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

11 SARAH JOYCE JACKSON,

12 Plaintiff,

13 vs.

14 COUNTY OF SAN BERNARDINO,
15 ERIC P. DYBERG, GERARDO
16 MORENO, NICOLAS L. CRAIG, ERIC
17 J. OGAZ and DOES 1 through 10,
18 inclusive,

19 Defendants.

Case No.:

COMPLAINT FOR DAMAGES FOR
VIOLATION OF FEDERAL
CONSTITUTIONAL RIGHTS
UNDER COLOR OF STATE LAW [42
U.S.C. § 1983] CLAIM FOR
UNREASONABLE SEIZURE OF
PERSON (U.S. CONST. AMEND 4);
CLAIM FOR EXECESSIVE /
UNREASONABLE USE OF FORCE
UPON PERSON (U.S. CONST.
AMEND 4); CLAIM FOR
UNREASONABLE SEIZURE OF
PROPERTY (U.S. CONST. AMEND
4) CLAIM FOR VIOLATION OF
FOURTH AMENDMENT RIGHTS
FROM UNREASONABLE /
UNLAWFUL ENTRY INTO &
SEARCH AND SEIZURE OF
PRIVATE RESIDENCE (U.S. CONST.
AMEND 4); VIOLATION OF FIRST
AMENDMENT RIGHTS [RIGHT TO
PETITION GOVERNMENT FOR
REDRESS OF GRIEVANCES /
FREEDOM OF SPEECH] (U.S.
CONST. AMEND 4); CLAIM FOR
VIOLATION OF FOURTH

20 COMPLAINT FOR DAMAGES

AMENDMENT RIGHTS BY
JUDICIAL DECEPTION /
FABRICATION OF EVIDENCE (U.S.
CONST. AMEND 4 & 14) and
MONELL CLAIM, and CALIFORNIA
STATE LAW CLAIMS FOR
VIOLATION OF CAL. CIV. CODE §
52.1; FALSE ARREST / FALSE
IMPRISONMENT; ASSAULT;
BATTERY; CONVERSION /
TRESPASS TO CHATTELS; AND
INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS

JURY TRIAL DEMANDED

COMES NOW plaintiff SARAH JOYCE JACKSON, and shows this
honorable court the following:

JURISDICTIONAL ALLEGATIONS

1. As this action is brought under 42 U.S.C. § 1983, this court has
jurisdiction over this case under its federal question jurisdiction pursuant to 28
U.S.C. § 1331.

2. As the incidents complained of in this action occurred in the County
of San Bernardino, State of California, within the territorial jurisdiction of this
court, venue properly lies in this court pursuant to 28 U.S.C. § 1391(b)(2).

3. As plaintiff’s claims brought under California state law arise out of
the same transactions and occurrences and out of a common nucleus of operative
facts as the plaintiff’s federal questions claims, this court has jurisdiction over the
plaintiffs’ California state law claims under its Supplemental Jurisdiction pursuant
to 28 U.S.C. § 1367, and otherwise pursuant to *United Mine Workers of America*
v. Gibbs, 383 U.S. 715 (1966).

4. Plaintiff Sarah Joyce Jackson timely filed her Claim for Damages
against the County of San Bernardino on November 5, 2020, pursuant to the

COMPLAINT FOR DAMAGES

1 California Tort Claims Act, Cal. Gov't. Code § 900 et seq., and said claim has
2 been rejected by defendant County of San Bernardino on December 17, 2020.

3 **GENERAL ALLEGATIONS**

4 5. Plaintiff Sarah Joyce Jackson, hereinafter referred to as “JACKSON”
5 and/or “plaintiff” and/or “Sarah Jackson” is a natural person, who, at all times
6 complained of in this action, resided in the State of California.

7 6. Defendant County of San Bernardino, hereinafter also referred to as
8 “County of San Bernardino” or “COUNTY”, is a political subdivision of the State
9 of California and is a municipal entity, located within the territorial jurisdiction of
10 this Honorable Court.

11 7. Defendant Eric P. Dyberg, hereinafter referred to as “DYBERG”, is a
12 sworn Deputy Sheriff and or Corporal and/or Supervisor other peace officer with
13 the San Bernardino County Sheriff’s Department, who, at all times complained of
14 in this action was acting as an individual person under the color of state law, and
15 was acting in the course of and within the scope of his employment with the San
16 Bernardino County Sheriff’s Department and defendant County of San
17 Bernardino¹.

18 8. Defendant Gerardo Moreno, hereinafter referred to as “MORENO”,
19 is a sworn Deputy Sheriff and or Corporal and/or Supervisor other peace officer
20 with the San Bernardino County Sheriff’s Department, who, at all times
21 complained of in this action was acting as an individual person under the color of
22 state law, and was acting in the course of and within the scope of his employment
23 with the San Bernardino County Sheriff’s Department and defendant County of
24 San Bernardino².

25 9. Defendant Nicolas L. Craig, hereinafter referred to as “CRAIG”, is a
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28 ¹ Or with some other public entity.

² Or with some other public entity.

1 sworn Deputy Sheriff and or Corporal and/or Supervisor other peace officer with
2 the San Bernardino County Sheriff’s Department, who, at all times complained of
3 in this action was acting as an individual person under the color of state law, and
4 was acting in the course of and within the scope of his employment with the San
5 Bernardino County Sheriff’s Department and defendant County of San
6 Bernardino³.

7 10. Defendant Eric J. Ogaz, hereinafter referred to as “OGAZ”, is a
8 sworn Deputy Sheriff and or Corporal and/or Supervisor other peace officer with
9 the San Bernardino County Sheriff’s Department, who, at all times complained of
10 in this action was acting as an individual person under the color of state law, and
11 was acting in the course of and within the scope of his employment with the San
12 Bernardino County Sheriff’s Department and defendant County of San
13 Bernardino⁴.

14 11. Defendants DOES 1 through 6, inclusive, are sworn Deputy Sheriff
15 and or Corporal and/or Supervisor other peace officer and/or dispatchers and/or
16 Sheriff’s Special Officer and/or some other public officer, public official or
17 employee of defendant County of San Bernardino and/or with some other public
18 entity, who in some way committed some or all of the tortious actions (and
19 constitutional violations) complained of in this action, and/or are otherwise
20 responsible for and liable to plaintiffs for the acts complained of in this action,
21 whose identities are, and remain unknown to plaintiffs, who will amend his
22 complaint to add and to show the actual names of said DOE defendants when
23 ascertained by plaintiffs.

24 12. At all times complained of herein, DOES 1 through 6, inclusive, were
25 acting as individual persons acting under the color of state law, pursuant to their

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28 ³ Or with some other public entity.

⁴ Or with some other public entity.

1 authority as sworn Deputy Sheriff and or Corporal and/or Supervisor other peace
2 officers and/or Special Officers and/or Supervisors (i.e. Sergeants, Lieutenants,
3 Captains, Commanders, etc.) and/or dispatchers and/or public officers, employed
4 by defendant County of San Bernardino and/or with some other public entity, and
5 were acting in the course of and within the scope of their employment with
6 defendant County of San Bernardino⁵.

7 13. Defendants DOES 7 through 10, inclusive, are sworn peace officers
8 and/or Supervisors and/or Commanders and/or Captains and/or Lieutenants and/or
9 Sergeants and/or Detectives and/or other Supervisory personnel (such as) and/or
10 policy making and/or final policy making officials, employed by the County of
11 San Bernardino and/or with some other public entity, who are in some substantial
12 way liable and responsible for, or otherwise proximately caused and/or
13 contributed to the occurrences complained of by plaintiffs in this action, such as
14 via supervisory liability (i.e. failure to properly supervise, improperly directing
15 subordinate officers, approving actions of subordinate officers), via bystander
16 liability (failing to intervene in and stop unlawful actions of their subordinates
17 and/or other officers), and such as by creating and/or causing the creation of
18 and/or contributing to the creation of the policies and/or practices and/or customs
19 and/or usages of the County of San Bernardino and/or with some other public
20 entity, for: 1) for wrongfully detaining and arresting persons, including wrongfully
21 seizing persons and taking them to a police station type facility to interrogate them
22 as witnesses, not suspects; 2) for using excessive / unreasonable force on persons;
23 3) for unlawfully ordering persons out of their private residences without a
24 warrant; 4) for otherwise unlawfully and unreasonably seizing persons; 5) for
25 unlawful searching and seizing persons and their personalty / property; 6) for

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28 ⁵ Or with some other public entity.

1 falsely arresting and falsely imprisoning persons; 7) for fabricating / destroying /
2 concealing / altering / withholding evidence in criminal and civil actions, and for
3 otherwise “framing” persons in criminal actions, in order to falsely and
4 maliciously, oppressively convict innocent persons, to protect them and other
5 police officers, public officers and supervisory personnel from civil,
6 administrative and criminal liability; 8) for interfering with persons’ and/or
7 otherwise violating persons’ constitutionally protected right to free speech; 9) for
8 covering-up unlawful and tortious conduct by County of San Bernardino
9 personnel, and were a proximate cause of the very same California state law, and
10 federal and state constitutional violations complained above, and complained of
11 by the plaintiffs in this action.

12 14. Plaintiffs are presently unaware of the identities of DOES 1 through
13 10, inclusive, and will amend his complaint to add and to show the actual names
14 of said DOE defendants, when ascertained by plaintiff.

15 15. At all times complained of herein, DOES 7 through 10, inclusive,
16 were acting were acting as individual persons acting under the color of state law,
17 pursuant to their authority as sworn Deputy Sheriff and or Corporal and/or
18 Supervisor other peace officers and/or Special Officers, Commanders and/or
19 Captains and/or Lieutenants and/or Sergeants and/or other Supervisory personnel
20 and/or policy making and/or final policy making officials, employed by the
21 County of San Bernardino and/or with some other public entity, and/or some other
22 public official(s) with the County of San Bernardino and/or with some other
23 public entity, and were acting in the course of and within the scope of their
24 employment with defendant County of San Bernardino⁶.

25 16. At all times complained of herein, defendants DOES 7 through 10,
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28 ⁶ Or with some other public entity.

1 inclusive, were acting as individual persons under the color of state law; under and
2 pursuant to their status and authority as peace officers and/or Supervisory peace
3 officers (as described herein, above and below), and/or policy making peace
4 officers, with defendant County of San Bernardino⁷.

5 17. Moreover, at all times complained of herein, defendants DOES 1
6 through 10, inclusive, were acting pursuant to, or otherwise contributed to the
7 creation and maintenance of, the customs, policies, usages and practices of the
8 County of San Bernardino and/or with some other public entity, for, inter alia: 1)
9 for wrongfully detaining and arresting persons, including wrongfully seizing
10 persons and taking them to a police station type facility to interrogate them as
11 witnesses, not suspects; 2) for using excessive Deputy ssive / unreasonable force on
12 persons; 3) for unlawfully ordering persons out of their private residences without
13 a warrant; 4) for otherwise unlawfully and unreasonably seizing persons; 5) for
14 unlawful searching and seizing persons and their personalty / property; 6) for
15 falsely arresting and falsely imprisoning persons; 7) for fabricating / destroying /
16 concealing / altering / withholding evidence in criminal and civil actions, and for
17 otherwise “framing” persons in criminal actions, in order to falsely and
18 maliciously, oppressively convict innocent persons, to protect them and other
19 police officers, public officers and supervisory personnel from civil,
20 administrative and criminal liability; 8) for interfering with persons’ and/or
21 otherwise violating persons’ constitutionally protected right to free speech; 9) for
22 covering-up unlawful and tortious conduct by County of San Bernardino
23 personnel, and were a proximate cause of the very same California state law, and
24 federal and state constitutional violations complained above, and complained of
25 by the plaintiffs in this action.

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28 ⁷ Or with some other public entity.

1 18. In addition to the above and foregoing, defendants DYBERG,
2 MORENO, CRAIG, OGAZ and DOES 1 through 6, inclusive, acted pursuant to a
3 conspiracy, agreement and understanding and common plan and scheme to
4 deprive the plaintiff Sarah Jackson of her federal Constitutional and statutory
5 rights, as complained of in this action, and acted in joint and concerted action to
6 so deprive the plaintiff of those rights as complained of herein; all in violation of
7 42 U.S.C. § 1983, and otherwise in violation of United States (Constitutional and
8 statutory) law.

9 19. Said conspiracy / agreement / understanding / plan / scheme / joint
10 action / concerted action, above-referenced, was a proximate cause of the
11 violation of the plaintiff Sarah Jackson's federal and state constitutional and
12 statutory rights, as complained of herein.

13 **FIRST CAUSE OF ACTION**
14 **USE OF UNREASONABLE SEIZURE OF PERSON**
15 **UNDER FOURTH AMENDMENT⁸**
16 **[42 U.S.C. § 1983]**
17 **(By Plaintiff JACKSON Against All Defendants)**

18 20. Plaintiff hereby realleges and incorporates by reference the
19 allegations set forth in paragraphs 1 through 19, inclusive, above, as if set forth in
20 full herein.

21 21. On February 15, 2019, Marty Palmer was murdered in Highland,
22 California. Marty Palmer was an acquaintance of plaintiff JACKSON's boyfriend,
23 Nicolas Ibarra.

24 22. Thereafter, the Homicide Division of the San Bernardino Sheriff's
25 Department launched an investigation into said murder. Plaintiff JACKSON never
26 knew Marty Palmer, nor had plaintiff JACKSON ever met Marty Palmer.

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28 ⁸ U.S. Const. Amend. 4.

1 23. On or about July 14, 2020, defendants DYBERG, CRAIG and DOES
2 1 and 2, contacted plaintiff JACKSON at her home, located at 1629 Alta Street in
3 Redlands, San Bernardino County, California, looking for her boyfriend; but her
4 boyfriend, a truck driver who was away from home often due to his occupation,
5 was not at home.

6 24. Thereafter, on or about July 18, 2020, defendants DYBERG, CRAIG
7 and DOES 1 and 2, again contacted plaintiff JACKSON at her home, looking for
8 her boyfriend; but her boyfriend was again not at home. Defendants DYBERG,
9 CRAIG and DOES 1 and 2, did not believe plaintiff JACKSON, and asked
10 plaintiff JACKSON if they could enter and search her home to look for her
11 boyfriend. Plaintiff JACKSON told defendants DYBERG, CRAIG and DOES 1
12 and 2, that she did not want them in her home.

13 25. On July 22, 2020, at approximately 9:30 a.m., plaintiff JACKSON
14 heard a knock on her door. She answered the door and was contacted by
15 defendants DYBERG, CRAIG and certain unknown San Bernardino County
16 Sheriff's Department deputy sheriffs, DOES 1 through 6, inclusive.

17 26. Plaintiff JACKSON was then presented with a residential search
18 warrant for her home.

19 27. Plaintiff JACKSON was then handcuffed by a certain unknown
20 female San Bernardino County Sheriff's Department deputy sheriff, DOE 1 and/or
21 DOE 2. Said handcuffs were cinched down to plaintiff's wrists excessively tight,
22 such as to cause plaintiff to suffer from excruciating pain.

23 28. Thereafter, plaintiff JACKSON was placed into a patrol car and was
24 taken to the San Bernardino County Sheriff's Department Central Station,
25 Homicide Division, located at 655 East Third Street in San Bernardino, California,
26 where plaintiff was interrogated for several hours by defendants DYBERG and/or
27 CRAIG and/or MORENO and/or OGAZ and/or DOE 3 and/or DOE 4 and/or
28 DOE 7. During the course of her false arrest and interrogation, Plaintiff

1 JACKSON verbally protested their unlawful actions to said defendants.

2 29. After several hours of interrogation, plaintiff JACKSON was then
3 transported to San Bernardino County Jail, West Valley Detention Center, in
4 Rancho Cucamonga, California, where plaintiff was falsely imprisoned /
5 incarcerated for a violation of Cal. Penal Code § 187 (murder) until she was
6 released without charges nearly three days later, on July 25, 2020 at
7 approximately 1:00 a.m.

8 30. When plaintiff JACKSON returned home, she discovered that certain
9 unknown San Bernardino County Sheriff's Department deputy sheriffs, DOE 5
10 and/or DOE 6, had unlawfully seized her cell phone and computer; personal
11 property which the San Bernardino County Sheriff's Department has refused to
12 return to plaintiff.

13 31. On July 29, 2020, plaintiff JACKSON was notified by her employer
14 that she had been terminated from her job. Thereafter, on July 30, 2020, plaintiff
15 was able to convince her employer of her innocence and her false arrest for
16 murder, and was able to get her job back.

17 32. Moreover, because of plaintiff JACKSON was falsely arrested and
18 imprisoned for murder, plaintiff's false felony arrest for murder is matter of public
19 record, preventing plaintiff from obtaining future employment as potential
20 employers are able to see that plaintiff was arrested for murder.

21 33. The actions of defendants DYBERG, MORENO, GRAIG, OGAZ
22 and DOES 1 through 7, inclusive, as complained above herein, constituted a
23 violation of plaintiff JACKSON's rights under the Fourth Amendment to the
24 United States Constitution to be free the arrest of her person in the absence of an
25 arrest warrant, or probable cause to believe that she committed a crime.

26 34. As a direct and proximate result of the actions of defendants
27 DYBERG, MORENO, GRAIG, OGAZ and DOES 1 through 10, inclusive,
28 plaintiff JACKSON was: 1) substantially physically, mentally and emotionally

1 injured, 2) incurred attorney’s fees and expenses, and 3) incurred lost wages, loss
2 of her personalty / private property and special and general damages and expenses
3 associated costs; all in an amount to be proven at trial which is in excess of
4 \$5,000.000.00.

5 35. The actions of said defendants, and each of them, as complained of
6 herein, were committed maliciously, oppressively and in reckless disregard of
7 plaintiff JACKSON’s constitutional rights, sufficient for an award of punitive /
8 exemplary damages against said defendants, save defendant COUNTY, in an
9 amount to be proven at trial, in excess of \$5,000,000.00.

10 **SECOND CAUSE OF ACTION**
11 **UNREASONABLE SEIZURE OF PERSON – USE OF EXCESSIVE /**
12 **UNREASONABLE FORCE UPON PERSON**
13 **UNDER FOURTH AMENDMENT⁹**
14 **[42 U.S.C. § 1983]**
15 **(By Plaintiff JACKSON Against All Defendants)**

16 36. Plaintiff hereby realleges and incorporates by reference the
17 allegations set forth in paragraphs 1 through 35, inclusive, above, as if set forth in
18 full herein.

19 37. As shown above, on July 22, 2020, plaintiff JACKSON was arrested
20 at her home by defendants DYBERG, CRAIG and DOES 1 through 6, inclusive.

21 38. Also, as shown above, plaintiff JACKSON was then handcuffed by a
22 certain unknown female San Bernardino County Sheriff’s Department deputy
23 sheriff, DOE 1 and/or DOE 2 during the execution of a residential search warrant.

24 39. Defendants DYBERG, CRAIG and DOES 1 through 6, inclusive,
25 had neither an arrest warrant, nor probable cause, nor any reasonable suspicion of
26 criminality afoot of the plaintiff JACKSON, and, nonetheless, when he/they
27 handcuffed plaintiff JACKSON, he/they did so very excessively tight; causing

28 ⁹ U.S. Const. Amend. 4.

1 plaintiff JACKSON to suffer physical, mental and emotional injury.

2 40. Thereafter, plaintiff JACKSON was placed into a patrol car and was
3 taken to the San Bernardino County Sheriff's Department Central Station,
4 Homicide Division, located at 655 East Third Street in San Bernardino, California,
5 where plaintiff was interrogated for several hours by defendants MORENO,
6 OGAZ and/or DOE 3 and/or DOE 4 and/or DOE 7. During the course of her false
7 arrest and interrogation, Plaintiff JACKSON verbally protested the unlawful
8 actions to said defendants.

9 41. After several hours of interrogation, plaintiff JACKSON was then
10 transported to San Bernardino County Jail, West Valley Detention Center, in
11 Rancho Cucamonga, California, where plaintiff was falsely imprisoned /
12 incarcerated for a violation of California Penal Code § 187 (murder) until she was
13 released without charges nearly three days later, on July 25, 2020 at
14 approximately 1:00 a.m., when plaintiff had not committed any crime whatsoever.

15 42. Hence, as shown above, by said handcuffing of the plaintiff
16 JACKSON by defendants DYBERG, MORENO, CRAIG, OGAZ and DOES 1
17 through 6, inclusive, constituted the use of unreasonable / excessive force upon
18 her person, in violation of the Fourth Amendment to the United States
19 Constitution.

20 43. As a direct and proximate result of the actions of defendants
21 DYBERG, MORENO, CRAIG, OGAZ and DOES 1 through 10, inclusive, and
22 the unlawful seizures by said defendants upon the plaintiff JACKSON was: 1)
23 substantially physically, mentally and emotionally injured, 2) incurred attorney's
24 fees and expenses, and 3) incurred lost wages, loss of her personalty / private
25 property and other special and general damages and expenses associated costs; all
26 in an amount to be proven at trial which is in excess of \$5,000,000.00.

27 44. The actions of said defendants, and each of them, as complained of
28 herein, were committed maliciously, oppressively and in reckless disregard of

1 plaintiff JACKSON's constitutional rights, sufficient for an award of punitive /
2 exemplary damages against said defendants, save defendant COUNTY, in an
3 amount to be proven at trial, in excess of \$5,000,000.00.

4 **THIRD CAUSE OF ACTION**
5 **VIOLATION OF 42 U.S.C. § 1983**

6 **Violation of Fourth Amendment Rights**
7 **Unreasonable Search and Seizure of Personal Property**
8 **(By Plaintiff JACKSON Against All Defendants)**

9 45. Plaintiff hereby realleges and incorporates by reference the
10 allegations set forth in paragraphs 1 through 44, inclusive, above, as if set forth in
11 full herein.

12 46. As shown above, the unlawful / unreasonable seizure and search of
13 plaintiff JACKSON, plaintiff's cell phone and computer, and her private
14 residence; and the unlawful / unreasonable seizure / arrest of plaintiff by
15 defendants DYBERG, MORENO, CRAIG, OGAZ and DOES 1 through 10,
16 inclusive, constituted an unlawful and unreasonable seizure of her person and
17 property, without a warrant (or alternatively, an invalid warrant based upon false
18 material representations of fact and/or material omissions of fact), without
19 reasonable suspicion of criminality afoot by the plaintiff, and without probable
20 cause to believe that the plaintiff had committed a crime; in violation of her right
21 to be free from such an unlawful and unreasonable seizures and searches of her
22 person and property under the Fourth Amendment to the United States
23 Constitution.

24 47. However, defendants DYBERG, MORENO, CRAIG, OGAZ and
25 DOES 1 through 6, inclusive, knew that plaintiff JACKSON had not committed
26 any crime, yet nonetheless forcibly seized and searched plaintiff's private
27 residence, took plaintiff's cell phone and computer from her, went to her home
28 and seized and searched her private residence and took items therefrom; all
without a warrant (or alternatively, an invalid warrant based upon false material

1 representations of fact and/or material omissions of fact), consent or probable
2 cause or reasonable suspicion that plaintiff JACKSON had committed any crime.

3 48. As a direct and proximate result of the actions of defendants
4 DYBERG, MORENO, CRAIG, OGAZ and DOES 1 through 10, inclusive's
5 unlawful / unreasonable seizures and searches of her person and personal property
6 / personalty JACKSON was: 1) substantially physically, mentally and emotionally
7 injured, 2) incurred attorney's fees and expenses, and 3) incurred lost wages, loss
8 of her personalty / private property and other special and general damages and
9 expenses associated costs; all in an amount to be proven at trial which is in excess
10 of \$5,000.000.00.

11 49. The actions of said defendants, and each of them, as complained of
12 herein, were committed maliciously, oppressively and in reckless disregard of
13 JACKSON's constitutional rights, sufficient for an award of punitive / exemplary
14 damages against said defendants, save defendant COUNTY, in an amount to be
15 proven at trial, in excess of \$5,000,000.00.

16 **FOURTH CAUSE OF ACTION**
17 **VIOLATION OF 42 U.S.C. § 1983**

18 **Violation Of Fourth Amendment Rights -**
19 **Unreasonable / Unlawful Entry Into & Search and Seizure of**
20 **Private Residence**

21 **(By Plaintiff JACKSON Against All Defendants)**

22 50. Plaintiff hereby realleges and incorporates by reference the
23 allegations set forth in paragraphs 1 through 49, inclusive, above, as if set forth in
24 full herein.

25 51. At all times complained of in this action, plaintiff resided at a single
26 family home located at 1629 Alta Street, Redlands, California.

27 52. Defendants DYBERG, MORENO, CRAIG, OGAZ and DOES 1
28 through 10, inclusive, falsely arrested and imprisoned plaintiff JACKSON, then
entered the plaintiff's home without a warrant (or alternatively, an invalid warrant

1 based upon false material representations of fact and/or material omissions of
2 fact), or consent or an emergency, and searched the plaintiff's family home while
3 the plaintiff was falsely arrested and imprisoned and falsely accused of murder;
4 and said defendants further ransacked the family home and unlawfully /
5 unreasonably and seized and searched plaintiff's cell phone and computer, as well
6 as other items that were taken from the plaintiff's home which are presently
7 unknown to plaintiff, since no accounting has ever been given to plaintiff as to
8 what items were taken from plaintiff JACKSON's home, all in the presence of
9 plaintiff's boyfriend who witnessed the above-referenced said defendant officers.

10 53. Arresting plaintiff JACKSON by defendants DYBERG, MORENO,
11 CRAIG, OGAZ and DOES 1 through 10, inclusive, constituted an unlawful
12 seizure / arrest of her person under the Fourth Amendment to the United States
13 Constitution.

14 54. Plaintiff did not consent to the unlawful entry and search and
15 ransacking the plaintiff's home in the presence of her boyfriend after plaintiff was
16 falsely arrested and taken to jail.

17 55. However, defendants DYBERG, MORENO, CRAIG, OGAZ and
18 DOES 1 through 10, inclusive, nonetheless searched the plaintiffs' home while
19 plaintiff JACKSON was in jail accused of murder felonies; all based upon an
20 invalid warrant, based upon false material representations of fact and/or material
21 omissions of fact), consent or any exigency or emergency.

22 56. The actions of defendants DYBERG, MORENO, CRAIG, OGAZ
23 and DOES 1 through 10, inclusive, during said incident complained of in this
24 action, in entering into plaintiff's home, the warrantless (or alternatively, an
25 invalid warrant based upon false material representations of fact and/or material
26 omissions of fact), suspicionless, and otherwise unlawful / unjustified entry of
27 said defendants into the plaintiff's home constituted a violation of the plaintiff's
28 rights to be free from a warrantless entry into her home; and said unlawful entry

1 into the plaintiff's home was done in the absence of any consent, a true exigency
2 or a true emergency, none of which existed, under the Fourth Amendment to the
3 United States Constitution.

4 57. As a direct and proximate result of the actions of defendants
5 DYBERG, MORENO, CRAIG, OGAZ and DOES 1 through 10, inclusive's
6 unlawful / unreasonable entry into the plaintiff JACKSON's private residence and
7 the seizures and searches of her person and personal property / personalty,
8 plaintiff JACKSON was: 1) substantially physically, mentally and emotionally
9 injured, 2) incurred attorney's fees and expenses, and 3) incurred lost wages, loss
10 of her personalty / private property and other special and general damages and
11 expenses associated costs; all in an amount to be proven at trial which is in excess
12 of \$5,000,000.00.

13 58. The actions of said defendants, and each of them, as complained of
14 herein, were committed maliciously, oppressively and in reckless disregard of
15 JACKSON's constitutional rights, sufficient for an award of punitive / exemplary
16 damages against said defendants, save defendant COUNTY, in an amount to be
17 proven at trial, in excess of \$5,000,000.00.

18 **FIFTH CAUSE OF ACTION**
19 **VIOLATION OF 42 U.S.C. § 1983**
20 **Violation Of First Amendment Right To**
21 **Freedom Of Speech / Right To Petition Government For Redress Of**
22 **Grievances**
23 **[42 U.S.C. § 1983]**
24 **(By Plaintiff JACKSON Against All Defendants)**

25 59. Plaintiff hereby realleges and incorporates by reference the
26 allegations set forth in paragraphs 1 through 58, inclusive, above, as if set forth in
27 full herein.

28 60. As shown above, the main motivating factor for the unlawful seizure
/ unreasonable seizure of plaintiff JACKSON by defendants, for the defendants
use of force upon her and seizing and searching her personal property and private

COMPLAINT FOR DAMAGES

1 residence, was to retaliate against her for protesting her unlawful seizure and the
2 use of unreasonable force upon her and upon her by said defendants, DYBERG,
3 MORENO, CRAIG, OGAZ and DOES 1 through 10, inclusive, and was done in
4 retaliation for plaintiff JACKSON verbally protesting her false arrest and
5 imprisonment and redressing her grievances to DYBERG, MORENO, CRAIG,
6 OGAZ and DOES 1 through 10, inclusive, and for other acts of protected speech
7 to other government officials.

8 61. Accordingly, said actions / conspiracy of the defendants, and each of
9 them, to falsely seize and search plaintiff and her personal property, and keep
10 plaintiff locked up in jail accused of murder for nearly three days, was done to
11 deprive her / in retaliation for JACKSON's exercise of her First Amendment
12 rights.

13 62. Moreover, the use of unreasonable force upon plaintiff and her
14 unlawful seizure was done to further deprive her / in retaliation for plaintiff
15 JACKSON's exercise of her First Amendment rights.

16 63. Plaintiff JACKSON's verbal protests to defendants DYBERG,
17 MORENO, CRAIG, OGAZ and DOES 1 through 10, inclusive; for being
18 assaulted, battered, and falsely seized and accused of murder was speech that
19 is/are protected by the First Amendment to the United States Constitution.

20 64. A substantial or motivating factor in the decision of the defendants to
21 take said actions in against plaintiff JACKSON, was her exercise of her right to
22 freedom of speech / right to petition, as described above.

23 65. But for plaintiff JACKSON's exercise of her right to freedom of
24 speech / right to petition as described above, said defendants would not have taken
25 the actions against plaintiff JACKSON that they did.

26 66. As a direct and proximate result of the actions of defendants
27 DYBERG, MORENO, CRAIG, OGAZ and DOES 1 through 10, inclusive's
28 violation of plaintiff's right to protest / petition government / redress grievances,

1 plaintiff JACKSON was: substantially physically, mentally and emotionally
2 injured, 2) incurred attorney's fees and expenses, and 3) incurred lost wages, loss
3 of her personalty / private property and other special and general damages and
4 expenses associated costs; all in an amount to be proven at trial which is in excess
5 of \$5,000.000.00.

6 67. The actions of said defendants, and each of them, as complained of
7 herein, were committed maliciously, oppressively and in reckless disregard of
8 JACKSON's constitutional rights, sufficient for an award of punitive / exemplary
9 damages against said defendants, save defendant COUNTY, in an amount to be
10 proven at trial, in excess of \$5,000,000.00.

11 **SIXTH CAUSE OF ACTION**
12 **VIOLATION OF 42 U.S.C. § 1983**
13 **Violation Of Fourth Amendment Rights -**
14 **Judicial Deception**
15 **(By Plaintiff JACKSON Against All Defendants)**

16 68. Plaintiff hereby re-alleges and incorporates by reference the
17 allegations set forth in paragraphs 1 through 67, inclusive, above, as if set forth in
18 full herein.

19 69. As shown above, the defendants DYBERG and/or MORENO and/or
20 CRAIG and/or OGAZ and/or DOES 1 through 6, inclusive, submitted to a San
21 Bernardino County Superior Court Judge Dwight Moore a warrant affidavit that
22 contained one or more misrepresentations and/or omissions material to the finding
23 of probable cause; and defendants DYBERG and/or MORENO and/or CRAIG
24 and/or OGAZ and/or DOES 1 through 6, inclusive, made those misrepresentations
25 and/or omissions either intentionally or with reckless disregard for the truth.

26 70. Said judicial deception was done by defendants DYBERG and/or
27 MORENO and/or CRAIG and/or OGAZ and/or DOES 1 through 6, inclusive, in
28 violation of plaintiff JACKSON's rights under the Fourth Amendment to the
United States Constitution.

1 71. As a direct and proximate result of the actions of defendants
2 DYBERG, MORENO, CRAIG, OGAZ and DOES 1 through 10, inclusive's
3 violation of plaintiff's rights by judicial deception, plaintiff JACKSON was: 1)
4 substantially physically, mentally and emotionally injured, 2) incurred attorney's
5 fees and expenses, and 3) incurred lost wages, loss of her personalty / private
6 property and other special and general damages and expenses associated costs; all
7 in an amount to be proven at trial which is in excess of \$5,000,000.00.

8 72. The actions of said defendants, and each of them, as complained of
9 herein, were committed maliciously, oppressively and in reckless disregard of
10 JACKSON's constitutional rights, sufficient for an award of punitive / exemplary
11 damages against said defendants, save defendant COUNTY, in an amount to be
12 proven at trial, in excess of \$5,000,000.00.

13 **SEVENTH CAUSE OF ACTION**
14 **Violation of Cal. Civil Code § 52.1**
15 **Under California State Law**
16 **(By Plaintiff JACKSON Against all Defendants)**

17 73. Plaintiff hereby realleges and incorporates by reference the
18 allegations set forth in paragraphs 1 through 72, inclusive, above, as if set forth in
19 full herein.

20 74. As shown above, defendants DYBERG, MORENO, CRAIG, OGAZ,
21 COUNTY and DOES 1 through 10, inclusive, used the threat of force and actual
22 use of force and violence against plaintiff JACKSON to stop her verbally
23 protesting their actions and to chill her from doing so in the future, that were being
24 perpetrated against her.

25 75. Also as shown above, said defendants used unreasonable force and
26 violence against plaintiff JACKSON because of her protests of their actions
27 perpetrated against her.

28 76. The actions of defendants DYBERG, MORENO, CRAIG, OGAZ

1 and DOES 1 through 10, inclusive, above-described, were done in retaliation for
2 plaintiff's exercise of her First Amendment rights to freedom of speech and to
3 petition the government for redress of grievances, and to chill, deter and prevent
4 further verbal protests and complaints by plaintiff to said defendant police officers
5 about their mistreatment of the plaintiff as well as plaintiff exercising her Fourth
6 Amendment right to be secure in her person and her property and Fifth
7 Amendment right not to bear witness to herself.

8 77. Said actions by said defendants constitute the use of actual force and
9 violence, and the threatened use of force and violence against the plaintiff for her
10 exercise of her First Amendment rights to freedom of speech and to petition the
11 government for redress of grievances, and to chill, deter and prevent further verbal
12 protests and complaints by plaintiff to said defendant police officers about their
13 mistreatment of the plaintiff as well as plaintiff exercising her Fourth Amendment
14 to be secure in her person and her property and Fifth Amendment right not to bear
15 witness to herself.

16 78. Moreover, as shown above, said defendant police officers falsely
17 arrested and falsely imprisoned the plaintiff, using actual force and violence
18 against plaintiff, as well as threats of same.

19 79. Said defendant police officers, interfered with, and/or attempted to
20 interfere with, by use of threats, intimidation, and coercion, the exercise or
21 enjoyment by plaintiff of the rights secured by the Constitution and laws of the
22 United States, and of the rights secured by the California Constitution and
23 otherwise by California law, in violation of California Civil Code §52.1.

24 80. Said defendants DYBERG, MORENO, CRAIG, OGAZ, COUNTY
25 and DOES 1 through 10 are liable to plaintiff for said violations of her
26 constitutional rights, pursuant to California Civil Code § 52.1, and California
27 Government Code §§815.2(a), 815.6, 820, 820.8.

28 81. As a direct and proximate result of the actions of said defendants,

1 plaintiff JACKSON was: 1) substantially physically, mentally and emotionally
2 injured, 2) incurred attorney’s fees and expenses, and 3) incurred lost wages, loss
3 of her personalty / private property and other special and general damages and
4 expenses associated costs; all in an amount to be proven at trial which is in excess
5 of \$5,000.000.00.

6 82. The actions by said defendants were committed maliciously and
7 oppressively and constituted despicable conduct; sufficient for an award of
8 punitive / exemplary damages against all defendants and each of them, save
9 defendant COUNTY, in an amount to be proven at trial in excess of
10 \$5,000,000.00.

11 83. In addition, as a result of the actions of said defendants in violation of
12 the plaintiff’s rights under Cal. Civil Code § 52.1, the plaintiff is entitled to an
13 award of treble compensatory damages against all defendants, and each of them,
14 save defendant COUNTY, in this action.

15 **EIGHTH CAUSE OF ACTION**
16 **False Arrest / False Imprisonment**
17 **Under California State Law**
18 **(By Plaintiff JACKSON Against all Defendants)**

19 84. Plaintiff hereby realleges and incorporates by reference the
20 allegations set forth in paragraphs 1 through 83, inclusive, above, as if set forth in
21 full herein.

22 85. As complained of above, plaintiff JACKSON was unlawfully seized
23 and arrested by defendants DYBERG, MORENO, CRAIG, OGAZ, COUNTY
24 and DOES 1 through 10, inclusive, on July 22, 2020.

25 86. As complained of above, said defendants DYBERG, MORENO,
26 CRAIG, OGAZ, COUNTY and DOES 1 through 10 had neither reasonable
27 suspicion of criminality afoot about plaintiff JACKSON, nor probable cause to
28 believe that plaintiff JACKSON had committed a crime.

1 87. Defendants DYBERG, MORENO, CRAIG, OGAZ, COUNTY and
2 DOES 1 through 10, inclusive, are liable to plaintiff for their false arrests / false
3 imprisonments pursuant to Cal. Gov't Code §§ 815.2(a), 815.6, 820, 820.4 and
4 820.8.

5 88. As a direct and proximate result of the actions of DYBERG,
6 MORENO, CRAIG, OGAZ, COUNTY and DOES 1 through 10, inclusive,
7 plaintiff JACKSON was: 1) substantially physically, mentally and emotionally
8 injured, 2) incurred attorney's fees and expenses, and 3) incurred lost wages, loss
9 of her personalty / private property and other special and general damages and
10 expenses associated costs; all in an amount to be proven at trial which is in excess
11 of \$5,000,000.00.

12 89. The actions by said defendants were committed maliciously and
13 oppressively and constituted despicable conduct; sufficient for an award of
14 punitive / exemplary damages against all defendants and each of them, save
15 defendant COUNTY, in an amount to be proven at trial in excess of
16 \$5,000,000.00.

17 **NINTH CAUSE OF ACTION**

18 **Battery**

19 **Under California State Law**

20 **(By Plaintiff JACKSON Against All Defendants)**

21 90. Plaintiff hereby realleges and incorporates by reference the
22 allegations set forth in paragraphs 1 through 89, inclusive, above, as if set forth in
23 full herein.

24 91. The actions committed by DYBERG, MORENO, CRAIG, OGAZ,
25 COUNTY and DOES 1 through 10, inclusive, above-described, constituted
26 unjustified non-consensual use of unlawful force and violence upon plaintiff
27 JACKSON and constituted a battery of her by DYBERG, MORENO, CRAIG,
28 OGAZ, COUNTY and DOES 1 through 10, inclusive, under California state law.

92. Defendants DYBERG, MORENO, CRAIG, OGAZ, COUNTY and

DOES 1 through 10, and each of them, are liable to plaintiff JACKSON for said batteries of her, pursuant to Cal. Government Code §§ 815.2(a), 815.6, 820, 820.8 and otherwise pursuant to the common-law.

93. As a direct and proximate result of the actions of DYBERG, MORENO, CRAIG, OGAZ, COUNTY and DOES 1 through 10, plaintiff JACKSON was: 1) substantially physically, mentally and emotionally injured, 2) incurred attorney’s fees and expenses, and 3) incurred lost wages, loss of her personalty / private property and other special and general damages and expenses associated costs; all in an amount to be proven at trial which is in excess of \$5,000,000.00.

94. The actions by said defendants were committed maliciously and oppressively and constituted despicable conduct; sufficient for an award of punitive / exemplary damages against all defendants and each of them, save defendant COUNTY, in an amount to be proven at trial in excess of \$5,000,000.00.

TENTH CAUSE OF ACTION

Assault

Under California State Law

(By Plaintiff JACKSON Against all Defendants)

95. Plaintiff hereby realleges and incorporates by reference the allegations set forth in paragraphs 1 through 94, inclusive, above, as if set forth in full herein.

96. The actions committed by DYBERG, MORENO, CRAIG, OGAZ, COUNTY and DOES 1 through 10, inclusive, above-described, constituted an assault of plaintiff JACKSON under California state law, as said plaintiff was unlawfully placed in reasonable fear of receiving an imminent violent injury by defendants DYBERG, MORENO, CRAIG, OGAZ, COUNTY and DOES 1 through 10, inclusive.

97. Defendants DYBERG, MORENO, CRAIG, OGAZ, COUNTY and

1 DOES 1 through 10, inclusive, and each of them, are liable to under California
2 state law for said assaults of plaintiff, pursuant to Cal. Government Code §§
3 815.2(a), 815.6, 820 and 820.8, pursuant to the California Constitution, and
4 otherwise pursuant to the common law.

5 98. As a direct and proximate result of the actions of DYBERG,
6 MORENO, CRAIG, OGAZ, COUNTY and DOES 1 through 10, plaintiff
7 JACKSON was: 1) substantially physically, mentally and emotionally injured, 2)
8 incurred attorney’s fees and expenses, and 3) incurred lost wages, loss of her
9 personalty / private property and other special and general damages and expenses
10 associated costs; all in an amount to be proven at trial which is in excess of
11 \$5,000,000.00.

12 99. The actions by said defendants were committed maliciously and
13 oppressively and constituted despicable conduct; sufficient for an award of
14 punitive / exemplary damages against all defendants and each of them, save
15 defendant COUNTY, in an amount to be proven at trial in excess of
16 \$5,000,000.00.

17 **ELEVENTH CAUSE OF ACTION**

18 **Conversion / Trespass to Chattels**

19 **Under California State Law**

20 **(By Plaintiff JACKSON Against All defendants)**

21 100. Plaintiff hereby realleges and incorporate by reference the allegations
22 set forth in paragraphs 1 through 99, inclusive, above, as though set forth in full
23 herein.

24 101. Plaintiff JACKSON owned and possessed a cell phone and computer
25 identified hereinabove and at all times mentioned herein.

26 102. Said defendants DYBERG, MORENO, CRAIG, OGAZ, COUNTY
27 and DOES 1 through 10 inclusive, intentionally and substantially interfered with
28 plaintiff JACKSON’s use of her property by taking possession of plaintiff’s cell
phone and computer, and other items taken from the family home which have

1 never been accounted for by said defendants.

2 103. Plaintiff JACKSON did not consent to said defendants, and each of
3 them, to the taking of her cell phone and computer.

4 104. Plaintiff JACKSON was harmed by the taking of her cell phone and
5 computer, and other items taken from the family home which have never been
6 accounted for by said defendants.

7 105. Said defendants' conduct, and each of them, was a substantial factor in
8 causing plaintiff's harm.

9 106. As a direct and proximate result of the actions of DYBERG,
10 MORENO, CRAIG, OGAZ, COUNTY and DOES 1 through 10, plaintiff
11 JACKSON was: 1) substantially physically, mentally and emotionally injured, 2)
12 incurred attorney's fees and expenses, and 3) incurred lost wages, loss of her
13 personalty / private property and other special and general damages and expenses
14 associated costs; all in an amount to be proven at trial which is in excess of
15 \$5,000,000.00.

16 107. The actions by said defendants were committed maliciously and
17 oppressively and constituted despicable conduct; sufficient for an award of
18 punitive / exemplary damages against all defendants and each of them, save
19 defendant COUNTY, in an amount to be proven at trial in excess of
20 \$5,000,000.00.

21 **TWELFTH CAUSE OF ACTION**
22 **Intentional Infliction Of Emotional Distress**
23 **Under California State Law**
24 **(By Plaintiff JACKSON Against All Defendants)**

25 108. Plaintiff hereby realleges and incorporates by reference the
26 allegations set forth in paragraphs 1 through 107, inclusive, above, as if set forth
27 in full herein.

28 109. Defendants DYBERG, MORENO, CRAIG, OGAZ, COUNTY and
DOES 1 through 10, inclusive, and each of them, knew and/or should have known

1 that plaintiff was susceptible to suffering severe emotional distress from the
2 actions taken and committed against plaintiff as complained of above and herein.

3 110. Moreover, the conduct of said defendants, for all of the incidents
4 complained of herein, were outrageous and not the type of conduct condoned in a
5 civilized society.

6 111. As a direct and proximate result of the actions of DYBERG,
7 MORENO, CRAIG, OGAZ, COUNTY and DOES 1 through 10, plaintiff
8 JACKSON was: 1) substantially physically, mentally and emotionally injured, 2)
9 incurred attorney’s fees and expenses, and 3) incurred lost wages, loss of her
10 personalty / private property and other special and general damages and expenses
11 associated costs; all in an amount to be proven at trial which is in excess of
12 \$5,000.000.00.

13 112. The actions by said defendants were committed maliciously and
14 oppressively and constituted despicable conduct; sufficient for an award of
15 punitive / exemplary damages against all defendants and each of them, save
16 defendant COUNTY, in an amount to be proven at trial in excess of
17 \$5,000,000.00.

18 **THIRTEENTH CAUSE OF ACTION**
19 **MONELL LIABILITY¹⁰**

20 **[42 U.S.C. § 1983]**

21 **(By Plaintiff JACKSON Against All Defendants)**

22 113. Plaintiff hereby realleges and incorporates by reference the
23 allegations set forth in paragraphs 1 through 112, inclusive, above, as if set forth
24 in full herein.

25 114. As set forth above, at all times complained of herein, defendants
26
27

28 ¹⁰ *Monell v. Dept. of Social Services*, 436 U.S. 658 (1978); municipal liability for constitutional torts of agent officers a proximate cause of constitutional violations by individual defendants.

1 DYBERG, MORENO, CRAIG, OGAZ, COUNTY and DOES 1 through 10,
2 inclusive, were acting pursuant to , or otherwise contributed to the creation and
3 maintenance of, the customs, policies, usages and practices of the County of San
4 Bernardino and/or with some other public entity, for, inter alia: 1) for wrongfully
5 detaining and arresting persons, including wrongfully seizing persons and taking
6 them to a police station type facility to interrogate them as witnesses, not suspects;
7 2) for using excessive / unreasonable force on persons; 3) for unlawfully ordering
8 persons out of their private residences without a warrant; 4) for otherwise
9 unlawfully and unreasonably seizing persons; 5) for unlawful searching and
10 seizing persons and their personalty / property; 6) for falsely arresting and falsely
11 imprisoning persons; 7) for fabricating / destroying / concealing / altering /
12 withholding evidence in criminal and civil actions, and for otherwise “framing”
13 persons in criminal actions, in order to falsely and maliciously, oppressively
14 convict innocent persons, to protect them and other police officers, public officers
15 and supervisory personnel from civil, administrative and criminal liability; 8) for
16 interfering with persons’ and/or otherwise violating persons’ constitutionally
17 protected right to free speech; 9) for covering-up unlawful and tortious conduct by
18 County of San Bernardino personnel, and were a proximate cause of the very
19 same California state law, and federal and state constitutional violations
20 complained above, and complained of by the plaintiffs in this action.

21 115. Because of these policies, customs and practices of defendant
22 COUNTY, defendants DYBERG, MORENO, CRAIG, OGAZ, COUNTY and
23 DOES 1 through 6, inclusive committed the constitutional torts (plaintiff’s 42
24 U.S.C. § 1983 claims) complained of above.

25 116. As a direct and proximate result of the said policies, customs and
26 practices of COUNTY and the actions of DYBERG, MORENO, CRAIG, OGAZ,
27 COUNTY and DOES 1 through 10, plaintiff JACKSON was: 1) substantially
28 physically, mentally and emotionally injured, 2) incurred attorney’s fees and

1 expenses, and 3) incurred lost wages, loss of her personalty / private property and
2 other special and general damages and expenses associated costs; all in an amount
3 to be proven at trial which is in excess of \$5,000,000.00.

4 **WHEREFORE**, plaintiff prays for judgment as follows:

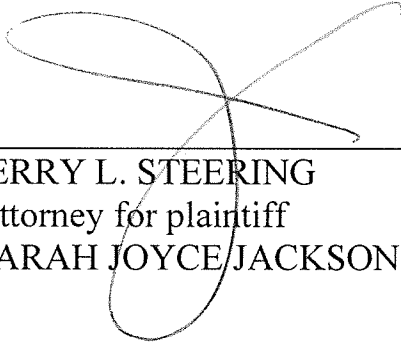
5 a) For a judgment against all defendants for compensatory damages in
6 an amount in excess of \$5,000,000.00;

7 b) For a judgment against all defendants for punitive damages in an
8 amount in excess of \$5,000,000.00;

9 c) For an award of reasonable attorney's fees and costs;

10 d) For a trial by jury; and

11 e) For such other and further relief as this honorable court deems just
12 and equitable.

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16 _____
17 JERRY L. STEERING
18 Attorney for plaintiff
19 SARAH JOYCE JACKSON
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