

1 Gloria Allred (65033)
2 *gallred@amglaw.com*
3 **ALLRED, MAROKO & GOLDBERG**
4 6300 Wilshire Blvd., Suite 1500
5 Los Angeles, CA 90048
6 Tel: (323) 653-6530
7 Fax: (323) 653-1660

8 John C. Carpenter (155610)
9 *carpenter@czrlaw.com*
10 **CARPENTER, ZUCKERMAN & ROWLEY, LLP**
11 8827 West Olympic Boulevard
12 Beverly Hills, California 90211
13 Tel: (310) 273-1230
14 Fax: (310) 858-1063

15 Attorneys for Plaintiff,
16 CHRISTINA CARDENAS

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
18 **FOR THE COUNTY OF KERN**

19 CHRISTINA CARDENAS, an individual;

20 Plaintiff,

21 vs.

22 GABRIEL ADAME, an individual; OFFICER
23 RODRIGUEZ, an individual; DR. I-WEN TSENG,
24 an individual; ADVENTIST HEALTH
25 TEHACHAPI VALLEY, a private California
26 business entity; CALIFORNIA DEPARTMENT
27 OF CORRECTIONS AND REHABILITATION, a
28 California governmental department;
CALIFORNIA CORRECTIONAL INSTITUTION,
a California governmental agency; STATE OF
CALIFORNIA, a government entity; and DOES 1
through 50, Inclusive;

Defendants.

CASE NO.:

COMPLAINT FOR DAMAGES FOR:

1. **SEXUAL BATTERY, CIVIL CODE § 1708.5**
2. **ASSAULT AND BATTERY**
3. **GENDER VIOLENCE, CIVIL CODE § 52.4**
4. **SEXUAL HARASSMENT, CIVIL CODE § 51.9**
5. **VIOLATIONS OF THE UNRUH CIVIL RIGHTS ACT, CIVIL CODE §§ 51, 52**
6. **VIOLATIONS OF THE BANE CIVIL RIGHTS ACT, CIVIL CODE § 52.1**
7. **VIOLATIONS OF THE RALPH CIVIL RIGHTS ACT, CIVIL CODE § 51.7;**
8. **NEGLIGENCE**
9. **NEGLIGENT HIRING AND RETENTION**
10. **NEGLIGENT SUPERVISION**

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- 11. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
- 12. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**
- 13. FALSE IMPRISONMENT**
- 14. INVASION OF PRIVACY / INTRUSION INTO PRIVATE AFFAIRS**

**** DEMAND FOR JURY TRIAL ****

COMES NOW, Plaintiff CHRISTINA CARDENAS, an individual, who complains and alleges against Defendants, GABRIEL ADAME, an individual, OFFICER RODRIGUEZ, an individual, ADVENTIST HEALTH TEHACHAPI VALLEY, a private California business entity, CALIFORNIA CORRECTIONAL INSITUTE, a state governmental entity, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, a state government entity, and STATE OF CALIFORNIA, a government entity, and each of them, including DOES 1 through 50, inclusive (hereinafter collectively referred to as "Defendants"), the following:

PARTIES

1. Plaintiff CHRISTINA CARDENAS (hereinafter "Plaintiff") is, and at all times relevant herein was, a resident of the County of San Diego in the State of California.

2. Plaintiff is informed and believes, and thereon alleges, that Defendant Officer GABRIEL ADAME (hereinafter "Officer Adame") is, and at all relevant times mentioned herein was, an individual residing in the State of California. Plaintiff brings causes of action against Defendant Officer Adame for acts of wrongdoing alleged herein in both his individual capacity and official capacity within the course and scope of his employment with Defendants CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, CALIFORNIA CORRECTIONAL INSTITUTION, and STATE OF CALIFORNIA and in joint venture with Defendant ADVENTIST HEALTH, and at their request and direction.

3. Plaintiff is informed and believes, and thereon alleges, that Officer Stanton (hereinafter "Officer Stanton") is, and at all relevant times mentioned herein was, an individual

1 residing in the State of California. At all times relevant hereto officer Stanton was acting in his
2 official capacity within the course and scope of his employment with Defendants CALIFORNIA
3 DEPARTMENT OF CORRECTIONS AND REHABILITATION, CALIFORNIA
4 CORRECTIONAL INSTITUTION, and STATE OF CALIFORNIA. Officer Stanton was
5 Defendants' family visiting officer and, in Plaintiff's personal observations, Officer Stanton
6 appeared to be kind and considerate to Plaintiff in stark and striking contrast to the abusive
7 treatment of Plaintiff by the defendants in this complaint. Plaintiff is informed and believes that
8 Officer Stanton should have had the authority to act, intervene, and/or stop the abusive and illegal
9 and criminal conduct of the Defendants alleged herein.

10 4. Plaintiff is informed and believes, and thereon alleges, that Defendant OFFICER
11 RODRIGUEZ (hereinafter "Officer Rodriguez") is, and at all relevant times mentioned herein was,
12 an individual residing in the State of California. Plaintiff brings causes of action against Defendant
13 Officer Rodriguez for acts of wrongdoing alleged herein in both her individual capacity and her
14 official capacity within the course and scope of his employment with Defendants CALIFORNIA
15 DEPARTMENT OF CORRECTIONS AND REHABILITATION, CALIFORNIA
16 CORRECTIONAL INSTITUTION, and STATE OF CALIFORNIA and in joint venture with
17 Defendant ADVENTIST HEALTH, and at their request and direction.

18 5. Plaintiff is informed and believes, and thereon alleges, that Defendant DR. I-WEN
19 TSENG (hereinafter "Dr. Tseng") is, and at all relevant times mentioned herein was, an individual
20 residing in the State of California. Plaintiff brings causes of action against Defendant Dr. Tseng for
21 acts of wrongdoing alleged herein in both his individual capacity and official capacity within the
22 course and scope of his employment with Defendant ADVENTIST HEALTH TEHACHAPI
23 VALLEY and as an agent, independent contractor, joint venture, and/or employee of all other
24 Defendants.

25 6. Plaintiff is informed and believes, and thereon alleges, that Defendant ADVENTIST
26 HEALTH TEHACHAPI (hereinafter "Adventist Health") is, and at all relevant times was a
27 California business entity, who was authorized to do, has regularly done, and is doing business in
28 the State of California, under and by virtue of the laws of the State of California. Adventist Health

1 is responsible for the actions, omissions, policies, procedures, practices, and customs of its various
2 agents, independent contractors and/or employees, including without limitation of Defendant Dr.
3 Tseng. At all relevant times herein, Defendant Adventist Health was responsible for assuring that
4 the actions, omissions, policies, procedures, practices, and customs of Adventist Health and its
5 agents, independent contractors and/or employees complied with the law.

6 7. Plaintiff is informed and believes, and thereon alleges, that Defendant
7 CALIFORNIA CORRECTIONAL INSTITUTION (hereinafter "CCI") is, and at all relevant times
8 was, a California governmental entity with the capacity to sue and be sued. CCI is responsible for
9 the actions, omissions, policies, procedures, practices, and customs of its various agents,
10 independent contractors, and/or employees, including without limitation of Defendant Officers
11 Adame and Rodriguez. At all relevant times herein, Defendant CCI was responsible for assuring
12 that the actions, omissions, policies, procedures, practices, and customs of the CCI and its agents,
13 independent contractors, and/or employees complied with the law.

14 8. Plaintiff is informed and believes, and thereon alleges, that Defendant
15 CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION (hereinafter
16 "CDC") is, and at all relevant times was, a California governmental department with the capacity to
17 sue and be sued. CDC is responsible for the actions, omissions, policies, procedures, practices, and
18 customs of its correctional institutions, including CCI, and the various agents, independent
19 contractors, and/or employees of the CDC and CCI, including, without limitation, of Defendant
20 Officers Adame and Rodriguez. At all relevant times herein, Defendant CDC was responsible for
21 assuring that the actions, omissions, policies, procedures, practices, and customs of the CDC, CCI,
22 and their agents, independent contractors, and/or employees complied with the law.

23 9. Defendant STATE OF CALIFORNIA (hereinafter "State of California") is, and at
24 all relevant times was, a public entity existing under the Constitutions of the United States and the
25 State of California. State of California is responsible for the actions, omissions, policies,
26 procedures, practices, and customs of its various departments, including the CDC and CCI, and its,
27 CDC's, and CCI's agents, independent contractors, and/or employees, including without limitation
28 of Defendant Officers Adame and Rodriguez. At all relevant times herein, the State of California

1 was responsible for assuring that the actions, omissions, policies, procedures, practices, and
2 customs of the State of California, CDC, and CCI and the State of California's, CDC's and CCI's
3 agents, independent contractors, and/or employees complied with the law.

4 10. Plaintiff is informed, believes and thereon alleges that at all times relevant and
5 mentioned herein, Defendants, including DOES 1 through 50, inclusive ("Doe Defendants"), and
6 each of them, were the agents, independent contractors, servants, employees, employers, co-
7 conspirators, and/or joint venturers of their co-Defendants, and each of them, and were acting
8 within the course, scope and authority of said agency, employment, and/or venture, and that each
9 and every Defendant, as aforesaid, when acting as a principal, was negligent in the selection and
10 hiring, retention, training, and supervision of each and every other Defendant as an agent,
11 employee, and/or joint venturer.

12 11. Each of the Defendants and Doe Defendants caused and is responsible for the
13 unlawful conduct and resulting by, inter alia, personally participating in the conduct, or acting
14 jointly and in concert with others who did so, by authorizing, acquiescing, or failing to take action
15 to prevent the unlawful conduct, by promulgating policies and procedures pursuant to which the
16 unlawful conduct occurred, by failing and refusing, with deliberate indifference to Plaintiff's rights,
17 to initiate and maintain adequate supervision and/or training, and by ratifying the unlawful conduct
18 that occurred by employees, independent contractors, and/or agents under their direction and
19 control. Whenever and wherever reference is made in this Complaint to any act by a Defendant and
20 Doe Defendants, such allegation and references shall also be deemed to mean the acts and failure to
21 act of each Defendant individually, jointly, and severally. They are sued in their individual and
22 official capacities and in some manner are responsible for the acts and omissions alleged herein.

23 12. The true names and capacities, whether individual, plural, corporate, partnership,
24 associate, or otherwise, of Does 1 through 50, inclusive, are unknown to Plaintiff, who therefore
25 sues said defendants by such fictitious names. The full extent of the facts linking such fictitiously
26 sued defendants is unknown to Plaintiff. Plaintiff is informed and believes and thereon alleges that
27 each of the defendants designated herein as a DOE was, and is, negligent, or in some other
28 actionable manner, responsible for the events and happenings hereinafter referred to, and thereby

1 negligently, or in some other actionable manner, legally and proximately caused the hereinafter
2 described injuries and damages to Plaintiff. Plaintiff will hereafter seek leave of the Court to
3 amend this Complaint to show the defendants' true names and capacities after the same have been
4 ascertained.

5 **JURISDICTION AND VENUE**

6 13. The acts which are the subject of this Complaint took place at or near CCI, located at
7 24900 CA-202, Tehachapi, CA 93561 in the County of Kern and at or near Adventist Health
8 located at 1100 Magellan Dr., Tehachapi, CA 93561 in the County of Kern.

9 14. This Court has jurisdiction because the alleged acts and omissions giving rise to the
10 allegations contained herein occurred in the County of Kern and the Defendants either live in or
11 conduct business in the State of California, County of Kern.

12 15. Venue is proper in this county in accordance with *California Code of Civil*
13 *Procedure* §§ 395(a) and 395.5 because the obligation or liability arose in the County of Kern and
14 breaches occurred in said county.

15 16. On or about March 4, 2020, Plaintiff presented a government claim to the State of
16 California – Department of General Services for damages based on the acts, omissions, damages,
17 and injuries herein complained of pursuant to Government Code § 911.2. Plaintiff's claims were
18 subsequently rejected and this Complaint is filed within 6 months of notification of the
19 aforementioned rejection. Defendants STATE OF CALIFORNIA, CDC, and CCI are each liable
20 to Plaintiff for the acts of its employees, agents and DOES 1 through 50 pursuant to, without
21 limitation, *California Government Code* § 815.2 & 815.6, *Cal. Const. Art.* Sec. 1, 4, 7, 10, 13, 17
22 and 26, and *Penal Code* § 4030.

23 **GENERAL ALLEGATIONS**

24 17 The harrowing and unlawful incidents at issue suffered by Plaintiff on September 6,
25 2019 began at approximately 8:30 a.m. at the CCI facility.

26 18. Plaintiff arrived at the CCI facility at approximately 8:30 a.m. to appear for a
27 scheduled family visit with husband Carlos Eugene Cardenas (hereinafter "Plaintiff's Husband").
28 The scheduled family visit was to be the first in approximately one year, as the previously

1 scheduled visit for four weeks prior to the incident giving rise to this action had been cancelled
2 without any notice. As with the day of the subject incident, Plaintiff had traveled between 232 and
3 239 miles, requiring approximately four hours of travel time.

4 19. On September 6, 2019, the date of the subject incident, Plaintiff presented to the
5 visiting office of CCI. Family Visiting Officer Stanton escorted Plaintiff to the back right hand side
6 of the visiting office, sat her down, and placed her belongings on the adjacent table.

7 20. Plaintiff was then interrogated regarding whether she had “brought anything with
8 her” and whether she “brought any drugs in.” Plaintiff truthfully denied bringing any item to CCI
9 beyond that which was placed on the adjacent table.

10 21. Officer Stanton then informed Plaintiff that a search warrant had been issued and
11 that an officer would be coming to the office to discuss. Plaintiff asked whether she would be strip
12 searched, which Officer Stanton confirmed. This began the emotional damages suffered by
13 Plaintiff, as she had previously been victim to an unwarranted, degrading, and traumatizing search
14 by the State of California on the day of her marriage to Plaintiff’s Husband.

15 22. CCI Officer Rodriguez arrived at the room in which Plaintiff was detained and
16 confirmed that she would be one of the officers performing the strip search of Plaintiff. At all
17 relevant times, Defendants Officer Adame, and Officer Rodriguez were acting in their individual
18 capacity and/or under color of state law and in the course and scope of their employment with
19 Defendants State of California, CDC, and CCI.

20 23. Immediately upon Plaintiff’s movement to a secondary, isolated location, she was
21 detained for purposes of her Fourth Amendment rights. Moreover, upon the first question uttered
22 by Officer Stanton, Plaintiff had been subjected to a custodial interrogation. As such, Officer
23 Stanton was required at that time to inform Claimant of her *Miranda* rights. Upon information and
24 belief, no such rights were read in violation of Plaintiff’s constitutional rights.

25 24. Another officer, Defendant Officer Adame, acting both in his individual capacity
26 and/or under color of state law and in the course and scope of his employment with the State of
27 California, CDC, and CCI, then presented to Plaintiff and moved her to a small adjacent room,
28 approximately 10’x10’ in size, consisting of only a desk and small black couch. Officer Adame

1 asked Plaintiff if she consented to the pending search, which she denied.

2 25. Plaintiff was then presented with a legally invalid search warrant issued at
3 approximately 8:38 a.m. on September 9, 2019 and signed by the Honorable David R. Zulfa while
4 acting under color of state law and in the course and scope of his employment with the State of
5 California. Upon information and belief, no Statement of Probable Cause was served on Plaintiff in
6 conjunction with the search warrant presented in violation of Plaintiff's constitutional rights.
7 Moreover, the warrant presented did not include a "Warrant No." for purpose of identification.

8 26. While the validity and manner in which the search warrant was executed is in
9 question, the warrant did limit the scope of potential search in the absence of Plaintiff's consent.
10 Without limitation, it was explicit in the warrant that a body cavity search could only be conducted
11 after an X-Ray confirmation of the presence of a foreign object likely to be contraband in the body
12 cavity of Plaintiff.

13 27. Defendant Officer Adame informed Plaintiff that, pursuant to the warrant, she would
14 be strip searched, in addition to officers searching all of her belongings and her vehicle. Plaintiff
15 was visibly distressed by the subject of the search, as well as her detainment in the isolated room
16 with unknown officers crowding the single exit. One unknown officer screamed at Plaintiff, "Oh
17 wipe away your tears! You know what you and your husband have been doing!" Despite this effort
18 of intimidation, completed in their individual and official capacities, under the color of state law,
19 and/or in the course and scope of the unknown officer's employment, Plaintiff responded through
20 tears, "Don't tell me to wipe away my tears, I am innocent, and what you are saying to me is
21 inappropriate."

22 28. Shortly thereafter, Plaintiff was left in the small room with two female officers,
23 Defendant Officer Rodriguez and one unknown officer. She was then unlawfully examined by the
24 officers, first by opening her mouth and sticking out her tongue, then by showing her ears and
25 turning her head upside down to shake out her hair. No contraband was found during the search.

26 29. Plaintiff was then unlawfully instructed to take her clothing off piece by piece and
27 hand them to the officers for inspection. This process began with her top, sports bra, then bra,
28 which left her completely exposed on her top half. Plaintiff attempted to keep her breasts covered

1 as she was asked to remove her pants for inspection. Finally, she was asked to remove her
2 undergarments, which left Plaintiff's breasts and genitalia completely exposed. No contraband was
3 found on Plaintiff's person at this time either. Plaintiff was then unlawfully instructed to squat over
4 a mirror placed on the ground and cough. When Plaintiff's efforts proved there was nothing placed
5 in her cavity, the officers unlawfully instructed her to squat wider apart and to spread her genitalia
6 with physical intervention. Upon a negative finding of contraband, Plaintiff was instructed to dress
7 and sit back down to await further instruction.

8 30. Plaintiff was then asked, "Why do you visit, Christina? You don't have to visit. It's
9 a choice, and this is part of visiting." Upon information and belief, the unknown officer's statement
10 was a form of intimidation used to dismiss Plaintiff's right to visit her lawful husband during the
11 course of his incarceration. Without limitation, this act was discriminatory on the basis of
12 Plaintiff's marital status and was exercised within unknown officer's individual and official
13 capacities, under the color of state law and/or in the course and scope of the unknown officer's
14 employment with the State of California, CDC, and CCI.

15 31. After being subjected to the strip search, Plaintiff asked Defendant Officer
16 Rodriguez if she could use the restroom, as she had not been able to since arriving to the CCI
17 facility after a nearly four hour drive. This request was denied.

18 32. Defendant Officer Adame then arrived, pulled Plaintiff out of the detainment room,
19 and placed her in handcuffs.

20 33. Plaintiff was asked a series of questions by Officer Adame regarding her use of
21 marijuana. Plaintiff denied any alleged use, to which Officer Adame further alleged that her
22 vehicle "smelled like weed." This statement was not true, as there has been no consumption of
23 either marijuana or tobacco in Plaintiff's vehicle at any time. Nevertheless, Officer Adame asked
24 Plaintiff why she had a medical marijuana card. Plaintiff had no such card. However, Plaintiff did
25 inform Officer Adame that she had a card which reflects her membership with the Okleveaha
26 Native American Church, which states that she may carry medicinal sacrament for traditional
27 Native American ceremonies. The characterization of Plaintiff's Okleveaha Native American
28 Church membership as an unlawful consumption of federally controlled substances, though legal in

1 the State of California, was discriminatory on the basis of Plaintiff's religion, ancestry, color,
2 ethnicity, and faith, and was exercised within Officer Adame's individual capacity, under the color
3 of state law, and/or in the course and scope of Officer Adame's employment.

4 34. Plaintiff was then transported to Defendant Adventist Health's Emergency
5 Department with Defendants Officer Adame and Officer Rodriguez and one unknown CCI officer.
6 Throughout transit, Plaintiff repeatedly asked the officers the basis on which the search warrant was
7 granted. Without providing any articulable facts or circumstances sufficient to warrant probable
8 cause or allowing Plaintiff sufficient time to read the search warrant. Officer Adame held up the
9 search warrant and stated that he had "enough evidence to get a judge to sign this warrant."

10 35. Throughout the approximately 15 to 20 minute drive from CCI to Adventist Health,
11 Plaintiff was subjected to further unlawful interrogation regarding her relationship with her
12 husband, conversations with inmate acquaintances of Plaintiff's Husband, and specific statements
13 made in these recorded conversations. Specifically, Officer Adame asked in an accusatory tone,
14 "You told [an inmate acquaintance of Plaintiff's Husband] you and Carlos [Plaintiff's Husband]
15 have your own things going on. What do you and Carlos [Plaintiff's Husband] have going on?"
16 Plaintiff then informed Officer Adame that she was speaking in reference to her father dying a few
17 years ago, as well as the severe depression experienced and resulting personal challenges between
18 her and Plaintiff's Husband.

19 36. Plaintiff was unlawfully detained and never read her *Miranda* rights.

20 37. Plaintiff arrived at Defendant Adventist Health's Emergency Department at
21 approximately 9:45 a.m. She was subjected to humiliation by Defendants, and each of them.
22 Plaintiff was subjected to the equivalent of a "perp walk," as she was driven to the back of the
23 hospital, removed from the back of the law enforcement vehicle, and walked while handcuffed to
24 the Adventist Health entrance with numerous individuals in observation. This conduct, perpetrated
25 by Defendants Officer Adame and Officer Rodriguez and another unknown CCI officer was a form
26 of harassment and intimidation which subjected Plaintiff to, without limitation, emotional distress,
27 pain, suffering, inconvenience, mental anguish, embarrassment, humiliation, and damage to her
28 reputation.

1 38. Plaintiff was then unlawfully forced to complete an intake process while handcuffed
2 and was unlawfully asked to pay for the sexual battery perpetrated by Defendants, and each of
3 them, upon her, including for the forceful penetration of Plaintiff's vagina and anus and unlawful
4 search of her vaginal and anal cavities. Employees of Defendant Adventist Health informed
5 Plaintiff that she would be charged regardless of the fact that she did not want or consent to any
6 touching by any defendant. Officer Adame confirmed that Plaintiff was responsible for bearing
7 costs associated with the violative procedures and continued unlawful detainment she was about to
8 endure. Plaintiff did in fact receive and pay invoices from Defendant Adventist Health requiring
9 payment of \$3,756.20. Plaintiff received and was required to pay an additional invoice for the
10 sexual battery of Defendant Dr. Tseng in the amount of \$1,448.00. Moreover, Plaintiff received a
11 bill from Bakersfield Pathology Medical Group of \$48.50 for the processing of drug and pregnancy
12 tests ordered at the request of Defendant Dr. Tseng.

13 39. Dr. Tseng unlawfully forced Plaintiff to complete a pregnancy test. Prior to
14 completing the unwanted pregnancy test, Plaintiff requested water. This request was denied
15 allegedly due to a possibility of emergency surgery.

16 40. Plaintiff was denied reasonable access to bathroom facilities. Plaintiff was given
17 neither the privacy of a normal restroom nor the comfort of a normal toilet. Rather, Plaintiff was
18 forced to urinate in a makeshift toilet consisting of a chair and exposed urinal pan. This was done
19 in the presence of an Adventist Health nurse and female Officer Rodriguez. Plaintiff then had to
20 answer personal questions regarding her medical history, including personal women's health
21 history and mental health, in front of Officer Rodriguez, in complete violation of her rights to
22 privacy and HIPAA protections.

23 41. Plaintiff was unlawfully restrained in handcuffs for hours. As Plaintiff waited to be
24 unlawfully violated by defendants, she was subjected to further questioning and ridicule by the
25 present officers. She was continually denied water and food, while officers snacked and chatted in
26 supervision.

27 42. Plaintiff was then escorted in a wheelchair by Defendant Officer Rodriguez to
28 present for illegal X-Ray imaging. She was imaged both standing and laying down. The X-Ray

1 study conclusively proved that Plaintiff had no foreign substance in her body.

2 43. After the X-Ray and in violation of the express terms of the illegal search warrant,
3 Defendants, and each of them then subjected Plaintiff to an unwanted CT-Scan. While Plaintiff
4 received the CT-Scan, approximately two Adventist Health hospital staff and the three present
5 officers observed. Plaintiff was handcuffed during the duration of the CT-Scan. As she had metal
6 buttons on the waist of her pants, Plaintiff was illegally instructed by Defendants to lower her pants
7 while handcuffed in the presence of Adventist Health and CCI employees. Plaintiff struggled to
8 lower her pants while crying and bound in handcuffs.

9 44. Plaintiff was then brought back to the hospital room. Despite prior statements of
10 officers and hospital staff regarding potential emergency surgery, Plaintiff was finally given some
11 water and acetaminophen. At this time, she was incredibly dehydrated and hungry.

12 45. After both the illegal drug test, illegal X-Ray study and the illegal CT study
13 conclusively proved that there was no foreign substance in Plaintiff's body, Defendants, and each
14 of them proceeded to sexually assault and forcefully penetrate Plaintiff's anus and vagina. The
15 express terms of the illegal search warrant prohibited a cavity search in the absence of X-Ray
16 confirmation of illegal contraband. The unwanted and forceful penetration of Plaintiff's vagina and
17 anus was perpetrated by Defendant Dr. Tseng, a male doctor, even after Plaintiff's warning
18 defendants that she was not okay with a male probing her body and that a male probing of her body
19 would be very retraumatizing to her. Notwithstanding Plaintiff's objections and protests, the male
20 Dr. Tseng continued and Defendant Officer Rodriguez remained in the room during the unwanted
21 and forceful penetration of Plaintiff's vagina and anus.

22 46. Plaintiff was illegally forced to remove her pants, which she attempted to do despite
23 being handcuffed, crying, and hyperventilating. Plaintiff was sobbing uncontrollably and in a clear
24 and visibly distressed state as she was forced by Defendants to sit on a table and spread her legs.

25 47. Defendants, by and through Dr. Tseng, then began to violate and penetrate Plaintiff's
26 vaginal area, using grabbing motions with fingers. Dr. Tseng then violated and penetrated Mrs.
27 Cardenas' anal cavity, performing the same grabbing motions with his fingers.

28 48. Dr. Tseng's violation and penetration of Plaintiff's body was unwanted, illegal, and

1 violative of the express written language of the illegal warrant. The violation and penetration of
2 Plaintiff's body was done under threat and intimidation of Defendants, and each of them.
3 Defendants' unwanted violation of Plaintiff's vaginal and anal cavity constituted, without
4 limitation, sexual battery, unwanted sexual conduct, and unwanted and forceful penetration of
5 Plaintiff's vagina and rectum.

6 49. Plaintiff was visibly shaken, ill, sobbing, and otherwise emotionally disturbed as a
7 result of the bodily violations performed by Defendant Dr. Tseng. Still bound by handcuffs, she lay
8 on her side crying.

9 50. Plaintiff was then illegally forced into a law enforcement vehicle. Crying and still
10 bound by handcuffs, she was driven back to the CCI facility. Although she was told that she was
11 no longer being detained, Defendants refused to take off the handcuffs that restrained Plaintiff's
12 body.

13 51. No contraband existed or was ever found in Mrs. Cardenas' belongings, vehicle, or
14 person. Nevertheless, Mrs. Cardenas was denied scheduled visitation with her husband, unlawfully
15 detained for hours, denied basic necessities of life, taken to a secondary facility for search,
16 subjected to a humiliating "perp walk" in front of medical professionals and passersby, and
17 ultimately forced into extensive radiology and traumatizing penetrations of her vaginal and anal
18 cavities. She then was forced to pay for the state sanctioned torture.

19 52. When Plaintiff returned to the CCI facility, Officer Stanton returned her belongings.
20 Plaintiff then asked Officer Stanton if she could return tomorrow for a normal visit with her
21 husband. Officer Stanton left the room to inquire. Officer Adame then returned to the room and
22 rudely questioned Plaintiff as to what she "wanted." Plaintiff repeated her question regarding a
23 normal visit to Officer Adame. Officer Adame informed her that her visit was cancelled.

24
25 **FIRST CAUSE OF ACTION**

26 **(Sexual Battery in Violation of Cal. Civ. Code §1708.5 against All Defendants)**

27 53. Plaintiff incorporates herein by reference, each and every allegation and statement
28 contained in paragraphs 1 through 52, *supra*, as if the same had been set forth fully below.

1 54. Cal. Civ. Code §1708.5(a) provides: A person commits a sexual battery who does
2 any of the following: (1) acts with the intent to cause a harmful or offensive contact with an
3 intimate part of another, and a sexually offensive contact with that person directly or indirectly
4 results; (2) acts with the intent to cause a harmful or offensive contact with another by use of his or
5 her intimate part, and a sexually offensive contact with that person directly or indirectly results; or
6 (3) acts to cause an imminent apprehension of the conduct described in paragraph (1) or (2), and a
7 sexually offensive contact with that person directly or indirectly results.

8 55. Cal. Civ. Code §1708.5(d) defines “intimate part” as the sexual organ, anus, groin,
9 or buttocks of any person, or the breast of a female.

10 56. Cal. Civ. Code §1708.5(f) defines “offensive contact” to mean contact that offends a
11 reasonable sense of personal dignity.

12 57. Plaintiff alleges that Defendant Officers Adame and Rodriguez , Dr. Tseng, and
13 Does 1 to 50, in their individual and official capacities and/or under the color of state law
14 committed and/or assisted in the act of civil sexual battery in violation of Cal. Civ. Code §1708.5,
15 when, without limitation, Defendants willfully, maliciously, intentionally, and without the consent
16 of Plaintiff subjected her to the forceful, harmful and/or offensive touching of Plaintiff’s “intimate
17 parts,” including the external “search” of Plaintiff’s body and internal penetration of Plaintiff’s
18 vaginal and anal cavities. Said sexual batteries, including actions described hereinabove, were
19 performed without sufficient probable cause required to obtain a search warrant and/or in direct
20 contravention of the search warrant obtained by Defendants and, as such, were not consented to by
21 Plaintiff.

22 58. Plaintiff further alleges that Defendant Officers Adame, Rodriguez, and Does 1 to
23 50, in their individual and official capacities and/or under the color of state law, in executing said
24 warrant, willfully, maliciously, intentionally, and without the consent of Plaintiff subjected her to
25 sexual battery described hereinabove, including a strip search and multiple violations of her body,
26 both external and internal.

27 59. Plaintiff alleges that Defendant Adventist Health, its agents, independent
28 contractors, and/or employees, including Defendant Dr. Tseng, in their individual and official

1 capacities and/or under the color of state law, willfully, maliciously, intentionally, and without the
2 consent of Plaintiff subjected her to the forceful, harmful, and/or offensive touching of Plaintiff's
3 "intimate parts," including the unwanted touching and digital violation of Plaintiff's vaginal and
4 anal cavities by Dr. Tseng and/or Adventist Health agents, independent contractors, and/or
5 employees in direct contravention of the search warrant's scope obtained by Defendants.

6 60. At all relevant times, Defendant Officers Adame and Rodriguez remained on site
7 and present at Adventist Health during the violation of Plaintiff, sanctioning, authorizing, ratifying,
8 and working in concert with Dr. Tseng and Adventist Health agents, independent contractors,
9 and/or employees in furtherance of, without limitation, the unlawful penetration of Plaintiff's
10 vaginal and anal cavities in direct contravention of the illegal search warrant obtained by
11 Defendants.

12 61. The actions of Defendant Officers Adame and Rodriguez, Defendant Dr. Tseng, and
13 Does 1 through 50, who were other agents independent contractors, and/or employees of Defendant
14 CCI, CDC, State of California, and Adventist Health, constituted sexual battery on Plaintiff's body
15 and were committed both within their individual capacity and within the course and scope of their
16 employment, agency, and/or independent contracting relationship with Defendants CCI, CDC, and
17 State of California and Adventist Health, respectively. The sexual battery committed against
18 Plaintiff and injuries sustained as a result of the sexual battery committed against her arise from the
19 employers', agents', and/or independent contracting relationships' enterprise, specifically in
20 screening individuals, like Plaintiff, who present for lawful family visits with their spouses who are
21 incarcerated at the CCI facility and later at Adventist Health for further examination. The injuries
22 and losses suffered by Plaintiff were incurred as a result of the employment, agency, and/or
23 independent contracting relationship of Defendants Officers Adame and Rodriguez, Dr. Tseng, and
24 Does 1 through 50 and Defendants CCI, CDC, State of California, and Adventist Health.

25 62. As a direct and/or proximate result of Defendants' unlawful conduct as alleged
26 hereinabove, Plaintiff has suffered, without limitation, emotional distress, humiliation,
27 embarrassment, mental distress, and anxiety, all in an amount exceeding the jurisdictional
28 minimum of the Superior Court according to proof at trial.

1 and scope of their employment, agency, joint venture, and/or independent contracting relationship
2 with Defendants CCI, CDC, and State of California and Adventist Health, respectively. The battery
3 committed against Plaintiff and injuries sustained as a result of the battery committed against her
4 arise from the employers', agents', and/or independent contracting relationships' enterprise,
5 specifically in screening individuals, like Plaintiff, who present for lawful family visits with their
6 spouses who are incarcerated at the CCI facility and later at Adventist Health for further
7 examination. The injuries and losses suffered by Plaintiff were incurred as a result of the
8 employment, agency, joint venture, and/or independent contracting relationship of Defendants
9 Officers Adame and Rodriguez, Dr. Tseng, and Does 1 through 50 and Defendants CCI, CDC,
10 State of California, and Adventist Health. As a direct and proximate result of Defendants' unlawful
11 conduct as alleged hereinabove, Plaintiff has suffered, without limitation, emotional distress,
12 humiliation, embarrassment, mental distress, and anxiety, and other consequential damages, all in
13 an amount exceeding the jurisdictional minimum of the Superior Court according to proof at trial.

14 70. The aforementioned conduct by Defendants was willful, wanton, and malicious. At
15 all relevant times, Defendants acted with conscious disregard of the Plaintiff's rights and feelings.
16 Defendants also acted with the knowledge of or with reckless disregard for the fact that their
17 conduct was certain to cause injury and/or humiliation to Plaintiff. By virtue of the foregoing,
18 Plaintiff is entitled to recover punitive and exemplary damages from Defendants according to proof
19 at trial.

20
21 **THIRD CAUSE OF ACTION**

22 **(Gender Violence in Violation of Cal. Civ. Code § 52.4 against**

23 **All Defendants and Does 1 to 50)**

24 71. Plaintiff incorporates herein by reference, each and every allegation and statement
25 contained in paragraphs 1 through 70, *supra*, as if the same had been set forth fully below.

26 72. Cal. Civ. Code Section 52.4 (c) defines "gender violence" as either of the following:
27 (1) one or more acts that would constitute a criminal offense under state law that has as an element
28 the use, attempted use, or threatened use of physical force against the person or property of another,

1 committed at least in part based on the gender of the victim, whether or not those acts have resulted
2 in criminal complaints, charges, prosecution, or conviction; (2) a physical intrusion or physical
3 invasion of a sexual nature under coercive conditions, whether or not those acts have resulted in
4 criminal charges, complaints, charges, prosecution, or conviction.

5 73. Cal. Civ. Code Section 52.4(d) provides: Notwithstanding any other laws that may
6 establish the liability of an employer for the acts of an employee, this section does not establish any
7 civil liability of a person because of her or her status as an employer, unless the employer
8 personally committed an act of gender violence. Plaintiff alleges that the State of California CDC
9 and CCI personally committed at least one act of gender violence.

10 74. Plaintiff alleges that Defendants Officers Adame and Rodriguez, State of California
11 CDC, CCI, Dr Tseng, and Does 1 to 50 violated Cal. Civ. Code Section 52.4 and Penal Code §
12 4030 in that one or more acts they inflicted on Plaintiff constitutes a criminal offense under state
13 law that has an element of use, attempted use, or threatened use of physical force against her
14 person, committed at least in part based on Plaintiff's gender, whether or not those acts have
15 resulted in criminal complaints, charges, prosecution, or conviction.

16 75. Plaintiff further alleges that Defendants Officers Adame and Rodriguez, State of
17 California CDC, CCI, Dr Tseng, and Does 1 to 50 violated Cal. Civ. Code Section 52.4 and Penal
18 Code § 4030 in that they engaged in a physical intrusion or physical invasion of a sexual nature
19 under coercive conditions.

20 76. Plaintiff alleges that Defendants Officers Adame and Rodriguez, State of California
21 CDC, CCI, Dr. Tseng, and Does 1 to 50, in their individual and official capacities and/or under the
22 color of state law committed the act of civil sexual battery in violation of Cal. Civ. Code §1708.5,
23 when, without limitation, Defendants willfully, maliciously, intentionally, and without the consent
24 of Plaintiff subjected her to the forceful, harmful and/or offensive touching of Plaintiff's "intimate
25 parts," including, without limitation the violation of Plaintiff's body and the penetration of
26 Plaintiff's vaginal and anal cavities. Said sexual battery, including actions described hereinabove,
27 was performed without sufficient probable cause required to obtain a search warrant and/or in direct
28 contravention of the language of the illegal search warrant obtained by Defendants and, as such,

1 was not consented to by Plaintiff.

2 77. Plaintiff further alleges that Defendant Officers Adame and Rodriguez, in their
3 individual and official capacities and/or under the color of state law, in executing said warrant,
4 willfully, maliciously, intentionally, and without the consent of Plaintiff subjected her to sexual
5 battery described hereinabove.

6 78. Plaintiff alleges that Defendant Adventist Health, its agents independent contractors,
7 and/or employees including Defendant Dr. Tseng in their individual and official capacities and/or
8 under the color of state law, willfully, maliciously, intentionally, and without the consent of
9 Plaintiff subjected her to the forceful, harmful, and/or offensive touching of Plaintiff's "intimate
10 parts," including the unwanted touching and digital examination of Plaintiff's vaginal and anal
11 cavities by Dr. Tseng and/or Adventist Health agents independent contractors, and/or employees in
12 direct contravention of the search warrant's scope obtained by Defendants.

13 79. At all relevant times, Defendant Officers Adame and Rodriguez and Does 1 to 50
14 remained on site and present at Adventist Health during the various examinations of Plaintiff,
15 sanctioning, authorizing, ratifying, and working in concert with Dr. Tseng and Adventist Health
16 agents independent contractors, and/or employees in furtherance of the unlawful search of
17 Plaintiff's vaginal and anal cavities in direct contravention of the search warrant obtained by
18 Defendants.

19 80. The actions of Defendant Officers Adame and Rodriguez, Defendant Dr. Tseng, and
20 Does 1 through 50, who were other agents, joint venturers, independent contractors, and/or
21 employees of Defendant CCI, CDC, State of California, and Adventist Health, constituted gender
22 violence on Plaintiff's body and were committed both within their individual capacity and within
23 the course and scope of their employment, joint venture, agency, and/or independent contracting
24 relationship with Defendants CCI, CDC, and State of California and Adventist Health, respectively.
25 The gender violence committed against Plaintiff and injuries sustained as a result of the gender
26 violence committed against her arise from the employers', agents', and/or independent contracting
27 relationships' enterprise, specifically in screening individuals, like Plaintiff, who present for lawful
28 family visits with their spouses who are incarcerated at the CCI facility and later at Adventist

1 Health for further examination. The injuries and losses suffered by Plaintiff were incurred as a
2 result of the employment, joint venture, agency, and/or independent contracting relationship of
3 Defendants Officers Adame and Rodriguez, Dr. Tseng, and Does 1 through 50 and Defendants
4 CCI, CDC, State of California, and Adventist Health.

5 81. As a direct and proximate result of Defendants' unlawful conduct as alleged
6 hereinabove, Plaintiff has suffered physical injury, emotional distress, humiliation, embarrassment,
7 and/or anxiety, all in an amount exceeding the jurisdictional minimum of the Superior Court
8 according to proof at trial.

9 82. The aforementioned conduct by Defendants was willful, wanton, and malicious. At
10 all relevant times, Defendants acted with conscious disregard of Plaintiff's rights and feelings.
11 Defendants also acted with the knowledge of or with reckless disregard for the fact that this conduct
12 was certain to cause injury and/or humiliation to the Plaintiffs. By virtue of the foregoing, the
13 Plaintiffs are entitled to recover punitive and exemplary damages from Defendants according to
14 proof at trial.

15 83. Plaintiff has incurred and will continue to incur attorneys' fees in litigating this
16 action and therefore demands such reasonable attorneys' fees and costs as set by the Court.

17 18 **FOURTH CAUSE OF ACTION**

19 **(Sexual Harassment in Violation of Civ. Code § 51.9 against All Defendants)**

20 84. Plaintiff incorporates herein by reference, each and every allegation and statement
21 contained in paragraphs 1-83, *supra*, as if the same had been set forth fully below.

22 85. Cal. Civil Code § 51.9(a)(1)(A) states in pertinent part: "(a) A person is liable in a
23 cause of action for sexual harassment under this section when the plaintiff proves all of the
24 following elements:

- 25 (1) There is a business, service, or professional relationship between the plaintiff
26 and defendant or the defendant holds himself or herself out as being able to help the
27 plaintiff establish a business, service, or professional relationship with the defendant
28

1 or a third party. Such a relationship may exist between a plaintiff and a person,
2 including, but not limited to:

3 (A) Physician, psychotherapist, or dentist.

4 86. Civil Code §51.9(a) continues the elements for sexual harassment: (2) the defendant
5 has made sexual advances, solicitations, sexual requests, demands for sexual compliance by the
6 plaintiff, or engaged in other verbal, visual, or physical conduct of a sexual nature or of a hostile
7 nature based on gender, that were unwelcome and pervasive or severe; (3) there is an inability by
8 the plaintiff to easily terminate the relationship; (4) the plaintiff has suffered or will suffer
9 economic loss or disadvantage or personal injury, including, but not limited to, emotional distress
10 or the violation of a statutory or constitutional right, as a result of the conduct described in (2).

11 87. A corporation is a “person” within meaning of *Cal. Civil Code* §51.9, which subjects
12 persons to liability for sexual harassment within a business, service or professional relationship, and
13 such an entity defendant may be held liable under this statute for the acts of its employees. (*See*
14 *C.R. v. Tenet Healthcare Corp.* (2009) 169 Cal.App.4th 1094.) Further, principles of ratification
15 apply when the principal ratifies the agent’s originally unauthorized harassment, as is alleged to
16 have occurred herein.

17 88. At all relevant times, Plaintiff presented herself at the CCI facility that was owned,
18 managed, and/or controlled by Defendants CCI, CDC, and State of California for purposes of
19 obtaining, procuring, and establishing a family visit with her husband who was an inmate at the
20 CCI facility. At no time was Plaintiff herself incarcerated at CCI prior to the subject incident and,
21 as such, her presentation for a family visit and for services associated therewith was initially
22 voluntary. As such, upon presentation for a family visit at CCI, a business, service, and/or
23 professional relationship existed between Plaintiff and agents, independent contractors, and/or
24 employees of CCI, CDC, and State of California, including between Plaintiff and CCI, CDC, and
25 State of California. It was Defendants State of California, CCI, and CDC that took Plaintiff to
26 Adventist Health for Plaintiff to subject Plaintiff to the conduct alleged herein in joint venture with
27 Adventist Health and Dr. Tseng, in exchange for the payment of money at Defendant State of
28 California, CCI, and CDC’s request/demand

1 89. Soon after patient's presentation at the CCI facility for a family visit with her
2 husband, Defendant Officers Adame and Rodriguez, and other agents, independent contractors,
3 joint venturers, and/or employees of CCI, CDC, and/or State of California, coerced, threatened, and
4 used their authority in their individual and official capacity and/or under color of state law, to
5 demand that Plaintiff endure and pay for the unwanted conduct alleged herein. Defendants
6 demanded that Plaintiff comply with sexual requests and engage in verbal, visual, and physical
7 conduct of a sexual nature and/or of a hostile nature based on her gender. These sexual requests
8 and demands for Plaintiff to engage in a business transaction and endure unwanted conduct of a
9 sexual nature included, without limitation, strip searches without adequate coverings for Plaintiff's
10 breasts and genitalia and various unwanted exposures/examinations and sexual batteries of both her
11 naked and partially clothed body, including without limitation, requests and demands that Plaintiff
12 pay for and endure the unwanted forceful penetration of Plaintiff's vagina and anus by Adventist
13 Health and Dr. Tseng.

14 90. At all relevant times, Plaintiff presented herself at the Adventist Health, including
15 specifically to its physician Dr. Tseng for purposes of obtaining, facilitating, procuring, and
16 establishing a family visit with her husband at the CCI facility. Although Plaintiff did not consent
17 to or want Defendants conduct, a business, service, and/or other relationship existed between
18 Plaintiff and CCI, CDC, the State of California, Adventist Health, and Dr. Tseng. At the request of
19 CCI, CDC, and the State of California, both Adventist Health and Dr. Tseng sent Plaintiff bills for
20 payment which were in fact paid by Plaintiff.

21 91. Soon after patient's presentation at the Adventist facility for medical examination,
22 Defendant Dr. Tseng and other agents, independent contractors, and/or employees of Adventist
23 Health coerced, threatened, and used their authority in their individual and official capacity and/or
24 under color of state law, to demand that Plaintiff comply with unwanted sexual requests and engage
25 in verbal, visual, and physical conduct of a sexual nature and/or of a hostile nature based on her
26 gender. These sexual requests and demands for Plaintiff to engage in conduct of a sexual nature
27 included, without limitation, removal of clothing, at times without adequate coverings for
28 Plaintiff's breasts and genitalia, and undergoing various exposures of both her naked and partially

1 clothed body, including without limitation, requests and demands that Plaintiff submit to the
2 violation and penetration of her vagina and anus at the request of the State of California, CCI, and
3 CDC.

4 92. During Plaintiff's time at the CCI and Adventist Health facilities, Defendants
5 Officers Adame and Rodriguez, Dr. Tseng and other employees, independent contractors, and/or
6 agents of Defendants CCI, CDC, State of California, and Adventist Health intentionally, recklessly,
7 and wantonly made sexual advances, solicitations, requests, and demands for sexual compliance of
8 a hostile nature based on Plaintiff's gender that were unwelcome, pervasive, and severe, including,
9 but not limited to, vaginal and anal cavity probes, all under the supervision of employees,
10 independent contractors, and/or agents of Defendants CCI, CDC, State of California, and Adventist
11 Health, who were acting in their individual and/or official capacities, including within the course
12 and scope of their agency and/or employment with Defendants CCI, CDC, State of California, and
13 Adventist Health, and each of them.

14 93. The incidents of abuse outlined herein above took place while Plaintiff was under
15 the control of Defendant Officers Adame and Rodriguez, Defendant Dr. Tseng, and other agents,
16 joint venturers, independent contractors, and/or employees of Defendants CCI, CDC, State of
17 California, and Adventist Health.

18 94. During Plaintiff's time at the CCI and Adventist Health facilities, Defendant
19 Officers Adame and Rodriguez, Defendant Dr. Tseng, and/or other agents, independent contractors,
20 and/or employees of CCI, CDC, State of California, and Adventist Health intentionally, recklessly,
21 and wantonly did acts which resulted in harmful and offensive contact with intimate parts of
22 Plaintiff's person, including but not limited to, using their position of authority to force Plaintiff to
23 give into their sexual requests, demands, and orders.

24 95. Because without limitation the CCI and Adventist Health facility violated the
25 express terms of the illegal search warrant and Plaintiff never requested any of the "treatment" of
26 Adventist Health or Dr. Tseng, Plaintiff alleges that the conduct of Defendants Dr. Tseng,
27 Adventist Health and/or the employees or agents of Adventist Health cannot be considered medical
28 treatment.

1 96. Because upon the individual and official positions of authority of Defendant Officers
2 Adame and Rodriguez, Defendant Dr. Tseng, and/or other agents, independent contractors, and/or
3 employees of CCI, CDC, State of California, and Adventist Health versus Plaintiff's physical
4 restraints, the presence of officers, her seclusion, and her mental and emotional state, Plaintiff was
5 unable to, and did not and could not, give consent to such acts of a sexual and coercive nature.

6 97. Even though Defendants CCI, CDC, State of California, and Adventist Health knew
7 or should have known of these activities by Officers Adame and Rodriguez, Defendant Dr. Tseng,
8 and/or its other agents, independent contractors, and/or employees, CCI, CDC, State of California,
9 and Adventist Health did nothing to investigate, supervise, or monitor said employees and/or agents
10 to ensure the safety of people, like Plaintiff, in their charge and thereby ratified all their misconduct.

11 98. The conduct of Defendant Officers Adame and Rodriguez and Defendant Dr. Tseng
12 was ratified by Defendants State of California, CCI, CDC and Adventist Health both before and
13 after the event.

14 99. Defendants' conduct and the conduct of their agents, independent contractors, and/or
15 employees was a breach of their duties to Plaintiff.

16 100. The actions of Defendant Officers Adame and Rodriguez, Defendant Dr. Tseng, and
17 Does 1 through 50, who were other agents, independent contractors, and/or employees of
18 Defendant CCI, CDC, State of California, and Adventist Health, constituting sexual harassment
19 were committed both within their individual capacity and within the course and scope of their
20 employment and joint venture with Defendants CCI, CDC, and State of California and Adventist
21 Health, respectively. The sexual harassment committed against Plaintiff and injuries sustained as a
22 result of the sexual harassment committed against her arise from the employers' enterprise,
23 specifically in screening individuals, like Plaintiff, who present for lawful family visits with their
24 spouses who are incarcerated at the CCI facility and later at Adventist Health for further
25 examination. The injuries and losses suffered by Plaintiff are engendered by the employment of
26 Defendant Officers Adame and Rodriguez, Dr. Tseng, and Does 1-50.

27 101. As a result of the above-described conduct, Plaintiff has suffered and continues to
28 suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional

1 distress including, without limitation, embarrassment, loss of self-esteem, disgrace, humiliations,
2 and loss of enjoyment of life, was prevented and will continue to be prevented from performing
3 daily activities and obtaining the full enjoyment of life, will sustain loss of earnings and earning
4 capacity, and/or have incurred and will continue to incur expenses for medical and psychological
5 treatment, therapy, and counseling.

6
7 **FIFTH CAUSE OF ACTION**

8 **(Violations of the California Unruh Civil Rights Act, Civ. Code § 51, against All Defendants)**

9 102. Plaintiff incorporates herein by reference, each and every allegation and statement
10 contained in paragraphs 1 to 101, *supra*, as if the same had been set forth fully below.

11 103. The Plaintiff's civil rights were violated by Defendants CCI, CDC, State of
12 California, and Adventist Health, including through Defendant Officers Adame and Rodriguez,
13 Defendant Dr. Tseng, and other of their agents, independent contractors, and/or employees.
14 Plaintiff had a right to be free from, without limitation, discrimination, abuse, unnecessary strip and
15 body cavity searches, and harassment under the Unruh Civil Rights Act based on, without
16 limitation, her sex, gender, race, ethnicity, color, marital status, religion, and ancestry.

17 104. Defendants were acting in their individual capacity, their official capacity, and/or
18 under the color of state authority and/or in the scope of their employment, agency, joint venture,
19 and/or independent contracting relationship during the instances when Plaintiff was unlawfully
20 detained, strip-searched, exposed, examined, coerced into undergoing a pregnancy test, and
21 underwent unwanted and forceful penetrations of her vagina and rectum and probes of her vaginal
22 and anal cavities in violation of, without limitation, Penal Code § 4030.

23 105. Defendants denied Plaintiff full and equal accommodations, advantages, facilities,
24 privileges, and healthcare services, including a family visit with her husband, and forced her to
25 undergo sexual batteries and the wrongful acts alleged hereinabove, including multiple unwanted
26 violations and penetrations of her vagina and anus because of her race, sex, gender, ancestry, and
27 marital status with her husband. Plaintiff's race, sex, gender, ancestry, and marital statuses were a
28 substantial motivating factor for said conduct alleged hereinabove.

1 106. By employing and retaining Dr. Tseng as a medical physician at Adventist Health
2 and by working in concert and joint venture with Defendants CDI, CCI, and/or State of California,
3 including their agents, independent contractors, and/or employees, Adventist Health coerced
4 Plaintiff, and other married women who sought to have a family visit with their spouses, to undergo
5 unnecessary medical examinations that exposed them, including Plaintiff, to discrimination, abuse,
6 and harassment. Thus, Defendant Adventist Health's retention of Dr. Tseng and its other agents,
7 employees, and or independent contractors and its work in concert with Defendants CCI, CDC, and
8 State of California, and their agents, independent contractors, and/or employees, denied Plaintiff
9 full and equal access to safe medical facilities, services, and/or examinations based upon her race,
10 sex, gender, ancestry, and marital status.

11 107. Plaintiff was further discriminated against by Defendant Officer Adame when
12 interrogated by Officer Adame regarding her alleged use of marijuana. Plaintiff denied any alleged
13 use. Officer Adame asked Plaintiff why she had a medical marijuana card. Plaintiff had no such
14 card. Plaintiff had informed Officer Adame that she had a card reflecting her membership with the
15 Okleveaha Native American Church, which stated that she could carry medicinal sacrament for
16 traditional Native American ceremonies. The characterization of Plaintiff's Okleveaha Native
17 American Church membership as an unlawful consumption of federally controlled substances,
18 though legal in the State of California, was discriminatory on the basis of, without limitation,
19 Plaintiff's religion and ancestry, and was exercised within Officer Adame's individual capacity,
20 under the color of state law, and/or in the course and scope of Officer Adame's employment.

21 108. The actions of Defendant Officers Adame and Rodriguez, Defendant Dr. Tseng, and
22 Does 1 through 50, who were other agents independent contractors, and/or employees of Defendant
23 CCI, CDC, State of California, and Adventist Health, constituting the aforementioned violations
24 were committed both within their individual capacity and within the course and scope of their
25 employment, agency, and/or independent contracting relationship with Defendants CCI, CDC, State
26 of California and Adventist Health, respectively. The violations committed against Plaintiff and
27 injuries sustained as a result of the violations committed against her arise from the employers',
28 agents', and/or independent contracting relationships' enterprise, specifically in screening

1 individuals, like Plaintiff, who present for lawful family visits with their spouses who are
2 incarcerated at the CCI facility and later at Adventist Health for further examination. The injuries
3 and losses suffered by Plaintiff were incurred as a result of the employment, agency, and/or
4 independent contracting relationship of Defendants Officers Adame and Rodriguez, Dr. Tseng, and
5 Does 1 through 50 and Defendants CCI, CDC, State of California, and Adventist Health.

6 109. As a direct and proximate result of Defendants' tortious acts, omissions, wrongful
7 conduct and breaches of their duties, Plaintiff's employment and professional development has
8 been adversely affected. Plaintiff has lost wages and will continue to lose wages in an amount to be
9 determined at trial. Plaintiff has suffered substantial economic injury, all to Plaintiff's general,
10 special and consequential damage in an amount to be proven at trial, but in no event less than the
11 minimum jurisdictional amount of this Court.

12 110. As a further direct and proximate result of Defendant's wrongful actions, as herein
13 alleged, Plaintiff has been hurt in their health, strength, and activity. Plaintiff has sustained
14 permanent and continuing injury to her nervous system and person, which has caused and continue
15 to cause great mental, physical, and nervous pain, suffering, fright, upset, grief, worry, and shock in
16 an amount according to proof at trial but in no event less than the jurisdictional minimum
17 requirement of this Court. The conduct of Defendants, and each of them, was willful, malicious,
18 oppressive, and/or reckless, and done with the intent to oppress plaintiff and with a conscious
19 disregard for plaintiff's safety, well-being, and deprivation of her liberty. Further, the foregoing
20 intentional acts subjected Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's
21 rights. As a result of the foregoing, Plaintiff is entitled to punitive, exemplary, and/or treble
22 damages against Defendants Adame, Rodriguez, and Dr. Tseng, and each of them, in an amount
23 according to proof.

24
25 **SIXTH CAUSE OF ACTION**

26 **(Violations of the California Bane Act, Civ. Code § 52.1, against All Defendants)**

27 111. Plaintiff incorporates herein by reference, each and every allegation and statement
28 contained in paragraphs 1 to 110, *supra*, as if the same had been set forth fully below.

1 112. *Civil Code* §52.1(b) states: “Any individual whose exercise or enjoyment of rights
2 secured by the Constitution or laws of the United States, or of rights secured by the Constitution or
3 laws of this state, has been interfered with, or attempted to be interfered with, as described in
4 subdivision (a), may institute and prosecute in his or her own name and on his or her own behalf a
5 civil action for damages, including, but not limited to, damages under Section 52, injunctive relief,
6 and other appropriate equitable relief to protect the peaceable exercise or enjoyment of the right or
7 rights secured, including appropriate equitable and declaratory relief to eliminate a pattern or
8 practice of conduct as described in subdivision (a).”

9 113. At all times mentioned herein above, Plaintiff was deprived of her constitutionally
10 protected rights including, without limitation Plaintiff’s rights as guaranteed by the California State
11 Constitution Sections 1, 4, 7, 10, 13, 17 and 26 and Penal Code § 4030. Plaintiff’s constitutionally
12 protected rights were violated by Defendant Officers Adame and Rodriguez, Defendant Dr. Tseng,
13 and other agents, independent contractors, and/or employees of CCI, CDC, State of California, and
14 Adventist Health when Plaintiff was made the subject of unlawful search and seizure and excessive
15 force, including being placed in handcuffs, subjected to sexual abuse, intimidated by threats of
16 sexual violence, and having acts of sexual violence committed against her, and unlawfully
17 prevented from exercising her right to familial association, which includes the association between
18 Plaintiff and her husband. At all relevant times, these Defendants were acting in their individual
19 capacity and/or official capacity, including under color of state law, and /or within the course and
20 scope of their employment, agency, and or independent contracting relationship with CCI, CDI,
21 State of California, and Adventist Health.

22 114. At all relevant times, Plaintiff’s unlawful detention, including her placement in
23 handcuffs and the sexual abuse, intimidation by threats of sexual violence, and sexual violence
24 itself committed against her caused Plaintiff to reasonably believe that if she exercised her right to
25 be free from unlawful and unreasonable search and seizure and excessive force and exercised her
26 right to familial association, Plaintiffs would commit further acts of sexual violence against her
27 because Defendants had the apparent ability and authority to carry out their threats.
28

1 115. Defendants' exercised their apparent authority over her, however unlawful, during
2 the extended time that Plaintiff was subjected to the aforementioned actions for the purpose of
3 preventing her from exercising, without limitation, her right to be free from unreasonable search
4 and seizure and the use of excessive force against her and her right to familial association with her
5 husband. This authority over her was exercised by Defendants pursuant to a warrant that was
6 obtained without the requisite probable cause and/or that was carried out intentionally in a way that
7 was beyond the scope of the warrant.

8 116. At all relevant times, Defendant Officers Adame and Rodriguez, Defendant Dr.
9 Tseng, and other agents, independent contractors, and/or employees of CCI, CDC, State of
10 California, and Adventist Health, acted violently against her, including restraining her, forcing
11 and/or coercing her to undergo a strip search, and forcing and/or coercing her to undergo searches
12 of her anal and vaginal cavities. These actions prevented her from exercising her constitutionally
13 protected right to be free from unlawful search and seizure and excessive force and to exercise her
14 right to familial association with her husband.

15 117. Plaintiff alleges that Defendant Officers Adame and Rodriguez , in their individual
16 and official capacities and/or under the color of state law, in executing said warrant, willfully,
17 maliciously, intentionally, and without the consent of Plaintiff subjected her to a forceful, harmful,
18 and/or offensive search that including repeated touching of Plaintiff's' "intimate parts," including
19 the unwanted and forceful penetrations of Plaintiff's vagina and anus and probes of Plaintiff's
20 vaginal and anal cavities by Dr. Tseng and Adventist Health agents, independent contractors, and/or
21 employees in direct contravention of the search warrant's scope obtained by Defendants.

22 118. Plaintiff further alleges that Defendant Officers Adame and Rodriguez, in their
23 individual and official capacities and/or under the color of state law, in executing said warrant,
24 willfully, maliciously, intentionally, and without the consent of Plaintiff subjected her to the actions
25 described hereinabove, including a strip search and multiple medical sexual batteries of her body,
26 both external and internal.

27 119. Plaintiff alleges that Defendant Adventist Health, its agents, independent
28 contractors, and/or employees including Defendant Dr. Tseng in their individual and official

1 capacities and/or under the color of state law, willfully, maliciously, intentionally, and without the
2 consent of Plaintiff subjected her to the forceful, harmful, and/or offensive touching of Plaintiff's
3 "intimate parts," including the unwanted and forceful penetrations of Plaintiff's vagina and anus
4 and probes of Plaintiff's vaginal and anal cavities by Dr. Tseng and/or Adventist Health agents,
5 independent contractors, and/or employees in direct contravention of the search warrant's scope
6 obtained by Defendants.

7 120. Defendant Officers Adame and Rodriguez placed handcuffs and otherwise restrained
8 Plaintiff's body throughout her detainment both at the CCI facility and Adventist Health facility,
9 even though Plaintiff at no time posed a threat to the employees, independent contractors, and/or
10 agents of the CCI, CDC, State of California, and/or Adventist Health.

11 121. Defendant Officers Adame and Rodriguez forced and/or coerced Plaintiff to undergo
12 a multitude of unwanted examinations, including a strip search, X-Ray, and CT-Scan while
13 handcuffed. Plaintiff was asked to lower her pants while handcuffed and in the presence of
14 Adventist Health and CCI employees in order to undergo the CT Scan. Plaintiff struggled to lower
15 her pants while bound and began crying. She lay in the machine, handcuffed, exposed, and
16 humiliated.

17 122. Plaintiff was also forced to undress for unwanted and forceful penetrations of her
18 vagina and anus and probes of Plaintiff's vaginal and anal cavities while restrained in handcuffs.
19 Plaintiff was ordered to remove her pants, which she attempted despite being handcuffed, crying,
20 and hyperventilating.

21 123. Excessive force was also used by Defendant Tseng, all the while under the
22 supervision and direction of Adventist Health and Officers Adame and Rodriguez. Dr. Tseng used
23 grabbing motions with his fingers inside Plaintiff's vagina and anus in direct contravention to the
24 language of the illegal search warrant.

25 124. Defendants' actions, as alleged hereinabove, have had and will continue to interfere
26 with Plaintiff's right to be free from unlawful and unreasonable search and seizure, sexual battery
27 and assault, gender violence, sexual and gender harassment and discrimination, and harassment and
28 discrimination based on Plaintiff's race, ancestry, gender, sex, and marital status when she appeared

1 at the facilities owned, managed, and/or controlled by Defendants CCI, CDI, State of California,
2 and Adventist Health so that she could have a family visit with her husband. Defendants' actions,
3 as alleged herein, have also had and continue to interfere with Plaintiff's right to be free from
4 discrimination and harassment on the basis of her race, ancestry, gender, sex, and marital status
5 when she appeared and appears at the CCI facility for family visits with her husband.

6 125. Furthermore, Plaintiff was deprived of due process of law, both under the policies
7 and procedures of CCI, CDC, State of California, and Adventist Health, as well as under laws and
8 constitutional rights and protections.

9 126. The actions described hereinabove were contrary to law and Plaintiffs' constitutional
10 rights.

11 127. Defendants' wrongful conduct was intended to, and did, successfully interfere with
12 Plaintiff's constitutional rights to be free from unlawful and unreasonable search and seizure,
13 sexual battery and assault, gender violence, sexual harassment and discrimination, and harassment
14 and discrimination, as well as interfered with her rights of due process and deprived her of her right
15 to familial association.

16 128. Defendants wrongfully used threats, intimidation, harassment, violence, and
17 coercion over Plaintiff's person, to which Plaintiff had no relief except to submit to Defendants'
18 wrongful threats, intimidation, harassment, violence, and coercion, which rendered Plaintiff's
19 submission involuntary.

20 129. The actions of Defendant Officers Adame and Rodriguez, Defendant Dr. Tseng, and
21 Does 1 through 50, who were other agents, independent contractors, and/or employees of
22 Defendant CCI, CDC, State of California, and Adventist Health, constituting the aforementioned
23 violations were committed both within their individual capacity and within the course and scope of
24 their employment, agency, and/or independent contracting relationship with Defendants CCI, CDC,
25 and State of California and Adventist Health, respectively. The violations committed against
26 Plaintiff and injuries sustained as a result of the violations committed against her arise from the
27 employers', agents', and/or independent contracting relationships' enterprise, specifically in
28 screening individuals, like Plaintiff, who present for lawful family visits with their spouses who are

1 incarcerated at the CCI facility and later at Adventist Health for further examination. The injuries
2 and losses suffered by Plaintiff were incurred by the employment, agency, and/or independent
3 contracting relationship of Defendants Officers Adame and Rodriguez, Dr. Tseng, and Does 1
4 through 50 and Defendants CCI, CDC, State of California, and Adventist Health.

5 130. Defendants' above-noted actions were the legal and proximate cause of physical,
6 psychological, emotional, and economic damages, and damage to Plaintiff, who has suffered and
7 continue to suffer to this day. The actions of Defendants have also resulted in Plaintiff incurring,
8 and will require her to incur into the future, expenses for medical and psychological treatment,
9 therapy, and counseling.

10 131. As a result of the above-described conduct, Plaintiff suffered and continues to suffer
11 great pain of mind and body, shock, emotional distress, physical manifestations of emotional
12 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life;
13 has suffered and continues to suffer and was prevented and will continue to be prevented from
14 performing daily activities and obtaining the full enjoyment of life; has and will continue to sustain
15 loss of earning capacity; and has incurred and will continue to incur expenses for medical and
16 psychological treatment, therapy, and counseling. Plaintiff has also suffered economic, vocational,
17 and employment losses, as well.

18 132. As a result of Defendant's and his agents,' independent contractors', and/or
19 employees' illegal acts as alleged herein, Plaintiff is entitled to reasonable attorneys' fees and costs
20 of said suit and a civil penalty of \$25,000.00 as provided in Cal. Civil Code § 52.

21 133. Furthermore, as a result of Defendants, and each of their wrongful and illegal
22 conduct as alleged herein, Plaintiff is also entitled to three times their actual damages, which in no
23 case shall be less than \$4,000.00.

24 134. The conduct of Defendants, and each of them, was willful, malicious, oppressive,
25 and/or reckless, and done with the intent to oppress plaintiff and with a conscious disregard for
26 plaintiff's safety, well-being, and deprivation of her liberty. Further, the foregoing intentional acts
27 subjected Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's rights. As a
28 result of the foregoing, Plaintiff is entitled to punitive, exemplary, and/or treble damages against

1 Defendants Adame, Rodriguez, and Dr. Tseng, and each of them, in an amount according to proof.

2 135. Plaintiff shall further be entitled to appropriate equitable remedies to be proven at
3 trial.

4
5 **SEVENTH CAUSE OF ACTION**

6 **(Violations of the California Ralph Act, Civ. Code §51.7, against All Defendants)**

7 136. Plaintiff incorporates herein by reference, each and every allegation and statement
8 contained in paragraphs 1 to 135, *supra*, as if the same had been set forth fully below.

9 137. At all times mentioned herein above, Plaintiff was the subject of violence, including
10 without limitation unwanted sexual conduct, unwanted and forceful penetration of her vagina and
11 anus, probes of her vaginal and anal cavities, sexual battery, and battery by Defendants, and each of
12 them, due at least in part, to Plaintiff's race, sex, gender, and/or marital status during the time that
13 she presented herself at the CCI and Adventist Health facilities for a family visit.

14 138. At all relevant Defendant Officers Adame, and Rodriguez, Defendant Dr. Tseng, and
15 other agents, independent contractors, and/or employees of CCI, CDC, State of California, and
16 Adventist Health, acted violently against her, including restraining her, forcing and/or coercing her
17 to undergo a strip search, and forcing and/or coercing her to endure violations and penetrations of
18 her anal and vaginal cavities in violation of, without limitation, Penal Code § 4030.

19 139. The actions of Defendant Officers Adame and Rodriguez, Defendant Dr. Tseng, and
20 Does 1 through 50, who were other agents independent contractors, and/or employees of Defendant
21 CCI, CDC, State of California, and Adventist Health, constituting the aforementioned violations
22 were committed both within their individual capacity and within the course and scope of their
23 employment, agency, and/or independent contracting relationship with Defendants CCI, CDC, State
24 of California and Adventist Health, respectively. The aforementioned violations were committed
25 against Plaintiff and injuries sustained as a result of the violations committed against her arise from
26 the employers', agents', and/or independent contracting relationships' enterprise, specifically in
27 screening individuals, like Plaintiff, who present for lawful family visits with their spouses who are
28 incarcerated at the CCI facility and later at Adventist Health for further examination. The injuries

1 and losses suffered by Plaintiff were incurred as a result of the employment, agency, and/or
2 independent contracting relationship of Defendants Officers Adame and Rodriguez, Dr. Tseng, and
3 Does 1 through 50 and Defendants CCI, CDC, State of California, and Adventist Health.

4 140. Defendants' above-noted actions were the legal and proximate cause of physical,
5 psychological, emotional, and economic damages, and damage to Plaintiff, who has suffered and
6 continue to suffer to this day. The actions of Defendants have also resulted in Plaintiff incurring,
7 and will require her to incur into the future, expenses for medical and psychological treatment,
8 therapy, and counseling.

9 141. As a result of the above-described conduct, Plaintiff suffered and continues to suffer
10 great pain of mind and body, shock, emotional distress, physical manifestations of emotional
11 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life;
12 has suffered and continues to suffer and was prevented and will continue to be prevented from
13 performing daily activities and obtaining the full enjoyment of life; has and will continue to sustain
14 loss of earning capacity; and has incurred and will continue to incur expenses for medical and
15 psychological treatment, therapy, and counseling. Plaintiff has also suffered economic, vocational,
16 and employment losses, as well.

17 142. As a result of Defendant's and his agents', independent contractors' and/or
18 employees' illegal acts as alleged herein, Plaintiff is entitled to reasonable attorneys' fees and costs
19 of said suit and a civil penalty of \$25,000.00 as provided in Cal. Civil Code § 52.

20 143. The conduct of Defendants, and each of them, was willful, malicious, oppressive,
21 and/or reckless, and done with the intent to oppress plaintiff and with a conscious disregard for
22 plaintiff's safety, well-being, and deprivation of her liberty. Further, the foregoing intentional acts
23 subjected Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's rights. As a
24 result of the foregoing, Plaintiff is entitled to punitive, exemplary, and/or treble damages against
25 Defendants Adame, and Rodriguez, and Dr. Tseng,, and each of them, in an amount according to
26 proof.

27 144. Plaintiff shall further be entitled to appropriate equitable remedies to be proven at
28 trial.

1 **EIGHTH CAUSE OF ACTION FOR NEGLIGENCE**

2 **(Negligence against All Defendants)**

3 145. Plaintiff incorporates herein by reference, each and every allegation and statement
4 contained in paragraphs 1 to 144, *supra*, as if the same had been set forth fully below.

5 146. Defendants, and each of them, had a duty to exercise ordinary or reasonable care in
6 activities from which harm might reasonably be anticipated.

7 147. Defendants, and each of them, failed to use ordinary or reasonable care in their
8 interactions with Plaintiff and negligently caused Plaintiff to be assaulted, battered, and falsely
9 imprisoned as alleged herein Defendants CCI, CDC, and State of California are each liable to
10 Plaintiff for the acts of its employees, agents and Does1 through 50 pursuant to, without limitation,
11 California *Government Code* § 815.2 and Penal Code § 4030.

12 148. The actions of Defendant Officers Adame and Rodriguez, Defendant Dr. Tseng, and
13 Does 1 through 50, who were other agents, joint venturers, independent contractors, and/or
14 employees of Defendant CCI, CDC, State of California, and Adventist Health, constituting a failure
15 to use reasonable care committed both within their individual capacity and within the course and
16 scope of their employment, agency, and/or independent contracting relationship with Defendants
17 CCI, CDC, State of California and Adventist Health, respectively. The failure to use reasonable
18 care and injuries sustained as a result of the failure to use reasonable care arise from the
19 employers', agents', and/or independent contracting relationships' enterprise, specifically in
20 screening individuals, like Plaintiff, who present for lawful family visits with their spouses who are
21 incarcerated at the CCI facility and later at Adventist Health for further examination. The injuries
22 and losses suffered by Plaintiff were incurred as a result of the employment, agency, and/or
23 independent contracting relationship of Defendants Officers Adame and Rodriguez, Dr. Tseng, and
24 Does 1 through 50 and Defendants CCI, CDC, State of California, and Adventist Health.

25 149. As a direct, legal and proximate cause of the aforementioned conduct of Defendants,
26 and each of them, including Does 1 through 50, Inclusive, Plaintiff suffered injuries to her physical
27 health, strength and activity, and shock and injury to her nervous system, all of which said injuries
28 have caused, and continue to cause her great physical, mental, and nervous pain and suffering.

1 Plaintiff is further informed and believes, and thereon alleges that said injuries may or will result in
2 permanent disability, all to her general damages in an amount which will be stated according to
3 proof, but are in an amount that exceeds the minimum jurisdiction of this Court.

4 150. As a further direct and proximate cause of the aforementioned conduct of
5 Defendants, and each of them, including Does 1 through 50, Inclusive, Plaintiff has employed and
6 will have to employ the services of hospitals, physicians, surgeons, nurses, and the like to care for
7 and treat Plaintiff. Hospital, medical, professional, and incidental expenses were incurred, and will
8 be incurred, of which the exact amount will be stated according to proof.

9 151. As a further direct and proximate cause of the aforementioned conduct of
10 Defendants, and each of them, including Does 1 through 50, Inclusive, Plaintiff has incurred and
11 will continue to incur economic losses in an amount to be stated according to proof.

12 152. For such further remedy as the court may deem proper.

13
14 **NINTH CAUSE OF ACTION**

15 **(Negligent Hiring and Retention against All Defendants)**

16 153. Plaintiff incorporates herein by reference, each and every allegation and statement
17 contained in paragraphs 1 to 152, *supra*, as if the same had been set forth fully below.

18 154. Plaintiff is informed and believes that Defendants, including CCI, CDC, State of
19 California, and Does 1 through 50, knew that Defendant Officers Adame and Rodriguez and Does 1
20 through 50 had been sexually harassing and/or sexually assaulting and battering women who would
21 present themselves for family visits at the CCI facility and Adventist Health facility. Plaintiff is
22 further informed and believes that Defendants CCI, CDC, State of California, and Does 1 through
23 50 failed to take appropriate and corrective action.

24 155. Plaintiff is informed and believes that Defendant Adventist Health knew that
25 Defendant Dr. Tseng and Does 1 through 50 had been sexually harassing and/or sexually assaulting
26 and battering women who would present themselves at Adventist Health for examinations related to
27 family visitation at the CCI facility. Plaintiff is further informed and believes that Defendant
28 Adventist Health knew that Defendant Dr. Tseng and Does 1 through 50 was sexually harassing

1 and sexually assaulting and battering other women and failed to take appropriate and corrective
2 action.

3 156. Plaintiff is informed and believes that had Defendants CCI, CDC, State of
4 California, and Adventist Health taken prompt and corrective action against Defendant Officers
5 Adame and Rodriguez and Dr. Tseng, that she would not have been sexually harassed nor sexually
6 assaulted and battered.

7 157. Defendants, and each of them, owed Plaintiff a duty of care to act in a reasonable
8 and ordinary manner so as not to cause Plaintiff any foreseeable harm.

9 158. Defendants, and each of them, failed to use ordinary and reasonable care in order to
10 avoid injury to Plaintiff. This includes, but is not limited to, Defendants' failure to exercise a duty
11 of care to avoid Defendant Officers Adame's and Rodriguez' and Dr. Tseng's sexual harassment
12 and sexual assault and battery of females presenting for family visitation at CCI and Adventist
13 Health, including Plaintiff, causing them injury.

14 159. Plaintiff is informed and believes and thereon alleges that Defendants CCI, CDC,
15 State of California, and Adventist Health knew or should have known that Plaintiff was being
16 subjected to sexual harassment and/or an unlawful assault and battery by Defendant Officers
17 Adame and Rodriguez and Dr. Tseng's unlawful actions.

18 160. Plaintiff is informed and thereon alleges that Defendants CCI, CDC, State of
19 California, and Adventist Health had been informed of the tortious conduct of Officers Adame and
20 Rodriguez, Dr. Tseng, and Does 1 through 50 and, despite being informed of their unlawful
21 conduct, Defendants CCI, CDC, State of California, and Adventist Health failed to discipline
22 Defendants Officers Adame and Rodriguez, Dr. Tseng, and Does 1 through 50 and kept them in
23 their employ, thereby ratifying said unlawful conduct.

24 161. The conduct of Defendants CCI, CDC, State of California, and Adventist Health
25 constitutes negligence and is actionable under the laws of the State of California. As a direct and
26 proximate result of the acts of Defendants CCI, CDC, State of California, and Adventist Health,
27 Plaintiff has suffered, without limitation, emotional distress, fear embarrassment, nervousness,
28

1 nausea, anxiety, worry, shame, humiliation, distress, shock, sleeplessness, and other physical
2 manifestations.

3
4 **TENTH CAUSE OF ACTION**

5 **(Negligent Supervision against All Defendants)**

6 162. Plaintiff incorporates herein by reference, each and every allegation and statement
7 contained in paragraphs 1 to 161, *supra*, as if the same had been set forth fully below.

8 163. Defendants and their agents, independent contractors, and/or employees had a duty
9 to provide Plaintiff, who presented herself for a family visit with her husband, with screening that
10 was devoid of any unnecessary sexually harassing and/or sexually assaulting and battering behavior
11 in contravention of Defendants' policies and procedures, in direct contravention of the warrant
12 obtained by Defendants CCI, CDC, and State of California, and in direct contravention of
13 Plaintiff's constitutionally protected rights.

14 164. Defendants, and each of them, owed Plaintiff a duty of care to act in a reasonable
15 and ordinary manner so as not to cause Plaintiff any foreseeable harm.

16 165. Defendants, and each of them, failed to use ordinary and reasonable care in order to
17 avoid injury to Plaintiff. This includes, but is not limited to, Defendants' failure to exercise a duty
18 of care to avoid sexual harassment and sexual assault and battery by Defendant Officers Adame and
19 Rodriguez and Dr. Tseng to married women, including Plaintiff, presenting for family visits at the
20 CCI and Adventist Health facilities.

21 166. Plaintiff is informed and believes and thereon alleges that Defendants, and each of
22 them, knew or should have known that Plaintiff was being subjected to sexual harassment and/or an
23 unlawful sexual assault and battery by reason of the unlawful actions of Defendant Officers Adame
24 and Rodriguez.

25 167. Plaintiff is informed and thereon alleges that despite being informed of the unlawful
26 conduct of Defendants Adame and Rodriguez, Dr. Tseng, and Does 1 through 50, Defendants, and
27 each of them, failed to discipline them and kept them in their employ, thereby ratifying said
28 unlawful conduct.

1 168. The conduct of Defendants, and each of them, constitutes negligence and is
2 actionable under the laws of the State of California. As a direct and proximate result of the acts of
3 Defendants, Plaintiff has suffered emotional distress, fear, embarrassment, nervousness, nausea,
4 anxiety, worry, shame, humiliation, distress, shock and sleeplessness and other physical
5 manifestations.

6 169. Defendants' conduct was reckless and with a conscious disregard of Plaintiff's
7 rights. Plaintiff is therefore entitled to an award of punitive damages against Defendants in an
8 amount to be determined by proof at trial.

9

10

ELEVENTH CAUSE OF ACTION

11

(Intentional Infliction of Emotional Distress against All Defendants)

12

170. Plaintiff incorporates herein by reference, each and every allegation and statement
13 contained in paragraphs 1 to 169, *supra*, as if the same had been set forth fully below.

14

15

171. By engaging in the above described conduct, Defendants engaged in extreme and
16 outrageous conduct with the intention of causing, or reckless disregard of the probability of
causing, emotional distress.

17

18

172. As a result of the above described conduct, Plaintiff has suffered severe emotional
18 distress, including, without limitation, fear, embarrassment, nervousness, nausea, anxiety, worry,
19 shame, humiliation, distress, shock, and sleeplessness and other physical manifestations.

20

21

173. Plaintiff's damages were the actual and proximate causation of the severe emotional
21 distress caused by Defendants' outrageous conduct.

22

23

174. Defendants' conduct was reckless and with a conscious disregard of Plaintiff's
23 rights. Plaintiffs are therefore entitled to an award of punitive damages against Defendants in an
24 amount to be determined by proof at trial.

25

TWELFTH CAUSE OF ACTION

26

(Negligent Infliction of Emotional Distress against All Defendants)

27

28

175. Plaintiff incorporates herein by reference, each and every allegation and statement
28 contained in paragraphs 1 to 174, *supra*, as if the same had been set forth fully below.

1 176. Plaintiff is informed and believes that Defendants CCI, CDC, State of California,
2 and Adventist Health knew that their employees, independent contractors, and/or agents, including
3 Defendant Officers Adame and Rodriguez and Dr. Tseng, were sexually harassing and/or sexually
4 assaulting and battering women who would present at both CCI and Adventist Health for purposes
5 of a family visit with their husbands.

6 177. Plaintiff is informed and believes that Defendants had known of the actions
7 described hereinabove involving sexual harassment and sexual assaults and batter of other women
8 and failed to take appropriate and corrective action.

9 178. Plaintiff is informed and believes that had Defendants CCI, CDC, State of
10 California, and Adventist Health taken prompt and corrective action against Defendant Officers
11 Adame and Rodriguez and Dr. Tseng, that she would not have been sexually harassed nor sexually
12 assaulted and battered.

13 179. Defendants owed Plaintiff a duty of care to act in a reasonable and ordinary manner
14 so as not to cause Plaintiff any foreseeable harm.

15 180. Defendants failed to use ordinary and reasonable care in order to avoid injury to
16 Plaintiff. This includes, but is not limited to, Defendant Officer Adame's and Rodriguez' and Dr.
17 Tseng's sexual harassment and sexual assault and battery and Defendants' failure to exercise a duty
18 of care to avoid these actions against women who presented themselves for family visits at the CCI
19 and Adventist Health facilities, including Plaintiff, causing her injury.

20 181. Plaintiff is informed and thereon alleges that despite being informed of the actions of
21 its agents/employees, including those of Defendant Officers Adame and Rodriguez, of unlawful
22 conduct, Defendants and each of them failed to take action to its agents, independent contractors,
23 and/or employees, including those of Defendant Officers Adame and Rodriguez, and kept them in
24 their employ, thereby ratifying said unlawful conduct.

25 182. The conduct of Defendants constitutes negligence and is actionable under the laws
26 of the State of California. As a direct and proximate result of the acts of Defendants, Plaintiff has
27 suffered serious emotional distress, including, without limitation, fear, embarrassment, nervousness,
28

1 nausea, anxiety, worry, shame, humiliation, distress, shock, and sleeplessness and other physical
2 manifestations.

3
4 **THIRTEENTH CAUSE OF ACTION FOR FALSE IMPRISONMENT**

5 **(BY PLAINTIFF AGAINST ALL DEFENDANTS)**

6 183. Plaintiff incorporates herein by reference, each and every allegation and statement
7 contained in paragraphs 1 to 182, *supra*, as if the same had been set forth fully below.

8 184. On September 6, 2019, at various times between the time that Plaintiff presented for
9 her family visit at the CCI facility, was transported to the Adventist Health facility, and remained at
10 the Adventist Health facility until her return to the CCI facility, Plaintiff was unlawfully detained
11 against her will, handcuffed, and forced to undergo unwanted and forceful penetrations of her
12 vagina and rectum and probes of her vaginal and anal cavities. During these times, Plaintiff was
13 unlawfully and unreasonably deprived of her freedom of movement by use of threats of force, color
14 and authority of law, physical force, menace, humiliation, and unreasonable duress by Defendants,
15 and each of them.

16 185. As a result of Defendants' wrongful conduct, Plaintiff was unlawfully and
17 unreasonably handcuffed, detained, confined, falsely imprisoned, and deprived of her liberty
18 against her will.

19 186. At no time did Plaintiff consent to her unlawful and unreasonable detention,
20 confinement, false imprisonment, and/or deprivation of her liberty which was instigated,
21 perpetuated, and carried out by Defendants, and each of them, including in contravention of a
22 warrant.

23 187. The actions of Defendant Officers Adame and Rodriguez, Defendant Dr. Tseng, and
24 Does 1 through 50, who were other agents independent contractors, and/or employees of Defendant
25 CCI, CDC, State of California, and Adventist Health, constituted false imprisonment of Plaintiff
26 and were committed both within their individual capacity and within the course and scope of their
27 employment, agency, and/or independent contracting relationship with Defendants CCI, CDC, State
28 of California and Adventist Health, respectively. The false imprisonment committed against

1 Plaintiff and injuries sustained as a result of the false imprisonment arise from the employers',
2 agents', and/or independent contracting relationships' enterprise, specifically in screening
3 individuals, like Plaintiff, who present for lawful family visits with their spouses who are
4 incarcerated at the CCI facility and later at Adventist Health for further examination. The injuries
5 and losses suffered by Plaintiff were incurred as a result of the employment, agency, and/or
6 independent contracting relationship of Defendants Officers Adame and Rodriguez, Dr. Tseng, and
7 Does 1 through 50 and Defendants CCI, CDC, State of California, and Adventist Health.

8 188. As a direct, legal and proximate cause of the aforementioned conduct of Defendants,
9 and each of them, including Does 1 through 50, Plaintiff suffered injuries to her physical health,
10 strength, and activity, and shock and injury to her nervous system, all of which said injuries have
11 caused, and continue to cause her great physical, mental, and nervous pain and suffering. Plaintiff
12 is further informed and believes, and thereon alleges that said injuries may or will result in
13 permanent disability, all to her general damages in an amount which will be stated according to
14 proof, but are in an amount that exceeds the minimum jurisdiction of this Court.

15 189. As a further direct and proximate cause of the aforementioned conduct of
16 Defendants, and each of them, including Does 1 through 50, Plaintiff has employed and will have to
17 employ the services of hospitals, physicians, surgeons, nurses, and the like to care for and treat
18 Plaintiff. Hospital, medical, professional, and incidental expenses were incurred, and will be
19 incurred, of which the exact amount will be stated according to proof.

20 190. As a further direct and proximate cause of the aforementioned conduct of
21 Defendants, and each of them, including Does 1 through 50, Plaintiff has incurred and will continue
22 to incur economic losses in an amount to be stated according to proof.

23 191. The conduct of Defendants, and each of them, was willful, malicious, oppressive,
24 and/or reckless, and done with the intent to oppress plaintiff and with a conscious disregard for
25 Plaintiff's safety, well-being, and deprivation of her liberty. Further, the foregoing intentional acts
26 subjected Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's rights. As a
27 result of the foregoing, Plaintiff is entitled to punitive damages against Defendants Officers Adame,
28 and Rodriguez and Dr. Tseng and each of them, in an amount according to proof.

FOURTEENTH CAUSE OF ACTION FOR
INVASION OF PRIVACY / INTRUSION INTO PRIVATE OF AFFAIRS
(BY PLAINTIFF AGAINST ALL DEFENDANTS)

192. Plaintiff incorporates herein by reference, each and every allegation and statement contained in paragraphs 1 to 191, *supra*, as if the same had been set forth fully below.

193. When Plaintiff presented to the CCI facility for her family visit on September 6, 2019, Plaintiff had a reasonable expectation of privacy as to her body, including as to her vagina, rectum, and vaginal and anal cavities. This included that any actions taken by Defendants upon her body would at all times be lawful.

194. By presenting at the CCI facility for her family visit, Plaintiff in no way consented to unlawful search and seizure of her body, sexual battery, and unlawful forced penetration of her “intimate parts,” specifically her vagina and rectum, by Defendants, including by employees, contractors, and/or agents of CCI, CDC, and State of California, including without limitation Defendant Officers Adame and Rodriguez, Defendant Tseng, or Adventist Health and its employees, agents, and/or contractors.

195. Plaintiff was forced to urinate in a makeshift toilet consisting of a chair and exposed urinal pan. This was done in the presence of an Adventist Health nurse and Defendant Officer Rodriguez. Plaintiff was forced and/or coerced to answer personal questions regarding her medical history, including personal women’s health history and mental health, in front of Officer Rodriguez, in complete violation of her rights to privacy and HIPAA protections.

196. Plaintiff alleges that Defendants Officers Adame and Rodriguez , Dr. Tseng, and Does 1 to 50, in their individual and official capacities and/or under the color of state law committed and/or assisted in the act of sexual battery in violation of Cal. Civ. Code §1708.5, when, without limitation, Defendants willfully, maliciously, intentionally, and without the consent of Plaintiff subjected her to the forceful, harmful and/or offensive touching of Plaintiff’s’ “intimate parts,” including the external “search” of Plaintiff’s body and internal forced penetration of Plaintiff’s vagina and anus. Said sexual battery, including actions described hereinabove, was performed without sufficient probable cause required to obtain a search warrant and/or in direct

1 contravention of the search warrant obtained by Defendants and, as such, was not consented to by
2 Plaintiff.

3 197. Nevertheless, Defendants, in their individual and official capacities and/or under the
4 color of state law, in executing said warrant, willfully, maliciously, intentionally, and without the
5 consent of Plaintiff subjected her to sexual battery described hereinabove, including forced
6 penetration of her vagina and anus.

7 198. Plaintiff alleges that Defendant Adventist Health, its agents, independent
8 contractors, and/or employees, including Defendant Dr. Tseng, in their individual and official
9 capacities and/or under the color of state law, willfully, maliciously, intentionally, and without the
10 consent of Plaintiff subjected her to the forceful, harmful, and/or offensive touching of Plaintiff's
11 "intimate parts," including the unwanted touching and digital penetration of Plaintiff's vaginal and
12 anal cavities by Dr. Tseng and/or Adventist Health agents, independent contractors, and/or
13 employees in direct contravention of the search warrant's scope obtained by Defendants.

14 199. At all relevant times, Defendant Officers Adame and Rodriguez remained on site
15 and present at Adventist Health during the violation of Plaintiff, sanctioning, authorizing, ratifying,
16 and working in concert with Dr. Tseng and Adventist Health agents independent contractors, and/or
17 employees in furtherance of, without limitation, the unlawful penetration of Plaintiff's vagina and
18 anus and unlawful search of her vaginal and anal cavities in direct contravention of the illegal
19 search warrant obtained by Defendants and/or in direct contravention of the warrant's scope that
20 was obtained by Defendants.

21 200. Plaintiff was subjected to the actions described hereinabove, including being
22 stripped of her clothing, subjected to an unnecessary pregnancy test, forced to undergo a "perp
23 walk," and subjected to a forceful penetration of her vagina and anus, all in the presence of multiple
24 agents, employees, and/or independent contractors of CCI, CDC, State of California, and/or
25 Adventist Health. Without limitation, said individuals mocked, ridiculed, harassed, intimidated,
26 and humiliated during the events described hereinabove.

27 201. The intrusive actions described hereinabove were highly offensive to Plaintiff and
28 would be highly offensive to a reasonable person.

1 202. The actions of Defendant Officers Adame and Rodriguez, Defendant Dr. Tseng, and
2 Does 1 through 50, who were other agents independent contractors, and/or employees of Defendant
3 CCI, CDC, State of California, and Adventist Health, constituted invasion of Plaintiff's privacy /
4 intrusion into Plaintiff's private affairs and were committed both within their individual capacity
5 and within the course and scope of their employment, agency, and/or independent contracting
6 relationship with Defendants CCI, CDC, State of California and Adventist Health, respectively.
7 The invasion of privacy / intrusion into private affairs committed against Plaintiff and injuries
8 sustained as a result of the invasion / intrusion committed against her arise from the employers',
9 agents', and/or independent contracting relationships' enterprise, specifically in screening
10 individuals, like Plaintiff, who present for lawful family visits with their spouses who are
11 incarcerated at the CCI facility and later at Adventist Health for further examination. The injuries
12 and losses suffered by Plaintiff were incurred as a result of the employment, agency, and/or
13 independent contracting relationship of Defendants Officers Adame and Rodriguez, Dr. Tseng, and
14 Does 1 through 50 and Defendants CCI, CDC, State of California, and Adventist Health.

15 203. As a direct and/or proximate result of Defendants' unlawful conduct as alleged
16 hereinabove, Plaintiff has suffered, without limitation, emotional distress, humiliation,
17 embarrassment, mental distress, and anxiety, all in an amount exceeding the jurisdictional
18 minimum of the Superior Court according to proof at trial.

19 204. The aforementioned conduct by Defendants was willful, wanton, and malicious. At
20 all relevant times, Defendants acted with conscious disregard of Plaintiff's rights and feelings.
21 Defendants also acted with the knowledge of or with reckless disregard for the fact that their
22 conduct was certain to cause injury and/or humiliation to Plaintiff. Plaintiff is further informed and
23 believes that Defendants intended to cause fear, physical injury, and/or pain and suffering to
24 Plaintiff. By virtue of the foregoing, Plaintiff is entitled to recover punitive and exemplary
25 damages from Defendants according to proof at trial.

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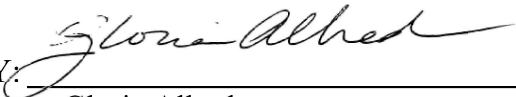
PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against all Defendants, and each of them, including Does 1 through 50, Inclusive, as follows:

1. For compensatory, general, and special damages against each Defendant, jointly and severally, in an amount to be proven at trial;
2. For punitive and exemplary damages against Defendants Adame, and Rodriguez and Dr. Tseng and Adventist Health in an amount appropriate to punish Defendants and deter others from engaging in similar misconduct;
3. For civil penalties as permitted by law;
4. For trebling of actual damages;
5. For costs, including reasonable attorneys' fees;
6. For pre-judgment and post-judgment interest as permitted by law;
7. Injunctive and/or declaratory relief, to stop the practice of body cavity searches of women seeking scheduled family visits with their spouse; and
8. For other such relief as the Court may deem proper.

Dated: June 22, 2020

ALLRED, MAROKO & GOLDBERG

BY: 

Gloria Allred
Attorney for Plaintiff,
CHRISTINA CARDENAS

CARPENTER, ZUCKERMAN & ROWLEY

BY: 

John C. Carpenter
Attorney for Plaintiff,
CHRISTINA CARDENAS

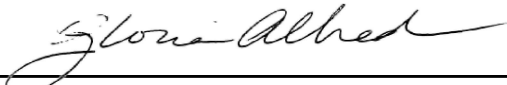
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DEMAND FOR JURY TRIAL

Plaintiff CHRISTINA CARDENAS hereby demands a trial of all causes by jury.


Dated: June 22, 2020

ALLRED, MAROKO & GOLDBERG

BY: 

Gloria Allred
Attorney for Plaintiff,
CHRISTINA CARDENAS

CARPENTER ZUCKERMAN & ROWLEY

BY: 

John C. Carpenter
Attorney for Plaintiff,
CHRISTINA CARDENAS