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11 **UNITED STATES DISTRICT COURT**

12 **CENTRAL DISTRICT OF CALIFORNIA**

13 BETHANY FARBER, an individual,

14 Plaintiff,

15 vs.

16 CITY OF LOS ANGELES, a municipal
17 entity; and DOES 1 through 100,
18 inclusive,

19 Defendants.

CASE NO.: 2:22-cv-1173

COMPLAINT FOR DAMAGES

1. Violation of Civil Rights: Unlawful Seizure (42 U.S.C. Section 1983 – 4th and 14th Amendment);
2. Violation of Civil Rights: Entity Liability (Monell Claim);
3. Violation of Civil Rights: Unlawful Arrest (42 U.S.C. Section 1983 – 4th Amendment)
4. False Arrest/False Imprisonment in Violation of Penal Code Section 236;
5. Violation of Bane Act (Cal. Civil Code section 52.1);
6. Intentional Infliction of Emotional Distress;
7. Negligence (Violation of Penal Code Section 236);
8. Violation of Civil Rights: Cruel and Unusual Punishment (42 U.S.C. Section 1983 – 8th Amendment)

DEMAND FOR JURY TRIAL

1 COMES NOW PLAINTIFF BETHANY FARBER (“Plaintiff”) in her
2 COMPLAINT FOR DAMAGES (“Complaint”) against DEFENDANTS LOS
3 ANGELES POLICE DEPARTMENT, CITY OF LOS ANGELES, and DOES 1
4 THROUGH 100, inclusive (“DEFENDANTS” collectively) and allege as follows:
5

6 **INTRODUCTION**
7

8 1. This in a Complaint for money damages by Plaintiff BETHANY
9 FARBER, arising under Title 42 U.S.C. Section 1983 et seq. for numerous violations
10 of their due process rights under the Fourth and Fourteenth Amendments of the
11 United States Constitution. Plaintiff also brings state law claims for which this Court
12 has supplemental jurisdiction.
13

14 **JURISDICTION AND VENUE**
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16 2. This Court has original jurisdiction under 28 U.S.C. §§ 1331 and
17 1343(a)(3)-(4) because this action is brought to redress deprivations of constitutional
18 rights protected by the Fourth and Fourteenth Amendments to the United States
19 Constitution, and by 42 U.S.C. § 1983. This Court has supplemental jurisdiction
20 under 28 U.S.C. § 1367(a).
21

22 3. Venue is proper in this Court under 28 U.S.C. § 1391(b)(1)-(2) because
23 Defendants are believed to reside in this judicial district and all incidents, events,
24 and occurrences giving rise to this action occurred in this judicial district.
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PARTIES

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2 4. Plaintiff BETHANY K. FARBER (hereinafter “MS. FARBER” or
3
4 “Plaintiff”) is a competent woman currently living in the County of Los Angeles,
5 State of California.

6 5. At all times relevant herein, Defendant CITY OF LOS ANGELES
7
8 (“City”) was a municipal entity of the State of California.

9 6. At all times relevant herein, Defendant LOS ANGELES POLICE
10
11 DEPARTMENT (“LAPD”) was a political subdivision of City responsible for
12 providing law enforcement services for City.

13 7. At all times relevant herein, Defendant LOS ANGELES AIRPORT
14
15 POLICE was a political subdivision of City responsible for providing law
16 enforcement services for City.

17 8. Hereinafter Defendant LOS ANGELES POLICE DEPARTMENT and
18
19 LOS ANGELES AIRPORT POLICE will be referred to collectively as City
20 Defendants.

21 9. Plaintiff is unaware of the true names and capacities of those
22
23 Defendants named herein as DOE Defendants. Plaintiff will amend this Complaint
24 to allege said Defendants’ true names and capacities when that information
25 becomes known to her. Plaintiff is informed, believes, and thereon alleges that
26 these DOE Defendants are legally responsible and liable for the incident, injuries,
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1 and damages hereinafter set forth, and that each of said DOE Defendants
2 proximately caused the injuries and damages by reason of negligent, careless,
3 deliberately indifferent, intentional, willful, or wanton misconduct, including the
4 negligent, careless, deliberately indifferent, intentional, willful, or wanton
5 misconduct in creating and otherwise causing the incidents, conditions, and
6 circumstances hereinafter set forth, or by reason of direct or imputed negligence or
7 vicarious fault or breach of duty arising out of the matters herein alleged. Plaintiff
8 will seek leave to amend this Complaint to set forth said true names and identities
9 of the unknown named DOE Defendants when they are ascertained.
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12

13 10. Each of the individual Defendants sued herein is sued both in his or
14 her individual and personal capacity, as well as in his or her official capacity.
15

16 11. Plaintiff is informed, believes, and thereon alleges that at all times
17 herein mentioned, each of the Defendants was the agent and/or employee and/or
18 co-conspirator of each of the remaining Defendants, and in doing the things
19 hereinafter alleged, was acting within the scope of such agency, employment,
20 and/or conspiracy and with the permission and consent of other co-Defendants.
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22

23 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

24 12. The Claim for Damages was timely filed. Pursuant to California
25 Government Code § 910 et. al., MS. FARBER filed a government claim in
26 compliance with the applicable law on or about October 8, 2021. On December 1,
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1 2021, the City of Los Angeles denied Plaintiff's claims.

2 **FACTS COMMON TO ALL CAUSES OF ACTION**

3
4 13. Plaintiff is a Caucasian female.

5 14. On or about April 16, 2021, Plaintiff was preparing for a trip from Los
6 Angeles International Airport (LAX) to Puerto Escondido, Mexico.

7
8 15. While waiting for her flight at LAX, Plaintiff was stopped by airport
9 Transportation Security Administration (TSA) and was not permitted to board her
10 flight.

11
12 16. Plaintiff was then escorted to a private room where she was interrogated
13 and prevented from boarding her flight. Plaintiff calmly and quietly, asked the TSA
14 officers what this was about. However, she was quickly informed that if she made
15 any scene, they would tighten her handcuffs.

16
17 17. Plaintiff was completely ignored and forced to remain silent even
18 though she knew that this was all a mistake.

19
20 18. Plaintiff was handcuffed without food or water for more than two hours
21 while in TSA custody and control. As a result, she became extremely weak and
22 dehydrated.

23
24 19. While Plaintiff was waiting in a private room at LAX, she was informed
25 that she could not board her flight because there was a warrant for her arrest in the
26 State of Texas.

1 20. Plaintiff informed the TSA officers who prevented her from boarding
2 her flight that she had never been to Texas, and she certainly was not wanted for any
3 crime there. Plaintiff repeatedly asked the TSA officers to check again, and further
4 informed them that if there was in fact a warrant for her arrest it was identity theft.
5

6 21. Plaintiff was shocked and confused as to why she was unable to board
7 her flight but continued to abide by the TSA officers orders.
8

9 22. While Plaintiff was held by TSA officers, LAPD and/or Los Angeles
10 Airport Police officers approached her and proceeded to arrest her in front of
11 numerous airport staff.
12

13 23. City Defendants wrongfully and unlawfully arrested Plaintiff without
14 confirming her identity or checking her driver's license.
15

16 24. Plaintiff was first taken to booking where LAPD took her photo and
17 fingerprint information.
18

19 25. LAPD then held Plaintiff in jail for the next thirteen (13) days until
20 April 26, 2021.

21 26. Plaintiff was informed, believes and hereby alleges that LAPD mistook
22 her for another woman who was also named, Bethany Farber, and had a warrant for
23 her arrest in Texas. Plaintiff and this other woman had nothing in common besides
24 their name. Plaintiff is a young woman with long, blonde hair, while the other
25 woman is older with short brown hair. Furthermore, the warrant was for a woman in
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1 the State of Texas and Plaintiff has never been to the State of Texas.

2 27. At no time did City Defendants ask Plaintiff for her driver's license,
3 date of birth, age, social security number or any other information which would have
4 proven that Plaintiff did not have any warrant for her arrest in the State of Texas.
5 City Defendants failed to do the bare minimum to confirm Plaintiff's identity. By
6 looking at a picture of Plaintiff and a picture of the other Bethany Farber, City
7 Defendant's would have realized Plaintiff should not have been arrested at all.

8 28. Despite the stark contrast between Plaintiff and the other Bethany
9 Farber, Plaintiff spent thirteen (13) days at Lynwood Women's Jail, located at 11705
10 South Alameda Street, Lynwood, California 90262.

11 29. While LAPD held Plaintiff at Lynwood Women's Jail, she was finally
12 allowed to make a phone call. Plaintiff called her family to inform them that she was
13 arrested. Immediately, Plaintiff's family started making phone calls, trying to sort
14 things out between City Defendants and the officials in the State of Texas.

15 30. During Plaintiff's stay at Lynwood Women's Jail, her grandmother
16 found out that she was arrested and unlawfully detained. As a result of this news,
17 Plaintiff's grandmother had a stress induced stroke. Plaintiff was her grandmother's
18 only granddaughter. Prior to Plaintiff's arrest, her grandmother was a healthy and
19 lively ninety year old woman. Furthermore, Plaintiff's grandmother was the
20 matriarch of Plaintiff's family.

1 31. Plaintiff's grandmother never recovered from her stroke and shortly
2 after Plaintiff was released, her grandmother passed away. Plaintiff was very close
3 to her grandmother and as a result suffered extreme emotional distress, anxiety, and
4 mental anguish when she found out her grandmother had a stroke.
5

6 32. Throughout Plaintiff's stay at Lynwood Women's Jail, she was stripped
7 of her privacy, forced to share toilet paper, and forced to share soap. Plaintiff was so
8 cold that she used her hot food to warm herself up, placing it in her sweatshirt to
9 fight off the chill within the jail. Plaintiff saw human feces thrown around and
10 smeared across the walls. Plaintiff never expected to be incarcerated, nor did she
11 ever expect to witness the things herein mentioned that occurred within the walls of
12 Lynwood Women's Jail.
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16 33. Plaintiff has suffered severe stress, anxiety, emotional injury, and
17 mental anguish. Plaintiff was further humiliated at the airport, at the jail and when
18 she eventually was able to tell her family what happened.
19

20 34. Plaintiff was in complete and utter shock that she was arrested. Plaintiff
21 is and was at all times relevant a good citizen, she never did anything wrong and was
22 very confused as to why she was being held in jail without bail.
23

24 35. The Defendants did not and could not have relied on legitimate
25 information to arrest Plaintiff. Upon information and belief, said Defendants acting
26 under color of law intentionally and/or recklessly arrested Plaintiff without
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1 confirming her identity, birth date, social security number, age, or any other
2 information that would prove that Plaintiff did not have any such warrant for her
3 arrest in Texas.
4

5 36. Furthermore, Plaintiff is informed, believes and hereby alleges that City
6 Defendants and Doe Officers were contacted by the courts in Texas and informed
7 that Plaintiff did not have arrest warrants against her. Thereafter, City Defendants
8 had no reason to keep Plaintiff at Lynwood Women’s Jail but held her there for an
9 additional three days.
10

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12 37. Three days after City Defendants discovered that Plaintiff was an
13 innocent, law abiding citizen, she was finally released and able to reconnect with her
14 family.
15

16 **FIRST CAUSE OF ACTION**

17 **(By Plaintiff BETHANY FARBER Against Defendants for Violation of Civil**
18 **Rights: Unlawful Seizure (42 U.S.C. Section 1983 – 4th and 14th**
19 **Amendment)**
20

21 38. Plaintiff repeats and realleges each and every allegation in paragraphs
22 1 through 37 of this Complaint with the same force and effect as if fully set forth
23 herein.
24

25 39. This cause of action is set forth herein to redress the deprivation, under
26 color or statute, ordinance, regulation, policy, custom, practice, and/or usage, of
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1 rights, privileges, and/or immunities secured to Plaintiff by the Fourth Amendment
2 to the Constitution of the United States.
3

4 40. Upon information and belief, Defendants obtain a warrant for the arrest
5 of someone with the name, Bethany Farber in the State of Texas.
6

7 41. Without confirming any identification information, Defendants
8 arrested Plaintiff.
9

10 42. Defendants did not confirm Plaintiff's driver's license, social security
11 number, date of birth, age, or any other information for thirteen days while she was
12 held first at LAX and then at Lynwood Women's Jail.
13

14 43. Plaintiff adamantly informed the officers that she had never been to
15 Texas and requested that they check her driver's license.
16

17 44. As a result of Defendant's actions, Plaintiff was wrongfully arrested in
18 violation of her Fourth Amendment rights. The officers arrested Plaintiff (1)
19 without probable cause and (2) without confirming her identity which would have
20 revealed to the officers that Plaintiff did not have any warrants against her.
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22 45. Plaintiff has suffered general and monetary damage as well as
23 emotional injury and mental anguish in an amount according to proof at trial.
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1 **SECOND CAUSE OF ACTION**

2 **(By Plaintiff BETHANY FARBER against City of Los Angeles and Los**
3 **Angeles Police Department Violation of Civil Rights: Entity Liability (Monell**
4 **Claim)**

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6 46. Plaintiff repeats and realleges each and every allegation in paragraphs
7
8 1 through 45 of this Complaint with the same force and effect as if fully set forth
9 herein.

10
11 47. At all times herein mentioned, City Defendants acted with deliberate
12 indifference, and conscious and reckless disregard to the safety, security and
13 constitutional and statutory rights of Plaintiff, including the right to be free from
14 unreasonable searches and seizures and the right to be free from unlawful
15 discrimination, instituted policies and allowed the constitutional violations as
16 alleged herein.
17

18
19 48. Among other things, City Defendants failed to adequately train and
20 supervise DOE Officers in their arrest of individuals with common names.
21 Investigations such as the one involving Plaintiff requires attention to the arrest
22 warrant, Plaintiff's driver's license, passport, date of birth, physical appearance,
23 social security number and any other information that would show that Plaintiff was
24 not wanted for arrest in the State of Texas. Reasonable measures should have been
25 taken to determine whether Plaintiff was wanted for arrest in the State of Texas or
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1 whether Plaintiff was the exact person listed in the warrant.

2 49. As a direct and proximate result of the foregoing, Plaintiffs sustained
3 injury and damage as alleged above, in a sum according to proof. Plaintiffs do not
4 seek punitive damages under this claim for relief because the entities are immune.
5

6 **THIRD CAUSE OF ACTION**

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8 **(By Plaintiff BETHANY FARBER Against All Defendants for Violation of**
9 **Civil Rights: Unlawful Arrest (42 U.S.C. Section 1983 – 4th Amendment))**

10 50. Plaintiff repeats and realleges each and every allegation in paragraphs
11 1 through 49 of this Complaint with the same force and effect as if fully set forth
12 herein.
13

14 51. Said Defendants obtained an arrest warrant for a woman by the name
15 of Bethany Farber in the State of Texas.
16

17 52. Defendants then proceeded to arrest plaintiff despite the fact that she
18 has never been to the State of Texas. Defendants also failed to confirm Plaintiff's
19 driver's license, date of birth, social security number, or any other information which
20 would show that Plaintiff did not have any warrants for her arrest at any time.
21

22 53. As a result of the execution of this warrant by said City Defendants,
23 Plaintiff was wrongfully arrested in violation of her Fourth Amendment rights. The
24 officers arrested Plaintiff without any probable cause. Plaintiff has suffered general
25 and monetary damage as well as emotional injury and mental anguish in an amount
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1 according to proof at trial. On information and belief, Defendants and DOE Officers,
2 and each of them, acted with malice and with the intent to cause injury to Plaintiff,
3 or acted with a willful and conscious disregard of the rights of Plaintiff in a
4 despicable, vile, and contemptible manner. Therefore, Plaintiff is entitled to an
5 award of punitive damages, in the sum of an amount according to proof for the
6 purpose of punishing Defendants and to deter them and others from such conduct in
7 the future.
8
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10 **FOURTH CAUSE OF ACTION**

11 **(By Plaintiff BETHANY FARBER Against ALL Defendants for False**
12 **Arrest/False Imprisonment (Penal Code Section 236))**
13

14 54. Plaintiff repeats and realleges each and every allegation in paragraphs
15 1 through 53 of this Complaint with the same force and effect as if fully set forth
16 herein.
17

18 55. On or about April 6, 2021, City Defendants, and DOE Officers, acting
19 in the course and scope of their employment with City Defendants, executed an
20 arrest warrant on Plaintiff while she was preparing for her flight to Mexico.
21

22 56. The warrant executed by said Defendants was illegitimate because the
23 warrant was not for Plaintiff. Defendants failed to confirm any information about
24 Plaintiff which would have established that she has never been to the State of Texas
25 and has never committed any crime. The Defendants and each of them knew or
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1 should have known that the warrant was not for Plaintiff.

2
3 57. As a result of the execution of this warrant, Plaintiff was wrongfully
4 arrested in violation of her civil rights. Due to the actions of Defendants and each
5 of them in violating Plaintiff's civil rights, Plaintiff has suffered emotional injury
6 and mental anguish in a sum according to proof at trial.
7

8 58. At all times herein alleged Plaintiff had committed no crime.
9 Defendant, and each of them, had no probable cause to believe that Plaintiff had
10 committed a crime.
11

12 59. On information and belief, Defendant DOE Officers, and each of them,
13 acted with malice and with the intent to cause injury to Plaintiff, or acted with a
14 willful and conscious disregard of the rights of Plaintiff in a despicable, vile, and
15 contemptible manner. Therefore, Plaintiff is entitled to an award of punitive
16 damages in a sum according to proof for the purpose of punishing Defendants and
17 to deter them and other from such conduct in the future.
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20 **FIFTH CAUSE OF ACTION**

21 **(By Plaintiff BETHANY FARBER Against ALL Defendants for Violation of**
22
23 **Cal. Civil Code § 52.1 (Bane Act))**

24 60. Plaintiff repeats and realleges each and every allegation in paragraphs
25 1 through 59 of this Complaint with the same force and effect as if fully set forth
26 herein.
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1 1 through 64 of this Complaint with the same force and effect as if fully set forth
2 herein.

3
4 66. The conduct of Defendants and each of them was outrageous conduct.

5 67. Defendants and each of them wrongfully and unlawfully arrested
6 Plaintiff in public at LAX, without confirming her identity. Defendants acted on an
7 illegitimate warrant which was not for Plaintiff, as Plaintiff had never committed
8 any crime.
9

10 68. Defendants and each of them then held Plaintiff in jail for a total of
11 thirteen (13) days. During which time, Plaintiff was forced to share a cell, share
12 toilet paper, and soap with strangers.
13

14 69. As a direct result of the conduct of Defendants, Plaintiff was caused to
15 suffer severe emotional distress in an amount according to proof at the time of trial.
16 Defendants intended that Plaintiff suffer emotional distress and/or acted with
17 reckless disregard for the likelihood that Plaintiff would suffer severe emotional
18 distress as a result of Defendants' conduct.
19
20

21 70. Defendant DOE Officers, acted with malice and with the intent to
22 cause injury to Plaintiffs, or acted with a willful and conscious disregard of the
23 rights of Plaintiffs in a despicable, vile, and contemptible manner. Therefore,
24 Plaintiffs are entitled to an award of punitive damages in an amount according to
25 proof at the time of trial for the purpose of punishing Defendants and to deter them
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1 and others from such conduct in the future.

2 **SEVENTH CAUSE OF ACTION**

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4 **(By Plaintiff BETHANY FARBER Against All Defendants for Negligence**

5 **(Violation of Penal Code Section 236))**

6 71. Plaintiff repeats and realleges each and every allegation in paragraphs
7
8 1 through 70 of this Complaint with the same force and effect as if fully set forth
9 herein.

10 72. In violation of Penal Code Section 236, City Defendants and each of
11 them, wrongfully and illegally arrested Plaintiff as explained herein.

12 73. Defendants and each of them failed to act with reasonable care in their
13 actions toward Plaintiff and were incompetent to investigate whether Plaintiff had
14 a warrant for her arrest in the State of Texas.

15 74. As a result of the execution of the illegitimate warrant, Plaintiff has
16 been injured substantially as set forth above.

17 75. The negligence of Defendants City and LAPD in hiring and/or
18 supervising and/or retaining Defendant DOE Officers was also a substantial factor
19 in causing Plaintiff's harm.

20 76. As a direct result of the conduct of Defendants, Plaintiff was caused to
21 suffer severe emotional distress in an amount according to proof at the time of trial.
22 Defendants intended that Plaintiff suffer emotional distress and/or acted with
23

1 reckless disregard for the likelihood that Plaintiff would suffer severe emotional
2 distress as a result of Defendants' conduct.

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4 **EIGHTH CAUSE OF ACTION**

5 **(By Plaintiff BETHANY FARBER Against All Defendants for Violation of**
6 **Civil Rights: Cruel and Unusual Punishment (42 U.S.C. Section 1983 – 8th**
7 **Amendment))**

9 77. Plaintiff repeats and realleges each and every allegation in paragraphs
10 1 through 76 of this Complaint with the same force and effect as if fully set forth
11 herein.

13 78. Plaintiff was deprived rights under the Eight Amendment to the
14 Constitution when she was wrongfully arrested and forced to stay at Lynwood
15 Women's Jail for approximately thirteen days.

17 79. Plaintiff was wrongfully arrested when City Defendants and each of
18 them mistook Plaintiff for another women who had a warrant for arrest in the State
19 of Texas.

21 80. Plaintiff has never been to the State of Texas, nor has she ever
22 committed any crime in the State of Texas or any other state in the United States of
23 America.

25 81. City Defendants held Plaintiff against her will without any
26 confirmation that there was any warrant for her arrest.
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1 82. Plaintiff was forced to endure many sleepless nights in Lynwood
2 Women's Jail, where she was so cold she had no other option but to put her warm
3 food inside her sweatshirt to keep warm. Additionally, Plaintiff was forced to watch
4 as the other inmates threw feces and smeared it across the walls.
5

6 83. City Defendants then kept Plaintiff inside the jail for an additional
7 three days, knowing that the State of Texas informed them that Plaintiff should be
8 released.
9

10 84. City Defendant's failure to act caused Plaintiff extreme stress, anxiety,
11 mental anguish, and emotional distress.
12

13 85. City Defendants forced Plaintiff to endure grueling and unprecedented
14 scenes while she was in Lynwood Women's Jail which she should have never been
15 subjected to because Plaintiff is an innocent woman. City Defendants failed to use
16 reasonable care in identifying Plaintiff and after they were informed that Plaintiff
17 did not have any warrants for her arrest in the State of Texas. As an innocent
18 woman, any stay in jail is cruel and unusual as Plaintiff should have never been
19 arrested.
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22 86. As a result, Plaintiff has suffered general and monetary damage as well
23 as emotional injury and mental anguish in an amount according to proof at trial. On
24 information and belief, Defendants and DOE Officers, and each of them, acted with
25 malice and with the intent to cause injury to Plaintiff, or acted with a willful and
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1 conscious disregard of the rights of Plaintiff in a despicable, vile, and contemptible
2 manner. Therefore, Plaintiff is entitled to an award of punitive damages, in the sum
3 of an amount according to proof for the purpose of punishing Defendants and to
4 deter them and others from such conduct in the future.
5

6 **PRAYER FOR RELIEF**
7

8 WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

- 9 1. For compensatory and special damages in an amount according to
10 proof at trial;
11
12 2. For cost of suit incurred herein;
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14 3. For attorneys' fees incurred herein, as provided by law;
15
16 4. For punitive damages against the individual defendants in an amount
17 to be proven at trial;
18
19 5. For interest;
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21 6. For mental, emotional, physical past, present and future pain and
22 suffering; and
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1 7. For such other and further relief as the Court may deem just, proper
2 and appropriate.
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5 Dated: February 22, 2022 **IVIE McNEILL WYATT PURCELL & DIGGS**

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7 By: /s/ *Rodney S. Diggs*
8 **RODNEY S. DIGGS, ESQ.**
9 **KAELIN S. DAVIS, ESQ.**
10 Attorney for Plaintiff,
11 **BETHANY FARBER**
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DEMAND FOR JURY TRIAL

Plaintiff hereby demands that a jury be impaneled for the trial of this matter.

5 Dated: February 22, 2022 **IVIE McNEILL WYATT PURCELL & DIGGS**

6
7 By: /s Rodney S. Diggs
8 **RODNEY S. DIGGS, ESQ.**
9 **KAELIN S. DAVIS, ESQ.**
10 Attorney for Plaintiff,
11 **BETHANY FARBER**
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