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

JESUS CASTELLANOS, an individual, and RAQUEL CASTELLANOS, an individual

Plaintiff,

v.

THE UNITED STATES OF AMERICA, MICHAEL HEDLUND, and DOES 7 – 15, inclusive,

Defendants.

CASE NO. 18-CV-2334-JM-BLM

**SECOND AMENDED
COMPLAINT FOR:**

- 1) Excessive Force (*Bivens*)
- 2) Unlawful Detention and False Arrest (*Bivens*)
- 3) Assault (Federal Tort Claims Act)
- 4) Battery (Federal Tort Claims Act)
- 5) Negligence (Federal Tort Claims Act)
- 6) Intentional Infliction of Emotional Distress (Federal Tort Claims Act)
- 7) Bane Act, Cal. Civ. Code §52.1 (Federal Tort Claims Act)
- 8) False Imprisonment (Federal Tort Claims Act)

**JURY TRIAL IS HEREBY
DEMANDED PURSUANT TO FRCP
RULE 38 ON THE *BIVENS* CAUSES
OF ACTION**

1 COME NOW Plaintiffs JESUS CASTELLANOS and RAQUEL
2 CASTELLANOS, through their attorneys of record, Iredale and Yoo, APC, and
3 allege and complain as follows:

4 **INTRODUCTION**

5 On December of 2017, at the Calexico Port of Entry, CBP agent Hedlund
6 brutalized Plaintiff Jesus Castellanos, then 75 years old, causing multiple rib
7 fractures and an occult fracture of the elbow. Defendant Hedlund shoved Mr.
8 Castellanos and punched him repeatedly. Hedlund then took Mr. Castellanos to a
9 holding cell. Due to the injuries inflicted by Defendant Hedlund, Mr. Castellanos
10 was taken to the emergency room. Plaintiff Raquel Castellanos, then 71 years old
11 and suffering from dementia, witnessed Hedlund shove and beat her husband.

12 **I.**
GENERAL ALLEGATIONS

13 1. This cause of action is brought under *Bivens v. Six Unknown Named*
14 *Agents*, 403 U.S. 388 (1971), the Federal Tort Claims Act, and California state
15 law to redress the violation of Jesus Castellanos and Raquel Castellanos' rights
16 under the Constitution of the United States and California law.

17 2. Jurisdiction is based upon 28 U.S.C. §1331 and 28 U.S.C. § 1346(b).

18 3. This Court has supplemental jurisdiction over any pendent state law
19 claims under 28 U.S.C. § 1367(a).

20 4. Pursuant to 28 U.S.C. § 1391(b), venue is proper in the Southern
21 District of California because the acts or omissions which form the basis of
22 Plaintiffs' claims occurred in Imperial County, California.

23 5. Mr. Castellanos timely filed his FTCA Claim on January 12, 2017
24 and complied with the claims procedure as required under 28 U.S.C. § 2675.

25 6. Mrs. Castellanos timely filed her FTCA Claim on January 12, 2017
26 and complied with the claims procedure as required under 28 U.S.C. § 2675.

27 7. To date, Plaintiffs have received no response to their claims.
28

1 8. Plaintiffs have exhausted all administrative remedies and the current
2 action is being timely filed within the statute of limitations.

3 **II.**
4 **PARTIES**

5 9. Plaintiffs Jesus Castellanos and Raquel Castellanos reallege all prior
6 paragraphs of this complaint and incorporate the same by reference as if fully set
7 forth herein.

8 10. At all times relevant, Plaintiffs Jesus Castellanos and Raquel
9 Castellanos were individuals residing in the City of Imperial within the County of
10 Imperial, California.

11 11. At all times relevant to this complaint, the Department of Homeland
12 Security was an agency of defendant UNITED STATES OF AMERICA, and was
13 operating the U.S. CUSTOMS AND BORDER PROTECTION agency in San
14 Diego County, California. It employed MICHAEL HEDLUND, FERNANDO
15 ZARAGOZA, ADAM GUERRERO, JESUS MARTINEZ, JEFFREY
16 GARNEAU, and DOE DEFENDANTS 6-15, who were acting within the scope
17 of their employment.

18 12. At all times relevant to this complaint, MICHAEL HEDLUND,
19 FERNANDO ZARAGOZA, ADAM GUERRERO, JESUS MARTINEZ,
20 JEFFREY GARNEAU and DOE DEFENDANTS 6-15 were federal United States
21 Customs and Border Protection agents, officers, officials, and/or other agents of
22 the CUSTOMS AND BORDER PROTECTION employed by the UNITED
23 STATES OF AMERICA under the Department of Homeland Security. At all
24 times relevant hereto, these defendants were acting in their professional capacity
25 within the course and scope of their agency and/or employment, and/or were the
26 agents, servants and employees of each other and were acting at all times within
27 the full course and scope of their agency and employment, with the full
28 knowledge and consent, either expressed or implied, of their principal and/or
employer.

1 13. Plaintiffs are truly ignorant of the true names and capacities of
2 DOES 6-15, inclusive, and/or is truly ignorant of the facts giving rise to their
3 liability and will amend this complaint once their identities as well as the facts
4 giving rise to their liability have been ascertained.

5 **III.**
FACTS

6 14. Plaintiffs Jesus Castellanos and Raquel Castellanos reallege all prior
7 paragraphs of this complaint and incorporate the same by reference as if fully set
8 forth herein.

9 15. Plaintiff Jesus Castellanos was 75 years old at the time of the
10 incident. He is a retired tractor driver. Plaintiff Raquel Castellanos was 72 years
11 old at the time of the incident. She is a retired field worker. They have been
12 married for over 50 years. They reside in the City of Imperial within the County
13 of Imperial, California.

14 16. On December 17, 2017, at approximately 9:00p.m., the Castellanos
15 family entered the United States at the Calexico Port of Entry. Plaintiffs Mr.
16 Castellanos and Mrs. Castellanos were accompanied by their adult son, Marco
17 Castellanos.

18 17. Mr. and Mrs. Castellanos were in the secondary inspection area with
19 their son, Marco.

20 18. Marco received a text message from his sister and looked down at
21 his phone. Marco began to place the phone back into his pocket.

22 19. CBP officer Jesus Martinez confronted Marco, and yelled something
23 to the effect of, "You cannot be taking a f*cking video of me!"

24 20. Marco explained that he was not taking a video, and stated that he
25 was not doing anything wrong.

26 21. Martinez continued to yell at Marco, saying words to the effect of
27 "Give me your goddam phone, you son of a b*tch, mother*cker!"

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1 22. Marco was stunned. Marco requested a supervisor. Marco said “do
2 not touch me,” when Martinez immediately rushed towards him. CBP Officer
3 Jeffrey Garneau came up behind Marco, and put him in a chokehold. The two
4 agents slammed Marco against the fence.

5 23. Several more CBP agents rushed over and swarmed Marco,
6 continually slamming him into the fence, as he remained in a chokehold.

7 24. Mr. Castellanos pleaded with the CBP officers to stop, and said “He
8 hasn’t done anything.”

9 25. In response, Defendant Hedlund pushed and shoved Mr. Castellanos
10 backwards.

11 26. Mrs. Castellanos had been standing behind Mr. Castellanos. Mrs.
12 Castellanos was pushed and shoved backwards as Defendant Hedlund forcibly
13 moved Mr. Castellanos.

14 27. Defendant Hedlund continued to push Mr. Castellanos backwards.
15 He forced Mr. Castellanos to a bench. Mr. Castellanos was at the bench when
16 Defendant Hedlund punched him in the chest and ribs several times.

17 28. Defendant Hedlund shoved Mr. Castellanos with such force that he
18 was thrown over a bench. Mr. Castellanos fell face down on the bench. While
19 Mr. Castellanos was prone, face down, Defendant Hedlund twisted his arm so
20 violently that he felt an intense pain in his arm. Mr. Castellanos suffered an occult
21 fracture of the elbow.

22 29. Mr. Castellanos was prone and face down on the bench. Defendant
23 Hedlund continued to employ excessive force as he placed his entire weight on
24 Mr. Castellanos’ back. Upon information and belief, Defendant Hedlund kned
25 and/or punched Mr. Castellanos. Mr. Castellanos suffered multiple rib fractures.
26 Hedlund then placed handcuffs on Mr. Castellanos’ wrists so tightly that he
27 caused additional injury.

28

1 30. Mrs. Castellanos witnessed Defendants Hedlund, Zaragoza, and
2 Guerrero attack and beat her husband. Mrs. Castellanos pleaded with them to
3 stop hurting her elderly husband. Defendants Hedlund, Zaragoza, and/or
4 Guerrero ordered her to “shut up.”

5 31. Defendant Hedlund took Mr. Castellanos to a holding cell. Three
6 CBP officers escorted Marco to a holding cell.

7 32. Mr. Castellanos informed these agents that they hurt his arm. In
8 response, upon information and belief, Defendant Hedlund intentionally further
9 bent his arm.

10 33. Mr. Castellanos requested to speak with a supervisor. He informed
11 the supervisor that he needed medical attention. An ambulance was called, and
12 arrived approximately 30 minutes later. Mr. Castellanos was taken to the
13 hospital.

14 34. Mrs. Castellanos suffers from dementia, and substantially relies on
15 her husband for assistance in her daily activities. CBP agent(s) did not provide
16 her with an explanation when they took her son and husband away. Mrs.
17 Castellanos was terrified.

18 35. Approximately 1 (one) hour later, Marco was released from
19 detention and was able to be reunited with his mother, who had waited outside
20 with no knowledge of the status of her husband and son.

21
22 **FIRST CAUSE OF ACTION**
23 **EXCESSIVE FORCE (*Bivens*)**
24 **(By PLAINTIFF JESUS CASTELLANOS against DEFENDANT HEDLUND)**

25 36. Plaintiffs Mr. Castellanos and Mrs. Castellanos reallege all prior
26 paragraphs of this complaint and incorporate them by reference as if fully set
27 forth herein.

1 37. Plaintiffs had a clearly established right under the Fourth
2 Amendment to be free from official infliction of excessive force.

3 38. Mr. Castellanos, Mrs. Castellanos, and Marco had not committed a
4 crime.

5 39. No members of the Castellanos family actively resisted arrest or
6 attempted to evade arrest by flight.

7 40. No members of the Castellanos family posed a threat to
8 DEFENDANT HEDLUND when he employed excessive force.

9 41. No members of the Castellanos family acted erratically, or made any
10 threatening gestures or movements. No member of the Castellanos family was
11 armed or displaying a weapon.

12 42. Marco had looked at his cell phone when he received a text from his
13 sister. He had broken no laws. Agents cursed at Marco, put him in a chokehold,
14 and slammed him against the fence.

15 43. Mr. Castellanos witnessed the agents put Marco in a chokehold, and
16 slam him into the fence. Mr. Castellanos begged them to stop. Without warning,
17 DEFENDANT HEDLUND shoved and pushed Mr. Castellanos to a bench.
18 DEFENDANT HEDLUND began to punch Mr. Castellanos in the ribs.
19 DEFENDANTS HEDLUND and ZARAGOZA shoved Mr. Castellanos with such
20 force that he fell face forward over a bench. DEFENDANTS HEDLUND,
21 ZARAGOZA, and GUERRERO handcuffed Mr. Castellanos so tightly that his
22 wrists had lacerations. Mr. Castellanos suffered an occult fracture to the elbow.

23 44. When Mr. Castellanos was in handcuffs, face down, and helpless,
24 DEFENDANT HEDLUND continued to employ excessive force. Upon
25 information and belief, DEFENDANT HEDLUND punched and/or kneed Mr.
26 Castellanos. Mr. Castellanos suffered multiple rib fractures. CBP Officers
27 Zaragoza and Guerrero grabbed and exerted unnecessary force on the person of
28 Mr. Castellanos as he was face-down on the bench.

1 45. DEFENDANT HEDLUND acted under color of law in violating the
2 Fourth Amendment's proscription on the use of excessive force, and/or failed to
3 intervene to prevent such force.

4 46. At all times herein, DEFENDANT HEDLUND was acting within
5 the scope of his employment as a law enforcement officer with the U.S. Customs
6 and Border Protection, an agency of defendant UNITED STATES OF
7 AMERICA.

8 47. DEFENDANTS HEDLUND, acting under color of federal law,
9 knew that the use of excessive force in these circumstances was illegal under
10 clearly established law.

11 48. The conduct alleged herein caused Mr. Castellanos to be deprived of
12 his civil rights that are protected under the United States Constitution, California
13 Constitution, and federal and state laws. The actions of DEFENDANT
14 HEDLUND have legally, proximately, foreseeably, and actually caused Mr.
15 Castellanos to suffer physical injury, emotional distress, pain and suffering, and
16 further damages according to proof at the time of trial.

17 49. The conduct alleged herein was done with oppression, fraud, malice,
18 and/or deliberate or reckless disregard of Mr. Castellanos' constitutionally
19 protected rights, justifying an award of exemplary damages against
20 DEFENDANT HEDLUND in an amount according to proof at the time of trial in
21 order to deter DEFENDANTS from engaging in similar conduct and to make an
22 example by way of monetary punishment.

23 **SECOND CAUSE OF ACTION**

24 **UNLAWFUL DETENTION AND FALSE ARREST (*Bivens*)**

25 **(By PLAINTIFF JESUS CASTELLANOS against DEFENDANT HEDLUND)**

26 50. Plaintiffs Mr. Castellanos and Mrs. Castellanos reallege all prior
27 paragraphs of this complaint and incorporates the same by reference as if fully set
28 forth herein.

1 51. Mr. Castellanos had a clearly established right under the Fourth
2 Amendment to be free from unreasonable seizure and unlawful arrest.

3 52. DEFENDANT HEDLUND violated Mr. Castellanos' right when he
4 arrested Mr. Castellanos, and detained him in a holding cell without probable
5 cause.

6 53. DEFENDANT HEDLUND beat Mr. Castellanos, and then took him
7 to a holding cell where he was released only because he required medical
8 attention.

9 54. There were no facts and circumstances that would lead a reasonable
10 officer to conclude that Mr. Castellanos had committed a crime.

11 55. There was no basis to seize or detain Mr. Castellanos.

12 56. DEFENDANT HEDLUND falsely detained and arrested Mr.
13 Castellanos in violation of his constitutionally protected rights under the Fourth
14 Amendment.

15 57. At all times herein DEFENDANT HEDLUND was acting within the
16 scope of his employment as an agent of DEFENDANT UNITED STATES OF
17 AMERICA.

18 58. DEFENDANTS HEDLUND, acting under color of federal law,
19 knew that arresting and detaining Mr. Castellanos in a holding cell without
20 probable cause in these circumstances was illegal under clearly established law.

21 59. The conduct alleged herein caused Mr. Castellanos to be deprived of
22 his civil rights that are protected under the United States Constitution, California
23 Constitution, and federal and state laws. The actions of DEFENDANT
24 HEDLUND legally, proximately, foreseeably, and actually caused Mr.
25 Castellanos to suffer physical injury, emotional distress, pain and suffering, unjust
26 deprivation of his liberty and freedom, and further damages according to proof at
27 the time of trial.

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1 60. The conduct alleged herein was done in with oppression, fraud,
2 malice, and/or deliberate or reckless disregard of Mr. Castellanos’ constitutionally
3 protected rights, justifying an award of exemplary damages against
4 DEFENDANT HEDLUND in an amount according to proof at the time of trial in
5 order to defer DEFENDANT from engaging in similar conduct and to make an
6 example by way of monetary punishment.

7 **FOURTH CAUSE OF ACTION**

8 **ASSAULT (FTCA)**

9 **(By PLAINTIFF JESUS CASTELLANOS against DEFENDANT UNITED
10 STATES OF AMERICA)**

11 61. Plaintiffs Mr. Castellanos and Mrs. Castellanos reallege all prior
12 paragraphs of this complaint and incorporates the same by reference as if fully set
13 forth herein.

14 62. HEDLUND, ZARAGOZA, and GUERRERO acted with an intent to
15 cause apprehension of immediate harmful or offensive contact.

16 63. Mr. Castellanos reasonably believed that he was going to be touched
17 in a harmful or offensive manner.

18 64. It reasonably appeared to Mr. Castellanos that HEDLUND,
19 ZARAGOZA, and GUERRERO were going to carry out this threat, and Mr.
20 Castellanos did not consent to this conduct.

21 65. As a direct consequence of the actions of HEDLUND, ZARAGOZA,
22 and GUERRERO, Mr. Castellanos was deprived of his civil rights that are
23 protected under the California Constitution and state laws. The actions of
24 HEDLUND, ZARAGOZA, and GUERRERO have legally, proximately,
25 foreseeably, and actually caused Mr. Castellanos to suffer emotional distress, pain
26 and suffering, and further damages according to proof at the time of trial.

27 66. DEFENDANT the UNITED STATES OF AMERICA is responsible
28 for the conduct of HEDLUND, ZARAGOZA, and GUERRERO under the
Federal Tort Claims Act.

FIFTH CAUSE OF ACTION
BATTERY (FTCA)

(By PLAINTIFF JESUS CASTELLANOS against DEFENDANT UNITED STATES OF AMERICA)

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2
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4 67. Plaintiffs reallege all prior paragraphs of this complaint and
5 incorporate by reference foregoing paragraphs as if fully set forth herein.

6 68. HEDLUND, ZARAGOZA, and GUERRERO acted with an intent to
7 cause harmful and/or offensive bodily contact when they shoved, punched and/or
8 kneed Mr. Castellanos.

9 69. HEDLUND acted with an intent to cause harmful and/or offensive
10 bodily contact when he intentionally handcuffed Mr. Castellanos too tight,
11 causing lacerations.

12 70. HEDLUND acted with an intent to cause harmful and/or offensive
13 bodily contact when he punched Mr. Castellanos in his ribs before giving Mr.
14 Castellanos time to comply with any commands.

15 71. HEDLUND punched and/or kneed Mr. Castellanos while he was
16 face down on the bench.

17 72. The harmful and/or offensive bodily contact did in fact occur.

18 73. The harmful or offensive contact was not privileged, and it was not
19 consented to by Mr. Castellanos.

20 74. The harmful or offensive contact employed by HEDLUND,
21 ZARAGOZA, and GUERRERO was not reasonable, and caused physical
22 discomfort and injury to Mr. Castellanos.

23 75. As a direct consequence of HEDLUND, ZARAGOZA, and
24 GUERRERO's actions, Mr. Castellanos was deprived of his civil rights that are
25 protected under the California Constitution and state laws. The actions of
26 HEDLUND, ZARAGOZA, and GUERRERO have legally, proximately,
27 foreseeably, and actually caused Mr. Castellanos to suffer physical injury,
28

1 emotional distress, pain and suffering, and further damages according to proof at
2 the time of trial.

3 76. DEFENDANT the UNITED STATES OF AMERICA is responsible
4 for the conduct of HEDLUND, ZARAGOZA, and GUERRERO under the
5 Federal Tort Claims Act.

6 **SIXTH CAUSE OF ACTION**
7 **NEGLIGENCE (FTCA)**
8 **(By PLAINTIFFS against DEFENDANT UNITED STATES OF AMERICA)**

9 77. Plaintiffs Mr. Castellanos and Mrs. Castellanos reallege all prior
10 paragraphs of this complaint and incorporates the same by reference as if fully set
11 forth herein.

12 78. CBP Officers Martinez and Garneau had a duty to act with ordinary
13 care and prudence to de-escalate the situation by contacting a supervisor, as
14 Marco requested.

15 79. Martinez and Garneau failed to act with ordinary care and prudence
16 and breached their duty by immediately deploying excessive force instead of
17 informing a supervisor. This breach of duty led to the ensuing violence and
18 chaos.

19 80. HEDLUND, ZARAGOZA, and GUERRERO had a duty to
20 Plaintiffs to act with ordinary care and prudence so as not to cause harm or injury
21 to them.

22 81. HEDLUND, ZARAGOZA, and GUERRERO had a duty to act with
23 reasonable care in exercising their arrest and detention authority. These officers
24 had a duty to act with reasonable care in acting within the bounds of the
25 Constitution as it concerns the freedom of speech, the use of force, and the
26 prevention of any extreme or outrageous conduct.

1 82. HEDLUND failed to act with ordinary care and breached the
2 aforementioned duties when he employed excessive force against Mr. Castellanos
3 and falsely arrested and detained Mr. Castellanos.

4 83. HEDLUND, ZARAGOZA, and GUERRERO actions fell below the
5 standard of care and breached their duties to Mr. Castellanos.

6 84. HEDLUND, ZARAGOZA, and GUERRERO and CBP officers
7 Martinez and Garneau should have known of the probability of causing Mrs.
8 Castellanos to suffer emotional distress, whom witnessed them beat her husband
9 and son. When Mrs. Castellanos asked DEFENDANTS what was happening as
10 her husband and son were being taken away in handcuffs, the agents told her to
11 “shut up.”

12 85. Mrs. Castellanos was 71 years old at the time of the incident and was
13 suffering from dementia. Mrs. Castellanos relied heavily on her husband to assist
14 her in her daily activities. Mrs. Castellanos was terrified to be left alone without
15 her husband and son.

16 86. HEDLUND, ZARAGOZA, GUERRERO, Martinez, and Garneau
17 failed to act with ordinary care and breached their duties to Mrs. Castellanos.

18 87. Martinez’s and Garneau’s immediate and unnecessary use of
19 excessive force against Marco, thereby escalating the situation and creating the
20 need for the other agents to get involved, was a substantial factor in causing the
21 serious physical and emotional injuries to Mr. and Mrs. Castellanos because their
22 lack of an attempt to de-escalate the situation by contacting a supervisor caused
23 the ensuing violence against Mr. Castellanos, whom Mrs. Castellanos witnessed.

24 88. The officers breach of their duty, described herein, was a substantial
25 factor in causing Mr. Castellanos’ unlawful seizure, unlawful arrest, assault, and
26 battery, including, but not limited to, serious emotional and physical distress and
27 injuries. HEDLUND, ZARAGOZA, and GUERRERO’s breach of their duty,
28

1 described herein, was a substantial factor in causing Mrs. Castellanos' emotional
2 distress and injuries.

3 89. As a direct and proximate result of CBP officers' negligent conduct
4 as described herein, Mr. and Mrs. Castellanos suffered physical, mental, and
5 emotional injuries in an amount to be determined by proof at the time of trial.

6 90. DEFENDANT the UNITED STATES OF AMERICA is liable for
7 the conduct of all CBP officers under the Federal Tort Claims Act.

8
9 **SEVENTH CAUSE OF ACTION**
10 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS (FTCA)**
11 **(By PLAINTIFFS against DEFENDANT UNITED STATES OF**
12 **AMERICA)**

13 91. Plaintiffs Mr. Castellanos and Mrs. Castellanos reallege all prior
14 paragraphs of this complaint and incorporates the same by reference as if fully set
15 forth herein.

16 92. HEDLUND, ZARAGOZA, GUERRERO, Martinez and Garneau
17 intended to cause Mr. Castellanos and Mrs. Castellanos emotional distress, and
18 acted with reckless disregard of the probability that Mr. Castellanos and Mrs.
19 Castellanos would suffer emotional distress, knowing that they were present and
20 watching the CBP agents put their son in a headlock and slam him repeatedly into
21 the fence.

22 93. The conduct of HEDLUND, ZARAGOZA, and GUERRERO,
23 Martinez and Garneau that caused Mr. Castellanos' unlawful detention, false
24 arrest, and physical injuries in retaliation for his asserting his Constitutional rights
25 constitutes extreme and outrageous conduct.

26 94. By engaging in these acts as alleged herein, HEDLUND,
27 ZARAGOZA, GUERRERO, Martinez and Garneau acted willfully and/or in
28 reckless disregard of the probability of causing Mr. Castellanos to suffer
emotional distress.

1 95. By engaging in these acts as alleged herein, HEDLUND,
2 ZARAGOZA, GUERRERO, Martinez and Garneau acted willfully and/or in
3 reckless disregard of the probability of causing Mrs. Castellanos to suffer
4 emotional distress, who witnessed the agents tackle, punch, and arrest her
5 husband.

6 96. By engaging in these acts as alleged herein, HEDLUND,
7 ZARAGOZA, GUERRERO, Martinez and Garneau knew of the probability of
8 causing Mrs. Castellanos to suffer emotional distress, whom witnessed them beat
9 her husband. When Mrs. Castellanos asked what was going on as her husband
10 was being taken away in handcuffs, officers told her to “shut up.”

11 97. Mrs. Castellanos was 71 years old at the time of the incident and was
12 suffering from dementia. Mrs. Castellanos relied heavily on her husband to assist
13 her in her daily activities. Mrs. Castellanos was terrified to be left alone without
14 her family.

15 98. The actions of HEDLUND, ZARAGOZA, GUERRERO, Martinez
16 and Garneau amounts to extreme and outrageous conduct that exceeds all bounds
17 tolerated by a civilized society.

18 99. The actions of HEDLUND, ZARAGOZA, GUERRERO, Martinez
19 and Garneau have legally, proximately, foreseeably, and actually caused Mr.
20 Castellanos and Mrs. Castellanos to suffer severe emotional distress. This
21 violation of Plaintiffs’ rights under California state law caused damages
22 according to proof at the time of trial.

23 100. The actions of HEDLUND, ZARAGOZA, GUERRERO, Martinez
24 and Garneau were a substantial factor in causing Mr. Castellanos and Mrs.
25 Castellanos’ severe emotional distress.

26 101. DEFENDANT the UNITED STATES OF AMERICA is liable for
27 the conduct of these officers under the Federal Tort Claims Act.
28

1 **EIGHTH CAUSE OF ACTION**
2 **BANE ACT, Cal. Civ. Code § 52.1 (FTCA)**
3 **(By PLAINTIFF JESUS CASTELLANOS against DEFENDANT UNITED**
4 **STATES OF AMERICA)**

5 102. Plaintiffs reallege all prior paragraphs of this complaint and
6 incorporates the same by reference as if fully set forth herein.

7 103. The California Legislature declared that it violates our state civil
8 rights act for any person to interfere with the exercise or enjoyment by an
9 individual of his/her rights secured by the United States Constitution or state or
10 federal law. This includes any interference of these rights by threats,
11 intimidation, coercion, or attempted threats, intimidation, or coercion.

12 104. HEDLUND, ZARAGOZA, and GUERRERO interfered with Mr.
13 Castellanos' rights by the use of threats and intimidation, as alleged above.

14 105. This interference with Mr. Castellanos' rights was perpetrated in
15 violation of California Civil Code § 52.1, and Mr. Castellanos' right to freedom
16 of expression and to be free from excessive force under the California and Federal
17 Constitutions.

18 106. DEFENDANT the UNITED STATES OF AMERICA is liable for
19 the conduct of HEDLUND, ZARAGOZA, and GUERRERO under the Federal
20 Torts Claim Act.

21 107. Due to the violation of Mr. Castellanos' rights by HEDLUND,
22 ZARAGOZA, and GUERRERO, Mr. Castellanos suffered economic damages
23 and non-economic damages according to proof at the time of trial.

24 108. Plaintiff is also entitled to the statutory civil penalties set forth in
25 California Civil Code § 52.1, attorney's fees and costs of the suit incurred herein.

26 **NINTH CAUSE OF ACTION**
27 **FALSE IMPRISONMENT (FTCA)**
28 **(By PLAINTIFF JESUS CASTELLANOS against DEFENDANT UNITED**
STATES OF AMERICA)

1 109. Plaintiffs reallege all prior paragraphs of this complaint and
2 incorporates the same by reference as if fully set forth herein.

3 110. HEDLUND, ZARAGOZA, and GUERRERO intentionally caused
4 Mr. Castellanos to be confined to a bounded area, against his will.

5 111. HEDLUND, ZARAGOZA, and GUERRERO employed threats,
6 force of threat, menace, and duress to create a physical barrier so that Mr.
7 Castellanos was confined.

8 112. HEDLUND, ZARAGOZA, and GUERRERO asserted invalid legal
9 authority to false imprison Mr. Castellanos.

10 113. Mr. Castellanos was aware of the confinement.

11 114. Mr. Castellanos had no reasonable means of escape.

12 115. Mr. Castellanos did not consent to the confinement.

13 116. Mr. Castellanos was actually harmed by the conduct of these
14 officers.

15 117. As a direct consequence of the actions of HEDLUND, ZARAGOZA,
16 and GUERRERO, Mr. Castellanos was deprived of his civil rights that are
17 protected under the California Constitution and state laws. The actions of
18 HEDLUND, ZARAGOZA, and GUERRERO have legally, proximately,
19 foreseeably, and actually caused Mr. Castellanos to suffer physical injury,
20 emotional distress, pain and suffering, and further damages according to proof at
21 the time of trial.

22 118. DEFENDANT the UNITED STATES OF AMERICA is liable for
23 the conduct of HEDLUND, ZARAGOZA, and GUERRERO under the Federal
24 Torts Claim Act.

25 **PRAYER FOR RELIEF**

26 Plaintiffs Jesus Castellanos and Raquel Castellanos pray for judgment as
27 follows:
28

- 1) For compensatory general and special damages in an amount inaccordance with proof.
- 2) For punitive damages as permitted by law.
- 3) For reasonable costs of suit as permitted by law.
- 4) For any other relief that is just and proper.

JURY DEMAND

Pursuant to the Seventh Amendment of the United States Constitution and Rule 38 of the Federal Rules of Civil Procedure, Plaintiffs demand a jury trial as to the Bivens causes of action.

DATED: October 7, 2019

Respectfully submitted,

IREDALE AND YOO, APC

/s/ Eugene Iredale

EUGENE G. IREDALE

JULIA YOO

Attorneys for Plaintiffs Jesus Castellanos
and Raquel Castellanos

General Information

Court	United States District Court for the Southern District of California; United States District Court for the Southern District of California
Federal Nature of Suit	Civil Rights - Other[440]
Docket Number	3:18-cv-02334
Status	Closed