

FILED

JUL 22 2019

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

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Pd
np
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Andrea C. Wood
40 Hilldale Court
Orinda, CA 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.

ACACIA CHIDI, EDYTH WILLIAMS, and
COUNTY OF CONTRA COSTA

Defendant

JURY TRIAL DEMANDED

CASE NO.
CV 19-4202 'LB

COMPLAINT

COMPLAINT FOR VIOLATION OF 42 U.S.C. §1983
and FOURTEENTH AMENDMENT

JURISDICTION

28 1. This is an action for relief, proximately the result of conduct engaged in by
29 the Acacia Chidi, Edyth Williams, and County of Contra Costa in violation of
30 42 U.S.C. §1983 and Fourteenth Amendment.

31
32 2. This Court has personal jurisdiction over the Defendants because all factual
33 allegations derive from violations of 42 U.S.C. §1983 and Fourteenth
34 Amendment and for the sake of judicial expediency, this Court has
35 supplemental jurisdiction over all other claims, brought now or ever, that are
36 so related to claims in the actions of the parties within such original
37 jurisdiction that they form part of the same dispute pursuant to 28 U.S.C.
38 §1367.

39
40 3. This Court has subject matter jurisdiction over this dispute pursuant to 28
41 U.S.C. §1331 and 1338 (federal question jurisdiction). Jurisdiction is
42 premised upon the Federal defendants' violation of 42 U.S.C. §1983 and
43 Fourteenth Amendment.

44 **VENUE**

45 4. Venue is proper in this district pursuant to 28 U.S.C. §§1391 and 1400 because
46 the bulk of Plaintiff's business is transacted in the County of Contra Costa,
47 California, and for the Defendants that do not, and for the sake of judicial
48 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 Acacia Chidi (hereinafter “Chidi”), sued in her individual capacity, is a *sui juris* resident of places unknown and is a Social Worker III at Contra Costa County Family and Child Services with a principal place of business at:

500 Ellinwood Way
Contra Costa County
Pleasant Hill, California 94523
+1 (925) 602-9266

7. 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 Contra Costa County Family and Child Services with a principal place of business at:

500 Ellinwood Way
Contra Costa County
Pleasant Hill, California

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
(925) 313-1180

STATEMENT OF FACTS

8. On August 17, 2017, TP (age 14), HP (age 12), and KP (age 7) were removed
from Plaintiff’s, the biological mother’s, home entering without an Access
Order, without warrant, no authorization to enter, and without an Order of
Temporary Removal all in violation of §340(b) of the Juvenile Dependency
Law (“JDL”) – forceable entry; there was no imminent danger present.
9. The biological father of TP, HP, and KP, Jeremy Packwood passed away in
2007.

10. Notwithstanding having visitations with TP and KP, Federal Defendant Williams never arranged visitations with HP even when HP went on the record in Superior Court to state that he wished to have visitation with Plaintiff.

11. Federal defendant Williams stated under oath under the penalty of felony “that HP was open to visits with his mother” or words to that effect; Williams did not schedule those either. This was the latest violation of the JDL in the matters of HP – family unification requirements.

12. Plaintiff was told she could write letters and did write letters to HP in December 2017 and August 2018. Williams testified the letters were appropriate, but the letters Williams never delivered to HP that hampers reunification.

13. Settlement of Katie A. law - requires that HP receive mental health medical care after being 5150'd for suicidal tendencies, but HP was blocked from visits with Plaintiff in violation of §362.1 of the JDL - shortly afterwards HP started contemplating suicide.

14. Without Plaintiff's authorization, Plaintiff's counsel, Mary Carey, stated on the record "Your honor, I had made a request that there be no contact between my client (Plaintiff) and HP." Upon information and belief Carey made the premeditated, malicious intent to harm HP, to physically separate the family, and remove HP from Plaintiff.

113 15. On January 9, 2018 Federal defendant Kellie Case testified "not that I recall"
 114 when asked "Did HP ever tell you that his mother (Plaintiff) hit him on more
 115 than one occasion," prompting a disapproving look from Judge Lois, leading
 116 Ms. Case who had already testified, to stumble and say "Can I correct that?"
 117 Haight exploded back "What? Yes." Federal defendant Case, followed the
 118 Judge's lead, changed her testimony to "Yes, he did" notwithstanding that a
 119 moment earlier she attested to no such recollection.

120 16. On July 12, 2019, in a meeting with Federal defendant Chidi, Plaintiff made
 121 a demand that Chidi set a visitation with HP by July 19, 2019. Federal
 122 defendant Chidi failed to set up the visitation schedule which reluctantly led
 123 to this Complaint.

124 **42 U.S.C. 1983 -- LEGAL STANDARD**

125 17. 42 U.S.C. §1983 provides in pertinent part:

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

132 The elements of a §1983 claim are:

- 133 a. a "person";
- 134 b. acted under "color of law"; and
- 135 c. deprived another person of a constitutional right.

136 18.A State is not a person under 42 U.S.C. §1983, but a City is a person under
137 the law (*Will v. Michigan Department of State Police* 49 US 58 109 S. Ct.
138 2304 105 394 L. Ed 2d 45 [1989]).

139 19.State or City officials acting in their official capacities are not persons under
140 42 U.S.C. §1983, but State or City officials acting in their individual
141 capacities are persons under the law.

142 20.Federal defendants Chidi, Williams, Case, and County are persons.

143 21.Federal defendant Chidi, Williams, and Case are persons who acted “under
144 color of state law” when they failed to arrange visitations for HP and
145 Plaintiff.

146 22.Thus, Plaintiff maintains that liability under §1983 has been established as:

147 a. Federal defendants Chidi, Williams, Case, and County were on duty;
148

149 b. Federal defendants Chidi, Williams, Case, and County hold
150 themselves out as public officials;

151 c. Federal defendants Chidi and Williams invoked the authority of their
152 office and in their individual capacities when they failed to arrange
153 visitation for HP and Plaintiff. As of even date below, Plaintiff has not
154 seen HP in two years.

155 **FOURTEENTH AMENDMENT – LEGAL STANDARD**

23. 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.

24. 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 both parent and child before removal of the child from his or her parent's custody may be effected.
- c. "[A] parent may . . . bring suit under a theory of violation of his or her right to substantive due process Parents have a 'substantive right under the Due Process Clause to remain together [with their children] without the coercive interference of the awesome power of the state.'" (quoting *Tenenbaum v. Williams*, 193 F.3d 581, 600 (2d Cir. 1999) (second alteration in original)); *Cox v. Warwick Valley Cent. Sch. Dist.*, 654 F.3d 267, 275 (2d Cir. 2011); and
- d. "The interest of natural parents 'in the care, custody, and management of their child' is a 'fundamental liberty interest protected by the Fourteenth Amendment.'" (quoting *Santosky v. Kramer*, 455 U.S. 745, 483 753 (1982)).

25. In stating a claim of a violation of procedural due process, Plaintiff alleges:

- (1) the existence of a property or liberty interest that was deprived (the biological Mother of the wrongly removed HP) and (2) deprivation of that

188 interest without due process as a result of shocking, arbitrary, and egregious
189 failures to arrange a visitation schedule for HP.

190 26. In stating a claim of a violation of substantive due process, Plaintiff alleges
191 that: (1) she had a valid property or liberty interest (the biological mother of
192 the wrongly removed HP), and (2) that interest was infringed upon in an
193 arbitrary or irrational manner (the arbitrary failure to arrange a visitation
194 schedule).

195 27. Further, Plaintiff maintains that, quoting *Tenenbaum*, that removal of HP “was
196 ‘so shocking, arbitrary, and egregious that the Due Process Clause would not
197 countenance it even where it accompanied by full procedural protection.’”
198 *Cox v. Warwick Valley Cent. Sch. Distr.*, 654 F.3d 267, 275 (2d Cir. 2011)
199 (quoting *Tenenbaum*, 193 F.3d at 600):

200
201 a. So shocking in that HP had the benefit of a nanny and a handyman
202 who provided fabulous meals from a fully stocked pantry and was
203 whisked away without notice, Access Order, warrant, or Order of
204 Temporary Removal;

205
206 b. So arbitrary as visitation schedules were in place for KP, but not HP.

207 c. So egregious in the glaring, flagrant actions of Federal defendants,
208 Contra Costa County Family and Child Services brought a neglect

petition in less than 12 hours later that it was palmed off on Judge Lois Haight who, upon information and belief, rubber stamped the Petition as is customary among the “good ‘ole girls club among Child Protective Services, Orinda County Family Court, and the Deputy County Attorney” that caused the removal of HP.

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

29. Plaintiff had single handedly raised the minor child HP since the age of 1 ½ after the death of Jeremy Packwood, her husband and HP’s father.

30. Emergency circumstances did not exist then and do not exist now to warrant the shocking, arbitrary, and egregious removal of the minor child HP from Plaintiff’s custody contrary to the legal standard of neglect – it is not even close.

31. In the Matters of HP the burden of proof is on the County, and they have not met such burden – it is not even close.

32. Upon information and belief, the once happy-go-lucky HP suffers from anger management issues and suicidal tendencies.

**FEDERAL DEFENDANTS ACACIA CHIDI, EDYTH WILLIAMS, and
KELLIE CASE ARE NOT ENTITLED TO QUALIFIED IMMUNITY**

229 33.The United States Supreme Court has stated that qualified immunity is the
230 norm, absolute immunity is the exception (*Harlow v. Fitzgerald*, 457 U.S.
231 800, 807, 810-11 (1982).

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

235 In Harlow, the Supreme Court fundamentally altered the qualified
236 immunity defense available to an official charged with a constitutional
237 violation in a civil rights action for damages. Under Harlow, an official is
238 entitled to immunity unless his conduct violates a "clearly established"
239 constitutional right (emphasis supplied).

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

244 36.The Fourteenth Amendment to the U.S. Constitution provides:

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

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

248 42 U.S.C. §1983 which provides in pertinent part:

249 Every person who, under color of any statute, ordinance, regulation,
250 custom or usage, of any State or Territory or the District of Columbia,
251 subjects, or causes to be subjected, any citizen of the United States or

other person within 620 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 (emphasis supplied).

38. 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.*
Fi

COUNT ONE

VIOLATION OF 42 U.S.C 1983

(Federal Defendants Acacia Chidi, Edyth Williams, Kellie Case, and County
 of Contra Costa)

39. Plaintiff repeats and realleges each and every allegation contained in
 paragraph "18" through "___" as though fully set forth herein.

40. 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 **FIFTY**

MILLION DOLLARS (\$50,000,000) as well as punitive damages, costs, and attorney's fees.

COUNT TWO

VIOLATION OF FOURTEENTH AMENDMENT

(Federal Defendants Acacia Chidi, Edyth William, Kellie Case, and County of Contra Costa)

41. Plaintiff repeats and realleges each and every allegation contained in paragraph "18" through "___" as though fully set forth herein.

42. 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 **FIFTY MILLION (\$50,000,000)** as well as punitive damages, costs, and attorney fees.

WHEREFORE, a judgment is respectfully demanded:

- a. Awarding against the individually named Federal defendant such punitive damages as the jury may impose, but not less than **ONE HUNDRED MILLION DOLLARD (\$100,000,000)**;
- b. Awarding against the individually named Federal defendant such compensatory damages as the jury may determine, but not less than such punitive damages as the jury may impose, but not less than **ONE HUNDRED MILLION DOLLARS (\$100,000,000)**;
- c. Permanently enjoining the Federal defendants Acacia Chidi, Edyth Williams, and County from further violation of 42 U.S.C. §19 and violation of the Fourteenth Amendment;

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: July 22, 2019

Orinda, Cal.

For Plaintiff:



Andrea C. Wood

JS-CAND 44 (Rev. 07/19)

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS**ANDREA C. WOOD**(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)**COSTA COSTA**

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS**ACACIA C. FLORES, Erika Williams, COURTNEY**County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)**CONTRA COSTA**

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

CV 19-4202 LB**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff ☒ Federal Question
(U.S. Government Not a Party)
- 2 U.S. Government Defendant ☐ Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Incorporated or Principal Place of Business In This State	<input type="checkbox"/>	<input type="checkbox"/>
Citizen of Another State	<input type="checkbox"/>	<input type="checkbox"/>	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/>	<input type="checkbox"/>
Citizen or Subject of a Foreign Country	<input type="checkbox"/>	<input type="checkbox"/>	Foreign Nation	<input type="checkbox"/>	<input type="checkbox"/>

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	PERSONAL INJURY	625 Drug Related Seizure of Property 21 USC § 881	422 Appeal 28 USC § 158	375 False Claims Act
120 Marine	310 Airplane	690 Other	423 Withdrawal 28 USC § 157	376 Qui Tam (31 USC § 3729(a))
130 Miller Act	315 Airplane Product Liability	LABOR	PROPERTY RIGHTS	400 State Reapportionment
140 Negotiable Instrument	320 Assault, Libel & Slander	710 Fair Labor Standards Act	820 Copyrights	410 Antitrust
150 Recovery of Overpayment Of Veteran's Benefits	330 Federal Employers' Liability	720 Labor/Management Relations	830 Patent	430 Banks and Banking
151 Medicare Act	340 Marine	740 Railway Labor Act	835 Patent—Abbreviated New Drug Application	450 Commerce
152 Recovery of Defaulted Student Loans (Excludes Veterans)	345 Marine Product Liability	751 Family and Medical Leave Act	840 Trademark	460 Deportation
153 Recovery of Overpayment of Veteran's Benefits	350 Motor Vehicle	790 Other Labor Litigation	SOCIAL SECURITY	470 Racketeer Influenced & Corrupt Organizations
160 Stockholders' Suits	355 Motor Vehicle Product Liability	791 Employee Retirement Income Security Act	861 HIA (1395ff)	480 Consumer Credit
190 Other Contract	360 Other Personal Injury	IMMIGRATION	862 Black Lung (923)	485 Telephone Consumer Protection Act
195 Contract Product Liability	362 Personal Injury -Medical Malpractice	462 Naturalization Application	863 DIWC/DIWW (405(g))	490 Cable/Sat TV
196 Franchise	CIVIL RIGHTS	465 Other Immigration Actions	864 SSID Title XVI	850 Securities/Commodities/Exchange
	440 Other Civil Rights		865 RSI (405(g))	890 Other Statutory Actions
	441 Voting	PRISONER PETITIONS	FEDERAL TAX SUITS	891 Agricultural Acts
	442 Employment	463 Alien Detainee	870 Taxes (U.S. Plaintiff or Defendant)	893 Environmental Matters
	443 Housing/Accommodations	510 Motions to Vacate Sentence	871 IRS—Third Party 26 USC § 7609	895 Freedom of Information Act
	445 Amer. w/Disabilities—Employment	530 General		896 Arbitration
	446 Amer. w/Disabilities—Other	535 Death Penalty		899 Administrative Procedure Act/Review or Appeal of Agency Decision
	448 Education	OTHER		950 Constitutionality of State Statutes
		540 Mandamus & Other		
		550 Civil Rights		
		555 Prison Condition		
		560 Civil Detainee—Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation—Transfer ☐ 8 Multidistrict Litigation—Direct File ☐

VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):**ACTION**

Brief description of cause:

42 U.S.C. 1983
Failure to begin family reunification**VII. REQUESTED IN COMPLAINT:**CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. ☐

DEMAND \$

100,000.00CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S), IF ANY** (See instructions):

JUDGE

DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only)

☒ SAN FRANCISCO/OAKLAND☐ SAN JOSE☐ EUREKA-MCKINLEYVILLE

DATE

7/22/2019

SIGNATURE OF ATTORNEY OF RECORD

Andrea C. Wood
Pro Se

Court Name: U.S. District Court, NDCA
Division: 3
Receipt Number: 34611143729
Cashier ID: nunes
Transaction Date: 07/22/2019
Payer Name: Andrea C. Wood

CIVIL FILING FEE

For: Andrea C. Wood

Case/Party: D-CAN-3-19-CV-004202-001

Amount: \$400.00

CASH

Amt Tendered: \$400.00

Total Due: \$400.00

Total Tendered: \$400.00

Change Amt: \$0.00

LB

Checks and drafts are accepted
subject to collections and full
credit will only be given when the
check or draft has been accepted by
the financial institution on which
it was drawn.