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20 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
21 **COUNTY OF KERN**

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22 LETICIA DELAROSA, individually and as
23 successor in interest to the ESTATE OF
24 RAMIRO JAMES VILLEGAS; RAMIRO
25 M. VILLEGAS, individually and as
26 successor in interest to the ESTATE OF
27 RAMIRO JAMES VILLEGAS; and THE
28 ESTATE OF RAMIRO JAMES
VILLEGAS,

Plaintiffs,

vs.

CITY OF BAKERSFIELD; RICK
WIMBISH; FRANK MCINTYRE; EDGAR
AGUILERA; VALERIA ROBLES;
AARON STRINGER; and DOES 1-50,

Defendants.

COMPLAINT FOR DAMAGES:

1. SURVIVAL - VIOLATION OF CIVIL RIGHTS
42 U.S.C. §1983
2. SURVIVAL - VIOLATION OF CIVIL RIGHTS (MONELL CLAIM)
3. VIOLATION OF CIVIL RIGHTS-FAMILIAL RELATIONSHIP
4. VIOLATION OF CIVIL RIGHTS - FAMILIAL RELATIONSHIP (MONELL)
5. SURVIVAL - VIOLATION OF CIVIL CODE §52.1
6. WRONGFUL DEATH - NEGLIGENCE
7. NEGLIGENCE
8. TORTIOUS INTERFERENCE WITH DECEDENT'S BODY

DEMAND FOR JURY TRIAL

1 with Defendant City of Bakersfield on February 6, 2015. The City of Bakersfield did not
2 respond within 45 days, and Plaintiff timely filed this action on June 2, 2015.

3 **FACTUAL BACKGROUND**

4 **The Life and Killing of James Delarosa**

5 16. James was a dedicated churchgoer and committed to the service of others.
6 Aged only 22, he lived with and took care of his ill mother. He was respected by his peers
7 and loved by his family, and was a constant inspiration for the religious faith of others.
8 Accordingly, he had no prior history of criminal conduct whatsoever.

9 17. On the evening of November 13, 2014, James was driving his Jeep Liberty
10 home to care for his mother. While making his way to the house, Bakersfield Police
11 Officers, including Defendants Edgar Aguilera, Frank McIntyre, Rick Wimbish, and Valeria
12 Robles, attempted to pull him over. Eventually the officers cornered James at the corner of
13 Mt. Vernon Avenue and State Route 178, causing his vehicle to strike a light pole.

14 18. After hitting the light pole, James exited his vehicle and complied with all of
15 the officers' commands. He raised his hands in the air, demonstrating that he had no
16 weapon, and was not physically threatening the officers. Numerous eyewitness accounts and
17 video recorded at the scene confirm that James was not threatening the safety of any of the
18 officers present or attempting to reach for a weapon. As one eyewitness described:

19 I asked wit. 1 what the suspect did when he exited his vehicle. Wit. 1 said the suspect exited and placed his
20 hands up by his shoulders and could hear the suspect and officers yelling at one another, but could not hear
21 what the suspect or officers were saying. I questioned wit. 1 about her seeing the suspect being tased. While

22 19. A second eyewitness described James' ("RAMIRO VILLEGAS") conduct:

23 I asked Witness 2 if she actually observed RAMIRO VILLEGAS exit his vehicle and she told me
24 she did. I asked her if she observed his exit the driver's side and she said she did. I asked her what RAMIRO
25 VILLEGAS did when he exited the vehicle and she indicated with her arms that he held his arms out to his side.
26 She said it appeared to her that he gave up and then stated that he was acting "hard". She stated that was when
27 the officer's shot him. I asked her if she observed RAMIRO VILLEGAS throw anything or do anything and she
28 stated he just "threw" his hands up. She said RAMIRO VILLEGAS then walked towards the officers with his
hands in the air.

1 20. That same eyewitness continued:

2 I asked Witness 2 , what happens next and she stated the officers shot RAMIRO VILLEGAS. I
3 asked her if RAMIRO VILLEGAS did anything before he was shot and she stated he threw his hands up, again
4 demonstrating with her arms outstretched away from her body slightly above shoulder height. She told me this
5 surprised her because RAMIRO VILLEGAS had just been involved in a car wreck and she was wondering what
6 he was doing. I asked her if she observed RAMIRO VILLEGAS do anything else with his hands and she said
7 she did not. She told me she did not see any weapons and she did not see anything in his hands. I asked her if
8 she observed him reach for anything or bend over and she stated she did not.

9 21. A third eyewitness stated:

10 I asked Witness 3 where RAMIRO VILLEGAS was and he told me RAMIRO VILLEGAS was
11 walking towards the officers from the suspect vehicle towards the middle of the police cars. I asked him what
12 RAMIRO VILLEGAS was doing and he outstretched his arms to the side and said he was doing this. He stated
13 it appeared that RAMIRO VILLEGAS was saying "what's up" or something and he was trying to be brave. He
14 said that was when the officer's shot him. I asked him if he observed RAMIRO VILLEGAS do anything and he
15 made the motions again with his arms and said "just that". I asked Witness 3 ; if he could hear
16 RAMIRO VILLEGAS say anything and he said he could not hear anything. He then stated he heard the gunshots
17 and that was it. I asked him if he heard the officer's say anything and he said he did not. I asked him if he could
18 tell if there was any conversation back and forth and he said he could not and that it happened pretty quick.

19 22. That same eyewitness added:

20 I asked Witness 3 if he ever observed RAMIRO VILLEGAS reach down towards his waistband
21 and he stated he did not. He said he was not really paying attention and I asked him if he was paying more
22 attention to the police cars or RAMIRO VILLEGAS. He told me he was watching the entire scene. I asked him
23 if there could have been a time when RAMIRO VILLEGAS did something that he could not see and he told me
24 he watched him the entire time and it was pretty clear. He stated he did not think RAMIRO VILLEGAS had
25 his hands in his pockets and that his hands were at his side. I asked him if he could see what was in RAMIRO
26 VILLEGAS' hands and he told me there was nothing. Witness 3 ; said RAMIRO VILLEGAS
27 was wearing a long sleeve flannel shirt and his hands were open.

28 23. Rather than effectuating proper questioning or maintaining the non-violent
nature of the traffic stop, Defendant Officer Rick Wimbish unexpectedly deployed his taser
on James. An eyewitness observed that the taser was used prior to any other use of force:

 Witness 1 told me when she looked forward again she observed the suspect on the ground. I asked
her how she knew there was a taser and she stated she observed them (Officers) start off with a taser. I asked
her if she could further describe this and she stated she knew they (Officers) started off with a "taser thing".
 Witness 1 stated she also heard sounds and could not distinguish if it was the guns or the taser.
She stated they (Officers) did the taser first and the guns later. Witness 1 stated it was all a blur
and happened within a couple of seconds.

 24. None of the reports produced by the other officers involved mention Officer
Wimbish's use of the taser. These willful omissions are an attempt to cover up the officers'

1 unlawful escalation of violence and unnecessary use of lethal force in the following
2 moments. Officer Wimbish deployed the taser in plain view of all present, shouted “taser!”
3 prior to firing, and the taser itself actually sprayed bright pink and yellow confetti throughout
4 the scene.

5 25. Officer Wimbish’s taser failed to properly deploy, however, and James
6 remained in a standing position with his arms raised. Instead of continuing to use non-lethal
7 force—or using no force at all, since James was not threatening the officers—the officers
8 resorted to killing James, as the Bakersfield Police Department has done many times before.

9 26. The officers fired nine shots at James from a distance of at least 10 feet. Five
10 rounds struck James, including one bullet through his left forehead, which fractured his skull
11 and lacerated his brain, and another piercing his groin area. The coroner’s report concluded:

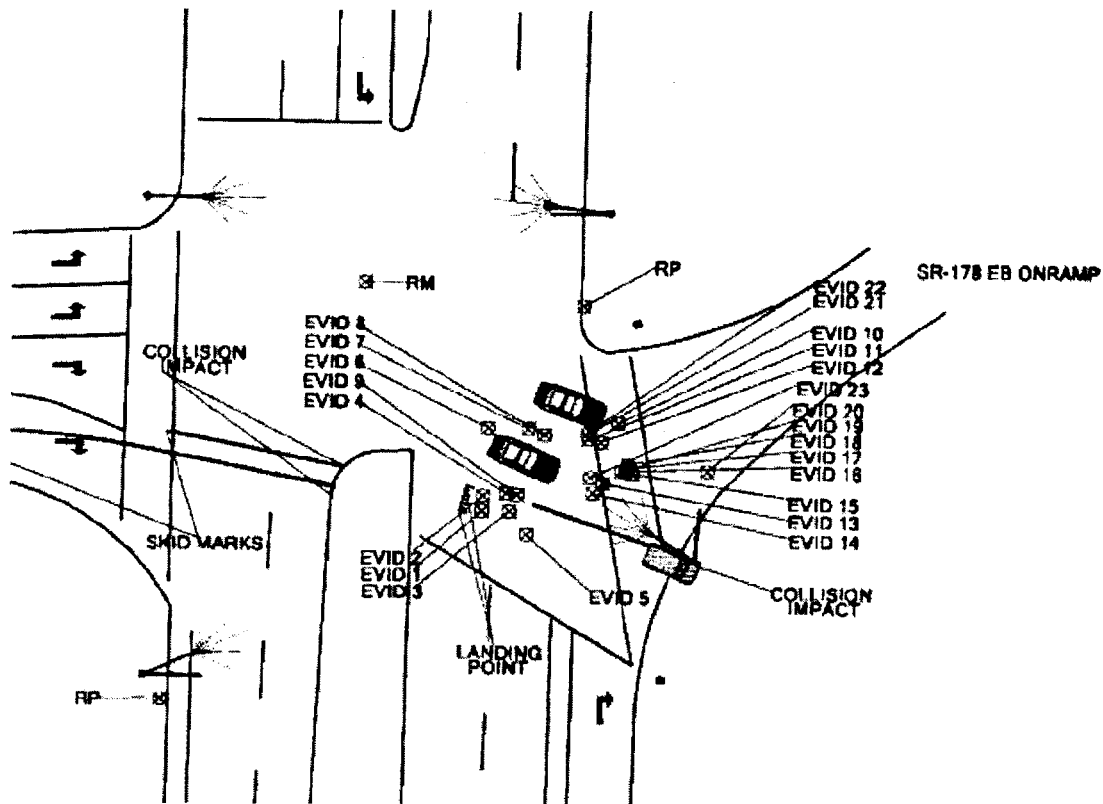
12 **FINAL DIAGNOSES**

13 **I. Multiple gunshot wounds (5); one to the head, one to the right shoulder, one to the left**
14 **abdomen, one to the left pelvis, and one to the left upper leg. Major injuries included**
15 **extensive fractures of the skull and laceration of the brain. Three medium caliber bullets**
16 **recovered.**

17 **II. Other injuries: Tazer shot on left upper arm.**

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1 27. A factual diagram produced by the Bakersfield Police Department describes
 2 the scene following James' killing as such:



13 28. The numbered locations of evidence are cataloged as:

- | | | |
|----|-------------------------------|--|
| 14 | 1. 1 - spent 9mm shell casing | 11. Green Taser blast door |
| 15 | 2. 1 - spent 9mm shell casing | 12. Taser wire with dart (Hood of veh# 5590) |
| 16 | 3. 1 - spent 9mm shell casing | 13. Second Taser wire |
| 17 | 4. 1 - spent 9mm shell casing | 14. Blood from Ramiro Villegas |
| 18 | 5. 1 - spent 9mm shell casing | 15. Khaki pants (Next to blood) |
| 19 | 6. 1 - spent 9mm shell casing | 16. Chapstick (Next to blood) |
| 20 | 7. 1 - spent 9mm shell casing | 17. White iPhone 4/S |
| 21 | 8. 1 - spent 9mm shell casing | 18. Blue Adidas shoes |
| 22 | 9. 1 - spent 9mm shell casing | 19. Coins (2-dimes, 1-nickel, 2-pennies) |
| 23 | 10. Green Taser blast door | 20. Front lens cover for Silver Jeep |
| 24 | | 21. Pink confetti from Taser deployment (Front passenger side of veh#5590) |
| 25 | | 22. Pink confetti from Taser deployment (Front passenger side of veh#5590) |
| 26 | | 23. Yellow confetti from Taser deployment (Near blood) |

1 29. The above diagram demonstrates the significant distance between the officers
2 and James when shooting occurred, the large number of shell casings strewn about the scene,
3 and the wide coverage area of the taser's confetti that put officers on notice that non-lethal
4 force was being deployed.

5 30. After collapsing to the ground, Villegas was left to die with neither Defendant
6 police officers nor anyone else administering any first aid to him. As a result of Defendants'
7 violently heinous conduct, Villegas tragically lost his life within thirty minutes of the
8 shooting.

9 **The Tampering and Desecration of James Delarosa's Body**

10 31. The Bakersfield Police Department's abuse of James did not end when they
11 prematurely took his young and promising life. Later that evening, Defendant Officer Aaron
12 Stringer brought his eleventh-week police trainee, Lindy DeGeare, to Kern Medical Center
13 to view James' corpse under the guise of training purposes. Instead of training DeGeare,
14 Defendant Stringer touched the bottom of James' feet, saying "tickle tickle" and stating that
15 he "loves playing with dead bodies" while laughing. Defendant Stringer afterwards told Ms.
16 DeGeare that "if detectives ask if you've seen the body, just say no."

17 32. A subsequent report outlines what Ms. Degeare witnessed:
18 torso. She said while "joking around" Senior Officer STRINGER reached out and touched the bottom of the
19 decedent's feet and said "tickle tickle". Officer DeGEARE said Senior Officer STRINGER then pulled on the
20 toes of the right foot and commented on rigor mortis not having set in yet. Officer DeGEARE said Senior Officer

21 33. The report continues:
22 head returning to its original turned to the left position. Officer DeGEARE said it was at about this time Senior
23 Officer STINGER said he "loves playing with dead bodies", and laughed. Officer DeGEARE described a fold

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1 34. Beyond being morally repugnant and wholly disrespectful towards James and
2 his family, Defendant Stringer's conduct constituted blatant tampering with the evidence
3 surrounding the circumstances of James' death. Defendant Stringer manipulated James'
4 head and left leg—both places that James received bullet wounds:

5 1. Gunshot wound of head:

6 Entrance: The entrance wound is located at the left forehead 1 1/2 inches below the top
7 of the head and 2 1/2 inches to the left of the midline. The entrance wound consists of
8 1/2 inch diameter circular perforation at the superior and the irregular laceration inferior,
9 surrounded with a 1/16 inch marginal abrasion at the superior edge of the entrance.
There was no soot and no stippling on the skin surrounding this wound.

5 5. Gunshot wound of left upper leg:

10 Entrance: The entrance wound is located at the anterior left upper leg, 35 1/2 inches
11 below the top of the head and 6 1/2 inches to the left of the midline. It consists of 1/2
12 inch diameter skin perforation with 1/16 inch wide marginal abrasion. There is no soot
and no stippling on the skin surrounding this wound.

13 35. The location of bullet wounds on James' body are important sites for acquiring
14 forensic data and ballistic information. Notably, the Coroner's Autopsy Report makes no
15 reference to Defendant Stringer's presence or how his tampering might affect the
16 conclusions drawn from the autopsy.

17 **The Bakersfield Police Department's Pattern and Practice**
18 **of Violating Constitutional Rights**

19 36. Sadly, James' killing is yet another tragic consequence of the Bakersfield
20 Police Department's "shoot first, avoid questions later" attitude and "cover-up culture" that
21 has pervaded the police force in this action and in numerous other shootings of unarmed
22 minorities.

23 37. James' death is the direct result of Defendant City of Bakersfield's radicalized
24 police force. Each officer is indoctrinated, beginning at the police academy, into a lack of
25 respect for citizens in moments of life and death. Officers enter a trigger-happy culture in
26 which allegations that a suspect was "reaching for his waistband" or acting in a threatening
27 manner are used to retroactively justify the killing of unarmed and compliant victims.
28 Despite killing their son, and admittedly desecrating his body, to date the Bakersfield Police

1 Department has not so much as offered an apology to James' parents.

2 38. As an example of this widespread practice of insufficient training and covering
3 up of police wrongdoing, Bakersfield Police shot and killed Jorge Ramirez on September 16,
4 2013. Mr. Ramirez was acting as a confidential informant and assisting in the apprehension
5 of a suspect by interrogating that suspect in a vehicle. Although the Bakersfield Police
6 Department was aware that Mr. Ramirez was in the car with the suspect, the officers,
7 including Defendant Wimbish, opened fire on the vehicle. Struck by the gunfire, Mr.
8 Ramirez exited the vehicle and was again shot multiple times as he attempted to flee,
9 including one shot that struck him from behind. In total, Bakersfield police shot Mr.
10 Ramirez ten times. He was not armed.

11 39. Moreover, Bakersfield police attempted to conceal the fact that Mr. Ramirez
12 was working for them as a confidential informant in order to cover up their egregious
13 misconduct and wrongful use of excessive force. This example of the department's "shoot
14 first, avoid questions later" policy is another in the line of over a dozen deadly shootings of
15 unarmed citizens in Bakersfield over the past five years. The Bakersfield Police
16 Department's lack of accountability and complete lack of respect for the community has
17 reached an epidemic scale, and has made civil rights abuses and unjustified killings the norm
18 in Bakersfield.

19 **FIRST CAUSE OF ACTION**

20 **SURVIVAL – VIOLATION OF CIVIL RIGHTS 42 U.S.C. §1983**

21 (Plaintiffs against Defendants Wimbish, McIntyre, Aguilera, Robles, and Does 1 through 25)

22 40. Plaintiffs reallege and incorporate by reference each and every allegation
23 contained in the preceding paragraphs as if fully set forth herein.

24 41. Defendants were, at all relevant times, law enforcement officers with the City
25 of Bakersfield Police Department who were acting under color of state law.

26 42. Plaintiffs bring this claim for relief in their capacities as the successors-in-
27 interest and personal representatives of the decedent Ramiro James Villegas Delarosa.

28

1 43. The foregoing claim for relief arose in decedent's favor, and decedent would
2 have been the plaintiff with respect to this claim for relief had he lived.

3 44. Defendants, acting under color of state law, deprived the decedent of rights,
4 privileges, and immunities secured by the Constitution and laws of the United States,
5 including those enumerated in and secured by the Fourth Amendment to the Constitution, by
6 subjecting the decedent to excessive force when they shot and killed him. Specifically, after
7 being cornered by Defendant police officers, decedent exited his car in a nonthreatening
8 manner with his arms raised to his shoulders and nothing in his hands. Defendant officers
9 did not give decedent any verbal instructions to proceed differently. Despite being unarmed
10 and non-threatening, Defendant officers chose not to de-escalate the situation in a proper and
11 non-life-threatening manner. Defendant Wimbish instead deployed a taser at decedent,
12 which did not work, and prompted the remaining Defendant officers to use excessive and
13 deadly force and fire nine rounds at decedent. Decedent was hit five times, including once in
14 the forehead and once in the groin, and died as a result.

15 45. The wrongful acts alleged herein above of defendant police officers were the
16 cause of decedent's death.

17 46. As a proximate result of the foregoing wrongful acts of defendants, and each of
18 them, the decedent sustained general damages, including pain and suffering, and a loss of the
19 enjoyment of life and other hedonic damages, in an amount in accordance with proof.

20 47. In doing the foregoing wrongful acts, defendants, and each of them, acted in
21 reckless and callous disregard for the constitutional rights of decedent. The wrongful acts,
22 and each of them, were willful, oppressive, fraudulent and malicious, thus warranting the
23 award of punitive damages against each individual defendant in an amount adequate to
24 punish the wrongdoers and deter future misconduct.

25 48. As further damage, Plaintiffs have and will incur attorneys' fees and pursuant
26 to 42 U.S.C. § 1988 are entitled to recover costs and fees in pursuing rights for a violation of
27 42 U.S.C. § 1983.

28 ///

1 SECOND CAUSE OF ACTION

2 **SURVIVAL – VIOLATION OF CIVIL RIGHTS 42 U.S.C. §1983 – MONELL CLAIM**

3 (Plaintiffs against the City of Bakersfield and Does 25 through 50)

4 49. Plaintiffs reallege and incorporate by reference the allegations contained in the
5 preceding paragraphs of this complaint, as though fully set forth herein.

6 50. Plaintiffs bring this claim for relief in their capacities as the successors-in-
7 interest and personal representatives of the decedent Ramiro James Villegas Delarosa.

8 51. Defendants, City of Bakersfield and Does 25 through 50, knowingly, with
9 gross negligence, and in deliberate indifference to the Constitutional rights of citizens,
10 maintain and permit an official policy and custom of permitting the occurrence of the types
11 of wrongs set forth hereinabove and hereafter.

12 52. These policies and customs include, but are not limited to, the deliberately
13 indifferent training of its law enforcement officers, the express and/or tacit encouragement of
14 excessive force, the ratification of police misconduct, and the failure to conduct adequate
15 unbiased investigations of police misconduct such that future violations do not occur.

16 53. Defendants, City of Bakersfield and Does 25 through 50, were deliberately
17 indifferent in training law enforcement officers in the use of excessive force, deadly force,
18 and medical aid, and knew their failure to adequately train law enforcement officers made it
19 highly predictable that law enforcement officers would engage in conduct that would deprive
20 persons such as decedent Ramiro James Villegas Delarosa and Plaintiffs of their rights.
21 Specifically, the Bakersfield Police Department has a permissive attitude toward shooting
22 suspects without proper inquiry into the necessity of such deadly force. In order to conceal
23 such misconduct, the Bakersfield Police Department routinely alleges that suspects acted in a
24 way that would permit the deadly use of force, including “reaching for the waistband” and
25 acting in a threatening manner towards officers. Such conduct is well-known and permitted
26 by the Bakersfield Police Department, and has resulted in a dozen deadly shootings by its
27 officers in the past five years alone.
28

1 deadly force and fire nine rounds at decedent. Decedent was hit five times, including once
2 in the forehead and once in the groin, and died as a result.

3 59. As a result of the foregoing wrongful acts of Defendants, and each of them,
4 Plaintiffs sustained general damages, including grief, emotional distress and pain and
5 suffering and loss of comfort and society, and special damages, including loss of support, in
6 an amount in accordance with proof.

7 60. In doing the foregoing wrongful acts, Defendants, and each of them, acted in
8 reckless and callous disregard for the Constitutional rights of Plaintiffs when they killed
9 Plaintiffs' son. The wrongful acts, and each of them, were willful, oppressive, fraudulent,
10 and malicious, thus warranting the award of punitive damages against each individual
11 defendant in an amount adequate to punish the wrongdoers and deter future misconduct.

12 61. As further damage, Plaintiffs have and will incur attorneys' fees and pursuant
13 to 42 U.S.C. § 1988 are entitled to recover costs and fees in pursuing rights for a violation of
14 42 U.S.C. § 1983.

15 **FOURTH CAUSE OF ACTION**

16 **VIOLATION OF CIVIL RIGHTS 42 U.S.C. § 1983 – DEPRIVATION OF THE**
17 **RIGHTS OF PLAINTIFFS TO A FAMILIAL RELATIONSHIP WITH THE**
18 **DECEDENT - *MONELL***

19 (Plaintiffs against the City of Bakersfield and DOES 25 through 50)

20 62. Plaintiffs reallege and incorporate by reference the allegations contained in the
21 preceding paragraphs of this Complaint, as though fully set forth herein.

22 63. Defendants, City of Bakersfield, and Does 25 through 50, knowingly and with
23 gross negligence, maintain and permit official policies and customs which allow the
24 occurrence of the types of wrongs set forth hereinabove and below, all in deliberate
25 indifference to the Constitutional rights of citizens.

26 64. These policies and customs include, but are not limited to, the deliberately
27 indifferent training of its law enforcement officers, the express and/or tacit encouragement of
28 excessive force, the ratification of police misconduct, and the failure to conduct adequate

1 unbiased investigations of police misconduct such that future violations do not occur.
2 Specifically, the Bakersfield Police Department has a permissive attitude toward shooting
3 suspects without proper inquiry into the necessity of such deadly force. In order to conceal
4 such misconduct, the Bakersfield Police Department routinely alleges that suspects acted in a
5 way that would permit the deadly use of force, including reaching for the waistband and
6 acting in a threatening manner towards officers. Such conduct has been well-known and
7 permitted by the Bakersfield Police Department for a number of years, and has resulted in a
8 dozen deadly shootings by the Bakersfield Police Department in the past five years alone.

9 65. Defendants, City of Bakersfield and Does 25 through 50, were deliberately
10 indifferent in training law enforcement officers in the use of excessive force, deadly force,
11 and medical aid, and knew their failure to adequately train law enforcement officers made it
12 highly predictable that law enforcement officers would engage in conduct that would deprive
13 persons such as decedent Ramiro James Villegas Delarosa and Plaintiffs of their rights.
14 Specifically, the Bakersfield Police Department has a permissive attitude toward shooting
15 suspects without proper inquiry into the necessity of such deadly force. In order to conceal
16 such misconduct, the Bakersfield Police Department routinely alleges that suspects acted in a
17 way that would permit the deadly use of force, including “reaching for the waistband” and
18 acting in a threatening manner towards officers. Such conduct is well-known and permitted
19 by the Bakersfield Police Department, and has resulted in a dozen deadly shootings by its
20 officers in the past five years alone

21 66. In spite of Plaintiffs’ filing of a claim, the City of Bakersfield failed to make an
22 unbiased investigation, or take any action in preserving Plaintiffs’ or Decedent’s rights, or
23 verify misconduct and discipline officers for the misconduct. Plaintiffs are informed and
24 believe, and thereon allege, that the customs and policies were the moving force behind the
25 violations of Plaintiffs’ and decedent’s rights. Based upon the principles set forth in *Monell*
26 *v. New York City Dept. of Social Services*, the City of Bakersfield is liable for all of the
27 injuries sustained by Plaintiffs as set forth above.

28

1 Constitution of California, California Civil Code section 43, and the right of protection from
2 bodily restraint and harm. Specifically, after being cornered by Defendant police officers,
3 decedent exited his car in a nonthreatening manner with his arms raised to his shoulders and
4 nothing in his hands. Defendant officers did not give decedent any verbal instructions to
5 proceed differently. Despite being unarmed and non-threatening, Defendant officers chose
6 not to de-escalate the situation in a proper and non-life-threatening manner. Defendant
7 Wimbish instead deployed a taser at decedent, which did not work, and prompted the
8 remaining Defendant officers to use excessive and deadly force and fire nine rounds at
9 decedent. Decedent was hit five times, including once in the forehead and once in the groin,
10 and died as a result.

11 75. As a direct cause of Defendants' conduct, the decedent's rights pursuant to
12 California Civil Code section 52.1 were violated, causing injuries and damages in an amount
13 to be proved at the time of trial.

14 76. Due to the conduct of Defendants, and each of them, Plaintiffs have been
15 required to incur attorneys' fees and will continue to incur attorneys' fees, and pursuant to
16 California Civil Code section 52.1 are entitled to recovery of said fees.

17 **SIXTH CAUSE OF ACTION**

18 **NEGLIGENCE – WRONGFUL DEATH**

19 (Plaintiffs against Defendants City of Bakersfield, Wimbish, McIntyre, Aguilera,
20 Robles, and Does 1 through 50)

21 77. Plaintiffs reallege and incorporate by reference the allegations contained in the
22 preceding paragraphs of this complaint, as though fully set forth herein.

23 78. Defendants Wimbish, McIntyre, Aguilera, Robles, and Does 1 through 50,
24 inclusive, acting within the scope of their duties as City of Bakersfield employees, caused the
25 death of Ramiro James Villegas Delarosa.

26 79. Defendant City of Bakersfield is hereby liable for the acts, omissions and
27 conduct of its employees, including Defendants herein, whose negligent conduct was a cause
28 in the death of the decedent, pursuant to California Government Code section 815.2.

1 93. Defendants could foresee that their wrongful acts and omissions would damage
2 the Plaintiffs in the manner set forth above.


3 94. Defendants undertook the aforesaid illegal acts intentionally or with conscious
4 disregard of the rights of Plaintiffs, and did so with fraud, oppression and/or malice. This
5 despicable conduct subjected Plaintiffs to cruel and unjust hardship so as to justify an award
6 of punitive damages in an amount sufficient to deter such wrongful conduct in the future.
7 Therefore, Plaintiffs are also entitled to punitive damages against Defendants in an amount to
8 be determined at trial.

9
10 WHEREFORE, Plaintiffs prays for judgment as follows:

- 11 1. For general damages in an amount to be determined by proof at trial;
- 12 2. For special damages in an amount to be determined by proof at trial;
- 13 3. For punitive and exemplary damages against the individual defendants for the
14 First and Third Causes of Action;
- 15 4. For costs of suit;
- 16 5. For reasonable attorneys' fees and costs as provided by statute; and
- 17 6. For such other and further relief as the Court deems just and proper.

18 DATED: June 2, 2015

GERAGOS & GERAGOS, APC

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20 By: 
21 MARK J. GERAGOS
22 BEN J. MEISELAS
23 FRIDA HJORT
24 Attorneys for Plaintiffs

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DEMAND FOR JURY TRIAL

Plaintiffs LETICIA DELAROSA, an individual, and RAMIRO M. VILLEGAS, an individual, hereby demand a jury trial.

DATED: June 2, 2015

GERAGOS & GERAGOS, APC

By: 

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