34

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UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

In re: CITY OF STOCKTON, CALIFORNIA, Debtor.	Case No. 2012-32118 D.C. No. OHS-5 Chapter 9 **DECLARATION OF MARCI ARREDONDO IN SUPPORT OF CITY OF STOCKTON'S MOTION FOR ORDER (1) RULING THAT APPROVAL OF SETTLEMENT AGREEMENT IS NOT REQUIRED UNDER RULE 9019 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE; OR ALTERNATIVELY, (2) APPROVING SETTLEMENT AGREEMENT PURSUANT TO RULE 9019** Date: November 20, 2012 Time: 9:30 a.m. Dept: C, Courtroom 35 Judge: Hon. Christopher Klein

I, Marci Arredondo, hereby declare:

1. I am a Deputy City Attorney for the City of Stockton, California (the "City"). I have been employed in this capacity since September 17, 2009. I am a litigator with over three years of experience, during which time I have specialized in representing public agencies in civil trials. I make this declaration in support of the City's "Motion for Order (1) Ruling That Approval of Settlement Agreement Is Not Required Under Rule 9019 of the Federal Rules of Bankruptcy Procedure; or Alternatively (2) Approving Settlement Agreement Pursuant To Rule 9019" and could and would testify to the facts contained herein if called upon to do so as a witness.

2. On February 18, 2011, Christopher Hallon ("Hallon") filed a complaint (the "Complaint") in the United States District Court for the Eastern District of California, thereby initiating the case titled *Hallon v. City of Stockton et al.*, Case No. 2:11-CV-00462-GEB-GGH (E.D. Cal. 2011) (the "District Court Case"). A true and correct copy of the Complaint is attached hereto as Exhibit A.

3. The Complaint alleges that on the evening of January 15, 2010, Hallon was walking down a street in an area of downtown Stockton known for drug trafficking when he was detained by Officer Christopher Slate, Officer Kyle Pierce, Officer Mitchell Tiner, and Officer Carlos Vina, Jr. (the "Officers") *See* Ex. A., at pp. 5-7. The Officers used force during the detention. The Complaint alleges that during Hallon's detention, the officers used excessive force. *Id.* The City argues that the force used by the officers was not excessive.

4. The Complaint alleges causes of action under 42 U.S.C. §§ 1983, 1985, and 1988, as well as causes of action for battery, false arrest, false imprisonment, malicious prosecution, intentional and negligent infliction of emotional distress, violation of public policy and conspiracy, to recover damages against the City, the Stockton Police Department ("SPD"), and the Officers (hereinafter collectively included within the "City") for claimed violations of Hallon's constitutional rights resulting from the alleged use of excessive force during his detention.

/ / /

5. On April 16, 2012, the City filed a motion for summary judgment. On May 1, 2012, Hallon filed an opposition to the City's motion, arguing that the motion failed due to the existence of disputed facts. On June 28, 2012 (the "Petition Date"), the City of Stockton filed its chapter 9 petition. On July 6, 2012, the district court judge in the District Court Case ordered that the City's motion for summary judgment be deemed withdrawn in light of the imposition of the automatic stay. On July 16, 2012, Hallon filed a notice of settlement.

6. On October 1, 2012, the City and Hallon entered into a settlement agreement (the "Settlement Agreement"), a true and correct copy of which is attached hereto as Exhibit B.

7. The Settlement Agreement encompasses a settlement and resolution of the allowance, determination and payment of the claims (the "Claims") set forth in the District Court Case, and otherwise arising from the underlying facts of the District Court Case. Pursuant to the Settlement Agreement, the City agrees to pay Hallon $55,000 (the "Settlement Amount"), and Hallon agrees to dismiss with prejudice his complaint in the District Court Case and to release and discharge the City of and from any and all liability, claims, demands, damages, punitive damages, causes of action, disputes, suits, actions, claims for relief and causes of action arising out of or relating to the allegations in the Complaint or the facts and circumstances underlying those allegations. Hallon's release of claims includes any claims which might be asserted in the City's chapter 9 bankruptcy case. The Settlement Amount will be paid to Hallon within fourteen days of the approval of the Settlement Agreement by the Stockton City Council.

8. The City and Hallon (the "Parties") arrived at the terms of the Settlement Agreement after a lengthy series of negotiations. The Settlement Agreement reflects each of the Party's evaluation of the strengths and weaknesses of their respective cases and of Hallon's potential recovery. The Settlement Agreement also takes into account the potential costs of future litigation in the District Court Case that will be avoided.

9. In entering into the Settlement Agreement, the City also considered the likelihood that unsecured creditors such as Hallon will be substantially impaired by any plan of adjustment confirmed in the City's bankruptcy case. Even in light of this consideration, the City believes that the terms of the Settlement Agreement, including the amount for which the City has agreed to

settle the case, are fair, reasonable and in the best interests of all Parties.

Executed this 23 day of October 2012, at Stockton, California. I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Marci Arredondo

Exhibit A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER HALLON ,

V.

CITY OF STOCKTON, ET AL. ,

SUMMONS IN A CIVIL CASE

CASE NO: **2:11-CV-00462-FCD -GGH**

RECEIVED
FEB 22 2011
City served
CITY CLERK
CITY OF STOCKTON

TO: **City of Stockton, Kyle Pierce, Christopher Slate, Stockton Police Department, Mitchell Tiner, Carlos Vina, Jr**
Defendant's Address:

YOU ARE HEREBY SUMMONED and required to serve on

Richard G. Hyppa, Esquire
Tracy Law Center
120 East 12th Street
Tracy, California 95376

Ans. Due
3/15/2011

an answer to the complaint which is served on you with this summons, within 21 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

VICTORIA C. MINOR
CLERK

/s/ L. Reader

(By) DEPUTY CLERK

UNITED STATES DISTRICT COURT ★ Eastern District of California ★

ISSUED ON 2011-02-18 15:03:43.0, Clerk
USDC EDCA

RETURN OF SERVICE

Service of the Summons and complaint was made by me(1)	DATE
NAME OF SERVER *(PRINT)*	TITLE

Check one box below to indicate appropriate method of service

☐ Served personally upon the defendant. Place where served: _____

☐ Left copies thereof at the defendant's dwelling house or usual place of bode with a person of suitable age and discretion then residing therein.

☐ Name of person with whom the summons and complaint were left: _____

☐ Returned unexecuted: _____

☐ Other (specify) : _____

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
Date

_____
Signature of Server

_____
Address of Server

RICHARD G. HYPPA
Attorney at Law
SBN 104547
TRACY LAW CENTER
120 E. 12th St.
Tracy, CA 95376

Phone: (209) 836-9288
Facsimile: (209) 836-9288
Email: hyppattrny@aol.com

Attorney for Plaintiff

RECEIVED
FEB 2 2 2011
City Served
CITY CLERK
CITY OF STOCKTON

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER HALLON, an individual,

Plaintiffs,

vs.

CITY OF STOCKTON, a municipality; STOCKTON POLICE DEPARTMENT, a department of a municipality; OFFICER CHRISTOPHER SLATE, an individual; OFFICER KYLE PIERCE, an individual; OFFICER MITCHELL TINER, an individual; OFFICER CARLOS VINA JR., an individual, and DOES 1-60.

Defendants.

Case No. 2:11-cv-00462-FCD-GGH

COMPLAINT FOR DAMAGES:

1. **§1983, §1985, §1988: Violation of 1st, 4th, 5th, and 14th Amendments**
2. **BATTERY;**
3. **FALSE ARREST, IMPRISONMENT & MALICIOUS CRIMINAL PROSECUTION;**
4. **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS;**
5. **NEGLIGENCE AND NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS;**
6. **VIOLATION OF PUBLIC POLICY;**
7. **CONSPIRACY**

DEMAND FOR JURY TRIAL

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Plaintiff CHRISTOPHER HALLON (referred to herein as "Plaintiff") hereby complains against Defendants and each of them as follows:

I. JURISDICTION AND VENUE

1. This action is brought in the United States District Court, under 42 U.S.C. § 1983 to recover damages against Defendants and each of them for violation of Plaintiff's rights guaranteed by the FIRST, FOURTH, FIFTH, and FOURTEENTH Amendments of the United States Constitution. The jurisdiction of this Court is predicated on 28 U.S.C. §§ 1331 and 1343.

2. Venue is proper under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to the claim occurred in this District. The court also has jurisdiction over the state claims herein.

II. THE PARTIES

3. Plaintiff is and at all times mentioned in this complaint was a citizen of the United States residing in the City of Stockton, County of San Joaquin, State of California. At the time of the allegations in this complaint, Plaintiff was a 29 year old, African American male and was and is citizen of the United States of America.

4. Plaintiff is informed and believe and thereon allege that Defendant City of Stockton was at all times mentioned in this complaint a municipality located in the County of San Joaquin, State of California, organized and existing under the laws of the

State of California, with the capacity to sue and to be sued, with a law enforcement department or division commonly referred to as Stockton Police Department ("SPD"). Defendant City of Stockton and Defendant SPD were at all times mentioned in this complaint acting under color of state law. Defendant City of Stockton and Defendant SPD were at all times mentioned the employer and supervisor of the officer defendants sued herein, including those sued as unknown DOE defendants, and are and were responsible and vicariously liable for the wrongful acts and omissions of its employees, officers, representatives and agents committed within the course and scope of employment and agency as alleged herein.

5. Plaintiffs are informed and believe and thereon allege that Defendant Officer CHRISTOPHER SLATE ("Officer SLATE") is, and was at all times mentioned in this complaint, a police officer employed by Defendants City of Stockton and Stockton Police Department and at all times was acting in the course and scope of his employment and acting under color of state law and the authority invested in him by Defendants City of Stockton and Stockton Police Department. Defendant SLATE is sued in his official and personal capacity.

6. Plaintiffs are informed and believe and thereon allege Plaintiffs are informed and believe and thereon allege that Defendant Officer KYLE PIERCE ("Officer PIERCE") is, and was at all times mentioned in this complaint, a police officer employed by Defendants City of Stockton and Stockton Police Department and at all times was acting in the course and scope of his employment and acting under color of state law and the authority invested in him by Defendants City of Stockton and Stockton Police Department. Defendant PIERCE is sued in his official and personal capacity.

7. Plaintiffs are informed and believe and thereon allege that Defendant Officer MITCHELL TINER ("Officer TINER") is, and was at all times mentioned in this complaint, a police officer employed by Defendants City of Stockton and Stockton Police Department and at all times was acting in the course and scope of his employment and acting under color of state law and the authority invested in him by Defendants City of Stockton and Stockton Police Department. Defendant TINER is sued in his official and personal capacity.

8. Plaintiffs are informed and believe and thereon allege that Defendant CARLOS VINA, JR. ("Officer VINA") is, and was at all times mentioned in this complaint, a police officer employed by Defendants City of Stockton and Stockton Police Department and at all times was acting in the course and scope of his employment and acting under color of state law and the authority invested in him by Defendants City of Stockton and Stockton Police Department. Defendant VINA is sued in his official and personal capacity.

9. At all times relevant defendant officers and others acting in concert with them were wearing SPD uniforms and driving in SPD marked patrol vehicles and Plaintiffs are informed and believe that they were on duty and acting under the supervision, control or command of one of the named defendants or other unknown SPD officers sued as DOE defendants who are somehow responsible for their acts or injuries to Plaintiffs herein.

10. At all times herein mentioned each of the Defendants sued herein as DOES 1 through 20 were uniformed officers who incited, assisted, caused, condoned, conspired with and/or covered up the wrongs of the named officer defendants SLATE, PIERCE, TINER and VINA and DOES 1 through 20 and the foregoing named officer defendants

and any other officers acting in concert with them shall herein be referred to as the "Defendant officers" or the "officer defendants".

11. At all times herein mentioned each of the Defendants sued herein as DOES 21 through 60 were responsible in some unknown manner for plaintiff's injuries and damages alleged herein, including unknown individuals, entities, agencies, officers, hiring ranking supervising officers and officials responsible, for among other things, negligently hiring, training, retention, supervising, briefing, directing, ordering, enabling, controlling, causing, condoning, disciplining, participating in or failing to report or prevent the wrongful acts of the other defendants or protect plaintiffs from injury and violation of their rights (when they had a duty to do so), or otherwise responsible for other wrongful acts and omissions of themselves and/or other defendants sued herein, and/or who engaged in a conspiracy with other defendants, while acting in their individual capacity, and/or their official capacity within the purpose and scope of such agency or employment, and who are otherwise responsible for other wrongful acts and omissions as yet unknown, and which conduct was the proximate or legal cause of Plaintiffs' injuries and/or damages alleged herein.

III. UNLAWFUL DETENTION, ASSAULT AND USE OF TASER BY DEFENDANTS

12. The events described herein began on January 15, 2010 and continued to January 16, 2010. On January 15, 2010, at approximately 8:10 p.m., Plaintiff was lawfully walking on Sutter Street in downtown Stockton, California with his friend, MYRON WATTS. Plaintiff was not the subject of any law enforcement warrants for his arrest, did not have possession of any drugs or any contraband of any kind, had not committed any

crime or been an accomplice to any crime and did not engage in any conduct of any kind which could be reasonably interpreted to give any law enforcement personnel probable cause or reasonable suspicion to arrest or detain Plaintiff.

13. At the time described in the preceding paragraph, SPD Officers PIERCE and SLATE were driving their police vehicle in the area of Sutter Street in downtown Stockton, California. Acting without any reasonable suspicion or probable cause, Officer PIERCE exited the police vehicle and forcefully grabbed Plaintiff, without first speaking to Plaintiff. Officer PIERCE pulled Plaintiff's right arm behind his back, and began to push Plaintiff to the ground while Plaintiff told Officer PIERCE that Plaintiff was not on probation and Plaintiff had not done anything wrong.

14. Thereafter, Officer PIERCE continued to push Plaintiff down, and forced Plaintiff to the ground. Officers VINA and TINER arrived and also began striking Plaintiff, who continued to yell that he had not done anything wrong and that he was down, so that the officers would cease their attacks on him. Officer SLATE also joined in the attack, using his police baton to strike Plaintiff on his head and on his torso and his legs. All four officers continued to violently attack Plaintiff with fists, by kicking and striking Plaintiff with their batons against Plaintiff, who was fearful that he would suffer serious injury, permanent injury or death.

15. As the three other officers continued to batter Plaintiff, Officer TINER drew his Taser and approached Plaintiff, who was attempting to defend himself against the continuing fist punches, kicks and baton strikes on multiple areas of his body from the three other officers. Plaintiff was yelling for the officers to stop their attacks against him. Officer TINER then fired his Taser at Plaintiff repeatedly, striking Plaintiff in his genitals

and other portions of his body. The officers than stopped their attacks on Plaintiff.

16. Plaintiff was then taken to San Joaquin County General Hospital for treatment for his injuries. After he received treatment, Plaintiff was arrested and was charged with various crimes, including resisting arrest and battery on a police officer, and loitering, which the SPD claimed was the underlying crime that caused them to initially detain Plaintiff.

17. On January 16, 2010, Plaintiff filed a CITIZEN COMPLAINT on a Citizen Complaint Form with the Internal Affairs Section of the SPD.

IV. FABRICATED CRIMINAL CHARGES

18. Officers SLATE, VINA, TINER and PIERCE and DOES 1 through 10 caused Plaintiff to be falsely arrested, jailed and criminally prosecuted by the San Joaquin County District Attorney for fabricated alleged violations of Penal Code Sections 148 (a) (1), 243 (b) and for loitering, without probable cause and to attempt to cover up their unjustified use of force against an unarmed man, Plaintiff.

19. Plaintiff refused to plead guilty or no contest to any of the charges brought against him. Plaintiff was offered dismissal of all charges, if he stipulated that legal grounds existed for his detention by Officer PIERCE as described above. Since no legal grounds existed for Plaintiff's detention by Officer PIERCE, Plaintiff refused to accept that offer.

20. On October 28, 2010, the San Joaquin County District Attorney dismissed all charges against Plaintiff arising from the incident described above.

V. DAMAGES

21. During and in the aftermath of the police brutality and excessive use of force described above, Plaintiff suffered general and special damages from physical, mental

and emotional trauma inflicted by the defendant officers, including bodily injury, pain, suffering, post traumatic distress, mental anguish, depression, worry, anxiety, shame and fear and has incurred related medical expenses for treatment for the injuries that he suffered at the hands of the defendant officers.

VI. GOVERNMENT TORT CLAIM

22. On or about July 12, 2010 Plaintiff caused to be hand-delivered his claim to Defendant City of Stockton through its City Clerk for the injuries, disability, losses, and damages suffered and incurred by them by reason of the above-described occurrence involving the SPD police officers SLATE, PIERCE, TINER and VINA involved in the attack on Plaintiff on January 15, 2010 at and near the intersection of Church and Sutter Streets, Stockton, California and the ensuing false arrest, imprisonment and malicious prosecution, in compliance with the requirements of Govt. Code § 905. A copy of the claim is attached hereto as *Exhibit A* and made a part hereof.

23. On or about August 26, 2010, Defendant City of Stockton provided notice to Plaintiff stating that his was deemed rejected as of August 26, 2010.

VII. FIRST CLAIM
Violations of 1st, 4th, 5th, and 14th Amendments
42 U.S.C. §1983, §1985, and §1988
(Against All Named Defendants & DOE Defendants)

22. The aforementioned allegations, and each of them, are incorporated into this claim, as though set forth in full herein.

23. The above facts establish that defendants and each of them during the stop, detention, arrest, use of force investigation, incarceration, and/or criminal prosecution violated Plaintiff's constitutional and civil rights as guaranteed by the First, Fourth, Fifth and Fourteenth Amendments to the United States Constitution.

24. The rights guaranteed and violated include a person's right to bodily integrity, personal freedom, dignity, non-interference with a property interest, equal protection, due process, speak freely to officers including questioning and reporting their use of force without reprisal or retaliation, report officers for their wrongs without reprisal or retaliation, to object to their conduct without reprisal or retaliation, be free from unreasonable or warrantless searches and seizures, not be subjected to an arrest, imprisonment or criminal prosecution based on false or misleading statements in reports or incomplete reports that omit material exculpatory evidence that officers failed to document to attempt to justify their use of force or support fabricated charges, be free of the use of excessive or unreasonable force against their person, not be battered by officers who owed a special duty of care to protect plaintiffs while in police custody, be free of coercive or retaliatory or discriminatory police practices including racial discrimination and profiling and denial of equal protection under the law including receiving the same treatment as Caucasian women and men receive under the same or similar circumstances.

25. Municipal governments may be liable for the constitutionally-based wrongs of their employees acting under color of law and pursuant to an official policy, practice or procedure.

26. In acting as alleged in this complaint, Defendants SLATE, PIERCE, TINER and VINA, and DOES 1 through 30 and each of them acted under color of law and within the course and scope of their employment and pursuant to the policies, customs, procedures, training, directions, and police practices implemented,

accepted, tolerated, condoned or ratified by Defendants City of Stockton and Stockton Police Department, including use of force and police brutality against unarmed suspects detained for infractions or misdemeanors, fabrication of criminal charges portraying the officer as the victim to attempt to state a basis for the use of force, false arrest and imprisonment, and other violations of Plaintiffs' civil rights as alleged herein

27. The individual officer defendants and each of them acted knowingly, willfully, maliciously, in bad faith, and/or with reckless and callous disregard for the rights and safety of Plaintiffs in violating Plaintiffs' civil and constitutional rights as described above, before, during and after the improper detentions and false arrests and malicious prosecutions that are the subject of the complaint.

28. The supervising and ranking SPD officers including DOES 1 to 30 responsible for supervising and ordering the arresting officers did negligently and personally (and in their capacity as agents and employees of Defendants City of Stockton and SPD) hire, train, direct, order, supervise, retain, investigate, and discipline the name officer defendants, and otherwise participate in or contribute to the violations of the arresting officers as alleged herein, which separate acts and omissions were the proximate cause of Plaintiff's injuries and damages alleged herein.

29. As a direct and proximate result of Defendants' acts and omissions described in this complaint, Plaintiff has suffered and been subjected to bodily injury, pain and suffering, mental anguish, public and private humiliation and shame, fear, worry, embarrassment, depression, apprehension, demeaning incarceration procedures,

emotional distress, loss of pride, damage to his good name and reputation, falsely and publicly accused of crimes he did not commit, loss of liberty and freedom, fear of conviction, fear of future incarceration for crimes he did not commit, and deprivation of federally protected constitutional and civil rights, and chilling of the exercise of his rights, including reporting the arresting officers, as well as the stigma of a permanent criminal arrest record and false criminal history now ascribed to him for allegedly assaulting and resisting a police officer, and falsely labeling him a potential threat to officers who may stop or detain him in the future, which false charges are a matter of public record, and general and special damages, including legal and medical expenses subject to proof at trial.

30. As a direct and proximate result of Defendants' acts and omissions described in this complaint, Plaintiffs have incurred attorney's fees, and will continue to incur additional attorney's fees to protect and enforce their rights and pursuit of their constitutionally protected claims herein.

31. The aforementioned acts and omissions of the individual Defendants were willful and malicious and intended to oppress and cause injury to and fear in Plaintiff and deprive him of his constitutional rights. Plaintiff is therefore entitled to an award of punitive damages.

WHEREFORE, Plaintiff prays for judgment against Defendants and as set forth above and below.

VIII. SECOND CLAIM
BATTERY
(Against Defendants TINER, SLATER, VINA and PIERCE)

32. The aforementioned allegations, and each of them, are incorporated into this

claim, as though set forth in full herein.

33. The above facts establish that defendants Tiner, Slater, Vina and Pierce and each of committed intentional acts that constitute a battery against Plaintiff, without lawful right and/or with malicious motive or discriminatory intent, and said Defendants intended to and did actually cause or place Plaintiff in apprehension or fear of harmful or violent physical contact with Plaintiff's person, which violent physical contact actually occurred, causing Plaintiff fear, apprehension, bodily injury, pain and suffering, mental anguish, humiliation, emotional distress and general and special damages subject to proof at trial.

34. At no time did Plaintiff provoke or consent to the violent conduct of Defendants alleged above.

35. Plaintiff is informed and believes and alleges the municipal Defendants are vicariously liable for and/or contributed to or are otherwise responsible or liable for the acts of the arresting officers committed during the course and scope of their employment.

36. The aforementioned acts and omissions of the individual Defendants were willful and malicious and intended to oppress and cause injury to and fear in Plaintiff and deprive him of his constitutional rights. Plaintiff is therefore entitled to an award of punitive damages.

WHEREFORE, Plaintiffs pray for judgment against Defendants and as set forth below.

THIRD CLAIM
FALSE ARREST & IMPRISONMENT & MALICIOUS PROSECUTION
(Against Officer Defendants and the Municipal Defendants)

37. The aforementioned allegations, and each of them, are incorporated into this claim, as though set forth in full herein.

38. The above facts establish that defendants Tiner, Slater, Vina and Pierce and DOES 1-30 and each of them are guilty of malice, fraud and oppression in causing them to be falsely arrested and imprisoned Plaintiffs and criminally prosecuted for fabricated charges in violation of state law.

39. Plaintiffs are informed and believe and allege the municipal Defendants contributed to or are otherwise responsible or liable for the acts of the arresting officers as alleged in this claim.

40. The acts of the arresting officers were willful, wanton, malicious, and oppressive, and intended to deprive Plaintiff of his rights and justify the awarding of punitive and exemplary damages.

WHEREFORE, Plaintiffs pray for judgment against Defendants and as set forth below.

FOURTH CLAIM
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(Against All Defendants including DOE Defendants)

41. The aforementioned allegations, and each of them, are incorporated into this claim, as though set forth in full herein.

42. The Defendant officers engaged in a course of conduct alleged above that was violent, insolent, outrageous, inexcusable, and/or willfully publicly and violently assaulting Plaintiff, and purposefully implicating Plaintiff and arresting him as if

he was a violent criminal when Plaintiff had committed no crime and posed no threat to officer safety, using painful control holds and body strikes and other violence, including violently taking Plaintiff to the ground when he was unarmed and posed no threat to officer safety, repeatedly striking him with their fists, feet and batons and then falsely imprisoning and fabricating false criminal charges against Plaintiff and causing to be maintained a false criminal complaint against him and the other wrongful acts and omissions alleged herein.

43. Defendant officers conduct was intentional and malicious and for the purpose of causing Plaintiff to suffer humiliation, mental anguish, and emotional and physical distress. Defendant officers' conduct in confirming and ratifying that conduct was done with knowledge that plaintiffs' emotional and physical distress would thereby increase, and was done with a wanton and reckless disregard of the consequences to Plaintiff.

44. Defendants, as police officers, owe a duty of care to the public and citizens of the City of Stockton, including Plaintiff, to exercise due care in the performance of their duties, including investigating, detaining, arresting, and otherwise interacting with citizens during the course of the investigation and in carrying out the acts alleged herein. Defendants negligently failed to exercise due care in performing the acts and omissions alleged herein and by failing to follow the laws, rules, and procedures designed to protect the public from overzealous or wrongful police misconduct.

45. As the proximate result of the acts alleged above, Defendants caused Plaintiff to suffer severe humiliation, mental anguish, and emotional and physical distress and bodily injury and has been injured in their minds.

46. The acts of the individual Defendants alleged herein were willful, wanton, malicious, and oppressive, and justify the awarding of exemplary and punitive damages.

WHEREFORE, Plaintiff prays for judgment against Defendants and as set forth below.

FIFTH CLAIM
NEGLIGENCE & NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(Against All Defendants including DOE Defendants)

47. The aforementioned allegations, and each of them, are incorporated into this claim, as though set forth in full herein.

48. At all times relevant, Plaintiffs are informed and believe and thereon allege that unknown officers sued herein as DOE Defendants and the municipal Defendants were responsible for supervising and ordering and directing police units and peace officers to target young minority citizens including those of African American race. These and other DOE Defendants are responsible for hiring, training, supervising, directing, retaining, ordering and disciplining Defendant officers and in such capacity did owe a duty of care to the public and citizens of the City of Stockton, including Plaintiff, to properly hire, train, brief, supervise, direct, and order the arresting officers, and discipline Defendant police officers when they used excessive force or made false arrests or otherwise violated the rights of citizens, including Plaintiff.

49. The municipal defendants and DOES 1-30 negligently failed to investigate the assaulting officers' use of force and failed to properly hire, train, brief, supervise, investigate, and direct the activities of the named defendants and tolerated a systemic abuse of rights that has caused damage to Plaintiff.

50. Plaintiff is informed and believe and thereon allege that from the facts alleged herein it may be inferred that the assaulting officers have previously engaged in a pattern or practice or history of violence or other police misconduct in violation of the rights of citizens and others, which placed their employer and supervising and higher ranking officers, including DOE defendants sued herein, on actual and/or constructive notice of the arresting officers' propensity for violence and unsuitability to serve as peace officers and defendants and each of them have negligently retained the assaulting officers.

51. Plaintiff alleges that the DOE Defendant officers and municipal Defendants were negligent in failing to exercise due care in hiring, training, briefing, supervising, directing, ordering, controlling and disciplining Defendant officers, both before and after January 15, 2010, and such negligence was the proximate cause of injury to Plaintiffs.

52. At all times relevant, Defendant officers and their unknown supervising officers and the municipal Defendants owed a duty to the public and the citizens of the City of Stockton, including Plaintiffs, to exercise due care to avoid violating the rights of individuals and to avoid causing individuals injury, loss or damages during the course of a detention, arrest, imprisonment of, or filing charges against suspects. On or about January 15, 2010, these Defendants negligently and

carelessly caused Plaintiffs to be injured by Defendants' acts and omissions alleged herein and by failing to exercise due care during the detention, arrest and imprisonment of and filing criminal charges against Plaintiff.

53. As a direct and proximate result of Defendants' acts and omissions described in this complaint, Plaintiff has suffered and been subjected to fear, apprehension, bodily injury, pain and suffering, mental anguish, humiliation, demeaning incarceration procedures, emotional distress, loss of reputation, falsely accused of crimes they did not commit, loss of liberty and freedom, deprivation of federally protected constitutional rights, fear of other officers using excessive force against them in retaliation or due to the false impression created by the false criminal history now ascribed to Plaintiff and which is now public record, and months of fear of future incarceration for false crimes charged by the arresting officers, and other special and general damages subject to proof at trial.

WHEREFORE, Plaintiff prays for judgment against Defendants and as set forth below.

SIXTH CLAIM
VIOLATION OF PUBLIC POLICY & INTERFERENCE WITH RIGHTS BY THREATS, INTIMIDATION OR COERCION
California Civil Code §52.1, §52.7
(Against All Defendants including DOE Defendants)

54. The aforementioned allegations, and each of them, are incorporated into this claim, as though set forth in full herein.

55. It is a fundamental public policy of the State of California to protect all persons within this state from: (1) interference with their constitutional and civil rights by threats, intimidation, or coercion, and (2) discrimination based on race or perceived race, (3) violence inflicted upon them based on their exercise of constitutional or civil rights, and (4) violence inflicted upon them based on race or perceived race.

56. Plaintiff is a member of this protected class of people and at all times alleged herein were entitled to be free from (1) interference with their constitutional and civil rights by threats, intimidation, or coercion, and (2) discrimination based on his race or perceived race, and (3) violence inflicted upon them based on his exercise of constitutional or civil rights, and (4) violence inflicted upon them based on their race or perceived race.

57. Plaintiff is a member of a protected class, namely descendants of a person of African American race, and as a person or descendant of a person of African American race, Plaintiff has the right to be free of violence committed against their person or property because of their race or perceived race.

58. Defendants and each of them, as alleged in this complaint, violated fundamental public policy of this case by officially sanctioning and personally targeting

Plaintiff because of his race or perceived race and as against Plaintiff used threats of violence, actual violence and brutality, intimidation, unlawful search and seizure, false arrest and imprisonment, illegal custodial interrogations, filing of false charges, coercion and other wrongful acts to interfere with Plaintiff's federally protected First, Fourth, Fifth and Fourteenth Amendment rights in violation of fundamental public policy of this state and California Civil Code §52.1 and discriminated against Plaintiff and deprived him of equal protection under the law because of his race or ancestry or perceived race or ancestry in violation of fundamental public policy of this state and California Civil Code §52.7.

59. As a proximate result of Defendants' interference with Plaintiff's civil and constitutional rights and deprivation of equal protection and violence against them because of their race or perceived race, Plaintiff has suffered general and special damages.

60. As a proximate result of the wrongful act of Defendants alleged herein, Plaintiff is, in addition, entitled to recover statutory civil penalties of $25,000, as provided in California Civil Code §52(b), for each violation.

61. As a direct and proximate result of Defendants' acts and omissions described in this complaint and interference with Plaintiff's civil rights, Plaintiff has incurred attorneys fees, and will continue to incur additional attorney's fees in order to protect and enforce their rights and pursuit of their constitutionally protected claims herein and are entitled to recover statutory attorney's fees pursuant to California Civil Code §52.1(h).

WHEREFORE, Plaintiffs pray for judgment against Defendants and as set forth below.

SEVENTH CLAIM
CONSPIRACY TO VIOLATE PLAINTIFF'S RIGHTS, FABRICATE CHARGES, COVER-UP POLICE MISCONDUCT & OBSTRUCT JUSTICE
(Against All Defendants including DOE Defendants)

62. The aforementioned allegations, and each of them, are incorporated into this claim, as though set forth in full herein.

63. Plaintiff is informed and believe and thereon allege that the individual defendants and unknown DOE Defendants, and each of them, did agree and conspire together to violate Plaintiff's federal and state constitutional and civil rights and to commit other wrongful, criminal and tortious acts against Plaintiff in violation of state law, including those alleged above as well as a conspiracy to engage in an official cover-up of Defendants' misconduct, violation of Plaintiff's rights, and other wrongful acts alleged herein.

64. In furtherance of this conspiracy, Defendants and each of them did engage in affirmative acts or omissions where they had a duty to act that violated Plaintiff's constitutional and civil rights and accomplished the unlawful purpose of the conspiracy, including but not limited to those facts alleged above, as well as by falsifying facts and charges in their official police reports and by causing to be filed and maintained false criminal complaints against Plaintiff on alleged misdemeanors they did not commit and for which the arresting officers did not have a reasonable belief they committed and the arresting officers did not articulate specific facts that would establish probable cause that Plaintiffs committed the crimes charged.

65. In furtherance of the conspiracy and to accomplish the unlawful purpose of the conspiracy, Defendants and each of them did engage in material omissions that constituted a direct violation and breach of the duty Defendants owed Plaintiff and the public. For example, the arresting officers falsely and/or selectively reported the facts of this case in a self-serving manner in an attempt to cover-up or justify or excuse the arresting officers' misconduct, while purposefully omitting material or unfavorable facts from their reports that would establish the wrongs they committed, when the arresting officers had a duty to prepare complete and accurate reports and all Defendants had a duty to report the wrongdoing and crimes and excessive force of the other Defendants.

In furtherance of this conspiracy, among other things, Defendants unlawfully arrested, seized, interrogated and incarcerated Plaintiff and unlawfully searched him and unlawfully falsified criminal charges against him, maliciously and without warrant or order of commitment or any other legal authority of any kind, when Plaintiff had not committed any crime or public offense. In furtherance of this conspiracy, Defendants publicly and falsely accused Plaintiff of committing criminal offenses that they did not commit, and which offenses had not occurred, nor did Defendants have probable cause to believe that the offense had occurred or that Plaintiff had committed the offenses. Defendants did engage in a conspiracy to obstruct justice, destroy or suppress material evidence, and otherwise chill plaintiff's exercise of his rights.

66. As a direct and proximate result of Defendants' acts and omissions described in this complaint, Plaintiff has suffered and been subjected to fear, apprehension, bodily injury, pain and suffering, mental anguish, humiliation, demeaning

incarceration procedures, emotional distress, loss of reputation, falsely accused of crimes he did not commit, loss of liberty and freedom, deprivation of federally protected constitutional rights, fear of other officers using excessive force against them in retaliation or due to the false impression created by the false criminal history now ascribed to Plaintiff and which is now public record, and months of fear of conviction and incarceration for false crimes charged by the arresting officers, and other special and general damages subject to proof at trial.

67. Plaintiff is informed and believe and allege the other Defendants contributed to or are otherwise responsible or liable for the acts of the arresting officers.

68. The acts of the individual Defendants, as herein alleged, were willful, wanton, malicious, and oppressive, and justify the awarding of punitive and exemplary damages.

WHEREFORE, Plaintiff prays for judgment against Defendants and as set forth below.

PRAYER

WHEREFORE, Plaintiff prays for judgment in favor of Plaintiff and against Defendants, and each of them, as follows:

1. For compensatory damages as to all Defendants including DOES 1-60, in an amount to be determined according to proof at trial;
2. For special damages alleged herein.
3. For punitive damages as to the officer Defendants, Defendants DOES 1 through 10 and any of the DOE Defendants acting in concert with them;

4. For civil monetary penalties assessed pursuant to Cal. Civ. Code § 52(b) of $25,000 per violation;

5. For reasonable attorney's fees as to all Defendants, pursuant to 42 U.S.C. § 1988 and California Civil Code §52.1(h) and as otherwise provided by law;

6. That should this matter go to trial that it be tried to a jury of Plaintiff's peers;

7. For costs of suit incurred in this action as to all Defendants; and

8. For such other and further relief as the Court deems proper.

Dated: 2-10-11

RICHARD G. HYPPA, Attorney for
Plaintiff CHRISTOPHER HALLON

Exhibit B

RELEASE OF ALL CLAIMS

KNOW ALL MEN BY THESE PRESENTS, that CHRISTOHPER HALLON ("Releasor") hereby acknowledges receipt of a draft for $55,000 of which $79.78, to be payable to MediCal in regard to a Dameron Hospital Bill and $2,321.24 to be payable to San Joaquin County Hospital, with the residual of $52,598.98, payable to CHRISTOPHER HALLON and his attorney RICHARD G. HYPPA and does hereby accept said draft and in consideration thereof, does hereby release and forever discharge the CITY OF STOCKTON, STOCKTON POLICE DEPARTMENT, OFFICER CHRISTOPHER SLATE, an individual; OFFICER KYLE PIERCE, an individual; OFFICER MITCHELL TINER, an individual, and OFFICER CARLOS VINA, JR., an individual, ("Releasees") and its agents and employees, of and from any and all claims (inclusive of all liens, known or unknown), demands, actions and causes of action, arising out of or which are in any way incident to that certain accident, casualty, or event which occurred on or about January 15, 2010, in Stockton, California (the "Incident"), and for which the undersigned claims the above-named party is legally liable in property damages, which legal liability and property damages are disputed and denied, and the undersigned agrees that this release shall not be deemed or treated as an admission of liability or responsibility by the above-named party for said Incident in any manner whatsoever, and the undersigned warrants that no promise or inducement has been offered except as herein set forth; that this release is executed without reliance upon any statement or representation by the party released, or its representatives, concerning the nature and extent of the damages and/or legal liability therefor; that the undersigned is of legal age, legally competent to execute this release, and accepts full responsibility therefor, and executes this release after consultation with Richard G. Hyppa, attorney for the undersigned.

The undersigned Releasor hereby releases and forever discharges the Releasees and its respective successors, assigns, and each of them, and each insurer, attorney and any other person, firm, corporation or other business entity now, previously or hereafter affiliated in any manner within any of the above from any and all claims, (including claims which might otherwise be asserted against Releasees in the City's pending chapter 9 bankruptcy case), liens, demands, causes of action, obligations, damages and liabilities, known or unknown that the Releasor has had in the past, or now has, or may have in the future against the Releasees, or any persons or entities, arising directly or indirectly out of, or related in any way to the Incident. Releasor expressly understands and acknowledges that it is possible that unknown losses or claims exist or that present losses may have been underestimated in amount or severity, and Releasor explicitly took that into account in entering into this Agreement, and a portion of said consideration and the mutual covenants contained herein, having been bargained for between the parties with the knowledge of the possibility of such unknown claims, were given in exchange for a full accord, satisfaction and discharge of all such claims. Consequently, Releasor expressly agrees:

(1) To waive all rights it may have under California Civil Code section 1542, which provides that:

"A general release does not extend to claims which the creditor does not know or

suspect to exist in his favor at the time of executing the release, which if known to him must have materially affected his settlement with the debtor."

(2) That all liens, encumbrances, or claims of liens, or assignments in law or equity or otherwise, of or against the claim or cause of action of the undersigned herein which might exist shall be satisfied by the undersigned herein. The undersigned hereby agrees to defend, indemnify and hold harmless the Releasees from any such liens, encumbrances, or claims of liens, or assignments from any person.

The undersigned Releasor agrees to dismiss with prejudice the complaint entitled *Christopher Hallon, an individual v. City of Stockton, et al.*, United States Eastern District Court, Case No. 2-11-CV-00462-FCD-GGH.

The word "undersigned" includes the plural as well as the singular when more than one person executes this release.

Should it prove necessary to obtain bankruptcy court approval of this Agreement, the parties agree to cooperate in good faith to obtain such approval.

Signed and acknowledged this 1st day of October 2012, at Tracy, California.

CHRISTOPHER HALLON

The foregoing Release was executed under my direction and advice as to all known, unknown, present, and future claims.

DATED: October 1, 2012

LAW OFFICE OF RICHARD G. HYPPA

BY

RICHARD G. HYPPA
Attorney for Plaintiff

ACKNOWLEDGEMENT

State of California
County of San Joaquin

On October 1, 2012, before Julie Lynn Sanchez, a Notary Public, personally appeared Christopher Hullon, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Julie Lynn Sanchez (Seal)

JULIE LYNN SANCHEZ
Commission # 1832009
Notary Public - California
San Joaquin County
My Comm. Expires Jan 19, 2013