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19 **UNITED STATES DISTRICT COURT**
20 **CENTRAL DISTRICT OF CALIFORNIA**

21 VETH MAM,

22 Plaintiff,

23 vs.

24 CITY OF FULLERTON; MICHAEL
25 SELLERS, Chief of Police individually and
26 as a peace officer; KENTON HAMPTON
27 #1337, individually and as a peace officer;
28 FRANK NGUYEN #1307, individually and
as a peace officer; JONATHAN W.
MILLER #1350, individually and as a
peace officer; DANIEL SOLORIO #1086,
DOE REYNOSO # UNKNOWN, DOES 1-
10,

Defendants.

Case No.:

COMPLAINT FOR DAMAGES

1. Violation of Civil Rights
(42 U.S.C. § 1983)
2. *Monell* Claim
(42 U.S.C. § 1983)
3. Conspiracy to Violate Civil Rights
(42 U.S.C. § 1985(2))
4. Conspiracy to Violate Civil Rights
(42 U.S.C. § 1985(3))
5. Failure to Intervene
(42 U.S.C. § 1986)

DEMAND FOR JURY TRIAL

1 **JURISDICTION**

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

8
9 **ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

10 1. At all times herein mentioned, Plaintiff VETH MAM was a resident of the
11 County of Los Angeles, City of Baldwin Park, of Cambodian descent.

12 2. At all times herein mentioned, Defendants MICHAEL SELLERS, Chief of
13 Police individually and as a peace officer, KENTON HAMPTON #1337, individually
14 and as a peace officer, FRANK NGUYEN #1307, individually and as a peace officer,
15 JONATHAN W. MILLER #1350, individually and as a peace officer, DANIEL
16 SOLORIO #1086, DOE REYNOSO # UNKNOWN, DOES 1-10, inclusive and each of
17 them, were employees of the City of Fullerton and the Fullerton Police Department.
18 Defendant SELLERS is and all relevant times, the highest ranking law enforcement
19 policymaker for the City of Fullerton.

20 3. Defendant CITY OF FULLERTON (hereinafter referred to as "CITY") is
21 and at all times herein mentioned has been a public entity and an incorporated county
22 duly authorized and existing as such in and under the laws of the State of California; and
23 at all times herein mentioned, Defendant CITY has possessed the power and authority to
24 adopt policies and prescribe rules, regulations and practices affecting the operation of
25 Defendant Fullerton City Police Department, (FPD) and particularly said Department's
26 Patrol, Internal Investigations and Training and Personnel Divisions and other operations
27 and subdivisions presently unidentified to Plaintiff, and their tactics, methods, practices,
28 customs and usages related to internal investigations, personnel supervision and records

1 maintenance, the use and deployment of dangerous weapons, the use of force, and powers
2 of arrest by its rank and file.

3 4. Plaintiff is informed and believes and thereon alleges that each of the
4 Defendants designated as a DOE is intentionally and negligently responsible in some
5 manner for the events and happenings herein referred to, and thereby proximately caused
6 injuries and damages as herein alleged. The true names and capacities of DOES 1
7 through 10, inclusive, and each of them, are not now known to Plaintiff who therefore
8 sues said Defendants by such fictitious names and will be added to this action as provided
9 by California Code of Civil Procedure Section 484.

10 5. Defendants, and each of them, did the acts and omissions hereinafter alleged
11 in bad faith and with knowledge that their conduct violated well established and settled
12 law.

13 6. The incidents complained of began in the City of Fullerton, Saturday
14 October 23, 2010. At approximately 2:00 a.m., Plaintiff MAM witnessed Fullerton PD
15 officer JONATHAN MILLER interacting with Sokha Leng in the area of 100 West
16 Amerige Avenue. Plaintiff MAM began to video record what MILLER was doing to
17 Leng. Defendant HAMPTON witnessed MAM filming MILLER's abusing Leng and
18 attacked MAM, knocking the video recorder from MAM's possession to prevent video
19 evidence adverse to MILLER from being captured. MAM was seized by HAMPTON as
20 MAM's video recorder was picked up by another person (TIM) who continued to film
21 HAMPTON's seizure of MAM, MILLER's abuse of Leng and the arrival of Defendants
22 NGUYEN, SOLORIO and REYNOSO. MAM was transported to the Fullerton Police
23 Department without having committed any public offense and without consent.

24 To corruptly justify MAM's arrest, and further to shield HAMPTON's
25 wrongful assault of MAM, Defendants MILLER, FRANK NGUYEN, DANIEL
26 SOLORIO, DOE REYNOSO and DOES 1-10 conspired to write and file willfully false
27 crime and arrest reports intentionally omitting HAMPTON's involvement with MAM
28 entirely. In furtherance of this conspiracy, NGUYEN wrote a report in which he falsely

1 claimed to have arrived at the scene to assist MILLER and witnessed Plaintiff MAM
2 “jump on Officer Miller’s back” and “wrap his hands around Officer J. Miller’s neck and
3 tried to choke him” and in defense of MILLER, NGUYEN claimed he pulled MAM off
4 Miller’s back and pushed MAM away, knowing NGUYEN and his partner had not yet
5 arrived on the scene when MAM was assaulted by HAMPTON and that MAM at no time
6 jumped on Miller’s back or attempted to choke Miller or in any unlawful manner assist
7 Leng. In furtherance of the conspiracy to justify MAM’s seizure and assault by
8 HAMPTON, and to support the suppression of HAMPTON, Defendant SOLORIO wrote
9 a police report in which he falsely claimed he’d witnessed Defendant NGUYEN take
10 MAM into custody with Defendant REYNOSO for allegedly attacking MILLER. For his
11 part, HAMPTON filed a police report in which he completely omitted his assault and
12 arrest of MAM, claiming to have arrived on scene with Corporal Contino in time to
13 witness Miller fighting with Leng. To complete his part in the conspiracy, MILLER
14 wrote and filed a crime and arrest report in which he falsely represented MAM “came up
15 behind me and grabbed me, attempting to pull me off Leng.” MILLER also falsely wrote
16 that while MILLER “was on top of Leng, MAM came up from behind me and grabbed
17 me around the neck in an attempt to strangle me”; that MILLER “pushed MAM away”
18 and took “Leng in a carotid restraint when NGUYEN arrived”; that MAM “was grabbing
19 me in my back again attempting to pull me off Leng” whereupon “NGUYEN grabbed
20 MAM and pulled him off of me;” and “NGUYEN arrested MAM.” MILLER’s report
21 was written with the knowledge MAM had at no time touched MILLER or attempted in
22 any manner to unlawfully assist Leng and that HAMPTON, not NGUYEN, arrested
23 MAM.

24 Said crime reports was designed to mislead the Orange County District
25 Attorney into filing criminal misdemeanor charges against the Plaintiff and became the
26 moving force behind the filing of a four-count Complaint assigned Case No. 10
27 MN14330 on November 17, 2010. Plaintiff was charged with allegedly violating Penal
28 Code Sections 148, 241 and 243 in which Defendant MILLER was the alleged victim.

1 Defendants KENTON HAMPTON, FRANK NGUYEN, JONATHAN W. MILLER,
2 DANIEL SOLORIO, DOE REYNOSO and DOES 1-10, continued to willfully mislead
3 the Orange County District Attorney into believing Plaintiff had committed these
4 offenses and if called as witnesses, would provide the testimony to support the
5 prosecution and conviction of the Plaintiff. In furtherance of the conspiracy to deprive
6 the Plaintiff of his constitutional rights, between June 30, 2011 and July 7, 2011,
7 MILLER and NGUYEN gave knowingly false sworn testimony claiming they witnessed
8 the Plaintiff commit the manufactured offenses and denied HAMPTON had anything to
9 do with MAM. Defendants' corruption was exposed by the introduction of MAM's
10 video recording and on July 7, 2011, Plaintiff was found not guilty of all charges.

11 Defendant SELLERS and Orange County District Attorney Reed was made
12 aware of Plaintiff's unlawful arrest prior to the commencement of MAM's trial by TIM's
13 and MAM's video recording having been given to Reed but SELLERS willfully failed
14 and refused to discipline, prosecute or otherwise hold any of his subordinates accountable
15 for the felonies they committed against MAM in violation of California law.
16 Notwithstanding CITY OF FULLERTON's and SELLERS knowledge that Defendants,
17 and particularly HAMPTON, had on numerous other prior and subsequent occasions
18 falsely accused others of crimes against themselves or other police officers, assaulted and
19 battered third parties and engaged in repeated acts of dishonesty and violence, no officer
20 involved in the gross misconduct has ever been held responsible for the criminal
21 wrongdoing by Defendants recited above as of the date of this complaint nor has any
22 police department employee who participated in the conspiracy to falsely arrest and
23 prosecute Plaintiff has been disciplined, prosecuted or otherwise made to be accountable
24 for their unlawful conduct.

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1 **FIRST CAUSE OF ACTION**

2 **(VIOLATION OF CIVIL RIGHTS - EXCESSIVE FORCE, FALSE ARREST,**
3 **MALICIOUS PROSECUTION AND CONSPIRACY - 42 U.S.C. § 1983)**

4 (By Plaintiff Against All Individual Defendants)

5 7. Plaintiff refers to and re-pleads each and every allegation contained in
6 paragraphs 1 through 6 of this complaint, and by this reference incorporates the same
7 herein and make each a part hereof.

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

13 9. Commencing at or about the aforementioned date and place, without cause
14 or justification, and acting under color of law, Defendants KENTON HAMPTON,
15 FRANK NGUYEN, JONATHAN W. MILLER, DANIEL SOLORIO, DOE REYNOSO,
16 DOES 1-10 and each of them, intentionally and maliciously deprived Plaintiff of rights
17 secured to him by the First, Fourth, and Fourteenth Amendments to the United States
18 Constitution in that Defendants and each of them, subjected Plaintiff to unreasonable
19 force, unlawful arrest, groundless criminal prosecution and a cover-up conspiracy.

20 10. Defendants, and each of them, carried out and perpetrated the mutually
21 supportive conspiracy to deprive Plaintiff of his rights by participating in a corrupt effort
22 to illegally seize, book, and fraudulently convict Plaintiff on false charges manufactured
23 and supported by Defendants.

24 11. As a proximate result of the aforesaid acts and omissions of Defendants, and
25 each of them, Plaintiff sustained great physical and mental pain and shock to his nervous
26 system, fear, anxiety, torment, degradation and emotional distress.

27 12. By reason of the aforementioned acts and omissions of Defendants, and each
28 of them, Plaintiff incurred medical and therapeutic expenses in an amount as proved.

1 18. At all times herein mentioned, Defendants, and each of them, were
2 employees acting under the CITY's direction and control, who knowingly and
3 intentionally promulgated, maintained, applied, enforced and suffered the continuation of
4 policies, customs, practices and usages in violation of the First, Fourth and Fourteenth
5 Amendments respectively to the United States Constitution, which customs, policies,
6 practices and usages at all times herein mentioned required and encouraged the
7 employment, deployment and retention of persons as peace officers who have
8 demonstrated their brutality, dishonesty, bigotry, and numerous other serious abuses of
9 their powers as peace officers in the employment of the CITY.

10 19. Defendant CITY knowingly maintains and permits official *sub-rosa* policies
11 or customs of permitting the occurrence of the kinds of wrongs set forth above, by
12 deliberate indifference to widespread police abuses, failing and refusing to impartially
13 investigate, discipline or prosecute peace officers who commit acts of felonious
14 dishonesty and crimes of violence, each ratified and approved by CITY, FPD and
15 SELLERS.

16 20. The unconstitutional policies, practices or customs promulgated, sanctioned
17 or tolerated by Defendants CITY, FPD and SELLERS include, but are not limited to:

18 (1) Defendants CITY and SELLERS had knowledge, prior to and since
19 this incident, of repeated allegations of abuse and assaultive misconduct toward detainees
20 and arrestees. Specifically, CITY and SELLERS knew Defendants had in the past
21 committed acts of police abuse, dishonesty and prevarication;

22 (2) Defendants CITY and SELLERS had knowledge, prior to and since
23 this incident, of similar allegations of abuse and dishonesty by Defendants, and refused to
24 enforce established administrative procedures to insure the safety of detainees and
25 arrestees;

26 (3) Defendants CITY and SELLERS refused to adequately discipline
27 individual officers and employees found to have committed similar acts of abuse and
28 misconduct;

1 (4) Defendants CITY and SELLERS refused to competently and
2 impartially investigate allegations of abuse and misconduct alleged to have been
3 committed by Fullerton Police Department officers;

4 (5) Defendants CITY and SELLERS reprimanded, threatened,
5 intimidated, demoted and fired officers who reported acts of abuse by other officers;

6 (6) Defendants CITY and SELLERS covered up acts of misconduct and
7 abuse by Fullerton Police Department officers and sanctioned a code of silence by and
8 among officers;

9 (7) Defendants CITY and SELLERS rewarded officers who displayed
10 aggressive and abusive behavior towards detainees and arrestees;

11 (8) Defendants CITY and SELLERS failed to adequately train and
12 educate officers in the use of reasonable and proper force and failed to enforce the
13 department's written regulations with respect to uses of force;

14 (9) Defendant CITY and SELLERS failed to adequately supervise the
15 actions of officers under their control and guidance;

16 (10) Defendants CITY and SELLERS condoned and participated in the
17 practice of prosecuting known groundless criminal charges for the purpose of insulating
18 the CITY of FULLERTON, FPD and its officers from civil liability and reducing or
19 dismissing criminal charges against individuals in return for release from civil liability;

20 (11) Defendants CITY and SELLERS condone and encourage a conspiracy
21 of silence among their employees for the purpose of concealing and furthering wrongful
22 and illegal conduct by their employees;

23 (12) Defendants CITY, FPD and SELLERS engaged in the practice and
24 custom of withholding from criminal defendants, judges and prosecutors, known Brady
25 evidence unfavorable to their officers in violation of law and the Constitution.

26 (13) Defendants CITY, FPD and SELLERS fostered and encouraged an
27 atmosphere of lawlessness, abuse and unconstitutional misconduct, which by October
28

1 2010 and thereafter, represented the unconstitutional policies, practices and customs of
2 the CITY.

3 21. By reason of the aforesaid policies, customs, practices and usages, Plaintiff's
4 rights under the First, Fourth, and Fourteenth Amendments to the United States
5 Constitution were deprived.

6
7 **THIRD CAUSE OF ACTION**

8 **(VIOLATION OF 42 U.S.C. § 1985 (2))**

9 (By Plaintiff Against All Individual Defendants)

10 22. Plaintiff refers to and re-pleads each and every allegation contained in
11 paragraphs 1 through 21 of this complaint, and by this reference incorporates the same
12 herein and makes each a part hereof.

13 23. Commencing on October 23, 2010 and thereafter, Defendants and two or
14 more of them, in the State of California, County of Orange, by reason of Defendants'
15 animus against minorities, including Asian Americans and Cambodians of which class
16 Plaintiff belongs, invidiously discriminated and conspired together to act and to fail to act
17 as hereinbefore alleged, for the purpose of impeding, hindering, obstructing, and
18 defeating the due course of justice in the State of California and County of Orange.

19 24. Defendants, and each of them, purposefully, under color of law, planned and
20 conspired to deny Plaintiff equal protection of the laws by (a) denying the right to be free
21 from unreasonable search and seizure; and (b) denying the right not to be deprived of
22 property and liberty without due process of law.

23 25. By virtue of the foregoing, Defendants, and each of them, violated 42 U.S.C.
24 § 1985 (2).

25 26. As a direct and proximate result of the foregoing, Plaintiff has been damaged
26 as recited above and demands and is entitled to the damages recited in the First Cause of
27 Action, including but not limited to, general and punitive damages (except as to
28 Defendant CITY) and attorney's fees.

1 **FOURTH CAUSE OF ACTION**

2 **(VIOLATION OF 42 § 1985 (3))**

3 (By Plaintiff Against All Individual Defendants)

4 27. Plaintiff refers to and re-pleads each and every allegation contained in
5 paragraphs 1 through 26 of this complaint, and by this reference incorporates the same
6 herein and makes each a part hereof.

7 28. By virtue of the foregoing, Defendants and two or more of them, conspired
8 for the purpose of depriving Plaintiff of (a) equal protection of the law; and (b) equal
9 protection and immunities under the law; and for the purpose of preventing and hindering
10 the constituted authorities from giving and securing to Plaintiff equal protection of the
11 law an deprivation of liberty and property without due process of law.

12 29. Defendants, and each of them, did and caused to be done, an act or acts in
13 furtherance of the object of the conspiracy, whereby Plaintiff was deprived of the rights
14 and privileges as set forth above.

15 30. As a direct proximate result of the foregoing, Plaintiff has been damaged as
16 recited above and demands and is entitled to the damages recited in the First Cause of
17 Action, including, but not limited to, general and punitive damages (except as to
18 Defendant CITY) and attorney's fees.

19
20 **FIFTH CAUSE OF ACTION**

21 **(VIOLATION OF 42 U.S.C. § 1986)**

22 (By Plaintiff Against All Individual Defendants)

23 31. Plaintiff refers to and re-pleads each and every allegation contained in
24 paragraphs 1 through 30 of this complaint, and by this reference incorporates the same
25 herein and makes each a part hereof.

26 32. Commencing on October 23, 2010, Defendants, and each of them knew and
27 understood Plaintiff was being subjected to a deprivation of his constitutional rights and
28

1 were in the position and had the duty and authority to intervene to prevent the
2 wrongdoing committed against Plaintiff by Defendants.

3 33. By virtue of the foregoing, Defendants, and each of them, violated 42 U.S.C.
4 § 1986.

5 34. As a direct and proximate result of the foregoing, Plaintiff has been damaged
6 as recited above and demands and is entitled to the damages recited in the First Cause of
7 Action, including, but not limited to, general and punitive damages (except as to
8 Defendant CITY) and attorney's fees.

9
10 **PRAYER**

11 WHEREFORE, Plaintiff prays judgment against Defendants and each of them, as
12 follows:

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

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

21
22 Dated: August 19, 2011

MARDIROSSIAN & ASSOCIATES, INC.

23
24 By: 

25 Garo Mardirossian, Esq.
26 Armen Akaragian, Esq.
27 Lawrence D. Marks, Esq.
28 Attorneys for Plaintiff

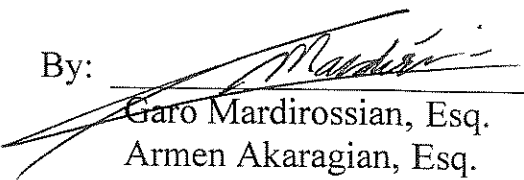
PLAINTIFF'S JURY DEMAND

Plaintiff hereby demands trial by jury.

Dated: August 19, 2011

MARDIROSSIAN & ASSOCIATES, INC.

By: _____



Garo Mardirossian, Esq.
Armen Akaragian, Esq.
Lawrence D. Marks, Esq.
Attorneys for Plaintiff

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