

Federal judge rules that a lawsuit against LAPD for running over a peaceful protester with their SUV may go to trial

LAPD sought dismissal, arguing that the officers did nothing wrong; a US District Judge said there could be a good argument that police used excessive force

LOS ANGELES, CALIFORNIA, UNITED STATES, September 21, 2022 /EINPresswire.com/ -- A federal

“

We are confident that a jury will recognize that it was completely unreasonable for the LAPD officers to rapidly accelerate the police vehicle towards innocent people...”

Employment Attorney V. James DeSimone

judge has determined that a lawsuit accusing the LAPD of violating a peaceful protester’s civil rights by ramming her with an SUV may proceed to trial, thwarting the city’s efforts to have the lawsuit dismissed.

[U.S. District Judge Cormac Carney’s](#) Sept. 19 order denying LAPD’s bid for summary judgment clears the way for a jury to hear the case. The city argued there were no grounds for a lawsuit because the officers did nothing wrong. Carney disagreed.

“Here, the evidence viewed in the light most favorable to

Plaintiff could support a finding of excessive force,” Carney wrote.

Brooke Fortson, of Los Angeles, was among those peacefully protesting George Floyd’s killing who gathered at Pershing Square on May 31, 2020. Television footage shows an LAPD SUV suddenly accelerating into people in the street, hitting Fortson and causing her multiple injuries, before reversing, turning around and speeding away.

“Officer (Nicholas) Illsley, at Officer (Jovanna) Hernandez’s urging, drove a car into an intersection when people were still in it,” Carney wrote. “He did not turn on his lights or sirens, order the protestors to disperse over the car’s loudspeaker, drive forward more slowly, or reverse or turn out of the intersection.

“When watching the overhead footage, a juror could view Officer Illsley’s acceleration as unnecessarily fast and dangerous, especially since Plaintiff was not engaging in any criminal activity or posing any immediate threat or danger to the officers.”

Fortson's civil rights attorney, [V. James DeSimone](#), of V. James DeSimone Law, said he's eager to bring this case to a jury. "Instead of accepting responsibility for its reckless conduct which injured Brooke Fortson, who was peacefully exercising her First Amendment rights, the LAPD doubled down on its misconduct by trying to have the case kicked out of court," DeSimone said. "We are grateful that the court rejected this attempt and emphasized that this is a case that a jury will have to decide."

DeSimone added: "We are confident that a jury will recognize that it was completely unreasonable for the LAPD officers to rapidly accelerate the police vehicle towards innocent people who had no reason to expect they would do so. As Judge Carney noted, 'Defendants claim that Officer Illsley accelerated forward rapidly because protestors were attacking the car, but the video footage does not show any violent behavior by the protestors before the car hit Plaintiff.'"

Fortson said she's ready for her day in court. "I am thankful that we achieved this next step towards justice and I am hopeful that ultimate justice can be achieved through the legal process," she said.

LAPD violated Fortson's First and Fourth Amendment rights, and her civil rights under California's Bane Act, through their use of excessive force, the lawsuit states. Fortson v. The City of Los Angeles (Case No: 2:21-cv-00384-CJC-GJS) was filed Oct. 1, 2021, in U.S. District Court, Central District of California.

Los Angeles employment and civil rights attorney V. James DeSimone has dedicated his 35-year law career to providing vigorous and ethical representation to achieve justice for those whose civil and constitutional rights are violated.

Robert Frank
Newsroom Public Relations
+1 206-790-6324
[email us here](#)

This press release can be viewed online at: <https://www.einpresswire.com/article/592059675>

EIN Presswire's priority is source transparency. We do not allow opaque clients, and our editors try to be careful about weeding out false and misleading content. As a user, if you see something we have missed, please do bring it to our attention. Your help is welcome. EIN Presswire, Everyone's Internet News Presswire™, tries to define some of the boundaries that are reasonable in today's world. Please see our Editorial Guidelines for more information.

© 1995-2022 Newsmatics Inc. All Right Reserved.