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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

<p>CHRISTINA SATO, an individual; ROXANNE LOPEZ, an individual; DILEY GREISER, an individual; and CHELSEA WARD, an individual; and JAMIE GREGORY, an individual;</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>COUNTY OF SAN BERNARDINO; SAN BERNARDINO COUNTY</p>	<p>Case No. 5:20-cv-01876 Hon. Jesus G. Bernal Mag. Sheri Pym</p> <p>SECOND AMENDED COMPLAINT</p> <p>JURY TRIAL DEMANDED</p>
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<p>1 SHERIFF’S DETECTIVE BRIAN 2 GRIMM, an individual; SAN 3 BERNARDINO SHERIFF’S DEPUTY 4 J. GREGORY, an individual; SAN 5 BERNARDINO SHERIFF’S SERGEANT 6 DARREN GILMORE, an individual; and 7 DOES 1-10, 8 9 Defendants.</p>	
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INTRODUCTION

10 1. Defendants are *still*, six months later, in the midst of an inter-state
11 campaign of harassment, intimidation, and terror they began in September 2020 against
12 animal rescuers, reporters, and anyone else who may know the whereabouts of dozens of
13 German Shepherd dogs that the San Bernardino Sheriff’s Department initially called on
14 community members to help rescue from horrific conditions on unimproved land in the
15 middle of the desert, but then determined should instead be returned to their abusers.

16 2. On August 9, 2020, multiple sources within the San Bernardino Sheriff’s
17 Department put out frantic calls for help to community members that San Bernardino
18 Animal Control had seized dozens of German Shepherds abandoned in the desert, but
19 had also left about 80 behind, and had already euthanized many of those seized. Rescue
20 groups and other Good Samaritans sprang into action and rescued the animals left
21 behind at their own expense and acting as volunteers. These groups and individuals
22 acted *at the direction of a San Bernardino Sheriff’s Deputy*, who was on scene and
23 instructing the rescuers where the dogs were located.

24 3. Defendants have ever since been misrepresenting facts to obtain warrants in
25 California and Nevada, harassing and interrogating Plaintiffs and others repeatedly
26 despite being advised that all are represented by counsel, confiscated some Plaintiffs’
27 cellphones and computers from their homes, and have been threatening to come back
28 again to do the same thing all over again.

1 4. The purpose behind Defendants’ actions appears to be to mitigate liability
2 of the San Bernardino Sheriff’s Department regarding dogs having been rescued at the
3 behest of Sheriff’s deputies, and the “attack dog” business that is threatening to sue for
4 hundreds of thousands of dollars, owned by Alla Zorikova. The website of this illegal
5 and unpermitted business was <http://www.vonmarkgrafgermanshepherds.us/>. However,
6 after being exposed and driven out of the County of San Bernardino by code
7 enforcement as well as a temporary restraining order (“TRO”) obtained by Plaintiffs’
8 counsel in state court requiring Zorikova to comply with basic laws regarding shelter
9 and care of animals, Zorikova has since moved to Riverside County and set up a new
10 website to conduct her business from, <http://www.vonschutz.com/>.

11 5. A true and correct copy of the TRO obtained by Plaintiffs’ counsel in state
12 court, which resulted in Zorikova moving her illegal operation to Anza, California in
13 Riverside County, is attached hereto as Exhibit 1.

14 6. Defendants know there is no valid basis for any criminal charges against
15 Plaintiffs or any individuals believed to have been involved in rescuing and/or placing
16 the abandoned dogs from unimproved land in the desert in August 2020, because
17 multiple Sheriff’s deputies affirmatively called and *asked* volunteer rescue groups to
18 step in and rescue the dogs, who had been abandoned without food, water, or shelter. All
19 of the rescue groups and individuals involved were acting as volunteers, and no one was
20 paid for rescuing any animals.

21 7. Yet, Defendants have been showing up at multiple animal rescue
22 volunteers’ house in California and Nevada merely suspected of having information,
23 interrogating them for hours despite being informed the parties are represented,
24 separating them from their children, and treating them like criminals, all ostensibly for
25 the purposes of locating the abused and neglected animals for purposes of returning
26 them to their abusers. Defendants even showed up at the home of a *news reporter* in
27 Nevada demanding information about the whereabouts of the dogs.

28

1 **JURISDICTION AND VENUE**

2 8. This action arises under 42 U.S.C. § 1983. The Court has jurisdiction
3 pursuant to 28 U.S.C. §1331 and §1343.

4 9. Venue under 28 U.S.C. § 1391 in this Court is proper as a substantial part
5 of the events or omissions giving rise to the claims alleged occurred in San Bernardino
6 County, which is within the Central District of California. Additionally, all Defendants
7 reside in San Bernardino County.

8 **PARTIES**

9 10. Plaintiff CHRISTINA SATO is an individual residing in San Bernardino
10 County. Ms. Sato is a real estate agent who volunteers virtually all of her free time
11 rescuing animals and working with organizations that provide free service animals to
12 veterans and first responders affected by post-traumatic stress disorder (“PTSD”). In
13 addition to her love of animals, Ms. Sato was inspired to do this by her son returning
14 from service in Afghanistan with PTSD and needing a support animal, and finding that
15 they typically cost thousands of dollars and are inaccessible to many returning veterans.

16 11. Plaintiff ROXANNE LOPEZ is an individual residing in San Bernardino
17 County and is the 31-year-old disabled daughter of Plaintiff Sato.

18 12. Plaintiff DILEY GREISER is an individual residing in San Bernardino
19 County. Ms. Greiser is employed as a firefighter and also volunteers much of her time
20 rescuing animals and working with various animal rescue organizations, including one
21 that she runs herself as a volunteer.

22 13. Plaintiff CHELSEA WARD is an individual residing in Nevada and is the
23 co-founder of Southern Nevada Animal Rescue (“SNARL”), a 501(c)(3) nonprofit
24 animal rescue organization that she and her husband run as volunteers.

25 14. Plaintiff JAMIE GREGORY is an individual residing in Nevada and is the
26 founder of the Vegas Pet Rescue Project (“VPRP”), a 501(c)(3) nonprofit animal rescue
27 organization she runs as a volunteer.

1 15. Defendant COUNTY OF SAN BERNARDINO is a municipal entity within
2 the State of California.

3 16. Defendant SAN BERNARDINO SHERIFF'S DETECTIVE BRIAN
4 GRIMM is an individual residing in San Bernardino County, named in both his official
5 and individual capacities.

6 17. Defendant SAN BERNARDINO SHERIFF'S SERGEANT DARREN
7 GILMORE is an individual residing in San Bernardino County, named in both his
8 official and individual capacities.

9 18. Defendant SAN BERNARDINO SHERIFF'S DEPUTY J. GREGORY is
10 an individual residing in San Bernardino County, named in both his official and
11 individual capacities. Plaintiffs are unaware of Defendant GREGORY'S first name and
12 will amend the complaint to add it once determined.

13 19. Plaintiffs are informed and believe and thereon allege that each of the
14 fictitiously named DOE Defendants is responsible in some manner for the acts,
15 omissions, and damages alleged herein. Plaintiffs are unaware of the true names and
16 capacities of the DOE Defendants, and, therefore, sues these Defendants under such
17 fictitious names. Plaintiffs are informed and believe and thereon alleges that each of said
18 fictitiously named Defendants was the agent, servant and employee of each and every
19 other Defendant acting within the course and scope of his or her agency and
20 employment, and with the knowledge, ratification and consent of each respective
21 principal. Plaintiffs will seek leave to amend this Complaint when their true names and
22 capacities have been ascertained.

23 20. Regarding all actions and causes of action herein alleged and stated, all
24 Defendants (including all DOE defendants) violated clearly established statutory or
25 constitutional rights held by Plaintiffs that they had a mandatory duty to uphold. No
26 reasonable governmental official similarly situated to any of the Defendants could have
27 believed that his/her conduct was lawful or within the bounds of reasonable discretion.
28 As a result, all individual Defendants, including all individual DOE defendants, lack

1 immunity from suit or liability under either statutorily created immunity or the judicially
2 created doctrine of “qualified immunity”.

3 **ALLEGATIONS OF FACT**

4 **A. San Bernardino Sheriff’s Department asks for help rescuing animals**

5 21. On August 9, 2020, multiple San Bernardino County Sheriff’s deputies
6 contacted various animal rescue groups regarding a case of cruelty, abandonment, and
7 neglect of German Shepherds in the desert and requested these volunteers remove
8 neglected and abused dogs from property located near Hinkley, CA, a remote town that
9 is in the outskirts of Barstow, CA.

10 22. The location of the property where the dogs were found was extremely
11 remote, miles and miles into the middle of the desert, on vacant land. There were no dirt
12 roads, no running water, or any housing structures. These dogs were quite literally left
13 alone and abandoned in the desert.

14 23. The dogs did not have any housing or shelter from the extreme elements of
15 the blistering desert heat, which is a violation of California law¹ and San Bernardino
16 County code.² The day that rescuers were on property, it was 104 degrees. Most of the
17

18 ¹ California penal code 597(b) provides: “Except as otherwise provided in subdivision (a)
19 or (c), every person who overdrives, overloads, drives when overloaded, overworks,
20 tortures, torments, deprives of necessary sustenance, drink, or shelter, cruelly beats,
21 mutilates, or cruelly kills any animal, or causes or procures any animal to be so
22 overdriven, overloaded, driven when overloaded, overworked, tortured, tormented,
23 deprived of necessary sustenance, drink, shelter, or to be cruelly beaten, mutilated, or
24 cruelly killed; and whoever, having the charge or custody of any animal, either as owner
25 or otherwise, subjects any animal to needless suffering, or inflicts unnecessary cruelty
26 upon the animal, or in any manner abuses any animal, or fails to provide the animal with
proper food, drink, or shelter or protection from the weather, or who drives, rides, or
otherwise uses the animal when unfit for labor, is, for each offense, guilty of a crime
punishable pursuant to subdivision (d).”

27 ² San Bernardino County code 32.0113 provides: Every person within the County of San
28 Bernardino who owns, conducts, manages, or operates any animal establishment for

1 dogs had dug holes in the ground over time to try to escape the heat because they had
2 zero shelter. And those were the lucky ones. Some were permanently confined to small
3 wire cages which offered no protection from the elements, which constitutes torture.
4 Some were illegally tied up around the neck with chains.³ Among the dogs rescued were
5 pregnant females. Failing to provide adequate shelter; permanently confining dogs; and
6 tying up dogs in extreme heat is a violation of California cruelty laws, and constitutes
7 abuse and neglect.

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9 _____
10 which a license is required by this Chapter, shall comply with each of the following
11 conditions:

12 (a) Housing facilities for animals shall be structurally sound and shall be maintained in
13 good repair to protect animals from injury and restrict entrance of other animals.

14 (b) All animals and all animal buildings or enclosures shall be maintained in a clean
15 and sanitary condition.

16 (c) All animals shall be supplied with sufficient good wholesome food and water as
17 often as the feeding habits of the respective animals require.

18 (d) Animal buildings and enclosures shall be so constructed and maintained as to
19 prevent the escape of animals.

20 (e) All reasonable precautions shall be taken to protect the public from the animals
21 and animals from the public.

22 (f) Every building or enclosure wherein animals are maintained shall be properly
23 ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided
24 as required according to the physical needs of the animals.

25 (g) All animal rooms, cages, and runs shall be of sufficient size to provide adequate
26 space for clean water and proper housing for animals kept therein.

27 (h) All animal runs shall be approved construction and shall be provided with
28 adequate waste and manure disposal and for drainage into an approved sewer or
individual sewer disposal installation.

³ California Health and Safety code, division 105, part 6, chapter 8, section 122335 makes it illegal to tether a dog for longer than 3 hours in a 24-hour period. Further, California Penal Code 597(t) states that “every person who keeps an animal confined in an enclosed area shall provide it with an adequate exercise area. If the animal is restricted by a leash, rope, or chain, the leash, rope or chain shall be affixed in such a manner that it will prevent the animal from becoming entangled or injured and permit the animal’s access to adequate shelter, food and water.”

1 24. Notably, while there were 80+ dogs living on the property, there were
2 absolutely no feces on the ground; and veterinarians later confirmed the dogs' bellies
3 were full of their own feces. Given there was not a single pile of feces, they were
4 apparently consuming the same out of necessity. Failure to properly feed animals
5 constitutes malnourishment and is reflective of abandonment and neglect. There was no
6 running water on the property, or electricity, or any housing structure for humans to live
7 in. The land was totally vacant with only a small makeshift shanty or shed that was
8 filthy. The shed had no toilet, sink, shower or bed. Therefore, the dogs' alleged owners
9 did not live there,⁴ which indicates the dogs were left alone for long periods of time,⁵
10 while tied up or caged in the middle of the desert and without food or water (or human
11 interaction/companionship). They were exposed to predatory animals. There were dead
12 animal carcasses all over (large bones and skulls) the property, which were possibly
13 other dogs and animals that were used as food, or dogs that had died due to exposure or
14 predators. The property smelled of decomposing flesh. There were two live goats that
15 may have been slated as food for the dogs, and a chicken, which was perhaps intended to
16 feed the dogs.⁶ It also appeared, and smelled, that there was a rotting deer carcass that
17 may have been being used to feed the dogs. These conditions all reflect a life of cruelty,
18 abandonment and terrible neglect.

19 25. There was only one drum of liquid on the property. It contained red liquid
20 and was covered in bugs. The dogs had no access to water to drink. Every single dog at
21 the property was dehydrated, panting and extremely thirsty. Not one of the dogs had
22 water available to it when the rescuers arrived. This fact alone is a violation of San
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24 _____
25 ⁴ The arrest record of the dogs' alleged owner, Alla Zorikova, lists her address as 1905
26 Wilcox Ave #175, Los Angeles, CA 90068, which is a UPS store.

27 ⁵ California penal code 597(s) makes it illegal to willfully abandon an animal.

28 ⁶ Ms. Zorikova and Ms. Jeong's website (vonschutz.com) claims they feed their dogs raw
meat only.

1 Bernardino County code 32.0113(c). Upon their arrival, rescuers provided water in pans
2 for the dogs to drink.

3 26. A San Bernardino Sheriff's Deputy advised some of the rescuers prior to
4 entering the unimproved land containing the dogs that the dogs' alleged owners did not
5 own the land. Rather, this deputy believed the land was owned by the Bureau of Land
6 Management.

7 27. Ms. Zorikova and Ms. Jeong represent themselves to be breeders of
8 "protection dogs" which is based out of Los Angeles; and whose dogs are trained to bite
9 (<http://www.vonschutz.com>). Pursuant to San Bernardino County Code, it is illegal to
10 have more than 5 dogs on the property without a breeder license or kennel permit.⁷
11 Additionally, training dogs to bite and be aggressive amounts to cruelty and neglect.⁸

12 28. The dogs that were rescued were all full of parasites⁹ (including the
13 pregnant dogs), which constitutes cruelty and reflects a life of abandonment and horrible
14 neglect. Some showed signs of malnourishment and being underweight. Dogs had
15 hookworms, round worms, and hernias; and some were double crypto. All were inbred
16 as evidenced by widespread umbilical hernias and un-descended testicles throughout the
17 population. Some had fractured teeth, which the veterinarians have advised is indicative
18 of dogs trying to chew through their metal chains or metal enclosures, or even eating
19

20
21 ⁷ San Bernardino ordinance 32.0301 defines a kennel as a place where more than 5 dogs
22 are kept; and 32.0302 requires a permit. San Bernardino ordinance 32.0306 requires
23 kennels to be disinfected and cleaned; and requires animals have access to "clean food
24 and water" among other things.

25 ⁸ Ms. Zorikova and Ms. Jeong are training animals to violate California Health and Safety
26 codes 398 and 399 relative to biting; and potentially to be fighting dogs pursuant to
27 California penal code 597.5 and 597(b). Further, training animals to be dangerous or
28 vicious violates Title 3, Division 2, Chapter 14 of San Bernardino local ordinances.

⁹ San Bernardino ordinance 32.0306 requires kennel operators take preventative measures
to prevent outbreaks of parasites.

1 rocks. Veterinarians documented burnt paw pads, distended abdomens, and diarrhea in
2 these dogs.

3 29. These dogs were very sick and their medical conditions were left untreated
4 by Ms. Zorikova and Ms. Jeong. The dogs all had filthy coats, and were covered in dirt
5 and sand from living a lifetime in the open desert. They all had extreme amounts of dirt
6 in their ears, and unkept nails, some so long that the nails were growing into the pads of
7 the dogs' feet. Others had green discharge from their nose, and loops of intestines. None
8 of the dogs appeared to have been vaccinated against rabies, as required by California
9 law and San Bernardino County code, nor was the property adequately fenced.

10 30. Ms. Zorikova and Ms. Jeong's website indicates they had puppies that were
11 born on July 29, 2020. If true, the puppies would have been 10 days old by August 8
12 when animal control officers appeared at the property. When rescuers arrived, a San
13 Bernardino Sheriff's deputy told the rescuers that Ms. Zorikova and Ms. Jeong had
14 already removed the puppies from their nursing mother (the puppies were reportedly
15 found in the shed). Removing puppies this young from their mothers is also a violation
16 of animal cruelty laws. Ms. Zorikova and Ms. Jeong refused to identify the nursing
17 mother to animal control officers. Therefore, officers were unable to obtain nourishment
18 for the puppies. Because 10-day old (or three-week-old) puppies likely cannot survive
19 without their nursing mother, Ms. Zorikova and Ms. Jeong are liable for cruelty and
20 neglect for failing to identify the mother to animal control.

21 31. Upon Ms. Zorikova and Ms. Jeong's arrest for animal cruelty, only the 14
22 puppies were immediately seized by animal control, which euthanized the puppies.

23 32. Upon the release of Zorikova and Jeong from jail on animal cruelty charges,
24 San Bernardino Animal Control returned all dogs they had seized in the days after these
25 animal cruelty arrests, and the charges were then mysteriously dropped.

26 33. Ms. Zorikova and Ms. Jeong's website indicates that they sell their
27 "protection dogs" for up to \$55,000, and they are willing to ship them anywhere. It is
28 doubtful anyone would buy a parasite infested dog with broken teeth that is supposed to

1 be a “bite dog” for \$55,000. Therefore, Ms. Zorikova and Ms. Jeong are committing
2 fraud by advertising the sale of healthy dogs without a license. It is also not likely that
3 these dogs would withstand being shipped in their condition.

4 **B. Defendants begin terrorizing suspected animal rescuers**

5 34. On September 3, 2020, Defendants showed up at Ms. Sato’s home and
6 claimed they had a search warrant, which they did not produce. About 20 minutes passed
7 before Defendants finally produced a search warrant. During this time, Defendants
8 ordered Ms. Sato to remain on her porch, and to “sit down” while they went inside and
9 looked through her house before producing any warrant.

10 35. Ms. Sato’s 9-year-old granddaughter was present and is now afraid of
11 Sheriff’s deputies, since Defendants barged into her room and scared her, causing her to
12 hide behind the curtains.

13 36. Defendants misrepresented facts to obtain the overbroad warrant and
14 searched the home of Ms. Sato, seized several items, including her iPhone, her laptop,
15 her daughter’s laptop that she needs for work, and mail addressed to Ms. Sato.

16 37. Ms. Sato’s 31-year-old disabled daughter, Plaintiff Roxanne Lopez, lives
17 with Ms. Sato and had her arm in a cast on this day from recent surgery. Defendants
18 frightened Ms. Lopez, grabbed her by the arm that was in a cast, and tried to put her in
19 handcuffs, causing further injury to her arm.

20 38. Defendants came in screaming and yelling loudly, treating the Sato family
21 like criminals, and terrified a dog Ms. Sato had just rescued who was already afraid of
22 humans and is now having even more severe behavioral issues, including gnawing his
23 own arm severely, requiring antibiotics.

24 39. Ms. Sato regularly volunteer for animal rescue organizations as a foster and
25 transporter. Ms. Sato has been doing this all her life and has never been paid for it. There
26 have been other situations where dogs have been abandoned in the desert in the past, and
27 Ms. Sato has helped transport such animals. Ms. Sato believes Defendants suspect her of
28 being involved in this particular event because of a Facebook post about her volunteer

1 animal rescuing activities, and Defendants are targeting animal rescuers in the area.

2 40. Ms. Sato's other daughter who lives with her is 26-years-old, an EMT, and
3 recently finished firefighter training school. She works nights and is applying for
4 firefighting jobs. When Defendants took this daughter's laptop, she informed them that
5 all of her certificates were on it and she needed it for a firefighting job application due
6 the next day. She and Ms. Sato also informed Defendants the laptop belonged only to her
7 and not to Ms. Sato. Defendants did not care and took the laptop anyway, which they
8 have still refused to return.

9 41. Ms. Sato is afraid for her and her family's safety and security of her
10 property, and that Defendants will keep coming back, taking phones and computers,
11 leaving her without the ability to communicate. Having phones and computers seized has
12 impacted Ms. Sato's and her daughter's work, and her ability to communicate. Ms. Sato
13 will suffer irreparable harm if her and her family's property is not returned, and
14 Defendants ordered not to continue seizing phones and computers from them.

15 42. On September 9, 2020, Defendants searched the home of Plaintiff Diley
16 Greiser, seized several items belonging to her and her husband, including an iPad, bank
17 statement, and cellphone.

18 43. Ms. Greiser informed Defendants at the time she has an attorney and to call
19 him, but Defendants refused to stop questioning Plaintiff for several minutes. Defendant
20 Grimm then finally called Plaintiff's attorney, Bryan Pease. After Defendant Grimm
21 finished talking to Plaintiff's attorney, who instructed him again not to question Ms.
22 Greiser and to direct all questions to counsel, Defendants continued questioning and
23 interrogating Ms. Greiser.

24 44. Defendant Gilmore threatened to send more officers back to again search
25 Plaintiff's home and look for more phones.

26 45. Ms. Greiser is employed as a firefighter and also runs an animal rescue
27 nonprofit, which she does as a volunteer. Plaintiff relies on her phone to communicate
28 with others and run her rescue. Plaintiff does not have a landline. Without a phone,

1 Plaintiff's husband and Plaintiff would not even be able to call 911 in an emergency.

2 46. Plaintiff Greiser is afraid for her and her family's safety and security of
3 their property, and that Defendants will keep coming back, taking phones and
4 computers, leaving them without the ability to communicate, and will prevent them from
5 running Plaintiff's animal rescue nonprofit. Plaintiff will suffer irreparable harm if her
6 and her family's property is not returned, and Defendants ordered not to continue
7 illegally seizing phones and computers.

8 47. On September 10, 2020, Defendant Grimm arrived at the home of Chelsea
9 and Thomas Ward in Nevada. The Wards co-founded and run a 501(c)(3) nonprofit
10 animal rescue group called Southern Nevada Animal Rescue League ("SNARL").
11 Defendant Grimm said he had a search warrant, and asked to search the home. Ms. Ward
12 asked to see the warrant, to which Grimm replied it would be there in a few minutes. Ms.
13 Ward told him to come back when he had a warrant and closed the door. Several minutes
14 later, Defendant Grimm produced the warrant and made Ms. Ward stay on the porch
15 while his partner searched her home.

16 48. This search took three hours, during which time Grimm continuously
17 interrogated Ms. Ward despite having been previously informed by Ms. Ward's attorney
18 and by Ms. Ward that he was to direct all questions to Ms. Ward's attorney, Casey Gish.
19 This is even stated in the warrant in describing a phone call Ms. Ward had with
20 Defendant Grimm and her attorney prior to this search. The warrant also contains a
21 number of misrepresentations about what was said.

22 49. Officers asked Mr. Ward to kennel a dog the Wards had just rescued that
23 was in their bedroom, because the dog was acting frantically. As Mr. Ward did so, the
24 frightened animal defecated all over the bedroom floor. Mr. Ward attempted to clean it
25 up, but the officers ordered him to leave it. This meant the defecation stayed on the
26 Ward's bedroom carpet for three hours while the officers went through their home. The
27 officers took photos of the defecation in the bedroom that they had caused and refused to
28 allow Mr. Ward to clean up, and they called Child Protective Services ("CPS") to report

1 it. CPS then came and interviewed the Ward's children separately after the officers had
2 finished their three hour search, claiming it was due to the dog defecation in the
3 bedroom.

4 50. CPS asked the Ward's children how they feel about their parents rescuing
5 animals. CPS also went around the neighborhood knocking on all the neighbors' doors,
6 asking if they had seen evidence of child abuse, which the neighbors said was not the
7 case. The Ward's neighbors came over afterwards to make sure they were okay after
8 seeing multiple law enforcement vehicles surrounding the Ward's home, followed by
9 CPS canvassing the neighborhood.

10 51. Defendant Grimm's officers also took photos of everything in the Ward's
11 home, including dishes in the sink from a dinner the previous night that had not been
12 cleaned yet. During the search, Defendant Grimm even made us put our 14 year old
13 senior dog outside for over an hour while officers searched their home. Despite
14 repeatedly asking him, he would not allow the Wards to bring our dog inside.

15 52. Defendant Grimm said he was investigating the theft of German Shepherds
16 from the desert in San Bernardino.

17 53. The German Shepherds SNARL received from San Bernardino that had
18 been rescued from the desert in San Bernardino by other rescues who called SNARL for
19 help adopting the animals all required extensive medical treatment. An example of one
20 of the dog's veterinary charts is attached hereto as Exhibit 2.

21 54. SNARL spent thousands of dollars on caring for these dogs, including
22 spaying and neutering them. When SNALR adopted them out, SNARL only received the
23 standard adoption fee of \$500-\$700 dollars, which covered about one fourth of the
24 veterinary costs SNARL incurred.

25 55. The rescue groups SNARL obtained these dogs from rescued them from the
26 desert *at the direction of* San Bernardino County Sheriff's deputies after the people
27 responsible for dumping them there were arrested and booked into jail on animal cruelty
28 charges.

1 65. In committing the acts and omissions alleged herein, Defendants acted
2 under the color of state law.

3 66. In committing the acts and omissions alleged herein, Defendants acted with
4 malice, oppression and fraud, and with the intent to cause harm and/or offense to
5 Plaintiffs.

6 67. In response to Plaintiffs' request for a temporary restraining order in this
7 case, Defendants submitted a redacted copies of the warrants issued for the Sato,
8 Greiser, and Ward residences, as well as a redacted copy of the Application and
9 Affidavit for Search Warrant for the Ward residence. (ECF Nos. 14-1 – 14-4.) Detective
10 Grimm claimed the redaction was needed "due to the ongoing investigation." (ECF No.
11 14-1 at p. 3:25-26.)

12 68. Plaintiffs have been able to independently obtain this document that was
13 filed in Nevada. A true and correct copy of the Application and Affidavit for Search
14 Warrant for the Ward residence is attached hereto as Exhibit 3, with only the address
15 redacted. Plaintiff Ward is named as Chelsea Moore, which was Plaintiff's name prior to
16 marriage, and still on her California driver's license.

17 69. The portions of the Application and Affidavit that Defendants redacted in
18 their opposition to Plaintiffs' ex parte application state:

19 On Saturday, August 8, 2020, San Bernardino County Sheriff's deputies
20 responded to 46535 Lockhart in the unincorporated Community of Hinkley,
21 in San Bernardino County, to investigate reported animal cruelty. During the
22 investigation deputies located approximately 60 German Shephard's [sic]
23 without food, water and adequate shelter. The suspects were arrested and
24 booked into jail for Felony Cruelty to Animals. While the suspects were in
25 custody, San Bernardino County Animal Control Officers responded to the
26 location and took possession of 24 of the German Shepherds. Officers were
27 not able to take the remaining 30 plus German Shepherds. An unknown
28 person notified several animal rescues about the dogs still being on the
property. The animal rescues responded to the property and stole numerous
German shepherds, one dog has a value of approximately \$10,000.00.

1 On Wednesday, August 12, 2020, Chelsea Moore called the San Bernardino
2 Sheriff's Department and said she was in possession of some of the stolen
3 German Shepherds and wanted to speak with a Watch Commander.

4 On Monday, August 31, 2020, Detective Grimm contacted Chelsea Moore,
5 the President of Southern Nevada Animal Rescue League, (SNARL), to ask
6 about any involvement or knowledge of the stolen dogs from 46535 Lockhart,
7 located in the unincorporated area of Hinkley. While Detective Grimm was
8 on the phone with Moore, she asked to include an additional person into the
9 phone conversation. Casey Gish got on the phone and identified himself as
10 the attorney for SNARL. Casey Gish works at the Law Office of Casey Gish
11 and is a civil attorney.

12 Gish confirmed knowledge of the stolen dogs. Gish said representatives of
13 SNARL went to an unknown bar in the area of Barstow and met with other
14 animal rescue organizations who were requesting assistance in placing the
15 dogs. Gish confirmed, SNARL took about 20 dogs but was not certain on the
16 exact number. The dogs are no longer physically in the care of SNARL.
17 Detective Grimm asked Gish if SNARL had information where the dogs were
18 placed after they took possession. He confirmed SNARL did have that
19 information but he refused to provide any documentation of where the stolen
20 dogs were placed. Gish is compiling a separate investigation and is going to
21 provide his documentation of abuse to the dogs to several government
22 agencies. Detective Grimm requested for Gish to provide him with any
23 information about who contacted him and or facilitated taking possession of
24 the dogs. Gish refused to provide any information in that regard. Gish
25 instructed Moore not to speak with Detective Grimm without him being
26 present. Moore was on the phone during the complete phone interview.

27 Detective Grimm tried to locate a separate business location for SNARL and
28 during his conversation with Moore and Gish. Gish denied having a rescue
center where they house animals. Detective Grimm believes a search of
Moore's residence will produce evidence of the theft of the German
Shepherds.

70. Thus, this redacted portion of the document, which Detective Grimm states
in his declaration is redacted "due to the ongoing investigation," contains no information
that is privileged. The redacted portion: 1) admits that "deputies located approximately
60 German Shephard's [sic] without food, water and adequate shelter," 2) the suspects,

1 who were the purported owners of these dogs the County is now siding with in its “theft”
2 investigation, “were arrested and booked into jail for Felony Cruelty to Animals,” and
3 shockingly, 3) “*Officers were not able to take the remaining 30 plus German*
4 *Shepherds,*” admitting that the County simply abandoned these dogs on vacant,
5 unimproved land in the middle of the desert with no food, water, or shelter.

6 71. The affidavit then falsely claims, “An unknown person notified several
7 animal rescues about the dogs still being on the property.” The person is not unknown to
8 Defendants. The County knows that the call to rescue came from within the San
9 Bernardino County Sheriff’s Department.

10 72. The affidavit next falsely claims, “The animal rescues responded to the
11 property and stole numerous German shepherds, one dog has a value of approximately
12 \$10,000.00.” Rescuing German Shepherds abandoned on vacant land in the middle of the
13 desert who had no food, water, or shelter, and no apparent owner, is not theft.

14 73. The affidavit then admits “Chelsea Moore,” referring to Plaintiff Chelsea
15 Ward, “called the San Bernardino Sheriff’s Department” and asked to speak to a watch
16 commander about the German Shepherds that had been brought to her rescue
17 organization. However, the affidavit falsely characterizes the dogs Ward was in
18 possession of as the “stolen” German Shepherds.

19 74. The affidavit then purports to describe a conversation with Ward and the
20 attorney for her animal rescue, Casey Gish, who the affidavit characterizes as a “civil
21 attorney.” The affidavit then misrepresents what was said in that conversation, for
22 instance claiming that Attorney Gish “confirmed knowledge of the *stolen* dogs.”

23 75. A true and correct copy of a Public Records Act (“PRA”) response received
24 by Plaintiffs’ counsel from the County of San Bernardino code enforcement division on
25 October 9, 2020 is attached hereto as Exhibit 4. The PRA request was concerning the
26 same vacant land on which Alla Zorikova was arrested on animal cruelty charges, which
27 Zorikova had informally named “1335 Trump Blvd., Barstow, CA 92311.”
28

1 (4) For such other and further legal and equitable relief as the Court
2 deems just and proper.

3 Dated: March 19, 2021

4 By: /s/ Bryan W. Pease
5 Bryan W. Pease
6 Attorney for Plaintiff

7 **DEMAND FOR JURY TRIAL**

8 Plaintiffs demand a trial by jury as to each and every legal cause of action against
9 each and every defendant.

10 Dated: March 19, 2021

11 By: /s/ Bryan Pease
12 Bryan W. Pease
13 Attorney for Plaintiff

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Exhibit 1

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SUPERIOR COURT OF CALIFORNIA
SAN BERNARDINO COUNTY

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

OCT 14 2020

BY: [Signature]
CLERK OF THE COURT

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO

ALLA ZORIKOVA,)	CASE NO. CIVDS 2017383
)	
Plaintiff,)	PROPOSED ORDER
vs.)	
)	
TINA LAMEY, <i>et al.</i> ,)	
)	
Defendants.)	
<hr/>		
TINA LAMEY,)	
)	
Cross-Complainant,)	
vs.)	
)	
ALLA ZORIKOVA, an individual; OLIVIA JEONG, an individual; DMITREEVA ZINAIDA; an individual; URID SEMENIKIN, an individual; VON MARKGRAF GERMAN SHEPHERDS, a California corporation; and DOES 1-25,)	
)	
Cross-Defendants.)	
)	
<hr/>		

1 IT IS HEREBY ORDERED:

2 Cross-Defendant Alla Zorikova, and anyone acting on her behalf, is hereby enjoined from
3 engaging in any of the following acts until this matter can be heard on notice:

- 4
- 5 • Keeping more than five dogs without a kennel permit and Special Use Permit,
- 6 pursuant to San Bernardino County Code ("SBCC") §§ 32.0301 and 32.0302;
- 7 • Keeping more than 15 adult dogs without a Conditional Use Permit;
- 8 • Failing to provide adequate housing for the protection of dogs from the elements,
- 9 pursuant to SBCC § 32.0304;
- 10 • Failing to provide access to clean food and water for dogs, pursuant to SBCC
- 11 § 32.0306;
- 12 • Failing to provide adequate housing facilities for dogs, pursuant to SBCC § 32.0113;
- 13 • Tethering a dog for longer than three hours in a 24-hour period, pursuant to Health &
- 14 Safety Code § 122335.
- 15

16 [The Court appoints _____ as a Receiver pursuant to Bus. & Prof.
17 Code § 17203 to oversee care and placement of the dogs.]

18 Plaintiff is ordered to appear on ~~November 18~~ ^{DECEMBER 9}, 2020 at 9:00 a.m. in Department S22 of the
19 above-captioned Court via CourtCall and show cause, if any exists, why this temporary restraining order
20 should not remain in effect during the pendency of this action as a preliminary injunction.

21 Defendant may file supplemental moving papers by ~~October 26~~ ^{November 14}, 2020. Plaintiff's opposition, if
22 any, is due by ~~November 4~~ ^{November 25, 2020}, 2020. Defendant's reply, if any, is due by ~~November 10~~ ^{December 1}, 2020.

23
24 IT IS SO ORDERED.

25 Dated: 10-14-2020

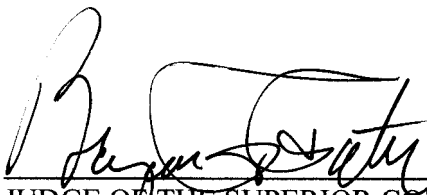
26 By: 
27 JUDGE OF THE SUPERIOR COURT
28 **BRYAN F. FOSTER**

Exhibit 2

Exhibit 3

LS-120, zip drive, jazz drive, Orb drive, CD drive, DVD drive, diskettes, tape drives, optical storage devices, transistor-like binary devices, and other memory storage devices including the storage media used in the devices.

Peripheral input/output device e.g. as keyboards, printers, scanners, plotters, video display monitors, optical readers.

Related communication devices e.g. modems, cables and connections, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signaling devices, and electronic tone-generating devices. Any device, mechanism, or parts that can be used to restrict access to electronic storage devices e.g. physical keys and locks bio metric readers, retinal scanners, facial recognition, signature verification, smart card or voice authentication.

Software

Computer/Equipment software (digital information) can be interpreted by electronic storage device equipment, computers and any of its related components to direct the way they work. Software is stored in electronic, magnetic, optical or other digital form. It commonly includes programs to run operating systems, applications (like word-processing, graphics, or spreadsheet programs), utilities, compilers, interpreters, and communication programs.

Documentation

Electronic storage device documentation consists of written, recorded, printed, or electronically stored material that explains or illustrates how to configure or use electronic storage device hardware, software, or other related items.

Passwords and Data Security Devices

Electronic storage device passwords and other data security devices are designed to restrict access to or hide software, documentation, or data. Data security devices may

consist of hardware, software, or other programming code. A password (a string of alphanumeric characters) usually operates as a sort of digital key to "unlock" particular data security devices. Data security hardware may include encryption devices, chips, dongles, biometric readers, retina scanners, facial recognition systems, voice authentication systems, hand writing authentication systems and circuit boards. Data security software or digital code may include programming code that creates "test" keys or "hot" keys, which perform certain pre-set security functions when touched. Data security software or code may also encrypt; compress, hide, or "booby-trap" protected data to make it inaccessible or unusable, as well as reverse the process to restore it.

That Affiant is satisfied that there is probable cause to believe that said property is located as set forth above and that based upon the Affidavit attached hereto there are sufficient grounds for the issuance of a Search Warrant.

The property described constitutes evidence which tends to demonstrate the criminal offense of Possession of Stolen Property, has been committed at the premises to be searched in violation of Nevada Revised Statute 205.275.

In support of your Affiant's assertion to constitute the existence of probable cause the following facts are offered based on Affiant's personal knowledge and on information and belief.

On August 31, 2020, Affiant received correspondence from North Las Vegas Police Department Sergeant Nellis to contact San Bernardino County Sheriff's Department in reference to assistance needed in our jurisdiction.

On September 1, 2020, Affiant contacted Detective Brian Grimm (employee #E3906), who was the lead investigator on a grand larceny case that occurred in their jurisdiction (SBCSD case #082001074). Detective Grimm needed assistance in obtaining a search warrant for [REDACTED] in North Las Vegas. Detective Grimm provided the following facts for the case:

On Saturday, August 8, 2020, San Bernardino County Sheriff's deputies responded to 46535 Lockhart in the unincorporated Community of Hinkley, in San Bernardino County, to investigate reported animal cruelty. During the investigation deputies located approximately 60 German Shepard's without food, water and adequate shelter. The suspects were arrested and booked into jail for Felony Cruelty to Animals. While the suspects were in custody, San Bernardino County Animal Control Officers responded to the location and took possession of 24 of the German Shepherds. Officers were not able to take the remaining 30 plus German Shepherds. An unknown person notified several animal rescues about the dogs still being on the property. The animal rescues responded to the property and stole numerous German shepherds, one dog has a value of approximately \$10,000.00.

On Wednesday, August 12, 2020, Chelsea Moore called the San Bernardino Sheriff's Department and said she was in possession of some the stolen German Shepherds and wanted to speak with a Watch Commander.

On Monday, August 31, 2020, Detective Grimm contacted Chelsea Moore, (DOB [REDACTED]), the President of Southern Nevada Animal Rescue League, (SNARL), to ask about any involvement or knowledge of the stolen dogs from 46535 Lockhart, located in the unincorporated area of Hinkley. While Detective Grimm was on the phone with Moore, she

asked to include an additional person into the phone conversation. Casey Gish got on the phone and identified himself as the attorney for SNARL. Casey Gish works at Law Office of Casey Gish and is a civil attorney.

Gish confirmed knowledge of the stolen dogs. Gish said representatives of SNARL went to an unknown bar in the area of Barstow and met with other animal rescue organizations who were requesting assistance in placing the dogs. Gish confirmed, SNARL took about 20 dogs but was not certain on the exact number. The dogs are no longer physically in the care of SNARL.

Detective Grimm asked Gish if SNARL had information where the dogs were placed after they took possession. He confirmed SNARL did have that information but he refused to provide any documentation of where the stolen dogs were placed. Gish is compiling a separate investigation and is going to provide his documentation of abuse to the dogs to several government agencies. Detective Grimm requested for Gish to provide him with any information about who contacted him and or facilitated taking possession of the dogs, Gish refused to provide any information in that regard. Gish instructed Moore not to speak with Detective Grimm without him being present. Moore was on the phone during the complete phone interview.

Detective Grimm tried to locate a separate business location for SNARL and during his conversation with Moore and Gish. Gish denied having a rescue center where they house animals. Detective Grimm believes a search of Moore's residence will produce evidence of the theft of the German Shepherds.

Moore provided Detective Grimm with her home address of [REDACTED] Avenue (North Las Vegas, NV 89031) which Detective Grimm was able to also confirm with a records/system's check.

WHEREFOR, Affiant requests that a Search Warrant be issued directing a search for and seizure of the aforementioned items at the location set forth herein and authorizing a day time search between the hours of 7:00 a.m. and 7:00 p.m.

 1529
A. Antoniewicz,

SUBSCRIBED and SWORN to before me by
A. Antoniewicz this 10 day of September, 2020.

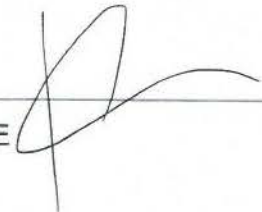

JUDGE

Exhibit 4



Land Use Services Department
Code Enforcement

NOTICE OF VIOLATION

ZINAIDA, DMITREEVA ETAL OR
TO: JEONG, OLIVIA NOTICE DATE: 10/13/2020

ASSESSOR'S PARCEL NUMBER: 0502-085-75-0000 CASE #: C202002475

SITUS ADDRESS: 1335 TRUMP BLVD BARSTOW CA 92311

MAILING ADDRESS: [Redacted]

THE INDICATED VIOLATION(S) OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND/OR THE SAN BERNARDINO COUNTY CODE WERE OBSERVED ON THE SUBJECT PROPERTY DURING AN INSPECTION CONDUCTED ON 10/02/2020 :

[] IPMC 302.8 - Motor Vehicles: No inoperative motor vehicle shall be parked, kept, or stored on any premises other than in a garage.

Corrective Action: [Redacted]

[] IPMC 108.1.4 - Unlawful Structures: An unlawful structure that was erected, altered, or occupied contrary to law.

[] Room Addition [] Garage Conversion [] Patio Cover [] Decking [] Carport [] Residence / Manufactured [] Shed-Cargo Container-Barn-Animal Enclosure

Corrective Action: [Redacted]

[] IPMC 108.1.5(7) - Dangerous Structure on Premises: The building or structure is neglected, damaged, dilapidated, unsecured, abandoned, or an attractive nuisance.

Corrective Action: [Redacted]

[] IPMC 102.2 - Maintenance: Structure or premises shall be maintained in good working order.

Corrective Action: [Redacted]

[] IPMC 302.7 - Accessory Structures: Accessory structures, including detached garages, fences and walls, shall be maintained, structurally sound, and in good repair.

Corrective Action: [Redacted]

[] IPMC 308.1 - Garbage: Exterior and interior of property shall be free from any accumulation of rubbish or garbage.

Corrective Action: [Redacted]

[] IPMC 504.1 - Plumbing Systems and Fixtures: Plumbing fixtures shall be properly installed and maintained in working order.

Corrective Action: [Redacted]

[] IPMC 506.1 - Sanitary Drainage: Plumbing fixtures shall be properly connected to either a public sewer system or an approved private sewage disposal system.

Corrective Action: [Redacted]

[] IPMC 602.2 - Heating Facilities: Dwellings shall be provided with heating facilities.

Corrective Action: [Redacted]

[] SBCC 41.2503 - Rental Dwelling Unit License Required: A license is required for the operation of each rental dwelling unit.

Corrective Action: [Redacted]

[] SBCC 84.25.070 A & C - Occupancy/Camping: It is unlawful to temporarily or permanently occupy any vehicle or temporary structure.

Corrective Action: [Redacted]

[] SBCC 84.04.090(h) - Animal Density Standards: The number of animals shall be within approved limits.

Corrective Action: [Redacted]

[x] SBCC 82.02.020(b) No Primary Use - Vacant

Corrective Action: Operating a kennel on a property listed as vacant with no established Primary Use is not allowed. Remove 2 sheds, personal items, vehicles, dogs and makeshift animal enclosures.

The indicated violations must be corrected within 30 days from the date of this notice. A re-inspection of this property to verify compliance will be completed after 11/12/2020 Failure to correct the existing violation(s) may result in the issuance of administrative citations and/or civil or criminal prosecution. A lien and a special assessment on the property tax roll may also be placed against the subject property to recover any regulatory costs incurred by the County.

If you have questions regarding this notice please contact Code Enforcement at (909) 884-4056 or (760) 995-8140.

Notice received by: Standard Mail Code Enforcement Officer: G. Arroyo

08/31/2020: Referral received from T. Campos with veterinary services. Kennel operating on vacant parcel, POs living in tents and make shift storage units built on the parcel. On 8/8/2020 SBCSD found approx. 50 German Shepherds on the property, unclear how many dogs remain as of today. There also a lot of discarded meat that is picks up daily from the Barstow butcher and uses to feed the dogs. Per T. Campos PO has filed a lawsuit against the SBCSD. Photos taken by T. Campos saved to office links. E. Aguero

PROPERTY OWNER CONTACT

09/08/2020 Ella [REDACTED] called and would like a call back to know how to go about getting a kennel permit. P. Harris

PROPERTY OWNER CONTACT

09/09/2020: Ella, [REDACTED] would like to schedule the initial inspection on the property. She also stated that the meat on the property is used for composting. E. Aguero

FIELD INVESTIGATION

10/02/2020 Field investigation conducted at front fence with property owner Ella Zorikova. Ms. Zorikova did not consent to the investigation and all pictures were taken from the public right of way. Ms. Zorikova stated that she only stays on the property when dogs are present. There are 2 shed located on the property with one being metal and one wood Due to no consent to enter property i observed approximately 13 dogs present on the property in individual makeshift cages with tarp being used to shade dogs. 2 Sports utility vehicles were parked at the entrance of the property. Unable to determine if any disposed meat was present on the property.

Ms. Zorikova stated that she has attempted to obtain a kennel permit and I explained to her i was there to investigate the Land use Violation since the property is listed as vacant with no primary use. Ms. Zorikova stated she will attempt to get the kennel permit and if she cannot obtain permit she will leave the property. I explained to Ms. Zorikova that she must talk to planning. I gave Ms. Zorikova my business card and informed her I would be sending a notice. Ms. Zorikova provided me with an address to send notice to and asked any future communication to be with her attorney. I replied that is fine, but her attorney would need to contact Code enforcement and we will not reach out to them and it is her responsibility to keep her attorney informed not ours. Ms. Zorikova understood. Notice will be sent to address on file and also to address provided by Ms. Zorikova, [REDACTED] [REDACTED]. G. Arroyo

NOTICE OF VIOLATION

Notice prepared on 10/07/2020 with a mail date of 10/13/2020. 30 day notice will be issued for the following violation: SBCC 82.02.020(b) No Primary Use - Vacant. Notice has been saved to office link and email has been sent to operations for regular mailing. G. Arroyo

NOTICE OF VIOLATION - MAILING:

10/13/2020: Notice of Violation mailed regular status with pictures and scanned to case file. Mailed to: [REDACTED]. N. Candelario

NOTICE OF VIOLATION - MAILING:

10/13/2020: Notice of Violation mailed regular status with pictures and scanned to case file. Mailed to:
[REDACTED]. N. Candelario

