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9 ~~SUPERIOR~~ UNITED STATES DISTRICT COURT ~~OF THE STATE~~

10 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

11 ~~COUNTY OF LOS ANGELES~~

12 ~~Vanessa Bryant, a California~~
~~Resident,~~ VANESSA BRYANT,

13 Plaintiff,

14 vs.

15 COUNTY OF LOS ANGELES, ~~a public~~
16 ~~entity~~; LOS ANGELES COUNTY
SHERIFF'S DEPARTMENT, ~~a public~~
17 ~~entity~~; ~~ALEX VILLANUEVA, as Sheriff of~~
~~the County of Los Angeles and as an~~
18 ~~individual; and DOES 1-100, INCLUSIVE;~~
LOS ANGELES COUNTY FIRE
19 DEPARTMENT; [REDACTED]

20
21 ~~Defendant.~~
Defendants.

Case No. 2:20-cv-09582-JFW-E

FIRST AMENDED COMPLAINT
FOR:

1. Violation of Fourteenth
Amendment ~~—(42 U.S.C. § 1983)~~
2. ~~Violation of Fourteenth Amendment —(42~~
~~U.S.C. § 1983 —Monell)~~
2. Negligence
3. Negligence
4. Invasion of Privacy
5. ~~Intentional Infliction of Emotional~~
~~Distress~~ Invasion of Privacy

DEMAND FOR JURY TRIAL

[REDACTED VERSION OF
DOCUMENT PROPOSED TO
BE FILED UNDER SEAL]

1 Plaintiff Vanessa Bryant (“Plaintiff”), through her undersigned counsel,
 2 hereby brings this action against defendants County of Los Angeles (the “County”),
 3 the Los Angeles County Sheriff’s Department (the “Sheriff’s Department” ~~or “the~~
 4 ~~Department”), Alex Villanueva, in his individual and official capacity as~~, the ~~Sheriff of~~ Los
 5 Angeles County Fire Department (the “Fire Department,” and ~~Does 1-100~~,
 6 collectively with the County and the Sheriff’s Department, the “Entity Defendants”),
 7 [REDACTED] (collectively, the
 8 “~~Dee~~Deputy Defendants,” and, collectively with the County, the Sheriff’s
 9 Department, and ~~Alex Villanueva~~ the Fire Department, the “Defendants”); seeking
 10 damages to remedy violations of ~~her civil~~ rights under the United States Constitution
 11 and for negligence, ~~intentional infliction of emotional distress~~, and invasion of privacy
 12 pursuant to California law. This Court has subject matter jurisdiction pursuant to
 13 28 U.S.C. sections 1331 and 1343.

14 Plaintiff alleges, on personal knowledge as to herself and information and
 15 belief as to others, as follows:

16 INTRODUCTION

17 1. On the morning of Sunday, January 26, 2020, three eighth-grade girls,
 18 joined by parents and coaches, left their homes in Orange County to play in a youth
 19 basketball tournament in Thousand Oaks. Making their way by helicopter, they
 20 encountered dense fog. Rather than land or turn around, the pilot pushed into the
 21 fog and became disoriented. The helicopter descended rapidly and crashed into the
 22 foothills of the Santa Monica Mountains, killing everyone onboard. Vanessa
 23 Bryant’s thirteen year-old daughter, Gianna Bryant, and husband of nearly twenty
 24 years, Kobe Bryant, were among those who died.

25 2. In the aftermath of the crash, several of the victims’ family members
 26 gathered at the L.A. County Sheriff’s station in Lost Hills, devastated and
 27 distraught. Sheriff Alex Villanueva met with them and assured Mrs. Bryant that his
 28 deputies were securing the crash site. Based on a leak by law enforcement, the

1 gossip and celebrity news site *TMZ* had reported that Kobe, a singular figure in
 2 Southern California culture and a hero to millions around the world, had died, and
 3 onlookers were flocking to the accident scene.

4 3. But the biggest threat to the sanctity of the victims' remains proved to
 5 be the Sheriff's Department itself. Faced with a scene of unimaginable loss, ~~no fewer~~
 6 ~~than eight sheriff's deputies at~~ Sheriff's Department personnel abused their access to the
 7 crash site ~~pulled out their personal cell phones and snapped~~ by taking and sharing gratuitous
 8 photos of the dead children, parents, and coaches. ~~The deputies took these photos for~~
 9 ~~their own personal gratification.~~ As the Sheriff's Department would later admit, there
 10 was no investigatory reason for ~~deputies~~ Department personnel to ~~be taking~~ take
 11 pictures of the victims' remains.

12 4. Within forty-eight hours, at least ten members of the Department
 13 obtained and possessed images of the victims' remains on their personal cell phones
 14 without any legitimate reason for having them. The gratuitous images ~~soon~~ also
 15 became ~~talked about~~ a subject of gossip within the Department, as deputies
 16 ~~displayed~~ shared them ~~to colleagues~~ in settings that had nothing to do with investigating
 17 the accident. One deputy even ~~used his~~ showed off photos of the victims ~~to try to~~
 18 ~~impress a woman~~ at a bar, identifying one of the individuals depicted as Kobe Bryant
 19 and bragging about how he had been at the crash site. ~~A bartender overheard this~~
 20 ~~interaction and~~ Shocked and appalled, one of the bar patrons filed a written complaint
 21 with the Sheriff's Department.

22 5. Upon learning that his deputies had taken and shared the gratuitous
 23 photos, which plainly violated the victims' families' constitutional rights to control
 24 images of their loved ones' remains, Sheriff Villanueva did not inform the victims'
 25 families, initiate an internal affairs investigation, or inspect the deputies' phones to
 26 determine whether and how the photos had been shared. He instead directed a
 27 cover-up, summoning the deputies to the Lost Hills station and telling them that, if
 28 they deleted the photos, they would face no discipline. The deputies purported to

1 accept the Sheriff's offer, receiving a free pass in exchange for destroying evidence
2 of their misconduct.

3 6. For one month, the Department's cover-up worked. But on February
4 27 and 28, 2020, the *Los Angeles Times* reported on the deputies' photos and the
5 Department's effort to hide its wrongdoing. Following the reports, Sheriff
6 Villanueva admitted that his deputies took "illicit photos" of the victims' remains
7 and that he informally ordered their destruction to avoid the "usual routine" of a
8 formal investigation in which everyone "lawyers up."

9 7. Following the *Los Angeles Times* reports, other news outlets began
10 reporting that the misconduct was not limited to the Sheriff's Department—Fire
11 Department personnel had taken and shared improper photos of the victims' remains
12 as well. Like the Sheriff's Department, the Fire Department had been aware of the
13 egregious conduct for several weeks and responded by directing employees to
14 destroy evidence of their wrongdoing without ever informing the victims' families.

15 8. ~~7. Shocked and devastated by the *Los Angeles Times*~~ Devastated by these
16 reports, Mrs. Bryant privately sought information from the Sheriff's Department and
17 Fire Department to assess whether she should brace for pictures of her loved ones'
18 remains to surface on the internet. Mrs. Bryant asked the ~~Department~~ departments to
19 explain the steps ~~it~~ they had taken to determine the scope of the misconduct and
20 ensure that all photos of the crash site had been secured. ~~The Department~~ Both
21 responded that ~~it~~ they needed extra time to respond due to the "unusual circumstance"
22 of needing to consult documents, then sent ~~a letter saying it was "unable to assist" with any~~
23 ~~of the inquiries~~ letters in which they refused to respond to all but one of Mrs. Bryant's
24 questions and asserted that they had no legal obligation to ~~do so~~ assist.

25 9. ~~8. The Sheriff's Department and Fire Departments's~~ outrageous actions
26 have caused Mrs. Bryant severe emotional distress and compounded the trauma of
27 losing Kobe and Gianna. Mrs. Bryant feels ill at the thought ~~of strangers gawking that~~
28 sheriff's deputies, firefighters, and members of the public have gawked at gratuitous

1 images of her deceased husband and child, and she lives in fear that she or her
 2 children will one day confront horrific images of their loved ones online. Many
 3 social media users and internet trolls have claimed to have seen photos of the
 4 victims' remains, and their accounts are plausible given the number of
 5 ~~deputies~~individuals who took and transmitted improper photos, the ease with which
 6 cell- phone ~~pictures~~photos are ~~transmitted~~electronically shared and saved in cloud
 7 storage, and the ~~Sheriff's Department's~~ egregious failure to take reasonable steps to
 8 prevent dissemination of the photos.

9 10. ~~9.~~ In taking these photographs and at several points thereafter,
 10 members of the Sheriff's ~~Department has~~and Fire Departments have chosen to act
 11 reprehensibly, and ~~it continues to demonstrate~~the departments' responses to their
 12 employees' conduct has demonstrated that ~~it~~they either ~~does~~do not understand or
 13 ~~does~~do not care about the pain ~~it has~~they have caused. This lawsuit seeks to impose
 14 accountability for that.

15 JURISDICTION AND VENUE

16 ~~10.~~ —
 17 11. The County removed this action, which was commenced in the
 18 Superior Court of the State of California for the County of Los Angeles, pursuant to
 19 28 U.S.C. sections 1331, 1441, and 1446. This Court has jurisdiction over ~~all causes~~
 20 ~~of this action asserted in this complaint~~ pursuant to ~~the California~~28 U.S.C. sections 1331
 21 and 1343 because Plaintiff brings a claim for violation of the Fourteenth
 22 Amendment of the United States Constitution ~~Article VI,~~under 42 U.S.C. section
 23 ~~401983,~~ and ~~California Code of Civil Procedure section 410.10, because no cause of action~~
 24 ~~contained herein is given by statute to other trial courts and the amount in controversy exceeds~~
 25 ~~\$25,000~~this Court has supplemental jurisdiction over Plaintiff's state law claims
 26 under 28 U.S.C. section 1367(a).

27 12. ~~11.~~ Venue ~~in this Court~~ is proper in this District pursuant to ~~California Code~~
 28 ~~of Civil Procedure sections 393, 394, and 395~~28 U.S.C. section 1391(b), because

1 Defendants in this action are ~~public officers~~individuals and public agencies situated in
2 Los Angeles County and because, on information and belief, all of the acts or
3 omissions ~~complained of in~~giving rise to this Complaint ~~took place~~occurred in ~~Los~~
4 ~~Angeles County~~the Central District of California.

5 THE PARTIES

6 13. ~~+12.~~ Plaintiff Vanessa Bryant, a California resident, is the wife of Kobe
7 Bryant and mother of Gianna Bryant.

8 14. ~~+13.~~ Defendant County of Los Angeles is a municipal corporation duly
9 authorized to operate under the laws of the State of California. The Los Angeles
10 County Sheriff's Department is a department of the County.

11 15. ~~+14.~~ Defendant Los Angeles County Sheriff's Department is a local
12 government entity created under the laws of the State of California and a
13 department of Defendant County. The Sheriff's Department provides general law
14 enforcement services to certain contract cities, including Calabasas, California. The
15 Department's work is directed by, among others, Sheriff Alex Villanueva.

16 16. Defendant Los Angeles County Fire Department is a local government
17 entity created under the laws of the State of California and a department of
18 Defendant County. The Fire Department provides fire suppression and prevention
19 services under contract with the city of Calabasas, California.

20 17. ~~+15.~~ Defendants County~~and the~~, Sheriff's Department, and Fire
21 Department are "persons" subject to suit within the meaning of 42 U.S.C. § 1983. *See Monell*
22 *v. New York Department of Social Services*, 436 U.S. 658, 691 (1978).

23 18. ~~+16.~~ Pursuant to California Government Code § 815.2(a), Defendants County~~and the~~,
24 Sheriff's Department, and Fire Department are liable for any and all wrongful acts
25 in violation of state law hereinafter complained of and committed by their
26 employees acting within the course and scope of their employment.

1 19. Defendant [REDACTED] is an individual and currently a sheriff's deputy
 2 in the Los Angeles County Sheriff's Department. [REDACTED] is sued in his individual
 3 capacity. On information and belief, Defendant [REDACTED] is a resident of California.

4 20. ~~17.~~ Defendant Alex Villanueva [REDACTED] is an individual and was, at all
 5 ~~times relevant herein, the~~currently a Sheriff-of's deputy in the Los Angeles County. ~~He is~~
 6 ~~an elected official of the County with responsibility for overseeing the Sheriff's Department-~~
 7 ~~and making and implementing its policy. Sheriff Villanueva, [REDACTED] is sued in his individual~~
 8 ~~capacity and as a representative of the County. Upon~~On information and belief, ~~Sheriff~~
 9 ~~Villanueva resides in Los Angeles County [REDACTED] is a resident of California.~~

10 ~~18. — Does 1 through 100, inclusive, are sued herein under fictitious names because their~~
 11 ~~true names and capacities are presently unknown to Plaintiff. In a letter to the Sheriff's~~
 12 ~~Department on March 8, 2020, Plaintiff requested the names of the Sheriff's Department personnel~~
 13 ~~who took or possessed photos of the crash site, but the Sheriff's Department has refused to provide~~
 14 ~~names. Plaintiff will amend this complaint to substitute the true names and capacities of these~~
 15 ~~parties when they become known. The Doe defendants include Sheriff's Department personnel~~
 16 ~~who (i) took or shared photos of the accident scene or one of the Bryants' remains; or (ii)~~
 17 ~~participated in the failure to take reasonable steps to prevent dissemination of the photos that were~~
 18 ~~in their constructive possession. Plaintiff is informed and believes, and on that basis alleges, that~~
 19 ~~Does 1 through 100, inclusive, were employees or agents of the Sheriff's Department.—~~

20 21. Defendant [REDACTED] is an individual and currently a Sheriff's
 21 deputy in the Los Angeles County Sheriff's Department. [REDACTED] is sued in his
 22 individual capacity. On information and belief, [REDACTED] is a resident of California.

23 22. Defendant [REDACTED] is an individual and currently a Sheriff's
 24 deputy in the Los Angeles County Sheriff's Department. [REDACTED] is sued in his
 25 individual capacity. On information and belief, [REDACTED] is a resident of California.

26 **GENERAL ALLEGATIONS**

27 ~~19. — The acts described herein follow years of misconduct at the L.A. County Sheriff's~~
 28 ~~Department, which has demonstrated over the past decade that it is among the least disciplined law~~

~~enforcement organizations in the country. Examples abound, with the most notable being that the former Sheriff, his second in command, and other senior Department leaders were convicted and sentenced to federal prison for obstructing an FBI investigation into widespread beatings of inmates in the Department-run jail system, which concluded with federal charges and prison sentences for more than a dozen Sheriff's Department personnel. That there has been a long-term failure of training and discipline at the Sheriff's Department is clear. And it is not surprising that, when forced into a role of responding to an accident scene involving a major international celebrity, numerous deputies would abuse that position of trust.~~

Sheriff's Deputies

Sheriff's and Fire Department Personnel Took and Shared Unnecessary Photos of the Victims' Remains

23. ~~20.~~ On the morning of January 26, 2020, a helicopter carrying Kobe Bryant and his thirteen-year-old daughter, Gianna, crashed into the foothills of the Santa Monica Mountains near Calabasas, California. The pilot and all passengers died on impact.

24. ~~21.~~ The hours after the crash were filled with confusion. Mrs. Bryant learned of the crash from an employee of Kobe, Inc., but was told there were survivors. She then began receiving Instagram messages expressing sympathy for her loss. Based on a leak by law enforcement, *TMZ* had reported that Kobe had died in a helicopter accident. Having heard nothing from law enforcement herself, Mrs. Bryant was confused and distraught. Ultimately, other news outlets confirmed that Kobe and Gianna had perished in the accident.

25. ~~22.~~ Paparazzi, members of the public, and a significant number of unauthorized drones flocked to the crash site. The Sheriff's Department closed multiple roads and freeway off-ramps leading to the site to discourage onlookers, and the Federal Aviation Administration imposed a five-mile no-fly zone overhead at Mrs. Bryant's request. An emergency ordinance prohibited unauthorized access

1 to the site, and Sheriff Villanueva announced that trespassers would be arrested and
2 charged with a misdemeanor.

3 26. ~~23.~~ Meanwhile, Mrs. Bryant and other family members of the victims
4 gathered at the nearby Sheriff's station in Lost Hills. Mrs. Bryant spoke with
5 Sheriff Alex Villanueva and expressed concern that the crash site was unprotected
6 from photographers. Sheriff Villanueva assured her that his deputies were securing
7 the scene.

8 27. ~~24. But Sheriff Villanueva took no steps to deliver on these assurances with respect~~
9 ~~to the conduct of his own deputies. Indeed, at or around the time Sheriff Villanueva was assuring~~
10 ~~Mrs. Bryant that his deputies were securing the accident scene, no fewer than eight~~ This
11 assurance was hollow. Notwithstanding Sheriff Villanueva's later
12 acknowledgement that Sheriff's Department personnel "had no place to be taking
13 photographs of anything," deputies were at who responded to the crash site-
14 ~~snapping scene used personal cell phones to take and share gratuitous cell phone~~
15 photos of the dead children, parents, and coaches.

16 ~~25. In~~ According to the ~~days after the accident, deputies~~ Sheriff's Department's
17 subsequent investigatory report, one deputy in particular took between 25 and 100
18 photos of the crash scene on his personal cell phone, many of which had no
19 conceivable investigatory purpose and were focused directly on the victims'
20 remains.

21 28. Photos of the remains quickly spread within the Sheriff's Department
22 as deputies transmitted them to one another via text message and AirDrop. Within
23 forty-eight hours, at least ten members of the Sheriff's Department obtained and
24 possessed photos of the victims' remains on their personal cell phones despite
25 having no legitimate governmental use for the photos. Making matters worse,
26 Sheriff's Department personnel showed off the photos of the victims' remains to
27 colleagues in settings that had nothing to do with investigating the crash—an
28 investigation that was being handled by the National Transportation Safety Board

1 (“NTSB”), not the Sheriff’s Department—and the photos became ~~talked about~~the
2 subject of gossip within the Department.

3 29. Members of the Fire Department engaged in similar misconduct.
4 While working the crash site on January 26, 2020, several members of the Fire
5 Department abused their access to take graphic photos of the victims’ remains
6 without any legitimate governmental purpose. One such instance occurred at
7 approximately 2:00 p.m. on January 26, 2020—long after the downed helicopter had
8 been identified—when a sheriff’s deputy observed a firefighter taking multiple
9 pictures of the accident scene. [REDACTED]

10 [REDACTED]
11 [REDACTED] In
12 addition, according to a complaint filed in Los Angeles County Superior Court in
13 November 2020 by Tony Imbrenda, a public information officer in the Fire
14 Department who responded to the crash scene on the day of the accident but was
15 not involved in investigating the accident, multiple firefighters electronically
16 transmitted photos of the crash scene to him. Based on the foregoing, Plaintiff
17 believes and thereon alleges that, in the hours and days that followed the crash,
18 several members of the Fire Department electronically shared and/or displayed the
19 graphic images of her loved ones’ remains to colleagues without any legitimate
20 governmental purpose.

21 **Deputy** [REDACTED]

22 30. [REDACTED] a deputy with the Sheriff’s Department, responded to the
23 general proximity of the accident scene on January 26, 2020 and stationed himself
24 at the Department’s makeshift command post at the Los Virgenes Water District.
25 While there, [REDACTED] obtained multiple photographs of the Bryants’ remains and
26 stored them on his personal cell phone.

27 31. Shortly after obtaining photos of the Bryants’ remains, [REDACTED] shared
28 them with at least two individuals without any legitimate governmental purpose.

1 a. At some point on January 26, 2020—after [REDACTED] and others had
2 learned that the victims of the helicopter accident included Kobe and Gianna
3 Bryant—[REDACTED] walked 100 feet from his position at the makeshift command post to
4 chat with a female deputy who was controlling traffic in and out of the Las
5 Virgenes Water District. [REDACTED] told the deputy that he had photos of the accident
6 scene and, for no reason other than morbid gossip, proceeded to send the photos of
7 the Bryants’ remains to her personal cell phone. The deputy had no role in
8 investigating the accident or identifying those who perished, and later
9 acknowledged in an interview with Department investigators that she had no
10 legitimate governmental purpose for the photos. Similarly, [REDACTED] admitted to
11 investigators that the deputy did not need the photos for any reason and that it was
12 inappropriate to send them to her. In explaining his actions to investigators, [REDACTED]
13 could only say that “curiosity got the best of [them]” and that such curiosity was “in
14 [their] nature” as deputies.

15 b. At a separate point on January 26, 2020—and again, with
16 knowledge that Kobe and Gianna Bryant were among those who perished in the
17 crash—[REDACTED] electronically transmitted photos of the Bryants’ remains to another
18 deputy, [REDACTED]. [REDACTED] had responded to the general proximity of the accident
19 scene along with [REDACTED] but he had no role in investigating the accident or
20 identifying those who perished. [REDACTED] sent photos of the Bryants’ remains to [REDACTED]
21 personal cell phone without any legitimate governmental purpose.

22 ~~26.—The photos were also shared outside the Department. In the week following the~~
23 ~~accident, a trainee deputy showed off photos of the victims’ remains at the Baja California Bar &~~
24 ~~Grill in Norwalk, California—nearly fifty miles from the crash site. On or around January 29,~~
25 ~~2020, a bartender at the restaurant filed a written~~

26 32. Following the above actions, [REDACTED] learned that a complaint had been
27 filed with the Sheriff’s Department regarding improper sharing of photos of the
28 crash victims’ remains. [REDACTED] then negligently and/or willfully destroyed evidence

1 of his wrongdoing by deleting photos of the victims' remains and other evidence
2 from his personal cell phone. At the time, [REDACTED] had an obligation to preserve this
3 evidence of his wrongdoing, including any associated metadata, and, as a trained
4 law enforcement officer, knew or should have known that the evidence may be
5 relevant to future litigation or investigations. By committing this spoliation, [REDACTED]
6 severely undermined the ability to verify any of his claims regarding his handling
7 and dissemination of the photos.

8 **Deputy [REDACTED]**

9 33. [REDACTED], a trainee deputy with the Sheriff's Department, responded to
10 the general proximity of the accident scene on January 26, 2020. While there, [REDACTED]
11 was posted at the base of the hillside, where he monitored entry to a trailhead that
12 led to the downed helicopter. At no point on the day of the accident or at any time
13 thereafter did [REDACTED] have a role in investigating the accident or identifying those
14 who perished. Nonetheless, at some point during his shift, [REDACTED] obtained multiple
15 photographs of the Bryants' remains on his personal cell phone.

16 34. After obtaining photos of the Bryants' remains, [REDACTED] shared them with
17 multiple individuals without any legitimate governmental purpose, including
18 several members of the public.

19 a. While at the Lost Hills Sheriff's station on the evening of
20 January 26, 2020—long after [REDACTED] and others had learned that the victims of the
21 helicopter accident included Kobe and Gianna Bryant—[REDACTED] told another deputy,
22 [REDACTED], that he had photos of the accident scene. [REDACTED] asked to see the
23 photos, and [REDACTED] texted photos of the Bryants' remains to [REDACTED] personal cell
24 phone. There was no legitimate governmental purpose for [REDACTED] to transmit the
25 photos to [REDACTED] because, like [REDACTED] [REDACTED] had no role in investigating the
26 accident or identifying those who perished.

27 b. On January 28, 2020, while at his mother's house in West
28 Covina, California, [REDACTED] showed photos of the Bryants' remains to his niece.

1 Before displaying the photos, [REDACTED] made a crude remark about the state of the
2 victims' remains.

3 c. While at the Baja California Bar and Grill in Norwalk,
4 California on January 28, 2020, [REDACTED] boasted that he had worked at the scene of the
5 accident where Kobe Bryant had died. [REDACTED] then showed photos of the Bryants'
6 remains to a fellow bar patron and the restaurant's bartender, and he is seen on the
7 bar's security camera zooming in and out of the images while displaying them to the
8 bartender. One of the photos showed the body of a girl, and [REDACTED] remarked that
9 another showed the remains of Kobe Bryant. Shortly after seeing the photos, the
10 bartender loudly boasted to restaurant employees and patrons that he had just seen a
11 photo of Kobe Bryant's body and described the image in graphic detail.

12 35. Following the above actions, [REDACTED] learned that a complaint had been
13 filed with the Sheriff's Department regarding improper sharing of photos of the
14 crash victims' remains. [REDACTED] then negligently and/or willfully destroyed evidence
15 of his wrongdoing by deleting photos of the victims' remains from his personal cell
16 phone and deleting the text messages he had sent [REDACTED] that contained photos of
17 the victims' remains. At the time, [REDACTED] had an obligation to preserve this evidence
18 of his wrongdoing, including any associated metadata, and, as a trained law
19 enforcement officer, knew or should have known that the evidence may be relevant
20 to future litigation or investigations. By committing this spoliation, [REDACTED] severely
21 undermined the ability to verify any of his claims regarding his handling and
22 dissemination of the photos.

23 Deputy [REDACTED]

24 36. Deputy [REDACTED] responded to the general proximity of the
25 accident scene on January 26, 2020, and was staffed to a checkpoint at the base of a
26 hillside that led to the downed helicopter. Throughout the day, [REDACTED] heard
27 rumors that photos of the accident scene were circulating among other deputies, and
28 he was curious to see them himself. While at the Lost Hills Sheriff's station that

1 evening, [REDACTED] asked [REDACTED] to send him the photos, and [REDACTED] sent him photos of
2 the Bryants' remains. [REDACTED] saved the photos to an album on his personal cell
3 phone so that he did not have to keep going into the text message to view them.

4 37. At no point did [REDACTED] play any role in investigating the accident or
5 identifying those who perished. In an interview with Department investigators,
6 [REDACTED] admitted that there was no investigative purpose for him to obtain the
7 photos and that it was inappropriate for him to take possession of them.

8 38. Nonetheless, on or around January 28, 2020, [REDACTED] shared the photos
9 with a personal friend with whom [REDACTED] plays video games nightly. Although the
10 friend is a sheriff's deputy, he was assigned to the Santa Clarita station, not the Lost
11 Hills station, and had no involvement whatsoever in the response to the helicopter
12 accident. In a text exchange initiated by [REDACTED], [REDACTED] told the friend that he had
13 pictures of the accident scene. [REDACTED] then texted photos of the Bryants' remains to
14 his friend's personal cell phone, noting that one of the victims depicted was Kobe
15 Bryant. In a later interview with Department investigators, [REDACTED] friend
16 indicated that one of the photos showed the remains of a child and that the remains
17 appeared to be the primary focus of the photo.

18 39. Following the above actions, [REDACTED] negligently and/or willfully
19 destroyed evidence of his wrongdoing by deleting photos of the victims' remains
20 and other evidence from his personal cell phone. At the time, [REDACTED] had an
21 obligation to preserve this evidence of his wrongdoing, including any associated
22 metadata, and, as a trained law enforcement officer, knew or should have known
23 that the evidence may be relevant to future litigation or investigations. By
24 committing this spoliation, [REDACTED] severely undermined the ability to verify any of
25 his claims regarding his handling and dissemination of the photos.

26 **Deputy [REDACTED]**

27 40. [REDACTED], a deputy with the Sheriff's Department, responded to
28 the general proximity of the accident scene on January 26, 2020 and stationed

1 himself at the makeshift command post established at the Los Virgenes Water
2 District. While there, [REDACTED] obtained multiple photographs of the Bryants'
3 remains, stored them on his personal cell phone, and shared them with several other
4 Department personnel, including [REDACTED]

5 41. On the evening of January 26, 2020—long after [REDACTED] learned that
6 the victims of the helicopter accident included Kobe and Gianna Bryant—[REDACTED]
7 sent photos of the Bryants' remains to a detective for the Department without any
8 legitimate governmental purpose. The detective had responded to the general
9 proximity of the accident scene earlier in the day, but had no role in investigating
10 the accident or identifying those who perished. As the detective admitted to
11 Department investigators, he did not use the photos for any official purpose and
12 there was no reason for him to receive them. As an indication of how casually the
13 photos were shared within the Department, the detective could not even identify the
14 name of the deputy who sent him the photos during an interview with Department
15 investigators. Following his shift on January 26, 2020, the detective asked his wife,
16 who is not a law enforcement officer and had no reason to view the photos, whether
17 she wanted to see the photos of the victims' remains.

18 42. Following the above actions, [REDACTED] negligently and/or willfully
19 destroyed evidence of his wrongdoing by deleting photos of the victims' remains
20 and other evidence from his personal cell phone. At the time, [REDACTED] had an
21 obligation to preserve this evidence of his wrongdoing, including any associated
22 metadata, and, as a trained law enforcement officer, knew or should have known
23 that the evidence may be relevant to future litigation or investigations. By
24 committing this spoliation, [REDACTED] severely undermined the ability to verify any of
25 his claims regarding his handling and dissemination of the photos.

26 **The Defendants Attempt a Cover-Up and Destroy Evidence**

27 43. Minutes after [REDACTED] left the Baja California Bar and Grill on the
28 evening of January 28, 2020, the bartender approached a table of four patrons and

1 excitedly stated that a sheriff's deputy had just shown him graphic photos of Kobe
2 Bryant's remains. The bartender described specific characteristics of Mr. Bryant's
3 remains, explained how the remains could be linked to Mr. Bryant, and indicated he
4 found the situation humorous. The bartender was poised to divulge additional
5 details, but the patrons expressed that they did not want to hear anything further.

6 44. [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 45. ~~27.~~ Under normal protocol, this complaint would have triggered a
21 formal inquiry and/or an internal affairs investigation. But Sheriff Villanueva did
22 not follow protocol. He did not conduct a standard investigation or collect, inspect,
23 or search ~~the offending deputies'~~ cell phones to determine how many photos existed,
24 whether and how they had been transmitted, or whether they were stored on the
25 cloud. He did not inform the L.A. County Office of the Inspector General. Most
26 importantly, he did not alert the victims' families of the ~~deputies'~~ misconduct or the
27 existence of the photos.
28

1 46. ~~28.~~ Instead, sometime in late January 2020, Sheriff Villanueva
 2 summoned his deputies to the Lost Hills station and told them that if they “came
 3 clean” and deleted the photos, they would not face any discipline. The deputies
 4 responded by claiming that they had deleted the photos and, to the extent they had
 5 transmitted the photos to others, those persons had also deleted them. Sheriff
 6 Villanueva abided by his offer and did not discipline the deputies for violating the
 7 constitutional right of the victims’ families. For nearly a month, until their hands
 8 were forced by public reports about the photos, Sheriff Villanueva and the
 9 Department took no further action to investigate or contain the spread of the photos.

10 47. The ~~Department’s~~ above actions were taken to avoid the consequences of
 11 misconduct by Department personnel or, at a minimum, in reckless disregard of the
 12 risk that destruction of evidence would render a complete investigation impossible.
 13 At the time that Department leadership ordered deletion of the photos without
 14 conducting any meaningful investigation, the Department and the County knew or
 15 should have known that the actions of Department personnel, including [REDACTED]
 16 conduct at the bar in Norwalk, California, constituted tortious conduct under
 17 California law and a violation of the constitutional rights of the victims’ families
 18 under the United States Constitution. Hence, the Department and the County had
 19 an obligation to preserve evidence of the Department’s wrongdoing, including any
 20 associated metadata, and, as trained law enforcement officers, Department
 21 leadership knew or should have known that the evidence may be relevant to future
 22 litigation and investigations.

23 **The Misconduct Is Exposed** ~~and Admitted~~

24 48. ~~29.~~ On February ~~28~~27 and ~~29~~28, 2020, the *Los Angeles Times* reported
 25 that several sheriff’s deputies had taken and shared photos of the victims’ remains
 26 and that the Sheriff’s Department had been aware of the misconduct for nearly a
 27 month. Soon thereafter, the *Times* also exposed the Department’s attempted
 28

1 cover-up, reporting that it “tried to keep a lid on the episode instead of following
2 normal investigative protocols.”

3 ~~30. Faced with its misconduct becoming public, the~~ Around the same time, it was
4 reported that Fire Department ~~decided to lie~~ personnel were sharing graphic photos of
5 the victims’ remains and that the Department responded by telling its members to
6 destroy the photos.

7 49. In an interview with the *Los Angeles Times* on February 26, 2020,
8 Captain Jorge Valdez stated ~~he~~ that he was “unaware of any complaint” regarding
9 crash-scene photos and that “there was no order given to delete any photographs.”
10 Both statements were false. Valdez ~~had been~~ was personally involved in responding
11 to the citizen complaint, having spoken to the complainant himself, and Sheriff
12 Villanueva has since made numerous admissions about deputies taking photos of
13 the victims’ remains and his orders to destroy them without any meaningful
14 investigation.

15 50. ~~34.~~ Through statements made by Sheriff Alex Villanueva in his official
16 capacity, the Sheriff’s Department and the County have admitted the facts showing
17 ~~Defendants’~~ their tortious conduct and violation of Mrs. Bryant’s constitutional rights.

18 a. In media appearances in late February and early March 2020,
19 Sheriff Villanueva admitted that at least eight deputies took and/or shared photos of
20 the victims’ remains and acknowledged that the conduct was “disgusting,” “wildly
21 inappropriate,” “inexcusable,” and “unconscionable.” Sheriff Villanueva further
22 admitted that the improper photos “harm[ed] people [who] have suffered a tragedy
23 already” by creating the possibility of “a public display of their loved ones’ remains.”

24 b. Sheriff Villanueva has also admitted that the ~~deputies’~~ photos of
25 the victims’ bodies were not taken for any law enforcement purpose. In response to
26 questions from reporters on March 2, 2020, Sheriff Villanueva admitted: “[I]n this
27 type of scene, which is an accident, there’s only two groups of people that should be
28 taking photos: that is the NTSB and the coroner’s office. No one else has . . . any

1 reason to take any photos . . . Anybody outside of [the NTSB and coroner's office]
 2 would be unauthorized. It'd be illicit photos." In another interview the same day,
 3 Sheriff Villanueva admitted: "[T]he deputies had no place to be taking any
 4 photographs of anything. Only, in this case, it would have been NTSB
 5 investigators, coroner's investigators, and that's about it. Nobody else."

6 c. The Sheriff's Department has also admitted to destroying
 7 evidence of the unlawful photos. In an interview with NBC-4 Los Angeles on
 8 March 2, 2020, Sheriff Villanueva stated that he learned within days of the crash
 9 that a trainee deputy had allegedly showed off crash-scene photos at a bar and, in
 10 response, the Department ordered the trainee and seven other deputies to delete the
 11 photos. Villanueva stated that his "number one priority" was to "make sure those
 12 photos no longer existed." According to Villanueva, the Department "identified
 13 what we thought were the eight individuals" who took the images and "they deleted
 14 all the pictures they had, and they acknowledged that, if they transmitted them, that
 15 they were deleted."

16 ~~The Department~~ Sheriff's and Fire Departments Knew or Should Have Known
 17 ~~That Law Enforcement Officers First Responders Taking Improper~~ Photos of
 18 Human Remains ~~Was~~ Is a Long-Standing Problem

19 51. ~~32.~~ On and before the date of the helicopter crash, the Sheriff's
 20 Department knew that unnecessarily taking, possessing, and sharing photos of
 21 victims' remains had been a long-running problem for law enforcement. Addressing
 22 reporters on March 2, 2020, Sheriff Villanueva stated: "[U]nfortunately, ever since
 23 they invented the Polaroid camera, this has been a problem in law enforcement
 24 across the nation, probably across the world, because it just makes it so much
 25 easier. And then there's—there's cops—they keep death books, for example, where .
 26 . . they have photos from crime scenes throughout their careers." In an interview
 27 with the *Los Angeles Times* on February 26, 2020, Sheriff Villanueva exhibited
 28 similar awareness of the problem: "Every police department struggles with the same

1 thing, where people take photos and they're not evidence . . . So that's a practice we
 2 have to make sure that everyone walks away, and there is no evidence other than the
 3 official photos of evidence that are taken for criminal purposes."

4 52. ~~33.~~ In addition, the ~~Department was aware~~ Sheriff's and Fire Departments
 5 knew prior to the helicopter crash that government employees abusing access to
 6 celebrity-related information has long been a problem in ~~the~~ Los Angeles ~~law-~~
 7 ~~enforcement community~~. Examples include a sheriff's deputy unlawfully leaking the
 8 arrest report of a prominent actor and the Los Angeles Police Department
 9 improperly disclosing photos of a famous recording artist depicting injuries from a
 10 domestic assault. With respect to the helicopter crash, Sheriff Villanueva has
 11 acknowledged that the involvement of ~~someone~~ a celebrity like Kobe Bryant, a
 12 singular figure in Southern California culture and a hero to millions around the
 13 world, creates "much more interest" among deputies.

14 53. Notwithstanding the above knowledge and his assurances to Mrs.
 15 Bryant, Sheriff Villanueva said nothing in his briefings with first responders at the
 16 accident scene regarding photography or respecting privacy.

17 **The ~~Department~~ Sheriff's and Fire Departments Had No ~~Policy~~ Policies to Prevent**
 18 **Violations of the Constitutional Right to Control the Death Images and Remains**
 19 **of Deceased ~~Family Members~~ Loved Ones**

20 54. ~~34.~~ Since at least 2012, it has been clear in the Ninth Circuit that
 21 individuals have a substantive due process right under the United States
 22 Constitution to control the death images and physical remains of deceased family
 23 members. *See Marsh v. Cnty. of San Diego*, 680 F.3d 1148 (9th Cir. 2012).
 24 Nonetheless, and despite the Department's awareness that improper death images
 25 are "a problem in law enforcement across the nation," neither the Sheriff's
 26 Department nor the Fire Department had ~~no~~ a policy at the time of the accident
 27 regarding the taking or sharing of photos of human remains.

11 56. ~~36.~~ In the following months, the Sheriff's Department added an entirely
12 new section to its Manual of Policies and Procedures, titled:
13 "Photographs/Recordings at Scenes Where Human Remains Are Present." (**Exhibit**
14 **2.**) The new policy dictates that, "[i]n order to preserve the dignity and privacy of
15 the deceased and their families, scenes where human remains are present shall only
16 be photographed/recorded by Scientific Services Bureau or the Department of
17 Medical Examiner (DME) personnel." (**Ex. 2 at 1.**) The new policy further
18 provides: "Any photograph, recording, or record produced by a Department member
19 . . . shall be considered the sole property of the Department" and "[a]ny unauthorized
20 release or sharing is strictly prohibited." (**Ex. 2 at 1.**)

The

57 In interviews with Sheriff's Department investigators regarding the

improper photos, personnel throughout the chain of command confirmed that the

Sheriff's Department had no clear policy and had provided no training or instruction

regarding photographs of human remains prior to the accident.

26 a Numerous deputies who responded to the accident scene on
January 26, 2020, including [REDACTED], and others, told Department

1 investigators there was no instruction or briefing on the day of the accident
2 regarding photography of the crash site or human remains.

3 b. Although many of the Sheriff's Department personnel who
4 obtained photos of the victims' remains were in the midst of training to become
5 sheriff's deputies, had recently completed such training, or were themselves training
6 officers, none demonstrated any awareness of a Department policy regarding the
7 propriety of taking, possessing, or sharing photos of human remains, nor did they
8 report having received any training on the subject prior to the *Los Angeles Times*
9 reports in February 2020.

10 c. A captain for the Sheriff's Department who was the senior-most
11 supervisor at the makeshift command post on the day of the accident demonstrated
12 no awareness of the Sheriff's Department's policy regarding use of personal cell
13 phones to capture work-related environments, telling investigators that it was
14 "absolutely" appropriate for department personnel to use personal cell phones to
15 photograph accident scenes. The captain further implied that using personal cell
16 phones to take photos of human remains would be appropriate to memorialize a
17 scene, so long as the cell phone photos are provided to the Department's homicide
18 department. In interviews with investigators, the captain displayed no awareness of
19 any department policy related to taking, possessing, or sharing photos of human
20 remains, nor did he report having received any training on the subject.

21 d. A sergeant for the Sheriff's Department who was
22 second-in-command at the makeshift command post on the day of the accident told
23 investigators that, even with the benefit of hindsight, there is nothing he would do
24 differently regarding the way he supervised the deputies on the day of the accident.

25 [REDACTED]
26 [REDACTED]
27 [REDACTED] The sergeant demonstrated no awareness of the
28 Sheriff's Department's policy regarding use of personal cell phones to capture

1 work-related environments, telling investigators that he believed it was appropriate
 2 for deputies at the crash site to use their cell phones to take photos of the scene. At
 3 one point in an interview with Department investigators, the sergeant stated: [REDACTED]

4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 e. As of September 29, 2020, as discussed below in paragraph 70,
 8 it is a crime in California for a first responder to take photos of deceased individuals
 9 without a valid purpose.

10 58. Similarly, according to a lawsuit recently filed in Los Angeles Superior
 11 Court by a former Public Information Officer for the Fire Department who
 12 responded to the crash scene, Tony Imbrenda, the Fire Department had no policy at
 13 the time of the accident regarding photography at emergency incidents.

14 **The Sheriff's Department Failed to Train Its Employees on the Department's**
 15 **Policy Regarding ~~Photographs~~ Photos of Work-Related Scenes on Personal Cell**
 16 **Phones**

17 59. ~~37.~~ In addition to failing to establish a specific policy regarding the
 18 treatment and photographing of human remains, the Sheriff's Department also did
 19 not follow or enforce its policy regarding deputies' use of personal cell phones to
 20 capture work-related environments. That policy provides:

21 Members shall not use a personal cellular telephone or any other
 22 similar personal communication or recording device to record, store,
 23 document, catalog, transmit, and/or forward any image, document,
 scene, or environment captured as a result of their employment and/or
 while performing official Department business that is not available or
 accessible to the general public.

24 (Exhibit 3 at 5.) According to the Sheriff's Department's Manual of Policies and
 25 Procedures, supervisors must investigate reports of violations of the policy and "will
 26 be held accountable for and evaluated on" their enforcement of the policy. (Ex. 3 at
 27 2.) Members of the Department who violate the policy "shall be subject to
 28

disciplinary action,” which could include “reprimand,” “suspension without pay,” “reduction in rank,” and/or “dismissal from the Department.” (Ex. 3 at 3-4.)

60. In direct contravention of this policy, the sergeant who was second-in-command at the Department’s command post on the day of the accident told Department investigators that the Lost Hills station had a policy and/or custom of encouraging Department personnel to photograph accident scenes using their personal cell phones so that the images could be posted on the station’s social media accounts, including Twitter and Facebook. The sergeant explained that, at the time he received the call to respond to the helicopter crash, he was at the scene of an automobile crash taking pictures on his personal cell phone. According to the sergeant, [REDACTED]

61. ~~38.~~ Sheriff Villanueva did not discipline the deputies who took cell-phone photos of the crash site and has stated publicly that the Department’s policies at the time did not prohibit the deputies’ actions. These statements and actions, combined with the significant number of deputies who took and/or shared cell-phone photos of the accident site, demonstrate that the Department failed to adequately train, supervise, and discipline its personnel regarding its policy related to the use of personal cell phones to photograph work-related scenes.

The Sheriff’s Department Refuses and Fire Department Refuse to Provide Any Information to Mrs. Bryant

62. ~~39.~~ After learning of the existence of the photos, attorneys for Mrs. Bryant sent ~~a letter~~ letters to the Sheriff’s and Fire Department requesting that ~~the Department~~ they take immediate action to secure all photos and videos of the crash in ~~the Department’s~~ their possession, “including any photos or videos in the possession of or disseminated by Sheriff’s Department personnel.” (Exhibit 4.) Mrs. Bryant

1 further requested that the Sheriff's Department and Fire Department conduct ~~an~~
 2 internal affairs ~~investigation~~ investigations "to determine the extent of the
 3 unauthorized taking and dissemination of photos" and the identities of the deputies
 4 ~~or other personnel~~ and firefighters involved." (Ex. 4 at 2, Ex. 5 at 2.)

5 63. ~~40.~~ On March 8, 2020, following news reports regarding the number of
 6 deputies who took improper photos, attorneys for Mrs. Bryant sent a follow up
 7 letter requesting more information about the Sheriff's Department's investigation of
 8 the deputies' misconduct, including the identity of all personnel who took photos of
 9 the victims' remains; the steps the ~~Department~~ department had taken to identify all
 10 personnel who had the photos on their personal devices; the steps the
 11 ~~Department~~ department had taken to determine whether and to what extent personnel
 12 who had such photos or recordings shared them with other members of the
 13 ~~Department~~ department or third parties; and the steps the ~~Department~~ department had
 14 taken to secure all photos or recordings of the victims' remains in the possession of
 15 its personnel. (Exhibit ~~56.~~ 56.)

16 64. ~~41.~~ On March 26 and April 2, 2020, nearly a month after Mrs. Bryant
 17 first inquired about the misconduct, an attorney for the Sheriff's Department wrote
 18 to Mrs. Bryant that the Department had no legal obligation to respond to her
 19 questions and would not do so. (Exhibits ~~67-78.~~ 67-78.) ~~To date, the Department has not~~
 20 ~~provided a single piece of substantive information in response to Mrs. Bryant's private~~
 21 ~~requests.~~ Mrs. Bryant ~~Served a Notice of Claims in Accordance with the Government Claims~~
 22 ~~Act~~ received a nearly identical response from an attorney for the Fire Department in
 23 letters dated March 10 and 26, 2020. (Exhibits 9-10.)

24 ~~42.— On May 8, 2020, pursuant to California Government Code section 900 et seq., Mrs.~~
 25 ~~Bryant filed a written notice of claims against the Sheriff's Department, Sheriff Villanueva, and~~
 26 ~~unknown deputies, based on the same underlying facts and issues alleged in this complaint. As of~~
 27 ~~this filing, the County has not substantively responded to Mrs. Bryant's notice of claim or provided~~
 28 ~~a concrete timeline for when it will respond. Per statute, the County's failure to act on Mrs.~~

~~Bryant's claims within the time prescribed by the California Government Code constitutes a denial, such that Mrs. Bryant's claims are ripe for review by this Court.~~

The Sheriff's Department Conducts a Belated, Deficient Investigation

65. In response to public shock and outrage following the *Los Angeles Times* reports, as well as scrutiny from the Sheriff's Department's Civilian Oversight Board, the Department announced that it would conduct an internal affairs investigation of the improper photos. In discussing his Department's inexcusably belated investigation, Sheriff Villanueva stated on March 2, 2020: "All [photos of remains] *that we know of* that were in the possession of the eight individuals were deleted, and we're *hoping* that that is the outcome of this—that there is no photos to be circulated anywhere." (Emphasis added.) Two months later, in May 2020, Sheriff Villanueva stated that the Department was "going through the final stages" of its investigation of the improper photos and, "once the information is developed and it's done . . . we're going to make the entire investigation public so everybody can read it for themselves."

66. The Department has yet to deliver on Sheriff Villanueva's promise of publicly reporting the results of the Department's investigation, but Mrs. Bryant obtained the Department's final investigative report via a motion to compel in January 2021. Substantively, the report reveals that the Sheriff's Department has failed to take basic steps to ensure all copies of the improper photos are tracked down and sequestered.

a. [REDACTED]

b. [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 c. [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 d. [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 e. [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]
28 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 The Deputy Defendants Exhibit Consciousness of Guilt by Making
6 False Exculpatory Statements to Department Investigators

7 67. Each of the Deputy Defendants made false exculpatory statements to
8 Department investigators in the wake of the citizen complaint. Their decision to
9 hide the facts strongly suggests that their misconduct was more extensive than they
10 have admitted.

11 a. [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]

27 b. [REDACTED]
28 [REDACTED]

1 [REDACTED] =
2 [REDACTED] =
3 [REDACTED] =
4 [REDACTED] =
5 [REDACTED] =
6 [REDACTED] =
7 [REDACTED] =
8 [REDACTED] =
9 [REDACTED] =
10 [REDACTED] =
11 c. [REDACTED] =
12 [REDACTED] =
13 [REDACTED] =
14 [REDACTED] =
15 [REDACTED] =
16 [REDACTED] =
17 [REDACTED] =
18 [REDACTED] =
19 [REDACTED] =
20 [REDACTED] =
21 [REDACTED] =
22 [REDACTED] =
23 [REDACTED] =
24 [REDACTED] =
25 [REDACTED] =
26 [REDACTED] =
27 [REDACTED] =
28

1 [REDACTED]
2 [REDACTED]
3 d. [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]

14 **The Los Angeles Times Reveals Additional**
15 **Details Regarding a Deputy's Misconduct**

16 68. Although nowhere mentioned in the Department's investigative report,
17 in November 2020 the Los Angeles Times reported that the Sheriff's Department
18 had moved to discipline an unnamed deputy for broadly sharing photos of the
19 victims' remains on his personal cell phone. The reporting cited the Sheriff's
20 Department disciplinary summary for the third quarter of 2020, which states that a
21 deputy "[s]tored confidential photographs of a multi-agency investigation on a
22 personal cellular phone, and shared the photographs with friends, family members,
23 and co-workers on multiple occasions."

24 **The Deputy Defendants Shared Photos of the Bryants' Remains with Multiple**
25 **People, Including Members of the Public, Without Any Legitimate Purpose**

26 69 As detailed above, each of the Deputy Defendants (i) showed a
27 willingness to take and/or retain possession of photos of the Bryants' remains on
28 their personal cell phones without any legitimate governmental purpose; (ii)

1 demonstrated a morbid curiosity in the photos; (iii) exhibited a willingness to share
 2 the photos with others, including through electronic transmission, without any
 3 legitimate governmental purpose; (iv) displayed consciousness of guilt by making
 4 false exculpatory statements regarding the photos; and (v) destroyed evidence of
 5 their possession and sharing of the photos despite an obligation to preserve it.
 6 Based on the foregoing, Plaintiff is informed and believes, and thereon alleges,
 7 that—in addition to the specific instances of improper sharing detailed above—the
 8 Deputy Defendants each shared photos of the Bryants’ remains with multiple
 9 people, including members of the public, without any legitimate governmental
 10 purpose.

11 **California Enacts a Criminal Law Against** 12 **Improper Photos of Human Remains**

13 70. In September 2020, responding to the Sheriff’s Department’s gratuitous
 14 taking and sharing of photos of the crash victims’ remains, the California state
 15 government enacted Assembly Bill 2655. See 2020 Cal. Stat. Ch. 219. Known
 16 informally as The Kobe Bryant Act of 2020, the law makes it a misdemeanor for a
 17 first responder, including a law enforcement officer, to photograph the remains of a
 18 crime or accident victim “for any purpose other than an official law enforcement
 19 purpose or a genuine public interest.” Cal. Pen. Code § 647.9(a), (c). As explained by the
 20 California legislator who authored the new law, “[o]ur first responders, when responding to
 21 an emergency, should not be taking very sensitive photographs . . . for their own
 22 pleasure.”

23 **Mrs. Bryant Has Suffered Severe Emotional Distress**

24 71. 43-Mrs. Bryant has suffered (and continues to suffer) severe emotional
 25 distress from the knowledge that images of her husband’s and daughter’s remains
 26 were taken and shared for the perverse gratification of law enforcement officers,
 27 and she fears that she and her family may confront the appalling photos at any
 28 moment on the internet. This fear is eminently reasonable in light of the prevalence

1 of cloud storage (such as [iCloud and](#) Google Photos), text messaging, and
 2 social-media applications, through which photos can be stored and shared almost
 3 instantaneously (and sometimes inadvertently). When Mrs. Bryant sought
 4 assurances from the Sheriff's Department that it had taken reasonable measures to
 5 control the spread of the photos, including whether it had "confiscated and/or
 6 inspected the electronic devices of the personnel who had or have photographs of
 7 the crash scene or victims' remains," the Department refused to offer any response
 8 whatsoever. And at no point has the Department ~~informed Mrs. Bryant that it has~~ taken
 9 even the basic investigatory step of collecting a forensic image of the offending
 10 ~~deputies~~[individuals](#)' electronic devices.

11 [72.](#) ~~44.~~ Mrs. Bryant's fear has been exacerbated by the fact that, despite
 12 knowing about the photos within days of the crash, Sheriff Villanueva took none of
 13 the steps that a reasonable supervisor (let alone a highly-trained professional
 14 investigator) would take to prevent dissemination of harmful photos in his
 15 constructive possession. As a result of Sheriff Villanueva's offer to his deputies
 16 that they could avoid investigation and discipline by deleting the evidence of their
 17 misconduct, Mrs. Bryant must live with uncertainty regarding how many photos
 18 were taken, whether they remain stored on the cloud, whether and how they were
 19 shared via text message, email, or social media applications, and whether people to
 20 whom the deputies transmitted the photos continue to possess them. Absent this
 21 information, it is impossible to rule out that the photos will surface and go viral
 22 online. This uncertainty has caused Mrs. Bryant severe stress and anguish.

23 [73.](#) ~~45.~~ Mrs. Bryant's anxiety has been reinforced by widespread discussion
 24 of the photos online. In March 2020, Mrs. Bryant encountered an Instagram user
 25 who stated that she had seen pictures of Kobe and Gianna's bodies at the accident
 26 scene, and numerous Twitter users ~~have~~ made similar statements [even before the Los](#)
 27 [Angeles Times publicized that Department personnel had taken and shared improper](#)
 28 [photos of the victims' remains](#). Other online commenters, along with the *National*

1 *Enquirer* tabloid publication, have claimed that images of Kobe and Gianna's
2 remains are being bought, shared, and/or sold on the dark web.

3 74. 46. The These accounts are eminently plausible in light of the sheer
4 number of deputies who took ~~photos, the fact that the deputies~~ and shared ~~the~~ photos ~~with~~
5 ~~others, of the Bryants' remains~~ and the Department's grossly inadequate steps to
6 prevent their dissemination ~~of the photos have made the above accounts plausible, which has~~
7 ~~compounded Mrs. Bryant's emotional distress.~~ For the foreseeable future, Mrs. Bryant and
8 her family will almost certainly continue to encounter claims that photos of their
9 loved ones' remains are circulating online, and they will have no way of knowing
10 whether such claims are true or false.

11 ~~47. — In response to public shock and outrage following the *Los Angeles Times* reports, as~~
12 ~~well as scrutiny from the Sheriff's Department's Civilian Oversight Board, the Department now~~
13 ~~claims it is conducting an investigation into the improper photos. In discussing his Department's~~
14 ~~inexcusably belated investigation, Sheriff Villanueva stated on March 2, 2020: "All [photos of~~
15 ~~remains] that we know of that were in the possession of the eight individuals were deleted, and~~
16 ~~we're hoping that that is the outcome of this — that there is no photos to be circulated anywhere."~~
17 ~~(Emphasis added.)—~~

18 ~~48. — Hope is not a plan and it is no comfort to Mrs. Bryant. At the moment the deputies~~
19 ~~snapped photos of Kobe and Gianna's remains, they created a harm that cannot be undone, and the~~
20 ~~Department's response has only exacerbated that harm. A grieving widow and parent should never~~
21 ~~have to worry that the public servants charged with protecting her would abuse access to her loved~~
22 ~~ones' remains for their own personal gratification, and the Sheriff's Department's breach of this~~
23 ~~basic human duty has caused Mrs. Bryant severe pain.—~~

24 75. Avoiding thoughts of the Sheriff's Departments' misconduct has been
25 impossible, as Mrs. Bryant is repeatedly reminded of it online. Online trolls have
26 exploited the tragic circumstances and the Sheriff's Department misconduct for the
27 purpose of taunting and hurting Mrs. Bryant. These experiences provide a constant
28

1 reminder that photos of her husband's and daughter's remains may be circulating in
 2 the public realm as a result of the Sheriff's Department's gross misconduct.

3 **Mrs. Bryant Served a Notice of Claims in**
 4 **Accordance with the Government Claims Act**

5 76. On May 8, 2020, pursuant to California Government Code section 900
 6 et seq., Mrs. Bryant filed a written notice of claims against the Sheriff's Department,
 7 Sheriff Villanueva, and unknown deputies, based on the same underlying facts and
 8 issues alleged in this complaint. As of this filing, the County has not substantively
 9 responded to Mrs. Bryant's notice of claim or provided a concrete timeline for when
 10 it will respond. Per statute, the County's failure to act on Mrs. Bryant's claims
 11 within the time prescribed by the California Government Code constitutes a denial,
 12 such that Mrs. Bryant's claims are ripe for review by this Court.

13 77. On July 20, 2020, pursuant to California Government Code section 900
 14 et seq., Mrs. Bryant filed a written notice of claims against the Fire Department and
 15 unknown members of the Fire Department, based on the same underlying facts and
 16 issues alleged in this complaint. As of this filing, the County has not substantively
 17 responded to Mrs. Bryant's notice of claim or provided a concrete timeline for when
 18 it will respond. Per statute, the County's failure to act on Mrs. Bryant's claims
 19 within the time prescribed by the California Government Code constitutes a denial,
 20 such that Mrs. Bryant's claims are ripe for review by this Court.

21 **FIRST CAUSE OF ACTION**

22 ~~**42 U.S.C. § 1983, Violation of Fourteenth Amendment**~~

23 ~~**(Against Does 1-100)**~~

24 **42 U.S.C. § 1983 (Monell), Violation of Fourteenth Amendment**

25 **(Against the Sheriff's Department, the Fire Department, and the County)**

26
 27 78. ~~49.~~ Plaintiff incorporates herein and realleges the allegations in
 28 paragraphs 1 through ~~47~~77, inclusive, as if fully set forth herein.

79. ~~50.~~ By taking and sharing photos of Kobe ~~Bryant's~~ and Gianna ~~Bryant~~Bryants' remains ~~and/or sharing such photos with the public, the Doe~~without any legitimate governmental purpose, members of the Sheriff's Department, including but not limited to the Deputy Defendants, and members of the Fire Department deprived ~~(and continue to deprive)~~ Plaintiff of her substantive due process right to control the physical remains, memory, and death images of her deceased husband and ~~daughter. As the United States Court of Appeals for the Ninth Circuit has affirmed, this right flows from the substantive due process rights to privacy and family integrity guaranteed by the Fourteenth Amendment to the United States Constitution~~child. *See Marsh v. Cnty. of San Diego*, 680 F.3d 1148 (9th Cir. 2012).

51. ~~The Doe Defendants knew or should have known that taking and/or sharing photos of Kobe and Gianna Bryant's remains for personal, non-law enforcement purposes violated the law.~~ In taking these actions, members of the Sheriff's Department and Fire Department acted in a manner that shocks the conscience and offends the community's sense of fair play and decency.

80. ~~52. The Doe~~Members of the Sheriff's Department, including but not limited to the Deputy Defendants, and members of the Fire Department were acting under color of state law at the time of their actions. ~~The Doe Defendants~~Sheriff's and Fire Department personnel took photos of the Bryants' remains while in uniform, on duty, and in an area where public access was prohibited and only first responders (such as ~~sheriff~~Sheriff's deputies~~and Fire Department personnel~~) were allowed. After the photos were taken, ~~the Doe Defendants~~Sheriff's and Fire Department personnel possessed and shared them while in uniform and/or on duty, or otherwise in connection with or by virtue of their employment with the Sheriff's or Fire Department.

53. ~~As a direct and proximate result of the Doe Defendants taking and sharing death images of Kobe and Gianna Bryant, Plaintiff has suffered (and continues to suffer) severe emotional distress in an amount to be proven at trial.~~

54.— The Doe Defendants committed the acts alleged recklessly and with callous disregard for Plaintiff's rights, entitling Plaintiff to punitive damages in an amount appropriate to punish the Doe Defendants and to make an example of them to the community.

SECOND CAUSE OF ACTION

42 U.S.C. § 1983 (Monell), Violation of Fourteenth Amendment

~~(Against Sheriff Villanueva, in his official capacity, the Sheriff's Department, and the County)~~

55.— Plaintiff incorporates herein and realleges the allegations in paragraphs 1 through 53, inclusive, as if fully set forth herein.

81. 56.— Pursuant to 42 U.S.C. § 1983, public entities are liable for constitutional violations when execution of their official policy or custom deprives an individual of her constitutional rights. A public entity is also liable for constitutional violations when its failure to establish a policy or procedure or to properly train, supervise, and/or discipline its employees amounts to deliberate indifference to the rights of persons with whom its employees come into contact.

82. 57.— Upon information and belief, Sheriff Villanueva, the The Sheriff's Department, the Fire Department, and the County acted with deliberate indifference to the constitutional rights of Plaintiff and others similarly situated through the conduct and omissions set forth above, which consist of the following customs, policies, and/or patterns of practice:

a. Failing to adequately train and supervise Sheriff's Department and Fire Department personnel to ensure they do not take or share photographs of human remains ~~for personal, non-law enforcement purposes~~ without any legitimate governmental purpose;

b. Failing to establish a policy or procedure addressing the treatment of human remains, including the taking or sharing of photographs of human remains without any legitimate governmental purpose;

c. Failing to adequately investigate and discipline Sheriff's Department and Fire Department personnel who have ~~unnecessarily~~ taken and/or shared photographs of human remains without any legitimate governmental purpose.

83. ~~58.~~ Given the frequency with which Sheriff's and Fire Department personnel work at crime and accident scenes involving fatalities, it was obvious that some would be tempted to take photos of victims' remains on their personal cell phones. Sheriff Alex Villanueva and the Sheriff's Department knew that some law enforcement officers keep "death books" containing photos of victims' remains and that officers taking pictures for non-law-enforcement purposes is a problem "across the nation." The ~~Department was~~ Sheriff's and Fire Departments were also aware that, on account of the large number of celebrities that live or work in the Los Angeles area, ~~its~~ their personnel often work at accident and crime scenes that are the subject of intense public interest. Notwithstanding this knowledge and awareness, ~~Sheriff Villanueva,~~ the Sheriff's Department, the Fire Department, and the County failed to establish a policy regarding photographs of human remains or to train, supervise, investigate, or discipline ~~Department~~ personnel related to the taking and sharing of photos of human remains ~~for personal, non law enforcement purposes~~ without any legitimate governmental purpose.

84. ~~59.~~ Based on the facts set forth above, the Sheriff's Department ~~was~~ and Fire Department were on actual and/or constructive notice that the absence of a policy regarding photographs of human remains ~~or accident scenes~~ would likely result in violations of community members' constitutional rights.

85. ~~60.~~ The actions of Sheriff's Department and Fire Department personnel, including but not limited to the ~~Dee~~ Deputy Defendants, reflect the pattern of practice and/or custom of the Sheriff's Department and Fire Department, as evidenced by the fact that the misconduct was not limited to a lone employee. Rather, ~~no fewer than eight deputies~~ multiple members of the Sheriff's Department and

1 Fire Department took and shared photos of the Bryants' remains ~~for personal~~
 2 ~~purposes~~ without any legitimate governmental purpose. In addition, Sheriff
 3 Villanueva, whose entire career in law enforcement has been with the Sheriff's
 4 Department, has stated based on personal knowledge that unnecessary death images
 5 are a widespread problem in law enforcement.

6 86. ~~61.~~ As a direct and proximate result of ~~Sheriff Villanueva's~~, the Sheriff's
 7 Department's, Fire Department's, and the County's failure to establish a policy
 8 regarding photographs of human remains or to train, supervise, investigate, or
 9 discipline its employees regarding unnecessary death images, as well as the
 10 ~~Department's~~ Sheriff's and Fire Departments' pattern of practice and/or custom of
 11 unnecessarily taking and sharing death images, Plaintiff has suffered (and
 12 ~~continue~~ continues to suffer) severe emotional distress in an amount to be proven at
 13 trial.

14 ~~THIRD~~ SECOND CAUSE OF ACTION

15 Negligence

16 (Against ~~Does 1-100; Alex Villanueva, in his personal capacity; the Sheriff's Department;~~
 17 ~~and the County)~~ Deputy Defendants)

18 87. ~~62.~~ Plaintiff incorporates herein and realleges the allegations in
 19 paragraphs 1 through ~~60~~ 86, inclusive, as if fully set forth herein.

20 88. ~~63.~~ Pursuant to California Government Code section 820(a), public
 21 employees are liable for injuries caused by their acts or omissions to the same
 22 extent as a private person.

23 89. ~~64.~~ The ~~Dee~~ Deputy Defendants owed a duty to Plaintiff to use ordinary
 24 care in their treatment of the Bryants' physical remains, including an obligation to
 25 refrain from taking and/or sharing images of them for personal, non-law-enforcement purposes.
 26 Cal. Civ. Code § 1714. ~~65.~~ The ~~Dee~~ Deputy Defendants ~~and Sheriff Villanueva~~ additionally
 27 owed a duty to Plaintiff to use ordinary care in preventing dissemination of any-
 28

1 ~~unnecessary~~ images of the Bryants' remains once the images were created and/or were
2 within their ~~control~~possession.

3 ~~66.— The Sheriff's Department, the County, Sheriff Villanueva, and the Doe Defendants~~
4 ~~routinely undertake the care, custody, and control of human remains at crime and accident scenes,~~
5 ~~and each did so with respect to the Bryants' remains at the crash site. By virtue of this, they owed~~
6 ~~a duty of care to Plaintiff to exercise ordinary care in their treatment of the remains.~~

7 ~~67.— Following the crash, Sheriff Villanueva assured Plaintiff that the Sheriff's~~
8 ~~Department was securing the crash site to ensure privacy. Accordingly, he owed a duty to Plaintiff~~
9 ~~to supervise his employees to ensure they conducted themselves with reasonable care and in a~~
10 ~~manner that preserved, rather than violated, the privacy of the victims and their families.—~~

11 ~~68.— Based on her conversation with Sheriff Villanueva, Plaintiff believed the Sheriff's~~
12 ~~Department would secure the crash site, and she did not take steps, either personally or through a~~
13 ~~representative, to observe or monitor conduct at the crash site, knowing it would be traumatic.~~

14 90. The Deputy Defendants breached their duties to Plaintiff by sharing
15 photos of the Bryants' physical remains for personal, non-law-enforcement
16 purposes, including by electronic transmission and with members of the public.

17 91. ~~69. The Doe Defendants breached their duties to Plaintiff by taking and/or sharing~~
18 ~~photos of the Bryants' physical remains for personal, non-law-enforcement purposes.—~~

19 ~~70.— Defendant Villanueva breached his duty to Plaintiff by failing to adequately~~
20 ~~supervise, either directly or through instructions to on-site supervisors, his deputies' conduct at the~~
21 ~~crash site.~~

22 ~~71.— Sheriff Villanueva and Doe Defendants in supervisory capacities in the Department~~
23 ~~breached their duties to Plaintiff by failing to take reasonable steps to prevent dissemination of the~~
24 ~~unnecessary images of the Bryants' remains after the images were created and in their constructive~~
25 ~~possession.~~72. Deputy Defendants foresaw or should have foreseen that their conduct
26 described above would injure Plaintiff.
27
28

1 97. Similarly, multiple members of the Fire Department breached their
 2 duties to Plaintiff by taking and/or sharing photos of the Bryants' physical remains
 3 without any legitimate governmental purpose. These members of the Fire
 4 Department foresaw or should have foreseen that their conduct would injure
 5 Plaintiff.

6 98. As a direct and proximate result of the conduct described above,
 7 Plaintiff has suffered (and continues to suffer) severe emotional distress in an
 8 amount to be proven at trial.

9 99. ~~75.~~ Pursuant to California Government Code section 815.2, the Sheriff's
 10 Department, the Fire Department, and the County are liable for injuries proximately
 11 caused by acts or omissions of their employees within the scope of their
 12 employment. ~~Upon information and belief, at~~ At all times material, ~~Defendant Villanueva~~
 13 ~~and the Doe~~ Deputy Defendants and other members of the Sheriff's Department who
 14 took and/or shared photos of the Bryants' remains for personal,
 15 non-law-enforcement purposes were employed by the Sheriff's Department and
 16 were under the Department's direction and control when they engaged in the
 17 conduct described above. ~~The Doe Defendants~~ Further, at all times material, members
 18 of the Fire Department who took and/or shared photos of the Bryants' remains
 19 without any legitimate governmental purpose were employed by the Fire
 20 Department and were under the Fire Department's direction and control when they
 21 engaged in the conduct described above. These members of the Sheriff's and Fire
 22 Departments were able to take photos of the Bryants' physical remains by virtue of
 23 their access to the crash site while on duty, and Sheriff's and Fire Department
 24 personnel who shared the photos without any legitimate purpose had access to them
 25 by virtue of their employment with the ~~Department. The acts of Defendant Villanueva and~~
 26 ~~the Doe Defendants~~ Sheriff's and Fire Departments, respectively. Hence, the actions
 27 described above were ~~committed~~ taken within the course and scope of ~~their~~ the

1 individuals' employment, and the Sheriff's Department, the Fire Department, and
 2 the County are liable for their negligent and wrongful conduct.

3 **FOURTH CAUSE OF ACTION**

4 **Invasion of Privacy**

5 **(Against ~~Does 1-100, the Sheriff's Department, and the County~~ [REDACTED])**

6 100. ~~76.~~ Plaintiff incorporates herein and realleges the allegations in
 7 paragraphs 1 through ~~74~~99, inclusive, as if fully set forth herein.

8 101. ~~77.~~ Plaintiff has a privacy interest in the physical remains of her loved
 9 ones, Kobe and Gianna Bryant.

10 102. ~~78. The Doe Defendants publicly~~ Upon information and believe, Defendant
 11 [REDACTED] disclosed photos of the Bryants' remains to multiple members of the
 12 public, both in person and electronically.

13 103. ~~79.~~ Sharing photos of accident victims' physical remains without any
 14 ~~law enforcement~~ legitimate governmental purpose is offensive and objectionable to a
 15 reasonable person of ordinary sensibilities.

16 104. ~~80.~~ At the time ~~the deputies~~ Defendant [REDACTED] shared the photos of the
 17 Bryants' remains, no photos of their remains had otherwise been made public, and
 18 details about the state of the victims' remains were not public knowledge. Sharing
 19 the graphic facts disclosed by the photos served no legitimate public purpose.

20 105. ~~81.~~ As a direct and proximate result of the conduct of ~~the Doe~~
 21 ~~Defendants~~ Defendant [REDACTED] Plaintiff has suffered (and continues to suffer) severe
 22 emotional distress in an amount to be proven at trial.

23 106. ~~82.~~ Pursuant to California Government Code section 820(a), ~~the Doe~~
 24 ~~Defendants are~~ Deputy [REDACTED] is liable for injuries caused by their acts or omissions to
 25 the same extent as a private person.

26 107. ~~83.~~ In committing the acts alleged herein, ~~the Doe Defendants are~~ Deputy
 27 [REDACTED] is guilty of oppression, fraud, and/or malice within the meaning of California
 28

1 Civil Code section 3294, entitling Plaintiff to punitive or exemplary damages in an
 2 amount appropriate to punish ~~the Doe Defendants~~ Defendant [REDACTED] and to make an
 3 example of ~~them~~ him to the community.

4 ~~84.— Pursuant to California Government Code section 815.2, the Sheriff's Department~~
 5 ~~and the County are liable for injuries proximately caused by acts or omissions of their employees~~
 6 ~~within the scope of their employment. Upon information and belief, at all times material, the Doe~~
 7 ~~Defendants were employed by the Sheriff's Department and were under the Department's direction~~
 8 ~~and control when they engaged in the conduct described above. The Doe Defendants were able to~~
 9 ~~take photos of Kobe and Gianna Bryant's physical remains by virtue of their access to the crash~~
 10 ~~site while on duty, and Sheriff's Department personnel who shared the photos had access to them~~
 11 ~~by virtue of their employment with the Department. The acts of the Doe Defendants were~~
 12 ~~committed within the course and scope of their employment, and the Sheriff's Department and~~
 13 ~~County are liable for their negligent and wrongful conduct.~~

14 **FIFTH CAUSE OF ACTION**

15 **Intentional Infliction of Emotional Distress**

16 **Invasion of Privacy**

17 **(Against ~~Doe 1-100, the Sheriff's Department, and the County~~ Entity Defendants)**

18 108 ~~85.~~ Plaintiff incorporates herein and realleges the allegations in
 19 paragraphs 1 through ~~83~~ 107, inclusive, as if fully set forth herein.

20 109 Plaintiff has a privacy interest in the physical remains of her loved
 21 ones, Kobe and Gianna Bryant.

22 110 Upon information and believe, members of the Sheriff's Department,
 23 including but not limited to the Deputy Defendants, disclosed photos of the Bryants'
 24 remains to multiple members of the public, both in person and electronically.

25 111 ~~86. The taking and/or sharing of~~ Sharing photos of accident victims' physical
 26 remains ~~for no official purpose constitutes extreme and outrageous conduct exceeding all bounds~~
 27 ~~of what is usually tolerated in a civilized community.~~

1 ~~87.—The Doe Defendants took and/or shared (both in person and electronically) photos~~
 2 ~~of the Bryants' physical remains without any official or law enforcement purpose.~~without any
 3 legitimate governmental purpose is offensive and objectionable to a reasonable
 4 person of ordinary sensibilities.

5 112. ~~88.—At the time they shared photos of the Bryants' remains, the Doe Defendants~~
 6 ~~were aware that Kobe and Gianna Bryant had surviving immediate family members.~~that
 7 members of the Sheriff's Department, including but not limited to the Deputy
 8 Defendants, shared the photos of the Bryants' remains, no photos of their remains
 9 had otherwise been made public, and details about the state of the victims' remains
 10 were not public knowledge. Sharing the graphic facts disclosed by the photos
 11 served no legitimate public purpose.

12 ~~89.—The Doe Defendants disclosed the photos with the intention of causing, or with~~
 13 ~~reckless disregard of the probability of causing, emotional distress to the family members of the~~
 14 ~~victims, including Plaintiff.~~

15 113. ~~90.—As a direct and proximate result of~~ members of the deputies'
 16 ~~conduct~~Sheriff's Department publicly disclosing photos of the Bryants' remains
 17 without any legitimate governmental purpose, Plaintiff has suffered (and continues
 18 to suffer) severe emotional distress in an amount to be proven at trial.

19 ~~91.—Pursuant to California Government Code section 820(a), the Doe Defendants are~~
 20 ~~liable for injuries caused by their acts or omissions to the same extent as a private person.—~~

21 ~~92.—In committing the acts alleged herein, the Doe Defendants are guilty of oppression,~~
 22 ~~fraud, and/or malice within the meaning of California Civil Code section 3294, entitling Plaintiff~~
 23 ~~to punitive or exemplary damages in an amount appropriate to punish the Doe Defendants and to~~
 24 ~~make an example of them to the community.~~

25 114. ~~93.—Pursuant to California Government Code section 815.2, the Sheriff's~~
 26 ~~Department and the County are liable for injuries proximately caused by acts or~~
 27 ~~omissions of their employees within the scope of their employment. Upon information~~
 28 ~~and belief, at~~At all times material, ~~Defendant Villanueva and the Doe~~Deputy Defendants.

1 and other members of the Sheriff's Department who publicly disclosed photos of the
 2 Bryants' remains were employed by the Sheriff's Department and were under the
 3 Department's direction and control when they engaged in the conduct described
 4 above. ~~The Doe Defendants~~ These members of the Department were able to take
 5 photos of Kobe and Gianna Bryant's physical remains by virtue of their access to
 6 the crash site while on duty, and Sheriff's Department personnel who shared the
 7 photos had access to them by virtue of their employment with the Department. The
 8 acts of these members of the ~~Doe Defendants~~ Department were committed within the
 9 course and scope of their employment, and the Sheriff's Department and County are
 10 liable for ~~the Doe Defendants~~ their negligent and wrongful conduct.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Plaintiff respectfully prays for the following relief ~~against all~~
 13 ~~Defendants as follows:~~

- 14 1. For compensatory damages in an amount to be proven at trial;
- 15 2. For any additional general, specific, consequential, or incidental
 16 damages in an amount to be proven at trial;
- 17 3. For nominal damages;
- 18 4. For punitive damages against the Deputy Defendants in an amount
 19 appropriate to punish ~~the defendants~~ them and make an example of ~~the defendants~~ them
 20 to the community;
- 21 5. For an award that ~~defendants~~ Defendants pay all of Plaintiff's costs and
 22 attorneys' fees;
- 23 6. For all interest, as permitted by law; and
- 24 7. For such other relief as the Court deems just and proper.

1
2 DATED: February XX, 2021

Respectfully submitted,

MUNGER, TOLLES & OLSON LLP

3
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5 By:

6 LUIS LI

7 Attorneys for Plaintiff Vanessa Bryant
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DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all issues triable by jury.

DATED: ~~September 17,~~
2020 XX, 2021

Respectfully submitted,

MUNGER, TOLLES & OLSON LLP

By: _____

LUIS LI

Attorneys for Plaintiff Vanessa Bryant