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8 ANDREA WOOD AND TP, A MINOR CHILD

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ANDREA WOOD; and "TP", a minor
child,

Plaintiffs ,

v.

COUNTY OF CONTRA COSTA, a
government entity; OFFICE OF THE
SHERIFF, a government entity; DAVID
LIVINGSTON, in his official capacity as
Sheriff of Office of the Sheriff; KELLIE
CASE, in her official and individual
capacity; EDYTH WILLIAMS, in her
official and individual capacity; CECELIA
GUTIERREZ, in her official and
individual capacity; ACADIA CHIDI, in
her official and individual capacity;
ERICA BAINS; RAVINDER BAINS;
STATE OF CALIFORNIA, a government
entity; CALIFORNIA DEPARTMENT OF
SOCIAL SERVICES, a government entity;
KIM JOHNSON, in the official capacity as
Director of California Department of
Social Services; CALIFORNIA HEALTH
AND HUMAN SERVICES, a government
entity; MARK GHALY, as California
Secretary of State and Director of
California Department of Health and
Human Services; and DOES 1-100,
Inclusive,

Defendants.

Case No. 3:19-cv-07597 MMC
Related Case: C-19-4266 MMC
Related Case: C-19-7597 JCS

**VERIFIED FIRST-AMENDED
COMPLAINT FOR DAMAGES AND
DECLARATORY RELIEF**

1. **CIVIL RIGHTS VIOLATIONS 42
U.S.C. § 1983**
2. **CONSPIRACY TO COMMIT
CIVIL RIGHTS VIOLATIONS**
3. **DECLARATORY JUDGMENTS 28
U.S.C. §§ 2201(a) and 2202**

JURY TRIAL DEMANDED

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1 **I. RULE 8A SHORT AND PLAIN STATEMENT OF THE CLAIM**

2 1. This case concerns the shocking truth that the County of Contra Costa (“County”),
3 through its agencies Children and Family Services (“CFS”) and Office of the Sheriff and
4 David O. Livingston (together, “Sheriff”), operate under a policy, practice and custom
5 by which they act under color of law to seize children regardless of whether the
6 statutory requirements of “serious harm” or “substantial risk” have been met.

7 2. Erica Bains and Ravinder Bains (together, “the Bains”) obtained a financial
8 windfall and obtained custody of their next door neighbor’s child by fabricating and
9 reporting salacious false allegations, which false allegations were unsubstantiated and
10 went essentially uninvestigated, to the police in August 17, 2017 and to County and
11 CFS.

12 3. On August 17, 2017, responding to the false allegations, without Access Order,
13 without Order of Temporary Removal, without Warrant, without consent, and with no
14 reason to believe the allegations were true, acting under color of law, and under their
15 policy, practice and custom which does not require a consideration of the statutory
16 requirements, County, its agencies CFS and Sheriff intentionally deprived Andrea
17 Wood (“Plaintiff” or “Wood”) and her minor child, “TP”, of their Fourth and 14th
18 Amendment Rights by forcibly seizing all of Wood’s minor children from her home
19 (the “Seizure”).

20 4. The Seizure came after CFS and Sheriff received false, unsubstantiated and
21 uninvestigated rumors fabricated by the Bains - private individuals with financial
22 incentive to harm Wood by the methods described. Though the false allegations were
23 salacious, even if they had been true would not rise to the level of serious harm or
24 substantial risk.

25 After the children had been taken into custody, CFS and Sheriff further violated
26 Plaintiffs’ Fourteenth Amendment Rights by coercing middle child HP to testify falsely
27 in exchange for not subjecting him to even harsher treatment known as “escalated care”
28 (the “Coercion”). The Coercion caused ¹HP to become suicidal, to be subjected to

1 a “5150” hold, to be designated “*Katie A*” status, and caused Plaintiffs to suffer extreme
2 emotional
3 distress. Such coercion is also part of CFS and Sheriff’s policy, practice and custom.
4 About a year after TP was released, Acacia Chidi (“Chidi”) became the County social
5 worker in the case. Acting under color of State law and as a County agent, Chidi gave
6 false testimony, such as that she only had one criminal conviction when she had more
7 than one, and made threats toward Wood for having pursued justice for herself and her
8 children.

9 5. County and CFS have financial incentives to seize children, and for that reason
10 agreed with and executed the Bains’ plan to injure Wood by seizing and taking custody
11 of Wood’s children, and in the process deprive Plaintiffs of their Civil Rights.

12 6. The Bains had a financial incentive to fabricate the false allegations, as they have
13 now been awarded foster care custody of HP, and thus now receive on a monthly basis
14 (a) the child’s social security check, (b) foster care payment, and (c) child support
15 payment from Wood; for a gain believed to be at least \$6000 / month.

16 7. These deprivations of Plaintiffs’ Civil Rights were intentional, and are the actual
17 and proximate cause of Plaintiffs’ severe Post Traumatic Stress Disorder (“PTSD”),
18 medical expenses and loss of income. On this basis, Plaintiffs pursue claims for Civil
19 Rights violations and Conspiracy to Commit Civil Rights violations under 42 U.S.C. §
20 1983.

21 8. County, CFS, Sheriff, and Livingston knew or should have known that the
22 wrongful acts alleged herein were occurring and that they were illegal, unjust, and
23 unconstitutional.

24 9. The State of California (“State”) enacted and enforces Welfare & Institutions
25 Code §§ 300 (a), (b), and (c) (“Statute”). Said statute is administered by, among others,
26 the State agencies California Department of Social Services (“DSS”) and its director,
27 Kim Johnson (“Johnson”), and California Health and Human Services Agency
28 (“CHHS”) and its officer or overseer, ²Secretary of State Mark Ghaly

1 (“Ghaly”). The Statute is intended to advance the State’s interest in protecting the
2 health and welfare of children. However, severable portions of the Statute are
3 unconstitutional – both facially and as applied – because they are vague, and fail to
4 provide adequate notice of what conduct is prohibited. The State has no interest in
5 enforcing an unconstitutional law.
6

7 10. On this basis, Plaintiffs Wood and TP seek a Declaratory Judgment that portions
8 of the Statutes are unconstitutional under the Void-For-Vagueness Doctrine in the Due
9 Process Clause of the Fourteenth Amendments of the United States Constitution. As to
10 the State, Plaintiffs seeks only Declaratory Judgments containing opinions that the
11 challenged statutory provisions are unconstitutional, and does not seek any other form
12 of relief.

13 **II. JURISDICTION AND VENUE**

14 11. This honorable District Court has original federal subject matter jurisdiction as to
15 all civil rights claims under 42 U.S.C. § 1983, and questions of federal constitutional
16 law. Federal jurisdiction also exists under the Declaratory Judgment Act, 28 U.S.C. §§
17 2201(a) and 2202. The District Court should exercise supplemental jurisdiction over the
18 Common Law tort claim because all of the claims arise from a common nucleus of
19 operative facts that are so intertwined that they cannot reasonably be separated.

20 12. Venue is proper pursuant to 28 U.S.C. § 1402 because at all times relevant all
21 Parties resided in this judicial district and all of the wrongful acts and/or omissions
22 complained of occurred in this judicial district.

23 **III. PARTIES**

24 **A. Plaintiffs**

25 13. Andrea Wood is the widowed mother of three, a successful real estate
26 entrepreneur, philanthropist, and outspoken activist for parental and children’s rights.

27 14. TP, born 2003, is the minor son of Wood.

28 **B. Defendants**

1 15. County of Contra Costa (“County”), through its agencies CFS and Contra Costa
2 Office of the Sheriff, is a government entity with responsibility to protect children from
3 abuse and neglect and promote the well-being of children and their families in their
4 communities.

5 16. Contra Costa County Office of the Sheriff (“Sheriff”) is a law enforcement
6 agency operating as a Department within the County.

7
8 17. Sheriff David O. Livingston (“Livingston”) is the director of Sheriff.

9 18. Erica Bains (“Ms. Bains”) is an individual, a homeowner and next-door neighbor
10 of Plaintiffs.

11 19. Ravinder Bains (“Mr. Bains”) is an individual, a medical doctor, a homeowner,
12 and husband of Ms. Bains.

13 20. Edyth Williams (“Williams”) is an individual and a CFS social worker.

14 21. Kellie Case (“Case”) is an individual and a CFS social worker.

15 22. Cecilia Gutierrez (“Gutierrez”) is an individual and a CFS social worker.

16 23. Acacia Chidi (“Chidi”) is an individual and a CFS social worker.

17 24. The State of California (“State”), through its Office of the Attorney General, is a
18 government entity with responsibility for enacting statutes that protect children from
19 abuse and neglect and promote the well-being of children and their families in their
20 communities.

21 25. DSS is a State agency that administers the challenged Welfare and Institutions
22 Code statutes and is charged with, among other things, helping “protect children and
23 assist families,” according to their website at www.cdss.ca.gov/benefits-services.

24 26. Johnson is current director of DSS.

25 27. CHHS is a State agency that administers the challenged Welfare and Institutions
26 Code statutes and is charged with, among other things, Child Welfare Services,
27 according to their website at www.chhs.ca.gov/wp-content/uploads/2019/06/Child-
28 Welfare-Services-1.pdf.

1 28. Ghaly is the California Secretary of State and the officer or overseer of CHHS.

2 29. The Defendants named as Does 1 – 100, Inclusive, are persons or entities whose
3 identities or liability are unknown to Plaintiffs at this time, and thus are fictitious names.
4 Plaintiffs will amend to add the correct names when known. Plaintiffs are informed and
5 believe, and thereon allege, that Does 1-100, Inclusive, are liable for the acts alleged
6 herein.

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10 **IV. FACTS RELEVANT TO THIS ACTION**

11 **A. Background**

12 30. Plaintiff Wood is the widowed mother of three children – son TP (b. 2003), son
13 HP (b. 2004) and daughter KP (b. 2010). Besides being a kind, loving and dedicated
14 mother of three, Wood is a successful businesswoman - the owner of a hotel and other
15 real estate properties. Wood is a philanthropist, donates to charity, and lately has
16 become an outspoken social activist for children and parental rights.

17 31. At all relevant times prior to August 2017, Wood lived with her three children in
18 their 4000 square foot Orinda, California home, and Wood provided for her children
19 love plus all of the material necessities and luxuries of an affluent lifestyle, including
20 nutritious food, clothing, medical care, education, sports, and extra curricular activities.

21 **B. Ms. Bains – Unreasonable Resentment of Wood’s Money and Children**

22 32. Ms. Bains is a neighbor of Wood. Ms. Bains is married to Mr. Bains, a doctor
23 who insists on keeping much of his finances separate from hers, and gives her only very
24 small amounts of money, despite the outward appearance of living in an affluent
25 neighborhood.

26 33. Ms. Bains served as Treasurer for a charity. In or about 2016, Ms. Bains asked
27 Wood for a charitable donation. Ms. Bains appeared troubled. According to Ms. Bains
28 there was a “shortfall” in the charity’s money. At that time, Wood donated

1 approximately \$30,000 to Ms. Bains' charity. Instead of being happy, Ms. Bains'
2 became more agitated.

3 34. Immediately thereafter, Ms. Bains again approached Wood for another donation,
4 but this time Wood declined. Ms. Bains persisted, and demanded an explanation as to
5 why
6 no further donation was forthcoming. When Wood stated that she did not believe that
7 she owed Ms. Bains *any* explanation, Ms. Bains outright demanded that Wood donate
8 more money, explaining that her mean husband kept her poor, while Wood seemed to
9 have plenty of money. This all seemed unfair to Ms. Bains, and Ms. Bains began to feel
10 a sense of entitlement to anything that belonged to Wood.

11
12 35. Wood still declined to donate any more money to Ms. Bains' charity. Any
13 measure of neighborly friendship between these two women ended at that time.

14 36. Thereafter, Ms. Bains' sense of entitlement regarding Wood grew. Ms. Bains
15 became unreasonably irate and spiteful towards Wood.

16 37. As neighbors, Ms. Bains has known Wood's children since they were little. Ms.
17 Bains' own two children were much older, and now out of college and on their own.
18 Ms. Bains had to have a hysterectomy, thus was unable to conceive any more children.
19 Then, Erica's husband Mr. Bains fathered a child out of wedlock with his own sister-in-
20 law. For these reasons, Ms. Bains was humiliated, and desperately wanted another child.

21 38. In about the beginning of 2017, Ms. Bains began to formulate a plan that would
22 accomplish multiple objectives: (a) enrich herself financially, (b) obtain custody of one
23 or more of Wood's children, and (c) inflict severe emotional distress on Wood.

24 39. Mr. Bains shares Ms. Bains' sentiments set forth above.

25 40. The Bains thought that perhaps they could achieve Ms. Bains' goals by making
26 false allegations against Wood, then applying for foster care custody of the children, or
27 at least one of the children. However, at the time, Ms. Bains did not have knowledge
28

1 about the workings of CFS, or the foster care system. Though she didn't know it then,
2 she would discover that she needed Ravinder's cooperation.

3 **C. Steffi Guggenbichler – Unreasonable Hostility and Resentment**

4 41. Beginning in or about 2010, Steffi Guggenbichler, who is from Austria, was a
5 live-in nanny for Wood and her children. Then, in or about 2013, Ms. Guggenbichler,
6 decided to attend community college as a foreign exchange student, instead of being a
7 nanny. Ms. Guggenbichler began studying nursing, which study included training as a
8 "mandated reporter" of child abuse, and knowledge of the "ins and outs" of the CFS
9 system. This knowledge would prove valuable in the scheme that ultimately ensued.

10 42. Wood generously offered to continue house and feed Ms. Guggenbichler, but
11 could not continue employing her, given Wood's understanding of the applicable
12 immigration laws.

13 43. Moreover, the children were getting older, so Wood no longer needed a nanny.

14 44. While Ms. Guggenbichler availed herself of room and board, and studied nursing
15 at community college, over time she became unreasonably irate to Wood and the
16 children.

17 45. Previously Ms. Guggenbichler had been a competent nanny, and good with the
18 children. But after her employment was terminated, Wood began to notice changes in
19 how Ms. Guggenbichler would act toward the children. For example, Ms.

20 Guggenbichler now seemed irritable and impatient with HP, born 2004, Wood's middle
21 child. Guggenbichler admitted in a January 2018 Orinda police interview that
22 Guggenbichler had hit HP.

23 46. Ms. Guggenbichler began demanding that Wood pay her, and Wood declined,
24 because Ms. Guggenbichler was no longer a nanny, and was receiving free room and
25 board, and could run afoul of immigration laws.

26 47. Then, on or about July 2017, Wood saw Ms. Guggenbichler strike HP with a
27 wooden spoon. Wood wanted Ms. Guggenbichler to leave immediately and never come
28

1 back, but believed that she was required to give 30 days notice before “kicking her out”.
2 Wood gave Ms. Guggenbichler 30 days to find other living arrangements.

3 48. Like Ms. Bains, in Ms. Guggenbichler’s mind, Wood seemed to have it all –
4 beautiful children, an expensive house, a successful career, and an affluent lifestyle. Ms.
5 Guggenbichler’s unreasonable resentment toward Wood intensified.

6 49. Ms. Guggenbichler knew she had been seen striking the child. Ms.
7 Guggenbichler began to fear that she would be deported. This fear caused her irrational
8 resentment toward Wood to magnify even further.

9 50. Ms. Guggenbicher and Ms. Bains had become friends. Now, they had something
10 else in common – their unreasonable animosity and resentment of Wood, and both
11 unreasonably felt that Wood was obligated to give them money. The two began plotting
12 and scheming together to formulate a plan on how to get paid, and to get even with
13 Wood.

14 **D. Bains’ Schemes for Money, Children and Revenge**

15 51. On or about the first week of August, 2017, according to the plan with Ms. Bains
16 and Mr. Bains, Ms. Guggenbichler wrote a letter to Wood, demanding \$100,000, and
17 stating that if Wood did not capitulate, that Ms. Guggenbichler would spread viscous
18 lies about Wood, lies that Wood understood to constitute false criminal allegations.
19 Wood was terrified by this, but did not agree to Ms. Guggenbichler’s extortionate
20 demands.

21 52. Ms. Guggenbichler and Ms. Bains were disappointed that their extortion plan had
22 failed, and realized that if they were going to get even with Wood, they had to come up
23 with something more extreme. Ms. Guggenbichler decided to flee the country.

24 53. Just prior to her flight from the country, Ms. Guggenbichler trashed Wood’s
25 house, toppling some furniture, emptying cabinets, and spreading *clean* clothes around
26 on the floor, and various other acts.

27 54. In the days prior to August 17, 2017, Ms. Bains decided that since she could not
28 take Wood’s money directly, she could ⁸take it indirectly by the following means.

1 Ms. Bains would fabricate false allegations to CFS and Sheriff, in violation of Penal
2 Code Section 148.5, that Wood’s children were in danger, that Wood was an unfit
3 mother by way of using her then 7-year old daughter as a method to “lure” men to the
4 house for sex. This would result in CFS and Sheriff seizing the children, according to
5 the knowledge Ms. Guggenbicher had imparted.

6 55. Once the children were in custody, Ms. Bains would present amicus “friend of
7 the court” testimony, either oral or written, repeating false allegations. Thereafter, Ms.
8 Bains would apply to be the foster parent of the children. Once successful, Ms. Bains
9 would be entitled to receive (a) the children’s social security money, (b) foster care
10 money, and (c) child support money.

11 **E. The August 17, 2017 Unwarranted Seizure of Children**

12 56. On or about August 15, 2017, Wood travelled to New York on business. As she
13 had done many times before, Wood invited her mother - the children’s maternal
14 grandmother - Sandra Wood DeUdy ("Grandma") to come and stay while she was out
15 of town.

16 57. Little did Wood know, but Ms. Bains had already schemed to have the children
17 taken away, as a means to enrich herself by take one or more of Wood’s children.
18 Wood’s business trip created the perfect opportunity to execute the plan.

19 58. Ms. Bains called CFS and Sheriff and falsely stated that Wood’s children were in
20 danger. Ms. Bains fabricated a story that Wood had a habit of taking her then 7-year-old
21 daughter out to bars so that she could “lure” men back to the house to have sex with
22 them.

23 59. In fact, Wood is an upstanding member of society with unimpeachable character.
24 Wood has no criminal record and no history of any drug or alcohol abuse. Wood has
25 never taken any of her children to bars and has never placed her children in any sort of
26 danger.

27 60. On August 17, 2017, acting under color of law upon the false allegations made
28 by Ms. Bains and on nothing else, ⁹without Access Order, without Order of

1 Temporary Removal, without Warrant, without consent, CFS agent Cecelia Gutierrez
2 (“Ms. Gutierrez”) and Sheriff arrived at Wood’s home, intent on taking the children.

3 61. According to their training, at all relevant times Ms. Gutierrez and the Sheriffs
4 knew of the legal standards required to warrant the seizure of children. At no time did
5 Ms. Gutierrez or any CFS agent or any Sheriff reasonably believe that Wood’s children
6 had been seriously injured, or that they were in imminent danger. At no time did Sheriff
7 obtain any kind of warrant with regard to Wood, her house, or her children.

8 62. At no time prior to arriving at Wood’s house on August 17, 2017 did CFS
9 conduct any meaningful investigation into the false allegations made by Ms. Bains.

10 63. At no time prior to arriving at Wood’s house on August 17, 2017 did Sheriff
11 conduct any meaningful investigation into the false allegations made by Ms. Bains.

12 64. On August 17, 2017, CFS, Sheriff, and Gutierrez forcibly entered Wood’s house
13 without knocking. Grandma was terrified, and asked what was going on. Acting under
14 color of law, CFS, Sheriff, and Gutierrez demanded to take the children.

15 65. Grandma objected to the seizure, and Sheriff stated that if Grandma interfered
16 with their seizure of the children, that she would be placed under arrest. No Sheriff
17 indicated what crime, if any, that Grandma was suspected of committing.

18 66. The house met the codified standard of living conditions, but CRF and Sheriff
19 falsified information about the living condition of the house as an excuse for the search.

20 67. CFS, Sheriff, and Gutierrez then forcibly removed all three children from the
21 home, above Grandma’s objections, and took them into custody.

22 **F. False Testimony**

23 68. KP told Wood about abusive, hazardous and harmful activity taking place in her
24 foster care home. KP even testified about the abuse. When Williams was asked under
25 oath if there were any such dangers or hazards known at KP’s foster care, Williams
26 falsely testified that she did not, even though she was aware of it.

27 69. Then it became known that there had been an emergency “crisis” retraining at
28 KP’s foster care placement for harmful, ¹⁰neglectful and abusive things taking

1 place. Wood was informed that the foster care mom’s daughter had drowned and there
2 were serious problems with inadequate supervision taking place.

3 70. Williams falsely testified that she lived in fear and terror because Wood was
4 writing newspaper articles about her, even though Wood did not write newspaper
5 articles about her. The San Francisco Bayview newspaper published an article about
6 Williams and this case, but Wood did not write it. That article is available at
7 [https://sfbayview.com/2018/10/parents-whose-children-were-taken-by-cps-file-to-
9 recall-three-contracosta-judges-judges-retaliate/](https://sfbayview.com/2018/10/parents-whose-children-were-taken-by-cps-file-to-
8 recall-three-contracosta-judges-judges-retaliate/).

9 71. Case falsely testified in numerous ways. For example, she testified that she had
10 no communication with HP about his being hit. When later prompted by former Judge
11 Haight, Case admitted this she did have such communications.

12 72. County social worker Acacia Chidi (“Chidi”) falsely testified that she has only
13 one criminal conviction, which was untrue.¹

14 73. [https://nationalfile.com/cps-social-worker-threatens-mom-who-asks-about-her-
16 criminal-record](https://nationalfile.com/cps-social-worker-threatens-mom-who-asks-about-her-
15 criminal-record).

17 **G. The Coercion of the Children, Including TP**

18 74. CFS have held Wood’s son HP (b. 2004) in custody since August 2017. HP has
19 always been more sensitive than his older brother TP.

20 75. Knowing that no valid reason existed to find Wood an unfit parent, once the
21 children were in custody, CFS Social Workers including Williams and Case began
22
23

24 ¹ In nearby Sacramento County, the *Sacramento Bee* reported in 2009: “A review of
25 the agency’s 969 workers employed as of Oct. 1 found that at least 68 individuals – 7
26 percent of the work force – have criminal records in Sacramento County alone. The
27 number is likely to be even higher because some names were too common to retrieve all
28 criminal complaints linked to them, and records in other counties were not searched.”
www.sacbee.com/news/investigations/article2572308.html.

1 attempting to coerce the children into testifying falsely about Wood having hit TP in the
2 ensuing court proceedings.

3 76. TP would subsequently testify that that Ms. Bains had told him to lie, such as to
4 falsely say that his mother hit him with a metal rod.

5 77. Nevertheless, county physician Dr. Mark DeManus conducted a yearlong
6 investigation, and concluded that there was no better place for the children than with
7 their mother, and he recommended immediate reunification of the family. A second
8 physician, psychiatrist Ms. David Dahl likewise found no reason to separate the children
9 from Wood, and also recommended that they be returned.

10 78. With CFS evidently ignoring its own physicians' report, all three children
11 remained in custody. CFS continued on a daily basis to attempt to convince the children
12 that their mother was an unfit and unsafe parent, and that they should never be allowed
13 to reunite with their mother.

14 79. Unlike his younger brother, TP is emotionally strong. TP resisted the coercion.
15 TP refused to testify falsely. He was too strong, and in December 2017, after 4 months
16 of captivity, TP was released back to Wood.

17 80. TP was emotionally damaged in the custody of CFS, but is recovering and now
18 even thriving since back in custody and care of his kind and loving mother, Wood. TP is
19 in Advanced Placement classes at school, and on track to become an Eagle Scout.

20 81. Tragically, HP is not emotionally strong enough to have resisted the coercion as
21 TP did. The first rounds of HP's coercion were only somewhat successful at achieving
22 County's sought-after goals – to emotionally injure HP, and to get HP to testify falsely,
23 thus maximizing the chances of Court rulings that would continue to keep HP in
24 custody, and thus maximize the revenue generated by CFS.

25 82. But CFS believed that they needed even stronger false allegations to maximize
26 their chances at success. As the weeks of captivity wore on, HP was told that he was
27 going to be subjected to “escalated care”, a euphemism for greater isolation from his
28 mother, and from the real world. HP ¹²became suicidal, as would be expected.

1 83. Having now “broken” HP, County and CFS proceeded with new demands that
2 HP testify falsely at trial. He was instructed to say that his mother had hit him many
3 times, back in the third grade, and forth grade, and fifth grade, and that he had told all
4 three of his teachers. Wood never hit HP, or any of her children. School teachers are
5 mandatory reporters, and no reports of any such hitting in the third, fourth, fifth or any
6 grades are present against Wood.

7 84. HP knew that he was being made to testify falsely, and that his mother is kind
8 and loving, never hit him. It was Steffi Guggenbichler that hit him. But CFS threatened
9 “escalated care” unless HP testified the way that they instructed. HP faced an
10 impossible choice – testify falsely against his own mother, or face punishment at the
11 hands of his captors. HP became increasingly confused, angry, despondent, depressed,
12 and ultimately, suicidal.

13 85. Nevertheless, HP was still strong enough to testify, and did testify, in Court that
14 he had been coerced to testify falsely.

15 86. At this point, CFS’ intentional infliction of emotional distress upon of HP
16 crossed the line into torture as defined under 18 U.S.C. §§ 2340– 2340A, and drugging
17 HP and KP unnecessarily, abusively, without their consent and without Wood’s
18 knowledge of consent and denying Woods copies of HP’s and KP’s medical and school
19 records, all in violation of the Family Educational Rights and Privacy Act (“FERPA”),
20 codified in United States Code, Title 20, Section 1232g, and Code of Federal
21 Regulations, Title 34, Section 99. CFS intentionally transformed a formerly well-
22 adjusted adolescent boy into a terrified, confused and suicidal adolescent boy, which
23 was just the sort of result the CFS’ financially-driven goals require. Any child in
24 custody generates some revenue, but a diagnosed emotionally damaged child generates
25 more revenue.

26 87. Prior to the CFS torture, HP had no history of mental or emotional illness of any
27 sort. Since being in CFS captivity, HP has now been hospitalized several times in
28

1 response to the suicidal ideation and mental breakdowns actually and proximately
2 caused by CFS torture, including at least one “5150” hold.

3 88. Wood is aware that her son was tortured. Plaintiff TP is aware that his little
4 brother was tortured.

5 89. County, CFS, Sheriff, and Livingston, and their policymakers, knew or should
6 have known of the wrongful actions alleged herein by County, CFS, Sheriff, Williams,
7 Case, Gutierrez, and Chidi, as they were widely publicized, and knew or should have
8 known that said acts were wrongful and illegal. Said Defendants were motivated in part
9 by quotas, federal incentives (title IV federal funding for taking kids by any means), and
10 policies, customs and practices that place removal of children over constitutional rights.
11 Wood has tried doing anything and everything she can do to make the torture of HP
12 stop. Wood has spent over \$200,000 in attorney fees in the Superior Court proceedings,
13 which proceedings have been nothing short of a sham. During the jurisdictional trial,
14 Wood is disallowed from choosing her own private attorney of her choosing, yet made
15 to pay full rate for the Court-chosen attorney. She was disallowed from presenting her
16 evidence, while improper hearsay evidence and lacks foundation evidence is admitted
17 without objection. Minor’s counsel falsely disparaged Wood in front of the children.
18 While KP’s testimony was unclear and shifting back and forth, Judge Lois Haight told
19 Wood that if Wood cross examined KP, Wood would be denied visitation with KP.

20 90. Frustrated at counsel that is ineffective at best, if not collusive, Wood attempted
21 to fire her private attorney, only to have the Judge rule that she is disallowed from
22 representing herself. Throughout the process, Wood was denied witnesses, cross-
23 examination, visitation, discovery, the ability to enter evidence, the right to hear
24 testimony (she was sent into the hallway), the right to see or question the evidence
25 admitted against her, and was threatened with jail for speaking out in the media.

26 91. The irregularities by attorneys and judges in the prior and pending Superior
27 Court proceedings may constitute reversible judicial errors, and/or legal malpractice. As
28 to *those* matters, Plaintiff will seek ¹⁴whatever remedies may be available in

1 the State Court system. Irregularities by Superior Court judges and attorneys are **not** the
2 subject of this case.

3 92. In her prior efforts to redress grievances, Wood has filed multiple lawsuits in
4 propria persona in this Court. Wood has no legal training, and has now been advised
5 that, while brought in good faith, many of her actions were procedurally improper,
6 and/or improperly targeted defendants who are immune from suit.

7 93. As a direct and proximate result of the Coercion, Plaintiff Wood suffered,
8 continues to suffer, and in all likelihood will permanently suffer shock, fear, anxiety,
9 outrage, anger, depression, mortification, humiliation, frustration, worry, despondency,
10 nightmares, insomnia, stomach aches, and trembling.

11 **H. The Bains Granted Custody of HP Through Foster Case System**

12 94. At some point, acting as an amicus curiae, Ms. Bains and Mr. Bains presented
13 false testimony, either orally or in writing, against Wood, and in August 2017 made a
14 police report in which Ms. Bains made false statements against Wood having abused her
15 kids, in violation of Penal Code Section 148.5.

16 95. In or about 2018, Erica Bains and Ravinder Bains applied and presumably went
17 through County's screening process to become foster parents. Erica Bains and Ravinder
18 Bains were approved.

19 96. In or about 2019, Erica Bains and Ravinder Bains requested to take custody of
20 HP through the foster care system. The request was approved. Erica Bains and Ravinder
21 Bains were given custody of HP. HP was sent to live with Erica Bains and Ravinder
22 Bains.

23 97. As foster care parents and legal guardians of HP, Erica Bains and Ravinder Bains
24 now receive HP's monthly Social Security check.

25 98. As foster care parents and legal guardians of HP, Erica Bains and Ravinder Bains
26 receive a monthly foster care payment.

27 99. As foster care parents and legal guardians of HP, Erica Bains and Ravinder Bains
28 receive a monthly child support payment ¹⁵from Wood.

1 100. The total monthly income to Erica Bains and Ravinder Bains as a result of
2 taking custody of HP is believed to be in excess of \$6000 / month.

3 **V. CAUSES OF ACTION**

4 **FIRST CAUSE OF ACTION**

5 **Deprivation of Right to Be Secure From Unreasonable Seizures**

6 **42 U.S.C. §1983 - Fourth Amendment**

7 (Wood and TP v. County, Sheriff, Livingston, and Gutierrez)

8 101. Plaintiff incorporates by reference all facts stated above.

9 102. On August 17, 2017, under color of law, and according to policy, practice
10 and custom that fails to properly screen, train, supervise, instruct, and discipline its
11 social workers for doing illegal acts such as false testimony and illegal seizures, and
12 which does not require a consideration of statutory requirements of serious harm or
13 substantial risk, CFS, Sheriff, and Gutierrez forcibly seized the minor child TP from
14 Wood's home. CFS, Sheriff, and Gutierrez knew or should have known that TP had not
15 suffered serious injury or illness, nor was there a threat of future such injury or illness,
16 nor anything sufficient to warrant a seizure under W & I § 300, nor under any other
17 legal authority.

18 103. On August 17, 2017, CFS, Sheriff, Livingston, and Gutierrez knew or
19 should have known that they were acting on false, unsubstantiated and uninvestigated
20 rumors provided to them by the Bains, individuals with an ulterior motive to lie.

21 104. On August 17, 2017, the forcible seizure of TP by said Defendants
22 constituted an unreasonable seizure against both Plaintiffs under the Fourth Amendment
23 to the United States Constitution.

24 105. On August 17, 2017, the forcible seizure of TP by said Defendants was
25 conducted by a policy, practice and custom of conducting illegal and unwarranted
26 seizures with inadequate and insufficient investigation and based solely on accusations,
27 pursuant to policy, practice and custom of not investigating before conducting
28 unwarranted seizures of children, in violation of the Fourth Amendment to the United
States Constitution.

1 106. Said acts arose from CFS's and Sheriff's failure to adequately train,
2 screen, discipline employees, and a failure to enforce laws protecting due process.

3 107. The entrance and search of Woods' home, and the seizure and removal of
4 the children, was undertaken without consent, probable cause, a protective custody
5 warrant, or exigent circumstances justifying removal of the minor children, and the
6 policies, practices, customs, procedures, or inadequate training of officers such as Case,
7 Williams, and Gutierrez, were a contributing or driving force behind the action of
8 removing the children needlessly and without a warrant, and/or continuing detention.
9 The removal of the children from their parent was undertaken without consent, probable
10 cause, a protective custody warrant, or exigent circumstances justifying removal of the
11 minor children, and the policies, practices, customs, procedures, or inadequate training
12 of social workers such as Case, Williams, and Gutierrez were a contributing or driving
13 force behind the action of removing their children needlessly and without a warrant
14 and/or continuing detention.

15 108. The violation of Plaintiffs' right to be free from unreasonable search and
16 seizure by County, Sheriff, Livingston, and Gutierrez, was intentional.

17 109. The policymakers at County, CFS and Sheriff knew or should have known
18 of these unlawful acts as they were widely publicized.

19 110. Therefore, County, Sheriff, Livingston, and Gutierrez, and each of them,
20 are jointly and severally liable to Wood and TP for Civil Rights violations under 42
21 U.S.C. § 1983.

22 **SECOND CAUSE OF ACTION**

23 **Deprivation of Right to Due Process – Re: The Seizure**

24 **42 U.S.C. §1983 – Fourteenth Amendment**

(Wood and TP v. County, Sheriff, Livingston, and Gutierrez)

25 111. Plaintiffs incorporate by reference all facts stated above.

26 112. On August 17, 2017, in carrying out the Seizure, CFS, Sheriff, Livingston,
27 and Gutierrez acted according to policy, practice and custom that fails to properly
28 screen, train, supervise, instruct, and ¹⁷discipline its social workers for doing

1 illegal acts such as false testimony and illegal seizures, and which does not require a
2 consideration of statutory requirements of serious harm or substantial risk, and acted as
3 agents of County and under color of state law, including but not limited to acting under
4 Welfare and Institutions Code §§ 300 (a), (b), (c).

5 113. While acting under color of state law and as agents of County, CFS,
6 Sheriff, Livingston, and Gutierrez deprived Wood and TP of their Fourteenth
7 Amendment rights to Due Process, including but not limited to her fundamental right to
8 parent, and the fundamental right to not be forcefully seized, taken away and held
9 against one’s will without adequate reason, and being denied the fundamental right to be
10 parented, by forcibly seizing the children, including TP. In so doing, CFS, Sheriff,
11 Livingston and Gutierrez deprived Wood and TP of their Fourteenth Amendment right
12 to Due Process.

13 114. Any reasonable person understands that taking children away from a
14 parent without reason is devastatingly injurious to the children, and the intentional
15 infliction of said devastating injury upon children is consequently injurious to the
16 mother.

17 115. Any reasonable CFS agent or Sheriff understands that seizing children
18 must only be done on a finding of conditions as described in Cal. W & I § 300, i.e.
19 serious injury or immediate threat of same. No such serious injury or threat was present
20 on August 17, 2017 in Wood’s home, a fact known to CFS, Sheriff, and Gutierrez.

21 116. As a direct and proximate result of the Seizure, Wood and TP suffered,
22 continues to suffer, and in all likelihood will permanently suffer injuries that include but
23 are not limited to shock, fear, anxiety, outrage, anger, depression, mortification,
24 humiliation, frustration, worry, despondency, nightmares, insomnia, stomach aches, and
25 trembling, a condition known as Post Traumatic Stress Disorder (“PTSD”).

26 117. As a direct and proximate result of the Seizure, Wood and TP must
27 pursue justice, which pursuit necessarily entails litigation and public activism, both
28

1 time-consuming and expensive endeavors. As such, Woods’ pursuit of justice has
2 resulted in lost business opportunities.

3 118. As a direct and proximate result of the Seizure, TP suffers deep and
4 possibly permanent emotional injury related to being separated from his entire family
5 for 4 months, and from his siblings for 2 years and counting.

6 119. The deprivation of rights and resulting injuries were intentional because
7 CFS, Sheriff, and Gutierrez, and each of them knew or should have known that forcibly
8 seizing children away from their kind and loving mother upon nothing more than the
9 false, unsubstantiated and uninvestigated allegations of persons with ulterior motives
10 would necessarily deprive Wood of her fundamental right to parent, and necessarily
11 lead to the type of devastating injuries described. The deprivation of rights and
12 resulting injuries were intentional also because during the seizure, CFS, Sheriff,
13 Livingston, Gutierrez, and each of them knew or should have known that the conditions
14 warranting any seizure under W & I § 300 were not met, i.e. no serious injury nor threat
15 of immediate harm was present to the children, nor did there exist any other legal
16 justification for the seizure of the children.

17 The Seizure was without consent, probable cause, a protective custody warrant, or
18 exigent circumstances justifying removal of the minor children. The policies, practices
19 and customs, procedures, and failure to screen, train, supervise, and discipline
20 employees such as Gutierrez were a contributing or driving forces behind said unlawful
21 acts.

22 120. Therefore, County, Sheriff, Livingston, and Gutierrez, and each of them,
23 is jointly and severally liable to Wood and TP for Civil Rights violations under 42
24 U.S.C. § 1983 based on the due process clauses of the Fourteenth Amendment to the
25 United States Constitution.

26 **THIRD CAUSE OF ACTION**
27 **Deprivation of Right to Due Process – Re: The Coercion**
28 **42 U.S.C. §1983 – Fourteenth Amendment**

1 (Wood and TP v. County, Sheriff, Livingston, Williams, Case and the Bains)
2 121. Plaintiff incorporates by reference all facts stated above.

3 122. In carrying out the coercion of TP’s false testimony, County, Sheriff,
4 Livingston, Williams, Case, and the Bains acted according to policy, practice and
5 custom of allowing coercion of testimony, failing to properly train, screen, supervise,
6 and oversee employees, and failure to discipline employees for coercing false testimony
7 from children, as well as failure to consider how such conduct violates the constitutional
8 rights of those affected. Said Defendants acted under color of state law as employees
9 and social workers for County, including but not limited to Welfare and Institutions
10 Code §§ 300 (a), (b), (c) and (f).

11 123. While acting under color of state law, and according to policy, practice
12 and custom, County, CFS, Sheriff, and Livingston tortured HP as the term “torture” is
13 defined at 18 U.S.C. §§ 2340– 2340A. The torture was intended to accomplish two
14 goals: Elicit false testimony by HP to maximize chances that he would remain “in the
15 system”, thus a source of revenue; and to cause a diagnosable mental illness in HP, thus
16 a *greater* source of revenue.

17 124. Having first seized him, County, CFS, Livingston, and Sheriff
18 intentionally inflicted severe mental pain and suffering upon HP by, among other things,
19 holding him captive against his will, threatening to put him in elevated care if he did not
20 testify falsely, drugging him improperly, without his or Woods’ consent, and falsely
21 telling him that his mother was an unfit parent and should never be allowed to reunite
22 with his loving mother.

23 125. The first rounds of HP’s torture were only somewhat successful at
24 achieving County’s sought-after goals, so the torture escalated. As the weeks of
25 captivity wore on, HP was told that he was going to be subjected to “escalated care”, a
26 euphemism for greater
27 isolation from his mother, and from the real world. HP became suicidal.

1 126. At some point in time, HP was designated as a so-called “Katie A” case,
2 meaning the highest level of mental health care required, and named after the *Katie A v.*
3 *Bonta* case. The conduct of CFS caused HP’s mental health issues – depression, anger,
4 confusion, suicidal ideation – which issues invoked the *Katie A* assessment, when no
5 such assessment or any kind of mental health diagnosis was necessary or appropriate for
6 HP prior to August 17, 2017, i.e. prior to torture in the hands of CFS.

7 127. Having now “broken” HP, County and CFS proceeded to demand that HP
8 testify falsely at trial. He was instructed to say that his mother had hit him many times,
9 back in the third grade, and forth grade, and fifth grade. HP knew this was false, and
10 that Wood was at all times a kind and loving mother who had never hit him. But CFS
11 threatened “escalated care” unless HP testified the way that they instructed.

12 128. The Bains also participated and conspired with the aforementioned
13 Defendants’ actions by conspiring with said Defendants to coerce, and by actually
14 coercing, HP to testify falsely, by instructing that HP to falsely state Wood hit him, and
15 by telling HP that if he would so testify then he could come and live with her, and that if
16 he did not, he would be placed in “elevated care.” The Bains’ acts were done in
17 conspiracy, collusion, agreement, and coordination with, and thus were inextricably
18 intertwined with, the acts of the other Defendants in coercing HP’s testimony under
19 cover of law.

20 129. Prior to the CFS torture, HP had no history of mental or emotional illness
21 of any sort. While in CFS captivity, HP has been hospitalized several times in response
22 to the suicidal ideation and mental breakdowns actually and proximately caused by CFS
23 torture. HP has been subjected to at least one “5150” hold.

24 130. Wood is aware that her son was tortured. She tried doing anything and
25 everything she could do to make it stop, including filing numerous lawsuits. TP is aware
26 that his little brother was tortured. TP himself was in a foster care group home from
27 about November – December 2017. During that time, TP heard and saw repeated sex
28 acts between adult men and another ²¹foster care boy in TP’s room. TP also

1 observed teenaged girls leaving the group home for periods of time, then returning with
2 \$100 bills. For this reason, TP formed the opinion that the foster care group home is
3 being used for sex trafficking, and testified to that effect during the court proceedings.

4 131. As a direct and proximate result of the Coercion, Wood and TP have had
5 their rights to family unity violated, and have suffered, continue to suffer, and in all
6 likelihood will permanently suffer shock, fear, anxiety, outrage, anger, depression,
7 mortification, humiliation, frustration, worry, despondency, nightmares, insomnia,
8 stomach aches, and trembling.

9 132. As a direct and proximate result of the Coercion, Wood suffers from Post-
10 Traumatic Stress Disorder (“PTSD”).

11 133. Because of what he experienced in his own time in custody of CFS, and
12 also what he knows has happened to his little brother, TP suffers from Post Traumatic
13 Stress Disorder (“PTSD”).

14 134. The deprivation of rights and resulting injuries described above were
15 intentional because County, Williams, Case, the Bains and each of them knew or should
16 have known that torturing a mother’s child, and coercing him to falsely testify against
17 his kind and loving mother would necessarily lead to the type of devastating injuries
18 described.

19 135. The deprivation of rights and resulting injuries described above were
20 intentional also because County, Williams, Case, the Bains and each of them knew or
21 should have known that torturing a teenage boy’s little brother, and coercing him to
22 falsely testify against their kind and loving mother, and conducting sex trafficking in the
23 adjacent foster care room would necessarily lead to the type of devastating injuries
24 described, and because such acts violated their right to family unity.

25 136. Therefore, Defendants County, Sheriff, Livingston, Case, the Bains, and
26 each of them, are jointly and severally liable to Plaintiffs for Deprivation of Civil Rights
27 under 42 U.S.C. § 1983.

28 **FOURTH CAUSE OF ACTION** 22

Conspiracy to Deprive the Plaintiffs of Civil Rights
42 U.S.C. §1983 – Fourteenth Amendment

(Wood and TP v. County, Sheriff, Livingston, Gutierrez, Case, Williams, Chidi, and the Bains)

137. Plaintiffs incorporate by reference all facts stated above.

138. CFS, Sheriff, Livingston, Gutierrez, Case, Chidi, and the Bains, acted according to policy, practice and custom of allowing coercion of testimony, failing to properly train, screen, supervise, and oversee employees, and failure to discipline employees for coercing false testimony from children, as well as failure to consider how such conduct violates the constitutional rights of those affected, by making false allegations to the police and to the court under oath, coercing testimony from Woods’ children, and Chidi testifying falsely about her criminal record and other matters and making threats against Wood, and the other acts mentioned above. Said Defendants acted as agents of the County and under color of state law as employees and social workers for the County, including but not limited to Welfare and Institutions Code §§ 300 (a), (b), (c) and (f), to deprive Wood and TP of their fundamental rights to parent, to family unity, and against unwarranted seizure without valid cause.

139. By conspiring to commit, and by committing, the aforementioned acts, County, CFS, Sheriff, Livingston, Gutierrez, Williams, Case, Chidi, and the Bains, acting under color of law and according to policy, practice and custom, deprived Wood and TP their aforementioned fundamental rights.

140. Ms. Bains planned to fabricate false allegations about Wood, and then actually did fabricate false allegations to police and to CFS, including without limitation the false allegation that Wood takes her 7-year old daughter to bars to lure men.

141. Mr. Bains know of and agreed with his wife Erica’s plan, because it advanced their overall plan to enrich themselves by taking custody of one or more of Wood’s children. Ravinder approved and conspired to said plan, and took action toward said plan by making said false accusations and by aiding and supporting Ms. Bains in making said false accusations.

1 142. Sheriff, CFS and Ms. Gutierrez received the false allegations from Ms.
2 Bains, and knew or reasonably should have known that the allegations were false.
3 Sheriff, CFS and Ms. Gutierrez did nothing to substantiate or investigate the veracity of
4 the false allegations. Instead, they planned to seize Wood’s children, knowing there was
5 no legally valid reason to seize them, thus knowing that the seizure would deprive
6 Plaintiffs of their rights under the Fourteenth Amendment.

7 143. On August 17, 2017, Sheriff, Livingston, CFS, Ms. Gutierrez, and each of
8 them knew of, agreed to and executed the Bains’ plan by seizing the Wood’s children,
9 and taking them into custody.

10 144. During the ensuing months, CFS, Williams, Case, and the Bains knew of,
11 agreed to and continued to execute the plan by coercing TP and HP to testify falsely.

12 145. The result of the plan was the deprivation of Plaintiffs’ Due Process rights
13 under the Fourteenth Amendment.

14 146. County benefitted from the successful execution of the plan. On
15 information and belief, County receives additional funding based on number of children
16 in the system; and receives further benefits on a diagnosis of mental illness, achieved
17 here with regard to HP.

18 147. Ms. Bains and Mr. Bains benefitted from the successful execution of the
19 plan because they ultimately ended up with foster care custody of HP, which nets them
20 an amount believed to be in excess of \$6000 / month.

21 148. Therefore, County, Sheriff, Livingston, Gutierrez, Williams, Case, Ms.
22 Bains, Mr. Bains and each of them are jointly and severally liable to Wood and to TP
23 for Conspiracy to Deprive Plaintiffs of Civil Rights.

24 **FIFTH CAUSE OF ACTION**

25 **Declaratory Judgment**

26 **Facial and As-Applied Challenge to Cal. W & I Code (a)**
27 **Fourteenth Amendment - Due Process / Void for Vagueness**

(Wood and TP v. State, DSS, Johnson, CHHS, and Ghaly)

28 149. Plaintiffs incorporate by 24reference all facts stated above.

1 150. Wood is a taxpayer who pays taxes to the County and the State in the
2 form of property and other taxes. Both TP and Wood are citizens of the State and
3 residents of the County, pay taxes to the State, and were aggrieved by the
4 aforementioned acts.

5 151. An actual controversy exists between Wood and State, DSS, Johnson,
6 CHHS, and Ghaly. Wood believes that the statutory definitions warranting jurisdiction
7 and seizure under Section 300(a) of the California’s Welfare and Institutions Code are
8 unconstitutionally void for vagueness, and that this Court should enter a Declaratory
9 Judgment opining as such. Presumably, the State believes otherwise.

10 152. Under W & I § 300 (a) the Court may assert jurisdiction and may adjudge
11 a child to be a dependent child of the court when:

12 The child has suffered, or there is a substantial risk that the child will
13 suffer, serious physical harm inflicted nonaccidentally upon the child
14 by the child’s parent or guardian. For purposes of this subdivision, a
15 court may find there is a substantial risk of serious future injury based
16 on the manner in which a less serious injury was inflicted, a history of
17 repeated inflictions of injuries on the child or the child’s siblings, or a
18 combination of these and other actions by the parent or guardian that
19 indicate the child is at risk of serious physical harm. For purposes of
20 this subdivision, “serious physical harm” does not include reasonable
21 and age-appropriate spanking to the buttocks if there is no evidence of
22 serious physical injury.

19 153. State, DSS, Johnson, CHHS, and Ghaly administer and effectuate said
20 statute.

21 154. § 300(a) is challenged on its face and applied to Wood under the Void-for-
22 Vagueness Doctrine because it does not put a person of average intelligence on notice as
23 to what conduct is prohibited under the statute.

24 155. State, DSS, Johnson, CHHS, and Ghaly have an interest in taking custody
25 of a child who has suffered serious physical harm inflicted non-accidentally upon the
26 child by the parent or guardian, or faces the substantial risk of serious future injury. But
27 said Defendants have no interest in enforcing an unconstitutionally vague law.

1 156. § 300(a) is devoid of any language defining what does and does not
2 constitute “serious physical harm”. “Harm” encompasses an entire spectrum of bodily
3 conditions ranging from severe, life-threatening injuries down to barely noticeable
4 temporary inconveniences, and all points in between.

5 157. Numerous types of physical harm have generally-accepted names, like
6 “bone fracture”, “nosebleed”, “skin rash”, “earache”, “bruise” etc. And yet, no names of
7 any injuries are listed in the statute. The only language in § 300(a) with any specificity
8 at all is the phrase “spanking to the buttocks”, but that only defines conduct that does
9 *not* constitute a violation, rather than conduct that does.

10 158. What conduct is or is not prohibited under § 300(a) is unknowable.

11 159. The concept of “substantial risk of serious future injury” is also undefined
12 under § 300(a). Under the present vague and ambiguous language of the statute, a
13 substantial future risk could be found in anything from an observed pattern of broken
14 bones, to wholly-unsubstantiated and uninvestigated rumors by a false accuser with
15 ulterior motives. What does and does not constitute a “substantial risk of serious future
16 injury” is unknowable.

17 160. In allowing and failing to prevent the aforementioned acts by County,
18 CFS, Sheriff, Case, Williams, Gutierrez, and Chidi, State, DSS, Johnson, CHHS, and
19 Ghaly abdicated and abused their responsibility in the administration of the public trust
20 in enacting and enforcing a vague law.

21 161. Therefore, the Court should enter a Declaratory Judgment that a severable
22 portion of California’s W & I § 300(a) is unconstitutional under the Due Process Clause
23 of the Fourteenth Amendment, on its face or as applied to Wood.

24 **SIXTH CAUSE OF ACTION**

25 **Declaratory Judgment**

26 **Facial and As-Applied Challenge to Cal. W & I Code § 300(b)**

27 **Fourteenth Amendments - Due Process / Void for Vagueness**

(Wood and TP v. State, DSS, Johnson, CHHS, and Ghaly)

28 162. Plaintiffs incorporate by 26reference all facts stated above.

1 163. An actual controversy exists between Wood and State, DSS, Johnson,
2 CHHS, and Ghaly. Wood believes that the statutory definitions warranting jurisdiction
3 and seizure under Section 300(b) of the California’s Welfare and Institutions Code are
4 unconstitutionally void for vagueness, and that this Court should enter a Declaratory
5 Judgment opining as such. Presumably, the State believes otherwise.

6 164. Under W & I § 300 (b)(1) the Court may assert jurisdiction and may
7 adjudge a child to be a dependent child of the court when:

8 The child has suffered, or there is a substantial risk that the child will
9 suffer, serious physical harm or illness, as a result of the failure or
10 inability of his or her parent or guardian to adequately supervise or
11 protect the child, or the willful or negligent failure of the child’s parent
12 or guardian to adequately supervise or protect the child from the
13 conduct of the custodian with whom the child has been left, or by the
14 willful or negligent failure of the parent or guardian to provide the child
15 with adequate food, clothing, shelter, or medical treatment, or by the
16 inability of the parent or guardian to provide regular care for the child
17 due to the parent’s or guardian’s mental illness, developmental
18 disability, or substance abuse.

15 165. State, DSS, Johnson, CHHS, and Ghaly administer and effectuate said
16 statute.

17 166. § 300(b) is challenged on its face and applied to Wood under the Void-
18 for-Vagueness Doctrine because it does not put a person of average intelligence on
19 notice as to what conduct is prohibited under the statute.

20 167. State, DSS, Johnson, CHHS, and Ghaly have a compelling interest in
21 taking custody of a child who has suffered serious physical harm or illness as a result of
22 the failure or inability of his or her parent or guardian to adequately supervise or protect
23 the child. But said Defendants have no interest in enforcing an unconstitutionally vague
24 law.

25 168. § 300(b) is devoid of any language defining what does and does not
26 constitute “serious physical harm”. *Supra*. Likewise, § 300(b) does not contain any
27 language as to what does or does not constitute a “serious illness”.

1 169. Illnesses have identifying names that are generally known, such as
2 “leukemia” or an “ear infection”. In making a diagnosis, besides the name of the illness,
3 medical professionals may also assign a modifying term – e.g. “mild”, “moderate” or
4 “severe”; or, in the case of cancer diagnoses, “Stage I”, “Stage II”, etc. - indicating the
5 relative severity of the illness.

6 170. § 300(b) does not contain any language - regarding illnesses or degree of
7 severity – that would notify the public as to what conduct does or does not constitute a
8 violation.

9 171. Thus, what conduct does or does not constitute a “serious illness”
10 violation is unknowable.

11 172. Furthermore, § 300(b) does not contain any language providing notice as
12 to what it means to “adequately supervise” a child. It is true that the remainder of §
13 300(b) contains an enumerated list with some specificity: “adequate food, clothing,
14 shelter, or medical treatment”. However, that enumerated list is separated from
15 “adequately supervise” by inclusion of the word “or”. “Adequately supervised” is thus
16 entirely separated from any specificity at all.

17 173. What conduct does or does not constitute a violation under the
18 “adequately supervised” clause is unknowable.

19 174. Therefore, the Court should enter a Declaratory Judgment that a severable
20 portion of California’s W & I § 300(b) is unconstitutional under the Due Process Clause
21 of the Fourteenth Amendment, on its face or as applied to Wood.

22 **SEVENTH CAUSE OF ACTION**

23 **Declaratory Judgment**

24 **Facial and As-Applied Challenge to Cal. W & I Code § 300(c)**

25 **Fourteenth Amendment - Due Process / Void for Vagueness**

26 (Wood and TP v. State, DSS, Johnson, CHHS, and Ghaly)

27 175. Plaintiffs incorporate by reference all facts stated above.

28 176. An actual controversy exists between Wood and State, DSS, Johnson,
CHHS, and Ghaly. Wood believes that 28the statutory definitions warranting

1 jurisdiction and seizure under Section 300(c) of the California’s Welfare and
2 Institutions Code are unconstitutionally void for vagueness, and that this Court should
3 enter a Declaratory Judgment opining as such. Presumably, the State believes otherwise.

4 177. Under W & I § 300 (c) the Court may assert jurisdiction and may adjudge
5 a child to be a dependent child of the court when:

6 The child is suffering serious emotional damage, or is at substantial risk
7 of suffering serious emotional damage, evidenced by severe anxiety,
8 depression, withdrawal, or untoward aggressive behavior toward self or
9 others, as a result of the conduct of the parent or guardian or who has
10 no parent or guardian capable of providing appropriate care.

11 178. State, DSS, Johnson, CHHS, and Ghaly administer and effectuate said
12 statute.

13 179. § 300(c) is challenged on its face and as applied to Wood under the Void-
14 for-Vagueness Doctrine because it does not put a person of average intelligence on
15 notice as to what conduct is prohibited under the statute.

16 180. State, DSS, Johnson, CHHS, and Ghaly have a compelling interest in
17 taking custody of a child who is suffering serious emotional damage as a result of the
18 conduct of the parent or guardian, or is a child who is at substantial risk of suffering
19 such serious emotional damage. But they have no interest in enforcing an
20 unconstitutionally vague law.

21 181. § 300(c) is devoid of any language defining what does and does not
22 constitute “serious emotional damage.”

23 182. It is true the § 300(c) contains an enumerated list of emotional illnesses or
24 conditions – “anxiety, depression, withdrawal, or untoward aggressive behavior toward
25 self or others”. But the statute provides no language or any sort of guidance allowing
26 any Court or any person under that Court’s jurisdiction to ascertain whether such
27 anxiety, depression, withdrawal or aggressive behavior was or was not *caused* by the
28 conduct of the accused.

1 183. Indeed, and unlike physical injuries, the causal mechanisms of mental and
2 emotional illnesses are at present poorly understood in the medical and scientific
3 research communities. Considerable and mounting scientific evidence indicates that
4 some cases of mental and emotional illness are partly or even wholly attributable to
5 purely biological factors.

6 184. There is no scientific evidence, let alone a scientific consensus, that a
7 causal connection can be established between parental conduct and mental or emotional
8 illness, simply because a mental or emotional illness is subsequently diagnosed.

9 185. Even if a causal connection could, in theory, be made between parental
10 conduct and emotional illness, § 300(c) is still devoid of any language placing a person
11 of average intelligence on notice as to what conduct is prohibited.

12 186. If parental conduct could, for example, cause anxiety, then purely
13 *innocent* and *good* parental conduct could cause anxiety. For example, insisting that a
14 child complete a homework assignment when the child does not wish to do homework
15 could, from the child’s perspective, make him or her experience “anxiety”.

16 187. Indeed, constitutionally protected parental conduct could cause anxiety.
17 For example, a mother exercising her First Amendment right to free speech by publicly
18 advocating for political reform could cause anxiety in the child if the child’s peers at
19 school made their political disagreements known.

20 188. The conduct prohibited under § 300(c)’s “as a result of the conduct”
21 clause is unknowable.

22 189. Therefore, the Court should enter a Declaratory Judgment that a severable
23 portion of California’s W & I § 300(c) is unconstitutional under the Due Process Clause
24 of the Fourteenth Amendment, on its face or as applied to Wood.

25 **EIGHTH CAUSE OF ACTION**

26 **Declaratory Judgment**

27 **Facial and As-Applied Challenge to Cal. W & I Code § 300**

28 **Sixth Amendment - Right to a Jury Trial, Right to Confront Accusers,
Right to Compel Witnesses, Right to an Attorney**

(Wood v. State, DSS, Johnson, CHHS, and Ghaly)

190. Plaintiffs incorporate by reference all facts stated above.

191. An actual controversy exists between Wood and State, DSS, Johnson, CHHS, and Ghaly. Plaintiffs believe that the proceedings authorized under Section 300 of California's Welfare and Institutions Code are criminal in nature, in that they can result in the loss of family unity, a well-recognized fundamental constitutional right. For this reason, Plaintiffs believe that the Sixth Amendment guarantees the right to a trial by jury, the right to confront accusers, the right to compel witnesses in the defendant's favor, and the right to an attorney in the "Dispositional" phase of a trial proceeding under the challenged statute. Presumably, Defendants believe otherwise.

192. The Sixth Amendment states, in its entirety:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

193. State, DSS, Johnson, CHHS, and Ghaly administer and effectuate said statute.

194. Under W & I § 300, State, DSS, Johnson, CHHS, and Ghaly may proceed against Defendants in a bench trial, with no right to a jury, no right to confront accusers, no right to compel favorable witnesses, and no right to an attorney.

195. § 300 is challenged on its face and as applied to Wood as violative of her rights under the Sixth Amendment. At no time did Andrea Wood waive her right to a jury trial. Numerous times during the Jurisdictional and Dispositional trial, Wood was denied due process, such as being denied the right to call her witnesses including Liza Leano, being denied the right to learn the evidence against her, being

1 denied the right to an attorney of her choice, and not being told that she had a right
2 to her own attorney.

3 196. State, DSS, Johnson, CHHS, and Ghaly have a compelling interest in
4 prosecuting an abusive parent. But they have no interest in enforcing a law that
5 unconstitutionally infringes on a defendant's Sixth Amendment rights.

6 197. Therefore, the Court should enter a Declaratory Judgment that defines a
7 Dispositional proceeding under Welfare and Institutions Code § 300 to be a criminal
8 trial, and declare that as such, all of the protections of the Sixth Amendment shall
9 attach to any defendant thereunder.

10 **VI. PRAYER FOR RELIEF**

11 **A. County and Individuals**

12 Wherefore, as to County, Sheriff, Gutierrez, Williams, Case, Chidi, Mr. Bains, and
13 Ms. Bains; Plaintiffs pray for relief as follows:

14 For general damages in compensation for physical and emotional pain and suffering
15 actually and proximately caused by defendants' conduct, in an amount deemed
16 appropriate but not less than \$5,000,000;

17 For special/actual damages to compensate for past and future monetary loss,
18 including but not limited to lost business opportunities and medical expenses incurred as
19 a direct and proximate result of defendants' conduct, in amounts proven at trial and/or
20 deemed appropriate but not less than \$2,000,000;

21 For punitive damages to punish defendants, to make examples of them, and to deter
22 future such conduct, in amounts deemed sufficient to accomplish the purpose of
23 punitive damages, but not less than \$10,000,000 against County, not less than \$250,000
24 each against Gutierrez, Case, Williams, and Chidi, and not less than \$2,000,000 each
25 against Ms. Bains and Mr. Bains;

26 For pre-judgment interest;

27 For costs of litigation, in an amount to be proven at trial;

28 For reasonable attorney fees as ³²allowed by statute;

1 For an opinion that describes the August 17, 2017 Seizure as having violated TP's
2 Fourth Amendment right to be free of unreasonable seizure,
3 For an opinion that describes the August 17, 2017 Seizure as having violated
4 Plaintiffs' Fourteenth Amendment right to Due Process; and,
5 For an opinion that describes the CFS Coercion as having violated Plaintiffs' 14th
6 Amendment right to Due Process.

7 **B. All Defendants**

8 Wherefore, as to all Defendants, Plaintiffs pray for relief as follows:

9 For a Declaratory Judgment with an opinion that a severable portion of Cal. W & I
10 § 300(a) is unconstitutionally void for vagueness;

11 For a Declaratory Judgment with an opinion that a severable portion of Cal. W & I
12 § 300(b) is unconstitutionally void for vagueness;

13 For a Declaratory Judgment with an opinion that a severable portion of Cal. W & I
14 § 300(c) is unconstitutionally void for vagueness.

15 For a Declaratory Judgment with an opinion that defines a Dispositional trial under
16 Cal. W § I § 300 as a criminal trial, and that all protections of the Sixth Amendment
17 apply to a Defendant thereunder.

18 **VII. JURY DEMAND**

19 Plaintiffs demand a Jury Trial on all issues so triable.
20

21 Respectfully submitted April 14, 2020
22

23
24 By: Marc Angelucci

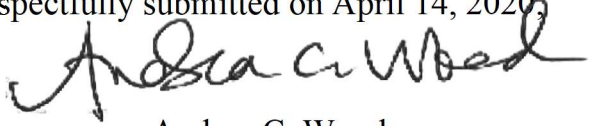
25 Marc E. Angelucci, Esq.
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VERIFICATION OF ANDREA WOOD

1. I am a Plaintiff in this case. I have personal knowledge of the facts stated in this Complaint, and hereby verify and certify the accuracy. If called as a witness, I could and would testify competently thereto.
2. I declare under penalty of perjury under the laws of the United States of America the foregoing is true and correct.

Respectfully submitted on April 14, 2020



Andrea C. Wood