

1 Justin E. Sterling, State Bar No. 249491
LAW OFFICES OF JUSTIN STERLING
2 Justin@SterlingDefense.com
15760 Ventura Blvd. Suite 700
3 Encino, CA 91436
Tel. (818) 995-9452/Fax. (818) 824-3533

4 Erin Darling, State Bar No. 259724
LAW OFFICES OF ERIN DARLING
5 Erin@ErinDarlingLaw.com
3435 Wilshire Blvd. Suite 2910
6 Los Angeles, CA 90010
7 Tel. (323) 736-2230

8 Attorneys for Plaintiffs
Jennifer Ann Matthews and Thea Valerie Lampert

9
10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 JENNIFER ANN MATTHEWS; THEA
13 VALERIE LAMPERT

14 Plaintiffs,

15 v.

16 COUNTY OF LOS ANGELES, LOS
ANGELES COUNTY SHERIFF'S
17 DEPARTMENT, LOS ANGELES
COUNTY SHERIFF JAMES
18 McDONNELL, in his individual and
official capacity, DEPUTY
19 GIANCARLO SCOTTI, in his individual
and official capacity, and DOES 1 TO
20 10,

21 Defendants.

Case No. 2:17-cv-7908-DMG-PLA

**FIRST AMENDED COMPLAINT
FOR DAMAGES FOR
VIOLATIONS OF CIVIL RIGHTS
UNDER 18 U.S.C. § 1983 AND
SUPPLEMENTAL STATE-LAW
CLAIMS**

DEMAND FOR JURY TRIAL

22
23 **INTRODUCTION**

24 1. While employed by the County of Los Angeles as a Sheriff's deputy, and
25 while working at the Century Regional Detention Center, defendant Deputy Giancarlo
26 Scotti raped and sexually abused female inmates at the Century Regional Detention
27 Center in Los Angeles County. Plaintiffs Jennifer Ann Matthews and Thea Valerie
28 Lampert are two of Deputy Scotti's victims.

1 to assure that said actions, policies, rules, regulations, customs, practices and
2 procedures of the LASD and its employees and agents complied with the laws and
3 constitutions of the United States and the State of California. At all relevant times, the
4 County was the employer of each of the individually named defendants, and the CRDF
5 was a County-run facility, operated by the LASD.

6 12. Defendant Deputy Giancarlo Scotti (“Deputy Scotti”) is a deputy sheriff
7 for the LASD. At all relevant times, Deputy Scotti was a duly authorized employee and
8 agent of the County of Los Angeles, subject to oversight and supervision by the
9 County’s elected and non-elected officials, and was acting under color of law and
10 within the course and scope of his duties as a sheriff deputy for the LASD and with
11 complete authority and ratification of the principal, County. In committing the acts
12 alleged herein, Deputy Scotti acted within the scope of his respective employment and
13 under color of law. Deputy Scotti is sued in both his official and individual capacities.

14 13. The true names of defendants Does 1 through 10 are presently unknown
15 to Plaintiffs, who therefore sue each of these defendants by such fictitious names; but
16 upon ascertaining the true identity of a defendant Doe, Plaintiffs will amend this
17 complaint or seek leave to do so by inserting the true and correct name in lieu of the
18 fictitious name. Plaintiffs are informed and believes, and on the basis of such
19 information and belief alleges that each defendant Doe herein is in some manner
20 responsible for the injuries and damages alleged herein. Each individually named Doe
21 defendant, like each individually named defendant, acted under color of law and within
22 the scope of his or her agency and employment with the County and LASD. Each Doe
23 is sued in both his/her official and individual capacities.

24 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

25 14. Pursuant to California Government Code § 910, Plaintiff Matthews timely
26 presented to defendant County of Los Angeles the appropriate claim for damages.

27 15. Pursuant to California Government Code § 910, Plaintiff Lampert timely
28 presented to defendant County of Los Angeles the appropriate claim for damages.

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FACTS OF THE MATTHEWS INCIDENT

16. Plaintiff Jennifer Ann Matthews repeats and re-alleges each and every allegation in paragraphs 1 through 15 of this complaint with the same force and effect as if fully set forth herein.

17. Plaintiff Jennifer Ann Matthews was arrested and placed into the custody of the LASD on June 25, 2017. Matthews was detained at the CRDF, until her release on October 27, 2017.

18. During her time at the CRDF, Matthews was under the direct supervision of Deputy Scotti. Deputy Scotti was known as a “cool” guard, but known for flirting with the women inmates at the CRDF.

19. Matthews was pregnant during her incarceration at the CRDF. In June and July of 2017, Matthews had access to counseling, drug treatment, and a diet reserved for pregnant inmates. Matthews was in general population and wore a blue inmate jumpsuit.

20. On or around August 2017, perhaps as early as late July 2017 but at least a week before September 12, 2017, Matthews was taking a “birdbath” in her cell, washing her body over a sink. As she was cleaning herself, Deputy Scotti walked by and said “not bad!” It was not uncommon for male Sheriff’s deputies to walk past women inmates at the CRDF while they were changing, but Matthews was troubled by the comment and felt singled out, vulnerable, and scared.

21. Later, but during this same time period around August 2017, Deputy Scotti walked by Matthews as she was changing in her cell, taking off her long-johns and wearing just a t-shirt. Deputy Scotti stood at the door of the cell and said, “let me see what you’re working with.” Matthews said, “excuse me?!” and Deputy Scotti said again, “let me see what you’re working with.” Deputy Scotti’s tone conveyed to Matthews that his statement was a demand. Matthews was seated at this point and Deputy Scotti then said, “spread it open!” Matthews interpreted the statement to be a

1 demand to open up her legs to show Deputy Scotti her vagina. Scared and in fear,
2 Matthews complied with Deputy Scotti's request. When Matthews looked up at Deputy
3 Scotti, he was further in her cell, his pants were open, and he was holding his penis in
4 his hand. Deputy Scotti began making verbal demands of Matthews, including the
5 statement, "Come here, get on your knees." Matthews took the statement to be a
6 command that she orally copulate Deputy Scotti. Deputy Scotti's statements, together
7 with his tone, demeanor, and the content of the statements themselves, placed
8 Matthews in sustained fear. Matthews felt like she had no other choice but to comply
9 with Deputy Scotti's forcible commands. Deputy Scotti inserted his penis into
10 Matthews' mouth. After Deputy Scotti ejaculated and was finished with Matthews, he
11 patted her on the butt and said, "So we have an understanding." Matthews interpreted
12 that statement to be a command not to tell anyone about what had just happened.
13 After Deputy Scotti left her cell, Matthews remembers cleaning her cell floor with
14 Clorox wipes and then falling asleep in the middle of the day.

15 22. A couple weeks after Deputy Scotti forced her to orally copulate him,
16 Matthews saw investigators with the County's Internal Affairs department walking with
17 other women inmates of the CRDF. This was on or around September 13, 2017.
18 Shortly thereafter, Matthews was interviewed by a Lieutenant Stone of the LASD's
19 Internal Affairs department, as well as a female officer with Internal Affairs. A day or
20 two later, Matthews was again interviewed by Lieutenant Stone. Deputy Scotti's sexual
21 assault of Matthews had occurred in the middle of shift and in the middle of program.
22 Matthews was terrified that Deputy Scotti could get away with something so brash and
23 Matthews was still afraid of retaliation by Deputy Scotti and other LASD deputies at
24 the times she was questioned about the sexual assault.

25 23. After being questioned by Lieutenant Stone and other officers with
26 Internal Affairs, and after being told that she was the victim, Matthews began to receive
27 negative retaliatory treatment from non-Internal Affairs LASD employees. In
28 particular, after Matthews spoke with Internal Affairs officers, she was re-classified as a

1 “K-10,” the time out of her cell was severely curtailed, privileges were restricted, she
2 was made to wear an orange inmate jumpsuit, her counseling and drug treatment
3 sessions were curtailed, and she was denied the diet reserved for pregnant women.
4 Additionally, and due to her new “K-10” classification, she would routinely be
5 inappropriately shackled and restrained in chains during transport to her court hearings.

6 24. The stress from Deputy Scotti’s sexual assault of her, combined with her
7 pregnancy, and the loss of counseling, drug treatment and a healthier diet, all severely
8 impacted Matthews’ mental well-being. Furthermore, while incarcerated, Matthews did
9 not have access to regular markers of dates and calendars (such as a cell phone)
10 common to life “outside” while not incarcerated. As a consequence, Matthews has
11 difficulty remembering dates and does not remember the day or week when Deputy
12 Scotti’s sexual assault of her occurred. Matthews does remember that it was at least a
13 few weeks before September 14, 2017, which was when the news media began
14 reporting that Deputy Scotti had been arrested for raping and sexually assaulting female
15 inmates at the CRDF.¹

16 25. Matthews further suffered after media coverage of the sexual assaults
17 became known amongst the staff and inmates at the CRDF. Inmates would taunt
18 Matthews by chanting “Free Scotti!” upon seeing her. This in particular caused
19 Matthews to be placed in sustained fear of physical attack by other inmates. LASD
20 employees who heard such taunts did nothing to intervene on Matthews’ behalf. As a
21 consequence, Matthews was continuously taunted at the CRDF and feared great bodily
22 harm while pregnant, until her release on October 27, 2017. The taunts further
23 contributed to Matthews’ lack of mental well-being and sense of security, or lack
24 thereof.

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28 ¹ “Sheriff’s Deputy Arrested on Suspicion of Sexually Assaulting 2 Female Inmates.” *Los Angeles Times*, Sept. 14, 2017, available at <http://www.latimes.com/local/lanow/la-me-ln-lasd-deputy-arrest-20170914-story.html>

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FACTS OF THE LAMPERT INCIDENT

26. Plaintiff Thea Valerie Lampert repeats and re-alleges each and every allegation in paragraphs 1 through 15 of this complaint with the same force and effect as if fully set forth herein.

27. Plaintiff Thea Valerie Lampert was arrested and placed into the custody of the LASD on April 11, 2017. Lampert was detained at the CRDF, until her release on September 18, 2017.

28. On or about September 12, 2017, Deputy Scotti walked by Lampert’s cell at the CRDF and stopped to talk to her. Lampert felt singled out and that the subject of the conversation was not just small talk. Deputy Scotti told Lampert, “let’s go.” Lampert did not respond. Deputy Scotti repeated, “let’s go!” Feeling as if she had no choice, Lampert went with Deputy Scotti, who led her to the showers.

29. While in the showers, Deputy Scotti forced Lampert to orally copulate him. Deputy Scotti also vaginally raped Lampert. When Deputy Scotti was finished he walked Lampert back to her cell and threatened Lampert to not mention what had happened to anyone.

30. Back at her cell, Lampert wiped some of Deputy Scotti’s semen on a tissue paper. Lampert saved the tissue.

31. On or around September 13, 2017, a counselor at the CRDF was told that Lampert had been sexually assaulted by Deputy Scotti. On or around that date Lampert provided authorities the tissue she had saved with Deputy Scotti’s semen.

32. As a result of reporting the sexually assault by Deputy Scotti, LASD staff at the CRDF retaliated by moving Lampert from her cell, preventing access to other women inmates at the CRDF (including her former cellmate). The negative treatment by the CRDF staff exacerbated the trauma Lampert experienced from Deputy Scotti’s sexual assaults.

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1 **FACTS RELATED TO THE MATTHEWS AND LAMPERT INCIDENTS**

2 33. Upon information and belief, Plaintiffs Matthews and Plaintiff Lampert
3 (collectively referred to as “Plaintiffs”) allege that before either plaintiff was sexually
4 assaulted by Deputy Scotti, that the County, LASD and McDonnell were on notice that
5 other female inmates had complained about sexual assaults and sexually inappropriate
6 behavior by Deputy Scotti. Furthermore, Plaintiffs allege that Deputy Scotti had been
7 put on some form of employment probation by the County before he sexually
8 assaulted Plaintiffs. Nonetheless, the County, LASD and McDonnell, and certain Does,
9 permitted Deputy Scotti to work at a women’s jail, permitting him the regular, daily
10 task of supervising women inmates, which oftentimes necessitated that he be alone
11 with women inmates.

12 34. Defendant McDonnell, and certain Does, other LASD supervising
13 officers, were on notice that Deputy Scotti was engaging in conduct in violation of
14 written policy, including policies deterring sexual abuse and impropriety.

15 35. Defendant McDonnell, and certain Does, other LASD supervising
16 officers, failed to act to prevent Deputy Scotti from engaging in this conduct. Since the
17 written policies were designed, at least in part, to prevent and deter sexual abuse,
18 McDonnell, and other LASD supervising officers knew, or reasonably should have
19 known, that the failure to enforce these policies heightened the danger of sexual abuse
20 of female inmates by Deputy Scotti.

21 36. As a result of McDonnell, and certain Does’ (other LASD supervising
22 officers) failure to supervise Deputy Scotti, despite being put on notice, Deputy Scotti
23 was not subject to timely LASD discipline and instead permitted the opportunity to
24 victimize female inmates, such as Plaintiffs.

25 37. Further evidence exists that the County, LASD, and McDonnell are not
26 meeting their constitutional obligations and are not adequately protecting women
27 inmates from sexual assault: the Prison Rape Elimination Act of 2003 (“PREA”),
28 currently codified at 34 U.S.C. § 30301, et seq., mandates that correctional facilities

1 protect inmates from sexual assault. A subsequently promulgated federal rule (28
2 C.F.R. 115.401) requires that agencies ensure that each of their correctional facilities is
3 audited once every three years.² At the time of the sexual assaults of Plaintiff Matthews
4 and Plaintiff Lampert, the CRDF had not undergone such a timely audit. Indeed, no
5 jail operated by the County and LASD had undergone a PREA-related audit within
6 three years of Deputy Scotti's sexual assaults of the Plaintiffs.

7 38. If Deputy Scotti had been adequately trained and supervised prior to the
8 sexual abuse of the Plaintiffs, if his errant behavior had been timely investigated, if he
9 had been timely punished as a result, and if the CRDF had been properly audited, in
10 compliance with federal standards, then the sexual abuse of the Plaintiffs in this case
11 could have been averted.

12 **DAMAGES**

13 39. As a direct and proximate result of aforesaid acts and omissions, and the
14 customs, practices, policies and decisions of the defendants alleged in this complaint,
15 Plaintiffs suffered and will continue to suffer great emotional, mental and physical pain
16 and injuries, anguish, fright, nervousness, anxiety, shock, humiliation, indignity,
17 embarrassment, harm to reputation, and apprehension, which have caused and will
18 continue to cause, Plaintiffs to sustain general damages in a sum to be determined at
19 trial.

20 40. As a direct and proximate result of the aforesaid acts, omissions, customs,
21 practices, policies and decisions of the aforementioned Defendants, Plaintiffs suffered
22 the denial of their fundamental constitutional rights guaranteed by the First, Fourth,
23 Eighth and Fourteenth Amendments of the United States Constitution, which have
24 caused Plaintiffs to sustain damages in a sum to be determined at trial.

25 41. As a further direct and proximate result of the aforesaid acts, omissions,
26 customs, practices, policies and decisions of the aforementioned Defendants, Plaintiffs
27 incurred and will continue to incur medical expenses, including psychological
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² 28 C.F.R. Part 115, available at <http://www.prearesourcecenter.org/sites/default/files/library/2012-12427.pdf>

1 treatment.

2 42. As a further direct and proximate result of the aforesaid acts, omissions,
3 customs, practices, policies and decisions of the aforementioned Defendants, Plaintiffs
4 suffered past and future losses of income that have caused her to sustain economic
5 damages in a sum to be determined at trial.

6 43. Deputy Scotti, McDonnell, and individual Doe defendants, excluding
7 Defendants County and LASD, acted in a manner that was willful, wanton, malicious
8 and oppressive, with reckless disregard of or in deliberate indifference to and with the
9 intent to deprive Plaintiffs of their constitutional rights, and did in fact violate the
10 aforementioned rights, entitling Plaintiffs to exemplary and punitive damages in an
11 amount to be proven at the trial in this matter.

12

13 **FIRST CLAIM FOR RELIEF**

14

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

15

(First Amendment – Against All Defendants)

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44. Plaintiffs incorporate by reference each and every allegation contained in
17 the foregoing paragraphs as if re-alleged herein.

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45. At all relevant times, Plaintiffs were incarcerated at the CRDF, a jail
19 operated by the County. At all relevant times Plaintiffs were under the direct
20 supervision and control of their jailers, deputies of the LASD.

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46. The entity defendants, individual defendants, and Doe defendants, while
22 acting under color of law, deprived Plaintiffs of their civil rights under the First
23 Amendment by acting and/or allowing each other to act in a threatening or violent
24 manner and otherwise engaging in conduct that inhibited Plaintiff's freedom of speech
25 and right to petition for redress of grievances and to complain about their treatment
26 while in custody, and that such actions undertaken by defendants would chill a person
27 of ordinary firmness from continuing to engage in freedom of speech.

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47. The above acts and omissions, while carried out under color of law, have

1 no justification or excuse in law, and instead constitute a gross abuse of governmental
2 authority and power that shock the conscience. They are fundamentally unfair, arbitrary
3 and oppressive, and unrelated to any activity in which governmental officers may
4 appropriately and legally undertake in the course of protecting persons, or ensuring
5 civil order. The above acts and omissions were consciously chosen from among various
6 alternatives.

7 48. The conduct of entity defendants, individual defendants, and Doe
8 defendants was willful, wanton, malicious, or done with reckless disregard for the rights
9 and safety of Plaintiffs.

10 49. Plaintiffs specifically alleges that Defendants' complained of acts and/or
11 omissions were within each of their control, and within the feasibility of each of them,
12 to alter, adjust, and/or correct so as to prevent some or all of the unlawful acts and
13 injuries complained of herein by Plaintiff.

14 50. As a direct and proximate result of the aforesaid acts, omissions, customs,
15 practices, policies and decisions of the aforementioned defendants, Plaintiffs suffered
16 extreme and severe mental anguish, and were injured as alleged above, entitling each of
17 them to recover compensatory and punitive damages (excepts as to the entity
18 defendants) according to proof.

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SECOND CLAIM FOR RELIEF

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

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(Fourth Amendment– Against Deputy Scotti)

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51. Plaintiffs incorporate by reference each and every allegation contained in
the foregoing paragraphs as if re-alleged herein.

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52. At all relevant times, Plaintiffs were incarcerated at the CRDF, a jail
operated by the County. At all relevant times Plaintiffs were under the direct
27 supervision and control of their jailers, deputies of the LASD.

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53. Defendant Deputy Scotti, while acting under color of law, sexually

1 assaulted Plaintiffs and engaged in the conduct described above, and thereby deprived
2 Plaintiffs of their civil rights under the Fourth Amendment to the United States
3 Constitution.

4 54. The force used by Deputy Scotti upon Plaintiffs while sexually assaulting
5 each of them while in custody was harmful, unwanted, and excessive.

6 55. The sexual assaults of Plaintiffs by Deputy Scotti, and Deputy Scotti's
7 conduct as described above, were unreasonable, unjustified, and offensive to human
8 dignity.

9 56. The conduct of Deputy Scotti was willful, wanton, malicious, or done
10 with reckless disregard for the rights and safety of Plaintiffs and therefore warrants the
11 imposition of exemplary and punitive damages.

12 57. As a result of the conduct of Deputy Scotti, Plaintiffs were harmed.

13 58. Plaintiffs specifically allege that Defendants' complained of acts and/or
14 omissions, were within each of their control, and within the feasibility of each of them,
15 to alter, adjust, and/or correct so as to prevent some or all of the unlawful acts and
16 injury complained of herein by Plaintiffs.

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THIRD CLAIM FOR RELIEF

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

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(Eighth Amendment –Against Deputy Scotti)

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22 59. Plaintiffs incorporate by reference each and every allegation contained in
the foregoing paragraphs as if re-alleged herein.

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24 60. At all relevant times, Plaintiffs were incarcerated at the CRDF, a jail
operated by the County. At all relevant times Plaintiffs were under the direct
25 supervision and control of their jailers, deputies of the LASD.

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27 61. Defendant Deputy Scotti, while acting under color of law, sexually
assaulted Plaintiffs and engaged in the conduct described above, and thereby deprived
28 Plaintiffs of their civil rights under the Eighth Amendment to the United States

1 Constitution.

2 62. The force used by Deputy Scotti upon Plaintiffs while sexually assaulting
3 each of them while in custody was harmful, unwanted, and excessive.

4 63. The sexual assaults of Plaintiffs by Deputy Scotti, and Deputy Scotti's
5 conduct as described above, were unreasonable, unjustified, and offensive to human
6 dignity. It was also with deliberate indifference to the rights and safety of Plaintiffs.

7 64. The conduct of Deputy Scotti was willful, wanton, malicious, sadistic, and
8 done with reckless disregard for the rights and safety of Plaintiffs and therefore
9 warrants the imposition of exemplary and punitive damages.

10 65. As a result of the conduct of Deputy Scotti, Plaintiffs were harmed.

11 66. Plaintiffs specifically allege that Defendants' complained of acts and/or
12 omissions, were within each of their control, and within the feasibility of each of them,
13 to alter, adjust, and/or correct so as to prevent some or all of the unlawful acts and
14 injury complained of herein by Plaintiffs.

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FOURTH CLAIM FOR RELIEF

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

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(Fourteenth Amendment –Against Deputy Scotti)

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67. Plaintiffs incorporate by reference each and every allegation contained in
the foregoing paragraphs as if re-alleged herein.

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68. At all relevant times, Plaintiffs were incarcerated at the CRDF, a jail
operated by the County. At all relevant times Plaintiffs were under the direct
23 supervision and control of their jailers, deputies of the LASD.

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69. Defendant Deputy Scotti, while acting under color of law, sexually
assaulted Plaintiffs and engaged in the conduct described above, and thereby deprived
Plaintiffs of their civil rights under the Fourteenth Amendment to the United States
Constitution.

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70. The force used by Deputy Scotti upon Plaintiffs while sexually assaulting

1 each of them while in custody was harmful, unwanted, and excessive.

2 71. The sexual assault of Plaintiffs by Deputy Scotti, and Deputy Scotti's
3 conduct as described above, was unreasonable, unjustified, and offensive to human
4 dignity. It was also with deliberate indifference to the rights and safety of Plaintiffs.

5 72. The conduct of Deputy Scotti was willful, wanton, and done with reckless
6 disregard for the rights and safety of Plaintiffs and therefore warrants the imposition of
7 exemplary and punitive damages.

8 73. As a result of the conduct of Deputy Scotti, Plaintiffs were harmed.

9 74. Plaintiffs specifically allege that Defendants' complained of acts and/or
10 omissions, were within each of their control, and within the feasibility of each of them,
11 to alter, adjust, and/or correct so as to prevent some or all of the unlawful acts and
12 injury complained of herein by Plaintiffs.

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FIFTH CLAIM FOR RELIEF

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Violation Due Process – 42 U.S.C. § 1983

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(Fourteenth Amendment –Against Deputy Scotti)

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18 75. Plaintiffs incorporate by reference each and every allegation contained in
19 the foregoing paragraphs as if re-alleged herein.

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21 76. At all relevant times, Plaintiffs were incarcerated at the CRDF, a jail
22 operated by the County. At all relevant times Plaintiffs were under the direct
23 supervision and control of their jailers, deputies of the LASD.

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25 77. Plaintiffs had a cognizable interest under the Due Process Clause of the
26 Fourteenth Amendment of the United States Constitution to be free from state actions
27 that deprive them of life, liberty, or property in such a matter as to shock the
28 conscience.

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30 78. Defendant Deputy Scotti acting under color of law and within the course
31 and scope of his employment by the County and LACPD, sexually assaulted Plaintiffs
32 and engaged in the conduct described above, and thereby deprived Plaintiffs of their

1 civil rights under the Fourteenth Amendment to the United States Constitution.

2 79. The aforementioned actions of Deputy Scotti, along with undiscovered
3 conduct, shock the conscience, in that he acted with deliberate indifference to the
4 constitutional rights of Plaintiffs.

5 80. The acts of Deputy Scotti violated the substantive due process rights of
6 Plaintiffs.

7 81. The acts or omissions of Deputy Scotti caused harm to Plaintiffs.

8 82. The conduct of Deputy Scotti was willful, wanton, malicious, and done
9 with reckless disregard for the rights and safety of Plaintiffs and therefore warrants the
10 imposition of exemplary and punitive damages.

11 83. Plaintiffs specifically allege that Defendants' complained of acts and/or
12 omissions, were within each of their control, and within the feasibility of each of them,
13 to alter, adjust, and/or correct so as to prevent some or all of the unlawful acts and
14 injury complained of herein by Plaintiff.

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SIXTH CLAIM FOR RELIEF

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Municipal Liability –Unconstitutional Custom, Practice, or Policy

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42 U.S.C. § 1983

19

(Against County, LASD, McDonnell, and Certain Does)

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84. Plaintiffs incorporate by reference each and every allegation contained in
the foregoing paragraphs as if re-alleged herein.

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85. The individual defendants and Doe defendants acted under color of law
and within the course and scope of their employment by the County and LASD.

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86. The individual defendants and Doe defendants deprived Plaintiffs of their
particular rights under the First Amendment, and Deputy Scotti deprived Plaintiffs of
26 their rights under the Fourth, Eighth, and Fourteenth Amendments, as alleged above.

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87. Plaintiffs are informed and believe, and thereon alleges that, at all times
herein mentioned, defendants County, LASD, the relevant policy maker, McDonnell,

1 and relevant County officials, unnamed certain Does (hereinafter referred to
2 collectively as the entity defendants) maintain or tolerate unconstitutional customs,
3 practices, and policies that facilitated the deprivation of Plaintiffs' rights under the
4 First, Fourth, Eighth, and Fourteenth Amendment, as alleged above.

5 88. The policies, customs, and practices described above are also evidenced
6 by the victimization of Plaintiffs and other female inmates at the CRDF by Deputy
7 Scotti. Entity defendants' non-compliance with PREA standards, including the failure
8 to timely audit the CRDF, is further evidence of entity defendants' systematic failure to
9 comply with their constitutional obligations.

10 89. Entity defendants had either actual or constructive knowledge of the
11 deficient policies, practices and customs alleged in the paragraphs above. Said officials
12 acted with deliberate indifference to the foreseeable effects and consequences of these
13 policies, practices and customs with respect to the constitutional rights of Plaintiffs and
14 other female inmates similarly situated.

15 90. As a direct and proximate result of the aforesaid acts, omissions, customs,
16 practices, policies and decisions of the aforementioned defendants, Plaintiffs were
17 injured and sustained damages as alleged above. Accordingly, Plaintiffs seek
18 compensatory damages from all the entity defendants, and punitive damages from
19 defendant McDonnell, in his individual capacity only.

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21 **SEVENTH CLAIM FOR RELIEF**

22 **Municipal Liability –Inadequate Training/Policy of Inaction**

23 **42 U.S.C. § 1983**

24 (Against County, LASD, McDonnell and Certain Does)

25 91. Plaintiffs incorporate by reference each and every allegation contained in
26 the foregoing paragraphs as if re-alleged herein.

27 92. At all times mentioned herein and prior thereto, defendants County,
28 LASD, McDonnell and certain Does (hereinafter referred to collectively as the entity

1 defendants) had a duty to train, instruct, supervise and discipline their subordinates to
2 assure they respected and did not violate constitutional and statutory rights of inmates,
3 and to objectively investigate violations of women prisoners' rights, including, but not
4 limited to, the right to be free from sexual abuse, the right to be safe and protected
5 from injury while in defendants' custody, and the right to speak to officials about sexual
6 abuse without retaliation under the First, Fourth, Eight and Fourteenth Amendments
7 to the U.S. Constitution.

8 93. Plaintiffs are informed and believe, and thereupon allege, that prior to the
9 incident alleged herein, defendants McDonnell and certain Does facilitated, permitted,
10 ratified and/or condoned similar acts of sexual abuse of female inmates by male
11 Sheriff's deputies, and were deliberately indifferent to the health and safety of inmates
12 in general and Plaintiffs in particular. Said defendants knew, or should have reasonably
13 knowns, of this practice, pattern or policy of constitutional violations, and additionally,
14 of the existence of certain facts and situations that created the potential of
15 unconstitutional acts, and had a duty to instruct, train, supervise and discipline their
16 subordinates to prevent similar acts to other persons, but failed to do so.

17 94. The training provided by the County, LASD, and the relevant policy
18 maker, Sheriff McDonnell, and relevant County officials, and certain Does was not
19 adequate to train their sheriff deputies and other jail staff to handle the usual and
20 recurring situations with which they must deal. As evidenced by the numerous
21 instances of female inmates other than Plaintiffs who were sexually assaulted by male
22 deputies, the entity defendants did not adequately train their officers and staff to
23 prevent, deter, detect, and avoid sexual abuse of female inmates at the CRDF – and
24 were on notice of such.

25 95. The entity defendants maintained a policy and practice of inaction with
26 respect to the violation of policies designed to prevent or deter sexual abuse of female
27 inmates. LASD officers who engaged in suspicious behavior, or behavior that violated
28 written policy, were inadequately disciplined or otherwise not penalized in connection

1 with sexual or otherwise inappropriate behavior towards female inmates. The entity
2 defendants were deliberately indifferent to the obvious consequences of their failure to
3 train their officers and staff adequately. Entity defendants' non-compliance with PREA
4 standards, including the failure to timely audit the CRDF, is further evidence of entity
5 defendants' systematic failure to comply with their constitutional obligations.

6 96. As a result thereof, Plaintiffs' rights under the First, Fourth, Eight and
7 Fourteenth Amendments to the U.S. Constitution were violated. As a further result
8 thereof, Plaintiffs sustained the injuries and damages alleged herein.

9 97. The individual defendants and Doe defendants acted under color of law
10 and within the course and scope of their employment by the County and LASD.

11 98. As a direct and proximate result of the aforesaid acts, omissions, customs,
12 practices, policies and practice of inaction of the aforementioned defendants, Plaintiffs
13 were injured and sustained damages as alleged above. Accordingly, Plaintiffs seek
14 compensatory damages from all the entity defendants

15 99. The conduct of the individual defendants mentioned herein, in their
16 individual capacities, was intentional, malicious, willful, wanton and in reckless
17 disregard of Plaintiffs' conditional rights, and/or grossly negligent in that this conduct
18 shocks the conscience and is fundamentally offensive to a civilized society, so as to
19 justify the imposition of punitive damages against these defendants in their individual
20 capacity.

21

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EIGHTH CLAIM FOR RELIEF

23

Failure to Intervene to Prevent Civil Rights Violations – 42 U.S.C. §§ 1983

24

(Against Certain Individual Doe Defendants)

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100. Plaintiffs incorporate by reference each and every allegation contained in
the foregoing paragraphs as if re-alleged herein.

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101. At all times relevant, certain individual Doe defendants were present and
were charged with the constitutional duties of protection of protection of Plaintiffs and

1 were charged with the duty to not knowingly, with wanton disregard, cause their life,
2 health and safety to be placed in danger by intentionally and/or deliberately ignoring
3 the known dangers to Plaintiffs posed by Deputy Scotti.

4 102. Each said defendant had ample and reasonable sufficient time and
5 opportunity to so intervene and prevent Plaintiffs' injuries, and were compelled to do
6 so as a LASD deputy and/or employee under the laws of the state of California and
7 United States Constitution. In deliberate indifference to the welfare of Plaintiffs, each
8 said defendant intentionally and with deliberate indifference to the civil rights of
9 Plaintiffs, refrained from intervening in the acts leading to Plaintiffs' injuries.

10 103. As a result thereof, Plaintiffs' rights under the First, Fourth, Eighth and
11 Fourteenth Amendments to the U.S. Constitution were violated. As a result thereof,
12 Plaintiffs sustained the injuries and damages alleged herein.

13 104. The conduct of the individual Doe defendants mentioned herein was
14 intentional, malicious, willful, wanton and in reckless disregard of Plaintiffs'
15 constitutional rights and/or grossly negligent in that this conduct shocks the
16 conscience and is fundamentally offensive to a civilized society, so as to justify the
17 imposition of punitive damages on the individual Doe defendants.

18

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NINTH CLAIM FOR RELIEF

20

Violation of Civil Rights – 42 U.S.C. §§ 1983, 1988

21

Conspiracy to Violate Civil Rights

22

(Against All Individual County Defendants)

23

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105. Plaintiffs incorporate by reference each and every allegation contained in
the foregoing paragraphs as if re-alleged herein.

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106. This cause of action arises under United States Code, Title 42, Sections
1983 and 1988, wherein Plaintiffs seek to redress a deprivation under color of law of a
right, privilege or immunity secured to each of them by the First, Eighth and
Fourteenth Amendments to the United States Constitution.

1 Plaintiffs. His actions were excessive and unreasonable.

2 112. The conduct of Deputy Scotti was willful, wanton, malicious, and done
3 with reckless disregard for the rights and safety of Plaintiffs and therefore warrants the
4 imposition of exemplary and punitive damages as to Deputy Scotti.

5 113. As a direct and proximate cause of Deputy Scotti's actions, Plaintiffs
6 suffered extreme mental anguish and pain and have been injured in the mind and body.

7 114. Plaintiffs seeks compensatory damages for the violation of their rights.

8

9

ELEVENTH CLAIM FOR RELIEF

10

False Imprisonment – California Common Law

11

(Against Deputy Scotti)

12

13 115. Plaintiffs incorporate by reference each and every allegation contained in

14

15 the foregoing paragraphs as if re-alleged herein.
16 116. Deputy Scotti intentionally deprived Plaintiffs of their freedom of

17

18 117. Plaintiffs did not knowingly or voluntarily consent.

19

20 118. The conduct of Deputy Scotti was willful, wanton, malicious, and done

21

22 with reckless disregard for the rights and safety of Plaintiffs and therefore warrants the

23

24 imposition of exemplary and punitive damages as to Deputy Scotti.
25 119. As a direct and proximate cause of Deputy Scotti's actions, Plaintiffs

26

27 suffered extreme mental anguish and pain and has been injured in the mind and body.

28

29 120. Plaintiffs seek compensatory damages for the violation of their rights.

TWELTH CLAIM FOR RELIEF

Violation of Cal. Civil Code § 52.1

(Against All Defendants)

121. Plaintiffs incorporate by reference each and every allegation contained in

1 the foregoing paragraphs as if re-alleged herein.

2 122. California Civil Code § 52.1 (the Bane Act) prohibits any person from
3 interfering with another person's exercise of enjoyment of her constitutional rights by
4 threats, intimidation, or coercion.

5 123. Deputy Scotti committed violent acts against Plaintiffs, together with
6 other misconduct, when he made Plaintiffs orally copulate him, vaginally raped Plaintiff
7 Lampert, and intimidated each of them not report him for his actions.

8 124. Deputy Scotti's actions interfered with the civil rights of Plaintiffs,
9 including the right to be free from unreasonable search and seizure, to due process, to
10 equal protection of the laws, to be free from state action that shocks the conscience,
11 and to life, liberty, and property.

12 125. Deputy Scotti intentionally and spitefully committed the above acts to
13 discourage Plaintiffs from exercising their civil rights, to retaliate against each of them
14 for from invoking such rights, or to prevent each of them from exercising such rights,
15 which both were fully entitled to enjoy.

16 126. Plaintiffs reasonably believed and understood that the violent acts
17 committed by Deputy Scotti were intended to discourage each of them from exercising
18 the above civil rights, to retaliate against each of them for invoking such rights, or to
19 prevent the exercise of such rights.

20 127. Deputy Scotti successfully interfered with the civil rights of Plaintiffs.

21 128. The conduct of Deputy Scotti was willful, wanton, malicious, and done
22 with reckless disregard for the rights and safety of Plaintiffs and therefore warrants the
23 imposition of exemplary and punitive damages as to Deputy Scotti.

24 129. As a direct and proximate cause of Deputy Scotti's actions, Plaintiffs
25 suffered extreme mental anguish and pain and has been injured in the mind and body.

26 130. Plaintiffs seek compensatory damages for the violation of their rights.
27 Plaintiffs also seeks attorneys' fees under this claim.

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THIRTEENTH CLAIM FOR RELIEF

Violation of Cal. Civil Code § 52.4

(Against All Defendants)

131. Plaintiffs incorporate by reference each and every allegation contained in the foregoing paragraphs as if re-alleged herein.

132. California Civil Code § 52.4 prohibits any person from committing an act or acts of gender violence against another person.

133. Deputy Scotti committed acts of gender violence against Plaintiffs, together with other misconduct, when he made Plaintiffs orally copulate him, when he vaginally raped Plaintiff Lampert, and when he intimidated each of the Plaintiffs to not report him for his actions.

134. Deputy Scotti intentionally and spitefully committed the above acts of gender violence against Plaintiffs.

135. The conduct of Deputy Scotti was willful, wanton, malicious, and done with reckless disregard for the rights and safety of Plaintiffs and therefore warrants the imposition of exemplary and punitive damages as to Deputy Scotti.

136. As a direct and proximate cause of Deputy Scotti's actions, Plaintiffs suffered extreme mental anguish and pain and have been injured in the mind and body.

137. Plaintiffs seek compensatory damages for the violation of their rights. Plaintiffs also seek attorneys' fees under this claim.

FOURTEENTH CLAIM FOR RELIEF

Violation of Cal. Civil Code § 1708.5

(Against All Defendants)

138. Plaintiffs incorporate by reference each and every allegation contained in the foregoing paragraphs as if re-alleged herein.

139. California Civil Code § 1708.5 prohibits any person from committing a sexual battery against another person.

1 140. Deputy Scotti acted with intent to cause a harmful or offensive contact
2 with an intimate part of Plaintiffs when he forced Plaintiffs to orally copulate him, and
3 when he vaginally raped Plaintiff Lampert.

4 141. Deputy Scotti intentionally and spitefully committed the above acts of
5 sexual battery against Plaintiffs.

6 142. The conduct of Deputy Scotti was willful, wanton, malicious, and done
7 with reckless disregard for the rights and safety of Plaintiffs and therefore warrants the
8 imposition of exemplary and punitive damages as to Deputy Scotti.

9 143. As a direct and proximate cause of Deputy Scotti's actions, Plaintiffs
10 suffered extreme mental anguish and pain and have been injured in the mind and body.

11 144. Plaintiffs seeks compensatory damages for the violation of their rights.
12 Plaintiffs also seek attorneys' fees under this claim.

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FIFTEENTH CLAIM FOR RELIEF

15

Negligent Supervision, Hiring, or Retention

16

(Against Defendant County)

17 145. Plaintiffs incorporate by reference each and every allegation contained in
18 the foregoing paragraphs as if re-alleged herein.

19 146. Deputy Scotti was unfit or incompetent to perform the work of a LASD
20 sheriff deputy overseeing and supervising women inmates in a County-run jail.

21 147. County knew or should have known that Deputy Scotti was unfit or
22 incompetent and that his lack of fitness or incompetence created a particular risk to
23 others, including Plaintiffs and other women inmates at the CRDF.

24 148. County's negligence in supervising, hiring, or retaining Deputy Scotti was
25 a substantial factor in causing Plaintiffs' harm.

26 149. As a direct and proximate cause of County's actions or inactions,
27 Plaintiffs suffered extreme mental anguish and pain and have been injured in the mind
28 and body.

1 150. Plaintiffs seek compensatory damages for the violation of their rights.

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SIXTEENTH CLAIM FOR RELIEF

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Negligence

5

(Against Deputy Scotti)

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151. Plaintiffs incorporate by reference each and every allegation contained in
7 the foregoing paragraphs as if re-alleged herein.

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152. As a LASD deputy working at the CRDF, Deputy Scotti had a duty to
9 supervise and look after women inmates at the CRDF.

10

153. Deputy Scotti breached his duty by sexually assaulting Plaintiffs.

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154. As a direct and proximate cause of Deputy Scotti's actions, Plaintiffs
12 suffered extreme mental anguish and pain and have been injured in the mind and body.

13

155. Plaintiffs seek compensatory damages for the violation of their rights.

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PRAYER FOR RELIEF

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WHEREFORE, Plaintiffs pray for relief as follows against defendants:

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1. General and compensatory damages in an amount according to proof;

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2. Special damages in an amount according to proof;

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3. Exemplary and punitive damages against each individual and Doe

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defendant, but not against the County or LASD, in amounts according to
21 proof;

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4. Cost of suit, including attorneys' fees, under 42 U.S.C. § 1988; and

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5. Such other relief as may be warranted or as is just and proper.

LAW OFFICES OF ERIN DARLING

DATED: October 31, 2017

By: /s/ Erin Darling
Erin Darling
Attorney for Plaintiffs,
JENNIFER ANN MATTHEWS
THEA VALERIE LAMPERT

LAW OFFICES OF JUSTIN STERLING

DATED: October 31, 2017

By: /s/ Justin Sterling
Justin Sterling
Attorney for Plaintiffs,
JENNIFER ANN MATTHEWS
THEA VALERIE LAMPERT

JURY DEMAND

Plaintiff Jennifer Ann Matthews and Plaintiff Thea Valerie Lampert hereby demand trial by jury on all issues so triable.

LAW OFFICES OF ERIN DARLING

DATED: October 31, 2017

By: /s/ Erin Darling
Erin Darling
Attorney for Plaintiffs,
JENNIFER ANN MATTHEWS
THEA VALERIE LAMPERT

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LAW OFFICES OF JUSTIN STERLING

DATED: October 31, 2017

By: /s/ Justin Sterling
Justin Sterling
Attorney for Plaintiffs,
JENNIFER ANN MATTHEWS
THEA VALERIE LAMPERT