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12
 13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**

15 Estate of JACOB PARENTI, deceased,
 16 by and through MATTHEW
 OBERHOLTZ; D.P-O., a minor, by
 17 and through his guardian, MATTHEW
 OBERHOLTZ; and SUSAN
 18 PARENTI,

19 Plaintiffs,

20 vs.

21 COUNTY OF MONTEREY;
 SHERIFF SCOTT MILLER, in his
 22 official and individual capacities;
 OFFICER COLLINS, in his individual
 23 capacity; CALIFORNIA FORENSIC
 MEDICAL GROUP; and DR.
 24 TAYLOR FITHIAN,

25 Defendants.

CASE NO:

COMPLAINT FOR DAMAGES

1. Failure To Provide Medical Care In Violation Of Eighth And Fourteenth Amendments (42 U.S.C. § 1983);
2. Deprivation Of Substantive Due Process In Violation Of First And Fourteenth Amendments (42 U.S.C. § 1983);
3. Failure To Furnish Medical Care (42 U.S.C. § 1983); ;
4. Negligent Supervision, Training, Hiring, And Retention;
5. Negligence; and
6. Wrongful Death.

DEMAND FOR JURY TRIAL

1 **INTRODUCTION**

2 1. On January 15, 2014, Defendants left Jacob Parenti, a 33 year-old man
3 in Monterey County Jail for a probation violation, lying unconscious, helpless, and
4 untreated on his dorm bed to die. Through this lawsuit, Plaintiffs seek to hold
5 Defendants accountable for refusing to provide basic health care to Mr. Parenti,
6 resulting in his death.

7 2. At the time of Jacob Parenti's death in January 2014, the Jail was
8 already the subject of a federal putative class action lawsuit regarding systemic
9 failures to provide adequate medical and mental health care, resulting in
10 unnecessary harm, suffering, and death. However, the County, its Sheriff and
11 officers have stubbornly refused to address these known issues and to adopt
12 policies, procedures, and practices to provide minimum standards of treatment for
13 inmates.

14 **JURISDICTION**

15 3. This Complaint seeks damages for the violation of the civil rights,
16 privileges, and immunities guaranteed by the First, Eighth, and Fourteenth
17 Amendments of the United States Constitution, pursuant to 42 U.S.C. §§ 1983 and
18 1988, as well as for violations of California state law.

19 4. This Court has jurisdiction over this lawsuit pursuant to 28 U.S.C. §§
20 1331 and 1343.

21 5. This Court has supplemental jurisdiction over the state law claims
22 asserted herein pursuant to 28 U.S.C. § 1367, because the claims form part of the
23 same case or controversy arising under the United States Constitution and federal
24 law.

25 **VENUE**

26 6. Plaintiffs' claims, alleged herein, arose in the County of Monterey,
27 California. Venue therefore lies in the Northern District of California pursuant to 28
28 U.S.C. § 1391(b)(2).

1 12. Defendant Scott Miller is, and was at all relevant times mentioned
2 herein, the Sheriff-Coroner of the County of Monterey, the highest position in the
3 Monterey County Sheriff's Office. As Sheriff-Coroner, Defendant Miller is and
4 was responsible for the hiring, screening, training, retention, supervision, discipline,
5 counseling, and control of all Monterey County Sheriff's Office custodial
6 employees and/or agents. Defendant Miller is and was charged by law with the
7 administration of the Monterey County Jail, and is responsible for safety and
8 security of inmates housed at the Jail. Defendant Miller also is and was responsible
9 for the promulgation of the policies and procedures and allowance of the
10 practices/customs pursuant to which the acts of the Monterey County Sheriff's
11 Office alleged herein were committed. As Sheriff-Coroner, Defendant Miller is
12 also charged with oversight of the Coroner's Division of the Monterey County
13 Sheriff's Office. Defendant Miller is being sued in his individual and official
14 capacities.

15 13. Defendant Collins is, and was at all relevant times mentioned herein,
16 an officer in the Monterey County Sheriff's Office. While on shift at the Jail, he
17 was and is responsible for the safety and security of inmates including inmates in
18 his assigned wing(s). On January 15, 2014, Defendant Collins was on duty at the
19 Monterey County Jail and participated in announcing inmates in D-wing for sick
20 call, including Jacob Parenti. When Mr. Parenti did not respond for sick call,
21 Defendant Collins entered the dorm and walked to Mr. Parenti's bunk. Defendant
22 Collins unsuccessfully attempted to rouse Mr. Parenti verbally and physically.
23 Despite Mr. Parenti's clear inability to respond, and a clear need for emergency
24 medical treatment, after this attempt, Defendant Collins simply left the dormitory
25 and did not provide or summon assistance for Mr. Parenti.

26 14. Defendant California Forensic Medical Group ("CFMG") is a
27 California corporation headquartered based in Monterey, California. CFMG is a
28 private for-profit correctional health care provider that services approximately 65

1 correctional facilities in 27 California counties. The County of Monterey contracts
2 with CFMG to provide medical, mental health, and dental services for the Monterey
3 County Jail. The Institute for Medical Quality (IMQ) declined to certify CFMG's
4 services at the Monterey County Jail, and IMQ has accredited only 9 of CFMG's
5 approximately 65 facilities in California. At all times relevant herein, CFMG was
6 responsible for the health services provided to Jacob Parenti during his detention in
7 the Monterey County Jail.

8 15. Defendant Taylor Fithian is, and was at all relevant times mentioned
9 herein, the co-founder, President, and Medical Director for Defendant CFMG.
10 Defendant Fithian is a Board-certified psychiatrist and oversees the delivery of
11 medical, mental health and dental care in all CFMG-served facilities, including
12 standards of medical care and utilization review. Defendant Fithian is and was
13 responsible for the promulgation of the policies and procedures and allowance of
14 the practices/customs pursuant to which the acts of California Forensic Medical
15 Group alleged herein were committed. In addition, Defendant Fithian personally
16 provides health services at Monterey County Jail. Defendant Fithian is sued in his
17 individual capacity.

18 16. Defendants Miller, Collins, and Fithian engaged in the acts or
19 omissions described herein under color of state law.

20 17. Plaintiffs are informed and believe and thereon allege that at all times
21 mentioned in this Complaint, Defendants, and each of them, were the agents,
22 employees, servants, joint venturers, partners and/or co-conspirators of the other
23 Defendants named in this Complaint and that at all times, each of the Defendants
24 was acting within the course and scope of said relationship with Defendants.

25 **EXHUACTION OF PRE-LAWSUIT PROCEDURES FOR**
26 **STATE LAW CLAIMS**

27 18. Plaintiffs filed governmental tort claims with Defendant County of
28 Monterey on behalf of the Estate of Jacob Parenti, Susan Parenti, and D.P-O. on

1 July 3, 2014. By correspondence dated August 7, 2014, the County of Monterey
2 rejected the governmental tort claims.

3 **FACTUAL ALLEGATIONS**

4 **I. History of Inadequate Medical Care in Monterey County Jail**

5 19. County of Monterey, Monterey County Sheriff's Office, CFMG, and
6 Taylor Fithian have been on notice that their provision of medical care to inmates at
7 the Monterey County Jail is inadequate and results in needless harm and suffering
8 since at least 2007, when the Monterey County Sheriff's Office and the Monterey
9 County Board of Supervisors hired an outside consulting firm to perform a needs
10 assessment for the Jail. (See Ex. 1.) The 2007 Assessment concluded that the Jail
11 was severely overcrowded, lacked adequate numbers of staff, and that
12 "medical/mental health treatment spaces are not adequate for the rated beds, let
13 alone the actual number of inmates held." (Ex. 1 at 1, Executive Summary at 1.) It
14 further concluded that shortfalls in staffing result in hiring of "pre-academy"
15 officers, unmanageable supervision loads for first line supervisors, and insufficient
16 staff on some shifts to make required safety checks. The Monterey County Board of
17 Supervisors accepted the report by unanimous vote on June 19, 2007.

18 20. At the request of Defendant Miller, the independent assessment was
19 updated in 2011 and found that County of Monterey physical facilities and their
20 policies and practices for delivering medical treatment remained inadequate. The
21 2011 Assessment similarly found that the Jail's "Medical/mental health treatment
22 spaces are not adequate for the rated beds, let alone the actual number of inmates
23 held" and therefore prevent adequate delivery of medical health care. (Ex. 2,
24 Executive Summary at 3.) The 2011 Assessment further noted the direct impact on
25 overcrowding on prisoners' overall health, stating that "Overcrowding affects
26 inmates' mental and physical health by increasing the level of uncertainty with
27 which they regularly cope." (Ex. 2, Executive Summary at 9.)
28

1 21. The Assessment also found that chronic understaffing hinders the
2 County of Monterey's ability to provide medical care, classify and move inmates
3 within the facility, maintain inmate safety and security, and transport inmates to and
4 from outside agencies. (Ex. 2, Executive Summary at 6, 8.)

5 22. Both the 2007 Needs Assessment and the 2011 Jail Needs Assessment
6 concluded that, "[t]he current combination of insufficient beds, an inadequate
7 detention facility and understaffing has resulted in an almost untenable situation."
8 (Ex. 1, Executive Summary at 1–2, A.3; Ex. 2, Executive Summary at 2, A.2.)

9 23. Much of the 2011 Assessment's findings were confirmed in a 2013
10 draft report by an expert hired by the County of Monterey, Dr. Richard Hayward
11 ("Hayward Report"). (See Ex. 3.) The County tasked Dr. Hayward with evaluating
12 mental health care at Monterey County Jail in response to a federal class action
13 lawsuit challenging Monterey County's provisions of medical and mental health
14 care at the Jail. See *Hernandez v. Cnty. Of Monterey*, No. 13-cv-2354-PSG (N.D.
15 Cal. Filed May 23, 2013). The Hayward Report, dated December 6, 2013, identified
16 serious deficiencies in the delivery of medical health care at the Monterey County
17 Jail, including inmates not receiving responses to their written health requests.
18 According to the Hayward Report, "the current procedures lack a systematic
19 method of auditing receipt of and responses to all inmate requests for health
20 services." (Ex. 3 at 3.)

21 24. Further, according to the allegations contained in the *Hernandez v.*
22 *County of Monterey* complaint (Ex. 4), the Jail fails to:

- 23 a. Provide medically necessary treatments for prisoners upon their
24 arrival at the Jail (Ex. 4 at 42–43, 52–55);
- 25 b. Provide adequate care in emergency situations (Ex. 4 at 55–59);
- 26 c. Provide adequate diagnostic care to prisoners, including failing
27 to appropriately refer prisoners to outside specialists when
28 necessary (Ex. 4 at 59–61);

- 1 d. Provide post-operative and other medically necessary follow-up
2 care to prisoners (Ex. 4 at 61–64); and
3 e. Maintain adequate, accurate, and complete medical care records
4 (Ex. 4 at 64–67).

5 25. Moreover, on April 15, 2013, County of Monterey was again
6 specifically put on notice of the serious problems with its delivery of
7 constitutionally adequate health care in the jail as well as its failure to protect
8 prisoners from harm in a letter sent to the County from counsel for plaintiffs in
9 *Hernandez v. County of Monterey*. (See Ex. 5 at 4–8.) These problems include
10 inadequate screening processes for identifying prisoners with serious and chronic
11 medical issues, refusal to continue treatment prisoners were already prescribed,
12 imposition of punitive “detox” procedures that deny prisoners their prescribed pain
13 medications, and denial of necessary treatment to prisoners to avoid the expense of
14 such treatment. (Id. at 6–7.) The letter also identifies the Jail’s overcrowding and
15 understaffing as reasons why prisoners are not protected from harm when
16 incarcerated. (Id. at 8.)

17 26. As of the date of this filing, at least three inmates of Monterey County
18 Jail have died in the custody of Monterey County officials in 2014, including Jacob
19 Parenti. See Allison Gatlin, “Third inmate this year dies in Monterey County Jail,”
20 THE SALINAS CALIFORNIAN, Oct. 27, 2014, available at <http://goo.gl/ky5Gve>.

21 **II. Jacob Parenti’s Death**

22 27. Jacob Parenti was born in Aromas, California, in 1980. In 1982, his
23 family moved to Monterey, California.

24 28. Mr. Parenti is described by those who knew him as an unusually
25 thoughtful, personable, and caring individual, who took time to listen and connect
26 with others.

27 29. He attended public school in Monterey, California, where he excelled
28 in golf. Although he did not graduate from high school, he earned his GED.

1 30. Mr. Parenti lived primarily with his mother, Susan Parenti, and father,
2 Phil Parenti, until his father passed away when Jacob Parenti was approximately
3 eighteen years old.

4 31. During a portion of his teen years, and after his father passed away,
5 Jacob Parenti lived with his half-sister, Amy Vye (née Parenti), and half-brother,
6 Americo Parenti, who are thirteen and ten years older than Jacob, respectively, and
7 with whom he was very close.

8 32. After Mr. Parenti's son, D.P-O., was born in 2007, D.P-O. lived with
9 his birth mother in San Luis Obispo. Mr. Parenti had an ongoing relationship with
10 D.P-O., making child support payments and regular visits when possible to spend
11 time with D.P-O. in San Luis Obispo. Mr. Parenti also brought D.P-O. to spend
12 time with his family, including his sister, Amy Vye, and his older cousin, Matthew
13 Oberholtz, with whom Mr. Parenti was also very close.

14 33. In 2012, Mr. Parenti was the property manager for a residential
15 property in Monterey. In this capacity, he restored the property, brought it up to
16 code, and managed that residence.

17 34. In late 2012, Mr. Parenti petitioned for custody of D.P-O. because
18 D.P-O.'s birth mother was not able to provide a stable home for D.P-O. Mr. Parenti
19 wanted to ensure that his son was taken care of and provided a stable, healthy
20 environment. Mr. Parenti was aware of his own challenges, including struggling
21 with substance addiction, and told his family members that he was not going to let
22 what happened to him happen to his son. Because of this self-awareness, before
23 petitioning for custody of D.P-O., Mr. Parenti asked his cousin, Mr. Oberholtz, if he
24 would be willing to provide a stable home for D.P-O. in the event Mr. Parenti was
25 unable to do so. Mr. Oberholtz lives in Butte County where he runs a waterski
26 school for able bodied and disabled athletes, and has long been involved in
27 coaching teams for paralympic athletes, including the U.S. paralympic waterskiing
28 team. Mr. Oberholtz agreed, and spent considerable time with Mr. Parenti and D.P-

1 O.

2 35. At the beginning of 2013, Mr. Parenti and Mr. Oberholtz jointly
3 attended a court hearing at which Mr. Parenti was awarded primary custody of D.P-
4 O. Mr. Parenti brought D.P-O. to Monterey to live with him there, and enrolled
5 D.P-O. in school and extracurricular activities.

6 36. In February 2013, Mr. Parenti was charged with a probation violation
7 for which he was given a three month sentence. In order to ensure that D.P-O.
8 would have as much stability as possible, and not continue to be placed in and out
9 of different homes and schools, Mr. Parenti asked Mr. Oberholtz to assume
10 guardianship of his son at this time. D.P-O. moved to live with Mr. Oberholtz in
11 Oroville, California.

12 37. After Mr. Parenti was released from custody in April 2013, he was
13 employed at a medical marijuana farm, and was interviewing for a position with the
14 Sign and Display Union, which sets up and takes down displays at the Moscone
15 Center. In addition to his position as property manager, he had also previously
16 worked in computer repairs and as an assistant foreman for an asphalt and seal
17 coating company.

18 38. Mr. Parenti also regularly helped his mother, Susan Parenti, by doing
19 household chores, making food for her, helping with car and computer
20 maintenance, assisting her with physical tasks she was unable to complete because
21 of disabilities following back surgery, including physically carrying her and
22 otherwise helping her to move around the house, and acting as her caretaker with
23 respect to some of her medical and physical needs.

24 39. In mid-2013, Mr. Parenti was charged with a probation violation for
25 possessing a small amount of marijuana as part of a vehicle stop on his way home
26 from work. On information and belief, Mr. Parenti was offered a choice between a
27 one-year jail term, after which, he would no longer be on probation, or a two-year
28 extension of his probation. Mr. Parenti chose the jail term because he wanted to be

1 able to move up to Butte County to live near D.P-O., and an extended probation
2 term would delay his ability to move because the conditions of his probation
3 restricted residency to Monterey County.

4 40. Mr. Parenti began the one-year jail term for this probation violation at
5 Monterey County Jail on or around August 1, 2013.

6 41. Mr. Parenti actively maintained a relationship with his son while he
7 was in Jail, including writing letters and cards to him in which Mr. Parenti told D.P-
8 O. how much he loved him and that he was proud of him.

9 42. Mr. Parenti also maintained relationships with his other family
10 members while he was in Jail, including his mother, sister, brother, and other
11 family. He spoke with them regularly by telephone and exchanged letters with
12 them. He also wrote to his six year-old niece, Ms. Vye's daughter, sending her
13 special birthday and holiday cards.

14 43. Mr. Parenti was housed in the D-wing dormitory of Monterey County
15 Jail, which is a medium security unit and houses approximately 90-100 men in a
16 dorm setting, with bunk beds and tables.

17 44. Throughout the first months of his incarceration, Mr. Parenti informed
18 his mother that the Jail was not consistently providing him his prescribed blood
19 pressure and psychotropic medications. Susan Parenti called the Jail many times
20 and physically brought Mr. Parenti's medications to the Jail and handed them to a
21 nurse at the Jail in order to attempt to ensure that Mr. Parenti received his
22 medications.

23 45. On or around January 10, 2014, Mr. Parenti developed flu-like
24 symptoms. He followed the Jail's procedures for seeking medical care and put in a
25 sick call request by filling out a written request, and placing it in the front gate of
26 D-wing. On this sick call slip, Mr. Parenti wrote "have the flu."

27 46. Around the same time period, Mr. Parenti began coughing up blood.

28 ///

1 47. Mr. Parenti did not receive a medical appointment in response to the
2 sick call request he put in on January 10, 2014. He put in another sick call request
3 slip on or around January 12, 2014, following the above-described protocol.

4 48. Mr. Parenti continued coughing up blood that was thick and mucous-
5 like. He was not called for sick call January 13 or 14, 2014.

6 49. Early in the morning of January 15, 2014, at approximately 3:45 a.m.,
7 when the Jail provided D-wing inmates breakfast, Mr. Parenti was awake and alert,
8 and interacting with other inmates.

9 50. At around 9:45 a.m. on January 15, 2014, Defendant Collins stood at
10 the gate of D-wing, where Mr. Parenti was housed, and called for several inmates to
11 get dressed to see the nurse, including Mr. Parenti.

12 51. Mr. Parenti was laying on his bunk and did not and could not respond
13 even after Defendant Collins called his name multiple times.

14 52. At that point, Defendant Collins entered D-wing, went over to Mr.
15 Parenti's bunk, and said his name several more times. Mr. Parenti remained
16 unresponsive, although he was still breathing in a labored fashion. Defendant
17 Collins then repeatedly tapped and/or shook Mr. Parenti, but Mr. Parenti remained
18 unresponsive.

19 53. Deputy Collins then left D-wing without providing or summoning any
20 medical attention for Mr. Parenti, despite the clear and apparent need for urgent
21 medical treatment based on his inability to wake up Mr. Parenti and Mr. Parenti's
22 submissions of requests for medical attention.

23 54. Over the next hour, Defendants' officers and staff, including Deputy
24 Collins and medical staff, failed, refused, and/or neglected to provide medical
25 attention to an inmate in their custody in obvious and serious need of immediate
26 medical attention. Neither Deputy Collins nor any other jail staff returned to check
27 on Mr. Parenti or provide him with medical attention.

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1 55. At approximately 10:45 a.m. that same morning, inmates in Mr.
2 Parenti's housing unit noticed that he had stopped breathing and his face had a
3 bluish tint. Several inmates pulled him down from the bunk and attempted to
4 resuscitate him while other inmates called "man-down" and attempted to get the
5 attention of the deputies in the jail by banging on the gate of the unit.

6 56. After one inmate had already started CPR on Mr. Parenti, deputies
7 arrived in the unit, followed by Fire Department personnel and nurses. On
8 information and belief, the Jail deputies did not attempt CPR on Mr. Parenti. At
9 some point after they arrived, medical personnel made some attempt to resuscitate
10 Mr. Parenti, but this was unsuccessful.

11 57. At 11:05 a.m. on January 15, 2014, Mr. Parenti was pronounced dead.

12 58. In the evening of January 15, 2014, Susan Parenti, Mr. Parenti's
13 mother, received a phone call from an inmate at Monterey County Jail during which
14 the inmate informed her that Mr. Parenti had died. Ms. Parenti had not previously
15 received any notification of her son's death from Monterey County Jail officers or
16 other employees.

17 59. On January 23, 2014, jail staff was quoted in a local newspaper as
18 saying that Mr. Parenti died of a drug overdose. On information and belief, at the
19 time, the County had not yet received results of any toxicology report for Mr.
20 Parenti nor had the Coroner's Office completed its autopsy report.

21 60. Mr. Parenti's family raised funds and arranged for an independent
22 autopsy of Mr. Parenti's body to be conducted.

23 61. On January 24, 2014, the autopsy administrator for the independent
24 autopsy notified the Coroner's Office that the family had arranged for an
25 independent autopsy to be conducted for Mr. Parenti.

26 62. Although the Monterey County Coroner's Report eventually
27 concluded that Mr. Parenti died due to acute mixed drug intoxication, toxicology
28 analysis of Mr. Parenti's blood does not support this conclusion.

1 63. Based on the findings of the independent autopsy, Parenti's death
2 resulted from viral influenza syndrome complicated by pneumonia.

3 64. At the time of Mr. Parenti's death, the Monterey County Sheriff's
4 Office and CFMG knew there to be a high prevalence of influenza in Monterey
5 County, including the H1N1 flu virus.

6 65. News media reported that the Monterey County Sheriff's Office
7 announced that another Monterey County Jail inmate died from influenza-related
8 complications on or around January 20, 2014. According to news reports, that
9 inmate was transferred from the Jail to a local hospital on January 12, 2014, after he
10 complained of trouble breathing. On information and belief, that inmate had
11 submitted multiple sick call slips before he finally received medical attention at the
12 Jail.

13 66. Influenza and pneumonia are treatable medical conditions.

14 67. Defendants Monterey County and CFMG did not provide appropriate
15 medical care to Mr. Parenti despite knowledge of viral influenza at Monterey
16 County Jail and Mr. Parenti's self-report of flu-like symptoms.

17 68. With adequate, basic medical treatment, Mr. Parenti's death would
18 have been avoided.

19 69. Defendants failed to provide appropriate urgent and emergency
20 medical care to Mr. Parenti, despite his clear and obvious need for such treatment.

21 70. Had Defendants, including Defendant Collins, responded appropriately
22 to Mr. Parenti's clear need for emergency medical attention on the morning of
23 January 15, 2014, including seeking and providing such treatment to Mr. Parenti,
24 his death would have been avoided.

25 71. Mr. Parenti's family members, including Plaintiffs Susan Parenti and
26 D.P-O., as well as his sister, Amy Vye, and brother, Americo Parenti, have been
27 deeply impacted by his untimely death and the circumstances thereof.

28 ///

1 72. Plaintiff Susan Parenti, Mr. Parenti's mother, continues to experience
2 emotional distress as a result of Mr. Parenti's death, the manner of his death, and
3 the subsequent actions of Defendants, as well as loss of physical support from Mr.
4 Parenti in performing activities of daily life in the context of her disabilities.

5 73. Plaintiff D.P-O. lost his father, with whom he had a significant
6 relationship before, during, and after the time period during which Mr. Parenti was
7 D.P-O.'s primary caretaker. Plaintiff D.P-O. lost both the future emotional and
8 financial support of Mr. Parenti as a result of Mr. Parenti's death.

9 74. While Mr. Parenti was housed in D-wing of the Jail, he made a
10 significant impression on the men housed with him. They describe him as friendly
11 and caring, and as a person with a lot of positivity who always had a smile or a joke
12 to tell if someone was having a bad day.

13 75. After Mr. Parenti's death, some of the men in D-wing made a
14 memorial for him, including a sketch of Mr. Parenti and a cross, and put it up on the
15 wall of the Jail dormitory. However, deputies at the Jail instructed them to remove
16 the memorial, and withheld television, commissary, and visiting privileges until the
17 men took down the memorial.

18 **CLAIMS FOR RELIEF**

19 **First Claim for Relief**

20 **Deliberate Indifference to Serious Medical Needs and Failure to Protect from**
21 **Harm in Violation of the Eighth and Fourteenth Amendments to the**
22 **Constitution of the United States (Survival Action – 42 U.S.C. § 1983)**
23 **(Against All Defendants)**

24 76. Plaintiffs re-allege and incorporate by reference paragraphs 1 through
25 75 as though fully set forth herein.

26 77. Defendants failed to provide Mr. Parenti with necessary and
27 appropriate medical care. They failed to adequately address Mr. Parenti's medical
28

1 needs up to and including this incident, and they failed to appropriately summon
2 emergency medical care when Mr. Parenti was nonresponsive on January 15, 2014.

3 78. Defendant Collins failed to respond appropriately to Mr. Parenti's
4 emergency medical needs on January 15, 2014.

5 79. Defendants County of Monterey, Miller, and CFMG failed to ensure
6 that appropriate policies, procedures, and practices were in place to guide
7 Defendant Collins in responding to medical emergencies, and failed to provide
8 adequate training to Defendant Collins on response to medical emergencies.

9 80. In addition to the individual failures enumerated above, Monterey
10 County, Monterey County Sheriff's Office, and California Forensic Medical Group
11 failed to adopt and implement adequate policies, procedures, training, and
12 supervision to ensure the provision of appropriate medical care and emergency
13 response in the Jail.

14 81. Monterey County, Monterey County Sheriff's Office, Deputy Collins,
15 and other jail staff had a duty to protect Mr. Parenti from harm, and failed to do so.

16 82. Defendants have inadequate policies, procedures, and practices for
17 identifying inmates in need of medical treatment and providing appropriate medical
18 treatment. Defendants also fail to appropriately train and supervise staff regarding
19 the regarding the provision of medical treatment to inmates.

20 83. Defendants have consistently failed to meet their constitutional
21 obligation to provide adequate medical treatment to prisoners in their jail.
22 Defendants' failure to correct their policies, procedures, and practices, despite
23 notice of significant and dangerous problems, evidences deliberate indifference in
24 the provision of medical treatment.

25 84. Defendants' acts and/or omissions as alleged herein, including but not
26 limited to their failure to provide Jacob Parenti with appropriate medical care, along
27 with the acts and/or omissions of the Defendants in failing to train, supervise and/or
28 promulgate appropriate policies and procedures in order to identify medical need

1 and provide appropriate treatment, constituted deliberate indifference to Jacob
2 Parenti's serious medical needs, health and safety.

3 85. As a direct and proximate result of Defendants' conduct, Jacob Parenti
4 experienced physical pain, emotional distress, and mental anguish, as well as loss
5 of his life and other damages alleged herein.

6 86. The aforementioned acts and/or omissions of Defendants Miller, in his
7 individual capacity, Collins, CFMG, and Fithian were willful, wanton, malicious,
8 and oppressive, thereby justifying an award to Plaintiffs of exemplary and punitive
9 damages to punish the wrongful conduct alleged herein and to deter such conduct in
10 the future.

11 **Second Claim for Relief**

12 **Deprivation of Substantive Due Process Rights in Violation of First and**

13 **Fourteenth Amendments to the Constitution of the United States –**

14 **Loss of Parent/Child Relationship (42 U.S.C. § 1983)**

15 **(Against All Defendants)**

16 87. Plaintiffs re-allege and incorporate by reference paragraphs 1 through
17 86 as though fully set forth herein.

18 88. The aforementioned acts and/or omissions of Defendants in being
19 deliberately indifferent to Jacob Parenti's serious medical needs, health and
20 safety, violating Mr. Parenti's constitutional rights, and their failure to train,
21 supervise, and/or take other appropriate measures to prevent the acts and/or
22 omissions that caused the untimely and wrongful death of Jacob Parenti deprived
23 Plaintiffs Susan Parenti and D.P-O. of their liberty interests in the parent-child
24 relationship in violation of their substantive due process rights as defined by the
25 First and Fourteenth Amendments to the United States Constitution.

26 89. As a direct and proximate result of the aforementioned acts and/or
27 omissions of Defendants, Plaintiffs suffered injuries and damages as alleged herein.

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1 **Fourth Claim for Relief**

2 **Negligent Supervision, Training, Hiring, and Retention**

3 **(Survival Action – California State Law)**

4 **(Against Defendants County of Monterey, Miller, CFMG, and Fithian)**

5 97. Plaintiffs re-allege and incorporate by reference paragraphs 1 through
6 96 as though fully set forth herein.

7 98. Defendants had a duty to hire, supervise, train, and retain employees
8 and/or agents so that employees and/or agents refrain from the conduct and/or
9 omissions alleged herein.

10 99. Defendants breached this duty, causing the conduct alleged herein.
11 Such breach constituted negligent hiring, supervision, training, and retention under
12 the laws of the State of California.

13 100. As a direct and proximate result of Defendants' failure, Jacob Parenti
14 and Plaintiffs suffered injuries and damages as alleged herein.

15 **Fifth Claim for Relief**

16 **Negligence (Survival Actions – California State Law)**

17 **(Against All Defendants)**

18 101. Plaintiffs re-allege and incorporate by reference paragraphs 1 through
19 100, as though fully set forth herein.

20 102. Defendants failed to comply with professional standards in the
21 provision of medical care to Jacob Parenti by failing to appropriately assess and
22 evaluate his medical needs, failing to provide timely and emergency medical
23 attention, failing to provide appropriate medical treatment, and failing to adopt the
24 minimum policies, procedures, and training necessary to ensure identification of
25 and response to of medical emergencies.

26 103. These Defendants also failed to appropriately supervise, review, and
27 ensure the competence of medical staff's and custody staff's provision of treatment
28 to Parenti, and failed to enact appropriate standards and procedures that would have

1 prevented such harm to him.

2 104. Together, these Defendants acted negligently and improperly,
3 breached their respective duties, and as a direct and proximate result, Plaintiffs
4 suffered injuries and damages as alleged herein.

5 105. The negligent conduct of Defendants was committed within the course
6 and scope of their employment.

7 106. The aforementioned acts and/or omissions of Defendants Miller, in his
8 individual capacity, Collins, CFMG, and Fithian were willful, wanton, malicious,
9 and oppressive, thereby justifying an award to Plaintiffs of exemplary and punitive
10 damages to punish the wrongful conduct alleged herein and to deter such conduct in
11 the future.

12 **Sixth Claim for Relief**

13 **Wrongful Death – California Code Civ. Proc. § 377.60**

14 **(Against All Defendants)**

15 107. Plaintiffs re-allege and incorporate by reference paragraphs 1 through
16 106, as though fully set forth herein.

17 108. Jacob Parenti's death was a direct and proximate result of the
18 aforementioned wrongful and/or negligent acts and/or omissions of Defendants.
19 Defendants' acts and/or omissions thus were also a direct and proximate cause of
20 Plaintiffs' injuries and damages, as alleged herein.

21 109. As a direct and proximate result of Defendants' wrongful and/or
22 negligent acts and/or omissions, Plaintiffs incurred expenses for funeral and burial
23 expenses in an amount to be proved.

24 110. As a direct and proximate result of Defendants' wrongful and/or
25 negligent acts and/or omissions, Plaintiffs suffered the loss of the services, society,
26 care, and protection of the decedent, as well as the loss of the present value of his
27 future services to his mother and son. Plaintiffs are further entitled to recover
28 prejudgment interest.

1 6. For punitive and exemplary damages against each individually named
2 Defendant in an amount appropriate to punish Defendant(s) and deter others from
3 engaging in similar misconduct;

4 7. For costs of suit and reasonable attorneys' fees and costs pursuant to
5 42 U.S.C. § 1988, and as otherwise authorized by statute or law;

6 8. For restitution as the court deems just and proper;

7 9. For such other relief, including injunctive and/or declaratory relief, as
8 the Court may deem proper.

9 Plaintiffs demand trial by jury in this action.

10 Dated: December 16, 2014

Respectfully Submitted,

RIFKIN LAW OFFICE

HADSELL STORMER & RENICK LLP

14 By: /s/ Dan Stormer

Dan Stormer

Josh Piovia-Scott

Mohammad Tajsar

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