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9  
10 Attorneys for Plaintiff  
11 HUNG LAM

8 UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 HUNG LAM, individually, through his next  
12 friend, KATHY LAM,

13 Plaintiff,

14 vs.

15 CITY OF SAN JOSE, a municipal corporation;  
16 LARRY ESQUIVEL, in his capacity as Chief of  
17 Police for the CITY OF SAN JOSE; Officer  
18 DONDI WEST, individually and in her official  
19 position as a San Jose Police officer, and DOES  
20 1-25, inclusive,

19 Defendants.

Case No.

**COMPLAINT FOR DAMAGES FOR  
VIOLATION OF CIVIL RIGHTS.  
JURY TRIAL DEMANDED**

21 **INTRODUCTION**

22 1. This case arises from the unlawful shooting of HUNG LAM, a 36 year old Vietnamese  
23 national lawfully residing in the United States, by San Jose Police Department Officer DONDI  
24 WEST in the City of San Jose . At the time of the shooting, Mr. LAM was outside in the front of his  
25 residence in San Jose. Mr. LAM was suicidal, and he was holding his cell phone and a knife in his  
26 hands and was otherwise isolated in the front of his residence in San Jose. He pressed the knife into  
27  
28

1 his abdomen, threatening only to hurt himself. Mr. LAM was no threat to anyone, except  
2 potentially himself. Minutes before the shooting, Mr. LAM was speaking with a neighbor who was  
3 seeking to calm him down and who did not feel threatened by Mr. LAM, when Officer DONDI  
4 WEST inexplicably shot Mr. LAM in the back causing Mr. LAM's form of paraplegia. Mr. LAM  
5 who was once a vibrant dancer has been rendered a permanent disabled paraplegic.  
6

### 7 **JURISDICTION**

8 2. This action arises under Title 42 of the United States Code, Section 1983. Title 28 of the  
9 United States Code, Sections 1331 and 1343 confers jurisdiction upon this Court. The unlawful acts  
10 and practices alleged herein occurred in the City of San Jose, California, which is within this judicial  
11 district.  
12

### 13 **PARTIES**

14 3. Plaintiff herein mentioned, HUNG LAM, was at all times and remains a legal resident of the  
15 United States residing in the City of San Jose. He has been rendered a paraplegic by the instant  
16 shooting.  
17

18 4. Defendant CITY OF SAN JOSE ("CITY") is a municipal corporation, duly organized and  
19 existing under the laws of the State of California. The City operates under its authority the SAN  
20 JOSE Police Department.  
21

22 5. Defendant LARRY ESQUIVEL ("ESQUIVEL") was at all times mentioned herein was the  
23 police chief of the City of San Jose. He is being sued in his official capacity as Chief of Police.  
24

25 6. Defendant DONDI WEST ("WEST") was at all times mentioned herein a police officer with  
26 the City of San Jose. She is being sued in both her individual and official capacity.  
27

28 7. Plaintiff is ignorant of the true names and capacities of Defendants DOES 1 through 25,  
inclusive, and therefore sues these defendants by such fictitious names. Plaintiff is informed and

1 believes and thereon alleges that each Defendant so named is responsible in some manner for the  
2 injuries and damages sustained by Plaintiff as set forth herein. Plaintiff will amend his complaint to  
3 state the names and capacities of DOES 1-25, inclusive, when they have been ascertained.  
4

5 8. Plaintiffs have requested documents and records pertaining to the subject-incident from  
6 Defendant CITY, pursuant to the Freedom of Information Act. Defendant CITY has not provided  
7 any of the requested information.

8 9. In engaging in the conduct described herein, Defendants acted under the color of law and in  
9 the course and scope of their employment with the City of San Jose. In engaging in the conduct  
10 described herein, Defendant police officers exceeded the authority vested in them as police officers  
11 under the United States and California Constitutions and as police officers employed by Defendant  
12 City of San Jose.  
13

14 10. For State law causes of action related to Federal claims, Plaintiff is required to comply with  
15 an administrative claim requirement under California law. Plaintiff has filed the required  
16 administrative claim with Defendant City of San Jose, in compliance with California law  
17 requirements. Plaintiff incorporates state law causes of action into this Complaint.  
18

19 **STATEMENT OF FACTS**

20 11. On January 3, 2014, a call was placed to the San Jose Police Department reporting that a  
21 person was having a mental breakdown at a residence on Cape Horn Drive in San Jose. The call  
22 pertained to Plaintiff HUNG LAM, who was suicidal and in possession of a knife that he was  
23 threatening to use against himself. Mr. LAM had not threatened anyone, and the caller reported to  
24 police only that Mr. LAM could hurt himself. There was no indication that anyone other than Mr.  
25 LAM was in danger.  
26  
27  
28

1 12. Shortly thereafter, Defendant San Jose Police officer, DONDI WEST arrived on the scene in  
2 front of Mr. LAM's residence. Mr. LAM's next-door neighbors, who are a retired married couple,  
3 observed all events as they occurred. One of the neighboring retired married couple witnesses, the  
4 wife, is a retired deputy sheriff, trained in the use of force and in responding to subjects who may be  
5 suicidal. Plaintiff alleges that all peace officers in the State of California, and nationwide, are  
6 required to be trained in the use of force and in responding to potentially suicidal subjects to  
7 minimize the risk of harm to the suicidal subject.  
8

9 13. Mr. LAM had a kitchen knife in his hand and was threatening to hurt himself. He had a  
10 cellular phone in his other hand and he was talking with the female neighbor who was seeking to  
11 calm him down. When Defendant officer WEST arrived on-scene, she knew she was responding to a  
12 potentially suicidal subject in Mr. LAM and that "best practices" training dictates that an officer is  
13 suppose to attempt to "de-escalate" the situation.  
14

15 14. Immediately, Defendant officer WEST escalated the situation by running toward Mr. LAM  
16 shouting commands, such as drop the knife and get on the ground at Mr. LAM who was still talking  
17 with the female neighbor and not facing the officer.  
18

19 15. Defendant officer WEST without speaking with the witness continued running toward Mr.  
20 LAM yelling and screaming. Defendant officer WEST knew or should have known that her conduct  
21 of yelling and screaming at a potentially suicidal person was contrary to the "best practices" because  
22 training dictates that an officer is suppose to "de-escalate" not "escalate" the situation by their  
23 conduct.  
24

25 16. Mr. LAM was not threatening to anyone but himself yet Defendant Officer West charged him  
26 when she was within 10 to 15 feet and Mr. LAM's back was to her. Defendant Officer West  
27 discharged her weapon twice hitting Mr. LAM once in the lower back, once in the back. Mr. LAM  
28

1 did not approach the officer nor did he seek to run. In fact, when his back was to the officer, he  
2 dropped his phone and pointed the knife at his own stomach. This is when Defendant Officer WEST  
3 discharged her weapon. Another San Jose Police officer arrived on the scene but that officer did not  
4 discharge his weapon. Mr. LAM never threatened any officer or neighbor physically or verbally.  
5

6 17. Paramedics arrived on the scene and transported Mr. LAM to Regional Medical  
7 Center in San Jose. Mr. LAM's life was saved by the ensuing surgery, which repaired some of the  
8 damage caused by the gunshot wounds to his back. The bullet struck Mr. LAM's aorta, lungs, and  
9 kidney. The gunshot wounds also caused paraplegia, the permanent loss of mobility in Mr. LAM's  
10 legs.  
11

12 18. Even though no reasonable officer would have perceived Mr. LAM as posing a threat  
13 to anyone other than himself, Mr. LAM was unconscionably, maliciously criminally charged with  
14 assaulting an officer. That patently false criminal charge was subsequently dismissed as of this filing.  
15

16 19. As a result of the shooting, Mr. LAM is a paraplegic, unable to work, and any  
17 psychiatric, mental or psychological condition, or state of mind leading to acting out in a suicidal  
18 manner has been extraordinarily aggravated by the wrongful conduct of Defendant Officer WEST.  
19

20 20. Plaintiff alleges on information and belief that defendant Officer WEST is responsible  
21 for creating any circumstance that, regardless of how flawed her reasoning was, in her own mind may  
22 have wrongfully justified shooting Mr. LAM. She was never in danger, acted inconsistently with  
23 being in danger prior to shooting Mr. LAM, and witnesses confirm that she provoked and caused the  
24 shooting, not Mr. LAM. To that end, Defendant Officer WEST's conduct exhibited fundamental and  
25 Unconstitutional training by Defendant CITY and ESQUIVEL in the use of force and responding to  
26 suicidal subjects, and/or Unconstitutional policies by Defendant CITY and ESQUIVEL in the use of  
27 force and responding to suicidal subjects.  
28

**DAMAGES**

1  
2           21.     The shooting of Plaintiff HUNG LAM described herein was brutal, malicious, and  
3 done without any just provocation or cause, proximately causing Plaintiff's injuries and resulting  
4 damages.  
5

6           22.     As a proximate result of defendants' conduct, plaintiff HUNG LAM suffered pain and  
7 physical injuries, including paralysis, nerve damage, paraplegia, and soft tissue injuries. Plaintiff  
8 HUNG LAM suffered and continues to suffer lost wages and aggravation of pre-existing suicidal  
9 conditions. As a further proximate result of defendants' conduct, plaintiff suffered severe and  
10 extreme emotional distress, fear, terror, anxiety, humiliation, and loss of his sense of security, dignity,  
11 and pride. Plaintiff was further damaged by having criminal charges maliciously filed against him,  
12 and having to defend those malicious criminal charges until they were dismissed.  
13

14           23.     Plaintiff HUNG LAM was assaulted, battered, and shot without any just provocation  
15 or cause, by Defendant Officer WEST. Plaintiff HUNG LAM's physical injuries include, but are not  
16 limited to the following: Paraplegia from the waist down, rendered unable to work, aggravation of  
17 pre-existing suicidal conditions, and was mentally and emotionally injured and damaged as a  
18 proximate result of this incident.  
19

20           24. Plaintiff HUNG LAM will require in-home visits from a nurse, and daily physical therapy to  
21 achieve as much physical recovery as possible from the debilitating injuries.  
22

23           25. The conduct of Defendant Officer WEST was malicious, wanton, and oppressive. Plaintiff  
24 are therefore entitled to an award of punitive damages against Defendant Officer WEST.

25           26. Plaintiff found it necessary to engage the services of private counsel to vindicate his rights  
26 under the law. Plaintiff is therefore entitled to an award of all attorneys' fees incurred in relation to  
27 this action for violation of his civil rights.  
28

**FIRST CAUSE OF ACTION**

(42 U.S.C. Section 1983)

(Against Defendants **WEST**, and DOES 1-10)

1  
2  
3  
4 27. Plaintiff hereby re-alleges and incorporates by reference herein paragraphs 1 through 26 of  
5 this Complaint.

6  
7 28. In doing the acts complained of herein, Defendant WEST and DOES 1 through 10, inclusive,  
8 and/or each of them, acted under color of law to deprive Plaintiff of certain constitutionally protected  
9 rights, including, but not limited to:

- 10 a. The right to be free from unreasonable searches and seizures, as guaranteed by the  
11 Fourth Amendment to the United States Constitution;  
12  
13 b. The right to be free from malicious prosecution by police officers, as guaranteed by  
14 the Fourteenth Amendment to the United States Constitution.

15 WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

**SECOND CAUSE OF ACTION**

(42 U.S.C. section 1983)

(Against Defendants **CITY, ESQUIVEL** and DOES 11-25)

16  
17  
18  
19 29. Plaintiff hereby re-alleges and incorporates by reference herein paragraphs 1 through 28 of  
20 this Complaint.

21  
22 30. Plaintiff alleges that high ranking City of San Jose officials, including high ranking police  
23 supervisors, such as Defendant LARRY ESQUIVEL, DOES 11 through 25, and/or each of them,  
24 knew and/or reasonably should have known, that Defendant Officer WEST, and other SAN JOSE  
25 Police Department officers, were untrained in, or trained below the standard of care, in the use of  
26 force and responding to subjects who appear suicidal, act in a suicidal manner, and/or who manifest  
27  
28

1 symptoms of suicidality, all in violation of Plaintiffs rights under the 4<sup>th</sup> and 14<sup>th</sup> Amendments to the  
2 United States Constitution.

3 31. Said rights are substantive guarantees under the Fourth and/or Fourteenth Amendments to the  
4 United States Constitution.  
5

6 WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

7 **FOURTH CAUSE OF ACTION**

8 (Assault and Battery)

9 (Against Defendants **WEST**, and DOES 1-10)

10 32. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 31 of this  
11 Complaint.

12 33. Defendants WEST, and DOES 1-10, inclusive, placed Plaintiff in immediate fear of death and  
13 severe bodily harm by shooting, attacking and battering him without any just provocation or cause.

14 34. These defendants' conduct was neither privileged nor justified under statute or common law.

15 35. As a proximate result of defendants' conduct, Plaintiff suffered damages as hereinafter set  
16 forth.  
17

18 WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

19 **FIFTH CAUSE OF ACTION**

20 (Intentional Infliction of Emotional Distress)

21 (Against Defendants **WEST**, amd DOES 1-10)

22 36. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 35 of this  
23 Complaint.  
24

25 37. The conduct of Defendants WEST, and DOES 1 through 10, inclusive, as set forth herein, was  
26 extreme and outrageous and beyond the scope of conduct which should be tolerated by citizens in a  
27 democratic and civilized society. Defendants committed these extreme and outrageous acts with the  
28



1 intent to inflict severe mental and emotional distress upon Plaintiff.

2 38. As a proximate result of Defendants' willful, intentional and malicious conduct, plaintiff  
3 HUNG LAM suffered severe and extreme mental and emotional distress. Therefore, Plaintiff is  
4 entitled to an award of punitive damages as against said defendants. Plaintiff has suffered damages  
5 as hereinafter set forth.  
6

7 WHEREFORE, Plaintiff prays for relief as hereinafter set forth.  
8

9 **SIXTH CAUSE OF ACTION**

10 (Violation of Civil Code Section 52.1)

11 (Against Defendants **WEST**, and DOES 1-10)

12 39. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 38 of this  
13 Complaint.  
14

15 40. The conduct of Defendants WEST, and DOES 1 through 10, inclusive, as described herein,  
16 acting in the course and scope of their employment for Defendant CITY, violated California Civil  
17 Code Section 52.1, in that they interfered with Plaintiff HUNG LAM's exercise and enjoyment of his  
18 civil rights, through use of wrongful and excessive force, and failure to make any proper or  
19 reasonable arrest of said Plaintiff.  
20

21 41. As a direct and proximate result of Defendants' violation of Civil Code Section 52.1, Plaintiff  
22 suffered violation of his constitutional rights, and suffered damages as set forth herein.

23 42. Since this conduct occurred in the course and scope of their employment, Defendant CITY is  
24 therefore liable to Plaintiff pursuant to respondeat superior.  
25

26 43. Plaintiff is entitled to injunctive relief and an award of his reasonable attorney's fees pursuant  
27 to Civil Code Section 52.1(h).  
28

WHEREFORE, Plaintiff prays for relief, as hereinafter set forth.

**SEVENTH CAUSE OF ACTION**

(Negligence)

(Against Defendants **WEST**, DOES 1-10)

1  
2  
3  
4 44. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 43 of this  
5 complaint, except for any and all allegations of intentional, malicious, extreme, outrageous, wanton,  
6 and oppressive conduct by defendants, and any and all allegations requesting punitive damages.  
7

8 45. At all times herein mentioned, Defendants WEST, and DOES 1 through 10, inclusive, were  
9 subject to a duty of care to avoid causing unnecessary physical harm and distress to persons through  
10 their use of force and making of arrests. The wrongful conduct of Defendants, as set forth herein, did  
11 not comply with the standard of care to be exercised by reasonable persons, proximately causing  
12 plaintiff to suffer injuries and damages as set forth herein. Pursuant to Government Code Section  
13 815.2(a), Defendant CITY is vicariously liable to Plaintiff for his injuries and damages suffered as  
14 alleged herein, incurred as a proximate result of the aforementioned wrongful conduct of Defendants.  
15

16 46. As a proximate result of Defendants' negligent conduct, Plaintiff suffered severe physical  
17 injury, severe emotional and mental distress, injury having a traumatic effect on Plaintiff's emotional  
18 tranquility, and suffered damages.  
19

20 WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

21 **JURY DEMAND**

22 47. Plaintiff hereby demands a jury trial in this action.  
23

24 ///

25 ///

26 ///

27 ///

28 ///

**PRAYER**

WHEREFORE, Plaintiff prays for relief, as follows:

1. For general damages in a sum according to proof;
2. For special damages in a sum according to proof;
3. For punitive damages in a sum according to proof;
4. For injunctive relief enjoining Defendant CITY OF SAN JOSE from authorizing, allowing, or ratifying the practice by any peace officer employee of Defendant CITY from using excessive and unreasonable force against persons, pursuant to California Civil Code Section 52.1; Additionally, enacted polices regarding the handling of mentally impaired persons with corresponding training on such polices.
5. For violation of California Civil Code Sections 52 and 52.1, statutory damages, and reasonable attorney's fees;
6. For violation of California Civil Code Section 52(b), punitive damages against Defendant police officers, \$25,000.00 for each offense and reasonable attorney's fees;
7. For reasonable attorney's fees pursuant to 42 U.S.C. Section 1988;
8. For cost of suit herein incurred; and
9. For such other and further relief as the Court deems just and proper.

Dated: February 24, 2014

**THE LAW OFFICES OF JOHN L. BURRIS**

/s/ John L. Burris

JOHN L. BURRIS, Esq.

BENJAMIN NISENBAUM, Esq.

Attorneys for Plaintiff

HUNG LAM

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p><b>I. (a) PLAINTIFFS</b>                  HUNG LAM, individually, through his next friend                  KATHY LAM</p> <p><b>(b) County of Residence of First Listed Plaintiff</b> <u>Santa Clara</u>                  (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p><b>(c) Attorneys (Firm Name, Address, and Telephone Number)</b>                  John L. Burris, Esq., Law Offices of John L. Burris                  7677 Oakport St, Ste 1120, Oakland, CA 94621                  (510) 839-5200</p>	<p><b>DEFENDANTS</b>                  CITY OF SAN JOSE, et al.</p> <p>County of Residence of First Listed Defendant _____                  (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known) _____</p>
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<p><b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> <td style="width:33%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p><b>PERSONAL INJURY</b></p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<p><b>PERSONAL INJURY</b></p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p><b>PERSONAL PROPERTY</b></p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <p><b>LABOR</b></p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <p><b>IMMIGRATION</b></p> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p><b>PROPERTY RIGHTS</b></p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <p><b>SOCIAL SECURITY</b></p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <p><b>FEDERAL TAX SUITS</b></p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities Employment <input type="checkbox"/> 446 Amer. w/Disabilities Other <input type="checkbox"/> 448 Education	<p><b>Habeas Corpus:</b></p> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <p><b>Other:</b></p> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

1 Original Proceeding     2 Removed from State Court     3 Remanded from Appellate Court     4 Reinstated or Reopened     5 Transferred from Another District (specify)     6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
(42 U.S.C. Section 1983)

Brief description of cause: \_\_\_\_\_

**VII. REQUESTED IN COMPLAINT:**     CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.    **DEMAND \$** \_\_\_\_\_ Sum according to proof    CHECK YES only if demanded in complaint:    **JURY DEMAND:**     Yes     No

**VIII. RELATED CASE(S) IF ANY** (See instructions):    JUDGE \_\_\_\_\_    DOCKET NUMBER \_\_\_\_\_

**IX. DIVISIONAL ASSIGNMENT (Civil L.R. 3-2)**  
 (Place an "X" in One Box Only)    ( ) SAN FRANCISCO/OAKLAND    ( ) SAN JOSE    ( ) EUREKA

DATE February 26, 2014    SIGNATURE OF ATTORNEY OF RECORD John L. Burris