

# *Exhibit A*

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ELECTRONICALLY FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN BERNARDINO  
SAN BERNARDINO DISTRICT

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By: Gilberto Villegas, DEPUTY

Attorneys for Plaintiff

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **COUNTY OF SAN BERNARDINO**

11 JANE DOE #1 M.L., an individual,  
12  
13 Plaintiff,

Case No.: CIVSB2322939

**COMPLAINT FOR DAMAGES**

14 v.

**DEMAND FOR JURY TRIAL**

15 SAN BERNARDINO COUNTY SHERIFF  
16 CENTRAL DETENTION CENTER; SAN  
17 BERNARDINO SHERIFF  
DEPARTMENT; DOES 1 through 100,  
inclusive

18 Defendants.

19  
20  
21  
22 Plaintiff JANE DOE #1 M.L., hereby complains and alleges against Defendants  
23 DOES 1 through 10, inclusive, as follows:

24 **GENERAL ALLEGATIONS**

25 1. Plaintiff JANE DOE #1 M.L., is a resident of the County of Los Angeles, State  
26 of California. Plaintiff is a victim of sexual assault that occurred in the County of San  
27

1 Bernardino, State of California.

2 2. The subject incidents upon which this Complaint is based occurred in locations  
3 that included County of San Bernardino. As such, venue is proper in San Bernardino County  
4 Superior Court.

5 3. As a victim of sexual assault, the name JANE DOE #1 M.L. is not plaintiff's  
6 actual name. Plaintiff's full identity has been concealed from public court filings in order to  
7 prevent those not directly involved in this action from learning his/her identity and making  
8 his/her identity public. Such a public disclosure would further harm Plaintiff and his/her  
9 family.

10 4. Perpetrator(s) was under the supervision, control, and/or authority of  
11 Defendants, and each of them.

12 5. Defendant SAN BERNARDINO COUNTY SHERIFF CENTRAL  
13 DETENTION CENTER is a public detention center operating in San Bernardino County,  
14 California.

15 6. Defendant SAN BERNARDINO SHERIFF DEPARTMENT is a public entity  
16 operating in San Bernardino County, California.

17 7. Defendants, and each of them, are public entities that are exempt from any  
18 government claim presentation requirements per California *Government Code* §945.9.

19 8. Defendants DOES 1-100, and each of them, are persons, businesses,  
20 corporations, or entities who owed a legal duty of care to Plaintiffs, and/or had a duty to  
21 control the conduct of Perpetrator(s).

22 9. The true names and capacities of any defendant designated herein as DOES 1-  
23 100, inclusive, whether an individual, a business, a public entity, or otherwise, are presently  
24 unknown to plaintiffs, who therefore sue said defendants by such fictitious names, pursuant to  
25 *Code of Civil Procedure* § 474. Plaintiff is informed and believe, and on such information and  
26 belief alleges, that each DOE Defendant is responsible in some manner for the events alleged  
27 herein, and Plaintiff will amend the complaint to state the true names and capacities of said

1 Defendants when the same have been ascertained.

2 10. At all times relevant and material hereto, Defendants, and/or Defendants'  
3 agents or employees, were responsible and/or liable for each other's negligent actions and/or  
4 omissions.

5 11. At all relevant times, the Perpetrator(s) and Defendants, and each of them were  
6 the agents, servants, employees, joint venturers, ostensible agents and/or contractors of each  
7 of the remaining Defendants, and were, at all times acting within the course and scope of such  
8 agency, servants, employment, contracts, and/or joint venture. Plaintiffs are informed and  
9 believe, and upon said basis allege that, at all times herein mentioned, each of the Defendants  
10 hired and employed agents, servants, staff members, employees, and/or joint ventures. Each  
11 Defendant had also given prior approval and subsequent ratification for the conduct, acts,  
12 and/or omissions of the other Defendants, and each of them.

13 12. At all relevant times, Defendants operated, managed, oversaw, and controlled  
14 the activities of Perpetrator(s) and co-Defendants, and each of them, so that Perpetrator(s) and  
15 each Defendants were then acting as the actual or ostensible agents of each co-Defendant.

16 13. At all times herein mentioned, Defendants, and each of them, when acting as a  
17 principal, were negligent in the selection and hiring of each of the Perpetrator(s) and each and  
18 every co-Defendant as an agent servant, or employee and, furthermore, expressly directed,  
19 consented to, approved, affirmed, and ratified each and every action taken by the  
20 Perpetrator(s) and co-Defendants.

21 14. Through Perpetrator(s)' positions at, within, or for Defendants, Perpetrator(s)  
22 were put in direct contact with Plaintiff. It was under these circumstances Plaintiff came to be  
23 under the direction, contact, and control of Perpetrator(s), who used their positions of  
24 authority over Plaintiff to sexually abuse and harass Plaintiff.

25 15. Defendants, and each of them, knew, had reason to know, should have known,  
26 and/or was on notice of misconduct that created a risk of sexual assault by an employee,  
27 volunteer, representative, or agent.





1 (b) California Civil Code §§ 51.7, Ralph Civil Rights Act

2 (c) Violations of the Convention Against Torture and Other Cruel, Inhuman  
3 and Degrading Punishment and the International Covenant on Civil and  
4 Political Rights

5 32. Defendants interfered with the exercise and enjoyment of Plaintiffs' clearly  
6 established rights under United States and California law, which include, but are not limited  
7 to, the following:

8 (a) Fourth Amendment to the United States Constitution and Article I, Section 13  
9 of the California Constitution – right to be free from unreasonable detentions, searches, and  
10 seizures;

11 (b) Eight Amendment to the United States Constitution and Article I, Section 17  
12 of the California Constitution – right to be free from cruel and unusual punishment;

13 (c) Fourteenth Amendment to the United States Constitution and Article I, Section  
14 7 of the California Constitution – right to due process and equal protection of the laws;

15 (d) California Civil Code Section 43 – right of protection from bodily restraint or  
16 harm, from personal insult, and from defamation;

17 (e) California Civil Code Section 51.7 – right to freedom from violence;

18 (f) California Civil Code Section 52.1 – right to exercise civil rights;

19 33. Defendants violated Plaintiff's clearly established rights under United States  
20 and California law by threats, intimidation and coercion and on the basis of their sex.

21 34. Defendants engaged in a pattern and practice of conduct that deprived  
22 Plaintiffs of their rights under United States and California law.

23 35. Defendants violated Plaintiff's right to be free from violence, threat of violence  
24 or intimidation by threat of violence on the basis of Plaintiff's sex.

25 36. Plaintiffs reallege and incorporate by reference every allegation contained in  
26 paragraphs 1 to 17 as set forth above.

27

1 37. Defendants' conduct caused intense suffering for Plaintiff, and forced her to  
2 act against her will.

3 38. Defendants' acts constitute a violation of the Convention Against Torture,  
4 which the United States has ratified, because they intentionally inflicted severe physical and  
5 mental pain and suffering to Plaintiff not inherent or incidental to their lawful sanctions.

6 39. Defendants' acts of sexual abuse and retaliation violated Plaintiffs' right to be  
7 treated humanely and respectfully, as well as their right to privacy.

8 40. As a result of Defendants' unlawful conduct as alleged herein, Plaintiff has  
9 suffered, and will continue to suffer, the above stated damages in an amount according to  
10 proof, including attorney's fees and costs, to remedy the unlawful conduct.

11 **SECOND CAUSE OF ACTION**  
12 **California Government Code § 815.6**  
13 **Breach of Mandatory Duty**  
14 **(Against All Defendants)**

14 41. Plaintiff hereby incorporates all previous paragraphs as if fully set forth herein.

15 42. Defendants owed Plaintiffs the duty of care owed by a jailer to a prisoner, and  
16 other duties of care, including, but not limited to, the duties established by the Prison Rape  
17 Elimination Act and the Sex Abuse in Detention Elimination Act.

18 43. Defendants violated Plaintiff's clearly established rights enacted pursuant to  
19 United States and California law, which include, but are not limited to, the following:

20 (a) Fourth Amendment to the United States Constitution and Article I, Section 13  
21 of the California Constitution – right to be free from unreasonable detentions, searches, and  
22 seizures;

23 (b) Eight Amendment to the United States Constitution and Article I, Section 17  
24 of the California Constitution – right to be free from cruel and unusual punishment;

25 (c) Fourteenth Amendment to the United States Constitution and Article I, Section  
26 7 of the California Constitution – right to due process and equal protection of the laws;

1 (d) California Civil Code Section 43 – right of protection from bodily restraint or  
2 harm, from personal insult, and from defamation;

3 (e) California Civil Code Section 51.7 – right to freedom from violence;

4 (f) California Civil Code Section 52.1 – right to exercise civil rights;

5 (g) Defendants violated Plaintiffs’ clearly established rights under United States  
6 and California law by threats, intimidation and coercion and on the basis of their sex.

7 (h) Defendants engaged in a pattern and practice of conduct that deprived  
8 Plaintiffs of their rights under United States and California law.

9 44. As a result of Defendants’ unlawful conduct as alleged herein, Plaintiff has  
10 suffered, and will continue to suffer, the above stated damages in an amount according to  
11 proof, including attorney’s fees and costs, to remedy the unlawful conduct.

12 **THIRD CAUSE OF ACTION**

13 **Intentional Infliction of Emotional Distress**  
14 **(Against All Defendants)**

15 45. Plaintiff hereby incorporates all previous paragraphs as if fully set forth herein.

16 46. Defendants conduct was willful, extreme, outrageous, and was directed at  
17 causing harm, humiliation, mental anguish, and emotional and physical distress to Plaintiff.  
18 Defendants’ conduct was intended to cause injury or was in reckless disregard of the  
19 probability of causing injury to Plaintiffs and did in fact cause Plaintiff serious injury.

20 47. As a result of Defendants’ unlawful conduct as alleged herein, Plaintiff has  
21 suffered, and will continue to suffer, the above stated damages in an amount according to  
22 proof, including attorney’s fees and costs, to remedy the unlawful conduct.

23 **FOURTH CAUSE OF ACTION**

24 **BATTERY**  
25 **(Against All Defendants)**

26 48. Plaintiff hereby incorporates all previous paragraphs as if fully set forth herein.

27 49. Plaintiff was in the legal care of Defendants and was entrusted to Defendants’  
legal care and supervision. Perpetrator(s) made sexual advances, intimidation, threats,

1 harassment, violence and sexual assault to Plaintiff, and engaged in other verbal, visual, and  
2 physical conduct of a sexual nature that were unwelcome and pervasive.

3 50. Perpetrator(s) assaulted and battered Plaintiff. Perpetrator(s)' conduct was  
4 intentional, nonconsensual, harmful, offensive and without lawful justification. Perpetrator(s)  
5 conduct caused Plaintiff to be placed in fear of personal harm.

6 51. Implicitly or explicitly, Defendants aided, incited, ratified, and/or conspired in  
7 the denial of Plaintiff's rights to be free from sexual harassment by Perpetrator(s), who was  
8 their agent(s), and thus allowed Perpetrator(s) to repeatedly sexually harass and abuse  
9 Plaintiff.

10 52. Defendants caused Plaintiff to be touched with the intent to harm or offend  
11 Plaintiff by acting with a willful disregard of Plaintiff's rights.

12 53. Plaintiff did not consent to the touching or the sexual advances.

13 54. As a direct and proximate result of the acts and omissions of Defendants and  
14 each of them as alleged herein, Plaintiff suffered severe and permanent injuries including, but  
15 not limited to, physical and mental pain and suffering, severe emotional distress,  
16 psychological harm, physical injuries, past and future costs of medical care and treatment, and  
17 past and future loss of earnings and earning capacity, and other damages, in an amount not yet  
18 ascertained, but which exceed the minimum jurisdictional limits of this Court.

19 55. In committing the acts described herein, the conduct of Defendants was  
20 despicable, and done with malice, oppression, and fraud, justifying an award of punitive  
21 damages against each of those Defendants.

22 **FIFTH CAUSE OF ACTION**  
23 **SEXUAL HARASSMENT (*Civ. Code* §§ 51.9 & 52)**  
24 **(Against All Defendants)**

25 56. Plaintiff hereby incorporates all previous paragraphs as if fully set forth herein.

26 57. Plaintiff was in the legal care of Defendants and was entrusted to Defendants'  
27 legal care and supervision. Perpetrator(s) made sexual advances, intimidation, threats,

1 harassment, violence and sexual assault to Plaintiff, and engaged in other verbal, visual, and  
2 physical conduct of a sexual nature that were unwelcome and pervasive.

3 58. Implicitly or explicitly, Defendants aided, incited, ratified, and/or conspired in  
4 the denial of Plaintiff's rights to be free from sexual harassment by Perpetrator(s), who was  
5 their agent(s), and thus allowed Perpetrator(s) to repeatedly sexually harass and abuse  
6 Plaintiff.

7 59. As a direct and proximate result of the acts and omissions of Defendants and  
8 each of them as alleged herein, Plaintiff suffered severe and permanent injuries including, but  
9 not limited to, physical and mental pain and suffering, severe emotional distress,  
10 psychological harm, physical injuries, past and future costs of medical care and treatment, and  
11 past and future loss of earnings and earning capacity, and other damages, in an amount not yet  
12 ascertained, but which exceed the minimum jurisdictional limits of this Court.

13 60. In committing the acts described herein, the conduct of Defendants was  
14 despicable, and done with malice, oppression, and fraud, justifying an award of punitive  
15 damages against each of those Defendants.

16 **SIXTH CAUSE OF ACTION**  
17 **NEGLIGENCE**  
18 **(Against All Defendants)**

19 61. Plaintiff hereby incorporates all previous paragraphs as if fully set forth herein.

20 62. At all relevant times, Defendants owed Plaintiff the legal duty to act with  
21 reasonable care, to prevent injury or harm to Plaintiff, and to prevent loss of or damage to  
22 Plaintiff.

23 63. At all relevant times, Defendants owed Plaintiff the duty of care owed by a  
24 jailer to a prisoner.

25 64. At all relevant times, Defendants owed Plaintiff duties established by the  
26 Prison Rape Elimination Act and the Sexual Abuse in Detention Elimination Act.  
27

1           65. At all relevant times, Defendants owed Plaintiff the legal duty to act with  
2 reasonable care and to refrain from:

3                   (a) Violating the right to be free from cruel and unusual punishment;

4                   (b) Violating the right to equal protection of the laws;

5                   (c) Violating the provisions of section 43 of the California Civil Code, which  
6                   provides in pertinent part that every person has the right of protection from  
7                   bodily restraint or harm, from personal insult, and from defamation.

8           66. Defendants owed Plaintiff the legal duty to adequately train, supervise, set  
9 departmental policy and protocols for their employees, to comply with the Prison Rape  
10 Elimination Act and the Sexual Abuse in Detention Elimination Act, and to adopt and/or  
11 enforce policies and procedures for the proper hiring, training, and supervision of their  
12 employees.

13           67. Had Defendants, including their employees or agents, and each of them,  
14 properly investigated, supervised, trained, and monitored Perpetrator(s)' conduct and actions,  
15 Defendants would have discovered that Perpetrator(s) was unfit to be employed at  
16 Defendants' facility. By failing to adequately supervise, monitor, or investigate, Defendants  
17 allowed Perpetrator(s) to continue, unhindered, with his/her predatory conduct directed  
18 toward Plaintiff's reasonable care, supervision, and/or control.

19           68. By their acts and omissions, Defendants breached each of the foregoing duties  
20 owed to Plaintiff. Further, it was reasonably foreseeable that such breaches of duty would  
21 cause Plaintiff physical and/or emotional harm.

22           69. As a direct and proximate result of the acts and omissions of Defendants and  
23 each of them as alleged herein, Plaintiff suffered severe and permanent injuries including, but  
24 not limited to, physical and mental pain and suffering, severe emotional distress,  
25 psychological harm, physical injuries, past and future costs of medical care and treatment, and  
26 past and future loss of earnings and earning capacity, and other damages, in an amount not yet  
27 ascertained, but which exceed the minimum jurisdictional limits of this Court.





**PRAYER**

WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, as follows:

1. For general damages in an amount according to proof at trial;
2. For special damages in an amount according to proof at trial;
3. For punitive damages in an amount according to proof at trial;
4. For costs of suit herein incurred; and
5. For such other and further relief as the Court may deem just and proper.

DATED: September 20, 2023

**MARC J. BERN & PARTNERS LLP**

James West, ESQ.  
Attorneys for Plaintiff