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11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

14 JENNA GROOM, an individual,
15
16 Plaintiff,

17 vs.

18 CITY OF EL PASO DE ROBLES aka CITY OF
19 PASO ROBLES, a public entity; CHRISTOPHER
20 SEAN MCGUIRE, an individual; and DOES 1
through 10, inclusive,

21 Defendants.

Case No.: 2:19-cv-10359 PSG (Ex)

**PLAINTIFF’S SECOND AMENDED
COMPLAINT FOR DAMAGES**

DEMAND FOR JURY TRIAL

22
23 **JURISDICTION AND VENUE**

24 Plaintiff JENNA GROOM, an individual, alleges:

25 1. Plaintiff JENNA GROOM (“Plaintiff”) is and was at all times mentioned herein a citizen
26 of the State of California and resides in the Central District of California.

27 2. Defendant CITY OF EL PASO DE ROBLES aka CITY OF PASO ROBLES (“PDR” or
28 “Paso Robles”) is commonly known as Paso Robles. Defendant CITY OF PASO DE ROBLES is a

1 city and a public entity within the Central District of California. Defendant PDR has its own police
2 department within the City of Paso Robles named Paso Robles Police Department ("PRPD").

3 3. Defendant CHRISTOPHER SEAN MCGUIRE ("McGuire" "Christopher McGuire" or
4 "Sergeant McGuire") is an individual who resides in the County of San Luis Obispo, within the Central
5 District of California. Defendant Christopher McGuire, at all relevant times herein, was employed by
6 Defendant PDR as a sergeant within the Paso Robles Police Department.

7 4. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3)-(4)
8 because Plaintiff asserts claims arising under the laws of the United States including 42 U.S.C. § 1983
9 and the Fourth and Fourteenth Amendments of the United States Constitution.

10 INTRODUCTION

11 5. This civil rights action seeks compensatory and punitive damages from Defendants for
12 violating various rights under the United States Constitution in connection with Defendant Christopher
13 McGuire's ongoing sexual assault, sexual harassment, and intimidation of plaintiff from December 19,
14 2017 through April of 2018. During these acts of sexual assault and sexual harassment, Defendant
15 McGuire was acting under color of law as a Sergeant with the Paso Robles Police Department. After
16 Plaintiff complained about McGuire's sexual assault of Plaintiff to a third party law enforcement
17 agency, McGuire was placed on paid administrative leave. The San Luis Obispo County Sheriff's
18 Office conducted an investigation into McGuire's sexual assault and sexual harassment of Plaintiff.
19 During the investigation, the San Luis Obispo County Sheriff's Office concluded that McGuire had
20 sexually assaulted and harassed Plaintiff. The San Luis Obispo County Sheriff's Office also concluded
21 that McGuire had sexually assaulted and sexually harassed other women as well, including as far back
22 as 2015. Rather than terminate McGuire's employment, the Paso Robles Police Department allowed
23 McGuire to resign.

24 FACTS COMMON TO ALL CAUSES OF ACTION

25 6. On December 19, 2017, Sgt. McGuire and other members of the Paso Robles Police
26 Department ("PRPD") responded to a domestic violence call from Plaintiff. The officers responded in
27 official marked Paso Robles Police Department vehicles. After assessing the situation, PRPD forced
28 entry into the home and arrested Plaintiff's boyfriend. Plaintiff's boyfriend was taken into custody by

1 PRPD away from the residence and he did not present any further threat to Plaintiff on the night of
2 December 19, 2017. McGuire inspected the entire home. After Plaintiff was questioned by PRPD
3 Officer Petlachi and McGuire, all PRPD officers were released by McGuire. However, McGuire stayed
4 at the residence for approximately four more hours.

5 7. At all times that McGuire was at plaintiff's home on December 19, 2017 McGuire was
6 wearing a police uniform, including wearing a Sam Browne belt, carrying a gun, carrying handcuffs,
7 wearing a badge, and acting under color of law.

8 8. When they were alone, McGuire demanded that Plaintiff hug him while he was acting
9 under color of law, using the full power of his authority as a law enforcement officer. There was
10 absolutely no legitimate law enforcement purpose for demanding that Plaintiff hug McGuire. Plaintiff,
11 being afraid and intimidated by McGuire, who was acting under color of legal authority and carrying a
12 gun, complied, but pulled away quickly. McGuire ordered Plaintiff to hug him again "harder," and
13 directed her to continue hugging him until he said to let go. Again, there was no legitimate reason for
14 McGuire to force Plaintiff to hug him.

15 9. McGuire then "hugged" Plaintiff for several minutes using his legal authority to force
16 her to comply. This was done for the purpose of sexually harassing and intimidating Plaintiff while
17 acting under color of law for his own sexual gratification. McGuire then grabbed Plaintiff's hand and
18 placed it on his gun, which he was wearing in a holster on his hip. He then grabbed her left hand and
19 placed it on his erect penis. McGuire then asked Plaintiff which gun she preferred. Plaintiff stated that
20 she preferred the firearm. McGuire directed Plaintiff to tell him what she would do to his "big cock."
21 McGuire also said words to the effect of "You like that, don't you? You like men of power." Plaintiff
22 requested that McGuire leave her residence, but he refused, stating that she was not safe due to the front
23 door being damaged as a result of the forced entry by the San Luis Obispo Police Department. This
24 was not true given that Plaintiff's boyfriend no longer presented a threat to her that evening as he was
25 taken away from the residence by the PRPD. McGuire eventually left the residence.

26 10. McGuire returned to plaintiff's residence within an hour of leaving with Officer Petlachi
27 of the San Luis Obispo Police Department. At approximately four o'clock in the morning, McGuire
28

1 had been at Plaintiff's residence for most of the night. Defendant McGuire and Officer Petlachi talked
2 to Plaintiff about further steps she needed to take after the domestic violence call and then they left.

3 11. The GPS tracking device on McGUIRE's official police vehicle confirmed that
4 McGUIRE's police vehicle was parked in front of plaintiff's house on the evening of December 19,
5 2017 and until approximately 4:00 a.m. on December 20, 2017.

6 12. A few days after the December 19, 2017 incident McGuire unexpectedly appeared at
7 Plaintiff's residence again ("Second Incident") on his way to work as a PRPD law enforcement officer.
8 At the time of the Second Incident, McGuire was wearing civilian clothes but was acting under color of
9 legal authority in that he said he was conducting a welfare check on Plaintiff arising from the December
10 19, 2017 Domestic Violence call. McGuire also stated that he was following up on the pending
11 criminal investigation arising out of the December 19, 2017 domestic violence call.

12 13. On information and belief, McGuire was carrying a gun at the time of this purported
13 "welfare check" on Plaintiff. Plaintiff believed that McGuire was carrying a gun at the time of the
14 second incident and feared for her safety as a result. McGuire said he needed to speak to Plaintiff alone
15 in the detached garage. Once inside the garage, McGuire demanded that Plaintiff lock the door.
16 Plaintiff complied with Defendant McGuire's demand and locked the door because she was in fear of
17 her safety because McGuire was using his color of authority as a police officer to force Plaintiff to once
18 again comply with his requests. Plaintiff feared that McGuire would either physically harm her or
19 arrest her if she failed to comply with his directives. When Plaintiff asked what they needed to discuss,
20 McGuire did not respond. McGuire pulled down his shorts and attempted to physically force Plaintiff
21 onto her knees to perform oral sex on him. Plaintiff resisted.

22 14. McGuire then physically forced plaintiff to lean over an object, pulled the back of her
23 pants down and placed his erect penis inside of her vagina. McGuire then raped Plaintiff and ejaculated
24 onto her garage floor. McGuire then instructed Plaintiff to clean his ejaculate from her garage floor.
25 At no time did Plaintiff consent to the sexual assault. McGuire raped Plaintiff under color of law, using
26 his authority as a law enforcement officer to sexually assault Plaintiff.

27 15. After sexually assaulting Plaintiff, McGuire threatened Plaintiff with physical harm if
28 she disclosed the sexual assault. He told her that if she told anyone eh could also have her kids taken

1 away from her. McGuire also told Plaintiff that her boyfriend would never hurt her again and that
2 McGuire would be conducting additional patrol checks on her residence throughout the evening.
3 McGuire then left.

4 16. DNA samples obtained from Plaintiff's garage floor and from McGuire by the San Luis
5 Obispo County Sheriff's Office conclusively establish that McGuire's semen was on Plaintiff's garage
6 floor.

7 17. Throughout the next few months, McGuire stalked and harassed Plaintiff by appearing at
8 places Plaintiff was present in the public while he was on duty as a police officer. At all times she saw
9 McGuire, he was wearing his full police uniform, including his badge, carrying a gun, and acting as a
10 police officer. McGuire followed Plaintiff while on duty for the purpose harassing and intimidating
11 Plaintiff into not reporting the sexual assaults and sexual harassment by McGuire. McGuire followed
12 her for the purpose of letting her know that he was keeping an eye on her and that he was watching
13 where she was going, who she was with, and what she was doing.

14 18. McGuire stalked Plaintiff by constantly driving by Plaintiff's house in his official
15 marked police car, wearing his official uniform, while on duty, even after she moved. Again, McGuire
16 did this for the purpose of harassing and intimidating Plaintiff so that she would not report his sexual
17 assaults or sexual harassment and would fear for her safety.

18 19. The GPS on McGUIRE's official law enforcement vehicle establish that McGUIRE's
19 police vehicle drove past plaintiff's residence during the late night/early morning hours, without any
20 legitimate reason for doing so, dozens of times. Frequently, McGUIRE drove by Plaintiff's house
21 several times on the same night. He would frequently park his official police vehicle in front of the
22 plaintiff's residence for several minutes at a time. On one particular evening McGUIRE parked his
23 police vehicle in front of plaintiff's residence on four separate occasions for several minutes at a time,
24 without any legitimate reason for doing so. Over the course of more than ninety days, McGUIRE drove
25 past plaintiff's house and/or parked in front of her house approximately two to three days per week.
26 There was no legitimate law enforcement purpose for doing so. McGUIRE's purpose in driving by
27 Plaintiff's house and parking in front of Plaintiff's house was to threaten her, intimidate her, place her
28

1 in fear for her safety, the safety of her children and keep an eye on her. There was absolutely no
2 legitimate law enforcement purpose for McGUIRE's stalking of Plaintiff.

3 20. On several occasions when Plaintiff was not at her residence McGUIRE would appear
4 where she was located in public while driving his official police vehicle when he had no legitimate
5 purpose for being present.

6 21. On one occasion, Plaintiff was sitting inside of her vehicle in the driveway at her
7 residence with another person. McGUIRE used his police vehicle to block plaintiff's vehicle. He
8 exited his vehicle and approached her car window.

9 22. In approximately April of 2018, McGuire pulled Plaintiff over when she was driving on
10 a public street with her daughter. Plaintiff had just moved to another residence in an effort to prevent
11 McGuire from finding her. McGuire was on duty, in full uniform, wearing a Sam Browne belt,
12 carrying a gun, and driving a marked patrol car. McGuire then detained Plaintiff under color of legal
13 authority by directing her to get out of her car and go to his patrol car. McGuire said he was angry
14 because he had heard that Plaintiff told someone about his assaults and harassment of Plaintiff.
15 McGuire then threatened to call Child Protective Services and report Plaintiff and have her kids taken
16 away from her if she did not keep her mouth shut. Plaintiff asked why McGuire was threatening her
17 and harassing her. He responded with words to the effect of "I told you not to open your mouth and
18 you're not obeying what I told you to do." McGuire then demanded that Plaintiff give him her new
19 address. McGuire stated that he knew her new residence was in a gated housing development and
20 demanded the gate code to enter the community. McGuire then directed Plaintiff under color of law to
21 drive to her new residence and he followed her in his official police car.

22 23. McGuire, in his full official uniform, wearing his Sam Browne belt and carrying a gun,
23 followed Plaintiff into her home. McGuire conducted a thorough check of Plaintiff's residence to
24 confirm that her boyfriend was not present. He then ordered Plaintiff into her bedroom and followed
25 her inside. McGuire locked the door and unzipped his pants, exposing his erection. McGuire tried to
26 force Plaintiff into performing oral sex on him and/or engage in sexual intercourse with him, pulling his
27 pants and belt down to the floor. Plaintiff fought back and began screaming. McGuire directed Plaintiff
28 to be quiet since Plaintiff's children were in the home. He then pulled up his pants and directed Plaintiff

1 to escort him out of the house. McGuire said that if Plaintiff told anyone about what had occurred, he
2 would have Child Protective Services remove her children from her custody. He also threatened
3 Plaintiff with physical harm if she disclosed his conduct to anyone. As he was leaving Plaintiff's house
4 in full uniform, wearing his Sam Browne belt and carrying his gun, McGuire ordered Plaintiff to call
5 the police department every Wednesday and leave a message for him. This was done for the purpose of
6 intimidating her into not reporting his sexual assaults and sexual harassment of her.

7 24. The San Luis Obispo County Sheriff's Office has obtained evidence corroborating
8 McGuire's sexual assault of Plaintiff including DNA evidence, GPS evidence and approximately a
9 dozen witnesses corroborating the allegations.

10 25. Following the assaults, McGUIRE repeatedly threatened Plaintiff not to tell anyone
11 about what happened. McGUIRE threatened to physically harm Plaintiff if she told anyone. McGuire
12 also told Plaintiff that he would make up allegations against her and call Children and Family Services
13 to have her children taken away from her. Plaintiff was terrified of McGUIRE and what he could do to
14 her with his authority as an officer of the law and an employee of PRPD.

15 26. In May of 2018 the Santa Cruz Police Department learned that Plaintiff was sexually
16 assaulted by McGuire. The Santa Cruz Police Department reported the sexual assault to the Paso
17 Robles Police Department. Around that time, Plaintiff received a call on her cell phone from
18 Commander Tim Murphy of the Paso Robles Police Department. Commander Murphy told Plaintiff to
19 come into the station *immediately*. Plaintiff did not know if McGuire was with Commander Murphy
20 and was terrified that something would happen to her if she went to the station. While Plaintiff told
21 Commander Murphy that she was too upset and did not want to go to the station, he repeatedly told her
22 to come in to discuss the sexual assault. Plaintiff was confused and scared about why Paso Robles
23 Police Department was contacting her in this way.

24 27. In May of 2018, the San Luis Obispo County Sheriff's Office began an investigation
25 into McGuire's sexual assault and sexual harassment of Plaintiff and several other women. During the
26 investigation, McGUIRE was placed on paid Administrative Leave. Plaintiff did not know that
27 McGuire was placed on paid administrative leave and had no idea what it even meant to be on
28 administrative leave. During the investigation by the Sherriff's Office, Plaintiff only knew that

1 McGuire was *still an officer* with the Paso Robles Police Department. Plaintiff believed that McGuire
2 still had a pistol, was still a threat to her and her children, and would still harm her if she filed any type
3 of claim or civil lawsuit against him and the Police Department. During the time she was cooperating
4 with the Sherriff's investigation, Plaintiff was terrified of McGuire as she knew he was still a police
5 officer with the Paso Robles Police Department. McGuire's threats to harm her and take away her
6 children – made only weeks before the investigation began - were still extremely fresh and continued to
7 haunt Plaintiff throughout her cooperation in the Sherriff's investigation of McGuire. Based on
8 information and belief, while McGuire was on paid administrative leave he still had access to weapons,
9 including a pistol.

10 28. Throughout her cooperation in the Sherriff's investigation, Plaintiff believed that
11 McGuire would carry through with his threat to hurt her and/or take away her children if she pursued a
12 claim against him since he had been relentless in his stalking and assaults after the initial attack in
13 December. Nearly six months had passed between the rape in December 2017 and the violent rape in
14 April 2018. Plaintiff was terrified of what McGuire was capable of and terrified of what he would do if
15 she brought a claim against him during the months long investigation of him. The effects of McGuire's
16 threats continued to have force throughout the entirety of the criminal investigation.

17 29. In August of 2018 Plaintiff required the assistance of law enforcement and did not call
18 the Paso Robles Police Department because she was afraid that McGuire would respond to the call and
19 hurt her, wrongfully arrest her, or try and take her children away from her. Plaintiff was terrified that
20 McGuire would himself, or through one of his fellow officers at Paso Robles Police Department,
21 respond to the call and hurt Plaintiff and/or her children. Plaintiff was so afraid that she refused to call
22 Paso Robles Police and instead contacted the San Luis Obispo County Sheriff's Department for help.
23 She specifically asked the Sherriff's Department that Paso Robles Police Department *not* be involved.
24 Despite this request and despite the fact that the Sherriff's office did respond, members of the Paso
25 Robles Police Department nonetheless showed up during the service call. The presence of the Paso
26 Robles Police Department frightened and intimidated Plaintiff. She was terrified of what would have
27 happened had McGuire shown up and/or had the Sherriff's Office not been at the scene.

28

1 30. In September of 2018 the Paso Robles Police Department appeared at Plaintiff's house
2 again. During this time, Child Protective Services was called and came to interview Plaintiffs'
3 children. Plaintiff was scared that McGuire would use his authority as an officer to have Plaintiffs'
4 children taken away from her. Plaintiff feared for her safety and the safety of her children. The
5 continued presence of the Paso Robles Police Department frightened and intimidated Plaintiff. Plaintiff
6 believed that their presence was to remind Plaintiff that if she came forward and brought a claim
7 against McGuire, she would be hurt and/or her children would be taken away from her. Throughout the
8 criminal investigation of McGuire, Plaintiff was terrified to bring a claim against McGuire for fear of
9 what he could do to her as an officer of the law. .

10 31. Throughout most of the investigation, McGUIRE was still a police officer and an
11 employee of Defendant PDR. McGUIRE voluntarily resigned on October 1, 2018. On November 1,
12 2018 the criminal investigation concluded. Despite the fact that the San Luis Obispo County Sheriff's
13 Office recommended that the San Luis Obispo County District Attorney's Office file charges of
14 forcible rape, attempted forcible rape, and assault and battery against McGUIRE for his conduct
15 towards plaintiff, the District Attorney's Office announced that it was not going to prosecute
16 McGUIRE despite the many victims and evidence supporting the allegations against him.

17 32. Plaintiff was terrified to participate in the criminal investigation and would only do so
18 with the help of a Marsy's Law attorney to help protect her identity and her safety through the criminal
19 investigation. She also participated in the criminal investigation anonymously because she was afraid
20 that McGuire would harm her if he learned that she was talking to a law enforcement agency about him.
21 It was not until during the investigation and after McGUIRE resigned that Plaintiff felt safe and free
22 from McGUIRE's threats such that she could even think about pursuing her own civil action against
23 him.

24 33. On or about February 22, 2019, within six months of McGUIRE's resignation, Plaintiff
25 presented a proper Government Tort Claim to Defendant PDR which arises from McGUIRE's conduct
26 towards Plaintiff. The City never responded.

27 34. Plaintiff timely complied with the California Government Tort Claims Act. The
28 defendants are equitably estopped from asserting that Plaintiff's claim or lawsuit is somehow untimely.

1 Defendant PRPD's own employee, McGUIRE was the cause of Plaintiff's delay in bringing the claim
2 any earlier. McGUIRE threatened and intimidated plaintiff by threatening her with physical harm for
3 disclosing details of the sexual assaults. Plaintiff was terrified of McGUIRE. Plaintiff feared for her
4 life and the safety of her children because of McGUIRE's threats and intimidation.

5 35. McGUIRE remained an employee of the Paso Robles Police Department until October
6 1, 2018. Until McGUIRE resigned from the Paso Robles Police Department, Plaintiff feared that
7 McGUIRE would use his color of authority as a law enforcement officer to physically harm her and try
8 to remove her children from her home. It was not until during investigation and after McGUIRE
9 resigned that Plaintiff finally felt free of McGUIRE's threats. Defendants are estopped from arguing
10 that Plaintiff failed to timely present a claim as McGUIRE was employed by Defendant PDR as a
11 police officer and his threats and intimidation prevented Plaintiff from filing her claim any earlier. It
12 was not until October 1, 2018, when McGUIRE resigned from the Paso Robles Police Department and
13 could no longer use his status as a law enforcement officer to physically harm Plaintiff or take her
14 children away from her, that his threats of violence and harm to her children ceased.

15 36. Plaintiff filed her Government Tort Claim within a reasonable time after she learned of
16 McGuire's resignation. Plaintiff was not even aware that McGuire resigned until November 2019. At
17 that time, Plaintiff was told that the San Luis Obispo County Sheriff's Office recommended that the
18 San Luis Obispo County District Attorney's Office file charges of forcible rape, attempted forcible
19 rape, and assault and battery against McGUIRE for his conduct towards plaintiff, *but* that the District
20 Attorney's Office was *not going to prosecute* McGUIRE despite the many victims and evidence
21 supporting the allegations against him. Obviously such news was a devastating blow to Plaintiff.
22 Processing the fact that McGuire had gotten away with raping her, it is reasonable that Plaintiff, a
23 victim of violent sexual assault, would need some time before initiating a civil claim against McGuire.

24 37. Furthermore, while McGuire's resignation meant that he could no longer use his status
25 as a law enforcement officer to physically harm Plaintiff or take her children away from her, it is not as
26 if the fear of McGuire and his threats completely dissipated at the precise moment Plaintiff learned of
27 his resignation. In the weeks following the news that McGuire would not be criminally prosecuted,
28 Plaintiff was still shaken and scared based on McGuire's prior threats, intimidation, physical assaults

1 and sexual assaults and his statements that he would have her children taken away from her. Now that
2 McGuire was free from the threat of criminal prosecution, Plaintiff feared that McGuire would be
3 emboldened to seek revenge against her for talking to law enforcement about his sexual assaults,
4 stalking, intimidation and harassment of the Plaintiff. Plaintiff did not believe that the justice system
5 would protect her from McGuire because it made the decision not to pursue criminal charges against
6 McGuire even after the San Luis Obispo County Sheriff's Department recommended to the San Luis
7 Obispo County District Attorney's Office that it should prosecute McGuire. Plaintiff was not seeing a
8 counselor or therapist for the abuse and thus struggled with processing the conclusion of the criminal
9 investigation and the decision by the District Attorney's Office. It is entirely reasonable for a victim of
10 sexual assault, especially a victim of sexual abuse by a police officer, to need a few months to process
11 everything before filing a civil claim against the officer. It is precisely because of the struggles faced
12 by victims of sexual abuse such as this one that had led to the extended statutes of limitations for crimes
13 of sexual abuse. (See Cal. Code Civ. Proc. § 340.16.)

14 38. Plaintiff timely filed her government tort claim within a *reasonable time* after the effects
15 of McGuire's threats against Plaintiff's safety, and the safety of her children, ceased.

16 39. Further, Plaintiff filed her government tort claim within six months from the time she
17 recognized her severe emotional injuries that she suffered as a result of the rape and stalking. It was
18 not until her participation in the criminal investigation that she recognized the abuse she suffered and
19 made the causal connection between the rape and stalking committed by McGUIRE in the course and
20 scope of his employment with Defendant PDR and her emotional injuries.

21 **McGUIRE'S HISTORY OF MISCONDUCT**

22 40. McGuire has a long history of misconduct as a law enforcement officer that started long
23 before his sexual assault of Plaintiff. Had Defendant Paso Robles and the Paso Robles Police
24 Department properly investigated McGuire's background, it would have never hired him. Further, had
25 Defendant City of Paso Robles properly trained and supervised McGuire, he would have never been
26 able to sexually assault Plaintiff.

27 41. On information and belief, at the start of McGuire's law enforcement career, McGuire
28 was a police officer for another law enforcement agency. McGuire's employment was terminated with

1 the law enforcement agency in 2001 after allegations that McGuire engaged in an inappropriate
2 relationship with a minor. On information and belief, the PRPD failed to adequately investigate
3 McGuire's background at the time it hired him. Had it done so, it would have discovered that he was
4 unfit to serve as a police officer. On information and belief, McGuire continued to act in a sexually
5 inappropriate manner while on duty, under color of legal authority, throughout his career with the Paso
6 Robles Police Department and it knew or should have known of such misconduct. On information and
7 belief, City of Paso Robles was deliberately indifferent to the acts of sexual harassment and sexual
8 assault by McGuire, and failed to investigate and/or adequately discipline McGuire for his prior acts of
9 sexual harassment and sexual assault of women while employed by the City of Paso Robles. Instead,
10 on information and belief, the City of Paso Robles turned a blind eye to such sexual misconduct and
11 ignored such sexual misconduct. Such deliberate indifference by the City of Paso Robles and the Paso
12 Robles Police Department directly caused Plaintiff to be sexually assaulted and sexually harassed by
13 McGuire while he was on duty, acting under color of legal authority.

14 42. During the San Luis Obispo County Sheriff's Office's investigation into McGuire's
15 sexual assault of Plaintiff, it discovered that McGuire had sexually assaulted and sexually harassed
16 several other women, while on duty, under color of authority and abused his power as a law
17 enforcement officer.

18 43. These sexual assaults include an incident that occurred in 2015 when McGuire was on
19 duty, in his full uniform, acting under color of law. In 2015, McGuire handcuffed a female civilian,
20 placed her in the front passenger seat of his patrol car and drove away. While driving his patrol car,
21 McGuire directed the female civilian to "flash" her breasts and he would make the arrest go away. The
22 female civilian was on probation, was scared of violating her probation, and therefore showed her
23 breasts to Sergeant McGuire.

24 44. It was also revealed during the investigation conducted by the County of San Luis
25 Obispo Sheriff's Office that McGuire routinely engaged in sexual intercourse and oral sex with other
26 women while he worked his regular patrol shift, including one woman who reported that she had sexual
27 intercourse with McGuire while he worked as a police officer between November of 2017 and March
28

1 of 2018. McGuire used his power as a law enforcement officer, wearing a uniform, and acting under
2 color of law, to pressure and guilt this woman into performing oral sex on him in his patrol car.

3 45. On information and belief, there are numerous other women who have been sexually
4 harassed and sexually assaulted by Sergeant McGuire while he was on duty, acting under color of law,
5 while wearing an official police uniform and carrying a gun. On information and belief, McGuire
6 abused his position of authority, acting under color of law, to sexually assault and harass these women.

7 46. The City of Paso Robles and the Paso Robles Police Department knew or should have
8 known of McGuire's criminal conduct given his propensity to engage in sex with other women during
9 the course and scope of his duties as a police officer. Defendant City of Paso Robles did nothing to
10 intervene, to investigate, or stop McGuire's conduct, which directly led to the multiple sexual assaults
11 and sexual harassment he perpetrated against Plaintiff.

12 **CITY OF PASO ROBLES' PATTERN AND PRACTICE WITH REGARDING TO SEXUAL**
13 **ASSAULT ALLEGATIONS**

14 47. The City of Paso Robles and the Paso Robles Police Department have a long history of
15 turning a blind eye to sexual harassment by law enforcement officers. McGUIRE's sexual assault and
16 other misconduct towards the Plaintiff was allowed to happen because McGUIRE knew that based on
17 past sexual assaults committed by its law enforcement officers, if he was caught, the worst case
18 scenario for McGUIRE was that he would be placed on paid administrative leave and then would be
19 allowed to resign, based on the custom and practice of the City of Paso Robles and the Paso Robles
20 Police Department.

21 48. For example, in 2012 the Chief of the Paso Robles Police Department was accused of
22 sexually harassing and sexually assaulting members of the police department. After an investigation
23 was conducted that revealed substantial misconduct, the Chief of Police was allowed to resign. On
24 information and belief, this has been the pattern and practice of the Paso Robles Police Department on
25 many occasions where its law enforcement officers have been accused of misconduct. The officers in
26 the department are aware of this custom and practice. Therefore, the law enforcement officers of the
27 City of Paso Robles know that if they engage in sexual misconduct while on duty, they will ultimately
28 be allowed to resign instead of having their employment terminated. It is known that such a practice

1 allows officers to become employed at another law enforcement agency. Such policies, practices and
2 procedures enable law enforcement officers to engage in misconduct at the Paso Robles Police
3 Department because they know the department will turn a blind eye to such misconduct. The Paso
4 Robles Police Department's customs, policies, procedures and practices caused and/or contributed to
5 McGUIRE's sexual assault and sexual harassment of women in the community, including Plaintiff,
6 because he knew that if he was caught he would be allowed to resign.

7 49. Plaintiff is informed and believes that during discovery in this case additional supporting
8 evidence will be uncovered as such information is largely in the possession of Defendant PRPD.

9 **FIRST CLAIM FOR RELIEF**

10 **VIOLATION OF 42 U.S.C. § 1983**

11 **(Against Defendant Christopher McGuire Only)**

12 50. Plaintiff repeats, re-alleges, and incorporates by reference, as if fully stated herein, each
13 and every allegation in paragraphs 1 through 49, inclusive of this Complaint.

14 51. At all times relevant herein, Defendant CHRISTOPHER MCGUIRE was acting under
15 color of state law and color of authority, using his position of power as a police officer with the Paso
16 Robles Police Department to intimidate, coerce, threaten, harass and sexually assault Plaintiff.

17 52. Defendant CHRISTOPHER MCGUIRE's repeated sexual assaults of Plaintiff, and other
18 uses of force, committed while acting as a police officer with the Paso Robles Police Department,
19 deprived Plaintiff of her right to be secure in her person and free of interference with her bodily
20 integrity as guaranteed by the Fourteenth Amendment.

21 53. Defendant CHRISTOPHER MCGUIRE detained Plaintiff without reasonable suspicion
22 by using the color of law and his position of power as a law enforcement officer.

23 54. When Defendant CHRISTOPHER MCGUIRE, while in his police uniform and wielding
24 his government-issued firearm, harassed, intimidated, and assaulted Plaintiff, he violated Plaintiff's
25 right to be secure in his person against unreasonable searches and seizures as guaranteed to Plaintiff
26 under the Fourth Amendment to the United States Constitution and applied to state actors by the
27 Fourteenth Amendment.
28

1 potential for law enforcement officers to abuse their power for the purpose of engaging in sexual
2 harassment and sexual assault.

3 63. Defendant CITY OF PASO ROBLES was deliberately indifferent to the obvious
4 consequences of its failure to train its officers adequately.

5 64. The failure of Defendant CITY OF PASO ROBLES to provide adequate training
6 directly and legally caused the deprivation of Plaintiff's rights by Defendant CHRISTOPHER
7 MCGUIRE; that is, Defendant CITY OF PASO ROBLES' failure to train its officers is so closely
8 related to the deprivation of Plaintiff's rights as to be the moving force that caused the ultimate injury.

9 65. At all times relevant herein, the customs, practices, and/or policies by which Defendant
10 CITY OF PASO ROBLES hired new police officers were inadequate in that they allowed, authorized,
11 and/or encouraged the hiring of individuals with a propensity for sexual misconduct. On information
12 and belief, the CITY OF PASO ROBLES knew or should have known that McGUIRE engaged in
13 sexual misconduct while a law enforcement officer prior to the time it hired him. Defendant CITY OF
14 PASO ROBLES failed to properly investigate McGuire's background sufficiently to reveal that he had
15 engaged in sexual misconduct prior to the date of his employment with Defendant CITY OF PASO
16 ROBLES.

17 66. Defendant CITY OF PASO ROBLES was deliberately indifferent to the plainly obvious
18 consequences of its failure to adequately vet, review, scrutinize, and/or investigate those people being
19 hired as police officers.

20 67. The failure of Defendant CITY OF PASO ROBLES to adequately vet, review,
21 scrutinize, and/or investigate its potential and newly hired police officers caused the deprivation of
22 Plaintiff's rights by Defendant CHRISTOPHER MCGUIRE; that is, Defendant CITY OF PASO
23 ROBLES' hiring of unfit employees is so closely related to the deprivation of Plaintiff's rights as to be
24 the moving force that caused the ultimate injury.

25 68. Upon information and belief, a final policymaker, acting under color of law, who had
26 final policymaking authority concerning the acts of Defendant CHRISTOPHER MCGUIRE, ratified
27 Defendant CHRISTOPHER MCGUIRE's acts and the bases for them. Upon information and belief,
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1 the final policymaker knew of and specifically approved of Defendant CHRISTOPHER MCGUIRE's
2 acts.

3 69. On information and belief, Defendant CHRISTOPHER MCGUIRE was disciplined,
4 reprimanded, retrained, suspended, or otherwise penalized long after Defendant CITY OF PASO
5 ROBLES became aware of MCGUIRE's sexual misconduct and sexual harassment towards women.

6 70. Defendant CITY OF PASO ROBLES also has a custom, practice, and/or policy of
7 ratifying police officers' sexual misconduct and of failing to discipline, reprimand, retrain, suspend, or
8 otherwise penalize such misconduct.

9 71. Defendant CHRISTOPHER MCGUIRE acted pursuant either to an expressly adopted
10 official policy or a longstanding custom, practice, and/or policy of Defendant CITY OF PASO
11 ROBLES which allowed him to prey on women, without being disciplined, suspended or terminated
12 from the CITY OF PASO ROBLES. On information and belief, there was a custom and practice with
13 the Paso Robles Police Department to refrain from properly investigating allegations of sexual
14 harassment and sexual misconduct of its police officers. Further, Defendant CITY OF PASO ROBLES
15 had a custom and practice of ignoring and/or minimizing complaints made by the public that one of its
16 police officers had sexually harassed and/or sexually assaulted women while on duty. Moreover,
17 Defendant CITY OF PASO ROBLES has a long history of having a custom and practice of allowing
18 law enforcement officers that engage in sexual assault, sexual misconduct and sexual harassment the
19 ability to resign without their employment being terminated. Thus, there is an unwritten rule that the a
20 police officer at the CITY OF PASO ROBLES can engage in misconduct and resign. Thereafter, the
21 officers know that they can seek employment with a different law enforcement agency. Thus, the
22 CITY OF PASO ROBLES turns a blind eye to sexual misconduct, sexual harassment, sexual assault
23 and other misconduct engaged in by its officers.

24 72. In accordance with its longstanding customs, practices and procedures, the Paso Robles
25 Police Department learned that MCGUIRE sexually assaulted the Plaintiff and other women. There was
26 very concrete documentation establishing that MCGUIRE sexually assaulted, sexually harassed and
27 stalked Plaintiff. There was also solid evidence that MCGUIRE engaged in other sexual misconduct
28 with other women while on duty. The CITY OF PASO ROBLES followed its longstanding customs,

1 practices, policies and procedures and allowed McGUIRE to resign, rather than terminate his
2 employment.

3 73. On information and belief, Defendant CHRISTOPHER MCGUIRE was placed on
4 administrative leave long after Defendant CITY OF PASO ROBLES became aware of said misconduct
5 towards women. Further, on information and belief, Defendant CITY OF PASO ROBLES failed to
6 discipline, reprimand, retrain, suspend, or otherwise penalize MCGUIRE for many years after it first
7 became aware of his sexual misconduct.

8 74. Defendant CITY OF PASO ROBLES, together with other CITY OF PASO ROBLES
9 policymakers and supervisors, maintained, inter alia, the following unconstitutional customs, practices,
10 and/or policies:

- 11 (a) Approving, normalizing, encouraging, and/or ratifying sexual misconduct;
- 12 (b) Providing inadequate training regarding sexual misconduct;
- 13 (c) Employing and retaining police officers such as Defendant CHRISTOPHER
14 MCGUIRE, whom Defendant CITY OF PASO ROBLES at all times material
15 herein knew or reasonably should have known had dangerous propensities for
16 abusing their authority and/or engaging in sexual misconduct;
- 17 (d) Inadequately supervising, training, controlling, assigning, and/or disciplining
18 CITY OF PASO ROBLES police officers, and other personnel, including
19 Defendant CHRISTOPHER MCGUIRE, whom Defendant CITY OF PASO
20 ROBLES knew or in the exercise of reasonable care should have known had the
21 aforementioned propensities and character traits;
- 22 (e) Maintaining grossly inadequate procedures for reporting, supervising,
23 investigating, reviewing, disciplining and controlling misconduct by CITY OF
24 PASO ROBLES police officers;
- 25 (f) Failing to adequately discipline CITY OF PASO ROBLES police officers for the
26 above-referenced categories of misconduct, including “slaps on the wrist”
27 discipline that is so slight as to be out of proportion to the magnitude of the
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1 misconduct, and other inadequate discipline that is tantamount to encouraging
2 misconduct;

3 (g) Encouraging, accommodating, and/or facilitating a “blue code of silence,” “blue
4 shield,” “blue wall,” “blue curtain,” “blue veil,” or simply “code of silence,”
5 pursuant to which police officers do not report other officers’ errors, misconduct,
6 or crimes. Pursuant to this code of silence, if questioned about an incident of
7 misconduct involving another officer, while following the code, the officer being
8 questioned will claim ignorance of the other officers’ wrongdoing; and

9 (h) Maintaining a custom, practice, and/or policy of inaction and an attitude of
10 indifference towards sexual misconduct, including by failing to discipline,
11 retrain, investigate, terminate, and recommend officers for criminal prosecution
12 who participate in sexual misconduct with members of the public.

13 75. Defendant CITY OF PASO ROBLES, together with various other officials, whether
14 named or unnamed, had actual or constructive knowledge of the deficient customs, practices, and/or
15 policies alleged in the paragraphs above. Despite having knowledge as stated above, these defendants
16 condoned, tolerated, and through action and inaction thereby ratified such policies. Said defendants
17 also acted with deliberate indifference to the foreseeable effects and consequences of these policies
18 with respect to the constitutional rights of Plaintiff, and other individuals similarly situated.

19 76. By perpetrating, sanctioning, tolerating, and ratifying the outrageous conduct and other
20 wrongful acts, Defendant CITY OF PASO ROBLES acted with intentional, reckless, and callous
21 disregard of Plaintiff’s constitutional rights. Furthermore, the customs, practices, and/or policies
22 implemented, maintained, and tolerated by Defendant CITY OF PASO ROBLES was affirmatively
23 linked to and were a significantly influential force behind Plaintiff’s injuries.

24 77. As a direct and legal result of its deliberate indifference to the wrongful detention of
25 civilians by its police officers, Defendant CITY OF PASO ROBLES is liable for Plaintiff’s injuries.

26 78. As a direct and legal result of Defendant CITY OF PASO ROBLES’ aforementioned
27 acts and omissions, Plaintiff has suffered great physical pain, mental pain and suffering, emotional
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1 distress, past and future costs of medical care and treatment, past and future loss of earnings and/or
2 earning capacity, and other economic and non-economic damages in an amount not yet ascertained.

3 79. Accordingly, Defendant CITY OF PASO ROBLES is liable to Plaintiff for
4 compensatory damages under 42 U.S.C. § 1983.

5 **THIRD CLAIM FOR RELIEF**

6 **VIOLATION OF CIVIL RIGHTS (BANE ACT)**

7 **[California Civil Code Section and 52.1]**

8 **(By Plaintiff Against All Defendants and DOES 1 through 10, Inclusive)**

9 80. Plaintiff re-alleges and incorporates herein by reference each and every allegation
10 contained in paragraphs 1 through 79.

11 81. This cause of action is brought pursuant to California Civil Code Section 52.1. This
12 cause of action is to redress the deprivation, under color of statute, ordinance, regulation, policy,
13 custom, practice or usage, of rights, privileges, and immunities secured by the Constitution and laws of
14 California including, but not limited to, the right to be free from violence and threats of violence.

15 82. During all times mentioned herein, Defendants, and each of them, separately and in
16 concert, acted under color and pretense of law, under color of the statutes, ordinances, regulations,
17 policies, practices, customs, and usages of the CITY OF PASO ROBLES, and the PRPD. Each of the
18 Defendants, separately and in concert, deprived Plaintiff of the rights and privileges secured to her by
19 the Constitution and laws of California as alleged herein.

20 83. Plaintiff is informed and believes, and thereon alleges, that on the dates referenced
21 herein, CHRISTOPHER MCGUIRE, a law enforcement officer, employee and agent, of the defendants,
22 assaulted, battered, sexually assaulted and sexually battered Plaintiff, while acting under color of law,
23 within CHRISTOPHER MCGUIRE's course and scope of employment as a law enforcement officer,
24 all of which constituted excessive, unjustifiable, and unreasonable force in violation of Plaintiff's civil
25 rights, including her right to be free from violence and threats of violence as set for in the California
26 Civil Code.

27 84. In addition to the above alleged conduct, Plaintiff was subjected to the above
28 deprivations as a result of the failure of the CITY OF PASO ROBLES, and the PRPD to properly train

1 CHRISTOPHER MCGUIRE, and by its hiring and retention of MCGUIRE, with a known propensity
2 for violence, including sexual violence, all of which was indicative of a policy, practice, and custom of
3 CITY OF PASO ROBLES, and the PRPD to negligently hire law enforcement officer such as, and
4 including, MCGUIRE.

5 85. The facts alleged above are part of the customs, practices, policies, and decisions of
6 Defendants CITY OF PASO ROBLES, and the PRPD and/or DOES 1 through 10, inclusive, including,
7 but not limited to, the following:

8 a) Using excessive force and violence on citizens, including the use of sexual violence;
9 b) Refusing to supervise, reprimand, and/or discipline law enforcement officers who
10 engage in misconduct contrary to the laws, rules, and regulations, thus condoning the use of excessive
11 force and violence;

12 c) Inadequately training and supervising employees with respect to the stop, control,
13 arrest, detention, search, and/or apprehension of women, and the proper grounds and manner of
14 searching and detaining a female when the law enforcement officer is a male.

15 86. The above acts or omissions of the Defendants, and each of them, were undertaken
16 while under color of state law and resulted in the violation of Plaintiff's rights, as stated herein.
17 Likewise, the customs, practices, policies, and decisions of Defendants, as alleged herein and as applied
18 to Plaintiff, resulted in the violation of Plaintiff's rights.

19 87. Despite the fact that Defendants CITY OF PASO ROBLES, and the PRPD and/or
20 DOES 1 through 10, inclusive, knew or should have known that these acts, omissions, decisions,
21 practices, customs, and policies, both formal and informal, were being carried out by its agents and
22 employees, said Defendants, have taken no steps to acknowledge and prevent this course of
23 misconduct, to make redress to this Plaintiff, and only took action to discipline, reprimand, retrain,
24 suspend, or otherwise penalize MCGUIRE long after Defendant CITY OF PASO ROBLES and PRPD
25 became aware of said misconduct. As such, Defendants CITY OF PASO ROBLES, PRPD and/or
26 DOES 1 through 10, inclusive, have ratified the wrongful conduct and customs resulting in violations
27 of Plaintiff's civil rights.

1 88. The rights and privileges secured to Plaintiff by the Constitution and laws of California
2 were implicated by the wrongful conduct of the Defendants, and each of them, which proximately
3 caused severe injuries to the Plaintiff. Plaintiff requests damages in an amount and manner to be shown
4 according to proof at trial.

5 89. As a further direct and proximate cause of the acts alleged herein, Plaintiff seeks
6 attorneys' fees as provided for in California Civil Code Sections 52.1(b) and 52.1(h) in an amount and
7 manner to be shown according to proof at trial.

8 90. Defendant MCGUIRE acted willfully, knowingly, with reckless disregard and callous
9 indifference, and purposefully with the intent to deprive Plaintiff of her rights and privileges, and did,
10 in fact, violate the aforementioned rights and privileges, entitling Plaintiff to exemplary damages
11 pursuant to California Civil Code Section 52(b)(1) in an amount to be determined according to proof at
12 the trial of this matter.

13 **FOURTH CLAIM FOR RELIEF**

14 **VIOLATION OF CIVIL RIGHTS – SEXUAL HARASSMENT**

15 **[California Civil Code Section and 51.9]**

16 **(By Plaintiff Against All Defendants and DOES 1 through 10, Inclusive)**

17 91. Plaintiff re-alleges and incorporates herein by reference each and every allegation
18 contained in paragraphs 1 through 90. This cause of action is brought pursuant to California Civil Code
19 Section 51.9. This cause of action is to redress the deprivation, under color of statute, ordinance,
20 regulation, policy, custom, practice or usage, of rights, privileges, and immunities secured by the
21 Constitution and laws of California including, but not limited to, the right to be free from sexual
22 harassment by law enforcement officers. Defendants violated Plaintiff's civil rights and subjected her
23 to harassment on account of her being a female.

24 92. During all times mentioned herein, Defendants, and each of them, separately and in
25 concert, acted under color and pretense of law, under color of the statutes, ordinances, regulations,
26 policies, practices, customs, and usages of the CITY OF PASO ROBLES, and the PRPD. Each of the
27 Defendants, separately and in concert, deprived Plaintiff of the rights and privileges secured to her by
28 the Constitution and laws of California as alleged herein, and pursuant to Civil Code section 51.9.

1 93. In committing the acts as described herein, each of the Defendants acted under color of
2 law to deprive Plaintiff of her civil rights as guaranteed by California Civil Code Section 51.9.

3 94. Defendant MCGUIRE's trusted status in the community as a law enforcement officer for
4 the PRPD allowed MCGUIRE to be present at plaintiff's residence on a domestic violence call under
5 color of law and establishes a professional service relationship between MCGUIRE and Plaintiff that is
6 based on trust, ethical application of authority and fairness to all citizens Defendants were charged to
7 protect. Moreover, on later dates, MCGUIRE also acted under color of law when he sexually harassed
8 and assaulted plaintiff.

9 95. At all times that McGuire was at plaintiff's home on December 19, 2017 McGuire was
10 wearing a police uniform, including wearing a Sam Browne belt, carrying a gun, carrying handcuffs,
11 wearing a badge, and acting under color of law.

12 96. On December 19, 2017 when plaintiff and MCGUIRE were alone, McGuire demanded
13 that Plaintiff hug him while he was acting under color of law, using the full power of his authority as a
14 law enforcement officer. There was absolutely no legitimate law enforcement purpose for demanding
15 that Plaintiff hug McGuire. Plaintiff, being afraid and intimidated by McGuire, who was acting under
16 color of legal authority and carrying a gun, complied, but pulled away quickly. McGuire ordered
17 Plaintiff to hug him again "harder," and directed her to continue hugging him until he said to let go.
18 Again, there was no legitimate reason for McGuire to force Plaintiff to hug him.

19 97. McGuire then "hugged" Plaintiff for several minutes using his legal authority to force
20 her to comply. This was done for the purpose of sexually harassing and intimidating Plaintiff while
21 acting under color of law for his own sexual gratification. McGuire then grabbed Plaintiff's hand and
22 placed it on his gun, which he was wearing in a holster on his hip. He then grabbed her left hand and
23 placed it on his erect penis. McGuire then asked Plaintiff which gun she preferred. Plaintiff stated that
24 she preferred the firearm. McGuire directed Plaintiff to tell him what she would do to his "big cock."
25 McGuire also said words to the effect of "You like that, don't you? You like men of power." Plaintiff
26 requested that McGuire leave her residence, but he refused, stating that she was not safe due to the front
27 door being damaged as a result of the forced entry by the San Luis Obispo Police Department. This
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1 was not true given that Plaintiff's boyfriend no longer presented a threat to her that evening as he was
2 taken away from the residence by the PRPD. McGuire eventually left the residence.

3 98. Defendant MCGUIRE responded to a call for domestic violence at plaintiff's residence
4 acting under color of law, within the course and scope of his employment. MCGUIRE and plaintiff
5 therefore had a business, service and/or professional relationship. MCGUIRE made sexual advances,
6 solicitations, sexual requests, and demands for sexual compliance, both on December 19, 2017 and on
7 the other dates and times referenced herein. Defendant MCGUIRE also engaged in verbal and physical
8 conduct of a sexual nature and hostile nature based on plaintiff's gender as a female. MCGUIRE's
9 conduct was unwelcome and also pervasive and severe. Plaintiff has suffered economic loss, personal
10 injuries and the violation of constitutional rights as a result of MCGUIRE's conduct.

11 99. During all times mentioned herein, Defendants, and each of them, separately and in
12 concert, acted under color and pretense of law, under color of the statutes, ordinances, regulations,
13 policies, practices, customs, and usages of the State of California and County of Los Angeles. Each of
14 the Defendants, separately and in concert, deprived Plaintiff of the rights and privileges secured to her
15 by the Civil Code as alleged herein. The assault by Defendant John Doe and the conduct of
16 Defendants, and each of them, was unconstitutional, without cause or justification, excessive, and
17 illegal, and violated Plaintiff's civil rights under the Civil Code. In addition to the above alleged
18 conduct, Plaintiff was subjected to the above deprivations as a result of the failure of Defendant County
19 to properly train Defendant John Doe, and by its hiring, retention and supervision of Defendant John
20 Doe who Defendant County had prior notice was unfit for the position and was prone to commit an
21 abuse of his authority and/or a sexual assault and false imprisonment upon a civilian.

22 100. In addition to the above alleged conduct, Plaintiff was subjected to the above
23 deprivations as a result of the failure of the CITY OF PASO ROBLES, and the PRPD to properly train
24 CHRISTOPHER MCGUIRE, and by its hiring and retention of MCGUIRE, with a known propensity
25 for violence, including sexual violence, all of which was indicative of a policy, practice, and custom of
26 CITY OF PASO ROBLES, and the PRPD to negligently hire law enforcement officer such as, and
27 including, MCGUIRE.

1 101. The facts alleged above are part of the customs, practices, policies, and decisions of
2 Defendants CITY OF PASO ROBLES, and the PRPD and/or DOES 1 through 10, inclusive, including,
3 but not limited to, the following:

4 a) Using excessive force and violence on citizens, including the use of sexual violence;
5 b) Refusing to supervise, reprimand, and/or discipline law enforcement officers who
6 engage in misconduct contrary to the laws, rules, and regulations, thus condoning the use of excessive
7 force and violence;

8 c) Inadequately training and supervising employees with respect to the stop, control,
9 arrest, detention, search, and/or apprehension of women, and the proper grounds and manner of
10 searching and detaining a female when the law enforcement officer is a male.

11 102. The above acts or omissions of the Defendants, and each of them, were undertaken
12 while under color of state law and resulted in the violation of Plaintiff's rights, as stated herein.
13 Likewise, the customs, practices, policies, and decisions of Defendants, as alleged herein and as applied
14 to Plaintiff, resulted in the violation of Plaintiff's rights.

15 103. Despite the fact that Defendants CITY OF PASO ROBLES, and the PRPD and/or
16 DOES 1 through 10, inclusive, knew or should have known that these acts, omissions, decisions,
17 practices, customs, and policies, both formal and informal, were being carried out by its agents and
18 employees, said Defendants, have taken no steps to acknowledge and prevent this course of
19 misconduct, to make redress to this Plaintiff, and only took action to discipline, reprimand, retrain,
20 suspend, or otherwise penalize MCGUIRE long after Defendant CITY OF PASO ROBLES and PRPD
21 became aware of said misconduct. As such, Defendants CITY OF PASO ROBLES, PRPD and/or
22 DOES 1 through 10, inclusive, have ratified the wrongful conduct and customs resulting in violations
23 of Plaintiff's civil rights.

24 104. The rights and privileges secured to Plaintiff by the Constitution and laws of California
25 were implicated by the wrongful conduct of the Defendants, and each of them, which proximately
26 caused severe injuries to the Plaintiff. Plaintiff requests damages in an amount and manner to be shown
27 according to proof at trial.

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1 that its employees, such as McGUIRE, would not sexually assault persons and engage in sexual
2 harassment, stalking and sexual misconduct towards members of the public with whom they were
3 expected to come into contact. Moreover, Defendants CITY OF PASO ROBLES and DOES 1-10 had
4 informally adopted policies, practices and procedures which would allow police officers, including
5 McGUIRE, to engage in sexual misconduct towards women while on duty and then allow them to resign
6 instead of terminating their employment.

7 110. Defendants CITY OF PASO ROBLES and DOES 1 through 10's negligent hiring,
8 retention, and failure to properly train and supervise McGUIRE directly caused injury to Plaintiff when
9 McGUIRE sexually assaulted Plaintiff, harassed Plaintiff, intimidated Plaintiff, and stalked Plaintiff for
10 several months.

11 111. Government Code section 815.2 and Government Code section 820 provide that a public
12 employee generally is liable for an injury caused by his or her act or omission to the same extent as a
13 private person and that, when the act or omission of a public employee occurs in the scope of
14 employment the public entity employer will be vicariously liable for the injuries. Public entities are held
15 liable for the negligence of their employees and supervisory employees, including DOES 1 through 10,
16 in failing to properly hire, train, supervise, retain and oversee an employee of a public entity.
17 Defendants CITY OF PASO ROBLES, its employees and supervisory employees, including DOES 1
18 through 10 are also liable for failing to enforce its policies, procedures, customs and practices that would
19 have prevented McGUIRE from engaging in his campaign of sexual assault, sexual misconduct, threats,
20 intimidation and stalking against Plaintiff.

21 112. Moreover, Defendants CITY OF PASO ROBLES and its supervisory employees,
22 including DOES 1 through 10, are also negligent for failing to properly monitor McGUIRE's
23 whereabouts during his employment with said defendants. Defendants CITY OF PASO ROBLES,
24 acting through its supervisory employees, had the duty and ability to monitor McGUIRE's whereabouts
25 at all times that he was on duty. Yet it failed to do so. Had Defendants CITY OF PASO ROBLES and
26 its supervisory employees properly monitored the whereabouts of McGUIRE while he was on duty, they
27 would have observed that he frequented locations within the community for which there was no
28 legitimate law enforcement reason for him to be present. Had Defendants CITY OF PASO ROBLES

1 and McGUIRE properly monitored McGUIRE they would have observed that McGUIRE was engaging
2 in improper misconduct towards members of the public. Had the CITY OF PASO ROBLES and its
3 supervisory employees properly supervised McGUIRE's location within the community, as they were
4 required to do, they would have discovered that McGUIRE was at the scene of calls for service much
5 too long for no reason, that he would frequently return to a call after other officers left if a female citizen
6 was alone at the call, and that he would frequently park in front of female citizens' houses in residential
7 neighborhoods to stalk, intimidate and harass them. The failure of Defendants CITY OF PASO
8 ROBLES and its supervisory employees to properly monitor and supervise McGUIRE is a direct cause
9 of McGUIRE's sexual assault, harassment, stalking and misconduct towards Plaintiff.

10 113. Defendant CITY OF PASO ROBLES's supervisory employees were negligent in hiring,
11 supervising and retaining their employee McGUIRE. Plaintiff is informed and believes, and thereon
12 alleges, that before December 19, 2017 and until McGUIRE was placed on paid administrative leave, its
13 supervisory employees, who were responsible for hiring, training, and/or supervising the employees of
14 the defendants, negligently hired, trained, supervised, employed, and/or managed McGUIRE and their
15 negligence was a direct cause of plaintiff's injuries, including sexual assault and battery, and the
16 supervisory and administrative employees knew or, in the exercise of reasonable diligence, should have
17 known, that McGUIRE was a dangerous and violent employee who should not have been a law
18 enforcement officer. The negligence of the supervisory employees of the defendants in hiring,
19 supervising and/or retaining AGUIRRE was a substantial factor in causing great bodily injury to the
20 plaintiff.

21 114. As a direct and legal result of the acts and omissions of Defendants, and each of them, as
22 alleged herein, Plaintiff suffered injuries including, but not limited to, physical and mental pain and
23 suffering, physical injuries, past and future costs of medical care and treatment, and past and future loss
24 of earnings and earning capacity, in an amount not yet ascertained, but which exceeds the minimum
25 jurisdictional limits of this Court.

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SIXTH CLAIM FOR RELIEF

STALKING

[Violation of California Civil Code section 1708.7]

(By Plaintiff Against All Defendants, including DOES 1 through 10, Inclusive)

115. Plaintiff incorporates by reference all allegations contained in Paragraphs 1 through 114, inclusive, in this Complaint as if the same had been set forth fully below.

116. Defendant McGUIRE engaged in a pattern of conduct with the intent to follow, alarm, place Plaintiff under surveillance and harass the Plaintiff, as set forth herein.

117. Plaintiff reasonably feared for her safety and the safety of her children who lived with her.

118. Plaintiff suffered substantial emotional distress, and the pattern of conduct would cause a reasonable person to suffer substantial emotional distress. Defendant McGUIRE made credible threats to Plaintiff with the intent to place Plaintiff in reasonable fear for her safety by threatening her with physical harm while within the course and scope of employment his employment as a law enforcement officer.

119. Plaintiff made clear to McGUIRE that she did not welcome McGUIRE's sexual assaults, sexual harassment, threats, stalking and intimidation. However, McGUIRE was acting within the course and scope of his employment as a police officer, carrying a gun, wearing a uniform and driving an official police vehicle. Thus, it was impractical for Plaintiff not to comply with McGUIRE's misconduct because she feared she would be physically harmed or killed and no one would believe her because McGUIRE was a police officer.

120. On multiple occasions, McGUIRE went to Plaintiff's house, parked in front of Plaintiff's house for no legitimate reason, blocked her car in her driveway for no legitimate reason, drove by her house multiple times per week, sometimes several times per day, and appeared in public in his police vehicle where she was at for no reason.

121. McGUIRE engaged in a knowing and willful course of conduct directed at Plaintiff which seriously harassed, alarmed, annoyed, tormented and terrorized Plaintiff. McGUIRE's conduct towards Plaintiff served no legitimate purpose. His conduct towards Plaintiff would cause a reasonable

1 person to suffer substantial emotional distress. McGUIRE's conduct towards Plaintiff actually caused
2 Plaintiff to suffer substantial emotional distress and caused her to suffer substantial fear, anxiety, and
3 emotional torment.

4 122. Defendants CITY OF PASO ROBLES and DOES 1-10 are vicariously liable for the
5 conduct of McGUIRE because he engaged in stalking the Plaintiff within the course and scope of his
6 employment as a law enforcement officer, under color of law.

7 123. As a result of McGUIRE's stalking of the Plaintiff she is entitled to an award of general
8 damages and special damages against all Defendants. She is entitled to punitive damages against
9 McGUIRE pursuant to Civil Code section 3294.

10 **SEVENTH CLAIM FOR RELIEF**

11 **SEXUAL BATTERY**

12 **(By Plaintiff Against All Defendants, including DOES 1 through 10, Inclusive)**

13 124. Plaintiff re-alleges and incorporates herein by reference each and every allegation
14 contained in paragraphs 1 through 123.

15 125. On December 19, 2017, a second subsequent date in December of 2017 and in April of
16 2018, McGUIRE sexually assaulted Plaintiff within the course and scope of his employment as a law
17 enforcement officer. On December 19, 2017 and in April of 2018 McGUIRE was wearing his official
18 uniform, wearing a Sam Browne Belt, wearing a badge, carrying a gun and driving an official Paso
19 Robles Police Department vehicle at the time that he sexually assaulted Plaintiff.

20 126. Pursuant to *Mary M. v. City of Los Angeles*, (1991) 54 Cal.3d 202, Defendants and each
21 of them, including CITY OF PASO ROBLES and DOES 1 through 10, as the employers, supervisors,
22 and persons and entities that oversaw, retained and supervised AGUIRRE, are vicariously liable for the
23 torts, including intentional torts, committed by McGUIRE against Plaintiff because McGUIRE was
24 acting within the course and scope of his employment at the time he sexually assaulted, sexually
25 harassed, and assaulted plaintiff, while wearing his official uniform, including his gun, his badge and
26 driving his official police vehicle.

27 127. On the dates referenced herein McGUIRE took advantage of his position of authority
28 and trust to engage in unlawful sexual acts and other harmful misconduct with Plaintiff. Defendant

1 McGUIRE was acting within the course and scope of his employment and/or agency with Defendant
2 CITY OF PASO ROBLES when he engaged in the sexual battery of the Plaintiff on the dates and times
3 set forth herein. Defendants CITY OF PASO ROBLES and DOES 1 through 10 are, therefore,
4 vicariously liable for Defendant McGUIRE's sexual battery under principles of respondeat superior.

5 128. As a direct and legal result of the acts and omissions of Defendants as alleged herein,
6 Plaintiff suffered injuries including, but not limited to, physical and mental pain and suffering, physical
7 injuries, past and future costs of medical care and treatment, and past and future loss of earnings and
8 earning capacity, in an amount not yet ascertained, but which exceeds the minimum jurisdictional limits
9 of this Court.

10 129. In committing the acts described herein, Defendant McGUIRE acted with malice,
11 oppression and fraud, justifying an award of punitive damages against him.

12 **PRAYER FOR RELIEF**

13 WHEREFORE, plaintiff prays for judgment against Defendants CITY OF EL PASO DE
14 ROBLES aka CITY OF PASO ROBLES, a public entity; CHRISTOPHER MCGUIRE, an individual;
15 and DOES 1 through 10, inclusive, as follows:

- 16 1. For general and special damages according to proof;
- 17 2. For punitive damages against Defendant CHRISTOPHER MCGUIRE in an amount to be
18 proven at trial;
- 19 3. For reasonable attorneys' fees according to proof;
- 20 4. For an award of the costs incurred by Plaintiffs in bringing this action; as well as
- 21 5. For such other and further relief as the Court deems proper.

22 Dated: May 27, 2020

23 **TAYLOR & RING, LLP**

24 By: 
25 _____
26 John C. Taylor
27 David M. Ring
28 James W. Lewis
Attorneys for Plaintiff

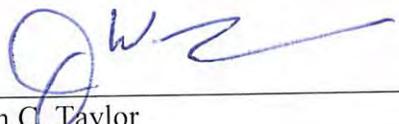
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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial as provided by Rule 38(a) of the Federal Rules of Civil Procedure.

Dated: May 27, 2020

TAYLOR & RING, LLP

By: 
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