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15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**

17 **HARUE CRAIG**, individually
18 **Plaintiff,**
19 **vs.**
20 **COUNTY OF SANTA CLARA,**
21 **DOUGLAS ULRICH**, individually and
22 **DOES 1 - 25,**
23 **Defendants.**

CASE NO. 5:17-cv-02115

COMPLAINT FOR DAMAGES

1. **4th Amendment - Excessive Force (42 U.S.C. § 1983)**
2. **Substantive Due Process (42 U.S.C. § 1983)**
3. **Negligence (Wrongful Death)**
4. **Battery (Wrongful Death)**
5. **Municipal Liability – Ratification (42 U.S.C. § 1983)**
6. **Municipal Liability – Inadequate Training (42 U.S.C. § 1983)**
7. **Municipal Liability – Unconstitutional Custom, Practice, or Policy (42 U.S.C. § 1983)**
8. **Bystander Emotional Distress**
9. **Bane Act (CA Civ. Code § 52.1)**

DEMAND FOR JURY TRIAL

24 **COMPLAINT**

1 COMES NOW Plaintiff, Harue Craig, individually, for her Complaint against
2 defendants County of Santa Clara, Douglas Ulrich, and Does 1-25, and alleges as follows.

3 **I.**

4 **INTRODUCTION**

5 1. On the evening of September 12, 2016, Navy veteran Eugene Craig, age 86, and his
6 wife Harue Craig, age 90 at the time, were looking forward to relaxing in their home
7 when they heard what sounded to them like intruders trying to break in. Arming
8 himself with his .38 caliber revolver, Mr. Craig stood in front of his wife as the
9 intruder forced his way into their home after smashing through two doors. Mr. Craig
10 was gunned down by multiple shots as his wife cowered behind him. Despite
11 breaking no laws, Mr. Craig was gunned down and killed by Santa Clara County
12 Sheriff’s Deputy Douglas Ulrich.

13 2. This civil rights and state tort action seeks compensatory and punitive damages from
14 defendants for violating various rights under the United States Constitution and state
15 law in connection with the fatal officer-involved shooting of Plaintiff’s husband,
16 Eugene Craig (decedent), on September 12, 2016, witnessed by Plaintiff Harue
17 Craig, in the home she shared with her decedent spouse.

18 **II.**

19 **JURISDICTION AND VENUE**

20 3. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3)-
21 (4) because Plaintiff asserts claims arising under the laws of the United States
22 including 42 U.S.C. § 1983 and the Fourth and Fourteenth Amendments of the
23 United States Constitution. This Court has supplemental jurisdiction over Plaintiff’s
24 claims arising under state law pursuant to 28 U.S.C. § 1367(a) because those claims
25 are so related to the federal claims that they form part of the same case or
26 controversy under Article III of the United States Constitution.

27 4. Venue is proper in this Court under 28 U.S.C. § 1391(b) because defendants reside
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1 in this district and all incidents, events and occurrences giving rise to this action
2 occurred in this district.

3 **III.**

4 **PARTIES**

- 5 5. Plaintiff Harue Craig (hereinafter “Plaintiff”) is an individual (aged 90) residing in a
6 single-family home at 12132 Titus Ave., Saratoga, County of Santa Clara, where the
7 incident complained of occurred, and at all times pertinent was the lawful spouse of
8 decedent, who was 86 years of age when he was fatally shot on September 12, 2016.
- 9 6. At all relevant times, defendant County of Santa Clara (County) is and was a
10 governmental entity existing under the laws of the State of California. County is a
11 chartered subdivision of the State of California with the capacity to be sued. County
12 is responsible for the actions, omissions, policies, procedures, practices and customs
13 of its various agents and agencies, including the Santa Clara Sheriff’s Department
14 (SCSD) and its agents and employees. At all relevant times, defendant County was
15 responsible for assuring that the actions, omissions, policies, procedures, practices
16 and customs of the SCSD and its employees and agents complied with the laws of
17 the United States and of the State of California. At all relevant times, County was the
18 employer of defendants Douglas Ulrich and Does 1-25.
- 19 7. At all times herein mentioned, defendant Douglas Ulrich (Ulrich) was a sergeant
20 with the Santa Clara Sheriff’s Dept. and in doing the things hereinafter alleged, acted
21 under color of law within the course and scope of his employment. He is being sued
22 in his individual capacity.
- 23 8. Defendants Does 1-10 are deputy sheriffs for the SCSD. In doing the things
24 hereinafter alleged, said Doe defendants acted under color of law within the course
25 and scope of their employment with the SCSD. Also at all relevant times, said Doe
26 defendants were acting with the complete authority and ratification of their principal,
27 defendant County.
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- 1 9. Defendants Does 11-15 are supervisory officers for the SCSD who, in doing the
2 things hereinafter alleged, were acting under color of law within the course and
3 scope of their duties as officers for the SCSD. Does 11-15 were acting with the
4 complete authority and ratification of their principal, defendant County.
- 5 10. Defendants Does 16-20 are managerial, supervisory and policy-making employees
6 of the SCSD, who, in doing the things hereinafter alleged, were acting under the
7 color law within the course and scope of their duties as managerial, supervisory and
8 policy-making employees for the SCSD. Does 16-20 were acting with the complete
9 authority and ratification of their principal, defendant County.
- 10 11. In doing the acts and failing and omitting to act as hereinafter described, defendants
11 Douglas Ulrich and Does 1-20 were acting on the implied and actual permission and
12 consent of their co-defendants.
- 13 12. The true names and capacities, whether individual, corporate, association or
14 otherwise of defendants Does 1-25 are unknown to Plaintiff, who otherwise sues
15 these defendants by such fictitious names. Plaintiff may seek leave to amend this
16 Complaint to show the true names and capacities of these defendants when they have
17 been ascertained and when new information comes to light. Each of the fictitiously-
18 named defendants is responsible in some manner for the conduct or liabilities alleged
19 herein.
- 20 13. At all times mentioned herein, each and every defendant was the agent of each and
21 every other defendant and had the legal duty to oversee and supervise the hiring,
22 conduct and employment of each and every defendant.
- 23 14. All of the acts complained of herein by Plaintiff against defendants were done and
24 performed by said defendants by and through their authorized agents, servants,
25 and/or employees, all of whom were, at all relevant times, acting within the course,
26 purpose and scope of said agency, service and/or employment capacity. Moreover,
27 defendants and their agents ratified all of the acts complained of herein.
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1 15. Does 1-25 are sued in their individual capacity.

2 **IV.**

3 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

4 16. Plaintiff repeats and re-alleges each and every allegation in paragraphs 1 through 15
5 of this Complaint with the same force and effect as if fully set forth herein.

6 17. On September 12, 2016, defendant SCSD received a request for a welfare check on
7 Eugene and Harue Craig at their home at 12132 Titus Ave., Saratoga California.
8 Defendant SCSD, through their deputy sheriffs, including defendant Ulrich,
9 responded to the request at approximately 7:00 p.m.

10 18. Receiving no response to their efforts to gain entry to the home, defendant Ulrich
11 and other sheriff's deputies proceeded to a side entrance, where they kicked down
12 the door. Approximately 15 minutes before the officers broke down the side door, a
13 neighbor and friend of the Craigs approached them, offering to intercede and
14 communicate with the Craigs, which offer was declined and the neighbor was told to
15 stand back.

16 19. SCSD's involved deputies, including defendant Ulrich, unlawfully entered the home
17 of Eugene and Harue Craig and unjustly shot and killed the 86-year old decedent in
18 front of his 90-year old wife.

19 20. At all relevant times prior to the unlawful entry, neither decedent nor Plaintiff was
20 suspected of having been engaged in any criminal activity or enterprise. Decedent
21 and Plaintiff were peacefully enjoying their residence, posing no risk of harm to
22 anyone, when the SCSD's involved deputies, including defendant Ulrich, broke into
23 their home.

24 21. Plaintiff alleges defendant Ulrich shot decedent in his torso multiple times, resulting
25 in decedent's death. At the time decedent was shot, he was standing in front of and
26 protecting Plaintiff from the sudden intrusion.

27 22. Plaintiff incurred funeral and burial expenses as a result of defendants' misconduct.
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She has also been deprived of the assistance decedent provided in the maintenance of their residence and seeks damages for his wrongful death. Plaintiff was fearful and contemporaneously aware her spouse was being shot. She suffered and continues to suffer emotional distress and is making a by-stander emotional distress claim, also known as *Dillon v. Legg* claim. (See *Dillon v. Legg* (1968) 68 Cal.2d 728 and the cases based thereon.)

23. On November 15, 2016, Plaintiff presented the required Claim Against the County of Santa Clara.

24. On December 9, 2016, the County of Santa Clara rejected Plaintiff’s claim.

V.

CAUSES OF ACTION

FIRST CLAIM FOR RELIEF

Fourth Amendment – Excessive Force (42 U.S.C. § 1983)

(Against All Defendants)

25. Plaintiff repeats and re-alleges each and every allegation in paragraphs 1 through 24 of this Complaint with the same force and effect as if fully set forth herein.

26. Defendants Ulrich and Does 1-15 used excessive force against decedent and Plaintiff by unlawfully entering their residence and then shooting decedent multiple times. In so doing, Plaintiff and decedent were deprived of their right to be secure in their persons against unreasonable searches and seizures as guaranteed to them under the Fourth Amendment to the United States Constitution and applied to state actors by the Fourteenth Amendment.

27. Decedent was shot multiple times in the presence of Plaintiff, who suffered and continues to suffer mental and emotional distress.

28. The conduct of defendants and each of them was willful, wanton, malicious and done with reckless disregard for the rights and safety of decedent and Plaintiff, and therefore warrants the imposition of exemplary and punitive damages as to

1 defendants and each of them.

2 29. The shooting was excessive and unreasonable, especially because Plaintiff and
3 decedent posed no immediate or remote threat of death or serious bodily injury at
4 the time of the incident and no criminal activity had been reported or suspected.
5 Further, defendants' use of deadly force violated their training and standard police
6 officer and/or deputy sheriff training.

7 **SECOND CLAIM FOR RELIEF**

8 **Substantive Due Process (42 U.S.C. § 1983)**

9 **(Against All Defendants)**

10 30. Plaintiff repeats and re-alleges each and every allegation in paragraphs 1 through 29
11 of this Complaint with the same force and effect as if fully set forth herein.

12 31. Plaintiff had a cognizable interest under the Due Process Clause of the Fourteenth
13 Amendment of the United States Constitution to be free from state actions that
14 deprive her of life, liberty or property in such a manner as to shock the conscience,
15 including, but not limited to, unwarranted state interference in Plaintiff's familial
16 relationship with her husband, decedent.

17 32. The aforementioned actions of defendants and each of them, together with other
18 undiscovered conduct, shock the conscience in that they acted with deliberate
19 indifference to the constitutional rights of decedent and Plaintiff and with purpose to
20 harm unrelated to any legitimate law enforcement objective.

21 33. As a direct and proximate result of these actions, decedent died. Defendants thus
22 violated the substantive due process rights of Plaintiff to be free from unwarranted
23 interference with her familial relationship with decedent.

24 34. As a direct and proximate cause of the acts of defendants and each of them, Plaintiff
25 suffered emotional distress, mental anguish and pain. Plaintiff has also been
26 deprived of the love, companionship, comfort, support, society, care and sustenance
27 of decedent, and will continue to be so deprived for the remainder of her natural life.

1 35. The conduct of defendants and each of them was willful, wanton, malicious and
2 done with reckless disregard for the rights and safety of decedent and Plaintiff and
3 therefore warrants the imposition of exemplary and punitive damages as to
4 defendants.

5 36. Plaintiff brings this claim seeking wrongful death and emotional distress damages.
6 Plaintiff also seeks attorney's fees.

7 **THIRD CLAIM FOR RELIEF**

8 **Negligence**

9 **(Wrongful Death)**

10 **(Against all Defendants)**

11 37. Plaintiff repeats and re-alleges each and every allegation in paragraph 1 through 36
12 of this Complaint with the same force and effect as if fully set forth herein.

13 38. Police officers/deputy sheriffs, including defendants, have a duty to use reasonable
14 care to prevent harm or injury to others. This duty includes using appropriate tactics
15 giving appropriate commands, giving warnings and not using any force unless
16 necessary, using less than lethal options and only using deadly force as a last resort.

17 39. Defendants Ulrich and Does 1-20 breached this duty of care. Upon information and
18 belief, the actions and inactions of defendants Does 1-20 were negligent and
19 reckless, including, but not limited to:

- 20 (a) The failure to properly and adequately assess the need use deadly force
21 against decedent;
- 22 (b) The negligent tactics and handling of the situation with Plaintiff and
23 decedent, including pre-shooting negligence;
- 24 (c) The negligent use of deadly force against decedent;
- 25 (d) The failure to properly train and supervise employees, both professional
26 and non-professional, including defendant Ulrich and Doe defendants;
- 27 (e) The failure to ensure adequate numbers of employees with appropriate
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education and training were available to meet the needs of and protect the rights of Plaintiff and decedent;

(f) The negligent handling of evidence, witnesses and Plaintiff; and

(g) The negligent communication of information during the incident.

40. As a direct and proximate result of defendants’ conduct as alleged above, and other undiscovered negligent conduct, decedent was fatally shot. Also as a direct and proximate result of defendants’ conduct as alleged above, Plaintiff suffered emotional distress and mental anguish. Further, Plaintiff has been deprived of the love, companionship, comfort, support, society, care and sustenance of decedent and will continue to be so deprived for the remainder of her natural life, entitling her to wrongful death damages.

41. County is vicariously liable for the wrongful acts of defendants Ulrich and Does 1-20 pursuant to section 815.2(a) of the California Government Code, which provides that a public entity is liable for the injuries caused by its employees acting within the course and scope of their employment if the employee’s act would subject him or her to liability.

FOURTH CLAIM FOR RELIEF

Battery

(Wrongful Death)

(Against Defendants County, Ulrich and Doe Deputy Sheriffs)

42. Plaintiff repeats and re-alleges each and every allegation in paragraphs 1 through 41 of this Complaint with the same force and effect as if fully set forth herein.

43. While working as officers for the SCSD, and acting within the course and scope of their duties, defendants Ulrich and Does 1-10 intentionally shot decedent multiple times and used unreasonable and excessive force against him. As a result of the actions of defendant Ulrich and Does 1-10, decedent died from multiple gunshot wounds to his trunk. Ulrich and Does 1-10 had no legal justification for using force

1 against decedent and their use of force while carrying out their duties was an
2 unreasonable and unprivileged use of force.

3 44. County is vicariously liable for the wrongful acts of defendants Ulrich and Does 1-
4 10 pursuant to section 815.2(a) of the California Government Code, which provides
5 a public entity is liable for the injuries caused by its employees within the scope of
6 their employment if the employee's act would subject him or her to liability.

7 45. The conduct of Ulrich and Does 1-10 was malicious, wanton, oppressive and
8 accomplished with a conscious disregard for the rights of Plaintiff and decedent,
9 entitling Plaintiff to an award of exemplary and punitive damages as to defendants.

10 **FIFTH CLAIM FOR RELIEF**

11 **Municipal Liability – Ratification**

12 **(Against Defendants County and Does 11-20)**

13 **(42 U.S.C. § 1983)**

14 46. Plaintiff repeats and re-alleges each and every allegation in paragraph 1 through 45
15 of this Complaint with the same force and effect as if fully set forth herein.

16 47. Defendants County and Does 11-20 acted under color of law in doing the things
17 herein alleged.

18 48. The acts of defendants County and Does 11-20 deprived decedent and Plaintiff of
19 their particular rights under the United States Constitution.

20 49. The training policies of defendant County were not adequate to train its deputy
21 sheriffs to handle the usual and recurring situations with which they must deal.

22 50. Defendants County and Does 11-20 were deliberately indifferent to the obvious
23 consequences of its failure to train its deputy sheriffs adequately.

24 51. The failure of defendants County and Does 11-20 to provide adequate training
25 caused the deprivation of Plaintiff's rights by defendants Ulrich and Does 1-10 –
26 that is, defendants' failure to train is so closely related to the deprivation of
27 Plaintiff's rights as to be the moving force that caused the ultimate injury.
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1 52. On information and belief, defendant County and Does 11-20 failed to train Ulrich
2 and Does 1-10 properly and adequately.

3 53. By reason of the aforementioned acts and omissions, Plaintiff has suffered loss of the
4 love, companionship, affection, comfort, care, society and past and future support of
5 decedent. The aforementioned acts and omissions also caused decedent's death.

6 54. Accordingly, defendants County and Does 11-20 each are liable to Plaintiff for
7 compensatory damages under 42 U.S.C. § 1983.

8 **SIXTH CLAIM FOR RELIEF**

9 **Municipal Liability – Unconstitutional Custom or Policy (42 U.S.C. § 1983)**

10 **(Against Defendants County and Does 11-20)**

11 55. Plaintiff repeats and re-alleges each and every allegation in paragraph 1 through 54
12 of this Complaint with the same force and effect as if fully set forth herein.

13 56. Defendants Ulrich and Does 1-10 acted under color of law.

14 57. Defendants Ulrich and Does 1-10 acted pursuant to an expressly adopted official
15 policy or a longstanding practice or custom of defendant County.

16 58. On information and belief, defendants Ulrich and Does 1-10 were not disciplined,
17 reprimanded, retrained, suspended or otherwise penalized in connection with
18 decedent's death.

19 59. Defendants, together with other County policymakers and supervisors, maintained,
20 *inter alia*, the following unconstitutional customs, practices and policies:

- 21 (a) Using excessive force, including excessive deadly force;
22 (b) Providing inadequate training regarding the use of deadly force;
23 employing and retaining as police officers/deputy sheriffs individuals
24 such as defendants Ulrich and Does 1-10, whom defendant County at all
25 times material herein knew or reasonably should have known had
26 dangerous propensities for abusing their authority and for using excessive
27 force;

- 1 (c) Inadequately supervising, training, controlling, assigning and disciplining
2 County officers and other personnel – including defendants Ulrich and
3 Does 1-10 – whom defendant County knew or in the exercise of
4 reasonable care should have known had the aforementioned propensities
5 and character traits;
- 6 (d) Maintaining grossly inadequate procedures for reporting, supervising,
7 investigating, reviewing, disciplining and controlling misconduct by
8 County officers, defendants Ulrich and Does 1-10;
- 9 (e) Failing to adequately discipline County police officers/deputy sheriffs –
10 including defendants Ulrich and Does 1-10 – for the above-referenced
11 categories of misconduct, including “slaps on the wrist,” discipline that is
12 so slight as to be out of proportion to the magnitude of the misconduct
13 and other inadequate discipline tantamount to encouraging misconduct;
- 14 (f) Encouraging, accommodating or facilitating a “blue code of silence,”
15 “blue shield,” “blue wall,” “blue curtain,” “blue veil,” or simply “code of
16 silence,” pursuant to which police officers/ deputy sheriffs do not report
17 other deputy sheriffs’ errors, misconduct or crimes. Pursuant to this code
18 of silence, if questioned about an incident of misconduct involving
19 another officer, while following the code, the deputy being questioned
20 will claim ignorance of the other officers’ wrongdoing.
- 21 (g) Maintaining a policy of inaction and an attitude of indifference toward
22 soaring numbers of police/deputy sheriff shootings and beatings,
23 including by failing to discipline, retrain, investigate, terminate and
24 recommend deputy sheriffs for criminal prosecution who participate in
25 shootings and beatings of unarmed people.

26 60. By reason of the aforementioned acts and omissions, Plaintiff has suffered loss of the
27 love, companionship, affection, comfort, care, society and past and future support of
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1 decedent. The aforementioned acts and omissions also caused decedent's loss of life.

2 61. Defendants County and Does 11-20, together with various other officials – whether
3 named or unnamed – had either actual or constructive knowledge of the deficient
4 policies, practices and customs alleged in the paragraphs above. Despite having
5 knowledge, as stated above, these defendants condoned, tolerated and, through
6 actions and inactions, thereby ratified such policies. Said defendants also acted with
7 deliberate indifference to the foreseeable effects and consequences of these policies
8 with respect to the constitutional rights of decedent, Plaintiff and other individuals
9 similarly situated.

10 62. By perpetrating, sanctioning, tolerating and ratifying the outrageous conduct and
11 other wrongful acts, Defendant Ulrich and Does 1-10 acted with intentional, reckless
12 and callous disregard for the life of decedent and for decedent's and Plaintiff's
13 constitutional rights. Furthermore, the policies, practices and customs implemented,
14 maintained and still tolerated by defendants County and Does 11-20 were
15 affirmatively linked to and were a significantly influential force behind the injuries
16 to decedent and Plaintiff.

17 63. Accordingly, defendants County, Ulrich and Does 1-20 each are liable to Plaintiff
18 for compensatory damages under 41 U.S.C. § 1983.

19 **SEVENTH CLAIM FOR RELIEF**

20 **Municipal Liability – Unconstitutional**

21 **Custom, Practice, or Policy**

22 **(42 .S.C. § 1983)**

23 **(Against Defendants County and Does 11-20)**

24 64. Plaintiff repeats and re-alleges each and every allegation in paragraph 1 through 63
25 of this Complaint with the same force and effect as if fully set forth herein.

26 65. Defendants Ulrich and Does 1-15 acted under color of law.

27 66. Defendants Ulrich and Does 1-15 acted pursuant to an expressly adopted official
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1 policy or a longstanding practice or custom of defendant County.

2 67. On information and belief, defendants Ulrich and Does 1-15 were not disciplined,
3 reprimanded, retrained, suspended or otherwise penalized in connection with
4 decedent's death.

5 68. Defendants, together with other County policymakers and supervisors, maintained,
6 *inter alia*, the following unconstitutional customs, practices and policies:

- 7 (a) Using excessive force, including excessive deadly force;
- 8 (b) Providing inadequate training regarding the use of deadly force;
9 employing and retaining as police officers/deputy sheriffs individuals
10 such as defendants Ulrich and Does 1-10, whom defendant County at all
11 times material herein knew or reasonably should have known had
12 dangerous propensities for abusing their authority and for using excessive
13 force;
- 14 (c) Inadequately supervising, training, controlling, assigning and disciplining
15 County officers and other personnel – including defendants Ulrich and
16 Does 1-10 – whom defendant County knew or in the exercise of
17 reasonable care should have known had the aforementioned propensities
18 and character traits;
- 19 (d) Maintaining grossly inadequate procedures for reporting, supervising,
20 investigating, reviewing, disciplining and controlling misconduct by
21 County officers, defendants Ulrich and Does 1-10;
- 22 (e) Failing to adequately discipline County police officers/deputy sheriffs –
23 including defendants Ulrich and Does 1-10 – for the above-referenced
24 categories of misconduct, including “slaps on the wrist,” discipline that is
25 so slight as to be out of proportion to the magnitude of the misconduct
26 and other inadequate discipline tantamount to encouraging misconduct;
- 27 (f) Encouraging, accommodating or facilitating a “blue code of silence,”
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1 “blue shield,” “blue wall,” “blue curtain,” “blue veil,” or simply “code of
2 silence,” pursuant to which police officers/ deputy sheriffs do not report
3 other deputy sheriffs’ errors, misconduct or crimes. Pursuant to this code
4 of silence, if questioned about an incident of misconduct involving
5 another officer, while following the code, the deputy being questioned
6 will claim ignorance of the other officers’ wrongdoing.

7 (g) Maintaining a policy of inaction and an attitude of indifference toward
8 soaring numbers of police/deputy sheriff shootings and beatings,
9 including by failing to discipline, retrain, investigate, terminate and
10 recommend deputy sheriffs for criminal prosecution who participate in
11 shootings and beatings of unarmed people.

12 69. By reason of the aforementioned acts and omissions, Plaintiff has suffered loss of the
13 love, companionship, affection, comfort, care, society and past and future support of
14 decedent. The aforementioned acts and omissions also caused decedent’s loss of life.

15 70. Defendants County and Does 11-20, together with various other officials – whether
16 named or unnamed – had either actual or constructive knowledge of the deficient
17 policies, practices and customs alleged in the paragraphs above. Despite having
18 knowledge, as stated above, these defendants condoned, tolerated and, through
19 actions and inactions, thereby ratified such policies. Said defendants also acted with
20 deliberate indifference to the foreseeable effects and consequences of these policies
21 with respect to the constitutional rights of decedent, Plaintiff and other individuals
22 similarly situated.

23 71. By perpetrating, sanctioning, tolerating and ratifying the outrageous conduct and
24 other wrongful acts, Defendant Ulrich and Does 1-10 acted with intentional, reckless
25 and callous disregard for the life of decedent and for decedent’s and Plaintiff’s
26 constitutional rights. Furthermore, the policies, practices and customs implemented,
27 maintained and still tolerated by defendants County and Does 11-20 were
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affirmatively linked to and were a significantly influential force behind the injuries to decedent and Plaintiff.

72. Accordingly, defendants County, Ulrich and Does 1-20 each are liable to Plaintiff for compensatory damages under 41 U.S.C. § 1983.

EIGHTH CLAIM FOR RELIEF

Bystander Emotional Distress

73. Plaintiff repeats and re-alleges each and every allegation in paragraph 1 through 72 of this Complaint with the same force and effect as if fully set forth herein.

74. Plaintiff and decedent were married for in excess of 44 years. Plaintiff was present and contemporaneously aware her spouse was being shot by defendants as described above.

75. Plaintiff was injured by witnessing the tortious conduct committed against her husband.

76. Plaintiff has suffered severe mental and emotional distress as a result of witnessing her husband being fatally shot. She has exhibited manifestations of shock, humiliation and mental anguish, not limited to sleep disturbance, anxiety, nightmares, loneliness/weeping. Accordingly, Plaintiff has suffered past and future general damages in an amount to be determined at trial.

NINTH CLAIM FOR RELIEF

Bane Act (CA Civ. Code § 52.1)

77. Plaintiff repeats and re-alleges each and every allegation in paragraph 1 through 76 of this Complaint with the same force and effect as if fully set forth herein.

78. In performing the actions alleged above, defendants, and each of them interfered by threats, intimidation, violence or coercion with Plaintiff's exercise or enjoyment of rights secured by the Constitution or laws of the United States and/or the right secured by the Constitution or laws of the State of California. These laws, include, but are not limited to, the first, fourth and fourteenth amendments to the United

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States Constitution, Article 1, sections 1, 2, 13 and 17 of the California Constitution, and California Civil Code § 43.

79. Defendants, and each of them, knowingly and willfully conspired and agreed among themselves to violate Plaintiff’s civil rights. The deputy sheriffs at the scene conspired to injure Plaintiff.

80. As a direct and proximate result of defendants’ conduct, as alleged herein, Plaintiff suffered fright, shock, pain, suffering and/or extreme mental anguish. Accordingly, she has suffered past and future general damages in amounts to be determined by proof at trial.

81. Through their conduct, the individual deputy sheriffs acted maliciously and oppressively, in willful and conscious disregard for Plaintiff’s rights and safety and with the sole intent to harm her. Plaintiff is therefore entitled to punitive or exemplary damages from the individual sheriff’s deputies in an amount to be determined by proof at trial.

82. As a proximate cause of the defendants’ conduct, Plaintiff is incurring attorney’s fees.

83. Defendants’ violation of Plaintiff’s rights as guaranteed by California Civil Code section 52.1, which entitles Plaintiff to compensatory and punitive damages, treble damages, as well as attorney’s fees, all of which are provided for in California Civil Code sections 52, *et seq.*, and are requested herein.

84. Defendant county is vicariously liable for the conduct of the individual defendants pursuant to California Government Code § 815.2.

VI.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Harue Craig requests entry of judgment in her favor and against defendants County of Santa Clara, Douglas Ulrich and DOES 1 – 25 as follows:

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- A. For compensatory damages in whatever amount may be proven at trial, including emotional distress and wrongful death damages under federal and state law;
- B. For funeral and burial expenses and loss of financial support;
- C. For punitive damages against the individual defendants in an amount to be proven at trial;
- D. For statutory damages;
- E. For interest;
- F. For reasonable attorney’s fees, including litigation expenses;
- G. For costs of suit; and
- H. For such further other relief as the Court may deem just, proper and appropriate.

Date: April 17, 2017

LAW OFFICE OF ARA JABAGCHOURIAN

By: /s/ Ara Jabaghourian
 ARA JABAGCHOURIAN
Attorney for Plaintiff
 Harue Craig

VII.

JURY DEMAND

Plaintiff demands trial by jury on all issues so triable.

Dated: April 17, 2017

LAW OFFICE OF ARA JABAGCHOURIAN

By: /s/ Ara Jabaghourian
 ARA JABAGCHOURIAN
Attorneys for Plaintiff
 Harue Craig

JS-CAND 44 (Rev. 07/16)

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

HARUE CRAIG, individually

(b) County of Residence of First Listed Plaintiff Santa Clara
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Ara Jabagchourian, Law Office of Ara Jabagchourian, 1650 S. Amphlett Blvd., Suite 216, San Mateo, CA 94402; (650) 437-6840

DEFENDANTS

COUNTY OF SANTA CLARA,
DOUGLAS ULRICH, individually and
DOES 1 - 25

County of Residence of First Listed Defendant Santa Clara
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1 Incorporated or Principal Place of Business in This State	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Citizen of Another State	<input type="checkbox"/>	<input type="checkbox"/>	2 Incorporated and Principal Place of Business in Another State	<input type="checkbox"/>	<input type="checkbox"/>
Citizen or Subject of a Foreign Country	<input type="checkbox"/>	<input type="checkbox"/>	3 Foreign Nation	<input type="checkbox"/>	<input type="checkbox"/>

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input checked="" type="checkbox"/> 110 Insurance	<input checked="" type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC § 881	<input type="checkbox"/> 422 Appeal 28 USC § 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC § 157	<input type="checkbox"/> 376 Qui Tam (31 USC § 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		PROPERTY RIGHTS	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment Of Veteran's Benefits	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	LABOR	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 720 Labor/Management Relations	SOCIAL SECURITY	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability		<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice		<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 890 Other Statutory Actions
					<input type="checkbox"/> 891 Agricultural Acts
					<input type="checkbox"/> 893 Environmental Matters
					<input type="checkbox"/> 895 Freedom of Information Act
					<input type="checkbox"/> 896 Arbitration
					<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
					<input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	IMMIGRATION	FEDERAL TAX SUITS	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	Habeas Corpus:	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 871 IRS-Third Party 26 USC § 7609	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence			
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 530 General			
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities-Employment	<input type="checkbox"/> 535 Death Penalty			
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities-Other	Other:			
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other			
		<input type="checkbox"/> 550 Civil Rights			
		<input type="checkbox"/> 555 Prison Condition			
		<input type="checkbox"/> 560 Civil Detainee-Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation-Transfer
- 8 Multidistrict Litigation-Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C section 1983

Brief description of cause:
Civil rights and wrongful death action under the Fourth Amendment and related state law claims

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$ CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S), IF ANY (See instructions):

JUDGE DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only) SAN FRANCISCO/OAKLAND SAN JOSE EUREKA-MCKINLEYVILLE

DATE: 04/17/2017

SIGNATURE OF ATTORNEY OF RECORD: /s/ Ara Jabagchourian