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 9 ISRAEL, and DEPUTY EDUARDO DURAN

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

LATOYA REINHOLD, individually
 and as successor-in-interest to Kurt
 Reinhold; S.R. and J.R., minors, by and
 through their guardian *ad litem*, Latoya
 Reinhold, individually and as
 successors-in-interest to Kurt Reinhold;
 JUDY REINHOLD-TUCKER,
 individually,

Plaintiff,

vs.

COUNTY OF ORANGE, a public
 entity; JONATHAN ISRAEL, an
 individual; EDUARDO DURAN, an
 individual, and DOES 3-20, inclusive,

Defendant.

CASE NO: 8:20-cv-02369-JLS-DFM
*Assigned to Hon. Judge Josephine L.
 Staton – Courtroom 10A*

**DEFENDANTS’ ANSWER TO
 PLAINTIFFS’ SECOND AMENDED
 COMPLAINT**

Complaint filed: December 17, 2020
Trial Date: None Set

1 COMES NOW, Defendants COUNTY OF ORANGE (“County”), DEPUTY
2 JONATHAN ISRAEL, and DEPUTY EDUARDO DURAN (collectively,
3 “Defendants”) in answering Plaintiffs LATOYA REINHOLD, individually and as
4 successor-in-interest to Kurt Reinhold, S.R. and J.R., minors by and through their
5 guardian *ad litem*, Latoya Reinhold, individually and as successors-in-interest to
6 Kurt Reinhold, and JUDY REINHOLD TUCKER’s, individually, (hereinafter
7 “Plaintiffs”) Second Amended Complaint (“SAC”) on file herein, for themselves
8 alone and for no other Defendants, admit, deny, and allege as follows:

9 1. In answering paragraph 1, Defendants admit only that the law
10 enforcement shooting giving rise to this case occurred on September 23, 2020.
11 Defendants deny the remainder of this paragraph.

12 2. In answering paragraph 3, Defendants admit only that Plaintiffs state
13 that Plaintiff Latoya Reinhold, S.R., J.R., and Judy Reinhold-Tucker set forth
14 allegations against Defendant County of Orange, Deputy Jonathan and Israel and
15 Eduardo Duran. Defendants do not have sufficient information or belief to enable
16 them to answer said paragraph as it relates to unidentified and unserved Does, and
17 on that basis, Defendants deny each and every allegation contained therein as it
18 relates to unidentified and unserved Does.

19 4. In answering paragraph 4, Defendants admit Plaintiffs have stated the
20 correct basis for the Court’s current exercise of jurisdiction, but deny any inference
21 that the Court will retain jurisdiction on the same stated grounds throughout the
22 entirety of this action.

23 5 In answering paragraph 5, Defendants admit only that the incidents,
24 events, and occurrences giving rise to this action occurred in the County of Orange,
25 and that the County of Orange is located within the Central District of California.
26 Defendants deny the remainder of this paragraph.

27 6. In answering paragraphs 6, 7, and 8 Defendants do not have sufficient
28 information or belief at this time to enable them to admit or deny Plaintiffs’

1 allegations as to the Plaintiffs' residences or standing, and on that basis, deny each
2 and every allegation regarding same.

3 7. In answering paragraphs 9 and 10, Defendants admit only that the
4 County of Orange is and was a municipality duly organized under the laws of the
5 State of California and is a public entity; that the Orange County Sheriff's
6 Department is a law enforcement agency of the County; and that Deputies Jonathan
7 Israel and Deputy Duran, were employees of the County of Orange acting within the
8 course and scope of their employment with the County under the color of law at the
9 time of the September 23, 2020 incident giving rise to this lawsuit. Defendants deny
10 the remainder of these paragraphs. Furthermore, Defendants deny Plaintiffs and/or
11 Decedent were injured or damaged in any amount or sum, or at all, by reason of any
12 act or omission of Defendants.

13 8. In answering paragraph 11, Defendants do not have sufficient
14 information or belief to enable them to answer said paragraph at this time as such
15 paragraph is pled against unidentified and unserved Does, and on that basis,
16 Defendants deny each and every allegation contained therein. To the extent this
17 paragraph contains allegations against Defendants, Defendants deny generally and
18 specifically each and every allegation contained therein. Furthermore, Defendants
19 deny Plaintiffs and/or Decedent were injured or damaged in any amount or sum, or
20 at all, by reason of any act or omission of Defendants.

21 9. In answering paragraph 13, Defendants admit only that Plaintiff Latoya
22 Reinhold, S.R., and J.R. submitted a Claim for Wrongful Death. Defendants deny
23 the remainder of these paragraph.

24 10. In answering paragraphs 2, 15, 32, 35, 39, 51, 59, Defendants do not
25 have sufficient information or belief to enable them to answer said paragraphs at this
26 time, and on that basis, deny each and every allegation contained therein.
27 Furthermore, Defendants deny Plaintiffs and/or Decedent were injured or damaged
28 in any amount or sum, or at all, by reason of any act or omission of Defendants.

1 11. In answering paragraphs 12, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 28,
2 29, 30, 31, 34, 36, 37, 38, 42, 43, 44, 45, 46, 48, 49, 50, 53, 54, 55, 56, 57, 58, 61,
3 and 62 (including sub-paragraphs), of the SAC, Defendants deny generally and
4 specifically each and every allegation contain therein. Furthermore, Defendants
5 deny Plaintiffs and/or Decedent were injured or damaged in any amount or sum, or
6 at all, by reason of any wrongful act or omission of Defendants.

7 12. In answering paragraphs, 14, 27, 33, 40, 47, 52, 60, Defendants
8 reiterate and incorporate by reference their answers to those paragraphs previously
9 contained in this answer.

10 13. In answering paragraph 25, Defendants admit that Decedent was shot
11 on September 23, 2020, by Deputy Duran in the course and scope of Deputy
12 Duran’s duties as a law enforcement officer. Defendants deny the remainder of this
13 paragraph. Defendants further deny that Plaintiffs and/or Decedent were injured or
14 damaged in any amount or sum, or at all, by reason of any act or omission of
15 Defendants.

16 14. In answering paragraph, 41, Defendants admit only that the times
17 relevant to this action, they acted under color of law.

18 15. In answering, paragraphs “59,” “60,” and “61” in the “Sixth Claim for
19 Relief” on page 11, lines 20-28, Defendants contend that Plaintiffs have incorrectly
20 numbered their allegations as paragraphs “59,” “60,” and “61.” In answering
21 misnumbered paragraphs “59” (11:20-22) and “60” (11:23-26), Defendants deny
22 generally and specifically each and every allegation contain therein. In answering
23 misnumbered paragraph “61,” Defendants do not have sufficient information or
24 belief to enable them to answer said paragraph at this time, and on that basis, deny
25 each and every allegation contained therein. Furthermore, Defendants deny
26 Plaintiffs and/or Decedent were injured or damaged in any amount or sum, or at all,
27 by reason of any wrongful act or omission of Defendants.

28 16. As to Plaintiffs’ “Prayer for Relief,” Defendants deny Plaintiffs and/or

1 Decedent were injured or damaged in any amount or sum, or at all, by reason of any
2 act or omission of Defendants.

3 **FIRST AFFIRMATIVE DEFENSE**

4 17. All County of Orange employees mentioned in Plaintiffs' Second
5 Amended Complaint acted in good faith, without malice, and within the scope of
6 their duties as peace officers of the State of California. At all times pertinent to this
7 action, the actions of the County of Orange and its employees were reasonable,
8 proper, and legal in all respects, and not committed for any improper or
9 unconstitutional purpose.

10 **SECOND AFFIRMATIVE DEFENSE**

11 18. Any injury or damages suffered by Plaintiffs and/or Plaintiffs'
12 Decedent were caused solely by reason of their own wrongful acts and conduct,
13 and/or the acts and/or conduct of Decedent, and not by reason of any unlawful act or
14 omission of these Defendants. Moreover, Plaintiffs and/or Decedent failed to act in
15 compliance with the mandates of the California Penal Code, as well as other laws,
16 and this failure proximately caused and/or contributed to the injuries and damages
17 claimed by Plaintiffs, in any capacity, and/or Decedent in Plaintiffs' Second
18 Amended Complaint.

19 **THIRD AFFIRMATIVE DEFENSE**

20 19. Plaintiffs' claims are barred by the Qualified Immunity Doctrine.

21 **FOURTH AFFIRMATIVE DEFENSE**

22 20. Plaintiffs and/or Decedent willingly, voluntarily, and knowingly
23 assumed each, every, and all the risks and hazards involved in the activities referred
24 to in the Second Amended Complaint. Defendants are not liable for injury or
25 damages, if any there were, because Plaintiffs and/or Decedent were aware of the
26 dangers and risks with respect to the alleged actions, and did knowingly, and
27 voluntarily, and freely assume and expose themselves to said known risks, which
28 assumption of the risk caused and/or contributed to the alleged damages sought by

1 Plaintiffs and/or Decedent herein, therefore barring Plaintiffs, in any capacity,
2 and/or Decedent from recovering, any relief from Defendants.

3 **FIFTH AFFIRMATIVE DEFENSE**

4 21. By the exercise of reasonable effort, Plaintiffs could have mitigated the
5 amount of damages, if any there were, but Plaintiffs failed and refused, and
6 continued to fail and refuse, to exercise a reasonable effort to mitigate damages, and
7 therefore Plaintiffs are barred from seeking recovery of those damages.

8 **SIXTH AFFIRMATIVE DEFENSE**

9 22. The present action is not brought or maintained in good faith, and
10 Defendants consequently pray for an award of all reasonable defense costs,
11 including attorneys' fees, pursuant to Fed. Rule Civ. Proc. 11 and/or 42 U.S.C. §
12 1988.

13 **SEVENTH AFFIRMATIVE DEFENSE**

14 23. Neither a public entity nor a public employee is liable for his or her act
15 or omission, exercising due care, in the execution or enforcement of any law.

16 **EIGHTH AFFIRMATIVE DEFENSE**

17 24. Defendants' actions herein were all pursuant to legitimate penal
18 interests.

19 **NINTH AFFIRMATIVE DEFENSE**

20 25. The force used on Decedent, if any, was objectively reasonable under
21 the circumstances and did not constitute excessive force.

22 **TENTH AFFIRMATIVE DEFENSE**

23 25. Plaintiffs' claims are barred by the principles expressed in Jones v.
24 Williams, 297 F.3d 930, 935 (9th Cir. 2002), requiring personal participation for
25 liability under 42 U.S.C. § 1983.

26 **ELEVENTH AFFIRMATIVE DEFENSE**

27 26. The force used on Decedent, if any, was privileged in that it was used
28 to effect a detention and/or arrest, to prevent escape, to overcome resistance, and/or

1 in self-defense or the defense of others. Peace officers need not retreat nor desist
2 their law enforcement efforts by reason of Decedent’s resistance or threatened
3 resistance. Furthermore, peace officers are not to be deemed the aggressor nor do
4 they lose their right to self-defense by the use of reasonable force to effect
5 Decedent’s detention and/or arrest, or to prevent Decedent escape or to overcome
6 his resistance.

7 **TWELFTH AFFIRMATIVE DEFENSE**

8 27. Defendants allege that Plaintiffs received “collateral source payments”
9 as set forth in California Government Code § 985 and that the verdict, if any, must
10 be reduced accordingly.

11 **THIRTEENTH AFFIRMATIVE DEFENSE**

12 28. Defendants allege that Plaintiffs’ claims are barred by the provisions of
13 California Government Code §§ 815, 815.2, 815.6, 818, 818.2, 818.6, 818.8, 820,
14 820.2, 820.4, 820.6, 820.8, 821, 821.4, 821.6, 821.8, 822.2, 844.6, 845, 845.2,
15 845.4, 845.6, 845.8, 846, 850, 850.2, 850.4, 850.6, 850.8, 855.6, 855.8, 910, 910.2,
16 910.4, 910.6, 910.8, 911.2, 911.3, 911.4, 913, 913.2, 945.3, 945.4, 945.6, and/or
17 946.6.

18 **FOURTEENTH AFFIRMATIVE DEFENSE**

19 29. The force, if any, used on Decedent was only that amount of force
20 justified pursuant to California Civil Code § 50 and/or California Penal Code §
21 835a.

22 **FIFTEENTH AFFIRMATIVE DEFENSE**

23 30. This action is barred by the pertinent statute of limitations, including
24 but not limited to, that expressed in California Code of Civil Procedure §§ 335.1,
25 338, 338.1, 340, 342, 352.1(b) and/or California Government Code §§ 910, 910.2,
26 910.4, 910.6, 910.8, 911.2, 911.3, 911.4, 913, 913.2, 945.3, 945.4, 945.6, and/or
27 946.6.

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SIXTEENTH AFFIRMATIVE DEFENSE

31. Defendants allege that Plaintiffs’ claims are barred by the provisions of California Government Code §§ 910 et seq. Plaintiffs have failed to properly comply with pertinent claim procedures. Moreover, Plaintiffs’ operative Second Amended Complaint improperly varies from the contents of their governmental claims, if any.

SEVENTEENTH AFFIRMATIVE DEFENSE

32. Plaintiffs’ claims are barred by California Penal Code §§ 196, 197, 458, 459, 460, 461, 602.5, 830.5, 834, 834a, 834b, 835, 835a, 836, 836.5, 837, 839, 840, 844, 849.5, 847, and 848.

EIGHTEENTH AFFIRMATIVE DEFENSE

33. Plaintiffs’ claims are barred by California Civil Code § 43.55.

NINETEENTH AFFIRMATIVE DEFENSE

34. Plaintiffs’ claims are barred by the principles expressed in Heck v. Humphrey, 512 U.S. 477 (1994); Susag v. City of Lake Forest, 94 Cal.App.4th 1401 (2002); and Edson v. City of Anaheim, 63 Cal.App.4th 1269, 1274 (1998).

TWENTIETH AFFIRMATIVE DEFENSE

35. Plaintiffs’ claims are barred by the provisions of California Code Civil Procedure §§ 377 et seq., including but not limited to, 377.10, 377.11, 377.30, 377.31, 377.32, 377.33, 377.34, 377.35, 377.60, 377.61, and 377.62.

TWENTY-FIRST AFFIRMATIVE DEFENSE

36. Defendants allege that none of the claims or causes of action of Plaintiffs’ Second Amended Complaint state facts sufficient to constitute a claim against said Defendants for punitive or exemplary damages.

TWENTY-SECOND AFFIRMATIVE DEFENSE

37. Defendants allege that Plaintiffs’ action is barred by the provisions of California Civil Code § 3333 and 3333.3.

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TWENTY-THIRD AFFIRMATIVE DEFENSE

38. Plaintiffs’ claims are barred by res judicata and/or collateral estoppel principles.

TWENTY-FOURTH AFFIRMATIVE DEFENSE

39. Plaintiffs’ suit is barred by the doctrine of unclean hands.

TWENTY-FIFTH AFFIRMATIVE DEFENSE

40. Defendants allege that Plaintiffs’ claims fail to allege a constitutional or statutory violation.

TWENTY-SIXTH AFFIRMATIVE DEFENSE

41. Pursuant to Rutledge v. Arizona Board of Regents, 660 F.2d. 1345 (9th Cir. 1981) and Parratt v. Taylor, 451 U.S. 527 (1981), Plaintiffs’ claim(s) under the Federal Civil Rights Act is/are barred due to the Plaintiffs’ adequate state remedies.

TWENTY-SEVENTH AFFIRMATIVE DEFENSE

42. A peace officer is not liable for punitive damages when an officer’s acts are not willful, malicious, or in bad faith. Gill v. Manuel, 488 F.2d 799 (9th Cir. 1973).

TWENTY-EIGHTH AFFIRMATIVE DEFENSE

43. Pursuant to Harlow v. Fitzgerald, 457 U.S. 800 (1982), Defendants are immune from liability pursuant to the Federal Civil Rights Act where said Defendants acted in good faith and entertained an honest and reasonable belief that Defendants’ actions were necessary.

TWENTY-NINTH AFFIRMATIVE DEFENSE

44. Plaintiffs and/or Decedent did not sustain an injury, if at all, sufficient to give rise to a violation of Plaintiffs’ and/or Decedent’s Federal Civil Rights.

THIRTIETH AFFIRMATIVE DEFENSE

45. Any injury to Plaintiffs and/or Decedent was due to and caused by Plaintiffs’ and/or Decedent own negligence and failure to act with reasonable care, which a reasonably prudent person would have used under the same or similar

1 circumstances. Plaintiffs and/or Decedent's carelessness, negligence, and omissions
2 were the proximate cause of the damage, if any, to Plaintiffs and/or Decedent. Any
3 damages awarded in this action should therefore be in direct proportion to the fault
4 of these Defendants, if any, as well as that of any other co-defendant, person, and
5 parties, and any award to Plaintiffs must be reduced by the amount of Plaintiffs'
6 and/or Decedent's negligence or fault as provided by California Civil Code §§ 1430,
7 1431, 1431.1, 1431.2, 1431.3, 1431.4, 1431.5, and 1432.

8 **THIRTY-FIRST AFFIRMATIVE DEFENSE**

9 46. Plaintiffs' Second Amended Complaint fails to allege facts sufficient to
10 constitute a viable claim(s) for relief.

11 **THIRTY-SECOND AFFIRMATIVE DEFENSE**

12 47. Plaintiffs' suit is barred by the doctrine of waiver and/or consent.

13 **THIRTY-THIRD AFFIRMATIVE DEFENSE**

14 48. Plaintiffs lack standing to prosecute the asserted claims.

15 **THIRTY-FOURTH AFFIRMATIVE DEFENSE**

16 49. Reasonable suspicion and/or probable cause existed for the seizure,
17 detention, and/or arrest of Decedent at all times pertinent to this action.

18 **THIRTY-FIFTH AFFIRMATIVE DEFENSE**

19 50. Plaintiffs' suit is barred by the doctrine of estoppel.

20 **THIRTY-SIXTH AFFIRMATIVE DEFENSE**

21 51. This action was filed against a peace officer and/or a public entity
22 employing peace officers for performance of the peace officer's duty. As this action
23 was not filed or maintained in good faith, these Defendants claim attorneys' fees
24 pursuant to Code of Civil Procedure § 1021.7.

25 **THIRTY-SEVENTH AFFIRMATIVE DEFENSE**

26 52. Plaintiffs fail to state a cause of action against these Defendants for
27 punitive damages in that punitive damages violate these Defendants' due process of
28 law rights.

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THIRTY-EIGHTH AFFIRMATIVE DEFENSE

53. Jonathan Israel and Eduardo Duran were, at all pertinent times, duly qualified, appointed, and acting as peace officers of the State of California and, at all times therein mentioned, they were engaged in the performance of their regularly assigned duties as peace officers.

THIRTY-NINTH AFFIRMATIVE DEFENSE

54. This action is barred by statutory and/or common law immunity principles.

FORTIETH AFFIRMATIVE DEFENSE

55. This action is barred by Plaintiffs’ failure to exhaust administrative remedies.

FORTY-FIRST AFFIRMATIVE DEFENSE

56. The County of Orange and the actions of its employees and/or agents were at all times supported by reasonable and legitimate law enforcement purposes.

FORTY-SECOND AFFIRMATIVE DEFENSE

57. These Answering Defendants were not deliberately indifferent to Plaintiffs’ and/or Decedent’s constitutional rights.

FORTY-THIRD AFFIRMATIVE DEFENSE

58. Plaintiffs’ claims are barred because Defendants are entitled to rely on reports by citizens, dispatch, and other law enforcement officers. See, United State v. Mayo, 394 F.3d 1271, 1275 (9th Cir. 2005); Motley v. Parks, 383 F.3d 1058, 1068 (9th Cir 2004); see also, Whiteley v. Warden, 401 U.S. 560, 568 (1971); Spiegel v. Cortese, 196 F.3d 717, 726 (7th Cir. 1999).

FORTY-FOURTH AFFIRMATIVE DEFENSE

59. The damages allegedly sustained by Plaintiffs and/or Decedent, which such damages are generally and specifically denied to exist, were the result of the active and affirmative negligent acts or omissions to act of independent third parties and/or entities whose active and affirmative negligence and/or omissions to act

1 resulted in superseding and intervening causes of Plaintiffs' and/or Decedent's
2 alleged damages which thereby relieves these responding Defendants from liability.
3 Any damages awarded in this action should therefore be in direct proportion to the
4 fault of these Defendants, if any, as provided by California Civil Code §§ 1430,
5 1431, 1431.1, 1431.2, 1431.3, 1431.4, 1431.5, and 1432.

6 **FORTY-FIFTH AFFIRMATIVE DEFENSE**

7 60. Defendants acted in good faith and did not directly or indirectly
8 perform any act whatsoever which would constitute a violation of any right
9 possessed by Plaintiffs and/or Decedent, or any duties owed to Plaintiffs and/or
10 Decedent.

11 **FORTY-SIXTH AFFIRMATIVE DEFENSE**

12 61. All events in connection with the incident alleged in Plaintiffs' Second
13 Amended Complaint and any resulting injuries or damages were contributed to and
14 proximately caused by the negligence of Plaintiffs and/or Decedent, in that they
15 failed to exercise ordinary care for their own safety under the circumstances, thereby
16 barring any recovery.

17 **FORTY-SEVENTH AFFIRMATIVE DEFENSE**

18 62. Defendants are not liable for any alleged injuries suffered by Plaintiffs
19 or Decedent allegedly stemming from Defendants' acts or omissions as the acts or
20 omissions were reasonable given the sudden and unexpected emergency situation in
21 which Defendants and/or third parties were in actual or apparent danger of
22 immediate injury, which the emergency situation was not caused by these answering
23 Defendants.

24 **FORTY-EIGHTH AFFIRMATIVE DEFENSE**

25 63. The County of Orange has never taken any action with a conscious
26 disregard of Plaintiffs' and/or Decedent's rights, and has not engaged in any conduct
27 with respect to Plaintiffs and/or Decedent which would constitute deliberate or
28 intentional conduct, nor has the County of Orange ratified or approved any such act

1 or acts of others.

2 **FORTY-NINTH AFFIRMATIVE DEFENSE**

3 64. Plaintiffs' claims are barred by the principles expressed in Monell v.
4 Dept. of Social Services, 436 U.S. 658, 690-694 (1978).

5 **FIFTIETH AFFIRMATIVE DEFENSE**

6 65. The requisite policy, practice, custom, or usage to establish
7 governmental liability under 42 U.S.C. § 1983 may not be proven through reference
8 to a single unconstitutional incident unless proof of that incident includes proof that
9 it was caused by an existing unconstitutional policy.

10 **FIFTY-FIRST AFFIRMATIVE DEFENSE**

11 66. The doctrine of respondeat superior is not available for actions brought
12 under 42 U.S.C. § 1983.

13 **FIFTY-SECOND AFFIRMATIVE DEFENSE**

14 67. Plaintiffs' claims are barred because the alleged constitutional
15 violations were not ordered by a policy maker for the County of Orange.

16 **FIFTY-THIRD AFFIRMATIVE DEFENSE**

17 68. The County of Orange' training was adequate to handle the usual and
18 recurring situations facing its officers.

19 **FIFTY-FOURTH AFFIRMATIVE DEFENSE**

20 69. The County of Orange' training was not deliberately indifferent to
21 Plaintiffs' and/or Decedent's constitutional rights.

22 **FIFTY-FIFTH AFFIRMATIVE DEFENSE**

23 70. Defendants' training was not the ultimate cause of Plaintiffs' and/or
24 Decedent's alleged injuries.

25 **FIFTY-SIXTH AFFIRMATIVE DEFENSE**

26 71. Plaintiffs' claims for relief against the County of Orange are barred in
27 that the relief that Plaintiffs seek is not readily achievable.

28 **FIFTY-SEVENTH AFFIRMATIVE DEFENSE**

1 72. Plaintiffs’ claims for relief against the County of Orange are barred in
2 that the relief that Plaintiffs seek may jeopardize the health and safety of others.

3 **FIFTY-EIGHTH AFFIRMATIVE DEFENSE**

4 73. Some or all of Plaintiffs’ claims are barred because they are predicated
5 upon unconstitutionally vague and/or overly broad interpretations of regulations or
6 laws.

7 **FIFT-NINTH AFFIRMATIVE DEFENSE**

8 74. Defendants allege that in light of the actual risk posed by Decedent to
9 officer and public safety before and during the defendant deputies’ use of reasonable
10 force, there was a legitimate safety requirement for the defendant deputies to use
11 force toward Decedent and to take the actions they took to protect themselves and
12 the public.

13 **SIXTIETH AFFIRMATIVE DEFENSE**

14 75. Because Plaintiffs’ Second Amended Complaint is couched in
15 conclusory terms, Defendants cannot fully anticipate all the affirmative defenses
16 that may be applicable to the within action. Accordingly, the right to assert
17 additional affirmative defenses, if and to the extent that such affirmative defenses
18 are applicable, is hereby reserved.

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1 WHEREFORE, Defendants COUNTY OF ORANGE, JONATHAN ISRAEL and
2 EDUARDO DURAN pray that Plaintiffs take nothing by way of their Second Amended
3 Complaint and that Defendants herein recover their attorneys’ fees, costs, and such other and
4 further relief as the Court may deem just and proper.

5 DATED: March 16, 2021

LYNBERG & WATKINS

8 Bv: /s/ Jesse K. Cox
9 **NORMAN J. WATKINS**
10 **S. FRANK HARRELL**
11 **JESSE K. COX**
12 **MARLENA R. MLYNARSKA**
13 Attorneys for Defendants
14 COUNTY OF ORANGE, JONATHAN
15 ISRAEL AND EDUARDO DURAN
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DEMAND FOR A JURY TRIAL

PLEASE TAKE NOTICE that Defendants COUNTY OF ORANGE, JONATHAN ISRAEL, and EDUARDO DURAN, hereby demand a trial by jury on all issues pursuant to the Seventh Amendment and Fed. R. Civ. Proc. 38.

DATED: March 16, 2021

LYNBERG & WATKINS

Bv: /s/ Jesse K. Cox
NORMAN J. WATKINS
S. FRANK HARRELL
JESSE K. COX
MARLENA R. MLYNARSKA
Attorneys for Defendants
COUNTY OF ORANGE, JONATHAN
ISRAEL AND EDUARDO DURAN