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U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES
BY: AD

B. Nicholas Evans
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

No
CV-30

SUSAN SPELL and B. NICHOLAS EVENS,

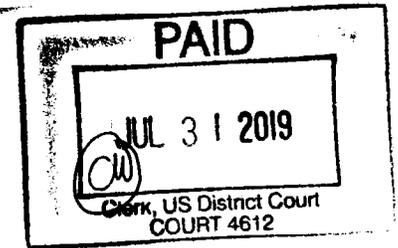
Plaintiffs

v.

COUNTY of LOS ANGELES, MERCEDES
MENDOZA, CATHERINE WOILLARD,
NICOLE LAVIN, ADRIAN HAWKINS, KIM
NEMOY, NATALIE STONE, MARK JUHAS,
JOHN DOE, and JANE DOE

Defendants.

JURY TRIAL DEMANDED



CASE NO.
CV19-06652-FMO-SK
COMPLAINT

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

JURISDICTION

1. This is an action for relief, proximately the result of conduct engaged in by the County of Los Angeles, Mercedes Mendoza, Catherine Woillard, Nicole Lavin, Adrian Hawkins, Kim Nemoy, Natalie Stone, and Mark Juhas in violation 42 U.S.C. §1983, Fourteenth Amendment, 18 U.S.C 1961, *et seq*, and Supplementary Claims.

2. This Court has personal jurisdiction over the Defendants because all factual allegations derive from violations of 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 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 Los Angeles, 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, Susan Spell (hereinafter “Plaintiff S.”), is a *sui juris* resident of Los Angeles, Cal. residing at:

434 North Bedford Drive
Los Angeles County
Los Angeles, California
Tel.: +1 (310) 205-1686

6. Plaintiff, B. Nicholas Evans (hereinafter “Plaintiff N.”), is a *sui juris* resident of Los Angeles, Cal. residing at:

434 North Bedford Drive
Los Angeles County
Los Angeles, California
Tel.: +1 (310) 715-9001

7. Federal defendant County of Los Angeles (hereinafter “County”) is a county in the U.S. State of California and is the most populous county in the United States, with more than 10 million inhabitants as of 2018 with a principal place of business at:

500 W. Temple St., Room 358
Los Angeles, CA, 90012
Tel.: +1 (213) 974-1234

8. Federal defendant Mercedes Mendoza (hereinafter “Mendoza”) is a *sui juris* social worker in the Department of Children Family Services in the County sued in her individual capacity with a principal place of business at:

425 Shatto Place
Los Angeles, CA 90210
Tel.: +1 (800) 540-4000

9. Federal defendant Catharine Woillard (hereinafter “Woillard”) is a *sui juris* social worker in the Department of Children Family Services in the County sued in her individual capacity with a principal place of business at:

425 Shatto Place
Los Angeles, CA 90210
Tel.: +1 (800) 540-4000

10. Federal defendant Nicole Lavin (hereinafter “Lavin”) is a *sui juris* social worker in the Department of Children Family Services in the County sued in her individual capacity with a principal place of business at:

425 Shatto Place
Los Angeles, CA 90210
Tel.: +1 (800) 540-4000

11. Federal defendant Adrian Hawkins (hereinafter “Hawkins”) is a *sui juris* supervising social worker in the Department of Children Family Services in the County sued in her individual capacity with a principal place of business at:

425 Shatto Place
Los Angeles, CA 90210
Tel.: +1 (800) 540-4000

12. Federal defendant Natalie Stone (hereinafter “Stone”) is a *sui juris* judge in the Superior Court of California for the County sued in her individual capacity with a principal place of business at:

201 Centre Drive
Monterey, CA 01754
Tel. +1 (323) 307-8009

13. Federal defendant Mark Juhas (hereinafter “Juhas”) is a *sui juris* judge in the Superior Court of California for the County sued in his individual capacity with a principal place of business at:

111 North Hill Street
Los Angeles, CA 90012
Tel.: +1 (213) 830-0800

STATEMENT OF FACTS

Background

14. Plaintiff S. and Dr. Brian Evans, a plastic surgeon at the Grossman Burn Center, had been going through a divorce for more than a year before the children, NE, LE, SE, and ZE were removed from the custody of Plaintiff S. Throughout the divorce proceedings, Plaintiff S. had custody of all four children; Evans had visitation rights.

15. Several instances of abuse occurred during these visits, some even warranting trips to the emergency room. Social workers and several doctors reported that the NE, LE, SE, and ZE were in imminent danger while under the care of Evans, according to medical records and a safety plan written by the Los Angeles County Department of Child and Family Services (“DCFS”).

16. Magaly Baltazar, who worked with Evans and Plaintiff S. for years when they shared a joint medical practice, said she saw NE, LE, SE, and ZE daily, and was concerned at their reaction to visits with their father. “They would scream and cry and beg not to go,” according to Baltazar. “Why do they have so much fear just to go visit their dad for a few hours? That told me there was something else going on,” Baltazar continued.

17. But each time the case went back to court, DCFS caseworkers encouraged the court to close the investigation against Evans, marking the claims of abuse and risk “unfounded,” notwithstanding documented evidence and his known history of violence. Evans had been arrested for seriously injuring Plaintiff S.’s wrist prior to their divorce. He also once pushed Plaintiff N. down, causing him to suffer a serious concussion, according to court transcripts and medical records.

18. One of the caseworkers had even drawn up an official safety plan with Plaintiff S. in which she indicates abuse by Evans. But court transcripts show that the caseworkers told family court officials no such abuse had ever been found.

19. Baltazar, who continues to work as Plaintiff S.’s office manager, said she left Evans’ employ in 2012 after he asked her to lie to the courts and declare she had never seen him get violent with Plaintiff S. or the children. She says she witnessed such behavior just days before that request was made and, in fact, provided a statement to the court detailing Evan’s explosive outburst.

20. Evans acted as an expert witness in child abuse cases for DCFS for 10 years.

Upon information and belief, this afforded him undue influence with some social workers — but, something else may have also been at play.

21. In a 2013 meeting between the family, DCFS, and County Counsel, LE and SE made a shocking statement about one of their assigned caseworkers: “That’s not our social worker, Tasha Beard, that’s Brian’s girlfriend,” they said, referring to their father by his first name, according to a 2016 lawsuit that garnered a six-figure settlement with the County.

22. The girls said the caseworker, Tasha Beard, and Evans had shut themselves in his bedroom with the door closed for a long time on a recent visit from the social worker. When later questioned in court, Beard admitted to spending time in Evans’ bedroom behind closed doors, though she denied their relationship was romantic or sexual.

Dubious DCFS Dealings

23. Things took a sharp turn in October 2013 when Plaintiff S. arrived at her kids’ school to pick them up but was told they had been detained by DCFS and were going with Evans. No social workers were present, Plaintiff S. says, but DCFS called the school and said the children were not to leave with her, so school administrators forcibly put the kids into Evans’ car – there was no court order in effect which is par for the course for an al Quada cell in the County of Los Angeles, Cal., as it is in the County of Contra Costa, Cal.(see 19-cv-2678 *Wood v. County of Contra Costa*-JD) and the County of Westchester, N.Y. (18-cv-8707 *Lamont v. County of Westchester* (HMK)).

24. Five days after taking NE, LE, SE, and ZE from school, DCFS submitted the warrant to remove, but it was denied. When Plaintiff S. followed up with DCFS, she was told that the department had not ordered the NE, LE, SE, and ZE to be removed from Plaintiff S.

25. In an October 10, 2013 email, Deputy County Counsel Micheline Ruben, Ruben stated “Dr. Evans is acting on his own accord.”

26. Nevertheless, a DCFS social worker returned the children to Plaintiff S. at a sheriff’s station shortly thereafter. In a video of the exchange, the DFCS employee threatens to take the children back unless the camera is shut off.

27. Around this same time, two different social workers, Barbara Smith and Nnenna Okeke, began separately investigating the new allegations against Evans, according to the suit. They both determined the children were not safe with Evans. An emergency restraining order was filed protecting Plaintiff S. and the kids against Evans and remanding the children back to Plaintiff S.

28. Within days of taking on the case, though, Smith and Okeke were both instructed to stop contacting the family. The original case supervisor, Federal defendant Adrian Hawkins, cancelled the order for the children to be placed back with Plaintiff S., and closed the new abuse referral against Evans. Pages of Smith’s notes about the case and misconduct by her fellow social workers went missing from court records, where upon information and belief, Federal defendant Hawkins, in a blatant case of destruction of evidence that resulted in obstruction of justice tampered with Smith’s case notes;

Plaintiff S. retained such evidence according to records of text messages between Smith and Plaintiff S. attached herein as Exhibit "A."

Rulings Reversed

29. Family court is responsible for divorce and custody proceedings, while the juvenile dependency court handles child abuse cases. Plaintiff S.'s family was going through the two systems simultaneously.

30. In late October 2013, just weeks after the unlawful removal, the family court arbitrarily switched custody for the three youngest children, LE, SE, and ZE to Brian Evans, notwithstanding the documented history of violence and lack of a fact-finding hearing.

31. Plaintiff S retained custody over the eldest son, Plaintiff N. Judge David Cunningham, III, who had granted custody to Plaintiff S. just months earlier, now said he was changing the orders because of missed visitations, and because DCFS had informed him that the multiple abuse allegations against Evans were unfounded.

32. Two weeks later, in November 2013, juvenile dependency court Judge Carlos E. Vasquez granted custody of all four kids to Evans after the DCFS caseworkers submitted documents alleging abuse by Plaintiff S. which is par for the course for an al Quada cell in the County of Los Angeles, Cal., as it is in the County of Contra Costa, Cal. (see 19-cv-2678 *Wood v. County of Contra Costa*-JD) and the County of Westchester, N.Y. (18-cv-8707 *Lamont v. County of Westchester* (HMK)).

33. According to DCFS documents, Plaintiff S.'s alleged abuse included

subjecting the children to the custody battle between she and Evans, making false abuse allegations against him, and talking poorly about him in front of the kids.

34. But in May 2014, Vasquez turned around and dropped the abuse case against Plaintiff S. “in the interest of justice,” according court records. DCFS filed an appeal almost immediately, and custody orders were stayed during the appeal -- a nearly yearlong process ensued during which time the NE, LE, SE, and ZE remained with Evans.

35. DCFS won the appeal in April of 2015, Plaintiff S. claims, in large part because her court-appointed attorney — Plaintiff was no longer able to afford private counsel — failed to file the proper paperwork after Vasquez dismissed this case. The appellate court ordered the abuse case to be reopened.

36. During the new trial, DCFS levied a number of abuse allegations against Plaintiff S. But, upon the close of trial arguments, juvenile dependency court Judge Federal defendant Natalie Stone told the social workers she would not be able to sustain the allegations because they did not indicate physical harm.

37. Federal defendant Stone gave the social workers a second chance to amend their petition to “conform to proof,” which gave them a chance to add previously dropped allegations. Since these were added after trial proceedings had ended, Plaintiff was unable to defend against these newly included allegations and lost the case.

Payouts and Prescriptions

38. In October 2015, Plaintiff S. filed suit against the County (“DCFS Case #1”),

alleging that NE, LE, SE, and ZE were improperly removed from her care without a warrant or fact finding hearing or threat of imminent danger and that the social workers on her case committed perjury and concealed and falsified evidence; after social worker Melinda Murphy was told to lie, she simply resigned attached herein as Exhibit "B" and a *sine qua non* for Plaintiff S's allegations. In March of 2018, the County, on behalf of DCFS and the named social workers, agreed to settle for \$150,000 another *sine qua non* for Plaintiff S's allegations.

39. Despite the settlement, Plaintiff S. still did not secure custody over NE, LE, SE, and ZE. Shortly thereafter, Evans agreed to let the eldest child, Plaintiff N., live with Plaintiff S. after tensions between father and son continued to fester, but the youngest three, LE, SE, and ZE remain in Evans' custody to this day.

40. Evans, in July 2017, admitted in court that he had been prescribing several psychotropic drugs to NE, LE, SE, and ZE for years.

41. Dozens of subpoenaed prescriptions show that Evans prescribed drugs to treat ADHD, schizophrenia and bipolar disorder in increasingly high doses for three of the four kids. In court, Evans said he only wrote prescriptions to refill what NE, LE, SE, and ZE's doctors had ordered when they ran out; but pharmacy records show otherwise attached herein as Exhibit "C".

42. Evans also signed a release to allow Plaintiff N., at the age of 15, to obtain a medical marijuana license. The form that Evans signed disclosed that Plaintiff N. was already smoking marijuana several times per week since the age of 13 under Evan's

watch and thought he needed much more.

43. As a result of these revelations, in July of 2017, family court Judge Federal defendant Mark Juhas ordered joint custody to be phased in over the period of several months, records show. But according to Plaintiff S., one month later, Evans, likened to Ayman Mohammed Rabie al-Zawahiri -- leader of the al Qaeda cells worldwide, filed a report with the court alleging new abuse by Plaintiff S. Plaintiff S. says it was never reported to her or investigated by DCFS, but nevertheless, the joint custody order was cancelled, and Plaintiff S. was required to continue with monitored visits.

DCFS Trial 2016-2019

44. On April 19, 2016, at the end of a multi-day trial, Federal defendant Stone announced that she could not find Plaintiff S. guilty of the county's physical abuse petition because the county had no allegations of physical abuse in their petition

45. On May 11, 2016, Federal defendant Stone allowed the County the time to regroup where two new allegations of physical abuse were alleged against Plaintiff S. Social worker, Federal defendant Mendoza alleged physical abuse on a monitored visit February 7, 2016 which is contrary to the report and testimony of monitor, Mr. Lincoln, in the trial; The Mendoza perjury consisted of two physical abuse allegations after the trial ended as follows:

- a. On February 7, 2016, a monitored visit, it has been alleged that Plaintiff S. got Plaintiff N. upset because Plaintiff S. was lying about Evans for causing a child bruise; and
- b. On November 1, 2013, it was alleged that Plaintiff S. kidnapped Plaintiff N. which caused him fear and he could have bruised jumping off a balcony

46. Nevertheless, Plaintiff N. was in Plaintiff S.'s custody on November 1, 2013, making it impossible for Plaintiff S. to kidnap him. None of Plaintiff S. children ever reported being afraid that Plaintiff S. would harm them – Plaintiff N. was approximately 6-foot-tall on February 7, 2016 versus a 115 lb frame of Plaintiff S..

47. On May 23, 2016, Federal defendant Stone explained that she found Plaintiff S. guilty based on social workers new physical abuse allegations and based on the children's "out of control behaviors on visits in 2016" and she placed children with Evans because they were attending and doing well in school. Federal defendant Stone wrongfully found Plaintiff S. guilty of physical child abuse far outside the legal standard of child abuse in California, terminated her visitation rights, gave Evans sole custody notwithstanding a restraining order against him; Brian Evans, M.D. is not the biological father of the children, but that Plaintiff S. had contracted with a sperm donor and had embryos frozen in time when Plaintiff was a student at New York University in New York. Similarly, Evans failed to take court ordered anger management or parenting

classes presumably because he would have failed miserably.

48. Now, at all times relevant to these proceedings, Federal defendant Lavin was a San Fernando Valley social worker who conspired with Federal defendants Mendoza and Woillard to: make false statements continuously submitted to court from August 18, 2015 to the termination of Dependency proceedings on July 7, 2016; fabricated evidence throughout the dependency Proceedings and repeated suppression of exculpatory evidence in written court reports; and alleged that Plaintiff S. had taken NE, LE, SE, and ZE to an anti-DCFS rally instead of their 5-year old cousins birthday party in Laguna Beach when in fact she took them to Laguna Beach. Upon information and belief, there are many anti-DCFS rallies in the County and the facts of the instant action, in part, tell why.

49. At all times relevant to this Complaint, Federal defendant Kim Nemoy was the Deputy Counsel to the Federal defendant County of Los Angeles whose significantly egregious conduct include but was not limited to:

- a. A false claim that Brian Evans, M.D. is the biological father of NE, LE, SE, and ZE which could not be farther from the truth to solidify the flank of the al Quada cell in the County of Los Angeles, as it is in the County of Contra Costa, Cal., (see 19-cv-2678 *Wood v. County of Contra Costa*-JD) and the County of Westchester, N.Y. (18-cv-8707 *Lamont v. County of*

Westchester (HMK);

- b. Lodged a fraudulent restraining order against Plaintiff S. and her husband Christopher VonSchlobohm alleging physical abuse by Plaintiff S. on May 12, 2014; and
- c. After a paternity test turned up negative Federal defendant Nemoy fabricated evidence that the paternity test evidenced Brian Evans, M.D. as the biological father of NE, LE, SE, and ZE to solidify the flank of the al Quada cell in the County of Los Angeles, as it is in the County of Contra Costa, Cal., .(see 19-cv-2678 *Wood v. County of Contra Costa*-JD) and the County of Westchester, N.Y. (18-cv-8707 *Lamont v. County of Westchester* (HMK).
- d. At all times relevant herein, Plaintiff N makes the same claims as Plaintiff S.

50. On March 4, 2017, a one Dr. Satenberg, a juvenile court ordered therapist made a report on Evans physical abuse, which NE, LE, SE, and ZE disclosed in therapy. Since 2015, the children were living with Siena Coffey, who upon information and belief was Evans girlfriend and her 4 adult children whose sole form of income was the procurement and dissemination of narcotics. Upon information and belief, Coffey forced the children to take pills with a view towards, upon information and belief, sex-trafficking them as a further means of income to fund the Enterprise as it is defined below

(see par. 72) in the al Quada cell in the County of Los Angeles, as it is in the County of Contra Costa, Cal., (see 19-cv-2678 *Wood v. County of Contra Costa*-JD) and the County of Westchester, N.Y. (18-cv-8707 *Lamont v. County of Westchester* (HMK)). For the District Court's benefit, "sex trafficking is commonly defined as:

Sex trafficking is human trafficking for the purpose of sexual exploitation, including sexual slavery. A victim is forced, in one of a variety of ways, into a situation of dependency on their trafficker and then used by said trafficker to give sexual services to customers.

51. Upon information and belief, each of NE, SE, LE, and ZE were afraid to report such for fear of being left homeless.
52. In Family Court on June 6, 2017, Evans testified as a hostile witness and admitted that he failed to disclose that Plaintiff N. was on controlled drugs, marijuana diagnosed bipolar, not attending school, failed in almost every class for 4 years since 2015. Upon information and belief, Plaintiff N. was physically struck by Coffey and her adult children.
53. Social workers failed to disclose exculpatory evidence that included but was not limited to: (i) children were diagnosed bipolar with ADHD in 2016; (ii) were under the influence of controlled substances in 2016; and (iii) were subjected to physical harm at home living with Coffey and her 4 adult kids.
54. By her shocking, arbitrary, and egregious conduct, Federal defendant Stone abused her discretion, obstructed justice, and violated Federally protected rights by

denying the testimony of the children and adding charges against Plaintiff S. after the trial ended; Federal defendant Stone violates the due process clause of the Fourteenth Amendment as it relates to Plaintiff S. and now Plaintiff N.

55. On July 7, 2016 Plaintiff S. was informed by Federal defendant Stone that she was to pay \$249,000 in court costs or risk the loss of visitation of NE, SE, LE, and ZE. Fortunately, in California such party refunds the State the cost of a court appointed attorney only which Plaintiff S. had from November 6, 2013 to October 15, 2015 while the remainder goes toward the funding of the Enterprise as it is defined at par. 72.

56. Under the premises Plaintiff S. and Plaintiff N. have been caused to suffer, fear, intimidation, public humiliation, public embarrassment, a denial of Due Process, emotional upset, anxiety, and they have otherwise been rendered sick and sore.

57. Plaintiff S. and Plaintiff N. reluctantly sue for money damages as DCFS gave them no other choice.

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

58. 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.

59. 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.

60. 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. 2304 105 394 L. Ed 2d 45 [1989]).

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

62. Federal defendants Mendoza, Woillard, Lavin, Hawkins, Nemoy, Stone, and Juhas and are persons who acted “under color of state law” when they conducted an unlawful taking and detention of NE, LE, SE, and E from their school and the custody of Plaintiff S.

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

- a. Federal defendants Mendoza, Woillard, Lavin, Hawkins, Nemoy, Stone, and Juhas were on duty;
- b. Federal defendants Mendoza, Woillard, Lavin, Hawkins, Nemoy, Stone,

and Juhas hold themselves out as public officials;

c. Federal defendants Hawkins invoked the authority of her office and in her individual capacities when she caused the removal of NE, LE, SE, and ZE from their home;

FOURTEENTH AMENDMENT – LEGAL STANDARD

64. 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.

65. 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)).

66. 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 unlawfully removed and detained NE, LE, SE, and ZE) and

(2) deprivation of that interest without due process as a result of witness tampering, obstruction of justice, extortion, and a civil conspiracy to cover it up (the lack of any non-tarnished fact-finding hearing since the inception of this matter).

67. In stating a claim of a violation of substantive due process, Plaintiff alleges that: (1) she had a valid property or liberty interest (the biological mother of the removed and detained NE, LE, SE, and ZE), and (2) that interest was infringed upon in an arbitrary or irrational manner (the arbitrary allegation of “neglect”) contrary to the legal standard of neglect defined as:

Any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation"; or
An act or failure to act which presents an imminent risk of serious harm."

(see 42 U.S.C.A. § 5106g, emphasis supplied).

a. Further, Plaintiff S. and Plaintiff N. maintain that, quoting *Tenenbaum*, that the unlawful removal and detention of NE, LE, SE, and ZE, “was ‘so shocking, arbitrary, and egregious that the Due Process Clause would not countenance it even where it accompanied by full procedural protection.’” *Cox v. Warwick Valley Cent. Sch. Distr.*, 654 F.3d 2267, 275 (2d Cir. 2011) (quoting *Tenenbaum*, 193 F.3d at 600):

a. So shocking in that on November 1, 2013 NE, LE, SE, and ZE were handed by school administrators to social workers of DCSF without the benefit of a warrant, removal order or any other

official document of a Family Court;

- b. So arbitrary by DCSF's seeking of a Warrant and Order of Removal five days later to cover their tracks which was denied by a Family Court judge; and
- c. So egregious in the November 1, 2013 removal and detention, NE, LE, SE, and ZE were handed to Brian Evans, M.D. a documented physical abuser who was the subject of a temporary restraining order and protective order issued by the County court.

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

69. Emergency circumstances did not exist then and do not exist now to warrant the shocking, arbitrary, and egregious removal of the minor children, NE, LE, SE, and ZE, from Plaintiff's custody contrary to the legal standard of neglect – it is not even close.

70. Respectfully, also of importance in this Fourteenth Amendment claim are the words from a May 10, 2019 Grand Report in Contra Costa County, Cal. attached herein as Exhibit "D" where it is stated:

In non-emergency cases [such as the instant action], CFS social workers have 30 days to conclude an investigation and draft a plan for intervention, if warranted. If the plan calls for a child to be removed from the home, the social workers prepare a case to present to the Family Court which makes the final determination regarding the child.

According to CFS officials, the court accepts the recommendations of social workers 80-85% of the time.

Once a child is removed from the home, the social worker is responsible for working with the parents to create a plan for reunification where appropriate, including steps the parents must take to qualify for having the child returned. These might include psychological evaluation, anger management training, substance abuse counseling, or other actions.

71. The record reflects that none of the above protocol was followed – it is not even close and is a violation of Plaintiff S’s and Plaintiff N’s Fourteenth Amendment rights.

72. Upon information and belief, the once happy-go-lucky foursome born of a Triple AAA rated mommy, a medical doctor, and graduate of Harvard Medical School NE, LE, SE, and ZE suffer from anger management issues, suicidal tendencies, and a fascination with the make believe.

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

73. Plaintiff alleges that according to 18 U.S.C. 1961, *et seq.* (the “RICO Statute”), and shows by a preponderance of the evidence, that there exists a racketeering Enterprise in the County of Los Angeles, California that consists of: County of Los Angeles, Department of Child Family Services, Superior Court of California County of Los Angeles, Family Court Judges, and the County Attorney’s Office. Plaintiff alleges and shows with a preponderance

of the evidence that caseworkers, judges, and lawyers conspire and collaborate to concoct fictitious instances of child neglect contrary to the legal standard for profit.

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

75. The RICO Statute contains a provision that allows for the commencement of a civil action by a private party to recover damages sustained as a result of the commission of a RICO predicate offense(s). The RICO Statute also permits a private individual "damaged in his business or property" by a "racketeer" to file a civil suit. The plaintiff must prove the existence of an "enterprise", and Plaintiff proves with a preponderance of the evidence of the existence of such an enterprise among the County of Los Angeles, DCFS, Superior Court of California County of Los Angeles, and the County Attorney's Office.

76. 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)). In essence, the Enterprise is either the 'prize,' 'instrument,' 'victim,' or 'perpetrator' of the racketeers. A Civil RICO action can be filed in Federal court.

77. The civil component allows the recovery of treble damages (damages in triple the amount of actual/compensatory damages) and by Count Three and

78. Judgment Requested, Plaintiff demands treble damages in the amount of Nine Hundred Million Dollars (\$900,000,000).

Predicate Act: Witness Tampering

79. 18 U.S. Code § 1512 (b) provides:

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

80. When Federal defendant Lavin, a San Fernando Valley social worker, conspired with Federal defendants Mendoza and Woillard to: make false

statements continuously submitted to court from August 18, 2015 to the termination of Dependency proceedings on July 7, 2016 each of Lavin, Mendoza, and Woillard tampers with a witness.

81. Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to

(1) influence, delay, or prevent the testimony of any person in an official proceeding....;

82. 18 U.S. Code § 1512 (c) (2) provides:

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

83. 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.

84. 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;

85. 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

86. The facts of the instant action make it abundantly clear that Federal defendants Lavin, Mendoza, and Woillard knowingly, corruptly engaged in false statements with the intent to (1) influence, delay, or prevent the testimony of witnesses to aid in the defense of Plaintiff S. in an official proceeding. Federal defendant's Lavin, Mendoza, and Woillard committed witness tampering under 18 U.S.C. §1512.

87. Federal defendants Lavin, Mendoza, and Woillard corruptly persuaded the witness and is a violation of the Statute, *res ipsa loquitur*, and has harmed Plaintiff S. and the injury was caused by the violation of 18 U.S.C. §§ 1961, et seq.

Predicate Act: Obstruction of Justice

88. On May 11, 2016, when Federal defendant Stone allowed the County the time to regroup where two new allegations of physical abuse were alleged against Plaintiff S, social worker, Federal defendant Mendoza alleged physical abuse on a

monitored visit February 7, 2016 which is contrary to the report and testimony of monitor, Mr. Lincoln, in the trial; The Mendoza perjury consisted of two physical abuse allegations after the trial ended as follows:

- a. On February 7, 2016, a monitored visit, it has been alleged that Plaintiff S. got Plaintiff N. upset because Plaintiff S. was lying about Evans for causing a child bruise; and
- b. On November 1, 2013, it was alleged that Plaintiff S. kidnapped Plaintiff N. which caused him fear and he could have bruised jumping off a balcony

89. On May 23, 2016, when Federal defendant Stone explained that she found Plaintiff S. guilty based on social workers new physical abuse allegations and based on the children's "out of control behaviors on visits in 2016" and she placed children with Evans because they were attending and doing well in school. Federal defendant Stone wrongfully found Plaintiff S. guilty of physical child abuse far outside the legal standard of child abuse in California, terminated her visitation rights, gave Evans sole custody notwithstanding a restraining order against him and in doing so, Federal defendant Stone, Federal defendant Mendoza, and Brian Evans, M.D.(not a party to the instant action yet).

90. 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.

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

Discussion

92. 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.

Predicate Act: Extortion

93. On or about March 2018, Federal defendant Stone laid claims to \$250,000 in courts costs payable by Plaintiff S. and that if Plaintiff S. did not pay, visitation rights would be suspended. Unfortunately, the rule in California states that Plaintiff S. is only required to reimburse the State for use of court appointed counsel and in this case, the remainder of the \$250,000 is used to fund the Enterprise allowing the Federal defendants to invested the proceeds of the pattern of racketeering activity into and fund the Enterprise (see 18 U.S.C. § 1962(a)).

94. In fact, by implication in the instant action, the Federal defendants meet all four of the specified relationships of par. 74: 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*.

95. 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.

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

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

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

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

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

Discussion

101. Plaintiff alleges that the Enterprise is in possession of property of the

Plaintiff, her children LE, SE, ZE, and \$200,000 without her consent.

102. Federal defendant Stone induced Plaintiff S. to provide that property under color of official right.

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

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

104. 42 U.S.C. § 1985 provides:

If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness ... from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or 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

105. It has been established by par. 91 that Federal defendant Stone made false statements of fact in certified transcripts that do not lie.

106. In doing so, Stone began the inspiration to ed the Federal defendants to create a conspiracy to cover up witness tampering and obstruction of justice in her trial proceeding.

LOSS OF CONSORTIUM - LEGAL STANDARD

107. Loss of consortium is a term used in the law of torts that refers to the deprivation of the benefits of a family relationship due to injuries caused by a tortfeasor.

108. The relationship between family members has, historically, been considered worthy of legal protection. The interest being protected under consortium is that which the head of the household (mother) had in the physical integrity of her children.

109. When DFCS acted in deliberate ignorance of the truth and falsity of information removed NE, LE, SE, and ZE, made notice of Plaintiff S. but operated on false beliefs born of rage and jealousies and removed them from school without a warrant and without an order of temporary removal caused the loss of consortium between Plaintiff S, NE, LE, SE, and ZE .

110. As a result of such egregious conduct by the Federal defendants, Plaintiff S. suffers a social stigma, has caused her medical practice to suffer, and Plaintiff

S. is ostracized in the community.

111. Under the premises Plaintiff s., Plaintiff N., LE, SE, and ZE have been caused to suffer, fear, intimidation, public humiliation, public embarrassment, chilling of their free speech rights, a denial of Due Process, emotional upset, anxiety, and they have otherwise been rendered sick and sore.

FEDERAL DEFENDANTS MERCEDES MENDOZA, CATHERINE WOILLARD, NICOLE LAVIN, ADRIAN HAWKINS, NEMOY, NATALIE STONE, and MARK JUHAS ARE NOT ENTITLED TO QUALIFIED IMMUNITY

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

113. In Balcerzak, Stephanie E. "Qualified Immunity for Government Officials: The Problem of Unconstitutional Purpose in Civil Rights Litigation." Vol. 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 (emphasis supplied).

114. 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.

115. 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.

116. 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, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

117. 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.”

118. Respectfully, no matter what qualified immunity defense that Federal defendants Mendoza, Woillard, Lavin, Hawkins, Nemoy, Stone,, and Juhas try to employ there is no getting around the Fourteenth Amendment, *Harlow*, §1983, and *Mirales*.

119. No matter what roadblock 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, and the Supremacy Clause, Article Six, Clause 2 of the U.S. Constitution that trumps State laws

FEDERAL DEFENDANT KIM NEMOY IS NOT ENTITLED TO ABSOLUTE PROSECUTORIAL IMMUNITY

120. The U.S. Supreme Court has carved out one limited exception to absolute immunity:

When prosecutors act as investigators they lose their absolute immunity, at which point they are only protected by the doctrine of qualified immunity.

121. *In Buckley v. Fitzsimmons* (91-7849), 509 U.S. 259 (1993), the prosecutor accused of manufacturing evidence while aiding with the police investigation was not the same prosecutor who tried the case. The 7th Circuit ruled that the actual injury incurred by the defendant as a result of the misconduct occurred at trial, not during the investigation.

122. The U.S. Supreme Court took the case on appeal. The court ruled that prosecutor was only entitled to qualified immunity and that his actions were egregious enough that qualified immunity could not protect him.

123. In *Pottawattamie Cnty. v. McGhee*, 558 U.S. 1103, 130 S. Ct. 1047, 175 L. 653 Ed. 2d 641 (2010) [2010 BL 5858] prosecutors were always accused

of manufacturing evidence – Federal defendant Nemoy attempted to manufacture evidence by:

- a. A false claim that Brian Evans, M.D. is the biological father of NE, LE, SE, and ZE which could not be farther from the truth to solidify the flank of the al Quada cell in the County of Los Angeles, as it is in the County of Contra Costa, Cal., (see 19-cv-2678 *Wood v. County of Contra Costa*-JD) and the County of Westchester, N.Y. (18-cv-8707 *Lamont v. County of Westchester* (HMK));
- b. Lodged a fraudulent restraining order against Plaintiff S. and her husband Christopher VonSchlobohm alleging physical abuse by Plaintiff S. on May 12, 2014; and
- c. After a paternity test turned up negative Federal defendant Nemoy fabricated evidence that the paternity test evidenced Brian Evans, M.D. as the biological father of NE. LE, SE, and ZE to solidify the flank of the al Quada cell in the County of Los Angeles, as it is in the County of Contra Costa, Cal., (see 19-cv-2678 *Wood v. County of Contra Costa*-JD) and the County of Westchester, N.Y. (18-cv-8707 *Lamont v. County of Westchester* (HMK)).

124. In the spirit of witness tampering and obstruction of justice, the attempt even if unsuccessful triggers the violation.

125. In *Fields v. Wharrie*, the recent decision from the 7th Circuit, Fields discovered that prosecutors had knowingly coerced witnesses into giving false testimony. Writing for the majority, Judge Richard Posner makes it clear that *Buckley* was a special circumstance in which one prosecutor replaced another before trial, and that it should not be used to close the investigation exception to absolute immunity.

126. Federal defendant Nemoy violated clearly established law of which a reasonable prosecutor should have known in *Buckley*.

127. Respectfully, no matter what absolute or qualified immunity defense Federal defendant Nemoy tries to employ there is no getting around the *Buckley, Pottawattamie Cnty, and Fields*.

COUNT ONE

VIOLATION OF 42 U.S.C 1983

(Federal Defendants County of Los Angeles, Mercedes Mendoza, Catherine Woillard, Nicole Lavin, Adrian Hawkins, Kim Nemoy, Natalie Stone, and Mark Juhas)

128. Plaintiff repeats and realleges each and every allegation contained in paragraph "16" through "127" as though fully set forth herein.

129. 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 MILLION DOLLARS** (\$200,000,000) as well as punitive damages, costs, and attorney's fees.

COUNT TWO

VIOLATION OF FOURTEENTH AMENDMENT

(Federal Defendants County of Los Angeles, Mercedes Mendoza, Catherine Woillard, Nicole Lavin, Adrian Hawkins, Kim Nemoy, Natalie Stone, and Mark Juhas)

130. Plaintiff repeats and realleges each and every allegation contained in paragraph "16" through "127" as though fully set forth herein.

131. 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 MILLION (\$200,000,000)** as well as punitive damages, costs, and attorney fees.

COUNT THREE

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

(Federal Defendants County of Los Angeles, Mercedes Mendoza, Catherine Woillard, Nicole Lavin, Adrian Hawkins, Kim Nemoy, Natalie Stone, and Mark Juhas)

132. Plaintiff repeats and realleges each and every allegation contained in paragraph "16" through "127" as though fully set forth herein.

133. 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 **THREE HUNDRED MILLION (\$300,000,000)** as well as treble damages, punitive damages, costs, and attorney fees.

COUNT FOUR

VIOLATION OF COMMON LAW LOSS OF CONSORTIUM

(Federal Defendant County of Los Angeles, Mercedes Mendoza, Catherine Woillard, Nicole Lavin, Adrian Hawkins, Kim Nemoy, Natalie Stone, and Mark Juhas)

134. Plaintiff repeats and realleges each and every allegation contained in paragraph "16" through "127", as though fully set forth herein.

135. 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.

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 **SEVEN HUNDRED AND FIFTY MILLION DOLLARS (\$750,000,000)**;
- b. Awarding against the individually named Federal defendants such compensatory damages as the jury may determine, but not less than such punitive damages as the jury may impose, but not less than **SEVEN HUNDRED AND FIFTY MILLION DOLLARS (\$750,000,000)**;
- c. Permanently enjoining the Federal defendants County of Los Angeles, Mercedes Mendoza, Catherine Woillard, Nicole Lavin, Adrian Hawkins, Kim Nemoy, Natalie Stone, and Mark Juhas from further violation of the violation of 42 U.S.C. §1983, violation of the Fourteenth Amendment, violation of 18 U.S. C. 1961, et seq., and violation of Common Law Loss of Consortium.
- 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: June 25, 2019

Los Angeles, Cal.

For Plaintiff:

A handwritten signature in cursive script, appearing to read "Susan Spell", written above a horizontal line.

Susan Spell

For Plaintiff:

A handwritten signature in cursive script, appearing to read "B. Nicholas Evans", written above a horizontal line.

B. Nicholas Evans

EXHIBIT "A"

SUSAN SPELL, MD
434 North Bedford Drive
Los Angeles, California 90210
T: (310) 205-0669 F: (310) 205-0670
E: drsusan90210@gmail.com

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

SUSAN SPELL, MD,

Petitioner.

v.
HONORABLE NATALIE STONE,
COUNTY OF LOS ANGELES, et Al.

Respondents.

} Case No.

} **AFFADAVIT OF M. A. MELINDA WALLACE**
} **(AKA MELINDA MURPHY)**

I, Melinda Wallace declare under penalty of perjury under the laws of the United States of America as follows:

1. I am not a party in the above-entitled case and I have personal knowledge of the following facts, and, if called as a witness, I could and would competently testify thereto.
2. Prior to my current position as with law firms associated with juvenile dependency court, I was being trained by the Los Angeles County Department of Children & Family Services, (DCFS) as a Supervising Children's Social Worker (SCSW).

3. My focus throughout my work in child services has been for the children's health and safety, but the expectation that I be less than honest during my tenure with the DCFS became a problem. When I became a social worker, I took an oath to "DO NO HARM" to my clients.

4. I resigned from the DCFS on good terms.

5. I co-authored the book A Culture of Fear: An Inside Look at Los Angeles County's Department of Children & Family Services, (2013) that cites various cases including the 20 % of the parent population who are thoroughly innocent, but where the DCFS will not admit their mistake(s). The damage to the family in these situations is unconscionable.

6. My DCFS trainer for the Supervisor position stated to us on the first day of training "We should be ashamed of what we have done to some of the families that we have sworn to serve."

7. During my training, my observations, and in my work experiences, I learned that the DCFS does not have a mechanism for backing down and, has a tendency, even if the parent is innocent, to make them appear guilty in some way, and that includes perjuring testimony, falsifying reports and fabricating evidence to justify taking children.

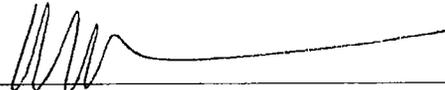
8. On and around April 5, 2016, I spoke extensively to Barbara Smith, a social worker in case DK02119, involving Susan's children N, L, S and, Z before she testified in trial.

9. It was my impression that Ms. Smith and I shared character traits in that it was her priority to put the needs of the children first, and not let politics, biases, and/or departmental positions take precedence over the children's safety and welfare. She stated that she planned to testify about the truth despite her suffering reprisal.

10. Ms. Smith disclosed that her documentation in the DCFS file was deleted regarding her questioning the children's safety with Brian Evans, the father.

DATED: July 18, 2019

By:



Melinda Wallace

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF Los Angeles)

On 7/18/2019 before me, Peter Chen, Notary Public
DATE INSERT NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC

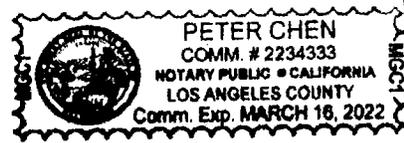
personally appeared, Melinda Wallace

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Peter Chen
NOTARY PUBLIC SIGNATURE (SEAL)



OPTIONAL INFORMATION

THIS OPTIONAL INFORMATION SECTION IS NOT REQUIRED BY LAW BUT MAY BE BENEFICIAL TO PERSONS RELYING ON THIS NOTARIZED DOCUMENT.

TITLE OR TYPE OF DOCUMENT Affidavit of Melinda Wallace

DATE OF DOCUMENT 7/18/2019 NUMBER OF PAGES 3

SIGNERS(S) OTHER THAN NAMED ABOVE _____

SIGNER'S NAME _____ SIGNER'S NAME _____

RIGHT THUMBPRINT

RIGHT THUMBPRINT

●●○○○ AT&T

1:51 PM

29% 

< Messages (3) **Barbara**

Contact

confirm notes: 0903 -0276
-4068. 902-4136

Yes they probably deleted
my notes

Which is illegal

I had 8 pages of notes

Horrible!! What does
evaluated out mean?

No one worked it after me
because there was already
an open investigation.
However my referral was
new allegations that
should have been
investigated further by wla
office

Wed, Nov 09, 10:20 AM



Text Message

Send

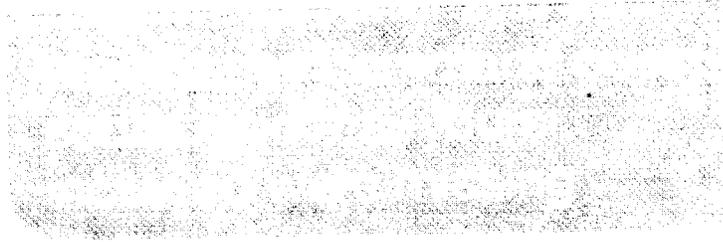
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7:12 PM

88% 

Barbara

Contact



Today 7:12 PM

Smells like cover up to me.
Only wla info is getting to
court it seems!

I will get you the referral
numbers in the command
post reports so they can
be included too

I have them on my desk

Today 7:12 PM

OMG, thank you! Let me
know when and I'll look
out for them!



Send

●●●○○ AT&T LTE

1:24 AM

31% 

< Messages (3) **Barbara**

Contact



Wed, Oct 23, 2016 11:54

Nina was told to have no contact with your family. She told me to tell you she is very sorry.

Please report these workers for their poor conduct.

By all means, I'll report them, I want to know who to report them too! The police station that's investigating Child



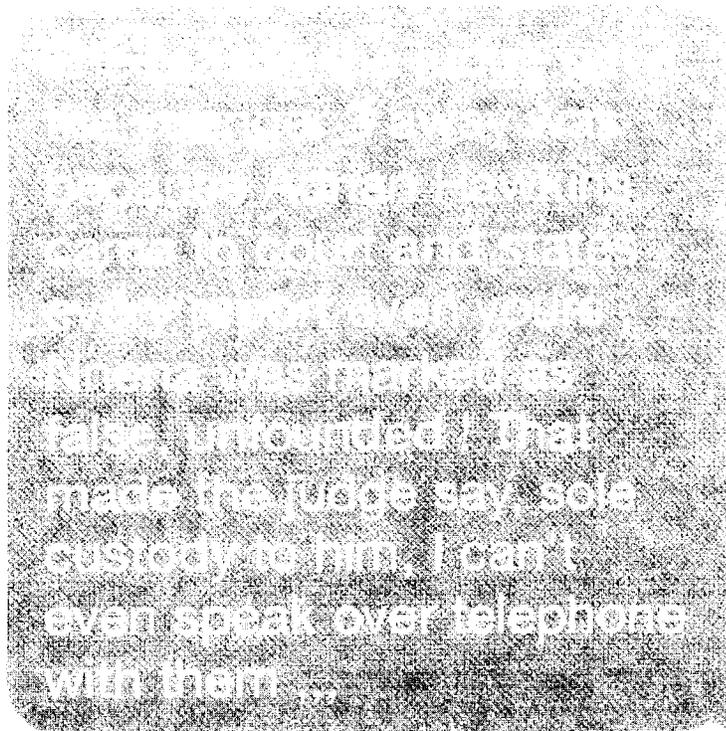
Send



← Messages **Barbara** Contact

I'm sorry to hear this insanity!

Tuesday, July 24, 2018



She lied. Unacceptable behavior and she should be reported to internal affairs. She should be investigated.



Send

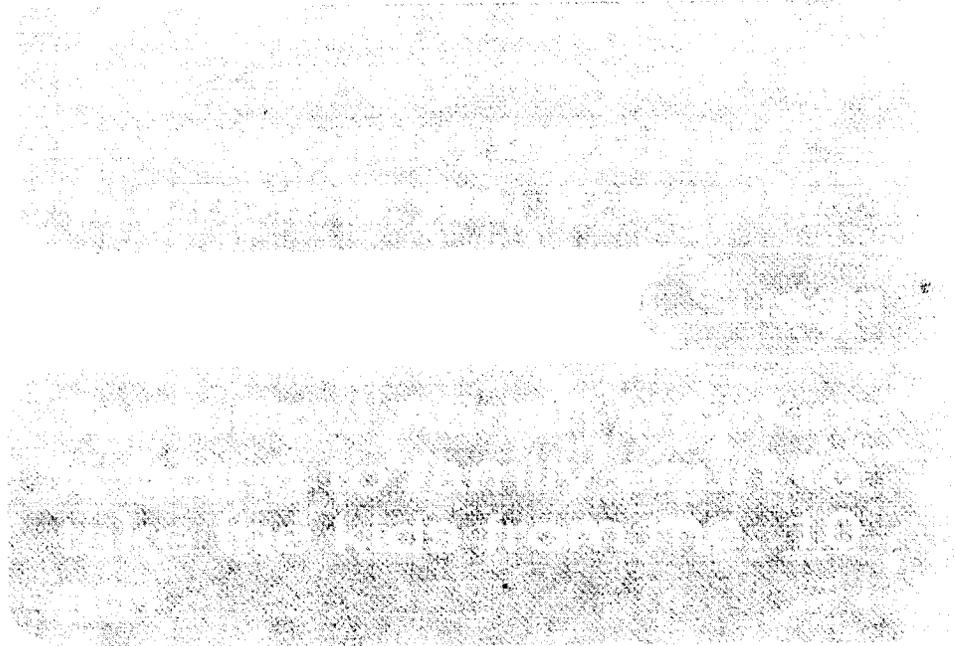
●●●○○ AT&T LTE

1:25 AM

31% ■▶

< Messages (3) **Barbara**

Contact



Mon, Oct 14, 10:57 AM

Unbelievable! And take them away from father too I hope!

Because you have a restraining order to keep the father away from the children



Send

●●●○○ AT&T LTE

1:20 AM

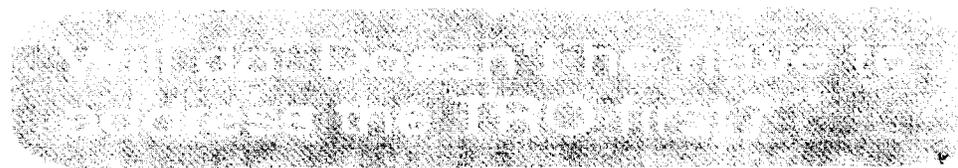
33% 

< Messages (3) **Barbara**

Contact

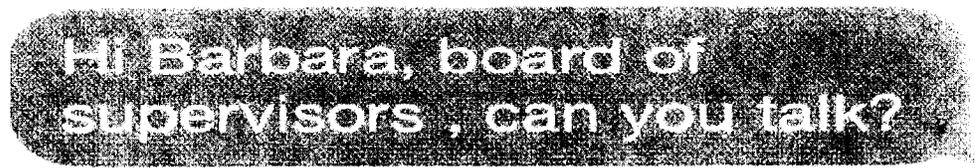
Thu, Oct 24, 1:17 AM

I'm so sorry. Make sure the judge knows about the restraining order and the child abuse allegations by the father



It seems like a lot of people are not doing things that they're supposed to be doing. Hope this judge listens and does

Sat, Oct 26, 2:07 PM





Send

●●●○○ AT&T LTE

1:25 AM

31% 

< Messages (3) **Barbara**

Contact

children



They can call me and Nina
however they probably
won't

We aren't allowed to talk to
attorneys either

Keep asking for the case
to be taken out of the West
LA office when you go to
court

Those workers are biased
against you and that's not
fair to you to keep asking
to get the case out of West
LA



Send