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8 Attorney for Plaintiffs

9 **UNITED STATES DISTRICT COURT**

10 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

11 GONZALO ROMERO HERNANDEZ, an )  
12 individual, and DAISY ROMERO, an )  
13 individual, )

14 Plaintiffs, )

15 v. )

16 CITY OF VALLEJO, a municipal )  
17 corporation; JASON TA, in his official )  
18 capacity as CHIEF OF POLICE for the CITY )  
19 OF VALLEJO; PABLO LOPEZ, in his )

20 individual capacity as a law enforcement )  
21 officer for the CITY OF VALLEJO; )  
22 ROSENDO MESA, in his individual capacity )  
23 as a law enforcement officer for the CITY OF )  
24 VALLEJO; and DOES 1-25 in their )  
25 individual capacity as law enforcement )  
26 officers for the CITY OF VALLEJO, )  
27 inclusive, )

28 Defendants.

Case No.:

COMPLAINT FOR DAMAGES

(42 U.S.C. § 1983)

**INTRODUCTION**

1. In the early morning hours of March 19, 2023, Plaintiffs Daisy Romero and Gonzalo Romero Hernandez were rear passengers in a car driving through the City of Vallejo. The vehicle driver was in a minor auto accident. Defendants Vallejo Police Officers Pablo Lopez, Rosendo

1 Mesa, and other yet-to-be-identified Vallejo Police Officers arrived at the accident scene, after  
2 the vehicle's computer system automatically requested police services.

3 2. Mr. and Mrs. Romero were not driving, were not under arrest, nor suspected of  
4 committing any crime or infraction at the time of their police contact. Mrs. Romero remained in  
5 the car, because she was not awake. Instead of checking on Mrs. Romero following the collision  
6 to determine if she was injured, Vallejo Police Officers began screaming at her to get out of the  
7 car. Mr. Romero and the driver told the officers his wife was passed out, but instead of allowing  
8 her husband to help her out of the car, Vallejo Police Officers violently dragged Mrs. Romero  
9 out of the car by the hair, head and torso as she woke up shocked and terrified. Then, after being  
10 placed in a seated position on the grassy sidewalk, she was violently slammed on the ground face  
11 first for no reason, as she screamed in pain as the violent restraint triggered a pre-existing spinal  
12 disk injury, pushing her down so violently that she vomited.

13 3. Mr. Romero verbally protested the mistreatment of his wife and tried to record  
14 the incident, demanding the officers' names and badge numbers, but Officer Lopez used his body  
15 to block the filming while smirking at Mr. Romero. After Mrs. Romero was taken to the police  
16 car, Officer Lopez and other yet to be identified Vallejo Police Officers waited until Mr. Romero  
17 turned his back, then snatched him up off of the ground and slammed him down on his head and  
18 face, onto the concrete, knocking his phone to the ground, then choked him and slammed his  
19 head/face into the concrete multiple times leaving gory wounds on his face, before placing him  
20 in handcuffs and taking him to jail for a fabricated felony charge.

21 4. The couple was arrested for felony assault on an officer and resisting arrest.  
22 The Solano County District Attorney dismissed all of the charges against Mr. and Mrs. Romero.

23 5. The Romeros bring forth claims for damages as a result of the violation of their  
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1 constitutional rights under 42 U.S.C. § 1983, and state law causes of action. Plaintiffs also present  
2 a *Monell* cause of action against the City of Vallejo for its open and notorious refusal to  
3 supervise and control its employees, in violation of state and federal law.  
4

### 5 **VENUE**

6 6. Venue is proper in this Court under 28 U.S.C. § 1391(b) because Defendants are  
7 believed to reside in this district, and all incidents, events, and occurrences giving rise to this  
8 action occurred in this district.  
9

### 10 **JURISDICTION**

11 7. This action arises under Title 42 of the United States Code, § 1983. Title 28 of the  
12 United States Code, §§ 1331 and 1343, confers jurisdiction upon this Court. The unlawful acts  
13 and practices alleged herein occurred in the City of Vallejo, California, which is within the  
14 judicial district of this Court.  
15

16 8. Supplemental jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1367  
17 over the state law claims, which are related to federal claims in this action in that they form part  
18 of the same case or controversy under Article III of the Constitution of the United States.  
19

### 20 **PARTIES**

21 9. Plaintiff GONZALO ROMERO HERNANDEZ (“PLAINTIFF”) is a competent adult,  
22 and a California resident.

23 10. Plaintiff DAISY ROMERO (“PLAINTIFF”) is a competent adult, and a California  
24 resident.  
25

26 11. Defendant CITY OF VALLEJO (hereinafter, “CITY”) is a municipal corporation,  
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1 duly authorized to operate under the laws of the State of California. Under its supervision, the  
2 CITY OF VALLEJO manages and operates the VALLEJO POLICE DEPARTMENT ("VPD").

3 The CITY OF VALLEJO maintains respondeat superior liability for the actions of its employees.  
4

5 12. Defendant OFFICER JASON TA ("DEFENDANT TA") is and at all relevant times was  
6 the Chief of Police for the VPD. CHIEF JASON TA is and at all relevant times was the Chief of  
7 Police for the VPD and is being sued in his official capacity.

8 13. Defendant OFFICER PABLO LOPEZ ("DEFENDANT LOPEZ") was, and at all times  
9 mentioned herein, is a police officer for the City of Vallejo and is sued in his individual capacity.  
10

11 14. Defendant OFFICER ROSENDO MESA ("DEFENDANT MESA") was, and at all  
12 times mentioned herein, is a police officer for the City of Vallejo and is sued in his individual  
13 capacity.

14 15. Plaintiffs are ignorant of the true names and/or capacities of Defendant sued herein as  
15 DOES 1-25, inclusive, and therefore sues said defendants by such fictitious names. Plaintiffs will  
16 amend this Complaint to allege their true names and capacities when ascertained. Plaintiffs  
17 believe and allege that each of the D.O.E. defendants is legally responsible and liable for the  
18 incident, injuries, and damages hereinafter set forth. Each Defendant proximately caused injuries  
19 and damages because of their negligence, breach of duty, negligent supervision, management or  
20 control, and violation of public policy. Each Defendant is liable for his/her personal conduct,  
21 vicarious or imputed negligence, fault, or breach of duty, whether severally or jointly, or whether  
22 based upon the agency, employment, ownership, entrustment, custody, care or control or upon  
23 any other act or omission. Plaintiffs will ask leave to amend this Complaint subject to further  
24 discovery.  
25  
26

27 16. In doing the acts alleged herein, Defendants, and each of them, acted within the  
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1 course and scope of their employment for the Defendant Vallejo Police Department.

2 17. In doing the acts and/or omissions alleged herein, Defendants, and each of them,  
3 acted under color of authority and/or under color of law.

4 18. Due to the acts and/or omissions alleged herein, Defendants, and each of them, acted  
5 as the agent, servant, and employee and/or in concert with each of said other Defendants herein.  
6

### 7 **ADMINISTRATIVE PREREQUISITES**

8 19. Plaintiffs are required to comply with an administrative tort claim requirement under  
9 California law. Plaintiffs have exhausted all administrative remedies pursuant to California  
10 Government Code Section 910. On September 15, 2023, Plaintiffs filed a timely government tort  
11 claim with the City of Vallejo. On both January 2, 2024, and May 10, 2024, counsel inquired  
12 about the status of the Claim, with the Vallejo City Clerk. On both occasions the City Clerk's  
13 Office confirmed the City had not acted upon the claim. To date, the City of Vallejo never acted  
14 upon the claim, and did not provide any additional correspondence regarding the claim.  
15 Therefore, this Complaint, including State Causes of Action, are timely filed on or before March  
16 19, 2025.  
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### 19 **FACTUAL ALLEGATIONS**

#### 20 **Subject Incident**

21 20. On March 19, 2023, at approximately 2:45 a.m., Plaintiffs, Daisy Romero and Gonzalo  
22 Romero Hernandez were passengers in a car driving through the City of Vallejo. The couple was  
23 asleep in the back seat of the car when the driver Miguel Maravillas was involved in a minor  
24 auto accident, after swerving to avoid a collision. The car's safety system summoned law  
25 enforcement. Defendant Vallejo Police Officers Pablo Lopez and Rosendo Mesa, in addition to  
26 other yet-to-be-identified Defendant Vallejo Police Officers arrived at the accident scene.  
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1 21. Mr. and Mrs. Romero were not driving, were not under arrest, nor suspected of  
2 committing any crime or infraction, they were simply riding in the back seat of the car,  
3 passengers in a single car accident.  
4

5 22. Mrs. Romero remained in the back seat of the car, after not really awakening when her  
6 husband initially tried to get her up and out of the car.

7 23. Instead of checking on Mrs. Romero to find out if the unresponsive woman was  
8 possibly injured following the collision or in need of medical attention for some other reason.  
9 Vallejo Police Officers began screaming at her to 'GET OUT OF THE CAR'.  
10

11 24. Mr. Romero and Mr. Maravillas both told Officers that Mrs. Romero passed out and  
12 not awake or responsive. Mr. Romero attempted to assist his wife, but they would not allow him  
13 to help her.

14 25. Instead of tending to Mrs. Romero's health and well-being, yet to be identified  
15 Vallejo Police Officers violently dragged Mrs. Romero out of the car by the hair of her head and  
16 upper body, as she woke up shocked and terrified.  
17

18 26. After being violently dragged out of the car, she was slammed into a seated position on  
19 the grassy portion of the sidewalk area next to the street, while she cried out in pain. Mrs.  
20 Romero suffers from a pre-existing herniated disk and sciatic injury, which was triggered by the  
21 violence.  
22

23 27. As soon as the situation began to escalate, Mr. Romero immediately began filming  
24 the officers and verbally protesting the mistreatment of his wife. Mr. Romero captured part of the  
25 incident on his cellphone.

26 28. Defendant Officer Pablo Lopez stood in front of Mr. Romero, to prevent him from  
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1 capturing the violence on film. Officer Lopez would shift his position as Mr. Romero attempted  
2 to film the abuse. Officer Lopez just stood and smirked at Mr. Romero, who was forced to watch  
3 helplessly as his helpless, sleeping wife was dragged out of the car and brutalized in front of him  
4 for no apparent reason other than the sadistic enjoyment of the officers.  
5

6 29. Without cause, Defendant Vallejo Police Officer Mesa took Mrs. Romero from a  
7 cross-legged seated position on the grass where she was cooperative and not in handcuffs, then  
8 suddenly grabbed her, threw her forward and slammed her face, head and body into the wet  
9 street. Mr. Romero was crying out to the officers saying “what are you doing??” and pleading  
10 with them to “leave her alone.”  
11

12 30. Mr. Maravillas tried to provide Mrs. Romero his jacket because she was laying  
13 on the wet asphalt and crying in pain, but officers grabbed him and threw him on the ground,  
14 injuring his wrist.  
15

16 31. Officer Mesa left Mrs. Romero partially on the curb, partially on the street, contorting  
17 body into an unnatural hyper prone position. Mrs. Romero was screaming loudly in pain while  
18 being smashed into the concrete and held down by the other officer(s). After this violent,  
19 unwarranted action, Officer Mesa straddled her and waited for another yet to be identified  
20 Vallejo Police Officer to handcuff Mrs. Romero, while they continued to force her head and  
21 body into the ground, while she remained face down on the wet concrete.  
22

23 32. After Mrs. Romero was finally shifted into a seating position, they inexplicably left  
24 her to sit with her ankles elevated on the curb, in handcuffs, while her buttocks was sitting on the  
25 street several inches below, causing additional hyper-extension and cruel, unnecessary pain.  
26 When Officers finally stood Mrs. Romero up, but she was barely able to straighten her legs and  
27 walk, due to the pain, and vomited from the violent force.  
28

1 33. During the incident, Mr. Romero asked for the names and badge numbers for the  
2 officers and reminder the officers they were acting outside of their proper service and duty by  
3 treating Mrs. Romero that way.

4 34. Once Officers placed Mrs. Romero into the patrol car, Officer Mesa approached Mr.  
5 Romero and told him to back up, even though Mr. Romero was not approaching the officers. Mr.  
6 Romero, a man of small stature, promptly complied and stepped back.

7 35. After backing up, Mr. Romero turned his back to the officers and immediately, multiple  
8 Vallejo Police Officers rushed Mr. Romero, snatched him off his feet and dumped him onto his  
9 head, face first onto the concrete and slammed his head into the concrete multiple times, scraping  
10 several layers of skin off his face in multiple places.

11 36. Mr. Romero briefly ended up on his back and his cellphone footage shows a yet-to-  
12 be-identified Officer with his hands around Mr. Romero's throat. After realizing Mr. Romero  
13 still had a firm grip on the phone in his hand and was still recording, a yet-to-be-identified  
14 Officer knocked the phone out of his hand. The recording stops immediately. Multiple yet to be  
15 identified Vallejo Police Officers further bent, abused and contorted Mr. Romero's body, then  
16 flipped him over and violently handcuffed him.

17 37. After arrest, a yet to be identified Vallejo Police Officer tried to convince Mr. Romero  
18 that his injuries were the result of falling.

19 38. Mr. Romero was falsely arresting for felony battery on a police officer and misdemeanor  
20 resisting arrest. Mrs. Romero was falsely arrested for resisting arrest.

21 39. Mr. and Mrs. Romero insisted on being taken to the hospital for their injuries. After  
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1 medical clearance, they were transported to the Solano County Jail for booking. Mr. Romero was  
2 charged with felony assault on a police officer and resisting arrest. Mrs. Romero was charged  
3 with two counts of resisting arrest. Mrs. Romero had to bail out of jail.  
4

5 40. As a direct result of Defendant Officers' actions, Mr. Romero suffered contusions,  
6 lacerations, and permanent scarring on his face and forehead, in addition to back pain; head pain;  
7 neck pain; abdominal contusions; ribcage pain; pain throughout his body; trauma; and emotional  
8 distress.

9 41. As a direct result of Defendant Officers' actions, Mrs. Romero suffered an injury to an  
10 existing herniated disk; trauma to her sciatic nerve; multiple handprint bruises on her arms and  
11 body; contusions and lacerations on her face; headaches; neck pain; widespread body pain;  
12 trauma; and emotional distress.  
13

14 42. The Solano County District Attorney ultimately dismissed the charges against the  
15 Romeros.  
16

17 43. In October 2023, Mr. and Mrs. Romero filed a formal complaint with the Vallejo Police  
18 Department, and requested an internal affairs investigation.

19 44. In December 2024, Mr. and Mrs. Romero were interviewed by Vallejo Police Internal  
20 Affairs Sergeant Jason Martinez. Plaintiffs have not yet received notice of the outcome of their  
21 complaint.  
22

23 45. Ms. And Mrs. Romero continue to suffer from pain, fear, embarrassment, anxiety, stress,  
24 and disfigurement resulting from this egregious and violent unwarranted attack.  
25

## 26 **Monell Historical Allegations**

27 46. Upon information and belief, in 2018, right before the height of its notoriety, Defendant  
28

1 Pablo Lopez began working for the Vallejo Police Department as a Police Cadet. In 2019,  
2 Defendant Lopez began working for the City of Vallejo as a Police Officer, wherein he  
3 completed the Field Training Program.  
4

5 47. Upon information and belief, in 2019, at the height of its notoriety, Defendant Mesa  
6 began working as a Police Officer for the City of Vallejo, wherein he completed the Field  
7 Training Program.

8 48. Upon information and belief, during his tenure with the Vallejo Police Department,  
9 Defendant Mesa has been sued multiple times based on allegations of excessive force.  
10  
11

### 12 **History of Lawlessness and Intimidation**

13 49. By early 2019, Counsel Melissa Nold was litigating multiple Monell cases against the  
14 City of Vallejo for incidents going back to 2015 and working with multiple families whose loved  
15 ones were shot or killed by Vallejo Police Department employees.  
16

17 50. On January 22, 2019, African American U.S. Marine veteran Adrian Burrell was  
18 attacked by Vallejo Police Officer David McLaughlin. Mr. Burrell was standing on the porch of  
19 his home, when Officer McLaughlin approached and assaulted him for filming a traffic stop.  
20 Days later, Mr. Burrell's cellphone video went viral, resulting in international media coverage.  
21

22 51. Within 24 hours of releasing the footage of the incident, Vallejo Police Department  
23 Internal Affairs Sergeant Drew Ramsay and Lieutenant Steve Cheatham went to Mr. Burrell's  
24 home uninvited. They drove up his street at a high rate of speed in an unmarked City of Vallejo  
25 SUV and came to a loud screeching halt directly in front of Mr. Burrell's house, parking in the  
26 exact same spot and fashion Officer McLaughlin had done just days before when he attacked Mr.  
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1 Burrell. They parked on the wrong side of the road, hopped out of the car and aggressively  
2 approached Mr. Burrell.

3 52. Coincidentally Counsel Melissa Nold was standing outside with Mr. Burrell waiting for  
4 reporters from KTVU news when the Internal Affairs command staff approached. The Sergeant  
5 and Lieutenant appeared very surprised when Counsel Nold introduced herself and asked them  
6 what they wanted, before they could speak to Mr. Burrell.  
7

8 53. Upon information and belief, Lt. Cheatham and Sgt. Ramsay went to Mr. Burrell's home  
9 with the intention of intimidating him, to deter him from filing a grievance, but their efforts were  
10 foiled when they realized Mr. Burrell was in the presence of counsel.  
11

12 54. Officer McLaughlin would later admit under oath to having his badge bent after an on-  
13 duty shooting prior to the incident.

14 55. On January 31, 2019, Carlos Yescas, a Latino teenager, was brutalized by Vallejo Police  
15 Lieutenant and current Vallejo Police Officer Association President Michael Nichelini. The  
16 incident was captured on cellphone video. Then San Francisco Chronicle Journalist Otis Taylor  
17 wrote an article about the incident wherein counsel Melissa Nold was quoted criticizing the  
18 Vallejo Police Department and Lt. Nichelini. Lt. Nichelini would later attempt to intimidate the  
19 African American Journalist because of his coverage of the Yescas incident and other incidents  
20 related to Vallejo.  
21

22 56. Counsel Nold filed a claim with the City of Vallejo related to the Yescas incident.  
23

24 57. Upon information and belief, the City of Vallejo Police Department never opened an  
25 Internal Affairs investigation into the incident involving Lt. Nichelini and Carlos Yescas due to  
26 the illegal agreement between the Police Chief and the Vallejo Police Officer's Association,  
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28

1 which bars the department from investigating citizen complaints of misconduct and excessive  
2 force.

3 58. Days later, on February 9, 2019, six Vallejo Police Officers shot and killed  
4 Willie McCoy, firing 55 rounds into his car after he fell asleep in a drive through. The national  
5 spotlight was directed back to and would remain focused on Vallejo for the rest of 2019 and  
6 2020. As the negative media coverage persisted, Counsel Nold handled the majority of press  
7 statements related to Vallejo.  
8

9 59. On April 16, 2019, just a few weeks after McCoy's shooting, McCoy's niece Deyana  
10 Jenkins was racially profiled and pulled over by Vallejo Police Officers Jordon Patzer and Colin  
11 Eaton, two of the officers who shot and killed McCoy. She was dragged out of her car, tased and  
12 sent off to jail with the man who shot her uncle in his sleep. Defendant Eaton has been involved  
13 in multiple excessive force incidents involving multiple African American women and men since  
14 2019, but in traditional Vallejo Police Department fashion, he was promoted to Corporal to  
15 reward his history of violent, racist policing.  
16  
17

18 60. In April 2019, Counsel Nold, while working with the Law Office of John Burris, filed  
19 four Tort Claims against the City of Vallejo, related to these and other incidents.

20 61. In the weeks and months that followed, Counsel Nold began received threatening calls,  
21 always from the same voice, saying "bitch we're going to kill you" and "we're gonna gut you in  
22 front of your kids". During the same timeframe, marked Vallejo Police Department patrol SUVs  
23 and motorcycles began to follow Counsel. The Vallejo Police Officer's Association began  
24 posting social media posts accusing Counsel Nold of being harmful to the community. Current  
25 and former Vallejo Police Department employees began a campaign of harassment of Counsel  
26 Nold attempting to deter Counsel from pursuing her client's lawful claims.  
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1 62. On April 24, 2019, multiple families and individuals who had been impacted by police  
2 violence in Vallejo attended a Vallejo City Council meeting to condemn the City of Vallejo  
3 Police Department's practices and the recent violence. The families and community members  
4 were thrown out of the meeting, and dozens of Vallejo Police Officers filled the council  
5 chambers, some in riot gear. Many familiar and notorious Vallejo Police Department faces filled  
6 the chamber room, including Internal Affairs Lieutenant Steve Cheatham, who was slapping a  
7 billy club on the palm of his hand over and over. The billy club appeared to be an antique with a  
8 large amount of the paint missing from having struck so many people in the past. The families  
9 were shocked to discover the Internal Affairs Lieutenant, who was supposed to be investigating  
10 their complaints, was the same person making unlawful displays of force as they attempted to  
11 exercise their rights to protest the brutality they and/or their loved ones suffered.

14 63. The racial terror tactics of the Vallejo Police Department that night raised the specter of  
15 the Deep South in the 1960's, instilling fear in the men, women, elders and children who came to  
16 protest racism and violence in Vallejo. Many community members openly expressed fear of  
17 returning to Vallejo City Council meetings after that.

19 64. In addition to unlawful displays of force by the Internal Affairs Lieutenant, and other  
20 members of the command staff, families were also facing the actual officers who abused them or  
21 killed their loved ones, with the officers smirking and attempting to antagonize grieving mothers.

23 65. In mid-2019, Vallejo Police Department Captain John Whitney exposed a ritual  
24 within the Vallejo Police Department wherein members of the Vallejo Police Department  
25 gathered with fellow officers and commemorated officer involved shootings by bending the star  
26 tip of the badge of officers who were involved in shootings. Whitney reported the 'badge  
27 bending' ritual to City management, along with the tasing incident involving Deyana Jenkins that  
28

1 was flagged as an excessive force incident by the command staff and subsequently covered up.  
2 (CAED 2:19-cv-01896).

3 66. In response to exposing the ritual and unlawful force, Whitney was fired, threatened and  
4 terrorized. Captain Whitney sued the City of Vallejo in Solano County Superior Court for  
5 wrongful termination and settled his case for \$900,000.00. (FCS055842)

7 67. By mid-2019, City of Vallejo Police Chief Andrew Bidou, City Manager Greg Nyhoff,  
8 City Attorney Claudia Quintana, Assistant City Attorney Kelly Trujillo, and Mayor Bob  
9 Sampayan were aware of the badge bending practices. All of these relevant department heads  
10 were also fiduciaries, and/or licensed professionals with moral and ethical duties to exorcise this  
11 abominable and unfathomable badge bending practice. Shockingly no investigation was ordered  
12 or conducted.

14 68. In mid-2019, Police Chief Andrew Bidou resigned. Despite his inaction related to the  
15 badge bending and ongoing mismanagement of the Police Department, the City of Vallejo  
16 publicly honored Chief Bidou upon his alleged 'resignation.'

18 69. On September 24, 2019, Counsel Melissa Nold attended a Vallejo City Council meeting.  
19 During the meeting, Counsel was notified that Vallejo Police Lt. Michael Nichelini was covertly  
20 filming her with his cellphone and taking photos of her. At the time of the surveillance, Counsel  
21 Nold was quietly standing in the back of the room. Multiple bystanders/media members  
22 photographed Lt. Nichelini filming counsel. When Counsel finally saw Lt. Nichelini after being  
23 secretly filmed for 15 minutes, he was leering at her and smirking.

25 70. On October 4, 2019, Counsel Melissa Nold sent a cease-and-desist letter to Vallejo City  
26 Attorney Claudia Quintana, demanding the City employees immediately cease unlawfully  
27 surveilling, harassing, and attempting to intimidate her when they see her in the community, in  
28

1 social media posts, etc. Attorney Quintana told Counsel Nold to report the behavior to the  
2 Vallejo Police Department, despite knowing that at least one of the people known to be  
3 responsible for the harassment was a Lieutenant in the department, the Police Association  
4 President, and the son of the former Chief of Police.  
5

6 71. Shortly thereafter, City Attorney Claudia Quintana abruptly resigned from the City of  
7 Vallejo.

8 72. In November 2019, Counsel Nold was standing in front of Vallejo City Hall with  
9 Community members ahead of a City Council meeting. Lt. Michael Nichelini arrived and saw  
10 Counsel Nold. He immediately began aggressively walking at her, with a scowl. Lt. Nichelini  
11 appeared that he was going to engage her in a physical confrontation, but at the last moment he  
12 veered slightly off his path, brushing past her shoulder. Counsel Nold filed another formal  
13 complaint against Lt. Nichelini and demand that the City of Vallejo bring its rabid employees to  
14 heel.  
15

16 73. In early 2020, new Chief Shawny Williams ordered an internal affairs investigation into  
17 Counsel Nold's two complaints. The first complaint resulted in an interview by then Internal  
18 Affairs staff, now Deputy Chief Bob Knight and now Captain Sanjay Ramrakha. Chief Williams  
19 sustained Counsel Nold's first complaint and took disciplinary action against Lt. Nichelini. No  
20 second interview was conducted related to the escalating second incident because Counsel  
21 Nold's email address was blocked by Captain Ramrakha.  
22

23 74. In addition to menacing Counsel Nold for attempting to vindicate her client's  
24 constitutional rights, Vallejo Police Department employees have also harassed and  
25 threatened other critics, including former Vallejo Chief of Police Shawny Williams;  
26 Whistleblower former Vallejo Police Captain John Whitney; former City Council Member  
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1 Stephanie Gomes; esteemed Attorney Dan Russo, Journalist Otis Taylor, and the families of  
2 Jared Huey, Mario Romero, Willie McCoy, Angel Ramos, all who suffered threats and  
3 harassment after members of the Vallejo Police Department shot and killed their loved ones.  
4 These are just the victims personally known to Counsel Nold.  
5

6 75. Upon information and belief, Lt. Michael Nichelini was hired by the City of Vallejo  
7 when his father, Robert Nichelini was the Vallejo Chief of Police. The City of Vallejo hired  
8 Michael Nichelini with knowledge that he had multiple findings of excessive force by the  
9 Oakland Police Oversight Board in the year before the City of Vallejo hired him. The City of  
10 Vallejo is no stranger to nepotism, having multiple sets of relatives working together in the  
11 Vallejo Police Department.  
12

13 76. In 2020 Assistant City Attorney Kelly Trujillo resigned from the City of Vallejo.

14 77. In January 2020, then Sgt. and now Lt. Steve Darden left comments on Counsel Nold's  
15 personal Facebook page and engaged in communications with Counsel on the same post,  
16 alleging to know a damaging secret about Counsel, while naming her former employer.  
17

### 18 19 **Badge Bending**

20 78. In July 2020, the news organization *Open Vallejo* published a shocking report revealing  
21 Vallejo Police Officers engaged in badge bending rituals. The news group was the first to alert  
22 the public of this unethical grotesque practice that had been going on for many years behind  
23 closed doors.  
24

25 79. Courtroom testimony in Solano County Superior Court in People v. Milano (VCR233208)  
26 revealed that members of the Vallejo Police command staff and other department members bent  
27 the star tips of subordinate officers who had been involved in officer involved shootings. Former  
28

1 Vallejo Police Officer Joshua Coleman testified that Vallejo Police Lt. Kent Tribble got angry at  
2 him when he shot a suspect before Tribble could shoot the man, causing Tribble to angrily  
3 accuse Officer Coleman of stealing his dinner, a comment which demonstrated how comfortable  
4 the Vallejo Police Department command staff was with expressing their blood lust and  
5 discussing their ritualized culture of violence.  
6

7 80. Captain Sanjay Ramrakha and other command staff members were implicated in the  
8 public badge bending testimony; nevertheless, Ramrakha continued to move up the food chain  
9 and ended up working to reform the City's use of force policy.  
10

11 81. Upon information and belief, the City of Vallejo knowingly failed to conduct a timely  
12 investigation into the badge bending rituals, to ensure the Statute of Limitations for disciplinary  
13 actions ran out and none of their employees could be disciplined.  
14

15 82. Some of the badge bending supervisors were responsible for evaluating the same officer  
16 involved shootings they were commemorating with a badge bend.  
17

18 83. Upon information and belief, one or more of Defendant Lopez and/or Mesa's Field  
19 Training Officers engaged in badge bending practices and/or had multiple incidents of  
20 unwarranted police misconduct, including excessive force and/or racism in their histories.  
21

22 84. Thereafter, the City of Vallejo confirmed the existence of the badge bending, which it  
23 had concealed from multiple civil Plaintiffs for more than a year, despite knowing that at least  
24 one confirmed badge bending officer was a Defendant in two separate wrongful death civil rights  
25 cases where badge bending occurred (Estate of Willie McCoy et al.; Estate of Ronell Foster, et  
26 al.)  
27

28 85. Whistleblower Captain Whitney has testified under oath regarding unconstitutional

1 policies and unconstitutional practices at the highest levels of the Vallejo Police Department and  
2 City of Vallejo and the department's refusal to hold officers accountable for misconduct.

3 86. Upon information and belief, the City of Vallejo failed to investigate when they  
4 discovered that Captain Whitney was threatened and harassed by Vallejo Police Department  
5 employees.  
6

7 87. More than a year after discovering the badge bending practices and only after the  
8 practice was exposed by the media and resulted in public outcry, the City hired retired Deputy  
9 Sheriff Rob Giordano to 'investigate' the badge bending and issue a report.  
10

11 88. The City of Vallejo continues to conceal the badge bending report. Solano County  
12 Superior Court Judge Daniel Healy read the report in its entirety in the Milano case and refers to  
13 the report as having 'no value' and not being intended to shed light on the practice.

14 89. Upon information and belief, the City of Vallejo took no meaningful action in  
15 relationship to the badge bending, made no meaningful efforts to investigate the ritual, and made  
16 no effort to deter its practice in the future, despite its existence being confirmed by numerous  
17 current and former members of the Vallejo Police Department under oath.  
18

19 90. Upon information and belief, to date, the City of Vallejo fails to maintain a policy  
20 explicitly prohibiting the practice of badge bending and similar activity, despite knowing the  
21 practices prevailed for many years and under many former Chiefs of Police, and despite prior  
22 attempts to stop the practice.  
23

24 91. Plaintiffs are informed, believe and herein allege, the City of Vallejo Police Department  
25 rewarded and/or encouraged excessive force by providing officers with 'Manny Awards' at staff  
26 briefings subsequent to controversial officer involved shootings and other concerning incidents,  
27  
28

1 while some of those incidents were still under investigation by the Vallejo Police Department,  
2 Solano County District Attorney's Office, and/or the Department of Justice.  
3  
4  
5

6 **Ongoing Racism and Refusal to Reform**

7 92. In late 2019, the City of Vallejo hired its first African American Police Chief, Shawny  
8 Williams. Chief Williams was well received within the community.

9 93. Plaintiffs are informed, believe and herein allege, as soon as Chief Williams began  
10 implementing reform within the police department he faced tremendous backlash from the  
11 department command staff and some of the patrol officers, not only due to his reform efforts and  
12 holding officers accountable, but because he was African American in a police department and  
13 city with a long history of deeply ingrained, overt racism. Plaintiffs further allege, Chief  
14 Williams was subjected to racial animus from command staff members the moment he stepped  
15 through the door, being referred to a "Black Jesus" and racially mocked in various ways.  
16  
17

18 94. The culture of racism and discrimination within the Vallejo Police Department is so  
19 pervasive, prevalent, and corrosive, that not just community members of color, but multiple, IF  
20 NOT ALL, African American members of the Vallejo Police Department have been subjected to  
21 discrimination from the command staff.  
22

23 95. In November 2019. African American Vallejo Police Detective Jason Scott filed a  
24 formal complaint against Vallejo PD Sergeant Matt Mustard, after Scott was repeatedly racially  
25 harassed and called 'boy' and other racially disparaging comments by his supervisor Mustard.  
26 Additional African American employees have filed formal grievance related to the City of  
27 Vallejo Police Department overt anti-Black racism and discrimination of other protected classes.  
28

1 96. Upon information and belief, Vallejo City Attorney Veronia Nebb prevented Chief  
2 Williams from implementing any meaningful disciplinary action against Sergeant Mustard for  
3 using clear and overt racial slurs, a terminable offense. Scott left the department shortly  
4 thereafter when the abuse and racism did not cease.  
5

6 97. Upon information and belief, Sergeant Mustard is still employed with the City of  
7 Vallejo, despite his history of disturbing conduct, racism, and destroying records.

8 98. In mid-2020, the Department of Justice began an informal cooperative agreement with  
9 the Vallejo Police Department, related to its long history of racism and excessive force, after  
10 years of shocking and high-profile police killings and protests. At that time, the City of Vallejo  
11 sought assistance from the Department of Justice.  
12

13 99. Upon information and belief, the City of Vallejo has intentionally hidden, omitted and  
14 concealed significant, material evidence from the California Department of Justice to avoid  
15 necessary external supervision.  
16

### 17 **Profound Recruitment and Hiring Deficiencies**

18 100. Upon information and belief, in early 2020, Chief Williams hired his own recruiting  
19 staff. The Vallejo Police Department was predominantly White until 2020, despite being one of  
20 the most racially diverse cities in the country. Plaintiffs further allege, the newly hired recruiting  
21 staff got tremendous backlash from the command staff as they attempted to ascertain how the  
22 Vallejo Police Department had been conducting its hiring.  
23  
24

25 101. Upon information and belief, Chief Williams discovered the City of Vallejo  
26  
27  
28

1 Police Department had been engaging in unlawful hiring practices, summarily omitting people of  
2 color, women and the LGBT community from applying to work as Vallejo Police Officers and  
3 focusing on hiring ‘warriors’ and ‘cowboys’.

4  
5 102. Upon information and belief, Chief Williams discovered the department had been  
6 conducting its own hiring, entirely outside of supervision of the Human Resources Department  
7 and in a manner prohibited by state law.

8  
9 103. Upon information and belief, Chief Williams’ recruitment efforts were heavily  
10 thwarted by senior members of the command staff, including current high-ranking members of  
11 the department such as current Deputy Chief Bob Knight, and former Sgt. Jared Jaksch, who  
12 wanted to maintain full and exclusive control of the recruitment process, which included the  
13 ability to hire officers who did not meet P.O.S.T. minimum requirements for employment as  
14 sworn police officers, effectively hiring whoever they wanted who aligned with their  
15 unconstitutional policing culture, hiring being conducted completely outside of the oversight of  
16 the Human Resources Department, hiring officers who did not meet minimum qualification, and  
17 hiring outside of compliance with state and federal law.

18  
19 104. Chief Williams called for a formal Assessment of the recruiting process, which  
20 resulted in a written report which outlined the 25 shortcomings in the City’s recruitment and  
21 hiring practices, some more disturbing than others, including:

- 22 **1. No Standardized Recruitment Guidelines**
- 23 **2. No Standardized Disqualification List**
- 24 3. Job Classification inaccurate, confusing, and misleading
- 25 **4. No defined Passing Score for the Recruit Written and Physical Agility Test.**
- 26 5. No clearly defined Step by Step Explanation of the testing process, application  
27 procedures for recruits.
- 28 6. No dedicated Recruitment Webpage
7. Poor coordination with Human Resources
8. Lack of consistent and effective communication with the Human Resource  
Department on a weekly basis

- 1 9. Outdated Flyers
- 2 10. No Recruitment Activity Plan
- 3 11. No Online Presence
- 4 12. Lack of Branding
- 5 **13. Sergeant performing clerical duties, checking applications, scheduling panel**
- 6 **interviews, checking minimum qualifications**
- 7 14. Community and Human Resources not included in the Interview Panels
- 8 15. Interview Panels consisted of Sworn Personnel only, Human Resource
- 9 Representatives and Community members were not included.
- 10 **16. Potential exposure to EEOC discrimination complaints (Equal Employment**
- 11 **Opportunity Commission) due to lack of consistency in recruitment process.**
- 12 17. Oral Interview Panel interview orientation and training not thorough.
- 13 18. No NTN, National Testing Network assessment for Police Recruits.
- 14 19. Honorably discharged Veterans can substitute 3-years of service for the education
- 15 requirement to meet minimum qualifications recommended
- 16 20. Sergeant Training 40 Hour Background Course
- 17 21. No Strong presence of College Campus
- 18 22. No Outreach to Criminal Justice Programs
- 19 23. No Outreach to Men and Women's Athletic Programs
- 20 24. No robust partnership with Regional Police Academies for recruitment.
- 21 25. The Department lacks a robust/comprehensive Recruitment and Hiring Process

15 105. Upon information and belief, the City of Vallejo failed to report to the P.O.S.T.  
16 Commission when they discovered the profound deficiencies in their recruitment and hiring  
17 practices, including failure to maintain records in accordance with P.O.S.T. requirements.  
18

#### 20 **City Attorney's Office's Malfeasance**

21 106. The Vallejo City Attorney's Office was found in violation of the California Public  
22 Records Act for unlawfully destroying records related to officer involved shooting incidents and  
23 refusing to turn over records for over four years, records that were subject to release. A 2023  
24 Solano Superior Court case brought by *Open Vallejo* revealed that in 2021 Assistant City  
25 Attorney Kately Knight was contacted by former Vallejo Police Officer Association President  
26 and Vallejo Police Sergeant Matthew Mustard via email. Mustard was seeking permission to  
27 destroy records of several shooting and use of force incidents Mustard investigated. Attorney  
28

1 Knight authorized the destruction of those records, despite multiple preservations of evidence,  
2 pending media requests, and a pending Department of Justice investigation ongoing.

3 107. At the time Attorney Knight authorized the destruction of evidence, the City of  
4 Vallejo had multiple preservation of evidence requirements related to multiple pending *Monell*  
5 cases.  
6

7 108. At the time Attorney Knight authorized the destruction of evidence, there was  
8 also a pending Department of Justice investigation related to use of force.

9 109. Upon information and belief, Sergeant Mustard was on leave at the time he  
10 requested to destroy records of cases he investigated or participated in.  
11

12 110. Upon information and belief, Katelyn Knight is still employed with the City of  
13 Vallejo and faced no significant disciplinary actions related to her knowing and intentional  
14 destruction of evidence and being found in violation of the law.

15 111. In 2024, Counsel Nold discovered the City of Vallejo Police Department  
16 maintains a previously undisclosed database of Internal Affairs incidents based on Tort Claims  
17 and Citizen Complaints, the majority of which have been withheld from Plaintiffs and  
18 Defendants for years.  
19

20 112. Further, Counsel shockingly discovered that the City of Vallejo had been  
21 concealing discovery for nearly a decade. For 10 years, Counsel has engaged in Section 1983  
22 litigation with the City of Vallejo, related to police misconduct and excessive force with *Monell*  
23 claims. In each case, Plaintiffs requested ALL CLAIMS related to uses of force, racism, and  
24 other misconduct. In every case, the City of Vallejo disclosed only a small sampling of Claims  
25 but failed to disclose upwards of dozens and dozens of complaints from people alleging  
26 misconduct against City of Vallejo Police Department employees.  
27  
28

1 113. In 2024, counsel further discovered former Assistant Vallejo City Attorney Kelly  
2 Trujillo unlawfully ordered the destruction of records in mid-2019, documents which were  
3 subject to preservation of evidence in multiple pending *Monell*/Excessive Force cases, an action  
4 she ordered soon after the badge bending was first brought to light.  
5

6 114. In October 2024, current Vallejo City Manager Andrew Murray referred to the  
7 badge bending rituals as ‘allegations’ despite multiple Vallejo Police Officers testifying under  
8 oath about their personal knowledge and involvement in the practice.  
9

10 115. From 2022-2024, City Attorney Nebb allowed the Police Commission to stall in  
11 meet and confer with the Vallejo Police Officer’s Association for more than two years. After the  
12 unreasonably long two-year delay, City Attorney Nebb presented an inexplicable Police  
13 Commission Amendment to the City Council in March 2025. The City Attorney’s Office  
14 negotiated the Amendment with the Vallejo Police Officer’s Association and recommended the  
15 City Council vote for it. The proposal sought to cripple the Police Commission’s authority and  
16 increase potential liability for the City.  
17

18 116. The amendment, negotiated and approved by the same City Attorney’s Office that  
19 has been engaging in and concealing misconduct for years, would have altered the original intent  
20 of the Police Commission and rendered it completely toothless, making the Commission’s  
21 “Recommendations” merely ‘Opinions.’  
22

23 117. On March 4, 2025, The Vallejo City Council unanimously rejected the outlandish  
24 proposal to effectively dismember the Police Commission before it even starts.  
25

26 118. On March 4, 2025, Commission Mike Nisperos resigned from the Police  
27 Commission. Mr. Nisperos is a former California State Bar Prosecutor and has been involved in  
28 police reform efforts since he helped found the Oakland Police Commission in 2017. Mr.

1 Nisperos spent years advocating for police reform in Vallejo, including drafting a proposed  
2 Consent Decree outlining the multiple areas of concern regarding the Vallejo Police Department.

3 119. After his resignation, Nisperos told local media outlet *Open Vallejo*, “I’m not  
4 withdrawing from participating or being engaged, it’s just that I’m not going to participate in  
5 something that’s turning out to be a folly.”  
6

7 **Fighting Reform and the Ongoing Pattern of Concealing Misconduct**

8 120. In mid-December 2021, the City of Vallejo contracted with Truleo, at the  
9 direction of Chief Williams. Truleo is a company that conducts auditing of police body cameras  
10 to help assist in police reform and staff monitoring.  
11

12 121. In early-mid 2022, Truleo performed some preliminary audits for the City. During  
13 their audit, Truleo discovered potentially unprofessional conduct and reported it to Chief  
14 Williams, recommending a more intensive review. Chief Williams reported this information to  
15 the staff and they were upset with him for having a body camera audit conducted, which  
16 contravened the longstanding Chief’s agreement with the Police Officer Association to not  
17 investigate misconduct.  
18

19 122. By July 2022, the Vallejo Police Officers Association issued a vote of no  
20 confidence against Chief Williams, hoping to force him out of his role as Police Chief.  
21

22 123. Shortly thereafter, Vallejo City Manager Malone, the sole individual responsible  
23 for hiring and firing the Police Chief, put out Press Release in support of Chief Williams and his  
24 reform work.

25 124. In October 2022, Police Chief Shawny Williams, unwilling to voluntarily step  
26  
27  
28

1 down as Chief, began receiving verbal and written threats, for the purpose of instilling historical  
2 racial terror into the City of Vallejo's first African American Police Chief and first Police Chief  
3 to attempt to reform the rouge Vallejo Police Department.  
4

5 125. In early November 2022, the City of Vallejo unexpectedly announced that Chief  
6 Williams 'resigned.' The City of Vallejo paid him \$408,000 to 'resign' (the equivalent to 18-  
7 month's salary) and required him to sign a 2-year non-disclosure agreement.

8 126. Upon information and belief, Chief Shawny Williams resigned out of fear for the  
9 safety of his family as the result of receiving threats and the City of Vallejo intentionally  
10 concealed this information from the public, P.O.S.T. and the California Department of Justice.  
11

12 127. Upon information and belief, to date, the City of Vallejo has not disclosed  
13 to the California Department of Justice that Chief Shawny Williams was racially harassed and  
14 threatened by City of Vallejo employees, resulting in his sudden departure from the City of  
15 Vallejo.  
16

17 128. Despite City Attorney Veronica Nebb and then City Manager Mike Malone both  
18 having knowledge of the racial terror and threats experienced by Chief Shawny Williams, both  
19 failed to order an investigation into the source of his written and telephonic threats and  
20 harassment and thereafter publicly denied Chief Williams was threatened and all evidence  
21 suggests they attempted to sweep it under the rug.  
22

23 129. Instead of investigating the years long pattern of racism and harassment Chief  
24 Williams experienced so they could uproot the unrepentant racists in the Police Officer  
25 Association, the City protected those criminals and instead compelled Chief Williams to resign.  
26 The City then compelled Chief Williams to sign a two year Non-Disclosure Agreement, so the  
27  
28

1 City could deny that the Police Officer's Association ran Chief Williams ran out of town and that  
2 the City of Vallejo failed to keep Chief Williams safe.

3 130. Upon information and belief, Chief Shawny Williams Non-Disclosure Agreement  
4 expired in November 2024.

5  
6 131. Upon information and belief, Plaintiffs further allege, the City of Vallejo failed to  
7 preserve evidence related to the racial terror and harassment Chief Williams suffered.

8 132. Immediately after Chief Williams 'resigned', the City of Vallejo terminated the  
9 recruiting team that discovered the City's unlawful hiring practices and cancelled the contract  
10 with Truleo for body camera auditing which discovered misconduct.

11  
12 133. Upon information and belief, the City of Vallejo did not replace Truleo and to  
13 date has not conducted any additional auditing to detect officer misconduct or to discover the  
14 misconduct detected by Truleo.

15 134. In 2024, Counsel Nold discovered direct evidence that past and current Vallejo  
16 Police Department Professional Standards Division/Internal Affairs Division command staff  
17 members, including current Deputy Chief Bob Knight, and other past and present high-ranking  
18 members of the Vallejo Police Department, have omitted significant material evidence of police  
19 misconduct, omitted significant victim injuries, and omitted evidence and reports of excessive  
20 force from the City's Internal Affairs software system, a system that summarizes and chronicles  
21 Government Tort Claims and Citizen Complaints for management review and posterity. These  
22 omissions include failing to mention that unarmed, non-combative Claimants undisputably  
23 suffered significant catastrophic permanent injuries and multiple broken bones as a result of  
24 Vallejo Police Officers attacks.

25  
26  
27 135. In 2024, after two years of having no permanent Police Chief, the City of Vallejo  
28

1 finally began interviewing candidates to replace Chief Williams. A series of highly qualified  
2 applicants were interviewed; however, on December 31, 2024, the Vallejo Police Officer  
3 Association's number one choice, Jason Ta, was named permanent Chief of Police, despite loud  
4 public dissent related to allegations that Ta arrived at a crime scene intoxicated when he was  
5 Deputy Chief and other concerns about his decision to erase reform efforts and his clear inability  
6 to stand up to the bullies in the Vallejo Police Department.  
7

8 136. Despite years of promises and years after entering into a valid contract for police  
9 auditing services, the City of Vallejo has no Police Auditor, no electronic body camera auditing,  
10 or manual body camera auditing.  
11

12 137. More than two years after the Vallejo City Council approved its existence, the  
13 Police Commission is not yet up and running, as required by Department of Justice and City  
14 Council mandates.  
15

16 138. To date, the Vallejo City Attorney's Office refuses to perform their legal and  
17 ethical duties with relationship to harm mitigation and is functions as the criminal defense  
18 division of the Vallejo Police Department.  
19

## 20 **Monell Allegations**

21 139. The City of Vallejo and the notorious Vallejo Police Department have a long  
22 history of refusing to investigate citizen complaints, tort claims, and uses of force. This failure to  
23 supervise results in failure to remediate, retrain, or remove officers that pose a risk to the public.  
24 By refusing to investigate and hold officers accountable for their excessive force or other policy  
25 violations, the Vallejo Police Department ratifies officers' unconstitutional behaviors which  
26 continue because they go by unchecked. The City's unconstitutional practices make it virtually  
27  
28

1 impossible to rid the department of toxic employees because there are no official findings of  
2 misconduct or even accurate reports documenting concerning incidents.

3 140. Plaintiffs are informed, believe and therein allege that as a matter of official  
4 policy – rooted in an entrenched posture of deliberate indifference to the constitutional rights of  
5 persons who live, work or visit the City of Vallejo, the CITY and Defendant Ta and many Chiefs  
6 gone by, have allowed persons to be abused by its Police Officers, including Defendant Officers  
7 and Does 1-25 and/or each of them, individually and/or while acting in concert with one another.  
8  
9

10 141. Plaintiffs are informed, believe and therein allege that as a matter of official  
11 policy – rooted in an entrenched posture of deliberate indifference to the constitutional rights of  
12 persons who live, work or visit the City of Vallejo, the CITY, hired Chief Ta as permanent  
13 Police Chief, after a rigorous hiring process involving several qualified candidates, at the urging  
14 of the Police Officer’s Association, because of his compliance with the City’s ongoing unlawful  
15 practices and culture of concealing misconduct.  
16

17 142. Plaintiffs are informed, believe, and therein allege, Defendant Chief Ta was the  
18 final decision maker for the police department regarding discipline, training, supervision and  
19 development of constitutional policing at the time of the subject incident. Key to his role as  
20 Chief of Police, Chief Ta was the final decision maker with regard to department culture with  
21 regard to excessive force and racism, a violent culture which Chief Ta welcomed back into the  
22 Vallejo Police Department as moment Chief Williams crossed the bridge out of town.  
23  
24

25 143. Plaintiff further alleges Chief Ta cancelled a body camera auditing contract with  
26 Truleo, to prevent officer misconduct from being discovered by the CITY. By cancelling the  
27 auditing, without investigating the concerns and without subsequently replacing it with any form  
28

1 of auditing, Chief Ta ratified the misconduct of Vallejo Police Officers. Instead of advancing the  
2 Vallejo Police Department towards constitutional 21<sup>st</sup> Century policing, Chief Ta bent to the  
3 will of the long problematic Police Officers Association to avoid much needed reform and  
4 accountability. Chief Ta's actions assured problematic officers that they no longer being held  
5 accountable for their actions as they were under Chief Williams and would once again be  
6 protected from exposure for misconduct, in accordance with the department and past Chief's  
7 longstanding practice of agreeing to hide and conceal unconstitutional conduct. A department  
8 once set sail for reform, has now been dragged back into old practices, under Chief Ta's dismal  
9 supervision, with his choice to reverse reform and promote known bad actors with histories of  
10 engaging in unlawful and discriminatory practices.  
11  
12

13           144.       Plaintiffs are informed, believe and therein allege that as a matter of official  
14 policy – rooted in an entrenched posture of deliberate indifference to the constitutional rights of  
15 persons who live, work or visit the City of Vallejo, the CITY, and Vallejo Police Department has  
16 engaged in a longterm pattern of failing and/or refusing to discipline Officers, which is evidence  
17 of an official policy, entrenched culture and posture of deliberate indifference toward protecting  
18 citizen's rights and the resulting deaths and injuries are a proximate result of the Vallejo Police  
19 Department's failure to properly supervise, investigate, discipline and supervise its Officers who  
20 engage in excessive force and other misconduct. Instead of being investigated, disciplined and  
21 retrained to improve services, officers are given awards, bent badges and methods of ratification  
22 for their unconstitutional conduct.  
23  
24  
25

26           145.       Plaintiffs are further informed, believe and therein allege that as a matter of  
27 unofficial policy – rooted in an entrenched posture of deliberate indifference to the  
28

1 constitutional rights of persons who live, work or visit the City of Vallejo, the CITY, and the  
2 Vallejo Police Department exhibits a pattern and practice of using excessive force against  
3 citizens and despite these incidents, none of the Officers are ever found in violation of  
4 department policy, even under the most questionable of circumstances, as a result of the City's  
5 failure to investigate, control, supervise, and discipline, which ratifies their unlawful behavior.  
6

7 146. Plaintiffs are further informed, believe, and therein allege that in the past 15 years,  
8 well over 120 victims have filed formal Citizen Complaints and Government Tort Claims  
9 against the City of Vallejo related to the Vallejo Police Department. Plaintiffs further allege the  
10 City of Vallejo Police Department has, in almost all cases, provided a constitutionally deficient  
11 investigation and failed to discipline or retrain officers related to these Citizen Complaints and  
12 Claims, no matter how egregious the violation of law or ethics.  
13

14 147. Plaintiffs are informed, believe and therein allege that as a matter of official  
15 policy – rooted in an entrenched posture of deliberate indifference to the constitutional rights of  
16 persons who live, work or visit the City of Vallejo, the CITY, in nearly all circumstances, the  
17 Vallejo Police Department City of Vallejo failed to conduct anything more than a cursory review  
18 of Tort Claims and Citizen Complaints, most never being investigated whatsoever, despite  
19 having witnesses, medical records, video and surveillance footage and other objective evidence  
20 supporting victim allegations. Plaintiffs further allege, the CITY failed to properly investigate  
21 allegations of excessive force and cleared officers of use of force related misconduct allegations  
22 after only a cursory review of the Tort Claim filing, despite obvious violations of federal law,  
23 state law and department policy.  
24  
25

26  
27 148. Plaintiffs are further informed, believe and therein allege that as a matter of  
28

1 unofficial policy – rooted in an entrenched posture of deliberate indifference to the constitutional  
2 rights of persons who live, work, or visit the City of Vallejo, the CITY permits its highest-  
3 ranking members of the command staff to omit, alter and sanitize official records and complaints  
4 of misconduct to prevent disciplinary actions against Vallejo Police Officers.  
5

6 149. Upon information and belief, the City of Vallejo uses an Internal Affairs software  
7 system to document incidents such as Government Tort Claim filings and Citizen Complaints.  
8 Vallejo Police Department’s Professional Standards Division supervisory command staff are  
9 responsible for reviewing the information provided in the Tort Claims and Citizen Complaints to  
10 determine if further investigation is needed. Thereafter, supervisors enter a summary of the  
11 allegations and pertinent information into the City of Vallejo’s Internal Affairs software system.  
12

13 150. However, historically during this process, senior command staff members,  
14 including high ranking members of the current command staff including current Deputy Chief  
15 Bob Knight, omitted significant material facts; omitted significant evidence of misconduct;  
16 omitted significant, permanent victim injuries; omitted significant evidence of misconduct; and  
17 mislaid facts in their summaries, to thwart accountability, thereby sanitizing the official records  
18 of allegations of misconduct and unwarranted injuries. Omissions include unarmed  
19 nonaggressive victims with significant permanent injuries like multiple shattered bones,  
20 complaints of racism, and incidents involving members of the command staff.  
21

22 151. Upon information and belief, the vast majority of entries in the City of Vallejo  
23 Police Department Internal Affairs software system fail to properly document the allegations  
24 and/or injuries described in the victim’s documented narrative provided in the original Tort  
25 Claim or Citizen’s Complaint.  
26

27 152. Upon information and belief, the vast majority of Internal Affairs investigations  
28

1 conducted by the Vallejo Police Department in the past 15 years wherein interviews and a  
2 written report was prepared, occurred as the result of the incident being reported by news  
3 agencies and/or related to off-duty incidents involving outside law enforcement agencies.  
4

5 153. Vallejo Police Department's longterm failure to investigate complaints of  
6 misconduct resulted in foreseeable failures to discipline and retrain unsafe Officers, which is  
7 evidence of an official policy, entrenched culture and posture of deliberate indifference toward  
8 protecting citizen's rights and the resulting deaths and injuries is a proximate result of the  
9 Vallejo Police Department's not only failure to properly supervise its Officers but subsequent  
10 ratification of their unconstitutional conduct.  
11

12 154. Plaintiffs are informed, believe and therein allege that as a matter of official  
13 policy – rooted in an entrenched posture of deliberate indifference to the constitutional rights of  
14 persons who live, work or visit the City of Vallejo, the CITY, in nearly all circumstances, the  
15 Vallejo Police Department failed to recommend retraining or remediation for incidents involving  
16 members of the community where clear policy violations occurred.  
17

18 155. Plaintiffs further allege, the City of Vallejo has failed to mitigate potential harm  
19 by failing to notify Vallejo Police Officers when they been found in violation of Vallejo  
20 Police Department policies, procedures and training. Even in the limit circumstances where  
21 officers were found deficient in their tactics and use of force in fatal incidents, Vallejo Police  
22 Officers have not been notified of deficiencies or retrained to reduce their risk of harming  
23 members of the public in the future.  
24  
25  
26

27 **Hiring Deficiencies**

28 156. Plaintiffs are further informed, believe and therein allege that as a matter of

1 official policy – rooted in an entrenched posture of deliberate indifference to the constitutional  
2 rights of persons who live, work, or visit the City of Vallejo, the CITY, permitted the Vallejo  
3 Police Department to fully control hiring without ANY supervision of the Human Resources  
4 Department and to engage in unlawful, discriminatory and dangerous hiring practice, as outlined  
5 in the City of Vallejo’s own assessment of the recruitment and hiring program. Plaintiffs further  
6 allege this practice ushered in the unconstitutional and unlawful hiring of violent and unqualified  
7 police officers, some who did not meet the State of California’s minimum Police Officer  
8 Standards and Training (P.O.S.T.) requirements for employment as sworn police officers. The  
9 Vallejo Police Department effectively hired whoever they wanted for years, without the  
10 oversight of the Human Resources Department and outside of compliance with state and federal  
11 law.  
12  
13

14 157. Upon information and belief, despite being made aware of this potential crisis in  
15 2023, the City has made no effort to investigate whether or not all of their sworn police  
16 employees have passed background checks and are actually qualified to perform the duties of a  
17 police officer in the State of California.  
18

19 158. Plaintiffs are further informed, believe and therein allege that as a matter of  
20 OFFICIAL and unofficial policy – rooted in an entrenched posture of deliberate indifference to  
21 the constitutional rights of persons who live, work, or visit the City of Vallejo, the CITY, for  
22 many years have allowed the Vallejo Police Department to become permeated by an  
23 unconstitutional lawless culture that permits untethered racism, excessive force, and disregard  
24 for human life. To that end, the CITY has been constitutionally deficient with regard to Use of  
25 Force review. The CITY has failed to properly investigate and discipline/retrain officers who  
26 used excessive force.  
27  
28

1 I. Failures in the Use of Force review are include but are not limited to:

- 2 a. Failure to investigate, including failure to interview witnesses, failure to  
3 interview victims, failure to collect evidence and failure to review evidence;  
4  
5 b. Reviewer/investigators omitting negative officer evidence from review and/or  
6 documenting false or inaccurate facts in favor of the officer;  
7  
8 c. Reviewer/investigators ignoring objective body camera evidence;  
9  
10 d. Reviewer/investigators ignoring contradictions between officer reports/testimony  
11 and objective body camera evidence;

12 II. Failure to discipline/retrain officers who use excessive force, including but not  
13 limited to:

- 14 a. Unwritten agreement to prevent discipline;  
15  
16 b. Insufficient/no discipline;  
17  
18 c. Insufficient/no retraining;  
19  
20 d. Failure to retrain when officer violates training and policy; and  
21  
22 e. Failure to notify officers of policy violations and training failures.

23 159. Plaintiffs are further informed, believe and therein allege that as a matter of  
24 official policy – rooted in an entrenched posture of deliberate indifference to the constitutional  
25 rights of persons who live, work, or visit the City of Vallejo, the CITY fails to properly maintain  
26 records in order to conceal training deficiencies, unconstitutional misconduct, and prevent civil  
27 liability, which leads to ongoing constitutional deficiencies for failure to supervise, as described  
28 below:

1. Failure to maintain employee Performance Improvement Plans: The City  
destroys employee Performance Improvement Plans upon the completion of the plan.  
This official policy operates to conceal known deficiencies from future management

1 teams. The City's policy destroys evidence of the City's knowledge of an ongoing  
2 training or safety concern, if the officer ends up being involved in a wrongful death or  
3 injury case. Such a policy contributes to the unconstitutional operation of the Vallejo  
4 Police Department.

- 5
- 6 2. Failure to maintain Personnel Records: The Vallejo Police Department keeps no  
7 permanent record chronicling the various shootings and/or use of force and/or  
8 disciplinary incidents individual employees are involved in because the City of Vallejo  
9 maintains an unconstitutional policy of purging complaints and incidents of force from  
10 officers' personnel files after 24 months, preventing successive management teams from  
11 discovering officers with long histories of misconduct. Many officers who have  
12 participated in multiple questionable shootings and excessive force incidents have  
13 advanced into supervisory positions within the Vallejo Police Department due to the  
14 lack of negative personnel material being maintained for only 24 months.  
15  
16

17

18 **City Attorney's Office Malfeasance**

19 160. Plaintiffs are further informed, believe and therein allege that as a matter of  
20 official policy – rooted in an entrenched posture of deliberate indifference to the constitutional  
21 rights of persons who live, work, or visit the City of Vallejo, the CITY, by and through its City  
22 Attorney's Office, has demonstrated constitutional failures, fundamental ethical failures, gross  
23 negligence, professional malpractice, and deliberate indifference when engaged in the following  
24 unconstitutional practices: destroying records; concealing evidence; concealing misconduct;  
25 concealing felony criminal actions; proving knowingly false and inaccurate information to City  
26  
27  
28

1 Council members and City employees; and advising City employees to destroy evidence, for the  
2 purposes of concealing evidence of wrongdoing.

3 161. Plaintiffs are informed, believe and therein allege, the City of Vallejo City  
4 Attorney's Office has engaged in a long history of unconstitutionally concealing misconduct to  
5 limit the City of Vallejo's civil liability. During many prior civil cases, City of Vallejo City  
6 Attorney's Office failed to disclose the vast majority of applicable claims from the timeframe  
7 requests, in order to conceal their longstanding pattern of unconstitutionally turning a blind eye  
8 to police violence, and to diminish past Plaintiffs *Monell* claims and prohibit Plaintiffs and state  
9 agencies from discovered the depths of depravity and corruption that still abound in the City of  
10 Vallejo.  
11  
12

13 162. The culture of permitting unfettered negligence and malfeasance at the City  
14 Attorney's Office has foreseeably resulted in lawless police officers emboldened by a complicit  
15 City Attorney's Office turning a blind eye to the unconstitutional conduct of members of the  
16 Vallejo Police Department for decades.  
17

### 18 **DAMAGES**

19 163. As a consequence of Defendants' violations of Plaintiffs' federal civil rights under  
20 42 U.S.C. § 1983 and the First, Fourth and Fourteenth Amendment, Plaintiffs were physically,  
21 mentally, emotionally, and financially injured and damaged as a proximate result of Defendants'  
22 wrongful conduct.  
23  
24

25 164. Plaintiffs found it necessary to engage the services of private counsel to vindicate  
26  
27  
28

1 their rights under the law. Plaintiffs are therefore entitled to an award of attorneys' fees and/or  
2 costs pursuant to statute(s) if they are the prevailing party in this action under 42 U.S.C. §§ 1983  
3 and 1988. Plaintiffs are also entitled to punitive damages under 42. U.S.C. §§ 1983 and 1988.

4  
5 165. The conduct of the Defendant Police Officers Lopez, Mesa, and DOES 1-25 was  
6 malicious, wanton, and oppressive.

7 166. Plaintiffs are therefore entitled to an award of punitive damages against  
8 Defendant Officers Lopez, Mesa, and DOES 1-25.

9  
10  
11 **CAUSES OF ACTION**  
12 **FIRST CAUSE OF ACTION**  
13 **(Violation of Fourth Amendment—Excessive Force 42 U.S.C. Section 1983)**  
14 **(PLAINTIFFS against Defendants LOPEZ, MESA, and DOES 1-25)**

15 167. Plaintiffs hereby re-allege and incorporate each and every paragraph in  
16 this Complaint as fully set forth here.

17 168. 42 U.S.C. § 1983 provides in part, "Every person who, under color of any statute,  
18 ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia,  
19 subjects, or causes to be subjected, any citizen of the United States or other person within the  
20 jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the  
21 Constitution and laws, shall be liable to the party injured in an action at law, suit at equity, or  
22 other proper proceeding for redress."  
23

24 169. Plaintiffs had a firmly established right under the Fourth Amendment to be free  
25 from official infliction of physical abuse, assault, battery, unreasonable search and seizure, and  
26 to be free from excessive force being used against them.

27 170. Defendants LOPEZ, MESA, AND DOES 1-25's actions, as described herein,  
28

1 resulted in the deprivation of these constitutional rights.

2 171. Defendants, LOPEZ, MESA, AND DOES 1-25, acting in the performance of their  
3 official duties, used excessive force against Plaintiffs.

4 172. On March 19, 2024, Plaintiff Mrs. Romero did not commit a crime and did not  
5 pose a threat to Defendant Officers. Defendant Officers had no reasonable suspicion to detain  
6 her, nor probable cause to arrest her when they seized her, used excessive force against her by  
7 pulling her hair and upper body, slamming her on the ground repeatedly, and falsely arresting  
8 her. Having neither posed a threat, nor committed a crime, the use of any force was unnecessary,  
9 unreasonable, excessive and constituted excessive uses of force.  
10

11 173. On March 19, 2024, Plaintiff Mr. Romero did not commit a crime and did not  
12 pose a threat to Defendant Officers. Defendant Officers had no reasonable suspicion to detain  
13 him, nor probable cause to arrest him when they seized him, lifted him and slammed him face  
14 first to the ground, choked him, slammed his head/face into the ground repeatedly, and falsely  
15 arresting him. Having neither posed a threat, nor committed a crime, the use of any force was  
16 unnecessary, unreasonable, excessive, preventable and constituted excessive uses of force.  
17

18 174. Defendants, acting under the color of statute, ordinances, regulations, customs,  
19 and usages of the State, knew that the use of force in these circumstances was illegal under  
20 clearly established law.  
21

22 175. The conduct alleged herein caused Plaintiffs to be deprived of their civil rights  
23 protected under the United States Constitution. The conduct alleged herein has also legally,  
24 proximately, foreseeably, and actually caused Plaintiffs to suffer physical injury, emotional  
25 distress, pain and suffering, loss of income, medical expenses, fear, trauma, humiliation, and  
26 further damages according to proof at the time of trial.  
27  
28

1 176. The conduct alleged herein was done in willful, malicious, intentional, deliberate,  
2 or reckless disregard of Plaintiffs' constitutionally protected rights, welfare, and safety.

3 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.  
4

5 **SECOND CAUSE OF ACTION**  
6 **(Violation of First Amendment—Free Speech Right to Film Police –**  
7 **42 U.S.C. Section 1983)**

8 (PLAINTIFF GONZALO ROMERO against Defendants LOPEZ, MESA and DOES  
9 1-25)

10 177. Plaintiff hereby re-alleges and incorporates each and every paragraph in this  
11 Complaint as fully set forth here.

12 178. 42 U.S.C. § 1983 provides in part, "Every person who, under color of any statute,  
13 ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia,  
14 subjects, or causes to be subjected, any citizen of the United States or other person within the  
15 jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the  
16 Constitution and laws, shall be liable to the party injured in an action at law, suit at equity, or  
17 other proper proceeding for redress."  
18

19 179. Plaintiff had a firmly established right under the First Amendment to film the  
20 police while they are on duty and in a public place.

21 180. Defendants LOPEZ, MESA, AND DOES 1-25's actions, as described herein,  
22 resulted in the deprivation of these constitutional rights.  
23

24 181. Defendants LOPEZ, MESA, AND DOES 1-25, acting in the performance of their  
25 official duties, violated Plaintiff Mr. Romero's First Amendment rights.

26 182. On March 19, 2023, Plaintiff Mr. Romero was attempting to exercise his First  
27  
28

1 Amendment right to film police while they are on duty, in a public place. While doing so,  
2 Vallejo Police Officers LOPEZ, MESA, and DOES 1-25 physically obstructed his view to  
3 prevent him from documenting the abuse his wife was suffering. Further, Officer Lopez and  
4 other DOE Defendants violently attacked Plaintiff Mr. Romero and knocked the phone out of his  
5 hand, choked him and attacked him, to prevent him from documenting their abuse and to punish  
6 him for protesting the abuse of his defenseless wife.  
7

8 183. Defendants, acting under the color of statute, ordinances, regulations, customs,  
9 and usages of the State, knew that the use of force in these circumstances was illegal under  
10 clearly established law.  
11

12 184. The conduct alleged herein caused Plaintiff to be deprived of his civil rights  
13 protected under the United States Constitution. The conduct alleged herein has also legally,  
14 proximately, foreseeably, and actually caused Plaintiff to suffer physical injury, emotional  
15 distress, pain and suffering, loss of income, medical expenses, fear, trauma, humiliation, and  
16 further damages according to proof at the time of trial.  
17

18 185. The conduct alleged herein was done in willful, malicious, intentional, deliberate,  
19 or reckless disregard of Plaintiffs' constitutionally protected rights, welfare, and safety.  
20

21 WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

22 **THIRD CAUSE OF ACTION**  
23 **(Fourth Amendment —Unlawful Seizure/Detention/Arrest under 42 U.S.C. § 1983)**  
24 **(PLAINTIFFS against Defendants MESA, LOPEZ, and DOES 1-25)**

25 186. Plaintiffs hereby re-allege and incorporate by reference each and every paragraph  
26 of this Complaint as fully set forth.

27 187. Defendants' above-described conduct violated Plaintiffs' rights as provided for  
28

1 under the Fourth Amendment to the United States to be free from unreasonable searches and  
2 seizures because Defendants lacked the probable cause to arrest Plaintiffs.

3 188. Furthermore, Plaintiffs had not committed any crimes, nor did they pose a threat  
4 to the Defendants and/or the public. At no point prior to the Defendants' actions did Plaintiffs  
5 initiate physical contact with Defendants.  
6

7 189. Defendants' use of force, described herein, was excessive because it was not  
8 objectively reasonable in light of the facts and circumstances confronting Defendants.

9 190. Therefore, Defendants' use of force, detention and arrest of Plaintiffs was an  
10 unlawful seizure that violated training and Plaintiffs' constitutional rights under the Fourth  
11 Amendment.  
12

13 191. As a result of their misconduct, Defendants are liable for Plaintiffs' injuries and  
14 imprisonment.  
15

16 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.  
17

18 **FOURTH CAUSE OF ACTION**  
19 **(Municipal Liability for Unconstitutional Custom or Policy (*Monell*)—42 U.S.C. § 1983)**  
20 **(PLAINTIFFS against Defendants CITY, TA, and DOES 1-25)**

21 192. Plaintiffs hereby re-allege and incorporate each and every paragraph in this  
22 Complaint as fully set forth here.  
23

24 193. Plaintiffs are informed and believe and thereon allege that high-ranking CITY  
25 officials, including Defendant Police Chief Ta, City Attorney Veronica Nebb, City Manager  
26 Mike Malone and DOES 1-25, and/or each of them, knew and/or reasonably should have known  
27 that Vallejo Police Officers are inadequately trained and historically engage in actions contrary  
28 to state law, federal law, and department policy, as described above.

1 194. Plaintiffs are informed and believe and thereon allege that high-ranking CITY  
2 officials, including Defendant Police Chief Ta, City Attorney Veronica Nebb, City Manager  
3 Mike Malone and DOES 1-25, and/or each of them, knew and/or reasonably should have known  
4 that Vallejo Police Department's well documented recruitment and hiring deficiencies resulted in  
5 the improper pre-employment vetting, hiring and retention of dangerous, unqualified Vallejo  
6 Police Officers who historically engage in actions contrary to state law, federal law, and  
7 department policy, as described above.  
8

9 195. Plaintiffs are informed and believe and thereon allege that high-ranking CITY  
10 officials, including Defendant Police Chief Ta, City Attorney Veronica Nebb, City Manager  
11 Michael Malone, and DOES 1-25, and/or each of them, knew and/or reasonably should have  
12 known that their officers are inadequately supervised and disciplined, including but not limited  
13 to: ongoing failure to review Claims and Formal Complaints alleging misconduct; failure to  
14 discipline overt misconduct; ongoing culture of racism within the department; the omission of  
15 officer misconduct from official records; insufficient retention of records of misconduct and  
16 remediation; and misconduct within the command staff, resulting in a lack of discipline and  
17 failure to retrain officers that engage in conduct contrary to state law, federal law, and  
18 department policy, as described above.  
19  
20  
21

22 196. Despite having such notice, Plaintiffs are informed and believe and thereon allege  
23 that Defendants CITY, Defendant Ta, City Attorney Veronica Nebb, City Manager Mike  
24 Malone, and DOES 1-25, and/or each of them, concealed, approved, ratified, condoned,  
25 encouraged and/or tacitly authorized the employment of inadequately trained police officers that  
26 engage in actions contrary to state law, federal law, and department policy, as described above.  
27

28 197. Plaintiffs are informed and believe and thereon allege that high ranking CITY

1 officials, including Defendant Chief Ta, City Attorney Veronica Nebb, City Manager Mike  
2 Malone and DOES 1-25, and/or each of them, knew and/or reasonably should have known that  
3 supervisory and training staff, up to and including the Chief of Police, failed to adequately  
4 supervise, discipline and retrain officers who were blatantly violating state law, federal law and  
5 department policy.  
6

7 198. Despite having such notice, Plaintiffs are informed and believe and thereon allege  
8 that Defendants CITY, Ta, City Attorney Veronica Nebb, City Manager Mike Malone, and  
9 DOES 1-25, and/or each of them, concealed, approved, ratified, condoned, encouraged and/or  
10 tacitly authorized the failure to adequately supervise officers. Defendants went so far as to  
11 publicly criticize media outlets for broadcasting true and accurate information about incidents of  
12 excessive force and conceal facts from the public and plaintiffs.  
13  
14

15 199. Despite having such notice, Defendants Chief Ta, City Attorney Veronica Nebb,  
16 City Manager Mike Malone and DOES 1-25, and/or each of them, publicly and openly deny the  
17 existence of any ongoing and systemic violence and/or unlawful conduct perpetrated,  
18 orchestrated and covered-up by City of Vallejo Police Department staff, and thereby approve,  
19 ratify, condone, encourage and/or tacitly authorize unlawful behavior.  
20  
21

22 200. The injuries and damages to Plaintiffs as alleged herein were the preventable,  
23 foreseeable and proximate result of said inadequate training and/or inadequate supervision of  
24 Defendants and/or DOES 1-25 in his/their capacity as police officers for the CITY, and each of  
25 them.  
26

27 201. Plaintiffs are informed and believe and thereon allege that the damages sustained  
28

1 as alleged herein were the direct and proximate result of municipal customs and/or policies of  
2 deliberate indifference in the training and supervision of the Defendants and/or DOES 1-25 in  
3 his/their capacity as police officers for the CITY.  
4

5 202. The aforementioned failure to train and/or supervise Defendants and/or DOES 1-  
6 25 in his/their capacity as police officers for the CITY, and each of them, resulted in the  
7 deprivation of Plaintiffs' constitutional rights including, but not limited to, violations of the First,  
8 Fourth and Fourteenth Amendment.  
9

10 203. The aforementioned inadequate training and supervision of officers resulted in the  
11 deprivation of Plaintiffs' constitutional rights including, but not limited to, the following:  
12

- 13 a. The right to be free from excessive force, as guaranteed by the Fourth  
14 Amendment to the United States Constitution;
- 15 b. The right to film police in public spaces, as guaranteed by the First  
16 Amendment to the United States Constitution;
- 17 c. The right to peacefully protest police brutality, as guaranteed by the First  
18 Amendment to the United States Constitution;
- 19 d. The right to equal protection of the laws, as guaranteed by the Fourteenth  
20 Amendment to the United States Constitution;
- 21
- 22

23 204. Said rights are substantive guarantees under the First, Fourth and/or Fourteenth  
24 Amendments to the United States Constitution.

25 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.  
26

27 **FIFTH CAUSE OF ACTION**  
28 **(NEGLIGENCE)**

(PLAINTIFFS against Defendants CITY, MESA, LOPEZ, and DOES 1-25)

1  
2 205. Plaintiffs hereby re-allege and incorporate each and every paragraph in this  
3 Complaint as fully set forth here.

4 206. At all times, Defendants owed Plaintiffs a duty to act with reasonable care in  
5 executing and enforcing any right, law, or legal obligation.  
6

7 207. The general duties of reasonable care and due care owed to Plaintiffs by  
8 Defendants include but are not limited to the following specific obligations:

- 9 a. To refrain from using unreasonable force;  
10 b. To refrain from unlawful searches and seizures;  
11 c. To refrain from performing false detentions and arrests;  
12 d. To refrain from abusing the authority granted them by law;  
13 e. To refrain from violating Plaintiffs' rights guaranteed by the United States  
14 and California Constitutions, as set forth above, and otherwise protected  
15 by law.  
16  
17 f. To refrain from omitting facts from official reports;  
18 g. To provide medical care to injured detainees.  
19  
20 h. To intervene upon observing unlawful conduct from coworkers.

21 208. Defendants breached every one of the aforementioned duties owed to Plaintiffs  
22 through their acts and omissions.

23 209. Defendant CITY is vicariously liable for the wrongful acts and omissions of its  
24 employees and agents pursuant to Cal. Gov. Code § 815.2.  
25

26 210. As a direct and proximate result of Defendants' negligence, Plaintiffs sustained  
27 injuries and damages, and against each and every Defendant is entitled to relief as set forth  
28 herein.

1 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

2 **SIXTH CAUSE OF ACTION**

3 **(Battery – Violation of CALIFORNIA PENAL CODE § 242)**

4 (PLAINTIFFS against Defendants CITY, MESA, LOPEZ, and DOES 1-25)

5  
6 211. Plaintiffs hereby re-allege and incorporate each and every paragraph in this  
7  
8 Complaint as fully set forth here.

9 212. Defendants, while working as law enforcement employees for Defendant CITY,  
10 and acting within the course and scope of their duties, intentionally injured Plaintiffs without a  
11  
12 lawful basis.

13 213. At no point did Plaintiffs consent to Defendants' conduct described herein.

14 214. A reasonable person in the same position as Plaintiffs would have been injured,  
15  
16 terrorized and offended by Defendants' conduct described herein.

17 215. As a result of the actions of the Defendants, Plaintiffs suffered physical injury.  
18  
19 Defendants did not have legal justification for using force against Plaintiffs, and Defendants' use  
20 of force while carrying out their duties was an unreasonable use of force.

21 216. Defendant CITY is vicariously liable, pursuant to California Government Code  
22  
23 § 815.2, for the violation of rights by its employees and agents.

24 217. As a direct and proximate result of Defendants' battery of Plaintiffs, Plaintiffs  
25  
26 sustained injury and damages and is entitled to relief as set forth herein.

27 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth  
28



1 rights also satisfies the "by threat, intimidation, or coercion" requirement of the Bane Act. All  
2 Defendants' duties and rights violations were volitional and intentional acts done with reckless  
3 disregard for Plaintiffs' rights; none was accidental or merely negligent.  
4

5 223. Alternatively, Defendants violated Plaintiffs' rights by conduct constituting  
6 threats, intimidation, or coercion that was above and beyond any lawful seizure or use of force.  
7

- 8 a. Using deliberately reckless and provocative tactics to apprehend Plaintiffs in  
9 violation of generally accepted law enforcement training and standards and  
10 violation of Plaintiffs' rights;
- 11 b. Defendants striking and/or physically accosting Plaintiffs in the absence of  
12 any threat or need for such force;
- 13 c. Defendants physically accosting Plaintiffs who were not suspected of  
14 committing any crime;
- 15 d. Threatening violence against Plaintiffs, with the apparent ability to carry out  
16 such threats, in violation of Cal. Civ. Code § 52.1;
- 17 e. Using excessive, unreasonable, and unjustified force against Plaintiffs while  
18 they attempted to comply with officers;
- 19 f. Failing to intervene to stop, prevent, or report the unlawful seizure and use of  
20 excessive and unreasonable force by other officers;
- 21 g. Violating multiple rights of Plaintiffs; and
- 22 h. Arresting Plaintiffs for no lawful reason;
- 23
- 24
- 25

26 224. As a direct and proximate result of Defendants' violation of California Civil Code  
27 § 52.1 and Plaintiffs' rights under the United States and California Constitutions, Plaintiffs  
28 sustained injuries and damages against all Defendants and is entitled to relief as set forth herein.

1 225. Plaintiffs are entitled to injunctive relief and an award of their reasonable  
2 attorneys' fees pursuant to Civil Code § 52.1(h).  
3

4 226. Plaintiffs are entitled to damages, including punitive damages against Defendants  
5 And all damages allowed by Cal. Civ. Code §§ 52, 52.1 and California law, not limited to costs,  
6 attorneys fees, treble damages, and civil penalties.  
7

8 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.  
9

10  
11 **EIGHTH CAUSE OF ACTION**  
12 **(False Imprisonment/False Arrest)**  
13 **(PLAINTIFFS against Defendants CITY, MESA, LOPEZ, and DOES 1-25)**

14 227. Plaintiffs hereby re-allege and incorporate by reference each and every paragraph  
15 of this Complaint as fully set forth here.  
16

17 228. Defendants detained and assaulted Plaintiffs without just cause. Defendants  
18 restrained, detained, and/or confined Plaintiffs without their consent or a lawful basis for a  
19 significant period of time, and subjected them to the dangerous and uncomfortable condition of  
20 unjustified incarceration and costly bail services.  
21

22 229. As a result of Defendants' unlawful confinement, Plaintiffs suffered emotional  
23 distress and physical injury.  
24

25 230. Defendant CITY is vicariously liable, pursuant to California Government Code  
26 § 815.2, for the violation of rights by its employees and agents.  
27

28 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

**JURY DEMAND**

Plaintiffs demand a jury trial in this action.

**PRAYER**

Wherefore, Plaintiffs pray for relief as follows:

1. Consent Decree commanding Federal Court monitoring of the Vallejo Police Department;
2. For general damages in a sum proven at trial;
3. For special damages, including but not limited to past, present, and/or future wage loss, income, and support, medical expenses, and other special damages in a sum to be determined according to proof;
4. For punitive damages against Defendants MESA, LOPEZ, and DOES 1-25 in a sum according to proof;
5. All other damages, penalties, costs, interest, and attorney's fees as allowed by 42 U.S.C. §§ 1983 and 1988, Cal. Civ. Code §§ 52 et seq., 52.1, and as otherwise may be allowed by California and/or federal law against Defendant CITY and their employees;
6. Any and all permissible statutory damages;
7. For the cost of suit herein incurred; and
8. For such other and further relief as the Court deems proper.

**Date:** March 18, 2025

Respectfully submitted,

**NOLD LAW**

*/s/ Melissa C. Nold*  
MELISSA C. NOLD  
COUNSEL FOR PLAINTIFFS

# CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

## DEFENDANTS

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | <b>PTF</b>                 | <b>DEF</b>                 |   | <b>PTF</b>                 | <b>DEF</b>                 |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>INTELLECTUAL PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION Brief description of cause:

VII. REQUESTED IN COMPLAINT:  CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND:  Yes  No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

### FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

Case 2:25-at-00372 Document 1-1 Filed 03/19/25 Page 2 of 2  
**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.