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 Richard Zilinskas and Mildred Zilinskas

7  
 8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

11 RICHARD ZILINSKAS and MILDRED  
 12 ZILINSKAS,

Case No. 5:25-cv-07506-PCP

13 Plaintiffs,

FIRST AMENDED COMPLAINT

14  
 15 v.

16 THE COUNTY OF MONTEREY;  
 17 THE CITY OF MONTEREY;  
 DETECTIVE MICHAEL GARCIA;  
 18 DEPUTY DISTRICT ATTORNEY BILLIE  
 GIBSON;

1. Malicious Prosecution
2. Unreasonable Seizure of Person
3. Violation of Tom Bane Civil Rights Act
4. Loss of Consortium

19 Defendants.

20  
 21 **INTRODUCTION**

- 22 1. On September 26, 2024, law enforcement agents and officers of the City and County of  
 23 Monterey, California, wrongfully applied for a warrant for the arrest of Richard Zilinskas.  
 24 Without any factual basis or probable cause, the County accused Mr. Zilinskas of the  
 25 heinous crimes of: arranging a meeting with a minor for lewd purposes, contact with a  
 26

1 minor for sexual offense, and two counts possession of matter depicting a minor engaging  
2 in sexual conduct.

3 2. In support of the arrest warrant, a Deputy District Attorney declared under penalty of  
4 perjury—without factual basis—she had personal knowledge that Mr. Zilinskas committed  
5 these crimes. Relying on the prosecutor’s declaration, the Superior Court of California for  
6 the County of Monterey issued a warrant for the arrest of Mr. Zilinskas on September 26,  
7 2024.

8 3. Richard Zilinskas, a 75-year-old married elementary school teacher from Ontario, Canada,  
9 was arrested and incarcerated for 13 days in New York State. He was later found by the  
10 Superior Court of California for the County of Monterey to be factually innocent of the  
11 accused crimes. However, such a finding was not made until well after the damage caused  
12 by the defendants’ acts and omissions as complained of herein.

13 4. By this lawsuit, Richard and Mildred Zilinskas seek compensation for the special and  
14 general damages arising out of defendants’ violation of the Constitution of the United  
15 States of America, as well as the violation of the laws of the State of California.

### 16 JURISDICTION AND VENUE

17 5. The Court has federal question jurisdiction under 28 U.S.C. § 1331 because this action is  
18 brought, in part, pursuant to 42 U.S.C. §§ 1983 and 1988. The Court has supplemental  
19 jurisdiction for claims brought under California law pursuant to the law as articulated in  
20 *Martinez v. Cal.* (1980) 444 U.S. 277, 283, fn. 7.

21 6. Alternatively, the Court has jurisdiction under 28 U.S.C. § 1332 as this complaint is a  
22 controversy between citizens of Ontario, Canada, and citizens and agencies of the State of  
23 California. The amount in controversy is in excess of \$75,000.

24 7. The acts and omissions complained of herein took place in the County of Monterey, thus  
25 venue is proper in this Court.

26 8. Plaintiff has complied with the claims procedure of the California Government Claims Act.

**PARTIES**

9. At the time of the incident, plaintiff Richard Zilinskas was a 75-year-old elementary school teacher in Waterloo, Ontario, Canada. He is and at all relevant times was a citizen and resident of Canada. Though still physically able, Mr. Zilinskas' approximate age was discernable from his appearance. Further, his voice was soft, hoarse, and shaky, in a manner befitting people of his age.
10. Richard Zilinskas had a cognizable interest under the Constitution of the United States to be free from criminal investigation, arrest, and prosecution without probable cause to believe that he had committed a crime.
11. Plaintiff Mildred Zilinskas is, and at all relevant times was, a citizen and resident of Canada. She is, and at all relevant times was, the lawfully married wife of Richard Zilinskas.
12. Mildred Zilinskas has a cognizable interest under the Due Process Clause of the 14th Amendment of the United States Constitution to be free from unwarranted state interference in her familial relationship with Richard Zilinskas.
13. The rights and protections secured by the Constitution of the United States and of the Constitution of California extend to all persons regardless of nationality or citizenship.
14. At all relevant times, defendant Michael Garcia was employed by the City of Monterey as a detective. He is sued in his personal capacity.
15. At all relevant times, defendant Billie Gibson was employed by the County of Monterey as a deputy district attorney. She is sued in her personal capacity.
16. At all relevant times, the County of Monterey was a California general-law county. At all times, the County of Monterey was acting under color of law.
17. At all relevant times, the City of Monterey was a duly incorporated city in Monterey County, California. At all times, the City of Monterey was acting under color of law.

**GENERAL ALLEGATIONS**

18. As permitted by Federal Rules of Civil Procedure Rule 8(d)(3), plaintiffs plead claims in the alternative even if those claims may be inconsistent with one another.

***The Investigation***

19. On July 25, 2024, the Monterey Police Department was contacted by “A. Doe,” the mother of “Jane Doe,” reporting that an adult male had been having inappropriate conversations with her 13-year-old daughter over the internet. Monterey Police Officer Brendan Dias was dispatched to the location of the complaint, where he took a report.

20. Officer Dias learned that Jane Doe had been communicating with an adult male, using the website *meetyou.me*. The man communicating with Jane Doe purported to be 48 years old, to have the first name David, and to be from Ohio. For the purposes of this complaint, that man will be referred to herein as “David.”

21. Officer Dias learned that Jane Doe had sent David nude photos of herself, that the two had used the website *meetyou.me* to discuss meeting in person and getting a hotel room together, and that David knew that Jane Doe was a minor.

22. Prior to Officer Dias’ arrival, and in the presence of A. Doe, who was recording the audio, Jane Doe was asked to call David. Officer Dias listened to the recording and reported that David’s voice was apparently that of an adult male. He made no report of the reduced volume, hoarseness, or shakiness that is present in the voice of Richard Zilinskas.

23. On July 31, 2024, Detective Michael Garica of the Monterey Police Department requested information on David from *meetyou.me*.

24. On August 8, 2024, Detective Garcia met with A. Doe and Jane Doe at the Monterey Police Station. Jane Doe’s cell phone was searched.

1 25. Jane Doe told Detective Garcia that David had refused to show his face and was evasive  
2 with personal information. She also told Detective Garcia that David had confirmed  
3 receiving nude photographs of her and was aware that she was a juvenile.

4 26. On August 8, Detective Garcia sent a request to *meetyou.me* for all personal information,  
5 IP addresses, and emails for all the known usernames of David. The next day, Detective  
6 Garcia received that information, including an email address, the last used IP address, and  
7 the dates of activity.

8 27. The email address associated with David's account was *sundancekid2024@mail.com*.  
9 Detective Garcia sent a request to *mail.com* for information regarding that email address.

10 28. On August 12, 2024, Detective Garcia received a response from *mail.com* informing him  
11 that the account had been opened on June 20, 2024, and the last login at that time had been  
12 on August 9, 2024.

13 29. Detective Garcia also learned, from *mail.com*, that the owner of the email address was  
14 "Chuck Farlee" and that there was a phone number that had been entered upon registering  
15 for the account.

16 30. When David opened the *mail.com* account, he apparently entered a phone number at  
17 random. *Mail.com* allowed users to open accounts as long as the appropriate number of  
18 digits for a phone number was entered in the registration form. There was no  
19 authentication or verification mechanism. The phone number that David had entered  
20 happened to belong to Mildred Zilinskas, wife of Richard Zilinskas.

21 31. Detective Garcia also looked up the associated IP addresses and learned that David's  
22 activity on *meetyou.me* originated from the following cities in Michigan: Saint Clair,  
23 Livonia, Novi, and Detroit.

24 32. At no point between June 20, 2024 (when David opened the *mail.com* account) and  
25 October 20, 2024 (when Mr. Zilinskas was arrested), was Richard Zilinskas ever in the  
26

1 United States. This period of time encompasses the known dates on which David was  
2 located in the greater Detroit area and contacting Jane Doe through *meetyou.me*.

3 33. On August 14, 2024, Detective Garcia contacted Detective Katie Miller of the Waterloo  
4 (Ontario) Regional Police Service. With no factual basis for doing so, Detective Garcia  
5 falsely told Detective Miller that the matter was urgent due to the imminent threat of  
6 abduction of Jane Doe by the owner of the phone number entered to register the *mail.com*  
7 email address. This representation caused Detective Miller to inform Detective Garcia that  
8 the phone number belonged to Mildred Zilinskas.

9 34. Detective Miller further provided Garcia with a photograph of Richard Zilinskas. The  
10 photograph showed Mr. Zilinskas to be an elderly man, decades older than 48.

11 35. Detective Garcia then contacted the Department of Homeland Security, where he spoke  
12 with Agent Davis Mendelson. Agent Mendelson told Detective Garcia that Mr. Zilinskas  
13 has traveled to the United States in the past. Mr. Zilinskas' last known visit to the United  
14 States was with his wife during a layover in Los Angeles on February 29 of 2024. Mr.  
15 Zilinskas left the United States for Singapore in the first hours of March 1, 2024. Detective  
16 Garcia also learned that Mr. Zilinskas had flown into San Francisco several times over a  
17 period of years and that he had crossed the land border in New York in June of 2023.

18 36. Detective Garcia was never given any information suggesting that Mr. Zilinskas had ever  
19 been in Michigan, Ohio, or Monterey County.

20 37. Detective Garcia's investigation provided him with evidence that David was located in  
21 and around Detroit, Michigan, when the criminal conduct took place. Detective Garcia had  
22 no reason to believe that Mr. Zilinskas had ever been to Michigan. There was no indication  
23 that any of the criminal communications had originated from Canada or any IP address  
24 associated with Richard or Mildred Zilinskas.

25 38. Detective Garcia never made any attempt to search the electronic devices of Richard  
26 Zilinskas.

1 39. Detective Garcia never made any attempt to seek evidence corroborating his theories that  
2 Richard Zilinskas was David, or that Mr. Zilinskas had ever been to Ohio, Michigan, or  
3 Monterey County.

4 40. Detective Garcia never made any attempt to verify that the phone number provided to  
5 *mail.com* was, in fact, anything more than a random string of digits.

6 41. Detective Garcia never tried to call or otherwise surveil the phone number he believed to  
7 be associated with the *mail.com* account.

8 42. Based exclusively on the fact that Richard Zilinskas' wife was assigned a phone number  
9 that an anonymous person on the internet had provided to *mail.com* for an email address  
10 associated with David's *meetyou.me* account, Detective Garcia pressured Deputy District  
11 Attorney Billie Gibson to seek an arrest warrant for Richard Zilinskas.

12 ***The Warrant Application***

13 43. On September 26, 2024, Monterey County Deputy District Attorney Billie Gibson filed an  
14 application in the Superior Court of California for a warrant for the arrest of Richard  
15 Zilinskas. Ms. Gibson declared ***under penalty of perjury*** that she had read the law  
16 enforcement records and that "there are sufficient facts and information contained in these  
17 reports and statements to establish probable cause for the arrest and pre-trial restraint of  
18 liberty of" Richard Zilinskas. That warrant was granted on the same day.

19 44. Also on September 26, Deputy District Attorney Billie Gibson filed a document in  
20 criminal court captioned "***COMPLAINT: Warrant Request.***" The document accused  
21 Richard Zilinskas of four felony counts: Arranging Meeting a Minor for Lewd Purposes,  
22 Contact with Minor for Sexual Offense, and two counts of Possession of Matter Depicting  
23 Minor Engaging in Sexual Conduct.

24 45. Although the asserted truth of the accusations in the ***COMPLAINT: Warrant Request*** was  
25 sworn under penalty of perjury by Deputy District Attorney Billie Gibson, the accusations  
26 were, in fact, baseless.

1 46. On September 26, 2024, the Superior Court of California for the County of Monterey  
2 issued the warrant for Mr. Zilinskas' arrest. At no point between the issuance of the  
3 warrant and his arrest was Mr. Zilinskas, who was labeled as a "fugitive from justice," ever  
4 summoned to court or otherwise informed that he had been charged with any crimes. He  
5 was never informed that he was even a suspect of any crimes.

6 47. Despite Gibson's sworn assertion that Mr. Zilinskas was committing heinous crimes  
7 against minors in the County of Monterey, no further investigation was undertaken after  
8 the issuance of the arrest warrant.

9 48. At no point after the issuance of the arrest warrant did Detective Garcia, Deputy District  
10 Attorney Gibson, or any other person attempt to seek the cooperation of Canadian law  
11 enforcement to investigate the alleged perpetrator residing in that jurisdiction.

12 49. At no point after the issuance of the arrest warrant did Detective Garcia, Deputy District  
13 Attorney Gibson, or any other person attempt to coordinate an investigation with federal  
14 law enforcement in regard to this interstate and supposedly international crime.

15 50. At no point after the issuance of the arrest warrant was any further investigation conducted  
16 at all. No further evidence was sought or collected. Meanwhile, the real child predator  
17 continued with his daily life, free of scrutiny and detection.

18 ***The Arrest***

19 51. On October 20, 2024, Richard and Mildred Zilinskas planned a day trip to Niagara Falls.  
20 The couple decided to circumnavigate the falls, which required crossing the border from  
21 Canada into the United States of America.

22 52. Upon reaching the border crossing, and in the presence of his wife, Richard Zilinskas  
23 produced his passport. He was completely shocked to find that, upon handing over his  
24 passport for inspection, he was arrested.

25 53. Mr. Zilinskas was detained and questioned for three hours by United States Customs and  
26 Border Protection agents in Lewiston, New York. His vehicle was searched several times.

1 Although Mr. Zilinkas had no phone with him, Mildred’s phone—the device associated  
2 with the phone number entered to register for the *mail.com* email address—was thoroughly  
3 searched and returned to her without comment.

4 54. Despite having never been told that he was wanted in the United States, Mr. Zilinkas was  
5 told by the Niagara County Sheriff’s Department that he was being held as a fugitive from  
6 justice. Mr. Zilinkas was told he had missed a court date in Monterey County, California.  
7 He was handcuffed and taken to the Niagara County Jail to await extradition.

8 55. Mr. Zilinkas spent 13 days in the Niagara County Jail. During this time he experienced  
9 horrendous conditions. Mr. Zilinkas was subjected to inconsistent and incomplete cardiac  
10 medication administration.

11 56. Throughout the time that Richard Zilinkas was incarcerated, Mildred Zilinkas rented a  
12 hotel room in Niagara County, New York, where she took every opportunity to marshal a  
13 defense and provide moral support to her husband.

14 57. On November 1, 2024, Richard Zilinkas appeared in the Supreme Court for the State of  
15 New York in Niagara County. He was forced to appear in handcuffs and leg shackles. He  
16 was granted bail, whereupon Border Patrol Agents drove him in handcuffs over the  
17 Canadian border where he was released with instructions to appear remotely in the  
18 Superior Court of California for the County of Monterey.

19 ***The Exoneration***

20 58. On January 7, 2025, the Superior Court accepted the District Attorney of Monterey  
21 County’s dismissal of all charges against Richard Zilinkas. The stated reason for the  
22 dismissal was the interest of justice.

23 59. On May 2, 2025, the Superior Court of California issued a formal finding that Richard  
24 Zilinkas was factually innocent of all the charges raised against him. (See Exhibit 1.) The  
25 Court further ordered the Monterey Police Department and the California Department of  
26 Justice to seal all records of Mr. Zilinkas’ arrest and destroy them on October 20, 2027.

1 60. The Superior Court also ordered that all investigative documents in regard to Richard  
2 Zilinskas bear the legend “Exonerated.”

3 ***Damages***

4 61. When Mr. Zilinskas was confined in the Niagara County Jail, he was standing accused of  
5 child predation. Even in the setting of a correctional facility, child predators are loathed,  
6 ostracized, and physically threatened. Despite Mr. Zilinskas’ factual innocence of the  
7 charges, he was forced to stay reclusive and on constant alert due to the nature of the  
8 accusations against him. This was an extremely stressful and emotionally challenging  
9 situation.

10 62. When Mr. Zilinskas was released from the jail, he learned that local internet-based  
11 vigilantes had disseminated his mug-shot and described the charges levied against him as  
12 though he was guilty of those crimes. The news of the charges had already reached his  
13 hometown in Waterloo, Ontario.

14 63. Despite the fact that Mr. Zilinskas was completely factually innocent and had the charges  
15 against him dropped, the damage to his reputation as a teacher—built over decades of  
16 dedicated service—had been done. Mr. Zilinskas was forced to resign from his position.  
17 Co-workers, students, and parents of students began to circulate his mug shot and  
18 information regarding his arrest. His social circle turned on him as though he had  
19 committed the heinous acts of which he was accused. This caused extreme humiliation and  
20 anxiety for both Mr. Zilinskas and Mrs. Zilinskas.

21 64. Despite the finding of factual innocence, Mr. Zilinskas remains wary of social situations  
22 involving colleagues, friends, and neighbors. Mr. Zilinskas has become reclusive,  
23 withdrawn, and depressed.

24 65. Richard Zilinskas has lost wages and benefits associated with his employment from which  
25 he was forced to resign following the events described herein.

26 66. Richard Zilinskas has suffered irreparable damage to his reputation.

1 67. Richard Zilinkas has suffered general damages as a result of the events described herein.

2 68. Further, Richard Zilinkas was required to hire and pay for two private criminal defense  
3 attorneys and private forensic investigators to meet the charges leveled against him. Such  
4 costs would not have been incurred but for the wrongful conduct of the defendants as  
5 described herein.

6 69. Mildred Zilinkas was also harmed when her husband was arrested and charged with child  
7 predation. Throughout their decades of marriage, Mildred and Richard Zilinkas have had  
8 a deeply attached and committed relationship with one another. They have always  
9 maintained an equal partnership with one another throughout their triumphs and  
10 disappointments. They would frequently travel the world together. They raised three  
11 children to adulthood together. Mildred Zilinkas was intimately involved with every  
12 aspect of Richard Zilinkas's life; and Richard Zilinkas was intimately involved with  
13 every aspect of Mildred Zilinkas's life. Throughout their marriage, Mildred Zilinkas  
14 relied on the care, comfort, and society offered by Richard Zilinkas.

15 70. During, and following, the arrest of her husband, Mrs. Zilinkas suffered harm in the form  
16 of emotional distress, humiliation, damage to reputation, loss of quality of familial  
17 relationships, unwarranted interference with her familial relationships, loss of quality of  
18 her social life, loss of household income, and loss of household services. These damages  
19 are particularly acute in this instance because of the publicly known closeness of their  
20 marriage such that the perceived actions of Richard Zilinkas reflect on the character of  
21 Mildred Zilinkas.

22  
23 **FIRST CLAIM – MALICIOUS PROSECUTION**

24 (42 U.S.C. §§ 1988, 1983, and Amendment Four to the United States Constitution)

25 **BROUGHT BY: RICHARD ZILINKAS AND MILDRED ZILINKAS**  
26 **BROUGHT AGAINST: DETECTIVE MICHAEL GARCIA and DEPUTY DISTRICT**  
27 **ATTORNEY BILLIE GIBSON.**

1 71. Plaintiffs incorporate paragraphs 1 through 70 as though fully set forth herein.

2 72. The Fourth Amendment of the United States Constitution guarantees that the government  
3 will not seek to deprive the liberty of any person without probable cause to believe that the  
4 person had committed a crime.

5 73. On September 26, 2024, when Deputy District Attorney Gibson applied for an arrest  
6 warrant against Richard Zilinskas, she provided a declaration, sworn under penalty of  
7 perjury, that Mr. Zilinskas committed certain crimes. Deputy District Attorney Gibson's  
8 declaration was brought based upon the false information provided to her by Detective  
9 Garcia. Ms. Gibson sacrificed her word of honor in an effort to please or accommodate  
10 Detective Garcia. She failed to scrutinize the information he provided for veracity prior to  
11 testifying in the Superior Court under penalty of perjury when seeking a warrant for the  
12 arrest of Richard Zilinskas.

13 74. Gibson's false declaration was the sole evidentiary support for a finding of probable cause  
14 to issue an arrest warrant.

15 75. Deputy District Attorney Gibson was acting as a witness in submitting evidence to the  
16 Court for a finding of probable cause to issue an arrest warrant. As a witness, Ms. Gibson  
17 exceeded the roles traditionally associated with the judicial process as articulated in *Kalina*  
18 *v. Fletcher* (1997) 522 U.S. 118, 130-131.

19 76. Each of the averments in the declaration described above was demonstrably false. Deputy  
20 District Attorney Gibson had no factual basis to support her purported personal knowledge  
21 that Mr. Zilinskas had committed the crimes of which he was accused. Further, Deputy  
22 District Attorney Gibson was aware that the statements she was making were untrue.  
23 Therefore, she made those statements with either a knowing or reckless disregard for the  
24 truth.

1 77. In offering testimony as she did, Deputy District Attorney Gibson fabricated evidence  
2 upon which the court relied when issuing the arrest warrant. Her conduct was a substantial  
3 factor in bringing about the issuance of the arrest warrant for Richard Zilinskas.

4 78. Detective Garcia exerted undue pressure on Deputy District Attorney Gibson to seek an  
5 arrest warrant without having first obtained any reliable evidence of probable cause to  
6 believe that Mr. Zilinskas may have been guilty of the crimes accused. He further withheld  
7 exculpatory evidence from Deputy District Attorney Gibson.

8 79. Detective Garcia's conduct was a substantial factor in bringing about the issuance of the  
9 arrest warrant for Richard Zilinskas.

10 80. In the alternative, defendant Garcia and defendant Gibson conspired to deliberately  
11 fabricate evidence when they:

12 a. Were aware that one another planned to present sworn affidavits containing false  
13 information to the Superior Court accusing Richard Zilinskas of a crime without  
14 probable cause;

15 b. And agreed with one another to present knowingly false information to the Superior  
16 Court with the intent of securing an arrest warrant that would deprive Mr. Zilinskas of  
17 the liberties guaranteed by the Constitution.

18 81. The criminal prosecution was initiated in the absence of probable cause to believe that Mr.  
19 Zilinskas may have committed the crimes and notwithstanding evidence clearly indicating  
20 Mr. Zilinskas' innocence.

21 82. The prosecution was initiated with a malicious disregard for the rights of Richard Zilinskas  
22 to be free from criminal prosecution without probable cause to believe that he had  
23 committed a crime.

24 83. The prosecution was initiated for the improper purpose of self-advancement by Detective  
25 Garcia and Deputy District Attorney Gibson by, among other things, inflating their  
26 statistics and reputations.

1 84. Alternatively, the prosecution was initiated out of bias against foreign nationals in  
2 violation of the Constitution.

3 85. On the basis of the wrongfully obtained arrest warrant, Richard Zilinskas was arrested and  
4 detained in Niagara County, New York. Such arrest and detention were restrictions on Mr.  
5 Zilinskas' liberty as contemplated in the Fourth Amendment of the United States  
6 Constitution. Because that seizure was effected without probable cause, the conduct  
7 violated the Fourth Amendment.

8 86. As a direct and proximate result of the Constitutional violation described herein, Richard  
9 Zilinskas and Mildred Zilinskas were damaged as set forth in the Damages section of this  
10 complaint.

11 87. Richard Zilinskas and Mildred Zilinskas sue under 42 U.S.C. Section 1983 seeking  
12 compensation for the damages incurred as described herein. Further, plaintiff seek an  
13 award of attorney's fees under 42 U.S.C. Section 1988.

14 88. The conduct of the defendants as described herein was malicious, wanton, oppressive, and  
15 accomplished with a conscious disregard for the rights of plaintiffs, thereby entitling  
16 plaintiffs to an award of exemplary and punitive damages.

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18 **SECOND CLAIM – UNREASONABLE SEIZURE, JUDICIAL DECEPTION**

19 (42 U.S.C. §§ 1983, 1988; 4th Amendment to the United States Constitution)

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21 **BROUGHT BY: RICHARD ZILINSKAS AND MILDRED ZILINSKAS**  
22 **BROUGHT AGAINST: MICHAEL GARCIA**

23 89. Plaintiffs incorporate by reference paragraphs 1 through 88 of this complaint as though  
24 fully set forth herein.

25 90. The Fourth Amendment to the United States Constitution guarantees that the government  
26 will not seize a person without probable cause to believe that a crime has been committed.

1 An arrest is the seizure of a person. As a result, an arrest warrant must be supported by  
2 information presented under oath sufficient to establish probable cause.

3 91. Defendant Gibson submitted to a judge of the Superior Court a warrant affidavit that  
4 contained one or more knowing misrepresentations or omissions material to the finding of  
5 probable cause. Defendant Gibson relied upon and referenced the report of Detective  
6 Garcia in the affidavit. Detective Garcia knew that the report would be presented to the  
7 judge when he created it and provided it to Deputy District Attorney Gibson.

8 92. The defendants made the misrepresentations intentionally or with reckless disregard for the  
9 truth.

10 93. The warrant would not have been issued without the misrepresentations in the affidavit and  
11 report as described herein.

12 94. No probable cause existed to believe that Richard Zilinkas had committed any crime of  
13 which he was accused.

14 95. The warrant was issued by the Superior Court, and as a direct result of that warrant,  
15 Richard Zilinkas was seized in the presence of this wife by authorities at the Niagara Falls  
16 border crossing.

17 96. As a direct and proximate result of unreasonable seizure of Richard Zilinkas described  
18 above, Richard Zilinkas and Mildred Zilinkas were harmed as described in the Damages  
19 section of this complaint.

20 97. Richard Zilinkas and Mildred Zilinkas sue under 42 U.S.C. Section 1983 seeking  
21 compensation for the damages incurred as described herein. Further, plaintiffs seek an  
22 award of attorney's fees under 42 U.S.C. Section 1988.

23 98. The conduct of the defendants as described herein was malicious, wanton, oppressive, and  
24 accomplished with a conscious disregard for the rights of plaintiffs, thereby entitling  
25 plaintiffs to an award of exemplary and punitive damages against the defendants named in  
26 their individual capacities.

**THIRD CLAIM – VIOLATION OF THE TOM BANE CIVIL RIGHTS ACT**

(Cal Civ. Code § 52.1)

**BROUGHT BY: RICHARD ZILINSKAS**

**BROUGHT AGAINST: THE CITY OF MONTEREY, THE COUNTY OF MONTEREY,  
BILLIE GIBSON, and MICHAEL GARCIA**

99. Plaintiffs incorporate paragraphs 1-98 of this complaint as though fully set forth herein.

100. The Tom Bane Civil Rights Act provides for a cause of action against any person or persons who interferes, by threat, intimidation, or coercion, with the exercise or enjoyment by any individual or individuals of rights secured by the Constitution or laws of the United States or California.

101. By its own terms, the Tom Bane Civil Rights Act is not subject to certain immunities provided by the State of California, including prosecutorial immunity found in Government Code § 821.6.

102. The Fourth Amendment to the United States Constitution provides the right of all people to be free from arrest in the absence of probable cause. This same right is secured in Article I, Section 13 of the California Constitution.

103. Article I, Section 7.5 of the California Constitution provides for the fundamental right of marriage and expressly advances that right in furtherance of the “inalienable rights to enjoy life and liberty and to pursue and obtain safety, happiness, and privacy guaranteed by Section 1.”

104. The arrest of Richard Zilinskas was inherently coercive in that it caused Mr. Zilinskas to be detained in jail against his will. That coercive arrest came about pursuant to the affirmative conduct of Billie Gibson and Michael Garcia furthering the specific intent of those defendants to violate Richard Zilinskas’s right to be free from unreasonable seizure as secured by the Fourth Amendment to the United States Constitution and Section 13 of the California Constitution.

1 105. During the time of Mr. Zilinskas' legal jeopardy, the defendants herein used the threat of  
2 criminal prosecution to interfere with Mildred Zilinskas' rights secured under the  
3 California Constitution to be married in furtherance of her right to obtain safety,  
4 happiness, and privacy.

5 106. At all relevant times, Billie Gibson was acting within the scope of her capacity as Deputy  
6 District Attorney for the County of Monterey. The County of Monterey is liable under  
7 Government Code 815.2 for the acts of Ms. Gibson.

8 107. At all relevant times, Michael Garcia was acting within the scope of his capacity as  
9 Detective for the City of Monterey. The City of Monterey is liable under Government  
10 Code 815.2 for the acts of Mr. Garcia.

11 108. As a direct and proximate result of the coercive interference with Richard Zilinskas's  
12 rights, Mr. Zilinskas suffered damages as described in the damages section herein.

13 109. As authorized by Civil Code § 52.1(i), plaintiffs seek recovery of reasonable attorney's  
14 fees.

15 **FOURTH CLAIM – LOSS OF CONSORTIUM**

16 **BROUGHT BY: MILDRED ZILINSKAS**

17 **BROUGHT AGAINST: THE CITY OF MONTEREY, THE COUNTY OF MONTEREY,**  
18 **BILLIE GIBSON, and MICHAEL GARCIA**

19 110. Plaintiffs incorporate paragraphs 1-109 of this complaint as though fully set forth herein.

20 111. California provides for a private right of action for any person who has a spouse injured  
21 by the negligent or intentional conduct of another and who suffers a loss of care, comfort,  
22 and society by that act.

23 112. As set forth herein, Mildred Zilinskas suffered and continues to suffer a loss of  
24 consortium arising out of the conduct of defendants complained of herein.

25 113. Mildred Zilinskas has been damaged by this loss of consortium as set forth in the  
26 Damages section of this complaint.

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114. Mildred Zilinskas sues the defendants named herein, and each of them, for compensatory damages arising out her loss of consortium. This claim is brought in addition to, and complementary of, Mildred Zilinskas' federal claims for governmental interference with familial association.


**PRAYER FOR RELIEF**

WHEREFORE, plaintiffs pray that this Court enter judgment after trial by jury in their favor and against any or all defendants named herein as follows:

1. For compensatory damages against all defendants, including general and special damages, in an amount to be proven at trial;
2. For punitive damages against all defendants sued in their individual capacities in an amount to be proven at trial sufficient to punish and deter;
3. For reasonable costs and attorneys' fees pursuant to any applicable statute, regulation, ordinance, or other law, including 42 U.S.C. Section 1988 and Civil Code § 52.1, that provide for reasonable costs and/or attorney's fees;
4. For costs of suit;
5. For pre-judgment interest according to law; and
6. For such other and further relief as may be deemed just and proper by this Court.

Dated: March 10, 2026

WALKER, HAMILTON & KEARNS, LLP

By:   
 Walter H. Walker, III  
 Jeffrey S. Walker

Attorneys for plaintiffs Richard and Mildred Zilinskas

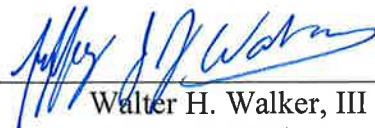
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**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a trial by jury as to all issues raised in this complaint.

DATED: March 10, 2026

WALKER, HAMILTON & KEARNS, LLP

By:  \_\_\_\_\_

Walter H. Walker, III

Jeffrey S. Walker

Attorneys for plaintiffs Richard and Mildred Zilinskas