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12 MOLLY CRANE CONSO

13 **UNITED STATES DISTRICT COURT**  
14 **NORTHERN DISTRICT OF CALIFORNIA**

15  
16 MOLLY CRANE CONSO, an  
individual;

17 Plaintiff,

18 vs.

19 CITY OF EUREKA, a municipal entity;  
20 COUNTY OF HUMBOLDT, a  
municipal entity; SHERIFF WILLIAM  
21 HONSAL, in his individual, and official  
capacities; POLICE CHIEF STEVE  
22 WATSON, in his individual, and  
official capacities; and DOES 1-20  
23 inclusive,

24 Defendants.

Case No.: 21-cv-04480

**COMPLAINT FOR DAMAGES**

1. Unreasonable Search and Seizure—  
Excessive Force (42 U.S.C. § 1983)
2. Violation of First Amendment (42  
U.S.C. § 1983)
3. Municipal Liability for  
Unconstitutional Custom, Practice,  
or Policy (42 U.S.C. § 1983)
4. Assault and Battery
5. Negligence
6. Negligent Hiring and Supervision
7. Violation of Bane Civil Rights Act  
(Civil Code § 52.1)
8. Intentional Infliction of Emotional  
Distress
9. Negligent Infliction of Emotional  
Distress

**DEMAND FOR JURY TRIAL**

1 **COMPLAINT FOR DAMAGES**

2 Plaintiff MOLLY CRANE CONSO, for her complaint against Defendants  
3 City of Eureka, County of Humboldt, Police Chief Steve Watson, Sheriff William  
4 Honsal, and DOES 1-20, inclusive, (collectively “Defendants”) alleges as follows:

5 **INTRODUCTION**

6 1. This civil rights action seeks compensatory and punitive damages from  
7 Defendant City of Eureka, County of Humboldt, Police Chief Steve Watson, Sheriff  
8 William Honsal and the DOE Eureka Police Officers and Humboldt County Sherriff’s  
9 Department Deputies and employees (“DOE OFFICERS”) for violating various rights  
10 under the United States Constitution and state law in connection with the DOE  
11 OFFICERS’ excessive and unjustified use of force, against MOLLY CRANE  
12 CONSO (hereinafter, “PLAINTIFF”).

13 2. Defendant CITY OF EUREKA (hereinafter, “CITY”) has failed to  
14 impose adequate discipline on its officers who committed different types of excessive  
15 force, creating a culture of impunity within the Eureka Police Department that  
16 encourages such violence and incidents of unreasonable force against the public.

17 3. Defendant POLICE CHIEF STEVE WATSON has failed to impose  
18 adequate discipline on his officers who committed various types of excessive force  
19 creating a culture of impunity within the City of Eureka Police Department that  
20 encourages such violence and incidents of unreasonable force against the public.

21 4. Defendant COUNTY OF HUMBOLDT (hereinafter, “COUNTY”) has  
22 failed to impose adequate discipline on its deputies who committed different types of  
23 excessive force, creating a culture of impunity with the Humboldt County Sherriff’s  
24 Department that encourages such violence and incidents of unreasonable force against  
25 the public.

26 5. Defendant SHERIFF WILLIAM HONSAL has failed to impose  
27 adequate discipline on his deputies who committed various types of excessive force  
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1 creating a culture of impunity within the Humboldt County Sheriff's Department that  
2 encourages such violence and incidents of unreasonable force against the public.

3 6. Defendants POLICE CHIEF STEVE WATSON, SHERIFF WILLIAM  
4 HONSAL and Defendants DOES 1-20 ("DOES") are directly liable for PLAINTIFF's  
5 injuries under federal law pursuant to 42 U.S.C. § 1983.

6 7. Defendants CITY, COUNTY, and DOES 1-20 also proximately caused  
7 Plaintiff's injuries and are liable under state and federal law and under principles set  
8 forth in *Monell v. Department of Social Services*, 436 U.S. 658 (1978).

9 8. The polices and custom behind shooting of civilians and peaceful  
10 protestors such as Plaintiff are fundamentally unconstitutional and constitute a  
11 menace of major proportions to the public. According, insofar as Plaintiff herein seeks  
12 by means of this civil rights action to hold accountable those responsible for the harm,  
13 injury and violation of Plaintiff's rights and to challenge Defendants' unconstitutional  
14 policies and practices, this civil rights action is firmly in the public interest.

15 **VENUE AND JURISDICTION**

16 9. Venue is proper in this District because the underlying acts, omissions,  
17 injuries and related facts and circumstances giving rise to the present action occurred  
18 in this District.

19 10. Jurisdiction of this Court is invoked under 28 U.S.C. §§ 1331. This  
20 action at law for money damages arises under 42 U.S.C. § 1983 and the United  
21 States Constitution, the laws of the State of California, and common law principles  
22 to redress a deprivation under color of state law of rights, privileges and immunities  
23 secured to Plaintiff by said statutes, and by the First, Fourth, and Fourteenth  
24 Amendments of the United States Constitution.

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**PARTIES**

11. Plaintiff MOLLY CRANE CONSO (hereinafter “Plaintiff”) is, and at all relevant times mentioned herein was, an individual living in the County of Humboldt, California.

12. Plaintiff is informed and believes that Defendant CITY OF EUREKA (hereinafter “CITY”) is and was a duly organized public entity, existing as such under the laws of the State of California. At all relevant times, CITY was the employer of Defendant DOES 1 through 10 who are Eureka Police Officers and are sued in their individual capacities for damages only.

13. Plaintiff is informed and believes that Defendant COUNTY OF HUMBOLDT (hereinafter “COUNTY”) is and was a duly organized public entity, existing as such under the laws of the State of California. At all relevant times, COUNTY was the employer of Defendant DOES 11 through 20 who are Humboldt County Sherriff’s Deputies and employees and are sued in their individual capacities for damages only.

14. Defendant CITY and Defendant COUNTY are referred to collectively as “MUNICIPAL Defendants.”

15. At all relevant times, Defendant POLICE CHIEF STEVE WATSON and Defendant DOES 1-10 were duly authorized employees and agents of the CITY, who were acting under color of law within the course and scope of their respective duties as employees of the CITY and with the complete authority and ratification of their principal, Defendant CITY.

16. At all relevant times, Defendant SHERIFF WILLIAM HONSAL and Defendant DOES 11-20 were duly authorized employees and agents of the COUNTY, who were acting under color of law within the course and scope of their respective duties as employees of the COUNTY and with the complete authority and ratification of their principal, Defendant COUNTY.

1           17. At all times mentioned herein, each and every defendant was the agent  
2 of each and every other defendant and had the legal duty to oversee and supervise the  
3 hiring, conduct and employment of each and every defendant herein.

4           18. The true identities of Defendant DOES 1-20, are unknown to Plaintiff,  
5 who therefore sues these defendants by such fictitious names. Plaintiff will seek leave  
6 to amend this complaint to show the true names and capacities of these defendants  
7 when they have been ascertained. Each of the fictitious named defendants is  
8 responsible in some manner for the conduct and liabilities alleged herein.

9           19. In doing the acts and failing and omitting to act as hereinafter described,  
10 Defendant DOES 1-20 were acting on the implied and actual permission and consent  
11 of CITY and COUNTY.

12           20. Defendant POLICE CHIEF STEVE WATSON and DOES 1-10 are sued  
13 individually and/or in his/her official capacity as officers, sergeants, captains,  
14 commanders, supervisors, and/or civilian employees, agents, policy makers, and  
15 representatives for the CITY.

16           21. Defendant SHERIFF WILLIAM HONSAL and DOES 11-20 are sued  
17 individually and/or in his/her official capacity as deputies, officers, sergeants,  
18 captains, commanders, supervisors, and/or civilian employees, agents, policy makers,  
19 and representatives for the COUNTY.

20           22. Defendants CITY, COUNTY, and DOES 1-20 are liable for Plaintiff's  
21 injuries under California law and under the doctrine of *respondeat superior*. Liability  
22 under California law for public entities and public employees is based upon California  
23 Government Code §§ 815.2 and 820.

24           23. On November 9, 2020, Plaintiff filed a comprehensive and timely claim  
25 for damages with the CITY.

26           24. On November 9, 2020, Plaintiff filed a comprehensive and timely claim  
27 for damages with the COUNTY.

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1           25. On December 14, 2020, Defendant CITY denied Plaintiff’s claim for  
2 damages, denying any alleged wrongdoing by the Eureka Police Department.

3           26. On December 18, 2020, Defendant COUNTY denied Plaintiff’s claim  
4 for damages, denying any alleged wrongdoing by the Humboldt County Sheriff’s  
5 Department.

6                           **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

7           27. Plaintiff repeats and re-alleges each and every allegation in the forging  
8 paragraphs of this Complaint with the same force and effect as if fully set forth herein.

9           28. On May 31, 2020, peaceful protesters, including Plaintiff, gathered in  
10 Eureka for a second consecutive day to hold demonstrations against police brutality,  
11 part of a nationwide movement in response to the death of George Floyd.

12           29. On the evening of May 31, 2020, Plaintiff was gathered with other  
13 peaceful protestors at or around the Dutch Bros Eureka Parking Lot, 430 N. Street,  
14 Eureka CA 95501.

15           30. Plaintiff and other peaceful protestors linked arms with one another and  
16 began to walk from the parking lot to the sidewalk when suddenly, and without  
17 warning, DOE OFFICERS forcefully and unjustifiably grabbed Plaintiff’s arm and  
18 began to shove her. Next, suddenly and without any warning or verbal command,  
19 DOE OFFICERS unreasonably and unjustifiably shot Plaintiff with a chemical  
20 munition called “pepper balls” and/or other such projectiles such as “rubber bullets”  
21 (hereinafter “PROJECTILE”). DOE OFFICERS provided no warning or verbal  
22 command before shooting Plaintiff with PROJECTILES in the head, buttocks, and  
23 breasts.

24           31. At no time did Plaintiff violate any laws or present any harm or threat of  
25 harm to the Officers or others at the scene. Upon information and belief, DOE  
26 OFFICERS gave Plaintiff no verbal warning or command before shooting her with  
27 PROJECTILES. Upon information and belief, at no time was an order to disburse  
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1 issued to the peaceful protestors by Defendants prior to unlawfully and unjustifiability  
2 shooting Plaintiff with the PROJECTILE.

3 32. As a result of the unprovoked, unjustified and unreasonable use of force  
4 against Plaintiff by DOE OFFICERS, Plaintiff suffered numerous physical injuries,  
5 including but not limited to, injuries to her head, hearing impairment, bruising,  
6 concussion and post concussive syndrome, and chemical burns. Additionally,  
7 Plaintiff suffered, and continues to suffer from, emotional distress as a result of the  
8 incident.

9 33. As a result of the foregoing, Plaintiff suffered, and continues to suffer  
10 from physical and emotional pain, anguish, distress, and psychological injury.

11 **FIRST CLAIM FOR RELIEF**

12 **Unreasonable Search and Seizure—Excessive Force (42 U.S.C. § 1983)**

13 **(Against Defendants POLICE CHIEF STEVE WATSON, SHERIFF**

14 **WILLIAM HONSAL and DOES 1-20)**

15 34. Plaintiff repeats and re-alleges each and every allegation in paragraphs  
16 1-33 of this Complaint with the same force and effect as if fully set forth herein.

17 35. Plaintiff brings this cause of action against DOES 1-20 in their individual  
18 capacity.

19 36. Plaintiff brings this cause of action against Defendants Police Chief  
20 Steve Watson and Sheriff William Honsal in their individual capacities. Upon  
21 information and belief, Defendants Police Chief Steve Watson and Sheriff William  
22 Honsal were in charge of, in control of and coordinating a department-wide response  
23 to the peaceful protests on May 31, 2020. As such, Defendants Police Chief Steve  
24 Watson and Sheriff William Honsal were aware that their deputies were engaging in  
25 excessive force against citizens peacefully protesting, including Plaintiff, and failed  
26 to prevent their subordinates from engaging in such conduct.

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1           37. Defendants' shooting of Plaintiff with a projectile and unreasonable use  
2 of force against Plaintiff deprived Plaintiff of her right to be secure in her person  
3 against unreasonable searches and seizures and not to be subjected to the use of  
4 excessive force as guaranteed to Plaintiff under the Fourth Amendment to the United  
5 States Constitution and applied to state actors by the Fourteenth Amendment.

6           38. At the time Plaintiff was not armed, had committed no crime, and posed  
7 no risk to Defendants or others. There was no lawful justification for Defendants' use  
8 of excessive force against Plaintiff. Defendants' conduct was unjustified and  
9 unreasonable under the circumstances and constituted an excessive use of force, and  
10 a violation of Plaintiff's First Amendment rights, as she was participating in a  
11 peaceful demonstration protesting police brutality.

12           39. Defendants' actions thus deprived Plaintiff of her right to be free from  
13 unreasonable searches and seizures and not to be subjected to the use of excessive  
14 force under the Fourth Amendment as applied to state actors by the Fourteenth  
15 Amendment of the Constitution of the United States. Defendants' actions additionally  
16 violated Plaintiff's rights under the First Amendment of the Constitution of the United  
17 States, and their training, Police Officer Standards and Training, and California and  
18 Federal law.

19           40. As a result of Defendants conduct and use of excessive force, Defendants  
20 are liable for Plaintiff's injuries either because they were integral participants in the  
21 excessive force, or because they failed to intervene to prevent those violations.

22           41. As a result, Plaintiff suffered serious physical and emotional injury,  
23 including, but not limited to, injuries to her head, hearing impairment, bruising,  
24 concussion and post concussive syndrome, and chemical burns. Additionally, Plaintiff  
25 suffered, and continues to suffer from, emotional distress as a result of the incident.

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1 42. The conduct of Defendants was willful, wanton, malicious and done with  
2 reckless disregard for the rights and safety of Plaintiff and therefore warrants the  
3 imposition of exemplary and punitive damages against Defendants.

4 43. Plaintiff experienced, and continues to experience, severe pain and  
5 suffering as a direct and proximate result of Defendants' use of excessive and  
6 unreasonable force.

7 44. Accordingly, Defendants are each liable to Plaintiff for compensatory  
8 and punitive damages, under 42 U.S.C. § 1983. Plaintiff also seeks reasonable  
9 attorneys' fees pursuant to 42 U.S.C § 1988 under this claim.

10 **SECOND CLAIM FOR RELIEF**

11 **Violation of First Amendment (42 U.S.C. § 1983)**

12 **(Against Defendants POLICE CHIEF STEVE WATSON, SHERIFF**

13 **WILLIAM HONSAL, and DOES 1-20)**

14 45. Plaintiff repeats and re-alleges each and every allegation in paragraphs  
15 1-44 of this Complaint with the same force and effect as if fully set forth herein.

16 46. Plaintiff brings this cause of action against DOES 1-20 in their individual  
17 capacity.

18 47. Plaintiff brings this cause of action against Defendants Police Chief  
19 Steve Watson and Sheriff William Honsal in their individual capacities. Upon  
20 information and belief, Defendants Police Chief Steve Watson and Sheriff William  
21 Honsal were in charge of, in control of and coordinating a department-wide response  
22 to the peaceful protests on May 31, 2020. As such, Defendants Police Chief Steve  
23 Watson and Sheriff William Honsal were aware that their deputies were engaging in  
24 excessive force against citizens peacefully protesting, including Plaintiff, and failed  
25 to prevent their subordinates from engaging in such conduct.

26 48. Defendants' above-described conduct violated Plaintiff's rights to  
27 freedom of speech, assembly, and association under the First Amendment to the  
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1 United States Constitution because they shot her with PROJECTILES as she was  
2 participating in a peaceful demonstration protesting police brutality.

3 49. At no time did Plaintiff violate any laws or present any harm or threat of  
4 harm to the Officers or others at the scene. Upon information and belief, DOE  
5 OFFICERS gave Plaintiff no verbal warning or command before shooting her with  
6 PROJECTILES. Upon information and belief, at no time was an order to disburse  
7 issued to the peaceful protestors by Defendants prior to unlawfully and unjustifiability  
8 shooting Plaintiff with the PROJECTILE.

9 50. As a direct and proximate result of the wrongful, malicious, and violent  
10 acts of Defendants, Plaintiff suffered physical and emotional injuries. Plaintiff  
11 suffered extreme and severe mental anguish, physical pain, anxiety, humiliation, and  
12 emotional distress.

13 51. By reason of the aforementioned acts and omissions of Defendants,  
14 Plaintiff has incurred, and will continue to incur, future medical and related expenses  
15 and other special and general damages in an amount according to proof.

16 52. In doing the foregoing wrongful acts, Defendants acted in intentional,  
17 reckless, and/or callous disregard for the constitutional rights of Plaintiff. The  
18 wrongful acts were willful, oppressive, fraudulent, and malicious.

19 53. Accordingly, Defendants are each liable to Plaintiff for compensatory  
20 and punitive damages, under 42 U.S.C. § 1983. Plaintiff also seeks reasonable  
21 attorneys' fees pursuant to 42 U.S.C § 1988 under this claim.

22 **THIRD CLAIM FOR RELIEF**

23 **Municipal Liability for Unconstitutional Custom or Policy (42 U.S.C. § 1983)**

24 **(Against Defendants POLICE CHIEF STEVE WATSON, SHERIFF**

25 **WILLIAM HONSAL, CITY, COUNTY, and DOES 1-20)**

26 54. Plaintiff repeats and re-alleges each and every allegation in paragraphs  
27 1-53 of this Complaint with the same force and effect as if fully set forth herein.

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1           55. Defendants' use of force against Plaintiff on May 31, 2020, who was  
2 unarmed, had committed no crime, and was not resisting was ratified by MUNICIPAL  
3 Defendants.

4           56. Upon information and belief, DOE Defendants were not disciplined for  
5 the use of force on May 31, 2020, against Plaintiff.

6           57. Based upon the principles set forth in *Monell v. New York City*  
7 *Department of Social Services*, 436 U.S. 658 (1978), on and for some time prior to  
8 May 31, 2021 (and continuing to the present date) MUNICIPAL Defendants,  
9 POLICE CHIEF STEVE WATSON, and SHERIFF WILLIAM HONSAL failed to  
10 impose adequate discipline on its officers, deputies, and employees including DOE  
11 Defendants who committed these unlawful uses of excessive force, creating a culture  
12 of impunity within the Eureka Police Department and Humboldt County Sheriff's  
13 Department that encourages such violence and incidents of unreasonable force against  
14 the public. The MUNICIPAL Defendants' findings that the use of force here was  
15 justified, lawful, and proper is demonstrative of the inadequate investigations and the  
16 failure to take appropriate corrective action that plagues the Eureka Police Department  
17 and the Humboldt County Sheriff's Department and causes a pattern, policy, and  
18 practice of tolerating and encouraging the use of excessive force.

19           58. On May 31, 2020 Defendants deprived Plaintiff, of the rights and  
20 liberties secured to her by the First, Fourth and Fourteenth Amendments to the United  
21 States Constitution, in that said Defendants and their supervising and managerial  
22 employees, agents, and representatives, acting with gross negligence and with  
23 reckless and deliberate indifference to the rights and liberties of the public in general,  
24 and of Plaintiff, and of persons in their class, situation and comparable position in  
25 particular, knowingly maintained, enforced and applied an official recognized CITY  
26 and COUNTY custom, policy, and practice of:

27           (a) Employing and retaining as police officers and other personnel,  
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including Defendant DOES at all times material herein knew or reasonably should have known had dangerous propensities for abusing their authority by using excessive force, and for mistreating citizens by failing to follow written MUNICIPAL Defendants' policies, including the use of excessive force;

(b) Of inadequately supervising, training, controlling, assigning, and disciplining CITY Police Officers and other CITY personnel, and COUNTY Sheriff's Deputies and other COUNTY personnel, including Defendant DOES, who MUNICIPAL Defendants knew or in the exercise of reasonable care should have known had the aforementioned propensities and character traits including the propensity for violence and the use of excessive force;

(c) By maintaining grossly inadequate procedures for reporting, supervising, investigating, reviewing, disciplining and controlling the intentional misconduct by Defendant DOES, who are employees of the MUNICIPAL Defendants;

(d) By failing to adequately train officers and employees, including Defendant DOES, and failing to institute appropriate policies, regarding constitutional procedures and practices for use of force;

(e) By failing to discipline CITY police officers' and COUNTY employees' conduct, including Defendant DOES, for unlawful use of force;

(f) By ratifying the intentional misconduct of Defendant DOES and other police officers, who are police officers of the CITY, as well as COUNTY Sheriff's Deputies and other employees, and commit unlawful detentions and use of force;

(g) By failing to properly investigate claims of unlawful detention and

1 excessive force by CITY police officers and COUNTY  
2 employees, deputies, and officers, including Defendant DOES;  
3 and

4 (h) By having and maintaining an unconstitutional custom and  
5 practice of using excessive force, so as to shock the conscience,  
6 which is also demonstrated by inadequate training. The customs  
7 and practices of the MUNICIPAL Defendants were done with a  
8 deliberate indifference to individuals' safety and rights.

9 59. The COUNTY and CITY have a longstanding custom or practice of  
10 using excessive force when an individual does not pose an imminent threat of harm  
11 during a pursuit. On multiple occasions, the County of Humboldt and City of Eureka  
12 have condoned, allowed and/or encouraged the use of excessive force and the  
13 violation of the constitutional rights by its deputies. The following examples  
14 demonstrate the CITY and COUNTY's official policy, custom and/or practice of  
15 condoning the violation of constitutional rights which was a direct cause of Plaintiffs'  
16 damages:

17 a. In *Lundberg v. County of Humboldt*, the U.S. District Court for  
18 the Northern District of California issued a decision on April 29, 2005 which rose  
19 out of a protest dispute in 1997 between environmental activists for the Headwaters  
20 Forest and the Sheriff's Deputies of Humboldt County, California. During three  
21 protests in the fall of 1997, police officers swabbed pepper spray in the eyes of eight  
22 activists practicing nonviolent resistance. The action taken by the police was later  
23 found to be excessive force.

24 b. In *Cotton v. City of Eureka*, Case No. 4:2008-cv-01306,  
25 Plaintiff's filed a survival and wrongful death action pursuant to 42 U.S.C. § 1983  
26 after their father died while in custody on August 7, 2007 after being severely  
27 beaten by City of Eureka Police Officers. On September 23, 2011, a jury returned a  
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1 verdict for Plaintiffs in the amount of approximately \$4.5 million. The County of  
2 Humboldt defendants settled with plaintiffs prior to trial.

3 c. On June 17, 2019, a journalist was severely beaten by Humboldt  
4 county Sheriff's Deputies while filming a long-standing environmental protest.  
5 Humboldt County Defendants settled with the Plaintiff out of court.

6 d. In *Headwaters Forest Defense v. County of Humboldt*, 276 F.3d  
7 1125 (9th Cir. 2002) the Ninth Circuit found that non-violent protestors were  
8 unreasonably and unlawfully pepper sprayed by Humboldt county deputies. The  
9 Ninth Circuit found that “[i]t would be clear to reasonable law enforcement officer  
10 that use of pepper spray against nonviolent protestors, particularly repeated use of  
11 spray and full-blast sprays, and refusal to wash out protestors' eyes with water to  
12 alleviate harmful effects of spray was use of excessive force, under Fourth  
13 Amendment, when spray was unnecessary to subdue, remove or arrest protestors.”  
14 *Id.* at 1130. The Ninth Circuit further held that the “sheriff and chief deputy sheriff,  
15 who authorized use of pepper spray against activists, were not entitled to qualified  
16 immunity.” *Id.* at 1129.

17 60. By reason of the aforementioned policies and practices of MUNICIPAL  
18 Defendants, Plaintiff was severely injured and subjected to pain and suffering, and  
19 extreme and severe emotional distress.

20 61. The aforementioned customs and practices of the MUNICIPAL  
21 Defendants were implemented and/or maintained with deliberate indifference to  
22 individuals' safety and rights.

23 62. Defendants POLICE CHIEF STEVE WATSON and SHERIFF  
24 WILLIAM HONSAL are the final policymakers for the City of Eureka Police  
25 Department and Humboldt County Sheriff's Department and approved and ratified of  
26 the unconstitutional actions of Defendant DOES 1-20.

27 63. The MUNICIPAL Defendants together with various other officials,  
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1 whether named or unnamed, had either actual or constructive knowledge of the  
2 deficient policies, practices and customs alleged in the paragraphs above. Despite  
3 having knowledge as stated above these defendants condoned, tolerated, and through  
4 actions and inactions thereby ratified such policies. Said defendants also acted with  
5 deliberate indifference to the foreseeable effects and consequences of these policies  
6 with respect to the constitutional rights of Plaintiff, and other individuals similarly  
7 situated.

8 64. By perpetrating, sanctioning, tolerating, and ratifying the outrageous  
9 conduct and other wrongful acts, MUNICIPAL Defendants acted with an intentional,  
10 reckless, and callous disregard toward Plaintiff, and of the constitutional as well as  
11 human rights of Plaintiff. The MUNICIPAL Defendants' actions were willful,  
12 wanton, oppressive, malicious, fraudulent, and extremely offensive and  
13 unconscionable to any person of normal sensibilities.

14 65. Accordingly, MUNICIPAL Defendants are liable to Plaintiff for  
15 compensatory damages under 42 U.S.C. § 1983.

16 66. On information and belief, the aforementioned acts were willful, wanton,  
17 malicious and oppressive thereby justifying the awarding of exemplary and punitive  
18 damages.

19 67. Accordingly, MUNICIPAL Defendants are liable to Plaintiff for  
20 compensatory and punitive damages, under 42 U.S.C. § 1983. Plaintiff also seeks  
21 reasonable attorneys' fees pursuant to 42 U.S.C. § 1988 under this claim.

22 **FOURTH CLAIM FOR RELIEF**

23 **Assault and Battery (Cal. Govt. Code § 820 and California Common Law)**  
24 **(Against Defendants CITY, COUNTY, SHERIFF WILLIAM HONSAL,**  
25 **POLICE CHIEF STEVE WATSON and DOES 1-20)**

26 68. Plaintiff repeats and re-alleges each and every allegation in paragraphs  
27 1-67 of this Complaint with the same force and effect as if fully set forth herein.

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1           69. Defendant DOES 1-10, while working as Police Officers for the CITY  
2 Police Department and, acting within the course and scope of their duties, wrongfully,  
3 unlawfully and intentionally shot Plaintiff with PROJECTILES causing her severe  
4 physical and mental injury.

5           70. Defendant DOES 11-20, while working in their official capacity as  
6 employees or deputies for COUNTY Sherriff's Department, and acting within the  
7 course and scope of their duties, wrongfully, unlawfully and intentionally shot  
8 Plaintiff with PROJECTILES causing her severe physical and mental injury.

9           71. Defendant DOES had no legal justification for their actions, and  
10 Defendant DOES' use of force against Plaintiff, while carrying out their duties as  
11 officers, deputies and as CITY and COUNTY employees, was unreasonable and  
12 excessive.

13           72. Defendant DOES' conduct was harmful and offensive, without legal  
14 justification, and not consented to by Plaintiff. As a direct and proximate result of  
15 Defendant DOES' conduct as alleged above, Plaintiff was caused severe pain and  
16 suffering.

17           73. CITY and COUNTY are vicariously liable for Defendant DOES'  
18 wrongful acts pursuant to section 815.2 (a) of the California Government Code, which  
19 provides that a public entity is liable for the injuries caused by its employees within  
20 the scope of the employment if the employee's act would subject him or her to  
21 liability.

22           74. Plaintiff is informed and believe and thereon alleges that the DOES  
23 conduct was malicious, wanton, oppressive, and accomplished with a conscious  
24 disregard for the rights of Plaintiff, entitling Plaintiff to an award of exemplary and  
25 punitive damages against Defendant DOES in an amount to be determined at time of  
26 trial.

27           75. Plaintiffs are seeking all damages under this claim.  
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**FIFTH CLAIM FOR RELIEF**

**Negligence (Cal. Govt. Code § 820 and California Common Law)  
(Against Defendants CITY, COUNTY, SHERIFF WILLIAM HONSAL,  
POLICE CHIEF STEVE WATSON and DOES 1-20)**

76. Plaintiff repeats and re-alleges each and every allegation in paragraphs 1-75 of this Complaint with the same force and effect as if fully set forth herein.

77. On or about May 31, 2020, on the night of the incident, Plaintiff was entitled to the duty of due care by Defendants and each of them.

78. Defendants owed a duty of care toward Plaintiff and were required to use reasonable diligence to ensure that Plaintiff was not harmed by Defendants' acts or omissions. Defendants' actions and omissions were negligent and reckless, including but not limited to:

- (a) the failure to properly assess and/or supervise the need to detain, arrest, use force against Plaintiff;
- (b) the negligent tactics and handling of the situation with Plaintiff, including pre-shooting negligence;
- (c) the negligent detention, arrest, use of force against Plaintiff;
- (d) the failure to properly train, supervise and discipline employees, including the individual Defendants;
- (f) the failure to provide timely medical assistance to Plaintiff; and
- (g) the negligent hiring, retention and assignment of its employees, including the individual Defendants.

79. On or about said date, Defendants, and each of them, breached the duty of due care owed to Plaintiff in that Defendants negligently subjected Plaintiff to injury, harm, and damage.

80. The Defendants are vicariously liable for the wrongful acts of Defendant DOES pursuant to section 815.2 (a) of the California Government Code, which provides that a public entity is liable for the injuries caused by its employees within

1 the scope of the employment if the employee's act would subject him or her to  
2 liability. As a result of their conduct, Defendants are liable for Plaintiff's injuries  
3 because they were integral participants in the negligence, or because they failed to  
4 intervene to prevent these violations, or under the doctrine of *respondeat superior*.

5 81. In doing the aforementioned acts, Defendants' breach of duty was  
6 negligent and caused Plaintiff to suffer emotional and mental distress, fear, anxiety,  
7 severe physical injuries and damages.

8 82. As a direct and proximate result of the foregoing, Plaintiff has suffered,  
9 and continues to suffer, mental and emotional distress and is entitled to and demands  
10 damages against Defendants, including, but not limited to, general and punitive  
11 damages in amounts to be proven at trial.

12 **SIXTH CLAIM FOR RELIEF**

13 **Negligent Hiring, Supervision, and Retention (Cal. Govt. Code § 820 and**  
14 **California Common Law)**

15 **(Against Defendants CITY, COUNTY, and SHERIFF WILLIAM HONSAL,**  
16 **POLICE CHIEF STEVE WATSON)**

17 83. PLAINTIFF repeats and re-alleges each and every allegation in  
18 paragraphs 1-82 of this Complaint with the same force and effect as if fully set forth  
19 herein.

20 84. Defendants CITY and COUNTY knew or in the exercise of due care  
21 should have known, that DOE Defendants had a propensity, character trait, and  
22 practice, while purporting to act under color of law, for unlawful violence.

23 85. Defendants CITY and COUNTY knew or in the exercise of due care  
24 should have known, that the aforementioned propensities and character traits of DOE  
25 Defendants made them unfit to serve in their positions and were likely to cause harm  
26 and injury to members of the public such as Plaintiff.

27 86. Notwithstanding such knowledge, Defendants CITY and COUNTY  
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1 negligently, carelessly and recklessly hired, employed, trained, retained, and failed to  
2 properly supervise the DOE Defendants and assigned said Defendants duties which  
3 enabled them to violate the law, including but not limited to, committing police  
4 brutality and using excessive force all while purporting to act under the color of law.

5 87. As a direct and proximate result of Defendants' negligent hiring,  
6 retention and supervision, control and regulation of Defendant DOES Plaintiff has  
7 suffered and continues to suffer injuries entitling her to damages in amounts to be  
8 proven at trial.

9 88. By the aforesaid acts and omissions of Defendants, and each of them,  
10 Plaintiff has been directly and legally caused to suffer actual damages including, but  
11 not limited to, extreme pain and suffering both with regards to physical and mental  
12 suffering.

13 89. Plaintiff is informed and believes, and thereon alleges, that the  
14 defendants, and each of them, by engaging in the aforementioned acts and/or in  
15 authorizing and/or ratifying such acts, engaged in willful, malicious, intentional,  
16 oppressive and despicable conduct, and acted with willful and conscious disregard of  
17 the rights, welfare and safety of Plaintiff, thereby justifying the award of punitive and  
18 exemplary damages in an amount to be determined at trial.

19 90. Plaintiff is seeking all damages under this claim.

20 **SEVENTH CLAIM FOR RELIEF**

21 **Violation of Bane Act (Cal. Civil. Code § 52.1)**

22 **(Against Defendants CITY, COUNTY, SHERIFF WILLIAM HONSAL,**  
23 **POLICE CHIEF STEVE WATSON and DOES 1-20)**

24 91. Plaintiff repeats and re-alleges each and every allegation in paragraphs  
25 1-90 of this Complaint with the same force and effect as if fully set forth herein.

26 92. As alleged herein, Defendant DOES interfered by threats, intimidation,  
27 or coercion with Plaintiff's rights under state and federal laws and under the state and  
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1 federal Constitution including, without limitation, the right to be from excessive force  
2 and the right to bodily integrity and protection from bodily harm, including her rights  
3 under Civil Code Section 43, Penal Code Sections 149, 240 and 242, and her rights  
4 under the First, Fourth and Fourteenth Amendments to the United States Constitution  
5 and her rights under Article 1, Sections 1, 7 and 13 of the California Constitution.

6 93. Defendants' conduct caused Plaintiff extreme pain and suffering both  
7 physical and mental.

8 94. As a result of their conduct, Defendants are liable for Plaintiff's injuries,  
9 either because they were integral participants in the misconduct, or because they failed  
10 to intervene to prevent these violations, or under the doctrine of *respondeat superior*.

11 95. As a direct and legal result of Defendants' acts and omissions, Plaintiff  
12 suffered damages, including but not limited to, pain and suffering, physical injuries  
13 and sickness, emotional distress, psychological injury, medical expenses, attorneys'  
14 fees, lost earnings, and costs of suit.

15 96. Plaintiff is informed and believe and thereon alleges that the acts of the  
16 individual Defendants were willful, malicious, intentional, oppressive, reckless and/or  
17 were done in willful and conscious disregard of the rights, welfare and safety of  
18 Plaintiff, thereby justifying the awarding of punitive and exemplary damages in an  
19 amount to be determined at time of trial.

20 97. Plaintiff brings this claim and seeks all damages under state law. Plaintiff  
21 seeks reasonable attorneys' fees under this claim.

22 **EIGHTH CAUSE OF ACTION**

23 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

24 **[Against Defendants CITY, COUNTY, SHERIFF WILLIAM HONSAL,**

25 **POLICE CHIEF STEVE WATSON**

26 **and DOES 1-20]**

27 98. Plaintiff repeats and re-alleges each and every allegation in paragraphs  
28

1 1-97 of this Complaint with the same force and effect as if fully set forth herein.

2 99. Defendant DOES' actions as set forth herein occurred during the course  
3 and scope of their employment for the CITY, through the Eureka Police Department,  
4 and the COUNTY, through the Humboldt County Sheriffs' Department. Defendant  
5 DOES' actions were both intentional and malicious. The conduct of Defendant DOES  
6 was willful, wanton, oppressive, fraudulent, despicable, and beyond that which should  
7 be tolerated by a civilized society. The acts of these Defendants were carried out with  
8 a conscious disregard of the likelihood of causing injury, suffering, or distress to  
9 Plaintiffs. Therefore, punitive damages in a sum according to proof is sought against  
10 the non-municipal DOE defendants.

11 100. As a result of Defendant DOES' intentional misconduct, Plaintiff  
12 sustained actual injuries and damages, including severe physical injuries. Further,  
13 Plaintiff suffered and continues to suffer anxiety, worry, emotional distress,  
14 embarrassment, fright, shock, discomfort, and mental anguish, all resulting in  
15 damages in a sum to be ascertained according to proof. The exact nature and extent  
16 of said injuries is presently unknown to Plaintiff. Plaintiff does not know at this  
17 time the exact duration or permanence of said injuries but is informed and believes  
18 and thereon alleges that some if not all of the injuries are reasonably certain to be  
19 permanent in character.

20 **NINTH CAUSE OF ACTION**

21 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

22 **[Against Defendants CITY, COUNTY, SHERIFF WILLIAM HONSAL,**  
23 **POLICE CHIEF STEVE WATSON and DOES 1-20]**

24 101. Plaintiff repeats and re-alleges each and every allegation in paragraphs  
25 1-100 of this Complaint with the same force and effect as if fully set forth herein.

26 102. In the alternative, Defendant DOES' conduct, as alleged above, was  
27 done in a careless or negligent manner, without consideration for the effect of such  
28 conduct upon Plaintiff's emotional well-being.

1 103. By the aforesaid acts and omissions of Defendants, and each of them,  
2 Plaintiff has been directly and legally caused to suffer actual damages including, but  
3 not limited to, extreme pain and suffering both with regards to physical and mental  
4 suffering.

5 104. As a further direct and legal result of the acts and conduct of  
6 Defendants, and each of them, as aforesaid, Plaintiff has been caused to and did  
7 suffer and continues to suffer severe emotional and mental distress, anguish,  
8 humiliation, embarrassment, fright, shock, pain, discomfort, anxiety, physical pain  
9 and suffering. The exact nature and extent of said injuries is presently unknown to  
10 Plaintiff. Plaintiff does not know at this time the exact duration or permanence of  
11 said injuries, but is informed and believes and thereon alleges that some if not all of  
12 the injuries are reasonably certain to be permanent in character.

13 105. Plaintiff is informed and believes, and thereon alleges, that the  
14 Defendants, and each of them, by engaging in the aforementioned acts and/or in  
15 authorizing and/or ratifying such acts, engaged in willful, malicious, intentional,  
16 oppressive and despicable conduct, and acted with willful and conscious disregard of  
17 the rights, welfare and safety of Plaintiff, thereby justifying the award of punitive and  
18 exemplary damages in an amount to be determined at trial.

19 **PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiff requests entry of judgment their favor and against  
21 Defendant CITY OF EUREKA, COUNTY OF HUMBOLDT and DOES 1-20,  
22 inclusive, as follows:

- 23 A. For general and compensatory damages as set forth throughout  
24 the complaint according to proof with prejudgment interest  
25 thereon to the extent allowable by law;
- 26 B. Damages for severe emotional distress, physical pain and  
27 suffering, physical injury, humiliation, grief, nervousness,  
28 shame, fright, anxiety, depression, panic attacks, sorrow, worry,



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low self-esteem, psychological injury, and related emotional and mental anguish in an amount to be determined by the jury at the trial of this matter;

- C. Damages for medical expenses and related items of expenses in an amount to be determined by the jury at the trial of this matter
- D. Damages for loss of earnings;
- E. The award of punitive and exemplary damages against Defendants in an amount to be proven at trial.
- F. For reasonable costs of this suit and attorneys' fees pursuant to 42 U.S.C. § 1988;
- G. Interest, including prejudgment interest, as allowed by law;
- H. For such further other relief as the Court may deem just, proper, and appropriate.

Dated: June 10, 2021

By   
\_\_\_\_\_  
Houman Sayaghi, Esq.  
Attorneys for Plaintiff,  
MOLLY CRANE CONSO

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**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury.

Dated: June 10, 2021

By 

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Houman Sayaghi, Esq.  
Attorneys for Plaintiff,  
MOLLY CRANE CONSO