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7 **IN THE UNITED STATES DISTRICT COURT**  
8 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

9 Christopher Langley, an individual,

10 Plaintiff

11 v.

12 Placer County, California, a county  
13 government;

14 Placer County Sheriff's Office; and  
15 the following persons as individuals

16 and as employees of the Placer

17 County Sheriff's Office:

18 Devon Bell,

19 Frank Domeier,

20          McNamara; and

21 Does 1 through 10,

22 Defendants.

CASE NO. 2:17-CV-0760 GEB KJN

**FIRST AMENDED COMPLAINT FOR  
VIOLATIONS OF 42 U.S.C. §1983;  
VIOLATIONS OF CALIFORNIA CIVIL  
CODE §51; ASSAULT AND BATTERY;  
INTENTIONAL INFLICTION OF  
EMOTIONAL DISTRESS;  
NEGLIGENCE; AND RESPONDEAT  
SUPERIOR LIABILITY**

**JURY TRIAL DEMANDED**

23 **INTRODUCTION**

24 This is a civil rights action arising out of the beating of Christopher Langley  
25 while he was handcuffed and lying down submissively in a holding cell in the Placer  
26 County Auburn jail. Not only was the beating of Mr. Langley unprovoked, his  
27 written complaints, just like numerous complaints of violence against other  
28 inmates, have been covered up. The Sheriff's Office has an extensive video  
surveillance system at the jail, but for unexplained reasons, it has not used this  
system to investigate the complaints of violence by Mr. Langley and other inmates.

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**II.**  
**JURISDICTION AND VENUE**

1. Jurisdiction over the federal causes of action under Title 42 U.S.C. §1983 are proper in this Court under 28 U.S.C. §1331. Pendant Jurisdiction over the state causes of action is proper under Title 28 U.S.C. §1367(a) and Title 28 U.S.C. §1343(a)(3).

2. Venue is proper in this Court under 28 U.S.C. §1391(b) because all of the defendants reside, and the acts complained of occurred, within the territorial boundaries of this United States District Court.

3. Intra-district venue is proper in the Sacramento Division of this Court under Local Rule 120(d) because the acts and omissions that are the basis of this complaint occurred within Placer County.

**III.**  
**PARTIES**

4. Plaintiff Christopher Langley (“Langley”) is a single male, age 41, who at the time of the events alleged below was an inmate at the Placer County jail in Auburn, California (“Auburn Jail”). Plaintiff Langley resides at 11797 Loma Rica Road, Marysville, CA 95648.

5. Defendant Placer County, California, operates the Defendant Placer County Sheriff’s Office (“PCSO”) which is directly responsible for the staffing and operation of the Auburn Jail.

6. Defendant Frank Domeier (“Domeier”) is a deputy sheriff employed by the PCSO. Domeier was working as a deputy sheriff at the Auburn Jail at the time of the events alleged below.

7. Defendant McNamara (“McNamara”) is a deputy sheriff employed by the PCSO. McNamara was working as a deputy sheriff at the Auburn Jail at the time of the events alleged below.

1 8 The true names and capacities of defendants sued herein as Does 1-10,  
2 inclusive, whether individual, corporate, or otherwise are unknown to Plaintiff who,  
3 therefore sues such defendants by such fictitious names. When their true names  
4 and capacities are ascertained, Plaintiff will amend this complaint by asserting  
5 their true names and capacities herein. Plaintiff is informed, believes and thereon  
6 alleges, that at all times herein mentioned, all defendants, including DOES 1  
7 through 10, inclusive: (i) are qualified to do business in California, and/or did, in  
8 fact, do business in California; (ii) jointly perpetrated the acts herein with their  
9 co-defendants; (iii) were the successors in interest to, or agents, alter egos,  
10 principals, co-tenants, partners, joint venturers, or co-conspirators of their  
11 co-defendants in doing the things herein alleged; and/or (iv) were acting within the  
12 scope of their authority or in furtherance of a common scheme or design with the  
13 knowledge, permission, consent or ratification of their co-defendants in doing the  
14 things herein alleged, and therefore are liable, jointly and severally, for all damages  
15 and other relief or remedies sought by complainants in this action.

16 **IV.**  
17 **BACKGROUND ALLEGATIONS**

18 **Duties of the Placer County Sheriff's Office**

19 9. The PCSO is obligated to have policies, practices, and procedures to prevent  
20 the unlawful use of force against detainees in the field and inmates in the Auburn  
21 Jail ("PPPs").

22 10. The PCSO is obligated to adequately train its deputy sheriffs and other  
23 officers in the lawful use of force with detainees and inmates.

24 11. The PCSO is obligated to adequately supervise its deputy sheriffs and other  
25 officers to verify the effectiveness of its PPPs and training in the lawful use of force  
26 with detainees and inmates.

27 12. The PCSO maintains a video surveillance system at the Auburn Jail ("VSS").

1 Plaintiff is informed and believes, and on that basis alleges, that the VSS was  
2 installed, in part, to monitor the conduct of its deputies and other employees at the  
3 Auburn Jail to confirm that the PPPs are being followed, that its training has been  
4 adequate, and that PCSO supervisors are monitoring the use force to ensure that it  
5 is lawful. Plaintiff is further informed and believes, and on that basis alleges, that  
6 the VSS also provides a ready means for the PCSO to investigate complaints of  
7 unlawful violence by inmates.

8 13. Plaintiff is informed and believes, and based thereon alleges, that there is a  
9 custom and practice among the deputies in the PCSO, known in the vernacular of  
10 police culture as the “blue wall of silence” or “blue code” to keep secret the errors,  
11 misconduct, or crimes (including police brutality) of fellow officers. Under federal  
12 and state constitutional and statutory law, the PCSO has a duty to break down this  
13 “blue wall of silence” among its deputies and officers so that the unlawful use of  
14 force is reported to superior officers without repercussions to non-offending deputies  
15 and officers.

16 14. Plaintiff is informed and believes, and on that basis alleges, that there has  
17 been a group of deputies working at the Auburn Jail that have frequently engaged  
18 in unlawful violence against inmates, sometimes individually and sometimes  
19 collectively. Plaintiff is further informed and believes, and on that basis alleges,  
20 that these deputies have abided by the “blue wall of silence” and neither stopped  
21 nor reported each other’s unlawful conduct. Plaintiff is further informed and  
22 believes, and on that basis alleges, that Defendant Devon Bell, has known about the  
23 “blue wall of silence” being followed by his deputies and officers and has been aware  
24 of many, if not all, of the complaints of unlawful violence by inmates.

25 15. On or about May 31, 2017, Defendant Devon Bell, speaking as the Sheriff of  
26 Placer County, gave a press conference at which he announced that three deputies  
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1 who worked at the Auburn Jail had been terminated as employees and arrested and  
2 charged under PC §118.1 and PC §149 (“Press Conference”). A true and correct  
3 copy of the article in the Sacramento Bee about the Press Conference is attached  
4 hereto as Exhibit 1. At the Press Conference Sheriff Bell stated, *inter alia*:

5 "[the] conduct was limited to a very small number of people";

6 “We discovered this ourselves”; and

7 "We investigated it ... and we made arrests."

#### 8 **The Beating of Plaintiff Langley at the Auburn Jail**

9 14. At about 1:15 pm on or about November 29, 2016, Plaintiff was in Courtroom  
10 “13” of the Placer County Superior Court, Auburn Jail Division. Plaintiff was in  
11 handcuffs. Plaintiff was awaiting an appearance before the Court when he  
12 uncontrollably became sleepy and could not remain awake for his appearance.

13 15. Defendant Dormeier removed Plaintiff from Courtroom 13 and placed in a  
14 holding cell located just outside of the courtroom. Plaintiff is informed and believes,  
15 and on that basis alleges that this was “Cell 2”. Plaintiff remained handcuffed and  
16 he laid down on his right side on a concrete bench in the cell. Plaintiff drifted in  
17 and out of sleep for approximately a few minutes. Defendant Dormeier at first left  
18 the holding cell, but then came back into the holding cell. Plaintiff’s best  
19 recollection was that Defendant Dormeier left and came back in 3-5 minutes.

20 16. When Defendant Dormeier returned to the holding cell, he violently set upon  
21 Plaintiff even though Plaintiff was handcuffed and lying down and said nothing.  
22 Defendant Dormeier grabbed Plaintiff by the front of his shirt, slammed Plaintiff to  
23 the concrete floor, and then pushed his head against the concrete. Dormeier further  
24 struck Plaintiff multiple times by jumping down with his knees onto Plaintiff’s  
25 upper body and hips. Plaintiff yelled out “why are you assaulting me”. Being  
26 handcuffed, Plaintiff could not defend himself.

1 17. Plaintiff then felt a second person come down on his legs. Dormeier and this  
2 second officer then picked up Plaintiff from the floor and shoved him into the wall.  
3 Dormeier and the second deputy, who Plaintiff could then identify as Defendant  
4 McNamara (a male), each took one arm and led to Plaintiff to door #49. While  
5 Plaintiff was being led to door #49, Dormeier used his hand to squeeze the back of  
6 Plaintiff's neck. When they got to door #49, Dormeier shoved Plaintiff into the  
7 doorframe. Plaintiff asked Dornmeier why he was hurting him and Dormeir then  
8 squeezed even harder on Plaintiff's neck and forced Plaintiff's face into the  
9 doorframe.

10 18. Defendants Dormeier and McNamara then led Plaintiff into Cell 26 or 27 and  
11 forced him into the wall. Defendants took off the handcuffs and left Plaintiff in this  
12 cell.

13 19. While in Cell 26 or 27, Plaintiff asked for medical attention for his injuries  
14 caused by Defendants Dormeier and McNamara. Plaintiff did not receive any  
15 medical attention. Plaintiff was given a sack lunch around dinner time. Plaintiff  
16 again asked for medical attention for his injuries. Plaintiff was told that medical  
17 had been notified and that Plaintiff would be seen when medical "had time".

18 20. Later that evening, Plaintiff was moved to housing unit P466. Plaintiff used  
19 the intercom to again tell the deputies that he needed medical attention. Plaintiff  
20 was told that he needed to submit a "blue" sick call slip. Plaintiff did this and was  
21 told again that he would be seen when medical was not busy. Plaintiff was not seen  
22 by medical for several days.

23 21. A nurse ("Steve") saw Plaintiff several days after he had put in a blue slip  
24 request. Plaintiff reported to the nurse his injuries on his right side, neck, back,  
25 hip, shoulder and ribs. Steve took notes and told Plaintiff that a Dr. Goldsmith  
26 would see him.

1 22. Plaintiff was finally seen by Dr. Goldsmith on or about **December \_\_\_\_, 2016.**  
2 Dr. Goldsmith prescribed non-opiate pain medication and ordered x-rays. Plaintiff  
3 did not receive any other treatment.

4 23. Plaintiff has requested copies of his medical records, but he has been denied  
5 access to his medical file.

6 **The Timely Filing of a Tort Claim by Plaintiff**

7 24. On or about February 1, 2017, Plaintiff filed a claim against Placer County  
8 for the injuries he suffered as described in paragraphs 15-16, above. A true and  
9 correct copy of this tort claim is attached hereto as Exhibit 2.

10 25. On or about February 27, 2017, Placer County rejected Plaintiff's claim by  
11 letter. A true and correct copy of this rejection is attached hereto as Exhibit 3.

12 **Complaint to the PCSO**

13 24. On multiple dates Plaintiff filed complaints about the wrongful conduct of  
14 Defendant Dormeier and McNamara with the PCSO, including or about December  
15 31, 2016, January 18, 2017, January 29, 2017, and April 11, 2017. On or about  
16 April 25, 2017, the PCSO wrote to Plaintiff and told him that, after conducting a  
17 thorough review", the PCSO found that Defendant Dormeier acted "within the law."  
18 A true and correct copy of the letter from the PCSO is attached hereto as Exhibit 4.

19 **Exhaustion of Remedies**

20 25. Plaintiff has exhausted all of his administrative remedies for the foregoing  
21 allegations as required by 42 U.S.C. §1997e(a), the Prison Litigation Reform Act.  
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1 **IV**  
2 **Claims For Violation of Federal Civil Rights Under 42 U.S.C. §1983**

3 **FIRST CAUSE OF ACTION**

4 **Defendants Domeier and McNamara**

5 **Violation of Substantive Due Process and the Eighth Amendment**

6 26. Plaintiffs hereby incorporate by reference paragraphs 1 through 25, inclusive,  
7 as though set forth fully herein.

8 27. Defendants Dormeier and McNamara committed acts of unprovoked,  
9 unwarranted and extreme violence upon Plaintiff Langley. This was a violation of :  
10 (a) Plaintiff's substantive due process right to be free of punishment prior to  
11 adjudication of the charges for which Mr. Langley was to appear on November 29,  
12 2016; and/or (b) the U.S. Constitution's Eight Amendment prohibition of cruel and  
13 unusual punishment.

14 28. The foregoing conduct of Defendants Dormeier and McNamara were acts and  
15 omissions under the color of state law that was the direct and proximate cause of  
16 the violation of the constitutional rights of Plaintiff Langley.

17 29. As a direct and proximate result of the wrongful conduct of Defendants  
18 Dormeier and McNamara as set forth above, Plaintiff Langley has sustained  
19 general damages of an estimated \$300,000, according to proof, including, but not  
20 limited to: (a) the serious physical pain and suffering from the injuries to his body;  
21 (b) the severe emotional and mental distress caused by the beating and rough  
22 handling while handcuffed and shackled and the inability to defend himself,  
23 including feelings of anxiety, humiliation, and the loss of a sense of security,  
24 dignity, and pride; (c) the cost of medical treatment; and (d) the cost of emotional  
25 and psychological therapy.

26 28. As a direct and proximate result of the wrongful conduct of Defendants  
27 Dormeier and McNamara as set forth above, Plaintiff Langley has been forced to



1 file this action under 42 U.S.C. §1983, and is entitled to recover his attorneys fees  
2 and costs under 42 U.S.C. §1988.

3 30. The foregoing acts and omissions of Defendant Dormeier and McNamara  
4 were committed with unbridled malice that was despicable and done with  
5 intentional disregard for Plaintiff's physical and mental person. As a result,  
6 punitive damages should be awarded against Defendants Dormeier and McNamara.

7 **SECOND CAUSE OF ACTION**

8 **Defendants Placer County and PCSO**

9 **Violation Of Langley's Procedural Due Process As A**  
10 **Result Of A Failure To Have or Enforce Adequate Policies,**  
11 **Failure to Train, and Failure to Supervise**

12 31. Plaintiffs hereby incorporate by reference paragraphs 1 through 25,  
13 inclusive, as though set forth fully herein.

14 32. Defendants Placer County and the PCSO failed to have adequate PPPs  
15 regarding the unlawful use of force in the Auburn Jail.

16 33. Defendants Placer County and the PCSO failed to adequately train its deputy  
17 sheriffs and other officers in the lawful use of force with inmates at the Auburn Jail.

18 34. Defendants Placer County and the PCSO failed to adequately supervise its  
19 deputy sheriffs and other officers at the Auburn Jail to verify the effectiveness of its  
20 PPPs and that its training in the lawful use of force was effective at preventing the  
21 unlawful use of force by its deputies and other employees.

22 35. Defendants Placer County and the PCSO failed to use the VSS to: (a) monitor  
23 the conduct of its deputies and other employees at the Auburn Jail; (b) verify that  
24 the PPS and the training in unlawful use of force are being followed; and (c)  
25 investigate the various complaints from inmates about unlawful use of force.

26 36. Defendants Placer County and the PCSO failed to implement measures and  
27 means to break down the "blue wall of silence" among its deputy sheriffs and other

1 officers so that unlawful use of force and other unlawful conduct at the Auburn Jail  
2 would be reported to superior officers without repercussions to the non-offending  
3 deputies and officers.

4 37. The foregoing allegations, combined with the factual allegations in  
5 paragraphs 14-18, are not an isolated incident, but part of a pattern of wrongful  
6 conduct by Defendants Placer County and the PCSO that constitutes a deliberate  
7 indifference to the procedural due process afforded to an inmate by the 14<sup>th</sup>  
8 amendment. Further, such pattern of wrongful conduct made it far more likely that  
9 a PCSO deputy or officer would violate the right of an inmate to be free from  
10 unwarranted bodily harm and cruel and unusual punishment as protected by the  
11 4<sup>th</sup>, 8<sup>th</sup>, and/or the 14<sup>th</sup> Amendment to the United States Constitution.

12 38. Another example of this pattern of wrongful conduct by Placer County and  
13 the PCSO is the claim by a Mr. Brendan Coleman for a very similar violations as  
14 alleged in paragraphs 32-37 as set forth in Exhibit 5, a true and correct copy of Mr.  
15 Coleman's two tort claims filed with Placer County.

16 39. The foregoing failures were actions and omissions under the color of state law  
17 that were the direct and proximate cause of the violation of the constitutional rights  
18 of Plaintiff Langley.

19 40. As a direct and proximate result of the wrongful conduct of Defendants  
20 Placer County and the PCSO as set forth above, Plaintiff Langley has sustained  
21 general damages of an estimated \$300,000, according to proof, including, but not  
22 limited to: (a) the serious physical pain and suffering from the injuries to his body;  
23 and (b) the severe emotional and mental distress caused by the beating and rough  
24 handling while handcuffed and shackled and the inability to defend himself,  
25 including feelings of anxiety, humiliation, and the loss of a sense of security,  
26 dignity, and pride.

1 41. As a direct and proximate result of the wrongful conduct of Defendant Placer  
2 County and the PCSO as set forth above, Plaintiff Langley has been forced to file  
3 this action under 42 U.S.C. §1983, and is entitled to recover his attorneys fees and  
4 costs under 42 U.S.C. §1988.

5 **THIRD CAUSE OF ACTION**

6 **Defendants Placer County, the PCSO, and Devon Bell**

7 **Violation Of Langley's Procedural Due Process as a Result of the**  
8 **Concealment by the PCSO of Inmate Abuse at the Auburn Jail**

9 42. Plaintiffs hereby incorporate by reference paragraphs 1 through 25, inclusive,  
10 as though set forth fully herein.

11 43. Plaintiff is informed and believes, and based there on alleges, that there have  
12 been other instances of unwarranted violence against inmates by PCSO deputies at  
13 the Auburn Jail that were known to Defendants Placer County, the PCSO and  
14 Devon Bell than publicly disclosed by Defendant Bell at the Press Conference,  
15 including without limitation, the violence against Plaintiff Langley alleged in  
16 paragraphs 14-18 and the violence against Mr. Coleman as alleged in paragraph 43.

17 44. Plaintiffs is informed and believes, and on that basis alleges, that  
18 Defendants Placer County, the PCSO and Devon Bell have been engaged in a  
19 pattern of wrongful conduct to: (a) ignore or fail to adequately investigate  
20 complaints of unlawful violence by inmates, including those of Plaintiff Langley and  
21 Mr. Coleman; and (b) conceal the frequent physical abuse of inmates and the  
22 Auburn Jail by PCSO deputies and employees.

23 45. Plaintiff is informed and believes, and on that basis alleges, that press  
24 briefing by Defendant Bell on or about June 1, 2017, was part of the pattern of  
25 wrongful conduct to conceal the unlawful use of force by PCSO deputies and other  
26 employees.

1 46. The foregoing allegations, combined with the factual allegations in  
2 paragraphs 14-18, are not an isolated incident, but part of a pattern of wrongful  
3 conduct by Defendants Placer County, the PCSO and Devon Bell that constitutes a  
4 deliberate indifference to the constitutional rights of Plaintiff and other inmates at  
5 the Auburn Jail. Further, the foregoing pattern of wrongful conduct made it far  
6 more likely that a PCSO deputy or officer would violate the right of an inmate to be  
7 free from unwarranted bodily harm and cruel and unusual punishment as protected  
8 by the 4<sup>th</sup>, 8<sup>th</sup>, and/or the 14<sup>th</sup> Amendment to the United States Constitution.

9 47. The foregoing failures were actions and omissions by Defendants Placer  
10 County, the PCSO and Devon Bell under the color of state law that were the direct  
11 and proximate cause of the violation of the constitutional rights of Plaintiff Langley.

12 48. As a direct and proximate result of the wrongful conduct of Defendants  
13 Placer County, the PCSO and Devon Bell as set forth above, Plaintiff Langley has  
14 sustained general damages of an estimated \$300,000, according to proof, including,  
15 but not limited to: (a) the serious physical pain and suffering from the injuries to  
16 his body; and (b) the severe emotional and mental distress caused by the beating  
17 and rough handling while handcuffed and shackled and the inability to defend  
18 himself, including feelings of anxiety, humiliation, and the loss of a sense of  
19 security, dignity, and pride.

20 49. As a direct and proximate result of the wrongful conduct of Defendants  
21 Placer County, the PCSO and Devon Bell as set forth above, Plaintiff Langley has  
22 been forced to file this action under 42 U.S.C. §1983, and is entitled to recover his  
23 attorneys fees and costs under 42 U.S.C. §1988.

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**V.**  
**STATE LAW CLAIMS**  
**FIFTH CAUSE OF ACTION**

**Defendants Domeier and McNamara**  
**Assault and Battery**

50. Plaintiff hereby incorporates by reference paragraphs 1 through 25, inclusive, as though set forth fully herein.

51. Defendants Dormeier and McNamara with intent to cause harm, committed the acts described in paragraphs 14-18.

52. Plaintiff Langley did not consent to the acts committed by Defendants Dormeier and McNamara. Indeed, Plaintiff Langley was at all times handcuffed, cooperative, and posed no threat to Defendants Dormeier and McNamara.

53. As the direct result of Defendant Dormeier's acts as alleged in paragraphs 14-18, Plaintiff Langley was harmed.

54. As a direct and proximate result of the wrongful conduct of Defendants Dormeier and McNamara as set forth above, Plaintiff Langley has sustained general damages of an estimated \$300,000, according to proof, including, but not limited to: (a) the serious physical pain and suffering from the injuries to his body; (b) the severe emotional and mental distress caused by the beating and rough handling while handcuffed and shackled and the inability to defend himself, including feelings of anxiety, humiliation, and the loss of a sense of security, dignity, and pride; (c) the cost of medical treatment; and (d) the cost of emotional and psychological therapy.

55. The foregoing acts and omissions of Defendants Dormeier and McNamara were committed with unbridled malice that was despicable and done with intentional disregard for Plaintiff's physical and mental person. As a result, punitive damages should be awarded against Defendants Dormeier and McNamara.

1 **SIXTH CAUSE OF ACTION**

2 **Defendants Domeier and McNamara**

3 **Intentional Infliction of Emotional Distress**

4 56. Plaintiff hereby incorporates by reference paragraphs 1 through 25,  
5 inclusive, as though set forth fully herein.

6 57. The conduct of Defendants Dormeier and McNamara described in paragraphs  
7 16-19 was extreme and outrageous action directed at Plaintiff that was calculated  
8 to cause Plaintiff severe emotional distress, or was done with substantial certainty  
9 that Plaintiff would suffer severe emotional injury.

10 58. As the direct result of Defendants Dormeier's and McNamara's foregoing  
11 alleged conduct, Plaintiff Langley suffered severe emotional and psychological  
12 damage.

13 59. As a direct and proximate result of the wrongful conduct of Defendants  
14 Dormeier and McNamara as set forth above, Plaintiff Langley has sustained  
15 general damages of an estimated \$300,000, according to proof, including, but not  
16 limited to: (a) severe emotional and mental distress, including feelings of anxiety,  
17 humiliation, and the loss of a sense of security, dignity, and pride; (b) the cost of  
18 emotional and psychological therapy.

19 60. The foregoing acts and omissions of Defendants Dormeier and McNamara  
20 were committed with unbridled malice that was despicable and done with  
21 intentional disregard for Plaintiff's physical and mental person. As a result,  
22 punitive damages should be awarded against Defendants Dormeier and McNamara.

23 **SEVENTH CAUSE OF ACTION**

24 **Defendants Domeier and McNamara**

25 **Negligence**

26 61. Plaintiff hereby incorporates by reference paragraphs 1 through 25,  
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1 inclusive, as though set forth fully herein.

2 62. Defendants Dormeier and McNamara each held position of authority over  
3 Plaintiff that gave him real authority to affect Plaintiff's person. As a consequence  
4 of this authority, Defendants Dormeier and McNamara had a duty to use  
5 reasonable force only as necessary to obtain Plaintiff's compliance with lawful  
6 orders.

7 63. Both Defendants Dormeier and McNamara breached the foregoing duty by  
8 committing the knowing acts described in paragraphs 16-19.

9 64. As the direct result of Defendants Dormeier's and McNamara's breach of  
10 duty, Plaintiff Langley suffered serious personal injury.

11 65. As a direct and proximate result of the wrongful conduct of Defendants  
12 Dormeier and McNamara as set forth above, Plaintiff Langley has sustained  
13 general damages of an estimated \$300,000, according to proof, including, but not  
14 limited to: (a) the serious physical pain and suffering from the injuries to his body;  
15 (b) the severe emotional and mental distress caused by the beating and rough  
16 handling while handcuffed and shackled and the inability to defend himself,  
17 including feelings of anxiety, humiliation, and the loss of a sense of security,  
18 dignity, and pride; (c) the cost of medical treatment; and (d) the cost of emotional  
19 and psychological therapy.

20 **EIGHT CAUSE OF ACTION**

21 **Defendants Domeier and McNamara**

22 **Interference With Plaintiff's Constitutional Rights**  
23 **Under California Civil Code 52.1(b)**

24 66. Plaintiff hereby incorporates by reference paragraphs 1 through 25,  
25 inclusive, as though set forth fully herein.

26 67. Defendants Dormeier and McNamara committed an act of unprovoked,  
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1 unwarranted and violence upon Plaintiff Langley as alleged in paragraphs 14-18.  
2 This was a violation of : (a) Plaintiff's substantive due process right to be free of  
3 punishment prior to adjudication of the charges for which Mr. Langley was to  
4 appear on November 29, 2016; and/or (b) the U.S. Constitution's Eight Amendment  
5 prohibition of cruel and unusual punishment.

6 68. As a direct and proximate result of the wrongful conduct of Defendants  
7 Dormeier and McNamara as set forth above, Plaintiff Langley has sustained  
8 general damages of an estimated \$300,000, according to proof, including, but not  
9 limited to: (a) the serious physical pain and suffering from the injuries to his body;  
10 (b) the severe emotional and mental distress caused by the beating and rough  
11 handling while handcuffed and shackled and the inability to defend himself,  
12 including feelings of anxiety, humiliation, and the loss of a sense of security,  
13 dignity, and pride; (c) the cost of medical treatment; and (d) the cost of emotional  
14 and psychological therapy.

15 69. Pursuant to California Civil Code §52(a) and §52.1(b), Plaintiff Langley is  
16 entitled to treble the amount of consequential damages that are proven.

17 70. As the direct and proximate result of the wrongful conduct of Defendants  
18 Dormeier and McNamara as set forth above, Plaintiff Langley is entitled to recover  
19 his costs and attorneys fees under Civil Code § 52(b) and § 52.1(h).

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21 **NINTH CAUSE OF ACTION**  
22 **Defendants Placer County and the PCSO**  
**Respondeat Superior Liability Under California**  
**Government Code §815.2(a) And/Or 815.6**

23 71. Plaintiff hereby incorporates by reference paragraphs 1 through 25 and 51-  
24 52, 57-58, 62-63, and 67, inclusive, as though set forth fully herein.

25 72. Defendants Placer County and the PCSO, as the employer of Defendants  
26 Dormeier and McNamara, has full authority to train, supervise, and direct all of the  
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1 actions of Defendants Dormeier and McNamara while working for PCSO.  
2 Defendants Dormeier and McNamara, in their capacity and in the performance of  
3 their duties as a deputy sheriff, engaged in the acts and omissions alleged in  
4 paragraphs 51-52, 57-58, 62-63, and 67.

5 73. Under California Government Code §815.2(a), Placer County the PCSO is  
6 liable for injury that is proximately caused by the act or omission of an employee  
7 within the scope of the employee's duties.

8 74. Under California Government Code §815.6, Placer County the PCSO also has  
9 a duty to protect a jail inmate against the risk of: (a) assault and battery; (b)  
10 intentional infliction of emotional distress; (c) negligence; and (d) the interference  
11 with a constitutional right by means of threat, intimidation, or coercion by its  
12 employees. Placer County and the PCSO failed to exercise reasonable diligence to  
13 discharge this duty and this failure was the proximate cause of Plaintiff Langley's  
14 injuries as alleged in paragraphs 16-51.

15 75. As a direct and proximate result of the wrongful conduct of Defendants  
16 Placer County and the PCSO as set forth above, Plaintiff Langley has sustained  
17 general damages of an estimated \$300,000, according to proof, including, but not  
18 limited to: (a) the serious physical pain and suffering from the injuries to his body;  
19 (b) the severe emotional and mental distress caused by the beating and rough  
20 handling while handcuffed and shackled and the inability to defend himself,  
21 including feelings of anxiety, humiliation, and the loss of a sense of security,  
22 dignity, and pride; (c) the cost of medical treatment; and (d) the cost of emotional  
23 and psychological therapy.

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**VI.  
PRAYER**

**Wherefore**, Plaintiff prays for judgment against Defendants as follows:

1. For general, consequential, and special damages in the sum set forth in each count according to proof;
2. For punitive damages in a sum according to proof in counts \_\_\_\_;
3. For reasonable attorney's fees and costs pursuant to 42 U.S.C. §1988 in counts One \_\_\_\_;
4. For reasonable attorney's fees and costs pursuant to California Civil Code §51 and §52 in count \_\_\_\_;
5. For treble damages (3x consequential) in count \_\_\_\_;
6. For cost of suit herein incurred for all counts; and
7. For such other and further relief as the Court deems just and proper.

\\

Dated: July \_\_, 2017

Respectfully,

By: /s/ Patrick H. Dwyer  
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