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8 Attorneys for LINDA GROEN  
9 Plaintiff

10 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **IN AND FOR THE COUNTY OF SOLANO**

12 **LINDA GROEN, an individual,**

13 **Plaintiff,**

14 **v.**

15 **COUNTY OF SOLANO, CITY OF**  
16 **VACAVILLE, JOSH BLAIR and**  
17 **DOES 1-50, inclusive,**

18 **Defendants.**

Case No. *FCS053737*

**COMPLAINT FOR DAMAGES (UNLIMITED  
JURISDICTION); VIOLATION OF STATE AND  
FEDERAL CIVIL RIGHTS; BATTERY; FALSE  
IMPRISONMENT; TRESPASS; NEGLIGENT  
INFILICATION OF EMOTIONAL DISTRESS**

19 **GENERAL ALLEGATIONS**

20 Plaintiff, LINDA GROEN, by way of general allegations alleges as follows:

- 21
- 22 1. Defendant, COUNTY OF SOLANO, is a public municipality organized and existing under  
23 the laws of the State of California acting by and through its employees DOES 1 through 10.
- 24 2. At all times herein mentioned, defendant JOSH BLAIR was an employee of defendant  
25 COUNTY OF SOLANO and working in the Solano County Probation Department.
- 26 3. At all times herein mentioned, defendants DOES 1 through 10 were employees of the County  
27 of Solano.
- 28 4. At all times herein mentioned defendant, CITY OF VACAVILLE, was a public municipality

**FILED**  
Clerk of the Superior Court

OCT 15 2019

By *[Signature]*  
DEPUTY CLERK

*CMFF375607 #135-*

1 organized and existing under the laws of the State of California and acting by and through its  
2 employees as alleged herein as DOES 11 through 21.

3 5. DOES 11 through 21, at all times herein mentioned were employees of the City of Vacaville  
4 Police Department assisting the County of Solano in a so called "probation search" at the residence  
5 of plaintiff Linda Groen as well as assisting in taking her into custody and bringing her to the Solano  
6 County Jail.

7 6. Plaintiff alleges that, at all times herein mentioned, defendant DOES were agents and  
8 employees of the remaining defendants and at all times herein mentioned were acting in the course  
9 and scope of such agency and employment and, whose conduct, and each of them, proximately  
10 caused and were substantial factors in the damages caused plaintiff LINDA GROEN.

11 7. Plaintiff, LINDA GROEN, at all times herein mentioned was a resident of the City of  
12 Vacaville, Solano County California.

13 8. Plaintiff is informed and believes and upon such information and belief alleges that each of  
14 the acts alleged herein were committed in the County of Solano by one or more of the defendants.

15 9. The Solano County Superior Court has concurrent jurisdiction regarding the actions alleged  
16 herein and specifically all violations of 42 USC 1983 (Federal Civil Rights Act).

17 10. Plaintiff, LINDA GROEN, filed her Claim against both the County of Solano and the City of  
18 Vacaville on March 22, 2019. These claims were denied on August 26, 2019 and April 23, 2019  
19 respectfully.

20 11. On or about September 26, 2018, defendants and each of them, peered into plaintiff's  
21 windows at her home in the City of Vacaville watching her in bed in her bedroom prior to forcing  
22 entry through the bedroom windows all for the alleged purpose of conducting a probation search of  
23 plaintiff.

24 12. Plaintiff never consented to that entry into her private home nor had she invited any of  
25 defendants to her property.

26 13. During this entry into plaintiff's home, plaintiff was physically arrested and handcuffed by  
27 defendants, and each of them, and taken to jail where she spent three (3) days prior to her release.

28 14. After approximately three (3) months and three (3) separate court appearances plaintiff, who

1 had been on probation for driving under the influence offenses, was discharged by the Court. The  
2 Court found that plaintiff's probation had expired four (4) days prior to the September 26<sup>th</sup> search  
3 and that the conduct was therefore unlawful by defendants, and each of them.

4 15. Between September 26<sup>th</sup> and the dismissal on February 15, 2019, plaintiff was forced by  
5 defendants, County of Solano and Josh Blair to meet with them all for the purpose of carrying out  
6 conditions of her probation which had expired four (4) days prior to September 26<sup>th</sup>.

7 16. A true and correct copy of the Court docket for the February 15, 2019 court appearance is  
8 attached hereto, marked Exhibit A, and incorporated herein by reference wherein the Court stated:  
9 "Court deems probation expired on 9/22/18 prob violation is moot".

10 I.

11 **FIRST CAUSE OF ACTION**  
12 **(FEDERAL CIVIL RIGHTS VIOLATIONS)**

13 **(Against all Defendants)**

14 17. Plaintiff realleges, as though set forth in full at this point, paragraphs 1 through 16.

15 18. At all times herein mentioned, the following acts were committed by defendants, and each of  
16 them which were in violation of plaintiff's fourth amendment right under 42 USC 1983 as well as  
17 her right under the fourteenth amendment in that the deprived her of her life, liberty and property  
18 without due process of law as follows:

- 19 a. Plaintiff was arrested without legal cause and taken to jail where she stayed  
20 three (3) days.
- 21 b. Plaintiff was falsely imprisoned for a period of three (3) days and subjected to  
22 compelled meetings with defendant County of Solano and Josh Blair under  
23 color of authority which were unlawful.
- 24 c. Defendants, and each of them, trespassed onto plaintiff's real property when  
25 they peered in through her window and forcibly entered the window without  
26 legal cause.
- 27 d. Plaintiff was physically assaulted and battered by defendants, and each of  
28 them, in her arrest and transportation to jail.

1 e. Plaintiff was physically and emotionally damaged by the acts alleged herein,  
2 including severe emotional distress from forcibly being taken from her home  
3 and being placed in jail for a period of three (3) days and further dealing with  
4 probation she knew to have expired.  
5 19. As a result of the conduct of defendants, and each of them, plaintiff is entitled to reasonable  
6 attorney's fees 42 USC section 1988.

7 **II.**  
8 **SECOND CAUSE OF ACTION**  
9 **(BATTERY)**  
10 **(Against all Defendants)**

11 20. Plaintiff realleges, as though set forth in full at this point, paragraphs 1 through 19.  
12 21. Without legal cause or justification, defendants and each of them, physically assaulted and  
13 battered plaintiff by physically taking her from her bedroom, handcuffing her and taking her to jail  
14 where she was required to stay three (3) days before being released.  
15 22. As a result of this conduct, plaintiff was damaged both generally and specifically in an  
16 amount according to proof but the amount exceeds the minimum jurisdictional amount of this Court.

17 **III.**  
18 **THIRD CAUSE OF ACTION**  
19 **(FALSE IMPRISONMENT; PUNITIVE DAMAGES)**  
20 **(Against all Defendants)**

21 23. Plaintiff realleges, as though set forth in full at this point, paragraphs 1 through 22.  
22 24. At all times herein mentioned, defendants and each of them, seized and arrested a sleeping  
23 plaintiff from her home in the City of Vacaville maliciously and without a warrant or order of  
24 commitment or any other legal authority of any kind, when plaintiff had not committed a crime nor  
25 had violated her probation. Defendants, and each of them, falsely accused plaintiff of violating  
26 probation which had expired and defendants, and each of them, had no probable cause to arrest  
27 defendant and take her from her home.  
28 25. Defendants, and each of them, delivered plaintiff to the Solano County Jail where plaintiff

1 was imprisoned for three (3) days before she was released by the Court.

2 26. As a proximate result of the conduct of defendants, and each of them, plaintiff has been  
3 damaged both generally and specially in an amount according to proof and the amount exceeds the  
4 minimum jurisdictional amount of this Court.

5 27. The acts of defendant Josh Blair, as alleged herein were willful, wanton, malicious, and  
6 oppressive and justify the awarding of punitive damages.

7 IV.

8 **FOURTH CAUSE OF ACTION**

9 **(TRESPASS)**

10 **(Against all Defendants)**

11 28. Plaintiff realleges, as though set forth in full at this point, paragraphs 1 through 27.

12 29. On or about September 26, 2018, defendants and each of them, unlawfully and without  
13 permission trespassed onto plaintiff's property, peered through her bedroom window, physically  
14 broke into her home and extracted plaintiff from her bed and brought her to the Solano County Jail  
15 all in violation of law.

16 30. As a proximate result of the conduct of defendants, and each of them, plaintiff has been  
17 damaged both generally and specially in an amount according to proof and the amount exceeds the  
18 minimum jurisdictional amount of this Court.

19 V.

20 **FIFTH CAUSE OF ACTION**

21 **(THE TOM BANE CIVIL RIGHTS ACT)**

22 **(Civil Code Section 52.1)**

23 **(Against all Defendants)**

24 31. Plaintiff realleges, as though set forth in full at this point, paragraphs 1 through 30.

25 32. Defendants, and each of them, by color of authority committed the acts herein of assault,  
26 battery, false imprisonment, trespass and violation of Federal Civil Rights by engaging in conduct  
27 constituting "intimidation or coercion" within the meaning of Civil Code section 52.1.

28 33. Defendants, and each of them, knew or should have known that her probation had expired

1 and that their acts were unlawful. Such acts interfered with plaintiff's enjoyment of her life and the  
2 exercise of rights guaranteed by the US and State Constitutions.

3 34. As a proximate result of the conduct of defendants, and each of them, plaintiff has suffered  
4 both general and special damages in an amount according to proof and the amount exceeds the  
5 minimum jurisdictional amount of this Court.

6 35. Plaintiff has incurred attorney's fees in a reasonable amount and will continue to incur  
7 reasonable attorney's fees in the prosecution of this action all due to the violations of defendants, and  
8 each of them, as alleged herein.

9 VI.

10 **SIXTH CAUSE OF ACTION**

11 **(NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS)**

12 **(Against all Defendants)**

13 36. Plaintiff realleges, as though set forth in full at this point, paragraphs 1 through 35.

14 37. The conduct of defendants, and each of them, caused severe emotional distress to plaintiff.

15 38. As a proximate result of the conduct of defendants, and each of them, plaintiff has suffered  
16 general and special damages in an amount according to proof and exceeding the minimum  
17 jurisdictional amount of this Court.

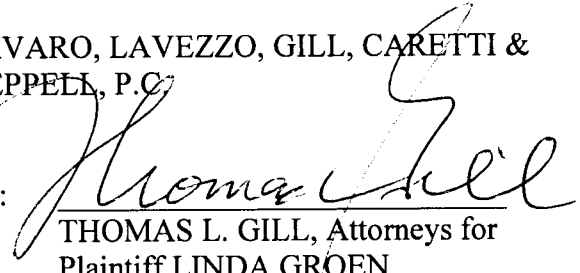
18 WHEREFORE, plaintiffs prays for judgment against defendants, and each of them, as  
19 follows:

- 20 1. For actual damages in an amount according to proof;
  - 21 2. For statutory civil penalties under Civil Code section 52(b) in the amount of twenty-  
22 five thousand dollars (\$25,000) per individual act;
  - 23 3. For general and special damages in an amount according to proof;
  - 24 4. For punitive damages against defendant Josh Blair;
  - 25 5. For reasonable attorney's fees pursuant to State and Federal law;
  - 26 6. For such other and further relief as the court may deem just and proper.
- 27  
28

1 Dated: 10/9, 2019

FAVARO, LAVEZZO, GILL, CARETTI &  
HEPPELL, P.C.

By:



THOMAS L. GILL, Attorneys for  
Plaintiff LINDA GROEN

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