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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE

Attorneys for Plaintiffs

7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
9 **EASTERN DIVISION**

EDCV14-00711 JGB SPX

11 TAMECA SHELTON, NASHAY TRICE,
12 FAY YOUNG, EMMA JEAN YOUNG,
13 individuals,

14 Plaintiffs,

16 v.

17
18 JOHN McMAHON, SAN BERNARDINO
19 COUNTY SHERIFF's DEPARTMENT
20 COUNTY of SAN BERNARDINO, DOES
21 1-100.

Defendants

CASE No.

COMPLAINT FOR DAMAGES &
INJUNCTIVE RELIEF

- 1. 42 USC 1983 [RETALIATION]
- 2. 42 USC 1983 [4th Amendment]
- 3. 42 USC 1985(3) [CONSPIRACY]
- 4. Calif. Const. Article 1, 7 & 13
- 5. Calif. Civil Code 51.7 [RALPH Act]
- 6. Calif. Civil Code 52.1 [BANE Act]
- 7. Calif. Civil Code 1714 [Negligence]
- 8. Common Law Battery

DEMAND FOR JURY TRIAL

26 Plaintiffs TAMECA SHELTON, NASHAY TRICE FAY YOUNG, EMMA JEAN
27 YOUNG, individuals, TAMECA SHELTON & NASHAY TRICE ("Plaintiffs") allege:
28

J/S

1 **JURISDICTION**

2 1. This Court has jurisdiction over the parties and subject matter, because the
3 claims herein asserted pursuant to the United States Constitution and 42 USC 1983, et
4 seq and the jurisdiction of this Court is invoked pursuant to 28 USC 1331 and 1343.
5

6 2. The acts complained of arose in this District, and therefore venue lies in this
7 District pursuant to 28 USC 1391.

8 **PARTIES**

9 3. Plaintiffs are residents of San Bernardino County at all relevant times herein
10 stated and are adult African American women. TAMECA SHELTON (hereafter
11 "TAMECA") and NASHAY TRICE (hereafter "NASHAY") are sisters, FAY YOUNG is
12 the mother of TAMECA SHELTON and NASHAY TRICE (hereafter "mother"), and
13 EMMA JEAN YOUNG (hereafter "grandmother") is the grandmother of TAMECA
14 SHELTON and NASHAY TRICE.
15

16 4. Defendant, John McMahon, is another County Board of Supervisors
17 appointed Sheriff-Coroner-Public-administrator for San Bernardino County and the
18 chief law enforcement officer, policy maker for law enforcement matters in the
19 County of San Bernardino at all relevant times herein stated and personally arrived
20 at the scene to investigate the civil rights violations hereafter alleged but identified himself
21 not as the Sheriff-Coroner-Public Administrator, but as a watch commander and when he
22 was told by Plaintiff Tameca Shelton that she wanted to press charges and wanted his
23 business card, he said nothing and directed another officer to hand him his card, not
24 McMahon's.
25

26 5. San Bernardino County is the local agency which employs John McMahon
27 and Steve Singley, Legal Counsel for the San Bernardino County Sheriff's Department,
28

1 whose San Bernardino County Sheriff Executive Staff website photo found at
2 <http://cms.sbcounty.gov/sheriff/GeneralInfo/SheriffsExecutiveStaff.aspx> resembles the
3 male assailant of TAMECA SHELTON & NASHAY TRICE on December 7, 2013.
4

5 6. Defendants include, but are not limited to:

- 6 (a) California Peace Officers, Sheriffs, Undersheriffs, Deputy Services,
7 (b) California Penal Code 69 qualified executive officers and or officials,
8 (c) Private citizens acting in concert with and or at the direction and consent of
9 those officers, sheriffs, deputy sheriffs and or officials, and
10 (d) California government entities and officers, sheriffs and or deputy sheriffs
11 currently unknown to Plaintiffs.
12

13 7. The Defendants whose identities are unknown are sued under the names
14 Does 1-100 (hereafter "Does"). Individual Defendants are herein referred to as "deputy
15 sheriffs" and any governmental entity defendants are referred to by proper name
16 or as "governmental entity", unless discovery reveals that one or more of the unknown
17 defendants is not a sworn peace officer, but a citizen acting in concert with and or the
18 consent of a sworn peace officer. Plaintiffs are informed and believe and thereon
19 allege that all of the Defendants, including the named defendants, are in some manner
20 responsible for the injuries and damages herein alleged.
21

22 **FACTS COMMON TO ALL COUNTS**

23 8. Each and every allegation set forth in each and every averment of this
24 Complaint is hereby incorporated by this reference in each and every other averment
25 and allegation of the Complaint.
26

27 9. Each Plaintiff was deprived of an interest protected by the Constitution or
28 laws of the United States, and Defendants and each of them caused such deprivation

1 while acting under color of state law.

2 10. All acts or omissions alleged to have been engaged in by any Defendant and
3 each of them are alleged to have been engaged in with evil motive and intent, and in
4 callous, reckless and wanton disregard of the rights of any Plaintiff.
5

6 11. Defendants County of San Bernardino and Does are alleged to have
7 maintained or permitted an official policy or custom or practice causing or permitting the
8 occurrence of the types of wrongs set forth herein below knowingly, with gross
9 negligence or with deliberate indifference, actively concealing or destroying adverse
10 evidence which based on the principles set forth in Monell v New York City Department
11 of Social Services, 436 US 658 (1978) and City of Canton v Harris, 489 US 378 (1989)
12 are liable for all injuries sustained by any Plaintiff as set forth herein below. All
13 governmental entities are liable under Gov't Code 815.2.
14

15 12. On or about December at 3:30 am, TAMECA SHELTON (hereafter
16 "TAMECA") and her sister [NASHAY TRICE (hereafter "NASHAY")] were returning from
17 an event located in Los Angeles and decided to stop at the Del Taco store located on
18 Highway 395 and Palmdale Road in Adelanto, California.
19

20 13. TAMECA & TRICE went through the drive-thru and ordered some food.

21 14. When TAMECA discovered her order was missing some items she had paid
22 for, she stopped before leaving the driveway, exited the vehicle she was in and went
23 back to the window to get the missing item(s).
24

25 15. The Del Taco employee was in the process of completing the order when a
26 white male in street clothes hopped out of the passenger side of the car behind
27 TAMECA and approached TAMECA and said "move your fucking car".

28 16. TAMECA stated "okay I will move my car let me grab my items."

1 17. The white male proceeded to push on TAMECA's body and shove her.

2 18. When the white male began shoving on me, a white female passenger
3 exited the driver's seat of the same vehicle the white male came out of her vehicle, got
4 into TAMECA's face and said "you nigger bitch move your fucking car".
5

6 19. TAMECA asked the white female if she would not talk to her like that.

7 20. The white female started chest bumping TAMECA and stated "nigger bitch
8 move your car, that's right I called you a nigger bitch."

9 21. TAMECA at that time asked the cashier at Del Taco to call the police.

10 22. TAMECA was then shoved by the female and consistently called "nigger
11 bitch" and noticing the smell of alcohol, TAMECA asked the female if she had been
12 drinking and the white female stated "Yes, she had been drinking, she had come from a
13 fucking Christmas party".
14

15 23. While this was going on the white male companion came around and
16 positioned himself behind TAMECA and pushed her as well.

17 24. The white female then swung at TAMECA and hit her in the face.

18 25. TAMECA's sister [NASHAY] observing the obviously racially motivated
19 violence, who had two sheriff deputies recently shoot her pet dog 7 times and took it
20 away without filing any report, and who was watching another attack unfold but this
21 time on her sister, came out of the vehicle to try and assist her sister by grabbing the
22 white male and trying to pull him away, whereupon the white male turned around and
23 shoved NASHAY into some bushes and onto the ground behind her.
24

25 26. After NASHAY was pushed down, TAMECA was punched in the face by
26 the white female while NASHAY was defending herself against the physical attacks of
27 the white male.
28

1 27. At varying moments, the white female would strike NASHAY while the male
2 would physically strike TAMECA and then they would switch back.

3 28. While TAMECA was defending herself the white female stated "you nigger
4 bitches are going down, you guys are going down" after which she stated she stated for
5 the first time that she was a deputy.
6

7 29. NASHAY tried to break off the physical contact with the white male who was
8 choking her but was unsuccessful in repelling him.

9 30. TAMECA tried to get the white male off her sister but then came the white
10 woman who had by then identified herself as a deputy sheriff who pulled TAMECA's
11 hair which forced Plaintiffs to continue defending themselves.
12

13 31. The Sheriff's department finally arrived and got between the white female
14 deputy, her companion and Plaintiff, and initially and were told to return to each of our
15 respective vehicles and sit in same, whereupon Plaintiff initially advised the deputy
16 sheriffs that they wanted to press charges.
17

18 32. Plaintiffs immediately were told that they needed to wait for a watch
19 commander and TAMECA and her sister allege on information and belief that in
20 retaliation for stating they wanted to press charges, they were placed in the back of
21 police vehicle separated from each other and were deprived access to their cell phones
22 of their car, preventing them from calling for help and documenting the police activity.

23 33. Plaintiffs were forced to wait several hours in back of sheriff's locked cruisers
24 against their consent constituting an unlawful detention, while the white male and
25 female officer assailants were allowed to sit together in the same car and talk, the white
26 male was allowed to walk about and take pictures in effect assisting McMahon in
27 overseeing and or conducting the investigation of his unlawful race-based assault, the
28

1 white female officer was allowed to sit with what appeared to be a family member who
2 arrived at the scene after the Sheriff's department arrived and somehow avoided being
3 tested for their blood alcohol level despite both their powerful smelling alcohol breaths.
4

5 34. An EMT unit was called for Plaintiffs' injuries sustained as a result of the
6 attack by the self-identified sheriff deputy and her companion, who may or may not be
7 an officer and at least according to TAMECA closely resembles the San Bernardino
8 County Sheriff's Department's Legal Counsel.

9 35. After EMT looked at Plaintiffs' injuries, the same white male hopped out of
10 his car and stated "why the fuck didn't they attend to her" and took video footage of the
11 license plate on the car TAMECA was driving, consistent with the type of free
12 movement given to law enforcement representatives at a crime scene.
13

14 36. TAMECA repeatedly asked for the assailants to be given an alcohol breath
15 test which was not from what Plaintiffs saw ever done.

16 37. At the scene Plaintiffs were not given a report number and no commitment
17 was made about pressing charges for the attack.
18

19 38. Plaintiffs were detained involuntarily by the still unidentified officers for a total
20 of four hours before they could leave the Del Taco making for a detention in violation of
21 their fourth amendment rights.

22 39. In the subsequent weeks and months, Plaintiffs, their mother and their
23 grandmother, despite letters of representation having been mail and faxed to the
24 County, were harassed by marked and unmarked cruisers, called by " Sgt Laura" from
25 a County jail "wanting to talk" on February 21, 2013 and February 23, 2013 and by
26 other County Sheriff employees "wanting to talk" by acts including but not limited to:
27

28 a. Plaintiffs' grandmother, who was the registered owner of the car TAMECA was

1 operating on December 7, 2013 (which had been subsequently transferred to
2 TAMECA's mother), has been stopped by the police repeatedly. One particular time
3 mother had just dropped Tameca off at work and as she was approaching La Mesa,
4 Street when an officer pulled her over saying that she almost hit him, when he had been
5 following her car for miles.
6

7 b. The Sheriffs have had cars, both unmarked and marked vehicle, parked on
8 TAMECA's street across from her house on March 1, 2013 (parked SUV with heavily
9 tinted windows), March 10 (white sheriff vehicle #97), March 20 (grey SUV Chevrolet
10 waited outside TAMECA's home and followed her to work and after that, followed
11 Plaintiffs' mother's car).
12

13 c. On March 14, 2014 a car with an officer in it was sitting on grandmother's house
14 and again on March 20, 2014.

15 d. On March 25, 2014 an unmarked vehicle grey Chevrolet was sitting in front of
16 TAMECA's house, waited for her to walk to the mail box, and every step TAMECA
17 made, the car followed closely behind her, and when TAMECA turned around acting as
18 if she was about to record the stalking, the car suddenly drove off very fast paced.
19

20 e. TAMECA's daughter is frighten so much so that TAMECA has moved her
21 temporarily to TAMECA's mothers house because TAMECA feels it is just not safe here
22 where she resides, especially since the Sheriff's claimed they accidently had the wrong
23 address when they forcibly entered the neighbor's house in plain view of TAMECA's
24 family and home.
25

26 f. NASHAY has been stopped as well by officers and has had messages left
27 with her and her friend's, whose number could only have been obtained with in all
28 likelihood an illegal tap.

1 40. Plaintiffs efforts to get basic incident information has been interfered with by a
2 course of conduct that is willful interference with a lawful investigation of a race
3 motivated attack upon Plaintiffs:
4

5 a. On December 11,2013 , TAMECA went to the Police Dept @ 9:30 am talked
6 to Rachel she said that the case report was not ready and that it take 7-10 days.

7 b. On December 18, 2013, TAMECA talked to Joe said he was an operator then
8 said the report was still not ready that it takes 7-10 days said to call back next
9 Wednesday.
10

11 c. On December 23, 2013 TAMECA talked to a white female @ the Adelanto
12 police station she asked for her Id and case number, TAMECA waited for about 15
13 minutes, she called a officer who was in the office to assist her and then came to the
14 window and said this case is over 25 pages long and that the case was still being
15 investigated.
16

17 d. On December 24, 2013 TAMECA called Victorville station (760)552-6800
18 talked to Kathy and was told that the report was not ready and that it may or may not go
19 to the district attorney's office.

20 e. On December 26, 2013, TAMECA talked to Kathy and TAMECA was told that
21 the case was not ready and that it was sent back to 3 Deputies and Kathy advised
22 TAMECA to leave a message for Sergeant. Mellow based out of the Phelan office.
23 TAMECA then asked her why Sergeant Mellow, and Kathy stated because he is the
24 one who is now covering the case because the watch commander who was on the
25 scene on December 7th (who TAMECA now knows was none other than Sheriff
26 McMahan himself) is now on vacation she then said that there were three sergeant's
27
28

1 who were working on the case report. Kathy then stated to TAMECA that she will send
2 Sergeant Mellow an email to call TAMECA.

3
4 f. On January 3, 2014 TAMECA talked to Kathy who said that case report is not
5 ready and that she did not know what the hold was but the notes stated it needed to be
6 sent back so that 3 officers could review it.

7 g. On January 7, 2014, TAMECA talked to Joe at the Sheriff's Department and
8 was put on hold for about 10 minutes, and Joe then asked TAMECA her name multiple
9 times then stated that the case is now non releaseable that it has not been signed off
10 and that the case has gone to the District attorney office.

11
12 h. On January 23, 2014 a California Public Records Act request was sent to John
13 McMahon and the Sheriff's Department seeking information of the assailants and
14 records properly pertaining to same and both refused on or about February 11, 2014 to
15 release any information, further interfering with the investigation of race based acts of
16 violence and concealing the facts relating to the identity of the civil right violators.

17
18 i. At some time in or about the month of December, the Del Taco video which
19 recorded the incident was received by the Sheriff's department. A copy was
20 downloaded to a laptop the sheriff's investigators had at the store location and they
21 preceded to erased it after viewing same, in a further attempt to conceal and
22 interfere with an investigation of civil rights violations.

23
24 41. PLAINTIFFS have all sustained severe emotional upset, anxiety and related
25 health issues from the ongoing surveillance as alleged above.

26 42. As to physical injuries, NASHAY suffered upper extremity injuries,
27 Cuts/gashes and has a continuing fear for her and her children's safety, and TAMECA

1 suffered a dislocated shoulder, bruising to her arm, knees and left side, a knocked out
2 front tooth, wrist and arm pain and in addition to the same severe emotional upset and
3 fear for one's safety, elevated blood pressure which TAMECA has had trouble
4 controlling due to the ongoing harassment by Defendants.
5

6 43. Plaintiffs have substantially complied with the provisions of the California
7 Tort Claims Act and the California Government Code to the extent applicable.
8

9 **FIRST CLAIM FOR RELIEF**
10 **RETALIATION IN VIOLATION of FEDERAL LAW & 14th Amendment**
11 **(TAMECA SHELTON, NASHAY TRICE vs JOHN McMAHON & SAN**
12 **BERNARDINO COUNTY & ITS SHERIFF's DEPARTMENT, Does 1-100)**

13 Plaintiffs incorporate paragraphs 1-43 above.
14

15 44. Section 1983 of Title 42 imposes liability without defense on state and local
16 officials who, acting under color of law in their individual capacity, deprive plaintiffs of
17 rights created by the Constitution and federal law.
18

19 45. John McMahon's decision to block Plaintiffs' investigation of civil rights
20 violations by Defendants via lawful public records act requests is conduct that violates
21 clearly established federal statutory rights that Plaintiffs have the benefit of, which a
22 reasonable person would have known as including but not limited to:
23

- 24 (a) Title VI and Title VI regulation(s) [under 28 C.F.R. § 42.108(e) (Department of
25 Justice Regulation) no recipient (County of San Bernardino) or other person
26 (John McMahon) shall intimidate, threaten, coerce, or discriminate against any
27 individual for the purpose of interfering with any right or privilege secured by
28 Title VI, 42 U.S.C. § 2000d et seq., public funds, to which all taxpayers of all
races contribute, not be spent in any fashion which encourages, entrenches,
subsidizes or results in racial discrimination (John F. Kennedy quoted at the

1 USDOJ website <http://www.justice.gov/crt/about/cor/coord/titlevi.php>), the exact
2 result of John McMahon's actions;

3
4 (b) Title 18, U.S.C., Section 241 [makes it unlawful for two or more persons to
5 conspire to injure, oppress, threaten, or intimidate any person of any state,
6 territory or district in the free exercise or enjoyment of any right or privilege
7 secured to him/her by the Constitution or the laws of the United States, (or
8 because of his/her having exercised the same] such as using an instru-
9 mentality of interstate commerce used to get a complete order of food (a drive
10 through driveway off of Interstate 395 on December 7, 2013) and for
11 refusing to release lawfully requested records, an interference with the exercise
12 of the right of petitioning the government,
13

14 (c) Title 18, U.S.C., Section 242 [a crime to willfully deprive or cause to be
15 deprive any person of those rights, privileges, or immunities secured or
16 protected by the Constitution and laws of the U.S.] such as protecting
17 violations of the civil rights of African Americans to not be attacked because
18 of their race, locked up in a car for fours and refused access to basic
19 information on the identities and job information on assailants,
20

21 (d) Title 18, U.S.C., Sec. 245 [which prohibits willful injury, intimidation, or
22 interference or attempt to do so, by force or threat of force of any person
23 because of race, color, religion, or national origin and because of his/her activity
24 as a traveler or user of any facility of interstate commerce (such as the Del
25 Taco drive through off Interstate 395);
26

27 (e) or willful injury, intimidation, or interference, or attempt to do so, by force
28 or threat of force of any person or class of persons because of their activity as

1 a participant in any program or activity receiving Federal financial assistance.

2 which the Sheriff's Department clearly is the recipient of.

3
4 47. Further Plaintiffs due process rights protected under the 14th Amendment
5 Amendment have been violated by Defendants withholding of records pertinent to
6 Plaintiffs' race-based assault and battery claims, in that such a blanket denial for any
7 information, effectively prevents Plaintiffs from being able to assert with sufficient
8 specificity their claims against he assailants and the County within the 6 month claim
9 for damage period mandated under the California Government Code.
10

11 48. To the extent San Bernardino receives federal assistance and to the
12 extent the actions denying access to the identity of the assailants and basic information
13 on the investigation is done because of Plaintiffs' race and or in retaliation to Plaintiffs
14 exercise of their right to petition, the County is proper party as is John McMahon.

15 49. Plaintiffs were involved in a protected activities--seeking food from an
16 establishment off an interstate highway and seeking information through the public
17 records act process and through direct inquiry with departmental employees.
18

19 50. Plaintiffs allege on information and belief that they have been retaliated
20 against for exercising their right to investigate (petition) and further the facts suggest an
21 orchestrated coverup and suppression of a racially motivated assault and battery by a
22 peace officer under color of law (and possibly a lawyer employed by the Sheriff's
23 Department), by a systematic surveillance and harassment of Plaintiff and her family --
24 a commitment of resources in a City (Adelanto) with a contract for only 3 full time
25 officers in the field, is not only a full court press that could only be accomplished by the
26 Sheriff-Coroner-Public Administrator with the power to divert manpower and cars from
27 other service areas in the County, with what Plaintiffs on information and belief
28

1 thereon alleges, was a personally approved and implemented plan seeking to
2 intimidate, threaten and or coerce Plaintiffs into doing nothing and so to lull the public
3 into believing all was well and by that decision, conceal any race-based animus and
4 motivation for the attacks because of its potential impact on federal funding for the
5 Sheriff's Department given other recent incidents involving excessive force.
6

7 51. Plaintiffs on information and belief allege that McMahon and the Department
8 directly were sent and received the public records act request advising them of the
9 requested subject matter which included the identity of the assailants, that they were
10 injured and that they were seeking records to seek justice.
11

12 52. Plaintiffs on information and belief allege that the denial of basic information
13 sought is adverse action taken against the Plaintiffs, even if the surveillance and
14 harassment post record act request was not its own adverse action done in retaliation of
15 Plaintiffs' exercise of their petition right and the right to not be retaliated against for
16 exercise of rights protected under Paragraph 46 of this complaint and incorporated
17 herein by reference.
18

19 53. Plaintiffs on information and belief assert that there is a causal connection
20 between the complainant's protected activity and the recipient's adverse actions.
21 See Davis v. Halpern, 768 F.Supp. 968, 985 (E.D.N.Y. 1991) [(Defendants's summary
22 judgment motion to dismiss Title VI retaliation claim was denied because plaintiff
23 established evidence of prima facie case].
24

25 54. Defendants' assertion that the assailants privacy rights prevented
26 the release of information is pretextual in that criminal civil rights violators have no
27 expectation of privacy given departmental policy that all employees will comply with all
28 the laws and further the assertion that an investigation is ongoing has no bearing

1 on identifying the assailants, particularly where the communications from the
2 department employees referenced above, show the reason the so called investigation.

3 55 . Defendants' violations are ongoing, are facial in nature and apply to the
4 John McMahon and the San Bernardino County Sheriff's Department, and each of
5 them, plaintiffs are informed and believe, have a custom, practice and policy of failing to
6 adequately and objectively investigate misconduct of their employees, and in condoning
7 a code of silence by which employees conceal and or ignore evidence to protect
8 fellow employees from accountability and the San Bernardino Sheriff's Department and
9 the County of San Bernardino from liability rather than deal with ongoing race animus
10 within the ranks

11 **SECOND CLAIM FOR RELIEF**
12 **4th Amendment/42 USC 1983**
13 **(ALL PLAINTIFF vs ALL DEFENDANTS)**

14 56. Plaintiffs incorporate paragraphs 1-55 above.

15 57. The conduct of each Defendant violated the right of each Plaintiff to be
16 secure in home, person and effects against unreasonable searches and seizures,
17 detentions in locked cars for hours without any means of outside communication and to
18 not be subjected to the use of excessive force, as guaranteed by the Fourth and
19 Fourteenth Amendments to the United States Constitution, the violation of same (by
20 the above referenced conduct incorporated herein by reference) entitles Plaintiffs to
21 recover damages pursuant to 42 USC 1983.
22

23 58. The conduct of the Defendants which violated Plaintiffs' Fourth and
24 Fourteenth Amendment rights included a conspiracy by one or more of the defendants
25 to violate Plaintiffs' Fourth Amendment rights, which in the instant matter includes not just
26
27
28

1 uniformed deputies, but the sheriff himself and it potentially appears the on-the-payroll
2 legal counsel for the San Bernardino County Sheriff's Department.

3
4 **THIRD CLAIM FOR RELIEF**
5 **14th Amendment/42 USC 1985(3)**
6 **(ALL PLAINTIFFS vs ALL DEFENDANTS)**

7 59. Plaintiffs incorporate paragraphs 1-58 above.

8 60. Plaintiffs are African Americans and are members of a minority group.

9 61. Each sheriff and deputy sheriff agreed at the scene, understood and
10 conspired with each other sheriff, deputy sheriff defendant and or their in house counsel
11 to deprive Plaintiffs of the equal protection of the laws under 42 USC 1985(3) based on
12 a racially motivated bias against African Americans, and the governmental entity could
13 have, but negligently did not, prevent the violations of 42 USC Sec. 1985(3).

14 Therefore each sheriff and or deputy sheriff and or non-sworn employee of the Sheriff's
15 Department on scene is liable to Plaintiffs under 42 USC 1981, 1982 and 1985, and
16 any governmental entity Defendant and any officer supervisorial Defendant is liable to
17 each Plaintiff for all wrongs alleged in this Complaint under Monell v New York
18 Department of Social Services, supra.

19
20 **FOURTH CLAIM FOR RELIEF**
21 **California Constitution, Article 1 Sec's.1,7 & 13**
22 **(ALL PLAINTIFFS vs ALL DEFENDANTS)**

23 62. Plaintiffs incorporate paragraphs 1-61 above.

24 63. The conduct of each Defendant as described above was done for the
25 purpose of interfering with and attempting to interfere with Plaintiffs' right to be free from
26 unreasonable invasions of their privacy and to be accorded due process under Article 1
27 Sections 1,7 and 13 of the California Constitution.

1 **FIFTH CLAIM FOR RELIEF**
2 **California Civil Code 51.7 (RALPH CIVIL RIGHTS ACT)**
3 **(ALL PLAINTIFFS vs ALL DEFENDANTS)**

4 64. Plaintiffs incorporate paragraphs 1-63 above.

5 65. It is against the law in California for anybody to threaten or commit acts of
6 violence against a person or their property because of one's race or the kinds of
7 persons with whom you associate.

8 66. The Ralph Civil Rights Act (California Civil Code Section 51.7) forbids acts of
9 violence, because of (for example) race and or color.

10 67. Plaintiffs are informed and believe and thereon allege that the conduct of each
11 Defendant in doing or failing to do the other wrongful acts herein alleged, was
12 motivated by Defendants invidious racial animus and for that reason violated Plaintiff
13 rights under California Civil Code Section 51.7
14

15 **SIXTH CLAIM FOR RELIEF**
16 **California Civil Code 52.1(b) (BANE CIVIL RIGHTS ACT)**
17 **(ALL PLAINTIFFS vs ALL DEFENDANTS)**

18 68. Plaintiffs incorporate paragraphs 1-67 above.

19 69. Bane Civil Rights Act (California Civil Code Section 52.1) forbids anyone
20 from interfering by force or by threat of violence with federal or state constitutional or
21 statutory rights.

22 70. The conduct of each Defendant as described above was done for the purpose
23 of interfering with and attempting to interfere with Plaintiffs' right to be free from
24 unreasonable invasions of their privacy and to be accorded due process under Article
25 Sections 1,7 and 13 of the California Constitution, and for that reason violated
26 Plaintiff's rights under California Civil Code 52.1(b).
27
28

1
2 **SEVENTH CLAIM FOR RELIEF**
3 **Negligence/Civil Code 1714**
4 **(ALL PLAINTIFFS vs ALL DEFENDANTS)**

5 71. Plaintiffs incorporate paragraphs 1-70 above.

6 72. The conduct of each defendant in doing or failing to do the other wrongful acts
7 herein alleged was done as a result of the negligence of all Defendants. The County of
8 San Bernardino is liable for the negligence of its employees, including each of the
9 Defendants named herein under Government Code 815.2.

10 73. Plaintiffs are informed and believe and thereon allege that John McMahon
11 and other Doe employees of the County of San Bernardino and its Sheriff's Department
12 were negligent in their hiring, training, supervision and discipline of employees of the
13 County of San Bernardino and that such negligence was a legal cause of the injuries
14 and damages Plaintiffs suffered.

15 **EIGHTH CLAIM FOR RELIEF**
16 **Battery/Civil Code by anyone who is not a County Employee**
17 **(ALL PLAINTIFFS vs DOE DEFENDANTS)**

18 74. Plaintiffs incorporate paragraphs 1-73 above.

19 75. Due to the unwillingness of the County to identify the assailants, Plaintiff
20 TAMECA and NASHAY make this alternative allegation against Doe Defendants to the
21 extent they are not peace officers and subject to a government code claim requirement
22 for the injuries sustained from the unconsented to and unprovoked physical attack on
23 December 7, 2013.

24 **WHEREFORE each PLAINTIFF requests against each**

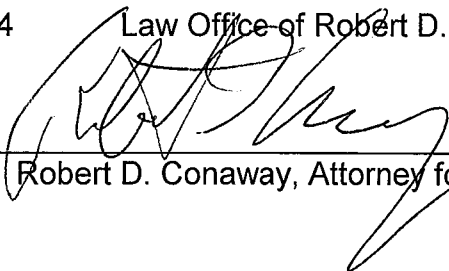
25 **Defendant except as stated hereafter:**

26 1. Restraining order in the form of appropriate preliminary and permanent
27
28

1 injunctive relief and a mandatory injunction to screen, educate and enforce
2 race neutral field investigative, public contact and administrative record
3 release policies;

- 4
- 5 2. General damages according to proof;
- 6 3. Special damages according to proof
- 7 4. Statutory damages as provided in California Civil Code 52(b), 52.1(b) and any
8 other applicable statute or actual damages, whichever is greater;
- 9 5. Punitive damages as allowed under applicable state law against individual
10 Defendants;
- 11 6. Costs, interest and attorney fees as allowed under federal and state law,
12 Including but not limited to 42 USC 1988 and the California Civil Code 51 et seq
- 13 7. Such other relief as is just and proper;
- 14

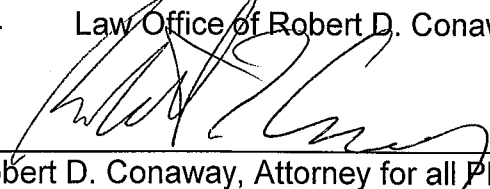
15 Date: April 10, 2014 Law Office of Robert D. Conaway

16
17 By 
18 Robert D. Conaway, Attorney for all Plaintiffs

19
20 **DEMAND for JURY TRIAL**

21 All Plaintiffs demand a jury trial on each claim for relief & as
22 against each defendant named & to be named upon ascertainment & verification.

23 Date: April 10, 2014 Law Office of Robert D. Conaway

24
25 By 
26 Robert D. Conaway, Attorney for all Plaintiffs

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I. (a) PLAINTIFFS (Check box if you are representing yourself)
TAMECA SHELTON, NASHAY TRICE, FAY YOUNG, EMMA JEAN YOUNG, individuals

DEFENDANTS (Check box if you are representing yourself)
JOHN McMAHON, SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT, COUNTY OF SAN BERNARDINO, DOES 1-100.

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

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

(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.
ROBERT D. CONAWAY (SBN 119657)
LAW OFFICE OF ROBERT D. CONAWAY
12127 Mall Blvd, Suite A-363
Victorville, California 92392 Ph: (760) 617-8305

Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

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-For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant)

Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. 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. Multi-District Litigation

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.Cv.P. 23: Yes No **MONEY DEMANDED IN COMPLAINT:** \$ as per proof

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
42 USC 1983 [RETALIATION], 42 USC 1983 [4th Amendment], 42 USC 1985(3) [CONSPIRACY]--Case is about a race-based/motivated assault & battery on 2 African American women by peace officer and possibly an attorney for the County of San Bernardino & direct personal involvement of Sheriff to cover up or suppress evidence & chill claim

VII. NATURE OF SUIT (Place an X in one box only).

OTHER STATUTES	CONTRACT	REAL PROPERTY/CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	Habeas Corpus:	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	TORTS	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	TORTS	PERSONAL PROPERTY	<input type="checkbox"/> 530 General	SOCIAL SECURITY
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	PERSONAL INJURY	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 371 Truth in Lending	Other:	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 155 Medicare Act	<input type="checkbox"/> 330 Fed. Employers' Liability	BANKRUPTCY	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	FEDERAL TAX SUITS
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE/PENALTY	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 350 Motor Vehicle	CIVIL RIGHTS	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	
<input type="checkbox"/> 895 Freedom of Info. Act	REAL PROPERTY	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	LABOR	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 740 Railway Labor Act	
		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 751 Family and Medical Leave Act	
		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 790 Other Labor Litigation	
				<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

EDCV14-00711 JGB SPx

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

Question A: Was this case removed from state court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	STATE CASE WAS PENDING IN THE COUNTY OF:		INITIAL DIVISION IN CACD IS:
	<input type="checkbox"/> Los Angeles		Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo		Western
	<input type="checkbox"/> Orange		Southern
	<input type="checkbox"/> Riverside or San Bernardino		Eastern

Question B: Is the United States, or one of its agencies or employees, a party to this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	If the United States, or one of its agencies or employees, is a party, is it:		INITIAL DIVISION IN CACD IS:
	A PLAINTIFF?	A DEFENDANT?	
	Then check the box below for the county in which the majority of DEFENDANTS reside.	Then check the box below for the county in which the majority of PLAINTIFFS reside.	
	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern
<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western	

Question C: Location of plaintiffs, defendants, and claims? (Make only one selection per row)	A. Los Angeles County	B. Ventura, Santa Barbara, or San Luis Obispo Counties	C. Orange County	D. Riverside or San Bernardino Counties	E. Outside the Central District of California	F. Other
Indicate the location in which a majority of plaintiffs reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C.1. Is either of the following true? If so, check the one that applies: <input type="checkbox"/> 2 or more answers in Column C <input type="checkbox"/> only 1 answer in Column C and no answers in Column D Your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question D, below. If none applies, answer question C2 to the right. →	C.2. Is either of the following true? If so, check the one that applies: <input checked="" type="checkbox"/> 2 or more answers in Column D <input type="checkbox"/> only 1 answer in Column D and no answers in Column C Your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question D, below. If none applies, go to the box below. ↓
Your case will initially be assigned to the WESTERN DIVISION. Enter "Western" in response to Question D below.	

Question D: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, or C above: →	Eastern

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

IX(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? NO YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? NO YES

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply)
- A. Arise from the same or closely related transactions, happenings, or events; or
 - B. Call for determination of the same or substantially related or similar questions of law and fact; or
 - C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 - D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

X. SIGNATURE OF ATTORNEY

(OR SELF-REPRESENTED LITIGANT):

DATE: April 11, 2014

Notice to Counsel/Parties: The CV-71 (JS-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. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Jesus G. Bernal and the assigned Magistrate Judge is Sheri Pym.

The case number on all documents filed with the Court should read as follows:

EDCV14-711 JGB(SPx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

April 11, 2014

Date

By Angelique Dominguez
Deputy Clerk

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring Street, G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701

Eastern Division
3470 Twelfth Street, Room 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.