

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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ANGELA RIMMER BELANGER,  
KELLY FARMER, JOSEPH RIMMER, and  
ZANE FARMER,  
both individually and on behalf of a class of others  
similarly situated,

Plaintiffs,

v.

MARK A. CIAVARELLA, JR., MICHAEL T.  
CONAHAN, COUNTY OF LUZERNE,  
GREG SKREPENAK, TODD VONDERHEID,  
SAM GUESTO,  
SANDRA BRULO, LUZERNE COUNTY  
DEPARTMENT OF JUVENILE PROBATION,  
ROBERT POWELL, ROBERT MERICLE,  
MERICLE CONSTRUCTION, INC.,  
PA CHILD CARE, LLC, WESTERN PA  
CHILD CARE, LLC., and MID-ATLANTIC  
CHILD YOUTH SERVICES, INC.,

Defendants.

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CIVIL ACTION NUMBER  
10-CV-1405-ARC

SECOND AMENDED  
CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

The present class action addresses one of the most horrific violations of civil rights imaginable, where two state court judges, Mark Ciavarella and Michael Conahan, accepted bribes from several corporations and private citizens to incarcerate children. These children were incarcerated in the absence of any due process protections, including the right to counsel or the right to a fair trial. Ciavarella and Conahan could not have acted alone, however. Instead, in order for their bribery scheme to work, they need the assistance of several officials in the Luzerne County government, including the County Manager, two County Commissioners and Luzerne County’s chief probation officer. The Plaintiffs in this action maintain the above-named Luzerne County officials affirmatively conspired with, if not actively participated in, Judges

Ciavarella and Conahan's scheme of trading kids for cash. As several of these individuals are policy makers for Defendant County of Luzerne, Luzerne County is directly responsible for the wholesale violation of constitutional rights suffered by members of the proposed class.

The proposed classes here represent all children who were placed into detention by former Judges Ciavarella and Conahan, as well as the parents of those children. All of these children had a range of constitutional rights violated by Judges Ciavarella and Conahan, as well as several Luzerne County officials, and all were illegal incarcerated in the absence of any meaningful due process. The emotional devastation suffered by these children defies explanation. All of the parents in the proposed classes were required to pay Luzerne County child support, and all were illegally deprived of the companionship of their children for weeks or months. All deserve to be compensated by a County government that can fairly be characterized as being corrupt to its core, and one where the suffering of innocent children was tolerated for the sake of greed.

With this as a background, Plaintiffs Angela Rimmer Belanger, Kelly Farmer, Joseph Rimmer and Zane Farmer, complain, through counsel, as follows:

**JURISDICTION**

1. This Court has jurisdiction over this action under the provisions of 28 U.S.C. §§ 1331, 1341 & 1343 because it is filed to obtain compensatory damages, punitive damages, and injunctive relief for the deprivation, under color of state law, of the rights of citizens of the United States secured by the Constitution and federal law pursuant to 42 U.S.C. § 1983. The Court has supplemental jurisdiction under claims relating to a violation of state law under the provisions of 28 U.S.C. § 1367.

2. Venue is proper under 28 U.S.C. § 1391(e)(2) because the events giving rise to Plaintiff's claims and those of proposed class members occurred in this judicial district. Additionally, all of the Defendants reside in this judicial district.

### **PARTIES**

3. Plaintiff Angela Rimmer Belanger is a citizen of the United States and resides in Luzerne County, Commonwealth of Pennsylvania.

4. Plaintiff Kelly Farmer is a citizen of the United States and resides in Luzerne County, Commonwealth of Pennsylvania.

5. Plaintiff Joseph Rimmer is a citizen of the United States and resides in Luzerne County, Commonwealth of Pennsylvania.

6. Plaintiff Zane Farmer is a citizen of the United States and resides in Luzerne County, Commonwealth of Pennsylvania.

7. Defendant Mark A. Ciavarella ("Defendant Ciavarella") is a former Judge of the Luzerne County Court of Common Pleas, and held that position at all times relevant to this complaint. Defendant Ciavarella currently resides at 585 Rutter Avenue, Kingston, Pennsylvania. Claims are asserted against Defendant Ciavarella in his individual capacity.

8. Defendant Michael T. Conahan ("Defendant Conahan") is a former Judge of the Luzerne County Court of Common Pleas, and held that position at all times relevant to this complaint. Defendant Conahan currently resides at 301 Deer Run Road, Mountain Top, Pennsylvania. Claims are asserted against Defendant Conahan in his individual capacity.

9. Defendant Luzerne County is a county government duly organized under the laws of the Commonwealth of Pennsylvania, with its principal place of business being 200 North River Street, Wilkes-Barre, PA 18711.

10. Defendant Sam Guesto is the former County Manager/Chief Clerk of Defendant Luzerne County, and held that position until on or about January 23, 2008. Following his resignation as County Manager, Defendant Guesto was then employed as a court administrator, having been hired by Defendant Ciavarella. Upon information and belief, Defendant Guesto currently resides in Luzerne County, Pennsylvania. Claims are asserted against Defendant Guesto in his individual capacity.

11. Defendant Gregory Skrepenak is a former member of the Luzerne County Board of Commissioners, and held that position at all times relevant to this complaint. Upon information and belief, Defendant Skrepenak currently resides in Luzerne County, Pennsylvania. Claims are asserted against Defendant Skrepenak in his individual capacity.

12. Defendant Todd Vonderheid is a former member of the Luzerne County Board of Commissioners, and held that position at all times relevant to this complaint. Upon information and belief, Defendant Vonderheid currently resides in Luzerne County, Pennsylvania. Claims are asserted against Defendant Vonderheid in his individual capacity.

13. Defendant Sandra Brulo is the former Deputy Director of Forensic Programs of the Luzerne County Department of Probation, and held that position, or position of similar importance, at all times relevant to this complaint. Defendant Brulo currently resides at 96 Allenberry Drive, Hanover, Pennsylvania. Claims are asserted against Defendant Brulo in her individual capacity.

14. Defendant Luzerne County Department of Juvenile Probation is the duly authorized Department of Juvenile Probation for the County of Luzerne, with its principal place of business being the Luzerne County Courthouse, Penn Place, 20 N. Pennsylvania Avenue, Wilkes-Barre, PA.

15. Defendant Robert Powell is a former partner in Defendants PA Child Care, LLC and Western PA Child Care LLC, and held that position at all times relevant to this lawsuit. Defendant Powell currently resides at 10 Fox Run Road, Drums, Pennsylvania.

16. Defendant Robert Mericle is the current owner of Defendant Mericle Construction, Inc., and held that position at all times relevant to this lawsuit. Defendant Mericle currently resides at 100 Baltimore Drive, Wilkes-Barre, Pennsylvania.

17. Defendant Mericle Construction, Inc., is a close corporation duly registered under the laws of the State of Pennsylvania, with its principal place of business being 33 Beekman Street, Wilkes-Barre, Pennsylvania.

18. Defendant PA Child Care, LLC, is a limited liability company duly registered under the laws of the State of Pennsylvania, with its principal place of business being 520 Walnut Street, P. O. Box 8581, Reading, Pennsylvania.

19. Defendant Western PA Child Care, LLC, is a limited liability company duly registered under the laws of the State of Pennsylvania, with its principal place of business being 1105 Berkshire Boulevard, Suite 320, Wyomissing, Pennsylvania.

20. Defendant Mid-Atlantic Youth Services, Inc. is a corporation registered under the laws of the State of Pennsylvania, with its principal place of business being 12 Dakota Drive, Emlenton, PA 16373.

**CLASS ACTION ALLEGATIONS**

21. Plaintiff brings this action pursuant to 23(b)(3) of the Federal Rules of Civil Procedure on behalf of themselves and a class of similarly situated individuals who were both illegally incarcerated, and forced to pay child support, based on the reprehensible actions of Judges Ciavarella and Conahan.

22. The Plaintiffs seek to represent three classes. The first class, to be represented by Class Representatives Joseph Rimmer and Zane Farmer, is defined as follows:

**CLASS ONE**

All children who were adjudicated delinquent, adjudicated to have violated the conditions of their probation, and/or referred for placement by Judges Ciavarella and Conahan from January 1, 2003 until May 31, 2008, whose adjudications have been or will be expunged or otherwise vacated on the date of class certification.

23. The second and third classes, to be represented by Class Representatives Angela Rimmer Belanger and Kelly Farmer are defined below. The third subclass, to be represented by Kelly Farmer, is also defined below:

**CLASS TWO**

All parents/guardians of children in Class One who were required to pay child support and/or other costs and fees to the County of Luzerne, including court costs, fines, penalties, restitution, fees, payments for psychological assessments, or any other costs, as a result of their adjudications and/or residential placements made by Judges Ciavarella and Conahan.

**CLASS THREE**

All parents/guardians of children in Class One who were placed in residential facilities and/or were incarcerated following adjudications by Judges Ciavarella and Conahan.

24. There are no conflicts between the representatives of the distinct classes.

25. This action has been brought and may properly be maintained as a class action under Federal law and satisfies the numerosity, commonality, typicality and adequacy requirements for maintaining a class action under Fed. R. Civ. P. 23(a).

26. The members of the class are so numerous as to render joinder impracticable. There were several hundred juveniles who were adversely adjudicated by Judges Ciavarella and Conahan, each of whom had parents or guardians who were required to pay child support and/or other costs based on these adjudications. Upon information and belief, the size of the proposed class for Class One totals at least 1,500 individuals, some of whom have had their civil rights violated on multiple occasions. The size of the proposed class for Class Two totals, upon information and belief, at least 2,500 individuals.

27. Upon information and belief, joinder of all of these individuals is impracticable because of the large number of class members and the fact that class members are likely dispersed over a large geographical area, with some members presently residing outside of Luzerne County and this Judicial District. Furthermore, upon information and belief, many members of the class are low-income persons, and likely would have great difficulty in pursuing their rights individually.

28. Common questions of law and fact exist as to all members of the Class, in that they all had their civil rights violated by Judges Ciavarella and Conahan. The juvenile class members had their due process rights violated by these Judges. The parent class members also had their rights violated, including their right to due process regarding child support payments and their rights to family relationships being free from illegal government interference.

29. Plaintiffs' claims are typical of the claims of the members of the Class. Plaintiffs and all members of the class sustained damages arising out of Defendant's course of conduct. The harms suffered by the Plaintiff are typical of the harms suffered by the class members.

30. The representative Plaintiffs have the requisite personal interest in the outcome of this action and will fairly and adequately protect the interests of the Class. Plaintiffs have no interests that are adverse to the interests of the members of the Class.

31. Plaintiffs have retained counsel who have substantial experience and success in the prosecution of class action and civil rights litigation.

32. In short, Plaintiffs' counsel has the resources, expertise and experience to successfully prosecute this action against the Defendants, including Luzerne County. Counsel for the Plaintiff knows of no conflicts among members of the class or between counsel and members of the class.

33. Common questions of law and fact exist as to all members of the Class, and the respective Subclasses, and predominate over any questions that affect only individual members of the Class. These common questions of law and fact include, without limitation, the impact of the conspiracy between all of the Defendants to engage in the wholesale violation of civil rights of both juvenile and parent class members, and the responsibility of Luzerne County and/or its municipal policymakers for these civil rights violations.

34. A class action is superior to other available methods for the fair and efficient adjudication of this controversy, since joinder of all of the individual members of the class is impracticable given the large number of class members and the fact that they are dispersed over a large geographical area. Furthermore, the expense and burden of individual litigation would make it difficult or impossible for individual members of the class to redress the wrongs done to



them. The cost to the federal court system of adjudicating thousands of individual cases would be enormous. Individualized litigation would also magnify the delay and expense to all parties and the court system. By contrast, the conduct of this action as a class action in this District presents far fewer management difficulties, conserves the resources of the parties and the court system, and protects the rights of each member of the Class.

35. In the alternative to certification under Fed. R. Civ. P. 23(b)(3), Plaintiffs also seek partial certification under Fed. R. Civ. P. 23(c)(4).

### **FACTUAL ALLEGATIONS**

#### **The Conspiracy to Bribe Judges Ciavarella and Conahan**

36. Under Pennsylvania Law, juvenile court proceedings are handled by the Pennsylvania Court of Common Pleas in the county in which a juvenile delinquency proceeding is filed.

37. Juveniles retain the same rights as other criminal defendants, including the right to due process of law and the right to counsel.

38. The actions of Judges Ciavarella and Conahan clearly eviscerated these rights, in that the Judges consistently refused to provide the juvenile class members with a meaningful opportunity to be heard, and also had them waive their right to counsel, in an effort to incarcerate as many children as possible under a bribery scheme.

39. Both Judge Ciavarella and Conahan have pled guilty to accepting \$2.6 million in bribes paid to them by Defendants Robert Powell and Robert Mericle for placing juveniles from Luzerne County in the custody of PA Child Care and Western PA Child Care.

40. Powell was the co-owner of PA Child Care and Western PA Child Care. Mericle owned a construction company that was hired to build the facilities for PA Child Care and Western PA Child Care. Mid-Atlantic Youth Services provides services at both the PA Child Care and Western PA Child Care facilities, and, upon information and belief, was also owned by Defendant Powell.

41. These bribes were paid to Judges Ciavarella and Conahan over time, including monies paid through the use of multiple fraudulent financial transactions or shell companies.

42. These bribes were paid to facilitate a "Placement Guarantee Agreement" between Judge Conahan and PA Child Care. This "Placement Guarantee Agreement" guaranteed substantial annual payments from Luzerne County to PA Child Care. In June 2002, at the time this agreement was reached, Conahan was the President Judge of Luzerne County.

43. Ciavarella freely testified during an evidentiary hearing that Mericle himself came to his chambers and indicated he was going to pay Ciavarella a "finder's fee." Upon information and belief, Ciavarella and Conahan told others in the Luzerne County government about this "finder's fee" on several occasions during the class period.

44. Conahan was offered half of the bribe money by Ciavarella because "he was the one who made it all possible. He put the people in the room that came up with the financing to build the facility."

45. In exchange for their bribes to Conahan and Ciavarella, Powell and Mericle were to receive approximately \$58 million from Luzerne County over twenty years to house juveniles. In pleading guilty to Federal fraud charges, Defendant Powell acknowledged that the bribes paid to Conahan and Ciavarella were a "quid pro quo" for the sentencing of youth to the facilities owned by PA Child Care and Western PA Child Care, as well as ensuring the future relationship

between Luzerne County and these for-profit juvenile detention facilities. Defendant Conahan further confirmed that the payments to himself and Judge Ciavarella from Powell and Mericle were “kickback gratuities.”

46. Ciavarella and Conahan lived up to their end of the “quid pro quo.” During the proposed class period, Ciavarella routinely sentenced juveniles to terms of incarceration for even the most minor of offenses. Most importantly, Ciavarella adjudicated these cases in the absence of any of the procedural protections normally associated with juvenile cases, including giving the juvenile class members legal counsel to protect their rights. Given the underlying facts of the bribery scheme, it is easy to understand why Ciavarella was reticent to allow for the participation of legal counsel in these juvenile proceedings.

47. One of Ciavarella’s worst abuses came in the form of an unorthodox “fine court,” where juveniles who could not pay Court Ordered fines were incarcerated.

48. During this time, children appearing before Ciavarella were provided with waiver of counsel forms, prepared by Defendant Sandra Brulo, that were insufficient and illegal on their face. Of the children who waived counsel before Defendant Ciavarella, over half were incarcerated, as compared to roughly ten percent of juveniles who waived counsel in the rest of Pennsylvania.

49. Additionally, many children were also held in custody for two weeks for a “psychological evaluation” conducted by Conahan’s brother-in-law; evaluations that almost always recommended incarceration for juvenile detainees.

50. At least 5,000 children were adjudicated by Ciavarella during the class period. During that time, Luzerne County had the highest rate of juvenile incarceration in Pennsylvania—by several orders of magnitude.

51. The damage caused by Ciavarella and Conahan's greed is beyond imagination. Thousands of children had their lives negatively affected, if not destroyed, by their conduct. The damage to the parents of these children, including their relationship with their children, was similarly affected.

52. The County, of course, was able to recoup some of their ill-made expenditures to facilitate the Judges' bribery scheme because they were able to take child support, and social security payments, from the parents of children that were wrongfully incarcerated. The County, and the Luzerne County Department of Juvenile Probation, upon information and belief, also used funds received from the Federal government under Juvenile Justice & Delinquency Prevention Act of 1974 (hereafter, the Juvenile Justice Act), 42 U.S.C. § 5601 *et. seq.* to facilitate the illegal incarceration of juvenile class members.

53. The Judges' bribery scheme, and the particulars of their actions, and the actions and inactions of other Defendants, was thoroughly detailed in the Report of the Interbranch Commission on Juvenile Justice.

**The Participation of Luzerne County Officials in the Conspiracy, Either Directly or by Fostering and Tolerating a Culture of Corruption**

***A. Defendants Skrepenak and Vonderheid***

54. The revelations about the conduct of Ciavarella and Conahan resulted in an expansive Federal investigation into Luzerne County government; an investigation that revealed a culture of corruption and graft that permeated all levels of county management.

55. The Plaintiffs, as stated below, maintain that members of the Luzerne County government, including the County Manager, two County Commissioners, and Luzerne County's chief probation officer, actively conspired with Judges Ciavarella and Conahan to facilitate their

bribery scheme to illegally incarcerate juveniles. At a minimum, these individuals participated as members of a conspiracy to deprive thousands of juveniles, and their parents, of their civil rights, and further oversaw a County government that was rotten to its core.

56. Judges Ciavarella and Conahan's bribery scheme, including their efforts to send juvenile detainees to PA Child Care and Western PA Child Care facilities, was aided on several occasions by Luzerne County officials that the County's participation in this fiasco can hardly be considered anything less than willful.

57. In 2000, Defendants Powell and Ciavarella discussed the prospect of having Defendant Luzerne County house juvenile offenders at a private facility. These discussions resulted in Defendant PA Child Care sending an unsolicited proposal to the County to build a juvenile detention facility in Pittston and lease the facility to the County for \$37 million over thirty years.

58. The dialogue between Powell and Ciavarella led to the execution of the "Placement Guarantee Agreement" in January 2002.

59. Luzerne County Commissioners initially rejected PA Child Care's proposals, stating their preference to continue using a County-owned juvenile detention Center.

60. Despite having an adequate facility for housing juvenile detainees that was judged "safe and satisfactory" by the Department of Public Welfare, Judge Conahan announced that juveniles would no longer be sent to the County facility, claiming the conditions there were "deplorable."

61. The County later agreed to house juvenile offenders at the PA Child Care facility, although the County, prior to the election of Commissioners Gregory Skrepenak and Todd

Vonderheid, planned to build a new public facility rather than utilize PA Child Care because of the exorbitant fees charged by PA Child Care.

62. In 2004, upon the election of Gregory Skrepenak and Todd Vonderheid as County Commissioners, the County backed away from building their own facility, and instead agreed to contract with PA Child Care for \$58 million over 20 years to house adjudicated juveniles. This vote was held subsequent to Powell and Mericle agreeing to pay a substantial sum of money to Judges Conahan and Ciavarella to guarantee that children would continue to be sent to PA Child Care facilities. Shortly after Skrepenak and Vonderheid's vote to approve the PA Child Care contract, Judges Conahan and Ciavarella received another \$1,000,000 kickback from Powell and Mericle.

63. In their role as County Commissioners, Skrepenak and Vonderheid were policy makers for Luzerne County.

64. During the course of their tenure as County Commissioners, Skrepenak and Vonderheid allowed Judges Ciavarella and Conahan to spend money, let contracts and hire personnel without regarding to county rules or policies, and in violation of the separation of powers provisions of the Pennsylvania Constitution

65. As noted by the Interbranch Commission on Juvenile Justice, "the Luzerne County Commissioners, during the period from 2002 to 2008, abdicated certain responsibilities by failing to exercise appropriate oversight regarding budget issues, managing the county-owned juvenile detention facility, and supervising county staff."

66. Following the agreements and bribes detailed above, the County provided PA Child Care and Western PA Child Care with a sweetheart deal that guaranteed excessive profits to Defendant Robert Powell. Specifically, state auditors harshly criticized the County's contract

with PA Child Care, determining that the County would have paid significantly less to build and maintain its own facility. State auditors also harshly criticized the County's decision to pay for empty beds at the Western PA Child Care facility.

67. Following an audit by the Pennsylvania Welfare Department, it was revealed that Luzerne County made excessive payments above reimbursable costs to both PA Child Care and Western PA Child Care, and that the County could have built three juvenile detention centers for the cost of its lease with PA Child Care.

68. The Agreements were subjected to harsh criticism by Steve Flood, the Luzerne County Controller, who held public hearings, attempted to subpoena Judges Ciavarella and Conahan, and repeatedly criticized and questioned Defendants Skrepenak and Vonderheid at commissioner meetings. Several county officials, including Skrepenak and Vonderheid, repeatedly denigrated and retaliated against Flood for criticizing the County's agreement with PA Child Care. Skrepenak and Vonderheid also repeatedly obstructed Flood's investigation into the County's contract with PA Child Care.

69. The sequence of events detailed above (besides the bribes) were printed, repeatedly, in local newspapers who questioned the County's decision to send children to PA Child Care facilities, and further questioned the series of sweetheart deals that allowed for PA Child Care to receive so many juveniles from Luzerne County. Local newspapers further printed facts about the record number of juveniles being incarcerated from Luzerne County.

70. Unbelievably, despite being aware of the bribery scheme, Defendant Vonderheid has publicly defended the County's contract with PA Child Care and Western PA Child Care, and further attempts to justify his actions in agreeing to that contract.

71. The actions of Judges Ciavarella and Conahan are set against the backdrop of the culture of corruption that was Luzerne County politics during Skrepenak and Vonderheid's term as Luzerne County Commissioners. Bribing public officials was the name of the game in Luzerne County, and several Luzerne County officials, including Commissioner Skrepenak, have pleaded guilty to accepting bribes from various contractors and businessmen for their help in obtaining County contracts or favors. Skrepenak has also been accused of being involved in several shady business dealings with no-bid contracts in exchange for receiving free services from those contractors.

72. During Skrepenak and Vonderheid's reign as the majority of County Commissioners, the following Luzerne County officials pled guilty and/or were criminally charged with corruption: William Brace, Deputy County Manager, acceptance of a bribe for supporting a contract relative to County business; Gerald Bonner, Luzerne County Housing Authority Member and Jury Commissioner, assisting a fellow board member to obtain a bribe; William Maguire, Luzerne County Housing Authority Member, accepting a bribe from a business owner with business with his County agency; Howard Bellas, Luzerne County Redevelopment Authority, accepting a bribe from a contractor for assistance with a tax forgiveness program; Bob Reilly, Clerk of Courts of Luzerne County, accepting bribe from contractor; William Sharkey, Luzerne County Court Administrator, stealing court funds; Douglas Richards, Luzerne County Human Resources Director, accepting \$1,000 bribe in support with contract awarded by the County; Jill Moran, Luzerne County Prothonotary, honest services fraud.

73. Upon information and belief, Skrepenak and Vonderheid were allied both politically and socially with Judges Conahan and Ciavarella.



74. In short, the Plaintiffs believe that, as at least Skrepenak has taken bribes from others having dealings with the County, that both Skrepenak and Vonderheid either knew of Judges Ciavarella and Conahan's illegal conduct relative to PA Child Care and participated in it, or knew that something was improper, did nothing to address it and, in fact, actively worked to facilitate it.

75. The Plaintiffs' suspicions in this regard are confirmed by the testimony of County Commissioner Stephen Urban that he met with the Federal Bureau of Investigation to discuss the County's contract with PA Child Care in 2006.

76. The Plaintiffs further maintain that Skrepenak, Vonderheid and others in County government were made aware of the unusual nature of the PA Child Care and Western PA Child Care contracts when PA Child Care sued the Pennsylvania Department of Welfare to stop an audit, claiming that the audit of the use of public funds would violate "trade secrets." PA Child Care's lawsuit seeking to quash a subpoena was granted, and the entire proceeding was sealed – by Judge Conahan.

77. The Honorable Chester Muroski, a judge on the Luzerne County Court of Common Pleas, also complained to the FBI in 2005. Muroski went further, and wrote to the Luzerne County Commissioners, including Defendants Skrepenak and Vonderheid, complaining about the massive amount of County money being spent on incarcerating juvenile detainees. Muroski was removed from hearing juvenile cases by Conahan just days after writing to the County Commissioners.

78. Upon information and belief, Conahan and Ciavarella openly discussed their "finder's fee" arrangement with Powell and Mericle with others in the Luzerne County government, including Defendants Skrepenak, Vonderheid, Guesto and Brulo.

79. The Plaintiffs in this action maintain that the actions of the County, through its chief policymakers, smell to high heaven, in that county officials were either expressly aware of the bribery scheme, or, at a minimum, should have known about it and did nothing to intervene. These actions, as further detailed below, make Luzerne County equally responsible for the trading of kids for cash.

80. All of these facts, taken together, cannot be coincidental.

***B. County Manager Sam Guesto***

81. The Plaintiffs maintain that Sam Guesto, the Luzerne County Manager, was an integral part of the conspiracy to allow for the payment of kids for cash to Judges Conahan and Ciavarella.

82. In his position as County Manager, Guesto oversaw the expenditure of funds by Luzerne County.

83. In his role as County Manager, Guesto was a policy maker for Luzerne County.

84. During his tenure as County Manager, Guesto participated in a number of shady and improper dealings regarding the expenditure of county money, including working to expand the Luzerne County Jail, and providing preferential treatment to contractors, without receiving approval from the County Commissioners, and a “no bid” contract to JPW Construction Management.

85. Guesto also oversaw the expenditure of County funds to pay for the County’s contract with PA Child Care, and, upon information and belief, he participated in drafting the County’s agreement and in the decision to hire PA Child Care in the first instance.

86. Guesto was also involved in a scandal involving County debit cards being used improperly. Despite this fraud, Skrepenak advocated for Guesto to keep his job as County Manager.

87. Guesto is described in media reports as part of Greg Skrepenak's "inner circle;" several members of the "inner circle" have been indicted as part of the federal corruption probe of Luzerne County politics.

88. Defendant Guesto is currently the subject of an extensive criminal investigation by the United States Government, including for participating in the culture of corruption and bribery in Luzerne County that allowed for the routine abuses detailed in this complaint.

89. Upon information and belief, Guesto was well aware of the scheme to bribe Judges Conahan and Ciavarella, given that he oversaw exorbitant payments to PA Child Care, including some made on an "emergency" basis, and was closely aligned with the Judges.

90. In his role as County Manager, Mr. Guesto repeatedly stonewalled any investigation into the County's contract with PA Child Care, including refusing to provide a copy of a state audit to members of the County Commissioners. Guesto also severely inhibited Steve Flood's investigation into the PA Child Care contracts.

91. Subsequent to revelations that Guesto misused, and failed to supervise, the use of County debit cards, Judge Conahan telephoned and threatened County Commissioner Maryanne Petrilla in an effort to keep Guesto in his job. Conahan also facilitated over 40 other public officials calling Petrilla to advocate for Guesto.

92. Once Guesto lost his job as County Manager, he had a soft landing, being hired by Judge Conahan to be an administrator in the Luzerne County Courts in a new position created for Guesto. This fact, in and of itself, is indicative that Guesto was part of the "inner circle"

relative to the fraudulent payments to Luzerne County; Guesto was hired by the very court system whose fraud he had facilitated, tolerated, and/or worked to conceal.

93. The Plaintiffs maintain the circumstantial evidence, and Guesto's current investigation by federal authorities, demonstrates that Guesto, as County Manager, either knew of Judges Ciavarella and Conahan's illegal conduct relative to PA Child Care, or knew that something was improper, did nothing to address it and, in fact, actively worked to facilitate it.

94. At a minimum, Guesto is a participant in a conspiracy to deprive class members of their civil rights.

***C. Sandra Brulo***

95. The Plaintiffs maintain Sandra Brulo, the Deputy Director for Forensic Services of the Luzerne County Probation Department, was an integral part of the conspiracy to allow for the payment of kids for cash to Judges Conahan and Ciavarella.

96. In her role as Deputy Director for Forensic Services, Sandra Brulo was a policy maker for Luzerne County.

97. Brulo was responsible for implementing Conahan's "zero tolerance policy" regarding juvenile crimes, and for directing that her subordinate probation officers follow this policy. This "zero tolerance policy" was developed just three days after the opening of the PA Child Care facility.

98. Probation Officer Tom Lavan testified before the Interbranch Commission on Juvenile Justice that he received instructions from Sandra Brulo that the PA Child Care facilities needed to remain full, and that she received her instructions directly from Judge Conahan.

99. Brulo provided these instructions to Luzerne County Probation Officers in a series of memoranda reflecting that, among other things, all juveniles supervised in Luzerne County should have their probation violated regardless of the nature, or seriousness, of the violation.

100. Many, if not all, of Brulo's actions in facilitating the illegal incarceration of juveniles under her supervision were taken in her administrative role as head of the Juvenile Probation Department. Furthermore, her actions in facilitating Judges Conahan and Ciavarella's scheme to incarcerate "kids for cash" were outside of, and contrary to, her job duties as a Juvenile Probation Officer. Brulo's job was to honestly make recommendations regarding the best outcome for juvenile detainees, not fabricate reports to recommend incarceration regardless of a juvenile's circumstances.

101. Upon information and belief, Brulo intentionally deprived class members of their constitutional rights by, *inter alia*, (1) recommending that Plaintiffs and proposed class members be detained or placed in rehabilitation facilities in order to "legitimize" the placements made by Defendants Conahan and Ciavarella; (2) altering probation reports in order to have Plaintiffs and proposed class members on probation placed in further detention; and (3) concocting bogus probation violations to ensure that Plaintiffs and proposed class members were placed in and/or further detained at one of the juvenile detention facilities.

102. Brulo's actions also violated the Juvenile Justice Act, in that she was responsible to spend Federal monies paid to Luzerne County under the Act on, amongst other expenditures, alternatives to incarceration, rather than the wholesale incarceration of juveniles.

103. Brulo was the individual responsible, for much of the time relevant to this Complaint, for reviewing juvenile delinquency petitions and making "recommendations" to the

Court for placement. Brulo would frequently overrule her subordinate probation officers regarding recommendations for placement and/or probation. This practice continued until 2008.

104. Brulo was also responsible for recommending juveniles for psychological evaluations by Conahan's brother-in-law, a process that usually require the juvenile to be housed in the PA Child Care facility.

105. Brulo subsequently pled guilty of federal obstruction of justice charges for attempting to modify court documents regarding a juvenile case to conceal her, and the Judges', misconduct. The Plaintiffs maintain that this alteration of court records is an admission of guilt regarding the underlying conduct.

106. Upon information and belief, Brulo was directly aware of the payments being made to the Judges to illegally incarcerate juvenile detainees.

107. The facts detailed above make clear that Defendant Brulo either knew of Judges Ciavarella and Conahan's illegal conduct relative to PA Child Care and participated in it, or knew that something was improper, did nothing to address it and, in fact, actively worked to facilitate it.

108. At a minimum, Brulo is a participant in a conspiracy to deprive class members of their civil rights.

### **The Affect of the Conspiracy Upon the Class Representatives**

109. Predictably, the affect of the Defendants' conduct on the Plaintiffs was absolutely devastating.

#### *A. Zane Farmer and Kelly Farmer*

110. Plaintiff Zane Farmer was a standout football player at Berwick High School until he had a verbal altercation with mother, Kelly Farmer, at the end of 2004.

111. Zane Farmer was then arrested, and later taken before Judge Ciavarella in the absence of a lawyer. Kelly Farmer asked the State Police if she should hire a lawyer, and was told that one was not necessary.

112. Despite her pleas to Judge Ciavarella about Zane not being a "bad kid," Judge Ciavarella stated that he wanted to teach Zane a "lesson," and sentenced him to six months incarceration. Zane later was required to remain on probation until the end of 2008.

113. At no time was Zane advised to his right to counsel, nor was he provided with anything but summary process.

114. During the course of Zane's incarceration, Plaintiff Kelly Farmer was forced to pay child support to the Luzerne County Department of Probation to compensate them for her son's placement, including funds taken from Federal social security payments for the benefit of Zane Farmer.

115. Zane Farmer's incarceration destroyed his relationship with his mother and other family members. Despite the fact that young Mr. Farmer was incarcerated by a corrupt Judge, who exchanged kids for cash, Mr. Farmer, at least until recently, had considerable animosity towards Kelly Farmer regarding his incarceration.

116. Kelly Farmer was also denied the companionship of her son during his term of incarceration, and otherwise had her parental relationship with Zane disrupted by the corrupt actions detailed in this complaint.

*B. Joseph Rimmer and Angela Rimmer Belanger*

117. Plaintiff Joseph Rimmer was involved in a vandalism incident in February 2003, and was later charged and taken before Judge Ciavarella.

118. Joseph Rimmer was sentenced to thirty days incarceration, with that term later increased for several months.

119. While Mr. Rimmer was represented by counsel during a hearing before Judge Ciavarella, the proceeding was summary in nature, and Rimmer was denied due process given that Judge Ciavarella (secretly) was taking payments for incarcerating juveniles.

120. Plaintiff Angela Rimmer Belanger was later sued by the Luzerne County Department of Probation for child support during Joseph Rimmer's incarceration, and paid child support to Luzerne County over the course of several months.

121. Plaintiff Belanger was also deprived of the companionship of her son during the term of his illegal incarceration.



**CAUSES OF ACTION**

**AS AND FOR A FIRST CAUSE OF ACTION BY ALL REPRESENTATIVE PLAINTIFFS  
AND ALL CLASS MEMBERS AGAINST ALL DEFENDANTS**

**Violation of Civil Rights Under Color of State Law  
-- Conspiracy, 42 U.S.C. § 1983 –**

122. The Plaintiffs incorporate by reference and reallege each and every allegation stated in Paragraphs 1 through 121.

123. As detailed in this Complaint, the Plaintiffs had their constitutional rights violated in several different ways by the Defendants. The members of Class One had their rights to due process and an impartial tribunal violated by the bribery scheme of the Defendants. Members of all classes had their fundamental right to be free of interference in familial relationships by the conduct of the Defendants.

124. All of the Defendants listed above conspired with each other to violate the civil rights of class members by participating in the Judges' bribery scheme of trading kids for cash. All of the Defendants listed above either affirmatively participated in, or, at a minimum, promoted the conspiracy, and all knew, or should have known, about the Judges' illegal actions.

125. Defendant Luzerne County is directly responsible for this constitutional violation given that its senior policy makers, Skrepenak, Vonderheid, Guesto and Brulo, actively participated in, and facilitated, the Judges' bribery scheme.

126. The conduct by all Defendants violates the provisions of 42 U.S.C. § 1983.

127. This conduct on behalf of the above-named Defendants is undertaken in bad faith, and with malice toward the Plaintiffs.

128. As a direct and proximate result of the unconstitutional acts described above, Plaintiffs have been irreparably injured.

**AS AND FOR A SECOND CAUSE OF ACTION BY PLAINTIFFS ZANE FARMER,  
JOSEPH RIMMER AND MEMBERS OF CLASS ONE AGAINST ALL DEFENDANTS**

**Violation of Civil Rights Under Color of State Law  
-- Conspiracy, 42 U.S.C. § 1985(3) –**

129. Plaintiffs incorporate by reference and reallege each and every allegation stated in Paragraphs 1 through 128.

130. As detailed in this Complaint, the Plaintiffs had their constitutional rights violated in several different ways by the Defendants. The members of Class One had their rights to due process and an impartial tribunal violated by the bribery scheme of the Defendants.

131. All of the Defendants listed above conspired with each other to violate the civil rights of class members by participating in the Judges' bribery scheme of trading kids for cash. All of the Defendants listed above either affirmatively participated in, or, at a minimum, promoted the conspiracy, and all knew, or should have known, about the Judges' illegal actions.

132. Any conspiracy to deprive citizens of their rights and privileges under Federal law and the United States Constitution violates the provisions of 42 U.S.C. § 1985(3). The Defendants' conduct violates this statutory provision.

133. The conspiracy detailed in this complaint directly targeted, and discriminated against, the juvenile members of Class One, and deprived them of the equal protection of the law. Juveniles are a class of individuals whose rights are protected under 42 U.S.C. § 1985(3).

134. Defendant Luzerne County is directly responsible for this constitutional violation given that its senior policy makers, Skrepenak, Vonderheid, Guesto and Brulo, actively participated in, and facilitated, the Judges' bribery scheme.

135. This conduct on behalf of the above-named Defendants is undertaken in bad faith, and with malice toward the Plaintiffs.

136. As a direct and proximate result of the unconstitutional acts described above, Plaintiffs have been irreparably injured.

**AS AND FOR A THIRD CAUSE OF ACTION BY PLAINTIFFS ZANE FARMER,  
JOSEPH RIMMER AND MEMBERS OF CLASS ONE AGAINST DEFENDANTS  
SKREPENAK, VONDERHEID, GUESTO, BRULO AND THE COUNTY OF LUZERNE**

**Violation of Civil Rights Under Color of State Law  
-- Failure to Prevent Violation of Civil Rights, 42 U.S.C. § 1986 --**

137. Plaintiffs incorporate by reference and reallege each and every allegation stated Paragraphs 1 through 136.

138. As stated in this Complaint, Defendants Conahan, Ciavarella, Powell, Mericle and others participated in a conspiracy to deny juvenile class members their rights under the United States Constitution and Federal law. This conspiracy violates 42 U.S.C. § 1985(3).

139. While the Plaintiffs maintain that the above-named County Defendants actively participated in this conspiracy, these Defendants, at a minimum, had the power to prevent, or aid in preventing, this conspiracy, and either neglected to do so, or refused to do so.

140. This failure by the Defendants violates the provision of 42 U.S.C. § 1986.

141. Defendant Luzerne County is directly responsible for this constitutional violation given that its senior policy makers, Skrepenak, Vonderheid, Guesto and Brulo, failed in their responsibilities to prevent the conspiratorial and illegal actions of the other Defendants.

142. As a direct and proximate result of the unconstitutional acts described above, Plaintiffs have been irreparably injured.

**AS AND FOR A FOURTH CAUSE OF ACTION BY PLAINTIFFS ZANE FARMER,  
JOSEPH RIMMER, AND CLASS ONE AGAINST DEFENDANTS CIAVARELLA,  
CONAHAN, BRULO, AND THE COUNTY OF LUZERNE**

**Violation of Civil Rights Under Color of State Law  
-- The Rights to Procedural and Substantive Due Process of Law, Assistance of Counsel  
and to an Impartial Tribunal –**

143. Plaintiffs incorporate by reference and reallege each and every allegation stated in Paragraphs 1 through 142.

144. The United States Constitution, and associated amendments, guarantees several fundamental rights to individuals charged with criminal offenses by the government. These rights include the right to a fair trial before an impartial tribunal, the right to assistance of legal counsel and the right to proffer a knowing guilty plea. These rights of co-extensive with the Constitution's guarantee of procedural and substantive due process of law.

145. The actions of Defendants Ciavarella and Conahan detailed above violated the Plaintiffs' rights under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution. In short, the Judge Ciavarella's court room was a sham where juveniles were railroaded into incarceration in the absence of any appropriate process, and in willful disregard for a range of constitutional mandates regarding the rights of the accused. Judge Conahan knew that this was the case, directed Ciavarella's actions as his supervisor, and materially benefited from Ciavarella's actions in incarcerating kids for cash. Both Judges Ciavarella and Conahan performed much of their misconduct outside of their job responsibilities as judges of the Court of Common Pleas. It is difficult to comprehend a more direct violation of the civil rights of the Plaintiffs and class members.

146. Defendant Brulo, a senior policymaker for the Luzerne County Department of Probation, actively participated in Ciavarella and Conahan's scheme to incarcerate kids for cash

by encouraging the waiver of right to counsel, and recommending incarceration for even the most minor offenses.

147. Defendant Brulo is a policy maker for the County of Luzerne, making the County directly responsible for this constitutional violation.

148. The actions of Judges Ciavarella and Conahan, and Defendant Brulo, were undertaken in bad faith, and with malice toward the Plaintiffs.

149. This conduct on the part of the above-named Defendants also represents a violation of 42 U.S.C. § 1983, given that their actions were undertaken under color of state law.

150. As a direct and proximate result of the unconstitutional acts described above, Plaintiffs have been irreparably injured.

**AS AND FOR A FIFTH CAUSE OF ACTION BY PLAINTIFFS ANGELA RIMMER  
BELANGER, KELLY FARMER AND CLASS TWO AGAINST DEFENDANTS  
CONAHAN, CIAVARELLA, BRULO AND THE COUNTY OF LUZERNE**

**Violation of Civil Rights Under Color of State Law  
-- The Right to Substantive Due Process of Law --**

151. The Plaintiffs incorporate by reference and reallege each and every allegation stated in Paragraphs 1 through 150.

152. The Fourteenth Amendment to the United States Constitution guarantees that neither liberty nor the property of individual citizens will be taken away without due process of law. Specifically, the Amendment provides that governmental entities cannot engage in conduct that, while using legitimate procedures, is entirely unlawful and illegitimate.

153. Here, the conduct of the Defendants detailed above violates the Plaintiffs' right to substantive due process of law. Senior members of the Luzerne County Department of Probation actively participated in Judge Ciavarella and Judge Conahan's bribery scheme, with

Defendant Brulo actively working to help facilitate the Judges trading kids for cash. These sham juvenile proceedings then led Luzerne County, through its probation department, to institute thousands of child support proceedings against the Plaintiffs and the proposed class seeking compensation for housing juveniles who were illegally incarcerated. It is beyond cavil for the Defendants to illegally incarcerate thousands of juveniles, and then Luzerne County, whose probation department facilitated these sham legal proceedings, to shake down parents for child support payments as a result of those proceedings.

154. The actions of Defendants Conahan, Ciavarella and Brulo were undertaken in bad faith, and with malice toward the Plaintiffs.

155. Defendant Brulo is a policy maker for the County of Luzerne, making the County directly responsible for this constitutional violation.

156. This conduct on the part of Defendants Conahan, Ciavarella and Brulo also represents a violation of 42 U.S.C. § 1983, given that their actions were undertaken under color of state law.

157. As a direct and proximate result of the unconstitutional acts described above, Plaintiffs have been irreparably injured.

**AS AND FOR A SIXTH CAUSE OF ACTION BY ALL PLAINTIFFS AND ALL CLASSES AGAINST DEFENDANTS SKREPENAK, VONDERHEID, GUESTO AND THE COUNTY OF LUZERNE**

**Violation of Civil Rights under Color of State Law  
-- Municipal and Individual Liability for Unconstitutional Policies and Practices --**

158. The Plaintiffs incorporate by reference and reallege each and every allegation stated in Paragraphs 1 through 157.

159. As stated throughout this complaint, Luzerne County operated under a culture of corruption during the tenure of Defendants Skrepenak and Vonderheid on the Board of County Commissioners, and during Guesto's tenure as County Manager. In short, bribing public officials in exchange for favoritism and special treatment was the *de facto* policy and practice of Luzerne County during the tenure of these Defendants. Looking the other way in the face of corruption by others in County government goes hand in hand with overseeing such an organization.

160. The actions of Defendants Guesto, Skrepenak and Vonderheid represent the actions of Luzerne County, as these individuals are policy makers for the County.

161. The above-named individual Defendants knew, or should have known, that Judges Ciavarella and Conahan were involved in corrupt activities that violated the civil rights of thousands of juveniles, and acted with deliberate indifference toward those activities as part of the County's culture of corruption.

162. Additionally, the Plaintiffs maintain that the actions of the County Defendants, in and of themselves, represent the policies of Luzerne County given Skrepenak, Vonderheid and Guesto's role as senior policy makers for the County. The Plaintiffs further maintain that direct and circumstantial evidence will show that these defendants were aware of the Judges' actions, and took steps to facilitate them in their role as County officials.

163. The policies, practices, customs and procedures of the above-named Defendants violated the Constitutional rights of the Plaintiffs.

164. This conduct on the part of the above-named Defendants and the County of Luzerne also represents a violation of 42 U.S.C. § 1983, given that their actions were undertaken under color of state law.

165. As a direct and proximate result of the unconstitutional acts described above, Plaintiffs have been irreparably injured.

**AS AND FOR A SEVENTH CAUSE OF ACTION BY PLAINTIFFS KELLY FARMER,  
ZANE FARMER, AND CLASSES ONE AND TWO AGAINST DEFENDANTS SANDRA  
BRULO, THE LUZERNE COUNTY DEPARTMENT OF JUVENILE PROBATION AND  
THE COUNTY OF LUZERNE**

**Violation of Federal Law; Violation of Civil Rights Under Color of State Law  
-- Wrongful Taking of Social Security Payments --**

166. The Plaintiffs incorporate by reference and reallege each and every allegation stated in Paragraphs 1 through 165.

167. Many of the members of the proposed classes received social security benefits, either for disability or for survivorship benefits. Plaintiff Zane Farmer received such benefits because of the death of his father, which were used by his mother to pay for basic needs for her family.

168. The Plaintiffs were all sued by Luzerne County, and the Luzerne County Department of Probation, for child support payments.

169. As a result of being illegally incarcerated, Plaintiff Zane Farmer's social security benefits were seized by the County of Luzerne to pay child support to the County. The Plaintiffs maintain that several other class members had their social security benefits taken as



well. The Plaintiffs also believe that many class members had welfare benefits taken to pay for child support.

170. Under relevant Federal regulations, social security and/or welfare benefits are paid for the exclusive benefit of the recipients, and are to be applied to maintain their welfare and standard of living. Luzerne County, through the Luzerne County Department of Probation, by seizing these benefits to pay child support for the illegal incarcerations required by Judges Ciavarella and Conahan, violated these federal regulations. The County should, accordingly, be ordered to pay back any seized Federal payments to the children and parents from whom they were seized.

171. Additionally, the Takings Clause of the United States Constitution precludes the taking of private property for governmental use without just compensation. The actions of the above-named Defendants, in seizing child support and welfare payments for the benefit of Luzerne County, represents in improper taking in the absence of appropriate compensation.

172. Defendant Brulo is a policy maker for the County of Luzerne and the Luzerne County Department of Juvenile Probation, making the County and the Department of Juvenile Probation directly responsible for this constitutional violation.

173. This conduct on the part of Defendants Conahan, Ciavarella and Brulo also represents a violation of 42 U.S.C. § 1983, given that their actions were undertaken under color of state law.

174. As a direct and proximate result of the unconstitutional acts described above, Plaintiffs have been irreparably injured.

**AS AND FOR A EIGHTH CAUSE OF ACTION BY PLAINTIFFS ZANE FARMER,  
JOSEPH RIMMER AND CLASS ONE AGAINST DEFENDANTS BRULO AND THE  
LUZERNE COUNTY DEPARTMENT OF JUVENILE PROBATION**

**Violation of Federal Law, Violation of Federal Law Under Color of State Law  
-- Juvenile Justice and Delinquency Prevention Act of 1974 –**

175. The Plaintiffs incorporate by reference and reallege each and every allegation stated in Paragraphs 1 through 174.

176. The Juvenile Justice Act, at 42 U.S.C. § 5633 and elsewhere, provides a range of requirements upon government agencies who received federal funds for the purposes of housing and providing programs for juvenile offenders. These requirements include providing for community-based alternatives to incarcerating juveniles, community based programs for the purposes of encouraging family development, and programs to provide an adjudicated juvenile delinquent with “a sense of safety and structure.” The Juvenile Justice Act also requires participating agencies to implement a range of post-adjudication remedies for juveniles short of confinement in a correctional setting.

177. Most importantly, the Juvenile Justice Act requires participating agencies to “provide for procedures to be established for protecting the rights of recipients of services,” and requiring all juvenile adjudications, especially those involving juvenile individuals who are receiving welfare benefits, to have an unbiased case plan prepared and reviewed prior to incarceration.

178. A sizable number of class members from the juvenile class are recipients of welfare benefits.

179. The actions of Brulo and the Luzerne County Department of Juvenile Probation violate both the express language and the statutory intent of the Juvenile Justice Act. In short,

drafting placement reports recommending incarceration to facilitate a conspiracy to fill private juvenile facilities is a direct violation of several provisions of the Juvenile Justice Act.

180. The Plaintiffs have a private right of action under the Juvenile Justice Act, both on its face and pursuant to 42 U.S.C. § 1983.

181. Upon information and belief, the Luzerne County Department of Juvenile Probation receives Federal funds under the Juvenile Justice Act for the housing of juvenile offenders, and utilized these funds to illegally incarcerate thousands of juveniles as part of the Judges' regime of trading "kids for cash." As the recipient of such funds, the Luzerne County Department of Juvenile Probation has waived sovereign immunity to be sued for violations of Federal law.

182. Defendant Brulo is a policy maker for the Luzerne County Department of Juvenile Probation, making the Department of Juvenile Probation directly responsible for this constitutional violation.

183. This conduct on the part of above-named Defendants also represents a violation of 42 U.S.C. § 1983, given that their actions were undertaken under color of state law.

As a direct and proximate result of the unconstitutional acts described above, Plaintiffs have been irreparably injured.

**AS AND FOR AN NINTH CAUSE OF ACTION BY PLAINTIFFS ANGELA RIMMER  
BELANGER, KELLY FARMER AND CLASS ONE AGAINST DEFENDANTS  
LUZERNE COUNTY AND THE LUZERNE COUNTY DEPARTMENT OF JUVENILE  
PROBATION**

**-- Violation of State Law –  
Wrongful Payment to Municipality – Request for Injunctive Relief**

184. The Plaintiffs incorporate by reference and reallege each and every allegation stated in Paragraphs 1 through 183.

185. Plaintiffs and members of the class were assessed an unlawful child support lien/unlawful child support payments by the Luzerne County Juvenile Probation Department as a result of their children being unlawfully incarcerated by Judges Ciavarella and Conahan.

186. As noted elsewhere in this Complaint, the Plaintiffs maintain that senior members of the Luzerne County Department of Juvenile Probation, including Defendant Sandra Brulo, were well aware of the Judges' scheme to trade kids for cash. In fact, Defendant Brulo actively participated in this scheme by facilitating the waivers of counsel and recommendations for incarceration that enabled Judge Ciavarella to engage in the wholesale incarceration of juveniles without significant appellate scrutiny.

187. Under 72 PS § 5566b, all Plaintiffs and members of Class One are entitled to a refund of any penalties, taxes or any other monies to which a political subdivision is not legally entitled.

188. Since the Luzerne County Department of Juvenile Probation acted as the named plaintiff in child support proceedings against the Plaintiffs and members of Class One, and wrongfully collected money pursuant to Pennsylvania Law, the Plaintiffs and members of Class One are entitled to reimbursement of these monies.

189. The Luzerne County Department of Juvenile Probation was not entitled to monies collected for the unlawfully sentenced juveniles detailed in this complaint.

190. Plaintiffs and members of Class One respectfully request that the Court provide injunctive relief in the form of reimbursement for funds illegally paid to the Luzerne County Department of Juvenile Probation.

**AS AND FOR A TENTH CAUSE OF ACTION BY PLAINTIFFS ANGELA RIMMER  
BELANGER, KELLY FARMER AND CLASS ONE AGAINST DEFENDANTS SANDRA  
BRULO, LUZERNE COUNTY AND THE LUZERNE COUNTY DEPARTMENT OF  
JUVENILE PROBATION**

**-- Violation of State Law –  
Wrongful Payment to Municipality for Child Support**

191. The Plaintiffs incorporate by reference and reallege each and every allegation stated in Paragraphs 1 through 190.

192. Under Pennsylvania law, a person, government agency or department are subject to liability if child support payments are procured by false information.

193. Plaintiffs, and all members of Class One, had their children unlawfully incarcerated, in part, because of the actions of Defendants Luzerne County Department of Juvenile Probation and Sandra Brulo, including the provision of false/contrived child placement recommendations to Judge Ciavarella, and the actions of Brulo to advance the conspiracy to trade kids for cash.

194. The child support payments that were required to be paid by the plaintiffs and members of Class One were, therefore, procured through fraud.

195. Pursuant to 22 Pa. C.S.A. § 4304.1, Plaintiffs and members of the class seek repayment of monies that were obtained through fraud.

**DEMAND FOR PUNITIVE DAMAGES AGAINST ALL DEFENDANTS EXCEPT  
LUZERNE COUNTY AND THE LUZERNE COUNTY DEPARTMENT OF JUVENILE  
PROBATION**

196. The actions of the Defendants detailed above are so depraved that they defy explanation. Suffice it to say, no decent human being would participate in an effort incarcerate juveniles in exchange for money. The devastation wrought by the individuals and companies detailed in this complaint is horrific and irreversible.

197. Rarely in the history of American jurisprudence can one point to a case that is the perfect example of one where severe punitive damages should be imposed.

198. This is such a case. The Plaintiffs and members of the proposed classes seek an award of punitive damages accordingly.

**DEMAND FOR TRIAL BY JURY**

199. The Plaintiffs and members of the proposed classes hereby demand a trial by jury.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs, on behalf of themselves and on behalf of a class of others similarly situated, requests that this Honorable Court grant them the following relief:

**Class I, II and III**

1. An order certifying this action as a class action pursuant to Fed.R.Civ.P.23.
2. A judgment against defendants to the named plaintiffs and each member of the proposed class in an amount to be determined by a Jury and/or the Court on both an individual and class wide basis.
3. Members of Class I seek attorneys' fees and damages for unlawful imprisonment, false imprisonment and emotional and psychological injuries. Plaintiffs also seek all compensatory damages caused and other relief the Court may deem appropriate.
4. Members of Class II seek all child support, costs and attorneys' fees associated with the unlawful incarceration of their children. Class members also seek all damages, costs, attorneys' fees and relief the Court deems appropriate.
5. Members of Class III seek damages in the form of pain and suffering, psychological injuries and damages associated with their children being unlawfully incarcerated. Class members also seek attorneys' fees, costs and compensatory damages and other relief the Court deems appropriate.
6. An award of injunctive relief to the named plaintiffs ordering the return of child support payments.
7. A monetary award for attorney's fees and costs of this action, pursuant to 42 U.S.C. § 1988 and Fed.R.Civ.P.23.

Respectfully submitted:

/s Daniel C. Levin, Esquire

Dated: May 10, 2011

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