

LAW OFFICES OF YOLANDA HUANG
YOLANDA HUANG, SBN 104543
475 14th Street, Suite 500
Oakland, CA 94612
Telephone: (510) 329-2140
Facsimile: (510) 580-9410

DENNIS CUNNINGHAM, SBN 112910
115A Bartlett St.
San Francisco, CA 94110
Telephone: 415-285-8091
Facsimile: 415-285-8092

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALAMEDA COUNTY MEN PRISONERS
And Former Prisoners DWIGHT ADAMS,
CEDRIC HENRY, DARRYL GEYER, And
JOHN DOES Nos. 1-- X, on behalf of themselves
and others similarly situated, as a Class, and
Subclass

PLAINTIFFS,

vs.

ALAMEDA COUNTY SHERIFF'S OFFICE,
GREGORY J. AHERN, BRETT M. KETELES,
TOM MADIGAN, T. POPE, T. RUSSELL, D.
SKOLDQVIST, LT. HATTAWAY, SGT.
CALAGARI, DEPUTY DIVINE (#512),
DEPUTY DEBRA FARMANIAN, DEPUTY
WEATHERBEE (#238), DEPUTY TANIA
POPE, DEPUTY WINSTEAD, DEPUTY
CAINE, ALAMEDA COUNTY and John & Jane
DOES, Nos. 1 - 50.

and,

The CALIFORNIA FORENSIC MEDICAL
GROUP, a corporation; its Employees and Sub-
Contractors, and Rick & Ruth ROEs Nos. 1-50,

and,

ARAMARK CORRECTIONAL SERVICES,
LLC, a Delaware Limited Liability Company; its

No. 3:18-cv-00050-JD

THIRD AMENDED COMPLAINT for
INJUNCTIVE RELIEF AND
DAMAGES
FOR VIOLATION OF CIVIL RIGHTS
and OTHER WRONGS

JURY TRIAL DEMANDED

1 Employees and Sub-Contractors, and Rick and
 2 Ruth ROES Nos. Nos. 1-50,

3 **DEFENDANTS.**

4
 5 Even in jail, women are second class citizens. Plaintiffs JACLYN MOHRBACHER, ERIN
 6 ELLIS, and DOMINIQUE JACKSON, now joined by others named within, on behalf of themselves
 7 and those they speak for and seek to represent herein---along with those others now named and to
 8 be named individually as plaintiffs---for themselves and others, pursuant to the Court's discussion
 9 with Counsel at the status call on February 4, 2021, wherein the Court stated the Court will handle
 10 all "gender specific allegations for female inmates." (ECF 184) The allegations in the complaint
 11 are based on the knowledge of the Plaintiffs as to themselves and as to conditions and acts which
 12 they have personally observed, and on information and belief, including the investigation of
 13 counsel, as to all other matters.

14 **PRELIMINARY STATEMENT**

15
 16 1. This is a civil rights action in which the Plaintiffs, on behalf of themselves and a class
 17 of similarly situated female prisoners incarcerated in Santa Rita Jail, seek relief for Defendants'
 18 violations of Plaintiffs' rights and privileges secured by the First, Fourth, Eighth and Fourteenth
 19 Amendments of the United States Constitution.

20 2. Defendant ALAMEDA COUNTY SHERIFF'S OFFICE ("Sheriff") has implemented
 21 and enforced, and without the Court's intervention will continue to implement and enforce, a
 22 policy, practice, and/or custom of a multitude of policies and practices which discriminate against
 23 plaintiffs and those they seek to represent women, based upon their gender, in violation of the
 24 Fourteenth Amendment of the United States Constitution, and Article 1, Section 7 of the California
 25 Constitution.

26 3. Without the Court's intervention, the Defendants in this action will continue to deny
 27 women prisoners at Santa Rita Jail, the same access as male prisoners to laundry, access and
 28 opportunities to exercise, access and opportunities for classes and programs, the same opportunities

1 as male prisoners for out of cell time, and the necessary protection against sexual harassment in
2 violation of the Eighth Amendment, Fourteenth Amendment and Article 1, §§7 and 17 of the
3 California Constitution.

4 4. Defendants WELLPATH (formerly CALIFORNIA FORENSIC MEDICAL GROUP
5 “WELLPATH/CFMG”) and the ALAMEDA COUNTY SHERIFF’S OFFICE (“Sheriff”) have
6 implemented and enforced, and without the Court’s intervention will continue to implement and
7 enforce, a policy, practice, and/or custom of denying pregnant women prisoners at Santa Rita Jail
8 necessary and appropriate medical care, in violation of the Eighth Amendment, Fourteenth
9 Amendment and Article 1, §§7 and 17 of the California Constitution.

10 5. Defendants ARAMARK CORRECTIONAL SERVICES, LLC and the ALAMEDA
11 COUNTY SHERIFF’S OFFICE have implemented and enforced, and without the Court’s
12 intervention will continue to implement and enforce, a policy, practice, and/or custom of denying
13 pregnant women prisoners at Santa Rita Jail food that is adequate to maintain health in violation of
14 the Fourteenth and Eighth Amendment and Article 1, §§7 and 17 of the California Constitution.

15 6. This action seeks to end the barbaric conditions at SRJ regarding medical care and
16 food. These practices result in almost universal and inevitable miscarriages suffered by women
17 who enter SRJ while pregnant. These practices include coercion by ACSO and
18 WELLPATH/CFMG staff to force inmates to have abortions. These practices include the denial of
19 materials necessary for personal hygiene with regard to inmates’ menstrual cycle and reproductive
20 systems. The practices complained of herein are cruel and inhumane and violate the most minimal
21 standards of decency of a civilized society.

22 7. Plaintiffs bring this action for injunctive relief, and for monetary damages,
23 individually and on behalf of all others similarly situated who have been and will be incarcerated at
24 Santa Rita Jail, and to redress all Defendants’ violations of their rights under the First, Fourth,
25 Eighth and Fourteenth Amendments of the United States Constitution, and Article 1, §§7 and 17 of
26 the California Constitution.

JURISDICTION

8. This action is brought pursuant to the Eighth, and Fourteenth Amendments to the United State Constitution, by way of the Civil Rights Acts, 42 U.S.C. §§1981, 1983 et seq. and 1988.

9. Jurisdiction is conferred upon this Court by 28 U.S.C. §1331 (claims arising under the United States Constitution) and §1343 (claims brought to address deprivations, under color of state authority, of rights privileges, and immunities secured by the United States Constitution), and, by pendent jurisdiction, Secs. 52.1, and 50, of the California Civil Code and the aforementioned statutory and constitutional provisions. Plaintiffs seek declaratory and injunctive relief under 28 U.S.C. 1343, 2201, 2202 and 42 U.S.C. §1983.

Plaintiffs further invoke this Court's supplemental jurisdiction, pursuant to 28 U.S.C. § 1367, over any and all state law claims and causes of action which derive from the same nucleus of operative facts and are part of the same case or controversy that gives rise to the federally based claims and causes of action, including under Article 1, Sections 7 and 17 of the California Constitution.

VENUE AND INTRADISTRICT ASSIGNMENT

10. The claims alleged herein arose in the County of Alameda, State of California. Therefore, venue and assignment, under 28 U.S.C. § 1391(b), lies in the United States District Court for the Northern District of California, San Francisco Division or Oakland Division.

PARTIES

PLAINTIFFS

11. Plaintiffs are all former and current female prisoners incarcerated at the Santa Rita Jail. All Plaintiffs seek to represent a class of female imprisoned at the Santa Rita Jail from 2017 through to the present.

12. Plaintiffs JACLYN MOHRBACHER, JAZZMIN BARBOZA, LEANNA ZAMORA, DOMONIQUE SWAIN, TIKISHA UPSHAW, FRANKIE PORCHER, SYDNEY WHALEN,

1 DAYNA ALEXANDER, GABRIELA DEFRANCO are women who are currently imprisoned at
2 Santa Rita jail.

3 13. Plaintiffs MARCAYSHA ALEXANDER, ANDANNA IBE, ANDRANIA YANCY,
4 SANDRA GRIFFIN, DIAMOND COOPER, MARY MAPA, ROSE PEREZ, ANNETTE
5 KOZLOWSKI , DENISE ROHRBACH, ALEXIS WAH, KELSEY ERWIN, SHANI JONES,
6 DAWN DEDRICK, JAMILA LONGMIRE, NATALIE GARRIDO, JAZMINE TATE, MONICA
7 NUNES, MARTINA GOMEZ, ERIN ELLIS, DOMINIQUE JACKSON, were but at present, are
8 not, incarcerated prisoners in Santa Rita Jail.

9 14. JACLYN MOHRBACHER and CHRISTINA ZEPEDA are formerly pregnant
10 prisoners who suffered a miscarriage due to the mistreatment received at the hands of defendants,
11 while under the custody and control of the Alameda County Sheriff's Office. Plaintiffs
12 MOHRBACHER and ZEPEDA seek to represent a Subclass of pregnant Santa Rita Jail prisoners.

13 15. Plaintiff JAIME JOHNSTON was a pregnant prisoner under the custody and control
14 of the Alameda County Sheriff's office. Plaintiff JAIME JOHNSTON wished to carry her
15 pregnancy to term and to deliver and have a healthy baby, and accordingly wants and demands no
16 less than the minimum necessary nutrition, medical and other support which that requires and to
17 which they are entitled by the U.S. Constitution. Along with Plaintiffs MOHRBACHER and
18 ZEPEDA, Plaintiffs ELLIS, JACKSON, and JOHNSTON also seek to represent a Subclass of
19 pregnant Santa Rita Jail prisoners.

20 16. Eighty-five percent of all prisoners in Santa Rita Jail are pretrial detainees.

21 **DEFENDANTS**

22 **Alameda County Defendants**

23 17. Defendant ALAMEDA COUNTY SHERIFF'S OFFICE ("ACSO") is a "public
24 entity" within the definition of Cal. Govt. Code § 811.2.

25 18. Defendant GREGORY J. AHERN is, and at all times relevant to this Complaint was,
26 the Sheriff of Alameda County. As Sheriff of Alameda County, Defendant Ahern has at times
27 relevant to this Complaint held a command and policy making position with regard to County Jails,
28

1 including Santa Rita Jail. Defendant Sheriff AHERN has caused, created, authorized, condoned,
 2 ratified, approved or knowingly acquiesced in the illegal, unconstitutional, and inhumane
 3 conditions, actions, policies, customs and practices that prevail at Santa Rita Jail, as described fully
 4 below. Sherriff AHERN has, wholly or in part, directly and proximately caused and, in the absence
 5 of the injunctive relief which Plaintiffs seek in this Complaint, will continue in the future to
 6 proximately cause, the injuries and violations of rights set forth fully below. Defendant Sheriff
 7 AHERN is sued in his official capacity only.

8 19. Each and every Defendant named herein was at all times relevant to this Complaint
 9 an officer or employee of the Alameda County Sheriff's Office, acting under the color of law within
 10 the meaning of 42 U.S.C. § 1983, and acting pursuant to the authority of ASCO and within the
 11 scope of their employment with ASCO.

12 **The Private Contractor Defendants**

13 20. Defendant WELL-PATH MANAGEMENT, INC (hereinafter referred to as "WELL-
 14 PATH") is an active, for-profit corporation incorporated in the State of Delaware with its principal
 15 place of business in California, located at San Diego, California. Previously, defendant WELL-
 16 PATH was defendant CALIFORNIA FORENSIC MEDICAL CORPORATION
 17 ("WELLPATH/CFMG"). Defendant WELL-PATH and its predecessor defendant CFMG had
 18 entered into written contracts with defendant SHERIFF to provide and is currently engaged in
 19 providing general medical, dental, prenatal and opioid treatment services at Santa Rita Jail.
 20 Defendants RICK and RUTH ROEs 1-50 are WELL-PATH employees who work at Santa Rita Jail.
 21 At all times relevant to this Complaint, Defendants WELL-PATH and RICK and RUTH ROEs 1-25
 22 were agents of the Alameda County Sheriff's Office, acting under the color of law within the
 23 meaning of 42 U.S.C. § 1983, and acting pursuant to the authority of ASCO and within the scope of
 24 their agency with ASCO.

25 21. Defendant ARAMARK CORRECTIONAL SERVICES LLC ("ARAMARK") is an
 26 active, foreign, for-profit Limited Liability Company registered in the State of Delaware and
 27 licensed to do business in the State of California. Defendant ARAMARK contracts with ASCO to
 28 operate the kitchens at Santa Rita Jail for the purpose of feeding Santa Rita prisoners. Defendants

1 RICK and RUTH ROEs 51-100 are ARAMARK employees who work at Santa Rita Jail. At all
2 times relevant to this Complaint, Defendants ARAMARK and RICK and RUTH ROEs 51-100
3 were agents of the Alameda County Sheriff's Office, acting under the color of law within the
4 meaning of 42 U.S.C. § 1983, and acting pursuant to the authority of ASCO and within the scope of
5 their agency with ASCO.

6 22. Plaintiffs are ignorant of the true names and capacities of defendants sued in this
7 complaint as ROES and DOES 1 through 50, inclusive and therefore sue these defendants by such
8 fictitious names. Plaintiffs will amend this complaint to allege their true names and capacities when
9 ascertained. Plaintiffs are informed and believe and thereon allege that each of the fictitiously
10 named Defendants is responsible in some manner for the occurrences alleged in this complaint.

11 23. At all times mentioned in this complaint, each Defendant was the agent of the others,
12 was acting within the course and scope of this agency, and all acts alleged to have been committed
13 by any one of them was committed on behalf of every other Defendant.

14 **CLASS ALLEGATIONS**

15 24. Pursuant to Rules 23(a), (b)(2) and (b)(3) of the Federal Rules of Civil Procedure, the
16 named Plaintiffs seek to represent a Plaintiff class consisting of all women incarcerated at Santa
17 Rita Jail ("SRJ") from January 8, 2016 to the present, or will be in the future. All women inmates
18 were discriminated against on the basis of their sex by defendant SHERIFF as follows: (a) denial to
19 women, necessary menstrual pads and the ability to maintain personal and feminine hygiene, (b)
20 direct and indirect discrimination based upon their sex regarding the provision of clothing; (c) direct
21 and indirect discrimination based upon their sex regarding the provision of clothing; (d) (c) direct
22 and indirect discrimination based upon their sex regarding the provision of clothing; regarding
23 exercise opportunities, access to exercise opportunities, (c) denial of equal access to classes and
24 other inmate programming.

25 25. The members of the class are so numerous as to render joinder impracticable. In the
26 year from July 2016 through June 2017 alone, over 9,700 women are incarcerated at SRJ.
27
28

1 26. In addition, joinder is impracticable because, upon information and belief, many
2 members of the class are not aware of the fact that their constitutional rights were violated and that
3 they have the right to seek redress in court. Many members of the class are without the means to
4 retain an attorney to represent them in a civil rights lawsuit. There is no appropriate avenue for the
5 protection of the class members' constitutional rights other than a class action.

6 27. The class members share a number of questions of law and fact in common,
7 including, but not limited to:

8 a) whether ACSO had policies and practices directly and indirectly discriminated
9 against women prisoners in Santa Rita Jail based upon their sex which results in women
10 prisoners being denied equal privileges and rights; subjected to harsher and more restrictive
11 conditions of confinement; and subjected to sexual harassment as compared to male
12 prisoners;

13 b) whether ACSO and WELLPATH/CFMG jointly established and implemented
14 policies specifically designed and intended to deny access to necessary and appropriate
15 medical care to pregnant women in order to increase the profits of WELLPATH/CFMG and
16 to reduce WELLPATH/CFMG and ACSO's costs;

17 c) whether ACSO and ARAMARK jointly established and implemented policies
18 specifically designed and intended to deny access to food that is adequate to maintain health
19 of pregnant women and their unborn fetuses, in order to increase the profits of ARAMARK
20 and to reduce ACSO's costs;

21 d) whether at all times relevant to this Complaint Defendant WELLPATH/CFMG acted
22 under color of State law; and,

23 e) whether at all times relevant to this Complaint Defendant ARAMARK acted under
24 color of State law.

25 28. The Plaintiffs' claims are typical of those of the class. Like the other members of the
26 class, the Plaintiffs were victims of the Defendants' policy, practice, and/or custom of direct and
27 indirect discrimination against women prisoners.
28

29. The legal theories under which the Plaintiffs seek relief are the same or similar to those on which all members of the class will rely, and the harms suffered by the Plaintiffs are typical of the harms suffered by the class members.

30. The Plaintiffs have a strong personal interest in the outcome of this action, have no conflicts of interests with members of the class, and will fairly and adequately protect the interests of the class. The Plaintiffs have all been subject to conditions of confinement that violate the First, Fourth, Eighth and Fourteenth Amendments of the U.S. Constitution.

31. The Plaintiffs are represented by experienced civil rights and class action counsel. Plaintiffs' Counsel have the resources, expertise, and experience to prosecute this action. Plaintiffs' Counsel know of no conflicts among members of the class or between the attorneys and members of the class.

32. The Plaintiff class should be certified pursuant to Rules 23(b)(2) and 23(b)(3) of the Federal Rules of Civil Procedure because the Defendants have acted on grounds generally applicable to class members, the interests of the Plaintiffs and potential class members are aligned, and a class action is superior to other available methods for fairly and efficiently adjudicating the case.

STATEMENT OF FACTS

General Conditions For Women Inmates At SRJ

33. SRJ's treatment of and rules and regulations governing women prisoners as compared to men prisoners are more restrictive and far harsher than, SRJ's rules and regulations governing male prisoners. Women prisoners have fewer freedoms, less access to exercise and opportunities for exercise, less access to out of cell time, and less access to classes and programming.

34. Holding cells are in area called Intake, Transfer and Release (“ITR”). Any prisoner coming into or going out of SRJ must go through ITR, including each and every time a prisoner goes to court. Male prisoners are always processed through ITR before women prisoners. Because all prisoners entering or leaving SRJ on a given day arrive at ITR at approximately the same time, women prisoners are thus systematically held in holding cells for a far longer time than are male

1 prisoners. Holding cells are concrete boxes, which are almost always very cold and filthy. They
2 are rarely cleaned and are full of garbage. Because women are processed after the jail is finished
3 processing the men, women are held for significantly longer periods of time in these awful holding
4 cells.

5 35. Women have fewer jobs available to them, and the jobs are not as good, and for fewer
6 hours.

7 36. The male workers are provided greater perks and freedoms, including the fact that in
8 the worker pod for the male workers, the cell doors are open in the morning and left open all day, so
9 that even when a male worker is not on shift, they are not locked in their cell at all. Women
10 workers do not have these perks or freedom.

11 37. Title 15 Section 1240 provides that prisoners should have 15 minutes to eat their
12 meals. When the women in HU 21 requested their full 15 minutes to eat a hot meal together on the
13 tables of the housing unit, the deputies stated that the time for the meals would be deducted from
14 their pod time. After that, as retaliation for the women requesting their rights under California
15 regulations, the deputies then refused to let the women in HU 21 out at all, and required all of the
16 women to eat their meals inside their cells. Male prisoners in HU 21 are not and have not been
17 subjected to this type of restriction. Male prisoners are permitted out of their cells to eat their
18 meals, together, in the common area of the housing unit.

19 38. Women have fewer educational classes available for them, and the classes are less
20 relevant to what women are interested in, want to learn or which would provide real job skills.
21 Takisha Upshaw, during her four years of incarceration in Santa Rita Jail was never able to sign up
22 for a single class.

23 39. California Rules of Regulation, Title 15, Section 1265 states that "Each female
24 inmate shall be provided sanitary napkins, panty liners or tampons as requested." Defendant Sheriff
25 does not comply with this section 1265 Title 15. Instead, plaintiffs and class members are permitted
26 to request, only once a day, and upon request, are provided only 4 menstrual pads per day. The
27 pads are tiny and thin to begin with and have poor quality glue. Most women have to use two or
28 sometimes three pads at a time, in order to prevent bleeding through their clothes. These pads only

1 last two hours at the most. As a result, women routinely suffer from insufficient menstrual pads,
2 such that women bleed through their clothes. Because laundry is only once a week, women are
3 forced to endure dirty bloody clothing for long periods of time. And if the laundry is short, as it
4 often is, a prisoner can be stuck in disgusting, filthy, blood stained clothes for longer than a week.

5 40. Women prisoners in Santa Rita Jail, in preparation for their monthly menstrual cycle,
6 start requesting menstrual pads, daily in advance. However, defendant Sheriff has promulgated and
7 enforce jail rules that bans “stockpiling” of menstrual pads, and if a deputy finds a woman prisoner
8 with more than the allotted 4 menstrual pads, the deputy confiscates the pads, and subjects the
9 woman prisoner to disciplinary action. This policy and practice underscores defendant ACSO’s
10 policies to deny women the ability to maintain

11 41. While State regulations mandate that women prisoners have clean laundry once a
12 week, and clean underwear twice a week, women prisoners are never provided with clean
13 underwear, much less once a week. The laundry process at the jail does not get the blood stains out
14 of the underwear so that underwear for women, distributed by the jail is normally stained and has
15 pubic hairs stuck to it. Many prisoners hand wash the supposedly clean laundry exchange
16 underwear in the shower in a bucket. When they do so, the water coming off the laundry exchange
17 underwear is brown. The condition of underwear distributed by SRJ is a major cause of the
18 transmission of bacteria from vaginal fluids that are not laundered out by SRJ. This has resulted in
19 an epidemic of trichomonas vaginalis, or fungal infections among women prisoners.

20 42. As to other clothing, SRJ staff frequently tells women prisoners that they can have out
21 of women’s underwear. This is especially difficult for women because ACSO’s rules require
22 women to wear bras, and the bras in the laundry are generally in the wrong sizes and in short
23 supply. Women have gotten fungal rashes on their breasts from the bras that have not been
24 properly laundered. Other clothing is also often returned from laundry exchange blood-stained and
25 dirty. Therefore, most women prisoners try to hand wash clothes to guarantee some level of
26 personal hygiene. Pre-Covid, SRJ did not provide soap. A prisoner had to purchase the body wash
27 from the commissary to use for hand washing clothing. After Covid, the jail now provides small
28 bars of Bob Barker soap which is very harsh and caustic to use.

1 43. Except for panties and bras, the clothing provided by defendant Sheriff are neither
2 designated nor manufactured for women. All the other clothing, (all clothing except for panties and
3 bras) have, as the smallest size, men's large. For the majority of women, the tee shirts and jail outer
4 wear is too large, particularly with the length of the pants, which must be repeatedly rolled up or
5 else will cause a tripping hazard. The socks are men's size socks and are always several inches too
6 long. Wearing too long socks with jail plastic slip on shoes that are too large, make it difficult for
7 women to properly walk, much less be able to run and exercise. No woman prisoner is provided
8 shorts or boxers. No woman prisoner is permitted to wear shorts.

9 44. Defendant Sheriff has promulgated rules which prohibit only the women inmates
10 from being out of cell unless they are fully dressed with all underwear, tee shirt and the top and
11 bottom outer wear. This includes for exercise. Because of the size of the outwear, and the fact that
12 the socks and plastic slip on shoes provided by defendant Sheriff, are generally significantly larger
13 than the women prisoner's feet, most women find it difficult if not impossible, to engage in active
14 movement, such as running or jumping, or other forms of vigorous aerobic exercise in the too-large
15 pants and too-large socks, and plastic slip-on shoes without the threat of a tripping hazard. The
16 weight of the clothing and the size of the clothing binds the movement of women prisoner's arms
17 and legs. Furthermore, because only women (and not men) are not provided appropriate exercise
18 clothing such as shorts, and required to wear underwear, tee shirt and all outerwear whenever they
19 are out of cell, women more easily overheat when they try to exercise, and are deterred from
20 exercising because they do not want to sweat into clothing that they have to wear for an entire
21 week. Male prisoners are permitted to exercise shirtless in just a pair of boxer shorts. Defendant
22 Sheriff's rule deter women prisoners from exercising and are objectively discriminatory against
23 women prisoners based upon their gender.

24 45. Women inmates at SRJ receive fewer privileges than men and are subject to more
25 restrictions, with no valid penological interest. Men are allowed to hand wash clothing and hang
26 them from the bars of their bed. Women are not and when they hang laundry off their beds, the
27 guards confiscate these items. Women have less access to yard time and exercise opportunities.
28 Santa Rita Jail has a Big Yard which has grass, is large and spacious, is open to the sky and has a

1 view of the east bay hills. Male prisoners , on a daily basis, have access to the Big Yard. The large
2 size of the yard, the view of the sky and the east bay hills gives relief from the oppression of jail.
3 Women almost never have access to the Big Yard and are almost always given access for outside
4 recreation only to a concrete pen that is jail structure on all sides and the top is covered with netting.
5 There is no grass or open space in the concrete pen. Women report that if they get access to the
6 large yard, once a year, they are lucky.

7 46. The women's small yard is a concrete pen about the size of a basketball court. The
8 men's yard is the size of several football fields, and has exercise equipment and exercise stations.
9 The women's concrete pen has one basketball hoop and one rusted chin up bar. Women prisoners'
10 fewer privileges and have significantly less access to exercise and outdoor exercise when compared
11 to male prisoners, is objectively discriminatory.

12 47. Women prisoners at Santa Rita Jail regularly are deprived of and lack the ability to
13 maintain personal sanitation; do so at the peril of being subjected to discipline and punishment; and
14 are in fact subjected to discipline for the effort to maintain personal sanitation. The jail provides a
15 free kit to those who do not have funds to purchase commissary. The free kit contains a bottle of
16 body wash which is appropriate for use on body parts with mucus membranes. For those who have
17 funds to purchase commissary, the jail will refuse to provide a free kit, and so the women have to
18 purchase their own soaps and shampoos which is appropriate for use on body parts with mucus
19 membranes. When a woman prisoner is disciplined, a common punishment is to deny the woman
20 the ability to purchase commissary for some period of time. Women are subjected to greater
21 restrictions and discipline is more frequently handed out over minor infractions. However, if the
22 woman is not indigent, the jail refuses to provide the free kit and because a woman prisoner on
23 discipline cannot purchase soap through the commissary, she will often be deprived of soap for the
24 time period she is on discipline. The Bob Barker soap provided by the jail has the active ingredient
25 of benzethonium chloride which is harsh on the skin and especially caustic on mucus membranes.
26 Because of its harsh and caustic qualities, women are unable to use the Bob Barker soap for
27 feminine hygiene. Therefore, when subject to discipline and the ban from purchasing commissary,
28 a female prisoner who does not qualify for the free kit, is unable to purchase appropriate and

1 necessary soap and is unable to properly wash and maintain personal sanitation and feminine
2 hygiene. This is particularly onerous during the time of menstruation. These jail rules are
3 indirectly discriminatory against women, creating barriers and difficulties for women in
4 maintaining necessary personal cleanliness and feminine hygiene.

5 48. Defendant Sheriff has also promulgated rules banning prisoners from having plastic
6 bags. However, in HU 21, the showers are not in the cells, but are outside in the POD area. Many
7 women need to have a plastic bag in order to hold their comb, soap, shampoo and other items
8 necessary for a woman's personal hygiene, and carry these items to the shower. However, having
9 such a plastic bag, again subjects the woman prisoners to discipline from the deputy, if the deputy
10 sees the plastic bag. The rule against plastic bags indirectly discriminates against women, creating
11 barriers and difficulties for women in maintaining personal cleanliness and hygiene, which the male
12 prisoners do not suffer.

13 49. Prisoners are prohibited from having hair ties or other means of tying their hair up.
14 This rule indirectly discriminates against women because women generally have longer hair than
15 men, and as a result have no means to tie up or back their hair or otherwise keep their hair tidy. The
16 hair grooming equipment which the jail provides are electric clippers, a curling iron and a hair
17 dryer. Electric clippers are useful for maintaining male hairstyles and most men's hair, particularly
18 for men who buzz their hair. Electric clippers are not usable for cutting women's generally longer
19 hair when compared to men. longer. The jail does not provide or permit hair brushes. The only
20 hair care implements available are a comb with fine teeth that break on or gets easily snarled on
21 longer hair, an afro pick, or a palm brush. None of those items work as a hair brush for women and
22 long hair. Therefore, most women, during their incarceration in Santa Rita Jail, are unable to comb
23 their hair, are unable to properly groom their hair and are unable to get haircuts. The men, in
24 housing unit 21 have a mirror in the common area of the housing pod, which they can use to
25 perform self-grooming. The women are not provided a mirror and cannot do self-grooming. The
26 rule against hair ties, the lack of hair brushes and the male oriented hair clippers indirectly
27 discriminates against women, creating barriers and difficulties for women in maintaining personal
28 appearances, which is especially detrimental when women have to appear in court, and are required

1 to appear in court with their face and hair in disheveled and unkempt physical state, whereas men
2 are able to appear in court with tidy and neat hair.

3 50. Furthermore, ACSO has installed surveillance cameras in the women's bathrooms
4 and showers, with a direct view of women when they are on the toilet or in the shower. The
5 overwhelming number of deputies and technicians at Santa Rita Jail are male. The presence of
6 these surveillance cameras subject these women to invasion of their personal privacy, is a form of
7 sexual harassment, and a deterrent for women to conduct personal hygiene and feminine sanitation.

8 51. All women prisoners are subjected to the conditions described herein in paragraphs
9 33 through 50.

10 **Sheriff Ahearn's Private Contracts for Food & Medical Services**

11 52. Over the past five years, Sheriff Ahearn has overseen an unprecedented increase in
12 the salaries of Sheriff's office personnel at Santa Rita Jail. Salaries and benefits at SRJ have
13 increased by \$12.44 million dollars since 2013. As a result, being a jail guard at SRJ is one of – if
14 not the most – remunerative jobs in the entire country that a high school graduate with no college
15 education can get. A starting jail guards make approximately \$100,000 per year in salary and
16 benefits. This is not counting overtime payments available.

17 53. That \$12.4 million dollar salary increase, and the \$1.7 million increase in overtime
18 between 2013 and 2018 amounted to almost 50% of the Sheriff's office SRJ budget increases over
19 that period.

20 54. Over the same period, while remuneration for Sheriff's office deputies and personnel
21 at SRJ increased by nearly 18%, the SRJ jail population for whom the Sheriff was responsible,
22 *declined*.

23 55. According to ACSO, the average daily population at SRJ was 3,431 inmates in June
24 2013 and had fallen to 2,825 by June 2015. Upon information and belief, the current average daily
25 population is approximately 2,200. Thus, the population at SRJ has declined by about 30% at the
26 same time that remuneration for Sheriff's office deputies and personnel at SRJ increased by over
27 18%.

1 56. Moreover, during this period, ACSO entered into contracts with private, for-profit
2 companies to provide basic and crucial services to SRJ inmates.

3 ACSO's Contract with WELLPATH/CFMG

4 57. In this regard, ACSO contracts with Defendant WELLPATH/CFMG to provide all
5 health care services of any type needed by any inmate at SRJ. WELLPATH/CFMG's contract
6 specifies a set price based on average daily inmate population ("ADP").

7 58. Crucially, the WELLPATH/CFMG contract specifies that WELLPATH/CFMG itself
8 is solely responsible for all costs incurred in connection with any health care services provided to
9 inmates outside the jail and that WELLPATH/CFMG is not entitled to and will not receive any
10 reimbursement from ACSO for the cost of services provided to inmates by hospitals or by any non-
11 WELLPATH/CFMG personnel. The cost for all such services is borne solely by
12 WELLPATH/CFMG.

13 59. ACSO's contract with WELLPATH/CFMG explicitly states that
14 WELLPATH/CFMG will pay for any and all "inpatient hospitalization costs, emergency room
15 visits, ambulance transportation expenses, outpatient surgeries, outpatient physician consultations,
16 outside specialist fees, off-site diagnostic procedures." If an inmate receives such medical services,
17 WELLPATH/CFMG must pay the total cost of the medical care provided, "regardless of the level
18 of cost incurred."

19 60. The contract specifies that WELLPATH/CFMG alone will determine "the necessity
20 and appropriateness of inpatient hospital care and other outside medical services."

21 61. Incredibly, the contract also specifies that in the event a third-party payor such as an
22 insurer pays for part or all of any medical service provided to an inmate outside the walls of SRJ,
23 WELLPATH/CFMG must turn over half of that third-party payment to the Sheriff's office. In
24 other words, even if WELLPATH/CFMG is reimbursed for its costs for outside medical care
25 provided to inmates, the Sheriff's office takes half of the reimbursement even though it paid
26 nothing for the outside medical care.

27 62. By requiring WELLPATH/CFMG to pay for any and all medical care provided
28 outside of SRJ to any SRJ inmate, and by limiting WELLPATH/CFMG's ability to recover any

1 amount WELLPATH/CFMG pays for such care, ACSO's contract with WELLPATH/CFMG
2 creates a financial incentive and imperative for WELLPATH/CFMG to refuse and withhold needed
3 and appropriate outside medical services to all inmates, including pregnant inmates, when the
4 needed and appropriate medical services consist of "inpatient hospitalization costs . . . outpatient
5 physician consultations, outside specialist[s, or] off-site diagnostic procedures," among other
6 services.

7 63. By specifying that WELLPATH/CFMG alone will determine "the necessity and
8 appropriateness of inpatient hospital care and other outside medical services," ACSO's contract
9 with WELLPATH/CFMG enables WELLPATH/CFMG to refuse and withhold needed and
10 appropriate outside medical services to SRJ inmates, including pregnant inmates, when the needed
11 and appropriate medical services consist of "inpatient hospitalization costs . . . outpatient physician
12 consultations, outside specialist[s, or] off-site diagnostic procedures," among other services.

13 64. "[O]utpatient physician consultations, outside specialist[s and] off-site diagnostic
14 procedures" within the meaning of the WELLPATH/CFMG contract include any outside or off-site
15 OBGYN services, including prenatal care, provided to pregnant SRJ inmates.

16 65. "[I]npatient hospitalization costs" within the meaning of the WELLPATH/CFMG
17 contract includes hospitalization of an SRJ inmate to deliver a baby or for other prenatal care.

18 66. The medical provider in the San Francisco County jail is not a for-profit correctional
19 healthcare company such as WELLPATH/CFMG. It is the County Department of Public Health,
20 which has no financial incentive to deny care.

21 67. The medical provider in the Contra Costa County jail is not a for-profit correctional
22 healthcare company such as WELLPATH/CFMG. It is the County Department of Public Health,
23 which has no financial incentive to deny care.

24 68. The price provisions of the WELLPATH/CFMG contract which create a financial
25 incentive to deny care have had a devastating impact on the provision of medical services to
26 inmates at SRJ, including pregnant inmates. That impact is detailed below at Paragraphs 89 to 118.

27 ACSO's Contract with ARAMARK
28

69. ACSO contracts with ARAMARK to prepare food for inmates at SRJ and to prepare food which is used to feed inmates at other Alameda County jails including Glen Dyer Jail, as well as adult facilities in Colusa, Solano, San Benito, San Joaquin, Amador and Lake counties, and a juvenile facility in San Joaquin County. ARAMARK prepares 20,000 meals a day, with the labor of 150 inmate workers who are not paid but receive food treats.

70. Through its contract with ARAMARK, ACSO instituted a 25% cut in the inmate food budget at SRJ.

71. ARAMARK implemented the reduction in the inmate food budget at SRJ in the amount of \$1.65 million.

72. The cost reductions which ACSO instituted in the ARAMARK contract and implemented by ARAMARK have had a devastating impact on the quantity and quality of food provided to inmates at SRJ. That impact is detailed below at Paragraphs 71 to 88.

Food Shortages and Dangerous Food Conditions at SRJ

73. The kitchen at SRJ is staffed by inmate workers under the supervision of Defendant ARAMARK. By 2016, inmates were no longer even consistently tested for communicable diseases before being permitted to work in the kitchen.

74. Santa Rita's kitchen prepares food not just for prisoners in the jail, but also for other jails under the jurisdiction of ACSO.

75. According to women inmate kitchen worker at SRJ, the kitchen at SRJ is filthy.¹ Birds live in the kitchen and bird droppings fall all over counter surfaces, including food preparation surfaces. Rats run across the kitchen floor and there are frequently rat droppings in the food. When this is brought to the attention of a paid ARAMARK supervisor, paid supervisors brush the rat droppings off the food and instruct inmate kitchen workers to continue working.

76. Food in the kitchen is kept such that rats access it. Bread is kept in plastic bags in open plastic crates. Rats climb over the bread and chew open packages. When bread bags are chewed by rats, a few pieces are thrown away but the rest of the bread is served to prisoners.

1 77. Sandwich meat, primarily bologna, often is spoiled, with raised white spots of
2 unknown origin and type on it. That spoiled meat is given to prisoners to eat.

3 78. Cooked beans are not properly stored, and not labeled, so that old, leftover beans are
4 frequently reheated and served, or combined with newer cooked beans. As a result, the beans
5 decompose, and frequently become slimy and start to bubble as part of its bacterial decomposition.
6 These decomposing spoilt beans are regularly served to prisoners.

7 79. Commercial kitchens normally have a daily clean-up crew which comes in and cleans
8 all ovens, stoves, vent hoods, floors, and other surfaces and equipment in the kitchen. Commercial
9 clean-up crews normally come in the early morning, before a commercial kitchen opens. Inmate
10 kitchen workers have never seen a clean-up crew at the SRJ kitchen. It is clear, simply by looking
11 at the SRJ kitchen, that it is never cleaned.

12 80. The walk-in refrigerators in the SRJ kitchen are disorganized and filthy. There is no
13 cleaning schedule for the refrigerators, which are seldom if ever cleaned. Water collects on the
14 floor, indicating condensation due to frequent temperature variations above acceptable food safety
15 levels.

16 81. Ingredients are not marked or dated when they are received into the kitchen so there
17 is no way to track use-by dates of the inventory. As a result, kitchen workers are unable to tell
18 which ingredients should be used first or to follow standard first-in, first-out inventory control to
19 prevent spoilage. As an inevitable result, ingredients frequently spoil. Sandwich meats are
20 frequently become green or purple. Beans become slimy and bubble. Meals prepared from these
21 spoiled ingredients are given to inmates to eat.

22 82. Meals are the same day in and day out. Even pregnant women do not receive
23 sufficient amounts or types of food. Day after day, week after week, month after month, prisoners
24 are given:

25 Breakfast: oatmeal or Cream of Wheat with bread and canned fruit;

26 Lunch: Primarily Peanut butter sandwich or 1-2x a week, hard boiled eggs; once every two weeks
27 or so some bologna, milk and 4 to 5 carrot nubs; a piece of fruit once or twice a week at most;

28 Snack: (for pregnant women only) Peanut butter sandwich, milk;

1 Dinner: Protein patty, potatoes, cooked carrots.

2 83. In November, 2020, when the women kitchen workers, as whistle blowers, publicly
3 described the conditions in the kitchen, the vermin, the rodents, the birds, the inadequate sanitation,
4 Margarita, an Aramark employee, stated that she did not like the women workers because the
5 women workers “complained” about the lack of sanitation in the kitchen. As a result, all of the
6 women kitchen workers lost their jobs preparing food, and lost the ability to work the second shift
7 from 3:30 p.m.to 11p.m. Instead, all of the women were relegated to a short shift from 8 to 11, and
8 made to do all the dirty work, all the kitchen cleaning, which the men did not do. With the
9 shortened hours and the workload of all the cleaning, the women are highly pressured to go through
10 the motions of cleaning, as with the cleaning work load, and the small women kitchen worker crew,
11 it is not possible to actually get all the cleaning done, much less done right.

12 84. In addition, as a result, the women kitchen received fewer perks, including food. The
13 main motivation for the women kitchen workers was to be able to eat a slightly higher quality of
14 food because the jail food was so deficient, unsanitary and insufficient. Furthermore, because
15 women prisoners were locked down excessively, working was one of the few means that women
16 had to get out of their cells and be active. The men kitchen workers received none of these
17 limitations, and instead received the additional perks of being allowed out of cell, all day, every
18 day.

19 85. Until 2019, on a daily basis, breakfast was served between 3:30 and 4:00 a.m.
20 Pregnant inmates, who need rest, are woken at 2:00 a.m. to have vital signs checked, are then forced
21 to get up at 4:00 a.m. if they want to have breakfast. Many cannot, because they need to rest. If a
22 pregnant woman skips breakfast, she must wait until 12:00 noon for lunch. From dinner to lunch is
23 19 hours, so a pregnant woman who cannot rise at 4:00 a.m. after having been woken at 2:00 a.m.
24 for a blood pressure check must go 19 hours without food.

25 86. Pregnant women are not provided with adequate amounts or types of food as defined
26 by community standards memorialized in California Regulations governing the feeding of
27 California inmates. Pregnant women fail to gain weight as is necessary for a healthy pregnancy.
28

1 87. Podworkers report that there are regularly vermin and vermin feces in the food and
2 food trays. Plaintiff JOHNSTON reported that while serving meals, she saw both rodent feces in
3 one person's food tray and another tray with limbs and a rodent fetus cooked into the beans and
4 served. Plaintiff JOHNSTON brought this to the attention of Deputies Farmanian and Pope, who
5 were on duty. One of Deputies Farmanian or Pope took a picture of the tray, treating it like it was a
6 joke. The tray was then served to an inmate with instructions to "eat around it." Another time,
7 when a prisoner showed one of the deputies evidence that a rodent had eaten part of her lunch, one
8 of the deputies, Farmanian or Divine said, "Mice gotta eat too". As a result of the chronic
9 unsanitary food preparation conditions, the infestation of rodents, wild animals and vermin in the
10 kitchen, pregnant women receive inedible food, or are shorted food, and frequently are hungry.

11 88. Food shortages led to frequent fights among the inmates for the little food that is
12 available. For example, on March 20, 2018, a pregnant pre-trial detainee was given one extra
13 serving of milk. Another inmate demanded that she turn over her extra milk. A physical fight then
14 ensued over that extra milk between the second inmate and a third inmate. A second fight over
15 milk also occurred during the same week.

16 89. Plaintiff JOHNSTON was pregnant when she was arrested in early March, 2018 and
17 booked into SRJ. WELLPATH/CFMG staff at SRJ confirmed her pregnancy upon her entry into
18 SRJ. Plaintiff JOHNSTON was not provided the extra food that is required for pregnant women.
19 Plaintiff JOHNSTON complained to the guards on Housing Unit 24 several times that she has not
20 been given the required extra food and requested that she be given the food. Despite her requests,
21 SRJ staff did not provide Plaintiff JOHNSTON with the extra food required to be given to pregnant
22 inmates. Plaintiff JOHNSTON frequently fell asleep hungry.

23 90. On March 10, 2018, despite the presence of extra trays at dinner, Defendant Deputy
24 CAIN did not allow Plaintiff JOHNSTON to have any extra food. On March 11, 2018, while lined
25 up for breakfast, Plaintiff JOHNSTON fainted from hunger.

26 91. On March 21, 2018, Plaintiff JOHNSTON asked for an extra tray of food because she
27 was still hungry and there were extra trays visible. The deputy on duty denied her request and
28

1 withheld the food as punishment citing as a reason that “you guys are being too loud.” Plaintiff
2 JOHNSTON is a pre-trial detainee.

3 92. On March 27, 2018, Plaintiff JACKSON, an inmate approximately 27 weeks
4 pregnant at the time, was given food on a cardboard tray that was soggy and foul smelling because
5 it was splattered underneath with food debris. Plaintiff JACKSON asked the Deputy on duty,
6 “would you eat this if the tray is soggy and smells bad?” The Deputy said she would get Plaintiff
7 JACKSON another tray, but did not. On April 11, 2018 Plaintiff JACKSON was given spoiled
8 milk to drink.

9 93. Plaintiff JACKSON was pregnant with twins during her incarceration and due to the
10 insufficient jail food, had difficulty with the required weight gain for healthy fetuses.

11 **Medical Care Is Grossly Inadequate At Santa Rita Jail**

12 94. As a result of the cost provisions of ACSO’s contract with WELLPATH/CFMG,
13 medical care provided to SRJ inmates at SRJ is grossly inadequate. In addition, SRJ inmates are
14 regularly denied necessary and appropriate outside medical care by WELLPATH/CFMG because
15 the provision of such care comes directly out of SFMG’s bottom line profits. The following
16 example of grossly inadequate and entirely withheld medical care are given by way of illustration
17 only and not by way of limitation.

18 **General Medical Care**

19 95. Savanah O’Neill is a Certified Addiction Treatment Counselor and Associate Clinical
20 Social Worker who served as the Opioid Treatment Program Coordinator at SRJ from February,
21 2017 through December 6, 2017 as an employee of WELLPATH/CFMG. She resigned her position
22 with WELLPATH/CFMG due to the “unethical medical treatment of pregnant inmates that falls
23 below the accepted standard of care” at SRJ.

24 96. Standard treatment protocols mandate that pregnant women prisoners with opioid
25 dependence of any type are to be initiated into methadone treatment or maintained in their current
26 treatment during their incarceration.

27 97. Despite this, beginning in or about October, 2017, WELLPATH/CFMG implemented
28 its own, non-standard, practice. Under its non-standard practice, WELLPATH/CFMG puts all

1 opioid dependent inmates into detox, regardless of the prisoner's physical condition or opioid use
2 history. Although WELLPATH/CFMG maintains written protocols which call for it to initiate
3 treatment for pregnant women using opioids, Ms. O'Neill witnessed at least two pregnant women
4 who were placed into a fast and severe detox regimen. One of these pregnant inmates was given
5 one 5 mg dose of methadone and told she would receive no further medication; the other was given
6 10 mg. Federal regulations, specifically 42 CFR Part 8 call for an initial dose of 40 mg on the first
7 day of treatment, after which the dosage is increased every other day until cravings cease.

8 98. The American College of Obstetricians and Gynecologists have issued an opinion
9 that pregnant women should be maintained on methadone during their pregnancy and not placed in
10 withdrawal. WELLPATH/CFMG and SRJ's treatment of pregnant prisoners with opioid
11 dependence is contrary to the standards issued by the American College of Obstetricians and
12 Gynecologists.

13 99. WELLPATH/CFMG and SRJ's practice is also contrary to the practice at the San
14 Francisco County Jail and the Contra Costa County Jail, both of which comply with the accepted
15 standard practice that all pregnant prisoners with opioid dependence be maintained on methadone
16 during the term of their incarceration. WELLPATH/CFMG and SRJ do not comply.

17 Pregnancy-Related Medical Care

18 100. Plaintiff JOHNSTON entered SRJ while pregnant. Prior to her incarceration at SRJ,
19 Plaintiff JOHNSTON was provided with a pregnancy treatment plan by the Native American
20 Health Clinic. The plan called for a standard test, called a nuchal translucency scan or NT scan, at
21 10-12 weeks pregnancy to gauge various developmental indicators, including development of the
22 spinal cord, as well as other developmental milestones. Plaintiff JOHNSTON has several times
23 requested this test at SRJ. WELLPATH/CFMG staff initially told her only that "we will talk about
24 it more." On March 17, 2018 WELLPATH/CFMG staff at SRJ denied her requests for the standard
25 NT developmental scan.

26 101. Plaintiff JOHNSTON has been diagnosed with gestational diabetes. She was
27 scheduled to be taken to Highland Hospital on Friday, March 16, 2018 for testing. The test was
28 administered instead by WELLPATH/CFMG at SRJ. WELLPATH/CFMG staff administered the

1 test incorrectly. Blood sugar readings are supposed to be taken twice, once before being given a
2 drink and again afterwards. The test was administered only after the drink was given.

3 102. Plaintiff IBE gave birth while she was a pre-trial detainee at SRJ. At about the 37th
4 week of pregnancy, she was moved to O.P.H.U. (Out-Patient Housing Unit), where she was
5 frequently not given the diet mandated for pregnant women. Despite her requests, SRJ did not
6 provide her with proper meals on these occasions.

7 103. While Plaintiff IBE was being transported to Highland Hospital, a male deputy
8 attempted to restrain her in the ambulance with a waist chain while she was in active labor.
9 Plaintiff IBE gave birth on November 9, 2017. After the birth, Deputy Thomas said they needed to
10 chain her to the bed, despite the facts that she had a high fever and complications, including a rip in
11 her vagina that needed to be stitched up. Plaintiff IBE was not permitted to hold or even touch her
12 baby.

13 104. On November 10, 2017, two deputies grabbed Plaintiff IBE's legs and chained her to
14 the bed with leg irons. Although the tear in her vagina had just been stitched, they chained her to
15 the bed in a spread-eagle position, leaving her uncomfortable and in pain with two male guards in
16 her room.

17 105. Also, on November 10, 2017, a Highland Hospital pediatrician told Plaintiff IBE that
18 the "County Sherriff made a rule" that "you cannot bond, hold, touch or see your baby." Plaintiff
19 IBE was not allowed any contact with her baby.

20 106. Plaintiff ELLIS was approximately 20 weeks pregnant at SRJ when she began
21 bleeding and spotting. WELLPATH/CFMG placed her into the Infirmary, which consists of
22 several small rooms, essentially cages, where she was totally alone. She received no care other than
23 periodic blood pressure readings.

24 107. Until Plaintiff ELLIS was past four months pregnant, WELLPATH/CFMG staff
25 continually gave her pamphlets about abortion and told her that "abortion is available," despite her
26 repeated statements that she wanted to carry the child to term. Similarly, Plaintiff ELLIS heard
27 WELLPATH/CFMG staff repeatedly say that Plaintiff MOHRBACHER "needs to have an
28

1 abortion.” SRJ guards have physically shaken and assaulted Plaintiff ELLIS, presumably in an
2 attempt to induce a miscarriage.

3 108. Plaintiff MOHRBACHER was pregnant when she entered SRJ. Plaintiff
4 MOHRBACHER has never been told of any of any “care plan” developed by WELLPATH/CFMG
5 for her pregnancy. Like all pregnant inmates at SRJ, Plaintiff MOHRBACHER was not allowed
6 the three hours of outdoor recreation per week mandated for pregnant inmates. Other than for a
7 single week when all female inmates were allowed regular outdoor time, Plaintiff MOHRBACHER
8 was permitted only two pregnancy weeks walks while incarcerated at SRJ.

9 109. Plaintiff MOHRBACHER was seen by WELLPATH/CFMG staff in connection with
10 her pregnancy. The WELLPATH/CFMG staff had from the beginning of her pregnancy urged her
11 to have abortion. Plaintiff MOHRBACHER informed CGMG that she did not want an abortion and
12 that she wanted to have the baby, the WELLPATH/CFMG staff. Following this,
13 WELLPATH/CFMG staff told Plaintiff MOHRBACHER that her baby was dead and that she
14 should have an abortion. Plaintiff MOHRBACHER knew that the baby was not dead and refused
15 consent to an abortion. WELLPATH/CFMG nonetheless scheduled Plaintiff MOHRBACHER for
16 an abortion. When Plaintiff MOHRBACHER refused to go, WELLPATH/CFMG had two male
17 Deputies go to her Housing Unit and try to forcibly take her to have an abortion. She resisted and
18 refused, and when she again refused to agree to an abortion, the Deputies yelled at her and claimed
19 she was on drugs. Defendants Farmanian and Pope have told Plaintiff MOHRBACHER that she
20 “needed to get” an abortion. Defendant Pope told her that she must “obviously be on drugs, which
21 is why you refuse” to abort the baby.

22 110. Finally, one day in December, 2017, Deputies entered the Housing Unit at 6:00 a.m.
23 and demanded that all inmates stand so that the Deputies could conduct a search. Plaintiff
24 MOHRBACHER was placed into solitary confinement, handcuffed, for an extremely long period of
25 time. After a significant amount of time, defendant DIVINE returned, moved Plaintiff
26 MOHRBACHER to another room and conducted yet another strip search. Plaintiff
27 MOHRBACHER was bleeding vaginally due to the stress and harassment. Although Plaintiff
28 MOHRBACHER was not once found to be in possession of drugs at SRJ, Deputy DIVINE stated

1 that she was bleeding because she was “doing meth.” During or shortly following this search,
2 which was the third in less than a week, Plaintiff MOHRBACHER’s continued bleeding and
3 suffered a miscarriage. WELLPATH/CFMG never provided medical attention to Plaintiff
4 MOHRBACHER in connection with her miscarriage.

5 111. Plaintiff ZEPEDA was arrested and booked into SRJ on Sunday, August 13, 2017, at
6 which time she was pregnant. On that day, WELLPATH/CFMG staff at SRJ administered a
7 pregnancy test and confirmed the pregnancy. Plaintiff ZEPEDA informed WELLPATH/CFMG
8 staff that she was not feeling well. Nonetheless, she was placed in a filthy holding cell with walls
9 covered in human secretions, decaying food on the floor, and human waste in the cell and in the
10 toilet. Because the toilet had human waste floating in it and no toilet paper, she could not use it and
11 ended up urinating on her clothes.

12 112. On the same day, although she continued to not feel well, Plaintiff ZEPEDA received
13 no medical care. Eventually, WELLPATH/CFMG personnel spoke with her, but instead of trying
14 to provide medical care, the WELLPATH/CFMG staff only told Plaintiff ZEPEDA that she could
15 have an abortion anytime. The guards also encouraged her to have an abortion. When Plaintiff
16 ZEPEDA requested medical attention, such care was refused and she was instead treated as a pest.
17 Plaintiff ZEPEDA felt that the guards were trying to coerce her into aborting her fetus or, failing
18 that, into suffering a miscarriage.

19 113. By Thursday, August 17, 2017, four days after entering SRJ, Plaintiff ZEPEDA was
20 bleeding very badly and did suffer a miscarriage. Grieving and distraught, she received no
21 counseling or support of any kind.

22 114. Other inmates, including Paramdeep Kaur, have also suffered miscarriages due to the
23 filthy conditions, abuse by staff, and inadequate and dangerous food at SRJ, and due to the policy,
24 custom and practice of ACSO and WELLPATH/CFMG to deny needed and appropriate medical
25 care to pregnant women at SRJ.

26 115. Adanna Ibe was pregnant and delivered her son at Highland Hospital. During the
27 delivery, she experienced a vagina tear which required stitches. After the birth, but before she
28 received stitches, male sheriff’s deputies, insisted that she had to be chained by the leg, to her

1 hospital bed, even before she received any medical treatment. This caused her severe pain and
2 discomfort.

3 116. After she received stitches, the deputies insisted that she had to be chained, spread
4 eagle to the hospital bed, and forcibly chained Andanna. She was allowed to see her baby, but not
5 allowed to hold him. She was told that the Sheriff and the County had policies forbidding her from
6 holding or even touching her baby. This caused her great emotional distress and she became
7 exceedingly distressed and distraught.

8 Applicable Community Standards

9 117. SRJ's treatment of women prisoners falls far short of acceptable conditions under the
10 United States Constitution. The Eighth Amendment to the U.S. Constitution requires that
11 correctional facilities "must ensure that inmates receive adequate food, clothing, shelter, and
12 medical care." *Foster v. Runnels*, 554 F.3d 807, 812 (9th Cir. 2009) quoting *Farmer v. Brennan*,
13 511 U.S. 825, 832 (1994)

14 118. California Regulations provide a ready benchmark for what constitutes "adequate
15 food, clothing, . . . and medical care."

16 119. California Code of Regulations (hereinafter "CCR") § 1210(b) specifies that "[f]or
17 each inmate treated for health conditions for which additional treatment, special accommodations
18 and/or a schedule of follow-up care is/are needed during the period of incarceration, responsible
19 health care staff shall develop a written treatment plan."

20 120. CCR § 1248 specifies that, "The medical diets utilized by a facility shall be planned,
21 prepared and served with consultation from a registered dietitian. The facility manager shall comply
22 with any medical diet prescribed for an inmate.

23 121. CCR § 1248 further specifies that, "[t]he facility manager and responsible physician
24 shall ensure that the medical diet manual, which includes sample menus of medical diets, shall be
25 available in both the medical unit and the food service office for reference and information. A
26 registered dietitian shall review, and the responsible physician shall approve, the diet manual on an
27 annual basis.

1 122. CCR § 1248 further specifies that, “[p]regnant women shall be provided a balanced,
2 nutritious diet approved by a doctor.”

3 123. CCR § 1240 specifies that, “[p]rovisions shall be made for inmates who may miss a
4 regularly scheduled facility meal. They shall be provided with a substitute meal and beverage, and
5 inmates on medical diets shall be provided with their prescribed meal.”

6 124. CCR § 1242 specifies that “Menus shall be planned to provide a variety of foods, thus
7 preventing repetitive meals.”

8 125. CCR § 1241 specifies that “A wide variety of food should be served.”

9 126. CCR § 1241(b) specifies that “For . . . pregnant and lactating women, the requirement
10 is four servings of milk or milk products” of 8 ounces of liquid milk per day.

11 127. CCR § 1241(c) specifies that “The daily requirement of fruits and vegetables shall be
12 five servings. At least one serving shall be from each of the following three categories:

13 128. CCR § 1241(c)(1) specifies that “One serving of a fresh fruit or vegetable per day, or
14 seven (7) servings per week.”

15 129. CCR § 1241(c)(2) specifies that “One serving of a Vitamin C source containing 30
16 mg. or more per day or seven (7) servings per week.”

17 130. CCR § 1241(c)(3) specifies that “One serving of a Vitamin A source, fruit or
18 vegetable, containing 200 micrograms Retinol Equivalents (RE) or more per day, or seven
19 servings per week.”

20 131. CCR § 1241 further specifies that “Providing only the minimum servings outlined in
21 this regulation is not sufficient to meet the inmates’ caloric requirements. Additional servings from
22 the dairy, vegetable-fruit, and bread-cereal groups must be provided in amounts to meet caloric
23 requirements.”

24 132. Further, CCR § 3050(a)(3) specifies that: “Pregnant inmates shall receive two extra
25 eight ounce cartons of milk or a calcium supplement if lactose intolerant, two extra servings of
26 fresh fruit, and two extra servings of fresh vegetables daily.”
27
28

1 133. CCR § 1230 specifies that, “[t]he responsible physician, in cooperation with the food
2 services manager and the facility administrator, shall develop written procedures for medical
3 screening of inmate food service workers prior to working in the facility kitchen”

4 134. In addition, CCR § 1243 specifies that, “Facilities shall have a written food service
5 plan that shall comply with the applicable California Retail Food Code.”

6 135. Among other things, the California Retail Food Code § 113980 requires that “All
7 food shall be manufactured, produced, prepared . . . stored . . . and served so as to be pure and free
8 from . . . spoilage; . . . shall be protected from dirt, vermin, . . . droplet contamination, overhead
9 leakage, or other environmental sources of contamination; shall otherwise be fully fit for human
10 consumption.”

11 136. As alleged above in Paragraphs 89-118, ACSO and ARAMARK comply with none of
12 the standards cited above which clearly define what constitutes the provision of adequate foods to
13 inmates.

14 137. CCR § 1260 specifies that, “The standard issue of climatically suitable clothing to
15 inmates held after arraignment . . . shall include (c) clean undergarments . . . (2) for females - bra
16 and two pairs of panties.” Further, CCR § 1262 specifies that, “Undergarments and socks shall be
17 exchanged twice each week.”

18 138. CCR § 1248 also provides that “The inmates’ personal undergarments and footwear
19 may be substituted for the institutional undergarments and footwear specified in this regulation.
20 This option notwithstanding, the facility has the primary responsibility to provide the personal
21 undergarments and footwear.”

22 139. CCR § 1263 specifies that “Written policy and procedures shall specify handling of
23 laundry that is known or suspected to be contaminated with infectious material.”

24 140. As alleged above in Paragraphs 71-88, ACSO complies with none of the standards
25 cited above which clearly define what constitutes the provision of adequate foods to inmates.

26 141. CCR § 1265 specifies that “Each female inmate shall be issued sanitary napkins
27 and/or tampons as requested.” Further, California Penal Code § 3409(a) specifies that “Any
28 incarcerated person in state prison who menstruates shall, upon request, have access to, and be

1 allowed to use, materials necessary for personal hygiene with regard to their menstrual cycle and
2 reproductive system...at no cost....”

3 142. As alleged above in Paragraphs 33-51, ACSO complies with none of the standards
4 cited above which clearly define what constitutes the provision of materials necessary for personal
5 hygiene with regard to inmates’ menstrual cycle and reproductive systems, upon request. Instead at
6 Santa Rita Jail, women prisoners are only permitted to request – no more than once a day – for four
7 (4) menstrual pads, a wholly inadequate supply to meet the needs of female inmates’ menstrual
8 cycle.

9 143. Under CCR § 3355.2(b), all inmates with a confirmed pregnancy are entitled by
10 California law to a treatment and care plan regimen.

11 144. As alleged above in Paragraphs 89-118, ACSO and WELLPATH/CFMG do not
12 comply with standards clearly defined in CCR § 3355.2(b). To the contrary, it is the policy, custom
13 and practice of ACSO, carried out in concert with WELLPATH/CFMG, to deny inmates with a
14 confirmed pregnancy with access to such a treatment and care plan. For example, and not by way
15 of limitation, no plan of care is determined by an Obstetrical Physician or Obstetrical Nurse
16 Practitioner, diagnostic studies are not ordered as needed, and obstetrics examinations are not
17 scheduled in accordance with the schedule mandated by CCR § 3355.2(c).

18 145. CCR § 3355.2(e) requires that pregnant women who are “receiving methadone
19 treatment, shall be enrolled in the Methadone Maintenance Program and recommended for
20 immediate transfer to the California Institution for Women.”

21 146. As alleged above in Paragraphs 94-97, ACSO and WELLPATH/CFMG do not
22 comply with standards clearly defined in CCR § 3355.2(e). To the contrary, it is the policy, custom
23 and practice of ACSO, carried out in concert with WELLPATH/CFMG, to refuse to enroll such
24 pregnant women in the Methadone Maintenance Program or to recommend them for immediate
25 transfer to the California Institution for Women.

26 147. Women who have opiate addiction issues are denied medical care and thrust into the
27 general population housing unit. These women are forced to withdraw cold turkey, and this
28 withdrawal frequently involves vomiting or loss of bowel or bladder control. The housing units

1 consist of 9 sets of bunk beds. Pregnant women and women with disabilities are issued the bottom
 2 bunk. Frequently these women withdrawing from opiates are placed on the top bunk, forcing
 3 pregnant women to be on the receiving end of vomit or other human secretions, and the terrible
 4 smell. Given the short supply of clean linens, and cleaning supplies and equipment, pregnant
 5 women are forced to endure these conditions for hours at a time.

6
 7
 8 **FIRST CLAIM FOR RELIEF**

9 **DEPRIVATION OF FEDERAL CIVIL RIGHTS**

10 **UNDER 42 U.S.C. § 1983 AGAINST ACSO**

11 148. Plaintiffs repeat and re-allege each and every allegation contained in the above
 12 paragraphs with the same force and effect as if fully set forth herein.

13 149. At all relevant times herein, ACSO has been responsible for operating the Santa Rita
 14 Jail.

15 150. At all relevant times herein, Defendant ACSO has established and/or followed
 16 policies, procedures, customs, and or practices, and those policies were the cause of violation of the
 17 Plaintiffs' and the class members' constitutional rights granted pursuant to 42 U.S.C. § 1983,
 18 including those under the First, Eighth and Fourteenth Amendments.

19 151. At all relevant times herein, ACSO has followed a custom, policy and practice of
 20 imposing greater restrictions and other hardships on women prisoners at SRJ than on male
 21 prisoners, with no valid penological purpose. By way of example only, these greater restrictions
 22 and hardships include, but are not limited to, denial of the right to eat together in the common area
 23 of the pod, and when the women exercised their first amendment rights to request their full fifteen
 24 minutes to eat the meat, Defendant ACSO retaliated by refusing to allow the women out into the
 25 common area at all, and forcing all of them to eat their meals in their cells; denial of appropriate
 26 clothing; denial of access to laundry and undergarments that meet minimum community standards;
 27 denial of materials necessary for personal hygiene with regard to their menstrual cycle and
 28

1 reproductive system; denial of the means to maintain personal appearances including appropriate
 2 hair care, as compared to the men; denial of equal access and opportunities as compared to men, for
 3 exercise and outdoor exercise; denial of equal access as compared to men, to work; denial of equal
 4 access and opportunities to classes; and, denial of equal privileges including out of cell times and
 5 privileges.

6 152. The policies, practices and customs described above are the official policies, practices
 7 and customs of Defendant COUNTY OF ALAMEDA and ACSO, and are the direct and proximate
 8 cause of the harm and discrimination described herein in violation of the First Amendment, the
 9 Eighth Amendment's bar against cruel and unusual punishment and the Fourteenth Amendment's
 10 equal protection and bar against punishment.

11 WHEREFORE, Plaintiffs and the Prisoner Class they represent request relief as outlined
 12 below.

13 **SECOND CAUSE OF ACTION**

14 **DEPRIVATION OF FEDERAL CIVIL RIGHTS UNDER 42 U.S.C. § 1983 AGAINST ACSO** 15 **AND WELL-PATH/ CFMG**

16 153. Plaintiffs repeat and re-allege each and every allegation contained in the above
 17 paragraphs with the same force and effect as if fully set forth herein.

18 154. At all relevant times herein, Defendant WELL-PATH/CFMG acted under color of
 19 State law.

20 155. At all relevant times herein, Defendant WELLPATH/CFMG established and/or
 21 followed policies, procedures, customs, and or practices, and those policies were the cause of
 22 violation of the Plaintiffs' and the class members' constitutional rights granted pursuant to 42
 23 U.S.C. § 1983, including those under the Eighth and Fourteenth Amendments. All of the
 24 aforementioned acts of the Defendant WELLPATH/CFMG, their agents, servants and employees,
 25 were carried out jointly with ACSO under the color of state law.

26 156. At all relevant times herein, Defendant ALAMDEA COUNTY SHERIFF'S OFFICE
 27 delegated to Defendant WELLPATH/CFMG the traditional public function of determining and
 28

1 controlling the provision of medical services to pregnant inmates, in such a way as was deliberately
2 calculated to deny such inmates access to adequate medical care. The denial of necessary and
3 appropriate medical services was imposed in order to reduce WELLPATH/CFMG's costs under its
4 contract with ASCO, specifically pursuant to the pricing provisions of that contract which penalized
5 WELLPATH/CFMG for allowing the provision of any outside medical care, regardless of the
6 medical necessity of such care.

7 157. At all relevant times herein, Defendant WELLPATH/CFMG acted jointly and
8 intentionally with Defendant ACSO, pursuant to a customary plan to restrict Plaintiffs and class
9 members from obtaining medically necessary and appropriate medical care.

10 158. At all relevant times herein, Defendant WELLPATH/CFMG intentionally
11 participated with the Defendant ACSO in a customary plan to restrict Plaintiffs and class members
12 from obtaining medically necessary and appropriate medical care.

13 159. At all relevant times herein, an inmate's right to necessary and appropriate medical
14 services was clearly established. The contours of the right to necessary and appropriate medical
15 services was made sufficiently clear by, among other things, the California Regulations cited
16 herein.

17 160. At all relevant times herein, Defendants WELLPATH/CFMG and ACSO acted with
18 deliberate indifference to the violation of Plaintiff's class members' rights. As shown above,
19 WELLPATH/CFMG and ACSO were aware of the substantial risk of serious harm to a pregnant
20 inmate's health and safety created by the denial of necessary and appropriate medical services and
21 appropriate nutrition and WELLPATH/CFMG and ACSO deliberately disregarded that risk. At all
22 relevant times, the California Regulations cited herein put WELLPATH/CFMG and ACSO on
23 actual notice that such substantial risk of serious harm is not one that today's society chooses to
24 tolerate.

25 161. At all relevant times herein, there existed a pervasive entwinement between
26 Defendant WELLPATH/CFMG and Defendant ACSO, in that WELLPATH/CFMG was at all
27 relevant times delegated by ACSO the traditional public function of determining and providing
28 medical care to inmates.

162. The deprivation of Plaintiffs' and class members' constitutional rights was caused by the close nexus between Defendant WELLPATH/CFMG and Defendant ACSO that was created by the direct role of Defendant ACSO in enforcing WELLPATH/CFMG's determination to deny and withhold necessary and appropriate medical care to SRJ inmates.

163. The close nexus between Defendants WELLPATH/CFMG and ACSO is the legal cause of injuries to Plaintiffs and the class as alleged herein and, as a result, Plaintiffs and the class have sustained general and special damages, as well as incurring attorneys' fees, costs, and expenses, including those as authorized by 42 U.S.C. § 1988, to an extent and in an amount subject to proof at trial.

Wherefore, plaintiffs and the prisoner class they represent request relief as outlined below.

THIRD CLAIM FOR RELIEF

DEPRIVATION OF FEDERAL CIVIL RIGHTS UNDER 42 U.S.C. § 1983 AGAINST

ACSO AND ARAMARK CORRECTIONAL SERVICES LLC

164. Plaintiffs repeat and re-allege each and every allegation contained in the above paragraphs with the same force and effect as if fully set forth herein.

165. At all relevant times herein, Defendant ARAMARK CORRECTIONAL SERVICES LLC acted under color of State law.

166. At all relevant times herein, Defendant ARAMARK established and/or followed policies, procedures, customs, and or practices, and those policies were the cause of violation of the Plaintiffs' and the class members' constitutional rights granted pursuant to 42 U.S.C. § 1983, including those under the Eighth and Fourteenth Amendments. All of the aforementioned acts of the Defendant ARAMARK, their agents, servants and employees, were carried out under the color of state law.

167. At all relevant times herein, Defendant ALAMEDA COUNTY SHERIFF'S OFFICE delegated to Defendant ARAMARK the traditional public function of feeding municipal inmates and allowed and enabled Defendant ARAMARK to cause constitutionally inadequate food to be provided to SRJ inmates and to deny SRJ food that is adequate to sustain health. The denial of food

1 that is adequate to sustain health was imposed in order to reduce ARAMARK's costs under its
2 contract with ASCO.

3 168. At all relevant times herein, Defendant ARAMARK acted jointly and intentionally
4 with Defendant ACSO, pursuant to a customary plan to prevent Plaintiffs and class members from
5 having access to food that is adequate to maintain health.

6 169. At all relevant times herein, Defendant ARAMARK intentionally participated with
7 the Defendant ACSO in a customary plan to retaliate against women kitchen workers who, as
8 whistle-blowers, publicly reported on the unsanitary kitchen, and the food handling practices that
9 violate California's health and safety codes,

10 170. At all relevant times herein, an inmate's right to food that is adequate to maintain
11 health was clearly established. The contours of the right to food that is adequate to maintain health
12 was made sufficiently clear by, among other things, the California Regulations cited herein.

13 171. At all relevant times herein, Defendants ARAMARK and ACSO acted with deliberate
14 indifference to the violation of Plaintiff's class members' rights. As shown above, ARAMARK and
15 ACSO were aware of the substantial risk of serious harm to an inmate's health created by the denial
16 of food that is adequate to maintain health and ARAMARK and ACSO deliberately disregarded
17 that risk. At all relevant times, the California Regulations cited herein put ARAMARK and ACSO
18 on actual notice that such substantial risk of serious harm is not one that today's society chooses to
19 tolerate.

20 172. At all relevant times herein, there existed a pervasive entwinement between
21 Defendant WELLPATH/CFMG and Defendant ACSO, in that ARAMARK was at all relevant
22 times delegated by ACSO the traditional State function of feeding inmates.

23 173. The deprivation of Plaintiffs' and class members' constitutional rights was caused by
24 the close nexus between Defendant WELLPATH/CFMG and Defendant ACSO that was created by
25 the direct role of Defendant ACSO in enforcing ARAMARK's determination to prevent Plaintiffs
26 and class members from having access to food that is adequate to sustain health.

27 174. The close nexus between Defendants ARAMARK and ACSO is the legal cause of
28 injuries to Plaintiffs and the class as alleged herein and, as a result, Plaintiffs and the class have

sustained general and special damages, as well as incurring attorneys' fees, costs, and expenses, including those as authorized by 42 U.S.C. § 1988, to an extent and in an amount subject to proof at trial.

WHEREFORE, Plaintiffs and the Prisoner Class they represent request relief as outlined below.

FOURTH CLAIM FOR RELIEF

DEPRIVATION OF RIGHTS

Under Article I, Section 17 of the California Constitution Against All Defendants

175. Plaintiffs repeat and re-allege each and every allegation contained in the above paragraphs with the same force and effect as if fully set forth herein.

176. By their policies and practices described above, Defendants subjected Plaintiffs and the Class they represent, to a substantial risk of harm and injury from inability to meet women's menstrual and feminine hygiene needs, inadequate medical care and insufficient nourishment to maintain life for pregnant women, and abuse treatment and hardships. These policies and practices have been, and continue to be, implemented by Defendants and their agents or employees in their official capacities, and are the proximate cause of Plaintiffs' and the Class's ongoing deprivation of rights secured by the California Constitution, Article I, Section 17.

177. Defendants have been and are aware of all of the deprivations complained of herein, and have condoned or been deliberately indifferent to such conduct.

WHEREFORE, Plaintiffs and the Prisoner Class they represent request relief as outlined below.

FIFTH CLAIM FOR RELIEF

DEPRIVATION OF RIGHTS

UNDER ARTICLE I, SECTION 7 OF THE CALIFORNIA CONSTITUTION AGAINST DEFENDANTS ALAMEDA COUNTY AND ACSO

178. Plaintiffs repeat and re-allege each and every allegation contained in the above paragraphs with the same force and effect as if fully set forth herein.

179. By their policies and practices described above, Defendants inflicted direct and indirect discrimination against women prisoners solely on the basis of these prisoners are women.

By their policies and practices described above, Defendants subject Plaintiffs and the Prisoner Class they represent, to substantial violations of their right to equal protection in relationship to access to laundry, means to maintain personal and feminine hygiene; out of cell time; access to exercise; outdoor exercise; work; and classes and programs. These policies and practices have been, and continue to be, implemented by Defendants and their agents or employees in their official capacities, and are the proximate cause of Plaintiffs' and the Prisoner Class' ongoing deprivation of rights secured by the California Constitution Article 1, Section 7.

180. Defendants have been and are aware of all the deprivations complained of herein, and have condoned or been deliberately indifferent to such conduct.

WHEREFORE, Plaintiffs and the Prisoner Class they represent request relief as outlined below.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request the Court to:

1. Certify the Class of women prisoners at Santa Rita under Rule 23, F.R. Civ P., and also the Subclass of women prisoners who are pregnant, and permit the named plaintiffs and their counsel to represent the Class and Subclass and to proceed accordingly. In the alternative, hold certification of the broad class in abeyance pending further development of the grounds for it, but recognize the Subclass for all purposes connected with its plea(s) for equitable relief herein.
2. Make findings of fact reflecting the general and specific failings and inadequacies of both groups of defendants' approaches to and practice in the care of pregnant prisoners, the pattern and practice of defendants' non-feasance and maltreatment of pregnant prisoners, and defendants' violations of statutory, regulatory and constitutional requirements in dealing with pregnant prisoners.
3. Initiate a serious effort, perhaps with a Rule to Show Cause, to bring about defendants' early compliance with the community treatment program law Penal Code §1170., and/or any

1 other feasible and available means and steps to get and keep pregnant women out of the
 2 Santa Rita jail.

3 4. In the event a ready process for getting and keeping plaintiffs out of the jail is not readily
 4 found, and to the extent and for the time any pregnant women are ordered held in the
 5 Sheriff's custody, enter a preliminary and permanent Injunction which will,

6 **A. Prohibit defendants from:**

7 a. coercion or pressure on pregnant prisoners to consent to a preterm termination of their
 8 pregnancy;

9 b. placing pregnant prisoners in solitary confinement, and/or ordering them to submit to
 10 multiple strip searches and body cavity searches without first utilizing less punitive and
 11 intrusive means including urine tests and having objectively reasonable grounds to suspect
 12 them of hiding contraband;

13 c. placing pregnant prisoners outdoors without adequate outerwear, and clothing;

14 d. holding pregnant prisoners outdoors against their will for any length of time, or keeping
 15 the heat down in residential units, and the bright lights on all night;

16 e. punishing or threatening to punish women prisoners for exercising their right to free
 17 speech during meals or during 'pod time';

18 f. touching or searching pregnant plaintiff's food unless defendants' hands are covered in
 19 clean, and new sanitary gloves;

20 g. coerce or pressure or attempt to persuade pregnant prisoners to agree to abortions;

21 h. retaliating against women for exercising their First Amendment rights.

22
 23 **And,**

24 **B. Affirmatively Order and direct defendants to:**

25 a. Fully comply with all applicable state statutes and regulations, and develop a legitimate
 26 individual treatment plan for each pregnant prisoner, *and carry it out completely!*

- 1 b. Fully comply with all applicable state statutes and regulations for a sufficient, balanced,
2 nutritious diet, prepared in a sanitary manner, for pregnant women approved by a doctor;
3 c. Fully comply with state law on provision of sufficient appropriate materials for each
4 woman prisoner “necessary for (1) personal hygiene with regard to her menstrual cycle and
5 reproductive system” (Penal Code §3409) during the entire duration of her incarceration
6 under the custody of defendants;
7 d. No less than the minimum outdoor exercise prescribed by state regulations equal to the
8 men
9 e. Appropriate clothing, including shorts or exercise clothing for women, and socks that fit;
10 5. Enter a preliminary and permanent injunction on behalf of the broad Class of women
11 prisoners which will counter and remedy the County defendants’ broader unconstitutional
12 practice(s) of discrimination against women in general, compared to men, as complained of
13 and to be shown further;
14 6. Award compensatory and punitive damages to individual plaintiffs against defendants in
15 amounts to be determined at trial;
16 7. Award costs and fees for this action, including attorneys’ fees;
17 8. Grant such other and further relief as this Court deems appropriate.
18

19 **JURY TRIAL DEMAND**

20 A JURY TRIAL IS DEMANDED on behalf of Plaintiffs.

21 DATED: April 5, 2021

LAW OFFICE OF YOLANDA HUANG

22
23 /s/ Yolanda Huang

24 Yolanda Huang
25
26

27 **DENNIS CUNNINGHAM**
28

/s/ Dennis Cunningham

Dennis Cunningham

Counsel for Plaintiffs