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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

LISA SCHINDLER, an individual

Plaintiff,

vs.

ANNA JAUREGUI, an individual

SERGIO OPPENHEIMER, an individual

KATHY MARSH, an individual

CONTRA COSTA COUNTY, a public entity

AND DOES 1 to 50, inclusive,

Defendants

Case No.: 21-CV-02984-SK

Judge: Sallie Kim

**FIRST AMENDED COMPLAINT**

42 U.S.C. §1983

- Judicial Deception and  
Concealment of Evidence  
- Retaliation

Monell-Related Claims

- Judicial Deception and  
Concealment of Evidence  
- Retaliation

**Jury Trial Demanded**

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2 **PROLOGUE**

3 1. Plaintiff Schindler brings this action against the Defendants for their violations of  
4 Plaintiff's civil rights involving the judicial deceptions, concealment of evidence, denial of  
5 access to evidence, and retaliation by the Defendants in a juvenile dependency case commenced  
6 on April 2017 in Contra Costa County Superior Court of California against Plaintiff for alleged  
7 neglects of her daughter A.S.

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9 **JURISDICTION AND VENUES**

10 2. Each of the defendants herein was at all relevant times acting under color of law as  
11 employee, supervisor or director of Contra Costa DCFS.

12 3. 42 U.S.C. § 1983 and 28 U.S.C. § 1331 confer jurisdiction in this Court.

13 4. Because substantial parts if not all acts and omissions complained herein occurred in the  
14 Northern District of California, and all living parties currently reside in this district, the venue is  
15 proper in the Federal District Court of Northern California.  
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18 **PARTIES**

19 5. At all times relevant in this complaint, Plaintiff is a resident of the Contra Costa County  
20 in the State of California.

21 6. Plaintiff is a pediatric nurse with impeccable records. She receives numerous awards for  
22 her services.

23 7. At all times applicable herein, defendant Contra Costa County (County) was and is a  
24 public entity in the Northern District of California.  
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1 8. Contra Costa County Department of Children and Family Services (hereafter referred to  
2 as DCFS) is a subdivision, entity, or administrative unit of defendant Contra Costa County.

3 9. Anna Jauregui, Sergio Oppenheimer, and Kathy Marsh were employed, at relevant times  
4 herein, by DCFS as the case social worker, social worker supervisor, and director of DCFS,  
5 respectively, directly involved in the for D.R. She is a resident of California at the time service of  
6 process.

7 10. A.S. is Plaintiff's daughter. She was taken into custody by Contra Costa DCFS on April  
8 2017 when she was eleven years old.

9 11. Because the California Welfare and Institutions Code prohibits unauthorized access to  
10 juvenile dependency records, at this time, plaintiffs do not know the names of all defendants and  
11 the Does defendants. Their identities are not known at this time but could be ascertained from the  
12 records or upon discovery. Plaintiffs are in the process of seeking permission from the state court  
13 to gain limited access to the records for this litigation. Plaintiffs reserve the right to amend and  
14 join additional plaintiffs.  
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17 **GENERAL ALLEGATIONS**

18 12. At all times mentioned herein, each of the above defendants was an officer, agent, or  
19 employee of the County of Contra Costa. Each acted under color of law within the course and  
20 scope of their respective duties in doing the things and acts herein alleged.

21 13. Since kindergarten, A.S. has suffered psychiatric and medical issues such as seizures,  
22 violent outbursts, unusual sensitivity to noises and overstimulating environments, attempts to run  
23 away, suicidal ideations, and symptoms of bipolar, etc. and medical conditions such as failure to  
24 gain weight, constipation and occasional encopresis (fecal incontinence).  
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1 14. A.S. had medical insurance under Kaiser Permanente (hereafter referred to as Kaiser)  
2 where she was under psychiatric care by Dr. Jon Lynn Boone and other psychiatrists, and under  
3 the medical care under other physicians at Kaiser.

4 15. Dr. Boone prescribed to A.S. various combinations of psychotropic medications, but her  
5 conditions only got worse<sup>1</sup>.

6 16. A.S.'s parents are not married. Plaintiff has to take A.S.'s father, an attorney, to family  
7 court for child support. Plaintiff has legal and physical custody of A.S. Father negotiated a  
8 stipulation to pay a child support amount lower than the guideline amount. After some visits,  
9 Father became estranged from A.S. Father was hostile and believed that Plaintiff was an unfit  
10 mother.

11 17. Father objected to the use of psychotropic medications. Still, he took no action in family  
12 court to assert his rights, claiming that he was afraid that Plaintiff would file a restraining order  
13 against him.

14 18. When A.S. was eight years old, Plaintiff tried to wean her off the psychotropic  
15 medications under the direction of Dr. Boone. However, the attempt was unsuccessful. A.S.  
16 became violent. Kaiser sent her to a locked mental hospital put her back on numerous psychiatric  
17 medications causing troublesome side effects.

18 19. Plaintiff could not obtain psychiatric treatments from Kaiser for her daughter when she  
19 became suicidal. Kaiser made some outside referrals that led nowhere. Kaiser made a C.P.S.  
20 referral when Plaintiff requested a second opinion then gave her three false referrals for a higher  
21 level of care that led nowhere. A.S. condition worsened.  
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<sup>1</sup> Dr. Boone failed to show when called as a witness by Plaintiff's attorney.

1 20. It is well known that Kaiser has a persistent problem with failure to provide psychiatric  
2 services to their insureds. Kaiser had to enter a consent decree with the State of California to  
3 avoid penalties. However, to this day, Kaiser continues to have issues with adequate staffing and  
4 treatments to patients with mental health problems, in many cases resulting in deaths.

5 21. Plaintiff had to seek, at her expense, psychiatric treatment for A.S. from Dr. Brian  
6 Goldman, an outside psychiatrist.

7 22. Dr. Goldman is a well-known and experienced physician specializing in adult, child, and  
8 adolescent psychiatry, psychopharmacology. He is a published author and holder of multiple  
9 nutraceutical patents. Dr. Goldman specializes in treating patients with complex  
10 neuropsychiatric conditions that are resistant to conventional medical interventions. Dr. Goldman  
11 was an on-call consultant for UCLA, UC Davis, and Stanford.

12 23. Dr. Goldman put A.S. under closely monitored and adjusted psychotropic medications to  
13 stabilize her.

14 24. In June 2016, Dr. Boone saw A.S. at a visit. He approved Dr. Goldman's course of  
15 treatment and said that he would call Dr. Goldman if he had any concerns. Dr. Boone never  
16 made any such call.

17 25. Even though Contra Costa County has sent children with mental health issues for similar  
18 treatment protocols in state institutions like the Porterville Developmental Center, DCFS alleged  
19 that Dr. Goldman and Plaintiff were engaging in dangerous over-medication.

20 26. A.S. struggled academically at her regular public school because of her mental health and  
21 sensory issues. She was removed from the school by the principal and put under homeschooling  
22 because of her seizures. After significant advocacy with the school district, Plaintiff was able to  
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1 enroll A.S. in the Marchus Special Education School. A.S. was finally happy and thriving in  
2 school with good grades after being stabilized by Dr. Goldman.

3 27. Someone made several complaints about the medications to DCFS such as A.S. not being  
4 adequately treated and Plaintiff asking for a second opinion.

5 28. DCFS investigating social worker Abe Godir found these complaints to be unfounded.  
6 Godir recommended that Plaintiff continue medical and psychiatric treatments for A.S. for at  
7 least six months after Kaiser's treatment failed.

8 29. In late 2016, Plaintiff was concerned that A.S. failed to gain weight and height as  
9 Plaintiff had suffered the same condition around the same age.

10 30. Plaintiff took A.S. to see Dr. Lisa Taylor, an endocrinologist with Kaiser because A.S.  
11 failed to gain weight and height. Plaintiff suffered the same condition when she was about the  
12 same age as A.S.

13 31. Even though Dr. Lisa Taylor did not have any medical training in psychiatry and  
14 psychotropic medication, she made a diagnosis that A.S. had failure to thrive because of the  
15 psychotropic medication and that Dr. Goldman overmedicated A.R.

16 32. Upon information and belief, Dr. Taylor did not review A.S.'s medical history previous  
17 treatment under the care of Dr. Boone when she made those findings.

18 33. Upon information and belief, Kaiser social worker Mila Valle conspired with DCFS  
19 investigating social worker Ann Butler to misquote Dr. Taylor so they could falsely claim that  
20 Plaintiff of having the Munchausen by Proxy disorder.

21 34. Upon information and belief, Mila Valle was acting to protect the interests of Kaiser and  
22 she retaliated against Plaintiff for complaining about the inadequate mental health services.  
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1 35. Under cross-examination, Dr. Taylor testified that Mother agreed with nutrition  
2 appointments, keeping a log of food intake, and hospitalization.

3 36. Plaintiffs produced emails showing that she notified Dr. Taylor that A.S. had a food  
4 intake of 1,500 to 2,500 calories a day and not the 400 calories reported by Ann Butler.

5 37. On 04/04/2017, DCFS social worker Ann Butler filed a Juvenile Dependency Petition  
6 against Plaintiff on six counts. These counts include allegations that Plaintiff was responsible for  
7 A.S.'s failure to thrive, for missing an appointment with a nutritionist, and for over-medicating  
8 A.S., etc.

9 38. In one of the allegations, Butler reported that the "child's Body Mass Index has decreases  
10 from 40% to 25% in the past two years". This statement does not make any medical sense.

11 39. Failure to thrive only applies to babies and but not to teenagers.

12 40. At the time of the petition, A.S.'s BMI was within the normal range for her weight and  
13 height.

14 41. Ann Butler filed the petition after talking to Plaintiff only once and did not work with  
15 Plaintiff on any plan to avoid the dependency proceeding.

16 42. Either Butler had never even read previous DCFS records on the child welfare history of  
17 A.S., including Ade Godir's recommendations, or she knew about them but she did not report it  
18 to the court in the dependency petition she filed to commence the case against Plaintiff.

19 43. DCFS and all counsels from the Contra Costa Office of Counsel representing DCFS in  
20 the dependency proceeding did not disclose to the Court that Gobir's ratifications of Plaintiff's  
21 care of A.S. and dismissals of complaints against Plaintiff for medical neglect.  
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1 44. At the detention hearing, DCFS moved the dependency court to take custody of A.S. so  
2 that they can put her under observation to determine a baseline for treatment of failure to thrive,  
3 according to the recommendation of Dr. Lisa Taylor.

4 45. Dr. Taylor's plan for hospitalization did not involve stopping the psychotropic  
5 medication but rather focusing on nutrition and psychological consult.

6 46. DCFS seized A.S. at the detention hearing and took her to a Kaiser medical facility not  
7 equipped to handle psychiatric care and emergency. There the staff discontinued her medications  
8 precipitously without proper supervision by a psychiatrist.

9 47. At the detention hearing, Plaintiff, Plaintiff's attorney, and Dr. Goldman told DCFS that  
10 A.S. was stable, there was no emergency, and that A.S. could suffer debilitating withdrawal  
11 symptoms and trauma if medications were improperly taken off.

12 48. As predicted, the Kaiser physicians' precipitous withdrawal of A.S.'s medications  
13 triggered violent outbursts and attempts to elope, requiring A.S. to be sedated and put under four-  
14 point restraint.

15 49. Kaiser had to relocate A.S. to a psychiatric facility at the Fremont Hospital, where she  
16 was prescribed other psychotropic medications to stop the deteriorating condition.

17 50. DCFS then placed A.S. in a group home in Gilroy, then a private foster home in Escalon  
18 in San Joaquin County.

19 51. This placement violated DCFS's policy not to place dependent children out of Contra  
20 Costa County and into a different school. DCFS intended to keep A.S. away so that Plaintiff  
21 could not learn of her actual conditions.  
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1 52. At the foster home, the foster mother did not ensure that A.S. took her consistently. A.S.  
2 also suffered several violent episodes, attacking teachers and other students at her school. She  
3 also attempted numerous times to elope.

4 53. Social worker Christine Bass testified under cross-examination that the foster mother  
5 stopped A.S.'s psychotropic medications without a doctor's permission. The foster mother failed  
6 to pick up the medications and did not tell anyone for three weeks.

7 54. DCFS tried to this and many other disturbing facts from Plaintiff and the Court.

8 55. During some of the visits with her daughter, Plaintiff noticed that A.S. has a large bump  
9 on her forehead and numerous bruises on her body, that A.S. was severely malnourished, had  
10 dark circles around her eyes. When A.S. sat on Plaintiff's lap, Plaintiff noticed that sit-bones  
11 were sticking out. Plaintiff also noticed that A.S. smelled of feces.

12 56. Christine Bass, the case social worker at this time, ignored Plaintiff's complaints of A.S.  
13 deteriorating conditions.

14 57. Instead, in a report to the Court on May 8, 2017, Bass, her supervisor Andrienn Brooks  
15 and Kathy Marsh reported that A.S. was doing well, "had not any outbursts, meltdowns or  
16 tantrums" and "interacted well with other youths", that she had been "eating well", etc. when in  
17 fact, during this time, A.S. was severely traumatized by this experience. A.S. was later diagnosed  
18 with PTSD by psychologists employed by DCFS to gather dirt against Plaintiff.

19 58. Plaintiff contested vigorously against the false allegations in numerous the Jurisdiction  
20 and Disposition hearings.  
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59. Judge Hardie, not being fully informed about the actual conditions A.S. by DCFS, found all of Plaintiff's witnesses<sup>2</sup> not credible, found jurisdiction, and accepted DCFS's recommendations for disposition.

60. The Court could not sustain any allegations of Munchausen by Proxy against Plaintiff but found "willful or negligent failure of the parent (mother) to provide the child with adequate medical treatment, ..., The mother has failed to provide the child with appropriate medical care on or between April 2016 up to and including March 2017, including subjecting the child to the overprescription and over-use of unneeded medication, and failing to take appropriate steps to treat the child's failure to thrive, placing the child at substantial risk of harm."

61. This is not the first time Judge Hardie was deceived by DCFS social workers.

62. In 2018, Judge Hardie allowed a dependent child adopted by a foster father who was guilty molested his children, and himself lost parental rights<sup>3</sup>.

63. Again, in 2018, DCFS deceived Judge Hardie into not granting an unwed father presumed father status so that he and many willing, ready, and able relatives could take care of his newborn child. The child was found dead at four months old when the foster mother, too busy with her young children, placed the child swaddled up tightly and unsupervised in a dangerous sleeping crib<sup>4</sup>.

64. After accusing Plaintiff of failure to provide adequate psychiatric and medical care to A.S., as of the end of 2017, DCFS still had not found for A.S. any treatment for her psychiatric and (alleged) failure to thrive issues. DCFS claimed that they had not yet been able to enroll A.S. in MediCal when they could have used her Kaiser medical insurance.

<sup>2</sup> These witnesses include A.S.'s teacher, the school nurse, the school teacher, Dr. Goldman, the treating psychiatrist, etc.

<sup>3</sup> In re B.D. (case numbers A155254 and A155571), First District Court of Appeal of California.

<sup>4</sup> CAND case number 19-cv-07152, D.R. v. Contra Costa et al.

1 65. DCFS dragged its feet on treatment programs because it did not want anyone to know the  
2 A.S.'s abysmal conditions while she was under DCFS custody.

3 66. At the end of 2017, social worker Sophia Webb took over the case from Christine Bass.

4 67. Webb's supervisor was Abe Gobir. Gobir was on A.S.'s case but she failed to take any  
5 action to alert the Court<sup>5</sup> of her previous findings that Plaintiff did not commit any medical  
6 neglect and that Plaintiff should stay the course.

7 68. Upon information and belief, Webb is usually assigned firefighting duty on cases that go  
8 awry.

9 69. For example, Webb was assigned to remove children placed with a pedophile foster  
10 father who later shot himself when Contra Costa sheriff officers when to his home to arrest him  
11 on a dozen of counts of child molestations. Webb and DCFS did not report this disturbing fact to  
12 the Court. Instead, DCFS moved a young girl victim to a psychiatric facility in Texas to keep the  
13 scandal under wrap.

14 70. By the end of November of 2017, A.S. had deteriorated mentally and physically so  
15 severely that the foster family did not want to keep her. The foster placement agency refused to  
16 place her with one of their clients.

17 71. Acting without the dependency court's authorization, on December 11, 2017, Webb  
18 picked up A.S. from the foster home and dropped her off at her Uncle Brad Schindler's home in  
19 Sacramento.  
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21 72. Uncle Brad found that A.S. was in much worse shape than she was taken away by DCFS  
22 and that she suffered from PTSD. She was in near catatonic state, pale, hungry, and  
23 malnourished. Her arms and legs were covered with bruises. A.S. was terrified of being left  
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25 <sup>5</sup> "court" in lower case as referred here is the Contra Costa Juvenile Dependency Court, not this Federal Court.

1 alone, by noises from upstairs and of being taken away. Uncle Brad had to throw away  
2 suggestive high-heeled shoes and clothes given to her by the foster parents that made her look  
3 like a hooker. A.S. told Uncle Brad that the foster parents recorded video of her running around  
4 in those suggestive clothes.

5 73. Sophia Webb did not report these disturbing facts to the dependency court. She only  
6 reported that she had to move A.S. to Uncle Brad's home at short notice because Webb could not  
7 find a placement, and she did not want to place A.S. in a group home with teenage boys.

8 74. It took months for Uncle Brad to nurse A.S. back to health, mentally and physically.

9 75. During this time, Plaintiff was not allowed to communicate with her brother Brad to find  
10 out her daughter's conditions

11 76. Shortly thereafter, in early 2018, Defendant social worker Anna Jauregui took over the  
12 case from Webb as the case social worker. Jauregui made regular visits with A.S. In each visit,  
13 Jauregui would talk to A.S. privately in a room.

14 77. Mr. Schindler later reported that after the meetings, A.S. would become upset and  
15 irritable.

16 78. Before these visits, A.S. wanted to come home with Plaintiff.

17 79. After a number of these visits, A.S. became angry and hostile toward Plaintiff, accusing  
18 Plaintiff of killing her with medications. A.S. did not want to reunite with Plaintiff.

19 80. After a few months, DCFS moved to have A.S. turned over to her estranged father's  
20 custody, and Plaintiff's visits and education rights cut off so that Plaintiff would no longer have  
21 access to A.S.'s medical and school records.

22 81. From December 2017 to September 2018, DCFS dragged its feet in complying with court  
23 orders for family therapy and therapeutic visits. From mid-2018 to the end of the case in April  
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1 2019, DCFS obstructed visitations allowing Plaintiff to visit her daughter only once visit toward  
2 the end of the case.

3 82. Defendant Jauregui knew that a caretaker of A.S. friendly to her father was also trying to  
4 brainwash A.S. against Plaintiff but did not report this exculpatory evidence to the dependency  
5 court.

6 83. A.S. received only one-sided brainwashing to hate her mother and Plaintiff was not  
7 allowed to explain her side of the story.

8 84. DCFS wanted to groom A.S. to make statements against her mother in court.

9 85. When an evaluating psychologist found that she was acting reasonably in the  
10 circumstances in dealing with her child's mental health issues and posing no danger to her child,  
11 DCFS wanted another psychological evaluation by another psychologist of their own choice.

12 86. When this second psychologist came up with the same conclusion, Defendants did not  
13 report this exculpatory evidence to the dependency court.

14 87. When the father made a false police report, accusing the elderly maternal grandparents of  
15 an attempted kidnapping of A.S., Defendants Jauregui, Oppenheimer and Marsh, without any  
16 investigation, promptly reported this accusation to the dependency court to damage Plaintiff's  
17 standing.

18 88. Defendants Jauregui, Oppenheimer, and Marsh continued to report in memos to the Court  
19 that A.S. was thriving and doing well academically even though she engaged in self-cutting and  
20 struggled in school because of the interruption in her schooling for a year.

21 89. In late 2018, DCFS moved the dependency court to close the case with a detrimental  
22 finding against Plaintiff.  
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1 90. With a detrimental finding from the dependency court, it is almost impossible for  
2 Plaintiff to regain any legal or physical custody to A.S.

## 3 4 **CLAIMS FOR RELIEF**

### 5 6 **FIRST CLAIM FOR RELIEF**

#### 7 **42 U.S.C. § 1983**

#### 8 9 **Violation of Right Under the Due Process Clause under the 14<sup>th</sup> Amendment**

#### 10 **Judicial Deception and Concealment of Evidence**

#### 11 **By Plaintiff Schindler Against Jauregui, Oppenheimer, Marsh and DOES 1-50**

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14 91. Plaintiff realleges and incorporates all paragraphs and allegations in this amended  
15 complaint in each of the claims for relief below as if set forth in full.

16 92. Defendants violated Plaintiff's by their actions and documents submitted to the state  
17 court on and about April 24, 2019.

- 18  
19 a. In this document, Defendants reported that A.S. "is thriving in the care of her  
20 father", that "she was not on any medications and has continued to do extremely  
21 well", that she has "the ability to advocate for herself", etc. when in fact medical  
22 records at the time, two years after A.S. was not in Plaintiff's custody, indicate  
23 that:

24 88.1 A.S. continued to suffer constipation. Her doctor recommended that A.S.  
25 taking the same medication prescribed to her when she was in Plaintiff's custody.

In fact, the father opposed to this prescription without consequences while Plaintiff was falsely accused of not following the direction of A.S.'s physician.

88.2 A.S. now actually suffered underweight issues, falling in the percentile of underweight, and that she was under treatment for it.

88.3 A.S. performed academically worse than before she was taken from Plaintiff's custody.

88.4. A.S continued to have psychiatric issues.

88.5 A.S. was brainwashed and alienated against Plaintiff.

93. In California, at each stage of the dependency proceeding, the social services agency is statutorily mandated to prepare social study reports and make recommendations to assist the court. In general, these are designed to make sure that the court has all the evidence before it to make the necessary findings at each stage of the proceedings. The duty is placed upon the social worker. Because their professional role is best described as that of a "disinterested party", their reports to the court must have the characteristics of "objectivity and expertise". In fact, it is the recognized professional objectivity of social workers, and the "trustworthiness" and "reliability" of their work, that justifies the admissibility of their reports in dependency proceedings, despite the layers of hearsay these reports typically contain.<sup>6</sup>

94. In addition to this hearsay exception, parents in dependency proceedings do not have the right to discovery such as making requests for admissions, interrogatories and depositions

95. Parents only have a limited right to requests for documents from third parties.

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<sup>6</sup> Quoted from In re B.D., supra.

1 96. Because of the deprivation of education rights, DCFS obstructed Plaintiff's due process  
2 by limiting her access to evidence to impeach DCFS's false statements to the dependency court.

3  
4 97. Defendants also failed to inform the dependency court that two psychologists, including  
5 one they chose, cleared Plaintiff of any medical neglect.

6 98. In early 2018, Judge Hardie was transferred out of the juvenile dependency court.

7 99. This transfer occurred after several mistakes by Judge Hardie when she was deceived by  
8 DCFS social workers.

9 100. Even though dependency proceedings are shrouded in secrecy, Plaintiff learned of several  
10 mistakes such as Judge Hardie's order for the adoption of a child by a child molester<sup>7</sup>, the  
11 termination of parental rights of a single mother with curable mental health issues resulted from  
12 her being overmedicated by a psychiatrist<sup>8</sup>, Judge Hardie permitting lengthy delays of  
13 jurisdiction hearings for a mentally ill girl and her brother seized by DCFS without proper  
14 investigation and upon a false allegations of child abuse against the children's father<sup>9</sup>, the death  
15 of an infant in a foster home when she could have been taken care by her many relatives<sup>10</sup>, etc.

16 101. Judge Landau took over A.S.'s dependency case from Judge Hardie.

17 102. Judge Hardie, not being informed of A.S.'s actually medical and psychiatric conditions,  
18 still under the impression that A.S. was thriving so after she was transferred to a different  
19 department, Judge Hardie made an ex-parte communication with Judge Landau giving Judge  
20 Landau an impression that A.S. was doing much better than she actually was.  
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24 <sup>7</sup> See In re B.D. supra.

<sup>8</sup> See CAND case number 18-cv-0470, Salah v. Contra Costa County et al.

<sup>9</sup> See CAND case number 18-cv-006004, A.M.K. and L.T.K vs. Contra Costa County et al. (the young girl was placed in the home of a pedophile).

<sup>10</sup> See CAND case number 19-cv-07152, D.R. et al v. Contra Costa County et al



103. Under the influence of this ex-parte communication and being misinformed by deceptions in the reports filed by Defendants Jauregui, Oppenheimer and Marsh as well as their concealments of other exculpatory evidence, Judge Landau ruled against a 388 motion by Plaintiff, disallowed cross-examination of A.R. by Plaintiff's counsel. Judge Landau closed her mind to new evidence and predetermined the outcome of the contested hearing. Without exculpatory evidence that the child continued to have the same issue and suffered even worse condition, Judge Landau closed the case with a detrimental finding against Plaintiff, cutting off her legal and physical custody of A.S.<sup>11</sup>

104. As a direct and proximate result of Defendants' conduct in fabrications and concealment of evidence, Plaintiff suffered general and special damages according to proof at trial, including but not limited to damages stemming mental distress, lost of her child's custody and affection, attorney fees and costs.

## **SECOND CLAIM FOR RELIEF**

### **42 U.S.C. § 1983**

#### **Retaliation in Violation of Plaintiff's First Amendment Right**

#### **By Plaintiff Schindler Against Jauregui, Oppenheimer, Marsh and DOES 1-50**

105. Plaintiff realleges and incorporates all paragraphs and allegations in this amended complaint in each of the claims for relief below as if set forth in full.

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<sup>11</sup> Judge Landau issued an order closing the case without a detrimental finding then she issued an order overriding the previous order with a detrimental finding.

1 106. Plaintiff has the right under the First Amendment to speak up to protect the health and  
 2 welfare of her child when she saw evidence that her daughter A.S. suffered trauma and abuses  
 3 while under the care and custody of DCFS.

4 107. Plaintiff complained to the case social workers including Anny Jauregui and  
 5 Oppenheimer about A.S.'s desperate conditions when she was dropped off at Uncle Brad's home  
 6 by Sophia Webb.

7 108. Plaintiff also defended herself vigorously against the false allegations of neglect through  
 8 out the detention, jurisdiction and disposition hearings as well as a number of 388 motions to  
 9 bring to the attention of the dependency court trauma and abuses suffered by her daughter and  
 10 neglect by DCFS.

11 109. In practice, dependency counsels regularly advised their parent clients not to speak up  
 12 against C.P.S. agencies because of inevitable retaliation.

13 110. DCFS retaliated against Plaintiff by cutting off her visitations and educational rights so  
 14 that she could not find out A.S. true condition and to defend herself with exculpatory evidence  
 15 namely that the child still had the same condition (namely constipation), was put under the same  
 16 medication (Dulcolax), and that she suffered actually underweight issue while under the care and  
 17 custody of DCFS and the father.

18 111. DCFS then engaged in and conspired with other parties in parental alienation against  
 19 Plaintiff, brainwashing her child into thinking that Plaintiff was trying to kill her.

20 112. After an attempt in a hearing to induce A.S. to speak out against Plaintiff, Jauregui again,  
 21 with the help of A.S.'s father, prompting A.S. to speak against Plaintiff.<sup>12</sup>  
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25 <sup>12</sup> This abominable tactic is similar to that seen in Communist China during the Cultural Revolution. The Red Guards turned children against their parents in kangaroo People's Courts.

1 113. Social workers from Contra Costa County, in this case and many other cases, made false  
2 allegations when parents take up too much of their time with complaints and when parents with  
3 financial resources and determination not to put up with false accusations fight back in contested  
4 hearings.

5 114. DCFS social workers would then use the reunification services as a pretext to pile on dirt  
6 and opportunities to coerce children into speaking against their families.

7 115. In this case, in response to Plaintiff's complaints that A.R. was abused and neglected  
8 while in the custody of DCFS, Defendants Jauregui, Oppenheimer and Marsh conspired to cut  
9 off Plaintiff from visitation with her daughter, with access to evidence from her daughter's  
10 medical and education records so that without any effective opposition, they could move the  
11 dependency court a detrimental finding to deprive Plaintiff of all of her physical and legal  
12 custody of her child.

13 116. Defendants intended to obtain the detrimental finding to obstruct Plaintiff from having  
14 access to her daughter and relevant evidence for civil suits such as this one.

15 117. As a direct and proximate result of Defendants' conduct in retaliation against Plaintiff's  
16 exercise of her First Amendment Rights in speaking out and litigate to protect the health and  
17 welfare of her child and to defend herself against false charges of child neglect, Plaintiff suffered  
18 general and special damages according to proof at trial, including but not limited to damages  
19 stemming mental distress, lost of her child's custody and affection, attorney fees and costs.  
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**THIRD CLAIM FOR RELIEF**

**MONELL CLAIMS AGAINST CONTRA COSTA COUNTY**

**For Practices and Customs Causing**

**Judicial Deception and Concealment of Evidence and Retaliation Against Plaintiff**

**By Plaintiff Against Contra Costa County**

118. Plaintiff realleges and incorporates all paragraphs and allegations in this amended complaint in each of the claims for relief below as if set forth in full.

119. Contra Costa County DCFS has a long-standing issue of understaffing. The Contra Costa County Grand Jury has issued several reports on this problem. Social workers have gone on strike to protest the working conditions.

120. In the early 2010s, DCFS grandfathered in many employees and supervisors without adequate education and training in social works.

121. As a result of lack of staffing and inadequate training, DCFS has a culture of corner-cutting, factual fabrications, and retaliation against parents who fight back against false allegations of child abuse and neglect.

122. In response to a reporter's question on Susan Porter, a social worker hired by DCFS even though she had a criminal history of domestic violence and setting up her husband for a DUI charge to gain legal advantage in a custody dispute with her ex-husband, a DCFS director stated that her agency does not care about Porter's history.

123. Supervisors would discourage and demean social workers that take time to investigate and work with families to prevent family separation.

1 124. Contra Costa County DCFS has practices and customs of making false allegations against  
2 parents in state dependency proceedings to further their goal of family separation.

3 125. DCFS is motivated by Title IV-E federal incentive money. In particular, the County  
4 would not receive this funding until they took the children with mental health issues from their  
5 families.

6 126. Contra Costa County DCFS has practices and customs of covering up their mistakes and  
7 concealing evidence in state dependency proceedings to persist in their actions against parents by  
8 consistently reporting that the dependent children are happy when thriving in their custody when  
9 in fact, the children were abused and neglected or even placed in the home of pedophiles.

10 127. Contra Costa County DCFS has practices and customs of depriving parents of access to  
11 their children and exculpatory evidence.

12 128. In this case, social worker Ann Butler<sup>13</sup> was too lazy to do proper investigation to find  
13 out that Plaintiff had to go to an outside Kaiser to get treatment for her suicidal daughter when  
14 Kaiser failed to provide mental health services, that Kaiser was retaliating against Plaintiff for  
15 complaining about the lack of services, that all psychotropic prescriptions were provided by  
16 psychiatrists and Plaintiff just followed the doctor's orders.

17 129. When the precipitous withdrawal treatment desired by DCFS went awry, its social  
18 workers represented to the dependency court that the A.S. was doing well and thriving, etc.

19 130. When Plaintiff called out the abuses (medical and physical and possibly sexual abuses)  
20 and neglect A.R. suffered while under the care of DCFS, the system went into retaliation mode  
21 with false allegations, cutting off visitations, educational rights and access to evidence.  
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25 <sup>13</sup> Upon information and belief, in the dead baby case mentioned above, Baker was reprimanded for lying on her whereabouts and for failure to response to the emergency situation.

1 131. Plaintiff learned from a former social worker from Contra Costa DFCS that in general,  
2 low level social workers such as Anna Jauregui do not have the authority to make substantial and  
3 material recommendations to the dependency court without directions and involvements of  
4 supervisors and other up the chain of commands.

5 132. In high profile case such as that of A.S., upon information and belief, the decisions are  
6 made with involvements of executive all the way to the top.

7 133. In A.S.'s case, this involment is evidenced by Marsh's signature on the memos, reports,  
8 and recommendations submitted to the dependency court.

9 134. In this case, at all relevant times, Defendant Kathy Marsh was the director of DCFS and  
10 had the final say and control on such policies and practices employed against Plaintiff.

11 135. Defendant Marsh's signature was on every report, memo, and recommendation submitted  
12 to the dependency court.

13 136. As a direct and proximate result of its policies and practice of fabrication and  
14 concealment of evidence, and retaliation against parents' exercise of their First Amendment  
15 Rights in speaking out and litigate to protect the health and welfare of their children and to  
16 defend themselves against false charges of child neglect, Plaintiff suffered general and special  
17 damages according to proof at trial, including but not limited to damages stemming mental  
18 distress and loss of her child's custody and affection, attorney fees and costs.  
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2 **PRAYER**

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4 WHEREFORE, Plaintiff Schindler pray for a judgment against Defendants, and each of them, as to a  
5 causes of action as follows:

- 6 1. General and special damages according to proof.  
7 2. Punitive damages against the individual defendants as allowed by law.  
8 3. For attorney fees and costs as authorized by law.  
9 4. Such further relief as the Court deems just and proper.

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11 Date: August 24, 2021

12 /s/ Quoc T. Pham

13 Quoc T. Pham,  
14 Attorney for Plaintiffs.  
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