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17 Attorneys for Plaintiffs
18 ESTATE OF LEONARD BROWN,
19 BLONDELL BROWN, and ANGELO BOSTICH

20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA

22 ESTATE OF LEONARD BROWN, BLONDELL
23 BROWN, and ANGELO BOSTICH,

24 Plaintiffs,

25 vs.

26 COUNTY OF ALAMEDA, ALAMEDA
27 COUNTY SHERIFF'S OFFICE, GREGORY
28 AHERN, ALAMEDA COUNTY BEHAVIORAL
HEALTH SERVICES, CALIFORNIA FORENSIC
MEDICAL GROUP dba WELLPATH, INC.,
and DOE 1 to 20,

Defendants.

Case No.

**COMPLAINT FOR VIOLATION OF
CIVIL AND CONSTITUTIONAL RIGHTS**

DEMAND FOR JURY TRIAL

INTRODUCTION

LEONARD BROWN was a documented mental health inmate in the custody of the ALAMEDA COUNTY SHERIFF’S OFFICE at the Santa Rita Jail, under the care and supervision of jail staff, mental health staff from the ALAMEDA COUNTY BEHAVIORAL HEALTH SERVICES, and contracted medical staff from CALIFORNIA FORENSIC MEDICAL GROUP (also known as or doing business as WELLPATH, INC.). The jail, mental health, and medical services staff ignored LEONARD BROWN’s medical and mental health conditions; refused to provide him with necessary medications; denied him necessary mental health treatment; ignored his repeated requests for service; and left him unsupervised, resulting in his death by suicide.

LEONARD BROWN’s family and loved ones contacted the jail and were falsely informed that LEONARD BROWN had been “released” from the jail. In fact, LEONARD BROWN had been transported to a hospital on life-support and found “braindead.” LEONARD BROWN’s family were only contacted and later learned of his status when the hospital sought permission to harvest his organs. As a result, LEONARD BROWN’s family and loved ones never had an opportunity to say goodbye.

JURISDICTION & VENUE

1. This Court has jurisdiction over the federal claims under 28 U.S.C. § 1331 (in that they arise under the United States Constitution) and 28 U.S.C. § 1343(a)(3) (in that the action is brought to address deprivations, under color of state authority, of rights, privileges, and immunities protected by the U.S. Constitution). This Court has supplemental jurisdiction of the state claims under 28 U.S.C. § 1367.

2. Venue is proper in the United State District Court for the Northern District of California pursuant to 28 U.S.C. § 1391(b) because Defendants are located in the Northern District of California and because many of the acts and/or omissions described herein occurred in the Northern District of California.

3. Intradistrict venue is proper in the San Francisco/Oakland Division of the Northern District of California pursuant to N.D. Cal. Civ. L.R. 3-2(d) because the claims asserted herein arise from acts and/or omissions which occurred in the County of Alameda, California.

EXHAUSTION

4. On June 7, 2022, the ESTATE OF LEONARD BROWN, BLONDELL BROWN, and

1 ANGELO BOSTICH submitted, and the COUNTY OF ALAMEDA and ALAMEDA COUNTY
2 SHERIFF’S OFFICE received, a substantially compliant government claim relating to the claims
3 asserted in this action.

4 5. The COUNTY OF ALAMEDA and ALAMEDA COUNTY SHERIFF’S OFFICE failed
5 or refused to act on the claim within 45 days after the claim had been presented. *See* Cal. Gov. Code §
6 912.4(c).

7 **PARTIES**

8 6. Plaintiff ESTATE OF LEONARD BROWN appears by and through real-party-in-interest
9 Plaintiff BLONDELL BROWN, the biological mother of LEONARD BROWN, who brings this action
10 pursuant to Cal. Code Civ. Proc. § 377.30. Plaintiff BLONDELL BROWN brings this action as the
11 successor-in-interest on behalf of the decedent LEONARD BROWN. Plaintiff BLONDELL BROWN’s
12 declaration regarding her status as LEONARD BROWN’s successor-in-interest, pursuant to Cal. Code
13 Civ. Proc. § 377.32, is attached hereto.

14 7. Plaintiff BLONDELL BROWN (née RATCLIFF) was born and raised and is a resident of
15 the State of California, County of Alameda. Plaintiff BLONDELL BROWN brings this action: (a) on
16 behalf of Plaintiff ESTATE OF LEONARD BROWN, in her representative capacity as the successor-in-
17 interest; and (b) on behalf of herself, in her individual capacity. Plaintiff BLONDELL BROWN is the
18 biological mother of LEONARD BROWN and the heir to his estate, under California law.

19 8. ANGELO BOSTICH was born and raised and is a resident of the State of California,
20 County of Alameda. ANGELO BOSTICH is the older brother of LEONARD BROWN. As children, they
21 spent much of their time together. Where one went, the other accompanied. ANGELO BOSTICH and
22 LEONARD BROWN were exceptionally close. They lived together and, most recently, ANGELO
23 BOSTICH, LEONARD BROWN, and BLONDELL BROWN shared a common address and a common
24 home. Wherever ANGELO BOSTICH was living, there was always an open door for LEONARD
25 BROWN.

26 9. Defendant COUNTY OF ALAMEDA is a “public entity” within the definition of Cal.
27 Gov. Code § 811.2.

28 10. Defendant ALAMEDA COUNTY SHERIFF’S OFFICE is a “public entity” within the

1 definition of Cal. Gov. Code § 811.2. Defendant ALAMEDA COUNTY SHERIFF’S OFFICE operates
2 jail facilities in the County of Alameda, including the Santa Rita Jail.

3 11. Defendant GREGORY AHERN is, and at all times material herein was, a law
4 enforcement officer and the Sheriff-Coroner for Defendants COUNTY OF ALAMEDA and ALAMEDA
5 COUNTY SHERIFF’S OFFICE, acting within the scope of that employment. Defendant GREGORY
6 AHERN is sued in his individual capacity.

7 12. Defendant ALAMEDA COUNTY BEHAVIOR HEALTH SERVICES is a “public entity”
8 within the definition of Cal. Gov. Code § 811.2. Defendant ALAMEDA COUNTY BEHAVIORAL
9 HEALTH SERVICES is responsible for providing mental health care to inmates at the Santa Rita Jail.

10 13. CALIFORNIA FORENSIC MEDICAL GROUP is, and at all times material herein was,
11 owned and controlled by H.I.G. CAPITAL. Defendant CALIFORNIA FORENSIC MEDICAL GROUP
12 is also-known-as CORRECTIONAL MEDICAL GROUP COMPANIES INC. and is doing-business-as
13 WELLPATH, INC. or is also-known-as WELLPATH, INC. Defendant CALIFORNIA FORENSIC
14 MEDICAL GROUP has a business address in the State of California, County of Monterey and County of
15 San Diego; and, since October 1, 2018, in State of Tennessee, County of Davidson. Defendant
16 WELLPATH, INC. is a Delaware Corporation with a business address in the County of San Diego.
17 Defendant CALIFORNIA FORENSIC MEDICAL GROUP/WELLPATH, INC. is/are California
18 corporations licensed to and doing business in the State of California, as a contracted provider of medical
19 services to Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF’S OFFICE, and
20 GREGORY AHERN, including the jail facilities which they operate. Defendant WELLPATH, INC.,
21 CALIFORNIA FORENSIC MEDICAL GROUP, and CORRECTIONAL MEDICAL GROUP
22 COMPANIES INC. are hereinafter collectively referred to as Defendant CALIFORNIA FORENSIC
23 MEDICAL GROUP-WELLPATH.

24 14. Defendants DOE 1 to 20 are and/or were agents, contractors, and/or employees of
25 Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF’S OFFICE, ALAMEDA
26 COUNTY BEHAVIOR HEALTH SERVICES, CALIFORNIA FORENSIC MEDICAL GROUP-
27 WELLPATH and acted within the scope of that agency or employment and under color of state law.
28 Defendants DOE 1 to 20 are sued by fictitious names, where their true and correct identities and names

1 will be substituted when ascertained.

2 **GENERAL ALLEGATIONS**

3 15. At all times relevant herein, all wrongful acts described were performed under color of
4 state law and/or in concert with or on behalf of those acting under the color of state law.

5 16. LEONARD BROWN was a 37-year-old man, prior to his death on March 15, 2022.

6 17. Prior to his death, LEONARD BROWN cohabitated and shared a close relationship and
7 special bond with his mother and his brother ANGELO. Although, LEONARD BROWN was
8 incarcerated, all three, LEONARD BROWN, BLONDELL BROWN and ANGELO BOSTICH
9 considered LEONARD BROWN's true home to be the one he shared with his mother's and his brother
10 ANGELO BOSTICH. Plaintiff BLONDELL BROWN relationship with LEONARD BROWN was a
11 loving mother-son relationship, closer than most. ANGELO BOSTICH and LEONARD BROWN had a
12 loving fraternal relationship, closer than most.

13 18. LEONARD BROWN suffered from diagnosed mental disabilities, including paranoid
14 schizophrenia. LEONARD BROWN's disability required hospitalizations and treatment on occasions
15 prior to his death, and substantially limited one or more major life activities, at all times material herein,
16 including his ability to care for himself, concentrate, think, and communicate.

17 19. For the four years preceding his death, LEONARD BROWN was prescribed medications
18 for his mental disability.

19 20. In the fall of 2021, LEONARD BROWN discontinued taking his medications and his
20 mental health disabilities were exacerbated.

21 21. On September 10, 2021, LEONARD BROWN was arrested and booked into the custody
22 of Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE, and
23 GREGORY AHERN. LEONARD BROWN was held in custody at the Santa Rita Jail.

24 22. Upon intake, Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S
25 OFFICE, and GREGORY AHERN, including their jail staff, Defendants DOE 1 to 20, were informed
26 that LEONARD BROWN had a diagnosis of paranoid schizophrenia and had previously been
27 hospitalized at John George Psychiatric Hospital.

28 23. LEONARD BROWN's jail intake notes document that he was anxious and talking to

1 himself during intake and that he had previously been on Remeron, a medication prescribed for anxiety.

2 24. LEONARD BROWN was placed into a “safety cell” by jail staff. The safety cell consisted
3 of an empty concrete room with no furniture, no water, and only a hole in the ground for urination and
4 defecation.

5 25. LEONARD BROWN was placed naked inside of the safety cell, with a safety blanket and
6 smock to cover his naked body.

7 26. LEONARD BROWN was not provided with medication for six days following his intake.

8 27. LEONARD BROWN was kept isolated and had little-to-no social contact with other
9 persons outside his cell, had little-to-no access to programming, minimal out-of-cell time, no access to
10 the outside, and no meaningful access to medical or mental health treatment, while held in the safety cell.

11 28. Defendant WELLPATH, INC., including its medical staff, Defendants DOE 1 to 20,
12 sometimes offered medication and asked LEONARD BROWN whether he had any suicidal ideation.

13 29. LEONARD BROWN occasionally refused medication and told medical staff that the
14 medications “don’t help me.”

15 30. Defendant ALAMEDA COUNTY BEHAVIOR HEALTH SERVICES, including its
16 mental health staff, Defendants DOE 1 to 20, were “informed” or “alerted” by medical staff regarding
17 LEONARD BROWN’s medical and mental health status.

18 31. Defendant ALAMEDA COUNTY BEHAVIOR HEALTH SERVICES’s mental health
19 staff offered little-if-any mental health treatment, including only brief “appointments” lasting a few
20 minutes.

21 32. On October 7, 2021, LEONARD BROWN informed jail staff and medical staff that he
22 felt “depressed.”

23 33. On October 22, 2022, LEONARD BROWN told staff he had “nothing to live for” and
24 attempted suicide by wrapping a sheet around his neck which he tied to a bunk.

25 34. LEONARD BROWN was sent by staff to ValleyCare Hospital, and then to John George
26 Psychiatric Hospital.

27 35. Two days later, LEONARD BROWN was returned to the Santa Rita Jail.

28 36. LEONARD BROWN was placed in Intensive Observation Log (“IOL”) housing, a form

1 of isolation housing, at the Santa Rita Jail. IOL housing is the mental health component of solitary
2 confinement in the Santa Rita Jail.

3 37. LEONARD BROWN was provided no therapy, no opportunity to socialize or develop
4 social relations, and no opportunity for mental health services or programs.

5 38. Four days later, LEONARD BROWN was returned to safety cell housing by staff. Again,
6 LEONARD BROWN was placed inside the cell, naked, with only a safety blanket and a limited smock to
7 cover his naked body and slept on the concrete floor.

8 39. From October 26 through November 30, 2021, LEONARD BROWN was housed
9 alternately in a safety cell or IOL housing.

10 40. LEONARD BROWN informed family and friends that the jail was not providing him with
11 the medications he needed and that the medications the jail was providing did not work and were not
12 helping him.

13 41. In mid-February 2022, LEONARD BROWN informed medical staff that he was
14 embarking on a hunger strike, in order to starve himself to death, because he wanted to die.

15 42. On February 25, 2022, medical staff noted that LEONARD BROWN's appearance was
16 "unkempt," for the first time.

17 43. Defendants DOE 1 to 20 decreased the frequency of medical checks on LEONARD
18 BROWN, despite signs that LEONARD BROWN's mental health was deteriorating. After February 25,
19 2022, the next check by medical staff on LEONARD BROWN was three days later on February 28,
20 2022; then, on March 2, 2022; then, on March 4, 2022; and then, on either March 6 or 7, 2022.

21 44. On information and belief: On or about March 9, 2022, LEONARD BROWN attempted to
22 commit suicide in his cell, using a ligature around his neck.

23 45. On March 9, 2022, a final medical check on LEONARD BROWN was conducted and his
24 medical records note that he was found not conscious and not breathing.

25 46. LEONARD BROWN was administered CPR and NARCAN and transported to
26 ValleyCare Hospital.

27 47. LEONARD BROWN's family and friends contacted the jail in the following days,
28 seeking to come visit LEONARD BROWN. The jail staff informed them that LEONARD BROWN had

1 been “released” from the jail. The jail staff and failed to inform them that LEONARD BROWN had been
2 transported to a hospital in a coma.

3 48. LEONARD BROWN’s family and friends were confused and concerned why LEONARD
4 BROWN had not returned home, after his “release” from jail. LEONARD BROWN’s friends and family,
5 including Plaintiff BLONDELL BROWN, repeatedly phoned the jail for more information but none was
6 provided. ANGELO BOSTICH was exceedingly concerned that if LEONARD BROWN had been
7 “released” that he had not immediately contacted and informed ANGELO BOSTICH, and had not come
8 home. For this reason, BLONDELL BROWN and ANGELO BOSTICH were exceedingly concerned
9 that something had happened to LEONARD BROWN, because if he had been “released”, LEONARD
10 BROWN would have immediately contacted his mother and his oldest brother.

11 49. On or about March 15, 2022, LEONARD BROWN was determined to be “braindead” by
12 medical staff at the hospital.

13 50. On or about March 16, 2022, the hospital contacted Plaintiff BLONDELL BROWN,
14 advising her that LEONARD BROWN was in the hospital and urged her to see him.

15 51. Plaintiff BLONDELL BROWN, ANGELO BOSTICH and others visited LEONARD
16 BROWN in the hospital. They were informed for the first time that LEONARD BROWN had attempted
17 to commit suicide. They were shocked and very upset to learn that LEONARD BROWN was not
18 conscious and was on life-support. The hospital sought permission to harvest LEONARD BROWN’s
19 organs.

20 52. In public statements, Defendant ALAMEDA COUNTY SHERIFF’S OFFICE’s
21 spokesman, Lieutenant Ray Kelly, falsely stated that LEONARD BROWN had been “released” into
22 federal custody and that the custody staff and medical staff at the Santa Rita Jail had “saved” LEONARD
23 BROWN’s life.

24 53. At present, Plaintiffs BLONDELL BROWN and ANGELO BOSTICH are concerned
25 because they have a loved one currently in custody at Santa Rita Jail. They are concerned that the jail
26 will not provide accurate information regarding the physical condition of their loved one. They are
27 concerned that if this loved one is hospitalized, or otherwise injured, they will not only, not be informed,
28 but will be mis-informed regarding this loved one’s situation, physical health, and physical location.

POLICY AND CUSTOM ALLEGATIONS

1
2 54. Defendant GREGORY AHERN, acting as Sheriff, is and was a final policymaking
3 authority for Defendants COUNTY OF ALAMEDA and ALAMEDA COUNTY SHERIFF’S OFFICE,
4 including as it relates to the maintenance and operation of jail and detention facilities, such as the Santa
5 Rita Jail; training, supervision, and discipline of law enforcement officers acting under his command; and
6 the safekeeping of inmates/prisoners in his custody. *See* Cal. Const. art. XI § 1(b); Cal. Pen. Code §
7 4000; Cal. Pen. Code § 4006; Cal. Gov. Code § 26605; Cal. Gov. Code § 26610. Defendant GREGORY
8 AHERN was employed by Defendants COUNTY OF ALAMEDA and ALAMEDA COUNTY
9 SHERIFF’S OFFICE as a Deputy Sheriff in 1980; was promoted to Sergeant in 1986; was promoted to
10 Lieutenant in 2000; was promoted to Captain in 2003; was promoted to Commander in 2005; was
11 promoted to Assistant Sheriff in 2006; and was elected and became Sheriff on January 8, 2007.

12 55. Defendants DOE 11 to 20 are/were policymaking authorities for Defendants COUNTY
13 OF ALAMEDA, ALAMEDA COUNTY SHERIFF’S OFFICE, ALAMEDA COUNTY BEHAVIOR
14 HEALTH SERVICES, and CALIFORNIA FORENSIC MEDICAL GROUP-WELLPATH based on a
15 delegation of authority, including as it relates to the maintenance and operation of jail and detention
16 facilities, such as the Santa Rita Jail; training, supervision, and discipline of law enforcement officers
17 acting under their command; and the safekeeping, medical treatment, and/or mental health treatment of
18 inmates in custody.

Failure to Train, Supervise, and Discipline

19
20 56. Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF’S OFFICE,
21 GREGORY AHERN, ALAMEDA COUNTY BEHAVIOR HEALTH SERVICES, CALIFORNIA
22 FORENSIC MEDICAL GROUP-WELLPATH, and DOE 11 to 20 maintain a policy or custom whereby
23 their personnel fail to provide necessary medical treatment to inmates housed at the Santa Rita Jail;
24 and/or fail to transfer inmates housed at the Santa Rita Jail to medical facilities where necessary medical
25 treatment is available, where it is not available in the Santa Rita Jail. Specifically, inadequate polices,
26 customs, training, supervision, and discipline of jail staff, medical staff, and mental health staff at the
27 Santa Rita Jail results in the following deficiencies:

- 28 (a) Failure to provide inmates with access to necessary and appropriate medical and

1 mental health care;

2 (b) Failure to conduct appropriate and complete suicide/risk assessments;

3 (c) Failure to create and implement appropriate medical and mental health treatment
4 plans;

5 (d) Utilization of isolation cells and excessive lockdown which contributes to and
6 exacerbates mental illness, including safety cells and IOL housing;

7 (e) Inadequate and lack of meaningful monitoring of inmates in isolation units or on
8 continual lockdown, which places inmates at risk and contributes to mental illness and risk of suicide;

9 (f) Failure promptly to evaluate and transfer inmates to a hospital or facility providing
10 appropriate and necessary medical and mental health care, where an inmate is gravely disabled, at risk of
11 serious harm, and/or suicidal;

12 (g) Failure to take reasonable and necessary action to reduce or to end harmful
13 cumulative effects of prolonged isolation in solitary confinement in small, cramped and unsanitary cells,
14 including the continued denial of opportunities for vocational, recreational, educational, and religious
15 programming; necessary physical exercise; and social activity;

16 (h) Failure to provide inmates with necessary and required out-of-cell time for
17 physical exercise and movement, in violation of Cal. Code Regs. tit. 15 § 1065;

18 (i) Failure to implement necessary and appropriate emergency treatment policies;
19 and/or

20 (j) Failure to provide necessary and appropriate staffing and training at the Santa Rita
21 Jail for the purpose of providing minimally-adequate medical and mental health treatment for seriously
22 ill inmates.

23 57. Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE,
24 GREGORY AHERN, ALAMEDA COUNTY BEHAVIOR HEALTH SERVICES, CALIFORNIA
25 FORENSIC MEDICAL GROUP-WELLPATH, and DOE 11 to 20's policies and customs fail to comply
26 with the standards set forth by the National Commission on Correctional Health Care ("NCCHC").

27 58. Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE,
28 GREGORY AHERN, ALAMEDA COUNTY BEHAVIOR HEALTH SERVICES, CALIFORNIA

1 FORENSIC MEDICAL GROUP-WELLPATH, and DOE 11 to 20 were or should have been on notice
2 regarding the need to discontinue, modify, or implement new and different versions of deficient policies
3 or customs because the inadequacies were so obvious and likely to result in violations of the rights of
4 inmates housed at the Santa Rita Jail.

5 59. Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF’S OFFICE,
6 ALAMEDA COUNTY BEHAVIOR HEALTH SERVICES, CALIFORNIA FORENSIC MEDICAL
7 GROUP-WELLPATH, and DOE 11 to 20’s inadequate policies, customs, training, and supervision
8 proximately caused violations of the rights of inmates housed at the Santa Rita Jail, including
9 LEONARD BROWN.

10 **Deliberate Indifference**

11 60. Defendants COUNTY OF ALAMEDA and ALAMEDA COUNTY SHERIFF’S OFFICE
12 have a longstanding and well-established custom of subjecting persons held in their detention facilities,
13 including the Santa Rita Jail, to “shocking and debasing conditions” unfit “for man or beast as a matter of
14 law.” *Brenneman v. Madigan*, 343 F. Supp. 128, 133 (N.D. Cal. 1972).

15 61. Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF’S OFFICE,
16 GREGORY AHERN, ALAMEDA COUNTY BEHAVIOR HEALTH SERVICES, CALIFORNIA
17 FORENSIC MEDICAL GROUP-WELLPATH, and DOE 11 to 20, maintain a policy or custom of
18 inadequate supervision and reporting; medical care and treatment; and/or mental health care and
19 treatment, resulting in the violation of constitutional rights of persons held in their detention facilities,
20 including the Santa Rita Jail. For example:

21 (a) A pattern and practice of improper and inadequate medical treatment for
22 inmates—in particular, inmates known to have a mental health condition—including depriving inmates
23 of necessary medical treatment and medications and excessive and inappropriate confinement in isolation
24 and solitary conditions;

25 (b) A pattern and practice of refusing to adequately investigate or recognize violations
26 of policy and rights;

27 (c) A pattern and practice refusing to impose appropriate discipline and/or re-training,
28 in circumstances where violations of policy and rights are identified;

1 (d) A pattern and practice of covering-up violations of policy and rights;

2 (e) A pattern and practice of allowing, tolerating, and/or encouraging a code of silence
3 among Santa Rita Jail personnel; and/or

4 (f) A pattern and practice of failing to have and enforce necessary, appropriate, and
5 lawful policies, procedures, and training programs to prevent or correct the unconstitutional conduct,
6 despite an obvious need for such policies, procedures, and training programs.

7 62. Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE,
8 GREGORY AHERN, ALAMEDA COUNTY BEHAVIOR HEALTH SERVICES, and DOE 11 to 20's
9 policy or custom is demonstrated by various sources, including:

10 (a) Consent Decree: On February 7, 2022, a consent decree was approved and entered
11 against Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE,
12 GREGORY AHERN, and ALAMEDA COUNTY BEHAVIOR HEALTH SERVICES, relating to a class
13 action alleging that officials in the Santa Rita Jail subject "individuals with mental health diagnoses
14 and/or other psychiatric disabilities" to "cruel and unusual use of isolation" as well as failing to respect
15 their due process rights by not providing "adequate mental health care" and "reasonable
16 accommodations" to those with mental disabilities. (*Babu v. County of Alameda*, U.S. District Court,
17 Northern District of California, Case No. 5:18-cv-07677-NC, ECF No. 436 (N.D. Cal. Feb. 7, 2022).)
18 The consent decree requires the jail: (a) to ensure inmates receive adequate mental health care, including
19 adequate staffing, establishing levels of care, creating treatment plans for eligible individuals, providing
20 treatment services, and implementing Therapeutic Housing Unit(s); (b) to ensure inmates are offered
21 adequate out-of-cell time each day; (c) to take measures to prevent suicide and self-harm, including
22 severely curtailing the use of safety cells and limiting placement in them to no more than 8 hours, and
23 implementing procedures and assessments to identify individuals at risk upon arrival; (d) to ensure that
24 inmates with mental health disabilities can access programs and services; (e) to implement a new
25 classification system that limits the use and duration of restrictive housing; (f) to change use-of-force
26 policies and procedures and train staff; and (g) to appoint an ombudsperson, designate an ADA
27 coordinator, and set up an Inmate Advisory Council. *See* <<https://rbgg.com/santa-rita-consent-decree/>>.

28 (b) Grand Jury Report: On June 6, 2022, the 2021–2022 Alameda County Grand Jury

1 Final Report was issued. <[http://grandjury.acgov.org/grandjury-assets/docs/2021-](http://grandjury.acgov.org/grandjury-assets/docs/2021-2022/Grand.Jury.Report.2022.for.ITD.Web.pdf)
 2 [2022/Grand.Jury.Report.2022.for.ITD.Web.pdf](http://grandjury.acgov.org/grandjury-assets/docs/2021-2022/Grand.Jury.Report.2022.for.ITD.Web.pdf)>. Therein, the Alameda County Grand Jury recognized a
 3 “multiple-year pattern of lawsuits concerning conditions” and identified numerous issues with the Santa
 4 Rita Jail, including “[s]erious safety violations, inadequate medical services and poor sanitation” which
 5 “warrant urgent attention.” The grand jury’s investigation included extensive interviews and reviews of
 6 thousands of pages of records and made nearly 30 recommendations for improving conditions at the
 7 Santa Rita Jail. See Lakshmi Sarah & Matthew Green, *Grand Jury: Major Health and Safety Violations*
 8 *at Santa Rita Jail Require ‘Urgent Attention’* (June 30, 2022), available at:
 9 <[https://www.kqed.org/news/11918230/grand-jury-major-health-and-safety-violations-at-santa-rita-jail-](https://www.kqed.org/news/11918230/grand-jury-major-health-and-safety-violations-at-santa-rita-jail-require-urgent-attention)
 10 [require-urgent-attention](https://www.kqed.org/news/11918230/grand-jury-major-health-and-safety-violations-at-santa-rita-jail-require-urgent-attention)>.

11 (c) DOJ Report: On April 22, 2021, the U.S. Department of Justice, Civil Rights
 12 Division, issued an “Investigation of Alameda County, John George Psychiatric Hospital, and Santa Rita
 13 Jail.” <<https://www.justice.gov/crt/case-document/file/1388891/download>>. Therein, the DOJ concluded
 14 that there was “reasonable cause” that Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY
 15 SHERIFF’S OFFICE, and ALAMEDA COUNTY BEHAVIOR HEALTH SERVICES violated inmates’
 16 civil rights by failing to provide proper mental health services, especially in the Santa Rita Jail where 19
 17 people have committed suicide since 2014. *See, e.g.,* Robert Jablon, *Feds Say Santa Rita Jail Violates*
 18 *Rights of Mentally Ill* (April 24, 2021), available at: <[https://www.nbcbayarea.com/news/local/east-](https://www.nbcbayarea.com/news/local/east-bay/feds-say-santa-rita-jail-violates-rights-of-mentally-ill/2527370/)
 19 [bay/feds-say-santa-rita-jail-violates-rights-of-mentally-ill/2527370/](https://www.nbcbayarea.com/news/local/east-bay/feds-say-santa-rita-jail-violates-rights-of-mentally-ill/2527370/)>; Lisa Fernandez, *DOJ finds mental*
 20 *health care, overuse of isolation at Santa Rita Jail unconstitutional* (April 22, 2021), available at:
 21 <[https://www.ktvu.com/news/doj-finds-mental-health-care-overuse-of-isolation-at-santa-rita-jail-](https://www.ktvu.com/news/doj-finds-mental-health-care-overuse-of-isolation-at-santa-rita-jail-unconstitutional)
 22 [unconstitutional](https://www.ktvu.com/news/doj-finds-mental-health-care-overuse-of-isolation-at-santa-rita-jail-unconstitutional)>.

23 (d) In-Custody Deaths: “Santa Rita Jail ... has the highest number of inmate deaths in
 24 the Bay Area, and has an even higher jail death rate than Los Angeles County, which has the largest jail
 25 system in the country. . . [A]t least 45 inmates have died since Jan. 1, 2014, and of that number, at least
 26 17 people committed suicide. Of the suicides, 12 people were held in some form of isolation.” Lisa
 27 Fernandez, *A look at the 45 inmates who have died at Santa Rita Jail in the last five years* (Oct. 4, 2019,
 28 *updated Jan. 17, 2020*), available at: <[https://www.ktvu.com/news/a-look-at-the-45-inmates-who-have-](https://www.ktvu.com/news/a-look-at-the-45-inmates-who-have)

1 died-at-santa-rita-jail-in-the-last-five-years>. For example:

2 (i) Jonas Park died by suicide while incarcerated at the Santa Rita Jail on
3 February 9, 2022. Jonas Park was arrested and booked into the jail on February 4, 2022, exhibiting
4 symptoms of withdrawal. Jonas Park unsuccessfully attempted suicide by a ligature tied to a bunk. Later,
5 Jonas Park requested and received a bedsheet which, within 16 minutes, he was able to wrap around his
6 neck and successfully commit suicide. Joe Dworetzky, *County sued over another suicide at Santa Rita*
7 *Jail* (Mar. 27, 2022), available at: <[https://www.pleasantonweekly.com/news/2022/03/27/county-sued-](https://www.pleasantonweekly.com/news/2022/03/27/county-sued-over-another-suicide-at-santa-rita-jail)
8 [over-another-suicide-at-santa-rita-jail](https://www.pleasantonweekly.com/news/2022/03/27/county-sued-over-another-suicide-at-santa-rita-jail)>. A civil rights lawsuit was filed. (*K.P. v. County of Alameda*, U.S.
9 District Court, Northern District of California, Case No. 4:22-cv-01817-DMR.) The case remains
10 pending.

11 (ii) Lee Anderson died of cardiopulmonary arrest while incarcerated at the
12 Santa Rita Jail on May 16, 2021. Lee Anderson was found unresponsive in her cell, after obtaining
13 access to drugs which were smuggled into the jail during the booking process, due to the chronically
14 unsafe conditions at the Sant Rita Jail. Lisa Fernandez, *Family sues Santa Rita Jail after woman dies of*
15 *drug overdose* (March 17, 2022), available at: <[https://www.ktvu.com/news/family-sues-santa-rita-jail-](https://www.ktvu.com/news/family-sues-santa-rita-jail-after-woman-dies-in-custody-of-drug-overdose)
16 [after-woman-dies-in-custody-of-drug-overdose](https://www.ktvu.com/news/family-sues-santa-rita-jail-after-woman-dies-in-custody-of-drug-overdose)>. A civil rights lawsuit was filed. (*Anderson v. County of*
17 *Alameda*, U.S. District Court, Northern District of California, Case No. 3:22-cv-01577-JSC.) The case
18 remains pending.

19 (iii) Christopher Crosby died by suicide while incarcerated at the Santa Rita Jail
20 on December 4, 2019. Christopher Crosby was booked into the Santa Rita Jail in February 2018 and
21 classified as a suicide risk. The jail and mental health staff failed properly to monitor Christopher Crosby
22 and permitted him access to a “plastic bag,” which he was able to place over his head suffocate himself
23 to death. Lisa Fernandez, *Deadly year at Santa Rita ends with 10 inmate deaths* (Jan. 2, 2020), available
24 at: <<https://www.ktvu.com/news/deadly-year-at-santa-rita-ends-with-10-inmate-deaths>>. A civil rights
25 lawsuit was filed. (*Crosby v. County of Alameda*, U.S. District Court, Northern District of California,
26 Case No. 3:20-cv-08529-MMC.) The case was settled pretrial.

27 (iv) Maurice Monk died while incarcerated at the Santa Rita Jail on November
28 15, 2021. Maurice Monk suffered from severe conditions, including diabetes, high blood pressure, and

1 schizophrenia. The jail and medical staff failed to provide Maurice Monk sufficient medical care for his
2 conditions and placed him in a solitary cell. Maurice Monk’s sister attempted to bring his pills to the jail
3 but staff refused to accept them, instructing her to send an email containing the prescription information
4 to the jail. The emails were filtered to a “junk” inbox and were never received. Finally, the jail instructed
5 her to fax the prescription information. Before she could so do, she was informed that Maurice Monk was
6 dead. Maurice Monk was deprived his necessary medications and missed critical medical appointments
7 while held in jail and was subsequently found dead in his cell. Lisa Fernandez & Cristina Rendon,
8 *Security guard arrested after not wearing mask on bus dies in Santa Rita Jail* (Nov. 18, 2021), available
9 at: <[https://www.ktvu.com/news/security-guard-arrested-after-not-wearing-mask-on-bus-dies-in-santa-](https://www.ktvu.com/news/security-guard-arrested-after-not-wearing-mask-on-bus-dies-in-santa-rita-jail)
10 [rita-jail](https://www.ktvu.com/news/security-guard-arrested-after-not-wearing-mask-on-bus-dies-in-santa-rita-jail)>. A civil rights lawsuit was filed. (*Estate of Maurice Monk v. Alameda County*, U.S. District
11 Court, Northern District of California, Case No. 3:22-cv-04037-TSH.) The case remains pending.

12 (v) Raymond Reyes Jr. died by suicide while incarcerated at the Santa Rita Jail
13 on July 24, 2019. Raymond Reyes Jr. expressed suicidal ideations to jail staff during booking but he was
14 not placed on suicide watch. Raymond Reyes Jr. was permitted to ingest a lethal dose of
15 methamphetamine while under jail supervision. The staff attempted to revive Raymond Reyes Jr. with
16 naloxone, a drug used to treat heroin overdose—but not methamphetamine overdose. Lisa Fernandez,
17 Simone Aponte & Alex Savidge, *Death rate at Santa Rita exceeds nation’s largest jail system as critics*
18 *call for reform* (Oct. 1, 2019), available at: <[https://www.ktvu.com/news/death-rate-at-santa-rita-](https://www.ktvu.com/news/death-rate-at-santa-rita-exceeds-nations-largest-jail-system-as-critics-call-for-reform)
19 [exceeds-nations-largest-jail-system-as-critics-call-for-reform](https://www.ktvu.com/news/death-rate-at-santa-rita-exceeds-nations-largest-jail-system-as-critics-call-for-reform)>. A civil rights lawsuit was filed. (*Reyes v.*
20 *County of Alameda*, U.S. District Court, Northern District of California, Case No. 4:20-cv-03971-DMR.)
21 The case was settled pretrial.

22 (vi) Christopher Thomas died by attempted suicide while incarcerated at the
23 Santa Rita Jail on July 6, 2019. Christopher Thomas expressed suicidal ideations to jail staff but he was
24 not placed on suicide watch. Christopher Thomas was permitted to hang himself with a bedsheet around
25 his neck. Christopher Thomas was found hanging by jail staff on June 30, 2019, and transported to a
26 hospital where he was diagnosed with an anoxic brain injury and later died on July 6, 2019. Lisa
27 Fernandez, *A look at the 45 inmates who have died at Santa Rita Jail in the last five years* (Oct. 4, 2019,
28 *updated Jan. 17, 2020*), available at: <[https://www.ktvu.com/news/a-look-at-the-45-inmates-who-have-](https://www.ktvu.com/news/a-look-at-the-45-inmates-who-have)

1 died-at-santa-rita-jail-in-the-last-five-years>.

2 (vii) Christian Madrigal died by suicide while incarcerated at the Santa Rita Jail
3 on June 15, 2019. Christian Madrigal was arrested after acting “erratically” and “aggressively” after he
4 ingested psychedelic mushrooms. Christian Madrigal was booked into Santa Rita Jail, where a lieutenant
5 ordered him to be chained to a door. Christian Madrigal was left chained to the door for hours, and when
6 deputies returned to check on him, he had hanged himself with the chains they provided him. Lisa
7 Fernandez, *Alameda County to pay \$5M to Fremont family of young man chained to Santa Rita Jail door*
8 (Oct. 22, 2020, updated Nov. 3, 2020), available at: <[https://www.ktvu.com/news/alameda-county-to-
9 pay-5m-to-fremont-family-of-young-man-chained-to-santa-rita-jail-door](https://www.ktvu.com/news/alameda-county-to-pay-5m-to-fremont-family-of-young-man-chained-to-santa-rita-jail-door)>. A civil rights lawsuit was
10 filed. (*Jaime v. County of Alameda*, U.S. District Court, Northern District of California, Case No. 3:19-
11 cv-08367-RS.) The case was settled pretrial for \$5,000,000.

12 (viii) Hector Hernandez Jr. died of pneumonia while incarcerated at the Santa
13 Rita Jail on June 5, 2019. Hector Hernandez Jr. had been incarcerated for two months prior to his death,
14 during which time jail and medical staff ignored and failed to conduct mandated safety checks on Hector
15 Hernandez Jr., as his physical and mental health deteriorated until he was found dead in his cell. Brooks
16 Jarosz , Lisa Fernandez & Simone Aponte, *Santa Rita Jail’s medical provider is target of lawsuits,*
17 *complaints about lack of care* (May 5, 2021), available at: <[https://www.ktvu.com/news/santa-rita-jails-
18 medical-provider-is-target-of-lawsuits-complaints-about-lack-of-care](https://www.ktvu.com/news/santa-rita-jails-medical-provider-is-target-of-lawsuits-complaints-about-lack-of-care)>. A civil rights lawsuit was filed.
19 (*Hernandez v. County of Alameda*, U.S. District Court, Northern District of California, Case No. 4:20-cv-
20 02884-HSG.) The case remains pending.

21 (ix) Logan Masterson died by suicide while incarcerated at the Santa Rita Jail
22 on April 4, 2018. Logan Masterson was arrested and booked into the jail on April 4, 2018, where he was
23 initially placed in a safety cell on suicide watch. Logan Masterson’s housing on suicide watch was
24 discontinued and he was moved to an isolation cell. Logan Masterson remained in the isolation cell until
25 he was permitted to hang himself to death inside of his cell on April 6, 2018. Erin Allday & Megan
26 Cassidy, *Family of man who died by suicide in Alameda County jail files lawsuit* (Mar. 29, 2019),
27 available at: <[https://www.sfchronicle.com/bayarea/article/Family-of-man-who-died-by-suicide-in-
28 Alameda-13727587.php](https://www.sfchronicle.com/bayarea/article/Family-of-man-who-died-by-suicide-in-Alameda-13727587.php)>. A civil rights lawsuit was filed. (*Masterson v. County of Alameda*, U.S.

1 District Court, Northern District of California, Case No. 4:19-cv-01625-PJH.) The case was settled
2 pretrial.

3 (x) Edwin Villalta died by suicide while incarcerated at the Santa Rita Jail on
4 November 28, 2017. Edwin Villalta entered the jail with diagnoses of anxiety and PTSD and was
5 assigned to segregation housing and held in isolation. Edwin Villalta expressed feelings of depression but
6 medical staff failed to provide necessary medications. Edwin Villalta was found dead in his cell during a
7 routine cell check, after hanging himself from a bunk with a blanket around his neck. Lisa Fernandez, *A*
8 *look at the 45 inmates who have died at Santa Rita Jail in the last five years* (Oct. 4, 2019, updated Jan.
9 17, 2020), available at: <[https://www.ktvu.com/news/a-look-at-the-45-inmates-who-have-died-at-santa-](https://www.ktvu.com/news/a-look-at-the-45-inmates-who-have-died-at-santa-rita-jail-in-the-last-five-years)
10 [rita-jail-in-the-last-five-years](https://www.ktvu.com/news/a-look-at-the-45-inmates-who-have-died-at-santa-rita-jail-in-the-last-five-years)>.

11 (xi) Miguel Gomez died by suicide while incarcerated at the Santa Rita Jail on
12 October 26, 2017. Miguel Gomez was single-celled in the jail's protective custody housing. Miguel
13 Gomez expressed suicidal ideations which were known to jail staff. Miguel Gomez was found hanging in
14 his cell with bedsheets around his neck on October 23, 2027. Miguel Gomez was transported to a hospital
15 where he died three days later. Lisa Fernandez, *A look at the 45 inmates who have died at Santa Rita Jail*
16 *in the last five years* (Oct. 4, 2019, updated Jan. 17, 2020), available at: <[https://www.ktvu.com/news/a-](https://www.ktvu.com/news/a-look-at-the-45-inmates-who-have-died-at-santa-rita-jail-in-the-last-five-years)
17 [look-at-the-45-inmates-who-have-died-at-santa-rita-jail-in-the-last-five-years](https://www.ktvu.com/news/a-look-at-the-45-inmates-who-have-died-at-santa-rita-jail-in-the-last-five-years)>.

18 (xii) Barry Heisner Jr. died by suicide while incarcerated at the Santa Rita Jail
19 on October 30, 2016. Barry Heisner Jr. was found hanging in his cell with bedsheets around his neck.
20 Lisa Fernandez, *A look at the 45 inmates who have died at Santa Rita Jail in the last five years* (Oct. 4,
21 2019, updated Jan. 17, 2020), available at: <[https://www.ktvu.com/news/a-look-at-the-45-inmates-who-](https://www.ktvu.com/news/a-look-at-the-45-inmates-who-have-died-at-santa-rita-jail-in-the-last-five-years)
22 [have-died-at-santa-rita-jail-in-the-last-five-years](https://www.ktvu.com/news/a-look-at-the-45-inmates-who-have-died-at-santa-rita-jail-in-the-last-five-years)>.

23 (xiii) Balvir Singh died by suicide while incarcerated at the Santa Rita Jail on
24 July 15, 2016. Balvir Singh was a mental health inmate subject to special housing, and expressed suicidal
25 ideations to jail staff. Balvir Singh was found hanging in his cell with bedsheets around his neck. Lisa
26 Fernandez, *A look at the 45 inmates who have died at Santa Rita Jail in the last five years* (Oct. 4, 2019,
27 updated Jan. 17, 2020), available at: <[https://www.ktvu.com/news/a-look-at-the-45-inmates-who-have-](https://www.ktvu.com/news/a-look-at-the-45-inmates-who-have-died-at-santa-rita-jail-in-the-last-five-years)
28 [died-at-santa-rita-jail-in-the-last-five-years](https://www.ktvu.com/news/a-look-at-the-45-inmates-who-have-died-at-santa-rita-jail-in-the-last-five-years)>.

1 (xiv) John Bonardi died by suicide while incarcerated at the Santa Rita Jail on
2 December 10, 2015. John Bonardi was housed in the jail’s protective custody. John Bonardi was found
3 hanging in his cell with bedsheets around his neck. Lisa Fernandez, *A look at the 45 inmates who have*
4 *died at Santa Rita Jail in the last five years* (Oct. 4, 2019, updated Jan. 17, 2020), available at:
5 <[https://www.ktvu.com/news/a-look-at-the-45-inmates-who-have-died-at-santa-rita-jail-in-the-last-five-](https://www.ktvu.com/news/a-look-at-the-45-inmates-who-have-died-at-santa-rita-jail-in-the-last-five-years)
6 years>.

7 (xv) Christopher Angulo died by suicide while incarcerated at the Santa Rita
8 Jail on June 19, 2015. Christopher Angulo had documented mental health issues. Christopher Angulo cut
9 his right wrist and hemorrhaged to death before being discovered dead by jail staff. Lisa Fernandez, *A*
10 *look at the 45 inmates who have died at Santa Rita Jail in the last five years* (Oct. 4, 2019, updated Jan.
11 17, 2020), available at: <[https://www.ktvu.com/news/a-look-at-the-45-inmates-who-have-died-at-santa-](https://www.ktvu.com/news/a-look-at-the-45-inmates-who-have-died-at-santa-rita-jail-in-the-last-five-years)
12 rita-jail-in-the-last-five-years>.

13 (xvi) Michael Brown died by suicide while incarcerated at the Santa Rita Jail on
14 April 4, 2015. Michael Brown was assigned to segregation housing and held in isolation, without a
15 documented explanation. Michael Brown was found hanging in his cell with bedsheets around his neck.
16 Lisa Fernandez, *A look at the 45 inmates who have died at Santa Rita Jail in the last five years* (Oct. 4,
17 2019, updated Jan. 17, 2020), available at: <[https://www.ktvu.com/news/a-look-at-the-45-inmates-who-](https://www.ktvu.com/news/a-look-at-the-45-inmates-who-have-died-at-santa-rita-jail-in-the-last-five-years)
18 have-died-at-santa-rita-jail-in-the-last-five-years>. A civil rights lawsuit was filed. The case was settled
19 pretrial for \$200,000. Scott Morris, *The most dangerous place in Alameda County* (May 7, 2019),
20 available at: <[https://www.oaklandreporter.org/2019/05/the-most-dangerous-place-in-alameda-](https://www.oaklandreporter.org/2019/05/the-most-dangerous-place-in-alameda-county.html)
21 county.html

22 (xvii) Gary Oldham died by suicide while incarcerated at the Santa Rita Jail on
23 March 3, 2015. Gary Oldham was subject to “neurochecks” by staff and was required to sleep on a
24 mattress on the floor “for safety.” Gary Oldham was found hanging in his cell with bedsheets around his
25 neck on February 21, 2015. Gary Oldham was transported to a hospital where he died several days later.
26 Lisa Fernandez, *A look at the 45 inmates who have died at Santa Rita Jail in the last five years* (Oct. 4,
27 2019, updated Jan. 17, 2020), available at: <[https://www.ktvu.com/news/a-look-at-the-45-inmates-who-](https://www.ktvu.com/news/a-look-at-the-45-inmates-who-have-died-at-santa-rita-jail-in-the-last-five-years)
28 have-died-at-santa-rita-jail-in-the-last-five-years>. A civil rights lawsuit was filed. Lucas Guilkey,

1 *Nearly one third of Glenn Dyer prisoners wrap up hunger strike* (Oct. 27, 2017), available at:

2 <<https://oaklandnorth.net/2017/10/27/nearly-one-third-of-glenn-dyer-prisoners-wrap-up-hunger-strike/>>.

3 (xviii) Dennis Jimenez died by suicide while incarcerated at the Santa Rita Jail on
4 September 1, 2012. Dennis Jimenez unsuccessfully attempted suicide by cutting his wrists on August 9,
5 2012. Dennis Jimenez again attempted suicide by hanging himself with a bedsheet three days later, and
6 was pronounced dead on the way to the hospital. Kristofer Noceda, Inmate Commits Suicide at Santa
7 Rita Jail (Sep 4. 2012), available at: <[https://patch.com/california/livermore/inmate-commits-suicide-at-](https://patch.com/california/livermore/inmate-commits-suicide-at-santa-rita-jail)
8 [santa-rita-jail](https://patch.com/california/livermore/inmate-commits-suicide-at-santa-rita-jail)>. A civil rights lawsuit was filed. (*Jimenez v. County of Alameda*, U.S. District Court,
9 Northern District of California, Case No. 3:13-cv-04620-CRB.) The case was settled pretrial for
10 \$275,000.

11 63. Defendants CALIFORNIA FORENSIC MEDICAL GROUP, WELLPATH, INC., and
12 DOE 11 to 20’s policy or custom is demonstrated by various sources, including those identified above, in
13 addition:

14 (a) “[Defendant WELLPATH, INC.] has been sued nearly 500 times over the last five
15 years across the country, according to an online review of lawsuits.” Brooks Jarosz , Lisa Fernandez &
16 Simone Aponte, Santa Rita Jail’s medical provider is target of lawsuits, complaints about lack of care
17 (May 5, 2021), available at: <[https://www.ktvu.com/news/santa-rita-jails-medical-provider-is-target-of-](https://www.ktvu.com/news/santa-rita-jails-medical-provider-is-target-of-lawsuits-complaints-about-lack-of-care)
18 [lawsuits-complaints-about-lack-of-care](https://www.ktvu.com/news/santa-rita-jails-medical-provider-is-target-of-lawsuits-complaints-about-lack-of-care)>.

19 (b) Defendant WELLPATH, INC. has “faced repeated complaints of inadequate
20 mental healthcare.” *Estate of Linda Miller v. County of Sutter*, U.S. District Court, Eastern District of
21 California, Case No. 2:20-cv-00577-KJM-DMC, ECF No. 67 at 25 (E.D. Cal. Oct. 30, 2020) (citing *id.*
22 ECF No. 40 ¶¶ 140–141, 145–152).

23 (c) Defendant WELLPATH, INC. was subject to sanctions for refusing to respond to
24 requests to “produce all DOCUMENTS REGARDING, REFERRING OR RELATING TO or showing
25 reports, data, schedules, or analyses of in-custody deaths in facilities for which [Defendant WELLPATH,
26 INC.], [Defendant CALIFORNIA FORENSIC MEDICAL GROUP], or any related or predecessor entity
27 was contracted to provide medical and mental healthcare,” where the court had compelled production
28 “[a]pproximately seven months” prior. *D.M. v. County of Merced*, U.S. District Court, Eastern District of

1 California, Case No. 1:20-cv-00409-JLT-SAB, ECF No. 69 (E.D. Cal. Mar. 9, 2022).

2 (d) As of 2015, over a 10-year period, county jails contracting with Defendant
3 CALIFORNIA FORENSIC MEDICAL GROUP had a rate of suicide and drug overdoses 50 percent
4 higher than in other county jails in California, and at least three county grand juries had criticized its role
5 in inmate deaths. Brad Branan, *California for-profit company faces allegations of inadequate inmate*
6 *care* (Jan. 17, 2015), available at: <<https://amp.sacbee.com/article7249637.html>>.

7 (e) In 2015, Defendant CALIFORNIA FORENSIC MEDICAL GROUP entered into a
8 class action settlement which required it to address issues of inadequate medical and mental healthcare,
9 inadequate staffing, and accommodations for disabled prisoners and serious safety problems at the
10 Monterey County Jail. *Hernandez v. County of Monterey*, U.S. District Court, Northern District of
11 California, Case No. 5:13-cv-02354-BLF, ECF No. 485 (N.D. Cal. May 15, 2015). Defendant
12 CALIFORNIA FORENSIC MEDICAL GROUP failed completely to comply with the terms of the
13 settlement, and the court issued an order compelling its compliance. *Id.* ECF No. 617 (N.D. Cal. Nov. 1,
14 2017).

15 64. Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE,
16 GREGORY AHERN, ALAMEDA COUNTY BEHAVIOR HEALTH SERVICES, CALIFORNIA
17 FORENSIC MEDICAL GROUP-WELLPATH, and DOE 11 to 20's inadequate policies and customs
18 proximately caused violations of the rights of inmates housed at the Santa Rita Jail, including
19 LEONARD BROWN.

20 **Ratification**

21 65. Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE,
22 GREGORY AHERN, ALAMEDA COUNTY BEHAVIOR HEALTH SERVICES, CALIFORNIA
23 FORENSIC MEDICAL GROUP-WELLPATH, and DOE 11 to 20 did not meaningfully discipline, re-
24 train, or otherwise penalize any of the personnel under their command involved in the incidents
25 described, including the numerous deaths of inmates at the Santa Rita Jail.

26 66. Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE,
27 GREGORY AHERN, ALAMEDA COUNTY BEHAVIOR HEALTH SERVICES, CALIFORNIA
28 FORENSIC MEDICAL GROUP-WELLPATH, and DOE 11 to 20 are and/or were aware of the multiple

1 settlements, prior incidents, prior complaints, and prior deaths at the Santa Rita Jail, including those
2 described above, yet continuously fail to take appropriate corrective action.

3 67. Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE,
4 GREGORY AHERN, ALAMEDA COUNTY BEHAVIOR HEALTH SERVICES, CALIFORNIA
5 FORENSIC MEDICAL GROUP-WELLPATH, and DOE 11 to 20 routinely fail to hold subordinates
6 accountable for violations of law and policies and/or acquiesced in the violations, creating an
7 environment where personnel believe they can "get away with anything."

8 68. Defendant GREGORY AHERN "has given Santa Rita an A grade" and, "[w]hile
9 addressing complaints about the conditions at the jail, ... said, 'I think we're the best big jail in the
10 nation.'" Scott Morris, *The most dangerous place in Alameda County* (May 7, 2019), available at:
11 <<https://www.oaklandreporter.org/2019/05/the-most-dangerous-place-in-alameda-county.html>>; *see also*
12 Lisa Fernandez & Candice Nguyen, Women sue Santa Rita over humiliating treatment; sheriff says
13 facility is "best big jail in nation" (Nov. 15, 2018), available at: <[https://www.ktvu.com/news/women-
14 sue-santa-rita-over-humiliating-treatment-sheriff-says-facility-is-best-big-jail-in-nation](https://www.ktvu.com/news/women-sue-santa-rita-over-humiliating-treatment-sheriff-says-facility-is-best-big-jail-in-nation)>.

15 69. Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE,
16 and GREGORY AHERN sometimes fail properly to report in-custody death incidents as an "in-custody
17 death," where inmates sustain critical injuries while in-custody at the Santa Rita Jail and later die outside
18 of the jail. *See* Lisa Fernandez, *A look at the 45 inmates who have died at Santa Rita Jail in the last five*
19 *years* (Oct. 4, 2019, updated Jan. 17, 2020), available at: <[https://www.ktvu.com/news/a-look-at-the-45-
20 inmates-who-have-died-at-santa-rita-jail-in-the-last-five-years](https://www.ktvu.com/news/a-look-at-the-45-inmates-who-have-died-at-santa-rita-jail-in-the-last-five-years)> (incorrectly disputing that Paul Lee,
21 Michael Hermon, Christian Madrigal, and Christopher Thomas died "in custody," where the inmates
22 sustained life-ending injuries in the Santa Rita Jail).

23 70. Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE,
24 and GREGORY AHERN falsely described and ratified the actions of Defendants DOE 1 to 20, including
25 declaring through a spokesperson, Lieutenant Ray Kelly: "Deputies and medical staff intervened and
26 saved [LEONARD BROWN's] life." Lisa Fernandez, *Man complains about not feeling well; dies after*
27 *suicide attempt at Santa Rita Jail* (April 13, 2022), available at: <[https://www.ktvu.com/news/man-
28 complains-about-not-feeling-well-dies-after-suicide-attempt-at-santa-rita-jail](https://www.ktvu.com/news/man-complains-about-not-feeling-well-dies-after-suicide-attempt-at-santa-rita-jail)>.

1 receive federal financial assistance. LEONARD BROWN had a mental impairment that substantially
2 limited one or more major life activities and had a record of such an impairment.

3 81. Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE,
4 GREGORY AHERN, ALAMEDA COUNTY BEHAVIORAL HEALTH SERVICES, CALIFORNIA
5 FORENSIC MEDICAL GROUP-WELLPATH, and DOE 1 to 20 failed reasonably to accommodate
6 LEONARD BROWN's disability, where they could have provided a reasonable accommodation,
7 including: (a) by providing LEONARD BROWN with necessary medical and mental health care or
8 treatment; (b) by transferring LEONARD BROWN to a medical or mental health facility that could
9 provide necessary care or treatment; and/or (c) by classifying and housing LEONARD BROWN based
10 on his mental impairment, where he would receive adequate and necessary medical and mental health
11 care, with deliberate indifference or reckless disregard, in violation of the Rehabilitation Act, 29 U.S.C. §
12 794, *et seq.*

13 82. LEONARD BROWN was injured as a direct and proximate result of Defendants
14 COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE, GREGORY AHERN,
15 ALAMEDA COUNTY BEHAVIORAL HEALTH SERVICES, CALIFORNIA FORENSIC MEDICAL
16 GROUP-WELLPATH, and DOE 1 to 20's actions and inactions, entitling Plaintiff ESTATE OF
17 LEONARD BROWN to receive nominal and compensatory damages against Defendants COUNTY OF
18 ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE, ALAMEDA COUNTY BEHAVIORAL
19 HEALTH SERVICES, and CALIFORNIA FORENSIC MEDICAL GROUP-WELLPATH, and DOE 1
20 to 20.

21 WHEREFORE, Plaintiff ESTATE OF LEONARD BROWN prays for relief as hereunder
22 appears.

23 **THIRD CLAIM**

24 **Americans with Disabilities Act**

25 **(42 U.S.C. § 12101, *et seq.*)**

26 83. Plaintiff ESTATE OF LEONARD BROWN (pursuant to Cal. Code Civ. Proc. § 377.30)
27 asserts this Claim against Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S
28 OFFICE, ALAMEDA COUNTY BEHAVIORAL HEALTH SERVICES, and CALIFORNIA

1 FORENSIC MEDICAL GROUP.

2 84. The allegations of the preceding paragraphs 1 to 71 are realleged and incorporated, to the
3 extent relevant and as if fully set forth in this Claim.

4 85. Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE,
5 and ALAMEDA COUNTY BEHAVIORAL HEALTH SERVICES each qualify as a "public entity"
6 within the meaning of 42 U.S.C. § 12131(1)(A) and 28 C.F.R. § 35.104. LEONARD BROWN had a
7 mental impairment that substantially limited one or more major life activities and had a record of such an
8 impairment.

9 86. Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE,
10 GREGORY AHERN, ALAMEDA COUNTY BEHAVIORAL HEALTH SERVICES, CALIFORNIA
11 FORENSIC MEDICAL GROUP-WELLPATH, and DOE 1 to 20 failed reasonably to accommodate
12 LEONARD BROWN's disability, where they could have provided a reasonable accommodation,
13 including: (a) by providing LEONARD BROWN with necessary medical and mental health care or
14 treatment; (b) by transferring LEONARD BROWN to a medical or mental health facility that could
15 provide necessary care or treatment; and/or (c) by classifying and housing LEONARD BROWN based
16 on his mental impairment, where he would receive adequate and necessary medical and mental health
17 care, with deliberate indifference or reckless disregard, in violation of the Americans with Disabilities
18 Act, 42 U.S.C. § 12101, *et seq.*

19 87. LEONARD BROWN was injured as a direct and proximate result of Defendants
20 COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE, GREGORY AHERN,
21 ALAMEDA COUNTY BEHAVIORAL HEALTH SERVICES, CALIFORNIA FORENSIC MEDICAL
22 GROUP-WELLPATH, and DOE 1 to 20's actions and inactions, entitling Plaintiff ESTATE OF
23 LEONARD BROWN to receive nominal and compensatory damages against Defendants COUNTY OF
24 ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE, ALAMEDA COUNTY BEHAVIORAL
25 HEALTH SERVICES, and CALIFORNIA FORENSIC MEDICAL GROUP-WELLPATH, and DOE 1
26 to 20.

27 WHEREFORE, Plaintiff ESTATE OF LEONARD BROWN prays for relief as hereunder
28 appears.

FOURTH CLAIM

Unwarranted Interference With Familial Association

(U.S. Const. Amend. XIV; 42 U.S.C. § 1983)

88. Plaintiff BLONDELL BROWN asserts this Claim against Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF’S OFFICE, GREGORY AHERN, ALAMEDA COUNTY BEHAVIORAL HEALTH SERVICES, CALIFORNIA FORENSIC MEDICAL GROUP-WELLPATH, and DOE 1 to 20.

89. The allegations of the preceding paragraphs 1 to 71 are realleged and incorporated, to the extent relevant and as if fully set forth in this Claim.

90. Plaintiff BLONDELL BROWN shared a close relationship and special bond with LEONARD BROWN, her biological son, which included deep attachments, commitments, and distinctively personal aspects of their lives and was typical of a close familial relationship.

91. Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF’S OFFICE, GREGORY AHERN, ALAMEDA COUNTY BEHAVIORAL HEALTH SERVICES, CALIFORNIA FORENSIC MEDICAL GROUP-WELLPATH, and DOE 1 to 20 caused the termination of and interference with Plaintiff BLONDELL BROWN’s familial relationship with LEONARD BROWN, in the violation of constitutional rights protected by the Fourteenth Amendment to the U.S. Constitution.

92. Defendants GREGORY AHERN, CALIFORNIA FORENSIC MEDICAL GROUP-WELLPATH, and DOE 1 to 20’s actions and inactions were motivated by evil motive or intent, involved reckless or callous indifference to constitutional rights, or were wantonly or oppressively done.

93. Plaintiff BLONDELL BROWN was injured as a direct and proximate result of Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF’S OFFICE, GREGORY AHERN, ALAMEDA COUNTY BEHAVIORAL HEALTH SERVICES, CALIFORNIA FORENSIC MEDICAL GROUP-WELLPATH, and DOE 1 to 20’s actions and inactions, entitling her to receive compensatory damages against Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF’S OFFICE, GREGORY AHERN, ALAMEDA COUNTY BEHAVIORAL HEALTH SERVICES, CALIFORNIA FORENSIC MEDICAL GROUP-WELLPATH, and DOE 1 to 20; and punitive damages against Defendants GREGORY AHERN, CALIFORNIA FORENSIC MEDICAL

1 GROUP-WELLPATH, and DOE 1 to 20.

2 WHEREFORE, Plaintiff BLONDELL BROWN prays for relief as hereunder appears.

3 **FIFTH CLAIM**

4 **Unwarranted Interference With Familial Association**

5 **(U.S. Const. Amend. I; 42 U.S.C. § 1983)**

6 94. Plaintiff BLONDELL BROWN asserts this Claim against Defendants COUNTY OF
7 ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE, GREGORY AHERN, ALAMEDA
8 COUNTY BEHAVIORAL HEALTH SERVICES, CALIFORNIA FORENSIC MEDICAL GROUP-
9 WELLPATH, and DOE 1 to 20.

10 95. The allegations of the preceding paragraphs 1 to 71 are realleged and incorporated, to the
11 extent relevant and as if fully set forth in this Claim.

12 96. Plaintiff BLONDELL BROWN shared a close relationship and special bond with
13 LEONARD BROWN, her biological son, which included deep attachments, commitments, and
14 distinctively personal aspects of their lives and was typical of a close familial relationship.

15 97. Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE,
16 GREGORY AHERN, ALAMEDA COUNTY BEHAVIORAL HEALTH SERVICES, CALIFORNIA
17 FORENSIC MEDICAL GROUP-WELLPATH, and DOE 1 to 20 caused the termination of and
18 interference with Plaintiff BLONDELL BROWN's familial relationship with LEONARD BROWN, in
19 the violation of constitutional rights protected by the First Amendment to the U.S. Constitution.

20 98. Defendants GREGORY AHERN, CALIFORNIA FORENSIC MEDICAL GROUP-
21 WELLPATH, and DOE 1 to 20's actions and inactions were motivated by evil motive or intent, involved
22 reckless or callous indifference to constitutional rights, or were wantonly or oppressively done.

23 99. Plaintiff BLONDELL BROWN was injured as a direct and proximate result of
24 Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE, GREGORY
25 AHERN, ALAMEDA COUNTY BEHAVIORAL HEALTH SERVICES, CALIFORNIA FORENSIC
26 MEDICAL GROUP-WELLPATH, and DOE 1 to 20's actions and inactions, entitling her to receive
27 compensatory damages against Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY
28 SHERIFF'S OFFICE, GREGORY AHERN, ALAMEDA COUNTY BEHAVIORAL HEALTH

1 SERVICES, CALIFORNIA FORENSIC MEDICAL GROUP, and DOE 1 to 20; and punitive damages
2 against Defendants GREGORY AHERN, CALIFORNIA FORENSIC MEDICAL GROUP-
3 WELLPATH, and DOE 1 to 20.

4 WHEREFORE, Plaintiff BLONDELL BROWN prays for relief as hereunder appears.

5 **SIXTH CLAIM**

6 **Failure To Summon Medical Care Or Treatment**

7 **(Cal. Gov. Code § 845.6)**

8 100. Plaintiff ESTATE OF LEONARD BROWN (pursuant to Cal. Code Civ. Proc. § 377.30)
9 asserts this Claim against Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S
10 OFFICE, GREGORY AHERN, ALAMEDA COUNTY BEHAVIORAL HEALTH SERVICES,
11 CALIFORNIA FORENSIC MEDICAL GROUP-WELLPATH, and DOE 1 to 20.

12 101. The allegations of the preceding paragraphs 1 to 71 are realleged and incorporated, to the
13 extent relevant and as if fully set forth in this Claim.

14 102. Defendants DOE 1 to 10 knew or had reason to know that LEONARD BROWN was in
15 need of immediate medical care and failed to take reasonable action to summon such medical care, in
16 violation of rights protected by Cal. Gov. Code § 845.6.

17 103. Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE,
18 GREGORY AHERN, ALAMEDA COUNTY BEHAVIORAL HEALTH SERVICES, CALIFORNIA
19 FORENSIC MEDICAL GROUP-WELLPATH, and DOE 11 to 20 maintained policies or customs of
20 action and inaction resulting in harm, in violation of rights protected by Cal. Gov. Code § 845.6.

21 104. Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE,
22 and ALAMEDA COUNTY BEHAVIORAL HEALTH SERVICES are vicariously liable, through the
23 principles of *respondeat superior* and pursuant to Cal. Gov. Code §§ 815.2(a), 845.6, for injuries
24 proximately caused by the acts and omissions of their employees acting within the scope of their
25 employment, including Defendants GREGORY AHERN, CALIFORNIA FORENSIC MEDICAL
26 GROUP-WELLPATH, and DOE 1 to 20.

27 105. Defendants GREGORY AHERN, CALIFORNIA FORENSIC MEDICAL GROUP-
28 WELLPATH, and DOE 1 to 20's actions and inactions constituted oppression, fraud, and/or malice

1 resulting in great harm.

2 106. LEONARD BROWN was injured as a direct and proximate result of Defendants
3 COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE, GREGORY AHERN,
4 ALAMEDA COUNTY BEHAVIORAL HEALTH SERVICES, CALIFORNIA FORENSIC MEDICAL
5 GROUP-WELLPATH, and DOE 1 to 20's actions and inactions, entitling Plaintiff ESTATE OF
6 LEONARD BROWN to receive compensatory damages against Defendants COUNTY OF ALAMEDA,
7 ALAMEDA COUNTY SHERIFF'S OFFICE, GREGORY AHERN, ALAMEDA COUNTY
8 BEHAVIORAL HEALTH SERVICES, CALIFORNIA FORENSIC MEDICAL GROUP-WELLPATH,
9 and DOE 1 to 20; and punitive damages against Defendants GREGORY AHERN, CALIFORNIA
10 FORENSIC MEDICAL GROUP, and DOE 1 to 20.

11 WHEREFORE, Plaintiff ESTATE OF LEONARD BROWN prays for relief as hereunder
12 appears.

13 **SEVENTH CLAIM**

14 **Tom Bane Civil Rights Act**

15 **(Cal. Civ. Code § 52.1)**

16 107. Plaintiff ESTATE OF LEONARD BROWN (pursuant to Cal. Code Civ. Proc. § 377.30)
17 asserts this Claim against Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S
18 OFFICE, GREGORY AHERN, ALAMEDA COUNTY BEHAVIORAL HEALTH SERVICES,
19 CALIFORNIA FORENSIC MEDICAL GROUP-WELLPATH, and DOE 1 to 20.

20 108. The allegations of the preceding paragraphs 1 to 71 are realleged and incorporated, to the
21 extent relevant and as if fully set forth in this Claim.

22 **Deliberate Indifference**

23 109. Defendants DOE 1 to 10 intentionally refused to provide LEONARD BROWN with
24 necessary medical and/or mental health care or treatment, or refused to transfer LEONARD BROWN to
25 a mental health facility that could provide such necessary care or treatment, putting LEONARD BROWN
26 at substantial risk of suffering serious harm, and did not take reasonable available measures to abate that
27 risk, where a reasonable official in the circumstances would have appreciated the high degree of risk
28 involved, with deliberate indifference or reckless disregard of rights protected by the Eighth and/or

1 Fourteenth Amendment to the U.S. Constitution and Article I, Sections 7(a) and/or 17 of the California
2 Constitution.

3 110. Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE,
4 GREGORY AHERN, ALAMEDA COUNTY BEHAVIORAL HEALTH SERVICES, CALIFORNIA
5 FORENSIC MEDICAL GROUP-WELLPATH, and DOE 11 to 20 maintained policies or customs of
6 action and inaction and knew or should have known that law enforcement officers under their command
7 were inadequately trained, supervised, or disciplined resulting from either the lack of proper training,
8 pursuant to policy, or the result of the lack of policy, with deliberate indifference or reckless disregard of
9 rights protected by the Eighth and/or Fourteenth Amendment to the U.S. Constitution and Article I,
10 Sections 7(a) and/or 17 of the California Constitution.

11 Rehabilitation Act & Americans with Disabilities Act

12 111. Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE,
13 GREGORY AHERN, ALAMEDA COUNTY BEHAVIORAL HEALTH SERVICES, CALIFORNIA
14 FORENSIC MEDICAL GROUP-WELLPATH, and DOE 1 to 20 failed reasonably to accommodate
15 LEONARD BROWN's disability, where they could have provided a reasonable accommodation,
16 including: (a) by providing LEONARD BROWN with necessary medical and mental health care or
17 treatment; (b) by transferring LEONARD BROWN to a medical or mental health facility that could
18 provide necessary care or treatment; and/or (c) by classifying and housing LEONARD BROWN based
19 on his mental impairment, where he would receive adequate and necessary medical and mental health
20 care, with deliberate indifference or reckless disregard, with deliberate indifference or reckless disregard
21 of rights protected by the Rehabilitation Act, 29 U.S.C. § 701, *et seq.* and Americans with Disabilities
22 Act, 42 U.S.C. § 12101, *et seq.*

23 Failure To Summon Medical Care Or Treatment

24 112. Defendants DOE 1 to 10 knew or had reason to know that LEONARD BROWN was in
25 need of immediate medical care and failed to take reasonable action to summon such medical care, with
26 deliberate indifference or reckless disregard of rights protected by Cal. Gov. Code § 845.6.

27 113. Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE,
28 GREGORY AHERN, ALAMEDA COUNTY BEHAVIORAL HEALTH SERVICES, CALIFORNIA

1 FORENSIC MEDICAL GROUP-WELLPATH, and DOE 11 to 20 maintained policies or customs of
2 action and inaction resulting in harm, with deliberate indifference or reckless disregard of rights
3 protected by Cal. Gov. Code § 845.6.

4 Common Allegations

5 114. Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE,
6 and ALAMEDA COUNTY BEHAVIORAL HEALTH SERVICES-WELLPATH, are vicariously liable,
7 through the principles of *respondeat superior* and pursuant to Cal. Gov. Code §§ 815.2(a), 845.6, for
8 injuries proximately caused by the acts and omissions of their employees acting within the scope of their
9 employment, including Defendants GREGORY AHERN, CALIFORNIA FORENSIC MEDICAL
10 GROUP, and DOE 1 to 20.

11 115. Defendants GREGORY AHERN, CALIFORNIA FORENSIC MEDICAL GROUP-
12 WELLPATH, and DOE 1 to 20's actions and inactions constituted oppression, fraud, and/or malice
13 resulting in great harm.

14 116. LEONARD BROWN was injured as a direct and proximate result of Defendants
15 COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE, GREGORY AHERN,
16 ALAMEDA COUNTY BEHAVIORAL HEALTH SERVICES, CALIFORNIA FORENSIC MEDICAL
17 GROUP-WELLPATH, and DOE 1 to 20's actions and inactions, entitling him to receive compensatory
18 and treble damages and civil penalties against Defendants COUNTY OF ALAMEDA, ALAMEDA
19 COUNTY SHERIFF'S OFFICE, GREGORY AHERN, ALAMEDA COUNTY BEHAVIORAL
20 HEALTH SERVICES, CALIFORNIA FORENSIC MEDICAL GROUP-WELLPATH, and DOE 1 to
21 20; and punitive damages against Defendants GREGORY AHERN, CALIFORNIA FORENSIC
22 MEDICAL GROUP, and DOE 1 to 20.

23 WHEREFORE, Plaintiff ESTATE OF LEONARD BROWN prays for relief as hereunder
24 appears.

25 **EIGHTH CLAIM**

26 **Intentional Infliction Of Emotional Distress**

27 117. Plaintiffs ESTATE OF LEONARD BROWN (pursuant to Cal. Code Civ. Proc. § 377.30),
28 BLONDELL BROWN, and ANGELO BOSTICH assert this Claim against Defendants COUNTY OF

1 ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE, GREGORY AHERN, ALAMEDA
2 COUNTY BEHAVIORAL HEALTH SERVICES, CALIFORNIA FORENSIC MEDICAL GROUP-
3 WELLPATH, and DOE 1 to 20.

4 118. The allegations of the preceding paragraphs 1 to 71 are realleged and incorporated, to the
5 extent relevant and as if fully set forth in this Claim.

6 119. Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE,
7 GREGORY AHERN, ALAMEDA COUNTY BEHAVIORAL HEALTH SERVICES, CALIFORNIA
8 FORENSIC MEDICAL GROUP-WELLPATH, and DOE 1 to 20 engaged in outrageous conduct, with
9 intent or reckless disregard of the probability that LEONARD BROWN would suffer emotional distress
10 and he did suffer severe emotional distress, including: (a) by exhibiting deliberate indifference to
11 LEONARD BROWN's need for medical and mental health care; (b) by failing reasonably to
12 accommodate LEONARD BROWN's mental impairment; (c) by failing timely to summon medical care,
13 in violation of Cal. Gov. Code § 845.6; (d) by failing to comply with Cal. Code. Regs. tit. 15 § 1027.5;
14 and/or (e) by maintaining policies or customs of action and inaction which resulted in harm to
15 LEONARD BROWN.

16 120. Defendants GREGORY AHERN and DOE 1 to 20 engaged in outrageous conduct, with
17 intent or reckless disregard of the probability that Plaintiffs BLONDELL BROWN and ANGELO
18 BOSTICH would suffer emotional distress and they did suffer severe emotional distress, including by
19 failing timely and accurately to inform of LEONARD BROWN's location, status, and condition.

20 121. Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE,
21 and ALAMEDA COUNTY BEHAVIORAL HEALTH SERVICES are vicariously liable, through the
22 principles of *respondeat superior* and pursuant to Cal. Gov. Code §§ 815.2(a), 845.6, for injuries
23 proximately caused by the acts and omissions of their employees acting within the scope of their
24 employment, including Defendants GREGORY AHERN, CALIFORNIA FORENSIC MEDICAL
25 GROUP-WELLPATH, and DOE 1 to 20.

26 122. Defendants GREGORY AHERN, CALIFORNIA FORENSIC MEDICAL GROUP-
27 WELLPATH, and DOE 1 to 20's actions and inactions constituted oppression, fraud, and/or malice
28 resulting in great harm.

1 maintaining policies or customs of action and inaction which resulted in harm to LEONARD BROWN.

2 127. Defendants GREGORY AHERN and DOE 1 to 20 owed Plaintiffs BLONDELL BROWN
3 and ANGELO BOSTICH a duty of care and breached that duty, including by failing timely and
4 accurately to inform of LEONARD BROWN's location, status, and condition.

5 128. Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE,
6 and ALAMEDA COUNTY BEHAVIORAL HEALTH SERVICES are vicariously liable, through the
7 principles of *respondeat superior* and pursuant to Cal. Gov. Code §§ 815.2(a), 845.6, for injuries
8 proximately caused by the acts and omissions of their employees acting within the scope of their
9 employment, including Defendants GREGORY AHERN, CALIFORNIA FORENSIC MEDICAL
10 GROUP-WELLPATH, and DOE 1 to 20.

11 129. Defendants GREGORY AHERN, CALIFORNIA FORENSIC MEDICAL GROUP, and
12 DOE 1 to 20's actions and inactions constituted oppression, fraud, and/or malice resulting in great harm.

13 130. LEONARD BROWN and Plaintiffs BLONDELL BROWN and ANGELO BOSTICH
14 were injured as a direct and proximate result of Defendants COUNTY OF ALAMEDA, ALAMEDA
15 COUNTY SHERIFF'S OFFICE, GREGORY AHERN, ALAMEDA COUNTY BEHAVIORAL
16 HEALTH SERVICES, CALIFORNIA FORENSIC MEDICAL GROUP-WELLPATH, and DOE 1 to
17 20's actions and inactions, entitling Plaintiffs ESTATE OF LEONARD BROWN, BLONDELL
18 BROWN, and ANGELO BOSTICH to receive compensatory damages against Defendants COUNTY OF
19 ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE, GREGORY AHERN, ALAMEDA
20 COUNTY BEHAVIORAL HEALTH SERVICES, CALIFORNIA FORENSIC MEDICAL GROUP-
21 WELLPATH, and DOE 1 to 20; and punitive damages against Defendants GREGORY AHERN,
22 CALIFORNIA FORENSIC MEDICAL GROUP-WELLPATH, and DOE 1 to 20.

23 WHEREFORE, Plaintiffs ESTATE OF LEONARD BROWN, BLONDELL BROWN, and
24 ANGELO BOSTICH pray for relief as hereunder appears.

25 **TENTH CLAIM**

26 **Wrongful Death**

27 **(Cal. Code Civ. Proc. § 377.60)**

28 131. Plaintiff BLONDELL BROWN asserts this Claim against Defendants COUNTY OF

1 ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE, GREGORY AHERN, ALAMEDA
2 COUNTY BEHAVIORAL HEALTH SERVICES, CALIFORNIA FORENSIC MEDICAL GROUP-
3 WELLPATH, and DOE 1 to 20.

4 132. The allegations of the preceding paragraphs 1 to 71 are realleged and incorporated, to the
5 extent relevant and as if fully set forth in this Claim.

6 133. Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE,
7 GREGORY AHERN, ALAMEDA COUNTY BEHAVIORAL HEALTH SERVICES, CALIFORNIA
8 FORENSIC MEDICAL GROUP-WELLPATH, and DOE 1 to 20 caused LEONARD BROWN's death
9 by wrongful act and neglect, including: (a) by exhibiting deliberate indifference to LEONARD
10 BROWN's need for medical and mental health care; (b) by failing reasonably to accommodate
11 LEONARD BROWN's mental impairment; (c) by failing timely to summon medical care, in violation of
12 Cal. Gov. Code § 845.6; (d) by failing to comply with Cal. Code. Regs. tit. 15 § 1027.5; and/or (e) by
13 maintaining policies or customs of action and inaction which resulted in harm to LEONARD BROWN.

14 134. Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE,
15 and ALAMEDA COUNTY BEHAVIORAL HEALTH SERVICES are vicariously liable, through the
16 principles of *respondeat superior* and pursuant to Cal. Gov. Code §§ 815.2(a), 845.6, for injuries
17 proximately caused by the acts and omissions of their employees acting within the scope of their
18 employment, including Defendants GREGORY AHERN, CALIFORNIA FORENSIC MEDICAL
19 GROUP-WELLPATH, and DOE 1 to 20.

20 135. Defendants GREGORY AHERN, CALIFORNIA FORENSIC MEDICAL GROUP, and
21 DOE 1 to 20's actions and inactions constituted oppression, fraud, and/or malice resulting in great harm.

22 136. Plaintiff BLONDELL BROWN was injured as a direct and proximate result of
23 Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE, GREGORY
24 AHERN, ALAMEDA COUNTY BEHAVIORAL HEALTH SERVICES, CALIFORNIA FORENSIC
25 MEDICAL GROUP-WELLPATH, and DOE 1 to 20's actions and inactions, entitling her to receive
26 compensatory damages against Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY
27 SHERIFF'S OFFICE, GREGORY AHERN, ALAMEDA COUNTY BEHAVIORAL HEALTH
28 SERVICES, CALIFORNIA FORENSIC MEDICAL GROUP-WELLPATH, and DOE 1 to 20; and

1 punitive damages against Defendants GREGORY AHERN, CALIFORNIA FORENSIC MEDICAL
2 GROUP, and DOE 1 to 20.

3 WHEREFORE, Plaintiff BLONDELL BROWN prays for relief as hereunder appears.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiffs ESTATE OF LEONARD BROWN, BLONDELL BROWN, and
6 ANGELO BOSTICH seek Judgment as follows:

7 1. For an award of compensatory, general, special, and nominal damages (including survival
8 damages and wrongful death damages under federal and state law) against Defendants COUNTY OF
9 ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE, GREGORY AHERN, ALAMEDA
10 COUNTY BEHAVIORAL HEALTH SERVICES, CALIFORNIA FORENSIC MEDICAL GROUP-
11 WELLPATH, and DOE 1 to 20, in excess of \$5,000,000, according to proof at trial;

12 2. For an award of exemplary/punitive damages against Defendants GREGORY AHERN,
13 CALIFORNIA FORENSIC MEDICAL GROUP, and DOE 1 to 20, in an amount sufficient to deter and
14 to make an example of her, because her actions and/or inactions, as alleged, were motivated by evil
15 motive or intent, involved reckless or callous indifference to constitutionally and statutorily protected
16 rights, or were wantonly or oppressively done, and/or constituted oppression and/or malice resulting in
17 great harm;

18 3. For funeral and/or burial expenses;

19 4. For an award of actual damages, treble damages, punitive damages, civil penalties, and
20 any other available relief against Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY
21 SHERIFF'S OFFICE, GREGORY AHERN, ALAMEDA COUNTY BEHAVIORAL HEALTH
22 SERVICES, CALIFORNIA FORENSIC MEDICAL GROUP-WELLPATH, and DOE 1 to 20; and
23 punitive damages against Defendants GREGORY AHERN and DOE 1 to 20, pursuant to Cal. Civ. Code
24 §§ 52, 52.1, and any other statute as may be applicable (except that no punitive damages are sought
25 against Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE, and
26 ALAMEDA COUNTY BEHAVIORAL HEALTH SERVICES, pursuant to Cal. Civ. Code § 818);

27 5. For appropriate injunctive relief;

28 6. For interest;

JURY TRIAL DEMAND

A JURY TRIAL IS DEMANDED on behalf of Plaintiffs ESTATE OF LEONARD BROWN,
BLONDELL BROWN, and ANGELO BOSTICH.

Dated:

Respectfully Submitted,

/s/ Yolanda Huang

By: _____

Yolanda Huang
LAW OFFICES OF YOLANDA HUANG
P.O. Box 5475
Berkeley, CA 94705
Telephone: (510) 329-2140
Facsimile: (510) 580-9410

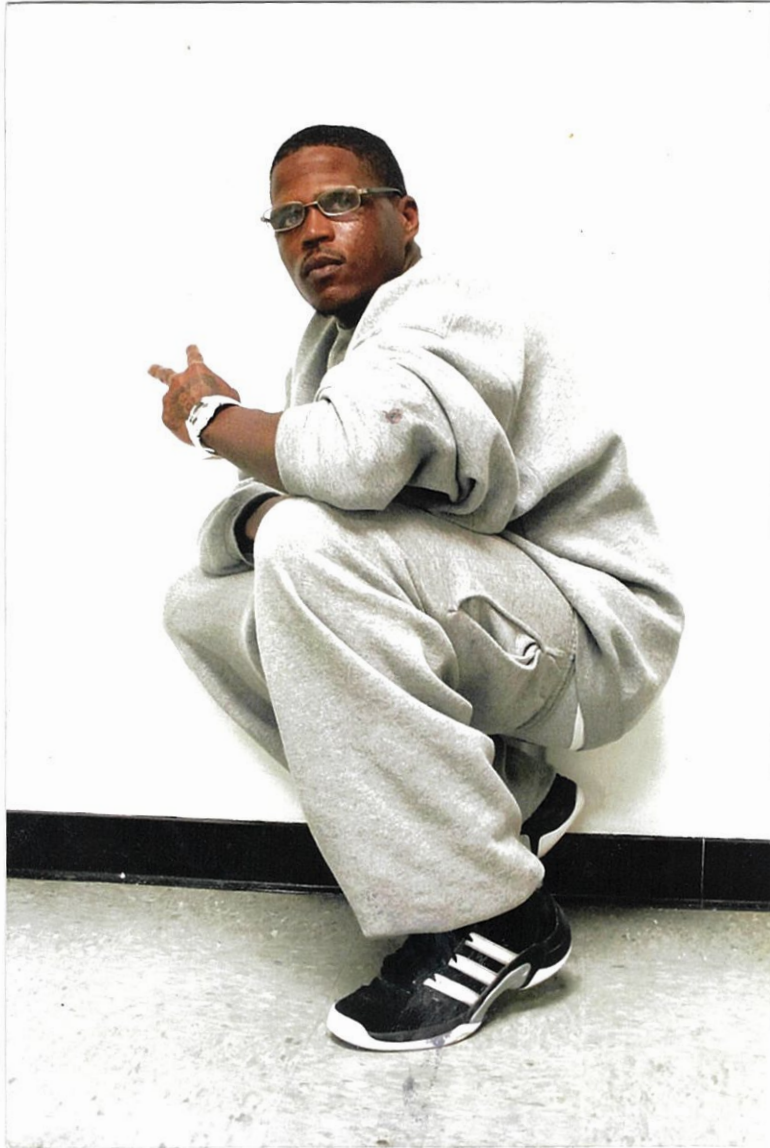
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Attorneys for Plaintiffs
ESTATE OF LEONARD BROWN
and BLONDELL BROWN

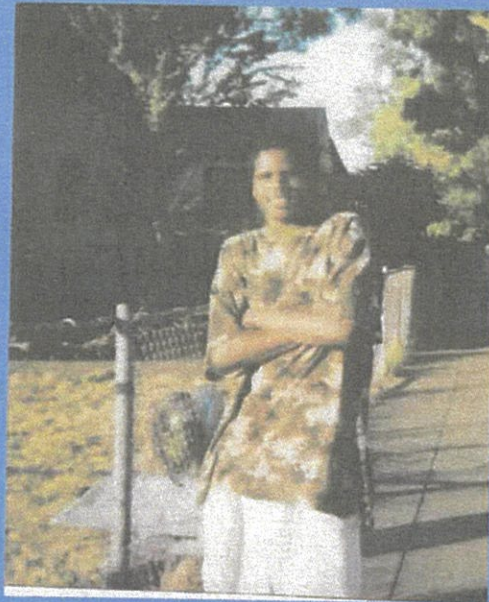
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ATTACHMENTS
to
COMPLAINT

ESTATE OF LEONARD BROWN
v.
COUNTY OF ALAMEDA, et al.



In Loving Memory Of
Leonard Charles Brown, Jr.



Sunrise: December 15, 1985- Sunset: March 15, 2022

Services Held

Harris Funeral Home

1331 San Pablo Ave

Berkeley, CA 94702

Letter to my son,

*I love you, you are forever in my heart, I will miss you, so much. I am so hurt, I miss us having breakfast and having coffee while we would crack jokes and laugh with one another.
Rest in Peace*



CERTIFICATION OF VITAL RECORD

OFFICE OF CLERK-RECORDER
COUNTY OF ALAMEDA
OAKLAND, CALIFORNIA

3052022083544
STATE FILE NUMBER

AFFIDAVIT TO AMEND A RECORD

NO ERASURES, WHITEOUTS, PHOTOCOPIES, OR ALTERATIONS

3202201002832
LOCAL REGISTRATION NUMBER

1.1

[] BIRTH [X] DEATH [] FETAL DEATH

TYPE OR PRINT CLEARLY IN BLACK INK ONLY - THIS AMENDMENT BECOMES AN ACTUAL PART OF THE OFFICIAL RECORD

PART I INFORMATION TO LOCATE RECORD

Form with fields: 1A NAME--FIRST (LEONARD), 1B MIDDLE (CHARLES), 1C LAST (BROWN, JR), 2 SEX (M), 3 DATE OF EVENT (03/15/2022), 4 CITY OF EVENT (PLEASANTON), 5 COUNTY OF EVENT (ALAMEDA), 6 FULL NAME OF FATHER/PARENT AS STATED ON ORIGINAL RECORD (LEONARD CHARLES BROWN SR), 7 FULL NAME OF MOTHER/PARENT AS STATED ON ORIGINAL RECORD (BLONDELL RATCLIFF)

PART II STATEMENT OF CORRECTIONS TO BIRTH, DEATH, OR FETAL DEATH RECORD

Table with 3 columns: 8. ITEM NUMBER TO BE CORRECTED (40), 9. INCORRECT INFORMATION THAT APPEARS ON ORIGINAL RECORD (RESIDENCE OF ANGELO BOSTIC 9309 CHERRY ST, OAKLAND, CA 94603), 10. CORRECTED INFORMATION AS IT SHOULD APPEAR (RESIDENCE OF ANGELO BOSTIC 9303 CHERRY ST, OAKLAND, CA 94603)

2 OF 2

11. PLACE OF DISPOSITION ADDRESS CORRECTION

We, the undersigned, hereby certify under penalty of perjury that we have personal knowledge of the above facts and that the information given above is true and correct.

Affidavits and Signatures section with fields for 12A, 12B, 12C, 12D, 12E, 13A, 13B, 13C, 13D, 13E, 14, 15. Includes signatures of Amanda Dahl and Brenda Bernal.

STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC HEALTH, OFFICE OF VITAL RECORDS

FORM VS 24a (REV. 1/08)

1.1

CERTIFIED COPY OF VITAL RECORD
STATE OF CALIFORNIA, COUNTY OF ALAMEDA

This is a true and exact reproduction of the document officially registered and placed on file in the office of the Alameda County Clerk-Recorder.



JUN 08 2022

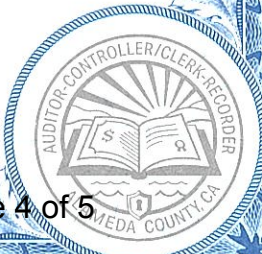
Melissa Wilk
Melissa Wilk
COUNTY CLERK-RECORDER

DATE ISSUED

This copy is not valid unless prepared on an engraved border displaying the date, seal and...

ATTACHMENTS Page 4 of 5

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE



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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ESTATE OF LEONARD BROWN, et al.,

Plaintiffs,

vs.

COUNTY OF ALAMEDA, et al.,

Defendants.


Case No.

**DECLARATION OF BLONDELL BROWN
RE: CAL. CODE CIV. PROC. § 377.32**

I, Blondell Brown (nee Ratcliff), do declare and say:

1. I submit the following declaration concerning my status as the successor-in-interest of Leonard Brown, pursuant to Cal. Code Civ. Proc. § 377.32.
2. Leonard Brown was born on December 15, 1985, in the County of Alameda, California.
3. No proceeding is now pending in California for administration of the estate of Leonard Brown.
4. I am the successor-in-interest of Leonard Brown (as defined in Section 377.11 of the California Code of Civil Procedure) and succeed to his interest in the action or proceeding. I am the biological and natural parent of Leonard Brown.
5. No other person has a superior right to commence the action or proceeding or to be substituted for Leonard Brown in the pending action or proceeding.
6. A true and correct copy of the certified death certificate of Leonard Brown is attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on September 3, 2022, in Oakland, California.



 Blondell Brown Ratcliff