

FILED
AUG 16 2019
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

Andrea C. Wood
40 Hilldale Court
Orinda, Cal. 94563
Tel.: (415) 375-1686
Email: dreacwood@gmail.com

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ANDREA C. WOOD,
Plaintiff

v.

COUNTY OF CONTRA COSTA, LOIS
HAIGHT, KELLIE CASE, EDYTH
WILLIAMS, MARY P. CAREY, JUDITH
LAWRENCE, GUTIERREZ, PATRICIA
LOWE, ERICA BAINS, THOMAS
MADDOCK, JOHN DOE and JANE DOE

Defendants

JURY TRIAL DEMANDED

CASE NO. 19-cv-4266-MMC

AMENDED COMPLAINT

COMPLAINT FOR VIOLATION OF FIRST AMENDMENT, 42 U.S.C.
§1983, FOURTEENTH AMENDMENT, and 18 U.S.C. 1961, et seq.

JURISDICTION

1. This is an action for relief, proximately the result of conduct engaged in by the County of Contra Costa, Lois Haight, Erica Bains, Kellie Case, Edyth Williams, Patricia Lowe, Judith Lawrence, Gutierrez, and Thomas Maddock in violation of First Amendment, 42 U.S.C. §1983, Fourteenth Amendment, and 18 U.S.C. 1961, *et seq*,

2. This Court has personal jurisdiction over the Defendants because all factual allegations derive from violations of First Amendment, 42 U.S.C. §1983, Fourteenth Amendment, 18 U.S.C., 1961 *et seq*, and for the sake of judicial expediency, this Court has supplemental jurisdiction over all other claims, brought now or ever, that are so related to claims in the actions of the parties within such original jurisdiction that they form part of the same dispute pursuant to 28 U.S.C. §1367.

3. This Court has subject matter jurisdiction over this dispute pursuant to 28 U.S.C. §§1331 and 1338 (federal question jurisdiction). Jurisdiction is premised upon the Federal defendants' violation of First Amendment, 42 U.S.C. §1983, Fourteenth Amendment, and 18 U.S.C. §1961, *et seq*.

VENUE

4. Venue is proper in this district pursuant to 28 U.S.C. §§1391 and 1400 because the bulk of Plaintiff's business is transacted in the County of Contra Costa,

California, and for the Defendants that do not, and for the sake of judicial expediency, this Court has supplemental jurisdiction over the Defendants that are so related to claims in the actions of the parties within such original jurisdiction that they form the Court's jurisdiction is invoked pursuant to 28 U.S.C. §§1331, 1343.

THE PARTIES

5. Plaintiff, Andrea C. Wood (hereinafter "Plaintiff"), is a *sui juris* resident of Orinda, Cal. residing at:

40 Hilldale Court
Contra Costa County
Orinda, California
+1 (415) 375-1686

6. Federal defendant County of Contra Costa (hereinafter "County") is a county in the U.S. State of California, covering an area of 716 square miles, consisting of a population of 1.1 million residents with a principal place of business at:

751 Pine Street
Contra Costa County
Martinez, California 94553
+1 (925) 313-1180

7. Federal defendant Lois Haight (hereinafter "Haight"), sued in her individual capacity, is a *sui juris* resident of places unknown and is a Superior Court Judge of the Superior Court of Contra Costa County with a principal place of business at:

640 Ygnacio Valley Drive
Contra Costa County,
Walnut Creek, California, 94596
+1 (925) 608-1000

8. Federal defendant Mary P. Carey (hereinafter “Carey”) is a *sui juris* resident of places unknown and is a preferred attorney in the family courts of Contra Costa County with a principal place of business at:

1850 Mount Diablo Boulevard, Suite 670
Contra Costa County
Walnut Creek, California 94596
+1 (925) 943-1843

9. Federal defendant, Erica Bains (hereinafter “Bains”), is a *sui juris* resident of Orinda, Cal. residing at:

24 Hilldale Court
Contra Costa County
Orinda, California
+1 (925) 258-9390

10. Federal defendant Kellie Case (hereinafter “Case”), sued in her individual capacity, is a *sui juris* resident of places unknown and is a Social Worker at Contra Costa County Department of Family & Child Services (“DFCS”) with a principal place of business at:

500 Ellinwood Way
Contra Costa County
Pleasant Hill, California 94523
+1 (877) 881-1116

11. Federal defendant Edyth Williams (hereinafter “Williams”), sued in her individual capacity, is a *sui juris* resident of places unknown and is a Social Worker at DFCS with a principal place of business at:

500 Ellinwood Way
Contra Costa County
Pleasant Hill, California 94523
+1 (877) 881-1116

12. Federal defendant Judith Lawrence (hereinafter “Lawrence”) is a *sui juris* attorney for child, HP, with a principal place of business at:

1119 Oakwood Circle
Contra Costa County
Clayton, California 94517
+1 (925) 995-8452

13. Federal defendant Gutierrez (hereinafter “Gutierrez”), sued in her individual capacity, is a *sui juris* resident of places unknown and is a Social Worker at DFCS with a principal place of business at:

500 Ellinwood Way
Contra Costa County
Pleasant Hill, California 94523
+1 (877) 881-1116

14. Federal defendant Patricia Lowe (hereinafter “Lowe”), sued in her individual capacity, is a *sui juris* resident of places unknown and is Deputy County Counsel in the Office of County Counsel, with a principal place of business at:

751 Pine Street
Contra Costa County
Martinez, California 94553
+1(925) 335-1800

15. Federal defendant Thomas Maddock (hereinafter “Maddock”), sued in his individual capacity, is a *sui juris* resident of places unknown and is a Superior Court Judge of the Superior Court of Contra Costa County with a principal place of business at:

1000 Center Drive
Contra Costa County,
Pittsburgh, California, 94565
+1(925) 608-1000

STATEMENT OF FACTS

16. On August 17, 2017, a false report was filed by a neighbor, Federal defendant Erica Bains, with DFCS against the Plaintiff. While some of the violations of Plaintiff’s Federally protected rights occurred during the DFCS proceedings, many, many more did not but were committed by public officials acting in their individual capacities designed to harm Plaintiff. Plaintiff, by this instant action, neither requests the return of her children (there are other mechanisms in place) nor the overturning of any State determinations; the instant action is a civil rights claim for damages for the violation of Plaintiff’s Federally protected rights. As such, Rooker Feldman and Younger Abstention do not apply.

17. After a one-time donation of \$35,000 to a charitable cause supported by Federal defendant Bains, Bains viewed the Plaintiff as her own personal ATM machine.

When the spigot was turned off, Bains concocted her false report and contacted DFCS.

18. Eventually DFCS removed Plaintiff's children, all flagrant violations of the Plaintiff's rights under the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution and in doing such the State Actors had forfeited their qualified immunity (See *Harlow v. Fitzgerald*, 457 U.S. 800, 807, 810-11 (1982)).

19. Federal defendant Gutierrez, proceeded to file a malicious Detention Report based on fabricated allegations, with no evidence, using the wrong standard of preponderance of the evidence as opposed to the clear and convincing standard (see *Santorsky v. Kramer* 455 U.S. (1982)) and palmed it off on Federal defendant Lois Haight.

20. Upon information and belief, Haight hand picks preferred lawyers for indigent Respondents, but not Respondents with the ability to private pay; however, in Plaintiff's case, a private paying Respondent, Haight did hand pick for Plaintiff. Court recommended lawyers who are dependent on court referral business for their livelihood, often do not act in the best interest of the Respondents but rather seek to conspire and collude with the Contra Costa County court, in order to obtain false indications against innocent Respondents

168 21. In the case of Plaintiff, this preferred lawyer was Federal defendant Mary P.
169 Carey, hand selected by Federal defendant Haight. Carey, immediately
170 proceeded contrary to the wishes of Plaintiff (see Preferred Lawyers list attached
171 herein as Exhibit "A").

172 22. The Haight court oftentimes obstructed justice in violation of 18 U.S. C. 1961, *et*
173 *seq.* when she ordered Plaintiff-Respondent into the hallway and Federal
174 defendant Carey would deal on (and quite likely off) the record of court
175 transcripts with Haight which were strongly against Plaintiff's interests.

176 23. Subsequent to the Jurisdictional trial Federal defendant Carey obstructed justice
177 in violation of the Civil RICO statute by blocking Plaintiff's evidence which
178 contributed to the finding of false allegations against Plaintiff and a violation of
179 her federally protected rights to Due Process under the Fourteenth Amendment.

180 24. Social Worker and Federal defendant Edyth Williams proceeded to tell untruths
181 about Plaintiff's visits with KP, blocked mental health sessions for HP and,
182 therefore, family reunification efforts in violation Plaintiff's Federally protected
183 right under *Tenenbaum v. Williams*, 193 F.3d 581, 600 (2d Cir. 1999).

184 25. Federal defendant Williams stated under oath under the penalty of felony "that
185 HP was open to visits with his mother" or words to that effect; Williams did not
186 schedule those either in violation Plaintiff's Federally protected right under
187 *Tenenbaum*.

188 26. Plaintiff was told she could write letters and did write letters to HP in December
189 2017 and August 2018. Williams testified the letters were appropriate, but the
190 letters never delivered to HP by Williams that hampers reunification and is a
191 violation of Plaintiff's Federally protected rights under the Due Process Clause
192 of the Fourteenth Amendment and the Equal Protection Clause because, upon
193 information and belief, Plaintiff was singled out and discriminated against for the
194 reason that Plaintiff is a physically attractive, blonde Respondent, the CEO of a
195 vast real estate empire looked upon with envy by her adversaries.

196 27. Without Plaintiff's authorization, Federal defendant Carey stated on the record
197 "Your honor, I had made a request that there be no contact between my client
198 (Plaintiff) and HP" and "if this keeps going on and on and on it is going to have
199 some negative effects on the youngest child for sure" which violates the Due
200 Process Clause of the Fourteenth Amendment.

201 28. Upon information and belief Federal defendant Carey made the premeditated,
202 malicious intent to harm HP and KP, to physically separate the family, and
203 remove HP and KP from Plaintiff in violations of Plaintiff's Federally protected
204 rights.

205 29. On January 9, 2018 Federal defendant Kellie Case testified "not that I recall"
206 when asked "Did HP ever tell you that his mother (Plaintiff) hit him on more than
207 one occasion," prompting a disapproving look from Federal defendant Haight,

208 leading Ms. Case who had already testified, to stumble and say "Can I correct
209 that?" Haight exploded back "What? Yes." Federal defendant Case, followed the
210 Judge's lead, changed her testimony to "Yes, he did" notwithstanding that a
211 moment earlier she attested to no such recollection which obstructs justice in
212 violation of the Civil RICO statute

213 30. Another example of where Federal defendant Haight obstructs justice in
214 violation of the Civil RICO statute and interferes with testimony, is when HP was
215 asked "you have been hit before by your nanny, right." HP responds, "Yes."
216 Haight stated "Wait a minute. Wait a minute." Clearly, Federal defendant Haight
217 was attempting to coach the witness to change his testimony, an obstruction of
218 justice in violation of the Civil RICO statute codified as 18 U.S.C. 1961, *et seq.*
219 which as pled, Plaintiff demands treble damages.

220 31. Now, at all times relevant hereto, Federal defendant Patricia Lowe, Deputy
221 County Attorney represented the Petitioner. Patricia Lowe contacted
222 Plaintiff's therapists without the written consent of Plaintiff.

223 32. Upon information and belief, Lowe was dismayed by the glowing assessments
224 from the therapists who stood firmly in support of the Plaintiff and reunification.

225 33. On July 31, 2018, Federal defendant Lowe sent an email in which she stated that
226 "I called the [Plaintiff's] doctors to impose upon the doctors her and the courts
227 'opinions' about the Plaintiff as she, the county prosecutor, did not care for the

physician recommended conclusion to return the children to the Plaintiff,” or words to that effect which is not surprising attached herein as Exhibit “B.”

34. Plaintiff received a notice in court service reports, that the court wishes to adopt out HP and KP and that Plaintiff would foot the bill. Federal defendant Case indicated to Plaintiff that the Court was intending to bill Plaintiff \$700,000 for court costs where under California law, a Respondent is only required to reimburse the State for the cost of Court appointed lawyers; the State actors extorted Plaintiff when it was said “you will never see your children again,” which violates the Civil RICO statute. Plaintiff did not make use of Court appointed lawyers.

35. Federal defendant Haight denied Plaintiff’s right to call a witness.

36. In addition to denying Plaintiff her Sixth Amendment right to exercise her choice of counsel and face her accusers, Federal defendant Maddock stated “you make one mention of these matters to the mass media and I am going to have you arrested,” or words to that effect. Federal defendant Maddock chilled Plaintiff rights to free speech.

FIRST AMENDMENT – LEGAL STANDARD

37. The First Amendment to the Constitution of the United States provides:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or

the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

38. To assert a First Amendment claim against a public official, a private citizen must show that: (1) [he] has an interest protected by the First Amendment; (2) defendants' actions were motivated or substantially caused by Plaintiff's exercise of that right; and (3) defendants' actions effectively chilled the exercise of Plaintiff's First Amendment right or caused Plaintiff to suffer some other concrete harm.

39. Federal defendant Maddock's actions were motivated or substantially caused by Plaintiff's exercise of that right in her role as an activist opposed to sex trafficking of children.

40. Federal defendant Maddock caused Plaintiff to suffer concrete harm and cause suffer fear, emotional angst, and a violation of her person.

41. It is well settled that parents have a substantive right to the custody of their children (See, e.g., *Southerland v. City of New York*, 680 F.3d 127, 142 (2d Cir. 2012)) and such holding was recently upheld in the Ninth Circuit Court of Appeals in *Demaree v. Pederson* (14-16207, filed January 23, 2018) the actions that Federal defendants Haight, Case, Williams, Gutierrez, Carey, Lawrence, Bains, and Lowe denied that right.

42. Haight, Case, Williams, Carey, Lawrence, Gutierrez, Bains, Lowe, and County
portray themselves as unrepentant, recidivist, defamers, famacides, libelers,
slanderers, and civil racketeers.

42 U.S.C. 1983 -- LEGAL STANDARD

43. 42 U.S.C. §1983 provides in pertinent part:

Every person who, under color of any statute, ordinance, regulation, customer
usage, of any State or Territory or the District of Columbia, subjects, or causes
to be subjected, any citizen of the United States or other person within the
jurisdiction thereof to the deprivation of any rights, privileges, or immunities
secured by the Constitution and laws, shall be liable to the party injured in an
action at law, suit in equity, or other proper proceeding for redress.

44. The elements of a §1983 claim are:

- a. a “person”;
- b. acted under “color of law”; and
- c. deprived another person of a constitutional right.

45. A State is not a person under 42 U.S.C. §1983, but a City is a person under the
law (*Will v. Michigan Department of State Police* 49 US 58 109 S. Ct. 401 2304
105 394 L. Ed 2d 45 [1989]).

46. State or City officials acting in their official capacities are not persons under
U.S.C. §1983, but State or City officials acting in their individual capacities are
persons under the law.

288 47. Federal defendants Haight, Case, Williams, Carey, Lawrence, Gutierrez, Lowe,
289 Maddock and County are persons.

290 48. Federal defendant Case, Williams, and Gutierrez are persons who acted “under
291 color of state law” when they filed a frivolous Petition that caused the removal
292 of TP, HP, and KP from their home.

293 49. Thus, Plaintiff maintains that liability under §1983 has been established as:

294 a. Federal defendants Haight, Case, Williams, Carey, Lawrence,
295 Gutierrez, Lowe, Maddock and County were on duty;

296 b. Federal defendants Haight, Case, Williams, Carey, Lawrence,
297 Gutierrez, Lowe, Maddock and County hold themselves out as
298 public officials;

299 c. Federal defendants Case, Williams, and Gutierrez invoked the
300 authority of her office and in her individual capacities when they
301 caused the removal of TP, HP, and KP from their home;

302 50. Plaintiff further maintains that liability under §1983 has been established as
303 Plaintiff alleges facts that plausibly give rise to claims that his injuries were
304 caused by a policy or custom of County as follows:

305 a. In Re Baby Boy Ward, after a stake out of a Mother’s recovery
306 room, a new born baby was removed;

- b. In Re child of Veronica Rezentes who complied with a Court order to deliver such child to a biological father which had a past history as a sex offender and such child was removed;
- c. In Re child of Justin Banta whose child was coerced into telling untruths about her father, later recanted, but was still the subjected of removal;
- d. Plaintiff could go on and on.

FOURTEENTH AMENDMENT – LEGAL STANDARD

Due Process Clause

51. Section One of the Fourteenth Amendment to the United States Constitution provides:

[N]or shall any State deprive any person of life, liberty, or property, without due process of law.

52. In the past thirty-five years, the case law reads and is authority that:

- a. It is well settled that parents have a substantive due process right to the custody of their children and, except in emergency circumstances, a procedural due process right to a pre-deprivation child custody hearing.
- b. The Fourteenth Amendment imposes a requirement that except in emergency circumstances, judicial process must be accorded

327 both parent and child before removal of the child from his or her
328 parent's custody may be effected.

329 c. "[A] parent may . . . bring suit under a theory of violation of his
330 or her right to substantive due process Parents have a
331 'substantive right under the Due Process Clause to remain
332 together [with their children] without the coercive interference of
333 the awesome power of the state.'" (quoting *Tenenbaum v.*
334 *Williams*, 193 F.3d 581, 600 (2d Cir. 1999) (second alteration in
335 original)); *Cox v. Warwick Valley Cent. Sch. Dist.*, 654 F.3d 267,
336 275 (2d Cir. 2011); and

337 d. "The interest of natural parents 'in the care, custody, and
338 management of their child' is a 'fundamental liberty interest
339 protected by the Fourteenth Amendment.'" (quoting *Santosky v.*
340 *Kramer*, 455 U.S. 745, 483 753 (1982)).

341 53. In stating a claim of a violation of procedural due process, Plaintiff
342 alleges:

343 (1) the existence of a property or liberty interest that was deprived (the liberty
344 and property that was lost by an unlawful removal) and (2) deprivation of that
345 interest without due process as a result of witness tampering, obstruction of justice,

346 extortion, and a civil conspiracy to cover it up (the lack of any non-tarnished fact
347 finding hearing since the inception of this matter).

348 54. In stating a claim of a violation of substantive due process, Plaintiff alleges
349 that: (1) she had a valid property or liberty interest (the biological mother of the
350 wrongly removed TP, HP, and KP), and (2) that interest was infringed upon in an
351 arbitrary or irrational manner (the arbitrary allegation of “neglect”) contrary to the
352 legal standard of neglect defined as:

353 Any recent act or failure to act on the part of a parent or caretaker
354 which results in death, serious physical or emotional harm, sexual
355 abuse or exploitation”; or

356 An act or failure to act which presents an imminent risk of serious
357 harm.”

358 (see 42 U.S.C.A. § 5106g).

359
360 55. Further, Plaintiff maintains that, quoting *Tenenbaum*, that the removal, under
361 unlawful circumstances (wrong standard and no Court order), of TP, HP, and KP
362 “was ‘so shocking, arbitrary, and egregious that the Due Process Clause would
363 not countenance it even where it accompanied by full procedural protection.’”
364 *Cox v. Warwick Valley Cent. Sch. Distr.*, 654 F.3d 267, 275 (2d Cir. 2011)
365 (quoting *Tenenbaum*, 193 F.3d at 600):

366 a. So shocking in that the Gutierrez Detention report proceeded
367 under an unlawful standard (see *Santorsky v. Kramer* 455 (1982))

368 that requires the clear and convincing standard as opposed to the
369 preponderance of evidence standard);

370 b. So arbitrary according to the definition of “unsanitary
371 conditions” in *Matter of Jennifer B.*, 163 AD2d 910, 558 NYS2d
372 429 (4th Dept. 1990), *Matter of Pedro F.*, 622 NYS 2d 518 (1st
373 Dept. 1995), *Matter of Billy Jean II* 640 NYS2d 326 (3rd Dept.
374 1996) that state, in part, maggotinfested couch, spoiled food on
375 the floor, urine soaked sheets, children had head lice for over 2
376 months, home was littered inches deep with garbage and rotten
377 moldy food; and the legal standard of neglect in 42 U.S.C. §
378 5106g.

379 c. So egregious in the glaring, flagrant actions of Federal
380 defendants, where proceeding under the preponderance of
381 evidence standard, Haight had no subject matter jurisdiction at
382 all.

383 56. As a result, by a. to c. above, Plaintiff has suffered the shock of her conscience
384 that persists to this day.

385 **Equal Protection Clause**

386 57. The Equal Protection Clause is a clause at the end of Section One of the
387 Fourteenth Amendment to the United States Constitution and provides:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws

58. When Federal defendant Case questions then 12 year old HP whether he can hear

his mother having sex with men, Case violates the Equal Protection Clause;

59. When Federal defendant Haight puts on the record that “there have been many

men,” she violates the Equal Protect Clause; and

60. When Haight has the audacity to order paternity testing for TP, HP, and KP to

determine who the real father is, she violated the Equal Protection Clause.

61. The Federal defendants Williams, Carey, Case, and Haight violations were so

shocking, arbitrary, and egregious that it led to the suicidal tendencies of 12-year-

old HP in October 2017 attached herein as Exhibit “C”.

62. As previously reported, Plaintiff was singled out and discriminated against for

the reason that Plaintiff is a physically attractive, blonde Respondent, the CEO

of a vast real estate empire looked upon with envy by her adversaries, and the

Federal defendants treated Plaintiff differently than others who were similarly

situated (see *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 439 (1985);

Hart v. Westchester Cnty. Dep’t of Soc. Servs., 160 F. Supp. 2d 570, 578

(S.D.N.Y. 2001), and *Giano v. Senkowski*, 54 F.3d 1050, 1057 (2d Cir. 1995).

18 U.S.C. 1961, et seq. – LEGAL STANDARD

410

411 63. Plaintiff alleges that according to 18 U.S.C. 1961, et seq. (the "RICO
412 Statute"), and shows by a preponderance of the evidence, that there exists a
413 racketeering Enterprise in the County of Contra Costa, California that consists
414 of: County of Contra Costa, DFCS, Superior Court of California County of
415 Contra Costa, Family Court Judges, Preferred Attorneys in Family Court, the
416 County Attorney's Office, and Attorneys for Children. Plaintiff alleges and
417 shows with a preponderance of the evidence that caseworkers, judges, and
418 lawyers conspire and collaborate to concoct fictitious instances of child neglect
419 contrary to the legal standard for profit.

420 64. Traditional RICO Statute predicate acts are contained herein and include: (i)
421 witness tampering; (ii) obstruction of justice; (iii) extortion; and (iv), a civil
422 conspiracy to cover up witness tampering and obstruction of justice. These
423 predicate acts are pled with specificity in the instant action.

424 65. The RICO Statute contains a provision that allows for the commencement of
425 a civil action by a private party to recover damages sustained as a result of the
426 commission of a RICO predicate offense(s). The RICO Statute also permits a
427 private individual "damaged in his business or property" by a "racketeer" to file
428 a civil suit. The plaintiff must prove the existence of an "enterprise", and Plaintiff
429 proves with a preponderance of the evidence of the existence of such an

enterprise among the County of Contra Costa, DFCS, Superior Court of California County of Contra Costa, Court Judges, Preferred Attorneys in Family Court, the County Attorney's Office, and Attorneys for Children. As pled elsewhere in the instant action, the connections among these parties proves the existence of an "enterprise."

66. Plaintiff shows with specificity at least one of four specified relationships between the defendant(s) and the Enterprise: either the defendant(s) invested the proceeds of the pattern of racketeering activity into the Enterprise (18 U.S.C. § 1962(a)); or the defendant(s) acquired or maintained an interest in, or control of, the Enterprise through the pattern of racketeering activity (subsection (b)); or the defendant(s) conducted or participated in the affairs of the Enterprise "through" the pattern of racketeering activity (subsection (c)); or the defendant(s) conspired to do one of the above (subsection (d)). The Enterprise is either the 'prize,' 'instrument,' 'victim,' or 'perpetrator' of the racketeers. A Civil RICO action can be filed in Federal court.

67. The civil component allows the recovery of treble damages (damages in triple the amount of actual/compensatory damages) and by Count Four and Judgment Requested, Plaintiff demands treble damages in the amount of Seven Hundred and Fifty Million Dollars (\$750,000,000).

Predicate Act: Witness Tampering

450 68. 18 U.S. Code § 1512 (b) provides:

451 Witness tampering is the act of attempting to alter or prevent the testimony of
452 witnesses within criminal or civil proceedings. Laws regarding witness
453 tampering also apply to proceedings before Congress, executive departments, and
454 administrative agencies. To be charged with witness tampering in the United
455 States, the attempt to alter or prevent testimony is sufficient. There is no
456 requirement that the intended obstruction of justice be completed.

457
458 69. When Federal defendant Bains coached TP to tell untruths about Plaintiff and
459 that she hit HP, Bains tampers with a witness.

460 70. HP reported that the Enterprise coached him to say bad things about Plaintiff –
461 under threats of escalated care – commonly known as Juvenile Hall.

462 71. Federal defendant Case recanted when testifying that HP was hit from “not that
463 I recall” to “Yes, he did” under the watchful eye of Federal defendant Haight.

464 72. Federal defendant Bains coached TP to report that the Plaintiff hit HP, wrongly
465 blaming Plaintiff for striking the child when in fact it was the nanny, Steffi
466 Guggenbichler, who hit HP; Guggenbichler concealed this to Plaintiff.

467 73. An unidentified member of the Enterprise, coached KP to say she was hit with a
468 whip, only KP said in testimony said “what whip,” or words to that effect.

469 74. Whoever knowingly uses intimidation, threatens, or corruptly persuades another
470 person, or attempts to do so, or engages in misleading conduct toward another
471 person, with intent to (1) influence, delay, or prevent the testimony of any person
472 in an official proceeding...;

473 75. 18 U.S. Code § 1512 (c) (2) provides:

Whoever corruptly-otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so...

76. 18 U.S. Code § 1512 (e) provides:

In a prosecution for an offense under this section, it is an affirmative defense, as to which the defendant has the burden of proof by a preponderance of the evidence, that the conduct consisted solely of lawful conduct and that the defendant's sole intention was to encourage, induce, or cause the other person to testify truthfully.

77. 18 U.S.C. § 1515 (3) provides:

the term "misleading conduct" means-knowingly making a false statement; (A) knowingly making a false statement (B) intentionally omitting information from a statement and thereby causing a portion of such statement to be misleading, or intentionally concealing a material fact, and thereby creating a false impression by such statement...(E) knowingly using a trick, scheme, or device with intent to mislead;

78. 18 U.S.C. § 1515 (b) provides:

(b) As used in §1505, the term "corruptly" means acting with an improper purpose, personally or by influencing another, including making a false or misleading statement, or withholding, concealing, altering, or destroying a document or other information

Discussion

79. The facts of the instant action make it abundantly clear that Federal defendants

Haight, Case, and Lawrence knowingly, corruptly persuaded TP, HP and KP and attempted to do so, to engage in false statements that persuaded TP, HP, and KP with the intent to (1) influence, delay, or prevent the testimony of witnesses to aid in the defense of Plaintiff in an official proceeding. Federal defendant's

Haight, Case, and Lawrence committed witness tampering under 18 U.S.C. §1512.

80. Federal defendants Haight, Case, and Lawrence simply asked TP, HP, and KP to tell less than the whole truth and TP, HP, and KP knew that they were being asked to tell less than the whole truth, therefore Federal defendants Haight, Case, and Lawrence corruptly persuaded the witness and is a violation of the laws, *res ipsa loquitur*, and has harmed Plaintiff and the injury was caused by the violation of 18 U.S.C. §§ 1961, *et seq.*

Predicate Act: Obstruction of Justice

81. In the Jurisdictional trial, all Federal defendants in this action, especially each of Haight, Case, and Carey began the conspiratorial act of obstructing justice by coaching TP, HP, and KP.

82. Federal defendant Gutierrez filed a fictitious, malicious detention report, without evidence, and based on the incorrect standard of the preponderance of the evidence as opposed to the standard of clear and convincing required by the U.S. Supreme Court.

83. Federal defendant Haight obstructed justice, and in violation of Sixth Amendment when she denied Plaintiff the right to seek the counsel of her choice

that allowed the Federal defendant(s) to invested the proceeds of the pattern of racketeering activity into and fund the Enterprise (see 18 U.S.C. §1962(a)).

84. In fact, by implication in the instant action, the Federal defendants meet all four of the specified relationships of par. 61: they funded the Enterprise; the Federal defendants acquired and maintained an interest in the Enterprise through the pattern of racketeering activity; the Federal defendants conducted or participated in the affairs of the Enterprise through the pattern of racketeering activity; and conspired to do one of the aforementioned, *res ipsa loquitur*.

85. Plaintiff was removed from the courtroom during the direct examination of HP and KP. Federal defendant Haight refused to allow the cross examination of KP and threatened Plaintiff; Federal defendant Carey corroborated the position of Haight.

86. 18 U.S. Code § 1503 provides:

Whoever corruptly...endeavors to influence, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice.

87. Federal defendant Williams, on numerous occasions, committed perjury under oath that cast an unwarranted negative light upon Plaintiff, thereby usurping the power of the courts, and resulted in obstruction of justice.

88. On May 23, 2019, Federal defendant Maddock denied Plaintiff's request for transcripts that would have implicated him in a violation of the First Amendment.

Discussion

89. 18 U.S.C. §1515 states:

...the term "corruptly" means acting with an improper purpose, personally or by influencing another, including making a false or misleading statement, or withholding, concealing, altering, or destroying a document or other information.

90. Plaintiff states, by the facts of the instant action make it abundantly clear that

Federal defendants Haight, Carey, and Lawrence coached HP, at all times relevant thereto, a 12 year old, to untruthfully testify about Plaintiff's sex life that did corruptly endeavor to influence, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice. In doing so, Federal defendants Haight, Case, Carey, and Lawrence committed obstruction of justice under Section 1503.

91. Federal defendants Haight, Carey, and Lawrence simply asked HP to tell less than the whole truth and HP knew that he was being asked to tell less than the whole truth, therefore Federal defendants Haight, Case, Carey, and Lawrence corruptly influenced, obstructed, impeded, and endeavored to influence, obstruct, or impede, the due administration of justice and is a violation of the statute, *res ipsa loquitur*, and has harmed Plaintiff and the injury was caused by the violation of 18 U.S.C.A. §§ 1961 .

Predicate Act: Extortion

92. On or about March 2018, Federal defendant Case lays claims to \$700,000 in courts costs payable by Plaintiff who believe such costs have risen to between \$1 million to \$2 million. Federal defendant Case made it perfectly clear that either Plaintiff would pay the court costs or risk never seeing Plaintiff's kids again.

93. Unfortunately, under California law, court costs are limited to reimbursing the State for the cost of a court appointed attorney; As Plaintiff never used a court appointed attorney, purported \$700,000 in costs allowed the Enterprise to invest such sums in the proceeds of the pattern of racketeering activity into and fund the Enterprise (see 18 U.S.C. § 1962(a)).

94. Extortion is defined as the obtaining of property from another with his or her consent, by the wrongful use of either force or fear, or under color of official right. The property or right to property must be obtained. This can be either the property itself or the right to it.

95. Property rights that can be transferred to constitute extortion.

a. The right to prosecute a lawsuit or an appeal;

b. Obtaining an official act of a public officer can be the basis of extortion.

96. If a person makes an extortionate demand in writing he/she may guilty even if the victim parts with no property.

581 97. Any person who, by use of improper threat, another person's signature on any
582 document gets giving a property right may be charged with extortion even if the
583 property right is never actually obtained.

584 **Discussion**

585
586 98. Plaintiff alleges that the Enterprise is in possession of property of the Plaintiff,
587 purported court costs of at least \$700,000 or she will never see her children, HP
588 and KP again.

589 99. Federal defendant Case induces Plaintiff to provide that property under color of
590 official right; Plaintiff has not paid it yet.

591 100. Where Plaintiff sees that there has been no progress toward reunification, the
592 implication is that Federal defendants will seek further legal intervention against
593 Plaintiff (termination of parental rights) and directing HP and KP to out of state
594 adoption should Plaintiff not acceded to her demands.

595 **Predicate Act: Conspiracy to Cover-up Witness Tampering and Obstruction of**
596 **Justice**

597
598 101. 42 U.S.C. § 1985 provides:

599 If two or more persons in any State or Territory conspire to deter, by force,
600 intimidation, or threat, any party or witness ... from attending such court, or
601 from testifying to any matter pending therein, freely, fully, and truthfully, or
602 to ... to influence the verdict, presentment, or indictment of any grand or petit

juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws.

Discussion

102. It will be established during Discovery that the Federal defendants, *inter alia*, Haight, Carey, Lawrence, and Williams persuaded TP, HP, and KP to make statements of false fact in certified transcripts that do not lie.

103. In doing so, Haight inspired and provided a mechanism to the Federal defendants to create a conspiracy to cover up witness tampering and obstruction of justice in her trial proceedings; Haight violated Plaintiff's Sixth Amendment right to face her accusers.

FEDERAL DEFENDANTS LOIS HAIGHT, KELLIE CASE, EDYTH WILLIAMS, GUTIERREZ, AND THOMAS MADDOCK ARE NOT ENTITLED TO QUALIFIED IMMUNITY

104. The United States Supreme Court has stated that qualified immunity is the norm, absolute immunity is the exception (*Harlow v. Fitzgerald*, 457 U.S. 750 800, 807, 810-11 (1982)).

105. In Balcerzak, Stephanie E. “Qualified Immunity for Government Officials:
The Problem of Unconstitutional Purpose in Civil Rights Litigation. 95, No. 1
(Nov. 1985) pp. 126-147. The Yale Law Journal, the author stated:

In Harlow, the Supreme Court fundamentally altered the qualified immunity defense available to an official charged with a constitutional violation in a civil rights action for damages. Under Harlow, an official is entitled to immunity unless his conduct violates a “clearly established” constitutional right.

106. All constitutional rights are expressly stipulated and written in the U.S. Constitution, which is the supreme law of the land, meaning that any other laws which are in contradiction with it are considered unconstitutional and thus regarded as invalid.

107. The Fourteenth Amendment to the U.S. Constitution provides:

[N]or shall any State deprive any person of life, liberty, or property, without due process of law.

108. Then, while not a constitutional right, but important nonetheless, there is:

42 U.S.C. §1983 which provides in pertinent part:

Every person who, under color of any statute, ordinance, regulation, custom or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

109. In *Mirales v. Wako* 502 U.S. 9 (1991), the U.S. Supreme Court stated "...our cases make clear that the immunity is overcome in only two sets of circumstances. First, a judge is not immune from liability for nonjudicial actions, i.e., actions not taken in the judge's judicial capacity. *Forrester v. White*, 484 U.S., at 227 -229; *Stump v. Sparkman*, 435 U.S., at 360 [502 U.S. 9, 12] Second, a judge is not immune for actions, though judicial in nature, taken in the complete absence of all jurisdiction. *Id.*, at 356-357; *Bradley v. Fisher*, 13 Wall., at 351."

110. Respectfully, no matter what qualified immunity defense that Federal defendants Haight, Case, Williams, Guitarrez, and Maddock try to employ there is no getting around the Fourteenth Amendment, *Harlow*, §1983, and *Mirales*.

111. No matter what road block the State of California tries to erect in Social Services Laws to protect its social workers, the Fourteenth Amendment, *Harlow*, and §1983 remains to subject every person to its provisions, Supremacy Clause, Article Six, Clause 2 of the U.S. Constitution that establishes the U.S. Constitution, trumps the State laws.

**FEDERAL DEFENDANT PATRICIA LOWE IS NOT ENTITLED TO
QUALIFIED IMMUNITY OR ABSOLUTE PROSECUTORIAL
IMMUNITY.**

112. This Court maybe persuaded that Federal defendant Lowe is entitled to absolute prosecutorial immunity but, respectfully, Plaintiff requests this Court to

think again. In flagrant violation of 42 U.S.C. § 1983, Fourteenth Amendment, and 18 U.S.C. 1961, *et eq.*, Federal Defendant Lowe conspired with DFCS and violated clearly established law of which a reasonable prosecutor should have known. *Buckley v. Fitzsimmons*, 509 US 259 at 268.

113. Congress intended to retain well-established common-law immunities when it adopted §1983 in 1871. But even assuming Congress intended to retain the existing common-law immunities, absolute prosecutorial immunity was not the established law in 1871. In fact, the first case affording prosecutors absolute immunity was not decided until 1896. *Brown v. Walker*, 161 U.S. 591 (1896). Congress could not have intended to retain this immunity when it adopted § 1983 because it simply did not exist at that time. Rather, in 1871 prosecutors would have been accorded qualified immunity, not absolute immunity. Thus, the historical argument for absolute prosecutorial immunity is an unfounded myth; therefore, Federal defendant Lowe is not entitled to absolute prosecutorial immunity.

114. For all the reasons cited above in *Harlow*, Federal defendant Lowe is not entitled to qualified immunity either as her unlawful conspiratorial actions provided the causal nexus that violated Plaintiff's federally protected rights.

CONCLUSION

115. As opposed to burdening the District Court by submitting 100 pages of attachments, Plaintiff will supply all that and more in Discovery. Therefore, there are no conclusory statement in the instant action, *res ipsa loquitur*.

COUNT ONE

VIOLATION OF FIRST AMENDMENT

(Federal Defendant Thomas Maddock)

116. Plaintiff repeats and realleges each and every allegation contained in paragraph "16" through "121," as though fully set forth herein.

117. As a result of the Defendants' acts, Plaintiff now suffers and will continue to suffer irreparable injury and monetary damages, and that Plaintiff is entitled to damages sustained to date and continuing in excess of the amount of **FIFTY MILLION DOLLARS (\$50,000,000)** as well as punitive damages, costs, and attorney's fees.

COUNT TWO

VIOLATION OF 42 U.S.C 1983

(Federal Defendants County of Contra Costa, Lois Haight, Kellie Case, Edith Williams, Gutierrez, Patricia Lowe, and Thomas Maddock)

118. Plaintiff repeats and realleges each and every allegation contained in paragraph "16" through "121" as though fully set forth herein.

119. As a result of the Defendants' acts, Plaintiff now suffers and will continue to suffer injury and monetary damages, and that Plaintiff is entitled to damages sustained to date and continuing in excess of the amount of **ONE HUNDRED AND FIFTY MILLION DOLLARS** (\$150,000,000) as well as punitive damages, costs, and attorney's fees.

COUNT THREE

VIOLATION OF FOURTEENTH AMENDMENT

(Federal Defendants County of Contra Costa, Lois Haight, Mary Carey, Kellie Case, Edith Williams, Gutierrez, Erica Bains, Patricia Lowe, and Thomas Maddock)

120. Plaintiff repeats and realleges each and every allegation contained in paragraph "16" through "121" as though fully set forth herein.

121. As a result of the Defendants' acts, Plaintiff now suffers and will continue to suffer injury and monetary damages, and that Plaintiff is entitled to damages sustained to date and continuing in excess of the amount of **TWO HUNDRED AND FIFTY MILLION** (\$250,000,000) as well as punitive damages, costs, and attorney fees.

COUNT FOUR

VIOLATION OF 18 U.S.C 1961, et seq,

(Federal Defendants County of Contra Costa, Lois Haight, Mary P. Carey, Judith Lawrence, Kellie Case, Edyth Williams, Gutierrez, Erica Bains, Patricia Lowe, and Thomas Maddock)

122. Plaintiff repeats and realleges each and every allegation contained in paragraph “16” through “121” as though fully set forth herein

123. As a result of the Defendants’ acts, Plaintiff now suffers and will continue to suffer injury and monetary damages, and that Plaintiff is entitled to damages sustained to date and continuing in excess of the amount of **TWO HUNDRED AND FIFTY MILLION (\$250,000,000)** as well as treble damages, punitive damages, costs, and attorney fees.

WHEREFORE, a judgment is respectfully demanded:

a. Awarding against the individually named Federal defendant such compensatory damages as the jury may impose, but not less than **SIX HUNDRED AND FIFTY MILLION DOLLARS (\$650,000,000)**;

b. Awarding against the individually named Federal defendant such punitive damages as the jury may determine, but not less than such punitive damages as the jury may impose, but not less than **SIX HUNDRED AND FIFTY MILLION DOLLARS (\$650,000,000)**;

c. Permanently enjoining the Federal defendants County of Contra Costa, Lois Haight, Kellie Case, Edyth Williams, Gutierrez, Eric Bains, Patricia Lowe, and Thomas Maddock from further violation of the First Amendment, violation of 42 U.S.C. §1983, violation of the Fourteenth Amendment, and violation of 18 U.S. C. 1961, et seq.,

d. Awarding reasonable attorney's fees and costs; and,

e. Granting such other and further relief as this Court deems just and proper.


JURY TRIAL IS DEMANDED

Plaintiff demands a trial by jury on all claims so triable.

Dated: August 2, 2019

Orinda, Cal.

For Plaintiff:


Andrea Wood