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County of San Diego
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Clerk of the Superior Court
By Regina Chanez, Deputy Clerk

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF SAN DIEGO – HALL OF JUSTICE**

12 37-2020-00045018-CU-CR-CTL

13 LESLIE FURCRON, an individual,

14 Plaintiff,

15 v.

16 ERIC KNUDSON, an individual; CITY
17 OF LA MESA, a municipal entity;
18 and DOES 1-25, inclusive;

19 Defendants.

PLAINTIFF’S COMPLAINT FOR:

- 1) **BANE CIVIL RIGHTS ACT (CIVIL CODE § 52.1);**
- 2) **BATTERY;**
- 3) **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS; AND**
- 4) **RALPH ACT (CIVIL CODE § 51.7)**

JURY TRIAL DEMANDED

20 Plaintiff LESLIE FURCRON (“Plaintiff”), by and through her counsel of record, hereby
21 alleges the following:

22 **PARTIES, JURISDICTION, AND VENUE**

23 1. Plaintiff is, and at all relevant times was, an individual residing in San Diego
24 County, California.

25 2. At all times relevant to this Complaint, Defendant ERIC KNUDSON
26 (“KNUDSON”) was an individual employed by the Defendant CITY OF LA MESA (“the CITY”
27 or “LA MESA”) as a Detective with the La Mesa Police Department (hereinafter “LMPD”).

28 3. At all times relevant to this Complaint, Defendant LA MESA was a municipal

1 corporation, incorporated in 1912, under the general laws of the State of California, which derives
2 its municipal authority from the general laws of the State of California in all respects not
3 governed by city ordinance.

4 4. Plaintiff is ignorant as to the true names, identities, and capacities of Defendants
5 DOES 1 through 25, inclusive. Therefore, Plaintiff sues these Defendants under the fictitious
6 designation of DOES 1 through 25. Plaintiff will amend this Complaint once their identities have
7 been ascertained as well as facts giving rise to their liability.

8 5. The individual defendants, including all individual DOE defendants, carried out
9 the actions complained of in their individual capacities, under color of state law, in the course and
10 scope of their employment with their respective law enforcement agencies. The CITY is
11 obligated, under California Government Code §§ 815.2 and 825(a), to pay any compensatory
12 damages awarded against the individual defendants. Nevertheless, the defendants are jointly and
13 severally liable for any damages award.

14 6. Venue is proper in this Court because the acts and omissions complained of all
15 occurred within the County of San Diego and all parties reside in, work in, or are situated within
16 the County of San Diego.

17 7. On July 15, 2020, Plaintiff filed a claim for damages with the City of La Mesa, as
18 required by California Government Code § 910. Plaintiff did not receive a response to her claim.

19 **GENERAL ALLEGATIONS**

20 8. On May 25, 2020, Minneapolis Police Department Officer Derek Chauvin held his
21 knee on the neck of George Floyd, a Black man, for nearly eight minutes, as Floyd pleaded, “I
22 can’t breathe.” As Officer Chauvin’s colleagues stood by watching, Floyd lost consciousness and
23 died.

24 9. Floyd’s death followed two other high-profile police killings of Black Americans:
25 the shootings of Ahmaud Arbery and Breonna Taylor. Floyd’s death became a catalyst for days
26 of demonstrations against racially motivated police violence – first in Minneapolis, then
27 throughout the country and the globe.

28 10. On May 30, 2020, a protest occurred in LA MESA. The demonstration in LA

1 MESA was in response not only to the killings of Floyd, Arbery, and Taylor, but also in response
2 to a video of a LA MESA police officer detaining a Black man named Amaurie Johnson.

3 11. Protesters began marching on Interstate 8 in the afternoon. The protesters chanted,
4 “Black Lives Matter” and carried signs with slogans such as, “No Justice, No Peace.” At
5 approximately 2:30 p.m., the protesters arrived at the LMPD building.

6 12. On May 30, 2020, Plaintiff was a 59-year-old Black woman and grandmother who
7 resided just outside of LA MESA, some 10 minutes from the LMPD building. Plaintiff felt
8 passionately about the death of George Floyd and the Black Lives Matter movement. Because
9 she felt that she “had no choice but to join the voices calling for change,” she and a friend decided
10 to join her fellow citizens and participate in the protest that evening.

11 13. Plaintiff arrived at the LMPD at approximately 8:10 p.m. She was video recording
12 the protest using her cell phone, and streaming it live onto her Facebook page.

13 14. Plaintiff joined the large crowd of protesters who were in the east parking lot of
14 the Police Department. Plaintiff protested peacefully, exercising her First Amendment rights by
15 standing outside and chanting.

16 15. Defendant Detective KNUDSON, along with other LMPD Officers, were
17 observing the protests from a first-floor patio that was approximately 3.5 feet above ground level.
18 Detective KNUDSON and the other officers were standing behind a wall that came up to
19 approximately chest level to protect themselves. The officers were more than 100 feet away from
20 Plaintiff.

21 16. Taking part in the demonstration, Plaintiff chanted, “The police are murderers!
22 They murder people! They put their foot on your neck! . . . Y’all killing the Black people!”

23 17. At approximately 8:12 p.m., LA MESA police officers began throwing tear gas
24 canisters toward the area where Plaintiff and others were standing. As a result, Plaintiff began to
25 walk away from the Police Department building and back toward the street.

26 18. Once she was further away from the tear gas canisters, Plaintiff turned back
27 toward the building. She again chanted, “They’re murderers” and noted, “They’re throwing tear
28 gas!” Plaintiff then noticed officers shooting into the crowd, and she yelled, “Look! They’re

1 shooting again!” A bystander near her noted that somebody had been shot in the chest.

2 19. Plaintiff, now approximately 96 feet away from Detective KNUDSON, finished
3 drinking a small can of Red Bull and then threw the can to the ground. Plaintiff was
4 approximately 75-100 feet away from a group of San Diego Sheriff’s Deputies that were in the
5 parking lot, so far that her Red Bull can could not possibly have hit any of them, or even come
6 close. At worst, Plaintiff littered. She did not discard the can in the direction of KNUDSON.

7 20. At approximately 8:15 p.m., Detective KNUDSON aimed at Plaintiff and fired a
8 beanbag round from a shotgun. She was struck between the eyes, the bean bag round breaking
9 her skull and lodging itself into her forehead. She immediately collapsed to the ground.

10 21. Despite seeing Plaintiff’s body collapse to the ground from a metal beanbag strike
11 to the face – a use of force that was not authorized by either the metal beanbag manufacturer nor
12 LMPD’s own standards – Detective KNUDSON celebrated.

13 22. Detective KNUDSON watched Plaintiff’s body fall to the ground, and then
14 exclaimed, “That guy! That was the guy who was throwing things! That guy – the guy who is
15 down right now – that’s the guy who was throwing things.” Plaintiff – a female – had not thrown
16 any objects before discarding the Red Bull can.

17 23. Bystanders immediately ran towards Plaintiff to see if she was okay. She was
18 laying on the pavement with blood flowing out of her forehead, the beanbag round still lodged in
19 her head. People began yelling at the police and asking for help, explaining that a woman had
20 been shot and might have been killed. Neither the San Diego Sheriff’s Deputies nor the LMPD
21 Officers took any action to investigate or assist.

22 24. After a few minutes, several of the bystanders helped to lift up Plaintiff’s body and
23 carry her to someone’s private vehicle. Battered, bloodied, in-and-out of consciousness, and with
24 multiple fractures in her skull and eye orbital, Plaintiff was rushed to an emergency room.

25 25. Once she arrived, the medical professionals realized the severity of Plaintiff’s
26 injuries. She suffered from multiple skull fractures and she was bleeding internally, causing
27 severe swelling to her brain. Plaintiff was in a fight for her life. Doctors determined that the only
28 way to remove the bean bag round would be to perform emergency surgery, but that the swelling

1 would need to go down first.

2 26. Plaintiff was air lifted to another hospital where the surgery would be performed.
3 Doctors then medically induced a coma. Plaintiff remained in the coma for several days until the
4 surgery could be performed. The surgeon successfully removed the metal projectile bean bag
5 from her skull by cutting Plaintiff's scalp from ear-to-ear, peeling her face/forehead skin back,
6 and then making the delicate repair to Plaintiff's skull.

7 27. When Plaintiff regained consciousness, she realized she could no longer see out of
8 her left eye. Now approximately six months later, Plaintiff still suffers, among other things,
9 neurological symptoms, permanent facial scarring, and loss of vision in that eye. Doctors have
10 told her that she may never regain her sight.

11 **FIRST CAUSE OF ACTION**

12 **BANE CIVIL RIGHT ACT (CIVIL CODE § 52.1)**

13 **(Against All Defendants)**

14 28. Plaintiff hereby realleges and incorporates by reference all allegations set forth in
15 the preceding paragraphs as if fully set forth herein.

16 29. On the night of May 30, 2020, Plaintiff was exercising her First Amendment rights
17 to free speech and assembly by attending a political protest and chanting against police use of
18 excessive force against Black Americans.

19 30. By threats, intimidation, and/or coercion, Defendants KNUDSON, the CITY, and
20 DOES 1-25, inclusive, intentionally interfered with or attempted to interfere with Plaintiff's
21 rights.

22 31. By threats, intimidation, and/or coercion, Defendants caused Plaintiff to
23 reasonably believe that if she exercised her right to free speech and/or assemble, Defendants
24 would commit violence against her and that Defendants had the apparent ability to carry out the
25 threats.

26 32. Further, Defendants acted violently against Plaintiff to prevent her from exercising
27 her right to free speech and/or right to assemble, as well as to retaliate against Plaintiff for
28 exercising her right to free speech and/or assemble.

1 33. The CITY condoned, approved of, directed, and encouraged the use of excessive,
2 unlawful force at the May 30, 2020 protest. KNUDSON, at the direction of and with the approval
3 of supervisory officers of the LMPD, violated the CITY's written policies, and standard law
4 enforcement practices, regarding the use of "less than lethal" kinetic impact projectiles such as
5 the bean bag round he shot at Plaintiff. These violations included firing bean bag rounds into a
6 large crowd from a long distance and at an elevated height, aiming the rounds at a target's head
7 instead of arms or legs, and using bean bag projectiles fired from shotguns despite a widely
8 known lack of accuracy.

9 34. Defendants intended to deprive Plaintiff of her enjoyment of the interests protected
10 by the First Amendment rights to free speech and assembly.

11 35. Plaintiff was severely harmed, including physical pain, suffering, and emotional
12 distress, as well as economic damages including but not limited to medical expenses and lost
13 wages, in an amount to be proven at trial.

14 36. The conduct of all Defendants was a substantial factor in causing Plaintiff's harm.

15 37. The conduct of Defendant KNUDSON and DOES 1-25, inclusive, was malicious
16 and oppressive, such that punitive damages are appropriate in order to punish these Defendants
17 and deter them from engaging in similar conduct in the future.

18 38. Defendant LA MESA is liable in *respondeat superior* for the conduct of individual
19 defendant officers KNUDSON and DOES 1-25, inclusive, in the course and scope of their
20 employment, per Government Code § 815.2.

21 **SECOND CAUSE OF ACTION**

22 **BATTERY**

23 **(Against All Defendants)**

24 39. Plaintiff hereby realleges and incorporates by reference all allegations set forth in
25 the preceding paragraphs as if fully set forth herein.

26 40. Defendants KNUDSON and DOES 1-25, inclusive, caused Plaintiff to be touched
27 with the intent to harm or offend her, specifically by shooting her in the forehead with a bean bag
28 round fired from a shotgun.

1 41. Plaintiff did not consent to the touching.
2 42. Plaintiff was harmed and offended by Defendants' conduct.
3 43. A reasonable person in Plaintiff's situation would have been offended by the
4 touching.
5 44. Plaintiff sustained severe damages, including physical pain, suffering, and
6 emotional distress, as well as economic damages including but not limited to medical expenses
7 and lost wages, in an amount to be proven at trial.
8 45. Defendant LA MESA is liable in *respondeat superior* for the conduct of individual
9 defendant officers KNUDSON and DOES 1-25, inclusive, in the course and scope of their
10 employment, per Government Code § 815.2.
11 46. The conduct of Defendant KNUDSON and DOES 1-25, inclusive, was malicious
12 and oppressive, such that punitive damages are appropriate in order to punish these Defendants
13 and deter them from engaging in similar conduct in the future.

14 **THIRD CAUSE OF ACTION**
15 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
16 **(Against All Defendants)**

17 47. Plaintiff hereby realleges and incorporates by reference all allegations set forth in
18 the preceding paragraphs as if fully set forth herein.
19 48. The conduct of Defendants KNUDSON, the CITY, and DOES 1-25, inclusive, as
20 set forth in the preceding paragraphs, was outrageous. It was so extreme as to exceed all bounds
21 of that usually tolerated in a civilized society.
22 49. Defendants intended to cause Plaintiff emotional distress and/or acted with
23 reckless disregard for the probability that Plaintiff would suffer emotional distress, when
24 KNUDSON shot her in the head with the bean bag round.
25 50. Plaintiff suffered severe emotional distress, with damages in an amount to be
26 proven at trial.
27 51. Defendants' conduct was a substantial factor in causing Plaintiff's severe
28 emotional distress.

1 52. Defendant LA MESA is liable in *respondeat superior* for the conduct of individual
2 defendant officers KNUDSON and DOES 1-25, inclusive, in the course and scope of their
3 employment, per Government Code § 815.2.

4 53. The conduct of Defendant KNUDSON and DOES 1-25, inclusive, was malicious
5 and oppressive, such that punitive damages are appropriate in order to punish these Defendants
6 and deter them from engaging in similar conduct in the future.

7 **FOURTH CAUSE OF ACTION**

8 **VIOLATION OF RALPH ACT (CIVIL CODE § 51.7)**

9 **(Against All Defendants)**

10 54. Plaintiff hereby realleges and incorporates by reference all allegations set forth in
11 the preceding paragraphs as if fully set forth herein.

12 55. Defendants KNUDSON, the CITY, and DOES 1-25, inclusive, committed a
13 violent act against Plaintiff.

14 56. A substantial motivating reason for Defendants' conduct was Plaintiff's race,
15 color, and/or political affiliation or Defendant's perception of Plaintiff's race, color, and/or
16 political affiliation, because of Plaintiff being a Black citizen participating in a Black Lives
17 Matter protest.

18 57. Plaintiff was harmed, including physical pain, suffering, emotional distress, and
19 economic damages including but not limited to medical expenses and lost wages, in an amount to
20 be proven at trial.

21 58. Defendants' conduct was a substantial factor in causing Plaintiff's harm.

22 59. The conduct of Defendant KNUDSON and DOES 1-25, inclusive, was malicious
23 and oppressive, such that punitive damages are appropriate in order to punish these Defendants
24 and deter them from engaging in similar conduct in the future.

25 60. Defendant LA MESA is liable in *respondeat superior* for the conduct of individual
26 defendant officers KNUDSON and DOES 1-25, inclusive, in the course and scope of their
27 employment, per Government Code § 815.2.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff Leslie Furcron prays for relief as follows:


1. General damages according to proof at the time of trial;
2. Special damages according to proof at the time of trial;
3. Attorney’s fees pursuant to California Civil Code §§ 52 and 52.1(h);
4. Civil penalties pursuant to California Civil Code §§ 52 and 52.1(h);
5. Punitive damages;
6. Costs of suit herein and interest; and
7. Any further equitable relief that this Court deems just and appropriate.

JURY DEMAND

Plaintiff demands a jury trial on all issues in this case.

Dated: December 8, 2020

THE PRIDE LAW FIRM

By: 

DANTE T. PRIDE
JESSICA K. PRIDE
ALANA MCMAINS
Attorneys for Plaintiff