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FILED ORIGINAL FILED

LOS ANGELES SUPERIOR COURT

AUG 17 2007

John A. Clarke, Clerk

By *M. Garcia*

Deputy

M. GARCIA

Attorney for Plaintiff

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA

8 FOR THE COUNTY OF LOS ANGELES - UNLIMITED JURISDICTION

9 Case assigned to dept. 54

Judge Ernest Hristov

30376091

10 JONATHAN WALLACE,

Case No.

11 Plaintiff,

VERIFIED COMPLAINT FOR
DAMAGES

v.

12 JASON WAHLER and KRISTEN DELUCA,

1. Assault

2. Battery

3. Violation of Civil Rights

13 Defendants.

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17 GENERAL ALLEGATIONS

18 Plaintiff alleges:

19 1. Defendant Jason Wahler is an individual, and at all times herein mentioned was a
20 resident of Los Angeles County, California.

21 2. Defendant Kristen Deluca is an individual, and at all times herein mentioned was
22 a resident of Los Angeles County, California.

23 3. Plaintiff is informed and believes and thereon alleges that at all times herein
24 mentioned each of the defendants was the agent of the other, and in doing the things hereinafter
25 stated was acting within the course and scope of this agency.

26 OPERATIVE FACTS

27 4. On September 22, 2006 at 6331 Wilshire Boulevard in Los Angeles, California,
28 Defendants Jason Wahler and Kristen Deluca were traveling westbound in a motor vehicle being

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1 driven by a friend of theirs.

2 5. Plaintiff Jonathan Wallace, a Department of Transportation Traffic Officer acting
3 in his official duties, was impounding a vehicle at 6331 Wilshire Boulevard with a tow truck
4 driver.

5 6. The tow truck driver asked Plaintiff to stop westbound traffic in order to
6 maneuver the tow truck into position. Plaintiff complied by entering the westbound lanes of
7 Wilshire Boulevard and began to stop traffic.

8 7. The vehicle transporting the Defendants approached Plaintiff at a high rate of
9 speed, narrowly avoiding hitting Plaintiff and the tow truck. The vehicle failed to stop according
10 Plaintiff's traffic instructions and drove by.

11 8. Defendant Jason Wahler yelled at Plaintiff as the vehicle drove by. Plaintiff did
12 not respond and continued the impound process.

13 9. After parking a short distance away, Defendants exited the vehicle and
14 approached Plaintiff and the tow truck operator in an aggressive and confrontational manner.

15 10. Defendant Jason Wahler approached the tow truck driver first, physically
16 thrusting his chest into that of the tow truck driver while unleashing a verbal barrage of racial
17 statements and swearing profusely.

18 11. Plaintiff attempted to calm Defendant Jason Wahler down in a professional and
19 courteous manner.

20 12. Defendants responded by approaching Plaintiff in a threatening manner.
21 Defendant Jason Wahler repeatedly thrust his chest into Plaintiff while Defendants continued to
22 spew insults including calling Plaintiff a "nigger", "motherfucker", "fag", and "fatass."

23 13. During the altercation a second tow truck driver operating across the street came
24 to offer assistance in resolving the issue.

25 14. Defendant Jason Wahler initiated physical contact by repeatedly punching at the
26 second tow truck driver and Plaintiff. As a result, Defendant Jason Wahler hit Plaintiff on his
27 left eye.

28 15. Defendants continued the altercation with Plaintiff and the two tow truck drivers.

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16. Plaintiff used his handheld work radio to request LAPD assistance.

17. LAPD arrested Defendants and charged each of them with battery and a hate crime under the California Penal Code.

FIRST CAUSE OF ACTION

(ASSAULT AGAINST ALL DEFENDANTS)

18. Plaintiff refers to and incorporates herein by reference the allegations in Paragraphs 1 through 17, inclusive of this Verified Complaint for Damages.

19. In doing the acts as alleged above, Defendants intended to cause or to place Plaintiff in apprehension of harmful and offensive contact with Plaintiff's person.

20. As a result of Defendants' acts as alleged above, Plaintiff, in fact, was placed in great apprehension of harmful and offensive contact with the Plaintiff's person.

21. Defendants conduct as hereinabove alleged was intentional and perpetrated with conscious disregard for Plaintiff's rights, and said conduct was malicious and oppressive and entitles Plaintiff to receive punitive damages.

SECOND CAUSE OF ACTION

(BATTERY AGAINST ALL DEFENDANTS)

22. Plaintiff refers to and incorporates herein by reference the allegations in Paragraphs 1 through 21, inclusive, of this Verified Complaint for Damages.

23. In doing the acts as alleged above, Defendants acted with the intent to strike Plaintiff.

24. As a result of Defendants' acts as alleged above, Defendants, in fact, struck Plaintiff in the area of the left eye causing the damages for which Plaintiff seeks redress herein.

25. Defendants conduct as hereinabove alleged was intentional and perpetrated with conscious disregard for Plaintiff's rights, and said conduct was malicious and oppressive and entitles Plaintiff to receive punitive damages.

FIRST AND SECOND CAUSES OF ACTION

(CONTINUED AGAINST ALL DEFENDANTS)

26. Plaintiff refers to and incorporates herein by reference the allegations in

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1 Paragraphs 1 through 25, inclusive, of this Verified Complaint for Damages.

2 27. As a proximate result of the acts of Defendants alleged in the
3 first and second causes of action, above.

4 28. As a proximate result of the acts of Defendants and each of them as alleged in the
5 first and second cause of action, Plaintiff's was in need of and in fact sought medical treatment,
6 lost time from work and continues to have psychological trauma.

7 29. As a proximate result of the acts of Defendants as alleged in the first and second
8 cause of action, Plaintiff was hurt and injured in his health, strength, and activity, sustaining
9 injury to his nervous system and person, all of which have caused, and continue to cause,
10 Plaintiff great mental, physical, and nervous pain and suffering. Plaintiff is informed and
11 believes thereon alleges that these injuries will result in some form of permanent damage to his
12 body and mind. As a result of these injuries, Plaintiff has suffered general damages in the
13 amount of Fifty Thousand Dollars (\$50,000.00).

14 30. As a further proximate result of the acts of Defendants, Plaintiff has been
15 damaged in that he has been required to expend money and incur obligations for medical
16 services, drugs, and sundries reasonably required in the treatment and relief of the injuries herein
17 alleged in the sum of One Hundred Dollars (\$100.00).

18 31. As a further proximate result of the acts of Defendants, Plaintiff was prevented
19 from attending to his usual occupation as a Department of Transportation Traffic Officer at a
20 salary of Four Thousand Dollars (\$4,000.00) per month for a period of One (1) day and thereby
21 lost earnings to his damage in the sum of One Hundred Thirty Four Dollars (\$134.00).

22 32. Defendants conduct as hereinabove alleged was intentional and perpetrated with
23 conscious disregard for Plaintiff's rights, and said conduct was malicious and oppressive and
24 entitles Plaintiff to receive punitive damages.

25 **THIRD CAUSE OF ACTION**

26 (VIOLATION OF CIVIL RIGHTS AGAINST ALL DEFENDANTS)

27 33. Plaintiff refers to and incorporates herein by reference the allegations in
28 Paragraphs 1 through 32, inclusive, of this Verified Complaint for Damages.

1 34. Plaintiff believes that Defendants use of vile and racially derogatory language
2 violated Plaintiff's civil rights.

3 35. Plaintiff never displayed any conduct that would warrant that action and words
4 from Defendants.

5 36. Plaintiff believes Defendants used racial epithets, and other extreme and vulgar
6 language due to the fact that Plaintiff is of African-American descent.

7 37. Defendants conduct is in violation of both federal and state anti-discrimination
8 law.

9 38. Defendants conduct as hereinabove alleged was intentional and perpetrated with
10 conscious disregard for Plaintiff's rights and feelings and said conduct was malicious and
11 oppressive entitling Plaintiff to general and punitive damages in an amount to be determined by
12 the Court in this action.

13 WHEREFORE, Plaintiff prays judgment as follows:

14 On the First and Second Causes of Action:

- 15 (a) General damages in a sum according to proof;
16 (b) Special damages in a sum according to proof.
17 (c) Punitive or exemplary damages in the amount of One Hundred Fifty Thousand
18 Dollars (\$150,000.00)

19 On the Third Cause of Action:

- 20 (a) General damages in a sum according to proof;
21 (b) Special damages in a sum according to proof; and
22 (c) Punitive or exemplary damages in the amount of One Hundred Fifty Thousand
23 Dollars (\$150,000.00).

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1 On All Causes of Action:

- 2 (a) For monetary loss caused by defendants;
3 (b) For attorney fees incurred in this action;
4 (c) For costs of suit herein;
5 (d) For such other and further relief as to the Court may deem just.

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7 DATED: August 15, 2007

LAW OFFICES OF EMMANUEL BART PLANGE

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9 By:



10 Emmanuel Bart-Plange
11 Attorney for Plaintiff

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VERIFICATION


STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I, JONATHAN WALLACE declare as follows:

I am the Plaintiff in the above-entitled matter and have read the forgoing VERIFIED COMPLAINT FOR DAMAGES and know its contents. The same is true of my own knowledge, except as to those matters that are therein alleged on information and belief, and as to those matters, I believe them to be true.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated this 15th day of August 2007, at Van Nuys, California.


Jonathan Wallace

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