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8
9 UNITED STATES CENTRAL DISTRICT COURT

10 STATE OF CALIFORNIA

11 Angela Corona; Elizabeth) Case No.:
12 Campbell; Elizabeth Middleton;) COMPLAINT FOR DAMAGES:
13 Margo Johnson; Mary) 42 U.S.C. Section 1983 and
14 Thompson; Georgette Breland,) 1988:
15 Lynda Axell; Geneva Williams;) - Failure to Protect from Harm
16 Gloria Brooks,) -Excessive Force;
17) - Violation of 42 U.S.C §12101 et
18) seq. (ADA);
19) - Violation of 29 U.S.C §794(a)
20) (Rehabilitation Act)
21)
22)
23)
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25)
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28)

PLAINTIFFS,
vs.
State of California, California
Department of Corrections, Tina
Dhillon, Charles Ugwu-Oyu, Dr.
Navarro and DOES 1-10,
inclusive,

DEMAND FOR JURY TRIAL

DEFENDANTS

NATURE OF ACTION

1. This Complaint is an action for money damages brought pursuant to
42 U.S.C. Sections 1983 and 1988, 42 U.S.C §12101 et seq. (ADA); 29
U.S.C §794(a) (Rehabilitation Act), the Fourteenth Amendment of the

1 United States Constitution and California Law against the California
2 Department of Corrections, inclusive, and hereby allege as follows.

3
4 **PRELIMINARY STATEMENTS**

5 2. This Civil Rights, ADA and Rehabilitation Act suit seeks
6 compensatory and punitive damages for serious physical injuries
7 sustained by Angela Corona (PAC), Elizabeth Campbell (PEC),
8 Elizabeth Middleton (PEM), Margo Johnson (PMJ), Mary Thompson
9 (PMT), Georgette Breland (PGB), Lynda Axell (PLA), Geneva Williams
10 (PGW) and Gloria Brooks (PGR), (Plaintiffs), who were either forcibly or
11 involuntarily sterilized at California penal institutions.
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15 3. The State of California, through the Forced Sterilization or Involuntary
16 Sterilization Compensation Program, has received a claim from all of the
17 PLAINTIFFS and have either paid a claim in a capped amount of
18 \$35,000 or denied the claim administratively.
19
20

21 4. As a result of the sterilizations, PLAINTIFFS have been forever changed
22 and the state has acknowledged its wrongful part in this practice as
23 codified in law under CA Health and Safety Code § 24210.

24 Establishment of Forced or Involuntary Sterilization Compensation
25 Program; purpose of program; definitions.
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1 5. PLAINTIFFS believe the amount arbitrarily paid was inadequate to
2 account for the harm done to them.
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5 **JURISDICTION AND VENUE**

6 6. This case arises under 42 U.S.C. § 1983 and 1988, 42 U.S.C §12101
7 et seq. (ADA); 29 U.S.C §794(a) (Rehabilitation Act), the Fourteenth
8 Amendment of the United States Constitution and California Law. This
9 court has subject matter jurisdiction over PLAINTIFF’s federal question
10 and civil rights claims pursuant to 28 U.S.C. §§ 1331 and 1343.
11

12 7. This Court has jurisdiction over PLAINTIFF’s supplemental state law
13 claims under 28 U.S.C. §1367 as those claims arise out of the same
14 transactions and occurrences as PLAINTIFF’s federal question claims.
15

16 8. This Court has the authority to grant the requested declaratory relief
17 pursuant to 28 U.S.C. §§ 2201, as well as Federal Rules of Civil
18 Procedure 57, including pursuant to the Court’s inherent equitable
19 powers.
20

21 9. Venue is proper in the Central District of California pursuant to 28
22 U.S.C. § 1391(b)(2) because all incidents, events, and occurrences
23 giving rise to this action occurred in the County of Riverside, California.
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1 10. The formal grievance process was exhausted by PLAINTIFFS. Notice
2 of a claim was presented by PLAINTIFFS to the Forced Sterilization or
3 Involuntary Sterilization Compensation Program and the PLAINTIFFS
4 received compensation or were denied. The claim stated the time, place,
5 cause, nature, and description of matter causing any injuries.
6
7

8 11. DEFENDANTS waived immunity by accepting and paying claims
9 without waivers.
10

11 **PARTIES**

12 12. At all relevant times, PAC, was an individual residing in the County of
13 Madera County, California.
14

15 13. At all relevant times, PEC, was an individual residing in the County of
16 Madera County, California.
17

18 14. At all relevant times, PEM, was an individual residing in the County of
19 Riverside, California.
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21 15. At all relevant times, PMJ, was an individual residing in the County of
22 Riverside, California.
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24 16. At all relevant times, PMT, was an individual residing in the County
25 of Riverside, California.
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27 17. At all relevant times, PGB, was an individual residing in the County
28 of Riverside, California.

1 18. At all relevant times, PLA was an individual residing in the County of
2 Riverside, California.

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4 19. At all relevant times, PGW was an individual residing in the Madera
5 County, California.

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7 20. At all relevant times, PGBr was an individual residing in the Madera
8 County, California.

9
10 21. At all material times, Defendant CALIFORNIA DEPARTMENT OF
11 CORRECTIONS AND REHABILITATION (“CDCR”), was an agency of
12 the State of California.

13
14 22. At all material times, Defendant STATE OF CALIFORNIA employed
15 all individual Defendants in this action, and all individual Defendants
16 acted within the course and scope of their employment to CDCR.

17
18 23. Defendant Tina Dhillon was a Doctor performing sterilizations without
19 consent or with limited consent and were working for CDCR at the time
20 of this incident and was an individual working in the County of Riverside
21 or Madera, California.

22
23 24. Defendant Charles Ugwu-Oyu was a Doctor performing sterilizations
24 without consent or with limited consent and were working for CDCR at
25 the time of this incident and was an individual working in the County of
26 Riverside or Madera, California.
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1 25. Defendant Dr. Navarro was a Doctor performing sterilizations without
2 consent or with limited consent and were working for CDCR at the time
3 of this incident and was an individual working in the County of Riverside
4 or Madera, California.

5
6 26. Defendant DOES 1-10 are all Doctors performing sterilizations
7 without consent or with limited consent and were working for CDCR at
8 the time of this incident.

9
10 27. Plaintiffs are ignorant of the true names and capacities of Defendants
11 DOES 1 through 10 (“DOE Defendants”) and therefore sue these
12 Defendants by such fictitious names. Plaintiffs are informed and believe
13 and thereon allege that each Defendant so named is responsible in
14 some manner for the injuries and damages sustained by Plaintiffs as set
15 forth herein. Plaintiffs will amend their complaint to state the names and
16 capacities of each DOE Defendant when they have been ascertained.
17

18 28. Dr DOES 1-10 were acting under color of state law and within the
19 course and scope of such employment with the CDCR in conducting a
20 policy of forced sterilization.
21

22 29. Defendant STATE OF CALIFORNIA operates, manages, directs and
23 controls Defendant CALIFORNIA DEPARTMENT OF CORRECTIONS
24 AND REHABILITATION (hereinafteralso “CDCR”), which employed
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1 Doe Defendants in this action. At all times relevant to the facts alleged
2 herein, Defendant STATE and CDCR were responsible for assuring that
3 the actions, omissions, policies, procedures, practices and customs of
4 its employees, including CDCR employees and the California
5 Correctional Health Care Services (hereinafter also "CCHCS")
6 employees, complied with the laws and the Constitutions of the United
7 States and of the State of California. Defendant STATE, through CDCR
8 and CCHCS, is and was responsible for ensuring the protection and
9 safety of all persons incarcerated at the CDCR correctional facilities.
10

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12
13 30. DOES were acting with the complete authority and ratification of his
14 principal, Defendants STATE and CDCR, at all relevant times.
15

16 31. On information and belief, at all relevant times, DOES 1-5 were
17 residents of the County of Riverside.
18

19 32. At all relevant times, Defendant CDCR is and was a duly organized
20 public entity, form unknown, existing under the laws of the State of
21 California.
22

23 33. In doing the acts and failing and omitting to act as hereinafter
24 described, DOES were acting on the implied and actual permission and
25 consent of STATE and the CDCR.
26
27

1 34. The true names and capacities, whether individual, corporate,
2 association, or otherwise of Defendants DOES 1-5, inclusive, are
3 unknown to PLAINTIFF, who otherwise sues these Defendants by such
4 fictitious names. PLAINTIFF will seek leave to amend this complaint to
5 show the true names and capacity of these Defendants when they have
6 been ascertained. Each of the fictitiously named Defendants is
7 responsible in some manner for the conduct or liabilities alleged herein.
8
9

10 35. All of the acts complained of herein by PLAINTIFF against
11 Defendants were done and performed by said Defendants by and
12 through their authorized agents, servants, and/or employees, all of
13 whom at all relevant times herein were acting within the course,
14 purpose, and scope of said agency, service, and/or employment
15 capacity. Moreover, Defendants and their agents ratified all of the acts
16 complained of herein.
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20 36. All Defendants who are natural persons, including DOES 1-5, are
21 sued individually and in their official capacities as doctors, researchers,
22 and/or civilian employees, agents, policy makers, and representatives
23 for CDCR.
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1 37. PLAINTIFF suffered injuries as a direct and proximate result of the
2 Actions of DOES. DOES are directly liable for PLAINTIFF's injuries and
3 damages under federal law pursuant to 42 U.S.C. § 1983.
4

5 38. Defendants STATE and CDCR are liable for PLAINTIFF's injuries
6 under federal law and under California law, under the doctrine of
7 *respondeat superior*. Liability under California law for public entities and
8 public employees is based upon California Government Code §§ 815.2,
9 820, and 820.8.
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13 **STATEMENT OF FACTS GIVING RISE TO THE PLAINTIFFS**

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15 **CAUSES OF ACTION**

16 39. PLAINTIFFS re-alleges and incorporates the foregoing paragraphs as
17 if set forth herein and further states that:
18

19 40. Every PLAINTIFF has been sterilized by the CDCR and the STATE
20 as principles of the agent DOE doctors.
21

22 41. The State has acknowledged the wrongdoing done to the
23 PLAINTIFFS and have codified it.
24

25 42. The STATE through the Board made payments of \$35,000 to each
26 PLAINTIFF after receiving a claim for payment, or wrongly denied such
27 claim.
28

1 43. The PLAINTIFFS met the criteria to receive payment, being 1.)
2 Sterilization happened after 1979, 2.) Sterilized while in a state prison or
3 correctional facility, 3.) The facility was run by the California Department
4 of Corrections and Rehabilitation, 4.) Sterilization was not required for
5 emergency life-saving medical reasons, 5.) Sterilization was not due to a
6 chemical sterilization program for convicted sex offenders, 6.)
7 Sterilization was for birth control purposes, 7.) You were sterilized under
8 one of the following conditions :a.) Without consent,, b.) With consent
9 given less than 30 days before sterilization, c.) With consent given
10 without counseling or consultation, or d.) With no record or
11 documentation of giving consent
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16 44. The PLAINTIFFS filed for the claim, were approved or denied and the
17 claim did not include any waivers.
18

19 45. The amount of money paid by the STATE was wholly inadequate to
20 make the PLAINTIFFS whole.
21

22 46. PAC was incarcerated at the Valley State Prison for Women. In 2005,
23 due to complications with her period, she was informed of and
24 consented to a half hysterectomy due to a cyst, but instead they did a
25 full hysterectomy without her consent. The surgery was done by Doe 1.
26 She has been denied a claim but has filed an appeal.
27
28

1 47. PEC was incarcerated at Valley State Prison for Women and on or
2 about 12/3/2008, she was admitted at Madera Community Hospital.
3 She was there to have a laparoscopic supracervical hysterectomy but
4 having found fibroids, “the decision was made to proceed with open
5 abdominal hysterectomy,” without her knowledge and without her
6 consent. Her consent explicitly said, “if her ovaries were normal, the
7 patient does not desire to have them removed”. Her “ovary and tubes
8 appeared normal”. Her ovaries were removed, and she was made sterile
9 by the DEFENDANTS, Defendant Tina Dhillon and Defendant Charles
10 Ugwu-Oyu.
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15 48. PEM was incarcerated at CIW. She was sterilized by the STATE in
16 2006. She went into surgery believing they were only taking out a
17 fibroid. She never was informed of the sterilization nor did she give her
18 consent to it. She had the fibroid removed at RCMC and at a follow up
19 visit she was told her ovaries were removed. She still has side effects
20 consisting of hot flashes, mood swings, night sweat. She filed a claim
21 and was awarded \$35,000.00 in compensation by the Victim’s
22 Compensation Board. The surgery was done by Doe 2.
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26 49. PMJ was incarcerated at CIW and was sterilized in 2001 at Riverside
27 Community Hospital. She was supposed to have a surgery to get two
28

1 small fibroid tumors removed and she didn't know she was made sterile
2 until a few days after she had left from the hospital. This was done
3 without her consent. She filed a claim and was awarded \$35,000.00 in
4 compensation by the Victim's Compensation Board. The surgery was
5 done by Doe 3.
6
7

8 50. PMT was incarcerated at CIW. She was sterilized by the STATE in
9 2012 or 2013 because she was having pain due to fibroid tumors. She
10 was not provided with any other option and was forced to relinquish her
11 ovaries. She has been having horrible hot flashes since the incident.
12 She found after the incident that there were other available options that
13 they refused to offer her. She filed a claim and was awarded
14 \$35,000.00 in compensation by the Victim's Compensation Board. The
15 surgery was done by Doe 4.
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19 51. PGB was incarcerated at CIW, and she was 39 years old in 2000 and
20 she was having issues with her menstruation cycle. Her Doctor gave
21 her Depro Provera injections and told her she had to take it until her
22 period stopped for a year. She was not informed that that could cause
23 sterilization. Dr. Navarro, OB/GYN gave her the shots. She filed a claim
24 and appealed the decision.
25
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1 52. PLA was incarcerated at CIW and during a routine pap smear, a
2 growth of was detected on her ovary. She was sent out to Riverside
3 Hospital and checked by a doctor there to see if it was cancerous. She
4 was told that the tumor was cancerous and had to be removed. Years
5 later, while having a doctor's visit, the doctor inadvertently mentioned
6 that she had a hysterectomy, and that was how she learned about what
7 happened. She never consented and was told about the taking of her
8 ovaries being a possibility. She asked how they could do that and was
9 told as a ward of that, they could do anything to her. She filed a claim
10 and was awarded \$35,000.00 in compensation by the Victim's
11 Compensation Board. The surgery was done by Doe 5.

16 53. PGW was incarcerated at Valley State Prison for Women and was
17 sterilized in either 2006 or 2007. She was having cramps, and she was
18 told she was going to have surgery and they never told her what for.
19 They told her about a week after the surgery when she went back to the
20 prison. She still has pain up to the present moment. She filed claim and
21 received \$35,000.00 in compensation. The surgery was done by Doe 6.

25 54. PGBr was incarcerated at CCW/Valley State Prison, and she had
26 surgery in 2010 and was sterilized without consent. This happened at
27 Merced Valley Hospital. She filed a claim and was awarded \$35,000.00
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1 in compensation by the Victim’s Compensation Board. The surgery was
2 done by Doe 7.

3
4 55. As a result of the actions of the DEFENDANTS, PLAINTIFFS were
5 forced to relinquish their reproductive rights and incurred incalculable
6 loss in the purposeful denial of life choices.

7
8 56. As a result of this incident, PLAINTIFF has endured pain, suffering,
9 emotional and mental distress stemming from the physical reproductive
10 violation.

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13 **FIRST CLAIM FOR RELIEF**

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15 **Failure to Protect from Harm, Violation of the Eighth**
16 **Amendment to the United States Constitution (42 U.S.C. § 1983)**

17
18 **By**

19 **PLAINTIFFS As Against INDIVIDUAL DEFENDANTS AND DOES 1**
20 **through 10**

21
22 57. Plaintiffs reallege and incorporate herein by reference each of the
23 preceding paragraphs of this complaint, and any subsequent
24 paragraphs. Defendants and DOES 1 through 10 are liable under the
25 Eighth Amendment given that PLAINTIFFS, convicted prisoners, had the
26 right to be free from “cruel and unusual punishments.”
27

1 58. Defendants and DOES 1 through 10 deprived PLAINTIFFS of their
2 Eighth Amendment right because Defendants S. and DOES 1 through
3 10 first made the intentional decision to place PLAINTIFFS in an unsafe
4 condition with respect to treatments while incarcerated.
5

6 59. Defendants and DOES 1 through 10 placed PLAINTIIFS in an unsafe
7 condition because Defendants and DOES 1 through 10 were well aware
8 of PLAINTIFFS health condition and the need for adequate medical
9 care. The conditions that Defendants and DOES 1 through 10 placed
10 PLAINTIFFS at substantial risk of suffering serious harm due to being
11 forcibly sterilized without consent.
12
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15 60. Despite the wrong being done to PLAINTIFFS, Defendants
16 and DOES 1 through 10 did not take reasonable available measures to
17 abate that risk. Indeed, DOES 1 through 10 did not take reasonable
18 available measures to abate that risk even though a reasonable doctor in
19 the same circumstances would have appreciated the high degree of
20 medical and moral malpractice occurring. The conduct of Defendants
21 and DOES 1 through 10 made the consequences of the defendant's
22 conduct obvious given they were taking ovaries without permission.
23
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26 61. DEFENDANTS were subjectively aware of the risk of harm
27 PLAINTIFFS faced because DEFENDANTS knew of PLAINTIFFS'
28

1 condition and the possibility that he could die or face serious medical
2 complications and paid out related claims. The conduct of
3 DEFENDANTS through was objectively unreasonable because any
4 other officer would have addressed PLAINTIFFS' medical needs.
5

6 62. Therefore, when Defendants and DOES 1 through 10 did not take
7 reasonable available measures to abate the risks PLAINTIFFS faced,
8 the conduct of Defendants and DOES 1 through 10 caused PLAINTIFFS
9 to be sterile.
10
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12 63. Alternatively, and upon information and belief, Defendants and DOES
13 1 through 10 made the intentional decision of placing PLAINTIFFS in a
14 condition of confinement which unreasonably exposed them to be
15 sterilized forcefully or without consent. Such condition put PLAINTIFFS
16 at a substantial risk of suffering serious harm from performing medical
17 operations without the PLAINTIFFS knowledge or injecting them with
18 drugs knowing what the consequences would be.
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22 64. Defendants and DOES 1 through 10 have allowed hundreds and
23 maybe thousands of women to be forcefully or involuntarily sterilized ,
24 making the consequences of the defendant's conduct obvious.
25

26 Defendants and DOES 1 through 10 were subjectively aware of the risk
27

1 of harm PLAINTIFFS faced because now they apologize for their actions
2 and offer token damages.

3
4 65. Therefore, by not taking such measures, Defendants and DOES 1
5 through 10 also caused harm to PLAINTIFFS under this theory of
6 liability.

7
8 66. As a direct and proximate result of Defendants' conduct, the civil right
9 of PLAINTIFFS, as protected by the Eighth Amendment of the United
10 States Constitution, were violated.

11
12 67. Further, PLAINTIFFS experienced physical pain, severe emotional
13 distress, and mental anguish, as well as loss of the chance to make life
14 and reproduce, as damages alleged herein.

15
16 68. Defendants subjected PLAINTIFFS to their wrongful conduct,
17 depriving PLAINTIFF of rights described herein, knowingly, maliciously,
18 and with conscious and reckless disregard for whether the rights of
19 PLAINTIFFS and others would be violated by their acts and/or
20 omissions.

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22
23 69. As a direct and proximate result of Defendants' acts and/or omissions
24 as set forth above, Plaintiffs sustained injuries and damages.

25
26 70. The conduct of Defendants entitles Plaintiffs to punitive damages and
27 penalties allowable under 42 U.S.C. § 1983 and as provided by law.

1 Plaintiffs do not seek punitive damages against Defendants STATE nor
2 CDCR.

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4
5 **SECOND CLAIM FOR RELIEF –Fourteenth Amendment Claim of**

6 **Excessive Force**

7
8 **By**

9 **PLAINTIFFS As Against INDIVIDUAL DEFENDANTS AND DOES 1**

10 **through 10**

11 **(42 USC 1983)**

12
13
14 71. PLAINTIFFS re-alleges and incorporates the foregoing paragraphs as
15 if set forth herein and further states that:

16 72. DEFENDANTS touched PLAINTIFFS in an offensive manner without
17 their consent with excessive force causing a significant injury to their
18 body by taking their ovaries without consent, knowledge or permission,
19 and this use of force was objectively unreasonable;
20
21

22 73. The actions of the DEFENDANTS resulted in ovaries and the
23 opportunity to have children being taken from the PLAINTIFFS and was
24 intentional, willful, malicious, oppressive, excessive, and unnecessary
25 force under any circumstance;
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27

1 74. The DEFENDANT acted maliciously and sadistically for the purpose
2 of causing harm, and not in a good faith effort to maintain or restore
3 discipline; and
4

5 75. The DEFENDANTS' actions caused harm to the PLAINTIFF that was
6 foreseeable and in fact resulted in physical and emotional harm to the
7 PLAINTIFF; and the DEFENDANTS are thereby liable for compensatory
8 damages under 42 U.S.C. Section 1983;
9

10 76. There was no need to use any force in this instance, much alone the
11 amount used;
12

13 77. The extent of the injury ranges from mild to extreme pain and
14 unneeded surgery, due to PLAINTIFFS' ovaries being stolen from them.
15

16 78. There was no threat perceived by or made to the DEFENDANTS.
17

18 79. There was no warning or order to comply before this force was used;
19

20 80. PLAINTIFFS further claims all of PLAINTIFFS' attorney's fees and
21 costs incurred and to be incurred in PLAINTIFFS' presenting, maintaining,
22 and prosecuting this action under 42 U.S.C, 1988;
23

24 81. The action of the DEFENDANTS was willful, wanton, oppressive,
25 malicious, fraudulent, and extremely offensive and unconscionable to any
26 person of normal sensibilities, and therefore warrants the imposition of
27 exemplary and punitive damages as to DEFENDANTS.
28

1 82. PLAINTIFFS seeks compensatory damages for the violations of their
2 rights, including damages for past and future medical expenses, past
3 and future loss of earnings and decreased earning capacity, physical
4 injuries, past and future pain and suffering, emotional and mental
5 distress stemming from the physical injuries.
6

7
8 83. PLAINTIFFS also seeks punitive damages, costs, and attorney's fees
9 under this claim.
10

11
12 **THIRD CLAIM FOR RELIEF**

13 **Violation of the Americans With Disability Act of 1990**

14 **42 U.S.C 12101, et seq.)**

15 **By Plaintiffs As Against Defendants STATE and CDCR**
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18
19 84. Plaintiffs reallege and incorporate herein by reference each of the
20 preceding paragraphs of this complaint, and any subsequent
21 paragraphs.
22

23 85. Pursuant to 42 U.S.C. § 12132, "Subject to the provisions of this title,
24 no qualified individual with a disability shall, by reason of such disability,
25 be excluded from participation in or be denied the benefits of the
26
27

1 services, programs, or activities of a public entity, or be subjected to
2 discrimination by any such entity.”

3
4 86. Under Title II of the Americans with Disability Act, the State of
5 California and CDCR are required to make reasonable modifications to
6 avoid discrimination on the basis of disability. The ADA sets an
7 affirmative requirement to act appropriately with respect to prisoners
8 with mental disabilities.
9

10
11 87. ADA creates an affirmative duty in some circumstances to provide
12 special, preferred treatment, or “reasonable accommodation.” Facially
13 neutral policies may violate the ADA when such policies unduly burden
14 disabled persons, even when such policies are consistently enforced.
15

16 88. Discrimination includes a defendant's failure to
17 make reasonable accommodations to the needs of a disabled person
18 based on his physical health. These accommodations include training on
19 how to deal with the physically ill, specialized training of CDCR staff,
20 heightened level of medical care, and diligent surveillance.
21

22
23 89. Upon information and belief, PLAINTIFFS were suffering from
24 abdominal pain, fibroids, tumors or period complications and
25 reproductive organ issues and the taking of their ovaries substantially
26 limited one or more major life activities. PLAINTIFFS are a “qualified
27
28

1 individual with a disability” for purposes of the Americans with
2 Disabilities Act and the Rehabilitation Act.

3
4 90. The State of California and the CDCR are subject to the Americans
5 with Disabilities Act and the Rehabilitation Act.

6
7 91. A person has a disability if he/she has a physical or mental
8 impairment that substantially limits one or more major life activities, a
9 record of such impairment, or is regarded as having impairment.

10
11 92. It was well documented that DEFENDANTS caused the sterilization
12 of PLAINTIFFS, and they have acknowledged such.

13
14 93. Defendants STATE and CDCR denied PLAINTIFFS benefits of the
15 services, programs or activities of the State of California and CDCR
16 because of their disability and subjected them to discrimination. More
17 precisely, upon information and belief, Defendants STATE and CDCR
18 denied PLAINTIFFS benefits by taking their ovaries.

19
20 94. Defendant STATE and CDCR failed to make reasonable
21 accommodations to PLAINTIFFS’ medical needs based on his physical
22 health. The failure to provide critical medical information was a denial of
23 the services program or activity based on reproductive status. Defendant
24 STATE and CDCR forever denied PLAINTIFFS benefits of the services,
25 programs or activities to not be sterilized.
26
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28

1 95. Defendant STATE and CDCR denied PLAINTIFFS medical treatment
2 by simply removing their ovaries.

3
4 96. There was a purposeful policy toward sterilizing women in custody
5 who were exhibiting obvious symptoms of medical distress. This
6 demonstrates that Defendants were discriminating against PLAINTIFFS
7 because of their disabilities.
8

9 97. Defendants STATE and CDCR were deliberately indifferent to
10 PLAINTIFFS' serious medical condition. Defendants STATE and CDCR
11 had actual knowledge of the substantial risk of harm to PLAINTIFFS and
12 they responded with deliberate indifference by failing to communicate or
13 document their condition until after the fact.
14
15

16 98. The regulations promulgated by the Department of Justice to
17 implement Part A of Title II of the ADA require each government entity to
18 conduct a self- evaluation of its programs and services (or the lack
19 thereof) related to persons with disabilities:
20
21

22 (a) A public entity shall, within one year of the effective date of
23 this part [that is, by January 26, 1993], evaluate its current
24 services, policies, and practices, and the effects thereof, that
25 do not or may not meet the requirements of this part and, to
26 the extent modification of any such services, policies, and
27 practices is required, the public entity shall proceed to make
28 the necessary modifications.

(b) A public entity shall provide an opportunity to interested
persons, including individuals with disabilities or

1 organizations representing individuals with disabilities, to
2 participate in the self-evaluation process by submitting
3 comments.

4 99. At the time of the sterilizations, Defendants STATE and CDCR failed
5 to conduct any self-evaluation of procedures and training for its
6 personnel about not sterilizing female inmates without consent,
7 knowledge or by force without such.
8

9 100. Defendants STATE and CDCR violated PLAINTIFFS clearly
10 established rights under the ADA with deliberate indifference.
11

12 101. The violation of PLAINTIFFS' rights resulted from a
13 California State policy or custom adopted or maintained with deliberate
14 indifference.
15

16 102. As a direct and proximate result of the Defendants' STATE and
17 CDCR conduct as herein described, PLAINTIFFS suffered damages in
18 the amount to be determined at the time of trial.
19

20 103. PLAINTIFFS re-alleges and incorporates the foregoing paragraphs
21 (67-70) as if set forth herein regarding attorneys fees.
22
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24

25 **FOURTH CLAIM FOR RELIEF**

26 **Violation of the Rehabilitation Act**

27 **(29 U.S.C. §704(a))**

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By Plaintiffs As Against Defendants STATE and CDCR

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4 104. Plaintiffs reallege and incorporate herein by reference each of the
5 preceding paragraphs of this complaint, and any subsequent
6 paragraphs.
7

8 105. The Rehabilitation Act of 1973 ("Section 504") states in pertinent part,
9 provides that "No otherwise qualified individual with a disability in the
10 United States . . . shall, solely by reason of her or his disability, be
11 excluded from the participation in, be denied the benefits of, or be
12 subjected to discrimination under any program or activity receiving
13 Federal financial assistance . . ." 29 U.S.C. § 794(a).
14
15

16 106. Defendants STATE and CDCR are programs that receive federal
17 financial assistance as defined in 29 U.S.C. § 794(b).
18

19 107. PLAINTIFFS were a "qualified individual with a disability" under the
20 Rehabilitation Act.
21

22 108. Defendants STATE and CDCR violated the Rehabilitation Act by
23 failing to make reasonable accommodations to the needs of PLAINTIFFS
24 in dealing with their reproductive rights. It was a reasonable
25 accommodation to get consent or advise them of the need for
26 accommodation to get consent or advise them of the need for
27 sterilization, if it was even needed, instead of simply stealing ovaries.
28

1 109. Employees of STATE and CDCR were deliberately indifferent to
2 PLAINTIFFS' serious medical condition. They failed to consider obvious
3 other options in treating PLAINTIFFS' health conditions.
4

5 110. Instead of providing PLAINTIFFS with adequate medical services and
6 fair treatment, Defendants t STATE and CDCR refused to provide him
7 with medical care as his condition deteriorated.
8

9 111. Defendants STATE and CDCR failed to accommodate PLAINTIFFS
10 with the services and programs available to patients with a physical
11 medical condition. There were medical services readily available to
12 PLAINTIFFS, but Defendants STATE and CDCR failed to properly treat
13 PLAINTIFFS, and instead simply sterilized them without consent.
14
15

16 112. Defendants STATE and CDCR knew of the substantial risk of harm to
17 PLAINTIFFS from his serious, diagnosed condition and they responded
18 with deliberate indifference by failing to communicate or document his
19 condition; failing to place him in Medical where he could be watched;
20 and failing to provide him medical care when PLAINTIFFS was in
21 medical distress.
22
23

24 113. Defendants STATE and CDCR violated the Rehabilitation Act by
25 failing to conduct any self-evaluation of procedures and training for its
26
27

1 personnel about how to handle communications with jails regarding
2 patients who have a physical medical condition or another disability.

3
4 114. Defendants STATE and CDCR violated the Rehabilitation Act by
5 failing to conduct any self-evaluation of procedures and training for its
6 personnel about how to handle encounters with persons who have a
7 physical medical condition or another disability.
8

9 115. As a direct and proximate result of the Defendants' STATE and
10 CDCR conduct as herein described, PLAINTIFFS suffered damages in
11 the amount to be determined at the time of trial.
12

13 116. PLAINTIFFS re-alleges and incorporates the foregoing paragraphs
14 (67-70) as if set forth herein regarding attorneys fees.
15

16
17 **PRAYER FOR RELIEF**
18

19
20 WHEREFORE, the PLAINTIFFS demand judgment against each and every
21 DEFENDANT individually and joints as DEFENDANTS and prays for relief
22 as follows:
23

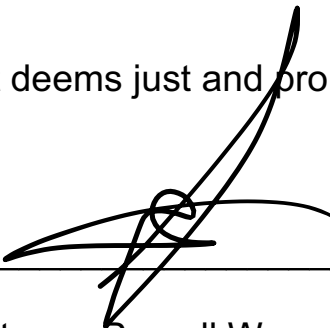
24 1.) Compensatory damages in an amount according to proof, which is
25 fair, just and reasonable;
26
27

1 2.)Punitive and exemplary damages under federal and California law, in
2 an amount according to proof and in an amount which is fair, just, and
3 reasonable against each individual DEFENDANT as authorized by
4 law.
5

6 3.)All other damages, penalties, costs, interest, and attorneys' fees as
7 allowed by 42 U.S.C 1983 and 1988; California Code of Civil
8 Procedure 377.20 et seq., 377.60 et seq., and 1021.5; California Civil
9 Code 52 et seq., 52.1; and as otherwise may be allowed by California
10 and/or Federal law; and
11

12 4.)For such other and further relief as the Court deems just and proper.
13

14 Dated: April 10, 2024
15

16 
17

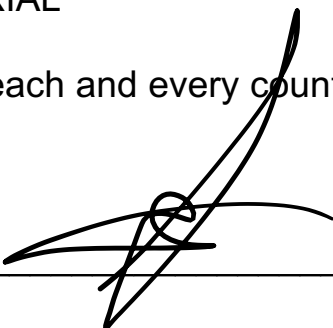
18 Steven Parnell Weaver

19 ATTORNEY FOR PLAINTIFFS
20

21 DEMAND FOR JURY TRIAL

22 The PLAINTIFF hereby demands a jury trial on each and every count.
23

24 Dated: April 10, 2024
25

26 
27

28 Steven Parnell Weaver

ATTORNEY FOR PLAINTIFFS