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9 **UNITED STATES DISTRICT COURT**  
10 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

11 DEZARAE MUNOZ, individually and as  
12 successor-in-interest to Estate of ULYSSES  
13 MUNOZ AYALA (Decedent),

14 Plaintiff,

15 vs.

16 SHERIFF CHAD BIANCO, an Individual;  
17 Sergeant TODD JOHNSON, an Individual;  
18 Correctional Deputy ABDUL FAR, an  
19 Individual; Correctional Deputy MORGAN  
20 MCCANDLESS, an Individual; Correctional  
21 Corporal BENJAMIN SEAGRAVES-  
22 GLADNEY, an Individual; Correctional  
23 Deputy KEVIN JONES, an Individual;  
24 Correctional Deputy PHILLIP

**PLAINTIFF’S COMPLAINT FOR  
DAMAGES AND VIOLATIONS OF  
CIVIL RIGHTS PURUSNT TO 42 U.S.C.  
§1983, CALIFORNIA CIVIL CODE §52.1,  
AND WRONGFUL DEATH**

**DEMAND FOR JURY TRIAL**

1 DIEFENDERFER, an Individual; Correctional  
2 Deputy THOMAS KOLB, an Individual;  
3 Correctional Deputy MIGUE TRIANA, an  
4 Individual; Corporal KAI GALLARDO, an  
5 Individual; RIVERSIDE COUNTY  
6 SHERIFF’S DEPARTMENT; and DOES 1-  
7 25, Inclusive,

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Defendants.

**INTRODUCTION**

1. This action involves the death of Ulysses Munoz Ayala (hereinafter “Mr. Munoz” or “Decedent”) which is filed by Mr. Munoz’s surviving daughter Dezarae Munoz (hereinafter “Plaintiff”). Mr. Munoz died while in care, custody, and control of the Riverside County Sheriff Department as an inmate at the Cois Byrd Detention Center in Murrieta, California, County of Riverside. Mr. Munoz’s death was ruled as a homicide as he was viciously attacked by another inmate (hereinafter “Inmate”) and killed. On or about September 29, 2022, at or near 4:21 p.m., Riverside County Sheriff’s Deputies assigned to the Cois Byrd Detention Center were notified that Mr. Munoz was unresponsive inside this detention center. The jail medical staff responded to the scene and performed life-saving measures on Mr. Munoz while they were waiting for the paramedics to arrive; however, they were not successful in their resuscitation efforts and Mr. Munoz was pronounced deceased.

**JURISDICTION AND VENUE**

2. This Court has jurisdiction over Plaintiff’s federal claim under 28, U.S.C.

1 §§1331, 1343, as it arises under 42 U.S.C. §1983. Under 28 U.S.C. §1367, this Court has  
2 supplemental jurisdiction over Plaintiff's fifth and sixth claims, which are based on the state law.

3 3. This court has personal jurisdiction over all Defendants as Plaintiff is informed and  
4 believes and thereon alleges that each defendant is a resident of the State of California.

5 4. Venue in the United States Central District Court for the Western Division is proper  
6 pursuant to 28 U.S.C. §1391(b) because the events giving rise to Plaintiff's claim occurred in this  
7 district and in the Riverside County which is within this judicial district.

8 5. Plaintiff commences this action timely and in accordance with the applicable statutes  
9 of limitations and the amount of controversy herein, excluding interest and costs, exceeds the  
10 minimum jurisdictional limit of this Court.  
11

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13 **PARTIES**

14 **PLAINTIFF:**

15 6. Plaintiff is the surviving child/daughter of Decedent, and has a special interest in this  
16 matter that is concrete and therefore has standing to bring this claim as Civil Rights Violation  
17 under §1983 and for wrongful death survivorship action under the common law of the State of  
18 California. Plaintiff was a resident of the State of California, Riverside County at the time of the  
19 incident. Under CCP §377.30, a cause of action that survives the death of the person entitled to  
20 commence an action or proceeding passes to the Decedent's Successor-in-Interest. Pursuant to  
21 CCP §377.34(b), effective January 1, 2022, in an action by a Decedent's Successor-in-Interest on  
22 the Decedent's cause of action, the damages recoverable may include damages for pre-death  
23 pain, suffering, and disfigurement since this action is being filed after January 1, 2022, and  
24 before January 1, 2026.  
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2 **DEFENDANTS:**

3 7. Plaintiff is informed and believes and thereon alleges that Defendant CHAD BIANCO  
4 (“Defendant Bianco”) is a citizen of California, and is and was elected Sheriff, Coroner and  
5 Public Administrator of Riverside County Sheriff Department and serves as the Chief Law  
6 Enforcement Officer of Riverside County.  
7

8 8. Plaintiff is informed and believes and thereon alleges that Defendant TODD  
9 JOHNSON (“Defendant Johnson”) is a citizen of California, and is a sergeant employed by or an  
10 agent of the Riverside County Sheriff Department and Cois M. Byrd Detention Center, located at  
11 30755-B Auld Rd., Murrieta, CA, 92563. He was one of the officers at the aforesaid detention  
12 center who responded to the scene and acted under the color of law within the scope of his  
13 agency with the Riverside County Sheriff’s Department.  
14

15 9. Plaintiff is informed and believes and thereon alleges that Defendant ABUL FAR  
16 (“Defendant FAR”) is a citizen of California, and is a correctional deputy employed by or an  
17 agent of the Riverside County Sheriff Department and Cois M. Byrd Detention Center, located at  
18 30755-B Auld Rd., Murrieta, CA, 92563. He was one of the officers at the aforesaid detention  
19 center who responded to the scene and acted under the color of law within the scope of his  
20 agency with the Riverside County Sheriff’s Department.  
21

22 10. Plaintiff is informed and believes and thereon alleges that Defendant MORGAN  
23 MCCANDLESS (“Defendant McCandless”) is a citizen of California, and is a correctional  
24 deputy employed by or an agent of the Riverside County Sheriff Department and Cois M. Byrd  
25 Detention Center, located at 30755-B Auld Rd., Murrieta, CA, 92563. He was one of the officers  
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1 at the aforesaid detention center who responded to the scene and acted under the color of law  
2 within the scope of his agency with the Riverside County Sheriff's Department.

3 11. Plaintiff is informed and believes and thereon alleges that Defendant BENJAMIN  
4 SEAGRAVES- GLADNEY ("Defendant Gladney") is a citizen of California, and is a  
5 correctional corporal employed by or an agent of the Riverside County Sheriff Department and  
6 Cois M. Byrd Detention Center, located at 30755-B Auld Rd., Murrieta, CA, 92563. He was one  
7 of the officers at the aforesaid detention center who responded to the scene and acted under the  
8 color of law within the scope of his agency with the Riverside County Sheriff's Department.  
9

10 12. Plaintiff is informed and believes and thereon alleges that Defendant KEVIN JONES  
11 ("Defendant Jones") is a citizen of California, and is a correctional deputy employed by or an  
12 agent of the Riverside County Sheriff Department and Cois M. Byrd Detention Center, located at  
13 30755-B Auld Rd., Murrieta, CA, 92563. He was one of the officers at the aforesaid detention  
14 center who responded to the scene and acted under the color of law within the scope of his  
15 agency with the Riverside County Sheriff's Department.  
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17 13. Plaintiff is informed and believes and thereon alleges that Defendant PHILLIP  
18 DIEFENDERFER ("Defendant Diefenderfer") is a citizen of California, and is a correctional  
19 deputy employed by or an agent of the Riverside County Sheriff Department and Cois M. Byrd  
20 Detention Center, located at 30755-B Auld Rd., Murrieta, CA, 92563. He was one of the officers  
21 at the aforesaid detention center who responded to the scene and acted under the color of law  
22 within the scope of his agency with the Riverside County Sheriff's Department.  
23

24 14. Plaintiff is informed and believes and thereon alleges that Defendant THOMAS  
25 KOLB ("Defendant Kolb") is a citizen of California, and is a correctional deputy employed by or  
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1 an agent of the Riverside County Sheriff Department and Cois M. Byrd Detention Center,  
2 located at 30755-B Auld Rd., Murrieta, CA, 92563. He was one of the officers at the aforesaid  
3 detention center who responded to the scene and acted under the color of law within the scope of  
4 his agency with the Riverside County Sheriff's Department.  
5

6 15. Plaintiff is informed and believes and thereon alleges that Defendant MIGUEL  
7 TRIANA, ("Defendant Triana") is a citizen of California, and is a correctional deputy employed  
8 by or an agent of the Riverside County Sheriff Department and Cois M. Byrd Detention Center,  
9 located at 30755-B Auld Rd., Murrieta, CA, 92563. He was one of the officers at the aforesaid  
10 detention center who responded to the scene and acted under the color of law within the scope of  
11 his agency with the Riverside County Sheriff's Department.  
12

13 16. Plaintiff is informed and believes and thereon alleges that Defendant KAI  
14 GALLARDO ("Defendant Gallardo") is a citizen of California, and is a corporal employed by or  
15 an agent of the Riverside County Sheriff Department and Cois M. Byrd Detention Center,  
16 located at 30755-B Auld Rd., Murrieta, CA, 92563. He was one of the officers at the aforesaid  
17 detention center who responded to the scene and acted under the color of law within the scope of  
18 his agency with the Riverside County Sheriff's Department.  
19

20 17. Plaintiff is informed and believes and thereon alleges that Defendant RIVERSIDE  
21 COUNTY SHERIFF'S DEPARTMENT ("Sheriff's Dept."); is, and was at all times herein  
22 alleged the Law Enforcement Agency in Riverside County, in the State of California  
23

24 18. Plaintiff is informed and believes and thereon alleges that Defendant COIS BYRD  
25 DETENTION CENTER ("Detention Center"), located at 30755-B Auld Road, Murrieta, CA  
26

1 92563, is and was at all times herein alleged a correctional facility within the Riverside County  
2 in the State of California.

3  
4 **OTHER DEFENDANTS:**

5  
6 19. The true names and capacities, whether individual, plural, corporate, partnership,  
7 associate, or otherwise, of Does 1-25, inclusive, are unknown to Plaintiff who therefore sued said  
8 Defendants by such fictitious names. The full extent of the facts linking such fictitiously sued  
9 Defendants is unknown to Plaintiff. Plaintiff is informed and believes and thereon alleges, that  
10 each of the Defendant designated herein as a Doe was, and is negligent, or in some other  
11 actionable manner, responsible for the events and happenings hereinafter referred to, and thereby  
12 negligently, or in some other actionable manner, legally and proximately caused the hereinafter  
13 described injuries and damages to Plaintiff. Plaintiff will hereafter seek leave of the Court to  
14 amend this Complaint to show the Defendants' true names and capacities after the same have  
15 been ascertained.  
16  
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18  
19 **AGENCY & CONCERT OF ACTION:**

20 20. At all times herein mentioned, Defendants, and each of them, hereinabove, were the  
21 agents, servants, employees, partners, aiders and abettors, and/or joint venturers of each of the  
22 other Defendants named herein and were at all times operating and acting within the scope and  
23 purpose of said agency, service, employment, partnership, enterprise, and/or joint venture, and  
24 each Defendant has ratified and approved the acts of each of the remaining Defendants.  
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**GENERAL ALLEGATIONS**

21. Plaintiff is informed and believes and thereon alleges that at all times herein mentioned, each Defendant was an agent and/or employee and/or co-conspirator or each remaining Defendants, and in engaging in acts and/or omissions hereinafter alleged, was acting within the scope of such agency, employment, and/or conspiracy, and with the permission and consent of other Co-Defendants.

22. The acts and omissions of all Defendants were engaged in maliciously, callously, oppressively, wantonly, recklessly, and with deliberate indifference to the rights of Plaintiff.

**STATEMENT OF FACTS**

23. Decedent was a 39-year-old father and son who was in care, custody, and control of the Riverside County Sheriff’s Department at the Cois Byrd Detention Center located in Murrieta, California when he was brutally and viciously attacked and killed by an Inmate.

24. Plaintiff is informed and believes and thereon alleges that on or about September 29, 2022, Riverside County Sheriff’s Deputies at the aforesaid detention center found Decedent unresponsive.

25. Plaintiff is informed and believes and thereon alleges that the medical staff at this detention center assessed Decedent and performed life-savings actions moments after the incident and while they were waiting for the paramedics to arrive, but to no avail.

26. Plaintiff is informed and believes and thereon alleges that Deceased died after a fatal Physical altercation with an Inmate inside this detention center.

27. Plaintiff is informed and believes and thereon alleges that Decedent had sustained



1 massive injuries to his body as a result of the altercation which resulted in his demise.

2 28. Plaintiff is informed and believes and thereon alleges that Department and the officers  
3 at the Cois Byrd Detention Center in Murrieta knew or should have known that the inmates' lives  
4 were in danger inside this detention center due to insufficient security and supervision.  
5

6 29. Plaintiff is informed and believes and thereon alleges that Defendants were required  
7 to supervise the inmates at all times to ensure their safety and to stop such a physical altercation  
8 in a timely manner and from turning deadly.

9 30. Plaintiff is informed and believes and thereon alleges that the Riverside County  
10 Sheriff's Department failed to follow protocol and safety procedures to prevent the deadly  
11 physical altercation between Decedent and the other Inmate which ended in Decedent's death  
12 inside this detention center.  
13

14 31. Plaintiff is informed and believes and thereon alleges that that many inmates,  
15 including Decedent lost their lives in the year 2022 inside the Cois Byrd Detention Center due to  
16 jail employees' and other officials' negligent supervision and care.  
17

18 32. Plaintiff is informed and believes and thereon alleges that Defendants failed to protect  
19 Decedent from attack by Inmate as they did not follow the policy and procedures they have in  
20 place regarding safety and wellbeing of the inmates at the detention center.  
21

22 33. Plaintiff is informed and believes and thereon alleges that Defendants failed to follow  
23 policies and practices pertaining to housing, custody, care, emergency medical treatment,  
24 safekeeping and protection of inmates at the Cois Byrd Detention Center.

25 34. Plaintiff is informed and believes and thereon alleges that Defendants and the staff at  
26  
27

1 the Cois Byrd Detention Center were reluctant about keeping the alert buttons inside this  
2 detention center for use in emergency situation in working conditions.

3 35. Plaintiff is informed, believes and thereon alleges that Defendants failed to conduct a  
4 regular welfare and/or safety check on inmates as required to help Decedent seek medical  
5 treatment promptly after the attack to save his life.  
6

7 36. Plaintiff is informed, believes and thereon alleges that Defendants knew or should  
8 have known that individuals who are incarcerated, including Decedent are vulnerable to fatal,  
9 and violent attacks by and through other inmates, and thus, were required to strengthen the  
10 security measures to prevent such attacks and/or physical altercations.  
11

12 37. Plaintiff is informed, believes and thereon alleges that Defendants failed to utilize  
13 intense surveillance and other control measures to ensure safety of the inmates inside the Cois  
14 Byrd Detention Center.  
15

16 **DAMAGES**

17 38. As a direct result of Defendants', and DOES's 1-25 acts/omissions as herein before  
18 described, Plaintiff suffered the loss of her loving father and the right to receive continued  
19 support, love and affection from Decedent. It is evident that Plaintiff has suffered emotional  
20 distress, embarrassment, disfigurement, mental and physical pain, pain and suffering,  
21 humiliation, and other damages which she will continue to suffer in the future.  
22

23 39. Plaintiff claims damages for Decedent pre-death pain and suffering because Decedent  
24 suffered an immense amount of discomfort hours before he passed away as a direct and  
25 proximate cause of Defendants' negligent acts and/or omissions. Further, Plaintiff sustained  
26 damages resulting from the loss of aid, affection, comfort, society, and companionship, as well  
27

1 as other benefits and assistance from Decedent as a result of Defendants' deliberate indifference  
2 to life, safety, and medical needs.

3 41. As a direct result of Defendants' conduct herein before described, Plaintiff suffered  
4 violation of her rights under the Fourteenth Amendment to the United States Constitution as  
5 made actionable against Defendants pursuant to 42 U.S.C. §1983, under California Constitution  
6 Article §§1 and 7 and under the state tort law, by Defendants' deliberate indifference towards  
7 Decedent's safety while being incarcerated; deliberate indifference to assist Decedent to receive  
8 the necessary medical treatments for the injuries as he was entitled to; and deliberate indifference  
9 to Decedent's safety and life.  
10

11  
12 42. Therefore, Plaintiff is entitled to an award of all attorney's costs, fees and litigation  
13 costs incurred in pursuing this action for violation of his Civil Rights and CA state law tort of  
14 negligence, wrongful death, and intentional infliction of emotional distress.  
15

16 **CLAIMS FOR RELIEF**

17 **First Claim For Relief**  
18 **Violation of Civil Rights- 42 U.S.C. §1983- Fourteenth Amendment and Eight**  
19 **Amendment**  
20 **Deliberate Indifference to Serious Medical Need**  
21 **Against all DEFENDANTS**

22 43. Plaintiff re-alleges and incorporates the allegations set forth in the preceding  
23 paragraphs as though fully set forth herein.

24 44. Plaintiff is informed, believes and thereon alleges that on or about September 29,  
25 2022, the deputies at the Cois Byrd Detention Center were notified that Decedent was  
26 unresponsive.  
27

1 45. Plaintiff is informed, believes and thereon alleges that while Decedent was inside  
2 Cois Byrd Detention Center, he was exposed to violence and physical harm by other inmates.

3 46. Plaintiff is informed, believes and thereon alleges that the Riverside County  
4 Sheriff's Department and the officers at the Cois Byrd Detention Center in Murrieta knew or  
5 should have known that the inmates, were engaging in physical altercations and violence against  
6 one another.

7 47. Plaintiff is informed, believes and thereon alleges that the Riverside  
8 County Sheriff's Department was aware of the other inmate's and of Decedent's past and their  
9 propensity to resort to violence while inside the detention center.  
10

11 48. Plaintiff is informed, believes and thereon alleges that Defendants failed to  
12 prevent Decedent from getting violently attacked by Inmate causing his death by allegedly  
13 housing him incorrectly with him.  
14

15 49. Plaintiff is informed, believes and thereon alleges that Defendants were obligated  
16 and/or required by law to take proper measures to prevent the inmates at the Cois Byrd Detention  
17 Center from engaging in physical altercations, and violence.  
18

19 50. Plaintiff is informed, believes and thereon alleges that Defendants failed to utilize  
20 intense surveillance and other control measures to prevent fights, violence and/ or physical  
21 altercations between inmates.  
22

23 51. Plaintiff is informed, believes and thereon alleges that Defendants failed to  
24 protect Decedent's life and ensure his safety while he was in Cois Byrd Detention Center.

25 52. Plaintiff is informed, believes and thereon alleges that Defendants  
26

1 failed to conduct a regular welfare and safety check on inmates as required to help Decedent seek  
2 medical treatment promptly to save his life.

3 53. Decedent had a constitutional right under the Fourteenth Amendment to receive  
4 prompt medical and/or health care for his injuries sustained as a result of the aforementioned  
5 attack; however, Defendants and DOES 1-25 violated Decedent constitutional right to medical  
6 and/or health care when they acted with deliberate indifference to Decedent serious medical  
7 needs by not properly following the policies and procedures promulgated by the Riverside  
8 County.  
9

10 54. At all times, Defendants and Does 1-25 were acting under the color of law and were  
11 acting in the course and scope of their employment with Riverside County Sheriff Department  
12 and Cois Byrd Detention Center in Murrieta California.  
13

14 55. At all times, Defendants and Does 1-25, knew or should have known that Decedent  
15 was vulnerable and could easily become a subject of violence while incarcerated.  
16

17 56. Plaintiff is informed, believes and thereon alleges that Decedent's conduct outside the  
18 detention center and his presence inside the detention center placed him at an increased risk of  
19 violence and harm at the aforesaid detention center; however, Defendants knowingly and/or  
20 recklessly disregarded those risks, including Decedent's safety and protection.  
21

22 57. As a direct and proximate result of Defendants' and Does' 1-25  
23 acts and omissions that were deliberately indifferent Decedent safety and wellbeing, Decedent  
24 lost his life due to a fatal and violent attack while in custody and care of Defendants.  
25

26 58. Defendants and Does 1-25 acted with deliberate or reckless disregard to Decedent's  
27 constitutionally protected rights, justifying an award of punitive or exemplary damages against  
28

1 Defendants and Does 1-25 in an amount subject to proof at the time of trial in order to deter  
2 Defendants and Does 1-25 from deliberately disregarding the inmates' needs for constitutionally  
3 protected rights to receive medical and health treatments and to make an example by way of  
4 monetary punishment. Further Plaintiff as a successor-in-interest to Decedent are also entitled to  
5 attorneys fees and costs associated with this complaint.  
6

7 **Second Claim For Relief**  
8 **Violation of Civil Rights- 42 U.S.C. §1983- Fourteenth Amendment**  
9 **Right to Familial Association**  
10 **Against all DEFENDANTS**

11 59. Plaintiff re-alleges and incorporates the allegations set forth in the preceding  
12 paragraphs as though fully set forth herein.

13 60. Plaintiff is informed, believes and thereon alleges that Defendants and Does 1-25  
14 were aware that Decedent was a loving and caring father, and a beloved son who was in their  
15 care, custody and control at the Cois Byrd Detention Center in Murrieta California.

16 61. Plaintiff is informed, believes and thereon alleges that Defendants knew or should  
17 have known that inmates, including Decedent who have a history of violence such as assault and  
18 use of weapons are prone to such behavior inside the detention center which would require  
19 Defendants to tighten the security measures at the aforesaid detention center to prevent these  
20 inmates from getting involved in any kind of violence against each other, and thereby causing  
21 harm and/or injury to each other.

22 62. Plaintiff is informed, believes and thereon alleges that Defendants knew or should  
23 have known that keeping dangerous and violent inmates together required adequate and  
24 continuous supervision which Defendants knowingly and/or recklessly disregarded here.  
25

26 63. Defendants' and Does 1-25 failure to take intense and proper measures to prevent  
27

1 Decedent from being brutally attacked and fatally injured by Inmate, Defendants’ and Does’ 1-  
2 25 failure to at least conduct a welfare and/or safety check on the Decedent while he was inside  
3 this detention center to ensure he or his life was not in danger, amounts to a deliberate  
4 indifference to Decedent’s safety, wellbeing and thereby to Plaintiff’ constitutional right to  
5 companionship and society.  
6

7 64. Plaintiff is informed, believes and thereon alleges that Defendants’ and Does’ 1-  
8 25 hereinabove mentioned deliberate indifference has deprived Plaintiff of her liberty interest in  
9 the companionship and society of Decedent as Defendants’ and Does’ 1-25 conduct shocks the  
10 conscience, justifying a ward of punitive or exemplary damages against Defendants and Does 1-  
11 25.  
12

13 **Third Claim For Relief**  
14 **Violation of Civil Rights- 42 U.S.C. § 1983; Art. 1, §§1 and 7, California**  
15 **Constitution**  
16 **Right to Safety and Life**  
17 **Against all DEFENDANTS**

18 65. Plaintiff re-alleges and incorporates the allegations set forth in the preceding  
19 paragraphs as though fully set forth herein.

20 66. Plaintiff is informed, believes and thereon alleges that Defendants and Does 1-25  
21 violated Decedent’s rights to life and safety protected under California Constitution Article 1 §1  
22 and §7 by failing to take proper measure to ensure Decedent’s safety and wellbeing that he was  
23 free from a potential life-threatening harm while in care, custody, or control of the Riverside  
24 County Sheriff’s Department.

25 67. Defendants’ and Does’ 1-25 wrongful acts and/or omission were intentional in failing  
26 to protect and preserve Decedent’s and similarly situated inmates’ lives, and each of them were  
27

1 deliberately indifferent to the likely consequences of Decedent's and other inmates' violence and  
2 physical abuse towards each other inside the Cois Byrd Detention Center.

3 68. As a direct and proximate consequence of Defendants' unlawful conduct, Decedent  
4 lost his life; and Plaintiff lost her loving father.

5  
6 69. Defendants' and Does' 1-25 failure to act and/or conduct alleged herein amounts to  
7 oppression, fraud or malice within the meaning of Civil Code §3294 and was performed  
8 knowingly, intentionally and maliciously, amounting to despicable conduct by reason of which  
9 Plaintiff are entitled to an award of exemplary damages against these Defendants in an amount  
10 subject to proof at the time of trial in order to deter these Defendants from engaging in similar  
11 conducts and to make an example by the way of monetary punishment. Plaintiff is entitled to  
12 attorney's fees and costs of the suit herein pursuant to statute.  
13

14  
15  
16 **Fourth Claim For Relief**  
17 **Failure to Properly Train and Supervise & Monell Liability for Unconstitutional**  
18 **Policy, Practice & Custom- 42 U.S.C. § 1983**  
19 **Against RIVERSIDE COUNTY SHERIFF'S DEAPRTMENT, RIVERSIDE**  
20 **COUNTY, AND DOES 1-25.**

21 70. Plaintiff re-alleges and incorporates the allegations set forth in the preceding  
22 paragraphs as though fully set forth herein.

23 71. Plaintiff is informed, believes and thereon alleges that the Riverside County's  
24 Sheriff's Department and the officers at the Cois Byrd Detention Center are required to utilize  
25 intense surveillance and control of the inmates, their conduct and to ensure safety of all inmates  
26 and employees.  
27



1 72. Plaintiff is informed, believes and thereon alleges that the California Code of  
2 Regulations, Title 15, section 1027.5 requires hourly safety checks of inmates. Further, it  
3 requires all inmates in the custody of the Sheriff's Department at the detention center to be  
4 visually checked at least once each hour or more frequently to ensure their safety and welfare.  
5

6 73. Plaintiff are informed and believe and thereon allege that Defendants and Does 1-25  
7 were aware of Decedent's and other inmate's need to be visually checked more frequently  
8 considering their past and the reason for their incarceration. However, Defendants and Does 1-  
9 25, and each of them knowingly, recklessly and deliberately disregarded Decedent's need for  
10 such observation which caused Decedent to become a subject to a vicious physical attack by  
11 Inmate while in care, custody, and control of Defendants.  
12

13 74. Further, the detention officers are required to not only rely on video surveillance of  
14 the inmates inside the detention center or jail, but also conduct "eyes-on" safety checks on the  
15 inmates. Moreover, detention center and prison supervisors shall, at various times observe the  
16 staff as the safety checks are being performed and verify the safety check logs for accuracy. The  
17 sole purpose behind this requirement is to ensure safety and preserve lives inside the detention  
18 center.  
19

20 75. Plaintiff is informed, believes and thereon alleges that at many inmates at the Cois  
21 Byrd Detention Center lost their lives as a result of vicious attacks and assault committed on them  
22 by their fellow inmates which indicates that the above stated rules pertaining to safety checks are  
23 not being followed by prison and detention center staff.  
24

25 76. Defendants Sheriff's Dept.'s and Detention Center's lack of a proper hiring, training,  
26 and retention, of the detention center officers who are to conduct routine welfare and/or safety  
27

1 checks on inmates in general and on inmates with history of violence such as assault and battery  
2 in particular is one of the biggest reasons for inmate deaths inside prisons and detention centers.  
3 Plaintiff further alleges that due to Defendant's failure to perform frequent safety checks and  
4 strengthening of the safety measures at the Cois Byrd Detention Center, Inmate was able to  
5 viciously assault Decedent causing him sustain fatal injuries which resulted in his death, and  
6 such omission or failure was a direct and proximate cause of Plaintiff's loss of her beloved  
7 father. Thus, Defendants' lack of proper training, hiring, retention and supervision of detention  
8 officers in general and of those tasked with safety checks in particular clearly amounts to  
9 deliberate indifference to Decease's well-being and safety.  
10  
11

12 77. Sheriff's Dept.'s and Detention Center's failure to maintain adequate and proper  
13 training for its law enforcement officers, including deputy sheriffs and detention center officers  
14 to educate them as to the constitutional rights of the inmates to ensure their safety and well-being  
15 amounts to deliberate indifference.  
16

17 78. Sheriff's Dept. and Detention Center were aware, or should have been aware, of the  
18 propensities of its officers in general and the officers inside the Detention Center in particular to  
19 abuse their discretion and show reluctance towards physical altercations that ensue between  
20 inmates and toward ensuring their safety and wellbeing; however, Sheriff's Dept. and Detention  
21 Center failed to adequately train and supervise its officers from violating the afore-mentioned  
22 individuals' rights.  
23

24 79. Defendants' and Does' 1-25 deliberate indifference to Plaintiff's constitutional rights,  
25 their failure to provide adequate training and supervision to the Detention Center officers and to  
26 the Sheriff Deputies that hold the power, authority, insignia, equipment, and resources available  
27

1 to them to protect inmates in situation such as the one in question, amounts to deliberate  
2 indifference to citizen's constitutional rights.

3 80. Further, Defendants' inadequate policy and procedures and failure to equip its  
4 officers, including officers at the Cois Byrd Detention Center in Murrieta, California with proper  
5 training related to handling and supervising of the violent and dangerous inmates was the direct  
6 and proximate cause of the death of Decedent.  
7

8  
9 **Fifth Claim For Relief**  
10 **Wrongful Death and Survival Action Under State Tort Law**  
11 **Against all DEFENDANTS**

12 81. Plaintiff re-alleges and incorporates the allegations set forth in the preceding  
13 paragraphs as though fully set forth herein

14 82. Plaintiff is informed, believes and thereon alleges that Defendants, and Does 1-25,  
15 and each of them, owed a duty of care to Decedent whom they had in their care, custody and  
16 control at the Cois Byrd Detention Center in Murrieta, California to act with ordinary care and  
17 prudence to ensure his safety and wellbeing while inside Detention Center. In particular,  
18 Defendants and Does 1-25, and each of them owed a duty of reasonable care to periodically  
19 check on Decedent to make sure he was not being subjected to violence and life-threatening act  
20 by other inmates, and Decedent did not pose a threat of harm to others to avoid a fatality that  
21 could easily occur if a physical altercation ensued between the inmates.  
22

23 83. Further, Plaintiff alleges that Defendants and Does 1-25 had a duty pursuant to  
24 California Code of Regulations, Title 15, section 1027.5 to keep inmates safe by performing  
25 proper inmate safety checks in order to protect their lives from any impending danger or harm.  
26

1 84. At all times mentioned herein, Defendants and Does 1-25, and each of them were  
2 acting in the course and within the scope of their employment with the Riverside County.

3 Defendants and Does 1-25, and each of them breached their duty of care to Decedent and

4 Plaintiff by:

5 (a) failing to conduct a safety check on Decedent and other inmates;

6 (b) failing to preserve safety of Decedent;

7 (c) failing to evaluate available information to determine Decedent's and other inmates'  
8 propensity to engage in violent acts while inside detention center; and

9 (d) failing to evaluate safety conditions.  
10

11 85. By engaging in the foregoing acts and/or omissions, Defendants, and each of  
12 them, breached their duty of care owed to Decedent and Plaintiff. Further, Riverside County is  
13 responsible for the acts of its individual agents and employees under the theory of *respondeat*  
14 *superior*.  
15

16 86. As a direct and proximate result of Defendants' negligent conduct alleged herein,  
17 Plaintiff lost her beloved father. Furthermore, Plaintiff sustained damages resulting from the loss  
18 of aid, affection, comfort, society, and companionship, as well as other benefits and assistance  
19 from Decedent as a result of Defendants' and Does' 1-25 negligence.  
20

21 87. Further, the conduct and/or omission of Defendants and Does 1-25 amounts to  
22 oppression, fraud, or malice within the meaning of Civil Code Section 3294 et seq., and punitive  
23 damages should be assessed against each Defendant for the purposes of punishment and for the  
24 sake of example.  
25

26 **Sixth Claim For Relief**  
27 **Intentional Infliction of Emotional Distress Under State Tort Law**

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**-20-**

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**Against all DEFENDANTS**

1  
2 88. Plaintiff re-alleges and incorporates the allegations set forth in the preceding  
3 paragraphs as though fully set forth herein.

4  
5 89. As set forth above, the actions and/or omissions of Defendants and Does 1-25, and  
6 each of them were extreme and outrageous and demonstrated Defendants' complete disregard for  
7 Decedent health, safety, and well-being inside the Cois Byrd Detention Center.

8  
9 90. Defendants actions were the direct and proximate cause of the  
10 Decedent's deaths and injuries inflicted upon Plaintiff as a result of the loss of their loved one.

11 91. Defendants' and Does' 1-25 failure to conduct a welfare and security on Decedent  
12 while he was detained at the Cois Byrd Detention Center to make sure he was not being targeted  
13 by other inmates and he is not facing violence and risk of physical harm; their failure to  
14 protected Decedent from being violently, and fatally attacked by another inmate and their failure  
15 to stop the assault committed on Decedent in a timely manner to save his life and thereby  
16 causing severe emotional distress to Plaintiff and/or acted in conscious disregard of the  
17 probability that PLAINTIFF would suffer severe emotional distress. Defendants' conduct was so  
18 extreme as to go beyond the bounds of decency and be regarded as intolerable in a civilized  
19 society.  
20

21 92. As a direct and legal result of the wrongful conduct and/or omissions of  
22 Defendants and Does 1-25, and each of them, Plaintiff suffered, and continue to suffer, the  
23 injuries and damages hereinabove set forth.  
24

25 93. In doing the wrongful and intentional act as herein alleged, Defendants  
26  
27

1 acted willfully, recklessly, and with oppression, fraud, malice and with a conscious disregard for  
2 the Decedent’s life and for Plaintiff’s right to Decedent’s companionship. Such action was done  
3 with malice, oppression, and/or fraud and was and is despicable, shocking, and offensive and  
4 entitles Plaintiff to an award of punitive damages against Defendants in an amount to be  
5 determined at trial.  
6

7 **PRAYER FOR RELIEF**

8 WHEREFORE, PLAINTIFF pray judgment against DEFENDANTS as follows:

- 9 a. General damages, including emotional distress, according to proof at the time  
10 of trial;
- 11 b. Special damages according to proof at the time of trial;
- 12 c. Prejudgment interest;
- 13 d. Punitive Damages, at the time of trial;
- 14 e. Costs of suit incurred herein; and
- 15 f. Attorneys’ fees;
- 16 g. Exemplary damages.

17  
18  
19 **DEMAND FOR JURY TRIAL**

20 Plaintiff respectfully demands that the present matter be set for a jury trial.

21 //

22  
23 *Respectfully Submitted by:*

24 **THE KHASHAN LAW FIRM, APC**  
A Professional Law Corporation

25 Dated: October 01, 2023

26 By: \_\_\_\_\_  
Lewis G. Khashan, Esq.  
Attorney for Dezarae Munoz