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9 CITY OF PASADENA

10 ARCHIE BARRY,

11 Claimant,

12 v.

13 CITY OF PASADENA, and DOES 1
14 THROUGH 20, INCLUSIVE

15 Respondent

) CLAIM FOR MONEY DAMAGES

) [Gov. Code § 900, et. seq.]

16 TO THE CLERK OF THE CITY OF PASADENA:

17 THE UNDERSIGNED CLAIMANTS HEREBY SUBMIT TO A PUBLIC ENTITY, THE CITY
18 OF PASADENA, THE FOLLOWING WRITTEN CLAIM FOR MONEY DAMAGES:

19 1. NAME OF CLAIMANTS:

20 ARCHIE BARRY, SUCESSOR-IN-INTEREST TO ANTHONY McCLAIN

21 2. NAME AND POST OFFICE ADDRESS OF THE PERSONS TO WHOM NOTICE OF
22 ACTION ON THIS CLAIM IS TO BE SENT:

23 CLAIMANTS:

24 ARCHIE BARRY, SUCESSOR-IN-INTEREST TO ANTHONY McCLAIN

25 c/o LUIS A. CARRILLO, ESQ.

26 CARRILLO LAW FIRM, LLP

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1 **3. DATE AND LOCATION WHERE INJURY SUSTAINED:**

2 Date of Incident: **August 15, 2020**

3 Location: In the City of Pasadena, at or near Grandview St. & North Raymond Avenue.

4 **4. A GENERAL DESCRIPTION OF HOW THE INJURY INCURRED:**

5 On August 15, 2020, in the City of Pasadena, Pasadena Police Officers, negligently and/or
6 intentionally caused the death of Anthony McClain, and thereby caused the injuries and damages to
7 ARCHIE BARRY and ESTATE OF ANTHONY McCLAIN. ARCHIE BARRY is the father of
8 Decedent ANTHONY McCLAIN. City of Pasadena Police Officers negligently and recklessly ignored
9 the safety and well-being of ANTHONY McCLAIN. On August 15, 2020, City of Pasadena Police
10 Officers negligently and cowardly shot ANTHONY McCLAIN in the back while ANTHONY
11 McCLAIN was running away from Pasadena Police Officers. Also, City of Pasadena Police Officers
12 negligently failed to provide necessary medical attention to ANTHONY McCLAIN after he was shot in
13 the back.

14 The shooting of Decedent ANTHONY McCLAIN was completely unjustified in that
15 ANTHONY McCLAIN was unarmed and was not a threat to Pasadena Police Officers. The present
16 wrongful death claims are made by the Claimant ARCHIE BARRY for the loss of love, companionship,
17 comfort, care, assistance, protection, affection, society, moral support, and society of Decedent,
18 ANTHONY McCLAIN.

19 Further, as a direct result of the excessive deadly force which was used against Decedent
20 ANTHONY McCLAIN, the constitutional substantive due process rights of Claimant ARCHIE BARRY
21 to be free from unwarranted state interference in Claimant's familial relationship with ANTHONY
22 McCLAIN has been violated.

23 The negligent acts and omissions of the City of Pasadena and DOES 1-20, caused injuries and
24 damages to Decedent ANTHONY McCLAIN and to the ESTATE of ANTHONY McCLAIN for the
25 pain and suffering of Decedent ANTHONY McCLAIN that he suffered before his death.

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1 **5. HOW INJURY OR DAMAGES OCCURRED/BASIS FOR LIABILITY:**

2 **A. Negligent training of Police Officers by the City of Pasadena.**

3 The reckless, negligent, and cowardly shooting of ANTHONY McCLAIN was a result of the
4 negligent training of City of Pasadena Police Officers by the CITY OF PASADENA, and the negligent
5 policies, practices and procedures in place at the City of Pasadena Police Department regarding the use
6 of deadly force against unarmed persons.

7 City of Pasadena Police Officers on August 15, 2020, caused the injuries suffered by the present
8 Claimants as a result of the negligent and reckless use of deadly force against ANTHONY McCLAIN
9 by City of Pasadena Police Officers, who used excessive and/or negligent deadly force against
10 ANTHONY McCLAIN. City of Pasadena Police Officers, DOES 1 - 20 intentionally and/or negligently
11 failed to take reasonable steps and measures to subdue or restrain ANTHONY McCLAIN without any
12 use of deadly force.

13 The shooting of ANTHONY McCLAIN was a result of the negligent training of Pasadena Police
14 Officers by the City of Pasadena, and the negligent policies, practices and procedures in place at the City
15 of Pasadena Police Department regarding the use of deadly against residents of the community and
16 against unarmed persons.

17 The negligent and unjustified use of deadly force by the City of Pasadena Police Officers, DOES
18 1-10, was a result of the negligent training by the City of Pasadena who failed to train City of Pasadena
19 Police Officers as to *proper police tactics*, proper use of force, *proper use of deadly force*, and proper
20 detention and arrest procedures and the proper use and deployment of lethal and non-lethal weapons.
21 The City of Pasadena was responsible for the training of City of Pasadena Police Officers to ensure that
22 the actions, procedures, and practices of Officers DOES 1-20 complied with Peace Officer Standards
23 and Training (POST) training standards regarding proper police tactics, and proper use of deadly force.
24 The City of Pasadena negligently failed to train City of Pasadena Police Officers to comply with POST
25 training standards regarding proper police tactics, proper use of force, proper use of deadly force, proper
26 detention and arrest procedures, and the proper deployment of lethal and non lethal weapons.

1 The training policies of the City of Pasadena were not adequate to train its Police Officers to
2 handle the usual and recurring situations with residents that City of Pasadena Police Officers have
3 contact with.

4 The City of Pasadena failed to train City of Pasadena Police Officers to ensure that City of
5 Pasadena Police Officers do not *escalate* their interactions with residents of the community and unarmed
6 persons. The City of Pasadena failed to train City of Pasadena Police Officers to ensure that City of
7 Pasadena Police Officers *de-escalate* their interactions with residents of the community and unarmed
8 persons. The City of Pasadena failed to train City of Pasadena Police Officers to ensure that City of
9 Pasadena Police Officers do not *overreact* and use deadly force when the use of deadly force was not
10 necessary.

11 The City of Pasadena failed to train City of Pasadena Police Officers to ensure that City of
12 Pasadena Police Officers have proper *situational awareness* and not use deadly force when the use of
13 deadly force was not necessary.

14 The failure to properly train Police Officers by the City of Pasadena caused DOES 1-20 to use
15 *excessive deadly force* and the result was that City of Pasadena Police Officers negligently and cowardly
16 shot ANTHONY McCLAIN in the back while ANTHONY McCLAIN was running away from
17 Pasadena Police Officers.

18 **B. Negligent pre-screening, negligent hiring, negligent retention, and negligent supervision**
19 **of Police Officers by the City of Pasadena.**

20 The shooting and killing of ANTHONY McCLAIN was also caused by the City of Pasadena's
21 negligent pre-employment screening of Police Officers, such as DOES 1-20; negligent employment of
22 Police Officers such as DOES 1-20; and by the City of Pasadena's negligent retention of Police Officers
23 such as DOES 1-20; and by the City of Pasadena's negligent supervision of Police Officers such as
24 DOES 1-20.

25 **C. Damages of Claimants.**

26 As a direct and proximate cause of the acts of the City of Pasadena, and the acts and omissions of
27 City of Pasadena Police Officers, such as DOES 1-20, Decedent ANTHONY McCLAIN was shot and
28

1 killed. Claimant ARCHIE BARRY has suffered the loss of love, companionship, comfort, care,
2 assistance, protection, affection, society, and moral support, of Decedent ANTHONY McCLAIN; and
3 will continue to be so deprived for the remainder of his natural life. Claimant ARCHIE BARRY also
4 seeks both wrongful death and survival damages under this claim. Claimant ARCHIE BARRY, as
5 Successor-in-Interest to Decedent ANTHONY McCLAIN, is also claiming damages for the pain and
6 suffering of Decedent ANTHONY McCLAIN that he suffered before his death.

7 **6. OTHER CLAIMS AGAINST THE CITY OF PASADENA:**

8 False Imprisonment, Battery, Negligence, Intentional Infliction of Emotional Distress, Negligent
9 Infliction of Emotional Distress, State Civil Rights Violations, Violations of the Bane Act (Civil Code
10 Section 52.1), Deprivation of Civil Rights (42 U.S.C. 1983), Wrongful Death and Survival Action.
11 ANTHONY McCLAIN experienced severe pain and suffering and lost his life for which the ESTATE
12 of ANTHONY McCLAIN is entitled to recover damages.

13 **7. NAME OF THE PRESENTLY KNOWN EMPLOYEES, AGENTS, OR**
14 **REPRESENTATIVES, WHOSE ACTS OR OMISSION CAUSED CLAIMANT'S INJURIES:**

15 Unknown Pasadena Police Officers, Sergeants, Lieutenants, Captains, Commanders, and
16 civilian employees of the City of Pasadena, and the City of Pasadena Police Department.

17 **8. KNOWN ADDRESSES OF CITY OFFICERS, EMPLOYEES, OR AGENTS CAUSING**
18 **CLAIMANT'S INJURIES:**

19 Unknown at this time.

20 **9. TOTAL AMOUNT CLAIMED FOR PHYSICAL INJURIES, FUTURE MEDICAL**
21 **CARE, LOST WAGES AND EARNING CAPACITY, AND PAST, PRESENT, AND FUTURE**
22 **PHYSICAL AND PSYCHOLOGICAL, PAIN AND SUFFERING:**

23 The amount claimed exceeds the limit provided in section 920(f) of the Government Code.

24
25 Dated: August 26, 2020



26 **LUIS A. CARRILLO**
27 **ON BEHALF OF CLAIMANT**