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9 LATISHA NIXON as Successor in Interest of  
10 GEMMEL MOORE, Deceased; and LATISHA  
11 NIXON, Individually

12 UNITED STATES DISTRICT COURT  
13 CENTRAL DISTRICT OF CALIFORNIA

14 LATISHA NIXON as Successor in Interest  
15 of GEMMEL MOORE, Deceased; and  
16 LATISHA NIXON, Individually,

17 Plaintiffs.

18 v.

19 EDWARD BUCK, individually; the  
20 COUNTY OF LOS ANGELES, a municipal  
21 entity; JACKIE LACEY, in his official  
22 capacity as County of Los Angeles District  
23 Attorney; CRAIG HUM, in his official  
24 capacity as County of Los Angeles Head  
25 Deputy District Attorney; and DOES 1  
26 through 20, inclusive,

27 Defendants.

CASE NO.: CV 19-04610-CJC-SS

**FIRST AMENDED COMPLAINT**

**EDWARD BUCK:**

1. WRONGFUL DEATH & SURVIVAL ACTION
2. SEXUAL BATTERY
3. ASSAULT
4. BATTERY
5. HATE VIOLENCE
6. DRUG DEALER LIABILITY
7. NEGLIGENCE *PER SE*
8. NEGLIGENCE (PREMISES LIABILITY)
9. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
10. HUMAN TRAFFICKING (18 U.S.C. § 1591)
11. DISTRIBUTION OF PRIVATE SEXUALLY EXPLICIT MATERIALS (CAL. CIV. CODE § 1708.85)

**COUNTY OF LOS ANGELES:**

12. RACIAL DISCRIMINATION IN VIOLATION OF THE EQUAL PROTECTION CLAUSE OF THE 14<sup>TH</sup> AMENDMENT AND TITLE 42 U.S.C. § 1981 (42 U.S.C. § 1983)

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**JACKIE LACEY & CRAIG HUM:**

- 13. RACIAL DISCRIMINATION IN VIOLATION OF THE EQUAL PROTECTION CLAUSE OF THE 14<sup>TH</sup> AMENDMENT AND TITLE 42 U.S.C. § 1981 (42 U.S.C. § 1983)
- 14. CONSPIRACY TO DEPRIVE CONSTITUTIONAL RIGHTS (42 U.S.C. § 1985 (3))
- 15. VIOLATION OF CIVIL RIGHTS (42 U.S.C. § 1986)

**COUNTY OF LOS ANGELES, JACKIE LACEY & CRAIG HUM:**

- 16. RACIAL DISCRIMINATION IN VIOLATION OF CAL. GOV. CODE §§ 11135 & 11139
- 17. RACIAL DISCRIMINATION IN VIOLATION OF THE EQUAL PROTECTION CLAUSE OF THE CALIFORNIA CONSTITUTION (ART. 1, § 7 (A))
- 18. SPOILIATION OF EVIDENCE

LATISHA NIXON, Individually and as Successor in Interest of GEMMEL MOORE, Deceased, complains of EDWARD BUCK, the COUNTY OF LOS ANGELES, JACKIE LACEY, CRAIG HUM, and DOES 1 through 20, inclusive (hereafter collectively “Defendants”), and brings this combined Survival and Wrongful Death Action and Civil Rights Complaint, and as for her claims and causes of action alleges as follows:

**INTRODUCTION**

1. LATISHA NIXON’S son, GEMMEL MOORE, was a young Black man whose life was abruptly and tragically cut short on July 27, 2017 when he died after being forcibly injected with or forced to inject a lethal dose of crystal methamphetamine at the hands of EDWARD BUCK, a wealthy older white man who has a well-documented history of isolating Black men for predatory sexual encounters during which he forcibly injects them or forces them

1 to be injected with crystal methamphetamine in the confines of his West Hollywood-apartment  
2 –turned-drug-den.

3 2. Even after a second Black man’s dead body was recovered from EDWARD  
4 BUCK’s apartment on January 7, 2019, the COUNTY OF LOS ANGELES, District Attorney  
5 JACKIE LACEY, and Assistant Head Deputy District Attorney CRAIG HUM have refused to  
6 file criminal narcotics and/or homicide charges against EDWARD BUCK, because he is a white  
7 man who has donated generously and consistently to elected members of LOS ANGELES  
8 COUNTY.

9 3. The COUNTY OF LOS ANGELES’S, JACKIE LACEY’S, and CRAIG HUM’S  
10 refusal to file criminal narcotics and/or homicide charges against EDWARD BUCK hinges on a  
11 racially-motivated widespread and pervasive pattern of administrative acts and investigatory  
12 functions whereby the COUNTY OF LOS ANGELES, JACKIE LACEY, and CRAIG HUM  
13 ignore, neglect, forget about, mishandle, mistreat, or otherwise fail to act upon Black victims’  
14 and survivors’ complaints or reports regarding the felonious criminal acts of white men.

15 **PARTIES**

16 4. Plaintiff LATISHA NIXON (hereafter “Ms. Nixon” or “Plaintiff”) is, and at all  
17 times herein mentioned was, a citizen and resident of Harris County in the State of Texas. Ms.  
18 Nixon is the surviving parent of GEMMEL MOORE (hereafter “Mr. Moore” or “Decedent”),  
19 now deceased.

20 5. Ms. Nixon is the Successor in Interest of Mr. Moore, Deceased, and is entitled to  
21 bring this Survival Action pursuant to section 377.30 of the California Code of Civil Procedure  
22 because there is no personal representative of the Estate of Mr. Moore. Ms. Nixon has fully  
23 complied with section 377.32 of the California Code of Civil Procedure by filing with this  
24 Complaint the requisite declaration, executed by Ms. Nixon under penalty of perjury.

25 6. Ms. Nixon is entitled to bring this Wrongful Death Action pursuant to  
26 subdivision (a) of section 377.60 of the California Code of Civil Procedure.



1 Los Angeles government officials and candidates since 2008.<sup>1</sup> Combining his contributions to  
2 both federal and state-level officials and candidates, Mr. Buck has contributed in excess of  
3 \$500,000 since 2007.

4 14. Throughout much of the early half of 2017, Mr. Moore, who was 26-years old,  
5 lived with his mother, Ms. Nixon, and his siblings in Harris County, Texas. Mr. Moore had a  
6 loving relationship with his mother and siblings, and his friends described him as a good man  
7 with a kind and generous heart. Like most young people his age, Mr. Moore had hopes and  
8 dreams for his future. Mr. Moore liked to cook and he wanted to go back to school.

9 15. On or around July 27, 2017, Mr. Buck purchased for Mr. Moore an airplane  
10 ticket for a flight departing from Houston, Texas and arriving in Los Angeles, California that  
11 same evening. Mr. Moore took the flight for which Mr. Buck purchased him a ticket. Upon  
12 landing at Los Angeles International Airport on July 27, 2017, Mr. Moore went to Mr. Buck's  
13 West Hollywood apartment.

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16 <sup>1</sup> According to mandatory public disclosures of campaign contribution, Mr. Buck made the following  
17 donations and contributions: \$100 to Ms. Lacey for District Attorney on March 3, 2012; \$1,400 to  
18 Eric Garcetti for Mayor on November 3, 2016; \$2,600 to Mike Feuer for City Attorney on September  
19 4, 2011, March 23, 2012, and April 2, 2013; \$2,000 Mike Feuer's Legal Defense Fund on April 7,  
20 2013 and October 14, 2015; \$2,000 to Mike Feuer's Attorney Officeholder Account on May 13, 2015;  
21 \$1,400 to the Re-Elect Mike Feuer for City Attorney campaign on May 13, 2015; \$2,600 to Ron  
22 Galperin for City Controller on March 5, 2014 and May 21, 2014; \$1,000 to Ron Galperin's Controller  
23 Officeholder Account on October 13, 2014; \$1,400 to Ron Galperin for City Controller on December  
24 31, 2015; \$700 to Bob Blumenfield for City Council on September 25, 2012; \$700 to Bob  
25 Blumenfield's City Council Officeholder Account on December 7, 2015; \$700 to Bob Blumenfield  
26 for City Council on December 7, 2015; \$500 to Tony Cardenas for City Council on February 8, 2011;  
27 \$1,400 to Cedillo for City Council on February 27, 2013 and May 20, 2013; \$500 to Paul Koretz for  
28 City Council on August 20, 2008; \$1,000 to Paul Koretz's Officeholder Account on April 29, 2011  
and December 17, 2014; \$700 to Paul Koretz for City Council on June 30, 2016; \$1000 to Krekorian  
for City Council on November 19, 2009 and December 2, 2009; \$500 to Krekorian for City Council  
on June 24, 2011; \$700 to Krekorian for City Council on February 26, 2015; \$1,400 to Mitch O'Farrell  
for City Council on February 17, 2013 and April 2, 2013; \$700 to Mitch O'Farrell's Officeholder  
Account on September 30, 2015; \$1,400 to Mitch O'Farrell's Legal Defense Fund on March 23, 2016;  
\$700 to Mitch O'Farrell for City Council on September 30, 2015; \$9,500 to Jeffrey Prang for County  
Accessor on November 1, 2013, June 13, 2014, June 18, 2014, and June 26, 2014; \$13,000 to John  
Duran for County Supervisor on January 6, 2014, February 11, 2014, April 21, 2014, and May 17,  
2014; \$1,000 to Scott Svonkin for Los Angeles Community College District on February 15, 2015;  
\$500 to Sydney Kamlager for Los Angeles Community College District on February 7, 2015; and  
\$500 to Scott Houston for West Basin Municipal Water District.

1           16.     Within hours after he arrived at Mr. Buck’s West Hollywood apartment on July  
2 27, 2017, Mr. Moore was dead. According to the official autopsy report describing Mr. Buck’s  
3 apartment where Mr. Moore’s lifeless body was recovered by employees of the County of Los  
4 Angeles, the apartment was littered with multiple syringes with brown residue, a scale, several  
5 lighters and torches, a straw with white residue, glass pipes with white residue and burn marks,  
6 plastic bags with white powdery residue and a clear plastic bag containing a crystal-like  
7 substance.

8           17.     Mr. Buck had previously solicited sex from Mr. Moore on numerous occasions.  
9 During previous encounters, Mr. Buck would insist upon forcibly injecting Mr. Moore or  
10 forcing Mr. Moore to be injected with crystal methamphetamine. Before encountering Mr.  
11 Buck, Mr. Moore had never used crystal methamphetamine. Mr. Buck introduced Mr. Moore  
12 to crystal methamphetamine, administering to Mr. Moore what he narrated in his journal as his  
13 first and “extremely painful” injection. After injecting Mr. Moore with crystal  
14 methamphetamine, Mr. Buck required Mr. Moore to view hardcore gay male pornography,  
15 which played loudly on a large flatscreen television set situated in Mr. Buck’s living room. Mr.  
16 Buck further required Mr. Moore to masturbate and engage in other autoerotic sex acts for Mr.  
17 Buck’s sexual gratification and voyeuristic pleasure. Reflecting on his encounters with Mr.  
18 Buck, Mr. Moore wrote in his final journal entry, dated December 3, 2016, “If it didn’t hurt so  
19 bad, I’d kill myself, but I’ll let Ed Buck do it for now.”

20           18.     Upon information and belief, Mr. Buck secretly videorecorded his meth-fueled  
21 sexual encounters with Mr. Moore.

22           19.     Mr. Buck was neither detained, arrested, nor charged in connection with the  
23 possession of narcotics, paraphernalia, or Mr. Moore’s dead body in Mr. Buck’s West  
24 Hollywood apartment.

25           20.     On or around July 31, 2017, the County Department of Coroner preliminarily  
26 opined that Mr. Moore’s death was caused by an accidental methamphetamine overdose. In or  
27 around November 19, 2017 the County of Los Angeles specifically stated to Ms. Nixon that the  
28 final results of the autopsy were still pending and that further clarification was needed regarding

1 “the final toxicology results.” It was not until January or February of 2019 that the County of  
2 Los Angeles *finally* provided Ms. Nixon with the aforementioned clarification regarding the  
3 final toxicology results.

4 21. On or around August 15, 2017, approximately nineteen days after Mr. Moore’s  
5 body was discovered in Mr. Buck’s profusely drug littered apartment, the County of Los  
6 Angeles’s Sheriff’s Department launched a homicide investigation into Mr. Moore’s death as a  
7 result of community pressure.

8 22. On or around September 13, 2017, the County of Los Angeles’s Sheriff’s  
9 Department began conducting interviews with other Black men (hereinafter “Does 21-30)  
10 whose testimonies about their own encounters with Mr. Buck corroborated Mr. Moore’s own  
11 descriptions of past encounters with Mr. Buck. Each of Does 21-30, many of whom were  
12 strangers to one another, independently described their first-hand experiences of being  
13 forcefully pressured to ingest and/or being forcibly injected with crystal methamphetamine by  
14 Mr. Buck, whom they alleged had a predatory and injurious system of soliciting Black men and  
15 watching them cling to life while battling symptoms of methamphetamine toxicity after he  
16 intravenously administered large doses of the drug to them. Each of Does 21-30 further  
17 independently described their first-hand experiences of engaging in sexual acts or acts of a  
18 generally sexual nature with and in front of Mr. Buck in exchange for compensation in the form  
19 of temporary housing, money, alcohol, marijuana, and other substances.

20 23. On or around July 26, 2018, the County of Los Angeles’s District Attorney  
21 Jackie Lacey, assisted in her administrative duties and investigatory functions by Assistant  
22 Head Deputy District Attorney Craig Hum, declined to file criminal charges against Mr. Buck.

23 24. On or around January 7, 2019, the lifeless body of a second Black man, Timothy  
24 Dean, was recovered from Mr. Buck’s West Hollywood apartment – the same apartment in  
25 which Mr. Moore died less than 18 months earlier.

26 25. Mr. Buck was neither detained, arrested, nor charged in connection with the  
27 discovery of Mr. Dean’s dead body in Mr. Buck’s West Hollywood apartment.

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1           26.     As recently as April of 2019, Mr. Buck enticed other Does 21-30 to enter his  
2 home. Mr. Buck offered to provide Does 21-30 with temporary housing and compensation in  
3 exchange for engaging in or performing sexual acts. Mr. Buck proceeded to pressure Does 21-  
4 30 into ingesting crystal methamphetamine and viewing homemade pornographic  
5 videorecorded depicting Mr. Moore masturbating while apparently intoxicated on crystal  
6 methamphetamine.

7           27.     On or around June of 2019, Jackie Lacey claimed that Craig Hum never shared  
8 with her the findings or contents of the investigative interviews of Does 21-30 that were  
9 conducted by the County of Los Angeles Sheriffs Department.

10          28.     On or around June of 2019, Jackie Lacey claimed that, because Craig Hum never  
11 shared with her the findings, contents, or substance of the investigative interviews of Does 21-  
12 30 that were conducted by the County of Los Angeles's Sheriff's Department, Edward Buck has  
13 yet to be detained, arrested, or charged with any crime whatsoever due to an alleged lack of  
14 probative evidence.

15          29.     Upon information and belief, the findings or contents of the investigative  
16 interviews of Does 21-30 that were conducted by the County of Los Angeles Sheriff's  
17 Department but were allegedly never shared with Jackie Lacey by Craig Hum contained several  
18 eye-witness accounts constituting probative evidence of the following felonious and  
19 misdemeanor criminal acts: (1) that Edward Buck regularly possesses and consumes illicit  
20 narcotics, including crystal methamphetamine; (2) that Edward Buck regularly solicits sex from  
21 Black men in exchange for temporary housing and/or monetary compensation; (3) that Edward  
22 Buck has in his possession and causes to be distributed videorecordings depicting Gemmel  
23 Moore masturbating while intoxicated; and (4) that Edward Buck regularly attempts to coerce  
24 the Black men he solicits for sex to ingest or be forcibly injected with crystal  
25 methamphetamine.

26          30.     The County of Los Angeles's, Craig Hum's, and Jackie Lacey's administrative  
27 failure to share the findings of their investigation of Edward Buck in connection with the deaths  
28 of Mr. Moore and Mr. Dean is part of a wider pattern of administrative and investigative



1 misconduct whereby information concerning or regarding crimes against or affecting Black  
2 victims is ignored, neglected, or otherwise treated in a way that falls beneath the standard of  
3 care by which similar information concerning or regarding similar crimes against or affecting  
4 white victims is treated.

5 31. The County of Los Angeles's, Craig Hum's, and Jackie Lacey's administrative  
6 failure to share the findings of its investigation into Edward Buck is part of a wider pattern of  
7 administrative misconduct whereby information concerning or regarding crimes against or  
8 affecting gay men or men who have sex with men is ignored, neglected, or otherwise treated in  
9 a way that falls beneath the standard of care by which similar information concerning or  
10 regarding similar crimes against or affecting heterosexual male victims is treated.

11 **FIRST CAUSE OF ACTION: WRONGFUL DEATH & SURVIVAL DAMAGES**

12 **(Against Defendant EDWARD BUCK and DOES 1 through 20, Inclusive)**

13 32. Ms. Nixon restates, as though fully set forth herein, the allegations contained in  
14 each of the paragraphs above.

15 33. Prior to Mr. Moore's death, Mr. Moore was living in Harris County, Texas with  
16 Ms. Nixon and the rest of his family. Mr. Moore was a dutiful and loving son to Ms. Nixon and  
17 brother to Ms. Nixon's other children, his siblings.

18 34. As described herein on information and belief, Ms. Nixon alleges that on or  
19 about July 27, 2017, Mr. Buck injected Mr. Moore with a lethal dose of crystal  
20 methamphetamine.

21 35. As a direct and proximate result of Mr. Buck's wrongful conduct, Mr. Moore  
22 died and his heir, Ms. Nixon, has been deprived of his care, society, comfort, attention, services  
23 and support to their general damages in an amount according to proof at trial. As a direct and  
24 proximate result of Mr. Buck's wrongful conduct, Ms. Nixon has incurred funeral and burial  
25 expenses and other special damages according to proof at trial.

26 36. As a direct and proximate result of Mr. Buck's wrongful conduct, Mr. Moore  
27 was forced to endure severe mental and physical anguish and fear of impending death and he  
28 ultimately suffered severe physical injuries which caused his death. As a result of the

1 foregoing, Ms. Nixon, as Successor in Interest of Mr. Moore, hereby asserts survivor's claims  
2 on behalf of Mr. Moore, Deceased, pursuant to Sections 377.10, 377.20, 377.30, *et seq.*, of the  
3 Code of Civil Procedure, and based upon all other applicable statutes and case law and succeed  
4 to the Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth,  
5 Thirteenth, Fourteenth, and Fifteenth Causes of Action, all of which might have been brought  
6 by Mr. Moore, Deceased.

7 **SECOND CAUSE OF ACTION: SEXUAL BATTERY**

8 **(Against Defendant EDWARD BUCK and DOES 1 through 20, Inclusive)**

9 37. Ms. Nixon, as Successor in Interest of Mr. Moore, Deceased, restates and  
10 incorporates by reference, as though fully set forth herein, the allegations contained in each of  
11 the paragraphs above.

12 38. Cal. Civ. Code Section 1708.5(a) provides: "A person commits a sexual battery  
13 who does any of the following: (1) Acts with the intent to cause a harmful or offensive contact  
14 with an intimate part of another, and a sexually offensive contact with that person directly or  
15 indirectly results; (2) Acts with the intent to cause a harmful or offensive contact with another  
16 by use of his or her intimate part, and a sexually offensive contact with that person directly or  
17 indirectly results; (3) Acts to cause an imminent apprehension of the conduct described in  
18 paragraph (1) or (2), and a sexually offensive contact with that person directly or indirectly  
19 results."

20 39. Mr. Buck is a "person" under section 1708.5 of the Civil Code.

21 40. Mr. Buck intended to cause harmful and offensive sexual contact with Mr.  
22 Moore and a sexually offensive contact with Mr. Moore resulted, either directly or indirectly,  
23 when Mr. Buck distributed or furnished crystal methamphetamine to Mr. Moore and then  
24 forcibly and repeatedly injected Mr. Moore with crystal methamphetamine while requiring Mr.  
25 Moore to view hardcore pornographic films, masturbate and perform other various sexually  
26 graphic acts.

27 41. At no time did Mr. Moore consent, either expressly or impliedly, to Mr. Buck's  
28 acts.

1 42. Mr. Moore lacked the mental capacity to consent due to his being intoxicated and  
2 mentally impaired as a result of being forcibly injected with crystal methamphetamine by Mr.  
3 Buck.

4 43. Mr. Moore was harmed and offended by Mr. Buck's conduct, as any reasonable  
5 person in his situation would have been.

6 44. As a direct and proximate result of Mr. Buck's actions, Mr. Moore suffered  
7 special and general damages, including physical pain, mental suffering, loss of enjoyment of  
8 life, anxiety, embarrassment, humiliation, and severe emotional distress, all in an amount  
9 according to proof at trial. Additionally, Mr. Moore suffered a loss of earnings and other  
10 economic opportunities.

11 45. Mr. Buck's conduct was malicious and oppressive, and done with a conscious  
12 disregard of Mr. Moore's rights. Mr. Buck also acted with the knowledge of or with reckless  
13 disregard for the fact that his conduct was certain to cause injury and/or humiliation to Mr.  
14 Moore. Ms. Nixon is further informed and believes that Mr. Buck intended to cause fear,  
15 physical injury and/or pain and suffering to Mr. Moore. Ms. Nixon, as Successor in Interest of  
16 Mr. Moore, Deceased, is entitled to recover punitive and exemplary damages from Mr. Buck  
17 according to proof at trial.

### 18 **THIRD CAUSE OF ACTION: ASSAULT**

19 **(Against Defendant EDWARD BUCK and DOES 1 through 20, Inclusive)**

20 46. Ms. Nixon, as Successor in Interest of Mr. Moore, Deceased, restates and  
21 incorporates by reference, as though fully set forth herein, the allegations contained in each of  
22 the paragraphs above.

23 47. Mr. Buck intended to cause Mr. Moore apprehension of an imminent harmful  
24 and offensive contact with his person when Mr. Buck distributed or furnished crystal  
25 methamphetamine to Mr. Moore and then forcibly and repeatedly injected Mr. Moore with  
26 crystal methamphetamine while requiring Mr. Moore to view hardcore pornographic films,  
27 masturbate and perform other various sexually graphic acts.

1           48.     As a result of Mr. Buck's acts, Mr. Moore was, in fact, placed in great  
2 apprehension of imminent harmful and offensive contact with his person.

3           49.     At no time did Mr. Moore consent, either expressly or impliedly, to Mr. Buck's  
4 acts.

5           50.     Mr. Moore lacked the mental capacity to consent due to his being intoxicated and  
6 mentally impaired as a result of being forcibly injected with crystal methamphetamine by Mr.  
7 Buck.

8           51.     In performing the acts described above, Mr. Buck acted with the intent to make  
9 contact with Mr. Moore's person.

10          52.     Mr. Buck's conduct as described above, caused Mr. Moore to be apprehensive  
11 that Mr. Buck would subject Mr. Moore to further intentional invasions of his right to be free  
12 from offensive and harmful contact and demonstrated that at all material times, Mr. Buck had a  
13 present ability to subject Mr. Moore to an intentional offensive and harmful touching.

14          53.     As a direct and proximate result of Mr. Buck's actions, Mr. Moore suffered  
15 special and general damages, including physical pain, mental suffering, loss of enjoyment of  
16 life, anxiety, embarrassment, humiliation, and severe emotional distress, all in an amount  
17 according to proof at trial. Additionally, Mr. Moore suffered a loss of earnings and other  
18 economic opportunities.

19          54.     Mr. Buck's conduct was malicious and oppressive, and done with a conscious  
20 disregard of Mr. Moore's rights. Mr. Buck also acted with the knowledge of or with reckless  
21 disregard for the fact that his conduct was certain to cause injury and/or humiliation to Mr.  
22 Moore. Ms. Nixon is further informed and believes that Mr. Buck intended to cause fear,  
23 physical injury and/or pain and suffering to Mr. Moore. Ms. Nixon, as Successor in Interest of  
24 Mr. Moore, Deceased, is entitled to recover punitive and exemplary damages from Mr. Buck  
25 according to proof at trial.

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1 **FOURTH CAUSE OF ACTION: BATTERY**

2 **(Against Defendant EDWARD BUCK and DOES 1 through 20, Inclusive)**

3 55. Ms. Nixon, as Successor in Interest of Mr. Moore, Deceased, restates and  
4 incorporates by reference, as though fully set forth herein, the allegations contained in each of  
5 the paragraphs above.

6 56. When Mr. Buck forcibly and repeatedly injected Mr. Moore with crystal  
7 methamphetamine, Mr. Buck acted with the intent to make a harmful and offensive contact with  
8 Mr. Moore's person.

9 57. When Mr. Buck forcibly and repeatedly injected Mr. Moore with crystal  
10 methamphetamine, Mr. Buck did, in fact, bring himself into offensive and unwelcome contact  
11 with Mr. Moore's person.

12 58. Mr. Moore was harmed and offended by Mr. Buck's conduct, as any reasonable  
13 person in his situation would have been.

14 59. At no time did Mr. Moore consent, either expressly or impliedly, to Mr. Buck's  
15 acts.

16 60. Mr. Moore lacked the mental capacity to consent due to his being intoxicated as  
17 a result of being forcibly injected with crystal methamphetamine by Mr. Buck.

18 61. As a direct and proximate result of Mr. Buck's actions, Mr. Moore suffered  
19 special and general damages, including physical pain, mental suffering, loss of enjoyment of  
20 life, anxiety, embarrassment, humiliation, and severe emotional distress, all in an amount  
21 according to proof at trial. Additionally, Mr. Moore suffered a loss of earnings and other  
22 economic opportunities.

23 62. Mr. Buck's conduct was malicious and oppressive, and done with a conscious  
24 disregard of Mr. Moore's rights. Mr. Buck also acted with the knowledge of or with reckless  
25 disregard for the fact that his conduct was certain to cause injury and/or humiliation to Mr.  
26 Moore. Ms. Nixon is further informed and believes that Mr. Buck intended to cause fear,  
27 physical injury and/or pain and suffering to Mr. Moore. Ms. Nixon, as Successor in Interest of  
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1 Mr. Moore, Deceased, is entitled to recover punitive and exemplary damages from Mr. Buck  
2 according to proof at trial.

3 **FIFTH CAUSE OF ACTION: HATE VIOLENCE**

4 **(Against Defendant EDWARD BUCK and DOES 1 through 20, Inclusive)**

5 63. Ms. Nixon, as Successor in Interest of Mr. Moore, Deceased, restates and  
6 incorporates by reference, as though fully set forth herein, the allegations contained in each of  
7 the paragraphs above.

8 64. Cal. Civ. Code Section 51.7 (a) states “all persons within the jurisdiction of this  
9 state have the right to be free from any violence, or intimidation by threat of violence,  
10 committed against their persons or property because of political affiliation, or on account of any  
11 characteristic listed or defined in subdivision (b) or (e) of Section 51 ... or because another  
12 person perceives them to have one or more of those characteristics.”

13 65. At all times mentioned herein, Mr. Moore had the right to be free from any  
14 violence, or intimidation by threat of violence, committed against his person on account of his  
15 race.

16 66. Mr. Buck subjected Mr. Moore to violence, and/or intimidation by threats of  
17 violence, against his person on account of his race and/or acted to deny Mr. Moore his right to  
18 be free from any violence, or intimidation by threat of violence, committed against his person  
19 on the account of his race.

20 67. In doing so, Mr. Buck violated Mr. Moore’s civil rights, as set forth in the Ralph  
21 Civil Rights Act, which is codified in Cal. Civ. Code § 51.7.

22 68. As a direct and proximate result of Mr. Buck’s actions, Mr. Moore suffered  
23 special and general damages, including physical pain, mental suffering, loss of enjoyment of  
24 life, anxiety, embarrassment, humiliation, and severe emotional distress, all in an amount  
25 according to proof at trial. Additionally, Mr. Moore suffered a loss of earnings and other  
26 economic opportunities.

27 69. Mr. Buck’s conduct was malicious and oppressive, and done with a conscious  
28 disregard of Mr. Moore’s rights. Mr. Buck also acted with the knowledge of or with reckless

1 disregard for the fact that his conduct was certain to cause injury and/or humiliation to Mr.  
2 Moore. Ms. Nixon, as Successor in Interest of Mr. Moore, Deceased, is further informed and  
3 believes that Mr. Buck intended to cause fear, physical injury and/or pain and suffering to Mr.  
4 Moore. Ms. Nixon, as Successor in Interest of Mr. Moore, Deceased, is entitled to recover  
5 punitive and exemplary damages from Mr. Buck according to proof at trial.

6 70. In addition to and/or in lieu of Ms. Nixon's, as Successor in Interest of Mr.  
7 Moore, Deceased, election, Ms. Nixon is entitled to receive and hereby seeks statutory damages  
8 pursuant to Cal. Civ. Code § 52(b), including actual and exemplary damages.

9 71. Pursuant to Cal. Civ. Code § 52(b)(3), Ms. Nixon, as Successor in Interest of Mr.  
10 Moore, Deceased, has incurred, and will continue to incur, attorneys' fees in the prosecution of  
11 this action and therefore demands such reasonable attorneys' fees and costs as set by the Court.

12 **SIXTH CAUSE OF ACTION: DRUG DEALER LIABILITY**

13 **(Against Defendant EDWARD BUCK and DOES 1 through 20, Inclusive)**

14 72. Ms. Nixon, in her individual capacity and as Successor in Interest of Mr. Moore,  
15 Deceased, restates and incorporates by reference, as though fully set forth herein, the allegations  
16 contained in each of the paragraphs above.

17 73. The California Drug Dealer Liability Act, codified as Health and Safety Code  
18 sections 11700, *et seq.*, was enacted to provide a civil remedy for damages to persons injured as  
19 a result of the use of an illegal controlled substance.

20 74. Health and Safety Code section 11705, subdivision (a)(1), which is part of the  
21 Drug Dealer Liability Act, provides that a "parent, legal guardian, child, spouse, or sibling" of  
22 the individual controlled substance user is entitled to bring an action for damages caused by an  
23 individual's use of an illegal controlled substance.

24 75. Health and Safety Code section 11705, subdivision (b)(1) states that a person  
25 entitled to bring an action under the Drug Dealer Liability Act may seek damages from a person  
26 who sold, administered, or furnished an illegal controlled substance to the individual user of the  
27 illegal controlled substance, as well as from a person who knowingly participated in the  
28 marketing of illegal controlled substances.

1           76.     As described above, Mr. Buck wrongfully and illegally supplied, marketed and  
2 distributed crystal methamphetamine to Mr. Moore on or about July 27, 2017. On or about July  
3 27, 2017, Mr. Buck intravenously administered crystal methamphetamine to Mr. Moore, who  
4 shortly thereafter died as a result. On November 17, 2017, the County of Los Angeles indicated  
5 to Ms. Nixon that further clarification was needed in regards to the toxicology analysis  
6 regarding Mr. Moore's death. The final conclusion from the toxicology analysis regarding Mr.  
7 Moore's death was not provided to Ms. Nixon until January or February of 2019.

8           77.     Mr. Moore's death was tragic and easily avoidable. It has had a debilitating and  
9 devastating effect on his friends and family, not least on Ms. Nixon.

10          78.     Health and Safety Code section 11705, subdivision (d), which is part of the Drug  
11 Dealer Liability Act, entitles Plaintiff to recover the following: "(1) Economic damages,  
12 including, but not limited to, the cost of treatment and rehabilitation, medical expenses, loss of  
13 economic or educational potential, loss of productivity, absenteeism, support expenses,  
14 accidents or injury, and any other pecuniary loss proximately caused by the use of an illegal  
15 controlled substance. (2) Noneconomic damages, including, but not limited to, physical and  
16 emotional pain, suffering, physical impairment, loss of companionship, services and  
17 consortium, and other nonpecuniary losses proximately caused by an individual's use of an  
18 illegal controlled substance. (3) Exemplary damages. (4) Reasonable attorney fees. (5) Costs  
19 of suit, including, but not limited to, reasonable expenses for expert testimony. Accordingly, by  
20 way of this action, Ms. Nixon, in her individual capacity and as Successor in Interest of Mr.  
21 Moore, Deceased, seeks all such available damages in an amount according to proof at trial.

22          79.     Mr. Buck's conduct was malicious and oppressive, and done with a conscious  
23 disregard of Mr. Moore's rights. Mr. Buck also acted with the knowledge of or with reckless  
24 disregard for the fact that his conduct was certain to cause injury and/or humiliation to Mr.  
25 Moore. Ms. Nixon, as Successor in Interest of Mr. Moore, Deceased, is further informed and  
26 believes that Mr. Buck intended to cause fear, physical injury and/or pain and suffering to Mr.  
27 Moore. Ms. Nixon, as Successor in Interest of Mr. Moore, Deceased, is entitled to recover  
28 punitive and exemplary damages from Mr. Buck according to proof at trial.



1                                    **SEVENTH CAUSE OF ACTION: NEGLIGENCE *PER SE***

2                                    **(Against Defendant EDWARD BUCK and DOES 1 through 20, Inclusive)**

3                    80.        Ms. Nixon, as Successor in Interest of Mr. Moore, Deceased, restates and  
4 incorporates by reference, as though fully set forth herein, the allegations contained in each of  
5 the paragraphs above.

6                    81.        Mr. Buck owed Mr. Moore a duty of care, as set forth herein.

7                    82.        At all relevant times, Mr. Buck was subject to The California Drug Dealer  
8 Liability Act, codified as Health and Safety Code sections 11700, *et seq.*, which is a health and  
9 safety law pertaining to the significant health hazards posed by the consumption of illegal  
10 controlled substances, like crystal methamphetamine. The Drug Dealer Liability Act was  
11 intended to preserve life and prevent bodily injury to individual users of illegal controlled  
12 substances, like crystal methamphetamine, by imposing civil liability on a defendant who  
13 manufactures, distributes, or furnishes an illegal controlled substance to an individual who is  
14 subsequently injured as a direct and proximate result of consuming the same. The Drug Dealer  
15 Liability Act was further intended to promote the health of those who use illegal controlled  
16 substances by providing such individuals with a mechanism for paying the substantial costs of  
17 medical rehabilitation by obtaining monetary damages from a defendant who manufactures,  
18 distributes, or furnishes an illegal controlled substance.

19                    83.        Mr. Moore is a member of a class (individuals who consume illegal controlled  
20 substances) for whose benefit the Drug Dealer Liability Act was passed.

21                    84.        Mr. Buck violated the Drug Dealer Liability Act and breached that duty of care  
22 that was owed to Mr. Moore, as described herein, when, after distributing or furnishing crystal  
23 methamphetamine to Mr. Moore, Mr. Buck then forcibly and repeatedly injected Mr. Moore  
24 with crystal methamphetamine while requiring Mr. Moore to view hardcore pornographic films,  
25 masturbate and perform other various sexually graphic acts.

26                    85.        As a direct and proximate result of Mr. Buck's actions, Mr. Moore suffered the  
27 same type of harm that the Drug Dealer Liability Act was intended to prevent, resulting in "(1)  
28 Economic damages, including, but not limited to, the cost of treatment and rehabilitation,

1 medical expenses, loss of economic or educational potential, loss of productivity, absenteeism,  
2 support expenses, accidents or injury, and any other pecuniary loss proximately caused by the  
3 use of an illegal controlled substance. (2) Noneconomic damages, including, but not limited to,  
4 physical and emotional pain, suffering, physical impairment, loss of companionship, services  
5 and consortium, and other nonpecuniary losses proximately caused by an individual's use of an  
6 illegal controlled substance" all in an amount according to proof at trial. *Cal. Health & Safety*  
7 *Code* § 11705, subd. (d).

8 86. Mr. Buck's conduct was malicious and oppressive, and done with a conscious  
9 disregard of Mr. Moore's rights. Mr. Buck also acted with the knowledge of or with reckless  
10 disregard for the fact that his conduct was certain to cause injury and/or humiliation to Mr.  
11 Moore. Ms. Nixon, as Successor in Interest of Mr. Moore, Deceased, is further informed and  
12 believes that Mr. Buck intended to cause fear, physical injury and/or pain and suffering to Mr.  
13 Moore. Ms. Nixon, as Successor in Interest of Mr. Moore, Deceased, is entitled to recover  
14 punitive and exemplary damages from Mr. Buck according to proof at trial.

15 **EIGHTH CAUSE OF ACTION: NEGLIGENCE (PREMISES LIABILITY)**  
16 **(Against Defendant EDWARD BUCK and DOES 1 through 20, Inclusive)**

17 87. Ms. Nixon, as Successor in Interest of Mr. Moore, Deceased, restates and  
18 incorporates by reference, as though fully set forth herein, the allegations contained in each of  
19 the paragraphs above.

20 88. In the alternative, Ms. Nixon alleges that Mr. Buck was negligent in the use  
21 and/or maintenance of the property on which Mr. Moore was harmed.

22 89. Mr. Buck occupied or controlled the property on which Mr. Moore was harmed.  
23 As the occupier or controller of the property, Mr. Buck was under a duty to manage and act  
24 reasonably to control his property and guests to prevent injury from, among other things,  
25 foreseeable sexual battery, battery, assault, and injuries resulting from the distribution,  
26 manufacturing, or furnishing of illegal controlled substances to Mr. Moore.

27 90. Based on information and belief, as described herein, Ms. Nixon alleges that Mr.  
28 Buck has a history of hosting sexual encounters at the property during which he facilitated the

1 distribution, manufacturing or furnishing of illegal controlled substances to his guests, into  
2 whom Mr. Buck forcibly injected crystal methamphetamine. Mr. Buck was aware or should  
3 have been aware of the risk of injury to his guests.

4 91. By virtue of the information Mr. Buck knew or should have known as alleged  
5 herein, Mr. Buck owed Mr. Moore a duty to prevent the kinds of injuries he sustained.

6 92. Mr. Buck breached that duty of care that was owed to Mr. Moore by his own  
7 conduct, as described herein. Among other things, when Mr. Buck forcibly and repeatedly  
8 injected Mr. Moore with crystal methamphetamine while requiring Mr. Moore to view hardcore  
9 pornographic films, masturbate and perform other various sexually graphic acts, Mr. Buck  
10 breached his duty to ensure the safety of guests on his premises, such as Mr. Moore, who, as a  
11 result of Mr. Buck's breach of duty, died shortly after being injected with crystal  
12 methamphetamine on the living room floor of Mr. Buck's apartment.

13 93. As a direct and proximate result of Mr. Buck's actions, Mr. Moore suffered  
14 special and general damages, including physical pain, mental suffering, loss of enjoyment of  
15 life, anxiety, embarrassment, humiliation, and severe emotional distress, all in an amount  
16 according to proof at trial. Additionally, Mr. Moore suffered a loss of earnings and other  
17 economic opportunities.

18 94. Mr. Buck's conduct was malicious and oppressive, and done with a conscious  
19 disregard of Mr. Moore's rights. Mr. Buck also acted with the knowledge of or with reckless  
20 disregard for the fact that his conduct was certain to cause injury and/or humiliation to Mr.  
21 Moore. Ms. Nixon, as Successor in Interest of Mr. Moore, Deceased, is further informed and  
22 believes that Mr. Buck intended to cause fear, physical injury and/or pain and suffering to Mr.  
23 Moore. Ms. Nixon, as Successor in Interest of Mr. Moore, Deceased, is entitled to recover  
24 punitive and exemplary damages from Mr. Buck according to proof at trial.

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1           101. Federal law provides for a private right of action for human trafficking in  
2 violation of 18 U.S.C. § 1591. *Noble v. Weinstein*, 335 F.Supp.3d 504, 514 (S.D.N.Y.  
3 2018), *quoting* 18 U.S.C. § 1595, subd. (a):

4                     An individual who is a victim of a violation of Section ... 1591 of  
5 title 18, United States Code, may bring a civil action in any  
6 appropriate district court of the United States. The court may award  
actual damages, punitive damages, reasonable attorneys' fees, and  
other litigation costs reasonably incurred.

7           102. The *Noble* court noted that a § 1591 claim “requires Plaintiff to plausibly allege  
8 knowledge, or a *modus operandi* ... that Defendant enticed Plaintiff with knowledge that means  
9 of force or fraud would be used to cause a commercial sex act to take place.” *Noble*, 335  
10 F.Supp.3d at 517-18, *citing* *U.S. v. Todd*, 627 F.3d 329, 333-34 (9th Cir. 2010).

11           103. Mr. Buck knowingly utilized interstate commerce for the purpose of recruiting,  
12 enticing, and transporting Mr. Moore, deceased, from Houston, Texas to Los Angeles,  
13 California for the purpose of engaging in commercial sex acts.

14           104. Upon information and belief, Mr. Buck knowingly made false material  
15 statements to Mr. Moore regarding Mr. Buck's intention to host Mr. Moore without causing  
16 serious harm or injury to Mr. Moore. Mr. Buck knowingly made further false material  
17 statements to Mr. Moore regarding Mr. Buck's intention to compensate Mr. Moore as payment  
18 for engaging in sex acts or acts of a generally sexual nature.

19           105. Mr. Buck knew these statements were false at the time and he further knew that  
20 Mr. Moore would rely on them.

21           106. Mr. Moore relied on Mr. Buck's statements and traveled to Los Angeles, CA  
22 from Houston, TX on a commercial flight paid for or arranged by Mr. Buck.

23           107. Upon his arrival in Los Angeles, CA, Mr. Buck coerced Mr. Moore to ingest or  
24 forcibly injected Mr. Moore with crystal methamphetamine whereby Mr. Moore was  
25 incapacitated and was unable to consent Mr. Buck's imposition of hardcore pornographic films  
26 while further coercing Mr. Moore to masturbate and perform various other sexually graphic acts  
27 or acts of a generally sexual nature, all which Mr. Buck videorecorded.

1           108. As a direct and proximate result of Mr. Buck's actions, Mr. Moore suffered and  
2 continued to suffer severe mental anguish, humiliation, pain, severe emotional distress and  
3 physical distress. Mr. Moore suffered general and special damages as a direct and proximate  
4 result of Mr. Buck's wrongful actions and in an amount according to proof at trial.

5           109. Ms. Nixon, as Successor in Interest of Mr. Moore, Deceased, is informed and  
6 believes, and based upon such information and belief alleges, that the outrageous conduct of  
7 Mr. Buck described above was performed with conscious disregard for Mr. Moore's rights and  
8 feelings. As a result, Ms. Nixon, as Successor in Interest of Mr. Moore, Deceased, is entitled to  
9 punitive or exemplary damages from Mr. Buck in an amount according to proof at trial.

10           **ELEVENTH CAUSE OF ACTION: DISTRIBUTION OF PRIVATE SEXUALLY**  
11           **EXPLICIT MATERIALS (CAL. CIV. CODE § 1708.85)**

12           **(Against Defendant EDWARD BUCK and DOES 1 through 20, Inclusive)**

13           110. Ms. Nixon, as Successor in Interest of Mr. Moore, Deceased, restates and  
14 incorporates by reference, as though fully set forth herein, the allegations contained in each of  
15 the paragraphs above.

16           111. Mr. Buck violated Mr. Moore's right to privacy by intentionally distributing  
17 private sexually explicit materials of Mr. Moore when Mr. Buck showed DOE 21 a private nude  
18 videorecording of Mr. Moore on or around April of 2019.

19           112. At all times relevant, Mr. Moore did not consent to Mr. Buck's distribution of a  
20 private nude videorecording of Mr. Moore.

21           113. Mr. Buck knew that Mr. Moore had a reasonable expectation that Mr. Buck  
22 would not distribute nude videorecordings of Mr. Moore.

23           114. Ms. Nixon, as Successor in Interest of Mr. Moore, Deceased, suffered shame,  
24 mortification, and hurt feelings upon learning of Mr. Buck's violation of Mr. Moore's right to  
25 privacy by intentionally distributing private sexually explicit materials of Mr. Moore when Mr.  
26 Buck showed DOE 21 a private nude videorecording of her son on or around April of 2019.

27           115. Mr. Buck's conduct was malicious and oppressive, and done with a conscious  
28 disregard of Mr. Moore's rights. Mr. Buck also acted with the knowledge of or with reckless

1 disregard for the fact that his conduct was certain to cause injury and/or humiliation to Mr.  
2 Moore. Ms. Nixon, as Successor in Interest of Mr. Moore, Deceased, is further informed and  
3 believes that Mr. Buck intended to cause fear, physical injury and/or pain and suffering to Mr.  
4 Moore. Ms. Nixon, as Successor in Interest of Mr. Moore, Deceased, is entitled to recover  
5 punitive and exemplary damages from Mr. Buck according to proof at trial.

6 **TWELFTH CAUSE OF ACTION: RACIAL DISCRIMINATION IN VIOLATION OF**  
7 **THE EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT AND**  
8 **42 U.S.C. § 1981 (42 U.S.C. § 1983)**

9 **(Against Defendant COUNTY OF LOS ANGELES)**

10 116. Ms. Nixon, Individually and as Successor in Interest of Mr. Moore, Deceased,  
11 restates and incorporates by reference, as though fully set forth herein, the allegations contained  
12 in each of the paragraphs above.

13 117. Title 42 U.S.C. § 1983 provides that:  
14 Every person, who under color of any statute, ordinance, regulation,  
15 custom or usage of any state or territory or the District of Columbia  
16 subjects or causes to be subjected any citizen of the United States or  
17 other person within the jurisdiction thereof to the deprivation of any  
18 rights, privileges or immunities secured by the Constitution and law  
19 shall be liable to the party injured in an action at law, suit in equity,  
20 or other appropriate proceeding for redress ...

21 118. Title 42 U.S.C. § 1981, subdivision (a), provides, in pertinent part:  
22 All persons within the jurisdiction of the United States shall have  
23 the same right in every State and Territory to make and enforce  
24 contracts, to sue, be parties, give evidence, and to the full and equal  
25 benefit of all laws and proceedings for the security of persons and  
26 property as is enjoyed by white citizens, and shall be subject to like  
27 punishment, pains, penalties, taxes, licenses, and exactions of every  
28 kind, and to no other.

119. The Equal Protection Clause of the Fourteenth Amendment to the United States  
Constitution provides, in pertinent part, "... nor shall any State [...] deny to any person within  
its jurisdiction the equal protection of the laws."

1           120. Mr. Moore, Deceased, was a Black man and therefore the member of a suspect  
2 class. Mr. Moore, Deceased, was also a gay man and therefore the member of a *quasi* suspect  
3 class.

4           121. The County of Los Angeles is and at all times herein mentioned has been a  
5 public entity and an incorporated municipal entity duly authorized and existing as such in and  
6 under the laws of the State of California. The County of Los Angeles, as such, is a person for  
7 purposes of 42 U.S.C. § 1983. *Monell v. Dept. of Soc. Services of the City of New York*, 436  
8 U.S. 658 (1978).

9           122. At all times herein mentioned, the County of Los Angeles's District Attorney's  
10 Office's leaders, including District Attorney Jackie Lacey and Assistant Head Deputy District  
11 Attorney Craig Hum possessed such power and authority that their acts, edicts, or omissions  
12 with respect to the methods, practices, customs and usages related to criminal investigations and  
13 prosecutions constituted or represented an official policy or custom of the County of Los  
14 Angeles.

15           123. At all times herein, the County of Los Angeles maintained an official municipal  
16 policy or custom of deliberate indifference towards the reports or complaints of criminal acts  
17 committed by white perpetrators against Black victims. This official municipal policy or  
18 custom flows from the acts, edicts, or omissions of the leadership of the County of Los  
19 Angeles's District Attorney's Office, including District Attorney Jackie Lacey and Assistant  
20 Head Deputy District Attorney Craig Hum.

21           124. As a direct and proximate result of the County of Los Angeles's official  
22 municipal policy or custom as described herein, the County of Los Angeles's District  
23 Attorney's Office has promulgated, sanctioned, or willfully tolerated a widespread and  
24 persistent *sub rosa* practice of deliberate indifference towards the Fourteenth Amendment's  
25 Equal Protection rights of Black people by refusing to impartially prosecute white people for  
26 their felonious criminal acts against Black victims and survivors.

27           125. The County of Los Angeles's District Attorney's Office's widespread and  
28 persistent pattern of treating with deliberate indifference the Equal Protection rights of Black



1 people by refusing to impartially prosecute white people for their felonious criminal acts against  
2 Black victims and survivors, as alleged herein, resulted in and encouraged an atmosphere of  
3 lawlessness, abuse and unconstitutional misconduct, which now represents the unconstitutional  
4 policy or custom of the County of Los Angeles.

5 126. The County of Los Angeles's District Attorney's Office's widespread and  
6 persistent pattern of refusing to impartially prosecute white people for their felonious criminal  
7 acts against Black victims and survivors has had the effect of depriving Mr. Moore, deceased,  
8 Mr. Dean, deceased, and Does 21-30, of rights secured by Equal Protection Clause of the  
9 Fourteenth Amendment to the United States Constitution.

10 127. The County of Los Angeles's misconduct as alleged herein was intentional,  
11 malicious, willful, wanton, obdurate, and in gross and reckless disregard of the Constitutional  
12 rights of Mr. Moore, deceased, Mr. Dean, deceased, and Does 21-30.

13 **THIRTEENTH CAUSE OF ACTION: RACIAL DISCRIMINATION IN VIOLATION**  
14 **OF THE EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT**

15 **AND 42 U.S.C. § 1981 (42 U.S.C. § 1983)**

16 **(Against Defendants JACKIE LACEY, as County of Los Angeles District Attorney,**  
17 **CRAIG HUM, as County of Los Angeles Assistant Head Deputy District Attorney, and**  
18 **DOES 1 through 20, Inclusive)**

19 128. Ms. Nixon, Individually and as Successor in Interest of Mr. Moore, Deceased,  
20 restates and incorporates by reference, as though fully set forth herein, the allegations contained  
21 in each of the paragraphs above.

22 129. Ms. Lacey and Mr. Hum, while acting jointly, in conspiracy, and under the color  
23 of law in the scope of their employment, willfully carried out their administrative duties and  
24 investigatory functions in such a way as to deny Mr. Moore equal protection of the law in  
25 violation of his Constitutional rights.

26 130. Specifically, Ms. Lacey and Mr. Hum actively participated in or carried out  
27 administrative duties or investigatory functions that caused reports, complaints, statements, and  
28 testimony regarding felonious acts committed by white individuals against Black victims to be

1 ignored, mishandled, neglected, forgotten, underinvestigated, or otherwise overlooked in such a  
2 manner as to endorse an official widespread administrative or investigatory pattern, policy, or  
3 custom that results in a systematically failure to impartially prosecute white people for their  
4 felonious criminal acts against Black victims and survivors.

5 131. Ms. Lacey's and Mr. Hum's administrative or investigatory acts as described  
6 herein were motivated by racial *animus* and constituted purposeful discrimination that affected  
7 Black individuals in a grossly disproportionate manner vis-à-vis similarly situated white  
8 individuals.

9 132. As a direct and proximate result of this violation, Ms. Nixon, as Successor in  
10 Interest of Mr. Moore, Deceased, suffered injuries, including but not limited to severe and  
11 extreme emotional distress.

12 133. Ms. Lacey's and Mr. Hum's administrative or investigative misconduct as  
13 alleged herein was intentional, malicious, willful, wanton, obdurate, and in gross and reckless  
14 disregard of the Constitutional rights of Mr. Moore, deceased, Mr. Dean, deceased, and Does  
15 21-30.

16 134. Ms. Lacey's and Mr. Hum's administrative or investigative misconduct as  
17 alleged herein was undertaken pursuant to and in furtherance of the County of Los Angeles's  
18 official policy and custom as alleged above.

19 **FOURTEENTH CAUSE OF ACTION: CONSPIRACY TO DEPRIVE CIVIL RIGHTS**

20 **(42 U.S.C. § 1985(3))**

21 **(Against Defendants JACKIE LACEY, as County of Los Angeles District Attorney,**  
22 **CRAIG HUM, as County of Los Angeles Assistant Head Deputy District Attorney, and**  
23 **DOES 1 through 20, Inclusive)**

24 135. Ms. Nixon, Individually and as Successor in Interest of Mr. Moore, Deceased,  
25 restates and incorporates by reference, as though fully set forth herein, the allegations contained  
26 in each of the paragraphs above.

27 136. By virtue of the foregoing, Ms. Lacey, Mr. Hum, and Does 1 through 20,  
28 Inclusive, conspired for the purpose of carrying out administrative duties or investigatory

1 functions that have the direct and proximate effect of depriving Ms. Nixon, as Successor in  
2 Interest of Mr. Moore, Deceased, of (a) equal protection of the law; and (b) equal protection and  
3 immunities under the law; and for the purpose of preventing and hindering the constituted  
4 authorities from giving and securing to Ms. Nixon, as Successor in Interest of Mr. Moore,  
5 Deceased, equal protection of the law.

6 137. Ms. Lacey, Mr. Hum, and Does 1 through 20, did and caused to be done, an  
7 administrative or investigatory act or acts in furtherance of the object of the conspiracy,  
8 whereby Mr. Moore was deprived of the rights and privileges as set forth above.

9 138. Specifically, Mr. Hum, under the supervision of Ms. Lacey, conspired with local  
10 law enforcement authorities to ignore, mishandle, neglect, forget about, underinvestigate, or  
11 otherwise overlook the reports, complaints, and statements made by Black victims regarding the  
12 felonious criminal acts they suffered at the hands of white perpetrators, like Edward Buck. To  
13 be sure, Mr. Hum was provided with several transcripts or notes taken from interviews  
14 conducted by local law enforcement agents which contained detailed and graphic accounts of  
15 Mr. Buck’s felonious misconduct towards Black gay men or Black men who have sex with  
16 men. Upon information and belief, these allegedly reports were never provided to Ms. Lacey.

17 139. As a direct proximate result of the foregoing, Ms. Nixon, as Successor in Interest  
18 of Mr. Moore, Deceased, has been damaged as described herein and demands and is entitled to  
19 general and punitive damages and attorney’s fees.

20 **FIFTEENTH CAUSE OF ACTION: CIVIL RIGHTS VIOLATION (42 U.S.C. § 1986)**  
21 **(Against Defendants JACKIE LACEY, as County of Los Angeles District Attorney,**  
22 **CRAIG HUM, as County of Los Angeles Assistant Head Deputy District Attorney, and**  
23 **DOES 1 through 20, Inclusive)**

24 140. Ms. Nixon, Individually and as Successor in Interest of Mr. Moore, Deceased,  
25 restates and incorporates by reference, as though fully set forth herein, the allegations contained  
26 in each of the paragraphs above.

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1           141. Title 42 U.S.C. § 1986 provides:

2           Every person who, having knowledge that any of the wrongs  
3           conspired to be done, and mentioned in section 1985 of this title are  
4           about to be committed, and having power to prevent or aid in  
5           preventing the commission of the same, neglects or refuses so to do,  
6           if such wrongful act be committed, shall be liable to the party injured  
7           ... for all damages caused by such wrongful act, which such person  
8           by reasonable diligence could have prevented; and such damages  
9           may be recovered in an action on the case.

10           142. Ms. Lacey and Mr. Hum, acting under color of law and in concert with one  
11           another, and by way of a conspiracy among them and local law enforcement authorities, have  
12           carried out administrative duties and investigatory functions in such a way as to have caused  
13           Plaintiffs to be denied equal protection of the laws and to be deprived of equal privileges and  
14           immunities under the laws, on account of Plaintiffs' race, by ignoring, mishandling, neglecting,  
15           forgetting about, underinvestigating, or otherwise overlooking the reports, complaints, and  
16           statements made by Black victims regarding the felonious criminal acts they suffered at the  
17           hands of white perpetrators, resulting in an official widespread pattern, policy, or custom of  
18           systematically failing to impartially prosecute white people for their felonious criminal acts  
19           against Black victims and survivors. This policy was in effect at all pertinent times mentioned  
20           herein, including before and after Mr. Buck caused the death of Mr. Moore.

21           143. Ms. Lacey and Mr. Hum had knowledge of the conspiracy to violate Plaintiffs'  
22           civil rights pursuant to the County of Los Angeles's District Attorney's Office's policy of  
23           administratively ignoring or mishandling reports of crimes against Black victims and survivors  
24           such that the County of Los Angeles routinely declined or failed to impartially prosecute white  
25           people for their felonious criminal acts against Black victims and survivors.

26           144. Ms. Lacey and Mr. Hum had knowledge of the civil rights violations committed,  
27           and had power to prevent these wrongs, but neglected or refused to do so.

28           145. As a direct proximate result of the foregoing, Ms. Nixon, as Successor in Interest  
of Mr. Moore, Deceased, has suffered humiliation, emotional distress and otherwise been  
damaged as described herein and demands and is entitled to general and punitive damages and  
attorney's fees.

1 **SIXTEENTH CAUSE OF ACTION: RACIAL DISCRIMINATION IN VIOLATION OF**  
2 **GOVERNMENT CODE §§ 11135, 11139**

3 **(Against Defendants COUNTY OF LOS ANGELES, JACKIE LACEY, as County of Los**  
4 **Angeles District Attorney, CRAIG HUM, as County of Los Angeles Assistant Head**  
5 **Deputy District Attorney, and DOES 1 through 20, Inclusive)**

6 146. Ms. Nixon, Individually and as Successor in Interest of Mr. Moore, Deceased,  
7 restates and incorporates by reference, as though fully set forth herein, the allegations contained  
8 in each of the paragraphs above.

9 147. Government Code § 11135, subdivision (a), provides:  
10 No person in the State of California shall, on the basis of ... race ...  
11 be unlawfully denied full and equal access to the benefits of, or be  
12 unlawfully subjected to discrimination under, any program or  
13 activity that is conducted, operated, or administered by the state or  
14 by any state agency, is funded directly by the state, or receives any  
15 financial assistance from the state ....

16 148. Eleventh Amendment immunity of the County of Los Angeles, Ms. Lacey, and  
17 Mr. Hum was waived by the State of California in its enactment of amendments to Government  
18 Code § 11139 in the California Civil Rights Amendments of 1999.

19 149. As alleged above, the County of Los Angeles, Ms. Lacey, and Mr. Hum  
20 discriminated against Black crime victims, including Plaintiffs, pursuant to the County of Los  
21 Angeles's District Attorney's Office's policy of declining or failing to impartially prosecute  
22 white people for their felonious criminal acts against Black victims and survivors. This racist  
23 policy is carried out by Ms. Lacey's and Mr. Hum's ignoring, mishandling, neglecting,  
24 forgetting about, underinvestigating, or otherwise overlooking the reports, complaints, and  
25 statements made by Black victims regarding the felonious criminal acts they suffered at the  
26 hands of white perpetrators.

27 150. As a direct proximate result of the foregoing, Ms. Nixon, as Successor in Interest  
28 of Mr. Moore, Deceased, has suffered humiliation, emotional distress and otherwise been  
damaged as described herein and demands and is entitled to general and punitive damages and  
attorney's fees.

1 **SEVENTEENTH CAUSE OF ACTION: RACIAL DISCRIMINATION IN VIOLATION**  
2 **OF ARTICLE 1, § 7 (A) OF THE CALIFORNIA CONSTITUTION**

3 **(Against Defendants COUNTY OF LOS ANGELES, JACKIE LACEY, as County of Los**  
4 **Angeles District Attorney, CRAIG HUM, as County of Los Angeles Assistant Head**  
5 **Deputy District Attorney, and DOES 1 through 20, Inclusive)**

6 151. Ms. Nixon, Individually and as Successor in Interest of Mr. Moore, Deceased,  
7 restates and incorporates by reference, as though fully set forth herein, the allegations contained  
8 in each of the paragraphs above.

9 152. As alleged above, the County of Los Angeles's, Ms. Lacey's, and Mr. Hum's  
10 discriminatory policy of declining or failing to impartially prosecute white people for their  
11 felonious criminal acts against Black victims and survivors denied Plaintiffs the equal  
12 protection of the laws in violation of subdivision (a) of Section 7 of Article 1 of California  
13 Constitution.

14 **EIGHTEENTH CAUSE OF ACTION: SPOILIATION OF EVIDENCE**  
15 **(Against Defendants COUNTY OF LOS ANGELES, JACKIE LACEY, as County of Los**  
16 **Angeles District Attorney, CRAIG HUM, as County of Los Angeles Assistant Head**  
17 **Deputy District Attorney, and DOES 1 through 20, Inclusive)**

18 153. Ms. Nixon, Individually and as Successor in Interest of Mr. Moore, Deceased,  
19 restates and incorporates by reference, as though fully set forth herein, the allegations contained  
20 in each of the paragraphs above.

21 154. Since Mr. Buck caused Mr. Moore to die on July 27, 2017, the County of Los  
22 Angeles, Jackie Lacey, and Craig Hum have been under a legal duty to not suppress or destroy  
23 evidence of Mr. Buck's criminal acts that may have caused or contributed to Mr. Moore's death,  
24 or otherwise interfere with official proceedings relating to the investigation of the death of Mr.  
25 Moore.

26 155. The County of Los Angeles, Jackie Lacey, and Craig Hum breached their duty,  
27 individually or in concert, either intentionally, recklessly or negligently, when they suppressed  
28

1 or withheld evidence of Mr. Buck's criminal acts as reported or complained of by witnesses  
2 Does 21-30.

3 156. The County of Los Angeles's, Jackie Lacey's, and Craig Hum's breach has  
4 materially impacted the investigation of the death of Mr. Moore and has prevented or disrupted  
5 the criminal prosecution of Mr. Buck. Furthermore, the County of Los Angeles's, Jackie  
6 Lacey's, and Craig Hum's breach has materially impacted the chances Plaintiff's investigation  
7 of the death of Mr. Moore and has prevented or disrupted the civil prosecution of Mr. Buck for  
8 the charges alleged herein. Finally, the County of Los Angeles's, Jackie Lacey's, and Craig  
9 Hum's breach have materially impacted the chances of Plaintiffs identifying and discovering the  
10 full extent of Mr. Buck's causation of or contribution to Mr. Moore's death.

11 157. The County of Los Angeles's, Jackie Lacey's, and Craig Hum's spoliation of  
12 evidence has directly and proximately caused Plaintiffs to suffer humiliation, emotional distress  
13 and otherwise suffer damages and injuries as described herein, whereby Plaintiffs demand and  
14 are entitled to general and punitive damages and attorney's fees.

15 **PRAYER FOR RELIEF**

16 **WHEREFORE**, Plaintiff pray for judgment and damages against the Defendants as  
17 follows:

- 18 1. General damages in an amount to be determined at trial;
- 19 2. Past and future medical and related expenses in an amount to be determined at trial;
- 20 3. Past and future lost earnings in an amount to be determined at trial;
- 21 4. Impairment of earning capacity in an amount to be determined at trial;
- 22 5. Punitive damages pursuant to applicable law (except as to County);
- 23 6. Reasonable attorneys' fees pursuant to applicable law;
- 24 7. Prejudgment and post-judgment interest, including but not limited to, California  
25 Civil Code § 3288; and
- 26 8. Any other and further relief that the Court considers just and proper.

27 ///

28 ///

**JURY DEMAND**

Plaintiffs demand a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure.

DATED: July 7, 2019

  
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Hussain Turk, Esq.  
Attorney for Plaintiff LATISHA NIXON

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6 Email: hussain@htesquire.com

7 Attorneys for Plaintiffs  
LATISHA NIXON as Successor in Interest of  
8 GEMMEL MOORE, Deceased; and LATISHA  
NIXON, Individually  
9

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 LOS ANGELES COUNTY, CENTRAL DIVISION  
12

13 LATISHA NIXON as Successor in Interest  
14 of GEMMEL MOORE, Deceased; and  
LATISHA NIXON, Individually,

15  
16 Plaintiff.

17 v.

18 EDWARD BUCK, individually; LOS  
ANGELES COUNTY; JACKIE LACEY,  
19 individually and as Los Angeles County  
District Attorney; CRAIG HUM,  
20 individually and as Los Angeles County  
Deputy District Attorney; and DOES 1  
21 through 20, inclusive,  
22

23 Defendant.  
24

**DECLARATION OF LATISHA NIXON  
PURSUANT TO SECTION 377.32 OF  
THE CODE OF CIVIL PROCEDURE**

25 I, LATISHA NIXON, declare as follows:

26 1. I am over the age of 18 years. I have personal knowledge of the facts contained  
27 in this declaration, and if called as a witness I could and would testify competently to the truth  
28 of the facts stated herein.

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2. I am the mother of GEMMEL ARTAE MOORE, who died on July 27, 2017 at Los Angeles, California.

3. No proceeding is now pending in the State of California for the Estate of GEMMEL ARTAE MOORE.

4. I am the only Successors in Interest to GEMMEL ARTAE MOORE, as defined in Section 377.11 of the Code of Civil Procedure.

5. No other person has a superior right to commence the above-entitled proceeding or to be substituted for GEMMEL ARTAE MOORE in the above-entitled proceeding.

6. A certified copy of the death certificate for GEMMEL ARTAE MOORE is attached hereto as Exhibit "A" and incorporated herein by reference.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on Feb. 26, 2019 at Los Angeles, California.

  
LATISHA NIXON