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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 ADRIAN ABELAR

11 Plaintiff,

12 vs.

13 COUNTY OF LOS ANGELES, LOS
14 ANGELES COUNTY SHERIFFS
15 DEPARTMENT, DEPUTY YEN LIU,
16 individually and as a peace officer, DOES
17 1-10,

18 Defendants.

) No.

) **COMPLAINT FOR DAMAGES**

-) 1. Violation of Civil Rights
) (42 U.S.C. §1983)
) 2. *Monell* Claim
) (42 U.S.C. §1983)
) 3. Failure to Supervise
) (42 U.S.C. § 1983)

DEMAND FOR JURY TRIAL

19 **JURISDICTION**

20 1. Jurisdiction of this court is invoked under 28 U.S.C. §§ 1343, (1), (2),
21 (3) and (4). This action at law for money damages arises under Title 42 U.S.C.
22 Section 1983 and the United States Constitution, the laws of the State of California
23 and common law principles to redress a deprivation under color of state law of
24 rights, privileges and immunities secured to Plaintiff by said statutes, and by the
25 Fourth, and Fourteenth Amendments of the United States Constitution.

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

27 2. At all times herein mentioned, Plaintiff ADRIAN ABELAR, age 28,
28

1 was a resident of the County of Los Angeles, City of Montebello.

2
3 3. At all times herein mentioned, Defendants DEPUTY YEN LIU,
4 individually and as a peace officer, DOES 1-10, inclusive and each of them, were
5 employees of the County of Los Angeles and the Los Angeles County Sheriffs
6 Department assigned to Temple City Station Patrol.

7
8 4. Defendants COUNTY OF LOS ANGELES (hereinafter referred to as
9 ("COUNTY")) and LOS ANGELES COUNTY SHERIFF DEPARTMENT (LASD)
10 are and at all times herein mentioned have been public entities. COLA is an
11 incorporated county duly authorized and existing as such in and under the laws of
12 the State of California; and at all times herein mentioned, Defendant COUNTY has
13 possessed the power and authority to adopt policies and prescribe rules, regulations
14 and practices affecting the operation of Defendant Los Angeles County Sheriffs
15 Department, (LASD) and particularly said Department's Field Services, Patrol,
16 criminal and Internal Investigations and Training and Personnel Divisions and other
17 operations and subdivisions presently unidentified to Plaintiff, and their tactics,
18 methods, practices, customs and usages related to crime investigations, internal
19 investigations, personnel supervision and records maintenance, training and
20 education in the use and deployment of deadly weapons, the uses of force, and
21 powers of arrest by its rank and file.

22
23 5. Plaintiff is informed and believe and thereon allege that each of the
24 Defendants designated as a DOE is intentionally and negligently responsible in some
25 manner for the events and happenings herein referred to, and thereby proximately
26 caused injuries and damages as herein alleged. The true names and capacities of
27 DOES 1 through 10, inclusive, and each of them, are not now known to Plaintiff who
28 therefore sues said Defendants by such fictitious names and will be added to this

1 action as provided by California Code of Civil Procedure Section 484 and Federal
2 Rule of Civil Procedure 15.

3
4 6. Defendants, and each of them, did the acts and omissions hereinafter
5 alleged, intentionally, with knowledge that their conduct violated well established
6 and settled law.

7
8 7. The incident complained of began on the afternoon of September 21,
9 2021 in the City of Rosemead, County of Los Angeles. Plaintiff and his girlfriend
10 Aubrey Herrera were at J & R Auto 2132 San Gabriel Blvd where Plaintiff's black
11 2009 Mazda 6 vehicle's wheel bearings were being repaired. The vehicle's left front
12 wheel was had been raised and held up by a jack. The wheel, tire and brakes had
13 been removed. Another vehicle was parked immediately behind Plaintiff's. It was
14 in this immobile position awaiting completion of the service when an unidentified
15 Los Angeles County deputy sheriff (Deputy 1) approached ABELAR while seated
16 behind the wheel of his Mazda with Ms. Herrera seated in the front passenger seat.
17 Approximately an hour earlier, the proprietor of J & R Auto shop Richard Doktor
18 telephoned the Temple Station Watch Commander Lt. Mah to remind Mah of how
19 thankful he was for past help from LASD and reported to Mah that Plaintiff
20 allegedly "flew into the back of is business" and demanded repairs be done quickly
21 because there was allegedly a murder warrant in existence for Plaintiff and he was
22 being looked for by law enforcement. Doktor reported he did not want Plaintiff on
23 his premises. Lt. Mah assured Doktor a call would go out for deputies to respond. Lt.
24 Mah instructed Temple City Deputy Van Dine to dispatch deputies and classify the
25 incident as "925/415" meaning a suspicious person and disturbance. Deputy Van
26 Dine dispatched the call as directed. Fifty minutes later, Doktor again called Temple
27 Station this time sounding annoyed demanding to know where deputies were as no
28 one from law enforcement had yet shown up. This time he reported that the warrant

1 was allegedly for attempted murder and demanded deputies remove Abelar from his
2 business.

3 Deputies, including Defendant LIU, arrived at the reporting party's shop and
4 made contact with Doktor. The deputies were directed to Plaintiff's Mazda. The
5 deputy on Plaintiff's side of the vehicle (Deputy 1, male) asked the occupants for ID.
6 Abelar informed the deputy that he did not have it on him. At the same time, a
7 second deputy (Deputy 2, male) made contact with Ms. Herrera who correctly
8 identified herself. Abelar correctly informed Deputy 1 of his name, spelling it out
9 emphasizing "B as in boy" and provided the correct date of birth. Deputy 1
10 identified only as "Temple 54", proceeded to provide a Sheriff's Communications
11 Center (SCC) dispatcher the incorrect spelling of Plaintiff's name, employing a "V"
12 rather than the "B" in Abelar as Plaintiff had emphasized earlier. The deputy also
13 provided two "L"s further mistaking the spelling of Plaintiff's name and inexplicably
14 made a change to the date of birth Plaintiff gave him. Dispatch asked the deputy to
15 confirm his subject was "Abelar." While Deputy 1 was engaged with dispatch,
16 Deputy 2 on the passenger side directed the occupants to keep their hands in sight.
17 Plaintiff and Ms. Herrera complied. Deputy 1 engaged Plaintiff in conversation,
18 inquiring if he'd had an appointment to repair his car. Plaintiff told him he did not
19 but that the "tall heavy set white guy" "let us come over here." Dispatch then
20 informed Deputy 1 that there was a warrant found for an Adrian Abelar who lived
21 in Whittier with a different date of birth than Deputy 1 provided. Asked again for
22 his ID, Plaintiff informed Deputy 1 that his ID was being held in the office of the
23 shop. At this moment, Deputy 1 ordered Plaintiff out of his car. Defendant LIU, a
24 female deputy, stood by on the passenger side of the Mazda.

25 As plaintiff complied with Deputy 1's direction to exit, he discarded a
26 handgun, tossing it away from himself and the Mazda. Noting the weapon, Deputy
27 1 shouted loudly "got a gun" "gun" repeatedly. Deputy 1 forcibly grabbed Plaintiff
28 and shoved him face first to the ground. Deputy 1 held Plaintiff down with body

1 weight on plaintiff's back and was applying a handcuff to Plaintiff's right wrist at
2 which time Defendant LIU and only LIU intentionally fired one round into Plaintiff's
3 neck and upper back, fracturing his first, second and third thoracic vertebrae,
4 fracturing plaintiff's 1st and third ribs and contused the upper lobe of his right lung.
5 LIU's shot nearly struck and endangered Deputy 1. At the moment LIU fired her
6 weapon, Plaintiff was visibly unarmed, unthreatening, compliant and controlled for
7 handcuffing. Plaintiff was at that time extending his free left hand away from his
8 body as directed while Deputy 1 controlled his right arm and hand. LASD body worn
9 camera (BWC) footage confirms Plaintiff's firearm at no time was a threat or menace
10 to anyone. Instead, the weapon was touched briefly while being thrown and was
11 never held or pointed in a threatening manner or position that would enable Plaintiff
12 to shoot at anyone, including near by deputies, reporting party Doktor, J & R
13 employees and customers who witnessed the event. Body worn camera footage
14 captured Plaintiff to remark "I threw it." The shooting was also captured by 3 of
15 Doktor's business surveillance cameras.

16 When LIU shot Plaintiff, Doktor made it known to her that he had seen what
17 she had done and told LIU she should not have done that as Plaintiff was no threat.
18 LIU responded by aggressively threatening Doktor to "mind his own business" to
19 which Doktor responded "You gonna shoot me too?"

20 Plaintiff was gravely injured. Medical aid was promptly administered at the
21 scene. Los Angeles County Paramedics stabilized Plaintiff for transport to County
22 USC Medical Center in East Los Angeles as a prisoner. Plaintiff underwent multiple
23 surgeries and remained hospitalized until November 9, 2021. Plaintiff continued
24 medical and therapeutic care thereafter.

25 Shortly after the shooting, Doktor, his employee witnesses and customers were
26 removed from the premises by LASD and transported to Temple Station as
27 "witnesses" yet after 4 hours, none were approached or questioned by any member
28 of law enforcement and have never been. Doktor refused to remain and returned to

1 his shop with his employees. Upon arrival at J & R Auto, LASD had not only the
2 business taped off, but the entire block on the east side of San Gabriel Blvd.
3 Investigators approached Doktor inquiring about the surveillance cameras on his
4 shop and premises. Doktor directed them to a video recording device in his office
5 which the investigators removed. Several months later, the recorder was returned but
6 blank in that all the media that existed when it was taken disappeared. LASC
7 Homicide opened an investigation under File Number 21-10833-05. Plaintiff is
8 informed and believes the lead investigator is Hardiman. As of the date of the filing
9 of this action, Plaintiff is informed and believes that said investigation has been
10 corruptly discharged and purposefully delayed in an effort to shield LIU from her
11 wrongful use of deadly force. Los Angeles County's Officer Involved Shooting
12 (OIS) oversight organ, Justice System Integrity Division (JSID) has not been
13 provided with the shooting investigation for review of Defendant LIU's use of
14 deadly force for 19 months.

15 No criminal charges were filed against Plaintiff as a result of this incident.
16 Although Plaintiff was kept in custody in the LAUSC jail ward (13th floor) for the
17 duration of his medical treatment, Plaintiff is informed and believes he was not
18 booked by LASD for any criminal offense stemming from this incident as part and
19 parcel of the effort to keep attention away from the use of force and cover up the
20 unwarranted shooting.

21 Upon completion of his medical treatment, Plaintiff was released from
22 custody. However, while in treatment at County USC Medical Center, he was
23 consistently denied visitation from family members and friends.

24
25 **FIRST CAUSE OF ACTION**

26 **(VIOLATION OF CONSTITUTIONAL RIGHTS -**
27 **UNREASONABLE SEARCHES & SEIZURES,**
28 **UNREASONABLE FORCE, FALSE IMPRISONMENT, DUE**

**PROCESS DEPRIVATIONS, AND CONSPIRACY - 42 U.S.C. §
1983)**

(By Plaintiff Against All Individual Defendants)

8. Plaintiff refers to and re-pleads each and every allegation contained in paragraphs 1 through 7 of this complaint, and by this reference incorporate the same herein and make each a part hereof.

9. This action at law for money damages arises under Title 42 U.S.C. § 1983 and the United States Constitution, the laws of the State of California and common law principles to redress a deprivation under color of state law of rights, privileges and immunities secured to Plaintiff by said statutes, and by the Fourth, and Fourteenth Amendments of the United States Constitution.

10. Commencing at or about the aforementioned date and place, without lawful cause or justification, and while acting under color of law, Defendant YEN LIU individually and as a peace officer, intentionally and maliciously deprived Plaintiff of rights secured to him by the Fourth, and together with DOES 1-3, and each of them, intentionally deprived Plaintiff's rights under the Fourteenth Amendments to the United States Constitution in that Defendant LIU intentionally assaulted Plaintiff with deadly force without lawful justification or permissible cause, violated California Penal Code § 245 (felony assault with a deadly weapon), § 149 felony assault under color of law), and seized and arrested Plaintiff without probable cause for any criminal offense. Together with DOES 1-10, Defendant and each of them, joined in a meeting of minds to cover up LIU'S unlawful and unconstitutional use of deadly force and the commission of felonies against Plaintiff, engaged in a misprision and compounding of the felony assault under color of law by willfully engaging in a cover up conspiracy to violate these rights, in the

1 attempt to deceive the Los Angeles District Attorney. Plaintiff and and the public.
2

3 11. Defendants, and each of them, carried out and perpetrated the mutually
4 supportive conspiracy to deprive Plaintiff of his rights by participating in a corrupt
5 effort to illegally seize and interfere with his right of redress manufactured,
6 supported and promoted by defendants.
7

8 12. As a proximate result of the aforesaid acts and omissions of Defendants,
9 and each of them, Plaintiff sustained excruciating physical and mental pain and shock
10 to his nervous systems, together with fear, anxiety, torment, degradation and severe
11 emotional distress.
12

13 13. By reason of the aforementioned acts and omissions of Defendants, and
14 each of them, Plaintiff incurred legal, medical and therapeutic expenses in an amount
15 as proved.
16

17 14. In addition, by reason of the aforementioned acts and omissions of
18 Defendants, and each of them, Plaintiff was prevented from attending to his usual
19 occupations, and has suffered loss and impairment of earnings and employment
20 opportunities all to his damage in an amount as proved.
21

22 15. By reason of the aforementioned acts of Defendants, and each of them,
23 Plaintiff was compelled to secure the services of an attorney at law to redress the
24 wrongs hereinbefore mentioned and by virtue thereof, Plaintiff is indebted and liable
25 for attorneys fees.
26

27 16. The aforementioned acts and omissions of Defendants were committed
28 by each of them knowingly, wilfully and maliciously, with the intent to harm, injure,

1 vex, harass and oppress Plaintiff with a conscious disregard of Plaintiffs
2 constitutional rights and by reason thereof, Plaintiff seeks punitive and exemplary
3 damages from Defendants, and each of them, (except Defendant COUNTY) in an
4 amount as proved.

5
6 **SECOND CAUSE OF ACTION**

7 **(UNLAWFUL CUSTOM AND PRACTICE UNDER SECTION 1983)**

8 **(By Plaintiffs Against Defendants County & LASD)**

9 17. Plaintiffs refer to and re-plead each and every allegation contained in
10 paragraphs 1 through 16 of this complaint, and by this reference incorporate the
11 same herein and make each a part hereof.

12
13 18. Defendant COUNTY is and at all times herein mentioned has been a
14 public entity and an incorporated municipality duly authorized and existing as such
15 in and under the laws of the State of California; and at all times herein mentioned,
16 Defendant COUNTY, possessed the power and authority to adopt policies and
17 prescribe rules, regulations and practices affecting the operation of the Los Angeles
18 Sheriffs Department (LASD) and its tactics, methods, practices, customs and usages
19 related to narcotics investigations, internal investigations, personnel supervision and
20 records maintenance.

21
22 19. At all times herein mentioned, Defendants, and each of them, were
23 employees acting under the COUNTY's and LASD's direction and control, who
24 knowingly and intentionally promulgated, maintained, applied, enforced and suffered
25 the continuation of policies, customs, practices and usages in violation of the Fourth
26 and Fourteenth Amendments respectively to the United States Constitution, which
27 customs, policies, practices and usages at all times herein mentioned required and
28 encouraged the employment, deployment and retention of persons as peace officers

1 who have demonstrated their corruption, frauds, dishonesty, bigotry, and numerous
2 other serious abuses of their powers as peace officers in the employment of the
3 COUNTY and LASD.

4
5 20. Defendants COUNTY and LASD knowingly maintains and permits
6 official *sub-rosa* policies or customs of permitting the occurrence of the kinds of
7 wrongs set forth above, by deliberate indifference to widespread police abuses,
8 failing and refusing to impartially and objectively investigate, discipline or prosecute
9 peace officers who commit acts of criminal dishonesty and crimes of violence, each
10 ratified and approved by COUNTY and LASD.

11
12 21. The unconstitutional policies, practices or customs promulgated,
13 sanctioned or tolerated by defendant COUNTY and LASD include, but are not
14 limited to:

15 (1) Defendant COUNTY and LASD had knowledge, prior to
16 and since this incident, of repeated allegations of abuse and dishonesty
17 misconduct toward detainees and arrestees; Specifically, COUNTY and
18 LASD knew Defendants LIU, DOES 1-10, had in the past committed
19 acts of abuse, corruption, fraud and dishonesty;

20 (2) Defendant County and LASD had knowledge, prior to and
21 since this incident, of similar allegations of abuse and dishonesty by
22 Defendants, and turned a blind eye toward and refused to enforce
23 established administrative procedures to insure the safety of detainees
24 and arrestees;

25 (3) Defendant COUNTY and LASD refused to adequately, or
26 at all, discipline individual officers and employees known to have
27 committed similar acts of abuse and misconduct and by their actions
28 since the shooting of Plaintiff refused to hold Defendant LIU to account

1 and instead attempt to conceal the wrongful conduct;

2 (4) Defendant COUNTY and LASD refused to competently
3 and impartially investigate allegations of abuse and misconduct alleged
4 to have been committed by its peace officers;

5 (5) Defendant COUNTY and LASD reprimanded, threatened,
6 intimidated, demoted and fired officers who broke from the code of
7 silence and courageously reported acts of abuse and dishonesty by other
8 officers;

9 (6) Defendant COUNTY and LASD covered up acts of
10 misconduct, dishonesty and abuse by Los Angeles Sheriff Department
11 employees and openly sanctioned a code of silence by and among
12 officers;

13 (7) Defendant COUNTY and LASD rewarded officers who
14 displayed aggressive and abusive behavior;

15 (8) Defendant COUNTY and LASD failed to adequately train
16 and educate officers in the use of reasonable and proper force and failed
17 to enforce the department's written regulations with respect to uses of
18 force and regulations related to illegal, immoral and criminal
19 misconduct;

20 (9) Defendant COUNTY and LASD failed to adequately
21 supervise the actions of officers under their control and guidance;

22 (10) Defendant COUNTY and LASD condoned and
23 participated in the practice of prosecuting known groundless criminal
24 charges for the purpose of insulating the COUNTY, LASD and its
25 officers from civil liability and reducing or dismissing criminal charges
26 against individuals in return for release from civil liability;

27 (11) Defendant COUNTY and LASD historically and to the
28 present time, condones and encourages a conspiracy of silence among

1 its employees for the purpose of concealing and furthering wrongful
2 and illegal conduct by its employees;

3 (12) Defendant COUNTY and LASD engaged in the practice
4 and custom of withholding from criminal defendants, judges and
5 prosecutors, exculpatory *Brady* evidence unfavorable to its officers in
6 violation of law and the Constitution.

7 (13) Defendant COUNTY fostered and encouraged an
8 atmosphere of lawlessness, abuse and misconduct, which by October
9 19, 2021 and thereafter, represented the unconstitutional policies,
10 practices and customs of the COUNTY and LASD.

11
12 22. By reason of the aforesaid policies, customs, practices and usages,
13 plaintiffs' rights under the First, Fourth, and Fourteenth Amendments to the United
14 States Constitution were violated.

15 16 **THIRD CAUSE OF ACTION**

17 **(FAILURE TO TRAIN AND SUPERVISE)**

18 **(By Plaintiff Against Defendants, DOES 1-10 in their individual capacities)**

19
20 23. Plaintiff refers to and repleads each and every allegation contained in
21 paragraphs 1 through 22 of this complaint, and by this reference incorporate the
22 same herein and make each a part hereof.

23
24 24. Defendants DOES 1-10 are sued in their individual capacities. Said
25 defendants knew or reasonably should have known of their subordinates ongoing
26 constitutional violations set forth above in the administration of the Field Services
27 Division, Temple Station patrol deputies, including defendant LIU as well as the
28 Homicide Investigation Division. Specifically, defendants knew or should have

1 known of repeated failures to properly investigate and discipline or prosecute
2 deputies engaged in dishonest, immoral and criminal behavior which violated the
3 constitutional rights of members of the public, including Plaintiff herein. Said
4 failures to act to prevent constitutional misconduct by subordinates acquiesced,
5 condoned and ratified the customs, practices and usages by such subordinates.
6

7 25. Said Defendants, and each of them, are sued for their own culpable
8 actions and omissions in the training, supervision, oversight and control of
9 subordinates including watch commanders and first level supervision at Temple
10 Station and Homicide Division which actions demonstrated a reckless and callous
11 indifference to the rights of persons such as plaintiff. Said defendants' actions,
12 inactions and deliberate indifference set into motion the ultimate harm caused to
13 plaintiff.
14

15 26. Plaintiff is informed and believes and thereon alleges that prior to the
16 incident complained of herein, since at least 1992 and thereafter to the present time,
17 DOES 1-10 and others charged with the administration of the Field Services
18 Division and Homicide Division knew or reasonably should have known that
19 employees of the Los Angeles County Sheriffs Department committed similar acts
20 of unjustified violence, dereliction of duty, fraud, dishonesty and deliberate
21 indifference to employee dishonesty and other serious forms of misconduct.
22

23 27. Plaintiff is informed and believes and thereon alleges that prior to the
24 incident complained of herein in October 19, 2021, and as early as 1992, DOES 1-10
25 and others charged with the administration of the Field Services Division and
26 Homicide Division knew and understood employee wrongdoing had been and
27 continued to be covered up and failed to take corrective action to prevent prospective
28 deputy wrongdoing and dishonest misconduct which are the proximate cause of

1 Plaintiff's damages.

2
3 28. As the result of the supervisory, management and executive Defendants
4 DOES 1-10's actions and omissions, amounted to the institutional repudiation of
5 constitutional protections which became the moving force behind the damages done
6 to Plaintiff.

7
8 29. As a direct and proximate result of the foregoing, plaintiff is entitled
9 to and demands damages against defendants jointly and severally, as recited in the
10 First and Second Causes of Action, including, but not limited to general and
11 special damages in accordance with proof.

12 **PRAYER**

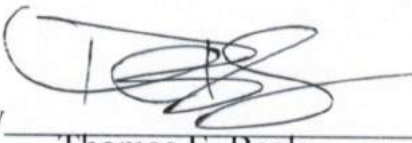
13 WHEREFORE, Plaintiff prays judgment against Defendants and
14 each of them, as follows:

15 **AS TO EACH CAUSE OF ACTION AS APPLICABLE**

- 16 1. For General damages according to proof;
17 2. For Special damages according to proof;
18 3. For Punitive damages as provided by law, in an amount to be proved
19 against each individual Defendant;
20 4. For attorney's fees pursuant to 42 U.S.C §1988;
21 5. For Costs of suit;
22 6. For such other and further relief as the Court may deem proper.

23
24 DATED: March 2, 2023

THE BECK LAW FIRM

25
26
27 By 
28 Thomas E. Beck
Attorneys for Plaintiff


PLAINTIFFS' JURY DEMAND

Plaintiff hereby demands trial by jury.

DATED: March 2, 2023

THE BECK LAW FIRM

By



Thomas E. Beck
Attorneys for Plaintiff