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Attorney for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JILLIAN PIERCE, on behalf of herself and
all others similarly situated,

Plaintiff,

vs.

COUNTY OF SAN FRANCISCO, San
Francisco Sheriff's Department Sheriff
VICKI HENNESSY, San Francisco Sheriff's
Department Chief Deputy MICHELE
FISHER, and County of San Francisco
employees DOES 1-50, Jointly and Severally,

Defendant(s).

) Case No.:
)
) **CLASS ACTION**
)
) **COMPLAINT FOR DAMAGES,**
) **DECLARATORY & INJUNCTIVE**
) **RELIEF, AND DEMAND FOR JURY**
) **TRIAL**
) 1. 42 U.S.C. § 1983 – Civil Rights Violations
) 2. 42 U.S.C. § 1983 – *Monell* and
) Supervisory Liability
) 3. California Constitution, Article I, § 13
) 4. California Constitution, Article I, § 17
) 5. California Civil Code § 52.1(b) – State
) Civil Rights Violations
) 6. California Penal Code § 2644
) 7. Intentional Infliction of Emotional Distress

Plaintiff and all other similarly situated persons, by and through her attorney, for her
Complaint against Defendants, states the following:

INTRODUCTION

1. On or about November 20, 2018, female deputies at the San Francisco County Jail #2 conducted an unnecessary and unjustified visual body cavity search of pretrial and convicted female inmates in the presence and direct view of at least three, and up to seven or more, male deputies. A similar, random, and unreasonable visual body cavity search of female inmates was conducted in front of male deputies about a month prior. Upon information and belief, these searches have occurred in D-Pod, B-Pod, and possibly E-Pod. Moreover, San Francisco County

1 Jail #2 denies all pretrial and convicted inmates any opportunities for fresh air or time outside for
2 exercise or recreation in violation of Title 15 of the California Code of Regulations § 1065, and
3 the inmates' Fourteenth and Eighth Amendment rights, respectively. These inmates, some of
4 whom are pretrial and have been incarcerated for as long as six or seven years, have never seen
5 the sun or felt the wind's breeze in the entire duration of their incarceration.

6 **JURISDICTION AND VENUE**

7 2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and
8 1343(a)(3)-(4) because it is being brought to obtain compensatory and punitive damages for the
9 deprivations, under color of state law, of the rights of citizens of the United States that are
10 secured by the United States Constitution, pursuant to 42 U.S.C. §§ 1983 and 1988. This action
11 is brought pursuant to the Fourth, Eighth, and Fourteenth Amendments to the United States
12 Constitution, and the laws and Constitution of the State of California.

13 3. Plaintiff and all others similarly situated persons further invoke this Court's
14 supplemental jurisdiction, pursuant to 28 U.S.C. § 1367(a), to hear and decide claims arising
15 under state law.

16 4. Venue is proper, pursuant to 28 U.S.C. § 1391(b)(1)-(2), because the County of
17 San Francisco Defendants reside in this judicial district, and the events or omissions giving rise
18 to Plaintiff's claims occurred in this judicial district.

19 **PARTIES AND PROCEDURE**

20 5. Plaintiff Jillian Pierce is a citizen of the United States and a competent adult.
21 Throughout her incarceration at San Francisco County Jail #2, Jillian Pierce was a pretrial
22 inmate.

23 6. Defendant County of San Francisco ("County") is a municipal corporation, duly
24 organized and existing under the laws of the State of California, and is the employer of the
25 individual County defendants, as well as certain, to-be-identified Doe Defendants. Under its
26 authority, the County operates the County of San Francisco Sheriff's Department ("SFSD"). At
27 all material times herein, the County was responsible for supervising, enacting, and enforcing the
28 SFSD's conduct, policies, and practices, was responsible for the absence of needed policies and

1 practices, and was responsible for the hiring, retention, supervision, and training of employees
2 and agents of the SFSD including such employees as Defendants, Chief Sheriff Vicki Hennessy
3 (“Hennessy”), Chief Deputy Michele Fisher (“Fisher”), and the to-be-identified County
4 employees – Does 1-50.

5 7. At all material times herein, Defendants Hennessy, Fisher, and the to-be-
6 identified County employees Does 1-50, in doing the acts or omissions hereinafter described,
7 acted within the course and scope of their employment with Defendant County, by virtue of their
8 employment with the SFSD, and acted under color of state law. Defendants Hennessy, Fisher,
9 and the to-be-identified County employees Does 1-50 are sued in their individual capacities,
10 including, where applicable, in their capacities as supervisors based on supervisory liability. At
11 all material times, these individual Defendants held titles and participated generally as follows in
12 this matter:

13 a. Defendant Hennessy, at all relevant times mentioned herein, was employed by
14 Defendant County as the Sheriff, and was acting within the course and scope of
15 that employment at such times. She is being sued in her individual and official
16 capacity as the SFSD Sheriff. At all material times, Sheriff Hennessy was the
17 final policy making official for the SFSD, ultimately responsible for all policies,
18 procedures, supervision, and training of the SFSD.

19 b. Defendant Fisher, at all relevant times mentioned herein, was employed by
20 Defendant County as a Chief Deputy, and was acting within the course and
21 scope of that employment at such times. She is being sued in her individual and
22 official capacity as a Chief Deputy. Upon information and belief, Defendant
23 Fisher supervised DOES 1-50, and was ultimately responsible for enforcing
24 policies, procedures, supervision, and the training of them.

25 8. The true names or capacities, whether individual, corporate, associate, or
26 otherwise, of Defendants named herein as Does 1-50 are unknown to Plaintiff, who therefore
27 sues said Defendants by said fictitious names. Plaintiff will amend this Complaint to show said
28 Defendants’ true names and capacities when the same has been ascertained. Plaintiff is informed,

1 believes, and thereon alleges that all Defendants sued herein as Does are in some manner
2 responsible for the acts, omissions, and injuries alleged herein.

3 9. Plaintiff alleges, on information and belief, that each of the Defendants sued
4 herein was wrongfully, deliberately indifferently, negligently, and/or otherwise responsible in
5 some manner for the events and happenings as hereinafter described, and proximately caused
6 injuries and damages to Plaintiff. Further, certain Doe Defendants were at all material times
7 responsible for the hiring, training, supervision, and discipline of other defendants, including
8 both the individually named and Doe Defendants.

9 10. Plaintiff is informed, believes, and thereon alleges that each of the Defendants
10 was at all material times an agent, servant, employee, partner, joint venturer, co-conspirator,
11 and/or alter ego of the remaining Defendants, and in doing the things hereinafter alleged, was
12 acting within the course and scope of that relationship. Plaintiff is further informed, believes, and
13 thereon alleges that each of the Defendants herein gave consent, aid, and assistance to each of the
14 remaining Defendants, and ratified and/or authorized the acts or omissions of each Defendant as
15 alleged herein, except as may hereinafter be otherwise, specifically alleged. At all material times,
16 each Defendant was an integral participant, jointly and fundamentally engaged in constitutionally
17 violative, unlawful, and/or tortious activity, resulting in the deprivation of Plaintiff's
18 constitutional rights and other actionable harm.

19 11. The acts and omissions of all County Defendants were at all material times
20 pursuant to the actual customs, policies, practices, and/or procedures of County and/or the SFSD.

21 12. At all material times, each Defendant acted under color of the laws, statutes,
22 ordinances, and regulations of the State of California.

23 13. Plaintiff presented a proper and timely tort claim to County pursuant to
24 Government Code § 910 et seq., and this action, as it relates to the state law claims asserted
25 against County, was thereafter timely filed within the applicable statutes of limitation.

26 14. This Complaint may be pleaded in the alternative, pursuant to Rule 8(d)(2) of the
27 Federal Rules of Civil Procedure.

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GENERAL ALLEGATIONS

1
2 15. On or about November 20, 2018 at approximately 7:30 AM, Doe female deputies
3 ordered all female inmates in D-Pod, both pretrial and convicted, to wake up and congregate by
4 the tables located on the lower level of the pod. The deputies then ordered the inmates, in groups
5 of three, to enter into the three bathroom stalls located on the same level and remove their
6 clothing, squat, cough, spread open their vaginas and anuses, and lift their breasts for visual
7 inspection. At all times throughout the visual body cavity search, the bathroom stall doors
8 remained open and were conducted in the presence and direct view of at least three, and possibly
9 up to seven or more, Doe male deputies. The male deputies were situated throughout the pod,
10 including the staircase and upper level, where they could see directly into the bathroom stalls,
11 while they watched the searches take place. This search was random, unnecessary, unjustified
12 and made pursuant to SFSD protocol, policy, custom, or practice.

13 16. Following the search, the deputies instructed the inmates to go to the gym while
14 the deputies searched the inmates' beds and personal belongings, including privileged
15 correspondence. The deputies destroyed and/or confiscated the inmates' personal belongings,
16 including face rags and other items purchased through commissary. Upon information and belief,
17 the visual body cavity of female inmates and subsequent property search also occurred in B-Pod
18 and/or E-Pod, in the presence and view of male deputies.

19 17. Sometime in October 2018, about a month prior, a similar visual body cavity
20 search occurred in D-Pod at approximately 7:30 AM. Like the November 20th search, Doe
21 female deputies ordered the female inmates, in groups of three and in the open bathroom stalls,
22 to remove their clothing, squat, cough, spread open their vaginas and anuses, and lift their breasts
23 for visual inspection in the presence of Doe male deputies. The deputies then searched the
24 inmates' beds and personal belongings, destroying items including items purchased in
25 commissary. Like the November 20th search, this search was conducted pursuant to SFSD
26 protocol, policy, custom, or practice and was unnecessary and unjustified.

27 18. After both body cavity searches, inmates filed grievances regarding the body
28 cavity searches conducted in the presence of male deputies. Many, if not all, grievances were

1 ignored and the inmates never received responses. At least three investigators, however, came to
2 D-Pod as a result. Upon information and belief, one of the investigators was Jesse Huber. The
3 investigators interviewed the female inmates but Plaintiff does not know what, if anything, came
4 about following their investigations.

5 19. Additionally, inmates at the San Francisco County Jail #2 submitted grievances
6 for being denied exercise and recreation time in violation of Title 15 of the California Code of
7 Regulations § 1065. These grievances were largely ignored. Upon information and belief, the
8 SFSD has a policy, custom, or practice of knowingly violating section 1065. Deputy Parks, in
9 fact, informed Plaintiff that the SFSD pays a fine every month for being in violation of section
10 1065. As aforementioned, all inmates, pretrial and convicted, housed at San Francisco County
11 Jail #2 are denied any opportunity for outdoor exercise or recreation. Some of these inmates have
12 yet to be convicted and have been incarcerated for years without once being able to go outside
13 and enjoy the fresh air and sunshine. Plaintiff, in the entire duration of her incarceration, which
14 lasted a little over one year, was denied any opportunity to be outside.

15 20. At all material times and, alternatively, the actions and omissions of each
16 Defendant were intentional, and/or wanton, and/or willful, and/or reckless, and/or callous, and/or
17 malicious, and/or deliberately indifferent to Plaintiff's rights, and/or grossly negligent, and/or
18 negligent and/or pursuant to SFSD policies, customs, or practices.

19 21. Plaintiff and all others similarly situated persons have incurred, and continue to
20 incur, constitutional, emotional, physical, and psychological harms and losses, as well as
21 ongoing stress and anxiety, as a result of Defendants' tortious, wrongful, and constitutionally
22 violative conduct.

23 22. As a direct and proximate result of each Defendants' acts and/or omissions as set
24 forth above, Plaintiff and all others similarly situated persons sustained, and are currently
25 sustaining, the following injuries and damages, past and future, including, but not limited to:

26 a. Economic damages, including, but not limited to, damages to personal
27 belongings;

28 b. Emotional distress, fear, anxiety, sleeplessness, humiliation, indignity, vitamin
D deficiencies, and loss of liberty;

- 1 c. Loss of enjoyment of life and other continued pain and suffering;
2
3 d. All other legally cognizable special and general damages;
4
5 e. Violations of state and federal constitutional rights; and
6
7 f. All damages and penalties recoverable under 42 U.S.C. §§ 1983 and 1988,
8 California Civil Code § 52, California Code of Civil Procedure § 1021.5, and as
9 otherwise allowed under California and United States statutes, codes, and
10 common law.

11 **CAUSES OF ACTION**

12 **FIRST CAUSE OF ACTION**
13 **(42 U.S.C. § 1983)**

14 **PLAINTIFF AND ALL SIMILARLY SITUATED PERSONS AGAINST DEFENDANTS**
15 **COUNTY, HENNESSY, FISHER and DOES 1-50**

16 23. Plaintiff and all similarly situated persons re-alleges and incorporates by reference
17 each and every allegation contained in the paragraphs above, as though fully set forth herein.

18 24. By the actions and omissions described above, the Defendants named above in
19 this cause of action and Does 1-50, acting under the color of state law in their individual
20 capacities, violated 42 U.S.C. § 1983, depriving Plaintiff of the following well-settled
21 constitutional rights that are protected by the Fourth, Eighth and Fourteenth Amendments to the
22 U.S. Constitution:

- 23 a. The right to be free from unreasonable searches, entry and/or seizures, as
24 secured by the Fourth and Fourteenth Amendments; and
25
26 b. The right to be free from cruel and unusual punishment, as secured by the
27 Eighth and Fourteenth Amendments.

28 25. The listed Defendants' failure to intervene, prevent, or stop the constitutional
violations on the part of other, individually named Defendants and/or supervisors, who were in a
position to do so when such violations occurred, renders such Defendant(s) liable for these
violations.

26 26. Defendants Hennessy, Fisher, and the to-be-identified Doe Defendants'
27 deliberately indifferent and constitutionally violative conduct in failing to take appropriate
28 actions foreseeably set into motion the chain of events that proximately caused the subsequent

1 unlawful search of Plaintiff and all similarly situated persons and their personal effects, and
2 caused Plaintiff and all similarly situated persons to continuously be subjected to cruel and
3 unusual punishment and other liberty deprivations.

4 27. To the extent the supervisors of Does 1-50, who supervised them at material and
5 relevant times, knew, should have known, or had reason to know of Defendants' constitutionally
6 violative conduct, as alleged above, or their propensity to engage in such conduct, such
7 supervisors failed to prevent the unconstitutional acts of said Defendants and failed to properly
8 supervise, thus rendering them liable both directly and in their capacity as supervisor. Thus, any
9 supervisors that failed to prevent the unconstitutional acts of said Defendants and failed to
10 properly supervise them are liable directly and in their capacity as a supervisor.

11 28. The Defendants named in this cause of action subjected Plaintiff and all similarly
12 situated persons to their wrongful conduct, depriving Plaintiff and all similarly situated persons
13 of the rights described herein, knowingly, maliciously, and with conscious and reckless disregard
14 for whether the rights and safety of Plaintiff would be violated by their acts and/or omissions.

15 29. As a proximate result of the foregoing wrongful acts, Plaintiff and all similarly
16 situated persons sustained injuries and damages, as set forth above, in ¶ 22. Plaintiff and all
17 similarly situated persons are, therefore, entitled to general and compensatory damages in an
18 amount to be proven at trial.

19 30. In committing the acts alleged above, the individually named Defendants and Doe
20 Defendants acted maliciously and/or were guilty of wanton and reckless disregard for the rights,
21 safety, and emotional well-being of Plaintiff and all similarly situated persons, and by reason
22 thereof, Plaintiff and all similarly situated persons are entitled to punitive damages and penalties
23 allowable under 42. U.S.C. § 1983 and other state and federal law against these individual
24 Defendants; no punitive damages are sought directly against County.

25 31. Plaintiff is also entitled to reasonable costs and attorney's fees under 42 U.S.C. §
26 1988 and other applicable California codes and laws.

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28 //

1 of County and/or SFSD, or stated in the alternative, which were directed, encouraged, allowed
2 and/or ratified by policy making officials for County and/or SFSD including Does 1-50:

3 a. Failing to enact and/or maintain and/or execute policies and procedures
4 and/or failing to train employees on body cavity searches of inmates
5 without probable cause and/or justification for such searches and in the
6 presence of opposite-sex deputies; and

7 b. Failing to enact and/or maintain and/or execute policies and procedures
8 and/or failing to train employees on inmates' exercise and recreation,
9 including, but not limited to, their constitutional right to not be deprived of
10 fresh air and outdoor exercise or recreation.

11 36. In the alternative, upon information and belief, Defendants may have instituted
12 policies or training addressing some or all of the topics listed above, but have, either through
13 negligence or deliberate indifference to citizens' rights, failed to properly oversee, enforce,
14 and/or properly carry out such policies and/or training.

15 37. The above-described customs, policies, practices, and/or procedures of County,
16 and/or SFSD were a moving force and/or a proximate cause of the deprivations of Plaintiff and
17 all other similarly situated persons' constitutional rights, in violation of 42 U.S.C. § 1983, as
18 more fully set forth above.

19 38. Defendant County is also liable for the violations of Plaintiff's rights by their final
20 policy makers, including Hennessy, Fisher, and Does 1-50, as described above. (See, Ninth
21 Circuit Model Civil Jury Instruction 9.6).

22 39. Upon information and belief, after receiving Plaintiff's Government Code section
23 910 claim, County conducted investigations and reviews of this matter concerning the wrongful
24 search and other liberty deprivations of Plaintiff and all other similarly situated persons, and
25 Defendants Hennessy, Fisher, and Does 1-50 directly and personally participated in such
26 investigations and reviews. The unconstitutional actions and/or omissions of the individually
27 named Defendants and Does 1-50 were approved, tolerated, and/or ratified by policy making
28 officials for County, including, but not limited to, Hennessy, Fisher, and Does 1-50. Plaintiff is
informed and believes, and thereupon alleges that the details of this incident have been revealed
to the authorized policy makers within the County offices and that such policymakers have direct

1 knowledge of the fact that Plaintiff and all other similarly situated persons were wrongfully
2 searched and subjected to other liberty deprivations due to their and their subordinates'
3 deliberate indifference and violations of Plaintiff and all other similarly situated persons' rights.
4 Notwithstanding this knowledge, the authorized policymakers within County, approved of the
5 individually named Defendants' and Does 1-50's conduct and decisions in this matter to the
6 extent such individuals were under their supervision and oversight, and have made a deliberate,
7 conscious, and affirmative choice to endorse and ratify such conduct and decisions, and the basis
8 for them, which resulted in the wrongful arrest and other liberty deprivations suffered by
9 Plaintiff and all other similarly situated persons. By doing so, the authorized policymakers within
10 County have shown affirmative agreement with the conduct of individual Defendants and other
11 employees/agents under their supervision, and have ratified the unconstitutional acts of these
12 individual Defendants, employees, and agents.

13 40. The aforementioned customs, policies, practices, and procedures; the failure to
14 properly and adequately hire, train, instruct, monitor, supervise, evaluate, investigate, and
15 discipline; and, the unconstitutional orders, approvals, ratification, and toleration of wrongful
16 conduct of Defendants Hennessy, Fisher, and Does 1-50 were a moving force and/or a proximate
17 cause of the deprivation of Plaintiff's clearly established and well-settled constitutional rights, in
18 violation of 42 U.S.C. § 1983, as more fully set forth in the paragraphs above.

19 41. As a direct and proximate result of the foregoing unconstitutional actions,
20 omissions, customs, policies, practices, and/or procedures of Defendants Hennessy, Fisher, and
21 Does 1-50, or the lack of inadequacy thereof, Plaintiff and all other similarly situated persons
22 suffered liberty deprivations, incurred damages, and thus, they are entitled to damages, penalties,
23 costs, and attorney's fees, as set forth above, in ¶ 22, and punitive damages against Defendants
24 Hennessy, Fisher, and Does 1-50, in their individual capacities. Furthermore, Plaintiff and all
25 other similarly situated persons' only means of securing complete and adequate relief is to also
26 seek declaratory and injunctive relief, to offer Plaintiff and all other similarly situated persons
27 substantial and complete protection from Defendants' unlawful policies and practices; the
28

1 remedy at law is inadequate. Plaintiff, thus, seeks both legal damages and equitable remedies in
2 the form of injunctive relief against Defendants County.

3 **THIRD CAUSE OF ACTION**
4 **(CAL. CONST. ART. I, § 13)**
5 **PLAINTIFF AND ALL SIMILARLY SITUATED PERSONS AGAINST DEFENDANTS**
6 **COUNTY, HENNESSY, FISHER and DOES 1-50**

7 42. Plaintiff and all similarly situated persons re-alleges and incorporates by reference
8 each and every allegation contained in the paragraphs above, as though fully set forth herein.

9 43. The unreasonable search of Plaintiff and all other similarly situated persons
10 violated Plaintiff all other similarly situated persons' rights under Article 1, § 13 of the
11 California Constitution, thereby entitling Plaintiff to damages for this violation.

12 44. Defendant County is not sued directly in this cause of action, but is named
13 because it is liable under California Government Code § 815.2 for injuries proximately caused
14 by an act or omission of an employee, committed within the course and scope of the employee's
15 employment.

16 45. As a proximate result of the foregoing wrongful acts, Plaintiff sustained injuries
17 and damages, as set forth above, in ¶ 22.

18 46. Plaintiff is, therefore, entitled to general and compensatory damages in an amount
19 to be proven at trial.

20 47. In committing the acts alleged above, Defendants acted maliciously and/or were
21 guilty of wanton and reckless disregard for the rights, safety, and emotional well-being of
22 Plaintiff, and by reason thereof, Plaintiff is entitled to exemplary and punitive damages against
23 these individual defendants in an amount to be proven at trial.

24 **FOURTH CAUSE OF ACTION**
25 **(CAL. CONST. ART. I, § 17)**
26 **PLAINTIFF AND ALL SIMILARLY SITUATED PERSONS AGAINST DEFENDANTS**
27 **COUNTY, HENNESSY, FISHER and DOES 1-50**

28 48. Plaintiff and all similarly situated persons re-alleges and incorporates by reference
each and every allegation contained in the paragraphs above, as though fully set forth herein.

1 b. The right to enjoy and defend life and liberty; acquire, possess, and
2 protect property; and pursue and obtain safety, happiness, and privacy, as
3 secured by the California Constitution, Article 1, Section 1; and,

4 c. The right to protection from bodily restraint, harm, or personal insult, as
5 secured by California Civil Code § 43.

6 56. Separate from, and above and beyond, Defendants' attempted interference,
7 interference with, and violation of Plaintiff's rights, Defendants violated Plaintiff's rights by the
8 following conduct, among other conduct, constituting threat, intimidation, or coercion:

9 a. Intentionally and/or with deliberate indifference, causing Plaintiff to be
10 subjected to unlawful searches and other liberty deprivations.

11 57. Defendant County is not sued directly in this cause of action, but is named
12 because County is vicariously liable pursuant to California Government Code section 815.2.

13 58. As a direct and proximate result of Defendants' violation of California Civil Code
14 § 52.1 and of Plaintiff's rights under the United States and California Constitutions and law,
15 Plaintiff sustained injuries and damages, and against each Defendant named in this Cause of
16 Action is entitled to relief as set forth above, in ¶ 22, and punitive damages against all individual
17 Defendants, including all damages and penalties allowed by California Civil Code §§ 52 and
18 52.1 and California law, three times actual damages, and attorneys' fees.

19 **SIXTH CAUSE OF ACTION**
20 **(CALIFORNIA PENAL CODE § 2644)**
21 **PLAINTIFF AND ALL SIMILARLY SITUATED PERSONS AGAINST DEFENDANTS**
22 **COUNTY, HENNESSY, FISHER and DOES 1-50**

23 59. Plaintiff and all similarly situated persons re-alleges and incorporates by reference
24 each and every allegation contained in the paragraphs above, as though fully set forth herein.

25 60. The unreasonable search of Plaintiff and all other similarly situated persons
26 violated Plaintiff all other similarly situated persons' rights under California Penal Code § 2644,
27 thereby entitling Plaintiff to damages for this violation.

28 61. Defendant County is not sued directly in this cause of action, but is named
because it is liable under California Government Code § 815.2 for injuries proximately caused

1 by an act or omission of an employee, committed within the course and scope of the employee's
2 employment.

3 62. As a proximate result of the foregoing wrongful acts, Plaintiff sustained injuries
4 and damages, as set forth above, in ¶ 22.

5 63. Plaintiff is, therefore, entitled to general and compensatory damages in an amount
6 to be proven at trial.

7 64. In committing the acts alleged above, Defendants acted maliciously and/or were
8 guilty of wanton and reckless disregard for the rights, safety, and emotional well-being of
9 Plaintiff, and by reason thereof, Plaintiff is entitled to exemplary and punitive damages against
10 these individual defendants in an amount to be proven at trial.

11 **SEVENTH CAUSE OF ACTION**
12 **(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)**
13 **PLAINTIFF AND ALL SIMILARLY SITUATED PERSONS AGAINST DEFENDANTS**
14 **COUNTY, HENNESSY, FISHER and DOES 1-50**

15 65. Plaintiff and all similarly situated persons re-alleges and incorporates by reference
16 each and every allegation contained in the paragraphs above, as though fully set forth herein.

17 66. By the above-described acts and/or omissions and/or failures to supervise and/or
18 failure to institute and execute adequate training and policies on the part of Defendants, as
19 alleged herein, Plaintiff and all other similarly situated persons were subjected to intentional
20 infliction of emotional distress, thereby entitling them to damages pursuant to California law.

21 67. The aiding and abetting and/or failure to intervene and/or failure to prevent this
22 arrest gives rise to liability on the part of other, to-be-identified Doe Defendants.

23 68. Defendant County is not sued directly in this cause of action, but is named
24 because it is vicariously liable pursuant to California Government Code § 815.2.

25 69. As a proximate result of the foregoing wrongful acts, Plaintiff sustained injuries
26 and damages, as set forth above, in ¶ 22. Plaintiff and all other similarly situated persons are,
27 therefore, entitled to general and compensatory damages in an amount to be proven at trial, as
28 well as punitive damages against Defendants in their individual capacities. No punitive damages
are sought against County directly.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the following relief against each and every Defendant herein, jointly and severally:

1. Compensatory damages in an amount according to proof, which is fair, just, and reasonable;
2. Punitive damages under 42 U.S.C. § 1983, federal law, and California law, in an amount according to proof and which is fair, just, and reasonable against all Defendants except the public entities;
3. For attorney’s fees and costs of suit under 42 U.S.C. § 1988;
4. For attorney’s fees and cost of suit under California Civil Code §§ 52(b)(3) and 52.1(h);
5. All other damages, penalties, costs, interest, and attorney’s fees as allowed by 42 U.S.C. §§ 1983 and 1988; California Code of Civil Procedure § 102.5; California Civil Code §§ 52 et seq. and 52.1; and as otherwise may be allowed by California and/or federal law;
6. For declaratory and injunctive relief against County; and
6. For such other and further relief as the Court deems just and proper.

JURY TRIAL DEMAND

Plaintiff hereby respectfully demands a jury trial, pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Dated: November 20, 2019

/s/ Andrew Chan Kim

ANDREW CHAN KIM

Attorney for Plaintiff

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Jillian Pierce and all others similarly situated

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Andrew Chan Kim; 2603 Barclay Way, Belmont, CA 94002; (650) 339-2005

DEFENDANTS

County of San Francisco, et al.

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, HABEAS CORPUS, OTHER, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation-Transfer
8 Multidistrict Litigation-Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 USC Section 1983

Brief description of cause: Unlawful Body Cavity Searches of Female Inmates

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$

CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S), IF ANY (See instructions):

JUDGE DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only) SAN FRANCISCO/OAKLAND SAN JOSE EUREKA-MCKINLEYVILLE

DATE 11/20/2019

SIGNATURE OF ATTORNEY OF RECORD

Andrew Chan Kim

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Reset

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

Authority For Civil Cover Sheet. The JS-CAND 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the “defendant” is the location of the tract of land involved.)
- c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section “(see attachment).”
- II. Jurisdiction.** The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an “X” in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
 - (3) Federal question. This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 - (4) Diversity of citizenship. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an “X” in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an “X” in one of the six boxes.
- (1) Original Proceedings. Cases originating in the United States district courts.
 - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
 - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
 - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an “X” in this box if you are filing a class action under Federal Rule of Civil Procedure 23. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.”
- Date and Attorney Signature.** Date and sign the civil cover sheet.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action Claims Inmates at San Francisco County Jail Denied Constitutional Rights](#)
