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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10
11 ALEXANDER MITCHELL,
12 Plaintiffs,
13

14 v.

15 CITY OF LOS ANGELES, JOSHUA
SPORTIELLO, and DOES 1-10,
16 inclusive,
17 Defendants.

CASE NO.

**COMPLAINT FOR DAMAGES
AND DEMAND FOR JURY TRIAL**

- 1. **UNREASONABLE SEIZURE OF PERSON - 4th AMENDMENT VIOLATION UNDER 42 USC § 1983**
- 2. **CIVIL BATTERY**
- 3. **NEGLIGENCE**
- 4. **MUNICIPAL LIABILITY**
- 5. **BANE ACT**

18
19 **GENERAL ALLEGATIONS**

- 20 1. COME NOW, ALEXANDER MITCHELL (hereinafter “PLAINTIFF” or
21 “ALEX”), who demands a jury trial and seeks monetary compensation
22 against all Defendants, as follows:

23 **VENUE AND JURISDICTION**

- 24 2. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and
25 1343(a)(3)-(4) because Plaintiff asserts claims arising under the laws of the
26 United States including 42 U.S.C. § 1983 and the Fourth and Fourteenth
27 Amendments of the United States Constitution. Venue is proper in this
28

1 Court under 28 U.S.C. § 1391(b) because Defendants reside in this district
2 and all incidents, events, and occurrences giving rise to this action
3 occurred in this district.

4 3. Plaintiff ALEXANDER MITCHELL is an individual who resides in the
5 City of Los Angeles.

6 4. Plaintiff is informed and believes, and thereon alleges that, at all relevant
7 times herein, Defendant, CITY OF LOS ANGELES (hereinafter “CITY”
8 or “defendant CITY” or “Defendants”), was a public entity duly organized
9 and existing under the laws of the State of California.

10 5. Defendant JOSHUA SPORTIELLO (hereinafter “SPORTIELLO” or
11 “defendant SPORTIELLO” or “Defendants”) is a peace officer working
12 for the City of Los Angeles Police Department (“LAPD”). At all relevant
13 times, SPORTIELLO was acting under color of law within the course and
14 scope of his duties as peace officer for the LAPD. SPORTIELLO was
15 acting with the complete authority and ratification of his principal,
16 Defendant CITY.

17 6. DOES 1-3 are peace officers working for the City of Los Angeles Police
18 Department (“LAPD”). At all relevant times, DOES 1-3 were acting under
19 color of law within the course and scope of their duties as peace officers
20 for the LAPD. DOES 1-3 were acting with the complete authority and
21 ratification of their principal, Defendant CITY.

22 7. Defendants DOES 4-8 are managerial, supervisory, and policymaking
23 employees of the LAPD, who were acting under color of law within the
24 course and scope of their duties as managerial, supervisory, and
25 policymaking employees for the LAPD. DOES 4-8 were acting with
26 complete authority and ratification of their principal, Defendant CITY.

27 8. On information and belief, DOES 1-10 were residents of the County of Los
28 Angeles and the Central District.

1 9. In doing the acts and failing and omitting to act as hereinafter described,
2 Defendants SPORTIELLO and DOES 1-3 were acting on the implied and
3 actual permission and consent of Defendants DOES 1-10 and the CITY.

4 10. The true names and capacities, whether individual, corporate, association
5 or otherwise of Defendants DOES 1-10, inclusive, are unknown to
6 Plaintiff, who otherwise sue these Defendants by such fictitious names.
7 Plaintiff will seek leave to amend his complaint to show the true names
8 and capacity of these Defendants when they have been ascertained. Each
9 of the fictitiously named Defendants is responsible in some manner for the
10 conduct or liabilities alleged herein.

11 11. At all times mentioned herein, each and every defendant was the co-
12 conspirator with, and/or agent of each and every other defendant and had
13 the legal duty to oversee and supervise the hiring, conduct, and
14 employment of each and every defendant.

15 12. All of the acts complained of herein by Plaintiff against Defendants were
16 done and performed by said Defendants by and through their authorized
17 agents, servants, and/or employees, all of whom at all relevant times herein
18 were acting within the course, purpose, and scope of said agency, service,
19 and/or employment capacity. Moreover, Defendants and their agents
20 ratified all of the acts complained of herein.

21 13. DOES 1-10 are sued in their individual capacity as well as representative
22 capacities.

23 14. On or about August 16, 2024, Plaintiff filed comprehensive and timely
24 claim for damages with the CITY pursuant to applicable sections of the
25 California Government Code. A true and correct copy of the claim is
26 attached hereto as Ex. "1". On or about August 22, 2024, Plaintiff filed a
27 supplemental claim for damages with the CITY pursuant to applicable
28 sections of the California Government Code. A true and correct copy of the

1 claim is attached hereto as Ex. "2".

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3 **FACTUAL ALLEGATIONS**

4 15. On or about July 28, 2024, ALEX, an unarmed Black man, was sitting in
5 his parked car on a residential street near the intersection of E. 113th Street
6 and Graham Avenue in the City of Los Angeles.

7 16. Suddenly, two LAPD officers (including defendant SPORTIELLO)
8 approached ALEX, claiming he was double parked, which is an infraction.

9 17. SPORTIELLO directed ALEX to roll his windows down. ALEX
10 complied.

11 18. Then, without consent or justification, SPORTIELLO opened Alex's
12 driver's door.

13 19. ALEX asked what was going on, explained that he was not on probation or
14 parole, and asked why SPORTIELLO opened his door.

15 20. Despite Alex's compliance and calm responses to SPORTIELLO's
16 questions, SPORTIELLO falsely stated that he opened ALEX's door
17 because ALEX was "ignoring" him.

18 21. SPORTIELLO, again without justification, pushed ALEX against his
19 vehicle and asked if ALEX was armed. Based on ALEX's clothing (t-shirt
20 and shorts), officers visually knew ALEX was unarmed.

21 22. ALEX responded that he was not armed, and officers proceeded to pat him
22 down. No weapons were found.

23 23. ALEX continued to explain he was not on probation or parole and asked
24 why officers were restraining him.

25 24. SPORTIELLO, without justification, attempted to handcuff ALEX.

26 25. Suddenly, SPORTIELLO punched ALEX in the face while the other
27 officer did nothing to intervene, in violation of the LAPD duty-to-intervene
28 policy. Yet, the other officer did not hit or assault ALEX.

1 26. More officers arrived on the scene and ALEX pleaded with them to get
2 SPORTIELLO away from him. At one point, SPORTIELLO (upon
3 information and belief, the same officer told ALEX, “I can pull anyone out
4 [of their car] for any reason, learn your laws.”

5 27. Officers continued to injure ALEX, who was still in handcuffs, including
6 taking him to the ground multiple times.

7 28. ALEX told officers, “I can’t breathe.” While ALEX was on the ground,
8 officers hogtied him. ALEX continued to tell officers, “I can’t breath,”
9 and “I’m ready to pass out.”

10 29. Nonetheless, officers continued to restrain ALEX on the ground—still
11 handcuffed and hogtied.

12 30. At one point, ALEX was lying on the ground unconscious, handcuffed and
13 hogtied.

14 31. An officer is heard telling ALEX, “you gotta wake up,” as he tries to jostle
15 him awake. Another officer directs the officers holding down ALEX to sit
16 him up.

17 32. Officers placed the still-limp, handcuffed, and hogtied ALEX in a seated
18 position as they continued to tell him to wake up. At this point,
19 paramedics were on site but, based on information and belief, they were
20 prevented from assessing ALEX until after he regained consciousness.

21 33. ALEX regained consciousness and paramedics brought over a gurney.
22 Officers instructed ALEX—who was still hogtied and handcuffed with his
23 hands behind his back—to get on the gurney as ALEX explained that he
24 couldn’t without assistance.

25 34. Once officers had ALEX on the gurney, they connected his handcuffs to it.
26 ALEX was taken to the hospital where he was treated for his injuries.

27 35. To cover up the use of force, officers charged ALEX with
28 obstruction/resisting in violation of Penal Code section 148(A)(1).

1 36. On information and belief, prosecutors declined to file any charges against
2 ALEX.

3 **FIRST CLAIM FOR RELIEF**
4 **FOR UNREASONABLE SEIZURE OF PERSON (42 U.S.C. § 1983)**
5 **BY PLAINTIFF AGAINST DEFENDANT SPORTIELLO & DOES 1-3**

6 37. Each and every allegation set forth in the preceding paragraphs is
7 incorporated herein by this reference with the same effect as if realleged
8 herein.

9 38. Under the Fourth Amendment, a police officer may use only such force as
10 is “objectively reasonable” under all of the circumstances.

11 39. As alleged in detail herein, on or about July 28, 2024, SPORTIELLO
12 struck ALEX without provocation, good cause, or any legal justification.

13 a. SPORTIELLO was attempting to arrest ALEX for an infraction.

14 b. SPORTIELLO lacked reasonable suspicion for detention or
15 search.

16 c. SPORTIELLO lacked probable cause for an arrest.

17 d. ALEX was unarmed.

18 e. ALEX was not resisting officers.

19 f. ALEX did not pose a danger to SPORTIELLO or anyone else.

20 g. SPORTIELLO failed to utilize alternative measures readily
21 available to him.

22 h. SPORTIELLO’s partner did not utilize for against ALEX.

23 40. Further, SPORTIELLO and DOES 1-3 violated ALEX’s Fourth
24 Amendment rights by unlawfully and unreasonably detaining, handcuffing,
25 arresting and imprisoning him without reasonable suspicion or probable
26 cause.

27 41. Moreover, SPORTIELLO and DOES 1-3 violated ALEX’s Fourth
28 Amendment rights by unlawfully and unreasonably seizing his vehicle

1 absent a valid caretaking purpose.

2 42. Additionally, SPORTIELLO and DOES 1-3 violated ALEX's Fourth
3 Amendment rights by unlawfully and unreasonably searching him and/or
4 his property without a warrant or reasonable suspicion.

5 43. ALEX was wrongfully seized by Defendants.

6 44. In doing the things described herein, said defendants acted specifically
7 with the intent to deprive all class members of their constitutional rights
8 under the Fourth Amendment to be free from unreasonable seizures
9 including unreasonable, excessive force.

10 45. As a direct result of the conduct of defendants, Plaintiff has suffered
11 economic and non economic damages in a sum according to proof at time
12 of trial, and in excess of the minimum jurisdiction of this court.

13 46. The damages that plaintiffs suffered from also include, but are not limited
14 to, past, present and/or future medical, psychological, psychiatric and/or
15 hospital bills and expenses for treatment for pain, suffering, emotional
16 distress and other injuries caused by the conduct of defendants and each of
17 them. General (non economic) damages are also sought for emotional
18 distress, grief, anger, fear, trepidation, and chagrin, in a sum according to
19 proof and in excess of the minimum jurisdiction of this court as well as for
20 the loss of the use of money, pre and post judgment interest, litigation
21 costs, attorneys' fees, civil penalties and fines as allowed by law, and such
22 other damages set out during trial.

23 47. The aforementioned acts of said defendants were willful, wanton,
24 malicious and oppressive and said misconduct shocks the conscience
25 thereby justifying the awarding of exemplary and punitive damages as to
26 all non-municipal defendants.

SECOND CLAIM FOR RELIEF
FOR CIVIL BATTERY
BY PLAINTIFF
AGAINST SPORTIELLO

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5 48. Each and every allegation set forth in the preceding paragraphs is
6 incorporated herein by this reference with the same effect as if re-alleged
7 herein.

8 49. Pursuant to Cal. Government Code §§ 815.2, 815.3, Defendant CITY is
9 liable for the acts and/or omissions of Defendant SPORTIELLO
10 committed in the course and scope of employment.

11 50. As alleged in detail herein, SPORTIELLO struck ALEX without
12 provocation, good cause, or any legal justification. This intentional act was
13 harmful and offensive to ALEX who did not consent to the hitting.

14 51. As a direct result of the conduct of defendants, Plaintiff has suffered
15 economic and non economic damages in a sum according to proof at time
16 of trial, and in excess of the minimum jurisdiction of this court.

17 52. The damages that plaintiffs suffered from also include, but are not limited
18 to economic damages including without limitation, loss of past, present
19 and/or future medical, psychological, psychiatric and/or hospital bills and
20 expenses for treatment for pain, suffering, emotional distress and other
21 injuries caused by the conduct of defendants and each of them. Non-
22 economic or general damages are also sought for all such damages allowed
23 by law, which include without limitation, emotional distress, grief, anger,
24 fear, trepidation, and chagrin, loss of consortium, loss of companionship,
25 care, love and affection in a sum according to proof and in excess of the
26 minimum jurisdiction of this court as well as for the loss of the use of
27 money, pre and post judgment interest, litigation costs, attorneys' fees and
28 such other damages set out during trial.

1 53. The aforementioned acts of said defendants were willful, wanton,
2 malicious and oppressive and said misconduct shocks the conscience
3 thereby justifying the awarding of exemplary and punitive damages as to
4 all non-municipal defendants.

5 **THIRD CLAIM FOR RELIEF**
6 **FOR NEGLIGENCE**
7 **BY PLAINTIFF**
8 **AGAINST ALL DEFENDANTS**

9 54. Each and every allegation set forth in the preceding paragraphs is
10 incorporated herein by this reference with the same effect as if realleged
11 herein.

12 55. The CITY is vicariously liable for the wrongful acts of Defendants DOES
13 1-10 pursuant to section 815.2(a) of the California Government Code,
14 which provides that a public entity is liable for the injuries caused by its
15 employees within the course and scope of the employment if the
16 employee's act would subject him or her to liability.

17 56. Police officers, including Defendants SPORTIELLO and DOES 1-10, have
18 a duty to use reasonable care to prevent harm or injury to others. This duty
19 includes using appropriate tactics, giving appropriate commands, giving
20 warnings, and not using any force unless necessary.

21 57. Defendants SPORTIELLO and DOES 1-10 breached this duty of care. The
22 actions and inactions of Defendants SPORTIELLO and DOES 1-10 were
23 negligent and reckless, including but not limited to:

- 24 a. the failure to properly and adequately assess the need to use force
25 against ALEX;
26 b. the negligent tactics and handling of the situation with ALEX;
27 c. the negligent use of force against ALEX;
28 d. the failure to provide prompt medical care to ALEX;

- e. the use of force upon ALEX after he was hit;
- f. the failure to properly train and supervise employees, both professional and non-professional, including officers, with respect to the use of force;
- g. the failure to ensure that adequate numbers of employees with appropriate education and training were available to meet the needs of and protect the rights of ALEX;
- h. ratification of prior acts of excessive force, or fabrication of evidence; and
- i. the negligent communication of information during the incident.

58. As a direct and proximate result of Defendants' conduct as alleged above, and other undiscovered negligent conduct, ALEX suffered general and special damages.

FOURTH CLAIM FOR RELIEF
MUNICIPAL LIABILITY FOR VIOLATION
OF CONSTITUTIONAL RIGHTS (MONELL LIABILITY)
BY PLAINTIFF AGAINST DEFENDANT
CITY OF LOS ANGELES

59. Each and every allegation set forth in the preceding paragraphs is incorporated herein by this reference with the same effect as if re-alleged herein.

60. This action is brought pursuant to 42 U.S.C. §1983 for violation of Plaintiffs' rights under the Fourth and Fourteenth Amendments.

61. From March 1, 2024, to November 8, 2024, the interim Chief of Police Dominic Choi was the police chief for the City of Los Angeles, and thus, final policymaker. Beginning November 8, 2024, Chief of Police Jim McDonnell became the police chief for the City of Los Angeles, and thus, final policymaker.

62. Chiefs of Police exercised control and management over the City's Police

1 Department and was the final policymakers for Defendants.

2 63. The police chief promulgated policies wherein police officers were ordered
3 and encouraged to stop, detain, arrest, forcefully seize, and/or prosecute
4 members of our community. Defendants implemented policies,
5 procedures and practices that deprived the decedent of his rights under the
6 laws of the United States and the United States Constitution.

7 64. Defendants implemented an express policy, custom, or widespread practice
8 of targeting people for excessive force, rather than engaging in
9 constitutional policing. The defendants had deliberate indifference to the
10 violations of constitutional rights for people. Defendants had a policy to
11 violate Federal Law and the US Constitution by deprivation of equal
12 protection, substantive and procedural due process rights and illegal
13 searches and seizures.

14 65. At all relevant times herein, plaintiffs suffered constitutional deprivations
15 by Defendants implementing the unconstitutional policies of the
16 defendants.

17 66. The Chief of Police ratified the unconstitutional actions of subordinates by
18 continually rewarding officers for unconstitutional conduct through
19 awards, positive evaluations, better assignments, promotions, and
20 increased income/overtime. Thus, the policy, practice and custom of
21 defendants resulted in violating the rights of people to be free from
22 violating equal protection, unreasonable seizures, unlawful arrests, and
23 excessive force. Thereafter in violation of Plaintiffs' due process rights
24 Defendants proceeded to falsify evidence and submit false police reports as
25 well as to delay medical treatment so that the decedent would die.

26 67. At the time of these constitutional violations, defendant CITY had policies
27 in place and had ratified customs and practices which permitted and
28 encouraged their police officers to violate the US Constitution.

1 68. Said policies, customs and practices also called for the City and its Police
2 Department not to discipline, prosecute, or objectively or independently
3 investigate known incidents and complaints of unconstitutional violations
4 of the rights of individuals' under the Fourth and Fourteenth Amendments
5 to the U.S. Constitution. These violations were exacerbated by defendants
6 lack of properly training its officers in constitutional policing.

7 69. Defendant CITY was aware of and deliberately indifferent to a pervasive
8 and widespread pattern and practice within the Police Department to
9 violate the rights of individuals' rights under the Fourth and Fourteenth
10 Amendments to the U.S. Constitution. Said defendants failed to take any
11 reasonable measures to correct this pattern and practice and as a result
12 ratified the actions, and Defendants have been deliberately indifferent to
13 the civil rights violations which resulted in death to the decedent.

14 70. Said customs and practices called for said defendants, by means of inaction
15 and coverup, to encourage an atmosphere of lawlessness within the police
16 department and to encourage their police officers to believe that engaging
17 in illegal searches, seizures, due process violations and violations of Equal
18 Protection was permissible, and that such conduct would be overlooked or
19 would not result in any discipline for Defendants employees violating the
20 civil rights of citizens demonstrating ratification of these customs and
21 practices.

22 71. Said policies, customs and practices of said Defendants and each of them
23 evidenced a deliberate indifference to the violations of the constitutional
24 rights of Plaintiffs. This indifference was manifested by the failure to
25 change, correct, revoke, or rescind or otherwise address said customs and
26 practices in light of prior knowledge by said defendants and their
27 subordinate policymakers of indistinguishably similar incidents of
28 unjustified, unreasonable and unlawful arrests, falsification of evidence

1 and police reports, excessive force and other constitutional violations
2 against citizens.

3 72. Defendants and each of them demonstrated a deliberate indifference to the
4 civil rights of Plaintiffs, as further evidenced by defendants ignoring the
5 history and pattern of prior civil lawsuits alleging civil rights violations,
6 similar to those alleged herein, arising from such misconduct and the
7 related payment of judgments or settlements of such suits, including those
8 alleging improper shootings and killings without justification.

9 73. Deliberate indifference is also evidenced by an absence of or by
10 maintenance of an inadequate system of tort claims tracking and by
11 maintaining an inadequate system of officer discipline and independent
12 and objective investigation by the City and its Police Department which
13 failed to identify and investigate instances of false and unlawful arrests,
14 excessive force, falsification of evidence, denial of equal protection and
15 other acts of wrong doing towards individuals.

16 74. Deliberate indifference to the civil rights of victims of the Defendants'
17 unlawful arrests and falsified evidence was also evidenced by the failure of
18 said defendants to adequately train and more closely supervise or retrain
19 officers and/or discipline or recommend prosecution of those officers who
20 engaged in unconstitutional actions towards plaintiffs.

21 75. Other systemic deficiencies of said defendants which indicated, and
22 continue to indicate, a deliberate indifference to the violations of the civil
23 rights by the officers of the Defendants towards plaintiffs include
24 unjustified killing, shooting and issuance of public statements exonerating
25 officers involved in such incidents prior to the completion of investigations
26 of wrongful arrests or that are contradicted by actual evidence.

27 76. Said defendants also maintained a system of grossly inadequate training
28 pertaining to the lawful making of arrests, police ethics, the law pertaining

1 to searches and seizures, testifying in trial and perjury, the collection of
2 evidence, and the preparation of police reports regarding the arrests of,
3 injuries to and killing of members of the community.

4 77. The foregoing acts, omissions, and systemic deficiencies are practices and
5 customs of said defendants as such caused, permitted and/or allowed under
6 official sanction Defendants intentionally overlooked and ignored the rules
7 and laws governing the unconstitutional actions towards members of our
8 community.

9 78. The foregoing acts, omissions, and systemic deficiencies are practices and
10 customs of said defendants which caused, permitted and/or allowed under
11 official sanction said police officer defendants to believe that
12 unconstitutional arrests would not result in any discipline of them.

13 79. Plaintiffs are informed and believe that, unless restrained and enjoined by
14 this court, defendant City will continue with its unconstitutional policy
15 towards members of our community. It is extremely likely that defendants
16 will continue with such unconstitutional violations.

17 80. As a direct and legal result of the defendants actions, the plaintiffs were
18 harmed, and are entitled to economic and non economic damages in excess
19 of the minimum jurisdiction of this court, to attorneys fees, litigation costs,
20 fines, penalties, interest and such other relief as the court deems just and
21 proper.

22 **FIFTH CLAIM FOR RELIEF**
23 **VIOLATION OF THE BANE ACT BY PLAINTIFF**
24 **AGAINST ALL DEFENDANTS**

25 81. Each and every allegation set forth in the preceding paragraphs is
26 incorporated herein by this reference with the same effect as if realleged
27 herein.

28 82. Defendants acted violently against Plaintiff to prevent him from exercising
his rights under federal and state laws, e.g., freedom of bodily integrity,

1 freedom from unlawful seizure, freedom from unlawful restraint on
2 movement/liberty.

3 83. Defendants intended to deprive the decedent of his enjoyment of the
4 interests protected by federal and state laws.

5 84. Plaintiff was harmed herein.

6 85. Defendants' conduct was a substantial factor in causing Plaintiff's harm.

7 86. As a direct result of the conduct of defendants, Plaintiff has suffered with
8 economic and non economic damages in a sum according to proof at time
9 of trial, and in excess of the minimum jurisdiction of this court.

10 87. The damages that plaintiff suffered from also include, but are not limited
11 to, past, present and/or future medical, psychological, psychiatric and/or
12 hospital bills and expenses for treatment for pain, suffering, emotional
13 distress and other injuries caused by the conduct of defendants and each of
14 them. General damages are also sought for emotional distress, grief, anger,
15 fear, trepidation, and chagrin, in a sum according to proof and in excess of
16 the minimum jurisdiction of this court as well as for the loss of the use of
17 money, pre and post judgment interest, litigation costs, attorneys' fees and
18 such other damages set out during trial.

19 88. The aforementioned acts of said defendants were willful, wanton,
20 malicious and oppressive and said misconduct shocks the conscience
21 thereby justifying the awarding of exemplary and punitive damages as to
22 all non-municipal defendants. NO punitive damages are sought against the
23 CITY.

24
25 WHEREFORE, Plaintiff prays for the following:

26 1. Compensation for both economic and non-economic damages
27 suffered and to be suffered;

28 2. Legal and other expenses incurred by Plaintiff;

1 3. Compensatory damages and nominal damages caused by deprivation
2 of Plaintiff's constitutional rights;

3 4. Litigation costs;

4 5. Attorneys' fees, as allowed by statute;

5 6. Interest;

6 7. Civil Penalties as allowed by law.

7 8. Punitive damages (against the non-municipal Defendants only);

8 9. Any other relief or damages allowed by law, or statutes not set out
9 above, and such further relief as this Court deems just and proper at conclusion of
10 trial.

11 Dated: December 11, 2024

Respectfully Submitted,
BRAD GAGE LAW, APC

By: /s/ Milad Sadr
Bradley C. Gage
Milad Sadr
Attorneys for Plaintiff