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7 ATTORNEY FOR PLAINTIFF MARY GEDDRY

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 MARY GEDDRY,

11 Plaintiff,

12 vs.

13 COUNTY OF MENDOCINO, a
14 Government Entity; DISTRICT
15 ATTORNEY NORMAN VROMAN,
16 an Individual and in his official capacity)
17 as Agent and Employee of COUNTY)
18 OF MENDOCINO; DEPUTY)
19 DISTRICT ATTORNEY MYRON)
20 SAWICKI, an Individual and in his)
21 official capacity as Agent and)
22 Employee of COUNTY OF)
23 MENDOCINO; DEPUTY DISTRICT)
24 ATTORNEY MARK KALINA, an)
25 Individual and in his official capacity as)
Agent and Employee of COUNTY OF)
Agent and Employee of COUNTY OF)

Case No.: C 03 2553 EDL

FIRST AMENDED COMPLAINT
FOR DAMAGES FOR VIOLATION
OF CIVIL RIGHTS UNDER 42 U.S.C.
SECTION 1983; CONSPIRACY
UNDER 42 U.S.C. SECTION 1983;
CONSPIRACY UNDER 42 U.S.C.
1985; 42 U.S.C. 1986;
NONFEASANCE IN OFFICE

JURY DEMAND

(continued on next page)

1 MENDOCINO; DEPUTY SHERIFF)
2 DONALD J. MILLER, an Individual)
3 and in his official capacity as Agent and)
4 Employee of COUNTY OF)
5 MENDOCINO.)
6
7 Defendants)
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12 **JURISDICTION AND VENUE**

13 1. The United States District Court, Northern District of California is the
14 proper jurisdiction for the bringing of this claim pursuant to United States law
15 found in 42 U.S.C. Sections 1983, 1985 and 1986. In addition, the Court has
16 pendent jurisdiction over the California state law claim for non-feasance in office.

17 2. The acts and omissions complained of occurred in the Northern
18 District of California, and in the Western Division of the Central District of
19 California. Therefore, venue lies in this District pursuant to 28 U.S.C. § 1391.

20 3. Plaintiff has tendered her claims against the County of Mendocino
21 pursuant to Government Codes section 900 *et seq.* and 945 *et seq.* Her claims were
22 rejected by the Board of Supervisors of Mendocino County.

23 4. This First Amended Complaint is brought pursuant to Federal Rule of
24 Civil Procedure 15(a).

25
PARTIES

5. Plaintiff MARY GEDDRY (“GEDDRY”) is a citizen of the United
States of America and was, until May 1, 2003, a resident of Mendocino County,
California.

1 6. MENDOCINO COUNTY is a political subdivision of the State of
2 California and was formed in 1850.

3 7. Defendant NORM VROMAN (“VROMAN”) is the District Attorney
4 of MENDOCINO COUNTY. VROMAN was elected in 1998 and re-elected in
5 2002. VROMAN is an Agent and Employee of defendant MENDOCINO
6 COUNTY.

7 8. VROMAN has a duty to act lawfully and use reasonable care to avoid
8 injury or damage to GEDDRY.

9 9. VROMAN was convicted on five misdemeanor counts of tax evasion
10 in 1991 and spent nine months in federal prison. VROMAN has also used the
11 United States courts to declare personal bankruptcy twice. VROMAN currently
12 owes the United States \$3.4 million in back taxes and the State of California
13 \$557,000 in back taxes.

14 10. Defendant MYRON SAWICKI (“SAWICKI”) is a Deputy District
15 Attorney for MENDOCINO COUNTY. SAWICKI is an Agent and Employee of
16 defendant MENDOCINO COUNTY. SAWICKI assists VROMAN in
17 implementing a policy of the District Attorney’s office allowing the cultivation of
18 marijuana in violation of United States law.

19 11. Both defendant VROMAN and defendant SAWICKI have
20 demonstrated through the above-described action a wanton and reckless disregard
21 for the laws of the United States of America.

22 12. Defendant MARK KALINA (“KALINA”) is a Deputy District
23 Attorney for MENDOCINO COUNTY. KALINA is an Agent and Employee of
24 defendant MENDOCINO COUNTY.

25 13. SAWICKI and KALINA report to VROMAN.

1 “vicious” and/or “dangerous” by a letter written to Mendocino County Animal
2 Control on May 3, 2002.

3 20. Animal Control investigated and found the dog was not a threat to any
4 person or animal.

5 21. KALINA conspired with Don Iversen to shoot plaintiff’s dog.
6 KALINA promised to use his position as Deputy District Attorney to ensure that
7 Don Iversen would not be prosecuted for any crime resulting from the shooting.

8 22. Don Iversen, acting in concert with his family, killed a deer and
9 planted it across the road from their property to bait plaintiff’s dog into the open
10 where it could be shot.

11 23. That deer did not attract plaintiff’s dog.

12 24. Don Iversen, acting in concert with his family, then planted another
13 dead deer at the corner of plaintiff’s property.

14 25. All during the day of June 1, 2002, plaintiff and her children
15 witnessed Don Iversen drive back and forth in front of plaintiff’s property,
16 apparently waiting to shoot her dog.

17 26. After the shooting, Officers RIBOLI, BUSHNELL, WALKER and
18 MILLER failed to properly document the shooting, investigate Don Iversen, arrest
19 Don Iversen, book any weapon or otherwise faithfully, fully and honestly carry out
20 their duties as law enforcement officers. Each man did this at the request of
21 KALINA.

22 27. RIBOLI and KALINA had a secret conversation the day of the
23 shooting on KALINA’S front porch that was not recorded in the Sheriff’s report
24 and subsequently covered-up.
25

1 28. KALINA subsequently asked BUSHNELL to recommend public
2 nuisance charges be filed against plaintiff as a way of confusing the record and
3 punishing plaintiff for pursuing her rights.

4 29. The development of County law enforcement policy by VROMAN is
5 an administrative function. The development of policy is not related to the District
6 Attorney's judicial function.

7 30. VROMAN fails to enforce animal cruelty laws in the County of
8 Mendocino. VROMAN has stated that it is the policy of his office, on behalf of
9 the County of Mendocino, to only enforce animal cruelty laws if an animal is
10 "dead, dying or bleeding."

11 31. VROMAN has systematically failed to prosecute animal cruelty cases
12 even when recommended by Mendocino County Animal Control. Animal Control
13 recommended numerous cases for prosecution and VROMAN failed to prosecute.

14 32. VROMAN uses the power and position of his office for personal gain.
15 VROMAN prosecutes his enemies by selectively enforcing the law and protects his
16 friends, associates and campaign contributors by failing to enforce the law against
17 them.

18 33. VROMAN'S abuse of office is well-known and widely documented
19 within the County of Mendocino. On numerous occasions newspapers have
20 reported on VROMAN'S persistent and widespread practice of selectively
21 enforcing the law.

22 34. VROMAN'S abuse of office is accepted, endorsed and protected by
23 the office of County Counsel as official policy of the County of Mendocino.
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25

1 35. VROMAN’S abuse of office is accepted, endorsed and protected by
2 the Board of Supervisors of the County of Mendocino as official policy of the
3 County of Mendocino.

4 36. KALINA and VROMAN conspired together to ensure that Don
5 Iversen was not prosecuted in any crime related to the shooting of plaintiff’s dog.

6 37. Lieutenant Robert Arbayo of Mendocino Animal Control was told by
7 BUSHNELL the day of the shooting that Don Iversen shot the dog in self-defense
8 and the case was closed. This was prior to any investigation by Mendocino
9 Animal Control of the matter.

10 38. Within twenty-four hours of the shooting, VROMAN called
11 Lieutenant Robert Arbayo of Mendocino County Animal Control, ordered him not
12 to investigate the shooting and stated “the dog situation has been taken care of.”

13 39. Lieutenant Robert Arbayo of Mendocino County Animal Control
14 believed that the shooting was premeditated and not justified. He conducted an
15 investigation in contravention of VROMAN’S directive (VROMAN has no
16 authority over Animal Control).

17 40. After a thorough investigation, Lieutenant Robert Arbayo of
18 Mendocino County Animal Control submitted a recommendation to VROMAN on
19 June 25, 2002 that Don Iversen and his brother John Iversen be prosecuted for
20 violations of Penal Code sections 597(a) and 374c.

21 41. Instead of prosecuting Don or John Iversen, VROMAN threatened
22 Animal Control director Greg Foss and had Lieutenant Robert Arbayo brought up
23 on trumped-up charges of insubordination. Lieutenant Robert Arbayo was forced
24 to resign.

1 42. Defendant SAWICKI then drafted and sent a materially false letter to
2 Attorney General Bill Lockyer on July 31, 2002. In that letter, SAWICKI
3 represented that the charges under consideration were the malicious killing of a
4 dog. That was true but incomplete. Charges also included discharging a firearm
5 from a public roadway. SAWICKI represented that plaintiff’s dog “came onto Mr.
6 Iversen’s (sic) property” before it was killed. The very Sheriff’s reports SAWICKI
7 had before him indicate the dog was on plaintiff’s property. SAWICKI claimed
8 that Don Iversen was on his way to talk about the death of his dog with plaintiff.
9 That is a blatant falsehood – Don Iversen told the Sheriff he was looking at the
10 location where he believed his dog had been killed earlier. SAWICKI claimed that
11 Don Iversen claimed “the dog accosted him.” Don Iversen, in fact, claimed the
12 dog snarled at him. SAWICKI claims that “nothing was done” by Animal Control
13 when KALINA filed a complaint about plaintiff’s dog. Animal Control conducted
14 a full review and cleared plaintiff’s dog. SAWICKI claims that KALINA claimed
15 that plaintiff placed “stakes” in his driveway as part of a campaign of
16 “harassment.” In fact, plaintiff put a fence up on her property to prevent
17 KALINA’S illegal use and occupation of her land and to protect her family from
18 the KALINA family. The list could be expanded *ad infinitum*

19 43. SAWICKI’S July 19, 2002, letter is so biased, inaccurate, untruthful
20 and misleading that SAWICKI caused the Attorney General to find that the District
21 Attorney’s office did not have a conflict in exercising its discretion in not charging
22 Don Iversen with any crime.

23 44. SAWICKI purposefully misrepresented the case to achieve this result
24 and insulate VROMAN, KALINA and Don Iversen.
25

1 45. SAWICKI undertook these actions in the role of an administrator and
2 investigating officer. SAWICKI indicates that he had already decided not to
3 prosecute Don Iversen in the letter to the Attorney General. SAWICKI was not
4 acting in any judicial function in transmitting this information nor was he
5 preparing to act in such a function.

6 46. VROMAN declined to bring any charges against Don Iversen (or John
7 Iversen) for “lack of evidence.” One local newspaper, commenting on this stance
8 by VROMAN, indicated that only a video-tape of the incident could have provided
9 more evidence.

10 47. In concert and conspiracy with the Iversen family, KALINA and
11 VROMAN suggested that Don Iversen take plaintiff’s new dog from her yard so
12 that they could assert she was in violation of a mutual restraining order and mutual
13 order to obey all leash laws. While she was at the supermarket, Don Iversen did
14 take her dog to the Iversen property.

15 48. VROMAN and KALINA then charged and prosecuted plaintiff for
16 criminal contempt of court. This charge was only brought to harass, vex, annoy
17 and discourage plaintiff in her search for justice. VROMAN also harbored
18 animosity that the plaintiff had publicly complained about him and had written to
19 state and federal authorities.

20 49. After considerable public pressure, VROMAN appointed a special
21 investigator to investigate the dog shooting. VROMAN oversaw the special
22 investigator. VROMAN instructed the special investigator to make false findings
23 and to cover-up the wrongdoing of his office and the Sheriff’s Department.
24 VROMAN undertook these actions as an administrator and investigating officer.
25 He was not acting or preparing to act in any judicial function.

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2 **THIRD CAUSE OF ACTION**

3 Conspiracy Under 42 U.S.C. § 1983

4 (Against All Defendants)

5 55. Plaintiff realleges all allegations as if fully set forth herein.

6 56. Defendants are liable to plaintiff pursuant to 42 U.S.C. § 1983 for
7 conspiracy to violate the rights specified above. The wrongful conduct of the
8 police officer defendants could not have occurred without the participation or
9 deliberate indifference and/or willful blindness of the non-police officer
10 defendants.

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12 **FOURTH CAUSE OF ACTION**

13 Conspiracy Under 42 U.S.C. § 1985

14 (Against All Defendants)

15 57. Plaintiff realleges all allegations as if fully set forth herein.

16 58. Defendants are liable to plaintiff pursuant to 42 U.S.C. § 1985 for
17 conspiracy to obstruct justice in that defendants conspired to deter witnesses from
18 testifying freely, fully and truthfully in state and federal court. The wrongful
19 conduct of the police officer defendants could not have occurred without the
20 participation or deliberate indifference and/or willful blindness of the non-police
21 officer defendants.

22 **FIFTH CAUSE OF ACTION**

23 42 U.S.C. § 1986

24 (Against All Defendants)

25 59. Plaintiff realleges all allegations as if fully set forth herein.

