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8 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES**

10
11 KENYA TAYLOR, Individually and as a
12 Successor in Interest to Decedent, DAYVON
TAYLOR,

13 Plaintiff,

14 vs.

15 LOS ANGELES UNIFIED SCHOOL
16 DISTRICT, a government entity, LOS
17 ANGELES COUNTY, a government entity;
18 CITY OF LOS ANGELES, a government
19 entity; TYLER D'SHAUN MARTIN-
BRAND, an individual; and DOES 1 through
20 50 inclusive,

21 Defendants.

CASE NO.: 20STCV33128

COMPLAINT FOR DAMAGES

- 1) VIOLATION OF A MANDATORY DUTY;
- 2) NEGLIGENT HIRING, RETENTION, AND SUPERVISION;
- 3) NEGLIGENCE;
- 4) NEGLIGENCE PER SE;
- 5) SURVIVAL ACTION; AND
- 6) WRONGFUL DEATH

DEMAND FOR JURY TRIAL

Complaint Filed:
Assigned to:
Trial Date: Not Yet Set

GENERAL ALLEGATIONS

- 26 1. Decedent DAYVON TAYLOR was a six (6) year old and resident of Los Angeles County,
27 California. He is survived by his mother, who is the Plaintiff to this action.
- 28 2. Plaintiff KENYA TAYLOR is an adult and resident of Los Angeles County, California,

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1 and at all relevant times herein was the lawful mother of decedent, DAYVON TAYLOR,
2 and is therefore the rightful entitled heir under the wrongful death and survivor statutes in
3 the state of California to pursue these claims against Defendants, and each of them.

4 3. Defendant LOS ANGELES UNIFIED SCHOOL DISTRICT is a government entity in Los
5 Angeles County, California, and is subject to the laws of California.

6 4. Defendant LOS ANGELES COUNTY is a government entity in Los Angeles County,
7 California, and is subject to the laws of California.

8 5. Defendant CITY OF LOS ANGELES is a government entity in Los Angeles County,
9 California, and is subject to the laws of California.

10 6. Defendant TYLER D'SHAUN MARTIN-BRAND was at all relevant times herein an
11 elementary school employee with Defendant LOS ANGELES UNIFIED SCHOOL
12 DISTRICT, which is a government entity in Los Angeles County, California, and is subject
13 to the laws of California.

14 7. Plaintiff does not know the true names and capacities of the defendants sued herein
15 as Does 1 through 50, inclusive, and thereby sues those defendants by such fictitious
16 names, whether individual, corporate, partner, associate, agent or otherwise.

17 8. Plaintiff is informed and believes, and on such information and belief alleges, that
18 each of the fictitiously named defendants is responsible in some manner for the
19 occurrences and wrongful conduct alleged herein and that Plaintiff's damages, as alleged
20 herein, were proximately caused by their conduct.

21 9. At all times mentioned herein, each of the Defendants sued herein was the agent, servant,
22 and employee of each other and of his said Co-Defendants, and, as such, was acting within
23 the time, place, purpose, and scope of said agency, service, and employment; each and
24 every Defendant, as aforesaid, when acting as a principal, was negligent in the selection
25 and hiring of each and every other Defendant as an agent, servant, and/or employee.

26 10. This Court is proper because the entities Defendant LOS ANGELES UNIFIED SCHOOL
27 DISTRICT, Defendant LOS ANGELES COUNTY, and Defendant CITY OF LOS
28 ANGELES are located within the County of Los Angeles in the state of California. The

1 Court and venue is proper because the acts and violations of mandatory duties which make
2 up this lawsuit occurred within the County of Los Angeles, state of California.

3 **SPECIFIC FACUTAL ALLEGATIONS**

- 4 11. Plaintiff hereby re-alleges all paragraphs above and they are incorporated herein.
- 5 12. At all times relevant herein, Decedent DAYVON TAYLOR was a student at Normandie
6 Avenue Elementary.
- 7 13. Normandie Avenue Elementary is a school in the school district of Defendant LOS
8 ANGELES UNIFIED SCHOOL DISTRICT.
- 9 14. Defendant LOS ANGELES UNIFIED SCHOOL DISTRICT is within Los Angeles County
10 and affiliated and/or controlled with or by Defendant LOS ANGELES COUNTY and/or
11 Defendant CITY OF LOS ANGELES.
- 12 15. In 2019, Normandie Avenue Elementary and Defendant LOS ANGELES UNIFIED
13 SCHOOL DISTRICT offered an after-school program entitled “Beyond The Bell.”
- 14 16. In 2019, decedent DAYVON TAYLOR attended the “Beyond the Bell” program.
- 15 17. While a student at the “Beyond the Bell” program, decedent DAYVON TAYLOR’s
16 supervisor and/or coach with Defendant LOS ANGELES UNIFIED SCHOOL DISTRICT
17 was Defendant TYLER D’SHAUN MARTIN-BRAND.
- 18 18. In 2019 Defendant TYLER D’SHAUN MARTIN-BRAND was employed by Defendant
19 LOS ANGELES UNIFIED SCHOOL DISTRICT.
- 20 19. At all relevant times herein, Defendant TYLER D’SHAUN MARTIN-BRAND was acting
21 as an agent for Defendant LOS ANGELES UNIFIED SCHOOL DISTRICT.
- 22 20. In 2019, Defendant TYLER D’SHAUN MARTIN-BRAND would take Decedent Dayvon
23 Taylor away from other students, teachers, and/or other supervisors and be in isolation with
24 him.
- 25 21. On December 26, 2019, Defendant TYLER D’SHAUN MARTIN-BRAND physically
26 abused and murdered Decedent, DAYVON TAYLOR.
- 27 22. As a result of all of Defendants’ conduct, decedent DAYVON TAYLOR and Plaintiff
28 suffered serious pre-death damages and injuries, including physical injuries, mental

1 32. Persons or entities herein may be found liable under California Government Code § § 15.2
2 and 820.

3 33. Persons or entities herein may be found liable under California Penal Code, §§ 11164, 11165,
4 11166 et al and other Child Abuse Reporting Requirements.

5 34. California Education Code § 44808 requires a safe environment off-premises.

6 35. Persons or entities herein are subject to California Education Code §§ 44830 and 44830
7 through 44842, et al.

8 **FIRST CAUSE OF ACTION**

9 **(VIOLATION OF MANDATORY DUTY AGAINST DEFENDANT LOS ANGELES**

10 **UNIFIED SCHOOL DISTRICT, DEFENDANT LOS ANGELES COUNTY,**

11 **DEFENDANT CITY OF LOS ANGELES, DEFENDANT TYLER D'SHAUN MARTIN-**

12 **BRAND, AND DOES 1 THROUGH 50)**

13 36. Plaintiff hereby re-alleges all paragraphs above and they are incorporated herein.

14 37. Plaintiff alleges that employees, directors, coaches, and supervisors of Defendant LOS
15 ANGELES UNIFIED SCHOOL DISTRICT and/or Defendant COUNTY OF LOS
16 ANGELES and/or Defendant CITY OF LOS ANGELES acting within the course and scope
17 of their employment knew, had reasonable suspicion of, and/or should have known of
18 Defendant TYLER D'SHAUN MARTIN-BRAND's abusive conduct against children, but
19 failed to act, failed to discharge Defendant TYLER D'SHAUN MARTIN-BRAND, and
20 failed to report the abuse.

21 38. The specific mandatory duties that Plaintiff contends employees, directors, coaches, and
22 supervisors of Defendants failed to perform in this case includes but is not limited to
23 California Penal Code Sections 11165.7, 11165.9, 11166.05, and 11166 et al., the
24 California Constitution Sections 28(a) and (c), the California Education Code Section 220.

25 39. Plaintiff alleges that if employees, directors, coaches, and supervisors of Defendant LOS
26 ANGELES UNIFIED SCHOOL DISTRICT and/or Defendant COUNTY OF LOS
27 ANGELES and/or Defendant CITY OF LOS ANGELES acted in compliance with their
28 mandatory duties, then Defendant TYLER D'SHAUN MARTIN-BRAND would have been

1 stopped before he engaged in his harm against decedent, DAYVON TAYLOR.

2 40. Defendant’s violation of these mandatory duties was a substantial factor in causing harm to
3 Plaintiff and decedent DAYVON TAYLOR, including serious pre-death damages and
4 injuries, including physical injuries, mental anguish, terror, and anxiety.

5 41. Defendant’s violation of these mandatory duties was a substantial factor in causing harm to
6 Plaintiff and decedent DAYVON TAYLOR, including a substantial loss of assistance, care,
7 comfort, companionship, society, guidance, moral support, love, affection, and protection.

8 42. Defendant’s violation of these mandatory duties was a substantial factor in causing harm to
9 Plaintiff and decedent DAYVON TAYLOR, including a loss of financial support, gifts or
10 benefits, funeral, and burial expenses.

11 43. Decedent DAYVON TAYLOR was and is a person that California Penal Code Sections
12 11165.7, 11165.9, 11166.05, and 11166 et al., the California Constitution Section 28(a)
13 and(c), and the California Education Code section 220 was intended to protect.

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15 **SECOND CAUSE OF ACTION**

16 **(NEGLIGENT HIRING, RETENTION, AND SUPERVISION AGAINST DEFENDANT**
17 **LOS ANGELES UNIFIED SCHOOL DISTRICT, DEFENDANT LOS ANGELES**
18 **COUNTY, DEFENDANT CITY OF LOS ANGELES, AND DOES 1 THROUGH 50)**

19 44. Plaintiff hereby re-alleges all paragraphs above and they are incorporated herein.

20 45. Personnel, employees, directors, and supervisors of Defendant LOS ANGELES UNIFIED
21 SCHOOL DISTRICT and/or Defendant COUNTY OF LOS ANGELES and/or Defendant
22 CITY OF LOS ANGELES hired Defendant TYLER D’SHAUN MARTIN-BRAND.

23 46. Defendant TYLER D’SHAUN MARTIN-BRAND was unfit to work as an elementary
24 school coach and/or supervisor.

25 47. Plaintiff alleges that personnel, employees, directors, and supervisors of Defendant
26 LOS ANGELES UNIFIED SCHOOL DISTRICT and/or Defendant LOS ANGELES
27 COUNTY and/or Defendant CITY OF LOS ANGELES acting within the course and scope
28 of their employment knew, had reasonable suspicion of, and/or should have known of

1 Defendant TYLER D'SHAUN MARTIN-BRAND's abusive conduct against children, but
2 hired him anyways, failed to act once they had reasonable suspicions of the conduct, failed
3 to discharge Defendant TYLER D'SHAUN MARTIN-BRAND, and failed to report the
4 abuse.

5 48. Personnel, employees, directors, and supervisors of Defendant LOS ANGELES UNIFIED
6 SCHOOL DISTRICT and/or Defendant COUNTY OF LOS ANGELES and/or Defendant
7 CITY OF LOS ANGELES negligently and purposefully ignored evidence that would lead a
8 reasonable person to believe that Defendant TYLER D'SHAUN MARTIN-BRAND was
9 engaging in abusive conduct against children and/or decedent, DAYVON TAYLOR.

10 49. Defendant's negligent hiring, supervision, and/or retention was a substantial factor in causing
11 harm to Plaintiff and decedent DAYVON TAYLOR, including serious pre-death damages
12 and injuries, including physical injuries, mental anguish, terror, and anxiety.

13 50. Defendant's negligent hiring, supervision, and/or retention was a substantial factor in causing
14 harm to Plaintiff and decedent DAYVON TAYLOR, including a substantial loss of
15 assistance, care, comfort, companionship, society, guidance, moral support, love, affection,
16 and protection.

17 51. Defendant's negligent hiring, supervision, and/or retention was a substantial factor in causing
18 harm to Plaintiff and decedent DAYVON TAYLOR, including a loss of financial support,
19 gifts or benefits, funeral, and burial expenses.

20 **THIRD CAUSE OF ACTION**

21 **(NEGLIGENCE AGAINST DEFENDANT LOS ANGELES UNIFIED SCHOOL**
22 **DISTRICT, DEFENDANT LOS ANGELES COUNTY, DEFENDANT CITY OF LOS**
23 **ANGELES, AND DOES 1 THROUGH 50)**

24 52. Plaintiff hereby re-alleges all paragraphs above and they are incorporated herein.

25 53. Personnel, employees, directors, and supervisors of Defendant LOS ANGELES UNIFIED
26 SCHOOL DISTRICT and/or Defendant COUNTY OF LOS ANGELES and/or Defendant
27 CITY OF LOS ANGELES acted negligently when they failed to act reasonably, failed to
28 provide Decedent, DAYVON TAYLOR, a safe place to go to school, and failed to protect

1 Decedent, DAYVON TAYLOR.

2 54. Personnel, employees, directors, and supervisors of Defendant LOS ANGELES UNIFIED
3 SCHOOL DISTRICT and/or Defendant COUNTY OF LOS ANGELES and/or Defendant
4 CITY OF LOS ANGELES negligently and purposefully ignored evidence that would lead a
5 reasonable person to believe that Defendant TYLER D'SHAUN MARTIN-BRAND was
6 engaging in abuse against Decedent, DAYVON TAYLOR.

7 55. Defendant's negligence was a substantial factor in causing harm to Plaintiff and decedent
8 DAYVON TAYLOR, including serious pre-death damages and injuries, including physical
9 injuries, mental anguish, terror, and anxiety.

10 56. Defendant's negligence was a substantial factor in causing harm to Plaintiff and decedent
11 DAYVON TAYLOR, including a substantial loss of assistance, care, comfort,
12 companionship, society, guidance, moral support, love, affection, and protection.

13 57. Defendant's negligence was a substantial factor in causing harm to Plaintiff and decedent
14 DAYVON TAYLOR, including a loss of financial support, gifts or benefits, funeral, and
15 burial expenses.

16 **FOURTH CAUSE OF ACTION**

17 **(NEGLIGENCE PER SE AGAINST DEFENDANT LOS ANGELES UNIFIED**
18 **SCHOOL DISTRICT, DEFENDANT LOS ANGELES COUNTY, DEFENDANT CITY**
19 **OF LOS ANGELES, AND DOES 1 THROUGH 50)**

20 58. Plaintiff hereby re-alleges all paragraphs above and they are incorporated herein.

21 59. The specific mandatory duties, law, and/or ordinances that Plaintiff contends Defendant LOS
22 ANGELES UNIFIED SCHOOL DISTRICT and/or Defendant COUNTY OF LOS
23 ANGELES and/or Defendant CITY OF LOS ANGELES violated are Government Code §§
24 815.2, 815.6, 820, California Constitution Section 28, California Code of Regulations §§
25 44807, 5551, 5552, California Government Code § § 15.2 and 820, California Penal Code,
26 §§ 11164, 11165, 111166, California Education Code §§ 44808, 44830 and 44830 through
27 44842.

28 60. During the course of Defendant TYLER D'SHAUN MARTIN-BRAND's attendance and

1 employment with Defendant LOS ANGELES UNIFIED SCHOOL DISTRICT, Defendant
2 LOS ANGELES UNIFIED SCHOOL DISTRICT and/or Defendant COUNTY OF LOS
3 ANGELES and/or Defendant CITY OF LOS ANGELES knew or should have known about
4 Defendant TYLER D'SHAUN MARTIN-BRAND's abusive behaviors and the had a duty
5 to act thereafter. However, Defendant LOS ANGELES UNIFIED SCHOOL DISTRICT
6 and/or Defendant COUNTY OF LOS ANGELES and/or Defendant CITY OF LOS
7 ANGELES failed to act in violation of above referenced code sections.

8 61. The specific mandatory duties and duties to report and act set forth in the code sections in
9 paragraph 56 above were specifically designed to protect decedent DAYVON TAYLOR
10 against the particular kind of injuries he sustained by Defendant TYLER D'SHAUN
11 MARTIN-BRAND on December 26, 2019.

12 62. Defendant LOS ANGELES UNIFIED SCHOOL DISTRICT's and/or Defendant LOS
13 ANGELES COUNTY's and/or Defendant CITY OF LOS ANGELES' failure to comply
14 with its mandatory duties, failure to report, and failure to act was a substantial factor in
15 causing harm to Plaintiff and decedent DAYVON TAYLOR, including serious pre-death
16 damages and injuries, including physical injuries, mental anguish, terror, and anxiety.

17 63. Defendant LOS ANGELES UNIFIED SCHOOL DISTRICT's and/or Defendant LOS
18 ANGELES COUNTY's and/or Defendant CITY OF LOS ANGELES' failure to comply
19 with its mandatory duties, failure to report, and failure to act was a substantial factor in
20 causing harm to Plaintiff and decedent DAYVON TAYLOR, including a substantial loss of
21 assistance, care, comfort, companionship, society, guidance, moral support, love, affection,
22 and protection.

23 64. Defendant LOS ANGELES UNIFIED SCHOOL DISTRICT's and/or Defendant LOS
24 ANGELES COUNTY's and/or Defendant CITY OF LOS ANGELES' failure to comply
25 with its mandatory duties, failure to report, and failure to act was a substantial factor in
26 causing harm to Plaintiff and decedent DAYVON TAYLOR, including a loss of financial
27 support, gifts or benefits, funeral, and burial expenses.

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FIFTH CAUSE OF ACTION

(SURVIVAL ACTION PURSUANT TO C.C.P. § 377.30 AGAINST DEFENDANT LOS ANGELES UNIFIED SCHOOL DISTRICT, DEFENDANT LOS ANGELES COUNTY, DEFENDANT CITY OF LOS ANGELES, DEFENDANT TYLER D'SHAUN MARTIN-BRAND, AND DOES 1 THROUGH 50)

65. Plaintiff hereby re-alleges all paragraphs above and they are incorporated herein.
66. No proceeding is now pending in California for the administration of the Decedent DAYVON TAYLOR's estate.
67. Plaintiff KENYA TAYLOR, mother of Decedent DAYVON TAYLOR, is the successor in interest as defined in Section 377.11 of the C.C.P. and succeeds to the Decedent's interest in the action or proceeding, and has executed the concurrently filed declaration of KENYA TAYLOR in compliance with C.C.P. Section 377.32. No other person has a superior right to commence the action or proceeding or to be substituted for the Decedent DAYVON TAYLOR in the pending action or proceeding.
68. The acts/or and omissions of Defendants LOS ANGELES UNIFIED SCHOOL DISTRICT, Defendant LOS ANGELES COUNTY, Defendant CITY OF LOS ANGELES, TYLER D'SHAUN MARTIN-BRAND, and DOES 1-50, and each of them, were the direct, legal, and proximate cause of harm and economic damages to Decedent DAYVON TAYLOR prior to his death, which succeeds to Plaintiff KENYA TAYLOR, as the Successor in Interest.
69. Prior to Decedent DAYVON TAYLOR's death, and at all relevant times as alleged herein, and as part of the enduring the acts and omissions of Defendants, Decedent DAYVON TAYLOR suffered pre-death physical injuries, mental anguish, terror, and anxiety, as well as certain economic losses, including but not limited to, medical costs associated with his care and treatment.
70. The damages for pre-death suffering and economic loss resulting from the negligent acts of the Defendants survive the Decedent DAYVON TAYLOR's death and are claimed in this survival cause of action.

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SIXTH CAUSE OF ACTION

(WRONGFUL DEATH AGAINST DEFENDANT LOS ANGELES UNIFIED SCHOOL DISTRICT, DEFENDANT LOS ANGELES COUNTY, DEFENDANT CITY OF LOS ANGELES, DEFENDANT TYLER D'SHAUN MARTIN-BRAND, AND DOES 1 THROUGH 50)

71. Plaintiff hereby re-alleges all paragraphs above and they are incorporated herein.

72. As a legal, direct, and proximate result of the conduct of said Defendants and Does 1-50, and each of them, Decedent DAYVON TAYLOR suffered pre-death physical injuries, mental anguish, terror, and anxiety.

73. The acts and omissions of Defendants, and Does 1-50, and each of them, were a substantial factor in causing the death of Decedent DAYVON TAYLOR. As a direct, proximate, and legal result of the death of DAYVON TAYLOR, Plaintiff suffered a loss of assistance, care, comfort, companionship, society, guidance, moral support, love, affection, and protection.

74. As a direct, proximate, and legal result of the death of DAYVON TAYLOR, Plaintiff suffered loss of financial support, gifts or benefits, funeral, and burial expenses.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, as follows:

1. For the damages and losses of assistance, care, comfort, companionship, society, guidance, moral support, love, affection, and protection;
2. For the damages and losses of financial support, gifts or benefits, funeral, and burial expenses;
3. For all past and future special damages permitted by law;
4. For past and future general damages permitted by law;
5. For all interest allowable by law;
6. For costs of suit incurred herein; and

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7. For such further and other relief as the Court may deem proper.

DATED: August 31, 2020

WILSHIRE LAW FIRM

By: 

Daniel DeSantis, Esq.
Attorneys for Plaintiff