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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

ARTURO FLORES VALDES, ELIZABETH ESPITIA VALDES, A.E.V., and A.A.V., minors, by and through their parents and guardians ad litem, ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES,

Plaintiffs,

vs.

CITY OF UKIAH, UKIAH POLICE DEPARTMENT, RONALD DONAHUE, ERIC RODELLO, DANIEL PARKER, and DOES 1 to 100, inclusive,

Defendants.

**Case No.: 3:22-CV-03125**

**COMPLAINT**

**DEMAND FOR TRIAL BY JURY**

**COMPLAINT**

Plaintiffs ARTURO FLORES VALDES, ELIZABETH ESPITIA VALDES, A.E.V., and A.A.V., minors, by and through their parents and guardians ad litem,

1 ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES, hereinafter  
2 referred to as “Plaintiffs,” allege in their Complaint against Defendants CITY OF  
3 UKIAH, UKIAH POLICE DEPARTMENT, RONALD DONAHUE, ERIC RODELLO,  
4 DANIEL PARKER, and DOES 1 to 100, inclusive, herein after referred to as  
5 “Defendants,” as follows:

6  
7 **JURISDICTION AND VENUE**  
8

9 1. This Complaint is presented by ARTURO FLORES VALDES,  
10 ELIZABETH ESPITIA VALDES, A.E.V., and A.A.V., minors, by and through their  
11 parents and guardians ad litem, ARTURO FLORES VALDES and ELIZABETH  
12 ESPITIA VALDES, (Plaintiff), for compensation, as follows:

13  
14 2. The Plaintiffs A.E.V. and A.A.V., are minors and in order to preserve their  
15 privacy interests as well as their safety, they will be identified in this claim by only their  
16 initials, A.E.V. and A.A.V.. It is pointed out that Defendants are aware of and indeed  
17 know the full names and identities of the minor Plaintiffs.  
18

19  
20 (a) FIRST CAUSE OF ACTION: By Plaintiffs ARTURO FLORES  
21 VALDES and against Defendants RONALD DONAHUE, ERIC  
22 RODELLO, AND DANIEL PARKER, UKIAH POLICE  
23 DEPARTMENT and the CITY OF UKIAH for violation of Plaintiff’s  
24 rights secured by the Fourth Amendment to the United States  
25 Constitution to be free from the use of excessive force pursuant to 42  
26 U.S.C. §§ 1983, 1988;

27 (b) SECOND CAUSE OF ACTION: By Plaintiff ARTURO FLORES  
28 VALDES against Defendants DOES 1 to 100, inclusive, UKIAH

1 POLICE DEPARTMENT and CITY OF UKIAH for violation of  
2 Plaintiff's rights secured by the Fourth Amendment to the United  
3 States Constitution to be free from the use of excessive force pursuant  
4 to 42 U.S.C. §§ 1983, 1988;

5 (c) THIRD CAUSE OF ACTION: By Plaintiffs ARTURO FLORES  
6 VALDES and ELIZABETH ESPITIA VALDES against Defendants  
7 RONALD DONAHUE, ERIC RODELLO, AND DANIEL PARKER,  
8 UKIAH POLICE DEPARTMENT and the CITY OF UKIAH for  
9 violation of Plaintiff's rights secured by the Fourth Amendment to the  
10 United States Constitution to be free from unlawful search and/or  
11 seizure pursuant to 42 U.S.C. §§ 1983, 1988;

12 (d) FOURTH CAUSE OF ACTION: By Plaintiffs ARTURO FLORES  
13 VALDES and ELIZABETH ESPITIA VALDES against Defendants  
14 CITY OF UKIAH, UKIAH POLICE DEPARTMENT, and DOES 1  
15 to 100, inclusive, for violation of Plaintiff's rights secured by the  
16 Fourth Amendment to the United States Constitution to be free from  
17 unlawful search and/or seizure pursuant to 42 U.S.C. §§ 1983;

18 (e) FIFTH CAUSE OF ACTION: By Plaintiffs ARTURO FLORES  
19 VALDES and ELIZABETH ESPITIA VALDES against all  
20 Defendants for violation of the Ralph Civil Rights Act, California  
21 Civil Code § 51.7 et seq.;

22 (f) SIXTH CAUSE OF ACTION: By Plaintiffs ARTURO FLORES  
23 VALDES and ELIZABETH ESPITIA VALDES against all  
24 Defendants for violation of the Unruh Civil Rights Act, California  
25 Civil Code § 51 et. seq.;

26 (g) SEVENTH CAUSE OF ACTION: By Plaintiffs ARTURO FLORES  
27 VALDES and ELIZABETH ESPITIA VALDES against all  
28

1 Defendants for violation of the Bane Civil Rights Act, California Civil  
2 Code § 52.1;

3 (h) EIGHTH CAUSE OF ACTION: By Plaintiffs ARTURO FLORES  
4 VALDES and ELIZABETH ESPITIA VALDES against all  
5 Defendants for Assault under California Law;

6 (i) NINTH CASUE OF ACTION: By Plaintiffs ARTURO FLORES  
7 VALDES and ELIZABETH ESPITIA VALDES against all  
8 Defendants for Battery under California Law;

9 (j) TENTH CAUSE OF ACTION: By Plaintiffs ARTURO FLORES  
10 VALDES, ELIZABETH ESPITIA VALDES, A.E.V., and A.A.V.  
11 against all Defendants for Intentional Infliction of Emotional Distress  
12 under California Law;

13 (k) ELEVENTH CAUSE OF ACTION: By Plaintiffs ARTURO FLORES  
14 VALDES and ELIZABETH ESPITIA VALDES against all  
15 Defendants for Unlawful arrest and/or seizure under California Law;

16 (l) TWELFTH CAUSE OF ACTION: By Plaintiffs ARTURO FLORES  
17 VALDES and ELIZABETH ESPITIA VALDES against all  
18 Defendants for False Imprisonment under California Law;

19 (m) THIRTEENTH CAUSE OF ACTION: By Plaintiffs ARTURO  
20 FLORES VALDES and ELIZABETH ESPITIA VALDES against all  
21 Defendants for General Negligence under California Law;

22 (n) FOURTEENTH CAUSE OF ACTION: By Plaintiffs ELIZABETH  
23 ESPITIA VALDES, A.E.V., and A.A.V., against all Defendants for  
24 Negligent Infliction of Emotional Distress under California Law.  
25  
26  
27  
28

1           3.     This Court has jurisdiction of Plaintiff's Federal Civil Rights claims under  
2 42 U.S.C. § § 1983, 1988 pursuant to 28 U.S.C. §§ 1331, 1343. The Court has  
3 supplemental jurisdiction of Plaintiff's California state law claims pursuant to 28 U.S.C.  
4 § 1367(a).

5  
6           4.     Venue in this Court is proper pursuant to 28 U.S.C. § 1391(b) because: (i) a  
7 substantial part of the events or omissions giving rise to the claim occurred in this judicial  
8 district; and (ii) Defendants reside within this judicial district.

9  
10                           **PARTIES AND OTHER RELEVANT ACTORS**

11  
12           5.     ARTURO FLORES VALDES, ELIZABETH ESPITIA VALDES, A.E.V.,  
13 and A.A.V., are, and at all times mentioned herein were, citizens and residents of the City  
14 of Ukiah, Mendocino County, California.

15  
16           6.     At all relevant times herein, Plaintiffs resided at 1661 Alicante Lane, Ukiah,  
17 Mendocino County, California, 95482.

18  
19           7.     Plaintiffs are of Hispanic heritage.

20  
21           8.     Plaintiff ARTURO FLORES VALDES has no felony criminal record, has  
22 not been associated with any street gang or illegal association, and is, and at all relevant  
23 times mentioned herein has been, gainfully employed as an owner of a local glass repair  
24 company, Art's Glass.

25  
26  
27           9.     Plaintiff ELIZABETH ESPITIA VALDES graduated with a master's degree  
28 in Counseling and an Undergraduate Degree in Psychology from California State

1 University Sonoma and with her associate degree from Mendocino College. Plaintiff  
2 ELIZABETH ESPITIA VALDES has no felony criminal record, has not been associated  
3 with any street gang or illegal association, and is, and at all relevant times mentioned  
4 herein has been, gainfully employed as a Marriage and Family Therapist/Social Worker  
5 in Adult Protective Services with the County of Sonoma.

6  
7 10. Plaintiffs A.E.V. and A.A.V., are, and at all relevant times were, minors.

8  
9 11. Defendant CITY OF UKIAH is, and at all times mentioned herein was, a  
10 political subdivision of the State of California.

11  
12 12. Defendant CITY OF UKIAH maintains, operates, and/or controls the  
13 UKIAH POLICE DEPARTMENT, which is, and at all times mentioned herein was, a  
14 law enforcement agency organized and existing under the Ukiah City Code and Charter  
15 of Defendant CITY OF UKIAH and the laws of the State of California.

16  
17 13. On March 28, 2021, and at all relevant times herein, Defendant CITY OF  
18 UKIAH and the UKIAH POLICE DEPARTMENT:

19  
20  
21 (a) Received federal financial assistance within the meaning of 29 U.S.C.  
22 § 794(a); and

23  
24 (b) Were public entities within the meaning of 42 U.S.C. § 12131(1).

25  
26 14. Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL  
27 PARKER, and DOES 1 to 100, inclusive, are, and at all times mentioned herein were,  
28 police officers, officers, agents, and/or employees of the Defendant CITY OF UKIAH

1 and/or UKIAH POLICE DEPARTMENT and were acting within the course and scope of  
2 said employment and under color of law.

3  
4 15. Plaintiffs are unaware of the true names and capacities of the Defendants  
5 sued herein ad DOES 1 through 100, inclusive, and therefore sue those Defendants by  
6 such fictitious names. Plaintiff will amend this Complaint to allege the true names and  
7 capacities when ascertained. Plaintiffs are informed and believe and on that basis allege  
8 that each of the fictitiously named Defendants is liable in the manner set forth below for  
9 the acts, conduct, and/or omissions concerning the events and happenings herein referred  
10 to, which proximately caused the damages and injuries to Plaintiffs as alleged herein.  
11 Said fictitious, “Doe” Defendants are named pursuant to Federal Rule of Civil Procedure  
12 15(c)(1); California Civil Procedure Code § 474; California Government Code § 950.4;  
13 Butler v. National Community Renaissance of California, 766 F.3d 1191, 1198 – 1201  
14 (9th Cir. 2014); Merritt v. County of Los Angeles, 875 F.2d 765, 768 (9th Cir. 1989);  
15 Cabrales v. County of Los Angeles, 864 F.2d 1454, 1462–64 (9th Cir.1988), vacated on  
16 other grounds, 490 U.S. 1087, 109 S.Ct. 2425, 104 L.Ed.2d 982 (1989), decision  
17 reinstated on remand, 886 F.2d 235 (9th Cir.1989); and Motley v. Parks, 198 F.R.D. 532,  
18 534-535 (C.D.Cal. 2000), see also Olden v. Hatchell, 154 Cal.App.3d 1032, 1037-1038,  
19 (1984) (applying Cal. Civ. Pro. Code § 474 to causes of action against public employee  
20 under California Tort Claims Act).

21  
22  
23 16. Plaintiffs are informed and believe, and on that basis allege, that at all times  
24 and places mentioned herein, each Defendant was the agent, representative, and/or  
25 employee of each of the remaining Defendants and was acting within the course and  
26 scope of said agency, representation, and/or employment.  
27  
28

1 17. In performing and engaging in the acts alleged herein, each Defendant was  
2 acting under color of law, to wit, under the statutes of the State of California and the  
3 ordinances, regulations, customs, and practices of Defendant CITY OF UKIAH and the  
4 UKIAH POLICE DEPARTMENT.

5  
6 **FACTUAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**  
7

8 18. Plaintiffs reallege and incorporate by reference all the other allegations set forth  
9 in this Complaint as if fully set forth herein.  
10

11 19. Plaintiffs have complied with the California Tort Claims Act, California  
12 Government Code § 910 *et seq.*  
13

14 20. On March 28, 2021, at approximately 7:05 p.m., Plaintiff ARTURO  
15 FLORES VALDES was approached outside his residence in his driveway at 1661  
16 Alicante Lane, Ukiah, Mendocino County, California, 95482 by Defendants RONALD  
17 DONAHUE and ERIC RODELLO.  
18

19 21. At 7:08 p.m., on the date of the incident, Defendants RONALD DONAHUE  
20 and ERIC RODELLO falsely told Plaintiff ARTURO FLORES VALDES he was not  
21 entitled to a lawyer while being investigated for a criminal offense because he was not  
22 under arrest.  
23

24 22. At or near 7:08 P.M. on the date of the incident, Defendants RONALD  
25 DONAHUE and ERIC RODELLO falsely accused Plaintiff ARTURO FLORES  
26 VALDES of being on probation, subject to search, and that the probation required him to  
27 take a chemical test to determine the alcohol content of his breath or blood.  
28



1  
2 23. At or near 7:08 P.M. on the date of the incident, Defendants RONALD  
3 DONAHUE and ERIC RODELLO ordered Plaintiff ARTURO FLORES VALDES to  
4 leave his property and move to their patrol vehicle.

5  
6 24. At or near 7:08 P.M. on the date of the incident, Defendant RONALD  
7 DONAHUE began walking towards the front door of Plaintiff ARTURO FLORES  
8 VALDES residence by walking to the South side of the driveway, South of a Mercedes  
9 ML350 and Cadillac XTS parked in the drive way.

10  
11 25. At or near 7:08 P.M. on the date of the incident, Plaintiff ARTURO  
12 FLORES VALDES walked East between a Mercedes ML350 and Cadillac XTS parked  
13 in the driveway and towards the garage.

14  
15 26. At or near 7:08 P.M. on the date of the incident, Defendant ERIC  
16 RODELLO grabbed Plaintiff ARTURO FLORES VALDES on his upper body and spins  
17 him claiming “you are detained.” Plaintiff ARTURO FLORES VALDES repeatedly asks  
18 “why am I am being detained?” without audible answer from Defendant ERIC  
19 RODELLO.  
20

21  
22 27. At or near 7:08 P.M. on the date of the incident, Defendants ERIC  
23 RODELLO and RONALD DONAHUE grab Plaintiff on opposite sides of his body  
24 pulling in opposite directions. Defendant RONALD DONAHUE trips over his own feet  
25 and falls backwards pulling Plaintiff ARTURO FLORES VALDES on top of him  
26 Defendant ERIC RODELLO has control over Plaintiff ARTURO FLORES VALDES’  
27 right arm while Plaintiff ARTURO FLORES VALDES has his left arm under his body.  
28

1 28. At or near 7:09 P.M. on the date of the incident, Defendants RONALD  
2 DONAHUE and ERIC RODELLO have holds placed Plaintiff ARTURO FLORES  
3 VALDES. While in the hold, on the ground and trying to protect himself, Defendant  
4 RONALD DONAHUE delivers multiple closed fist strikes to the nose and orbital socket  
5 of Plaintiff ARTURO FLORES VALDES.

6  
7 29. Plaintiff ARTURO FLORES VALDES, prior to being grabbed, moved,  
8 tackled, restrained and struck was not under arrest and there was no reasonable suspicion  
9 or probable cause to believe that Plaintiff ARTURO FLORES VALDES had committed  
10 any crime or offense. There was no warrant for Plaintiff ARTURO FLORES VALDES.  
11 Plaintiff ARTURO FLORES VALDES was not on probation for any crime.

12  
13 30. Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL  
14 PARKER, approached the front door of residence to speak to Plaintiff ELIZABETH  
15 ESPITIA VALDES. In order to obtain information, Defendants RONALD DONAHUE,  
16 ERIC RODELLO, AND DANIEL PARKER threatened, harassed, and coerced Plaintiff  
17 ELIZABETH ESPITIA VALDES.  
18

19  
20 31. Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL  
21 PARKER, in order to place pressure on Plaintiff ELIZABETH ESPITIA VALDES to  
22 provide information, called Child Protective Service and asked them to intervene and  
23 take custodial possession of Plaintiffs A.E.V. and A.A.V..  
24

25 32. In order to obtain information, Defendants RONALD DONAHUE, ERIC  
26 RODELLO, AND DANIEL PARKER threatened, harassed, and coerced Plaintiff  
27 ELIZABETH ESPITIA VALDES and eventually falsely placed her under arrest,  
28

1 handcuffing her and placing her in the back of a patrol vehicle without air conditioning  
2 on a very warm day with the windows up.

3  
4 33. Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL  
5 PARKER threatened, harassed, and coerced Plaintiff ELIZABETH ESPITIA VALDES,  
6 A.E.V. and A.A.V., by telling A.E.V., who was three years old at the time of the incident,  
7 “mom and dad had too much to drink today.”  
8

9 34. Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL  
10 PARKER, and DOES 1 through 100, inclusive, harassed, threatened, intimidated,  
11 pressured, unlawfully touched, and/or assaulted Plaintiffs ARTURO FLORES VALDES,  
12 ELIZABETH ESPITIA VALDES, A.E.V. and A.A.V..  
13

14 35. Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL  
15 PARKER, and DOES 1 through 100, inclusive, placed Plaintiff ARTURO FLORES  
16 VALDES in the back of a police vehicle, transported Plaintiff ARTURO FLORES  
17 VALDES to the police station, booked Plaintiff ARTURO FLORES VALDES, and held  
18 him in a jail cell.  
19

20  
21 36. Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL  
22 PARKER, and DOES 1 through 100, inclusive, charged Plaintiff ARTURO FLORES  
23 VALDES with California Penal Code § 148(a) delaying/obstructing a police officer as a  
24 misdemeanor, California Vehicle Code § 23152(a) driving under the influence of alcohol  
25 a misdemeanor, California Vehicle Code § 23152(b) driving with a .08% of alcohol in the  
26 blood a misdemeanor, California Penal Code § 273(a) willful cruelty to a child likely to  
27 cause serious injury or death a misdemeanor, and California Penal Code § 69  
28 obstructing/resisting a police officer a felony, without a reasonable suspicion or probable

1 cause to believe that Plaintiff had committed any crime or offense, and without a warrant  
2 for Plaintiff ARTURO FLORES VALDES.

3  
4 37. Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL  
5 PARKER, and DOES 1 through 100, inclusive, knew said charges against Plaintiff  
6 ARTURO FLORES VALDES were false.

7  
8 38. Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL  
9 PARKER, and DOES 1 through 100, inclusive, caused offense reports to be written  
10 including information about the facts of the incident and Plaintiffs ARTURO FLORES  
11 VALDES and ELIZABETH ESPITIA VALDES knowing the information and facts were  
12 false.

13  
14 39. Plaintiff ARTURO FLORES VALDES' bail amount was set at \$30,000 due  
15 to said charges filed by Defendants RONALD DONAHUE, ERIC RODELLO, AND  
16 DANIEL PARKER, and DOES 1 through 100, inclusive. Plaintiff ARTURO FLORES  
17 VALDES suffered economic damage to be released.

18  
19  
20 40. The Mendocino County District Attorney's office eventually filed a  
21 complaint and prosecuted Plaintiff ARTURO FLORES VALDES for the alleged crimes  
22 for which Defendants arrested Plaintiff ARTURO FLORES VALDES.

23  
24 41. The Mendocino County District Attorney's office eventually filed a  
25 complaint and prosecuted Plaintiff ELIZABETH ESPITIA VALDES for California Penal  
26 Code § 148(a) delaying/obstructing a police officer as a misdemeanor and California  
27 Penal Code § 273(a) willful cruelty to a child likely to cause serious injury or death a  
28 misdemeanor based on the false information and facts contained in the offense reports.

1  
2 42. Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA  
3 VALDES were forced to hire attorneys to defend against the false facts and information  
4 contained in the offense reports caused to be written Defendants RONALD DONAHUE,  
5 ERIC RODELLO, AND DANIEL PARKER, and DOES 1 through 100, inclusive.  
6 Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES suffered  
7 economic damage to be represented by counsel.  
8

9 43. Following the incident, on or about August 14, 2021, at approximately 12:15  
10 p.m., three patrol vehicles of Ukiah Police Department containing Defendants DOES 1  
11 through 100, inclusive, stopped ARTURO FLORES VALDES near the Mendocino  
12 County Fairgrounds. Ukiah Police Department Officers, Defendants DOES 1 through  
13 100, inclusive, harassed, threatened, intimidated, pressured, unlawfully touched, and/or  
14 assaulted Plaintiff ARTURO FLORES VALDES through making a false and unprovoked  
15 stop and accusing Plaintiff ARTURO FLORES VALDES of driving on a suspended  
16 license while attempting to search his vehicle and identifying him by name prior to  
17 receiving any information from him. Plaintiff ARTURO FLORES VALDES license was  
18 valid and no citations were issued. The incident occurred in the County of Mendocino.  
19  
20

21 44. At all relevant times and places, Defendants CITY OF UKIAH and UKIAH  
22 POLICE DEPARTMENT and their employees, agents, supervisors, managers and/or  
23 representatives, DOES 51 through 100, inclusive, ratified or acquiesced in the  
24 constitutional deprivation, or were deliberately indifferent, reckless, negligence, and/or  
25 careless with respect to hiring, training, supervising disciplining and retaining Defendants  
26 RONALD DONAHUE, ERIC RODELLO, AND DANIEL PARKER and DOES 1  
27 through 50, inclusive. As an actual legal, and proximate result of said Defendants'  
28 ratification, acquiescence, deliberate indifference, recklessness, negligence, and

1 carelessness: (a) Plaintiffs were unlawfully seized, held, and/or attacked; and (b)  
2 Plaintiffs suffered the injuries and damages alleged herein.

3  
4 45. At all relevant times herein, Defendants CITY OF UKIAH, UKIAH  
5 POLICE DEPARTMENT, their employees, agents, supervisors, managers, and/or  
6 representatives, and DOES 51 to 100, inclusive, and each of them, as well as their agents  
7 and employees acting within the course and scope of such agency and employment and  
8 under color of law, intentionally, deliberately, indifferently, recklessly, and/or  
9 negligently, and unreasonably set in motion a series of acts by others, or knowingly  
10 refused to terminate a series of acts by others, which they knew or reasonably should  
11 have known, would cause others to inflict constitutional injuries by failing to train,  
12 control, and supervise their employees, agents, and subordinates, including Defendants  
13 RONALD DONAHUE, ERIC RODELLO, AND DANIEL PARKER, and DOES 1 to 50,  
14 inclusive, with respect to the proper use of deployment, control, training, maintenance,  
15 supervision, instruction on use of force, detentions, and investigation. As an actual, legal  
16 and proximate result of said Defendants' intentional, deliberate indifference,  
17 recklessness, negligence, and carelessness: (a) Plaintiffs were unlawfully seized, held,  
18 and/or attacked; and (b) Plaintiffs suffered the injuries and damages alleged herein.  
19

20  
21 46. At said time and place, Defendants RONALD DONAHUE, ERIC  
22 RODELLO, AND DANIEL PARKER, and Does 1 through 100, inclusive, police  
23 officers, officers, employees and/or agents of Defendants CITY OF UKIAH and UKIAH  
24 POLICE DEPARTMENT:

25  
26 (a) seized Plaintiff ARTURO FLORES VALDES without a reasonable  
27 suspicion or probable cause to believe that Plaintiffs had committed  
28

1 any crime or offense, or that they had any legitimate or proper reason  
2 to seize Plaintiff ARTURO FLORES VALDES;

3 (b) entered into a conspiracy and agreement to seize, assault, batter and  
4 use excessive force against Plaintiff ARTURO FLORES VALDES;

5 (c) assaulted, battered, negligently, and/or intentionally inflicted  
6 emotional distress on, and used excessive and improper force against  
7 Plaintiff ARTURO FLORES VALDES without any proper and  
8 adequate excuse, cause or justification;

9 (d) intentionally, and/or negligently subjected Plaintiff ARTURO  
10 FLORES VALDES to emotional distress, including but not limited to  
11 suffering, anguish, nervousness, grief, anxiety, worry, humiliation,  
12 and shame by having Plaintiffs' minor children and wife be present  
13 and witness the detainment of Plaintiff ARTURO FLORES VALDES;

14 (e) seized Plaintiff ELIZABETH ESPITIA VALDES without a  
15 reasonable suspicion or probable cause to believe that Plaintiff had  
16 committed any crime or offense, or that they had any legitimate or  
17 proper reason to seize Plaintiff ELIZABETH ESPITIA VALDES;

18 (f) entered into a conspiracy and agreement to seize, assault, and batter  
19 Plaintiff ELIZABETH ESPITIA VALDES;

20 (g) assaulted, battered, negligently, and/or intentionally inflicted  
21 emotional distress on Plaintiff ELIZABETH ESPITIA VALDES  
22 without any proper and adequate excuse, cause or justification;

23 (h) intentionally, and/or negligently subjected Plaintiff ELIZABETH  
24 ESPITIA VALDES to emotional distress, including but not limited to  
25 suffering, anguish, nervousness, grief, anxiety, worry, humiliation,  
26 and shame by having Plaintiffs' minor children, husband and mother  
27  
28

1 be present and witness the detainment of Plaintiff ELIZABETH  
2 ESPITIA VALDES;

3 (i) entered into a conspiracy and agreement to harass, threaten, against  
4 Plaintiff ELIZABETH ESPITIA VALDES.

5  
6 47. As an actual, legal and proximate result of the intentional, reckless,  
7 negligent and otherwise wrongful conduct of Defendants, inclusive, Plaintiffs have  
8 suffered, and continues to suffer, general and special damages, including but not limited  
9 to personal injury, emotional distress, pain, trauma, and past and continuing medical  
10 expenses.

11  
12 48. At all relevant times and places, Defendants CITY OF UKIAH and UKIAH  
13 POLICE DEPARTMENT and their employees, agents, supervisors, managers and/or  
14 representatives, DOES 51 through 100, inclusive, were negligent and careless with  
15 respect to the hiring, training, supervision, discipline and retention of Defendants  
16 RONALD DONAHUE, ERIC RODELLO, AND DANIEL PARKER, and DOES 1  
17 through 50, inclusive.

18  
19  
20 49. The negligence and carelessness of Defendants CITY OF UKIAH and  
21 UKIAH POLICE DEPARTMENT and their employees, agents, supervisors, managers  
22 and/or representatives, DOES 51 through 100, inclusive, included but was not limited to,  
23 the failure to properly train Defendants RONALD DONAHUE, ERIC RODELLO, AND  
24 DANIEL PARKER, and DOES 1 through 50, inclusive.

25  
26 50. In addition, in performing and engaging in the intentional, reckless,  
27 negligent and other wrongful conduct alleged herein, Defendants, and each of them,  
28



1 failed to perform one or more mandatory duties, within the meaning of California  
2 Government Code § 815.6, including **but not limited to**:

- 3
- 4 (a) the mandatory duty under the Fourth Amendment to the Constitution  
5 of the United States, not to violate Plaintiffs' right to be secure in their  
6 person, and to be free from the use of excessive force and unlawful  
7 seizure;
- 8
- 9 (b) the mandatory duty under Article 1, § 13 of the California  
10 Constitution, not to violate Plaintiffs' right to be secure in her person  
11 and premises and to be free from the excessive use of force and  
12 unlawful search and seizure; and
- 13
- 14 (c) the mandatory duty under California Civil Code § 43, not to violate  
15 Plaintiff's statutory right of protection from bodily restraint and harm  
16 (Jones v. Kmart Corp., supra, 17 Cal.4th at p.338.)

17

18 51. In addition, at said time and place, Defendants Does 1 through 50, inclusive,  
19 intentionally, deliberately indifferently, recklessly, and/or negligently failed and refused  
20 to:

- 21 (a) prevent the Defendants who improperly seized, assaulted, battered,  
22 negligently, and/or intentionally inflicted emotional distress on, used  
23 excessive and improper force against Plaintiffs from doing so;
- 24
- 25 (b) intercede in any way; and/or
- 26
- 27 (c) take preventative or corrective action.
- 28

1           52. As an actual, legal and proximate of the intentional, deliberately indifferent,  
2 reckless, negligent and/or other wrongful acts, conduct and omissions of Defendants, and  
3 each of them:

- 4           (a) Plaintiff ARTURO FLORES VALDES suffered serious and  
5 significant physical, mental, emotional injuries, and/or other injuries;  
6           (b) Plaintiff ARTURO FLORES VALDES incurred, and continues to  
7 incur, lost wages and income;  
8           (c) Plaintiff ARTURO FLORES VALDES suffered a loss of earning  
9 capacity;  
10           (d) Plaintiff ARTURO FLORES VALDES property was damaged; and  
11           (e) Plaintiff ARTURO FLORES VALDES was subjected to a loss of his  
12 liberty.

13  
14           53. As an actual, legal and proximate of the intentional, deliberately indifferent,  
15 reckless, negligent and/or other wrongful acts, conduct and omissions of Defendants, and  
16 each of them:

- 17           (a) Plaintiff ELIZABETH ESPITIA VALDES suffered serious and  
18 significant physical, mental, emotional injuries, and/or other injuries;  
19           (b) Plaintiff ELIZABETH ESPITIA VALDES incurred, and continues to  
20 incur, lost wages and income;  
21           (c) Plaintiff ELIZABETH ESPITIA VALDES suffered a loss of earning  
22 capacity;  
23           (d) Plaintiff ELIZABETH ESPITIA VALDES property was damaged;  
24 and  
25           (e) Plaintiff ELIZABETH ESPITIA VALDES was subjected to a loss of  
26 her liberty.  
27  
28

1  
2 54. As an actual, legal and proximate of the intentional, deliberately indifferent,  
3 reckless, negligent and/or other wrongful acts, conduct and omissions of Defendants, and  
4 each of them:

5 (a) Plaintiffs A.E.V. and A.A.V. suffered serious and significant mental,  
6 emotional injuries, and/or other injuries;  
7

8 55. Defendants CITY OF UKIAH, UKIAH POLICE DEPARTMENT and their  
9 employees, agents, supervisors, managers and/or representatives, DOES 51 to 100,  
10 inclusive, were negligent and careless with respect to hiring, training, supervising and/or  
11 disciplining Defendants DOES 1 to 50, inclusive.  
12

13 56. The entity Defendants, CITY OF UKIAH and UKIAH POLICE  
14 DEPARTMENT, have statutory respondeat superior liability for the wrongful conduct of  
15 their agents and employees, RONALD DONAHUE, ERIC RODELLO, AND DANIEL  
16 PARKER, and DOES 1 through 100, inclusive, pursuant to California Government Code  
17 § 815.2(a).  
18

19 57. As an actual, legal and proximate result of the intentional, reckless,  
20 negligent and otherwise wrongful conduct of Defendants, and each of them, Plaintiffs  
21 have suffered, and continues to suffer, general and special damages, including but not  
22 limited to, emotional distress and trauma.  
23

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28 ///

**FIRST CAUSE OF ACTION**

**Violation Of Plaintiff's Rights Secured By The Fourth Amendment To The United States Constitution To Be Free From The Use Of Excessive Force Pursuant To 42 U.S.C. §§ 1983, 1988.**

**[By Plaintiff ARTURO FLORES VALDES against Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL PARKER, UKIAH POLICE DEPARTMENT and CITY OF UKIAH.]**

58. Plaintiff ARTURO FLORES VALDES realleges and incorporates by reference all the other allegations set forth in this Complaint as if fully set forth herein.

59. The use of force by Defendant RONALD DONAHUE, ERIC RODELLO, AND DANIEL PARKER against Plaintiff ARTURO FLORES VALDES was objectively unreasonable and excessive because at all relevant times said Plaintiff was unarmed, was clearly not dangerous, was clearly was not a flight risk, and did not attempt to resist or evade arrest. At no time did Plaintiff ARTURO FLORES VALDES attempt to resist or evade arrest, or engage or threaten to engage (verbally or otherwise) in any conduct that would have justified, or made reasonable and non-excessive, the force used against Plaintiff ARTURO FLORES VALDES .

60. Pursuant to Rule 11(b)(3) of the Federal Rules of Civil Procedure, Plaintiff ARTURO FLORES VALDES asserts that the following factual allegation will likely have evidentiary support after a reasonable opportunity for further investigation or discovery:

1 Defendants CITY OF UKIAH and UKIAH POLICE DEPARTMENT maintained  
2 or permitted an official policy, custom or practice of knowingly permitting the  
3 occurrence of the type of wrongs set forth above and, based upon the principles set forth  
4 in Monell v. New York City Department of Social Services, 436 U.S. 658, 98 S.Ct. 2018,  
5 56 L.Ed.2d 611 (1978), and City of Canton, Ohio v. Harris, 489 U.S. 378, 109 S.Ct.  
6 1197, 103 L.Ed.2d 412 (1989), and, that policy, custom or practice was carried out by  
7 Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL PARKER and  
8 DOES 1 through 50 in violating Plaintiff ARTURO FLORES VALDES' rights  
9 guaranteed by the Fourth Amendment to be free from excessive and unreasonable force,  
10 and is therefore liable for all injuries sustained by Plaintiff ARTURO FLORES VALDES  
11 as set forth herein.

12 Plaintiff ARTURO FLORES VALDES' assertion under Federal Rule of Civil  
13 Procedure 11(b)(3) that the above allegation will likely have evidentiary support after a  
14 reasonable opportunity for further investigation or discovery is based, in part, on the fact  
15 that multiple cases of violations of citizens' rights have been brought by multiple  
16 plaintiffs and settled by the City of Ukiah.  
17

18  
19 61. By reason of the conduct of the Defendants named in his cause of action,  
20 and each of them, as alleged herein, Plaintiff ARTURO FLORES VALDES was  
21 deprived, under color of law, of his rights guaranteed by the Fourth Amendment to the  
22 United States Constitution to be free from the use of excessive force.  
23

24 62. As a direct and proximate result of the acts of the Defendants named in his  
25 cause of action, Plaintiffs suffered severe emotional and physical harm, and thus  
26 Plaintiffs seek and are entitled to recover, general and special damages, including but not  
27 limited to medical expenses and physical, mental and emotional pain, shock, agony and  
28 suffering, in an amount according to proof at trial.

1  
2 63. The aforementioned conduct of Defendant RONALD DONAHUE, ERIC  
3 RODELLO, AND DANIEL PARKER was done maliciously, oppressively and with an  
4 intent to injure Plaintiffs and in conscious disregard for the rights and safety of Plaintiffs,  
5 such that an award of exemplary and punitive damages should be imposed against said  
6 individual Defendants in an amount to be proven at trial.

7  
8 **SECOND CAUSE OF ACTION**

9 **Violation Of Plaintiff's Rights Secured By The Fourth Amendment To The United**  
10 **States Constitution To Be Free From The Use Of Excessive Force Pursuant To 42**  
11 **U.S.C. §§ 1983, 1988**

12  
13 **[By Plaintiff ARTURO FLORES VALDES against UKIAH POLICE**  
14 **DEPARTMENT, CITY OF UKIAH Defendants DOES 1 to 100, inclusive.]**  
15

16 64. Plaintiff ARTURO FLORES VALDES realleges and incorporates by  
17 reference all the other allegations set forth in this Complaint as if fully set forth herein.  
18

19 65. Plaintiff ARTURO FLORES VALDES alleges this cause of action against  
20 Defendants DOES 1 to 100, inclusive, pursuant to Federal Rule of Civil Procedure  
21 15(c)(1); California Civil Procedure Code § 474; California Government Code § 950.4;  
22 Butler v. National Community Renaissance of California, 766 F.3d 1191, 1198 – 1201  
23 (9th Cir. 2014); Merritt v. County of Los Angeles, 875 F.2d 765, 768 (9th Cir. 1989);  
24 Cabrales v. County of Los Angeles, 864 F.2d 1454, 1462–64 (9th Cir.1988), vacated on  
25 other grounds, 490 U.S. 1087, 109 S.Ct. 2425, 104 L.Ed.2d 982 (1989), decision  
26 reinstated on remand, 886 F.2d 235 (9th Cir.1989); and Olden v. Hatchell, 154  
27  
28

1 Cal.App.3d 1032, 1037 (1984) (applying Cal. Civ. Pro. Code § 474 to causes of action  
2 against public employee under California Tort Claims Act).

3  
4 66. Plaintiff ARTURO FLORES VALDES alleges that in **ADDITION** (and  
5 **NOT** in the alternative) to Defendant RONALD DONAHUE, ERIC RODELLO, AND  
6 DANIEL PARKER in fact using unreasonable and excessive force against Plaintiff  
7 ARTURO FLORES VALDES as alleged above, other Defendants whose identities are at  
8 this time unknown, and are therefore named herein as Defendants DOES 1 to 100,  
9 inclusive, **ALSO** used unreasonable and excessive force against Plaintiff ARTURO  
10 FLORES VALDES

11  
12 67. The use of force by Defendant RONALD DONAHUE, ERIC RODELLO,  
13 AND DANIEL PARKER against Plaintiff ARTURO FLORES VALDES was objectively  
14 unreasonable and excessive because at all relevant times said Plaintiff was unarmed, was  
15 clearly not dangerous, was clearly not a flight risk, and did not attempt to resist or evade  
16 arrest. At no time did Plaintiff ARTURO FLORES VALDES attempt to resist or evade  
17 arrest, or engage or threaten to engage (verbally or otherwise) in any conduct that would  
18 have justified, or made reasonable and non-excessive the force used against Plaintiff  
19 ARTURO FLORES VALDES .

20  
21  
22 68. Pursuant to Rule 11(b)(3) of the Federal Rules of Civil Procedure, Plaintiff  
23 ARTURO FLORES VALDES asserts that the following factual allegation will likely  
24 have evidentiary support after a reasonable opportunity for further investigation or  
25 discovery:

26 Defendants CITY OF UKIAH, and UKIAH POLICE DEPARTMENT, inclusive,  
27 maintained or permitted an official policy, custom or practice of knowingly permitting  
28 the occurrence of the type of wrongs set forth above and, based upon the principles set

1 forth in Monell v. New York City Department of Social Services, 436 U.S. 658, 98 S.Ct.  
2 2018, 56 L.Ed.2d 611 (1978), and City of Canton, Ohio v. Harris, 489 U.S. 378, 109  
3 S.Ct. 1197, 103 L.Ed.2d 412 (1989), and, that policy, custom or practice was carried out  
4 by Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL PARKER and  
5 DOES 1 through 50 in violating Plaintiff ARTURO FLORES VALDES' rights  
6 guaranteed by the Fourth Amendment to be free from excessive and unreasonable force,  
7 and is therefore liable for all injuries sustained by Plaintiff ARTURO FLORES VALDES  
8 as set forth herein.

9 Plaintiff ARTURO FLORES VALDES' s assertion under Federal Rule of Civil  
10 Procedure 11(b)(3) that the above allegation will likely have evidentiary support after a  
11 reasonable opportunity for further investigation or discovery is based, in part, on the fact  
12 that multiple cases of violations of citizens' rights have been brought by multiple  
13 plaintiffs and settled by the City of Ukiah. Such recent case filings, allegations and  
14 settlements against Defendant CITY OF UKIAH and the UKIAH POLICE  
15 DEPARTMENT supports and justifies the opportunity to conduct discovery on the  
16 Monell issue in the present case.  
17

18  
19 69. By reason of the conduct of the Defendants named in his cause of action,  
20 and each of them, as alleged herein, Plaintiff ARTURO FLORES VALDES was  
21 deprived, under color of law, of his rights guaranteed by the Fourth Amendment to the  
22 United States Constitution to be free from the use of excessive force.  
23

24 70. As a direct and proximate result of the acts of the Defendants named in his  
25 cause of action, Plaintiff suffered severe emotional and physical harm, and thus Plaintiff  
26 seek and are entitled to recover, general and special damages, including but not limited to  
27 medical expenses and physical, mental and emotional pain, shock, agony and suffering,  
28 in an amount according to proof at trial.



1  
2 71. The aforementioned conduct of Defendant RONALD DONAHUE, ERIC  
3 RODELLO, AND DANIEL PARKER was done maliciously, oppressively and with an  
4 intent to injure Plaintiff and in conscious disregard for the rights and safety of Plaintiff,  
5 such that an award of exemplary and punitive damages should be imposed against said  
6 individual Defendants in an amount to be proven at trial.

7  
8 **Third Cause Of Action**

9 **Violation Of Plaintiff's Rights Secured By The Fourth Amendment To The United**  
10 **States Constitution To Be Free From Unlawful Search And/Or Seizure Pursuant To**  
11 **42 U.S.C. §§ 1983, 1988.**

12  
13 **[By Plaintiff ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES**  
14 **against Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL**  
15 **PARKER, UKIAH POLICE DEPARTMENT and CITY OF UKIAH.]**

16  
17  
18 72. Plaintiff ARTURO FLORES VALDES and ELIZABETH ESPITIA  
19 VALDES reallege and incorporate by reference all the other allegations set forth in this  
20 Complaint as if fully set forth herein.

21  
22 73. Defendant RONALD DONAHUE, ERIC RODELLO, AND DANIEL  
23 PARKER arrested, seized, detained and searched Plaintiffs ARTURO FLORES  
24 VALDES and ELIZABETH ESPITIA VALDES without a warrant, probable cause,  
25 exigent circumstances or any other legal justification or legally sufficient reason in  
26 violation of the Fourth Amendment. Said Defendants' conduct was objectively  
27 unreasonable and excessive for the additional reason that at all relevant times said  
28 Plaintiff was unarmed, was clearly not dangerous, was clearly not a flight risk, and did

1 not attempt to resist or evade arrest. At no time did Plaintiffs ARTURO FLORES  
2 VALDES and/or ELIZABETH ESPITIA VALDES attempt to resist or evade arrest, or  
3 engage or threaten to engage (verbally or otherwise) in any conduct that would have  
4 justified, or made reasonable, their arrest, seizure, detention and search.

5  
6 74. Pursuant to Rule 11(b)(3) of the Federal Rules of Civil Procedure, Plaintiffs  
7 ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES assert that the  
8 following factual allegation will likely have evidentiary support after a reasonable  
9 opportunity for further investigation or discovery:

10 Defendants CITY OF UKIAH and UKIAH POLICE DEPARTMENT maintained  
11 or permitted an official policy, custom or practice of knowingly permitting the  
12 occurrence of the type of wrongs set forth above and, based upon the principles set forth  
13 in Monell v. New York City Department of Social Services, 436 U.S. 658, 98 S.Ct. 2018,  
14 56 L.Ed.2d 611 (1978), and City of Canton, Ohio v. Harris, 489 U.S. 378, 109 S.Ct.  
15 1197, 103 L.Ed.2d 412 (1989), and, that policy, custom or practice was carried out by  
16 Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL PARKER and  
17 DOES 1 through 50 in violating Plaintiffs ARTURO FLORES VALDES and  
18 ELIZABETH ESPITIA VALDES' rights guaranteed by the Fourth Amendment to be  
19 free from excessive and unreasonable force, and is therefore liable for all injuries  
20 sustained by Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA  
21 VALDES as set forth herein.

22  
23 Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES  
24 assertion under Federal Rule of Civil Procedure 11(b)(3) that the above allegation will  
25 likely have evidentiary support after a reasonable opportunity for further investigation or  
26 discovery is based, in part, on the fact that multiple cases of violations of citizens' rights  
27 have been brought by multiple plaintiffs and settled by the CITY OF UKIAH. Such  
28 recent case filings, allegations and settlements against Defendant CITY OF UKIAH and

1 the UKIAH POLICE DEPARTMENT supports and justifies the opportunity to conduct  
2 discovery on the Monell issue in the present case.

3  
4 75. By reason of the conduct of the Defendants named in his cause of action,  
5 and each of them, as alleged herein, Plaintiffs ARTURO FLORES VALDES and  
6 ELIZABETH ESPITIA VALDES were deprived, under color of law, of their rights  
7 guaranteed by the Fourth Amendment to the United States Constitution to be free from  
8 unlawful search and/or seizure.

9  
10 76. As a direct and proximate result of the acts of the Defendants named in this  
11 cause of action, Plaintiffs suffered severe emotional and physical harm, and thus  
12 Plaintiffs seek and are entitled to recover, general and special damages, including but not  
13 limited to medical expenses and physical, mental and emotional pain, shock, agony and  
14 suffering, in an amount according to proof at trial.

15  
16 77. The aforementioned conduct of Defendant RONALD DONAHUE, ERIC  
17 RODELLO, AND DANIEL PARKER was done maliciously, oppressively and with an  
18 intent to injure Plaintiffs and in conscious disregard for the rights and safety of Plaintiffs,  
19 such that an award of exemplary and punitive damages should be imposed against said  
20 individual Defendants in an amount to be proven at trial.

21  
22  
23 **FOURTH CAUSE OF ACTION**

24 **Violation Of Plaintiff's Rights Secured By The Fourth Amendment To The United**  
25 **States Constitution To Be Free From The Use Of Excessive Force Pursuant To 42**  
26 **U.S.C. §§ 1983, 1988.**

1 **[By Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES**  
2 **against Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL**  
3 **PARKER, UKIAH POLICE DEPARTMENT, CITY OF UKIAH and DOES 1 to**  
4 **100, inclusive.]**

5  
6 78. Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA  
7 VALDES realleges and incorporates by reference all the other allegations set forth in this  
8 Complaint as if fully set forth herein.

9  
10 79. Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA  
11 VALDES alleges this cause of action against Defendants DOES 1 to 100, inclusive,  
12 pursuant to Federal Rule of Civil Procedure 15(c)(1); California Civil Procedure Code  
13 § 474; California Government Code § 950.4; Butler v. National Community Renaissance  
14 of California, 766 F.3d 1191, 1198 – 1201 (9th Cir. 2014); Merritt v. County of Los  
15 Angeles, 875 F.2d 765, 768 (9th Cir. 1989); Cabrales v. County of Los Angeles, 864 F.2d  
16 1454, 1462–64 (9th Cir.1988), vacated on other grounds, 490 U.S. 1087, 109 S.Ct. 2425,  
17 104 L.Ed.2d 982 (1989), decision reinstated on remand, 886 F.2d 235 (9th Cir.1989); and  
18 Olden v. Hatchell, 154 Cal.App.3d 1032, 1037 (1984) (applying Cal. Civ. Pro. Code §  
19 474 to causes of action against public employee under California Tort Claims Act).

20  
21  
22 80. Defendants DOES 1 to 100, inclusive, arrested, seized, detained and  
23 searched Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES  
24 without a warrant, probable cause, exigent circumstances or any other legal justification  
25 or legally sufficient reason in violation of the Fourth Amendment. Said Defendants’  
26 conduct was objectively unreasonable and excessive for the additional reason that at all  
27 relevant times said Plaintiff was unarmed, was clearly not dangerous, was clearly was not  
28 a flight risk, and did not attempt to resist or evade arrest. At no time did Plaintiffs

1 ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES attempt to resist or  
2 evade arrest, or engage or threaten to engage (verbally or otherwise) in any conduct that  
3 would have justified, or made reasonable, his arrest, seizure, detention and search.  
4

5 81. Pursuant to Rule 11(b)(3) of the Federal Rules of Civil Procedure, Plaintiffs  
6 ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES asserts that the  
7 following factual allegation will likely have evidentiary support after a reasonable  
8 opportunity for further investigation or discovery:

9 Defendants CITY OF UKIAH and UKIAH POLICE DEPARTMENT maintained  
10 or permitted an official policy, custom or practice of knowingly permitting the  
11 occurrence of the type of wrongs set forth above and, based upon the principles set forth  
12 in Monell v. New York City Department of Social Services, 436 U.S. 658, 98 S.Ct. 2018,  
13 56 L.Ed.2d 611 (1978), and City of Canton, Ohio v. Harris, 489 U.S. 378, 109 S.Ct.  
14 1197, 103 L.Ed.2d 412 (1989), and, that policy, custom or practice was carried out by  
15 Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL PARKER and  
16 DOES 1 through 50 in violating Plaintiffs ARTURO FLORES VALDES and  
17 ELIZABETH ESPITIA VALDES' rights guaranteed by the Fourth Amendment to be  
18 free from excessive and unreasonable force, and is therefore liable for all injuries  
19 sustained by Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA  
20 VALDES as set forth herein.  
21

22 Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES  
23 assertion under Federal Rule of Civil Procedure 11(b)(3) that the above allegation will  
24 likely have evidentiary support after a reasonable opportunity for further investigation or  
25 discovery is based, in part, on the fact that multiple cases of violations of citizens' rights  
26 have been brought by multiple plaintiffs and settled by the City of Ukiah. Such recent  
27 case filings, allegations and settlements against Defendant CITY OF UKIAH and the  
28

1 UKIAH POLICE DEPARTMENT supports and justifies the opportunity to conduct  
2 discovery on the Monell issue in the present case.

3  
4 82. By reason of the conduct of the Defendants named in his cause of action,  
5 and each of them, as alleged herein, Plaintiffs ARTURO FLORES VALDES and  
6 ELIZABETH ESPITIA VALDES were deprived, under color of law, of their rights  
7 guaranteed by the Fourth Amendment to the United States Constitution to be free from  
8 unlawful search and/or seizure.

9  
10 83. As a direct and proximate result of the acts of the Defendants named in his  
11 cause of action, Plaintiffs suffered severe emotional and physical harm, and thus  
12 Plaintiffs seek and are entitled to recover, general and special damages, including but not  
13 limited to medical expenses and physical, mental and emotional pain, shock, agony and  
14 suffering, in an amount according to proof at trial.

15  
16 84. The aforementioned conduct of Defendant RONALD DONAHUE, ERIC  
17 RODELLO, AND DANIEL PARKER was done maliciously, oppressively and with an  
18 intent to injure Plaintiffs and in conscious disregard for the rights and safety of Plaintiffs,  
19 such that an award of exemplary and punitive damages should be imposed against said  
20 individual Defendants in an amount to be proven at trial.

21  
22  
23 **FIFTH CAUSE OF ACTION**

24 **Violation of the Ralph Civil Rights Act, California Government Code § 51.7 et seq.**

25  
26 **[By Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES**  
27 **against Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL**  
28

**PARKER, UKIAH POLICE DEPARTMENT, CITY OF UKIAH and DOES 1 to  
100, inclusive.]**

85. Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES reallege and incorporate by reference all the other allegations set forth in this Complaint as if fully set forth herein.

86. Defendants, and each of them, subjected Plaintiff ARTURO FLORES VALDES to violence, or intimidation by threat of violence because of or on account of Plaintiffs' race, ethnic group identification, and/or color.

**SIXTH CAUSE OF ACTION**

**Violation of the Unruh Civil Rights Act, California Civil Code § 51 et. seq.,**

**[By Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES  
against Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL  
PARKER, UKIAH POLICE DEPARTMENT, CITY OF UKIAH and DOES 1 to  
100, inclusive.]**

87. Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES reallege and incorporate by reference all the other allegations set forth in this Complaint as if fully set forth herein.

88. Defendants, and each of them, engaged in discrimination on the basis of Plaintiffs' race, ethnic group identification, and/or color

1 89. The conduct of Defendants, and each of them, alleged herein violates the  
2 Unruh Act, including Cal. Civ. Code § 51, et. seq.

3  
4 **SEVENTH CAUSE OF ACTION**

5 **Violation of the Bane Civil Rights Act, California Civil Code § 52.1.**

6  
7 **[By Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES**  
8 **against Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL**  
9 **PARKER, UKIAH POLICE DEPARTMENT, CITY OF UKIAH and DOES 1 to**  
10 **100, inclusive.]**

11  
12  
13 90. Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA  
14 VALDES reallege and incorporate by reference all the other allegations set forth in this  
15 Complaint as if fully set forth herein.

16  
17 91. In engaging in and performing the acts, omissions and conduct alleged  
18 herein, Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL PARKER,  
19 and DOES 1 through 50, inclusive, while acting within the course and scope of their  
20 employment with Defendant CITY OF UKIAH and UKIAH POLICE DEPARTMENT,  
21 and Defendants Does 51 through 100, inclusive, interfered by threats, intimidation, or  
22 coercion, or attempted to interfere by threats, intimidation, or coercion, with the exercise  
23 or enjoyment by Plaintiff of rights secured by the Constitution or laws of the United  
24 States, or of the rights secured by the Constitution or laws of the State of California.  
25 More specifically, said Defendants interfered, or attempted to interfere, with Plaintiffs'  
26 constitutional or statutory rights under, inter alia:



- 1 (a). The Fourth Amendment to the Constitution of the United States, to be  
2 secure in their persons and to be free from unreasonable seizure, search  
3 and the excessive use of force;  
4
- 5 (b). Article 1, § 13 of the California Constitution, to be secure in their persons  
6 and to be free from the excessive use of force;  
7
- 8 (c). Article I, § 7 of the California Constitution, not to be deprived of their  
9 liberty without due process of law; and  
10
- 11 (d). California Civil Code § 43, the statutory right of protection from bodily  
12 restraint and harm, *see Jones v. Kmart Corp.* (1998) 17 Cal.4th 329, 338.  
13

14 92. As an actual, direct, proximate and legal result of the wrongful conduct of  
15 Defendants, and each of them, alleged herein, Plaintiffs ARTURO FLORES VALDES  
16 and ELIZABETH ESPITIA VALDES incurred, and is entitled to recover, general and  
17 special damages. Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA  
18 VALDES: (a) suffered and incurred physical injuries, emotional injuries and distress, and  
19 medical expenses; and (b) will suffer and incur future continuing emotional distress, and  
20 medical expenses.  
21

22 93. Pursuant to California Civil Code §§ 52(a), (b), 52.1(b), (h), Plaintiffs  
23 ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES are entitled to  
24 recover either:  
25

- 26 (a). a civil penalty of twenty-five thousand dollars (\$25,000), their actual  
27 damages and, in addition, an amount to be determined by a jury for  
28 exemplary damages, as well as attorneys' fees as may be determined

1 by the Court; or

2  
3 (b). their actual damages, and any amount that may be determined by a  
4 jury up to a maximum of three times the amount of actual damage but  
5 in no case less than four thousand dollars (\$4,000), and any attorney's  
6 fees that may be determined by the Court.

7  
8 94. Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL  
9 PARKER, and DOES 1 through 50, inclusive, are legally responsible for, and has a duty  
10 to pay, all of the damages, punitive or exemplary damages, penalties, attorneys' fees, and  
11 costs set forth in this cause of action pursuant to California Government Code § 820(a).

12  
13 95. Defendants CITY OF UKIAH and UKIAH POLICE DEPARTMENT, and  
14 Defendants Does 51 through 100, inclusive, are legally responsible for, and have a duty  
15 to pay, all of the damages, penalties, attorneys' fees, and costs set forth in this cause of  
16 action, except for punitive or exemplary damages, pursuant to California Government  
17 Code § 815.2(a).

18  
19 **EIGHTH CAUSE OF ACTION**

20 **Assault under California Law**

21  
22 **[By Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES**  
23 **against Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL**  
24 **PARKER, UKIAH POLICE DEPARTMENT, CITY OF UKIAH and DOES 1 to**  
25 **100, inclusive.]**

1           96. Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA  
2 VALDES reallege and incorporate by reference all the other allegations set forth in this  
3 Complaint as if fully set forth herein.  
4

5           97. In engaging in and performing the acts, omissions and conduct alleged  
6 herein, Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL PARKER  
7 and DOES 1 through 50, inclusive, while acting within the course and scope of their  
8 employment with CITY OF UKIAH and the UKIAH POLICE DEPARTMENT, and  
9 DOES 51 through 100, inclusive, intended to cause and did cause Plaintiffs to suffer  
10 reasonable apprehension of an immediate harmful or offensive physical contact. All such  
11 apprehended physical contact was harmful or offensive because, inter alia, Defendants,  
12 and each of them, had no legal right or privilege to physically contact Plaintiffs  
13 ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES.  
14

15           98. Such acts, omissions and conduct were not privileged because Defendants  
16 RONALD DONAHUE, ERIC RODELLO, AND DANIEL PARKER and DOES 1  
17 through 50 did not have a warrant, probable cause, exigent circumstances or any other  
18 legal justification or legally sufficient reason to arrest, seize, detain or search Plaintiffs  
19 ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES. Defendants  
20 RONALD DONAHUE, ERIC RODELLO, AND DANIEL PARKER and DOES 1  
21 through 50 had no more right, justification or privilege to cause Plaintiffs ARTURO  
22 FLORES VALDES and ELIZABETH ESPITIA VALDES to suffer reasonable  
23 apprehension of an immediate harmful or offensive physical contact than would a non-  
24 law enforcement civilian who did not have legal justification to even perform a citizen's  
25 arrest – that is, no right justification or privilege at all.  
26  
27  
28

1           99. As a result of the conduct of Defendants RONALD DONAHUE, ERIC  
2           RODELLO, AND DANIEL PARKER, and DOES 1 through 50, inclusive, Plaintiffs  
3           ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES have been  
4           damaged as alleged herein above.

5  
6           100. At no time did Plaintiffs ARTURO FLORES VALDES and ELIZABETH  
7           ESPITIA VALDES consent to any of the acts of Defendants alleged herein.

8  
9           101. The aforementioned conduct was done maliciously, oppressively and with  
10          intent to injure Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA  
11          VALDES, and in conscious disregard for the rights and safety of Plaintiffs, such that an  
12          award of exemplary and punitive damages should be imposed against Defendants in an  
13          amount to be proven at trial.

14  
15          102. Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL  
16          PARKER, and DOES 1 through 50, inclusive, are legally responsible for, and have a duty  
17          to pay, all of the damages, punitive or exemplary damages, penalties, attorney's fees, and  
18          costs set forth in this cause of action pursuant to California Government Code § 820(a).

19  
20  
21          103. Defendants CITY OF UKIAH and the UKIAH POLICE DEPARTMENT,  
22          and DOES 51 through 100, inclusive, are legally responsible for, and have a duty to pay,  
23          all of the damages, penalties, attorney's fees, and costs set forth in this cause of action,  
24          except for punitive or exemplary damages, pursuant to California Government Code §  
25          815.2(a) and the decision in Los Angeles County Metropolitan Transp. Authority v.  
26          Superior Court, 123 Cal.App.4th 261, 264, 20 Cal.Rptr.3d 92, 94 (2004).

27        ///

28        ///

**NINTH CAUSE OF ACTION**  
**Battery under California Law.**

**[By Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES  
against Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL  
PARKER, UKIAH POLICE DEPARTMENT, CITY OF UKIAH and DOES 1 to  
100, inclusive.]**

104. Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES reallege and incorporate by reference all the other allegations set forth in this Complaint as if fully set forth herein.

105. Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES assert this Ninth Cause of Action for Battery under California law.

106. In engaging in and performing the acts, omissions and conduct alleged herein, Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL PARKER and DOES 1 through 50, inclusive, while acting within the course and scope of their employment with CITY OF UKIAH and the UKIAH POLICE DEPARTMENT, and DOES 51 through 100, inclusive, caused force and offensive touching and/or violence to be used upon and against Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES, on or about their body in a willful, reckless, malicious, and unlawful manner and without consent, cause, provocation or justification and with intent to place them in fear and/or to do bodily harm to the Plaintiffs. The use of force by Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL PARKER and DOES 1 through 50, inclusive, against Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES was objectively unreasonable and excessive because at all relevant

1 times said Plaintiffs were unarmed, were clearly not dangerous, were clearly not a flight  
2 risk, and did not attempt to resist or evade arrest. At no time did Plaintiffs ARTURO  
3 FLORES VALDES and ELIZABETH ESPITIA VALDES attempt to resist or evade  
4 arrest, or engage or threaten to engage (verbally or otherwise) in any conduct that would  
5 have justified, or made reasonable and non-excessive, the force used against Plaintiffs  
6 ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES.

7  
8 107. Such acts, omissions and conduct were not privileged because Defendants  
9 RONALD DONAHUE, ERIC RODELLO, AND DANIEL PARKER and DOES 1  
10 through 50, inclusive, did not have a warrant, probable cause, exigent circumstances or  
11 any other legal justification or legally sufficient reason to arrest, seize, detain or search  
12 Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES. Thus,  
13 all such offensive touching of Plaintiffs ARTURO FLORES VALDES and ELIZABETH  
14 ESPITIA VALDES (e.g., placing handcuffs on Plaintiffs ARTURO FLORES VALDES  
15 and ELIZABETH ESPITIA VALDES) was **NOT** privileged. Defendants RONALD  
16 DONAHUE, ERIC RODELLO, AND DANIEL PARKER and DOES 1 through 50 had  
17 no more right, justification or privilege to offensively, offensively or harmfully touch  
18 Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES than  
19 would a non-law enforcement civilian who did not have legal justification to even  
20 perform a citizen's arrest – that is, no right justification or privilege at all.  
21

22  
23 108. As an actual, direct, proximate and legal result of the wrongful conduct of  
24 Defendants, and each of them, alleged herein: (a) Defendants caused Plaintiffs ARTURO  
25 FLORES VALDES and ELIZABETH ESPITIA VALDES to suffer reasonable  
26 apprehension of an immediate harmful or offensive physical contact; (b) Plaintiffs  
27 ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES suffered and  
28 incurred physical injuries, emotional injuries and distress and medical expenses; and (c)

1 Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES will  
2 suffer and incur future continuing emotional distress and medical expenses. In addition,  
3 in performing the acts alleged herein, Defendants' conduct was willful, reckless and/or  
4 was intended to cause injury to Plaintiffs. Plaintiffs are therefore entitled to an award of  
5 exemplary damages

6  
7 109. Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL  
8 PARKER, and DOES 1 through 50, inclusive, inclusive, are legally responsible for, and  
9 has a duty to pay, all of the damages, punitive or exemplary damages, penalties, and costs  
10 set forth in this cause of action pursuant to California Government Code § 820(a).

11  
12 110. Defendants UKIAH POLICE DEPARTMENT and CITY OF UKIAH, and  
13 DOES 51 through 100, inclusive, are legally responsible for, and have a duty to pay, all  
14 of the damages, penalties, and costs set forth in this cause of action, except for punitive or  
15 exemplary damages, pursuant to California Government Code § 815.2(a).

16  
17 **TENTH CAUSE OF ACTION:**

18 **For Intentional Infliction of Emotional Distress under California Law;**

19  
20 **[By Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES,**  
21 **A.E.V., and A.A.V. against Defendants RONALD DONAHUE, ERIC RODELLO,**  
22 **DANIEL PARKER, the CITY OF UKIAH, the UKIAH POLICE DEPARTMENT**  
23 **and DOES 1 to 100, inclusive.]**

24  
25 111. Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA  
26 VALDES, A.E.V., and A.A.V. realleges and incorporates by reference all the other  
27 allegations set forth in this Complaint as if fully set forth herein.  
28

1 112. Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA  
2 VALDES, A.E.V., and A.A.V. asserts this Tenth Cause of Action for Intentional  
3 Infliction of Emotional Distress under California law.

4  
5 113. The conduct of Defendants RONALD DONAHUE, ERIC RODELLO, AND  
6 DANIEL PARKER and DOES 1 through 50, inclusive, as alleged above, was carried out  
7 by said Defendants while acting within the course and scope of their employment with  
8 Defendants CITY OF UKIAH and the UKIAH POLICE DEPARTMENT, and DOES 51  
9 through 100, inclusive. Said conduct was outrageous and carried out with the intent to  
10 cause Plaintiffs extreme and severe emotional distress.

11  
12 114. As a direct and proximate result of the acts of Defendants, Plaintiffs  
13 suffered, and seeks to recover for, extreme and enduring mental, physical and emotional  
14 pain, distress, shock, agony and suffering, in an amount according to proof at trial.

15  
16 115. Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL  
17 PARKER and DOES 1 through 50, inclusive, are legally responsible for, and have a duty  
18 to pay, all of the damages, punitive or exemplary damages, penalties, attorney's fees, and  
19 costs set forth in this cause of action pursuant to California Government Code § 820(a).  
20

21  
22 116. Defendants CITY OF UKIAH and the UKIAH POLICE DEPARTMENT,  
23 and DOES 51 through 100, inclusive, are legally responsible for, and have a duty to pay,  
24 all of the damages, penalties, attorney's fees, and costs set forth in this cause of action,  
25 except for punitive or exemplary damages, pursuant to California Government Code §  
26 815.2(a) and the decision in Los Angeles County Metropolitan Transp. Authority v.  
27 Superior Court, 123 Cal.App.4th 261, 264, 20 Cal.Rptr.3d 92, 94 (2004).  
28



**ELEVENTH CAUSE OF ACTION**

**Unlawful arrest and/or seizure under California Law**

**[By Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES  
against Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL  
PARKER, UKIAH POLICE DEPARTMENT, CITY OF UKIAH and DOES 1 to  
100, inclusive.]**

117. Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES reallege and incorporate by reference all the other allegations set forth in this Complaint as if fully set forth herein.

118. At the time of the above-described events, and at all other pertinent times, Defendants, and each of them, had no warrant for the arrest of Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES, or other facts or information that constituted probable cause that Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES had ever committed or was about to commit a crime, so as to provide grounds for a lawful arrest.

119. At the time of the above-described events, and at all other pertinent times, Defendants, and each of them, did not have any facts or information that constituted a reasonable suspicion that Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES was involved in any unlawful activity so as to provide grounds for any detention or restraint whatsoever of Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES' freedom of movement, and that Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES' detention and arrest was, therefore, unlawful.

**TWELFTH CAUSE OF ACTION**

**False Imprisonment under California Law**

**[By Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES  
against Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL  
PARKER, UKIAH POLICE DEPARTMENT, CITY OF UKIAH and DOES 1 to  
100, inclusive.]**

120. Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES reallege and incorporate by reference all the other allegations set forth in this Complaint as if fully set forth herein.

121. Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES were seized and arrested by Defendants, and each of them, maliciously and without warrant or other of commitment or any other legal authority of any kind, when Plaintiffs had not committed any crime or public offense. Defendants accused Plaintiffs of committing offenses but in fact the offenses had not occurred, nor did Defendants have probable cause to believe that they had occurred or that Plaintiffs had committed them.

122. Defendants delivered Plaintiff ARTURO FLORES VALDES to the Ukiah city jail, where he was imprisoned for several hours until he was able to secure his release by paying the bail amount set by Defendants. Defendants placed handcuffs on Plaintiff ELIZABETH ESPITIA VALDES and placed her in the sweltering heat of a closed patrol vehicle for an extended and unnecessary period of time before releasing her without a citation or formal arrest.

1 123. As a proximate result of the acts of Defendants herein alleged, Plaintiff  
2 ARTURO FLORES VALDES was compelled to secure his release by bail bond for  
3 which he was required to expend money to his damage in the sum of \$30,000.  
4

5 124. The acts of Defendants RONALD DONAHUE, ERIC RODELLO, DANIEL  
6 PARKER, UKIAH POLICE DEPARTMENT, CITY OF UKIAH, and DOES 1 through  
7 100, inclusive, as herein alleged, were willful, wanton, malicious, and oppressive, and  
8 justify the awarding of punitive damages.  
9

10 **THIRTEENTH CAUSE OF ACTION**  
11 **General Negligence under California Law**  
12

13 **[By Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES**  
14 **against Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL**  
15 **PARKER, UKIAH POLICE DEPARTMENT, CITY OF UKIAH and DOES 1 to**  
16 **100, inclusive.]**  
17

18  
19 125. Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA  
20 VALDES reallege and incorporate by reference all the other allegations set forth in this  
21 Complaint as if fully set forth herein.  
22

23 126. Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA asserts  
24 this Thirteenth Cause of Action for Negligence under California law.  
25

26 127. In engaging in the conduct alleged above, Defendants RONALD  
27 DONAHUE, ERIC RODELLO, AND DANIEL PARKER and DOES 1 through 50,  
28 inclusive, while acting within the course and scope of their employment with Defendants

1 CITY OF UKIAH and UKIAH POLICE DEPARTMENT negligently and carelessly  
2 injured Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES.  
3 Specifically, Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL  
4 PARKER and DOES 1 through 50, inclusive, had a duty to provide local law  
5 enforcement services safely and appropriately. Defendants breached that duty and  
6 Plaintiffs were seized, hit, pushed and attacked by Defendants, which resulted in physical  
7 injuries and emotional distress to Plaintiffs.

8  
9 128. As a direct and proximate result of the acts of Defendants, Plaintiffs suffered  
10 and seek to recover general and special damages, including but not limited to the loss of  
11 liberty, and physical, mental and emotional pain, shock, agony and suffering, in an  
12 amount according to proof at trial.

13  
14 129. Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL  
15 PARKER and DOES 1 through 50, inclusive, are legally responsible for, and have a duty  
16 to pay, all of the damages, punitive or exemplary damages, penalties, attorney's fees, and  
17 costs set forth in this cause of action pursuant to California Government Code § 820(a).

18  
19 130. Defendants CITY OF UKIAH and the UKIAH POLICE DEPARTMENT,  
20 and DOES 51 through 100, inclusive, are legally responsible for, and have a duty to pay,  
21 all of the damages, penalties, attorney's fees, and costs set forth in this cause of action,  
22 except for punitive or exemplary damages, pursuant to California Government Code §  
23 815.2(a) and the decision in Los Angeles County Metropolitan Transp. Authority v.  
24 Superior Court, 123 Cal.App.4th 261, 264, 20 Cal.Rptr.3d 92, 94 (2004).

25  
26 ///

27 ///

28 ///

**FOURTEENTH CAUSE OF ACTION**

**Negligent Infliction of Emotional Distress California Law**

**[By Plaintiffs A.E.V., and A.A.V. against Defendants RONALD DONAHUE, ERIC RODELLO, AND DANIEL PARKER, CITY OF UKIAH, UKIAH POLICE DEPARTMENT, and DOES 1 to 100, inclusive.]**

131. Plaintiffs A.E.V., and A.A.V. reallege and incorporate by reference the remainder of the allegations set forth in this Complaint as if fully set forth herein.

132. Defendants negligently caused physical injuries to Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES including, but not limited to, uncomfortably and painfully handcuffing and restraining Plaintiff ELIZABETH ESPITIA VALDES and by physically beating Plaintiff ARTURO FLORES VALDES causing massive facial hemorrhaging, swelling, discoloration and multiple broken facial bones as well as various fractures, bruising and swelling.

133. Plaintiffs A.E.V., and A.A.V., were present at the scene of the injury when it occurred and were aware and perceived that their father and mother, Plaintiffs ARTURO FLORES VALDES and ELIZABETH ESPITIA VALDES, were being uncomfortably, painfully and injuriously beaten, restrained, handcuffed and arrested.

134. As an actual, legal and proximate result, Plaintiffs A.E.V., and A.A.V., suffered serious emotional distress including, but not limited to, suffering, anguish, fright, horror, nervousness, grief, anxiety, worry, shock, humiliation, and shame.

135. Defendants' conduct was a substantial factor in causing Plaintiffs A.E.V., and A.A.V., serious emotional distress.

1  
2 **ATTORNEYS' FEES AND COSTS**

3  
4 136. Pursuant to the provisions of 42 U.S.C. § 1988 and California Civil Code  
5 § 52.1(h), Plaintiffs are entitled to and demands an award of reasonable attorneys' fees  
6 and costs attendant to prosecuting this action in an amount to be determined according to  
7 proof at trial.


8  
9 **PRAYER FOR RELIEF**

10  
11 WHEREFORE, Plaintiffs seek damages as follows:

- 12  
13 (a) General damages – In an amount to be proven at trial;  
14 (b) Special damages – In an amount to be proven at trial;  
15 (c) Punitive damages – Against the individual Defendants, in an amount to be  
16 proven at trial;  
17 (d) An award of prejudgment interest;  
18 (e) An award of post-judgment interest pursuant to 28 U.S.C. § 1961(a); and  
19 (f) Attorney's fees and costs of suit incurred herein; and  
20 (g) For such other and further relief as the Court deems just and proper.

21  
22 DATED: May 25, 2022

Richard O. Middlebrook

23  
24 By:   
25 Richard O. Middlebrook, Esq.  
26 Attorneys for Plaintiffs  
27  
28