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10 Attorneys for Plaintiffs

11 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
12 FOR THE COUNTY OF SAN JOAQUIN

13 PAUL SINGH, individually and as
14 successor-in-interest to decedent MISTY
15 HOLT-SINGH; PAUL SINGH JR.,
16 individually; and MIA SINGH, by and
17 through her Guardian Ad Litem PAUL
18 SINGH,

19 Plaintiffs,

20 vs.

21 CITY OF STOCKTON, on its own behalf
22 and on behalf of its departments,
23 including, but not limited to, the
24 STOCKTON POLICE DEPARTMENT;
25 OFFICER MARK BOLING; OFFICER
26 DAVID BROWN; OFFICER BRAD
27 BURRELL; OFFICER GEORGE
28 CAMACHO; OFFICER RALPH
DOMINGUEZ; OFFICER PANCHO
FREER; OFFICER MATTHEW
GARLICK; OFFICER ERIKA
GONZALEZ; OFFICER JOHN GRIFFIN;

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

1. Violations of Civil Rights (Individual Liability) 42 U.S.C. § 1983
2. Violations of Civil Rights (Entity Liability) 42 U.S.C. § 1983
3. Negligence pursuant to Government Code Sections 820 and 815.2
4. Battery

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OFFICER GABRIEL GUERRERO;
OFFICER DAVID HILAND; OFFICER
CLIFF HOFFMAN; OFFICER RODGER
HOLSCHER; OFFICER KEVIN KNALL;
OFFICER SEAN KONOSKE; OFFICER
PATRICK MAYER; OFFICER KRISTEN
MCCLURE; OFFICER JULIO MORALES;
OFFICER RYAN MORRIS; OFFICER
RYAN RANKIN; OFFICER MIKE
RODRIGUEZ; OFFICER IVAN ROSE;
OFFICER LANCE SAUR; OFFICER
MICHAEL SERNA; OFFICER PETE
SMITH; OFFICER TELLY STRIKA;
OFFICER JASON UNDERWOOD;
OFFICER NETO URIAS; OFFICER
SAMNANG VEN; OFFICER EDWARD
WEBB; OFFICER DRAKE WIEST;
OFFICER RONALD ZALUNARDO; and
DOES 1 to 100, inclusive,

Defendants.

I.

INTRODUCTION

1
2
3 1. Under California law, city police departments and their officers can be
4 liable for utilizing excessive force in performing their duties and for depriving citizens
5 of their civil rights—including the right to life and liberty. Even officers’ tactical
6 conduct and decisions preceding the use of deadly force are relevant considerations in
7 determining whether the use of force was unreasonable.

8 2. Here, the City of Stockton Police Department exacerbated a bank robbery
9 and endangered innocent civilians by improperly responding to the robbery (with
10 lights on, in full view of the perpetrators, causing them to grab additional hostages),
11 engaging in an hour-long, rolling gun battle with the bank robbers through populated
12 city streets, at times over 50 police vehicles in pursuit, and ultimately allowing 32
13 officers to indiscriminately fire over 600 bullets into the perpetrators’ disabled vehicle
14 without command, knowing a hostage was inside. Ten of those bullets—all fired from
15 *police weapons* without command and without regard for the innocent life—struck
16 hostage, wife, and mother-of-two Misty Holt-Singh (“Misty”), causing her death. The
17 tactical conduct, the lack of proper supervision, the deprivation of civil rights, and the
18 excessive and unreasonable use of deadly force will subject the City of Stockton and its
19 officers to liability for all the harm they caused in taking Misty’s life.

20 3. On July 16, 2014, Misty was at the Bank of the West branch on Thornton
21 Road in Stockton, California to make an ATM withdrawal. Just after 2:00 p.m., three
22 armed gunmen—two of whom had robbed the *same* branch seven months earlier and
23 were well known members of the Norteno Street Gangs, North Central Stockton—
24 forced Misty and others inside the bank, where the gunmen jumped the teller counter,
25 controlled the bank, and proceeded with the robbery.

26 4. After the robbery, the three armed robbers left the inside of the bank with
27 the bank manager, Kelly Huber. Misty remained unharmed, and safe inside the bank.
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1 5. The first responding law enforcement personnel were from Stockton
2 Police Department—a department that has been roundly criticized for its lack of
3 training and failure to staff experienced officers. Contrary to established procedures, the
4 Stockton Police arrived at the bank branch with lights on, in full view of the
5 perpetrators. The responding officer drew his weapon and threatened to kill the
6 perpetrators. This caused them to retreat back into the bank, grab additional hostages
7 (including Misty), and flee in the bank manager’s vehicle.

8 6. An hour-long, high-speed pursuit followed, with Stockton Police officers
9 firing on the moving vehicle as they traveled through densely populated areas. Police
10 gunfire was directed from moving police vehicles at the moving suspect vehicle, which
11 created an unreasonable risk to civilians in the area and hostages in the vehicle as well
12 as inciting an already agitated situation. Despite air support, the rolling gun battle
13 continued with over 50 law enforcement vehicles chasing the suspect vehicle.

14 7. Eventually, the police disabled the vehicle and surrounded it. Here, the
15 suspects could not escape. Their vehicle had been immobilized by the police and they
16 were surrounded.

17 8. By then, the officers knew that Misty was the only remaining hostage.
18 Misty was the most vulnerable person in that situation—her safety should have been
19 paramount, but the police took the opposite approach. Rather than secure her safety,
20 and ensure her well-being, officers indiscriminately opened fire on the vehicle without
21 command. Instead of taking reasonable and appropriate steps to remove Misty safely
22 from the situation, the Stockton Police Department opened fire, and continued to fire
23 wildly at the vehicle—and at Misty. Thirty-two officers fired over 600 bullets at the
24 vehicle in the span of a few seconds. Of the ten bullets that struck Misty, every single
25 one was fired by officers with the Stockton Police Department.

26 9. This unreasonable use of deadly force was the polar opposite of police’s
27 mission to protect and serve the public. Instead, they actively deprived a family of its
28 wife and mother, and destroyed the life of an innocent hostage. Misty’s right to life and

1 liberty were violated by the officers. Had they acted reasonably, she would be alive
2 today.

3 10. Misty left behind her husband Paul; her son, Paul Jr.; and her daughter,
4 Mia.

5 **II.**

6 **THE PARTIES**

7 **A. Plaintiffs**

8 11. At all relevant times Paul Singh was a resident of the City of Stockton,
9 County of San Joaquin. Paul Singh is the surviving spouse of decedent Misty Holt-
10 Singh. Paul Singh is acting both individually and as the successor-in-interest to the
11 estate of Misty Holt-Singh. An affidavit as required by California Code of Civil
12 Procedure Section 377.32 will be filed in this action.

13 12. At all relevant times Paul Singh Jr. and Mia Singh were residents of the
14 City of Stockton, County of San Joaquin. Paul Singh Jr. and Mia Singh are the surviving
15 children of Misty Holt-Singh.

16 13. Plaintiffs Paul Singh, Paul Singh, Jr., and Mia Singh are the sole surviving
17 heirs of Misty Holt-Singh and are the only individuals who have standing to bring a
18 wrongful death action for the death of Misty under California Code of Civil Procedure
19 §377.60. As a result of the actions described herein, the Singh family lost the familial
20 association and relationship with their wife and mother, and bring claims both in a
21 survivorship capacity and for the loss of familial association and wrongful death.

22 **B. Defendants**

23 14. Defendants Officer Mark Boling, Officer David Brown, Officer Brad
24 Burrell, Officer George Camacho, Officer Ralph Dominguez, Officer Pancho Freer,
25 Officer Matthew Garlick, Officer Erika Gonzalez, Officer John Griffin, Officer Gabriel
26 Guerrero, Officer David Hiland, Officer Cliff Hoffman, Officer Rodger Holscher, Officer
27 Kevin Knall, Officer Sean Konoske, Officer Patrick Mayer, Officer Kristen McClure,
28 Officer Julio Morales, Officer Ryan Morris, Officer Ryan Rankin, Officer Mike

1 Rodriguez, Officer Ivan Rose, Officer Lance Saur, Officer Michael Serna, Officer Pete
2 Smith, Officer Telly Strika, Officer Jason Underwood, Officer Neto Urias, Officer
3 Samnang Ven, Officer Edward Webb, Officer Drake Wiest, and Officer Ronald
4 Zalunardo at all relevant times were employed as law enforcement officers by
5 Defendant City of Stockton, and were acting within the course and scope of their
6 employment. These defendants are being sued in their individual capacity. Based upon
7 information and belief, each of these officers fired on the disabled vehicle. It is unknown
8 at this time the identity of the officers that fired the 10 fatal bullets as the investigation is
9 continuing.

10 15. At all relevant times, Defendant City of Stockton, is, and was, a
11 governmental entity. The appropriate governmental claims for each plaintiff have been
12 filed with the City of Stockton, and rejected by operation of law. The appropriate
13 Governmental Claims were timely filed, in accordance with the parties tolling
14 agreement, with the City of Stockton on February 4, 2015, pursuant to California
15 Government Code §910. The City of Stockton failed to act on the claim within 45 days,
16 therefore it is deemed rejected pursuant to California Government Code §912.4(c).

17 16. The true names and capacities, whether individual, corporate, associate
18 or otherwise, of defendants Does 1-100, inclusive, and each of them, are unknown to
19 plaintiffs, who thereby sue these defendants by such fictitious names, and will ask leave
20 of this court to amend this complaint when the same shall have been ascertained.
21 Plaintiffs are informed and believe and upon that basis allege that each defendant
22 named herein as a Doe is responsible in some manner for the events and happenings
23 referred to herein which proximately caused injury to plaintiffs as hereinafter alleged.

24 17. Plaintiffs are informed and believe and on that basis allege that at all times
25 mentioned herein the defendants, and each of them, were the agents, joint venturers,
26 servants, employees, assistants, and consultants of each other, and as such were acting
27 within the course, scope, and authority of said agency, joint venture, and employment,
28 and that each and every defendant, when acting as a principal, was negligent and

1 reckless in the selection, hiring, entrustment, and supervision of each and every other
2 defendant as an agent, servant, employee, assistant, or consultant.

3 **III.**

4 **FACTUAL ALLEGATIONS**

5 **A. The Singh family**

6 18. Paul Singh married Misty in December 1999. They had two children, son
7 Paul Jr. and a daughter Mia. Misty and Paul remained deeply in love and had plans to
8 grow old together.

9 19. Misty and her two children were incredibly close. She was Paul Jr.'s
10 confidant—the person from whom he would seek guidance and counseling. And Mia
11 was just entering her teenage years, a very important time in a young girl's life to have
12 the support, guidance, and wisdom of her mother.

13 20. But on July 16, 2014, the Singh family's lives were forever changed.

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15 **B. The July 16, 2014 robbery**

16 21. On July 16, 2014, 41-year-old Misty went to the Bank of the West on
17 Thornton Avenue in Stockton, California, with her 12-year-old daughter Mia to
18 withdraw money from the ATM. Misty parked in front of the bank and walked to the
19 ATM while her daughter remained in the car. One minute later, Gilbert Renteria, Alex
20 Martinez, and Jaime Ramos, approached the bank armed with guns. Two suspects
21 secured the security guard, while the third grabbed Misty from the ATM and pulled her
22 inside the bank.

23 22. After grabbing money from the vault, the suspects exited the bank with
24 the bank manager, Kelly Huber. The bank robbers left the inside of the bank with Misty
25 unharmed and safe inside the bank.

26 23. During the robbery, a Stockton police car arrived at the scene and pulled
27 up alongside the Bank parking lot with its lights on. Shortly thereafter, another police
28 car arrived and parked on the side of the Bank parking lot. A third police car parked in

1 the parking lot, fully visible to those exiting the bank. After the robbers left the bank
2 with only Huber, Stockton police officers immediately drew their weapons and yelled
3 threatening remarks, forcing all three robbers back into the bank.

4 24. Upon reentering the bank, the suspects ordered Misty off the ground, and
5 held her at gunpoint. Renteria, Martinez, and Ramos then exited the bank with Misty,
6 the Bank Manager Kelly Huber, and bank employee Stephanie Koussaya at gunpoint.

7 25. Mia, still sitting terrified in the car, contacted her father, letting him know
8 that the bank was robbed and her mother had been taken.

9
10 **C. Stockton Police engage in a high speed pursuit through Stockton and Lodi**

11 26. The three gunmen left the bank with the 3 hostages and entered Huber's
12 Explorer. Huber was ordered to drive, with one suspect placed in the passenger seat,
13 another between Misty and Koussaya in the back seat, and a third suspect in the very
14 back of the vehicle.

15 27. The police began a high speed pursuit through residential streets, firing
16 their weapons numerous times at the vehicle containing the hostages. The pursuit
17 ultimately lasted approximately one hour and reached speeds in excess of 120 mph. The
18 high-speed pursuit went onto city and residential streets in both Lodi and Stockton.

19 28. Shortly after the pursuit started, Huber was accidentally shot in the leg by
20 Jaimi Ramos. She sustained a fractured left ankle from a gunshot wound, as well as a
21 gunshot wound to the right thigh. At 14:18:34, just two minutes after leaving the bank,
22 Huber was removed from the vehicle so one of the suspects could drive. Huber was not
23 killed by the bank robbers.

24 29. The high speed pursuit continued, and included air support. The officers
25 continued to discharge weapons from moving vehicles at the moving suspect vehicle.
26 Toward the end of the pursuit at 15:15:54, Koussaya escaped the fleeing vehicle which
27 was under fire by the armed response of Stockton police officers. Koussaya sustained a
28

1 skull fracture and several abrasions as a result of falling out of the vehicle, but she was
2 not shot or killed by the bank robbers.

3 30. At 15:17:56, the vehicle containing the three gunmen and hostage Misty
4 Holt-Singh was disabled. Despite instructions to hold their fire, an indiscriminate
5 barrage of police gunfire was directed at the suspect vehicle, with full knowledge that
6 hostage Misty Holt-Singh remained inside. Over 600 rounds were fired by 32 police
7 officers at the vehicle containing a known innocent hostage. This was done without a
8 line of sight on the suspects, without a line of sight on the hostage, and without
9 selecting targets within the vehicle. Instead, the 32 officers rapidly discharged their
10 firearms at the vehicle itself, indiscriminately firing without concern for who, or what,
11 they might strike with their weapons fire. One angle of the devastation to the vehicle
12 can be seen in the following photo:



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20 31. The inability of the police officers to effectively direct their deadly gunfire
21 away from Misty during and immediately following the termination of the pursuit
22 created an unreasonable risk of causing her death or serious physical injury. This
23 indiscriminate gunfire was counter to the primary police objective in hostage
24 situations—to take necessary steps to free innocent persons who are endangered and
25 held against their will, and take reasonable action having a high probability of
26 neutralizing the deadly threat or preventing the situation from escalating. Instead,
27 Misty Holt-Singh was struck and killed by 10 bullets fired by police officers.
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1 32. The use of unreasonable deadly force by Stockton Police officers is not
2 uncommon. Within the last six years alone Stockton Police officers shot 27 individuals,
3 killing 17.

4
5 **D. The Stockton Police Department failed to follow standard, well-established
6 protocol.**

7 33. The Stockton Police department failed to follow standard and well-
8 recognized protocol when responding to the in-progress armed bank robbery. The first
9 arriving officers should arrive in stealth to avoid detection by the perpetrators. Officers
10 want to preserve the element of surprise to avoid a hostage situation in which the
11 people inside the bank may be harmed. In other words, the officers do not want the
12 criminals to know of their presence because doing so would endanger the innocent
13 hostages inside the establishment.

14 34. This fundamental protocol is set forth in the 1992 Model Policy for a Bank
15 Alarm Response from the IACP National Law Enforcement Policy Center (Dept of
16 Justice) as follows:

17 **B. Responding Officer Procedures**

18 1. **Responding officers shall use appropriate vehicular warning devices when
19 approaching the scene, but the siren will not be used within the hearing
20 range of the reported robbery.**

21 3. **The first unit on the scene shall serve as the primary unit until relieved by
22 a supervisor, and shall take a position in front of the facility that provides
23 good observation without being easily visible to those inside. The primary
24 unit shall report on observable conditions at the location to the dispatcher
25 but should not initially approach the building.**

26 35. The Stockton Police Department's General Order for Robbery Alarms
27 (including Hold-Up Alarms and Bank Alarms) sets forth this same requirement that the
28 initial officers responding to the scene should avoid detection because a "hostage
situation could be initiated by police response being recognized by the robbers."

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STOCKTON POLICE DEPARTMENT

GENERAL ORDER

ROBBERY ALARMS
SUBJECT

DATE: March 1, 2005

NO: N-1

FROM: CHIEF THOMAS T. MORRIS

TO: ALL PERSONNEL

INDEX: Alarm Calls
Robbery Alarms
Hold-up Alarms
Bank Alarms

B. Bank and Business Robbery Alarms

1. Immediately upon receipt of a holdup alarm from a bank or business by the Telecommunications Center, or telephone call of a robbery in progress, field units normally will be informed on all six radio channels and the Telecommunications Center will dispatch a minimum of three units to the scene.
2. Assigned responding units shall give their location upon receiving the call and will answer the radio as dispatched.
 - a. Units will respond "Code 3" and may discontinue the use of red lights and siren when close to arrival and respond the remainder of the distance in accordance with traffic laws. The exact time to discontinue "Code 3" response is to be decided by each individual member assigned to respond, taking into consideration the fact a hostage situation could be initiated by police response being recognized by the robbers.

36. Instead, as confirmed by video footage, the City of Stockton's police arrived at the Bank of the West with lights on and took positions that were in full view of the bank robbers. Instead of allowing the gunmen to continue leaving the Bank as was originally planned, the police's flawed response forced the gunmen back into the bank, where they grabbed more hostages, including Misty, and then fled in the bank manager's vehicle.



(Photograph showing an officer in full view of the Bank windows.)

37. The department's negligent actions continued for well over an hour. Instead of trying to preserve the safety of the hostage, the Stockton Police Department engaged in a high-speed chase through residential streets and public highways. During this chase, which lasted over an hour, officers repeatedly discharged their weapons at the fleeing vehicle even though it was known there was an innocent hostage inside.

38. The inability of the police officers to effectively direct their deadly gunfire away from Misty during and immediately following the termination of the pursuit, created an unreasonable risk of causing her death or serious physical injury. This was counter to the primary police objective in hostage taking situations—to first take all necessary steps to free innocent persons who are endangered and held against their will. The chasing officers could have withdrawn from the pursuit, allowing the police helicopter to visually track the escaping vehicle until Misty was free of the vehicle. The fact that two other hostages were already expelled alive from the vehicle and the bank robbers had not attempted to use deadly force against the unarmed guard at the bank—he was merely tied up—and Misty was never shot by the fleeing suspects, suggests that she was not going to be fatally harmed by the suspects absent the armed response of police officers.

1 **E. The Stockton police failed to train and supervise its employees to follow up on**
2 **known leads of one of the perpetrators following the January 31, 2014 robbery.**

3 39. In the 30 months before the July 16, 2014 robbery, the Bank of the West
4 branch on Thornton Rd. in Stockton had been victimized by numerous armed robberies.
5 One of these robberies took place on January 31, 2014. That day, Stockton police officers
6 arrived at the scene shortly after the robbery and began their investigation. After taking
7 the statement of a bank employee, Officer Sandoval on January 31, 2014, located a
8 suspicious vehicle reported southwest of the bank belonging to Gilbert Renteria, Jr.,
9 who was one of the gunmen from the January 31 robbery.

10 40. The vehicle was impounded, and subsequently searched pursuant to a
11 warrant on February 4, 2014. Officers located Gilbert Renteria's California Identification
12 Card within the vehicle along with two large freezer bags of live ammunition—one bag
13 contained over 140 rounds of rifle ammunition.

14 41. Gilbert Renteria, Jr. matched the description of one of the suspects of the
15 January 31, 2014 robbery. Despite having located, identified, and impounded the
16 suspicious vehicle on January 31, 2014—registered to Gilbert Renteria, Jr., containing his
17 identification and a store of live ammunition—the Stockton Police Department failed to
18 supervise its employees in following up on this important lead. Renteria, who was a
19 known criminal on parole and could have been arrested for possessing firearms,
20 continued to live in Stockton, and was never questioned about his possible role in the
21 robbery. The Stockton Police Department failed to manage, direct, and ensure its
22 officers and detectives followed protocol in investigating a possible suspect in the
23 January 2014 robbery.

24 42. Had there been any reasonable supervision of its employees by Stockton
25 police, Renteria would have been apprehended long before having the opportunity to
26 repeat the same crime on July 16, 2014. As a result, Renteria was never questioned or
27 apprehended following the January 31, 2014 robbery. Renteria and Alex Martinez
28 clearly felt that they could repeat virtually the exact same crime at the same location on
 July 16, 2014 without fear of being caught.

1 FIRST CAUSE OF ACTION

2 (Violations of Civil Rights (Individual Liability) 42 U.S.C. § 1983)

3 FOR A FIRST CAUSE OF ACTION AGAINST DEFENDANTS, OFFICER MARK
4 BOLING, OFFICER DAVID BROWN, OFFICER BRAD BURRELL, OFFICER GEORGE
5 CAMACHO, OFFICER RALPH DOMINGUEZ, OFFICER PANCHO FREER, OFFICER
6 MATTHEW GARLICK, OFFICER ERIKA GONZALEZ, OFFICER JOHN GRIFFIN,
7 OFFICER GABRIEL GUERRERO, OFFICER DAVID HILAND, OFFICER CLIFF
8 HOFFMAN, OFFICER RODGER HOLSCHER, OFFICER KEVIN KNALL, OFFICER
9 SEAN KONOSKE, OFFICER PATRICK MAYER, OFFICER KRISTEN MCCLURE,
10 OFFICER JULIO MORALES, OFFICER RYAN MORRIS, OFFICER RYAN RANKIN,
11 OFFICER MIKE RODRIGUEZ, OFFICER IVAN ROSE, OFFICER LANCE SAUR,
12 OFFICER MICHAEL SERNA, OFFICER PETE SMITH, OFFICER TELLY STRIKA,
13 OFFICER JASON UNDERWOOD, OFFICER NETO URIAS, OFFICER SAMNANG
14 VEN, OFFICER EDWARD WEBB, OFFICER DRAKE WIEST, AND OFFICER RONALD
15 ZALUNARDO AND DOES 1-50 FOR VIOLATIONS OF CIVIL RIGHTS PURSUANT
16 TO 42 USC SECTION 1983, PLAINTIFFS PAUL SINGH, INDIVIDUALLY AND AS A
17 SUCCESSOR-IN-INTEREST TO DECEDENT MISTY HOLT-SINGH, PAUL SINGH JR.,
18 AND MIA SINGH ALLEGE:

19 43. Plaintiffs refer to each and every one of the above paragraphs, and
20 incorporate those paragraphs as though set forth in full in this cause of action.

21 44. Defendants while acting under the color of state law deprived Misty of
22 her rights, privileges, and immunities secured by the Constitution and the laws of the
23 United States including the Fourteenth and Fourth Amendments by subjecting her to
24 unreasonable and excessive force. Despite being instructed to “hold your fire” 32
25 officers fired over 600 bullets into a disabled vehicle knowing that Misty was inside. At
26 least 10 bullets struck Misty, killing her. All 10 of those bullets were shot by police
27 officers.

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1 45. Misty’s right to life and liberty and to be free from unreasonable searches
2 and seizures were violated by the officers. The inability of the police officers to
3 effectively direct their deadly gunfire away from Misty during and immediately
4 following the termination of the pursuit, created an unreasonable risk of causing her
5 death or serious physical injury. Additionally, before firing the officers made no
6 attempt to negotiate with the suspects, who were now trapped in their disabled vehicle.
7 Instead the officers violated protocol, and the commands of their superiors, blindly
8 opening fire on the vehicle, knowing that Misty remained inside.

9 46. At all material times, the use of force, including the intentional firing of
10 600 bullets fired by 32 officers described herein at a vehicle containing an innocent
11 hostage, was excessive and unnecessary and not justified or lawful under the
12 circumstances. The vehicle was disabled, and the bank robbers had no avenues of
13 escape. The Stockton police prematurely, intentionally, and with reckless disregard for
14 the well-being of the innocent hostage engaged in an armed assault on the disabled
15 vehicle containing the hostage. The actions at issue were official conduct undertaken in
16 a malicious, intentional, or recklessly or callously indifferent manner to Misty’s
17 protected Constitutional rights and liberties.

18 47. Additionally, defendants’ failure to follow established protocol leading up
19 to the deadly shooting also created an unreasonable risk of harm to Misty, and caused
20 an escalation of events leading to her death. Knowing an armed robbery was in
21 progress, the City of Stockton’s police arrived at the Bank of the West in full view of the
22 armed gunmen with lights on and took positions which were in full view of the bank
23 robbers. Instead of allowing the gunmen to continue leaving the Bank as was originally
24 planned (without Misty), the gunmen were forced back into the bank, grabbed more
25 hostages, including Misty, and then fled.

26 48. The department’s and its officers’ negligent actions continued for well
27 over an hour. Instead of trying to preserve the safety of the hostage, the Stockton Police
28 Department engaged in a high-speed chase through residential streets and public

1 highways. During this chase, which lasted over an hour, officers repeatedly discharged
2 their weapons at the fleeing vehicle even though it was known there was an innocent
3 hostage inside.

4 49. At all material times, the actions and omissions of each defendant were
5 intentional, wanton and/or willful, conscience shocking, reckless, malicious,
6 deliberately indifferent to Misty's rights, unreasonable, and committed with reckless
7 disregard of Misty's constitutional rights.

8 50. As a direct and proximate result of each Defendant's acts as set forth
9 above Paul Singh has suffered the loss of his wife Misty and Misty's love,
10 companionship, comfort, care, assistance, protection, affection, society, and moral
11 support. Paul has also suffered the loss of spousal consortium.

12 51. Paul has also suffered the following economic damages as a result of the
13 death of his wife Misty in an amount according to proof:

- 14 A. Funeral and burial expenses;
- 15 B. The value of financial support that Misty would have
16 contributed to the marriage during her life expectancy or the life
17 expectancy of Paul, whichever is shorter;
- 18 C. The loss of gifts or benefits that Paul would have expected to receive from
19 Misty; and
- 20 D. The reasonable value of household services that Misty would have
21 provided.

22 52. As a proximate result of each Defendant's acts as set forth above, Paul
23 Singh Jr. and Mia Singh suffered the loss of their mother, and their mother's love
24 companionship, comfort, care, assistance, protection, affection, society, moral support,
25 training and guidance.

26 53. Paul Jr. and Mia also suffered the following economic damages as a result
27 of the death of their mother:

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1 employed by or acting on behalf of the City of Stockton, on information and belief, were
2 pursuant to the following customs, policies, practices, and/or procedures of the
3 Stockton Police Department, which were directed, encouraged, allowed, and/or ratified
4 by policy making officers for the City of Stockton, and the Stockton Police Department:

- 5 A. To use or tolerate the use of excessive and/or unjustified force;
- 6 B. To use or tolerate the use of unlawful deadly force;
- 7 C. To cover-up violations of constitutional rights by:
 - 8 1. Failing to properly investigate and/or evaluate complaints or
 - 9 incidents of excessive and unreasonable force;
 - 10 2. Ignoring and/or failing to properly and adequately investigate and
 - 11 discipline unconstitutional or unlawful police activity; and
 - 12 3. Using or tolerating inadequate, deficient, and improper procedures
 - 13 for handling, investigating and reviewing complaints of officer
 - 14 misconduct made under California Government Code Section 910
 - 15 et seq.
- 16 D. Failing to implement procedural safeguards to prevent constitutional
- 17 violations stemming from the use of excessive force, with actual or
- 18 constructive notice that omitting these procedural safeguards was likely to
- 19 result in the unconstitutional deprivation of life and liberty and the
- 20 unconstitutional and unreasonable search and seizure of citizens in the
- 21 City of Stockton.

22 57. Defendants City of Stockton and Does 51-100 also failed to properly hire,
23 train, instruct, monitor, supervise, evaluate, investigate, and discipline Defendants
24 Officer Mark Boling, Officer David Brown, Officer Brad Burrell, Officer George
25 Camacho, Officer Ralph Dominguez, Officer Pancho Freer, Officer Matthew Garlick,
26 Officer Erika Gonzalez, Officer John Griffin, Officer Gabriel Guerrero, Officer David
27 Hiland, Officer Cliff Hoffman, Officer Rodger Holscher, Officer Kevin Knall, Officer
28 Sean Konoske, Officer Patrick Mayer, Officer Kristen McClure, Officer Julio Morales,

1 Officer Ryan Morris, Officer Ryan Rankin, Officer Mike Rodriguez, Officer Ivan Rose,
2 Officer Lance Saur, Officer Michael Serna, Officer Pete Smith, Officer Telly Strika,
3 Officer Jason Underwood, Officer Neto Urias, Officer Samnang Ven, Officer Edward
4 Webb, Officer Drake Wiest, and Officer Ronald Zalunardo and Doe Defendants 1-50
5 with deliberate indifference to Misty's constitutional rights, which were thereby
6 violated as described above. The City of Stockton and the Stockton Police Department's
7 training program was not adequate to train its officers regarding the constitutional
8 limits on the use of excessive force. The City of Stockton and the Stockton Police
9 Department knew, because of a pattern of similar violations, or it should have been
10 obvious to them, that the inadequate training program was likely to result in a
11 deprivation of the right to life and liberty guaranteed by the Fourteenth Amendment
12 and was likely to result in the unconstitutional and unreasonable search and seizure of
13 citizens as guaranteed by the Fourth Amendment. Indeed, Misty is one of seventeen
14 individuals killed by Stockton Police Officers in the last six years. From 2009-2014
15 Stockton Police Officers frequently utilized excessive and unreasonable force, shooting
16 at least twenty-seven other individuals, and killing sixteen.

17 58. Defendants Officer Mark Boling, Officer David Brown, Officer Brad
18 Burrell, Officer George Camacho, Officer Ralph Dominguez, Officer Pancho Freer,
19 Officer Matthew Garlick, Officer Erika Gonzalez, Officer John Griffin, Officer Gabriel
20 Guerrero, Officer David Hiland, Officer Cliff Hoffman, Officer Rodger Holscher, Officer
21 Kevin Knall, Officer Sean Konoske, Officer Patrick Mayer, Officer Kristen McClure,
22 Officer Julio Morales, Officer Ryan Morris, Officer Ryan Rankin, Officer Mike
23 Rodriguez, Officer Ivan Rose, Officer Lance Saur, Officer Michael Serna, Officer Pete
24 Smith, Officer Telly Strika, Officer Jason Underwood, Officer Neto Urias, Officer
25 Samnang Ven, Officer Edward Webb, Officer Drake Wiest, and Officer Ronald
26 Zalunardo and Does 1-50 violated Misty's Fourteenth Amendment right to life and
27 liberty and her Fourth Amendment right to be free from unreasonable searches and
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1 seizures, and the City of Stockton and the Stockton Police Department's failure to
2 provide adequate training was a cause of the deprivation of those rights.

3 59. As a direct and proximate result of each Defendant's acts as set forth
4 above, Paul Singh has suffered the loss of his wife Misty and Misty's love,
5 companionship, comfort, care, assistance, protection, affection, society, and moral
6 support. Paul has also suffered the loss of spousal consortium.

7 60. Paul has also suffered the following economic damages as a result of the
8 death of his wife Misty in an amount according to proof:

- 9 A. Funeral and burial expenses;
10 B. The value of financial support that Misty would have
11 contributed to the marriage during her life expectancy or the life
12 expectancy of Paul, whichever is shorter;
13 C. The loss of gifts or benefits that Paul would have expected to receive from
14 Misty; and
15 D. The reasonable value of household services that Misty would have
16 provided.

17 61. As a proximate result of each Defendant's acts as set forth above Paul
18 Singh Jr. and Mia Singh suffered the loss of their mother, and their mother's love
19 companionship, comfort, care, assistance, protection, affection, society, moral support,
20 training and guidance.

21 62. Paul Jr. and Mia also suffered the following economic damages as a result
22 of the death of their mother:

- 23 A. The value of financial support that Misty would have
24 contributed to the family during her life expectancy; and
25 B. The loss of gifts or benefits that Paul Jr. and Mia would have expected
26 to receive from Misty.

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1 attempting to apprehend fleeing criminals. Further, Defendants had a duty to refrain
2 from unreasonably creating the situation where force, including but not limited to
3 deadly force, is used, and to use appropriate tactics and force when confronted with a
4 hostage situation.

5 68. Additionally, these general duties of reasonable care and due care owed to
6 Plaintiffs by Defendants City of Stockton and Does 51-100, include but are not limited to
7 the following specific obligations:

- 8 A. To properly and adequately hire, investigate, train, supervise, monitor,
9 evaluate and discipline their employees, agents, and/or law enforcement
10 officers to ensure that those employees/agents/officers act at all times in
11 the public interest and in conformance with the law and accepted police
12 practices and policies;
- 13 B. To make, enforce, and at all times act in conformance with policies and
14 customs that are lawful and protective of individual rights; and
- 15 C. To refrain from making, enforcing, and/or tolerating the wrongful policies
16 and customs.

17 69. Defendants, through their acts and omissions, breached each and every
18 one of the aforementioned duties owed to the Plaintiffs.

19 70. As a direct and proximate result of each Defendant's acts as set forth
20 above Paul Singh has suffered the loss of his wife Misty and Misty's love,
21 companionship, comfort, care, assistance, protection, affection, society, and moral
22 support. Paul has also suffered the loss of spousal consortium.

23 71. Paul has also suffered the following economic damages as a result of the
24 death of his wife Misty in an amount according to proof:

- 25 A. Funeral and burial expenses;
- 26 B. The value of financial support that Misty would have
27 contributed to the marriage during her life expectancy or the life
28 expectancy of Paul, whichever is shorter;

1 C. The loss of gifts or benefits that Paul would have expected to receive from
2 Misty; and

3 D. The reasonable value of household services that Misty would have
4 provided.

5 72. As a proximate result of each Defendant's acts as set forth above Paul
6 Singh Jr. and Mia Singh suffered the loss of their mother, and their mother's love
7 companionship, comfort, care, assistance, protection, affection, society, moral support,
8 training and guidance.

9 73. Paul Jr. and Mia also suffered the following economic damages as a result
10 of the death of their mother:

11 A. The value of financial support that Misty would have
12 contributed to the family during her life expectancy; and

13 B. The loss of gifts or benefits that Paul Jr. and Mia would have expected
14 to receive from Misty.

15
16 **FOURTH CAUSE OF ACTION**

17 **(Battery)**

18 FOR A FOURTH CAUSE OF ACTION AGAINST ALL DEFENDANTS FOR
19 BATTERY, PLAINTIFFS PAUL SINGH, INDIVIDUALLY AND AS A SUCCESSOR-IN-
20 INTEREST TO DECEDENT MISTY HOLT-SINGH, PAUL SINGH JR., AND MIA
21 SINGH ALLEGE:

22 74. Plaintiffs refer to each and every one of the above paragraphs, and
23 incorporate those paragraphs as though set forth in full in this cause of action.

24 75. On July 16, 2014, thirty-two officers fired over 600 bullets at the vehicle,
25 knowing Misty, an innocent hostage, was inside. Misty was used as a human shield
26 against the police bullets that ultimately claimed her life. Of the ten bullets that struck
27 her, every single one was fired by police.

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1 76. Defendants, with reckless and willful disregard of the rights of Misty,
2 intentionally fired multiple rounds into the vehicle, without a clear line of sight, and
3 directly towards Misty.

4 77. Defendants intended to cause great bodily harm or death to others
5 without their consent, including Misty, by indiscriminately firing 600 bullets into the
6 vehicle where she remained.

7 78. Misty was an innocent, defenseless hostage. She neither consented nor
8 anticipated she would become a target of the police officer's fire.

9 79. As a direct and proximate result of each Defendant's acts as set forth
10 above Paul Singh has suffered the loss of his wife Misty and Misty's love,
11 companionship, comfort, care, assistance, protection, affection, society, and moral
12 support. Paul has also suffered the loss of spousal consortium.

13 80. Paul has also suffered the following economic damages as a result of the
14 death of his wife Misty in an amount according to proof:

- 15 A. Funeral and burial expenses;
- 16 B. The value of financial support that Misty would have
17 contributed to the marriage during her life expectancy or the life
18 expectancy of Paul, whichever is shorter;
- 19 C. The loss of gifts or benefits that Paul would have expected to
20 receive from Misty; and
- 21 D. The reasonable value of household services that Misty would have
22 provided.

23 81. As a proximate result of each Defendant's acts as set forth above Paul
24 Singh Jr. and Mia Sing suffered the loss of their mother, and their mother's love
25 companionship, comfort, care, assistance, protection, affection, society, moral support,
26 training and guidance.

27 82. Paul Jr. and Mia also suffered the following economic damages as a result
28 of the death of their mother:

1 **B. As to Plaintiffs Paul Singh, Paul Singh Jr., and Mia Singh, for damages as a**
2 **result of the death of Misty Holt-Singh, plaintiffs pray for judgment against**
3 **Officer Mark Boling, Officer David Brown, Officer Brad Burrell, Officer**
4 **George Camacho, Officer Ralph Dominguez, Officer Pancho Freer, Officer**
5 **Matthew Garlick, Officer Erika Gonzalez, Officer John Griffin, Officer**
6 **Gabriel Guerrero, Officer David Hiland, Officer Cliff Hoffman, Officer**
7 **Rodger Holscher, Officer Kevin Knall, Officer Sean Konoske, Officer Patrick**
8 **Mayer, Officer Kristen McClure, Officer Julio Morales, Officer Ryan Morris,**
9 **Officer Ryan Rankin, Officer Mike Rodriguez, Officer Ivan Rose, Officer**
10 **Lance Saur, Officer Michael Serna, Officer Pete Smith, Officer Telly Strika,**
11 **Officer Jason Underwood, Officer Neto Urias, Officer Samnang Ven, Officer**
12 **Edward Webb, Officer Drake Wiest, and Officer Ronald Zalunardo, as follows:**

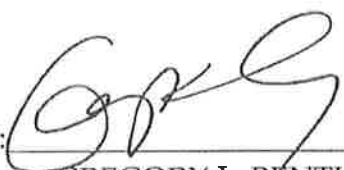
- 13 1. For all recoverable wrongful death noneconomic damages for loss of love,
14 companionship, comfort, care, assistance, protection, affection, society, and moral
15 support of Misty Holt-Singh, all in an amount to be proven at the time of trial;
- 16 2. For all recoverable wrongful death economic damages including loss of
17 economic support and loss of household services and loss of gifts and benefits that each
18 Plaintiff would have been expected to receive from Misty Holt-Singh in an amount to be
19 proven at the time of trial;
- 20 3. For all other general and special damages to the extent permitted by law;
- 21 4. For prejudgment interest to the extent permitted by law;
- 22 5. For exemplary and punitive damages under 42 USC Section 1983 in an
23 amount to be determined according to proof at trial;
- 24 6. All other damages, penalties, costs, interest and attorney fees as allowed
25 by 42 USC Section 1983 and 42 USC Section 1988;
- 26 7. For costs of suit incurred herein; and
- 27 8. For such other and further relief as this court may deem just and proper.

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Dated: August 17 2015

SHERNOFF BIDART
ECHEVERRIA BENTLEY LLP


By: 
GREGORY L. BENTLEY
MATTHEW W. CLARK
CLARE H. LUCICH
Attorneys for Plaintiffs

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a jury trial.

Dated: August 17 2015

SHERNOFF BIDART
ECHEVERRIA BENTLEY LLP

By: 
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CLARE H. LUCICH
Attorneys for Plaintiffs

