

JURISDICTION

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2 1. This is a class action brought by the prisoners in
3 the Stanislaus County Jails to redress the deprivation by
4 defendants, County of Stanislaus and Sheriff Jim Trevena, of
5 plaintiff's rights, privileges and immunities arising under
6 the Constitution and Laws of the United States and the
7 deprivation under color of law by the individual defendants
8 of these rights (First, Fourth, Eighth and Fourteenth
9 Amendments of the Constitution of the United States, 42 USC
10 Section 1983) through overcrowding, inadequate staff and
11 inadequate procedures, by failing to provide beds, adequate
12 food, clothes, underwear, medical and mental health care, a
13 decent clean and adequately lit jail, a safe jail,
14 reasonable visitation, mail not read or copied or taken by
15 defendants, local police or the D.A., prompt probable cause
16 for detention and bail hearings, and private contact visits
17 for conversations with attorneys, and unequal access for
18 women prisoners. Instead named plaintiffs ALEX RODRIGUEZ,
19 GEORGE BUTLER, LORRAINE FOUNTAINE and DARREL EDWARD
20 WASHINGTON, are prisoners in the Stanislaus County Jails who
21 were arrested without a warrant and taken to the Stanislaus
22 County Jails, located in Modesto, California. Many
23 warrantless arrestees, and sentenced prisoners, are detained
24 in the Stanislaus County Jails in such overcrowded
25 conditions that they are denied a constitutionally adequate
26 place of detention, including failure to provide a bed to
27 sleep on.

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1 2. The jurisdiction of this Court is invoked under 28
2 USC 1331, this being an action arising under the
3 Constitution and Laws of the United States and under 42 USC
4 1343, this being an action authorized by law to redress the
5 deprivation under color of the State law, statute,
6 ordinance, regulation, custom and usage of a right,
7 privilege and immunity secured to plaintiffs by the First,
8 Fourth, Eighth and Fourteenth Amendments of the Constitution
9 of the United States.

10 3. Defendant COUNTY OF STANISLAUS (hereinafter called
11 "County") is a unit of local government, duly formed and
12 authorized under the laws of the State of California. As
13 part of its duties, defendant County provides local jail
14 facilities, specifically the Stanislaus County Jails in
15 Modesto, and other County agencies, defendant County also
16 provides supervision to persons in the Stanislaus County
17 Jails (Main Jail, Women's Jail, Honor Farm).

18 4. Jim Trevena is the Sheriff of the County of
19 Stanislaus, responsible for the Stanislaus County Jails and
20 the inmates.

21 5. At all times pertinent to this Complaint, the
22 defendants and their employees and agents were acting under
23 the color of their official capacity and the ordinances and
24 regulations of Stanislaus County, and the laws of the State
25 of California.

26 6. The named plaintiffs are citizens or persons
27 residing in the United States.

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1 7. During all times mentioned herein, the defendants,
2 and each of them, separately and in concert, acted under
3 color and pretense of law, to wit, under color of the
4 statutes, ordinances, regulations, customs and usage of the
5 State of California and the County. Each of the defendants
6 herein, separately and in concert engaged and conspired in
7 the illegal conduct herein mentioned to the injury of
8 plaintiffs, and deprived the plaintiff of the rights,
9 privileges and immunities secured to plaintiff by the First,
10 Fourth, Eighth and Fourteenth Amendments to the Constitution
11 of the United States and the laws of the United States,
12 pursuant to the practice and policy of defendant County.

13 8. At all relevant times, the plaintiffs, were
14 prisoners and held in the Stanislaus County Jails.
15 Plaintiffs Rodriguez and Butler are held in the Main Jail.
16 Plaintiff Fontaine is held in the Women's Facility.
17 Plaintiff Darrel Edward Washington is held at the Honor
18 Farm.

19 9. The deprivations suffered by plaintiffs were and
20 are the result of ongoing patterns of conduct and practices
21 of defendants, including defendant COUNTY OF STANISLAUS and
22 defendant Sheriff Jim Trevena, and unless and until ordered
23 by this court, overcrowded conditions resulting in
24 inadequate food, clothing, sleeping arrangements, medical
25 and mental health, safety, access to attorneys and excessive
26 detention of warrantless arrestees before probable cause
27 hearings and bail hearings will continue to deprive inmates
28 of the Stanislaus County Jails of their constitutional

1 rights.

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CLASS ACTION ALLEGATIONS

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

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11. The members of the class are so numerous that joinder of all of them is impractical, there being more than 500 prisoners in the Stanislaus County Jails at any one time.

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12. The members of the class are readily identifiable from the defendants' records.

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

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14. The defendants have acted or refused to act on grounds generally applicable to the class by failing to provide constitutionally adequate facilities and hearings.

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15. The named plaintiffs will fairly and adequately protect the interests of the class; having no other individual interests.

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16. The class consists of all prisoners held in the Stanislaus County Jails from June 23, 1989 to the present, and all future prisoners.

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17. Plaintiffs do not propose notice at this time, consistent with their practice in similar cases.

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WHEREFORE, plaintiffs pray:

1. For an order and judgment requiring defendants provide adequate conditions of confinement including a bed for every prisoner, adequate food, adequate medical and mental health care, safety, access to attorneys, provide in-custody arrestees, arrested without warrants, prompt probable cause determinations and bail hearings;

2. For reasonable attorneys fees and costs of suit;

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

DATED: December 19, 1990

PAUL W. COMISKEY
RICHARD P. HERMAN
PAUL PERSONS
DAN STORMER
RAMON MAGANA
Attorneys for Plaintiffs

and know its contents.

CHECK APPLICABLE PARAGRAPH

- I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.
- I am an Officer a partner a _____ of _____

a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

- I am one of the attorneys for _____ a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on _____, 19____, at _____ California.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Type or Print Name

Signature

ACKNOWLEDGMENT OF RECEIPT OF DOCUMENT
(other than summons and complaint)

Received copy of document described as _____
on _____ 19____.

Type or Print Name

Signature

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE
I am employed in the county of Orange, State of California.

I am over the age of 18 and not a party to the within action; my business address is:
229 Marine Avenue, Balboa Island, CA 92662

On 12/20 19 90, I served the foregoing document described as
FIRST AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

on _____
in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

JOHN HAGAR
P.O. Box 86935
Los Angeles, CA
90086-0935

Michael A. Krausnick
Dean Wright
Stanislaus County Counsel
P.O. Box 74
Modesto, CA 95354

- (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Balboa Isl., California.
Executed on December 20, 1990, at Balboa Island, California.
- (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the addressee.
Executed on _____, 19____, at _____, California.
- (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Mirra Miller

Type or Print Name

Signature