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Attorneys for Plaintiffs

11 MARTHA LUCIO, Individually and as Successor in Interest;  
 12 RONALD GARCIA LUCIO, JR, Deceased, through his successor in interest,  
 13 MARTHA LUCIO, G.L., A MINOR and L.L., a Minor, through their guardian ad  
 14 litem, CHRISTA JECMAN.

15 **UNITED STATES DISTRICT COURT**  
 16 **CENTRAL DISTRICT OF CALIFORNIA**

17 MARTHA LUCIO, Individually and as  
 18 Successor in Interest;  
 19 RONALD GARCIA LUCIO, JR,  
 20 Deceased, through his successor in  
 21 interest, MARTHA LUCIO, G.L., A  
 22 MINOR and L.L., a Minor, through their  
 23 guardian ad litem, CHRISTA JECMAN.  
 24 Plaintiffs,

v.

25 COUNTY OF ORANGE, a public entity,  
 26 ORANGE COUNTY SHERIFF'S  
 27 DEPARTMENT; JEFF PUCKETT;  
 28 DOES 1 through 20.  
 Defendants.

**CASE NO.:**

**COMPLAINT FOR DAMAGES,**

1. 42 USC 1983 Deliberate Indifference-Eighth Amendment
2. 42 USC 1983 Deliberate Indifference-Fourteenth Amendment
3. Monell Claims
4. 42 USC 1983 Deliberate Indifference-Failure to Train/Supervise 4 & 14<sup>th</sup> Amendment
5. 42 USC 1983 Substantive Due Process-Familial Relationship-Fourteenth Amendment.
6. Negligence
7. Failure to Provide Medical Care

1 Plaintiffs, by and through their attorneys CURD, GALINDO & SMITH LLP, for  
2 their Complaint against Defendants, state as follows:

3 **JURISDICTION AND VENUE**

4 1. This is a civil rights wrongful death/survival action arising from the,  
5 COUNTY OF ORANGE, a public entity, ORANGE COUNTY SHERIFF'S  
6 DEPARTMENT; and OCSD Sheriff Deputies/Custody Assistants/OCSD Civilian  
7 Medical staff/Employees, DOES 1 through 10, negligence and deliberate indifference  
8 which led to the death of RONALD GARCIA LUCIO, JR, Deceased. RONALD  
9 GARCIA LUCIO, JR ("LUCIO") who died in custody on March 18, 2022 while  
10 under the supervision of the custodial and medical staff of the COUNTY OF  
11 ORANGE. Decedent LUCIO was born May 23, 1983. LUCIO is survived by his two  
12 minor children G.L. and L.L. LUCIO suffered from schizophrenia and required  
13 medical care while he was held as a pre-trial detainee in the Orange County Men's  
14 Central Jail located at 550 N. Flower Street, Santa Ana, CA. This action is brought  
15 pursuant to 42 USC §§ 1983 and 1988, and the Fourth and Fourteenth Amendments  
16 to the United States Constitution, as well as the laws and Constitution of the State of  
17 California. Jurisdiction is founded upon 28 USC §§ 1331 and 1343(a)(3) and (4), and  
18 the aforementioned statutory and constitutional provisions. Plaintiffs further invoke  
19 the supplemental jurisdiction of this Court pursuant to 28 USC §1367 to hear and  
20 decide claims arising under state law. The amount in controversy herein, excluding  
21 interest and costs, exceeds the minimum jurisdictional limit of this Court.  
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1 Venue is proper in this Court under 28 USC §1391(b), because Defendants  
2 reside in, and all incidents, events, underlying acts, omissions, injuries, and  
3 occurrences giving rise to this action occurred in, the County of ORANGE, which is  
4 in the Central District of California.  
5

6 **PARTIES AND PROCEDURE**  
7

8 2. Plaintiff MARTHA LUCIO is an adult who brings these claims  
9 individually as the biological mother of decedent, who received financial support  
10 from LUCIO, and as Successor in Interest for her son, RONALD GARCIA LUCIO,  
11 JR, Deceased, pursuant to California Code of Civil Procedure §§ 377.10 et seq.  
12 Attached hereto as **Exhibit A**, is the Statement of Compliance with CCP §§ 377.32.  
13 MARTHA LUCIO is a resident of the County of Orange, State of California and is  
14 entitled to bring these claims individually pursuant to California Code of Civil  
15 Procedure §§ 377.30 et seq., 377.60, and federal civil rights law.  
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18 3. Plaintiffs G.L. and L.L. are minors, and the biological children of  
19 decedent, RONALD GARCIA LUCIO, JR, and bring these claims through their  
20 guardian ad litem, CHRISTA JECMAN, their biological mother. Plaintiffs bring  
21 these claims individually pursuant to C.C.P. § 377.60 and federal civil rights law.  
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23

24 4. Plaintiffs herein bring these claims pursuant to California Code of Civil  
25 Procedure sections 377.20 et seq. and 377.60 et seq., which provide for survival and  
26 wrongful death actions. All Plaintiffs bring their claims individually, and Plaintiff  
27 MARTHA LUCIO, as the mother of decedent who received financial/economic  
28

1 support from, RONALD GARCIA LUCIO, JR, brings claims for wrongful death, and  
2 survival claims, on the basis of 42 U.S.C. §§ 1983 and 1988, the United States  
3  
4 Constitution, federal and state civil rights law, and California law. These claims are  
5 also brought individually and on behalf of RONALD GARCIA LUCIO, JR,  
6 Deceased, on the basis of the 42 USC §§ 1983 and 1988, the United States  
7  
8 Constitution, and federal and state civil rights law.

9       5. Defendant COUNTY OF ORANGE (“COUNTY”) is a public entity  
10 established by the laws and Constitution of the State of California, and owns,  
11  
12 operates, manages, directs, and controls the COUNTY OF ORANGE SHERIFF’S  
13 DEPARTMENT (“OCSD”), a public agency subject to suit, which employs other  
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15 defendants in this action, including the correctional medical staff and healthcare  
16 providers. In this case, the COUNTY and OCSD acted through agents, employees,  
17 and servants, including their policymakers and through Defendant Assistant Sheriff  
18 JEFF PUCKETT (“PUCKETT”), the Assistant Sheriff of the OCSD at the time the  
19  
20 underlying acts, omissions, events, injuries, and related facts upon which the present  
21 action are based, who is sued herein in his individual capacity only.

22       6. Defendant ALEX PUCKETT (“PUCKETT”) was at the time of the  
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24 wrongdoing alleged hereinafter the duly appointed Sheriff of ORANGE County, and  
25 exercised all powers assigned by law to that position. Pursuant to California  
26 Government Code §26605, PUCKETT was under a duty to take charge of, and be the  
27  
28 sole and exclusive authority to keep, the county jail and the inmates in it. (See, also,

1 California Government Code §§26610, California Penal Code §4006). In that  
2 capacity, PUCKETT oversaw and supervised the OCSD in the performance of the  
3 duties, acts and omissions alleged hereinafter. He also exercised final policymaking  
4 authority over the policies and practices of OCSD with regard to treatment of  
5 inmates, security procedures in jail facilities administered by the County of  
6 ORANGE (“County Jail”), and the training and supervising OCSD Deputies assigned  
7 to County Jail facilities. PUCKETT is a “person” within the meaning of 42 U.S.C.  
8 §1983.  
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12 7. Defendant PUCKETT was at the time of the wrongdoing alleged  
13 hereinafter the supervisor of the Orange County Men’s Central Jail and was delegated  
14 the duties for training, supervision of the custody Sheriff deputies and the Jail Mental  
15 Evaluation Teams (JMET) which addresses the needs of mentally ill inmates within  
16 the custody of the ORANGE County Sheriff’s Department.  
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18  
19 8. Defendant PUCKETT was at the time of the wrongdoing alleged  
20 hereinafter the Assistant Sheriff of ORANGE County and was delegated the duties  
21 for training, supervision of the custody Sheriff deputies. Defendant PUCKETT was  
22 the de facto supervisor/operations manager for the Men’s Central Jail.  
23

24 9. At all times, Defendants COUNTY OF ORANGE and OCSD, and each  
25 of them, possessed the power and authority to adopt policies and prescribe rules,  
26 regulations, and practices affecting all facets of the training, supervision, control,  
27 employment, assignment and removal of individual members of the OCSD, including  
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1 those individuals charged with protecting the health and safety of detainees and  
2 arrestees at COUNTY OF ORANGE detention facilities, including Plaintiff  
3  
4 RONALD GARCIA LUCIO, JR, Deceased, through his Successor in Interest,  
5 MARTHA LUCIO, and to assure that said actions, policies, rules, regulations,  
6 practices and procedures of the OCSD and its employees and agents comply with the  
7 laws and constitutions of the United States and of the State of California.  
8

9 10. At all times mentioned herein, Defendants PUCKETT and DOES 1  
10 through 20, inclusive, were residents within the County of ORANGE, State of  
11 California.  
12

13 11. Plaintiffs are informed and believe, and thereupon allege, that at all  
14 times mentioned herein Defendants PUCKETT and DOES 1 through 10, inclusive,  
15 were employees, agents and/or servants of the COUNTY OF ORANGE, acted within  
16 the course and scope of said employment, agency and/or service, and possessed the  
17 power and authority and were charged by law with the responsibility to enact policies  
18 and to prescribe rules and practices concerning the operation of the COUNTY OF  
19 ORANGE detention facilities concerning the means by which the life and safety of  
20 arrestees and detainees were to be secured, what criteria were to be used for placing  
21 arrestees and detainees together in custody, what methods of placement of an arrestee  
22 or detainee in a jail cell were appropriate to safeguard the life and safety of the  
23 arrestee or detainee, the manner in which threats to the life and safety of an arrestee  
24 or detainee were to be evaluated and acted upon, what safeguards were to be in place  
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1 to prevent inmates, arrestees or detainees who posed a threat to others in the facility  
2 from being permitted physical access to those others, what actions were to be taken  
3 when an arrestee or detainee is attacked or injured while incarcerated within a  
4 COUNTY detention facility, and what methods of surveillance were to be used  
5 within each detention facility to ensure immediate response to and prevention of  
6 incidents of violence occurring within jail cells, including holding cells.  
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9 12. Plaintiffs are ignorant of the true names and capacities of defendants  
10 sued herein as DOES 1 through 20, inclusive, and therefore sues these defendants by  
11 such fictitious names. Plaintiffs are informed and believe, and thereon allege, that  
12 each of the fictitiously named defendants, is legally responsible, intentionally,  
13 negligently, or in some other actionable manner, for the events and happenings  
14 hereinafter referred to, and thereby legally caused the injuries, damages, and  
15 violations and/or deprivation of rights hereinafter alleged. Plaintiffs will seek leave of  
16 Court to amend this Complaint and state the true names and/or capacities of said  
17 fictitiously named defendants when the same have been ascertained.  
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19

20 13. The reason why Plaintiffs are ignorant of the true names and capacities  
21 of Defendants sued herein as DOES, inclusive, is that the same have been  
22 unascertainable as of the date of filing of this complaint, as many of these DOES may  
23 be OCSD deputies, custody assistants, sergeants, captains, lieutenants, commanders,  
24 deputy chiefs, and/or civilian employee agents, policy makers and representatives of  
25 the OCSD, or employees, agents and representatives of defendant COUNTY and  
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1 others, and as such many of their records are protected by state statute and can only  
2 reasonably be ascertained through the discovery process.

3  
4 14. Defendants DOES 1 through 20 are OCSD Deputy Sheriffs, OCSD  
5 civilian employees, and/or Medical Staff employees at all material times were  
6 employed as law enforcement officers or civilian employees by Defendant COUNTY  
7 OF ORANGE and were acting within the course and scope of that employment.  
8 Defendants DOES 1 through 20 are being sued in their individual capacity.

9  
10 15. Defendants Sheriff Deputies/custody assistants DOE 1 through DOE 20  
11 at all material times were employed as law enforcement officers or civilian  
12 employees by Defendant COUNTY OF ORANGE and were acting within the course  
13 and scope of that employment. .

14  
15  
16 16. Plaintiffs are informed and believe and thereon allege that each of the  
17 Defendants sued herein was negligently, wrongfully, and otherwise responsible in  
18 some manner for the events and happenings as hereinafter described, and proximately  
19 caused injuries and damages to Plaintiffs. Further, one or more DOE defendants was  
20 at all material times responsible for the hiring, training, supervision, and discipline of  
21 other defendants, including Doe Defendants.

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23  
24 17. Plaintiffs are informed and believe, and thereon allege, that each of the  
25 Defendants was at all material times an agent, servant, employee, partner, joint  
26 venturer, co-conspirator, and/or alter ego of the remaining Defendants, and in doing  
27 the things herein alleged, was acting within the course and scope of that relationship.  
28



1 Plaintiffs are further informed and believe, and thereon allege, that each of the  
2 Defendants herein gave consent, aid, and assistance to each of the remaining  
3 Defendants, and ratified and/or authorized the acts or omissions of each Defendant as  
4 alleged herein, except as may be hereinafter otherwise specifically alleged. At all  
5 material times, each Defendant was jointly engaged in tortious activity, resulting in  
6 the deprivation of Plaintiffs' constitutional rights and other harm.  
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9 18. The acts and omissions of all Doe Defendants as set forth herein were at  
10 all material times pursuant to the actual customs, policies, practices and procedures of  
11 the COUNTY OF ORANGE SHERIFF'S DEPARTMENT.  
12

13 19. At all material times, each Defendant acted under color of the laws,  
14 statutes, ordinances, and regulations of the State of California.  
15

16 20. This complaint may be pled according to evidence later proven at trial  
17 and in the alternative pursuant to FRCivP 8(e)(2).  
18

### 19 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

20 21. Pursuant to California Government Code § 910, Plaintiffs presented to  
21 defendant County of ORANGE appropriate claims for damages. Either the claims  
22 were denied or more than 45 days have elapsed since the filing of the claims. This  
23 action was filed timely.  
24

### 25 **FACTUAL ALLEGATIONS**

#### 26 **General Allegations Regarding Policy and Practice**

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1           22. Defendants PUCKETT and DOES 1 through 20, COUNTY and OCSD,  
2 acted either with deliberate indifference, gross negligence, and reckless disregard to  
3 the safety, security, and constitutional and statutory rights of Plaintiff RONALD  
4 GARCIA LUCIO, JR, Deceased, through his Successor in Interest, MARTHA  
5 LUCIO, and all persons similarly situated, maintained, enforced, tolerated, permitted,  
6  
7 acquiesced in, and applied policies or practices of, among other things:  
8

9           a. Subjecting persons in their jails to violence perpetrated by other  
10 detainees, arrestees, or inmates.  
11

12           b. Selecting, retaining, and assigning deputies, civilian personnel and  
13 civilian volunteers to their jails who exhibit deliberate indifference and reckless  
14 disregard for the safety, security and constitutional and statutory rights of detainees,  
15 arrestees and inmates;  
16

17           c. Failing to take adequate security measures to protect detainees,  
18 arrestees and inmate from unnecessary harm, including but not limited to, the  
19 following: Separation of detainees and arrestees from potentially violent or dangerous  
20 inmates; use of security cameras to monitor violence within jail cells, including  
21 holding cells; training deputies, civilian personnel and civilian volunteers to monitor  
22 detainees and inmates and immediately respond to acts of violence, or threats of  
23 violence; separating and/or closely monitoring mentally ill inmates who are unable to  
24 care for themselves and pose an imminent threat to themselves and/or others;  
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1 recognizing potentially volatile situations and circumstances that are likely to erupt  
2 into violence.

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4 d. Failing to adequately train, supervise, and control deputies, civilian  
5 employees or volunteers in the arts of law enforcement;

6 e. Failing to adequately discipline deputies or civilian employees  
7 involved in misconduct; and

8  
9 f. Condoning and encouraging deputies and civilian employees in the  
10 belief that they can violate the rights of persons such as the Plaintiff, RONALD  
11 GARCIA LUCIO, JR, in this action with impunity, and that such conduct will not  
12 adversely affect their opportunities for promotion and other employment benefits.

13  
14 23. Plaintiffs are informed and believe, and on the basis of such information  
15 and belief alleges, that defendants PUCKETT and DOES 1 through 20, COUNTY  
16 and OCSD ordered, authorized, acquiesced in, tolerated, or permitted other  
17 defendants herein to engage in the unlawful and unconstitutional actions, policies,  
18 practices, and customs set forth in the preceding paragraphs. Defendants' conduct as  
19 alleged herein constitutes a pattern of constitutional violations based either on a  
20 deliberate plan by defendants or on defendants' deliberate indifference, gross  
21 negligence, or reckless disregard to the safety, security, and constitutional and  
22 statutory rights of Plaintiff, RONALD GARCIA LUCIO, JR, deceased, and others  
23 similarly situated.

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1 **Pre-Death Custody**

2           24. On April 2, 2021, LUCIO was arrested by officers from the Anaheim  
3 Police for violations of Penal Code sections 245(a)(1), assault with a deadly weapon  
4 (firearm), and 246.3(a), willful discharge of a firearm with gross negligence.  
5 Following his arrest, LUCIO was transported to Inmate Reception Center (IRC) for  
6 booking. Upon arrival at IRC, LUCIO was evaluated by a representative of the  
7 Orange County Health Care Agency for medical and mental health pre-screening.  
8 Based on that screening, LUCIO was referred for a further mental health assessment  
9 and temporarily placed in booking loop-holding cell H5. During this brief holding  
10 period, LUCIO was captured on jail video surveillance climbing a four-foot block  
11 privacy wall and diving headfirst to the concrete floor below. LUCIO sustained  
12 injuries and treatment as a result.

13           25. During treatment for his head and spinal injuries, LUCIO was evaluated  
14 by a psychiatrist. On April 16, 2021, LUCIO was diagnosed with schizophrenic  
15 disorder and a history of alcohol abuse. He was prescribed Depakote, Zoloft, and  
16 Zyprexa. At the conclusion of his medical evaluation, LUCIO was returned to IRC.  
17 On May 20, 2021, Lucio was assigned to Mod L, Sector 18, Cell 13, a housing unit  
18 for inmates with mental health and medical issues.

19           26. The COUNTY and its medical staff wrongfully and with deliberate  
20 indifference to LUCIO's needs, was transferred on July 9, 2021, from Mod L to  
21 Men's Central Jail, Mod 0, a Sheltered Living Cell 12, not within the medical housing  
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1 unit where LUCIO should have remained. The Sheltered Living Cell did not provide  
2 the acute care that LUCIO needed. It was a less- restrictive living environment. Due  
3 to the lack of medical attention in the Sheltered Living Cell LUCIO was not receiving  
4 the care he needed and as a result, LUCIO was assaulted and battered by a deputy  
5 sheriff that was escorting LUCIO to a scheduled x-ray. It was determined that the  
6 altercation was the result of LUCIO being disoriented and confused, and LUCIO was  
7 transported for outside medical and mental health treatment.  
8

9  
10 27. On July 14, 2021, LUCIO returned to IRC Mod L in order to further  
11 supervise his mental health treatment. LUCIO appeared to suffer from depression,  
12 self-isolation and disorientation, as a result Orange County Superior Court Judge  
13 Jeffrey Ferguson ordered on October 29, 2021, that a further mental health evaluation  
14 be conducted on LUCIO.  
15  
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17 28. On December 21, 2021, OCSD moved LUCIO from Mod L to Mod M,  
18 Sector 26, Cell 3, a housing unit for inmates with chronic mental and/or medical  
19 treatment needs. He remained in this enhanced supervision unit until March 18, 2022.  
20

### 21 **The Incident**

22 29. Based on information and belief, Plaintiffs allege that on March 18,  
23 2022, LUCIO received his evening meal at his cell at 3:20 p.m. Jail surveillance  
24 video captured LUCIO eating and drinking in his cell thereafter. At 3:27 p.m.,  
25 LUCIO was observed on surveillance video moving to his cell's lower bunk and out  
26 of view.  
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30. At 3:50 p.m., OCSD deputies DOES 1- 10, completed a safety check of Mod M and determined the cells were “all secure.” Surveillance video showed LUCIO moving within his cell from 4:10 p.m. to 4:11 p.m.

31. Based on information and belief, Plaintiffs allege that OCSD Deputies DOES 1-20, negligently, recklessly, wrongfully and with deliberate indifference performed safety checks at 4:34 p.m., another safety check within Mod M was completed and deemed “all secure.” At 4:40 p.m., an IRC medical staff member, DOE 11 performed a visual check of LUCIO's cell and made no mention of anything out of the ordinary. Other safety checks were completed at 5:17 p.m. and 6:05 p.m. OCSD Deputies DOES 1 through 20, negligently, recklessly, wrongfully and with deliberate indifference completed an additional safety check of Mod M at 6:47 p.m. The OCSD Deputies, DOES 1 through 20, noted that the Mod was “all secure” following each of the safety checks. However, based on the statements of the medical staff and paramedics, LUCIO must have already been dead at 6:47PM.

32. At 7:02 p.m., an OCSD deputy, DOE 12 and vocational nurse DOE 13 began medication distribution within Mod M. At 7:11 p.m., they arrived at LUCIO's cell and observed him lying on the lower bunk. Despite an announcement of their presence and knocking on the exterior of the cell door multiple times, they received no response from LUCIO. The OCSD Deputy DOE 12 opened and closed the cell door in an effort to gain LUCIO's attention, but once again received no response. At

1 this time, the nurse DOE 13 pointed out the pale look of LUCIO's exposed feet and  
2 indicated his belief LUCIO had already expired and rigor mortis had already began to  
3 sit in which is consistent with a death occurring 20-30 minutes before 7:11PM.  
4

5 33. At 7:12 p.m., the OCSO Deputy DOE 12, and vocational nurse DOE 13  
6 entered LUCIO's cell for a wellness check. The OCSO Deputy DOE 12 observed  
7 LUCIO laying in the lower bunk on his right side. At this point, a "man down" call  
8 was made over the radio and additional deputies and jail medical staff responded to  
9 assist. At 7:14 p.m., deputies moved Lucio from the bottom bunk to the dayroom  
10 floor outside the cell to allow medical staff space to begin cardiopulmonary  
11 resuscitation.  
12  
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14 34. At 7:27 p.m., Orange County Fire Authority (OCFA) paramedics  
15 arrived on scene and took over treatment of LUCIO. The paramedics found LUCIO  
16 pulseless, asystolic, and apneic upon auscultation. LUCIO's pupils were dilated and  
17 fixed, and he was exhibiting the onset of rigor mortis. Based on their observations,  
18 LUCIO was pronounced deceased at 7:30 p.m. by OCFA personnel.  
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21 35 Plaintiffs, based on information and belief, allege that Defendants  
22 COUNTY OF ORANGE and its employees, ORANGE COUNTY SHERIFF  
23 employees, COUNTY medical staff, DOES 1 through 20, acted negligently, acted  
24 with deliberate indifference and violated the Plaintiffs' civil rights and constitutional  
25 rights which led to decedent's wrongful death.  
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1           36. Defendants COUNTY OF ORANGE and its employees, OCSD  
2 employees, DOES 1 through 20, while in the course and scope of their employment  
3 as deputy sheriffs, supervisors, custody assistants or medical staff failed to conduct  
4 proper safety checks which require actual confirmation of wellness upon inspection.  
5

6           37. Plaintiffs, based on information and belief, allege that COUNTY OF  
7 ORANGE and its employees, ORANGE COUNTY SHERIFF employees, DOES 1  
8 through 20, knew or should have known that RONALD GARCIA LUCIO, JR, who  
9 was mentally ill required proper safety checks and inspection.  
10

11           38. Plaintiffs, based on information and belief, allege that COUNTY OF  
12 ORANGE and its medical staff employees, DOES 1 through 20, knew or should have  
13 known that RONALD GARCIA LUCIO, JR, suffered from abdominal pain and  
14 specifically appendicitis which was not treated by the correctional medical staff.  
15

16           39. Plaintiffs, based on information and belief, allege that COUNTY OF  
17 ORANGE and its employees, ORANGE COUNTY SHERIFF custodial and medical  
18 employees, DOES 1 through 20, knew or should have known that if left  
19 unsupervised, unprotected, RONALD GARCIA LUCIO, JR, would be subjected to  
20 extreme risk of death or great bodily injury.  
21

22           40. Plaintiffs allege, on information and belief, that each of the Defendants  
23 sued herein was wrongfully, deliberately indifferently, unreasonably, negligently,  
24 and/or otherwise responsible in some manner for the events and happenings as  
25 hereinafter described, and proximately caused injuries and damages to Plaintiffs  
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1 and/or Decedent. Further, one or more DOE Defendants was at all material times  
2 responsible for the hiring, training, supervision, and discipline of other defendants,  
3 including both the individually named and DOE Defendants.  
4

5 41. A timely tort claim (Claim No. 20220653) was presented on August 25,  
6 2022 and September 17, 2022 to the COUNTY OF ORANGE on behalf of Plaintiffs  
7 and Decedent, pursuant to Government Code § 910 et seq.  
8

9 42. Each of the Defendants caused and is responsible for the unlawful  
10 conduct and resulting harm by, inter alia, personally participating in the conduct, or  
11 acting jointly and in concert with others who did so, by authorizing, acquiescing,  
12 condoning, acting, omitting or failing to take action to prevent the unlawful conduct,  
13 by promulgating or failing to promulgate policies and procedures pursuant to which  
14 the unlawful conduct occurred, by failing and refusing to initiate and maintain  
15 adequate training, supervision and staffing with deliberate indifference to Plaintiffs'  
16 rights, by failing to maintain proper and adequate policies, procedures and protocols,  
17 by failing to ensure Decedent was given effective medical and mental health care, and  
18 by ratifying and condoning the unlawful conduct performed by agents and officers,  
19 deputies, medical providers and employees under their direction and control,  
20 including improper safety checks.  
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25 43. Defendants, COUNTY OF ORANGE, Command Staff, Detention  
26 Supervisory officers and corrections staff DOES 15 through 20, failed to adopt,  
27 implement, train and maintain policies and practices of accurately housing mentally  
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1 ill inmates and protecting them inmates that are known to cause death or great bodily  
2 injury to mentally ill inmates.

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4 44. COUNTY OF ORANGE and its employees, ORANGE COUNTY  
5 SHERIFF employees, and DOES 4 through 20 while acting under the color of state  
6 law in their individual capacities, deprived Decedent RONALD GARCIA LUCIO, JR  
7 of the right to be free from an unreasonable ongoing seizure as a pre-trial detainee in  
8 the ORANGE County Jail, as secured by the Fourth and Fourteenth Amendments,  
9 and deprived Decedent RONALD GARCIA LUCIO, JR as a pre-trial detainee of the  
10 rights, privileges, and immunities secured by the Fourteenth Amendment by  
11 subjecting him, or through their deliberate indifference, allowing others to subject  
12 him, to delay and denial of access to medical or mental health care for a serious, but  
13 treatable, medical or mental health condition, and by subjecting him, or through their  
14 reckless disregard, allowing others to subject him, to serious bodily injury and death.

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18 45. The Defendant, COUNTY OF ORANGE and its employees, supervisory  
19 Command Staff failed to properly train the subordinate detention officers and  
20 deputies DOES 5 through 20 regarding the responsibilities associated with their  
21 respective employment positions and failed to ensure that the subordinate correctional  
22 officers were properly performing their duties.

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25 46. The Defendant, COUNTY OF ORANGE and its employees, supervisory  
26 Command Staff and Medical Staff were responsible for the health and safety of  
27 Decedent RONALD GARCIA LUCIO, JR because he was in their custody, they had  
28

1 “stripped [him] of virtually every means of self-protection and foreclosed [his] access  
2 to outside aid.”

3  
4 47. The Defendant, COUNTY OF ORANGE and its employees, supervisory  
5 Command Staff and Medical Staff may not delegate the constitutional duties that they  
6 owed to Decedent RONALD GARCIA LUCIO, JR to subordinate employees.

7  
8 **DAMAGES**

9 48. As a direct and proximate result of each Defendant’s acts and/or  
10 omissions as set forth above, Decedent RONALD GARCIA LUCIO, JR, through his  
11 Successor in Interest, MARTHA LUCIO, and Individually, G.L., A MINOR and  
12 L.L., a Minor, through their guardian ad litem, CHRISTA JECMAN, sustained the  
13 following injuries and damages, past and future, including, but not limited to:  
14

- 15  
16 a. Wrongful death of RONALD GARCIA LUCIO, JR;
- 17 b. Hospital and medical expenses;
- 18 c. Coroner’s fees, funeral and burial expenses;
- 19 d. Loss of familial relationships, including loss of love,  
20 companionship, comfort, affection, consortium, society, services,  
21 solace, and moral support;
- 22 e. Loss of economic support;
- 23 f. Violation of constitutional rights;
- 24  
25  
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28

- 1 g. All damages and penalties recoverable under 42 USC §§ 1983 and
- 2 1988, and as otherwise allowed under California and United States
- 3 statutes, codes, and common law;
- 4
- 5 h. RONALD GARCIA LUCIO, JR's loss of life, pursuant to federal
- 6 civil rights law;
- 7
- 8 i. RONALD GARCIA LUCIO, JR's conscious pain and suffering,
- 9 pursuant to federal civil rights law;

10 49. The wrongful acts of the individually named defendants and DOE  
11 defendants, excluding defendants COUNTY AND OCSD, were willful, oppressive,  
12 intentional, and malicious; therefore, punitive damages should be assessed against  
13 defendants in an amount deemed sufficient to punish and deter defendants and others  
14 in similar positions of authority from engaging in similar conduct in the future.  
15  
16

17 50. Pursuant to 42 U.S.C. section 1988(b), Plaintiffs are entitled to recover  
18 their reasonable attorneys' fees incurred herein.  
19

20 **FIRST CLAIM FOR RELIEF**

21 **FOURTH AMENDMENT**

22 **(42 USC §1983 Deliberate Indifference)**

23 **Wrongful Death & Survival Claims**

24 **(ALL PLAINTIFFS AGAINST PUCKETT AND DOES 1 through 20)**

25 51. Plaintiffs reallege and incorporate by reference the allegations in  
26 paragraphs 1 through 50 above as though fully set forth herein.  
27  
28

1           52. Individual defendants, PORLIER, Aloma and DOES 4 through 20 in  
2 their individual capacity, acting under the color of state law in their individual  
3 capacities, deprived RONALD GARCIA LUCIO, JR of his civil rights under the  
4 Fourth, Fifth, and Fourteenth Amendments to the United States Constitution when  
5 they subjected him to cruel and unusual punishment and acted with deliberate  
6 indifference and reckless disregard toward DECEDENT's right to be free from  
7 unreasonable seizures, and afforded due process of law and by, among other things,  
8 the following acts:  
9

10           a. Placing DECEDENT, a vulnerable mentally ill pretrial detainee,  
11 was placed in housing in Men's Central Jail without supervision and without  
12 adequate safety checks, without watching, monitoring, or protecting DECEDENT;  
13

14           b. Failing to provide DECEDENT reasonable security and safe,  
15 appropriate housing and monitoring to accommodate his own mental health condition  
16 and his vulnerability to injury.  
17

18           53. The listed Defendants further knew or must have known that  
19 DECEDENT was vulnerable to injury, suffering, and attacks by other inmates, and  
20 that if reasonable measures were not taken to abate that risk, DECEDENT would  
21 suffer serious bodily injury or death.  
22

23           54. Plaintiffs are informed and believe that OCSD deputies/custody  
24 assistants DOES 1 through 20 were aware of the threat DECEDENT would be  
25 exposed to without supervision or security while housed at Men's Central Jail. i  
26  
27  
28

1           55. The above acts and omissions, while carried out under color of law, have  
2 no justification or excuse in law, and instead constituted a gross abuse of  
3 governmental authority and power, shock the conscience, are fundamentally unfair,  
4 arbitrary and oppressive, and unrelated to any activity in which governmental officers  
5 may appropriately and legally undertake in the course of protecting persons or  
6 property, or ensuring civil order. The above acts and omissions were consciously  
7 chosen from among various alternatives.  
8

9  
10           56. The listed Defendants' failure to intervene, prevent, or stop the  
11 constitutional violations by others, of which each listed Defendant knew or must have  
12 known, and when each listed Defendant was in a position to so intervene when such  
13 violations were occurring, also renders such Defendant(s) liable for these violations.  
14

15  
16           57. All Defendants subjected Plaintiffs to their wrongful conduct, depriving  
17 Plaintiffs and Decedent of the rights described herein, knowingly, maliciously, and  
18 with deliberate indifference and conscious and reckless disregard for whether the  
19 rights and safety of Plaintiffs (Individually and on behalf of RONALD GARCIA  
20 LUCIO, JR) and others would be violated by their acts and/or omissions.  
21

22           58. As a proximate result of the foregoing wrongful acts and/or omissions,  
23 Plaintiffs sustained injuries and damages, as set forth above. Plaintiffs are therefore  
24 entitled to general and compensatory damages in an amount to be proven at trial.  
25

26           59. In committing the acts alleged above, the individually named Defendants  
27 and DOE Defendants acted maliciously, oppressively, and/or with reckless disregard  
28

1 for the rights, safety, and well-being of Plaintiffs and Decedent, and by reason  
2 thereof, Plaintiffs are entitled to punitive damages and penalties allowable under 42  
3 U.S.C. § 1983, California Code of Civil Procedure §§ 377.20 et seq, and other state  
4 and federal law against these individual Defendants; no punitive damages are sought  
5 directly against the municipal Defendants.  
6

7  
8 60. The ESTATE OF RONALD GARCIA LUCIO, JR claims damages as a  
9 survivor action and claims as damages the loss of his right to life and of the physical  
10 injuries, pain and emotional anguish and trauma he suffered prior to his death.  
11

12 61. As a result of these individual Defendants' actions and/or inactions and  
13 deliberate indifference to the serious mental/medical health conditions and  
14 constitutional rights of Decedent, Plaintiffs suffered loss of society, comfort,  
15 companionship, solace, love, affection, services of Decedent, their son and father,  
16 incurred burial and funeral expenses, and suffered and continue to suffer these  
17 damages.  
18

19  
20 62. Plaintiffs are also entitled to reasonable costs and attorney's fees under  
21 42 U.S.C. § 1988 and other applicable California codes and laws.  
22

23 **SECOND CLAIM FOR RELIEF**

24 **FOURTEENTH AMENDMENT – FAILURE TO PROTECT**

25 **Wrongful Death & Survival Claims**

26 **(Pursuant to 42 U.S.C. § 1983)**

27  
28 **(ALL PLAINTIFFS AGAINST DEFENDANTS, PUCKETT and**

**DOES 1 through 20)**

1  
2           63. Plaintiffs reallege and incorporate by reference the allegations in  
3 paragraphs 1 through 62 above as though fully set forth herein.  
4

5           64. At all times relevant here, the individual defendants, PUCKETT and  
6 DOE defendants 1 through 20 were present and were charged with the constitutional  
7 duties of protecting DECEDENT and were charged with the duty to not knowingly,  
8 with wanton disregard, cause his life, health and safety to be placed in danger by  
9 intentionally and/or deliberately ignoring the known dangers to DECEDENT that  
10 their actions and/or omissions placed him in.  
11  
12

13           65. Each defendant had ample and reasonably sufficient time and  
14 opportunity to so intervene and prevent DECEDENT's injuries, and was compelled to  
15 do so as a Sheriff's deputy or authorized civilian employee under the laws of the  
16 State of California and under the Constitution of the United States of America. In  
17 deliberate indifference to the life and welfare of DECEDENT, each said Defendant  
18 intentionally and with deliberate indifference to the civil rights of DECEDENT,  
19 refrained from intervening in the acts leading to DECEDENT's injuries.  
20  
21

22           66. As a result thereof, DECEDENT's rights under the Fourth and  
23 Fourteenth Amendments to the U.S. Constitution were violated. As a further result  
24 thereof, DECEDENT sustained the injuries and damages alleged herein, including  
25 injury, trauma, physical pain, and a horrific death.  
26  
27  
28





1           72. Plaintiffs are informed and believe and thereon allege that, at all times  
2 herein mentioned, defendants COUNTY OF ORANGE and OCSD, with deliberate  
3 indifference, and conscious and reckless disregard to the safety, security and  
4 constitutional and statutory rights of plaintiffs, maintained, allowed, encouraged,  
5 enforced, tolerated, ratified, permitted, acquiesced in, and/or applied, among others,  
6 the following policies, practices, and customs:  
7  
8

- 9           a. failing to adequately train, supervise, and control custodians of jail  
10 inmates in the proper recognition of inmates at risk;  
11  
12           b. failing to adequately train, supervise, and instruct custodians of  
13 jail inmates in properly monitoring, deterring, controlling and  
14 monitoring inmates;  
15  
16           c. failing to use appropriate and generally accepted law enforcement  
17 procedures in handling emotionally disturbed and/or medically  
18 disabled persons;  
19  
20           d. failing to establish policies and procedures that enable prompt  
21 identification and separation of severely emotionally disturbed  
22 and/or medically disabled persons, dangerous or violent inmates  
23 from other inmates, detainees or arrestees;  
24  
25           e. failing to maintain adequate surveillance at the Inmate Reception  
26 Center inmate holding cells, to ensure safety of the pretrial  
27 detainees and other inmates being held there, especially those that  
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are so mentally unstable that they are unable to care for themselves and present a danger to themselves or others;

f. failing to use appropriate and generally accepted law enforcement procedures in handling persons experiencing medical emergencies;

g. To cover-up violations of constitutional rights by any or all of the following:

i. by failing to properly investigate and/or evaluate complaints or incidents of excessive and unreasonable force, unlawful seizures, and/or handling of emotionally disturbed persons;

ii. by ignoring and/or failing to properly and adequately investigate and discipline unconstitutional or unlawful police activity; and

iii. by allowing, tolerating, and/or encouraging Sheriff Deputies to: fail to file complete and accurate police reports; file false police reports; make false statements; intimidate, bias and/or “coach” witnesses to give false information and/or to attempt to bolster officers’ stories; and/or obstruct or interfere with investigations of unconstitutional or unlawful police conduct, by withholding and/or concealing material information;



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75. Plaintiffs reallege and incorporate by reference in paragraphs 1 through 74 above as though fully set forth herein.

76. At all times mentioned herein and prior thereto, defendants PUCKETT and DOES 1 through 20, as supervisors of the custody division had a duty to train, instruct, supervise and discipline their subordinates to assure they respected and did not violate constitutional and statutory rights of inmates, and to objectively investigate violations of said prisoners' rights, under the Fourth, Eighth and Fourteen Amendments to the U.S. Constitution.

77. Plaintiffs are informed and believe, and thereupon allege, that prior to the incident alleged herein, defendants PUCKETT and certain DOES 1 through 20, facilitated, permitted, ratified and condoned similar acts of inmate on inmate assaults, and were deliberately indifferent to the health and safety of inmates in general and DECEDENT in particular. Said defendants knew, or reasonably should have known, of this practice, pattern or policy of constitutional violations, and additionally, of the existence of facts and situations which created the potential of unconstitutional acts, and had a duty to instruct, train, supervise and discipline their subordinates to prevent similar acts to other persons, but failed to do so.

78. As a result thereof, DECEDENT's rights under the Fourth and Fourteenth Amendments to the U.S. Constitution were violated. As a further result thereof, DECEDENT suffered the injuries and damages alleged herein.



1 privileges, and immunities secured by the Constitution and laws of the United States,  
2 including but not limited to the Fourteenth Amendment by, among other things,  
3 depriving Plaintiffs of their right to a familial relationship with their family members  
4 without due process of law by their deliberate indifference.  
5

6 83. The Defendants, PUCKETT, & DOES 1 THROUGH 20 and the other  
7 involved agents and employees acted pursuant to expressly adopted official policies  
8 or longstanding practices or customs of COUNTY OF ORANGE. These include  
9 policies and longstanding practices or customs of failing to provide persons in pretrial  
10 custody who are mentally ill access to appropriate housing as stated above and  
11 incorporated herein.  
12  
13

14 84. In addition, the training policies of COUNTY OF ORANGE were not  
15 adequate to train its deputies, agents and employees to handle the usual and recurring  
16 situations with which they must deal with, including but not limited to encounters  
17 with individuals in pretrial custody with mental illness. These defendants and each of  
18 them knew that its failure to adequately train its deputies, agents and employees to  
19 interact with individuals suffering from mental illness and/or withdrawing from drug  
20 addiction made it highly predictable that its deputies, agents and employees would  
21 engage in conduct that would deprive persons such as Plaintiffs, of their rights.  
22  
23  
24 These Defendants were thus deliberately indifferent to the obvious consequences of  
25 their failure to train their deputies, agents and employees adequately.  
26  
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28





1 89. Plaintiff's Estate claims damages for the loss of enjoyment of life.

2 90. Decedent's federal claims in life survive his death.

3 91. Decedent's state law negligence claims also survive his death.

4 92. At all material times, Defendants COUNTY OF ORANGE and its  
5 employees, ORANGE COUNTY SHERIFF employees, PUCKETT and DOES 1  
6 through 20 owed decedent, the duty to act with due care in the execution and  
7 enforcement of any right, law, or legal obligation.  
8

9  
10 93. Defendants took custody of RONALD GARCIA LUCIO, JR upon his  
11 booking into the ORANGE County Jail pending adjudication of his criminal charges.  
12

13 94. Decedent was a pre-trial detainee and had therefore lost his liberty at the  
14 time Defendants asserted custody and control over him.  
15

16 95. COUNTY OF ORANGE and its employees, ORANGE COUNTY  
17 SHERIFF employees, PUCKETT, and DOES 1 through 20 within the course and  
18 scope of such agency, service and/or employment, and under color of authority, were  
19 negligent in regards to DECEDENT's health, safety and welfare, and breached that  
20 duty of care.  
21

22 96. At all material times, each Defendant owed Decedent the duty to act  
23 with reasonable care.  
24

25 97. These general duties of reasonable care and due care owed to Decedent  
26 by all Defendants include, but are not limited, to the following specific obligations:  
27

28 a. As a pre-trial detainee, to provide safe and appropriate jail custody for

1 RONALD GARCIA LUCIO, JR, including reasonable classification,  
2 monitoring, and housing, including placing him in an adequately  
3 monitored cell and including taking appropriate measures to adequately  
4 house, classify, and supervise inmates, particularly when the custody  
5 facility is overcrowded;  
6

7  
8 b. To summon necessary and appropriate medical care for inmates,  
9 including RONALD GARCIA LUCIO, JR;

10 c. To use generally accepted law enforcement and jail procedures that are  
11 reasonable and appropriate for Plaintiffs' status who was housed with a  
12 mentally ill and/or emotionally disturbed person;  
13

14 d. To refrain from abusing their authority granted to them by law; and,

15 e. To refrain from violating Plaintiffs' and Decedent's rights guaranteed by  
16 the United States and California Constitutions, as set forth above, and as  
17 otherwise protected by law.  
18

19  
20 98. By the acts and omissions set forth more fully in the paragraphs above,  
21 Defendants acted negligently and breached their duty of due care owed to RONALD  
22 GARCIA LUCIO, JR, which foreseeably resulted in the suffering of damages by  
23 RONALD GARCIA LUCIO, JR and Plaintiffs of the loss of their father.  
24

25 99. Defendants, through their acts and omissions, breached the  
26 aforementioned duties owed to RONALD GARCIA LUCIO, JR and Plaintiffs.  
27  
28

1           100. Defendant COUNTY is vicariously liable pursuant to California  
2 Government Code section 815.2.

3  
4                                   **SEVENTH CAUSE OF ACTION**  
5                                   **(VIOLATION OF CALIFORNIA GOVERNMENT CODE § 845.6)**

6                   **PLAINTIFF AGAINST DEFENDANTS COUNTY OF ORANGE, PUCKETT**  
7                                   **and DOES 1-20**

8           101.           Plaintiffs re-allege and incorporate by reference the allegations  
9 contained in this complaint, as though fully set forth herein.

10           102.           Defendants COUNTY OF ORANGE and its employees,  
11 PUCKETT and Does 1-20 knew or had reason to know that RONALD GARCIA  
12 LUCIO, JR was in need of medical attention for his abdominal pain and  
13 appendicitis. LUCIO needed immediate and a higher level medical and psychiatric  
14 care, treatment, and observation and monitoring, that he required special housing  
15 and security – including being placed on suicide watch and on suicide precautions –  
16 for his own safety and well-being, and each Defendant failed to take reasonable  
17 action to summon and/or to provide RONALD GARCIA LUCIO, JR access to such  
18 medical care and treatment and/or provide him housing accommodations necessary  
19 for him under such circumstances. Each such individual Defendant, employed by  
20 and acting within the course and scope of his or her employment with Defendant  
21 COUNTY, knowing and/or having reasons to know this, failed to take reasonable  
22 action to summon and/or provide RONALD GARCIA LUCIO, JR access to such  
23  
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1 care, treatment, and medically appropriate housing in violation of California  
2 Government Code § 845.6.

3  
4 103. As a proximate cause of the aforementioned acts and omissions of –  
5 and attributable under Government Code sections 845.6 and 815.2 to – all  
6 Defendants, Plaintiffs were injured as set forth above and is entitled to all damages  
7 allowable under California law. Plaintiffs sustained serious and permanent injuries  
8 and are entitled to damages, penalties, costs, and attorneys’ fees as set forth herein.  
9

10 **PRAYER**

11  
12 WHEREFORE, Plaintiffs pray for judgment against Defendants and each of them, as  
13 follows:

14 AS TO THE FIRST, SECOND, FOURTH CAUSE OF ACTION AS APPLICABLE

- 15  
16 1. For General damages according to proof;  
17 2. For Special damages according to proof;  
18 3. For Exemplary damages as provided by law, in an amount to be proved against  
19 each individual Defendant;  
20 4. For Attorney's Fees pursuant to 42 U.S.C § 1988  
21 5. For Costs of suit;  
22 6. For such other and further relief as the Court may deem proper.  
23  
24

25 AS TO THE THIRD, FIFTH, SIXTH & SEVENTH CAUSE OF ACTION AS  
26 APPLICABLE

- 27  
28 1. For General damages according to proof;

