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FILED
LOS ANGELES SUPERIOR COURT
SEP 19 2003
JOHN A. CLARKE, CLERK
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BY LUNG VAN VO, DEPUTY
LUNG VAN VO, DEPUTY

9 Attorneys for Defendants: City of Los Angeles, Jesus Castillo, Victoria Diaz, John
10 M. Dunkin, Peter Foster, Raymond Gallucio, Carlos Garcia, Douglas D. Gerst,
11 Larry L. Johnson, Thomas W. Lorenzen, Danny Martinez, David M. Medof, Tim
12 Nambu, Bernard C. Parks, Martin H. Pomeroy, James L. Rahm, Craig Rensch,
13 David Romero and Robert Weil

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **FOR THE COUNTY OF LOS ANGELES**

16 **JULIET MUSSO, SUSANNE BLOSSOM,**
17 **RON MILAM, DEREK IVERSON and**
18 **CHRISTOPHER WEARE**, each as
19 taxpayers, as individuals and as class
20 representatives, and **MELISSA BOYD**, as an
21 individual and as a class representative,

22 Plaintiffs,

23 vs.

24 **COUNTY OF LOS ANGELES**, a public
25 entity, **SHERIFF LEE BACA, DEPUTY**
26 **SHERIFFS JONES, BROWN, COCOVA,**
27 and **DOES 1-50**, each as individuals and as
28 law enforcement officers, and **CITY OF LOS**
ANGELES, a municipal corporation, **CHIEF**
OF POLICE BERNARD PARKS,
COMMANDER THOMAS LORENZEN,
SGT. D. MEDOF #26146, SGT. SANCHEZ
#24083, MOTORCYCLE OFFICER GERST
#21467, DETECTIVE III J. RAHM #22287,
LT. DUNKIN #14113, L. JOHNSON
#26312, OFFICER LEE, and **DOES 51-100**
each as individuals and law enforcement
officers,

Defendants.

CASE NO. BC 249462
Complaint Filed: April 27, 2001

ANSWER OF DEFENDANTS,
ANTHONY BONNER, JESSE
CASTILLO, VICTORIA DIAZ,
PETER FOSTER, RAYMOND
GALLUCCIO, CARLOS
GARCIA, DANNY
MARTINEZ, MAURICE
MOORE, TIM NAMBU,
MARTIN POMEROY,
CRAIG RENSCH AND
DAVID ROMERO TO
PLAINTIFFS' FIRST
AMENDED COMPLAINT;
DEMAND FOR JURY TRIAL

26 **DEFENDANTS, ANTHONY BONNER, JESSE CASTILLO, VICTORIA**
27 **DIAZ, PETER FOSTER, RAYMOND GALLUCCIO, CARLOS GARCIA,**
28 **DANNY MARTINEZ, MAURICE MOORE, TIM NAMBU, MARTIN**

#207454

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ANSWER OF DEFENDANTS, ANTHONY BONNER, JESSE CASTILLO, VICTORIA DIAZ, PETER FOSTER, RAYMOND GALLUCCIO, CARLOS GARCIA, DANNY MARTINEZ, MAURICE MOORE, TIM NAMBU, MARTIN POMEROY, CRAIG RENSCH AND DAVID ROMERO TO PLAINTIFFS' COMPLAINT; DEMAND FOR JURY TRIAL

1 POMEROY, CRAIG RENSCH and DAVID ROMERO answering the Plaintiffs'
2 Complaint for themselves and for no other parties, admits, denies and alleges as
3 follows:

4 1. Pursuant to Section 431.30 of the California Code of Civil Procedure,
5 defendants deny each and every allegation contained in the unverified pleading.

6
7 **AFFIRMATIVE DEFENSES**

8 2. Plaintiffs had actual knowledge of the condition and particular danger
9 alleged, knew and understood the degree of the risk involved, and voluntarily
10 assumed such risk.

11 3. The force used against plaintiffs, if any, was caused and necessitated
12 by the actions of plaintiffs, and was reasonable and necessary for self defense.

13 4. The force used against plaintiffs, if any, was caused and necessitated
14 by the actions of plaintiffs, and was reasonable and necessary for the defense of
15 others.

16 5. The state claims are barred for plaintiffs' failure to comply with the
17 provisions of the California Tort Claims Act, Government Code § 910 et seq.

18 6. Defendants are immune from liability pursuant to the provisions of
19 each of the following California statutes, each of which is set forth as a separate and
20 distinct affirmative defense: Penal Code § 835.5.

21 7. Plaintiffs lack standing to sue as class representatives.

22
23 WHEREFORE, defendants pray for judgment as follows:

24 1. That plaintiffs take nothing by this action;

25 2. That the action be dismissed;

26 3. That defendants be awarded costs of suit; and

27 4. That defendants be awarded other and further relief as the Court may
28 deem just and proper.

DEMAND FOR JURY TRIAL

Defendants hereby demand and request a trial by jury in this matter.

Dated: September 19, 2003 Respectfully submitted,

ROCKARD J. DELGADILLO, City Attorney
GARY G. GEUSS, Assistant City Attorney
PAUL N. PAQUETTE, Assistant City Attorney

By: 
JEFFREY W. KORN
Deputy City Attorney

Attorneys for Defendants: City of Los Angeles,
Jesus Castillo, Victoria Diaz, John M. Dunkin,
Peter Foster, Raymond Gallucio, Carlos Garcia,
Douglas D. Gerst, Larry L. Johnson, Thomas W.
Lorenzen, Danny Martinez, David M. Medof, Tim
Nambu, Bernard C. Parks, Martin H. Pomeroy,
James L. Rahm, Craig Rensch, David Romero and
Robert Weil

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1 **PROOF OF SERVICE**
2 **(Via Various Methods)**

3 I, E. M. MARTINEZ, declare as follows:

4 I am over the age of 18 years, and not a party to this action. My business
5 address is 200 North Main Street, City Hall East, 7th Floor, Los Angeles, California
6 90012, which is located in the county where the mailing described below took
7 place.

8 On September 19, 2003, I served the foregoing document(s) described as:

9 **ANSWER OF DEFENDANTS, ANTHONY BONNER, JESSE CASTILLO,**
10 **VICTORIA DIAZ, PETER FOSTER, RAYMOND GALLUCCIO, CARLOS**
11 **GARCIA, DANNY MARTINEZ, MAURICE MOORE, TIM NAMBU,**
12 **MARTIN POMEROY, CRAIG RENSCH AND DAVID ROMERO TO**
13 **PLAINTIFFS' FIRST AMENDED COMPLAINT; DEMAND FOR JURY**
14 **TRIAL**

15 on all interested parties in this action, by placing a true copy thereof in a sealed
16 envelope addressed as follows:

17 Timothy J. Midgley, Esq.
18 Manes & Watson
19 3435 Wilshire Blvd., Suite 2900
20 Los Angeles, CA 90010-2015

21 BY PERSONAL SERVICE - () I delivered by hand, or () I caused to
22 be delivered by via messenger service, such envelope to the offices of the addressee
23 with delivery time prior to 5:00 p.m. on the date specified above.

24 BY FACSIMILE TRANSMISSION TO:
25 I caused such documents to be transmitted to the offices of the addressee via
26 facsimile machine, on the date specified above. The facsimile machine I used was
27 in compliance with Rule 2003(3) and the transmission was reported as complete
28 without error. Pursuant to Rule 2008(e), I caused a copy of the transmission report
to be properly issued by the transmitting facsimile machine.

BY MAIL - I thereafter caused such envelope to be deposited in the mail
at Los Angeles, California, with first class postage thereon fully prepaid. I am
readily familiar with the business practice for collection and processing of
correspondence for mailing. Under that practice, it is deposited with the United
States Postal Service on that same day, at Los Angeles, California, in the ordinary
course of business. I am aware that on motion of the party served, service is
presumed invalid if postage cancellation date or postage meter date is more than
one (1) day after the date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the bar of this court
at whose direction this service was made.

Executed on September 19, 2003, at Los Angeles, California.


E. M. MARTINEZ

#207454

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ANSWER OF DEFENDANTS, ANTHONY BONNER, JESSE CASTILLO, VICTORIA DIAZ, PETER FOSTER, RAYMOND
GALLUCCIO, CARLOS GARCIA, DANNY MARTINEZ, MAURICE MOORE, TIM NAMBU, MARTIN POMEROY, CRAIG
RENSCH AND DAVID ROMERO TO PLAINTIFFS' COMPLAINT; DEMAND FOR JURY TRIAL