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**FILED**  
Superior Court of California  
County of Los Angeles  
09/27/2021  
Sherri R. Carter, Executive Officer / Clerk of Court  
By: J. Salazar-Menjivar Deputy

Attorney for Plaintiffs  
Antwon Land, Michael Land, Marcus Land,  
Karen Land, Deceased through her successor in interest, ANTWON LAND.

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

ANTWON LAND, an individual;  
MICHAEL LAND, an individual;  
MARCUS LAND, an individual;  
KAREN LAND, DECEASED, through her  
successor in interest, ANTWON LAND.

Plaintiffs,

vs.

COUNTY OF LOS ANGELES, ARMANDO  
IBARRA; CASE MANAGEMENT  
INTEGRATED SOLUTIONS, LLC;  
NOREEN HILL dba HAVEN HOME and  
DOES 1 through 20.

Defendants

) Case No.: 21STCV32725  
)  
) FIRST AMENDED COMPLAINT FOR  
) DAMAGES  
)  
) 1. Negligence  
) 2. Dependent Adult Civil Protection Act -  
) Welf. & Inst. Code §§ 15600, et seq  
) 3. Wrongful Death  
) 4. Govt Negligence  
) 5. Violation of Civil Rights (42 U.S.C. §  
) 1983)  
) 6. Survival Claim

COME NOW the Plaintiffs, ANTWON LAND; MICHAEL LAND; MARCUS LAND  
and KAREN LAND, DECEASED, through her successor in interest, ANTWON LAND by their  
Attorneys of record, CURD, GALINDO & SMITH, LLP, and amend the complaint on file and  
allege the following multiple causes of action and allegations against the Defendants:

1 **COMMON ALLEGATIONS TO ALL CAUSES OF ACTION**

2 1. KAREN YVETTE DUPREE LAND, (hereinafter “Decedent”), at all times  
3 relevant to this action and herein mentioned was the biological mother of Plaintiffs, ANTWON  
4 LAND; MICHAEL LAND and MARCUS LAND.

5 2. At all times herein, Decedent was an adult residing within the County of Los  
6 Angeles. Decedent died on December 11, 2020. Decedent died with three surviving adult  
7 children, named herein as Plaintiffs.

8 3. Plaintiffs, ANTWON LAND; MICHAEL LAND; and MARCUS LAND as the  
9 surviving sons of Decedent and at all times herein mentioned were, heirs-at-law entitled to bring  
10 an action for the Wrongful Death of their mother, under California Code of Civil Procedure  
11 Section 377.60. Plaintiffs herein bring these claims pursuant to California Code of Civil  
12 Procedure sections 377.20 et seq. and 377.60 et seq., which provide for survival and wrongful  
13 death actions. These claims are also brought individually and on behalf of Karen Land,  
14 Deceased, on the basis of the 42 USC §§ 1983 and 1988, the United States Constitution, and  
15 federal and state civil rights law.

16 4. California has the largest number of individuals experiencing  
17 homelessness in the nation, with more than 151,000 individuals living on the streets and in  
18 shelters. People experiencing homelessness suffer from poorer health, have life expectancy rates  
19 20 to 30 years lower than the general population and have less access to needed health care  
20 services. The high prevalence of chronic physical health conditions, behavioral health needs, and  
21 acute and infectious illnesses has only been exacerbated during the COVID-19 pandemic.

22 5. On September 30, 2018, California Governor Jerry Brown signed Senate Bill  
23 (SB) 1152 into law, which modified Section 1262.5 of the Health & Safety Code. Effective  
24 January 1, 2019, SB 1152 requires hospitals to modify their current hospital discharge policies  
25 by including a written homeless patient discharge planning policy and procedure. Hospitals are  
26 required to revise discharge policies to assist homeless patients in preparing for their return to the  
27  
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1 community by helping them identify a post-discharge destination, with priority given to  
2 identifying a sheltered destination with supportive services. Prior to discharging a homeless  
3 patient, hospitals are required to document and perform a checklist of events, such as offering the  
4 homeless patient a meal, screening for infectious disease, weather-appropriate clothing and  
5 transportation to a certain destination within a 30-mile radius. On July 1, 2019, hospitals were  
6 also required to have a written plan for coordinating services and referrals for homeless patients  
7 with the county behavioral health agency, health care and social services agencies in the region,  
8 health care providers and nonprofit social services providers. Each hospital is required to  
9 maintain a log of the homeless patients discharged from their facilities and the post-discharge  
10 destinations of each homeless patient.

11  
12 6. Since SB 1152 was signed into law in 2018, the number of Medical Respite beds  
13 has expanded substantially with hospitals as the primary payer. According to the County of Los  
14 Angeles Department of Health Service’s Recuperative Care Vendor List, there were  
15 approximately 763 Medical Respite beds available in 2018.

16 7. “Recuperative care, also referred to as medical respite care, is short-term  
17 residential care for individuals who no longer require hospitalization, but still need to heal from  
18 an injury or illness (including behavioral health conditions) and whose condition would be  
19 exacerbated by an unstable living environment. It allows individuals to continue their recovery  
20 and receive post discharge treatment while obtaining access to primary care, behavioral health  
21 services, case management and other supportive social services, such as transportation, food, and  
22 housing.

23 8. That the true names and capacities, whether individual, corporate, associate,  
24 governmental or otherwise of Defendants, DOES 1 through 20, inclusive, are unknown to  
25 Plaintiffs at this time, who therefore sue said Defendants by said fictitious names, and when the  
26 true names and capacities of said Defendants are ascertained, leave of Court will be sought to  
27 amend this Complaint to allege the true names and capacities of said Defendants.  
28

1           9.       The Plaintiffs are over the age of 18 years old and reside in the State of  
2 California. The Plaintiffs are informed and believe, and thereupon allege, that each of the  
3 Defendants, designated herein as a DOE is legally responsible in some manner or means for the  
4 events and happenings to the Plaintiff, as herein alleged, either through their conduct or through  
5 the conduct of their agents, servants, or employees, or due to their ownership, manufacture,  
6 maintenance, repair or sale of the instrumentalities causing injuries and damages, or in some  
7 manner or means presently unknown to Plaintiff.

8           10.       That at all times herein alleged, Defendant NOREEN HILL, an individual was  
9 doing business as Haven Home, and was a resident of the County of Los Angeles, State of  
10 California. Haven Home operated at 319 W. 106<sup>th</sup> St., Los Angeles, CA and operated with a City  
11 of Los Angeles business license as a dependent boarding care facility.

12           11.       Defendant, CASE MANAGEMENT INTEGRATED SOLUTIONS, LLC was  
13 doing business as Horizon Recuperative Care, a medical respite facility located at 3570 E.  
14 Imperial Hwy., Lynwood, CA 90262, DOES 6 through 10 (hereinafter "DOES 6 through 10")  
15 is/are, and at all times relevant to this action and herein mentioned was, a natural person. DOE 6-  
16 10 is, and at all times relevant to this action and herein mentioned was, a medical doctor and/or  
17 nurse licensed to practice such profession in the State of California. DOE 6-10 is, and at all  
18 times relative to this complaint and herein mentioned was/were an employee of CASE  
19 MANAGEMENT INTEGRATED SOLUTIONS, LLC and/or DOE 11.

20           12.       Plaintiffs are informed and believe, and on the basis of that information and belief  
21 allege, that at all times mentioned in this complaint and herein mentioned Defendants CASE  
22 MANAGEMENT INTEGRATED SOLUTIONS, LLC, NOREEN HILL and DOES 6 - 11 were  
23 each other's, agent, contractor, joint venturer and/or employees, and in doing the things alleged  
24 in this complaint, was/were acting within the course and scope of that agency, joint venture and  
25 employment.

26           13.       Decedent, age 60 was admitted to CASE MANAGEMENT INTEGRATED  
27 SOLUTIONS, LLC and later transferred to Haven Home and/or DOE 11 upon intake decedent  
28

1 was identified as a patient with drug withdrawal difficulty. Decedent was homeless and suffered  
2 from bipolar manic episodes at times and then a deep depression. Decedent had physical and  
3 mental limitations that restricted her mobility and ability to carry out normal activities and to  
4 protect her rights and was residing in a care boarding facility and was therefore a “dependent  
5 adult” within the meaning of Welfare & Institutions Code § 15610.23(a). She did very well for  
6 14 years stayed on medication and was functional. At the beginning of the COVID 19 pandemic  
7 she had difficulty getting her medication or the right amount of the medication. The Decedent  
8 was hospitalized at CASE MANAGEMENT INTEGRATED SOLUTIONS, LLC dba Horizon  
9 Recuperative Care from January/February 2020 through October 2020 at 3570 E. Imperial  
10 Highway, Lynwood, CA 90262. In November 2020, DOE 6 an employee of Defendant, CASE  
11 MANAGEMENT INTEGRATED SOLUTIONS, LLC d/b/a as Horizon Recuperative Care,  
12 negligently referred and transferred Decedent to a facility located at 319 W. 106<sup>th</sup> St., Los  
13 Angeles, CA herein referred to as Haven Home and/or DOE 11. Decedent required two (2) staff  
14 members to assist her in ambulation, including ambulating to and from the bathroom, among  
15 many other notations in her records regarding her inability to ambulate without assistance. CASE  
16 MANAGEMENT INTEGRATED SOLUTIONS, LLC d/b/a as Horizon Recuperative Care,  
17 negligently failed to check on Decedent while she was at DOE 11 located at 319 W. 106<sup>th</sup> St.,  
18 Los Angeles, CA

19 14. On or about November 23, 2020, Decedent who required the assistance of a  
20 wheelchair, was negligently transferred and referred to Have Home and/or DOE 11 and DOES 6  
21 THROUGH 10, by CASE MANAGEMENT INTEGRATED SOLUTIONS, LLC d/b/a as  
22 Horizon Recuperative Care, for medical treatment and care. On or about December 8, 2020,  
23 Haven Home, DOE 11, and DOES 6 through 11 negligently caused Decedent to leave the care  
24 and custody of Haven Home and/or DOE 11. NOREEN HILL dba Haven Home, DOES 6  
25 through 11 failed to contact Decedent’s family members to alert them that Decedent was out of  
26 the custody and care of Haven Home, DOES 6 through 11. Defendants CASE  
27 MANAGEMENT INTEGRATED SOLUTIONS, LLC d/b/a as Horizon Recuperative Care,  
28 NOREEN HILL dba Haven Home, DOE 6 through 11, negligently and carelessly allowed

1 Decedent to leave the facility located at 319 W. 106th St., Los Angeles, CA knowing that  
2 Decedent suffered from mental illness and did not have the ability to ambulate on her own or  
3 care for herself. Defendants CASE MANAGEMENT INTEGRATED SOLUTIONS, LLC d/b/a  
4 as Horizon Recuperative Care, NOREEN HILL dba Haven Home, DOES 6 through 11 failed to  
5 notify authorities and/or Decedent's family to inform them that Decedent had left the facility,  
6 Haven Home and/or DOE 11. The negligent and careless treatment of Decedent by CASE  
7 MANAGEMENT INTEGRATED SOLUTIONS, LLC d/b/a as Horizon Recuperative Care,  
8 NOREEN HILL dba Haven Home, DOES 6 through 11 caused the Decedent's subsequent injury  
9 on December 11, 2020.

10 15. Defendants CASE MANAGEMENT INTEGRATED SOLUTIONS, LLC d/b/a as  
11 Horizon Recuperative Care, NOREEN HILL dba Haven Home, DOES 6 through 11, at all  
12 relevant times, were considered "care custodians" of Decedent as defined in § 15610.170 of the  
13 Welfare & Institutions Code. As such, at all times relevant hereto, Defendants knew that they  
14 were responsible for meeting Decedent's care needs related to keeping his incision site clean, dry,  
15 and monitored for signs and symptoms of infection. Furthermore, based on the content of the  
16 physician order and the care plan interventions referenced above, Defendants at all times knew  
17 that Decedent was high risk for injury related to infection to his surgical incision if wound care,  
18 assessment, bathing, and provision of incontinence care were withheld or denied from him and  
19 further knew that they were responsible to coordinate and schedule Decedent's follow-up  
20 appointments in accordance with his admission physician orders in order to meet Decedent's  
21 needs. However, despite CASE MANAGEMENT INTEGRATED SOLUTIONS, LLC d/b/a as  
22 Horizon Recuperative Care, NOREEN HILL dba Haven Home, DOES 6 through 11's staffs  
23 knowledge that they were responsible for meeting Decedent's needs, and further despite CASE  
24 MANAGEMENT INTEGRATED SOLUTIONS, LLC d/b/a as Horizon Recuperative Care,  
25 NOREEN HILL dba Haven Home, DOES 6 through 11 staff's knowledge of conditions which  
26 made Decedent unable to meet her own care needs without provision of care and services by  
27 staff of CASE MANAGEMENT INTEGRATED SOLUTIONS, LLC d/b/a as Horizon  
28 Recuperative Care, NOREEN HILL dba Haven Home, DOES 6 through 11, they denied and

1 withheld these necessary services from Decedent over the course of her admission because they  
2 lacked sufficient staff in numbers, training, and supervision to meet the needs of the residents  
3 including Decedent due to operational decisions made by CASE MANAGEMENT  
4 INTEGRATED SOLUTIONS, LLC d/b/a as Horizon Recuperative Care, NOREEN HILL dba  
5 Haven Home, DOES 6 through 11 to staff at levels insufficient to meet the high acuity levels of  
6 the patient population they sought to admit and maintain at CASE MANAGEMENT  
7 INTEGRATED SOLUTIONS, LLC d/b/a as Horizon Recuperative Care, NOREEN HILL dba  
8 Haven Home, DOES 6 through 11 to maximize revenues.

9 16. That at all times herein alleged, Defendant, DOE 1 was acting within the course  
10 and scope of his employment with defendant COUNTY OF LOS ANGELES and its agency LOS  
11 ANGELES COUNTY SHERIFF'S DEPARTMENT.

12 17. That at all times herein alleged, Defendants, COUNTY OF LOS ANGELES and  
13 Does 1 through 5, and each of them, were the operators, owners, permittee, lessee or bailee of a  
14 certain patrol vehicle, Ford Explorer CA License plate 1427332 which at the time and place of  
15 the collision herein sued upon, was negligently being driven, maintained, operated and controlled  
16 by LOS ANGELES COUNTY SHERIFF DEPARTMENT employee, DOE 1.

17 18. The Plaintiffs allege and incorporate the Government Codes which sets forth the  
18 statutory authority to seek damages against a governmental entity such as the COUNTY OF LOS  
19 ANGELES.

20 19. Government Code, section 815.2 provides:

21 (a) A public entity is liable for injury proximately caused by an act or omission of an  
22 employee of the public entity within the scope of his employment if the act or omission would,  
23 apart from this section, have given rise to a cause of action against that employee or his personal  
24 representative.

25 (b) Except as otherwise provided by statute, a public entity is not liable for an injury  
26 resulting from an act or omission of an employee of the public entity where the employee is  
27 immune from liability.

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1           20.     On December 11, 2020, the Decedent, KAREN LAND, was attempting to cross  
2 Imperial Highway at Slater Street in her wheelchair within a marked cross-walk on Imperial  
3 Highway and Slater Street, in the City of Los Angeles. Decedent collapsed and fell into Imperial  
4 Highway in or near the marked cross-walk which is marked with street signage. Several  
5 motorists observed Decedent and swerved or stopped to avoid striking her. However, Decedent  
6 was struck and killed by a Los Angeles County Sheriff patrol vehicle driven by defendant  
7 ARMANDO IBARRA and DOE 1 both Los Angeles County Sheriff Deputies, while in the  
8 course and scope of their employment with the COUNTY OF LOS ANGELES. The Los  
9 Angeles County Sheriff Deputy ARMANDO IBARRA and DOE 1 failed to swerve, stop and  
10 avoid for the Decedent who was in distress while attempting to cross Imperial Highway in a  
11 marked cross walk.

12           21.     Defendant, Los Angeles County Sheriff Deputy ARMANDO IBARRA and DOE  
13 1 were negligent in failing to yield to the Decedent, a violation of Vehicle Code § 21950.  
14 ARMANDO IBARRA was driving LASD Ford Explorer California Plates 1427332.

15           22.     That at said time and place, Defendants, ARMANDO IBARRA, COUNTY OF  
16 LOS ANGELES and DOES 1 through 5 , inclusive, and each of them, so negligently, carelessly  
17 and unlawfully drove, operated, controlled, supervised, manufactured, assembled, maintained,  
18 owned, inspected, repaired, leased, rented, trained, supervise and entrusted their said vehicle so  
19 as to cause the same and the same did cause a collision with Decedent, KAREN LAND and as a  
20 direct and proximate result thereof, Plaintiffs were injured and damaged as hereinafter more fully  
21 set forth.

22           23.     A motor vehicle operator in California is required by California Civil Code §  
23 1714(a) to use ordinary care or skill in the management of his person and operation of his  
24 vehicle.

25           24.     In the course and scope of his employment and/or agency with the LOS  
26 ANGELES COUNTY SHERIFF DEPUTY ARMANDO IBARRA, and DOE 1, breached Civil  
27 Code § 1714(a) duty to use ordinary care and skill in the management of his person and  
28

1 operation of his motor vehicle.

2 25. Pursuant to Vehicle Code § 17001, the COUNTY OF LOS ANGELES is liable  
3 for injury to a person or property proximately caused by any negligent or wrongful act or  
4 omission in the operation of a motor vehicle by Los Angeles County Sheriff Deputy DOE 1,  
5 while acting within the scope of his employment.

6 26. Pursuant to Vehicle Code § 21056, Los Angeles County Sheriff Deputy  
7 ARMANDO IBARRA, and DOE 1, breached his duty to drive his patrol vehicle with due regard  
8 for the safety of all persons using the roadway, and to refrain from the arbitrary exercise of  
9 privileges granted in Vehicle Code § 21055, and DOE 1 breached that duty when he struck  
10 Plaintiffs' mother KAREN LAND.  
11

12 27. Los Angeles County Sheriff Deputy ARMANDO IBARRA and DOE 1, as agent  
13 and employees of defendant County of Los Angeles, violated California law, including but not  
14 limited to, Vehicle Code § 21056, which, among other things, prohibited him from arbitrarily  
15 violating Vehicle Code §§ 21950.  
16

17 28. Los Angeles County Sheriff Deputy ARMANDO IBARRA and DOE 1, as agent  
18 and employees of defendant County of Los Angeles's violation of Vehicle Code § 21056 and  
19 21950 among others, during the incident was a substantial factor in causing injury to plaintiffs,  
20 all to their damage in excess of the jurisdictional limits of this Court.  
21

22 29. On or about February 10, 2021, Plaintiffs presented to the COUNTY OF LOS  
23 ANGELES, by mailing a claim form that substantially complied with Government Code,  
24 Sections 910 and 910.2. Said claim form was received by the COUNTY OF LOS ANGELES,  
25 and put the COUNTY OF LOS ANGELES on notice that the plaintiffs would be seeking from  
26 the COUNTY OF LOS ANGELES the damages suffered and incurred by them by reason of the  
27 above-described occurrence, all in compliance with the requirements of section 905 of the  
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Government Code.

30. At no time after receiving the claim form did the COUNTY OF LOS ANGELES formally request clarification of the claim form, from the claimants, nor did the COUNTY OF LOS ANGELES notify the claimants of any defects or omissions in the claim form pursuant to Government Code, Section 910.8, 911 and 911.3 and Phillips v. Desert Hospital District, (4th Dist 1989) 49 Cal. 3d 699.

31. The COUNTY OF LOS ANGELES denied the claim on March 9, 2021.

**FIRST CAUSE OF ACTION**

(FOR NEGLIGENCE BY ALL PLAINTIFFS )

(AGAINST CASE MANAGEMENT INTEGRATED SOLUTIONS, LLC d/b/a as Horizon Recuperative Care, NOREEN HILL dba Haven Home, DOES 6 through 11)

32. Plaintiffs fully incorporate by reference, as though fully set forth herein, paragraphs 1 through 30 above of this Complaint.

33. Defendants CASE MANAGEMENT INTEGRATED SOLUTIONS, LLC d/b/a as Horizon Recuperative Care, NOREEN HILL dba Haven Home, DOES 6 through 11 owed a duty of care to Decedent to provide medical services and custodian care in accordance with the standards and practices of dependent care providers in the local community.

34. Defendants CASE MANAGEMENT INTEGRATED SOLUTIONS, LLC d/b/a as Horizon Recuperative Care, NOREEN HILL dba Haven Home, DOES 6 through 11, breached that duty of care to Decedent by not adhering to the standards and practices of healthcare providers in the local community.



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1 By KAREN LAND, by and through her Successor in Interest ANTWON LAND, against  
2 CASE MANAGEMENT INTEGRATED SOLUTIONS, LLC d/b/a as Horizon Recuperative  
3 Care, NOREEN HILL dba Haven Home, DOES 6 through 11

4 39. Plaintiff KAREN LAND, by and through her Successor in Interest ANTWON  
5 LAND, hereby incorporates the allegations asserted in paragraphs 1 through 37 above as though  
6 set forth at length below.  
7

8 40. The CASE MANAGEMENT INTEGRATED SOLUTIONS, LLC d/b/a as  
9 Horizon Recuperative Care, NOREEN HILL dba Haven Home, DOES 6 through 11 each  
10 willfully, intentionally, and/or recklessly caused or permitted Decedent to be injured and/or to be  
11 placed in a situation such that her health was in danger as set forth supra.  
12

13 41. The conduct of CASE MANAGEMENT INTEGRATED SOLUTIONS, LLC  
14 d/b/a as Horizon Recuperative Care, NOREEN HILL dba Haven Home, DOES 6 through 11, as  
15 alleged herein, created circumstances or conditions likely to produce great bodily harm, and said  
16 Defendants willfully caused or permitted Decedent to suffer unjustifiable physical pain, injuries,  
17 damages, suffering, indignity and Death.  
18

19 42. The conduct of CASE MANAGEMENT INTEGRATED SOLUTIONS, LLC  
20 d/b/a as Horizon Recuperative Care, NOREEN HILL dba Haven Home, DOES 6 through 11 as  
21 alleged herein, constitutes "abuse of an elder or dependent adult" as defined in Welf. & Inst.  
22 Code § 15610.07.  
23

24 43. The conduct of CASE MANAGEMENT INTEGRATED SOLUTIONS, LLC  
25 d/b/a as Horizon Recuperative Care, NOREEN HILL dba Haven Home, DOES 6 through 11 as  
26 alleged herein, constitutes "neglect" as defined in Welf. & Inst. Code § 15610.57.  
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1 and medical expenses; and

2 (b) The value of Decedent's financial support and household services to be determined  
3 according to proof; and

4  
5 (c) Plaintiffs have been deprived of the love, aid, comfort, society, affection, care, protection,  
6 guidance, service, solace and companionship of Decedent, stemming from their loving and  
7 devoted relationship, all to Plaintiffs' loss and general damage in a sum in excess of the  
8 minimum jurisdictional requirements herein according to proof.

9  
10 **FIFTH CAUSE OF ACTION**

11 Unreasonable Seizure and Due Process

12 (42 USC 1983)

13 (ALL PLAINTIFFS AGAINST DEFENDANTS ARMANDO IBARRA,  
14 and DOES 1 THROUGH 5)

15  
16 53. Plaintiffs reallege each and every paragraph in this complaint as if fully set forth  
17 here. Specifically, the use of deadly force was excessive and unreasonable under the  
18 circumstances.

19  
20 54. Defendants ARMANDO IBARRA and DOE 1's unjustified use of deadly force,  
21 striking, Decedent with their vehicle deprived DECEDENT of her right to be secure in her  
22 person against unreasonable seizures as guaranteed to DECEDENT under the Fourth  
23 Amendment to the United States Constitution and applied to state actors by the Fourteenth  
24 Amendment.

25  
26 55. As a result, DECEDENT suffered extreme pain and suffering and eventually  
27 suffered a loss of life. Plaintiffs have also been deprived of the life-long love, companionship,  
28 comfort, support, society, care, and sustenance of DECEDENT, and will continue to be so

1 deprived for the remainder of their natural lives.

2 56. As a result of their conduct, Defendants ARMANDO IBARRA and DOE 1 are  
3 liable for DECEDENT's injuries, either because they were integral participants in the excessive  
4 force, or because they failed to intervene to prevent these violations.  
5

6 57. Defendants ARMANDO IBARRA and DOE 1 knew that failure to stop and yield  
7 for Decedent could result in significant injury or the unnecessary and wanton infliction of pain,  
8 causing her great bodily harm and death.

9 58. The conduct of Defendants ARMANDO IBARRA and DOE 1 was willful,  
10 wanton, malicious, and done with reckless disregard for the rights and safety of DECEDENT and  
11 therefore warrants the imposition of exemplary and punitive damages as to Defendants  
12 ARMANDO IBARRA and DOE 1.  
13

14 59. Plaintiff ANTWON LAND brings this claim individually and as successor-in-  
15 interest for the DECEDENT and seeks both survival and wrongful death damages under Federal  
16 law for the violation of DECEDENT's rights. Plaintiffs also seek attorney fees under this claim.  
17

18 **SIXTH CUASE OF ACTION**

19 **SURVIVAL CLAIM/WRONGFUL DEATH**

20 **DENIAL OF SUBSTANTIVE DUE PROCESS RIGHT TO FAMILIAL RELATIONSHIP**

21 (42 U.S.C. § 1983)

22 **BY ALL PLAINTIFFS AGAINST ARMANDO IBARRA AND DOE 1.**

23 60. Plaintiffs reallege each and every paragraph in this First Amended Complaint  
24 as if fully set forth herein.  
25

26 61. All of the acts of Defendants, ARMANDO IBARRA and DOE 1 and the  
27 persons involved were done under color of state law.  
28

1           62.           The acts and omissions of each Defendant, ARMANDO IBARRA and DOE 1  
2 deprived ANTWON LAND, MICHAEL LAND and MARCUS LAND of rights, privileges, and  
3 immunities secured by the Constitution and laws of the United States, including but not limited  
4 to the Fourteenth Amendment by, among other things, depriving Plaintiffs of their right to a  
5 familial relationship with their mother KAREN YVETTE DUPREE LAND without due process  
6 of law by their striking and killing her.

8           63.           As a direct and proximate result of the foregoing wrongful acts, Defendants,  
9 and each of them, Plaintiffs sustained general damages, including grief, emotional distress and  
10 pain and suffering, loss of comfort and society, in an amount in accordance with proof.

12           64.           In doing the foregoing wrongful acts and omissions, Defendants, and each of  
13 them, acted in reckless and callous disregard for the constitutional rights of Plaintiffs.

14                   **WHEREFORE**, Plaintiffs pray for judgment against the Defendants, and each of them,  
15 as follows:

16 On the First Cause of Action:

- 17 1. For general damages shown according to proof;
- 18 2. For all medical and incidental expenses shown according to proof;
- 19 3. For damages and injuries according to proof;
- 20 4. For such other and further relief as the Court may deem just and proper.

21 On the Second Cause of Action:

- 22 1. For general damages for Decedent's pain and suffering in an amount according to proof at  
23 trial;
- 24 2. For special damages, including medical expenses incurred by or on behalf of Decedent, in an  
25 amount according to proof at trial;
- 26 3. For attorney's fees and costs pursuant to Welf. & Inst. Code § 15657;
- 27 4. For punitive and exemplary damages in an amount according to proof at trial
- 28

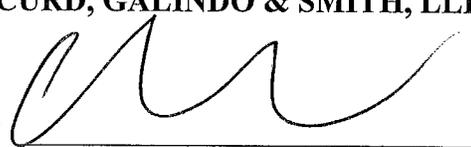
**Curd, Galindo & Smith, L.L.P.**  
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- 1 On the Third & Fourth Causes of Action:
- 2 1. For general damages shown according to proof;
  - 3 2. For all medical and incidental expenses shown according to proof;
  - 4 3. For damages and injuries according to proof;
  - 5 4. For such other and further relief as the Court may deem just and proper.

- 6 On the Fifth & Sixth Cause of Action
- 7 1. For general damages shown according to proof;
  - 8 2. For all medical and incidental expenses shown according to proof;
  - 9 3. For pre-death damages, decedent's pain & suffering according to proof;
  - 10 4. For damages and injuries according to proof;
  - 11 5. For attorneys' fees;
  - 12 6. For costs of suit incurred herein; and
  - 13 7. For such other and further relief as the Court may deem just and proper.

14  
15 DATED: September 27, 2021

**CURD, GALINDO & SMITH, LLP**

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17  
18 By 

Alexis Galindo  
Attorneys for Plaintiffs