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9 TAPIA, EDWARD TAPIA, CHERYL TAPIA-RUFENER and BRIANNA PALOMINO,
10 Individually and as Successors-In-Interest to Decedent, EDWARD BRONSTEIN

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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

I.M., a minor, by and through her Guardian Ad Litem, EDWARD TAPIA, EDWARD TAPIA, CHERYL TAPIA-RUFENER and BRIANNA PALOMINO, Individually and as Successors-In-Interest to Decedent, EDWARD BRONSTEIN,

Plaintiffs,

vs.

DOE CHP OFFICERS 1-10

Defendants.

E.W. and L.W. Minors, by and through their Guardian Ad Litem, AUNDREA CHERYL ROSA WAGNER, Individually and as Successors-In-Interest to Decedent, EDWARD BRONSTEIN

Plaintiffs,

vs.

STATE OF CALIFORNIA, a public entity; CALIFORNIA HIGHWAY PATROL, a public entity; DOE CHP OFFICERS 1-10, inclusive,

Defendants.

CASE NO: 2:20-cv-11174 FMO (JEMx)

SECOND AMENDED CONSOLIDATED COMPLAINT FOR DAMAGES

First Cause of Action: Fourth Amendment Violation
Second Cause of Action: Fourteenth Amendment Interference with Familial Relations
Third Cause of Action: Negligence
Fourth Cause of Action: Wrongful Death
Fifth Cause of Action: Assault and Battery
Sixth Cause of Action: Civil Conspiracy under Federal Law (42 U.S.C. §§1983, 1988)
Seventh Cause of Action: Failure to Provide Medical Care Fourth Amendment (42 U.S.C. §§1983, 1988)

[DEMAND FOR JURY TRIAL]

1 **COMPLAINT FOR DAMAGES**

2 Plaintiffs I.M., a minor, by and through her Guardian Ad Litem EDWARD
3 TAPIA, EDWARD TAPIA, CHERYL TAPIA-RUFENER and BRIANNA PALOMINO,
4 Individually and as Successors-In-Interest to Decedent, EDWARD BRONSTEIN; and
5 E.W., a minor; and L.W., a minor; by and through their Guardian Ad Litem, AUNDREA
6 CHERYL ROSA WAGNER, individually and as Successors-In-Interest to Decedent
7 EDWARD BRONSTEIN (all collectively referred to as “PLAINTIFFS”) file the instant
8 Complaint against Defendants STATE OF CALIFORNIA, CALIFORNIA HIGHWAY
9 PATROL (“CHP”), DUSTY OSMANSON, CHRISTOPHER SANCHEZ-ROMERO,
10 ERIC VOSS, MARCIEL TERRY, DIONISIO FIORELLA, CARLOS VILLANUEVA,
11 DIEGO ROMERO, JUSTIN SILVA, DARREN PARSONS, MICHAEL LITTLE, ARBI
12 BAGHALIAN and VITAL MEDICAL SERVICES, LLC, inclusive, and herein allege as
13 follows:

14 **JURISDICTION AND VENUE**

15 1. This civil action is brought to redress violations of the Fourth and Fourteenth
16 Amendments of the United States Constitution as protected by 42 U.S.C. §§ 1983.

17 2. Jurisdiction is founded on 28 U.S.C. §§ 1331 and 1343 and 42 U.S.C. §
18 1983. Venue is proper in this Court under 28 U.S.C. § 1391(b) because Defendants reside
19 in and all incidents, events, and occurrences giving rise to this action occurred in the
20 County of Los Angeles, State of California, which is located in this Central District of
21 California. The Court has supplemental jurisdiction over the California state law causes
22 of action asserted in this Complaint pursuant to 28 U.S.C. § 1367(a).

23 **II.**

24 **PARTIES**

25 3. EDWARD BRONSTEIN (hereinafter “DECEDENT”) is the Decedent. Mr.
26 Bronstein died on March 31, 2020. At all relevant times, Plaintiffs I.M., a minor, by and
27 through her Guardian Ad Litem EDWARD TAPIA, EDWARD TAPIA, CHERYL
28

1 TAPIA-RUFENER, BRIANNA PALOMINO, Individually and as Successors-In-Interest
2 to Decedent, EDWARD BRONSTEIN, were and are residents of Los Angeles County.

3 4. Plaintiff EDWARD TAPIA (Plaintiff “TAPIA”) is DECEDENT’S
4 biological father and brings survival claims in a representative capacity on the
5 DECEDENT’S behalf as a lawful successor-in-interest pursuant to California Code of
6 Civil Procedure § 377.30 and § 377.60. Plaintiff TAPIA seeks damages for individual
7 and survival claims, wrongful death, and loss of familial relations. TAPIA maintained a
8 relationship with his son EDWARD BRONSTEIN. TAPIA would celebrate birthdays,
9 holidays, and other major life celebrations with his son. TAPIA would receive support
10 from his son to assist him with daily living expenses.

11 5. Plaintiff CHERYL TAPIA-RUFENER, (Plaintiff “TAPIA-RUFENER”) is
12 DECEDENT’S biological mother and brings survival claims in a representative capacity
13 on the DECEDENT’S behalf as a lawful successor-in-interest pursuant to California
14 Code of Civil Procedure § 377.30 and § 377.60. Plaintiff TAPIA-RUFENER seeks
15 damages for individual and survival claims, wrongful death, and loss of familial relations.
16 TAPIA-RUFENER maintained a relationship with her son EDWARD BRONSTEIN.
17 TAPIA-RUFENER would celebrate birthdays, holidays, and other major life celebrations
18 with her son. TAPIA-RUFENER would receive support from her son to assist her with
19 daily living expenses.

20 6. Plaintiff BRIANNA PALOMINO (Plaintiff “PALOMINO”) is the
21 DECEDENT’S biological daughter and brings survival claims in a representative
22 capacity on the DECEDENT’S behalf as a lawful successor-in-interest pursuant to
23 California Code of Civil Procedure § 377.30 and § 377.60. Plaintiff PALOMINO seeks
24 damages for survival claims, wrongful death, and loss of familial relations. PALOMINO
25 maintained a relationship with her father EDWARD BRONSTEIN. PALOMINO would
26 celebrate birthdays, holidays, and other major life celebrations with her father.
27 PALOMINO would receive support from her father to assist her with living expenses.
28

1 7. Plaintiff, I.M. (“I.M.”) is a minor individual and is the natural born daughter
2 to DECEDENT EDWARD BRONSTEIN. Plaintiff I.M. sues by and through her
3 Guardian Ad Litem, EDWARD TAPIA, pursuant to Federal Rules of Civil Procedure,
4 Rule 17(c)(2). I.M. sues both in her individual capacity as the daughter of DECEDENT
5 and in a representative capacity as a successor-in-interest to DECEDENT. Plaintiff I.M.
6 seeks damages for survival claims, wrongful death, and loss of familial relations. I.M.
7 maintained a relationship with her father EDWARD BRONSTEIN. I.M. would celebrate
8 birthdays, holidays, and other major life celebrations with her father. I.M. would receive
9 support from her father to assist her with living expenses.

10 8. Plaintiffs E.W. and L.W. are DECEDENT’S daughter and son, and bring
11 survival claims in a representative capacity on the DECEDENT’S behalf as a lawful
12 successors-in-interest pursuant to California Code of Civil Procedure § 377.30 and §
13 377.60. Plaintiffs E.W. and L.W. seek damages for individual and survival claims,
14 wrongful death, and loss of familial relations. At all relevant times, Plaintiffs E.W. and
15 L.W., minors, individually and as Successors-In-Interest to DECEDENT, by and through
16 their Guardian ad Litem AUNDREA CHERYL ROSA WAGNER were and are residents
17 of Orange County”

18 9. Plaintiff, E.W. is a minor individual and is the natural born daughter to
19 DECEDENT. Plaintiff, L.W. is a minor individual and is the natural born son to
20 DECEDENT. Plaintiffs E.W. and L.W. sue by and through their Guardian Ad Litem,
21 AUNDREA CHERYL ROSA WAGNER, pursuant to Federal Rules of Civil Procedure,
22 Rule 17(c)(2). Plaintiffs E.W. and L.W. sue both in their individual capacities as daughter
23 and son of DECEDENT and in a representative capacity as successors-in-interest to
24 DECEDENT. Plaintiffs E.W. and L.W. seek damages for individual and survival claims,
25 wrongful death, and loss of familial relations.

26 10. DOE CHP OFFICERS 1 through 10, are duly sworn Peace Officers, and
27 were specifically authorized by the CALIFORNIA HIGHWAY PATROL (hereinafter
28 referred to as “CHP”), a governmental law enforcement agency organized and existing

1 under the laws of the State of California, to perform the duties and responsibilities of
2 sworn law enforcement Officers of the CHP, and all acts hereinafter complained of were
3 performed by each of them within the course and scope of their duties as officers of the
4 CHP. DOE CHP OFFICERS 1 through 10 are also sued herein in their individual
5 capacity and in their official capacity as Peace Officers of the CHP. Plaintiffs hereby
6 substitute DUSTY OSMANSON as DOE CHP OFFICER 1; CHRISTOPHER
7 SANCHEZ-ROMERO as DOE CHP OFFICER 2; ERIC VOSS as DOE CHP OFFICER
8 3; MARCIEL TERRY as DOE CHP OFFICER 4; DIONISIO FIORELLA as DOE CHP
9 OFFICER 5; CARLOS VILLANUEVA as DOE CHP OFFICER 6; DIEGO ROMERO
10 as DOE CHP OFFICER 7; JUSTIN SILVA as DOE CHP OFFICER 8; DARREN
11 PARSONS as DOE CHP OFFICER 9 and MICHAEL LITTLE as DOE CHP OFFICER
12 10.

13 11. Plaintiffs are informed and believe that ARBI BAGHALIAN was employed
14 as a nurse with VITAL MEDICAL SERVICES, LLC who contracted with the State of
15 California or the CHP to do blood draws at the request of the CHP. Plaintiffs allege that
16 at the time of the incident involving EDWARD BRONSTEIN, ARBI BAGHALIAN was
17 acting within scope of his employment with VITAL MEDICAL SERVICES

18 12. Plaintiffs are informed and believe that Vital Medical Services, LLC
19 (“VITAL MEDICAL SERVICES”) is a California LLC with a business address of 550
20 North Brand Blvd., Suite 1500, Glendale, CA 91203.

21 **III.**

22 **FACTS COMMON TO ALL CAUSES OF ACTION**

23 13. PLAINTIFFS re-allege and incorporate by reference herein each and every
24 allegation contained herein above as though fully set forth herein in this cause of action.

25 14. PLAINTIFFS allege that in the early morning hours of March 31, 2020,
26 Defendant DUSTY OSMANSON, conducted a traffic stop of DECEDENT EDWARD
27 BRONSTEIN on the I-5 in the County of Los Angeles. Sometime after the traffic stop,
28 Defendant DUSTY OSMANSON took DECEDENT EDWARD BRONSTEIN into

1 custody. DECEDENT EDWARD BRONSTEIN was then transported to the CHP
2 Altadena Station.

3 15. PLAINTIFFS further allege that later that morning, Defendants DUSTY
4 OSMANSON, CHRISTOPHER SANCHEZ-ROMERO, ERIC VOSS, MARCIEL
5 TERRY, DIONISIO FIORELLA, CARLOS VILLANUEVA, DIEGO ROMERO,
6 JUSTIN SILVA, DARREN PARSONS and MICHAEL LITTLE took Decedent
7 EDWARD BRONSTEIN to the garage area of the CHP Altadena Station. PLAINTIFFS
8 allege that Defendants DUSTY OSMANSON, CHRISTOPHER SANCHEZ-ROMERO,
9 ERIC VOSS, MARCIEL TERRY, DIONISIO FIORELLA, CARLOS VILLANUEVA,
10 DIEGO ROMERO, JUSTIN SILVA, DARREN PARSONS and MICHAEL LITTLE
11 placed DECEDENT in a prone position and applied pressure on his back by placing their
12 knees on him to forcefully obtain a blood sample from DECEDENT. PLAINTIFFS
13 allege that while Defendants DUSTY OSMANSON, CHRISTOPHER SANCHEZ-
14 ROMERO, ERIC VOSS, MARCIEL TERRY, DIONISIO FIORELLA, CARLOS
15 VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN PARSONS and
16 MICHAEL LITTLE used excessive force on DECEDENT EDWARD BRONSTEIN to
17 obtain a blood sample, he became non-responsive and lost consciousness. PLAINTIFFS
18 allege that later that morning, EDWARD BRONSTEIN was pronounced dead following
19 the incident involving Defendants DUSTY OSMANSON, CHRISTOPHER SANCHEZ-
20 ROMERO, ERIC VOSS, MARCIEL TERRY, DIONISIO FIORELLA, CARLOS
21 VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN PARSONS and
22 MICHAEL LITTLE.

23 16. PLAINTIFFS allege that the use of force against DECEDENT EDWARD
24 BRONSTEIN by Defendants DUSTY OSMANSON, CHRISTOPHER SANCHEZ-
25 ROMERO, ERIC VOSS, MARCIEL TERRY, DIONISIO FIORELLA, CARLOS
26 VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN PARSONS and
27 MICHAEL LITTLE was excessive and objectively unreasonable under the
28 circumstances, because DECEDENT was unarmed, restrained, and surrounded by

1 uniformed peace officers, and DECEDENT did not pose an immediate threat of death or
2 serious bodily injury to anyone at the time of his arrest and while he remained in the
3 custody of the CHP.

4 17. PLAINTIFFS allege that Defendants DUSTY OSMANSON,
5 CHRISTOPHER SANCHEZ-ROMERO, ERIC VOSS, MARCIEL TERRY, DIONISIO
6 FIORELLA, CARLOS VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN
7 PARSONS and MICHAEL LITTLE did not timely summon medical care or permit
8 medical personnel to treat Decedent EDWARD BRONSTEIN.

9 18. The intentional, reckless, negligent, and unjustified use of excessive force by
10 Defendants DUSTY OSMANSON, CHRISTOPHER SANCHEZ-ROMERO, ERIC
11 VOSS, MARCIEL TERRY, DIONISIO FIORELLA, CARLOS VILLANUEVA, DIEGO
12 ROMERO, JUSTIN SILVA, DARREN PARSONS and MICHAEL LITTLE was also a
13 result of the negligent employment, negligent retention, and negligent supervision, of
14 Defendants DUSTY OSMANSON, CHRISTOPHER SANCHEZ-ROMERO, ERIC
15 VOSS, MARCIEL TERRY, DIONISIO FIORELLA, CARLOS VILLANUEVA, DIEGO
16 ROMERO, JUSTIN SILVA, DARREN PARSONS and MICHAEL LITTLE by the
17 California Highway Patrol.

18 19. On or about August 19, 2020, Claims for Damages were presented to the
19 STATE of CALIFORNIA, DEPARTMENT OF GENERAL SERVICES, on behalf of
20 Plaintiffs EDWARD TAPIA, I.M., TAPIA-RUFENER and on September 16, 2020 on
21 behalf of PALOMINO, in substantial compliance with Government Code § 910, et seq.
22 At the time of the filing of this Complaint, the claims had been denied. Plaintiffs
23 EDWARD TAPIA, I.M., TAPIA-RUFENER, and PALOMINO.

24 20. On or about September 3, 2020, Plaintiffs E.W. and L.W.'s Claims for
25 Damages were presented to the STATE of CALIFORNIA, DEPARTMENT OF
26 GENERAL SERVICES, on their behalf in substantial compliance with Government
27 Code § 910, et seq. At the time of the filing of this Complaint, the claims had been
28 denied.

FIRST CAUSE OF ACTION

FOURTH AMENDMENT VIOLATION OF FEDERAL CIVIL RIGHTS

EXCESSIVE USE OF FORCE [42 U.S.C. § 1983]

(By PLAINTIFFS as Successors-In-Interest of Decedent

**Against Defendants DUSTY OSMANSON, CHRISTOPHER SANCHEZ-
ROMERO, ERIC VOSS, MARCIEL TERRY, DIONISIO FIORELLA, CARLOS
VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN PARSONS,
MICHAEL LITTLE and ARBI BAGHALIAN)**

21. PLAINTIFFS re-allege and incorporate by reference herein each and every allegation contained herein above as though fully set forth and brought in this cause of action.

22. This cause of action is to redress a deprivation, under color of authority, statute, ordinance, regulation, policy, custom, practice or usage of a right, privilege and immunity secured to PLAINTIFFS and DECEDENT by the Fourth and Fourteenth Amendments of the United States Constitution.

23. Defendants DUSTY OSMANSON, CHRISTOPHER SANCHEZ-ROMERO, ERIC VOSS, MARCIEL TERRY, DIONISIO FIORELLA, CARLOS VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN PARSONS , MICHAEL LITTLE, and nurse ARBI BAGHALIAN each of them, owed a legal duty under the U.S. Constitution not to use excessive force against DECEDENT.

24. PLAINTIFFS alleges that Defendants DUSTY OSMANSON, CHRISTOPHER SANCHEZ-ROMERO, ERIC VOSS, MARCIEL TERRY, DIONISIO FIORELLA, CARLOS VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN PARSONS, MICHAEL LITTLE, and ARBI BAGHALIAN, and each of them, breached these aforementioned legal duties intentionally, in all their interactions with DECEDENT, on or about March 31, 2020, including, but not limited to, the use of excessive and unreasonable force upon DECEDENT while he was unarmed and restrained.

1 25. PLAINTIFFS herein allege that Defendants DUSTY OSMANSON,
2 CHRISTOPHER SANCHEZ-ROMERO, ERIC VOSS, MARCIEL TERRY, DIONISIO
3 FIORELLA, CARLOS VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN
4 PARSONS, MICHAEL LITTLE, ARBI BAGHALIAN and each of them, breached these
5 aforementioned duties, which constituted violations of the civil rights of the DECEDENT
6 in violation of 42 U.S.C. § 1983, and in violation of the Fourth and Fourteenth
7 Amendments of the United States Constitution.

8 26. PLAINTIFFS herein allege that Defendants DUSTY OSMANSON,
9 CHRISTOPHER SANCHEZ-ROMERO, ERIC VOSS, MARCIEL TERRY, DIONISIO
10 FIORELLA, CARLOS VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN
11 PARSONS, MICHAEL LITTLE and ARBI BAGHALIAN 's intentional use of excessive
12 and unreasonable force upon DECEDENT, who was unarmed and restrained, was the
13 legal cause of DECEDENT's death.

14 27. Defendants DUSTY OSMANSON, CHRISTOPHER SANCHEZ-
15 ROMERO, ERIC VOSS, MARCIEL TERRY, DIONISIO FIORELLA, CARLOS
16 VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN PARSONS,
17 MICHAEL LITTLE, and ARBI BAGHALIAN, and each of them, violated
18 DECEDENT'S civil rights under the Fourth and Fourteenth Amendments to the United
19 States Constitution to be free from unreasonable search and seizure of his person, cruel
20 and unusual punishment, nor the deprivation of life and liberty and denial of due process
21 of law. The violation was under color of State and Federal law. Defendants DUSTY
22 OSMANSON, CHRISTOPHER SANCHEZ-ROMERO, ERIC VOSS, MARCIEL
23 TERRY, DIONISIO FIORELLA, CARLOS VILLANUEVA, DIEGO ROMERO,
24 JUSTIN SILVA, DARREN PARSONS MICHAEL LITTLE, and ARBI BAGHALIAN
25 and each of them, acted in violation of the Fourth and Fourteenth Amendments of the
26 United States Constitution when DECEDENT was subjected to excessive force and
27 eventually died following his encounter with Defendants DUSTY OSMANSON,
28 CHRISTOPHER SANCHEZ-ROMERO, ERIC VOSS, MARCIEL TERRY, DIONISIO

1 FIORELLA, CARLOS VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN
2 PARSONS, MICHAEL LITTLE, ARBI BAGHALIAN

3 28. Defendants DUSTY OSMANSON, CHRISTOPHER SANCHEZ-
4 ROMERO, ERIC VOSS, MARCIEL TERRY, DIONISIO FIORELLA, CARLOS
5 VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN PARSONS,
6 MICHAEL LITTLE and ARBI BAGHALIAN are liable for the excessive and
7 unreasonable force used against the DECEDENT because each Defendant directly
8 participated, integrally participated, and/or failed to intervene in the violation of the
9 DECEDENTS' constitutional rights.

10 29. DECEDENT had a cognizable interest under the Due Process Clause of the
11 Fourteenth Amendment of the United States Constitution to be free from state actions
12 that deprive him of his right to life, liberty, or property in such a manner as to shock the
13 conscience.

14 30. As a result of the excessive use force by the Defendants DUSTY
15 OSMANSON, CHRISTOPHER SANCHEZ-ROMERO, ERIC VOSS, MARCIEL
16 TERRY, DIONISIO FIORELLA, CARLOS VILLANUEVA, DIEGO ROMERO,
17 JUSTIN SILVA, DARREN PARSONS, MICHAEL LITTLE, and ARBI BAGHALIAN
18 Decedent died. PLAINTIFFS I.M., a minor, by and through her Guardian Ad Litem
19 EDWARD TAPIA, EDWARD TAPIA, CHERYL TAPIA-RUFENER, BRIANNA
20 PALOMINO, E.W. and L.W., Individually and as Successors-In-Interest to DECEDENT,
21 EDWARD BRONSTEIN, were thereby deprived of their constitutional rights of familial
22 relationship with Decedent.

23 31. Defendants DUSTY OSMANSON, CHRISTOPHER SANCHEZ-
24 ROMERO, ERIC VOSS, MARCIEL TERRY, DIONISIO FIORELLA, CARLOS
25 VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN PARSONS ,
26 MICHAEL LITTLE and ARBI BAGHALIAN each of their actions, directly and
27 proximately caused injuries and damages to PLAINTIFFS, as set forth herein.

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1 32. Defendants DUSTY OSMANSON, CHRISTOPHER SANCHEZ-
2 ROMERO, ERIC VOSS, MARCIEL TERRY, DIONISIO FIORELLA, CARLOS
3 VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN PARSONS,
4 MICHAEL LITTLE ARBI BAGHALIAN, are individually liable for the violation of
5 DECEDENT and PLAINTIFFS' Civil Rights.

6 33. As a direct and proximate result of the conduct of Defendants DUSTY
7 OSMANSON, CHRISTOPHER SANCHEZ-ROMERO, ERIC VOSS, MARCIEL
8 TERRY, DIONISIO FIORELLA, CARLOS VILLANUEVA, DIEGO ROMERO,
9 JUSTIN SILVA, DARREN PARSONS, MICHAEL LITTLE, and ARBI BAGHALIAN
10 DECEDENT has suffered the following injuries and damages for which PLAINTIFFS, as
11 successors-in-interest, may recover:

- 12 a. Violation of DECEDENT'S Constitutional Rights under the Fourth and
13 Fourteenth Amendments to the United States Constitution to be free from
14 unreasonable search and seizure of his person, cruel and unusual
15 punishment, nor the deprivation of life and liberty and denial of due
16 process of law.
- 17 b. Violation of a detainee's right to medical care under the Fourth
18 Amendment, Fourteenth Amendment and Eight Amendment.
- 19 c. Loss of life, loss of enjoyment of life, and pre-death pain and suffering, as
20 well as the life-long deprivation of DECEDENT'S comfort, support,
21 society, care, and sustenance.
- 22 d. Conscious physical pain, suffering and emotional trauma during the
23 incident on March 31, 2020 suffered by DECEDENT.

24 34. As a direct and proximate result of the conduct of Defendants DUSTY
25 OSMANSON, CHRISTOPHER SANCHEZ-ROMERO, ERIC VOSS, MARCIEL
26 TERRY, DIONISIO FIORELLA, CARLOS VILLANUEVA, DIEGO ROMERO,
27 JUSTIN SILVA, DARREN PARSONS, MICHAEL LITTLE, and ARBI BAGHALIAN
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1 each of them, PLAINTIFFS suffered damages as a proximate result of the death of
2 EDWARD BRONSTEIN.

3 35. PLANTIFFs are entitlted to an awared of attorneys' fees, costs and expenses
4 under 42 U.S.C. § 1983, as a result of Defendant Defendants DUSTY OSMANSON,
5 CHRISTOPHER SANCHEZ-ROMERO, ERIC VOSS, MARCIEL TERRY, DIONISIO
6 FIORELLA, CARLOS VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN
7 PARSONS, MICHAEL LITTLE, ARBI BAGHALIAN, for the violation of
8 DECEDENT's and PLAINTIFFS' Civil Rights.

9
10 **SECOND CAUSE OF ACTION**

11 **FOURTEENTH AMENDMENT INTERFERENCE WITH FAMILIAL**
12 **RELATIONS [42 U.S.C. §1983]**

13 **(By PLAINTIFFS individually against Defendants DUSTY OSMANSON,**
14 **CHRISTOPHER SANCHEZ-ROMERO, ERIC VOSS, MARCIEL TERRY,**
15 **DIONISIO FIORELLA, CARLOS VILLANUEVA, DIEGO ROMERO, JUSTIN**
16 **SILVA, DARREN PARSONS, MICHAEL LITTLE, and ARBI BAGHALIAN)**

17 36. PLAINTIFFS re-allege and incorporate by reference herein each and every
18 allegation contained herein above as though fully set forth and brought in this cause of
19 action.

20 37. The Due Process Clause of the Fourteenth Amendment to the United States
21 Constitution guarantees all persons the right to be free from state actions that deprive
22 them of life, liberty, or property in such a manner as to shock the conscience, including,
23 but not limited to, unwarranted state interference with the familial relationships of the
24 DECEDENT. Defendants DUSTY OSMANSON, CHRISTOPHER SANCHEZ-
25 ROMERO, ERIC VOSS, MARCIEL TERRY, DIONISIO FIORELLA, CARLOS
26 VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN PARSONS,
27 MICHAEL LITTLE, ARBI BAGHALIAN acting under color of state law, violated
28 PLAINTIFFS' Fourteenth Amendment right to be free from unwarranted interference

1 with their familial relationship with DECEDENT when they used excessive and
2 unreasonable force, causing the DECEDENT's death and also acted with deliberate
3 indifference to his medical needs.

4 38. Defendants DUSTY OSMANSON, CHRISTOPHER SANCHEZ-
5 ROMERO, ERIC VOSS, MARCIEL TERRY, DIONISIO FIORELLA, CARLOS
6 VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN PARSONS,
7 MICHAEL LITTLE ARBI BAGHALIAN, are liable for the violation of DECEDENT'S
8 and PLAINTIFFS' Fourteenth Amendment rights because each Defendant directly
9 participated, integrally participated, and/or failed to intervene in the use of excessive or
10 unreasonable force against the DECEDENT, and further each was deliberately indifferent
11 to his medical needs.

12 39. As a direct and proximate cause of Defendants DUSTY OSMANSON,
13 CHRISTOPHER SANCHEZ-ROMERO, ERIC VOSS, MARCIEL TERRY, DIONISIO
14 FIORELLA, CARLOS VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN
15 PARSONS, MICHAEL LITTLE and ARBI BAGHALIAN's conduct, PLAINTIFFS
16 suffered damages. PLAINTIFFS therefore seek compensatory damages under this claim
17 in their individual capacity for their loss of familial relations with the DECEDENT.

18 40. PLAINTIFFS also seeks costs of suit, interest, and statutory attorneys' fees
19 under 42 U.S.C. §1988 under this claim.

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1 **THIRD CAUSE OF ACTION**

2 **NEGLIGENCE**

3 **(By PLAINTIFFS individually and as successors-in-interest against all Defendants,**

4 **the STATE, CHP,**

5 **DUSTY OSMANSON, CHRISTOPHER SANCHEZ-ROMERO, ERIC**

6 **VOSS, MARCIEL TERRY, DIONISIO FIORELLA, CARLOS**

7 **VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN PARSONS,**

8 **MICHAEL LITTLE, ARBI BAGHALIAN**

9 **AND VITAL MEDICAL SERVICES inclusive)**

10
11 **A. NEGLIGENCE BY THE STATE OF CALIFORNIA, CHP AND ITS**
12 **EMPLOYEES**

13 41. PLAINTIFFS re-allege and incorporate by reference herein each and every
14 allegation contained herein above as though fully set forth and brought in this cause of
15 action.

16 42. At all times, each Defendants DUSTY OSMANSON, CHRISTOPHER
17 SANCHEZ-ROMERO, ERIC VOSS, MARCIEL TERRY, DIONISIO FIORELLA,
18 CARLOS VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN PARSONS
19 and MICHAEL LITTLE owed DECEDENT the duty to act with due care in the
20 execution and enforcement of any right, law, or legal obligation.

21 43. Government Code § 820 provides that an employee of a public entity is
22 liable for his or her acts or omissions to the same extent as a private person, and under
23 Government Code § 815.2 the public entity that employs the individual is vicariously
24 liable for the torts of its employee committed in the scope of employment. All State
25 claims asserted herein against Defendants STATE and CHP are presented pursuant to the
26 STATE and CHP's vicarious liability for acts and omissions of its employees undertaken
27 in the course and scope of their employment pursuant to California Government Code §§
28 815.2(a), 820(a) and Civil Code § 43.

1 44. At all times, each Defendants STATE, CHP and Defendants DUSTY
2 OSMANSON, CHRISTOPHER SANCHEZ-ROMERO, ERIC VOSS, MARCIEL
3 TERRY, DIONISIO FIORELLA, CARLOS VILLANUEVA, DIEGO ROMERO,
4 JUSTIN SILVA, DARREN PARSONS and MICHAEL LITTLE owed DECEDENT the
5 duty to act with reasonable care.

6 45. These general duties of reasonable care and due care owed to DECEDENT
7 by Defendants STATE, CHP and Defendants DUSTY OSMANSON, CHRISTOPHER
8 SANCHEZ-ROMERO, ERIC VOSS, MARCIEL TERRY, DIONISIO FIORELLA,
9 CARLOS VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN PARSONS
10 and MICHAEL LITTLE, include but are not limited to the following specific obligations:

- 11 a. to refrain from using excessive and/or unreasonable force against
12 DECEDENT;
- 13 b. to refrain from wrongfully arresting and/or detaining DECEDENT;
- 14 c. to refrain from abusing their authority granted them by law;
- 15 d. to refrain from violating DECEDENT and PLAINTIFFS' rights guaranteed
16 by the United States and California Constitutions, as set forth above, and as
17 otherwise protected by law.
- 18 e. Not providing medical care when DECEDENT required such care.

19 46. Additionally, these general duties of reasonable care and due care owed to
20 PLAINTIFFS by Defendants STATE, CHP, and Defendants DUSTY OSMANSON,
21 CHRISTOPHER SANCHEZ-ROMERO, ERIC VOSS, MARCIEL TERRY, DIONISIO
22 FIORELLA, CARLOS VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN
23 PARSONS and MICHAEL LITTLE, include but are not limited to the following specific
24 obligations:

- 25 a. to properly and adequately hire, investigate, train, supervise, monitor and
26 discipline their employees, agents, and/or CHP officers to ensure that those
27 employees/agents/officers act at all times in the public interest and in
28 conformance with law;

1 b. to make, enforce, and at all times act in conformance with policies and
2 customs that are lawful and protective of individual rights, including
3 PLAINTIFFS;

4 c. to refrain from making, enforcing, and/or tolerating the wrongful policies
5 and customs set forth above.

6 PLAINTIFFS allege that the STATE, CHP and Defendants DUSTY OSMANSON,
7 CHRISTOPHER SANCHEZ-ROMERO, ERIC VOSS, MARCIEL TERRY, DIONISIO
8 FIORELLA, CARLOS VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN
9 PARSONS and MICHAEL LITTLE can be vicariously liable pursuant to Government
10 Code section 815.2., for the acts and omissions alleged in a. – c. above.

11 47. Defendants STATE, CHP, and Defendants DUSTY OSMANSON,
12 CHRISTOPHER SANCHEZ-ROMERO, ERIC VOSS, MARCIEL TERRY, DIONISIO
13 FIORELLA, CARLOS VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN
14 PARSONS and MICHAEL LITTLE, through their acts and omissions, breached each and
15 every one of the aforementioned duties owed to DECEDENT and PLAINTIFFS.

16 48. In doing the things herein alleged, and specifically by using excessive force
17 without provocation, necessity or legal justification, in a manner that was likely to, and
18 did in fact, cause decedent’s death, Defendants, and each of them, acted with deliberate
19 indifference to the results of their conduct.

20 49. As a direct and proximate result of Defendants’ negligence and wrongful
21 death of DECEDENT, PLAINTIFFS sustained damages, and are entitled to relief as set
22 forth at above.

23
24 **B. NEGLIGENCE BY DEFENDANTS ARBI BAGHALIAN**
25 **AND VITAL MEDICAL SERVICES.**
26

27 50. Defendant VITAL MEDICAL SERVICES has a duty to operate and
28 manage its employees as to prevent the acts and/or omissions alleged herein. VITAL

1 MEDICAL SERVICES and ARBI BAGHALIAN owed Decedent EDWARD
2 BRONSTEIN a duty of due care to protect his health and physical safety as he was in
3 their care, custody, and control. Because EDWARD BRONSTEIN was within VITAL
4 MEDICAL SERVICES and ARBI BAGHALIAN's custody and control they had a
5 special relationship with him which gave rise to a duty of care.

6 51. Defendants VITAL MEDICAL SERVICES and ARBI BAGHALIAN were
7 negligent in their administration of medical services at the request of the CHP.
8 Defendants VITAL MEDICAL SERVICES and ARBI BAGHALIAN either failed to
9 give medical care or gave such care that falls below the standard of reasonable care when
10 they failed to discharge their duties as custodians and/or medical professionals.
11 Plaintiffs further allege that ARBI BAGHALIAN and VITAL MEDICAL SERVICES
12 failed to adequately document their interaction with Decedent.

13 52. It was foreseeable that as a result of Defendants VITAL MEDICAL
14 SERVICES and ARBI BAGHALIAN's acts and omissions, as described above,
15 EDWARD BRONSTEIN had difficulty breathing during ARBI BAGHALIAN's taking
16 of his blood. Defendants VITAL MEDICAL SERVICES and ARBI BAGHALIA's
17 breach of their duties proximately caused injuries and damages to Decedent EDWARD
18 BRONSTEIN and PLAINTIFFS as alleged herein.

19
20 **FOURTH CAUSE OF ACTION**

21 **WRONGFUL DEATH**

22 **Pursuant to California Government Code §§ 815.2(a), 820(a); Civil Code § 43 and**
23 **Code of Civil Procedure §§ 377.60, et seq.**

24 **(By PLAINTIFFS individually against all Defendants, the STATE, CHP,**
25 **DUSTY OSMANSON, CHRISTOPHER SANCHEZ-ROMERO, ERIC VOSS,**
26 **MARCIEL TERRY, DIONISIO FIORELLA, CARLOS VILLANUEVA, DIEGO**
27 **ROMERO, JUSTIN SILVA, DARREN PARSONS MICHAEL LITTLE, VITAL**
28 **MEDICAL SERVICES, and ARBI BAGHALIAN, inclusive)**

1 53. PLAINTIFFS re-allege and incorporate by reference herein each and every
2 allegation contained herein above as though fully set forth and brought in this cause of
3 action.

4 54. All State claims asserted herein against Defendants STATE and CHP are
5 presented pursuant to the STATE and CHP's vicarious liability for acts and omissions of
6 its employees undertaken in the course and scope of their employment pursuant to
7 California Government Code §§ 815.2(a), 820(a) and Civil Code § 43.

8 55. PLAINTIFFS further allege that Defendants DUSTY OSMANSON,
9 CHRISTOPHER SANCHEZ-ROMERO, ERIC VOSS, MARCIEL TERRY, DIONISIO
10 FIORELLA, CARLOS VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN
11 PARSONS and MICHAEL LITTLE, failed to exercise reasonable and ordinary care in
12 committing the acts alleged herein, by actions and inactions which include, but are not
13 limited to negligently inflicting physical injury upon DECEDENT as described herein,
14 and negligently employing excessive force against DECEDENT when such force was
15 unnecessary and unlawful. All of these acts proximately caused DECEDENT'S death on
16 or about March 31, 2020.

17 56. As a direct and proximate result of the death of DECEDENT and the above-
18 described conduct of Defendants DUSTY OSMANSON, CHRISTOPHER SANCHEZ-
19 ROMERO, ERIC VOSS, MARCIEL TERRY, DIONISIO FIORELLA, CARLOS
20 VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN PARSONS and
21 MICHAEL LITTLE, and each of them, DECEDENT'S heirs, the PLAINTIFFS herein,
22 have sustained substantial economic damages and non-economic damages resulting from
23 the loss of the love, companionship, comfort, care, assistance, protection, affection,
24 society, moral support, training, guidance, services and support of DECEDENT in an
25 amount according to proof at trial.

26 57. As a further direct and proximate result of the above-described conduct of
27 the Defendants, and each of them, and the ensuing death of DECEDENT, PLAINTIFFS
28 have incurred funeral and burial expenses in an amount according to proof at trial.

1 58. PLAINTIFFS further allege that nurse ARBI BAGHALIAN and VITAL
2 MEDICAL SERVICES, failed to exercise reasonable and ordinary care in committing the
3 acts alleged herein, by actions and inactions which include, but are not limited to
4 negligently inflicting physical injury upon DECEDENT as described herein, and
5 negligently employing excessive force against DECEDENT, failing to monitor his
6 condition, and failing to prevent his death. All of these acts proximately caused
7 DECEDENT'S death on or about March 31, 2020.

8
9 **FIFTH CAUSE OF ACTION**

10 **ASSAULT AND BATTERY**

11 **(By PLAINTIFFS as successors-in interest against Defendants DUSTY**
12 **OSMANSON, CHRISTOPHER SANCHEZ-ROMERO, ERIC VOSS,**
13 **MARCIEL TERRY, DIONISIO FIORELLA, CARLOS VILLANUEVA,**
14 **DIEGO ROMERO, JUSTIN SILVA, DARREN PARSONS , MICHAEL**
15 **LITTLE and ARBI BAGHALIAN)**

16 59. PLAINTIFFS re-allege and incorporate by reference herein each and every
17 allegation contained herein above as though fully set forth and brought in this cause of
18 action.

19 60. The actions and omissions of Defendants DUSTY OSMANSON,
20 CHRISTOPHER SANCHEZ-ROMERO, ERIC VOSS, MARCIEL TERRY, DIONISIO
21 FIORELLA, CARLOS VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN
22 PARSONS and MICHAEL LITTLE, as set forth above constitute assault and battery.

23 61. As a direct and proximate result of Defendants DUSTY OSMANSON,
24 CHRISTOPHER SANCHEZ-ROMERO, ERIC VOSS, MARCIEL TERRY, DIONISIO
25 FIORELLA, CARLOS VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN
26 PARSONS and MICHAEL LITTLE assault and battery of DECEDENT, DECEDENT
27 sustained injuries and damages, and is entitled to relief as set forth above.

1 62. PLAINTIFFS are informed and believe and based thereon allege that
2 DECEDENT EDWARD BRONSTEIN had not consented to a blood draw, nevertheless
3 nurse ARBI BAGHALIAN of VITAL MEDICAL SERVICES proceeded to withdraw
4 blood from EDWARD BRONSTEIN despite the lack of consent. Further, PLAINTIFFS
5 alleged that the force used on EDWARD BRONSTEIN for the blood draw was
6 excessive. PLAINTIFFS further allege that ARBI BAGHALIAN assaulted and battered
7 EDWARD BRONSTEIN in the process of doing the non-consensual blood draw.
8

9 **SIXTH CAUSE OF ACTION**

10 **Civil Conspiracy under Federal Law, Pursuant to 42 U.S.C. §§ 1983, 1985**

11 **[By PLAINTIFFS individually and as successors-in-interest against**
12 **Defendants DUSTY OSMANSON, CHRISTOPHER SANCHEZ-ROMERO,**
13 **ERIC VOSS, MARCIEL TERRY, DIONISIO FIORELLA, CARLOS**
14 **VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN PARSONS**
15 **MICHAEL LITTLE, and ARBI BAGHALIAN, inclusive.]**

16 63. PLAINTIFFS re-allege and incorporate by reference herein each and every
17 allegation contained herein above as though fully set forth and brought in this cause of
18 action.

19 64. PLAINTIFFS assert this Cause of Action for Conspiracy to violate civil
20 rights, as DECEDENT'S successors in interest, pursuant to 42 U.S.C. §§ 1983, 1985, and
21 California Code of Civil Procedure § 377.20 et seq.

22 65. PLAINTIFFS allege that Defendants DUSTY OSMANSON,
23 CHRISTOPHER SANCHEZ-ROMERO, ERIC VOSS, MARCIEL TERRY, DIONISIO
24 FIORELLA, CARLOS VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN
25 PARSONS, MICHAEL LITTLE and ARBI BAGHALIAN entered into a civil
26 conspiracy and agreement, to violate the civil rights of DECEDENT EDWARD
27 BRONSTEIN when they exercised excessive force against DECEDENT, thereby causing
28 his death.

1 66. As such, all of the Defendants DUSTY OSMANSON, CHRISTOPHER
2 SANCHEZ-ROMERO, ERIC VOSS, MARCIEL TERRY, DIONISIO FIORELLA,
3 CARLOS VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN PARSONS,
4 MICHAEL LITTLE and ARBI BAGHALIAN’s actions were consistent with an
5 agreement to apply excessive force, regardless of the circumstances, against DECEDENT
6 EDWARD BRONSTEIN. PLAINTIFFS further allege that Defendants DUSTY
7 OSMANSON, CHRISTOPHER SANCHEZ-ROMERO, ERIC VOSS, MARCIEL
8 TERRY, DIONISIO FIORELLA, CARLOS VILLANUEVA, DIEGO ROMERO,
9 JUSTIN SILVA, DARREN PARSONS and MICHAEL LITTLE took affirmative steps
10 to obfuscate facts and the circumstances surrounding the death of DECEDENT.

11 67. Defendants DUSTY OSMANSON, CHRISTOPHER SANCHEZ-
12 ROMERO, ERIC VOSS, MARCIEL TERRY, DIONISIO FIORELLA, CARLOS
13 VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN PARSONS,
14 MICHAEL LITTLE, and ARBI BAGHALIAN inclusive, are legally responsible for, and
15 indeed proximately and legally caused, the damages alleged herein for the reasons
16 alleged above and incorporated herein by reference.

17
18 **SEVENTH CAUSE OF ACTION**

19 **42 U.S.C Section 1983 – Due Process – Fourth Amendment -Failure to Provide**
20 **Medical Care**

21 **[By PLAINTIFFS individually and as successors-in-interest against Defendants**
22 **DUSTY OSMANSON, CHRISTOPHER SANCHEZ-ROMERO, ERIC VOSS,**
23 **MARCIEL TERRY, DIONISIO FIORELLA, CARLOS VILLANUEVA, DIEGO**
24 **ROMERO, JUSTIN SILVA, DARREN PARSONS and MICHAEL LITTLE,**
25 **VITAL MEDICAL SERVICES ARBI BAGHALIAN inclusive.**

26 68. PLAINTIFFS re-allege and incorporate by reference herein each and every
27 allegation contained herein above as though fully set forth and brought in this cause of
28 action.

1 69. PLAINTIFFS are informed and believe and based thereon allege that the
2 State of California and the CHP retained and contracted VITAL MEDICAL SERVICES
3 to provide certain services, including but not limited to doing blood draws.
4 PLAINTIFFS further allege that ARBI BAGHALIAN was employed or was an agent of
5 VITAL MEDICAL SERVICES on day of the incident involving EDWARD
6 BRONSTEIN.

7 70. PLAINTIFFS are informed and believe and based thereon allege that on or
8 about March 31, 2020, ARBI BAGHALIAN was called to the Altadena CHP station to
9 do a blood draw. Plaintiffs allege that EDWARD BRONSTEIN did not consent to a
10 blood draw. Plaintiffs further allege that DUSTY OSMANSON, CHRISTOPHER
11 SANCHEZ-ROMERO, ERIC VOSS, MARCIEL TERRY, DIONISIO FIORELLA,
12 CARLOS VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN PARSONS
13 and MICHAEL LITTLE restrained EDWARD BRONSTEIN while ARBI BAGHALIAN
14 forcibly drew blood from EDWARD BRONSTEIN. While ARBI BAGHALIAN
15 forcibly withdrew blood from EDWARD BRONSTEIN, EDWARD BRONSTEIN yelled
16 that he had difficulty breathing and that he would consent to the blood draw if force was
17 no longer used on him. Despite EDWARD BRONSTEIN's pleas that he could not
18 breathe, ARBI BAGHALIAN, continued with the blood draw. EDWARD BRONSTEIN
19 became unresponsive and stopped breathing. EDWARD BRONSTEIN was subjected to
20 excessive force during the blood draw.

21 71. PLAINTIFFS allege that despite EDWARD BRONSTEIN's pleas that he
22 could not breath and his condition was deteriorating, CHP Officers DUSTY
23 OSMANSON, CHRISTOPHER SANCHEZ-ROMERO, ERIC VOSS, MARCIEL
24 TERRY, DIONISIO FIORELLA, CARLOS VILLANUEVA, DIEGO ROMERO,
25 JUSTIN SILVA, DARREN PARSONS and MICHAEL LITTLE and nurse ARBI
26 BAGHALIAN, took no actions or precautions to prevent EDWARD BRONSTEIN from
27 dying. PLAINTIFFS are informed and based thereon allege that EDWARD
28

1 BROSNTEN was not monitored or adequately monitored while his blood was forcibly
2 taken.

3 72. CHP Officers DUSTY OSMANSON, CHRISTOPHER SANCHEZ-
4 ROMERO, ERIC VOSS, MARCIEL TERRY, DIONISIO FIORELLA, CARLOS
5 VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN PARSONS and
6 MICHAEL LITTLE and nurse ARBI BAGHALIAN were indifferent to EDWARD
7 BRONSTEIN's medical needs by failing to provide medical treatment and life saving
8 measures to prevent his death. EDWARD BRONSTEIN should have been monitored,
9 evaluated, and given medical care to prevent his death while he was undergoing a
10 forcible blood raw. Such acts and omissions were in violation of EDWARD
11 BRONSTEIN's rights under Fourth and Fourteenth Amendments. Plaintiffs further
12 allege that EDWARD BRONSTEIN at the time of the incident was a post-arrest detainee
13 that had not been arraigned.

14 73. In doing the acts and/or omissions herein alleged, Defendants VITAL
15 MEDICAL SERVICES and ARBI BAGHALIAN failed to provide EDWARD
16 BRONSTEIN the medical care he needed to prevent his death. The actions and inactions
17 of VITAL MEDICAL SERVICES and ARBI BAGHALIAN resulted in the violation of
18 EDWARD BRONSTEIN's rights under the Fourth Amendment and Fourteenth
19 Amendment of the United States Constitution. As a result thereof, PLAINTIFFS are
20 entitled to damages pursuant to 42 U.S.C. section 1983 in an amount to be proven at trial.

21
22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

PRAYER FOR RELIEF

WHEREFORE, PLAINTIFFS requests entry of judgment in her favor and against Defendants the STATE, CHP, DUSTY OSMANSON, CHRISTOPHER SANCHEZ-ROMERO, ERIC VOSS, MARCIEL TERRY, DIONISIO FIORELLA, CARLOS VILLANUEVA, DIEGO ROMERO, JUSTIN SILVA, DARREN PARSONS and MICHAEL LITTLE, and VITAL MEDICAL SERVICES and ARBI BAGHALIAN inclusive, as follows:

- i. For compensatory damages, including both survival damages and wrongful death damages under federal law, in the amount to be proven at trial;
- ii. For survival damages under federal law, including damages for pre-death pain and suffering, loss of enjoyment of life, and loss of life, in a sum according to proof at trial;
- iii. For wrongful death damages under state and federal law, in a sum according to proof at trial;
- iv. For past, present, and future non-economic damages;
- v. For attorneys' fees under §1988;
- vi. For funeral and burial expenses, and loss of financial support;
- vii. For other general damages in an amount according the proof at trial;
- viii. For other special damages in an amount according to proof at trial;
- ix. For reasonable costs of this suit; and
- x. For such further other relief as the Court may deem just, proper, and appropriate.

///

///

1 Dated: February 1, 2022

CARRILLO LAW FIRM, LLP

2 By: /s/ J. Miguel Flores
3 LUIS A. CARRILLO,
4 J. MIGUEL FLORES¹,
5 Attorneys for Plaintiffs

6 Dated: February 1, 2022

LAW OFFICES OF ANNEE DELLA DONNA

7
8 By: /s/ Annee Della Donna
9 ANNEE DELLA DONNA
10 Attorney for Plaintiffs E.W. &
11 L.W., Minors, et al.

12
13 Dated: February 1, 2022

DUBIN LAW FIRM

14
15 By: /s/ Eric J. Dubin
16 ERIC J. DUBIN,
17 Attorney for Plaintiffs E.W. &
18 L.W., Minors, et al.

19 Dated: February 1, 2022

FARNELL & NORMAN

20
21 By: /s/ Ronald E. Norman
22 RONALD E. NORMAN,
23 Attorney for Plaintiffs E.W. &
24 L.W., Minors, et al.

25
26
27
28 _____
1. As the filer of this Second Amended Consolidated Complaint, I, J. Miguel Flores, attest that Annee Della Donna, Eric J. Dubin, and Ronald E. Norman concur in the content of this Second Amended Consolidated Complaint and have authorized its filing.

DEMAND FOR JURY TRIAL

The PLAINTIFFS named herein hereby demands a trial by jury.

Dated: February 1, 2022

CARRILLO LAW FIRM, LLP

By: /s/ J. Miguel Flores
Luis A. Carrillo, Esq.
J. Miguel Flores, Esq.
Attorneys for Plaintiffs

Dated: February 1, 2022

LAW OFFICES OF ANNEE DELLA DONNA

By: /s/ Annee Della Donna
ANNEE DELLA DONNA,
Attorney for Plaintiffs E.W. &
L. W., Minors, et al.

Dated: February 1, 2022

DUBIN LAW FIRM

By: /s/ Eric J. Dubin
ERIC J. DUBIN,
Attorney for Plaintiffs E.W. &
L. W., Minors, et al.

Dated: February 1, 2022

FARNELL & NORMAN

By: /s/ Ronald E. Norman
RONALD E. NORMAN,
Attorney for Plaintiffs E.W. &
L. W., Minors, et al.