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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES NEUROTH, Individually and as)
Successor in Interest of Decedent STEVEN)
KELLOGG NEUROTH,)

Plaintiff,)

vs.)

MENDOCINO COUNTY, a public entity;)
MENDOCINO COUNTY SHERIFF-)
CORONER THOMAS D. ALLMAN,)
individually; CORRECTIONS CAPTAIN TIM)
PEARCE; SERGEANT LORI KNAPP;)
DEPUTY FRANK MASTERSON; DEPUTY)
CRAIG BERNARDI; DEPUTY MICHAEL)
GRANT; DEPUTY JEANETTE HOLM;)
DEPUTY ROBERT PAGE; DEPUTY)
CHRISTINE DE LOS SANTOS; CITY OF)
WILLITS, a public entity; WILLITS POLICE)
OFFICER KEVIN LEEF; CALIFORNIA)
FORENSIC MEDICAL GROUP,)
INCORPORATED, a California corporation;)
TAYLOR FITHIAN, M.D.; JENNIFER L.)
CAUDILLO, L.V.N., and COUNTY)
DEPUTIES DOES 9–20, and DOES 23–35,)
individually, jointly, and severally,)

Defendants.)

Case No. 1:15-CV-03226-NJV

**THIRD AMENDED COMPLAINT
FOR DAMAGES AND DEMAND
FOR JURY TRIAL**

1 Plaintiff, by and through his attorneys, HADDAD & SHERWIN LLP, for his Third
2 Amended Complaint against Defendants, states as follows:

3 JURISDICTION

4 1. This is a civil rights wrongful death/survival action arising under 42 U.S.C. §§ 1983
5 and 1988, and the Fourth and Fourteenth Amendments to the United States Constitution, and the
6 laws and Constitution of the State of California. Jurisdiction is conferred upon this Court by 28
7 U.S.C. §§ 1331 and 1343. Plaintiff further invokes the supplemental jurisdiction of this Court
8 pursuant to 28 U.S.C. § 1367, to hear and decide claims arising under state law. The amount in
9 controversy herein, excluding interest and costs, exceeds the minimum jurisdictional limit of this
10 Court.

11 INTRADISTRICT ASSIGNMENT

12 2. A substantial part of the events and/or omissions complained of herein occurred in
13 the County of Mendocino, California, and this action is properly assigned to the Oakland or San
14 Francisco Division of the United States District Court for the Northern District of California.

15 PARTIES AND PROCEDURE

16 3. Plaintiff JAMES NEUROTH is the brother of Decedent STEVEN NEUROTH and a
17 resident of the State of California. Plaintiff JAMES NEUROTH brings these claims individually
18 and as successor in interest for Decedent STEVEN NEUROTH pursuant to California Code of Civil
19 Procedure §§ 377.10 et seq. Decedent STEVEN NEUROTH had no children, and his parents are
20 deceased, making his brother, Plaintiff JAMES NEUROTH, entitled to intestate succession as his
21 next of kin.

22 4. Plaintiff brings these claims pursuant to California Code of Civil Procedure §§
23 377.20 et seq. and 377.60 et seq., which provide for survival and wrongful death actions. Plaintiff
24 also brings his claims individually and on behalf of Decedent STEVEN NEUROTH on the basis of
25 42 U.S.C. §§ 1983 and 1988, the United States Constitution, federal and state civil rights law, and
26 California law.

1 5. Defendant COUNTY OF MENDOCINO (“COUNTY”) is a public entity, duly
2 organized and existing under the laws of the State of California. Under its authority, the COUNTY
3 operates the Mendocino County Sheriff’s Office (MCSO).

4 6. Defendant SHERIFF-CORONER THOMAS D. ALLMAN (“ALLMAN”), at all
5 times mentioned herein, was employed by Defendant COUNTY as Sheriff-Coroner for the
6 COUNTY, and he was acting within the course and scope of that employment. In that capacity,
7 Defendant ALLMAN was a policy making official for the COUNTY OF MENDOCINO. Further,
8 Defendant ALLMAN was ultimately responsible for the provision of medical care to inmates at the
9 jails, including assessing inmates for possible mental health needs, and all CFMG policies,
10 procedures, and training related thereto. He is being sued individually.

11 7. Defendant CORRECTIONS CAPTAIN TIM PEARCE (“PEARCE”), at all times
12 mentioned herein, was employed by Defendant COUNTY as Captain and Commander of the
13 Corrections Division, including the jail, for the COUNTY, and he was acting within the course and
14 scope of that employment. In that capacity, Defendant PEARCE was a policy making official for
15 the COUNTY OF MENDOCINO. Further, Defendant PEARCE was responsible for the general
16 management and control of the Corrections Division, with primary authority and responsibility for
17 the operations, staff assignments, program development, personnel supervision and training,
18 maintenance and auxiliary inmate services at the jail, subordinate only to the Sheriff and/or
Undersheriff.

19 8. Defendant SERGEANT LORI KNAPP (“KNAPP”), at all times mentioned herein,
20 was employed by Defendant COUNTY as a sergeant and supervisor at the jail, and was acting
21 within the course and scope of that employment.

22 9. Defendant DEPUTY FRANK MASTERSON (“MASTERSON”), at all times
23 mentioned herein, was employed by Defendant COUNTY as a corrections deputy at the jail, and
24 was acting within the course and scope of that employment.

25 10. Defendant DEPUTY CRAIG BERNARDI (“BERNARDI”), at all times mentioned
26 herein, was employed by Defendant COUNTY as a corrections deputy at the jail, and was acting
27 within the course and scope of that employment.

1 11. Defendant DEPUTY MICHAEL GRANT (“GRANT”), at all times mentioned
2 herein, was employed by Defendant COUNTY as a corrections deputy at the jail, and was acting
3 within the course and scope of that employment.

4 12. Defendant DEPUTY JEANETTE HOLUM (“HOLUM”), at all times mentioned
5 herein, was employed by Defendant COUNTY as a corrections deputy at the jail, and was acting
6 within the course and scope of that employment.

7 13. Defendant DEPUTY ROBERT PAGE (“PAGE”), at all times mentioned herein, was
8 employed by Defendant COUNTY as a corrections deputy at the jail, and was acting within the
9 course and scope of that employment.

10 14. Defendant DEPUTY CHRISTINE DE LOS SANTOS (“DE LOS SANTOS”), at all
11 times mentioned herein, was employed by Defendant COUNTY as a corrections deputy at the jail,
12 and was acting within the course and scope of that employment.

13 15. Defendant CITY OF WILLITS is a public entity, duly organized and existing under
14 the laws of the State of California. Under its authority, the CITY operates the Willits Police
15 Department.

16 16. Defendant WILLITS POLICE OFFICER KEVIN LEEF (“LEEF”), at all times
17 mentioned herein, was employed by Defendant CITY OF WILLITS as a police officer, and was
18 acting within the course and scope of that employment. Defendants MENDOCINO COUNTY,
19 CITY OF WILLITS, and OFFICER KEVIN LEEF intentionally concealed the extent and nature of
20 LEEF’S involvement in STEVEN NEUROTH’S death, and LEEF’S abusive and torturous
21 mistreatment of STEVEN NEUROTH while he was in psychiatric crisis. Plaintiff only discovered
22 LEEF’S misconduct and the extent of LEEF’S involvement after the COUNTY produced
disclosures in this matter on or about March 31, 2016.

23 17. Defendant COUNTY DEPUTIES DOES 9–20 were each at all times herein
24 mentioned deputy sheriffs employed by Defendant COUNTY, and each was acting within the
25 course and scope of that employment.

26 18. In engaging in the conduct described herein, Defendant COUNTY DEPUTIES
27 DOES 9–20 acted under the color of law and in the course and scope of their employment with the
28 COUNTY.

1 19. Defendant CALIFORNIA FORENSIC MEDICAL GROUP, INC. ("CFMG"), was at
2 all times herein mentioned, a California corporation licensed to do business in California.
3 Defendant CFMG provided medical and nursing care to prisoners and detainees in Mendocino
4 County jails, pursuant to contract with the COUNTY OF MENDOCINO. On information and
5 belief, CFMG and its employee and agent Defendant TAYLOR FITHIAN, M.D., are responsible
6 for making and enforcing policies, procedures, and training related to the medical care of prisoners
7 and detainees in Defendant COUNTY OF MENDOCINO's jails, including assessing inmates for
8 mental health needs.

9 20. Defendant TAYLOR FITHIAN, M.D. ("FITHIAN") was at all times herein
10 mentioned a physician licensed to practice medicine in the State of California, an employee and/or
11 agent of Defendant CFMG, working as the medical director of Defendant COUNTY's jails
12 responsible for overseeing and providing medical care to prisoners and detainees, and he was acting
13 within the course and scope of that employment. In that capacity, Defendant FITHIAN was a
14 policy making official for CFMG. On information and belief, Defendant FITHIAN was ultimately
15 responsible for CFMG's provision of medical care to inmates at the jails, including assessing
16 inmates for possible mental health needs, and all CFMG policies, procedures, and training related
17 thereto.

18 21. Defendant JENNIFER CAUDILLO, L.V.N. ("CAUDILLO") was at all times herein
19 mentioned employed by Defendant CFMG as a licensed vocational nurse in Defendant COUNTY
20 OF MENDOCINO's jails, and was acting within the course and scope of that employment. On
21 information and belief, Defendant CAUDILLO performed the intake medical assessment on
22 Decedent when he was booked into jail, and failed to follow appropriate protocols for assessing,
23 monitoring, and treating Decedent STEVEN NEUROTH, including failing to summon medical care
24 for Decedent STEVEN NEUROTH despite his exhibiting symptoms consistent with having a
25 medical and/or mental-health emergency requiring immediate transfer to a hospital for inpatient
26 emergency and psychiatric treatment.

27 22. Plaintiff is ignorant of the true names and capacities of Defendant DOES 9-20, 23-35
28 ("REMAINING DEFENDANT DOES") and therefore sues these Defendants by such fictitious
names. Plaintiff is informed and believes and thereon alleges that each Defendant so named is

1 responsible in some manner for the injuries and damages sustained by Plaintiff as set forth herein.
2 Plaintiff will amend his complaint to state the names and capacities of remaining DOE
3 DEFENDANTS when they have been ascertained.

4 23. Plaintiff is informed and believes and thereon alleges that each of the Defendants
5 was at all material times an agent, servant, employee, partner, joint venturer, co-conspirator, and/or
6 alter ego of the remaining Defendants, and in doing the things herein alleged, was acting within the
7 course and scope of that relationship. Plaintiff is further informed and believes and thereon alleges
8 that each of the Defendants herein gave consent, aid, and assistance to each of the remaining
9 Defendants, and ratified and/or authorized the acts or omissions of each Defendant as alleged
10 herein, except as may be hereinafter specifically alleged. At all material times, each Defendant was
11 jointly engaged in tortious activity and an integral participant in the conduct described herein,
12 resulting in the deprivation of Plaintiff's and Decendent's constitutional rights and other harm.

13 24. The acts and omissions of all DEFENDANTS as set forth herein, except for
14 Defendants CITY OF WILLITS and OFFICER LEEF, were at all material times pursuant to the
15 actual customs, policies, practices and procedures of the COUNTY, the Mendocino County
16 Sheriff's Office and/or CFMG. The acts and omissions of Defendant WILLITS POLICE OFFICER
17 KEVIN LEEF were at all material times pursuant to the actual customs, policies, practices and
18 procedures of the CITY OF WILLITS and the Willits Police Department.

19 25. At all material times, each Defendant acted under color of the laws, statutes,
20 ordinances, and regulations of the State of California and either Mendocino County or the City of
21 Willits.

22 26. Plaintiff timely and properly filed a tort claim pursuant to California Government
23 Code sections 910 et seq., and this action is timely filed within all applicable statutes of limitation.

24 27. This complaint may be pled in the alternative pursuant to Federal Rule of Civil
25 Procedure 8(d).

26 28. This Third Amended Complaint is being filed pursuant to the District Court's
27 "Amended Order on Motion to Dismiss," dated January 29, 2016, to reflect the rulings already
28 made in that order (Doc. 39). Further, Plaintiff, and all named Defendants herein, have additional
facts supporting Plaintiff's claims that Plaintiff is precluded from stating in this amended complaint

1 due to Defendants' improper confidentiality designations over documents and audio and video
2 recordings produced in this matter, and which presently are the subject of Plaintiff's motion
3 challenging confidentiality designations (Doc. 55).

4 **GENERAL ALLEGATIONS**

5 29. Plaintiff realleges each and every paragraph in this complaint as if fully set forth
6 here.

7 30. STEVEN NEUROTH was a mentally ill man, having been diagnosed with paranoid
8 schizophrenia, schizo-affective disorder, and depression. When STEVEN NEUROTH died, he was
9 fifty-five years old; he was about 5'9" tall, and he weighed about 156 lbs.

10 31. On or about June 10, 2014, at approximately 10:00 p.m., Willits Police Department
11 Officer Andrade and Defendant Officer LEEF contacted STEVEN NEUROTH in public, who was
12 in a psychiatric crisis, paranoid and delusional, and told the officers that an unknown person was
13 after him, and that all the traffic in Willits was going to hurt him. Plaintiff is informed and believes
14 and thereon alleges Defendant Officer LEEF believed that taking a person who is "5150" (in
15 psychiatric crisis and either unable to care for himself or a danger to himself or others pursuant to
16 Welfare and Institutions Code § 5150) to jail is always preferable to taking them to a hospital for
17 emergency psychiatric care, and further he would rather take STEVEN NEUROTH to the
18 MENDOCINO COUNTY jail than sit at a hospital with STEVEN NEUROTH. Plaintiff is
19 informed and believes and thereon alleges that Defendant COUNTY's refusal to provide any
20 psychiatric inpatient acute care anywhere within the COUNTY creates a disincentive for law
21 enforcement officers within the COUNTY to take people suffering from psychiatric emergencies to
22 a hospital for needed treatment, as the officers must transport the person several miles outside the
23 county and wait with him or her until admission. Defendant COUNTY'S deliberate indifference
24 and reckless disregard for the wellbeing of mentally ill patients within the COUNTY causes
25 mentally ill persons in psychiatric crisis to be taken to MENDOCINO COUNTY jail, instead of to a
26 hospital where they can receive emergency and necessary psychiatric treatment. Officer Andrade
27 and Defendant LEEF discussed having a family member come to pick up STEVEN NEUROTH,
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1 and STEVEN told them to call his brother, Plaintiff JAMES NEUROTH. Officers Andrade and
2 LEEF instead arrested STEVEN NEUROTH on suspicion that he was under the influence of a
3 controlled substance in violation of California Health & Safety Code § 11550(a). According to the
4 officers' report(s), STEVEN NEUROTH was "extremely paranoid," "believed someone was out to
5 'kill him,'" and "was going through a psychosis state." Once STEVEN NEUROTH was in the
6 officers' patrol car, he told them that there were "snakes" on the patrol car's floor, and "started to
7 scream." On information and belief, when Defendant LEEF was transporting STEVEN
8 NEUROTH, Defendant LEEF intentionally provoked, agitated, and terrorized STEVEN
9 NEUROTH, including by repeatedly yelling, "snakes!" and causing STEVEN NEUROTH's mental
10 disturbance and paranoia to further escalate. Defendant Officer LEEF transported STEVEN
11 NEUROTH to the Mendocino County jail, where he was booked and held as a pretrial detainee. At
12 the time of booking, Decedent did not have any apparent physical injuries. On information and
13 belief, Defendant LEEF did not inform jail staff that STEVEN NEUROTH's paranoid, aggravated,
14 and disoriented mental condition was due in part to LEEF's intentional provocation and mental
15 torture of STEVEN NEUROTH before bringing him to the jail. LEEF's emotional abuse and
16 intentional provocation of STEVEN NEUROTH made it much more difficult for STEVEN
17 NEUROTH to understand or follow lawful directions.

18 32. On information and belief, Defendant LEEF knew or must have known that
19 STEVEN NEUROTH was in need of emergency psychiatric care, known as a "5150 hold," because
20 STEVEN NEUROTH was a danger to himself due to his mental disturbance and impairment.
21 Because the COUNTY closed its psychiatric health facility in 1999 as described in more detail
22 herein, and as Defendant SHERIFF ALLMAN has been quoted, "In Mendocino County, since there
23 is no inpatient psychiatric facility where this 72-hour holding can occur, this assessment, called a
24 5150, often means a trip to the county jail," Defendant LEEF chose to transport and book STEVEN
25 NEUROTH for a minor crime at the jail, rather than take STEVEN NEUROTH to a psychiatric
26 facility in another county as required for his serious psychiatric needs.

1 33. At about 11:40 p.m. on the day of STEVEN NEUROTH'S arrest, on information and
2 belief, Defendant JENNIFER CAUDILLO, L.V.N., and possibly other named Defendants and/or
3 remaining DOES, performed the jail's intake medical and mental health assessment on STEVEN
4 NEUROTH. As a matter of California law, as a Licensed Vocational Nurse, Defendant
5 CAUDILLO was not competent and was not permitted by her license to conduct an intake medical
6 or mental health assessment on an inmate, including STEVEN NEUROTH. According to the
7 Coroner's Investigator's Report, Defendant CAUDILLO took STEVEN NEUROTH's vital signs.
8 Defendant CAUDILLO noted that STEVEN NEUROTH's heart beat was 129 beats per minute,
9 which indicated that he was suffering from tachycardia, given that a healthy adult heart normally
10 beats 60–100 times per minute. Defendant CAUDILLO further noted both that STEVEN
11 NEUROTH's blood pressure was 151/92, whereas normal blood pressure is less than 120/80, and
12 that his respiration rate was 18 breaths per minute, whereas the respiration rate for a normal adult is
13 12 breaths per minute. Defendant CAUDILLO noted that STEVEN NEUROTH was "very
14 paranoid." Defendant CAUDILLO and any other Defendant involved in STEVEN NEUROTH's
15 intake had actual knowledge that STEVEN NEUROTH was in extreme medical and psychiatric
16 distress and in need of emergency medical/psychiatric care, and she/they decided not to provide or
17 request such necessary care for STEVEN NEUROTH, and she/they decided not to secure, or
18 request, such necessary treatment for STEVEN NEUROTH in a hospital.

19 34. On information and belief, Defendants CAUDILLO and the remaining DOE
20 DEFENDANTS knew and/or must have known that STEVEN NEUROTH had serious medical and
21 psychiatric needs requiring emergency treatment, care, and hospitalization, and that with deliberate
22 indifference to such needs, Defendant CAUDILLO and/or remaining DOES caused STEVEN
23 NEUROTH to be deprived of such necessary, life-saving medical and psychiatric care.

24 35. At approximately 11:30 p.m. on June 10, 2014, while jail and CFMG staff had actual
25 knowledge that STEVEN NEUROTH was apparently psychotic, paranoid, and suffering from
26 serious medical/psychiatric needs, Defendants were deliberately indifferent to those serious
27 medical/psychiatric needs, and denied STEVEN NEUROTH necessary medical and/or psychiatric
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1 care, including necessary emergency care. Defendants were deliberately indifferent to STEVEN
2 NEUROTH's safety and medical/psychiatric needs in their jail placement, assessment, and custody
3 decisions. On information and belief, due to such deliberate indifference, STEVEN NEUROTH's
4 medical/psychiatric condition deteriorated, and on information and belief, STEVEN NEUROTH
5 became unable to care for himself or to understand and follow the commands and directives of jail
6 personnel.

7 36. When STEVEN NEUROTH allegedly acted paranoid and was briefly uncooperative
8 but not aggressive or threatening in any way, Defendants LEEF, KNAPP, MASTERSON,
9 BERNARDI, GRANT, HOLUM, PAGE, and DE LOS SANTOS used a high level of injurious
10 force against STEVEN NEUROTH that was sufficient to cause his death. On information and
11 belief, such injurious force was used against STEVEN NEUROTH in the Sobering Cell and then
12 continued after he was carried out in handcuffs and leg restraint shackles and placed in Safety Cell
13 No. 2. On information and belief, among other uses of force, Defendants MASTERSON and
14 BERNARDI participated in slamming STEVEN NEUROTH to the floor of the Sobering Cell while
15 he was still handcuffed. In the Sobering Cell, Defendants MASTERSON and BERNARDI, were
16 quickly joined by Defendants LEEF, KNAPP, GRANT, and HOLUM, who integrally participated
17 in the uses of force against STEVEN NEUROTH, including painful control holds, improper
18 restraint impairing STEVEN NEUROTH'S ability to breathe, and other significant force. In the
19 Sobering Cell and Safety Cell No. 2, Defendants LEEF, KNAPP, MASTERSON, BERNARDI,
20 GRANT, HOLUM, PAGE, and DE LOS SANTOS integrally participated in the use of very high
21 levels of force against STEVEN NEUROTH over more than sixteen minutes, including multiple
22 closed fist strikes, control holds, pain compliance holds including "figure 4" leg restraints and wrist
23 locks, and very substantial compression to STEVEN NEUROTH's neck and back impairing his
24 respiration. On information and belief, at one point while Defendants were applying great
25 concerted force on STEVEN NEUROTH's legs and joints with a "figure 4" pain compliance hold, a
26 female Defendant threatened to the effect, "Your leg is going to break if you move it." Defendant
27 KNAPP also threatened STEVEN NEUROTH with her Taser. Most of this concerted force against
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1 STEVEN NEUROTH was done while he was already fully restrained in both handcuffs and leg
2 shackles. Before and during the time that Defendants used and permitted the use of such extreme
3 and unnecessary force, STEVEN NEUROTH was repeatedly pleading with Defendants not to hurt
4 him or kill him with statements such as, "I'm not a bad guy," "Please don't hurt me, please don't
5 hurt me, please don't hurt me," "God help me," "Please don't let me die," and "Please don't kill me,
6 please don't kill me." Defendants killed STEVEN NEUROTH, who never posed an immediate
7 threat to anyone to justify the high level of injurious force used and permitted against him in the jail.

8 37. Additionally, on information and belief, Defendants LEEF, KNAPP, MASTERSON,
9 BERNARDI, GRANT, HOLUM, PAGE, and DE LOS SANTOS subjected STEVEN NEUROTH
10 to improper and excessive restraint, leading to restraint associated asphyxia (or positional asphyxia)
11 and death. During this entire incident over sixteen minutes, after Defendants slammed STEVEN
12 NEUROTH to the floor, Defendants LEEF, KNAPP, MASTERSON, BERNARDI, GRANT,
13 HOLUM, PAGE, and DE LOS SANTOS improperly restrained STEVEN NEUROTH in a prone,
14 face down position, contrary to generally accepted law enforcement and corrections standards (*see*,
15 *Drummond v. City of Anaheim*, 343 F.3d 1052, 1056-57 (9th Cir. 2003), *cert. den.* 542 U.S. 918
16 (2004)), in violation of Defendants' own training, and in violation of MCSO's written policies and
17 procedures. Section 1058 of Title 15 of the California Code of Regulations provides that restraints
18 should not be used as a substitute for treatment. On information and belief, for several minutes,
19 with or without Defendant PAGE involved, Defendants KNAPP, MASTERSON, BERNARDI,
20 GRANT, HOLUM, and DE LOS SANTOS used their combined weight to press STEVEN
21 NEUROTH to the floor while he was laying prone, on his stomach. Defendants KNAPP,
22 MASTERSON, BERNARDI, GRANT, HOLUM, PAGE, and DE LOS SANTOS continued to
23 apply great pressure to STEVEN NEUROTH's back until he became silent, motionless and limp,
24 then Defendants left STEVEN NEUROTH face down with his hands still resting on his own lower
25 back, released from handcuffs. Defendants exited the cell to get their stories straight to prepare to
26 write their reports. STEVEN NEUROTH never moved again from that prone position, his hands
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1 still resting, limp, on his own back, in which Defendants left him prone on the floor of the Safety
2 Cell.

3 38. Plaintiff is informed and believes and thereon alleges that asphyxiation of individuals
4 during restraint is well documented and generally accepted such that reasonable law enforcement
5 agencies as a matter of routine train their peace officer personnel in avoiding asphyxiation of
6 individuals during restraint. On information and belief, Defendants LEEF, KNAPP,
7 MASTERSON, BERNARDI, GRANT, HOLUM, PAGE, and DE LOS SANTOS, and possibly
8 remaining DOE Defendants, violated such generally accepted standards and training, among other
9 ways, by restraining and leaving STEVEN NEUROTH restrained in a prone position, lying face
10 down, and/or otherwise impairing STEVEN NEUROTH's respiration by their use of pressure and
11 improper restraints.

12 39. According to the official Mendocino County autopsy, injuries that DEFENDANTS
13 caused to STEVEN NEUROTH in the jail included:

- 14 • Blunt force injuries (contusions, abrasions, avulsions), widespread;
- 15 • Fracture, essentially non-displaced, of the left fifth rib at the costochondral junction;
- 16 • General visceral passive hyperemia (organ injuries);
- 17 • Petechiae, epicardial, focal; and other serious physical injuries.

18 STEVEN NEUROTH did not have these injuries when he entered the Mendocino County Jail. Due
19 to DEFENDANTS' deliberate indifference to his serious medical/psychiatric needs, and the
20 excessive and unreasonable force used by LEEF, KNAPP, MASTERSON, BERNARDI, GRANT,
21 HOLUM, PAGE, and DE LOS SANTOS, STEVEN NEUROTH suffered severe injuries, and died
22 on June 11, 2014, at approximately 12:46 a.m.

23 40. In addition to the foregoing evidence of the use of unjustified, injurious force on
24 STEVEN NEUROTH, Defendants LEEF, KNAPP, MASTERSON, BERNARDI, GRANT,
25 HOLUM, PAGE, and DE LOS SANTOS, and possibly remaining DOE Defendants, also caused
26 further trauma to STEVEN NEUROTH as noted in the autopsy performed by the COUNTY's
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Office of the Sheriff-Coroner, Defendant THOMAS D. ALLMAN, on or about June 12, 2014, all evidence of their use of a very high degree of unnecessary force on STEVEN NEUROTH:

- Head and Front Torso

- 1" x 0.75" contusion covering the right zygoma (cheekbone);
- 2" irregular area of slight contusions on the right lateral clavicular line in the skin overlying the lateral pectoralis muscle;
- 0.25" slight abrasion on the mid right rib cage;
- 0.5" contusion overlying the right anterior superior iliac spine (pelvis);
- 0.75" contusion in a contralateral position to the right anterior superior iliac spine;
- 1.5" faint contusion on the abdominal wall;
- 1.25" contusion lateral to the left mid clavicular line over the inferior most rib cage;
- 0.5" rounded contusion slightly above and to the side of the 1.25" contusion described immediately above;
- 0.75" rounded contusion slightly above and to the side of the 1.25" contusion described above;

- Back and Buttocks

- 1.375" diagonally oriented linear abrasion near the right mid scapular line at the inferior extent of the rib cage;
- 1.5" contusion near the right mid scapular line at the inferior extent of the rib cage;
- 0.5" contusion in the skin overlying the mid right scapula;
- 0.25" contusion in the skin of the inferior lateral aspect of the right buttock;

- Right Upper Extremity

- 1.75" contusion in the proximal portion of the distal third of the right arm;
- 1" vertical linear abrasion in the proximal portion of the distal third of the

- 1 right arm;
- 2 ○ 0.5” faint contusion in the ventrolateral mid portion of the right forearm;
- 3 ○ 1.75” contusion, bearing a 0.5” abrasion and a milder 0.75” abrasion on the
- 4 ventrolateral aspect of the right distal most forearm;
- 5 ○ 0.5” minimal abrasion just distal to the junction of approximately the middle
- 6 and distal thirds of the right forearm ventrolaterally;
- 7 ○ 2” x 0.75” contusion with a 0.5” horizontal mild abrasion and a 0.125”
- 8 punctate abrasion on the right hand, overlying the proximal second
- 9 metacarpal and extending to the wrist;
- 10 ○ 1” region of irregular punctate abrasions between the right second and third
- 11 metacarpals just proximal to the metacarpophalangeal joints;
- 12 ○ 0.75” contusion (lying adjacent to the previously described contusion) on the
- 13 dorsolateral aspect of the right forearm at the junction of the middle and
- 14 distal thirds;
- 15 ○ 0.5” abrasion near the head of the right radius dorsomedially
- 16 ○ 1.25” area containing three irregular abrasions near the head of the right
- 17 radius dorsomedially;
- 18 ○ 1” contusion with dorsally situated abrasions of up to 0.125” on the medial
- 19 aspect of the right wrist at the base of the thenar eminence;
- 20 ○ 0.5” abrasion of the dorsal/dorsomedial aspect in the proximal portion of the
- 21 proximal third of the right arm;
- 22 ○ 0.375” faint contusion on the medial aspect of the right elbow.
- 23 • Left Upper Extremity
- 24 ○ 0.375” and 0.25” minimal abrasions on the medial aspect of the proximal
- 25 most portion of the left arm;
- 26 ○ 0.375” region of abrasions just proximal to the olecranon, on the distal most
- 27 portion of the dorsum of the left arm;
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- 2" irregular contusion with abrasion, one linear and 1.25" long, on the dorsal aspect of the proximal most left arm;
- 1" mild contusion on the anterior aspect of the left arm in the mid portion of the distal third;
- 2.25" contusion, with a slight abrasion, on the lateral aspect of the proximal portion of the distal third of the left forearm, curling about the radius.
- 0.75" contiguous region of contusion, with mild abrasions, immediately distal to the 2.25" contusion described immediately above;
- 1" irregular contusion, slightly abraded, on the lateral aspect of the left wrist near the head of the radius;
- 0.2" by up to 0.75" contusion on the dorsum of the left wrist joint;
- 0.5" contusion, with slight abrasion, between the proximal-most portions of the proximal phalanges of the left third and fourth fingers.

- Right Lower Extremity

- 0.625" irregular region of abrasion on the medial aspect of the right knee;
- 0.75" region of linear contusion in the distal portion of the distal third of the medial aspect of the right leg;
- 1.25" contusion, with mild avulsion of the epidermis not associated with bleeding, overlying the right medial malleolus;
- 0.5" irregular abrasion on the anterolateral aspect of the proximal most right leg;

- Left Lower Extremity

- 0.25" area of very minimal punctate abrasions and mild contusions beginning on the medial aspect of the left knee and extending distally for about 3".
- 1" slightly diagonal linear abrasion immediately dorsal to the region immediately described;
- 1.75" region of contusion, with a 0.5" abrasion with minimal avulsions, on

1 the anterior aspect of the left leg in the mid distal third;

2 ○ 0.75” contusion on the superior aspect of the left hallux

3 • Internal

4 ○ 50 mm region of petechiae in the epicardium of the posterior aspect of the
5 heart.

6 41. Defendants LEEF, KNAPP, MASTERSON, BERNARDI, GRANT, HOLUM,
7 PAGE, and DE LOS SANTOS, and possibly remaining DOE Defendants, grossly violated the
8 generally accepted training and standards for proper and safe restraint of a person, and for use of
9 force, in their misconduct against STEVEN NEUROTH. Plaintiff also alleges that the extreme
10 physical injuries to STEVEN NEUROTH—especially the injuries to Decedent’s torso and neck—
11 are all evidence of an extremely high degree of force, of improper restraint, and of wanton and
12 willful violations of STEVEN NEUROTH’s and Plaintiff’s Constitutional rights.

13 42. Defendants LEEF, KNAPP, MASTERSON, BERNARDI, GRANT, HOLUM,
14 PAGE, and DE LOS SANTOS, and possibly remaining DOE Defendants, on information and
15 belief, were present and integral participants in their joint conduct to severely beat, punch, choke,
16 improperly restrain, contort, threaten, and brutalize STEVEN NEUROTH. On information and
17 belief, Defendants’ uses of unnecessary and excessive force against STEVEN NEUROTH lasted
18 over sixteen minutes before he died. Each Defendant deputy/officer used, or caused the use of,
19 extreme and/or deadly force against STEVEN NEUROTH, causing severe injuries and deadly
20 trauma to him, including but not limited to as described above. On information and belief, at the
21 time Defendants used such force and restraints on STEVEN NEUROTH, as described herein,
22 STEVEN NEUROTH never struck or kicked any deputy/officer, and did not pose an immediate
23 threat to any person. Decedent STEVEN NEUROTH was severely mentally ill, suffering from
24 psychosis, was weak and thin, and was vastly outnumbered by deputies. Further, STEVEN
25 NEUROTH had been arrested for a non-serious, non-violent crime, and Defendants failed to use
26 available less-forceful alternatives to the force and restraints used.

1 43. Defendants LEEF, KNAPP, MASTERSON, BERNARDI, GRANT, HOLUM,
2 PAGE, and DE LOS SANTOS, and possibly remaining DOE Defendants, on information and
3 belief, were integral participants in brutalizing, beating, striking, choking, threatening, applying
4 excessive control holds, and unreasonably restraining Decedent STEVEN NEUROTH, and under
5 federal law and generally accepted law enforcement standards and training, each was responsible
6 for the totality of force used in his/her presence. Further, each of these Defendant deputies/officers
7 failed to intervene to stop, prevent, or report the use of excessive and unreasonable force and
8 restraint by other deputies/officers, in violation of the law and generally accepted law enforcement
9 standards and training.

10 44. The type and amount of force Defendants LEEF, KNAPP, MASTERSON,
11 BERNARDI, GRANT, HOLUM, PAGE, and DE LOS SANTOS, and possibly remaining DOE
12 Defendants, used against STEVEN NEUROTH as described herein, including multiple blows to
13 STEVEN NEUROTH's body, improper control holds, crushing force applied to his back, neck, and
14 head, and restriction of STEVEN NEUROTH's airways, neck, and back areas, amounted to the use
15 of deadly force under the circumstances. The use of deadly force was not justified or lawful under
16 the circumstances.

17 45. Alternatively, or concurrently, Defendants LEEF, KNAPP, MASTERSON,
18 BERNARDI, GRANT, HOLUM, PAGE, and DE LOS SANTOS', and possibly remaining DOE
19 Defendants', own excessive, unreasonable, reckless, and provocative actions created a risk of harm
20 to STEVEN NEUROTH, created the situation in which Defendants used extreme and otherwise
21 unnecessary force, and caused an escalation of events leading to STEVEN NEUROTH's death.

22 46. Defendants LEEF, KNAPP, MASTERSON, BERNARDI, GRANT, HOLUM,
23 PAGE, and DE LOS SANTOS', and possibly remaining DOE Defendants' unreasonable restraint
24 and use of excessive force against STEVEN NEUROTH was done at least in part because of
25 STEVEN NEUROTH's untreated serious medical needs and/or psychiatric condition and disability.

26 47. Following Defendants LEEF, KNAPP, MASTERSON, BERNARDI, GRANT,
27 HOLUM, PAGE, and DE LOS SANTOS', and possibly remaining DOE Defendants' use of
28

1 extreme and deadly force against STEVEN NEUROTH, he was transferred to Ukiah Valley
2 Medical Center where he died, after cardiac arrest, at about 12:46 a.m. on June 11, 2014.

3 48. During and after their uses of excessive force and violation of STEVEN
4 NEUROTH's rights, Defendants LEEF, KNAPP, MASTERSON, BERNARDI, GRANT, HOLUM,
5 PAGE, and DE LOS SANTOS, and possibly remaining DOE Defendants, violated their duty to
6 intervene to stop such violations of STEVEN NEUROTH'S rights, and they engaged in a code of
7 silence to cover up such violations of rights. The Ninth Circuit has explained that a law
8 enforcement "code of silence" has been described as consisting of a single rule: "an officer does not
9 provide adverse information against a fellow officer." *Blair v. City of Pomona*, 223 F.3d 1074,
10 1081 (9th Cir.2000) (taking judicial notice of the *Report of the Independent Commission on the Los*
11 *Angeles Police Department* 168 (1991) (the Christopher Commission Report)). Defendants LEEF,
12 KNAPP, MASTERSON, BERNARDI, GRANT, HOLUM, PAGE, and DE LOS SANTOS, and
13 possibly remaining DOE Defendants, failed to report their own and other officers' uses of force
14 both in their written reports and when interviewed in official investigations of this incident.
15 Further, Defendants' official accounts of this incident, and the uses of force deployed or observed,
16 fail to account for the severe and widespread physical injuries and trauma found on STEVEN
17 NEUROTH's body.

18 49. On behalf of the MCSO, Defendants SERGEANT KNAPP and CORRECTIONS
19 CAPTAIN PEARCE officially approved Defendant Deputy DE LOS SANTOS' refusal to be
20 interviewed by investigators for the District Attorney and/or the MCSO concerning her involvement
21 and observations in this incident, and Defendants KNAPP and PEARCE officially approved
22 Defendant DE LOS SANTOS' intentional destruction of her own official written report concerning
23 this incident that she wrote within hours of STEVEN NEUROTH's death. Defendants' failure to
24 intervene and report misconduct in this incident, involving no less than seven deputies and a police
25 officer, with the explicit approval of supervisors including SERGEANT KNAPP, and the jail
26 commander, CORRECTIONS CAPTAIN PEARCE, is strong evidence of a widespread custom
27 within the Mendocino County Jail of a code of silence.

1 50. Defendants' conduct herein, including but not limited to their decision(s) to deny
2 Decedent necessary medical care; failure to provide competent medical care and treatment; failure
3 to provide him access and delivery to a hospital for the care and treatment for his life-threatening
4 medical emergency; failure to provide any inpatient psychiatric treatment facility within the entire
5 county; the manner in which they treated and incarcerated him, and their other acts and omissions
6 under these circumstances, were contrary to generally accepted reasonable jail and medical
7 procedures and standards, failed to comply with the appropriate standard of care, and contributed to
8 the wrongful death of STEVEN NEUROTH.

9 51. Plaintiff is informed and believes and thereon alleges that Defendants COUNTY,
10 ALLMAN, CFMG, and FITHIAN failed to have a qualified and competent medical and/or mental-
11 health professional conduct intake and mental-health evaluations on inmate patients, with deliberate
12 indifference to the inmate patients' serious medical and mental-health needs. Furthermore, Plaintiff
13 is informed and believes and thereon alleges that Defendants COUNTY, ALLMAN, CFMG, and
14 FITHIAN allowed, and continue to allow, un-credentialed staff, including Licensed Vocational
15 Nurses, to perform intake medical assessments and/or mental health assessments on patients without
16 any appropriate clinical supervision by a Registered Nurse, physician, or otherwise properly
17 licensed and credentialed health care provider, in violation of California law and generally accepted
18 national standards. Plaintiff is informed and believes and thereon alleges that COUNTY,
19 ALLMAN, CFMG, and FITHIAN allowed, and continue to allow, un-credentialed staff to perform
20 medical and mental-health assessments because it costs significantly less money than paying for
21 properly licensed staff to do the work.

22 52. CFMG, a for-profit corporation, is the largest private provider of correctional
23 healthcare in the State of California, stating on its website that it currently has contracts covering 27
24 counties with 65 facilities that have an average daily population of 16,000 inmates. Its contract
25 alone with MENDOCINO COUNTY has brought it several million dollars in profits. CFMG holds
26 itself out as offering a complete health care delivery system for MENDOCINO COUNTY inmates
27 that complies with California law, while knowingly violating the law governing patient assessments
28

1 and allowing incompetent and uncredentialed people to do medical and mental health assessments
2 on patients beyond their legal scope of practice.

3 53. CFMG holds itself and its officers, directors, and managing agents out as experts in
4 the field of correctional healthcare. Yet, CFMG has been criticized for its inadequate health care
5 provided to inmates throughout the State of California. A January 17, 2015, article in the
6 *Sacramento Bee* entitled, "California for-Profit Company Faces Allegations of Inadequate Inmate
7 Care," reported that CFMG's population-adjusted rate of deaths in custody is 50% higher than non-
8 CFMG counties.

9 54. Plaintiff is informed and believes and thereon alleges that CFMG must pay for
10 inpatient hospital treatment for Mendocino County jail inmates, creating a disincentive for CFMG
11 to refer jail inmates such as STEVEN NEUROTH off-site for necessary, emergency inpatient
12 hospitalization or psychiatric treatment.

13 55. Plaintiff is further informed and believes and thereon alleges that CFMG allows
14 uncredentialed Licensed Vocational Nurses (LVN's) to perform the work of Registered Nurses
15 (RN's) and higher level care providers, in order to save money, since CFMG pays LVN's
16 significantly less than it pays RN's. CFMG only provides one Registered Nurse, Monday through
17 Friday from 8:00 a.m. until 4:00 p.m., and one RN Manager Monday through Friday from 7:00 a.m.
18 until 3:00 p.m., and the rest of the time may provide uncredentialed LVN's working outside their
19 scope of practice, to care for the serious medical needs of patients in the Mendocino County Jail.

20 56. The California Nurse Practice Act, Cal. Bus. & Prof. Code § 2732 provides, "No
21 person shall engage in the practice of nursing, as defined in Section 2725, without holding a license
22 which is in an active status issued under this chapter except as otherwise provided in this act." The
23 licensed referred to is that for a Registered Nurse. *Id.*

24 57. Cal. Bus. & Prof. Code § 2795 provides that it is unlawful for any person "to practice
25 or to offer to practice nursing in this state unless the person holds a license in an active status." Cal.
26 Bus. & Prof. Code § 2799 provides that violation of the provisions of the chapter is a misdemeanor.

27 Cal. Bus. & Prof. Code § 2725(b) defines the practice of nursing:

28 The practice of nursing within the meaning of this chapter means those functions,
including basic health care, that help people cope with difficulties in daily living
that are associated with their actual or potential health or illness problems or the

1 treatment thereof, and that require a substantial amount of scientific knowledge or
2 technical skill, including all of the following:

3 (1) Direct and indirect patient care services that ensure the safety, comfort,
4 personal hygiene, and protection of patients, and the performance of disease
5 prevention and restorative measures

6 (2) Direct and indirect patient care services, including, but not limited to, the
7 administration of medications and therapeutic agents, necessary to implement a
8 treatment, disease prevention, or rehabilitative regimen ordered by and within the
9 scope of licensure of a physician, dentist, podiatrist, or clinical psychologist, as
10 defined by Section 1316.5 of the Health and Safety Code.

11 (3) The performance of skin tests, immunization techniques, and the withdrawal of
12 human blood from veins and arteries.

13 (4) Observation of signs and symptoms of illness, reactions to treatment, general
14 behavior, or general physical condition, and (A) **determination of whether the signs,
15 symptoms, reactions, behavior, or general appearance exhibit abnormal characteristics,
16 and (B) implementation**, based on observed abnormalities, **of appropriate reporting, or
17 referral, or standardized procedures, or changes in treatment regimen in accordance with
18 standardized procedures, or the initiation of emergency procedures.**

19 Cal. Bus. & Prof. Code § 2725(b)(emphasis added).

20 58. In contrast, 16 Cal. Code Regs. § 2518.5(a) sets forth the scope of a LVN's practice:

21 The licensed vocational nurse performs services requiring technical and manual
22 skills which include the following:

23 (a) Uses and practices basic assessment (data collection), participates in
24 planning, executes interventions in accordance with the care plan or treatment plan,
25 and contributes to evaluation of individualized interventions related to the care plan
26 or treatment plan.

27 16 CCR § 2518.5 (emphasis added).

28 59. The California Medical Board's IMQ Health Care Accreditation Standards state that
even *Registered Nurses* who are involved in a jail's mental health program act under the supervision
of a physician and "must have evidence of advanced post-graduate training in mental health." The
IMQ Standards note: "Mental health programs that rely solely on psychiatric technicians, registered
nurses without special university education qualifications or national certification, and non-licensed
staff to provide on-site evaluation and counseling services do not meet this essential accreditation
standard."

60. Yet, CFMG allows unsupervised LVN's to provide independent mental health
assessments without any appropriate clinical supervision. CFMG's staffing pattern only provides

1 for one unsupervised psychiatric RN, licensed clinical social worker, or marriage and family
2 therapist Monday through Friday from 8:00 a.m. to 4:00 p.m., and otherwise has no licensed mental
3 health clinicians on site at the Mendocino County Jail. CFMG will only provide up to 8 hours per
4 week, *in toto*, of remote “telepsychiatry” for all of the Mendocino County jail inmates’ psychiatric
5 needs combined, and only one medical director/physician for a total of 8 hours per week.
6 Otherwise, uncredentialed, unsupervised, and unqualified health care workers are left alone to care
7 for inmates in the jail. Defendant MENDOCINO COUNTY deliberately contracted for this
8 unqualified and incompetent care of its jail inmates, with deliberate indifference on the part of the
9 COUNTY, ALLMAN, CFMG and FITHIAN to the serious medical and mental health needs of
10 inmates, including STEVEN NEUROTH.

11 61. Furthermore, Defendant COUNTY does not even have an inpatient psychiatric
12 facility in which to house mentally ill, gravely disabled people in a psychiatric crisis, like STEVEN
13 NEUROTH. Defendant COUNTY failed to accommodate STEVEN NEUROTH’S mental illness
14 and disability, by deliberately indifferently failing to provide for appropriate inpatient psychiatric
15 treatment for its residents, including STEVEN NEUROTH.

16 62. A January 29, 2016, article in the *Independent Coast Observer* [“ICO”] entitled,
17 “Sheriff Spearheads Initiative to Fund Mental Health Center,” noted that Defendant COUNTY
18 closed its psychiatric health facility in 1999 and contracted with other counties such as Yolo County
19 and Solano County for 72-hour inpatient psychiatric holds pursuant to Cal. Welf. & Inst. Code §
20 5150. However, Defendant ALLMAN acknowledged that being housed 100 miles from home and
21 family is not beneficial to the patient. (ICO, 1/29/16, p. 12).

22 63. Moreover, law enforcement officers in MENDOCINO COUNTY must sit with the
23 mentally ill patient in a hospital emergency room, sometimes for hours, to wait for the patient to be
24 transported to Yolo or Solano County, which creates a disincentive for officers to choose to admit a
25 patient pursuant to § 5150, and incentivizes arresting them for minor crimes related to their mental
26 illness so they can be taken to jail instead.

27 64. In a December 4, 2015, article entitled “‘Jail No Place for Mentally Ill’ Says
28 Mendocino County Sheriff,” the ICO noted, “According to Allman, because there’s no in-patient
mental health facility in Mendocino County, the county jail has become the de facto place to put

1 people who are mentally ill and need to be dealt with in a crisis situation. ...In Mendocino County,
2 since there is no inpatient psychiatric facility where this 72-hour holding can occur, this assessment,
3 called a 5150, often means a trip to the county jail.” (ICO, 12/4/15, pp. 1, 8).

4 65. According to the National Institute of Mental Health, 18% of all adults in the United
5 States have had at least one mental illness in 2014, the year STEVEN NEUROTH was killed.
6 ([http://www.nimh.nih.gov/health/statistics/prevalence/any-mental-illness-ami-among-us-](http://www.nimh.nih.gov/health/statistics/prevalence/any-mental-illness-ami-among-us-adults.shtml)
7 [adults.shtml](http://www.nimh.nih.gov/health/statistics/prevalence/any-mental-illness-ami-among-us-adults.shtml)). According to the United States Department of Justice, Bureau of Justice Statistics’
8 2006 report entitled “Mental Health Problems of Prison and Jail Inmates,” 64.2% of inmates in local
9 jail populations have at least one mental health problem.
10 (<http://www.bjs.gov/content/pub/pdf/mhppji.pdf>, p. 3, Table 2).

11 66. Defendant ALLMAN acknowledges that “We really, truly don’t want mental health
12 patients in our jail[.] Jail isn’t the place for them in Mendocino County.” (ICO, 12/4/15, p. 8).
13 Defendant ALLMAN also acknowledges, “Without a shadow of a doubt, mental health is the
14 number one public safety issue in Mendocino County.” (ICO, 11/27/15, p. 1). Despite these facts,
15 Defendant COUNTY fails to provide for the serious medical and mental health needs of its
16 residents, causing the jailing of mentally ill, nonviolent people in psychiatric crisis -- like STEVEN
17 NEUROTH – with deliberate indifference to their serious medical needs. Defendant COUNTY
18 then contracts with CFMG for inadequate assessment and care for the mentally ill taken to its jails,
19 including allowing un-credentialed Licensed Vocational Nurses to perform the work of Registered
20 Nurses and Psychiatric Registered Nurses, in violation of California law and regulations.

21 67. STEVEN NEUROTH’s death was the proximate result of all Defendants’
22 deliberately indifferent failure to summon and/or provide care and treatment for STEVEN
23 NEUROTH’s serious medical/psychiatric needs, and the unreasonable seizure and restraint, use of
24 excessive force, and Defendants’ conduct without a legitimate law enforcement purpose.

25 68. Alternatively or concurrently, STEVEN NEUROTH’s death was the proximate
26 result of Defendant COUNTY’s, ALLMAN’s, and PEARCE’s failure to reasonably train and
27 require their Deputy Sheriffs to use only proper and reasonable force when necessary under the
28 circumstances, failure to implement and enforce generally accepted, lawful policies and procedures
at the jail, and allowing and/or ratifying excessive and unreasonable force and restraint, permitting

1 and fostering a code of silence at the jail, and deliberate indifference to the serious
2 medical/psychiatric needs of inmates. These substantial failures reflect Defendant COUNTY's
3 policies implicitly or directly ratifying and/or authorizing the deliberate indifference to serious
4 medical needs and the use of excessive and unreasonable force and restraint by its deputy sheriffs,
5 and the failure to reasonably train, instruct, monitor, supervise, investigate, and discipline deputy
6 sheriffs employed by Defendants COUNTY, ALLMAN, and PEARCE in the use of force and
7 inmates' medical needs.

8 69. Alternatively or concurrently, Decedent's death was the proximate result of
9 Defendant CFMG and FITHIAN's failure to reasonably staff, train, supervise, and equip their
10 medical and mental healthcare staff in the proper and reasonable care of mentally ill, and/or
11 emotionally disturbed inmates; failure to implement and enforce generally accepted, lawful policies
12 and procedures at the jail; and deliberate indifference to the serious medical/psychiatric needs of
13 inmates. These substantial failures reflect Defendant CFMG's policies implicitly ratifying and/or
14 authorizing the deliberate indifference to serious medical needs by its medical and mental
15 healthcare staff and the failure to reasonably train, instruct, monitor, supervise, investigate, and
16 discipline medical and mental healthcare staff employed by Defendant CFMG in the handling of
17 mentally ill, and/or emotionally disturbed inmates.

18 70. At all material times, and alternatively, the actions and omissions of each Defendant
19 were intentional, wanton, and/or willful, conscience-shocking, reckless, malicious, deliberately
20 indifferent to Decedent's and Plaintiff's rights, done with actual malice, grossly negligent, negligent,
21 and objectively unreasonable.

22 71. As a direct and proximate result of each Defendant's acts and/or omissions as set
23 forth above, to the extent permitted and pled by the various legal claims set forth below, Plaintiff
24 sustained the following injuries and damages, past and future, among others:

- 25 a. Wrongful death of STEVEN NEUROTH, pursuant to Cal. Code of Civ. Proc.
26 § 377.60 et. seq.;

1 b. Decedent's right to be free from deliberate indifference to STEVEN
2 NEUROTH's serious medical needs while in custody as a pretrial detainee as
3 secured by the Fourth and/or Fourteenth Amendments.

4 75. Defendants subjected Decedent to their wrongful conduct, depriving Decedent of
5 rights described herein, knowingly, maliciously, and with conscious and reckless disregard for
6 whether the rights and safety of Decedent and others would be violated by their acts and/or
7 omissions.

8 76. As a direct and proximate result of Defendants' acts and/or omissions as set forth
9 above, Decedent, through Plaintiff herein, sustained injuries and damages as set forth above at ¶ 71.

10 77. The conduct of Defendants entitles Plaintiff to punitive damages and penalties
11 allowable under 42 U.S.C. § 1983 and as provided by law. Plaintiff does not seek punitive damages
12 against Defendant COUNTY.

13 78. Plaintiff is also entitled to reasonable costs and attorneys' fees under 42 U.S.C. §
14 1988, and other applicable United States and California codes and laws.

15
16 **SECOND CAUSE OF ACTION**
17 **(*Monell* - 42 U.S.C. § 1983) – Survival Claim**
18 **AGAINST DEFENDANTS COUNTY AND CFMG**

19 79. Plaintiff realleges each and every paragraph in this complaint as if fully set forth
20 here.

21 80. Plaintiff brings the claims in this cause of action as survival claims permissible under
22 federal and California law, including Cal. Code of Civ. Proc. Section 377.20 et. seq.

23 81. The unconstitutional actions and/or omissions of Defendants LEEF, KNAPP,
24 MASTERSON, BERNARDI, GRANT, HOLUM, PAGE, DE LOS SANTOS, CAUDILLO, AND
25 REMAINING DOES, as well as other officers employed by or acting on behalf of the Defendants
26 COUNTY and/or CFMG, on information and belief, were pursuant to the following customs,
27 policies, practices, and/or procedures of Defendants COUNTY and/or CFMG, stated in the
28

1 alternative, which were directed, encouraged, allowed, and/or ratified by policymaking officers for
2 Defendant COUNTY and its Sheriff's Office, and/or Defendant CFMG:

- 3 a. To deny inmates access to appropriate, competent, and necessary care for
4 serious medical and psychiatric needs, including but not limited to failing to
5 provide any inpatient psychiatric facilities within the entire County of
6 Mendocino, and requiring mentally ill County residents in crisis to be taken
7 to jail instead of providing for their serious psychiatric needs;
- 8 b. To allow Licensed Vocational Nurses to perform intake medical and mental
9 health assessments without clinical supervision by a Registered Nurse or
10 physician, and otherwise to contract for inadequate and incompetent medical
11 and mental health care for jail inmates;
- 12 c. To allow, encourage, and require unlicensed, incompetent, inadequately
13 trained and/or inadequately supervised staff to assess inmates' medical and
14 psychiatric condition, needs, and treatment, including to decide whether or
15 not to provide inmates with necessary emergency care and hospitalization;
- 16 d. To use or tolerate the use of excessive and/or unjustified force, including
17 deputies' failures to intervene in excessive force and violations of rights by
18 other deputies, and improper prone restraint of inmates increasing the risk of
19 injury and death by restraint associated asphyxia;
- 20 e. To use or tolerate the use of unlawful deadly force;
- 21 f. To engage in or tolerate unreasonable seizures and restraints;
- 22 g. To fail to institute, require, and enforce proper and adequate training,
23 supervision, policies, and procedures concerning seizures and the use of
24 control holds and restraint techniques, including avoiding asphyxiation of
25 subjects being restrained by deputy sheriffs and avoiding blows and uses of
26 force to a subject's head and/or neck during altercations absent justification;
- 27 h. To fail to use appropriate and generally accepted law enforcement procedures
28 for handling mentally ill and/or emotionally disturbed persons;
- i. To fail to institute, require, and enforce proper and adequate training,
supervision, policies, and procedures concerning handling mentally ill and/or
emotionally disturbed persons;
- j. To fail to use appropriate and generally accepted jail procedures for handling
and housing mentally ill and/or emotionally disturbed persons, including, but
not limited to, the standards of the National Commission on Correctional
Health Care Standards for Health Services in Jails, and Title 15 of the
California Code of Regulations;

- 1 k. To cover up violations of constitutional rights by any or all of the following:
- 2 i. By failing to properly investigate and/or evaluate complaints or
- 3 incidents of excessive and unreasonable force, unlawful seizures,
- 4 and/or handling of mentally ill and/or emotionally disturbed
- 5 persons;
- 6 ii. By ignoring and/or failing to properly and adequately investigate
- 7 and/or investigate and discipline unconstitutional or unlawful law
- 8 enforcement activity; and
- 9 iii. By allowing, tolerating, and/or encouraging law enforcement
- 10 officers to: fail to file complete and accurate reports; file false
- 11 reports; make false statements; intimidate, bias and/or “coach”
- 12 witnesses to give false information and/or to attempt to bolster
- 13 officers’ stories; and/or obstruct or interfere with investigations of
- 14 unconstitutional or unlawful law enforcement conduct by
- 15 withholding and/or concealing material information;
- 16 l. To allow, tolerate, and/or encourage a “code of silence” among law
- 17 enforcement officers and sheriff’s office personnel, whereby an officer or
- 18 member of the sheriff’s office does not provide adverse information against a
- 19 fellow officer or member of the MCSO;
- 20 m. To use or tolerate inadequate, deficient, and improper procedures for
- 21 handling, investigating, and reviewing complaints of officer misconduct,
- 22 including claims made under California Government Code §§ 910 et seq.
- 23 n. To fail to have and enforce necessary, appropriate, and lawful policies,
- 24 procedures, and training programs to prevent or correct the unconstitutional
- 25 conduct, customs, and procedures described in this Complaint and in
- 26 subparagraphs (a) through (m) above, with deliberate indifference to the
- 27 rights and safety of Decedent, of Plaintiff and the public, and in the face of an
- 28 obvious need for such policies, procedures, and training programs.

82. Defendants COUNTY and CFMG, through their employees and agents, and through their policy-making supervisors, ALLMAN, PEARCE, FITHIAN, and remaining DOES, failed to properly hire, train, instruct, monitor, supervise, evaluate, investigate, and discipline Defendants LEEF, KNAPP, MASTERSON, BERNARDI, GRANT, HOLUM, PAGE, DE LOS SANTOS, CAUDILLO, AND REMAINING DOES, and other COUNTY, Sheriff’s Office, and CFMG

1 personnel, with deliberate indifference to Plaintiff's, Decedent's, and others' constitutional rights,
2 which were thereby violated as described above.

3 83. The unconstitutional actions and/or omissions of Defendants LEEF, KNAPP,
4 MASTERSON, BERNARDI, GRANT, HOLUM, PAGE, DE LOS SANTOS, CAUDILLO, AND
5 REMAINING DOES, and other Sheriff's Office personnel, as described above, were approved,
6 tolerated, and/or ratified by policymaking officers for the COUNTY and its Sheriff's Office,
7 including Defendants ALLMAN and PEARCE, and by CFMG and FITHIAN. Plaintiff is informed
8 and believes and thereon alleges that the details of this incident have been revealed to the authorized
9 policymakers within the COUNTY, the Mendocino County Sheriff's Office, and CFMG, and that
10 such policymakers have direct knowledge of the fact that the death of STEVEN NEUROTH was
11 not justified, but represented unconstitutional uses of unreasonable, excessive and deadly force, and
12 deliberate indifference to serious medical needs. Notwithstanding this knowledge, the authorized
13 policymakers within the COUNTY, its Sheriff's Office, and CFMG have approved of the conduct
14 and decisions of Defendants LEEF, KNAPP, MASTERSON, BERNARDI, GRANT, HOLUM,
15 PAGE, DE LOS SANTOS, CAUDILLO, AND REMAINING DOES in this matter, and have made
16 a deliberate choice to endorse such conduct and decisions, and the basis for them, that resulted in
17 the death of STEVEN NEUROTH. By so doing, the authorized policymakers within the COUNTY
18 and its Sheriff's Office have shown affirmative agreement with the individual Defendants' actions
19 and have ratified the unconstitutional acts of the individual Defendants. Furthermore, Plaintiff is
20 informed and believes, and thereupon alleges, that DEFENDANTS ALLMAN, PEARCE,
21 FITHIAN and other policy-making officers for the COUNTY and CFMG were and are aware of a
22 pattern of misconduct and injury caused by COUNTY law enforcement officers and CFMG
23 employees similar to the conduct of Defendants described herein, but failed to discipline culpable
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1 law enforcement officers and employees and failed to institute new procedures and policy within
2 the COUNTY and CFMG.

3 84. The aforementioned customs, policies, practices, and procedures; the failures to
4 properly and adequately hire, train, instruct, monitor, supervise, evaluate, investigate, and
5 discipline; and the unconstitutional orders, approvals, ratification, and toleration of wrongful
6 conduct of Defendants COUNTY and CFMG were a moving force and/or a proximate cause of the
7 deprivations of Decedent's clearly established and well-settled constitutional rights in violation of
8 42 U.S.C. § 1983, as more fully set forth above at ¶ 74.
9

10 85. Defendants subjected Decedent to their wrongful conduct, depriving Decedent of
11 rights described herein, knowingly, maliciously, and with conscious and reckless disregard for
12 whether the rights and safety of Decedent, Plaintiff and others would be violated by their acts and/or
13 omissions.

14 86. As a direct and proximate result of the unconstitutional actions, omissions, customs,
15 policies, practices, and procedures of Defendants COUNTY and CFMG, as described above,
16 Decedent and Plaintiff sustained serious and permanent injuries and Plaintiff is entitled to damages,
17 penalties, costs, and attorneys' fees against Defendants COUNTY and CFMG as set forth above in
18 ¶¶ 75-78, including punitive damages against Defendant CFMG.
19

20
21 **THIRD CAUSE OF ACTION**
22 **(Supervisory Liability - 42 U.S.C. § 1983) – Survival Claim**
AGAINST DEFENDANTS ALLMAN, PEARCE, FITHIAN, AND REMAINING DOES

23 87. Plaintiff realleges each and every paragraph in this complaint as if fully set forth
24 here.

25 88. Plaintiff brings the claims in this cause of action as survival claims permissible under
26 federal and California law, including Cal. Code of Civ. Proc. Section 377.20 et. seq.
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1 89. At all material times, Defendants ALLMAN, PEARCE, FITHIAN, and
2 REMAINING DOES, had the duty and responsibility to constitutionally hire, train, instruct,
3 monitor, supervise, evaluate, investigate, and discipline the other Defendants in this matter, as well
4 as all employees and agents of the Mendocino County Sheriff's Office and/or CFMG.

5 90. Defendants COUNTY, ALLMAN, PEARCE, CFMG, FITHIAN, and REMAINING
6 DOES failed to properly hire, train, instruct, monitor, supervise, evaluate, investigate, and discipline
7 Defendants LEEF, KNAPP, MASTERSON, BERNARDI, GRANT, HOLUM, PAGE, DE LOS
8 SANTOS, CAUDILLO, AND REMAINING DOES, and other COUNTY, Sheriff's Office, and
9 CFMG personnel, with deliberate indifference to Plaintiff's, Decedent's, and others' constitutional
10 rights, which were thereby violated as described above.

11 91. The unconstitutional customs, policies, practices, and/or procedures of Defendants
12 COUNTY and/or CFMG, stated in the Second Cause of Action herein, were directed, encouraged,
13 allowed, and/or ratified by policymaking officers for Defendant COUNTY and its Sheriff's Office,
14 and/or Defendant CFMG, including Defendants ALLMAN, PEARCE, FITHIAN, and
15 REMAINING DOES, with deliberate indifference to Plaintiff's, Decedent's, and others'
16 constitutional rights, which were thereby violated as described above.

17 92. The unconstitutional actions and/or omissions of Defendants Defendants LEEF,
18 KNAPP, MASTERSON, BERNARDI, GRANT, HOLUM, PAGE, DE LOS SANTOS,
19 CAUDILLO, AND REMAINING DOES, and other Sheriff's Office personnel, as described above,
20 were approved, tolerated, and/or ratified by policymaking officers for the COUNTY and its
21 Sheriff's Office, including Defendants ALLMAN and PEARCE, and by CFMG and FITHIAN.
22 Plaintiff is informed and believes and thereon alleges that the details of this incident have been
23 revealed to Defendants ALLMAN, PEARCE, and FITHIAN, and that such Defendant-policymakers
24 have direct knowledge of the fact that the death of STEVEN NEUROTH was not justified, but
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1 represented an unconstitutional use of unreasonable, excessive and deadly force, and deliberate
2 indifference to serious medical needs. Notwithstanding this knowledge, on information and belief,
3 Defendants ALLMAN, PEARCE, and FITHIAN have approved of the conduct and decisions of
4 Defendants LEEF, KNAPP, MASTERSON, BERNARDI, GRANT, HOLUM, PAGE, DE LOS
5 SANTOS, CAUDILLO, AND REMAINING DOES in this matter, and have made a deliberate
6 choice to endorse such conduct and decisions, and the basis for them, that resulted in the death of
7 STEVEN NEUROTH. By so doing, Defendants ALLMAN, PEARCE, and FITHIAN have shown
8 affirmative agreement with the individual Defendants' actions and have ratified the unconstitutional
9 acts of the individual Defendants. Furthermore, Plaintiff is informed and believes, and thereupon
10 alleges, that Defendants ALLMAN, PEARCE, FITHIAN and other policy-making officers for the
11 COUNTY and CFMG were and are aware of a pattern of misconduct and injury, and a code of
12 silence, caused by COUNTY law enforcement officers and CFMG employees similar to the conduct
13 of Defendants described herein, but failed to discipline culpable law enforcement officers and
14 employees and failed to institute new procedures and policy within the COUNTY and CFMG.
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17 93. The aforementioned customs, policies, practices, and procedures; the failures to
18 properly and adequately hire, train, instruct, monitor, supervise, evaluate, investigate, and
19 discipline; and the unconstitutional orders, approvals, ratification, and toleration of wrongful
20 conduct of Defendants COUNTY, ALLMAN, PEARCE, FITHIAN, CFMG, and REMAINING
21 DOES were a moving force and/or a proximate cause of the deprivations of Decedent's clearly
22 established and well-settled constitutional rights in violation of 42 U.S.C. § 1983, as more fully set
23 forth above at ¶ 74.
24

25 94. Defendants subjected Decedent to their wrongful conduct, depriving Decedent of
26 rights described herein, knowingly, maliciously, and with conscious and reckless disregard for
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1 whether the rights and safety of Decedent, Plaintiff and others would be violated by their acts and/or
2 omissions.

3 95. As a direct and proximate result of the unconstitutional actions, omissions, customs,
4 policies, practices, and procedures of Defendants ALLMAN, PEARCE, FITHIAN, and
5 REMAINING DOES as described above, Plaintiff sustained serious and permanent injuries and is
6 entitled to damages, penalties, costs, and attorneys' fees as set forth above in ¶¶ 75-78, and punitive
7 damages against Defendants ALLMAN, PEARCE, FITHIAN, and REMAINING DOES in their
8 individual capacities.
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10 **FOURTH CAUSE OF ACTION**
11 **(Violation of Civil Code § 52.1) – Survival Claim**
12 **AGAINST DEFENDANTS LEEF, KNAPP, MASTERSON, BERNARDI, GRANT, HOLUM,**
13 **PAGE, DE LOS SANTOS, CAUDILLO, AND REMAINING DOES, ALLMAN, PEARCE,**
14 **FITHIAN, AND CFMG**

15 96. Plaintiff realleges each and every paragraph in this complaint as if fully set forth
16 here.

17 97. Plaintiff brings the claims in this cause of action as survival claims permissible under
18 California law, including Cal. Code of Civ. Proc. Section 377.20 et. seq.

19 98. By their acts, omissions, customs, and policies, DEFENDANTS LEEF, KNAPP,
20 MASTERSON, BERNARDI, GRANT, HOLUM, PAGE, DE LOS SANTOS, CAUDILLO, and
21 REMAINING DOES, ALLMAN, PEARCE, FITHIAN, and CFMG, each Defendant acting in
22 concert/conspiracy, as described above, and by threat, intimidation, and/or coercion, interfered with,
23 attempted to interfere with, and violated STEVEN NEUROTH'S rights under California Civil Code
24 § 52.1 and under the United States Constitution and California Constitution as follows:

- 25 a. The right to be free from excessive and unreasonable force and restraint in
26 the course of a seizure as secured by the Fourth and/or Fourteenth
27 Amendments to the United States Constitution and by the California
28 Constitution, Article 1, §§ 7 and 13;

- b. The right to be free from deliberate indifference to STEVEN NEUROTH's serious medical needs while in custody as a pretrial detainee as secured by the Fourth and/or Fourteenth Amendments to the United States Constitution and by California Constitution, Article 1, §§ 7 and 13;
- c. The right to enjoy and defend life and liberty; acquire, possess, and protect property; and pursue and obtain safety, happiness, and privacy, as secured by the California Constitution, Article 1, § 1;
- d. The right to protection from bodily restraint, harm, or personal insult, as secured by California Civil Code § 43; and
- e. The right to medical care as required by California Government Code § 845.6.

99. Separate from, and above and beyond, Defendants' attempted interference, interference with, and violation of STEVEN NEUROTH'S rights as described above, Defendants violated Decedent's rights by the following conduct constituting threats, intimidation, or coercion:

- a. With deliberate indifference to STEVEN NEUROTH's serious medical needs, suffering, and risk of grave harm including death, depriving STEVEN NEUROTH of necessary, life-saving care for his medical and/or psychiatric needs;
- b. Threatening STEVEN NEUROTH with violence in the absence of any threat presented by Mr. NEUROTH, or any justification whatsoever;
- c. Using deliberately reckless and provocative tactics on STEVEN NEUROTH in violation of generally accepted law enforcement training and standards, and in violation of STEVEN NEUROTH's rights;
- d. Threatening violence against STEVEN NEUROTH, with the apparent ability to carry out such threats, in violation of Civ. Code § 52.1(j);
- e. Causing STEVEN NEUROTH to be subjected to multiple blows, strikes, painful joint control holds, choking, crushing, and other injurious force without justification;
- f. Restraining STEVEN NEUROTH in a manner well-known to impair and obstruct his ability to breathe;
- g. Causing STEVEN NEUROTH to be subjected to violence, and threat of violence, because of his disability(ies) and medical/psychiatric condition;
- h. Violating STEVEN NEUROTH's rights to be free from excessive force and deliberate indifference to his serious medical needs; and

- 1 i. Instituting and maintaining the unconstitutional customs, policies, and
2 practices described herein, when it was obvious that in doing so, individuals
3 such as STEVEN NEUROTH would be subjected to violence, threat,
4 intimidation, and coercion, as Decedent was here.

5 100. As a direct and proximate result of Defendants' violation of California Civil Code §
6 52.1 and of Decedent's rights under the United States and California Constitutions, Plaintiff (as
7 successor in interest for Decedent) sustained injuries and damages, and against each and every
8 Defendant is entitled to relief as set forth above at ¶¶ 75-78, and punitive damages against all
9 individual Defendants, including all damages allowed by California Civil Code §§ 52 and 52.1 and
10 California law, not limited to costs attorneys' fees, and civil penalties.

11 **FIFTH CAUSE OF ACTION**
12 **(Negligence) – Survival and Wrongful Death Claims**
13 **AGAINST DEFENDANTS LEEF, KNAPP, MASTERSON, BERNARDI, GRANT, HOLUM,**
14 **PAGE, DE LOS SANTOS, AND REMAINING DOES**

15 101. Plaintiff realleges each and every paragraph in this complaint as if fully set forth
16 here.

17 102. Plaintiff brings the claims in this cause of action as survival claims permissible under
18 California law, including Cal. Code of Civ. Proc. Section 377.20 et. seq., and as wrongful death
19 claims permissible under California law, including Cal. Code of Civ. Proc. Section 377.60 et. seq.

20 103. At all times, Defendants LEEF, KNAPP, MASTERSON, BERNARDI, GRANT,
21 HOLUM, PAGE, DE LOS SANTOS, and REMAINING DOES owed Plaintiff and Decedent the
22 duty to act with due care in the execution and enforcement of any right, law, or legal obligation.

23 104. At all times, these Defendants owed Plaintiff and Decedent the duty to act with
24 reasonable care.

25 105. These general duties of reasonable care and due care owed to Plaintiff and Decedent
26 by these Defendants include but are not limited to the following specific obligations:
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- a. To summon necessary and appropriate medical care for STEVEN NEUROTH;
- b. To refrain from using excessive and/or unreasonable force against STEVEN NEUROTH;
- c. To refrain from unreasonably creating the situation where force, including but not limited to deadly force, is used;
- d. To refrain from unreasonably creating danger or increasing STEVEN NEUROTH's risk of harm;
- e. To use generally accepted law enforcement procedures and tactics that are reasonable and appropriate for STEVEN NEUROTH's status as a mentally ill and/or emotionally disturbed person with serious medical needs;
- f. To refrain from abusing their authority granted them by law;
- g. To provide necessary mental health care, including but not limited to providing inpatient emergency psychiatric care within Mendocino County;
- h. To refrain from violating Plaintiff's rights as guaranteed by the United States and California Constitutions, as set forth above, and as otherwise protected by law.

106. Defendants LEEF, KNAPP, MASTERSON, BERNARDI, GRANT, HOLUM, PAGE, DE LOS SANTOS, and REMAINING DOES, through their acts and omissions, breached each and every one of the aforementioned duties owed to Plaintiff and Decedent.

107. As a direct and proximate result of these Defendants' negligence, Plaintiff and Decedent sustained injuries and damages, and against each and every Defendant named in this cause of action in their individual capacities are entitled to relief as set forth above at ¶¶ 75-78, including punitive damages against such individual Defendants.

SIXTH CAUSE OF ACTION
(Assault and Battery) – Survival and Wrongful Death Claims
AGAINST DEFENDANTS LEEF, KNAPP, MASTERSON, BERNARDI, GRANT, HOLUM,
PAGE, DE LOS SANTOS, AND REMAINING DOES

108. Plaintiff realleges each and every paragraph in this complaint as if fully set forth here.

1 109. Plaintiff brings the claims in this cause of action as survival claims permissible under
2 California law, including Cal. Code of Civ. Proc. Section 377.20 et. seq., and as wrongful death
3 claims permissible under California law, including Cal. Code of Civ. Proc. Section 377.60 et. seq.

4 110. Defendants LEEF, KNAPP, MASTERSON, BERNARDI, GRANT, HOLUM,
5 PAGE, DE LOS SANTOS, and REMAINING DOES, placed STEVEN NEUROTH in immediate
6 fear of death and severe bodily harm, and killed him by beating, battering, choking, and crushing
7 him without just provocation or cause, constituting assault and battery.

8 111. Defendants' conduct was neither privileged nor justified under statute or common
9 law.
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11 112. As a direct and proximate result of these Defendants' assault and battery of STEVEN
12 NEUROTH, Plaintiff and Decedent sustained injuries and damages and are entitled to relief as asset
13 forth above at ¶¶ 75-78, including punitive damages against Defendants LEEF, KNAPP,
14 MASTERSON, BERNARDI, GRANT, HOLUM, PAGE, DE LOS SANTOS, and REMAINING
15 DOES, in their individual capacities.
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17 **SEVENTH CAUSE OF ACTION**
18 **(Violation of California Government Code § 845.6) – Survival and Wrongful Death Claims**
19 **AGAINST DEFENDANTS LEEF, KNAPP, MASTERSON, BERNARDI, GRANT, HOLUM,**
20 **PAGE, DE LOS SANTOS, AND REMAINING DOES, and COUNTY**

21 113. Plaintiff realleges each and every paragraph in this complaint as if fully set forth
22 here.

23 114. Plaintiff brings the claims in this cause of action as survival claims permissible under
24 California law, including Cal. Code of Civ. Proc. Section 377.20 et. seq., and as wrongful death
25 claims permissible under California law, including Cal. Code of Civ. Proc. Section 377.60 et. seq.

26 115. Defendants LEEF, KNAPP, MASTERSON, BERNARDI, GRANT, HOLUM,
27 PAGE, DE LOS SANTOS, and REMAINING DOES knew or had reason to know that STEVEN
28 NEUROTH was in need of immediate medical care and treatment, including being transferred for

1 emergency inpatient hospitalization, and each failed to take reasonable action to summon immediate
2 medical care and treatment. Each such individual defendant, employed by and acting within the
3 course and scope of his/her employment with Defendant COUNTY, knowing and/or having reason
4 to know of STEVEN NEUROTH's need for immediate medical care and treatment, failed to take
5 reasonable action to summon such care and treatment in violation of California Government Code §
6 845.6.

7
8 116. Defendant COUNTY is vicariously liable for the violations of state law and conduct
9 of its officers, deputies, employees, and agents, including individual named defendants, under
10 California Government Code sections 815.2 and 845.6.

11 117. As legal cause of the aforementioned acts of these DEFENDANTS, Plaintiff and
12 Decedent were injured as set forth above, and their losses entitle Plaintiff to all damages allowable
13 under California law. Plaintiff (individually and as Successor in Interest for Decedent) sustained
14 serious and permanent injuries and is entitled to damages, penalties, costs, and attorney fees under
15 California law as set forth in ¶¶ 75-78, above, and punitive damages against these Defendants in
16 their individual capacities.
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19 **EIGHTH CAUSE OF ACTION**
20 **(Intentional Infliction of Emotional Distress) – Survival Claim**
21 **AGAINST DEFENDANTS LEEF and CITY OF WILLITS**

22 118. Plaintiff realleges each and every paragraph in this complaint as if fully set forth
23 here.

24 119. Plaintiff brings the claims in this cause of action as survival claims permissible under
25 California law, including Cal. Code of Civ. Proc. Section 377.20 et. seq.,

26 120. Before STEVEN NEUROTH was booked into the jail, Defendant LEEF
27 intentionally caused STEVEN NEUROTH to suffer severe emotional distress by Defendant LEEF's
28 outrageous conduct, including but not limited to abusing his authority, taking advantage of

1 STEVEN NEUROTH's mental and psychological disabilities, impairments, and vulnerabilities,
2 such as repeatedly yelling "Snakes!" while STEVEN NEUROTH was handcuffed and locked in his
3 police car and under the paranoid belief that there were deadly snakes in the car. In this conduct,
4 Defendant LEEF found pleasure in tormenting and terrorizing STEVEN NEUROTH, apparently
5 enjoying STEVEN NEUROTH's screams of fright and panic that Defendant LEEF deliberately
6 caused, over and over again. On information and belief, while Defendant LEEF was yelling,
7 "snakes!" to deliberately terrorize STEVEN NEUROTH, Defendant LEEF laughed and bragged to
8 another member of his police department to the effect: "I yelled and he freaked out. Yelled.
9 Because he was starting to get a little kinky back there. So what I like to do is say snakes very loud
10 and he jumps and it freaks him. It's pretty funny." Defendant LEEF did so while STEVEN
11 NEUROTH was in his custody and care, after Defendant LEEF already had determined that
12 STEVEN NEUROTH was in a psychotic state and unable to care for himself. Further, by this
13 intentional, extreme, and outrageous conduct, Defendant LEEF caused STEVEN NEUROTH to
14 further decompensate, becoming more paranoid, more fearful, more disoriented, and more at risk of
15 being subjected to unnecessary force in the jail.

18 121. Despite Plaintiff's lawful pre-suit requests for such information to both the CITY OF
19 WILLITS and MENDOCINO COUNTY, Defendants concealed the information in the preceding
20 paragraph from Plaintiff until March 31, 2016, when such information was first provided in
21 Defendant COUNTY's initial disclosures in this matter.

22 122. Defendant CITY OF WILLITS is vicariously liable for Defendant LEEF's torturous
23 and tortious conduct pursuant to California Government Code § 815.2.

24 123. As legal cause of the aforementioned acts of Defendants LEEF and CITY OF
25 WILLITS, Decedent suffered severe emotional distress, and as Decedent's Successor in Interest,
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1 Plaintiff is entitled to all damages allowable under California law as set forth in ¶¶ 75-78, above,
2 and punitive damages against Defendant LEEF in his individual capacity.

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RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests the following relief against each and every Defendant herein, jointly and severally:

- a. Compensatory and exemplary damages in an amount according to proof and which is fair, just, and reasonable;
- b. Punitive damages under 42 U.S.C. § 1983 and California law in an amount according to proof and which is fair, just, and reasonable;
- c. All other damages, penalties, costs, interest, and attorneys' fees as allowed by 42 U.S.C. §§ 1983 and 1988; California Code of Civil Procedure §§ 377.20 et seq., 377.60 et seq., and 1021.5; California Civil Code §§ 52 et seq., 52.1; and as otherwise may be allowed by California and/or federal law;
- d. Such further relief, according to proof, that this Court deems appropriate and lawful.

JURY DEMAND

Plaintiff hereby demands a jury trial in this action.

Dated: June 8, 2016

HADDAD & SHERWIN LLP

/s/ Michael J. Haddad

MICHAEL J. HADDAD
Attorneys for Plaintiff