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Yvette Bline

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

YVETTE FORTIER BLINE,

Plaintiff,

vs.

MATTHEW D. ROGERS, A.K.A. MATT
ROGERS, INDIVIDUALLY, DAVE KAIN,
INDIVIDUALLY; JEFF GARRETT,
INDIVIDUALLY, ERIC CLAY,
INDIVIDUALLY, TEHAMA COUNTY,
DOES 1-50

Defendants

CASE NO.:

COMPLAINT FOR DAMAGES

1. CONSPIRACY TO VIOLATE CIVIL
RIGHTS (42 U.S.C. § 1983

2. MALICIOUS PROSECUTION

3. UNLAWFUL SEIZURE

4. FABRICARION OF FALSE EVIDENCE
WITHOUT DUE PROCESS

5. FOURTH AMENDMENT—
UNREASONABLE SEIZURE OF PERSON

6. MONELL LIABILITY

JURY TRIAL DEMANDED

COMPLAINT FOR DAMAGES FOR VIOLATIONS OF CIVIL RIGHTS AND OTHER WRONGS - JURY
TRIAL DEMANDED - 1

1 Plaintiff Yvette Fortier Bline ("Plaintiff") complains of Defendants, and each of them,
2 and alleges as follows:

3
4 **I**

5 **JURISDICTION AND VENUE**

6 1. The Court has jurisdiction over this action pursuant to 28 U.S.C. § 1343(3)-(4) for
7 violations of the Civil Rights Enforcement Act of 1871, including 42 U.S.C. §1983, et seq., and
8 28 U.S.C. § 1331. Jurisdiction is proper based on the violations of the United States Constitution
9 and federal common law.

10
11 2. Venue is proper in the Eastern District of California pursuant to 28 U.S.C. §
12 1391(b), because a substantial part of the events or omissions giving rise to the claims occurred
13 in this District, and one or more Defendants reside in or perform their official duties within this
14 district.

15 **II**

16 **PARTIES**

17
18 3. Plaintiff YVETTE BLINE is, and at all relevant times herein was, a resident of
19 Tehama County, State of California. On or about September of 2008, Plaintiff accepted a
20 position in the Tehama County Sherriff's Office. After approximately two years of employment,
21 she became a Correctional Deputy. Plaintiff successfully completed required training, including
22 P.O.S.T. Certification, to serve as a Correctional Officer at the Tehama County Jail.

23
24 4. Plaintiff is informed and believes and thereupon alleges that: Defendant Tehama
25 County District Attorney Matthew D. Rogers a.k.a. Matt Rogers, (Matt Rogers), at all times
26 mentioned: 1) was a resident of Tehama County; 2) was an elected official serving as the District
27 Attorney of Tehama County; 3) had the highest decision-making authority in the Tehama County
28 COMPLAINT FOR DAMAGES FOR VIOLATIONS OF CIVIL RIGHTS AND OTHER WRONGS - JURY
TRIAL DEMANDED - 2

1 District Attorney's Office and, and while acting under color of law, established a policy of
2 conspiring to fabricate false evidence and prosecute Plaintiff, and other citizens, for Insurance
3 Fraud, without probable cause, whenever he believed an employee's workers' compensation and
4 employee benefits paid on behalf of the County became too expensive; 4) had direct involvement
5 in the conspiracy to fabricate evidence during the pre-filing stages, including giving legal advice
6 to and directing the other Defendants on how to conduct their false "investigation," despite
7 knowing Plaintiff was innocent; 5) made false statements to the media, after Plaintiff's arrest; 6)
8 acted with final policymaking authority on behalf of Tehama County in his capacity as District
9 Attorney, when he violated Plaintiff's rights; 7) with deliberate indifference to Plaintiff's rights,
10 engaged in the malicious act of deliberately fabricating evidence, in retaliation for Plaintiff's
11 exercise of her constitutional and statutory rights to Workers' Compensation benefits, in
12 violation of Plaintiff's First and Fourth Amendments; 8) by falsely charging Plaintiff for
13 Insurance Fraud based solely on fabricated evidence, while acting in his official policymaking
14 capacity; 9) deprived Plaintiff of her liberty by causing her to be incarcerated, placed on an ankle
15 monitor during the pendency of the charges, restricted her travel, and was ordered to be
16 subjected to warrantless chemical testing and searches and seizure of her home and property; 10)
17 Defendant Rogers attempted to deprive Plaintiff of her property interests in workers'
18 compensation benefits and did, in fact, deprive her of her County salary and employment
19 benefits without due process, in violation of the First and Fourteenth Amendments; 11) in
20 retaliation for Plaintiff's exercise of her constitutional and statutory rights to Workers'
21 Compensation benefits, in violation of Plaintiff's First and Fourth Amendments by falsely
22 charging Plaintiff for Insurance Fraud; 12) which eventually deprived her of her privileges as a
23 United States Citizen, because Plaintiff's employee benefits, medical costs, and other benefits
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28 COMPLAINT FOR DAMAGES FOR VIOLATIONS OF CIVIL RIGHTS AND OTHER WRONGS - JURY
TRIAL DEMANDED - 3

1 were too expensive; and 13) because Defendant Rogers's acts were so closely related to the
2 deprivation of Plaintiff's constitutional rights as to be the moving force behind the conspiracy to
3 violate Plaintiff's civil rights; and 14) Defendant Rogers is sued in his individual capacity.

4
5 5. Defendant Rogers was not acting as an advocate for the State during his
6 conspiracy to violate Plaintiff's civil rights, and when he made false statements to the media.
7 Rather he was performing investigative functions until he signed the pre-charging complaint;
8 despite knowing it was based on false evidence that he personally fabricated.

9
10 6. Plaintiff is informed and believes and thereupon alleges that: Defendant Tehama
11 County Sheriff Dave Kain, at all times mentioned: 1) was a resident of Tehama County; 2) was
12 an elected official employed as Sheriff of Tehama County; 3) had the highest decision-making
13 authority in the Tehama County Sheriff's Office, and while acting under color of law, created a
14 policy to conspire to fabricate false evidence and prosecute Plaintiff and other citizens for
15 Insurance Fraud without probable cause, whenever he believed that an employee's Workers'
16 Compensation and employment benefits paid on behalf of the County became too expensive; 4)
17 had direct involvement in the conspiracy to fabricate evidence during the pre-filing stages of the
18 process and directed the other Defendants on how to conduct their false "investigation," even
19 though he knew Plaintiff was innocent; 5) made false statements to the media after Plaintiff's
20 arrest; 6) had final policymaking authority on behalf of Defendant Tehama County as the Sheriff
21 when he violated Plaintiff's rights; 7) with deliberate indifference to Plaintiff's rights, engaged in
22 the malicious act of deliberately fabricating evidence without probable cause, in retaliation for
23 her exercise of her constitutional and statutory rights to Workers' Compensation benefits, in
24 violation of Plaintiff's First and Fourth Amendment rights; 8) by falsely charging Plaintiff with
25 Insurance Fraud based solely upon fabricated evidence, while acting as a final policymaker for
26 COMPLAINT FOR DAMAGES FOR VIOLATIONS OF CIVIL RIGHTS AND OTHER WRONGS - JURY
27 TRIAL DEMANDED - 4
28

1 Defendant Tehama County; 9) deprived Plaintiff of her liberty when she was incarcerated, placed
2 on an ankle monitor during the pendency of the charges, had her travel was restricted, and she
3 was subjected to warrantless chemical testing and searches and seizure of her home and property;
4 10) attempted to deprive Plaintiff of her Property interests in Workers' Compensation benefits,
5 and did deprive her of County salary and benefits without due process, in violation of the First
6 and Fourteenth Amendments; 11) in retaliation for her exercise of her constitutional and
7 statutory rights to Workers' Compensation benefits, falsely charged her with Insurance Fraud;
8 12) because Defendant Kain's acts were so closely related to the deprivation of Plaintiff's
9 constitutional rights as to be the moving force behind the conspiracy to violate Plaintiff's civil
10 rights; and 13) Defendant Kain is sued in both his individual and professional capacity.

13 7. Plaintiff is informed and believes and thereupon alleges that: Defendant Tehama
14 County Under Sheriff Jeff Garrett, at all times mentioned: 1) was a resident of Tehama County;
15 2) was a sworn peace officer; 3) was an employee of the Tehama County Sheriff's Office; 4) had
16 direct involvement in the conspiracy to fabricate evidence during the pre-filing stages of the
17 process and acted in concert with the other Defendants on how to conduct their false
18 "investigation," even though he knew Plaintiff was innocent; 5) with deliberate indifference to
19 Plaintiff's rights, Defendant Garrett engaged in the malicious act of deliberately fabricating
20 evidence without probable cause, in retaliation for her exercise of her constitutional and statutory
21 rights to Workers' Compensation benefits, in violation of Plaintiff's First and Fourth
22 Amendments; 6) by participating in the conspiracy to falsely charge Plaintiff with Insurance
23 Fraud based solely upon his fabricated evidence; 7) he deprived Plaintiff of her liberty when she
24 was incarcerated, placed on an ankle monitor during the pendency of the charges, her travel was
25 restricted and she was subjected to warrantless chemical testing and searches and seizure of her
26 COMPLAINT FOR DAMAGES FOR VIOLATIONS OF CIVIL RIGHTS AND OTHER WRONGS - JURY
27 TRIAL DEMANDED - 5
28

1 home and property; 8) Defendant Garrett attempted to deprive Plaintiff of her property interests
2 in Workers' Compensation benefits and did deprive her of County salary and benefits without
3 due process, in violation of the First and Fourteenth Amendments; 9) in retaliation for her
4 exercise of her Constitutional and statutory rights to Workers' Compensation benefits, in
5 violation of Plaintiff's First and Fourth Amendments, by participating in the conspiracy to
6 falsely charge Plaintiff for Insurance Fraud; and 11) Defendant Garrett is sued his individual and
7 professional capacity.

8
9 8. Plaintiff is informed and believes and thereupon alleges that: Defendant County
10 District Attorney's Office investigator, Defendant Eric Clay, at all times mentioned: 1) was a
11 resident of Tehama County; 2) was a sworn peace officer, acting under the color of law; 3) was
12 an employee of the Tehama County District Attorney's Office; 4) had direct involvement in the
13 conspiracy to fabricate evidence during the pre-filing stages of the process, and acted in concert
14 with the other Defendants on how to conduct their false "investigation", even though he knew
15 Plaintiff was innocent; 5) with deliberate indifference to Plaintiff's rights, Defendant Eric Clay
16 engaged in the malicious act of deliberately fabricating evidence, without probable cause, in
17 retaliation for Plaintiff's exercise of her constitutional and statutory rights to Workers'
18 Compensation benefits, in violation of Plaintiff's First and Fourth Amendments, 6) by
19 participating in the conspiracy to falsely charge Plaintiff with Insurance Fraud based solely upon
20 his fabricated evidence; 7) he deprived Plaintiff of her liberty when Plaintiff was incarcerated,
21 placed on an ankle monitor during the pendency of the charges, her travel was restricted, and she
22 was subjected to warrantless chemical testing, and searches and seizure of her home and
23 property; 8) Defendant Clay attempted to deprive Plaintiff of her property interests in Workers'
24 Compensation benefits, and did deprive her of County salary and benefits without due process, in
25 COMPLAINT FOR DAMAGES FOR VIOLATIONS OF CIVIL RIGHTS AND OTHER WRONGS - JURY
26 TRIAL DEMANDED - 6
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1 violation of Plaintiff's First and Fourteenth Amendments; 9) in retaliation for her exercise of her
2 constitutional and statutory rights to Workers' Compensation benefits, in violation of Plaintiff's
3 First and Fourth Amendments, by participating in the conspiracy to falsely charging Plaintiff
4 with Insurance Fraud; and 10) Defendant Eric Clay is sued in his individual capacity.

5
6 9. Plaintiff is informed and believes that Defendant County of Tehama ("County")
7 is, and at all times mentioned was, 1) a public entity duly organized and existing under the laws
8 of the State of California, 2) because Defendant Matt Rogers of the District Attorney's Office is
9 a governmentally authorized final decision-maker with final policy making authority for the
10 County of Tehama on behalf of the Tehama County's District Attorney's Office; and 3) because
11 Defendant Sheriff Kain is a governmentally authorized final decision-maker with final policy
12 making authority for the County of Tehama on behalf of the Tehama County Sheriff's Office;
13 and 4) because both Rogers and Kain actively participated in the conspiracy to fabricate evidence
14 and in the malicious prosecution of Plaintiff without probable cause, despite knowing she was
15 innocent, and that the false charges were ultimately terminated in Plaintiff's favor, and made in
16 retaliation for Plaintiff's exercise of her statutory and First Amendment rights to Workers'
17 Compensation benefits, job salary, and other employment benefits, in violation of Plaintiff's
18 First and Fourth Amendment rights constituted official policies of the Tehama County Sheriff's
19 Office and the Tehama County District Attorney's Office. 3) Defendants Rogers's and Kain's
20 deliberate fabrication of evidence, while knowing Plaintiff was innocent, deprived her of
21 property interests in approximately \$500,000 in Workers' Compensation benefits she had already
22 received, but could have been ordered to repay if convicted, plus employment benefits, plus
23 additional and escalating medical and work benefits without due process, 4) Defendants'
24 deprivation of Plaintiff's liberty occurred as a direct result of the conspiracy and malicious
25
26
27
28 COMPLAINT FOR DAMAGES FOR VIOLATIONS OF CIVIL RIGHTS AND OTHER WRONGS - JURY
TRIAL DEMANDED - 7

1 prosecution of Plaintiff, wherein she could not leave the County of Tehama without advance
2 written permission and she was ordered to submit to warrantless chemical testing and warrantless
3 search of her person, place and things, in violation of the Fourteenth Amendment rights we
4 carried out pursuant to official policies of the Tehama County Sheriff's Office.
5

6 10. Because Defendants Rogers and Kain are both official policy makers who were
7 acting in their individual capacities through their direct involvement in the conspiracy to
8 fabricate false evidence, which deprived Plaintiff of her liberty and property interests in violation
9 of the First and Fourteenth Amendments to the Constitution, their acts became "official policy."
10 This conduct ratified the decisions by their co-conspirators, and constituted the final official
11 policy of the Tehama County Sheriff's Office and the Tehama District Attorney's Office. The
12 Defendants' actions to deprive Plaintiff of her civil rights were the direct result of their
13 ratification of the unconstitutional conduct of subordinate co-conspirators. Therefore, Defendants
14 Rogers's and Sheriff Kain's acts in their official capacity establish municipal liability, and
15 Tehama County is liable for Sheriff Kain's and District Attorney's Rogers deprivation of
16 Plaintiff's rights.
17
18

19 11. Plaintiff is ignorant of the true names and capacities of the defendants sued in this
20 litigation as Does 1-50, inclusive, and therefore sues these Defendants by these fictitious names.
21 Plaintiff will amend this Complaint to allege the true names and capacities of these Defendants
22 once they have been ascertained. Plaintiff is informed and believes, and thereupon alleges, that
23 each of the fictitiously named defendants is: 1) is in some manner responsible for the injuries and
24 damages by Plaintiff alleged in this Complaint; and 2) acted under color of law of state law, in
25 furtherance of the conspiracy Plaintiff's civil rights. Does 1-50 are sued under their individual
26 capacities.
27

28 COMPLAINT FOR DAMAGES FOR VIOLATIONS OF CIVIL RIGHTS AND OTHER WRONGS - JURY
TRIAL DEMANDED - 8

1 12. Plaintiff is informed and believes, and thereupon alleges, that at all times relevant
2 to this litigation, Defendants District Attorney Rogers, Sheriff Kain, Undersheriff Jeff Garrett,
3 District Attorney Investigator Eric Clay, and Does 1-50, and each of them, were the agents,
4 servants, and employees of their co-defendants, and that these Defendants, in doing the things
5 mentioned in this Complaint, were acting within the course and scope of their authority as such
6 agents, servants, and employees, and were acting with the permission and consent of their co-
7 defendant co-conspirators.
8

9 13. District Attorney Rogers was acting as an investigator during the pre-filing stages
10 of the conspiracy, before, during, and after the Defendants fabricated probable cause to support a
11 complaint alleging that Plaintiff committed Insurance Fraud. The Defendants' conspiracy was
12 conducted under the joint supervision of Defendants Rogers, Kain, Undersheriff Garrett, and
13 Defendant District Attorney Rogers's, Investigator Clay, and Does 1-50, each of them were
14 performing essentially the same investigatory functions beginning on a date unknown or on or
15 about and beginning on or before January 2023.
16
17

18 14. When Defendant Rogers signed a false Complaint alleging that Plaintiff
19 committed two counts of Insurance Fraud in violation of California Penal Code section 550(a),
20 and when he advised Defendant Clay to falsely testify during Plaintiff's preliminary hearing,
21 Defendant Rogers was acting in his capacity as an advocate of the County.
22

23 15. When Defendant Rogers and Kain made their fabricated statements to the media,
24 which were prominently displayed in newspapers, on television, and on line, and while acting
25 with deliberate indifference to Plaintiff's civil rights, they knew that their false and misleading
26 statements would inflame the populace of Tehama County against Plaintiff. Defendant Rogers
27 was not acting in his judicial capacity as an advocate of the County; rather, he was the architect
28 COMPLAINT FOR DAMAGES FOR VIOLATIONS OF CIVIL RIGHTS AND OTHER WRONGS - JURY
TRIAL DEMANDED - 9

1 of the conspiracy, providing investigatory and legal advice to his co-defendants, including when
2 he made the false statements to the media.

3
4 **III.**

5 **STATEMENT OF FACTS IN THE CONSPIRACY TO VIOATE PLAINTIFF'S CIVIL**
6 **RIGHTS AND CIVIL RIGHTS VIOLATIONS**

7 **A. Plaintiff Becomes a Correctional Office for the Tehama County Jail**

8 16. In September of 2008, Plaintiff took a job at the Tehama County Sherriff 's
9 Office. She was moved to work in the evidence division about two years later. Then, the
10 previous Sheriff, then acting Sherriff Hencratt, made the decision to reassign Plaintiff to the jail
11 on Feb 28, 2011. After becoming a Correctional Deputy, Plaintiff completed all her training and
12 worked as a Correctional Officer at the Tehama County Jail. Plaintiff was a diligent,
13 hardworking employee who consistently worked overtime and stayed late when asked.

14
15 **B. Plaintiff's On the Job Injuries**

16 17. On information and belief, California's workers' compensation system is a legal
17 proceeding system through which employees can seek redress for on-the-job injuries. Though it
18 differs from traditional civil court proceedings, It operates under the principles of the "Grand
19 Bargain," where employers guarantee coverage in exchange for employees relinquishing their
20 right to sue for damages in civil court. Injured workers have the right to counsel, and if either the
21 employer or the employee is dissatisfied with the findings of the system's Qualified Medical
22 Examiner's report, or the decision to provide or deny medical procedures or tests, either party
23 may appeal the decision to the Workers' Compensation Appeals Board rather than fabricate
24 false claims to allege the worker has committed fraud.

1 18. On information and belief, the Defendants were given and were in possession of
2 the medical records sent to the County pursuant to the California Workers' Compensation
3 Medical Records Disclosure Act. The records describe below the following medical treatment
4 history.
5

6 19. On information and belief, on or about February 22, 2017, during a 12-hour
7 training that was fairly physically intense, Plaintiff was injured in her right shoulder and neck
8 region. On or about, November 26, 2018, Dr. William B. Heyerman, M.D., reported as a result of
9 her injury in February 2017 she was given treatment including exercise, physical therapy, and X-
10 rays. Plaintiff suffered numbness and tingling in both hands following her injuries.
11

12 20. Plaintiff suffered, increasing impairments, for torn menisci and to obtain
13 treatment for her hand injuries as well. Plaintiff was approved for neck surgery for the injuries
14 she sustained from the previous training incident. Plaintiff's spinal injuries were later included in
15 a cumulative Workers' Compensation claim made by her treatment provider on or about January
16 7, 2023, which was served on the defendant employers of Plaintiff after Plaintiff filed her spine
17 injuries increased in severity following the spine fusion.
18

19 **C. The Objective Evidence of Plaintiff's Spinal Injuries in Defendant's**
20 **Possession before they began their Conspiracy to Violate Plaintiff's Civil**
21 **Rights**
22

23 21. On information and belief, Plaintiff received chiropractic treatment from Dr.
24 Michael D. Hanley D.C., beginning in 2022 and continuing through May 2025.

25 22. On information and belief, on or about July 7, 2022, Plaintiff visited Dr. Joseph
26 Ambrose, D.C., for a Qualified Medical Evaluation. On information and belief, in California's
27 workers' compensation system, a Qualified Medical Evaluation (QME) is a medical examination
28 COMPLAINT FOR DAMAGES FOR VIOLATIONS OF CIVIL RIGHTS AND OTHER WRONGS - JURY
TRIAL DEMANDED - 11

1 conducted by a certified physician to resolve medical disputes and determine an injured worker's
2 eligibility for benefits. Dr. Ambrose examined Plaintiff and, in his written report drafted under
3 penalty of perjury, he included Plaintiff's subjective complaints of pain and the objective
4 findings from the diagnostic providers, which suggested that Plaintiff suffered from: lumbar disc
5 protrusion with bilateral radiculopathy; lumbar myoligamentous sprain/strain; patellofemoral
6 syndrome, bilateral; sacroiliac sprain/strain, chondromalacia patella; and meniscus tears in both
7 knees.
8

9 23. Dr. Ambrose also reviewed 101 medical records and chart notes of Plaintiff's
10 injuries in his July 7, 2022 report. He also reviewed Plaintiff's job description at the jail and
11 determined that: "Given the above noted activities are required, I believe that it would be
12 reasonable to assume that Ms. Bline performed the above noted activities on a repetitive basis for
13 the 13 years that she worked in this position. With this in mind, it's my opinion that Ms. Bline
14 did indeed incur a cumulative trauma arising out of and in the course of her employment with
15 Tehama County Sheriff's Office giving rise to her present condition."
16
17

18 24. Dr. Ambrose recommended that Plaintiff "continue chiropractic treatment three
19 times a week for six weeks, continue with physical therapy, have an orthopedic consultation for
20 her knees, obtain treatment and injections," and that "she should certainly be referred to a spine
21 surgeon to evaluate her lumbar spine to determine if she is a surgical candidate." He also
22 recommended a referral to a pain management physician and, "most importantly," advised that
23 Plaintiff receive neurological consultation to determine if she is developing cauda equina
24 syndrome relative to her complaints of bladder and bowel control loss.
25

26 25. On information and belief, on or about January 9, 2023, Plaintiff's treating
27 chiropractor, Dr. Craig Hanley D.C., submitted a new claim for Plaintiff's lower back spinal
28 COMPLAINT FOR DAMAGES FOR VIOLATIONS OF CIVIL RIGHTS AND OTHER WRONGS - JURY
TRIAL DEMANDED - 12

1 injury and, in his attached report, submitted under penalty of perjury, requested six chiropractic
2 treatments for Plaintiff's lower back pain.

3 26. On or about January 10, 2023, Plaintiff's workers' compensation insurance
4 carrier, Sedgwick, reviewed and certified Dr. Hanley's request for six treatment visits. Sedgwick
5 submitted a proof of service to Tehama County confirming that treatment for Plaintiff's lower
6 back pain had been approved.

7
8 27. After Sedgwick approved Plaintiff's spine injuries, Plaintiff began seeing Dr.
9 Michael D. Hanley D.C., on a weekly basis to treat her lumbar pain. According to a January 23,
10 2023, medical report drafted by Plaintiff's orthopedic spine surgeon, Dr. Glen S. O'Sullivan,
11 who reviewed Plaintiff's MRIs, then recommended discography diagnostic treatment to obtain
12 further evidence of objective spinal injury. (On information and belief, a discography is an
13 objective diagnostic procedure used to identify the source of back pain by injecting contrast dye
14 into intervertebral discs, under X-ray guidance, while the patient is awake, and the physician
15 observes the patient's pain response and the dye distribution.)
16
17

18 28. On or about February 13, 2023, Sedgwick denied Dr. Sullivan's request to pay for
19 the discogram he recommended. On a date uncertain, but on or about or before January 23, 2023,
20 pursuant to California Workers' Compensation law, an employer is entitled to copies of all
21 medical records in order to monitor the employee's treatment. Pursuant to this procedure,
22 Defendants Kain, Rogers, and Garrett received a report from Plaintiff's orthopedic spine
23 surgeon, Dr. Glen S. O'Sullivan, that Plaintiff had numerous objective symptoms of spine injury
24 which were reflected on Plaintiff's MRI involving three discs above and three discs below the
25 spinal fusion were either ruptured or torn. These findings were completely independent of
26

27 Plaintiff's subjective complaints of pain. According to Dr. O'Sullivan, Plaintiff had a "cervical
28
COMPLAINT FOR DAMAGES FOR VIOLATIONS OF CIVIL RIGHTS AND OTHER WRONGS - JURY
TRIAL DEMANDED - 13

1 fusion at the C-5 disc of her spine which was performed by Dr. Tate.” Dr. O’Sullivan also wrote
2 that the Workers’ Compensation carrier accepted her low back injury. He further reported that he
3 reviewed a cervical MRI study which “confirms a bulging disc above the cervical fusion at C-5
4 with and annular bulge at C3-4, C4-5, and C6-7.” Dr. O’Sullivan also confirmed that Plaintiff
5 had an MRI study of her lumbar spine which “confirms herniated disc with degenerative changes
6 at L4-5.”
7

8 29. At that time, Dr. O’Sullivan’s clinical impressions of Plaintiff’s injuries were:
9

10 1) “Herniated Disc with degenerative changes at L4-5 with increasing low back pain”;
11 and 2) “Status post C5-6 fusion with cervicogenic headaches and right radicular arm
12 pain,” with degenerative changes above and below, neck pain, cervicogenic headaches,
13 and right radicular arm pain.

14 30. Dr. O’Sullivan then discussed his treatment plan with Plaintiff. He wrote that “we
15 suspect pain arising from the disc above and below the C5-6 fusion. Treatment options include
16 surgically addressing the C6-7 disc with a solid fusion and artificial disc replacement at C4-5.
17 The main danger of this surgery is the risk of persistent pain from other levels, including facets.”

18 31. Dr. O’Sullivan further opined that the “patient is a candidate for further
19 assessment of her low back with lumbar discography from L3 to the sacrum to check the quality
20 of the discs at L3-4 and L5-S1 for preoperative planning surgically addressing the L4 segment.”
21

22 32. Plaintiff continued to receive physical therapy and weekly Chiropractic treatment
23 from Dr. Michael D. Hanley D.C., which was based almost exclusively upon objective findings,
24 with minimal emphasis on Plaintiff’s subjective complaints of pain.

25 33. On information and belief, Dr. Hanley’s reports were all forwarded to Defendants
26 Kain, Rogers, Garrett, and Does 1-50 by Plaintiff’s Workers’ Compensation carrier, indicating
27 that they had refused to authorize the discography or additional MRIs.

1 34. On or about April 11, 2023, at 15:34, Plaintiff had a discogram with fluoroscopy
2 and then another MRI done at Dignity Health Imaging Center on the same day as the lumbar
3 discography, which she paid for through her private insurance. Both diagnostic tests revealed and
4 confirmed the objective findings supporting Dr. O'Sullivan's diagnoses of spine injury. The
5 reports of the discogram and MRI were forwarded to the Workers' Compensation carrier and
6 were contained in Plaintiff's comp file. These records were then forwarded to Defendants
7 Rogers, Kain, Garrett, Clay, and Does 1-50.

9 35. On April 14, 2023, Plaintiff saw Dr. O'Sullivan after she had completed her
10 lumbar discography and MRI. Although Plaintiff complained of low back, buttock, and thigh
11 pain, she had overwhelming evidence of objective spine injury. After review of the April 11,
12 2023, discography and MRI results, Dr. O'Sullivan made the following impression: "Severe
13 Degenerative Changes with loss of disc height at L4-5 but annular tear with concordant
14 discogram."

16 36. In discussing his treatment plan with Plaintiff, Dr. O'Sullivan concluded that
17 "because she has multi-level disc disruption with significant degenerative changes at L4-5 she is
18 a candidate for potential multilevel discectomy and disc replacement vs. fusion surgery. I think if
19 one were to just address the L4-5 segment, she would have pain arising from the disc above and
20 below. Because of the complexity of the case, we would like to get a university level opinion."
21 Dr. O'Sullivan gave Plaintiff a prescription for Norco for breakthrough pain and a Medrol Dose
22 Pak. He also ordered a colonoscopy to address plaintiff's history of diarrhea. Dr. O'Sullivan
23 further recommended another MRI, which was rejected by the Comp Carrier.

26 37. On information and belief, a microdiscectomy to replace a herniated disc typically
27 costs \$15,000 and \$35,000 on average, while a lumbar fusion can range from \$60,000-\$110,000.
28 COMPLAINT FOR DAMAGES FOR VIOLATIONS OF CIVIL RIGHTS AND OTHER WRONGS - JURY
TRIAL DEMANDED - 15

1 The complexity of the surgery required equipment, and length of hospital stay all factor into
2 these cost differences.

3 38. On or about April 11, 2023, Dr. Michael Hanley, D.C. made an additional
4 Request for Authorization for spinal manipulation and massage, to which he attached the April
5 11, 2023, radiologist's reports from Dignity Health confirming Plaintiff's spinal injury. On or
6 about April 13, 2023, Sedgwick certified the massages and manipulations, and a copy of
7 Sedgwick's Utilization Review Recommendation certification was sent to Tehama County on or
8 about April 13, 2023.
9

10 39. On or about April 28, 2023, Dr. O'Sullivan made an additional Request for
11 Authorization for referral for a surgical spine consult and attached his prior reports of his
12 diagnosis made on April 11, 2023, in which he reported that "Because of the complexity of the
13 case, we would like to get a University Level Opinion." On or about May 2, 2023, Sedgwick
14 approved the referral for a surgical spine consultation for the lumbar spine. Tehama County was
15 emailed Sedgwick's certification of a second opinion on or about May 2, 2023.
16

17 40. On June 30, 2023, Plaintiff had another QME, which was conducted by Dr.
18 Ambrose. Dr. Ambrose examined Plaintiff for subjective complaints of pain, which she said was
19 getting worse with repetitive movements. Plaintiff also told Dr. Ambrose that she continues to
20 treat with Dr. Glen O'Sullivan, her spine surgeon, who has recommended a three-level disc
21 replacement surgery. She then informed Dr. Ambrose that she has an appointment with Dr.
22 Burch, another spine surgeon at UC San Francisco, for a second opinion consultation regarding
23 that surgery. Dr. Ambrose also reported that "Ms. Bline relates to me that she did have a
24 discogram performed through her private insurance due to denials, the discogram apparently
25
26
27

1 revealed discopathy at 2 additional levels. These findings have prompted Dr. O'Sullivan to
2 recommend the 3 level disc replacement surgery.”

3 41. Given his examination, including Plaintiff's objective complaints of pain that
4 worsened with repetitive movements and his objective findings, Dr. Ambrose reiterated his
5 opinion as to the cause of her injuries, which he included in his report in italics as follows:
6

7 *I have had an opportunity to review the job description of a Tehama County*
8 *Correctional Deputy. The physical demands state that the employee must maintain*
9 *mobility in physical strength and stamina to respond to emergency situations and*
10 *apprehend suspects.... The job involves fieldwork requiring frequent walking on*
11 *uneven terrain, climbing and descending structures to access crime scenes and to*
12 *identify problems or hazards. Positions in this classification frequently bend, stoop,*
kneel, are inclined to perform work in spec worksites. The employees must possess
ability to lift, carry, push and pull materials and objects more than 100 pounds
occasionally infrequent 50 pounds or more as necessary to perform job functions.

13 *Given that the above noted activities are required, I believe that it would be reasonable*
14 *to assume that Ms. Bline performed the above noted activities on a repetitive basis for*
15 *the 13 years that she worked 'in this position. With this in mind, it's my opinion that*
16 *Ms. Bline did indeed incur a cumulative trauma arising out of and in the course of her*
17 *employment with Tehama County Sheriff's Office giving rise to her present condition.*
The issue of apportionment will be deferred until such time as the applicant has
achieved a permanent stationary plateau.

18 42. Dr. Ambrose made the same suggested impressions as in his QME in 2022, in
19 which he recommended the following future medical treatment:

20 FUTURE MEDICAL TREATMENT

21 Once again, it is my opinion that in order for Ms. Bline to achieve a permanent
22 and stationary plateau she will require the following medical treatment:

23 In regard to her lumbar spine, it is my opinion that she should certainly go forward
24 with the recommended multilevel lumbar disc replacement surgery.

25 In regard to her knees, my opinions remain unchanged since my last report. I would,
26 however recommend that she defer treatments related to her knees until after she has
27 recovered from her spine surgery.

1 *She should certainly continue with physical therapy for her knees. I would recommend that*
2 *she undergo a course of treatment at a frequency of 3 times per week for a period of 8*
3 *weeks with modification thereafter. Ms. Bline should have an orthopedic consultation for*
4 *her knees to consider platelet rich plasma (PRP) and/or Hyaluronic acid injections.*
5 *(Emphasis in the original)*

6 43. On October 25, 2023, Sedgewick refused to approve a Selective Nerve Root
7 Block (SRNB) at BIL L4-5. L5-S. On information and belief, a Selective Nerve Root Block
8 diagnostic test helps determine if a specific spinal nerve root is the source of pain. On
9 information and belief, a SNRB helps the doctor diagnose cervical (neck) or lumbar (lower back)
10 radiculopathy (irritation and inflammation of a nerve root). Under fluoroscopic guidance, steroid
11 medication (a strong anti-inflammatory) is injected at a specific nerve root. If the injection
12 reduces symptoms, the pain source is identified. The test takes 15-30 minutes per spinal level.

13 44. On information and belief, Plaintiff's medical costs had risen to approximately a
14 half a million dollars by the summer of 2023 for her cumulative trauma sustained during her 13
15 years employment working with Tehama County. Because Plaintiff's medical costs and benefits,
16 and the costs incurred due to Plaintiff's on the job injuries at Tehama County were expensive and
17 sever as of January 23, 2023, and were escalating, Defendants' decided to form a scheme to
18 falsely accuse Plaintiff of Insurance Fraud to retaliate against her for exercising her statutory
19 right to seek redress through the California Workers' Compensation benefits system by
20 procuring unlawful search warrants to gather evidence to try to convince a trier of fact that
21 Plaintiff performed actions that, in their opinion, were evidence of malingering.

22 45. On information and belief, Defendants conspired to falsely convince a judge to
23 sign the first of three search warrants on July 5, 2023, in order to obtain video surveillance
24 evidence Plaintiff's daily activities that merely showed she was ambulatory, despite the
25 Defendants' possession of abundant evidence of objective physical injuries. Knowing they
26

1 lacked probable cause to arrest Plaintiff and that the medical records demonstrated her
2 innocence. Defendants nonetheless sought and received advice from Defendant Rogers on how
3 to draft the warrants and formulate a criminal case against Plaintiff. Despite the absence of any
4 lawful bases, they continued their investigation anyway.

5
6 **D. The Defendants' Conspiracy to Violate Plaintiff's Civil Rights by Fabricating**
7 **False Evidence and Material Omissions of Fact in Three Falsely Obtained**
8 **Search Warrants and False and Misleading Statement in Support of**
9 **Criminal Complaint and False Statements to the Press**

10
11 46. On or about and beginning as late as December 2022, and on a date beginning
12 and before or after January 2023, Defendant Dave Kain, in his role as the Sheriff of Tehama
13 County, and Defendant Matt Rogers in his role as District Attorney of Tehama County,
14 implemented and set in motion a series of actions. They recruited Defendants Garrett, Clay, and
15 Does 1-50 to make an agreement with the above-named Defendants, to violate Plaintiff's civil
16 rights under color of law. Defendants were alarmed that Plaintiff's injuries had already cost the
17 Defendant County of Tehama approximately \$500,000 as early as January 23, 2023, and that
18 Plaintiff's additional medical costs and benefits would continue to escalate, particularly because
19 Plaintiff was not bedridden, and, in their view was not acting "injured enough." Rather than
20 consider the 101 medical reports drafted by Plaintiff's treating providers, or consult with any of
21 the doctors who examined her, none of whom expected malingering, the Defendants decided to
22 use the old: "Trust me I'm a law enforcement expert, and in my opinion, the Plaintiff has fooled
23 everyone but me," they used this narrative to obtain three search warrants from a magistrate
24 judge, who later became visibly angry upon learning that she had been misled by the Tehama
25 County law enforcement and prosecution community when she heard the doctors testify at the
26 COMPLAINT FOR DAMAGES FOR VIOLATIONS OF CIVIL RIGHTS AND OTHER WRONGS - JURY
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1 preliminary hearing, which the Defendants used to present the fabricated evidence to prosecute
2 plaintiff and obtain restitution for her health care costs in the event of a conviction.

3 47. Defendants under color of law, agreed to deliberately fabricate three false and
4 misleading Statements in Support of Probable Cause during a preliminary investigation alleging
5 that Plaintiff was committing fraud in the amount of nearly half of a million dollars. The
6 warrants were designed to obtain video evidence that might appear incriminating to a jury, but
7 not a medical professional, and to seize items from Plaintiff's home, despite compelling evidence
8 of her innocence. Defendant Kain sought the legal advice of Defendant Rogers during their joint
9 supervision of the investigation with Defendants Clay and Garrett because, based upon
10 Defendant's Clay's own claim of extensive experience investigating Insurance Fraud, all
11 Defendants, including Clay, knew or should have known that Plaintiff had abundant exculpatory
12 evidence of objective spinal injuries in her medical records which were deliberately left out of
13 the warrant. These records negated probable cause and also provided compelling evidence of
14 Plaintiff's innocence. As a result, Defendants needed Rogers's assistance to obtain a finding of
15 probable cause despite the voluminous exculpatory evidence of objective spinal injury.
16
17
18

19 48. Although the Defendants had abundant exculpatory evidence proving Plaintiff's
20 innocence of objective and serious spine injury, including, but not limited to: X-rays, MRIs,
21 objective examinations by attending physicians, and approximately 101 medical reports prepared
22 by 18 doctors, none of who suspected Plaintiff of malingering, the Defendants nevertheless
23 continued their pre-arrest investigation to fabricate video evidence and testimony in order to
24 charge Plaintiff with Insurance Fraud any way.
25

26 49. Defendants agreed to rely on law enforcement expert testimony from a well-
27 known, experienced insurance fraud investigator, rather than the opinion of Plaintiff's treaters, so
28
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1 the Defendants could fabricate proof that Plaintiff was lying to all 18 of her treaters and had
2 fooled them all, except the affiants who drafted the deliberately false and misleading statements
3 under oath in the affidavits.

4
5 50. Defendants, under color of law, agreed to continue their investigation to fabricate
6 evidence in support of their request for a criminal complaint for two counts of California Penal
7 Code section 550(a) (Insurance Fraud), despite the fact that Plaintiff's medical records contained
8 compelling evidence of her innocence. The records included objective medical findings, such as
9 MRI results, a documented spinal fusion surgery, and additional herniated and ruptured discs
10 above and below the fusion site. These records also contained the orthopedic spine surgeon's
11 opinion that Plaintiff's spinal injury was "so complex" that he recommended a "second opinion
12 at the university level." Defendants knowingly continued their investigation, fabrication of
13 evidence, and pursuit of charges, even though they knew Plaintiff was innocent.

14
15 51. Defendants' agreement to fabricate false evidence under color of law to have
16 plaintiff charged with insurance fraud continued, even they knew Plaintiff was innocent.
17 Defendants were aware that the medical costs, Workers' Compensation premiums, County
18 retirement benefits, health insurance benefits, and treatment costs would continue to escalate. As
19 a result, they agreed to continue to fabricate evidence that Plaintiff was committing Insurance
20 Fraud, despite knowing there was no probable cause for the search and seizure of Plaintiff and
21 her property, and that she was innocent. Defendants knew a conviction for Insurance Fraud
22 would halt the escalating medical costs and Plaintiff would be ordered to pay restitution to the
23 County and the insurance company.

24
25
26 **(Overt Act Number 1 in Support of the Conspiracy)**

27 52. On information and belief, Defendants Kain and Rogers initiated the first overt
28 COMPLAINT FOR DAMAGES FOR VIOLATIONS OF CIVIL RIGHTS AND OTHER WRONGS - JURY
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1 act in the furtherance of the conspiracy when they recruited Defendants Undersheriff Garrett,
2 Defendant Attorney's investigator Eric Clay, and Does 1-50 under color of law, on or about early
3 February, 2023, to report that they had heard rumors from numerous sources that Plaintiff had
4 been active, was remodeling her home, and was "flipping houses," despite her documented
5 subjective complaints of pain. Defendants stated on multiple occasions that they reviewed the
6 Plaintiff's Workers' Compensation medical records, which were in their possession on a date
7 unknown, but beginning early as 2020 and continuing until April 19 and 20, 2024, which they
8 obtained pursuant to Plaintiff's signed release as early as 2022. However, despite having this
9 information they did not consult with any of Plaintiff's treating Physicians to verify their
10 accusations, because they knew she was innocent. In fact, Defendants failed to notify Plaintiff's
11 insurance company that Plaintiff she was under investigation. This omission is especially notable
12 given that Defendant Rogers publicly stated to an online news outlet *The Corning Observer*, that
13 "funding for the investigation came through the California Department of Insurance for
14 investigation concerning Workers' Compensation fraud." On information and belief, Defendants
15 never contacted Plaintiff insurance company to report the alleged fraud.

16
17
18
19 **(Overt Act Number 2 in Support of the Conspiracy)**

20 53. Despite the significant exculpatory evidence of objective spinal injury, evidence
21 which proved Plaintiff's innocence and was contained in her medical records, received and
22 reviewed by Defendants as early as January 2023, including MRI images showing further disc
23 damage above and below the fusion site in Plaintiff's spine following spinal fusion surgery,
24 Defendants continued their campaign to fabricate false evidence of Insurance Fraud. This
25 culminated in the first of three false statements made under oath in support of probable cause,
26 submitted for a search warrant to obtain video of Plaintiff shopping at Home Depot on or about
27
28 COMPLAINT FOR DAMAGES FOR VIOLATIONS OF CIVIL RIGHTS AND OTHER WRONGS - JURY
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1 July 5, 2023. That search was submitted to the Honorable Laura Woods, Judge of the Tehama
2 County Superior Court, even though Defendants knew Plaintiff was innocent of the charges.
3 Defendants' actions were in retaliation for Plaintiff exercising her right to seek redress through
4 the Workers' Compensation statutory scheme for injuries sustained on the job, despite her
5 receiving benefits and continuing to manage daily life activities with the aid of prescribed
6 medication.
7

8 54. On information and belief, Defendants Kain, Rogers, Garrett, Clay, and Does 1-
9 50, under color of law, falsely asserted that Plaintiff's subjective reports of were, in their
10 opinion, evidence that Plaintiff committed insurance fraud, based solely on video surveillance
11 showing her shopping at Home Depot, loading and unloading 2x4x12 lumber with the assistance
12 of another individual, and moving items into and out of out a pickup truck.
13

14 **(Overt Act Number 3 in Support of the Conspiracy)**

15 55. On information and belief, under the supervision of Defendant Rogers and Kain,
16 Defendant Clay submitted a deliberately false Statement of Probable Cause under oath in support
17 of a search warrant, which was then submitted to the Honorable Laura Woods, Judge of the
18 Tehama County Superior Court, for video evidence from Costco Wholesale depicting Plaintiff
19 shopping, on or about July 19, 2023. Defendant Clay admitted that he ordered and reviewed
20 Plaintiff's Workers' Compensation file in early 2023. The search warrant was requested during
21 the preliminary, pre-charging investigation to search for clues and to corroborate Defendants'
22 false assertions and fabricated evidence that Plaintiff was committing insurance fraud.
23

24 56. Defendants Kain, Rogers, Garrett, and Clay, and Does 1- 50, committed Overt
25 Act Number Three on or about July 19, 2023, when, under the color of law, they deliberately
26 ignored and failed to include exculpatory evidence in their possession in the warrant under oath,
27

1 evidence they knew was proof of Plaintiff's innocence and would have negated probable cause to
2 arrest and prosecute Plaintiff. Defendants acted with deliberate indifference to Plaintiff's civil
3 rights, while under color of law, to deliberately and maliciously omit this exculpatory evidence
4 in a sworn Statement of Probable Cause in Support of the Search Warrant dated July 19, 2023.
5 Defendant Clay deliberately failed to include in the affidavit that, as early as January 23, 2023,
6 Plaintiff's Workers' Compensation medical team had recommended and performed spinal fusion
7 surgery, which resulted in rupture or tearing of the discs above and below the fusion site. This
8 exculpatory evidence was documented in reports in Defendants' possession and included the
9 opinions of Plaintiff's Qualified Medical Examiner and her orthopedic spine surgeon that
10 Plaintiff would need require additional treatment and had objective evidence of injury.
11
12

13 57. On information and belief, Plaintiff's orthopedic spine surgeon reported on
14 January 23, 2023, that Plaintiff had objective evidence of spinal injury, including but not limited
15 to "a cervical fusion surgery at C3-4 performed by Dr. Tate" and her "MRI study of the lumbar
16 spine available for review confirms bulging discs above the cervical fusion at C5-6 with annular
17 bulge at C3-4, C4-5, and C6-7." Her orthopedic spine surgeon also reported that Plaintiff's "MRI
18 study of her spine confirms a herniated disc degenerative changes at L4-5." The orthopedic spine
19 surgeon's impression was: "herniated disc with degenerative changes at L4-5 with increasing
20 low back pain." An additional impression noted Plaintiff's "[s]tatus Post C4-6 fusion with
21 degenerative changes above and below with neck pain, cervicogenic Headaches and right
22 radicular arm pain".
23
24

25 58. On information and belief, despite the significant exculpatory evidence of
26 objective spine injury contained in Plaintiff's medical records, evidence which proved Plaintiff's
27 innocence and negated probable cause to arrest and prosecute her, all Defendants reviewed those
28 COMPLAINT FOR DAMAGES FOR VIOLATIONS OF CIVIL RIGHTS AND OTHER WRONGS - JURY
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1 medical records and nevertheless continued their investigation. Further, prior to drafting the
2 second search warrant on or about July 19, 2023, Defendants Kain, Rogers, Garrett, and Clay,
3 and Does 1- 50 deliberately omitted material facts which, if included in affidavit in support of
4 the search warrant, would have negated probable cause that Plaintiff committed insurance fraud.
5 The July 19, 2023 search warrant was requested during the preliminary pre-charging
6 investigation to search for clues and corroboration during their pre-filing joint conspiracy to
7 create false assertions and fabrication of evidence that Plaintiff was committing Insurance Fraud,
8 despite their knowledge of her innocence.
9

10
11 **(Overt Act Number Four)**

12 59. On information and belief, on or about August 23, 2023, Defendants continued to
13 fabricate evidence against Plaintiff despite knowing she was innocent, and furthered their
14 conspiracy by preparing additional deliberately false and malicious statements under oath in
15 support of Probable Cause for issuance of a third search warrant. These statements were
16 submitted to the Honorable Tehama County Superior Court Judge Laura Woods, seeking
17 authorization to search Plaintiff's home and property, on or about August 23, 2023. In their
18 Statement of Probable Cause, Defendants deliberately omitted the exculpatory evidence to search
19 Plaintiff's properties, including that Plaintiff's Workers' Compensation medical team had
20 recommended and performed spinal fusion surgery, which subsequently caused the discs above
21 and below the spinal fusion to rupture or tear.
22
23

24 **(Overt Act Number 5)**

25 60. On or about August 10, 2023, Defendants Rogers, Kain, and Garrett directed
26 Defendant Clay to deliberately and maliciously draft a false and misleading "Statement in
27 Support of a Criminal Complaint" in support of a request for the filing of a criminal complaint
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1 alleging two counts of Penal Code section 550(a) Insurance Fraud. The Statement deliberately
2 omitted any objective symptoms of Plaintiff's significant back injuries, despite Defendants
3 having such evidence in their possession. Had this exculpatory medical evidence been included
4 in the "Statement in Support of a Criminal Complaint", it would have negated probable cause for
5 Plaintiff's arrest.
6

7 61. On information and belief, under the supervision of Defendant Rogers, in his
8 Statement in Support of a Criminal Complaint, dated August 10, 2023, Defendant Clay reported
9 that "I spoke with Sheriff Kain regarding IAP interactions he had with [Plaintiff]". Clay falsely
10 reported that Kain told him that Plaintiff always portrayed an inability to perform her job duties.
11 In fact, in at least one report of dated January 23, 2023, Plaintiff's treating physician Dr. Danny
12 Drew M.D., noted that despite Plaintiff's subjective symptoms of pain, Plaintiff was "alert and
13 not in acute distress." Dr. Drew further reported that during his physical examination of
14 Plaintiff's neck and cervical spine, she had "normal gait and posture." Dr. Drew also reported
15 that his examination of Plaintiff's "lower back reveals normal gait without resistance." Finally in
16 Dr. Drew's report he concluded that that Plaintiff was to "consult with neurosurgeon to discuss
17 cervical lumbar surgery."
18

19 62. Despite Plaintiff's significant objective symptoms of spinal surgery. Defendant
20 Clay falsely and maliciously wrote in his Statement in Support of Criminal Complaint that
21 Plaintiff attended an IAP meeting with Sheriff Kain, and that Kain told Clay that Plaintiff could
22 not function without the use of pain medication, but then admitted that she drove to the IAP, and
23 "then requested to not talk anymore."
24

25 63. On information and belief, a transcript of the recorded meeting on August 30,
26 2023, between Plaintiff and Defendant Garratt indicates that Plaintiff informed Defendant
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1 Garrett that Plaintiff “would be willing to return within limitations if she could.” Plaintiff stated
2 that she “could not guarantee that she could do it,” but that she “was willing to try.” Plaintiff then
3 asked Defendant Garrett whether she would “be able to take her medications?” and stated that
4 the “pain medication” she had to take was “Norco [which] was necessary to help control [her]
5 pain.” Plaintiff was told by Defendant Garrett that she “could not perform any work at the jail
6 while taking Norco.”
7

8 64. Defendant Clay deliberately included false and misleading information in his
9 Statement in Support of Criminal Complaint that misrepresented Plaintiff’s desire to return to
10 work and recklessly omitted exculpatory evidence that Plaintiff required pain medication to
11 function, evidence that would explain her conduct at the Home Depot and other locations. On
12 or about August 23, 2023, Defendants entered Plaintiff’s home and her home was searched by
13 the aforementioned defendants based upon a search warrant in which Defendant Clay made false
14 and misleading statements in support of the warrant. Plaintiff was taken down to the District
15 Attorney’s office, questioned and arrested with out an arrest warrant based upon the defendant’s
16 fabricated evidence.
17
18

19 **(Overt Act Number 6 (Kain’s False Statements to the Media))**

20 65. On or about September 5, 2023, Defendant Kain made a statement to *Red Bluff*
21 *Dailly News*, serving Tehama County, in which he informed the public that “his office was
22 disappointed and angry with these allegations of an employee [which he and his co-conspirators
23 fabricated] who violated public trust.” He continued “We are committed to retaining the public’s
24 trust by holding employees accountable and making the public aware of the actions that have
25 been taken here.” Kain further said, “We take these actions seriously and acknowledge that no
26 one is above being investigated for criminal actions.” Defendant Kain also told a reporter for
27
28 COMPLAINT FOR DAMAGES FOR VIOLATIONS OF CIVIL RIGHTS AND OTHER WRONGS - JURY
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1 KRCR Television News that “this type of arrest can happen in any occupation, but it’s
2 disappointing having it be from within the Sheriff’s Office.”

3 66. On information and belief, Defendant Kain’s statements to the media, explaining
4 that the County is willing to prosecute anyone who seeks redress in the State Workers’
5 Compensation system for treatment of injuries caused on the job if law enforcement believes that
6 the Workers Compensation claim against the County is false, despite the fact that the worker
7 may suffer from objective symptoms of on-the-job injury which cannot be faked. These
8 statements were deliberately designed to create a chilling effect, to discouraging County
9 employees from filing legitimate claims for treatment under the California Workers’
10 Compensation system.
11
12

13 **(Overt Act Number 7 (Rogers’s Initial False Statements to the Media))**

14 67. Defendant District Attorney Matt Rogers, who personally signed Plaintiff’s first
15 felony complaint for Insurance Fraud, explained to KRCR Television the process of
16 investigating insurance fraud. He said that “sometimes it necessitates speaking to a doctor to get
17 a medical opinion as to whether the activities they are performing are consistent with what
18 they’ve been claiming they can’t do.” Rogers made the false and misleading statement which
19 implied to the public that he had spoken to and received a medical opinion before he made the
20 decision to charge plaintiff. When Defendant Rogers made the false statements to the media he
21 was not acting as an advocate for the county, but when he signed the complaint, he was acting as
22 an advocate for the County of Tehama.
23
24

25 68. On information and belief, and as further evidence of the conspiracy between the
26 Defendants to maliciously and with deliberate indifference to Plaintiff’s civil rights to fabricate
27 false evidence to maliciously prosecute Plaintiff. Defendant Rogers was aware of the exculpatory
28 COMPLAINT FOR DAMAGES FOR VIOLATIONS OF CIVIL RIGHTS AND OTHER WRONGS - JURY
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1 evidence but continued the joint pre-charging conspiracy to frame Plaintiff of Insurance Fraud
2 anyway. Defendant Rogers reviewed Plaintiff's medical records during the pre-charging joint
3 investigation stage, yet deliberately chose not to speak to any of the 18 doctors who treated or
4 examined Plaintiff. Defendant Rogers was not acting within the scope of his role as an advocate
5 for the County when he made knowingly false and fabricated statements to the media.
6 Disseminating fabricated evidence to justify Plaintiff's arrest is not a function of advocacy;
7 rather it demonstrates conduct outside the bounds of protected prosecutorial duties.
8

9 69. Instead, Defendant Rogers again took his fabricated case to the media, where he
10 attempted to tarnish Plaintiff's reputation and inflame the passions of the jury by emphasizing
11 the amount of Plaintiff's medical bills and workers' compensation costs, even though Defendant
12 Rogers knew of the objective evidence of Plaintiff's spine injury. He also knew that Plaintiff's
13 medical costs were medically necessary, and that all medical pre-authorization and billing for
14 Plaintiff's treatment was monitored by and reviewed by Sedgwick. Defendants knew that
15 Sedgwick's review of Plaintiff's treatment was based on sound medical evidence by 18 treating
16 providers in the industry. Despite this, Defendants knew Plaintiff was innocent and that the
17 medical treatment she received was medically necessary.
18
19

20 **(Overt Act Number 8 (Rogers's Further False Statements to the Media))**

21 70. In an article published by the *Tri-County News*, based on the press release from
22 the District Attorney's Office, the first sentence stated: "A Tehama County Sheriff's correctional
23 deputy is being accused of workers' compensation fraud in excess of \$500,000." In that press
24 release District Attorney Matt Rogers was quoted as saying: "Workers' compensation fraud
25 negatively affects each and every Californian in the form of higher prices for goods and
26 services," Tehama County District Attorney Matt Rogers said in a press release. "I appreciate our
27

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1 partnership with the California Department of Insurance to investigate and prosecute these cases.
2 I also appreciate the cooperation between the District Attorney's Office and the Tehama County
3 Sheriff's Office to bring this particular fraud to light."

4
5 71. Additionally, the false joint statements made by Defendants Kain and Rogers to
6 the media were deliberately designed to prejudice potential jurors against Plaintiff and to warn
7 all County employees: that any statutorily authorized attempt to seek redress through the
8 California Workers' Compensation system, by filing a claim against the County, could result in
9 prosecution if the either the Tehama County Sheriff's Department, or the Tehama County
10 District Attorney's Office suspected fraud, even when the employee was receiving pre-
11 authorized and medically necessary treatment.
12

13 72. Defendant Rogers made the same deliberately fabricated false statement to the
14 *Red Bluff Daily News* on August 30, 2023, the day Plaintiff was arrested: "Workers'
15 Compensation fraud negatively affects each and every Californian in the form of higher prices
16 for goods and services," Tehama County District Attorney Matt Rogers said in a press release. "I
17 appreciate our partnership with the California Department of Insurance to investigate and
18 prosecute these cases. I also appreciate the cooperation between the District Attorney's Office
19 and the Tehama County Sheriff's Office to bring this particular fraud to light."
20

21 73. On information and belief, in that article, Defendant Rogers deliberately and
22 maliciously made a false and misleading statement to the press by claiming he sometimes
23 "speak[s] to a doctor to get a medical opinion," when in fact Rogers never spoke to any doctor
24 before filing the charges against Plaintiff. In addition, there was no statement in Defendants'
25 Statement in Support of a Criminal Complaint that Defendants lacked any medical evidence
26 establishing that Plaintiff's spinal injuries would have been prevented her from performing the
27 COMPLAINT FOR DAMAGES FOR VIOLATIONS OF CIVIL RIGHTS AND OTHER WRONGS - JURY
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1 activities depicted in the videos.

2 74. On information and belief, there was never any indication that the Department of
3 Insurance was involved in the investigation conducted by Defendant Rogers, despite his false
4 statement to the newspaper, expressing gratitude for “our partnership with the California
5 Department of Insurance to investigate and prosecute these cases.” By implying that the
6 Department of Insurance was involved in the investigation, Defendant Rogers attempted to lend
7 unwarranted credibility to his investigation. His association with the Department was a deliberate
8 effort to suggest that his investigation had been sanctioned or endorsed by the California
9 Department of Insurance, when in fact, it had not.
10
11

12 **The Preliminary Hearing**

13 75. There was no evidence presented at Plaintiff’s preliminary hearing that anyone
14 from the District Attorney’s Office ever contacted any of Plaintiff’s treating physicians or her
15 insurance carrier before or after charges were filed. Furthermore, there was no indication, either
16 within the 200 pages of medical records or from any of the 18 doctors who treated or examined
17 Plaintiff that she was malingering.
18

19 76. On or about and between April 9, 2024, and April 10, 2024, Plaintiff’s
20 preliminary hearing was held before the Honorable Laura Woods, the same magistrate who
21 signed the search warrants based on fabricated evidence submitted by Defendants during their
22 investigation. Defendant Clay testified about his surveillance of Plaintiff shopping and presented
23 a flash drive containing 11 videos, three of which depicted Plaintiff shopping at Costco, and five
24 photographs, including one showing Plaintiff standing on the back of a shopping cart and riding
25 it, and another showing her carrying a 40-pound container of chlorine tablets. Defendant Clay
26 failed to mention the objective evidence of spinal injury that would have negated probable cause.
27

1 77. The Defendants' conspiracy resulted in the unlawful seizure of Plaintiff in
2 violation of the Fourth Amendment; the denial of Plaintiff's due process rights by subjecting her
3 to criminal charges and loss of constitutional rights, and the deprivation of her and denial her
4 property and liberty interests without due process, based on deliberately fabricated evidence by
5 Defendants in violation of the Fourteenth Amendment; and the unlawful search and seizure of
6 Plaintiff's home and malicious prosecution, in further violation of the Fourth Amendment.

8 E. **Facts in Support of Malicious Prosecution and the Deprivation of Plaintiff's**
9 **Liberty and Property Interests as a Result of Defendant's Conspiracy to**
10 **Violate Plaintiff's Civil Rights**

11 78. On information and belief, Plaintiff was unlawfully seized in violation of the
12 Fourth Amendment to be free from illegal seizure, when Defendants conspired to have her
13 falsely arrested on a date unknown, beginning on or about January 2023 until she was arrested on
14 or about August 30, 2023. Further, on information and belief, Defendants requested that the jail
15 set her bail at \$250,000, approximately eight times the Tehama County bail schedule amount of
16 \$30,000, which is \$15,000 for each penalty.

17 79. On information and belief, in addition to the Defendants' excessive bail
18 recommendation, Defendants ensured that Plaintiff would spend the night in jail by placing a
19 California Penal Code section 1275 hold. This hold prevented Plaintiff from posting bail until
20 after a hearing before a magistrate, during which she was required to prove, among other things,
21 that she was not a danger to the community, not a flight risk, and that the source of the funds
22 used to post bail did not derive from illegal activity.

23 80. Penal Code section 1275 holds are rarely placed on suspects charged with fraud
24 when the bail schedule is \$15,000.00 per count and the total bail amount is already eight times
25 COMPLAINT FOR DAMAGES FOR VIOLATIONS OF CIVIL RIGHTS AND OTHER WRONGS - JURY
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28

1 the scheduled amount. Plaintiff was arraigned and placed upon supervised release, which
2 required Plaintiff to wear an ankle monitor, restricted her right to travel outside of Tehama
3 County without advance written permission from Probation, and subjected her to warrantless
4 chemical testing as well as warrantless searches of her person, automobile, and her properties.
5

6 81. On information and belief, Plaintiff was maliciously prosecuted without probable
7 cause, based upon deliberately fabricated false statements made under oath in three search
8 warrant affidavits and in a Statement in Support of Criminal Complaint. These false statements
9 also omitted exculpatory evidence, depriving Plaintiff of her liberty interests without due
10 process, in violation of the Fourteenth Amendment. The fabricated and false Statements of
11 Probable Cause were presented to the Honorable Laura Woods of the Tehama County Superior
12 Court in support of the issuance of three search warrants. Additionally, Defendants' Statement in
13 Support of Criminal Complaint falsely omitted exculpatory medical, specifically, over 200 pages
14 of medical records documenting Plaintiff's spinal fusion surgery, subsequent ruptured discs, and
15 the need for further diagnostic procedures, including a discogram, to assist her spinal surgeon,
16 Dr. O'Sullivan, determined her injuries were so complex that he referred her for a second
17 opinion at the "University Level" with Dr. Burch at UCSF. None of the 18 physicians or
18 Qualified Medical Examiners in the approximately 200 pages of medical records, who examined
19 or treated Plaintiff, suspected her of malingering,
20
21

22 82. On information and belief, District Attorney Matt Rogers and Defendant Sheriff
23 Kain supervised and directed Defendants Garrett, Clay, and Does 1-50 to fabricate false
24 statements during their pre-charging joint conspiracy to support a finding of probable cause for
25 the issuance of three search warrants. District Attorney Matt Rogers and Defendant Sheriff Kain
26 supervised and directed Defendants Garrett, Clay, and Does 1-50 to prepare and file a
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1 deliberately false Statement in Support of Criminal Complaint, alleging that Plaintiff committed
2 two felony violations of Insurance Fraud pursuant to California Penal Code section 550(a),
3 despite knowing that Plaintiff's medical records contained substantial objective evidence of
4 spinal injury.
5

6 83. The Defendants and their co-conspirators gathered and reviewed exculpatory
7 evidence contained in Plaintiff's medical records during the pre-charging phase of the joint-
8 conspiracy between the Sheriff's Office and the District Attorney's Office. Despite this
9 knowledge, they deliberately omitted the aforementioned exculpatory evidence in the medical
10 records from the affidavits and the Statement in Support of Criminal Complaint, even though the
11 medical records that proved her innocence.
12

13 84. On information and belief, Defendant Rogers provided legal advice to Defendants
14 Kain, Garrett, Clay and Does 1-50, on how to submit false affidavits to the magistrate in support
15 of the Statements of Probable Cause and the Statement in Support of the Criminal Complaint.
16 Defendant Rogers also advised them on how to include false and misleading statements
17 regarding their surveillance and video footage which they maliciously obtained and reviewed,
18 and to emphasize Defendant Clay's purported expert opinion by highlighting his background as a
19 Peace Officer for over 30 years, his two year assignment to the Insurance Fraud unit, his
20 participation in over 100 insurance fraud cases, and his collaboration with the California
21 Department of Insurance, Fraud Division Investigators.
22
23

24 85. On information and belief, Defendant Rogers provided legal advice to Defendants
25 Kain, Garrett, Clay and Does 1-50 and directed them to omit the exculpatory information
26 contained in the medical records they obtained during the pre-charging and preliminary hearing
27 stages of their joint-conspiracy to frame Plaintiff of Insurance Fraud. Further, Defendant Rogers
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1 advised them on how to opine, under oath, that, in Defendant Clay's Expert Opinion as an
2 Insurance Fraud Investigator, Plaintiff's activities depicted in the videos and surveillance footage
3 constituted evidence of Insurance Fraud.

4
5 86. On information and belief, Rogers told his co-defendants that if they included the
6 exculpatory evidence in the medical records they obtained and reviewed during the pre-charging
7 investigatory phase, records which included abundant objective medical findings including, but
8 not limited to, MRIs, X-rays, and documentation of spinal fusion surgery resulting in disc
9 herniation above and below the fused segments, all of which supported the doctors' and
10 orthopedic spine surgeon's opinions of Plaintiff's spinal injury, and a Qualified Medical
11 Examiner's recommendation to Plaintiff's insurance company that the injuries were caused on
12 the job, that the objective medical evidence would have negated probable cause for the issuance
13 of the three search warrants and Statement in Support of Criminal Complaint, and would prove
14 that Plaintiff was innocent. But they continued the joint-conspiracy between the Tehama County
15 Sheriff's Office and the Tehama County District Attorney's Office anyway, by way of continued
16 surveillance and video of Plaintiff's daily activities.

17
18 87. On information and belief, and as circumstantial evidence of Defendants'
19 conspiracy to maliciously and falsely charge Plaintiff with Insurance Fraud, Defendants also
20 deliberately filed false statements which omitted objective evidence of Plaintiff's spinal surgery
21 to prevent her from receiving further workers' compensation benefits. Defendants knew that
22 Plaintiff had already incurred approximately a half a million dollars in medical expenses and
23 work-related benefits, and that those costs were escalating due to her need Plaintiff for
24 additional, complex spinal surgery.

1 88. Further, on information and belief, and as circumstantial evidence of Defendants'
2 conspiracy to maliciously and falsely charge Plaintiff with Insurance Fraud, Defendant Rogers
3 failed to contact any of Plaintiff's treating physicians or consult with any independent medical
4 expert prior to filing the complaint. Had Rogers spoken with any member of Plaintiff's medical
5 team or provided her medical records to an independent physician alongside the surveillance
6 video, he would have discovered abundant objective, exculpatory evidence of Plaintiff's injuries.
7 He would have discovered that no probable cause existed to arrest Plaintiff or proceed to a
8 preliminary hearing because as the evidence confirmed her innocence. Moreover, although
9 Defendant Rogers publicly acknowledged his appreciation to the Department of Insurance, by
10 implying that they were involved in the investigation, he did not notify Plaintiff's insurance
11 carrier that he suspected her of committing insurance fraud during the joint pre-charging phase of
12 the conspiracy.
13

14 89. Plaintiff was arraigned on or about September 1, 2023. Following her initial Tele-
15 Prompt appearance from the Glenn County jail where Plaintiff was housed, in the Tehama
16 County Superior Court on September 1, 2023, she was released on conditions that significantly
17 restricted her liberty throughout the durations of the criminal proceedings. At the arraignment,
18 upon request by the District Attorney's Office, the court ordered Plaintiff to be placed on an
19 ankle monitor and to immediately participate in the Probation Office's Supervised Release
20 Program. As a condition of that program, Plaintiff, among other things, was required to wear an
21 electronic monitoring device at her own expense, was prohibited from leaving the County of
22 Tehama without advanced written permission and subjected to warrantless chemical testing, and
23 was further subjected to warrantless search and seizure of her person, place, and property for the
24 entirety of the proceedings.
25

1 90. On information and belief, and as further circumstantial evidence of the
2 conspiracy to fabricate evidence, which yielded fabricated evidence, Defendant Rogers ordered
3 one of his subordinate deputies, in the District Attorney's Office to prosecute Plaintiff at the
4 preliminary hearing, despite his knowledge of her innocence. That innocence was clearly
5 reflected in the voluminous medical records containing objective, exculpatory evidence of spine
6 injury, which, if presented, would have negated probable cause. Defendant Rogers selected and
7 directed the prosecuting attorney, who presented the false evidence at the Plaintiff's preliminary
8 hearing, to rely solely upon the false and fabricated statements made by Defendant Clay, and his
9 interpretation of 11 videos depicting Plaintiff shopping, riding a shopping cart, and unloading a
10 truck, and to ignore and not present to the magistrate, the exculpatory evidence.

13 91. On information and belief, further circumstantial evidence of the conspiracy to
14 maliciously prosecute Plaintiff and fabricate evidence against Plaintiff in the joint investigation
15 during the pre-charging stage of the conspiracy. Dr. Ambrose, Plaintiff's Qualified Medical
16 Examiner who was subpoenaed by the prosecution to testify at Plaintiff's preliminary hearing,
17 expressed confusion as to whether he had been called to testify as a percipient witness or as an
18 expert because Deputy District Attorney Kelly Frost had no substantive conversations with Dr.
19 Ambrose before calling him as a witness. Had she spoken to Dr. Ambrose before calling in to the
20 witness stand, she would have realized there was no probable cause to support the two felony
21 insurance fraud charges against Plaintiff and she would have understood that his testimony could
22 not support the charge, and she would not have placed him on the witness stand.

25 **1. Plaintiff's Preliminary Hearing**

26 **a. Defendant Clay's Testimony**

1 92. On or about and between April 9, 2024, and April 10, 2024, Plaintiff's
2 preliminary hearing was held before the Honorable Laura Woods, the same Judge who had
3 signed the three search warrants submitted by the Defendants. Defendant Clay testified on behalf
4 of the prosecution. He testified about his meeting with Sheriff Kain and the rumors that Plaintiff
5 was remodeling houses and engaging in physical labor she had previously claimed she could not
6 do. Defendant Clay introduced video he received pursuant to the search warrant from Home
7 Depot which depicted Plaintiff moving 2x4x12 lumber. On direct examination, Defendant Clay
8 falsely testified that he observed no signs of Plaintiff exhibiting back problems in the videos.
9 However, during cross-examination, Defendant Clay admitted to seeing Plaintiff rubbing her
10 back after performing one of the activities he alleged was evidence of fraud in one of the videos.

11
12
13 93. Defendant Clay then testified that he contacted Plaintiff's workers' compensation
14 insurance carrier, Sedgwick Insurance, which handles claims for the County. He further testified
15 that the total amount on Plaintiff's claims was \$284,536.71, and that Sheriff Kain provided him
16 an accounting of Plaintiff's salary and benefits in the amount of \$248,303.27. On information
17 and belief, Clay never testified, nor did he include in his Statement in Support of Felony
18 Complaint that he ever reported Plaintiff to the insurance carrier for committing insurance fraud.
19 Had he done so, the insurance company would have been required to respond in compliance with
20 California's strict laws governing the Covenant of Good Faith and Fair Dealing, which prohibit
21 denying claims where the insurer knows or should know of objective, exculpatory medical
22 evidence, such as Plaintiff's spinal injury and treatment.

23
24
25 94. Defendant Clay testified that he detained Plaintiff, transported her to the District
26 Attorney's Office and interviewed her. During the interview, Plaintiff told Clay that she
27 participated in a remodeling project and admitted lifting some heavy items, but stated that she,
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1 “paid for it later” and she was “in pain.” Plaintiff also admitted to taking Norco medication
2 “three to four times a day,” but later reduced her dosage by half because she “did not want to be
3 as reliant upon it.”

4 95. Plaintiff described Plaintiff’s injuries to Defendant Clay, however, he testified
5 that he and Plaintiff “didn’t get into specifics about her spine injury claim,” and that he “didn’t
6 know how she sustained those injuries.” Defendant Clay further testified that he spoke to
7 Defendant Kain, who told him that Plaintiff couldn’t drive and that she “shouldn’t have even
8 driven to the IAP.”

9 96. Defendant Clay falsely testified that Plaintiff stated she was unsure whether she
10 could work while taking Norco. On cross-examination, defense counsel presented a transcript of
11 Plaintiff’s IAP meetings, showing that Plaintiff had stated she would “be willing to return to
12 work with limitations” and that she “had to take Norco to control [her] pain.” Defendant Clay
13 then testified that Defendant Garrett told her, “if you must take Norco regularly, you would not
14 be able to resume work in the work environment.” Defendant Clay offered no exculpatory
15 evidence on direct examination.

16 **b. Dr. Hanley’s Testimony**

17 97. Plaintiff’s counsel called Dr. Michael Dale Hanley, Plaintiff’s treating health care
18 provider, who had been a chiropractor for 42 years, was an industrial Disability Evaluator and a
19 Qualified Medical Evaluator, and has treated plaintiff currently since 2022. Dr. Hanley testified
20 that Plaintiff underwent her first neck fusion with Dr. Tate, and, over time as time the spinal
21 segments above and below the fusion began to fail.

22 98. Dr. Hanley testified that Plaintiff had disc disease in her lower back, which was
23 present on X-rays and MRI; however, her clinical findings were greater than the X-rays. As a
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1 result, Plaintiff underwent a discogram, which confirmed spinal injury. Dr. Hanley further
2 testified that, because Plaintiff was suffering injury at “three levels” [of disc injury] and that
3 “because it was three levels, [she] had a rather serious, complicated surgery,” and that her
4 “surgeon Dr. O’Sullivan sent her to the university level because he was planning a lot of
5 surgery”. It was Dr. Hanley’s understanding that Plaintiff was going to get disc replacement
6 from Dr. O’Sullivan, a Stanford-trained surgeon.
7

8 99. Dr. Hanley testified that he had reviewed more of the videos than those presented
9 in court and that none of the physicians who examined Plaintiff had suspected her of
10 malingering. He further testified that, Plaintiff was actually minimalizing the extent of her pain.
11

12 100. Dr. Hanley testified that there was nothing in the surveillance videos that was
13 inconsistent with the pain levels that Plaintiff reported to him or any other physician. He stated
14 candidly, “I’ve seen work comp fraud. I know what it is. I know it when I see it. This isn’t it.”
15 Dr. Hanley further admitted that he was “pretty angry” about the videos and testified, “I believe
16 that [the videos were] trying to show something that isn’t there.” Plaintiff’s “willingness to
17 undergo a discogram due to the pain involved, is inconsistent with a patient who is malingering.”
18 He concluded, “I just don’t believe it”. Dr. Hanley also noted that Plaintiff underwent a
19 discogram on April 17, 2023, and that the surveillance video footage was taken on June 1, 2023.
20 He explained that Plaintiff’s act of moving a box or door at Lowes did not accurately depict the
21 level of pain she experienced while lifting the object. Dr. Hanley further testified that there was
22 nothing in the videos that was inconsistent with Plaintiff’s objective findings of injury.
23
24

25 **c. Dr. Danny Drew’s Testimony**

26 101. Dr. Drew testifying for the prosecution, stated that Plaintiff underwent several X-
27 Rays, MRIs and a discogram, which confirmed the presence of torn discs. He testified that
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1 Plaintiff had consulted with her surgeon Dr. O'Sullivan and Dr. Bunch at UCSF, and that both
2 doctors agreed she is a surgical candidate. Dr. Drew further testified that Plaintiff has agreed to
3 proceed with disc replacement surgery and noted that she tends to "underrepresent" her
4 symptoms.

5
6 102. Dr. Drew also testified that none of Plaintiff's objective findings of injury were
7 inconsistent with her ability to lift a 40-pound box, assist in lifting an 80-pound object into a
8 truck, go shopping, engage in cart surfing, or lift a 20-pound 2x4 x12 board. He further testified
9 that the narcotic medication Plaintiff was taking "allowed her to be more active". Dr. Drew
10 stated that he had never observed any signs of malingering by Plaintiff. In response to the
11 prosecution's question regarding whether he relied on Plaintiff's subjective complaints of pain,
12 Dr. Drew confirmed that he did, but noted that her complaints were corroborated by imaging
13 studies, physical therapy records, and specialist's findings.

14
15 **d. Dr. Joseph Ambrose's Testimony**

16
17 103. Dr. Ambrose examined Plaintiff for cumulative trauma, with her chief complaints
18 of lower back pain, sacroiliac pain, bilateral sacroiliac pain, low back pain with bilateral leg
19 pain, numbness, tingling, and bilateral knee pain with associated stiffness. She reported her
20 knee pain as a 5-6 as a constant basis, becoming severe with repetitive activity. Dr. Ambrose
21 diagnosed Plaintiff with disc protrusion with bilateral radiculopathy, ligamentous sprain/strain,
22 and sacroiliac sprain strain. Dr. Ambrose testified that Plaintiff's activities in the video were
23 "stupid" but not inconsistent with his medical diagnosis. He further testified that he reviewed
24 over 100 documents with reports from approximately 18 doctors, and he found no evidence of
25 malingering in any of them.
26
27

e. The Court's Ruling of No Probable Cause and Finding of Factual Innocence

104. After the presentation of the prosecution's case, the Honorable Judge Woods told the prosecutor: "So, Ms. Frost you have completely failed to even remotely meet your burden. As we know, a burden of proof at a preliminary hearing is incredibly low. And you haven't even met that". The court then informed the prosecutor that:

"Quite frankly, I think you can tell that I'm a little irritated and annoyed and angry that I have spent all these hours, that she has been charged with a felony, that she spent the night in jail based on these charges. It's absolutely unconscionable to me."

105. The court continued to express her dismay:

"I've been doing this for a long time. I was a prosecutor, and I was a defense attorney, and I've never seen a case like this. I cannot believe this. You should be embarrassed. The S.O. should be embarrassed. And I say that having known all these guys for 25 years. This is absolutely unacceptable. And I just can't believe it. I'm probably making inappropriate comments, but this is outrageous to me. And quite frankly, I'm angry that I had to sit here and listen to this. And I didn't even spend the night in jail. And I didn't have to hire a defense attorney."

"So, I think you guys need to go back to your office and really rethink what is happening. This is ridiculous. I have known Eric Clay for a long time. I don't have any problem telling him this is unbelievable. So—I would tell Under Sheriff Garrett that, and I would tell Sheriff Kain that as well."

///

///

1 106. Judge Woods concluded by stating:

2 “So having said that, I ‘m going to factually find that she is—she didn’t commit any fraud
3 whatsoever. There are absolutely no facts to support that whatsoever. I mean, I could go
4 so far as to say she’s factually innocent, if that’s what you’re requesting, Mr. Horowitz.”
5

6 The court then refused to hold Plaintiff to answer to the charges, exonerated any posted bail, and
7 stated to Plaintiff:

8 “And I apologize to you on behalf of the justice system. Quite frankly, this is insane So—
9 I don’t say this very often. I don’t think I’ve ever said it. But all I can do is apologize to
10 you.”
11

12 107. The court signed a Petition for factual innocence Pursuant to Penal Code section
13 851.8 on April 16, 2024.

14 **IV**

15 **STATEMENT OF DAMAGES**

16 108. As a result of the acts and/or omissions of Defendants Rogers, Kain, Garrett,
17 Clay, Tehama County, and Does 1-50, and each of them, Plaintiff incurred expenses relating to
18 her defense against Defendants’ conspiracy to file false charges, the deliberate fabrication of
19 false evidence in violation of the Fourteenth Amendment Due Process clause, and the malicious
20 prosecution of Plaintiff in violation of her civil rights under the Fourth Amendment. These
21 expenses include attorneys’ fees, as well as costs related to lost medical and employment
22 benefits, in amounts to be determined according to proof.
23
24

25 109. As a result of the acts and/or omissions of Defendants Rogers, Kain, Garrett,
26 Clay, Tehama County, and Does One through Fifty, and each of them, Plaintiff suffered injury to
27 her reputation in the community. As a result of the acts and/or omissions of Defendants Rogers,
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1 Kain, Garrett, Clay, Tehama County, and Does One through Fifty, and each of them, Plaintiff
2 also suffered lost employment opportunities, POST decertification, and emotional distress,
3 including shock, horror, in amounts to be determined according to proof.
4

5 110. As a result of the acts and/or omissions of Defendants Rogers, Kain, Garrett,
6 Clay, Tehama County, and Does One through Fifty, and each of them, Plaintiff spent two days in
7 the County Jail and lost income, retirement benefits, health care benefits, and wages, in amounts
8 to be determined according to proof.

9 111. As a result of the acts and/or omissions of Defendants Roger, Kain, Garrett, Clay,
10 Tehama County, and Does One through Fifty, and each of them, Plaintiff suffered emotional
11 distress, including but not limited to suffering, anguish, fright, horror, nervousness, grief,
12 anxiety, worry, shock, humiliation, and shame, in amounts to be determined according to proof.
13

14 112. As set forth above, the acts and/or omissions of Defendants Rogers, Kain, Garrett,
15 Clay, Tehama County, and Does One through Fifty, and each of them, were willful, wanton,
16 reckless, malicious, oppressive and/or done with a conscious or reckless disregard for the
17 constitutional rights and state law rights of Plaintiff. Plaintiff therefore seeks an award of
18 punitive and exemplary damages, against Defendants Rogers, Kain, Garrett, Clay, Tehama
19 County, and Does One through Fifty, and each of them, in amounts to be determined according
20 to proof.
21

22 113. Plaintiff retained private counsel to defend her against the criminal charges and
23 has also retained counsel in this civil action. She is entitled to an award of attorneys' fees,
24 pursuant to 42 U.S.C. § 1988.
25

26 114. Plaintiff Incorporates by reference Plaintiff's entire Statement of Facts,
27 particularly Section IV. D, titled: "The Defendants' Conspiracy to Violate Plaintiff's Civil Rights
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1 by Fabricating False Evidence and Material Omissions of Fact in Three Falsely Obtained Search
2 Warrants and False and Misleading Statement in Support of Criminal Complaint.”

3
4 **V**

5 **FIRST CLAIM FOR RELIEF**

6 **Conspiracy to Violate Civil Rights**

7 **42 U.S.C. § 1983 – Violation of the Fourth Amendment to the U.S. Constitution**

8 (Defendants Rogers, Kain, Garrett, Clay, Tehama County, and Does One through Fifty).

9 115. Pursuant to 42 U.S.C § 1983, Rogers, Kain, Garrett, Clay, Tehama County, and
10 Does One through Fifty, 1) while acting under color of state law, 2) and with deliberate
11 indifference to Plaintiff’s civil rights, 3) acted in concert in the joint pre-filing stage without
12 probable cause to charge Plaintiff, 3) agreed to inflict upon Plaintiff a deprivation of Plaintiff’s
13 Fourth Amendment rights to be free from an unlawful conspiracy to violate Plaintiff’s Fourth
14 Amendment rights against illegal search and seizure of her person, houses, place and effects, and
15 her right to be free from malicious prosecution, where the charges were later dismissed in
16 Plaintiff’s favor after the magistrate found no probable cause and declared Plaintiff factually
17 innocent 4) Defendants also agreed to fabricate false evidence against Plaintiff in violation of her
18 Fourteenth Amendment right to be free from the fabrication of false evidence by a governmental
19 official without due process, which deprived Plaintiff of her liberty and property interests, even
20 though they knew she was innocent, but continued the joint pre-filing state investigation anyway,
21 and 5) Defendants with deliberate indifference to Plaintiff’s constitutional rights, committed the
22 following overt acts in support of her conspiracy:

23
24 **(Overt Act Number 1 in Support of the Conspiracy)**

1 116. Defendants Rogers and Kain initiated the first overt act in furtherance of the
2 conspiracy when, on or about February 2023, when they recruited Defendants Undersheriff
3 Garrett, and Defendant Tehama County District Attorney Matt Rogers's investigator Eric Clay,
4 and Does 1-50, to join in the conspiracy.
5

6 **(Overt Act Number 2 in Support of the Conspiracy)**

7 117. Defendant Clay, acting at the direction, supervision, and with the legal advice,
8 supervision, and consent of Defendant Rogers during the pre-charging phase of the joint
9 conspiracy between the Tehama County Sheriff's Office and with the legal advice, supervision,
10 and consent of Tehama County District Attorney Defendant Rogers, Defendants Sheriff Kain,
11 and District Attorney Matt Rogers, submitted a deliberately false Statement of Probable Cause in
12 support of a search warrant. On or about July 5, 2023, Defendants Sheriff Kain and District
13 Attorney Matt Rogers cause the warrant to be drafted and submitted under oath for the seizure of
14 video footage depicting Plaintiff shopping at Home Depot. The purpose of the warrant was to
15 mislead the trier of fact into believing that, Plaintiff's act of shopping at Home Depot was proof
16 that, in Clay's expert opinion, that Plaintiff was not injured.
17
18

19 **(Overt Act Number Three)**

20 118. On or about and between January 23, 2023, July 5, 2023, during the pre-charging
21 phase of joint conspiracy between the Tehama County Sheriff's Office and the Tehama County
22 District Attorney's Office, and despite exculpatory evidence of Plaintiff's spinal injury
23 demonstrating her innocence, Defendant Clay, under the direct supervision, and legal advice
24 from Defendant Rogers, was instructed on how to draft false statements in a Statement of
25 Probable Cause. Defendant Rogers advised Clay on how to deliberately and maliciously omit
26 material facts for regarding plaintiff's injuries and treatment, facts that would have negated
27 COMPLAINT FOR DAMAGES FOR VIOLATIONS OF CIVIL RIGHTS AND OTHER WRONGS - JURY
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1 probable cause to issue warrants or to charge plaintiff, and how to submit the affidavit “under
2 oath” rather than “under the penalty of perjury”. Defendants thereafter submitted these
3 deliberately false statements under oath, omitting material facts, in support of probable cause for
4 the issuance of three Search Warrants, dated July 5, 2023, July 19, 2023, and August 23, 2023.
5 The warrants were presented to the honorable Laura Woods of the Tehama County Superior
6 Court for the search of surveillance footage from Home Depot and Costco, which depicted
7 Plaintiff shopping, as well as for a warrant to search Plaintiff’s properties. These warrants were
8 issued based upon Defendants’ false and misleading affidavits.
9

10
11 **(Overt Act Number 4)**

12 119. On or about, about, August 10, 2023, during the pre-charging phase of the joint
13 investigation between the Tehama County Sheriff’s Office and the Tehama County District
14 Attorney’s Office, despite the exculpatory evidence of Plaintiff’s spinal injury which proved
15 Plaintiff was innocent, Defendants Rogers, Kain, Garrett, and Does 1-50 directed Defendant
16 Clay to deliberately and maliciously draft a false and misleading “Statement in Support of a
17 Criminal Complaint” in support of a request for the filing of a criminal complaint alleging two
18 counts of Penal Code section 550(a) Insurance Fraud. On or about August 21, 2023, Defendant
19 Mathew D. Rogers, while acting in his judicial capacity as a District Attorney, drafted and
20 personally signed a felony complaint alleging two counts of Penal Code section 550(a) Insurance
21 Fraud. Plaintiff was arrested on or about August 30, 2023.
22

23
24 **(Overt Act Number 5)**

25 120. On or about August 10, 2023, Defendants Rogers, Kain, and Garrett directed
26 Defendant Clay to deliberately and maliciously drafted a false and misleading “Statement in
27 Support of a Criminal Complaint” in support of a request for the filing of a criminal complaint
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1 alleging two counts of Penal Code section 550(a) Insurance Fraud. which deliberately omitted
2 any objective symptoms of Plaintiff's significant back injuries, despite Defendants having such
3 evidence in their possession.

4
5 121. On information and belief, under the supervision of Defendant Rogers, in his
6 Statement in Support of a Criminal Complaint, dated August 10, 2023, Defendant Clay reported
7 that "I spoke with Sheriff Kain regarding IAP interactions he had with [Plaintiff]". Clay falsely
8 reported that Kain told him that Plaintiff always portrayed an inability to perform her job duties.

9
10 122. Despite Plaintiff's significant objective symptoms of spinal surgery. Defendant
11 Clay falsely and maliciously wrote in his Statement in Support of Criminal Complaint that
12 Plaintiff attended an IAP meeting with Sheriff Kain, and that Kain told Clay that Plaintiff could
13 not function without the use of pain medication, but then admitted that she drove to the IAP, and
14 "then requested to not talk anymore."

15
16 **(Overt Act Number 6 (Kain's False Statements to the Media))**

17 123. On or about September 5, 2023, Defendant Kain made a false statement to *Red*
18 *Bluff Daily News* serving Tehama County, in which he informed the public that "his office was
19 disappointed and angry with these allegations of an employee [which he and his co-conspirators
20 fabricated] who violated public trust."

21
22 **(Overt Act Number 7 (Rogers's Initial False Statements to the Media))**

23 124. Defendant District Attorney Matt Rogers, who personally signed Plaintiff's first
24 felony complaint for Insurance Fraud, explained to KRCR Television the process of
25 investigating insurance fraud. He said that "sometimes it necessitates speaking to a doctor to get
26 a medical opinion as to whether the activities they are performing are consistent with what
27 they've been claiming they can't do." Rogers made the false and misleading statement which
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1 implied to the public that he had spoken to and received a medical opinion before he made the
2 decision to charge Plaintiff. When Defendant Rogers made the false statements to the media he
3 was not acting as an advocate for the county, but when he signed the complaint, he was acting as
4 an advocate for the County of Tehama. Defendant Rogers was not acting within the scope of his
5 role as an advocate for the County when he made knowingly false and fabricated statements to
6 the media. Disseminating fabricated evidence to justify Plaintiff's arrest is not a function of
7 advocacy; rather it demonstrates conduct outside the bounds of protected prosecutorial duties.
8

9
10 **(Overt Act Number 8 (Rogers's Further False Statements to the Media))**

11 125. In an article published by the *Tri-County News*, based on the press release from
12 the District Attorney's Office, the first sentence stated: "A Tehama County Sheriff's correctional
13 deputy is being accused of workers' compensation fraud in excess of \$500,000." In that press
14 release District Attorney Matt Rogers was quoted as saying: "Workers' compensation fraud
15 negatively affects each and every Californian in the form of higher prices for goods and
16 services," Tehama County District Attorney Matt Rogers said in a press release falsely stated . "I
17 appreciate our partnership with the California Department of Insurance to investigate and
18 prosecute these cases. I also appreciate the cooperation between the District Attorney's Office
19 and the Tehama County Sheriff's Office to bring this particular fraud to light."
20

21 126. Additionally, the false joint statements made by Defendants Kain and Rogers to
22 the media were deliberately designed to prejudice potential jurors against Plaintiff and to warn
23 all County employees: that any statutorily authorized attempt to seek redress through the
24 California Workers' Compensation system, by filing a claim against the County, could result in
25 prosecution if the either the Tehama County Sheriff's Department, or the Tehama County
26

27 District Attorney's Office suspected fraud, even when the employee was receiving pre-

1 authorized and medically necessary treatment.

2 127. Defendant Rogers made the same deliberately fabricated false statement to the
3 *Red Bluff Daily News* on August 30, 2023, the day Plaintiff was arrested: “Workers’
4 Compensation fraud negatively affects each and every Californian in the form of higher prices
5 for goods and services,” Tehama County District Attorney Matt Rogers said in a press release.
6

7 128. On information and belief, in that article, Defendant Rogers deliberately and
8 maliciously made a false and misleading statement to the press by claiming he sometimes
9 “speak[s] to a doctor to get a medical opinion,” when in fact Rogers never spoke to any doctor
10 before filing the charges against Plaintiff.
11

12 **(Overt Act Number 9 (Rogers’s and Kain’s Further False Statements to the Media))**

13 129. On information and belief, on or about September 5, 2023, Defendant Kain
14 made a deliberately false statement to the Appeal-Democrat.com/Corning Observer, an on-line
15 newspaper, in an effort to prejudice the jury pool while on or about September 5, 2023, Tehama
16 County Defendant Rogers, falsely misled the same online newspaper. On or about August 31, 2023,
17 Defendant Kain, with deliberate indifference to Plaintiff’s constitutional rights, made false and
18 misleading statements to a reporter for KRCR television news,
19

20 **(Overt Act Number 8 (Rogers’s Further False Statements to the Media**

21 **While not Acting as an Advocate for the County)**

22 130. Despite their direct participation in a conspiracy to fabricate evidence during a
23 joint pre-charging investigation, with the intent to prejudice potential jurors who would be
24 exposed to media coverage of the case, despite knowing Plaintiff was innocent. Defendant
25 Rogers was not acting as an advocate for the county when he made the maliciously false, out-of-
26 court statements to the press. Rather he was acting in an investigative capacity, describing his
27 COMPLAINT FOR DAMAGES FOR VIOLATIONS OF CIVIL RIGHTS AND OTHER WRONGS - JURY
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1 role in the conspiracy, and attempting to taint the jury pool in Tehama County.

2 (All claims for relief set forth below incorporate all factual allegations above, including
3 Plaintiff's Statement of Facts and Overt Acts 1 through 5.)
4

5 **VI**

6 **SECOND CLAIM FOR RELIEF**

7 **42 U.S.C. § 1983 – Violation of the Fourteenth Amendment to the U.S. Constitution**
8 **Deprivation of Plaintiff's Due Process Rights and Deprivation of Plaintiff's Liberty and**
9 **Property Interests by Subjecting Plaintiff to Criminal Charges Based on Deliberately False**
10 **Fabricated Evidence.**
11

12 (Defendants Kain, Rogers Garrett, Clay, Tehama County, and Does 1-50).

13 131. In violation of 42 U.S.C. § 1983, Defendants Kain, Rogers, Tehama County, and
14 Does One through Fifty, 1) while acting under color of state law, and during the pre-filing stage
15 of their joint conspiracy, 2) deliberately, and with conscious or reckless disregard of the
16 consequences of their actions, violated Plaintiff's Fourteenth Amendment Rights, when, 3)
17 Defendants, deliberately Fabricated False Evidence which was used to criminally prosecute
18 Plaintiff, in violation of her constitutional right to be free from the use of fabricated evidence by
19 a government official without due process of law, which resulted in Plaintiff's deprivation of her
20 Liberty and Property interests. 4) Defendants' Deliberate Fabrication of False Evidence was the
21 actual and proximate cause of Plaintiff's malicious prosecution, as the false evidence was
22 included in the false facts submitted under oath in three search warrant affidavits. Defendants
23 also deliberately and maliciously submitted the fabricated evidence, during their pre-charging
24 conspiracy, in the Statement in Support of Criminal Complaint, which was submitted in reckless
25
26
27

28 COMPLAINT FOR DAMAGES FOR VIOLATIONS OF CIVIL RIGHTS AND OTHER WRONGS - JURY
TRIAL DEMANDED - 51

1 disregard for the truth and signed by Defendant Rogers even though he knew the evidence was
2 fabricated.

3 132. Defendant Rogers was not acting as an advocate for the state when he maliciously
4 Fabricated Evidence which resulted in Plaintiff's deprivation of her Due Process right to be free
5 from fabricated evidence, which deprived her of her liberty and property interests. Rather, he
6 was acting in the capacity of an investigator during his joint pre-charging conspiracy which he
7 Fabricated Evidence to establish probable cause for criminal charges and conviction, even
8 though he knew Plaintiff was innocent. Defendant Rogers acted in his capacity as an advocate
9 for the County only when he signed the felony complaint.
10

11
12 (All claims for relief set forth below incorporate all of the facts set forth above,
13 including Plaintiff's Statement of Facts, Section IV D and E)

14 VII

15 THIRD CLAIM FOR RELIEF

16 Fourth Amendment—Unreasonable Seizure of Person 42 U.S.C. § 1983 –

17 Violation of the Fourth Amendment to the U.S. Constitution

18 (Defendants Kain, Rogers Garrett, Clay, Tehama County, and Does 1-50).

19 133. The Defendants' Violated Plaintiff's rights under the Fourth Amendment, when
20 they violated her right to be free from an unreasonable seizure of her person. First, the
21 Defendants seized the Plaintiff's person when they entered her home with a search warrant and
22 they arrested her without an arrest warrant; Second, in seizing the Plaintiff's person, the
23 Defendants acted intentionally; and Third, Plaintiff's seizure was unreasonable because the
24 Defendants' acted with deliberate indifference to Plaintiff's rights when they conspired to
25 fabricate false evidence and did fabricate evidence of the crime of insurance fraud, even though
26

1 they knew she was innocent, and they arrested her without a warrant and booked her in the
2 Glenn County Jail, she was held above the bail schedule, and she was stripped searched and held
3 with a Penal Code section 1275 hold and was not released until the next day by the magistrate.
4

5 **VIII**

6 **THIRD CLAIM FOR RELIEF**

7 **Malicious Prosecution**

8 **42 U.S.C. § 1983 – Violation of the Fourth Amendment to the U.S. Constitution**

9 (Defendants Kain, Garrett, Clay, Tehama County, and Does 1-50).
10

11 134. Pursuant to 42 U.S.C. § 1983, Defendants Kain, Garrett, Clay, Tehama County,
12 and Does One through Fifty, 1) while acting under color of state law, 2) violated Plaintiff's
13 Fourth and Fourteenth Amendment rights to the U.S. Constitution, including her right to be free
14 from malicious prosecution, 3) without probable cause based upon Fabricated Evidence by a
15 governmental official, when they knowingly, and with deliberate indifference to Plaintiff's
16 rights, deliberately and maliciously initiated the prosecution against Plaintiff, 4) the prosecution
17 was initiated without probable cause, but was based upon their deliberately and maliciously
18 fabricated false evidence, and 5) the prosecution terminated in her favor, when the court found
19 no probable cause, and found Plaintiff factually innocent.
20

21 (All claims for relief set forth below incorporate all of the facts set forth above, including
22 Section IV D and E)
23

24 **IX**

25 **FOURTH CLAIM FOR RELIEF**

26 **False Statements to the Media**

27
28 COMPLAINT FOR DAMAGES FOR VIOLATIONS OF CIVIL RIGHTS AND OTHER WRONGS - JURY
TRIAL DEMANDED - 53

**42 U.S.C. § 1983 – Violation of Plaintiff’s Civil Rights under the Fourth, and Fourteenth
Amendments, to the United States Constitution**

(False Statements to the News Media)

(Defendants Kain, Rogers, Tehama County, and Does One through Fifty).

135. Pursuant 42 U.S.C § 1983 Defendants Kain, Rogers , Tehama, County, and Does One through Fifty, 1) while acting under color of state law, 2) deprived Plaintiff, a United States citizen, of rights, privileges, or immunities secured by the Federal Constitution and laws, including the right to be free from false prejudicial public statements to the media under the Fourth and Fourteenth Amendments to the United States Constitution, 3) when Defendants Kain, Rogers, and Tehama County, and Does One through Fifty, made false statements to the press on or about August 31, 2023 and September 5, 2023 with intent to maliciously prejudice the jury pool to secure a conviction against Plaintiff for Insurance Fraud, thereby depriving her of statutory rights and privileges under California law, including access to Worker’s Compensation and employment-related benefits, and; 4) when Defendant Rogers made these false statements while acting in an administrative and investigative capacity, performing duties and investigatory functions that do not relate to an advocate's preparation for the initiation of a prosecution or for judicial proceedings, at the time he made all of the false and misleading statements to the media, 5) but was attempting to justify his participation in the conspiracy during the joint pre-charging phase with the co-Defendants by fabricate evidence and falsely arresting Plaintiff.

(All claims for relief set forth below incorporate all of the statements of Facts in Plaintiff’s Statement of Facts section of her Complaint set forth above.)

X

COMPLAINT FOR DAMAGES FOR VIOLATIONS OF CIVIL RIGHTS AND OTHER WRONGS - JURY TRIAL DEMANDED - 54

FIFTH CLAIM FOR RELIEF

(Section 1983 Claim Against Local Governing Body

**(Defendants Based on Acts of Final Policymakers Rogers and Kain to Violate Plaintiff's
First, Fourth, and Fourteenth Amendments to the United States Constitution)**

(The County of Tehama)

136. Defendants Kain, and Rogers, 1) while acting under color of state law, 2) violated Plaintiff's First Amendment right to be free from retaliation for exercising her constitutional right to petition the government for Workers Compensation benefits, 3) violated Plaintiff's, Fourth Amendment right to be free from a conspiracy to violate her civil rights and her right to be free from malicious prosecution; and Defendants violated Plaintiff's Fourth and Fourteenth Amendment rights by maliciously and intentionally fabricating false evidence without due process, which deprived Plaintiff of her liberty and property interests, 4) Defendants Rogers and Kain violated Plaintiff's Fourth and Fourteenth Amendment right to be free from false statements made to the press by a government official, and 5) Defendant Rogers was the final policy maker of the Tehama County District Attorney's Office, and 6) Defendant Kain, was the final policy maker of the Tehama County Sheriff's Office, when engaged in these the acts, Defendants Rogers and Kain were acting as final policy makers, in their respective offices for Defendant Tehama County; and 7) the acts of Defendants Rogers and Kain caused the deprivation of Plaintiff's First, Fourth, and Fourteenth Amendments to the United States Constitution; and 8) that is, the constitutional violations committed by Defendants Rogers and Kain were so closely related to the deprivation of Plaintiff's rights as to constitute the moving force behind the injuries she ultimately suffered.

(All claims for relief set forth below incorporate all of the facts set forth above.)

COMPLAINT FOR DAMAGES FOR VIOLATIONS OF CIVIL RIGHTS AND OTHER WRONGS - JURY TRIAL DEMANDED - 55

XI

SIXTH CLAIM FOR RELIEF

Section 1983 Claim Against Local Governing Body Defendants

Based on Ratification

(Defendants Rogers and Kain)

137. Defendants Garrett, Clay, and Does 1-50, 1) acted under color of state law; 2) Defendants Garrett, Clay, and Does 1-50, while under the supervision of both Defendants Rogers and Kain and acting under the legal advice of Defendant Rogers, acted as co-conspirators who, with deliberate indifference to Plaintiff's rights, maliciously conspired to fabricate evidence, did in fact fabricate that evidence, and used it to maliciously prosecute Plaintiff with that false evidence. 3) Defendants Garrett and Clay, an experienced Workers' Compensation Fraud Investigator, and Does 1-50, while under the supervision of both Defendants Rogers and Kain, and while acting under the legal advice of Defendant Rogers, 4) continued their joint pre-charging conspiracy to violate Plaintiff's First, Fourth, and Fourteenth Amendment rights, despite, possessing medical records establishing Plaintiff's innocence, as early as January 23, 2023, the date on which Defendants initiated their conspiracy. 5) Defendant Rogers was acting as the final policymaker for Defendant Tehama County District Attorney's Office, while Defendant Kain was acting as the final policy maker for the Tehama County Sheriff's Office; 6) Defendants Rogers and Kain ratified the violations of Plaintiff's First, Fourth and Fourteenth Amendment rights by Ratifying Defendants Garrett, Clay, and Does 1-50; that is, Defendants Rogers and Kain had knowledge of the conduct and made a deliberate and conscious choice to approve the acts and the bases for those acts.

XII

COMPLAINT FOR DAMAGES FOR VIOLATIONS OF CIVIL RIGHTS AND OTHER WRONGS - JURY TRIAL DEMANDED - 56

(All claims for relief set forth below incorporate all of the facts set forth above.)

SEVENTH CLAIM FOR RELIEF

Section 1983 Claim Violation of Plaintiff's First Amendment to the United States Constitution, right to be Free from Governmental Action Taken to Retaliate Against Plaintiff for Her Exercise of Her First Amendment Right to Workers Compensation Benefits or to deter the citizen from exercising those rights in the future (Defendants Rogers, Kain, Garrett, Clay, Tehama County, and Does 1-50).

138. Under the First Amendment to the United States Constitution, Plaintiff has the right to be free from governmental action taken in retaliation for exercising her right to petition the government for Workers' Compensation benefits, or to deter Plaintiff from exercising that right in the future 1) Plaintiff was engaged in her constitutionally protective right to obtain Workers Compensation benefits, 2) the Defendants' actions against Plaintiff were such that they would chill a person of ordinary firmness from continuing to engage in her constitutionally protected right to apply for Workers Compensation benefits; and 3) Plaintiff's exercise of her First Amendment right to seek Workers Compensation benefits was a substantial motivating factor in Defendants' conspiracy to violate Plaintiff's civil rights, their Fabrication of false evidence against, and their malicious prosecution of Plaintiff, which ultimately terminated in her favor; and the Defendants created a chilling effect to other employees of the Couty of Tehama from filing legitimate claims for workers compensation benefits.

STATUTE OF LIMITATIONS AND IMMUNITIES OF STATE ACTORS

Cal. Gov't Code § 945.3 tolled the Plaintiff's claims while her criminal charges were pending as the claims were "based upon" the conduct of the defendants.

1 Plaintiff's Section 1983 claim is subject to California's two-year statute of limitations for
2 personal-injury claims. *Doe v. San Bernardino Sheriff Dep't*, 753 F. Supp. 3d 1024 (9th Cir 2024)

3 Plaintiff's statute of limitations for Malicious Prosecution and Fabrication of Evidence
4 began to accrue after the magistrate's finding of no Probable Cause finding which was issued by
5 the magistrate on April 19, 2024 resulting in the proceedings being terminated in Plaintiff's
6 favor. *McDonough v. Smith* 588 U. S. 109 (2019).

7
8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiff requests entry of judgment in her favor and against
10 Defendants as follows:

11 A. For compensatory damages in the amount to be proven at trial;

12 B. For punitive damages against Defendants Rogers, Kain, Garrett, Clay and
13 DOES 1-50 in an amount to be proven at trial;

14 C. For interest;

15 D. For reasonable costs of this suit and attorneys' fees, including attorneys
16 fees pursuant to 42 U.S.C. § 1988; and;

17 E. For such other and further relief as the Court may deem just, proper, and
18 appropriate.

19 Dated: August 13, 2025

20 Respectfully Submitted,

21 MAAS & RUSSO, LLP

22
23
24
25
26 
27 Attorney for Plaintiff YVETTE BLINE

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

YVETTE FORTIER BLINE

(b) County of Residence of First Listed Plaintiff Tehama

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Daniel J. Russo (CA SBN 077991)

Maas & Russo, LLP

521 Georgia Street

DEFENDANTS

Matthew D. Rogers, aka Matt Rogers; Individually, Dave Kain, Individually, Jeff Garrett, Individually, Eric Clay,

County of Residence of First Listed Defendant Tehama

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 365 Personal Injury -	<input type="checkbox"/> 625 Drug Related Seizure	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> of Property 21 USC 881	<input type="checkbox"/> 423 Withdrawal	<input type="checkbox"/> 376 Qui Tam (31 USC
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 28 USC 157	<input type="checkbox"/> 3729(a))
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander		INTELLECTUAL PROPERTY RIGHTS	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 360 Other Personal Injury	LABOR	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 190 Other Contract		<input type="checkbox"/> 720 Labor/Management Relations	SOCIAL SECURITY	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 490 Cable/Sat TV
		<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange
		<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS		<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS	FEDERAL TAX SUITS	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	Habeas Corpus:	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 871 IRS—Third Party	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 26 USC 7609	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 530 General		<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	Other:		
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 535 Death Penalty		
		<input type="checkbox"/> 540 Mandamus & Other		
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. section 1983

Brief description of cause:

Defendants fabricated evidence and conspired to frame Plaintiff for insurance fraud in violation of 1st, 4th & 14th Amendments of US Constitution

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$
\$15,000.00CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

August 13, 2025

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Case 2:25-cv-02318-JDP Document 1-1 Filed 08/14/25 Page 2 of 2
INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Description](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.