

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Rafael Ongkeko

1 WESLEY G. OUCHI; SBN 297187
2 E-Mail: w.ouchi@OuchiLawFirm.com
3 **THE OUCHI LAW FIRM, A.P.C.**
4 153 E. Walnut St., Suite A
5 Pasadena, CA 91103
6 Telephone: (213) 280-4330
7 Fax: (626) 440-9594

8 Attorney for Plaintiff, J.N., a Minor, by and
9 through his Guardian Ad Litem, SONIA
10 PATRICIA ROMERO

11
12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **COUNTY OF LOS ANGELES**
14

15 **J.N., a Minor, by and through his Guardian**
16 **Ad Litem, SONIA PATRICIA ROMERO**

17 Plaintiff,

18 v.

19 **COUNTY OF LOS ANGELES, a Municipal**
20 **Entity, DANNY WANG, M.D., DAVID OH,**
21 **M.D., and DOES 1 through 100, Inclusive**

22 Defendants.
23
24
25
26

CASE NO.:

20STCV23768

COMPLAINT FOR DAMAGES

GROUND FOR RELIEF:

1. Medical Battery
2. Interference with Constitutional Rights by Threat (C.C. § 52.1, *et seq.*)
3. Right to Privacy from Intrusions of Bodily Integrity (Art. I, Sec. I, Cal. Constitution)
4. Negligence
5. Right to Due Process of Bodily Integrity (42 U.S.C. § 1983)
6. Municipal and Supervisorial Liability (42 U.S.C. § 1983)

DEMAND FOR JURY TRIAL

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

1. Venue lies within this jurisdiction since all Defendants reside within the COUNTY OF LOS ANGELES, which is also a Defendant in this Action.

2. Furthermore, the incident, which is the subject of this Action, occurred herein the COUNTY OF LOS ANGELES.

4. Additionally, the relief sought by Plaintiff in this Complaint is within the jurisdiction of this Court.

5. Plaintiff has complied with the Government Tort Claims Filing Process. The date of the alleged incidents began on June 25, 2019.

6. On December 9, 2019, Plaintiff filed a timely Government Tort Claim with the COUNTY OF LOS ANGELES.

7. On January 9, 2020, the COUNTY OF LOS ANGELES sent a Notice of Rejection to Plaintiff's Counsel.

1 **PARTIES AND ACTORS**

2 8. Plaintiff, J.N., a Minor, by and through his Guardian Ad Litem, is an individual who,
3 at all relevant times, is a resident of the COUNTY OF LOS ANGELES, State of California.
4

5 9. At all relevant times, Defendant, COUNTY OF LOS ANGELES, was a municipal
6 entity, which existed under the Laws of the State of California, and was the employer of
7 Defendants, DANNY WANG, M.D., DAVID OH, M.D., and DOES 1 through 100.

8 10. At all relevant times, Defendant, DAVID OH, M.D., was the Medical Director, of
9 the Juvenile Court Health Services, for the COUNTY OF LOS ANGELES, who supervised,
10 instructed, trained, employed, managed, and directed Defendant, DANNY WANG, M.D., and
11 Defendants, DOES 1 through 100, and was acting within his scope of employment, under color
12 of state law, and is sued in his individual capacity.
13

14 11. At all relevant times, Defendant, DANNY WANG, M.D., was an employee, agent,
15 doctor, and medical professional who was employed by Defendant, COUNTY OF LOS
16 ANGELES, and was acting within his scope of employment, under color of state law, and is sued
17 in his individual capacity.
18

19 12. At all relevant times, Defendants, DOES 1 through 100, were doctors, nurses,
20 probation officers, juvenile hall staff, agents, and employees of Defendant, COUNTY OF LOS
21 ANGELES, acting within the course and scope of such agency and employment, under "color of
22 state law." Said Defendants are statutorily liable under California law pursuant to California
23 Government Code section 820.
24

1 13. At all relevant times, Defendants, DOES 1 through 100, were residents of the
2 COUNTY OF LOS ANGELES, and are sued in their individual capacities, as defined in the
3 present Complaint for Damages.

4 14. At all relevant times, Defendants, DOES 1 through 100, were duly appointed
5 doctors, nurses, officers, employees, or agents of Defendant, COUNTY OF LOS ANGELES,
6 subject to oversight and supervision by the COUNTY OF LOS ANGELES's elected and non-
7 elected officials.

8 15. At this time, the true names and capacities of Defendants, DOES 1 through 100,
9 inclusive, are unknown to Plaintiff, who otherwise sues these Defendants, DOES 1 through 100,
10 by such fictitious names.

11 16. Plaintiff will seek leave to amend this Complaint to show the true names and
12 capacities of these Defendants, DOES 1 through 100, when they have been ascertained.

13 **FACTS COMMON TO ALL COUNTS**

14 17. Plaintiff, J.N., a Minor, by and through his Guardian Ad Litem, SONIA PATRICIA
15 ROMERO, hereby incorporates Paragraphs 1 through 16 herein to the following allegations.

16 **The Minor was medically treated by doctors**
17 **without obtaining voluntary and informed consent**

18 18. On June 23, 2019, Plaintiff, J.N., a sixteen (16) year old, male youth, was detained,
19 in-custody, and housed, at all relevant times, by the COUNTY OF LOS ANGELES, at the
20 Eastlake Juvenile Hall.

21 19. On June 25, 2019, the Minor, J.N., was taken, by the staff at the Eastlake Juvenile
22 Hall, to be medically examined, treated, and/or evaluated by doctors, nurses, and/or medical
23

1 professionals, including Defendants, DANNY WANG, M.D., DAVID OH, M.D., and DOES 1
2 through 100, who were employed by the COUNTY OF LOS ANGELES, Juvenile Court Health
3 Services.

4
5 20. However, prior to this medical examination, treatment, and/or evaluation, neither of
6 J.N.'s parents had ever provided their voluntary and informed consent for J.N. to be medically
7 examined, treated, and/or evaluated, by doctors, nurses, and/or medical professionals, while at
8 the Eastlake Juvenile Hall.

9
10 21. On this date, Defendants diagnosed the Minor, J.N., with "oppositional defiant
11 disorder," otherwise known as "ODD," which is correlated with elevated levels of testosterone
12 and delinquency in male youths.

13
14 22. On both June 25, 2019 and July 22, 2019, Defendants invasively drew, sampled,
15 took, removed, and tested the Minor's blood and urine, from his body, without obtaining his and
16 his parents' informed consent.

17
18 23. Accordingly, these blood and/or urine samples confirmed that the Minor had slightly
19 elevated levels of testosterone.

20
21 **The male youth was administered a female hormone, "estrogen,"**
22 **without first obtaining voluntary and informed consent**

23
24 24. Therefore, on June 25, 2019, Defendants, DANNY WANG, M.D., DAVID OH,
25 M.D., and DOES 1 through 100, prescribed Minor, J.N., thirty (30) doses of "estradiol,"
26 otherwise known as the female hormone, "estrogen," without first obtaining the voluntary or
27 informed consent of either J.N.'s parents or the Minor himself.

25. Particularly, neither of J.N.'s parents, nor the Minor himself, were ever informed, explained, instructed, or notified of the identification, name, nature, purpose, reason, side effects, dangers, risks, benefits, uses, options, or etc., related to taking estrogen.

26. Thus, neither of J.N.'s parents, nor the Minor himself, were ever given the opportunity to voluntarily decline, refuse, accept, weigh, decide, or consider any of these treatments or medications.

27. Additionally, Defendants further prescribed, treated, injected, and/or administered several vaccines, which included Medveo, Gardasil 9, and tuberculin purified protein derivative, to the male youth, without first obtaining the voluntary or informed consent of either J.N.'s parents or the Minor himself. They also did not obtain a sufficient medical history of the youth prior to taking any of these actions.

**The DOE medical staff did not allow the male
Minor to refuse to take the female hormone, “estrogen”**

28. Thus, on June 25, 2019, following his medical examination with Defendants, DANNY WANG, M.D., DAVID OH, M.D., and DOES 1 through 100, the Minor, J.N., was taken to receive his first dose of “estrogen” and the three (3) vaccinations.

29. This was the first time the Minor, J.N., was told that he was prescribed any medications or vaccines by Defendants, DANNY WANG, M.D., DAVID OH, M.D., and DOES 1 through 100, which concerned, surprised, and worried the detained Youth.

30. The Minor, J.N., told the medical staff, who were present, that he was never informed that the doctors were prescribing him any medications.

1 31. Furthermore, when the Minor, J.N., asked the DOE medical staff/nurse to explain the
2 medications to him, she incorrectly, falsely, and misleadingly told the Minor, J.N., that it was for
3 treating a small “nodule” on his left breast and/or chest, in order to convince him to take the
4 estrogen.
5

6 32. The concerned Minor, J.N., then told the DOE medical staff that he was going to
7 refuse the estrogen, since Defendants, DANNY WANG, M.D., DAVID OH, M.D., and DOES I
8 through 100, had never told the Minor that they were prescribing him any medication.
9

10 33. However, the DOE medical staff told the Minor, J.N., that he was not allowed to
11 refuse, decline, or reject the medication, which specifically included the female hormone,
12 “estrogen,” since it was prescribed to him by the doctors.

13 34. Furthermore, a DOE probation officer, who was standing next to the DOE medical
14 staff/nurse, also told the Minor, J.N., that he needed to take the medication.
15

16 35. Since the Minor, J.N., was currently in-custody at the Eastlake Juvenile Hall, he felt
17 coerced, forced, compelled, pressured, and threatened to take the estrogen, as he did not want to
18 receive any negative case notes, “write-ups,” repercussions, complaints, or punishments which
19 would be reported to the Judge on his pending juvenile delinquency case.
20

21 36. At the time, the Minor, J.N., knew that the Juvenile Probation Department was
22 recommending a “disposition” or “sentence,” of imprisonment or placement at the Department of
23 Juvenile Justice (DJJ), which is the harshest level of punishment available for juveniles, who can
24 be held past the age of eighteen (18), and until the age of twenty-three (23) to twenty-six (26)
25 years old.
26
27
28

1 37. Plaintiff also knew that the probation staff, at the Eastlake Juvenile Hall, regularly
2 take "case notes" on each Minor, which they send the Juvenile Court Judge, prior to each of the
3 minors' Juvenile Court hearings.
4

5 38. These "case notes," which are written by the probation staff at the Juvenile Hall,
6 include details about the Minor's behavior, such as whether he is following the staff's
7 instructions, "talking back" or arguing with staff, being disruptive, doing his homework,
8 receiving bad grades, misbehaving, or fighting.
9

10 39. As such, the Juvenile Court Judge indicated to Plaintiff that he would send Plaintiff
11 to "DJJ," if he were to misbehave or receive negative "case notes," at the Juvenile Hall, pending
12 resolution of Plaintiff's juvenile delinquency case.

13 40. However, the Juvenile Court Judge also indicated that he would consider a less
14 severe disposition or sentence, if Plaintiff were to continue to behave and "run a good program,"
15 while at the Juvenile Hall.
16

17 41. Therefore, J.N. knew that he could not afford to receive even one (1) negative case
18 note, write-up, or report at the Juvenile Hall, which could result in the Judge placing him in the
19 Department of Juvenile Justice (DJJ), until he was twenty-three (23) to twenty-six (26) years old.
20

21 42. Consequently, the Minor, J.N., took the dosage of estrogen, as required by the DOE
22 medical and probation staff, which almost immediately caused the youth to experience negative
23 physical, emotional, cognitive, and psychological effects.
24
25
26
27
28

**The male Minor developed female breast tissue
and suffered psychological and emotional damages**

43. Due to the estrogen, the Minor, J.N., immediately developed “gynecomastia,” which is the enlarging of his breast tissue, that did not exist prior to taking the estrogen pills.

44. The Minor also developed soreness, pain, and discomfort around the gynecomastia and began growing hairs around the areole, while further developing acne and pimples to his face, head, and body.

45. The Minor, J.N., also immediately began to experience psychological, emotional, and cognitive symptoms of depression, anxiety, worrying, insomnia, inability to concentrate, attention problems, headaches, and etc.

46. Therefore, on July 10, 2019, the Minor began refusing to take the estrogen, since it was making him feel increasingly terrible, miserable, and ill, despite his fears that such refusal could lead to discipline, negative “write-ups,” complaints, and repercussions from the juvenile hall staff, which would cause him to be sent to DJJ.

47. After refusing to take about two (2) doses of the estrogen, on July 12, 2019, Plaintiff was again medically examined, treated, and/or evaluated by doctors. He was then taken-off the estrogen, after receiving thirteen (13) or more doses and suffering negative side effects. Doctors then ordered additional invasive blood and urine testing to be completed.

48. It was only after the Minor was taken off the estrogen that, Defendants, DANNY WANG, M.D., DAVID OH, M.D., and DOES 1 through 100, had informed the Minor’s parents that their son was given estrogen and was receiving medical treatment.

1 49. After Plaintiff reported experiencing these negative side effects, Defendants,
2 DANNY WANG, M.D., DAVID OH, M.D., and DOES 1 through 100, thereafter claimed that
3 they “accidentally” prescribed estrogen to the male youth.
4

5 **Minor was given an experimental medical treatment which**
6 **was administered to other Minors at the Juvenile Hall**

7 50. Plaintiff further alleges that Defendants, DANNY WANG, M.D., DAVID OH, M.D.,
8 and DOES 1 through 100, prescribed the estrogen as an experimental treatment for Plaintiff’s
9 “oppositional defiant disorder,” in order to counteract the elevated levels of testosterone in his
10 body, which may be associated with increased delinquency in male youths.
11

12 51. Plaintiff further alleges that administering a female hormone or “estrogen” to a male
13 youth, at the Juvenile Hall, is not an accepted, safe, or supported form of medical treatment for
14 “oppositional defiant disorder,” and is without any medical support or evidence of its validity.
15

16 52. Plaintiff further alleges that this experimental treatment has been or is being given to
17 male youths, within the COUNTY OF LOS ANGELES’s juvenile courts, juvenile halls, and
18 juvenile detention facilities, without first obtaining their voluntary and informed consent, in
19 order to address symptoms of “oppositional defiant disorder,” criminality, and delinquency.
20

21 53. Plaintiff further alleges that the pharmacists, doctors, nurses, medical professionals,
22 and relevant staff do not intervene since this experimental treatment may have been given to
23 male youths, in the past, who have been detained, in-custody, within the COUNTY OF LOS
24 ANGELES.
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COUNT 1

Medical Battery

**[Alleged by Plaintiff Against Defendants, DANNY WANG, M.D., DAVID OH, M.D., and
DOES 1 through 100]**

54. Plaintiff, J.N., a Minor, by and through his Guardian Ad Litem, SONIA PATRICIA ROMERO, hereby incorporates Paragraphs 1 through 53 herein to the following allegations.

55. Plaintiff claims that Defendants, DANNY WANG, M.D., DAVID OH, M.D., and DOES 1 through 100 committed a medical battery.

56. First of all, Defendants, DANNY WANG, M.D., DAVID OH, M.D., and DOES 1 through 100 performed medical examinations, treatments, and/or evaluations on Plaintiff, a Minor, when he first arrived at the Juvenile Hall, without obtaining his and/or his parents' informed consent.

57. Secondly, Defendants, DANNY WANG, M.D., DAVID OH, M.D., and DOES 1 through 100 invaded Plaintiff's body by invasively drawing, taking, testing, collecting, and sampling his blood and urine without his and/or his parents' informed consent.

58. Thirdly, Defendants, DANNY WANG, M.D., DAVID OH, M.D., and DOES 1 through 100 prescribed and administered "estrogen," three (3) vaccinations, and other possible medications to Plaintiff, a Minor, without first obtaining his and/or his parents' informed consent.

59. Additionally, Defendants, DANNY WANG, M.D., DAVID OH, M.D., and DOES 1 through 100 did not allow Plaintiff the opportunity to refuse the medications. In fact, Plaintiff was expressly told by Defendants that he was not allowed to refuse any of the medications.

60. Furthermore, Defendants, DANNY WANG, M.D., DAVID OH, M.D., and DOES 1 through 100 continued performing invasive medical treatments, testing, evaluations, and assessments on Plaintiff, without informing his parents of the specific procedures that they were performing on their son.

61. Due to performing these medical treatments, Plaintiff was harmed, since he developed and/or experienced gynecomastia (i.e., female breast tissue), embarrassment, humiliation, anxieties, depression, sleeping problems, acne and pimples, hair on his areolas, lowered self-esteem, and fear for his health and safety.

62. The conduct of Defendants, DANNY WANG, M.D., DAVID OH, M.D., and DOES 1 through 100 was a substantial factor in causing Plaintiff's harm since he would not have experienced any of these damages had Defendants attempted to obtain informed consent prior to treating Plaintiff, since neither of his parents would have consented to their son taking estrogen.

63. Accordingly, Plaintiff seeks general and special damages along with reasonable attorney fees and costs.

COUNT 2

Violation of California Civil Code § 52.1, *et seq.* – Tom Bane Civil Rights Act

[Alleged by Plaintiff Against Defendants, DANNY WANG, M.D., DAVID OH, M.D., and

DOES 1 through 100]

64. Plaintiff, J.N., a Minor, by and through his Guardian Ad Litem, SONIA PATRICIA ROMERO, hereby incorporates Paragraphs 1 through 63 herein to the following allegations.

65. Plaintiff claims that the actions of Defendants, DANNY WANG, M.D., DAVID OH, M.D., and DOES 1 through 100 violated California Civil Code section 52.1, *et seq.*, otherwise known as the Tom Bane Civil Rights Act.

66. Defendants, DANNY WANG, M.D., DAVID OH, M.D., and DOES 1 through 100 intentionally interfered with or attempted to interfere with Plaintiff's Right to Privacy, under Art. I, Sec. I, of the California Constitution.

67. Plaintiff alleges that the Right to Privacy under Art. I, Sec. I, of the California Constitution broadly guarantees the freedom to choose to reject, or refuse to consent to, intrusion of his or her bodily integrity, and encompasses the right to refuse unwanted medication.

68. Furthermore, Defendants, DANNY WANG, M.D., DAVID OH, M.D., and DOES 1 through 100 intentionally interfered with or attempted to interfere with Plaintiff's Right to Due Process, under the Fourteenth Amendment to the Constitution of the United States.

69. Plaintiff alleges that he had a liberty interest in bodily integrity which is one of the personal rights accorded substantive protection under the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

70. Defendants interfered or attempted to interfere with Plaintiff's foregoing constitutional rights, under the Art. I, Sec. I, of the California Constitution and the Fourteenth Amendment to the Constitution of the United States, by making nonviolent threats of severe consequences against him.

71. Particularly, Defendants caused Plaintiff, a Minor, who was detained at the Eastlake Juvenile Hall, to believe that refusing to take the “estrogen” would lead to receiving negative “write-ups,” reports, complaints, case notes, and discipline, by Defendants, which would then be

1 reported to the Juvenile Court Judge and affect the disposition or sentence of his pending
2 juvenile delinquency case.

3 72. As previously mentioned, Plaintiff knew that the Probation Department was already
4 recommending to the Juvenile Court Judge that Plaintiff be sent to the Department of Juvenile
5 Justice "DJJ," which is the highest level of punishment in the juvenile court system.
6

7 73. Plaintiff also knew that the probation staff, at the Eastlake Juvenile Hall, regularly
8 take "case notes" on each Minor, which they send the Juvenile Court Judge, prior to each of the
9 Minor's Juvenile Court hearings. These case notes include details regarding the Minor's
10 behavior, at the Juvenile Hall, such as whether he is following the staff's instructions, "talking
11 back" or arguing with staff, doing his homework, receiving bad grades, being disruptive, or
12 fighting with staff.
13

14 74. As such, the Juvenile Court Judge indicated that he would send Plaintiff to "DJJ," if
15 he were to misbehave or receive negative "case notes," at the Juvenile Hall, pending resolution
16 of Plaintiff's juvenile delinquency case.
17

18 75. However, the Juvenile Court Judge also indicated that he would consider a less
19 severe disposition or sentence, if Plaintiff were to continue to behave and "run a good program,"
20 while at the Juvenile Hall.
21

22 76. Therefore, when the DOE nurse and DOE probation officer told Plaintiff that he was
23 not allowed to refuse the "estrogen," Plaintiff felt threatened, intimidated, and coerced into
24 taking the medication, as he did not want to receive any negative write-ups, for refusing to take
25 the estrogen as ordered by the medical staff and probation.
26
27
28

1 77. Accordingly, Defendants' nonviolent threats of severe consequences caused Plaintiff
2 to reasonably believe that if he exercised his right to privacy, bodily integrity, and due process,
3 by refusing to take the estrogen, Defendants would take actions of severe consequences against
4 him, which Defendants had the apparent ability to carry-out, which would lead to a harsher
5 punishment in his pending juvenile delinquency case.
6

7 78. Plaintiff was harmed by Defendants' nonviolent threats of severe consequences since
8 he was forced to take the estrogen which caused him to develop gynecomastia (i.e., female breast
9 tissue). He also experienced symptoms of depression, anxiety, acne and pimples, sleep
10 disorders, embarrassment, humiliation, lower self-esteem, and fear for his health and well-being.
11

12 79. Defendants' nonviolent threats of severe consequences were a substantial factor in
13 causing the foregoing harms, damages, and injuries since Plaintiff was threatened, intimidated,
14 and/or coerced into taking the estrogen and experienced immediate symptoms upon taking the
15 medication.
16

17 80. Plaintiff seeks general and special damages along with reasonable attorney fees and
18 costs pursuant to California Civil Code section 52.1, *et seq.*
19

20 **COUNT 3**

21 **California Constitution, Art. I, Sec. I – Right to Privacy in Bodily Integrity**

22 **[Alleged by Plaintiff Against Defendants, DANNY WANG, M.D., DAVID OH, M.D., and**

23 **DOES 1 through 100]**

24 81. Plaintiff, J.N., a Minor, by and through his Guardian Ad Litem, SONIA PATRICIA
25 ROMERO, hereby incorporates Paragraphs 1 through 80 herein to the following allegations.
26
27
28

1 82. Plaintiff alleges that Art. I, Sec. I, of the California Constitution provides him with
2 the constitutional right to make personal decisions or to conduct personal activities free of
3 interference, observation, or intrusion.
4

5 83. Plaintiff further alleges that this Right to Privacy, under Art. I, Sec. I, of the
6 California Constitution, broadly guarantees the freedom to choose to reject, or refuse to consent
7 to, intrusion of his or her bodily integrity, which encompasses the right to refuse unwanted
8 medication.
9

10 84. Additionally, Plaintiff alleges that he has a reasonable expectation of privacy to
11 choose to reject, or refuse to consent to, unwanted medication, while detained and in-custody, as
12 set forth by the written policies, practices, and procedures of the Juvenile Hall and the Board of
13 State and Community Corrections, which expressly provide Plaintiff with the right, ability, and
14 freedom to refuse non-emergency medication.
15

16 85. Plaintiff further alleges that he has a reasonable expectation of privacy to choose to
17 reject, or refuse to consent to, unwanted medication, while detained and in-custody at the
18 Juvenile Hall, since it was not medically appropriate to require Plaintiff to take estrogen;
19 Plaintiff was not a danger to himself or others; Plaintiff was not suffering any psychotic
20 symptoms nor was the medication intended to treat such symptomologies; and it was not in
21 Plaintiff's medical interests to take estrogen.
22

23 86. Plaintiff further alleges that he has a reasonable expectation of privacy to choose to
24 reject, or refuse to consent to, unwanted medication, while detained and in-custody, since it is
25 well-known, accepted, followed, and established, in the State of California, that Defendants were
26 not allowed to enter or invade Plaintiff's body; force any objects into his body; cause
27
28

1 physiological changes to his appearance; change his bodily chemistry and hormones; alter his
2 psychological functioning; nor medically treat him in any manner without obtaining the
3 appropriate consent.

4
5 87. The Defendants' conduct constituted a serious invasion of privacy since it further
6 violated the norms, customs, policies, procedures, and practices of a reasonable juvenile hall,
7 county jail, or state prison, in the State of California, by invading, entering, and altering
8 Plaintiff's body, without his consent.

9
10 88. Defendants intentionally intruded on Plaintiff's freedom of bodily integrity, which
11 encompasses the right to refuse unwanted medication, when they forced Plaintiff to take the
12 estrogen, by making non-violent threats of serious consequences (i.e., reporting him to the
13 Juvenile Court Judge who would send him to DJJ or prison for youths until he was twenty-three
14 (23) to twenty-four (24) years old).

15
16 89. Defendants' actions would be highly offensive to a reasonable person since every
17 person is guaranteed the freedom to choose to reject, or refuse to consent to, intrusion of his or
18 her bodily integrity, which encompasses the right to refuse unwanted medication. This right
19 further extends to persons who are detained, in-custody, and incarcerated at juvenile halls,
20 county jails, and state prisons throughout the State of California and is formalized in their written
21 policies and further set forth in various judicial decisions, opinions, and case law.

22
23 90. Plaintiff was harmed by the administration of the estrogen since he developed
24 gynecomastia (i.e., female breast tissue), fear, depression, anxiety, sleep disorders, acne,
25 pimples, low-confidence, embarrassment, ridicule, and humiliation, all of which he will need
26 medical treatment and intervention to address.

1 91. Defendants' conduct was a substantial factor in causing Plaintiff's harm since a
2 reasonable person would consider, conclude, and believe it to have contributed to Plaintiff's
3 damages. Due to Defendants forcing, coercing, compelling, threatening, and causing Plaintiff to
4 take the estrogen, he immediately developed the foregoing harms that he had not previously
5 experienced.
6

7 92. Accordingly, Plaintiff seeks general and special damages along with reasonable
8 attorney fees and costs.
9

10 **COUNT 4**

11 **Medical Negligence**

12 **[Alleged by Plaintiff Against Defendants, DANNY WANG, M.D., DAVID OH, M.D., and**
13 **DOES 1 through 100]**

14 93. Plaintiff, J.N., a Minor, by and through his Guardian Ad Litem, SONIA PATRICIA
15 ROMERO, hereby incorporates Paragraphs 1 through 92 herein to the following allegations.
16

17 94. Defendants, DANNY WANG, M.D., DAVID OH, M.D., and DOES 1 through 100
18 failed to use the level of skill, knowledge, and care in diagnosis, treatment, prescription and
19 administration of medications, and testing that other reasonably careful doctors, physicians,
20 nurses, or medical professionals would use in the same or similar circumstances.
21

22 95. Defendants have claimed that they accidentally prescribed the estrogen to Plaintiff,
23 who is a male youth, which was not medically appropriate, and constitutes conduct that falls
24 below the standard of care.
25
26
27
28

96. Defendants also medically treated Plaintiff without first obtaining informed consent from the minor and his parents or guardians which also constitutes conduct that falls below the standard of care.

97. Plaintiff was harmed by the administration of the estrogen since he developed gynecomastia (i.e., female breast tissue), fear, depression, anxiety, sleep disorders, acne, pimples, low-confidence, embarrassment, ridicule, and humiliation, all of which he will need medical treatment and intervention to address.

98. Negligence was a substantial factor in causing Plaintiff's harm since a reasonable person would consider that Defendants' conduct caused his foregoing damages.

99. Accordingly, Plaintiff seeks general and special damages along with reasonable attorney fees and costs.

COUNT 5

42 U.S.C. § 1983 – Fourteenth Amendment Right to Due Process in Bodily Integrity
[Alleged by Plaintiff Against Defendants, DANNY WANG, M.D., DAVID OH, M.D., and
DOES 1 through 100]

100. Plaintiff, J.N., a Minor, by and through his Guardian Ad Litem, SONIA PATRICIA ROMERO, hereby incorporates Paragraphs 1 through 99 herein to the following allegations.

101. Furthermore, Defendants, DANNY WANG, M.D., DAVID OH, M.D., and DOES 1 through 100 intentionally interfered with or attempted to interfere with Plaintiff's Right to Due Process, under the Fourteenth Amendment to the Constitution of the United States.

1 102. Plaintiff alleges that he had a liberty interest in bodily integrity which is one of the
2 personal rights accorded substantive protection under the Due Process Clause of the Fourteenth
3 Amendment to the Constitution of the United States.
4

5 103. Defendants prescribed and forcibly administered estrogen to Plaintiff, a male youth
6 who was detained at the Eastlake Juvenile Hall, without obtaining his and his parents' informed
7 consent.
8

9 104. Defendants prescribed and forcibly administered the estrogen to Plaintiff, a male
10 youth who was detained at the Eastlake Juvenile Hall, without allowing him to refuse the
11 medication, which he had attempted to do.
12

13 105. Defendants told Plaintiff that he was not allowed to refuse the estrogen thereby
14 causing Plaintiff to believe that Defendants would take actions of serious consequences against
15 him (i.e., causing him to be sent to the Department of Juvenile Justice which is the harshest level
16 of punishment for a juvenile), unless he allowed Defendants to invade his body and physically,
17 psychologically, emotionally, chemically, and hormonally alter him.
18

19 106. At the time that Plaintiff received this medical treatment, he did not have a serious
20 mental illness; Plaintiff was not a danger to himself or others; the treatment was not in Plaintiff's
21 medical interests; and Plaintiff was not being prescribed any anti-psychotic medications.
22

23 107. Furthermore, under the circumstances, there was no overriding justification for
24 prescribing estrogen to Plaintiff nor was there any determination of its medical appropriateness.
25

26 108. While Defendants determined that Plaintiff had "oppositional defiant disorder,"
27 which is associated with higher levels of testosterone and delinquency, there is no medical
28 evidence to support administering estrogen to a male youth, in order to treat ODD.

1 109. As such, any administration of estrogen to Plaintiff would be considered an
2 experimental treatment and without any support from the medical community.

3 110. Defendants consciously or through complete indifference disregarded the risk of
4 violating Plaintiff's right to bodily integrity, by entering, altering, treating, invading, testing,
5 sampling, and changing his body, without first obtaining his and his parents' informed consent.
6

7 111. Defendants further consciously or through complete indifference disregarded the
8 risk of violating Plaintiff's right to bodily integrity, when they did not allow Plaintiff to refuse to
9 take the estrogen, thereby causing him to feel that they would take actions leading to serious
10 consequences against him.
11

12 112. Defendants further consciously or through complete indifference disregarded the
13 risk of violating Plaintiff's right to bodily integrity, when they administered an experimental
14 treatment to Plaintiff, without obtaining his informed consent, for which he ultimately suffered
15 complications, side effects, injuries, and damages.
16

17 113. Defendants did not have any justifiable government interest in medically treating
18 Plaintiff without his or his parents' informed consent; forcibly administering a female hormone,
19 "estrogen," to this male youth; preventing Plaintiff from refusing to take the estrogen;
20 administering an experimental medical treatment that is lacking in any medical basis or support;
21 and by entering and altering Plaintiff's body without his consent to do so.
22

23 114. Plaintiff was harmed by the prescription and administration of the estrogen, which
24 was a substantial factor in causing his injuries, since he immediately developed gynecomastia
25 (i.e., female breast tissue), fear, depression, anxiety, sleep disorders, acne, pimples, low-
26
27
28

1 confidence, embarrassment, ridicule, and humiliation, all of which he will need medical
2 treatment and intervention to address.

3 115. Accordingly, Plaintiff seeks general and special damages along with reasonable
4 attorney fees and costs pursuant to 42 U.S.C. § 1988.
5

6 **COUNT 6**

7 **42 U.S.C. § 1983 – Municipal and Supervisorial Liability**

8 **[Alleged by Plaintiff Against Defendants, COUNTY OF LOS ANGELES, and DOES 1**
9 **through 100]**

10 116. Plaintiff, J.N., a Minor, by and through his Guardian Ad Litem, SONIA PATRICIA
11 ROMERO, hereby incorporates Paragraphs 1 through 115 herein to the following allegations.
12

13 117. Plaintiff alleges that the express policies and/or widespread and/or longstanding
14 customs and practices of Defendant, COUNTY OF LOS ANGELES, actually and proximately
15 caused Plaintiff's damages, including but not limited to, the deprivation of his Fourteenth
16 Amendment Right to Due Process, when Defendants medically treated, tested, assessed,
17 sampled, entered, invaded, and evaluated Plaintiff, without properly obtaining informed consent,
18 which led to his damages and injuries.
19

20 118. Particularly, Plaintiff's Fourteenth Amendment Right to Due Process was violated
21 when Defendants medically treated, assessed, and evaluated Plaintiff without first obtaining
22 informed consent when he first arrived at the Juvenile Hall.
23

24 119. Plaintiff's Fourteenth Amendment Rights were further violated when Defendants
25 invasively entered, tested, drew, sampled, and took blood and urine samples from Plaintiff,
26 without first obtaining his or his parents' informed consent.
27

120. Plaintiff's Fourteenth Amendment Right to Due Process was further violated when Defendants administered several medications to Plaintiff, including "estrogen" and three (3) vaccinations, without obtaining his informed consent or medical history.

121. These rights were further violated when he attempted to refuse the estrogen but was told by Defendants that he was not allowed to refuse it. These Defendants also caused Plaintiff to believe that his continued refusal would lead to serious consequences at the Juvenile Hall.

122. This estrogen was given to Plaintiff as an experimental treatment for oppositional defiant disorder which is associated with higher levels of testosterone and delinquency. However, there is no medical evidence to support the validity of giving minors estrogen as a treatment for ODD.

123. Additionally, Defendants continued to medically treat Plaintiff without obtaining sufficient, valid, and required informed consent from the Minor or his parents who were continuously never told the specific medical procedures that were being performed on their son.

124. These tortious actions that led to the violation of Plaintiff's Right to Due Process under the Fourteenth Amendment were caused by the unconstitutional practices, customs, and policies and deficient training of employees of the COUNTY OF LOS ANGELES.

125. The COUNTY OF LOS ANGELES is aware that prior to treating a Minor at the Juvenile Hall they need to first obtain informed consent. However, despite knowing that medical doctors, nurses, and professionals must first obtain informed consent prior to medically treating youths at the Juvenile Hall, by maintaining the following practices, customs, and policies, the COUNTY OF LOS ANGELES remains deliberately indifferent to the constitutional rights of its detained, in-custody youths.

1 126. First of all, the COUNTY OF LOS ANGELES will medically treat Minors, at the
2 Juvenile Hall, when they are first detained and brought into custody, without properly obtaining
3 informed consent of the Minor, parents, and/or legal guardians.

4 127. These practices, customs, and policies have led to medications being administered
5 the youths; invasive testing being conducted including blood draws, x-rays, and injections;
6 altering hormonal and body chemistry that may have physical and psychological effects; invasive
7 dental procedures being performed; and potential surgery related procedures.

8 128. Secondly, the COUNTY OF LOS ANGELES maintains the practice, custom, and
9 policy of treating Minors while relying on a vague, overbroad, unparticular, unspecific, and
10 boilerplate informed consent "form" that does not provide sufficient information to provide
11 voluntary consent.

12 129. Specifically, the informed consent form does not inform the Minor, parents, and/or
13 legal guardians of the nature, risks, problems, benefits, procedure, complications, necessity, and
14 options of any particular medical treatment.

15 130. Since the foregoing informed consent form does not provide the necessary
16 information to obtain voluntary and informed consent from the Minor, parents, and/or legal
17 guardians, this practice, custom, and policy is systemically leading to violations of the Right to
18 Due Process under the Fourteenth Amendment whereby doctors, nurses, and medical
19 professionals are treating Minors without actually obtaining their consent to do so.

20 131. Therefore, even in the event that a Minor and his or her parents or legal guardians
21 sign a boilerplate informed consent "form," at the Juvenile Hall, it does not provide sufficient
22

1 information and details to actually have obtained their consent for treatment, or to allow them the
2 option to refuse the treatment.

3 132. Thirdly, the COUNTY OF LOS ANGELES maintains the practice, custom, and
4 policy of not allowing Minors to refuse medical treatment, while forcing the administration of
5 medication that can be medically inappropriate, unnecessary, or dangerous.
6

7 133. Finally, the COUNTY OF LOS ANGELES maintains the practice, custom, and
8 policy of administering experimental medical treatments to the youth without having sufficient
9 medical support or evidence of its validity as a treatment, which is harmful to the Minors health,
10 safety, and well-being.
11

12 134. These experimental medical treatments can take the form of administering
13 medications, such as estrogen, to male youths, who they believe may be exhibiting symptoms of
14 oppositional defiant disorder or "ODD," which is correlated with higher levels of testosterone
15 and delinquency in Minors.
16

17 135. The COUNTY OF LOS ANGELES has been maintaining a practice, custom, and
18 policy of providing estrogen to detained, in-custody male youths, at the Juvenile Hall, in order to
19 experimentally treat symptoms of oppositional defiant disorder "ODD," reduce the amount of
20 testosterone in their body, and decrease any potential delinquency.
21

22 136. This practice, custom, and policy of providing estrogen to male youths is being
23 done without obtaining the necessary, sufficient, and appropriate informed consent from the
24 minors, parents, and/or legal guardians, who are not being apprised of the nature, consequences,
25 risks, benefits, side effects, and problems with the treatment, and are therefore not being given
26 the chance to refuse the experimental treatment.
27

1 137. Due to these practices, customs, policies, and deficient training, Plaintiff was
2 harmed by the administration of the estrogen since he developed gynecomastia (i.e., female
3 breast tissue), fear, depression, anxiety, sleep disorders, acne, pimples, low-confidence,
4 embarrassment, ridicule, and humiliation, all of which he will need medical treatment and
5 intervention to address.
6

7 138. Accordingly, Plaintiff seeks general and special damages along with reasonable
8 attorney fees and costs pursuant to 42 U.S.C. § 1988.
9

10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff, J.N., a Minor, by and through his Guardian Ad Litem, SONIA
12 PATRICIA ROMERO, respectfully requests entry of judgement, in his favor, against Defendants
13 as follows:

- 14 a) For general damages in an amount to be proven at trial;
15 b) For special damages in an amount to be proven at trial;
16 c) For interest at the time of trial;
17 d) For an award of reasonable attorney fees as to Plaintiff's claims under both C.C. §
18 52.1, *et seq.*, of the Tom Bane Civil Rights Act and Art. I, Sec. I, of the California
19 Constitution;
20 e) For an award of reasonable attorney fees as to Plaintiff's federal civil rights
21 claims pursuant to 42 U.S.C. § 1988;
22 f) For an award of litigation costs and expenses;
23 g) For any other equitable and legal relief that the Court deems just, proper, and
24 appropriate.
25
26
27
28

Respectfully submitted,

Date: 6/23/20

THE OUCHI LAW FIRM, A.P.C.



WESLEY G. OUCHI

Attorney for Plaintiff,

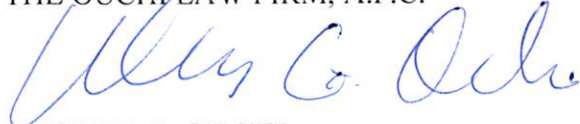
J.N., a Minor, by and through his Guardian Ad
Litem, SONIA PATRICIA ROMERO

DEMAND FOR JURY TRIAL

Plaintiff, J.N., a Minor, by and through his Guardian Ad Litem, SONIA PATRICIA ROMERO, hereby respectfully demands a trial by jury in this matter.

Respectfully submitted,

THE OUCHI LAW FIRM, A.P.C.



WESLEY G. OUCHI

Attorney for Plaintiff,

J.N., a Minor, by and through his Guardian Ad Litem, SONIA PATRICIA ROMERO

Date: 6/23/20