

**SUMMONS
(CITACION JUDICIAL)**

SUM-100

**NOTICE TO DEFENDANT: City of Arcata
(AVISO AL DEMANDADO):**

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**David V. FILED
MAY 07 2018**

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

**YOU ARE BEING SUED BY PLAINTIFF: Kyle C. Zoellner
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT
825 5TH STREET
825 5TH STREET
EUREKA 95501

CASE NUMBER:
(Número del Caso)

DR180315

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
IN PRO PER 707-616-0103
1619 Henry Lane
McKinleyville, CA 95519

DATE: **MAY 07 2018**
(Fecha)

Clerk, by David V. Deputy
(Secretario) **KIM M. BARTLESON** (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

- 1. as an individual defendant.
- 2. as the person sued under the fictitious name of (specify):
- 3. on behalf of (specify):

- under: CCP 416.10 (corporation) CCP 416.60 (minor)
- CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
- CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
- other (specify): City Of Arcata

- 4. by personal delivery on (date):



FW ↓

David V. FILED
MAY 07 2018

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

1 KYLE ZOELLNER
2 [REDACTED]
3 [REDACTED]

4 IN THE SUPERIOR COURT OF CALIFORNIA,
5 IN AND FOR THE COUNTY OF HUMBOLDT

7 KYLE CHRISTOPHER ZOELLNER, IN PRO SE
8 Zoellner,
9 vs.
10 CITY OF ARCATA, CITY OF ARCATA POLICE
11 DEPARTMENT'S CHIEF OF POLICE TOM CHAPMAN
12 IN HIS INDIVIDUAL CAPACITY AND DOES 1-5314
13 INDIVIDUALLY AND IN THEIR OFFICIAL
14 CAPACITIES AS A POLICE OFFICER FOR THE CITY
15 OF ARCATA, INCLUSIVE.
16 Defendants.

Case No.: Number DR180315

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
AND STATE LAW

- 1. FALSE ARREST
- 2. POLICE MISCONDUCT
- 3. DEFAMATION
- 4. MEDICAL NEGLIGENCE
- 5. PERJURY

JURY TRIAL DEMANDED

INTRODUCTION

1. This claim arises out of an incident that took place on Saturday, April 15, 2017 at approximately 3:00 a.m. at 1120 Spear Avenue, in the Arcata, California. Wherein Zoellner was unlawfully arrested by Officer Devin Nilsen and booked into the Humboldt County Jail.
2. In the aftermath of the arrest the COA and the involved Officers falsified and submitted police reports to the District Attorney's office who filed charges based on the falsified reports.
3. During the Zoellner's time in custody, defaming public statements were made regarding the Zoellner by the Arcata Police Department, elected officials, and City employees.

1 After the Complaint and all related charges against Zoellner were dismissed, the Arcata
2 Police Department, elected officials, and City employees continued to defame the
3 Zoellner.
4

5 JURISDICTION

- 6 4. The damages sought in this matter exceed \$25,000. This matter is thus properly
7 submitted to the Court of Unlimited Jurisdiction in the Superior Court, County of
8 Humboldt.
- 9 5. This court is proper because all of the alleged wrongful conduct occurred with the City of
10 Arcata and the County of Humboldt.
- 11
- 12 6. This is a civil rights action with supplemental state law claims arising from multiple
13 violations of the Plaintiffs' rights under the United States Constitution, California
14 Constitution and laws of the United States and the State of California.
- 15
- 16 7. This action arises under Title 42 of the United States Code, Section 1983. Title 28 of
17 the United States Code, Sections 1331 and 1343 confers jurisdiction upon this Court. The
18 unlawful acts and practices alleged herein occurred in Arcata, California, which is within
19 this judicial district. Title 28 United States Code Section 1391(b) confers venue upon this
20 Court.

21 PARTIES

- 22 8. The Plaintiff, Kyle Zoellner (hereinafter referred to as "Zoellner"), is a resident of
23 McKinleyville California, is, and at all times herein mentioned is a citizen of the United
24 States. Zoellner resides within the jurisdiction of this Court.
- 25 9. Defendant CITY OF ARCATA (hereinafter referred to as COA) and at all times
26 mentioned herein a municipal corporation, duly authorized to operate under the laws of
27

1 the State of California. Under its supervision, the CITY OF ARCATA operates the
2 Arcata Police Department ("APD").

3
4 10. Defendant TOM CHAPMAN (hereinafter referred to as Chief Chapman) is, and at all
5 times mentioned herein, sued in his individual capacity or official capacity? Or and was
6 acting in the scope and course of his employment at all times mentioned in this
7 complaint.

8 11. Zoellner is ignorant of the true names and/or capacities of defendants sued herein as
9 DOES 1 through 53, inclusive, and therefore sue said defendants by such fictitious
10 names. Zoellner will amend this complaint to allege their true names and capacities when
11 ascertained. Zoellner believes and alleges that each of the DOE defendants is legally
12 responsible and liable for the incident, injuries and damages hereinafter set forth. Each
13 defendant proximately caused injuries and damages because of their negligence, breach
14 of duty, negligent supervision, management or control, violation of public policy and/or
15 use of excessive force. Each defendant is liable for his/her personal conduct, vicarious or
16 imputed negligence, fault, or breach of duty, whether severally or jointly, or whether
17 based upon agency, employment, ownership, entrustment, custody, care or control or
18 upon any other act or omission. Zoellner will ask leave to amend this complaint subject to
19 further discovery.

20 12. In engaging in the conduct alleged herein, defendant police officers acted under the
21 color of law and in the course and scope of their employment with APD. In engaging in
22 the conduct described herein, defendant police officers exceeded the authority vested in
23 them as police officers, under the United States and California Constitutions, and as
24 employees of APD.

25 13. Zoellner filed a timely claim with the City of Arcata on October 13, 2017 as a pre-
26 requisite to the state law claims alleged herein pursuant to California Government Code §
27 810, et seq. By correspondence dated November 8, 2017, the Zoellner's City of Arcata

1 governmental tort claim was rejected. This action has been filed within six months of that
2 rejection, as required by law.

3
4 **STATEMENT OF FACTS**

5 14. This claim arises out of an incident that took place on Saturday, April 15, 2017 at
6 approximately 03:00 hours at 1120 Spear Avenue, in the City of Arcata, California. The
7 Plaintiff was at his residence in McKinleyville, CA. Zoellner, who doesn't drink or go
8 out much, was the designated driver was called to pick up his girlfriend and her friends
9 who were attending a party at the above location., Kyle went to the party solely to pick
10 up his girlfriend and her friends and to speak with the owner of the residence to say my
11 girlfriend lost her phone, if you find it will you please contact us. After arriving at the
12 above address, Zoellner approached two men standing outside the front door and politely
13 asked about the phone. These men were later identified as brothers Kyle and Kristoff
14 Castillo. The initial assault took place after the Castillo's got agitated. At that time a third
15 man and his girlfriend came out the front door. In an interview with Paul Mann, Mad
16 River Union, Kyle Castillo said, "That's when me and my brother and Josiah got into it"
17 with Zoellner. Kyle Castillo also said, "it was the three of us against him and he was on
18 the floor". At the preliminary hearing, Kyle Castillo stated, ""I think he's knocked out,"
19 he told his brother, and he said his brother agreed. Zoellner was assaulted and beaten by
20 the three men and didn't even have a chance to defend himself. One person ran into the
21 house and got others. People poured out of the house and at least 10-15 people joined in
22 and the assault continued. He was unconscious and on the ground in a fetal position with
23 the girls trying to protect Kyle from the barrage of punches and kicks from the assailants.
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1 15. There were multiple fights that broke out at the party and a person was stabbed. The
2 Arcata Police Department arrived on the scene and without probable cause detained the
3 Plaintiff at the scene. He was handcuffed and detained at the above location for
4 approximately one and a half hours or more without medical attention.
5

6
7 16. Eric Zoellner, the Plaintiff's father received a call at his residence in McKinleyville, CA
8 from Kyles girlfriend, Lila Ortega, at 03:23 hours and stated there had been an altercation
9 and Kyle had been assaulted and was in the back of a police car. At the time Eric wasn't
10 aware of the extent of his son's injuries and told Lila to call him back with an update. He
11 was unaware that Kyle was being detained as a suspect. He figured the police were
12 sorting things out and Lila would call him in a bit with an update on the current situation.
13
14 When Eric Zoellner did not hear back, he called Kyles phone at 03:54 hours and Lila
15 answered it. Lila told Eric Kyle was still detained in the back of the police car, he had
16 been knocked unconscious and was badly injured. Recognizing the seriousness of things,
17 he told Lila he was on his way. Anticipating Kyles condition and need for medical
18 attention, he grabbed an ice pack from his house and stopped at a gas station, filled the
19 ice pack and grabbed a Gatorade. He called Lila again at 04:09 hours to check the status
20 and stated he was driving and would be there in minutes. Upon arrival, approximately
21 04:20 hours at the location he walked up to the patrol care and visually saw his son in the
22 back seat of the patrol car with Officer Nilsen standing nearby. Kyles face was a bloody
23 mess his was bleeding all over his face his eye was swollen shut , he was partially
24 slumped to the side and appeared to be semi-conscious and in shock, based on his father's
25 observation. When asked if Kyle had any medical treatment, Officer Nilsen stated no,
26
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1 that Kyle had refused medical treatment. Eric responded to Nilsen, I don't care what he
2 said he needs, he need medical treatment. I don't believe he was able to cognitively able
3 to make that decision base on his condition and the extent of his injuries. Nilsen asked me
4 if I had anything for Kyle to drink and I retrieved the ice pack and Gatorade and provided
5 it to Nilsen who handed it to Kyle. Kyle was barely able to drink or apply the ice pack on
6 his own. Another 20 minutes passed, and Officer Nilsen stated he was taking Kyle to St.
7 Joseph Hospital for medical care which was another 20 minute drive. Kyle had been in
8 pain and suffering for close to 2 hours.

9
10
11 17. The Plaintiff was in shock and incapable of making medical decisions for himself causing
12 undue pain and suffering.

13 18. Officer Nilsen, under color of authority and in the custody deprived the Plaintiff of
14 adequate medical care while being detained de facto, violating the plaintiff's
15 constitutional rights.

16
17 19. A special relationship exists when the state assumes control over an individual sufficient
18 to trigger an affirmative duty to provide protection to that individual (e.g., when the
19 individual is a prisoner or involuntarily committed mental patient)." (*Uhlrig v. Harder*)

20 20. In other words, when you assume custody of a person, you also assume the responsibility
21 to take reasonable steps to provide for his or her care and safety and to ensure the
22 person's protection against foreseeable risks. Officer Nilsen did not know the extent of
23 Kyle's injuries and according to witnesses he had been beaten and kicked in the head,
24 face and upper body numerous times by 10 to 15 assailants. A neighbor interviewed by
25 the Journal stated Zoellner, was sitting over in the first driveway off the cul-de-sac, with
26
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1 his girlfriend and a couple other people nearby. "He was just slumped," the neighbor
2 says. "The picture didn't even do it justice. His face was mangled." (See Exhibit #1)

3
4 21. The Plaintiff was placed under arrest and transported to St. Joseph Hospital for medical
5 treatment. Plaintiff's father, concerned with the condition of his son, followed the
6 Plaintiff's to the hospital. The father was not allowed to see or speak to his son or
7 hospital staff regarding the condition of his son. After medical clearance he was
8 transported to the Arcata Police Station and interrogated by Sergeant Todd Dokweiler.
9 During that interrogation, Zoellner told police he'd rather take a beating than stab
10 someone, an Arcata police detective testified today. "He said he felt the conflict could be
11 resolved with words," Detective Sgt. Todd Dokweiler testified during the fourth day of
12 Zoellner's preliminary hearing. "And if it couldn't somebody was doing something
13 wrong."
14

15 22. He was then transported to the Humboldt County Jail where he was booked for 187 PC.
16 The Plaintiff was charged by the Humboldt County District Attorney and plead not guilty
17 at the arraignment. After a five-day preliminary hearing and testimony from over 20
18 witnesses, the Honorable Judge Reinhold found that there was insufficient evidence to
19 hold the defendant and the Court dismissed the Complaint and all related charges against
20 Plaintiff and Plaintiff was released from custody. During the Plaintiff's time in custody,
21 public statements were made by the Arcata Police Department, elected officials, and City
22 employees with regards to the alleged charges, asserting the guilt of the Plaintiff, not only
23 to the heinous crime of premeditated murder, but further stating that it was racially
24 motivated and a hate crime, without knowledge or evidence to that fact. After the
25
26

27 Complaint and all related charges against Plaintiff were dismissed, the Arcata Police

1 Department, elected officials, and City employees have continued to defame the Plaintiff
2 with ongoing statements regarding the guilt of the Plaintiff and the narrative of racism
3 and relating the event as a hate crime in the public forum.
4

5 23. Multiple Police officers and staff were involved in processing the crime scene and
6 evidence, interviewing witnesses, search warrants and seized property, writing reports
7 and other unnamed functions related to the event.

8 24. Kyle and his family's lives will never be the same. The damage done by APD and the
9 City is irreversible and irreparable

10 25. The Zoellner alleges that the Arcata Police Department purposely falsified arrest
11 documents and police reports in violation of the Zoellner's civil rights. This is a civil
12 rights action with supplemental state law claims arising from multiple violations of
13 Zoellner (hereinafter "Zoellner") rights under the United States Constitution, California
14 Constitution and laws of the United States and the State of California.

15 26. This action arises under Title 42 of the United States Code, Section 1983. Title 28 of
16 the United States Code, Sections 1331 and 1343

17 27. Detective Eric Losey filed a false police report, approved by the with the DA, stating in
18 that report that Jason Martinez had identified the Zoellner as the perpetrator. Losey, who
19 interviewed Martinez, admitted to Deputy District Attorney Rees, that he was mistaken
20 when he wrote in his report that Martinez had identified Zoellner. "Regrettably," Losey
21 said, "that was an error." The District Attorney charged Zoellner believing, based on a
22 written APD report, there was an eyewitness who named him as the person who stabbed
23 the 19-year-old Lawson.

24 28. No parallel investigation for over a year per Tom Parker. (see Lawson Lawsuit)

25 29. Public statements by the City and APD of Zoellner's guilt and the implication that this
26 crime was a hate crime based on the decedents race. Statements made by the City and
27 APD put the Zoellner's life in danger.

28 30. Zoellner's Civil right and Victim rights were violated.

31. Illegal search and seizure of Property. The property has still yet to be returned.

1 32. Everything after the arrest, jailed, charged, search, statements was based on false
2 pretenses and narrative

3
4 **DAMAGES**

5 33. Zoellners was mentally, and emotionally injured and damaged as a proximate result of
6 ~~decedent's wrongful death~~, including but not limited to: Zoellners 'loss of familial
7 *k7 Defendants actions* relations, Zoellner's society, comfort, protection, companionship, love, affection, solace,
8 and moral support as a consequence of Defendants' violation of Zoellner's federal civil
9 rights under 42 U.S.C. §1983 and the Fourteenth Amendment.

10 34. Zoellner re-allege and incorporate by reference paragraphs 1 through 53 of this
11 complaint. <example>

12 **FIRST CAUSE OF ACTION**

13 (Police Officers Filing False Reports)

14 CA Penal Code Section 118.1 PC

15 35. Zoellner re-allege and incorporate by reference paragraphs 1 through 53 of this
16 complaint.

17 36. In Dokweiler's police report dated 4/21/17 and filed with the District Attorney,
18 Dokweiler states, "*There were no identified witnesses that see Lawson fighting with*
19 *anyone other than Zoellner in the moments before Wright discovers Lawson was*
20 *stabbed*" This is a false statement. Multiple witnesses and testimony stated Zoellner was
21 assaulted by at least 10-15 people. Officer

22 37. In Dokweiler's police report dated 4/21/17 and filed with the District Attorney,
23 Dokweiler states, "*The knife recovered at the scene was a **high-quality** kitchen utility*
24 *knife of a type used in the food industry... It should be noted that Zoellner does work at*
25 *Uniquely Yours Catering as a chef*". This is a misleading and false statement, implying a
26 connection with the knife and the Zoellner because he is professional chef. Zoellner's
27 boss, Alex Begovic, a professional chef with over 30 years' experience, testified today
28 that he was very familiar with Zoellner's knives and the one found at the scene was not
one of Zoellner's and not one he would ever use in his business. "No one uses knives like

1 that in a kitchen,” Begovic testified brusquely. “I don’t know what you would use a knife
2 like that for.”

3 38. In Dokweiler’s police report dated 4/21/17 and filed with the District Attorney,
4 Dokweiler states, “*Preliminary examinations by California Department of Justice*
5 *forensic examiners of the knife recovered at the scene, located trace evidence of blood*
6 *and fibers*”. This is a false statement! At the preliminary hearing, May 1-5th, 2017,
7 attorneys agreed to stipulate today that the one distinguishable fingerprint on the knife
8 was not Zoellner’s. Fibers found on the knife did not match fibers from Zoellner’s
9 clothing.

10 39. In Dokweiler’s police report dated 4/21/17 and filed with the District Attorney,
11 Dokweiler states, “*Based on the witness statement that Lawson was fighting solely with*
12 *Zoellner at the time he was stabbed, witness statements that Zoellner was holding an*
13 *object in his hand that appeared consistent with a knife*”. This is a false statement!
14 Judge Reinholtsen issued the ruling after spending nearly three hours reviewing notes he
15 took during many hours of often-conflicting and confusing testimony at the preliminary
16 hearing. *He noted that no-one saw Zoellner with a knife or witnessed the stabbing, and*
17 *there is no physical evidence linking him to the crime.*

18 40. Detective Eric Losey filed a false police report dated 4/21/17, approved by Sgt.
19 Dokweiler, and filed with the District Attorney. Det. Losey states in that report that Jason
20 Martinez had identified the Zoellner as the suspect. Losey, who interviewed Martinez,
21 admitted to Deputy District Attorney Rees, that he was mistaken when he wrote in his
22 report that Martinez had identified Zoellner. “Regrettably,” Losey said, “that was an
23 error.” The District Attorney charged Zoellner believing, based on a written APD report,
24 there was an eyewitness who named him as the person who stabbed the 19-year-old
25 Lawson.

26 SECOND CAUSE OF ACTION

27 (Violations of Plaintiffs’ Civil Rights to provide necessary medical attention)

28 Eighth Amendment rights, pursuant to 42 U.S.C. § 1983.

41. Zoellner re-allege and incorporate by reference paragraphs 1 through 63 of this
complaint.

1 42. This is a civil rights action with supplemental state law claims arising from multiple
2 violations of Zoellner rights under the United States Constitution, California Constitution
3 and laws of the United States and the State of California. Eighth Amendment rights,
4 pursuant to 42 U.S.C. § 1983.

5 43. Zoellner was detained and in custody but had not been placed under arrest. Officer Nilsen
6 and the person in charge, Sgt. Dokweiler had a duty to the Zoellner for his safety and care
7 of his person while in custody. This did not happen!!

8 44. Deliberate indifference of a serious medical need The Eighth Amendment prohibits the
9 "unnecessary and wanton infliction of pain. Significant injury, pain or loss of function
10 can constitute "serious medical needs" even if they are not life-threatening. Pain can
11 constitute a "serious medical need" even if the failure to treat it does not make the
12 condition worse.

13 45. We therefore conclude that deliberate indifference to serious medical needs of prisoners
14 constitutes the "unnecessary and wanton infliction of pain," *Gregg v. Georgia, supra*, at
15 428 U. S. 173 (joint opinion), proscribed by the Eighth Amendment.

16 46. Inadequate medical care "the very fact that the risk was obvious. courts will be likely to
17 find a "serious medical need" if a condition "has been diagnosed by a physician as
18 mandating treatment or ... is so obvious that even a lay person would easily recognize the
19 necessity of a doctor's attention. A serious medical need is present whenever the failure
20 to treat a prisoner's condition could result in further significant injury or the unnecessary
21 and wanton infliction of pain.

22
23 47. *Once a police officer takes a subject into custody that person becomes a prisoner. He or*
24 *she is now in custody and you are totally responsible for their "care and wellbeing" until*
25 *such time as you request additional assistance and find other law enforcement, medical*
26 *healthcare professionals, or mental health professional to assist you or are able to turn the*
27 *prisoner over to other appropriate public safety professionals.*

THIRD CAUSE OF ACTION

(Defamation)

(California Civil section 44)

48. Zoellners re-allege and incorporate by reference paragraphs 1 through 53 of this complaint.

49. Zoellner is informed and believes that on or about April 18, 2017, Police Chief Chapman made the following defamatory public statement about, of and concerning Zoellner: *"We have a white male who stabbed and killed a black male — I think it's prudent and logical to look at race as an issue, and I think it absolutely is and should be a part of our investigation,"* and APD Chief Tom Chapman said *"it's believed Zoellner received some of the injuries visible in his booking photo prior to stabbing Lawson and some after"*.

50. Zoellner is informed and believes that on or about April 15, 2017, Det. Todd Dokweiler made the following defamatory public statement about, of and concerning Zoellner: *"Numerous witnesses had detained Zoellner and indicated he had stabbed the (v)." and "Zoellner had admitted he was involved in a physical fight w/ the victim."*

FOURTH CAUSE OF ACTION

(Malicious Prosecution)

CA Code 425.10-425.18

51. Zoellner re-allege and incorporate by reference paragraphs 1 through 53 of this complaint.

52. Based on false police reports filed by APD with the District Attorney Zoellner was charge for crimes he did not commit.

FIFTH CAUSE OF ACTION

(False Imprisonment)

California Penal Code Section 236, 237(a) PC

53. Claimant had not committed a crime and was placed under arrest against his will without "probable cause".

JURY DEMAND

Plaintiffs hereby demand a jury trial.

PRAYER

WHEREFORE, Plaintiffs pray for relief, as follows:

1. For general damages in a sum to be determined at trial;
2. For special damages, including but not limited to, past, present and/or future wage loss, income and support, medical expenses and other special damages in a sum to be determined according to proof;
3. For punitive damages and exemplary damages in amounts to be determined according to proof as to defendant Officers DOES 1 through 53 and/or each of them;
4. For reasonable attorney's fees pursuant to 42 U.S.C. §1988;
5. For cost of suit herein incurred.

Dated: May 7, 2018



Kyle C Zoellner
In Pro Se