

CLAIM AGAINST THE CITY OF FOLSOM

FOLSOM CITY CLERK'S DEPT
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Received:

Claims relating to death or injury to person or to personal property or crops shall be presented to the City of Folsom not later than six months after which the incident or event occurred. Claims relating to any other matter for which a claim is required shall be presented not later than one year after the date of the incident or event giving rise to the claim. (See California Government Code Section 911.2). You are encouraged to consult legal counsel of your choosing for advice on submitting a timely claim. The City of Folsom cannot provide you legal advice.

INSTRUCTIONS

The original claim, together with one copy of all attachments, is to be filed with the Office of the City Clerk. Retain one copy for your records. Please send to this address:

City Clerk
City of Folsom
50 Natoma Street
Folsom, CA 95630

NOTICE: The City Clerk's Office is the ONLY office to which claims may be submitted. Claims are NOT to be sent to the City Attorney, or any other City Department.

Please fill out claim form completely. Missing information may delay the processing of your claim. Please print.

PERSONAL INFORMATION

Name of Claimant George LANE
first middle initial last

Address of Claimant [REDACTED] Folsom, CA 95630 [REDACTED]
street city state zip code

Home Phone [REDACTED] Business Phone [REDACTED] Email see above

DOB [REDACTED] Driver's License# N/A

Name, telephone number and address to which claimant desires notices to be sent if other than above:
Gavrilov & Brooks, 2315 Capitol Ave., Sacramento, CA 95816 (916) 504-0529

CLAIM INFORMATION

Occurrence or event from which the claim arises:

Date October 17, 2021 Time See attached complaint

Place (exact and specific location) We believe that this claim is timely submitted, however if City of Folsom believes the claim(s) are untimely, see attached application for leave to present late claim

How and under what circumstances did damage or injury occur? Describe the particular occurrence, event, act, or omission you claim caused the damage or injury. (use additional paper if necessary)

See attached complaint

If there were no injuries, state "no injuries" _____

Name and addresses of all witnesses _____

See attached draft complaint _____

Identify the name(s) of the public employee(s) causing the injury or damages, if known.

Melanie Catanio, Donald Rowberry & David Canepa _____

Describe the indebtedness, obligation, injury, damage or loss, which you claim you have suffered at the time this claim is submitted.

Total amount claimed. Greater than \$10,000 Yes Less than \$10,000 _____ (If the amount claimed is less than \$10,000 on the date of presentation, provide the calculation for the amount claimed.)

(Please attach a copy of any receipts you have resulting from this occurrence.)

Any additional information that might be helpful in considering this claim _____

See attached draft complaint. To the extent City of Folsom asserts this claim to be _____

untimely, see attached application for leave to present a late claim. Plaintiff George Lane was _____

and continues to be a minor child. _____

AUTOMOBILE ACCIDENT

If this claim relates to an automobile accident please answer the following, **AND ATTACH PROOF OF INSURANCE:**

Policy # _____ Insurance Company _____

Agent/Broker _____

Address _____ Phone # _____

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM:

(Penal code §§72, 550; Insurance code §1871.4)

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief and as to such matters I believe the same to be true. I certify under penalty of perjury under the laws of the State of California that the foregoing is TRUE and CORRECT.

Signed this 11 day of April, 2022 at Sacramento, CA
City / State

Signature Talpinol

APPLICATION TO FILE A LATE CLAIM WITH THE CITY OF FOLSOM

Claim of George Lane)	
)	Application for Leave to Present Late
)	Claim (Government Code § 911.4)
Against)	
)	
City of Folsom and its employees)	
Melanie Catanio, Donald Rowberry and)	
David Canepa)	

To the City Council (or other governing body) of the City of Folsom:

We believe that the claim(s) by George Lane enclosed herewith are timely submitted within six months of the accrual of the cause(s) of action. To the extent that the City of Folsom asserts the claim(s) by George Lane against City of Folsom and/or its employees Melanie Catanio, Donald Rowberry and David Canepa are untimely, please consider the following:

1. Minor George Lane hereby applies to the City of Folsom for leave to present a claim(s) against the City of Folsom and its employees Melanie Catanio, Donald Rowberry and David Canepa pursuant to Section 911.4 of the California Government Code.
2. The causes of action of George Lane set forth in his proposed claim and complaint attached to this application accrued on October 17, 2021, a period within one year from the filing of this application.
3. George Lane's reason for the delay in presenting his claim(s) against the City of Folsom and its employees are as follows: George Lane was and continues to be a minor child who was wrongfully seized and separated from and his parents by the Defendants and did not have a guardian or conservator of his person during the times relevant to this claim. The no-contact protective order which prevented George from having any communication with his mother terminated on October 18, 2021. George's mother was found "not guilty" of sexually abusing George on August 19, 2021, which is also within one year from filing of this application.
4. All notices and communications concerning this claim should be sent to Gavrilov & Brooks, 2315 Capitol Ave., Sacramento, CA 95816.

WHEREFORE, claimant asks that you grant this application, deem the attached claim to have been presented on your receipt of this application, and act on the claim as required by Government Code § 911.6.

Dated: April 11, 2022

By: 
Ognian Gavrilov, Counsel for Claimant George Lane

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11 Attorneys for Plaintiff G.L.

12 **UNITED STATES DISTRICT COURT**
13 **EASTERN DISTRICT OF CALIFORNIA**

14 G.L., through his guardian ad litem Robert L.,

15 Plaintiff,

16 v.

17 MELANIE CATANIO, an individual;
18 NANCY COCHRANE, an individual;
19 DONALD ROWBERRY, an individual;
20 ANNE MARIE SCHUBERT, individually and
21 as Sacramento County District Attorney;
22 DAVID CANEPA, an individual; and CITY
23 OF FOLSOM, a public entity.

24 Defendants.

Case No.

**COMPLAINT FOR VIOLATION OF
CIVIL RIGHTS**

JURY TRIAL DEMANDED

25 Plaintiff G.L. ("Plaintiff" or "G.L."), by his attorneys and guardian ad litem Robert L.,
26 hereby alleges the following (the true names of minors are replaced with their initials to protect
27 their privacy):

NATURE OF THE CASE

28 1. This is the tragic true story of a little boy harassed, silenced, and used as a pawn
by overzealous police and prosecutors willing to engage in misconduct to cobble together a case
by any means necessary. It is an action pursuant to 42 U.S.C. §§ 1983, 1985 and 1986, and the

1 Fourth and Fourteenth Amendments to the United States Constitution. Plaintiff also brings state
2 claims for false imprisonment and judicial deception.

3 **PARTIES**

4 2. Plaintiff G.L. is a twelve-year-old citizen of California and of the United States
5 who resides in the City of Folsom, County of Sacramento with his father Robert L. ("Robb")
6 and younger sister I.L. Beginning in December of 2018 when he was 9 years old through July of
7 2022, G.L. has been continuously victimized by the malfeasance of the parties identified below,
8 who engaged in numerous Constitutionally violative tactics throughout the course of their
9 dealings with G.L. At or near the time of filing of this complaint, Robb has or will file a request
10 for appointment as Guardian Ad Litem for his minor son G.L.

11 3. Defendant MELANIE CATANIO ("CATANIO" or "Defendant") is a citizen of
12 California and the United States who was at all times relevant a resident of the County of
13 Sacramento and an officer, agent and/or employee of CITY OF FOLSOM. On information and
14 belief, CATANIO now resides in the County of Shasta, California. At all times relevant to the
15 allegations of this complaint CATANIO was acting, albeit unlawfully, under color of law within
16 the meaning of 42 U.S.C. § 1983 and within the scope of her employment as a Detective for the
17 Folsom Police Department. CATANIO is sued here in her individual capacity and as an
18 employee of the CITY OF FOLSOM.

19 4. Defendant NANCY COCHRANE ("COCHRANE" or "Defendant") is a citizen
20 of California and the United States who resides in the County of Sacramento. At all times
21 relevant to the allegations of this complaint COCHRANE was acting, albeit unlawfully, under
22 color of law within the meaning of 42 U.S.C. § 1983 and within the scope of her employment as
23 a Deputy District Attorney for the Sacramento County District Attorney's Office. COCHRANE
24 is sued here in her individual capacity.

25 5. Defendant DONALD ROWBERRY ("ROWBERRY" or "Defendant") is a
26 citizen of California and the United States who resides in the County of Sacramento. At all
27 times relevant to the allegations in this complaint ROWBERRY was acting, albeit unlawfully,
28 under color of law within the meaning of 42 U.S.C. § 1983 and within the scope of his

1 employment as a computer forensic examiner for the Folsom Police Department. ROWBERRY
2 is sued here individually and as an employee of the CITY OF FOLSOM.

3 6. Defendant ANNE MARIE SCHUBERT ("SCHUBERT" or "Defendant") is a
4 citizen of California and the United States who resides in the County of Sacramento. At all
5 times relevant to the allegations in this complaint SCHUBERT was acting, albeit unlawfully,
6 under color of law within the meaning of 42 U.S.C. § 1983 and within the scope of her
7 employment. SCHUBERT is sued here individually and in her official capacity as the District
8 Attorney of Sacramento County as to which County she was the final authoritative
9 decisionmaker and policymaker with respect to the office of the District Attorney in all respects
10 relevant to the allegations of this complaint.

11 7. Defendant DAVID CANEPA ("CANEPA" or "Defendant") is a citizen of
12 California and the United States who resides in the County of Sacramento. At all times relevant
13 to the allegations in this complaint CANEPA was acting, albeit unlawfully, under color of law
14 within the meaning of 42 U.S.C. § 1983 and within the scope of his employment as custodian of
15 records for the Folsom Police Department. CANEPA is sued here individually and as an
16 employee of the CITY OF FOLSOM.

17 8. Defendant CITY OF FOLSOM, CALIFORNIA ("CITY OF FOLSOM" or
18 "Defendant") is a city that is a political subdivision of the State of California, and was the
19 employer of Defendants MELANIE CATANIO, DONALD ROWBERRY, and DAVID
20 CANEPA, and is and was at all times relevant to this Complaint responsible for the policies,
21 practices, and customs of the Folsom Police Department and its Detectives, Officers and
22 employees. The CITY OF FOLSOM and all of the Defendants working for Defendant CITY OF
23 FOLSOM acted under color of state law and consistent with the customs, patterns, and practices
24 established by the CITY OF FOLSOM.

25 9. Defendants CATANIO, COCHRANE, ROWBERRY, SCHUBERT, CANEPA,
26 and CITY OF FOLSOM are herein referred to collectively as "Defendants."

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JURISDICTION AND VENUE

10. This action is brought pursuant to 42 U.S.C. § 1983, to redress the deprivation under color of law of Plaintiff's rights as secured by the United States Constitution.

11. This Court has federal question jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343.

12. This Court has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367(a).

13. Venue is proper within the Eastern District of California under 28 U.S.C. § 1391(b) because this is the District in which the claims arose.

FACTUAL ALLEGATIONS

First Home Interview – G.L. Denies Abuse

14. On or about July 18, 2018, a female employee from Child Protective Services ("CPS") named Nahren Shahbzian arrived at the home of G.L.'s parents Robb & Mrs. L uninvited for the purpose of interviewing their two youngest children. There was no open CPS case against Robb at that time. Nor is there an open CPS case regarding G.L. or his parents at this time.¹ Mr. & Mrs. L allowed the CPS employee into their home and made arrangements for her to interview each child in a private room while Mr. & Mrs. L remained in the living room.

15. G.L., who was 8 years old at the time, and his little sister I.L. who was then 7 years old, spoke to the CPS worker separately. This CPS home visit lasted more than two hours, and both children independently denied that they were sexually abused. CPS employee Ms. Shahbzian told G.L.'s parents before leaving their home that she would be closing out the case pertaining to G.L. and I.L., and that her participation was over. On information and belief, a report summarizing the July 18, 2018 visit to the home of Mr. & Mrs. L was thereafter prepared and provided to Folsom Police Detective CATANIO, who later shared such report with Deputy District Attorney ("DDA") COCHRANE.

16. On or about September 16, 2018, G.L. wrote a newspaper article for school that described his family, hobbies, preferred nickname and their recent family cruise from Long

¹ There is no lawsuit pending nor threatened against CPS and its employees by Plaintiff, including Ms. Shahbzian.

1 Beach to Mexico. G.L.'s school newspaper project indicated he was a well-adjusted fourth
2 grader who enjoyed spending time with both parents and riding dirt bikes in 2018. Less than a
3 year later, his childhood was destroyed by Defendants.

4 **School Interview – G.L. Denies Abuse for a Second Time**

5 17. On or about December 4, 2018, Folsom Police Detective CATANIO removed
6 G.L. from his 3rd grade classroom and I.L. from her 2nd grade classroom at Natoma Station
7 Elementary School to question them in a private room without the knowledge or consent of their
8 parents (the "School Interviews"). Using her department-issued cell phone, CATANIO audio
9 recorded separate School Interviews with G.L. and his sister I.L. at Natoma Station Elementary.
10 Both children again denied that they were sexually abused at home.

11 18. During the School Interview, CATANIO informed G.L. that his older brother(s)
12 reported that their mother had sexually abused them, that G.L.'s brother had witnessed their
13 mother do "something inappropriate to G.L.'s body," and *stated her belief that G.L. was*
14 *sexually assaulted by their mother.* G.L. responded that his brothers were liars who enjoyed
15 causing drama, and reiterated that his mother had not sexually abused him. CATANIO provided
16 G.L. with her business card and instructed him to call her if there was any information he
17 wanted to share.

18 19. On information and belief, CATANIO left the school and thereafter failed to log
19 the audio recording(s) of the School Interviews with G.L. and his sister I.L. at Natoma Station
20 Elementary into evidence. However, CATANIO did upload the School Interviews from her
21 department issued cell phone to her department issued laptop computer. CATANIO and
22 COCHRANE later denied an outside investigator from accessing CATANIO's department
23 issued laptop computer and cell phone where the School Interviews had been saved, which
24 prevented an independent determination about whether the School Interview recordings could
25 be recovered from either device. No data recovery was undertaken by any Defendant to
26 determine whether the School Interview recordings could be retrieved from CATANIO's
27 department-issued cell phone or laptop, nor whether the audio recordings had been
28 electronically archived elsewhere.

1 20. CATANIO later disclosed the substance of the School Interview denials and the
2 existence of the audio recording(s) of the School Interviews to DDA COCHRANE. At the
3 behest of DDA COCHRANE, CATANIO destroyed the exculpatory audio recording(s) of the
4 School Interview and had ROWBERRY “wipe clean” CATANIO’s computer hard drive to
5 conceal the evidence of CATANIO’s witness tainting. CATANIO and ROWBERRY also
6 disposed of the department-issued cell phone CATANIO used to record the School Interviews.
7 The destruction of the School Interview tapes was significant because the audio recording
8 proves that CATANIO intentionally tried to taint G.L.’s testimony – whom she knew would be
9 a witness in the case – by telling G.L. that she and his brothers knew that he had been “sexually
10 assaulted” by his mother.

11 21. When CATANIO was tasked with investigating the allegations against G.L.’s
12 mother, she was a *four-month rookie* to the investigations department with only a few months of
13 specialized training and a few years as a patrol officer. DDA COCHRANE was a seasoned
14 prosecutor with decades of experience. CATANIO was encouraged to taint witness testimony
15 and destroy evidence by COCHRANE, who demanded throughout the investigation that
16 CATANIO covertly place her thumb on the scale of justice to tip the balance in the
17 prosecution’s favor.

18 **Criminal Investigation Against G.L.’s Mother Intensifies**

19 22. CATANIO continued to harass G.L.’s family despite G.L. and his sister I.L.
20 repeatedly denying sexual abuse. Mrs. L became aware that a warrant had been issued for her
21 arrest, and on or about June 15, 2019, Mrs. L self-surrendered to law enforcement at the
22 Sacramento County Jail. Mrs. L was a married mother of five children with no criminal history
23 at the time of her arrest. The felony complaint filed on June 13, 2019 charged Mrs. L with
24 eleven counts of violating Penal Code Section 288(a), lewd and lascivious acts with minors,
25 between 2002 and 2008 related to allegations made by G.L.’s older brothers. Mrs. L’s bail was
26 set at \$750,000.

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G.L.'s Aunt in Law Enforcement Denies G.L.'s Abuse to COCHRANE

1
2 23. In or about mid-June of 2019, G.L.'s maternal aunt Mary Anne spoke to DDA
3 COCHRANE by telephone. She identified herself as a Deputy District Attorney in a
4 neighboring jurisdiction and expressed grave concerns about the credibility of the allegations
5 made by G.L.'s older brothers. COCHRANE was informed that G.L.'s eldest brother was angry
6 because he believed their mother was responsible for the January 14, 2018 police search of his
7 Wyoming home that resulted in his drug conviction on June 6, 2018. G.L.'s aunt explained to
8 COCHRANE that she had reported her eldest nephew to police for drug trafficking in late 2017,
9 and that he had retaliated by accusing his mother of sexually abusing him to CATANIO just a
10 few days after his drug sentencing in June of 2018. COCHRANE was able to independently
11 corroborate this information through the records in her possession at that time.

12 24. COCHRANE further learned from G.L.'s aunt that G.L.'s older brothers had
13 extensive histories of lying and drug abuse, and that G.L.'s middle brother had a motive to
14 exaggerate because he was seeking to become emancipated against the wishes of their parents.
15 Upon learning these inconvenient truths, COCHRANE realized her case was weakened by the
16 credibility issues identified by G.L.'s aunt, so she abruptly terminated the telephone call.

17 25. On information and belief, COCHRANE thereafter communicated with
18 CATANIO to fabricate probable cause against G.L.'s mother so that she could be charged with
19 additional crimes that were more recent. In other words, COCHRANE and CATANIO
20 conspired to manufacture a new victim – G.L. – after they realized their weak case involved
21 accusations from dubious witnesses that were over a decade old would need corroboration from
22 a witness with an unblemished reputation.

23 **Second Home Interview – G.L. Denies Abuse for a Third Time**

24 26. In or about mid-June of 2019 while Mrs. L was in custody, the same female CPS
25 employee Ms. Nahren Shabzian again returned to G.L.'s home to speak with him, his younger
26 sister, and their father Robb. G.L. and his sister again denied that their mother had sexually
27 abused them. This was memorialized in a report later provided to CATANIO and COCHRANE.
28 At the demand of CATANIO and COCHRANE (which was communicated by CPS), Robb

1 reluctantly agreed to bring G.L. and I.L. to the Sacramento County Special Assault Forensic
2 Evaluation Center (“CPS SAFE Center”) to speak with a licensed counselor a few days later. At
3 no time did G.L. consent to meeting with CPS nor Folsom Police.

4 **CPS SAFE Center Interview – Illegal Seizure; G.L. Denies Abuse for a Fourth Time**

5 27. On or about June 28, 2019, while Mrs. L remained in custody at the Sacramento
6 County Jail, Robb brought G.L. and I.L. to the CPS interview at the SAFE Center on Power Inn
7 Road pursuant to CPS’s demand (the “SAFE Center Interviews”). Robb toured the room where
8 the children would be questioned, which included a one-way mirror and video monitoring that
9 made him and the children feel unable to leave. When Robb realized that his youngest children
10 were going to be subjected to a custodial interrogation instead of receive counseling services, he
11 demanded to leave with them. At no time was G.L.’s father Robb charged with any crime or
12 accused of abusing his children. And at no point on June 28, 2019 (or any other day) was Robb
13 presented with a warrant or other Emergency Protective Order to authorize the removal of G.L.
14 (or I.L.) from his custody.

15 28. Nevertheless, CATANIO informed Robb that G.L. (and I.L.) would be taken into
16 protective custody if he did not agree to the CPS SAFE Center interview. This threatening
17 exchange was audio recorded and logged into evidence by CATANIO, and provided to
18 COCHRANE, but was not produced or disclosed to Plaintiff’s parents nor Mrs. L’s criminal
19 defense attorney during the criminal discovery process. COCHRANE was in communication
20 with CATANIO throughout the CPS SAFE Center interview and directed CATANIO to
21 threaten Robb with the forcible removal of his children without a warrant. CATANIO and
22 COCHRANE both knew that Mrs. L was in custody at the Sacramento County Jail and thus
23 there was no danger posed to the children, and both knew that no other exigent circumstances
24 existed. CATANIO and COCHRANE sought to conceal the existence of the audio tape of
25 CATANIO threatening Robb at the CPS SAFE Center because they knew that their conduct
26 violated G.L.’s clearly-established Fourth and Fourteenth Amendment rights.

27 29. CATANIO forced Robb into the hallway to separate him from his two young
28 children while she and the same female CPS worker Ms. Shahbzian who had twice interviewed

1 G.L. at his home watched interviewer Darla Garcia conduct separate interviews with G.L. and
2 I.L. from behind a one-way mirror. Both G.L. and I.L. again denied being sexually abused by
3 their mother. While G.L. was interviewed for over an hour at the CPS SAFE Center, CATANIO
4 and the female CPS employee observed behind a one-way mirror while COCHRANE watched a
5 live video feed of the interview remotely. COCHRANE, CATANIO and the interviewer
6 communicated with each other throughout the CPS SAFE Center Interview, including during at
7 least three “breaks” away from G.L. lasting approximately seven or more minutes each.

8 30. DDA COCHRANE acted in an investigative capacity with Detective CATANIO
9 during the CPS SAFE Center Interviews and throughout the investigation.

10 31. At the outset of his CPS SAFE Center Interview, G.L. explained that CATANIO
11 had previously attempted to improperly influence his statements during the School Interview:
12 “The detective, um, we met them at our school once – we met her at our school once because
13 we had to go – we had to go see her and, um, she said that I was assaulted when I was 5 and I’m
14 – and I said no I wasn’t.”

15 32. Later in the CPS SAFE Center Interview, when G.L. is asked about CATANIO
16 interviewing him at school, he *again* states that “She [Catanio] said that I was not assaulted, but
17 sexually assaulted. Um, when I was 5, and I was like, ‘I didn’t have – I don’t have any recall of
18 that.’ And she said...” At this critical moment of the CPS SAFE Center Interview, G.L. was
19 interrupted and cut off by the interviewer to prevent him from divulging how CATANIO tried
20 to taint Plaintiff’s memory and testimony during the School Interview.

21 33. During the CPS SAFE Center Interview and School Interview, G.L. and his sister
22 reported normal caretaking behaviors by both parents which did not amount to sexual abuse.
23 When asked whether “anything ever happened to your front private?”, G.L. replied “no.” When
24 asked whether anyone told G.L. what to say during the CPS SAFE Center Interview, he said
25 “no, not at all.” When asked whether anyone told G.L. not to tell the interviewer anything, G.L.
26 again replies, “no.” When asked about how he felt about his mom going to jail, G.L. replied, “I
27 mean, sad obviously.”

28 ///

1 34. When asked if there was anything G.L. didn't like about his mother going to jail,
2 he replied that "the thing that I don't like about it. Is that we have to go through all this. Go
3 through this is – this isn't therapy, but this is like an interview." In other words, the 9-year-old
4 G.L. articulated that he did not consent to being questioned during the CPS SAFE Center
5 Interview; G.L.'s objection to his seizure and interrogation was heard by both CATANIO and
6 COCHRANE in real time.

7 35. The interviewer eventually tells G.L. to go into another room across the hall and
8 says "I'm gonna see what other questions we have. If we do have more questions, we can come
9 back in here." That should have been the end of the CPS SAFE Center Interview.

10 36. Instead, CATANIO, COCHRANE and the interviewer communicated with each
11 other in G.L.'s absence during the first "break." COCHRANE and CATANIO conspired to
12 intimidate G.L. to manipulate and taint the 9-year-old witness's statements. The interviewer
13 retrieved G.L. and resumed the CPS SAFE Center Interview armed with interrogation questions
14 prepared by COCHRANE and CATANIO during the "break."

15 37. G.L. was then asked a series of 41 more questions about the family's
16 interactions, sleeping arrangements, cuddling, bathing and showering. G.L.'s responses
17 indicated there was no sexual abuse going on. For example, when asked if there was "ever a
18 time that it was just you and your mom that would cuddle?", G.L. replied, "No. It would always
19 be at least three of us. Me, my sister and my mom. Or me and my sister and my dad." When
20 asked about their showering and grooming, the interviewer said, "So she would wash your hair
21 and you said that she also helped you brush your teeth." G.L. replied, "Yeah." When asked if
22 his mother ever did anything else to his body, G.L. replied, "Nope. Not at all." The interviewer
23 again indicated that G.L. had answered dozens of questions sufficiently to end the interview, so
24 she asked if there was anything "we had talked about that you wanted to let me know anything
25 more about." G.L. responded, "no." At this point, the interviewer removed G.L. from the room
26 for a second time to communicate with CATANIO and COCHRANE.

27 38. COCHRANE and CATANIO again conspired during the second "break" to
28 further intimidate and manipulate the 9-year-old witness by subjecting G.L. to prolonged and

1 exhausting interrogation over the objections of G.L. and his father. Defendants sent the
2 interviewer back to speak with G.L. a third time because none of the statements previously
3 obtained from G.L. during the first hour of his interrogation constituted abuse.

4 39. On information and belief, COCHRANE and CATANIO instructed the
5 interviewer to continue harassing and questioning G.L. until his mother could be charged with
6 additional crimes. Throughout the CPS SAFE Center Interview, CATANIO prevented Robb
7 from being with G.L. and/or leaving with his children despite numerous requests from G.L. and
8 Robb to leave.

9 40. After the second "break," the interviewer returned and asked G.L. *forty* more
10 questions prepared by CATANIO and COCHRANE. G.L. explained that the oldest age at which
11 he took a shower with his mom was 5 years old. The interviewer asked invasive and repetitive
12 questions of G.L. about his mother washing his private areas with soap at 5 years old, then
13 asked "How did that make you feel when that happened?" G.L. replied, "Not really
14 uncomfortable but now that I think about it, it makes you feel uncomfortable." This statement
15 by G.L. – that his mother's conduct appeared to make *the interviewer* "uncomfortable" many
16 years later – was the supposed "gotcha" moment that CATANIO and COCHRANE later
17 claimed was the basis for saying that G.L. had "disclosed abuse"! The interviewer asked
18 whether there were any questions she forgot to ask or that G.L. wants to talk about, and G.L.
19 replied "no." Once again, the interviewer appeared to be under the impression that the CPS
20 SAFE Center Interview should conclude. G.L. was removed from the *room for a third time*
21 while the interviewer communicated with CATANIO and COCHRANE.

22 41. On information and belief, on the third "break" from G.L.'s CPS SAFE Center
23 Interview, COCHRANE and CATANIO again instructed the interviewer to continue harassing
24 and questioning G.L. until his mother could be charged with additional crimes. Dissatisfied that
25 G.L. could not be tainted, COCHRANE and CATANIO sent the interviewer back again to
26 badger G.L. into confirming that he was molested – to no avail.

27 42. The interviewer returned for a fourth time and asked G.L. a dozen more
28 questions, including whether "at any time did anything ever go inside of the hole when your

1 mom would wash your back private?" G.L. responded, "no." G.L. complained in his sweet 9-
2 year-old way about the length and intrusiveness of the CPS SAFE Center Interview by asking at
3 the end, "Is this one of the longer ones you've had?"

4 43. The June 28, 2019 video CPS SAFE Center Interviews of G.L. and his sister I.L.
5 were logged into evidence.²

6 44. Throughout the School Interviews and CPS SAFE Center Interviews, G.L. and
7 his sister were separated from each other but provided similar information to law enforcement.
8 Both children denied being sexually abused by their mother but admitted to normal parental
9 caretaking behavior and taking showers with their mother when they were younger. There was
10 no substantive difference between the statements made by G.L. compared to those made by his
11 sister I.L. during their conversations with CPS, the School Interviews, nor at the CPS SAFE
12 Center Interviews. However, at the direction of CATANIO and COCHRANE, G.L.'s CPS
13 SAFE Center Interview was of a much longer duration than his sister's CPS SAFE Center
14 Interview.

15 **COCHRANE & SCHUBERT Amend Complaint to Allege G.L. Was Sexually Abused**

16 45. Mr. & Mrs. L used their life savings, together with family contributions, to post
17 Mrs. L's \$750,000 bail on or about June 29, 2019.

18 46. Four days later, on or about the morning of July 3, 2019, Mrs. L attended a pre-
19 trial hearing wherein she was re-arrested and remanded back into custody. The First Amended
20 Complaint (FAC) filed on even date added three new counts of violating Section 288(a) of the
21 Penal Code and was signed by DDA COCHRANE on July 2, 2019 at the direction of District
22 Attorney (DA) ANNE MARIE SCHUBERT. The FAC contains a number of factual allegations
23 about G.L. which Defendants knew were not true. Each of the three new counts added to the
24 FAC pertained to G.L., however none were supported by probable cause.

25 47. COCHRANE amended the FAC despite the fact that all evidence examined
26 during the investigation of this matter indicated G.L. had not been victimized by any crime.

27
28 ² Quotations from the CPS SAFE Center interview in this Complaint were taken from the video evidence of said
interview that was used at trial in People v. Patricia Lane, Sacramento Superior Court Case No. 19FE010439.

1 Each of the eleven counts contained in the original complaint related to G.L.'s older brothers
2 between 2002 through 2008 carried a maximum sentence of 15 years to life. The three new
3 counts in the FAC spanned from 2015 through 2018 and pertained to G.L.'s mother taking
4 showers with G.L. Because the law had changed, the possible sentence was 25 years to life for
5 each of the three new counts pertaining to G.L.

6 48. The FAC filed by COCHRANE at the direction of SCHUBERT also added a
7 multiple victim sentence enhancement, which further increased the bail amount and possible
8 sentence. Mrs. L's bail was increased to \$2 million dollars, which was more than she could
9 afford to pay.³ Mrs. L was remanded back into custody as a consequence of CATANIO's lies
10 about G.L.

11 49. COCHRANE, SCHUBERT and CATANIO conspired to add three new charges
12 to the FAC pertaining to G.L. knowing that those charges were not supported by probable cause
13 for the improper purposes of increasing bail and forcing Mrs. L to fight her charges in custody.
14 This conspiracy was intended to and did weaken Mrs. L's defense.

15 50. Neither COCHRANE, SCHUBERT, nor CATANIO disclosed the existence of
16 the School Interview recordings to Robb, nor did they ever produce the audio recording(s) of
17 the School Interviews upon multiple pre-trial requests from Mrs. L's criminal defense attorney.

18 **G.L.'s Aunt in Law Enforcement Denies G.L.'s Abuse to CATANIO**

19 51. On or about the afternoon of July 3, 2019, G.L.'s maternal aunt Mary Anne who
20 had previously spoken to COCHRANE visited the Folsom Police station to speak with
21 CATANIO and another Folsom Police Detective Triplet regarding the criminal case against
22 G.L.'s mother. CATANIO audio recorded the interview wherein G.L.'s aunt again expressed
23 grave concerns about the credibility of the allegations made by G.L.'s older brothers.
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26 ³ For context as to how exorbitant Mrs. L's bail amount was, it was four times the amount set for a suspect in the
27 largest mass-shooting in Sacramento history Daviyonne Dawson; Dawson was released on a \$500,000 bond by the
28 same Superior Court on April 6, 2022 after six people were killed and twelve injured in extreme violence. Mrs. L's
bail was increased from \$750,000 to \$2 million because COCHRANE and CATANIO falsely insisted that
showing with G.L. when he was 5 years old constituted sexual abuse and because CATANIO fabricated
allegations G.L. being anally penetrated.

1 52. Like DDA COCHRANE, CATANIO was similarly informed by G.L.'s aunt
2 Mary Anne that G.L.'s older brothers had credibility issues, drug addictions, and motives to lie.

3 53. CATANIO proceeded to inform G.L.'s aunt that notwithstanding the drug and
4 credibility issues with them, that would not explain why G.L. had "made a disclosure" during
5 his CPS SAFE Center Interview. CATANIO intentionally misrepresented to G.L.'s aunt that
6 G.L. had accused his mother of sexually abusing him in an effort to taint the testimony of yet
7 another witness. For example, CATANIO falsely stated during the audio-recorded interview
8 with G.L.'s aunt that:

9 "the description that [G.L.] gave during his interview- was not 'mom was
10 helping me with one thing or another.' Okay, it was an hour long, nearly,
11 interview, very descriptive, Um, and we don't- ah, we're parents. I'm a
12 parent. I get the difference between wiping your kid or your kid telling
13 you their crotch hurts or penis hurts or you having to look at their private
14 area and sometimes help them wipe areas where you normally wouldn't. I
15 get it. I'm a parent. Um, but when a child is describing something more
16 than that, *far beyond that*, um any adult would know is inappropriate
17 contact. That's where *these* charges stem from, and that where we're at
18 with [G.L.]. I mean, to be honest with you, I didn't expect anything at all
19 in talking with him. I really didn't, um so what was described was not
20 'mom was helping me out.'"

21 54. G.L.'s aunt responded to CATANIO that, "G[L.] and I[L.] are staying at my
22 house right now and the last thing they said to me before I drove down here was 'give my mom
23 a big hug. We're so glad she's out of jail.' ...G[L.] was very concerned about [his mother] Patti,
24 wanting her to get out." CATANIO retorted, "What motivation would G[L.] have in making a
25 disclosure?" After Detective CATANIO first lied to G.L.'s aunt that G.L. had reported sexual
26 abuse, but she did not believe that lie, CATANIO doubled down by indirectly accusing the 9-
27 year-old G.L. of lying!

28 55. Throughout the July 3, 2019 exchange with G.L.'s aunt, CATANIO repeatedly
attempted to mislead her into believing that G.L. reported during the CPS SAFE Center
Interview that his mother was continuing to touch him in an inappropriate sexual manner. In
truth, G.L. had merely stated that he had taken showers with his mother on occasion. CATANIO
nevertheless insisted and can be heard on the audio recording saying:

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“Why would G[L.] make an allegation? Um, what would he have to gain? Why would he do it? And I just don’t understand. I guess that’s the part from me where even if you removed all this other stuff. And, I get it. They’ve [G.L.’s brothers] got some, sounds like, what you’re describing, some substance abuse stuff, maybe some mental health stuff, a whole history of things. But we have a 9-year old boy that none of that has existed with. Um, that has now made a disclosure of things that are still happening. Why would he do that?”

The entirety of this statement by CATANIO was **fabricated**. Moreover, CATANIO inadvertently admitted that she needed G.L. to bolster her weak case because his brothers had major credibility issues – including drug use, mental health problems and lying. CATANIO and COCHRANE did not know those credibility issues with G.L.’s brothers would later be excluded from evidence at Mrs. L’s criminal trial, so they tried to manufacture the perfect victim by falsely insisting that G.L. had also reported sexual abuse.

56. G.L.’s aunt Mary Anne provided CATANIO with the names and contact information of at least four witnesses who could attest to the veracity of her statements. Despite another member of law enforcement encouraging her to contact material witnesses, CATANIO did not make a single telephone call nor attempt to speak with any of the witnesses identified by G.L.’s aunt. At COCHRANE’s direction, CATANIO intentionally failed to conduct a reasonable investigation into the facts because they did not want to find anything that could undermine their case against G.L.’s mother.

57. Neither COCHRANE nor CATANIO seriously entertained the alternate theory posed by G.L.’s aunt – who was a member of law enforcement with a close relationship to almost every person involved in the case. At COCHRANE’s behest, CATANIO was too busy disparaging G.L. and putting words into his mouth to consider the possibility that no crime had been committed.

CATANIO & COCHRANE Taint Witnesses by Lying That G.L. Disclosed Sexual Abuse

58. When witnesses and people familiar with the family did not believe that Mrs. L was a child molester, CATANIO and COCHRANE executed their defamatory scheme to

1 convince them that G.L. had independently corroborated the sexual abuse allegations his older
2 brothers made against their mother.

3 59. CATANIO intentionally made false statements about G.L. to family members
4 and third parties in order to make them believe G.L. had been victimized so they would turn
5 against Mrs. L.

6 60. CATANIO made a habit of tainting witness testimony in child abuse
7 investigations because she herself was a victim of child abuse – which the CITY OF FOLSOM
8 and SCHUBERT knew, authorized and encouraged.

9 61. CATANIO and COCHRANE conspired to and did intentionally mischaracterize
10 G.L.'s CPS SAFE Center Interview statements to convince multiple skeptics that G.L. had
11 reported that his mother had sexually abused him. For example, on or about July 5, 2019,
12 CATANIO falsely told Robb's mother and stepfather that G.L. had "made a disclosure"
13 regarding his mother during his CPS SAFE Center Interview. CATANIO made this false
14 statement to G.L.'s grandparents hoping that it would turn Robb's parents against Mrs. L –
15 which it did.

16 62. CATANIO also falsely informed G.L.'s maternal uncle that G.L. had alleged
17 sexual abuse against his mother despite CATANIO's knowledge that G.L.'s uncle had an
18 extensive drug and mental health history. CATANIO and COCHRANE were previously
19 advised that G.L.'s uncle had been battling severe drug and mental health issues since the
20 Folsom Police Department arrested him in 2016 while under the influence of LSD.

21 63. In furtherance of their defamatory campaign, DDA COCHRANE conspired with
22 and encouraged CATANIO to mischaracterize G.L.'s CPS SAFE Center Interview and School
23 Interview statements to G.L.'s uncle with knowledge that G.L.'s uncle was of unsound mind.
24 CATANIO made statements to G.L.'s uncle that he needed to protect G.L. from being further
25 abused by his mother, and stated her opinion that Mrs. L had also "groomed" G.L.'s uncle at a
26 young age. CATANIO sought to convince a mentally ill young man that his nephew G.L. was
27 being sexually abused when he was not, then further insisted to that same young man that he
28 was in denial because he himself had probably also been "groomed" by G.L.'s mother.

1 64. CATANIO similarly falsely informed G.L.'s brother(s) that G.L. had alleged
2 sexual abuse against their mother in an effort to elicit allegations of similar abuse from G.L.'s
3 brother(s). These misstatements formed the basis for G.L.'s brothers, uncle, and paternal
4 grandparents thereafter launching a protective crusade related to G.L. which was unnecessary,
5 unwanted, invasive and untrue. CATANIO's misstatements about G.L. also served as the
6 impetus that turned family members against Mrs. L – including G.L.'s uncle and Robb's
7 parents.

8 65. On information and belief, CATANIO's witness tainting strategy to "divide and
9 conquer" the nuclear family unit in this case was the exact same pattern she exhibited when she
10 tainted witness testimony during her investigation into the O'Neel family in Folsom. Namely,
11 CATANIO lied to members of the accused's family in an effort to turn them against the family
12 member CATANIO was falsely accusing of abuse – just as she did to G.L.

13 66. The CITY OF FOLSOM knew of CATANIO's habitual witness tainting because
14 the O'Neel family had previously filed a government tort claim with the CITY OF FOLSOM.
15 The ensuing civil complaint filed by the O'Neel family in U.S. District Court indicated
16 CATANIO told the children who were the subject of her criminal investigations that CATANIO
17 had herself been a victim of child abuse, and that CATANIO's sibling had also been abused as a
18 child.⁴ The CITY OF FOLSOM had a duty to inquire whether CATANIO's self-proclaimed
19 personal trauma poisoned her ability to faithfully execute her duty to the Constitution. Instead,
20 the CITY OF FOLSOM adopted a policy and practice of keeping police personnel files free of
21 any damaging information that could be used to impeach their police officer's credibility and/or
22 bias as a witness.

23 67. As a direct consequence of that policy of concealment, CATANIO continued to
24 intentionally make false accusations about families that she was supposed to be investigating.
25 The procedure of seizing children without a warrant or evidence was instituted by the CITY OF
26 FOLSOM at the advice and with the consent of DA ANNE MARIE SCHUBERT.

27 _____
28 ⁴ See O'Neel et al v City of Folsom et al, 2:21-cv-02403-WBS-DB, ECF No. 1 at p. 9 filed December 24, 2021.
CITY OF FOLSOM received a government tort claim from the O'Neel family on or about June 16, 2021. *Id.* at p.
11.

1 **Defendants Obtain Protective Order Prohibiting All Contact Between G.L. and His Mom**

2 68. At the direction of DA SCHUBERT, DDA COCHRANE requested and obtained
3 a “no contact” protective order from the Sacramento Superior Court prohibiting G.L. from
4 having any telephone or other contact with his mother on or about July 2, 2019. This no-contact
5 order was based on CATANIO’s mischaracterization of G.L.’s CPS SAFE Center Interview,
6 which SCHUBERT and COCHRANE both knew did not constitute probable cause to believe
7 G.L. had been sexually abused. The testimony CATANIO fabricated about G.L.’s anal
8 penetration formed the basis for the July 2, 2019 protective order, however both SCHUBERT
9 and COCHRANE knew at that time that the counts pertaining to G.L. had also been fabricated
10 by CATANIO.

11 69. SCHUBERT, COCHRANE and CATANIO conspired to obtain the no-contact
12 order in contravention of G.L.’s Constitutional rights to further their improper purpose of
13 persuading G.L. that his own mother had abused him. SCHUBERT, COCHRANE and
14 CATANIO used G.L. in their campaign to make his mother “public enemy number one” so that
15 SCHUBERT could declare herself the protector and gain name recognition. More than two
16 years passed before G.L. could see or speak with his mother from July 2, 2019 through October
17 18, 2021. No such protective order was requested by COCHRANE to prevent G.L.’s little sister
18 from having contact with their mother.

19 **Preliminary Hearing – CATANIO, COCHRANE Fabricate Probable Cause, Silence G.L.**

20 70. G.L. asked to speak at his mother’s preliminary hearing on or about November
21 12, 2019 so that he could answer questions from the judge directly to clarify that he was not
22 sexually abused by her. Defense counsel argued that:

23 G[.L.] would testify we would expect consistent with the statements that
24 he has made that the contact that’s at issue in this case has to do with the
25 shower or showers, I should say that, Ms. [L] would take showers with
26 G[.L.] and wash his body, including his groin area both front and back,
27 that she didn’t linger on those, that there was nothing sexual about that,
28 that he didn’t have – that he felt that he was just being showered, and that
ended approximately when he was 7 when he was able to shower and take
care of himself in that regard. We think that’s affirmative evidence that
negates the sexual intent component that’s required for 288. It also in part
impeaches [G.L.’s eldest brother] Christian. And it would also illuminate

1 the fact that he says that he never observed any sort of sexual conduct
2 between Ms. [L] and any of the other boys in this case. So we do think that
3 he provides affirmative evidence for the purposes of the prelim.⁵

4 71. At the behest and direction of DA SCHUBERT, DDA COCHRANE objected
5 vigorously and prevented G.L. from testifying at the preliminary hearing on November 12, 2019
6 to bury their conspiracy. G.L. sat in the hallway waiting for his chance to speak truth to power.
7 The Court had inquired whether G.L.'s version of events had changed at all, noting that "It's my
8 understanding its been consistent from his statements to law enforcement to the defense
9 investigation." Defense counsel replied:

10 G[L.] has been interviewed at least twice and possibly three times by law
11 enforcement and then twice by the defense. So his general story has not
12 changed when he was originally interviewed. No charges were filed. And
13 then he was interviewed again. And nothing really changed substantively
14 about his testimony about what he said vis-à-vis having showers with his
15 mom. But I think it's the tenure. And G[L.], who's 9 at this point is an -
16 10 now - intelligent young man, very articulate, and I think the court's
17 ability to assess what he says versus what's going to be relayed through a
18 second-hand police officer by way of 115. I think it illuminates this very
19 critical component because the conduct that we would see in a sexual
20 conduct of intercourse or penetration or oral copulation or any of those
21 things that one would say that conduct is clearly a sexual conduct. But
22 washing and bathing a young child is not overtly sexual. It requires an
23 inference. And I think G[L.]'s testimony regarding what actually occurred
24 and his ability to articulate to the court I think is important for that
25 determination.⁶

26 72. Because COCHRANE would not allow G.L. to speak, CATANIO instead falsely
27 testified at the preliminary hearing that G.L.'s older brother Christian had reported seeing their
28 mother insert her finger into G.L.'s rectum while they were living at the "house on Brophy
Drive." Unbeknownst to Judge Savage, there was absolutely NO record in any of the
investigative reports of G.L.'s brother Christian ever making such an allegation, nor could
CATANIO identify when or how she was supposedly informed of this incident. The Court

⁵ Clerk's Transcript on Appeal, pg. 00144-00145, People v. Patricia Lang, Court of Appeal No. C094996.

⁶ Clerk's Transcript on Appeal, pg. 00146, People v. Patricia L., Court of Appeal No. C094996.

1 nevertheless denied Mrs. L's motion to reduce bail and allowed COCHRANE and SCHUBERT
2 to proceed with the three new charges in the FAC pertaining to G.L.

3 73. Ten-year old G.L. was never appointed an attorney, guardian ad litem or other
4 representative throughout any of the proceedings, nor was that option ever given to G.L. or
5 Robb during what was clearly a criminal investigation. DA SCUBERT, DDA COCHRANE and
6 CATANIO knew that G.L. and his father Robb were not represented by counsel during the
7 School Interview, CPS SAFE Center Interview, preliminary hearing or trial. Defendants
8 intentionally exploited that lack of counsel when they violated G.L.'s Fourth Amendment and
9 Fourteenth Amendment rights.

10 74. The entirety of the purported evidence amassed by Defendants to support the
11 charges in the FAC that G.L. had been sexually abused by his mother was nil. Defendants
12 nevertheless conspired to coerce, silence, defame and harass the young G.L. into falsely
13 testifying that he had been victimized by a crime at the hands of his own mother all the way
14 through Mrs. L's criminal trial in July of 2021. This was a violation of G.L.'s clearly
15 established Constitutional rights.

16 75. DA SCUBERT AND DDA COCHRANE used G.L. as a pawn to advance
17 SCHUBERT's "tough on crime" image for the upcoming California Attorney General campaign
18 despite G.L. repeatedly insisting that he had not been molested. DDA COCHRANE had
19 knowledge that her direct supervisor – Sacramento District Attorney ANNE MARIE
20 SCHUBERT – would be seeking higher office with a "tough on crime" platform. SCHUBERT
21 developed a systemic practice and policy of encouraging Constitutional deprivations within the
22 District Attorney's Office to showcase her prosecutorial prowess to the public. This "win at all
23 costs" mentality motivated SCHUBERT, COCHRANE and CATANIO when they unreasonably
24 seized, detained, questioned, harassed, defamed and silenced G.L. over the objections of G.L.
25 and his father Robb.

26 76. COCHRANE and CATANIO knew of SCHUBERT's ulterior political
27 motivations for seeking multiple felony charges against a female defendant when they agreed to
28 fabricate probable cause that G.L. had been molested. SCHUBERT developed a systemic

1 practice and policy within the Sacramento District Attorney's Office of fabricating probable
2 cause and tainting witness testimony to favor the prosecution.

3 77. CATANIO, COCHRANE and SCHUBERT conspired to and did improperly
4 harass G.L., unreasonably question and detain G.L. over the objections of G.L. and his father,
5 destroy the tape of G.L.'s School Interview, conceal the audio recording of Robb being
6 threatened with seizure of his children at the CPS SAFE Center, intimidate and prevent G.L.
7 from testifying at his mother's preliminary hearing, make untrue defamatory statements to third
8 parties that Mrs. L had sexually abused G.L., and force G.L. to testify as a prosecution witness
9 against his own mother – all with knowledge that they were violating Plaintiffs' clearly
10 established Constitutional rights.

11 **Defendants Hinder Efforts to Retrieve Exculpatory Evidence of School Interview Audio**

12 78. CATANIO claimed that the audio recording(s) of the School Interviews with
13 G.L. and his sister I.L. were deleted from her computer by another unnamed member of the
14 Folsom Police Department. The foremost "expert" within the Folsom Police Department
15 responsible for information technology ("IT"), Defendant ROWBERRY, was supposedly
16 consulted by CATANIO to determine whether the School Interview recordings which had been
17 deleted could be retrieved.

18 79. On information and belief, COCHRANE, CATANIO, and ROWBERRY instead
19 conspired to permanently destroy any and all recording(s) and back-up copies of the exculpatory
20 School Interviews wherein Plaintiff and his sister repeatedly told CATANIO that their mother
21 had not sexually abused them. ROWBERRY, COCHRANE and CATANIO thereafter
22 intentionally evaded investigators and member of Mrs. L's defense team who made multiple
23 attempts to retrieve the data from them, all for the purpose of destroying evidence to frustrate
24 justice.

25 80. The destruction of the School Interview recordings by Defendants was intended
26 to and did strengthen the prosecution's case against G.L.'s mother. The destruction of this
27 evidence was particularly harmful because the School Interviews were the first contact
28 CATANIO had with G.L. and his sister I.L., and demonstrate what G.L. explained in his CPS

1 SAFE Center Interview: that it was CATANIO who first told G.L. that *she believed* G.L. had
2 been “sexually assaulted” by his mother – not G.L. who disclosed abuse to CATANIO. In other
3 words, the audio that proves CATANIO tainted witness testimony went mysteriously missing
4 from both of the devices issued to CATANIO by the CITY OF FOLSOM before they could be
5 logged into evidence – CATANIO’s cellphone and laptop.

6 81. In lieu of the School Interview recordings, COCHRANE instead produced an
7 inadequate and undated one-page summary of the School Interviews drafted by CATANIO
8 perfunctorily stating the children had denied abuse. DDA COCHRANE participated in the
9 destruction of audio evidence at the behest and direction of DA SCHUBERT to secure
10 convictions against G.L.’s mother in furtherance of SCHUBERT’s political aspirations of
11 becoming the next “tough on crime” Attorney General of California. Defendants destroyed the
12 School Interview audio recording at the expense of G.L.’s Constitutional rights so that they
13 could commit fraud upon the Court without leaving a trace.

14 82. ROWBERRY, as CATANIO’s senior officer who was responsible for IT within
15 the CITY OF FOLSOM Police Department, refused to cooperate with Mrs. L’s defense team
16 during the investigation because he knew that CATANIO and COCHRANE destroyed audio
17 evidence and used fabricated information to substantiate their claims that G.L. had been
18 sexually abused. ROWBERRY knew or should have known that deprivations of G.L.’s
19 Constitutional rights were occurring when he was asked to retrieve audio recordings that
20 CATANIO had deleted without adequate explanation from her department-issued cell phone
21 and laptop computer. ROWBERRY had the experience and training to retrieve the audio of the
22 School Interviews, however he would not return telephone calls from defense investigators or
23 take any steps to recover the data because CATANIO and COCHRANE informed him of their
24 conspiracy to withhold the audio files at all costs.

25 83. SCHUBERT, COCHRANE and CATANIO knew they lacked the necessary
26 probable cause to charge Mrs. L for the crimes pertaining to G.L. alleged in the FAC. However,
27 COCHRANE and SCHUBERT were emboldened by the knowledge that their decisions to
28

1 withhold evidence and overcharge Mrs. L would have no consequence in the Sacramento
2 Superior Court.

3 84. COCHRANE, SCHUBERT CATANIO, and ROWBERRY conspired to and did
4 intentionally destroy the School Interview recordings, which were the most critical evidence
5 collected by the prosecution during the entirety of their investigation against G.L.'s mother. The
6 unblemished truth from the mouths of babes that was recorded closest in time to the acts alleged
7 was wrongfully withheld and deleted by Defendants. COCHRANE and SCHUBERT then
8 capitalized on their destruction of exculpatory evidence by filing additional charges against
9 G.L.'s mother for sexually abusing G.L. which they knew were not supported by probable
10 cause.

11 **Defendants Conceal Audio Recording of CATANIO Threatening to Seize G.L. From his Dad**

12 85. The audio recording of CATANIO threatening to take Robb's children away just
13 prior to the June 28, 2019 CPS SAFE Center Interviews was saved and logged as evidence,
14 however COCHRANE did not provide it to the defense until Mrs. L's defense counsel identified
15 and specifically requested it. Mrs. L's counsel noticed for the first time an entry within the same
16 screenshot CATANIO provided to prove that her computer had been wiped clean. In other
17 words, the audio recording of CATANIO threatening to take G.L. away from his father Robb at
18 the CPS SAFE Center would not have been discovered but-for CATANIO's denial that the
19 School Interview audio recordings existed.

20 86. COCHRANE, CATANIO and SCHUBERT conspired to conceal this material
21 evidence at COCHRANE's direction because CATANIO had threatened on tape to seize G.L. if
22 his father did not consent to him being interrogated. Defendants did so to conceal CATANIO
23 and COCHRANE's Constitutional violations and preserve SCHUBERT's image with voters in
24 the upcoming California Attorney General election.

25 87. COCHRANE and CATANIO conspired to and did wrongfully withhold the
26 audio recording from the CPS SAFE Center of CATANIO threatening to take G.L. and his
27 sister away from their father if they did not consent to the CPS SAFE Center Interviews.
28 COCHRANE failed to produce the audio recording of CATANIO threatening Robb to take his

1 children away during the discovery process of Mrs. L's criminal case. However, CATANIO
2 inadvertently informed Mrs. L's criminal defense team that an audio recording of Robb at the
3 CPS SAFE Center existed when she sent a screenshot demonstrating that the School Interview
4 recordings were inaccessible.

5 88. It was only upon noticing reference to a previously undisclosed file name that
6 Mrs. L's defense attorney specifically requested and obtained from COCHRANE the audio
7 recording of CATANIO threatening to take Robb's children away. COCHRANE and
8 CATANIO had conspired to conceal the audio recording of CATANIO threatening Robb at the
9 CPS SAFE Center in the same manner that the School Interview audio recording was destroyed,
10 however they were precluded from destroying the audio of Robb at the CPS SAFE Center by
11 Mrs. L's defense attorney making a written discovery demand for the audio file.⁷

12 89. CATANIO, COCHRANE and SCHUBERT knew that the systemic bias within
13 Sacramento Superior Court would preclude Mrs. L's defense attorney from having an
14 independent IT expert examine CATANIO's department-issued cell phone and laptop;
15 Defendants relied on this favoritism when establishing such practices.

16 **Pitchess Motion – CATANIO's History of Witness Tainting Concealed by Defendants**

17 90. Mrs. L's criminal defense attorney filed a *Pitchess* motion regarding CATANIO
18 on or about June 24, 2021 related to CATANIO's destruction of the School Interview audio
19 evidence and tainting witness testimony about G.L. The motion sought information regarding
20 CATANIO's training, evidence handling, and any prior allegations of witness tainting.

21 91. On or about July 7, 2021, an in-camera hearing was held in Sacramento Superior
22 Court regarding the *Pitchess* motion filed by Mrs. L's defense attorney as to CATANIO.
23 DAVID CANEPA, as custodian of records for the City of Folsom Police Department,
24 participated in person at the *Pitchess* hearing wherein he intentionally withheld material
25 information pertaining to CATANIO from Sacramento Superior Court Judge Ernest Sawtelle.

26
27 ⁷ It is unknown whether ROWBERRY's discovery of this audio recording of CATANIO threatening to seize the
28 children served as the tipping point which later prompted ROWBERRY to attempt to withdraw from the conspiracy
to violate G.L.'s civil rights. The inquiry is irrelevant since ROWBERRY's later attempt to withdraw from the
conspiracy did not include any affirmative act taken by ROWBERRY to defeat the purpose of the conspiracy.

1 92. CITY OF FOLSOM and the County of Sacramento had previously received
2 notice on or about June 16, 2021 that CATANIO had a history of tainting witness testimony
3 with false statements and conducting illegal searches and seizures in child abuse cases. Several
4 weeks before Mrs. L's *Pitchess* motion, a government tort claim alleging that same conduct had
5 been filed against CATANIO, THE CITY OF FOLSOM and the County of Sacramento by
6 claimants Faun O'Neel and her minor children involving facts that were shockingly similar to
7 G.L.' experience with CATANIO.

8 93. COCHRANE and SCHUBERT were on written, actual and constructive notice
9 of CATANIO's history of tainting witness testimony because the same government tort claim
10 had been filed by the O'Neel family with COCHRANE and SCHUBERT's employer County of
11 Sacramento on June 16, 2021. Despite their knowledge of this ugly truth, CANEPA,
12 CATANIO, COCHRANE and SCHUBERT denied and intentionally concealed any history of
13 wrongdoing by CATANIO from the Court during the July 7, 2021 *Pitchess* motion. This
14 concealment and fraud upon the Court was part of the policies and practices established by the
15 CITY OF FOLSOM and SCHUBERT.⁸

16 94. At the direction of Sacramento Superior Court Judge Ernest Sawtelle, shortly
17 after the *Pitchess* hearing on or about July 12, 2021, Mrs. L's criminal defense attorney emailed
18 CATANIO to "retrieve these [School Interview] recordings from your phone, computer, iTunes
19 or iCloud account." CATANIO was specifically advised in that email that time was of the
20 essence, and she was asked to identify the IT expert within the CITY OF FOLSOM with the
21 expertise to retrieve the recording of G.L.'s School Interview. Both CATANIO and
22 COCHRANE knew that Mrs. L's criminal trial was just days away, however at the direction of
23 COCHRANE and the CITY OF FOLSOM, CATANIO intentionally refused to cooperate with
24 Mrs. L's defense attorney. CATANIO would not respond to multiple emails and telephone calls
25 seeking to retrieve the audio recordings of G.L.'s School Interview from her department-issued
26

27 ⁸:As previously stated, the government tort claim filed by the O'Neel family was denied by the CITY OF FOLSOM
28 and later resulted in the filing of a complaint against CATANIO and CITY OF FOLSOM in the U.S. District Court
Eastern District of California on or about December 24, 2021, identified as *O'Neel et al v. City of Folsom et al*, Case
No. 2:21-cv-02403-WBS-DB.

1 cell phone and laptop, and further refused to identify ROWBERRY as the IT expert within the
2 CITY OF FOLSOM who had the experience to retrieve the data. CATANIO was emboldened
3 by the CITY OF FOLSOM's policy and practice of concealing *Brady* violations to protect its
4 police officers. CANEPA's concealment of CATANIO's prior wrongdoing from the Court at
5 Mrs. L's *Pitchess* motion underscored the lack of professionalism and candor exhibited by
6 CITY OF FOLSOM employees who were entrusted with serving the public good. This
7 deputized CATANIO with the authority to continue her spree of Constitutional violations.

8 **Criminal Trial Testimony – G.L. Denies Abuse For the Fifth and Final Time**

9 95. After spending two years in jail, Mrs. L's criminal trial began in late July of 2021
10 during the COVID-19 pandemic. G.L. was 11 years old at the time. The jury watched the video
11 of G.L.'s CPS SAFE Center Interview at trial and heard Plaintiff and his father testify.

12 96. The jury did not have the benefit of hearing the audio recording of G.L.'s School
13 Interview because CATANIO claimed the audio file could not be recovered by ROWBERRY
14 from CATANIO's computer hard drive or cell phone after being supposedly erased by a
15 member of Folsom Police Department. Out of at least ten interviews recorded by CATANIO in
16 Mrs. L's case, the exculpatory School Interviews were the only two recordings that
17 conveniently vanished from evidence.⁹

18 97. On information and belief, CATANIO, COCHRANE, SCHUBERT and
19 ROWBERRY continued to withhold the School Interview throughout Mrs. L's trial into August
20 of 2021 because the audio recording was exculpatory as to the allegations against G.L.'s mother
21 regarding G.L. and because it proved CATANIO improperly tainted witness testimony. Still two
22 years into the prosecution of G.L.'s mother, Defendants refused to provide exculpatory evidence
23 regarding G.L. despite their Constitutional obligation to provide this information.

24 98. CATANIO falsely testified at Mrs. L's trial in July of 2021 that ROWBERRY
25 had indicated he was not familiar enough with Apple products to retrieve the School Interviews
26 from CATANIO's department issued laptop. During CATANIO's testimony at trial,

27 ⁹ The audio recording of Robb at the CPS SAFE Center being threatened by CATANIO was also mysteriously
28 missing for a prolonged time, however it was somehow recovered upon Mrs. L's defense attorney's discovery
demand. On information and belief, ROWBERRY possesses the IT skills necessary to recover all of the audio files
in question and did recover the audio file of CATANIO threatening Robb to seize G.L. at the CPS SAFE Center.

1 ROWBERRY was again called by the defense investigator in July of 2021 to determine whether
2 the School Interview audio recordings could be retrieved, however ROWBERRY intentionally
3 refused to accept or return his telephone calls. This is consistent with ROWBERRY and
4 CATANIO previously refusing to participate in the recovery of the School Interview tapes
5 throughout the previous two years of the investigation.

6 99. On information and belief, CATANIO and ROWBERRY had already worked
7 together on numerous cases, including both of them testifying at the same evidentiary hearings
8 in other cases. CATANIO therefore knew that ROWBERRY had extensive computer forensic
9 training and was qualified as an expert in forensic computer extractions. For example,
10 ROWBERRY had previously extracted data from suspects' Apple product(s) at the request of
11 CATANIO and had even testified about his expert qualifications retrieving data from Apple
12 devices for CATANIO's other assignment(s). CATANIO therefore knew ROWBERRY was a
13 computer forensic expert with experience retrieving data from Apple devices at the time of her
14 false trial testimony that the School Interviews could not be retrieved because of
15 ROWBERRY's incompetence with Apple products.

16 100. Moreover, CATANIO and ROWBERRY's illegal search and seizure tactics in
17 other cases demonstrates that the botched investigation into Plaintiff's mother was not unique.
18 A pattern and practice of Fourth Amendment violations within the Folsom Police Department
19 has been sanctioned and encouraged by the Sacramento County District Attorney's Office over
20 the course of many cases, including at least two other cases involving CATANIO: the Faun
21 O'Neel case and the Gregory Harms case. Sacramento District Attorney SCHUBERT continues
22 to exert undue pressure on Folsom Police detectives to violate Constitutional norms, which the
23 CITY OF FOLSOM has adopted as a policy and practice within its Police Department.

24 101. During cross-examination at the trial of G.L.'s mother, CATANIO admitted that
25 at the direction of DDA COCHRANE and counsel for the CITY OF FOLSOM, she
26 intentionally refused to cooperate with the defense investigator and defense counsel to retrieve
27 the Plaintiff's School Interview recording.¹⁰

28 ¹⁰ Reporter's Transcript on Appeal, pg. 1471-1473, People v. Patricia L., Court of Appeal No. C094996.

1 102. During cross-examination, CATANIO also affirmed that she had previously
2 testified at the preliminary hearing and included in her written narrative that G.L.'s eldest
3 brother Christian had told CATANIO "When we were living on Brophy Drive in Sacramento I
4 witnessed [Mrs. L] stick her fingers up Bob and G[L.]'s anus. I also witnessed her grabbing
5 their testicles." These statements supposedly formed the basis for the investigation pertaining to
6 G.L. However, CATANIO could not explain the glaring discrepancies with this wild accusation:
7 Christian had moved out of the family home in the spring of 2008 before Plaintiff was born in
8 the fall of 2009 and never lived at the Brophy Drive home where the rest of Plaintiff's family
9 moved into in the summer of 2011. Moreover, Christian later testified under oath at trial that he
10 had never witnessed Mrs. L sexually abuse any of his brothers, nor did he claim to have made
11 any such statement to CATANIO.

12 103. When CATANIO was pressed by defense counsel under oath, "Isn't it true that
13 Christian never said that he ever saw [Mrs. L] put her finger in anybody's anus?" CATANIO
14 simply conceded the fabrication by replying, "I don't know." Again, CATANIO is asked
15 whether that would be an important statement in a sexual assault investigation, which would
16 alert the DA to what kind of charges should be filed. CATANIO skirted the questions thanks to
17 COCHRANE's objection, but she was eventually pinned down. CATANIO utilized
18 approximately half an hour of silence in open court to review the transcripts of her interview(s)
19 with G.L.'s older brother(s). CATANIO could not identify when or how she was told that
20 Christian witnessed their mother stick her finger into G.L.'s rectum. The jury sat in silence
21 while CATANIO rifled through documents for thirty minutes, unable to back-up her lie that
22 G.L.'s brother had reported to her that he witnessed Plaintiff being digitally penetrated in the
23 anus by their mother.

24 104. Defense counsel asked CATANIO "So you've looked through the entire
25 transcript. You don't see anything about Christian saying he ever saw his mother stick her
26 fingers in the anus of G.L., correct?" CATANIO responds, "Not in the transcript, no."
27 CATANIO had falsely memorialized graphic details about G.L. being sexually abused by his
28

1 mother so that her pre-trial report(s) would shock the conscience, but she was unable to provide
2 any evidence of such horrific crimes committed against G.L. at trial.

3 105. At the behest of COCHRANE, CATANIO fabricated these details about rectal
4 penetration at the preliminary hearing and in her report knowing that G.L.'s brother Christian
5 made no such statement. Christian stated under oath at trial that he never saw any of his brothers
6 sexually molested in the house.¹¹ Yet CATANIO had already perjured herself at COCHRANE's
7 request in an effort to connect G.L. to crimes that never happened so SCHUBERT could secure
8 convictions against Mrs. L.

9 106. COCHRANE called G.L. as a prosecution witness and forced him to testify at his
10 mother's trial in July of 2021 regarding the allegations of sexual abuse she and CATANIO had
11 fabricated about G.L. Over the course of two days, G.L. testified under oath about showering,
12 his CPS SAFE Center Interview, and the "stern looks" COCHRANE made in court when G.L.
13 was talking. G.L.'s trial testimony indicated that the 11-year-old witness perceived
14 COCHRANE was trying to intimidate him and manipulate his responses on the witness stand by
15 glaring at him with "stern looks" in court. This was a public display of the same covert policy
16 and procedure employed by CATANIO to intimidate and manipulate G.L.'s statements during
17 the School Interview and CPS SAFE Center Interview throughout the course of the
18 investigation. At the direction of DA SCHUBERT to make a public example out of G.L.'s
19 mother, COCHRANE and CATANIO intimidated and attempted to improperly influence G.L.
20 from the outset of the investigation all the way through his testimony at trial in July of 2021.

21 107. G.L. stood like a rock at his mother's trial and told the same story that he had
22 professed since he was first questioned three years earlier in 2018 – that he was not sexually
23 abused by his mother. When asked how old G.L. was when he last snuggled with his mom in
24 bed, he replied "I would probably do it now." This was G.L.'s heartbreaking reaction after more
25 than two years of forced separation from his mother as a result of the no-contact protective
26 order obtained by COCHRANE and CATANIO under false pretenses.

27
28 ¹¹ Reporter's Transcript on Appeal, pg. 848-49, People v. Patricia L., Court of Appeal No. C094996.

1 108. At trial, CATANIO was asked to clarify her prior statements to G.L.'s paternal
2 grandmother during the investigation wherein CATANIO indicated that "G.L. had made a
3 disclosure." CATANIO had the benefit of her investigation notes, transcripts and case file
4 available to her while testifying. Yet she could not identify any legitimate law enforcement
5 purpose for telling G.L.'s grandmother that G.L. had "disclosed." Nor could CATANIO identify
6 any legitimate law enforcement purpose for telling G.L.'s aunt that whatever event(s) G.L. had
7 disclosed to law enforcement was still happening to him.

8 109. When asked under oath whether CATANIO was trying to persuade G.L.'s aunt
9 Mary Anne that G.L. had been abused, DDA COCHRANE rescued CATANIO from answering
10 with an "argumentative" objection.

11 110. CATANIO even admitted in her July 2021 trial testimony that during the School
12 Interview, "I told G[L.] that one of his brothers said that they saw his mother do something
13 inappropriate to his body."

14 111. However, when CATANIO was asked under oath at trial who had reported
15 seeing G.L. digitally penetrated and when, she could not identify the date or manner of any such
16 accusation that was reported to her despite having all investigative materials available.

17 **Jury Unanimously Determines G.L.'s Mother "Not Guilty" of Sexually Abusing G.L.**

18 112. On August 19, 2021, The jury found Mrs. L "not guilty" of all three charges
19 pertaining to G.L. which had been added to the FAC by COCHRANE at the direction of
20 SCHUBERT based on misrepresentations made by CATANIO. No witnesses could substantiate
21 the information contained in the FAC regarding G.L. – including CATANIO. There was no
22 evidence, eyewitness testimony, DNA evidence, or physical evidence that in any way indicated
23 G.L. was sexually abused by his mother.

24 113. The three claims in the FAC pertaining to G.L. were based on information
25 already known by Defendants to be false at the time such charges were brought.

26 114. Substantial evidence regarding G.L.'s brothers' drug use, mental health
27 problems, motivations for lying, and how CATANIO tainted their testimony was excluded at
28 trial. G.L.'s mother was found guilty of four of the fifteen counts that she was ultimately

1 charged with. Pursuant to SCHUBERT and COCHRANE's request, on October 8, 2021, Mrs. L
2 was sentenced to the maximum possible prison sentence – sixty years to life. She is appealing
3 those convictions on the basis of erroneous evidentiary exclusions.

4 115. Because of the no-contact protective order COCHRANE, CATANIO and
5 SCHUBERT fraudulently obtained against G.L. and his mother, G.L. was not able to see or
6 speak with his mother again until late October of 2021 when the protective order was finally
7 terminated as to G.L. All of G.L.'s contact with his mother since October of 2021 has been from
8 behind security glass or by telephone, which hampers G.L.'s ability to rebuild his parental bond
9 with his mother in a meaningful way.

10 **Defendants Botched the Criminal Investigation**

11 116. Defendants relied solely on the fabricated information provided by CATANIO
12 and ignored exculpatory evidence in their possession which clearly indicated that G.L. had not
13 been victimized by any crime. Defendants never produced any physical evidence or eyewitness
14 testimony that G.L. was victimized by a crime in any way, yet they brought criminal charges
15 against G.L.'s mother based solely on their own unsupported and unsubstantiated statements.

16 117. Defendants failed to timely produce exculpatory evidence throughout the
17 pendency of the criminal proceedings in violation of their Brady responsibilities, then concealed
18 critical evidence of the School Interview which proved that G.L. had no connection to any
19 crime. More importantly, their destruction of the School Interview audio recordings was
20 intended to and did destroy evidence of what G.L. later disclosed in the CPS SAFE Center
21 Interview – that CATANIO had sought to taint G.L.'s testimony by telling him that his brother
22 had witnessed him being “sexually assaulted” by their mother at age 5.

23 118. CATANIO and ROWBERRY – at the direction of the CITY OF FOLSOM and
24 pursuant to its policies – blocked all of Mrs. L's defense efforts to attempt to recover the School
25 Interview recordings using a computer forensics expert. ROWBERRY and CATANIO
26 intentionally ignored multiple calls and requests from Mrs. L's defense team regarding retrieval
27 of the School Interview audio.
28

1 119. The combined actions of all Defendants form the basis for Plaintiff's claims and
2 the damages he sustained. This includes, but is not limited to, how they: fabricated crimes
3 committed against G.L.; coerced and manipulated witnesses; illegally seized G.L.; concealed
4 evidence proving the falsity of the crimes against G.L.; withheld the recording of CATANIO
5 threatening G.L.'s father with removal of his minor children if he did not consent to an illegal
6 search and seizure of G.L. and I.L.; destroyed G.L.'s School Interviews; and obtained/enforced
7 a no-contact order between G.L. and his mother under false pretenses which prevented G.L.
8 from having contact with his mother for over two years.

9 120. The Defendants agreed amongst themselves and with other individuals to act in
10 concert in order to deprive G.L. of his clearly established Constitutional Rights under the Fourth
11 and Fourteenth Amendments to be free from unreasonable search and seizure and deprivation of
12 liberty without due process of law. All Defendants were badge-carrying law enforcement
13 officers who exercised power possessed by virtue of state law and made possible only because
14 they were clothed with the authority of state law.

15 121. The policy and customs of the CITY OF FOLSOM and Sacramento County
16 District Attorney SCHUBERT – who employed the individual Defendants – were the moving
17 forces behind Defendants' Constitutional violations against Plaintiffs. The management,
18 operation, oversight, training and policies associated with the investigation of child sexual abuse
19 and other felony investigations by the Folsom Police Department and Sacramento County
20 District Attorney prioritized obtaining convictions over Constitutional safeguards.

21 122. Due to the failure of adequate monitoring, oversight, policies and procedures in
22 Folsom Police Department and by the Sacramento County District Attorney, G.L. was accused
23 of being sexually molested and forced to testify against his own mother at trial in July of 2021.
24 Unfounded criminal charges were intentionally brought against G.L.'s mother which were
25 ultimately terminated in G.L.'s favor.

26 123. With proper training, monitoring and oversight, the Constitutional rights
27 violations orchestrated by law enforcement in this matter would not have occurred. The
28 exculpatory School Interviews should have been provided by ROWBERRY at the time criminal

1 charges related to G.L. were brought against his mother. The CITY OF FOLSOM had a chance
2 to redeem itself in July of 2021 when CATANIO's personnel file should have been fully
3 disclosed to the Sacramento Superior Court by CANEPA during the *Pitchess* motion filed by
4 Mrs. L's defense attorney. As a pattern and practice, Defendants used false statements and
5 illegal searches/seizures to improperly influence other witnesses in this and other unrelated
6 criminal cases. Defendants ignored numerous opportunities all the way through August of 2021
7 at Mrs. L's criminal trial to produce the exculpatory audio evidence of G.L.'s School Interview
8 to the Superior Court, provide CATANIO's full personnel file with the O'Neel claim, and
9 withdraw the groundless charges against Mrs. L pertaining to G.L.

10 124. COCHRANE and SCHUBERT advised Folsom Police Detectives CATANIO
11 and ROWBERRY during the investigative phase of the criminal case, acted before having
12 probable cause to arrest G.L.'s mother, held G.L. in a detention facility against his will and the
13 will of his father Robb, and acquired false statements from witnesses for use in a prosecution.
14 All of those actions fell outside of their official role as prosecutors and thus undermined any
15 prosecutorial immunity they may otherwise enjoy.

16 125. In furtherance of their conspiracy, Defendants engaged in and facilitated
17 numerous overt acts, including, without limitation, the following:

- 18 a. fabricating statements and information for the purpose of unlawfully
19 circumventing probable cause requirements;
- 20 b. unlawfully seizing and detaining G.L. during the CPS SAFE Center Interview and
21 threatening his father to remove G.L. from his care in violation of the Fourth and
22 Fourteenth Amendments;
- 23 c. withholding and destroying material exculpatory evidence from defense counsel
24 and the Court;
- 25 d. wrongfully prosecuting G.L.'s mother for sexually abusing G.L. while knowing
26 there was no probable cause that G.L. had been abused;
- 27
28

- 1 e. attempting to manufacture witness statements from unreliable informants based on
2 CATANIO's false statements that G.L. had accused his mother of sexual abuse;
3 and
4 f. obtaining and enforcing a no-contact protective order under false pretenses which
5 prevented G.L. from seeing or speaking with his mother for more than two years
6 through October of 2021.

7 126. G.L. was subjected to psychological pressure and additional stress caused by
8 Defendant's illegal acts. Defendants damaged G.L.'s life, time, health, development, bonding,
9 and childhood. G.L. suffered the loss of his dignity for over two years while his father Robb
10 was powerless to protect him from Defendants. G.L. was belittled and treated as a victim over
11 his and his father's repeated objections. G.L. was isolated from his family because of the bad
12 faith and unmeritorious motives of CATANIO, COCHRANE, SCHUBERT, and ROWBERRY.
13 G.L.'s mother was remanded to custody and compelled to defend against fabricated claims
14 because of Defendants' illegal conduct and slanderous allegations regarding G.L. This caused
15 G.L.'s liberty to be restrained as a result of the no-contact protective order and subjected G.L. to
16 more stress than any child should be forced to endure. Defendants acted with malice and
17 reckless disregard for G.L.'s rights when they wrongfully obtained the no-contact order against
18 G.L. Defendants never provided G.L. or his father with notice and an opportunity to be heard
19 regarding the no-contact order or any other part of the investigation and trial.

20 127. Defendants abused their power by labeling G.L. a sexual assault victim before an
21 allegation had been made, let alone an investigation been conducted and a trial occurred. Law
22 enforcement is required to act fairly and refrain from arbitrarily labeling people as criminals or
23 victims, since this could lead to unjust penalties. Defendants violated their duties throughout the
24 course of the investigation with respect to G.L. because they prioritized obtaining convictions
25 and vindicating their personal traumas over seeking the truth.

26 128. Not only did G.L. have his life and liberty restrained as a result of the actions of
27 Defendants, but G.L. suffered from extreme guilt and anxiety while G.L.'s mother spent more
28 than two years in jail for crimes against G.L. which he knew that she did not commit. As a

1 direct result of Defendants' intentional, bad faith, willful, wanton, reckless, and/or deliberately
2 indifferent acts and omissions, G.L. sustained injuries and damages which continue to date and
3 will continue into the future, including: physical pain and suffering; severe mental anguish;
4 emotional distress; loss of family relationships; severe psychological damage; legal expenses;
5 humiliation, indignities and embarrassment; degradation; permanent loss of natural and
6 psychological development; and restrictions on his freedoms, for which he is entitled to
7 monetary and injunctive relief.

8 129. These injuries and damages to G.L. were foreseeable to Defendants at the time of
9 their acts and omissions because they violated G.L.'s clearly established Constitutional rights.
10 All of the acts and omissions committed by Defendants were done intentionally, unlawfully,
11 maliciously, wantonly, recklessly, negligently, and/or with bad faith, and said acts meet all of
12 the standards for the imposition of punitive damages.

13 130. As a direct and proximate result of the conduct of Defendants described above,
14 G.L. has been denied his Constitutional and statutory rights as stated below and has suffered and
15 continues to suffer mental and emotional distress, humiliation, embarrassment, discomfort and
16 anxiety.

17 131. CITY OF FOLSOM and SCHUBERT's policies, practices, conduct and acts
18 alleged herein have resulted and will continue to result in irreparable injury to Plaintiff,
19 including but not limited to further violations of his statutory and constitutional rights. Plaintiff
20 has no plain, adequate or complete remedy at law to address the wrongs described herein.
21 Plaintiff therefore seeks injunctive relief restraining Defendants from continuing to engage in
22 and enforce the unconstitutional and illegal policies, practices, conduct and acts described
23 herein.

24 132. G.L. was treated differently than his similarly-situated sister on the basis of his
25 gender. Defendants acted with discriminatory intent in violation of G.L.'s clearly established
26 legal and constitutional rights. Defendants directly and proximately caused G.L.'s humiliation,
27 mental pain and suffering. As a direct, legal and proximate result of Defendants' violations of
28

1 Plaintiff's statutory, constitutional and common law rights, G.L. has been damaged in an
2 amount to be proven at trial.

3 133. At all times herein mentioned, Defendants had an obligation to comply with
4 federal and state laws regarding gender discrimination. Defendants failed to meet these
5 obligations with respect to G.L.

6 134. Unless an injunction is obtained to prevent Defendants CATANIO and
7 COCHRANE from committing further Constitutional violations against G.L. and continuing to
8 defame him, Plaintiff will be irreparably injured. CATANIO and COCHRANE continue to
9 cause G.L. irreparable harm by their ongoing harassment and false insistence that G.L. requires
10 protection from his mother. This includes, but is not limited to, G.L. currently being restricted to
11 non-contact visitation with his mother at California Department of Correction & Rehabilitation
12 facilities.

13 **FIRST CAUSE OF ACTION**
14 **FOURTH AMENDMENT VIOLATION**
15 **FOR FALSE ARREST AND IMPROPER SEIZURE OF A CHILD**
16 **(Against Defendants CATANIO & COCHRANE)**

17 135. Plaintiff re-alleges and reincorporates each and every allegation contained in the
18 Factual Allegations and all previous paragraphs, inclusive, as though fully set forth herein.

19 136. The actions and omissions of the defendants CATANIO and/or COCHRANE
20 deprived G.L. of his clearly established right to be secure in his person, house, papers and effects
21 against unreasonable search and seizure as guaranteed by the Fourth Amendment to the United
22 States Constitution by: forcing the minor Plaintiff G.L. to be questioned by Folsom Police, law
23 enforcement and/or CPS on multiple occasions over the objection of G.L. and his father;
24 threatening Robb with the forcible removal of his children if he did not acquiesce to G.L.'s
25 interview at the CPS SAFE Center; and obtaining and enforcing a no-contact order under false
26 pretenses which prevented G.L. from seeing or communicating with his mother for over two
27 years.

28 137. Defendants CATANIO and COCHRANE subjected G.L. to lengthy detention and
interrogations without probable cause or reasonable suspicion to believe that any crime had been

1 committed and prevented him from leaving the CPS SAFE Center. Defendants CATANIO and
2 COCHRANE persisted with lengthy coercive interrogations of the minor G.L. over the
3 objections of both G.L. and his father. Then they obtained and enforced a “no contact” protective
4 order under false pretenses which prohibited G.L. from having any contact with his mother for
5 over two years, which was a de-facto extension of their seizure of G.L.

6 138. Interrogations and seizures that disregard the Constitutional rights of children
7 were a pattern and practice of both SCHUBERT and THE CITY OF FOLSOM – at whose behest
8 CATANIO and COCHRANE acted.

9 139. As a direct and proximate result of Defendants’ unlawful conduct, G.L. was
10 injured and suffered significant deprivation of liberty, causing damages as detailed herein.

11 140. The right to familial association guaranteed under the Fourteenth Amendment is
12 “clearly established” such that any reasonable law enforcement agent in Defendants’ situation
13 would know it is unlawful to remove a child from the care, custody, and control of his parents or
14 to question, threaten, examine, or search a child in the absence of exigent circumstances without
15 first obtaining a warrant to do so. Moreover, the right to familial association guaranteed under
16 the Fourteenth Amendment to the United States Constitution was so clearly established that any
17 reasonable law enforcement agent, including Defendants, would know that it is unlawful to
18 continue to detain a child from the custody of his parent when the agent knows, or has reason to
19 know, that there is no legal or factual basis for the continued detention. Likewise, the right of
20 children to be free from unreasonable seizure was clearly established pursuant to the Fourth
21 Amendment of the United States Constitution, and G.L.’s rights were violated by his seizure,
22 detention and prolonged interrogation. Defendants further knew that imposition of a no-contact
23 protective order between a child and his parent which is intentionally obtained by law
24 enforcement under false pretenses violates the Fourteenth Amendment. Defendants’ acts were
25 done in knowing violation of G.L.’s clearly established Constitutional rights, and without good
26 faith.

27 141. Defendants CATANIO and COCHRANE, and each of them, had at all times
28 relevant herein, an affirmative duty and obligation to recognize and conduct themselves in a

1 manner that confirms, provides for, and does not violate the protections guaranteed Plaintiff
2 under the United States Constitution, including the right to be free from unreasonable seizure and
3 the rights to due process of law, privacy, family integrity, and familial relations.

4
5 **SECOND CAUSE OF ACTION**
6 **FOURTEENTH AMENDMENT DUE PROCESS VIOLATION**
7 **(Against Defendants CATANIO & COCHRANE)**

8 142. Plaintiff re-alleges and reincorporates each and every allegation contained in the
9 Factual Allegations and all previous paragraphs of all previous Causes of Action in this
10 Complaint, inclusive, as though fully set forth herein.

11 143. The actions and omissions of the Defendant CATANIO in threatening to remove
12 the minor G.L. from his father's care without notice and an opportunity to be heard violated the
13 due process clause of the Fourteenth Amendment to the United States Constitution. CATANIO
14 and COCHRANE agreed jointly to seize G.L. from the care and custody of his father Robb
15 without court authorization if his father did not consent to G.L. being interviewed at the CPS
16 SAFE Center. At the time that said Defendants conspired to seize G.L., there was no warrant or
17 court order, nor any imminent risk of serious bodily injury to either him within the time it would
18 have taken Defendants to obtain a warrant to authorize the seizure. Mrs. L was in custody at the
19 Sacramento County Jail at the time G.L. was seized from his father at the CPS SAFE Center and
20 subjected to interrogation. Thus, Defendants had ample time to seek a court order authorizing
21 seizure of G.L. had they truly feared for his safety.

22 144. Defendants CATANIO and COCHRANE had at all times relevant herein, an
23 affirmative duty and obligation to recognize and conduct themselves in a manner that confirms,
24 provides for, and does not violate the protections guaranteed Plaintiff under the United States
25 Constitution, including those under the Fourteenth Amendment, to include without limitation, the
26 protection of parental rights, due process of law, the right to privacy, family integrity and the
27 right to familial relations. The clearly established right of the family to remain together without
28 the coercive interference of the awesome power of the state encompasses the reciprocal rights of

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both parent and child. Children have the Constitutional right to avoid dislocation from the emotional attachments that derive from the intimacy of daily associations with their parents.

145. In subjecting G.L. to prolonged interrogation at the CPS SAFE Center, threatening the forcible removal of G.L. from his father's care if his father did not consent to G.L.'s interrogation, filing the FAC, obtaining and enforcing the no-contact protective order against G.L. without probable cause to prevent him from having any contact with his mother for more than two years, CATANIO and COCHRANE caused G.L. to suffer deprivations of his fundamental rights to liberty, due process of law, and to be free from unlawful searches, detentions and seizures.

146. Plaintiff's procedural due process rights pursuant to the Fourteenth amendment were violated by the conduct of Defendants CATANIO and COCHRANE, both of whom were acting under color of state law when they violated Plaintiffs' civil rights by: detaining, interrogating, seizing, threatening to remove G.L. from the care of his father Robb without judicial authorization nor parental consent, and in the absence of exigent circumstances; and obtaining and enforcing a no-contact protective order under false pretenses which prevented G.L. from having any contact with his mother for over two years until October of 2021.

147. CATANIO and COCHRANE committed these unconstitutional acts without proper justification or authority, without probable cause, and without any specific evidence to suggest that G.L. was in imminent danger of suffering serious bodily injury or death at the hands of his parents.

148. At the time of said detention, interrogation, and seizure of G.L., Defendants, and each of them, knew a parent-child relationship existed between the Plaintiff G.L. and his father Robb and mother Mrs. L, and that G.L. was entitled to the companionship and care of his parents.

149. CATANIO & COCHRANE failed to conduct a reasonable investigation into the facts prior to detaining and interrogating G.L., filing the FAC, obtaining a no-contact order as to

1 G.L., and enforcing the no-contact protective order between G.L. and his mother all the way
2 through termination of the no-contact order in October of 2021.

3 150. Said Defendants thereby violated Plaintiff's rights under the Fourteenth
4 Amendment of the United States Constitution.

5 151. CATANIO and COCHRANE corroborated, acted, and/or conspired to violate
6 Plaintiff's civil rights. CATANIO and COCHRANE purposefully failed to seek and/or obtain a
7 warrant, knowing that insufficient grounds or evidence existed to support such application
8 and/or, as detailed below, as a result of unconstitutional policy, custom, or practice of never
9 obtaining warrants prior to seizing, detaining and/or interrogating children.

10 152. As a direct and proximate result of CATANIO and COCHRANE's unlawful
11 conduct, Plaintiff has suffered severe emotional injuries, embarrassment, grief, anguish, and
12 other general and special damages and losses according to proof at trial. Plaintiff has also
13 incurred, and will continue to incur, attorneys' fees, costs and expenses, including those
14 authorized by 42 U.S.C. section 1988, to an extent and in an amount subject to proof at trial.

15 153. CATANIO and COCHRANE acted with malice and with the intent to cause
16 injury to Plaintiff or acted with a willful and conscious disregard of the rights of Plaintiff in a
17 despicable, vile, and contemptible manner. Plaintiff is therefore entitled to recover punitive
18 damages from CATANIO and COCHRANE, as permitted by law and as according to proof at
19 trial, due to the wrongful conduct of said Defendants as herein alleged and to deter them and
20 others from such conduct in the future.

21
22 **THIRD CAUSE OF ACTION**
23 **CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS**
24 **IN VIOLATION OF 42 USC §1985**
25 **(Against Defendants CATANIO, COCHRANE, ROWBERRY, & SCHUBERT)**

26 154. Plaintiff G.L. re-alleges and reincorporates each and every allegation contained in
27 the Factual Allegations and all previous paragraphs of all previous Causes of Action in this
28 Complaint, inclusive, as though fully set forth herein.

155. The actions and omissions of Defendants CATANIO, COCHRANE,

1 ROWBERRY and SCHUBERT by silencing G.L. at the preliminary hearing, concealing
2 evidence pertaining to G.L. throughout the investigation and criminal trial in August of 2021,
3 and harassing, coercing, and defaming G.L., together with their conspiracy to deprive G.L. of his
4 Constitutional right to equal protection of the laws, constitute an obstruction of the due course of
5 justice, intimidating a witness, and a deprivation of rights or privileges in violation of
6 subdivisions (2) and (3) of 42 U.S.C. § 1985.

7 156. In furtherance of their conspiracy to deprive Plaintiff of his equal privileges under
8 the law, Defendants destroyed or withheld evidence of the School Interviews and fabricated
9 statements regarding G.L. on the basis of his gender. Defendants did so for the purpose of
10 strengthening their weak criminal case against G.L.'s mother because all of the other alleged
11 conduct had occurred more than fifteen years prior. Defendants did not employ the same tactics
12 against G.L.'s younger sister I.L. – such as prolonged interrogation, unsupported criminal
13 charges and imposition of a no-contact protective order – because I.L. was a female and thus did
14 not fit the prosecution's theory that Mrs. L was a child molester who preyed on young boys.

15 157. This disparate treatment of G.L. on the basis of his gender without any rational
16 basis caused personal injury to G.L. and deprived him of his rights and privileges as a citizen of
17 the United States.

18 158. The actions and omissions of CATANIO, COCHRANE, ROWBERRY and
19 SCHUBERT in destroying and/or failing to preserve or produce material exculpatory evidence of
20 G.L.'s School Interview that was timely and lawfully requested severely prejudiced G.L. and
21 denied G.L. his liberty and equal protection of law. These actions and omissions were taken by
22 said Defendants in furtherance of their conspiracy to deprive G.L. of equal protection of the law.

23 159. As a direct and proximate result of Defendants' unlawful conduct, G.L. suffered
24 the severe emotional anguish associated with a minor being deprived a relationship with his
25 mother by unreasonable and improperly coercive government intervention. G.L. was forced to
26 testify against his own mother by Defendants in July of 2021 because a young male victim fit
27 their narrative; G.L. has suffered severe emotional injuries, embarrassment, ridicule, grief, and
28 other damages and losses as described herein. G.L.'s liberty was restrained by the no-contact

1 protective order that was knowingly obtained by Defendants without probable cause which
2 prevented the minor G.L. from having any contact with his mother for over two years through
3 October of 2021.

4 160. In addition, G.L. is entitled to punitive damages against each of the individually
5 named Defendants under 42 U.S.C. § 1983, in that the actions of these individual Defendants
6 have been taken maliciously, willfully, or with a reckless or wanton disregard for G.L.'s clearly
7 established constitutional and statutory rights.

8 **FOURTH CAUSE OF ACTION**
9 **JUDICIAL DECEPTION**

10 **(Against Defendants CATANIO, COCHRANE, SCHUBERT, ROWBERRY, & CANEPA)**

11 161. G.L. re-alleges and reincorporates each and every allegation contained in the
12 Factual Allegations and all previous paragraphs of all previous Causes of Action in this
13 Complaint, inclusive, as though fully set forth herein.

14 162. The actions and omissions of CATANIO, COCHRANE, SCHUBERT,
15 ROWBERRY & CANEPA constitute judicial deception, including: bringing charges against
16 G.L.'s mother in the FAC for sexually abusing G.L. without probable cause; fabricating
17 horrendous stories to the Court that G.L. had been anally penetrated by his own mother;
18 concealing CATANIO's history of witness tainting from the Court during the *Pitchess* motion;
19 making false, improper and defamatory communications to third parties that G.L. had
20 "disclosed" that his mother had sexually abused him in order to taint the testimony of those
21 witnesses; and obtaining and enforcing a no-contact protective order under false pretenses that
22 prevented G.L. from having any contact with his mother for more than two years through
23 October 18, 2021. Said Defendants deliberately or recklessly made false statements or omissions
24 that were material to the finding of probable cause, and but-for their repeated and ongoing
25 dishonesty: the FAC would not have been amended to allege that G.L. had been sexually abused;
26 no protective order would have been imposed as to G.L.; Mrs. L would not have been remanded
27 back into custody; G.L. would not have been forced to testify for the prosecution at his mother's
28 trial in July of 2021; CATANIO would have been more effectively impeached at Mrs. L's trial
before G.L. was forced to testify against his mother; and G.L. would not have been subjected to a

1 fraudulently-obtained protective order that prohibited him from having contact with his mother
2 from July 2, 2019 through October 18, 2021.

3 163. CATANIO and COCHRANE harassed G.L., then at the behest of SCHUBERT,
4 COCHRANE brought charges against G.L.'s mother pertaining to G.L. with ulterior motives of
5 advancing SCHUBERT's political career and knowledge that there was no probable cause to
6 support the three counts pertaining to G.L. in the FAC.

7 164. At the behest of SCHUBERT, COCHRANE and CATANIO intentionally
8 prevented G.L. from testifying at his mother's preliminary hearing to conceal the lack of
9 probable cause for the charges pertaining to G.L. that COCHRANE added to the FAC.
10 Defendants initiated criminal proceedings without probable cause, with malice, and the
11 proceedings were ultimately terminated in Plaintiff's favor.

12 165. COCHRANE, CATANIO, ROWBERRY and SCHUBERT committed further
13 acts of judicial deception by destroying audio evidence of G.L.'s School Interview, which was
14 material to the finding of probable cause against G.L.'s mother, then lied to the Court and
15 defense counsel by claiming that the data was irretrievably lost and could not be recovered
16 despite their repeated refusals to allow an independent IT expert to examine CATANIO's
17 department-issued laptop and cell phone.

18 166. At the *Pitchess* hearing held on July 7, 2021, CANEPA intentionally concealed
19 CATANIO's documented history of wrongdoing as a CITY OF FOLSOM Police Detective from
20 Sacramento Superior Court Judge Ernest Sawtelle related to the *Pitchess* motion filed by Mrs.
21 L's criminal attorney. At the direction of COCHRANE and SCHUBERT, CANEPA and
22 CATANIO conspired to and did conceal CATANIO's sordid history of tainting witness
23 testimony, illegally seizing children, and conducting unlawful searches from Sacramento County
24 Superior Court Judge Ernest Sawtelle through the end of trial in late August of 2021.

25 167. CANEPA, CATANIO, COCHRANE and SCHUBERT committed fraud upon the
26 Court during the *Pitchess* motion by falsely insisted there was no basis to believe CATANIO had
27 mishandled evidence of the School Interviews or tainted witness testimony. When in fact, all
28 Defendants were on written notice of multiple acts of misconduct committed by CATANIO from

1 other members of the public who had made strikingly similar claims about CATANIO with the
2 CITY OF FOLSOM and County of Sacramento.

3 168. The actions and omissions of Defendants CATANIO, COCHRANE and
4 SCHUBERT in bringing charges against G.L.'s mother for sexually abusing G.L. without
5 probable cause were a willful use of the court's process in bad faith.

6 169. CATANIO and COCHRANE harassed G.L., then COCHRANE brought charges
7 against his mother pertaining to G.L. with ulterior motives and knowledge that there was no
8 probable cause for the counts pertaining to G.L. Pursuant to SCHUBERT's protocol,
9 COCHRANE and CATANIO prevented G.L. from testifying at his mother's preliminary hearing
10 to conceal the fact that CATANIO was lying and there was no probable cause to support the
11 charges pertaining to G.L. that COCHRANE added to the FAC.

12 170. CATANIO, COCHRANE, ROWBERRY and SCHUBERT further conspired to
13 conceal and destroy audio recording(s) of CATANIO's first School Interviews with G.L. and his
14 sister, which was exculpatory evidence as to the three counts pertaining to G.L., in violation of
15 their *Brady* duties. Such concealment continued all the way through trial in August of 2021.

16 171. Defendants acted maliciously and for a purpose other than bringing justice to G.L.
17 G.L. was burdened and aggrieved by the judicial deception perpetrated by CATANIO,
18 COCHRANE, ROWBERRY, SCHUBERT & CANEPA – all of whom were badge-carrying
19 members of law enforcement with a duty to uphold the Constitution.

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21 **FIFTH CAUSE OF ACTION**
22 **ABUSE OF PROCESS**

23 **(Against CATANIO, COCHRANE and SCHUBERT)**

24 172. Plaintiff re-alleges and reincorporates each and every allegation contained in the
25 Factual Allegations and all previous paragraphs of all previous Causes of Action in this
26 Complaint, inclusive, as though fully set forth herein.

27 173. The actions and omissions of CATANIO, COCHRANE and SCHUBERT
28 constitute an abuse of process, including: bringing felony charges against Plaintiff's mother in
the FAC filed in Sacramento Superior Court for sexually abusing G.L. without probable cause;

1 CATANIO making false statements to the Court that G.L.'s brother Christian had witness their
2 mother anally penetrate G.L. when each Defendant knew such information was fabricated by
3 CATANIO; making improper and defamatory communications to third parties indicating G.L.
4 had accused his mother of sexual abuse when the Defendants knew Plaintiff had repeatedly
5 denied any abuse and never made such allegations; and obtaining and enforcing a no-contact
6 protective order preventing G.L. from having any contact with his mother between July 2, 2019
7 through October 17, 2021. SCHUBERT knew that COCHRANE obtained the no-contact
8 protective order on the basis of CATANIO's false statements but still chose to intentionally
9 overcharge Mrs. L with felonies in the FAC for which there was no basis. Each Defendant knew
10 that their improper use of the Court's process would undermine the likelihood of G.L.'s mother
11 receiving a fair trial.

12 174. CATANIO and COCHRANE seized and harassed G.L., then at the behest of
13 SCHUBERT, COCHRANE brought charges against Plaintiff's mother pertaining to him with the
14 ulterior motives of advancing SCHUBERT's campaign for Attorney General and prejudicing
15 Mrs. L's defense. Each of them had knowledge that there was no probable cause to support the
16 three counts pertaining to G.L. in the FAC. Yet they heartlessly obtained and enforced a
17 protective order which prevented G.L. from having any contact with his mother for over two
18 years because they regarded G.L. as mere roadkill on SCHUBERT's road to higher office.

19 175. At the behest of SCHUBERT, COCHRANE and CATANIO prevented Plaintiff
20 from testifying at his mother's preliminary hearing to conceal the lack of probable cause for the
21 charges pertaining to Plaintiff which they added to the FAC. Plaintiff was burdened and
22 aggrieved by Defendants' abuse of process, which was done with the wrongful expectation of a
23 financial or emotional benefit to Defendants. Defendants initiated criminal proceedings without
24 probable cause, with malice, and the proceedings were ultimately terminated in Plaintiff's favor.

25 176. Defendants were motivated by a malicious and improper purpose of covering up
26 their lack of probable cause when they amended the FAC.

27 177. As a direct and proximate result of this abuse of process, G.L. was wrongfully
28 separated from his mother for over two years and traumatized. Plaintiff suffered the injuries

1 detailed herein and damages in an amount to be proven at trial.

2 **SIXTH CAUSE OF ACTION**
3 **MONELL RELATED CLAIMS**
4 **(Against Defendant CITY OF FOLSOM)**

5 178. Plaintiff re-alleges and reincorporates each and every allegation contained in the
6 Factual Allegations and all previous paragraphs of all previous Causes of Action in this
7 Complaint, inclusive, as though fully set forth herein.

8 179. CITY OF FOLSOM, including through its Folsom Police Department entity, is a
9 “person” within the meaning of 42 U.S.C. § 1983 and subject to *Monell* liability. (*Monell v.*
10 *Dept. of Social Services* (1978) 436 U.S. 658.)

11 180. Defendant CITY OF FOLSOM, including through its agencies, had a duty to
12 Plaintiff at all times to establish, implement and follow policies, procedures, customs and/or
13 practices (hereinafter “policy” or “policies”) which confirm and provide the protections
14 guaranteed Plaintiff under the United States Constitution, including those under the Fourth and
15 Fourteenth Amendments, to include without limitation, the protection of the right to familial
16 relations; the right to privacy; the right not to be defamed or stigmatized; the right to be free from
17 unlawful searches and seizures; the right to procedural due process; and the right to equal
18 protection of the law.

19 181. Defendant CITY OF FOLSOM also had a duty to use reasonable care to select,
20 assign, supervise, train, control and review the activities of all their agents, officers, employees
21 and those acting under them, so as to protect these constitutional rights; and to refrain from
22 acting with deliberate indifference to the constitutional rights of Plaintiff in order to avoid
23 causing the injuries and damages alleged herein. Based on the duties charged to the CITY OF
24 FOLSOM, including the nature of work related to child abuse investigations, CITY OF
25 FOLSOM knew or should have known of the obvious need to establish customs, policies,
26 practices and adequate training required to protect the aforementioned civil rights of parents and
27 their children as were violated as described herein above.

28 182. Defendant CITY OF FOLSOM established and/or followed policies, procedures,
customs and/or practices which policies were the moving force behind the violations of

1 Plaintiff's constitutional rights, including those under the Fourth and Fourteenth Amendments,
2 by, but not limited to:

3 a. The longstanding custom, practice, or policy of separating children from their
4 parents without first having conducted a reasonable investigation;

5 b. The longstanding custom, practice, or policy of failing to obtain a protective
6 custody warrant to remove children from parents or caretakers in the absence of exigent
7 circumstances;

8 c. The longstanding custom, practice, or policy of seizing children from parents
9 without undertaking a particularized or reasonable investigation regarding whether each child
10 should be removed in order to avert serious bodily injury;

11 d. The longstanding custom, practice, or policy of failing to undertake lesser
12 intrusive alternative means of ensuring child safety short of removal from the parents and/or
13 imposition of no-contact protective orders;

14 e. The longstanding custom, practice or policy of concealing witness tainting and
15 other prior wrongdoings by Folsom Police Detectives from the Sacramento Superior Court in
16 criminal investigations, *Pitchess* hearings, and felony trial testimony; and

17 f. The longstanding custom, practice or policy of ignoring the personal experience
18 of Folsom Police employees that may render them incapable of being an unbiased witness or
19 neutral information gatherer during criminal investigations – including, but not limited to,
20 disregarding public statements by employees that they suffered from child abuse while such
21 employee was actively assigned to child abuse investigations.

22 g. By acting with deliberate indifference in implementing a policy of inadequate
23 training and/or supervision, and/or by failing to train and/or supervise its officers, agents,
24 employees and state actors, in providing the constitutional protections guaranteed to individuals,
25 including those under the Fourth and Fourteenth Amendments, when performing actions related
26 to the investigation of child abuse. (This list is not exhaustive due to the pending nature of
27 discovery and the privileged and protected records of investigative proceedings. Plaintiff may
28 seek leave to amend this pleading as more information becomes available.)

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herein violated the Constitution or that CATANIO violated her Brady
responsibilities in the Sacramento Superior Court criminal case #19FE010439
against Plaintiff's mother, People v. Patricia L.;

Dated: April __, 2022

GAVRILOV & BROOKS

By: _____
J. Edward Brooks
Attorney for Plaintiff G.L.

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