

LAW OFFICE OF JERRY L. STEERING

Jerry L. Steering, Esq. (SBN 122509)

jerry@steeringlaw.com

Brenton W. Aitken Hands, Esq. (SBN 308601)

brentonaitken@gmail.com

4063 Birch Street, Suite 100

Newport Beach, CA 92660

Telephone: (949) 474-1849

Facsimile: (949) 474-1883

Attorneys for Plaintiff Kiley Deliefde Swaine

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

KILEY DELIEFDE SWAINE,

Plaintiff,

vs.

CITY OF TORRANCE, CODY
WELDIN, CHRISTOPHER TOMSIC
and DOES 1 through 10, inclusive,

Defendants.

Case No.:

**COMPLAINT FOR DAMAGES
FOR:**

- 1) UNREASONABLE / UNLAWFUL SEARCH and SEIZURE of PERSONAL PROPERTY [U.S. CONST. AMEND. 4 via 42 U.S.C. § 1983];
- 2) UNREASONABLE / UNLAWFUL SEIZURE of PERSONAL PROPERTY WITHOUT PROCEDURAL DUE PROCESS of LAW [U.S. CONST. AMEND 14 via 42 U.S.C. § 1983];
- 3) VIOLATION OF SUBSTANTIVE DUE PROCESS of LAW [U.S. CONST. AMEND 14 via 42 U.S.C. § 1983];
- 4) UNLAWFUL TAKING OF PROPERTY WITHOUT JUST COMPENSATION [U.S.

COMPLAINT FOR DAMAGES

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CONST. AMENDS. 5 & 14 via
42 U.S.C. § 1983]; and

5) MUNICIPAL LIABILITY
[*MONELL LIABILITY*¹] for
POLICY / *de facto* POLICY, via
LONGSTANDING CUSTOMS
and PRACTICES OF POLICE
AGENCY POLICY, via 42
U.S.C. § 1983, FOR CREATION
and MAINTAINENCE of NEO-
NAZI / WHITE SUPREMACIST
POLICE OFFICER GANG
TERRORIZING PUBLIC

JURY TRIAL DEMANDED

COMES NOW plaintiff Kiley Deliefde Swaine and shows this honorable
court the following:

JURISDICTIONAL ALLEGATIONS

1. As this action is brought under 42 U.S.C. § 1983, this Honorable
Court has jurisdiction over this case under its federal question jurisdiction pursuant
to 28 U.S.C. § 1331.

2. As the incidents complained of in this action occurred in the City of
Torrance, County of Los Angeles, State of California, within the territorial
jurisdiction of this Honorable Court, venue properly lies in this Honorable Court
pursuant to 28 U.S.C. § 1391(b)(2).

3. As of the date of this initial filing of this action, plaintiff has filed his
California Government Claim for Damages against City of Torrance pursuant to

¹ *Monell v. Department of Social Services*, 436 U.S. 658 (1978).

1 the California Tort Claims Act²; a condition precedent to plaintiff filing his
2 California state law claims against defendants City of Torrance (“CITY”), Cody
3 Weldin, Christopher Tomsic and any other California public employee, in this
4 instant lawsuit.

5 4. Plaintiff will amend³ his Complaint for Damages in this action
6 to include his California state law claims against the defendants to the same,
7 including any “DOE” defendants, or defendants otherwise presently unknown to
8 plaintiff, following the response⁴ of the City of Torrance to plaintiff’s California
9 Government Claim for Damages, or, any such failure to respond within the
10 statutory forty-five (45) day period required of California Public Entities to
11 respond to such Government Claims for Damages filed with it.

12 5. Plaintiff Kiley Deliefde Swaine, hereinafter referred to as “plaintiff
13 Swaine” or “SWAINE” or simply “plaintiff”, is a natural person, who, at all times
14 complained of in this action, resided in the County of Los Angeles, State of
15 California.

16 6. Defendant City of Torrance, hereinafter also referred to as “CITY” or
17 “City of Torrance”, is a municipal entity located in the County of Los Angeles,
18 State of California; within the territorial jurisdiction of this court.

19 7. Defendant Christopher Tomsic, hereinafter also referred to as
20 “TOMSIC”, at all times complained of herein, was a certified peace officer and a
21 sworn police officer, employed by the Torrance Police Department in that capacity,
22 who was acting as an individual person under the color of state law, in his
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26 ² Formerly known when enacted as the “California Tort Claims Act”; Cal. Gov’t Code § 910 et
27 seq., it was renamed the “California Government Claims Act”, when California Courts declared
28 that the Claim Filing requirements of the Government Code, apply to contract claims (actions *ex*
contractu), in addition to action arising out of “tort”; actions *ex* actions *ex delicto*).

³ Either as a matter of right, or, otherwise with court permission.

⁴ Or the lack thereof any such response within that 45 day period in which the City has to respond to a Government Claim for Damages.

1 individual capacity as a sworn Torrance Police Department police officer, and was
2 acting in the course of and within the scope of his employment with defendant
3 CITY

4 8. Defendant Cody Weldin, hereinafter also referred to as “WELDIN”,
5 is, and at all times complained of herein, was, a certified peace officer and a sworn
6 police peace officer, employed by the Torrance Police Department, acting as an
7 individual person under the color of state law, in his individual capacity as a police
8 officer, and was acting in the course of and within the scope of his employment
9 with defendant CITY.

10 9. Defendants DOES 1 through 6, inclusive, are certified California
11 peace officers and / sworn police officers and/or Investigators and/or Detective
12 and/or Public Service Officers and/or Special Officers and/or Dispatchers and/or
13 some other public officer, public official or officer / agent / employee of defendant
14 CITY and/or otherwise employed by the Torrance Police Department (and/or with
15 some other public entity), who in some way committed some or all of the tortious
16 actions (and constitutional violations) complained of in this action, and/or are
17 otherwise the proximate and/or legal cause of the plaintiff’s injuries and damages,
18 and are responsible for and liable to plaintiff for the acts complained of in this
19 action, such as by failing to intervene and stop the vandalization of the plaintiff’s
20 car as discussed below, and whose identities are, and remain unknown to plaintiff,
21 who will amend his complaint to add and to show the actual names of said DOE
22 defendants when so ascertained by plaintiff.

24 10. At all times complained of herein, DOES 1 through 6, inclusive, were
25 acting as individual persons acting under the color of state law, pursuant to their
26 authority as certified California peace officers and / sworn police officers and/or
27 Investigators and/or Detective and/or Public Service Officers and/or Special
28 Officers and/or Dispatchers and/or some other public officer, public official or

1 officer / agent / employee of defendant CITY, and/or otherwise employed by the
2 Torrance Police Department (and/or with some other public entity), and were
3 acting in the course of and within the scope of their employment with defendant
4 CITY (and/or with some other public entity).

5 11. Defendants DOES 7 through 10, inclusive, are Supervisory personnel
6 and/or policy making and/or final policy making officials for the Torrance Police
7 Department / City of Torrance, employed by Torrance Police Department and
8 defendant CITY (and/or some other Municipal entity), and were Certified
9 California Peace Officers, Sworn Peace Officers of policy making ranks and
10 authority, such as the Chief of Police and/or Assistant Chief(s) and/or
11 Commanders and/or Captains and/or Lieutenants and/or Sergeants and/or other
12 Supervisory personnel and/or policy making and/or final policy making officials,
13 employed by Torrance Police Department and defendant CITY (and/or some other
14 Municipal entity), who are in some substantial way liable and responsible for, or
15 otherwise proximately caused and/or contributed to the occurrences complained of
16 by plaintiff in this action, such as via major policy making decisions on personnel
17 matters, including:
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- 19 1) The longstanding knowing tolerance of and condoning by CITY and
20 DOES 7 through 10, inclusive⁵, of murders and other forms of homicide by
21 Torrance Police Department police officers of innocents⁶ (some being
22 racially motivated, and some not), as well as the knowing widespread
23 tolerance of and condoning of frequent police beatings and false arrests of
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27 ⁵ Such as by failing to investigate, or even by failing to take a complaint report, or to even
28 discourage civilians from making any such personnel complaints; especially those complaints by
non-white civilians that they were subjected to demeaning traffic stops by Torrance Police
Department police officers, for conduct such as driving an expensive car in a predominantly
white / upscale neighborhood.

⁶ Including criminal federal constitutional violations under 18 U.S.C. § 242.

1 innocents by Torrance Police Department police officers, and of other
2 California state criminal, and federal and state constitutional violations⁷,
3 including defendants Christopher Tomsic and Scott Weldin and DOES 1
4 through 6, inclusive;

5 2) The longstanding custom and practice of CITY and DOES 7 through
6 10, inclusive⁸, by ignoring frequent civilian complaints made by civilians
7 against violating Torrance police officers, including the murders, beatings
8 and false arrests referenced immediately above, including and especially
9 racially motivated traffic and pedestrian stops of innocent non-white
10 persons, and by either failing to investigate them at all, or, by investigating
11 said complaints in a manner seeking only to reach a pre-determined
12 conclusion, that the civilian complaints were without merit, and that the
13 Torrance Police Department police officer was “in the right”, and the
14 complaining civilian was “in the wrong”⁹;

15 3) The longstanding custom and practice of CITY and DOES 7 through
16 10, inclusive¹⁰, of knowingly tolerating Neo-Nazi / White Supremacist
17 groups of Torrance Police Department police officers, who individually and
18 in concert, and as a group / gang actually discuss with each other, on-duty,
19 how much they despise and hate Jews, black persons of African descent,
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23 ⁷ Some of these Torrance Police Department beatings of innocents, misdemeanants, the homeless,
24 and the defenseless, not being racially motivated, and some being racially motivated, and, also,
25 to advance the goals of, and for the benefit of the / a White Supremacist / Neo-Nazi group(s) /
26 gang(s) of Torrance Police Department police officers.

27 ⁸ Such as by failing to investigate, or even by failing to take a complaint report, or to even
28 discourage civilians from making any such personnel complaints.

⁹ From 2016 to 2019, Torrance police upheld just three citizen allegations of police misconduct
and zero allegations of racial profiling made against officers, according to data submitted to the
California attorney general’s office. Katz, the former independent police auditor, described those
statistics as “concerningly low.”

¹⁰ Such as by failing to investigate, or even by failing to take a complaint, report, or to even
discourage civilians from making any such personnel complaints.

1 persons of Mexican descent, members of the LGBT community
2 and assorted other identifiable groups of persons who are often typically
3 looked-down-upon by members of the law enforcement community, to
4 patrol the streets of Torrance;

5 12. Defendants DOES 7 through 10, inclusive, are also liable to plaintiff
6 in this action via: a) Supervisory Liability (i.e. failure to properly supervise,
7 improperly directing subordinate officers, approving unlawful / unconstitutional
8 actions of subordinate officers), b) via Bystander Liability (failing to intervene in
9 and stop unlawful actions of their subordinates and/or other officers), and c) via
10 such as by creating and/or causing the creation of and/or contributing to the
11 creation of the policies and/or practices and/or customs and/or usages of the
12 Torrance Police Department for excessive force, false arrests, malicious criminal
13 prosecutions and otherwise brutalizing and terrorizing the public, that has led to the
14 creation, maintenance and tolerance White Supremacist / Neo-Nazi Police Officer
15 Gang(s) within the Torrance Police Department; the likes of which has reigned
16 terror over the residents of and visitors to the City of Torrance.
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18 13. At all times complained of herein, DOES 7 through 10, inclusive,
19 were acting as individual persons acting under the color of state law, pursuant to
20 their authority as the Chief of Police and/or the Assistant Chief(s) and/or Captains
21 and/or Lieutenants and/or Sergeants and/or other Supervisory personnel and/or
22 policy making and/or final policy making officials with the Torrance Police
23 Department, and/or some other public official(s) with defendant CITY, and were
24 acting in the course of and within the scope of their employment with defendant
25 CITY.
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27 14. At all times complained of herein, defendants DOES 7 through 10,
28 inclusive, were acting as individual persons under the color of state law; under and
pursuant to their status and authority as peace officers and/or Supervisory peace

1 officers (as described herein, above and below), and/or policy making peace
2 officers, with the Torrance Police Department and/or otherwise with defendant
3 CITY.

4 15. Plaintiff is presently unaware of the identities of DOES 1 through
5 10, inclusive, and will amend his complaint to add and to show the actual names of
6 said DOE defendants, when made known to plaintiff.

7 16. In addition to the above and foregoing, defendants TOMSIC,
8 WELDIN and DOES 1 through 6, inclusive, acted pursuant to a conspiracy,
9 agreement and understanding, and a common plan and scheme, to deprive the
10 plaintiff of his federal Constitutional rights as complained of in this action.

11 17. Defendants TOMSIC, WELDIN and DOES 1 through 6, inclusive,
12 acted in joint and concerted action to so deprive the plaintiff of those rights as
13 complained of herein; all in violation of 42 U.S.C. § 1983, and otherwise in
14 violation of United States Constitutional and statutory law, and in violation of
15 California Constitutional and statutory state law.

16 18. Said conspiracy / agreement / understanding / plan / scheme / joint
17 action / concerted action, above-referenced, was a proximate cause of the violation
18 of the plaintiff's federal and state constitutional and statutory rights, as complained
19 of herein.
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21 **GENERAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

22 19. On January 27, 2020, at approximately 4:06 a.m., Torrance Police
23 Department ("TPD") police officers received a call for service from a civilian, who
24 allegedly reported that several persons were possibly involved in the theft of mail
25 from an apartment building in Torrance, California.

26 20. Pursuant to that call for service, at approximately 4:24 a.m. on
27 January 27, 2020, several Torrance Police Department police officers and
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1 defendants Cody Weldin, Christopher Tomsic and DOES 1 through 3, inclusive,
2 went to the scene of the call for service.

3 21. Two of the Torrance Police Department police officers who
4 responded to the call for service, defendants Christopher Tomsic and Cody Weldin,
5 located plaintiff Kiley Swaine and his friend, and detained them for investigation.

6 22. Torrance Police Department police officers Cody Weldin
7 (“WELDIN”), Christopher Tomsic (“TOMSIC”) and DOES 1 through 3, inclusive,
8 had located plaintiff’s 2004 Hyundai Electra automobile at the scene of the call;
9 the registered owner of who was plaintiff Kiley Swaine.

10 23. Thereafter on that day, January 27, 2020, plaintiff and his friend, were
11 arrested by Torrance Police Department police officers WELDIN, TOMSIC”) and
12 DOES 1 through 3, inclusive, for suspected conspiracy to commit mail theft from a
13 Torrance, California, apartment building. Plaintiff is innocent of, and was never
14 prosecuted for those crimes.

15 24. Pursuant to plaintiff’s arrest by WELDIN, TOMSIC and DOES 1
16 through 3, inclusive, defendants WELDIN, TOMSIC and DOES 1 through 6,
17 inclusive, had plaintiff’s car towed to a local tow yard; Van Lingen Towing, in
18 Torrance, California.

19 25. After plaintiff had been arrested and taken to the Torrance City Jail,
20 defendants WELDIN, TOMSIC and DOES 1 through 3, inclusive, vandalized
21 plaintiff’s car. Moreover, defendants DOES 4 through 6, inclusive, stood by and
22 watched defendants WELDIN, TOMSIC and DOES 1 through 3, inclusive,
23 vandalize plaintiff’s car, and failed and refused to intervene and stop the vandalism.

24 26. Defendants WELDIN, TOMSIC and DOES 1 through 3, inclusive,
25 spray-painted a Swastika on the back seat of plaintiff’s car, a Happy Face on the
26 front passenger seat, and some paint on the passenger side outside rear view mirror
27 and on the rear bumper. Said defendants had also emptied a box of cereal and some
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1 protein powder all over the interior of his Hyundai. They also trashed the
2 plaintiff's car, and broke certain items therein¹¹.

3 27. The vandalism of plaintiff's car by defendants WELDIN, TOMSIC
4 and DOES 1 through 3, inclusive, was witnessed by DOES 4 through 7, inclusive,
5 and Van Linger Towing tow truck driver Christopher Dunn.

6 28. After defendants WELDIN, TOMSIC and DOES 1 through 3,
7 inclusive, were done vandalizing plaintiff's car, Christopher Dunn placed
8 plaintiff's car on a flat-bed tow truck, and towed plaintiff's car to Van Lingen
9 Towing.

10 29. Plaintiff was taken to the Torrance City Jail and booked on the
11 conspiracy charges¹².

12 30. The next day, January 28, 2020, the Torrance Police Department
13 attempted to telephone plaintiff's mother, Gay DeLiefde Swaine, but she was at
14 work. Mrs. Swaine later saw the phone message from Torrance PD, and at
15 approximately 3:30 p.m. that day, she called the Torrance Police Department back.
16 Mrs. Swaine was told that plaintiff had been arrested, and was presently in the
17 Torrance Police Department Jail.

18 31. Plaintiff's parents, Robert Preston Swaine and Gay DeLiefde Swaine,
19 went to pick-up plaintiff at the Torrance Police Department, as he was to be
20 released on a misdemeanor citation.

21 32. Mrs. Swaine asked Torrance Police Department officers at the station
22 what the procedures were for getting plaintiff's car out of impound. She was told to
23 get a Vehicle Release Form from Torrance PD, which she so obtained.

24 33. After plaintiff was cited and released from custody, the Swaines all
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28 ¹¹ See, attached Exhibit "A"; photos of plaintiff's vandalized 2004 Hyundai.

¹² Later on, the police determined that plaintiff was an innocent man, and the criminal charges were dropped against plaintiff.

1 left Torrance PD, and drove to the tow yard where plaintiff's car had been towed;
2 Van Lingen Towing, at 2755 Lomita Street, in Torrance, California.

3 34. When they arrived at Van Lingen Towing, it was 5:15 p.m., the
4 Swaines were told by the towing company employee / agent that they were closed,
5 and for the Swaines to come back the next day.

6 35. On January 29, 2020, plaintiff and his father, Robert Swaine, returned
7 to Van Lingen Towing to retrieve plaintiff's car.

8 36. When Van Lingen Towing delivered plaintiff's car to him at the tow
9 yard, he noticed that someone had vandalized his car.

10 37. Plaintiff saw that someone had spray-painted a Swastika on the back
11 seat of his car, a Happy Face on the front passenger seat, and some spray-paint on
12 the rear bumper and on the passenger side outside rear view mirror. In addition,
13 someone had emptied a box of cereal and some protein powder that was tossed all
14 over the interior of his Hyundai¹³, and the interior of the plaintiff's car was, for
15 lack of a better term, trashed.

16 38. The towing company's principal(s) / manager(s) / employee(s) /
17 agent(s) (hereinafter referred to as the towing company's "AGENT(S)") said that
18 plaintiff's car must have arrived that way, and plaintiff told him that his car was
19 not in that condition when it was towed.

20 39. The Van Lingen Towing AGENT(S) then told plaintiff that they have
21 video surveillance cameras that would have captured the image of plaintiff's car's
22 condition when it came into the lot.

23 40. Plaintiff and his father then decided it would be best for them to call
24 the Torrance Police Department to report the vandalism, which they proceeded to
25 do.
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¹³See attached Exhibit "A"; photos of plaintiff's vandalized 2004 Hyundai.

1 41. Thereafter, on January 29, 2020, shortly after plaintiff reported the
2 vandalism to the Torrance Police Department, two Torrance Police Department
3 officers went to Van Lingen Towing, met the plaintiff and his father there, and
4 inspected plaintiff's vandalized car; Sgt. Daniel Vazquez and Officer Scott
5 Nakayama (and DOES 6 and 7).

6 42. The Torrance police officers began to write their report and
7 confiscated the spray-paint can that had been left inside the car, that was
8 apparently used to vandalize the same.

9 43. The Torrance police officers spoke with plaintiff and his father, and
10 the towing company's AGENT(S), who told the officers that they had video
11 surveillance of their lot, and that a review of it might determine if the car arrived in
12 that condition.

13 44. They all went inside of the towing company's facility. Plaintiff and
14 his father were told to wait in the waiting area, while the police officers and the
15 towing company's AGENT(S) went into the tow yard office; an office with a large
16 glass window.

17 45. Through the window, plaintiff and his father observed the officers and
18 the towing company's AGENT(S) watching the video, but from their angle, they
19 could not see what the police officers were viewing.

20 46. After a short time of viewing the video, the above-referenced police
21 officers and the towing company AGENT(S) exited the tow yard office, and
22 approached plaintiff and his father at the same.

23 47. Van Lingen Towing knew from their tow truck driver, Christopher
24 Dunn, that defendants Cody Weldin and Christopher Tomsic¹⁴ were the vandals.
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¹⁴ . . . and DOES 1 through 6, inclusive.

1 48. Accordingly, under the circumstances of that meeting of plaintiff, his
2 father, the police and the towing company AGENT(S), investigating Torrance
3 police officers Sgt. Vazquez and Officer Nakayama, became aware of facts that
4 would have caused them to strongly suspect that defendants TOMSIC and
5 WELDIN and DOES 1 through 3, inclusive, or at least some member of the one or
6 more White Supremacist / Neo-Nazi group(s) / gang(s) of Torrance Police
7 Department police officers had done the vandalizing; the Swastika painted on the
8 back seat being the main clue of the involvement of those type of Torrance police
9 officers.

10 49. On January 29, 2020, said Torrance police officers told the plaintiff,
11 and/or at least watched the towing company's AGENT(S) tell plaintiff, that the
12 towing company accepted responsibility for the damage to his car, that they
13 suspended one of their employees who they suspected to have vandalized it, that
14 they were further investigating the matter, and that Van Lingen Towing would pay
15 for the damages to plaintiff's car.

16 50. Based upon that series of events at the tow yard on January 29, 2020,
17 wherein Van Lingen Towing immediately accepted responsibility for the damage
18 to the plaintiff's car, based upon the Torrance Police Department police officer's
19 presence at the towing yard office, the nature of those discussions there with the
20 officers and towing company AGENT(S), above-referenced, a subsequent series of
21 events, described below, plaintiff was induced by the police officers and the
22 towing company AGENT(S) into believing that a Van Lingen Towing employee /
23 agent had been the person(s) who vandalized his car, and not any police officer¹⁵.
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28 ¹⁵ As shown above, Sgt. Daniel Vazquez and Officer Scott Nakayama were present at the tow
yard and had met with plaintiff and his father at the tow yard office. They knew that they were
there because the plaintiff had complained to the Torrance Police Department about his car being
vandalized, and they knew that they, along with the personnel at the towing company, had

1 51. Van Lingen Towing's AGENT(S) also told plaintiff to get estimates
2 for the repair of the car, and plaintiff and his father then left the tow yard.

3 52. Plaintiff then drove his vandalized car home. While he did so, the
4 protein powder blew all over him and his car's interior. Plaintiff was extremely
5 upset and felt violated. Moreover, being unable to use the passenger side mirror
6 made it a safety hazard.

7 53. Thereafter, plaintiff obtained estimates to repair the exterior of his
8 vandalized car, and another one to repair the interior of the vehicle.

9 54. On February 20, 2020, plaintiff emailed Van Lingen Towing the
10 estimates for his car repair; said estimates ranging from approximately \$2,000.00
11 to approximately \$2,500.00.

12 55. Thereafter, plaintiff received a call from a Van Lingen Towing
13 AGENT(S), who offered \$2,250.00 to plaintiff to settle the matter between Van
14 Lingen Towing and plaintiff, regarding paying for the damage to plaintiff's car.

15 56. Plaintiff believed that it was in his interest to take the \$2,250.00, and
16 on February 27, 2020, plaintiff went to Van Lingen Towing and picked-up check
17 for \$2,250.00¹⁶.

18 57. Again, based upon the statements of Torrance Police Department Sgt.
19 Daniel Vazquez and Officer Scott Nakayama during their meeting with plaintiff,
20 his father and the towing company AGENT(S) of January 29, 2020 at Van Lingen
21 Towing, plaintiff was induced to reasonably believe that the Torrance Police
22 Department had concluded, along with Van Lingen Towing, that a Van Lingen
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28 induced plaintiff to believe that a Van Lingen Towing employee had been the vandal; not a
police officer.

¹⁶ See, attached Exhibit "B"; a true and correct copy of said \$2,250.00 check paid by Van Lingen
Towing to plaintiff.

1 Towing Company employee / agent had been the vandal of plaintiff's car; not a
2 police officer.

3 58. Accordingly, when plaintiff accepted the \$2,250.00 check from Van
4 Lingen Towing on February 27, 2020, he had done so under that induced belief
5 that Van Lingen Towing had vandalized his car, and not any Torrance Police
6 Department police officer.

7 59. Plaintiff shows that this "induced belief", that a Van Lingen Towing
8 employee (and not a police officer) vandalized plaintiff's car, was perpetuated by
9 the Torrance Police Department, well after the Winter of 2020.

10 60. Torrance Police Department police officers were well aware that
11 defendant Torrance Police Department police officers Christopher Tomsic and
12 Cody Weldin (and DOES 1 through 3, inclusive), had been the persons who had
13 vandalized plaintiff's car, since at least March of 2020; less than two months
14 following the January 27, 2020 vandalism incident.

15 61. Moreover, during the Torrance Police Department's investigation of
16 the vandalization of the plaintiff's car, they knew since at least the Spring of 2020,
17 that Torrance Police Department police officers Christopher Tomsic and Cody
18 Weldin were part of a White Supremacist / Neo-Nazi gang / group of police
19 officers within the Torrance Police Department.

20 62. Although the Torrance Police Department fired defendant police
21 officers Christopher Tomsic and Cody Weldin¹⁷, and apparently suspended thirteen
22 (13) other Torrance Police Department police officers for being suspected
23 members of some sort of White Supremacist / Neo-Nazi group(s) and/or gang(s) of
24 police officers within the Torrance Police Department, the Torrance Police
25 Department, from top management to the line officers (i.e. DOES 5 through 10,
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¹⁷ . . . and DOES 1 through 6, inclusive.

1 inclusive), made a deliberate conscious decision to not notify plaintiff that
2 Christopher Tomsic and Cody Weldin¹⁸ were the ones who vandalized his car.

3 63. DOES 5 through 10, inclusive, along with Sgt. Daniel Vazquez and
4 Officer Scott Nakayama, knew that plaintiff was induced in substantial part by
5 their conduct¹⁹ to believe that a Van Lingen Towing employee / agent, and not a
6 police officer, had vandalized his car on January 27, 2020.

7 64. DOES 5 through 10, inclusive, along with Sgt. Daniel Vazquez and
8 Officer Scott Nakayama, knew that plaintiff had asked their employing agency to
9 find out who vandalized his car when they complained to the Torrance Police
10 Department and its officers re the same. Said defendants also know that plaintiff
11 would have wanted to know that Torrance Police Department police officers
12 WELDIN and TOMSIC (and DOES 1 through 3, inclusive) were the actual
13 vandals. Yet, they decided to leave plaintiff with the false impression that a towing
14 company employee vandalized his car, to protect the CITY and defendants
15 WELDIN and TOMSIC (and DOES 1 through 3, inclusive) from civil and criminal
16 liability, from internal discipline, and from obloquy.

17 65. Van Lingen Towing knew from their tow truck driver, Christopher
18 Dunn, that defendants Cody Weldin and Christopher Tomsic²⁰ were the vandals.

19 66. Accordingly, in order to appease the Torrance Police Department by
20 protecting that agency from civil liability and obloquy, in large part to retain Van
21 Lingen's status as being part of the Torrance Police Department's rotational tow
22 list for police tows, Van Lingen Towing agreed with Sgt. Vazquez and/or Officer
23 Nakayama and/or DOES 5 through 10, inclusive, to accept the blame for the
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28 ¹⁸ . . . and DOES 1 through 6, inclusive.

¹⁹ . . . and DOES 6 through 10, inclusive.

²⁰ . . . and DOES 1 through 6, inclusive.

1 vandalism to the plaintiff's car; to induce plaintiff to not suspect that any Torrance
2 Police Department police officers had committed that act of vandalism to his car.

3 67. All of this was done a part of an ongoing conspiracy / agreement / tactic
4 and/or express understanding, between the Torrance Police Department and Van
5 Lingen Towing, to make and keep plaintiff ignorant of the fact that Cody Weldin
6 and Christopher Tomsic²¹ were the real vandals; not some towing company
7 employee / agent. Van Lingen Towing's ownership is/are not stupid, and they were
8 better-off, politically, and businesswise, to "*take the hit*" for the vandalism for a
9 couple of young Torrance Police Department police officers.

10 68. The Van Lingen Towing tow truck driver who actually transported the
11 plaintiff's then vandalized car to the Van Lingen Towing tow yard in Torrance,
12 California, Christopher Dunn, was supposedly working on his last night, on his last
13 tow with / on behalf of Van Lingen Towing²².

14 69. Christopher Dunn begrudgingly admitted to investigating Torrance
15 Police Department police officials, that he personally witnessed defendant
16 WELDIN and TOMSIC vandalize plaintiff's car at the scene of the plaintiff's
17 arrest on January 27, 2020²³.

18 70. This conspiracy resulted in plaintiff not filing a California Government
19 Claim for Damages²⁴ against the City of Torrance until now; a predicate to filing a
20 lawsuit against the City of Torrance and the involved Torrance police officers for
21 vandalizing his car under California state law.
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25 ²¹ . . . and DOES 1 through 6, inclusive.

26 ²² *Ergo*, no worry re being fired. Moreover, the last night of Christopher Dunn seems to be the
27 "suspension" of the possibly involved Van Lingen Towing employee, that Van Lingen Towing
told the plaintiff was suspended for his incident.

28 ²³ Christopher Dunn did not want to implicate ("rat-out") either defendants Christopher Tomsic
or Scott Weldin. He only did so when pressured by the investigating police officers, and the
circumstances of that interrogation.

²⁴ Formerly known as the California Tort Claims Act.

1 75. As set forth above, on January 27, 2020, pursuant to a call for service for
2 suspected possible stolen mail, plaintiff and his friend were located in his
3 automobile near the scene of the subject of the call-for-service, by defendants
4 Cody Weldin and Christopher Tomsic²⁷.

5 76. Plaintiff and his friend were arrested, or otherwise caused to be arrested,
6 by Torrance Police Department police officers, including defendants Cody Weldin
7 and Christopher Tomsic and DOES 1 through 6, inclusive, for suspected
8 conspiracy to steal U.S. Mail.

9 77. Also as set forth above, plaintiff was taken to jail by Torrance Police
10 Department police officers, and booked for those charges shown above, on January
11 27, 2020.

12 78. Plaintiff was thereafter released from on January 28, 2020 from the
13 Torrance City Jail, on a citation to appear in court on his arrest charges.

14 79. Also as set forth above, on January 29, 2020, plaintiff²⁸ discovered
15 that his 2004 Hyundai, Elantra, automobile, had been vandalized by someone
16 spray-painting a Swastika on the back seat of his car, spray-painting a Happy Face
17 on the front passenger seat of his car, and by seemingly randomly spray-painting
18 blotches on the passenger side outside rear view mirror, and on the rear bumper of
19 plaintiff's Hyundai.

20 80. On October 2, 2021, plaintiff discovered that TOMSIC, WELDIN and
21 DOES 1 through 6, inclusive vandalized his car.

22 81. Also as set forth above, while defendants TOMSIC, WELDIN and
23 DOES 1 through 3, inclusive, vandalized plaintiff's car, DOES 4 through 6,
24 inclusive, watched them do so.
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²⁷ . . . and DOES 1 through 6, inclusive.

²⁸ Along with plaintiff's father, Robert Swaine.

1 82. Moreover, DOES 4 through 6, inclusive, had an adequate opportunity,
2 as well as the ability, to have intervened and to have stopped defendants TOMSIC,
3 WELDIN and DOES 1 through 3, inclusive, from continuing to vandalize
4 plaintiff's car, and, notwithstanding that knowledge and opportunity, just stood
5 there / failed to intervene, and watched DOES 4 through 6, inclusive, vandalize
6 plaintiff's car.

7 83. Also as set forth above, defendants TOMSIC's, WELDIN's and DOES
8 1 through 3's vandalizing of plaintiff's car, and DOES 4 through 6, inclusive's
9 failure to intervene to stop the same²⁹, was a meaningful interference with
10 plaintiff's possessory and property rights in his car, while seizing the same
11 pursuant to a police tow of plaintiff's car pursuant to his arrest.

12 84. There was no legitimate law enforcement objective or purpose in
13 defendants TOMSIC's, WELDIN's and DOES 1 through 3's vandalizing of
14 plaintiff's car, and said defendants so vandalized his car to advance the goals and
15 objectives of that / those group(s) / gang(s) of White Supremacist / Neo-Nazi
16 police officers within the Torrance Police Department, to wit; to terrorize the
17 public in Torrance, California, that group(s) / gang(s) of White Supremacist / Neo-
18 Nazi police officers within the Torrance Police Department run that town and its
19 streets; a form of Neo-Nazi group chest-puffing and bragging, by officers who are
20 drunk with their own power, and who despise and mistreat those types / groups of
21 persons who are often mistreated by society (i.e. Jews, blacks, members of the
22 LBGT community, and other non-white types.)

23 85. Accordingly, said vandalizing of plaintiff's car by defendants
24 TOMSIC, WELDIN and DOES 1 through 3, inclusive, constitutes and
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²⁹ A duty imposed upon them under federal constitutional standards for police "bystander" liability.

1 unreasonable seizure of plaintiff’s car under the Fourth Amendment to the United
2 States Constitution.

3 86. As a direct and proximate result of the actions of defendants
4 TOMSIC, WELDIN and DOES 1 through 3, inclusive, plaintiff has suffered: 1)
5 damage to his car and the attendant costs of repairing the same, including lost
6 wages, and 2) mental and emotional pain suffering and distress from the shock that
7 a Torrance police officer seemed to have threatened him with painting a Swastika
8 on his back seat, and otherwise from such “violation” of one’s basic liberty
9 interests, and from the shock to one when one is traumatically caused to realize
10 that often, the persons entrusted with one’s personal safety and security (the police),
11 are more dangerous to one, than the persons who they are supposed to be protected
12 from by the police; all in an amount to be proven at trial in excess of \$3,000,000.00.
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14 87. In addition to the above and foregoing, plaintiff shows that the actions
15 of defendants TOMSIC, WELDIN and DOES 1 through 6, inclusive³⁰, were done
16 maliciously, oppressively and in reckless disregard of the plaintiff’s constitutional
17 rights; entitling plaintiff to punitive / exemplary damages in an amount to be
18 proven at trial in excessive of \$3,000,000.00.

19 **SECOND CAUSE OF ACTION**
20 **VIOLATION OF 42 U.S.C. § 1983**
21 **Violation of Fourteenth Amendment Rights**
22 **Unlawful / Unreasonable Search and Seizure of Personal Property**
23 **without Procedural Due Process of Law**
24 **(Against defendants TOMSIC, WELDIN and DOES 1 through 6, inclusive)**

25 88. Plaintiff hereby realleges and incorporates by reference the allegations
26 set forth in paragraphs 1 through 87, inclusive, as though set forth in full herein.

27 89. As set forth above, on January 27, 2020, pursuant to a call for service for
28 suspected possible stolen mail, plaintiff and his friend were located in his

³⁰ . . . and the omissions of DOES 4 through 6, inclusive.

1 automobile near the scene of the subject of the call-for-service, by defendants
2 Cody Weldin and Christopher Tomsic³¹.

3 90. Plaintiff and his friend were arrested, or otherwise caused to be arrested,
4 by Torrance Police Department police officers, including defendants Cody Weldin
5 and Christopher Tomsic and DOES 1 through 6, inclusive, for suspected
6 conspiracy to steal U.S. Mail.

7 91. Also as set forth above, plaintiff was taken to jail by Torrance Police
8 Department police officers, and booked for those charges shown above, on January
9 27, 2020.

10 92. Plaintiff was thereafter released from on January 28, 2020 from the
11 Torrance City Jail, on a citation to appear in court on his arrest charges.

12 93. Also as set forth above, on January 29, 2020, plaintiff³² discovered that
13 his 2004 Hyundai, Elantra, automobile, had been vandalized by someone spray-
14 painting a Swastika on the back seat of his car, spray-painting a Happy Face on the
15 front passenger seat of his car, and by seemingly randomly spray-painting blotches
16 on the passenger side outside rear view mirror, and on the rear bumper of
17 plaintiff's Hyundai.

18 94. Also as set forth above, on October 2, 2021, plaintiff discovered that
19 TOMSIC, WELDIN and DOES 1 through 6, inclusive vandalized his car.

20 95. Also as set forth above, defendants TOMSIC's, WELDIN's and DOES 1
21 through 3's vandalizing of plaintiff's car was a meaningful interference with
22 plaintiff's possessory and property rights in his car, while seizing the same
23 pursuant to a police tow of plaintiff's car pursuant to his arrest.
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³¹ . . . and DOES 1 through 6, inclusive.

³² Along with plaintiff's father, Robert Swaine.

1 96. Moreover, DOES 4 through 6, inclusive, had an adequate opportunity,
2 as well as the ability, to have intervened and to have stopped defendants TOMSIC,
3 WELDIN and DOES 1 through 3, inclusive, from continuing to vandalize
4 plaintiff's car, and, notwithstanding that knowledge and opportunity, just stood
5 there and watched DOES 4 through 6, inclusive, vandalize plaintiff's car.

6 97. Also as set forth above, defendants TOMSIC's, WELDIN's and DOES
7 1 through 3's vandalizing of plaintiff's car, and DOES 4 through 6, inclusive's
8 failure to intervene to stop the same.

9 98. Although procedures exist under California state law for the warrantless
10 seizure of evidence, for the keeping and maintenance of evidence seized in the
11 absence of a warrant, and, in some cases, for the destruction of seized evidence,
12 defendants ignored and failed to follow any such California state law procedures
13 regarding the seizure and destruction of property.

14 99. Moreover, as set forth above, there was no legitimate law enforcement
15 objective or purpose in defendants TOMSIC's, WELDIN's and DOES 1 through
16 3's vandalizing of plaintiff's car, and said defendants so vandalized plaintiff's car
17 to advance the goals and objectives of that / those group(s) / gang(s) of White
18 Supremacist / Neo-Nazi police officers within the Torrance Police Department, to
19 wit; to terrorize the public in Torrance, California, that group(s) / gang(s) of White
20 Supremacist / Neo-Nazi police officers within the Torrance Police Department run
21 that town and its streets; a form of Neo-Nazi group chest-puffing / bragging, by
22 officers who are drunk with their own power, and who despise and mistreat
23 persons often despised and/or mistreated by society (i.e. Jews, blacks members of
24 the LGBT community, and other non-white types.)
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26 100. Accordingly, said vandalizing of plaintiff's car by defendants TOMSIC,
27 WELDIN and DOES 1 through 3, inclusive, constitutes and unreasonable seizure
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1 of plaintiff's car, in the absence of procedural due process, under the Fourteenth
2 Amendment to the United States Constitution.

3 101. As a direct and proximate result of the actions of defendants TOMSIC,
4 WELDIN and DOES 1 through 3, inclusive, plaintiff has suffered: 1) damage to
5 his car and the attendant costs of repairing the same, including lost wages, and 2)
6 mental and emotional pain suffering and distress from the shock that Torrance
7 police officers seemed to have threatened him with violence by painting a Swastika
8 on his back seat, and otherwise from such "violation" of one's basic liberty
9 interests, and from the shock to one when one is traumatically caused to realize
10 that often, the persons entrusted with one's personal safety and security (the police),
11 or more dangerous than the persons who they are supposed to be protected from by
12 the police; all in an amount to be proven at trial in excess of \$3,000,000.00.

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14 102. In addition to the above and foregoing, plaintiff shows that the actions
15 of defendants TOMSIC, WELDIN and DOES 1 through 3, inclusive, were done
16 maliciously, oppressively and in reckless disregard of the plaintiff's constitutional
17 rights; entitling plaintiff to punitive / exemplary damages in an amount to be
18 proven at trial in excessive of \$3,000,000.00.

19 **THIRD CAUSE OF ACTION**
20 **VIOLATION OF 42 U.S.C. § 1983**

21 **Violation of Fourth and Fourteenth Amendment Rights**
22 **Unlawful / Unreasonable Search and Seizure of Personal Property**
23 **Violation of Substantive Due Process of Law**
24 **(Against defendants TOMSIC, WELDIN and DOES 1 through 6, inclusive)**

25 103. Plaintiff hereby realleges and incorporates by reference the allegations
26 set forth in paragraphs 1 through 102, inclusive, as though set forth in full herein.

27 104. As set forth above, on January 27, 2020, pursuant to a call for service
28 for suspected possible stolen mail, plaintiff and his friend were located in his

1 automobile near the scene of the subject of the call-for-service, by defendants
2 Cody Weldin and Christopher Tomsic³³.

3 105. Plaintiff and his friend were arrested, or otherwise caused to be arrested,
4 by Torrance Police Department police officers, including defendants Cody Weldin
5 and Christopher Tomsic and DOES 1 through 6, inclusive, for suspected
6 conspiracy to steal U.S. Mail.

7 106. Also as set forth above, plaintiff was taken to jail by Torrance Police
8 Department police officers³⁴, and booked for those charges shown above, on
9 January 27, 2020.

10 107. Plaintiff was thereafter released from on January 28, 2020 from the
11 Torrance City Jail, on a citation to appear in court on his arrest charges.

12 108. Also as set forth above, on January 29, 2020, plaintiff³⁵ discovered that
13 his 2004 Hyundai, Elantra, automobile, had been vandalized by someone spray-
14 painting a Swastika on the back seat of his car, spray-painting a Happy Face on the
15 front passenger seat of his car, and by seemingly randomly spray-painting blotches
16 on the passenger side outside rear view mirror, and on the rear bumper of
17 plaintiff's Hyundai.

18 109. On October 2, 2021, plaintiff discovered that TOMSIC, WELDIN and
19 DOES 1 through 6, inclusive vandalized his car.

20 110. TOMSIC's, WELDIN's and DOES 1 through 6, inclusive's,
21 vandalism of plaintiff's car, described-above, constituted conduct that is
22 shocking to the conscience, outrageous, and below that standard of conduct
23 tolerated in a civilized society; such conduct being a violation of the substantive
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28 ³³ . . . and DOES 1 through 6, inclusive.

³⁴ DOES 5 and 6.

³⁵ Along with plaintiff's father, Robert Swaine.

1 due process restrictions on police officer conduct under the Fourteenth
2 Amendment to the United States Constitution.

3 111. As a direct and proximate result of the actions of defendants TOMSIC,
4 WELDIN and DOES 1 through 3, inclusive, plaintiff has suffered: 1) damage to
5 his car and the attendant costs of repairing the same, including lost wages, and 2)
6 mental and emotional pain suffering and distress, from the shock that a Torrance
7 police officer seemed to have threatened him with painting a Swastika on his back
8 seat, otherwise from such “violation” of one’s basic liberty interests, and from the
9 shock to one when one is traumatically caused to realize that often, the persons
10 entrusted with one’s personal safety and security (the police), are often more
11 dangerous than the persons who they are supposed to be protected from by the
12 police; all in an amount to be proven at trial in excess of \$3,000,000.00.

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14 112. In addition to the above and foregoing, plaintiff shows that the actions
15 of defendants TOMSIC, WELDIN and DOES 1 through 3, inclusive, were done
16 maliciously, oppressively and in reckless disregard of the plaintiff’s constitutional
17 rights; entitling plaintiff to punitive / exemplary damages in an amount to be
18 proven at trial in excessive of \$3,000,000.00.

19 **FOURTH CAUSE OF ACTION**
20 **VIOLATION OF 42 U.S.C. § 1983**

21 **Violation of Fifth and Fourteenth Amendment Rights**
22 **Unlawful Taking of Personal Property Without Just Compensation / Without**
23 **Due Process of the Law**
(Against defendants TOMSIC, WELDIN and DOES 1 through 6, inclusive)

24 113. Plaintiff hereby realleges and incorporates by reference the allegations
25 set forth in paragraphs 1 through 112, inclusive, as though set forth in full herein.

26 114. As set forth above, on January 27, 2020, pursuant to a call for service
27 for suspected possible stolen mail, plaintiff and his friend were located in his
28 automobile near the scene of the subject of the call-for-service, by defendants
Cody Weldin and Christopher Tomsic.

1 115. Plaintiff and his friend were arrested, or otherwise caused to be arrested,
2 by Torrance Police Department police officers, including defendants Cody Weldin
3 and Christopher Tomsic and DOES 1 through 6, inclusive, for suspected
4 conspiracy to steal U.S. Mail; a crime that plaintiff was innocent of.

5 116. Also as set forth above, plaintiff was taken to jail by Torrance Police
6 Department police officers, and booked for those charges shown above, on January
7 27, 2020.

8 117. He was thereafter released from on January 28, 2020 from the Torrance
9 City Jail, on a citation to appear in court on his arrest charges.

10 118. Also as set forth above, on January 29, 2020, plaintiff³⁶ discovered that
11 his 2004 Hyundai, Elantra, automobile, had been vandalized by someone spray-
12 painting a Swastika on the back seat of his car, spray-painting a Happy Face on the
13 front passenger seat of his car, and by seemingly randomly spray-painting blotches
14 on the passenger side outside rear view mirror, and on the rear bumper of
15 plaintiff's Hyundai.

16 119. Also as set forth above, on October 2, 2021, plaintiff discovered that
17 TOMSIC, WELDIN and DOES 1 through 6, inclusive vandalized his car.

18 120. TOMSIC's, WELDIN's and DOES 1 through 6, inclusive's,
19 vandalism of plaintiff's car, described-above, constituted conduct that is a
20 taking of plaintiff's property without just compensation for the same; such conduct
21 being a violation of plaintiff's right to be free from an unlawful taking of his
22 property under the Fifth and Fourteenth Amendments to the United States
23 Constitution.

24 121. As a direct and proximate result of the actions of defendants TOMSIC,
25 WELDIN and DOES 1 through 3, inclusive, plaintiff has suffered: 1) damage to
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³⁶ Along with plaintiff's father, Robert Swaine.

1 his car and the attendant costs of repairing the same, including lost wages, and 2)
2 mental and emotional pain suffering and distress from the shock that a Torrance
3 police officer seemed to have threatened him with painting a Swastika on his back
4 seat, otherwise from such “violation” of one’s basic liberty interests, and from the
5 shock to one when one is traumatically caused to realize that often, the persons
6 entrusted with one’s personal safety and security (the police), are often more
7 dangerous to one, than the persons who they are supposed to be protected from by
8 the police; all in an amount to be proven at trial in excess of \$3,000,000.00.

9
10 122. In addition to the above and foregoing, plaintiff shows that the actions
11 of defendants TOMSIC, WELDIN and DOES 1 through 3, inclusive, were done
12 maliciously, oppressively and in reckless disregard of the plaintiff’s constitutional
13 rights; entitling plaintiff to punitive / exemplary damages in an amount to be
14 proven at trial in excessive of \$3,000,000.00.

15 **FIFTH CAUSE OF ACTION**
16 **VIOLATION OF 42 U.S.C. § 1983**
17 **MUNICIPAL LIABILITY [*MONELL LIABILITY*³⁷]**
18 **Policy / *de facto* Policy, via Longstanding Customs and Practices of Police**
19 **Agency for Creation and Maintenance of Neo-Nazi / White Supremacist**
20 **Police Officer Group(s) / Gang(s) Terrorizing Public**
21 **(Against defendants CITY and DOES 7 through 10, inclusive)**

22 123. Plaintiff hereby realleges and incorporates by reference the allegations
23 set forth in paragraphs 1 through 122, inclusive, as though set forth in full herein.

24 124. As set forth above, on January 27, 2020, pursuant to a call for service
25 for suspected possible stolen mail, plaintiff and his friend were located in his
26 automobile near the scene of the subject of the call-for-service, by defendants
27 Cody Weldin and Christopher Tomsic³⁸.

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³⁷ *Monell v. Department of Social Services*, 436 U.S. 658 (1978).

³⁸ . . . and DOES 1 through 6, inclusive.

1 125. Plaintiff and his friend were arrested, or otherwise caused to be arrested,
2 by Torrance Police Department police officers, including defendants Cody Weldin
3 and Christopher Tomsic and DOES 1 through 6, inclusive, for suspected
4 conspiracy to steal U.S. Mail.

5 126. Also as set forth above, plaintiff was taken to jail by Torrance Police
6 Department police officers³⁹, and booked for those charges shown above, on
7 January 27, 2020. Plaintiff is innocent of, and was never prosecuted for those
8 crimes.

9 127. He was thereafter released from on January 28, 2020 from the Torrance
10 City Jail, on a citation to appear in court on his arrest charges.

11 128. Also as set forth above, on January 29, 2020, plaintiff⁴⁰ discovered that
12 his 2004 Hyundai, Elantra, automobile, had been vandalized by someone spray-
13 painting a Swastika on the back seat of his car, spray-painting a Happy Face on the
14 front passenger seat of his car, and by seemingly randomly spray-painting blotches
15 on the passenger side outside rear view mirror, and on the rear bumper of
16 plaintiff's Hyundai.

17 129. Also as set forth above, on October 2, 2021, plaintiff discovered that
18 TOMSIC, WELDIN and DOES 1 through 6, inclusive vandalized his car.

19 130. As shown above, defendants DOES 7 through 10, inclusive, are
20 Supervisory personnel and/or policy making and/or final policy making officials
21 for the Torrance Police Department / City of Torrance, employed by Torrance
22 Police Department and defendant CITY (and/or some other Municipal entity), and
23 were Certified California Peace Officers, Sworn Peace Officers of policy making
24 ranks and authority, such as the Chief of Police and/or Assistant Chief(s) and/or
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³⁹ DOES 5 and 6.

⁴⁰ Along with plaintiff's father, Robert Swaine.

1 Commanders and/or Captains and/or Lieutenants and/or Sergeants and/or other
 2 Supervisory personnel and/or policy making and/or final policy making officials,
 3 employed by Torrance Police Department and defendant CITY (and/or some other
 4 Municipal entity), who are in some substantial way liable and responsible for, or
 5 otherwise proximately caused and/or contributed to the occurrences complained of
 6 by plaintiff in this action, such as via major policy making decisions on personnel
 7 matters, including:

8 1) The longstanding knowing tolerance of and condoning by CITY and
 9 DOES 7 through 10, inclusive⁴¹, of murders and other forms of homicide by
 10 Torrance Police Department police officers of innocents⁴² (some being
 11 racially motivated, and some not), as well as the knowing widespread
 12 tolerance of and condoning of frequent police beatings and false arrests of
 13 innocents by Torrance Police Department police officers, and of other
 14 California state criminal, and federal and state constitutional violations⁴³,
 15 including defendants Christopher Tomsic and Scott Weldin and DOES 1
 16 through 6, inclusive;

17 2) The longstanding custom and practice of CITY and DOES 7 through
 18 10, inclusive⁴⁴, by ignoring frequent complaints made by civilians
 19 against violating Torrance police officers, including the murders, beatings
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 23 ⁴¹ Such as by failing to investigate, or even by failing to take a complaint report, or to even
 24 discourage civilians from making any such personnel complaints; especially those complaints by
 25 non-white civilians that they were subjected to demeaning traffic stops by Torrance Police
 26 Department police officers, for conduct such as driving an expensive car in a predominantly
 27 white / upscale neighborhood.

28 ⁴² Including criminal federal constitutional violations under 18 U.S.C. § 242.

⁴³ Some of these Torrance Police Department beatings of innocents, misdemeanants, the
 homeless, and the defenseless, not being racially motivated, and some being racially motivated,
 and, also, to advance the goals of, and for the benefit of the / a White Supremacist / Neo-Nazi
 group(s) / gang(s) of Torrance Police Department police officers.

⁴⁴ Such as by failing to investigate, or even by failing to take a complaint, report, or to even
 discourage civilians from making any such personnel complaints.

1 and false arrests referenced immediately above, including and especially
2 racially motivated traffic and pedestrian stops of innocents non-white
3 persons, and by either failing to investigate them at all, or, by investigating
4 said complaints in a manner seeking only to reach a pre-determined
5 conclusion, that the civilian complaints were without merit, and that the
6 Torrance Police Department police officer was “in the right”, and the
7 complaining civilian was “in the wrong”⁴⁵;

8 3) The longstanding custom and practice of CITY and DOES 7 through
9 10, inclusive⁴⁶, of knowingly tolerating Neo-Nazi / White Supremacist
10 gangs / groups of Torrance Police Department police officers, who
11 individually and in concert, and as a group / gang actually discuss with each
12 other, on-duty, how much they despise and hate Jews, black persons of
13 African descent, members of the LGBT community and assorted other
14 identifiable groups of persons who are often typically scapegoated for
15 society’s problems, and who often are the targets of hate, ridicule and
16 oppressive police behavior, and who are otherwise looked-down-upon by
17 members of the law enforcement community, patrolling the streets of
18 Torrance;

19 131. These *de facto* policies of the Torrance Police Department exist
20 because notwithstanding complaints to said defendants about, and notwithstanding
21 actual knowledge of these White Supremacist / Neo-Nazi group(s) / gang(s)
22 existence and their acts of terror and oppressive conduct against blacks, LGBT
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26 ⁴⁵ From 2016 to 2019, Torrance police upheld just three citizen allegations of police misconduct
27 and zero allegations of racial profiling made against officers, according to data submitted to the
28 California attorney general’s office. Katz, the former independent police auditor, described those
statistics as “concerningly low.”

⁴⁶ Such as by failing to investigate, or even by failing to take a complaint report, or to even
discourage civilians from making any such personnel complaints.

1 members and others, defendants DOES 7 through 10, inclusive, failed to discipline
2 and stop these White Supremacist / Neo-Nazi group(s) / gang(s), by disciplining
3 and/or firing them from their employment with the Torrance Police Department.

4 132. Defendants TOMSIC's, WELDIN's and DOES 1 through 6's
5 vandalizing of plaintiff's car, was in large part done to advance the goals and
6 objectives of that / those group(s) / gang(s) of White Supremacist / Neo-Nazi
7 police officers within the Torrance Police Department, to wit; to terrorize the
8 public in Torrance, California, that group(s) / gang(s) of White Supremacist / Neo-
9 Nazi police officers within the Torrance Police Department run that town and its
10 streets; a form of Neo-Nazi group chest-puffing and bragging, by officers who are
11 drunk with their own power, and who despise and mistreat those types / groups of
12 persons who are often mistreated by society (i.e. Jews, blacks, members of the
13 LGBT community, and other non-white types.)

14 133. Accordingly, said vandalizing of plaintiff's car by defendants
15 TOMSIC, WELDIN and DOES 1 through 6, inclusive, was proximately caused by
16 said policies / *de facto* policies of the Torrance Police Department, above-
17 described, making CITY and DOES 7 through 10, inclusive, liable for all of the
18 plaintiff's claims, via 42 U.S.C. § 1983 in his First, Second, Third and Fourth
19 Causes of Action shown above.


20 134. Accordingly, as a direct and proximate result of the actions of
21 defendants CITY and DOES 7 through 10, inclusive, plaintiff has suffered: 1)
22 damage to his car and the attendant costs of repairing the same, including lost
23 wages, and 2) mental and emotional pain suffering and distress, from the shock
24 that a Torrance police officer seemed to have threatened him with painting a
25 Swastika on his back seat, otherwise from such "violation" of one's basic liberty
26 interests, and from the shock to one when one is traumatically caused to realize
27 that often, the persons entrusted with one's personal safety and security (the police),
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1 are more dangerous to one than the persons who they are supposed to be protected
2 from by the police; all in an amount to be proven at trial in excess of \$3,000,000.00.

3 135. In addition to the above and foregoing, plaintiff shows that the actions
4 of defendants DOES 7 through 10, inclusive, were done maliciously, oppressively
5 and in reckless disregard of the plaintiff's constitutional rights; entitling plaintiff to
6 punitive / exemplary damages against said defendants, save defendant CITY, in an
7 amount to be proven at trial in excessive of \$3,000,000.00.

8 **WHEREFORE**, plaintiff prays for judgment as follows:

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- 10 a) For a judgment against all defendants for compensatory damages
11 in an amount in excess of \$3,000,000.00;
 - 12 b) For a judgment against all defendants, save defendant CITY, for
13 punitive damages in an amount in excess of \$3,000,000.00;
 - 14 c) For an award of reasonable attorney's fees and costs;
 - 15 d) For a trial by jury; and
 - 16 e) For such other and further relief as this honorable court deems just
17 and equitable.

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19 _____
20 JERRY L. STEERING, ATTORNEY FOR
21 PLAINTIFF KILEY SWAINE
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