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5 Attorneys for Plaintiff GERALD PEARLMAN,
individually, and as the Personal Representative of
6 NANCY PEARLMAN, Deceased
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF VENTURA
10

11 GERALD PEARLMAN,	)	CASE NO.:
individually, and as the Personal)	
12 Representative of NANCY PEARLMAN,	)	COMPLAINT FOR DAMAGES:
Deceased,)	
13 Plaintiff,	)	1. Cal. Civ. Code §52.1
14 vs.	)	2. Wrongful Death
15 COUNTY OF VENTURA, VENTURA	)	3. Assault and Battery
COUNTY SHERIFF'S DEPARTMENT,	)	4. Intentional Infliction of Emotional
16 and DOES 1 through 50, inclusive,	)	Distress
17 Defendants.	)	5. Negligence
18 _____	)	6. Negligent Hiring, Training &
19	)	Retention
20)	

21 Plaintiff, Gerald Pearlman, alleges as follows:

22 PARTIES

23 1. Plaintiff, Gerald Pearlman, is an individual, currently residing in the City of
24 Camarillo, County of Ventura, and is an adult competent to bring suit in this court. He is
25 the husband of the decedent. He brings this action pursuant to California Code of Civil
26 Procedure § 377.30 and § 377.60 for himself, individually, and as the Executor of the
27 Estate of the decedent, Nancy Pearlman.

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1 contact with his wife and were talking with her. Plaintiff requested that he be permitted to
2 leave his residence in order to drive to Point Mugu State Park to talk with his wife but was
3 told by the sheriff's deputies present that he could not do this.

4 8. Approximately three hours went by as Ventura County Sheriff's Deputies
5 remained in the Pearlman residence constantly reassuring plaintiff that his wife was fine and
6 that Sheriff's Deputies were continuing to talk with his wife. In fact, the truth was that Mrs.
7 Pearlman had been fatally shot minutes after the Sheriff's Deputies first made contact with
8 her at Point Mugu State Park. This information, known by the Sheriff's Deputies present
9 in the Pearlman residence, was kept from plaintiff for more than three hours.

10 9. Ventura County Sheriff's Deputies made contact with Mrs. Pearlman in a
11 parking lot at or near Point Mugu State Park. She posed no threat to anyone and remained
12 seated in her parked vehicle. The deputies managed to escalate this relatively benign and
13 routine incident into one where they used deadly force against Mrs. Pearlman. Ultimately,
14 they fired their weapons through a closed driver's front window, striking Mrs. Pearlman in
15 the left temple. She collapsed inside her vehicle and died.

16 10. Defendants County of Ventura, VCSD, and DOES 1 through 50, and each of
17 them, with deliberate indifference, gross negligence, and reckless disregard for the safety and
18 security of the decedent, plaintiff, and all persons similarly situated, maintained, enforced,
19 tolerated, permitted, acquiesced in, and applied policies, practices, or customs and usages of,
20 among other things,

- 21 a. Subjecting citizens to unreasonable uses of force against their persons;
- 22 b. Selecting, retaining, and assigning deputies with demonstrable
23 propensities for excessive force, violence, and other misconduct;
- 24 c. Failing to adequately train, supervise, and control deputies in the arts of
25 law enforcement, including, without limitation, the taking into custody
26 of persons such as plaintiff's decedent, who are perhaps emotionally
27 upset, but not otherwise engaged in criminal activity, without seriously
28 injuring or killing them;

1 immune from such damages), and each of them, in an amount according to proof at the time
2 of trial.

3 EXHAUSTION OF ADMINISTRATIVE REMEDIES

4 16. Plaintiff timely filed an administrative claim pursuant to Cal. Gov't Code
5 § 910 with the County of Ventura by deposit in the United States Mail on April 29, 2003.
6 The claim was denied by the Ventura County Board of Supervisors on May 19, 2003.

7 FIRST CAUSE OF ACTION

8 (Cal. Civil Code §52.1)

9 (Against All Defendants)

10 17. Plaintiff repeats and realleges the allegations contained in Paragraphs 1 through
11 16 of this Complaint, and incorporates the same herein by reference.

12 18. Cal. Const. Art. I § 13 guarantees the right of persons to be free from arrests
13 without probable cause. Defendants, by engaging in the wrongful conduct alleged herein,
14 denied this right to decedent, thus giving decedent, through her personal representative, a
15 claim for damages pursuant to Cal. Civ. Code § 52.1.

16 19. As a direct and proximate cause of the aforementioned acts of defendants, and
17 each of them, plaintiff was injured as set forth above, and is entitled to statutory damages
18 under Cal. Civ. Code § 52, as well as compensatory and punitive damages.

19 SECOND CAUSE OF ACTION

20 (Wrongful Death – Survival Action)

21 (Against All Defendants)

22 20. Plaintiff repeats and realleges the allegations contained in Paragraphs 1 through
23 19 of this Complaint, and incorporates the same herein by reference.

24 21. Plaintiff brings this claim for relief in his capacity as the successor in interest and
25 Executor of the Estate of the decedent.

26 22. The foregoing claim for relief arose in decedent's favor, and decedent would
27 have been the plaintiff with respect to this claim for relief had she lived.

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1 23. On or about March 20, 2003, at approximately 7:00 p.m., at or near Point
2 Mugu State Park, defendants County of Ventura, VCSD and DOES 1 through 50, inclusive,
3 and each of them, wrongfully caused the death of Decedent in that at or about said date, time
4 and place, each said Defendant knowingly and willfully did the following:

5 a) Illegally detained and repeatedly shot at the Decedent causing her death
6 all without provocation, necessity or legal justification.

7 b) Prepared, cooperated in, encouraged, abetted, condoned and approved
8 the preparation, submission, filing and use of oral and written reports
9 and statements concerning the Decedent's death which, defendants, and
10 each of them, at all relevant times well knew and intended, were
11 knowingly made, encouraged, supported, abetted, approved and
12 condoned by each Defendant pursuant to the common plan, conspiracy
13 and agreement with the intent and purpose of averting an investigation
14 of and punishment and discipline for their own afore-described conduct.

15 24. The foregoing wrongful acts of defendants caused the death of the decedent.

16 25. As a proximate result of the foregoing wrongful acts of defendants, and each
17 of them, the decedent sustained general damages including suffering extreme and severe
18 excruciating pain, agony, anguish, fear for her life, convulsions, death and loss of enjoyment
19 of life in an amount according to proof at the time of trial.

20 26. Decedent's heirs are entitled to recover damages in a sum to be ascertained at
21 trial for the reasons stated above.

22 27. By reason of decedent's death, plaintiff has incurred reasonable and necessary
23 funeral and burial expenses in a sum according to proof at the time of trial.

24 28. At the time of her death, decedent was fifty-six (56) years of age and enjoyed
25 good bodily health in every respect. Decedent was, at the time of her death employed and
26 earning an annual salary according to proof at the time of trial, and could reasonably have
27 been expected to prosper in her work in the future and receive increased remuneration
28 therefor.

1 FOURTH CAUSE OF ACTION

2 (Intentional Infliction of Emotional Distress)

3 (Against All Defendants)

4 34. Plaintiff repeats and realleges the allegations contained in Paragraphs 1 through
5 33 of this Complaint, and incorporates the same herein by reference.

6 35. Defendants County of Ventura and VCSD are subject to liability pursuant to
7 Cal. Gov't Code § 815.2(a), which provides that “[a] public entity is liable for injury
8 proximately caused by an act or omission of an employee of the public entity within the
9 scope of his employment if the act or omission would, apart from this section, have given rise
10 to a cause of action against that employee or his personal representative.” Certain DOE
11 Ventura County Sheriff's Deputies, whose identities are currently unknown to plaintiff, are
12 employees of defendants County of Ventura and VCSD. They are subject to liability
13 pursuant to Cal. Gov't Code § 820(a), which provides that “a public employee is liable for
14 injury caused by his act or omission to the same extent as a private person.”

15 36. These public employee defendants, deliberately and recklessly, and with malice,
16 for over three hours made false statements to plaintiff leading him to believe that his wife's
17 confrontation with the sheriff's deputies had been resolved peacefully and she was safe when
18 in fact the truth was that she had been fatally shot minutes after her initial encounter with
19 defendants DOES 1 through 25, inclusive.

20 37. This action is not barred by Cal. Civ. Code § 48.7(a).

21 38. Defendants, and each of their conduct, was extreme and outrageous, and caused
22 plaintiff to sustain emotional distress, all to plaintiff's damage as hereinabove alleged.

23 FIFTH CAUSE OF ACTION

24 (Negligence)

25 (Against All Defendants)

26 39. Plaintiff repeats and realleges the allegations contained in Paragraphs 1 through
27 38 of this Complaint, and incorporates the same herein by reference.

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PRAYER

WHEREFORE, plaintiff prays for judgment as follows:

On All Causes of Action

- (a) Compensatory general and special damages according to proof at the time of trial;
- (b) Prejudgment interest against the individual defendants;
- (c) Costs of suit necessarily incurred herein; and
- (d) For such other and further relief as the Court deems just or proper.

On the First Cause of Action

- (e) Reasonable attorney's fees and expenses of litigation.

On the First, Second, Third, and Fourth Causes of Action

(f) Punitive damages against each of the individual defendants in an amount sufficient to punish and to make an example of each said defendant, and to deter others from engaging in similar conduct, but not against defendants County of Ventura or the Ventura County Sheriff's Department, which are immune from punitive damages.

DATED: November 17, 2007

WILLIAMSON & KRAUSS

By: _____
PETER M. WILLIAMSON
Attorneys for Plaintiff
GERALD PEARLMAN