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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 DEBORAH FLICK,

16 Plaintiff,

17 vs.

18 CITY AND COUNTY OF SAN
19 FRANCISCO; SAN FRANCISCO POLICE
20 DEPARTMENT; SAN FRANCISCO
21 ACTING POLICE CHIEF, ALEX FAGAN,
22 SR., IN HIS INDIVIDUAL CAPACITY,
23 COUNTY SHERIFF'S DEPARTMENT; SAN
24 FRANCISCO COUNTY SHERIFF
25 MICHAEL HENNESSEY, IN HIS
26 INDIVIDUAL CAPACITY, AND SAN
27 FRANCISCO POLICE OFFICERS DOES 1
28 THROUGH 35, SAN FRANCISCO
COUNTY SHERIFF'S DEPUTIES DOES 36
THROUGH 100, AND DOES 101
THROUGH 200, ALL OF WHOM ARE
SUED IN THEIR INDIVIDUAL CAPACITY,

Defendants.

Case No.

VIOLATION OF CIVIL RIGHTS

42 U.S.C. § 1983. 1988

JURY TRIAL DEMANDED

1 PLAINTIFF DEBORAH FLICK COMES BEFORE THIS HONORABLE COURT, AND
2 ALLEGES:

3 **JURISDICTION**

4 1. This action is brought pursuant to 42 USC § 1983 and 1988, and the
5 Fourth and Fourteenth Amendments to the United States Constitution. Jurisdiction is
6 founded upon 28 USC § 1331 and 1341(3) and (4) and the aforementioned statutory
7 and constitutional provisions.

8 2. The amount in controversy exceeds \$10,000, excluding interest and costs.

9 **PARTIES**

10 3. Plaintiff, Deborah Flick (hereinafter "Flick" or "Plaintiff") is, and at all
11 material times herein, was a citizen of the United States and resident of the state of
12 California.

13 4. Defendant San Francisco Acting Police Chief Alex Fagan, Sr., is, and at
14 all material times referred to herein, was the Acting Police Chief of the City of San
15 Francisco and that individual who was the policymaker in matters of law enforcement
16 for the City and County of San Francisco who set, enforced and ratified the policies of
17 the San Francisco Police Department. At all times herein Fagan was acting under color
18 of law. Plaintiff sues Fagan in his individual capacity.

19 5. Defendant City And County Of San Francisco Sheriff Michael Hennessey
20 is, and at all material times referred to herein, was the duly elected Sheriff of the City
21 and County of San Francisco, responsible for administering the Jail facilities and for
22 making, overseeing, and implementing the policies, practices, and customs challenged
23 herein relating to the operation of the San Francisco Jail. At all times herein,
24 Hennessey was the policymaker in matters of jail administration for the County of San
25 Francisco who set, enforced and ratified the policies of the San Francisco Sheriff's
26 Department and the San Francisco County Jails. At all times herein Hennessey was
27 acting under color of law. Plaintiff sues Hennessey in his individual capacity.

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1 6. Defendants Does 1 through 35 are and, at all times relevant were San
2 Francisco Police Officers acting under color of law. These defendants seized,
3 arrested, transported, detained and imprisoned Plaintiff on March 28, 2003 without any
4 reasonable cause or suspicion that she had committed any felony and without having
5 observed the commission of any misdemeanor or infraction. In doing the acts alleged,
6 these officers were acting under color of law within the course and scope of their
7 employment by the Defendant City And County Of San Francisco. Plaintiff sues these
8 officers in their individual capacity.

9 7. Defendants San Francisco County Sheriff's Deputies sued herein by their
10 fictitious names (Does 36 through 100) are sheriff's deputies who, as part of their
11 duties at the San Francisco Jails stripped Plaintiff of her clothing without any reasonable
12 or lawful basis and then placed her, without clothing, in a "cold room" where she was
13 viewed by other Jail personnel. These Defendants engaged in this conduct, and other
14 conduct which this complaint describes in greater detail below, to gain compliance with
15 illegal orders, to punish Plaintiff and to satisfy these Defendants' sadism. Plaintiff sues
16 these deputies in their individual capacity.

17 8. Defendants Does 101 through 150 are personnel employed by the City
18 and County of San Francisco who, as part of their duties at the San Francisco Jails
19 stripped Plaintiff of her clothing without any reasonable or lawful basis and then placed
20 her, without clothing, in a "cold room" where she was viewed by other deputies and Jail
21 personnel. These Defendants engaged in this conduct, and other conduct which this
22 complaint describes in greater detail below, to gain compliance with illegal orders, to
23 punish Plaintiff and to satisfy these Defendants' sadism. Defendants Does 151 through
24 200 are other employees of the City and County of San Francisco whose conduct also
25 deprived Plaintiff of her constitutional rights and contributed to the injuries Plaintiff
26 sustained. Plaintiff sues these individuals in their individual capacity.

27 9. Defendant City And County Of San Francisco is, and at all material times
28 referred to herein, was, a division of the state of California, that maintained or permitted

1 an official policy or custom or practice causing or permitting the occurrence of the types
2 of wrongs complained of herein, which wrongs damaged Plaintiffs as herein alleged.
3 Plaintiffs' allegations against the City and County are based on acts and omissions of
4 the Acting Chief of Police and his police officers and on the acts and omissions of the
5 Sheriff and his deputies and on acts and omissions of persons who are City and/or
6 County employees, and on the City and County's breach of its duty to protect Plaintiff
7 from the wrongful conduct of said persons and employees. At all material times
8 mentioned herein, all individual Defendants were acting under the color of law, to wit,
9 under color of statutes, ordinances, regulations, policies, customs and usages of the
10 State of California, the City and County of San Francisco and/or the San Francisco
11 Police Department and/or the San Francisco County Sheriff.

12 10. Plaintiff is ignorant of the true names and capacity of Defendants Does 1
13 through 200, and therefore sues these Defendants by such fictitious names. Plaintiff is
14 informed and believes and thereon alleges that each Defendant so named is
15 responsible in some manner for the injuries and damages suffered by Plaintiff as
16 described in this complaint. Plaintiff will amend her complaint to state the true names
17 and capacity of Defendants Does 1 through 200 when they have been ascertained.
18 Each of these fictitiously named defendants was acting under color of law and within
19 the scope of his or her employment. Plaintiff sues these defendants in their individual
20 capacity.

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22 **EVENTS PRECIPITATING THIS COMPLAINT**

23 **DEBORAH FLICK'S ARREST**

24 11. Shortly after midnight on March 28, 2003, Plaintiff Deborah Flick was
25 standing near the intersection of Fillmore and Union Streets in the City of San
26 Francisco, California.

27 12. As Flick was walking to her car that was parked on the street, a man
28 began to harass her. She ignored him and continued to her car. The unknown man

1 then yelled that if she did not stop to talk to him, he would call the police and claim Flick
2 was driving while intoxicated. Flick ignored him, knowing she was not intoxicated. Flick
3 got into her car and attempted to call her boyfriend from her cell phone to let him know
4 she was heading home.

5 13. Suddenly, two male San Francisco Police Department officers began
6 pounding on the window of Plaintiff's car. She rolled the window down slightly and
7 asked what was wrong. She explained that a man had been harassing her, that she
8 had done nothing wrong, that she was fine, and they should be speaking with the man
9 who had harassed her. The officers pounded on her window yelling "you think that
10 because you're pretty and a rich bitch, you can do whatever you want." Plaintiff
11 became frightened and dialed 911 because she was alarmed by the officers' conduct.

12 14. The officers then yanked Plaintiff's car door open, dragged her into the
13 street and handcuffed her. After Plaintiff complained, the officers tightened the
14 handcuffs, and threw Plaintiff into the police car. Plaintiff was so frightened she
15 urinated in her pants.

16 15. Although lacking any reasonable cause to detain or arrest Plaintiff, police
17 officers transported her to San Francisco County Jail No. 9.

18 16. Plaintiff eventually was advised that she had been arrested for public
19 intoxication, but no officer or deputy administered a sobriety test.

20 17. Police officers neither prepared nor filed any report setting forth the
21 events of Plaintiff's arrest and/or detention.

22 18. No citation or any criminal charges were filed against Plaintiff.

23 19. Neither Acting Police Chief Fagan nor other superiors of those San
24 Francisco Police Officers sued herein as Does 1 through 35 disciplined Does 1 through
25 35 in any way, thereby ratifying the actions of those officers.

26
27 **SHERIFF'S DEPUTIES STRIP DEBORAH FLICK AND PLACE HER NAKED IN**
28 **A "COLD ROOM" SUBJECT TO VIEW BY MALE AND FEMALE POLICE**
OFFICERS, SHERRIF'S DEPUTIES, AND OTHER JAIL PERSONNEL

1 20. Following Plaintiff's arrival at the County Jail, sheriff's deputies, and/or
2 other jail personnel, acting under color of law, pursuant to the policies of Defendants
3 City and County of San Francisco and the Sheriff of the County of San Francisco, and
4 within the scope of their employment, held Plaintiff down while other sheriff's deputies
5 and/or other jail personnel forcibly removed all of Plaintiff's clothes.

6 21. Plaintiff did not possess contraband and was not engaged in any conduct
7 threatening to herself or to others.

8 22. Sheriff's deputies and/or other jail personnel were aware that Plaintiff had
9 not committed any crime punishable as a felony.

10 23. Sheriff's deputies and/or jail personnel threw Plaintiff into the "cold room"
11 in the San Francisco County Jail and left her there naked.

12 24. Male and female sheriff's deputies and other jail personnel were able to
13 look into the room and did in fact look into the "cold room" and saw her naked.

14 25. Those actions permitted sheriff's deputies and other jail personnel to
15 visually inspect Plaintiff's breasts, buttocks, and genitalia.

16 26. While in the "cold room" Plaintiff started cramping and bleeding, but the
17 sheriff's deputies and other personnel responsible for her detention refused to give her
18 clothes or a pad for her bleeding.

19 27. She was lying naked on the dirty floor in the "cold room" and feared
20 developing an infection.

21 28. Plaintiff spent several hours alone in the "cold room" bleeding and being
22 subjected to continual verbal harassment.

23 29. While in the jail facility, Plaintiff was not permitted to make a telephone
24 call.

25 30. Plaintiff was released later that morning.

26 31. San Francisco County Sheriff Michael Hennessey was responsible for
27 promulgating and ensuring the implementation of the policy pursuant to which Plaintiff
28 was stripped at San Francisco County Jail No. 9.

1 32. San Francisco County Sheriff Michael Hennessey was responsible for
2 promulgating and ensuring the implementation of the policy pursuant to which Plaintiff
3 was placed naked in a "cold room" at San Francisco County Jail No. 9.

4 33. Neither Sheriff Michael Hennessey nor other superiors of those San
5 Francisco County Sheriff's Deputies sued herein as Does 36 through 100 disciplined
6 Does 36 through 100 in any way, thereby ratifying the actions of those deputies.

7 34. Neither Sheriff Michael Hennessey nor other superiors of those San
8 Francisco City and County employees sued herein as Does 101 through 200 disciplined
9 Does 101 through 200 in any way, thereby ratifying the actions of those employees.

10 **FIRST CLAIM FOR RELIEF**
11 **Violation Of Plaintiff's Rights Protected By The Fourth Amendment To Be**
12 **Free From Unreasonable Search, Seizure, Arrest, Transportation, Detention And**
13 **Imprisonment**
14 **Against San Francisco Police Officers Does 1 Through 35**
15 **In Their Individual Capacity**

16 35. At all times relevant to the allegations of this complaint, Plaintiff Deborah
17 Flick was protected by the Fourth Amendment to the United States Constitution against
18 seizure, arrest, transportation, detention and imprisonment without reasonable cause.

19 36. The actions of San Francisco Police Officers in seizing, arresting,
20 detaining, transporting and imprisoning Plaintiff under color of law violated Plaintiff's
21 rights guaranteed to her by the Fourth Amendment to be free from unreasonable
22 seizure, arrest, transportation, detention and imprisonment.

23 37. As a proximate result of these Defendants' conduct, Plaintiff suffered
24 ridicule, disgrace, physical and emotional distress and the loss of her rights guaranteed
25 by the Fourth Amendment to the United States Constitution.

26 38. The conduct of these police officers was malicious and oppressive,
27 carried out in reckless disregard of Plaintiff's rights guaranteed by the Fourth
28 Amendment to the United States Constitution. These police officer's malicious and
oppressive conduct makes them personally liable for exemplary damages.

Wherefore, Plaintiffs seeks relief as set forth below.

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SECOND CLAIM FOR RELIEF
Violation Of Plaintiff's Rights Protected By The Fourth Amendment
Against San Francisco County Sheriff's Deputies And San Francisco
County Jail Personnel Does 36-Through 150
In Their Individual Capacity

39. Plaintiff realleges and incorporates by reference the allegations of paragraphs 1 through 38 as if they were set forth *in haec verba* herein.

40. At all times relevant to the allegations of this complaint, Plaintiff Deborah Plaintiff was protected by the Fourth Amendment to the United States Constitution against a search without reasonable cause.

41. The actions of San Francisco County Sheriff's Deputies and San Francisco County Jail Personnel, acting under color of law, in stripping Plaintiff while she was detained at San Francisco County Jail No. 9 constituted an unreasonable search in violation of Plaintiff's rights guaranteed by the Fourth Amendment to the United States Constitution.

42. All sheriff's deputies and jail personnel who assisted in the stripping of Plaintiff were aware that no reasonable suspicion existed that Plaintiff possessed any contraband or weapon and that, in fact, she possessed no contraband or weapon.

43. As a proximate result of these Defendants' conduct, Plaintiff suffered ridicule, disgrace, physical and emotional distress and the loss of her rights guaranteed by the Fourth Amendment to the United States Constitution.

44. The conduct of these sheriff's deputies was malicious and oppressive, carried out in reckless disregard of Plaintiff's rights guaranteed by the Fourth Amendment to the United States Constitution. These sheriff's deputies malicious and oppressive conduct makes them personally liable for exemplary damages.

Wherefore, Plaintiff seeks relief as set forth below.

THIRD CLAIM FOR RELIEF
Violation Of Plaintiff's Rights Protected By The Fourteenth Amendment
Against San Francisco County Sheriff's Deputies And San Francisco
County Jail Personnel Does 36 Through 150
In Their Individual Capacity

1 45. Plaintiff realleges and incorporates by reference the allegations of
2 paragraphs 1 through 44 as if they were set forth *in haec verba* herein.

3 46. At all times relevant to the allegations of this complaint, Plaintiff Deborah
4 Plaintiff was protected by the Fourteenth Amendment to the United States Constitution
5 against a denial of her right to due process of law.

6 47. The actions of San Francisco County Sheriff’s Deputies and San
7 Francisco County Jail Personnel, acting under color of law, in placing and confining
8 Plaintiff (a detainee who posed no threat to herself or others) in a “cold room” while she
9 was detained at San Francisco County Jail No. 9 constituted punishment in violation of
10 Plaintiff’s rights to due process of law guaranteed by the Fourteenth Amendment to the
11 United States Constitution.

12 48. All sheriff’s deputies and jail personnel who assisted in placing and
13 confining Plaintiff in a “cold room” were aware that no reasonable suspicion existed that
14 Plaintiff possessed any contraband or weapon and that, in fact, she possessed no
15 contraband or weapon, and that she posed no threat of harm to herself or to others.

16 49. As a proximate result of these Defendants’ conduct, Plaintiff suffered
17 ridicule, disgrace, physical and emotional distress and the loss of her rights guaranteed
18 by the Fourteenth Amendment to the United States Constitution.

19 50. The conduct of these sheriff’s deputies was malicious and oppressive,
20 carried out in reckless disregard of Plaintiff’s rights guaranteed by the Fourteenth
21 Amendment to the United States Constitution. These sheriff’s deputies’ malicious and
22 oppressive conduct makes them personally liable for exemplary damages.

23 Wherefore, Plaintiffs seeks relief as set forth below.

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25 **FOURTH CLAIM FOR RELIEF**
26 **Violation Of Plaintiff’s Rights Protected By The Fourth Amendment**
27 **Against San Francisco Acting Police Chief Alex Fagan, Sr. In His Individual**
28 **Capacity**

51. Plaintiff realleges and incorporates by reference the allegations of
paragraphs 1 through 19 and as if they were set forth *in haec verba* herein.

1 52. At all times relevant to the allegations of this complaint, Plaintiff Deborah
2 Plaintiff was protected by the Fourth Amendment to the United States Constitution
3 against unreasonable seizure, arrest, transportation, detention and imprisonment
4 without probable cause.

5 53. Acting Police Chief Alex Fagan, Sr. failed to reprimand, suspend, or
6 discipline those San Francisco police officers who seized, arrested, transported and
7 imprisoned and detained Plaintiff without probable or reasonable cause.

8 54. The failure of Acting Police Chief Alex Fagan, Sr. to reprimand, suspend,
9 or discipline those San Francisco police officers whose misconduct is detailed in this
10 complaint ratified the conduct of those officers and renders Acting Police Chief Alex
11 Fagan, Sr. individually liable for the deprivation of Plaintiff's rights guaranteed by the
12 Fourth amendment to the United States Constitution alleged in this complaint.

13 55. As a proximate result of this Defendant's conduct, Plaintiff suffered
14 ridicule, disgrace, physical and emotional distress and the loss of her rights guaranteed
15 by the Fourth Amendment to the United States Constitution.

16 56. The conduct of Acting Police Chief Alex Fagan, Sr. was malicious and
17 oppressive, and carried out in reckless disregard of Plaintiff's rights guaranteed by the
18 Fourth Amendment to the United States Constitution. Defendant Fagan's malicious and
19 oppressive conduct makes him personally liable for exemplary damages.

20 Wherefore, Plaintiffs seeks relief as set forth below.

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1 **FIFTH CLAIM FOR RELIEF**
2 **Violation Of Plaintiff's Rights Protected By The Fourth And Fourteenth**
3 **Amendments**
4 **Against San Francisco County Sheriff Michael Hennessey In His Individual**
5 **Capacity**

6 57. Plaintiff realleges and incorporates by reference the allegations of
7 paragraphs 1 through 49 as if they were set forth *in haec verba* herein.

8 58. San Francisco County Sheriff Michael Hennessey was responsible for
9 promulgating and ensuring the implementation of the policy pursuant to which Plaintiff
10 was stripped at San Francisco County Jail No. 9.

11 59. San Francisco County Sheriff Michael Hennessey was responsible for
12 promulgating and ensuring the implementation of the policy pursuant to which Plaintiff
13 was placed naked in a "cold room" at San Francisco County Jail No. 9.

14 60. San Francisco County Sheriff Michael Hennessey also was responsible
15 for the training of deputies and jail personnel under his command. Defendant
16 Hennessey failed to train and instruct subordinate sheriff's deputies or jail personnel that
17 those detained may not be stripped of their clothing absent a prior determination that
18 such individuals possessed contraband or weapons and absent prior action of a
19 supervisor approving the stripping of the detainee. Defendant Hennessey also failed to
20 train and instruct subordinate sheriff's deputies or jail personnel that a detainee may not
21 be placed naked in a "cold room" absent a determination that the detainee posed a
22 threat to herself or to others.

23 61. Indeed, Defendant Hennessey approved a training regimen which
24 instructed subordinate sheriff's deputies and/or jail personnel that those detained may
25 be subject to being stripped of their clothing even absent approval by a supervisor and
26 absent a prior determination that the detainee possessed a weapon or contraband.

27 62. Defendant Hennessey also approved a training regimen which instructed
28 subordinate sheriff's deputies and/or jail personnel that those detained may be placed in
a "cold room" even when such detainees posed no threat to themselves or to others.

1 63. Prior to March 28, 2003, long-established statutory law, California
2 regulations and controlling court decisions had forbidden both such stripping of
3 detainees and the placing of detainees in a “cold room.”

4 64. San Francisco County Sheriff Michael Hennessey failed to reprimand,
5 suspend, or discipline those San Francisco sheriff’s deputies and jail personnel who
6 stripped Plaintiff and placed her into and confined her naked in a “cold room” at San
7 Francisco Jail No. 9.

8 65. The failure of San Francisco County Sheriff Michael Hennessey to
9 reprimand, suspend, or discipline those San Francisco sheriff’s deputies and jail
10 personnel whose misconduct is detailed in this complaint ratified the conduct of those
11 sheriff’s deputies and jail personnel and renders San Francisco County Sheriff Michael
12 Hennessey individually liable for the deprivation of Plaintiff’s rights guaranteed by the
13 Fourth and Fourteenth Amendments to the United States Constitution alleged in this
14 complaint.

15 66. As a proximate result of this Defendant’s conduct, Plaintiff suffered
16 ridicule, disgrace, physical and emotional distress and the loss of her rights guaranteed
17 by the Fourth and Fourteenth Amendment to the United States Constitution.

18 67. The conduct of San Francisco County Sheriff Michael Hennessey was
19 malicious and oppressive, carried out in reckless disregard of Plaintiff’s rights
20 guaranteed by the Fourth and Fourteenth Amendments to the United States
21 Constitution. Sheriff Hennessey’s malicious and oppressive conduct makes him
22 personally liable for exemplary damages.

23 Wherefore, Plaintiffs seeks relief as set forth below.
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SIXTH CLAIM FOR RELIEF
Violation Of Plaintiff's Rights Protected By The Fourth And Fourteenth
Amendments
Against The City And County Of San Francisco

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4 68. Plaintiff realleges and incorporates by reference the allegations of
5 paragraphs 1 through 67 as if they were set forth *in haec verba* herein.

6 69. Prior to March 28, 2003, the City and County of San Francisco was well
7 aware that absent proper training of police officers, individuals in the City and County of
8 San Francisco would be subject to unreasonable search, seizure, arrest, transportation,
9 detention and imprisonment. In failing to train those individuals, the City and County of
10 San Francisco was deliberately indifferent to the constitutional rights of Plaintiff
11 guaranteed by the Fourth and Fourteenth Amendments to the United Sates Constitution.

12 70. Prior to March 28, 2003, the City and County of San Francisco was well
13 aware that absent proper training of sheriff's deputies and jail personnel, individuals in
14 the City and County of San Francisco would be subject to being stripped of their
15 clothing and placed naked in and confined while naked in "cold rooms" at San Francisco
16 County Jail facilities without any proper basis for such punishment in violation of the
17 Fourth and Fourteenth Amendments to the United States Constitution. In failing to train
18 those individuals, the City and County of San Francisco was deliberately indifferent to
19 the constitutional rights of Plaintiff guaranteed by the Fourth and Fourteenth
20 Amendments to the United Sates Constitution.

21 71. The conduct of the individual defendants sued Does 1 through 200
22 occurred due to the failure of the San Francisco Police Department and San Francisco
23 Sheriff's Department to properly train their employees in the following areas: (1) the
24 reasonable cause which must exist prior to the search, seizure, arrest, transportation
25 and detention of an individual; (2) the documentation which must exist to verify the
26 existence of the reasonable cause to justify the search, seizure, detention,
27 transportation and arrest of an individual; (3) the justification which must exist prior to
28 the stripping of the clothes from an individual detained in a San Francisco County Jail;

1 (4) the justification which must exist prior to the placing of an individual in a “cold room”
2 in a San Francisco County Jail facility and the confinement of that individual naked in
3 that “cold room;” and (5) that stripping and placing an individual naked in a “cold room”
4 was illegal and deprived the individual of his or her constitutional rights protected by the
5 Fourth and Fourteenth Amendments to the United States Constitution.

6 72. At all times relevant to the allegations of this complaint, Defendant City
7 and County of San Francisco had the policy of searching, seizing, arresting,
8 transporting, detaining and imprisoning individuals without reasonable cause and failing
9 properly to document such arrests.

10 73. At all times relevant to the allegations of this complaint, Defendant City
11 and County of San Francisco had the policy of authorizing its personnel, including
12 sheriff’s deputies and other jail personnel, without reasonable cause, to strip those
13 detained in its jail facilities and to place such individuals naked in “cold rooms” in the jail
14 facilities, regardless of whether such detainees possessed contraband or weapons or
15 posed a threat to themselves or others.

16 74. The conduct of Defendant Michael Hennessey in promulgating and
17 ensuring the implementation of the policies pursuant to which Plaintiff was stripped of
18 her clothing and placed naked in a “cold room” at San Francisco County Jail No. 9
19 reflected the policy of the City and County of San Francisco.

20 75. The failure of the City and County of San Francisco to reprimand,
21 suspend, or discipline those employees of the City and County of San Francisco (1)
22 who searched, seized, arrested, transported, detained and imprisoned Plaintiff without
23 reasonable cause; (2) who failed to document Plaintiff’s arrest and detention; (3) who
24 stripped Plaintiff without any legal justification and (4) who placed and confined Plaintiff
25 naked in a “cold room” at San Francisco County Jail No. 9 ratified that misconduct and
26 reflected City and County policies to (1) arrest individuals without probable cause; (2) to
27 fail to document such arrests; (3) notwithstanding any reasonable cause, to strip
28 individuals detained in San Francisco County Jail facilities although such individuals

1 possessed no contraband or weapons; and (4) without reasonable cause or any legal
2 basis, to place and confine such individuals, without any clothing, in a "cold room"
3 located in a San Francisco County jail facility.

4 76. As a proximate result of the failure to train its personnel and as a
5 proximate result of the promulgation and implementation of those policies of the City
6 and County of San Francisco alleged in this claim, Plaintiff suffered ridicule, disgrace,
7 physical and emotional distress and the loss of her rights guaranteed by the Fourth and
8 Fourteenth Amendment to the United States Constitution.

9 Wherefore, Plaintiffs seeks relief as set forth below.

10 PLAINTIFF'S DEMAND FOR JURY TRIAL

11 77. Plaintiff demands a jury trial of all her claims alleged in this action.

12 WHEREFORE PLAINTIFF PRAYS FOR RELIEF AS FOLLOWS:

- 13 1. For general damages against all Defendants;
- 14 2. For special damages, including lost wages and medical expenses
15 incurred as a result of defendants' conduct;
- 16 3. For exemplary damages against San Francisco Acting Police Chief
17 Alex Fagan, Sr., San Francisco County Sheriff Michael Hennessey, and those City and
18 County of San Francisco employees sued herein as Does 1 through 200;
- 19 4. For attorney's fees pursuant to 42 U.S.C. § 1988 and
- 20 5. For such other relief as the Court deems proper.

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22 Dated: September 3, 2003

CASPER, MEADOWS & SCHWARTZ
A Professional Corporation
LAW OFFICES OF MARK E. MERIN

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By Thom Seaton