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FRESNO COUNTY SUPERIOR COURT
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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF FRESNO**

10 DAVID JESSEN AND GRETCHEN) **Case No.: 17CECG00686**
11 JESSEN,)
12 Plaintiff,) **COMPLAINT FOR DAMAGES**
13 vs.)
14 THE COUNTY OF FRESNO, CITY OF)
15 CLOVIS and DOES 1 to 100, Inclusive,)
16 Defendants.)

17 Plaintiffs DAVID JESSEN ("David") and GRETCHEN JESSEN ("Gretchen")
18 hereinafter collectively referred to as "Jessens" and/or "Plaintiffs"), individuals residing in the
19 County of Fresno, State of California, allege as follows:
20

21 **THE PARTIES**

22 1. Jessens are now and at all times herein mentioned were residents of the County of
23 Fresno, State of California and are citizens of the United States of America.

24 2. Jessen's are informed and believe and thereon alleges Defendant, County of
25 Fresno (Hereinafter "Fresno") is now and at all times herein mentioned, a public entity located in
26 the County of Fresno, State of California chartered, organized and existing under the laws of the
27 State of California. Jessens are informed and believe and based thereon allege that the Sheriff's
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1 Department of the County of Fresno and all employed Fresno County Sheriff Officers are subject
2 to the authority and control of and under the County of Fresno, its board of supervisors, and the
3 Sheriff of the County of Fresno and subject to the policies, procedures, and customs enacted and
4 enforced by Fresno.

5 3. Jessens are informed and believe and thereon alleges Defendant, City of Clovis
6 (Hereinafter "Clovis") is now and at all times herein mentioned, a public entity located in the
7 County of Fresno, State of California chartered, organized and existing under the laws of the
8 State of California. Plaintiff is informed and believes that the Clovis Police Department and all
9 employed Clovis Police Department employees and police Officers are subject to the authority
10 and control of the City of Clovis, the Clovis City council, and the chief of police of the Clovis
11 Police Department, and controlled and governed by the policies, procedures and customs enacted
12 and enforced by Clovis.

14 4. Jessens are ignorant of the true names and capacities of the Defendants sued
15 herein as Does 1 through 100, inclusive, and therefore sues said Defendants by such fictitious
16 names. Jessens are informed and believe and upon such information and belief allege that at all
17 times mentioned herein, the names of the Doe Defendants involved in the activities and
18 circumstances described hereinafter included, employees, agents, representatives, officers,
19 supervisors, and superiors in the Clovis police department and in the Fresno County Sheriff's
20 office. Jessens are informed and believe and thereon allege that Said Doe Defendants, in taking
21 the actions hereinafter alleged, implemented and/or ordered the implementation of the actions
22 taken pursuant to the adopted directives, procedures, regulations, policies and customs of the
23 Defendants, and each of them. Plaintiff will amend this Complaint to allege the true names and
24 capacities of the Doe Defendants together with appropriate charging allegations when
25 ascertained. Plaintiff is informed and believes and thereon alleges that each of these fictitiously
26 named Defendants are responsible in some manner for the constitutional and statutory violations,
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1 intentional and/or negligent acts or omissions herein alleged and Jessens' damages proximately
2 and legally caused thereby as herein alleged. All of the named Defendants and Doe Defendants
3 are hereinafter referred to as "Fresno," and/or "County of Fresno," and/or "Clovis," and/or "City
4 of Clovis" and are also collectively hereinafter referred to as "Defendants."

5 5. Jessens are informed and believe and upon such information and belief allege that
6 at all times mentioned herein, that Defendants, and each of them, and DOES 1 through 100, and
7 each of them, are now and at all times herein mentioned were employees, agents, servants,
8 managers and representatives of each other, and in doing the things hereinafter alleged were
9 acting within the course and scope of their employment, agency, servitude, management and
10 representation, and with the permission, consent, authorization, control, and ratification of said
11 Defendants, and each of them.
12

13 6. As to all public entity Defendants, Plaintiff has complied with any and all
14 applicable claims' statutes by timely filing claims in compliance with California law and
15 applicable provisions of the Government Code with respect to the incident alleged herein and the
16 injuries sustained by the Jessens. All claims were rejected by the public entity Defendants
17 including Defendant, County of Fresno and City of Clovis based upon the Defendants', and each
18 of them, rejections and by reason thereof, Plaintiff timely brings this action to recover damages
19 as hereinafter alleged.
20

21 7. Plaintiff is informed and believes and upon such information and belief alleges
22 that at all times mentioned herein, that the above named Defendants, and each of them, and
23 DOES 1 through 100, and each of them, are now and at all times herein mentioned were
24 employees, agents, servants, managers and representatives of each other, and in doing the things
25 hereinafter alleged were acting within the course and scope of their relationship, employment,
26 agency, servitude, management and representation, and with the permission, consent,
27 authorization, control, and ratification of said Defendants, and each of them pursuant to the
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1 adopted and effective policies, regulations, procedures, directives, and/or orders of said
2 Defendants.

3 FACTUAL BACKGROUND

4 8. The Jessen's are a farming family residing at 2191 S. Rolinda Avenue, Fresno,
5 California 93706. The Jessen's' home and farming business are surrounded by almond orchards,
6 on a dead-end street, with no close neighbors. On or about June 11, 2016, David received a
7 telephone call from a Fresno County Sheriff stating they thought their home had been broken
8 into and to please call them. David called and said in response to the Sheriff's inquiry that he
9 was on his way home. Thereafter, David called his wife, who was not at home, and explained to
10 her what he had been told. When David arrived at their home four Sheriff vehicles were located
11 in front of their home with one vehicle parked on his front lawn. David parked his vehicle in the
12 driveway and saw two people sitting in the almond orchard. There was also one Fresno County
13 Deputy Sheriff positioned on the north side of the home, one Fresno County Deputy Sheriff
14 positioned on the south side of the home, and another Fresno County Deputy Sheriff using a bull
15 horn yelling to "come out," "hands up," "house surrounded." The Jessen's home was completely
16 surrounded by Fresno County law enforcement at the location. It was clear to David that if
17 someone was in there, there was no path of escape.
18

19
20 9. Upon arrival, David was immediately approached by a Fresno County Deputy
21 Sheriff who informed him that the two people sitting in the almond orchard had been doing some
22 construction work on an empty house nearly, approximately 200 feet to the south. Jessen's are
23 informed and believe and upon information and belief allege that the construction people upon
24 arrival at the vacant house where they were to work, walked upstairs and found a man sleeping in
25 a closet in the bedroom. Jessen's are informed and believe and upon information and belief
26 allege the construction workers told the man he could not stay there and he would have to leave.
27 Jessen's are informed and believe and upon information and belief allege the man left without
28

1 any confrontation or threat to the workers and in compliance with their request. Jessen's are
2 informed and believe and upon such information and belief allege the construction workers told
3 Fresno County law enforcement that the man in the vacant house walked to the Jessen's home
4 and sat under a tree in the front yard. Jessen's are informed and believe and upon such
5 information and belief allege after a while the construction workers heard glass break, walked to
6 the Jessen's home and saw a window by the front door had been broken. Jessen's are informed
7 and believe and upon information and belief allege observing these circumstances, the
8 construction workers called their employer and asked what they should do and they told them to
9 call Fresno County Deputy Sheriff's Department.
10

11 10. When the Fresno County Sheriff finished his explanation to David, David
12 attempted to walk to the front door of the residence but was stopped and was instructed by the
13 Fresno County Deputy Sheriff informing David he had more questions. He asked David "are
14 there any guns in the house?" David told him "yes" and that there were two shotguns that were
15 not loaded and that there was no boxes of shotgun shells in the house, but that he did have two
16 shotgun shells hidden where no one could find them. David also told the Sheriff that there was a
17 loaded .357 magnum hidden in the house that again, was so concealed that it could not be found
18 or discovered by anyone.

19 11. During this discussion David's wife, Gretchen, and his daughter drove up in their
20 vehicles as well as other vehicles driven by Fresno County Deputy Sheriff officers. The Fresno
21 County Sheriffs on the scene asked additional questions including a request for a key to the door
22 which David gave them and also requested he open the garage door. The Jessen's are informed
23 and believe and upon information and belief allege that as the Sheriffs were trying to open the
24 door to enter the house through the garage with the homeless person behind the door locking it as
25 they were trying to open it. David was told by the Deputy Sheriff that they had told the
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1 individual inside to come out, surrender, and that he made three different replies: (1) "I am not
2 ready to," (2) "come in and get me," (3) "if you come in I will shoot."

3 12. At that point the Fresno County Sheriff told Gretchen, David and their daughter as
4 well as the two people that were there from the nearby vacant house to leave the property, and
5 wait. From a distance David could hear more and more activity, but he did not have a clear view
6 of the actions taking place at his residence. After approximately 20 to 40 minutes a Deputy
7 Sheriff came over and informed David that his silver pickup needed to be moved. After refusing
8 to let David get his pickup, it was driven to David by a Fresno County Sheriff and David was
9 ordered to leave his residence area.
10

11 13. David took his wife and daughter to a friend's house about ten minutes away and
12 drove back to the Jessen's' house. As David approached Jensen and Rolinda, the northeast corner
13 his property on Rolinda was blocked off, Fresno County Sheriffs' vehicles lined Rolinda from
14 Jensen to the Jessen's residence for approximately ¼ mile south. David parked his vehicle across
15 the street in a friend's yard north of Jensen and sat in his vehicle at that location. David observed
16 two helicopters circling his residence and orchard. He also observed two (2) ambulances and one
17 (1) fire truck parked on side of the roadway on Jensen and Rolinda.
18

19 14. Bewildered and baffled David drove his pickup to another location and unloaded
20 farming equipment. Approximately five minutes or less after he unloaded his pickup, David
21 approached Dickenson and Hwy 180 where he saw a very large SWAT vehicle. David next
22 proceeded to Jensen and Rolinda where he saw a very large motor home coming from the East
23 on Jensen turning down Rolinda. The motor home was described as the CRISIS Negotiation
24 Team.
25

26 15. At approximately 4 to 4:30 p.m., a Fresno County Deputy Sheriff approached
27 David and asked him to describe the floorplan to his home. At approximately 7:30 p.m. David
28 was told that he could now go to his home. As David was driving toward the home from Jensen

1 David counted approximately fifty-five (55) or more law enforcement vehicles. David was then
2 ordered to park along Rolinda Avenue north of his home and instructed to walk to his home. On
3 his way to his home David was stopped by a SWAT person who told him the "operation" was
4 concluded. A second Fresno County Deputy Sheriff, that Jessen's are informed and believe and
5 upon information and belief allege was a Lieutenant, handed David a card and said "we have
6 insurance for this." David did not know or understand what he meant by this comment or the
7 purpose of the card he had given him because he did not know what he was referencing as David
8 had not seen the destruction of his home. A third Fresno County Deputy Sheriff showed David
9 the damage and David was overwhelmed by the severity and extent of the damage to the
10 residence. The damage to the Jessens' residence was massive and extensive. The magnitude of
11 the damage to the Jessen's' home was unreasonable and unjustified, needlessly implemented to
12 capture a singular, surrounded, unarmed, hungry, homeless person who posed no danger to
13 anyone, and cooperated in leaving the neighbors residence earlier.

15 16. Subsequently, at approximately 9:00 p.m. to 9:30 p.m. a Deputy Sheriff called
16 David and told him he had his two empty shotguns to return to David, but could not find the .357
17 handgun and wanted to know where the .357 handgun was located. David was on the telephone
18 nearly five minutes explaining to and giving directions to the Fresno County Sheriff on where
19 the hidden gun was located before he finally found it. The .357 handgun had been so concealed
20 that David was certain it could not be located by anyone other than himself. All empty guns
21 were returned to David just as he had described the gun situation to the Fresno County Sheriff,
22 namely, shotguns empty, no shells, no boxes of shells, hidden shells not found, and handgun not
23 found and could not be found until David gave detailed, repeated instruction to an apparently
24 coherent, knowledgeable Deputy Sheriff.

26 17. Jessen's are informed and believe and upon information and belief allege some
27 days later, the Fresno County Sheriff's Department, without invitation, without notification, and
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1 without asking permission from either David or his wife, illegally trespassed onto their property
2 and illegally and Plaintiffs are informed and believes and thereon allege possibly improperly
3 entered their home searching and undertaking improper actions. The Jessen's were not living
4 there because the Fresno County Sheriff's Department and Clovis Police Department military-
5 like assault on June 11, 2016, above described, had made their home uninhabitable, having
6 sustained substantial, and intrusive damage. Jessen's are informed and believe and upon
7 information and belief allege upon Defendants' illegal and improper entry of their residence, the
8 Sheriff officers took photographs of the damage proximately, and legally caused by the
9 unnecessary and unreasonable military-styled assault of the Fresno County Sheriff's Department
10 and the Clovis Police Department to the Jessens' home, and damage sustained by the Jessens
11 alleged herein.

12
13 18. Jessen's are informed and believe and upon information and belief allege that the
14 unreasonable and illegal entry and assault on their residence undertaken by the Defendants, and
15 each of them, was undertaken as a training tool or training experience for the officers and related
16 emergency personal in preparation for future incidents and to train for future military-like actions
17 by the Fresno County Sheriff's Department, the City of Clovis police department and other
18 emergency service personnel. Defendants, and each of them, subsequent unlawful, unreasonable
19 entry and operation at the Jessen's' home purportedly to memorialize the destruction to the home
20 was also for the benefit of the Defendant, as an educational tool and to assess the damages
21 resulting from their tactics.

22
23 19. Defendants, and each of them, made an intentional, malicious, decision and
24 implemented the wrongful conduct, above described, to transform benign circumstances: a
25 homeless, hungry, unarmed man who wrongfully entered into the Jessen home searching for
26 food into a full-scale, massive, military-like training session for the Fresno County Sheriff's
27 Department and the Clovis Police Department. Surprisingly and without reasonable grounds K-9
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1 dogs on the premises were not deployed to apprehend the intruder. Had the dogs been deployed
2 there would not have been a need for the violent, extreme actions employed by the Sheriff and
3 the Clovis Police Department. The Fresno County Sheriff's Department and Clovis Police
4 Department used bull horns, Robots, SWAT vehicles, tear gas canisters, and flash bombs and
5 numerous weapons at numerous locations in an unreasonable and unnecessary show of violent
6 and intrusive force, ambulances, helicopters, and fire trucks at an existing residence occupied by
7 a benign suspect, in a rural area, without a public presence, no road conditions or restrictions,
8 that were deemed by defendants, and each of them as the perfect location for the Fresno County
9 Sheriff's Department and Clovis Police Department to undertake training of such circumstances
10 utilizing all possible police tactics and actions to unreasonably and illegally invade the Jessen's
11 home, trespassing and searching the residence without request, invitation or permission.
12

13 20. June 11, 2016, the Fresno County Sheriff's Department conducted a military-like,
14 thinly disguised SWAT training exercise on the Jessen's home in rural Fresno County located at
15 2191 S. Rolinda Ave., Fresno, CA. To arrest a singular, unarmed, hungry, homeless person the
16 Fresno County Sheriff's and Clovis Police Departments deployed and utilized the following:
17

- 18 a. Utilized over 50 vehicles;
- 19 b. A K-9 unit;
- 20 c. Two helicopters;
- 21 d. Two Ambulances;
- 22 e. One Fire Truck;
- 23 f. A crisis Negotiation Team arriving in a large motor home, that Plaintiffs
24 are informed and believe included communications equipment and other
25 support equipment;
- 26 g. A Robot;
- 27 h. SWAT Team; and
28

1 i. Back Up SWAT Team – Clovis City Police.

2 21. In implementing and organizing this illegal and unauthorized rural training
3 session and/or operation at the Jessen's residence, the Fresno County Sheriff's Department and
4 Clovis Police Department nearly destroyed their home causing substantial and unnecessary
5 damage to the physical structure of the Jessen's residence and adjacent areas. The training
6 session, trainee exercise and/or operation unreasonably, violently, excessively, intrusively, and in
7 violation of Jessens' real property and personal property rights included, but is not limited to the
8 following:
9

- 10 a. Ripped out the wrought iron door and interior door to the Jessen's home
11 office;
12 b. Pulled the wall of the office off the foundation;
13 c. Broke the window to the office;
14 d. Teargassed the bathroom near the office;
15 e. Shattered the sliding glass door to the home for "robot" entry;
16 f. Ripped the wrought iron door off the laundry room;
17 g. Teargassed the laundry room;
18 h. ~~Flash bombed the laundry room and the business office that resulted in~~
19 breaking six (6) windows;
20 i. Teargassed the kitchen;
21 j. Teargassed the master bathroom;
22 k. Teargassed the sewing room;
23 l. Teargassed the bedroom in the northeast corner of the home; and
24 m. Destroyed over 90 feet of exterior fencing with a SWAT vehicle.

25 22. All of this military-like activity was implemented and completed without Jessens'
26 request, approval, or consent. Jessen's are informed and believe the training operation was
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1 undertaken because the Fresno County Sheriff's Department and/or Clovis Police Department
2 had found, by accident, the perfect location to conduct a training exercise on a rural home, on a
3 dead-end street, in rural Fresno County, where "civilians" were not present, "civilians" were not
4 going to congregate, "civilians" were not going to observe or interfere with the military training
5 assault on the Jessen's home and the situation posed no risk of injury to the officers. The Fresno
6 County Sheriff's Department and Clovis Police Department seized upon this fortuitous
7 opportunity to engage in a real-life training exercise.

8
9 23. There was no valid, reasonable reason for Defendants' military-like training
10 action and assault on a real home impacting real citizens. A single, solitary, unarmed, homeless,
11 hungry person whose only theft from the Jessen's home was one-half tomato, an ice cream bar
12 and some milk presented no threat warranting or justifying the Defendants' attack, assault and
13 invasion on the Jessen residence. Furthermore, the intruder caused minor damage to the Jessens'
14 residence consisting of a broken window and nothing more.

15 24. Neither, David, nor his wife, Gretchen, complained to, sought, asked for, pled or
16 requested the Fresno County Sheriff's Department to come to their aid or utilize military-like
17 force or any other force to invade their property and destroy their home in what obviously was a
18 bizarre, self-indulgent, training session. Neither David nor his wife Gretchen, were asked by the
19 Fresno County Sheriff's Department if it could assault, invade and destroy their home with
20 military-like precision. What David was told was "answer some questions" about guns, keys to
21 his home, entrances to his home, and ordered to leave his property. All were preliminary
22 questions and actions, part of their play book, in preparation for a military-like training operation
23 the Fresno County Sheriff's Department and Clovis Police Department intended to pursue in
24 capturing a surrounded, singular, solitary, hungry, unarmed, homeless person.

25
26 25. The Fresno County Sheriff's Department and Clovis Police Department then
27 proceeded to destroy the Jessen's home, business office, and related structures. Later multiple
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1 law enforcement personnel stated the home would have to be gutted and because of the tear gas
2 the carpet would have to be removed and most likely the dry wall also, and they were right.
3 Plaintiffs are informed and believe and thereon allege certain Fresno County Sherriff's
4 Department and Clovis Police Department law enforcement personnel joked that "no one will be
5 able to live in that house now," and they were right. David and his wife Gretchen are victims, not
6 of a homeless person's need for food, but the Fresno County Sheriff's Department and Clovis
7 Police Department unwarranted, not requested, unnecessary military-like training exercise,
8 conducted with overwhelming force. Defendants', and each of them, acknowledgements to the
9 Jessens that their destructive actions, in particular, the use of tear gas resulted in and created a
10 hazardous condition of the residence confirming the house was no longer habitable.
11

12 **FIRST CAUSE OF ACTION**

13 **[42 U.S.C. §1983]**

14 26. Jessens re-allege and incorporate by reference as though fully set forth herein
15 verbatim, paragraphs 1 through 25 alleged hereinabove.

16 27. This is an action brought under Title 42 U.S.C. §1983 to recover damages against
17 defendants, and each of them, for violation of the Jessens' rights, including but not limited to, the
18 Constitutional rights guaranteed by the Fourth, Fifth, and Fourteenth Amendments to the United
19 States Constitutions, as well as their Constitutional rights to substantive and procedural due
20 process and federal statutes applicable thereto.
21

22 28. The Superior Court of the County of Fresno has concurrent jurisdiction of
23 Jessens' action herein and the proper venue for this action is the County of Fresno, State of
24 California.

25 29. The Jessens are now, and at all times mentioned herein were, citizens of the
26 United States, and residents of the County of Fresno, State of California.
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1 30. Defendants, Fresno and Clovis are now and at all times mentioned herein public
2 entities organized and existing under the laws of the State of California. Jessen's are informed
3 and believe and thereon allege that the named Defendants and Doe Defendants were, at all times
4 herein mentioned, acting under the color of state law, Fresno and Clovis' directives, procedures,
5 policies, regulations, customs, training manuals, and other policy publications of said
6 Defendants, enacted, adopted, approved and/or ratified by Defendants, and each of them.

7 31. Defendants, and each of them, intentionally, negligently, and improperly violated
8 Jessens' federal Constitutional and/or statutory rights related thereto resulting from the
9 implementation of regulations, policies and customs that deprived the Jessens of the following
10 rights secured by the United States Constitution and related federal laws:
11

12 a. Jessens' Fourth Amendment to the United States Constitution rights that
13 protect against unreasonable, unnecessary, and improper search and seizure more particularly
14 described above resulting from the unlawful, unreasonable, and improper, intrusive, unconsented
15 entry into the Jessens' residence and Defendants' excessive, violent, unreasonable, and improper
16 search and deployment and implementation of improper, excessive police tactics that destroyed
17 their residence.
18

19 ~~b. Jessens' Fourth Amendment protected rights resulting from policies,~~
20 directives, regulations, customs, training operating procedures, and the implementation of
21 training procedures, and actions at the Jessens' residence under the circumstance above
22 described when such excessive, unreasonable, violent, destructive, and intrusive actions were in
23 violation of the Jessens' Fourth Amendment rights, unnecessary and unreasonable under the
24 circumstances.

25 c. Jessens' Fourth Amendment rights by utilizing excessive and
26 unreasonable, forcible entry into the Jessens' residence under the circumstances above alleged
27 described that resulted from Defendants' unreasonable, excessive, violent, intrusive, and
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1 unnecessary excessive use of force and actions that resulted in essentially the destruction of the
2 Jessens' residence preventing its habitation for a substantial period of time thereafter and
3 expense.

4 d. Violations of the Fifth Amendment to the United States Constitutional
5 protections that guaranty that private property shall not be taken for public use without
6 justification inasmuch as Defendants, and each of them, are believed to have used the Jessens'
7 property under the above alleged circumstances as a training exercise for Fresno and Clovis'
8 officers and employees and their excessive and unnecessary training actions under the
9 circumstances that resulted in a virtual total and improper destruction of the Jessens' real and
10 personal property constituting a taking of their property without just compensation. Said actions
11 and damages occasioned by the acts of Fresno and Clovis alleged herein constitute an inverse
12 condemnation of the Jessens' property without just compensation in violation of the Fifth
13 Amendment to the United States Constitution.
14

15 e. The conduct of Defendants, and each of them, above described also
16 constitutes a violation of the Fourteenth Amendment to the United States Constitution in that the
17 excessive, unreasonable, forceful, violent intrusion and actions taken by Defendants, and each of
18 them, under the circumstances, shocks the conscience of Constitutional protections.

19 f. Violation of the Fourteenth Amendment to the United States Constitution
20 in that Defendants', and each of them, unreasonable, intrusive, destructive, and violent actions at
21 and upon the Jessens' property, as hereinabove described, deprived the Jessens of the
22 Constitutional rights to liberty and property without due process of law. Defendants', actions
23 and each of them, above described, constitute an abuse of Defendants' police power and
24 employing such excessive, unreasonable, and destructive power in excess of their authority as an
25 instrument of oppression of the Jessens' Constitutional rights including but not limited to
26 improper execution of its authority and actions through and by its duly constituted agents.
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1 g. Violation of Jessens' substantive due process rights by infringing on
2 Jessens' right to liberty and justice by reason of the nature, duration and oppressive actions taken
3 by Defendants, and each of them, in performing an improper, unreasonable, intrusive and
4 unnecessary training session, training exercise, and an unjustified military style invasion of
5 Jessens' property in violation of the Jessens' individual rights and property rights that resulted in
6 substantial, unnecessary, damages to their residence.

7 h. Violation of Jessens' procedural due process rights in utilizing excessive,
8 unnecessary, unreasonable and unconscionable force and destructive violent actions in the entry
9 and/or search of the Jessens' residence under the circumstances described above without due
10 process of law or reasonable grounds or circumstances that justified such violation actions under
11 the circumstances.

12 i. Violation of Jessens' procedural and/or substantive due process rights in
13 negligently, carelessly, and/or intentionally failing to properly train its officers and employees in
14 the reasonable and proper undertaking of searches and seizures of real property and
15 apprehensions related thereto and other actions taken at the Jessen's residence that resulted in a
16 virtual total destruction of the Jessen's residence, and the negligent implementation and drafting
17 of training policies that promote the violation of procedural and due process rights of the public,
18 including the Jessen's and other constitutional rights.

19 32. Defendants, and each of them, maintained, implemented, enacted, employed, and
20 promoted policies, customs and practices, including regulations and enactments requiring and/or
21 authorizing the implementation of training practices and exercises for their officers and forces
22 when the circumstances arose or existed conducive to their implementation of such practices
23 notwithstanding the rights of the public, including the Jessen's personal and property rights
24 guaranteed by the United States Constitution. Defendants, and each of them, implemented such
25 training sessions or exercises that were utilized to familiarize their officers and employees with
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1 simulated conditions and tactics that could be employed if necessary in future situations. Such
2 training exercises, or sessions at the Jessen's residence, above described, were not necessary, nor
3 required under the circumstances described above.

4 33. As a direct, proximate, and legal cause of Defendants', and each of them, actions,
5 described hereinabove, the Jessens have suffered substantial property damage and monetary
6 damage, inconvenience, embarrassment, and other losses, as described above in an amount
7 according to proof.

8 SECOND CAUSE OF ACTION

9 NEGLIGENCE

10
11 34. Jessens re-allege and incorporate by reference as though fully set forth herein
12 verbatim, paragraphs 1 through 25 and 27 through 33 alleged hereinabove.

13
14 35. At all times herein mentioned, Defendants, and each of them, owed legal duties,
15 and were under Constitutional mandates to protect and preserve the Jessens' Constitution rights
16 and privileges, including the duties imposed on Defendants under the Fourth Amendment, Fifth
17 Amendment, substantive and procedural due process rights, and a general duty of care
18 thereunder. Defendants, and each of them, also owed the Jessens' legal duties of care because of

19 the foreseeability of harm and certainty of injury to the Jessens in the event negligently existing
20 policies, regulations, directives or operating procedures were implemented and/or operative
21 and/or non-negligent policies, regulations, directives or operating procedures were negligently
22 performed, negligently supervised, implemented, or otherwise negligently undertaken. The
23 circumstances alleged above, and incorporated herein demonstrate the duties upon Defendants,
24 and each of them, to perform and implement their actions in a reasonable, non-destructive, and
25 non-violent manner to prevent unnecessary damage and injury to the Jessens and their special
26 relationship with Defendants under the circumstances.
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36. Defendants, and each of them, grossly negligently, or negligently failed to exercise the proper degree of care in the enactment, implementation, and development of training exercises or practice manuals, directives, regulations, policies, procedures and customs, and in their negligent, careless, and unreasonable implementation and undertaking of military style swat tactics at the Jessens' residence above described proximately and legally caused damage to the Jessens' residence above alleged.

37. As a direct, proximate, and legal cause of the actions of Defendants, and each of them, alleged herein, the Jessens sustained and will continue to sustain special and general damages to their personal and real property much of which was destroyed beyond repair, all to Jessen's damage in a sum exceeding \$150,000.00 that includes substantial damage to their residence, personal property, inconvenience required by the need to vacate the property to correct and repair damages, incidental costs related to such damages, and other special and general damages according to proof.

THIRD CAUSE OF ACTION

VIOLATIONS OF CALIFORNIA CONSTITUTION

38. Jessen's re-allege and incorporate by reference as though fully set forth herein verbatim, paragraphs 1 through 25, 27 through 33, and 35 through 37 alleged hereinabove.

39. This action is also brought pursuant to the Constitution of the State of California, Article I, Section 1, Section 7, and Section 13, to recover property damages against Defendants, and each of them, for violation of Jessen's Constitutional rights, above identified, and the facts and circumstances alleged herein.

WHEREFORE, Plaintiffs pray judgment as follows:

1. For special, general and compensatory damages in an amount to be determined according to proof at trial;

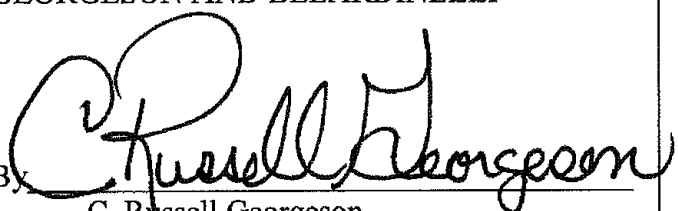
2. For reasonable attorneys' fees pursuant to 42 U.S.C. §1988;

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- 3. For Costs of suit incurred in this action; and,
- 4. For such other and further relief as the Court deems proper.

DATED: March 8, 2017

GEORGESON AND BELARDINELLI

BY 
C. Russell Georgeson
Attorney for Plaintiffs DAVID JESSEN and
GRETCHEN JESSEN