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7 ESTATE OF KAUSHAL NIROULA, by and through successors in interest, Radha
8 Niroula and Krishna Niroula; RADHA NIROULA, individually; KRISHNA
NIROULA, individually

9 **UNITED STATES DISTRICT COURT**

10 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

11
12 ESTATE OF KAUSHAL NIROULA,
13 by and through successors in interest,
14 Radha Niroula and Krishna Niroula;
RADHA NIROULA, individually;
KRISHNA NIROULA, individually,

15 Plaintiffs,

16 v.

17 COUNTY OF RIVERSIDE, a public
18 entity; RIVERSIDE COUNTY
19 SHERIFF'S DEPARTMENT;
20 SHERIFF CHAD BIANCO, in his
21 individual and official capacities;
EDWARD DELGADO; JAMES
22 KRACHMER; DAVID HOLM;
23 RONALD SANCHEZ; and DOES 1
24 through 10, individually, jointly and
25 severally,

26 Defendants.

CASE NO. 5:23-cv-1739

COMPLAINT FOR DAMAGES

1. Failure to Protect from Harm, Fourteenth Amendment Violation (42 U.S.C. § 1983);
2. Failure to Provide Medical Care, Fourteenth Amendment Violation (42 U.S.C. § 1983);
3. Deprivation of the Right to Familial Relationship with Decedent (42 U.S.C. § 1983);
4. Policies, Customs, Practices Causing Constitutional Violations (*Monell*, 42 U.S.C. § 1983);
5. Supervisory Liability Causing Constitutional Violations (Failure to Properly Train, Supervise and Discipline, 42 U.S.C. § 1983);
6. Negligence – Wrongful Death;
7. Negligence – Medical Malpractice;
8. Violation of California Government Code §845.6;
9. Violation of California Civil Code §52.1 (Tom Bane Act);
10. Intentional Infliction of Emotional Distress;
11. Declaratory Relief (28 U.S.C. § 2201)
12. Battery

DEMAND FOR JURY TRIAL

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COMPLAINT FOR DAMAGES

COME NOW Plaintiffs ESTATE OF KAUSHAL NIROULA, by and through successors in interest, Radha Niroula and Krishna Niroula; RADHA NIROULA, individually; and KRISHNA NIROULA, individually, and allege as follows:

I.

INTRODUCTION

1. This civil rights action seeks to establish the true and unequivocal facts surrounding the September 6, 2022 in-custody death of pretrial detainee Kaushal Niroula, a 41-year-old transgender HIV-positive female inmate, who was brutally and repeatedly beaten and strangled by her cellmate, Ronald Sanchez, at the Cois M. Byrd Detention Center. This action also seeks to bring to public light the deliberate disregard for safety and protection carried out by the individual defendants in the present action.

2. Kaushal Niroula was the loving daughter of Radha Niroula and Krishna Niroula. Kaushal’s death has been a profound and unimaginable loss to her parents. Since the date of her tragic death, Radha and Krishna’s whole world has been turned upside down with their pain only intensifying as the days go on, and never subsiding.

3. At the time of her death, Kaushal Niroula was a transgender female inmate who suffered from the debilitating effects of being HIV-positive, leaving her vulnerable and as prey to violent inmates. On September 6, 2022, Kaushal Niroula was brutally and repeatedly beaten and strangled to death in her cell by her cellmate, Ronald Sanchez (hereinafter also “Inmate Sanchez”), who was a convicted sex offender. Inmate Sanchez was known by the RCSD personnel to be aggressive and violent based on his violent history. Inmate Sanchez was a known violent predator who preyed on the weak and the most vulnerable. Because of these traits, and his tendency toward violence, the RCSD personnel knew that Inmate Sanchez posed an imminent threat of violence and harm to all other inmates in his immediate vicinity, and especially inmates like Kaushal Niroula.

1 4. In 2022, eighteen (18) individuals died while incarcerated at the
2 Riverside County Jails, the highest number for the County in the last fifteen (15)
3 years. In response to these alarming numbers, the California Department of Justice
4 launched an investigation into the Riverside County Sheriff’s Department’s
5 unconstitutional patterns and practices resulting in the record-breaking in-custody
6 deaths. The raw data and the per capita data make clear that the Riverside County
7 Jails are a death sentence for any pretrial detainee.

8 5. Long before Kaushal Niroula’s death, each of the individually named
9 defendants from the County of Riverside and the Riverside County Sheriff’s
10 Department knew that there existed a great indifference to the safety and protection
11 of the inmates who were in the government’s custody within the Riverside County
12 correctional facilities, including Cois M. Byrd Detention Center, Robert Presley
13 Detention Center, Larry D. Smith Correctional Facility, John J. Benoit Detention
14 Center and the Blythe Jail.

15 6. Long before the attack of Kaushal Niroula, the RCSD personnel knew
16 that there existed at the Cois M. Byrd Detention Center a great indifference to the
17 safety and protection of inmates, particularly mentally ill, homosexual, transgender
18 and vulnerable inmates. This indifference consisted of a total disregard by the RCSD
19 personnel for mentally ill, homosexual, transgender and vulnerable inmates who were
20 susceptible to being preyed upon by violent predatory inmates, like Ronald Sanchez.

21 7. The individuals named in the present lawsuit were repeatedly put on
22 notice of the great dangers which existed within the Riverside County correctional
23 facilities through the long history of in-custody deaths; the inmate-on-inmate violence
24 which permeated the jails; the record-breaking amount of fentanyl overdoses
25 throughout all Riverside County correctional facilities; the federal class action
26 *Quinton Gray, et al. v. County of Riverside*, case number 13-0444 VAP (OPx) (C.D.
27 Cal.) (hereinafter the “*Gray Class Action*”) targeting the Riverside County Sheriff’s
28 Department custody and medical staff’s deliberate indifference to the safety and

1 protection of inmates; the warnings from neutrally-selected experts regarding the
2 Riverside County Sheriff’s Department’s custody and medical staff’s failures
3 amounting to constitutional violations; a court ordered Consent Decree directing the
4 Riverside County Sheriff’s Department to implement a Remedial Plan to meet the
5 minimum level of health care necessary to fulfill the Riverside County Sheriff’s
6 Department’s obligations under the Eighth and Fourteenth Amendments; and through
7 a voluntarily entered Settlement Agreement which required that the Riverside County
8 Sheriff’s Department remedy all of the deficiencies addressed in the *Gray* class
9 action.

10 8. Despite this long history of complete disregard to inmate safety and
11 protection, and history of inmate-on-inmate violence, each of the individually named
12 defendants in this lawsuit deliberately failed to take even modest actions to prevent
13 predatory behavior amongst inmates at the Riverside County correctional facilities.
14 Thus, by the time Kaushal Niroula was taken into custody and placed at the Cois M.
15 Byrd Detention Center, the jail was infested with endemic, ongoing and unabated
16 risks of injury or death to inmates – risks which indeed resulted in Kaushal Niroula’s
17 death on September 6, 2022. This due to the fact that violent inmates incarcerated at
18 the Riverside County correctional facilities knew that they could continue to prey on
19 the most vulnerable with no interference on part of the custodial staff or the
20 medical/mental health staff.

21 **II.**

22 **JURISDICTION AND VENUE**

23 9. This action is brought pursuant to 42 U.S.C. §§ 1983 and 1988, and the
24 Fourth and Fourteenth Amendments to the United States Constitution, and the laws
25 and Constitution of the State of California. Jurisdiction is conferred upon this Court
26 by 28 U.S.C. §§ 1331 and 1343.

27 10. This Court has the authority to grant the requested declaratory relief
28 pursuant to 28 U.S.C. §§ 2201, as well as Federal Rules of Civil Procedure 57,

1 including pursuant to the Court’s inherent equitable powers.

2 11. Venue is proper within the Central District of California pursuant to 28
3 U.S.C. § 1391(b)(1) and (2) because all Defendants reside within this district and the
4 events and omissions giving rise to Plaintiffs’ claims occurred within this district.

5 **III.**

6 **PENDANT CLAIMS**

7 12. Plaintiffs have complied with the California Tort Claims Act
8 requirements with respect to their claims arising under state law.

9 13. With respect to these supplemental state claims, Plaintiffs request that
10 this Court exercise supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over such
11 claims as they arise from the same facts and circumstances which underlie the federal
12 claims.

13 **IV.**

14 **PARTIES**

15 **A. Plaintiffs**

16 14. Decedent Kaushal Niroula was a 41-year-old transgender female, who
17 was the beloved daughter of Radha Niroula and Krishna Niroula. At the time of her
18 death, she was a pretrial detainee who resided in the County of Riverside, California.
19 The claims made by Plaintiff ESTATE OF KAUSHAL NIROULA, are brought by
20 the successors in interest, Radha Niroula and Krishna Niroula.

21 15. Plaintiff RADHA NIROULA, is and was, at all times relevant hereto,
22 the natural mother of decedent Kaushal Niroula, and at all times relevant hereto was a
23 resident of the County of Riverside, California. Plaintiff brings these claims pursuant
24 to California Code of Civil Procedure §§ 377.20 et seq. and 377.60 et seq., which
25 provide for survival and wrongful death actions. Plaintiff also brings her claims
26 individually and on behalf of decedent Kaushal Niroula on the basis of 42 U.S.C. §§
27 1983 and 1988, the United States Constitution, federal and state civil rights law and
28 California law. Plaintiff also brings these claims as a Private Attorney General, to

1 vindicate not only her rights, but others' civil rights of great importance.

2 16. Plaintiff KRISHNA NIROULA, is and was, at all times relevant hereto,
3 the natural father of decedent Kaushal Niroula, and at all times relevant hereto was a
4 resident of the County of Riverside, California. Plaintiff brings these claims pursuant
5 to California Code of Civil Procedure §§ 377.20 et seq. and 377.60 et seq., which
6 provide for survival and wrongful death actions. Plaintiff also brings his claims
7 individually and on behalf of decedent Kaushal Niroula on the basis of 42 U.S.C. §§
8 1983 and 1988, the United States Constitution, federal and state civil rights law and
9 California law. Plaintiff also brings these claims as a Private Attorney General, to
10 vindicate not only his rights, but others' civil rights of great importance.

11 **B. Defendants**

12 17. Defendant COUNTY OF RIVERSIDE (hereinafter also "COUNTY")
13 owns, operates, manages, directs and controls Defendant RIVERSIDE COUNTY
14 SHERIFF'S DEPARTMENT (hereinafter also "RCSD"), also a separate public
15 entity, which employs other Doe Defendants in this action. At all times relevant to the
16 facts alleged herein, Defendant COUNTY was responsible for assuring that the
17 actions, omissions, policies, procedures, practices and customs of its employees,
18 including RCSD employees and the Correctional Health Services (hereinafter also
19 "CHS") employees, complied with the laws and the Constitutions of the United States
20 and of the State of California. Defendant COUNTY, through RCSD and CHS, is and
21 was responsible for ensuring the protection and safety of all persons incarcerated at
22 the RCSD correctional facilities, including the Cois M. Byrd Detention Center
23 (hereinafter "CBDC"), Robert Presley Detention Center (hereinafter "RBDC"), Larry
24 D. Smith Correctional Facility (hereinafter "LSCF"), John J. Benoit Detention Center
25 (hereinafter "JBDC"), and the Blythe Jail (hereinafter collectively "COUNTY Jails").

26 18. Defendant CHAD BIANCO ("SHERIFF BIANCO"), at all times
27 mentioned herein, is and, since November 6, 2018, has been the Sheriff-Coroner of
28 Defendant COUNTY OF RIVERSIDE, the highest position in the COUNTY Jails.

1 As Sheriff, Defendant BIANCO is and was responsible for the hiring, screening,
2 training, retention, supervision, discipline, counseling, and control of all COUNTY
3 Jails' employees and/or agents. Defendant SHERIFF BIANCO is and was charged by
4 law with oversight and administration of the COUNTY Jails, including ensuring the
5 safety of the inmates housed therein. Defendant SHERIFF BIANCO also is and was
6 responsible for the promulgation of the policies and procedures and allowance of the
7 practices/customs pursuant to which the acts of the COUNTY Jails alleged herein
8 were committed. Defendant SHERIFF BIANCO is being sued in his individual and
9 official capacities.

10 19. Defendant EDWARD DELGADO ("DELGADO"), at all times
11 mentioned herein, was employed by Defendant COUNTY as the Corrections
12 Assistant Chief of the COUNTY Jails, including the CBDC, for the COUNTY, and
13 he was acting within the course and scope of that employment. In that capacity,
14 Defendant DELGADO was a policy making official for the COUNTY OF
15 RIVERSIDE. During the relevant time period, Defendant DELGADO was
16 responsible for the general management and control of the COUNTY Corrections
17 Operations, with primary authority and responsibility for the operations, staff
18 assignments, program development, personnel supervision and training, maintenance
19 and auxiliary inmate services at the jail, subordinate only to the Sheriff and/or
20 Undersheriff. Defendant DELGADO is being sued in his individual capacity.

21 20. Defendant JAMES KRACHMER ("KRACHMER"), at all times
22 mentioned herein, was employed by Defendant COUNTY as the Corrections Chief
23 Deputy of the COUNTY Jails, including the CBDC, for the COUNTY, and he was
24 acting within the course and scope of that employment. In that capacity, Defendant
25 KRACHMER was a policy making official for the COUNTY OF RIVERSIDE.
26 During the relevant time period, Defendant KRACHMER was responsible for the
27 general management and control of the COUNTY Corrections Operations, with
28 primary authority and responsibility for the operations, staff assignments, program

1 development, personnel supervision and training, maintenance and auxiliary inmate
2 services at the jail, subordinate to the Corrections Assistant Chief, Defendant
3 EDWARD DELGADO. Defendant KRACHMER is being sued in his individual
4 capacity.

5 21. Defendant DAVID HOLM (hereinafter also “HOLM”) is and was at all
6 times relevant herein the Corrections Captain at CBDC, one of the highest-level
7 supervisory positions. During the relevant time period, Defendant HOLM was the
8 Corrections Captain at CBDC, and was primarily responsible for assisting the Sheriff-
9 Coroner with oversight and administration of the CBDC, including ensuring the
10 safety of the inmates housed therein. As Corrections Captain, Defendant HOLM was
11 responsible for supervision of RCSD and CHC employees and/or agents at the
12 CBDC, and for the promulgation of the policies and procedures and allowance of the
13 practices/customs pursuant to which the acts of the RCSD and CHC’s employees
14 alleged herein were committed. Defendant HOLM also directly supervised Defendant
15 DOES 9 and 10. Defendant HOLM is being sued in his individual capacity.

16 22. Defendants COUNTY OF RIVERSIDE, RIVERSIDE COUNTY
17 SHERIFF’S DEPARTMENT, SHERIFF BIANCO, DELGADO, KRACHMER and
18 HOLM will hereinafter be referred to as the COUNTY DEFENDANTS.

19 23. Plaintiffs are ignorant of the true names and capacities of Defendants
20 DOES 1 through 10 (“DOE Defendants”) and therefore sue these Defendants by such
21 fictitious names. Plaintiffs are informed and believe and thereon allege that each
22 Defendant so named is responsible in some manner for the injuries and damages
23 sustained by Plaintiffs as set forth herein. Plaintiffs will amend their complaint to state
24 the names and capacities of each DOE Defendant when they have been ascertained.

25 24. The identities, capacities, and/or nature of involvement of the defendants
26 sued as DOES 1 through 10 are presently unknown to the Plaintiffs who therefore sue
27 these defendants by fictitious names. Plaintiffs are informed, believe, and thereupon
28 allege that DOES 1 through 10 include individual law enforcement personnel and

1 medical personnel employed by the RCSD and the COUNTY Correctional Health
2 Services, and that they were involved in some manner and are legally responsible for
3 the wrongful acts and conduct alleged herein. Plaintiffs will amend this complaint to
4 substitute the DOE Defendants' true names and capacities when they have been
5 ascertained. Plaintiffs are informed, believe, and thereupon allege that each DOE
6 defendant is a resident of California. On information and belief, DOES 1 through 10
7 were and still are residents of the County of Riverside, California. DOES 1 through 10
8 are sued in both their individual and official capacities.

9 25. Defendants DOES 1 through 10, at all times relevant hereto, were RCSD
10 custody personnel, CHC personnel, deputies, sergeants, lieutenants, and/or captains of
11 the RCSD, and at all times herein were acting under the color of law. Said defendants
12 were assigned to work at the COUNTY Jails and were responsible for carrying out
13 RCSD and CHC policies and procedures and for ensuring the safety of inmates at the
14 COUNTY Jails. Said defendants were assigned to work as the custodial and
15 medical/mental health staff for the COUNTY Jails, including the CBDC, on September
16 6, 2022; were responsible for the proper housing and classification of CBDC inmates,
17 including decedent Kaushal Niroula and Inmate Sanchez and other CBDC inmates,
18 and were responsible for the safety of inmates housed at the COUNTY Jails and the
19 CBDC, the periodic cell checks of CBDC inmates, the supervision of CBDC inmates,
20 the prevention of access to intoxicants by CBDC inmates, the provision of mental
21 health care services to CBDC inmates, and, in general, the protection of CBDC
22 inmates, including decedent Kaushal Niroula, as well as the promulgation of the
23 policies, procedures, and allowance of the practices and customs, pursuant to which the
24 acts of the employees of CBDC, alleged herein, were committed. Said defendants also
25 were either present at the classification meeting when it was decided that decedent
26 Kaushal Niroula would be housed with Inmate Sanchez, or were notified of the
27 decision, and failed to override it, in-effect approving of it. Said defendants are being
28 sued in their individual capacities.

1 26. At all relevant times, DOES 7 and 8 were managerial, supervisory,
2 training, and/or policymaking employees of Defendant COUNTY Correctional Health
3 Services. At the time of the incident, DOES 7 and 8 were acting under color of law
4 within the course and scope of their duties as employees for the COUNTY
5 Correctional Health Services. They had supervisory authority over DOES 1-10, and
6 the COUNTY Correctional Health Services employees at the COUNTY Jails. DOES 7
7 and 8 were acting with the complete authority and ratification of their principal,
8 Defendant COUNTY.

9 27. At all relevant times, DOES 9 and 10 were managerial, supervisory,
10 training, and/or policymaking employees of Defendant COUNTY. At the time of the
11 incident, DOES 9 and 10 were acting under color of law within the course and scope of
12 their duties as employees for the RCSD and/or the COUNTY. They had supervisory
13 authority over DOES 1-10, and the employees of the RCSD. DOES 9 and 10 were
14 acting with the complete authority and ratification of their principal, Defendant
15 COUNTY.

16 28. Plaintiff is informed and believes, and thereupon alleges, that at all times
17 mentioned herein Defendants SHERIFF BIANCO, DELGADO, KRACHMER and
18 HOLM and DOES 1 through 10, inclusive, were employees, agents and/or servants of
19 the COUNTY, acted within the course and scope of said employment, agency and/or
20 service, and possessed the power and authority and were charged by law with the
21 responsibility to enact policies and to prescribe rules and practices concerning the
22 operation of the COUNTY Jails, including the CBDC, and concerning the means by
23 which the life and safety of arrestees and detainees were to be secured, what criteria
24 were to be used for placing arrestees and detainees together in custody, what methods
25 of placement of an arrestee or detainee in a jail cell were appropriate to safeguard the
26 life and safety of the arrestee or detainee, the manner in which threats to the life and
27 safety of an arrestee or detainee were to be evaluated and acted upon, what safeguards
28 were to be in place to prevent inmates, arrestees or detainees who posed a threat to

1 others in the facility from being permitted physical access to those others, what
2 actions were to be taken when an arrestee or detainee is attacked or injured while
3 incarcerated within the COUNTY Jails, and what methods of surveillance were to be
4 used within each detention facility to insure immediate response to and prevention of
5 incidents of violence occurring within jail cells.

6 29. Each of the defendants, including the DOE defendants, caused, and is
7 responsible for, the unlawful conduct and resulting injuries suffered by Plaintiffs by,
8 among other things, personally participating in the unlawful conduct, acting jointly,
9 or conspiring with others who did so; by ordering, authorizing, acquiescing in, or
10 setting in motion policies, plans, or actions that led to the unlawful conduct, by
11 failing to take action to prevent the unlawful conduct; by failing and refusing to
12 initiate and maintain adequate training and supervision; by failing to enact policies to
13 address the constitutional rights of protesters despite the obvious need for such a
14 policy; and by ratifying the unlawful conduct that occurred by agents and officers
15 under their direction and control, including failing to take remedial or disciplinary
16 action.

17 30. Plaintiffs are informed and believe and thereon allege that each of the
18 Defendants was at all material times an agent, servant, employee, partner, joint
19 venturer, co-conspirator, and/or alter ego of the remaining Defendants, and in doing the
20 things herein alleged, was acting within the course and scope of that relationship.
21 Plaintiffs are further informed and believe and thereon allege that each of the
22 Defendants herein gave consent, aid, and assistance to each of the remaining
23 Defendants, and ratified and/or authorized the acts or omissions of each Defendant as
24 alleged herein, except as may be hereinafter specifically alleged. At all material times,
25 each Defendant was jointly engaged in tortious activity and an integral participant in
26 the conduct described herein, resulting in the deprivation of Plaintiffs' and decedent
27 Kaushal Niroula's constitutional rights and other harm.

28 ///

1 31. Plaintiffs are informed, believe, and thereupon allege that, at all times
2 relevant hereto, Defendants, and each of them, acted as the agents, servants, and
3 employees of each of the other defendants.

4 32. In doing each of the acts and/or omissions alleged herein, Defendants,
5 and each of them, acted within the course and scope of their employment.

6 33. In doing each of the acts and/or omissions alleged herein, Defendants,
7 and each of them, acted under color of authority and/or under the color of law.

8 **V.**

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

10 34. Upon information gathered from the Riverside County Sheriff's
11 Department, Coroner's Investigative Narrative, the following events led to the
12 gruesome assault of Ms. Niroula:

13 35. On September 6, 2022, at 12 p.m., Kaushal Niroula (hereinafter also
14 "Ms. Niroula" or "Decedent") and her cellmate Ronald Sanchez exited their shared
15 cell for dayroom time.¹

16 36. Minutes later, Ms. Niroula returned to the cell alone. Inmate Sanchez
17 would soon follow after the dayroom time was over. Upon information and belief, it
18 was at this time that Inmate Sanchez commenced the brutal attack upon Ms. Niroula.

19 37. At 1:27 p.m., all cell doors once again opened for dayroom time. While
20 other inmates exited their cells, there was no sighting of Ms. Niroula and Inmate
21 Sanchez exiting their cell. In fact, the surveillance video footage showed their cell
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24 ¹ Notably, despite the fact that Ms. Niroula was a transgender HIV positive female inmate whose
25 transition was so far along that she indeed had breasts, Ms. Niroula was housed in a two-person cell
26 with Inmate Sanchez who was a convicted sex offender. Indeed, prior to murdering Ms. Niroula,
27 Inmate Sanchez had been incarcerated at the Riverside County correctional facilities for five years
28 and had been awaiting trial on multiple charges of repeatedly sexually assaulting a Riverside area
girl under 14 years old in 2009 and 2010. See "Convicted Sex Offender Admits Killing Cellmate in
Riverside Jail" (NBC Palm Springs News First, September 20, 2022), available at
<https://nbcpalm Springs.com/2022/09/20/convicted-sex-offender-admits-killing-cellmate-in-riverside-jail/>

1 door being abruptly closed from the inside. Upon information and belief, Inmate
2 Sanchez closed the cell door to continue with the attack upon Ms. Niroula’s person.

3 38. Immediately thereafter, Inmate A was seen from the surveillance video
4 walking by the cell and quickly walking away. Upon information and belief, Inmate
5 A observed Inmate Sanchez brutally beating and strangling Ms. Niroula.

6 39. At 1:36 p.m., Inmate B was seen from the surveillance video² walking
7 up to the cell and quickly walking away. Upon information and belief, Inmate B
8 observed Inmate Sanchez’s ongoing and brutal beating and strangulation of Ms.
9 Niroula.

10 40. Upon information and belief, the prolonged beating and strangulation of
11 Ms. Niroula caused such a commotion that it caught the attention of Inmate A, Inmate
12 B and other inmates near the cell and in the dayroom. Indeed, Ms. Niroula’s body
13 not only indicated strangulation, and a brutal and ongoing assault:

- I. STRANGULATION:
 - A. EXTERNAL, INTERNAL NECK, FACE INJURIES
 - 1. FOREHEAD, FACE, EYE PETECHIAE, FLORID
 - 2. ANTERIOR/LEFT LATERAL NECK SKIN WITH ABRASIONS AND PETECHIAE
 - 3. RIGHT AND LEFT STERNOHYOID MUSCLE HEMORRHAGES
 - 4. RIGHT AND LEFT STERNOHYOID MUSCLE HEMORRHAGES
 - 5. RIGHT AND LEFT SUPERIOR HORNS OF THE THYROID CARTILAGE, FRACTURES WITH HEMORRHAGES
 - 6. RIGHT CRICOTHYROID CARTILAGE FRACTURE WITH HEMORRHAGE
 - B. OTHER FINDINGS:
 - 1. RIGHT RHOMBOID MUSCLE HEMORRHAGE
 - 2. LOWER – MIDBACK ERECTOR SPINAE MUSCLES AND FASCIA HEMORRHAGE
 - 3. DORSUM OF TONGUE, TIP SINGLE HEMORRHAGE
 - 4. RIGHT AND LEFT AXILLAE, BACK, TARDIEU TYPE SPOTS
- II. OTHER INJURIES – NONLETHAL:
 - A. RIGHT KNEE ABRASION
 - B. LEFT KNEE CONTUSION
 - C. RIGHT KNEE MEDIAL WRIST, ABRASION
 - D. LEFT HAND DIGIT #3, SMALL CONTUSION
 - E. RIGHT DORSUM HAND, WRIST, SMALL SCRATCHES

24 ² Surveillance videos serve as recording equipment that is critical to ensuring the welfare of
25 inmates housed in jails. Yet, the RCSD custody staff failed to notice this alarming behavior that was
26 easily observable had anyone been watching the surveillance video. The RCSD custody personnel
27 charged with monitoring the housing module where Ms. Niroula was housed ignored their duties as
28 the coroner’s investigative narrative succinctly summarizes minute-by-minute what it is exactly that
the custody staffer would have observed through the surveillance camera had they been doing their
job. Upon information and belief, the RCSD custody personnel charged with those duties
deliberately chose to ignore the footage from that surveillance camera.

1 41. At 2:07 p.m., Inmate Sanchez was seen from the surveillance video
2 “high fiving” and shaking hands with other inmates. Upon information and belief,
3 the brutal and violent assault of Ms. Niroula had been planned for some time and was
4 a coordinated effort by both RCSD inmates and custodial staff.³

5 42. At 2:35 p.m., because Inmates C and D noticed that no RCSD custody
6 staff came to help Ms. Niroula during the entire time⁴ that she was beaten, assaulted
7 and strangled in that shared cell with Inmate Sanchez, Inmates C and D decided that
8 it was incumbent upon them to summon custody assistance. When RCSD custody
9 staff came to their cell, Inmate C and D informed them: “Heads up, I saw someone
10 down in cell #34.”

11 43. Minutes later, RCSD custody staff approached the cell and Inmate
12 Sanchez simply stated: “[She] is dead, I killed [her], there is not else to say.”

13 44. The aforementioned facts where indeed presented to SHERIFF BIANCO
14 during the Coroner’s Review which was held on November 8, 2022:

15
16 19 Per video surveillance, On 09/06/2022, at 1200 hours, Niroula and her cellmate Ronald Sanchez
17 20 (Sanchez) exited their shared cell #34 for dayroom time. Minutes after, Niroula returned to her
18 21 cell alone. Once dayroom time was over, Sanchez returned to her cell. At 1327 hours, all cell
19 22 doors opened again for dayroom time. For unknown reasons, cell #34 immediately closed their
20 23 door from the inside and neither Niroula or Sanchez exited. During dayroom time an inmate from
21 24 cell #35 walked by cell #34 and quickly walked away. At 1336 hours, an inmate from cell #42,
22 25 walked up to cell #34 and also walked away. At 1407 hours, Sanchez was observed “high fiving”
23 26 and shaking hands with other inmates.
24 27

25 28 On 09/06/2022, at about 1435 hours, inmates from cell #35 called into the pod and told
26 29 correctional staff “heads up, I saw someone down in cell #34.” At 1437 hours, Correctional
27 30 Deputy Mendoza, ID #N7642, entered the dayroom and checked on cell #34. He noted Niroula
28 31 was unresponsive. Sanchez stood by the door and told Correctional Deputy Mendoza, “he is
29 32 dead, I killed him, there is nothing else to say.” Medical aid was requested at day room #2.
30 33 Medical personnel moved Niroula outside cell #34. Life saving measures were initiated by
31 34 medical personnel. American Medical Response Paramedic Froman, #P25098, arrived on scene
32 35 and pronounced Niroula dead at 1506 hours, citing obvious signs of death.

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³ Ms. Niroula was mysteriously killed just three days before her trial. Upon information and belief, Ms. Niroula had been assisting state and federal authorities to help uncover the illegal wiretapping at the COUNTY Jails.

⁴ Upon information and belief, the assault went on for a minimum of sixty-eight minutes.

1 45. After the facts were presented, SHERIFF BIANCO certified the cause,
2 manner and mode of death.

3 46. Prior to decedent Kaushal Niroula’s death, Defendants DOES 1 through
4 10 had failed to properly classify Inmate Sanchez. Said defendants were aware of
5 Inmate Sanchez’s violent history, tendencies and propensities based on their
6 interview of Inmate Sanchez and review of his medical and penal records. Said
7 defendants knew – or should have known – that Inmate Sanchez would attack or
8 otherwise seriously injury and/or kill other inmates if Inmate Sanchez were not
9 constantly monitored and housed in a high observation unit or other inmate housing
10 which called for constant monitoring and isolation. Despite this, said defendants
11 improperly and deliberately housed Inmate Sanchez in a two-person cell with
12 decedent Kaushal Niroula, knowing that this housing assignment would place
13 decedent Kaushal Niroula at great risk of serious bodily injury or death.

14 47. Furthermore, it was not reasonable, and in fact it was foreseeably
15 dangerous, to house decedent Kaushal Niroula, transgender female, with Inmate
16 Sanchez, a convicted sex offender with a violent history, because there was a high
17 probability based on Kaushal Niroula’s transition into the female body and weakened
18 and debilitated physical health due to being HIV positive that she would be preyed
19 upon by Inmate Sanchez, which carried a high probability of resulting in the murder
20 of Kaushal Niroula given Inmate Sanchez’s violent history.

21 48. As such, Defendants DOES 1 through 10 were all on notice, that
22 decedent Kaushal Niroula’s housing assignment with Inmate Sanchez put Kaushal
23 Niroula in great risk of death or serious bodily injury at the hands of Inmate Sanchez.
24 In view of Kaushal Niroula’s status as a transgender HIV positive female inmate, and
25 the other circumstances described above and elsewhere in this complaint, the two-
26 person cell with Inmate Sanchez was not an appropriate designation. Yet, with
27 deliberate indifference and/or negligently, Defendants DOES 1 through 10 failed to
28 ensure that Kaushal Niroula’s status be changed to status which accommodated a

1 transgender HIV positive female inmate. Said defendants, with deliberate
2 indifference to the health, safety and welfare of Kaushal Niroula, failed to properly
3 classify Inmate Sanchez as a high-risk violent inmate and to transfer or house Inmate
4 Sanchez in a high observation unit or other housing assignment where Inmate
5 Sanchez would not pose a risk/threat to other inmates.

6 49. On September 6, 2022, Defendants DOES 1 through 5 were assigned as
7 the floor deputies for CBDC housing module where decedent Kaushal Niroula and
8 Inmate Sanchez shared a two-person cell. Defendants DOES 1 through 5 were
9 responsible for conducting periodic cell checks, including inmate safety checks every
10 60 minutes, including the cell where Kaushal Niroula was savagely beaten by Inmate
11 Sanchez, and were responsible generally for protecting the inmates under their care
12 from assault, including Kaushal Niroula.

13 50. Defendants COUNTY, RCSD, SHERIFF BIANCO, DELGADO,
14 KRACHMER, HOLM and DOES 1 through 10, which included RCSD custodial and
15 CHC medical/mental health staff of CBDC, with deliberate indifference, gross
16 negligence, and reckless disregard to the safety, security, protection and
17 constitutional and statutory rights of decedent Kaushal Niroula and all persons
18 similarly situated, maintained, enforced, tolerated, permitted, acquiesced in, and
19 applied policies or practices of, among other things,

- 20 a. Selecting, retaining and assigning deputies to their jails who exhibit
21 deliberate indifference and reckless disregard for the safety, security and
22 constitutional and statutory rights of detainees, arrestees and inmates
23 who exhibit vulnerabilities due to their sexual orientation, gender
24 identity, medical/mental health conditions, and disabilities;
- 25 b. Subjecting persons in their jails to violence perpetrated by other
26 detainees, arrestees or inmates;
- 27 c. Failing to take adequate security measures to protect detainees, arrestees
28 and inmates from unnecessary harm, including but not limited to, the

1 following: separation of detainees and arrestees from potentially violent
2 or dangerous inmates; use of security cameras to monitor violence
3 within jail cells; training deputies to monitor detainees and inmates and
4 immediately respond to acts of violence or threats of violence;

5 d. Failing to adequately train, supervise, and control deputies in the arts of
6 law enforcement;

7 e. Failing to adequately discipline deputies involved in misconduct; and

8 f. Condoning and encouraging deputies in the belief that they can violate
9 the rights of persons such as the Plaintiffs in this action with impunity,
10 and that such conduct will not adversely affect their opportunities for
11 promotion and other employment benefits.

12 51. Defendants COUNTY, RCSD, SHERIFF BIANCO, DELGADO,
13 KRACHMER, HOLM and DOES 1 through 10 acted with deliberate indifference and
14 reckless disregard toward decedent Kaushal Niroula's right to be protected and safe
15 while housed at CBDC, and afforded due process of law, by among other things, the
16 following acts:

17 a. Placing Kaushal Niroula, a transgender HIV positive female inmate, in a
18 cell with inmates and/or arrestees whom Defendants knew or should
19 have known had propensities for aggressive acts or acts of violence and
20 mental instabilities, and not watching and protecting him;

21 b. Failing to properly classify and house Inmate Sanchez as a violent
22 inmate in a high observation unit or otherwise house and classify Inmate
23 Sanchez in appropriate housing where he could be constantly monitored
24 and/or isolated from other inmates;

25 c. Placing Kaushal Niroula, a transgender HIV positive female inmate, in a
26 cell with other detainees, arrestees and inmates under circumstances
27 which were conducive to the eruption of violence, including in a unit
28 with violent and dangerous inmates like Inmate Sanchez;

- 1 d. Causing Kaushal Niroula to remain in the cell with other inmates after
- 2 Defendants knew that physical violence was imminent; and
- 3 e. Not observing or protecting Kaushal Niroula, or otherwise standing by
- 4 and allowing a brutal beating on Kaushal Niroula by another inmate to
- 5 continue for an unreasonable period of time, resulting in death to
- 6 Kaushal Niroula.

7 52. Plaintiffs are informed and believe that Defendants DOES 1 through 10
8 were aware of the threat the other inmate or inmates represented to decedent Kaushal
9 Niroula based on the inmates' criminal histories or exhibited violent tendencies of
10 which the deputies and other employees knew or should have known. Said defendants
11 intentionally, recklessly and with deliberate indifference, failed to take any security
12 measures to protect detainees and arrestees who were unable to defend themselves -
13 such as Kaushal Niroula, a transgender HIV positive female inmate, in a cell with
14 other detainees, who was unable to care for herself from inmates with violent
15 tendencies like Inmate Sanchez.

16 53. Plaintiffs are informed and believe, and on the basis of such information
17 and belief alleges, that Defendants COUNTY and RCSD ordered, authorized,
18 acquiesced in, tolerated, or permitted other defendants herein to engage in the
19 unlawful and unconstitutional actions, policies, practices, and customs set forth in the
20 preceding paragraphs. Defendants' conduct as alleged herein constitutes a pattern of
21 constitutional violations based either on a deliberate plan by defendants or on
22 defendants' deliberate indifference, gross negligence, or reckless disregard to the
23 safety, security, and constitutional and statutory rights of Plaintiffs.

24 54. Plaintiffs are informed and believe that the brutal beating was
25 perpetrated by one or more inmates at the jail acting with the approval of RCSD
26 custody personnel and CHC medical personnel, or because of the deliberate
27 indifference, gross negligence or reckless disregard of Defendants DOES 1 through
28 10 to the safety and security of decedent Kaushal Niroula.

1 55. Plaintiffs are informed and believe that Defendants DOES 1 through 10
2 recklessly and with deliberate indifference, failed to immediately and appropriately
3 respond to the brutal attack and allowed the attack to continue for an extended period
4 of time, causing the death of Kaushal Niroula.

5 56. Plaintiffs are informed and believe that RCSD custody personnel and
6 CHC medical personnel, intentionally, recklessly and with deliberate indifference,
7 failed to take immediate action to summon medical care for Kaushal Niroula, despite
8 knowing she was in need of immediate medical care.

9 57. Defendants have been on notice for years that their provision of medical
10 and mental health treatment to inmates is inadequate and results in needless harm and
11 death.

12 58. Welfare and safety checks by custody and mental health staff, when
13 done correctly, are an important part of protecting inmates in the COUNTY Jails
14 from harm, including inmate on inmate violence. Defendants knew that health and
15 welfare checks conducted in units were part of violence prevention programs and that
16 such checks were necessary for inmate-on-inmate attack prevention.

17 59. Prior to the murder of Kaushal Niroula on September 6, 2022,
18 Defendants were aware that there was a problem with RCSD custody personnel and
19 CHC medical personnel failing to actually perform required welfare and safety
20 checks in the units at the COUNTY Jails, including CBDC, failing to perform
21 adequate welfare and safety checks and/or failing to take adequate measures after
22 observing violent during the welfare and safety checks.

23 60. Defendants' actions and omissions, as herein above recited, directly
24 placed decedent Kaushal Niroula at substantial risk of the grievous and tragic harm
25 that ultimately occurred resulting in her death.

26 61. Plaintiffs timely and properly filed tort claims with the County of
27 Riverside pursuant to California Government Code sections 910, *et seq.*, and this
28 action is timely filed within all applicable statutes of limitation.

1 65. Kaushal Niroula’s death is one of eighteen (18) in-custody deaths within
2 the COUNTY Jails during the 2022 calendar year, and was the thirteenth death that
3 year:

- 4 a. Alicia Upton (Date of Loss: April 28, 2022; Manner of Death:
5 “Suicide”)
- 6 b. Abel Valencia Cruz (Date of Loss: May 1, 2022; Manner of Death:
7 “Natural”)
- 8 c. Justin Kail (Date of Loss: May 17, 2022; Manner of Death:
9 “Accident-Overdose”)
- 10 d. Brawn Lamar Hampton (Date of Loss: May 26, 2022; Manner of Death:
11 “Natural”)
- 12 e. Michael Vasquez (Date of Loss: May 26, 2022; Manner of Death:
13 “Accident-Overdose”)⁶
- 14 f. Yareth Villagomez (Date of Loss: June 20, 2022; Manner of Death:
15 “Accident-Overdose”)
- 16 g. Richard Edward Biscotti (Date of Loss: July 11, 2022; Manner of Death:
17 “Natural”)
- 18 h. Richard Matus Jr. (Date of Loss: August 11, 2022; Manner of Death:
19 “Accident-Overdose”)
- 20 i. Abel Anthony Chacon (Date of Loss: September 6, 2022; Manner of
21 Death: “Accident-Overdose”)
- 22 j. Octavio Zazueta (Date of Loss: August 26, 2022; Manner of Death:
23 “Accident-Overdose”)
- 24 k. Gary Roy Haneline (Date of Loss: August 27, 2022; Manner of Death:

26 <https://oag.ca.gov/news/press-releases/attorney-general-bonta-launches-civil-rights-investigation-riverside-county>

27 ⁶ Pretrial detainee Michael Vasquez was just 20 years old at the time of his death. He had been in
28 the facility for only six days prior to being exposed to the dangers and risks permeating the CBDC,
all of which ultimately resulted in his death.

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“Natural”)

- l. Mario Solis (Date of Loss: September 3, 2022; Manner of Death: “Accident”)⁷
- m. Kaushal Niroula (Date of Loss: September 6, 2022; Manner of Death: “Strangulation”)⁸
- n. Robert Louis Robinson (Date of Loss: September 7, 2022; Manner of Death: “Suicide/Hanging”)
- o. Ulyses Munoz Ayala (Date of Loss: September 29, 2022; Manner of Death: “Homicide Willful”)⁹
- p. Cynthia Heredia (Date of Loss: October 13, 2022; Manner of Death: “Pending”)
- q. Katie Patton (Date of Loss: November 20, 2022 Manner of Death: “Pending”)
- r. Ronald Cook (Date of Loss: December 12, 2022 Manner of Death: “Pending”)

66. The deaths include six (6) overdoses, two (2) homicides resulting from inmate-on-inmate violence, three (3) suicides, four (4) natural cause deaths, and three

⁷ Notably, while the COUNTY DEFENDANTS have reported to the Department of Justice that pretrial detainee Mario Solis’ death was an “accident,” what is known through the Coroner’s Investigative Narrative and Autopsy Report is that Mr. Solis was indeed in a safety cell (*i.e.*, cells intended for suicidal inmates) an ingested multiple foreign objects, including a pencil, toothbrush, and plastic bags with soap. Mr. Solis ultimately died due to the pencil puncturing his right jugular vein. Upon information and belief, the COUNTY DEFENDANTS have attempted to classify this death as an “accident” in an effort to absolve themselves from liability arising from a *suicidal* pretrial detainee who is housed in a safety cell, but is nevertheless able to access such hazardous objects to commit suicide. What is more is that Mr. Solis’ family was not notified about his death until six (6) days had passed.

⁸ Decedent Kaushal Niroula was a transgender HIV-positive female inmate, who was brutally and repeatedly beaten and strangled by her cellmate, Ronald Sanchez—a convicted sex offender. Ms. Niroula was killed just three days before trial. Upon information and belief, Ms. Niroula had been assisting state and federal authorities to help uncover the illegal wiretapping at the COUNTY Jails.

⁹ Pretrial detainee Ulyses Munoz Ayala was brutally killed by a *known* violent inmate, Erik Martinez, whom he was forced to share a cell with. *See* “Corona Man Killed In Riverside County Jail Cell” (The Sun, September 30, 2022), available at <https://www.sbsun.com/2022/09/30/corona-man-killed-in-riverside-county-jail-cell/>

1 (3) pending. Seven (7) of the in-custody deaths have occurred at the Cois M. Byrd
2 Detention Center in Murrieta, California.

3 67. The Defendants' deliberate indifference towards protecting pretrial
4 detainees from hazards resulted in illegal drugs permeating the COUNTY Jails.
5 According to Defendant KRACHMER, from November 2021 through November
6 2022, the COUNTY Jails experienced 140 overdoses, with inmates overdosing at
7 least twice a week within the COUNTY Jails.¹⁰

8 68. The Defendants' deliberate indifference towards pretrial detainees
9 suffering from mental health issues resulted in several completed and attempted
10 suicides. On November 23, 2022, pretrial detainee Charles Wall attempted suicide by
11 jumping off the top tier of his housing module at RPDC. From November 19, 2022
12 through November 23, 2022, Mr. Wall made repeated requests for psychiatric care
13 and medication. Mr. Wall suffered from schizophrenia and suicidal ideations, which
14 was known to the COUNTY custody and medical staff given his prior attempts to
15 commit suicide at RPDC in 2015, as well as his extensive medical and mental health
16 history. These requests were ignored by the custody and medical staff. On November
17 23, 2022, Mr. Wall pled with a custody staffer, begging for an opportunity to speak
18 with a psychiatrist. The custody staffer demanded to know why Mr. Wall needed to
19 speak with a psychiatrist. When Mr. Wall hesitated, the custody staffer shouted, "Do
20 what you gotta do! Stop pushing my fucking buttons or you're gonna give me a
21 reason to come in!" Shortly thereafter, Mr. Wall attempted suicide by jumping off the
22 second story of his housing module.

23 **B. The COUNTY Jails Are On Track to Surpass the Number of In-Custody**
24 **Deaths in 2023.**

25
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27 ¹⁰ See "Families Question Suspected Fentanyl Deaths of Loved Ones Behind Bars; Riverside Co.
28 Sheriff Reacts" (Fox11 News, November 7, 2022), available at
<https://www.fox11.com/news/fentanyl-responsible-for-a-third-of-riverside-county-jail-deaths-in-2022-families-demand-answers>

1 69. Defendant RIVERSIDE COUNTY SHERIFF’S DEPARTMENT’S
2 COUNTY Jails will have the deadliest year in 2023 – surpassing the eighteen (18) in-
3 custody deaths from 2022.

4 70. As of May of 2023, the COUNTY has already claimed the lives of six
5 (6) persons who died while in the custody of the COUNTY:

- 6 a. On January 12, 2023, pretrial detainee Mark Spratt died as a result of
7 injuries he suffered during a brutal attack by his cellmate at CBDC. Mr.
8 Spratt was only 24 years old at the time of his death.
- 9 b. On February 5, 2023, pretrial detainee Christian Viramontes was found
10 unresponsive in his cell at RPDC. Upon information and belief, Mr.
11 Viramontes’ death was caused by hazards permeating the RPDC. Mr.
12 Spratt was only 26 years old at the time of his death. An investigation
13 into the manner and means of death remains pending.
- 14 c. On February 6, 2023, pretrial detainee Jesus Rodriguez died in-custody
15 due to injuries suffered during an arrest. An investigation into the
16 manner and means of death remains pending.
- 17 d. On February 21, 2023, pretrial detainee Christian Drye died in-custody
18 at a COUNTY hospital due to injuries suffered during an arrest. An
19 investigation into the manner and means of death remains pending.
- 20 e. On March 11, 2023, an unidentified pretrial detainee was found
21 unresponsive in his cell at CBDC. Upon information and belief, the
22 death was caused by hazards permeating the CBDC. An investigation
23 into the manner and means of death remains pending.
- 24 f. On May 27, 2023, pretrial detainee Ruben Guzman died following an
25 undisclosed incident at JBDC. Upon information and belief, Mr.
26 Guzman received numerous threats to his life by inmates and custody
27 staff at the COUNTY Jails. Mr. Guzman was in fear of his life and
28 attempted suicide by jumping off of a top tier at the COUNTY Jails. Mr.

1 Guzman survived the attempted suicide and was told by custody staff:
2 “You should have gone headfirst.” Upon information and belief, Mr.
3 Guzman was found unresponsive in a holding cell on May 22, 2023. He
4 died four days later on May 27, 2023. An investigation into the manner
5 and means of death remains pending.

6 g. On July 5, 2023, Astrid Johnson, a 62-year-old man female inmate
7 housed in the JBDC, died in-custody. Upon information and belief,
8 RCSD personnel and CHC medical personnel failed to provide Ms.
9 Johnson with adequate medical care. An investigation into the manner
10 and means of death remains pending.

11 h. On August 14, 2023, an unidentified 71-year-old pretrial detainee male
12 was found unresponsive in his cell at JBDC. Upon information and
13 belief, the death was caused by hazards permeating the JBDC. An
14 investigation into the manner and means of death remains pending.

15 71. The Defendants’ deliberate indifference towards protecting pretrial
16 detainees from violence has resulted in numerous deaths and assaults at the
17 COUNTY Jails. Upon information and belief, this indifference has resulted in the
18 2022-2023 deaths of Kaushal Niroula, Ulyses Munoz Ayala, Mark Spratt, and Ruben
19 Guzman, and the brutal sexual assault of a pretrial detainee in April of 2023 at the
20 COUNTY Jails.

21 **C. RCSD Refuses to Comply with California Department Justice Mandates**
22 **Regarding In-Custody Death Reporting Abating Transparency and**
23 **Accountability.**

24 72. Despite the record-braking in-custody deaths at the COUNTY Jails, and
25 the suspicious circumstances surrounding the in-custody deaths, the COUNTY
26 DEFENDANTS have refused to adhere to state mandates and regulations which were
27 explicitly created to ensure accountability and transparency, including California
28

1 Government Code section 12525¹¹ and Title 15 Minimum Standards for Local
2 Detention Facilities, section 1046 Death in Custody.¹²

3 73. The COUNTY DEFENDANTS have refused to comply with these
4 mandates which were enacted to provide transparency and accountability when
5 inmates and prisoners die in-custody within California correctional facilities.

6 74. The COUNTY DEFENDANTS reported some of the in-custody deaths
7 six weeks after they occurred, despite the 10-day mandate.¹³

8 75. The COUNTY DEFENDANTS provided inaccurate information to the
9 Department of Justice, classifying the pretrial detainees, who had died in their
10 custody as “sentenced” post-convicted prisoners.¹⁴ Upon information and belief, this
11 orchestrated misclassification of the pretrial status of the decedents was done
12 purposely by the COUNTY DEFENDANTS so as to impose the Eighth Amendment
13 higher degree of culpability standard, rather than the less stringent Fourteenth
14 Amendment degree of culpability.¹⁵

15
16 ¹¹ See Cal. Gov. Code § 12525 (“In any case in which a person dies while in the custody of any law
17 enforcement agency or while in custody in a local or state correctional facility in this state, the law
18 enforcement agency or the agency in charge of the correctional facility shall report in writing to the
19 Attorney General/DOJ, within 10 days after the death, all facts in the possession of the law
20 enforcement agency or agency in charge of the correctional facility concerning the death.”)

21 ¹² See Title 15 Minimum Standards for Local Detention Facilities, Section 1046 Death (“The
22 facility administrator, in cooperation with the health administrator, shall develop written policy and
23 procedures to ensure that there is an initial review of every in-custody death within 30 days. The
24 review team shall include the facility administrator and/or the facility manager, the health
25 administrator, the responsible physician and other health care and supervision staff who are relevant
26 to the incident.”)

27 ¹³ See “Riverside Sheriff Failed to Report Inmate Deaths to State On time; Names of Dead Made
28 Public” (Desert Sun, September 16, 2022), available at
https://www.desertsun.com/story/news/crime_courts/2022/09/16/riverside-county-sheriffs-failed-report-inmate-deaths-state-time/8017820001/

¹⁴ *Id.*

¹⁵ Pretrial detainees are perceived as innocent under the eyes of the law. Because they are mere
detainees who are simply awaiting their day in court, the Constitution mandates that additional
protective measures be put in place to ensure that the detainees are not harmed while in the
government’s custody. More specifically, the 14th Amendment requires that correctional facilities
not be deliberately indifferent towards the detainees’ safety and protection. See *Gordon v. County
of Orange*, 888 F.3d 1118 (9th Cir. 2018). Once an inmate has been formally convicted of a crime,
they are deemed to be a post-conviction prisoner. While the Constitution too protects post-

1 **D. California Department of Justice Launches Patterns and Practices**
2 **Investigation into Recording Breaking In-Custody Deaths at the**
3 **COUNTY Jails.**

4 76. On February 23, 2023, the California Department of Justice (DOJ)
5 announced its decision to launch a formal investigation into Defendant RIVERSIDE
6 COUNTY SHERIFF’S DEPARTMENT’s unconstitutional patterns and practices
7 resulting in record-breaking in-custody deaths at the COUNTY Jails and the use of
8 excessive force by sheriff’s deputies, disproportionately affecting Latino and African
9 American communities.¹⁶ The raw data and the per capita data make clear that the
10 COUNTY Jails are a death sentence for any pretrial detainee, some of whom have
11 died just days after being booked.¹⁷ For reference, San Diego County had 19 in-
12 custody deaths in 2022, despite an average *daily* jail population of *500 more people*
13 *than* Riverside County.

14 77. During the press conference, the California Attorney General Rob Bonta
15 expressed his grave concerns with regard to Defendant RIVERSIDE COUNTY
16 SHERIFF’S DEPARTMENT: “All Californians deserve fairness and respect from the
17 institutions that serve them [...]. When some communities don’t see or feel they are
18 being treated equitably by law enforcement, it contributes to distrust and hurts public
19 safety. Unfortunately, it is clear that — amid concerning levels of in-custody deaths

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21 conviction prisoners, the 8th Amendment merely requires that the prisoners not be subjected to
22 cruel and unusual punishment while in the government’s custody. *See Castro v. County of Los*
23 *Angeles*, 833 F.3d 1060 (9th Cir. 2016). The end result is that the legal standard under which a civil
24 rights lawsuit is premised upon is much higher and more difficult to prove for a post-conviction
25 prisoner (*i.e.*, subjective standard) rather than a pretrial detainee (*i.e.*, objective standard). Upon
information and belief, the COUNTY DEFENDANTS purposely classified the pretrial detainees as
inmates who had already been “sentenced” in an effort to make it merely impossible for the families
to establish liability because of the heightened standard of culpability imposed on civil rights cases
filed by post-conviction prisoners.

26 ¹⁶ See State of California Department of Justice Press Release: “Attorney General Bonta Launches
27 Civil Rights Investigation into Riverside County Sheriff’s Office,” February 23, 2023, available at
[https://oag.ca.gov/news/press-releases/attorney-general-bonta-launches-civil-rights-investigation-
riverside-county](https://oag.ca.gov/news/press-releases/attorney-general-bonta-launches-civil-rights-investigation-riverside-county)

28 ¹⁷ *Id.*

1 and allegations of misconduct — too many families and communities in Riverside
2 County are hurting and looking for answers. As part of my office’s ongoing efforts to
3 support constitutional policing, the California Department of Justice is opening a civil
4 rights investigation into the Riverside County Sheriff’s Office. Whether you have a
5 loved one in jail or are worried about crime in your neighborhood, we all benefit
6 when there is action to ensure the integrity of policing in our state.”

7 78. In response to the California Department of Justice’s civil rights
8 investigation in the COUNTY Jails, SHERIFF BIANCO issued the following
9 offensive statement illustrating indifference towards the lives lost in his jails: “This
10 investigation is based on nothing but false, and misleading statements, and straight-
11 out lies from activists, including their attorneys. This will prove to be a complete
12 waste of time and resources.”¹⁸

13 **E. RCSD’s History of Indifference Towards Inmates Incarcerated at the**
14 **COUNTY Jails.**

15 79. For well over a decade now, the COUNTY’s own Grand Jury, as well as
16 several independent auditors, have come to the same conclusion: dangerous deficits
17 in health care services at the jails threaten the lives and health of the thousands of
18 men and women they hold.

19 80. The “2010-11 Grand Jury Report: Riverside County Detention Health
20 Care Administration” found systemic failures in treatment, medication management,
21 record-keeping, and administration of forced medications, among other areas.¹⁹

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25 ¹⁸ See Riverside County Sheriff’s Department YouTube video titled: “Sheriff Bianco’s Response to
26 Frivolous Civil Rights Investigation by DOL” (February 23, 2023), available at
<https://www.youtube.com/watch?v=6ttMVVLYfaQ>

27 ¹⁹ See 2010-2011 Grand Jury Report re: Detention Mental Health Services, available at
28 https://rivco.org/sites/g/files/aldnop116/files/Past%20Reports%20%26%20Responses/2010-2011/11mentalhealth_detentionserv.pdf

1 81. The Grand Jury released an updated report in June 2012, noting that
2 mental health staffing had in fact decreased since its prior year's report.²⁰

3 82. On March 8, 2023, the federal class action lawsuit *Quinton Gray, et al.*
4 *v. County of Riverside*, case number 13-0444 VAP (OPx) (C.D. Cal.) was filed
5 against Defendants COUNTY OF RIVERSIDE and RIVERSIDE COUNTY
6 SHERIFF'S DEPARTMENT. The class action alleged that the COUNTY failed to
7 provide minimally adequate medical and mental health care to the people incarcerated
8 in its jails, in violation of the Eighth and Fourteenth Amendments to the United
9 States Constitution. The class action also alleged discrimination against certain
10 inmates with disabilities in violation of the Americans with Disabilities Act and
11 Section 504 of the Rehabilitation Act.

12 83. The *Gray* operative complaint (Dkt. 150) alleged the following
13 unconstitutional patterns and practices permeating the COUNTY Jails:

- 14 a. RCSD, by policy and practice, maintains and runs a health care system
15 that lacks basic elements necessary to provide constitutional care;
- 16 b. RCSD, by policy and practice, systematically fails to identify and
17 diagnose serious conditions, to provide timely care, to administer
18 appropriate medications, to employ adequate staff to meet inmates' basic
19 needs, to maintain records that allow informed treatment decisions, to
20 establish legally required confidentiality, and to identify and correct its
21 own failings;
- 22 c. RCSD, by policy and practice, maintains and runs substandard
23 medication management and administration;
- 24 d. RCSD, by policy and practice, is severely understaffed at the COUNTY
25 Jails;

26
27 ²⁰ See 2011-2012 Grand Jury Report re: Detention Mental Health Services, available at
28 <https://rivco.org/sites/g/files/aldnop116/files/Past%20Reports%20%26%20Responses/2011-2012/12mentalhealthdetention.pdf>

1 e. RCSD, by policy and practice, provides substandard medical care to
2 inmates;

3 f. RCSD, by policy and practice, provides substandard mental health care
4 to inmates;

5 84. On September 2, 2014, the Court granted Plaintiffs’ Motion for Class
6 Certification.

7 85. On February 20, 2015, the parties agreed to hire neutral experts to
8 determine whether the health care provided at the COUNTY Jails posed a significant
9 risk of serious harm to inmates confined in the COUNTY Jails and, if so, to make
10 recommendations for improvements that will provide the minimum care guaranteed
11 by the United States Constitution.

12 86. On July 15, 2015, the neutrally-appointed experts issued reports,
13 determining that the health care failed to meet the constitutional minimum. As such,
14 the parties agreed to negotiate a Remedial Plan to address the identified deficiencies
15 in the expert reports.

16 87. Due to the COUNTY DEFENDANTS’ ongoing failures to comply with
17 the Consent Decree, Plaintiffs in the *Gray* class action have had to seek emergency
18 relief from the Court to ensure that the Consent Decree is enforced.

19 **F. Sheriff Bianco’s Indifference to the Constitutional Violations and Failures**
20 **Permeating His COUNTY Jails.**

21 88. A County Sheriff, like SHERIFF BIANCO “may be held liable as a
22 supervisor under § 1983 if there exists either (1) his or her personal involvement in
23 the constitutional deprivation, or (2) a sufficient causal connection between the
24 supervisor’s wrongful conduct and the constitutional violation.” *Starr v. Baca*, 652
25 F.3d 1202, 1207 (9th Cir. 2011). This causal connection can exist either “by setting in
26 motion a series of acts by others or by knowingly refusing to terminate a series of acts
27 by others, which the supervisor knew or reasonably should have known would cause
28 others to inflict a constitutional injury.” *Id.* at 1207–08. Ninth Circuit has long held

1 that a supervisor “need not be ‘directly and personally involved in the same way as
2 are the individual officers who are on the scene inflicting constitutional injury.’” *Id.*
3 at 1205-06 (9th Cir. 2011), cert. den’d, 132 S. Ct. 2101 (2012) (quoting *Larez v. City*
4 *of Los Angeles*, 946 F.2d 630, 645-46 (9th Cir. 1991)). “Rather, the supervisor’s
5 participation could include his ‘own culpable action or inaction in the training,
6 supervision, or control of his subordinates,’ ‘his acquiescence in the constitutional
7 deprivations of which the complaint is made,’ or ‘conduct that showed a reckless or
8 callous indifference to the rights of others.’” *Id.* “We have never required a plaintiff
9 to allege that a supervisor was physically present when the injury occurred.” *Id.*




10 89. The endemic, ongoing and unabated risks of injury or death to inmates
11 incarcerated in the COUNTY Jails are well established. SHERIFF BIANCO has long
12 been aware of these risks and harms which have resulted in injury and death to
13 inmates incarcerated in his COUNTY Jails. SHERIFF BIANCO’s failure to take
14 action to ameliorate these conditions constitutes deliberate indifference to the safety
15 and health of inmates incarcerated in his COUNTY Jails.

16 90. SHERIFF BIANCO has made several public statements all of which
17 serve as illustrations of his great indifference towards the inmates, most of whom are
18 pretrial detainees and innocent under the eyes of the law, who are in the
19 government’s custody in his COUNTY Jails.

20 91. Despite the alarming trends in overdoses and in-custody deaths,
21 SHERIFF BIANCO blames the decedents and their families for the in-custody deaths
22 and overdoses in the COUNTY Jails – all of which are fully controlled and managed
23 by him.

24 92. On September 16, 2022, The Press-Enterprise posted the article “Sheriff
25 Explains How 13 Riverside County Inmates Died This Year” on Facebook with the
26 following caption: “Less than an hour after the family of a man who died in jail
27 publicly complained about a lack of information on his death and that of 12 other
28

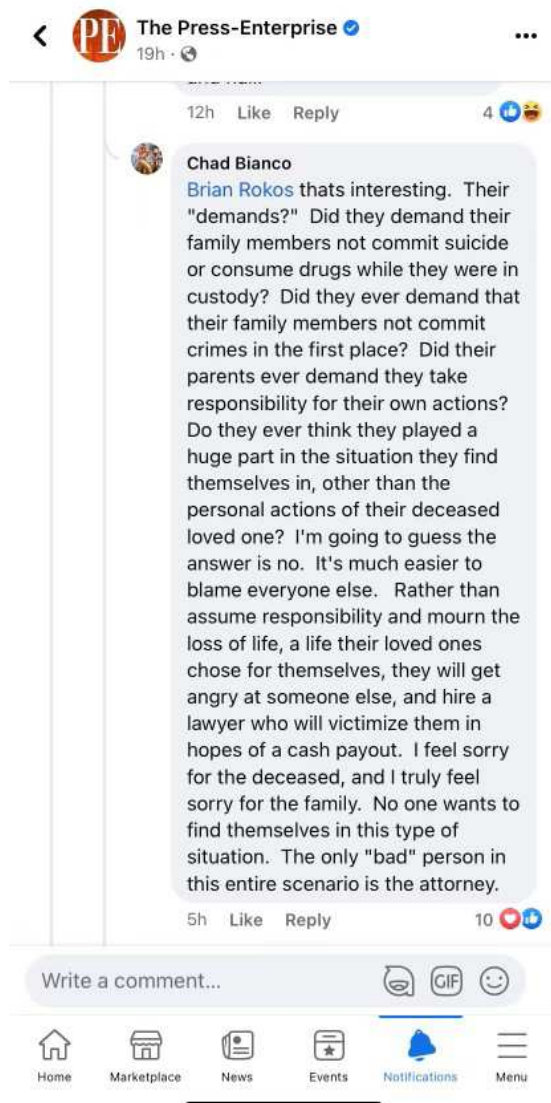
1 Riverside County inmates this year, Sheriff Chad Bianco explained how they died.”²¹

2 93. Within fourteen hours of article being posted on Facebook, SHERIFF
 3 BIANCO went on to publicly shame and harass <  The Press-Enterprise  19h · 
 4 the families and their deceased loved ones,
 5 posing the following offensive rhetorical
 6 questions to the Facebook community and
 7 calling the Matus family attorney, Christian
 8 Contreras, a “bad” person:²²

9 (1) Did they demand that their family
 10 members not commit suicide or
 11 consume drugs while they were in
 12 custody?

13 (2) Did they ever demand that their
 14 family members not commit crimes
 15 in the first place?

16 (3) Did their parents ever demand they
 17 take responsibility for their own
 18 actions?



21 See “Sheriff Explains How 13 Riverside County Inmates Died This Year” (The Press-Enterprise Facebook Page, September 16, 2022), available at:

22 <https://www.facebook.com/page/50855317267/search/?q=chad%20bianco%2013%20riverside%20county%20inmates%20died>

23 ²² Notably, SHERIFF BIANCO deleted the post thereafter. SHERIFF BIANCO did this despite the
 24 post being highly relevant and material to Plaintiffs’ supervisory claims against him. This is
 25 textbook definition of spoliation. Courts generally agree that the duty to preserve is triggered as
 26 soon as a potential claim is identified. *Apple Inc. v. Samsung Electronics Co., Ltd.*, 888 F. Supp. 2d
 27 976, 991 (N.D. Cal. 2012) (“duty to preserve material evidence arises not only during litigation but
 28 also extends to that period before the litigation when a party reasonably should know that the
 evidence may be relevant to anticipated litigation”); *Colonies Partners, L.P. v. County of San Bernardino*, 2020 WL 1496444, at *6-7 (C.D. Cal. 2020), report and recommendation adopted, 2020 WL 1491339 (C.D. Cal. 2020). Spoliation is “the destruction or significant alteration of evidence, or the failure to preserve property for another’s use as evidence, in pending or future

1 (4) Do they ever think they played a huge part in the situation they find
2 themselves in, other than the personal actions of their deceased loved one?

3 94. SHERIFF BIANCO also blames the inmates themselves: “There are
4 inmates that purposely get arrested just to smuggle drugs into jail. It is either for
5 money, money on the outside, money or favor on the inside [...] It’s part of that
6 culture of power inside the jails, and drugs are a part of it.”²³

7 95. In response to the Department of Justice’s recent announcement about its
8 decision to investigate the patterns and practices existing within the COUNTY Jails,
9 SHERIFF BIANCO expressed the following indifference towards pretrial detainees
10 dying at alarming rates within his COUNTY Jails: “Of course I’m not happy, this is
11 going to waste our time. Every single one of these inmate deaths was out of anyone’s
12 control. The fact of the matter is that they just happened to be in our custody.”²⁴

13 96. Interestingly, SHERIFF BIANCO has taken this hardline (and insulting)
14 position when asked about fentanyl overdoses in his jails. Yet, upon information and
15 belief, SHERIFF BIANCO is currently being investigated by the Federal Bureau of
16 Investigation (“FBI”) for his interference with a murder investigation arising from
17 two fentanyl overdoses in the City of Riverside which occurred on February 21, 2022
18 before many of the fentanyl overdoses in COUNTY Jails.

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22 litigation.” *Kearney v. Foley & Lardner, LLP*, 590 F.3d 638, 649 (9th Cir.2009); *see also Leon v.*
23 *IDX Systems Corp.*, 464 F.3d 951, 959, (9th Cir. 2006) (“A party’s destruction of evidence qualifies
24 as willful spoliation if the party has ‘some notice that the documents were potentially relevant to the
25 litigation before they were destroyed.’”).

26 ²³ See “California Jails Are Trying to Keep Fentanyl Out, But Inmates Are Still Dying. In Riverside
27 County, Fentanyl is Blamed in 38% of In-custody Deaths So Far This Year,” (Mercury News,
28 September 26, 2022), available at: <https://www.mercurynews.com/2022/09/26/southern-california-jails-trying-to-keep-fentanyl-out-but-inmates-are-still-dying/>

²⁴ See “Kudos to Bonta for Investigating the Sheriff. Let’s Hope He Moves Quickly” (The Desert
Sun, March 5, 2023), available at
<https://www.desertsun.com/story/opinion/editorials/2023/03/05/kudos-to-bonta-for-investigating-riverside-county-sheriffs-department/69967829007/>

1 97. On February 21, 2022, 22-year-old Sierra Riane Rangel and 21-year-old
2 Arrena Marie Mariotti died from fentanyl overdoses.²⁵

3 98. On February 24, 2022, murder charges were filed against Peter Luis
4 Mera Garcia.²⁶ Upon information and belief, Peter Luis Mera Garcia is the son of a
5 senior level deputy at RIVERSIDE COUNTY SHERIFF'S DEPARTMENT.
6 Notably, the criminal case received wide public attention as this was the first time in
7 the COUNTY OF RIVERSIDE that a person had been charged with murder due to a
8 fentanyl death.

9 99. Upon information and belief, the Riverside Police Department ("RPD")
10 Special Weapons and Tactics ("SWAT") was charged with executing the search
11 warrant of suspect Peter Luis Mera Garcia's home.

12 100. Upon information and belief, suspect Peter Mera Garcia lived with his
13 parents, including his father who was a senior level deputy employed by the
14 RIVERSIDE COUNTY SHERIFF'S DEPARTMENT.

15 101. Upon information and belief, Former RPD Sergeant, Frank Hoyos, was
16 one of the SWAT Team members assigned to execute the search warrant.

17 102. Upon information and belief, prior to the execution of the search
18 warrant, RPD Chief of Police Larry Gonzalez was called by SHERIFF BIANCO for a
19 favor. SHERIFF BIANCO asked Chief Gonzalez to provide him with the name of
20 the RCSD senior level deputy.

21 103. Upon information and belief, RPD Chief Gonzalez proceeded to call
22 RPD Sergeant Jimmy Simmons, who had no involvement with the investigation of
23 this double homicide. RPD Chief Gonzalez informed Sgt. Simmons that he was
24 calling him because SHERIFF BIANCO wanted to know the name of his deputy
25 whose son had been booked. RPD Chief Gonzalez tasked Sgt. Simmons with the

26 _____
27 ²⁵ See "Man Charged with Murder After 2 Riverside Woman Died from Fentanyl Overdoses," (The
28 Press-Enterprise, April 28, 2022), available at <https://www.pressenterprise.com/2022/04/28/man-charged-with-murder-after-2-riverside-women-died-from-fentanyl-overdoses/>

²⁶ *Id.*

1 assignment of finding out the name for SHERIFF BIANCO.

2 104. Upon information and belief, RPD Sgt. Simmons secured the name of
3 the RCSD senior deputy and relayed the name to RPD Chief Gonzalez.

4 105. Upon information and belief RPD Chief Gonzalez then relayed the name
5 to SHERIFF BIANCO.

6 106. Upon information and belief, SHERIFF BIANCO then alerted his senior
7 level deputy that the RPD SWAT Team would be executing the search warrant on a
8 specific date and time and looking for very specific evidence in his home.

9 107. Upon information and belief, the RCSD Senior Level Deputy convened
10 with his son, suspect Peter Luis Mera Garcia, and together they ensured that when the
11 RPD SWAT Team arrived at their home, they would find zero traces of a crime.

12 108. Upon information and belief, when the RPD SWAT Team executed the
13 search warrant during the early morning hours, the SWAT Team was greeted by the
14 RCSD Senior Level Deputy who welcomed the SWAT Team into his home. Indeed,
15 no evidence of a crime was found.

16 109. Clearly, SHERIFF BIANCO is personally responsible for the fentanyl
17 crisis in RIVERSIDE COUNTY and has intentionally refused to make adequate
18 measures within his jail to prevent individuals from dying from fentanyl.

19 **VII.**

20 **PUNITIVE/EXEMPLARY DAMAGES ALLEGATIONS**

21 **(Against individual Defendants SHERIFF CHAD BIANCO, EDWARD**
22 **DELGADO, JAMES KRACHMER, DAVID HOLM, and DOES 1-10)**

23 110. Each Defendants' conduct as alleged herein was done with reckless
24 disregard for human life, oppression, and malice.

25 111. Long before Kaushal Niroula's death, Defendants SHERIFF CHAD
26 BIANCO, EDWARD DELGADO, JAMES KRACHMER, DAVID HOLM knew
27 that there existed a great indifference to the safety and protection of the inmates who
28 were in the government's custody within the COUNTY Jails.

1 112. Defendants SHERIFF CHAD BIANCO, EDWARD DELGADO,
2 JAMES KRACHMER, DAVID HOLM were repeatedly put on notice of the great
3 dangers which existed within the COUNTY Jails through the long history of in-
4 custody deaths; the record-breaking amount of fentanyl overdoses throughout all
5 COUNTY Jails; inmate-on-inmate violence; the federal class action *Quinton Gray, et*
6 *al. v. County of Riverside*, case number 13-0444 VAP (OPx) (C.D. Cal.) targeting
7 Defendant RIVERSIDE COUNTY SHERIFF’S DEPARTMENT’s custody and
8 medical staff’s deliberate indifference towards the safety and protection of inmates;
9 the warnings from the neutrally-selected experts regarding failures amounting to
10 constitutional violations; a Consent Decree directing Defendant RIVERSIDE
11 COUNTY SHERIFF’S DEPARTMENT to implement a Remedial Plan to meet the
12 minimum level of health care necessary to fulfill its obligations under the Eighth and
13 Fourteenth Amendments; and through a Settlement Agreement which the COUNTY
14 voluntarily entered into requiring that Defendant RIVERSIDE COUNTY
15 SHERIFF’S DEPARTMENT remedy all of the deficiencies in healthcare and
16 disability accommodations alleged in the *Gray* class action complaint.

17 113. Despite this long history of complete disregard to inmate safety and
18 protection, Defendants SHERIFF CHAD BIANCO, EDWARD DELGADO, JAMES
19 KRACHMER, and DAVID HOLM have deliberately failed to take even modest
20 actions to prevent in-custody deaths at the COUNTY Jails which have for a very long
21 time been infested with endemic, ongoing and unabated risks of injury or death to
22 inmates.

23 114. The Defendant officers, and each of them, acted with malice and
24 oppression and with a conscious disregard for Plaintiffs’ rights, making the individual
25 defendants, including DOES 1-10, liable for punitive damages.

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VIII.

FIRST CAUSE OF ACTION

Failure to Protect from Harm,

Violation of the Fourteenth Amendment to the United States Constitution

(Survival Action – 42 U.S.C. § 1983)

**By Plaintiff ESTATE OF KAUSHAL NIROULA As Against DOES 1 through
10**

115. Plaintiffs reallege and incorporate herein by reference each of the preceding paragraphs of this complaint, and any subsequent paragraphs.

116. By the actions and omissions described above, Defendants DOES 1 through 10, which included the RCSD custody personnel and the CHC medical personnel, acting under the color of state law in their individual capacities, deprived decedent Kaushal Niroula of the right to have her safety and life protected while in the custody of Defendants COUNTY OF RIVERSIDE and RIVERSIDE COUNTY SHERIFF’S DEPARTMENT as secured by the Fourteenth Amendment, by subjecting her, or through their deliberate indifference, allowing others to subject her, to a deprivation of these rights to be protected, proximately leading to her being violently assaulted and strangled by inmate Ronald Sanchez.

117. “[W]hen the State takes a person into its custody and holds him there against his will, the Constitution imposes upon it a corresponding duty to assume some responsibility for his safety and general well-being.” *DeShaney v. Winnebago Cty. Dep’t of Soc. Servs.*, 489 U.S. 189, 199-200 (1989). Indeed, detainees in jails and prisons are “restricted in their ability to fend for themselves” and are, therefore, far more vulnerable than the general population. *See Hare v. City of Corinth*, 74 F.3d 633, 639 (5th Cir. 1996). It is long settled that “prison officials have a duty ... to protect prisoners from violence at the hands of other prisoners” because corrections officers have “stripped [the inmates] of virtually every means of self-protection and foreclosed their access to outside aid.” *Farmer v. Brennan*, 511 U.S. 825, 833 (1994)

1 (internal quotation marks omitted). The risk of inmate-on-inmate violence in the
2 prison setting is well known. Custodial staff, including deputies, lieutenants,
3 sergeants, and correctional officers are not permitted to “bury their heads in the sand”
4 and ignore these obvious risks to the inmate populations that they have an affirmative
5 duty to protect. *See Walton v. Dawson*, 752 F.3d 1109, 1119 (8th Cir. 2014).

6 118. Defendants DOES 1 through 10, which included the the RCSD custody
7 personnel and the CHC medical personnel, knew or had reason to know that housing
8 decedent Kaushal Niroula in the two-person cell with violent inmate Ronald Sanchez
9 posed a substantial risk of serious harm to Kaushal Niroula, in view of the multitude
10 of factors, including, but not limited to, the fact that Kaushal Niroula was a
11 transgender female who was in a debilitated state due to her status as a HIV positive
12 patient who was housed with inmate Ronald Sanchez – a convicted sex offender who
13 had known violent and predatory proclivities.

14 119. At the time decedent Kaushal Niroula was beaten and strangled to death
15 by inmate Ronald Sanchez, Defendants DOES 1 through 10, which included the
16 RCSD custody personnel and CHC medical personnel, were responsible for
17 conducting proper cell checks, supervising inmates, and were responsible for
18 protecting inmates from inmate-on-inmate violence by their cellmate.

19 120. By the actions and omissions described above, Defendants DOES 1
20 through 10 violated 42 U.S.C. § 1983, depriving decedent Kaushal Niroula of the
21 right to be protected from violence at the hands of other inmates while in custody, as
22 well as the right to one’s liberty in bodily integrity, as secured by the Fourteenth
23 Amendment.

24 121. The listed Defendants’ failure to intervene, prevent, or stop the
25 constitutional violations by others, when Defendants were in a position to so
26 intervene when such violations were occurring, also renders such Defendant(s) liable
27 for these violations.

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1 122. Defendants subjected decedent Kaushal Niroula to their wrongful
2 conduct, depriving Kaushal Niroula of the rights described herein, knowingly,
3 maliciously, and with conscious and reckless disregard for whether the rights and
4 safety of Kaushal Niroula others would be violated by their acts and/or omissions.

5 123. As a proximate result of the foregoing wrongful acts and/or omissions,
6 Kaushal Niroula sustained injuries and damages, all of which resulted in her death.
7 Plaintiff ESTATE OF KAUSHAL NIROULA is therefore entitled to general and
8 compensatory damages in an amount to be proven at trial.

9 124. In committing the acts alleged above, Defendants DOES 1 through 10,
10 acted maliciously and/or were guilty of a wanton and reckless disregard for the rights,
11 safety, and emotional well-being of decedent Kaushal Niroula, and by reason thereof,
12 Plaintiff ESTATE OF KAUSHAL NIROULA is entitled to punitive damages and
13 penalties allowable under 42 U.S.C. § 1983, California Code of Civil Procedure §§
14 377.20 *et seq*, and other state and federal law against these individual Defendants.

15 125. Defendants COUNTY, RCSD and DOES 1 through 10 were on notice
16 that their deficient policies, procedures, and practices alleged herein created
17 substantial risk of serious harm to an inmate in decedent Kaushal Niroula's position.

18 126. Each Defendant could have taken action to prevent unnecessary harm to
19 decedent Kaushal Niroula but refused or failed to do so.

20 127. By policy, procedure, and practice, Defendants COUNTY, RCSD and
21 DOES 1 through 10 deliberately disregarded the hazards and risks posed to persons
22 incarcerated at the CBDC, as alleged above. Defendants failed to take any reasonable
23 steps to mitigate the obvious and well-known risks of harm that was attendant to
24 housing decedent Kaushal Niroula at CBDC.

25 128. Defendants including SHERIFF BIANCO, EDWARD DELGADO,
26 JAMES KRACHMER, DAVID HOLM and DOES 8 through 10 also knew that
27 deputies routinely failed to conduct required welfare and safety checks at the
28 COUNTY Jails, including CBDC, and failed to take sufficient actions to correct this

1 problem and ensure that necessary checks were performed.

2 129. Defendant SHERIFF BIANCO failed to take corrective action,
3 discipline, or remove the command staff at the COUNTY Jails, including CBDC,
4 who, upon information and belief, directed the deputies to falsify safety check logs
5 and violate the COUNTY's safety check policies. Defendant SHERIFF BIANCO
6 ratified their actions, and the practices used under his watch.

7 130. Defendants COUNTY, RCSD and DOES 1 through 10 were on notice
8 that their policies, procedures, and practices for monitoring inmates at the COUNTY
9 Jails, including CBDC, were inadequate and gave rise to a substantial risk of serious
10 harm.

11 131. Defendants including SHERIFF BIANCO, EDWARD DELGADO,
12 JAMES KRACHMER, DAVID HOLM and DOES 8 through 10 failed to properly
13 train and supervise RCSD custody and medical staff regarding policies, procedures,
14 and practices necessary for the protection of inmates from risks and hazards existing
15 within the COUNTY Jails, including CBDC.

16 132. Defendants including SHERIFF BIANCO, EDWARD DELGADO,
17 JAMES KRACHMER, DAVID HOLM and DOES 8 through 10's failure to correct
18 their policies, procedures, and practices despite notice of significant and dangerous
19 problems evidences deliberate indifference to the inmates in their care.

20 133. Defendants SHERIFF BIANCO, EDWARD DELGADO, JAMES
21 KRACHMER, DAVID HOLM and DOES 8 through 10 ratified Defendants DOES's
22 actions and inactions amounting to constitutional violations.

23 134. Defendants DOES 1 through 10's failure to conduct the required safety
24 check of decedent Kaushal Niroula's housing unit on the date of her death evidences
25 deliberate indifference to the risk of harm to decedent Kaushal Niroula.

26 135. Defendants SHERIFF BIANCO, EDWARD DELGADO, JAMES
27 KRACHMER, DAVID HOLM and DOES 8 through 10 ratified Defendants DOES's
28 failure to conduct safety checks and falsification of logs.

1 142. By the actions and omissions described above, Defendants DOES 1
2 through 10, as alleged herein, violated 42 U.S.C. § 1983, depriving decedent Kaushal
3 Niroula, through Plaintiffs herein, of the following clearly established and well-
4 settled constitutional rights protected by the Fourth and Fourteenth Amendments to
5 the United States Constitution: Decedent’s right to be free from deliberate
6 indifference to Kaushal Niroula’s serious medical needs while in custody as a pretrial
7 detainee as secured by the Fourth and/or Fourteenth Amendments.

8 143. By the actions and omissions described above, Defendants DOES 1
9 through 10, as alleged herein, including but not limited to their failure to provide
10 decedent Kaushal Niroula with appropriate emergency medical care, along with the
11 acts and/or omissions of Defendants in failing to train, supervise, and/or promulgate
12 appropriate policies and procedures to provide emergency medical care and life
13 saving care to persons in their custody, constituted deliberate indifference to Kaushal
14 Niroula’s serious medical needs, health, and safety.

15 144. As a direct and proximate result of Defendants’ conduct, the civil rights
16 of Kaushal Niroula, as protected by the Fourteenth Amendment of the United States
17 Constitution were violated. Further, decedent Kaushal Niroula experienced physical
18 pain, severe emotional distress, and mental anguish, as well as loss of her life and
19 other damages alleged herein.

20 145. Defendants subjected Decedent to their wrongful conduct, depriving
21 Decedent of rights described herein, knowingly, maliciously, and with conscious and
22 reckless disregard for whether the rights and safety of Decedent and others would be
23 violated by their acts and/or omissions.

24 146. As a direct and proximate result of Defendants’ acts and/or omissions as
25 set forth above, Decedent, through Plaintiff herein, sustained injuries and damages.

26 147. The conduct of Defendants entitles Plaintiff to punitive damages and
27 penalties allowable under 42 U.S.C. § 1983 and as provided by law. Plaintiff does not
28 seek punitive damages against Defendants COUNTY.

1 148. Plaintiff is also entitled to reasonable costs and attorneys' fees under 42
2 U.S.C. § 1988, and other applicable United States and California codes and laws.

3 **X.**

4 **THIRD CAUSE OF ACTION**

5 **Deprivation of the Right to Familial Relationship with Decedent,**
6 **Violation of the Fourteenth Amendment to the United States Constitution**
7 **(42 U.S.C. § 1983)**

8 **By Plaintiffs Radha Niroula and Krishna Niroula**

9 **As Against DOES 1 through 10**

10 149. Plaintiffs reallege and incorporate herein by reference each of the
11 preceding paragraphs of this complaint, and any subsequent paragraphs.

12 150. The aforementioned acts and/or omissions of Defendants DOES 1
13 through 10 in being deliberately indifferent to decedent Kaushal Niroula's protection,
14 safety, and serious medical needs, violating decedent Kaushal Niroula's
15 constitutional rights, and their failure to train, supervise, and/or take other appropriate
16 measures to prevent the acts and/or omissions that caused the untimely and wrongful
17 death of Kaushal Niroula deprived Plaintiffs RADHA NIROULA and KRISHNA
18 NIROULA of their liberty interests in the parent-child relationship in violation of
19 their substantive due process rights as defined by the Fourteenth Amendments of the
20 Constitution.

21 151. All of the acts of Defendants DOES 1 through 10 and the persons
22 involved were done under color of state law.

23 152. The acts and omissions of each Defendant deprived Plaintiffs RADHA
24 NIROULA and KRISHNA NIROULA of rights, privileges, and immunities secured
25 by the Constitution and laws of the United States, including but not limited to the
26 Fourteenth Amendment by, among other things, depriving Plaintiffs of their rights to
27 a parent-child relationship with decedent Kaushal Niroula without due process of law
28 by their deliberate indifference in denying Kaushal Niroula protection and safety

1 while incarcerated at CBDC and access to medical care while suffering a medical
2 emergency at CBDC.

3 153. Defendants DOES 1 through 10 and the other involved agents and
4 employees acted pursuant to expressly adopted official policies or longstanding
5 practices or customs of the COUNTY and RCSD. These include policies and
6 longstanding practices or customs of failing to provide persons in pretrial custody
7 who are experiencing medical emergencies access to medical care as stated above and
8 incorporated herein.

9 154. In addition, the training policies of the COUNTY and RCSD were not
10 adequate to train its deputies, agents and employees to handle the usual and recurring
11 situations with which they must deal with, including but not limited to encounters
12 with individuals in pretrial custody who are experiencing medical emergencies. These
13 Defendants and each of them knew that its failure to adequately train its COUNTY
14 Jails custody and medical staff, including other agents and employees, to interact with
15 individuals suffering from medical emergencies made it highly predictable that its
16 custody and medical staff would engage in conduct that would deprive persons such
17 as decedent Kaushal Niroula, and thus Plaintiffs RADHA NIROULA and KRISHNA
18 NIROULA, of their rights. These Defendants were thus deliberately indifferent to the
19 obvious consequences of their failure to train their deputies, agents and employees
20 adequately.

21 155. Defendants COUNTY and RCSD's official policies and/or longstanding
22 practices or customs, including but not limited to its training policies, caused the
23 deprivation of the constitutional rights of Plaintiffs RADHA NIROULA, KRISHNA
24 NIROULA and decedent Kaushal Niroula by each individual Defendant's official
25 policies and/or longstanding practices or customs are so closely related to Kaushal
26 Niroula's injuries and death and thus the deprivation of the rights of Plaintiffs as to be
27 the moving force causing those injuries.

28 ///

1 162. Plaintiffs reallege and incorporate herein by reference each of the
2 preceding paragraphs of this complaint, and any subsequent paragraphs.

3 163. The unconstitutional actions and/or omissions of Defendants DOES 1
4 through 10, as well as other employees or officers employed by or acting on behalf of
5 the Defendants COUNTY and RCSD, on information and belief, were pursuant to the
6 following customs, policies, practices, and/or procedures of Defendants COUNTY
7 and RCSD, stated in the alternative, which were directed, encouraged, allowed,
8 and/or ratified by policymaking officers for Defendant COUNTY and RCSD:

- 9 a. Selecting, retaining and assigning deputies to their jails who exhibit
10 deliberate indifference and reckless disregard for the safety, security and
11 constitutional and statutory rights of detainees, arrestees and inmates
12 who exhibit vulnerabilities due to their sexual orientation, gender
13 identity, medical/mental health conditions, and disabilities;
- 14 b. Subjecting persons in their jails to violence perpetrated by other
15 detainees, arrestees or inmates;
- 16 c. Failing to take adequate security measures to protect detainees, arrestees
17 and inmates from unnecessary harm, including but not limited to, the
18 following:
- 19 i. separation of detainees and arrestees from potentially violent or
20 dangerous inmates;
- 21 ii. use of security cameras to monitor violence within jail cells;
- 22 iii. training deputies to monitor detainees and inmates and
23 immediately respond to acts of violence or threats of violence;
- 24 d. Failing to properly classify, house, and monitor vulnerable detainees,
25 arrestees and inmates;
- 26 e. Failing to properly classify, house, and monitor violent detainees,
27 arrestees and inmates;
- 28 f. To allow and encourage deputies doing regular cell checks on inmates,

- 1 including in safety cells, to fail to document their actual observations of
2 the inmate's condition and status, in violation of the COUNTY OF
3 RIVERSIDE and RCSD's written policies and state law;
- 4 g. Ratifying wrongful conduct by RCSD custody personnel and CHC
5 medical personnel which result in serious injuries and death to inmates
6 in RCSD custody, civil litigation judgments and settlements by failing to
7 implement corrective action to prevent repetition of the wrongful
8 conduct;
- 9 h. Failing to discipline, investigate and take corrective actions against
10 RCSD custody personnel and CHC medical personnel, including, but not
11 limited to, showing grave deliberate indifference to the protection and
12 safety of homosexual, transgender, and vulnerable inmates;
- 13 i. Employing and retraining RCSD custodial and medical/mental health
14 staff who knew or reasonably should have known had dangerous
15 propensities for abusing their authority and for mistreating inmates and
16 being deliberately indifference to the rights of inmates;
- 17 j. To deny pretrial detainees and other inmates access to timely,
18 appropriate, competent, and necessary care for serious medical needs,
19 requiring such inmates in crisis to remain untreated in jail instead of
20 providing for their emergency medical needs;
- 21 k. To allow and encourage deputies doing regular cell checks on inmates,
22 including in safety cells, to fail to document their actual observations of
23 the inmate's condition and status, in violation of the County of
24 Riverside's written policies and state law;
- 25 l. To allow and encourage inadequate and incompetent medical care for
26 jail inmates and arrestees;
- 27 m. To hire, retain and contract for obviously inadequate medical care for
28 jail inmates and arrestees, including creating financial incentives for

- 1 custodial and medical personnel not to send inmates with emergency
2 medical needs to a hospital;
- 3 n. To allow, encourage, and require medical staff, including licensed
4 vocational nurses and registered nurses, to work outside their legal scope
5 of practice and without appropriate supervision;
- 6 o. To fail to train custody staff that medical staff, including licensed
7 vocational nurses, are not competent to assess or decide inmates’
8 medical conditions, medical needs, or whether the inmate should be
9 permitted to remain in the jail versus being sent to a hospital;
- 10 p. To allow, encourage, and require unlicensed, incompetent, inadequately
11 trained and/or inadequately supervised staff to assess inmates’ medical
12 condition, needs, and treatment, including to decide whether or not to
13 provide inmates with necessary emergency care and hospitalization;
- 14 q. To fail to institute, require, and enforce proper and adequate training,
15 supervision, policies, and procedures concerning handling persons in
16 medical crisis;
- 17 r. To cover up violations of constitutional rights by any or all of the
18 following:
- 19 i. By failing to properly investigate and/or evaluate incidents of
20 violations of rights, including by unconstitutional medical care at
21 the jail;
- 22 ii. By ignoring and/or failing to properly and adequately investigate
23 and/or investigate and discipline unconstitutional or unlawful
24 conduct by custodial and medical personnel;
- 25 iii. By turning a blind eye to custodial and medical personnel who
26 direct, aid, and/or assist with the distribution of hazards, including
27 illicit drugs, into the Riverside County jails; and
28

1 iv. By allowing, tolerating, and/or encouraging custodial and medical
2 personnel to: fail to file complete and accurate reports; file false
3 reports; make false statements; and/or obstruct or interfere with
4 investigations of unconstitutional or unlawful conduct by
5 withholding and/or concealing material information;

6 s. To allow, tolerate, and/or encourage a “code of silence” among law
7 enforcement officers, RCSD personnel, custodial personnel and medical
8 personnel at the jail whereby an officer or member of the RCSD, or
9 medical staff does not provide adverse information against a fellow
10 officer, or member of the RCSD or the medical staff;

11 t. To fail to have and enforce necessary, appropriate, and lawful policies,
12 procedures, and training programs to prevent or correct the
13 unconstitutional conduct, customs, and procedures described in
14 subparagraphs (a) through (j) above, with deliberate indifference to the
15 rights and safety of pretrial detainees, such as Decedent, and in the face
16 of an obvious need for such policies, procedures, and training programs.

17 164. The unconstitutional actions and/or omissions of Defendants DOES 1
18 through 10, as well as other officers employed by or acting on behalf of the
19 COUNTY and RCSD, on information and belief, were pursuant to the following
20 customs, policies, practices, and/or procedures of the COUNTY and the RCSD,
21 stated in the alternative, which were directed, encouraged, allowed, and/or ratified by
22 policymaking officers for the COUNTY and RCSD, including SHERIFF BIANCO,
23 EDWARD DELGADO, JAMES KRACHMER and DAVID HOLM:

24 a. To fail to properly and adequately hire, train, supervise, and monitor
25 custodial and medical personnel at the jails;

26 b. To fail to use appropriate and generally accepted law enforcement
27 procedures for handling persons in medical crisis;

28 c. To fail to institute, require, and enforce proper and adequate training,

- 1 supervision, policies, and procedures concerning handling persons in
2 medical crisis;
- 3 d. To cover up violations of constitutional rights by any or all of the
4 following:
- 5 i. By failing to properly investigate and/or evaluate complaints or
6 incidents of handling of persons in medical crisis;
- 7 ii. By ignoring and/or failing to properly and adequately investigate
8 and/or discipline unconstitutional or unlawful law enforcement
9 activity; and
- 10 iii. By allowing, tolerating, and/or encouraging law enforcement
11 officers to: fail to file complete and accurate reports; file false
12 reports; make false statements; intimidate, bias and/or “coach”
13 witnesses to give false information and/or to attempt to bolster
14 officers’ stories; and/or obstruct or interfere with investigations of
15 unconstitutional or unlawful law enforcement conduct by
16 withholding and/or concealing material information;
- 17 e. To allow, tolerate, and/or encourage a “code of silence” among law
18 enforcement officers whereby an officer does not provide adverse
19 information against a fellow law enforcement officer;
- 20 f. To allow, tolerate, and/or encourage a “code of silence” among custodial
21 and medical personnel at the COUNTY jails whereby custodial and
22 medical personnel does not provide adverse information against a fellow
23 staffer;
- 24 g. To fail to have and enforce necessary, appropriate, and lawful policies,
25 procedures, and training programs to prevent or correct the
26 unconstitutional conduct, customs, and procedures described in
27 subparagraphs (a) through (g) above, with deliberate indifference to the
28 rights and safety of pretrial detainees, such as Decedent, and in the face

1 of an obvious need for such policies, procedures, and training programs.

2 165. Defendants COUNTY and RCSD, through their employees and agents,
3 and through their policy-making supervisors, SHERIFF BIANCO, EDWARD
4 DELGADO, JAMES KRACHMER, DAVID HOLM and DOES 8 through 10, failed
5 to properly hire, train, instruct, monitor, supervise, evaluate, investigate, and
6 discipline Defendants DOES 1 through 10, and other COUNTY and RCSD
7 personnel, with deliberate indifference to the constitutional rights of decedent
8 Kaushal Niroula, Plaintiffs and others in similar positions, as described above, and
9 therefore, those rights thereby violated.

10 166. The unconstitutional actions and/or omissions of Defendants DOES 1
11 through 10, and other RCSD custody and medical staff, as described above, were
12 approved, tolerated, and/or ratified by policymaking officers for the COUNTY and
13 RCSD, including Defendants SHERIFF BIANCO, EDWARD DELGADO, JAMES
14 KRACHMER, DAVID HOLM and DOES 8 through 10. Plaintiff is informed and
15 believes and thereon alleges that the details of this incident have been revealed to the
16 authorized policymakers within the COUNTY and RCSD, and that such
17 policymakers have direct knowledge of the fact that the death of Kaushal Niroula
18 was the result of deliberate indifference to her rights to be protected and safe while in
19 the custody of the COUNTY/RCSD, and her rights to have access to medical care
20 when suffering a medical emergency. Notwithstanding this knowledge, the
21 authorized policymakers within the COUNTY and RCSD have approved of the
22 conduct and decisions of Defendants DOES 1 through 10 in this matter, and have
23 made a deliberate choice to endorse such conduct and decisions, and the basis for
24 them, that resulted in the death of Kaushal Niroula. By so doing, the authorized
25 policymakers within the COUNTY and RCSD have shown affirmative agreement
26 with the individual Defendants' actions and have ratified the unconstitutional acts of
27 the individual Defendants. Furthermore, Plaintiffs are informed and believe, and
28 thereupon allege, that Defendants SHERIFF BIANCO, EDWARD DELGADO,

1 JAMES KRACHMER, DAVID HOLM and DOES 8 through 10, and other policy-
2 making officers for the COUNTY and RCSD were and are aware of a pattern of
3 misconduct and injury caused by COUNTY Jails custody and medical staff similar to
4 the conduct of Defendants described herein, but failed to discipline culpable custody
5 and medical staff and failed to institute new procedures and policy within the
6 COUNTY and RCSD.

7 167. The aforementioned customs, policies, practices, and procedures; the
8 failures to properly and adequately hire, train, instruct, monitor, supervise, evaluate,
9 investigate, and discipline; and the unconstitutional orders, approvals, ratification,
10 and toleration of wrongful conduct of Defendants COUNTY and RCSD were a
11 moving force and/or a proximate cause of the deprivations of decedent Kaushal
12 Niroula's clearly established and well-settled constitutional rights in violation of 42
13 U.S.C. § 1983. Defendants subjected decedent Kaushal Niroula to their wrongful
14 conduct, depriving decedent Kaushal Niroula of rights described herein, knowingly,
15 maliciously, and with conscious and reckless disregard for whether the rights and
16 safety of decedent Kaushal Niroula, Plaintiffs and others would be violated by their
17 acts and/or omissions.

18 168. On information and belief, the COUNTY Jails, including CBDC, were
19 overcrowded at the time decedent Kaushal Niroula was brutally beaten, which
20 contributed to the pressure to place Kaushal Niroula in a cell where inmate Ronald
21 Sanchez could prey on her. Plaintiffs allege, on information and belief, that
22 conditions resulting from overcrowding at the COUNTY Jails caused or contributed
23 to the death of Kaushal Niroula. Overcrowding in the COUNTY Jails has led to the
24 negligent, improper, and unconstitutional housing of inmates in RCSD custody,
25 including CBDC, and including Kaushal Niroula.

26 169. On information and belief, the COUNTY Jails, including CBDC, were
27 understaffed at the time decedent Kaushal Niroula was brutally beaten, which
28 contributed to RCSD custody personnel not properly and timely conducting proper

1 welfare checks, not properly supervising and monitoring inmates, and not properly
2 monitoring surveillance cameras installed to keep watch of the overcrowded CBDC
3 facility. Plaintiffs allege, on information and belief, that conditions resulting from this
4 understaffing at the COUNTY Jails caused or contributed to the death of Kaushal
5 Niroula. Understaffing in the COUNTY Jails has led to the negligent, improper, and
6 unconstitutional supervision of inmates in RCSD custody, including CBDC, and
7 including Kaushal Niroula.

8 170. Defendants DOES 1 through 10 failed to ensure that decedent Kaushal
9 Niroula was properly and appropriately assessed and classified prior to placing her in
10 a cell with Inmate Sanchez.

11 171. The Defendants' actions and omissions and the classification and
12 housing of decedent Kaushal Niroula was contrary to generally accepted custodial
13 classification and housing practices, causing the brutal assault and strangulation of
14 Kaushal Niroula resulting in her death.

15 172. Defendants DOES 1 through 10, each individually knew or reasonably
16 should have known that his subordinates were violating clearly established law and/or
17 RCSD policy and/or were acting negligently pertaining to the classification and
18 housing of inmates by, inter alia, being deliberately indifferent to the record of past
19 conduct of inmates before celling them with other inmates, being deliberately
20 indifferent to the mental health status of inmates before celling them with other
21 inmates, being deliberately indifferent to the fact that an inmate has been designated a
22 single-cell inmate, and/or being deliberately indifferent to threats and statements
23 made by inmates before celling them with other inmates, being deliberately
24 indifferent to inmates' status as dropouts from prison gangs, being deliberately
25 indifferent to inmates' status as transgender when housing them with a convicted sex
26 offender, and knew, should have known, or had reason to know that their conduct
27 would deprive decedent Kaushal Niroula of her constitutional rights to, inter alia, life
28 and liberty, and each defendant failed to act to prevent his subordinate from engaging

1 in such conduct.

2 173. As a direct and proximate result of the unconstitutional actions,
3 omissions, customs, policies, practices, and procedures of Defendants COUNTY and
4 RCSD, as described above, decedent Kaushal Niroula suffered serious injuries and
5 death, Plaintiff is entitled to damages, penalties, costs, and attorneys' fees against
6 Defendants COUNTY and RCSD.

7 **XII.**

8 **FOURTH CAUSE OF ACTION**

9 **Supervisory Liability Causing Constitutional Violations,**

10 **(Failure to Properly Train, Supervise and Discipline, 42 U.S.C. § 1983)**

11 **By Plaintiff ESTATE OF KAUSHAL NIROULA As Against Defendants**
12 **SHERIFF CHAD BIANCO, EDWARD DELGADO, JAMES KRACHMER,**
13 **DAVID HOLM and DOES 7 through 10**

14 174. Plaintiffs reallege and incorporate herein by reference each of the
15 preceding paragraphs of this complaint, and any subsequent paragraphs.

16 175. At all material times, SHERIFF BIANCO, DELGADO, KRACHMER,
17 HOLM and DOES 8 through 10 had the duty and responsibility to constitutionally
18 hire, train, instruct, monitor, supervise, evaluate, investigate, staff, and discipline the
19 other Defendants employed by their respective agencies in this matter, as well as all
20 employees and agents of the COUNTY and RCSD.

21 176. Defendants SHERIFF BIANCO, DELGADO, KRACHMER, HOLM
22 and DOES 8 through 10 failed to properly hire, train, instruct, monitor, supervise,
23 evaluate, investigate, and discipline the respective employees of their agencies,
24 including Defendants DOES 1 through 10, and other COUNTY and RCSD personnel,
25 with deliberate indifference to Plaintiffs', decedent Kaushal Niroula's, and others'
26 constitutional rights, which were thereby violated as described above.

27 177. As supervisors, Defendants SHERIFF BIANCO, DELGADO,
28 KRACHMER, HOLM and DOES 8 through 10 each permitted and failed to prevent

1 the unconstitutional acts of other Defendants and individuals under their supervision
2 and control, and failed to properly supervise such individuals, with deliberate
3 indifference to the rights to safety and protections while incarcerated at CBDC and
4 the rights to the serious medical needs of decedent Kaushal Niroula. Each of these
5 supervising Defendants either directed his or her subordinates in conduct that violated
6 Decedent's rights, or set in motion a series of acts and omissions by his or her
7 subordinates that the supervisor knew or reasonably should have known would
8 deprive decedent Kaushal Niroula of rights, or knew his or her subordinates were
9 engaging in acts likely to deprive decedent Kaushal Niroula of rights and failed to act
10 to prevent his or her subordinate from engaging in such conduct, or disregarded the
11 consequence of a known or obvious training deficiency that he or she must have
12 known would cause subordinates to violate decedent Kaushal Niroula's rights, and in
13 fact did cause the violation of decedent Kaushal Niroula's rights. (*See*, Ninth Circuit
14 Model Civil Jury Instruction 9.4). Furthermore, each of these supervising Defendants
15 is liable in their failures to intervene in their subordinates' apparent violations of
16 decedent Kaushal Niroula' rights.

17 178. On and before September 6, 2022, and prior to the violent beating of
18 decedent Kaushal Niroula, Defendants SHERIFF BIANCO, DELGADO,
19 KRACHMER, HOLM and DOES 8 through 10, and each of them, were aware that
20 Defendants DOES 1 through 5 had engaged in a custom and practice of being
21 deliberately indifferent to the classification and housing of inmates by, inter alia,
22 being deliberately indifferent to the record of past conduct of inmates before celling
23 them with other inmates, being deliberately indifferent to the mental health status of
24 inmates before celling them with other inmates, being deliberately indifferent to the
25 fact that an inmate has been designated a single-cell inmate, being deliberately
26 indifferent to threats and statements made by inmates before celling them with other
27 inmates, being deliberately indifferent to inmates' deteriorating mental and physical
28 states rendering them vulnerable and as pray to violent inmates, being deliberately

1 indifferent to inmate's status as a transgender female when housing them with male
2 inmates who are convicted sex offender with known violent and predatory
3 proclivities rendering them vulnerable and as pray to violent inmates, and knew,
4 should have known, or had reason to know that their conduct would deprive the
5 Plaintiffs of their constitutional rights to, inter alia, life and liberty, and each
6 Defendant failed to act to prevent his subordinate from engaging in such conduct.

7 179. Defendants SHERIFF BIANCO, DELGADO, KRACHMER, and
8 HOLM are being sued in their individual and personal capacities. Defendant
9 SHERIFF BIANCO knew or reasonably could have known, of his subordinates'
10 ongoing constitutional violations, deliberate indifference to the safety and protection
11 of inmates in the COUNTY Jails and failure to investigate incidents involving
12 inmate-on-inmate violence in the COUNTY Jails, including CBDC. Defendant
13 SHERIFF BIANCO failed to act to prevent these acts and he acquiesced, condoned or
14 ratified a custom, practice or policy of ongoing misconduct by his subordinates,
15 including Defendants DOES 1 through 10. Defendant SHERIFF BIANCO is sued in
16 his individual capacity for his own culpable action or inaction in the training,
17 supervisor, or control of his subordinates. Defendant SHERIFF BIANCO is also
18 sued for his acquiescence in the constitutional deprivations as alleged herein and/or
19 conduct that showed a reckless or callous indifference to the rights of inmates to be
20 protected and safe while in the custody of the COUNTY Jails by implementation of
21 policies, rules or directives. Defendant SHERIFF BIANCO's actions and/or inactions
22 set in motion a series of acts by others, which he knew or reasonably should have
23 known, would cause others to inflict the constitutional violations alleged herein

24 180. Plaintiffs are informed and believe and thereon allege that prior to the
25 incident alleged herein, on or before September 6, 2022, and subsequent hereto,
26 Defendant SHERIFF BIANCO knew or reasonably should have known, that RCSD
27 custodial staff, including correctional officers, deputies, lieutenants, sergeants,
28 detectives, including Defendants DOES 1 through 10, in the course and scope of their

1 employment under color of law, were deliberately indifferent to the safety and
2 protection of inmates in RCSD custody, failure to investigate to the prevalence of
3 inmate-on-inmate violence existing within the COUNTY Jails, including at CBDC
4 and violation of constitutional rights, which wrongful conduct resulted in vulnerable
5 inmates being violently attacked while in custody.

6 181. Defendants SHERIFF BIANCO, DELGADO, KRACHMER, and
7 HOLM and DOES 6 through 8, and each of them, acting with deliberate indifference
8 to the rights and liberties of the public in general, and of the present Plaintiffs, and of
9 persons in decedent Kaushal Niroula's class, situation and comparable position in
10 particular (transgender female inmate with a debilitated physical state due to being
11 HIV positive), knowingly maintained, enforced and applied customs and practices of:

- 12 a. Ratifying wrongful conduct by custodial and medical staff which result
13 in serious injuries and death to inmates in RCSD custody, civil litigation
14 judgments and settlements by failing to implement corrective action to
15 prevent repetition of the wrongful conduct;
- 16 b. Failing to discipline, investigate and take corrective actions against
17 custodial and medical staff for misconduct, including, but not limited to,
18 showing grave deliberate indifference to the protection and safety of
19 mentally ill, vulnerable inmates;
- 20 c. Employing and retraining custodial and medical staff, including DOES 1
21 through 5, who said Defendants knew or reasonably should have known
22 had dangerous propensities for abusing their authority and for
23 mistreating inmates and being deliberately indifference to the rights of
24 inmates; and
- 25 d. Inadequately supervising, training, controlling, assigning, and
26 disciplining custodial and medical staff, including DOES 1 through 5,
27 who said Defendants knew or in the exercise of reasonable care should
28 have known had the aforementioned propensities and character traits.

1 182. The unconstitutional customs, policies, practices, and/or procedures of
2 Defendants COUNTY and RCSD, as stated herein, were directed, encouraged,
3 allowed, and/or ratified by policymaking officers for Defendants COUNTY and
4 RCSD, including Defendants SHERIFF BIANCO, DELGADO, KRACHMER,
5 HOLM and DOES 8 through 10, respectively, with deliberate indifference to
6 Plaintiff’s, decedent Kaushal Niroula’s, and others’ constitutional rights, which were
7 thereby violated as described above.

8 183. The unconstitutional actions and/or omissions of Defendants DOES 1
9 through 10, and other COUNTY and RCSD personnel, as described above, were
10 approved, tolerated, and/or ratified by policymaking officers for the COUNTY and
11 RCSD, including Defendants SHERIFF BIANCO, DELGADO, KRACHMER,
12 HOLM and DOES 8 through 10. Plaintiff is informed and believes and thereon
13 alleges that the details of this incident have been revealed to Defendants SHERIFF
14 BIANCO, DELGADO, KRACHMER, HOLM and DOES 8 through 10 and that such
15 Defendant-policymakers have direct knowledge of the fact that the death of decedent
16 Kaushal Niroula was not justified or necessary, but represented deliberate
17 indifference to her rights to be protected and safe while in the COUNTY’s custody
18 and her rights to her serious medical needs and protection, as set forth above.
19 Notwithstanding this knowledge, on information and belief, Defendants SHERIFF
20 BIANCO, DELGADO, KRACHMER, HOLM and DOES 8 through 10 have
21 approved and ratified of the conduct and decisions of Defendants DOES 1 through 10
22 in this matter, and have made a deliberate choice to endorse such conduct and
23 decisions, and the basis for them, that resulted in the death of Kaushal Niroula. By so
24 doing, Defendants SHERIFF BIANCO, DELGADO, KRACHMER, HOLM and
25 DOES 8 through 10 have shown affirmative agreement with the individual
26 Defendants’ actions and have ratified the unconstitutional acts of the individual
27 Defendants. Furthermore, Plaintiffs are informed and believe, and thereupon allege,
28 that Defendants SHERIFF BIANCO, DELGADO, KRACHMER, HOLM and DOES

1 8 through 10 and other policymaking officers for the COUNTY and RCSD were and
2 are aware of a pattern of misconduct and injury, and a code of silence, caused by
3 COUNTY and RCSD custody and medical staff personnel similar to the conduct of
4 Defendants described herein, but failed to discipline culpable law enforcement
5 officers and employees and failed to institute new procedures and policy within the
6 COUNTY and RCSD.

7 184. The aforementioned customs, policies, practices, and procedures; the
8 failures to properly and adequately hire, train, instruct, monitor, supervise, evaluate,
9 investigate, and discipline; and the unconstitutional orders, approvals, ratification,
10 and toleration of wrongful conduct of Defendants SHERIFF BIANCO, DELGADO,
11 KRACHMER, HOLM and DOES 8 through 10 were a moving force and/or a
12 proximate cause of the deprivations of decedent Kaushal Niroula's clearly established
13 and well-settled constitutional rights in violation of 42 U.S.C. § 1983, as more fully
14 set forth above.

15 185. Defendants subjected decedent Kaushal Niroula to their wrongful
16 conduct, depriving decedent Kaushal Niroula of rights described herein, knowingly,
17 maliciously, and with conscious and reckless disregard for whether the rights and
18 safety of decedent Kaushal Niroula and others would be violated by their acts and/or
19 omissions.

20 186. As a direct and proximate result of the unconstitutional actions,
21 omissions, customs, policies, practices, and procedures of Defendants SHERIFF
22 BIANCO, DELGADO, KRACHMER, HOLM and DOES 8 through 10 as described
23 above, Plaintiff sustained serious and permanent injuries and is entitled to damages,
24 penalties, costs, and attorneys' fees.

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XIII.

SIXTH CAUSE OF ACTION

Negligence – Wrongful Death

Plaintiffs Radha Niroula and Krishna Niroula As Against All Defendants

187. Plaintiffs reallege and incorporate herein by reference each of the preceding paragraphs of this complaint, and any subsequent paragraphs.

188. At all times, Defendants DOES 1 through 10 owed Plaintiffs and decedent Kaushal Niroula the duty to act with due care in the execution and enforcement of any right, law, or legal obligation.

189. At all times, these Defendants owed Plaintiffs and decedent Kaushal Niroula the duty to act with reasonable care.

190. These general duties of reasonable care and due care owed to Plaintiffs and decedent Kaushal Niroula by these Defendants include but are not limited to the following specific obligations:

- a. To provide safe and appropriate RCSD custody at CBDC for decedent Kaushal Niroula, including reasonable classification, monitoring, and housing, and ensuring proper cell checks, supervision, and monitoring;
- b. To obey federal law, Supreme Court and Ninth Circuit precedent, and Court Orders for the care and safety of inmates, such as decedent Kaushal Niroula;
- c. To use generally accepted prison, custodial, institutional, law enforcement, and other inmate-safety-ensuring procedures that are reasonable and appropriate for decedent Kaushal Niroula’s status and history as a RCSD inmate with special needs due to her status a transgender female inmate who is HIV positive;
- d. To summon, or transport Decedent to, necessary and appropriate emergency medical care;
- e. To refrain from unreasonably creating danger or increasing Decedent’s

- 1 risk of harm;
- 2 f. To use generally accepted law enforcement procedures and tactics that
- 3 are reasonable and appropriate for Decedent’s status as a person in
- 4 medical crisis with serious medical needs;
- 5 g. To conduct state mandated safety and welfare checks of inmates in the
- 6 custody of the COUNTY Jails;
- 7 h. To refrain from abusing their authority granted them by law; and
- 8 i. To refrain from violating Plaintiffs’ and Decedent’s rights as guaranteed
- 9 by the United States and California Constitutions, as set forth above, and
- 10 as otherwise protected by law.

11 191. By the acts and omissions set forth more fully in the paragraphs above,
12 Defendants acted negligently and breached their duty of due care owed to decedent
13 Kaushal Niroula, which foreseeably resulted in the death of Kaushal Niroula.

14 192. Defendants, through their acts and omissions, breached the
15 aforementioned duties owed to decedent Kaushal Niroula, and such breach
16 proximately led to the brutal and violent beating and killing of Kaushal Niroula by
17 inmate Ronald Sanchez. Among other reasons, inmate Ronald Sanchez clearly was
18 afforded ample opportunity by Defendants 1 through 5 to commit the violent attack
19 because, as is set forth infra, decedent Kaushal Niroula was found unresponsive in the
20 cell he shared with inmate Ronald Sanchez after a substantial amount of time had
21 lapsed since the violent attack and despite obvious signs that Kausha Niroula was
22 being beaten, assaulted and strangled in her cell for an appreciable amount of time as
23 supported by the disturbing surveillance video footage.

24 193. On information and belief, Defendants DOES 1 through 10, all of which
25 were custodial and mental health staff at the COUNTY Jails, and specifically the
26 CBDC, acted with deliberate indifference and/or negligence by failing to properly
27 supervise inmate Ronald Sanchez and decedent Kaushal Niroula, failing to prevent
28 inmate Ronald Sanchez from assaulting decedent Kaushal Niroula and failing to

1 conduct proper and timely cell checks.

2 194. Defendants SHERIFF BIANCO, DELGADO, KRACHMER, HOLM
3 and DOES 8 through 10 had a duty to hire, supervise, train, and retain employees
4 and/or agents so that employees and/or agents refrained from the conduct and/or
5 omissions alleged herein.

6 195. Defendants SHERIFF BIANCO, DELGADO, KRACHMER, HOLM
7 and DOES 8 through 10 breached this duty, causing the conduct alleged herein. Such
8 breach constituted negligent hiring, supervision, training, and retention under the
9 laws of the State of California.

10 196. As a direct and proximate result of the failure of Defendants SHERIFF
11 BIANCO, DELGADO, KRACHMER, HOLM and DOES 8 through 10 to carry out
12 their duty to hire, supervise, train, and retain employees and/or agents so that
13 employees and/or agents refrained from the conduct and/or omissions alleged herein,
14 Plaintiffs suffered injuries and damages as alleged herein.

15 197. Defendants DOES 1 through 10, through their acts and omissions,
16 breached each and every one of the aforementioned duties owed to Plaintiffs and
17 decedent Kaushal Niroula.

18 198. Defendants COUNTY and RCSD are vicariously liable for the violations
19 of state law and conduct of their officers, deputies, employees, and agents, including
20 individual named defendants, under California Government Code § 815.2.

21 199. As a direct and proximate result of these Defendants' negligence,
22 Plaintiffs and decedent Kaushal Niroula sustained injuries and damages, and against
23 each and every Defendant named in this cause of action in their individual capacities
24 are entitled to relief, including punitive damages against such individual Defendants.

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1 against these Defendants, and each of them, are entitled to compensatory damages
2 and as applicable to this claim for Medical Negligence, to be proven at time of trial.

3 204. Defendants COUNTY and RCSD are vicariously liable for the violations
4 of state law and conduct of their officers, deputies, employees, and agents, including
5 individual named defendants, under California Government Code § 815.2.

6 **XV.**

7 **EIGHTH CAUSE OF ACTION**

8 **Violation of California Government Code § 845.6**

9 **Plaintiff ESTATE OF KAUSHAL NIROULA As Against All Defendants**

10 205. Plaintiff realleges and incorporates herein by reference each of the
11 preceding paragraphs of this complaint, and any subsequent paragraphs.

12 206. Defendants DOES 1 through 10 was in need of immediate medical care
13 and treatment, and each failed to take reasonable action to summon immediate
14 medical care and treatment. Each such individual defendant, employed by and acting
15 within the course and scope of his/her employment with Defendants COUNTY and
16 RCSD, knowing and/or having reason to know of decedent Kaushal Niroula's need
17 for immediate medical care and treatment, failed to take reasonable action to summon
18 such care and treatment in violation of California Government Code § 845.6.

19 207. Defendants COUNTY and RCSD are vicariously liable for the violations
20 of state law and conduct of their officers, deputies, employees, and agents, including
21 individual named defendants, under California Government Code § 815.2.

22 208. As a direct and proximate result of the aforementioned acts of these
23 Defendants, decedent Kaushal Niroula was injured as set forth above, and their losses
24 entitle Plaintiff to all damages allowable under California law. Plaintiff sustained
25 serious and permanent injuries and is entitled to damages, penalties, costs, and
26 attorney fees under California law, including punitive damages against these
27 individual Defendants.

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XVI.

NINTH CAUSE OF ACTION

Violation of California Civil Code §52.1 (Tom Bane Act)

Plaintiff ESTATE OF KAUSHAL NIROULA As Against All Defendants

209. Plaintiffs reallege and incorporate herein by reference each of the preceding paragraphs of this complaint, and any subsequent paragraphs.

210. Plaintiff brings the claims in this cause of action as a survival claim permissible under California law, including Cal. Code of Civ. Proc. § 377.20 *et. seq.*

211. By their acts, omissions, customs, and policies, Defendants, each acting in concert/conspiracy, as described above, while decedent Kaushal Niroula was in custody, and by threat, intimidation, and/or coercion, interfered with, attempted to interfere with, and violated Kaushal Niroula’s rights under California Civil Code § 52.1 and under the United States Constitution and California Constitution as follows:

- a. The right to be free from objectively unreasonable treatment and deliberate indifference to Decedent’s serious medical needs while in custody as a pretrial detainee as secured by the Fourth and/or Fourteenth Amendments to the United States Constitution and by California Constitution, Article 1, §§ 7 and 13;
- b. The right for the familial association to be free from government interference as secured by the Fourteenth Amendments to the United States Constitution;
- c. The right to enjoy and defend life and liberty; acquire, possess, and protect property; and pursue and obtain safety, happiness, and privacy, as secured by the California Constitution, Article 1, § 1; and
- d. The right to emergency medical care as required by California Government Code §845.6.

212. Defendants’ violations of decedent Kaushal Niroula’s due process rights with deliberate indifference, in and of themselves constitute violations of the Bane

1 Act.1²⁷ Alternatively, separate from, and above and beyond, Defendants’ attempted
2 interference, interference with, and violation of Kaushal Niroula’s rights as described
3 above, Defendants violated Kaushal Niroula’s rights by the following conduct
4 constituting threat, intimidation, or coercion:

- 5 a. Intentionally and/or with deliberate indifference, failing to protect
6 decedent Kaushal Niroula from violence, when it was also obvious that
7 in doing so, Kaushal Niroula’s safety could be severely jeopardize as a
8 violent attack which would kill her was foreseeable given her status as a
9 transgender female and being in a debilitated state due to her HIV
10 positive status, and Plaintiff’s rights would also be violated;
- 11 b. Intentionally and/or with deliberate indifference, failing to provide
12 appropriate housing, thereby subjecting decedent Kaushal Niroula to
13 needless and severe suffering, and exposing Kaushal Niroula to violence,
14 when it was also obvious that in doing so, Kaushal Niroula would be
15 victimized/assaulted/killed, and Plaintiffs’ rights would also be violated;
- 16 c. Failing to protect decedent Kaushal Niroula from physical harm or from
17 being set up or violently attacked, despite the fact that Kaushal Niroula
18 had expressed to numerous individuals fear for her own safety given her
19 vulnerable physical state and status as a transgender female who was
20 forced to be housed with a convicted sex offender;
- 21 d. With deliberate indifference to Decedent’s serious medical needs,
22 suffering, and risk of grave harm including death, depriving Decedent of
23 necessary, life-saving care for her medical needs;
- 24 e. With deliberate indifference to violent and predatory inmates that posed

25 ²⁷ See *Atayde v. Napa State Hosp.*, No. 1:16-cv-00398-DAD-SAB, 2016 U.S. Dist. LEXIS 126639,
26 at *23 (E.D. Cal. Sept. 16, 2016) (citing *M.H. v. Cty. of Alameda*, 90 F. Supp. 3d 889, 899 (N.D.
27 Cal. 2013); see also, *Cornell v. City and County of San Francisco*, Nos. A141016, A142147, 2017
28 Cal. App. LEXIS 1011 at *58, f.n. 32 (Cal. Ct. App. Nov. 16, 2017) (approving *M.H.*, supra.);
Reese v. County of Sacramento, 888 F.3d 1030, 1043-44 (9th Cir. 2018) (following *Cornell*);
Rodriguez v. County of L.A., 891 F.3d 776, 799, 802 (9th Cir. 2018) (following *Cornell*).

- 1 a risk to pretrial detainees, such as Decedent;
- 2 f. Subjecting Decedent to ongoing violations of her rights to prompt care
- 3 for her serious medical needs over days, causing immense and needless
- 4 suffering, intimidation, coercion, and threats to her life and well-being;
- 5 g. Deliberately contracting for and causing the provision of inadequate and
- 6 incompetent medical health care to Riverside County jail detainees and
- 7 inmates;
- 8 h. Requiring medical staff to work outside their scope of practice, and
- 9 conduct assessments, triage, and make medical and housing decisions for
- 10 patients, including Decedent, they are not competent to make; and
- 11 i. Instituting and maintaining the unconstitutional customs, policies, and
- 12 practices described herein, when it was obvious that in doing so,
- 13 individuals such as Decedent would be subjected to violence, threat,
- 14 intimidation, coercion, and ongoing violations of rights as Decedent was
- 15 here.

16 213. The threat, intimidation, and coercion described herein were not
17 necessary or inherent to Defendants' violation of decedent Kaushal Niroula's rights,
18 or to any legitimate and lawful jail or law enforcement activity.

19 214. Further, all of Defendants' violations of duties and rights, and coercive
20 conduct, described herein were volitional acts; none was accidental or merely
21 negligent.

22 215. Further, each Defendant violated decedent Kaushal Niroula's rights
23 reckless disregard and with the specific intent and purpose to deprive her of her
24 enjoyment of those rights and of the interests protected by those rights.

25 216. Defendant COUNTY is vicariously liable for the violations of state law
26 and conduct of their officers, deputies, employees, and agents, including individual
27 named defendants, under California Government Code § 815.2.

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1 actions?

2 d. Do they ever think they played a huge part in the situation they find
3 themselves in, other than the personal actions of their deceased loved
4 one?

5 221. Defendant SHERIFF BIANCO posted these comments on the public
6 form with the intent to harass and cause Plaintiffs Radha Niroula and Krishna Niroula
7 mental anguish and turmoil. He knew that given the public forum nature of the
8 Facebook post that the family of Kaushal Niroula, including the present Plaintiffs,
9 would read said harassing and offensive comments and that his actions would cause
10 them great mental/psychological pain and anguish. Notwithstanding, SHERIFF
11 BIANCO deliberately engaged in this harassing and confrontational behavior.

12 222. It was his intention to cause them great mental/psychological pain and
13 anguish, and he did so through these actions.

14 223. Plaintiffs Radha Niroula and Krishna Niroula seek compensatory
15 damages incurred as a proximate result of Defendant SHERIFF BIANCO's deliberate
16 and intentional misconduct. Plaintiffs have suffered great emotional harm and will
17 continue to suffer such harm in the future as a direct and proximate result of the
18 aforementioned acts or omissions by Defendant SHERIFF BIANCO.

19 224. The acts or omissions of Defendant SHERIFF CHAD BIANCO, as
20 alleged above were willful, wanton, malicious, oppressive, and outrageous, and
21 justify the awarding of exemplary and punitive damages against him.

22 225. Defendant COUNTY is vicariously liable for the violations of state law
23 and conduct of its officers, deputies, employees, and agents, including individual
24 named defendants, under California Government Code § 815.2.

25 226. As a direct and proximate result of these Defendant SHERIFF
26 BIANCO's intentional conduct, Plaintiffs Radha Niroula and Krishna Niroula
27 sustained injuries and damages, and against each and every Defendant named in this
28 cause of action in their individual capacities are entitled to relief, including punitive

1 damages against such individual Defendants.

2 **XVIII.**

3 **ELEVENTH CAUSE OF ACTION**

4 **Declaratory Relief**

5 **(28 U.S.C § 2201)**

6 **Plaintiffs As Against All Defendants**

7 227. Plaintiffs reallege and incorporate herein by reference each of the
8 preceding paragraphs of this complaint, and any subsequent paragraphs.

9 228. There is an actual controversy between Plaintiffs and Defendants
10 concerning their respective rights and duties in that Plaintiffs contend that the acts of
11 Defendants, as described herein, are in violation of federal law, and Defendants
12 contend in all aspects to the contrary.

13 229. Plaintiffs are entitled to a legal declaration of their rights and
14 Defendants’ obligations under the applicable laws as alleged in this Complaint.

15 **XIX.**

16 **TWELFTH CAUSE OF ACTION**

17 **Battery**

18 **Plaintiff Estate of Kaushal Niroula As Against Defendant Ronald Sanchez**

19 230. Plaintiffs reallege and incorporate herein by reference each of the
20 preceding paragraphs of this complaint, and any subsequent paragraphs.

21 231. On September 6, 2022, Defendant RONALD SANCHEZ, without cause
22 or provocation, struck, hit, punched, kicked, strangled and otherwise forcibly
23 contacted decedent Kaushal Niroula, causing her great injury which resulted in death,
24 and constituting a battery under California law.

25 232. As a direct and proximate result of Defendant SANCHEZ’s battery,
26 decedent Kaushal Niroula sustained injuries and damages which resulted in her death.

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XX.

REQUEST FOR RELIEF

Wherefore, Plaintiffs respectfully requests that the Court enter a judgment as follows:

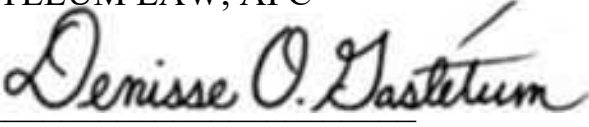
- A. Wrongful death of Kaushal Niroula, pursuant to Cal. Code of Civ. Proc. § 377.60 et. seq.;
- B. Loss of support and familial relationships, including loss of love, companionship, comfort, affection, society, services, solace, and moral support, pursuant to Cal. Code of Civ. Proc. § 377.60 et. seq.;
- C. Kaushal Niroula’s coroner’s fees, funeral and burial expenses, pursuant to Cal. Code of Civ. Proc. § 377.20 et. seq.;
- D. Violation of Kaushal Niroula’s constitutional rights, pursuant to Cal. Code of Civ. Proc. § 377.20 et. seq. and federal civil rights law;
- E. Kaushal Niroula’s loss of life, pursuant to federal civil rights law;
- F. Kaushal Niroula’s conscious pain, suffering, and disfigurement, pursuant to federal civil rights law;
- G. General Damages, including wrongful death and survival damages, in excess of the mandatory amount for jurisdiction in the Unlimited Superior Court;
- H. Non-Economic Damages, including wrongful death and survival damages, according to proof plus all further and proper relief;
- I. Punitive damages as to individual peace officer defendants;
- J. Attorney’s fees pursuant to State Law (Cal. Code Civ. Proc. § 1021.5 & private attorney general doctrine);
- K. Penalties under the Tom Bane Act;
- L. Interest; and
- M. All other damages, penalties, costs, interest, and attorneys’ fees as allowed by 42 U.S.C. §§ 1983 and 1988; California Code of Civil

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Procedure §§ 377.20 et seq., 377.60 et seq., and 1021.5; California Civil Code §§ 52 et seq., 52.1; and as otherwise may be allowed by California and/or federal law.

Dated: August 25, 2023

GASTÉLUM LAW, APC

By: 

Denisse O. Gastelum, Esq.
Attorneys for Plaintiffs,
ESTATE OF KAUSHAL NIROULA, by and through
successors in interest, Radha Niroula and Krishna
Niroula; RADHA NIROULA, individually;
KRISHNA NIROULA, individually

Dated: August 25, 2023

**LAW OFFICES OF CHRISTIAN CONTRERAS
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By: 

Christian Contreras, Esq.
Attorneys for Plaintiffs,
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Niroula; RADHA NIROULA, individually;
KRISHNA NIROULA, individually

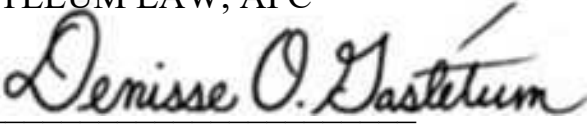
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DEMAND FOR JURY TRIAL

Plaintiffs, ESTATE OF KAUSHAL NIROULA, by and through successors in interest, Radha Niroula and Krishna Niroula; RADHA NIROULA, individually; and KRISHNA NIROULA, individually, hereby make a demand for a jury trial in this action.

Dated: August 25, 2023

GASTÉLUM LAW, APC

By: 

Denisse O. Gastelum, Esq.
Attorneys for Plaintiffs,
ESTATE OF KAUSHAL NIROULA, by and through successors in interest, Radha Niroula and Krishna Niroula; RADHA NIROULA, individually; KRISHNA NIROULA, individually

Dated: August 25, 2023

**LAW OFFICES OF CHRISTIAN CONTRERAS
A PROFESSIONAL LAW CORPORATION**

By: 

Christian Contreras, Esq.
Attorneys for Plaintiffs,
ESTATE OF KAUSHAL NIROULA, by and through successors in interest, Radha Niroula and Krishna Niroula; RADHA NIROULA, individually; KRISHNA NIROULA, individually