

1 **GERAGOS & GERAGOS**

2 A PROFESSIONAL CORPORATION
3 LAWYERS
4 HISTORIC ENGINE CO. No. 28
5 644 SOUTH FIGUEROA STREET
6 LOS ANGELES, CALIFORNIA 90017-3411
7 TELEPHONE (213) 625-3900
8 FACSIMILE (213) 232-3255
9 GERAGOS@GERAGOS.COM

10 **MARK J. GERAGOS SBN 108325**
11 **BEN J. MEISELAS SBN 277412**
12 **ALEX ALARCON SBN 305537**

13 Attorneys for Plaintiff KIM ADAMS

14 UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

16 **KIM ADAMS, an individual;**

17 Plaintiff,

18 vs.

19 **COUNTY OF KERN; KERN**
20 **COUNTY PROBATION**
21 **DEPARTMENT; DAVID M. KUGE,**
22 **an individual; REYES SOBERON,**
23 **JR., an individual; and DOES 1-50**
24 **inclusive;**

25 Defendants.

Case No. 17-276

COMPLAINT FOR DAMAGES:

- 1. **VIOLATION OF CIVIL RIGHTS—42 U.S.C. § 1983;**
- 2. **VIOLATION OF CIVIL RIGHTS—MONELL CLAIM**

GERAGOS & GERAGOS, APC
HISTORIC ENGINE CO. NO. 28
644 SOUTH FIGUEROA STREET
LOS ANGELES, CALIFORNIA 90017-3411

1 Plaintiff Kim Adams alleges as follows:

2 **INTRODUCTION**

3 1. Sexual assault victim Kim Adams is pursuing legal action against the
4 man who sexually assaulted her, Kern County Probation Officer Reyes Soberon, Jr.,
5 as well as against former Chief Probation Officer David M. Kuge, the County of Kern,
6 and the Kern County Probation Department, the individual and entities that enabled
7 Mr. Soberon's conduct and attempted to cover it up. Soberon took advantage of his
8 position as Ms. Adams's assigned probation officer to continually assault Ms. Adams
9 over a period of more than three years. He has been convicted and sentenced to jail
10 time.

11 2. Probation Officer Soberon was convicted in the Superior Court of
12 California for the County of Kern (*People v. Soberon*, Case No. BF162579A) for the
13 sexual assault of Kim Adams and at least two other DOE victims.

14 **THE PARTIES**

15 3. At all times herein mentioned, Plaintiff Kim Adams, was and is a resident
16 of the State of California, County of Kern.

17 4. At all times herein mentioned, Defendant County of Kern was and is a
18 governmental entity organized and existing under the laws of the State of California.

19 5. At all times herein mentioned, Defendant Kern County Probation
20 Department was and is a governmental entity organized and existing under the laws of
21 the State of California.

22 6. At all times herein mentioned, Defendant David M. Kuge, was and is a
23 resident of the State of California, County of Kern, who was acting within the course
24 and scope of his employment with the County of Kern as Chief Probation Officer.

25 7. At all times herein mentioned, Defendant Reyes Soberon, Jr., was and is
26 a resident of the State of California, County of Kern, who was acting within the course
27 and scope of his employment with the County of Kern as a Probation Officer.

28 8. Plaintiff is unaware of the true names and capacities of the Defendants

1 named herein as DOES 1 through 50, inclusive, and therefore sues said Defendants by
2 such fictitious names. Plaintiff will seek leave of court to amend this complaint to
3 allege the true names and capacities of said Defendants when the same are
4 ascertained. Plaintiff is informed and believes and thereon alleges that each of the
5 aforesaid fictitiously named Defendants are responsible in some manner for the
6 happenings and occurrences hereinafter alleged, and that Plaintiff's damages and
7 injuries as herein alleged were caused by the conduct of said Defendants.

8 **JURISDICTION AND VENUE**

9 9. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331
10 and 1343 because it is a civil rights action arising under the Constitution and laws of
11 the United States. This Court has supplemental jurisdiction over the remaining state
12 law and common law claims pursuant to 28 U.S.C. § 1367. Venue is proper in this
13 Court pursuant to 28 U.S.C. § 1391 because a substantial part of the events giving rise
14 to Plaintiff's claims occurred in the Eastern District of California.

15 **FACTUAL BACKGROUND**

16 **A. Reyes Soberon, Jr.**

17 10. From circa April 2012 through June 2015, Defendant Kern County
18 Probation Officer Reyes Soberon, Jr. repeatedly, brutally, methodically, and serially
19 molested, sexually assaulted, harassed, and intimidated Plaintiff Kim Adams, who at
20 the time was on probation and purportedly assigned to his supervision.

21 11. Soberon would mislead Ms. Adams into coming into the probation office
22 and would take Ms. Adams to a corner where he would digitally penetrate her vagina
23 and anus while sticking his tongue down her throat, moaning: "I want you to make me
24 cum in my pants."

25 12. This routine was repeated over and over again.

26 13. In one horrific instance, Soberon sexually assaulted Ms. Adams in her
27 home in front of her disabled son suffering from cerebral palsy as he lay helpless,
28 crawling on the ground.

1 14. Soberon threatened Ms. Adams, stating that he would put her in jail for
2 the rest of her life if she refused his sexual advances. Ms. Adams, a 44-year old
3 mother of three boys, was terrified for her life and for the safety of her children.

4 15. In 2015, Ms. Adams was approached at her home by a female probation
5 officer, who informed Ms. Adams that she was in violation of her community service
6 obligations and would be placed under arrest. Ms. Adams was shocked because
7 Soberon had told her that he was extending her community service and that she did
8 not need to complete this service. The female probation officer confiscated Ms.
9 Adams's phone and confirmed that Soberon had indeed told her that her community
10 service obligations were being extended. Additionally, the female probation officer
11 saw messages on the phone in which Soberon called Ms. Adams "sexy mamacita" and
12 "baby doll," and in which he asked what Ms. Adams "would do" for him. The female
13 probation officer immediately left Ms. Adams's home without saying anything else.

14 16. Following this incident, Ms. Adams began receiving threatening calls
15 from Soberon in which he stated that he was going to kill her. At this point, Ms.
16 Adams found the courage to go to the Kern County Probation Department to report
17 Soberon. Numerous probation officers attempted to dissuade Ms. Adams from
18 making her report. After Ms. Adams made her report, the Kern County Probation
19 Department allowed Soberon to continue supervising Ms. Adams, even though he was
20 not formally assigned to supervise Ms. Adams. It became clear to Ms. Adams that
21 Soberon was making up false commitments and requirements for Ms. Adams, which
22 were not part of her probation, to lure her into the probation office to sexually assault
23 her. The Kern County Probation Department's Internal Affairs Division investigated
24 the matter; Internal Affairs told Ms. Adams that she could not speak with anyone
25 about it, especially the FBI, and could not retain an attorney.

26 17. Ms. Adams lived in constant fear, believing that Soberon was free to
27 continue molesting her.

28 18. Throughout 2015, Ms. Adams was repeatedly told by Kern County

1 Probation Department officials and her Internal Affairs interviewers that she should
2 not retain an attorney, not speak to the media, and not talk with the FBI.

3 19. Ms. Adams feared that no criminal action would be taken against
4 Soberon and that he would carry out on his threat to kill her if he remained with the
5 Kern County Probation Department.

6 20. Though Soberon was arrested on December 23, 2015, Ms. Adams did not
7 learn of his arrest until several months later, when she received a subpoena to appear
8 at a hearing in his criminal case.

9 **B. Kern County Probation Department and David M. Kuge**

10 21. The Kern County Probation Department and its former Chief Probation
11 Officer, Defendant David M. Kuge, enabled, and attempted to cover up, the conduct
12 of Soberon.

13 22. When Ms. Adams first arrived to sign paperwork at the Probation Office,
14 she was approached by Soberon, who stated that he was a “Senior Officer” and was
15 going to make himself Ms. Adams’s probation officer even though he was not
16 assigned to her. Ms. Adams watched as Soberon went into the back, spoke with
17 someone, and came back and said “Now I am your probation officer.”

18 23. Soberon began molesting and sexually assaulting Ms. Adams on her third
19 visit. The majority of the molestations actually took place within the Probation Office
20 itself, in the corner. Other probation employees would sometimes pass by, but no one
21 questioned Soberon’s conduct with Ms. Adams. Additionally, the Probation
22 Department would notice that Ms. Adams would sign in frequently, on a monthly
23 basis, despite the fact that, unbeknownst to her, she could mail in the documentation
24 and was not required to meet with Soberon personally.

25 24. Additionally, the Probation Department, through Kuge, supported Mr.
26 Soberon’s predatory conduct by allowing him to remain as Ms. Adams’s main point
27 of contact within the Probation Department even after she was reassigned to a new
28 probation officer in 2014.

1 state law, deprived Plaintiff of rights, privileges, and immunities secured by the
2 Constitution and laws of the United States, including the rights of Due Process and
3 Equal Protection secured by the First, Fourth, and Fourteenth Amendments, and the
4 right to privacy as established in *Griswold v. Connecticut*, 381 U.S. 479 (1965).
5 Defendant Soberon violated Plaintiff's constitutional rights by abusing her sexually,
6 and continually harassing her despite her protests. Defendant Kuge violated
7 Plaintiff's constitutional rights by ratifying, enabling, and concealing the sexual abuse
8 perpetrated directly by Defendant Soberon.

9 31. As a proximate result of the foregoing wrongful acts of Defendants Kuge
10 and Soberon, Plaintiff suffered damages, including pain and suffering,
11 embarrassment, emotional distress, and harm to reputation in an amount in accordance
12 with proof.

13 32. In doing the foregoing wrongful acts, Defendants Kuge and Soberon acted
14 with reckless and callous disregard for the constitutional rights of Plaintiff. The
15 wrongful acts, and each of them, were wilful, oppressive, fraudulent and malicious,
16 thus warranting the award of punitive damages against each Defendant in an amount
17 adequate to punish the wrongdoers and deter future misconduct.

18 33. Due to the conduct of Defendants Kuge and Soberon, Plaintiff has been
19 required to incur attorney's fees and will continue to incur attorney's fees, and
20 pursuant to 42 U.S.C. § 1988 is entitled to recovery of said fees.

21 **SECOND CAUSE OF ACTION**

22 **Violation of Civil Rights—*MONELL* CLAIM**

23 **(Plaintiff Against Defendants County of Kern and Kern County Probation**
24 **Department)**

25 34. Plaintiff realleges and incorporates by reference each and every allegation
26 contained in the preceding paragraphs as if fully set forth herein.

27 35. Defendants County of Kern and Kern County Probation Department,
28 knowingly, with gross negligence, and in deliberate indifference to the Constitutional

1 rights of citizens, maintain and permit official policies and customs of permitting the
2 occurrence of the types of wrongs set forth hereinabove and hereafter.

3 36. These policies and customs include, but are not limited to, the deliberately
4 indifferent training of law enforcement officers in the use of threats and sexual abuse.
5 These policies and customs also include the express and/or tacit encouragement of
6 threats and sexual abuse, the ratification of probation officer misconduct and the
7 failure to conduct adequate investigations of probation officer misconduct such that
8 future violations do not occur.

9 37. Additionally, Ms. Adams's sexual assault was permitted, known to, and
10 covered up by Defendant County of Kern through its top level officers, including, but
11 not limited to Defendant Chief Probation Officer Kuge.

12 38. Plaintiff is informed and believes, and thereon alleges, that the above-
13 described customs and policies were the moving force behind the violations of
14 Plaintiff's rights. Based upon the principles set forth in *Monell v. New York City*
15 *Dep't of Social Services*, Defendants County of Kern and Kern County Probation
16 Department are liable for all of the injuries sustained by Plaintiff as set forth above.

17 39. In acting as alleged herein, Defendants, and each of them, caused Plaintiff
18 general and special damages, in an amount in accordance with proof.

19 40. Due to the conduct of Defendants, and each of them, Plaintiff has been
20 required to incur attorney's fees and will continue to incur attorney's fees, all to
21 Plaintiff's damage in a sum to be proved at trial and recoverable pursuant to 42 U.S.C.
22 § 1988.

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1 WHEREFORE, Plaintiff prays for judgment as follows:

- 2 1. For general damages in an amount to be determined by proof at trial;
- 3 2. For special damages in an amount to be determined by proof at trial;
- 4 3. For punitive and exemplary damages against the individual defendants;
- 5 4. For costs of suit;
- 6 5. For reasonable attorney's fees and costs as provided by statute; and
- 7 6. For such other and further relief as the Court deems just and proper.

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9 DATED: March 30, 2017

GERAGOS & GERAGOS, APC

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11 By: s/Ben Meiselas
12 MARK J. GERAGOS
13 BEN J. MEISELAS
14 ALEX ALARCON
15 Attorneys for Plaintiff Kim Adams
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DEMAND FOR JURY TRIAL

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Plaintiff Kim Adams hereby demands a jury trial.

DATED: March 31, 2017

GERAGOS & GERAGOS, APC

By: s/Ben Meiselas
MARK J. GERAGOS
BEN J. MEISELAS
ALEX ALARCON
Attorneys for Plaintiff Kim Adams

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