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14 **UNITED STATES DISTRICT COURT**  
15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

16 THE ESTATE OF MAURICE MONK,  
17 brought by personal representative,  
18 NIA'AMORE MONK; NIA'AMORE  
19 MONK, an individual

20 Plaintiffs,

21 v.

22 ALAMEDA COUNTY, a municipal  
23 corporation; and DOES 1-50, inclusive.

24 Defendants.

Case No.:

COMPLAINT FOR DAMAGES  
(42 U.S.C. § 1983)

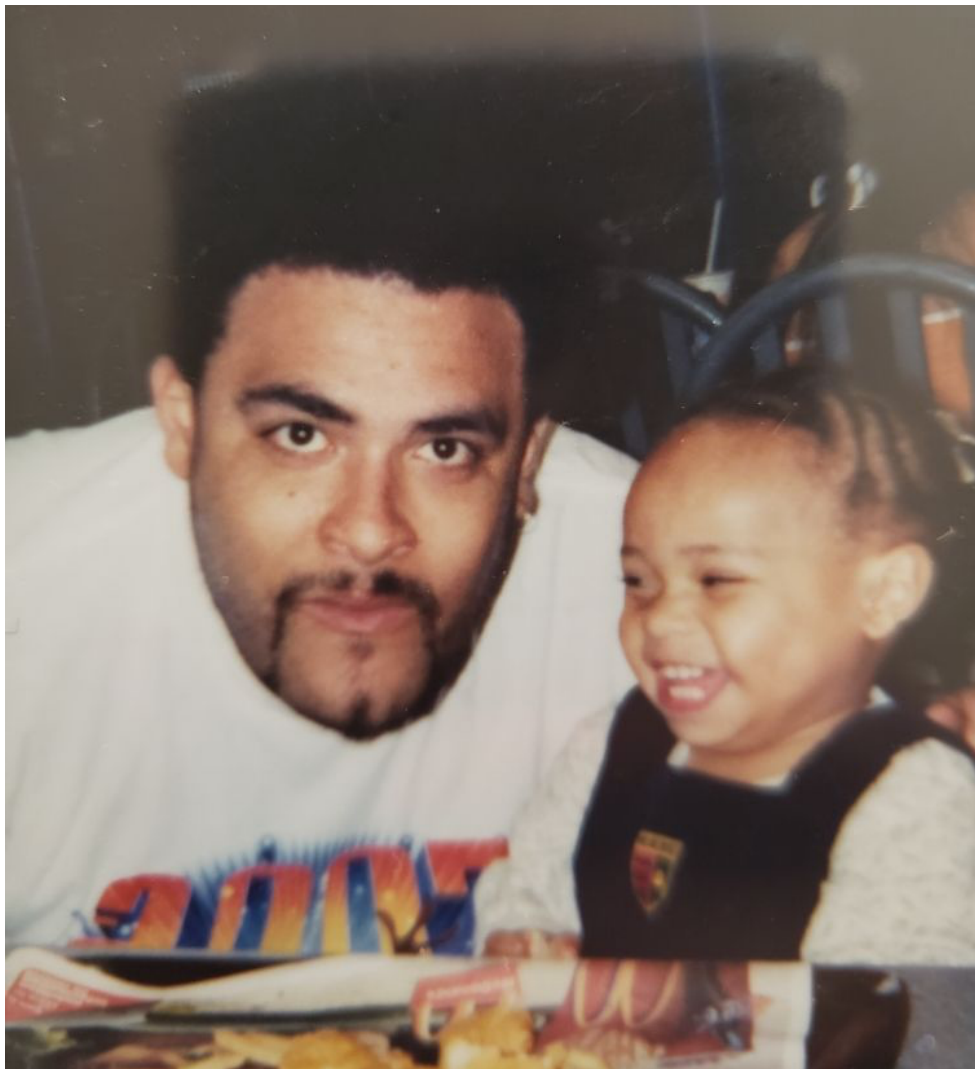
JURY TRIAL DEMANDED

25 **INTRODUCTION**

26 1. When Maurice Monk was brought to Defendant Alameda County's Santa Rita Jail  
27 on October 11, 2021, he was arrested and being held after having a verbal disagreement for not  
28 wearing a mask on a bus and missing a court appearance for a minor non-violent misdemeanor.  
Despite his sister's efforts to alert Jail staff that Mr. Monk was under a doctor's care and taking a  
number of prescribed medications, the Jail's staff failed to provide the medications to Mr. Monk.

1 Foreseeably, his health quickly deteriorated, and the staff’s failure ultimately robbed Mr. Monk of  
2 his life and the Plaintiffs of their loving father.

3           2.       Indeed, Jail Staff found the 45 year-old football coach laying unresponsive in cell  
4 just over a month after he was initially brought to Santa Rita. This foreseeable yet readily  
5 preventable death was the result of Mr. Monk being denied adequate medical care despite his  
6 family’s repeated efforts to ensure Jail staff gave him the medications he so desperately needed. Mr.  
7 Monk became the 57th death to occur at Santa Rita Jail since the year 2014. In fact, Mr. Monk was  
8 not even the only person to die that day at Santa Rita – adding another tally to the Jail’s shameful  
9 record of outpacing every jail in the country for inmate deaths per capita.  
10



**JURISDICTION**

1  
2 3. This action arises under Title 42 of the United States Code, Section 1983.  
3 Jurisdiction is conferred upon this Court by Title 28 of the United States Code, Sections 1331 and  
4 1343. The unlawful acts and practices alleged herein occurred in Dublin, California in Alameda  
5 County, which is within this judicial district.  
6

**PARTIES**

7  
8 4. Decedent MAURICE MONK (hereinafter “Decedent”) was an adult, and died  
9 intestate, unmarried, and was the biological father of Plaintiff NIA’AMORE MONK and his minor  
10 son.  
11

12 5. Plaintiff ESTATE OF MAURICE MONK (hereinafter “Plaintiff Estate of Monk”) brings this case through personal representative NIA’AMORE MONK. Plaintiff Estate of Monk  
13 brings these claims on behalf of Decedent pursuant to California Code of Civil Procedure §§ 377.20  
14 et seq. and 377.60 et seq., which provide for survival and wrongful death actions. The wrongful  
15 death and survival claims survive the death of Decedent; both arise from the same wrongful act or  
16 neglect of another; and such claims are properly joined pursuant to California Code of Civil  
17 Procedure 377.62. Plaintiff Estate of Monk also brings their claims on the basis of 42 U.S.C. §§  
18 1983 and 1988, the United States Constitution, and federal civil rights law. Plaintiff also brings  
19 these claims as Private Attorney General, to vindicate not only Decedent’s rights, but also others’  
20 civil rights of great importance.  
21  
22

23 6. Plaintiff NIA’AMORE MONK (hereinafter “Plaintiff Monk”) is a competent adult, a  
24 resident of California, and a citizen of the United States. Plaintiff Monk is the biological daughter of  
25 Decedent. Plaintiff Monk brings these claims individually on the basis of 42 U.S.C. §§ 1983 and  
26 1988, the United States Constitution, and federal civil rights law. Plaintiff also brings these claims  
27  
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1 as Private Attorney General, to vindicate not only her rights, but also others' civil rights of great  
2 importance.

3 7. Defendant ALAMEDA COUNTY (hereinafter "Defendant COUNTY") is and at all  
4 times herein mentioned is a municipal entity duly organized and existing under the laws of the State  
5 of California that manages and operates the ALAMEDA COUNTY SHERIFF'S OFFICE and  
6 SANTA RITA JAIL. Defendant COUNTY is vicariously liable, pursuant to California Government  
7 Code §815.2, for the violation of rights by its employees and agents.  
8

9 8. Plaintiffs are ignorant of the true name and/or capacities of defendants sued herein as  
10 DOES 1 through 50, inclusive, and therefore sues said defendants by such fictitious names. DOES  
11 1-50 are hereinafter referred to as "Defendant Jail Staff". Plaintiffs will amend this complaint to  
12 allege the true names and capacities of Defendant Jail Staff when ascertained. Plaintiffs believe and  
13 allege that each of the Defendants Jail Staff are legally responsible and liable for the incident,  
14 injuries and damages hereinafter set forth. Each defendant proximately caused injuries and damages  
15 because of their negligence, breach of duty, negligent supervision, management or control, violation  
16 of public policy, and use of excessive force. Each defendant is liable for his/her personal conduct,  
17 vicarious or imputed negligence, fault, or breach of duty, whether severally or jointly, or whether  
18 based upon agency, employment ownership, entrustment, custody, care or control or upon any other  
19 act or omission. Plaintiffs will ask leave to amend this complaint.  
20

21 9. In doing the acts alleged herein, Defendant Jail Staff acted within the course and  
22 scope of their employment for Defendant COUNTY.  
23

24 10. In doing the acts and/or omissions alleged herein, Defendants acted under color of  
25 authority and/or under color of law.

26 11. Due to the acts and/or omissions alleged herein, Defendants, and each of them, acted  
27 as the agent, servant, and employee and/or in concert with each of said other Defendants herein.  
28

1 12. Plaintiff filed a timely government claim with Defendant COUNTY on February 9,  
2 2022, which was rejected by operation of law.

3 **FACTUAL ALLEGATIONS**  
4

5 13. On or about October 11, 2021, Maurice Monk was detained by Defendant Alameda  
6 County at Santa Rita Jail after police were called regarding a verbal argument between Mr. Monk  
7 and a bus driver. Mr. Monk was arrested after officers learned that he had a bench warrant for  
8 failing to appear in court for an alleged non-violent misdemeanor offense.

9 14. The Court set bail in Mr. Monk’s case for \$2,500. Mr. Monk was forced to remain in  
10 Santa Rita Jail for over a month because his family was unable to afford bail.

11 15. Prior to his incarceration, Mr. Monk was regularly taking a number of prescribed  
12 medications for high blood pressure, diabetes, and schizophrenia.

13 16. Upon Mr. Monk’s incarceration, his sister, Elvira Monk, contacted Defendant Jail  
14 Staff to inform them of Mr. Monk’s medical needs. She provided medical records and paperwork  
15 showing his prescribed medications and even brought the medications to the jail. However,  
16 Defendant Jail Staff rejected Elvira Monk’s numerous attempts to get her brother the medication he  
17 needed, instead sending her through a series of unnecessary bureaucratic processes. She repeatedly  
18 contacting Defendant Jail Staff and sent them medical documentation up and until November 16,  
19 2021—the day after Mr. Monk died—because the Jail failed to advise her of her brother’s passing  
20 until the day after he passed.

21 17. As part of the prescribed treatment for his schizophrenia, Mr. Monk took regularly  
22 scheduled injections of the medication Halidol. He was scheduled for his next injection on or about  
23 November 9, 2021. Elvira Monk informed Santa Rita Jail staff of this fact, yet they did not make  
24 any attempt to provide Mr. Monk his medically-necessary Halidol injection to treat his diagnosed  
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1 schizophrenia. During his time in custody, Mr. Monk was placed in a solitary confinement cell  
2 which likely exacerbated his mental health condition.

3 18. In addition to the Halidol injection, Defendant Jail Staff did not provide Mr. Monk  
4 any of his prescribed medications for the entirety of his incarceration despite being aware that he  
5 needed them and that sudden cessation of the medications could cause significant health issues.

6 19. On or about the evening of November 15, 2021, Mr. Monk was found unresponsive  
7 in his cell. Although medical personnel tried to provide life-saving measures thier efforts ultimately  
8 proved futile. Mr. Monk was pronounced dead later that night, 35 days after he was first brought to  
9 Santa Rita Jail.

10 20. Mr. Monk died of heart and/or blood pressure complications proximately caused by  
11 the Defendant Jail Staff’s outright refusal to provide him any of prescribed medications. Tellingly,  
12 Mr. Monk’s death certificate lists hypertensive cardiovascular disease as his cause of death.  
13 Incredibly, nearly 8 months after Mr. Monk’s death the Alameda County Sheriff’s Department  
14 and/or Coroner’s Office has failed to make Mr. Monk’s autopsy or jail records available to his  
15 family. Cruelly, far too many families grieving the loss of a loved one who died at Santa Rita Jail  
16 face this similar nearly insurmountable hurdle – a perpetual stream of delayed and denied access to  
17 the records that would otherwise provide those families with the truth and justice they deserve.  
18

19 21. Mr. Monk’s time in the Santa Rita Jail paints a bleak picture, one that consisted  
20 being mentally tortured and thereafter fatally compromised by the Defendants’ unconstitutional  
21 medical care (or lack thereof).  
22

23  
24 **MONELL ALLEGATIONS**

25 22. Plaintiffs are informed, believe, and therein allege that Defendant Alameda County  
26 exhibits a pattern and practice of exposing pre-trial detainees to unconstitutional detention  
27 conditions and procedures at Santa Rita Jail and despite these incidents, none of the Sheriff’s  
28

1 Deputies and/or other jail staff are ever found in violation of department policy or disciplined, even  
2 under the most questionable of circumstances. Defendant Alameda County's failure to discipline or  
3 retrain Santa Rita Jail staff is evidence of an official policy, entrenched culture and posture of  
4 deliberate indifference toward protecting citizen's rights and the resulting death and injuries is a  
5 proximate result of the Defendant Alameda County's failure to properly supervise its Deputies  
6 and/or other jail staff and ratify their unconstitutional conduct. Plaintiff is informed, believe, and  
7 therein allege that the following instances are examples of Alameda County's pattern and practice  
8 of condoning misconduct by failure to discipline and/or train:  
9

- 10 a. In 2021, detainee Juan Jesus Chaidez was required to wear a colostomy bag on his  
11 abdomen and jail staff knew that Mr. Chaidez's condition made him prone to  
12 infection because of it. A discharge from Chaidez's stomach was noted but left  
13 untreated as medical staff determined that Chaidez had a normal discharge with no  
14 infection. Due to medical neglect, Chaidez suffered a colitis infection inside his  
15 colon and pelvis. *Chaidez v. Santa Rita Jail, et al.*, (N.D. 2021) Case 3:21-cv-  
16 04240-RS.  
17
- 18 b. In 2021, detainee Terry Gordon was given medication for a neck/spine operation.  
19 Gordon informed the nurse and guard that he believed he received the incorrect  
20 medication because it tasted strange. The Santa Rita Jail nurse then used a guard's  
21 flashlight to crush up the appropriate pill to cover up the fact that Gordon was given  
22 the wrong one. Due to taking the incorrect medication, Gordon suffered various side  
23 effects including throwing up, dizziness, and cold sweats. *Gordon v. Santa Rita*  
24 *Medical Staff*, Case 3:21-cv-03885-CRB.  
25
- 26 c. On August 5, 2020, then-Santa Rita Jail medical director Jessica Waldura was fired  
27 after she was discovered to be unlawfully self-prescribing opioid pain medications  
28



1 for the previous five months and practicing medicine while impaired. According to  
2 the California State Medical Board, Waldura had also been abusing ketamine since  
3 the fall of 2018 to such a degree that it caused problems with her employment, yet  
4 nonetheless she was promoted to medical director of Santa Rita Jail in July 2019.<sup>1</sup>

- 5
- 6 **d.** In 2017, detainee Peter Cole suffered from three badly abscessed teeth. Cole  
7 submitted three different medical requests for treatment from the Jail, but all were  
8 ignored. Cole was repeatedly told that he needed to wait and was only given pain  
9 medication for three days while he spent the rest of the time waiting in severe pain.  
10 Cole's face was badly swollen and infected for at least a month and a half until  
11 medical care was finally rendered. Due to the neglect, Cole suffered permanent  
12 disfiguration in his face, jaw, and gums. *Cole v. Santa Rita Jail*, (N.D. 2018) Case  
13 4:18-cv-02874-HSG.
- 14
- 15 **e.** In 2014, Lawrence Bennetto suffered from severe bone disease and was prescribed  
16 morphine administered under a doctor's supervision. Once detained in Santa Rita  
17 Jail, Bennetto was denied his morphine by jail and medical staff. Bennetto's health  
18 dramatically deteriorated and at one point was in convulsions for 43 hours. Bennetto  
19 lost 25 lbs., and almost all of the hair on his body. Despite his severe reactions, Santa  
20 Rita Jail staff did not give Bennetto his proper medication for 22 days, after which  
21 Bennetto began to regain his health. *Lawrence Bennetto v. Santa Rita Jail*, (N.D.  
22 2016) Case 3:16-cv-05464-SK.
- 23
- 24 **f.** In 2015, detainee Rickey Moore received improper medical treatment when he was  
25 given the wrong medications and doses for his diabetes and hypertension. Moore  
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28 <sup>1</sup> <https://oaklandside.org/2021/09/03/alameda-county-santa-rita-jail-medical-director-fired-wellpath-drugs-vaccination-covid/>



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1 nearly died and suffered from swelling of his lower extremities while incarcerated  
2 and after his release. *Moore v. Corizon Health Services, et al.*, (N.D. 2016) Case  
3 4:16-cv-04195-DMR.

4 g. In 2014, detainee James Duckett suffered from a long history of glaucoma, pain in  
5 both his eyes, and vision problems. While in Santa Rita, Duckett requested to be seen  
6 by an optometrist, but was merely put on a list for an extended period of time. When  
7 Duckett was finally seen, he was diagnosed with glaucoma but was denied the  
8 necessary eyedrops he had been prescribed outside of jail. *Duckett v. Corizon PHS,*  
9 *et al.*, (N.D. 2016) Case 4:16-cv-02293-KAW.

10 h. In 2014, detainee Michael Davis told Santa Rita Jail medical staff during intake that  
11 he had arthritis in both knees and had trouble walking. Medical staff ordered Davis a  
12 walking cane and prescribed him a lower bunk bed, but Davis was given neither by  
13 jail staff, who made Davis continue to use his standard bunk bed, which resulted in  
14 Davis falling from his bed, injuring his knees and back. *Davis v. Santa Rita Jail, et*  
15 *al.*, (N.D. 2014) Case 3:14-cv-01468-EMC.

16 i. In 2013, Santa Rita medical staff denied detainee Michael Henderson an inhaler for  
17 his asthma, metoprolol for his heart condition, and sertraline for his mental  
18 condition. Henderson was required to get a court order to even be seen by doctors at  
19 the jail. Once seen, medical staff only ordered an x-ray of Henderson and ogave him  
20 ointment for his taser wounds. Henderson was never given his medications.  
21 *Henderson v. Reina, et al.*, (N.D. 2013) Case 4:13-cv-00765-SBA.

22 23. Plaintiffs are informed, believe, and therein allege that Defendant Alameda County  
23 knew, had reason to know by way of actual or constructive notice of the aforementioned policy,  
24 culture, pattern and/or practice and the complained of conduct and resultant injuries/violations.  
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1           24. Defendant County Alameda has a policy within Santa Rita Jail to place pre-  
2 arraignment, pretrial detainees suffering mental health disorders in solitary confinement cells for  
3 extended periods of time that are never washed, are caked with feces, drenched in urine, contain no  
4 sink, no toilet, and contain only a hole for inmates to defecate and urinate.

5           25. Defendant County Alameda also has a policy to deny pre-arraignment, pretrial  
6 detainees suffering mental health disorders access to psychiatric treatment and medicine despite  
7 being notified their conditions requires this necessary medical treatment to prevent the inmates risks  
8 of suicide and to prevent their mental health condition from worsening and causing new and  
9 irrecoverable damage to their psyches. Defendant County does not even provide minimal access to  
10 psychiatric treatment by failing to using trained professionals to substantively evaluate pre-trial  
11 detainees for mental health disorders and/or securing them medications.

12           26. Isolation cells are used as punishment for non-mentally ill inmates as part of the  
13 Santa Rita jail’s disciplinary policy. The isolation cells serve a secondary purpose to segregate and  
14 hold mentally ill persons simply because they are mentally ill. Therefore, deputies placed Monk in  
15 these abject conditions that no other prisoners who did not suffer mental health issues would be  
16 placed in, without having done something to deserve such a punishment and prior to being  
17 arraigned for the alleged criminal wrongdoings.

18           27. Defendant County Alameda has a policy of using isolation cells as form of  
19 punishment for mentally ill inmates and other inmates. Disciplinary Isolation is defined in  
20 Defendants’ policies as “punitive segregation from the general jail population and restricted  
21 privileges for an inmate who has committed a serious rule violation.” Such “serious rule violations”  
22 include being generally disrespectful, excessive whistling or other noise, possessing unauthorized  
23 clothing, reporting to a program late, failing to cooperate with work or education programs,  
24 possessing more than 15 vending machine tokens, or failing to return a tray after meal time.  
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1 Individuals in Disciplinary Isolation are permitted to leave their cells for up to one hour a day, five  
2 days a week. There is no cap on the use of Disciplinary Isolation and prisoners may be held in  
3 Disciplinary Isolation for more than 30 days, even for a single rule violation, where authorized by  
4 the Commanding Officer at the Jails.

5 28. Alameda County's use of these isolation cells has had tragic consequences and, over  
6 the last five years, at least thirty-three individuals incarcerated in the Alameda County Jails have  
7 died, including thirteen individuals who committed suicide with many more unsuccessful attempts.  
8 These deaths are not isolated tragedies but rather are indicative of the harsh and unconstitutional  
9 conditions in the Santa Rita Jail.

10 29. By Jail policy, prisoners can be confined for up to 72 hours in these cells. Yet it is  
11 customary for prisoners to be forced to stay in such cells for a week or more at a time. Conditions so  
12 bad, prisoners have stopped reporting suicidal feelings to staff in order to avoid being thrown into  
13 safety cells.

14 30. For example, in 2016, Alameda County Sheriff's Deputies Sarah Krause and Stephen  
15 Sarcos were charged and arrested for weaponizing feces and urine to punish a mentally ill inmate.

16 31. And in 2018, eight inmates filed a suit against Alameda County for unconstitutional  
17 use of isolation cells on mentally-ill persons, the isolation cells were found to be caked in feces and  
18 urine with no furniture or toilet, and denial of even minimal access to psychiatric treatment and  
19 medication.

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23 **DAMAGES**

24 32. As a direct and proximate result of each of the Defendant's deliberate indifference to  
25 Decedent's obvious medical needs and distress, Decedent and Plaintiff suffered injuries, emotional  
26 distress, fear, terror, anxiety, and loss of sense of security, dignity, and pride as United States  
27 Citizens.  
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1 33. As a direct and proximate result of each Defendants' act and/or omissions as set  
2 forth above, Plaintiffs sustained the following injuries and damages, past and future, among others:

- 3 a. Wrongful death of MAURICE MONK;  
4 b. Hospital and medical expenses;  
5 c. Coroner's fees, funeral and burial expenses;  
6 d. Loss of familial relationships, including loss of love, companionship, comfort,  
7 affection, society, services, solace, and moral support and loss of familial  
8 association;  
9 e. Pain and Suffering, including emotional distress (by Plaintiff Monk, based on her  
10 individual §1983 claim for loss of familial association);  
11 f. MAURICE MONK's conscious pain and suffering, pursuant to federal civil rights  
12 law (Survival claims);  
13 g. MAURICE MONK's loss of life, pursuant to federal civil rights law;  
14 h. Violation of constitutional rights; and  
15 i. All damages, penalties, and attorneys' fees and costs recoverable under 42 U.S.C. §§  
16 1983, 1988; California Civil Code §§ 52, 52.1, California Code of Civil Procedure §  
17 1021.5, and as otherwise allowed under California and United States statutes, codes,  
18 and common law.  
19  
20  
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22 34. The conduct of Defendant Jail Staff was malicious, wanton, oppressive, and in  
23 reckless disregard of the rights and safety of MAURICE MONK, Plaintiff, and the public. Plaintiff  
24 is therefore entitled to an award of punitive damages against Defendant DOES 1-50.  
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**CAUSES OF ACTION**

**FIRST CAUSE OF ACTION**

**(Fourteenth Amendment – Deliberate Indifference under 42 U.S.C. Section 1983)**  
*(Plaintiff ESTATE OF MONK as successor-in-interest to Decedent against Defendants DOES 1-25)*

35. Plaintiff hereby re-allege and incorporates by reference each and every paragraph of this Complaint.

36. By the actions and omissions described above, Defendants DOES 1-50 violated 42 U.S.C. §1983, depriving Decedent of the following clearly established and well-settled constitutional rights protected by the Fourteenth Amendment to the United States Constitution:

- a. The right to be free from deliberate indifference to Decedent’s serious medical needs while in custody as secured by the Fourteenth Amendment.

37. Defendants DOES 1-50 subjected Decedent to their wrongful conduct, depriving Decedent of rights described herein with reckless disregard for whether the rights and safety of Decedent would be violated by their acts and/or omissions.

38. As a result of their misconduct, Defendants DOES 1-50 are liable for Decedent’s injuries and/or damages.

WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

**SECOND CAUSE OF ACTION**

**(Fourteenth Amendment – Familial Loss under 42 U.S.C. Section 1983)**  
*(Plaintiff NIA’AMORE MONK individually against Defendants DOES 1-25)*

39. Plaintiff hereby re-alleges and incorporates by reference each and every paragraph of this Complaint.

40. By the actions and omissions described, Defendants DOES 1-50 violated 42 U.S.C. § 1983, depriving Plaintiff of the following clearly established and well-settled constitutional rights protected by the Fourteenth Amendment of the United States Constitution including:

- a. Right to familial association.

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1 41. Defendant DOES 1-50 subjected Decedent to their wrongful conduct, thereby  
2 depriving Decedent and Plaintiff of the rights described herein with reckless disregard for whether  
3 the rights and safety of Plaintiff and others would be violated by their acts and/or omissions.

4 Defendant DOES 1-50 were deliberately indifferent to Decedent’s serious medical needs, thereby  
5 depriving Plaintiff of her familial relationship with her father.

6 42. As a direct and proximate result of Defendant DOES 1-50’s acts and/or omissions as  
7 set forth above, Plaintiff sustained injuries and damages as set forth herein.

8 43. Defendant DOES 1-50’s conduct entitles Plaintiff to punitive damages and penalties  
9 allowable under 42 U.S.C. §1983.

10 WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

11  
12 **THIRD CAUSE OF ACTION**  
13 **(Supervisory and Municipal Liability for Unconstitutional Custom or Police Practice – 42**  
14 **U.S.C. section 1983 (Monell))**  
15 *(Plaintiffs against Defendants COUNTY and DOES 26-50)*

16 44. Plaintiffs hereby re-allege and incorporate by reference each and every paragraph of  
17 this Complaint.

18 45. Plaintiffs are informed and believe and therein allege that the COUNTY OF  
19 ALAMEDA high-ranking officials, including DOES 26-50, knew and/or reasonably should have  
20 known that Santa Rita Jail staff, including Alameda County Sheriff’s Deputies and jail medical  
21 staff, exhibits a pattern and practice of improper and inadequate medical treatment for detainees,  
22 including depriving them of necessary medical treatment and medications, and despite these  
23 incidents, none of the Santa Rita Jail medical staff or employees of the Santa Rita Jail are found to  
24 be in violation of jail policy or disciplined or retrained, even under the most questionable of  
25 circumstances. COUNTY OF ALAMEDA Santa Rita Jail’s failure to discipline or retrain medical  
26 staff is evidence of an official policy, entrenched in a deliberate indifference for the safety, health,  
27 and wellbeing of detainees, and the resulting deaths and injuries are a proximate result of the  
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1 COUNTY OF ALAMEDA Santa Rita Jail’s failure to properly supervise its medical staff and ratify  
2 their unconstitutional conduct. Plaintiffs are informed, believe, and therein allege that the instances  
3 previously discussed in the *Monell Allegations* section) are examples of the COUNTY OF  
4 ALAMEDA’S pattern and practice of condoning misconduct by failure to discipline, retrain, and  
5 supervise.

6 46. Despite having such notice, Plaintiffs are informed and believe and thereon allege  
7 that Defendants, and Does 26-50, and/or each of them, approved, ratified, condoned, encouraged  
8 and/or tacitly authorized the continuing pattern and practice of misconduct and/or civil rights  
9 violations by said Santa Rita medical staff and/or employees.

10 47. Plaintiffs are further informed and believe and thereon allege that as a result of the  
11 deliberate indifference, recklessness, and/or conscious disregard of the misconduct by Defendants  
12 and Does 1-50, and/or each of them, encouraged these medical staff and/or employees to continue  
13 their course of misconduct, resulting in the violation of Decedent’s and Plaintiffs’ rights as alleged  
14 herein.

15 48. The unconstitutional actions and/or omissions of Does 1-50, as well as other medical  
16 staff employed by or acting on behalf of Defendant COUNTY OF ALAMEDA on information and  
17 belief, were pursuant to the following customs, policies, practices, and/or procedures of the Santa  
18 Rita Jail stated in the alternative, which were directed, encouraged, allowed, and/or ratified by  
19 policy making officers for the COUNTY OF ALAMEDA:

- 20 a. To cover-up violations of constitutional rights by any or all of the following:
- 21 i. by failing to properly investigate and/or evaluate complaints or incidents of
  - 22 improper or inadequate medical treatment;
  - 23 ii. by ignoring and/or failing to properly and adequately investigate and
  - 24 discipline unconstitutional or unlawful activity; and
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iii. by allowing, tolerating, and/or encouraging medical staff to make false statements, file false reports, and/or withhold or conceal material information.

b. To allow, tolerate, and/or encourage a code of silence among Santa Rita medical staff and employees whereby medical staff and/or employees do not provide adverse information against fellow employees;

c. To use or tolerate inadequate, deficient, and improper procedures for handling, investigating, and reviewing complaints of misconduct by medical staff and employees;

d. To fail to have and enforce necessary, appropriate, and lawful policies, procedures, and training programs to prevent or correct the unconstitutional conduct, customs, and procedures described in this Complaint, with deliberate indifference to the rights and safety of Plaintiff and other detainees, and in the face of an obvious need for such policies, procedures, and training programs to prevent reoccurring and foreseeable violations of rights of the type described herein.

49. Defendants COUNTY OF ALAMEDA and Does 26-50 failed to properly train, instruct, monitor, supervise, evaluate, investigate, and discipline Does 1-25, and other Santa Rita Jail personnel, with deliberate indifference to Plaintiffs' and Decedent's constitutional rights, where were thereby violated as described above.

50. The aforementioned customs, policies, practices, and procedures, the failures to properly and adequately train, instruct, monitor, supervise, evaluate, investigate, and discipline, as well as the unconstitutional orders, approvals, ratification and toleration of wrongful conduct of Defendant COUNTY OF ALAMEDA and Does 26-50, were a moving force and/or a proximate cause of the deprivations of Plaintiffs' and Decedent's clearly-established and well-settled

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1 constitutional rights in violation of 42 U.S.C. §1983, as more fully set forth in Cause of Action 1-3,  
2 above.

3 51. Defendants subjected Plaintiffs and Decedent to their wrongful conduct, depriving  
4 Plaintiffs and Decedent of rights described herein, knowingly, maliciously, and with conscious and  
5 reckless disregard for whether the rights and safety of Plaintiffs and Decedent and others would be  
6 violated by their acts and/or omissions.

7  
8 52. As a direct and proximate result of the unconstitutional actions, omissions, customs,  
9 policies, practices and procedures of Defendants COUNTY OF ALAMEDA and Does 26-50 as  
10 described above, plaintiffs sustained serious and permanent injuries and are entitled to damages,  
11 penalties, costs and attorneys' fees as set forth in paragraphs 21-23 above.

12 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

13 **FOURTH CAUSE OF ACTION**  
14 **(Title II of American with Disabilities Act)**  
15 *(Plaintiffs against Defendant COUNTY)*

16 53. Plaintiffs hereby re-allege and incorporate by reference each and every paragraph of  
17 this Complaint.

18 54. As against Defendants COUNTY and/or DOES 1-50, the Defendants failed to  
19 reasonably accommodate Plaintiff's schizophrenia under Title II of the Americans with Disabilities  
20 Act and from excluding qualified individuals from participating in or denying benefits and services  
21 provided by Defendant COUNTY; or from otherwise discriminating against such qualified  
22 individuals with symptoms of disability recognized under Title II of the Americans with Disabilities  
23 Act, resulting in refusal to adequately accommodate Decedent's disability during the course of the  
24 subject-incident. Defendants COUNTY and DOES 1-50 were informed of Decedent's disability  
25 repeatedly by Decedent's family and were provided medical records to this effect. Defendants  
26 COUNTY and DOES 1-50 knew or should have known that depriving Decedent of all of his  
27  
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1 prescribed medications and forcing a sudden cessation in the usage of said medications would  
2 foreseeably cause significantly more injury because of Decedent’s disability than would be suffered  
3 by other members of the public. As a result of Defendants COUNTY and DOES 1-50 refusing to  
4 reasonably accommodate Decedent’s disability, Decedent died while in the custody of Defendant  
5 COUNTY.

6  
7 55. As against Defendant COUNTY and DOES 1-50, the Defendants knew and/or had  
8 reason to know of Decedent’s disability and were provided the prescribed medication that Decedent  
9 needed by members of Decedent’s family, yet nonetheless elected to continue depriving Decedent  
10 of his medication.

11 56. The aforementioned conduct of Defendants COUNTY and DOES 1-50, in failing to  
12 reasonably accommodate Plaintiff’s disability, discriminated against Plaintiff by reason of his  
13 recognized disability.

14  
15 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

16 **FIFTH CAUSE OF ACTION**  
17 **(Negligence & Wrongful Death)**  
18 *(Plaintiffs against Defendants COUNTY and DOES 1-50)*

19 57. Plaintiffs hereby re-allege and incorporate by reference each and every paragraph of  
20 this Complaint.

21 58. At all times, Defendants DOES 1-50 owed Plaintiffs and Decedent the duty to act  
22 with due care in the execution and enforcement of any right, law, or legal obligation.

23 59. At all times Defendants DOES 1-50 owed Plaintiffs and Decedent the duty to act  
24 with reasonable care.

25 60. These general duties of reasonable care and due care owed to Plaintiffs and Decedent  
26 by Defendants DOES 1-50 include but are not limited to the following specific obligations:

- 27 a. To provide medical attention to Decedent’s serious medical needs;  
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- b. To refrain from abusing their authority granted them by law;
- c. To refrain from violating Plaintiff and Decedent’s rights guaranteed by the United States and California Constitutions, as set forth above, and as otherwise protected by law.

61. Defendants, through their acts and omissions, breached each and every one of the aforementioned duties owed to Decedent and Plaintiff.

62. Defendant COUNTY is vicariously liable for the wrongful acts and omissions of its employees and agents pursuant to Cal. Gov. Code section 815.2.

63. As a direct and proximate result of Defendants’ negligence, Plaintiff and Decedent sustained injuries and damages, Cal. Code of Civ. Proc. §§ 377.20 et seq., 377.60 et seq., 1021.5, and against each and every Defendant is entitled to relief as set forth above.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth

**SIXTH CAUSE OF ACTION**  
**(Violation of the Bane Act (Cal. Civ. Code § 52.1))**  
*(Plaintiff NIA ’AMORE MONK against Defendants COUNTY and DOES 1-50)*

64. Plaintiff hereby re-alleges and incorporates by reference each and every paragraph of this Complaint.

65. Plaintiff brings this “Bane Act” claim individually for direction violation of her own rights.

66. By their conduct described herein, Defendants DOES 1-50, acting in concert/conspiracy, as described above, violated Plaintiff’s rights under California Civil Code §52.1, and the following clearly-established rights under the United States Constitution and the California Constitution:

- a. Plaintiff’s constitutional right to familial association with her father in violation of the Fourteenth Amendment.

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1 67. All of Defendants' violations of duties and rights were volitional, intentional acts,  
2 done with reckless disregard for Plaintiff's rights; none was accidental or merely negligent.

3 68. Defendant COUNTY is vicariously liable, pursuant to Cal. Gov. Code § 815.2, for  
4 the violation of rights by its employees and agents.

5 69. As a direct and proximate result of Defendants' violations of California Civil Code  
6 §52.1 and of Plaintiff's rights under the United States and California Constitutions, Plaintiff  
7 sustained injuries and damages, and against all Defendants and is entitled to relief as set forth  
8 above, including punitive damages against Defendants DOES 1-50, and including all damages  
9 allowed by Cal. Civ. Code §§ 52, 52.1, and California law, not limited to costs, attorneys' fees,  
10 treble damages, and civil penalties.  
11

12 WHEREFORE, Plaintiff prays for relief as hereinafter set forth

13  
14 **JURY DEMAND**

15 70. Plaintiffs hereby demand a jury trial in this action.

16  
17 **PRAYER**

18 WHEREFORE, Plaintiffs pray for relief as follows:

- 19 1. For general damages in a sum to be proven at trial;
- 20 2. For special damages, including but not limited to, past, present, and/or future  
21 wage loss, income and support, medical expenses and other special damages in a  
22 sum to be determined according to proof;
- 23 3. For punitive damages against Defendant DOES 1-50 in a sum according to  
24 proof;
- 25 4. Attorneys' fees and costs recoverable under 42 U.S.C. §§ 1983, 1988;  
26 California Civil Code §§52, 52.1, California Code of Civil Procedure §1021.5, and  
27 as otherwise allowed under California and United States statutes, codes, and  
28 common law.
5. For the cost of suit herein incurred; and

6. For such other and further relief as the Court deems just and proper.

Dated: July 11, 2022

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/s/ ADANTE POINTER

ADANTE POINTER

TY CLARKE

Attorney for PLAINTIFFS

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