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8 Attorneys for Plaintiffs  
9 T. M., by and through his mother and Guardian ALACIA HAFNER

10 UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13 T.M.; by and through his mother and )  
14 guardian ALACIA HAFNER, )  
15 )  
16 Plaintiffs )

17 v. )

18 CITY OF PALO ALTO; RON WATSON, )  
19 individually and in his capacity as Interim )  
20 Chief of the Palo Alto Police Department; )  
21 OFFICER YOUNG [ID#: 6169], )  
22 individually; OFFICER BARBOUR [ID #: )  
23 7082], individually; OFFICER )  
24 WHITEHURST [ID #: 7118], individually; )  
25 OFFICER M. VILLAESCUSA [ID #: )  
26 4456], individually; OFFICER TAANOUS )  
27 [ID #: 7189], individually; OFFICER FINO )  
28 [ID #: 6381], individually; OFFICER )  
BURGIO [ID #: 6476], individually; )  
OFFICER ENBERG [ID #: 7190], )  
individually; and DOES 1 to 100. )

Defendants. )

Case No.

**COMPLAINT FOR DAMAGES**

1. **42 USC §1983 - 4<sup>th</sup> Amendment Violations – Excessive Force,**
2. **42 USC 1983 - 4<sup>th</sup> Amendment Violations – Unlawful Search & Seizure,**
3. **Assault,**
4. **Battery,**
5. **False Arrest and False Imprisonment,**
6. **Intentional Infliction of Emotional Distress,**
7. **Negligent Infliction of Emotional Distress,**
8. **Ralph Act (CA Civil Code § 51.7),**
9. **Bane Act (CA Civil Code § 52.1),**
10. **Negligence, and Negligent Hiring, Training, Supervision, and Retention)**
11. **Dog Bite Statute [Cal. Civ. Code §3342).**

**DEMAND FOR JURY TRIAL**

Plaintiffs, and each of them, allege the following:

**JURISDICTION**

1. Counts in this action arise under 42 U.S.C. § 1983. This Court has original

1 jurisdiction pursuant to 28 U.S.C. § 1343(3). This Court also has supplemental jurisdiction over  
2 Plaintiff's related state claims pursuant to 28 U.S.C. § 1367.

3 **VENUE**

4 2. Venue is proper in the United States District Court for the Northern District of  
5 California, pursuant to 28 U.S.C. sections 84 and 1391. The events that gave rise to this complaint  
6 occurred in the City of Palo Alto, which is located in Santa Clara County in the State of  
7 California, and one or more of the defendants resides in Santa Clara County, California.  
8

9 **INTRADISTRICT ASSIGNMENT**

10 3. The actions that gave rise to this complaint occurred in Santa Clara County,  
11 California. Assignment of this action to the San Jose Division of this Court is appropriate  
12 according to Local Rule 3-2(e).  
13

14 **PARTIES**

15 4. Plaintiff T.M. was a minor at the time of the incident that gives rise to this action,  
16 and is a minor and a resident of the State of California at the time of the filing of this action. He is  
17 bringing this action through his natural mother, ALACIA HAFNER. (The initials of the minor are  
18 being used rather than his full name, pursuant to FRCP 5.2(a)(3)). At the time of the incident  
19 complained here, plaintiff T.M. was 16 years old.)  
20

21 5. Plaintiff ALACIA HAFNER is a competent adult and the natural mother of T.M.  
22 She was not present during the incident that is at issue in this litigation and does not have any of  
23 her own personal claims. Her involvement in this litigation is only to represent her son, T.M. She  
24 is petitioning to be appointed as the guardian ad litem for her son, pursuant to FRCP 17(c).  
25

26 7. The CITY OF PALO ALTO is a governmental entity responsible for the actions of  
27 its subdivision, the Palo Alto Police Department.

28 8. Plaintiffs are informed and believe the following: Defendant RON WATSON is

1 and/or was the chief [or Interim Chief] of the Palo Alto Police Department. Plaintiff alleges that  
2 he personally participated in promulgating the policies and practices that led to the misconduct of  
3 the individual officers, and ratified the misconduct of the individual defendant officers. He is  
4 being sued in his official and individual capacities.

5           9. Plaintiffs are informed and believe the following: As for all of the defendant police  
6 officers, their first names are not currently known as of the drafting and filing of this Complaint.  
7 Therefore, plaintiff is referring to the officers by their last names and police ID numbers.  
8 Defendant OFFICER YOUNG [ID #: 6169] is an adult and resident of the State of California. At  
9 all times relevant herein, he was an officer employed by the City of Palo Alto Police Department  
10 and was acting under color of law within the course and scope of his employment. He is being  
11 sued in his individual capacity.  
12

13           10. Plaintiffs are informed and believe the following: Defendant OFFICER  
14 BARBOUR [ID #: 7082] is an adult and resident of the State of California. At all times relevant  
15 herein, he was an officer employed by the City of Palo Alto Police Department and was acting  
16 under color of law within the course and scope of his employment. He is being sued in his  
17 individual capacity.  
18

19           11. Plaintiffs are informed and believe the following: Defendant OFFICER  
20 WHITEHURST [ID #: 7118] is an adult and resident of the State of California. At all times  
21 relevant herein, he was an officer employed by the City of Palo Alto Police Department and was  
22 acting under color of law within the course and scope of his employment. He is being sued herein  
23 in his individual capacity.  
24

25           12. Plaintiffs are informed and believe the following: Defendant OFFICER M.  
26 VILLAESCUSA [ID #: 4456] is an adult and resident of the State of California. At all times  
27 relevant herein, he was an officer employed by the City of Palo Alto Police Department and was  
28

1 acting under color of law within the course and scope of his employment. He is being sued in his  
2 individual capacity.

3 13. Plaintiffs are informed and believe the following: Defendant OFFICER  
4 TANNOUS [ID #: 7189] is an adult and resident of the State of California. At all times relevant  
5 herein, he was an officer employed by the City of Palo Alto Police Department and was acting  
6 under color of law within the course and scope of his employment. He is being sued in his  
7 individual capacity.  
8

9 14. Plaintiffs are informed and believe the following: Defendant OFFICER FINO [ID  
10 #: 6381] is an adult and resident of the State of California. At all times relevant herein, he was an  
11 officer employed by the City of Palo Alto Police Department and was acting under color of law  
12 within the course and scope of his employment. He is being sued in his individual capacity.  
13

14 15. Plaintiffs are informed and believe the following: Defendant OFFICER BURGIO  
15 [ID #: 6476] is an adult and resident of the State of California. At all times relevant herein, he was  
16 an officer employed by the City of Palo Alto Police Department and was acting under color of law  
17 within the course and scope of his employment. He is being sued in his individual capacity.  
18

19 16. Plaintiffs are informed and believe the following: Defendant OFFICER ENBERG  
20 [ID #: 7190] is an adult and resident of the State of California. At all times relevant herein, he was  
21 an officer employed by the City of Palo Alto Police Department and was acting under color of law  
22 within the course and scope of his employment. He is being sued in his individual capacity.  
23

24 17. Plaintiffs are ignorant of the true names and capacities of defendants sued herein as  
25 Does 1 through 100, inclusive, and therefore sue these defendants by such fictitious names and  
26 capacities. Plaintiffs are informed and believe and based thereon allege that each of the  
27 fictitiously named defendants is responsible in some manner for the occurrences herein alleged,  
28 and that plaintiffs' injuries as herein alleged were proximately caused by the actions and/or in-

1 actions of said Doe defendants. Plaintiffs will amend this complaint to include the true identities  
2 of said doe defendants when they are ascertained.

3 18. At all times mentioned, each of the defendants was acting as the agent, principal,  
4 employee, and/or employer of one or more of the remaining defendants and was, at all times  
5 herein alleged, acting within the purpose, course, and scope of such agency and/or employment  
6 for purposes of respondent superior and/or vicarious liability as to all other defendants.  
7

8 19. At all times mentioned herein, the defendants, and each of them, employed, hired,  
9 trained, retained, and/or controlled the actions of all other defendants, and each of them.

10 **FACTS**

11 20. T.M. is a minor. He is African American. ALACIA HAFNER is his natural  
12 mother.  
13

14 21. T.M. was lawfully walking and/or standing at the corner of Bryant Street and  
15 Bryant Court in the early morning hours of April 7, 2016. Shortly thereafter, the police came with  
16 the sirens on and stopped their cars at the two corners where the T.M., along with his friends, were  
17 present.

18 22. A Palo Alto Police Officer pulled up to T.M. The Officer had her gun drawn.  
19 T.M. had his hands up in the air, was not running, and was fully cooperative with the police.  
20

21 23. There was no warrant for T.M.'s arrest, and he was not on probation or parole.

22 24. During the course of the arrest, a Palo Alto Police dog, which was in the backseat  
23 of the police officer's vehicle, ran out of the vehicle, and attacked T.M. T.M. did not run as he  
24 believed not running would quell any inclination on the part of the police dog to bite or attack  
25 T.M.

26 25. The police dog was allowed and encouraged to maul, bite, scratch, and attack T.M.  
27 all over his body for an extended period of time, even after T.M. was within the control of the  
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1 police dog. The police dog bit T.M. all over his body, including, but not limited to, on the leg,  
2 including the shin, the thigh, and on T.M.'s hand.

3 26. While T.M. was being bitten and mauled by the police dog, defendant officers, and  
4 each of them, stood around and watched without taking steps to protect him from the dog.

5 27. As a result of the physical violence exerted by the defendants and their dog, T.M.  
6 suffered cuts, lacerations, scrapes, and deep puncture wounds on his legs and hands, and other  
7 parts of his body. He suffered extreme physical pain and mental suffering. Today he bears the  
8 physical and mental scars of what defendants did to him.

9 28. T.M. was finally allowed to be seen by paramedics arrested and taken to the  
10 hospital. He continues to suffer from the physical pain from the incident, as well as psychological  
11 issues, including wanting to commit suicide.

12 29. Plaintiff is not sure of the officer who initially detained and arrested T.M., but  
13 believes that all of the officers played some part in allowing the police dog to attack the plaintiff,  
14 hold him down, and let him continue to bleed for a period of time, point a gun at him despite the  
15 fact that he was fully cooperating. Plaintiffs are informed and believe that all of the involved  
16 defendants were employed by the PALO ALTO POLICE DEPARTMENT and were wearing law  
17 enforcement clothing.

18 30. T.M. did not forcibly resist Defendants. There was no reasonable suspicion that he  
19 had committed any crimes before he was detained and no probable cause to believe that he had  
20 committed any crimes before he was arrested. There was no good cause to exert any force, much  
21 less the amount of force that was exerted upon him.

22 31. No charges were ever brought against plaintiff T.M.

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26 **CUSTOM, PRACTICE, AND POLICY**

27 32. The unconstitutional actions and/or omissions of the individual police officers, on  
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1 information and belief, were pursuant to the following customs, policies, practices and/or  
2 procedures of the CITY OF PALO ALTO and its police chief RON WATSON as follows:

- 3 a. To use, tolerate, or instruct the use of excessive and/or unjustified force;
- 4 b. To engage in or tolerate unreasonable seizures and restraints;
- 5 c. To engage in or tolerate the improper and dangerous use of police dogs;
- 6 d. To fail to institute, require, and enforce proper and adequate training, supervision,  
7 policies, and procedures concerning stops, arrests, and the use of force, including, but not limited  
8 to, force exerted upon a citizen through the use of a police dog;
- 9 e. To fail to use appropriate and generally accepted law enforcement procedures for  
10 handling mentally ill and/or emotionally disturbed people;
- 11 f. To fail to institute, require, and enforce proper and adequate training, supervision,  
12 policies, and procedures concerning handling mentally ill and/or emotionally disturbed people;
- 13 g. To hide or cover up violations of constitutional rights by any of the following:
- 14 i. By failing to properly investigate and/or evaluate complaints or incidents of  
15 excessive and unreasonable force, unlawful seizures, and/or handling of  
16 mentally ill and/or emotionally disturbed people;
- 17 ii. By ignoring and/or failing to properly investigate and/or discipline  
18 unconstitutional or unlawful law enforcement activity; and
- 19 iii. By allowing, tolerating, and/or encouraging law enforcement officers to fail  
20 to file complete and accurate reports; file false reports; make false statements; collude in report  
21 writing; and/or obstruct or interfere with investigations of unconstitutional or unlawful law  
22 enforcement conduct by withholding and/or concealing material information; and
- 23 h. To allow, tolerate, and/or encourage a 'code of silence' among law enforcement  
24 officers and police department personnel, whereby an officer or member of the police department  
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1 does not provide adverse information against a fellow officer or member of the department; and

2 i. Defendants CITY OF PALO ALTO and chief RON WATSON failed to properly  
3 hire, train, instruct, monitor, supervise, evaluate, investigate, and discipline the individual officers  
4 involved herein, with deliberate indifference to Plaintiffs' constitutional rights.

5 j. Defendant CITY OF PALO ALTO had and were utilizing improper training and  
6 techniques for subduing individuals suspected of felony crimes. The CITY OF PALO ALTO's  
7 police dogs were trained to a bite and hold techniques which requires greater force to be applied  
8 which obviously results in unique spectrum of injuries, including deep puncture wounds, sever  
9 crush injuries, and lacerations.

10 k. Defendant CITY OF PALO ALTO failed to adequately train their police dogs and  
11 their dogs were involved in other biting incidents.

12 33. It is the custom, practice, and policy of the CITY OF PALO ALTO'S police  
13 department and its chief RON WATSON and Does 1 to 20 to inadequately and improperly  
14 investigate complaints of police misconduct, thereby directly and/or indirectly endorsing and  
15 encouraging such actions.

16 34. Plaintiffs are informed and believe that, despite numerous complaints that CITY  
17 OF PALO ALTO's officers were using excessive force upon citizens, CHIEF RON WATSON has  
18 not properly investigated or disciplined officers based upon a citizen's complaint of excessive  
19 force. This custom, practice, and/or policy condones, ratifies, supports and encourages the  
20 improper, unnecessary, and/or excessive use of force by officers employed by the CITY OF  
21 PALO ALTO and under CHIEF RON WATSON'S command.

22 35. Plaintiffs are informed and believe that it is the custom, practice, and/or policy of  
23 the CITY OF PALO ALTO'S police department and CHIEF RON WATSON and Does 1 to 20  
24 not to monitor and track the number of times officers under his command are accused of using  
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1 excessive force. They do not keep statistics on individual officers. This custom, practice, and/or  
2 policy condones, ratifies, supports and encourages the improper, unnecessary, and/or excessive  
3 use of force by CITY OF PALO ALTO officers under CHIEF RON WATSON'S command.

4 36. Plaintiffs are informed and believe that it is the custom, practice, and policy of the  
5 CITY OF PALO ALTO'S police department and CHIEF RON WATSON and Does 1 to 20 not to  
6 monitor and track the number of times officers under his command use force on citizens. They do  
7 not keep statistics on individual officers. This custom, practice, and/or policy condones, ratifies,  
8 supports and encourages the improper, unnecessary, and/or excessive use of force by CITY OF  
9 PALO ALTO officers under CHIEF RON WATSON'S command.

10 37. Plaintiffs are informed and believe that it is the custom, practice, and policy of the  
11 CITY OF PALO ALTO'S police department and CHIEF RON WATSON and Does 1 to 20 not to  
12 monitor and track the frequency that forced is used by officers he commands or whether the use of  
13 force is increasing or decreasing over time. This custom, practice, and/or policy condones,  
14 ratifies, supports and encourages the improper, unnecessary, and/or excessive use of force by  
15 CITY OF PALO ALTO officers under CHIEF RON WATSON'S command.

16 38. Plaintiffs are informed and believe that it is the custom, practice, and policy of the  
17 CITY OF PALO ALTO'S police department and CHIEF RON WATSON and Does 1 to 20 not to  
18 monitor and track the percentage of citizen complaints that include allegations that one or more  
19 officers under his command used excessive force. This custom, practice, and/or policy condones,  
20 ratifies, supports and encourages the improper, unnecessary, and/or excessive use of force by  
21 CITY OF PALO ALTO officers under CHIEF RON WATSON'S command.

22 39. Plaintiffs are informed and believe that it is the custom, practice, and policy of the  
23 CITY OF PALO ALTO'S police department and CHIEF RON WATSON, and Does 1 to 20 to try  
24 to avoid the disclosure of the improper, unnecessary, and excessive use of force by officers under  
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1 his command. This custom, practice, and/or policy condones, ratifies, supports and encourages  
 2 the improper, unnecessary, and/or excessive use of force by CITY OF PALO ALTO officers  
 3 under CHIEF RON WATSON'S command.

4 40. Plaintiffs are informed and believe that Defendants, including CITY OF PALO  
 5 ALTO had actual knowledge, prior to the incident that their police dog was dangerous, vicious  
 6 and was capable of committing such an attack on a person. California Food & Agriculture Code,  
 7 Division 14, Chapter 9. Chapter 9. Potentially Dangerous and Vicious Dogs. § 31601. Legislative  
 8 declarations and findings. The Legislature finds and declares all of the following: (a) Potentially  
 9 dangerous and vicious dogs have become a serious and widespread threat to the safety and welfare  
 10 of citizens of this state. In recent years, they have assaulted without provocation and seriously  
 11 injured numerous individuals, particularly children, and have killed numerous dogs. Many of these  
 12 attacks have occurred in public places. (b) The number and severity of these attacks are  
 13 attributable to the failure of owners to register, confine, and properly control vicious and  
 14 potentially dangerous dogs. (c) The necessity for the regulation and control of vicious and  
 15 potentially dangerous dogs is a statewide problem, requiring statewide regulation, and existing  
 16 laws are inadequate to deal with the threat to public health and safety posed by vicious and  
 17 potentially dangerous dogs. California Food & Agriculture Code, Division 14, Chapter 9. Chapter  
 18 9. § 31602. Potentially dangerous dog defined. "Potentially dangerous dog" means any of the  
 19 following: (b) Any dog which, when unprovoked, bites a person causing a less severe injury  
 20 than as defined in Section 31604. California Food & Agriculture Code, Division 14, Chapter 9.  
 21 Chapter 9. § 31603. Vicious dog defined "Vicious dog" means any of the following: (a) Any dog  
 22 that, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being.

23  
 24 41. Notwithstanding knowledge on the part of the CITY OF PALO ALTO and its chief  
 25 RON WATSON that their officers injured Plaintiffs and violated T.M.'S civil rights by engaging  
 26  
 27  
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1 in the activities alleged above, the CITY OF PALO ALTO and its police chief RON WATSON  
2 have expressed an affirmative agreement with the individual defendant officers' actions and have  
3 ratified the unconstitutional and unlawful acts by the individual defendant officers.

4 **CLAIMS PROCEDURE**

5 42. Plaintiffs have made the necessary claims, pursuant to California Government Code  
6 § 910, to preserve the state causes of action set forth below.  
7

8 **FIRST COUNT**  
9 **(Violation of Fourth Amendment Rights – Excessive Force)**  
10 **(42 USC § 1983)**  
11 **(Brought by Plaintiff T.M. against all Defendants)**

12 43. Plaintiffs incorporate, herein by reference, paragraphs 1 through 41 as though fully  
13 set forth herein.

14 44. This action arises under the United States Constitution, particularly under the  
15 provisions of the Fourth Amendment to the Constitution of the United States, and under federal  
16 law, particularly Title 42 of the United States Code, § 1983. Defendants are liable for this cause of  
17 action for committing a breach and for violating the allegations in paragraphs 32 to 41 of this  
18 Complaint.

19 44. Each of the acts complained of herein was committed against T.M. by the  
20 Defendants, and each of them, under the color and pretense of the statutes, ordinances,  
21 regulations, customs, and usages of the State of California, the CITY OF PALO ALTO and  
22 SANTA CLARA COUNTY, and under the authority of their offices as law enforcement officers  
23 for the CITY OF PALO ALTO.  
24

25 45. The conduct of the Defendants, and each of them, deprived Plaintiff T.M. of the  
26 right of not to be subjected to excessive force during the course of a search, an arrest, an  
27 investigatory stop, or a seizure of his person, as secured by the Fourth Amendment to the  
28

1 Constitution of the United States.

2 46. At no time did T.M. attempt to resist a lawful command by fleeing or exerting  
3 unlawful physical force to the defendant officers. A no time did any of the Plaintiffs act violently  
4 with the defendant officers.

5 47. The actions of the Defendants, and each of them, were the result of policies and/or  
6 customs by CHIEF RON WATSON and/or Does 1 to 20, whose inadequacy in training the  
7 defendant officers with respect to the performance of their duties, including, but not limited to,  
8 searches, seizures, use of force, arrests, detentions, and discrimination constituted a deliberate  
9 indifference to citizens.  
10

11 48. The Defendants, and each of them, knowingly and willfully conspired and agreed  
12 among themselves to violate T.M.'S civil rights. The Officers conspired to injure T.M.

13 49. As a direct and proximate result of Defendants' conduct, as alleged herein, Plaintiff  
14 T.M. suffered physical injuries, fright, shock, pain, suffering, inconvenience, anxiety, and extreme  
15 mental anguish. Accordingly T.M. suffered past and future general damages in amounts to be  
16 determined by proof at trial.  
17

18 50. As a direct and proximate result of the Defendants' conduct, T.M. required medical  
19 treatment, and/or missed time from educational pursuits. He suffered past and future special  
20 damages in amounts to be determined by proof at trial.  
21

22 51. Through their conduct, the individual officers acted maliciously and oppressively,  
23 in willful and conscious disregard for T.M.'S rights and safety and with the sole intent to harm  
24 T.M. T.M. is therefore entitled to punitive or exemplary damages from the individual officers in  
25 an amount to be determined by proof at trial.  
26

27 52. As a proximate cause of the Defendants' conduct, T.M. is incurring attorney fees  
28 and litigation costs, including the costs of retaining experts.

**SECOND COUNT**  
**(Violation of Fourth Amendment Rights – Illegal Search & Seizure)**  
**(42 USC § 1983)**  
**(Brought by Plaintiff T.M. against all Defendants)**

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5       53.     Plaintiffs incorporate, herein by reference, paragraphs 1 through 52 as though fully  
6 set forth herein.

7       54.     This action arises under the United States Constitution, particularly under the  
8 provisions of the Fourth Amendment to the Constitution of the United States, and under federal  
9 law, particularly Title 42 of the United States Code, § 1983. Defendants are liable for this cause of  
10 action for committing a breach and for violating the allegations in paragraphs 32 to 41 of this  
11 Complaint.  
12

13       55.     Each of the acts complained of herein was committed by the Defendants, and each  
14 of them, under the color and pretense of the statutes, ordinances, regulations, customs, and usages  
15 of the State of California, the CITY OF PALO ALTO, and SANTA CLARA COUNTY, and under  
16 the authority of their offices as law enforcement officers for the CITY OF PALO ALTO.  
17

18       56.     The conduct of the Defendants, and each of them, deprived T.M. of the right of the  
19 right to be secure in his person and effects against unreasonable search and seizure, as secured by  
20 the Fourth Amendment to the Constitution of the United States.

21       57.     The actions of the Defendants, and each of them, were the result of policies and/or  
22 customs by CHIEF RON WATSON, and/or Does 1 to 20, whose inadequacy in training the  
23 defendant officers with respect to the performance of their duties, including, but not limited to,  
24 searches, seizures, use of force, arrests, and detentions, constituted a deliberate indifference to  
25 searches, seizures, use of force, arrests, and detentions, constituted a deliberate indifference to  
26 citizens' rights.

27       58.     The Defendants, and each of them, knowingly and willfully conspired and agreed  
28

1 among themselves to violate T.M.'S civil rights. The Officers conspired to injure T.M.

2 59. As a direct and proximate result of the Defendants' conduct, as alleged herein,  
3 T.M. suffered physical injuries, fright, shock, pain, suffering, inconvenience, anxiety, and extreme  
4 mental anguish. Accordingly, T.M. has suffered past and future general damages in amounts to be  
5 determined by proof at trial.

6 60. As a direct and proximate result of the Defendants' conduct, T.M. required medical  
7 treatment, and/or missed time from educational pursuits. He suffered past and future special  
8 damages in amounts to be determined by proof at trial.

9 61. Through their conduct, the individual officers acted maliciously and oppressively,  
10 in willful and conscious disregard for T.M.'S rights and safety and with the sole intent to harm  
11 T.M. T.M. is entitled to punitive or exemplary damages from the individual officers in an amount  
12 to be determined by proof at trial.

13 62. As a proximate cause of the Defendants' conduct, T.M. is incurring attorney fees  
14 and litigation costs, including the costs of retaining experts.

15  
16  
17 **THIRD COUNT**

18 **(Assault)**

19 **(Brought by Plaintiff T.M. against all Defendants)**

20 63. Plaintiffs incorporate, herein by reference, paragraphs 1 through 62 as though fully  
21 set forth herein.

22 64. The Defendants, and each of them, demonstrated an unlawful intent to inflict  
23 immediate injury upon plaintiff T.M. They acted with the intent to cause a harmful or offensive  
24 contact with him. For example, Defendants threatened T.M. with physical harm and threatened  
25 him with being attacked by the police dog by knowingly allowing the police dog to be able to run  
26 out of the police car, and attack anyone. Defendants are liable for this cause of action for  
27 committing a breach and for violating the allegations in paragraphs 32 to 41 of this Complaint.  
28



1 73. T.M. did not consent to the Defendants' harmful contact. He is a minor.

2 74. The Defendants' actions constituted excessive force that was not reasonable.

3 75. The Defendants, and each of them, knowingly and willfully conspired and agreed  
4 among themselves to batter T.M. The Officers at the scene conspired to injure T.M.

5 76. As a direct and proximate result of the Defendants' conduct, as alleged herein,  
6 T.M. suffered physical injuries, fright, shock, pain, suffering, and extreme mental anguish.  
7 Accordingly, T.M. has suffered past and future general damages in amounts to be determined by  
8 proof at trial.  
9

10 77. As a direct and proximate result of the Defendants' conduct, T.M. required medical  
11 treatment and/or missed educational pursuits. He suffered past and future special damages in  
12 amounts to be determined by proof at trial.  
13

14 78. Through their conduct, the individual officers acted maliciously and oppressively,  
15 in willful and conscious disregard for T.M.'S rights and safety and with the sole intent to harm  
16 him. T.M. is therefore entitled to punitive or exemplary damages from the individual officers in  
17 an amount to be determined by proof at trial.

18 **FIFTH COUNT**  
19 **(False Arrest & False Imprisonment)**  
20 **(Brought by Plaintiff T.M. against all Defendants)**

21 79. Plaintiffs incorporate, herein by reference, paragraphs 1 through 78 as though fully  
22 set forth herein.

23 80. The Defendants, and each of them, intentionally acted with the purpose of  
24 confining T.M. against his will. T.M. was detained and seized by the defendant officers who were  
25 at the scene. The detentions and seizures amounted to unlawful arrests. Defendants are liable for  
26 this cause of action for committing a breach and for violating the allegations in paragraphs 32 to  
27 41 of this Complaint.  
28





1           94.     The conduct of the Defendants, and each of them, negligently caused T.M. to suffer  
2 humiliating mental anguish, as well as emotional and physical distress. Defendants are liable for  
3 this cause of action for committing a breach and for violating the allegations in paragraphs 32 to  
4 41 of this Complaint.

5           95.     The conduct of the Defendants, and each of them, was so severe and outrageous  
6 that as a proximate result T.M. suffered humiliation, mental anguish, and emotional and physical  
7 distress. T.M. was humiliated before his family members. He has exhibited manifestations of the  
8 humiliation, mental anguish, and emotional distress he suffered, including, but not limited to,  
9 sleeplessness, anxiety, nightmares, ruminating on the events, and/or crying. He now also exhibits  
10 an extreme fear of the police and dogs, and, at times, becomes suicidal.

11           96.     The Defendants, and each of them, knowingly and willfully conspired and agreed  
12 among themselves to act in such a manner that T.M. would be caused to suffer emotional distress.  
13 The officers at the scene conspired to injure T.M.

14           97.     As a direct and proximate result of the Defendants' conduct, as alleged herein,  
15 T.M. suffered physical injuries, fright, shock, pain, suffering, and/or extreme mental anguish.  
16 Accordingly he has suffered past and future general damages in amounts to be determined by  
17 proof at trial.

18           98.     As a direct and proximate result of the Defendants' conduct, T.M. required medical  
19 treatment and/or missed time from educational pursuits. He suffered past and future special  
20 damages in amounts to be determined by proof at trial.

21           99.     Through their conduct, the individual officers acted maliciously and oppressively,  
22 in willful and conscious disregard for T.M.'S rights and safety and with the sole intent to harm  
23 him. He is, therefore, entitled to punitive or exemplary damages from the individual officers in an  
24 amount to be determined by proof at trial.

**EIGHTH COUNT**

**(Ralph Act – California Civil Code § 51.7)**

**(Brought by Plaintiff T.M. against all Defendants)**

1  
2  
3           100. Plaintiffs incorporate, herein by reference, paragraphs 1 through 100 as though  
4 fully set forth herein.

5           101. T.M. is an African American male and was about 16 years old at the time of the  
6 incident that gives rise to the instant litigation. Defendants are liable for this cause of action for  
7 committing a breach and for violating the allegations in paragraphs 32 to 41 of this Complaint.

8           102. In performing the actions alleged above, Defendants, and each of them violated  
9 T.M.'S right to be free from any violence or intimidation by threat of violence committed against  
10 his person because of discrimination, including, but not limited to discrimination based upon his  
11 medical condition, race, color, ancestry, economic status, place of residence, or familial affiliation.  
12

13           103. The Defendants, and each of them, knowingly and willfully conspired and agreed  
14 among themselves to discriminate against T.M. and to violate T.M.'S civil rights. The Officers at  
15 the scene conspired to injure T.M..  
16

17           104. As a direct and proximate result of the Defendants' conduct, as alleged herein,  
18 T.M. suffered physical injuries, fright, shock, pain, suffering, and/or extreme mental anguish.  
19 Accordingly, T.M. has suffered past and future general damages in amounts to be determined by  
20 proof at trial.  
21

22           105. As a direct and proximate result of the defendants' conduct, T.M. required medical  
23 treatment and/or missed time from educational pursuits. He suffered past and future special  
24 damages in amounts to be determined by proof at trial.

25           106. Through their conduct, the individual officers acted maliciously and oppressively,  
26 in willful and conscious disregard for T.M.'S rights and safety and with the sole intent to harm  
27 him. T.M. is, therefore entitled to punitive or exemplary damages from the individual officers in  
28

1 an amount to be determined by proof at trial.

2 107. As a proximate cause of the Defendants' conduct, T.M. is incurring attorney fees.

3 108. Defendant's violation of T.M.'S rights, as guaranteed by *California Civil Code*  
4 section 51.7, entitles him to compensatory and punitive damages, as well as attorney fees, all of  
5 which are provided for in *California Civil Code* section 52 and are requested, herein.  
6

7 **NINTH COUNT**  
8 **(Bane Act – California Civil Code § 52.1)**  
9 **(Brought by Plaintiff T.M. against all Defendants)**

10 109. Plaintiffs incorporate, herein by reference, paragraphs 1 through 108 as though  
11 fully set forth herein.

12 110. In performing the actions alleged above, the Defendants, and each of them,  
13 interfered by threats, intimidation, violence, or coercion with T.M.'S exercise or enjoyment of  
14 rights secured by the Constitution or laws of the United States and/or the rights secured by the  
15 Constitution or laws of the State of California. These laws include, but are not limited to, the first,  
16 fourth, and fourteenth amendments to the United States Constitution; Article 1, sections 1, 2, 13  
17 and 17 of the California Constitution; and *California Civil Code* § 43. Defendants are liable for  
18 this cause of action for committing a breach and for violating the allegations in paragraphs 32 to  
19 41 of this Complaint.  
20

21 111. The Defendants, and each of them, knowingly and willfully conspired and agreed  
22 among themselves to violate T.M.'S civil rights and to injure him.

23 112. As a direct and proximate result of the Defendants' conduct, as alleged herein,  
24 T.M. suffered physical injuries, fright, shock, pain, suffering, and/or extreme mental anguish.  
25 Accordingly, he has suffered past and future general damages in amounts to be determined by  
26 proof at trial.  
27

28 113. As a direct and proximate result of the Defendants' conduct, T.M. required medical

1 treatment and/or missed time from educational pursuits. He suffered past and future special  
2 damages in amounts to be determined by proof at trial.

3 114. Through their conduct, the individual officers acted maliciously and oppressively,  
4 in willful and conscious disregard for T.M.'S rights and safety and with the sole intent to harm  
5 him. He is, therefore, entitled to punitive or exemplary damages from the individual officers in an  
6 amount to be determined by proof at trial.

7  
8 115. As a proximate cause of the Defendants' conduct, T.M. is incurring attorney fees  
9 and litigation costs.

10 116. Defendant's violation of Plaintiff's rights as guaranteed by California *Civil Code*  
11 section 52.1 entitles T.M. to compensatory and punitive damages, treble damages, as well as  
12 attorney fees, all of which are provided for in California *Civil Code* sections 52, et seq., and are  
13 requested, herein.  
14

15 **TENTH COUNT**  
16 **(Negligence, and Negligent Hiring, Training, Supervision, and Retention)**  
17 **(Brought by Plaintiff T.M. against all Defendants)**

18 117. Plaintiffs incorporate, herein by reference, paragraphs 1 through 116 as though  
19 fully set forth herein.

20 118. The police officers had a duty to ensure that the police dog that was inside their  
21 vehicle did not escape the vehicle without their orders and harm members of the public. They had  
22 a duty to make sure that the police dog was securely inside their police vehicle. Here, the police  
23 officers breached said duty in that the police dog escaped from its vehicle, without being  
24 instructed to by the police officers. The police dog was not secured inside the vehicle, thus  
25 allowing it to escape and be a danger to members of the public. Defendants are liable for this  
26 cause of action for committing a breach and for violating the allegations in paragraphs 32 to 41 of  
27 this Complaint.  
28

1           119.     Additionally, Defendants including CITY OF PALO ALTO and their police  
2 officers were negligent and their conduct fell below the reasonable standard of conduct as CITY  
3 OF PALO ALTO did not fully train their employees to follow customs, policies, practices and/or  
4 procedures of the CITY OF PALO ALTO. For example, CITY OF PALOALTO failed to  
5 adequately train including the supervision of their employees pertaining:

6           a.     Using, tolerating, or instructing or refraining from the using unnecessary use of  
7 excessive and/or unjustified force;

8           b.     Engaging in or tolerating unreasonable seizures and restraints;

9           c.     Engaging or tolerating the improper and dangerous use of police dogs;

10           d.    Failing to institute, require, and enforce proper and adequate training, supervision,  
11 of CITY OF PALO ALTO's policies, and procedures concerning stops, arrests, and the use of  
12 force, including, but not limited to, force exerted upon a citizen through the use of a police dog;

13           e.     Failing to use appropriate and generally accepted law enforcement procedures for  
14 handling mentally ill and/or emotionally disturbed people;

15           f.     Failing to institute, require, and enforce proper and adequate training, supervision,  
16 policies, and procedures concerning handling mentally ill and/or emotionally disturbed people;

17           g.     Moreover, Defendants including CITY OF PALO ALTO were negligent for hiding  
18 or cover up violations of constitutional rights by any of the following:

19           i.     By failing to properly investigate and/or evaluate complaints or incidents of  
20 excessive and unreasonable force, unlawful seizures, and/or handling of  
21 mentally ill and/or emotionally disturbed people;

22           ii.    By ignoring and/or failing to properly investigate and/or discipline  
23 unconstitutional or unlawful law enforcement activity; and

24           iii.   By allowing, tolerating, and/or encouraging law enforcement officers to fail  
25  
26  
27  
28

1 to file complete and accurate reports; file false reports; make false statements; collude in report  
2 writing; and/or obstruct or interfere with investigations of unconstitutional or unlawful law  
3 enforcement conduct by withholding and/or concealing material information; and

4 h. To allow, tolerate, and/or encourage a ‘code of silence’ among law enforcement  
5 officers and police department personnel, whereby an officer or member of the police department  
6 does not provide adverse information against a fellow officer or member of the department; and  
7

8 i. Defendants CITY OF PALO ALTO and chief RON WATSON failed to properly  
9 hire, train, instruct, monitor, supervise, evaluate, investigate, and discipline the individual officers  
10 involved herein, with deliberate indifference to Plaintiffs’ constitutional rights.

11 j. Defendant CITY OF PALO ALTO failed to adequately train their police dogs and  
12 their dogs were involved in other biting incidents. Defendant CITY OF PALO ALTO was  
13 negligent for providing improper training to their police dogs, including their police dog that  
14 caused injuries to Plaintiff. Additionally, Defendant CITY OF PALO ALO negligently retained,  
15 monitored, and supervised their police dogs.  
16

17 120. Defendants including CITY OF PALO ALTO breached their duty to take  
18 reasonable precautions to ensure the public and Plaintiffs would be protected safely from  
19 unnecessary attacks by their police dog. Defendants failed to ensure their employees were  
20 properly trained, had sufficient and adequate training, were competent and qualified law enforcing  
21 officers to comply with various laws, including Regulations issued. Defendants were negligent for  
22 their failure to implement adequate safety standards, policies and procedures to maintain  
23 compliance with laws and regulations regarding the safety of the public. As a result of the police  
24 dog escaping from the police vehicle, it was free to roam around and attack anyone, which it did.  
25 The police dog attacked plaintiff T.M., causing him injuries and damages.  
26  
27

28 121. As a direct and proximate result of the Defendants’ conduct, as alleged herein,

1 T.M. suffered physical injuries, fright, shock, pain, suffering, and/or extreme mental anguish.  
2 Accordingly, he has suffered past and future general damages in amounts to be determined by  
3 proof at trial.

4 122. As a direct and proximate result of the Defendants' conduct, T.M. required medical  
5 treatment and/or missed time from educational pursuits. He suffered past and future special  
6 damages in amounts to be determined by proof at trial.

7  
8 123. Through their conduct, the individual officers acted maliciously and oppressively,  
9 in willful and conscious disregard for T.M.'S rights and safety and with the sole intent to harm  
10 him. He is, therefore, entitled to punitive or exemplary damages from the individual officers in an  
11 amount to be determined by proof at trial.

12 124. As a proximate cause of the Defendants' conduct, T.M. is incurring attorney fees  
13 and litigation costs.

14  
15 **ELEVENTH COUNT**  
16 **(CA Dog Bite Statute – CA Civ. Code §3342)**  
17 **(Brought by Plaintiff T.M. against all Defendants)**

18 125. Plaintiffs incorporate, herein by reference, paragraphs 1 through 124 as though  
19 fully set forth herein.

20 126. The police officers had a police dog inside their vehicle at the time of the incident  
21 that forms the basis of this litigation. The police dog belonged to the City of Palo Alto.  
22 Defendants are liable for this cause of action for committing a breach and for violating the  
23 allegations in paragraphs 32 to 41 of this Complaint.

24 127. Plaintiff was in a public place or lawfully in a private place.

25 128. The police dog is trained to restrain individuals who are believed to have  
26 committed a crime. Therefore, the police dog is trained in being vicious and in restraining  
27 individuals believed to have committed a crime.  
28



- 1 2. Past and future special damages, including, but not limited to, medical and related
- 2 expenses as well lost educational pursuits and property damage in an amount to be
- 3 determined according to proof at trial;
- 4 3. Costs of suit incurred herein, including expert fees and costs;
- 5 4. Punitive or exemplary damages against the individual defendant officers, in an
- 6 amount to be determined according to proof at trial;
- 7
- 8 5. Attorney fees; and
- 9 6. For such other and further relief as the court may deem proper.

10 **Second Count**

- 11 7. Past and future general damages, including, but not limited to, pain and suffering,
- 12 and emotional distress, in an amount to be determined according to proof at trial;
- 13 8. Past and future special damages, including, but not limited to, medical and related
- 14 expenses as well as property damage, in an amount to be determined according to
- 15 proof at trial;
- 16 9. Costs of suit incurred herein, including expert costs and fees;
- 17 10. Punitive or exemplary damages against the individual defendant officers, in an
- 18 amount to be determined according to proof at trial;
- 19
- 20 11. Attorney fees; and
- 21 12. For such other and further relief as the court may deem proper.

22 **Third Count**

- 23 13. Past and future general damages, including, but not limited to, pain and suffering,
- 24 and emotional distress, in an amount to be determined according to proof at trial;
- 25 14. Past and future special damages, including, but not limited to, medical and related
- 26 expenses as well as lost educational pursuits and property damage, in an amount to
- 27
- 28

1 be determined according to proof at trial;

2 15. Costs of suit incurred herein;

3 16. Punitive or exemplary damages against the individual defendant officers, in an  
4 amount to be determined according to proof at trial; and

5 17. For such other and further relief as the court may deem proper.  
6

7 **Fourth Count**

8 18. Past and future general damages, including, but not limited to, pain and suffering,  
9 and emotional distress, in an amount to be determined according to proof at trial;

10 19. Past and future special damages, including, but not limited to, medical and related  
11 expenses as well as lost educational pursuits and property damage, in an amount to  
12 be determined according to proof at trial;

13 20. Costs of suit incurred herein; and

14 21. For such other and further relief as the court may deem proper.  
15

16 **Fifth Count**

17 22. Past and future general damages, including, but not limited to, pain and suffering,  
18 and emotional distress, in an amount to be determined according to proof at trial;

19 23. Past and future special damages, including, but not limited to, medical and related  
20 expenses as well as lost income and property damage, in an amount to be  
21 determined according to proof at trial;

22 24. Costs of suit incurred herein;

23 25. Punitive or exemplary damages against the individual defendant officers, in an  
24 amount to be determined according to proof at trial; and

25 26. For such other and further relief as the court may deem proper.  
26  
27  
28

1 **Sixth Count**

- 2 27. Past and future general damages, including, but not limited to, pain and suffering,  
3 and emotional distress, in an amount to be determined according to proof at trial;  
4 28. Past and future special damages, including, but not limited to, medical and related  
5 expenses as well as lost educational pursuits, in an amount to be determined  
6 according to proof at trial;  
7 29. Costs of suit incurred herein;  
8 30. Punitive or exemplary damages against the individual defendant officers, in an  
9 amount to be determined according to proof at trial; and  
10 31. For such other and further relief as the court may deem proper.  
11

12 **Seventh Count.**

- 13 32. Past and future general damages, including, but not limited to, pain and suffering,  
14 and emotional distress, in an amount to be determined according to proof at trial;  
15 33. Past and future special damages, including, but not limited to, medical and related  
16 expenses as well as lost educational pursuits, in an amount to be determined  
17 according to proof at trial;  
18 34. Costs of suit incurred herein;  
19 35. Punitive or exemplary damages against the individual defendant officers, in an  
20 amount to be determined according to proof at trial; and  
21 36. For such other and further relief as the court may deem proper.  
22

23 **Eighth Count.**

- 24 37. Past and future general damages, including, but not limited to, pain and suffering,  
25 and emotional distress, in an amount to be determined according to proof at trial;  
26 38. Past and future special damages, including, but not limited to, medical and related  
27  
28

1 expenses as well as lost educational pursuits and property damage, in an amount to  
2 be determined according to proof at trial;

3 39. Costs of suit incurred herein, including expert fees and costs;

4 40. Punitive or exemplary damages against the individual defendant officers, in an  
5 amount to be determined according to proof at trial;

6 41. Treble damages;

7 42. Attorney fees; and

8 43. For such other and further relief as the court may deem proper.

9  
10 **Ninth Count.**

11 44. Past and future general damages, including, but not limited to, pain and suffering,  
12 and emotional distress, in an amount to be determined according to proof at trial;

13 45. Past and future special damages, including, but not limited to, medical and related  
14 expenses as well as lost educational pursuits and property damage, in an amount to  
15 be determined according to proof at trial;

16 46. Costs of suit incurred herein, including expert fees and costs;

17 47. Punitive or exemplary damages against the individual defendant officers, in an  
18 amount to be determined according to proof at trial;

19 48. Treble damages;

20 49. Attorney fees; and

21 50. For such other and further relief as the court may deem proper.

22  
23 **Tenth Count.**

24 51. Past and future general damages, including, but not limited to, pain and suffering,  
25 and emotional distress, in an amount to be determined according to proof at trial;

26 52. Past and future special damages, including, but not limited to, medical and related  
27  
28

1 expenses as well as lost educational pursuits and property damage, in an amount to

2 be determined according to proof at trial;

3 53. Costs of suit incurred herein, including expert fees and costs;

4 54. Punitive or exemplary damages against the individual defendant officers, in an  
5 amount to be determined according to proof at trial; and

6 55. For such other and further relief as the court may deem proper.  
7

8 **Eleventh Count.**

9 56. Past and future general damages, including, but not limited to, pain and suffering,  
10 and emotional distress, in an amount to be determined according to proof at trial;

11 57. Past and future special damages, including, but not limited to, medical and related  
12 expenses as well as lost educational pursuits and property damage, in an amount to  
13 be determined according to proof at trial;

14 58. Costs of suit incurred herein, including expert fees and costs;

15 59. Punitive or exemplary damages against the individual defendant officers, in an  
16 amount to be determined according to proof at trial; and

17 60. For such other and further relief as the court may deem proper.  
18

19 Dated: April 27, 2017

LAW OFFICES OF BOB KHAKSHOOY

20  
21 By: /s/ BOB B. KHAKSHOOY  
22 BOB B. KHAKSHOOY, ESQ.  
Attorneys for Plaintiff

23 **DEMAND FOR JURY TRIAL**

24 Plaintiffs hereby demand a jury trial as provided by Rule 38(a) of the Federal Rules of  
25 Civil Procedure.

26 Dated: April 27, 2017

27 By: LAW OFFICES OF BOB B. KHAKSHOOY  
28 /s/ BOB B. KHAKSHOOY  
Attorneys for Plaintiff

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

T.M; by and through his mother and guardian ALACIA HAFNER

(b) County of Residence of First Listed Plaintiff Santa Clara (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Bob B. Khakshooy, Esq., Law Offices of Bob Khakshooy, 9454 Wilshire Blvd., Suite 631, Beverly Hills, CA 90212; (310) 278-6666

DEFENDANTS

City of Palo Alto; Ron Watson; Officer Young; Officer Barbour; Officer Whitehurst; Officer M. Villaescusa; Officer Taanous; Officer Fino; Officer Burgio; Officer Enberg; and DOES 1 to 100.

County of Residence of First Listed Defendant Santa Clara (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys (If Known)

Not known at this time.

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, PERSONAL INJURY, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation-Transfer, 8 Multidistrict Litigation-Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 USC 1983. Brief description of cause: Police Misconduct in allowing its police dog to attack the minor-aged plaintiff.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes [ ] No

VIII. RELATED CASE(S), IF ANY (See instructions):

JUDGE DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only) [ ] SAN FRANCISCO/OAKLAND [X] SAN JOSE [ ] EUREKA-MCKINLEYVILLE

DATE: 04/28/2017

SIGNATURE OF ATTORNEY OF RECORD: /S/ BOB KHAKSHOY