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14 Attorneys for Plaintiffs

15 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **FOR THE COUNTY OF LOS ANGELES**

17 JANET BAGGETT; PRESTON SERTICH,
18 by and through his guardian ad litem,
19 Michael Sertich, Jr.; MICHAEL SERTICH,
20 JR; and ESTATE OF ELIZABETH
21 BAGGETT, by and through personal
22 representatives Janet Baggett and Preston
23 Sertich

24 Plaintiffs,

25 vs.

26 DAVID ROJAS; CITY OF LOS ANGELES;
27 and DOES 1 to 20,

28 Defendants.

) CASE NO.:

) **COMPLAINT FOR DAMAGES**

-) 1. Invasion of Privacy
) 2. Intentional Infliction of Emotional
) Distress
) 3. Negligence
) 4. Mishandling of Human Remains
) 5. Violation of Civil Code § 1708.85
) 6. Intrusion Into Private Affairs
) 7. Violation of Mandatory Statutory
) Duties

) **** DEMAND FOR JURY TRIAL ****

29 COMES NOW Plaintiffs Janet Baggett, Preston Sertich, by and through his guardian ad
30 litem, Michael Sertich, Jr., Michael Sertich, Jr., and Estate of Elizabeth Baggett, by and through
31 personal representatives Janet Baggett and Preston Sertich who for causes of action against the
32 defendants, including Does 1 through 20, complain and allege as follows:
33
34

THE PARTIES

1
2 1. Elizabeth Baggett (“Decedent”) passed away in Los Angeles County, California.

3 2. Plaintiff Janet Baggett is Decedent’s mother.

4 3. Plaintiff Preston Sertich is Decedent’s son.

5 4. Plaintiff Michael Sertich, Jr. is the father of Decedent’s son.

6 5. At all relevant times, Defendant David Rojas was a police officer employed by
7 Defendant City of Los Angeles and Defendants Does 1 through 20.

8
9 6. At all relevant times, Defendant City of Los Angeles was a public entity, which
10 employed Defendant David Rojas and Does 1 through 20.

11 7. Defendants City of Los Angeles, David Rojas, and Does 1 through 20 are liable to
12 the plaintiffs pursuant to *Government Code* §§ 815.2, 815.4, 820, 830.8, and 835, among other
13 provisions.

14 a. The plaintiffs timely presented claims to Defendant City of Los Angeles. To
15 date, Defendant City of Los Angeles has not taken action on the plaintiffs’ claims.
16

17 8. The plaintiffs have complied with the applicable government claims statutes.

18 9. To the extent the plaintiffs have not complied with the presentment requirement
19 of any government claim, the plaintiffs were not required to so comply, the time period to so
20 comply was equitably or otherwise tolled, the time to present a late claim application has not yet
21 expired, the plaintiffs’ presentment is excused, and/or the plaintiffs should be relieved of the
22 requirement. Further, the public entities have failed to comply with *Government Code* §
23 946.4(a)(1); *Wilson v. San Francisco Redevelopment Agency* (1977) 19 Cal. 3d 555, 560.
24

25 10. The true names and/or capacities, whether individual, corporate, associate or otherwise
26 of the defendants DOES 1 through 20, inclusive, and each of them, are unknown to Plaintiffs who
27 therefore sues said defendants by such fictitious names. Plaintiffs are informed and believe and
28 thereon allege that each of these defendants fictitiously named herein as a Doe is legally responsible,

1 negligent, or in some other actionable manner liable for the events and happenings hereinafter referred
2 to, and proximately and legally caused the injuries to plaintiff as hereinafter alleged. Plaintiffs will
3 seek leave of the court to amend this Complaint to insert the true names and/or capacities of such
4 fictitiously-named defendants when the same has been ascertained. In any place in this Complaint
5 where the term “defendant” or “defendants” is used it shall include all defendants, including Does 1-
6 20, as if so stated.

7
8 11. Plaintiffs are informed and believe and thereon allege that at all times mentioned herein,
9 defendants, and each of them, including Does 1 through 20 were the agents, servants, employees,
10 and/or joint venturers of their co-defendants, and were, as such, acting within the course, scope, and
11 authority of said agency, employment, and/or venture and that each and every defendant when acting
12 as a principal, was negligent in the selection and hiring of each and every other defendant as an agent,
13 employee and/or joint venturer.

14
15 **LOCATION OF INCIDENT**

16 12. The incidents giving rise to this litigation occurred in the City of Los Angeles,
17 California.

18
19 **FACTUAL OVERVIEW**

20
21 13. On or about October 20, 2019, Defendants David Rojas and Does 1-20, while in the
22 course and scope of their employment as law enforcement officers with Defendant City of Los Angeles
23 and Does 1-20, visited the home of Elizabeth Baggett as part of an investigation.

24 14. Defendants David Rojas and Does 1-20 discovered Elizabeth Baggett to be deceased.

25 15. Subsequent to discovering Elizabeth Baggett to be deceased, Defendants David Rojas
26 and Does 1-20 sexually molested Decedent, including fondling Decedent’s breasts and feeling her
27 nipples, without limitation.
28

1 16. *Health and Safety Code* § 7052 prohibits any person from having sexual contact with
2 any remains known to be human. “Sexual contact” is defined as including any willful touching by a
3 person of an intimate part of a dead human body for the purpose of sexual arousal, gratification, or
4 abuse. *Health and Safety Code* § 7052 deems any violation of the statute to be a felony.

5 a. Defendants David Rojas and Does 1-20 violated *Health and Safety Code* §
6 7052(a), without limitation.

7 b. Defendant David Rojas has been criminally charged with the felony of violating
8 *Health and Safety Code* § 7052(a). *See People of the State of California v. David Rojas*, Los Angeles
9 Superior Court Case No. BA483214.
10

11 17. The defendants’ bodycam recorded video of Decedent’s naked form, including video of
12 Defendants David Rojas and Does 1-20 engaging in sexual contact with Decedent.

13 18. The defendants transmitted the video to others who subsequently viewed the video.

14 19. None of the plaintiffs consented to the defendants’ improper touching of Decedent, the
15 videography of Decedent, nor the transmission of the video.
16

17
18 **FIRST CAUSE OF ACTION**

19 **Invasion of Privacy**

20 (By Plaintiffs Janet Baggett, Preston Sertich, and Michael Sertich, Jr. Against All Defendants)

21 20. Plaintiffs re-allege as though fully set forth at length and incorporate herein by reference,
22 all of the allegations and statements contained in this Complaint.

23 21. Janet Baggett, Preston Sertich, and Michael Sertich, Jr. had a reasonable expectation of
24 privacy in the images and video of Decedent, their deceased family member.

25 22. Defendant David Rojas and Does 1-20, while in the course and scope of his
26 employment with Defendant City of Los Angeles and Does 1-20, publicly disclosed a private fact – the
27 video of Decedent – which would be offensive and objectionable to the reasonable person.
28

1 23. The disclosure by Defendant David Rojas and Does 1-20, while in the course and scope
2 of his employment with Defendant City of Los Angeles and Does 1-20, was not of legitimate public
3 concern.

4 24. Defendant David Rojas and Does 1-20's conduct was a substantial factor in causing the
5 plaintiffs' harm.

6 25. At all relevant times, Defendant David Rojas and Does 1-20 were acting within the
7 course and scope of their agency/employment with Defendants City of Los Angeles and Does 1-20
8 who are therefore vicariously liable for the tort.

9 26. Plaintiffs Janet Baggett, Preston Sertich, and Michael Sertich, Jr.'s damages were a
10 direct, proximate, and legal result of the acts and omissions by the defendants.

11 27. As a direct, proximate, and legal cause of the defendants' wrongful conduct, Plaintiffs
12 Janet Baggett, Preston Sertich, and Michael Sertich, Jr. have suffered general damages, including:
13 mental suffering, anxiety, humiliation, severe emotional distress, grief, and loss of enjoyment of life.
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15 28. As a factual and legal result of the aforementioned misconduct, Plaintiffs have suffered
16 damages in an amount which exceeds the minimum jurisdictional limits of this court, according to
17 proof at time of trial.
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19 29. The plaintiffs further make a claim for punitive/exemplary damages against Defendants
20 David Rojas and Does 1-20.

21 a. Defendants David Rojas and Does 1-20 acted with malice and oppression.

22 b. Defendants David Rojas and Does 1-20 engaged in conduct which was intended by
23 the defendants to cause injury to the plaintiffs and/or was despicable conduct which was carried on by the
24 defendants with a willful and conscious disregard for the rights and safety of others. Defendants David
25 Rojas and Does 1-20 engaged in conduct which subjected the plaintiffs to cruel and unjust hardship in
26 conscious disregard of their rights. Defendants David Rojas and Does 1-20's conduct was so mean, vile,
27 base, and contemptible that it would be looked down on and despised by reasonable people. Defendants
28

1 David Rojas and Does 1-20 were aware of the probable consequences of their conduct and willfully and
2 deliberately failed to avoid those consequences. Indeed, Defendants David Rojas and Does 1-20's conduct
3 was so wanton and willful that injury to others was a virtual certainty.

4 30. The plaintiffs are entitled to an award against Defendants David Rojas and Does 1-20 of
5 punitive/exemplary damages in an amount sufficient to punish the defendants in light of their financial
6 condition and to make an example of them.

7
8 **SECOND CAUSE OF ACTION**

9 **Intentional Infliction of Emotional Distress**

10 (By Plaintiffs Janet Baggett, Preston Sertich, and Michael Sertich, Jr. Against All Defendants)

11 31. Plaintiffs re-allege as though fully set forth at length and incorporate herein by reference,
12 all of the allegations and statements contained in this Complaint.

13 32. Defendant David Rojas and Does 1-20, while in the course and scope of his
14 employment with Defendant City of Los Angeles and Does 1-20, engaged in extreme and outrageous
15 conduct.

16
17 33. Defendant David Rojas and Does 1-20, while in the course and scope of his
18 employment with Defendant City of Los Angeles and Does 1-20, intended to cause the plaintiffs
19 emotional distress.

20 34. In the alternative, Defendant David Rojas and Does 1-20, while in the course and scope
21 of his employment with Defendant City of Los Angeles and Does 1-20, acted with reckless disregard
22 of the probability of causing the plaintiffs to suffer severe emotional distress.

23
24 35. The plaintiffs suffered severe emotional distress.

25 36. The defendants' conduct was a substantial factor in causing the plaintiffs' severe
26 emotional distress.

1 37. At all relevant times, Defendant David Rojas and Does 1-20 were acting within the
2 course and scope of their agency/employment with Defendants City of Los Angeles and Does 1-20
3 who are therefore vicariously liable for the tort.

4 38. Plaintiffs Janet Baggett, Preston Sertich, and Michael Sertich, Jr.'s damages were a
5 direct, proximate, and legal result of the acts and omissions by the defendants.

6 39. As a direct, proximate, and legal cause of the defendants' wrongful conduct, Plaintiffs
7 Janet Baggett, Preston Sertich, and Michael Sertich, Jr. have suffered general damages, including:
8 mental suffering, anxiety, humiliation, severe emotional distress, grief, and loss of enjoyment of life.

9 40. As a factual and legal result of the aforementioned misconduct, Plaintiffs have suffered
10 damages in an amount which exceeds the minimum jurisdictional limits of this court, according to
11 proof at time of trial.

12 41. The plaintiffs further make a claim for punitive/exemplary damages against Defendants
13 David Rojas and Does 1-20.

14 a. Defendants David Rojas and Does 1-20 acted with malice and oppression.

15 b. Defendants David Rojas and Does 1-20 engaged in conduct which was intended by
16 the defendants to cause injury to the plaintiffs and/or was despicable conduct which was carried on by the
17 defendants with a willful and conscious disregard for the rights and safety of others. Defendants David
18 Rojas and Does 1-20 engaged in conduct which subjected the plaintiffs to cruel and unjust hardship in
19 conscious disregard of their rights. Defendants David Rojas and Does 1-20's conduct was so mean, vile,
20 base, and contemptible that it would be looked down on and despised by reasonable people. Defendants
21 David Rojas and Does 1-20 were aware of the probable consequences of their conduct and willfully and
22 deliberately failed to avoid those consequences. Indeed, Defendants David Rojas and Does 1-20's conduct
23 was so wanton and willful that injury to others was a virtual certainty.
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1 42. The plaintiffs are entitled to an award against Defendants David Rojas and Does 1-20 of
2 punitive/exemplary damages in an amount sufficient to punish the defendants in light of their financial
3 condition and to make an example of them.
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THIRD CAUSE OF ACTION

6
Negligence

7 (By Plaintiffs Janet Baggett, Preston Sertich, and Michael Sertich, Jr. Against All Defendants)

8 43. Plaintiffs re-allege as though fully set forth at length and incorporate herein by reference,
9 all of the allegations and statements contained in this Complaint.

10 44. Defendant David Rojas and Does 1-20, while in the course and scope of his
11 employment with Defendant City of Los Angeles and Does 1-20, had a duty to the plaintiffs, derived
12 in part by their special relationship. Without limitation, the defendants owed a duty of care to the
13 plaintiffs to refrain from having sexual contact with Decedent, creating video of Decedent, while
14 partially nude and deceased for non-investigative purposes, to protect the plaintiffs' privacy and
15 property rights in such video, and to avoid foreseeable harm to them by distributing such imagery.
16

17 45. Defendant David Rojas and Does 1-20, while in the course and scope of his
18 employment with Defendant City of Los Angeles and Does 1-20, engaged in affirmative acts which
19 placed the plaintiffs in peril and increased the risk of harm.
20

21 46. Defendant David Rojas and Does 1-20, while in the course and scope of his
22 employment with Defendant City of Los Angeles and Does 1-20, voluntarily assumed a protective
23 duty toward all plaintiffs and induced detrimental reliance that such duties will be exercised in a non-
24 negligent manner, including the inducement of a false sense of security and a worsening of their
25 position.

26 47. Defendant David Rojas and Does 1-20, while in the course and scope of his
27 employment with Defendant City of Los Angeles and Does 1-20, breached such duties.
28

1 48. Defendant David Rojas and Does 1-20's conduct was a substantial factor in causing the
2 plaintiffs' harm.

3 49. At all relevant times, Defendant David Rojas and Does 1-20 were acting within the
4 course and scope of their agency/employment with Defendants City of Los Angeles and Does 1-20
5 who are therefore vicariously liable for the tort.

6 50. Plaintiffs Janet Baggett, Preston Sertich, and Michael Sertich, Jr.'s damages were a
7 direct, proximate, and legal result of the acts and omissions by the defendants.

8 51. As a direct, proximate, and legal cause of the defendants' wrongful conduct, Plaintiffs
9 Janet Baggett, Preston Sertich, and Michael Sertich, Jr. have suffered general damages, including:
10 mental suffering, anxiety, humiliation, severe emotional distress, grief, and loss of enjoyment of life.

11 52. As a factual and legal result of the aforementioned misconduct, Plaintiffs have suffered
12 damages in an amount which exceeds the minimum jurisdictional limits of this court, according to
13 proof at time of trial.
14

15 53. The plaintiffs further make a claim for punitive/exemplary damages against Defendants
16 David Rojas and Does 1-20.
17

18 a. Defendants David Rojas and Does 1-20 acted with malice and oppression.

19 b. Defendants David Rojas and Does 1-20 engaged in conduct which was intended by
20 the defendants to cause injury to the plaintiffs and/or was despicable conduct which was carried on by the
21 defendants with a willful and conscious disregard for the rights and safety of others. Defendants David
22 Rojas and Does 1-20 engaged in conduct which subjected the plaintiffs to cruel and unjust hardship in
23 conscious disregard of their rights. Defendants David Rojas and Does 1-20's conduct was so mean, vile,
24 base, and contemptible that it would be looked down on and despised by reasonable people. Defendants
25 David Rojas and Does 1-20 were aware of the probable consequences of their conduct and willfully and
26 deliberately failed to avoid those consequences. Indeed, Defendants David Rojas and Does 1-20's conduct
27 was so wanton and willful that injury to others was a virtual certainty.
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1 54. The plaintiffs are entitled to an award against Defendants David Rojas and Does 1-20 of
2 punitive/exemplary damages in an amount sufficient to punish the defendants in light of their financial
3 condition and to make an example of them.

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5 **FOURTH CAUSE OF ACTION**

6 **Mishandling Of Human Remains**

7 (By Plaintiffs Janet Baggett, Preston Sertich, and Michael Sertich, Jr. Against All Defendants)

8 55. Plaintiffs re-allege as though fully set forth at length and incorporate herein by reference,
9 all of the allegations and statements contained in this Complaint.

10 56. *Health and Safety Code* § 7100, without limitation, provides for a special relationship
11 between the plaintiffs and the defendants as it identifies the person who have “[t]he right to control the
12 disposition of the remains of a deceased person, the location and conditions of internment, and
13 arrangements for funeral goods and services to be provided,” and upon whom “the duty of disposition
14 and liability for the reasonable cost of disposition of the remains devolves....” The plaintiffs possessed
15 the right to control the remains of Decedent.
16

17 57. Pursuant to *Health and Safety Code* § 7100, other statutory and case authority, common
18 law, and additional authority, the defendants owed a duty and voluntarily undertook a duty to the
19 plaintiffs to properly handle the remains of Decedent, refrain from sexual contact with Decedent,
20 refrain from videoing sexual contact with Decedent, and refrain from distributing such video, without
21 limitation.
22

23 58. The defendants breached these duties both negligently and intentionally and violated
24 public policy protecting the emotional sensibilities of surviving family members by the sexual contact
25 with Decedent, videography of Decedent, and distribution of the video, without limitation.

26 59. Defendant David Rojas and Does 1-20, while in the course and scope of his
27 employment with Defendant City of Los Angeles and Does 1-20, breached such duties.
28

1 60. Defendant David Rojas and Does 1-20's conduct was a substantial factor in causing the
2 plaintiffs' harm.

3 61. At all relevant times, Defendant David Rojas and Does 1-20 were acting within the
4 course and scope of their agency/employment with Defendants City of Los Angeles and Does 1-20
5 who are therefore vicariously liable for the tort.

6 62. Plaintiffs Janet Baggett, Preston Sertich, and Michael Sertich, Jr.'s damages were a
7 direct, proximate, and legal result of the acts and omissions by the defendants.

8 63. As a direct, proximate, and legal cause of the defendants' wrongful conduct, Plaintiffs
9 Janet Baggett, Preston Sertich, and Michael Sertich, Jr. have suffered general damages, including:
10 mental suffering, anxiety, humiliation, severe emotional distress, grief, and loss of enjoyment of life.

11 64. As a factual and legal result of the aforementioned misconduct, Plaintiffs have suffered
12 damages in an amount which exceeds the minimum jurisdictional limits of this court, according to
13 proof at time of trial.
14

15 65. The plaintiffs further make a claim for punitive/exemplary damages against Defendants
16 David Rojas and Does 1-20.
17

18 a. Defendants David Rojas and Does 1-20 acted with malice and oppression.

19 b. Defendants David Rojas and Does 1-20 engaged in conduct which was intended by
20 the defendants to cause injury to the plaintiffs and/or was despicable conduct which was carried on by the
21 defendants with a willful and conscious disregard for the rights and safety of others. Defendants David
22 Rojas and Does 1-20 engaged in conduct which subjected the plaintiffs to cruel and unjust hardship in
23 conscious disregard of their rights. Defendants David Rojas and Does 1-20's conduct was so mean, vile,
24 base, and contemptible that it would be looked down on and despised by reasonable people. Defendants
25 David Rojas and Does 1-20 were aware of the probable consequences of their conduct and willfully and
26 deliberately failed to avoid those consequences. Indeed, Defendants David Rojas and Does 1-20's conduct
27 was so wanton and willful that injury to others was a virtual certainty.
28

1 66. The plaintiffs are entitled to an award against Defendants David Rojas and Does 1-20 of
2 punitive/exemplary damages in an amount sufficient to punish the defendants in light of their financial
3 condition and to make an example of them.

4
5 **FIFTH CAUSE OF ACTION**

6 **Violation Of *Civil Code* § 1708.85**

7 (By Plaintiffs Janet Baggett, Preston Sertich, Michael Sertich, Jr., and Estate of Elizabeth Baggett
8 Against All Defendants)

9 67. Plaintiffs re-allege as though fully set forth at length and incorporate herein by reference,
10 all of the allegations and statements contained in this Complaint.

11 68. *Civil Code* § 1708.85(a) provides:

12 A private cause of action lies against a person who intentionally
13 distributes by any means a photograph, film, videotape, recording, or any
14 other reproduction of another, without the other's consent, if (1) the
15 person knew that the other person had a reasonable expectation that the
16 material would remain private, (2) the distributed material exposes an
17 intimate body part of the other person, or shows the other person
engaging in an act of intercourse, oral copulation, sodomy, or other act
of sexual penetration, and (3) the other person suffers general or special
damages as described in Section 48a.

18 69. Defendants intentionally distributed video of Defendant David Rojas and Does 1-20 of
19 Decedent, without consent.

20 a. The defendants knew the plaintiffs had a reasonable expectation that any such
21 material would remain private;

22 b. The distributed material exposed an intimate body part of Decedent, without
23 limitation;

24 c. The plaintiffs suffered general damages as defined in *Civil Code* § 48a(d)(1),
25 including, without limitation, loss of reputation, shame, mortification, and hurt feelings.

26 70. Defendant David Rojas and Does 1-20 violated *Civil Code* § 1708.85 while in the
27 course and scope of his employment with Defendant City of Los Angeles and Does 1-20.
28

1 71. Defendant David Rojas and Does 1-20's conduct was a substantial factor in causing the
2 plaintiffs' harm.

3 72. At all relevant times, Defendant David Rojas and Does 1-20 were acting within the
4 course and scope of their agency/employment with Defendants City of Los Angeles and Does 1-20
5 who are therefore vicariously liable for the tort.

6 73. Plaintiffs Janet Baggett, Preston Sertich, and Michael Sertich, Jr.'s damages were a
7 direct, proximate, and legal result of the acts and omissions by the defendants.

8 74. As a direct, proximate, and legal cause of the defendants' wrongful conduct, Plaintiffs
9 Janet Baggett, Preston Sertich, and Michael Sertich, Jr. have suffered general damages, including:
10 mental suffering, anxiety, humiliation, emotional distress, grief, loss of enjoyment of life, loss of
11 reputation, shame, mortification, and hurt feelings.
12

13 75. As a factual and legal result of the aforementioned misconduct, Plaintiffs have suffered
14 damages in an amount which exceeds the minimum jurisdictional limits of this court, according to
15 proof at time of trial.
16

17 76. The plaintiffs further make a claim for punitive/exemplary damages against Defendants
18 David Rojas and Does 1-20.

19 a. Defendants David Rojas and Does 1-20 acted with malice and oppression.

20 b. Defendants David Rojas and Does 1-20 engaged in conduct which was intended by
21 the defendants to cause injury to the plaintiffs and/or was despicable conduct which was carried on by the
22 defendants with a willful and conscious disregard for the rights and safety of others. Defendants David
23 Rojas and Does 1-20 engaged in conduct which subjected the plaintiffs to cruel and unjust hardship in
24 conscious disregard of their rights. Defendants David Rojas and Does 1-20's conduct was so mean, vile,
25 base, and contemptible that it would be looked down on and despised by reasonable people. Defendants
26 David Rojas and Does 1-20 were aware of the probable consequences of their conduct and willfully and
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1 deliberately failed to avoid those consequences. Indeed, Defendants David Rojas and Does 1-20's conduct
2 was so wanton and willful that injury to others was a virtual certainty.

3 77. The plaintiffs are entitled to an award against Defendants David Rojas and Does 1-20 of
4 punitive/exemplary damages in an amount sufficient to punish the defendants in light of their financial
5 condition and to make an example of them.

6
7 **SIXTH CAUSE OF ACTION**

8 **Intrusion Into Private Affairs**

9 (By Plaintiffs Janet Baggett, Preston Sertich, and Michael Sertich, Jr. Against All Defendants)

10 78. Plaintiffs re-allege as though fully set forth at length and incorporate herein by reference,
11 all of the allegations and statements contained in this Complaint.

12 79. Janet Baggett, Preston Sertich, and Michael Sertich, Jr. had a reasonable expectation of
13 privacy in the images and video of Decedent, their deceased family member.

14 80. Defendant David Rojas and Does 1-20, while in the course and scope of his
15 employment with Defendant City of Los Angeles and Does 1-20, intentionally intruded upon the
16 private affairs of Plaintiffs.

17 81. Defendant David Rojas and Does 1-20's invasion of privacy would be highly offensive
18 to a reasonable person.

19 82. Defendant David Rojas and Does 1-20's conduct was a substantial factor in causing the
20 plaintiffs' harm.

21 83. At all relevant times, Defendant David Rojas and Does 1-20 were acting within the
22 course and scope of their agency/employment with Defendants City of Los Angeles and Does 1-20
23 who are therefore vicariously liable for the tort.

24 84. Plaintiffs Janet Baggett, Preston Sertich, and Michael Sertich, Jr.'s damages were a
25 direct, proximate, and legal result of the acts and omissions by the defendants.

1 85. As a direct, proximate, and legal cause of the defendants' wrongful conduct, Plaintiffs
2 Janet Baggett, Preston Sertich, and Michael Sertich, Jr. have suffered general damages, including:
3 mental suffering, anxiety, humiliation, severe emotional distress, grief, and loss of enjoyment of life.

4 86. As a factual and legal result of the aforementioned misconduct, Plaintiffs have suffered
5 damages in an amount which exceeds the minimum jurisdictional limits of this court, according to
6 proof at time of trial.

7 87. The plaintiffs further make a claim for punitive/exemplary damages against Defendants
8 David Rojas and Does 1-20.

9 a. Defendants David Rojas and Does 1-20 acted with malice and oppression.

10 b. Defendants David Rojas and Does 1-20 engaged in conduct which was intended by
11 the defendants to cause injury to the plaintiffs and/or was despicable conduct which was carried on by the
12 defendants with a willful and conscious disregard for the rights and safety of others. Defendants David
13 Rojas and Does 1-20 engaged in conduct which subjected the plaintiffs to cruel and unjust hardship in
14 conscious disregard of their rights. Defendants David Rojas and Does 1-20's conduct was so mean, vile,
15 base, and contemptible that it would be looked down on and despised by reasonable people. Defendants
16 David Rojas and Does 1-20 were aware of the probable consequences of their conduct and willfully and
17 deliberately failed to avoid those consequences. Indeed, Defendants David Rojas and Does 1-20's conduct
18 was so wanton and willful that injury to others was a virtual certainty.

19 88. The plaintiffs are entitled to an award against Defendants David Rojas and Does 1-20 of
20 punitive/exemplary damages in an amount sufficient to punish the defendants in light of their financial
21 condition and to make an example of them.
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SEVENTH CAUSE OF ACTION

Violation of Mandatory Statutory Duties

(By Plaintiffs Janet Baggett, Preston Sertich, Michael Sertich, Jr., and Estate of Elizabeth Baggett
Against All Defendants)

89. Plaintiffs re-allege as though fully set forth at length and incorporate herein by reference, all of the allegations and statements contained in this Complaint.

90. The defendants failed to timely discharge their mandatory statutory duties relating to the above misconduct and failed to exercise reasonable diligence in the exercise of their mandatory duties.

91. The defendants' failure to exercise their mandatory duties proximately and legally caused and directly resulted in the plaintiffs suffering damage.

92. Defendant David Rojas and Does 1-20's conduct was a substantial factor in causing the plaintiffs' harm.

93. At all relevant times, Defendant David Rojas and Does 1-20 were acting within the course and scope of their agency/employment with Defendants City of Los Angeles and Does 1-20 who are therefore vicariously liable for the tort.

94. Plaintiffs Janet Baggett, Preston Sertich, and Michael Sertich, Jr.'s damages were a direct, proximate, and legal result of the acts and omissions by the defendants.

95. As a direct, proximate, and legal cause of the defendants' wrongful conduct, Plaintiffs Janet Baggett, Preston Sertich, Michael Sertich, Jr., and Estate of Elizabeth Baggett have suffered general damages, including: mental suffering, anxiety, humiliation, severe emotional distress, grief, and loss of enjoyment of life.

96. As a factual and legal result of the aforementioned misconduct, Plaintiffs have suffered damages in an amount which exceeds the minimum jurisdictional limits of this court, according to proof at time of trial.

97. The plaintiffs further make a claim for punitive/exemplary damages against Defendants David Rojas and Does 1-20.

1 a. Defendants David Rojas and Does 1-20 acted with malice and oppression.

2 b. Defendants David Rojas and Does 1-20 engaged in conduct which was intended by
3 the defendants to cause injury to the plaintiffs and/or was despicable conduct which was carried on by the
4 defendants with a willful and conscious disregard for the rights and safety of others. Defendants David
5 Rojas and Does 1-20 engaged in conduct which subjected the plaintiffs to cruel and unjust hardship in
6 conscious disregard of their rights. Defendants David Rojas and Does 1-20's conduct was so mean, vile,
7 base, and contemptible that it would be looked down on and despised by reasonable people. Defendants
8 David Rojas and Does 1-20 were aware of the probable consequences of their conduct and willfully and
9 deliberately failed to avoid those consequences. Indeed, Defendants David Rojas and Does 1-20's conduct
10 was so wanton and willful that injury to others was a virtual certainty.
11

12 98. The plaintiffs are entitled to an award against Defendants David Rojas and Does 1-20 of
13 punitive/exemplary damages in an amount sufficient to punish the defendants in light of their financial
14 condition and to make an example of them.
15

16 **PRAYER**

17 WHEREFORE, Plaintiffs pray for judgment against all defendants, and each of them, as
18 follows:
19

20 1. Past and future general/non-economic damages including, without limitation: mental
21 suffering, anxiety, humiliation, emotional distress, grief, loss of enjoyment of life, loss of reputation,
22 shame, mortification, and hurt feelings against all Defendants.

23 2. Punitive/exemplary damages against Defendants David Rojas and Does 1-20 only.

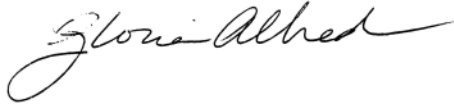
24 3. Prejudgment interest, according to proof, where allowed by law;

25 4. Costs of suit; and
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1 5. Such other relief as the Court deems appropriate.

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3 Dated: August 11, 2020

Allred, Maroko & Goldberg

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6 _____
Gloria Allred
Attorney for Plaintiffs

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8 Dated: August 11, 2020

Carpenter, Zuckerman & Rowley

9 *Robert J. Ounjian*

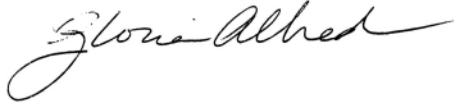
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Robert J. Ounjian
Attorney for Plaintiffs

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15 **DEMAND FOR JURY TRIAL**

16 Plaintiffs hereby demand a trial by jury on all causes in this action.

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19 Dated: August 11, 2020

Allred, Maroko & Goldberg

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22 _____
Gloria Allred
Attorney for Plaintiffs

23
24 Dated: August 11, 2020

Carpenter, Zuckerman & Rowley

25 *Robert J. Ounjian*

26
27 _____
Robert J. Ounjian
Attorney for Plaintiffs