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13  
14 **COUNTY OF MONTEREY, STATE OF CALIFORNIA,**  
15 **MONTEREY SUPERIOR COURT**

16 **SHELTON ADAMS;**  
17 **TERRENCE BROWNLEE;**  
18 **ANTOINE KEIL; and**  
19 **GARY LAWLESS,**

20 Plaintiffs,

21 v.

22 **STATE OF CALIFORNIA, acting**  
23 **through the California Department of**  
24 **Corrections & Rehabilitation;**  
25 **CRAIG KOENIG, warden of CTF;**  
26 **COMMANDING OFFICER Y.**  
27 **MARTINEZ, a CDCR agent;**  
28 **J. LOPEZ, a CDCR agent;**  
**and an unknown number of additional**  
**state agents designated as Does 1-200,**

Defendants.

CASE NO.:

**COMPLAINT FOR:**

- I. **RACIST VIOLATION OF RALPH ACT**
- II. **RACIST VIOLATION OF BANE ACT**
- III. **ASSAULT**
- IV. **BATTERY**
- V. **WEAPONIZATION OF DISEASE (BATTERY CLASS ACTION)**
- VI. **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
- VII. **NEGLIGENCE**
- VIII. **NEGLIGENT SUPERVISION**

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**INTRODUCTION**

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1. In what can only be described as one of the most eye-popping racist attacks in recent civil rights history, on July 20, 2020, the warden of the California Correctional Training Facility in Soledad, California executed a 3 am raid dubbed “Operation Akili” with the intent to injure, infect, terrorize, provoke and humiliate a large number of sleeping African American inmates.

2. Not satisfied to merely engage in the KKK-style assault, CDCR agents at the same time elected to weaponize the Covid-19 virus by intentionally exposing a mass number of the inmate minorities to each other, and to the guards that had just assaulted them, without any protection or social distancing.

3. This predictably and by design became a “superspreader” event and ultimately resulted in some 2,700 subsequent cases of Covid-19 infection traceable to it, including 17 deaths at this prison.

4. This reality is illustrated by the following infection tracking graph put out by CDCR for each prison. As to CTF, it shows how the mass interpersonal exposure on July 20, 2020 introduced and catalyzed a subsequent spike in infections. Before this date, there were no Covid-19 infections in this prison.





TABLE 1

No.	WITNESS	EVIDENCE
13	Anthony Oliver	The officers came in his cell yelling and shouting “Don’t move Nigger, Black Lives Don’t Matter” while snatching Mr. O’Neal from his bed.

7. Most of the inmates, including Plaintiffs, were forcefully dragged out of bed, and in the process, pushed, shoved, choked, slammed, beaten or otherwise battered by guards, which resulted in various personal injuries and other damage.

8. In a larger context, raid victim and author Marcelle “Talib” Williams wrote a poignant and comprehensive article documenting the events on July 20, 2020, included here as **Exhibit 1**, and concluded in part that Operation Akili was a form of frustration by the prison establishment, one that foresees its extinction as prison inventory gets continuously reduced, and uses a raid like this to drum up business in order to perpetuate its survival:

[I]ncarcerated people know that it is counter-productive to commit acts that justify one’s incarceration. Not only are incarcerated people politically aware of the effects of violence, but thanks to Black resistance authors such as Bell Hooks, we are aware of the effects of violence in a more holistic way to where non-violence becomes a lifestyle as well as a rock to be used against a system that bases its very existence on our dysfunction. It is incarcerated people who promote non-violence that make prisons obsolete.

CDCR officials are aware of this as well. Budgets are already being cut. Prisons are being scheduled to shut down, and employees of these institutions are going to have to find new jobs. However, a certain segment of CDCR have become so accustomed to this sadistic enterprise that they cannot imagine a world without it. They will go to imperceivable lengths to ensure its continued existence.

(See **Exhibit 1**.)

### JURISDICTION

9. The Monterey County Superior Court has jurisdiction over this action because CTF Soledad Prison sits within its jurisdictional perimeter and Plaintiffs seek damages in excess of the \$25,000 jurisdictional minimum.



1 identifying badges and those that were covered them up. Some may be members of CDCR's  
2 Office of Correctional Safety (OCS), which includes its Special Services Unit (SSU). Other  
3 agents may have been from CDCR's Institutional Gang Investigators (IGI, from both Soledad  
4 CTF and neighboring Salinas Valley State Prison), as well as CDCR Sacramento, and the  
5 CDCR Special Services Unit Gang Intel Ops (also known as SSU). However, to the best of  
6 Plaintiffs' knowledge, all individual agents were state employees.

7 17. All individual agents are believed, and on that basis Plaintiffs allege, to have  
8 been acting within the scope of their employment with the State of California in carrying out  
9 the raid.

#### 10 **CTF WARDEN CRAIG KOENIG**

11 18. Defendant Craig Koenig is the warden of CTF Soledad and acted as the  
12 singular leader, and top prison official, in terms of carrying out the July 20, 2020 raid on the  
13 inmates.

#### 14 **Y. MARTINEZ**

15 19. Defendant Commanding Officer Y. Martinez is an agent of the California  
16 Department of Corrections, is an employee at CTF, and was involved in the raid function of the  
17 July 20, 2020 event.

#### 18 **J. LOPEZ**

19 20. Defendant J. Lopez is an agent of the California Department of Corrections, is  
20 believed to be an affiliated employee at CTF, and was involved in the raid function of the July  
21 20, 2020 event.

#### 22 **DEFNDANT DOES 1-200**

23 21. Defendant Does 1-200 are an unknown number of additional presumed state  
24 guards or other state law enforcement agents. This complaint will be amended to name said  
25 defendants when their identity is ascertained. Defendant guards actively removed, covered or  
26 concealed their nametags so as to prevent their identification during the raid.  
27  
28



## AGENCY/EMPLOYMENT/CONSPIRACY ALLEGATIONS

1  
2 22. Plaintiffs are informed and believe, and thereon allege, that each of the 200  
3 fictitiously-named defendants is responsible in some manner for the claims, obligations, and  
4 damages sued upon herein. Plaintiffs are unaware of any other law enforcement agencies that  
5 were involved in the raid, not mentioned herein.

6 23. Plaintiffs are informed and believes, and thereon allege, that at all relevant  
7 times, unless specifically otherwise alleged, each of the defendants was the agent, servant and  
8 employee of each of the remaining defendants and was at all times relevant, acting within the  
9 course and scope of his authority as agent, servant, and/or employee and with the permission  
10 and consent of each of the remaining defendants.

11 24. As detailed by the facts herein, Defendants were clearly in a conspiracy with  
12 each other and acted within the larger strategic plan denominated as “Operation Akili,” and as  
13 such, each are liable for all of the misconduct of the whole operation, as co-conspirators.

14 25. They shared a common plan and scheme to carry out a raid of exclusively of  
15 certain African-Americans, and no other groups alleged to have ties to gangs, in order to  
16 commit a series of racist torts upon them and to infect them with Covid-19 disease. They acted  
17 in concert, per a plan. Each individual was subjected to a similar experience of being dragged  
18 out of bed, out of his cell, violently attacked while being kidnapped to the central dining hall,  
19 required to strip, intentionally threatened and exposed to disease by the abandonment of safety  
20 precautions, and then interrogated while his cell was being tossed.

21 26. This is what Operation Akili was – a violent KKK-style assault designed to  
22 inflict a mass human rights violation on the Plaintiffs – on the pretext of being a gang  
23 investigation seeking items of validation evidence, presumably pursuant to certain regulations  
24 adopted in 15 CFR 3378.2.

25 27. Defendants each came to a mutual understanding pursuant to Operation Akili to  
26 accomplish their unlawful plan, and one or more of them committed an overt act, and in fact  
27 committed countless of them, to further that plan.  
28

1 **ADMINISTRATIVE EXHAUSTION**

2 28. Plaintiffs properly satisfied multiple administrative exhaustion requirements  
3 prior to filing suit, as reflected by the following table:

4

5 **TABLE 2**

6 <b>Plaintiff</b>	7 <b>602</b>	8 <b>DGS</b>
9 Shelton Adams	10 3L Rejection 12/02/2020 (Log 000000022464)	11 Rejected 10/13/20 (Claim no. 20007795)
12 Terrence Brownlee	13 3L Rejection 12/02/2020 (Log 000000021439)	14 Rejected 08/26/20 (Claim no. 20006938)
15 Antoine Keil	16 Released; no 602 admin exhaustion necessary	17 Rejected 10/27/20 (Claim no. 20007483)
18 Gary Lawless	19 3L Rejection 02/13/2020 (Log # pending)	20 Rejected 09/11/20 (Claim no. 20007221)

21 **STATEMENT OF FACTS**

22 29. Dubbed “Operation Akili,” on July 20, 2020 at 3 am, CTF Soledad guards,  
23 dressed in black tactical gear led by Warden Koenig, and authorized by him, conducted a  
24 coordinated raid exclusively targeting African American inmates by waking them up in the  
25 middle of the night, forcefully removing them from their bed (by pulling or snatching them off  
26 of it), beating, choking, and attacking them, and then assembling them closely together naked  
27 in a dining hall, notably without any Covid-19 disease protection or social distancing safety  
28 protocols applied.

29 30. CDCR was not particularly forthcoming about the indisputable problems with  
30 the raid. The day after it, on July 21, 2020, in response to a public protest by affected family  
31 members, Warden Koenig described the raid in these terms:

32 The event itself was a result of Security Threat Group (STG)  
33 behavior that has been on-going at the Correctional Training  
34 Facility (CTF). CDCR does not identify the men racially [!] and  
35 those under investigation are suspected of STG activity. STG  
36 behavior jeopardizes everyone and especially, puts in harm's way,

1 those who are trying to build better lives for themselves and their  
2 families.

3 All the staff at CTF are fully committed to those efforts that help  
4 the men rehabilitate. There is a great deal of evidence which  
5 shows our rehabilitative efforts are successful. STG activity  
6 directly opposes the positive actions of the men applying  
7 themselves to being good citizens.

8 31. In a later memorandum, on November 16, 2020, CDCR validated its actions in  
9 largely the same terms:

10 We can confirm that an investigation was held as the result of  
11 STG behavior that has been ongoing at CTF. The incarcerated  
12 people in the investigation were not identified based on their race,  
13 and all safety protocols were followed through the investigation.  
14 Warden Koenig personally toured during the investigation to  
15 ensure it was being conducted safely and appropriately. Nobody  
16 was harmed and the institution's normal operations resumed  
17 quickly.

18 32. The putative purpose of Operation Akili was to collect evidence to “validate”  
19 certain African American inmates as gang members (within the assumed meaning of 15 CCR  
20 3378.1, *et seq.*), such that the few rights prisoners still possess could be further deteriorated,  
21 their release dates could be delayed, and CDCR could impose other indignities.

22 33. Among other punishments, being designated as a validated gang member  
23 effectively permits CDCR to segregate such inmates in the equivalent of solitary confinement.

24 34. Gang validation, particularly at CTF, involves thorny constitutional issues,  
25 because the evidence of validation is not necessarily connected to any wrongdoing. For  
26 example, a common item of evidence sought by guards are writings by one George Jackson,  
27 who is the founder of the “Black Guerrilla Family” or BGF, a reported prison gang.

28 35. Operation Akili sought to validate plaintiffs as BGF gang members. The  
problem is that George Jackson was not some sort of mindless thug, but a wrongly-imprisoned  
philosopher and scholar. Reading his writing would not materially deviate from reading some  
of the Founding Fathers’ more revolutionary installments.

1 36. Penalizing an inmate for possessing academic quality reading material  
2 obviously violates some of the most basic and important American constitutional rights, can be  
3 regarded as some awful Fahrenheit-451 situation with a concluding splurge of reader  
4 defamation, and thus gang validation as to certain items as practiced by CDCR represents a  
5 legally controversial exercise.<sup>1</sup>

6 37. Indeed, correctional officers affirmatively violate the First Amendment by  
7 seizing prisoner notes or literature "not advocating violence or illegal activity" and not  
8 "reasonably likely to cause violence at the prison."<sup>2</sup>

9 **SHELTON ADAMS**

10 **A. Background and History**

11 38. Shelton Adams grew up in Modesto, California, and was raised by his  
12 grandmother, because his mother had drug problems and his father was not actively involved in  
13 his upbringing.

14 39. After being stabbed in the heart by rivals at age 15 (and no doubt a little  
15 concerned for his safety), he got caught with an unloaded BB gun and was treated to a  
16 conviction for attempted burglary and placed on probation.

17 40. At age 16, according to prosecutors, he committed a double murder by shooting  
18 Francisco Vega and Enrique Cuevas during a botched robbery outside a south Modesto market,  
19 in May 1994.

20 41. He accepted a plea deal that resulted in a sentence of 19 years to life.

21 42. Beginning in 2001, Adams embarked on an impressive path of rehabilitation,  
22 completing over 60 programs, to the point where he is approaching consideration for release.  
23 He was rejected for release in 2017 but will be eligible again for consideration in 2022.

24  
25  
26  
27 <sup>1</sup> See Zohrabi, Azadeh (2012) "*Resistance and Repression: The Black Guerrilla Family in*  
28 *Context*," 9 *Hastings Race & Poverty L.J.* 167.  
<sup>2</sup> *McCabe v. Arave* (9th Cir. 1987) 827 F.2d 634, 638.

1           43.       As a result, CDCR guards are incentivized to provoke him into responsive  
2 action that would result in his continuing to be incarcerated and a continuing source of profit  
3 and employment for them. This includes labeling him a dangerous gang member and otherwise  
4 attempting to marginalize, debilitate and reduce him to a criminal that can be subjugated and  
5 exploited.

6           44.       On November 18, 2020, Adams was informed that he had contracted Covid-19.

7           **B. Attack on Adams During the Raid**

8           45.       The official account of Shelton Adams' function in the July 20, 2020 raid reads  
9 as the need to conduct an "enhanced institutional search" of housing units and an investigation  
10 of Security Threat Group (STG) persons potentially associated with BGF.

11           46.       After the search, Adams was found not to be a member of BGF. He does have  
12 a tattoo of a bleeding heart on his chest. However, according to CDCR, this putatively means  
13 he is a "soldier" of the "Kumi African Nation Organization" (KANO). CDCR expresses the  
14 dramatic concern that if other inmates take the time to fraudulently tattoo a bleeding heart on  
15 their person while not belonging to KANO, they may be targeted for assault.

16           47.       Whether this actually means anything in terms of presenting some obstacle to  
17 Adams' specific rehabilitation is unknown at present; affiliation as KANO could just as easily  
18 be undertaken with a group of other inmates for purposes of herd protection in a dangerous  
19 environment. It is impossible to know and understand a prisoner's motivation without closer  
20 scrutiny. In any event, the one item does not qualify Adams for formal validation.

21           48.       Adams' account of the event (given on July 26, 2020) is as follows, in relevant  
22 part:

23                   On 7-20-20, at approximately 0300 hrs, I was woken up by John  
24 Does yelling, "Get your black ass on the ground motherfucker!" I  
25 immediately complied and posed no threat to anyone. As I was  
26 on the floor, one John Doe stepped on my neck as the other John  
27 Doe twisted my arms upwards toward my head severely injuring  
28 my shoulders (arm was pulled out of its socket). When I  
                      screamed in pain, one of the assailants mocked, "You niggers are

1 soft.” I was lifted up off the floor by my hair and shoved face  
2 first into a wall. The blow was so severe, I almost passed out.

3 I was then taken to the Central Dining Hall. As we were walking,  
4 I asked the assailant escorting me, “Sir, can I ask for your name?”  
5 The assailant suddenly grabbed me by my neck and slammed me  
6 up against the wall and stated, “Motherfucker, you’re lucky to be  
7 able to walk!”

8 All of the assailants had their names concealed and they were  
9 unmasked. I was forced to remain naked in front of everyone.  
10 We were forced to violate social distancing protocols. In fact, the  
11 assailants were telling us that we (Blacks) will have Covid-19 by  
12 the time this ordeal was over.

13 49. Witnesses corroborate this account. They observed one of the CTF guards  
14 place Adams in a headlock as the other one pulled his cuffed hands upwards, as if to dislocate  
15 his shoulders. Adams yelled in pain.

16 50. They also observed Adams being dragged down one or two flights of stairs in a  
17 headlock, in a pair of boxer shorts, arriving in front of cells 101-105. Using his arm as a noose,  
18 the officer started choking Adams when they were in front of cell 101, with the officer yelling  
19 [to the potential witnesses] "get on your fucking bunks!"

20 51. Still, the guard was observed with his back up against a wall and he lifted  
21 Adams to the point that he (Adams) was up on his toes and gagging for air.

22 52. The only aggressors were the guards. In the view of one witness, guards were  
23 not utilizing force to abate some threat; they utilized it for the purpose of “sadistic  
24 gratification,” a well-known side effect of working as a prison guard pursuant to the well-  
25 known literature of Philip Zimbardo.

26 53. Agents conducting the raid subsequently sought to ensure that witnesses to the  
27 attack would not attest to it, by implying through conduct that if they did, retaliation would  
28 result.

54. Adams subsequently underwent medical treatment for various of his injuries. He suffered problems relating to his shoulders, lower back and wrist, strained his thoracic and endured psychological trauma.

**TERRENCE BROWNLEE**

**A. Background and History**

55. Terrence Brownlee is a 60-year-old African American man from Fresno, California.

56. According to existing criminal records, in 1980, Brownlee was sentenced by plea to serve 17 years to life in state prison for second degree murder committed with a firearm. He was accused of shooting and killing a woman in 1980, Shirley Brown, when she refused a sexual advance in the course of a larger robbery of several motel occupants in Fresno. He was 19 years old at the time. He has since served 41 years in state prison.

57. Brownlee, now 60, has made several overtures in the past few years to be released from prison, including two appeals in Fifth District Case Numbers, F077663 and F079638.

**B. Attack on Brownlee During the Raid**

58. According to Brownlee’s statement given on July 28, 2020:

On July 20, 2020, at approximately 3:00 am, I was awoken by unknown assailants. One of the assailants grabbed me by my legs and snatched me off the bunk. I hit the floor very hard causing injury to my wrists and back.  
As I was lying in a prone position, one of the assailants knocked me from behind striking me in the testicles causing severe pain in my testicle and abdominal areas. As I winced in pain, I was forced on to my feet barefoot in my underwear. I overheard the assailants refer to me and others as “niggers.”  
Once I arrived at the Central Dining Hall, I was forced to remove my boxers and remain naked in front of everyone. Only black prisoners were attacked and bounded up. The

1 assailants used the derogatory term "nigger" as they spoke to  
2 us. They did not have their masks on but I didn't recognize  
3 them as they are not regulars here at CTF Central.

3 59. Witnesses also observed the attack on Brownlee. According to one, "I  
4 recognized Prisoner Brownlee's voice. He was screaming as though he was in a lot of pain.  
5 Brownlee's screams got louder. I heard one of the prison staff shout "shut the fuck up!" About  
6 a second or two later, I saw the prison staff drag Brownlee by his arm and hair between two  
7 tables that is directly in front of his cell (135) and hurried him out the building. One staff  
8 member had Brownlee by his arm (Brownlee was cuffed behind his back), and the other was  
9 pulling Brownlee by his hair."

10 60. Another witness heard the prison staff go into Brownlee's cell. "The officers  
11 were beating Brownlee up. There was loud bumping and screaming. Brownlee was screaming  
12 in pain and one of the officers called Brownlee a 'nigger' and told Brownlee to 'shut the f-k  
13 up!' The officers then [dragged] Brownlee out the cell by his hair. Brownlee was on his  
14 stomach with his hands cuffed behind his back. The officers drug Brownlee in between some  
15 tables that's right in front of our cells and on out [of] the building."

16 61. Brownlee reports injuries in his lower right ribs, shoulders and wrists. He also  
17 began to have trouble swallowing and experienced painful consequences from being kicked  
18 and punched in the ribs. He was still reporting pain as of September 6, 2020, a month and a  
19 half later.

20 **ANTOINE KEIL**

21 62. Plaintiff Antoine Keil is a 42-year-old African American man from the Bay  
22 Area. He is a barber by trade and has four children. He was released from custody in 2021,  
23 after a 2018 conviction for shooting a person that was mistakenly pursuing him as an  
24 informant.

25 63. Keil related in his 602 on July 27, 2020:

26  
27 On July 20, 2020, at approximately 0300 hours, the door to  
28 my assigned cell abruptly swung open. As I looked up (I  
was asleep), I was snatched from the bunk and slammed



1 violently on to the floor and assaulted by wannabe  
2 commandos. I was not resisting and was given no cause for  
3 force to be used against me. One of the assailants had his  
4 knee on the back of my neck applying pressure. I said to  
5 the assailant, "I can't breathe."

6 "That Black Lives bullshit don't mean anything here  
7 motherfucker!" the assailant snapped in response. I was  
8 lifted off the floor by my neck and violently slammed  
9 against the wall striking my forehead and mouth. I was then  
10 hurried down the stairs without shoes or socks. I injured my  
11 foot on the stairs' rough surface. Once I arrived at the  
12 Central Dining Hall, I was forced to remove my boxers and  
13 remain naked in front of everyone. ...

14 I was called "Nigger" multiple times by the unknown  
15 assailants. I even overheard one of the assailants tell  
16 another Black prisoners, "You niggas are now infected."

17 64. Keil was injured in his fingers, shoulders and back.

18 **GARY LAWLESS**

19 65. Gary Lawless is a 54-year-old African-American inmate, identified by CDCR  
20 Number AR5184, currently housed at CTF. He is a published author, having written a 2017  
21 fiction novel called "The Body Count" about the struggles of inner-city life in Oakland,  
22 California.

23 66. Lawless was convicted in 2013 of voluntary manslaughter, in a case of  
24 imperfect self-defense.

25 67. He relates that on July 20, 2020, at around 3 am:

26 My cell door swung open. I was woken up by someone in  
27 camouflage grabbing me around [my] legs and pulling me  
28 from the top bunk. I was in shock because I was asleep. I felt  
a hard kick between my legs so I tried to ball up. I was  
yanked from the floor & put into zipties with my hands  
behind my back, cutting off hand blood circulation. I had no  
shoes or mask on as I was dragged down the stairs in my  
boxer briefs. I asked for my mask and was told I don't need  
it, 'everyone gonna catch coronavirus anyway.'



**CAUSES OF ACTION**

**I.**

**FIRST CAUSE OF ACTION**

**VIOLATION OF RALPH ACT**

**(By all Plaintiffs against All Defendants)**

72. Plaintiffs incorporate paragraphs 1-71, as if fully set forth into this cause of action.

73. California Civil Code section 51.7(b)(1) contains the operative text of the Ralph Act. Its aim is to carry out the policy of the State of California to protect all persons from unauthorized violence:

All persons within the jurisdiction of this state have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of political affiliation, or on account of any characteristic listed or defined in subdivision (b) or (e) of Section 51<sup>5</sup> ... or because another person perceives them to have one or more of those characteristics. The identification in this subdivision of particular bases of discrimination is illustrative rather than restrictive.

74. As detailed above, because of their racial characteristics of being African-American, Plaintiffs were subjected to violence by CDCR guards on July 20, 2020 during Operation Akili.

75. As detailed in a representative format in Table 1 and Table 3 and by virtue of the individual stories of the Plaintiffs themselves – at a time when African Americans as a whole at CTF were programming and were not engaged in gang violence – the guards carried out Operation Akili exclusively against African-Americans inmates. The guards made overt,

<sup>5</sup> Section 51(b) states in turn: “All persons within the jurisdiction of this state are free and equal, and no matter what their sex, *race*, color, religion, [*etcetera*] are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.”

1 repeated and vulgar references to racism. The guards subjected the inmates to significant  
2 violence in pulling them out of bed. The guards violently subdued, dragged, beat, punched and  
3 choked the inmates. The guards then rounded up by the inmates in one spot to catalyze a  
4 superspreader Covid-19 disease epidemic event against the inmates, and they accomplished  
5 that purpose successfully.

6 76. Given the detail documented above, racial animus was a substantial motivating  
7 factor of Operation Akili.

8 77. Plaintiffs were injured in various particulars, as documented above.

9 78. Defendants' conduct was the direct cause of the inmates' injuries, and to the  
10 extent that contraction of disease was a consequence for some, Operation Akili was at least a  
11 substantial factor in causing the resulting harm.

12 79. Pursuant to Civil Code section 52, Defendants' violation of the Ralph Act  
13 entitles Plaintiffs to actual damages, punitive damages, a civil penalty (of \$25,000), attorney's  
14 fees and injunctive relief.

15 80. Injunctive relief here is warranted to prevent agents of CTF, including Warden  
16 Koenig, of carrying out additional "Operation Akilis" directed against other minority groups or  
17 again directed at African Americans.

18 81. Pursuant to Civil Code section 52(b), "[w]hoever denies the right provided by  
19 Section 51.7 or 51.9, or aids, incites, or conspires in that denial, is liable for each and every  
20 offense for the actual damages suffered by any person denied that right and, in addition, the  
21 following:  
22

- 23 (1) An amount to be determined by a jury, or a court sitting without a jury, for  
24 exemplary damages.
- 25 (2) A civil penalty of twenty-five thousand dollars (\$25,000) to be awarded to the  
26 person denied the right provided by Section 51.7 in any action brought by the  
27 person denied the right... .
- 28 (3) Attorney's fees as may be determined by the court."

82. Plaintiffs request these remedies, as well as all other traditional legal remedies.

83. Furthermore, pursuant to Civil Code section 52(b), all Defendants participating in Operation Akili are equally liable for the acts committed during it, as co-conspirators to a mass tort Ralph Act violation.

**II.**  
**SECOND CAUSE OF ACTION**  
**VIOLATION OF BANE ACT**  
**(By all Plaintiffs against All Defendants)**

84. Plaintiffs incorporate paragraphs 1-83, as if fully set forth into this cause of action.

85. For at least the prior two years before July 20, 2020, Plaintiffs and the larger African-American population at CTF were peacefully engaged in rehabilitative programs (aka “programming”) and were thereby exercising their civil rights to pursue liberty, safety and other civil rights (all thoroughly delineated in sections 1-7 of Article I of the California Constitution)<sup>6</sup>, by slowly minimizing and removing the need for them to be punished or further incarcerated for their earlier criminal offenses.

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<sup>6</sup> Article 1 contains a long series of personal rights under the California Constitution, including:

**Section 1:** “All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.”

**Section 2(a):** “Every person may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of this right. A law may not restrain or abridge liberty of speech or press.”

**Section 3(a):** “The people have the right to ... petition government for redress of grievances, and assemble freely to consult for the common good.” [Which, parenthetically, would permit – and prohibits retaliation for – the invocation of the 602 grievance process].

**Section 4:** “Free exercise and enjoyment of religion without discrimination or preference are guaranteed. This liberty of conscience does not excuse acts that are licentious or inconsistent with the peace or safety of the State. The Legislature shall

1           86. Defendant CDCR agents formulated Operation Akili, and pursuant to it,  
2 committed gratuitous violence, utilized provocative threats, and engaged in other acts of violent  
3 intimidation in order to force Plaintiffs to assemble without safety devices or precautions, in  
4 CTF central dining hall, at which time they were subjected to a superspreader disease event  
5 designed to mass infect them with Covid-19.

6           87. Defendants carried out Operation Akili to interrupt the plaintiffs', and the larger  
7 African Americans inmate population's, peaceful attempt to rehabilitate. It did so to provoke  
8 violence or resistance in response that would give CDCR agents fresh cause to punish and  
9 continue incarcerating them.

10           88. Defendants' operation was designed to promote further violence; to injure and  
11 provoke Plaintiffs; and to retaliate against them for peacefully exercising myriad rights designed  
12 to lift themselves out of their plight of long-term incarceration.

13           89. By carrying out Operation Akili in its several elements, Defendants intended to  
14 disrupt and deprive Plaintiffs from pursuing their Article 1 state constitutional rights.

15           90. In addition, during the operation, Defendants made it clear through conduct that  
16 witnesses were not to recount their percipient observations, by offering to take their statements  
17 in front of a group of hostile CDCR agents known as the "goon squad." They thus committed a  
18 separate Bane Act violation.  
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25           make no law respecting an establishment of religion.

26           **Section 6:** "Slavery is prohibited. Involuntary servitude is prohibited except to punish  
27           crime." [Notably, incarceration requires inmates to work for slave wages.]

28           **Section 7(a):** "A person may not be deprived of life, liberty, or property without due  
            process of law or denied equal protection of the laws..."







going to get infected, and that they were now infected. Table 3 sets forth representative sample of witness accounts:

<b>TABLE 3</b>		
<b>No.</b>	<b>WITNESS</b>	<b>EVIDENCE</b>
1	Shelton Adams	They told us (Black prisoners): “By the time this ordeal is over, you niggers will have Covid-19!”
2	Fred Brinkley	I asked [a guard], can I get some clothing and why were his colleagues not wearing masks and he responded by saying, “I’m not getting shit for you niggers, we don’t care about Covid.”
3	Terrence Brownlee	The officers ... didn’t have any masks on. They told us we were going to get Coronavirus.
4	Marvin Foster	Guard: “I hope you get COVID.”
5	Antoine Keil	When I was in the chow hall they told us we were going to get Covid-19.
6	Gary Lawless	They told us to shut the fuck up and we were not allowed to put our masks on. When we were in the kitchen after being kicked in the nuts and dragged down the stairs, we have Covid now.
7	Gary Lawless	I had no shoes or mask on as I was dragged down the stairs in my boxer briefs. I asked for my mask and was told I don’t need it, “everyone gonna catch coronavirus anyway.”
8	Antwyone Lynch	I asked if I could wear a face mask or covering and they responded to me by saying, “no, we don’t care if you catch COVID, you’re a tuff crip!”
9	Joseph O’Neal	The Supervising Sergeant was coughing and everybody started yelling for the Sergeant to put on a mask and he refused! I believe this incident was also to infect us (race) with COVID-19.
10	Clifford Williams	I was not provided adequate protection for COVID-19, when they placed me and two hundred other black inmates in a confined area without a mask or our face, for over 5 hrs. Unable to social distance.”

1           105. Before Operation Akili, as of July 20, 2020, CTF Soledad did not have any  
2 cases of Covid-19. After it, this happened:



15           106. As can be seen by CDCR's graph of CTF Covid-19 detail, after July 20, 2020,  
16 CTF reported its first batch of cases and then slowly but steadily over the next few months its  
17 rate increased and then it turned into a spiraling epidemic, peaking in mid-December at over  
18 500 active cases at any one time.

19           107. Accordingly, CDCR's own statistics illustrate that the July 20, 2020 raid was in  
20 fact a "superspreader" event in that the mass aggregation of inmates in close proximity to one  
21 another (and to the guards) without safety precautions introduced and catalyzed the viral spread  
22 of the disease to the entire prison, to what ultimately became 2,719 infections and 17 deaths.

### 23           **CLASS ACTION ALLEGATIONS**

24           108. Plaintiff Shelton Adams brings this cause of action on behalf of himself and the  
25 2,719 CTF inmates who ultimately contracted Covid-19 from July 20, 2020 to February 15,  
26 2021, pursuant to Code of Civil Procedure section 382.

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109. Apart from the connection of the July 20, 2020 raid to the subsequent spike in infections, and apart from the racism expressed by guards deliberately intending that result, perceptions of the event specific to Covid-19 are remarkably similar and consistent:

<b>TABLE 4</b>		
<b>No.</b>	<b>WITNESS</b>	<b>EVIDENCE</b>
1	Shelton Adams	All of the assailants had their names concealed and they were unmasked. I was forced to remain naked in front of everyone. We were forced to violate social distancing protocols. In fact, the assailants were telling us we (Blacks) will have Covid-19 by the time this order was over.
2	Fred Brinkley	While being escorted to the Dining Hall, I observed many other prison officials did not have any face masks on. ... I asked C/O Y. Martinez, can I get some clothing and why were his colleagues not wearing masks and he responded by saying, 'I'm not get shit for you niggers, we don't care about COVID' ... I was putting in plastic zip tie hand restraints, denied to be allowed to put my mask on. The officers escorted me to the Facility Dinning [sic] Room area ... The officers also denied prisoners to practice social distancing and deliberately mixed prisoners with prisoners in other housing units all of which violated COVID-19 health orders ... In the Dining Room there were also approximately 150 prisoners in restraints and did not have masks on to cover our faces. There were also officers who did not have name tags on their uniforms that were not wearing any face covering and their mask was around their neck ... Officers were coughing ... and not wearing a mask and the prisoners in the dining room area in an up roar begin yelling telling the officers to put on a mask. The officers ignored us ... the raid infected inmates with Covid-19, which is now rapidly spreading in Soledad ... I and the others were detained in the dining hall for several hours while our cells were ransacked by staff. Days later, some of the same inmates contracted Covid-19 ... They dragged us all...to the dining hall in the dark with no shoes, clothes, mandated face mask (just the underwear we were sleep in), and placed at the dining hall tables four to a table in several rows next to each other. Though [it was] dark, I could easily discern from reflecting lights that none of the staff had facial mask on their faces.

TABLE 4

No.	WITNESS	EVIDENCE
3	Anthony Copeland	They continued to show me no concern, dragging me and pulling me out of my bed without allowing me to put on any clothes or my shoes or my mask to protect me from COVID-19. I tried explaining to the officers that I have diabetes and have foot pain and I need my shoes. Once again, the officer showed no concern about my medical condition, and continued to pull on me walking down the hallway towards the dining hall, putting me in the dining with about a hundred other inmates with no mask on.
4	Christopher Cox	I was stripped naked and crowded with other Black inmates without masks.
5	Dameon Oliver	On July 20, 2020, at 3:00 AM I was awakened by some CTF guard ...pulling me out aggressively brutally from my ankles ... without my Covid 19 face mask ... the CTF guards violated my Covid 19 constitutional rights: They wore no mask. All the blacks were crowded up in the dining hall bunched up 3 feet or less apart.
6	Berlan Dicey	I hurried up the corridor into the dining hall where I saw 80 to 100 black men, no mask, crammed at the tables.
7	Rahsaan Fitzgerald	I was walked to the dining hall maskless and seated around other Blacks who also were maskless ... there's a mandatory mask wearing policy here at Soledad. I was not allowed to put my protective face mask on. I was escorted to the dining hall & seated around 100 or more Black Inmates wearing no mask. There were numerous officers coughing. My well-being was compromised by these officers' negligence.
8	Daitwon Futrell	<p>Since the raid of July 20, 2020, about a week later this prison had its first outbreak ... I was transferred here CTF from LAC (Los Angeles County) state prison. Now at LAC there was a very minimal amount of cases there. The prisons know what other prisons have, a high or low [number] of cases. There are also certain criterions that you must have to be transferred to this prison. A few of which are EOP, ASU, SHU or a lifer. I have none of this and was still transferred to this prison.</p> <p>This prison was still opened for transfers knowing of its outbreak. According to Sgt. Gonzalez this prison CTF (Central Training Facility) is not supposed to be accepting any inmates. I've been here</p>

TABLE 4

No.	WITNESS	EVIDENCE
		<p>since Oct 7, 2020 and have seen multiple wings get quarantined because of the virus.</p> <p>On Nov 7, 2020, the wing I was in (G-wing) had 70+ cases. They tested us on Nov 5th and got the results Nov 8th. Now on Nov 9th the CO's in the wing that day told my cellie at the time that he was positive. Then they told me that I was going to move to a different wing. For whatever reason I did not move that night. So the next morning I packed up my property and pushed it outside the cell. They told me to go back inside the cell but I refused to go back in the cell. The cause of my refusal is because I was not going to stay in the cell with someone that tested positive for the Covid-19 virus.</p> <p>Therefore I would be receiving an RVR (rule violation) for not going back in the cell with him. I don't believe I should be punished for being in charge of my life and health. This just shows their negligence for our health and safety. Also on Nov 10th this prison has exploded in cases of the corona virus. The last I heard this prison CTF has over 200 positive cases. Which proves that this prison since July does not have control of this deadly virus.</p>
9	Bernard Harris	I was dragged out the cell ... and escorted to the Dining Hall, without any shirt face mask or tennis shoe ... while being escorted to the Dining Hall, I observed that the escorting officers and other agents did not have any face masks on. When I asked why were we not seated six feet apart, I was told by the escorting officer, "Black Lives Don't Matter to Them!"
10	Mark Harris	[O]n 7/20/20, in the morning me and about one hundred to two hundred African inmate here at Central facility, Soledad state prison were [extracted] and placed in handcuffs and marched to central facility dining hall in nothing but under-wear, no shoes, socks, and no face mask to protect me from getting sick from covid-19. This act was dangerous ...
11	Louis Johnson	[W]hat's funny is, two weeks prior to this raid, no inmates tested positive for the coronavirus, and two week after the raid, the prison became overwhelmed with corona virus. As of yesterday, the administration locked down the whole prison, claiming 161 inmates

TABLE 4

No.	WITNESS	EVIDENCE
		<p>tested positive, but ... it's much more than that here now, and they not giving us anything outside our cells, such as showers, canteen, packages, phone calls, or any other program.</p> <p>But yet, they allow inmates to cell feed us, and all the inmates that they say are positive, they are putting them in one big gym all together for 14 days, then allowing the inmates to go back to general population and continue to cell feed the whole population. So yes, CTF is intentionally spreading the Covid-19 virus throughout this prison, and they are still conducting transfers from one prison to another, and forcing inmates to accept cellmates from other prisons. If an inmate refuses a cellie, he's then written up a rule violation and punished, sometimes even placed in the hole.</p>
12	Antoine Keil	<p>When I was in the chow hall they told us we were going to get Covid-19. They had their names covered and was not wearing facemasks. They kept calling us niggers, motherfuckers, and assholes ... the officers didn't have facemasks on and they had their name tags covered. They told us that us niggas were infected now.</p>
13	Gary Lawless	<p>They told us to shut the fuck up and we were not allowed to put our masks on. When we were in the kitchen after being kicked in the nuts and drug down the stairs, we have Covid now ... I had no shoes or mask on as I was dragged down the stairs in my boxer briefs. I asked for my mask and was told I don't need it, everyone [is going to] catch coronavirus anyway.</p>
14	Michael McCurty	<p>While being escorted to the Dining Hall, I observed that none of the escorting officers and other agents [had] any face coverings or mask on (Going against COVID-19 directive orders) ... I was pulled out of the cell ... without any shirt, face mask or shoes. I was held in the Dining Hall for almost 5 hours with over 100 other black inmates.</p>
15	Troy Mendenhall	<p>I was singled out because of my race, assaulted and potentially exposed to Covid-19, precluded from wearing a mask among 100 other prisoners.</p>
16	Reginald Nettles	<p>Prior to the 20, July 2020 raid, there wasn't a single case of covid-19; as of yesterday 11, November 2020 we now know from a local news report that the total number is 217 confirmed positive cases among</p>

TABLE 4

No.	WITNESS	EVIDENCE
		inmates (active cases) and 20 confirmed active cases among staff here at CTF.
17	Anthony Oliver	<p>All of a sudden, CTF during Aug.-Nov. 2020 have been having severe outbreaks of prisoners testing positive and there is no 'space' secured housing units to put them all in. So, prisoners' movement have been restricted only in our housing unit, 8 of 9 wings are on quarantine as I write, D-Wing was on quarantine Sept.-Oct. 2020, and G-Wing, X-Wing, Z-Wing was not.</p> <p>However, as soon as D-Wing got cleared with having no more positive tests for COVID-19, outbreaks start in other wings, thereby placing us on quarantine and we never get a chance to see prisoners on quarantine.</p>
18	Joseph O'Neal	The prisoners were not allowed to wear a mask and the peace officers disregarded...six feet away from people, denying us to practice social distancing ... there were approximately 125 to 150 prisoners, all Black, none of us were allowed to retrieve our mask and we were mixing from all units. Several officers were not wearing a MASK, no covering and the Supervising Sergeant was coughing and everybody start[ed] yelling for the Sergeant to put on a mask and he refused! I believe this incident was also to infect us (race) with COVID-19."
19	Jason Smith	I have been directly affected by the repercussion of the racial raid including but not limited to: (1) COVID-19 outbreak at CTF-C eleven (11) days later on 07/31/20 ... as a result of the raid, dozens of prisoners contracted COVID-19 ... [My complaint is that] conducting a racial raid targeting only black prisoners, in peak of the COVID-19 pandemic on 07/20/20, and failing to take proper safety protocols that subsequently led to an outbreak of the virus."
20	Clifford Williams	I was not provided adequate protection for COVID-19, when they placed me and two-hundred other black inmates in a confined area without a mask or our face, for over 5 hrs. Unable to social distance.
21	Marcelle Williams	Officers flagrantly violated COVID-19 protocols ... social distancing and other COVID-19 protocols were not followed during the 2020-07-20 raid.
22	Warden Koenig	<b><u>July 22, 2020</u></b>



TABLE 4

No.	WITNESS	EVIDENCE
		<p>“My record as far as the treatment of the men here illustrates my caring. <i>The fact that no inmates have tested positive for COVID at CTF is proof of our efforts.</i> Monday [July 20, 2020] all staff were masked and the men were socially distanced beyond the required mandates.” [Emphasis added.]</p> <p>[Acknowledging that <i>before the raid</i>, there were no Covid cases at CTF.]</p>
23	Anonymous	The only business they like is lockdowns and gang war, because they get hazard pay (2x their regular pay), if there is a lockdown.

110. Given the evidence in Table 4, Adams sues on a class action basis because the class of 2,719 persons who contracted Covid-19 from July, 2020 to February 15, 2021 is too numerous for joinder to be practical.

111. Proposed class members are unlikely to be able to file individual suits on their own in light of the complex coordination required to successfully exhaust both prison administrative processes and DGS government claim processes, as all are incarcerated and the vast majority are indigent.

112. Plaintiffs have limited access to retained or court-appointed counsel. They have restricted access to research materials to protect their rights, including necessary forms and instructions to complete exhaustion processes fully and accurately. They have further obstacles relating to restrictions on their access to all of the above in light of the Covid-19 pandemic. In addition, they face the risk of retaliation for any legal (602) actions they take, as opposed to the class action vehicle where CDCR is not as easily able to retaliate against a large number of inmates prosecuting an action as only the class representative(s) are required to navigate the administrative exhaustion system.

113. Pursuant to Civil Code section 382, questions of fact and law are common to the class, including but not limited to:



- 1 (a) Did CTF have any documented Covid-19 infections before July 20, 2020  
2 that could otherwise interrupt causation between the raid and the  
3 epidemic?
- 4 (b) Did CDCR in fact round up approximately 100 Black inmates in Central  
5 Dining Hall #1, require them to strip naked and pack them together  
6 without appropriate Covid-19 safety protocols, which would create the  
7 requisite viral conditions to trigger a superspreader event?
- 8 (c) Did CTF guards announce that infecting the prisoners with Covid-19 was  
9 a purpose of Operation Akili and did they plan the operation to achieve  
10 that outcome?
- 11 (d) Was the July 20, 2020 raid a “superspreader event” such that it actually  
12 and proximately caused all 2,719 Covid-19 infections (and 17 deaths) at  
13 CTF as of February 15, 2021, even if each individual case of contraction  
14 might have had its own specific viral journey among the inmate  
15 population?

16 114. Shelton Adams’ contraction of Covid-19 represents a typical claim in that he  
17 was a direct victim of the July 20, 2020 raid, was not afforded Covid-19 safety precautions  
18 during the round-up, and was exposed to and subsequently contracted Covid-19 as a result of  
19 the July 20, 2020 event as the catalyst. He also personally heard statements announcing  
20 CDCR’s intent to infect the African-American population. Covid-19 infections are a distinct  
21 kind of injury and generally result in a similar set of consequences.

22 115. Defenses to the claim would be common to all members of the class, including  
23 but not limited to, the defense’s attempt to prove that the July 20, 2020 event was not a  
24 superspreader event, that other paths caused the subsequent spike of Covid-19 infections, that  
25 guards were following requisite safety protocols on July 20, 2020 and that they adhered to  
26 regulatory procedure in adopting and carrying out Operation Akili.

27 116. Plaintiff and his counsel will adequately protect the interests of the class. They  
28 have no known conflicts of interest. Plaintiff’s counsel does not represent guards, police or  
other state agents. Plaintiff counsel is a 25<sup>th</sup>-year civil, civil rights and appellate litigator, is  
experienced in prison mass tort litigation, and previously represented (and still represents)  
hundreds of disease victims in a comparable action spanning eight years.

1           117.     The questions of law and fact common to the members of the Class  
2 predominate over any questions that may affect only individual members. Like any disease  
3 event, individual contraction stories will of course have a level of uniqueness to them, in much  
4 the same random walk that ten dollars' worth of quarters (later learned to be toxic) might get  
5 distributed and passed around in a prison.

6           118.     But if a single superspreader event is considered the original legal cause of the  
7 resulting infections – in other words, if that \$10 worth of toxic quarters should never have been  
8 in the prison in the first place (even if the exact timing or exact method of transmission and  
9 distribution of the virus varies between individuals in the same way the journey of a given toxic  
10 quarter ends up in a particular prisoner's hands) – then the common legal issue of whether that  
11 original introduction caused all infections predominates over the particular contraction story of  
12 any given individual.

13           119.     For the victims of the CTF Covid-19 epidemic, a class action is equivalent or  
14 superior to other available methods for the fair and efficient adjudication of this controversy.  
15 Joinder of all individual victims that contracted Covid-19 would be impracticable.

16           120.     The class is readily definable as all persons who suffered contraction of Covid-  
17 19 from July 20, 2020 to February 15, 2021. Prosecution as a class action will eliminate the  
18 possibility of duplicative litigation, while also providing redress for individual claims that  
19 would otherwise be too small, too difficult, and too burdensome to support the expense of  
20 individual litigation.

21           121.     The class of victims was damaged by the trauma and debilitation of being  
22 exposed to, and contraction of, the Covid-19 virus. Most recovered, such that tort damages are  
23 modest but certainly not negligible. However, some suffered more serious consequences, up to  
24 and including death, such that damages are higher.  
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**VI.**

**SIXTH CAUSE OF ACTION**

**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

122. Plaintiffs incorporate paragraphs 1-107, as if fully set forth into this cause of action.

123. Defendants’ Operation Akili was outrageous: the idea of committing systematic gratuitous violence against inmates merely to accomplish the logistic goal of moving them all to a dining hall, the decision to douse them with racial epithets during the process, and the larger plan to infect them with Covid-19 by creating a superspreader disease event exceeds all bounds of conduct tolerated by a civilized society.

124. Defendants intended to cause Plaintiffs emotional distress during the process, by committing aforesaid gratuitous violence, humiliating and stripping their dignity with racial epithets, and telegraphing to them that they would be the subject of Covid-19 contraction.

125. Plaintiffs suffered severe emotional distress by being subjected to gratuitous violence, racial epithets, and the potential contraction of disease.

126. Defendants’ conduct above was a substantial cause of this distress.

**VII.**

**NEGLIGENCE**

127. Plaintiffs incorporate paragraphs 1-107, as if fully set forth into this cause of action.

128. As prison officials and agents, Defendants were obligated to numerous standards: a standard to only use as much force as necessary to accomplish any particular prison objective; standards to employ careful safety protection and social distancing protocols to avoid the spread of disease; and standards to avoid unprofessional behavior.

129. Defendants shattered all of these standards, by resorting to excessive force to wake inmates up and move them to different places within the prison; by not only not

1 following standard safety protocols but intentionally abandoning them in order to proactively  
2 accomplish the spread of disease among the African-American population; and by authorizing,  
3 ventilating and openly expressing their most base racial hatred toward Plaintiffs, in language  
4 that categorically defies all societal and professional norms.

5 130. Plaintiffs were damaged by these actions, and inactions, by being physically  
6 brutalized, exposed to disease, and wrongfully vilified for the audacity of peacefully  
7 participating in the very programs designed to achieve their rehabilitation.

### 8 VIII.

#### 9 NEGLIGENCE SUPERVISION

10 131. Plaintiffs incorporate paragraphs 1-107 and 128-130, as if fully set forth into  
11 this cause of action.

12 132. As mentioned above, Plaintiffs were subjected to CDCR agents who embraced  
13 their racism, engaged their violent tendencies, and planned to infect the inmates by proactively  
14 creating the conditions for a superspreader disease event.

15 133. CDCR, the employer of the individual agent defendants, hired these agents.

16 134. These agents were unfit and incompetent to perform the tasks of moving  
17 inmates safely in order to putatively carry out a search of cells and an interrogation session  
18 looking for gang affiliation paraphernalia.

19 135. That CDCR knew or should have known that these agents were not up to the  
20 task of carrying out the search according to established legal rules and safeguards – pretty  
21 much the opposite – which created a massive amount of risk and materialized damage to the  
22 plaintiffs.

23 136. Plaintiffs were indeed harmed in various particulars, as detailed above, and that  
24 the entity's failure to have properly supervised, trained and obedient agents caused the injuries,  
25 infections and other damages plaintiffs suffered.  
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**PRAYER**

*Wherefore:*

**On their first cause of action for violation of the Ralph Act, each Plaintiff seeks:**

- (1) findings of co-conspirator, agency and entity liability as applicable to each defendant;
- (2) economic damages;
- (3) non-economic damages;
- (4) civil penalties;
- (5) punitive damages;
- (6) statutory damages;
- (7) injunctive relief;
- (8) pre-judgment and post-judgment interest;
- (9) costs, to be determined;
- (10) attorney’s fees;

**On their second cause of action for violation of the Bane Act, each Plaintiff seeks:**

- (11) findings of co-conspirator, agency and entity liability as applicable to each Defendant;
- (12) economic damages;
- (13) non-economic damages;
- (14) civil penalties;
- (15) punitive damages;
- (16) statutory damages;
- (17) injunctive relief;
- (18) pre-judgment and post-judgment interest;
- (19) costs, to be determined;
- (20) attorney’s fees.

1        **On their third cause of action for assault:**

- 2            (21)    findings of co-conspirator, agency and entity liability as applicable to each  
3                    Defendant;  
4            (22)    economic damages;  
5            (23)    non-economic damages;  
6            (24)    punitive damages;  
7            (25)    pre-judgment and post-judgment interest;  
8            (26)    costs, to be determined;

9        **On their fourth cause of action for battery:**

- 10           (27)    findings of co-conspirator, agency and entity liability as applicable to each  
11                    Defendant;  
12           (28)    economic damages;  
13           (29)    non-economic damages;  
14           (30)    punitive damages;  
15           (31)    pre-judgment and post-judgment interest;  
16           (32)    costs, to be determined;

17        **On their fifth cause of action for class action battery (disease weaponization):**

- 18           (33)    findings of co-conspirator, agency and entity liability as applicable to each  
19                    Defendant;  
20           (34)    certification as a class of the 2,719 Covid-19 victims, with Plaintiff Adams as  
21                    their class action representative and with P&F counsel as Adams' and the class  
22                    legal representative;  
23           (35)    economic damages;  
24           (36)    non-economic damages;  
25           (37)    punitive damages;  
26           (38)    pre-judgment and post-judgment interest;  
27           (39)    injunctive relief;  
28           (40)    costs, to be determined;

1 **On their sixth cause of action for intentional infliction of emotional distress:**

- 2 (41) findings of co-conspirator, agency and entity liability as applicable to each  
3 Defendant;
- 4 (42) economic damages;
- 5 (43) non-economic damages;
- 6 (44) punitive damages;
- 7 (45) pre-judgment and post-judgment interest;
- 8 (46) costs, to be determined;
- 9 (47) attorney's fees.

10 **On their seventh cause of action for negligence:**

- 11 (48) findings of co-conspirator, agency and entity liability as applicable to each  
12 Defendant;
- 13 (49) economic damages;
- 14 (50) non-economic damages;
- 15 (51) punitive damages, given a finding of gross negligence by Defendants;
- 16 (52) pre-judgment and post-judgment interest;
- 17 (53) costs, to be determined;

18 **On their eighth cause of action for negligent supervision:**


- 19 (54) findings of co-conspirator, agency and entity liability as applicable to each  
20 Defendant;
- 21 (55) economic damages;
- 22 (56) non-economic damages;
- 23 (57) punitive damages;
- 24 (58) pre-judgment and post-judgment interest;
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(59) costs, to be determined;

Dated: February 21, 2021

PAVONE & FONNER, LLP



Benjamin Pavone, Esq.  
Attorneys for Plaintiffs