

Craig M. Peters (SBN 184018)
ALTAIR LAW
465 California Street, 5th Floor
San Francisco, CA 94104-3313
Telephone: (415) 988-9828
Email: cpeters@altairlaw.com

David L. Fiol (SBN 203546)
BRENT & FIOL, LLP
1000 Fourth Street, Suite 580
San Rafael, CA 94901
Telephone: (415) 839-8370
Email: dfiol@brentfiol.com

Attorneys for Plaintiff Jack Francis Bruce

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JACK FRANCIS BRUCE,
Plaintiff,

vs.

CITY OF HERCULES, OFFICER
ANGEL GARCIA, OFFICER MICHAEL
THOMPSON, OFFICER JOSHUA
GOLDSTEIN, and DOES 1-20,
Defendants.

Case No. 4:25-cv-01297

COMPLAINT FOR DAMAGES:

- (1) FALSE ARREST (42 U.S.C. § 1983)
- (2) EXCESSIVE FORCE (42 U.S.C. § 1983)
- (3) AMERICANS WITH DISABILITIES ACT
- (4) CALIFORNIA CIVIL CODE §52.1
- (5) CALIFORNIA CIVIL CODE § 51.7
- (6) COMMON LAW FALSE ARREST
- (7) COMMON LAW BATTERY
- (8) COMMON LAW NEGLIGENCE
- (9) COMMON LAW INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
- (10) COMMON LAW DEFAMATION

DEMAND FOR JURY TRIAL

Plaintiff JACK FRANCIS BRUCE by and through his attorneys, ALTAIR LAW and BRENT & FIOL, LLP, for his complaint against defendants, states as follows:

I. INTRODUCTION

1. On April 1, 2024, plaintiff JACK FRANCIS BRUCE ("PLAINTIFF") was driving home after visiting his grandmother when, for the first time in his life, he suffered a tonic-clonic (previously known as a *grand mal*) brain seizure. PLAINTIFF's car slowed and rolled to the roadway shoulder, and then down a short embankment until it was stopped by small trees. Two other drivers stopped to

1 assist PLAINTIFF who was uninjured but unresponsive. One of them ran to PLAINTIFF'S car and
2 was able to turn it off and take the keys, as PLAINTIFF continued to be in throes of a seizure. The
3 other called 911 and expressly stated that PLAINTIFF appeared to be having a seizure - a fact that was
4 conveyed by dispatchers to both police and medical responders. Fortunately, the seizure and resulting
5 accident caused no injuries or significant damage.

6 2. While the *car accident* caused no injuries, the *first responders* did. Three Hercules
7 Police Department officers, defendants ANGEL GARCIA ("GARCIA"), MICHAEL THOMPSON
8 ("THOMPSON") and JOSHUA GOLDSTEIN ("GOLDSTEIN"), responded to the scene. All three
9 were on notice that PLAINTIFF appeared to be suffering from an epileptic seizure and, when they
10 encountered him, they saw that he was rendered incoherent and unable to respond by the seizure. As
11 they spoke to him, he either spoke nonsense or fell asleep from exhaustion.

12 3. The defendants were trained and knew that the last thing an officer should do when
13 dealing with a seizure victim is restrain him, because seizure victims often react instinctively to
14 physical contact. Ignoring this training, they repeatedly poked, prodded, shook, and yelled at
15 PLAINTIFF, ordering him to leave his car. When that did not work, because PLAINTIFF had not yet
16 recovered the ability to understand what was happening around him, they escalated, and began to
17 forcefully extract him from the car. Still suffering from his seizure and confused as to what was
18 happening, PLAINTIFF instinctively resisted their efforts. This resulted in THOMPSON unleashing a
19 string of profanities at PLAINTIFF that even his normally-protective supervisors found to be
20 unprofessional. Unfazed and unmoved by the folly and error of their own behavior, the officers
21 doubled down and forcefully pulled on, punched, kneed and tased PLAINTIFF, leaving him bloodied
22 by multiple cuts and contusions. PLAINTIFF suffered back injuries that still plague him months later.

23 4. To make matters worse, defendants GARCIA and THOMPSON (curiously not joined by
24 GOLDSTEIN) composed an incident report that was designed to cover up their senseless use of force
25 by suggesting that they had probable cause to believe PLAINTIFF was driving under the influence.
26 That report contained multiple falsehoods and calculated omissions designed to create the false
27 impression that PLAINTIFF had attacked them and should be charged with criminal offenses, when the
28 truth was quite the opposite. *They attacked him.*

1 5. The two officers' falsehood-ridden reports were submitted to the Contra Costa District
2 Attorney and, as a result, caused PLAINTIFF to fear he would face criminal charges for four months
3 after the incident, compounding the stress he was already suffering from his new diagnosis of epilepsy.
4 PLAINTIFF brings this action to hold defendants accountable for their misconduct and to raise public
5 awareness of the need for law enforcement officers to recognize and appropriately deal with the
6 innocent victims of brain seizures.

7 **II. JURISDICTION**

8 6. Subject matter jurisdiction over the claims stated in this action is founded upon 28
9 U.S.C. §§ 1331 and 1343(a)(3) and(4), and the aforementioned statutory and constitutional provisions.
10 This Court has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367
11 because they arise out of the same case or controversy under Article III of the United States
12 Constitution.

13 **III. INTRADISTRICT ASSIGNMENT**

14 7. All of the events and/or omissions complained of herein occurred in Contra Costa
15 County, and this action is properly assigned to the Oakland or San Francisco Division.

16 **IV. FACTS COMMON TO ALL CAUSES OF ACTION**

17 **A. PARTIES**

18 8. PLAINTIFF is and at all relevant times was a resident of Contra Costa County, State of
19 California. At the time of the incident he was 21 years old.

20 9. Defendant CITY OF HERCULES ("HERCULES") was at all relevant times a municipal
21 corporation organized under the laws of the State of California. HERCULES operates a police
22 department that, at all relevant times, was the employer of each named and DOE defendant.

23 10. Defendant GARCIA was at all relevant times employed by defendant HERCULES to
24 work as a uniformed police officer with a rank of patrol officer, subject to oversight and supervision by
25 HERCULES elected and non-elected officials, and acted under the color of the laws, statutes,
26 ordinances, regulations, policies, and customs of the State of California.

27 11. Defendant THOMPSON was at all relevant times employed by defendant HERCULES
28 to work as a uniformed police officer, with a rank of corporal, subject to oversight and supervision by

1 HERCULES elected and non-elected officials, and acted under the color of the laws, statutes,
2 ordinances, regulations, policies, and customs of the State of California. Four months after the subject
3 incident, he was promoted to the rank of sergeant.

4 12. Defendant GOLDSTEIN was at all relevant times employed by defendant HERCULES
5 to work as a uniformed police officer, with a rank of patrol officer, subject to oversight and supervision
6 by HERCULES elected and non-elected officials, and acted under the color of the laws, statutes,
7 ordinances, regulations, policies, and customs of the State of California.

8 13. At all times mentioned herein, the defendants, DOES 1 through 20, inclusive, and each
9 of them, were the supervisors and/or fellow servants of the named defendants, and/or policy-making
10 officials of the HERCULES who are legally responsible in some manner for the events and happenings
11 referred to here, and proximately and legally caused injury and damage to PLAINTIFF as alleged here.
12 The true names and capacities, whether individual or otherwise of Defendants DOES 1 through 20
13 inclusive, are unknown to PLAINTIFF, who therefore sues Defendants by such fictitious names; and
14 leave of court will be requested to amend this complaint to show their true names and capacities when
15 the same have become ascertained.

16 14. On September 25, 2024, PLAINTIFF filed a claim for damages with HERCULES in
17 compliance with the California Government Code § 900 *et seq.* That claim was submitted within the
18 time periods prescribed by California Government Code §§ 911.2 and 945.6. HERCULES has not
19 responded to PLAINTIFF's claim. The claim therefore is deemed denied pursuant to California
20 Government Code § 912.4(c).

21 **B. MATERIAL FACTS**

22 15. The California Commission on Police Officer Standards and Training (POST) expects
23 police officers in the state to recognize that citizens they encounter may be suffering the effects of a
24 brain seizure, and act accordingly. POST publishes workbooks that outline the curriculum for the basic
25 training that every police officer receives before he or she can work in the State. Since at least 2017,
26 POST Learning Domain volume 34, Aver. 6.1, at page 5-12, contains a section on seizures which states
27 in part:

28 ///

1 A seizure is the result of a surge of energy through the brain. Instead of discharging
2 electrical energy in a controlled manner, the brain cells continue firing, causing massive
3 involuntary contractions of muscles and possible unconsciousness. If only part of the
4 brain is affected, it may cloud awareness, block normal communication, and produce a
5 variety of undirected, unorganized movements.

6 16. The same section states that the "indicators" of a seizure may include disorientation,
7 slurred speech, staggering or an impaired gait, purposeless sounds and body movements, lack of
8 response, eyes rolling upward, and a partial or complete loss of consciousness.

9 17. Medical authorities have long known that attempting to physically control a seizure
10 victim is precisely the wrong thing to do. For example, the Johns Hopkins School of Medicine
11 maintains a web site on seizures that explains:

12 After a seizure, the person may remain unconscious for several minutes as the brain
13 recovers from the seizure activity. He or she may appear to be sleeping or snoring.
14 Gradually the person regains awareness and may feel confused, exhausted, physically
15 sore, sad or embarrassed for a few hours. The person may not remember having a
16 seizure, and may have other memory loss. *Occasionally, people may have abnormal or
17 combative behavior after a tonic-clonic seizure while the brain is recovering.*

18 (emphasis added).

19 18. In accord with this guidance from medical authorities, the POST workbook commands
20 officers who encounter seizure victims: "**Do not restrain them.**"

21 19. Similarly, the POST workbook warns officers that "**agitated behavior during an
22 episode should not be perceived as deliberate hostility or resistance to the officer.**"

23 20. The Hercules Police Department's policies and procedures contain multiple provisions
24 relevant to the conduct of the defendant officers:

25 **LAW ENFORCEMENT CODE OF ETHICS**

26 As a law enforcement officer, **my fundamental duty is** to serve the community; to
27 safeguard lives and property; **to protect** the innocent against deception, **the weak**
28 **against oppression or intimidation and the peaceful against violence or disorder;**
and to respect the constitutional rights of all to liberty, equality and justice.

467.5 PERSONS REFUSING EMS CARE

**If a person who is not in custody refuses EMS care or refuses to be transported to a
medical facility, an officer shall not force that person to receive care or be
transported. However, members may assist EMS personnel when EMS personnel
determine the person lacks mental capacity to understand the consequences of**

1 **refusing medical care or to make an informed decision and the lack of immediate**
2 **medical attention may result in serious bodily injury or the death of the person.**

3 ****

4 If an officer believes that a person who is in custody requires EMS care and the person
5 refuses, he/she should encourage the person to receive medical treatment. The officer
6 may also consider contacting a family member to help persuade the person to agree to
7 treatment or who may be able to authorize treatment for the person.

8 If the person who is in custody still refuses, the officer will require the person to be
9 transported to the nearest medical facility. **In such cases, the officer should consult**
10 **with a supervisor prior to the transport.**

11 (emphasis added).

12 THE SUBJECT INCIDENT

13 21. On April 1, 2024, PLAINTIFF, a tradesman in Local 38 of the Plumbers, Steamfitters &
14 HVAC/Refrigeration union, was driving home on Refugio Valley Road in Hercules, CA after a visit to
15 his grandmother, when he suffered his first (but unfortunately not last) tonic-clonic (aka *grand mal*)
16 seizure. At least two witnesses saw PLAINTIFF's car slow to a virtual stop while PLAINTIFF's head
17 was tilted backward and his body was convulsing.

18 22. The witnesses watched as PLAINTIFF's vehicle slowly rolled down a small
19 embankment about fifteen or twenty feet, until it was stopped by small trees and mud. The vehicle's air
20 bags did not deploy, and PLAINTIFF suffered few or no injuries. His car suffered little to no damage.

21 23. One of the witnesses ran down the embankment to help PLAINTIFF and observed him
22 continuing to convulse, entirely unresponsive. That witness entered the back seat of PLAINTIFF'S car
23 and reached forward to turn off the car and remove the keys, which he gave to defendant GOLDSTEIN
24 minutes later.

25 24. The other witness called 911 and expressly told the 911 operator that PLAINTIFF was
26 convulsing and apparently unresponsive as his vehicle left the road, and that he appeared to be having a
27 seizure. The fact that PLAINTIFF was suffering a seizure was conveyed to the defendant officers both
28 through dispatch communications and the CAD system.

29 25. At 1:07:20 pm, defendant GARCIA entered the back seat of PLAINTIFF's vehicle,
30 leaned forward and attempted to communicate with PLAINTIFF, with no success. PLAINTIFF was
31 exhibiting and continued to exhibit symptoms of the postictal phase of a seizure. Initially he appeared

1 to be asleep. Eventually he recovered minimal consciousness, but did not appear to understand what
2 had happened, or even where he was.

3 26. GARCIA performed what appeared to be a sternum rub on PLAINTIFF's chest for close
4 to a minute - conduct that was unnecessary, inappropriate and could have been dangerous if
5 PLAINTIFF had suffered a chest injury. GARCIA reported to dispatch that PLAINTIFF was, in his
6 view, "10-45B," code for suffering a serious medical condition, but GARCIA recognized that
7 PLAINTIFF was breathing and showed no signs of being in imminent danger of death or serious
8 injury.

9 27. One minute after GARCIA, defendant GOLDSTEIN arrived and approached the driver
10 side door. He advised GARCIA, "don't move him He's having a seizure," and that GARCIA
11 should "just let him be." GOLDSTEIN repeated, "if he's fine, just let him be," to which GARCIA
12 responded, "OK."

13 28. GOLDSTEIN then walked back to the roadway, where he encountered the two
14 witnesses. The first witness physically demonstrated to GOLDSTEIN how, as his vehicle left the road,
15 PLAINTIFF's head was swung backwards and he was "convulsing." Both she and the other witness
16 provided their identifications to GOLDSTEIN, who photographed them and directed both witnesses to
17 leave, stating, "We'll call you if we need a statement later." Neither witness was contacted to provide
18 statements prior to the defendants' submitting a criminal report to the Contra Costa District Attorney.

19 29. At 1:09 pm, as GARCIA aimed his flashlight at PLAINTIFF's head, the BWC video
20 showed sweat - another telltale sign of a seizure - glistening on PLAINTIFF's neck. Later, the officers
21 discussed how "slick" PLAINTIFF was.

22 30. At 1:09:50 pm, firefighter and paramedic Daniel Collyer, with the Rodeo-Hercules Fire
23 Protection District, arrived at the scene and stood outside the open driver's door of PLAINTIFF'S
24 vehicle. GARCIA told Collyer that PLAINTIFF looked "like he was having a seizure." GARCIA also
25 told Collyer he saw no drugs and smelled no alcohol on PLAINTIFF's breath. Soon after, PLAINTIFF
26 appeared to regain partial consciousness, but was plainly confused about where he was and what had
27 occurred. Ignoring PLAINTIFF's incapacity, Collyer asked PLAINTIFF if he had any medical issues,
28 seizures, or diabetes, or if he ingested any drugs or alcohol; PLAINTIFF said no to each question.

1 31. From that point forward both GARCIA and Collyer repeatedly directed PLAINTIFF to
2 leave the car and walk up the hill, although neither of them discussed why that was immediately
3 necessary or why PLAINTIFF could not be evaluated where he sat.

4 32. By 1:11:40, GARCIA's voice betrayed his callous annoyance. He repeated "Get. Out.
5 Of. The. Car.," punching each word out to convey his impatience, but PLAINTIFF plainly could not
6 understand what was happening and thought he could drive away. GARCIA repeatedly shoved and
7 shook PLAINTIFF, and when PLAINTIFF drowsily asked "why are you touching me," GARCIA
8 responded: "Because you are being told to do something and you need to do it."

9 33. PLAINTIFF began losing consciousness again, but GARCIA violently jostled him and
10 refused to "leave him be," as Officer Goldstein suggested just three minutes before. GARCIA told
11 PLAINTIFF he needed to leave or he would "**yank**" him out. PLAINTIFF's head kept falling to his
12 shoulder, because the seizure had left him exhausted.

13 34. Shortly after 1:12 pm, GARCIA, a mere five minutes after his arrival, lost his patience
14 and began to shove PLAINTIFF out of his car. By that time, GOLDSTEIN had returned and, despite
15 what he said four minutes earlier, joined GARCIA in attempting to forcibly extract PLAINTIFF from
16 the car. They were joined by defendant THOMPSON. Neither paramedic Collyer nor any other
17 medically trained responder had indicated to the officers that extracting PLAINTIFF from the car was
18 necessary to avoid serious bodily injury or death.

19 35. As the officers began to forcefully extract him from his car, PLAINTIFF repeatedly
20 asked, "What are you doing?" Defendants did not relent. GARCIA grabbed PLAINTIFF by the neck,
21 angrily screamed "get out of the car," and cursed at PLAINTIFF repeatedly. In an even more shocking
22 display of unprofessional conduct, THOMPSON, who had been there at most two minutes, angrily
23 barked, "**Do not fucking fight us. You will fucking get ripped out of this car. We're not playing.**
24 **Get the fuck up.**"

25 36. After THOMPSON's expletive-ridden outburst failed to have any effect, GARCIA drive
26 stunned PLAINTIFF with his Taser, sending a high current through the body of a young man who had
27 just suffered a medical condition caused by abnormal electrical activity in the brain. GARCIA then
28 screamed, "GET OUT OF THE CAR."

1 37. PLAINTIFF was violently removed from his car, with GOLDSTEIN pulling on his
2 limbs and THOMPSON pulling him by his hair. PLAINTIFF continued to struggle and attempt to free
3 himself, as seizure victims are known to do, and as Cal. POST Learning Domain 34 warns. In
4 response, GARCIA, in violation of HPD Policy 309.5.4, used his Taser *twice* more, sending additional
5 pulses of current through PLAINTIFF's body. PLAINTIFF howled in pain.

6 38. In BWC videos recorded after PLAINTIFF was strapped to a gurney, THOMPSON
7 admitted that during the struggle he punched PLAINTIFF in the face twice. THOMPSON claimed it
8 was because PLAINTIFF kicked him, but no such kick is evident in the BWC videos.

9 39. Later, GARCIA admitted that PLAINTIFF was not combative until the officers began
10 grabbing him, stating, "He wasn't combative at first but as soon as ... 'hey dude we're getting you out of
11 the car' and Goldstein grabbed him he immediately started throwing hands."

12 40. In the aftermath of the physical battle, the defendant officers were advised that
13 PLAINTIFF was the son of a fellow law enforcement officer, and from that point they embarked on a
14 transparent effort to create the false impression that they suspected plaintiff of being high on drugs.

15 41. GARCIA searched PLAINTIFF's car and found no evidence that PLAINTIFF possessed
16 or used intoxicating or other illegal substances; he admitted to THOMPSON, "Dude there's nothing.
17 There's no pipes, there's no little baggies." Still, THOMPSON proclaimed "he's high on something,"
18 and GARCIA obtrusively stated that he agreed, "He's high as fuck on something, I just don't know
19 what it is." Garcia then silenced the audio on his BWC for the final twelve minutes of the recording
20 without explaining why in his narrative report, in plain violation of Hercules PD Audio/Video
21 Recorder ("AVR") policy, section 448.5.

22 42. THOMPSON violated policy from the start of the call: he did not activate his BWC for
23 *any* part of the incident. He claimed in his narrative report that his BWC "was not activated due to the
24 fast evolving events," which was utter nonsense: there was nothing "fast evolving" about the call until
25 the officers chose to force PLAINTIFF out of his vehicle, and GOLDSTEIN, who was with
26 THOMPSON when the call came in, had no trouble activating his BWC.

27 43. Approximately 20 minutes after the incident, GARCIA continued his effort to justify his
28 conduct by taking a picture of PLAINTIFF's eye while shining a flashlight on his face, and comparing

1 the size of PLAINTIFF'S pupil *in the photo on his cell phone* to a pocket guide published by the CHP.
2 That was not a proper procedure for evaluating pupil size for law enforcement purposes.

3 44. By the time he was dragged to a gurney on the roadway shoulder, PLAINTIFF had a
4 lacerated lip, and a large portion of his white shirt was stained blood red.

5 45. PLAINTIFF was evaluated and released from the Contra Costa Regional Medical
6 Center in Martinez, having been diagnosed as having suffered a seizure.

7 46. Subsequently, PLAINTIFF was evaluated by Kaiser specialists, who conducted an EEG
8 that revealed abnormal signals consistent with an increased risk of seizures. PLAINTIFF was
9 diagnosed with epilepsy, and has been taking anti-seizure medications since shortly after the incident.
10 Since April 1, 2024 PLAINTIFF has suffered several additional seizures.

11 47. Test of PLAINTIFF'S blood and urine collected shortly after the incident revealed no
12 alcohol or drugs in his system other than trace amounts of THC, and a sedative administered to him in
13 the ambulance *after* the incident with defendants.

14 **FIRST CAUSE OF ACTION UNDER 42 U.S.C. § 1983**
15 **FOR UNLAWFUL ARREST IN VIOLATION OF THE FOURTH**
16 **AND FOURTEENTH AMENDMENTS AGAINST AGAINST DEFENDANTS GARCIA,**
THOMPSON AND GOLDSTEIN

17 48. PLAINTIFF realleges each and every paragraph as if fully set forth herein.

18 49. Defendants GARCIA, THOMPSON AND GOLDSTEIN, acting under the color of
19 state law in their individual and personal capacities, deprived PLAINTIFF of the rights, privileges and
20 immunities secured by the Fourth and Fourteenth Amendments to the United States Constitution, to not
21 be deprived of liberty without due process of law, by subjecting him, or through their deliberate
22 indifference allowing others to subject him, to improper arrest without probable cause. Defendants
23 GARCIA, THOMPSON AND GOLDSTEIN had no factual basis for believing that PLAINTIFF had
24 committed a crime or was an immediate threat to his own safety when they encountered him sitting
25 peacefully in the front seat of his car. The mere fact that a person is in a single vehicle accident does
26 not constitute probable cause for believing he was driving while impaired by a intoxicating substance,
27 or that he had committed any other crime. This is so particularly in light of the fact that witnesses told
28 dispatchers that PLAINTIFF appeared to be suffering from a seizure, and that information was

1 successfully conveyed to GARCIA, THOMPSON AND GOLDSTEIN before they encountered
2 PLAINTIFF.

3 50. As a result of these defendants' deliberate indifference to PLAINTIFF's constitutional
4 rights, PLAINTIFF was deprived of those rights, and suffered physical injuries, emotional pain and
5 suffering, anxiety, confusion, disorientation, and other damages in an amount not yet ascertained but to
6 be proven.

7 51. Defendants GARCIA, THOMPSON AND GOLDSTEIN subjected PLAINTIFF to their
8 wrongful conduct knowingly, maliciously, and with conscious and reckless disregard for the rights and
9 safety of PLAINTIFF. The conduct of the aforementioned defendants entitles PLAINTIFF to punitive
10 damages and penalties allowable under 42 USC § 1983.

11 **SECOND CAUSE OF ACTION UNDER 42 U.S.C. § 1983 FOR UNREASONABLE USE**
12 **OF FORCE IN VIOLATION OF THE FOURTH AND FOURTEENTH AMENDMENTS**
13 **AGAINST DEFENDANTS GARCIA, THOMPSON AND GOLDSTEIN**

14 52. PLAINTIFF realleges each and every paragraph as if fully set forth herein.

15 53. Defendants GARCIA, THOMPSON AND GOLDSTEIN, acting under the color of
16 state law in their individual and personal capacities, deprived PLAINTIFF of the rights, privileges and
17 immunities secured by the Fourth and Fourteenth Amendments to the United States Constitution, by
18 subjecting him, or through their deliberate indifference allowing others to subject him, to unreasonable,
19 excessive force in detaining PLAINTIFF. Under the circumstances presented, no use of force at all
20 was warranted or reasonable.

21 54. As a result of the aforementioned defendants' unlawful conduct PLAINTIFF suffered
22 personal injuries, economic losses, great humiliation, embarrassment, and mental suffering, all to
23 PLAINTIFF's damage.

24 55. PLAINTIFF is entitled to seek damages suffered as a result of the above-described
25 conduct pursuant to 28 U.S.C. §§ 1983 and 1988.

26 56. Defendants GARCIA, THOMPSON AND GOLDSTEIN subjected PLAINTIFF to their
27 wrongful conduct knowingly, maliciously, and with conscious and reckless disregard for the rights and
28 safety of PLAINTIFF. Their conduct entitles PLAINTIFF to punitive damages and penalties
allowable under 42 USC § 1983.

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2 **THIRD CAUSE OF ACTION FOR VIOLATION OF THE TITLE II OF THE AMERICANS**
3 **WITH DISABILITIES ACT (42 U.S.C. § 12131 et. sec.) AGAINST DEFENDANT HERCULES**

4 57. PLAINTIFF realleges each and every paragraph as if fully set forth herein.

5 58. Thirty five years ago, when the United States Congress passed the Americans with
6 Disabilities Act (42 U.S.C. § 12131 et. seq.) (ADA), one of its express purposes was to prevent
7 inappropriate arrests and mistreatment of seizure victims. See *Jackson v. Inhabitants of Town of*
8 *Sanford*, 1994 U.S. Dist. LEXIS 15367 at 24 n. 12 (D. Me. 1994) (quoting 1990 U.S.C.C.A.N. 473).
9 Title II of the ADA provides: “no qualified individual with a disability shall, by reason of such
10 disability, be excluded from participation in or be denied the benefits of the services, programs, or
11 activities of a public entity, or be subjected to discrimination by any such entity.” 42 U.S.C. § 12132.

12 59. Discrimination under the ADA includes not only a denial of benefits and services, but
13 also a failure to provide a reasonable accommodation for an individual’s disability.

14 60. On April 1, 2024, PLAINTIFF was a “qualified individual” under the ADA with regard
15 to the receipt of police and other emergency services.

16 61. At all relevant times on April 1, 2024, PLAINTIFF was disabled within the meaning of
17 the ADA. The automobile incident that resulted in a witness call for emergency services occurred
18 while PLAINTIFF was suffering from a *grand-mal* seizure, during which his neurological function was
19 so severely impaired that he was unconscious, unable to communicate or understand communications
20 from others, and unable to control the movements of his body. When he was first encountered by
21 defendant GARCIA, PLAINTIFF was in the postictal phase of the seizure, during which the victim
22 remains unable to understand and act upon oral commands, and sometimes perceives efforts to restrain
23 him as a threat. In such cases, the victim may respond instinctively to restraint by seeking to escape
24 and flee. PLAINTIFF remained in this condition from the time GARCIA encountered him to the time
25 that all three individual defendants violently removed him from his car. None of PLAINTIFF's
26 conduct up to and through the time of his physical detention was the product of conscious thought.

27 62. Shortly after April 1, 2024, PLAINTIFF was found through EEG testing to have an
28 organic brain disorder that rendered him susceptible to seizures, and his doctors have formally
29 diagnosed him with a seizure disorder. He has been taking anti-seizure medications, but continues to

1 suffer episodic grand-mal seizures as his doctors attempt to find the correct dosage to control his
2 condition. Because his seizure disorder remains insufficiently controlled by medications, PLAINTIFF
3 is not qualified to drive and cannot safely work in his chosen profession. All of these disabling
4 conditions were present on April 1, 2024.

5 63. Defendant HERCULES is a public entity as defined under the ADA.

6 64. The ADA applies to arrests, detentions, and other activities of police officers in their
7 dealings with the general public.

8 65. Under the ADA defendant HERCULES is vicariously liable for the misconduct of its
9 employees and agents, including defendants GARCIA, THOMPSON and GOLDSTEIN.

10 66. When defendants GARCIA, THOMPSON and GOLDSTEIN encountered PLAINTIFF
11 on April 1, 2024, they actually knew, and certainly had reason to know that PLAINTIFF was disabled
12 by a brain seizure. They were informed by dispatchers that an eyewitness reported seeing PLAINTIFF
13 suffering from a seizure. GOLDSTEIN told GARCIA that PLAINTIFF was suffering from a seizure,
14 and GARCIA expressed his agreement with that appraisal. When a paramedic arrived on scene,
15 GARCIA told the paramedic that PLAINTIFF was suffering for a seizure. GARCIA searched
16 PLAINTIFF's car moments after his arrival and saw no evidence to suggest PLAINTIFF was suffering
17 from anything other than the seizure reported by witnesses. GARCIA found no evidence of drug use
18 and detected no order of alcohol while sitting in the car with PLAINTIFF, and he so informed the other
19 defendants.

20 67. Defendant HERCULES, through its employees and agents, defendants GARCIA,
21 THOMPSON and GOLDSTEIN, wrongfully arrested, seized, used excessive force against, and injured
22 PLAINTIFF, because those employees misperceived the non-criminal effects of PLAINTIFF's
23 disability as evidence of impaired driving and criminal interference with the performance of their
24 duties.

25 68. In addition, even if defendants GARCIA, THOMPSON and GOLDSTEIN had probable
26 cause to detain or arrest plaintiff for a crime that they thought might be unrelated to his disability, they
27 violated the ADA by failing to reasonably accommodate PLAINTIFF's known disability, causing him
28 to suffer physical and emotional injuries he need not have suffered. PLAINTIFF's need for

1 accommodation was obvious and apparent, based on the totality of the circumstances, defendants
2 GARCIA, THOMPSON and GOLDSTEIN's actual knowledge, and defendants GARCIA,
3 THOMPSON and GOLDSTEIN's police academy training on generally accepted law enforcement
4 standards for safety handling encounters with seizure victims. The reasonable accommodations that
5 defendants GARCIA, THOMPSON and GOLDSTEIN were required to provide, and failed to provide,
6 included following California POST training and generally accepted standards for safely handling
7 seizure victims by refraining from making unnecessary physical contact with PLAINTIFF, making no
8 effort to restrain him, and providing him with sufficient time to recover from the seizure and
9 understand what had occurred, and what he needed to do.

10 69. The aforementioned individual defendants knew that giving PLAINTIFF time to recover
11 from the seizure was an available accommodation, as evidenced by the fact that GOLDSTEIN told
12 GARCIA that they should just "leave him be," and GARCIA agreed. Body worn camera videos show
13 that all three of the individual defendants loitered at the scene of the incident for at least 20 minutes
14 after they extracted him from his vehicle, demonstrating that they had no pressing need to attend to
15 other matters. PLAINTIFF has suffered multiple seizures since April 1, 2024 and in each instance he
16 recovered his cognitive abilities within 15 minutes.

17 70. Defendant HERCULES is also directly liable to PLAINTIFF for violating the ADA by
18 discriminating against seizure victims by failing to properly train its police officers on how to
19 recognize seizure victims and/or and treat them appropriately. Defendants GARCIA, THOMPSON,
20 and GOLDSTEIN knew that PLAINTIFF was suffering from a seizure but had not been provided with
21 the training required to treat him appropriately.

22 71. As a direct and proximate result of the violations of the ADA by defendant
23 HERCULES, by and through its employees and agents, PLAINTIFF sustained serious and permanent
24 injuries and is entitled to damages, penalties, costs and attorneys' fees under 42 U.S.C. § 12205.

25 **FOURTH CAUSE OF ACTION UNDER CALIFORNIA CIVIL CODE § 52.1 (BANE ACT) -**
26 **UNLAWFUL DETENTION AND EXCESSIVE FORCE - AGAINST ALL DEFENDANTS**

27 72. PLAINTIFF realleges each and every paragraph as if fully set forth herein.

28 73. Under California Civil Code Section 52.1, if a person interferes by threat, intimidation,

1 or coercion, or attempts to interfere by threat, intimidation, or coercion, with the exercise or enjoyment
2 by any individual of rights secured by the Constitution or laws of the United States, or of the rights
3 secured by the Constitution or laws of California, any individual whose exercise or enjoyment of rights
4 has been interfered with may bring a civil action for damages.

5 74. Using threats, intimidation, and coercion, including but not limited to verbal, profanity-
6 laced threats, pushing, pulling, grabbing, punching and tasing PLAINTIFF's body, and by taking
7 PLAINTIFF to the ground and and arresting him without probable cause, defendants GARCIA,
8 THOMPSON AND GOLDSTEIN attempted to and did interfere with PLAINTIFF's rights and
9 privileges to be free of unlawful detention and excessive force secured under the Fourth and Fourteenth
10 Amendments to the United States Constitution, and the laws of the State of California and the
11 California Constitution. The aforementioned defendants subjected PLAINTIFF to such wrongful
12 conduct knowingly, maliciously, and/or with conscious and reckless disregard for whether the rights
13 and safety of PLAINTIFF would be violated by their acts and/or omissions.

14 75. As a direct and proximate result of the aforementioned defendants' acts and/or omissions
15 as set forth above, PLAINTIFF sustained injuries and damages as set forth in this complaint.

16 76. The aforementioned acts were committed by defendants while in the course and scope
17 of their employment by defendant HERCULES. Defendant HERCULES is vicariously liable for harm
18 caused by its employees and agents, including the aforementioned individual defendants, pursuant to
19 California Government Code Section 815.2(a) and California common law.

20 77. The conduct of the aforementioned defendants entitles PLAINTIFF to an award of
21 actual damages, punitive damages and exemplary damages up to three times actual damages, a civil
22 penalty of \$25,000, costs, and attorneys' fees pursuant to California Civil Code Sections 52 and 52.1.
23 No punitive damages are sought against defendant HERCULES.

24 **FIFTH CAUSE OF ACTION UNDER CIVIL CODE SECTION 51.7 (RALPH ACT) -**
25 **VIOLENT ACTS AND FALSE POLICE REPORTS - AGAINST ALL DEFENDANTS**

26 78. PLAINTIFF realleges and incorporates herein by reference the previous allegations as if
27 fully set forth herein.

28 79. Pursuant to California Civil Code Section 51.7 (the Ralph Act), all persons within the

1 jurisdiction of this state have the right to be free from any violence, or intimidation by threat of
2 violence, "on account of" any disability or medical condition, including epilepsy and seizure disorders.
3 The right to be free from disability-based violence or intimidation under the Ralph Act includes the
4 right to be free from being the subject of a claim or report to a law enforcement agency that falsely
5 alleges that the person has engaged in unlawful activity or in an activity that requires law enforcement
6 intervention, when the person making the report knows that the claim or report is false, or makes the
7 report with reckless disregard for the truth or falsity of the claim or report. The Contra Costa District
8 Attorney's office is a "law enforcement agency" under California law, including for the purposes of the
9 Ralph Act.

10 80. Defendants GARCIA, THOMPSON, and GOLDSTEIN violated the Ralph Act when,
11 "on account of " PLAINTIFF's seizure disorder and consequent inability to understand and comply
12 with their attempts to communicate with him, they grew angry with PLAINTIFF and subjected
13 PLAINTIFF to a violent assault and battery.

14 81. Defendants GARCIA, THOMPSON and DOES 1-20 also violated the Ralph Act when,
15 "on account of " PLAINTIFF's seizure disorder and consequent inability to understand and comply
16 with their attempts to communicate with him, they submitted a report to the Contra Costa County
17 District Attorney's office which falsely, dishonestly, corruptly and maliciously accused PLAINTIFF of
18 serious crimes of moral turpitude, in an effort to cover up their beating of a citizen who was suffering
19 from a medical emergency.

20 82. Pursuant to California Government Code Section 815.2, defendant HERCULES is
21 legally liable for all damages suffered as a result of the aforesaid actions of the individual named and
22 DOE defendants.

23 **SIXTH CAUSE OF ACTION FOR COMMON LAW FALSE ARREST**
24 **(CAL. GOVT. CODE §§ 815.2, 820) AGAINST ALL DEFENDANTS**

25 83. PLAINTIFF realleges each and every paragraph as if fully set forth herein.

26 84. Defendants GARCIA, THOMPSON AND GOLDSTEIN arrested PLAINTIFF without
27 a warrant and without probable cause to suspect he had committed a crime or was otherwise subject to
28 arrest. Each of those defendants has been advised and knew that PLAINTIFF appeared to have

1 suffered an epileptic seizure, and knew from their training that any behavior he might exhibit should
2 not be mistaken for conscious resistance or other criminal behavior.

3 85. As a proximate result of those defendants' intentional and wrongful conduct,
4 PLAINTIFF suffered damages.

5 86. The aforementioned acts were committed by defendants while in the course and scope
6 of their employment by defendant HERCULES. Defendant HERCULES is vicariously liable for the
7 common law torts of its employees and agents, including the aforementioned individual defendants,
8 pursuant to California Government Code Section 815.2(a) and California common law.

9 87. The above-recited actions of the individual defendants were done with malice, fraud, or
10 oppression, and in reckless disregard of the plaintiff's rights. As a result, pursuant to California Civil
11 Code § 3294, PLAINTIFF also is entitled to and seeks punitive damages against all individual
12 defendants in their individual capacities.

13 **SEVENTH CAUSE OF ACTION FOR COMMON LAW BATTERY**
14 **(CAL. GOVT. CODE §§ 815.2, 820) AGAINST ALL DEFENDANTS**

15 88. PLAINTIFF realleges each and every paragraph as if fully set forth herein.

16 89. Defendants GARCIA, THOMPSON AND GOLDSTEIN, by committing violence
17 against PLAINTIFF, intentionally caused offensive contact with PLAINTIFF's person.

18 90. PLAINTIFF did not consent to such violent and offensive acts and contact by
19 defendants.

20 91. As a proximate result of those defendants intentional and wrongful conduct,
21 PLAINTIFF suffered damages.

22 92. The aforementioned acts were committed by defendants while in the course and scope
23 of their employment by defendant HERCULES. Defendant HERCULES is vicariously liable for the
24 common law torts of its employees and agents, including the aforementioned individual defendants,
25 pursuant to California Government Code Section 815.2(a) and California common law.

26 93. The above-recited actions of the individual defendants were done with malice, fraud, or
27 oppression, and in reckless disregard of the PLAINTIFF's rights. As a result, pursuant to California
28 Civil Code § 3294, PLAINTIFF seeks punitive damages against all individual defendants in their

1 individual capacities.

2 **EIGHTH CAUSE OF ACTION BASED ON COMMON LAW**
3 **NEGLIGENCE (CAL. GOVT. CODE §§ 815.2, 820) AGAINST ALL DEFENDANTS**

4 94. PLAINTIFF realleges each and every paragraph as if fully set forth herein.

5 95. Defendants GARCIA, THOMPSON AND GOLDSTEIN owed PLAINTIFF the duty to
6 act with reasonable care and skill in the execution and enforcement of their duties pursuant to
7 California Government Code Sections 820 and 844.6(d), and California Civil Code Sections 1708 and
8 1714(a).

9 96. The aforementioned defendants breached their duties to act with reasonable care in that:

10 (a) all three defendants failed to follow their training, departmental procedures and established
11 standards of care in the police profession by failing to allow PLAINTIFF time to recover after they
12 were expressly told he was suffering from a seizure, and instead using force to remove him from his
13 vehicle. Even if they genuinely thought he was impaired impaired by substance abuse, that belief was
14 without specific articulable facts to support it. PLAINTIFF's involvement in a solo vehicle accident
15 did not create a reasonable suspicion of criminal conduct when an eyewitness had provided a credible
16 (and ultimately correct) medical explanation for PLAINTIFF's disability.

17 (b) all three defendants negligently failed to follow departmental procedures that required a
18 determination by EMS personnel that PLAINTIFF needed to be removed from the car to prevent
19 "serious bodily injury" or "death," before he could be forcibly moved without his consent.

20 (c) all three defendants negligently failed to follow their own departmental procedures in failing
21 to consult with a supervising officer prior to attempting to move a person to avoid death or serious
22 injury.

23 (d) defendants GARCIA and THOMPSON were negligent in failing, before submitting their
24 incident reports, to obtain information from the two witnesses who expressly told GOLDSTEIN that
25 they saw PLAINTIFF displaying seizure symptoms at the time his vehicle left the road.

26 (e) defendant GOLDSTEIN was negligent in failing to follow his own advice and in violating
27 departmental procedure (No. 300.2.1) as well as state and federal law in failing to intercede when he
28 saw two other officers violate PLAINTIFF'S legal and constitutional rights and their own training, by

1 using force on a young man who was recovering from a brain seizure. GOLDSTEIN knew
2 PLAINTIFF was reported to be having a seizure, heard and saw a witness describe that PLAINTIFF
3 convulsing in a posture that resembled that of a seizure victim, and knew that the proper response was
4 to, as he told GARCIA, "leave him be," yet GOLDSTEIN did nothing to stop GARICA and
5 THOMPSON from battering a man suffering a medical crisis, and instead assisted them.
6 GOLDSTEIN's conduct was incomprehensible.

7 (f) Defendants DOES 1-20 negligently and incompetently chose to submit a criminal report to
8 the Contra Costa County District Attorney, charging PLAINTIFF with the crime of driving under the
9 influence of any drug, Vehicle Code § 23152(f), even after receiving blood test results that showed
10 plaintiff was not driving under the influence. The test results showed trace amounts of marijuana that
11 could not have impaired plaintiff's ability to drive, and the presence of a sedative - benzodiazepine -
12 that the DOE defendants apparently believed was in PLAINTIFF'S bloodstream at the time of the
13 incident. However, they negligently failed to review plaintiff's ambulance or hospital records, both of
14 which noted that EMTs gave plaintiff Versed (a type of benzodiazepine) *after* the incident with the
15 officers. The DOE defendants also ignored multiple communications from PLAINTIFF'S family
16 informing them that PLAINTIFF had suffered additional seizures and had been diagnosed with
17 epilepsy based on objective testing of his brain function, lending strong support for the conclusion that
18 PLAINTIFF was disabled by a seizure during the April 1 incident. Specifically, on April 15, 2024 and
19 May 8, 2024, the DOE defendants were informed of PLAINTIFF's repeated seizures and diagnosis and
20 provided with supporting records, yet still chose to seek prosecution of PLAINTIFF by submitting their
21 reports to the District Attorney on July 15, 2024. Although the District Attorney officially determined
22 that the case lacked merit within two weeks, by July 29, and so informed the named and DOE
23 defendants, none of them chose to inform PLAINTIFF or his family of the fact that he would not be
24 prosecuted, and PLAINTIFF did not learn that his name had been cleared until November 2024.

25 97. As a direct and proximate result of the aforementioned negligence, PLAINTIFF
26 sustained serious and permanent injuries and damages, and is entitled to relief from each and every
27 defendant.

28 98. The aforementioned acts were committed by defendants while in the course and scope

1 of their employment by defendant HERCULES. Defendant HERCULES is vicariously liable for the
2 common law torts of its employees and agents, including the aforementioned individual defendants,
3 pursuant to California Government Code Section 815.2(a) and California common law.

4 99. The above-recited actions of the individual defendants were done with malice, fraud, or
5 oppression, and in reckless disregard of PLAINTIFF's rights. As a result, pursuant to California Civil
6 Code § 3294, PLAINTIFF also is entitled to and seeks punitive damages against all individual
7 defendants in their individual capacities.

8 **NINTH CAUSE OF ACTION FOR COMMON**
9 **LAW INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
10 **(CAL. GOVT. CODE §§ 815.2, 820) AGAINST ALL DEFENDANTS**

11 100. PLAINTIFF realleges and incorporates herein by reference the previous allegations as if
12 fully set forth herein.

13 101. The following actions of defendants GARCIA, THOMPSON, GOLDSTEIN,
14 HERCULES AND DOES 1-20, were intentional, extreme, outrageous and despicable:

15 a) arresting or supporting the arrest of PLAINTIFF when they knew PLAINTIFF was incapable
16 of committing a crime and was in medical distress;

17 b) writing narrative reports that accused PLAINTIFF of committing violent acts they knew
18 PLAINTIFF did not commit; and

19 c) recommending to the District Attorney that PLAINTIFF be charged with crimes they knew
20 PLAINTIFF did not commit.

21 102. Defendants abused their positions of authority as members of a public law enforcement
22 agency, which provided them power to affect PLAINTIFFS' interests and well-being.

23 103. The above mentioned defendants knew that PLAINTIFF, having just suffered from a
24 serious medical event, was particularly vulnerable to emotional distress, and that their aforementioned
25 conduct would likely result in PLAINTIFF suffering severe mental and emotional distress. Their
26 actions in arresting and accusing plaintiff of crimes, even after it was demonstrated that he suffered
27 from a seizure disorder, were done with the intent to cause him serious emotional distress, or with
28 reckless disregard of the probability of causing him serious emotional distress.

104. As a direct, legal and proximate result of the actions of the aforementioned named and

1 DOE defendants, PLAINTIFF suffered severe emotional distress, all to his damage in a sum to be
2 shown according to proof and within the jurisdiction of the Superior Court.

3 105. The aforesaid were carried out with a conscious disregard of PLAINTIFF's right to be
4 free from such tortious and criminal behavior, such as to constitute oppression, fraud or malice
5 pursuant to California Civil Code Section 3294, entitling PLAINTIFF to punitive damages in an
6 amount appropriate to punish and set an example of the individual named and DOE defendants.

7 106. Pursuant to California Government Code Section 815.2, defendant HERCULES is
8 legally liable for all compensatory damages suffered as a result of the aforesaid tortious actions of the
9 individual named and DOE defendants.

10 **TENTH CAUSE OF ACTION FOR COMMON LAW**
11 **DEFAMATION (CIVIL CODE § 43; GOVT. CODE §§ 815.2, 820)**
12 **AGAINST DEFENDANTS GARCIA, THOMPSON AND DOES 1-20**

13 107. PLAINTIFF realleges and incorporates herein by reference the previous allegations as if
14 fully set forth herein.

15 108. Pursuant to California Civil Code Section 43, PLAINTIFF had the "right of protection
16 from ... personal insult, from defamation, and from injury to his personal relations."

17 109. Defendants GARCIA and THOMPSON violated PLAINTIFFS' aforementioned rights
18 by intentionally and knowingly publishing, to other Hercules PD officers and supervisors and the
19 Contra Costa County District Attorney's office, false information dishonestly, corruptly and
20 maliciously accusing PLAINTIFF of serious crimes of moral turpitude, claiming or insinuating that
21 PLAINTIFF was driving while high on drugs and consciously interfered with the work of police
22 officers. This was done in an effort to cover up their misconduct, discredit PLAINTIFF, intimidate
23 him, impair his ability to make claims against them for their violations of his rights, and discourage
24 him from even attempting to make such claims. Said defendants also intentionally and knowingly
25 insinuated that PLAINTIFF engaged in criminal conduct by their selective omission of pertinent facts.

26 110. Defendants GARCIA and THOMPSON made numerous false and defamatory claims
27 and misleading omissions in their narrative reports. Specifically, GARCIA falsely claimed or falsely
28 insinuated:

(a) That PLAINTIFF violated Section 69(a) of the Penal Code, which prohibits a person from

1 using violence to interfere with a police officer's performance of his or her duties. The only action that
2 GARCIA and the other officers on scene took on that day that PLAINTIFF interfered with was the
3 officers' forceful removal of him from his car, but neither GARCIA nor any other officer did our could
4 articulate why they had a legal duty to remove PLAINTIFF from his vehicle.

5 (b) That PLAINTIFF violated Section 23152(f) of the Vehicle Code. As noted, there was no
6 evidence in PLAINTIFF's car of drug use, and there was affirmative evidence that PLAINTIFF was
7 instead incapacitated by a medical condition.

8 (c) That he saw PLAINTIFF "make his right hand into a fist" seconds before defendant
9 THOMPSON punched PLAINTIFF in the face. GARCIA made no such claim while discussing the
10 incident with other officers at the scene, and if PLAINTIFF balled his hand into a fist, it was not a
11 violent act but rather a natural response to being pulled, pushed, grabbed and tased by the three
12 officers.

13 (d) That PLAINTIFF "ignored all Officers' commands," falsely implying that PLAINTIFF had
14 the capacity to understand those commands, which he did not. Indeed, GARCIA himself reported that
15 PLAINTIFF seemed to have "no clue as to what was happening."

16 (e) That he (GARCIA) had the experience and training to identify persons impaired by
17 psychoactive drugs, in order to buttress his claim that PLAINTIFF was so impaired. There is one
18 certification recognized in the State of California for police officer expertise in recognizing when a
19 person is impaired by drugs: the International Drug Evaluation and Classification (DEC) Program
20 operated by the International Association of Chiefs of Police (IACP). Police officers who successfully
21 complete the program are certified as a drug recognition expert or evaluator (DRE). GARCIA was not
22 and is not a DRE, and did not perform a competent evaluation of PLAINTIFF at the accident scene or
23 after.

24 111. GARCIA's report also contained omissions designed to mislead readers, including:

25 (a) Failing to mention that Officer Goldstein arrived on scene and that they initially agreed that
26 because PLAINTIFF was reported to have suffered a seizure, they should leave him alone and not
27 attempt to move him;

28 (b) Failing to mention that PLAINTIFF did not exhibit any aggressive behavior until he

1 (Garcia) and other officers and firefighters began shoving and grabbing him;

2 (c) Failing to mention that PLAINTIFF denied the use of drugs repeatedly, both while they were
3 in PLAINTIFF's car during the postictal phase of the seizure, and hours later, after he recovered and
4 was sitting in the hospital;

5 (d) Noting that PLAINTIFF tried to fasten his seat belt and close his door, insinuating that there
6 was a danger he would move his vehicle and injure himself or others, without noting that the vehicle
7 was not running and the keys were in the custody of defendant GOLDSTEIN.

8 (e) Insinuating that PLAINTIFF made a fist with the intention of striking one of the officers,
9 without mentioning that PLAINTIFF was entirely docile before officers began grabbing and striking
10 him;

11 (f) Failing to mention in his report that blood and urine tests contradicted his claims that
12 PLAINTIFF was driving under the influence,

13 (g) Claiming that in his experience PLAINTIFF'S behavior suggested he had taken
14 "psychoactive drugs," without mentioning that PLAINTIFF'S was at least equally consistent with a
15 medical condition, and

16 (h) Most importantly, failing to mention that at the time they used force to remove PLAINTIFF
17 from his car, the officers had no articulable basis for detaining or arresting PLAINTIFF, including no
18 basis for believing that he had to be removed from his car promptly for his own safety.

19 112. Defendant THOMPSON falsely claimed:

20 (a) That the response was to a report of a "solo vehicle collision." As noted, the response was to
21 a report of a driver in medical distress.

22 (b) That he observed "object [sic] signs" of intoxication in PLAINTIFF's behavior, including
23 confusion, falling in an out of consciousness, and being involved in a traffic accident. Like GARCIA,
24 Thompson did not indicate he has DRE certification, and the things he observed are *not* objective signs
25 of intoxication such as the odor of alcohol, lack of physical coordination and slurred speech; they are
26 objective signs of a host of medical conditions and impairments, including seizures.

27 (c) That firefighters requested assistance because "they feared Bruce may attack them." That
28 was a baseless fabrication. The BWC recordings make clear that PLAINTIFF exhibited no desire to

1 "attack" anyone; when the officers were not pushing and shoving him, he repeatedly fell asleep. The
2 many firefighters at the scene neither expressed nor displayed any indication that they feared
3 PLAINTIFF would attack them, and did not request police assistance for that reason or *any* reason.
4 Instead, GOLDSTEIN offered to remove PLAINTIFF from the car and the rookie paramedic in charge,
5 who had been in uniform for about one year, simply consented to that proposal.

6 113. Upon information and belief, DOES 1-20 also committed defamation by republishing
7 the officers' falsehood-laden narrative reports to the Contra Costa County District Attorney's office,
8 with knowledge or reckless disregard for the fact that PLAINTIFF had no illegal substances in his
9 body, had suffered a seizure, and lacked the mental capacity to commit any crimes.

10 114. The false accusations were retransmitted to state and federal databases.

11 115. DEFENDANTS' false and misleading publications were *per se* defamatory, and the
12 named and DOE defendants made or caused to be made the aforementioned false and defamatory
13 reports knowing that the reports were false, or with reckless disregard for the truth or falsity of the
14 reports, and thus those defamatory reports were not privileged communications, pursuant to Civil Code
15 Section 47(b)(5).

16 116. As a direct and proximate result of GARCIA, THOMPSON AND DOES 1-20's
17 wrongful conduct, PLAINTIFF has suffered damages including but not limited to economic losses, loss
18 of reputation, emotional distress, humiliation, shame, and other damages.

19 117. In doing the things alleged herein, GARCIA's and THOMPSON's conduct was
20 despicable. Those defendants acted toward PLAINTIFF with malice, oppression, fraud, and with
21 willful and conscious disregard for PLAINTIFF'S rights, entitling PLAINTIFF to recover punitive
22 damages from those individual defendants.

23 118. Pursuant to California Government Code Section 815.2, defendant HERCULES is
24 legally liable for all compensatory damages suffered as a result of the aforesaid tortious actions of the
25 individual named and DOE defendants.

26 ///

27 ///

28 ///

1 **V. PRAYER FOR RELIEF**

2 WHEREFORE, PLAINTIFF prays for a judgment against defendants, and each of them, as
3 follows:

4 (1) For general damages, including to compensate him for physical pain and suffering and
5 emotional distress, according to proof at the time of trial;

6 (2) For special damages, including the cost of medical care, according to proof at the time of
7 trial;

8 (3) For punitive and exemplary damages against the individual defendants as indicated above,
9 commensurate with the acts complained of herein;

10 (4) For actual damages, penalties, costs, interest, and attorney fees as allowed by 42 U.S.C. §§
11 1983 and 1988, 42 U.S.C. § 12205, and federal law;

12 (5) For actual damages, punitive and exemplary damages against the individual defendants, civil
13 penalties, costs and attorneys fees pursuant to California Civil Code § 52.1, and

14 (6) For such other and further relief and damages as the Court may deem just and proper.

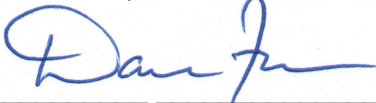
15 DATED: February 7, 2025

ALTAIR LAW

16 By: 
17 _____
Craig M. Peters

18 DATED: February 7, 2025

BRENT & FIOL, LLP

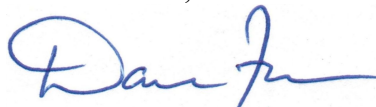
19 By: 
20 _____
21 David L. Fiol
Attorneys For Plaintiff Jack Francis Bruce

22
23 **DEMAND FOR JURY TRIAL**

24 Plaintiff demands a jury trial on each and all of the causes of action set forth in this Complaint.

25 DATED: February 7, 2025

BRENT & FIOL, LLP

26 By: 
27 _____
28 David L. Fiol
Attorneys for PLAINTIFF