

Rachel Steinback, SBN 310700
LAW OFFICE OF RACHEL STEINBACK
P.O. Box 291253
Los Angeles, CA 90029
(t) 213-537-5370
(f) 213-232-4003
(e) steinbacklaw@gmail.com

Carol A. Sobel, SBN 84483
Monique A. Alarcon, SBN 311650
Avneet S. Chattha, SBN 316545
LAW OFFICE OF CAROL SOBEL
725 Arizona Avenue, Suite 300
Santa Monica, CA 90401
(t) 310-393-3055
(e) carolsobel@aol.com
(e) monique.alarcon8@gmail.com
(e) avneet.chattha7@gmail.com

Attorneys for Plaintiffs
Additional Counsel on Following Page

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

OMAR ARNOLDO RIVERA MARTINEZ;
ISAAC ANTONIO LOPEZ CASTILLO; JOSUE
VLADIMIR CORTEZ DIAZ; JOSUE MATEO
LEMUS CAMPOS; MARVIN JOSUE GRANDE
RODRIGUEZ; ALEXANDER ANTONIO
BURGOS MEJIA; LUIS PEÑA GARCIA;
JULIO CESAR BARAHONA CORNEJO, as
individuals,

PLAINTIFFS,

v.

THE GEO GROUP, Inc., a Florida
corporation; the CITY OF ADELANTO, a
municipal entity; GEO Lieutenant Duran,
sued in her individual capacity; and
DOES 1-6, individuals;

DEFENDANTS.

Case No.: 5:18-cv-1125

CIVIL RIGHTS COMPLAINT

42 U.S.C. § 1983: First, Fourth, Fifth,
& Fourteenth Amendments;
42 U.S.C. §1985;
Cal. Const., Article 1, §§ 2, 7;
Cal. Civil Code §§ 52.1;
Common Law Tort Claims.

DEMAND FOR JURY TRIAL

1 Catherine Sweetser, SBN 271142
2 SCHONBRUN, SEPLOW, HARRIS & HOFFMAN LLP
3 11543 W. Olympic Boulevard
4 Los Angeles, CA 90064
5 (t) 310-396-0731
6 (f) 310-399-7040
7 (e) catherine.sdssh@gmail.com

8 Colleen Flynn, SBN 2324281
9 LAW OFFICE OF COLLEEN FLYNN
10 3435 Wilshire Boulevard, Suite 2910
11 Los Angeles, CA 90010
12 (t) 213-25209444
13 (f) 213-252-0091
14 (e) cflynn@yahoo.com

15 Matthew Strugar, SBN 232951
16 LAW OFFICE OF MATTHEW STRUGAR
17 3435 Wilshire Boulevard, Suite 2910
18 Los Angeles, CA 90010
19 (t) 323-696-2299
20 (e) matthewstrugar@gmail.com
21
22
23
24
25
26
27
28

JURISDICTION AND VENUE

1
2 1. This is an action for damages and declaratory relief pursuant to 42
3 U.S.C. § 1983 and based upon the violations of Plaintiffs' rights under the First,
4 Fourth, Fifth, and Fourteenth Amendments to the United States Constitution and
5 California law. Jurisdiction exists pursuant to 28 U.S.C. § 1331 and 1343 based on
6 42 U.S.C. §1983 and questions of federal constitutional law. Jurisdiction also
7 exists under the Declaratory Judgment Act, 28 U.S.C. §§ 2201(a) and 2202. This
8 Court has supplemental jurisdiction over Plaintiffs' state law claims pursuant to 28
9 U.S.C. § 1367, as they arise from the same case or controversy as Plaintiffs'
10 federal claims.

11 2. Venue is proper in the Central District of California in that the events
12 and conduct complained of herein all occurred in the Central District.

PRELIMINARY STATEMENT

13
14 3. In May 2017, after long and harrowing journeys through Central
15 America, Plaintiffs arrived at the southern border of the United States seeking
16 political asylum.

17 4. Plaintiffs, eight refugees from El Salvador and Honduras, were forced
18 to flee their home countries after becoming the targets of violent criminal
19 organizations – the same violent criminal organizations the United States has
20 recently condemned and denounced. By way of example:

- 21 a. Plaintiff Isaac Antonio Lopez Castillo was an investigative journalist in
22 El Salvador who exposed the connections between his local government,
23 the police, and the violent MS-13 gang. As a result of his work, he
24 immediately received death threats and was forced to flee El Salvador.
25 Mr. Lopez Castillo came to the United States, a vocal ally in the effort to
26 expose the crimes of MS-13, seeking safety and political asylum.
27 b. Plaintiff Omar Arnoldo Rivera Martinez fled El Salvador after gang
28 members attacked his teenage daughter and, while he and his family were

1 forced to watch, killed his brother. Mr. Rivera Martinez and his family
2 came to the United States, a vocal ally in the fight against the gangs that
3 had overrun their hometown, seeking safety and political asylum.

4 c. Plaintiff Josue Vladimir Cortez Diaz, a young gay man, fled El Salvador
5 after being subjected to horrific abuse, including death threats, on
6 account of his homosexuality. Mr. Cortez Diaz came to the United
7 States, which by law protects individuals of all sexual orientations from
8 persecution, seeking safety and political asylum.

9 d. Plaintiff Luis Ernesto Pena Garcia fled El Salvador after gangs kidnapped
10 and killed his brother and two cousins and threatened to do the same to
11 him. Mr. Pena Garcia came to the United States, a vocal ally in the fight
12 against the gangs that murdered his family members, seeking safety and
13 political asylum.

14 e. The remaining Plaintiffs' stories echo those of their brethren. Loved
15 ones were kidnapped and murdered in their home countries, and they
16 arrived at the U.S.-Mexico border having survived violence and threats
17 on their lives, seeking safety and political asylum.

18 5. Upon their admission to the United States, Plaintiffs were taken into
19 custody and transported to Adelanto ICE Processing Center ("Adelanto").

20 6. Although Adelanto is a government facility for political asylum
21 seekers and other immigrant detainees, and its inhabitants are overwhelmingly law-
22 abiding foreign nationals seeking safety and refuge, its conditions mirror those of
23 this country's most abusive prisons. It has gained notoriety as the "deadliest
24 immigration detention center in the country" and it has been the subject of
25 Congressional, State and Federal inquiries. Human Rights Watch has documented
26 all manner of abuses there. In the first months of 2017 alone, several foreign
27 nationals detained at Adelanto committed suicide as a result of the deplorable
28 conditions they were subjected to at the facility.

7. Upon their arrival at Adelanto, Plaintiffs were forced to endure those inhumane conditions. The underwear they were provided was dirty and unwashed, having previously been worn by other detainees. They were given only foul, nearly-inedible meals, and they did not have reliable access to clean, safe drinking water. Their belongings were regularly thrown away. They were mistreated, degraded, and humiliated by the staff. Their communications with their families and their attorneys and advocates were severely limited. And they were given impossibly high bond amounts – well beyond their meagre means.

8. In an attempt to remedy these inhumane and unlawful conditions at Adelanto, Plaintiffs decided to undertake a peaceful hunger strike where they would present a handwritten list of their concerns to ICE officials.

9. As detailed below, in response to this peaceful attempt to call attention to the facility's depraved and unlawful conditions, Defendants violently attacked, pepper sprayed, and beat Plaintiffs. Defendants then placed Plaintiffs in segregation for ten days – completely isolated from the outside world – as punishment.

10. Plaintiffs suffered, and continue to suffer, considerable damages as a result of Defendants' misconduct. Plaintiffs bring this lawsuit to get justice for what happened to them, to expose the depraved conditions at Adelanto, and to hopefully prevent any other detainee at Adelanto from being subjected to the brutality they experienced.

PARTIES

PLAINTIFFS:

Omar Arnoldo Rivera Martinez

11. Plaintiff OMAR ARNOLDO RIVERA MARTINEZ is a Salvadoran asylum seeker. At all times relevant to this complaint, Mr. Rivera Martinez was detained at Adelanto.

//

1 12. On June 12, 2017, Defendants brutally attacked Mr. Rivera Martinez
2 and violated his rights under state and federal law. GEO guards slammed Mr.
3 Rivera Martinez's face against a wall and knocked out his dental crown and tooth,
4 as well as a 14-tooth gold mouthpiece that lined his bottom row of teeth. The
5 guards also broke Mr. Rivera Martinez's nose. After the attack he was left with a
6 missing tooth, 30 separate scratches on his body, ranging in length from one to
7 several inches, severe bruises, and a visibly fractured nose. Five months after the
8 attack, a doctor finally evaluated Mr. Rivera Martinez and concluded that he must
9 undergo surgery for his severely fractured nose. As of the filing of this complaint,
10 Mr. Rivera Martinez has not been provided this necessary surgery.

11 13. Defendants subjected Mr. Rivera Martinez to additional, unlawful
12 punishment: after spending ten days in segregation alongside the other Plaintiffs,
13 Defendants falsely labeled Mr. Rivera Martinez a leader that "incited a group
14 protest." They placed him in a red, high-custody uniform and sent him to a high-
15 security ward that houses members of the very gangs that murdered his family
16 members and caused him to flee his home country. Mr. Rivera Martinez, fearing
17 for his safety, immediately began begging to be transferred out of the ward,
18 explaining that Defendants were placing him in physical danger. Defendants
19 ignored his pleas and left him there for one month before finally transferring him
20 into protective custody.

21 **Isaac Antonio Lopez Castillo**

22 14. Plaintiff ISAAC ANTONIO LOPEZ CASTILLO is a Salvadoran
23 asylum seeker. At all times relevant to this complaint, Mr. Lopez Castillo was
24 detained at Adelanto. He is presently released on bond.

25 15. On June 12, 2017, Defendants brutally attacked Mr. Lopez Castillo
26 and violated his rights under state and federal law. After he was pepper sprayed in
27 the face, scalp, and groin at close range, Defendants slammed him against a wall,
28 injured his face, and caused his lip to bleed. He sustained burns from the pepper

1 spray and scalding hot water, as well as severe bruising around his body. He
2 suffered severe pain in his ribs and despite his requests, he never received medical
3 attention, including x-rays.

4 **Josue Vladimir Cortez Diaz**

5 16. Plaintiff JOSUE VLADIMIR CORTEZ DIAZ is a Salvadoran asylee.
6 At all times relevant to this complaint, Mr. Cortez Diaz was detained at Adelanto.
7 Mr. Cortez Dias was granted asylum and is currently residing in Sylmar,
8 California, where he works at a restaurant.

9 17. On June 12, 2017, Defendants brutally attacked Mr. Cortez Diaz and
10 violated his rights under state and federal law. After he was pepper sprayed in the
11 face, scalp, and groin at close range, Defendants threw Mr. Cortez Diaz on the
12 ground while handcuffed, injuring his right hip. Later, while still wearing pepper
13 spray-drenched clothing, Defendants forced Mr. Cortez Diaz to stand in a scalding
14 hot shower. Mr. Cortez Diaz sustained burns from the pepper spray and scalding
15 hot water, as well as severe bruising around his body. Despite his numerous
16 requests, Defendants never provided Mr. Cortez Diaz any medical attention.

17 **Josue Mateo Lemus Campos**

18 18. Plaintiff JOSUE MATEO LEMUS CAMPOS is a Salvadoran asylum
19 seeker. At all times relevant to this complaint, Mr. Lemus Campos was detained at
20 Adelanto. He is presently released on bond.

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

1 19. On June 12, 2017, Defendants brutally attacked Mr. Lemus Campos
2 and violated his rights under state and federal law. After he was pepper sprayed in
3 the face, scalp, and groin at close range, Defendants handcuffed him and continued
4 to beat him about his body. Later, while still wearing pepper spray-drenched
5 clothing, Defendants forced Mr. Lemus Campos to stand in a scalding hot shower.
6 He sustained burns from the pepper spray and scalding hot water, as well as severe
7 bruising around his body. He also suffered severe shoulder pain. Despite his
8 numerous requests, Mr. Lemus Campos never received adequate medical attention
9 for his pain and injuries.

10 **Marvin Josue Grande Rodriguez**

11 20. Plaintiff MARVIN JOSUE GRANDE RODRIGUEZ is a Salvadoran
12 asylum seeker. At all times relevant to this complaint, Mr. Grande Rodriguez was
13 detained at Adelanto. He is presently released on bond.

14 21. On June 12, 2017, Defendants brutally attacked Mr. Grande
15 Rodriguez and violated his rights under state and federal law. After dousing him in
16 pepper spray, Defendants slammed him against a wall and injured his head. When
17 Defendants forced him to shower in scalding hot water while handcuffed and in
18 pepper spray drenched clothing, he fainted in the shower and injured his head. He
19 sustained burns from the pepper spray and scalding hot water, as well as severe
20 bruising around his body.

21 **Alexander Antonio Burgos Mejia**

22 22. Plaintiff ALEXANDER ANTONIO BURGOS MEJIA is an
23 Honduran asylum seeker. At all times relevant to this complaint, Mr. Burgos
24 Mejia was detained at Adelanto. He is presently released on bond.

25 23. On June 12, 2017, Defendants brutally attacked Mr. Burgos and
26 violated his rights under state and federal law. After dousing him in pepper spray,
27 Defendants slammed him against a wall and injured his head. He sustained burns
28 from the pepper spray, as well as severe bruising around his body.

1 **Luis Peña Garcia**

2 24. Plaintiff LUIS PEÑA GARCIA is a Salvadoran asylum seeker. At all
3 times relevant to this complaint, Mr. Peña Garcia was detained at Adelanto. He is
4 presently released on bond.

5 25. On June 12, 2017, Defendants brutally attacked Mr. Peña Garcia and
6 violated his rights under state and federal law. After dousing him in pepper spray,
7 Defendants slammed him against a wall and injured his head. He sustained burns
8 from the pepper spray, as well as severe bruising around his body.

9 **Julio Cesar Barahona Cornejo**

10 26. Plaintiff JULIO CESAR BARAHONA CORNEJO is a Salvadoran
11 asylum seeker. At all times relevant to this complaint, Mr. Barahona Cornejo was
12 detained at Adelanto. He is presently released on bond.

13 27. On June 12, 2017, Defendants brutally attacked Mr. Barahona
14 Cornejo and violated his rights under state and federal law. After dousing him in
15 pepper spray, Defendants handcuffed and threw him on the ground, injuring his
16 abdomen and knee on a nearby table. He sustained burns from the pepper spray
17 and scalding hot water, as well as severe bruising around his body.

18 **DEFENDANTS:**

19 28. Defendant GEO Group, Inc. (“GEO”) is a private company
20 headquartered in Boca Raton, Florida which contracts with government entities to
21 provide corrections officers and other detention-related services. GEO contracted
22 with the City of Adelanto to provide guards and security personnel at Adelanto
23 detention center. The GEO Group and its officers and/or employees were acting at
24 all times relevant to this complaint under color of state law as an agent of the City
25 of Adelanto. The contract with the City of Adelanto explicitly acknowledged the
26 right of the City to inspect and monitor the work of the GEO Group and that the
27 detainees would have all rights created by the United States and California
28 Constitutions and under state law.

1 29. At all times relevant to this complaint, Defendant City of Adelanto
2 (“Adelanto”) was a municipality duly organized under the laws of the State of
3 California. Liability under California law for Defendant Adelanto is based in
4 whole or in part upon California Government Code §§ 815.2 and § 920; Penal
5 Code §§ 149, 240, and/or 242; and/or Civil Code §§ 43, 51, 51.7, and/or 52.1.
6 Liability under federal law for all government-entity employees is based upon 42
7 U.S.C. § 1983.

8 30. At all relevant times, employees of the GEO Group, Inc. (“GEO”)
9 were subcontractors with the City of Adelanto to provide security at Adelanto
10 detention center. The City of Adelanto was the “service provider” of detention
11 services for the U.S. Department of Homeland Security, Immigration and Customs
12 Enforcement (“ICE”) and was paid with federal funds to provide security and other
13 services at the detention center. The City of Adelanto contracted with GEO Group,
14 Inc. to be its agent at Adelanto detention center, while retaining the right of
15 inspection and control at the facility under its contract with GEO.

16 31. Defendant Duran was at all times relevant to this complaint an
17 employee and agent of the GEO Group and is responsible for the acts and
18 omissions complained of herein. Defendant Duran, a Lieutenant who held a
19 supervisory role at Adelanto detention center, is sued in her individual and
20 supervisory capacities.

21 32. The identities and capacities of Defendants DOE 1 through 6 are
22 presently unknown to plaintiffs, and on this basis, Plaintiffs sue these Defendants
23 by fictitious names. Plaintiffs will amend the Complaint to substitute the true
24 names and capacities of the DOE Defendants when ascertained. Plaintiffs are
25 informed, believe, and thereon allege that DOE 1 through 6 are, and were at all
26 times relevant herein, employees of the GEO Group, and are responsible for the
27 acts and omissions complained of herein. These employees were staffing the
28 Adelanto Detention Center pursuant to the contract between the City of Adelanto

1 and GEO Group and were agents of the City of Adelanto. The City of Adelanto is
2 vicariously liable for their actions under California Government Code § 815.2.

3 **FACTUAL ALLEGATIONS**

4 33. On Monday, June 12, 2017, Plaintiffs began a peaceful hunger strike
5 to call attention to the conditions of confinement at Adelanto.

6 34. At breakfast that morning, the eight men sat at two tables in the “East
7 Alpha” facility and presented a four-page, handwritten letter that detailed their
8 concerns regarding the treatment of detainees at Adelanto.

9 35. Their letter explained that the hunger strike would remain peaceful,
10 and it asked ICE to remedy several of the inhumane conditions they were being
11 subjected to.

12 36. As Plaintiffs are monolingual Spanish speakers, another detainee
13 translated for Plaintiffs and informed the GEO guards present that Plaintiffs
14 wanted to speak with an ICE agent who spoke Spanish.

15 37. GEO guards did not inform ICE of the announced hunger strike.
16 Instead, GEO guards ordered all detainees back to their beds for morning count.

17 38. Plaintiffs remained seated, calmly linked arms, and respectfully
18 reiterated their request to speak with ICE officials.

19 39. GEO guards became increasingly upset and called for backup.
20 Approximately ten additional GEO guards arrived.

21 40. Shortly thereafter, a female GEO guard (Doe 1) arrived wearing a
22 white-shirt uniform, indicating that she was a supervisor. She began yelling at the
23 detainees in English and displayed a large canister of pepper spray, slamming it on
24 the table repeatedly and continuing to yell incomprehensibly at Plaintiffs in
25 English. The GEO supervisor then emptied the entire canister of pepper spray on
26 Plaintiffs, spraying them at close range and directly in their faces, mouths, scalps,
27 and groins.

28 //

1 41. While Plaintiffs screamed from the pain, the GEO supervisor sprayed
2 pepper spray directly into their nose, mouth, and eyes at close range. When
3 Plaintiffs lowered their heads onto the table, trying to shield their faces, she
4 sprayed their scalps.

5 42. In total, the GEO supervisor emptied two entire cannisters of pepper
6 spray on Plaintiffs.

7 43. After Plaintiffs were drenched in pepper spray, other GEO guards
8 (Does 2 through 5) began pulling Plaintiffs up from the tables. They hit Plaintiffs
9 in their rib cages, dug their nails behind Plaintiffs' ears and down Plaintiffs' arms,
10 shoved their knuckles into Plaintiffs' necks and backs, and twisted Plaintiffs' arms.

11 44. The guards then handcuffed Plaintiffs and continued to brutally
12 assault them, even though Plaintiffs were not in any way resisting. GEO guards
13 slammed Plaintiffs against concrete walls and onto the floors, ultimately dragging
14 them out of the East Alpha facility in handcuffs.

15 45. GEO guards slammed one Plaintiff's face against a concrete wall and
16 knocked out his dental crown and tooth, as well as a 14-tooth gold mouthpiece that
17 lined his bottom row of teeth. In doing so, the guards also broke Plaintiff's nose.

18 46. Plaintiffs, drenched in pepper spray and shackled, were taken out to
19 the yard, some carried by hands and feet, and thrown on the ground. So much
20 pepper spray was used that the fumes overwhelmed the building, requiring the
21 evacuation of the entire East Alpha unit.

22 47. Plaintiffs were left out in the yard for approximately 20-30 minutes
23 while drenched in pepper spray. They were then taken to a small holding cell in
24 the "West" building where the men were isolated for approximately one hour. The
25 pepper spray fumes emanated from their clothes and bodies and overwhelmed the
26 small space in which they were confined, suffocating Plaintiffs. Plaintiffs cried out
27 in pain but were met only with laughter by the GEO guards.

28 //

1 48. While in this holding cell, a nurse (Doe 6) arrived. The pepper spray
2 fumes were so intolerable that the nurse demanded that the room be ventilated
3 before she approached Plaintiffs. Despite Plaintiffs' pleas for medical treatment
4 and attention, the nurse only checked their vitals before leaving the cell.

5 49. At the same time, an ICE agent arrived and asked each person how
6 they were injured and what had occurred. The ICE agent saw that the handcuffs on
7 Plaintiffs were extremely tight and causing their wrists to swell. He ordered that
8 GEO guards loosen the handcuffs and left the room.

9 50. After approximately one and one-half hours passed, five Plaintiffs
10 were forced to shower in scalding hot water while still handcuffed and fully
11 clothed in their pepper spray drenched clothing. The hot water exacerbated the
12 pepper spray burns and increased the fumes. Plaintiffs were screaming out and
13 twisting in pain, hands still cuffed behind their back. The three other Plaintiffs
14 heard their friends screaming in pain and refused to go into the shower. At least
15 one Plaintiff fainted in the shower as a result of the excruciating pain.

16 51. Plaintiffs were then taken back to the holding cell where they were not
17 permitted to remove their pepper-sprayed clothing. The pain was so unbearable
18 that Plaintiffs rolled on the ground to mitigate the burning sensation and begged for
19 something to mitigate the pain. Neither GEO nor ICE provided medical attention.

20 52. After nearly one hour, Plaintiffs were finally given dry uniforms.
21 Although Plaintiffs were originally in blue (low custody) uniforms, Plaintiffs were
22 required to wear orange (medium custody) uniforms, elevating them to a higher
23 security level as punishment for participating in the hunger strike. They were
24 immediately placed in segregation and separated into pairs.

25 53. Plaintiffs were told they would remain in segregation for 10 days as
26 punishment for their participation in a hunger strike.

27 //

28 //

1 54. While in segregation, Plaintiffs' recreation time was limited to one
2 hour per day, their showers were limited, their phone calls were limited, and they
3 did not have access to the law library or commissary.

4 55. Plaintiffs made numerous requests for medical care to treat their
5 injuries. For the entirety of their time in segregation, they repeatedly asked for
6 burn cream to treat the burn pain, to have their scratches and wounds cleaned, and
7 for x-rays of their more severe injuries. All of their requests were ignored.

8 56. While in segregation, Plaintiffs continued their peaceful hunger strike
9 and maintained that they would not eat until they spoke with ICE officials.

10 57. On the second day of the hunger strike, GEO supervisor Lieutenant
11 Duran went to Plaintiffs' segregation cells to interview them about what had taken
12 place. Defendant Duran told Plaintiffs that the GEO guards did not respond to the
13 announced hunger strike appropriately, but Plaintiffs would remain in segregation
14 for their decision to wage a hunger strike.

15 58. Before Plaintiffs' hunger strike reached the 72-hour mark, Plaintiffs
16 were placed in one room where they met with approximately five ICE agents,
17 some of whom spoke Spanish. These agents threatened Plaintiffs with continued
18 isolation in segregation and summary deportation if Plaintiffs did not end their
19 hunger strike. ICE agents also threatened to inform Plaintiffs' immigration judges
20 of the hunger strike, with the intent to adversely affect their immigration cases.

21 59. Plaintiffs agreed to end the hunger strike. Nevertheless, as
22 punishment, Plaintiffs continued to be unlawfully detained in segregation.

23 60. On June 22, 2017, an immigration lawyer representing two of the
24 Plaintiffs lodged a complaint against GEO and ICE with the U.S. Department of
25 Homeland Security's Office for Civil Rights and Civil Liberties compliance
26 branch. Counsel recounted the incident of violence against the hunger strikers and
27 demanded that the matter be investigated, and action be taken to protect her clients
28

1 and the rest of the hunger strikers. The complaint was filed on behalf of all of the
2 hunger strikers.

3 61. On or about June 30, 2017, following the civil rights complaint,
4 officials from the Adelanto facility placed a block on telephone numbers that
5 Plaintiffs regularly contacted. This restricted Plaintiffs from communicating with
6 their immigration attorneys, as well as various other advocacy groups that help
7 raise bond money and gather documentation to support Plaintiffs' asylum claims.
8 On information and belief, approximately 20 different phone numbers associated
9 with Plaintiffs were blocked.

10 **MONELL ALLEGATIONS**

11 62. Based upon the principles set forth in *Monell v. New York City*
12 *Department of Social Services*, 436 U.S. 658 (1978), Defendant City of Adelanto is
13 liable for all injuries sustained by Plaintiffs as set forth herein. Adelanto bears
14 liability because its policies, practices and/or customs were a cause of Plaintiffs'
15 injuries. Adelanto and its officials maintained or permitted n or more of the
16 following policies, customs or practices:

- 17 a. Failure to provide adequate training and supervision to guards and
18 security personnel with respect to constitutional limits on the use of
19 excessive and deadly force;
- 20 b. Failure to provide adequate training and supervision to guards and
21 security personnel with respect to constitutional limits on use of force,
22 search, and detention; particularly, but not exclusively when interacting
23 with individuals exercising their First Amendment rights;
- 24 c. Failure to adequately discipline or retrain officers involved in
25 misconduct;
- 26 d. Selection, retention, and assignation of officers with demonstrable
27 propensities for excessive force, violence, dishonesty, and other
28 misconduct;

1 e. Condonation and encouragement of officers in the belief that they can
2 violate the rights of persons, such as Plaintiffs, with impunity, and that
3 such conduct will not adversely affect their opportunities for promotion
4 and other employment benefits.

5 63. The City of Adelanto was obligated under an Intergovernmental
6 Services Agreement with ICE to ensure that security posts and positions were
7 staffed with “qualified personnel” and to ensure that it was respecting the
8 constitutional rights of the detainees.

9 64. The City of Adelanto at the highest policy levels chose to subcontract
10 its activities to GEO Group and entered into a contract requiring GEO to abide by
11 the Intergovernmental Services Agreement. The contract itself was signed by the
12 City Manager/Executive Director.

13 65. The City of Adelanto maintained a right of inspection under the GEO
14 contract such that City inspectors could enter the facility to correct any
15 deficiencies.

16 **FIRST CAUSE OF ACTION**

17 **Battery**

18 **(Against All Defendants)**

19 66. Plaintiffs reallege and incorporate the allegations set forth in the
20 preceding paragraphs as though fully set forth herein.

21 67. Without consent or legal privilege, GEO Group employees
22 intentionally assaulted and physically battered Plaintiffs with the intent to harm
23 Plaintiffs. Such conduct was extreme and outrageous and would be deemed highly
24 offensive to a reasonable person.

25 68. As a result of the aforementioned conduct, Plaintiffs were physically
26 and psychologically damaged.

27 69. Defendant GEO Group’s guards were at all times acting as employees
28 of GEO Group and within the scope of their employment when they harmed

1 Plaintiffs. Defendant GEO Group is responsible for the wrongful conduct of its
2 employees under the law of vicarious liability, including the doctrine of respondeat
3 superior.

4 70. The GEO Group and its officers and/or employees were acting at all
5 relevant times under color of state law as an agent of the City of Adelanto.
6 Defendant Adelanto is responsible for the wrongful conduct of its subcontractor
7 GEO Group's employees under the law of vicarious liability, including the
8 doctrine of respondeat superior.

9 71. Defendant GEO Group's guards acted with malice and oppression and
10 with a conscious disregard of Plaintiffs' rights, making Defendant GEO, Defendant
11 Duran, and Defendants DOE 1-6 liable for punitive damages under California Civil
12 Code § 3294.

13 **SECOND CAUSE OF ACTION**

14 **Assault**

15 **(Against All Defendants)**

16 72. Plaintiffs reallege and incorporate the allegations set forth in the
17 preceding paragraphs as though fully set forth herein.

18 73. Without consent or legal privilege, GEO group employees created a
19 reasonable apprehension in Plaintiffs of immediate harmful or offensive contact.

20 74. As a result of the aforementioned conduct, Plaintiffs were physically
21 and psychologically damaged.

22 75. Defendant GEO Group's guards were at all times acting as employees
23 of GEO Group and within the scope of their employment when they harmed
24 Plaintiffs. Defendant GEO Group is responsible for the wrongful conduct of its
25 employees under the law of vicarious liability, including the doctrine of respondeat
26 superior.

27 76. The GEO Group and its officers and/or employees were acting at all
28 relevant times under color of state law as an agent of the City of Adelanto.

1 Defendant Adelanto is responsible for the wrongful conduct of its subcontractor
2 GEO Group's employees under the law of vicarious liability, including the
3 doctrine of respondeat superior.

4 77. Defendant GEO Group's guards acted with malice and oppression and
5 with a conscious disregard of Plaintiffs' rights, making Defendant GEO, Defendant
6 Duran, and Defendants DOE 1-6 liable for punitive damages under California Civil
7 Code § 3294.

8 **THIRD CAUSE OF ACTION**

9 **Negligent Hiring, Training, and Supervision**

10 **(Against Defendants GEO & Adelanto)**

11 78. Plaintiffs reallege and incorporate the allegations set forth in the
12 preceding paragraphs as though fully set forth herein.

13 79. Defendant GEO Group negligently hired, retained, or supervised its
14 guards at the Adelanto facility.

15 80. Defendants GEO Group's guards intended to cause, and did cause,
16 Plaintiffs to experience severe physical injury and emotional distress and they each
17 acted with reckless disregard of the probability that Plaintiffs would suffer such
18 injuries.

19 81. Defendants GEO Group's guards' conduct was a substantial factor in
20 causing Plaintiff's severe distress.

21 82. Defendant GEO Group's guards were at all times acting as employees
22 of GEO Group and within the scope of their employment when they harmed
23 Plaintiffs. Defendant GEO Group is responsible for the wrongful conduct of its
24 employees under the law of vicarious liability, including the doctrine of respondeat
25 superior.

26 83. The GEO Group and its officers and/or employees were acting at all
27 relevant times under color of state law as an agent of the City of Adelanto.

28 Defendant Adelanto is responsible for the wrongful conduct of its subcontractor

1 GEO Group's employees under the law of vicarious liability, including the
2 doctrine of respondeat superior.

3 84. Defendant GEO Group's guards acted with malice and oppression and
4 with a conscious disregard of Plaintiffs' rights, making Defendant GEO liable for
5 punitive damages under California Civil Code § 3294.

6 **FOURTH CAUSE OF ACTION**

7 **Intentional Infliction of Emotional Distress**

8 **(Against All Defendants)**

9 85. Plaintiffs reallege and incorporate the allegations set forth in the
10 preceding paragraphs as though fully set forth herein.

11 86. Defendant GEO Group's guards engaged in extreme and outrageous
12 conduct that transcended the bounds of human decency.

13 87. Defendants GEO Group's guards intended to cause, and did cause,
14 Plaintiffs to experience severe physical injury and emotional distress and they each
15 acted with reckless disregard of the probability that Plaintiffs would suffer such
16 injuries.

17 88. Defendants GEO Group's guards' conduct was a substantial factor in
18 causing Plaintiffs' severe distress.

19 89. Defendant GEO Group's guards were at all times acting as employees
20 of GEO Group and within the scope of their employment when they harmed
21 Plaintiffs. Defendant GEO Group is responsible for the wrongful conduct of its
22 employees under the law of vicarious liability, including the doctrine of respondeat
23 superior.

24 90. Plaintiffs reallege and incorporate the allegations set forth in the
25 preceding paragraphs as though fully set forth herein.

26 91. The GEO Group and its officers and/or employees were acting at all
27 relevant times under color of state law as an agent of the City of Adelanto.

28 Defendant Adelanto is responsible for the wrongful conduct of its subcontractor

1 GEO Group's employees under the law of vicarious liability, including the
2 doctrine of respondeat superior.

3 92. Defendant GEO Group's guards acted with malice and oppression and
4 with a conscious disregard of Plaintiffs' rights, making Defendant GEO, Defendant
5 Duran, and Defendants DOE 1-6 liable for punitive damages under California Civil
6 Code § 3294.

7 **FIFTH CAUSE OF ACTION**
8 **First Amendment (42 U.S.C. §1983)**
9 **Retaliation Against Protected Conduct**
10 **(Against All Defendants)**

11 93. Plaintiffs reallege and incorporate the allegations set forth in the
12 preceding paragraphs as though fully set forth herein.

13 94. Defendants' actions violated Plaintiffs' clearly established rights to
14 freedom of expression under the First Amendment to the United State Constitution
15 by retaliating against them for exercising their constitutional right to petition for
16 redress of grievances.

17 95. In response to Plaintiffs filing grievances related to GEO guards'
18 assault, Defendants retaliated against Plaintiffs by blocking or otherwise restricting
19 telephone numbers that Plaintiffs regularly contacted, restricting Plaintiffs from
20 communicating with their immigration attorneys, as well as various other advocacy
21 groups that help raise bond money and gather documentation to support Plaintiffs'
22 asylum claims.

23 96. As a result of Defendants' unlawful conduct, Plaintiffs suffered severe
24 emotional distress.

25 97. The GEO Group and its officers and/or employees were acting at all
26 relevant times under color of state law as an agent of the City of Adelanto.

27 //

28 //

1 105. Defendant GEO Group's guards acted with malice and oppression and
2 with a conscious disregard of Plaintiffs' rights, making Defendant GEO, Defendant
3 Duran, and Defendants DOE 1-6 liable for punitive damages under California Civil
4 Code § 3294.

5 **SEVENTH CAUSE OF ACTION**

6 **Fifth and Fourteenth Amendments (42 U.S.C. § 1983)**

7 **Right to Due Process of Law**

8 **(Against All Defendants)**

9 106. Plaintiffs reallege and incorporate the allegations set forth in the
10 preceding paragraphs as though fully set forth herein.

11 107. Defendants' conduct deprived Plaintiffs of liberty without due process
12 of law under the Fifth and Fourteenth Amendments to the United States
13 Constitution. Based on Plaintiffs' grievances related to the conditions at the
14 Adelanto facility, Defendants assaulted Plaintiffs, placed them in segregation, and
15 blocked or restricted their access to telephones, all without legal authority.

16 108. As a result of Defendants' unlawful conduct, Plaintiffs suffered severe
17 physical injury and emotional distress.

18 109. The GEO Group and its officers and/or employees were acting at all
19 relevant times under color of state law as an agent of the City of Adelanto.

20 110. Defendants knew or should have known that assaulting plaintiffs,
21 placing them in segregation, and blocking or restricting their access to telephones
22 in response to Plaintiffs' grievances was a clearly established violation of the
23 Fourth Amendment at the time of the incident.

24 111. Defendant GEO Group's guards acted with malice and oppression and
25 with a conscious disregard of Plaintiffs' rights, making Defendant GEO, Defendant
26 Duran, and Defendants DOE 1-6 liable for punitive damages under California Civil
27 Code § 3294.

28 //

EIGHTH CAUSE OF ACTION

Bane Act

Cal. Civ. Code § 52.1

(Against All Defendants)

112. Plaintiffs reallege and incorporate the allegations set forth in the preceding paragraphs as though fully set forth herein.

113. Defendants, by their conduct, interfered by threats, intimidation, or coercion, or attempted to interfere by threats, intimidation, or coercion, with the exercise or enjoyment of Plaintiffs' rights as secured by the First, Fourth, Fifth, and Fourteenth Amendments to the United States Constitution or laws of the United States.

114. There was no lawful justification for Defendants to threaten, intimidate, or coerce the Plaintiffs, or to attempt to use threats, intimidation, or coercion to interfere with Plaintiffs' rights.

115. As a result of Defendants' unlawful conduct, Plaintiffs suffered severe physical injury and emotional distress.

116. Defendant GEO Group's guards acted with malice and oppression and with a conscious disregard of Plaintiffs' rights, making Defendant GEO, Defendant Duran, and Defendants DOE 1-6 liable for punitive damages under California Civil Code § 3294.

NINTH CAUSE OF ACTION

Conspiracy to Interfere with Civil Rights

42 U.S.C. § 1985(3)

(Against All Defendants)

117. Plaintiffs reallege and incorporate the allegations set forth in the preceding paragraphs as though fully set forth herein.

//

//

1 118. Defendants conspired and agreed to deprive Plaintiffs of the equal
2 protection of the laws and of equal privileges and immunities of the laws of the
3 United States because of Plaintiffs' exercise of their Constitutional rights.

4 119. As a result of Defendants' unlawful conduct, Plaintiffs suffered severe
5 damages, including physical injury and emotional distress.

6 120. Defendant GEO Group's guards acted with malice and oppression and
7 with a conscious disregard of Plaintiffs' rights, making Defendant GEO, Defendant
8 Duran, and Defendants DOE 1-6 liable for punitive damages under California Civil
9 Code § 3294.

10 **TENTH CAUSE OF ACTION**

11 **Negligence and Failure to Provide Medical Care**

12 **(Against All Defendants)**

13 121. Defendants owed a duty of care toward Plaintiffs and were required to
14 use reasonable diligence to ensure Plaintiffs' safety while in their custody and
15 control. Defendants' actions and omissions were negligent and reckless, including
16 but not limited to:

- 17 a. The failure to properly assess the need to use force against Plaintiffs; and
18 b. The failure to provide timely medical assistance to Plaintiffs, despite the
19 Defendants' knowledge that Plaintiffs needed immediate medical care, as specified
20 in Government Code § 845.6; as there is a special relationship between Defendants
21 CITY OF ADELANTO and GEO GROUP and the inmates within their custody
22 and control.

23 122. As a result of Defendants' unlawful conduct, Plaintiffs suffered severe
24 damages, including physical injury and emotional distress.

25 123. Defendant GEO Group's guards acted with malice and oppression and
26 with a conscious disregard of Plaintiffs' rights, making Defendant GEO, Defendant
27 Duran, and Defendants DOE 1-6 liable for punitive damages under California Civil
28 Code § 3294.

PRAYER FOR RELIEF

Plaintiffs reallege and incorporate the allegations set forth in the preceding paragraphs as though fully set forth herein.

WHEREFORE, Plaintiffs pray as follows:

1. For a declaratory judgment that Defendants' policies, practices and conduct as alleged herein violate Plaintiffs' rights under the United States Constitution, the California Constitution, and the laws of California;
2. For general and compensatory damages to Plaintiffs in an amount to be determined according to proof;
3. For an award of punitive and exemplary damages against Defendant GEO Group, Defendant Duran, and Defendants DOE 1-6 according to proof;
4. For an award of statutory damages and penalties pursuant to California Civil Code section 52.1(h) and California Code of Civil Procedure section 1021.5;
5. For costs of suit and attorney fees as provided by law;
6. For such other relief as the Court deems just and proper.

Dated: May 25, 2018

Respectfully submitted,

LAW OFFICE OF RACHEL STEINBACK
LAW OFFICE OF CAROL A. SOBEL
SCHONBRUN, SEPLOW, HARRIS & HOFFMAN LLP
LAW OFFICE OF MATTHEW STRUGAR
LAW OFFICE OF COLLEEN FLYNN

s/ Rachel Steinback

By:
Attorneys for Plaintiffs

DEMAND FOR JURY TRIAL

Plaintiffs hereby respectfully demand that a trial by jury be conducted with respect to all issues presented herein.

Dated: May 25, 2018

Respectfully submitted,

LAW OFFICE OF RACHEL STEINBACK
LAW OFFICE OF CAROL A. SOBEL
SCHONBRUN, SEPLOW, HARRIS & HOFFMAN LLP
LAW OFFICE OF MATTHEW STRUGAR
LAW OFFICE OF COLLEEN FLYNN

s/ Rachel Steinback

By:
Attorneys for Plaintiffs