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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

SW

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6
7 Plaintiff In Pro Se
8 Attorney In Fact for
9 Plaintiff SHANE D. MILLER

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 CINDY C. MILLER, Individually, and
13 SHANE D. MILLER, by and through his
14 Attorney In Fact, Cindy C. Miller,

15 Plaintiffs,

16 vs.

17 COUNTY OF SANTA CLARA; SANTA
18 CLARA COUNTY SHERIFF'S
19 DEPARTMENT; SANTA CLARA
20 COUNTY JAIL; SANTA CLARA
21 VALLEY MEDICAL CENTER; DR.
22 ALEX CHYORNY in his individual and
23 official capacity as Adult Custody Health
24 Services Physician; SANTA CLARA
25 COUNTY COUNSEL CHERYL A.
26 STEVENS in her individual and official
27 capacity as county counsel; SHERIFF
28 LAURIE SMITH in her individual and
official capacity of Sheriff of the County
of Santa Clara; SERGENTS MATTHEW
TRACY , J. JENSEN and DURAN in
their individual and official capacity of jail
personnel at the Santa Clara County Jail;
DEPUTY/OFFICERS J. CHACON,
TEJEDA, ANTHONY DIAZ, T.
GONZALES, EUGENE TOBOLA,
VASQUEZ, TEMPRA, PEARCE,
CHETCUTI, DIAS and MADRIZ in their
individual and official capacity of jail
personnel at the Santa Clara County Jail;
and DOES 1-100, INCLUSIVE ,

Defendants.

Case No.

CV 15 3113

COMPLAINT

HRL

DEMAND FOR JURY TRIAL

JURISDICTION AND VENUE

1
2 1. This action seeks monetary damages and injunctive relief for violations of the civil
3 rights, privileges and immunities guaranteed under the Eighth and Fourteenth Amendments to the
4 Constitution of the United States of America and Title 42 U.S.C. §1983. In addition, Plaintiffs
5 bring this action under the Americans with Disability Act, 42 U.S.C. §12101, *et seq.* (“ADA”),
6 Section 504 of the Rehabilitation Act of 1973, as amended, at 29 U.S.C. §794 and the Unruh
7 Civil Rights Act, Cal. Civ. Code §§51, *et seq.* and 52, *et seq.*

8 2. Jurisdiction is founded on 28 U.S.C. §§1331 and 1343(1), (2), (3), (4) and the
9 aforementioned statutory and constitutional provisions. Plaintiffs further invoke the pendent
10 jurisdiction of this Court to consider claims arising under state law under 28 U.S.C. §1367.

11 3. Venue is proper under 28 U.S.C. §1391(b) because the event giving rise to this
12 Complaint occurred in this district.

PARTIES

13
14 4. Plaintiffs CINDY C. MILLER and SHANE D. MILLER are citizens of the United
15 States of America and citizens and residents of the State of California. CINDY C. MILLER is
16 SHANE D. MILLER’s mother and has been granted power of attorney for all matters by SHANE
17 D. MILLER.

18 5. Defendant COUNTY OF SANTA CLARA is a municipal corporation and is a
19 political subdivision of the State of California.

20 6. Defendants SANTA CLARA COUNTY SHERIFF’S DEPARTMENT and
21 SANTA CLARA COUNTY JAIL are agencies and part of the COUNTY OF SANTA CLARA,
22 and at all times relevant hereto was run by policy approved by the Defendant SHERIFF LAURIE
23 SMITH.

24 7. Defendant SANTA CLARA VALLEY MEDICAL CENTER is an agency and part
25 of the COUNTY OF SANTA CLARA and at all times relevant hereto was run by policy
26 approved by the COUNTY OF SANTA CLARA.

27 8. Defendant DR. ALEX CHYORNY is and was at all times relevant to this
28 Complaint an Adult Custody Health Services Physician, providing medical services to prisoners

1 of the SANTA CLARA COUNTY JAIL at Defendant SANTA CLARA VALLEY MEDICAL
2 CENTER by policy approved by the Defendant COUNTY OF SANTA CLARA and under the
3 direction of Defendant SHERIFF LAURIE SMITH. He is responsible for medical care and
4 treatment to prisoners at defendant SANTA CLARA COUNTY JAIL. He is sued individually and
5 in his official capacity.

6 9. Defendant SHERIFF LAURIE SMITH is and was at all times relevant to this
7 Complaint Sheriff of Santa Clara County, California. As such, she was the commanding officer
8 and was responsible for the training, supervision, and conduct of the officers and employees of
9 Defendants SANTA CLARA COUNTY SHERIFF'S DEPARTMENT and SANTA CLARA
10 COUNTY JAIL. She was and is also responsible by law for enforcing the regulations of
11 Defendants SANTA CLARA COUNTY SHERIFF'S DEPARTMENT and SANTA CLARA
12 COUNTY JAIL and for insuring that Jail Correctional Officers and employees and agents obey
13 the laws of the State of California and the United States. She is sued individually and in her
14 official capacity.

15 10. Defendant COUNTY COUNSEL CHERYL A. STEVENS is and was at all times
16 relevant to this Complaint a county counsel of Santa Clara County, California. As such, she was
17 and is responsible by law for enforcing the laws and regulations of Defendant SANTA CLARA
18 COUNTY and the laws of the State of California and the United States.

19 11. Defendants SGT. MATTHEW TRACY, SGT. J. JENSEN, SGT. DURAN,
20 DEPUTY/OFFICERS J. CHACON, TEJEDA, ANTHONY DIAZ, T. GONZALES, EUGENE
21 TOBOLA, VASQUEZ, TEMPRA, PEARCE, CHETCUTI, DIAS and MADRIZ were, at all
22 relevant times, Jail Correctional Deputies or Officers of Defendant SANTA CLARA COUNTY
23 JAIL, responsible by law to obey the regulations of Defendants SANTA CLARA COUNTY
24 SHERIFF'S DEPARTMENT and SANTA CLARA COUNTY JAIL and the laws of the State of
25 California and the United States. These Defendants are sued individually and in their official
26 capacity.

27 12. At all times relevant hereto and in all their actions described herein, all of the
28 Defendants were acting under color of law and pursuant to their respective authorities as sheriff,

1 county counsel, deputies, correctional officers and jail medical personnel.

2 13. The true names and capacities, whether individual, corporate, associate or
3 otherwise of the Defendants herein designated as DOES 1 through 100, inclusive, are unknown to
4 Plaintiffs who, therefore, sue said Defendants by such fictitious names. Plaintiffs allege that each
5 named Defendant herein designated as DOE is negligently, intentionally, recklessly wantonly,
6 contractually or otherwise legally responsible for the events and happenings herein referred to and
7 proximately caused injury and damages thereby to Plaintiffs, as herein alleged. Plaintiffs will ask
8 leave of the Court to amend this Complaint to insert the true names and capacities of such
9 Defendants when same have been ascertained and will further ask leave to join said Defendants in
10 these proceedings.

11 14. Plaintiffs demand a trial by jury.

12 **FACTUAL ALLEGATIONS**

13 15. Plaintiff SHANE D. MILLER ("MILLER") has grand-mal, tonic-clonic epilepsy
14 which is a serious neurological disorder recognized as a disability under the Americans with
15 Disabilities Act ("ADA"). MILLER was diagnosed with grand-mal, tonic-clonic epilepsy by
16 neurologist Dr. Lawrence Grace of St. Johns Hospital in Oxnard, California on February 13,
17 1978. MILLER has been awaiting trial in the SANTA CLARA COUNTY JAIL since September
18 22, 2013.

19 16. On March 26, 2014 and while incarcerated in SANTA CLARA COUNTY JAIL,
20 MILLER suffered a tonic-clonic seizure. He awakened to find himself on the floor of his cell
21 with a contusion on his head and an injury to his forearm.

22 17. On March 28, 2014, MILLER was transported to SANTA CLARA VALLEY
23 MEDICAL CENTER where a limited neurological exam revealed MILLER was confused and
24 lacked sensation, including to pain, at his lower left extremity. A CT of MILLER's head revealed
25 a moderate sized right parietal subgaleal hematoma and midoccipital subgaleal hematoma. In
26 spite of these findings, DR. ALEX CHYORNY, a general practitioner internist, opined that
27 MILLER was "malingering". There is no evidence that DR. CHYORNY consulted with a
28 neurologist or that he considered MILLER's epilepsy in making this diagnosis.

1 18. MILLER was returned to SANTA CLARA COUNTY JAIL where he continued to
2 suffer dizziness, nausea, headaches, back pain and numbness in his lower extremities as a result
3 of his grand mal seizure. He was unable to bear his weight or raise himself up to lay on his bed.
4 MILLER's condition rendered him unable to lift himself from the floor to the toilet so he could
5 not use the toilet and was forced to foul himself and then lay in his own waste.

6 19. SANTA CLARA COUNTY JAIL personnel failed to provide MILLER with a
7 wheelchair or diapers in spite of MILLER's requests and the obvious and apparent need for them.
8 As a result of Defendants' deliberate indifference to MILLER's medical condition and failure to
9 provide even minimally adequate care for same, MILLER's condition worsened such that he has
10 lost approximately 100 pounds of body weight while incarcerated in the SANTA CLARA
11 COUNTY JAIL.

12 20. MILLER was repeatedly ordered to stand even though his medical condition
13 rendered him unable to do so. As a result, MILLER has been cited for infractions, handcuffed
14 with his hands behind his back connected to chains securing his feet and then dragged out of his
15 cell with his arms lifted high behind his back.

16 21. On June 26, 2014, MILLER continued to suffer from weakness in his lower
17 extremities such that he was unable to stand, walk or even raise himself onto the toilet. Although
18 jail personnel were aware of MILLER's condition, Deputy Officers PEARCE, CHETCUTI,
19 DIAS and MADRIZ ordered MILLER, who was prone on the cell floor, to stand and gather his
20 belongs so he could be moved to another cell. When MILLER failed to rise because he was
21 unable to do so, Officers PEARCE and DIAS applied twist locks on his hands and arms and
22 raised him up and into a wheelchair, causing MILLER to scream in pain.

23 22. MILLER was subsequently taken to a new cell in a wheelchair by Officers
24 PEARCE, CHETCUTI, DIAS and MADRIZ. Although restrained with waist chains and leg
25 shackles, MILLER was again ordered to stand and walk. The jail personnel were aware of
26 MILLER's inability to stand and walk. When MILLER failed to stand and walk as ordered,
27 MILLER was again lifted by his chained arms and placed face down on the floor of his cell.

28 23. Because MILLER could not walk and SANTA CLARA COUNTY JAIL personnel

1 refused to provide a wheelchair to transport him for meetings with counsel, MILLER was
2 prevented from access to counsel. In addition to MILLER's requests that his medical condition
3 be accommodated through the provision of a wheelchair, diapers and other appropriate medical
4 intervention, his counsel, J. Hector Moreno, Jr. made similar requests and offered to provide a
5 wheelchair or, alternately, meet with MILLER in his cell. SANTA CLARA COUNTY JAIL
6 personnel continued to disregard MILLER's requests for accommodation, denying him access to
7 a wheelchair or to meet with counsel in his cell - effectively denying him access to counsel.

8 24. On the afternoon of July 17, 2014, MILLER's counsel sent a letter via email
9 transmission to SANTA CLARA COUNTY COUNSEL CHERYL A. STEVENS requesting
10 MILLER be provided with wheelchair assistance to access counsel and attend hearings. An hour
11 later and in apparent retaliation for counsel's letter, MILLER was again restrained and pepper
12 sprayed for failing to obey Officer J. CHACON's order to stand against the wall with his hands
13 behind his back to allow officers to conduct a window and bar check. At the time of this incident,
14 MILLER was found lying on the cell floor in his own urine and feces because he was unable to
15 raise himself up to use the toilet. Again, MILLER told jail personnel he was unable to stand.
16 When MILLER failed to stand as ordered, he was sprayed two times in the face with pepper
17 spray.

18 25. MILLER was handcuffed with his hands behind his back connected to chains
19 securing his feet and placed on a restraint chair by his arms lifted high behind his back. MILLER
20 was subsequently taken to the sun deck, doused with water, and left to dry. In addition to
21 SANTA CLARA COUNTY JAIL personnel, SGT. DURAN, Deputy Officers J. CHACON,
22 VASQUEZ, and TEMPRA, the abuse of MILLER was witnessed and implicitly ratified by
23 COUNTY COUNSEL CHERYL A. STEVENS. Instead of any acknowledgement and
24 accommodation for his medical condition, MILLER was cited by Deputy Officer J. CHACON for
25 disobeying a verbal order, failure to follow sanitation regulations, and failure to wear an
26 identification band.

27 26. On August 4, 2014, MILLER had a medical appointment. When MILLER was
28 unable to stand as ordered for transport, Officers T. GONZALES, ANTHONY DIAZ, and E.

1 TOBOLA, under the direction of SGT. JENSEN, again shackled MILLER's hands behind his
2 back and lifted him by his arms into a wheelchair.

3 27. On January 3, 2015, MILLER was sleeping on the floor of his cell when Officer
4 TEJEDA entered the cell for a "welfare" check. Officer TEJEDA kicked MILLER on his back
5 near his kidneys with sufficient force to cause MILLER's head to slam against the concrete wall.
6 Subsequently, MILLER informed medical personnel at the JAIL that he saw blood in his urine as
7 a result of TEJEDA's kick to his kidneys. MILLER's urine tested positive for blood twice,
8 indicating the injury to his kidneys was so substantial as to require further evaluation, but
9 MILLER was not taken to a medical facility where it could be determined if his kidneys were
10 lacerated.

11 Plaintiffs have complied with the notice requirements of the Tort Claims Act.

12 **FIRST CAUSE OF ACTION**

13 **(42 U.S.C. 1983)**

14 (Violations of the Fourteenth, Eighth, and Sixth Amendments to the United States
15 Constitution)

16 28. Plaintiffs plead and incorporate the allegations set forth in paragraphs 1-27 of the
17 Complaint as if specifically set forth therein.

18 29. Following his tonic-clonic seizure on March 26, 2014, MILLER directly and
19 repeatedly informed Defendant correctional and medical personnel that he suffered from epilepsy;
20 that he experienced a seizure; and, that he was unable to walk, stand, or raise himself up onto his
21 bed or to use the toilet. Defendants knew, or should have known, that MILLER's epilepsy and
22 his obvious weakened condition following his seizure, required medical accommodations.

23 30. By their actions described herein, Defendants, under color of statute, ordinance,
24 regulation, custom or usage, subjected MILLER to the deprivation of rights, privileges, or
25 immunities secured by the Constitution, federal, state and county laws and regulations.

26 31. Specifically, Defendants knew MILLER faced a substantial risk of serious harm
27 and, in fact experienced serious harm, as a result of his medical condition following his seizure.
28 Defendants recklessly, wantonly and maliciously denied MILLER access to necessary medical

1 evaluation, treatment, and assistive devices as well as denied him reasonable accommodation for
2 his medical condition.

3 32. Defendants denied MILLER the right to be free from unwarranted, unjustified and
4 excessive use of force by inflicting physical punishment upon him when he failed to obey orders
5 to stand and walk or to obey sanitation regulations when he was physically unable to do so
6 because of his epilepsy. By this same conduct, Defendants effectively denied MILLER assistance
7 of counsel by refusing to allow him access to a wheelchair to transport him to meetings with
8 counsel and refusing to allow counsel to visit MILLER in his cell.

9 33. Defendants repeatedly and knowingly failed to enforce the laws of the State of
10 California and the regulations of the COUNTY OF SANTA CLARA and the SANTA CLARA
11 COUNTY JAIL. Defendants were, or should have been, aware of such unlawful acts, policies,
12 and practices, prior to and during the course of MILLER's incarceration.

13 34. Defendants COUNTY OF SANTA CLARA, SANTA CLARA SHERIFF'S
14 DEPARTMENT and SHERIFF LAURIE SMITH are directly liable and responsible for the acts
15 of the agents and employees of Defendants because they repeatedly and knowingly failed to
16 enforce the laws of the State of California, laws of the United States, and the regulations of the
17 COUNTY OF SANTA CLARA and the SANTA CLARA COUNTY JAIL pertaining to
18 provision of medical care to inmates, reasonable accommodation for disabilities, inmates right to
19 access to counsel, and the use of force against inmates.

20 35. Defendants' conduct was intentional and was done with the aim of causing
21 MILLER extreme and outrageous physical and mental distress, or with the reckless disregard of
22 such result. As a result, MILLER sustained injuries and damages as hereinbefore and hereinafter
23 set forth.

24 36. As a direct and legal result of the acts and omissions of Defendants MILLER has
25 suffered damages, including, without limitation, past, present and future serious and permanent
26 personal injuries, mental suffering, loss of earnings and earnings capacity, loss of enjoyment of
27 life, pain and suffering, emotional distress, medical care and expenses, attorneys' fees, costs of
28 suit, and other pecuniary losses not yet ascertained. MILLER has suffered damages in an amount

1 in excess of Seventy-Five Thousand Dollars (\$75,000.00).

2 37. Plaintiffs claim attorneys' fees pursuant to 42 U.S.C. §§ 1983 and 1988.

3 **SECOND CAUSE OF ACTION**

4 **(Negligent Hiring, Retention, Training, and Supervision)**

5 **Against Defendants SANTA CLARA VALLEY MEDICAL CENTER, SANTA CLARA**
6 **COUNTY SHERIFF'S DEPARTMENT, COUNTY OF SANTA CLARA**

6 38. Plaintiffs plead and incorporate each and every allegation in paragraphs 1-37.

7 39. Defendants COUNTY OF SANTA CLARA, SANTA CLARA COUNTY
8 SHERIFF'S DEPARTMENT, and SANTA CLARA VALLEY MEDICAL CENTER had a duty
9 to Plaintiffs to exercise due care in the hiring, selection, training, supervision, oversight, direction,
10 retention and control of employees and agents retained by them as medical personnel and
11 correctional officers, including to insure their compliance with California Government Code §
12 845.6, and § 815.2.

13 40. Defendants COUNTY OF SANTA CLARA, SANTA CLARA COUNTY
14 SHERIFF'S DEPARTMENT, and SANTA CLARA VALLEY MEDICAL CENTER had a duty
15 to Plaintiffs to properly train and/or supervise its agents and employees in furnishing or obtaining
16 medical care for MILLER when they knew, or had reason to know, that Plaintiff was in need of
17 immediate medical care and accommodation of his disabling epilepsy and they are also
18 individually responsible pursuant to Government Code §855.8 and § 856.

19 41. Defendants breached their duties to the Plaintiffs through their negligent, grossly
20 negligent, reckless and/or intentional conduct in violation of Plaintiffs' rights, including
21 California Government Code § 845.6, for negligence in failing properly train, supervise, furnish
22 and/or obtain medical care and accommodation for MILLER when Defendants knew, or had
23 reason to know, that MILLER was in need of immediate medical care and accommodation for his
24 disabling epilepsy.

25 42. Defendants had knowledge, or should have had knowledge, and had actual,
26 implied or constructive notice of the tortious nonfeasance leading up to acts of Defendant Adult
27 Custody Health Services Physician, DR. ALEX CHYORNY, SHERIFF LAURIE SMITH, and
28

1 Deputy Officers SGT. MATTHEW TRACY, SGT. J. JENSEN, SGT. DURAN,
2 DEPUTY/OFFICERS J. CHACON, TEJEDA, ANTHONY DIAZ, T. GONZALES, EUGENE
3 TOBOLA, VASQUEZ, TEMPRA, PEARCE, CHETCUTI, DIAS and MADRIZ as well as DOE
4 correctional and medical employees.

5 43. Defendants had the power to take reasonable steps to prevent or aid in the
6 prevention of the said tortious actions or inactions and, in the exercise of due diligence, said
7 Defendants would have taken reasonable preventative action.

8 44. That as a direct and proximate result of the breach of duty, Plaintiffs were caused
9 to suffer damages, including, without limitation, past, present and future serious and permanent
10 personal injuries, mental suffering, loss of earnings and earnings capacity, loss of enjoyment of
11 life, pain and suffering, emotional distress, medical care and expenses, attorneys' fees, costs of
12 suit, other pecuniary losses not yet ascertained, and Plaintiff has suffered damages in an amount
13 in excess of Seventy-Five Thousand Dollars (\$75,000.00).

14 45. Plaintiffs claim attorneys' fees pursuant to 42 U.S.C. §§ 1983 and 1988.

15 **THIRD CAUSE OF ACTION**

16 **(Violation of the Americans with Disabilities Act)**

17 46. Plaintiffs plead and incorporate each and every allegation in paragraphs 1-45.

18 47. Defendants' conduct described herein, including, but not limited to, inflicting
19 physical punishment upon MILLER when he failed to obey orders to stand and walk or to obey
20 sanitation regulations when he was physically unable to do so because of his epilepsy and their
21 repeated failure to provide necessary medical evaluation, treatment and assistive devices violates
22 the prohibition against discrimination based on disability found in the ADA and the Unruh Civil
23 Rights Act

24 48. As a direct result of Defendants violations of the ADA the Unruh Civil Rights Act,
25 MILLER has suffered and continues to suffer injuries to his person, pain, humiliation, anxiety,
26 mental anguish, and emotional distress in an amount in excess of Seventy-Five Thousand Dollars
27 (\$75,000.00).

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FOURTH CAUSE OF ACTION

(Assault)

49. Plaintiffs plead and incorporate each and every allegation in paragraphs 1-48.

50. Defendants' willful and intentional conduct described herein, including, but not limited to, inflicting physical punishment upon MILLER during "welfare" checks and when he failed to obey orders to stand and walk or to obey sanitation regulations when he was physically unable to do so because of his epilepsy created a reasonable apprehension by MILLER of an immediate, offensive, contact with his person.

51. As a direct result of Defendants' conduct as described herein, MILLER sustained actual damages including injuries to his person, pain, severe and grievous mental and emotional suffering, humiliation, shame, embarrassment, worry, fear, anguish, shock, nervousness, and anxiety in an amount to be ascertained according to proof at trial.

52. Said conduct by Defendants was malicious, deliberate, intentional and done with the knowledge of, or conscious disregard of, the harm that would be and was inflicted on MILLER. As a result of said intentional conduct, MILLER is entitled to punitive damages.

FIFTH CAUSE OF ACTION

(Battery)

53. Plaintiffs plead and incorporate each and every allegation in paragraphs 1-52.

54. Defendants' willful and intentional conduct described herein, including, but not limited to, inflicting physical punishment upon MILLER during "welfare" checks and when he failed to obey orders to stand and walk or to obey sanitation regulations when he was physically unable to do so because of his epilepsy constitutes harmful and offensive contact with MILLER's person.

55. As a direct result of Defendants' conduct as described herein, MILLER sustained actual damages including injuries to his person, pain, severe and grievous mental and emotional suffering, humiliation, shame, embarrassment, worry, fear, anguish, shock, nervousness, and anxiety in an amount to be ascertained according to proof at trial.

1 of family and friends, other pecuniary losses not yet ascertained, and Plaintiff has suffered
2 damages in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

3 **SEVENTH CAUSE OF ACTION**

4 **(Intentional Infliction of Emotional Distress)**

5 63. Plaintiffs plead and incorporate each and every allegation in paragraphs 1-62.

6 64. Defendants' conduct as described herein was extreme and outrageous such as to
7 shock the conscience and to exceed that usually tolerated in a civilized community.

8 65. Defendants intended to cause Plaintiffs severe emotional distress or acted with
9 reckless disregard of the probability that Plaintiffs would suffer severe emotional distress.

10 66. Defendants' conduct was a substantial factor in causing Plaintiffs severe emotional
11 distress.

12 **PRAYER**

13 WHEREFORE, Plaintiffs demand Judgment in their favor against the Defendants,
14 jointly and severally, as follows:

- 15 1. Compensatory damages in a sum in excess of \$75,000.00;
16 2. Costs and disbursements of this action, including attorney's fees;
17 3. Special damages according to proof and in excess of the sum of \$75,000.00;
18 4. Punitive damages according to proof; and
19 5. For such other and further relief as to the Court may seem just and equitable
20

21 Dated: July 6, 2015

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Cindy C. Miller
Cindy C. Miller
Plaintiff In Pro Se
Attorney In Fact for
Plaintiff SHANE D. MILLER

CHAMBERS

JS 44 (Rev. 12/12)
Cand rev (1/15/13)

CIVIL COVER SHEET

The JS 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 by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

SHANE D. MILLER and CINDY C. MILLER

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
Cindy C. Miller, Plaintiff in Pro Se and Attorney in Fact for Plaintiff Shane D. Miller
P.O. Box 3094, San Ramon, CA 94583

DEFENDANTS

COUNTY OF SANTA CLARA (See attachment for list of all Defendants.)

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

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

Attorneys (If Known)

CV 15 3113 HRL

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)

- | | | | | | |
|---|--------------------------------|--------------------------------|---|--------------------------------|--------------------------------|
| Citizen of This State | PTF 1 <input type="checkbox"/> | DEF 1 <input type="checkbox"/> | Incorporated or Principal Place of Business In This State | PTF 4 <input type="checkbox"/> | DEF 4 <input type="checkbox"/> |
| Citizen of Another State | PTF 2 <input type="checkbox"/> | DEF 2 <input type="checkbox"/> | Incorporated and Principal Place of Business In Another State | PTF 5 <input type="checkbox"/> | DEF 5 <input type="checkbox"/> |
| Citizen or Subject of a Foreign Country | PTF 3 <input type="checkbox"/> | DEF 3 <input type="checkbox"/> | Foreign Nation | PTF 6 <input type="checkbox"/> | DEF 6 <input type="checkbox"/> |

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

<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input checked="" type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities Employment <input checked="" type="checkbox"/> 446 Amer. w/Disabilities Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input checked="" type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

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

VI. CAUSE OF ACTION

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

42 USC §1983, 42 USC §121002, 29 USC §794

Brief description of cause:

Violations of civil rights by use of force, failure to provide medical care and accommodate disability

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ In excess of \$75,000

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 L.R. 3-2)

(Place an "X" in One Box Only)

SAN FRANCISCO/OAKLAND

SAN JOSE

EUREKA

DATE:

SIGNATURE OF PLAINTIFF IN PRO SE AND ATTORNEY IN FACT:

July 6, 2015

Cindy C. Miller