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10 Attorneys for Plaintiff
11 KEVIN COLE

12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA
14 SACRAMENTO DIVISION

15 KEVIN COLE,

16 Plaintiff,

17 vs.

18 CITY OF SACRAMENTO, SACRAMENTO
19 POLICE DEPARTMENT, DANIEL HAHN,
20 DOE 1, and DOE 2,

21 Defendants.

Case No.

**COMPLAINT FOR VIOLATION OF
CIVIL AND CONSTITUTIONAL RIGHTS**

DEMAND FOR JURY TRIAL

22 **INTRODUCTION**

23 This action involves police officers employed by the CITY OF SACRAMENTO,
24 SACRAMENTO POLICE DEPARTMENT, and Police Chief DANIEL HAHN falsely arresting and
25 recklessly discharging a firearm, injuring KEVIN COLE and his canine companion.

26 **JURISDICTION & VENUE**

27 1. This Court has original jurisdiction of the federal claims asserted herein pursuant to 28
28 U.S.C. § 1331 (in that they arise under the United States Constitution) and § 1343(a)(3) (in that the action
is brought to address deprivations, under color of state authority, of rights, privileges, and immunities
secured by the United States Constitution). This Court has supplemental jurisdiction of the state law
claims under 28 U.S.C. § 1367.

2. Venue is proper in the United State District Court for the Eastern District of California

1 pursuant to 28 U.S.C. § 1391(b) because Defendants are located in the Eastern District of California and
2 because many of the acts and/or omissions described herein occurred in the Eastern District of California.

3 3. Intradistrict venue is proper in the Fresno Division of the Eastern District of California
4 pursuant to E.D. Cal. L.R. 120(d) because the claims asserted herein arise from acts and/or omissions
5 which occurred in the County of Sacramento, California.

6 **EXHAUSTION**

7 4. KEVIN COLE submitted a government claim to the CITY OF SACRAMENTO and
8 SACRAMENTO POLICE DEPARTMENT regarding the claims asserted herein on January 7, 2020. The
9 government claim was rejected by February 26, 2020, as a matter of law. *See* Cal. Gov. Code § 912.4(c).

10 **PARTIES**

11 5. Plaintiff KEVIN COLE is a resident of the State of California, County of Sacramento.

12 6. Defendant CITY OF SACRAMENTO is a “public entity” within the definition of Cal.
13 Gov. Code § 811.2.

14 7. Defendant SACRAMENTO POLICE DEPARTMENT is a “public entity” within the
15 definition of Cal. Gov. Code § 811.2.

16 8. Defendant DANIEL HAHN is, and at all times material herein was, a law enforcement
17 officer and Police Chief for Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE
18 DEPARTMENT, acting within the scope of that employment. Defendant DANIEL HAHN is sued in his
19 individual capacity.

20 9. Defendant DOE 1 is, and at all times material herein was, a law enforcement officer
21 employed by Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT,
22 acting within the scope of that employment. Defendant DOE 1 is sued in his individual capacity.

23 10. Defendant DOE 2 is, and at all times material herein was, a law enforcement officer
24 employed by Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT,
25 acting within the scope of that employment. Defendant DOE 2 is sued in his individual capacity.

26 **GENERAL ALLEGATIONS**

27 11. At all times relevant herein, all wrongful acts described were performed under color of
28 state law and/or in concert with or on behalf of those acting under the color of state law.

1 12. On December 18, 2019, Plaintiff KEVIN COLE was shopping at the Safeway grocery
2 store, located at 1814 19th Street, in Sacramento, California.

3 13. Plaintiff KEVIN COLE was transferring his groceries to his backpack outside of the
4 store's entrance, after completing his grocery shopping.

5 14. Plaintiff KEVIN COLE was intending to walk with his leashed dog, Nikki, to the light rail
6 to return to his home, after completing a sandwich he had purchased from the grocery store.

7 15. Plaintiff KEVIN COLE opened a bag of dog food he had purchased to feed his dog.

8 16. Plaintiff KEVIN COLE was confronted by a security guard.

9 17. The security guard directed Plaintiff KEVIN COLE to leave the property.

10 18. Plaintiff KEVIN COLE stated to the security guard that he intended, before leaving, to
11 purchase some items at the Panda Express restaurant, beside which he was standing.

12 19. The security guard told Plaintiff KEVIN COLE that he could not enter the restaurant and
13 had to leave immediately.

14 20. Plaintiff KEVIN COLE questioned the basis for the security guard's instruction.

15 21. The security guard told Plaintiff KEVIN COLE that, unless he left immediately, the
16 security guard would call the police.

17 22. Plaintiff KEVIN COLE, knowing that he was within his rights and had done nothing to
18 warrant the treatment he was experiencing, welcomed the arrival of the police.

19 23. Defendant DOE 1, a police officer employed by Defendants CITY OF SACRAMENTO
20 and SACRAMENTO POLICE DEPARTMENT, arrived to Plaintiff KEVIN COLE's location within
21 minutes.

22 24. Defendant DOE 1 instructed Plaintiff KEVIN COLE to leave "within nine minutes."

23 25. Plaintiff KEVIN COLE believed Defendant DOE 1's instruction to be both unreasonable
24 and without legal basis.

25 26. On information and belief, Plaintiff KEVIN COLE was discriminated against by
26 Defendant DOE 1 on the basis of Defendant DOE 1's erroneous belief that Plaintiff KEVIN COLE was a
27 homeless person and because of Plaintiff KEVIN COLE's protected speech expressing his right to
28 remain at the location.

1 27. Before the expiration of the nine-minute deadline imposed by Defendant DOE 1, Plaintiff
2 KEVIN COLE was wrestled to the ground by Defendant DOE 1.

3 28. Defendant DOE 1 applied handcuffs to Plaintiff KEVIN COLE's arms.

4 29. Defendant DOE 1 placed Plaintiff KEVIN COLE under arrest, without cause.

5 30. Plaintiff KEVIN COLE's dog, Nikki, generally very friendly and timid, became agitated
6 as Defendant DOE 2, a backup police officer, arrived at the location.

7 31. Defendant DOE 2 demanded that Plaintiff KEVIN COLE, handcuffed on the ground,
8 control his dog.

9 32. Defendant DOE 2 shot Nikki with his firearm, while the dog was non-threatening and
10 located several feet away from Defendant DOE 2.

11 33. Defendant DOE 2's discharge of his firearm was reckless, as several persons were in the
12 immediate area.

13 34. Defendant DOE 2 aimed his firearm recklessly in the direction of an occupied parking lot
14 in and around where several bystanders were located.

15 35. Defendant DOE 2's discharge of his firearm was captured on his body-worn camera. *See*
16 <<https://www.sacbee.com/news/local/crime/article238794193.html>>.

17 36. The bullet fired from Defendant DOE 2's firearm penetrated Nikki's leg and then struck
18 the ground and broke into several fragments.

19 37. The bullet fragments from Defendant DOE 2's firearm ricocheted off the sidewalk and
20 struck Plaintiff KEVIN COLE and the security guard, injuring each of them.

21 38. Plaintiff KEVIN COLE was struck with a bullet fragment between the eyes.

22 39. Plaintiff KEVIN COLE was transported to U.C. Davis Medical Center for treatment.

23 40. Nikki was taken to the Sacramento Animal Shelter, after being bandaged by pharmacy
24 employees from the Safeway grocery store.

25 41. Defendants DOE 1 and DOE 2 seized Plaintiff KEVIN COLE's possessions, including his
26 backpack, groceries, wallet, cash, keys, and identification.

27 42. Plaintiff KEVIN COLE's possessions were not returned to him by Defendant
28 SACRAMENTO POLICE DEPARTMENT until after several days and considerable effort.

POLICY OR CUSTOM ALLEGATIONS

Custom of Use of Excessive / Unreasonable Force & Failure to Train, Discipline, or Supervise

43. Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, and DANIEL HAHN maintain an unofficial custom whereby their police officers are permitted to use excessive and unreasonable force against persons with whom they come into contact, without meaningful consequence, discipline, or corrective action. Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, and DANIEL HAHN’s failure to investigate and discipline employees in the face of widespread constitutional violations has resulted in their personnel’s use force with impunity. This custom proximately caused Defendants DOE 1 and DOE 2’s use of force against Plaintiff KEVIN COLE and his dog. In addition to the incident giving rise to this action, evidence of the existence of this custom is reflected by:

a. The California Department of Justice’s “Report & Recommendations” issued on January 29, 2019. *See* <<https://oag.ca.gov/system/files/attachments/press-docs/spd-report.pdf>>. Therein, numerous and “significant deficiencies” were identified and recommendations provided in reference to Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT’s use of force policies and training. For example, Defendant SACRAMENTO POLICE DEPARTMENT’s use of policies “should affirm the importance of proportionality”; “should prohibit certain problematic uses of force”; and should “[r]equiring officers to intervene during a use of force incident when the force used is outside of departmental policy.” Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT’s use of force training “should place greater emphasis on teaching officers to have a ‘guardian’ mindset”; and “should ensure its use of force training emphasizes critical-decision making skills and require such training annually for all staff, regardless of rank.”

b. Numerous incidents involving allegations of excessive and unreasonable use of force by Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT’s personnel. For example:

i. *Clark v. City of Sacramento*, E.D. Cal. Case No. 2:19-cv-00171-JAM-EFB
(Alleging that on March 18, 2018, two police officers shot an unarmed man to death,

1 while he hid in his grandmother's backyard. The resulting lawsuit has partially settled.)

2 ii. *Cain v. City of Sacramento*, E.D. Cal. Case No. 2:17-cv-00848-JAM-DB

3 (Alleging that on April 10, 2017, a police officer grabbed, tackled, and punched a man for
4 jaywalking, without realizing the beating was recorded. The resulting lawsuit was settled
5 for \$550,000. <<https://www.sacbee.com/news/local/article228710949.html>>.)

6 iii. *Hernandez v. City of Sacramento*, E.D. Cal. Case No. 2:17-cv-02311-JAM-DB

7 (Alleging that on March 6, 2017, three police officers chased an unarmed man who had
8 been loitering in front of a convenience store into a hospital where he was then tased,
9 beaten, and pinned to ground until he asphyxiated to the point of coma. The resulting
10 lawsuit was settled for \$5,200,000.

11 <<https://www.sacbee.com/news/local/article231173283.html>>.)

12 iv. *Mann v. City of Sacramento*, E.D. Cal. Case No. 2:16-cv-01847-WBS-DB

13 (Alleging that on July 11, 2016, a mentally-ill man was falsely reported to have a gun
14 when two police officers unsuccessfully attempted to run-over the man with their patrol
15 vehicle and, after failing to do so, exited the vehicle, pursued the man on foot as he fled,
16 cornered the man, and shot him to death. The resulting lawsuit was settled for \$719,000.
17 <www.sacbee.com/news/local/article130391109.html>.)

18 v. *Namoca v. City of Sacramento*, E.D. Cal. Case No. 2:16-cv-02283-TLN-EFB

19 (Alleging that on June 7, 2016, two police officers falsely accused a minor of "tampering"
20 with a mailbox, tackled him to the ground dislocating his shoulder, and unlawfully
21 detained him in the back of a police car for nearly an hour while conducting pretextual
22 records searches before finally releasing him when it became apparent that no lawful
23 justification for the arrest could be found. The resulting lawsuit was settled for \$40,000.

24 <<https://www.sacbee.com/news/local/article228710949.html>>.)

25 vi. *Thompson v. City of Sacramento*, E.D. Cal. Case No. 2:18-cv-00806-KJM-DB

26 (Alleging that on April 10, 2016, a police officer slammed a woman face-first into the
27 frame of the patrol vehicle multiple times, breaking her nose and the orbital around her
28 eye. The resulting lawsuit was settled.)

1 vii. *Halcomb v. City of Sacramento*, E.D. Cal. Case No. 2:14-cv-02796-MCE-DB
2 (Alleging that on August 8, 2014, three police officers broke into the wrong residence
3 seeking the subject of an arrest warrant who lived at a different address and used
4 excessive and unreasonable force against the resident. The resulting lawsuit was settled
5 for \$220,000, after it was discovered that a police officer lied about the existence of a
6 warrant. <<http://www.sacbee.com/news/local/crime/article147296244.html>>. In response
7 to a subsequent citizen complaint against the officer who lied under oath, Defendant
8 DANIEL HAHN found “no violation of Police Department rules or regulations.”)

9 **Policy of Delayed / Prolonged Investigation of Citizen Complaints**

10 44. Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, and
11 DANIEL HAHN maintain an official policy permitting the indefinite suspension of the investigation of
12 citizen complaints received. Specifically, the policy states: “If your [citizen complaint] stems from an
13 arrest or citation issued to a family member or yourself, it may not be investigated until the legal matter
14 has been settled.” Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT,
15 and DANIEL HAHN apply this policy to both criminal *and* civil matters, even where the matters are
16 initiated *after* the circumstances giving rise to the citizen complaint. As a result, Defendants CITY OF
17 SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, and DANIEL HAHN employ this policy
18 in a manner which allows them indefinitely to suspend their obligations to investigate a citizen complaint
19 under Cal. Pen. Code § 832.5. Additionally, because nearly every civil matter resulting from alleged
20 police misconduct is not resolved in an expeditious fashion, the policy effectively bars the imposition of
21 discipline against any officer subject to a complaint, even if a complaint is subsequently sustained,
22 because “the investigation of the allegation [wa]s not completed within one year...” *See* Cal. Gov. Code
23 § 3304(d)(1). The application of this policy undermines accountability and the deterrent effects of post-
24 incident investigations because officers have no reason to fear punishment, which cultivates a culture in
25 which officers believe they can “get away with anything.” On information and belief, this policy
26 proximately caused or was the moving force behind Defendants DOE 1 and DOE 2’s use of force against
27 Plaintiff KEVIN COLE and his dog. Beyond this case, other examples of how this policy is employed
28 include:

1 a. On March 20, 2018, 17-year-old Phayjjon McClellan was assaulted by Sacramento Police
2 Department police officers Lannom and Catricala while he was recovering from a gunshot wound
3 at the hospital. On March 20, 2018, a verbal complaint was lodged and on April 18, 2018, a
4 formal citizen complaint was lodged pursuant to Cal. Pen. Code § 832.5. On August 8, 2019,
5 Defendant SACRAMENTO POLICE DEPARTMENT “Sustained” Phayjjon McClellan’s citizen
6 complaint. On information and belief, despite the fact that Phayjjon McClellan’s citizen
7 complaint was “Sustained,” police officers Lannom and Catricala avoided discipline because “the
8 investigation of the allegation [wa]s not completed within one year...” See Cal. Gov. Code §
9 3304(d)(1); see also <<https://www.sacbee.com/news/local/crime/article234512712.html>>.

10 b. In *Namoca v. City of Sacramento*, E.D. Cal. Case No. 2:16-cv-02283-TLN-EFB, the
11 plaintiff, a minor, alleged that on June 7, 2016, two police officers falsely accused a minor of
12 “tampering” with a mailbox, tackled him to the ground dislocating his shoulder, and unlawfully
13 detained him in the back of a police car for nearly an hour while conducting pretextual records
14 searches before finally releasing him when it became apparent that no lawful justification for the
15 arrest could be found. On July 8, 2016, the plaintiff submitted a citizen complaint to Defendant
16 SACRAMENTO POLICE DEPARTMENT pursuant to Cal. Pen. Code § 832.5. On September
17 23, 2019, the plaintiff filed a civil rights lawsuit. On September 30, 2016, Police Captain David
18 Peletta instructed the investigator conducting the internal affairs review of the complaint “to place
19 the IA investigation in suspense until the civil case was completed” and cancelled the scheduled
20 interview with the involved-officer. On October 2, 2018, the civil rights lawsuit was settled.
21 However, to date, the plaintiff has never been notified of the disposition of the complaint. On
22 information and belief, no conclusion has been rendered and, in any event, because “the
23 investigation of the allegation [wa]s not completed within one year,” Cal. Gov. Code §
24 3304(d)(1), even if the plaintiff’s complaint is sustained, no discipline will be imposed against the
25 involved officers.

26 c. The California Department of Justice’s “Report & Recommendations” issued on January
27 29, 2019, identifies numerous and “significant deficiencies” in reference to Defendants CITY OF
28 SACRAMENTO and SACRAMENTO POLICE DEPARTMENT’s use of force reporting and

1 investigation and personnel complaint procedures.

2 (<<https://oag.ca.gov/system/files/attachments/press-docs/spd-report.pdf>>.) Specifically, the
3 “Report & Recommendations” noted that: “If an investigation remains open for an extended
4 period of time, it is both difficult for the officer and harmful to the public trust. Enforcing
5 deadlines can be a difficult task, but individual and departmental accountability require it.” (*Id.* at
6 p. 44.)

7 **Ratification of Delayed / Prolonged Investigation of Citizen Complaints**

8 45. Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT’s
9 Chief of Police, Defendant DANIEL HAHN, is a final policy-making authority. *See* Cal. Gov. Code §
10 38630(a) (“The police department of a city is under the control of the chief of police.”). On information
11 and belief, Defendant DANIEL HAHN participated in creating and maintaining a culture of impunity for
12 officers’ use of excessive and unreasonable force, creating an environment where the mechanisms for
13 supervision and control over the use of force operated ineffectively and sometimes not at all—*i.e.*,
14 lengthy delays or failure to dispose of citizen complaints. On information and belief, this ratification
15 proximately caused or was the moving force behind Defendants DOE 1 and DOE 2’s use of force against
16 Plaintiff KEVIN COLE and his dog, where it was tantamount to the announcement or confirmation of a
17 policy of permitting the indefinite suspension of the investigation of citizen complaints received.

18 Examples of the ratification include:

19 a. On March 20, 2018, 17-year-old Phayjjon McClellan was assaulted by Sacramento Police
20 Department police officers Lannom and Catricala while he was recovering from a gunshot wound
21 at the hospital. On March 20, 2018, a verbal complaint was lodged and on April 18, 2018, a
22 formal citizen complaint was lodged pursuant to Cal. Pen. Code § 832.5. On August 8, 2019,
23 Defendant SACRAMENTO POLICE DEPARTMENT “Sustained” Phayjjon McClellan’s citizen
24 complaint. On information and belief, despite the fact that Phayjjon McClellan’s citizen
25 complaint was “Sustained,” police officers Lannom and Catricala avoided discipline because “the
26 investigation of the allegation [wa]s not completed within one year...” *See* Cal. Gov. Code §
27 3304(d)(1); *see also* <<https://www.sacbee.com/news/local/crime/article234512712.html>>.

28 b. In *Namoca v. City of Sacramento*, E.D. Cal. Case No. 2:16-cv-02283-TLN-EFB, the

1 plaintiff, a minor, alleged that on June 7, 2016, two police officers falsely accused a minor of
2 “tampering” with a mailbox, tackled him to the ground dislocating his shoulder, and unlawfully
3 detained him in the back of a police car for nearly an hour while conducting pretextual records
4 searches before finally releasing him when it became apparent that no lawful justification for the
5 arrest could be found. On July 8, 2016, the plaintiff submitted a citizen complaint to Defendant
6 SACRAMENTO POLICE DEPARTMENT pursuant to Cal. Pen. Code § 832.5. On September
7 23, 2019, the plaintiff filed a civil rights lawsuit. On September 30, 2016, Police Captain David
8 Peletta instructed the investigator conducting the internal affairs review of the complaint “to place
9 the IA investigation in suspense until the civil case was completed” and cancelled the scheduled
10 interview with the involved-officer. On October 2, 2018, the civil rights lawsuit was settled.
11 However, to date, the plaintiff has never been notified of the disposition of the complaint. On
12 information and belief, no conclusion has been rendered and, in any event, because “the
13 investigation of the allegation [wa]s not completed within one year,” Cal. Gov. Code §
14 3304(d)(1), even if the plaintiff’s complaint is sustained, no discipline will be imposed against the
15 involved-officers.

16 **FIRST CLAIM**

17 **False Detention / Arrest**

18 **(U.S. Const., Amend. IV; 42 U.S.C. § 1983)**

19 46. This Claim is asserted by Plaintiff KEVIN COLE against Defendants DOE 1 and DOE 2.

20 47. Plaintiff KEVIN COLE realleges and incorporates the allegations of the preceding
21 paragraphs 1 to 42, to the extent relevant, as if fully set forth in this Claim.

22 48. Defendants DOE 1 and DOE 2, acting or purporting to act in the performance of their
23 official duties as law enforcement officers, falsely detained/arrested Plaintiff KEVIN COLE, without a
24 warrant and without probable cause, in violation of his rights protected by the Fourth Amendment (as
25 incorporated through the Fourteenth Amendment) of the U.S. Constitution.

26 49. Defendants DOE 1 and DOE 2’s actions and inactions were motivated by evil motive or
27 intent, involved reckless or callous indifference to Plaintiff KEVIN COLE’s constitutional rights, or were
28 wantonly or oppressively done.

1 58. Defendants DOE 1 and DOE 2, acting or purporting to act in the performance of their
2 official duties as law enforcement officers, treated differently, singled-out, and/or targeted Plaintiff
3 KEVIN COLE based on an animus towards his perceived membership in an historically-unpopular class
4 of homeless persons without access to shelter or housing, without a rational relationship to any legitimate
5 state or law enforcement interests, in violation of rights secured by the Fourteenth Amendment of the
6 U.S. Constitution.

7 59. Defendants DOE 1 and DOE 2's actions and inactions were motivated by evil motive or
8 intent, involved reckless or callous indifference to Plaintiff KEVIN COLE's constitutional rights, or were
9 wantonly or oppressively done.

10 60. As a direct and proximate result of Defendants DOE 1 and DOE 2's actions, Plaintiff
11 KEVIN COLE suffered injuries entitling him to receive compensatory and punitive damages against
12 Defendants DOE 1 and DOE 2.

13 WHEREFORE, Plaintiff KEVIN COLE prays for relief as hereunder appears.

14 **FOURTH CLAIM**

15 **Unreasonable and Excessive Force**

16 **(U.S. Const., Amend. IV; 42 U.S.C. § 1983)**

17 61. This Claim is asserted by Plaintiff KEVIN COLE against Defendants CITY OF
18 SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, DOE 1, and DOE 2.

19 62. Plaintiff KEVIN COLE realleges and incorporates the allegations of the preceding
20 paragraphs 1 to 45, to the extent relevant, as if fully set forth in this Claim.

21 63. Defendants DOE 1 and DOE 2, acting or purporting to act in the performance of their
22 official duties as law enforcement officers, used unreasonable and excessive force against Plaintiff
23 KEVIN COLE and his dog, in violation of his rights protected by the Fourth Amendment (as
24 incorporated through the Fourteenth Amendment) of the U.S. Constitution.

25 64. Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, and
26 DANIEL HAHN, acting under color of state law and as policy-making authorities, maintained policies or
27 customs of action and inaction resulting in the violation of Plaintiff KEVIN COLE's rights protected by
28 the Fourth Amendment (as incorporated through the Fourteenth Amendment) of the U.S. Constitution.

1 65. Defendants DANIEL HAHN, DOE 1, and DOE 2's actions and inactions were motivated
2 by evil motive or intent, involved reckless or callous indifference to Plaintiff KEVIN COLE's
3 constitutional rights, or were wantonly or oppressively done.

4 66. As a direct and proximate result of Defendants CITY OF SACRAMENTO,
5 SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, DOE 1, and DOE 2's actions and
6 inactions, Plaintiff KEVIN COLE suffered injuries entitling him to receive compensatory damages
7 against Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL
8 HAHN, DOE 1, and DOE 2; and punitive damages against Defendants DANIEL HAHN, DOE 1, and
9 DOE 2.

10 WHEREFORE, Plaintiff KEVIN COLE prays for relief as hereunder appears.

11 **FIFTH CLAIM**

12 **Substantive Due Process**

13 **(U.S. Const., Amend. XIV; 42 U.S.C. § 1983)**

14 67. This Claim is asserted by Plaintiff KEVIN COLE against Defendants CITY OF
15 SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, DOE 1, and DOE 2.

16 68. Plaintiff KEVIN COLE realleges and incorporates the allegations of the preceding
17 paragraphs 1 to 45, to the extent relevant, as if fully set forth in this Claim.

18 69. Defendants DOE 1 and DOE 2, acting or purporting to act in the performance of their
19 official duties as law enforcement officers, engaged in conscience-shocking conduct by employing
20 deadly force with the purpose to harm and/or deliberate indifference and without regard to the known or
21 obvious risks of injury to Plaintiff KEVIN COLE and his dog, in violation of his rights protected by the
22 Fourteenth Amendment of the U.S. Constitution.

23 70. Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, and
24 DANIEL HAHN, acting under color of state law and as policy-making authorities, maintained policies or
25 customs of action and inaction resulting in the violation of Plaintiff KEVIN COLE's rights protected by
26 the Fourteenth Amendment of the U.S. Constitution.

27 71. Defendants DANIEL HAHN, DOE 1, and DOE 2's actions and inactions were motivated
28 by evil motive or intent, involved reckless or callous indifference to Plaintiff KEVIN COLE's

1 constitutional rights, or were wantonly or oppressively done.

2 72. As a direct and proximate result of Defendants CITY OF SACRAMENTO,
3 SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, DOE 1, and DOE 2's actions and
4 inactions, Plaintiff KEVIN COLE suffered injuries entitling him to receive compensatory damages
5 against Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL
6 HAHN, DOE 1, and DOE 2; and punitive damages against Defendants DANIEL HAHN, DOE 1, and
7 DOE 2.

8 WHEREFORE, Plaintiff KEVIN COLE prays for relief as hereunder appears.

9 **SIXTH CLAIM**

10 **Unreasonable Seizure and Search of Property**

11 **(U.S. Const., Amend. IV; 42 U.S.C. § 1983)**

12 73. This Claim is asserted by Plaintiff KEVIN COLE against Defendants DOE 1 and DOE 2.

13 74. Plaintiff KEVIN COLE realleges and incorporates the allegations of the preceding
14 paragraphs 1 to 42, to the extent relevant, as if fully set forth in this Claim.

15 75. Defendants DOE 1 and DOE 2, acting or purporting to act in the performance of their
16 official duties as law enforcement officers, unreasonably seized and searched Plaintiff KEVIN COLE's
17 property, without a warrant and without probable cause, in violation of his rights protected by the Fourth
18 Amendment (as incorporated through the Fourteenth Amendment) of the U.S. Constitution.

19 76. Defendants DOE 1 and DOE 2's actions and inactions were motivated by evil motive or
20 intent, involved reckless or callous indifference to Plaintiff KEVIN COLE's constitutional rights, or were
21 wantonly or oppressively done.

22 77. As a direct and proximate result of Defendants DOE 1 and DOE 2's actions and inactions,
23 Plaintiff KEVIN COLE suffered injuries entitling him to receive compensatory and punitive damages
24 against Defendants DOE 1 and DOE 2.

25 WHEREFORE, Plaintiff KEVIN COLE prays for relief as hereunder appears.

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SEVENTH CLAIM

False Detention / Arrest

(Cal. Const., Art. I, § 13)

78. This Claim is asserted by Plaintiff KEVIN COLE against Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DOE 1, and DOE 2.

79. Plaintiff KEVIN COLE realleges and incorporates the allegations of the preceding paragraphs 1 to 42, to the extent relevant, as if fully set forth in this Claim.

80. Defendants DOE 1 and DOE 2, acting or purporting to act in the performance of their official duties as law enforcement officers, falsely detained/arrested Plaintiff KEVIN COLE, without a warrant and without probable cause, in violation of his rights protected by article I, section 13 of the California Constitution.

81. Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT are vicariously liable, through the principles of respondeat superior and pursuant to Cal. Gov. Code §§ 815.2(a) and 820(a), for injuries proximately caused by the acts and omissions of their employees acting within the scope of their employment, including Defendants DANIEL HAHN, DOE 1, and DOE 2.

82. Defendants DOE 1 and DOE 2's actions and inactions constituted oppression, fraud, and/or malice resulting in great harm to Plaintiff KEVIN COLE.

83. As a direct and proximate result of Defendants DOE 1 and DOE 2's actions and inactions, Plaintiff KEVIN COLE suffered injuries entitling him to receive compensatory and punitive damages against Defendants DOE 1 and DOE 2.

WHEREFORE, Plaintiff KEVIN COLE prays for relief as hereunder appears.

EIGHTH CLAIM

Unreasonable and Excessive Force

(Cal. Const., Art. I, § 13)

84. This Claim is asserted by Plaintiff KEVIN COLE against Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, DOE 1, and DOE 2.

85. Plaintiff KEVIN COLE realleges and incorporates the allegations of the preceding paragraphs 1 to 45, to the extent relevant, as if fully set forth in this Claim.

1 86. Defendants DOE 1 and DOE 2, acting or purporting to act in the performance of their
2 official duties as law enforcement officers, used unreasonable and excessive force against Plaintiff
3 KEVIN COLE and his dog, in violation of his rights protected by article I, section 13 of the California
4 Constitution.

5 87. Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, and
6 DANIEL HAHN, acting under color of state law and as policy-making authorities, maintained policies or
7 customs of action and inaction resulting in the violation of Plaintiff KEVIN COLE's rights protected by
8 article I, section 13 of the California Constitution.

9 88. Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT
10 are vicariously liable, through the principles of respondeat superior and pursuant to Cal. Gov. Code §§
11 815.2(a) and 820(a), for injuries proximately caused by the acts and omissions of their employees acting
12 within the scope of their employment, including Defendants DANIEL HAHN, DOE 1, and DOE 2.

13 89. Defendants DANIEL HAHN, DOE 1, and DOE 2's actions and inactions constituted
14 oppression, fraud, and/or malice resulting in great harm to Plaintiff KEVIN COLE.

15 90. As a direct and proximate result of Defendants CITY OF SACRAMENTO,
16 SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, DOE 1, and DOE 2's actions and
17 inactions, Plaintiff KEVIN COLE suffered injuries entitling him to receive compensatory damages
18 against Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL
19 HAHN, DOE 1, and DOE 2; and punitive damages against Defendants DANIEL HAHN, DOE 1, and
20 DOE 2.

21 WHEREFORE, Plaintiff KEVIN COLE prays for relief as hereunder appears.

22 **NINTH CLAIM**

23 **Unreasonable Seizure and Search of Property**

24 **(Cal. Const., Art. I, § 13)**

25 91. This Claim is asserted by Plaintiff KEVIN COLE against Defendants CITY OF
26 SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DOE 1, and DOE 2.

27 92. Plaintiff KEVIN COLE realleges and incorporates the allegations of the preceding
28 paragraphs 1 to 42, to the extent relevant, as if fully set forth in this Claim.

1 93. Defendants DOE 1 and DOE 2, acting or purporting to act in the performance of their
2 official duties as law enforcement officers, unreasonably seized and searched Plaintiff KEVIN COLE's
3 property, without a warrant and without probable cause, in violation of his rights protected by article I,
4 section 13 of the California Constitution.

5 94. Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT
6 are vicariously liable, through the principles of respondeat superior and pursuant to Cal. Gov. Code §§
7 815.2(a) and 820(a), for injuries proximately caused by the acts and omissions of their employees acting
8 within the scope of their employment, including Defendants DANIEL HAHN, DOE 1, and DOE 2.

9 95. Defendants DOE 1 and DOE 2's actions and inactions constituted oppression, fraud,
10 and/or malice resulting in great harm to Plaintiff KEVIN COLE.

11 96. As a direct and proximate result of Defendants DOE 1 and DOE 2's actions and inactions,
12 Plaintiff KEVIN COLE suffered injuries entitling him to receive compensatory and punitive damages
13 against Defendants DOE 1 and DOE 2.

14 WHEREFORE, Plaintiff KEVIN COLE prays for relief as hereunder appears.

15 **TENTH CLAIM**

16 **Bane Act**

17 **(Cal. Civ. Code § 52.1)**

18 97. This Claim is asserted by Plaintiff KEVIN COLE against Defendants CITY OF
19 SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, DOE 1, and DOE 2.

20 98. Plaintiff KEVIN COLE realleges and incorporates the allegations of the preceding
21 paragraphs 1 to 45, to the extent relevant, as if fully set forth in this Claim.

22 99. Defendants DOE 1 and DOE 2, acting or purporting to act in the performance of their
23 official duties as law enforcement officers:

24 a. falsely detained/arrested Plaintiff KEVIN COLE, without a warrant and without probable
25 cause, and with specific intent (*i.e.*, deliberate indifference or reckless disregard) to deprive
26 Plaintiff KEVIN COLE of his rights protected by the Fourth Amendment (as incorporated
27 through the Fourteenth Amendment) of the U.S. Constitution and article I, section 13 of the
28 California Constitution;

1 b. retaliated against Plaintiff KEVIN COLE for engaging in constitutionally-protected
2 activity with the intent to inhibit the protected activity, with specific intent (*i.e.*, deliberate
3 indifference or reckless disregard) to deprive Plaintiff KEVIN COLE of his rights protected by
4 the First Amendment (as incorporated through the Fourteenth Amendment) of the U.S.
5 Constitution and article I, sections 1 and 2 of the California Constitution;

6 c. treated differently, singled-out, and/or targeted Plaintiff KEVIN COLE based on an
7 animus towards his perceived membership in an historically-unpopular class of homeless persons
8 without access to shelter or housing, without a rational relationship to any legitimate state or law
9 enforcement interests, and with specific intent (*i.e.*, deliberate indifference or reckless disregard)
10 to deprive Plaintiff KEVIN COLE of his rights protected by the Fourteenth Amendment of the
11 U.S. Constitution and article I, section 7(a) of the California Constitution;

12 d. used unreasonable and excessive force against Plaintiff KEVIN COLE, with specific
13 intent (*i.e.*, deliberate indifference or reckless disregard) to deprive Plaintiff KEVIN COLE of his
14 rights protected by the Fourth Amendment (as incorporated through the Fourteenth Amendment)
15 of the U.S. Constitution and article I, section 13 of the California Constitution;

16 e. engaged in conscience-shocking conduct by employing deadly force with the purpose to
17 harm and/or deliberate indifference and without regard to the known or obvious risks of injury,
18 and with specific intent (*i.e.*, deliberate indifference or reckless disregard) to deprive Plaintiff
19 KEVIN COLE of his rights protected by the Fourteenth Amendment of the U.S. Constitution and
20 article I, section 7(a) of the California Constitution; and/or

21 f. unreasonably seized and searched Plaintiff KEVIN COLE's property, without a warrant
22 and without probable cause, and with specific intent (*i.e.*, deliberate indifference or reckless
23 disregard) to deprive Plaintiff KEVIN COLE of his rights protected by the Fourth Amendment
24 (as incorporated through the Fourteenth Amendment) of the U.S. Constitution and article I,
25 section 13 of the California Constitution.

26 100. Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, and
27 DANIEL HAHN, acting under color of state law and as policy-making authorities, maintained policies or
28 customs of action and inaction, with specific intent (*i.e.*, deliberate indifference or reckless disregard) to

1 deprive Plaintiff KEVIN COLE of his rights protected by the Fourth Amendment (as incorporated
2 through the Fourteenth Amendment) and Fourteenth Amendment of the U.S. Constitution and article I,
3 sections 7(a) and 13 of the California Constitution.

4 101. Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT
5 are vicariously liable, through the principles of respondeat superior and pursuant to Cal. Gov. Code §§
6 815.2(a) and 820(a), for injuries proximately caused by the acts and omissions of their employees acting
7 within the scope of their employment, including Defendants DANIEL HAHN, DOE 1, and DOE 2.

8 102. Defendants DANIEL HAHN, DOE 1, and DOE 2's actions and inactions constituted
9 oppression, fraud, and/or malice resulting in great harm to Plaintiff KEVIN COLE.

10 103. As a direct and proximate result of Defendants CITY OF SACRAMENTO,
11 SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, DOE 1, and DOE 2's actions and
12 inactions, Plaintiff KEVIN COLE suffered injuries entitling him to receive compensatory damages,
13 treble damages, and civil penalties against Defendants CITY OF SACRAMENTO, SACRAMENTO
14 POLICE DEPARTMENT, DANIEL HAHN, DOE 1, and DOE 2; and punitive damages against
15 Defendants DANIEL HAHN, DOE 1, and DOE 2.

16 WHEREFORE, Plaintiff KEVIN COLE prays for relief as hereunder appears.

17 **ELEVENTH CLAIM**

18 **False Detention / Arrest**

19 104. This Claim is asserted by Plaintiff KEVIN COLE against Defendants CITY OF
20 SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DOE 1, and DOE 2.

21 105. Plaintiff KEVIN COLE realleges and incorporates the allegations of the preceding
22 paragraphs 1 to 42, to the extent relevant, as if fully set forth in this Claim.

23 106. Defendants DOE 1 and DOE 2, acting or purporting to act in the performance of their
24 official duties as law enforcement officers, falsely detained/arrested Plaintiff KEVIN COLE, without a
25 warrant and without probable cause.

26 107. Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT
27 are vicariously liable, through the principles of respondeat superior and pursuant to Cal. Gov. Code §§
28 815.2(a) and 820(a), for injuries proximately caused by the acts and omissions of their employees acting

1 within the scope of their employment, including Defendants DOE 1 and DOE 2.

2 108. Defendants DOE 1 and DOE 2's actions and inactions constituted oppression, fraud,
3 and/or malice resulting in great harm to Plaintiff KEVIN COLE.

4 109. As a direct and proximate result of Defendants DOE 1 and DOE 2's actions and inactions,
5 Plaintiff KEVIN COLE suffered injuries entitling him to receive compensatory damages against
6 Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DOE 1 and DOE 2;
7 and punitive damages against Defendants DOE 1 and DOE 2.

8 WHEREFORE, Plaintiff KEVIN COLE prays for relief as hereunder appears.

9 **TWELFTH CLAIM**

10 **Assault / Battery**

11 110. This Claim is asserted by Plaintiff KEVIN COLE against Defendants CITY OF
12 SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, DOE 1, and DOE 2.

13 111. Plaintiff KEVIN COLE realleges and incorporates the allegations of the preceding
14 paragraphs 1 to 45, to the extent relevant, as if fully set forth in this Claim.

15 112. Defendants DOE 1 and DOE 2, acting or purporting to act in the performance of their
16 official duties as law enforcement officers, intentionally threatened to touch and caused to be touched
17 Plaintiff KEVIN COLE, without consent, and that threatened touching and touching constituted use of
18 unreasonable and excessive force.

19 113. Defendant DANIEL HAHN, acting under color of state law and as a policy-making
20 authority, maintained policies or customs of action and inaction resulting in Defendants DOE 1 and DOE
21 2's use of unreasonable and excessive force against Plaintiff KEVIN COLE.

22 114. Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT
23 are vicariously liable, through the principles of respondeat superior and pursuant to Cal. Gov. Code §§
24 815.2(a) and 820(a), for injuries proximately caused by the acts and omissions of their employees acting
25 within the scope of their employment, including Defendants DANIEL HAHN, DOE 1, and DOE 2.

26 115. Defendants DANIEL HAHN, DOE 1, and DOE 2's actions and inactions constituted
27 oppression, fraud, and/or malice resulting in great harm to Plaintiff KEVIN COLE.

28 116. As a direct and proximate result of Defendants DANIEL HAHN, DOE 1, and DOE 2's

1 actions and inactions, Plaintiff KEVIN COLE suffered injuries entitling him to receive compensatory
2 damages against Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT,
3 DANIEL HAHN, DOE 1, and DOE 2; and punitive damages against Defendants DANIEL HAHN, DOE
4 1, and DOE 2.

5 WHEREFORE, Plaintiff KEVIN COLE prays for relief as hereunder appears.

6 **THIRTEENTH CLAIM**

7 **Intentional Infliction of Emotional Distress**

8 117. This Claim is asserted by Plaintiff KEVIN COLE against Defendants CITY OF
9 SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, DOE 1, and DOE 2.

10 118. Plaintiff KEVIN COLE realleges and incorporates the allegations of the preceding
11 paragraphs 1 to 45, to the extent relevant, as if fully set forth in this Claim.

12 119. Defendants DOE 1 and DOE 2, acting or purporting to act in the performance of their
13 official duties as law enforcement officers, engaged in outrageous conduct, including false detention/
14 arrest, retaliation, discrimination, use of unreasonable and excessive force, and/or unreasonable seizure
15 and search against Plaintiff KEVIN COLE; and, as a result of that outrageous conduct, Plaintiff KEVIN
16 COLE suffered severe emotional distress.

17 120. Defendant DANIEL HAHN, acting under color of state law and as a policy-making
18 authority, maintained policies or customs of action and inaction resulting in Defendants DOE 1 and DOE
19 2's use of unreasonable and excessive force against Plaintiff KEVIN COLE.

20 121. Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT
21 are vicariously liable, through the principles of respondeat superior and pursuant to Cal. Gov. Code §§
22 815.2(a) and 820(a), for injuries proximately caused by the acts and omissions of their employees acting
23 within the scope of their employment, including Defendants DANIEL HAHN, DOE 1, and DOE 2.

24 122. Defendants DANIEL HAHN, DOE 1, and DOE 2's actions and inactions constituted
25 oppression, fraud, and/or malice resulting in great harm to Plaintiff KEVIN COLE.

26 123. As a direct and proximate result of Defendants DANIEL HAHN, DOE 1, and DOE 2's
27 actions and inactions, Plaintiff KEVIN COLE suffered injuries entitling him to receive compensatory
28 damages against Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT,

1 DANIEL HAHN, DOE 1, and DOE 2; and punitive damages against Defendants DANIEL HAHN, DOE
2 1, and DOE 2.

3 WHEREFORE, Plaintiff KEVIN COLE prays for relief as hereunder appears.

4 **FOURTEENTH CLAIM**

5 **Conversion / Trespass to Chattels**

6 124. This Claim is asserted by Plaintiff KEVIN COLE against Defendants CITY OF
7 SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DOE 1, and DOE 2.

8 125. Plaintiff KEVIN COLE realleges and incorporates the allegations of the preceding
9 paragraphs 1 to 42, to the extent relevant, as if fully set forth in this Claim.

10 126. Defendants DOE 1 and DOE 2, acting or purporting to act in the performance of their
11 official duties as law enforcement officers, substantially interfered with Plaintiff KEVIN COLE's right to
12 possess his personal property by knowingly or intentionally taking possession of the property, without
13 consent.

14 127. Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT
15 are vicariously liable, through the principles of respondeat superior and pursuant to Cal. Gov. Code §§
16 815.2(a) and 820(a), for injuries proximately caused by the acts and omissions of their employees acting
17 within the scope of their employment, including Defendants DOE 1 and DOE 2.

18 128. Defendants DOE 1 and DOE 2's actions and inactions constituted oppression, fraud,
19 and/or malice resulting in great harm to Plaintiff KEVIN COLE.

20 129. As a direct and proximate result of Defendants DOE 1 and DOE 2's actions and inactions,
21 Plaintiff KEVIN COLE suffered injuries entitling him to receive compensatory against Defendants CITY
22 OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DOE 1, and DOE 2; and punitive
23 damages against Defendants DOE 1 and DOE 2.

24 WHEREFORE, Plaintiff KEVIN COLE prays for relief as hereunder appears.

25 **FIFTEENTH CLAIM**

26 **Negligence**

27 130. This Claim is asserted by Plaintiff KEVIN COLE against Defendants CITY OF
28 SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, DOE 1, and DOE 2.

1 131. Plaintiff KEVIN COLE realleges and incorporates the allegations of the preceding
2 paragraphs 1 to 45, to the extent relevant, as if fully set forth in this Claim.

3 132. Defendants DOE 1 and DOE 2, acting or purporting to act in the performance of their
4 official duties as law enforcement officers, owed Plaintiff KEVIN COLE a duty of care and breached that
5 duty, including by engaging in false detention/ arrest, retaliation, discrimination, use of unreasonable and
6 excessive force, and/or unreasonable seizure and search against Plaintiff KEVIN COLE.

7 133. Defendant DANIEL HAHN, acting under color of state law and as a policy-making
8 authority, owed Plaintiff KEVIN COLE a duty of care and breached that duty by inadequately training,
9 supervising, and/or retaining his subordinates, including Defendants DOE 1 and DOE 2, by knowingly
10 participating in creating and maintaining a culture permitting or encouraging subordinate officers' use of
11 unreasonable and excessive force; and/or acquiescing in or acting deliberately indifferent to a culture
12 permitting or encouraging subordinate officers' use of unreasonable and excessive force.

13 134. Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT
14 are vicariously liable, through the principles of respondeat superior and pursuant to Cal. Gov. Code §§
15 815.2(a) and 820(a), for injuries proximately caused by the acts and omissions of their employees acting
16 within the scope of their employment, including Defendants DANIEL HAHN, DOE 1, and DOE 2.

17 135. Defendants DANIEL HAHN, DOE 1, and DOE 2's actions and inactions constituted
18 oppression, fraud, and/or malice resulting in great harm to Plaintiff KEVIN COLE.

19 136. As a direct and proximate result of Defendants DANIEL HAHN, DOE 1, and DOE 2's
20 actions and inactions, Plaintiff KEVIN COLE suffered injuries entitling him to receive compensatory
21 damages against Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT,
22 DANIEL HAHN, DOE 1, and DOE 2; and punitive damages against Defendants DANIEL HAHN, DOE
23 1, and DOE 2.

24 WHEREFORE, Plaintiff KEVIN COLE prays for relief as hereunder appears.

25 **PRAYER FOR RELIEF**

26 WHEREFORE, Plaintiff KEVIN COLE seeks Judgment as follows:

27 1. For an award of compensatory, general, and special damages against Defendants CITY
28 OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, DOE 1, and DOE

1 2, according to proof at trial;

2 2. For an award of exemplary/punitive damages against Defendants DANIEL HAHN, DOE
3 1, and DOE 2, in an amount sufficient to deter and to make an example of them, because their actions
4 and inactions, as alleged, were motivated by evil motive or intent, involved reckless or callous
5 indifference to constitutionally-protected rights, were wantonly or oppressively done, and/or constituted
6 oppression, fraud, or malice resulting in great harm;

7 3. For an award of actual damages, treble damages, punitive damages, civil penalties, and
8 any other available relief, pursuant to Cal. Civ. Code §§ 52, 52.1, and any other statute as may be
9 applicable;

10 4. For an award of reasonable attorneys' fees and costs, pursuant to 42 U.S.C. § 1988, Cal.
11 Civ. Code § 52.1, Cal. Code Civ. Proc. § 1021.5, and any other statute as may be applicable; and

12 5. For an award of any other further relief, as the Court deems fair, just, and equitable.

13 Dated: March 2, 2020

Respectfully Submitted,

14 

15 By: _____

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17 Paul H. Masuhara
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23 Attorneys for Plaintiff
24 KEVIN COLE
25
26
27
28

JURY TRIAL DEMAND

A JURY TRIAL IS DEMANDED on behalf of Plaintiff KEVIN COLE.

Dated: March 2, 2020

Respectfully Submitted,



By: _____

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