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14 Attorneys for Plaintiff, SHERYN CAMPRONE, as guardian ad litem for Plaintiff  
15 AVERY GLENN, son of deceased.

16 **SUPERIOR COURT OF CALIFORNIA**  
17 **COUNTY OF LOS ANGELES**

18 SHERYN CAMPRONE, as guardian ad  
19 litem for AVERY GLENN, son of  
20 deceased, BRENDON GLENN and as  
Special Administrator of the Estate of  
BRENDON GLENN

21 Plaintiffs,

22 vs.

23 CITY OF LOS ANGELES, Police Officers  
24 CLIFFORD PROCTOR, JONATHAN  
KAWAHARA, Police Chief CHARLIE  
25 BECK, in his individual, and official  
capacity, Does 1 to 10, inclusive,

26 Defendants

) Case No.:

) **COMPLAINT FOR DAMAGES**

- ) 1. Wrongful Death (Cal. Civ. Proc.  
Code § 377.60)  
) 2. Assault and Battery  
) 3. Negligence  
) 4. Violation of Bane Civil Rights Act  
(Civil Code § 52.1)

) **DEMAND FOR JURY TRIAL**

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1 Plaintiff SHERYN CAMPRONE, as guardian ad litem for Plaintiff AVERY GLENN,  
2 son of deceased, BRENDON GLENN and Special Administrator of the Estate of  
3 BRENDON GLENN alleges as follows:

4 **INTRODUCTION**

5  
6 1. DEFENDANT Officer Clifford Proctor of the Los Angeles Police Department  
7 shot Brendon Glenn in the back two times, killing him. Mr. Glenn was unarmed and not  
8 threatening anyone. The killing was completely unjustified. Officer Proctor's actions  
9 leave Mr. Glenn's three year old son, Plaintiff AVERY GLENN, fatherless.

10 PLAINTIFF SHERYN CAMPRONE ("PLAINTIFF"), in her capacity as guardian ad  
11 litem for Plaintiff AVERY GLENN, son of deceased, BRENDON GLENN ("Mr.  
12 GLENN") and Special Administrator of the Estate of BRENDON GLENN brings this  
13 lawsuit, seeking justice.

14 2. LAPD officers killed twenty-one people in 2015, a large percentage of them  
15 African-American men, like Mr. Glenn. DEFENDANT LAPD POLICE CHIEF  
16 CHARLIE BECK ("CHIEF BECK") has failed to impose adequate discipline on his  
17 officers who committed these killings, or who committed other types of excessive force,  
18 creating a culture of impunity within the LAPD that encourages such violence and  
19 incidents of unreasonable force against the public.

20 3. The City of Los Angeles, by summarily rejecting Mr. Glenn's family's Claim for  
21 Damages, has proved unwilling to accept responsibility for the wrong committed by its  
22 officers, even as Chief Beck has called for criminal prosecution of Officer Proctor. The  
23 City continues to hide from scrutiny by refusing to release the security camera videotape  
24 of the killing, despite persistent public demand. This lawsuit will require all Defendants  
25 to answer for the killing of Brendon Glenn.

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1 **JURISDICTION**

2 4. Jurisdiction of this Court is invoked under Cal. Civ. Proc. Code § 377.60 and the  
3 laws of the State of California, which provide protection under First, Fourth, and  
4 Fourteenth Amendments of the United States Constitution and common law principles to  
5 redress a deprivation under color of state law of rights, privileges and immunities  
6 secured to Plaintiff by said statutes.

7 5. The incidents complained of occurred in Venice, CA, in City of Los Angeles. On  
8 May 5, 2015, at approximately 11:00 p.m., Decedent Brendon Glenn was shot and killed  
9 by DEFENDANT Officer Clifford Proctor (“Proctor”) in the presence of DEFENDANT  
10 Jonathan Kawahara.

11  
12 **ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

13 6. At all times herein mentioned, Plaintiff, Sheryn Camprone, as guardian ad litem  
14 for Plaintiff Avery Glenn, son of deceased, Brendon Glenn, is a resident of the State of  
15 New York.

16 7. At all times herein mentioned, Brendon Glenn, decedent, was a resident of the  
17 County of Los Angeles, State of California, and is of Italian-American and African-  
18 American descent.

19 8. Plaintiff Sheryn Camprone brings this action also as the Special Administrator of  
20 the Estate of Brendon Glenn, filed and existing in Los Angeles California. She was  
21 appointed on January 25, 2016 and is tasked with distributing the assets to the  
22 beneficiaries or the heirs of the estate since Brendon Glenn died intestate.

23 9. Defendant City of Los Angeles (hereinafter referred to as “CITY”) is and was a  
24 duly organized public entity; form unknown, existing as such under the laws of the State  
25 of California. At all relevant times, CITY was the employer of DEFENDANT Proctor  
26 and his partner Jonathan Kawahara and DOES 1-10, who were either CITY police  
27 officers, or managerial, supervisorial, and policymaking employees of the CITY police  
28 department sued in their individual capacity for damages only.

1           10.     At all relevant times, DEFENDANTS Proctor, Kawahara and DOES 1 to  
2 10 were duly authorized employees and agents of the CITY, who were acting under  
3 color of law within the course and scope of their respective duties as CITY police  
4 officers and with the complete authority and ratification of their principal, Defendant  
5 CITY.

6           11.     At all relevant times, DEFENDANTS Proctor, Kawahara AND DOES 1 to  
7 10 were duly appointed CITY police officers and/or employees or agents of the CITY,  
8 subject to oversight and supervision by CITY's elected and non-elected officials.

9           12.     In doing the acts and failing and omitting to act as hereinafter described,  
10 DEFENDANTS Proctor, Kawahara and DOES 1 to 10 were acting on the implied and  
11 actual permission and consent of CITY.

12           13.     DEFENDANT Proctor was, at all relevant times, the Police Officer that  
13 fatally shot Brendon Glenn while employed by, and acting in the course and scope of  
14 employment with, the City of Los Angeles. Based on information and belief,  
15 DEFENDANT Kawahara was present when DEFENDANT Proctor fatally shot Brendon  
16 Glenn, but failed to intervene and stop the unjustified use of deadly force. On  
17 information and belief, DEFENDANT Jonathan Kawahara detained Brendon Glenn  
18 without justification and used unreasonable force against him.

19           14.     DEFENDANTS Beck and DOES 1 to 10 were each duly appointed  
20 qualified and acting ranking officers, officials and employees of the Los Angeles Police  
21 Department and Defendant CITY, also charged by law with the supervision,  
22 management, control, operation and administration of the Los Angeles Police  
23 Department and with the responsibility, control, supervision, training, employment,  
24 assignment, discipline and removal of peace officers of the Los Angeles Police  
25 Department and CITY. Each said Defendant was acting within the course and scope of  
26 their said employment and under the color of state law, and as the employee, agent and  
27 representative of each other Defendant.

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1 suspicion to detain nor probable cause to arrest Mr. Glenn. Mr. Glenn was unarmed at  
2 all times.

3 22. Prior to using lethal force, DEFENDANT Officers Proctor and Kawahara  
4 did not give any verbal command or warning. At no time prior to the shooting did  
5 DEFENDANT Officer Proctor ever warn Mr. Glenn that he was going to shoot, or give  
6 him any commands as required by Police Officer Standard Training (POST) and  
7 California law.

8 23. The use of deadly force by DEFENDANT Officer Proctor against Mr.  
9 Glenn was excessive and unreasonable under the circumstances, in that Mr. Glenn did  
10 not pose an immediate threat of serious bodily injury to the defendants or anyone else at  
11 the time of the shooting.

12 24. Plaintiff Avery Glenn is Mr. Glenn's successor in interest as defined in  
13 §377.11 of the California Code of Civil Procedure and succeeds to Mr. Glenn's interest  
14 in this action as the biological son of Mr. Glenn.

### 15 FIRST CAUSE OF ACTION

#### 16 **Wrongful Death (Cal. Civ. Proc. Code § 377.60)**

17 **(By Plaintiff SHERYN CAMPRONE, as guardian ad litem for Plaintiff AVERY**  
18 **GLENN, son of deceased and as Special Administrator of the Estate of**  
19 **BRENDON GLENN Against Defendants CITY OF LOS ANGELES, Police**  
20 **Officer CLIFFORD PROCTOR, JONATHAN KAWAHARA, DOES 1 to 10,**  
21 **and Police Chief CHARLIE BECK, in his Individual, and official capacity)**

22 25. Plaintiff incorporate by reference each and every allegation contained in  
23 the foregoing paragraphs.

24 26. Defendant Proctor killed Mr. Glenn despite the absence of an imminent  
25 threat of death or physical injury to himself or others. Mr. Glenn was unarmed and  
26 posed no threat to the officer's safety or to the safety of others. Because Mr. Glenn died  
27

1 intestate and unmarried, Plaintiff, as his only child, is the proper person to sue for his  
2 wrongful death under California state law.

3       27. Plaintiff Sheryn Camprone, as guardian ad litem for Plaintiff Avery Glenn  
4 brings this action on behalf of Avery as the heir of his father Mr. Glenn. Plaintiffs assert  
5 wrongful death actions against all Defendants pursuant to C.C.P. §§ 377.60 *et seq.* Per  
6 California Probate Code Section 6402 (b), Plaintiff is, "... The issue of the decedent..."  
7 This claim is based upon the fact that Defendants' negligent, reckless and wrongful acts  
8 and omissions, as alleged herein, were a direct and legal cause of Mr. Glenn's death and  
9 the resulting damages to Plaintiffs. As a result of their conduct, Defendants are liable  
10 for Plaintiffs' injuries, either because they were integral participants in the wrongful  
11 conduct, or because they failed to intervene to prevent these violations.

12       28. The civil rights violations alleged herein, as well as defendants' other  
13 tortious acts and omissions, and negligence under California Civil Code Section 1714  
14 form the basis for this cause of action.

15       29. Plaintiffs are informed and believe and thereon allege that the acts of the  
16 individual Defendants were willful, malicious, intentional, oppressive, reckless and/or  
17 were done in willful and conscious disregard of Plaintiffs' rights, welfare and safety and  
18 those of their father/son, justifying the awarding of punitive and exemplary damages in  
19 an amount to be determined at time of trial.

20       30. As a direct and legal result of Defendants' acts and omissions, Plaintiff  
21 suffered damages, including, without limitation, loss of earnings and earning capacity,  
22 support and benefits, loss of enjoyment of life, pain and suffering, physical injuries and  
23 sickness, emotional distress, medical expenses, funeral and burial expenses, attorneys'  
24 fees, costs of suit, other pecuniary losses not yet ascertained and the loss of Mr. Glenn's  
25 love, affection, society and companionship.

26       31. Plaintiff seeks both survival and wrongful death damages and all other  
27 damages and remedies available under state law.

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1 other pecuniary losses not yet ascertained and the loss of Mr. Glenn's love, affection,  
2 society, support and companionship.

3 37. Plaintiffs are informed and believe and thereon allege that the acts of the  
4 individual Defendants were willful, malicious, intentional, oppressive, reckless and/or  
5 were done in willful and conscious disregard of the rights, welfare and safety of  
6 plaintiffs, thereby justifying the awarding of punitive and exemplary damages in an  
7 amount to be determined at time of trial.

8 38. As a result of their conduct, Defendants are liable for Mr. Glenn's injuries,  
9 either because they were integral participants in the assault and battery, or because they  
10 failed to intervene to prevent these violations, or under the doctrine of *respondeat*  
11 *superior*.

12 39. Plaintiff brings this claim as successors-in-interest to Mr. Glenn, and seek  
13 both survival and wrongful death damages under state law.  
14

### 15 THIRD CAUSE OF ACTION

#### 16 Negligence

17 (By Plaintiff SHERYN CAMPRONE, as guardian ad litem for Plaintiff AVERY  
18 GLENN, son of deceased and as Special Administrator of the Estate of  
19 BRENDON GLENN Against Defendants City of Los Angeles, Police Officers  
20 CLIFFORD PROCTOR, JONATHAN KAWAHARA, DOES 1 to 10, and  
21 Police Chief CHARLIE BECK, in his Individual, and official capacity)

22 40. Plaintiffs incorporate by reference each and every allegation contained in  
23 the foregoing paragraphs.

24 41. Defendants owed a duty of care toward Mr. Glenn and were required to use  
25 reasonable diligence to ensure that Mr. Glenn was not harmed by Defendants' acts or  
26 omissions. Defendants' actions and omissions were negligent and reckless, including  
27 but not limited to:  
28

1 (a). the failure to properly assess and/or supervise the need to detain, arrest, use  
2 force or deadly force against Mr. Glenn;

3 (b). the negligent tactics and handling of the situation with Mr. Glenn, including  
4 pre-shooting negligence;

5 (c). the negligent detention, arrest, use of force, including deadly force, against  
6 Mr. Glenn;

7 (d). the failure to employ non-deadly alternatives and to exercise due care.

8 (e). the failure to properly train, supervise and discipline employees, including the  
9 individual Defendants;

10 (f). the failure to provide timely medical assistance to Mr. Glenn;

11 and

12 (g). the negligent hiring, retention and assignment of its employees, including the  
13 individual defendants.

14 42. Defendants' conduct caused Mr. Glenn, without limitation, extreme pain  
15 and suffering, and loss of life, enjoyment of life and earning capacity. Defendants'  
16 actions also deprived Plaintiff of the life-long love, companionship, support, society,  
17 care, and sustenance of his father, Mr. Glenn, and he will continue to be so deprived for  
18 the remainder of his life.

19 43. In addition, at the aforementioned date, time and place, the defendants  
20 negligently, carelessly and without reasonable care, touched and fatally battered Mr.  
21 Glenn.

22 44. As a result of their conduct, Defendants are liable for Mr. Glenn's injuries  
23 because they were integral participants in the negligence, or because they failed to  
24 intervene to prevent these violations, or under the doctrine of *respondeat superior*.

25 45. Defendant CITY is vicariously liable under Government Code section  
26 815.2 for the acts of its employees Defendant, Proctor, Kawahara and DOES 1 through  
27 10, committed in the course and scope of their employment with the CITY.

28 ///

1           46.     The aforementioned acts and omissions of Defendants Proctor, and  
2 Kawahara, were committed by each of them knowingly, willfully and maliciously, with  
3 the intent to harm, injure, vex, harass and oppress Plaintiffs, with conscious disregard to  
4 their known rights and deliberate indifference to the risk of death to Decedent. By  
5 reason thereof, Plaintiffs seek punitive and exemplary damages from Defendants, and  
6 each of them, (except Defendant CITY) in an amount as proved.

7           47.     Plaintiffs bring this claim as successors-in-interest to Mr. Glenn, and seek  
8 both survival and wrongful death damages under state law.

9  
10                                   **FOURTH CAUSE OF ACTION**

11                                   **Violation of Bane Act (Cal. Civil Code § 52.1)**

12           **(By Plaintiff SHERYN CAMPRONE, as guardian ad litem for Plaintiff AVERY**  
13           **GLENN, son of deceased and as Special Administrator of the Estate of**  
14           **BRENDON GLENN Against Defendants CITY OF LOS ANGELES, Police**  
15           **Officer CLIFFORD PROCTOR, JONATHAN KAWAHARA, DOES 1 to 10,**  
16           **and Police Chief CHARLIE BECK, in his Individual, and official capacity)**

17           48.     Plaintiffs incorporate by reference each and every allegation contained in  
18 the foregoing paragraphs.

19           49.     As alleged herein, Defendants interfered by threats, intimidation, or  
20 coercion with Mr. Glenn's rights under state and federal laws and under the state and  
21 federal Constitution including, without limitation, the right to be free from excessive  
22 force, the right to due process, and the right to bodily integrity, including his rights under  
23 Civil Code Section 43, Penal Code Sections 149, 240 and 242, and his rights under the  
24 First, Fourth and Fourteenth Amendments to the United States Constitution and his  
25 rights under Article 1, Sections 1, 7 and/or 13 of the California Constitution.

26           50.     Defendants' conduct caused Mr. Glenn extreme pain and suffering, and  
27 loss of life, earning capacity and his relationship with his son, parents, friends and  
28 family. Defendants' actions also deprived Plaintiff of his life-long love, companionship,

1 support, society, care, and Avery's sustenance of a father, Mr. Glenn, and he will  
2 continue to be so deprived for the remainder of his life.

3 51. As a result of their conduct, Defendants are liable for Mr. Glenn's injuries,  
4 either because they were integral participants in the misconduct, or because they failed  
5 to intervene to prevent these violations, or under the doctrine of *respondeat superior*.

6 52. As a direct and legal result of Defendants' acts and omissions, Plaintiffs  
7 suffered damages, including, without limitation, loss of earnings and earning capacity,  
8 loss of enjoyment of life, pain and suffering, physical injuries and sickness, emotional  
9 distress, medical expenses, funeral and burial expenses, attorneys' fees, costs of suit,  
10 other pecuniary losses not yet ascertained and the loss of Mr. Glenn's love, affection,  
11 society and companionship.

12 53. Plaintiffs are informed and believe and thereon allege that the acts of the  
13 individual Defendants were willful, malicious, intentional, oppressive, reckless and/or  
14 were done in willful and conscious disregard of the rights, welfare and safety of  
15 Plaintiffs, thereby justifying the awarding of punitive and exemplary damages in an  
16 amount to be determined at time of trial.

17 54. Plaintiffs bring this claim as successors-in-interest to Mr. Glenn, and seek  
18 both survival and wrongful death damages under state law. Plaintiffs also seek  
19 reasonable attorneys' fees under this claim.

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1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiffs request entry of judgment in their favor and against  
3 Defendants as follows:

4 a. For compensatory damages, including both survival damages and wrongful  
5 death damages, and interest, in an amount to be determined at trial;

6 b. For punitive damages against individual Defendants in an amount to be proven  
7 at trial;

8 c. For reasonable costs of this suit and attorneys' fees pursuant to Civil Code §52;  
9 and

10 d. For such further relief as the Court may deem just, proper, and appropriate.

11  
12 WHEREFORE, Plaintiffs pray for judgment against Defendants and each of them,  
13 as follows:

14  
15 Dated: 2/8/16

**V. JAMES DESIMONE LAW**

16  
17 By: 

V. James DeSimone, Esq.  
Kaveh Navab, Esq.  
Attorney for Plaintiffs

18  
19  
20  
21 Dated:

**LAW OFFICE OF JOHN RAPHLING**

22  
23 By: \_\_\_\_\_

John Raphling, Esq.  
Attorney for Plaintiffs


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**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury.

Dated: 2/8/16

**V. JAMES DESIMONE LAW**

By:   
V. James DeSimone, Esq.  
Attorney for Plaintiffs

Dated:

**LAW OFFICE OF JOHN RAPHLING**

By: \_\_\_\_\_  
John Raphling, Esq.  
Attorney for Plaintiffs