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10 Attorneys for Plaintiffs

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF FRESNO**

13 Jim Wolfenbarger, Victor Acosta, Tony) **CASE NO:**
14 Andrade, Stephen Arnold, John Asher,)
15 Scott Bagley, Bobby Baker, Vincent)
16 Baldes, Victor Ballardo, Wesley Batten,) **COMPLAINT FOR DAMAGES**
17 Robert Bates, Norman Bell, Terrance Bolds,)
18 Steve Burkhardt, Justin Boswell, Ester) **1. Medical Negligence**
19 Burnett, Samuel Burns, Ciro Camacho,) **2. Negligence**
20 Kevin Campbell, Curtis Canada, Anthony) **3. Intentional Infliction of Emotional Distress**
21 Cassells, Albert Castellanos, Steven) **4. Civil Rights Violations: Failure to Provide**
22 Cerniglia, Kevin Chavez, Billie Jean) **Reasonable Medical Care (42 U.S.C. § 1983)**
23 Christensen, Robert Christensen, Rickie) **5. Civil Rights Violations: Deliberate**
24 Coronado, Sean Connolly, Sam Consiglio,) **Indifference to Medical Needs (42 U.S.C. §**
25 Benjamin Cooper, Brian Cressler, Arthur) **1983)**
26 Cripe, Larry Curlee, Timothy Curley,) **DEMAND FOR JURY TRIAL**
27 George Davila, Eli Delray, Harold Derry,)
28 Donald Divilbiss, Steven Edwards, Sven)
Fjeld-erichsen, Joey Erwin, Edward Evans,)
Joshua Forster, Jacob Franey, Jeffrey)
Gambord, Kurt Ganoë, Christopher)
Gardner, Reginald Gary, Marshall Gibson,)
John Gray, Dexter Griffin, Thomas Hall,)
Brian Hammons, David Harris, Jeremy)
Harryman, Larry Harvey, Dwight Hauer,)
Kenneth Herman, Daniel Hernandez, David)
Hernandez, Ricky Hicks, Earl Hoffman,)
Steven Hollon, Alonzo Hooper, Dennis)
Hopper, Norman Hubbs, David Huffman,)
Kenneth Huskey, James Hydrick, Francisco)
Iniguez, Lawrence Jackson, John)
JeuDevine, Edward Johanneck, Jerimiah)
Johnson, Robert Johnson, Durwood Jones,)
John Jones, William Keck, David Kemp,)
Lawrence Kirk, Everett Kite, Aaron Klein,)

1 Christopher Klein, Robert Lefort, Sid)
 Landau, Daniel Larson, James Leach,)
 2 Richard Lee, Harvey Leonard, Donald)
 Lilly, Duane Lopes, Richard Lord, Michael)
 3 Macias, Michael Mack, Douglas)
 MacKenzie, Dennis MacKenzie, Leonard)
 4 Marquez, Robert Martinez, David Mata,)
 Jack Mateer, John McDonald, Jason)
 5 Mendoza, Robert Mix, Thomas Moore, Paul)
 Moran, Alfonso Mouzon, David Ellis)
 6 Mullins, David Munoz, Anthony Napoli,)
 7 Khanh Nguyen, Jaffar Oliver, Trampas)
 Orey, John Owens, Julio Palomino,)
 8 Anthony Perez, John Phillips, Joshua)
 Probst, Shelby Pruett, James Pullen, Lance)
 9 Purcell, Augustine Quintero, William)
 10 Rahar, John Rainwater, Jeffry Raker, Phillip)
 Reid, Stephen Reynolds, Randolph Rico,)
 11 Steven Rivers, Jackie Robinson, Steven)
 Rodgers, Ronald Rose, James Ryan, Kamal)
 12 Saadoon, Dougal Samuels, Jesse Sanchez,)
 Joel Sanchez, Matthew Schoehofen, Kevin)
 13 Scott, Ruben Seja, Timothy Shaw,)
 14 Randolph Sims, Dougal Smith, Fraisure)
 Smith, Matthew Sobiech, Jack Sobonya,)
 15 Somsak Thammavong, Richard Soto,)
 Michael St. Martin, Robert Stage, Lavell)
 16 Stallworth, Manuel Stell, William)
 Stephenson, Manse Sullivan, Kent Swift,)
 17 Jason Taylor, John Teruel, Jerry Thies,)
 18 Jeremy Thom, Lee Thomas, Michael)
 Thompson Peter Tolles, David Van Skiver,)
 19 Anthony Vegas, Paul Vehar, Michael)
 Velasquez, Kenneth Wallace, Ronald Ward,)
 20 John Warren, Anthony Weathington, Marlin)
 21 Wells, George Whaley, Rodney White,)
 Anthony Williams, Christian Williams,)
 22 Herbert Willmes, Maurice Wood, Merton)
 George Yahn,)
 23 Plaintiffs,)
 24 vs.)
 25 State of California, Brandon Price, Jeffrey)
 Billett, Jeffrey Hamrick, Francis Lagattuta,)
 26 and DOES 1 TO 200, inclusive,)
 27 Defendants.)
 28 _____)

1 **COME NOW** Plaintiffs Jim Wolfenbarger, Victor Acosta, Tony Andrade, Stephen Arnold, John
2 Asher, Scott Bagley, Bobby Baker, Vincent Baldes, Victor Ballardo, Wesley Batten, Robert Bates,
3 Norman Bell, Terrance Bolds, Steve Burkhardt, Justin Boswell, Ester Burnett, Samuel Burns, Ciro
4 Camacho, Kevin Campbell, Curtis Canada, Anthony Cassells, Albert Castellanos, Steven Cerniglia,
5 Kevin Chavez, Billie Jean Christensen, Robert Christensen, Rickie Coronado, Sean Connolly, Sam
6 Consiglio, Benjamin Cooper, Brian Cressler, Arthur Cripe, Larry Curlee, Timothy Curley, George
7 Davila, Eli Delray, Harold Derry, Donald Divilbiss, Steven Edwards, Sven Fjeld-erichsen, Joey
8 Erwin, Edward Evans, Joshua Forster, Jacob Franey, Jeffrey Gambord, Kurt Ganoë, Christopher
9 Gardner, Reginald Gary, Marshall Gibson, John Gray, Dexter Griffin, Thomas Hall, Brian
10 Hammons, David Harris, Jeremy Harryman, Larry Harvey, Dwight Hauer, Kenneth Herman, Daniel
11 Hernandez, David Hernandez, Ricky Hicks, Earl Hoffman, Steven Hollon, Alonzo Hooper, Dennis
12 Hopper, Norman Hubbs, David Huffman, Kenneth Huskey, James Hydrick, Francisco Iniguez,
13 Lawrence Jackson, John JeuDevine, Edward Johanneck, Jerimiah Johnson, Robert Johnson,
14 Durwood Jones, John Jones, William Keck, David Kemp, Lawrence Kirk, Everett Kite, Aaron
15 Klein, Christopher Klein, Robert Lefort, Sid Landau, Daniel Larson, James Leach, Richard Lee,
16 Harvey Leonard, Donald Lilly, Duane Lopes, Richard Lord, Michael Macias, Michael Mack,
17 Douglas MacKenzie, Dennis MacKenzie, Leonard Marquez, Robert Martinez, David Mata, Jack
18 Mateer, John McDonald, Jason Mendoza, Robert Mix, Thomas Moore, Paul Moran, Alfonso
19 Mouzon, David Ellis Mullins, David Munoz, Anthony Napoli, Khanh Nguyen, Jaffar Oliver,
20 Trampas Orey, John Owens, Julio Palomino, Anthony Perez, John Phillips, Joshua Probst, Shelby
21 Pruet, James Pullen, Lance Purcell, Augustine Quintero, William Rahar, John Rainwater, Jeffrey
22 Raker, Phillip Reid, Stephen Reynolds, Randolph Rico, Steven Rivers, Jackie Robinson, Steven
23 Rodgers, Ronald Rose, James Ryan, Kamal Saadoon, Dougal Samuels, Jesse Sanchez, Joel
24 Sanchez, Matthew Schoehofen, Kevin Scott, Ruben Seja, Timothy Shaw, Randolph Sims, Dougal
25 Smith, Fraisure Smith, Matthew Sobiech, Jack Sobonya, Somsak Thammavong, Richard Soto,
26 Michael St. Martin, Robert Stage, Lavell Stallworth, Manuel Stell, William Stephenson, Manse
27 Sullivan, Kent Swift, Jason Taylor, John Teruel, Jerry Thies, Jeremy Thom, Lee Thomas, Michael
28 Thompson Peter Tolles, David Van Skiver, Anthony Vegas, Paul Vehar, Michael Velasquez,

1 Kenneth Wallace, Ronald Ward, John Warren, Anthony Weathington, Marlin Wells, George
2 Whaley, Rodney White, Anthony Williams, Christian Williams, Herbert Willmes, Maurice Wood,
3 Merton George Yahn and hereby alleges and avers as follows:

4 **VENUE AND JURISDICTION**

5 1. Venue is proper in the Superior Court of the State of California, for the County of
6 Fresno, pursuant to California Code of Civil Procedure §395(a). The underlying acts, omissions,
7 injuries, circumstances, and related facts upon which the present action is based occurred in the city
8 of Coalinga, County of Fresno, California, within the judicial boundaries of this Superior Court.
9 This Court has jurisdiction over the present matter because, as delineated within this complaint, the
10 nature of the claims and amounts in controversy meet the requirements for unlimited damages
11 jurisdiction in the Superior Court.

12 **THE PARTIES**

13 2. The present plaintiffs (hereafter "Plaintiffs") are: Jim Wolfenbarger, Victor Acosta,
14 Tony Andrade, Stephen Arnold, John Asher, Scott Bagley, Bobby Baker, Vincent Baldes, Victor
15 Ballardo, Wesley Batten, Robert Bates, Norman Bell, Terrance Bolds, Steve Burkhardt, Justin
16 Boswell, Ester Burnett, Samuel Burns, Ciro Camacho, Kevin Campbell, Curtis Canada, Anthony
17 Cassells, Albert Castellanos, Steven Cerniglia, Kevin Chavez, Billie Jean Christensen, Robert
18 Christensen, Rickie Coronado, Sean Connolly, Sam Consiglio, Benjamin Cooper, Brian Cressler,
19 Arthur Cripe, Larry Curlee, Timothy Curley, George Davila, Eli Delray, Harold Derry, Donald
20 Divilbiss, Steven Edwards, Sven Fjeld-erichsen, Joey Erwin, Edward Evans, Joshua Forster, Jacob
21 Franey, Jeffrey Gambord, Kurt Ganoe, Christopher Gardner, Reginald Gary, Marshall Gibson,
22 John Gray, Dexter Griffin, Thomas Hall, Brian Hammons, David Harris, Jeremy Harryman, Larry
23 Harvey, Dwight Hauer, Kenneth Herman, Daniel Hernandez, David Hernandez, Ricky Hicks, Earl
24 Hoffman, Steven Hollon, Alonzo Hooper, Dennis Hopper, Norman Hubbs, David Huffman,
25 Kenneth Huskey, James Hydrick, Francisco Iniguez, Lawrence Jackson, John JeuDevine, Edward
26 Johanneck, Jerimiah Johnson, Robert Johnson, Durwood Jones, John Jones, William Keck, David
27 Kemp, Lawrence Kirk, Everett Kite, Aaron Klein, Christopher Klein, Robert Lefort, Sid Landau,
28 Daniel Larson, James Leach, Richard Lee, Harvey Leonard, Donald Lilly, Duane Lopes, Richard

1 Lord, Michael Macias, Michael Mack, Douglas MacKenzie, Dennis MacKenzie, Leonard Marquez,
2 Robert Martinez, David Mata, Jack Mateer, John McDonald, Jason Mendoza, Robert Mix, Thomas
3 Moore, Paul Moran, Alfonso Mouzon, David Ellis Mullins, David Munoz, Anthony Napoli, Khanh
4 Nguyen, Jaffar Oliver, Trampas Orey, John Owens, Julio Palomino, Anthony Perez, John Phillips,
5 Joshua Probst, Shelby Pruett, James Pullen, Lance Purcell, Augustine Quintero, William Rahar,
6 John Rainwater, Jeffry Raker, Phillip Reid, Stephen Reynolds, Randolph Rico, Steven Rivers,
7 Jackie Robinson, Steven Rodgers, Ronald Rose, James Ryan, Kamal Saadoon, Dougal Samuels,
8 Jesse Sanchez, Joel Sanchez, Matthew Schoehofen, Kevin Scott, Ruben Seja, Timothy Shaw,
9 Randolph Sims, Dougal Smith, Fraisure Smith, Matthew Sobiech, Jack Sobonya, Somsak
10 Thammavong, Richard Soto, Michael St. Martin, Robert Stage, Lavell Stallworth, Manuel Stell,
11 William Stephenson, Manse Sullivan, Kent Swift, Jason Taylor, John Teruel, Jerry Thies, Jeremy
12 Thom, Lee Thomas, Michael Thompson Peter Tolles, David Van Skiver, Anthony Vegas, Paul
13 Vehir, Michael Velasquez, Kenneth Wallace, Ronald Ward, John Warren, Anthony Weathington,
14 Marlin Wells, George Whaley, Rodney White, Anthony Williams, Christian Williams, Herbert
15 Willmes, Maurice Wood, and Merton George Yahn.

16 3. At all times relevant to the present complaint and the claims made therein, Plaintiffs
17 were residents of the County of Fresno.

18 4. Plaintiffs are informed, believe and thereon allege that Defendant STATE OF
19 CALIFORNIA was the primary entity operating, managing, supervising, and/or controlling the
20 facility known as The Department of State Hospitals-Coalinga (Hereafter "DSH-Coalinga"). DSH-
21 Coalinga opened in 2005 and began treating forensically committed patients. It is a self-contained
22 psychiatric hospital constructed with a security perimeter. California Department of Corrections and
23 Rehabilitation (CDCR) provides perimeter security as well as transportation of patients to outside
24 medical services and court proceedings.

25 5. Defendants Brandon Price, Jeffrey Billett and Jeffrey Hamrick were employees of
26 the State of California, working at DSH-Coalinga as administrators, managers and supervisors of
27 the medical services provided to the patients at DSH-Coalinga and as psychiatrists, psychologists,
28

1 physicians and providers of other medical services to the patients at DSH-Coalinga, including all of
2 the present plaintiffs.

3 6. Defendants DOES 1 through 100 were employees of the State of California, working
4 at DSH-Coalinga as administrators, managers and supervisors of the medical services provided to
5 the patients at DSH-Coalinga and/or as psychiatrists, psychologists, physicians, nurses and other
6 medical staff and technicians and providers of medical services to the patients at DSH-Coalinga,
7 including all of the present plaintiffs.

8 7. Defendants Brandon Price, Jeffrey Billett and Jeffrey Hamrick and DOES 1 through
9 100 were acting under color of law within the course and scope of their duties as administrators,
10 managers and supervisors of DSH-Coalinga. Said defendants were acting with the complete
11 authority and ratification of their principal, Defendant State of California. At all times mentioned
12 herein said Defendants were acting in the course and scope of their employment with Defendant
13 State of California, which is liable under the doctrine of respondeat superior pursuant to California
14 Government Code § 815.2 for injuries caused by the acts and omissions of said defendantgs.

15 8. Defendant Francis Lagattuta is a physician, licensed to practice in California. He
16 owned, operated, managed and supervised a portable clinic on the grounds of DSH-Coalinga,
17 through which he and his employees and agents provided medical services to patients from DSH-
18 Coalinga who were suffering from chronic pain, including all of the present plaintiffs. Said
19 defendant was also an employee of DOES 101 to 150, and at all times mentioned herein was acting
20 as an employee, agent and representative of DOES 101 to 150.

21 9. Defendants DOES 101 to 150 were persons, corporations, partnerships and other
22 entities providing medical services at a portable clinic on the grounds of DSH-Coalinga, through
23 which they and their employees and agents provided medical services to patients from DSH-
24 Coalinga who were suffering from chronic pain, including all of the present plaintiffs. Said
25 defendants also owned, operated, managed and supervised the portable clinic on the grounds of
DSH-Coalinga.

26 10. Defendants DOES 151 to 200 were physicians, nurses, technicians, office staff and
27 providers of medical services to the patients at DSH-Coalinga, including all of the present plaintiffs,
28 at the portable clinic on the grounds of DSH-Coalinga, and said defendants were also employees

1 and agents of Francis Lagattuta and DOES 101 to 150. Defendants 151 to 200 were also employees
2 of Francis Lagattuta and DOES 101 to 150, and at all times mentioned herein was acting as
3 employees, agents and representatives of defendants Francis Lagattuta and DOES 101 to 150.

4 11. Defendants DOES 151 to 200 were also employees, agents and representatives of
5 Francis Lagattuta and DOES 101 to 150, and at all times mentioned herein were acting in the course
6 and scope of their employment.

7 12. Each of the Defendants caused and is responsible for the unlawful conduct and
8 resulting by, inter alia, personally participating in the conduct, or acting jointly and in concert with
9 others who did so; by authorizing, acquiescing or failing to take action to prevent the wrongful,
10 negligent and/or unlawful conduct; by promulgating policies and procedures pursuant to which the
11 unlawful conduct occurred; by failing and refusing, with deliberate indifference to Plaintiffs' rights,
12 to initiate and maintain adequate supervision and/or training; and, by ratifying the unlawful conduct
13 that occurred by agents and peace officers under their direction and control. Whenever and
14 wherever reference is made in this Complaint to any act by a Defendant, such allegation and
15 reference shall also be deemed to mean the acts and failures to act of each Defendant individually,
16 jointly and severally. They are sued in their individual and official capacities and in some manner
17 are responsible for the acts and omissions alleged herein. Plaintiffs will ask leave of this Court to
18 amend this Complaint to allege such name and responsibility when that information is ascertained.
19 Each of the Defendants is the agent of the other.

20 13. Plaintiffs complied with the claim presentation requirements of the California Tort
21 Claims Act and the present complaint is presented timely after the actual rejection of said claims or
22 rejection by operation of law.

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1 18. Plaintiffs are and were patients at the DSH/Coalinga. Because of ailments, injuries or
2 other conditions, they were referred to the on-site pain management clinic. There, they ere treated
3 with various therapies, including, but not limited to, Platelet-Rich Plasma Injection therapy, and
4 other therapies which involve the use of needles, pipettes, centrifuges, blood vials, and other
5 equipment and procedures which could introduce contaminants such as Hepatitis C, HIV and other
6 pathogens into the present Plaintiffs' bodies.

7 19. Plaintiffs were informed on or after May 10, 2023, that he may have been exposed to
8 Hepatitis C, HIV or other pathogens at the pain clinic. The present plaintiffs contend and believe
9 that, to the extent they were exposed to such viruses, it was because of the negligent, intentional
10 and/or deliberately indifferent conduct of the DSH/Coalinga's Pain Management Clinic, its staff
11 members and the medical and administrative staff at DSH/Coalinga.

12 20. Plaintiffs contend and believe that the Pain Management Clinic physicians and staff,
13 including defendants Francis Lagattuta and DOES 101 to 200 were using improper clinical and
14 medical techniques for the various procedures that Plaintiffs underwent, including, but not limited
15 to the following:

- 16 a. infection control breaches that included reusing and/or reentering blood/laboratory
17 vials with a used syringes and/or needles,
- 18 b. use of single-dose blood/laboratory vials for multiple patients,
- 19 c. use of single-dose blood/laboratory pipettes for multiple patients,
- 20 d. use of used syringes and/or needles to administer medication, biologics and other
21 substances on multiple patients,
- 22 e. poor hand hygiene, inconsistent glove use,
- 23 f. inadequate control protocols and procedures to ensure that vials of blood and blood
24 products are properly identified and labeled so as to prevent the incorrect
25 introduction of blood and blood products into the wrong patient,
- 26 g. lack of aseptic techniques when handling injection equipment and medication,
- 27 h. hiring unlicensed, uncertified, untrained or poorly trained staff to carry out medical
28 procedures, testing and other medical activities on patients,

- 1 i. carrying out medical procedures, testing and other medical activities on patients in
2 unsanitary and dirty conditions within the pain clinic building, and informally
3 carrying out medical procedures outside of the pain clinic building in an open-air
4 setting where the lack of the required medical and controls and protocols would
5 allow for the exposure of patients to dangerous pathogens such as Hepatitis C, HIV
6 and other pathogens,
- 7 j. lack of proper cleaning of equipment and failure to follow manufacturer and industry
8 standards, procedures, practices and protocols regarding the cleaning and sanitizing
9 of syringes, needles, pipettes, vials, centrifuges and other equipment and instruments,
10 and,
- 11 k. other substandard, improper, illegal and unsanitary practices and procedures which
12 resulted in the present Plaintiffs being exposed to Hepatitis C, HIV and other
13 pathogens.

14 21. There was also a lack of staff education as to bloodborne pathogen transmission and
15 infection control practices. Further, no formal practice guidelines were established for the various
16 therapies and treatments and no formal training of staff was required to deliver the various
17 treatments, therapies and services provided at the pain clinic.

18 22. The DSH/Coalinga administrators, physicians, nurses and other healthcare
19 professionals, including defendants State of California, Brandon Price, Jeffrey Billett, Jeffrey
20 Hamrick and DOES 1 through 100, as well as custody staff were aware of the abhorrent conditions
21 under which medical services and therapies were being performed. Said administrators, physicians,
22 nurses and other healthcare professionals as well as custody staff often visited and otherwise were
23 present at the DSH/Coalinga Pain Clinic, such that they were able to observe and evaluate the
24 patently substandard, improper, unsanitary and dangerous medical practices, procedures, customs
25 and policies that were being carried out at the pain clinic. Said defendants as well as custody staff
26 often accompanied the present plaintiffs to the pain clinic and were able to observe that pain clinic
27 staff was engaging in the conduct described above and failed to take reasonable measures to bring
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1 such conduct to light or otherwise intervene so as to prevent or stop the conduct and protect the
2 safety and well-being of their patients which were being treated at the DSH/Coalinga pain clinic.

3 23. Because Plaintiffs were patients at DSH/Coalinga and were in the custody of
4 DSH/Coalinga, defendants State of California, Brandon Price, Jeffrey Billett, Jeffrey Hamrick and
5 DOES 1 through 100, as well as custody staff had a duty to protect the health, safety and welfare of
6 each and every patient at DHS-Coalinga, including all of the present Plaintiffs. In failing to act to
7 protect the present Plaintiffs, said defendants as well as custody staff breached their duty to the
8 present plaintiffs.

9 24. Through the pain clinic staff failures, the substandard and unsanitary conditions and
10 practices that existed at the pain clinic, the substandard policies, practices, procedures and customs
11 that existed at the pain clinic and the other failures and misconduct described above herein, the State
12 of California, the Department of State Hospitals, the DSH/Coalinga administrators, physicians,
13 nurses and other healthcare professionals as well as custody staff provided substandard and
14 inadequate medical care to the present Plaintiffs and were deliberately indifferent to the injury and
15 damage that the present Plaintiffs would suffer.

16 25. Defendants State of California, Brandon Price, Jeffrey Billett, Jeffrey Hamrick and
17 DOES 1 through 100, hired and retained Francis, Lagattuta and DOES 101 to 200 to operate,
18 manage and otherwise administer the DSH/Coalinga Pain Management Clinic. As such, Francis
19 Lagattuta and DOES 101 to 200 were, at all times relevant hereto, acting as employees, agents and
20 representatives of the State of California and DSH/Coalinga under California and federal law and
21 authorities.

22 26. Defendants State of California, Brandon Price, Jeffrey Billett, Jeffrey Hamrick and
23 DOES 1 through 100 hired and retained Francis Lagattuta and DOES 101 through 200 knowing that
24 defendant Lagattuta had a confirmed history of mismanaging pain clinics, over prescribing
25 therapies, proscribing unnecessary therapies, overbilling for unnecessary therapies, and engaging in
26 fraudulent medical practices and other illegal conduct. Said misconduct on the part of Defendants
27 Lagattuta and/or DOES 101 to 200 was commonly known and published widely in the media,
28 including reported misconduct at DSH/Atascadero, by Defendants Lagattuta and/or DOES 101 to

1 200 similar to that which is alleged herein. Plaintiffs contend that the failings at the pain clinic
2 recited above were a foreseeable result of the mismanagement of the pain clinic by Defendants
3 Lagattuta and/or DOES 101 to 200 and that the staff and administration at DSH/Coalinga
4 negligently hired, monitored and otherwise retained Dr. Lagattuta to manage and operate the
5 DSH/Coalinga Pain Clinic.

6 27. As a result of the conduct, conditions and failures at the DSH/Coalinga Pain Clinic
7 recited above, the State of California and the DSH/Coalinga administration closed the pain clinic at
8 DSH/Coalinga in or about May of 2023. Since then, plaintiffs have been denied meaningful medical
9 care, treatment, and/or therapies for pathogen exposures, as well as for the underlying pain for
10 which Plaintiffs sought treatment at the DSH-Coalinga pain clinic.

11 **FIRST CAUSE OF ACTION**

12 **MEDICAL NEGLIGENCE**

13 **AS TO ALL DEFENDANTS**

14 28. Plaintiffs repeat and reallege each and every paragraph above as if set forth herein.

15 29. Each and every defendant here owed a professional duty owed to Plaintiffs,

16 30. Through the conduct alleged above, said defendants fell below the standard of care
17 for practitioners in their fields and thereby breached their duty to Plaintiffs

18 31. Said breach of duty actually and proximately caused each Plaintiff here injury which
19 resulted in damages to each Plaintiff, including exposure to Hepatitis C, HIV and other pathogens
20 and/or the fear of having been so exposed.

21 32. Plaintiffs will require medical attention and monitoring for the remainder of their
22 lives.

23 **SECOND CAUSE OF ACTION**

24 **NEGLIGENCE**

25 **As to State of California, Brandon Price, Jeffrey Billett,**

26 **Jeffrey Hamrick and DOES 1 through 100**

27 33. Plaintiffs repeat and reallege each and every paragraph above as if set forth herein.
28

1 **FOURTH CAUSE OF ACTION**

2 **Civil Rights Violations**

3 **Failure to Provide Reasonable Medical Care (42 U.S.C. § 1983)**

4 **As to Defendants Brandon Price, Jeffrey Billett, Jeffrey Hamrick,**

5 **Francis Lagattuta, and DOES 1 TO 200**

6 46. Plaintiffs repeat and reallege each and every paragraph above as if set forth herein.

7 47. Defendants Brandon Price, Jeffrey Billett, Jeffrey Hamrick, Francis Lagattuta and
8 DOES 1 TO 200, at all times relevant hereto were acting under color of law.

9 48. By the actions and omissions described above, Defendants Brandon Price, Jeffrey
10 Billett, Jeffrey Hamrick, Francis Lagattuta, and DOES 1 TO 200 deprived the present Plaintiffs of
11 the right to have their safety and life protected while in the custody of State of California as secured
12 by the Fourteenth Amendment, by subjecting them, or through their deliberate indifference,
13 allowing others to subject Plaintiffs, to a deprivation of these rights to be protected harm,
14 proximately causing serious injury to each Plaintiff.

15 49. “[W]hen the State takes a person into its custody and holds him there against his will,
16 the Constitution imposes upon it a corresponding duty to assume some responsibility for his safety
17 and general well-being.” *DeShaney v. Winnebago Cty. Dep’t of Soc. Servs.*, 489 U.S. 189, 199-200
18 (1989). Indeed, detainees in in the custody of a state facility are “restricted in their ability to fend for
19 themselves” and are, therefore, far more vulnerable than the general population. *See Hare v. City of*
20 *Corinth*, 74 F.3d 633, 639 (5th Cir. 1996). It is long settled that custodial officials have a duty to
21 protect detainees from harm because custodial officers have “stripped [the inmates] of virtually
22 every means of self-protection and foreclosed their access to outside aid. *Farmer v. Brennan*, 511
23 U.S. 825, 833 (1994). Each Plaintiff had the right to reasonable medical care.

24 50. By the actions and omissions described above, said defendants violated Plaintiffs’
25 rights to reasonable medical care as well as the right to one’s liberty in bodily integrity, as secured
26 by the Fourteenth Amendment.

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1 Amendment, by subjecting failing to provide them with reasonable medical care to treat their
2 chronic pain.

3 59. The present defendants recognized and acknowledged that each of the present
4 Plaintiffs had a serious and debilitating chronic pain condition which required special and advanced
5 medical treatment which could not be provided at through the primary medical care providers at
6 DSH-Coalinga. As such, said defendants identified each of the present Plaintiffs as a patient who
7 was to receive such specialized care at the DSH-Coalinga pain clinic. The pain clinic services were
8 provided through a contract with a private provider. This medical provider rendered advanced and
9 specialized treatment and therapies to Plaintiffs at a mobile clinic that defendants and the State of
10 California allowed to be stationed on the grounds of DSH-Coalinga for purposes of providing
11 specialized treatment. Through the services provided at said pain clinic, each of the present
12 plaintiffs received essential, necessary, and ameliorative medical treatment to treat their chronic
13 pain.

14 60. Once said Defendants discovered that Plaintiffs had been exposed to blood-borne
15 pathogens at the pain clinic, in May of 2023 they closed the pain clinic and stopped providing these
16 essential and necessary treatments and therapies to Plaintiffs.

17 61. As a result, Plaintiffs have been denied essential and necessary treatments and
18 therapies to treat their chronic pain conditions.

19 62. By the actions and omissions described above, said defendants violated Plaintiffs'
20 rights to reasonable medical care, as secured by the Fourteenth Amendment.

21 63. Defendants subjected Plaintiffs to their wrongful conduct, depriving Plaintiffs of the
22 rights described herein, knowingly, maliciously, and with conscious and reckless disregard for
23 whether Plaintiffs' rights and safety would be violated by their acts and/or omissions.

24 64. As a proximate result of the foregoing wrongful acts and/or omissions, Plaintiffs now
25 continuously suffer great chronic pain, as set forth above. Plaintiffs are therefore entitled to general
26 and compensatory damages in an amount to be proven at trial.

27 65. In committing the acts alleged above, said defendants, acted maliciously and/or were
28 guilty of a wanton and reckless disregard for the rights, safety, and emotional well-being of

1 Plaintiffs, and by reason thereof, Plaintiffs are entitled to punitive damages and penalties allowable
2 under 42 U.S.C. § 1983, California Code of Civil Procedure §§ 377.20 et seq, and other state and
3 federal law against these individual Defendants; no punitive damages are sought against Defendant
4 State of California.

5 66. Plaintiff is also entitled to reasonable costs and attorney’s fees under 42 U.S.C. §
6 1988 and other applicable California codes and laws.

7 **PRAYER**

8 **WHEREFORE**, Plaintiffs pray and demand the following relief, jointly and severally,
9 against all of the Defendants to each cause of action and claim for relief:

- 10 a. Compensatory general, economic, and special damages in an amount in accordance
- 11 with proof;
- 12 b. Costs of suit necessarily incurred herein;
- 13 c. Any appropriate punitive or exemplary damages as to Defendants Brandon Price,
- 14 Jeffrey Billett, Jeffrey Hamrick, Francis Lagattuta and DOES 1 TO 200;
- 15 d. Any appropriate punitive or exemplary damages as to Defendant LIANA MUÑOZ;
- 16 e. Attorneys’ fees against Defendants Brandon Price, Jeffrey Billett, Jeffrey Hamrick,
- 17 Francis Lagattuta and DOES 1 TO 200 pursuant to 42 USC section 1988, or
- 18 otherwise as allowable by law;
- 19 f. Any appropriate statutory damages; and

20 Such further relief as the Court deems just or proper.

21 Dated: April 30, 2024

22 CASILLAS & ASSOCIATES
23 
24 By ARNOLDO CASILLAS
25 DANIEL GILLETTE
26 Attorneys for Plaintiffs

DEMAND FOR JURY TRIAL

1
2 COME NOW Plaintiffs Jim Wolfenbarger, Victor Acosta, Tony Andrade, Stephen Arnold,
3 John Asher, Scott Bagley, Bobby Baker, Vincent Baldes, Victor Ballardo, Wesley Batten, Robert
4 Bates, Norman Bell, Terrance Bolds, Steve Burkhardt, Justin Boswell, Ester Burnett, Samuel Burns,
5 Ciro Camacho, Kevin Campbell, Curtis Canada, Anthony Cassells, Albert Castellanos, Steven
6 Cerniglia, Kevin Chavez, Billie Jean Christensen, Robert Christensen, Rickie Coronado, Sean
7 Connolly, Sam Consiglio, Benjamin Cooper, Brian Cressler, Arthur Cripe, Larry Curlee, Timothy
8 Curley, George Davila, Eli Delray, Harold Derry, Donald Divilbiss, Steven Edwards, Sven Fjeld-
9 erichsen, Joey Erwin, Edward Evans, Joshua Forster, Jacob Franey, Jeffrey Gambord, Kurt Ganoe,
10 Christopher Gardner, Reginald Gary, Marshall Gibson, John Gray, Dexter Griffin, Thomas Hall,
11 Brian Hammons, David Harris, Jeremy Harryman, Larry Harvey, Dwight Hauer, Kenneth Herman,
12 Daniel Hernandez, David Hernandez, Ricky Hicks, Earl Hoffman, Steven Hollon, Alonzo Hooper,
13 Dennis Hopper, Norman Hubbs, David Huffman, Kenneth Huskey, James Hydrick, Francisco
14 Iniguez, Lawrence Jackson, John JeuDevine, Edward Johanneck, Jerimiah Johnson, Robert
15 Johnson, Durwood Jones, John Jones, William Keck, David Kemp, Lawrence Kirk, Everett Kite,
16 Aaron Klein, Christopher Klein, Robert Lefort, Sid Landau, Daniel Larson, James Leach, Richard
17 Lee, Harvey Leonard, Donald Lilly, Duane Lopes, Richard Lord, Michael Macias, Michael Mack,
18 Douglas MacKenzie, Dennis MacKenzie, Leonard Marquez, Robert Martinez, David Mata, Jack
19 Mateer, John McDonald, Jason Mendoza, Robert Mix, Thomas Moore, Paul Moran, Alfonso
20 Mouzon, David Ellis Mullins, David Munoz, Anthony Napoli, Khanh Nguyen, Jaffar Oliver,
21 Trampas Orey, John Owens, Julio Palomino, Anthony Perez, John Phillips, Joshua Probst, Shelby
22 Pruet, James Pullen, Lance Purcell, Augustine Quintero, William Rahar, John Rainwater, Jeffry
23 Raker, Phillip Reid, Stephen Reynolds, Randolph Rico, Steven Rivers, Jackie Robinson, Steven
24 Rodgers, Ronald Rose, James Ryan, Kamal Saadoon, Dougal Samuels, Jesse Sanchez, Joel
25 Sanchez, Matthew Schoehofen, Kevin Scott, Ruben Seja, Timothy Shaw, Randolph Sims, Dougal
26 Smith, Fraisure Smith, Matthew Sobiech, Jack Sobonya, Somsak Thammavong, Richard Soto,
27 Michael St. Martin, Robert Stage, Lavell Stallworth, Manuel Stell, William Stephenson, Manse
28 Sullivan, Kent Swift, Jason Taylor, John Teruel, Jerry Thies, Jeremy Thom, Lee Thomas, Michael

1 Thompson Peter Tolles, David Van Skiver, Anthony Vegas, Paul Vehar, Michael Velasquez,
2 Kenneth Wallace, Ronald Ward, John Warren, Anthony Weathington, Marlin Wells, George
3 Whaley, Rodney White, Anthony Williams, Christian Williams, Herbert Willmes, Maurice Wood,
4 Merton George Yahn, by and through their attorneys of record, and request that the present matter
5 be set for jury trial.

6
7 Dated: April 30, 2024

CASILLAS & ASSOCIATES
By 
ARNOLDO CASILLAS
DANIEL GILLETTE
Attorneys for Plaintiffs

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