

VERDICTS & SETTLEMENTS

FRIDAY, MAY 14, 2021

CIVIL RIGHTS

EXCESSIVE FORCE

Failure to Train, Supervise, Discipline

Settlement: \$750,000

CASE/NUMBER:

Terrence Jeffrey v. City of Huntington Beach, et al.
/ 8:20-cv-02353-DOC-KES

COURT/DATE: USDC Central / Jan. 15, 2021

JUDGE: David O. Carter

ATTORNEYS:

Plaintiff – **Yana G. Henriks, Lauren I. Freidenberg (McMurray Henriks LLP)**

Defendant – James R. Touchstone,
Melissa M. Ballard (Jones & Mayer);
Daniel S. Cha, Brian L. Williams
(Office of the Huntington Beach City Attorney)

FACTS: Plaintiff, Terrence Jeffrey, alleged that without provocation, Huntington Beach Police Department officers Bryn Fedderson, Ibrahim Khalil, Aaron Ecsedy, and Kelli Herrera attacked him and took him to the ground on Sept. 8, 2019. Defendant officers Fedderson and Ecsedy mounted Jeffrey on his back. Defendant Khalil placed his knee on Jeffrey's neck. Defendant Fedderson placed Jeffrey in a chokehold until he lost consciousness for approximately 15 seconds.

PLAINTIFFS' CONTENTIONS: Plaintiff claimed that he was the victim of excessive force and racial profiling. Plaintiff emphasized AB 1196, which had been passed with bipartisan support in the summer of 2020, in which neck restraints (including chokeholds and carotid restraints) were banned in California. Plaintiff also alleged causes of action under Monell, and highlighted the previous use of force incident involving defendant officer Fedderson.

DEFENDANTS' CONTENTIONS: Defendants denied any contention that the arrest arose from racial profiling, or that excessive force was used. Defendants contended Plaintiff was highly intoxicated and began exhibiting unprovoked hostility towards the officers including affirmatively taunting and physically challenging the officers. Defendants contended that Plaintiff actively resisted these attempts resulting in the use of a vascular neck restraint to temporarily subdue Plaintiff so that officers could safely handcuff him and remove him from the scene.

RESULT: The parties settled the matter by way of private mediation for \$750,000 after the complaint had been filed and removed to Federal Court, and before formal discovery had been initiated.

FILING DATE: Oct. 13, 2020