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8
9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
11

12 **ANDRES RONDON and SKUNKWORX**
13 **PHARMS, LLC**

14 **Plaintiffs,**

15 **vs.**

16 **MENDOCINO COUNTY, CALIFORNIA;**
17 **MATT KENDALL, THOMAS ALLMAN,**
18 **DARREN BREWSTER; JAMES WELLS;**
19 **DOES 1-10**

20 **Defendants**

Case No.:

**VERIFIED COMPLAINT FOR
DAMAGES AND INJUNCTIVE RELIEF**

JURY TRIAL DEMANDED

21 Plaintiff for his Complaint against Defendants alleges as follows:

22 **JURISDICTION AND VENUE**

23 1. This action arises under 42 U.S.C. §1983. Jurisdiction is conferred by virtue of 28
24 U.S.C. §§ 1331 and 1343.

25 2. The conduct alleged herein occurred in Mendocino County, State of California.

26 Accordingly, venue of this action lies in this court.

27 **PARTIES**

28 3. Plaintiff Andres Rondon is an individual and resides in California.

1 4. Plaintiff Skunkworx Pharms, LLC, is a California limited liability company owned by
2 Plaintiff Rondon which operated a farm in Mendocino County where the wrongful actions that
3 gave rise to this action occurred.
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5 5. Defendant Mendocino County is a public entity organized under the laws of
6 the State of California and operates the Mendocino County Sheriff's Office, the
7 employer of all other defendants. It is liable under the doctrine of respondeat superior
8 for torts committed by its subordinates. It also has direct liability under the decision
9 in *Monnell v. Dept. of Social Services*.
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11 6. Defendant Matt Kendall is the current sheriff of Mendocino County and succeeded
12 defendant Thomas Allman in that office. He is the policy maker for the sheriff's department
13 and for Mendocino County with regard to the actions and policies of the sheriff's department.
14 He is sued in his official capacity.
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16 7. Defendant Thomas Allman was the Sheriff of Mendocino County at the time of the
17 events that gave rise to this lawsuit. He was the chief policymaker and decision-maker for the
18 sheriff's office and for Mendocino County with regard to the actions and policies of the
19 sheriff's office. He also was responsible for the training, supervision, discipline and oversight
20 of the Mendocino County deputy sheriffs involved in the wrongful actions against plaintiff
21 and in other similar wrongful actions against other individuals. He oversaw and approved
22 their wrongful actions and is responsible for the actions taken by his subordinates. He acted in
23 the course and scope of his employment, and under color of state law, at all times mentioned
24 herein. He is sued in both his individual and official capacity. He resigned as sheriff
25 sometime after the events described herein.
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1 8. Defendant Darren Brewster is a Mendocino County deputy sheriff. He acted in the
2 course and scope of his employment, and under color of state law, at all times mentioned
3 herein. He is sued in both his official capacity and his individual capacity

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5 9. Defendant James Wells is a Mendocino County deputy sheriff. He acted in the course
6 and scope of his employment, and under color of state law, at all times mentioned herein. He
7 is sued in both his official capacity and his individual capacity

8 10. Plaintiff does not presently know the true names and capacities of defendants DOES 1
9 through 10, inclusive, and therefore sues them by these fictitious names. Plaintiff is informed
10 and believes that DOES 1 through 10, and each of them, were responsible in some manner
11 for the wrongful acts or omissions alleged herein, including participating in the unlawful
12 seizure and destruction of plaintiffs' property, and false averments to obtain a search warrant
13 that was obtained on false pretenses and efforts to conceal the wrongful actions alleged
14 herein. Plaintiffs sought to identify the true names of all individuals who participated in the
15 wrongful conduct alleged herein before filing suit, but defendants have declined to divulge
16 that information. Plaintiffs will seek leave to amend this Complaint to add their true names
17 and capacities when they have been ascertained.
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21 **STATEMENT OF FACTS**

22 11. At times material herein Plaintiff Andres Rondon operated a farm in Potter Valley, in
23 Mendocino County, located at 12850 Pine Ave., Potter Valley, California through an LLC
24 owned solely by him and operating under the name Skunkworkx Pharms, LLC. At all times
25 material herein Plaintiffs were duly licensed as a cannabis cultivator by the state of California,
26 registered as a lawful cultivator with Mendocino County, and were in full legal compliance with
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1 applicable state and county licensing, registration, and certification requirements for the
2 cultivation activities conducted.

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4 12. On Sunday October 21, 2018 at about 7:10 am, Plaintiff Rondon, who was in southern
5 California at the time with his wife, received a phone call from one of his employees at the farm
6 in Potter Valley who reported that there were some robbers at the farm, wearing dark tactical or
7 combat garb. Plaintiff Rondon immediately called the Mendocino County Sheriffs Office,
8 advised of the report of a robbery in progress and passed along what the employees had reported.
9 He requested that Mendocino sheriffs be immediately dispatched to the farm to apprehend the
10 robbers. Plaintiff Rondon noted that the farm was a legally licensed cannabis cultivation
11 operation that was registered with Mendocino County.
12

13 13. Instead of responding immediately, the Mendocino Sheriffs office took approximately two
14 hours before deputies went to the farm in Potter Valley. When they arrived, they showed little
15 interest in the reported robbery or the perpetrators and seemed more interested in impugning the
16 credibility of the robbery report and the employees who were at the farm. A vehicle brought by
17 the robbers was left at the farm and the deputies displayed little interest in it or in following up
18 an employee's report about a robber who had fled the scene or in apprehending that robber.
19

20 14. The Mendocino deputies departed from the farm and returned several hours later with a
21 search warrant. During that interval, the Mendocino Sheriffs Office, acting without probable
22 cause or even reasonable suspicion, had obtained the search warrant by means of a sworn
23 affidavit, signed by defendant Brewster as special agent supervisor, that falsely asserted: a) that
24 there had been a check and it had been determined that the farm was not licensed or registered
25 for cannabis cultivation activities; and b) that it "was obvious" to affiant Brewster that "the
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1 owner to this property is in violation of state law without being part of the counties (sic)
2 permitting process.”

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4 15. Both of these were demonstrable falsehoods. Moreover, inasmuch as a) Plaintiffs’
5 licensure and registration with Mendocino County were both readily verifiable through the
6 applicable on-line databases; and b) Plaintiff Rondon had directly advised Mendocino deputies
7 that the farm was in compliance with applicable legal requirements, the false statements made in
8 the affidavit to obtain the search warrant seem to have been made intentionally or with reckless
9 disregard for the truth of the statements that were made under oath and under penalty of perjury.
10

11 16. Additionally, the search warrant that was signed by Mendocino County Superior Court
12 Judge Jeanine B. Nadel authorized a search of 12805 Pine Ave., Potter Valley, California but
13 Plaintiffs’ property, where the sheriff’s deputies had gone previously and where they returned,
14 ostensibly in execution of the search warrant, was 12850 Pine Ave, not 12805.

15
16 17. When the deputies returned to 12850 Pine. Ave., they brought a wood- chipper. They
17 pulled off the cannabis buds and took them away in plastic trash bags and destroyed the 350
18 growing cannabis plants that were ready to be harvested the next day by running them through
19 the wood- chipper. These actions damaged plaintiffs by approximately \$350,000-\$400,000.

20 The deputies also destroyed plant cuttings for the next crop that were worth an additional
21 \$15,000.
22

23 18. The deputies also destroyed eight light deprivation gardens, coverings and lighting
24 equipment, damages of approximately \$50,000. These destructions also damaged plaintiffs’
25 ability to conduct their lawful business and deprived them of the next crop cycle and caused
26 other business disruption damages of approximately \$350,000.
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1 19. The deputies also seized and removed various items of plaintiffs' personal property from
2 the residence, including cell phones, permits and other papers and other items, the value of which
3 will be determined at trial.
4

5 18. Plaintiffs do not know what happened regarding the robbers but believe at least one was
6 apprehended.

7 19. On information and belief, there have been a number of unlawful and unofficial raids of
8 cannabis cultivators in Mendocino County by individuals dressing and acting like law
9 enforcement personnel and indications that law enforcement officers from Mendocino County
10 and neighboring towns have participated in such raids and have themselves trafficked in
11 cannabis seized through such raids.
12

13 20. After the raid, plaintiffs retained legal counsel who attempted to contact the sheriff's office
14 by phone, letter, and email to discuss the raid, identify the individuals involved, and to obtain
15 return of plaintiffs' personal property. The sheriff's office ignored those communications.
16 Additionally, several weeks after the raid counsel for plaintiff made a written request to the
17 Mendocino County Records Department for a copy of the incident report on the 10/21/18 raid.
18 The response was that the report could not be provided because it was part of an open law
19 enforcement investigation. Plaintiffs are not aware of any valid factual or legal basis for a
20 continuing criminal investigation concerning them.
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23 21. Defendants maintained the pretense that they were continuing to conduct a criminal
24 investigation of plaintiff Rondon to give their conduct a surface law enforcement legitimacy, to
25 help block any outside investigation and discovery of details concerning the wrongful raid
26 described above, and to frighten and intimidate plaintiff Rondon.
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STATEMENT OF DAMAGES

22. As a result of the wrongful actions complained of herein, Plaintiffs have suffered economic and consequential damage, business interruption, and lost income.

23. In addition to the direct economic damage noted above, plaintiff Rondon has also sustained and will continue to suffer general damages including fear, anxiety, humiliation, and emotional distress, the reasonable value of which is \$400,000.

24. Plaintiffs are also seeking exemplary damages from the individual defendants as noted below.

FIRST CAUSE OF ACTION

42 USC §1983-Unlawful Seizure -All defendants

25. Preceding paragraphs are incorporated.

26. Defendants unlawfully seized plaintiffs' property in violation of constitutional rights secured by the Fourteenth Amendment to the U.S. Constitution and by the California Constitution, for which 42 USC §1983 provides a remedy, and proximately caused plaintiffs the damages enumerated above. There is clearly established law recognizing that defendants' conduct violates constitutional rights. Plaintiffs' cannabis cultivation was entirely lawful under California law and the cannabis seized and/or destroyed was their property under California law. Beyond that, defendants' conduct irreparably damaged plaintiff's lawful business and prevented him from engaging in a lawful business, a violation of Plaintiffs' liberty interests. Defendants also seized and destroyed plaintiffs' personal property.

27. Defendants Brewster, Wells, and other Mendocino County deputies to be identified through discovery, actively participated in the unlawful raid, seizure and destruction of plaintiffs' property, including the obtaining and execution of a search warrant with false statements under

1 oath and concealment of the true facts from the judge who signed the search warrant. The fact
2 that they seized permits at the property after having represented under oath that the cannabis
3 cultivation was without permit further demonstrates that defendants' seizure activities were
4 wrongful and known to be so.

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6 28. Defendant Allman authorized, condoned, approved, and/or ratified the unlawful seizure of
7 plaintiffs' property. He also participated in a cover up of said unlawful activity and further
8 aggravated the wrong and the cover up through an unfounded and phony putative continuing law
9 enforcement investigation of plaintiff Rondon. Defendant Allman was the chief policymaker for
10 the county with respect to the sheriff department actions at issue and as such his actions and
11 inactions were, or were equivalent to, official policy of Mendocino County.

12
13 29. Defendant Mendocino County has a history and a custom and practice of conducting such
14 unlawful raids and unlawful seizures and also of covering up the unlawful conduct and
15 intimidating those who might challenge such conduct.

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17 30. The wrongful conduct by defendants Brewster, Wells, and Allman was committed
18 intentionally or with a reckless or callous disregard for plaintiffs' rights, warranting a substantial
19 award of punitive damages, which plaintiffs seek. Defendants obtained a search warrant under
20 false pretenses and with false averments under oath. They also have sought to conceal their
21 wrongful conduct and insulate it from outside scrutiny. Insofar as their wrongful actions
22 extended beyond normal and proper law enforcement behavior, they should be accountable for
23 their actions in their individual capacities as well as their official capacities.

24
25 WHEREFORE, Plaintiffs seek relief as set forth below.

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27 **SECOND CAUSE OF ACTION**

28 42 USC §1983-Violation of procedural due process -All defendants

1 31. Preceding paragraphs are incorporated.

2 32. Defendants deprived plaintiffs of property without due process, in violation of rights
3 secured by the Fifth and Fourteenth Amendments to the U.S. Constitution, and 42 USC §1983,
4 and thereby caused the damages enumerated herein. They obtained an invalid search warrant
5 through false averments under oath and ignored plaintiffs' readily- verifiable status as a legally
6 compliant cannabis cultivator. They did not notify plaintiff Rondon of what they were doing, on
7 a Sunday, and deprived him of any opportunity to contest the unlawful seizure or destruction of
8 his property by destroying plaintiffs' equipment and personal property on the spot, as well as the
9 cannabis with the wood chipper that was brought for the purpose. That destruction also belies
10 any argument the defendants were engaged in any legitimate law enforcement investigation.
11 They did not seize and preserve evidence for any intended criminal proceeding but destroyed that
12 evidence. The defendants have not returned plaintiff's property or compensated him for the
13 property that was destroyed. They also never advised him that he was no longer the subject of a
14 criminal investigation.
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18 WHEREFORE, Plaintiffs seek relief as set forth below.

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21 **THIRD CAUSE OF ACTION**

22 42 USC §1983-Failure to properly supervise, train and discipline

23 Defendants Mendocino County, Allman and Kendall

24 33. Previous paragraphs are incorporated.

25 33. Defendants Mendocino County and Allman and Kendall, as the county's sheriff, had a duty
26 to adequately train, supervise and discipline their sheriff's deputies so as to protect members of
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1 the public, including plaintiffs, and ensure that they carried out their law enforcement duties
2 lawfully and in compliance with Constitutional and other legal protections.

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4 34. Said defendants allowed and supported not only the unlawful raid against plaintiffs but
5 many others as well. They did not teach or enforce due regard for the constitutional rights of
6 those who were subjected to unlawful raids or prohibit or detect intentionally and recklessly false
7 sworn averments being used to cloak unlawful conduct with putative legitimacy. They breached
8 and were indifferent to such duties and thereby caused the damages to plaintiffs complained of
9 herein. They also have endangered other members of the public and have not taken remedial
10 steps so as to prevent future repetitions of the kind of unlawful conduct that was directed against
11 plaintiffs.
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13 WHEREFORE, Plaintiffs seek relief as set forth below.
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16 PRAYER FOR RELIEF

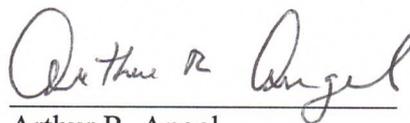
17 WHEREFORE, plaintiffs pray for relief as follows:

- 18 1. Judgment in their favor on all causes of action.
- 19 2. Compensatory damages as proven.
- 20 3. Punitive damages against each of the individual defendants in an amount sufficient to
21 achieve the law's objectives of punishment and deterrence.
- 22 4. Pre and post judgment interest as allowed by law.
- 23 5. Costs and reasonable attorney's fees, under 42 USC §1988.
- 24 6. Appropriate injunctive relief to prevent and deter future unlawful seizures and raids and
25 further violations of the constitutional rights of plaintiffs and others and to require proper
26 supervision and training to further achieve those objectives.
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1 7. Such other relief to which plaintiffs may be entitled.

2 JURY TRIAL DEMANDED

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4 DATE 10/8/20

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7 Arthur R. Angel
8 Attorney for Plaintiffs
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VERIFICATION

I, Andres Rondon, plaintiff in this action, have read the foregoing complaint and I am familiar with the contents thereof. The facts stated in the complaint are true and correct. Executed in Granada Hills _____, California under penalty of perjury under the laws of the State of California, on the
_6th_____ day of _October_____, 2020.

Rondon _____

____Andres T.

Andres Rondon

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

I. (a) PLAINTIFFS

Andres Rondon and Skunkworx Pharms, LLC

(b) County of Residence of First Listed Plaintiff Los Angeles, CA (EXCEPT IN U.S. PLAINTIFF CASES)

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

Arthur Angel, Esq. 1305 N. Poinsettia Place, Los Angeles CA 90046 (323) 656-9085

DEFENDANTS

Mendocino County, Matt Kendall, Thomas Allman, Darren Brewster, James Wells, Does 1-10

County of Residence of First Listed Defendant Mendocino (IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known)

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

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

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

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, HABES CORPUS, OTHER, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, PROPERTY RIGHTS, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

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

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

VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 USC Sec 1983
Brief description of cause: unlawful search, seizure and destruction of personal property

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$ 950,000.00 CHECK YES only if demanded in complaint: JURY DEMAND: X Yes No

VIII. RELATED CASE(S), IF ANY (See instructions): JUDGE DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2) (Place an "X" in One Box Only) X SAN FRANCISCO/OAKLAND SAN JOSE EUREKA-MCKINLEYVILLE

DATE 10/08/2020

SIGNATURE OF ATTORNEY OF RECORD

Handwritten signature of Arthur R. Angel