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22 JOHNSON, ANDREW TORRES, ALLEN WERESKI, BLADE ROMANS, AND  
23 LINDA GUTIERREZ

24 **UNITED STATES DISTRICT COURT**  
25 **SOUTHERN DISTRICT OF CALIFORNIA**

26 JUSTINO RUPARD, et al.  
27  
28 Plaintiffs,

VS.

COUNTY OF SAN DIEGO, et al.,  
Defendants.

CASE NO. 3:23-cv-1357-CAB-BLM  
*Assigned to Hon. Cathy Ann Bencivengo;  
Magistrate Hon. Barbara L. Major; Dept.  
15A*

**COUNTY DEFENDANTS' ANSWER TO  
PLAINTIFFS' SECOND AMENDED  
COMPLAINT**

**Complaint Filed: 07/26/2023**  
**FAC Filed: 11/21/2023**  
**SAC Filed: 03/07/2024**  
**Trial Date: 02/02/2026**

Defendants COUNTY OF SAN DIEGO, BILL GORE, KELLY MARTINEZ, JON MONTGOMERY, CHRISTINA GOODALL (sued as CHRISTINA ANOSIKE), MIGUEL AGUILERA, JASON VALADIU, GUSTAVO MARTINEZ, DANIEL SCHMITZ, JEFF AMADO, MORGAN ACKERMAN, KRISTOPHER KEY, MICHAEL MOSER, ERNESTO AGUIRRE, TREYVONNE JAMES (sued in duplicate J. TREYVONNE), BERNARDO ROMERO, MICHAEL JOHNSON, ANDREW TORRES, CODY DELANEY, TIMOTHY EVERSOLL, ALLEN WERESKI, BLADE ROMANS, AND LINDA GUTIERREZ (collectively, “County Defendants”) hereby answer Plaintiffs JUSTINO RUPARD, individually, and RONNIE LUPARD, individually (collectively, “Plaintiffs”) Second Amended Complaint (“SAC”) by admitting, denying, and alleging as follows:

### **INTRODUCTION**

1. Answering paragraph 1, County Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and on that basis deny each and every allegation.

2. Answering paragraph 2, County Defendants admit that Decedent died on March 17, 2022 while at SDCJ. As to the remainder, this paragraph sets forth legal conclusions and questions of law to which no response is required. To the extent an answer is required, County Defendants deny each and every allegation contained therein.

3. Answering paragraph 3, County Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and on that basis deny each and every allegation.

4. Answering paragraph 4, this paragraph sets forth legal conclusions and questions of law to which no response is required. To the extent an answer is required, County Defendants deny each and every allegation contained therein.

5. Answering paragraph 5, County Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained

1 in said paragraph, and on that basis deny each and every allegation.

2 6. Answering paragraph 6, County Defendants are without sufficient  
3 knowledge or information to form a belief as to the truth of the allegations contained  
4 in said paragraph, and on that basis deny each and every allegation. To the extent the  
5 allegations of paragraph 6 are based on the contents of written documents, County  
6 Defendants admit that to the extent such allegations accurately reflect the contents of  
7 the documents, such statements exist, and otherwise deny them. County Defendants  
8 deny that Plaintiffs' characterization of these documents is accurate, and deny  
9 Plaintiffs' framing of these issues.

10 7. Answering paragraph 7, this paragraph sets forth legal conclusions and  
11 questions of law to which no response is required. To the extent an answer is required,  
12 County Defendants deny each and every allegation contained therein.

13 8. Answering paragraph 8, this paragraph sets forth legal conclusions and  
14 questions of law to which no response is required. To the extent an answer is required,  
15 County Defendants deny each and every allegation contained therein.

16 9. Answering paragraph 9, County Defendants state that this paragraph is a  
17 request by Plaintiffs for a jury trial and such a request does not require a response.

18 **JURISDICTION AND VENUE**

19 10. Answering paragraph 10, this paragraph sets forth legal conclusions and  
20 questions of law to which no response is required.

21 11. Answering paragraph 11, this paragraph sets forth legal conclusions and  
22 questions of law to which no response is required.

23 12. Answering paragraph 12, County Defendants are without sufficient  
24 knowledge or information to form a belief as to the truth of the allegations contained  
25 in said paragraph, and on that basis deny each and every allegation.

26 13. Answering paragraph 13, admit that the Medical Examiner's report was  
27 released on March 2, 2023. The remainder of this paragraph sets forth legal conclusions  
28 and questions of law to which no response is required. To the extent an answer is

1 required, County Defendants deny each and every allegation contained therein.

2 14. Answering paragraph 14, County Defendants admit that Justino Rupard  
3 filed a tort claim on March 9, 2023, but deny the remainder of the allegations. To the  
4 extent this paragraph sets forth legal conclusions and questions of law to which no  
5 response is required, Defendants assert no response. To the extent an answer is  
6 required, Defendants deny each and every allegation contained therein.

7 15. Answering paragraph 15, admit that Ronnie Rupard filed a tort claim on  
8 March 10, 2023, but deny the remainder of the allegations. To the extent this paragraph  
9 sets forth legal conclusions and questions of law to which no response is required,  
10 Defendants assert no response. To the extent an answer is required, Defendants deny  
11 each and every allegation contained therein.

12 16. Answering paragraph 16, this paragraph sets forth legal conclusions and  
13 questions of law to which no response is required. To the extent an answer is required,  
14 County Defendants deny each and every allegation contained therein..

15 17. Answering paragraph 17, County Defendants are without sufficient  
16 knowledge or information to form a belief as to the truth of the allegations contained  
17 in said paragraph, and on that basis deny each and every allegation.

18 18. Answering paragraph 18, this paragraph sets forth legal conclusions and  
19 questions of law to which no response is required. To the extent an answer is required,  
20 County Defendants deny each and every allegation contained therein.

21 19. Answering paragraph 19, this paragraph sets forth legal conclusions and  
22 questions of law to which no response is required. To the extent an answer is required,  
23 County Defendants deny each and every allegation contained therein.

24 20. Answering paragraph 20, this paragraph sets forth legal conclusions and  
25 questions of law to which no response is required. To the extent an answer is required,  
26 County Defendants deny each and every allegation contained therein. To the extent  
27 the allegations of paragraph 20 are based on the contents of written documents, County  
28 Defendants admit that to the extent such allegations accurately reflect the contents of

1 the documents, such statements exist, and otherwise deny them. County Defendants  
2 deny that Plaintiffs' characterization of these documents is accurate, and deny  
3 Plaintiffs' framing of these issues.

4 21. Answering paragraph 21, to the extent the allegations of paragraph 21 are  
5 based on the contents of written documents, County Defendants admit that to the extent  
6 such allegations accurately reflect the contents of the documents, such statements exist,  
7 and otherwise deny them. County Defendants deny that Plaintiffs' characterization of  
8 these documents is accurate, and deny Plaintiffs' framing of these issues.

9 22. Answering paragraph 22, County Defendants admit that Ronnie Rupard  
10 filed an application for leave on March 10, 2023. County Defendants deny the  
11 remainder of the allegations. This paragraph sets forth legal conclusions and questions  
12 of law to which no response is required. To the extent an answer is required, County  
13 Defendants deny each and every allegation contained therein.

14 23. Answering paragraph 23, County Defendants deny each and every  
15 allegation contained therein. This paragraph sets forth legal conclusions and questions  
16 of law to which no response is required. To the extent an answer is required, County  
17 Defendants deny each and every allegation contained therein.

18 24. Answering paragraph 24, County Defendants admit that venue is proper  
19 in this district. To the extent this paragraph sets forth legal conclusions and questions  
20 of law to which no response is required, Defendants assert no response. To the extent  
21 an answer is required, Defendants deny each and every allegation contained therein.

## 22 **PARTIES**

23 25. Answering paragraph 25, County Defendants are without sufficient  
24 knowledge or information to form a belief as to the truth of the allegations contained  
25 in said paragraph, and on that basis deny each and every allegation.

26 26. Answering paragraph 26, County Defendants are without sufficient  
27 knowledge or information to form a belief as to the truth of the allegations contained  
28 in said paragraph, and on that basis deny each and every allegation.

1        27.        Answering paragraph 27, this paragraph sets forth legal conclusions and  
2 questions of law to which no response is required. To the extent an answer is required,  
3 County Defendants are without sufficient knowledge or information to form a belief  
4 as to the truth of the allegations contained in said paragraph, and on that basis deny  
5 each and every allegation.

6        28.        Answering paragraph 28, this paragraph sets forth legal conclusions and  
7 questions of law to which no response is required. To the extent an answer is required,  
8 County Defendants deny each and every allegation contained therein. To the extent the  
9 allegations of paragraph 28 are based on the contents of written documents, County  
10 Defendants admit that to the extent such allegations accurately reflect the contents of  
11 the documents, such statements exist, and otherwise deny them. County Defendants  
12 deny that Plaintiffs' characterization of these documents is accurate, and deny  
13 Plaintiffs' framing of these issues.

14        29.        Answering paragraph 29, County Defendants admit the County of San  
15 Diego is a governmental entity.

16        30.        Answering paragraph 30, this paragraph sets forth legal conclusions and  
17 questions of law to which no response is required. To the extent an answer is required,  
18 County Defendants admit that Gore was the Sheriff for the San Diego County Sheriff's  
19 Department and retired on February 3, 2022, and deny the remaining allegations set  
20 forth in said paragraph.

21        31.        Answering paragraph 31, paragraph sets forth legal conclusions and  
22 questions of law to which no response is required. To the extent an answer is required,  
23 County Defendants admit that Martinez was the Undersheriff and Acting Sheriff for  
24 the San Diego County Sheriff's Department, and deny the remaining allegations set  
25 forth in said paragraph.

26        32.        Answering paragraph 32, this paragraph sets forth legal conclusions and  
27 questions of law to which no response is required. To the extent an answer is required,  
28 County Defendants are without sufficient knowledge or information to form a belief



1 as to the truth of the allegations contained in said paragraph, and on that basis deny  
2 each and every allegation.

3 33. Answering paragraph 33, this paragraph sets forth legal conclusions and  
4 questions of law to which no response is required. To the extent an answer is required,  
5 County Defendants are without sufficient knowledge or information to form a belief  
6 as to the truth of the allegations contained in said paragraph, and on that basis deny  
7 each and every allegation.

8 34. Answering paragraph 34, this paragraph sets forth legal conclusions and  
9 questions of law to which no response is required. To the extent an answer is required,  
10 County Defendants admit that Montgomery was the Chief Medical Officer for the San  
11 Diego County Sheriff's Department. County Defendants deny the third sentence of  
12 paragraph 34. To the remainder of the paragraph, County Defendants are without  
13 sufficient knowledge or information to form a belief as to the truth of the allegations  
14 contained in said paragraph, and on that basis deny each and every allegation.

15 35. Answering paragraph 35, this paragraph sets forth legal conclusions and  
16 questions of law to which no response is required. To the extent an answer is required,  
17 County Defendants are without sufficient knowledge or information to form a belief  
18 as to the truth of the allegations contained in said paragraph, and on that basis deny  
19 each and every allegation.

20 36. Answering paragraph 36, this paragraph sets forth legal conclusions and  
21 questions of law to which no response is required. To the extent an answer is required,  
22 County Defendants admit CHP was a contracted psychiatric provider for the jails in  
23 San Diego County. As to the remainder, County Defendants are without sufficient  
24 knowledge or information to form a belief as to the truth of the allegations contained  
25 in said paragraph, and on that basis deny each and every allegation.

26 37. Answering paragraph 37, this paragraph sets forth legal conclusions and  
27 questions of law to which no response is required. To the extent an answer is required,  
28 County Defendants Christina Goodall (sued as Christina Anosike), was working as a

1 mental health clinician at SDCJ for the San Diego County Sheriff's Department, and  
2 deny the remaining allegations set forth in this paragraph.

3 38. Answering paragraph 38, this paragraph sets forth legal conclusions and  
4 questions of law to which no response is required. To the extent an answer is required,  
5 County Defendants admit Anthony Cruz MD is a psychiatrist and was working at  
6 SDCJ. County Defendants are without sufficient knowledge or information to form a  
7 belief as to the truth of the allegations contained in said paragraph, and on that basis  
8 deny each and every allegation.

9 39. Answering paragraph 39, this paragraph sets forth allegations that relate  
10 to Ben Samonte who has been dismissed pursuant to Plaintiffs' election to proceed on  
11 the SAC following the Court's Dismissal Order and thus, no longer at issue for  
12 purposes of the operative SAC and to which no response is required. As to the  
13 remaining allegations, this paragraph sets forth legal conclusions and questions of law  
14 to which no response is required. To the extent an answer is required, County  
15 Defendants deny the allegations.

16 40. Answering paragraph 40, this paragraph sets forth allegations that relate  
17 to May Ng who has been dismissed pursuant to Plaintiffs' election to proceed on the  
18 SAC following the Court's Dismissal Order and thus, no longer at issue for purposes  
19 of the operative SAC and to which no response is required. As to the remaining  
20 allegations, this paragraph sets forth legal conclusions and questions of law to which  
21 no response is required. To the extent an answer is required, County Defendants deny  
22 the allegations.

23 41. Answering paragraph 41, this paragraph sets forth legal conclusions and  
24 questions of law to which no response is required. To the extent an answer is required,  
25 County Defendants admit Liberty Healthcare was the contracted psychiatric provider  
26 for the jails in San Diego County. County Defendants are without sufficient knowledge  
27 or information to form a belief as to the truth of the allegations contained in said  
28 paragraph, and on that basis deny each and every allegation.



1        42.        Answering paragraph 42, this paragraph sets forth legal conclusions and  
2 questions of law to which no response is required. To the extent an answer is required,  
3 County Defendants deny that Schmitz, D. #3787, Ackerman, M. #5994, Key, K.  
4 #3929, Moser, M. #0525, Delaney, C. #0749, Treyvonne, J., Eversoll, T. #3669, and  
5 Wereski, A. #4047 worked shifts in housing unit “7D” between March 15, 2022 and  
6 the time of Lonnie’s death on March 17, 2022. To the remainder of the paragraph,  
7 County Defendants are without sufficient knowledge or information to form a belief  
8 as to the truth of the allegations contained in said paragraph, and on that basis deny  
9 each and every allegation.

10       43.       Answering paragraph 43, this paragraph sets forth legal conclusions and  
11 questions of law to which no response is required. To the extent an answer is required,  
12 County Defendants deny that Schmitz, D. #3787, Ackerman, M. #5994, Key, K.  
13 #3929, Moser, M. #0525, Delaney, C. #0749, Treyvonne, J., Eversoll, T. #3669, and  
14 Wereski, A. #4047 worked shifts in housing unit “7D” between March 15, 2022 and  
15 the time of Lonnie’s death on March 17, 2022. To the remainder of the paragraph,  
16 County Defendants are without sufficient knowledge or information to form a belief  
17 as to the truth of the allegations contained in said paragraph, and on that basis deny  
18 each and every allegation.

19       44.       Answering paragraph 44, this paragraph sets forth legal conclusions and  
20 questions of law to which no response is required. To the extent an answer is required,  
21 County Defendants deny that Schmitz, D. #3787, Ackerman, M. #5994, Key, K.  
22 #3929, Moser, M. #0525, Delaney, C. #0749, Treyvonne, J., Eversoll, T. #3669, and  
23 Wereski, A. #4047 worked shifts in housing unit “7D” between March 15, 2022 and  
24 the time of Lonnie’s death on March 17, 2022. To the remainder of the paragraph,  
25 County Defendants have insufficient knowledge or information concerning the  
26 allegations contained in said paragraph, and on that basis deny the allegations.

27       45.       Answering paragraph 45, this paragraph sets forth legal conclusions and  
28 questions of law to which no response is required. To the extent an answer is required,

County Defendants have insufficient knowledge or information concerning the allegations contained in said paragraph, and on that basis deny the allegations.

46. Answering paragraph 46, this paragraph sets forth legal conclusions and questions of law to which no response is required. To the extent an answer is required, County Defendants have insufficient knowledge or information concerning the allegations contained in said paragraph, and on that basis deny the allegations.

47. Answering paragraph 47, this paragraph sets forth legal conclusions and questions of law to which no response is required. To the extent an answer is required, County Defendants have insufficient knowledge or information concerning the allegations contained in said paragraph, and on that basis deny the allegations.

48. Answering paragraph 48, County Defendants admit the SDCJ is owned and operated by San Diego County. This paragraph sets forth legal conclusions and questions of law to which no response is required. To the extent an answer is required, County Defendants have insufficient knowledge or information concerning the allegations contained in said paragraph, and on that basis deny the allegations.

### **FACTUAL ALLEGATIONS**

49. Answering paragraph 49, County Defendants admit Lonnie Rupard died on March 17, 2022 while in custody at SDJC. As to remaining allegations, this paragraph sets forth legal conclusions and questions of law to which no response is required. To the extent an answer is required, County Defendants have insufficient knowledge or information concerning the allegations contained in said paragraph, and on that basis deny the allegations.

50. Answering paragraph 50, County Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and on that basis deny each and every allegation. To the extent the allegations of paragraph 50 are based on the contents of written documents, County Defendants admit that to the extent such allegations accurately reflect the contents of the documents, such statements exist, and otherwise deny them. County Defendants

1 deny that Plaintiffs' characterization of these documents is accurate, and deny  
2 Plaintiffs' framing of these issues.

3 51. Answering paragraph 51, County Defendants deny each and every  
4 allegation contained therein.

5 52. Answering paragraph 52, County Defendants are without sufficient  
6 knowledge or information to form a belief as to the truth of the allegations contained  
7 in said paragraph, and on that basis deny each and every allegation. To the extent the  
8 allegations of paragraph 52 are based on the contents of written documents, County  
9 Defendants admit that to the extent such allegations accurately reflect the contents of  
10 the documents, such statements exist, and otherwise deny them. County Defendants  
11 deny that Plaintiffs' characterization of these documents is accurate, and deny  
12 Plaintiffs' framing of these issues.

13 53. Answering paragraph 53, this paragraph sets forth legal conclusions and  
14 questions of law to which no response is required. To the extent an answer is required,  
15 County Defendants deny each and every allegation contained therein.

16 54. Answering paragraph 54, to the extent the allegations of paragraph 54 are  
17 based on the contents of written documents, County Defendants admit that to the extent  
18 such allegations accurately reflect the contents of the documents, such statements exist,  
19 and otherwise deny them. County Defendants deny that Plaintiffs' characterization of  
20 these documents is accurate, and deny Plaintiffs' framing of these issues. Except as so  
21 expressly admitted, County Defendants deny each and every allegation contained in  
22 paragraph 54.

23 55. Answering paragraph 55, this paragraph sets forth legal conclusions and  
24 questions of law to which no response is required. To the extent an answer is required,  
25 County Defendants admit that Decedent was not evaluated by PERT and deny the  
26 remainder.

27 56. Answering paragraph 56, this paragraph sets forth legal conclusions and  
28 questions of law to which no response is required. To the extent an answer is required,

1 County Defendants deny each and every allegation contained therein.

2 57. Answering paragraph 57, this paragraph sets forth legal conclusions and  
3 questions of law to which no response is required. To the extent an answer is required,  
4 County Defendants deny each and every allegation contained therein.

5 58. Answering paragraph 58, County Defendants admit that Decedent was  
6 not screened by a medical doctor at intake. Except as so expressly admitted, County  
7 Defendants are without sufficient knowledge or information to form a belief as to the  
8 truth of the allegations contained in said paragraph, and on that basis deny each and  
9 every allegation.

10 59. Answering paragraph 59, County Defendants admit that Decedent was  
11 not evaluated by the PSU. Except as so expressly admitted, County Defendants have  
12 insufficient knowledge or information concerning the remaining allegations contained  
13 in said paragraph, and on that basis deny the allegations.

14 60. Answering paragraph 60, admit Decedent was not housed in PSU and was  
15 housed in Administrative Segregation housing. Except as so expressly admitted,  
16 County Defendants have insufficient knowledge or information concerning the  
17 remaining allegations contained in said paragraph, and on that basis deny the  
18 allegations.

19 61. Answering paragraph 61, admit that Decedent refused a Psychiatric Sick  
20 Call on December 20, 2021. Except as so expressly admitted, County Defendants have  
21 insufficient knowledge or information concerning the remaining allegations contained  
22 in said paragraph, and on that basis deny the allegations. To the extent the allegations  
23 of paragraph 61 are based on the contents of written documents, County Defendants  
24 admit that to the extent such allegations accurately reflect the contents of the  
25 documents, such statements exist, and otherwise deny them. County Defendants deny  
26 that Plaintiffs' characterization of these documents is accurate, and deny Plaintiffs'  
27 framing of these issues. Except as so expressly admitted, County Defendants deny each  
28 and every allegation contained in paragraph 61.

62. Answering paragraph 62, County Defendants admit Decedent was scheduled to be seen for a psych evaluation on December 24, 2021 with Liberty Healthcare Psychiatrist Dr. Cruz but was not seen due to time constraints. Except as so expressly admitted, County Defendants deny each and every allegation in said paragraph.

63. Answering paragraph 63, County Defendants admit Decedent was scheduled to be seen for a psych evaluation with Liberty Healthcare Psychiatrist Dr. Cruz on December 28, 2021 but was not seen due to time constraints.

64. Answering paragraph 64, County Defendants admit that on December 29, 2021, Decedent had an initial psychiatric evaluation with Liberty Healthcare Psychiatrist Dr. Cruz.

65. Answering paragraph 65, County Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and on that basis deny each and every allegation. To the extent the allegations of paragraph 65 are based on the contents of written documents, County Defendants admit that to the extent such allegations accurately reflect the contents of the documents, such statements exist, and otherwise deny them. County Defendants deny that Plaintiffs' characterization of these documents is accurate, and deny Plaintiffs' framing of these issues. Except as so expressly admitted, County Defendants deny each and every allegation contained in paragraph 65.

66. Answering paragraph 66, to the extent the allegations of paragraph 66 are based on the contents of written documents, County Defendants admit that to the extent such allegations accurately reflect the contents of the documents, such statements exist, and otherwise deny them. County Defendants deny that Plaintiffs' characterization of these documents is accurate, and deny Plaintiffs' framing of these issues. Except as so expressly admitted, County Defendants deny each and every allegation contained in paragraph 66.

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1        67.        Answering paragraph 67, to the extent the allegations of paragraph 67 are  
2 based on the contents of written documents, County Defendants admit that to the extent  
3 such allegations accurately reflect the contents of the documents, such statements exist,  
4 and otherwise deny them. County Defendants deny that Plaintiffs' characterization of  
5 these documents is accurate, and deny Plaintiffs' framing of these issues. Except as so  
6 expressly admitted, County Defendants deny each and every allegation contained in  
7 paragraph 67. As to the remainder, County Defendants are without sufficient  
8 knowledge or information to form a belief as to the truth of the allegations contained  
9 in said paragraph, and on that basis deny each and every allegation.

10       68.       Answering paragraph 68, to the extent the allegations of paragraph 68 are  
11 based on the contents of written documents, County Defendants admit that to the extent  
12 such allegations accurately reflect the contents of the documents, such statements exist,  
13 and otherwise deny them. County Defendants deny that Plaintiffs' characterization of  
14 these documents is accurate, and deny Plaintiffs' framing of these issues. Except as so  
15 expressly admitted, County Defendants deny each and every allegation contained in  
16 paragraph 68.

17       69.       Answering paragraph 69, admit that Dr. Cruz performed a Chart Check  
18 for Decedent and discontinued Haldol, Congentin, and VPA for Decedent. To the  
19 extent the allegations of paragraph 69 are based on the contents of written documents,  
20 County Defendants admit that to the extent such allegations accurately reflect the  
21 contents of the documents, such statements exist, and otherwise deny them. County  
22 Defendants deny that Plaintiffs' characterization of these documents is accurate, and  
23 deny Plaintiffs' framing of these issues. Except as so expressly admitted, County  
24 Defendants County Defendants are without sufficient knowledge or information to  
25 form a belief as to the truth of the allegations contained in said paragraph, and on that  
26 basis deny each and every allegation.

27       70.       Answering paragraph 70, County Defendants admit that Dr. Cruz did not  
28 refer Decedent to the PSU. Except as so admitted, County Defendants are without



1 sufficient knowledge or information to form a belief as to the truth of the allegations  
2 contained in said paragraph, and on that basis deny each and every allegation.

3 71. Answering paragraph 71, this paragraph sets forth legal conclusions and  
4 questions of law to which no response is required. To the extent an answer is required,  
5 County Defendants are without sufficient knowledge or information to form a belief  
6 as to the truth of the allegations contained in said paragraph, and on that basis deny  
7 each and every allegation.

8 72. Answering paragraph 72, this paragraph sets forth legal conclusions and  
9 questions of law to which no response is required. To the extent an answer is required,  
10 County Defendants deny each and every allegation contained therein.

11 73. Answering paragraph 73, to the extent the allegations of paragraph 73 are  
12 based on the contents of written documents, County Defendants admit that to the extent  
13 such allegations accurately reflect the contents of the documents, such statements exist,  
14 and otherwise deny them. County Defendants deny that Plaintiffs' characterization of  
15 these documents is accurate, and deny Plaintiffs' framing of these issues. Except as so  
16 expressly admitted, County Defendants deny each and every allegation contained in  
17 paragraph 73.

18 74. Answering paragraph 74, admit that Decedent was not referred to the  
19 PSU. Except as so expressly admitted, County Defendants deny each and every  
20 allegation contained therein.

21 75. Answering paragraph 75, to the extent the allegations of paragraph 75 are  
22 based on the contents of written documents, County Defendants admit that to the extent  
23 such allegations accurately reflect the contents of the documents, such statements exist,  
24 and otherwise deny them. County Defendants deny that Plaintiffs' characterization of  
25 these documents is accurate, and deny Plaintiffs' framing of these issues. Except as so  
26 expressly admitted, County Defendants deny each and every allegation contained in  
27 paragraph 75.

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1       76.       Answering paragraph 76, County Defendants admit that on February 9,  
2       2022, mental health clinician Christina Goodall (sued as Christina Anosike) completed  
3       a wellness check of Decedent.

4       77.       Answering paragraph 77, County Defendants admit that on February 9,  
5       2022, mental health clinician Christina Goodall (sued as Christina Anosike) completed  
6       a wellness check of Decedent and Anosike's notes provide that deputies on the 7th  
7       floor reported that Decedent often spoke to himself in unintelligible words. To the  
8       extent the allegations of paragraph 77 are based on the contents of written documents,  
9       County Defendants admit that to the extent such allegations accurately reflect the  
10      contents of the documents, such statements exist, and otherwise deny them. County  
11      Defendants deny that Plaintiffs' characterization of these documents is accurate, and  
12      deny Plaintiffs' framing of these issues. Except as so expressly admitted, County  
13      Defendants deny each and every allegation contained in paragraph 77.

14      78.       Answering paragraph 78, admit that Anosike notes provide that she was  
15      unable to fully assess Decedent due to refusal and/or inability to cooperate and that  
16      note his thoughts were "impoverished" but that he was oriented to person, place, and  
17      situation. To the extent the allegations of paragraph 78 are based on the contents of  
18      written documents, County Defendants admit that to the extent such allegations  
19      accurately reflect the contents of the documents, such statements exist, and otherwise  
20      deny them. County Defendants deny that Plaintiffs' characterization of these  
21      documents is accurate, and deny Plaintiffs' framing of these issues. Except as so  
22      expressly admitted, County Defendants deny each and every allegation contained in  
23      paragraph 78.

24      79.       Answering paragraph 79, County Defendants admit that Goodall (sued as  
25      Christina Anosike) did not refer Decedent to be assessed by a medical doctor but deny  
26      the remaining allegations contained in said paragraph as to Goodall (sued as Christina  
27      Anosike). As to remainder, County Defendants are without sufficient knowledge or  
28      information to form a belief as to the truth of the allegations contained in said

1 paragraph, and on that basis deny each and every allegation.

2 80. Answering paragraph 80, County Defendants admit that Goodall (sued as  
3 Christina Anosike) did not request Decedent to be assessed by a medical doctor or for  
4 vitals to be taken but deny the remaining allegations contained in said paragraph as to  
5 Goodall (sued as Christina Anosike). As to Cruz, County Defendants are without  
6 sufficient knowledge or information to form a belief as to the truth of the allegations  
7 contained in said paragraph, and on that basis deny each and every allegation. ). As to  
8 remainder, County Defendants are without sufficient knowledge or information to  
9 form a belief as to the truth of the allegations contained in said paragraph, and on that  
10 basis deny each and every allegation.

11 81. Answering paragraph 81, County Defendants deny the allegations  
12 contained in said paragraph.

13 82. Answering paragraph 82, admit that Decedent was on lockdown on  
14 February 20, 2022. To the extent the allegations of paragraph 82 are based on the  
15 contents of written documents, County Defendants admit that to the extent such  
16 allegations accurately reflect the contents of the documents, such statements exist, and  
17 otherwise deny them. County Defendants deny that Plaintiffs' characterization of these  
18 documents is accurate, and deny Plaintiffs' framing of these issues. Except as so  
19 expressly admitted, County Defendants deny each and every allegation contained in  
20 paragraph 82.

21 83. Answering paragraph 83, County Defendants admit that on February 22,  
22 2022, Decedent was evaluated by Liberty Healthcare Psychiatrist Dr. Cruz for a  
23 Psychiatric Sick Call assessment, and that Dr. Cruz noted that multiple attempts were  
24 made to engage Decedent but that he was uncooperative and refused to participate and  
25 rambled incoherently and became verbally aggressive. To the extent the allegations of  
26 paragraph 83 are based on the contents of written documents, County Defendants admit  
27 that to the extent such allegations accurately reflect the contents of the documents, such  
28 statements exist, and otherwise deny them. County Defendants deny that Plaintiffs'

1 characterization of these documents is accurate, and deny Plaintiffs' framing of these  
2 issues. Except as so expressly admitted, County Defendants are without sufficient  
3 knowledge or information to form a belief as to the truth of the allegations contained  
4 in said paragraph, and on that basis deny each and every allegation.

5 84. Answering paragraph 84, County Defendants admit that on February 22,  
6 2022, Decedent was evaluated by Liberty Healthcare Psychiatrist Dr. Cruz for a  
7 Psychiatric Sick Call assessment, and to the extent the allegations of paragraph 84 are  
8 based on the contents of written documents, County Defendants admit that to the extent  
9 such allegations accurately reflect the contents of the documents, such statements exist,  
10 and otherwise deny them. County Defendants deny that Plaintiffs' characterization of  
11 these documents is accurate, and deny Plaintiffs' framing of these issues. Except as so  
12 expressly admitted, County Defendants are without sufficient knowledge or  
13 information to form a belief as to the truth of the allegations contained in said  
14 paragraph, and on that basis deny each and every allegation.

15 85. Answering paragraph 85, County Defendants admit that Decedent was  
16 not transferred to the PSU as of February 22, 2022 and that vitals or weight were not  
17 documented. Except as so expressly admitted, County Defendants have insufficient  
18 knowledge or information concerning the remaining allegations contained in said  
19 paragraph, and on that basis deny the allegations. To the extent the allegations of  
20 paragraph 85 are based on the contents of written documents, County Defendants admit  
21 that to the extent such allegations accurately reflect the contents of the documents, such  
22 statements exist, and otherwise deny them. County Defendants deny that Plaintiffs'  
23 characterization of these documents is accurate, and deny Plaintiffs' framing of these  
24 issues.

25 86. Answering paragraph 86, this paragraph sets forth legal conclusions and  
26 questions of law to which no response is required. To the extent an answer is required,  
27 County Defendants admit that psychiatrist Dr. Cruz evaluated Decedent on February  
28 22, 2022. Except as expressly admitted, County Defendants deny the remaining

1 allegation contained in this paragraph. To the extent the remaining allegations of  
2 paragraph 86 are based on the contents of written documents, County Defendants admit  
3 that to the extent such allegations accurately reflect the contents of the documents, such  
4 statements exist, and otherwise deny them. County Defendants deny that Plaintiffs'  
5 characterization of these documents is accurate, and deny Plaintiffs' framing of these  
6 issues. County Defendants are without sufficient knowledge or information to form a  
7 belief as to the truth of the remaining allegations contained in said paragraph, and on  
8 that basis deny each and every allegation contained therein.

9 87. Answering paragraph 87, County Defendants admit that Dr. Cruz's  
10 assessment noted that there were no signs requiring immediate psychiatric  
11 intervention at the time of his visit and that Dr. Cruz recommended plan was for a  
12 follow-up to occur in 6-7 weeks or sooner, if needed. Except as so expressly admitted,  
13 County Defendants have insufficient knowledge or information concerning the  
14 remaining allegations contained in said paragraph, and on that basis deny the  
15 allegations. To the extent the remaining allegations of paragraph 87 are based on the  
16 contents of written documents, County Defendants admit that to the extent such  
17 allegations accurately reflect the contents of the documents, such statements exist, and  
18 otherwise deny them. County Defendants deny that Plaintiffs' characterization of these  
19 documents is accurate, and deny Plaintiffs' framing of these issues.

20 88. Answering paragraph 88, County Defendants admit that Decedent was  
21 not referred to the PSU. To the extent the remaining allegations of paragraph 87 are  
22 based on the contents of written documents, County Defendants admit that to the extent  
23 such allegations accurately reflect the contents of the documents, such statements exist,  
24 and otherwise deny them. County Defendants deny that Plaintiffs' characterization of  
25 these documents is accurate, and deny Plaintiffs' framing of these issues. County  
26 Defendants are without sufficient knowledge or information to form a belief as to the  
27 truth of the remaining allegations contained in said paragraph, and on that basis deny  
28 each and every allegation contained therein.

1        89.        Answering paragraph 89, County Defendants admit that on February 23,  
2        2022, a wellness check appointment with a QMHP for Decedent was scheduled. To  
3        the extent the remaining allegations of paragraph 89 are based on the contents of  
4        written documents, County Defendants admit that to the extent such allegations  
5        accurately reflect the contents of the documents, such statements exist, and otherwise  
6        deny them. County Defendants deny that Plaintiffs' characterization of these  
7        documents is accurate, and deny Plaintiffs' framing of these issues. Except as so  
8        expressly admitted, County Defendants deny the remaining allegations.

9        90.        Answering paragraph 90, County Defendants admit that on February 23,  
10       2022, a wellness check appointment with a QMHP for Decedent was scheduled. To  
11       the extent the remaining allegations of paragraph 90 are based on the contents of  
12       written documents, County Defendants admit that to the extent such allegations  
13       accurately reflect the contents of the documents, such statements exist, and otherwise  
14       deny them. County Defendants deny that Plaintiffs' characterization of these  
15       documents is accurate, and deny Plaintiffs' framing of these issues. County Defendants  
16       are without sufficient knowledge or information to form a belief as to the truth of the  
17       allegations contained in said paragraph, and on that basis deny each and every  
18       allegation. Except as so expressly admitted, County Defendants deny each and every  
19       allegation contained in said paragraph.

20       91.        Answering paragraph 91, this paragraph sets forth legal conclusions and  
21       questions of law to which no response is required. To the extent an answer is required,  
22       County Defendants deny the allegations.

23       92.        Answering paragraph 92, County Defendants admit that on March 14,  
24       2022, Decedent was evaluated by court-ordered forensic psychiatrist Dr. Nicolas Badre  
25       to determine competency to stand trial.

26       93.        Answering paragraph 93, County Defendants admit that Dr. Badre's  
27       report noted that Decedent's cell was dirty with trash throughout, the toilet was full of  
28       excrement, the room was malodorous, feces on the floor, and food smeared on the



1 walls. To the extent the remaining allegations of paragraph 93 are based on the contents  
2 of written documents, County Defendants admit that to the extent such allegations  
3 accurately reflect the contents of the documents, such statements exist, and otherwise  
4 deny them. County Defendants deny that Plaintiffs' characterization of these  
5 documents is accurate, and deny Plaintiffs' framing of these issues.

6 94. Answering paragraph 94, County Defendants admit that Dr. Badre's  
7 report noted that Decedent was dirty and unkempt, but denied as to remainder. To the  
8 extent the remaining allegations of paragraph 94 are based on the contents of written  
9 documents, County Defendants admit that to the extent such allegations accurately  
10 reflect the contents of the documents, such statements exist, and otherwise deny them.  
11 County Defendants deny that Plaintiffs' characterization of these documents is  
12 accurate, and deny Plaintiffs' framing of these issues. County Defendants are without  
13 sufficient knowledge or information to form a belief as to the truth of the allegations  
14 contained in said paragraph, and on that basis deny each and every allegation.

15 95. Answering paragraph 95, County Defendants admit that Dr. Badre's  
16 report noted that Decedent was laying in bed in an uncomfortable manner with a  
17 blanket over his head. To the extent the remaining allegations of paragraph 95 are  
18 based on the contents of written documents, County Defendants admit that to the extent  
19 such allegations accurately reflect the contents of the documents, such statements exist,  
20 and otherwise deny them. County Defendants deny that Plaintiffs' characterization of  
21 these documents is accurate, and deny Plaintiffs' framing of these issues. County  
22 Defendants are without sufficient knowledge or information to form a belief as to the  
23 truth of the allegations contained in said paragraph, and on that basis deny each and  
24 every allegation.

25 96. Answering paragraph 96, County Defendants admit that Dr. Badre's  
26 report noted that Dr. Badre asked Decedent why he was incarcerated and in response  
27 to this question, Decedent answered "water dog." To the extent the remaining  
28 allegations of paragraph 96 are based on the contents of written documents, County

1 Defendants admit that to the extent such allegations accurately reflect the contents of  
2 the documents, such statements exist, and otherwise deny them. County Defendants  
3 deny that Plaintiffs' characterization of these documents is accurate, and deny  
4 Plaintiffs' framing of these issues.

5 97. Answering paragraph 97, County Defendants admit that Dr. Badre's  
6 report noted that Dr. Badre asked Decedent about his charges and in response to this  
7 question, Decedent answered "dog." To the extent the remaining allegations of  
8 paragraph 97 are based on the contents of written documents, County Defendants admit  
9 that to the extent such allegations accurately reflect the contents of the documents, such  
10 statements exist, and otherwise deny them. County Defendants deny that Plaintiffs'  
11 characterization of these documents is accurate, and deny Plaintiffs' framing of these  
12 issues.

13 98. Answering paragraph 98, denied except that County Defendants admit  
14 that Dr. Badre's report noted that Decedent did not answer questions of orientation. To  
15 the extent the remaining allegations of paragraph 98 are based on the contents of  
16 written documents, County Defendants admit that to the extent such allegations  
17 accurately reflect the contents of the documents, such statements exist, and otherwise  
18 deny them. County Defendants deny that Plaintiffs' characterization of these  
19 documents is accurate, and deny Plaintiffs' framing of these issues. County Defendants  
20 are without sufficient knowledge or information to form a belief as to the truth of the  
21 allegations contained in said paragraph, and on that basis deny each and every  
22 allegation.

23 99. Answering paragraph 99, County Defendants admit that Dr. Badre's  
24 report noted that Decedent's speech was pressured and mostly incoherent when he  
25 spoke. To the extent the remaining allegations of paragraph 99 are based on the  
26 contents of written documents, County Defendants admit that to the extent such  
27 allegations accurately reflect the contents of the documents, such statements exist, and  
28 otherwise deny them. County Defendants deny that Plaintiffs' characterization of these

documents is accurate, and deny Plaintiffs' framing of these issues.

100. Answering paragraph 100, County Defendants admit that Dr. Badre's report states under findings and opinions that Decedent suffered from mental illness and unable to assist counsel in a rational manner, and denied to remainder. County Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and on that basis deny each and every allegation. To the extent the remaining allegations of paragraph 100 are based on the contents of written documents, County Defendants admit that to the extent such allegations accurately reflect the contents of the documents, such statements exist, and otherwise deny them. County Defendants deny that Plaintiffs' characterization of these documents is accurate, and deny Plaintiffs' framing of these issues.

101. Answering paragraph 101, County Defendants admit that Dr. Badre's report states that he recommended Decedent be referred to a state hospital or JBCT program for restoration to competency and be given medications involuntarily under Penal Code section 1370, and denied to remainder. County Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and on that basis deny each and every allegation. To the extent the remaining allegations of paragraph 101 are based on the contents of written documents, County Defendants admit that to the extent such allegations accurately reflect the contents of the documents, such statements exist, and otherwise deny them. County Defendants deny that Plaintiffs' characterization of these documents is accurate, and deny Plaintiffs' framing of these issues. County Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and on that basis deny each and every allegation.

102. Answering paragraph 102, County Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and on that basis deny each and every allegation.

///

1        103.        Answering paragraph 103, this paragraph sets forth legal conclusions and  
2        questions of law to which no response is required. To the extent an answer is required,  
3        County Defendants deny that Schmitz, D. #3787, Ackerman, M. #5994, Key, K.  
4        #3929, Moser, M. #0525, Delaney, C. #0749, Treyvonne, J., Eversoll, T. #3669, and  
5        Wereski, A. #4047 worked shifts in housing unit “7D” between March 15, 2022 and  
6        the time of Lonnie’s death on March 17, 2022. To the remainder of the paragraph,  
7        County Defendants are without sufficient knowledge or information to form a belief  
8        as to the truth of the allegations contained in said paragraph, and on that basis deny  
9        each and every allegation.

10       104.       Answering paragraph 104, this paragraph sets forth legal conclusions and  
11       questions of law to which no response is required. To the extent an answer is required,  
12       County Defendants deny the allegations.

13       105.       Answering paragraph 105, County Defendants admit Decedent was not  
14       transferred to PSU. As to remainder, County Defendants are without sufficient  
15       knowledge or information to form a belief as to the truth of the allegations contained  
16       in said paragraph, and on that basis deny each and every allegation.

17       106.       Answering paragraph 106, this paragraph sets forth legal conclusions and  
18       questions of law to which no response is required. To the extent an answer is required,  
19       County Defendants admit that there is a section in the San Diego County Sheriff’s  
20       Department Medical Services Division Policies & Procedures Manual providing the  
21       procedure for “sick calls,” and includes assessment of weight and vital signs, and that  
22       the patient has the right, unless ordered by a Court of competent jurisdiction, to refuse  
23       the taking of vital signs and/or weight. To the extent the allegations of paragraph 106  
24       are based on the contents of written documents, County Defendants admit that to the  
25       extent such allegations accurately reflect the contents of the documents, such  
26       statements exist, and otherwise deny them. County Defendants deny that Plaintiffs’  
27       characterization of these documents is accurate, and deny Plaintiffs’ framing of these  
28       issues. Except as so expressly admitted, County Defendants deny each and every

1 allegation contained in paragraph 106.

2 107. Answering paragraph 107, County Defendants admit that psychiatry sick  
3 calls for Decedent were requested on 12/20/21, 1/15/22, 1/20/22, and 2/1/22. Except  
4 as so expressly admitted, County Defendants deny each and every allegation contained  
5 in said paragraph. To the extent the remaining allegations of paragraph 107 are based  
6 on the contents of written documents, County Defendants admit that to the extent such  
7 allegations accurately reflect the contents of the documents, such statements exist, and  
8 otherwise deny them. County Defendants deny that Plaintiffs' characterization of these  
9 documents is accurate, and deny Plaintiffs' framing of these issues. County Defendants  
10 are without sufficient knowledge or information to form a belief as to the truth of the  
11 allegations contained in said paragraph, and on that basis deny each and every  
12 allegation.

13 108. Answering paragraph 108, County Defendants admit that multiple sick  
14 calls for Decedent were scheduled. Except as so expressly admitted, County  
15 Defendants deny each and every allegation contained in said paragraph. To the extent  
16 the remaining allegations of paragraph 108 are based on the contents of written  
17 documents, County Defendants admit that to the extent such allegations accurately  
18 reflect the contents of the documents, such statements exist, and otherwise deny them.  
19 County Defendants deny that Plaintiffs' characterization of these documents is  
20 accurate, and deny Plaintiffs' framing of these issues. County Defendants are without  
21 sufficient knowledge or information to form a belief as to the truth of the allegations  
22 contained in said paragraph, and on that basis deny each and every allegation.

23 109. Answering paragraph 109, County Defendants admit that multiple sick  
24 calls for Decedent were scheduled. Except as so expressly admitted, County  
25 Defendants deny each and every allegation contained in said paragraph. To the extent  
26 the remaining allegations of paragraph 109 are based on the contents of written  
27 documents, County Defendants admit that to the extent such allegations accurately  
28 reflect the contents of the documents, such statements exist, and otherwise deny them.

1 County Defendants deny that Plaintiffs' characterization of these documents is  
2 accurate, and deny Plaintiffs' framing of these issues. County Defendants are without  
3 sufficient knowledge or information to form a belief as to the truth of the allegations  
4 contained in said paragraph, and on that basis deny each and every allegation.

5 110. Answering paragraph 110, County Defendants admit that a hard count  
6 was performed for Decedent at approximately 1140 to 1150 on March 17, 2022. Except  
7 as so expressly admitted, County Defendants deny each and every allegation contained  
8 in said paragraph. To the extent the remaining allegations of paragraph 110 are based  
9 on the contents of written documents, County Defendants admit that to the extent such  
10 allegations accurately reflect the contents of the documents, such statements exist, and  
11 otherwise deny them. County Defendants deny that Plaintiffs' characterization of these  
12 documents is accurate, and deny Plaintiffs' framing of these issues. County Defendants  
13 are without sufficient knowledge or information to form a belief as to the truth of the  
14 allegations contained in said paragraph, and on that basis deny each and every  
15 allegation.

16 111. Answering paragraph 111, County Defendants admit that Decedent was  
17 found unresponsive in his cell at approximately 2247 on March 17, 2022 with a blanket  
18 to his chest. To the extent the remaining allegations of paragraph 111 are based on the  
19 contents of written documents, County Defendants admit that to the extent such  
20 allegations accurately reflect the contents of the documents, such statements exist, and  
21 otherwise deny them. County Defendants deny that Plaintiffs' characterization of these  
22 documents is accurate, and deny Plaintiffs' framing of these issues. County Defendants  
23 are without sufficient knowledge or information to form a belief as to the truth of the  
24 allegations contained in said paragraph, and on that basis deny each and every  
25 allegation.

26 112. Answering paragraph 112, to the extent the remaining allegations of  
27 paragraph 112 are based on the contents of written documents, County Defendants  
28 admit that to the extent such allegations accurately reflect the contents of the



1 documents, such statements exist, and otherwise deny them. County Defendants deny  
2 that Plaintiffs' characterization of these documents is accurate, and deny Plaintiffs'  
3 framing of these issues. County Defendants are without sufficient knowledge or  
4 information to form a belief as to the truth of the allegations contained in said  
5 paragraph, and on that basis deny each and every allegation.

6 113. Answering paragraph 113, to the extent the remaining allegations of  
7 paragraph 113 are based on the contents of written documents, County Defendants  
8 admit that to the extent such allegations accurately reflect the contents of the  
9 documents, such statements exist, and otherwise deny them. County Defendants deny  
10 that Plaintiffs' characterization of these documents is accurate, and deny Plaintiffs'  
11 framing of these issues. County Defendants are without sufficient knowledge or  
12 information to form a belief as to the truth of the allegations contained in said  
13 paragraph, and on that basis deny each and every allegation.

14 114. Answering paragraph 114, County Defendants admit an autopsy was  
15 performed on March 19, 2022 and that the report was released on March 2, 2023. To  
16 the extent the remaining allegations of paragraph 114 are based on the contents of  
17 written documents, County Defendants admit that to the extent such allegations  
18 accurately reflect the contents of the documents, such statements exist, and otherwise  
19 deny them. County Defendants deny that Plaintiffs' characterization of these  
20 documents is accurate, and deny Plaintiffs' framing of these issues. County Defendants  
21 are without sufficient knowledge or information to form a belief as to the truth of the  
22 allegations contained in said paragraph, and on that basis deny each and every  
23 allegation.

24 115. Answering paragraph 115, To the extent the remaining allegations of  
25 paragraph 115 are based on the contents of written documents, County Defendants  
26 admit that to the extent such allegations accurately reflect the contents of the  
27 documents, such statements exist, and otherwise deny them. County Defendants deny  
28 that Plaintiffs' characterization of these documents is accurate, and deny Plaintiffs'

1 framing of these issues. County Defendants are without sufficient knowledge or  
2 information to form a belief as to the truth of the allegations contained in said  
3 paragraph, and on that basis deny each and every allegation.

4 116. Answering paragraph 116, County Defendants admit that vitals were not  
5 documented. Except as so expressly admitted, County Defendants have insufficient  
6 knowledge or information concerning the remaining allegations contained in said  
7 paragraph, and on that basis deny the allegations. To the extent the allegations of  
8 paragraph 116 are based on the contents of written documents, County Defendants  
9 admit that to the extent such allegations accurately reflect the contents of the  
10 documents, such statements exist, and otherwise deny them. County Defendants deny  
11 that Plaintiffs' characterization of these documents is accurate, and deny Plaintiffs'  
12 framing of these issues.

13 117. Answering paragraph 117, County Defendants that weight were not  
14 documented. Except as so expressly admitted, County Defendants have insufficient  
15 knowledge or information concerning the remaining allegations contained in said  
16 paragraph, and on that basis deny the allegations. To the extent the allegations of  
17 paragraph 117 are based on the contents of written documents, County Defendants  
18 admit that to the extent such allegations accurately reflect the contents of the  
19 documents, such statements exist, and otherwise deny them. County Defendants deny  
20 that Plaintiffs' characterization of these documents is accurate, and deny Plaintiffs'  
21 framing of these issues.

22 118. Answering paragraph 118, to the extent the remaining allegations of  
23 paragraph 118 are based on the contents of written documents, County Defendants  
24 admit that to the extent such allegations accurately reflect the contents of the  
25 documents, such statements exist, and otherwise deny them. County Defendants deny  
26 that Plaintiffs' characterization of these documents is accurate, and deny Plaintiffs'  
27 framing of these issues. County Defendants are without sufficient knowledge or  
28 information to form a belief as to the truth of the allegations contained in said

1 paragraph, and on that basis deny each and every allegation.

2 119. Answering paragraph 119, to the extent the remaining allegations of  
3 paragraph 119 are based on the contents of written documents, County Defendants  
4 admit that to the extent such allegations accurately reflect the contents of the  
5 documents, such statements exist, and otherwise deny them. County Defendants deny  
6 that Plaintiffs' characterization of these documents is accurate, and deny Plaintiffs'  
7 framing of these issues. County Defendants are without sufficient knowledge or  
8 information to form a belief as to the truth of the allegations contained in said  
9 paragraph, and on that basis deny each and every allegation.

10 120. Answering paragraph 120, to the extent the remaining allegations of  
11 paragraph 120 are based on the contents of written documents, County Defendants  
12 admit that to the extent such allegations accurately reflect the contents of the  
13 documents, such statements exist, and otherwise deny them. County Defendants deny  
14 that Plaintiffs' characterization of these documents is accurate, and deny Plaintiffs'  
15 framing of these issues. County Defendants are without sufficient knowledge or  
16 information to form a belief as to the truth of the allegations contained in said  
17 paragraph, and on that basis deny each and every allegation.

18 121. Answering paragraph 121, to the extent the remaining allegations of this  
19 paragraph are based on the contents of written documents, County Defendants admit  
20 that to the extent such allegations accurately reflect the contents of the documents, such  
21 statements exist, and otherwise deny them. County Defendants deny that Plaintiffs'  
22 characterization of these documents is accurate, and deny Plaintiffs' framing of these  
23 issues. County Defendants are without sufficient knowledge or information to form a  
24 belief as to the truth of the allegations contained in said paragraph, and on that basis  
25 deny each and every allegation.

26 122. Answering paragraph 122, to the extent the remaining allegations of this  
27 paragraph are based on the contents of written documents, County Defendants admit  
28 that to the extent such allegations accurately reflect the contents of the documents, such

1 statements exist, and otherwise deny them. County Defendants deny that Plaintiffs'  
2 characterization of these documents is accurate, and deny Plaintiffs' framing of these  
3 issues. County Defendants are without sufficient knowledge or information to form a  
4 belief as to the truth of the allegations contained in said paragraph, and on that basis  
5 deny each and every allegation.

6 123. Answering paragraph 123, to the extent the remaining allegations of this  
7 paragraph are based on the contents of written documents, County Defendants admit  
8 that to the extent such allegations accurately reflect the contents of the documents, such  
9 statements exist, and otherwise deny them. County Defendants deny that Plaintiffs'  
10 characterization of these documents is accurate, and deny Plaintiffs' framing of these  
11 issues. County Defendants are without sufficient knowledge or information to form a  
12 belief as to the truth of the allegations contained in said paragraph, and on that basis  
13 deny each and every allegation.

14 124. Answering paragraph 124, to the extent the remaining allegations of this  
15 paragraph are based on the contents of written documents, County Defendants admit  
16 that to the extent such allegations accurately reflect the contents of the documents, such  
17 statements exist, and otherwise deny them. County Defendants deny that Plaintiffs'  
18 characterization of these documents is accurate, and deny Plaintiffs' framing of these  
19 issues. County Defendants are without sufficient knowledge or information to form a  
20 belief as to the truth of the allegations contained in said paragraph, and on that basis  
21 deny each and every allegation.

22 125. Answering paragraph 125, to the extent the remaining allegations of this  
23 paragraph are based on the contents of written documents, County Defendants admit  
24 that to the extent such allegations accurately reflect the contents of the documents, such  
25 statements exist, and otherwise deny them. County Defendants deny that Plaintiffs'  
26 characterization of these documents is accurate, and deny Plaintiffs' framing of these  
27 issues. County Defendants are without sufficient knowledge or information to form a  
28 belief as to the truth of the allegations contained in said paragraph, and on that basis

1 deny each and every allegation.

2 126. Answering paragraph 126, to the extent the remaining allegations of this  
3 paragraph are based on the contents of written documents, County Defendants admit  
4 that to the extent such allegations accurately reflect the contents of the documents, such  
5 statements exist, and otherwise deny them. County Defendants deny that Plaintiffs'  
6 characterization of these documents is accurate, and deny Plaintiffs' framing of these  
7 issues. County Defendants are without sufficient knowledge or information to form a  
8 belief as to the truth of the allegations contained in said paragraph, and on that basis  
9 deny each and every allegation.

10 127. Answering paragraph 127, to the extent the remaining allegations of this  
11 paragraph are based on the contents of written documents, County Defendants admit  
12 that to the extent such allegations accurately reflect the contents of the documents, such  
13 statements exist, and otherwise deny them. County Defendants deny that Plaintiffs'  
14 characterization of these documents is accurate, and deny Plaintiffs' framing of these  
15 issues. County Defendants are without sufficient knowledge or information to form a  
16 belief as to the truth of the allegations contained in said paragraph, and on that basis  
17 deny each and every allegation.

18 128. Answering paragraph 128, to the extent the remaining allegations of this  
19 paragraph are based on the contents of written documents, County Defendants admit  
20 that to the extent such allegations accurately reflect the contents of the documents, such  
21 statements exist, and otherwise deny them. County Defendants deny that Plaintiffs'  
22 characterization of these documents is accurate, and deny Plaintiffs' framing of these  
23 issues. County Defendants are without sufficient knowledge or information to form a  
24 belief as to the truth of the allegations contained in said paragraph, and on that basis  
25 deny each and every allegation.

26 129. Answering paragraph 129, County Defendants are without sufficient  
27 knowledge or information to form a belief as to the truth of the allegations contained  
28 in said paragraph, and on that basis deny each and every allegation.

1       130.       Answering paragraph 130, County Defendants are without sufficient  
2 knowledge or information to form a belief as to the truth of the allegations contained  
3 in said paragraph, and on that basis deny each and every allegation.

4       131.       Answering paragraph 131, County Defendants are without sufficient  
5 knowledge or information to form a belief as to the truth of the allegations contained  
6 in said paragraph, and on that basis deny each and every allegation.

7       132.       Answering paragraph 132, County Defendants admit that the California  
8 State Auditor issued a report on February 1, 2022. County Defendants deny the  
9 remaining allegations in said paragraph. To the extent the remaining allegations of this  
10 paragraph are based on the contents of written documents, County Defendants admit  
11 that to the extent such allegations accurately reflect the contents of the documents, such  
12 statements exist, and otherwise deny them. County Defendants deny that Plaintiffs'  
13 characterization of these documents is accurate, and deny Plaintiffs' framing of these  
14 issues. County Defendants are without sufficient knowledge or information to form a  
15 belief as to the truth of the allegations contained in said paragraph, and on that basis  
16 deny each and every allegation.

17       133.       Answering paragraph 133, County Defendants are without sufficient  
18 knowledge or information to form a belief as to the truth of the allegations contained  
19 in said paragraph, and on that basis deny each and every allegation.

20       134.       Answering paragraph 134, this paragraph sets forth legal conclusions and  
21 questions of law to which no response is required. To the extent an answer is required,  
22 County Defendants deny the allegations. To the extent the remaining allegations of this  
23 paragraph are based on the contents of written documents, County Defendants admit  
24 that to the extent such allegations accurately reflect the contents of the documents, such  
25 statements exist, and otherwise deny them. County Defendants deny that Plaintiffs'  
26 characterization of these documents is accurate, and deny Plaintiffs' framing of these  
27 issues.

28       ///



1        135.        Answering paragraph 135, this paragraph sets forth legal conclusions and  
2 questions of law to which no response is required. To the extent an answer is required,  
3 County Defendants deny the allegations. To the extent the remaining allegations of this  
4 paragraph are based on the contents of written documents, County Defendants admit  
5 that to the extent such allegations accurately reflect the contents of the documents, such  
6 statements exist, and otherwise deny them. County Defendants deny that Plaintiffs'  
7 characterization of these documents is accurate, and deny Plaintiffs' framing of these  
8 issues.

9        136.        Answering paragraph 136, this paragraph sets forth legal conclusions and  
10 questions of law to which no response is required. To the extent an answer is required,  
11 County Defendants deny the allegations. To the extent the remaining allegations of this  
12 paragraph are based on the contents of written documents, County Defendants admit  
13 that to the extent such allegations accurately reflect the contents of the documents, such  
14 statements exist, and otherwise deny them. County Defendants deny that Plaintiffs'  
15 characterization of these documents is accurate, and deny Plaintiffs' framing of these  
16 issues.

17        137.        Answering paragraph 137, this paragraph sets forth legal conclusions and  
18 questions of law to which no response is required. To the extent an answer is required,  
19 County Defendants deny the allegations. To the extent the remaining allegations of this  
20 paragraph are based on the contents of written documents, County Defendants admit  
21 that to the extent such allegations accurately reflect the contents of the documents, such  
22 statements exist, and otherwise deny them. County Defendants deny that Plaintiffs'  
23 characterization of these documents is accurate, and deny Plaintiffs' framing of these  
24 issues.

25        138.        Answering paragraph 138, County Defendants are without sufficient  
26 knowledge or information to form a belief as to the truth of the allegations contained  
27 in said paragraph, and on that basis deny each and every allegation. To the extent the  
28 remaining allegations of this paragraph are based on the contents of written documents,

County Defendants admit that to the extent such allegations accurately reflect the contents of the documents, such statements exist, and otherwise deny them. County Defendants deny that Plaintiffs' characterization of these documents is accurate, and deny Plaintiffs' framing of these issues.

139. Answering paragraph 139, this paragraph sets forth legal conclusions and questions of law to which no response is required. To the extent an answer is required, County Defendants deny the allegations. To the extent the remaining allegations of this paragraph are based on the contents of written documents, County Defendants admit that to the extent such allegations accurately reflect the contents of the documents, such statements exist, and otherwise deny them. County Defendants deny that Plaintiffs' characterization of these documents is accurate, and deny Plaintiffs' framing of these issues.

140. Answering paragraph 140, this paragraph sets forth legal conclusions and questions of law to which no response is required. To the extent an answer is required, County Defendants deny the allegation.

141. Answering paragraph 141, this paragraph sets forth legal conclusions and questions of law to which no response is required. To the extent an answer is required, County Defendants deny the allegation.

142. Answering paragraph 142, this paragraph sets forth legal conclusions and questions of law to which no response is required. To the extent an answer is required, County Defendants deny the allegations except that Hayden Schuck died on March 16, 2022.

143. Answering paragraph 143, this paragraph sets forth legal conclusions and questions of law to which no response is required. To the extent an answer is required, County Defendants deny the allegations. To the extent the remaining allegations of this paragraph are based on the contents of written documents, County Defendants admit that to the extent such allegations accurately reflect the contents of the documents, such statements exist, and otherwise deny them. County Defendants deny that Plaintiffs'

1 characterization of these documents is accurate, and deny Plaintiffs' framing of these  
2 issues. County Defendants are without sufficient knowledge or information to form a  
3 belief as to the truth of the allegations contained in said paragraph, and on that basis  
4 deny each and every allegation.

5 144. Answering paragraph 144, this paragraph sets forth legal conclusions and  
6 questions of law to which no response is required. To the extent an answer is required,  
7 County Defendants deny the allegations. To the extent the remaining allegations of this  
8 paragraph are based on the contents of written documents, County Defendants admit  
9 that to the extent such allegations accurately reflect the contents of the documents, such  
10 statements exist, and otherwise deny them. County Defendants deny that Plaintiffs'  
11 characterization of these documents is accurate, and deny Plaintiffs' framing of these  
12 issues. County Defendants are without sufficient knowledge or information to form a  
13 belief as to the truth of the allegations contained in said paragraph, and on that basis  
14 deny each and every allegation.

15 145. Answering paragraph 145, this paragraph sets forth legal conclusions and  
16 questions of law to which no response is required. To the extent an answer is required,  
17 County Defendants deny the allegations. To the extent the remaining allegations of this  
18 paragraph are based on the contents of written documents, County Defendants admit  
19 that to the extent such allegations accurately reflect the contents of the documents, such  
20 statements exist, and otherwise deny them. County Defendants deny that Plaintiffs'  
21 characterization of these documents is accurate, and deny Plaintiffs' framing of these  
22 issues. County Defendants are without sufficient knowledge or information to form a  
23 belief as to the truth of the allegations contained in said paragraph, and on that basis  
24 deny each and every allegation.

25 146. Answering paragraph 146, this paragraph sets forth legal conclusions and  
26 questions of law to which no response is required. To the extent an answer is required,  
27 County Defendants deny the allegations, except that Schuck was housed in Ad Seg for  
28 less than one-day.

1       147.       Answering paragraph 147, County Defendants are without sufficient  
2 knowledge or information to form a belief as to the truth of the allegations contained  
3 in said paragraph, and on that basis deny each and every allegation.

4       148.       Answering paragraph 148, this paragraph sets forth legal conclusions and  
5 questions of law to which no response is required. To the extent an answer is required,  
6 County Defendants deny the allegations.

7       149.       Answering paragraph 149, this paragraph sets forth legal conclusions and  
8 questions of law to which no response is required. To the extent an answer is required,  
9 County Defendants deny the allegations.

10       150.       Answering paragraph 150, this paragraph sets forth legal conclusions and  
11 questions of law to which no response is required. To the extent an answer is required,  
12 County Defendants deny the allegations.

13       151.       Answering paragraph 151, this paragraph sets forth legal conclusions and  
14 questions of law to which no response is required.

15       152.       Answering paragraph 152, this paragraph sets forth legal conclusions and  
16 questions of law to which no response is required. To the extent an answer is required,  
17 County Defendants deny the allegations.

18       153.       Answering paragraph 153, this paragraph sets forth legal conclusions and  
19 questions of law to which no response is required. To the extent an answer is required,  
20 County Defendants deny the allegations.

21       154.       Answering paragraph 154, this paragraph sets forth legal conclusions and  
22 questions of law to which no response is required. To the extent an answer is required,  
23 County Defendants deny the allegations.

24       155.       Answering paragraph 155, this paragraph sets forth legal conclusions and  
25 questions of law to which no response is required. To the extent an answer is required,  
26 County Defendants deny the allegations.

27       156.       Answering paragraph 156, this paragraph sets forth legal conclusions and  
28 questions of law to which no response is required. To the extent an answer is required,

1 County Defendants deny the allegations.

2 157. Answering paragraph 157, this paragraph sets forth legal conclusions and  
3 questions of law to which no response is required. To the extent an answer is required,  
4 County Defendants deny the allegations.

5 158. Answering paragraph 158, this paragraph sets forth legal conclusions and  
6 questions of law to which no response is required. To the extent an answer is required,  
7 County Defendants deny the allegations.

8 159. Answering paragraph 159, this paragraph sets forth legal conclusions and  
9 questions of law to which no response is required. To the extent an answer is required,  
10 County Defendants deny the allegations.

11 160. Answering paragraph 160, this paragraph sets forth legal conclusions and  
12 questions of law to which no response is required. To the extent an answer is required,  
13 County Defendants deny the allegations.

14 161. Answering paragraph 161, this paragraph sets forth legal conclusions and  
15 questions of law to which no response is required. To the extent an answer is required,  
16 County Defendants deny the allegations.

17 162. Answering paragraph 162, County Defendants deny generally and  
18 specifically each and every allegation contained therein.

19 163. Answering paragraph 163, this paragraph sets forth legal conclusions and  
20 questions of law to which no response is required. To the extent an answer is required,  
21 County Defendants deny the allegations.

22 164. Answering paragraph 164, this paragraph sets forth legal conclusions and  
23 questions of law to which no response is required. To the extent an answer is required,  
24 County Defendants deny the allegations.

25 165. Answering paragraph 165, this paragraph sets forth legal conclusions and  
26 questions of law to which no response is required. To the extent an answer is required,  
27 County Defendants deny the allegations.

28 ///

1       166.       Answering paragraph 166, this paragraph sets forth legal conclusions and  
2 questions of law to which no response is required. To the extent an answer is required,  
3 County Defendants deny the allegations.

4       167.       Answering paragraph 167, this paragraph sets forth legal conclusions and  
5 questions of law to which no response is required. To the extent an answer is required,  
6 County Defendants deny the allegations..

7       168.       Answering paragraph 168, this paragraph sets forth legal conclusions and  
8 questions of law to which no response is required. To the extent an answer is required,  
9 County Defendants deny the allegations.

10       169.       Answering paragraph 169, this paragraph sets forth legal conclusions and  
11 questions of law to which no response is required. To the extent an answer is required,  
12 County Defendants deny the allegations.

13       170.       Answering paragraph 170, this paragraph sets forth legal conclusions and  
14 questions of law to which no response is required. To the extent an answer is required,  
15 County Defendants deny the allegations.

16       171.       Answering paragraph 171, this paragraph sets forth legal conclusions and  
17 questions of law to which no response is required. To the extent an answer is required,  
18 County Defendants deny the allegations.

19       172.       Answering paragraph 172, this paragraph sets forth legal conclusions and  
20 questions of law to which no response is required. To the extent an answer is required,  
21 County Defendants deny the allegations.

22       173.       Answering paragraph 173, this paragraph sets forth legal conclusions and  
23 questions of law to which no response is required. To the extent an answer is required,  
24 County Defendants deny the allegations.

25       174.       Answering paragraph 174, this paragraph sets forth legal conclusions and  
26 questions of law to which no response is required. To the extent an answer is required,  
27 County Defendants deny the allegations.

28       ///



1       175.       Answering paragraph 175, this paragraph sets forth legal conclusions and  
2 questions of law to which no response is required. To the extent an answer is required,  
3 County Defendants deny the allegation.

4       176.       Answering paragraph 176, this paragraph sets forth legal conclusions and  
5 questions of law to which no response is required. To the extent an answer is required,  
6 County Defendants deny the allegations.

7       177.       Answering paragraph 177, this paragraph sets forth legal conclusions and  
8 questions of law to which no response is required. To the extent an answer is required,  
9 County Defendants deny the allegations.

10       178.       Answering paragraph 178, this paragraph sets forth legal conclusions and  
11 questions of law to which no response is required. To the extent an answer is required,  
12 County Defendants deny the allegations.

13       179.       Answering paragraph 179, this paragraph sets forth legal conclusions and  
14 questions of law to which no response is required. To the extent an answer is required,  
15 County Defendants deny the allegations.

16       180.       Answering paragraph 180, this paragraph sets forth legal conclusions and  
17 questions of law to which no response is required. To the extent an answer is required,  
18 County Defendants deny the allegations.

19       181.       Answering paragraph 181, this paragraph sets forth legal conclusions and  
20 questions of law to which no response is required. To the extent an answer is required,  
21 County Defendants deny the allegations.

22       182.       Answering paragraph 182, this paragraph sets forth legal conclusions and  
23 questions of law to which no response is required. To the extent an answer is required,  
24 County Defendants deny the allegations.

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I.

**FIRST CAUSE OF ACTION**

**42 U.S.C. § 1983: Deliberate Indifference of Serious Medical Needs  
(By the Estate of Lonnie Rupard Against County Defendants, Liberty  
Healthcare of California Inc, and Cruz)**

183. Answering paragraphs 183-205, this paragraph sets forth allegations as to a cause of action that was dismissed per the Court's Dismissal Order to which no response is required. County Defendants incorporate their denials and admissions in the foregoing paragraphs as though fully set forth herein.

184. Answering paragraph 184, this paragraph sets forth allegations that have been previously dismissed without leave by this Court pursuant to its Dismissal Order, and which are no longer at issue for purposes of the SAC and thus excluded from the operative SAC.

185. Answering paragraph 185, this paragraph sets forth allegations that have been previously dismissed without leave by this Court pursuant to its Dismissal Order, and which are no longer at issue for purposes of the SAC and thus excluded from the operative SAC.

186. Answering paragraph 186, this paragraph sets forth allegations that have been previously dismissed without leave by this Court pursuant to its Dismissal Order, and which are no longer at issue for purposes of the SAC and thus excluded from the operative SAC.

187. Answering paragraph 187, this paragraph sets forth allegations that have been previously dismissed without leave by this Court pursuant to its Dismissal Order, and which are no longer at issue for purposes of the SAC and thus excluded from the operative SAC.

188. Answering paragraph 188, this paragraph sets forth allegations that have been previously dismissed without leave by this Court pursuant to its Dismissal Order, and which are no longer at issue for purposes of the SAC and thus excluded from the

1 operative SAC.

2 189. Answering paragraph 189, this paragraph sets forth allegations that have  
3 been previously dismissed without leave by this Court pursuant to its Dismissal Order,  
4 and which are no longer at issue for purposes of the SAC and thus excluded from the  
5 operative SAC.

6 190. Answering paragraph 190, this paragraph sets forth allegations that have  
7 been previously dismissed without leave by this Court pursuant to its Dismissal Order,  
8 and which are no longer at issue for purposes of the SAC and thus excluded from the  
9 operative SAC.

10 191. Answering paragraph 191, this paragraph sets forth allegations that have  
11 been previously dismissed without leave by this Court pursuant to its Dismissal Order,  
12 and which are no longer at issue for purposes of the SAC and thus excluded from the  
13 operative SAC.

14 192. Answering paragraph 192, this paragraph sets forth allegations that have  
15 been previously dismissed without leave by this Court pursuant to its Dismissal Order,  
16 and which are no longer at issue for purposes of the SAC and thus excluded from the  
17 operative SAC.

18 193. Answering paragraph 193, this paragraph sets forth allegations that have  
19 been previously dismissed without leave by this Court pursuant to its Dismissal Order,  
20 and which are no longer at issue for purposes of the SAC and thus excluded from the  
21 operative SAC.

22 194. Answering paragraph 194, this paragraph sets forth allegations that have  
23 been previously dismissed without leave by this Court pursuant to its Dismissal Order,  
24 and which are no longer at issue for purposes of the SAC and thus excluded from the  
25 operative SAC.

26 195. Answering paragraph 195, this paragraph sets forth allegations that have  
27 been previously dismissed without leave by this Court pursuant to its Dismissal Order,  
28 and which are no longer at issue for purposes of the SAC and thus excluded from the

1 operative SAC.

2 196. Answering paragraph 196, this paragraph sets forth allegations that have  
3 been previously dismissed without leave by this Court pursuant to its Dismissal Order,  
4 and which are no longer at issue for purposes of the SAC and thus excluded from the  
5 operative SAC.

6 197. Answering paragraph 197, this paragraph sets forth allegations that have  
7 been previously dismissed without leave by this Court pursuant to its Dismissal Order,  
8 and which are no longer at issue for purposes of the SAC and thus excluded from the  
9 operative SAC.

10 198. Answering paragraph 198, this paragraph sets forth allegations that have  
11 been previously dismissed without leave by this Court pursuant to its Dismissal Order,  
12 and which are no longer at issue for purposes of the SAC and thus excluded from the  
13 operative SAC.

14 199. Answering paragraph 199, this paragraph sets forth allegations that have  
15 been previously dismissed without leave by this Court pursuant to its Dismissal Order,  
16 and which are no longer at issue for purposes of the SAC and thus excluded from the  
17 operative SAC.

18 200. Answering paragraph 200, this paragraph sets forth allegations that have  
19 been previously dismissed without leave by this Court pursuant to its Dismissal Order,  
20 and which are no longer at issue for purposes of the SAC and thus excluded from the  
21 operative SAC.

22 201. Answering paragraph 201, this paragraph sets forth allegations that have  
23 been previously dismissed without leave by this Court pursuant to its Dismissal Order,  
24 and which are no longer at issue for purposes of the SAC and thus excluded from the  
25 operative SAC.

26 202. Answering paragraph 202, this paragraph sets forth allegations that have  
27 been previously dismissed without leave by this Court pursuant to its Dismissal Order,  
28 and which are no longer at issue for purposes of the SAC and thus excluded from the

operative SAC.

203. Answering paragraph 203, this paragraph sets forth allegations that have been previously dismissed without leave by this Court pursuant to its Dismissal Order, and which are no longer at issue for purposes of the SAC and thus excluded from the operative SAC.

204. Answering paragraph 204, this paragraph sets forth allegations that have been previously dismissed without leave by this Court pursuant to its Dismissal Order, and which are no longer at issue for purposes of the SAC and thus excluded from the operative SAC.

205. Answering paragraph 205, this paragraph sets forth allegations that have been previously dismissed without leave by this Court pursuant to its Dismissal Order, and which are no longer at issue for purposes of the SAC and thus excluded from the operative SAC.

## II.

### **SECOND CAUSE OF ACTION**

#### **42 U.S.C. § 1983: Monell Municipal Liability For Deliberate Indifference of Serious Medical Needs**

**(By Plaintiffs Against Defendant County and Liberty Healthcare of California,  
Inc.)**

206. Answering paragraph 205, County Defendants reiterate and incorporate by reference their admissions and denials as set forth above and below.

207. Answering paragraph 206, this paragraph sets forth legal conclusions and questions of law to which no response is required.

208. Answering paragraph 207, this paragraph sets forth legal conclusions and questions of law to which no response is required. To the extent an answer is required, County Defendants deny the allegations. County Defendants deny generally and specifically each and every allegation contained therein.

209. Answering paragraph 208, this paragraph sets forth legal conclusions and

1 questions of law to which no response is required. To the extent an answer is required,  
2 County Defendants deny the allegations. County Defendants deny generally and  
3 specifically each and every allegation contained therein.

4 210. Answering paragraph 209, this paragraph sets forth legal conclusions and  
5 questions of law to which no response is required. To the extent an answer is required,  
6 County Defendants deny the allegations. County Defendants deny generally and  
7 specifically each and every allegation contained therein.

8 211. Answering paragraph 210, this paragraph sets forth legal conclusions and  
9 questions of law to which no response is required. To the extent an answer is required,  
10 County Defendants deny the allegations. County Defendants deny generally and  
11 specifically each and every allegation contained therein.

12 212. Answering paragraph 211, County Defendants deny generally and  
13 specifically each and every allegation contained therein.

14 213. Answering paragraph 212, County Defendants deny generally and  
15 specifically each and every allegation contained therein.

16 214. Answering paragraph 213, County Defendants deny generally and  
17 specifically each and every allegation contained therein.

18 215. Answering paragraph 214, County Defendants deny generally and  
19 specifically each and every allegation contained therein.

20 216. Answering paragraph 215, County Defendants deny generally and  
21 specifically each and every allegation contained therein.

22 217. Answering paragraph 216, County Defendants deny generally and  
23 specifically each and every allegation contained therein.

24 218. Answering paragraph 217, County Defendants deny generally and  
25 specifically each and every allegation contained therein.

26 219. Answering paragraph 218, County Defendants deny generally and  
27 specifically each and every allegation contained therein.

28 ///



1 220. Answering paragraph 219, County Defendants deny generally and  
2 specifically each and every allegation contained therein.

3 221. Answering paragraph 220, County Defendants deny generally and  
4 specifically each and every allegation contained therein.

5 222. Answering paragraph 221, County Defendants deny generally and  
6 specifically each and every allegation contained therein.

7 223. Answering paragraph 222, County Defendants deny generally and  
8 specifically each and every allegation contained therein.

9 224. Answering paragraph 223, County Defendants deny generally and  
10 specifically each and every allegation contained therein.

11 225. Answering paragraph 224, County Defendants deny generally and  
12 specifically each and every allegation contained therein.

13 226. Answering paragraph 225, County Defendants deny generally and  
14 specifically each and every allegation contained therein.

15 227. Answering paragraph 226, County Defendants deny generally and  
16 specifically each and every allegation contained therein.

17 228. Answering paragraph 227. County Defendants deny generally and  
18 specifically each and every allegation contained therein.

19 229. Answering paragraph 228, County Defendants deny generally and  
20 specifically each and every allegation contained therein.

21 230. Answering paragraph 229, County Defendants deny generally and  
22 specifically each and every allegation contained therein.

23 231. Answering paragraph 230, County Defendants deny generally and  
24 specifically each and every allegation contained therein.

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26 ///

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1 III.

2 **THIRD CAUSE OF ACTION**

3 **(By Plaintiffs Against County Defendants, Liberty Healthcare Corporation, and**  
4 **Cruz)**

5 232. Answering paragraph 231, County Defendants reiterate and incorporate  
6 by reference their admissions and denials as set forth above and below.

7 233. Answering paragraph 232, this paragraph sets forth legal conclusions and  
8 questions of law to which no response is required.

9 234. Answering paragraph 233, County Defendants deny generally and  
10 specifically each and every allegation contained therein.

11 235. Answering paragraph 234, County Defendants deny generally and  
12 specifically each and every allegation contained therein.

13 236. Answering paragraph 235, County Defendants deny generally and  
14 specifically each and every allegation contained therein.

15 237. Answering paragraph 236, County Defendants deny generally and  
16 specifically each and every allegation contained therein.

17 238. Answering paragraph 237, County Defendants deny generally and  
18 specifically each and every allegation contained therein.

19 239. Answering paragraph 238, County Defendants deny generally and  
20 specifically each and every allegation contained therein.

21 240. Answering paragraph 239, County Defendants deny generally and  
22 specifically each and every allegation contained therein.

23 ///

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1 IV.

2 **FOURTH CAUSE OF ACTION**

3 **Failure to Properly Train (42 U.S.C. § 1983)**

4 **(By the Estate of Lonnie Rupard Against Defendants Montgomery, Gore,**  
5 **Martinez, CHP, Liberty Healthcare Corporation, Anosike, Cruz, Defendant**  
6 **Deputies, Doe Deputies, Doe Medical Providers, Doe Deputy Supervisors.)**

7 241. Answering paragraphs 240-258, this cause of action was dismissed per  
8 the Court's order to which no response is required.

9 V.

10 **FIFTH CAUSE OF ACTION**

11 **Cal. Gov. Code § 845.6 (Failure to Summon Medical Care)**

12 **(By the Estate of Lonnie Rupard Against Defendants County, Montgomery,**  
13 **Gore, Martinez, CHP, Liberty Healthcare Corporation, Anosike, Cruz,**  
14 **Defendant Deputies, Doe Deputies, Doe Medical Providers, Doe Deputy**  
15 **Supervisors)**

16 242. Answering paragraphs 259-268, this cause of action was dismissed per  
17 the Court's order to which no response is required.

18 VI.

19 **SIXTH CAUSE OF ACTION**

20 **Cal. Gov. Code § 52.1 (Bane Act)**

21 **(By the Estate of Lonnie Rupard Against Defendants County, Montgomery,**  
22 **Gore, Martinez, CHP, Liberty Healthcare Corporation, Anosike, Cruz,**  
23 **Defendant Deputies, Doe Deputies, Doe Medical Providers, Doe Deputy**  
24 **Supervisors)**

25 243. Answering paragraphs 269-276, this cause of action was dismissed per  
26 the Court's order to which no response is required.

27 ///

28 ///

**VII.**

**SEVENTH CAUSE OF ACTION**

**Wrongful Death**

**(By Plaintiffs Against All Defendants)**

244. Answering paragraph 277, County Defendants reiterate and incorporate by reference their admissions and denials as set forth above and below.

245. Answering paragraph 278, this paragraph sets forth legal conclusions and questions of law to which no response is required.

246. Answering paragraph 279, County Defendants deny generally and specifically each and every allegation contained therein.

247. Answering paragraph 280, County Defendants deny generally and specifically each and every allegation contained therein.

248. Answering paragraph 281, County Defendants deny generally and specifically each and every allegation contained therein.

249. Answering paragraph 282, County Defendants deny generally and specifically each and every allegation contained therein.

250. Answering paragraph 283, County Defendants deny generally and specifically each and every allegation contained therein.

251. Answering paragraph 284, this paragraph sets forth legal conclusions and questions of law to which no response is required.

**VIII.**

**EIGHTH CAUSE OF ACTION**

**Dependent Adult Neglect**

**(By the Estate of Lonnie Rupard Against Defendants Montgomery, CHP, Liberty Healthcare Corporation, Anosike, Cruz, Doe Medical Providers)**

252. Answering paragraphs 285-292, this cause of action was dismissed per the Court's order to which no response is required.

///

IX.

**NINTH CAUSE OF ACTION**

**Negligence**

**(By the Estate of Lonnie Rupard Against Defendants Montgomery, CHP, Liberty Healthcare Corporation, Anosike, Cruz, Doe Medical Providers)**

253. Answering paragraphs 293-301, this cause of action was dismissed per the Court's order to which no response is required.

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**

**(Failure to State a Cause of Action)**

1. Plaintiffs' Second Amended Complaint fails to state a cause of action against County Defendants and/or fails to state a claim against County Defendants upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

**(Qualified Immunity)**

2. Defendant County employees are entitled to qualified immunity against Plaintiffs' claims. Defendant County employees acted in an objectively reasonable manner and are entitled to qualified immunity as a defense to actions brought as civil rights violations under 42 U.S.C. § 1983.

**THIRD AFFIRMATIVE DEFENSE**

**(Absolute Immunity)**

3. County Defendants are entitled to absolute immunity against Plaintiffs' claims.

**FOURTH AFFIRMATIVE DEFENSE**

**(Doctrine of Respondeat Superior Inapplicable)**

4. The doctrine of respondeat superior is not applicable to claims under 42 U.S.C. § 1983.

///

**FIFTH AFFIRMATIVE DEFENSE**

**(Good Faith)**

5. At all times mentioned in the Second Amended Complaint, Deputy Defendants were employed by the County of San Diego and act in their respective official capacities. Their alleged actions, if any, were made in good faith, without malice and/or performed with the reasonable belief that those actions were authorized by and in accord with existing law and authority.

**SIXTH AFFIRMATIVE DEFENSE**

**(No Law Was Violated)**

6. Deputy Defendants did not deprive Plaintiffs of any of their rights, privileges, or immunities secured by the California State Constitution, California State laws, the United States Constitution, or laws of the United States.

**SEVENTH AFFIRMATIVE DEFENSE**

**(Simple Negligence)**

7. Under 42 U.S.C. § 1983, simple negligence does not constitute a violation of federal civil rights. *Parratt v. Taylor* (1981) 451 U.S. 527

**EIGHTH AFFIRMATIVE DEFENSE**

**(No Reckless Disregard of Deliberate Indifference)**

8. Answering Defendants did not act with reckless disregard or deliberate indifference.

**NINTH AFFIRMATIVE DEFENSE**

**(Failure to Mitigate Damages)**

9. Plaintiffs and/or Plaintiffs' decedent failed to mitigate or attempt to mitigate damages, therefore if in fact any damages have been sustained, any recovery by Plaintiffs should be diminished or barred.

**TENTH AFFIRMATIVE DEFENSE**

**(Failure to Exhaust Administrative/State Remedies)**

10. Plaintiffs failed to exhaust their remedies available under federal, state, or



1 administrative law as to some or all of their claims. Plaintiffs failed to timely submit  
2 government claims as required under the Government Claims Act. Plaintiffs failed to  
3 comply with required procedures for late claims under the Government Claims Act.

4 **ELEVENTH AFFIRMATIVE DEFENSE**

5 **(Statute of Limitations)**

6 11. Plaintiffs' claims are barred, in whole or in part, by the applicable statute  
7 of limitations.

8 **TWELFTH AFFIRMATIVE DEFENSE**

9 **(Unclean Hands)**

10 12. These answering Defendants are informed and believe and based thereon  
11 allege that Plaintiffs' claims are barred by the doctrine of unclean hands.

12 **THIRTEENTH AFFIRMATIVE DEFENSE**

13 **(Laches)**

14 13. Plaintiffs' claims are barred by the doctrine of laches. Plaintiffs  
15 unreasonably delayed in bringing this action premised on the alleged incidents on or  
16 around March 17, 2022.

17 **FOURTEENTH AFFIRMATIVE DEFENSE**

18 **(Comparative Fault of Plaintiff and/or Third Parties)**

19 14. The damages alleged were directly and proximately caused and  
20 contributed to by the negligence and/or fault of persons other than these answering  
21 Defendants, and the extent of damages sustained, if any, should be reduced and  
22 proportioned to the amount of said negligence and/or fault. These answering  
23 Defendants allege that as to all causes of action, Plaintiffs' harm, if any, was caused  
24 either by Decedent's own negligence or other misconduct or other improper acts, or by  
25 the negligence or other misconduct and improper acts of other named Defendants or  
26 other third parties not named in this lawsuit, and not by the conduct of answering  
27 Defendants. The damages sustained by Plaintiffs, if any, were caused by the acts of  
28 Decedent, which bar and/or diminish Plaintiffs' recovery, if any, against these

1 answering Defendants. Decedent was careless, negligent, or otherwise at fault in  
2 conducting his activities in connection with the events which are alleged in the Second  
3 Amended Complaint, and, as a direct and proximate result, Plaintiffs are barred, in  
4 whole or in part, from any recovery in this action. Accordingly, Plaintiffs' recovery, if  
5 any, should be precluded or reduced in proportion to their negligence and fault.  
6 Additionally, the damages sustained by Plaintiffs, if any, were caused by the acts of  
7 others, which bar and/or diminish Plaintiffs' recovery, if any, against these answering  
8 Defendants. Decedent, Plaintiffs' representatives, third persons, and/or the other  
9 possible Defendants herein were careless and negligent in and about the matters alleged  
10 in the Second Amended Complaint, and such carelessness and negligence proximately  
11 contributed to the happening of the injuries and damage, if any, complained of by  
12 Plaintiffs. Accordingly, any damages awarded to Plaintiffs against these answering  
13 Defendants must be reduced proportionately by the respective degrees of negligence  
14 of Plaintiffs, Plaintiffs' representatives, third persons, and/or the other possible  
15 Defendants herein.

16 **FIFTEENTH AFFIRMATIVE DEFENSE**

17 **(Superseding Causes)**

18 15. If Plaintiffs suffered or sustained any loss, injury, damage or detriment,  
19 the same was directly and proximately caused and contributed to by superseding  
20 actions of other parties, either served or not yet served, either known or unknown, and  
21 not these answering Defendants and such strict liability, breach of warranty, conduct,  
22 acts, omissions, activities, carelessness, recklessness and negligence of said other  
23 parties bars recovery of Plaintiffs herein.

24 **SIXTEENTH AFFIRMATIVE DEFENSE**

25 **(Equitable Estoppel)**

26 16. These answering Defendants are informed and believe and based thereon  
27 allege that Plaintiffs' SAC is barred, in whole or in part, by the doctrine of equitable  
28 estoppel, including as to representations made in the Claim For Damages filed by

1 Plaintiffs.

2 **SEVENTEENTH AFFIRMATIVE DEFENSE**

3 **(Single Incident)**

4 17. An unconstitutional policy, practice, or custom of Municipal Defendant  
5 cannot be established by a single incident. *Trevino v. Gates*, 99 F.3d 911 (9th Cir.  
6 1996).

7 **EIGHTEENTH AFFIRMATIVE DEFENSE**

8 **(Failure to Establish Official Custom or Practice)**

9 18. Plaintiffs' Complaint fails to establish any official custom or practice held  
10 by Defendant County which posed a risk of harm to Plaintiffs.

11 **NINETEENTH AFFIRMATIVE DEFENSE**

12 **(No Official Government Policy)**

13 19. Plaintiffs' Complaint fails to establish a cause of action because these  
14 answering Defendants did not act pursuant to an official government policy, practice,  
15 custom, or procedure that violated Plaintiffs' constitutionally protected rights.

16 **TWENTIETH AFFIRMATIVE DEFENSE**

17 **(Government Code Immunities)**

18 20. Plaintiffs' action is barred by all applicable Government Code  
19 immunities, including but not limited to, Sections 815.6, 818.2, 818.6, 818.8, 820,  
20 820.8, 821, 821.4, 821.6, 822.2, 844.6, 845, 845.6, 845.8(b) and 846. Said sections are  
21 pleaded as though fully set forth herein.

22 **TWENTY-FIRST AFFIRMATIVE DEFENSE**

23 **(Award of Damages)**

24 21. Plaintiffs' Second Amended Complaint fails to state a claim against these  
25 answering Defendants upon which an award of damages can be based, including  
26 punitive damages.

27 ///

28 ///

**TWENTY-SECOND AFFIRMATIVE DEFENSE**

**(Lack of Tort Claim Compliance/Exhaustion)**

22. Plaintiffs failed to comply with the claims filing requirements for actions against public entities and/or their employees. Plaintiffs failed to comply with the applicable provisions of the California Government Tort Claims Act set forth in California Government Code Sections 905, et seq. and as such lack standing to bring the claims set forth in the SAC.

**TWENTY-THIRD AFFIRMATIVE DEFENSE**

**(Variance)**

23. These answering Defendants allege that, to the extent Plaintiffs presented a valid government tort claim, there is a material variance between the theories and claims in Plaintiff's government tort claim and the state law causes of action in the SAC and the government tort claim failed to plead material facts contained in the SAC.

**TWENTY-FOURTH AFFIRMATIVE DEFENSE**

**(Lack of Standing)**

24. These answering Defendants allege that Plaintiffs and/or their representatives lack standing to bring the claims alleged in the SAC under state law and federal law.

**TWENTY-FIFTH AFFIRMATIVE DEFENSE**

**(Reservation)**

25. Answering Defendants cannot fully anticipate all affirmative defenses that may be applicable to this action based upon the conclusory and general terms used in the Second Amended Complaint. Accordingly, these answering Defendants reserve the right to assert the additional defenses as applicable.

**WHEREFORE**, these answering Defendants pray for judgment as follows:

1. That Plaintiffs take nothing by this action;
2. That the action be dismissed;
3. That Defendants be awarded costs of suit; and

1           4.       That Defendants be awarded such other and further relief as the Court  
2 may deem just and proper, including an award of attorney's fees pursuant to 42 U.S.C.  
3 § 1988.  
4

5 DATED: October 8, 2024

COLLINS + COLLINS LLP

6  
7 By: 

8 RADA FELDMAN

9 ADAM A. AINSLIE

10 SOFIA TORREZ

Attorneys for Defendants

11 COUNTY OF SAN DIEGO, BILL

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13 MONTGOMERY, CHRISTINA

GOODALL (sued as CHRISTINA

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JASON VILADIU, GUSTAVO

15 MARTINEZ, JEFF AMADO, MICHAEL

16 MOSER, ERNESTO AGUIRRE,

TREYVONNE JAMES (sued in duplicate

17 J. TREYVONNE), BERNARDO

18 ROMERO, MICHAEL JOHNSON,

ANDREW TORRES, ALLEN

19 WERESKI, BLADE ROMANS, AND

20 LINDA GUTIERREZ  
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