

1 BRIGGS LAW CORPORATION [FILE: 1939.00]  
Cory J. Briggs (SBN 176284)  
2 Nora Pasin (SBN 315730)  
99 East "C" Street, Suite 111  
3 Upland, CA 91786  
Telephone: 909-949-7115

4 Attorneys for Plaintiff Christopher Williams  
5  
6

**ELECTRONICALLY FILED**  
Superior Court of California,  
County of San Diego  
**08/04/2022** at 05:01:00 PM  
Clerk of the Superior Court  
By E- Filing, Deputy Clerk

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
8 COUNTY OF SAN DIEGO – HALL OF JUSTICE  
9

10 CHRISTOPHER WILLIAMS, 11 Plaintiff, 12 vs. 13 DAVID ARAMBULA; CITY OF LEMON GROVE; and DOES 1 through 1,000, 14 Defendants. 15	}	CASE NO. 37-2018-00023369-CU-PO-CTL <b>PLAINTIFF CHRISTOPHER WILLIAMS'S TRIAL BRIEF</b> Action Filed: March 01, 2017 Department: C-68 (Whitney) Trial Date: August 5, 2022 Trial Time: 9:00 a.m
---	---	--

16  
17  
18 Plaintiff Christopher Williams ("Plaintiff") respectfully submits this trial brief.

19 **I. INTRODUCTION**

20 This lawsuit centers around the assault and battery committed against Plaintiff by then-City of  
21 Lemon Grove ("City") Council Member David Arambula ("Arambula") when he met with the Council  
22 Member to discuss City business. The attack was brutal to say the least. Plaintiff was struck over the  
23 head with a bottle, punched relentlessly, and bit by Arambula causing him to be taken to Emergency  
24 Room for treatment and leaving him in a continuous and present state of emotional distress.

25 Plaintiff now brings forth this lawsuit against Arambula and the City for (i) Assault and Battery,  
26 (ii) Intentional Infliction of Emotional Distress, and (iii) Negligence. For his pain and suffering,  
27 Plaintiff is requesting general and special damages against both Defendants and exemplary and punitive  
28 damages against Arambula.

1 **II. BACKGROUND FACTS**

2 Plaintiff, a resident of the City, is a business man passionate about investing into the City. He  
3 wanted to open a series of medical marijuana dispensaries within the City to help draw in business. At  
4 some point after filing a series of applications to the City for permits to operate the dispensaries,  
5 Plaintiff received word from an acquaintance, Taisha Brown, that Arambula was hosting a meeting at  
6 his home to discuss upcoming City matters and invited him to join so that he could discuss his pending  
7 applications and plans for opening the medical marijuana dispensaries. Plaintiff believed that this  
8 would be a great opportunity to discuss his applications with City officials and confirmed with Ms.  
9 Brown that he would attend.

10 The meeting was held at the home of Arambula on the night of July 14, 2017. Among guests  
11 in attendance were Plaintiff, Ms. Brown, and then-City Mayor Racquel Vasquez (“Mayor Vasquez”).  
12 Although the meeting was held after business hours in a private residence, it was actually not out of the  
13 ordinary for the City. Mayor Vasquez’s personal work schedule made attending City business meetings  
14 during normal business hours an inconvenience and Arambula enjoyed the convenience, informality,  
15 and later hours of hosting City business meetings in his home. City Council Members were also known  
16 to host City business meetings in other locations outside of City Hall. For instance, City neighborhood  
17 watch meetings were held in people’s homes. Former Council Member Matt Mendoza even shared that  
18 he would hold City resident meetings at local restaurants in order to enjoy open seating, food and drink.

19 The meeting started off normal and in good spirits; then, the train quickly veered off the tracks.  
20 Arambula, who had been drinking through the course of the meeting, became intoxicated and had a shift  
21 in behavior. He went from slurring his words to skinny dipping in his pool to getting angry and  
22 throwing a glass against his wall. The attendees took this to mean that it was time to leave. After  
23 exchanging pleasantries with those departing, Plaintiff realized that he did not have his cell phone on  
24 him in order to obtain a ride home using a ride-sharing app. Plaintiff went back to Arambula’s home  
25 to retrieve his cell phone. Unfortunately for him, Arambula’s behavior went from bad to worse. While  
26 Plaintiff went to get his phone, Arambula, completely unprovoked, hit Plaintiff over the head with a  
27 bottle causing Plaintiff to fall on the ground. With Plaintiff on the ground, Arambula began viciously  
28 punching the back of Plaintiff’s head and his ribs. Plaintiff crouched down in attempt to block the

1 punches and Arambula began choking him. When Plaintiff was finally able to get Arambula off him,  
2 Arambula relentlessly continued to attack and ending up biting Plaintiff on the arm. Arambula  
3 eventually ended his attack, ordered Plaintiff to get out, and Plaintiff rushed home. Arambula never  
4 notified the police or the City about what he did.

5 Plaintiff was rushed to the Emergency Room by his partner Kathleen McClean. At the hospital,  
6 a deputy sheriff retrieved statements from Plaintiff and Ms. McClean after hospital staff reported  
7 Plaintiff's injuries to the police. Plaintiff shared that he was attacked, but was originally hesitant to  
8 name his assailant. At the time, Plaintiff was under the belief that Arambula was suffering from several  
9 medical diagnoses, including Post Traumatic Stress Disorder, and was concerned about Arambula  
10 getting into trouble.

11 Plaintiff filed this lawsuit against Arambula and the City for the assault and battery Arambula  
12 committed against him during the course and scope of a City business meeting.

### 13 **III. CAUSES OF ACTION**

14 Plaintiff is alleging three causes of action against both Arambula and the City: (i) Assault and  
15 Battery, (ii) Intentional Infliction of Emotional Distress, and (iii) Negligence.

16 Arambula committed the actions against Plaintiff and the City should also be found liable for  
17 his actions. The California Tort Claims Act provides that public employees are liable for their acts and  
18 omissions to the same extent as a private person and that public-entity employers are vicariously liable  
19 for employees' negligent acts within the scope of their employment to the same extent as private  
20 employers. GOV'T CODE § 815.2. If determined that the act arose from and was directly related to the  
21 elected official's performance of his or her official duties, the public entity shall be liable for the  
22 judgment as provided by law. GOV'T CODE § 815.3(b). But for the pendency of Plaintiff's City permit  
23 applications, he would have never been at Arambula's house that night with Arambula and Mayor  
24 Vasquez.

#### 25 **A. Assault and Battery**

26 Arambula, the sole aggressor in the attack, committed assault and battery against Plaintiff  
27 completely unprovoked. The assault and battery caused physical, emotional, and economic harm to  
28 Plaintiff.

1 “Generally speaking, an assault is a demonstration of an unlawful intent by one person to inflict  
2 immediate injury on the person of another then present.” *Plotnik v. Meihaus*, 208 Cal. App. 4th 1590,  
3 1603-1604 (2012)(internal citation omitted). “The essential elements of a cause of action for assault  
4 are: (1) defendant acted with intent to cause harmful or offensive contact, or threatened to touch plaintiff  
5 in a harmful or offensive manner; (2) plaintiff reasonably believed she was about to be touched in a  
6 harmful or offensive manner or it reasonably appeared to plaintiff that defendant was about to carry out  
7 the threat; (3) plaintiff did not consent to defendant’s conduct; (4) plaintiff was harmed; and (5)  
8 defendant’s conduct was a substantial factor in causing plaintiff’s harm.” *So v. Shin*, 212 Cal.App.4th  
9 652, 669 (2013). Arambula’s attack on Plaintiff constitutes assault because the evidence and testimony  
10 at trial will show that he attacked Plaintiff in order to cause harm to him without Plaintiff’s consent and  
11 the attack did cause harm to Plaintiff.

12 “The essential elements of a cause of action for battery are: (1) defendant touched plaintiff, or  
13 caused plaintiff to be touched, with the intent to harm or offend plaintiff; (2) plaintiff did not consent  
14 to the touching; (3) plaintiff was harmed or offended by defendant’s conduct; and (4) a reasonable  
15 person in plaintiff’s position would have been offended by the touching.” *So v. Shin, supra*, 212  
16 Cal.App.4th at 669. The element of intent is satisfied “if the evidence shows defendant acted with a  
17 willful disregard of the plaintiff’s rights. *Ashcraft v. King*, 228 Cal.App.3d 604, 609-610  
18 (1991)(internal citation omitted).

19 While the attack on Plaintiff was so severe that it landed him in the Emergency Room, there is  
20 no required level of harm of physical damages to constitute battery. “[F]orce against the person is  
21 enough; it need not be violent or severe, it need not cause bodily harm or even pain, and it need not  
22 leave any mark.” *People v. Mansfield*, 200Cal.App.3d 82, 88 (1988)(internal citation omitted).  
23 Arambula’s attack on Plaintiff constitutes battery because evidence and testimony at trial will show that  
24 the attack was committed without consent, caused harm to Plaintiff, and any reasonable person would  
25 have been offended by the attack.

26 **B. Intentional Infliction of Emotional Distress**

27 “A cause of action for intentional infliction of emotional distress exists when there is (1)  
28 extreme and outrageous conduct by the defendant with the intention of causing, or reckless disregard

1 of the probability of causing, emotional distress; (2) the plaintiff's suffering severe or extreme  
2 emotional distress; and (3) actual and proximate causation of the emotional distress by the defendant's  
3 outrageous conduct. A defendant's conduct is outrageous when it is so extreme as to exceed all bounds  
4 of that usually tolerated in a civilized community. And the defendant's conduct must be intended to  
5 inflict injury or engaged in with the realization that injury will result." *Hughes v. Pair*, 46 Cal.4th  
6 1035,1050-1051 (2009)(internal citations omitted).

7 Evidence and testimony at trial will show that Arambula's unprovoked attack on Plaintiff was  
8 outrageous and done with the intent of causing harm onto Plaintiff and Plaintiff now suffers sever  
9 emotional distress as a direct result of Arambula attacking him.

10 **C. Negligence**

11 The elements of a cause of action for negligence are: (a) a legal duty to use due care; (b) a breach  
12 of such legal duty; and (c) the breach as the proximate or legal cause of the resulting injury. *Ladd v.*  
13 *County of San Mateo*, 12 Cal.4th 913, 917 (1996). Breach is defined as "the failure to meet the standard  
14 of care." *Coyle v. Historic Mission Inn Corp.*, 24 Cal.App.5th 627, 643 (2018). "The element of  
15 causation requires there to be a connection between the defendant's breach and the plaintiff's injury."  
16 *Id.* at 645.

17 The evidence and testimony at trial will show that because Arambula injured Plaintiff and  
18 inflicted emotional distress on him, he did not conduct himself as a reasonably prudent person would  
19 have conducted himself on the night he attacked Plaintiff. The evidence and testimony at trial will also  
20 show that City leadership and management knew Arambula, among other Council Members, had a  
21 practice of conducting official City business at his home and other private locations and never prevented  
22 the practice from occurring.

23 **IV. REMEDIES AND RELIEF**

24 Plaintiff seeks compensatory damages against both Defendants and exemplary and punitive  
25 damages against Arambula. Because of Arambula's harmful actions, Plaintiff is responsible for medical  
26 expenses for the treatment he received after Arambula attacked him and continues to suffer emotional  
27 distress to present day. Plaintiff seeks payment for the medical expenses and emotional distress  
28 suffered. Punitive damages should be awarded against Arambula for his harmful and reprehensible  
behavior.

**V. WITNESS SCHEDULING**

Plaintiff is not aware of any date-certain scheduling needs at this time. At the moment, Plaintiff intends to call Mayor Vasquez first.

Date: August 5, 2022.

Respectfully submitted,

BRIGGS LAW CORPORATION

*Nora Pasin*

By:

\_\_\_\_\_  
Nora Pasin

Attorneys for Plaintiff Christopher Williams

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

PROOF OF SERVICE

1. My name is Ruth Flores. I am over the age of eighteen. I am employed in the State of California, County of San Bernardino.

2. My business residence address is Briggs Law Corporation, 99 East "C" Street, Suite 111, Upland, CA 91786

3. On August 4, 2022, I served an original copy a true and correct copy of the following documents: PLAINTIFF CHRISTOPHER WILLIAMS'S TRIAL BRIEF

4. I served the documents on the person(s) identified on the attached mailing/service list as follows:

by personal service. I personally delivered the documents to the person(s) at the address(es) indicated on the list.

by U.S. mail. I sealed the documents in an envelope or package addressed to the person(s) at the address(es) indicated on the list, with first-class postage fully prepaid, and then I

deposited the envelope/package with the U.S. Postal Service

placed the envelope/package in a box for outgoing mail in accordance with my office's ordinary practices for collecting and processing outgoing mail, with which I am readily familiar. On the same day that mail is placed in the box for outgoing mail, it is deposited in the ordinary course of business with the U.S. Postal Service.

I am a resident of or employed in the county where the mailing occurred. The mailing occurred in the city of , California.

by overnight delivery. I sealed the documents in an envelope/package provided by an overnight-delivery service and addressed to the person(s) at the address(es) indicated on the list, and then I placed the envelope/package for collection and overnight delivery in the service's box regularly utilized for receiving items for overnight delivery or at the service's office where such items are accepted for overnight delivery.

by facsimile transmission. Based on an agreement of the parties or a court order, I sent the documents to the person(s) at the fax number(s) shown on the list. Afterward, the fax machine from which the documents were sent reported that they were sent successfully.

by e-mail delivery. Based on an agreement of the parties or a court order, I sent the documents to the person(s) at the e-mail address(es) shown on the list. I did not receive, within a reasonable period of time afterward, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the United States of the State of California that the foregoing is true and correct.

Date: August 4, 2022

Signature: Ruth Flores

## SERVICE LIST

*Christopher Williams vs. Lemon Grove*

Superior Court of the State of California Case No. 37-2018-00023369-CU-PO-CTL

---

Kimberly S. Oberrecht  
Nathaniel J. Michels  
HORTON, OBERRECHT & KIRKPATRICK  
101 W. Broadway, Suite 600  
San Diego, California 92101  
Telephone: (619) 232-1183  
[koberrecht@hortonfirm.com](mailto:koberrecht@hortonfirm.com)  
[nmichels@hortonfirm.com](mailto:nmichels@hortonfirm.com)  
[pparish@hortonfirm.com](mailto:pparish@hortonfirm.com)

*Attorneys for Defendant CITY OF LEMON  
GROVE*

Kathryn Lee Colgan  
Emily M. Straub  
TYSON & MENDES LLP  
5661 La Jolla Boulevard  
La Jolla, CA 92037  
Telephone: (858) 459-4400  
[klee@tysonmendes.com](mailto:klee@tysonmendes.com)  
[estraub@tysonmendes.com](mailto:estraub@tysonmendes.com)  
Legal Assistant: Marlina Vaughn:  
[mvaughn@tysonmendes.com](mailto:mvaughn@tysonmendes.com)

*Attorneys for Defendant DAVID  
ARAMBULA*