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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

24 ROBERT McGRATH,² ROBERT
25 GOETCHA,³ MICHAEL MAY,
26 and all others
27 similarly situated,

Plaintiffs,

vs.

28 THE COUNTY OF NEVADA
and BILL HEAFEY, Sheriff,

Defendants.

)
)
) CASE NO.
)
) COMPLAINT FOR DECLARATORY
) AND INJUNCTIVE RELIEF
)
)
) CLASS ACTION
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JURISDICTION

1. This is a class action brought by the prisoners in the Nevada County Jails to redress the deprivation by defendants, County of Nevada and Sheriff Bill Heafey, of plaintiffs' rights,

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Pols
Prisoners of Nevada
no stat.

not a party
not a party

1 privileges and immunities arising under the Constitution and Laws
2 of the United States and the deprivation under color of law by
3 the individual defendants of these rights (First, Fourth, Eighth
4 and Fourteenth Amendments of the Constitution of the United
5 States, 42 USC Section 1983) through overcrowding, inadequate
6 staff and inadequate procedures, by failing to provide beds, a
7 place to sit while eating meals, clothes, medical, dental and
8 mental health care, a decent, clean jail, a safe jail, reasonable
9 visitation, prompt judicial determination of probable cause for
10 detention and prompt bail determinations, and privacy for
11 conversations with attorneys.

12 2. Named plaintiffs are prisoners in the Nevada County
13 Jails who were arrested without a warrant and taken to the Nevada
14 County Jails, located in Nevada City, California. Plaintiff
15 MICHAEL MAY has not yet seen a Judge, had a determination of
16 probable cause for continued detention, nor had a bail hearing,
17 and is presently still a prisoner in the Nevada County Jail more
18 than 55 hours after his arrest. Many warrantless arrestees, and
19 sentenced prisoners, are detained in the Nevada County Jail in
20 such overcrowded conditions that they are denied a
21 constitutionally adequate place of detention, including failure
22 to provide a bed to sleep on. During inspections the excess
23 prisoners in the Nevada County Jail are transferred to the
24 "Minimum Security Jail" overcrowding that jail.

25 3. The jurisdiction of this Court is invoked under 28 USC
26 1331, this being an action arising under the Constitution and
27 Laws of the United States and under 42 USC 1343, as an action
28 authorized by law to redress the deprivation under color of State

1 law, statute, ordinance, regulation, custom and usage of a E nt,
2 privilege and immunity secured to plaintiffs by the First,
Fourth, Eighth and Fourteenth Amendments of the Constitution of
the United States.

4. Defendant COUNTY OF NEVADA (hereinafter called "County") is a unit of local government, duly formed and authorized under the laws of the State of California. As part of its duties, defendant County provides local jail facilities, specifically the Nevada County Jail and the "Minimum Security Jail" located in Nevada City, County of Nevada. Through the Sheriff's Department of the County of Nevada and other County agencies, defendant County also provides supervision to persons in the Nevada County Jails.

5. Bill Heafey is the Sheriff of the County of Nevada, responsible for the Nevada County Jails and its inmates.

6. At all times pertinent to this Complaint, the defendants and their employees and agents were acting under the color of their official capacity and the ordinances and regulations of Nevada County, and the laws of the State of California.

7. The named plaintiffs are citizens or persons residing in the United States.

8. During all times mentioned herein, the defendants, and each of them, separately and in concert, acted under color and pretense of law, to wit, under color of the statutes, ordinances, regulations, customs and usage of the State of California and the County. Each of the defendants herein, separately and in concert engaged in the conduct herein mentioned to the injury of

1 plaintiffs, and deprived the plaintiffs of the rights, privileges
2 and immunities secured to plaintiffs by the First, Fourth, Eighth
3 and Fourteenth Amendments to the Constitution of the United
4 States and the laws of the United States, pursuant to the
5 practice and policy of defendant County.

6 9. At all relevant times, the plaintiffs were prisoners
7 and held in the Nevada County Jail.

8 10. The deprivations suffered by plaintiffs were and are
9 the result of ongoing patterns of conduct and practices of
10 defendants, including defendant COUNTY OF NEVADA and defendant
11 Bill Heafey, and unless and until ordered by this court,
12 overcrowded conditions resulting in inadequate food, clothing,
13 sleeping arrangements, medical and mental health, safety, access
14 to attorneys and excessive detention of warrantless arrestees
15 before probable cause and bail determinations will continue to
16 deprive inmates of the Nevada County Jails of their
17 constitutional rights.

18 CLASS ACTION ALLEGATIONS

19 11. The named plaintiffs are representatives of a class
20 within the meaning of Rule 23(a) and 23(b)(2) of the Federal
21 Rules of Civil Procedure.

22 12. The members of the class are so numerous that joinder
23 of all of them is impractical, there being more than 50 prisoners
24 in the Nevada County Jails at any one time.

25 13. The members of the class are readily identifiable from
26 the defendants' records.

27 14. There are questions of law and fact common to the
28 class; their class claims predominate over any individual claim.

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28 class; their class claims predominate over any individual claim.

1 15. The defendants have acted or refused to act on grounds
2 generally applicable to the class by failing to provide
3 constitutionally adequate facilities and hearings.
4

5 16. The named plaintiffs will fairly and adequately protect
6 the interests of the class; having no other individual interests.
7

8 17. The class consists of all prisoners held in the Nevada
9 County Jail from December 1, 1989, to the present, and all future
10 prisoners.
11

12 18. Plaintiffs do not propose notice at this time,
13 consistent with their practice in similar cases.
14


15 WHEREFORE, plaintiffs pray:
16

17 1. For an order and judgment requiring defendants provide
18 adequate conditions of confinement including a bed for every
19 prisoner, limiting the population to the Board of Corrections
20 Rated Capacity, adequate food, adequate medical and mental health
21 care, safety, access to attorneys, and to provide in-custody
22 arrestees, arrested without warrants, prompt probable cause
23 determinations and bail hearings;
24

25 2. For reasonable attorneys fees and costs of suit;
26

27 3. For such other relief as may be necessary and proper
28 to effect the purposes of this litigation.

DATED: December 4, 1989


STEPHEN A. MUNKELT
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DAN STORMER
PAUL PERSONS
Attorneys for Plaintiffs