABANILLAS.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

GERARDO CABANILLAS,

Plaintiff,

v.

CITY OF SOUTH GATE, LEE JACK
ALIREZ, DAVID PIXLER,
JONATHAN SEKIYA, GREGORY
WELLS, DETECTIVE LOPEZ,
MARTIN VAN LIEROP,
SERGEANT SULLIVAN, OFFICER
REYES, OFFICER AYESTAS,
OFFICER SALCIDO, CITY OF
HUNTINGTON PARK, CARL
HEINTZ, JOHN NAVARRETTE,
COSME LOZANO, and ANTHONY
PORTER,

Defendants.

Case No.: 2:24-cv-8027

**COMPLAINT FOR DAMAGES
AND OTHER RELIEF**

DEMAND OF JURY TRIAL

1 Plaintiff Gerardo Cabanillas, through counsel, complains against the City of
2 South Gate, Lee Jack Alirez, David Pixler, Jonathan Sekiya, Gregory Wells,
3 Detective Lopez, Martin Van Lierop, Sergeant Sullivan, Officer Reyes, Officer
4 Ayestas, Officer Salcido, the City of Huntington Park, Carl Heintz, John
5 Navarrette, Cosme Lozano, and Anthony Porter, as follows:

6 INTRODUCTION

7 1. Plaintiff Gerardo Cabanillas was an eighteen-year-old newlywed, just
8 starting life as a husband and father, when police officers framed him for a
9 robbery, kidnapping, and rape committed on January 16, 1995, and a second
10 robbery and attempted carjacking committed two days later.

11 2. Cabanillas had nothing to do with the crimes. And not one piece of
12 physical evidence pointed to him as the perpetrator.

13 3. During their investigation, the defendant police officers abandoned
14 their role as unbiased investigators, decided that Plaintiff was the perpetrator
15 because—two days after the crimes—he was standing on the street wearing the
16 same color pants as one of the perpetrators, and then manufactured a case against
17 him.

18 4. When the defendants later learned the identity of one of the true
19 perpetrators, while Plaintiff was still awaiting trial, they concealed the details of
20 their investigation and encouraged the case against Plaintiff to go forward.

21 5. Based on false evidence the defendants fabricated, and without the
22 benefit of exculpatory information the defendants hid, Plaintiff was convicted
23 after two trials.

24 6. He was sentenced to a minimum of 87 years in prison.

25 7. This began a decades-long ordeal to clear his name, during which
26 Plaintiff—torn from his new baby and other family—languished in prison. There,
27 he endured constant physical violence and the struggle of knowing he might spend
28

1 the rest of his life brandished as a rapist and imprisoned for crimes he did not
2 commit.

3 8. After nearly 30 years, DNA testing of evidence the defendants
4 collected from the crime scene and held continuously since 1995 proved
5 Plaintiff's innocence. That evidence led to a new investigation, during which the
6 true perpetrator—whose identity Defendants knew all along—confessed to one of
7 the crimes for which Plaintiff was wrongfully convicted and identified the men
8 who committed the other crimes.

9 9. On September 21, 2023, the court granted the Los Angeles County
10 District Attorney's Office and Plaintiff's attorney's joint request to vacate
11 Plaintiff's conviction, dismiss the charges against him, and hold once and for all
12 that Plaintiff was completely innocent.

13 10. Plaintiff now brings this lawsuit seeking redress for the devastating
14 injuries he endured and continues to suffer because of the defendants' misconduct.

15 JURISDICTION AND VENUE

16 11. Plaintiff brings this case under 42 U.S.C. § 1983 and California law
17 to redress the defendants' tortious conduct and their violation of Plaintiff's rights
18 secured by the United States Constitution.

19 12. This court has subject-matter jurisdiction over Plaintiff's 42 U.S.C. §
20 1983 claims under 28 U.S.C. § 1331.

21 13. This court has subject-matter jurisdiction over Plaintiff's state law
22 claims under 28 U.S.C. § 1367.

23 14. Venue is appropriate in this judicial district and division because
24 Plaintiff's criminal case was investigated and tried in Los Angeles County, such
25 that a substantial part of the events and omissions giving rise to Plaintiff's claims
26 occurred within this judicial district. 28 U.S.C. § 1391(b).

27 //

28 //

PARTIES

15. Plaintiff Gerardo Cabanillas is a 48-year-old man living in Downey, California who spent nearly three decades incarcerated for crimes he did not commit.

16. Defendants Lee Jack Alirez, David Pixler, Jonathan Sekiya, Gregory Wells, and Lopez were, at all relevant times, detectives working for the City of South Gate Police Department (SGPD). Defendants Sullivan, Reyes, Ayestas, and Salcido were, at all relevant times, SGPD officers. At all relevant times, these defendants were acting under color of law.

17. Defendant Martin Van Lierop was a sergeant and supervisor at the SGPD. At all relevant times, Van Lierop was responsible for supervising the defendants SGPD officers. In that role, he facilitated, condoned, and approved the constitutional violations by the defendant SGPD officers.

18. Defendant City of South Gate is a California municipal corporation and was or is the employer of each individual SGPD officer defendant.

19. Defendant Carl Heintz, John Navarrette, Cosme Lozano, and Anthony Porter were detectives at the Huntington Park Police Department (“HPPD”). These defendants acted under color of law at all times relevant to this lawsuit.

20. Defendant City of Huntington Park is a California municipal corporation and was or is the employer of each defendant HPPD officer.

FACTS

Raul Flores and Maria A. Are Attacked

21. On the night of January 16, 1995, Raul Flores and Maria A. were sitting in Flores’s parked car near the corner of Independence and Evergreen Avenues in South Gate, California.

22. Around 11:00 p.m., two men—one holding a gun and one wielding a knife—approached the car and knocked on the windows.

1 23. The man with the knife stood on the car's passenger side, where
2 Maria A. sat. It was dark and the man was wearing a hooded shirt with the hood
3 pulled up.

4 24. The assailants forced Flores and Maria A. into the back seat of the
5 car.

6 25. The attackers demanded the couple hand over their valuables,
7 threatening to shoot if they failed to cooperate.

8 26. Flores handed over his wallet, watch, and car keys, and Maria A.
9 gave the men some jewelry she was wearing.

10 27. The man with the knife shouted at Maria A. not to look at his face,
11 and he told her he'd previously killed a woman.

12 28. The assailants dragged Flores out of the car and drove away with
13 Maria A. still in the back seat.

14 29. As the man with the gun drove, the other man held his knife against
15 Maria A.'s back with one hand while he sexually assaulted her with the other.

16 30. The men stopped nearby at an abandoned house in Huntington Park,
17 California and led Maria A. inside.

18 31. Both assailants sexually assaulted Maria A. inside the dark
19 abandoned house. The man with the knife ejaculated in her mouth, and the man
20 with the gun ejaculated in her vagina before they ran out of the house.

21 **Ricardo Sanchez and Maria Lomeli are Attacked**

22 32. Two days later, on January 18, 1995, after dark, Ricardo Sanchez and
23 Maria Lomeli were sitting in Lomeli's car, parked in South Gate near where
24 Flores and Maria A. were attacked.

25 33. A man wearing red pants, a black leather jacket, and huarache
26 sandals approached the car on the passenger side and stuck a gun through the
27 partially open window.

28 34. The gun was inches from Lomeli's face.

1 35. The man ordered Sanchez to hand over his wallet. When Sanchez
2 said he did not carry a wallet, the man ordered him out of the car.

3 36. The assailant then got into the driver's seat, saying he would take the
4 car instead, along with Lomeli.

5 37. But the attacker could not get the car to start. After a short time, he
6 demanded Lomeli's purse and jewelry.

7 38. The attacker grabbed the purse and some bracelets and ran.

8 **Gerardo Cabanillas**

9 39. In January 1995, Cabanillas was an eighteen-year-old newlywed with
10 an eight-month-old daughter. He spent his mornings looking for work, and his
11 afternoons and evenings at home with his wife, their baby, and his wife's teenage
12 nephew, who lived with them.

13 40. Cabanillas had light skin, black hair, and green eyes. He was 5'10"
14 tall and weighed 165 pounds.

15 41. Cabanillas had nothing to do with the January 1995 crimes against
16 the two couples.

17 42. On the night of each attack, Cabanillas was home with his wife and
18 baby.

19 **Defendants' Investigation Stalls**

20 43. The South Gate Police Department responded to the scenes and later
21 investigated the crimes against Flores and Maria A. and against Sanchez and
22 Lomeli.

23 44. Because of their similarities, the SGPD consolidated the cases into
24 one investigation.

25 45. Detectives Alirez, Pixler, and Sekiya were assigned to lead the
26 investigation with assistance from Detectives Lopez and Wells.

27 46. Defendant Sergeant Martin Van Lierop supervised and occasionally
28 participated in the investigation.

1 47. Defendants Salcido and Lopez interviewed Flores and Maria A. in
2 the hours after the crimes against them.

3 48. The victims told police the attacker with the gun was a Hispanic male
4 around 35 years old, with long black curly hair and a dark complexion, about 5'8"
5 tall, and about 200 pounds.

6 49. The victims described the man with the knife as a Hispanic male
7 around 25 years old, with black hair and a dark complexion, about 6 feet tall, and
8 about 160 pounds.

9 50. Maria A. said she avoided looking at her attackers' faces because one
10 of the attackers told her he'd killed a woman, and she believed they would kill her
11 if she looked at them.

12 51. In the days following the crime, Defendants Alirez and Sekiya
13 interviewed Flores and Maria A. again.

14 52. During those interviews, Defendants showed Flores and Maria A.
15 photo arrays with pictures of possible suspects. Neither victim made a positive
16 identification.

17 53. Police collected several pieces of physical evidence related to the
18 crimes, including swabs from Maria A.'s body, Maria A.'s clothing, and
19 fingerprints from Flores's car.

20 54. Examiners found male DNA in one of the swabs from Maria A.'s
21 body.

22 55. Although Defendants knew Maria A. wiped her attacker's semen
23 onto her clothing, they never requested the samples taken from her clothing be
24 tested for DNA.

25 56. Defendants Alirez, Lopez, Sullivan, Reyes examined the abandoned
26 house where Maria A. was assaulted.

27 57. Alirez took crime scene photographs of the house; but Defendants
28 collected no physical evidence from the scene.

1 58. Alternatively, Defendants collected physical evidence from the scene
2 but did not disclose the evidence to Prosecutors, Plaintiff, or Plaintiff's criminal
3 defense attorneys.

4 59. Defendants Ayestas and Salcido responded to the scene of the crimes
5 against Sanchez and Lomeli.

6 60. Sanchez and Lomeli told Ayestas and Salcido their attacker was a
7 Hispanic male between 25 and 28 years old, with light brown hair, hazel eyes, and
8 a light complexion, about 5'8" tall and 130 pounds.

9 61. The victims said their attacker wore red pants, a black leather jacket,
10 and huarache sandals.

11 62. The next day, Defendants Pixler and Wells contacted Lomeli and
12 asked her to describe the attacker again. Based on the interview, Wells drew a
13 composite sketch of the suspect.

14 63. During the interview, Defendants showed Lomeli a photo array
15 containing six photos. Lomeli did not identify anyone as her attacker.

16 64. Separately, Defendant Pixler and other officers interviewed Sanchez
17 again.

18 65. During that interview, Defendants also showed Sanchez a six-photo
19 array. Sanchez did not identify the attacker from the array.

20 66. Sekiya and other Defendants also collected physical evidence related
21 to the crimes against Sanchez and Lomeli, including fingerprints the attacker left
22 on Lomeli's car.

23 67. None of the fingerprints from either scene, or the DNA found on
24 Maria A.'s body, led police to a suspect.

25 **Defendants Frame Cabanillas**

26 68. By late January, Defendants had failed to identify any suspects, and
27 they had no leads.
28

69. In the early afternoon on January 20, 1995, Defendant Alirez saw Plaintiff standing on a street corner in South Gate.

70. Plaintiff was wearing red pants.

71. Alirez approached Plaintiff and asked for his identification.

72. Alirez found Plaintiff had an outstanding warrant for a traffic violation.

73. Under pressure to close the cases, Defendants seized upon Plaintiff's red pants as a basis to frame him for the crimes against the two couples.

74. Alirez and other officers placed Plaintiff under arrest for the outstanding traffic warrant.

75. Though Defendants had no reason to think Plaintiff was involved in the Flores/Maria A. and Sanchez/Lomeli crimes other than the color of his pants, they attached the police reports from those crimes to Plaintiff's arrest report.

Defendants Fabricate Sanchez and Lomeli's Identifications

76. At the station, Alirez put Plaintiff's booking photo in a new photo array with five filler photos Defendants had already shown Sanchez and Lomeli.

77. Alirez knew the victims had already seen the five filler photos, and he knew the victims had not identified the men in the filler photos as their attacker.

78. Alirez brought the new photo array to Sanchez and Lomeli's workplace (they were coworkers).

79. Alirez first showed the new photo array to Lomeli. He told her that even if she noticed one of the photos was new to her, she should not assume the person in the new photo was her attacker.

80. At first, Lomeli was unable to make a positive identification. She became emotional and excused herself to the bathroom.

81. When Lomeli returned, Alirez was showing Sanchez the new photo array.

1 82. Sanchez selected Plaintiff's photo from the array because his was the
2 only photo Defendants had not previously shown Sanchez.

3 83. Alirez allowed Lomeli to stand beside Sanchez while he viewed the
4 array and identified Plaintiff's photo.

5 84. Lomeli then selected Plaintiff's photo from the array and identified
6 him as her attacker as well.

7 85. Defendant Alirez knew Lomeli did not truly recognize Plaintiff's
8 photo as her attacker.

9 86. Before Lomeli could express doubt, Alirez told Sanchez and Lomeli
10 they had selected the correct person, and the person whose photo they'd selected
11 was in custody.

12 87. Defendants did not write a report memorializing this encounter with
13 Lomeli and Sanchez.

14 88. Alternatively, Defendants memorialized the encounter and photo
15 identification but failed to disclose the records to prosecutors or the defense
16 during the criminal prosecution arising from the crimes against Sanchez and
17 Lomeli.

18 **Defendants Coerce Plaintiff into Giving a False Confession**

19 89. After extracting false identifications from Sanchez and Lomeli,
20 Alirez went back to the county jail where Plaintiff was in a holding cell.

21 90. Alirez interrogated Plaintiff, accusing him of the crimes against the
22 two couples.

23 91. Plaintiff repeatedly asserted his innocence.

24 92. It was obvious to Alirez that Plaintiff was innocent, as Plaintiff knew
25 nothing about the crimes and did not match any of the victims' descriptions of
26 their attackers.

27 93. Alirez was an experienced police officer. He was large, covered in
28 tattoos, and physically intimidating.

1 94. Knowing Plaintiff was innocent, Alirez used various tactics to wear
2 Plaintiff down psychologically and coerce him into confessing to crimes he did
3 not commit.

4 95. Among other coercive techniques, Alirez interrogated Plaintiff in
5 English, despite knowing Plaintiff was more comfortable speaking Spanish, his
6 native language.

7 96. Alirez falsely told Plaintiff police had fingerprints implicating him in
8 the crimes.

9 97. Alirez threatened Plaintiff that he would never get out of jail unless
10 he confessed.

11 98. Alirez also told Plaintiff that if he confessed to the crimes against
12 both couples, police would immediately release Plaintiff on probation.

13 99. After several hours of interrogation, Alirez overpowered Plaintiff's
14 will. Plaintiff agreed to falsely confess that he was the knife-wielding assailant in
15 the Flores/Maria A. crimes and the lone attacker in the Sanchez/Lomeli crimes.

16 100. Because Plaintiff had no information about either crime, Alirez then
17 supplied the teenager with details about the crimes known only to police and the
18 victims.

19 101. Alirez prompted Plaintiff to repeat the information back to Alirez as
20 though Plaintiff were giving Alirez details within his personal knowledge.

21 102. When Plaintiff got a detail wrong, Alirez corrected him and made
22 him try the statement again.

23 103. Alirez did not record his initial interrogation of Plaintiff. Or if he did,
24 he hid the recording from prosecutors, Plaintiff, and Plaintiff's criminal defense
25 attorneys.

26 104. In addition to educating Plaintiff on the facts of the crimes of which
27 he was completely innocent, Defendants showed Plaintiff the Maria A. crime
28 scene.

1 105. After Plaintiff's initial interrogation, Alirez and Pixler put Plaintiff in
2 the back of a police car and drove him to the abandoned house where Maria A.
3 had been sexually assaulted.

4 106. The purpose of the drive was to educate Plaintiff about the crime to
5 facilitate his false confession.

6 107. After leaving the Maria A. crime scene, Defendants drove to
7 Plaintiff's home. With Plaintiff in the back of the police car, Defendants searched
8 his house for evidence.

9 108. They found nothing in Plaintiff's home linking him to the crimes.

10 109. Back at the station, Alirez and Pixler began a second—this time
11 recorded—interrogation of Plaintiff.

12 110. Before starting the recording, Defendants warned Plaintiff not to say
13 anything about their promise of immediate release and probation in exchange for
14 the false confession.

15 111. Defendants then began the recording and interrogated Plaintiff about
16 both crimes again. While recording, Defendants prompted Plaintiff to repeat the
17 facts they'd taught him about the crimes as though he were providing information
18 within his personal knowledge and as though he were giving his account to police
19 for the first time.

20 112. Defendants facilitated Plaintiff's false confession knowing that the
21 victims' descriptions of the knife-wielding attacker and the Sanchez/Lomeli
22 attacker didn't match. In other words, Defendants knew the crimes for which they
23 were coercing Plaintiff to confess were committed by three different people.

24 113. Despite Defendants' coaching, Plaintiff's description of the crimes
25 during the recorded confession was replete with misstatements about what
26 occurred.

27 114. After recording the confession, Plaintiff again told Defendants he
28 was innocent and asked to go home.

1 115. All told, Plaintiff—a frightened teenager—spent hours in
2 Defendants’ custody with no lawyer or parent present before succumbing to
3 pressure, giving the recorded confession, and being taken away to jail for the
4 night, and ultimately taken to prison for the next three decades.

5 **Defendants Fabricate False Identifications from Flores and Maria A.**

6 116. Defendants knew Plaintiff was not involved in the crimes against
7 Flores and Maria A.

8 117. They also knew Flores and Maria A. had not gotten a good look at
9 the knife-wielding attacker.

10 118. What’s more, Defendants knew Plaintiff did not match even the
11 general description Flores and Maria A. had been able to give of their attackers.

12 119. Nevertheless—knowing Plaintiff was innocent—Defendants Alirez
13 and Pixler attempted to induce Flores and Maria A. to select Plaintiff’s
14 photograph from the new photo array they’d shown Sanchez and Lomeli.

15 120. Defendants Pixler and Alirez first went to Flores’s home and showed
16 him the photo array consisting of five photographs he’d already seen—and not
17 identified as his attacker—and the new photograph of Plaintiff.

18 121. Alirez pointed to Plaintiff’s photo, and asked Flores whether that
19 photo showed his attacker.

20 122. Flores told Defendants he was unsure whether Plaintiff’s photo
21 showed his attacker and refused to sign the array.

22 123. Defendants would not accept Flores’s hesitance. Alirez told Flores
23 Plaintiff had already given a detailed confession, and Plaintiff was the perpetrator.

24 124. Eventually, Flores gave in to Alirez and Pixler and signed the array
25 identifying Plaintiff as his attacker.

26 125. At Alirez’s prompting, Pixler wrote the words “this is the guy” above
27 Flores’s signature, falsely attributing the words to Flores.
28

1 126. Defendants did not create a report documenting Flores' identification
2 of Plaintiff from the photo array. Alternatively, Defendants memorialized this
3 interview with Flores and his identification of Plaintiff, but failed to disclose the
4 records to prosecutors or the defense during the criminal prosecution arising from
5 the crimes against Flores and Maria A.

6 127. A few days later, Alirez showed the same photo array to Maria A.,
7 who also had seen the five filler photographs before.

8 128. This time, Maria A. told Alirez two photographs, including
9 Plaintiff's, resembled the man with the knife, but she had not seen him well
10 enough to identify his face.

11 129. Alirez told Maria A. the person in the new photo (Plaintiff) had
12 confessed to the crime, he was one of her assailants, and she had to sign the lineup
13 identifying that person as her attacker.

14 130. Under Alirez's pressure, Maria A. signed the array, but she asked
15 Alirez to write, above her name: "Why do I have to do this, I'm scared I don't
16 know what to do. It looks like #5 [Plaintiff's photo] . . . I can I.D. his voice too."

17 131. Maria A. told Defendants she could accurately identify the man with
18 the knife if she heard his voice.

19 132. Defendants told Maria A. a voice lineup could be arranged. But they
20 never arranged that lineup.

21 **Defendants Fabricate False Reports Implicating Plaintiff**

22 133. Defendants fabricated police reports containing false details to
23 further implicate Plaintiff.

24 134. Among other fabricated evidence, Alirez created a report in which he
25 falsely claimed Maria A. had seen the knife-wielding attacker before the day of
26 her assault on the same street corner where Defendants later arrested Plaintiff.

27 //

28 //

1 135. Defendants also created a follow-up report with fabricated accounts
2 of all their major investigative steps. Among other fabrications, the follow-up
3 report contained the following:

- 4 a) a false account of Pixler's initial interviews of Sanchez and Lomeli;
- 5 b) a false account of Alirez and Sekiya's interviews of Maria A. and
6 Flores;
- 7 c) a false account of Plaintiff's interrogations;
- 8 d) a fabricated version of Flores's and Maria A.'s descriptions of their
9 attackers, altered to more closely match Plaintiff's height and
10 complexion;
- 11 e) a false statement that Plaintiff's photo matched the description of the
12 suspects "in both incidents";
- 13 f) a false account of Sanchez and Lomeli's identification of Plaintiff in
14 the photo array; and
- 15 g) an untrue account of Plaintiff's visit to the scene of Maria A.'s attack,
16 in which Defendants falsely claimed Plaintiff directed them to the
17 abandoned house and then invited Defendants to search his home.

18 136. The falsified follow-up report became the basis for charging Plaintiff
19 with the crimes against both couples.

20 **New Suspects Emerge and Huntington Park Police**

21 **Officers Join the Conspiracy to Frame Plaintiff**

22 137. Just weeks after Plaintiff was arrested, charged, and detained for the
23 crimes against Flores, Maria A., Sanchez, and Lomeli, a spree of strikingly similar
24 crimes occurred in and around South Gate.

25 138. On the night of February 8, 1995, two men with guns robbed a man
26 and woman in a nearby town and stole their car. Hours later, the men robbed a
27 man and woman in South Gate, then kidnapped and raped the woman. Finally, the
28 gunmen robbed another woman and two men in Huntington Park.

1 139. On the night of February 12, a man with a gun robbed a man and
2 woman who were sitting in a parked car in Huntington Park. Soon after, also in
3 Huntington Park, a man with a gun shot and killed another man while attempting
4 to rob the victim and the victim's girlfriend. Last, back in South Gate, a lone
5 gunman robbed a man and woman, then kidnapped and sexually assaulted the
6 woman.

7 140. Plaintiff was in jail when the February 1995 crimes were committed.

8 141. The same SGPD officers leading the investigation of the January
9 crimes—Alirez, Pixler, and Sekiya—were assigned to lead the investigation of the
10 February crimes.

11 142. The Huntington Park Police Department collaborated with the SGPD
12 in investigating the February crimes that occurred in Huntington Park.

13 143. Detectives Cosme Lozano and Anthony Porter led the investigation
14 for HPPD, and Detectives John Navarrette and Carl Heintz assisted.

15 144. The HPPD arrested a suspect for the February crimes: 22-year-old
16 Juan Jose Angulo.

17 145. Pixler and his supervisor at SGPD, Defendant Van Lierop,
18 photographed Angulo.

19 146. Pixler and Alirez then showed Angulo's photo to the victims of the
20 South Gate February crimes. Those victims positively identified Angulo as the
21 perpetrator.

22 147. Alirez and Pixler questioned Angulo. Angulo admitted he committed
23 the February 8th South Gate robbery, rape, and kidnapping with a man named
24 Antonio. Angulo also admitted he and Antonio committed the February 12th
25 crimes, including the sexual assault in South Gate.

26 148. Following the interview with Angulo, the defendant SGPD officers
27 and the defendant HPPD officers knew the February crimes were connected to the
28 January crimes in South Gate.

1 149. The defendant SGPD officers and the defendant HPPD officers also
2 knew Angulo—not Plaintiff—committed the crimes against Sanchez and Lomeli.

3 150. They knew this because, among other thing:

4 a) Angulo was arrested wearing red pants, and police found a black
5 leather jacket in his car, like the perpetrator of the Sanchez/Lomeli
6 crimes. There was no evidence Plaintiff owned a black leather jacket.

7 b) When Defendants searched Angulo’s house, they found huarache-
8 style sandals that matched the description of the shoes worn by the
9 perpetrator of the Sanchez/Lomeli crimes. There was no evidence
10 Plaintiff owned huarache sandals.

11 c) When Defendants searched Angulo’s house, they found numerous
12 stolen items, including watches and jewelry. Defendants had found
13 no stolen items at Plaintiff’s house.

14 d) Angulo matched Sanchez and Lomeli’s description of their attacker,
15 and the composite sketch looked like him.

16 151. Despite knowing the true perpetrator of the Sanchez/Lomeli crimes
17 and knowing that three different people were involved in the crimes, the defendant
18 SGPD officers continued their framing of Plaintiff, now with the defendant HPPD
19 officers’ assistance.

20 152. To that end, the defendant SGPD officers did not show Angulo’s
21 photo or any of the stolen items they found in Angulo’s house to Sanchez or
22 Lomeli.

23 **Defendants Conceal Exculpatory Evidence**

24 153. No physical evidence ever connected Plaintiff to the January crimes
25 in South Gate: the fingerprints lifted from the cars did not match Plaintiff; the
26 DNA found on Maria A. was not a match; and police never found stolen items in
27 Plaintiff’s home. Instead, the only evidence tying Plaintiff to the crimes was his
28 coerced false confession and the victims’ coerced identifications.

1 154. Based solely on the case Defendants fabricated against Plaintiff,
2 Cabanillas was charged with numerous crimes, including carjacking, kidnapping,
3 robbery, and rape.

4 155. Throughout Defendants' investigation into the crimes against Flores,
5 Maria A., Sanchez, and Lomeli, Defendants, with the approval of supervising
6 officers, failed to disclose to Plaintiff, his attorneys, and state prosecutors,
7 evidence they uncovered that tended to support Plaintiff's innocence.

8 156. On information and belief, much of the undisclosed exculpatory
9 evidence is still unknown to Plaintiff. But the existence of other items of
10 undisclosed exculpatory evidence may be inferred from the record that was made
11 available to Plaintiff's attorneys and state prosecutors.

12 157. Before Plaintiff was tried for the crimes against Maria A., Flores,
13 Sanchez, and Lomeli, Defendants knew Angulo was the true perpetrator of the
14 Sanchez/Lomemi attack.

15 158. But Defendants hid information about Angulo and their investigation
16 into the February South Gate and Huntington Park crimes from prosecutors,
17 Plaintiff, and Plaintiff's criminal defense attorneys.

18 159. Defendants also failed to disclose to prosecutors, Plaintiff, and
19 Plaintiff's defense attorney that they manufactured the victims' photo
20 identifications of Plaintiff through a variety of tactics, and that the victims
21 expressed uncertainty and doubt about their identifications.

22 **Plaintiff's Wrongful Conviction and Imprisonment**

23 160. Plaintiff was tried for the crimes against Maria A., Flores, Sanchez,
24 and Lomeli beginning in August 1995.

25 161. The jury convicted Plaintiff of several crimes against Sanchez and
26 Lomeli, including attempted carjacking and robbery. But the jury failed to reach a
27 verdict on the crimes against Flores and Maria A., and the court declared a
28 mistrial on those counts.

1 162. Plaintiff was re-tried for the crimes against Flores and Maria A.
2 beginning in April 1996. This time, the jury found Plaintiff guilty of carjacking,
3 robbery, kidnaping, and rape.

4 163. At both trials, Plaintiff testified in his own defense, asserting his
5 innocence and swearing he was home with his family when the crimes against
6 both couples occurred.

7 164. At both trials, the State's case hinged upon Plaintiff's coerced
8 confession and the false witness identifications Defendants manufactured.

9 165. Following his convictions, the court sentenced Plaintiff, still a
10 teenager, to serve 87 years to life in prison.

11 **Plaintiff's Exoneration**

12 166. In the decades following Plaintiff's conviction, he fought tirelessly to
13 prove his innocence.

14 167. Plaintiff's direct appeal, state court petition for a writ of habeas
15 corpus, and federal habeas petitions all were unsuccessful.

16 168. In 2019, Plaintiff's post-conviction counsel pushed for further DNA
17 testing of the sexual assault evidence police had collected from Maria A.

18 169. The court granted that request. And in December 2020 and July
19 2021, the testing revealed the DNA of two unknown males in the samples taken
20 from Maria A. Plaintiff was excluded as a contributor to both DNA profiles—he
21 was not one of Maria A.'s attackers.

22 170. Plaintiff filed a new habeas petition.

23 171. Meanwhile, the new DNA evidence led the Conviction Integrity Unit
24 of the Los Angeles Prosecutors Office to review Plaintiff's convictions. In 2023,
25 investigators interviewed Angulo, and he confessed to the crimes against Sanchez
26 and Lomeli. Angulo also credibly identified the perpetrators of the crimes against
27 Flores and Maria A.
28

1 172. Based on the DNA evidence and Angulo's 2023 statements to
2 investigators, on September 21, 2023, the Conviction Integrity Unit and Plaintiff's
3 attorneys jointly sent a letter to the Court asking it to grant Plaintiff's habeas
4 petition, vacate Plaintiff's convictions, dismiss the cases against him, and enter an
5 order finding Plaintiff factually innocent.

6 173. The Court granted that request the same day.

7 **Plaintiff's Damages**

8 174. Plaintiff's arrest without cause for a crime he did not commit yanked
9 him suddenly from his life as a teenager and landed him in prison, where he
10 languished for nearly 30 years.

11 175. Before his arrest, Plaintiff was working to build a life for himself: he
12 was married, a brand-new father to a baby girl, and looking for work to support
13 his new family.

14 176. During his decades in prison, Plaintiff was deprived of the ability to
15 interact with family and friends; be present for birthdays, holidays, deaths, and
16 other life events; pursue his passions and interests; and grow into a free adult who
17 could engage in meaningful labor, develop a career, raise his daughter, and live as
18 an autonomous person.

19 177. Instead, Plaintiff was branded a rapist and a thief and imprisoned in
20 harsh, dangerous, and isolating conditions in California prisons, where he spent
21 his twenties, thirties, and most of his forties. Each day he was locked in prison he
22 faced physical violence, including suffering multiple beatings and stabbings at the
23 hands of other prisoners. He also faced emotional abuse and the fear that he might
24 die without ever having the opportunity to clear his name.

25 178. Now exonerated, Plaintiff must struggle to build an existence outside
26 of prison without the benefit of years of foundational life experiences that
27 normally equip young adults for such a task. He must also attempt to rebuild the
28

1 relationships that atrophied during years of neglect, including his relationship with
2 his now adult daughter.

3 179. In addition to causing the severe trauma of wrongful imprisonment,
4 loss of liberty, and reputational harm, Defendants' misconduct continues to cause
5 Plaintiff extreme physical bodily injury and psychological pain and suffering,
6 humiliation, fear, nightmares, anxiety, depression, despair, rage, and other harm.

7 **COUNT I – 42 U.S.C. § 1983**

8 **Fourteenth Amendment: Due Process**

9 180. Each paragraph of this Complaint is incorporated as if restated fully
10 herein.

11 181. As described above, the Defendant officers, while acting
12 individually, jointly, and in conspiracy, as well as under color of law and within
13 the scope of their employment, deprived Plaintiff of his constitutional right to a
14 fair trial and his right not to be wrongfully convicted and imprisoned.

15 182. As described more fully above, the Defendant officers procured
16 eyewitness identifications of Plaintiff, which they knew were false and unreliable,
17 using unduly suggestive procedures.

18 183. In addition, Defendants fabricated false statements implicating
19 Plaintiff in the crimes and then falsely attributed those statements to Plaintiff in
20 the audio recording of his interrogation, in later police reports, and, on
21 information and belief, during communications with state prosecutors.

22 184. Defendants then caused the fabricated identifications and fabricated
23 statement attributed to Plaintiff to be used during Plaintiff's criminal trial.

24 185. In addition, Defendants concealed exculpatory information from state
25 prosecutors, Plaintiff, and Plaintiff's criminal defense attorneys, including but not
26 limited to the circumstances surrounding the manipulated identifications, thereby
27 misleading and misdirecting the criminal prosecution of Plaintiff.
28

1 186. Defendants also deliberately falsified reports purporting to
2 memorialize Plaintiff's confession and witness interviews. As more fully
3 described above, those false reports are littered with lies meant to implicate
4 Plaintiff in crimes he did not commit.

5 187. In addition, on information and belief, Defendants concealed,
6 fabricated, and destroyed additional evidence that is not yet known to Plaintiff.

7 188. Defendants obtained Plaintiff's conviction based only on this false
8 evidence, and they failed to correct fabricated evidence they knew was false when
9 it was used against Plaintiff during his criminal case.

10 189. Defendants' misconduct described in this count resulted in Plaintiff's
11 unjust and wrongful criminal prosecution and conviction, deprived him of his
12 liberty, and denied him his constitutional rights protected by the Fourteenth
13 Amendments. Absent this misconduct, Plaintiff's prosecution could not and would
14 not have been undertaken, and Plaintiff would not have been convicted.

15 190. The misconduct described in this Count was objectively unreasonable
16 and was undertaken intentionally, with malice and willful indifference to
17 Plaintiff's clearly established constitutional rights and in total disregard of the
18 truth and Plaintiff's clear innocence.

19 191. As a direct and proximate result of Defendants' misconduct described
20 in this count, Plaintiff sustained and continues to suffer grievous injuries,
21 including loss of liberty, physical injury, psychological trauma, and emotional
22 suffering, as set forth above.

23 192. Defendants' misconduct described in this count was undertaken
24 pursuant to the policies and practices of the Cities of South Gate and Huntington
25 Park, which are more fully described below.

26 //

27 //

28 //

COUNT II – 42 U.S.C. § 1983

Fifth and Fourteenth Amendment: Coerced False Confession

193. Each paragraph of this Complaint is incorporated as if restated fully herein.

194. As described above, Defendants, acting as investigators and without probable cause to suspect Plaintiff of any crime, individually, jointly, and in conspiracy with one another, and others unknown, as well as under color of law and within the scope of their employment, forced Plaintiff to make false statements involuntarily and against his will, which incriminated him and were used against him in criminal proceedings, in violation of his rights secured by the Fifth and Fourteenth Amendments.

195. In addition, as described above, Defendants, acting as investigators and without probable cause to suspect Plaintiff of any crime, individually, jointly, and in conspiracy with one another, as well as under color of law and within the scope of their employment, fabricated a false confession, which was attributed to Plaintiff and used against Plaintiff in his criminal proceedings, in violation of Plaintiff's right to a fair trial protected by the Fourteenth Amendment.

196. Specifically, Defendants conducted, participated in, advised, encouraged, ordered, and approved the use of illegal and coercive tactics to extract involuntary and false statements from Plaintiff, which overcame Plaintiff's will and resulted in him making involuntary statements implicating himself in crimes he did not commit including robbery, carjacking, kidnapping, and rape.

197. Those false incriminating statements were wholly fabricated by Defendants and attributed to Plaintiff. Those false incriminating statements were used against Plaintiff to his detriment throughout his criminal case. They were the reason that Plaintiff was prosecuted and convicted.

198. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with malice and willful indifference to

1 Plaintiff's clearly established constitutional rights and in total disregard to
2 Plaintiff's clear innocence.

3 199. As a direct and proximate result of Defendants' misconduct, Plaintiff
4 sustained and continues to suffer grievous injuries, including loss of liberty,
5 physical injury, psychological trauma, and emotional suffering, as set forth above.

6 200. Defendants' misconduct described in this count was undertaken
7 pursuant to the policies and practices of the City of South Gate, which are more
8 fully described below.

9 **COUNT III – 42 U.S.C. § 1983**

10 **Fourth and Fourteenth Amendments: Malicious Prosecution and Unlawful**
11 **Detention**

12 201. Each paragraph of this Complaint is incorporated as if restated fully
13 herein.

14 202. As described above, Defendants, individually, jointly, and in
15 conspiracy with one another, as well as under color of law and within the scope of
16 their employment, accused Plaintiff of criminal activity and exerted influence to
17 initiate, continue, and perpetuate judicial proceedings against Plaintiff without any
18 probable cause for doing so and in spite of the fact that they knew Plaintiff was
19 innocent, in violation of his rights secured by the Fourth and Fourteenth
20 Amendments.

21 203. In so doing, these Defendants maliciously prosecuted Plaintiff and
22 caused Plaintiff to be deprived of his liberty without probable cause and to be
23 subjected improperly to judicial proceedings for which there was no probable
24 cause. These judicial proceedings were instituted and continued maliciously,
25 resulting in injury.

26 204. The misconduct described in this Count was objectively unreasonable
27 and was undertaken intentionally, with malice, willfulness, and deliberate
28

1 indifference to the rights of others, and in total disregard of the truth and
2 Plaintiff's innocence.

3 205. As a direct and proximate result of Defendants' misconduct, Plaintiff
4 sustained and continues to suffer grievous injuries, including loss of liberty,
5 physical injury, psychological trauma, and emotional suffering, as set forth above.

6 206. Defendants' misconduct described in this count was undertaken
7 pursuant to the policies and practices of the City of South Gate and Huntington
8 Park, which are more fully described below.

9 **COUNT IV – 42 U.S.C. § 1983**

10 **Failure to Intervene**

11 207. Each paragraph of this Complaint is incorporated as if restated fully
12 herein.

13 208. As described above, by their conduct and under color of law, during
14 the constitutional violations described herein, one or more of the defendants stood
15 by without intervening to prevent the violation of Plaintiff's constitutional rights.

16 209. The individual officer defendants had ample, reasonable
17 opportunities as well as the duty to prevent this harm, but failed to do so.

18 210. The misconduct described in this Count was objectively unreasonable
19 and was undertaken intentionally, with malice, willfulness, and deliberate
20 indifference to the rights of others, and in total disregard of the truth and
21 Plaintiff's innocence.

22 211. As a direct and proximate result of Defendants' failure to intervene to
23 prevent the violation of Plaintiff's constitutional rights, Plaintiff sustained and
24 continues to suffer grievous injuries, including loss of liberty, physical injury,
25 psychological trauma, and emotional suffering, as set forth above.

26 212. Defendants' misconduct described in this count was undertaken
27 pursuant to the policies and practices of the City of South Gate and Huntington
28 Park, which are more fully described below.

COUNT V – 42 U.S.C. § 1983

Conspiracy

213. Each paragraph of this Complaint is incorporated as if restated fully herein.

214. As described above, the individual officer defendants, acting within the scope of their employment and under color of law, agreed among themselves and with other individuals to act in concert to frame Plaintiff for the Flores/Maria A. and Sanchez/Lomeli crimes, and thereby deprive him of his constitutional rights, as described above. This agreement remained in place throughout all periods of Plaintiff's wrongful detention, prosecution, and incarceration.

215. Additionally, before and after Plaintiff's conviction, the individual officer defendants further conspired to deprive Plaintiff of exculpatory information to which he was lawfully entitled.

216. In this manner, Defendants, acting in concert with other unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means. In addition, these co-conspirators agreed among themselves to protect one another from liability for depriving Plaintiff of these rights.

217. In furtherance of the conspiracy, each co-conspirator engaged in and facilitated overt acts, including but not limited to those set forth above—such as fabricating evidence, withholding exculpatory evidence, coercing false confessions, and concealing evidence of alternative suspects—and was an otherwise willful participant in joint activity.

218. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with malice, willfulness, and deliberate indifference to the rights of others, and in total disregard of the truth and Plaintiff's innocence.

219. As a direct and proximate result of the illicit prior agreement and actions in furtherance of the conspiracy referenced above, Plaintiff sustained and

1 continues to suffer grievous injuries, including loss of liberty, physical injury,
2 psychological trauma, and emotional suffering, as set forth above.

3 220. Defendants' misconduct described in this count was undertaken
4 pursuant to the policies and practices of the City of South Gate and Huntington
5 Park, which are more fully described below.

6 **COUNT VI – 42 U.S.C. § 1983**

7 **Local Governing Body Liability**

8 221. Each paragraph of this Complaint is incorporated as if restated fully
9 herein.

10 222. The constitutional violations that caused Plaintiff's wrongful arrest,
11 prosecution, and conviction were the result of the City of South Gate and City of
12 Huntington Park's policies, practices, and customs of pursuing convictions
13 without regard to the truth, through reliance on profoundly flawed investigations
14 that involve withholding exculpatory evidence, suppressing evidence, and
15 fabricating evidence to secure a conviction.

16 223. At all times relevant to the events described in this complaint and for
17 a period of time before and after, the Cities of South Gate and Huntington Park
18 failed to promulgate proper or adequate rules, regulations, policies, and
19 procedures governing: the conduct of interrogations and questioning of criminal
20 suspects and witnesses; the collection, documentation, preservation, testing, and
21 disclosure of evidence, including physical evidence, material exculpatory
22 evidence and impeachment evidence, and information bearing upon witnesses'
23 credibility; writing police reports and taking investigative notes; obtaining
24 statements and testimony from witnesses and suspects; intervention to prevent and
25 redress misconduct by other officers; and maintaining investigative files and
26 disclosing those files in criminal proceedings.

27 224. At all times relevant to the events described in this complaint and for
28 a period of time before, the Cities of South Gate and Huntington Park had notice

1 of practices and customs at their department under which employees: deliberately
2 covered up their wrongful and illegal misconduct and assisted each other in doing
3 so; and/or shirked their sworn duty to follow leads and conduct honest
4 investigations to cover up misconduct by fellow officers.

5 225. The policies and practices described in this Count were maintained
6 and implemented by the Cities of South Gate and Huntington Park with deliberate
7 indifference to Plaintiff's constitutional rights.

8 226. In addition or alternatively, the Cities of South Gate and Huntington
9 Park failed to implement adequate training and supervision of their police officers
10 with respect to the conduct of interrogations and techniques to be used when
11 questioning criminal suspects and witnesses; disclosure of evidence, including
12 physical evidence, material exculpatory and impeachment evidence, and
13 information bearing upon witnesses' credibility; writing police reports and taking
14 investigative notes; obtaining statements and testimony from witnesses;
15 intervention to prevent and redress misconduct by other officers; and maintaining
16 investigative files and disclosing the files in criminal proceedings.

17 227. Defendants Cities of South Gate and Huntington Park knew of the
18 need for adequate training and supervision, were deliberately indifferent to the
19 need, and made a deliberate choice not to adopt adequate training or supervision;
20 this choice was an official policy.

21 228. The unconstitutional practices and customs described above were
22 allowed to flourish because the leaders, supervisors, and policymakers of the
23 Cities of South Gate and Huntington Park directly encouraged them and were
24 thereby the moving force behind the very type of misconduct at issue by failing to
25 adequately train, supervise, and control their officers, agents, and employees; by
26 failing to adequately punish and discipline prior instances of similar misconduct;
27 and by maintaining a code of silence pursuant to which officers were encouraged
28

1 not to rat one another out, thus directly encouraging future abuses like those
2 affecting Plaintiff.

3 229. Within the City of South Gate and the SGPD, and within the City of
4 Huntington Park and the HPPD, a culture of impunity, a code of silence, and a
5 failure to supervise and discipline allowed misconduct to go unchecked.

6 230. Had policymakers of the Cities of South Gate and Huntington Park
7 promulgated and enforced appropriate policies, Defendants would not have
8 violated Plaintiff's constitutional rights.

9 231. As a direct and proximate result of Defendants' misconduct while
10 they were acting pursuant to one or more of the policies, practices, and customs
11 set forth above, Plaintiff sustained and continues to suffer grievous injuries,
12 including loss of liberty, physical injury, psychological trauma, and emotional
13 suffering, as set forth above.

14 **COUNT VII – State Law Claim**

15 **Intentional Infliction of Emotional Distress**

16 232. Each paragraph of this Complaint is incorporated as if restated fully
17 herein.

18 233. Plaintiff provided Defendants City of South Gate and City of
19 Huntington Park with timely notice of this claim on November 16, 2023, as
20 required by the California Tort Claims Act.

21 234. Defendants' actions, omissions, and conduct, as set forth above, were
22 extreme and outrageous. Those actions were rooted in an abuse of power and
23 authority and were undertaken with the intent to cause, or were in reckless
24 disregard of the probability that their conduct would cause, severe emotional
25 distress to Plaintiff, as more fully alleged above.

26 235. Defendants acted in a despicable manner subjecting Plaintiff to cruel
27 and unjust hardship in conscious disregard of his rights; committed intentional
28 misrepresentation and deceit; concealed material facts known to them to deprive

1 Plaintiff of his legal rights; intended to cause injury to Plaintiff; and willfully and
2 consciously disregarded Plaintiff's rights and safety.

3 236. As a direct and proximate result of Defendants' misconduct, Plaintiff
4 sustained and continues to suffer grievous injuries, including loss of liberty,
5 physical injury, psychological trauma, and emotional suffering, as set forth above.

6 **COUNT VIII – State Law Claim**

7 **Civil Conspiracy**

8 237. Each paragraph of this Complaint is incorporated as if restated fully
9 herein.

10 238. Plaintiff provided Defendants City of South Gate and City of
11 Huntington Park with timely notice of this claim on November 16, 2023, as
12 required by the California Tort Claims Act.

13 239. As described more fully above, the individual defendant officers
14 conspired together with other co-conspirators, known and unknown, reached an
15 agreement among themselves to prosecute Plaintiff for multiple crimes he did not
16 commit and conspired by concerted action to accomplish an unlawful purpose by
17 unlawful means. In addition, these co-conspirators agreed among themselves to
18 protect one another from liability to frame Plaintiff for multiple crimes, to
19 suppress evidence pointing toward alternative suspects, and to suppress evidence
20 of their own misconduct.

21 240. Each individual defendant officer took at least one overt act in
22 furtherance of the joint conspiracy.

23 241. All individual defendant officers, due to their willful participation in
24 the joint conspiracy, are equally liable for the damages suffered by Plaintiff.

25 242. The individual defendant officers acted in a despicable manner
26 subjecting Plaintiff to cruel and unjust hardship in conscious disregard of his
27 rights; committed intentional misrepresentation and deceit; concealed material
28 facts known to them to deprive Plaintiff of his legal rights; intended to cause

1 injury to Plaintiff; and willfully and consciously disregarded Plaintiff's rights and
2 safety.

3 243. As a direct and proximate result of Defendants' misconduct, Plaintiff
4 sustained and continues to suffer grievous injuries, including loss of liberty,
5 physical injury, psychological trauma, and emotional suffering, as set forth above.

6 **COUNT IX – CA Civil Code § 52.1**

7 **Bane Act**

8 244. Plaintiff incorporates each paragraph of this Complaint as if fully
9 restated herein.

10 245. Plaintiff provided Defendants City of South Gate and City of
11 Huntington Park with timely notice of this claim on November 16, 2023, as
12 required by the California Tort Claims Act.

13 246. As described more fully above, Defendants violated Plaintiff's rights
14 under the United States Constitution, United States law, the California
15 Constitution, and California law by fabricating evidence against him, using unduly
16 suggestive identification procedures, suppressing evidence of his innocence,
17 conspiring to frame him for crimes he did not commit, and in other ways
18 described in Plaintiff's allegations.

19 247. The individual defendant officers used threats, intimidation,
20 manipulation, and coercion against Plaintiff and others in interfering with
21 Plaintiff's rights.

22 248. The individual defendant officers acted in a despicable manner
23 subjecting Plaintiff to cruel and unjust hardship in conscious disregard of his
24 rights; committed intentional misrepresentation and deceit; concealed material
25 facts known to them to deprive Plaintiff of his legal rights; intended to cause
26 injury to Plaintiff; and willfully and consciously disregarded Plaintiff's rights and
27 safety.
28

1 249. As a direct and proximate result of Defendants' misconduct, Plaintiff
2 sustained and continues to suffer grievous injuries, including loss of liberty,
3 physical injury, psychological trauma, and emotional suffering, as set forth above.

4 **COUNT X – State Law Claim**

5 **Respondeat Superior**

6 250. Each paragraph of this Complaint is incorporated as if restated fully
7 herein.

8 251. Plaintiff provided Defendants City of South Gate and City of
9 Huntington Park with timely notice of the claim on November 16, 2023, as
10 required by the California Tort Claims Act.

11 252. In committing the above-mentioned torts, Defendants acted in the
12 scope of their employment.

13 253. The City of South Gate bears *respondeat superior* liability for the
14 individual SGPD officers' actions.

15 254. The City of Huntington Park bears *respondeat superior* liability for
16 the individual HPPD officers' actions.

17 **COUNT XI – State Law Claim**

18 **Indemnification**

19 255. Each paragraph of this Complaint is incorporated as if restated fully
20 herein.

21 256. Plaintiff provided Defendants City of South Gate and City of
22 Huntington Park with timely notice of this claim on November 16, 2023, as
23 required by the California Tort Claims Act.

24 257. Pursuant to Cal. Gov. Code § 825, the South Gate Police Department
25 and the City of South Gate are required to pay any judgment for acts committed
26 by the defendant SGPD officers in the scope of their employment.

27 //

28 //

JURY DEMAND

Plaintiff GERARDO CABANILLAS hereby demands a trial by jury under Federal Rule of Civil Procedure 38(b) on all issues so triable.

Respectfully submitted,

Dated: September 19, 2024

LOEVY & LOEVY

**SCHONBRUN SEPLOW HARRIS
HOFFMAN & ZELDES, LLP**

By: /s/ Michael Seplow
Michael D. Seplow

*Attorney for Plaintiff,
GERARDO CABANILLAS.*