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Kern County Superior Court
By Vickie Fogerson, Deputy

5 Attorneys for Plaintiffs, BRENDA PETTUS and CHARLES PETTUS
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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF KERN – METROPOLITAN DIVISION**

10 CHARLES A. PETTUS, an individual,
11 BRENDA PETTUS, an individual,

12 Plaintiffs,

13 v.
14

15 COUNTY OF KERN; KERN COUNTY
16 CHILDREN PROTECTIVE SERVICES;
17 CALIFORNIA CHILDREN PROTECTIVE
SERVICES; STATE OF CALIFORNIA; and
DOES 1 through 100 inclusive,

18 Defendants,
19

20 -and-

21 RYAN DEAN, an individual,

22 Nominal Defendant.
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Case No.: BCV-21-102292

COMPLAINT

1. NEGLIGENCE
2. NEGLIGENT HIRING, TRAINING
OR SUPERVISION
3. NEGLIGENT UNDERTAKING
4. WRONGFUL DEATH

JURY TRIAL DEMANDED

1 Plaintiffs, CHARLES A. PETTUS, ("Mr. Pettus"), and BRENDA PETTUS ("Ms. Pettus"), by
2 and through their attorneys of record, bring this Complaint against the above-named Defendants, and in
3 support alleges as follows:

4 **INTRODUCTION**

5 1. Plaintiffs bring this civil action seeking compensatory and punitive damages against
6 Defendants for negligence and the negligent hiring, training, and supervision of DOE Defendants in
7 connection with removal and placement of Plaintiff's children and grandchildren causing irreparable and
8 severe emotional distress, all of which affect Plaintiffs for the remainder of their lives.

9 2. On the evening of December 21, 2020, Plaintiff's children and grandchildren were
10 reported missing after Defendants placed the children with foster and subsequent adoptive parents. The
11 disappearance of the two minor children has resulted in search efforts from police authorities, FBI,
12 community agencies, and other local and law enforcement agencies.

13 3. Plaintiffs have continued search efforts for over eight (8) months, and the two minor
14 children are now presumably deceased.

15 4. The Defendants, the agent, employee, servant, employer, master, principal, respondent
16 superior, and/or associate, and each of them, violated policies and procedures in the removal and
17 placement, which resulted in negligent placement of the Pettus children and subsequently their
18 disappearance and possible death.

19 **PARTIES**

20 5. Mr. CHARLES A. PETTUS is an individual and is now, and at all times mentioned in
21 this complaint was, a resident of Kern County, California. Mr. Pettus is the father and rightful heir of
22 Cinsere and Classic Pettus, and is entitled to bring an action for the deaths of Cinsere and Classic Pettus
23 pursuant to § 377.60 of the California Code of Civil Procedure in interest to Cinsere and Classic Pettus
24 under Cal. Code of Civ. Proc. § 377.30.

25 6. Ms. BRENDA PETTUS is an individual and is now, a resident of Hamilton County,
26 Tennessee however, at all times mentioned in this complaint was, a resident of Kern County, California.
27 Ms. Pettus is the biological grandmother and rightful heir of Cinsere and Classic Pettus, and is entitled
28

1 to bring an for the deaths of Cinsere and Classic Pettus pursuant to § 377.60 of the California Code of
2 Civil Procedure in interest to Cinsere and Classic Pettus under Cal. Code of Civ. Proc. § 377.30.

3 7. Defendant COUNTY OF KERN, and at all times herein mentioned was, a municipal
4 corporation duly organized and existing under the laws of the State of California, and situated in the
5 State of California.

6 8. Defendants KERN COUNTY CHILDREN PROTECTIVE SERVICES, was and is a
7 government entity organized and existing under the laws of the State of California, and duly licensed
8 and authorized to do business in the State of California.

9 9. Defendant CALIFORNIA CHILDREN PROTECTIVE SERVICES, was and is a
10 government entity organized and existing under the laws of the State of California, and duly licensed
11 and authorized to do business in the State of California.

12 10. Nominal Defendant RYAN DEAN was and is the biological mother of Cinsere and
13 Classic Pettus, and at all times mentioned in this complaint was, a resident of Kern County, California,
14 and is being named as a nominal defendant pursuant to Cal. Code Civ. Proc. § 382.

15 11. On June 21, 2021, Plaintiff timely served on Defendant COUNTY OF KERN, a tort
16 claim in accordance with Government Code §§ 910 and 911.2.

17 12. Defendants KERN COUNTY CPS AND CALIFORNIA CPS are, and at all times herein
18 mentioned was, an agency and department of the Defendants STATE OF CALIFORNIA and COUNTY
19 OF KERN.

20 13. Plaintiff sues Does 1 through 100, inclusive, herein under fictitious names. Plaintiff does
21 not know their true names and capacities. When Plaintiff ascertains the Doe defendants' true names and
22 capacities, Plaintiff will amend this complaint by inserting their true names and capacities. Plaintiff is
23 informed and believes, and on the basis of that information and belief alleges that each defendant named
24 herein as a Doe acted with the other defendants and is responsible for the damages to Plaintiff herein
25 alleged. Each reference in this complaint to Defendants, or to any of them, also refers to all Defendants
26 sued under fictitious names.

27 14. Plaintiff is informed and believes, and thereon alleges that, at all times herein mentioned,
28 each of the Defendants, including each of the DOE Defendants, is responsible in some manner for one

1 or more of the events and happenings, and proximately caused the injuries and damages, hereinafter
2 alleged.

3 15. Plaintiff is informed and believes, and on the basis of that information and belief alleges
4 that each of the Defendants sued herein are the agents, servants, employees, licensees, guarantes,
5 invitees, or assignees of each other, and in doing the things herein alleged acted within the course and
6 scope of such agency, employment guaranty, assignment, license, invitation and/or relationship and with
7 the full knowledge and consent of the other.

8 16. At all relevant times mentioned herein, Defendants aided and abetted the acts and
9 omissions of the other Defendants in proximately causing the damages alleged herein.

10 JURISDICTION AND VENUE

11 17. Jurisdiction and venue are proper in the Superior Court for the County of Kern pursuant
12 to Section 410.10 of the Code of Civil Procedure and Section 395(a) of the Code of Civil Procedure
13 because all of the claims alleged herein arose in Kern County.

14 18. Venue is proper in the County of Kern pursuant to section 395 of the California Code of
15 Civil Procedure because Defendants does business in, and all incidents, events, and occurrences giving
16 rise to this action occurred in the County of Kern, California.

17 19. The amount in controversy in this matter exceeds the sum of \$25,000, exclusive of
18 interest and costs.

19 FACTUAL ALLEGATIONS

20 20. In 2018, Mr. Pettus and biological mother, parents of Cinsere and Classic Pettus, had
21 their children taken, from their custody, by the Defendants due to an investigation regarding abuse with
22 another family member.

23 21. The Pettus children were not being watched by a relative family member at the time of
24 the alleged abuse incident, and was not under the supervision of any of the aforementioned Plaintiffs at
25 the time of the alleged abuse.

26 22. At the time of the Defendants' investigation there were no prior allegations of abuse. The
27 biological mother did not have a criminal record, nor a complicated, sullied background. However, the
28 children were removed from their biological family's care due to the alleged abuse incident.

1 23. The strain of the abuse investigation and the loss of their children aided in the separation
2 of Mr. Pettus and the biological mother, and Cinsere and Classic were consequently placed with a foster
3 family.

4 24. In late 2018, the Defendants placed the two minor children with Trezelle and Jacqueline
5 West. Mr. Pettus lost contact with the biological mother after the children were removed and she has
6 not seen the children since the end of 2018.

7 25. In 2019, Ms. Pettus made Defendant Kern County CPS aware that she desired to take
8 custody of her paternal grandchildren.

9 26. Due to the nature of the Defendant's placement process, the Plaintiffs were not privy to
10 vetting process regarding the Wests as qualified adoptive parents or the factors in which the Defendants
11 made the determination not to place the children with relative family members.

12 27. Despite the Defendants being aware that the Plaintiffs desired to gain or regain custody,
13 Ms. Pettus was not given custody of the children, neither was custody given to, nor parental rights
14 restored for Mr. Pettus or the biological mother. The Wests' were allowed to adopt the children and
15 subsequently changed their names to Orson and Orrin West. The West family had two biological
16 children of their own and four adoptive children including Orson and Orrin.

17 28. On Monday, December 21, 2020, the Wests other four children were at their grandparents
18 home however, Orson (Cinsere), and Orrin (Classic) were at the West house with Mr. and Mrs. West
19 allegedly due to their young ages, 3 and 4 respectively.

20 29. At approximately 4:00pm on the evening of the December 21st, the young children ages 3
21 and 4 at the time, were left alone, unsupervised outside when they were last seen. The young two
22 children were sent outside unsupervised to play while Mr. and Mrs. West remained in the home
23 wrapping Christmas presents or gathering firewood.

24 30. At approximately 4:30 p.m., the children were no longer in the yard and Mr. West alleges
25 that he accidentally left a gate or door open. Soon thereafter the police were notified and along with the
26 neighborhood began canvassing the area.

27 31. The minor children still have not been found and at this time are missing, presumed
28 kidnapped or even worse, dead.

1 FIRST CAUSE OF ACTION

2 Negligence (Cal. Govt. Code § 820 and California Common Law)

3 (Against All Defendants and Does 1-100)

4 32. Plaintiff realleges and incorporates by reference all paragraphs previously alleged as
5 though they are set forth in full herein.

6 33. Defendants had a duty to the Plaintiffs to investigate the safety of the both the Pettus
7 homes, welfare of the children, and the safety of the environment, to act reasonable to ensure that the
8 Plaintiff's children and grandchildren were in safe, but negligently failed when the Defendants removed
9 the Pettus children from the care of any biological relative family members.

10 34. Defendants had a duty to evaluate and assess the safety of the environment in the Pettus
11 family home, as well as the safety of the environment of the West home, to ensure proper removal of
12 and the safe placement of the minor children, but negligently failed when the Defendants placed the
13 Pettus children in an dangerous environment, which led to their disappearance.

14 35. Defendants Kern County CPS and California CPS had a duty to the Plaintiffs under
15 higher standards as Child Protective agents to ensure that the Pettus children reside in a safe
16 environment, or with relative family members, but negligently failed to follow policy and procedure
17 when they removed the Pettus children, did not place them with any relative family members, and
18 placed the children in a home where they would later disappear and be presumed deceased shortly
19 thereafter. The Defendants failed to properly provided the safest environment for the Pettus children.

20 36. As a direct and proximate result of the negligence of the Defendants as set above,
21 Plaintiffs suffered the removal, and subsequent loss and disappearance of their children and
22 grandchildren, who are now missing and possibly presumed deceased.

23 37. As a further direct and proximate result of the negligence of the Defendants as set forth
24 above, Plaintiffs suffered severe emotional distress, and the negligence of the Defendants were a
25 substantial factor in causing Plaintiff's severe emotional anguish.

26 38. The negligent acts and omissions detailed above of Defendants and DOES 1 to 100,
27 inclusive, and each of them was a substantial factor in bringing about and resulting in the disappearance
28 of the Pettus children, possibly death, and Plaintiff's harm.

1 39. Defendants' negligence was a substantial factor in causing Plaintiff's harm.

2 40. As a direct and proximate cause of the aforementioned negligence Defendants and DOES
3 1 to 100, inclusive, and each of them, Plaintiffs suffered and will continue to suffer extreme and severe
4 distress, pain, anguish, and other economic and noneconomic damages including the deprivation of the
5 children's love, companionship, comfort, care, assistance, protection, affection, and moral support, in
6 amounts to be determined at trial.

7 **SECOND CAUSE OF ACTION**

8 **Negligent hiring, training, or supervision**

9 **(Against All Defendants and Does 1-100)**

10 41. Plaintiff realleges and incorporates by reference all paragraphs previously alleged as
11 though they are set forth in full herein.

12 42. Defendants COUNTY OF KERN, STATE OF CALIFORNIA, KERN COUNTY CPS,
13 CALIFORNIA CPS negligently hired, trained, or supervised Defendant DOES 1-100.

14 43. Defendants failed to hire DOE Defendants who were competently experienced with
15 evaluating and assessing dangerous conditions, environments and the best interest of the children under
16 the purview of the Defendants agency.

17 44. Defendants failed to train DOE Defendants regarding how to competently investigate the
18 background of the foster and subsequent adoptive parents to ensure a safe environment, and failed to
19 assess and evaluate for dangerous conditions in the best interests of the minor Pettus children prior to
20 placement;

21 45. Defendants failed to supervise DOE Defendants regarding the removal process of the
22 Pettus children from their biological relatives;

23 46. The Defendants also failed to supervise the DOE Defendants in regards to evaluating and
24 assessing the safety of the future placement family and home of the minor Pettus children.

25 47. Defendants should have known that DOE Defendants were not adequately trained and
26 lacked the ability to evaluate and assess dangerous conditions, and that this inadequacy, inability or
27 incompetence to properly investigate would pose a risk to the children in their care;
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1 48. As a direct and proximate result of DOE Defendants inadequate training or
2 incompetence, Plaintiffs suffered the loss of their children and grandchildren, who are now missing and
3 presumably deceased.

4 49. As a further direct and proximate result of the negligent hiring, training and supervision
5 of the Defendants as set above, Plaintiffs have suffered serious emotional distress, and that the
6 negligence in the hiring, training and supervision of the Defendants was a substantial factor in causing
7 the Plaintiff's serious emotional anguish.

8 50. As a direct and proximate cause of the aforementioned negligence Defendants and DOES
9 1 to 100, inclusive, and each of them, Plaintiffs suffered and will continue to suffer extreme and severe
10 distress, pain, anguish, and other economic and noneconomic damages including the deprivation of the
11 children's love, companionship, comfort, care, assistance, protection, affection, and moral support, in
12 amounts to be determined at trial.

13 **THIRD CAUSE OF ACTION**

14 **Negligent Undertaking**

15 **(Against All Defendants and Does 1-100)**

16 51. Plaintiff realleges and incorporates by reference all paragraphs previously alleged as
17 though they were set forth in full herein.

18 52. Defendants voluntarily rendered services for the protection of the Pettus children;

19 53. The services were of a kind that the Defendants knew or should have known to be
20 recognized as needed for protection of the Pettus children;

21 54. The Defendants failed to exercise reasonable care in rendering Child Protection;

22 55. The Defendants negligently placed the Pettus children in conditions that caused the
23 disappearance and subsequent death;

24 56. The negligent acts and omissions detailed above Defendants and DOES 1 to 100,
25 inclusive, and each of them was a substantial factor in bringing about and resulting in Plaintiff's
26 injuries and losses.

27 57. As a direct and proximate result of the Defendants negligent placement, the Plaintiff's
28 suffered the loss of their children and grandchildren as they are now missing.

1 58. As a direct and proximate result of the Defendants failure to exercise reasonable care, the
2 Plaintiff's children are presumed deceased;

3 59. As a direct and proximate result of the aforementioned negligence of Defendants and
4 DOES 1 to 100, inclusive, and each of them, Plaintiffs have sustained general, economic and
5 noneconomic damages, in amounts to be determined at trial.

6 **FOURTH CAUSE OF ACTION**

7 **Wrongful Death**

8 **(Against All Defendants and Does 1-100)**

9 60. Plaintiff realleges and incorporates by reference all paragraphs previously alleged as
10 though they were set forth in full herein.

11 61. Defendants and DOES 1 to 100, inclusive, and each of them, owed a duty of care to
12 Decedents, Cinsere and Classic Pettus and Plaintiffs in the evaluation and assessment of dangerous
13 conditions of the Plaintiffs' homes and care, as well as the assessment of the best interest of the minor
14 Pettus children.

15 62. Defendants and DOES 1 to 100, inclusive and each of them, were also under a duty to
16 use reasonable care in the evaluation and assessment of dangerous conditions of foster families for the
17 minor Pettus children.

18 63. Defendants and DOES 1 to 100, inclusive and each of them, were also under a
19 heightened duty to exercise reasonable care as CPS in the evaluation and assessment any dangerous
20 conditions in regards to permanent placement of the Pettus children with an adoptive family.

21 64. As a result of the Defendants negligent and unlawful removal and permanent placement
22 of the minor Pettus, Plaintiffs remain are the sole and lawful heirs under Cal. Code Civ. Proc. §
23 377.60(a).

24 65. Defendants and DOES 1 to 100, inclusive and each of them, negligently removed the
25 Pettus children from the care of their biological family, so as to directly and proximately cause the
26 unsafe conditions leading to the children's' disappearance.
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1 66. Defendants and DOES 1 to 100, inclusive and each of them, negligently placed the Pettus
2 children in the care of an adoptive family, so as to directly and proximately cause the subsequent death
3 of the minor children, Cinsere and Classic Pettus.

4 67. As a direct and proximate result of the Defendants and DOES 1 to 100, inclusive and
5 each of them, Cinsere and Classic disappeared from the care of the West family.

6 68. As a direct and proximate result of the Defendants and DOES 1 to 100, inclusive and
7 each of them, Cinsere and Classic Pettus are presumed deceased.

8 69. As a direct and proximate result of the Defendants and DOES 1 to 100, inclusive and
9 each of them, Plaintiffs have suffered economic damages and noneconomic damages from the loss of
10 the two minor Pettus children's love, companionship, comfort, care, assistance, protection, affection,
11 and moral support.

12 70. As a proximate result of the negligence of Defendants and DOES 1 to 100, inclusive and
13 each of them, Plaintiffs suffered extreme and severe emotional distress, pain and anguish, and other
14 economic and noneconomic damages to be proven at trial.

15 71. Due to Defendants' negligence resulting in the wrongful death of the two minor Pettus
16 children, Plaintiffs hereby seek recovery of other relief as may be just and provided under the Cal. Code
17 Civ. Proc. § 377.61.

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1 PRAYER FOR RELIEF

2 WHEREFORE, Plaintiffs respectfully prays for judgment against the Defendants on all causes
3 of action as follows:

- 4 1. For compensatory damages in an amount to be determined according to proof at trial;
5 2. For special damages in an amount to be determined according to proof at trial;
6 3. For general damages in an amount to be determined according to proof at trial;
7 4. For pre-judgment interest
8 5. For costs of this suit incurred;
9 6. Statutory damages as permitted by law;
10 7. Actual damages; and
11 8. For such other and further relief as this Court may deem just and proper.

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13 Dated: September 10, 2021

DRE LAW, A.P.C.

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16 By:  _____

17 Antonio Castillo, III, Esq.
18 Attorneys for Plaintiff BRENDA PETTUS
19 and CHARLES PETTUS
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