

1 Deborah Barron, Esq. (SBN 153840)
2 BARRON LAW CORPORATION
3 1387 Garden Highway, Suite 100
4 Sacramento, CA 95888
5 Tel: (916) 486-1712
6 Fax: (916) 927-5524
7 Email: deborah.barron@lawbarron.com

8 Attorney for Plaintiff
9 MARY ZAMORA RUBIO

10
11 **UNITED STATES DISTRICT COURT**
12 **EASTERN DISTRICT OF CALIFORNIA**

13 MARY ZAMORA RUBIO

CASE NO.:

14 Plaintiff,
15 vs.

COMPLAINT FOR DAMAGES:
VIOLATION OF CIVIL RIGHTS-
42 U.S.C. § 1983

16 ANDRE LOVAN, individually; and
17 ROBERT GOLD, individually

18 Defendants.

19 _____ /
20
21 MARY ZAMORA RUBIO brings this action for damages against ANDRE LOVAN and his
22 supervisor, ROBERT GOLD. Plaintiff alleges on information and belief:

23 **INTRODUCTION**

24 1. Sexual assault victim MARY ZAMORA RUBIO (hereinafter “ZAMORA”) is pursuing legal
25 action against the man who sexually assaulted her, California Department of Corrections and
26 Rehabilitation (“CDCR”) Parole Agent ANDRE LOVAN, as well as against his Supervising Parole
27 Agent believed to be ROBERT GOLD, and the other individuals within the CDCR that enabled
28 LOVAN’s conduct toward ZAMORA. As alleged herein, LOVAN took advantage of his position as
ZAMORA’s assigned supervising Parole Agent to continually sexually assault and exploit ZAMORA
over the period of February 2017 through November 2017.

THE PARTIES

1
2 2. At all times herein mentioned, MARY ZAMORA RUBIO was and is a resident of Sacramento
3 County, State of California. (Hereinafter referred to as “Plaintiff” or “ZAMORA”).

4 3. At all relevant times herein mentioned, Defendant ANDRE LOVAN was and is a resident of
5 County of Sacramento, State of California, who was acting within the course and scope of his
6 employment with the CDCR as a Parole Agent. (Hereinafter referred to as “LOVAN” or “Defendant”).

7 4. At all relevant times herein mentioned, Plaintiff is informed and believes that ROBERT GOLD
8 was and is a resident of Sacramento County, State of California, and was acting within the course and
9 scope of his employment with the CDCR as a supervising Parole Agent. (Hereinafter referred to as
10 “GOLD” or “Defendant”).

11 5. Plaintiff is further informed and believes that other unnamed Supervising Parole Agents acting
12 within the course and scope of their employment with CDCR were aware of LOVAN’s sexually
13 exploitive tendencies toward his parolees, including ZAMORA, but failed to take immediate corrective
14 action.

15 **JURISDICTION AND VENUE**

16 6. Jurisdiction in this court is appropriate pursuant to 28 U.S.C. §§ 1331 and 1343 because it is a
17 civil rights action arising under the Constitution and laws of the Unified States. This Court has
18 supplemental jurisdiction over the remaining state law and common law claims pursuant to 28 U.S.C §
19 1367.

20 7. Venue is proper in the United States District Court for the Eastern District of California pursuant
21 to 28 U.S.C. § 1391 because a substantial part of the events giving rise to Plaintiff’s claims occurred in
22 the Eastern District of California and Plaintiff is informed and believes that the Defendants reside in
23 Eastern District of California.

24 **FACTUAL BACKGROUND**

25 8. From February 2017 through November 2017, CDCR Parole Agent LOVAN repeatedly,
26 methodically, and serially, molested, sexually assaulted, harassed, and intimidated ZAMORA, who at
27 the time, was on parole and assigned to his supervision and oversight.

1 9. During the period of time LOVAN was ZAMORA's parole agent, LOVAN aggressively made
2 sexual advances to ZAMORA and coerced and manipulated her, under the threat of his power to violate
3 her parole and send her back to prison, to engage in sexual acts with him, including oral copulation and
4 sexual intercourse. LOVAN would engage in these sexual acts in unannounced visits to ZAMORA's
5 home, as well as in parking lots and hotel rooms.

6 10. LOVAN's sexual advances toward ZAMORA began in or around March 2017 during the 1st
7 and 2nd home visits. In fact, in one of these visits, LOVAN demanded ZAMORA get her down on her
8 knees in her backyard area and give him oral sex. While doing this, LOVAN made it clear to ZAMORA
9 that if she resisted or denied him in his sexual advances he would violate her parole and return her to
10 custody. Of course, ZAMORA did not want to go back to prison, and reluctantly complied with his
11 sexual requests.

12 11. After this, in approximately April 2017, LOVAN demanded that ZAMORA meet him in the Bel
13 Air parking lot near her home in Sacramento. When she arrived, LOVAN was parked there in a dark
14 colored, police vehicle filled with scattered paperwork. When ZAMORA got into LOVAN's car, he
15 moved her hands over his erect penis and asked her "what are you going to do about this." ZAMORA
16 responded "here?" and LOVAN said "no." LOVAN then stated that ZAMORA would have to get a
17 hotel room because he could not have his name on anything during work hours. He then said he would
18 call her later and, before he left, he put his hands between her legs and under her underwear.

19 12. After this, and on several occasions from April 2017 through October 17, 2017, LOVAN would
20 contact ZAMORA over the telephone and direct her to get a hotel room. As directed by LOVAN, the
21 pretense for these "visits" was that ZAMORA was going to be speaking at Grant High School, which
22 she had done in the past.

23 13. In each of these sexual encounters, LOVAN's badge was visible and he was, most often, driving
24 a dark police vehicle. In fact, during one of their encounters, when LOVAN was coming from the
25 "Range", he took out his gun as he was undressing and placed it openly on the dresser in the hotel room.
26 This was extremely frightening and intimidating to ZAMORA – who feared for her safety. There was also
27 another sexual encounter in a hotel that was painful to ZAMORA, causing her to bleed on the sheets of
28

1 the hotel room. However, instead of being concerned for her welfare, LOVAN did not care and appeared
2 proud, as he took ZAMORA's pain to be a sign of his masculinity and endowment.

3 14. Although these encounters went on in secret, on one occasion, while LOVAN was buying
4 ZAMORA lunch, they were noticed by some of LOVAN's co-workers. Apparently, one of these CDCR
5 Agents did report what they saw to LOVAN's supervisor, but, according to LOVAN, the supervisor did
6 nothing. After this, ZAMORA told LOVAN she wanted to stop meeting up with him in hotel rooms,
7 but LOVAN insisted they continue to meet each other and engage in sexual acts.

8 15. During the entire period of parole supervision under LOVAN, ZAMORA endured severe
9 emotional distress, and often times did not know where to turn, or who to turn to. Every instance or
10 interaction with LOVAN she was under his direct control and had no choice but to acquiesce to all of
11 his physical advances and sexual demands for fear of reprisals from him and his department.

12 16. Finally, after their last sexual encounter in or around October 17, 2017, an opportunity presented
13 itself where LOVAN informed ZAMORA that his parole unit was re-assigning her to another parole
14 agent at a different parole office. Although LOVAN continued to try and contact ZAMORA via
15 telephone through November 2017, they never saw each other again after October 17, 2017.

16 17. Unfortunately, this was not the end of the emotional trauma, fear and humiliation for ZAMORA,
17 as she was told by LOVAN that if anyone ever found out about what was happening things would go
18 very badly for her. LOVAN also informed ZAMORA that he was well connected within CDCR and
19 had partners in parole offices throughout California. Fearing for her freedom and safety, ZAMORA did
20 not report what had happened to anyone within CDCR for over one year.

21 18. Despite this, in or around early May 2019, ZAMORA could not hold it in anymore. So, in a
22 mandated CDCR counseling session, ZAMORA finally disclosed what had occurred between her and
23 Agent LOVAN to her counselor. Although the counselor initially agreed to keep the information
24 confidential, she later told ZAMORA that she had no choice but to report it to the CDCR Parole
25 Department. Less than one week later, ZAMORA drafted a statement and took it to CDCR. When she
26 arrived at the CDCR Parole Department, however, an Agent believed to be ROBERT GOLD did not
27

1 take her statement and specifically informed her not to talk with anyone and, if anyone approached her,
2 to call him first.

3 19. After this, in or around June 2019, ZAMORA was contacted by other investigating agencies
4 regarding her report. This is when she learned that LOVAN had abruptly retired from the CDCR.
5 ZAMORA also learned that she was not the only woman had also made reports about LAVON's
6 conduct as a Parole Agent.

7 20. ZAMORA is informed and believes that an investigation into LAVON is ongoing.
8

9 **FIRST CAUSE OF ACTION**

10 Violation of Civil Rights – 42 § U.S.C. § 1983

11 (Against all Defendants)

12 21. Plaintiff realleges and incorporates by reference each and every allegation contained in the
13 preceding paragraph as if fully set forth herein.

14 22. Defendants ANDRE LOVAN and ROBERT GOLD, and other unknown supervising Parole
15 Agents were at all relevant times, law enforcement officers with the California Department of
16 Corrections and Rehabilitation and were acting under color of state law.

17 23. Defendants LOVAN and GOLD, acting under color of state law, deprived Plaintiff of rights,
18 privileges, and immunities secured by the Constitution and laws of the United States, including the
19 rights of Due Process and Equal Protection secured by the First, Fourth and Fourteenth Amendments,
20 and the right to privacy as established in *Griswold v. Connecticut*, 381 U.S. 479 (1965). Defendant
21 LOVAN violated Plaintiff's constitutional rights by abusing her sexually, and continually harassing her.
22 Plaintiff is informed and believes that Defendant GOLD and other unknown supervisory CDCR Parole
23 Agents violated Plaintiff's rights by tolerating, ratifying, enabling, and concealing the sexual abuse
24 perpetrated directly by Defendant LOVAN, including failing to take remedial action in light of known
25 and suspicious inappropriate sexual contact between LOVAN and his female parolees, including
26 ZAMORA.
27

1 24. As a proximate result of the foregoing wrongful acts of Defendants LOVAN and GOLD, and
2 other unknown CDCR supervisory Parole Agents, Plaintiff suffered damages, including pain and
3 suffering, embarrassment, emotional distress, and harm to her reputation in an amount in accordance
4 with proof.

5 25. In doing the foregoing wrongful acts, Defendants LOVAN and GOLD, and other unknown
6 CDCR Supervisory Parole Agents acted with reckless and callous disregard for the constitutional rights
7 of Plaintiff. The wrongful acts, and each of them, were willful, oppressive, fraudulent and malicious,
8 thus warranting the award of punitive damages against each Defendant in an amount adequate to punish
9 the wrongdoers and deter future misconduct.

10 26. Due to the conduct of Defendants LOVAN and GOLD, Plaintiff has been required to incur
11 attorney's fees and will continue to incur attorney's fees, and pursuant to 42 U.S.C. § 1988 is entitled to
12 recovery of said fees.

13 **WHEREFORE**, Plaintiff respectfully requests judgment in their favor and against all
14 Defendants as follows:

- 15 1. For general damages in an amount to be determined by proof at trial;
- 16 2. For special damages in an amount to be determined by proof at trial;
- 17 3. For costs of suit;
- 18 4. For reasonable attorney's fees;
- 19 5. Punitive Damages; and,
- 20 6. For such other and further relief as the Court deems just and proper.

21 Respectfully submitted,

22 Dated: October 7, 2019

BARRON LAW CORPORATION

23
24 /s/ Deborah Barron

25 Deborah Barron, Esq.

26 Attorney for Plaintiff, Mary Zamora Rubio

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JURY DEMAND

Plaintiff MARY ZAMORA RUBIO demands trial by jury on all issues so triable.

BARRON LAW CORPORATION

Dated: October 7, 2019

/s/ Deborah Barron
Deborah Barron, Esq.
Attorney for Plaintiff MARY ZAMORA RUBIO