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AMENDED COMPLAINT FILED BY PLAINTIFF

BUEL VS WILSON

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TRACEY BUEL
IN PRO PER
TRACEY BUEL
2215-R MARKET ST. #126
SAN FRANCISCO CALIFORNIA 94114

FILED
SUPERIOR COURT
COUNTY OF SAN FRANCISCO

2002 JUL -8 AM 8:54

GORDON PARK-H. CLERK

Christina E. Bauder
DEPUTY CLERK

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO

TRACEY BUEL,

Plaintiff,

vs.

JENNIFER WILSON,

THE SAN FRANCISCO SHERIFF'S

DEPARTMENT,

THE CITY AND COUNTY OF SAN FRANCISCO,

And Does 1 through 100, Inclusive

Defendants

) Case No.: No. 322386

)

) AMENDED COMPLAINT FOR:

) 1. Assault and Battery

) 2. Intentional Infliction of

) Emotional Distress

) 3. Blocking Access to Medical Care

) 4. Preventing Plaintiff's

) Communication With Attorney

) 5. Violation of Civil Rights

)

) DEMAND FOR JURY TRIAL

)

)

COMES NOW Plaintiff TRACEY BUEL and alleges as follows:

PRELIMINARY ALLEGATIONS

1. At all times herein mentioned, TRACEY BUEL was an individual incarcerated in the San Francisco County Jail.
2. At all times herein mentioned, the San Francisco Sheriff's Department was operating the San Francisco County Jail for the City and County of San Francisco.
3. The true names and capacities of Defendant DOES 1 through 100 are unknown to Plaintiff. Plaintiff will amend this complaint to insert said true names and capacities when ascertained. Plaintiff is informed and believes, and upon such information alleges, that each of the said fictitiously named Plaintiffs is liable to the Plaintiff for the acts, events, and occurrences alleged herein as a result of said Defendant's relationship to the other Defendants or participation in said acts, events, and occurrences.
4. Plaintiff is informed and believes and therefore alleges that at all times herein mentioned each of the Defendants was the agent, servant employee and joint venturer of each of the remaining Defendants and was at all times acting within the course and scope of such agency, employment and joint venture.
5. Plaintiff was incarcerated in the San Francisco County Jail on December 26, 2000. Plaintiff was assaulted by San Francisco Sheriff Deputy Jennifer Wilson on that date while being strip-searched and, Plaintiff being naked, was dragged and thrown by Jennifer Wilson into a holding cell which did

1 not contain a toilet or toilet paper, where Plaintiff was held for over 12
2 hours and was denied her clothing and feminine hygiene products, as
3 Plaintiff was menstruating. Plaintiff was denied toilet paper for
4 approximately 10 hours and was denied communication with her attorney who
5 had come to the Jail to meet with Plaintiff. Plaintiff was prevented from
6 attending Plaintiff's court hearing the morning of December 27, 2000 and
7 was denied medical attention for Plaintiff's injuries inflicted by
8 Jennifer Wilson for seven days.

9
10 FIRST CAUSE OF ACTION

11 ASSAULT AND BATTERY

12 6. Plaintiff incorporates and realleges the allegations contained in
13 Paragraphs 1 through 5 of the Preliminary Allegations of this Complaint as
14 though fully set forth herein.

15 7. Defendant Jennifer Wilson, while acting within the capacity of her
16 employment as a San Francisco Sheriff's Deputy, physically assaulted
17 Plaintiff on December 26, 2000.

18 8. Defendant's conduct was extreme and outrageous and done with the intent to
19 inflict physical injury and physical pain upon the Plaintiff.

20 9. As a direct and proximate result of Defendant's wrongful conduct,
21 Plaintiff has suffered damages including physical injury, physical pain,
22 anxiety, worry, humiliation and severe emotional distress, and other
23 incidental and consequential damages and expenses, the precise amount to
24 be proven at time of trial, but which exceeds the sum of \$25,000.

25 10. The conduct of Defendants, and each of them, was despicable and done
with a conscious disregard of the rights of Plaintiff and constitutes

malice, oppression and fraud, thus entitling Plaintiff to an award of exemplary damages.

SECOND CAUSE OF ACTION

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

11. Plaintiff incorporates and realleges the allegations contained in Paragraphs 1 through 5 of the Preliminary Allegations and Paragraphs 6 through 10 of the First Cause of Action of this Complaint as though fully set forth herein.

12. Defendant's conduct was extreme and outrageous and done with the intent to inflict severe emotional injuries upon the Plaintiff.

13. As a direct and proximate result of Defendant's wrongful conduct, Plaintiff has been damaged in that she has suffered severe emotional distress including anxiety, fear, worry and humiliation. As a result of said severe emotional distress, Plaintiff has been damaged in a sum in excess of \$25,000.

14. The conduct of the Defendants, and each of them, was despicable and done with a conscious disregard of the rights of the Plaintiff, thus entitling Plaintiff to an award of exemplary damages.

THIRD CAUSE OF ACTION

BLOCKING ACCESS TO MEDICAL CARE

15. Plaintiff incorporates and realleges the allegations contained in Paragraphs 1 through 5 of the Preliminary Allegations, Paragraphs 6 through 10 of the First Cause of Action and Paragraphs 11 through 14 of the Second Cause of Action of this Complaint as though fully set forth herein.

1 16. Defendant knew or had reason to know that plaintiff was in need of
2 immediate medical care and Defendant failed to take reasonable action to
3 summon such medical care. The conduct of Defendant preventing Plaintiff
4 from receiving timely medical attention to the injuries Plaintiff
5 sustained as a result of the Defendant's assault upon Plaintiff was
6 extreme, outrageous, negligent and done with the intent to inflict further
7 physical pain upon Plaintiff as well as to inflict further severe
8 emotional injury.

9 17. As a direct and proximate result of Defendant's wrongful conduct,
10 Plaintiff has been damaged in that she has suffered physical pain and
11 severe emotional distress including anxiety, fear, worry and humiliation.
12 As a result of said physical pain and severe emotional distress, Plaintiff
13 has been damaged in a sum in excess of \$25,000.

14 18. The conduct of the Defendants, and each of them, was despicable and
15 done with a conscious disregard for the rights of the Plaintiff, thus
16 entitling Plaintiff to an award of exemplary damages.

17 FOURTH CAUSE OF ACTION

18 PREVENTING PLAINTIFF'S COMMUNICATION WITH ATTORNEY

19 19. Plaintiff incorporates and realleges the allegations contained in
20 Paragraphs 1 through 5 of the Preliminary Allegations, Paragraphs 6
21 through 10 of the First Cause of Action, Paragraphs 11 through 14 of the
22 Second Cause of Action and Paragraphs 15 through 18 of the Third Cause of
23 Action of this Complaint as though fully set forth herein.

24 20. Defendant's conduct was extreme, outrageous, in violation of law
25 protecting and assuring Plaintiff's right to access to legal

representation and done with intent to inflict severe emotional injuries upon the Plaintiff.

21. As a direct and proximate result of Defendant's wrongful conduct, Plaintiff has been damaged in that she has suffered severe emotional distress including anxiety, fear, worry and humiliation. As a result of said severe emotional distress, Plaintiff has been damaged in a sum in excess of \$25,000.

22. The conduct of the Defendants, and each of them, was despicable and done with a conscious disregard of the rights of the Plaintiff, thus entitling Plaintiff to an award of exemplary damages.

FIFTH CAUSE OF ACTION

VIOLATION OF CIVIL RIGHTS

23. Plaintiff incorporates and realleges the allegations contained in Paragraphs 1 through 5 of the Preliminary Allegations, Paragraphs 6 through 10 of the First Cause of Action, Paragraphs 11 through 14 of the Second Cause of Action, Paragraphs 15 through 18 of the Third Cause of Action and Paragraphs 19 through 22 of the Fourth Cause of Action of this Complaint as though fully set forth herein.

24. This Cause of Action is brought under 42 U.S.C.&1983 to recover damages against Defendant for violation of Plaintiff's civil rights.

25. The jurisdiction of this Court is predicated on 28 U.S.C.&1331 and 1343.

26. Plaintiff, TRACEY BUEL, is, and at all times mentioned in this complaint was a citizen of the United States and a resident of California.

27. Defendant JENNIFER WILSON is, and at all times mentioned in this complaint was, a resident of California. Venue is therefore proper under

28 U.S.C. & 1391(b).

28. The events giving rise to this action occurred in San Francisco County, California. Venue is therefore proper under 28 U.S.C. & 1391(b).

29. Defendant JENNIFER WILSON was, at all times mentioned in this Complaint, an agent of the City and County of San Francisco of the State of California, employed as a San Francisco Sheriff's Deputy.

30. Defendant JENNIFER WILSON was, at all times mentioned in this Complaint, acting in the course and scope of her employment with the San Francisco Sheriff's Department.

31. All Defendants mentioned in this Complaint, including named individual Defendant JENNIFER WILSON, were acting under color of state law.

32. Defendant JENNIFER WILSON is sued in her individual capacity.

33. In acting as alleged in this Complaint, Defendants, including named individual JENNIFER WILSON, violated Plaintiff's guaranteed 6th Amendment right to counsel by denying her access to her attorney.

34. In acting as alleged in this Complaint, Defendants, including named individual JENNIFER WILSON, violated Plaintiff's guaranteed 8th Amendment right not to be subject to cruel and unusual punishment by depriving Plaintiff timely access to medical care; withholding clothing, toilet paper and feminine hygiene products from Plaintiff; and subjecting Plaintiff to assault and battery.

35. In acting as alleged in this Complaint, Defendants, including named individual JENNIFER WILSON, violated Plaintiff's guaranteed 14th Amendment right to liberty by subjecting Plaintiff to assault and battery; preventing Plaintiff's communication with her attorney; preventing

1 Plaintiff's appearance at her scheduled Court hearing December 27, 2000;
2 and preventing Plaintiff from accessing medical care.

3 36. As a direct and proximate result of defendant's actions, described in
4 this Complaint, Plaintiff has suffered injury, loss and damage in the form
5 of physical injury, physical pain, and severe emotional distress including
6 anxiety, fear, worry and humiliation.

7 37. In acting as is alleged in this complaint, Defendant acted knowingly,
8 willfully, and maliciously, and with reckless and callous disregard for
9 Plaintiff's federally protected rights.

10
11 WHEREFORE, Plaintiff is entitled to judgement against Defendants, and each of
12 them, as follows:

- 13 1. For Compensatory Damages, in an amount to be determined according to proof
14 at trial;
- 15 2. For Punitive Damages, in an amount to be determined according to proof at
16 trial;
- 17 3. For reasonable attorney's fees, pursuant to 42 U.S.C.&1988;
- 18 4. For costs of suit incurred in this action; and
- 19 5. For such other and further relief as the Court deems proper.

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21 Dated this 6th day of July, 2002
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TRACEY BUEL
2218-R MARKET ST. #126
SAN FRANCISCO
CALIFORNIA 94114
TRACEY BUEL
IN PRO PER

7 DEMAND FOR JURY TRIAL:
8 above action.

Plaintiff hereby requests a trial by jury of the
TRACEY BUEL IN PRO PER JULY 6TH 2002

9
10 VERIFICATION

11 The undersigned declares:

12 I am the Plaintiff in the above-entitled action. I have read the
13 forgoing Complaint and know the contents thereof. With respect to the causes
14 of action alleged by me, the same is true of my own knowledge, except as to
those matters which are therein stated on information and belief, and, as to
those matters, I believe it to be true.

15 I declare under penalty of perjury under the laws of the State of
16 California that the foregoing is true and correct.

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18 TRACEY BUEL
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