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PAUL T. PERSONS (Bar #92289)  
1834 Arroyo Canyon Drive  
Chico, CA 95928  
(916) 893-4710

MARK E. MERIN (Bar #043849)  
DICKSTIEN & MERIN  
2001 P Street  
Sacramento, CA 95814

MICHAEL B. JACKSON (Bar #53808)  
P.O. Box 207  
Quincy, CA 95971  
(916) 283-1007

PAUL W. COMISKEY (Bar #65510)  
Prisoners Rights Union  
2310 J Street  
P.O. Box 1019  
Sacramento, CA 95812-1019  
(916) 442-6868

RICHARD P. HERMAN (Bar #53742)  
229 Marine Avenue  
P.O. Box 328  
Balboa Island, CA 92662

Attorneys for Plaintiffs



**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

Dennis Wyckoff, Daniel Smith, )  
Barbara Nooner, Randall Smith and )  
Richard Ascherin )  
Plaintiffs, )

vs. )

COUNTY OF TEHAMA, et. al. )  
Defendants. )

CASE # CIVS-92-1472 GEB JFM

**AMENDED  
COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF**

**CLASS ACTION**

1/1/14

## JURISDICTION

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3           1.     This is a class action brought by the prisoners in the Tehama County  
4 Jail, including the Tehama County Work Furlough Facility (herein after Jail) to  
5 redress the deprivation by Defendants, County of Tehama and Sheriff Rudy Blanus,  
6 of Plaintiffs' rights, privileges and immunities arising under the Constitution and  
7 Laws of United States. The Defendants, and each of them, acting under color of law  
8 have deprived the Plaintiffs of their rights guaranteed under the United States  
9 Constitution and by 42 USC § 1983 through overcrowding, inadequate staffing,  
10 inadequate policies and procedures, by failing to provide beds, adequate medical,  
11 dental, and mental health care, a decent clean jail, a safe jail, reasonable visitation,  
12 access to telephones, access to law library, access to the courts, adequate clothing  
13 exchange, sufficient exercise, programs and supervision.

14  
15           2.     Named Plaintiffs, Dennis Wyckoff, Daniel Smith, Barbara Nooner,  
16 Randall Smith Richard Ascherin and are prisoners in the Tehama County Jail who  
17 were arrested and taken to the Tehama County Jail, located in Red Bluff, California.  
18 Many arrestees and sentenced prisoners are detained in the Tehama County Jail in  
19 such overcrowded conditions that they are denied a constitutionally adequate place of  
20 detention, including a failure to provide a bed to sleep on.

21  
22           3.     The jurisdiction of this Court is invoked under 28 USC § 1331, this  
23 being an action arising under the Constitution and Laws of the United States and  
24 under 42 USC § 1343, as an action authorized by law to redress the deprivation  
25 under color of State law statute, ordinance, regulation, custom and usage of a right,  
26 privilege and immunity secured to plaintiffs by the First, Fourth, Eight and  
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Fourteenth Amendments of the Constitution of the Unites States.

4. Defendant COUNTY OF TEHAMA (herein after called "County") is a unit of local government, duly formed and authorized under the laws of the State of California. As part of its duties, Defendant County provides local jail facilities, specifically the Tehama County Jail and Work Furlough Facility in Red Bluff, California. Through the Sheriff's Department of the County of Tehama and other County agencies, Defendant County also provides supervision to persons in the Tehama County Jail.

5. Sheriff Rudy Blanusa is the Sheriff of the County of Tehama and is responsible for the operation and management of the Tehama County Jail and the Tehama Work Furlough Facility and the prisoners housed therein.

6. At all times pertinent to this Complaint, the Defendants and their employees and agents were acting under the color in their official capacity and the ordinances and regulations of the County of Tehama and the laws of the State of California.

7. The named Plaintiffs are citizens or persons residing in the United States.

8. During all times mentioned herein, the Defendants, and each of them, separately and in concert, acted under color of law or pretense of law, to wit, under color of the statutes, ordinances, regulations, customs and usage of the State of California and the County. Each of the Defendants herein, separately and in concert engaged in the conduct herein mentioned to the injury of Plaintiffs, and deprived the Plaintiffs of the rights, privileges and immunities secured to Plaintiffs by the First, Fourth, Eight and Fourteenth Amendments to the Constitution of the United States

1 and the laws of the United States, pursuant to the practice and policy of Defendant  
2 County.

3 9. At all relevant times, the Plaintiffs were prisoners and held in the  
4 Tehama County Jail or Tehama County Work Furlough Facility.

5 10. The deprivations suffered by Plaintiffs were and are the result of  
6 ongoing patterns of conduct and practice by the Defendants, and each of them.  
7 Unless and until ordered by this Court, overcrowded conditions resulting in  
8 inadequate sleeping arrangements, medical, dental and mental health, cleanliness,  
9 safety, staffing, clothing exchange, access to a law library, access to the courts,  
10 exercise, access to telephones, programs and supervision, will continue to deprive  
11 prisoners incarcerated in the Tehama County Jail or Work Furlough Facility of their  
12 Constitutional rights.<sup>558</sup>

#### 13 CLASS ACTION ALLEGATIONS

14 11. The named Plaintiffs are representatives of a class within the meaning  
15 of Rule 23(a) and 23(b)(2) of the Federal Rules of Civil Procedure.

16 12. The members of the class are so numerous that joinder of all of them is  
17 impractical, their being more than 128 prisoners in the Tehama County Jail at any  
18 one time.

19 13. The members of the class are readily identifiable from the Defendants'  
20 records.

21 14. There are questions of law and fact common to the class; their class  
22 claims predominate over any individual claim.

23 15. The Defendants, and each of them, have acted or refused to act on  
24 grounds generally applicable to the class by failing to provide constitutionally  
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1 adequate facilities and conditions of confinement.

2 16. The named Plaintiffs will fairly and adequately protect the interest of  
3 the class; having no other individual interest.

4 17. The class consist of all prisoners held in the Tehama County Jail or  
5 Tehama County Work Furlough Facility from September 1, 1992 to the present, and  
6 all future prisoners.  
7

8 18. Plaintiffs do not propose notice at this time, consistent with their  
9 practice in similar cases.

10 WHEREFORE, Plaintiffs pray:

11 1. For an Order and Judgement requiring Defendants provide adequate  
12 conditions of confinement, including a bed for every prisoner, limiting the  
13 population to the California Board of Corrections rated capacity, adequate medical,  
14 dental, and mental health care, safety, a decent clean jail, reasonable visitation, access  
15 to telephones, adequate exercise, staffing, access to a law library, access to the courts,  
16 clothing exchange, programs and supervision;  
17

18 2. For reasonable attorneys fees and cost of suit;

19 3. For such other relief as may be necessary and proper to effect the  
20 purposes of this litigation.  
21

22  
23 Dated: September 28, 1992



Paul T. Persons  
Mark E. Merin  
Michael B. Jackson  
Paul W. Comiskey  
Richard P. Herman  
Attorneys for Plaintiffs

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**PROOF OF SERVICE**

PAUL T. PERSONS  
Attorney at Law  
1834 Arroyo Canyon  
Chico, CA 95928  
(916) 893-4710

Name of Court: Unites States District Court, Eastern District of California  
Title of Case: DENNIS WYCKOFF, et. al. v. COUNTY OF TEHAMA  
Case Number: CIVS-S-92 GEB JFM

I am a citizen of the United States and employed in the City of Chico, County of Butte. I am over the age of 18 and not a party to the above entitled action. My business address is 1834 Arroyo Canyon, Chico, California 95928.

On SEPTEMBER 29, 1991, I personally served the following:

- AMENDED COMPLAINT FOR ANCILLARY RELIEF; CLASS ACTION
- APPLICATION FOR TEMPORARY RESTRAINING ORDER RE LAW LIBRARY MEMORANDUM AND DECLARATIONS


on the parties in said action by personally delivering a true and correct copy to the below listed address:

Nelson Buck  
County Counsel, County of Tehama  
633 Washington Street, room 37  
P.O. Box 8189  
Red Bluff, CA 96080

John Hagar, Jr.  
633 Washington Street, room 37  
Red Bluff, CA 96080

I declare under penalty of perjury that the foregoing is true and correct.

Dated: SEPTEMBER 29, 1992

  
Paul T. Persons