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8 Attorney for Plaintiff, VERONICA NELSON

9 SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO  
10 CIVIL DIVISION, UNLIMITED CIVIL DIVISION

11 VERONICA NELSON, individually and on )  
12 behalf of decedent, DYLAN NOBLE, )

13 Plaintiff, )

14 v. )

15 )  
16 CITY OF FRESNO, and the CITY OF )  
17 FRESNO POLICE DEPARTMENT, )  
18 RAYMOND CAMACHO, ROBERT )  
19 CHAVEZ, and DOES 1 thru 50, inclusive, )

20 Defendants. )

Case Number: \_\_\_\_\_

**COMPLAINT FOR DAMAGES FOR**

**1. Violation of the Fourth Amendment to the U.S. Constitution;**

**2. Violation of the Fourteenth Amendment to the U.S. Constitution;**

**3. Municipal Liability for Unconstitutional Custom, Practice or Policy, Failure to Train, and Supervisory Liability (Monell);**

**4. Conspiracy;**

**5. Battery;**

**6. Negligence;**

**7. Wrongful Death and Intentional Infliction of Emotional Distress;**

**8. Survivor;**

**9. Violation of Bane Act (California Civil Code §52.1)**

[JURY TRIAL DEMANDED]



1 Defendant named herein as Doe 1 is the unidentified Fresno Police K9 unit officer  
2 involved in the June 25, 2016 traffic stop. He is also legally liable to Plaintiff for the  
3 wrongful acts and omissions alleged in the Complaint. Doe 1 is being sued individually  
4 and in his capacity as a K9 officer for the Fresno Police Department.  
5

- 6 5. Does 2 through 50, inclusive, are used herein under fictitious names because their true  
7 names, capacities and/or degrees of responsibility for the acts alleged herein are unknown  
8 to Plaintiff at this time. When Plaintiff ascertains this information, she will amend the  
9 Complaint accordingly. Plaintiff is informed and believes, and thereon alleges, that  
10 Defendant Does 2 through 50, inclusive, and each of them, are legally liable to Plaintiff  
11 in some part for the wrongful acts and omissions alleged in this Complaint.  
12
- 13 6. The Plaintiff is informed and believes, and thereon alleges, that at all times mentioned  
14 herein, each and every Defendant was the agent, servant, employee, and/or representative  
15 of each and every other Defendant and, in doing the things complained herein, was acting  
16 with the scope of that agency, service, employment, and/or representation, and that each  
17 and every Defendant is jointly and severally responsible and liable to Plaintiff for the  
18 damages hereinafter alleged.  
19

### 20 **GENERAL ALLEGATIONS**

- 21 7. On the afternoon of June 25, 2016, employees of the City of Fresno received information  
22 that originated from a 911 call reporting an individual walking in the area of Clovis and  
23 Clinton Avenues carrying a rifle or shotgun. The City refuses to release the 911 call, but  
24 claims the subject was reported to be wearing a long sleeve shirt and camouflage jacket.  
25 Fresno police officers, including Raymond Camacho, L. Chow and Doe 1 responded to  
26 that location. A short time later, nineteen-year-old Dylan Noble of Clovis, California was  
27 driving his pickup truck when Officer Camacho saw him turn from Sunnyside onto  
28

1 eastbound Shields Avenue (about a mile from Clovis and Clinton Avenues). Dylan  
2 stopped for a red light at the intersection of Fowler. Shortly after the light turned green  
3 Officer Camacho activated his lights and siren. Dylan continued eastbound for  
4 approximately forty seconds when he pulled over at the Chevron station on the southwest  
5 corner of Shields and Armstrong.  
6

7 8. The acts of Fresno Police officers, including Officers Camacho, Chavez and Doe 1,  
8 evidence the City's failure to train its officers to prevent a violation of individual's rights  
9 such as Dylan Noble. Officer Camacho had his pistol pointed through the front  
10 windshield while driving behind Dylan's truck on Shields. He pulled in behind Dylan at  
11 the Chevron station. He and Officer L. Chow got out of the patrol car with their guns  
12 drawn and pointed at Dylan. Moments later, while Dylan remained in his truck, a Fresno  
13 Police K9 officer ("Doe 1") pulled into the Chevron station adjacent to Officer  
14 Camacho's vehicle. Moments later, as Dylan remained in his truck, another Fresno  
15 Police patrol car stopped and Officer Robert Chavez got out armed with a shotgun and  
16 pointed it at Dylan.  
17

18 9. During the roughly 2 ½ minutes after Dylan pulled over, police bodycam video shows  
19 Officers Camacho, Chow and Chavez pointing their firearms at unarmed Dylan Noble,  
20 yelling commands and profanity. He did not match the description of the person reported  
21 by the 911 caller about twenty (20) minutes earlier. Dylan did not have a gun. The  
22 officers never asked if he had a gun. They never saw a gun. In fact, they saw Dylan had  
23 nothing in his left hand and was holding something in his right hand that was clearly not  
24 a gun. They never heard Dylan say he had a gun. They never used a TASER. They  
25 never used OC Spray. They never used a non-lethal weapon (like a "beanbag" shotgun).  
26 Although there were at least four (4) officers present, and despite the officers being  
27  
28

1 provided with multiple non-lethal means (such as TASER, OC Spray and beanbag  
2 shotgun) none of them even so much as prepared to use non-lethal force. Instead,  
3 following Fresno Police Department training and policies, they resorted only to deadly  
4 force. In fact, Doe officer 1 never released the canine (K-9) despite Officer Camacho  
5 giving the command "Let the dog go" about twenty (20) seconds before he shot Dylan.  
6 None of the officers did anything to de-escalate the encounter.  
7

8 10. At one point when Dylan was facing and walking towards the officers he was shot by  
9 Officer Raymond Camacho. From the officers' body cam videos, it appears Dylan was  
10 within 10 to 15 feet of Officer Camacho when he was shot. As Dylan was falling  
11 forward, clearly and obviously struck by the bullet, Officer Raymond Camacho shot him  
12 a second time.  
13

14 11. Dylan collapsed to the ground and rolled onto his back. From the officers' body cam  
15 videos, it appears he landed about ten (10) feet from Officers Camacho, Chow and  
16 Chavez. None of the officers stepped forward to restrain or aid Dylan who, sill laying on  
17 his back on the ground and posed no threat to them. Instead they kept their weapons  
18 trained on him, screaming more commands. Dylan laid on the hot parking lot, bleeding  
19 and injured, on his back about 14 more seconds when Officer Raymond Camacho shot  
20 him for a third time. Still on the ground, on his back and now bleeding from three bullet  
21 wounds, when about 14 seconds later, Officer Robert Chavez brutally shot Dylan with a  
22 shotgun. The shotgun blast was the fourth and final time Dylan was shot.  
23

24 12. Dylan Noble was pronounced dead approximately three hours later. The cause of death  
25 was stated by the Coroner to be multiple gunshot wounds.  
26

27 13. Individuals, among Does 2-10, who had policy making authority ratified the officers'  
28 violation of Dylan Noble's Constitutional rights. From the time Dylan was shot and

1 killed to the present there has been no acknowledgment of wrongdoing by anyone on  
2 behalf of the City or the Fresno Police Department. Instead, the Fresno Police  
3 Department immediately went into PR mode and soon the Chief of Police began speaking  
4 to the public through the mainstream media. This is part of a clear pattern and decades  
5 long history of the Chief of Police discrediting, and, in some instances, defaming citizens  
6 shot by Fresno Police officers. Summarily after each incident, the Chief of Police will  
7 give interviews to local news outlets and/or/both holds a press conference where  
8 justifying the shooting and winning public opinion is the goal. This practice holds fast  
9 and true today. After the officers killed Dylan Noble, Fresno's Chief of Police  
10 peremptorily hit the media airwaves with rationalizations of the shooting and dogmatic  
11 recrimination of Dylan Noble. Beginning on June 27<sup>th</sup>, just forty-eight (48) hours after  
12 Dylan was shot dead, the Chief appeared on all the local news outlets defending the  
13 officers. On July 6<sup>th</sup> he gave statements to multiple local media outlets suggesting that  
14 the police body cam videos "explains so much", inferring they will support the shooting.  
15 On July 7<sup>th</sup> he reiterated his statement. This time it was carried locally and nationally.  
16 On July 13<sup>th</sup> Fresno Chief of Police gave a large press conference that was carried  
17 locally, nationally and internationally. He systematically walked reporters through  
18 snippets of police body cam video of the incident, careful to focus on Dylan's behavior  
19 without answering any critical questions about the use of deadly force by the officers.  
20 Even going so far as to blatantly misrepresent the Fresno Police K9 policy during the  
21 press conference.

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24  
25  
26 14. The Defendants conspired and cherry picked parts of the story that supported their  
27 position. The Defendants have been attempting to sway public opinion, to include  
28 prospective jurors in their favor. It further serves as an example of the Department's long

1 history of altogether hurried public advocacy of its police officers, each time reinforcing  
2 a culture and belief within the Fresno Police Department that it is permissible to use  
3 deadly force against the residents of Fresno without fear of disciplinary action or  
4 consequence.  
5

6 15. This is the latest in a long string of deadly officer-related shootings by the Fresno Police  
7 Department. On December 20, 2011, a federal jury in the Fresno Division of the Eastern  
8 District of California returned a verdict finding that the City of Fresno was liable for the  
9 excessive force used by a Fresno police officer shooting and killing an unarmed and  
10 mentally debilitated man. The jury heard testimony about the use of excessive force in  
11 ten (10) separate Fresno officer-involved shootings between September 2006 and 2010.  
12 At the end of the trial, the jury found unanimously that the City had engaged in an  
13 unlawful practice resulting in the frequent and improper use of deadly force against  
14 civilians.  
15

16 16. Unfortunately, this unlawful practice continues today. These prior unjustified shootings  
17 and the officers involved were not properly disciplined for their actions. Thereby  
18 reinforcing the nagging culture and belief within the Fresno Police Department that it is  
19 permissible to use deadly force against civilians without fear of repercussion or  
20 disciplinary action by the Fresno Police Department.  
21

22 17. The actions of the officers who killed Dylan Noble were taken pursuant to the policies,  
23 practices, culture and beliefs of the Fresno Police Department, including, but not limited  
24 to, deliberate indifference to the use of excessive and often deadly force in encounters  
25 with civilians when it is a grossly disproportionate response to a situation, and even when  
26 no reasonable basis exists for any use of force whatsoever.  
27  
28

1 18. The actions of the officers who killed Dylan Noble were also taken pursuant to systemic  
2 deficiencies in preparing officers for encounters with mentally impaired or debilitated  
3 civilians. The use of excessive and often deadly force by Fresno police officers against  
4 impaired or debilitated individuals is not isolated or sporadic. A pattern of fatal  
5 confrontations and excessive force against such individuals stems from deliberate  
6 indifference to the systemic inadequacies in oversight, training, and policy.  
7

8 19. On information and belief, despite its knowledge of these illegal policies and practices,  
9 the City of Fresno's supervisory and policy making personnel have maliciously and with  
10 deliberate indifference taken no effective steps to terminate the policies and practices or  
11 change the department's culture; have not effectively disciplined or otherwise properly  
12 supervised the officers who engage in the policies and practices; have not effectively  
13 trained officers with regard to the proper constitutional and statutory limits of the  
14 exercise of their authority; have not properly trained officers with regard to effective de-  
15 escalation tactics; and how to respond to mentally impaired individuals; and have instead  
16 sanctioned the policies and practices through their deliberate or grossly negligent  
17 indifference to their detrimental effect on the constitutional rights of Fresno residents.  
18

19 20. On information and belief, knowing of civil rights abuses by Fresno police officers, the  
20 City of Fresno failed to remedy these systemic violations knowingly and with deliberate  
21 indifference, and promulgated policies on the use of deadly force by officers that  
22 deliberately repudiated the constitutional rights of Fresno residents. The acts, omissions,  
23 practices, policies and long history of hurried altogether public advocacy of police  
24 officers involved in such abuses by the City of Fresno and its agents were the moving  
25 force for Dylan Noble's death, and consequently, the Plaintiff's injuries.  
26  
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1 21. As the direct and proximate result of the acts, omissions, practices, policies and long  
2 history of hurried altogether public advocacy of police officers by the Defendants alleged  
3 herein, Plaintiff has suffered loss of her son's life, substantial emotional pain and  
4 suffering, shock and injury, humiliation, extreme and severe mental anguish, defamation,  
5 fear, and depression, all to her damage and detriment.  
6

7 22. As a further direct and proximate result of the injuries alleged herein, Plaintiff has  
8 incurred, and in some instances will continue to incur, burial costs and lost earnings.  
9 Plaintiff does not know the full amount of such expenses and lost earnings at this time.  
10

11 23. At all times mentioned herein, and in all their actions mentioned herein, the individually  
12 named Doe Defendants were acting under color of law and under color of their authority  
13 and within the scope of their employment with the City of Fresno.  
14

15 24. The conduct of the individually named Defendants was willful, wanton, malicious,  
16 oppressive, and in bad faith. The Doe Defendants also acted with deliberate indifference  
17 and reckless disregard for the rights of Plaintiff, and intentionally violated state and  
18 federal law. Plaintiff is thus entitled to an award of punitive damages against each of the  
19 Defendants.  
20

**ADMINISTRATIVE PROCEEDINGS**

21 25. Plaintiff, Veronica Nelson timely filed a claim with the City of Fresno on July 11, 2016  
22 pursuant to California Government Code §910 and §911.2 on behalf of her son and as  
23 legal heir and representative pursuant to California Civil Procedure §377.60. The claim  
24 was rejected on August 25, 2016. Plaintiff has complied with the claim filing  
25 prerequisites of the California Tort Claims Act prior to initiating this action.  
26

**FIRST CAUSE OF ACTION**  
**42 U.S.C. §1983 – Use of Excessive Force in Violation of the**  
**Fourth Amendment**

1 26. Plaintiff realleges and incorporates herein by reference each and every allegation  
2 contained in paragraphs 1 through 24 of this Complaint.

3 27. The Defendants' conduct violated Plaintiff's rights in at least the following way: the  
4 shooting of Dylan Noble four times by Fresno Police Officers Camacho and Chavez  
5 when he was unarmed, the officers never seeing a gun, never asking if he had a gun,  
6 never hearing Dylan reference a gun, all within 10-15 feet violated his Fourth  
7 Amendment right to be free from the use of excessive force.  
8

9 28. The above-stated violation of Plaintiff's constitutional rights occurred as the result of the  
10 deliberate, reckless, and malicious acts, omission, and practices of the City of Fresno in  
11 least the following ways: approval, ratification, encouragement, absolution, and  
12 authorization of excessive use of force by Fresno police officers, including in this case;  
13 failure to train and deliberate indifference to the response to situations involving mentally  
14 debilitated or impaired individuals and the lawful use of force, despite their knowledge of  
15 a pattern of excessive force by Fresno police officers. These acts, omissions, practices  
16 and policies contributed and led to the shooting of Dylan Noble.  
17

18 29. These violations are compensable pursuant to 42 U.S.C. §1983. As a result of the  
19 Defendants' conduct, Dylan Noble endured substantial physical and emotional pain and  
20 suffering and death, and Plaintiff suffered the loss of her son's life and any and all  
21 damages pled below.  
22

23 **SECOND CAUSE OF ACTION**  
24 **42 U.S.C. §1983 – Use of Excessive Force in Violation of the**  
25 **Fourteenth Amendment**

26 30. Plaintiff realleges and incorporates herein by reference each and every allegation  
27 contained in paragraphs 1 through 24 of this Complaint.  
28

1 31. The Defendants' conduct violated Plaintiff's rights in at least the following ways: the  
2 shooting of Dylan Noble four times by Fresno Police Officers Camacho and Chavez  
3 when he was unarmed and made no threats violated his Fourth Amendment right to be  
4 free from the use of excessive force, and the killing of Dylan Noble violated the  
5 Fourteenth Amendment liberty interest of Plaintiff, Veronica Nelson, in the familial  
6 companionship and society of her son.  
7

8 32. These above-stated violations of Plaintiff's constitutional rights occurred as the result of  
9 deliberate, reckless, and malicious acts, omissions, and practices of the City of Fresno in  
10 least the following ways: approval, ratification, encouragement, absolution, and  
11 authorization of excessive use of force by Fresno police officers, including in this case:  
12 and deliberate indifference to the City of Fresno's failure to properly train and supervise  
13 its police officers in both the proper response to situations involving mentally impaired or  
14 debilitated individuals and the lawful use of force, despite their knowledge of a pattern of  
15 excessive force by Fresno police officers. These acts, omissions, practices, and policies  
16 contributed and led to the shooting death of Dylan Noble.  
17

18 33. These violations are compensable pursuant to 42 U.S.C. §1983. As a result of the  
19 Defendants' conduct, Plaintiff has suffered the loss of companionship, comfort, affection,  
20 solace and society of her son, Dylan Noble, and significant emotional harm, including,  
21 but not limited to, any and all damages pled below.  
22

23 **THIRD CAUSE OF ACTION**  
24 **Municipal Liability for Unconstitutional Custom, Practice or Policy,**  
25 **Failure to Train and Supervisory Liability (Monell)**

26 34. The Plaintiff realleges and incorporates herein by reference each and every allegation  
27 contained in paragraphs 1 through 24 of this Complaint.  
28

1 35. As against Defendants City of Fresno, the City of Fresno Police Department and DOE  
2 defendants, the Plaintiff alleges that the acts and/or omissions alleged in this Complaint  
3 are indicative of a repeated practice of conditioning and tacitly encouraging the abuse of  
4 authority and disregard for the constitutional rights of citizens such as Dylan Noble and  
5 the Plaintiff.  
6

7 36. On June 25, 2016, Defendants deprived Dylan Noble and the Plaintiff of the rights and  
8 liberties secured by the Fourth and Fourteenth Amendments to the United States  
9 Constitution. In so doing, Defendants City of Fresno, the Fresno Police Department and  
10 DOE defendants, along with their supervising and managing employees, agents and  
11 representatives, acting with gross negligence, reckless disregard and deliberate  
12 indifference to the rights and liberties of the public in general, and of Dylan Noble,  
13 knowingly maintained, enforced and applied an official recognized custom, policy, and  
14 practice of inadequately supervising, training, controlling, assigning and disciplining  
15 Fresno Police Department officers and other personnel, including maintaining grossly  
16 inadequate procedures for reporting, supervising, investigating, reviewing, disciplining,  
17 and controlling the misconduct of its officers.  
18

19 37. The long standing history of hurried public advocacy, perpetuating, sanctioning,  
20 tolerating and ratifying outrageous police conduct and other wrongful acts, Defendants  
21 acted with intention, reckless and callous disregard for the well-being of Dylan Noble and  
22 his constitutional rights. The actions of the Defendants were willful, wanton, oppressive,  
23 malicious, fraudulent, extremely offensive, and unconscionable to any person of normal  
24 sensibilities.  
25  
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1 38. The policies, practices, and customs implemented, maintained and tolerated by the  
2 Defendants were affirmatively linked to, and were an influential force behind the death of  
3 Dylan Noble.

4  
5 39. Defendants are liable to the Plaintiff for compensatory and exemplary damages for the  
6 wrongful killing of Dylan Noble under 42 U.S.C. §1983.

7 **FOURTH CAUSE OF ACTION**  
8 **Conspiracy**

9 40. The Plaintiff realleges and incorporates herein by reference each and every allegation  
10 contained in paragraphs 1 through 24 of this Complaint.

11 41. The Plaintiff alleges that Fresno Police Officers Raymond Camacho, Robert Chavez and  
12 Doe defendants conspired amongst themselves to deprive Dylan Noble of his  
13 constitutional rights. Specifically, in retaliation for his failure to comply, the Defendants  
14 plotted to inflict bodily injury upon him, up to and including death, for defying their  
15 authority. The officers never had an objectively reasonable basis to shoot Dylan Noble.  
16 They failed to first use or attempt to use the K9 (canine) at the scene. At no time did they  
17 use or attempt to use a TASER, OC Spray or other non-lethal remedies (i.e. bean-bag  
18 gun). At no time did they use or attempt to use anything but deadly force.

19  
20 42. As a result of the Defendants' actions, Dylan Noble was wrongfully and brutally killed.  
21 Dylan sustained injuries to his health, safety, and person, which caused him great mental,  
22 physical, and emotional pain and suffering, as well as the loss of his life. In addition, as a  
23 result of Defendants' conduct, Plaintiff has suffered tremendous loss, including the loss  
24 of companionship, comfort, affection, solace, and society of her son.  
25  
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1 43. Defendants City of Fresno, the Fresno Police Department and DOES are vicariously  
2 liable for the conspiracy acts leading to the wrongful killing of Dylan Noble through the  
3 acts and omissions of Officers Camacho, Chavez, and DOE defendants.  
4

5 **FIFTH CAUSE OF ACTION**  
6 **Battery**

7 44. Plaintiff realleges and incorporates herein by reference each and every allegation  
8 contained in paragraphs 1 through 24 of the Complaint.

9 45. Defendant Officers Raymond Camacho and Robert Chavez intentionally used excessive  
10 and unreasonable force against Dylan Noble including, but not limited to, discharging  
11 their firearms multiple times shooting him dead. In doing so, Officers Camacho and  
12 Chavez acted with the intent to initiate contact with Dylan Noble's person. The officers  
13 had no legal justification for using excessive, unreasonable, deadly force against Dylan  
14 Noble while carrying out their official duties.  
15

16 46. The Defendants' conduct resulted in harmful and offensive contact with Dylan Noble's  
17 person, causing him to experience severe pain and suffering. The decedent was shot four  
18 times, suffering three handgun wounds and one shotgun wound. The multiple bullet  
19 wounds resulted in massive internal injuries, blood loss and his eventual death.  
20

21 47. As a result of Officers Camacho and Chavez's actions, Dylan Noble sustained injuries to  
22 his health, safety, and person, which caused him extreme mental, physical, and emotional  
23 pain and suffering, and ultimately death. In addition, as a result of the Defendants'  
24 conduct, Plaintiff has suffered the loss of companionship, comfort, affection, solace and  
25 society of her son.

26 48. Defendant City of Fresno is vicariously liable for the tortious acts and omissions of  
27 Officers Camacho, Chavez, DOE defendants, thereby entitling Plaintiff to an award of  
28

1 compensatory damages, including general and special damages, as well as exemplary and  
2 punitive damages.

3 **SIXTH CAUSE OF ACTION**  
4 **Negligence**

5 49. Plaintiff realleges and incorporates herein by reference each and every allegation  
6 contained in paragraphs 1 through 24 of the Complain.

7  
8 50. Defendant Officers Raymond Camacho, Robert Chavez and Doe 1 owed the decedent  
9 and the Plaintiff a duty to use care during the traffic stop on June 25, 2016. The Officers  
10 negligently and recklessly breached their duty to use due care, which directly and  
11 proximately resulted in the injuries and, ultimately, the wrongful death of Dylan Noble.  
12 As an actual, direct, and proximate result of the Defendants' negligence which caused  
13 Dylan Noble's needless and avoidable death, the decedent sustained injuries to his health,  
14 safety, and person, which caused him great mental, physical, and emotional pain and  
15 suffering, as well as led to his loss of life. In addition, as a result of Defendants' conduct,  
16 Plaintiff has suffered a tremendous loss, including the loss of the companionship,  
17 comfort, affection, solace and society of her son.

18  
19 51. Defendant City of Fresno and the Fresno Police Department is liable for the negligent  
20 actions of Officers Camacho, Chavez, and DOE defendants for failing to devote a  
21 reasonable and sufficient amount of time and service to training and supervising the  
22 individual law enforcement officers and Defendants.

23  
24 52. Defendant City of Fresno is vicariously liable for the negligent acts and omissions of  
25 Officers Camacho, Chavez, and DOE defendants.

1 53. Defendants were negligent, and as a result of their conduct, Defendants have caused  
2 physical and severe emotional damages to Plaintiff, including, but not limited to, any and  
3 all damages pled below.  
4

5 **SEVENTH CAUSE OF ACTION**  
6 **Wrongful Death & Intentional Infliction of Emotional Distress**

7 54. Plaintiff realleges and incorporates herein by reference each and every allegation  
8 contained in paragraphs 1 through 24 of this Complaint.

9 55. The conduct of Defendant Officers Raymond Camacho, Robert Chavez and Defendant  
10 Doe 1 resulted in the wrongful death of Dylan Noble and intentional infliction of  
11 emotional distress. As a result of the Officers' actions, Dylan Noble sustained injuries to  
12 his health, safety, and person, which caused him great mental, physical, and emotional  
13 pain and suffering, as well as led to his wrongful death. In addition, as a result of the  
14 Officers' conduct, Plaintiff, Veronica Nelson has suffered tremendous loss, including the  
15 loss of companionship, comfort, affection, solace, and society of her son.  
16

17 56. Defendant City of Fresno is vicariously liable for the wrongful death of Dylan Noble  
18 through the acts and omissions of Officers Camacho, Chavez and DOE defendants.

19 **EIGHTH CAUSE OF ACTION**  
20 **Survivor**

21 57. Plaintiff realleges and incorporates herein by reference each and every allegation  
22 contained in paragraphs 1 through 24 of this Complaint.

23 58. As a direct result of Defendants, and each of them, violation of the constitutionally  
24 protected rights of Dylan Noble, Dylan Noble was unlawfully detained and killed by  
25 Defendants Officer Raymond Camacho and Officer Robert Chavez as part of the pattern  
26 and practice of the Defendant Fresno Police Department.  
27  
28



1 59. Plaintiff Veronica Nelson brings this survivor action on behalf of Dylan Noble under 42  
2 USC 1983 for his pain and suffering, emotional distress and suffering prior to death.

3 60. For punitive damages for taking the life of Dylan Noble under color of the law, in  
4 violation of his constitutional rights pursuant to 42 USC 1983.  
5

6 **NINTH CAUSE OF ACTION**  
7 **California Civil Code §52.1 – Bane Act Violation**

8 61. The Plaintiff realleges and incorporates herein by reference each and every allegation  
9 contained in paragraphs 1 through 24 of this Complaint.

10 62. Defendant Officers Raymond Camacho, Robert Chavez, and DOE defendants, while  
11 working for Defendants City of Fresno and Fresno Police Department, and acting within  
12 the course and scope of their duties, interfered with or attempted to interfere with the  
13 rights of Dylan Noble to be free from unreasonable searches and seizures, to equal  
14 protection of the laws, to access to the courts, and to be free from State actions that shock  
15 the conscience, by threatening or committing acts involving violence, threats, coercion or  
16 intimidation.  
17

18 63. As a result of the violence, threats, coercion, intimidation and unjustified shooting, the  
19 Defendants violated Dylan Noble’s rights under the Fourth and Fourteenth Amendments,  
20 causing the Plaintiff and the decedent severe pain and suffering, including death, as  
21 detailed herein. The conduct of Officers Camacho, Chavez, and DOE defendants, was a  
22 substantial factor in causing the injuries and damages sustained by the Plaintiff.  
23

24 64. Defendants City of Fresno and Fresno Police Department are vicariously liable for the  
25 wrongful acts of Officers Camacho, Chavez, and DOE defendants, pursuant to California  
26 Government Code §815.2 which provides that a public entity is liable for the injuries  
27  
28

1 caused by its employees within the scope of the employment if the employee's act would  
2 subject him or her to liability.


3 65. The conduct of Officer Raymond Camacho, Officer Robert Chavez, and DOE defendants  
4 was malicious, wanton, oppressive, and accomplished with a conscious disregard for the  
5 rights of the decedent and the Plaintiff, entitling Plaintiff to an award of exemplary and  
6 punitive damages.  
7

8 **PRAYER**

9 WHEREFORE, the Plaintiff prays that this Court enters judgment after trial by jury in  
10 her favor and against Defendants City of Fresno, Fresno Police Department, Fresno Police  
11 Officers Raymond Camacho and Robert Chavez, and DOE defendants in their individual  
12 capacity, and any other identified DOE Defendants in their individual capacities as follows:  
13

- 14 1. For general (non-economic) damages against all Defendants, jointly and severally,  
15 under federal and state law, in an amount to be proven at trial;
- 16 2. For special (economic) damages against all Defendants, jointly and severally, under  
17 federal and state law, in an amount to be proven at trial;
- 18 3. For punitive and exemplary damages in an amount to be proven at trial;
- 19 4. For attorneys' fees;
- 20 5. For costs of suit; and
- 21 6. For whatever further relief, including injunctive relief, as may be just and proper.  
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24  
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26

27 Dated: August 31, 2016

28 By:   
STUART R. CHANDLER, Attorney for  
Plaintiff, Veronica Nelson