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7
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9 ANDREA C. WOOD

10
11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**

14 ANDREA C. WOOD,

15 and

16 "TP", a minor child

17 Plaintiffs ,

18 v.

19 COUNTY OF CONTRA COSTA, a
20 government entity; KELLIE CASE, in her
21 official and individual capacity; EDYTH
22 WILLIAMS, in her official and individual
23 capacity; CECELIA GUTIERREZ, in her
24 official and individual capacity; ERICA
25 BAINS, in her individual capacity;
26 RAVINDER BAINS, in his individual
27 capacity; STATE OF CALIFORNIA, a
28 government entity; and DOES 1-10.

Case No.

Hon.

**VERIFIED COMPLAINT FOR
DAMAGES AND DECLARATORY
RELIEF**

- 1. **CIVIL RIGHTS VIOLATIONS
42 U.S.C. § 1983**
- 2. **CONSPIRACY TO COMMIT
CIVIL RIGHTS VIOLATIONS**
- 3. **DECLARATORY JUDGMENTS
28 U.S.C. §§ 2201(a) and 2202**
- 4. **FALSE IMPRISONMENT**

JURY TRIAL DEMANDED

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1 **I. RULE 8A SHORT AND PLAIN STATEMENT OF THE CLAIM**

2 1. This case concerns the shocking truth that the County of Contra Costa California,
3 through it agency Children and Family Services (“CFS”) operate under a policy and
4 custom by which CFS agents act under color of law to seize children regardless of whether
5 the statutory requirements of “serious harm” or “substantial risk” have been met.

6 2. Erica and Ravinder Bains obtained a financial windfall and obtained custody of their
7 next door neighbor’s child by fabricating and reporting salacious false allegations, which
8 false allegations were unsubstantiated and went essentially uninvestigated.

9 3. On August 17, 2017, responding to the false allegations, without Access Order,
10 without Order of Temporary Removal, without Warrant, without consent, and with no
11 reason to believe the allegations were true, acting under color of law, and under their
12 policy and custom which does not require a consideration of the statutory requirements,
13 Defendant County of Contra Costa (“County”), its agencies Children & Family Services
14 (“CFS”) and Contra Costa Sheriff’s Office (“Sheriff”) intentionally deprived Plaintiff
15 Andrea C. Wood (“Plaintiff” or “Ms. Wood”) and her minor child, Plaintiff “TP”, of their
16 Fourth, Fifth and/or Fourteenth Amendment Rights by forcibly seizing all three of Ms.
17 Wood’s minor children from her home (the “Seizure”).

18 4. The Seizure came after CFS received nothing more than false, unsubstantiated and
19 uninvestigated rumors fabricated by Erica and Ravinder Bains - private individuals with
20 financial incentive to harm Ms. Wood by the methods described. Though the false
21 allegations were salacious, even if they had been true would not rise to the level of serious
22 harm or substantial risk.

23 5. After the children had been taken into custody, CFS further violated Plaintiffs’ Fifth
24 and Fourteenth Amendment Rights by coercing middle child HP to testify falsely in
25 exchange for not subjecting him to even harsher treatment known as “escalated care” (the
26 “Coercion”). The Coercion caused HP to become suicidal, to be subjected to a “5150”
27 hold, to be designated “Katie A” status, and caused Plaintiffs to suffer extreme emotional
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1 distress. Such coercion is also part of CFS policy and custom.

2 6. County has a financial incentive to seize children, and for that reason agreed with and
3 executed Bains’ plan to injure Plaintiffs by seizing and taking custody of Ms. Wood’s
4 children, and in the process deprive Plaintiffs of their Civil Rights.

5 7. Erica and Ravinder Bains had a financial incentive to fabricate the false allegations,
6 as they have now been awarded foster care custody of HP, and thus now receive on a
7 monthly basis (a) the child’s social security check, (b) foster care payment, and (c) child
8 support payment from Ms. Wood; for a gain believed to be at least \$6000 / month.

9 8. These deprivations of Plaintiffs’ Civil Rights were intentional, and are the actual and
10 proximate cause of Plaintiffs’ severe Post Traumatic Stress Disorder (“PTSD”), medical
11 expenses and loss of income. On this basis, Plaintiff pursues claims for Civil Rights
12 violations and Conspiracy to Commit Civil Rights violations under 42 U.S.C. § 1983.
13 Plaintiff seeks general, actual and punitive damages against County of Contra Costa, and
14 the private Defendants.

15 9. The State of California (“State”) enacted and enforces Welfare & Institutions Code
16 §§ 300 (a), (b), and (c) (“Statute”). The Statute is intended to advance the State’s
17 undisputedly legitimate interest in protecting the health and welfare of children. However,
18 severable portions of the Statute are unconstitutional – both facially and as applied –
19 because they are vague, and fail to provide adequate notice of what conduct is prohibited.
20 The State has no interest in enforcing an unconstitutional law.

21 10. On this basis, Plaintiff Andrea C. Wood (“Plaintiff” or “Ms. Wood”) seeks a
22 Declaratory Judgment that portions of the Statute are unconstitutional under the Void-For-
23 Vagueness Doctrine found in the Due Process Clause of the Fifth and Fourteenth
24 Amendments of the United States Constitution. As to the State, Plaintiff seeks only
25 Declaratory Judgments containing opinions that the challenged statutory provisions are
26 unconstitutional, and does not seek any other form of relief.

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1 **II. JURISDICTION AND VENUE**

2 11. This honorable District Court has original federal subject matter jurisdiction as to
3 all civil rights claims under 42 U.S.C. § 1983, and questions of federal constitutional law.
4 Federal jurisdiction also exists under the Declaratory Judgment Act, 28 U.S.C. §§ 2201(a)
5 and 2202. The District Court should exercise supplemental jurisdiction over the Common
6 Law tort claim because all of the claims arise from a common nucleus of operative facts
7 that are so intertwined that they cannot reasonably be separated.

8 12. Venue is proper pursuant to 28 U.S.C. § 1402 because at all times relevant all
9 Parties resided in this judicial district and all of the wrongful acts and/or omissions
10 complained of occurred in this judicial district.

11
12 **III. PARTIES**

13 **A. Plaintiffs**

14 13. Andrea C. Wood (“Ms. Wood”) is the widowed mother of three, a successful real
15 estate entrepreneur, philanthropist, and outspoken activist for parental and children’s
16 rights.

17 14. TP, born 2003, is the minor son of Ms. Wood.

18 **B. Defendants**

19 15. County of Contra Costa (“County”), through its agencies Children & Family
20 Services (“CFS”) and Contra Costa Sheriff’s Office (“Sheriff”) is a government entity with
21 responsibility to protect children from abuse and neglect and promote the well-being of
22 children and their families in their communities.

23 16. Erica Bains is an individual, a homeowner and next-door neighbor of Plaintiffs.

24 17. Ravinder Bains is an individual, a medical doctor, a homeowner, and husband of
25 Erica Bains.

26 18. Edyth Williams is an individual, a CFS social worker.

27 19. Kellie Case is an individual, a CFS social worker.

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1 20. Ceclia Gutierrez is an individual, a CFS social worker.

2 21. The State of California (“State”), through its Office of the Attorney General, is a
3 government entity with responsibility for enacting statutes that protect children from abuse
4 and neglect and promote the well-being of children and their families in their communities.
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6

7 **IV. FACTS RELEVANT TO THIS ACTION**

8 **A. Background**

9 22. Plaintiff Andrea C. Wood (“Ms. Wood”) is the widowed mother of three children –
10 son TP (b. 2003), son HP (b. 2004) and daughter KP (b. 2010). Besides being a kind,
11 loving and dedicated mother of three, Ms. Wood is a successful businesswoman - the
12 owner of a hotel and other real estate properties. Ms. Wood is a philanthropist, donates to
13 charity, and lately has become an outspoken social activist for children and parental rights.

14 23. At all relevant times prior to August 2017, Ms. Wood lived with her three children
15 in their 4000 square foot Orinda, California home. At all relevant times Ms. Wood
16 provided for her children love plus all of the material necessities and luxuries of an
17 affluent lifestyle, including nutritious food, clothing, medical care, education, sports, and
18 extra curricular activities.

19 **B. Erica Bains – Unreasonable Resentment of Ms. Wood’s Money and**
20 **Children**

21 24. Erica Bains (“Ms. Bains”) is a neighbor of Ms. Wood. Ms. Bains is married to
22 Ravinder Bains, a successful medical doctor, but who insists on keeping much of his
23 finances separate from hers, and gives her only very small amounts of money, despite the
24 outward appearance of living in an affluent neighborhood.

25 25. Ms. Bains served as Treasurer for a charity. In or about 2016, Ms. Bains approached
26 Ms. Wood, seeking a charitable donation. Ms. Bains appeared very troubled. According to
27 Ms. Bains there was a “shortfall” in the charity’s money. At that time, Ms. Wood donated
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1 approximately \$30,000 to Ms. Bains' charity. Instead of being happy, Ms. Bains' became
2 more agitated.

3 26. Immediately thereafter, Ms. Bains again approached Ms. Wood for another
4 donation, but this time Ms. Wood declined. Ms. Bains persisted, and demanded an
5 explanation as to why no further donation was forthcoming. When Ms. Wood stated that
6 she did not believe that she owed Ms. Bains *any* explanation, Ms. Bains outright demanded
7 that Ms. Wood donate more money, explaining that her mean husband kept her poor, while
8 Ms. Wood seemed to have plenty of money. This all seemed unfair to Ms. Bains, and Ms.
9 Bains began to feel a sense of entitlement to anything that belonged to Ms. Wood.

10 27. Ms. Wood still declined to donate any more money to Ms. Bains' charity. Any
11 measure of neighborly friendship between these two women ended at that time.

12 28. Thereafter, Ms. Bains' sense of entitlement regarding Ms. Wood grew. Ms. Bains
13 became unreasonably irate and spiteful towards Ms. Wood.

14 29. As neighbors, Ms. Bains has known Ms. Wood's children since they were little. Ms.
15 Bains' own two children were much older, and now out of college and on their own. Ms.
16 Bains had to have a hysterectomy, thus was unable to conceive any more children. Then,
17 Erica's husband Ravinder Bains fathered a child out of wedlock with his own sister-in-law.
18 For these reasons, Erica Bains was humiliated, and desperately wanted another child.

19 30. In about the beginning of 2017, Ms. Bains began to formulate a plan that would
20 accomplish multiple objectives: (a) enrich herself financially, (b) obtain custody of one or
21 more of Ms. Wood's children, and (c) inflict severe emotional distress on Ms. Wood.

22 31. Ms. Bains thought that perhaps she could achieve her goals by making false
23 allegations against Ms. Wood, then applying for foster care custody of the children, or at
24 least one of the children. However, at the time, Ms. Bains did not have knowledge about
25 the workings of CFS, or the foster care system. Though she didn't know it then, she would
26 discover that she needed her mean, cheating husband Ravinder's cooperation.

27 **C. Steffi Guggenbichler – Unreasonable Hostility and Resentment**

28

1 32. Beginning in or about 2010, Steffi Guggenbichler, who is from Austria, was a live-
2 in nanny for Ms. Wood and her children. Then, in or about 2013, Ms. Guggenbichler,
3 decided to attend community college as a foreign exchange student, instead of being a
4 nanny. Ms. Guggenbichler began studying nursing, which study included training as a
5 “mandated reporter” of child abuse, and knowledge of the “ins and outs” of the CFS
6 system. This knowledge would prove valuable in the scheme that ultimately ensued.

7 33. Ms. Wood generously offered to continue house and feed Ms. Guggenbichler, but
8 could not continue employing her, given Ms. Wood’s understanding of the applicable
9 immigration laws.

10 34. Moreover, the children were now getting older, and Ms. Wood did not need the
11 services of a full time nanny any longer.

12 35. While Ms. Guggenbichler availed herself of room and board, and studied nursing at
13 community college, she did not appear to understand or appreciate the generosity of the
14 new arrangement at Ms. Wood’s house. Over time, she too became unreasonably irate and
15 spiteful toward Ms. Wood and the children.

16 36. Previously Ms. Guggenbichler had been a competent nanny, and good with the
17 children. But after her employment was terminated, Ms. Wood began to notice changes in
18 how Ms. Guggenbichler would act toward the children. For example, Ms. Guggenbichler
19 now seemed irritable and impatient with HP, born 2004, Ms. Wood’s middle child.

20 37. Ms. Guggenbichler began demanding that Ms. Wood pay her, and Ms. Wood
21 declined, because Ms. Guggenbichler was no longer a nanny, and was receiving free room
22 and board, and could run afoul of immigration laws.

23 38. Then, on or about July 2017, Ms. Wood saw Ms. Guggenbichler strike HP with a
24 wooden spoon. Ms. Wood wanted Ms. Guggenbichler to leave immediately and never
25 come back, but believed that she was required to give 30 days notice before “kicking her
26 out”. Ms. Wood gave Ms. Guggenbichler 30 days to find other living arrangements.

27 39. Like Erica Bains, in Ms. Guggenbichler’s mind, Ms. Wood seemed to have it all –
28

1 beautiful children, an expensive house, a successful career, and an affluent lifestyle. Ms.
2 Guggenbichler's unreasonable resentment toward Ms. Wood intensified.

3 40. Ms. Guggenbichler knew she had been seen striking the child. Ms. Guggenbichler
4 began to fear that she would be deported. This fear caused her irrational resentment toward
5 Ms. Wood to magnify even further.

6 41. Ms. Guggenbicher and Ms. Bains had become friends over the years. Now, they had
7 something else in common – the both shared an unreasonable animosity and resentment of
8 Ms. Wood, and both unreasonably felt that Ms. Wood was obligated to give them money.
9 The two began plotting and scheming together to formulate a plan on how to get paid, and
10 to get even with Ms. Wood.

11 **D. Erica Bains Schemes for Money, Children and Revenge**

12 42. On or about the first week of August, 2017, according to the plan with Erica Bains,
13 Ms. Guggenbichler wrote a letter to Ms. Wood, demanding \$100,000, and stating that if
14 Ms. Wood did not capitulate, that Ms. Guggenbichler would spread viscous lies about Ms.
15 Wood, lies that Ms. Wood understood to constitute false criminal allegations. Ms. Wood
16 was terrified by this, but did not agree to Ms. Guggenbichler's extortionate demands.

17 43. Ms. Guggenbichler and Ms. Bains were disappointed that their extortion plan had
18 failed, and realized that if they were going to get even with Ms. Wood, they had to come
19 up with something more extreme. Ms. Guggenbichler decided to flee the country.

20 44. Just prior to her flight from the country, Ms. Guggenbichler trashed Ms. Wood's
21 house, toppling some furniture, emptying cabinets, and spreading *clean* clothes around on
22 the floor, and various other acts.

23 45. In the days prior to August 17, 2017, Ms. Bains decided that since she could not
24 take Ms. Wood's money directly, she could take it indirectly by the following means. Ms.
25 Bains would fabricate false allegations to CFS that Ms. Wood's children were in danger,
26 that Ms. Wood was an unfit mother by way of using her then 7-year old daughter as a
27 method to "lure" men to the house for sex. This would result in CFS seizing the children,
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1 according to the knowledge Ms. Guggenbicher had imparted.

2 46. Once the children were in custody, Ms. Bains would present amicus “friend of the
3 court” testimony, either oral or written, repeating false allegations. Thereafter, Ms. Bains
4 would apply to be the foster parent of the children. Once successful, Ms. Bains would be
5 entitled to receive (a) the children’s social security money, (b) foster care money, and (c)
6 child support money.

7 **E. The August 17, 2017 Unwarranted Seizure of Children**

8 47. On or about August 15, 2017, Ms. Wood travelled to New York on business. As she
9 had done many times before, Ms. Wood invited her mother - the children’s maternal
10 grandmother - Sandra Wood DeUdy ("Grandma") to come and stay while she was out of
11 town.

12 48. Little did Ms. Wood know, but Ms. Bains had already schemed to have the children
13 taken away, as a means to enrich herself by take one or more of Ms. Wood’s children. Ms.
14 Wood’s business trip created the perfect opportunity to execute the plan.

15 49. Ms. Bains called CFS, and falsely stated that Ms. Wood’s children were in danger.
16 Ms. Bains fabricated a story that Ms. Wood had a habit of taking her then 7-year-old
17 daughter out to bars so that she could “lure” men back to the house and have sex with
18 them.

19 50. In fact, Ms. Wood is an upstanding member of society with unimpeachable
20 character. Ms. Wood has no criminal record, no history of any drug or alcohol abuse. Ms.
21 Wood has never taken any of her children to bars for any reason, and has never placed her
22 children in any sort of danger.

23 51. On August 17, 2017, acting under color of law upon the false allegations made by
24 Erica Bains and on nothing else, without Access Order, without Order of Temporary
25 Removal, without Warrant, without consent, CFS agent Cecelia Gutierrez (“Ms.
26 Gutierrez”) and Sheriffs arrived at Ms. Wood’s home, intent on taking the children.

27 52. According to their training, at all relevant times Ms. Gutierrez and the Sheriffs
28

1 knew of the legal standards required to warrant the seizure of children. At no time did Ms.
2 Gutierrez or any CFS agent or any Sheriff reasonably believe that Ms. Wood's children
3 had been seriously injured, or that they were in imminent danger. At no time did the
4 Sheriff obtain any kind of warrant with regard to Ms. Wood, her house, or her children.

5 53. At no time prior to arriving at Ms. Wood's house on August 17, 2017 did CFS
6 conduct any meaningful investigation into the false allegations made by Erica Bains.

7 54. At no time prior to arriving at Ms. Wood's house on August 17, 2017 did Sheriff
8 conduct any meaningful investigation into the false allegations made by Erica Bains.

9 55. On August 17, 2017, Sheriff, CFS and Cecelia Gutierrez forcibly entered Ms.
10 Wood's house without knocking. Grandma was terrified, and asked what was going on.
11 Acting under color of law, Sheriff, CFS and Cecelia Gutierrez demanded to take the
12 children. Grandma did not consent.

13 56. Grandma objected to the seizure again, and a Sheriff stated that if Grandma
14 interfered with their seizure of the children, that she would be placed under arrest. No
15 Sheriff indicated what crime, if any, that Grandma was suspected of committing.

16 57. Sheriff, CPS and Ms. Gutierrez then forcibly removed all three children from the
17 home, above Grandma's objections, and took them into custody.

18 **F. The Coercion of HP**

19 58. CFS have held Ms. Wood's son HP (b. 2004) in custody since August 2017. HP has
20 always been more sensitive than his older brother TP.

21 59. Knowing that no valid reason existed to find Ms. Wood an unfit parent, once the
22 children were in custody, CFS Social Workers including Edyth Williams and Kellie Case
23 began attempting to coerce the children into testifying falsely about Ms. Wood at the
24 ensuing court proceedings.

25 60. TP would subsequently testify that that Erica Bains had told him to lie, and to say
26 that his mother hit him.

27 61. Nevertheless, county physician Dr. Mark DeManus conducted a year long
28

1 investigation, and concluded that there was no better place for the children than with their
2 mother, and he recommended immediate reunification of the family. A second physician,
3 psychiatrist Ms. David Dahl likewise found no reason to separate the children from Ms.
4 Wood, and also recommended that they be returned.

5 62. With CFS evidently ignoring its own physicians' report, all three children remained
6 in custody. CFS continued on a daily basis to attempt to convince the children that their
7 mother was an unfit and unsafe parent, and that they should never be allowed to reunite
8 with their mother.

9 63. Unlike his younger brother, TP is emotionally strong. TP resisted the brainwashing
10 efforts that were underway. TP refused to testify falsely. He was too strong, and in
11 December 2017, after 4 months of captivity, TP was released back to Ms. Wood.

12 64. TP was emotionally damaged in the custody of CFS, but is recovering and now
13 even thriving since back in custody and care of his kind and loving mother, Andrea C.
14 Wood. TP is in Advanced Placement classes at school, and on track to become an Eagle
15 Scout.

16 65. Tragically, HP is not emotionally strong enough to have resisted the coercion as TP
17 did. The first rounds of HP's coercion were only somewhat successful at achieving
18 County's sought-after goals – to emotionally injure HP, and to get HP to testify falsely,
19 thus maximizing the chances of Court rulings that would continue to keep HP in custody,
20 and thus maximize the revenue generated by CFS.

21 66. But CFS believed that they needed even stronger false allegations to maximize their
22 chances at success. As the weeks of captivity wore on, HP was told that he was going to be
23 subjected to “escalated care”, a euphemism for greater isolation from his mother, and from
24 the real world. HP became suicidal, as would be expected.

25 67. Having now “broken” HP, County and CFS proceeded with new demands that HP
26 testify falsely at trial. He was instructed to say that his mother had hit him many times,
27 back in the third grade, and forth grade, and fifth grade. Ms. Wood never hit HP, or any of
28

1 her children. School teachers are mandatory reporters, and no reports of any such hitting in
2 the third, fourth, fifth or any grades are present against Ms. Wood.

3 68. HP knew that he was being made to testify falsely, and that his mother is kind and
4 loving, never hit him. It was Steffi Guggenbichler that hit him. But CFS threatened
5 “escalated care” unless HP testified the way that they instructed. HP faced an impossible
6 choice – testify falsely against his own mother, or face punishment at the hands of his
7 captors. HP became increasingly confused, angry, despondent, depressed, and ultimately,
8 suicidal.

9 69. Nevertheless, HP was still strong enough to testify in Court that he was being
10 coerced to testify falsely.

11 70. At this point, CFS’ intentional infliction of emotional distress upon of HP crossed
12 the line into torture as defined under 18 U.S.C. §§ 2340– 2340A. CFS intentionally
13 transformed a formerly well-adjusted adolescent boy into a terrified, confused and suicidal
14 adolescent boy, which was just the sort of result the CFS’ financially-driven goals require.
15 Any child in custody generates some revenue, but a diagnosed emotionally damaged child
16 generates more revenue.

17 71. Prior to the CFS torture, HP had no history of mental or emotional illness of any
18 sort. Since being in CFS captivity, HP has now been hospitalized several times in response
19 to the suicidal ideation and mental breakdowns actually and proximately caused by CFS
20 torture, including at least one “5150” hold.

21 72. Plaintiff Andrea C. Wood is aware that her son was tortured. Plaintiff TP is aware
22 that his little brother was tortured.

23 73. Ms. Wood has tried doing anything and everything she can do to make the torture of
24 HP stop. Ms. Wood has spent over \$200,000 in attorney fees in the Superior Court
25 proceedings, which proceedings have been nothing short of a sham. During the
26 jurisdictional trial, Ms. Wood is disallowed from choosing her own private attorney, yet
27 made to pay full rate for the Court-chosen attorney. Ms. Wood is disallowed from
28

1 presenting her evidence, while improper hearsay evidence and lacks foundation evidence is
2 admitted without objection. Minor's counsel falsely disparaged Ms. Wood in front of the
3 children.

4 74. Frustrated at counsel that is ineffective at best, if not collusive, Ms. Wood
5 attempted to fire her private attorney, only to have the Judge rule that she is disallowed
6 from representing herself.

7 75. The irregularities by attorneys and judges in the prior and pending Superior Court
8 proceedings may constitute reversible judicial errors, and/or legal malpractice. As to *those*
9 matters, Plaintiff will seek whatever remedies may be available in the State Court system.
10 Irregularities by Superior Court judges and attorneys are **not** the subject of this case.

11 76. In her prior efforts to redress grievances, Ms. Wood has filed multiple lawsuits in
12 propia persona in this Court. Ms. Wood has no legal training, and has now been advised
13 that, while brought in good faith, many of her actions were procedurally improper, and/or
14 improperly targeted defendants who are immune from suit.

15 77. As a direct and proximate result of the Coercion, Plaintiff Andrea C. Wood
16 suffered, continues to suffer, and in all likelihood will permanently suffer shock, fear,
17 anxiety, outrage, anger, depression, mortification, humiliation, frustration, worry,
18 despondency, nightmares, insomnia, stomach aches, and trembling.

19 **G. Erica and Ravinder Bains Granted Custody of HP Through Foster**
20 **Case System**

21 78. At some point, acting as an amicus curaie, Erica Bains presented testimony, either
22 orally or in writing.

23 79. In or about 2018, Erica and Ravinder Bains applied and presumably went through
24 County's screening process to become foster parents. Erica and Ravinder Bains were
25 approved.

26 80. In or about 2019, Erica and Ravinder Bains requested to take custody of HP through
27 the foster care system. The request was approved. Erica and Ravinder Bains were given
28

1 custody of HP. HP was sent to live with Erica and Ravinder Bains.

2 81. As foster care parents and legal guardians of HP, Erica and Ravinder Bains now
3 receive HP's monthly Social Security check.

4 82. As foster care parents and legal guardians of HP, Erica and Ravinder Bains receive
5 a monthly foster care payment.

6 83. As foster care parents and legal guardians of HP, Erica and Ravinder Bains receive
7 a monthly child support payment from Ms. Wood.

8 84. The total monthly income to Erica and Ravinder Bains as a result of taking custody
9 of HP is believed to be in excess of \$6000 / month.

10
11 **V. CAUSES OF ACTION**

12
13 **FIRST CAUSE OF ACTION**

14 **Deprivation of Right to Be Secure From Unreasonable Seizures**
15 **42 U.S.C. §1983 - Fourth Amendment**

16 (Andrea C. Wood and TP v. County of Contra Costa and Cecelia Gutierrez)

17 85. Plaintiff incorporates by reference all facts stated above.

18 86. On August 17, 2017, under color of law, and according to policy and custom which
19 does not require a consideration of statutory requirements of serious harm or substantial
20 risk, CFS, Sheriff, and Ms. Gutierrez forcibly seized the minor child TP from Ms. Wood's
21 home. CFS, Sheriff, and Ms. Gutierrez knew or should have known that TP had not
22 suffered serious injury or illness, nor was there a threat of future such injury or illness, nor
23 anything sufficient to warrant a seizure under W & I § 300, nor under any other legal
24 authority.

25 87. On August 17, 2017, CFS, Sheriff, and Ms. Gutierrez knew or should have known
26 that they were acting on false, unsubstantiated and uninvestigated rumors provided to them
27 by Erica and Ravinder Bains, two private individuals with an ulterior motive to lie.

28 88. On August 17, 2017, the forcible seizure of TP by CFS, Sheriff, and Ms. Gutierrez

1 constituted an unreasonable seizure against both Plaintiffs under the Fourth Amendment to
2 the United States Constitution.

3 89. On August 17, 2017, the forcible seizure of TP by CFS, Sheriff, and Ms. Gutierrez
4 was conducted by a policy, practice or custom that violates the Fourth Amendment to the
5 United States Constitution.

6 90. The violation of Plaintiffs' right to be free from unreasonable seizure was
7 intentional.

8 91. Therefore, Defendant County of Contra Costa and Cecilia Gutierrez, and each of
9 them are jointly and severally liable to Plaintiffs Andrea C. Wood and TP for Civil Rights
10 violations under 42 U.S.C. § 1983.

11 **SECOND CAUSE OF ACTION**

12 **Deprivation of Right to Due Process – Re: The Seizure**

13 **42 U.S.C. §1983 – Fifth and Fourteenth Amendments**

14 (Andrea C. Wood and TP v. County of Contra Costa and Cecelia Gutierrez)

15 92. Plaintiff incorporates by reference all facts stated above.

16 93. On August 17, 2017, in carrying out the Seizure, CFS, Sheriff, and Ms. Gutierrez
17 acted according to policy and custom which does not require a consideration of statutory
18 requirements of serious harm or substantial risk, and acted under color of state law,
19 including but not limited to acting under Welfare and Institutions Code §§ 300 (a), (b), (c).

20 94. While acting under color of state law, CFS, Sheriff, and Ms. Gutierrez deprived
21 Andrea C. Wood of her Fifth Amendment and Fourteenth Amendment right to Due
22 Process, including but not limited to her fundamental right to parent, by forcibly seizing
23 the children, including TP. In so doing, CFS, Sheriff, and Ms. Gutierrez deprived TP of his
24 Fifth Amendment and Fourteenth Amendment right to Due Process, including but not
25 limited to his fundamental right to be parented.

26 95. Any reasonable person understands that taking children away from their kind and
27 loving mother without reason is devastatingly injurious to the children, and the intentional
28 infliction of said devastating injury upon children is consequently injurious to the mother.

1 96. Any reasonable CFS agent or Sheriff understands that seizing children must only be
2 done on a finding of conditions as described in Cal. W & I § 300, i.e. serious injury or
3 immediate threat of same. No such serious injury or threat was present on August 17, 2017
4 in Ms. Wood's home, a fact known to CFS, Sheriff, and Ms. Gutierrez.

5 97. As a direct and proximate result of the Seizure, Plaintiff Andrea C. Wood suffered,
6 continues to suffer, and in all likelihood will permanently suffer injuries that include but
7 are not limited to shock, fear, anxiety, outrage, anger, depression, mortification,
8 humiliation, frustration, worry, despondency, nightmares, insomnia, stomach aches, and
9 trembling, a condition known as Post Traumatic Stress Disorder ("PTSD").

10 98. As a direct and proximate result of the Seizure, Andrea C. Wood must pursue
11 justice, which pursuit necessarily entails litigation and public activism, both time-
12 consuming and expensive endeavors. As such, her pursuit of justice has resulted in lost
13 business opportunities.

14 99. As a direct and proximate result of the Seizure, Plaintiff TP suffers deep and
15 possibly permanent emotional injury related to being separated from his entire family for 4
16 months, and from his siblings for 2 years and counting.

17 100. The deprivation of rights and resulting injuries were intentional because
18 CFS, Sheriff, and Ms. Gutierrez, and each of them knew or should have known that
19 forcibly seizing children away from their kind and loving mother upon nothing more than
20 the false, unsubstantiated and uninvestigated allegations of persons with ulterior motives
21 would necessarily deprive Andrea C. Wood of her fundamental right to parent, and
22 necessarily lead to the type of devastating injuries described.

23 101. The deprivation of rights and resulting injuries were intentional also because
24 during the Seizure, CFS, Sheriff, Cecelia Gutierrez, and each of them knew or should have
25 known that the conditions warranting any seizure under W & I § 300 were not met, i.e. no
26 serious injury nor threat of immediate harm was present to the children, nor did there exist
27 any other legal justification for the seizure of the children.

28

1 102. Therefore, Defendants County of Contra Costa, Cecelia Gutierrez, and each
2 of them, is jointly and severally liable to Plaintiffs Andrea C. Wood and TP for Civil
3 Rights violations under 42 U.S.C. § 1983.

4
5 **THIRD CAUSE OF ACTION**

6 **Deprivation of Right to Due Process – Re: The Coercion**

7 **42 U.S.C. §1983 – Fifth and Fourteenth Amendments**

8 (Andrea C. Wood and TP v. County of Contra Costa, Edyth Williams, Kellie Case
9 and Erica Bains)

10 103. Plaintiff incorporates by reference all facts stated above.

11 104. In carrying out the coercion of TP’s false testimony, County, Edyth
12 Williams, and Kellie Case acted according to policy and custom which does not consider
13 whether or not conduct might violate the constitutional rights of those affected, and acted
14 under color of state law, including but not limited to Welfare and Institutions Code §§ 300
(a), (b), (c) and (f).

15 105. While acting under color of state law, and according to policy and custom
16 which does not consider whether or not conduct might violate the constitutional rights of
17 those affected, CFS tortured HP as the term “torture” is defined at 18 U.S.C. §§ 2340–
18 2340A. The torture was intended to accomplish two goals: Elicit false testimony by HP to
19 maximize chances that he would remain “in the system”, thus a source of revenue; and to
20 cause a diagnosable mental illness in HP, thus a *greater* source of revenue.

21 106. Having first seized him, County and CFS intentionally inflicted severe
22 mental pain and suffering upon HP by holding him captive against his will, and falsely
23 stating to him that his mother was an unfit parent, and that he should never be allowed to
24 reunite with his kind and loving mother.

25 107. The first rounds of HP’s torture were only somewhat successful at achieving
26 County’s sought-after goals, so the torture escalated. As the weeks of captivity wore on,
27 HP was told that he was going to be subjected to “escalated care”, a euphemism for greater
28 isolation from his mother, and from the real world. HP became suicidal, as would be

1 expected.

2 108. At some point in time, HP was designated as a so-called “Katie A” case,
3 meaning the highest level of mental health care required, and named after the *Katie A v.*
4 *Bonta* case. The conduct of CFS HP’s mental health issues – depression, anger, confusion,
5 suicidal ideation – which issues invoked the *Katie A* assessment, when no such assessment
6 or any kind of mental health diagnosis was necessary or appropriate for HP prior to August
7 17, 2017, i.e. prior to torture in the hands of CFS.

8 109. Having now “broken” HP, County and CFS proceeded to demand that HP
9 testify falsely at trial. He was instructed to say that his mother had hit him many times,
10 back in the third grade, and forth grade, and fifth grade. HP knew this was false, and that
11 Ms. Wood was at all times a kind and loving mother who had never hit him. But CFS
12 threatened “escalated care” unless HP testified the way that they instructed.

13 110. Erica Bains also participated in the efforts to coerce HP into testifying
14 falsely, by instructing that HP should falsely state that his mother had hit him. If HP would
15 so testify, Erica Bains told HP that he could come and live with her.

16 111. Prior to the CFS torture, HP had no history of mental or emotional illness of
17 any sort. While in CFS captivity, HP has been hospitalized several times in response to the
18 suicidal ideation and mental breakdowns actually and proximately caused by CFS torture.
19 HP has been subjected to at least one “5150” hold.

20 112. Plaintiff Andrea C. Wood is aware that her son was tortured. She tried doing
21 anything and everything she could do to make it stop, including filing numerous lawsuits.

22 113. Plaintiff TP is aware that his little brother was tortured. TP himself was in a
23 foster care group home from about November – December 2017. During that time, TP
24 heard and saw repeated sex acts between adult men and another foster care boy in TP’s
25 room. TP also observed teenaged girls leaving the group home for periods of time, then
26 returning with \$100 bills. For this reason, TP formed the opinion that the foster care group
27 home is being used for sex trafficking, and testified to that effect during the court
28

1 proceedings.

2 114. As a direct and proximate result of the Coercion, Plaintiffs Andrea C. Wood
3 and TP suffered, continue to suffer, and in all likelihood will permanently suffer shock,
4 fear, anxiety, outrage, anger, depression, mortification, humiliation, frustration, worry,
5 despondency, nightmares, insomnia, stomach aches, and trembling.

6 115. As a direct and proximate result of the Coercion, Plaintiff Andrea C. Wood
7 suffers from Post Traumatic Stress Disorder (“PTSD”).

8 116. Because of what he experienced in his own time in custody of CFS, and also
9 what he knows has happened to his little brother, TP suffers from Post Traumatic Stress
10 Disorder (“PTSD”).

11 117. The deprivation of rights and resulting injuries described above were
12 intentional because County, Ms. Williams, Ms. Case, Erica Bains and each of them knew
13 or should have known that torturing a mother’s child, and coercing him to falsely testify
14 against his kind and loving mother would necessarily lead to the type of devastating
15 injuries described.

16 118. The deprivation of rights and resulting injuries described above were
17 intentional also because County, Ms. Williams, Ms. Case, Erica Bains and each of them
18 knew or should have known that torturing a teenage boy’s little brother, and coercing him
19 to falsely testify against their kind and loving mother, and conducting sex trafficking in the
20 adjacent foster care room would necessarily lead to the type of devastating injuries
21 described.

22 119. Therefore, Defendant County of Contra Costa, Edyth Williams, Kellie Case,
23 Erica Bains and each of them is jointly and severally liable to Plaintiffs Andrea C. Wood
24 and TP for Deprivation of Civil Rights under 42 U.S.C. § 1983.

25
26 **FOURTH CAUSE OF ACTION**
27 **Conspiracy to Deprive the Plaintiffs of Civil Rights**
28 **42 U.S.C. §1983 – Fifth and Fourteenth Amendments**

1 (Andrea C. Wood and TP v. County of Contra Costa, Cecelia Gutierrez, Edyth
2 Williams, Kellie Case, Erica Bains and Ravinder Bains)

3 120. Plaintiff incorporates by reference all facts stated above.

4 121. CFS, Sheriff, Ceclia Gutierrez, Erica Bains and Ravinder Bains, acted
5 according to policy and custom which does not require the consideration of whether
6 statutory requirements of “serious harm” or “substantial risk” have been met, and policy
7 and custom which do not consider whether or not conduct might violate the constitutional
8 rights of those affected, acting under color of law conspired to deprive Andrea C. Wood of
9 her fundamental right to parent.

10 122. CFS, Sheriff, Ceclia Gutierrez, Erica Bains and Ravinder Bains, acting under
11 color of law and according to policy and custom conspired to deprive TP of his
12 fundamental right to be parented.

13 123. Erica Bains planned to fabricate false allegations about Andrea C. Wood,
14 and then actually did fabricate false allegations, including the false allegation that Ms.
15 Wood takes her 7-year old daughter to bars to lure men.

16 124. Ravinder Bains know of and agreed with his wife Erica’s plan, because it
17 advanced their overall plan to enrich themselves by taking custody of one or more of Ms.
18 Wood’s children.

19 125. Sheriff, CFS and Ms. Gutierrez received the false allegations from Erica
20 Bains, and knew or reasonably should have known that the allegations were false. Sheriff,
21 CFS and Ms. Gutierrez did nothing to substantiate or investigate the veracity of the false
22 allegations. Instead, they planned to seize Ms. Wood’s children, knowing there was no
23 legally valid reason to seize them, thus knowing that the seizure would deprive Plaintiffs
24 of their rights under the Fifth and Fourteenth Amendments.

25 126. On August 17, 2017, Sheriff, CFS, Ms. Gutierrez, and each of them knew of,
26 agreed to and executed the Bains’ plan by seizing the Ms. Wood’s children, and taking
27 them into custody.

28 127. During the ensuing months, CFS, Ms. Williams, Ms. Case, Erica Bains, and

1 Ravinder Bains knew of, agreed to and continued to execute the plan by coercing TP and
2 HP to testify falsely.

3 128. The result of the plan was the deprivation of Plaintiffs' Due Process rights
4 under the Fifth and Fourteenth Amendments.

5 129. County of Contra Costa benefitted from the successful execution of the plan.
6 On information and belief, County receives additional funding based on number of
7 children in the system; and receives further benefits on a diagnosis of mental illness,
8 achieved here with regard to HP.

9 130. Erica Bains and Ravinder Bains benefitted from the successful execution of
10 the plan because they ultimately ended up with foster care custody of HP, which nets them
11 an amount believed to be in excess of \$6000 / month.

12 131. Therefore, County of Contra Costa, Ceclia Gutierrez, Edyth Williams, Kellie
13 Case, Erica Bains, Ravinder Bains and each of them are jointly and severally liable to
14 Andrea C. Wood and to TP for Conspiracy to Deprive Plaintiffs of Civil Rights.

15 **FIFTH CAUSE OF ACTION**

16 **Declaratory Judgment**

17 **Facial and As-Applied Challenge to Cal. W & I Code (a)**

18 **Fifth, Fourteenth Amendments - Due Process / Void for Vagueness**

19 (Andrea C. Wood v. State of California)

20 132. Plaintiff incorporates by reference all facts stated above.

21 133. An actual controversy exists between Plaintiff and State. Plaintiff believes
22 that the statutory definitions warranting jurisdiction and seizure under Section 300(a) of
23 the California's Welfare and Institutions Code are unconstitutionally void for vagueness,
24 and that this Court should enter a Declaratory Judgment opining as such. Presumably, the
25 State believes otherwise.

26 134. Under W & I § 300 (a) the Court may assert jurisdiction and may adjudge a
27 child to be a dependent child of the court when:

28 The child has suffered, or there is a substantial risk that the child will
suffer, serious physical harm inflicted nonaccidentally upon the child
by the child's parent or guardian. For purposes of this subdivision, a

1 court may find there is a substantial risk of serious future injury
2 based on the manner in which a less serious injury was inflicted, a
3 history of repeated inflictions of injuries on the child or the child's
4 siblings, or a combination of these and other actions by the parent or
5 guardian that indicate the child is at risk of serious physical harm.
6 For purposes of this subdivision, "serious physical harm" does not
7 include reasonable and age-appropriate spanking to the buttocks if
8 there is no evidence of serious physical injury.

9 135. § 300(a) is challenged on its face and applied to Andrea C. Wood under the
10 Void-for-Vagueness Doctrine because it does not put a person of average intelligence on
11 notice as to what conduct is prohibited under the statute.

12 136. The State of California undisputedly has a compelling interest in taking
13 custody of a child who has suffered serious physical harm inflicted nonaccidentally upon
14 the child by the parent or guardian, or faces the substantial risk of serious future injury. But
15 the State has no interest in enforcing an unconstitutionally vague law.

16 137. § 300(a) is devoid of any language defining what does and does not
17 constitute "serious physical harm". "Harm" encompasses an entire spectrum of bodily
18 conditions ranging from severe, life-threatening injuries down to barely noticeable
19 temporary inconveniences, and all points in between.

20 138. Numerous types of physical harm have generally-accepted names, like "bone
21 fracture", "nosebleed", "skin rash", "earache", "bruise" etc. And yet, no names of any
22 injuries are listed in the statute. The only language in § 300(a) with any specificity at all is
23 the phrase "spanking to the buttocks", but that only defines conduct that does *not*
24 constitute a violation, rather than conduct that does.

25 139. What conduct is or is not prohibited under § 300(a) is unknowable.

26 140. The concept of "substantial risk of serious future injury" is also undefined
27 under § 300(a). Under the present vague and ambiguous language of the statute, a
28 substantial future risk could be found in anything from an observed pattern of broken
bones, to wholly-unsubstantiated and uninvestigated rumors by a false accuser with
ulterior motives. What does and does not constitute a "substantial risk of serious future

1 injury” is unknowable.

2 141. Therefore, the Court should enter a Declaratory Judgment that a severable
3 portion of California’s W & I § 300(a) is unconstitutional under the Due Process Clause of
4 the Fifth and Fourteenth Amendments, on its face or as applied to Andrea C. Wood.

5 **SIXTH CAUSE OF ACTION**
6 **Declaratory Judgment**
7 **Facial and As-Applied Challenge to Cal. W & I Code (b)**
8 **Fifth, Fourteenth Amendments - Due Process / Void for Vagueness**
9 (Andrea C. Wood v. State of California)

10 142. Plaintiff incorporates by reference all facts stated above.

11 143. An actual controversy exists between Plaintiff and State. Plaintiff believes
12 that the statutory definitions warranting jurisdiction and seizure under Section 300(b) of
13 the California’s Welfare and Institutions Code are unconstitutionally void for vagueness,
14 and that this Court should enter a Declaratory Judgment opining as such. Presumably, the
15 State believes otherwise.

16 144. Under W & I § 300 (b)(1) the Court may assert jurisdiction and may adjudge
17 a child to be a dependent child of the court when:

18 The child has suffered, or there is a substantial risk that the child will
19 suffer, serious physical harm or illness, as a result of the failure or
20 inability of his or her parent or guardian to adequately supervise or
21 protect the child, or the willful or negligent failure of the child’s
22 parent or guardian to adequately supervise or protect the child from
23 the conduct of the custodian with whom the child has been left, or by
24 the willful or negligent failure of the parent or guardian to provide
25 the child with adequate food, clothing, shelter, or medical treatment,
26 or by the inability of the parent or guardian to provide regular care
27 for the child due to the parent’s or guardian’s mental illness,
28 developmental disability, or substance abuse.

145. § 300(b) is challenged on its face and applied to Andrea C. Wood under the
Void-for-Vagueness Doctrine because it does not put a person of average intelligence on
notice as to what conduct is prohibited under the statute.

146. The State of California undisputedly has a compelling interest in taking

1 custody of a child who has suffered serious physical harm or illness as a result of the
2 failure or inability of his or her parent or guardian to adequately supervise or protect the
3 child. But the State has no interest in enforcing an unconstitutionally vague law.

4 147. § 300(b) is devoid of any language defining what does and does not
5 constitute “serious physical harm”. *Supra*. Likewise, § 300(b) does not contain any
6 language as to what does or does not constitute a “serious illness”.

7 148. Illnesses have identifying names that are generally known, such as
8 “leukemia” or an “ear infection”. In making a diagnosis, besides the name of the illness,
9 medical professionals may also assign a modifying term – e.g. “mild”, “moderate” or
10 “severe”; or, in the case of cancer diagnoses, “Stage I”, “Stage II”, etc. - indicating the
11 relative severity of the illness.

12 149. § 300(b) does not contain any language - regarding illnesses or degree of
13 severity – that would notify the public as to what conduct does or does not constitute a
14 violation.

15 150. Thus, what conduct does or does not constitute a “serious illness” violation is
16 unknowable.

17 151. Furthermore, § 300(b) does not contain any language providing notice as to
18 what it means to “adequately supervise” a child. It is true that the remainder of § 300(b)
19 contains an enumerated list with some specificity: “adequate food, clothing, shelter, or
20 medical treatment”. However, that enumerated list is separated from “adequately
21 supervise” by inclusion of the word “**or**”. “Adequately supervised” is thus entirely
22 separated from any specificity at all.

23 152. What conduct does or does not constitute a violation under the “adequately
24 supervised” clause is unknowable.

25 153. Therefore, the Court should enter a Declaratory Judgment that a severable
26 portion of California’s W & I § 300(b) is unconstitutional under the Due Process Clause of
27 the Fifth and Fourteenth Amendments, on its face or as applied to Andrea C. Wood.

28 **SEVENTH CAUSE OF ACTION**

Declaratory Judgment
Facial and As-Applied Challenge to Cal. W & I Code (c)
Fifth, Fourteenth Amendments - Due Process / Void for Vagueness
(Andrea C. Wood v. State of California)

154. Plaintiff incorporates by reference all facts stated above.

155. An actual controversy exists between Plaintiffs and State. Plaintiff believes that the statutory definitions warranting jurisdiction and seizure under Section 300(c) of the California’s Welfare and Institutions Code are unconstitutionally void for vagueness, and that this Court should enter a Declaratory Judgment opining as such. Presumably, the State believes otherwise.

156. Under W & I § 300 (c) the Court may assert jurisdiction and may adjudge a child to be a dependent child of the court when:

The child is suffering serious emotional damage, or is at substantial risk of suffering serious emotional damage, evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, as a result of the conduct of the parent or guardian or who has no parent or guardian capable of providing appropriate care.

157. § 300(c) is challenged on its face and as applied to Andrea C. Wood under the Void-for-Vagueness Doctrine because it does not put a person of average intelligence on notice as to what conduct is prohibited under the statute.

158. The State of California undisputedly has a compelling interest in taking custody of a child who is suffering serious emotional damage as a result of the conduct of the parent or guardian, or is a child who is at substantial risk of suffering such serious emotional damage. But the State has no interest in enforcing an unconstitutionally vague law.

159. § 300(c) is devoid of any language defining what does and does not constitute “serious emotional damage”.

160. It is true the § 300(c) contains an enumerated list of emotional illnesses or conditions – “anxiety, depression, withdrawal, or untoward aggressive behavior toward

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1 self or others”. But the statute provides no language or any sort of guidance allowing any
2 Court or any person under that Court’s jurisdiction to ascertain whether such anxiety,
3 depression, withdrawal or aggressive behavior was or was not *caused* by the conduct of the
4 accused.

5 161. Indeed, and unlike physical injuries, the causal mechanisms of mental and
6 emotional illnesses are at present poorly understood in the medical and scientific research
7 communities. Considerable and mounting scientific evidence indicates that some cases of
8 mental and emotional illness are partly or even wholly attributable to purely biological
9 factors.

10 162. There is no scientific evidence, let alone a scientific consensus, that a causal
11 connection can be established between parental conduct and mental or emotional illness,
12 simply because a mental or emotional illness is subsequently diagnosed.

13 163. Even if a causal connection could, in theory, be made between parental
14 conduct and emotional illness, § 300(c) is still devoid of any language placing a person of
15 average intelligence on notice as to what conduct is prohibited.

16 164. If parental conduct could, for example, cause anxiety, then purely *innocent*
17 and *good* parental conduct could cause anxiety. For example, insisting that a child
18 complete a homework assignment when the child does not wish to do homework could,
19 from the child’s perspective, make him or her experience “anxiety”.

20 165. Indeed, constitutionally protected parental conduct could cause anxiety. For
21 example, a mother exercising her First Amendment right to free speech by publicly
22 advocating for political reform could cause anxiety in the child if the child’s peers at
23 school made their political disagreements known.

24 166. The conduct prohibited under § 300(c)’s “as a result of the conduct” clause is
25 unknowable.

26 167. Therefore, the Court should enter a Declaratory Judgment that a severable
27 portion of California’s W & I § 300(c) is unconstitutional under the Due Process Clause of
28

1 the Fifth and Fourteenth Amendments, on its face or as applied to Andrea C. Wood.

2 **EIGHTH CAUSE OF ACTION**

3 **False Imprisonment**

4 (TP v. County of Contra Costa)

5 168. Plaintiff incorporates by reference all facts stated above.

6 169. On August 17, 2017, CFS, Sheriff and Cecelia Gutierrez intentionally
7 deprived TP of his freedom of movement by use of force, and threats of force when they
8 forcibly entered the family home and took him into custody of CFS.

9 170. On August 17, 2017, TP had not suffered any serious injury or illness, nor
10 was there an imminent threat of any such injury as defined in Cal. W & I § 300.

11 171. TP was held in CFS custody and/or foster care until December 2017. TP was
12 held against his will for approximately 4 months.

13 172. TP did not want to be seized and held in custody for four months, or for any
14 amount of time, and did not consent. Moreover, because he was at all times a minor child,
15 TP was legally unable to consent. Neither Ms. Wood, nor Grandma, nor anyone with
16 authority to consent to TP's being seized and held in custody ever did consent to such a
17 thing.

18 173. TP was actually harmed by the 4-month hold. The seizing and 4-month hold
19 of TP was a substantial factor in causing TP's harm.

20 174. Therefore, County of Contra Costa is liable to TP for False Imprisonment.

21 **VI. PRAYER FOR RELIEF**

22 **A. County and Individuals**

23 Wherefore, as to County of Contra Costa, Cecelia Gutierrez, Edyth Williams, Kellie
24 Case, Ravinder Bains, and Erica Bains; Plaintiffs pray for relief as follows:

25 For general damages in compensation for physical and emotional pain and suffering
26 actually and proximately caused by defendants' conduct, in an amount deemed appropriate
27 but not less than \$5,000,000;

1 For actual damages to compensate for past and future monetary loss, including but not
2 limited to lost business opportunities and medical expenses incurred as a direct and
3 proximate result of defendants' conduct, in amounts proven at trial and/or deemed
4 appropriate but not less than \$2,000,000;

5 For punitive damages to punish defendants, to make examples of them, and to deter
6 future such conduct, in amounts deemed sufficient to accomplish the purpose of punitive
7 damages, but not less than \$10,000,000 against County, not less than \$250,000 each
8 against Edyth Williams, Cecelia Gutierrez, and Kellie Case, and not less than \$2,000,000
9 each against Erica Bains and Ravinder Bains;

10 For pre-judgment interest;

11 For costs of litigation, in an amount to be proven at trial;

12 For reasonable attorney fees as allowed by statute;

13 For an opinion that describes the August 17, 2017 Seizure as having violated TP's
14 Fourth Amendment right to be free of unreasonable seizure,

15 For an opinion that describes the August 17, 2017 Seizure as having violated
16 Plaintiffs' Fifth and Fourteenth Amendment right to Due Process;

17 For an opinion that describes the CPS Coercion as having violated Plaintiffs' Fifth and
18 Fourteenth Amendment right right to Due Process.

19 **B. State of California**

20 Wherefore, as to the State of California, Plaintiff Andrea C. Wood prays for relief as
21 follows:

22 For a Declaratory Judgment with an opinion that a severable portion of Cal. W & I §
23 300(a) is unconstitutionally void for vagueness;

24 For a Declaratory Judgment with an opinion that a severable portion of Cal. W & I §
25 300(b) is unconstitutionally void for vagueness;

26 For a Declaratory Judgment with an opinion that a severable portion of Cal. W & I §
27 300(c) is unconstitutionally void for vagueness.

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VII. JURY DEMAND

Plaintiffs demand a Jury Trial on all issues so triable.

Respectfully submitted November 18, 2019

By: Marc Angelucci

Marc E. Angelucci, Esq.

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VERIFICATION
DECLARATION OF ANDREA C. WOOD

I, Andrea C. Wood, declare as follows:

1. I am a Plaintiff in this case, and a citizen of the United States of America.
2. I have personal knowledge of the facts alleged in this complaint, and if called to testify I could and would testify competently thereto.
3. I verify under penalty of perjury under the laws of the United States of America that the facts stated within this complaint are true and correct.

Executed on November 12, 2019

Orinda, California

By:  _____

Andrea C. Wood