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7 Attorneys for Plaintiff
8 MICHELLE CHARMAINE LAWSON

9
10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 MICHELLE CHARMAINE LAWSON,)

13 Plaintiff,)

14 vs.)

15)
16 CITY OF ARCATA; THOMAS CHAPMAN,)
17 individually and in his official capacity as City)
of Arcata Chief of Police; TOD)
18 DOKWEILER, individually and in his)
capacity as Lieutenant and Detective Sergeant)
19 for the City of Arcata; ERIC LOSEY,)
20 individually and in his capacity as Detective)
Police Officer for the City of Arcata;)
21 KRYSTLE ARMINIO, individually and in her)
capacity as a Police Officer for the City of)
22 Arcata; KAREN DIEMER, individually and in)
her official capacity of City of Arcata City)
23 Manager; and DOES 1 through 100,)

24 Defendants.
25

CASE NO.

COMPLAINT FOR:

- 1. **DENIAL OF EQUAL PROTECTION IN VIOLATION OF THE FOURTEENTH AMENDMENT (42 U.S.C. § 1983);**
- 2. **DELIBERATELY INDIFFERENT POLICIES, PRACTICES, CUSTOMS, TRAINING AND SUPERVISION IN VIOLATION OF THE FOURTEENTH AMENDMENT AND 42 U.S.C. § 1981 (42 U.S.C. § 1983);**
- 3. **CONSPIRACY TO DEPRIVE PLAINTIFF OF CONSTITUTIONAL RIGHTS (42 U.S.C. § 1985(3))**
- 4. **CONSPIRACY TO DEPRIVE PLAINTIFF OF CONSTITUTIONAL RIGHTS (42 U.S.C. § 1983)**
- 5. **CIVIL CONSPIRACY**
- 6. **GROSS NEGLIGENCE**
- 7. **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
- 8. **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

26 **DEMAND FOR JURY TRIAL**
27
28

PARTIES

1
2 2. Plaintiff Michelle Charmaine Lawson is a United States citizen residing in Perris,
3 California. Plaintiff is the mother of the deceased David Josiah Lawson (“Mr. Lawson”).

4 3. Upon information and belief, Defendant City of Arcata (“City”) is a municipal
5 corporation, organized under the laws of the State of California, with the capacity to sue and be
6 sued. Upon information and belief, Defendant City is the legal and political governmental entity
7 responsible for the actions of the Arcata Police Department (“APD”) and its officials, agents, and
8 employees. Defendant City is sued in its own right and on the basis of the acts and omissions of
9 its officials, agents, and employees, including the APD and its City Manager, Karen Diemer
10 (“Diemer”).

11 4. On information and belief, Defendant Thomas Chapman (“Chapman”) is a citizen
12 of the United States who resides in Humboldt County, California. Defendant Chapman was the
13 City’s Chief of Police on April 15, 2017, when Mr. Lawson was murdered, and continued to
14 serve as the City’s Chief of Police until his sudden resignation on or about April 10, 2018. In his
15 official capacity as the City’s Chief of Police, Defendant Chapman directed the APD’s
16 administration and operation pursuant to the Arcata Municipal Code and guidelines, customs,
17 policies and practices set by the City. During his period of employment as Defendant City’s
18 Chief of Police, Defendant Chapman was responsible for, *inter alia*, leading and overseeing the
19 investigation of all homicide cases under his jurisdiction; for setting, determining and/or
20 implementing APD customs, polices, practices and procedures applicable to homicide
21 investigations; and for ensuring that APD officers under his authority were appropriately trained
22 and supervised.

23 5. On information and belief, Defendant Tod Dokweiler (“Dokweiler”) is a citizen
24 of the United States who resides in Humboldt County, California. Defendant Dokweiler was an
25 APD Detective Sergeant on April 15, 2017 when Mr. Lawson was murdered. In or about
26 January 2018, Defendant Dokweiler was promoted to APD Lieutenant. On information and
27 belief, at all times relevant to this Complaint, with the possible exception of a few months’ time
28 when the APD was under the leadership of Interim Chief Richard Ehle (“Mr. Ehle”), Defendant

1 Dokweiler has been the lead investigator in charge of the APD's investigation into Mr. Lawson's
2 murder.

3 6. On information and belief, Defendant Eric Losey ("Losey") is a citizen of the
4 United States who resides in the State of California. Defendant Losey was an APD officer on
5 April 15, 2017. He was promoted to the rank of detective just before responding to the scene of
6 Mr. Lawson's murder, and continued to serve as an APD detective until his resignation in or
7 about August 2017.

8 7. On information and belief, Defendant Krystle Arminio ("Arminio") is a citizen of
9 the United States who resides in the State of California. Defendant Arminio was an APD officer
10 on April 15, 2017, when Mr. Lawson was murdered. Defendant Arminio was one of the first
11 APD officers to arrive at the crime scene on April 15, 2017.

12 8. On information and belief, Defendant Karen Diemer is a citizen of the United
13 States who resides in the State of California. At all times relevant to this Complaint, Defendant
14 Diemer has served as the City Manager for Defendant City of Arcata. In her official capacity as
15 Defendant City of Arcata's City Manager, Defendant Diemer is responsible for, *inter alia*,
16 supervising the City's Chief of Police, and serving as an official spokesperson on behalf of
17 Defendant City.

18 9. Each of the acts and omissions complained of was undertaken and each violation
19 of Plaintiff's rights occurred pursuant to the unlawful policies, practices, and customs of
20 Defendants, as alleged herein.

21 10. In connection with the acts and omissions complained of herein, each Defendant
22 was acting or omitting to act on behalf of the City of Arcata and/or at the direction of another
23 Defendant on the City's behalf.

24 11. The acts, omissions and/or misconduct of each Defendant, as alleged herein, were
25 adopted, authorized, ratified, approved, and/or condoned by the relevant policy makers for
26 Defendant City, including but not limited to Defendants Chapman and Diemer.

27 12. Unless otherwise specified, each of the complained violations of law alleged
28 herein was intentionally committed by Defendants, their officials, agents, and/or employees,

1 acting under color of law.

2 **JURISDICTION AND VENUE**

3 13. This Court has subject matter jurisdiction over Plaintiff’s claims pursuant to 28
4 U.S.C. §§ 1331 and 1343(a)(3) and (4). Plaintiff brings this action under 42 U.S.C. § 1983 to
5 vindicate rights established by the Fourteenth Amendment to the United States Constitution and
6 other applicable federal laws. Plaintiff’s state law claims arise from the same occurrences as her
7 federal constitutional claims, and are within this Court’s supplemental jurisdiction pursuant to 28
8 U.S.C. § 1367.

9 14. This Court has personal jurisdiction over Defendant City of Arcata because it is a
10 political subdivision of the State of California located in Humboldt County. The Court has
11 personal jurisdiction over Defendants Chapman, Dokweiler, Losey, Arminio and Diemer
12 because, during all times relevant to this Complaint, they worked and/or resided in Humboldt
13 County, California.

14 15. Venue is proper in the Northern District of California under 28 U.S.C. § 1391(b),
15 as the Defendants are located in the Northern District of California and all the events, acts and/or
16 omissions complained of herein occurred in this District.

17
18 **FACTUAL ALLEGATIONS**

19 16. On the evening of April 14, 2017, continuing into the early morning hours of
20 April 15, 2017, Mr. Lawson and his girlfriend, Renalyn Bobadilla (“Ms. Bobadilla”) were
21 attending a birthday party at a friend’s house in the City of Arcata, away from the Humboldt
22 State University campus where Mr. Lawson attended college.

23 17. Also attending the same party that evening was Lila Ortega (“Ms. Ortega”),
24 accompanied by her friends Angelica McFarland (“Ms. McFarland”), Naiya Wilkins (“Ms.
25 Wilkins”), and Casey Gleaton (“Ms. Gleaton”).

26 18. Sometime in the early morning hours of April 15, 2017, Ms. Ortega called her
27 boyfriend, Kyle Zoellner (“Mr. Zoellner”) to pick her and her friends up from the party. At the
28

1 time of Mr. Lawson's murder, Mr. Zoellner was employed as a chef for a local catering
2 company.

3 19. At approximately 2:30 a.m., when Mr. Lawson and Ms. Bobadilla were leaving
4 the party with their friends Kyle Castillo and Kristoff Castillo (the "Castillo brothers"). Ms.
5 Ortega stopped them on their way out of the house. Mr. Zoellner was with Ms. Ortega and Ms.
6 Wilkins when they stopped Mr. Lawson, Ms. Bobadilla and the Castillo brothers to ask them
7 about a missing cellular phone.

8 20. In an aggressive manner, Ms. Ortega accused Mr. Lawson, Ms. Bobadilla, and the
9 Castillo brothers of stealing her iPhone, and demanded that they empty their pockets to prove
10 that they did not have it. Ms. Bobadilla and Ms. Ortega began arguing, and a physical altercation
11 ensued between the three women. At the same time, Mr. Zoellner was punched in the face by an
12 unidentified person (the "First Altercation").

13 21. Based on witness testimony, the First Altercation lasted for approximately one
14 (1) minute. After the First Altercation ended, Mr. Lawson, Ms. Bobadilla and the Castillo
15 Brothers began to walk away from the front of the house where First Altercation occurred. As
16 they were leaving, Ms. Ortega and/or Ms. McFarland sprayed Mr. Lawson, Ms. Bobadilla one of
17 the Castillo Brothers in the face with what was believed to be pepper spray.

18 22. Mr. Lawson and Ms. Bobadilla proceeded a short distance down the driveway
19 before realizing they had been sprayed in the eyes with some sort of harsh chemical. Upon
20 realizing what happened, Ms. Bobadilla ran back up the driveway and confronted Ms. Ortega
21 and Ms. Wilkins, demanding to know what they had sprayed on her and Mr. Lawson. Mr.
22 Lawson followed Ms. Bobadilla back up the driveway. Ms. Ortega and Ms. Wilkins then
23 physically attacked Ms. Bobadilla.

24 23. A short distance away, while Ms. Ortega and Ms. Wilkins were assaulting Ms.
25 Bobadilla, Mr. Zoellner and Mr. Lawson began fighting ("Second Altercation"). No witness at
26 the scene or the Preliminary Hearing identified any other person involved in the Second
27 Altercation between Mr. Zoellner and Mr. Lawson.
28

1 24. Paris Wright (“Mr. Wright”), a Humboldt State University student, witnessed the
2 Second Altercation. Mr. Wright was leaving the party around 3:00 a.m. on April 15, 2017 when
3 he ran into Mr. Lawson at the end of the cul-de-sac after the First Altercation. He heard Mr.
4 Lawson say something the effect that he had to go “check on his girl” because Ms. Bobadilla
5 went back to the area in which Ms. Ortega, Ms. Wilkins and Mr. Zoellner were located to find
6 out if they had used pepper spray on her and her friends. Mr. Wright told Mr. Lawson to not get
7 involved and then preceded to walk down the street to get into his friends car when he heard
8 screaming. When Mr. Wright went back up the driveway in the direction of the screaming, he
9 observed Mr. Lawson and Mr. Zoellner on the ground, and saw that Mr. Lawson had Mr.
10 Zoellner in a headlock. Mr. Wright rushed over to intervene in an attempt to stop to the Second
11 Altercation.

12 25. Upon separating Mr. Zoellner and Mr. Lawson, Mr. Wright immediately noticed
13 that Mr. Lawson had been stabbed. Mr. Lawson was stabbed multiple times with a ten-inch
14 knife. Upon seeing Mr. Lawson’s stab wounds, Mr. Wright punched Mr. Zoellner.

15 26. After the Second Altercation was occurring, Ms. McFarland exited the area where
16 the Second Altercation occurred, headed towards Spear Avenue and called 911. By this time,
17 other party attendees began calling 911 to report the altercations and a stabbing. Local news
18 media reported that there were approximately one hundred (100) to one hundred fifty (150)
19 people in attendance at the party that night.

20 27. Elijah Chandler (“Mr. Chandler”), a friend of Mr. Lawson’s who was also in
21 attendance at the party, immediately ran over to Mr. Lawson after the Second Altercation and
22 found him bleeding and semi-conscious in the bushes under a small tree on the right hand side of
23 the cul-de-sac. Mr. Chandler reported that he performed cardiopulmonary resuscitation (“CPR”)
24 on Mr. Lawson for approximately fifteen (15) minutes before the ambulance arrived. Mr.
25 Chandler was insistent that none of the responding police officers assisted or attempted to assist
26 him in providing CPR to Mr. Lawson.

27 28. Ms. Gleaton, one of Ms. Ortega’s friends and her companion at the party,
28 corroborated Mr. Chandler’s recollection of events, and stated that she was standing next to Ms.

1 Ortega, Mr. Zoellner's girlfriend, while Mr. Chandler was administering CPR to Mr. Lawson.
2 At the Preliminary Hearing, Ms. Gleaton testified that she heard Ms. Ortega repeatedly state "I
3 hope that guy dies" while Mr. Chandler was trying to save Mr. Lawson's life. Several other
4 witnesses testified that they too heard Ms. Ortega state that she hoped that Mr. Lawson would
5 die. Ms. Gleaton testified that she threatened to "smack" Ms. Ortega if she didn't stop making
6 that statement.

7 29. At the Preliminary Hearing, Ms. Gleaton testified that she retrieved Mr.
8 Zoellner's cellular phone and "keys" under the tree in front of the house where the Second
9 Altercation occurred after one of the police officers on scene placed Mr. Zoellner in a police
10 vehicle. Ms. Gleaton testified that she immediately gave Mr. Zoellner's retrieved belongings to
11 Ms. Ortega.

12 30. According to Defendant Dokweiler, there were three (3) APD officers on duty
13 around 3:00 a.m. on April 15, 2017 when 911 calls started coming in from attendees of the party.
14 The 911 calls reported an "altercation/stabbing" in the 1100 block of Spear Avenue. APD
15 Officer Jones arrived on scene with an automated external defibrillator ("AED") for the purpose
16 of providing emergency medical services to Mr. Lawson. According to the testimony of
17 Defendant Arminio at the Preliminary Hearing, she watched Officer Jones place the "pads" of
18 the AED on Mr. Lawson's body. However, after multiple attempts to use the AED on Mr.
19 Lawson, Officer Jones terminated all efforts to continue providing life saving emergency
20 medical services because the AED was inoperable and not working.

21 31. Defendant Losey was one of the first APD officers to arrive at the scene of the
22 Lawson murder on April 15, 2017. On information and belief, because all APD officers on duty
23 at the time of the murder were low-ranking, Defendant Chapman immediately promoted
24 Defendant Losey to detective before sending him to the murder scene - so that at least one APD
25 officer of detective rank would be present on the ground at the scene.

26 32. Defendant Losey was not accompanied by a senior APD officer on the scene of
27 Mr. Lawson's murder until approximately one and a half (1 ½) hours after the stabbing, when
28 Defendant Dokweiler finally arrived.

1 33. Defendant Arminio was the third APD officer to arrive at the scene. She was
2 employed by the City of Arcata for approximately a year and a half prior to Mr. Lawson's
3 murder. When she first arrived on scene, there were approximately fifty (50) to one hundred
4 (100) people walking around the area where the incident occurred.

5 34. Defendant Arminio testified at the Preliminary Hearing that APD Officer Devon
6 Nilsen ("Nilsen") and APD Officer Jacob McKenzie ("McKenzie") were already at Spear
7 Avenue when she arrived. By the time Defendant Arminio arrived on scene, Officer Nilsen had
8 already detained Mr. Zoellner and placed him the back of his police vehicle.

9 35. Defendant Arminio testified that upon arrival to the crime scene, she went directly
10 to Mr. Lawson where he was laying on the ground, face up, next to a tree. She was able to see
11 Mr. Lawson's stab wounds and began administering chest compressions. At some point, she
12 stopped administering chest compressions in order to move the crowd of partygoers away from
13 the area where Mr. Lawson lay on the ground bleeding out. She stopped administering life
14 saving chest compressions on at least two separate occasions during the fifteen (15) minute time
15 period it took for the ambulance to arrive on scene.

16 36. Defendants Dokweiler and Losey failed to instruct the APD or any other officers
17 at the scene of Mr. Lawson's murder to secure the area for purposes of evidence preservation,
18 and failed to take immediate steps to secure the scene themselves. Although Mr. Lawson was
19 stabbed at approximately 3:00 a.m., and APD officers arrived on scene shortly thereafter, no
20 perimeter was set up around the scene to restrict civilian access. Moreover, when APD officers
21 finally taped off the scene several hours after the Second Altercation, the cordoned off area did
22 not include the location where the fatal stabbing took place.

23 37. Upon information and belief, APD received a medical aid call from the scene of
24 Mr. Lawson's murder around 3:05 a.m. on April 15, 2017. According to Arcata Fire Department
25 Chief Justin McDonald ("Chief McDonald"), there was a delay in notification because medical
26 response calls were channeled through the Cal Fire dispatch center prior to being redirected to
27 local crews. Typically, when there is a call for medical aid to a potentially violent scene, it is
28 standard practice and custom for first responders to "stage" near the scene until getting word

1 from police that the scene is safe to enter. According to Defendant Chapman, Chief McDonald
2 and Arcata Ambulance CEO Doug Boileau (“Mr. Boileau”), the call for medical aid was made
3 within four (4) minutes of the first APD officer’s arrival on the scene.

4 38. At approximately 3:07 a.m. on April 15, 2017, Arcata Ambulance, located at 220
5 F Street in the City of Arcata, received a call through Cal Fire dispatch to respond to the scene of
6 the Lawson murder. At the same time, an Arcata Fire Department crew with two (2) cross-
7 trained emergency medical technicians departed for the scene from their station on Janes Road
8 near Mad River Community Hospital in the City of Arcata.

9 39. One minute after receiving the dispatch from Cal Fire, Arcata Ambulance was *en*
10 *route* to the 1100 block of Spear Avenue. Mr. Boileau stated that it was approximately 3.3 miles
11 from the station to the scene. Seven (7) minutes after the initial 911 call – at approximately 3:09
12 a.m. – an Arcata Fire Department crew arrived on scene. According to Chief McDonald, a
13 bystander – not an APD police officer - waved the fire crew over to the scene when they arrived.

14 40. According to Defendant Chapman, two (2) APD officers were administering CPR
15 to Mr. Lawson when the fire crew arrived. This was just the first of many untruths told by
16 Defendant Chapman about the events occurring on the night of Mr. Lawson’s murder and the
17 subsequent alleged actions taken by the APD to investigate the homicide.

18 41. Upon arrival, one of the emergency medical technicians (“EMT”) from the Arcata
19 Fire Department decided to move Mr. Lawson’s body in order to provide medical care. Mr.
20 Chandler – among many other witnesses – watched as the EMTs grabbed Mr. Lawson’s body by
21 his left leg and left arm and dragged him roughly from underneath the bushes where he collapsed
22 after being stabbed. Mr. McDonald admitted to reporters that Mr. Chandler’s description of the
23 dragging of Mr. Lawson’s body was accurate. The act of dragging Mr. Lawson’s body was so
24 egregious that observing witnesses began to make comments to the emergency personnel on site,
25 objecting to their rough handling of the severely injured Mr. Lawson.

26 42. At 3:15 a.m., approximately fifteen (15) minutes after the first 911 calls, an
27 ambulance arrived on scene. At 3:21 a.m., the ambulance departed for Mad River Community
28 Hospital. When Mr. Lawson arrived at the hospital he was rushed into surgery. At the time of

1 his arrival to the hospital, Mr. Lawson still had a heartbeat and paramedics were maintaining his
2 respiration through CPR. At 4:07 a.m., Mr. Lawson was pronounced dead.

3 43. On the night of Mr. Lawson's murder, some – but not all – of the four women
4 involved in the First and Second Altercations (Ms. Ortega, Ms. McFarland, Ms. Wilkins, and
5 Ms. Gleaton) were brought to the Arcata Police Department. On information and belief, all but
6 one of the women were allowed to leave without being interviewed at the station. The other
7 three women were later interviewed at their respective homes.

8 44. While all four women were eventually fingerprinted, the interviewing officers at
9 the Arcata Police Department took no physical evidence from Ms. Ortega, Ms. McFarland, Ms.
10 Gleaton or Ms. Wilkins at the time of Mr. Lawson's murder. The APD failed to obtain any of
11 the clothing the four women were wearing the night of the murder, and failed to obtain DNA
12 samples from the four women for comparison against deconvoluted DNA or touch DNA analysis
13 until more than one (1) year after Mr. Lawson's murder.

14 45. Officer McKenzie (an APD officer with less than one (1) year of experience) and
15 Officer Billy Kijsriopas (HSU Police Department) were in charge of securing the scene of the
16 Lawson murder. They allegedly remained in the cul-de-sac area off Spear Street that night for
17 the specific purpose of securing the scene after the ambulance left for the hospital. However,
18 Officer McKenzie and Officer Kijsriopas failed to secure Mr. Zoellner's vehicle. Instead, they
19 allowed Ms. Ortega and Ms. McFarland's parents to drive the vehicle away from the scene with
20 the bag of knives inside.

21 46. Once Ms. Ortega and Ms. McFarland's parents drove Mr. Zoellner's vehicle back
22 Mr. Zoellner and Ms. Ortega's apartment, Ms. Ortega removed the bag of knives from Mr.
23 Zoellner's vehicle and brought it inside their apartment.

24 47. During their first search of Mr. Zoellner and Ms. Ortega's apartment, several days
25 after Mr. Lawson's murder, APD officers (led by Defendants Chapman and Dokweiler) failed to
26 collect and book into evidence the bag of knives Mr. Zoellner had in his vehicle the night of Mr.
27 Lawson's murder.

28

1 48. When the APD eventually obtained a second search warrant and went back to the
2 Mr. Zoellner and Ms. Ortega's apartment to collect that bag of knives, one of the knife slots was
3 empty and the knife from that compartment was missing. The knife bag also contained another
4 large compartment that could hold several ten-inch knives. That compartment was empty by the
5 time the APD finally took possession of Mr. Zoellner's knife bag.

6 49. At the scene of the Mr. Lawson's murder, Officer McKenzie located a large knife
7 underneath a red Mustang parked in the cul-de-sac, and retrieved the knife from beneath the car.
8 Officer McKenzie had only one (1) glove with him when he arrived to the scene, and could not
9 recall upon later questioning whether or not he was wearing that glove when he picked up the
10 knife. That knife was later determined by the APD to be the murder weapon.

11 50. At the Preliminary Hearing, Officer McKenzie testified, *inter alia*, to the
12 following: 1) he did not have a flashlight with him when he arrived at the scene in the dark hour
13 of 3:00 a.m. on April 15, 2017, 2) he failed to check Mr. Lawson's vital signs when he saw him
14 bleeding profusely in front of the house where the party had taken place, 3) there were only ten
15 to fifteen people standing around Mr. Lawson when he first encountered him, and that these
16 potential witnesses were not hostile to him when he arrived on scene, 4) he put pressure on Mr.
17 Lawson's stab wounds for about ten to fifteen minutes before an ambulance arrived, 5) he
18 witnessed one of the persons at the scene provide mouth-to-mouth resuscitation to Mr. Lawson,
19 and no APD officer at the scene assisted that individual or directed him to stop engaging in such
20 CPR activity, 6) another potential witness was trying to move the crowd back from Mr. Lawson
21 in order to make room for those persons trying to save Mr. Lawson's life, 7) after Mr. Lawson
22 was taken by ambulance to the hospital, he went back to his patrol vehicle to get his camera so
23 that he could photograph the scene, 8) when he got back to his patrol vehicle, he was approached
24 by Ms. McFarland who tried to give him her statement of the events – but he never took her
25 statement, 9) that he placed the murder weapon in a manila envelope after discovering it under a
26 Ford Mustang which was parked next to the area where Mr. Lawson was bleeding due to stab
27 wounds, 10) after taking photographs of the crime scene, he went back to his patrol vehicle and
28 obtained crime scene tape and taped off the crime scene area, 11) he started a crime scene log

1 after he taped off the crime scene, 12) he interviewed a resident in a neighboring house at 1112
2 Spear Avenue, but not any of the other 50 to 100 potential witnesses that were at the scene upon
3 his arrival, and 13) he did not try to stop the potential witnesses from leaving the scene and is not
4 aware of any other APD officers making any attempts to gather names and contact information
5 of those potential witnesses.

6 51. At some point in the early morning hours of April 15, 2017, one (1) APD officer
7 left the scene and went to Mad River Community Hospital to check on Mr. Lawson's condition,
8 while another APD officer took Mr. Zoellner into custody and escorted him to the Arcata police
9 station. Defendant Chapman never went to the scene of the murder on the day it occurred, even
10 though murders are rare in the City of Arcata.

11 52. APD officers at the scene of the Lawson murder, including but not limited to
12 Defendants Losey and Dokweiler, dispersed the attendees of the party – and prospective
13 witnesses to the murder – without first obtaining the attendees' names or contact information.
14 More than one (1) year after Mr. Lawson was murdered, the APD (specifically, Defendants
15 Chapman and Dokweiler) stated that the investigators on the case had only interviewed
16 approximately thirty percent (30%) of the party attendees and had not identified and/or contacted
17 the remaining seventy percent (70%) of potential witnesses. This is another untruth. At no
18 relevant time did APD interview fifteen (15) to thirty (30) party attendees about the events that
19 occurred on April 15, 2017.

20 53. Defendant Dokweiler admitted that the crime scene should have been secured and
21 witnesses prevented from leaving the scene once APD officers arrived. Instead of taping off the
22 entire cul-de-sac where the First and Second Altercations took place, APD officers only
23 cordoned off a small area encompassing a portion of the street where a trail of Mr. Lawson's
24 blood was found, the bushes where Mr. Lawson collapsed across the street from the house party,
25 and the red Mustang underneath which the murder weapon was found. The area where Mr.
26 Lawson was fatally stabbed that night was not cordoned off by the APD. Defendant Dokweiler
27 admitted that the APD should have taped off the entire cul-de-sac and the grassy area where the
28 fatal stabbing likely occurred to better preserve the scene, and should have prevented party

1 attendees from leaving the scene without first providing their names and contact information to
2 APD officers.

3 54. It is local custom, policy and practice for local law enforcement agencies,
4 including the APD, to immediately notify the Humboldt County District Attorney's Office Chief
5 Investigator of the occurrence of a violent crime within the jurisdiction of the Humboldt County
6 District Attorney. However, at no time during the night of Mr. Lawson's murder – or at any time
7 thereafter – did Defendant Chapman or any other APD officer contact the Humboldt County
8 District Attorney's Office to inform them of or to request assistance in investigating Mr.
9 Lawson's murder. Instead, Humboldt County District Attorney's Office Chief Investigator
10 Wayne Cox ("Mr. Cox") read about Mr. Lawson's murder in the local media, and contacted
11 Defendant Chapman to offer his assistance. Defendant Chapman refused Mr. Cox's offer of
12 assistance with the Lawson murder investigation.

13 55. A few days after the murder, City of Arcata Vice Mayor Sofia Pereira made the
14 following statement at a public Arcata City Council meeting: "As a community, we have failed
15 Josiah. And we failed other students of color who stated over and over again that they do not
16 feel safe or welcome here."

17 56. Defendant Losey informed Ms. Bobadilla that assault charges had been filed
18 against Ms. Ortega, Ms. McFarland and Ms. Wilkins a month or two after Mr. Lawson's murder,
19 but they had not been signed off on by the supervising APD Sergeant (Defendant Dokweiler) or
20 by Humboldt County District Attorney Maggie Fleming ("Ms. Fleming"). APD officers
21 discouraged Ms. Bobadilla from filing charges against Ms. Ortega, Ms. McFarland and Ms.
22 Wilkins in connection with their brutal assault on her person. In fact, APD officers did not
23 interview Ms. Bobadilla until one week after Mr. Lawson's murder. To date, the APD has failed
24 to investigate the violent assault on Ms. Bobadilla by Ms. Ortega and Ms. Wilkins.
25 Consequently, no charges were ever filed (contrary to the representation made to Ms. Bobadilla
26 by Defendant Losey) against Ms. Ortega or Ms. Wilkins for their violent assault against Ms.
27 Bobadilla.

1 57. Under the direction of Defendant Chapman, only two (2) APD officers were
2 assigned to the investigation of Mr. Lawson's murder: Defendant Dokweiler and Defendant
3 Losey. On information and belief, Defendant Losey was an inexperienced police officer with
4 less than one (1) year of experience as an officer, and was promoted to detective specifically for
5 the purpose of responding to the scene of Mr. Lawson's murder. Defendant Losey had no prior
6 homicide investigation experience before being assigned to the Lawson murder investigation.
7 Astonishingly, Defendant Losey was the senior APD officer on scene the night of Mr. Lawson's
8 murder for the first hour and a half after the stabbing took place.

9 58. Defendant Losey alienated many of the potential witnesses at the scene on the
10 night of the murder by behaving in a hostile, insensitive and intimidating manner when
11 communicating with them. Once Mr. Zoellner was taken into custody and charged with the
12 murder of Mr. Lawson, Defendant Losey informed Humboldt State University employee Kenya
13 James that he would have the case against Mr. Zoellner dismissed as self-defense if witnesses did
14 not come forward with more evidence. Defendant Losey was resigned from the APD in early
15 August 2017, and his position on the Lawson homicide investigative team was not replaced for
16 more than eight (8) months after his unexpected departure.

17 59. Mr. Zoellner was taken into custody by APD officers the night of Mr. Lawson's
18 homicide, and was eventually charged with the murder of Mr. Lawson. A Preliminary Hearing
19 was held for Mr. Zoellner in or about early May 2017. At the end of the Preliminary Hearing,
20 Humboldt County Superior Court Judge Dale Reinholtsen dismissed the charges against Mr.
21 Zoellner for lack of sufficient evidence. In its ruling, the court specifically stated that there was
22 a lack of testimony from an autopsy surgeon, no evidence related to blood analysis, no proof that
23 the knife found at the scene was the one which caused lethal injury to Mr. Lawson, lack of
24 evidence related to the ownership of the knife found at the scene, lack of proof regarding the
25 fibers and fingerprints found on the knife, and no showing or explanation as to how Ms.
26 Bobadilla ended up with injuries to her left forearm which looked like someone had jabbed her
27 with a sharp object.

1 60. In or about August 2017 (approximately four (4) months after Mr. Lawson's
2 murder), the APD received initial returns on DNA evidence collected in connection with Mr.
3 Lawson's murder, and represented that they would be sending the evidence back to the forensics
4 laboratory for further analysis. The initial DNA returns only provided information related to
5 major DNA contributors on the items submitted for testing. The request for further DNA
6 analysis would focus on minor DNA contributors on the knife determined to be the murder
7 weapon using deconvoluted DNA analysis and touch DNA testing.

8 61. Initial DNA testing results showed that Mr. Zoellner and Mr. Lawson were major
9 DNA contributors of the blood analysis submitted to the laboratory, including the blood found on
10 the murder weapon itself. On information and belief, fiber evidence collected at the scene has
11 been preliminarily analyzed and determined to be synthetic, but no further testing of that fiber
12 evidence has been conducted, and there may be nothing to compare it against since no clothing
13 was collected by the APD from Ms. Ortega, Ms. Wilkins, Ms. McFarland, or Ms. Gleaton. On
14 information and belief, nail clippings and fingernail scrapings were collected from Mr. Lawson's
15 body, but the APD never submitted that evidence for forensic testing or analysis, although
16 representations to the contrary were made to Plaintiff.

17 62. In or about August 2017, the APD was notified by counsel for the Lawson family
18 that Humboldt State University student Ashlyn Gardenhire, an attendee at the party where Mr.
19 Lawson was killed, had taken and preserved several videos of the party the night of the murder,
20 including at least one video depicting Ms. Wilkins. As of the date of this Complaint, the APD
21 still has not obtained those video recordings, nor has it interviewed Ms. Gardenhire.

22 63. Until Interim Chief Richard Ehle was retained by the APD following Defendant
23 Chapman's abrupt resignation, the APD refused to re-interview any of the suspects and/or
24 persons of interest in Mr. Lawson's murder following their initial interview, including without
25 limitation, Mr. Zoellner, Ms. Ortega, Ms. McFarland and Ms. Wilkins. Ms. McFarland
26 repeatedly contacted the APD for the specific purpose of talking to an investigator about Mr.
27 Lawson's murder, but the APD merely rebuffed her attempts to speak with an investigator and
28 ignored her.

1 64. Mr. Lawson’s autopsy was conducted by Dr. Mark Super, a pathologist in
2 Fairfield, California hired on a contract basis by the City. Autopsies usually take two (2) to four
3 (4) hours to perform. Preliminary results can be released within twenty-four (24) hours, but the
4 full results of an autopsy may take up to six (6) weeks to prepare. The autopsy report for Mr.
5 Lawson, by contrast, took Dr. Super nearly eleven (11) months to complete despite the fact that
6 Officer Nilsen testified at the Preliminary Hearing that he attended the autopsy of Mr. Lawson
7 and that Dr. Super told him then that the preliminary cause of death was a stab wound to the
8 chest.

9 65. The APD failed to analyze the contents of Mr. Lawson’s cell phone, Ms.
10 Bobadilla’s cell phone, Mr. Zoellner’s cell phone, or a number of computers owned by Mr.
11 Zoellner until approximately eighteen (18) months after Mr. Lawson’s murder, and on
12 information and belief, at least some of that analysis still has not yet been completed as of the
13 date of this Complaint. The APD also failed to interview at least one of Mr. Lawson’s
14 housemates, who attended the party with Mr. Lawson, to see what information – if any - that she
15 could provide about Mr. Lawson’s murder.

16 66. The APD failed to investigate the origin of the knife determined to be the murder
17 weapon. The APD quickly concluded that the Henkel brand knife found at the scene did not
18 match any of the knives in the house where the party took place, or any of the knives in Mr.
19 Zoellner’s knife bag. The APD never searched the catering kitchen where Mr. Zoellner worked
20 at the time of the murder. On information and belief, that catering kitchen contained dozens of
21 additional chef knives that were available to Mr. Zoellner at the time of Mr. Lawson’s murder,
22 with no control mechanism for determining whether particular knives had been taken off the
23 premises.

24 67. In or about October 2017, the Lawson family attorney offered the APD the *pro*
25 *bono* assistance of former Special Agent in charge of the Federal Bureau of Investigation’s
26 (“FBI”) Los Angeles bureau, Thomas Parker (“Mr. Parker”) to help in the investigation of Mr.
27 Lawson’s murder. The APD initially accepted Mr. Parker’s assistance.
28

1 68. Mr. Parker invested approximately one hundred thirty (130) *pro bono* hours
2 investigating Mr. Lawson's murder, traveling from his home in Santa Barbara, California to
3 Arcata, California approximately six (6) times over a six month period to meet with APD
4 officers, including Defendants Chapman, Dokweiler and Losey, and to interview witnesses
5 connected to the case.

6 69. In or about November 2017, after he reviewed the APD's file in this case and
7 conducted dozens of hours of investigation himself, Mr. Parker delivered to the APD a written
8 report with detailed forensic and investigative recommendations for the Lawson homicide case.
9 Among other things, Mr. Parker recommended that a serology expert be retained to test what
10 appears to be a bloody knife swipe on Mr. Zoellner's pants, and that metallurgy tests be
11 conducted to compare the sharpening striations on the murder weapon with sharpening striations
12 on the knives collected from Mr. Zoellner's apartment and the knives from the catering kitchen
13 where he worked. Mr. Parker also offered to arrange to have the Lawson murder investigation
14 evidence submitted to an FBI forensic testing lab for faster processing, but Defendants
15 repeatedly rebuffed and refused those offers.

16 70. The APD failed to sufficiently investigate the origin of the murder weapon – a
17 Henkel brand chef's knife. Mr. Parker went to the catering kitchen where Mr. Zoellner worked
18 at the time of the murder to see the type of knives the company had on site. Upon inspection,
19 Mr. Parker found a drawer full of assorted knives with no inventory control mechanism,
20 including a number of Henkel brand knives. The APD made no effort to obtain the Henkel brand
21 knives in the catering kitchen where Mr. Zoellner worked, even after Mr. Parker recommended
22 that the APD collect those knives and submit them for comparison metallurgy testing along with
23 the murder weapon for the purpose of determining whether or not the knives in the catering
24 kitchen had identical sharpening tool marks as the murder weapon. The catering kitchen where
25 Mr. Zoellner worked at the time of Mr. Lawson's murder has since been shut down, thereby
26 destroying any opportunity to collect those knives.

27 71. On information and belief, the APD has not followed up on the bulk of the
28 recommendations contained in Mr. Parker's report. Several months after Mr. Parker provided

1 the APD with his written report and recommendations, he requested that they respond in writing
2 with an update on the progress made on his recommendations. No such update was ever
3 provided to Mr. Parker. Mr. Parker followed up on the recommendations he provided to the
4 APD with Defendant Chapman, who falsely assured Mr. Parker that the APD was working on
5 pursuing his recommendations, and untruthfully represented to Mr. Parker that he had contacted
6 the FBI and that the FBI had agreed to provide the APD with assistance with witness interviews.
7 As a result of his lengthy history with the FBI, Mr. Parker immediately knew that Defendant
8 Chapman's representation was untruthful, and that the FBI had not, in fact, agreed to provide
9 assistance with interviews and that Defendant Chapman had likely not even contacted the FBI.

10 72. Due to the APD's unwillingness to act on his investigative recommendations, lack
11 of candor with him, and apparent lack of interest in moving the case forward, Mr. Parker
12 resigned from his contract with the City of Arcata in or about early April 2018. The next
13 morning, Defendant Chapman abruptly resigned from his position as Chief of Police for the City
14 of Arcata without further explanation.

15 73. On information and belief, the APD has failed to submit personal effects found on
16 Mr. Lawson's body (including his watch) for forensic testing, and has failed to submit Mr.
17 Lawson's nail clippings and scrapings from under his fingernails to any laboratory for forensic
18 analysis.

19 74. Despite the foregoing failures to investigate, Defendants Chapman and Dokweiler
20 made representations to Plaintiff on multiple occasions that all local resources had to be
21 exhausted before the APD could seek outside assistance from the California Department of
22 Justice ("DOJ") or other law enforcement agencies in connection with the Lawson investigation.
23 Defendants Chapman and Dokweiler failed to request such assistance from the DOJ or from any
24 other outside law enforcement agency, despite their express representations to Plaintiff to the
25 contrary.

26 75. In or about June 2017, at a regular meeting of the Arcata City Council, Defendant
27 Chapman and Diemer made representations to Plaintiff and the public that a team of law
28 enforcement officers from agencies across the county, including the Eureka Police Department,

1 HSU Police Department, and the Humboldt County Sheriff's Office, were assisting in the
2 investigation of Mr. Lawson's murder, and were holding weekly meetings to review progress in
3 the investigation. This was a blatant lie and misrepresentation of the facts. In reality, the Eureka
4 Police Department conducted processing of one potential fingerprint, and the Eureka Police
5 Department along with Humboldt County Sheriff's Office participated in one (1) brief "case
6 review" meeting in connection with Mr. Lawson's murder. At that "case review" meeting, the
7 only information received by the outside agencies was contained in a summary PowerPoint
8 presentation created by the APD. Aside from that single meeting and analysis of a single
9 fingerprint, the Eureka Police Department and the Humboldt County Sheriff's Office had no
10 involvement in the investigation of Mr. Lawson's murder. The APD never shared any police
11 reports or evidence related to the Lawson murder with any outside agency. Defendant Chapman
12 intentionally misled Plaintiff about the investigation of her son's murder by representing that
13 outside agencies were assisting the APD with their investigation.

14 76. Beginning in or about April 2017, then Chief of Police Andrew Mills ("Chief
15 Mills") of the Eureka Police Department made a series of offers to Defendant Chapman to
16 supply him with the two best investigators in his department to assist with the Lawson murder
17 investigation. Defendant Chapman repeatedly refused these offers of assistance from Chief
18 Mills. Chief Mills also offered to obtain assistance from his former homicide partner in the San
19 Diego Police Department if Defendant Chapman was willing to formally request such assistance.
20 Defendant Chapman also refused that offer of assistance from Chief Mills.

21 77. Plaintiff discovered that Defendant Chapman was lying to her about the
22 investigation after she contacted Chief Mills and asked about the Eureka Police Department's
23 involvement in investigation into her son's murder. Chief Mills informed Plaintiff that his
24 department had no involvement in the investigation, and that the APD had refused all offers of
25 assistance from him.

26 78. HSU Police Chief Donn Peterson ("Mr. Peterson") also offered his department's
27 assistance to Defendant Chapman with the investigation of Mr. Lawson's murder. Defendant
28 Chapman refused Mr. Peterson's offer of assistance.

1 79. Humboldt County Sheriff Billy Honsal (“Mr. Honsal”) also offered Defendant
2 Chapman his department’s assistance in the Lawson murder investigation. Defendant Chapman
3 refused Mr. Honsal’s offer of assistance.

4 80. In or about the summer of 2017, Defendant Chapman told Plaintiff and her family
5 on several occasions that the San Jose Police Department had homicide investigators reviewing
6 the Lawson murder case with the APD. In fact, the San Jose Police Department never agreed to
7 assist in the investigation and never provided the APD with any assistance in the Lawson murder
8 investigation. Defendant Chapman knowingly and blatantly lied.

9 81. The City of Arcata issued several press releases informing the public that the
10 APD had received additional investigative recommendations from Mr. Parker and were in the
11 process of following those recommendations. In reality, at the time those press releases were
12 issued, neither the City of Arcata nor the APD had followed up on, and/or pursued, any of Mr.
13 Parker’s recommendations. The press releases issued by the City to this effect were deliberately
14 false and untruthful, and issued for the sole purpose of deceiving Plaintiff and the public about
15 the status of the investigation into Mr. Lawson’s murder.

16 82. As of the date of this Complaint, the APD has continued to deny Plaintiff access
17 to any and all police reports related to her son’s murder, as well as her son’s autopsy report.
18 From May 2017 to July 2018, APD and the City of Arcata refused to release the transcript of Mr.
19 Zoellner’s preliminary hearing to Ms. Lawson.

20 83. Upon information and belief, Mr. Zoellner’s father is an employee of the City of
21 Arcata.

22 84. As of the date of this Complaint, no other person has been charged with the
23 murder of David Josiah Lawson since charges against Mr. Zoellner were dismissed in or about
24 May 2017. The APD and the Humboldt County District Attorney’s Office, as of the date of this
25 writing, have failed to file any additional charges against Mr. Zoellner in connection with Mr.
26 Lawson’s murder.

27 85. Beginning in approximately August 2017, roughly four (4) months after Mr.
28 Lawson’s murder, Plaintiff made the first of a series of public statements – some made at

1 regularly scheduled, public Arcata City Council meetings, and others made to the media –
2 criticizing the APD, Defendants Chapman and Dokweiler, and the City of Arcata for failing to
3 conduct a thorough and timely investigation into her son’s murder. In those statements, Plaintiff
4 openly questioned Defendants’ commitment to solving the case, criticized their lack of diligence
5 and failure to devote sufficient resources to the investigation, and suggested that Defendants
6 were unmotivated to solve her son’s murder because he was African-American.

7 85. On information and belief, from the time Plaintiff began making such public
8 comments and continuing until Mr. Ehle was retained by the City as its Interim Chief of Police
9 nearly a year later, in retaliation against Plaintiff for her public criticism and motivated by malice
10 and vindictiveness against Plaintiff, Defendants effectively ceased working on the Lawson
11 murder investigation and took virtually no substantive steps to investigate it further.

12 86. In or about September 2017, Plaintiff was waiting on the Arcata Plaza shortly
13 before a scheduled meeting with Defendant Dokweiler when she observed Ms. Ortega walking
14 by. Plaintiff attempted to speak with Ms. Ortega, and in response, Ms. Ortega fled
15 approximately two (2) blocks to Arcata City Hall, where the APD station is located. Seeing Ms.
16 Ortega run to the APD station, Plaintiff followed, since her meeting with Defendant Dokweiler
17 was scheduled to start momentarily. Upon arriving at the APD station, Plaintiff was met by
18 Defendant Dokweiler, who came outside to confront her and admonished her for “chasing” Ms.
19 Ortega. Defendant Dokweiler then told Plaintiff that he had no news to report to her, since he
20 was now the only detective assigned to the Lawson investigation and he had been unable to work
21 on the case for several weeks, and proceeded to direct Plaintiff out of the APD station through its
22 rear exit. In the meantime, another APD officer escorted Ms. Ortega out the front door of the
23 APD station and drove her home to McKinleyville in her patrol car.

24 87. Rather than perform the police work necessary to properly investigate and solve
25 Mr. Lawson’s murder, Defendants instead conspired among themselves and with others to allow
26 the investigation to languish without progress – hoping the public, Plaintiff, and Mr. Lawson’s
27 friends and family would quietly put the matter behind them – while issuing deliberately false
28 and misleading statements to Plaintiff, her family, Mr. Lawson’s friends, and members of the

1 public assuring them that the Lawson homicide was being actively and appropriately
2 investigated, that offers of assistance from outside law enforcement agencies were being eagerly
3 sought and accepted, and that the investigative recommendations made by Mr. Parker were being
4 followed. In fact, none of these statements made by Defendants were true.

5 88. The City customs, policies and practices described in the foregoing paragraph and
6 throughout this Complaint were consciously approved at the highest policy-making levels for
7 decisions involving the APD, and were a direct and proximate cause of the injuries suffered by
8 Plaintiff.

9 89. The above-described customs, policies, practices, acts and/or omissions were
10 allowed to exist and/or occur because the City and its authorized municipal policymakers
11 (including but not limited to Defendants Chapman and Diemer) declined to implement sufficient
12 training and/or any legitimate mechanism for oversight or punishment of misconduct. Indeed,
13 the City's system for exercising oversight of its Chief of Police, the APD's training and
14 operations, and the APD's system for exercising oversight of major homicide investigations,
15 were and are, for all practical purposes, nonexistent.

16 90. APD officers who failed to meet minimum levels of professional competency in
17 homicide investigation had every reason to know that they not only enjoyed *de facto* immunity
18 from any adverse employment consequences or departmental discipline as a result of their
19 professional shortcomings, but that they also stood to be rewarded with promotions despite their
20 lack of basic competence, as exemplified by Defendant Dokweiler's promotion from Detective
21 Sergeant to Lieutenant in or about January 2018 – purportedly, according to Defendant
22 Chapman, as a “reward” for his “hard work” in connection with the Lawson homicide
23 investigation. In this way, this system proximately caused abuses and violations of constitutional
24 rights, such as the misconduct at issue in this case. This system was well known to APD
25 command personnel, including but not limited to Defendant Chapman, who themselves
26 participated in, perpetuated and benefited from it.

1 98. Defendants' conduct was undertaken with the purpose of depriving Plaintiff of the
2 equal protection and benefits of the law and equal privileges and immunities under the law in
3 violation of the Fourteenth Amendment.

4 99. Defendants engaged in the acts and/or omissions described by this Complaint
5 willfully, maliciously, in bad faith, and in reckless disregard of Plaintiff's federally protected
6 rights.

7 100. The acts or omissions of all Defendants were moving forces behind Plaintiff's
8 injuries.

9 101. Defendants acted in concert and joint action with each other to deprive Plaintiff of
10 her right to equal protection and benefits of the law and equal privileges and immunities under
11 the law in violation of the Fourteenth Amendment by failing to reasonably investigate Mr.
12 Lawson's murder, by making false representations and misleading statements to Plaintiff about
13 the actions being taken to investigate her son's murder, and by blatantly lying about working
14 with other law enforcement officials and agencies in order to solve this crime.

15 102. The acts or omissions of Defendants, as described herein, intentionally deprived
16 Plaintiff of her constitutional and statutory rights and caused her other damages.

17 103. Defendants are not entitled to qualified immunity for the acts and/or omissions
18 alleged herein.

19 104. At all times relevant hereto, Defendants were acting pursuant to municipal
20 custom, policy, decision, ordinance, regulation, widespread habit, usage, or practice in their
21 actions pertaining to Plaintiff.

22 105. As a proximate result of Defendants' unlawful conduct, Plaintiff has suffered
23 emotional injuries and other damages and losses as described herein, entitling her to
24 compensatory and special damages, in amounts to be determined at trial. As a further result of
25 Defendants' unlawful conduct, Plaintiff has incurred special damages, including medically
26 related expenses and may continue to incur further medically and other special damages related
27 expenses, in amounts to be established at trial.
28

1 under the law, to be free from racial discrimination in law enforcement, and to enjoy
2 substantive due process, all guaranteed by the Fourteenth Amendment to the United
3 States Constitution and other applicable federal law.

4 113. At all times relevant herein, Defendants City, Chapman and Diemer knew
5 or should have known of these rights, as they were clearly established at that time.

6 114. The acts or omissions of Defendants, as described herein, intentionally
7 deprived Plaintiff of her constitutional and statutory rights and caused her other damages.

8 115. Defendants are not entitled to qualified immunity for the acts and/or
9 omissions alleged herein.

10 116. At all times relevant herein, Defendants Chapman and Diemer were
11 policymakers for Defendant City and the APD, and in that capacity established policies,
12 procedures, customs, and/or practices for the same.

13 117. Defendants City, Chapman and Diemer developed and maintained policies,
14 procedures, customs, and/or practices exhibiting deliberate indifference to the constitutional
15 rights of citizens, which were moving forces behind and proximately caused the violations of
16 Plaintiff's constitutional and federal rights as set forth herein, and resulted from a conscious or
17 deliberate choice to follow a course of action from among various available alternatives.

18 118. Defendants City, Chapman and Diemer developed and maintained long-standing,
19 department-wide APD customs, law enforcement-related policies, procedures, customs,
20 practices, and/or failed to properly train and/or supervise APD officers in a manner amounting to
21 deliberate indifference to the constitutional rights of Plaintiff and of the public.

22 119. The deliberately indifferent training and supervision provided by Defendants City,
23 Chapman and Diemer resulted from a conscious or deliberate choice to follow a course of action
24 from among various alternatives available to them, and were moving forces in the constitutional
25 and federal violation injuries complained of by Plaintiff.

26 120. As a proximate result of Defendants' unlawful conduct, Plaintiff has suffered
27 emotional injuries and other damages and losses as described herein, entitling her to
28

1 compensatory and special damages, in amounts to be determined at trial. As a further result of
2 Defendants' unlawful conduct, Plaintiff has incurred special damages, including medically
3 related expenses and may continue to incur further medically and other special damages related
4 expenses, in amounts to be established at trial.

5 121. On information and belief, Plaintiff may suffer damages as a result of the acts and
6 omissions of Defendants as alleged herein, in amounts to be ascertained in trial. Plaintiff is
7 further entitled to attorneys' fees and costs pursuant to 42 U.S.C. Section 1988, pre-judgment
8 interest and costs as allowable by federal law.

9 122. Plaintiff seeks appropriate declaratory and injunctive relief pursuant to 42 U.S.C.
10 Section 1983 to redress Defendants' above-described ongoing deliberate indifference in policies,
11 practices, habits, customs, usages, training and supervision with respect to the rights described
12 herein, which Defendants have no intention of voluntarily correcting despite the obvious need for
13 and recommendations to adopt such corrections.

14 **THIRD CAUSE OF ACTION**

15 **42 U.S.C. § 1985(3) - Conspiracy to Deprive Plaintiff of Constitutional Rights**

16 (Against All Defendants)

17 123. Plaintiff incorporates by reference paragraphs 1 through 122 above as if fully set
18 forth herein.

19 124. As described more fully above, each of the Defendants conspired, directly or
20 indirectly, for the purpose of depriving Plaintiff of her rights to equal protection of the law and
21 substantive due process.

22 125. In so doing, Defendants took actions or engaged in omissions in furtherance of
23 this conspiracy, causing injury to Plaintiff.

24 126. Defendants conspired by concerted action to accomplish an unlawful purpose by
25 an unlawful means. Specifically, Chapman and Diemer purposefully made false statements to
26 Plaintiff about the investigation into her son's murder. Defendants worked in concert to provide
27

1 false information about their investigative activities and the alleged participation of other law
2 enforcement agencies, and testing of forensic evidence from April 2017 to the present.

3 127. In furtherance of this conspiracy, each Defendant committed overt acts and was
4 an otherwise willful participant in joint activity.

5 128. The misconduct, acts and omissions complained of herein were undertaken with
6 malice, willfulness, and reckless indifference to Plaintiffs' rights.

7 129. The misconduct, acts and omissions complained of herein were undertaken
8 pursuant to the policy and practice of Defendant City and the APD in the manner described more
9 fully in preceding paragraphs, and was tacitly ratified by policymakers for Defendant City with
10 final policymaking authority, including but not limited to Defendants Chapman and Diemer.

11 130. As a direct and proximate result of the illicit prior agreement referenced above,
12 Plaintiff's rights were violated, and she suffered financial damages, as well as severe emotional
13 distress and anguish, as more fully alleged above.

14 **FOURTH CAUSE OF ACTION**

15 **42 U.S.C. § 1983 - Conspiracy to Deprive Plaintiff of Constitutional Rights**

16 (Against All Defendants)

17 131. Plaintiff incorporates by reference paragraphs 1 through 130 above as if fully set
18 forth herein.

19 132. As described more fully above, each of the Defendants conspired, directly or
20 indirectly, for the purpose of depriving Plaintiff of her rights to equal protection of the law and
21 substantive due process.

22 133. In so doing, Defendants took actions or engaged in omissions in furtherance of
23 this conspiracy, causing injury to Plaintiff.

24 134. Defendants conspired by concerted action to accomplish an unlawful purpose by
25 an unlawful means.

26 135. In furtherance of this conspiracy, each of the co-conspirators committed overt acts
27 and was an otherwise willful participant in joint activity.
28

1 136. The misconduct, acts and omissions complained of herein were undertaken with
2 malice, willfulness, and reckless indifference to Plaintiffs' rights.

3 137. The misconduct, acts and omissions complained of herein were undertaken
4 pursuant to the policy and practice of Defendant City and the APD in the manner described more
5 fully in preceding paragraphs, and was tacitly ratified by policymakers for Defendant City with
6 final policymaking authority, including but not limited to Defendants Chapman and Diemer.

7 138. As a direct and proximate result of the illicit prior agreement referenced above,
8 Plaintiff's rights were violated, and she suffered financial damages, as well as severe emotional
9 distress and anguish, as more fully alleged above.

10 **FIFTH CAUSE OF ACTION**

11 **Civil Conspiracy**

12 (Against All Defendants)

13 139. Plaintiff incorporates by reference paragraphs 1 through 138 above as if fully set
14 forth herein.

15 140. As described more fully in the preceding paragraphs, Defendants, acting in
16 concert with other known and unknown co-conspirators, conspired by concerted action to
17 accomplish an unlawful purpose by unlawful means.

18 141. In furtherance of this conspiracy, each Defendant committed overt acts and was
19 an otherwise willful participant in joint activity.

20 142. The misconduct, acts and omissions complained of herein were undertaken with
21 malice, willfulness, and reckless indifference to Plaintiffs' rights.

22 143. As a proximate result of Defendants' conspiracy, Plaintiff suffered damages,
23 including severe emotional distress and anguish, as more fully alleged above.

24 **SIXTH CAUSE OF ACTION**

25 **Gross Negligence**

26 (Against All Defendants)

27 144. Plaintiff incorporates by reference paragraphs 1 through 143 above as if fully set
28

1 forth herein.

2 145. Defendants had a duty to Plaintiff to make reasonable efforts to investigate the
3 murder of Mr. Lawson. In addition, Arminio had a duty to continue providing emergency
4 medical services once she commenced providing such services.

5 146. As described in more detail above, Defendants breached their duty of care to
6 Plaintiff by recklessly or grossly negligently: (1) failing to investigate and continuously making
7 false statements to Plaintiff about the status of the investigation; (2) lying to Plaintiff about
8 investigation & its progress; (3) failing to create, maintain, and follow adequate policies,
9 practices and procedures and implement training; (4) failing to continue providing emergency
10 medical services after commencement of such activity; and (5) such other and further grossly
11 negligent and/or reckless conduct as may be discovered during the pendency of this action.

12 147. As a direct and proximate result of Defendants' grossly negligent and/or reckless
13 conduct, as described above, Plaintiff has been harmed and incurred damages, including severe
14 emotional distress, in an amount to be proven at trial.

15 148. Defendants' grossly negligent and/or reckless conduct, as alleged herein, was
16 malicious, oppressive, or in conscious disregard of Plaintiff's rights, thus entitling Plaintiff to an
17 award of punitive damages pursuant to California Civil Code Section 3294.

18 **SEVENTH CAUSE OF ACTION**

19 **Intentional Infliction of Emotional Distress**

20 (Against All Defendants)

21 149. Plaintiff incorporates by reference paragraphs 1 through 148 above as if fully set
22 forth herein.

23 150. Defendants' acts, omissions and misconduct as described herein were extreme,
24 outrageous, and shocking to the conscience. Defendants intended to cause, or were in reckless
25 disregard of the probability that their conduct would cause, severe emotional distress to Plaintiff,
26 as more fully alleged above. Plaintiff eldest son was brutally murdered on April 15, 2017. Her
27 only solace was the belief that Defendants were actively pursuing her son's murderer, as
28 represented by Chapman and Diemer. The false representations and statements made by

1 Chapman, Losey and Diemer over the past year and a half caused Plaintiff further and
2 unnecessary trauma.

3 151. Said actions and conduct did directly and proximately cause severe emotional
4 distress to Plaintiff, and thereby constituted intentional infliction of emotional distress.

5 152. The misconduct described in this Count was undertaken with malice, willfulness,
6 and reckless indifference to the rights of others, including Plaintiff.

7 153. As a proximate result of Defendants' wrongful acts, Plaintiff suffered damages,
8 including severe emotional distress and anguish, as is more fully alleged above.

9 **EIGHTH CAUSE OF ACTION**

10 **Negligent Infliction of Emotional Distress**

11 (Against All Defendants)

12 154. Plaintiff incorporates by reference paragraphs 1 through 153 above as if fully set
13 forth herein.

14 155. Defendants' acts, omissions, and misconduct as described herein were grossly
15 negligent and/or reckless.

16 156. Said actions and conduct did directly and proximately cause severe emotional
17 distress to Plaintiff.

18 157. As a proximate result of Defendants' wrongful acts, Plaintiff suffered damages,
19 including severe emotional distress and anguish, as is more fully alleged above.

20 **PRAYER FOR RELIEF**

21 Plaintiff thus prays that this Court enter judgment in her favor and against each of the
22 Defendants and grant:

- 23
- 24 1. Compensatory and consequential damages, including damages for emotional
25 distress, humiliation, loss of enjoyment of life, and other pain and suffering on all
26 claims allowed by law in an amount to be determined at trial;
 - 27 2. Economic losses on all claims allowed by law;
 - 28 3. Special damages in an amount to be determined at trial;

- 1 4. Punitive damages on all claims allowed by law against individual Defendants and
- 2 in an amount to be determined at trial;
- 3 5. Attorneys' fees and the costs associated with this action under 42 U.S.C. Section
- 4 1988, including expert witness fees, on all claims allowed by law;
- 5 6. Pre- and post-judgment interest at the lawful rate; and
- 6 7. Any further relief that this court deems just and proper, and any other appropriate
- 7 relief at law and equity.

8 **DEMAND FOR JURY TRIAL**

9 Plaintiff hereby demands a jury trial on all issues triable to a jury.

10
11 Dated: November 29, 2018

Respectfully Submitted,

12
13 /s/ Kyndra S. Miller

14 _____
Kyndra S. Miller
Shelley K. Mack
Attorneys for Plaintiff
15 MICHELLE CHARMAINE LAWSON
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