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10 **UNITED STATES DISTRICT COURT**  
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 ROWDY PAUU, an individual,

13 Plaintiff,

14 v.

15 COUNTY OF SAN DIEGO;  
16 WILLIAM GORE in his individual  
17 capacity; DAVID LOVEJOY in his  
18 individual capacity; JONATHON  
19 YOUNG in his individual capacity;  
20 and DOES 1-25

21 Defendants.

CASE NO. '23CV0961 TWR NLS

**COMPLAINT**

- 1) **Excessive Force (42 U.S.C. §1983)**
- 2) **Failure to Properly Supervise and Discipline (42 U.S.C. §1983)**
- 3) **Monell (42 U.S.C. §1983)**

**JURY TRIAL DEMANDED**

28

1 COMES NOW, ROWDY PAUU, an individual, by his attorneys of record,  
2 alleges and complains as follows:

3 **I. INTRODUCTION**

4 Detective Rowdy Pauu of the National City Police Department is a member  
5 of the San Diego County Regional Auto Theft Task Force (RATT), a task force  
6 run by the office of the District Attorney. On February 16, 2022, Detective Pauu  
7 was canvassing the El Cajon area in an unmarked police cruiser, searching for  
8 stolen vehicles as part of the task force. Detective Pauu and his colleagues, who  
9 were in unmarked cars, began pursuit of a suspect. When the pursuit came to a  
10 stop, for everyone's safety they situated themselves around the suspect and  
11 waited for sheriff's deputies to arrive in their marked patrol vehicles. They were  
12 in a cul-de-sac.

13 When defendant deputies Lovejoy and Young arrived, they parked their  
14 marked vehicles at the entrance of the cul-de-sac. The suspect was surrounded by  
15 law enforcement, with the deputies' cars blocking the only way out. Deputies  
16 Lovejoy and Young, the only law enforcement officials in uniform, did nothing to  
17 coordinate the use of force with the offices on the other side of the suspect.  
18 Deputies were about 50 feet from the suspect when he came out of his car.  
19 Lovejoy & Young gave no warning that they would shoot, which would have  
20 made the other detectives take cover behind their cars to avoid being shot.  
21 Defendant deputies discharged their weapons multiple times, striking Detective  
22 Pauu in the leg. These deputies were concerned with neither the safety of law  
23 enforcement officers on scene nor of the bystanders when they fired their  
24 weapons. Lovejoy and Young were standing behind the doors of their patrol cars.  
25 They had no need to immediately and recklessly fire their weapons. They knew  
26 that other law enforcement officers were on the scene, downrange from where  
27 they were shooting.

1 After shooting Rowdy Pauu, Deputy Lovejoy told the members of the task  
2 force after the shooting that he had seen Detective Pauu in his line of sight but he  
3 shot anyway because he thought “he could make it.” It was reckless in the  
4 extreme to shoot a deadly weapon approximately ten times, knowing that a fellow  
5 officer was in his line of sight.

6 Detective Pauu has endured pain, discomfort, anxiety and fear in the months  
7 since this incident. Doctors are not able to remove the bullet from his leg for fear  
8 of exacerbating his injuries. Detective Pauu will have to live with a bullet in his  
9 leg as a constant reminder of the night his life was endangered.

## 10 II. GENERAL ALLEGATIONS

11 1. Jurisdiction is proper in the United States District Court for the  
12 Southern District of California pursuant to 28 U.S.C. § 1331 and 28 U.S.C. §  
13 1343(3) and (4), et seq.

14 2. Venue is proper in the Southern District of California because the  
15 acts or omissions which form the basis of Plaintiff’s claims occurred in San Diego  
16 County, California, within the Southern District.

17 3. At all times relevant to this complaint, Plaintiff Rowdy Pauu was an  
18 individual residing in San Diego County, California.

19 4. Defendant County of San Diego is a public entity, duly organized  
20 and existing under the law of the State of California.

21 5. Defendant William Gore was, at all times mentioned herein, the  
22 Sheriff of the County of San Diego, the highest position within the San Diego  
23 County Sheriff’s Department. As Sheriff, Defendant Gore was responsible for  
24 hiring, screening, training, retention, supervision, discipline, counseling, and  
25 control of all San Diego County Sheriff’s Department custodial employees and/or  
26 agents, contractors, and Doe Defendants.

27 6. At all times relevant to this complaint, Defendant William Gore was  
28 a policy-maker for the San Diego Sheriff’s Department (hereinafter “Sheriff’s”)

1 and was responsible for promulgation of policies and procedures to comply with  
2 the California state mandates and the state and federal Constitutions. He was  
3 responsible for the supervision and control of officers who are or were employed  
4 by the Sheriff's, who are under his command and/or who report to him, including  
5 the Defendants to be named.

6 7. At all times relevant to this complaint, Defendant David Lovejoy,  
7 was a deputy with the San Diego County Sheriff's Department who fired his  
8 weapon towards Rowdy Pauu.

9 8. At all times relevant to this complaint, Defendant Jonathon Young,  
10 was an officer with the San Diego County Sheriff's Department who fired his  
11 weapon towards Rowdy Pauu.

12 9. Upon information and belief, either Lovejoy or Young hit Detective  
13 Pauu in the leg with a bullet.

14 10. At all times relevant to this complaint, all individual defendants and  
15 Does were San Diego sheriff deputies and agents of Defendant County of San  
16 Diego; and/or its agents or contractors authorized to work for the County of San  
17 Diego.

18 11. Plaintiff is ignorant of the true names and capacities of Does 1  
19 through 25, inclusive, and therefore sue these defendants by such fictitious  
20 names. Plaintiff will amend this complaint to allege their true names and  
21 capacities when ascertained. The Doe defendants were supervisors who oversaw  
22 policies and procedures, training, supervision and discipline of deputies,  
23 including Young and Lovejoy.

24 12. Plaintiff is informed and believes and thereon alleges that each of  
25 these fictitiously named defendants is responsible in some manner for the  
26 occurrences herein alleged, and that plaintiff's injuries as herein alleged were  
27 proximately caused by the aforementioned defendants.

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1 13. Plaintiff is informed and believes and thereon alleges that at all times  
2 alleged herein mentioned each of the defendants was the agent and employee of  
3 each of the remaining defendants and, in doing the things hereinafter alleged, was  
4 acting within the course and scope of such agency and employment.

5 **III. FACTS REGARDING THE SHOOTING OF ROWDY PAUU**

6 14. Plaintiff realleges all prior paragraphs of this complaint and  
7 incorporate the same herein.

8 15. At the time of the incident, Rowdy Pauu was 36 years old.

9 16. Rowdy was a detective for the National City Police Department and  
10 was a member of the San Diego County Regional Auto Theft Task Force  
11 (“RATT”), a task force run by the office of the District Attorney.

12 17. Most members of the task force were undercover detectives working  
13 in plain clothes.

14 18. The task force included the Sheriff’s Department, whose deputies in  
15 marked cars and uniform would coordinate the arrest. Because the task force  
16 involved catching auto thieves who would attempt to evade law enforcement by  
17 driving from one city to another, it required multi-jurisdiction involvement and  
18 coordination across the County of San Diego.

19 19. On the evening of February 16, 2022, Detective Pauu was  
20 canvassing the El Cajon area, looking for stolen vehicles. He and his partners  
21 were in plain clothes and in unmarked cars.

22 20. Detective Pauu and his colleagues began pursuit of a suspect who  
23 had stolen a trailer.

24 21. During their pursuit, they attempted to contact the San Diego  
25 Sheriff’s Department to help with the apprehension of the suspect.

26 22. Instead of being able to communicate directly with Sheriff’s  
27 Dispatch, the detectives had to contact a sheriff’s deputy using a cell phone, who  
28 then relayed the information to Dispatch, which then communicated with the

1 deputies who came to the scene. This was because the Sheriff's Department was  
2 using two separate methods of communication.

3 23. The officers on the task force had been given radios that did not  
4 communicate directly with Sheriff's Dispatch.

5 24. The use of two communication channels was dangerous and reckless.  
6 This prevented the RATT members from communicating directly with uniformed  
7 officers who would be taking charge of the potentially dangerous felony stop.

8 25. This failure to coordinate communication was particularly dangerous  
9 given that RATT members are undercover and unknown to the Sheriff deputies.  
10 RATT members conduct their operation in the dark at night when car thieves are  
11 most active.

12 26. The dangers of using two channels were obvious to the County of  
13 San Diego because it is a participant in the task force and knew that members  
14 would be facing an uncertain and often volatile situations every night.

15 27. The failure to be on the same radio channel forced the RATT  
16 members to play telephone, using their cell phones to relay messages to Dispatch  
17 which would then replay the message to the deputies.

18 28. Defendants Lovejoy and Young were not members of RATT. They  
19 worked out of the Sheriff's Lakeside substation.

20 29. Detective Pauu and his colleagues were in unmarked patrol cars.

21 30. When the suspect came to a stop, they situated themselves around  
22 the suspect in a cul-de-sac and waited for sheriff's deputies to arrive in their  
23 marked patrol vehicles.

24 31. This was for the safety of the officers, the suspect and the residents  
25 in the neighborhood.

26 32. When Defendants Lovejoy and Young arrived to the scene,  
27 Detective Pauu was situated behind the suspect.

28

1           33. Defendants Lovejoy and Young were about fifty (50) feet from the  
2 suspect when he produced a knife and was stumbling around. The suspect was  
3 surrounded by law enforcement in a cul-de-sac with the deputies' vehicles  
4 blocking the only way out.

5           34. At the time the two deputies started shooting without a warning, the  
6 suspect was moving towards the ground. The suspect had made no movement  
7 towards the deputies or anyone else.

8           35. Defendants Lovejoy and Young discharged their firearms multiple  
9 times, striking Detective Pauu in the leg.

10           36. After shooting Detective Pauu, Defendant Lovejoy told members of  
11 the task force that he saw Detective Pauu in his line of sight, but he fired anyway  
12 because he thought he "could make the shot."

13           37. Lovejoy and Young had the opportunity to deliberate before  
14 recklessly shooting when there was no imminent threat to them.

15           38. Prior to firing their weapons, Defendants Lovejoy and Young gave  
16 no warning that they were going to discharge their firearms.

17           39. They were in a residential neighborhood. The bullets from Lovejoy  
18 and Young hit the homes behind Detective Pauu.

19           40. Defendants Lovejoy and Young were not concerned with the safety  
20 of law enforcement officers on scene or bystanders when they fired their  
21 weapons.

22           41. Defendants Lovejoy and Young were standing behind the doors of  
23 their patrol cars and had no need to immediately and recklessly fire their  
24 weapons.

25           42. They knew that there were other law enforcement officers on the  
26 scene.

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1 43. Defendants Lovejoy and Young were fundamentally involved in the  
2 reckless or deliberately indifferent conduct that caused Detective Pauu to be shot  
3 in the leg.

4 44. Detective Pauu has endured pain, discomfort, anxiety and fear in the  
5 months since this incident. He was not able to work for approximately four (4)  
6 months, during which time Detective Pauu suffered from the added anxiety and  
7 uncertainty about his future.

8 45. Doctors are not able to remove the bullet from his leg for fear of  
9 exacerbating his injuries. He has been consistently attending physical therapy but  
10 will most likely deal with this pain and the reminder for the rest of his life.

11 **IV. FACTS REGARDING PRIOR INCIDENTS**

12 46. San Diego County Sheriff's Department has a long history of failing  
13 to train, supervise or discipline its employees on the use of force.

14 47. In 2010, a deputy named Jason Philpot was involved in a beating of  
15 a man who was protesting the detention of his brother based on a mistake.  
16 Philpot and other deputies caused two felonies to be charged against the brothers.  
17 The Superior Court dismissed the charges against the plaintiffs at a preliminary  
18 hearing. Three months after that incident, Deputy Philpot was involved in  
19 another incident in which he repeatedly punched a man, who was in his own  
20 home, in the face, fracturing his eye socket. Deputy Philpot instigated a false  
21 criminal case against the victim for resisting an officer (P.C. § 148). The man was  
22 acquitted in a jury trial.

23 48. Approximately one month after this incident, Deputy Philpot was  
24 promoted to the Sheriff's Training Division, to teach recruits and other deputies  
25 defensive tactics and use of force.

26 49. Deputy Philpot maintained a Myspace page, which included his  
27 name, photographs of him, and his Myspace moniker 'Knuckle Sandooch.' Also  
28 on Deputy Philpot's Myspace page was a drawing of a police officer with the



1 following statement: ‘I’m going to kick your ass AND GET AWAY WITH IT.’  
2 Also on the page was a photo of a handgun, entitled “Music.” Deputy Philpot  
3 listed his occupation as “Waste Management”, a couple of inches below a  
4 photograph of a deputy sheriff on top of a man, choking him. Sheriff’s  
5 Department took no action against Philpot but promoted him to a position where  
6 he trained other deputies.

7 50. In 2017, Deputy Philpot medically retired after a man shot him. The  
8 shooting occurred after Philpot and his brothers got into a physical altercation  
9 with the man following a Metallica concert. According to the shooter, Philpot  
10 and his brothers advanced towards him, prompting him to shoot in self-defense.

11 51. In 2015, deputies shot and killed a suicidal man named Gary  
12 Kendrick, who was standing with his arms outstretched, parallel to the ground.  
13 After they shot and killed him, deputies locked his wife in the back of a police  
14 car, transported her to a police station, placed in a guarded interrogation room for  
15 almost four hours, and then subjected her to two and a half hours of questioning.  
16 There was no Internal Affairs investigation of the deputies involved in that case  
17 for their conduct.

18 52. In 2015, Lucky Phounsy’s family called 911 to get help for his  
19 mental health. Deputies Tasered him, beat him and put him in carotid restraint,  
20 killing Lucky. There was no Internal Affairs investigation of the deputies  
21 involved in the death of Lucky Phounsy. The primary deputy to cause Lucky’s  
22 death, Richard Fischer, was never disciplined or investigated. Three years later,  
23 after sixteen women accused him of sexually assaulting them, Fischer was  
24 charged with multiple counts of felonies. For over a year, the Sheriff’s  
25 Department ignored complaints by victims that Fischer had raped them.

26 53. In March 2016, San Diego Sheriff’s Deputy Jason Phillips shot a  
27 man through his car window five times. The chain of events that culminated with  
28 the shooting at 2 a.m. that Sunday morning began with a retirement party for a

1 San Diego County sheriff's sergeant the night before. Phillips, a sheriff's  
2 detective, had been drinking heavily at the party and then gone to the bar  
3 afterwards. Phillips was suspended for four days not for the shooting, but  
4 because he was carrying a gun while drinking alcohol.

5 54. During the investigation that followed, Phillips was interviewed with  
6 his attorney present. When the Sheriff's Department interviewed the victim, Mr.  
7 Blanco, the detectives repeatedly challenged him, telling him he was not telling  
8 the truth. The detectives tested the blood alcohol level of the victim, but not that  
9 of any of the deputies involved in the shooting.

10 55. In 2017, Sheriff's deputies approached Kristopher Birtcher, a  
11 mentally impaired man, in response to calls expressing concern about decedent's  
12 welfare. Deputies repeatedly Tased Mr. Birtcher; struck and beat him; forced him  
13 to lay prone on the ground, face down, in restraints as multiples deputies pressed  
14 down on him; used a spit sock to cover his face; and ultimately killed Mr.  
15 Birtcher.

16 56. There was no Internal Affairs investigation of the deputies involved  
17 in the death of Kristopher Birtcher. There was no request made to Internal  
18 Affairs to conduct an investigation of the deputies in this case.

19 57. On February 28, 2018, Sheriff's deputies arrested Oscar Leal at his  
20 apartment in Vista. Deputies pepper sprayed Leal who was handcuffed. Leal  
21 became unresponsive and was pronounced dead at Tri-City Medical Center, 90  
22 minutes after deputies first arrived at Leal's apartment. The Medical Examiner's  
23 autopsy report noted "minor blunt force injuries of the head, torso and  
24 extremities, with abrasions, ecchymoses (bleeding under the skin) and areas of  
25 superficial laceration surrounding both wrists ... consistent with the clinical  
26 history of being restrained in handcuffs[.]" The Medical Examiner classified the  
27 manner of death as a homicide.

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1           58. In lieu of proper investigation, discipline and training, Sheriff Gore  
2 issued a statement to the Union Tribune that he disagrees with the classification  
3 of the manner of death in the Leal case as a homicide. He then faulted Mr. Leal  
4 for his own death.

5           59. In May 2020, Sheriff's Deputy Aaron Russell was charged with  
6 murder after he shot a mentally ill man who was running away after escaping  
7 from a police vehicle. The victim, Nicolas Bills, presented no threat when he was  
8 shot in the back and killed.

9           60. In March of 2022, a Sheriff's Deputy, Jason Bunch, in plain clothes,  
10 served an eviction notice on Dr. Yan Li. When she answered the door, Dr. Li was  
11 holding a kitchen knife. Deputy Bunch immediately started screaming and  
12 cursing at Dr. Li, threatening to use deadly force if she did not drop the knife. Dr.  
13 Li was asking for a badge because she was unsure as to who he was. Bunch  
14 pointed a gun in her face and continued to curse and scream at her. At no time  
15 did Dr. Li point the knife at anyone or make threats. Three deputies later  
16 breached the home and shot her dead after she ran out with a knife. She had  
17 committed no crime at the time they entered her home. While Dr. Li's shooting  
18 took place two weeks after defendants shot Detective Pauu, the failure to train  
19 and supervise Bunch predated this incident and shows a continuing and  
20 widespread culture of lawlessness in the department resulting from the County's  
21 failures.

22           61. The County was aware that the lack of discipline and training led to  
23 deputies continuing their unconstitutional conduct. Despite this knowledge, they  
24 continued their failure to take action. For example, in 2018, Deputy Rudy Peraza  
25 violently pulled inmate Anthony Bolden by his waist chain through the tray slot  
26 of a jail cell door that was shut. Peraza then repeatedly Tased Bolden, continuing  
27 to Tase him as Mr. Bolden lay in pain in shackles on the ground. Peraza faced no  
28 consequences. One year later, in 2019, Peraza walked up to Miguel Villa and

1 punched him in the face multiple times. Mr. Villa was in restraints on a gurney at  
2 the time and posed no threat to anyone. Peraza held Mr. Villa's head with his left  
3 hand and punched him in the face five or six times with a closed fist until Mr.  
4 Villa fell off the gurney. While Mr. Villa was on the ground still in full restraints,  
5 Peraza then dropped onto his knee on Mr. Villa's head, putting his weight on it.  
6 Peraza weighed approximately 250 pounds. Peraza remained on Mr. Villa's head  
7 until another deputy tapped Peraza on the back. The San Diego police officers  
8 who had brought Mr. Villa to the jail for booking filed a complaint with Internal  
9 Affairs of the Sheriff's Department. It was only then that the Sheriff's department  
10 initiated an investigation and suspended Peraza for ten days.

11 62. There has been a culture of covering up misconduct, with a *de facto*  
12 policy of ignoring the use of improper force, including lethal force. The  
13 supervisors failed to discipline and train deputies who violated citizens'  
14 constitutional rights, often refusing to accept citizen complaints or failing to open  
15 an investigation. When Lee Lacy filed a complaint with the Department after a  
16 deputy named Randall Ribada attacked Mr. Lacy unprovoked, a Lieutenant  
17 Donahue of Internal Affairs notified Mr. Lacy that an investigation had been  
18 conducted and determined Mr. Lacy's allegations to be unfounded. No Internal  
19 Affairs investigation had actually been conducted. This has been a common  
20 practice.

21 63. The continuing pattern of the department's failure to curb  
22 unconstitutional conduct by its employees was made known to defendants  
23 through complaints by victims, lawsuits and media coverage:  
24 [https://www.sandiegouniontribune.com/news/watchdog/story/2020-05-](https://www.sandiegouniontribune.com/news/watchdog/story/2020-05-31/excessive-force-negligence-lawsuits-continue-to-plague-san-diego-sheriffs-department)  
25 [31/excessive-force-negligence-lawsuits-continue-to-plague-san-diego-sheriffs-](https://www.sandiegouniontribune.com/news/watchdog/story/2020-05-31/excessive-force-negligence-lawsuits-continue-to-plague-san-diego-sheriffs-department)  
26 [department](https://www.sandiegouniontribune.com/news/watchdog/story/2020-05-31/excessive-force-negligence-lawsuits-continue-to-plague-san-diego-sheriffs-department) (last accessed January 5, 2023).  
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1           64. Even after a deputy was charged with manslaughter for shooting an  
2 unarmed person in the back, the County did not institute training on the proper  
3 use of deadly force and de-escalation tactics.

4           65. Defendants Gore and County of San Diego failed to supervise,  
5 discipline or discharge defendant Lovejoy after a victim alleged that he pulled the  
6 woman out of her car by her hair over a minor traffic stop in October of 2020.  
7 According to the victim, Lovejoy pulled her braids out of her head as he was  
8 pulling her out of her car window. Lovejoy was not disciplined or retrained and  
9 remained on the force.

10           66. Lovejoy was never given training on the proper use of force. This  
11 failure led to Lovejoy's continued and escalating use of unnecessary force. Had  
12 Lovejoy faced consequence from the prior allegation of misconduct, he would  
13 have learned to use proper tactics instead of endangering the lives of detectives  
14 and other bystanders.

15                           **V. PLAINTIFF'S CAUSES OF ACTION**

16   **FIRST CAUSE OF ACTION**

17   **Violation of Fourteenth Amendment**

18   **Excessive Force (42 U.S.C. § 1983)**

19   **[Against Defendants Lovejoy and Young]**

20           67. Plaintiff realleges all prior paragraphs of this complaint and  
21 incorporate the same herein by reference.

22           68. Defendants Lovejoy and Young violated Rowdy Pauu's Fourteenth  
23 Amendment rights.

24           69. Defendants Lovejoy and Young were each fundamentally involved  
25 in the conduct that caused Detective Pauu to be subjected to excessive force.

26           70. Defendants acted with extreme recklessness when they used deadly  
27 force in shooting at or in the direction of Detective Pauu and other undercover  
28 officers who were downrange.

1           71. Defendants acted with extreme recklessness when they used  
2 excessive force, shooting Detective Pauu in the leg.

3           72. Defendants acted with deliberate indifference when they discharged  
4 their firearms after ascertaining that Detective Pauu was directly in their line of  
5 fire.

6           73. Defendants Lovejoy and Young were not in an emergency situation  
7 and had time to deliberate before firing their weapon.

8           74. Defendant Lovejoy knew that Detective Rowdy was down range  
9 because Lovejoy saw him and decided to shoot anyway.

10          75. The suspect did not have a gun and was encircled in a cul-de-sac  
11 with law enforcement officers blocking his exit.

12          76. The suspect never ran towards any law enforcement officials;  
13 charged at them; or made threats against them.

14          77. The suspect got out of the car and stumbled around before getting  
15 shot. He was in the process of getting down on the ground.

16          78. There was sufficient time and opportunity for officials to deliberate.

17          79. Defendants Lovejoy and Young provided no warning to the other  
18 law enforcement officers that they were going to fire their weapons.

19          80. No other law enforcement officials shot at the suspect because there  
20 was no threat of harm.

21          81. It was either Lovejoy or Young whose shot hit Detective Pauu in the  
22 leg.

23          82. As a direct and proximate result of Defendants' deliberate  
24 indifference to Detective Rowdy Pauu's constitutional rights, Detective Pauu  
25 experienced physical pain, severe emotional distress, and mental anguish, as well  
26 as other damages as alleged herein.

27          83. The conduct alleged herein caused Detective Pauu to be deprived of  
28 his civil rights that are protected under the United States Constitution which has

1 also legally, proximately, foreseeably and actually caused Detective Pauu to  
2 suffer emotional distress, pain and suffering and further damages all in an amount  
3 to be shown according to proof at the time of trial.

4 **SECOND CAUSE OF ACTION**

5 **Failure to Properly Train, Supervise and Discipline (42 U.S.C. § 1983)**  
6 **[Against Defendant Gore and Supervisory Doe Defendants 1-25]**

7 84. Plaintiff realleges all prior paragraphs of this complaint and  
8 incorporates the same herein by references.

9 85. Defendant Does 1-25 failed to properly supervise and discipline  
10 officers who are required to meet the standards of the Constitution.

11 86. Does 1 to 10 are believed to be supervisors responsible to  
12 promulgating policies. These Defendants failed to promulgate and enforce  
13 adequate policies and procedures related to misconduct and the violation of  
14 citizens' civil rights by COSD deputies despite their specific knowledge of the  
15 history of Constitutional violations within the department.

16 87. Does 11 to 25 are believed to be supervisors responsible for  
17 investigating and disciplining deputies. Defendants have a widespread history of  
18 ratifying deputy misconduct by failing to conduct appropriate investigations  
19 and/or properly discipline deputies for excessive force and constitutional rights  
20 violations.

21 88. Does 1 to 25 includes defendants who were direct supervisors of  
22 Lovejoy and Young who failed to ensure that these deputies were properly trained  
23 on de-escalation and the proper use of deadly force.

24 89. Does 1 to 25 includes defendants who were direct supervisors of  
25 Lovejoy and Young who failed to properly investigate and discipline them for  
26 prior misconduct.  
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1           90. Does 1 to 25 includes defendants who made decisions regarding the  
2 two forms of communication with a different channel for members of the task  
3 force.

4           91. Gore and Doe Defendants were aware of previous instances of  
5 excessive use of force and failed to properly supervise and discipline their  
6 employees.

7           92. Gore and Doe Defendants have a widespread history of ratifying  
8 employee misconduct by failing to conduct appropriate investigations.

9           93. Gore and Doe Defendants refused to investigate misconduct and/or  
10 took no remedial steps or action against their employees.

11           94. Upon information and belief, Gore and Doe Defendants were aware  
12 of previous instances of excessive use of force but failed to properly supervise  
13 and discipline their employees.

14           95. Upon information and belief, supervising officers were made aware  
15 of the Constitutional violations committed by the deputies but failed to supervise  
16 or discipline them. This consistent failure created a culture in which deputies  
17 continued to use unreasonable force without fear of accountability.

18           96. This culture has created a shoot first, ask questions later mentality,  
19 with a deputy shooting a man through a window five times; a deputy who shot a  
20 man in the back; and a deputy putting a gun to a woman's face for holding a  
21 kitchen knife in her own home.

22           97. This included prior complaint of use of unnecessary and excessive  
23 force used by defendant Lovejoy, who allegedly pulled a woman out of her car by  
24 her hair over a minor traffic stop in October of 2020. According to the victim,  
25 Lovejoy pulled her braids out of her head as he was pulling her out of her car  
26 window. Lovejoy was not disciplined or retrained and remained on the force.  
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1 98. There has been an official policy of acquiescence in the wrongful  
2 conduct. Defendants failed to promulgate corrective policies and regulations in  
3 the face of repeated Constitutional violations.

4 99. Gore and Doe Defendants condoned and acquiesced in the abusive  
5 behavior of their subordinates by refusing to retrain them, discipline them, or  
6 correct their abusive behavior.

7 100. Gore and Doe Defendants were, or should have been, aware that the  
8 policy regarding supervision and discipline of staff that violated the civil rights of  
9 citizens was so inadequate that it was obvious that a failure to correct it would  
10 result in further incidents of dangerous and lawless conduct perpetrated by their  
11 subordinates.

12 101. As a result of all Defendants' historical failure to properly supervise  
13 and discipline deputies, Defendants were deliberately indifferent to the needs of  
14 Plaintiff.

15 102. The failure to supervise and discipline was the moving force behind  
16 the misconduct of the deputies and the resulting pain and suffering.

17 **THIRD CAUSE OF ACTION**

18 ***Monell* Municipal Liability Civil Rights Action (42 U.S.C. § 1983)**

19 **[By Plaintiff against Defendant County of San Diego]**

20 103. Plaintiff realleges all prior paragraphs of this complaint and  
21 incorporate the same herein by this reference.

22 104. Upon information and belief, Plaintiff alleges that Defendant County  
23 of San Diego, through its Sheriff's Department, has unlawful policies, customs  
24 and habits of providing improper and inadequate communication capabilities,  
25 proximately causing the constitutional deprivations, injuries and damages alleged  
26 herein. As a result, Plaintiff is entitled to damages pursuant to Title 42 U.S.C. §  
27 1983, in an amount to be proven at trial.

28 105. The County of San Diego failed to provide its deputies and members

1 of the joint task force with radios that would allow for direct communication with  
2 one another which constitutes a policy for which the County is responsible. As a  
3 result of these policies, customs and practices, Mr. Pauu was injured.

4 106. The County was aware of the dangers of failing to communicate and  
5 yet had a policy of having two different radio channels, making this shooting a  
6 predictable consequence. Members of the task force were prevented from  
7 communicating their precise location and their observations as the events were  
8 unfolding. Defendants Lovejoy and Young were not a part of RATT and did not  
9 know any of the detectives involved in the operation. The failure to use the same  
10 radio channel prevented the task force members from minimizing harm to  
11 themselves and the community.

12 107. William Gore acted under color of law in supervising the Sheriff's  
13 Department, promulgating and enforcing its policies and procedures. The  
14 Sheriff's Department has a de facto policy, custom and practice of not properly  
15 equipping its officers with the appropriate channels to communicate effectively  
16 with officers on the joint task force. The lack of communication between the task  
17 force and defendants directly resulted in Mr. Pauu's injuries. The incapability of  
18 communication between the task force and defendant deputies are  
19 unconstitutional policies, customs and practices under *Monell v. Department of*  
20 *Social Services of New York*, 436 U.S. 658 (1978).

21 108. Defendant County was, or should have been, aware that the program  
22 of providing radios that could not effectively communicate with the task force  
23 was so inadequate that it was obvious that a failure to correct it would result in  
24 further incidents or dangerous or lawless conduct perpetrated by their  
25 subordinates.

26 109. The County also failed to properly train its employees on  
27 coordination in the use of force as a part of a task force. When different officials  
28 from various departments work on a joint task force, which occurs every day in

1 the County of San Diego, it is predictable that friendly fire may occur without  
2 coordination and communication. This is particularly dangerous when members  
3 work in plain clothes in unmarked cars. The County failed to train its deputies on  
4 coordination of the use of force and de-escalation. As a direct result, defendants  
5 shot at innocent law enforcement officials.

6 110. The County also has a de facto policy of permitting excessive use by  
7 its deputies. The County has a widespread practice of failing to hold deputies  
8 accountable for their excessive use of force, including the use of deadly force.  
9 The County has a pattern of refusing to investigate; to discipline; to retrain; or to  
10 terminate the employment of deputies who violate citizens' rights. This includes  
11 the failure to discipline and train Lovejoy after a woman complained of being  
12 pulled out of her car through a window for a minor traffic violation. It was made  
13 clear to the department that Lovejoy had a propensity for violence and needless  
14 escalation. The County was aware that Lovejoy was not fit to serve and that he  
15 could not properly assess a threat without umping to immediate use of force. The  
16 failure to supervise, discipline and train Lovejoy resulted in his shooting  
17 Detective Pauu.

18  
19 **VI. RELIEF REQUESTED**

20 **WHEREFORE**, Plaintiff prays as follows:

- 21 1. For general and special damages according to proof at the time of trial;  
22 2. For punitive damages against all individual defendants;  
23 3. For all other damages, costs, interest, and attorneys' fees as allowed by  
24 law; and  
25 4. Any other relief this court deems just and proper.

26 **VII. DEMAND FOR JURY TRIAL**

27 Pursuant to Rule 38 of the Federal Rules of Civil Procedure and the  
28 Seventh Amendment to the United States Constitution, Plaintiff hereby demands  
a jury trial of this action.

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May 24, 2023

Respectfully submitted,

**IREDALE AND YOO, APC**  
*s/ Julia Yoo*

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EUGENE IREDALE  
JULIA YOO  
GRACE JUN  
Attorneys for Plaintiff