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**UNITED STATES DISTRICT COURT
FOR THE- NORTHERN DISTRICT OF CALIFORNIA**

ESTATE OF MARIA TERESA
MACLAS, by and through its
Successors in Interest;
CLAUDIA MACLAS, JUAN MACLAS,
AVELINO MACLAS, JR., minors,
by and through their
Guardian, Sara Hernandez; and
SARA HERNANDEZ, Individually,

Plaintiffs,

v.

DEPUTY SHERIFF MARK LOPEZ,
THE COUNTY OF SONOMA, and
DOES ONE THROUGH ONE HUNDRED,

Defendants.

Case No. C-96-3658-DLJ

SECOND AMENDED COMPLAINT FOR
VIOLATION OF CIVIL RIGHTS
(42 U.S.C. § 1983)

-Jury Trial Demanded

INTRODUCTION

1. This is a complaint for money damages for the estate and children of the late Maria Teresa Rubio de Macias hereinafter "Maria Teresa") and for her mother, Sara Rubio Hernandez (hereinafter "Sara Hernandez"). Sara Hernandez sues in her own right for the wrongful death of her daughter and as

1 legal guardian of the minor children, in the wake of Maria
2 Teresa's murder by her estranged husband, who then killed him-
3 self, on April 15, 1996, in Sonoma County, California.

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JURISDICTION AND VENUE

6 2. This civil rights action arises under Title 42
7 U.S.C. § 1983. Jurisdiction is based upon 28 U.S.C. §~ 1331,
8 1332, and 1343. Venue in this district is proper because the
9 events at issue took place within the district and the
10 Plaintiffs and defendants are found in this district.

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INTRADISTRICT ASSIGNMENT

13 3. This action arises in Sonoma County and assignment
14 in either the Oakland Division or San Francisco Headquarters
15 is appropriate.

16

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PARTIES

18 4. Plaintiffs Juan Macias, Claudia Macias, and Avelino
19 Macias, Jr., minors, are the children of Maria Teresa Maclas.
20 They bring this action by and through their grandmother and
21 guardian, Sara Hernandez, to recover general and special dam-
22 ages for the wrongful death caused by the Defendants. Minor
23 Plaintiffs are also the successors in interest to the Estate of
24 Maria Teresa Macias, which claims general damages, as set forth
25 in paragraph 15.

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5. Plaintiff Sara Hernandez is the mother of Maria
Teresa Macias. She brings this action to recover for the
wrongful death of her daughter.

1 6. The County of Sonoma is a defendant in its own right
2 on Plaintiffs' claims pursuant to the unconstitutional poli-
3 cies, customs, and practices of the Sheriff's Department as
4 well as those of the District Attorney's office, which poli-
5 cies, customs, and practices caused the injuries complained of
6 herein. On information and belief, the Sheriff and District
7 Attorney of Sonoma County, and/or certain of their respective
8 subordinates whose identities are as yet unknown, are policy-
9 makers for the County with authority to dictate the handling of
10 domestic violence cases, and the policies of the Sheriff's
11 office and District Attorney's office constitute official
12 County policy.

13 7. At all relevant times, Defendant Mark Lopez was a
14 sheriff's deputy employed by the County of Sonoma and was act-
15 ing under color of state law.

16 8. Plaintiffs do not know the true names or capacities
17 of the Defendants sued herein by the fictitious names of Doe 1
18 through Doe 100, inclusive, and therefore sue said Defendants
19 by fictitious names. However, Plaintiffs are informed and
20 believe and based thereon allege that said Defendants are other
21 employees of the County of Sonoma and are in some way responsi-
22 ble for the injuries suffered by Plaintiffs as herein alleged.

23 9. At all relevant times, the Defendants were each the
24 agent, servant and employee of each other, and these Defendants
25 were acting within the course and scope of said agency and
26 employment with the knowledge and consent of said employer and
27 principal.

NATURE OF THE CASE

1

2 10. Plaintiffs will show that certain unconstitutional
3 policies, customs and practices of the defendant Sonoma County
4 Sheriff's Department (hereinafter "Sheriff's Department"), and
5 the acts and omissions of individual deputies and supervisors
6 including Sheriff Ihde, and other unknown named deputies sued
7 herein as Does, and certain unconstitutional policies, customs
8 and practices of the District Attorney's office, and the acts
9 and omissions of individual assistant district attorneys and
10 supervisors, and other unknown employees sued herein as Does,
11 resulted in the failure to respond to Maria Teresa's reports
12 that her estranged husband was violating restraining orders
13 and abusing her and their children, or otherwise stop him from
14 his relentless pattern of abuse, stalking, intimidation, and
15 violence toward Maria Teresa. The Defendants in fact affirma-
16 tively increased the risk that she would be a victim of seri-
17 ous criminal violence, causing Maria Teresa to be deprived of
18 her life and the enjoyment thereof, and to suffer substantial
19 injury and loss in the months leading up to the murder; as
20 well as caused Plaintiff Sara Hernandez to incur damages
21 resulting from her daughter's wrongful death; and caused the
22 minor children to be deprived of the care and comfort of their
23 mother by virtue of her wrongful death, all in violation of
24 the right to Equal Protection of Laws under the United States
25 Constitution and related provisions of state law.

26 11. The Plaintiffs allege that some of the unconstitu-
27 tional policies, customs and practices which caused Plain-
28 tiffs' damages were part of long-standing, pervasive unwritten

1 policies, customs and practices of the Sonoma County Sheriff's
2 Office and the District Attorney's office of unconstitutional
3 discrimination against women and, in particular, a thorough-
4 going institutional indifference to complaints, and victims,
5 of gender-based violence against women. As a result, violence
8 against women in Sonoma County flourishes while women's rights
7 are restricted, there are fewer arrests and prosecutions in
8 Sonoma County in cases of gender-based violence against women
9 than in other cases of violence, and many women live in fear
10 without a viable remedy.

11 12. In addition, Plaintiffs' damages were caused by
12 long-standing, pervasive unwritten policies, customs and prac-
13 tices of the Sheriff's Department and the District Attorney's
14 office of denying equal protection of the law to victims of
15 domestic violence, treating these kinds of crimes different
16 than other violent crime without any rational basis for this
17 classification system.

18 13. In addition, Plaintiffs' damages were caused by a
19 pervasive discriminatory attitude within the Sheriff's
20 Department in general, and of certain personnel within the
21 Sheriff's Department in particular, as well as within the
22 District Attorney's office, towards Latinos.

23 14. The named Defendants in complicity with the Sonoma
24 County District Attorney's Office, with the knowledge and
25 tacit approval of the Sonoma County Board of Supervisors, have
26 maintained a pattern of "dumping" case after case of serious
27 gender-based violence against women, and of domestic violence.

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1 **STATEMENT OF FACTS**

2 Background of Prejudicial and Unequal Treatment of
3 Women. Victims of Gender-Based Violence Against Women,
4 Victims of Domestic Violence and Hispanics
5 Within the Sonoma County Sheriff's Department
6 And The District Attorney's Office

7 15. The Sonoma County Sheriff's Department and its
8 defendant employees discriminate against women in all aspects
9 of their work: in hiring and employment, in dealing with com-
10 plaints of sexual harassment of women employees, in responding
11 to reports and complaints of rape and sexual assault, and com-
12 plaints of domestic violence. In particular, Defendants have
13 ignored clearly-established state and federal constitutional
14 standards¹ explicit statutory mandates, and written policy
15 objectives with which they had agreed to comply, and instead
16 have followed a practice of prejudice and discrimination which
17 have resulted in routinely harmful and illegal acts and omis-
18 sions by deputies and supervisory staff in their official
19 dealings with women.

20 16. Sheriff Ihde, and his department top command sued
21 herein as Does, have failed and refused to require non-dis-
22 criminatory attitudes and behavior toward women, and victims
23 of gender-based violence against women in particular, and vic-
24 tims of domestic violence generally by deputies and their
25 supervisors, and to require deputies and their supervisors to
26 follow clearly-established laws, Community Task Force on
27 Violence Against Women recommendations, and current appropri-
28 ate standards of conduct and action in dealing with victims of

1 gender-based violence and domestic violence in general. As a
2 result, Plaintiffs are informed of many recent cases in which
3 women reasonably seeking law enforcement help and protection
4 from gender-based violence and domestic violence in general
5 have been discouraged from filing complaints against their
6 perpetrators, deliberately misled about laws, available reme-
7 dies, and sources of help, dissuaded from contacting support
8 groups, forced to make repeated calls in order to get any law
9 enforcement response at all, and, in general, actively
10 blocked, impaired and dismissed in their attempts to find
11 access to justice. As a further result, women who are victims
12 of gender-based crimes frequently become discouraged and aban-
13 don their efforts to obtain help.

14 17. Plaintiffs are informed and believe and based
15 thereon allege that the discrimination, bias, and lack of law
16 enforcement response which women suffer in cases involving
17 violence against them is even worse where the woman is also a
18 Latina, as the decedent Maria Teresa was in this case. There
19 exists a pervasive policy, custom and practice of harassment
20 and discrimination within the Sheriff's Department against the
21 Latino communities in Sonoma County.

22 18. Plaintiffs are informed and believe and based
23 thereon allege that the District Attorney's Office has a pol-
24 icy and custom of discriminating against women in general,
25 Latinas in particular, and domestic violence victims in par-
26 ticular, in its handling of reports and complaints of rape and
27 sexual assault, and complaints of domestic violence. In par-
28 ticular, the District Attorney's office has followed a prac-

1 tice of discrimination which has resulted in their failure and
2 refusal to prosecute reports of rape, sexual assault and other
3 forms of domestic violence.

4 19. Plaintiffs are informed and believe and based
5 thereon allege that the District Attorney's office has been
6 deliberately indifferent to its obligations and therefore has
7 failed and refused to supervise and/or train its employees in
8 the handling of cases involving gender-based violence against
9 women, and victims of domestic violence, and to require its
10 employees to follow proper procedures in dealing with police
11 reports of victims-of gender-based violence and domestic vio-
12 lence in general. As a result, women who are victims of gen-
13 der-based crimes frequently become discouraged and abandon
14 their efforts to obtain help.

15 20. Plaintiffs are informed and believe and based
16 thereon allege that the discrimination which women suffer in
17 cases involving violence against them is even worse where the
18 woman is also a Latina, as the decedent Maria Teresa was in
19 this case. There exists a pervasive policy, custom and prac-
20 tice of discrimination within the District Attorney's office
21 against the Latino communities in Sonoma County.

22

23 History of Felony Criminal Conduct and Domestic Violence

24 Toward Maria Teresa By Her Estranged Husband

25 21. Maria Teresa met Avelino Macias approximately 16
26 years ago in Mexico. Avelino was already living in the United
27 States. They married in 1982 and later settled in Sonoma
28 County. Avelino was a legal resident of the United States.

1 Maria Teresa was not. They had three children, Claudia, Juan
2 and Avelino, Jr.

3 22. In or about March, 1995, after a long course of
4 increasingly aggravated physical, emotional and sexual abuse
5 of herself and her children by her husband, Avelino, Maria
6 Teresa left her home with her children and entered a women's
7 shelter in Ukiah, California. A report documenting Avelino's
8 physical and sexual assaults and emotional abuse of her chil-
9 dren was prepared on or about March 31, 1995. This report,
10 which by law was forwarded to the Sonoma County Sheriff for
11 investigation, details continuous beatings of the children,
12 forced sex with the children and her own and children's fear
13 of Avelino. An interview with Teresa and the children in
14 Ukiah by a cooperating Mendocino County Sheriff deputy pro-
15 vided corroboration of the report, including numerous accounts
16 of child molestation, abuse and felony crimes.

17 23. On or about April 24, 1995, Maria Teresa filed a
18 declaration with the Superior Court of California, County of
19 Sonoma, which again detailed the assaults and molestation of
20 her children and also described that she had been assaulted by
21 Avelino when she sought to protect her children, that she had
22 suffered severe physical abuse at his hands, that he had raped
23 her and verbally abused her as well.

24 24. As a result of her charges of child abuse against
25 Avelino, Maria Teresa was warned that she must keep Avelino
26 away from their children or she would lose custody. A tempo-
27 rary restraining order was issued against Avelino by the
28 Sonoma County Superior Court. Avelino returned to harass and

1 threaten Maria Teresa, telling her that if she went back to
2 court against him he would hurt her, her children and other
3 family members, and report her to the Immigration and
4 Naturalization Service (hereinafter "INS").

5 25. After Maria Teresa returned home with her children
6 in May or June, 1995, Avelino, through mental and emotional
7 abuse, physical intimidation and threats to report Maria
8 Teresa to the INS, forced himself back into residing at Maria
9 Teresa's home. Once in the home, he additionally threatened
10 Maria Teresa that if she called the police against him, Child
11 Protective Services (hereinafter "CPS") would take her chil-
12 dren. In this way, he coerced her and blackmailed her into
13 attempting to live as a family.

14 26. In June, 1995, CPS arranged to have the Defendant
15 Sonoma County Sheriff's Department remove the children from
16 Maria Teresa's custody because she was unable to protect the
17 children from Avelino's violence and abuse. Despite this
18 apparent recognition of the danger Avelino presented to Maria
19 Teresa and the children, and their knowledge of his history of
20 sexual assaults and other violence toward Maria Teresa, the
21 children, and others, the Sheriff's Department did nothing to
22 protect Maria Teresa and made no arrest of Avelino for any of
23 the crimes they knew he had committed.

24 27. After the children were taken, Maria Teresa essen-
25 tially became a prisoner in her own home. Eventually,
26 Plaintiff (Maria Teresa's mother) came to Maria Teresa's
27 assistance from Mexico and another daughter joined them as
28 well. Together these women managed to evict Avelino from the

1 home in or about the beginning of September, 1995; however,
2 Avelino's aggressions continued during the next four months,
3 and he repeatedly stalked, threatened, and sexually assaulted
4 Maria Teresa. Avelino also began to openly boast that he
5 would kill Maria Teresa and her mother.

6 28. on or about January 22, 1996, Maria Teresa returned
7 to Family Court and obtained a second restraining order
8 against Avelino. The declaration filed by Maria Teresa at
9 this time details, among other things, Avelino's ominous
10 threats to the safety and life of Maria Teresa, his stalking
11 and threats to continue stalking her, his forcing her to mas-
12 turbate him after having stalked her down, and his threats to
13 kill the Plaintiff Sara Hernandez and other members of her
14 family in Mexico. After being served with the restraining
15 order, Avelino's stalking, harassment, and other criminal
16 activity became worse, often occurring several times a day.
17 He would phone Maria Teresa, he would come to her home and
18 force his way into the home, he would tailgate her in his
19 vehicle, he blocked her from leaving places, he would make
20 lurid threats to her face, and he continued to threaten to
21 kill Maria Teresa and her mother Sara Hernandez.

22 29. All of this conduct was reported to the Defendants
23 in repeated calls and personal contacts. Maria Teresa pro-
24 vided sworn statements, interviews, eyewitnesses, and, later,
25 a detailed, written chronology and other evidence, all docu-
26 menting Avelino's crimes against her, and her helplessness and
27 her fear.

28 //

1 30. On February 15, 1996, Avelino was present in court
2 when the restraining order was made permanent for a full year.
3 However, Avelino continued to ignore it with impunity.
4 Emboldened, Avelino boasted to friends and others in the com-
5 munity that the deputy sheriffs were on his side, that the
6 Sheriff protected him and not Maria Teresa. Avelino would
7 torment Maria Teresa with the same gibe.

8

9 Defendants' Willful Failure to Protect Maria Teresa

10 31. For more than a year prior to her murder on
11 April 15, 1996, Maria Teresa was repeatedly dismissed,
12 ignored, and even ridiculed by employees and supervisors of
13 the Sheriff's Department and as a direct consequence, was
14 placed in an increasingly dangerous and vulnerable position of
15 harm from her estranged husband. Specifically, in just the
16 last three months of her life, between January 15, 1996, and
17 April 15, 1996, Maria Teresa made at least twenty different
18 and distinct reports and pleas for help and protection to the
19 Sheriff's Department. Many of these reports were witnessed by
20 others. Some of these reports were supplemented by witnesses
21 who independently described Avelino's conduct, including his
22 threats to kill. These reports included descriptions of
23 Avelino's continuous stalking, which is a felony when a
24 restraining order is in effect or when the stalking is
25 repeated. Often, Defendant deputies responded to Maria
26 Teresa's home, and were shown the restraining order with its
27 narrative of physical and sexual abuse, spoke with her in per-
28 son at the Defendant's substation, or spoke on the phone with

1 her. Despite the repeated proofs and warnings, the Defendants
2 reacted with dismissiveness, disdain, and obstruction. Not
3 only did various deputies, including Deputy Lopez, fail to
4 fairly and properly respond to these repeated reports of crime
5 against Maria Teresa, Defendant Lopez and other deputies
6 actively undermined Maria Teresa and left her worse than they
7 found her, by, among other things, coddling Avelino, failing
8 to write reports, leaving the most critical information out of
9 reports, failing to collect evidence, actively denigrating
10 Maria Teresa's assertions, and even spreading the false rumor
11 that she was crazy and on medication for psychological prob-
12 lems. Deputy Lopez' conduct as herein alleged was based on
13 his discriminatory intent and prejudicial attitude toward
14 women as evidence by the allegations as set forth above.

15 32. Defendant Mark Lopez was the deputy who was fre-
16 quently called upon to respond to Maria Teresa's reports and
17 requests for help, and he was the deputy most 'familiar" with
18 the case.

19 33. In view of what was known of Deputy Lopez' personal
20 history of conduct and attitudes detrimental to and discrimi-
21 natory toward women, the assignment of Deputy Lopez to Maria
22 Teresa's case, as well as other cases of violence against
23 women, is further evidence of the Sheriff's Department's prac-
24 tice and custom of bias and discrimination against women and
25 denial of equal protection of the law to victims of domestic
26 violence.

27 34. Deputy Lopez has a history known by the Sheriff's
28 Department of discrimination and bias against women, and his

1 attitude of discrimination resulted in his conduct alleged
2 herein which ultimately was a cause of Maria Teresa's death.
3 His animus against women has been demonstrated by the fact
4 that Deputy Lopez has been subject to two court orders for
5 domestic abuse and threatening behavior towards women.
6 Defendant Lopez' former wife filed a declaration in August,
7 1992, chronicling the behaviors that caused her fears, includ-
8 ing Defendant Lopez' being verbally and emotionally abusive
9 and "always needing to feel in control of any and all situa-
10 tions." On July 6, 1992, Defendant Lopez was physically vio-
11 lent in the family home with the result that his wife moved
12 from the home with the children for their protection. In
13 March, 1993, he and his wife stipulated to a restraining order
14 that they should stay 25 yards away from each other except
15 when transferring custody of the children.

16 35. In April, 1995, Defendant Lopez' former domestic
17 partner filed an application for a restraining order naming
18 Defendant Lopez as the person to be restrained. The report
19 states that Lopez made threats, including a threatening tele-
20 phone call to her at work and a death threat left on her car,
21 saying "You will die, bitch." She alleged she had separated
22 from him over a year earlier due, inter alia, to his "violent
23 nature."

24 36. Defendant Lopez also harassed his former domestic
25 partner by filing a false stolen car report. In November,
26 1994, Defendant Lopez had signed a complaint with the Santa
27 Rosa Police Department alleging that "his" car had been
28 stolen. His domestic partner was actually the registered

1 owner of the car. She reported that he told her about making
2 the report and told her that, as a result, she would be pulled
3 over at gunpoint. In order to prevent this intentional humil-
4 iation and harassment, she had to contact the police and show
5 them the car registration showing she was the registered
6 owner, after which the file was closed.

7 37. In or about March, 1996, one of Maria Teresa's
8 calls to the Sheriff's Department was tape recorded. She
9 called to report Avelino's having telephoned the apartment.
10 The dispatcher contacted Defendant Lopez, who exasperatedly
11 complained that Maria Teresa had just been there to request a
12 report and that he can't file a report every time she calls.
13 Lopez tells the dispatcher that he will get to it after he
14 finishes some other things. His tone is contemptuous. Both
15 Deputy Lopez' words and his tone evidence the intentional dis-
16 crimination alleged herein.

17 38. After Maria Teresa's death, Defendant Lopez contin-
18 ued to exhibit an animus against women, particularly in the
19 domestic violence context. In November, 1996, Cassandra
20 Thomson reported violations of a restraining order by her
21 domestic partner. Deputy Lopez responded to the call and told
22 her that women lie about domestic violence and are the aggress-
23 sors more often than men. Deputy Lopez also complained to her
24 that his ex-wife had filed false court order violations
25 against him. Deputy Lopez made several biased misrepresenta-
26 tions in his written report, refused to take important evi-
27 dence of the restraining order violations, refused to speak
28 with eyewitnesses, and omitted from his report the existence

1 of key evidence and eyewitnesses and essential facts of the
2 case. Ms. Thomson had to submit a supplemental report to cor-
3 rect the misrepresentations and omissions in Defendant Lopez'
4 written report, including the fact that the restrained per-
5 son's telephone number was logged on her caller ID box three
6 times and that he had demanded that she accompany him to San
7 Jose.

8 39. In a television interview, a Sonoma County
9 Sheriff's Department spokesperson confirmed that Defendant
10 Lopez has been the subject of internal investigations by the
11 Sheriff's Department for misconduct, including misconduct
12 related to his own history of threats and aggressiveness
13 towards women. Plaintiffs are also informed and believe that
14 he has a well-established history of discriminatory and disre-
15 spectful conduct in his dealings with the Latino community in
16 the Sonoma Valley.

17 40. Deputy Lopez regularly ignored and dismissed Maria
18 Teresa and regularly failed to confront Avelino although he
19 had more than enough evidence and proof to arrest him on
20 numerous occasions. Again, Deputy Lopez' conduct resulted
21 from intentional discrimination as evidenced by his personal
22 history of discriminatory attitudes and biases as alleged
23 herein.

24 41. Plaintiffs are informed and believe and based
25 thereon allege that on two or more occasions, police reports
26 of Avelino's conduct were turned over to the District
27 Attorney. On each occasion, the District Attorney's office
28 failed and refused to properly process the reports, gather

1 requisite information and prosecute Avelino f or his crimes
2 when prosecution was warranted.

3 42. The Defendants' course of conduct towards Maria
4 Teresa and Avelino affirmatively worsened the situation and
5 increased the danger to Maria Teresa. Given a green light to
6 continue with his crimes and threats against Maria Teresa and
7 her family, including the open threat to kill, and emboldened
8 by the apparent sympathy and "understanding" provided to him
9 by the individual deputies he encountered without incident or
10 arrest, Avelino's conduct escalated until April 15, 1996, when
11 he tracked down Maria Teresa and the Plaintiff Sara Hernandez
12 at a housecleaning job in the Town of Sonoma and proceeded to
13 argue with Maria Teresa and eventually shoot her in the head
14 and shoot Plaintiff Sara Hernandez as well before he turned
15 the gun on himself and committed suicide.

16

17

FIRST CAUSE OF ACTION

(Denial of Equal Protection--
All Plaintiffs and All Defendants)

18

19 43. Plaintiffs refer to and incorporate by reference the
20 allegations of paragraphs 1 through 42 as though set forth in
21 full herein.

22 44. At all relevant times, by their policies, customs,
23 practices, actions and the conduct alleged in this Complaint,
24 each of the Defendants intentionally discriminated against
25 women, and, in particular, women who are victims of gender-
26 based violence, and against Latinos.

27 45. In addition, at all relevant times herein, by their
28 policies, customs, practices, actions and the conduct alleged

1 in this Complaint, each of the Defendants denied equal protec-
2 tion of the law to victims of domestic violence.

3 46. As a direct and proximate result of the conduct set
4 forth above, the Plaintiffs were damaged as set forth in this
5 Complaint.

6

7

Prayer

8 WHEREFORE, Plaintiffs pray for judgment against
9 Defendants and each of them as follows:

- 10 1. For general damages according to proof;
11 2. For special damages according to proof;
12 3. For reasonable attorneys fees pursuant to 42 U.S.C.
13 § 1988;
14 4. For costs of suit; and
15 5. For such other and further relief as the Court may
16 deem just and proper.

17 Dated: April 29, 1997

SELTZER & CODY

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Richard A. Seltzer

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Attorney for Plaintiffs

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DEMAND FOR JURY TRIAL

23

Plaintiffs hereby demand a jury trial in this matter.

24

Dated: April 29, 1997

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Richard A. Seltzer
Attorney for Plaintiffs

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ALAMEDA:

I am a citizen of the United States. My business address is 180 Grand Avenue, Suite 1300, Oakland, California. I am employed in the County of Alameda, where this mailing occurs. I am over the age of 18 years, and not a party to the within cause. On the date set forth below, I served the foregoing document(s) described as:

**PLAINTIFFS' SECOND AMENDED COMPLAINT
FOR VIOLATION OF CIVIL RIGHTS**

on the following person(s) in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Michael D. Senneff, Esquire
SENNEFF, KELLY, KIMELMAN & BEACH
50 Old Courthouse Square
P.O. Box 3729
Santa Rosa, CA 95402

[] (BY MAIL) I am readily familiar with my firm's practice for collection and processing of correspondence for mailing with the United States Postal Service, towit, that correspondence will be deposited with the United States Postal Services this same day in the ordinary course of business. I sealed said envelope and placed it for collection and mailing on April 30, 1997, following ordinary business practices.

[] (BY PERSONAL SERVICE) I caused such envelope(s) to be delivered by hand this date to the offices of the addressee(s).

[] (BY FEDERAL EXPRESS) I caused such envelope to be delivered to Federal Express for overnight courier service to the office(s) of the addressee(s).

[] (BY FACSIMILE) I caused such document to be processed via Facsimile, directed to the above-listed party(ies) using their Facsimile number(s).

[] (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

[] (FEDERAL) I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on April 30, 1997, at Oakland, California.

// Mary Back Ruiz