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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

CYNTHIA N. TURANO, individually and
behalf of others similarly situated,

Plaintiff,

vs.

ALAMEDA COUNTY AND ALAMEDA
COUNTY SHERIFF’S OFFICE, GREGORY J.
AHERN, BRETT M. KETELES, TOM
MADIGAN, D. SKOLDQVIST, TARA
RUSSELL as DOE 1, and DOES 2-50.

Defendants.

Case No. 4:17-cv-06953-KAW

**SECOND AMENDED COMPLAINT FOR
VIOLATION OF CIVIL AND
CONSTITUTIONAL RIGHTS, AND FOR
INJUNCTIVE RELIEF**

DEMAND FOR JURY TRIAL

INTRODUCTION

1. This is an action for equitable relief and for redress for the violation of rights guaranteed to the plaintiff, individually and on behalf of others similarly situated, by state and federal laws, including: (a) damages for deprivations by defendants acting under color of State law of plaintiff’s rights, privileges and immunities guaranteed by the First, and Fourteenth Amendments to the United States Constitution pursuant to 42 USC 1983 and 1988 while women are under the custody and control of County of Alameda and Alameda County Sheriff’s Office, on behalf of plaintiff individually and as representative of all females where were similarly situated.

JURISDICTION & VENUE

2. The jurisdiction of the Court is invoked pursuant to 42 U.S.C. § 1983 et seq.; 28 U.S.C. §§ 1331 and 1343(a). Supplemental jurisdiction over state law claims exists pursuant to 28 U.S.C. –β 1367. Plaintiffs seek declaratory and injunctive relief under 28 U.S.C. §§ 1343, 2201 and 2202, and 42 U.S.C. §1983.

3. Venue is proper in the Northern District of California as the events complained of occurred in this district.

4. Plaintiffs have filed administrative claims with Alameda County in compliance with California Government Code §§910, et seq. These claims have been denied expressly or by operation of law.

INTRADISTRICT ASSIGNMENT

5. The claims alleged herein arose in the County of Alameda, State of California. Therefore, venue and assignment, under 28 U.S.C. –β 1391(b), lies in the United States District Court for the Northern District of California, San Francisco Division or Oakland Division.

THE PARTIES

6. Plaintiff, CYNTHIA TURANO is a female resident of Alameda County and a licensed and practicing architect.

7. Defendant COUNTY OF ALAMEDA is a "public entity" within the definition of Cal. Gov. Code §811.2.

8. Defendant ALAMEDA COUNTY SHERIFF'S OFFICE is a "public entity" within the definition of Cal. Gov. Code –β 811.2.

9. Defendant GREGORY J. AHERN, at all material times herein was the Sheriff for Defendants Alameda County and Alameda County Sheriff’s Office, acting within the scope of that agency or employment and under color of state law. Defendant is sued in his official capacity.

10. Defendant BRETT M. KETELES, at all material times herein was the Assistant Sheriff for Alameda County in charge of the Detentions and Corrections Unit Defendants Alameda County and Alameda County Sheriff’s Office, acting within the scope of that agency or employment and under color of state law. Defendant is sued in his official capacity.

11. Defendant TOM MADIGAN, at all material times herein was the Commander in charge of the Detentions and Corrections Unit, for Defendants Alameda County and Alameda County Sheriff’s

1 Office, acting within the scope of that agency or employment and under color of state law.

2 Defendant Madigan was in charge of the two Alameda County jails, Glen Dyer and Santa Rita, and
3 was so in charge of Santa Rita Jail on December 26, 2016. Defendants D. SKOLDQVIST, at all
4 material times herein was the responsible officer for Santa Rita Jail, for Defendants Alameda County
5 and Alameda County Sheriff's Office, acting within the scope of that agency or employment and
6 under color of state law. TARA RUSSELL at all times herein was captain for Defendants Alameda
7 County and Alameda County Sheriff's Office, acting within the scope of that agency or employment
8 and under color of state law and assigned to Detentions and Corrections with responsibility for Santa
9 Rita Jail. Defendants MADIGAN, SKOLDVIST and RUSSELL are sued in their official capacity.

10 12. Defendants DOES 2 through 50, are and/or were agents or employees of Defendants
11 COUNTY OF ALAMEDA and ALAMEDA COUNTY SHERIFF'S OFFICE, and acted within the
12 scope of that agency or employment or under color of state law. The true and correct names of Doe
13 2 through 100 are not now known to Plaintiff who sue such Defendants by their fictitious names
14 Plaintiff will substitute the true and correct names of Defendants Does 2 through 50 when
15 ascertained.

16 **GENERAL ALLEGATIONS**

17 13. On Christmas Day, DECEMBER 25, 2016, at 1:21 p.m. in the afternoon, Edward J. Turano
18 phoned in a complaint to the Oakland Police Department alleging that his wife Cynthia Turano
19 had violated a temporary restraining order by taking a camera that he claimed belonged to him. E.
20 Turano stated that Cynthia Turano still resided in the house. There was no report of physical
21 contact nor of violence.

22 14. Oakland Police Department responded to this call by dispatching three uniformed and
23 armed police officers, defendants Duran, Adaya and Tloyao; over twelve (12) hours later, after
24 1:00 a.m., to 311 Gravatt Drive, Oakland, CA, a single-family residence.

25 15. At the residence, these officers interviewed Edward Turano who alleged that he was
26 "being" harassed by plaintiff; that in the afternoon, plaintiff had "used" his camera without his
27 permission, and had violated a domestic violence restraining order by coming within three (3) feet
28 of E. Turano's person. The camera had been returned by 2:30 pm the prior afternoon and put back
into place, and said officers were so informed of the camera's return.

16. At the time the three defendants Duran, Adaya and Tloyao arrived at 311 Gravatt Drive,
after 1 a.m. in the morning, plaintiff was asleep in her pajamas in her bed, in her bedroom,

1 separate from Edward Turano. Plaintiff was not engaged in any activity other than sleeping, and
2 was not interacting with E. Turano in any manner. The camera was securely placed in its regular
3 place.

4 17. These officers did not witness any action, any movement or any speech by Cynthia Turano
5 before they chose to wake her up, in her room. Oakland police officers woke plaintiff up,
6 handcuffed her, and arrested her for violation of a restraining order, prohibiting her from harassing
7 Edward Turano. On Christmas Day night. Plaintiff was placed, handcuffed in the back of Ofc.
8 Tioyao's police car, and driven to Santa Rita Jail for incarceration.

9 18. The District Attorney declined to file charges.

10 19. At Santa Rita Jail, defendant Tloyao transferred Plaintiff Cynthia Turano into the custody
11 and control of the Alameda County Sheriff's Office. First Plaintiff was placed in a cell, which had
12 fecal matter spread over the walls and bench. There were two or more old bloody hand print
13 smears. These hand smears were the hue of dark reddish brown, and dried. These prints were on
14 the wall. The wall also had what looked like mucus and blood, perhaps it was spit that contained
15 blood. There were no less than on three medical pads with human hair stuck to the device, on the
16 wall. The sign in the cell with the contact numbers for assistance had been scratched so badly, the
17 phone numbers were illegible.

18 20. Plaintiff Turano was then taken out of this first cell by a female deputy and searched in the
19 hallway without any privacy screening. Plaintiff was then placed in another cell and informed that
20 she would be interviewed by a nurse. This second cell had piles of used and partially rotting food
21 on either side of a long bench. The food smelled and appeared old due to discoloration and odor.
22 Some of this food was partially eaten. There were stains of dried fluids on the walls and benches,
23 but the original identity of these fluids was not ascertainable. Garbage and used tissue or toilet
24 paper were piled alongside the stainless-steel toilet in the room. There were no trash receptacles in
25 the room.

26 21. There was a phone in the cell and next to the phone was a sign with advertisement for bail
27 bondsmen, with all the phone numbers listed. This sign was the cleanest spot in the entire room.
28 On the wall above the bench was a sign with phone numbers for help if you were being sexually or
physically abused by an officer, but any phone numbers were illegible. This room was entirely
constructed out of cinderblocks and was very cold. Plaintiff was not provided with adequate
clothing or a blanket.

1 22. After a period of time Plaintiff was interviewed/questioned by a male Santa Rita deputy.
2 Plaintiff informed him that she required feminine hygiene products. She also told this same male
3 deputy that she was not feeling well. She was informed by this male deputy that she would be
4 seen by a nurse. Ms. Turano was not provided with a menstrual pad nor any other feminine
5 hygiene product. She was not seen by a nurse.

6 23. Ms. Turano was moved to a different holding cell. The cell was filthy and strewn with
7 garbage. Although there were only a few women in this cell, the **accumulation of garbage** showed
8 that a number of other individuals had been through that cell. There were uneaten and left-over
9 food, food debris, and **used medical supplies**. The floor and walls had **dried human fluids and**
10 **human discharges** on them. Because plaintiff was menstruating and bleeding over her clothes, the
11 blood seeped through her pants and onto the concrete bench. **Plaintiff's menstrual blood began to**
12 **puddle on the bench**. Due to this situation, Plaintiff began knocking and banging on the door and
13 window to get help. During a long period of time, Plaintiff never saw a sheriff's deputy pass by.
14 Not a single sheriff's deputy checked the room, not even peering through the glass window. Nor
15 was there any effort by the Alameda County Sheriff's Office to remove the accumulated garbage in
16 the cell or clean the cell.

17 24. Not a single cell had a trash receptacle. During this period of time, the only humans
18 outside the cell which Plaintiff saw through a glass window in the cell, were individuals in civilian
19 clothing, with identification badges. Although Plaintiff continued to bang on the window and
20 door, these individuals in civilian clothing refused to make eye contact, and instead look away.
21 These individuals did not respond to Plaintiff's distress and request for assistance.

22 25. Finally, despite hours of banging on the window and door, the only time a sheriff's deputy
23 appeared at plaintiff's cell was when a female deputy opened the door and brought in a third
24 woman. At this time, Plaintiff again requested menstrual pads and the female deputy returned
25 with two pads. By this time, Plaintiff had already bled through her pants. In putting on one of the
26 pads, Plaintiff got blood all over her hands. The cell provided nothing to clean hands with. There
27 was no soap and no paper towels. Plaintiff could only rinse some of the blood off her hands in the
28 drinking fountain, and was forced to wipe her hands off on her clothing.

29 26. At 9:30 a.m., Plaintiff was escorted to the discharge area, where the Sheriff gave her a bus
30 ticket and a BART ticket. Prior to Plaintiff being taken to the discharge area, all of the garbage in
31 Plaintiff's holding cell was still there. Plaintiff, during the entire time at Santa Rita Jail, did not see

1 a single cell be cleaned, nor did she see any cleaners, and there had been no effort to remove any
2 garbage or waste food. There was no any means for Plaintiff to clean up the puddle of menstrual
3 blood on the bench, which remained on the concrete bench when she was removed from the cell.

4 27. After her discharge, Ms. Turano was able to catch a bus to BART, and took BART to
5 Oakland. She traveled on the bus and BART dressed in wet, visibly blood-stained clothing.

6 28. Plaintiff Turano filed a claim against the City of Oakland, the Oakland Police Department
7 and the individual officers involved. Said claim was dismissed by this Court, without leave to
8 amend on the grounds that the Oakland Police are required by California Penal Code 836(c)(1) to
9 make an arrest when there is a complaint of a violation of a domestic violence protective or
10 restraining order, even if the officers themselves do not witness any of the alleged wrongdoing,
11 and there are no activities at that time indicative of any violation of any protective or restraining
12 order. Therefore, Plaintiff is subject to future arrest based upon the bald and perhaps baseless
13 assertions and complaints of a disgruntled ex-spouse during the course of a divorce proceeding,
14 alleging violation of a general domestic violence protective or restraining order.

15 **MUNICIPAL & SUPERVISORY ALLEGATIONS**

16 29. Defendants ALAMEDA COUNTY, ALAMEDA COUNTY SHERIFF'S OFFICE,
17 GREGORY AHERN, BRETT KETELES, TOM MADIGAN, TARA RUSSELL, D.
18 SKOLDQVIST and DOE 2 to 25's failure to adequately train, supervise, and/or discipline their
19 sheriff deputies and employees have created, fostered, and/or contributed to a callous culture and
20 system where the rights and needs of women placed into care and custody are violated and their
21 needs are not met.

22 30. Defendant GREGORY AHERN, as the Sheriff, was a final policy-making authority for
23 Defendants COUNTY OF ALAMEDA and ALAMEDA COUNTY SHERIFF'S OFFICE as it
24 relates to the training, supervision, and discipline of sheriff deputies and employees as it relates to
25 the treatment, custody and care of individuals placed into the custody of Santa Rita Jail.
26 Defendant AHERN has been employed by Defendants COUNTY OF ALAMEDA and
27 ALAMEDA COUNTY SHERIFF'S OFFICE since 1980, and has acted as the Sheriff since 2006,
28 when he was appointed by then outgoing Sheriff Plummer.

31. Defendant BRETT KETELES acting as the Assistant Sheriff, was a final policy-making
authority for Defendants COUNTY OF ALAMEDA and ALAMEDA COUNTY SHERIFF'S
OFFICE as it relates to the training, supervision, and discipline of sheriff deputies and employees

1 as it relates to the treatment, custody and care of individuals placed into the custody of Santa Rita
2 Jail. Defendant KETELES has been employed by Defendants COUNTY OF ALAMEDA and
3 ALAMEDA COUNTY SHERIFF'S OFFICE since approximately 1991, and has acted as the
4 Acting Sheriff since 2011.

5 32. Defendant TOM MADIGAN acting as a Commander, was a final policy-making authority
6 for Defendants COUNTY OF ALAMEDA and ALAMEDA COUNTY SHERIFF'S OFFICE as it
7 relates to the overall training, supervision, and discipline of sheriff deputies and employees as it
8 relates to the treatment, custody and care of individuals placed into the custody of Santa Rita Jail.
9 Defendant Madigan has been employed by Defendants COUNTY OF ALAMEDA and
10 ALAMEDA COUNTY SHERIFF'S OFFICE for over 20 years.

11 33. Defendant D. SKOLDQVIST is acting as a Captain and the officer in charge of Santa Rita
12 Jail, for Defendants COUNTY OF ALAMEDA and ALAMEDA COUNTY SHERIFF'S was a
13 final policy-making authority for Defendants COUNTY OF ALAMEDA and ALAMEDA
14 COUNTY SHERIFF'S OFFICE as it relates to the overall training, supervision, and discipline of
15 sheriff deputies and employees as it relates to the treatment, custody and care of individuals placed
16 into the custody of Santa Rita Jail. Defendant SKOLDQVIST has been employed by Defendants
17 COUNTY OF ALAMEDA and ALAMEDA COUNTY SHERIFF'S OFFICE for over 20 years.

18 34. Defendant TARA RUSSELL, named as Doe 1, acting as a captain within Detentions and
19 Corrections, was a final policy-making authority for Defendants COUNTY OF ALAMEDA and
20 ALAMEDA COUNTY SHERIFF'S OFFICE as it relates to the overall training, supervision, and
21 discipline of sheriff deputies and employees as it relates to the treatment, custody and care of
22 individuals placed into the custody of Santa Rita Jail.

23 35. Defendants DOE 2 to 25 were individual sheriff's deputies and officers employed by
24 defendant ALAMEDA COUNTY SHERIFF'S OFFICE and on duty during the period of time
25 plaintiff was in custody, and charged with actually executing and complying with the actual
26 policies of Santa Rita Jail as promulgated and adopted by the Alameda County Sheriff's Office.
27 These individuals were responsible for the treatment, custody and care of individuals, including
28 plaintiff and prospective members of the class, placed into the custody of Santa Rita Jail, while
said defendants were on duty.

36. Defendants DOE 26 to 50 were individual sheriff's deputies and officers employed by
defendant ALAMEDA COUNTY SHERIFF'S OFFICE and had direct responsibility for the actual

1 training, direct supervision and direct discipline of the actual sheriff deputies and employees
 2 responsible for the treatment, custody and care of individuals, including plaintiff and prospective
 3 members of the class placed into the custody and care of Santa Rita Jail. Said individuals had the
 4 direct responsibility for making the inspections, and verifying that the actual policies of Santa Rita
 5 Jail as promulgated and adopted by the Alameda County Sheriff's Office are properly executed
 6 and that said policies are carried out by the line staff.

6 36. Defendants COUNTY OF ALAMEDA and ALAMEDA COUNTY SHERIFF'S OFFICE
 7 DEPARTMENT have a significant history of problems in the conditions of confinement at Santa
 8 Rita Jail pertaining to women prisoners, including failure to maintain basic sanitation and hygiene
 9 with unconstitutionally filthy and inadequate jail cells, and the failure to meet the feminine
 10 hygiene needs of women prisoners.

11 40. Defendants AHERN, KETELES, MADIGAN, RUSSELL and SKOLDQVIST, as long-
 12 time employees and command staff members of the Alameda County Sheriff's Office, were
 13 involved and familiar with the lawsuit, *Weills v. , et al v. Gregory J. Ahern, et al.*, filed on October
 14 27, 2014, 4:14-cv-04773-VC, in Federal District Court, Northern District of California. The
 15 complaint was filed by four women who were arrested and then incarcerated at Santa Rita Jail.
 16 The complaint was directed at the conditions in Santa Rita Jail, contained a number of allegations
 17 including the fact that the four plaintiffs, all women, were held in cells described as:

18 "the cell was filthy. The toilet was over flowing with menstrual blood and feces. The
 19 floor was covered with urine, feces, and menstrual blood. There were piles of garbage,
 20 including decaying food all over the room. There was dirt and feces on the wall. The
 21 smell was overwhelming. One of the women in the room was bleeding, and was
 22 bleeding all over her pants because there were no menstrual pads available. Bloodied
 23 clothing was on top of the garbage." *Weills v. Ahern*, Dkt 1. P. 12, L. 12-17

24 The complaint pled issues including:

25 "h) whether locking class members in small, filthy, unsanitary, stinking holding cells
 26 with rotting food, garbage, walls and floors coated with dried and decomposing
 27 organic material, feces and urine and often inoperable toilets is a violation of the 8th
 28 amendment.

....

j) is there a legitimate penological reason to deny class members feminine hygiene

1 supplies so that women have to bleed over themselves, their clothes, the floors and the
2 seating; and," Weills v. Ahern, Dkt. 1 P. 15, l. 12-22.

3 41. Defendants AHERN, KETELES, MADIGAN, RUSSELL and SKOLDQVIST participated
4 in resolving the Weills litigation in part through the adoption by defendant ALAMEDA COUNTY
5 SHERIFF'S OFFICE of new policies including the following additions to Alameda County
6 Sheriff's Office Detentions and Corrections Policy and Procedure 15.01 (additions in bold italics):

7 4. *As they carry out their assigned duties, ITR deputies will inspect the portions of*
8 *ITR in which they carry out those duties, including, the interior of all cells being used*
9 *to hold inmates, throughout each shift. Any cleanliness or maintenance problems will*
10 *be immediately corrected.* If the problem cannot be corrected, the deputy will notify the
11 ITR Supervisor and appropriate action will be taken.

12 5. *At least once each hour, an ITR deputy shall visually inspect the interior of*
13 *each holding cell used to hold inmates, inquire if inmates are in need of any supplies*
14 *and ascertain that the toilet and sink are in proper working order. Any cleanliness or*
15 *maintenance problems will be immediately corrected. This inspection shall be*
16 *documented with the time and deputy's initials on a form to be maintained by a deputy*
17 *designated by the ITR Supervisor for the shift. The ITR Supervisor shall confirm that*
18 *such inspections have been made and shall note such confirmation at the end of the*
19 *shift with his or her initials on the form.*

20 6. *At least once every two hours, an ITR deputy shall arrange for an inmate*
21 *worker to sweep and remove any garbage from each holding cell being used to hold*
22 *inmates, unless the inmate population in ITR does not permit such cleaning to be*
23 *performed in a safe and secure manner. Such cleaning shall be documented on a*
24 *form to be maintained by a deputy designated by the ITR Supervisor for the shift,*
25 *which shall also be used to document any deferral of the cleaning of a holding cell*
26 *due to security concerns. All holding cells for which cleaning is deferred due to*
27 *security concerns shall be cleaned as soon thereafter as safety permits. Any deferral*
28 *of cleaning of holding cells that carries over to the following shift shall be noted in the*
ITR Supervisor's end of shift report and shall be addressed in muster of the oncoming
shift.

1 7. ***At least once per shift, an ITR deputy shall arrange for all floor and seating***
2 ***surfaces of each holding cell being used to hold arrestees to be wet mopped and for***
3 ***each toilet and sink to be sanitized***, unless the inmate population in ITR does not
4 permit such cleaning to be performed in a safe and secure manner. Such cleaning
5 shall be documented on a form to be maintained a deputy designated by the ITR
6 Supervisor for the shift, which shall also be used to document any deferral the
7 cleaning of a holding cell due to security concerns. Any deferral of such a cleaning
8 shall be noted in the ITR Supervisor's end of shift report and shall be addressed in
9 muster of the oncoming shift.

 Amended Policy 15.01 adopted on August 5, 2016.

10 42. Defendants AHERN, KETELES, MADIGAN, RUSSELL and SKOLDQVIST participated
11 in resolving the Weills litigation in part through the adoption by defendant ALAMEDA COUNTY
12 SHERIFF'S OFFICE of new policies including the following additions to Alameda County
13 Sheriff's Office Detentions and Corrections Policy and Procedure 15.02 by adding paragraphs 7 to
14 9 below: (additions in bold italics)

15 7 ***At least once each hour, an ITR deputy shall visually inspect the interior of***
16 ***each holding cell used to hold inmates, inquire if inmates are in need of any supplies***
17 ***and ascertain that the toilet and sink are in proper working order. Any cleanliness or***
18 ***maintenance problems will be immediately corrected. This inspection shall be***
19 ***documented with the time and deputy's initials on a form to be maintained by a deputy***
20 ***designated by the ITR Supervisor for the shift. The ITR Supervisor shall confirm that***
21 ***such inspections have been made and shall note such confirmation with his or her***
22 ***initials on the form.***

23 8. ***At least once every two hours, an ITR deputy shall arrange for an inmate***
24 ***worker to sweep and remove any garbage from each holding cell being used to hold***
25 ***inmates, unless the inmate population in ITR does not permit such cleaning to be***
26 ***performed in a safe and secure manner. Such cleaning shall be documented on a form***
27 ***to be maintained by a deputy designated by the ITR Supervisor for the shift, which***
28 ***shall also be used to document any deferral of the cleaning of a holding cell due to***
 security concerns. All holding cells for which cleaning is deferred due to security
 concerns shall be cleaned as soon thereafter as safety permits. Any deferral of

1 *cleaning of holding cells that carries over to the following shift shall be noted in the*
2 *ITR Supervisor's end of shift report and shall be addressed in muster of the oncoming*
3 *shift.*

4 **9. At least once per shift, an ITR deputy shall arrange for all floor and seating**
5 **surfaces of each holding cell being used to hold arrestees to be wet mopped and for**
6 **each toilet and sink to be sanitized, unless the inmate population in ITR does not**
7 **permit such cleaning to be performed in a safe and secure manner. Such cleaning**
8 **shall be documented on a form to be maintained a deputy designated by the ITR**
9 **Supervisor for the shift, which shall also be used to document any deferral the cleaning**
10 **of a holding cell due to security concerns. Any deferral of such a cleaning shall be**
11 **noted in the ITR Supervisor's end of shift report and shall be addressed in muster of**
12 **the oncoming shift.**

Amended Policy 15.02 adopted on August 5, 2016.

13 43. Defendants AHERN, KETELES, MADIGAN, RUSSELL and SKOLDQVIST participated
14 in resolving the Weills litigation in part through the adoption by defendant ALAMEDA COUNTY
15 SHERIFF'S OFFICE of new policies including the following additions to Alameda County
16 Sheriff's Office Detentions and Corrections Policy and Procedure 15.03 by adding paragraphs 3, 4
17 and 5 to Section F below: (in bold italics)

18 **3. As soon as practical after a female inmate is admitted into the secure portion of**
19 **ITR, a female deputy shall advise her that, if she is menstruating, she may request that**
20 **any deputy provide her with feminine hygiene products and that all reasonable efforts**
21 **will be made to comply with that request within thirty (30) minutes.**

22 **4. A supply of feminine hygiene products shall be stored as close as practical to each**
23 **holding cell used to house female inmates, and the supply shall be checked by an ITR**
24 **deputy at least once per shift to ensure that it is adequate to meet the needs of the**
25 **female inmates in ITR during that shift.**

26 **5. Each holding cell in ITR regularly used to house female inmates shall be equipped**
27 **with a means by which inmates can dispose of used feminine hygiene products in a**
28 **hygienic manner. ITR Deputies will ensure the removal of such disposed feminine**
hygiene products during the regular cleaning process (defined in P&P 15.01-
Sanitation and Hygiene Section III, A. 6&7),

Amended Policy 15.03 adopted on August 5, 2016.

1
2 44. The changes to Policy 15.03 specifically state that menstrual pads are to be provided to
3 female inmates and in so stating, acknowledges that the need for menstrual pads is a need unique
4 to women, and so the policy changes to 15.03 only apply to women and holding cells used to
5 house female inmates. Defendants ALAMEDA COUNTY SHERIFF'S OFFICE, ALAMEDA
6 COUNTY, AHERN, KETELES, MADIGAN, RUSSELL and SKOLDQVIST acknowledges that
7 need by female inmates for menstrual pads are urgent needs and requires immediate and prompt
8 response by mandating that female inmates' requests for menstrual pads should be complied with
9 within 30 minutes.

10 45. Defendants ALAMEDA COUNTY SHERIFF'S OFFICE, ALAMEDA COUNTY, AHERN,
11 KETELES, MADIGAN, RUSSELL and SKOLDQVIST failed to insure that Alameda County
12 Sheriff's Office policies that pertain to conditions of confinement in the holding cells were
13 complied with; in particular the additions to Policy 15.02 which require that every two hours
14 garbage in the holding cells be removed; that regularly and frequently but no less than once each
15 shift, all holding cells be cleaned including have walls, benches and floors wiped and toilets and
16 sinks sanitized; and, that each hour a sheriff's deputy is required to visually inspect to insure that
17 cells are maintained and sanitary pads and toilet paper is supplied in holding cells.

18 46. Does 2 through 25 failed to properly supervise, failed to properly train, failed to properly
19 inspect, and failed to properly supervise the staff on duty complied with Policy 15.02 to perform
20 the mandated garbage removal, cleaning and supplies provisions in the holding cells.

21 45. Defendants ALAMEDA COUNTY SHERIFF'S OFFICE, ALAMEDA COUNTY,
22 AHERN, KETELES, MADIGAN, RUSSELL and SKOLDQVIST, as part of its settlement
23 agreement in Weills v. Ahern, also specified that the Detentions and Corrections division of ACSO

24 "(2)...will ...(a) Implement changes to its policies and procedures,...15.01, 15.02
25 and 15.03 of its Detention and Corrections Policies and Procedures", and

26 (d) Implement an on the job training program for deputies upon initial assignment
27 to ITR. The training program will be designed to ensure deputies have
28 demonstrated their ability to perform the ITR specific essential duties."

46. The changes to ACSO Detention and Corrections policies 15.01, 15.02 and 15.03 were
adopted on August 5, 2016, approximately four (4) months before plaintiff Turano was arrested

1 and placed into the custody of defendant ALAMEDA COUNTY SHERIFF'S OFFICE at Santa
2 Rita Jail.

3 47. Defendants settlement in Weills v. ACSO acknowledged that defendant ALAMEDA
4 COUNTY SHERIFF'S OFFICE and ALAMEDA COUNTY had a duty to female inmates,
5 pursuant to California Penal Code §3409, which states that " (a) Any incarcerated person in state
6 prison who menstruates shall, upon request, have access to, and be allowed to use, materials
7 necessary for personal hygiene with regard to their menstrual cycle and reproductive system.

8 48. The Alameda County Sheriff's Office has an electronic system, whereby each employee in
9 Detentions and Corrections is electronically sent updated and amended policies and procedures for
10 Detentions and Corrections. The electronic system has a means whereby each employee in who
11 receives these notifications verifies that he or she has read the updated policy and is familiar with
12 the updated policy. On information and belief, plaintiff asserts that each of the defendants,
13 GREGORY AHERN, BRETT KETELES, TOM MADIGAN, TARA RUSSELL, and D.
14 SKOLDQVIST, and Does 2-50 received such an electronic message; that each of these defendants
15 was informed of the updated policy; and that each defendant acknowledged the updated changes to
16 detention and corrections policies 15.01, 15.02 and 15.03.

17 49. Furthermore, plaintiffs assert that because the settlement agreement required that defendant
18 ALAMEDA COUNTY and ALAMEDA COUNTY SHERIFF'S OFFICE implement the policy
19 and develop appropriate training program to ensure that deputies have the knowledge and ability to
20 perform these essential duties, including the duties outlined in amended policies 1501, 15.02 and
21 15.03, that defendants GREGORY AHERN, BRETT KETELES, TOM MADIGAN, TARA
22 RUSSELL, D. SKOLDQVIST and DOES 26-50 who are the supervisory employees with the
23 specific charge of implementing policy including developing and conducting the training for
24 sheriff employees and supervision of sheriff employees to insure that sheriff deputies appropriately
25 implement ACSO policies, particularly the policies which would have prevented the injuries and
26 harms specifically alleged in this complaint.

27 50. Defendants COUNTY OF ALAMEDA and ALAMEDA COUNTY SHERIFF'S OFFICE,
28 GREGORY AHERN, BRETT KETELES, TOM MADIGAN, TARA RUSSELL, D.
SKOLDQVIST and DOE 2 to 50 knew, based upon the prior complaint of Weills v. Alameda
County Sheriff's Office, that there had been previously problems at Santa Rita Jail of filthy cells,
and the denial to women inmates of the means for personal hygiene, and were informed that the

1 subordinate employees under their command, including were inadequately trained, supervised, or
2 disciplined resulting from their inadequate policies, customs, or practices.

3 51. Defendants COUNTY OF ALAMEDA and ALAMEDA COUNTY SHERIFF'S OFFICE,
4 GREGORY AHERN, BRETT KETELES, TOM MADIGAN, TARA RUSSELL, D.

5 SKOLDQVIST and DOE 2 to 50 liability is based upon each defendant's own culpable action or
6 inaction in the failure to implement the policies as amended on August 5, 2018, failure to take the
7 necessary action to prevent the wrongs pled herein by plaintiff Cynthia Turano, demonstrating
8 callous or reckless indifference to the rights of plaintiff and prospective members of plaintiff class;
9 and said deficient performance of their each individual responsibilities contributed to the
10 deprivation and rights violations pled herein.

11 **CLASS CLAIM**

12 52. The class claim is being submitted on behalf of female arrestees who are placed into the
13 custody of the Alameda County Sheriff's Office from December 26, 2016 to the filing of this
14 lawsuit, and held in the Intake, Transfer and Release (ITR) unit. The class claim is submitted as to
15 defendants COUNTY OF ALAMEDA and ALAMEDA COUNTY SHERIFF'S OFFICE,

16 GREGORY AHERN, BRETT KETELES, TOM MADIGAN, D. SKOLDQVIST and DOE 1 to

17 53. All booking, processing and incarceration of women by the Alameda County Sheriff's
18 Office, for all times stated herein, are done at the Santa Rita Jail. Every woman who is booked or
19 incarcerated is required to be processed through the ITR unit. Every woman who is incarcerated,
20 including every woman who is incarcerated pretrial because she is unable to post bail or cannot
21 afford bail, must enter and exit Santa Rita Jail through ITR. Therefore, the conditions complained
22 of herein, apply to all women processed by the Alameda County Sheriff's Office during the period
23 of time stated herein.

24 54. During the period of time stated herein, Santa Rita Jail incarcerated between 200 and 300
25 women on a daily basis, and over a period of a year, processed over 9,000 women through its
26 booking process in ITR.

27 55. Plaintiff asserts that there are questions of law and fact common to the class, which include
28 but are not limited to:

- a) Whether Alameda County Sheriff's Office, Alameda violate their constitutional duty under the 14th amendment to not administer punishments to individuals who are pre-trial

1 detainees when they hold women in filthy, unsanitary cells with discarded waste food, used
2 medical devices and garbage, and human feces and fluids on benches, walls and floors,

- 3 b) Whether the conditions of Plaintiff and class members confinement in the jail is
4 unreasonable and inhumane; whether Alameda County and the Alameda County Sheriff's
5 Office has policies of deliberate indifference to violations of citizens' constitutional rights
6 by their employees and agents, and whether these events were the product of such policy;
- 7 c) Whether rights of members of the class under the 14th amendment to equal protection are
8 violated when women who request and need feminine hygiene products are not provided
9 with feminine hygiene supplies, nor a means to maintain feminine sanitation and are forced
10 to bleed over their clothing and over the benches and floors of the cells.
- 11 d) Whether Alameda County and the Alameda County Sheriff's Office and their high-ranking
12 supervisors failed to properly train and supervise and failed to require compliance with
13 existing policies and procedures, by officers, deputies and other employees who had
14 custody of Plaintiff and class members at Santa Rita Jail Plaintiffs, and failed and refused
15 to adopt appropriate and necessary policies and procedures regarding the treatment and
16 care of Plaintiff and class members;
- 17 e) Whether Alameda County has a practice of failing to provide reasonable and humane
18 conditions of confinement including depriving the class of access to adequate sanitation
19 and feminine and personal hygiene, thereby violating their rights.

20 56. Defendants are expected to raise a common defense, including denying that these
21 practices and policies violate constitutional rights.

22 57. The claims of the plaintiffs are typical of those of the plaintiff class, as their claims
23 arise from the same policies, practices, courses of conduct, and conditions of confinement, and
24 their claims are based on the same legal theories as the class' claims. The cause of the named
25 plaintiff's injuries are the same as the cause of the injuries suffered by the rest of the class, namely
26 defendants' policies and practices. Injunctive and/or declaratory relief for the class as
27 a whole is appropriate.

28 58. Plaintiffs are capable of fairly and adequately protecting the interests of the plaintiff
class because plaintiffs do not have any interests antagonistic to the class. Plaintiffs, as well as
class members, seek to enjoin the unlawful acts, policies, and practices of the defendants.

1 59. This action is maintainable as a class action pursuant to Fed. R. Civ. P. Rule 23(b)(1)
2 because the number of class members is numerous and prosecution of separate actions by
3 individuals create a risk of inconsistent and varying adjudications, which in turn would
4 establish incompatible standards of conduct for defendants. Moreover, the prosecution of
5 separate actions by individual members is costly, inefficient, and could result in decisions with
6 respect to individual members of the class that, as a practical matter, would substantially
7 impair the ability of other members to protect their interests.

8 60. This action is also maintainable as a class action pursuant to Fed. R. Civ. P. Rule
9 23(b)(2) because defendants' policies and practices that form the basis of this Complaint are
10 generally applicable to all the class members, thereby making class-wide declaratory and
11 injunctive relief is appropriate. Common questions of law and fact clearly predominate
12 within the meaning of Rule 23(b)(2) as set forth above. Class treatment provides a fair and
13 efficient method for the adjudication of the controversy herein described, affecting a large
14 number of persons, joinder of whom is impracticable.

FIRST CLAIM FOR RELIEF

Violation of the Fourteenth Amendment Right To Due Process

(42 U.S.C. –§ 1983)

16 62. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 61 of this
17 Complaint.

18 63. Plaintiffs advance this claim on their own behalf, and on behalf of all class members
19 against all defendants

20 64. Defendants have deprived and continue to deprive plaintiffs and the class of the minimal
21 civilized measure of life's necessities, and have violated their basic human dignity and their right
22 to be free from cruel and unusual punishment under the Eighth and Fourteenth Amendments to the
23 United States Constitution for each of the reasons set forth below.

24 65. There is no valid penological reason to force female pre-trial detainees to stay in cold,
25 filthy, unhygienic cells, strewn with garbage, in which human feces and bodily fluids are on the
26 walls, floors and seats.

27 66. There is no valid penological reason to force female pre-trial detainees to bleed over their
28 clothing, to bleed over benches and seats; to wear, wet, bloody clothing; to wear wet bloody
clothing for long periods of time and to be in public with such clothing on.

1 67. There is no valid penological reason to deprive female pre-trial detainees of basic
2 human need including access to feminine hygiene supplies, a clean place to sit, access to hygiene
3 supplies and the ability to wash one's hands and a minimum of cleanliness.

4 68. Defendants and each of their deliberate indifference to these basic human needs violates
5 defendants' own policies and the policies of the civilized world, including the United Nation's
6 Standard Minimums for Treatment of Prisoners, adopted in 1955; the European Union's European
7 Prison Rules adopted in 2006; the Fourteenth Amendment to the United States Constitution;
8 Article 1 §17 of the California Constitution, and California Penal Code -β3409.

9 SECOND CLAIM FOR RELIEF

10 Violation of Equal Protection under Fourteenth Amendment of the United States Constitution

(42 U.S.C. §1983)

11 69. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 61 of this Complaint.

12 70. Plaintiffs advance this claim on their own behalf, and on behalf of all class members
13 against all defendants, to the extent relevant, as if fully set forth in this Claim.

14 71. Plaintiffs and Class Members are women, and only women have the physical biological
15 function of menstruation. It is this unique female function that requires access to feminine hygiene
16 products, requires the means to maintain female hygiene and personal cleanliness. Defendants and
17 each of them acknowledged this unique female hygiene need in adopting Detention and
18 Corrections policies that require special provisions including the provision of menstrual pads and
19 feminine hygiene attention for women only, and only for cells that house women. Where the
20 denial of menstrual pads and menstrual sanitation to men has no effect on men, this denial on
21 women, plaintiff and class members to bleed into their clothes and onto benches, to remain in wet
22 bloody clothing for long periods of time, to be forced to be in public in bloody clothing, and is
23 defacto sexual discrimination and a violation of the 14th amendment for equal protection.

24 72. Defendants' above-described conduct described herein in the General Allegations violated
25 plaintiffs' rights to equal protection under the Fourteenth Amendment to the United States
26 Constitution and Article 1 §7 of the California Constitution.

27 THIRD CAUSE OF ACTION

28 Negligence

73. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 61 and further states
as follows:

1 That Defendants ALAMEDA COUNTY AND ALAMEDA COUNTY SHERIFF'S
2 OFFICE, GREGORY J. AHERN, BRETT M. KETELES, TOM MADIGAN, D. SKOLDQVIST,
3 and TARA RUSSELL Does 26-50 had a duty to enforce the policies adopted by the Alameda
4 County Sheriff's Office for the appropriate care and confinement of women incarcerated in Santa
5 Rita Jail. These policies included Detentions and Corrections policies 15.01, 15.02 and 15.03.
6 This duty included actual and appropriate training of all Santa Rita Jail staff so that all staff was
7 familiar and knowledgeable about said policies, the development of appropriate and necessary
8 processes, protocols and staffing levels for proper implementation of said policies; actual proper
9 supervision of Santa Rita Jail staff to ensure that said policies were in fact being carried out and
10 carried out appropriately, and enforcement of discipline for failures to comply with or execute
11 Alameda County Sheriff's Office adopted policies.

12 74. Said defendants breached that duty owed Plaintiff and potential class members a duty of care
13 and breached that duty by:

14 a. failing to properly train staff on Alameda County Sheriff's Office adopted policies so
15 that staff was not sufficiently familiar with their duties and therefore did not execute them;

16 b. failing to develop the appropriate and necessary processes; protocols and staffing levels
17 so said policies were not properly implemented;

18 c. failing to properly supervise staff so staff did not appropriately or adequately implement
19 and execute said policies;

20 d. failing to discipline jail staff for failures to comply or execute Alameda County
21 Sheriff's Office adopted policies which resulted in Detentions and Corrections policies 15.01,
22 15.02 and 15.03 not being carried out at all.

23 75. That Defendants Doe 2 through 25 had a duty to execute the policies adopted by the Alameda
24 County Sheriff's Office for the appropriate care and confinement of women incarcerated in Santa
25 Rita Jail. Their duties included insuring that sheriff deputies performed regular visual inspections
26 of the cells and took the necessary actions to maintain cleanliness in the cells; that cells were
27 cleaned every shift, including washing of walls and floors; that sinks and toilets were sanitized;
28 that garbage receptacles were available and garbage was removed every two hours; that menstrual
pads were provided to women promptly upon request; and women were checked on hourly.

76. Defendants Doe 3 through 25 breached their duty by failing to either themselves or causing
the garbage to be removed; the cleaning of the cell walls and benches every shift, sanitization of

1 the toilets and sinks; the check in on plaintiff and women prisoners on at minimum an hourly
2 basis, or the hourly checkup.

3 77. As a result of defendants and each of their breach of their duty, plaintiff suffered personal
4 injuries by being incarcerated in a series of filthy cells covered in garbage, partially rotting food,
5 used medical supplies stuck to the walls with human hairs attached and human bodily fluids.

6 78. As a result of defendants and each of their breach of their duty, plaintiff suffered personal
7 injuries by being forced to bleed all over her clothing, onto the concrete bench, and to be forced to
8 wipe her dirty and bloody hands onto her clothes because she had no means of cleaning herself.

9 79. As a result of defendants and each of their breach of their duty, plaintiff suffered personal
10 injuries by being forced to sit, shivering in wet bloody clothing, in a cold concrete cell, on
11 December 26th, a cold time of the year, without adequate clothing or a blanket;

12 80. As a result of defendants and each of their breach of their duty, plaintiff suffered personal
13 injuries by being forced, when she was released from jail, to take the bus from the jail to the
14 Pleasanton BART, and then ride the BART back to Oakland, dressed in her bloody, wet clothing,
15 and to be humiliated and ashamed of being forced to appear and travel in public so dressed.

16 81. Defendants ALAMEDA COUNTY AND ALAMEDA COUNTY SHERIFF'S OFFICE,
17 are indirectly and vicariously liable, through the principles of respondeat superior, for injuries
18 proximately caused by acts or omissions of their employees acting within the scope of their
19 employment.

20 82. The above-described acts and omissions of defendants breached the duty of care
21 defendants owed to plaintiff and potential class members.

22 83. As a direct and proximate result of Defendants ALAMEDA COUNTY AND ALAMEDA
23 COUNTY SHERIFF'S OFFICE, GREGORY J. AHERN, BRETT M. KETELES, TOM
24 MADIGAN, D. SKOLDQVIST, and TARA RUSSELL and DOES 2 to 50's actions and inactions,
25 Plaintiff Cynthia Turano and putative class members suffered injuries entitling them to receive
26 compensatory damages against Defendants ALAMEDA COUNTY AND ALAMEDA COUNTY
27 SHERIFF'S OFFICE, GREGORY J. AHERN, BRETT M. KETELES, TOM MADIGAN, D.
28 SKOLDQVIST, and TARA RUSSELL and DOE 2 to 50.

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FOURTH CAUSE OF ACTION

INJUNCTIVE RELIEF

84. Plaintiff's experience was not an anomaly. The wrongful and unconstitutional conditions of confinement have been the subject of prior complaints and at least one prior lawsuit. The Alameda County Sheriff's Office has a widespread practice of adopting policies in response to complaints, in order to mollify the complainants or to settle litigation, and then not enforcing or complying with these adopted policies.

85. Plaintiff is engaged in an ongoing divorce action. The restraining order, or similar restraining order is still in place, and is common place in contentious divorce proceedings. The Oakland Police assert that they are required to make an arrest and to place the arrestee into custody whenever there is a report of a violation of a restraining order. Therefore, based upon exaggerated complaints or complaints from an antagonistic ex-spouse, or due to acrimonious divorce proceedings plaintiff and other women like plaintiff have a strong risk of suffering from future incarcerations, in which many if not most of such arrests do not result in prosecution.

86. To prevent future constitutional violations, Plaintiff Cindy Turano seeks injunctive relief to require the Alameda County Sheriff's Office to cease current practices and to require the Alameda County Sheriff's Office to promptly fully effectuate and fully execute the policies and procedures agreed to in the Weills litigation, meet the sanitation requirements for housing women, and meet the menstrual needs of women prisoners in a timely fashion.

87. Plaintiff cannot be fully compensated in damages, is without an adequate remedy at law because the exact amount of damage plaintiff will sustain will be difficult to determine, defendants' continued failure to fully effectuate and fully execute the policies and procedures agreed to in the Weills litigation will result in duplicative litigation, causing unnecessary expenditures of public funds, and cause continuing injury to members of the potential class. Furthermore, it is against public policy to operate a jail in such a deficient manner and to force women to bleed through their clothing, and wear for long periods of time, wet, cold, bloody clothing.

REQUISITES FOR RELIEF

88. Plaintiffs are informed and believe that the violations of the plaintiffs' constitutional and lawful rights complained of herein were caused by customs, policies, directives, practices, acts and

1 omissions of authorized policy makers of the defendants COUNTY OF ALAMEDA, ALAMEDA
2 COUNTY SHERIFF'S OFFICE including defendants GREGORY J. AHERN, BRETT M.
3 KETELES, TOM MADIGAN, D. SKOLDQVIST, TARA RUSSELL and of the ACSO who
4 encouraged, authorized, directed, condoned, and ratified the unconstitutional and unlawful conduct
5 complained of herein. Said customs, policies and practices include, but are not limited to wrongful
6 arrests without probable cause, the failure to maintain adequate policies, and to adequately train,
7 supervise and control OPD officers concerning response to and ACSO deputies concerning the
8 policing of demonstrations and other expressive activities with respect to crowd control, crowd
dispersal and the constitutional and statutory limitations on arrests and imprisonment.

9 89. As a direct and proximate result of the conduct of defendants described herein, the
10 named individual plaintiff has been denied her constitutional, statutory and legal rights as
11 stated below, and have suffered general and special damages, including but not limited to,
12 mental and emotional distress, pain, fear, humiliation, embarrassment, discomfort, and anxiety and
13 other damages in an amount according to proof.

14 90. Defendants' policies, practices, customs, conduct and acts alleged herein have resulted
15 and will continue to result in irreparable injury to plaintiff, including but not limited to violations
16 of her constitutional and statutory rights. Plaintiff and putative class members have no plain,
17 adequate or complete remedy at law to address the wrongs described herein. The plaintiff could
18 again find herself the subject of a false and baseless criminal accusation and she and class
19 members could again find themselves intend in the future subject to being placed in an Alameda
20 County jail. Defendants' conduct described herein has created fear, anxiety and uncertainty among
21 plaintiffs with respect to their present and future constitutional rights. Plaintiffs therefore seek
22 injunctive relief from this court, to ensure that plaintiffs and persons similarly situated will not
23 suffer violations of their rights from defendants' illegal and unconstitutional policies, customs and
24 practices as described herein.

25 91. An actual controversy exists between plaintiffs and defendants in that plaintiffs
26 contend that the policies, practices and conduct of defendants alleged herein are unlawful and
27 unconstitutional, whereas plaintiffs are informed and believe that defendants contend that said
28 policies, practices and conduct are lawful and constitutional. Plaintiffs seek a declaration of
rights with respect to this controversy.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff CYNTHIA TURANO and the class she represents prays for relief as hereunder appears.

1. For an order certifying the class defined herein pursuant to Federal Rules of Civil Procedure Rules 23(a) and 23(b);

2. For an award of declaratory and injunctive relief, enjoining and restraining Defendants ALAMEDA COUNTY, ALAMEDA COUNTY SHERIFF'S OFFICE, GREGORY J. AHERN, BRETT M. KETELES, TOM MADIGAN, D. SKOLDQVIST, TARA RUSSELL, DOES 2-100 from engaging in, continuing or repeating the policies, customs, or practices complained of herein;

3. For an award of declaratory and injunctive relief, requiring that defendants fully implement the agreed to policies per the *Weills* Settlement.

3. For an award of compensatory, general, and special damages against Defendants according to proof at trial;

4. For an award of reasonable attorneys' fees and costs, pursuant to 42 U.S.C. §1988, Cal. Code Civ. Proc. § 1021.5, or any and any other statute as may be applicable;

6. For the Court to retain jurisdiction of this case until defendants have fully complied with the orders of this Court; and

7. For an award of any other further relief, as the Court deems fair, just, and equitable.

Dated: November 25, 2018

Respectfully Submitted,

LAW OFFICES OF YOLANDA HUANG

By: /s/ Yolanda Huang
YOLANDA HUANG
Attorney for Plaintiff C. Turano and
Members of the Class

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JURY TRIAL DEMAND

A JURY TRIAL IS DEMANDED on behalf of Plaintiff Cynthia Turano and members of the class.

Dated: November 25, 2018

Respectfully Submitted,

LAW OFFICES OF YOLANDA HUANG

By: /s/ Yolanda Huang
YOLANDA HUANG
Attorney for Plaintiff C. Turano and
Members of the Class