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10  
11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA  
13

14 KEIANA ALDRICH,

15 Plaintiff,

16 vs.

17  
18 GERARDO ROMO, SAMUEL  
19 NAVARRO, IVAN ORDAZ, MOLLY  
20 HILL, AMY MILLER, SHANNON  
21 STARK, and RALPH DIAZ

22 Defendants.  
23

) Case No:

) **COMPLAINT**

) Jury Trial Demanded

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1 Plaintiff KEIANA ALDRICH complains and alleges as follows:  
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3 **INTRODUCTION**

- 4 1. This case arises out of the sexual assault, battery, abuse and harassment  
5 Plaintiff KEIANA ALDRICH (“ALDRICH”) was repeatedly subjected to by  
6 Defendants GERARDO ROMO (“ROMO”), SAMUEL NAVARRO  
7 (“NAVARRO”), and IVAN ORDAZ (“ORDAZ”), three California  
8 Department of Correction and Rehabilitation (“CDCR”) employees, while  
9 serving as a state prisoner at the California Institution for Women (“CIW”).  
10 2. Defendants MOLLY HILL, AMY MILLER, SHANNON STARK, and  
11 RALPH DIAZ maintained a custom, policy, and practice of ignoring,  
12 condoning, and/or encouraging the sexual abuse of inmates by corrections  
13 staff at CIW and were deliberately indifferent to the substantial risk of  
14 sexual abuse of female prisoners, including Plaintiff ALDRICH. Upon  
15 information and belief, Defendants HILL, MILLER, STARK, and DIAZ  
16 knew or should have known of the sexually predatory behavior of  
17 Defendants ROMO, NAVARRO, and ORDAZ, yet failed to promptly  
18 report, investigate, correct their behavior, and/or prevent their sexual abuse  
19 of Plaintiff ALDRICH.  
20 3. Instead, Defendants HILL, MILLER, STARK, and DIAZ protected, ratified,  
21 and/or encouraged the sexual misconduct by Defendants ROMO,  
22 NAVARRO, and ORDAZ. Defendants HILL, MILLER, STARK, and DIAZ  
23 also failed to protect Plaintiff ALDRICH from retaliation by Defendants  
24 ROMO, NAVARRO, and ORDAZ, other corrections officers, and other  
25 inmates for reporting the sexual misconduct by CIW staff.  
26 4. As a result of Defendants’ deliberate indifference to the sexual abuse and  
27 harassment Plaintiff ALDRICH faced, Plaintiff ALDRICH continues to  
28 suffer from loss of wages, severe depression, anxiety, pain and suffering,

1 disciplinary violations and punishment, loss of human dignity, and loss of  
2 security.

3 **PARTIES**

- 4
- 5 5. Plaintiff KEIANA ALDRICH (“ALDRICH”) is a sex trafficking survivor,  
6 who was prosecuted as an adult, at age 17, for crimes arising from her sexual  
7 exploitation. She remains incarcerated, as a young, female inmate at CIW.  
8 At all relevant times, Plaintiff ALDRICH remained under the care and  
9 custody of correctional officers and/or employees at CIW.
- 10 6. Defendant GERARDO ROMO (“ROMO”) was at all relevant times a CIW  
11 employee. He was responsible for the provision of safe custody and care of  
12 inmates. At all relevant times, he was acting under color of state law, in the  
13 course and scope of his employment, and is being sued in his individual  
14 capacity.
- 15 7. Defendant SAMUEL NAVARRO (“NAVARRO”) was at all relevant times  
16 a CIW employee. He was responsible for the provision of safe custody and  
17 care of inmates. At all relevant times, he was acting under color of state law,  
18 in the course and scope of his employment, and is being sued in his  
19 individual capacity.
- 20 8. Defendant IVAN ORDAZ (“ORDAZ”) was at all relevant times a CIW  
21 employee. He was responsible for the provision of safe custody and care of  
22 inmates. At all relevant times, he was acting under color of state law, in the  
23 course and scope of his employment, and is being sued in his individual  
24 capacity.
- 25 9. Defendant MOLLY HILL (“HILL”) was at all relevant times the Warden of  
26 CIW. She was responsible for the supervision and administration of the  
27 correctional facility, including but not limited to the provision of safe  
28

1 custody and care of inmates. She knew or should have known about the  
2 sexual misconduct and retaliation by Defendant ROMO, Defendant  
3 NAVARRO, and Defendant ORDAZ and failed to prevent further harm to  
4 Plaintiff ALDRICH. At all relevant times, she was acting under color of  
5 state law, in the course and scope of her employment, and is being sued in  
6 her individual capacity.

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8 10. Defendant AMY MILLER (“MILLER”) is and was at all relevant times the  
9 Associate Director, Division of Adult Institutions - Female Offender  
10 Programs and Services (“FOPS”) of the CDCR. The mission of FOPS is to  
11 provide safe and secure housing for female prisoners, and to manage and  
12 provide oversight to all female programs. Defendant MILLER is and was  
13 responsible for managing and providing safe and secure housing for female  
14 offenders. At all relevant times, she was acting under color of state law, in  
15 the course and scope of her employment, and is being sued in her individual  
16 capacity.

17  
18 11. Defendant SHANNON STARK (“STARK”) is and was at all relevant times  
19 the PREA Coordinator of CDCR. She is and was responsible for maintaining  
20 a program to address the education, prevention, detection, response,  
21 investigation, and tracking of sexual misconduct in CDCR. At all relevant  
22 times, she was acting under color of state law, in the course and scope of her  
23 employment, and is being sued in her individual capacity.

24  
25 12. Defendant RALPH DIAZ (“DIAZ”) is the Secretary of the CDCR. He is  
26 responsible for the supervision, management, and control of all CDCR  
27 prisons and for the care, custody, and treatment of all CDCR inmates,  
28 including Plaintiff ALDRICH. He knew or should have known about the  
problems of sexual abuse of inmates at CIW and failed to prevent further

1 harm to Plaintiff ALDRICH. At all relevant times, he was acting under color  
2 of state law, in the course and scope of his employment, and is being sued in  
3 his individual capacity.  
4

5 **JURISDICTION AND VENUE**

6 13. This Court has jurisdiction under 28 U.S.C. §§ 1331 (federal question) and  
7 1343 (civil rights). This Court has supplemental jurisdiction over Plaintiff's  
8 state law claims under 28 U.S.C. § 1367.  
9

10 14. Pursuant to 28 U.S.C. § 1391, venue is appropriate in this district because a  
11 substantial part of the events or omissions giving rise to the claims occurred  
12 in this district.

13 **FACTUAL ALLEGATIONS**

14 15. In June 2018, Plaintiff ALDRICH was assigned to work in janitorial services  
15 at Health Facility Management ("HFM") of the California Institution for  
16 Women ("CIW"). Specifically, Plaintiff ALDRICH worked in the Treatment  
17 and Triage Hospital ("TTA") from June 2018 to January 2019.  
18

19 16. Plaintiff ALDRICH received 35 cents per hour in pay and worked seven to  
20 eight hours per day for five days a week at the TTA. Occasionally, Plaintiff  
21 ALDRICH worked overtime and received 35 cents per hour in pay for that  
22 work. Plaintiff ALDRICH'S expenses included hygiene products, food and  
23 makeup.

24 17. Within two to three weeks of Plaintiff ALDRICH beginning this work  
25 assignment, Defendant ORDAZ, the head supervisor of HFM who primarily  
26 worked in the office, began sexually abusing and harassing Plaintiff  
27 ALDRICH.  
28

1 18. On three or four different occasions, Defendant ORDAZ took Plaintiff  
2 ALDRICH to a different location from her work area and forcibly kissed  
3 her. At no time did Plaintiff ALDRICH give valid, lawful consent to any of  
4 the sexual contact she had with Defendant ORDAZ. The legal concept of  
5 consent does not exist between staff and inmates, and any sexual behavior  
6 between them constitutes sexual misconduct. 15 C.C.R. §3401.5(a).

7  
8 19. In July of 2018, Defendant ORDAZ completed a “Work Supervisor’s  
9 Report” form where he recommended that Plaintiff ALDRICH’S pay be  
10 increased from 35 cents per hour to 40 cents per hour. Defendant ORDAZ  
11 wrote that Plaintiff ALDRICH “follows instructions with good attitude.”

12 20. Other female co-workers of Plaintiff ALDRICH witnessed Defendant  
13 ORDAZ engaging in this sexual misconduct with Plaintiff ALDRICH and  
14 suffered similar sexual abuse and harassment at the hands of Defendant  
15 ORDAZ on different occasions. Plaintiff ALDRICH initially did not report  
16 these incidents involving Defendant ORDAZ out of fear of retaliation and  
17 placement in administrative segregation.

18 21. Plaintiff ALDRICH told Ms. Adriana Gomez, a “free staff” at HFM who  
19 immediately supervised and worked on the floor with several inmate  
20 janitorial workers including Plaintiff ALDRICH, about Defendant  
21 ORDAZ’S misconduct but Plaintiff ALDRICH wanted assurance that she  
22 would not be subject to retaliation or placement in administrative  
23 segregation before she formally reported Defendant ORDAZ’S misconduct.

24 22. Once she received this assurance that she would not be placed in  
25 administrative segregation for reporting Defendant ORDAZ’S conduct,  
26 Plaintiff ALDRICH agreed to give a tape-recorded statement to Lieutenant  
27 Esquiviz and Sergeant Mendoza from ISU. Lieutenant Esquiviz and  
28

1 Sergeant Mendoza assured Plaintiff Aldrich that “everything will be OK or  
2 whatever.”

3 23. After Plaintiff ALDRICH made this report, Defendant ORDAZ was  
4 transferred out of HFM.

5 24. Shortly after Defendant ORDAZ was removed from his position, Defendant  
6 NAVARRO began sexually abusing and harassing Plaintiff ALDRICH.

7 25. Defendant NAVARRO was a line supervisor who worked on the floor with  
8 Plaintiff ALDRICH and the other prisoner workers. During his tenure as a  
9 line supervisor, Defendant NAVARRO earned a reputation of being a  
10 pervert.

11 26. On more than five occasions, Defendant NAVARRO forcibly groped,  
12 kissed, and grabbed Plaintiff ALDRICH and told her that “he could do  
13 whatever he wants to her.” In addition, Defendant NAVARRO physically  
14 touched Plaintiff ALDRICH inside her vagina. At no time did Plaintiff  
15 ALDRICH give valid, lawful consent to any of the sexual contact she had  
16 with Defendant NAVARRO.

17 27. Defendant NAVARRO coerced Plaintiff ALDRICH into performing sexual  
18 acts by bringing her items from home and from the store, including food,  
19 chap stick, candy, and two shirts. Defendant NAVARRO told Plaintiff  
20 ALDRICH that he loved her and wanted to marry her.

21 28. In addition, Defendant NAVARRO wrote Plaintiff ALDRICH one or two  
22 love letters, in which he explicitly told Plaintiff ALDRICH not to tell the  
23 Investigative Services Unit about his sexual misconduct. Plaintiff ALDRICH  
24 turned in the chap stick and love letters to ISU. Plaintiff ALDRICH no  
25 longer possesses the two t-shirts she received from Defendant NAVARRO  
26 because she decided to give them away. Throughout the interactions  
27  
28



1 between Defendant NAVARRO and Plaintiff ALDRICH, Defendant  
2 NAVARRO coerced and bribed Plaintiff ALDRICH into maintaining her  
3 silence by promising to bring her jewelry. Defendant ROMO never fulfilled  
4 this promise.

5 29. Shortly thereafter, on or around August 8, 2018, Defendant ROMO, the new  
6 head supervisor at HFM, took Plaintiff ALDRICH on a golf cart to deliver  
7 ice to the TTA. After delivering the ice, Defendant ROMO groped Plaintiff  
8 ALDRICH'S breast with his arm and forced her to touch his genitals over  
9 his clothes. Subsequently, Defendant ROMO specifically asked Plaintiff  
10 ALDRICH if he could trust her not to tell anybody about this sexual  
11 misconduct.

12 30. A few days later, on or around August 10, 2018, Plaintiff ALDRICH went to  
13 the HFM office to turn in a timecard for the overtime she worked. When  
14 Plaintiff ALDRICH went into the office, Defendant ROMO was present.  
15 Defendant ROMO made Plaintiff ALDRICH follow him into a closet where  
16 Defendant ROMO pulled down his pants, told Plaintiff ALDRICH to "taste  
17 this" and coerced Plaintiff ALDRICH into orally copulating him. At no time  
18 did Plaintiff ALDRICH give valid, lawful consent to any of the sexual  
19 contact she had with Defendant ROMO.  
20

21 31. After Defendant ROMO forced Plaintiff ALDRICH to perform oral sex on  
22 him, Plaintiff ALDRICH went to the restroom because she felt something  
23 itching and stuck at the back of her throat. Plaintiff ALDRICH realized that  
24 she had a piece of Defendant ROMO'S pubic hair in her mouth from him  
25 forcing her to orally copulate him. Plaintiff ALDRICH placed the piece of  
26 pubic hair on a napkin and gave it to the ISU that same day.  
27  
28

1 32. After this incident, Defendant ROMO began to behave strangely with  
2 Plaintiff ALDRICH. Plaintiff ALDRICH engaged in a conversation with  
3 Defendant ROMO where she told him “you were not supposed to do what  
4 you did to me in the closet because you are my boss.” In response,  
5 Defendant ROMO told Plaintiff ALDRICH “but it wasn’t rape.”  
6 Subsequently, Plaintiff ALDRICH told Defendant ROMO that it was rape.

7  
8 33. Ultimately, in December 2018, Plaintiff ALDRICH reported the sexual  
9 misconduct of both Defendant NAVARRO and Defendant ROMO to Mr.  
10 Hernandez, her new direct supervisor at HFM, when she went to the office  
11 to deliver a medical “lay-in” slip for missing work due to a wisdom teeth  
12 removal procedure. Plaintiff ALDRICH also gave a tape-recorded statement  
13 about Defendant ROMO to Lieutenant Esquiviz and Sergeant Mendoza  
14 from ISU.

15 34. Upon information and belief, per ISU’S and Warden HILL’S request,  
16 Plaintiff ALDRICH’S supervisor terminated her job on December 20, 2018.

17 35. After Plaintiff ALDRICH reported the sexual misconduct, Defendant  
18 NAVARRO was removed from his job at HFM and Defendant ROMO was  
19 transferred to the California Institution for Men.

20 36. However, CIW allowed Defendant ORDAZ to return to his position at HFM  
21 in January 2019 after Plaintiff ALDRICH was fired from her job at HFM.  
22 On information and belief, Defendant ORDAZ ended up voluntarily leaving  
23 HFM within two to three weeks of his return in January 2019.

24 37. Upon information and belief, Defendant NAVARRO and Defendant ROMO  
25 were subsequently investigated for their sexual misconduct by investigators  
26 from OIA in Rancho Cucamonga.  
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1 38. In addition, in December 2018, Plaintiff ALDRICH gave her first recorded  
2 statement to OIA investigators detailing the sexual abuse and harassment she  
3 faced by Defendant NAVARRO and Defendant ROMO. On the same day in  
4 December 2018, Plaintiff ALDRICH engaged in a separate non-recorded  
5 conversation with Sergeant Mejia-Wise, a female ISU Sergeant at CIW  
6 responsible for PREA matters. Sergeant Mejia-Wise erroneously informed  
7 Plaintiff ALDRICH that she could not file a CDCR 602 inmate appeal  
8 (grievance) or take any other action until OIA completed their investigation.  
9 Sergeant Mejia-Wise also made no mention of filing a government claim to  
10 Plaintiff ALDRICH.  
11

12 39. During this conversation, Plaintiff ALDRICH also informed Sergeant Mejia-  
13 Wise about wanting to get a lawyer to stop the sexual abuse given the lack of  
14 assistance she was receiving inside the prison. When Plaintiff ALDRICH  
15 expressed her desire to obtain a lawyer, Sergeant Mejia-Wise explicitly  
16 discouraged Plaintiff ALDRICH from doing so. Sergeant Mejia-Wise told  
17 Plaintiff ALDRICH that “everything would be fine” and “if you’re not guilty  
18 why would you need a lawyer?”

19 40. Sergeant Mejia-Wise also told Plaintiff ALDRICH that she would send her a  
20 rape crisis packet (“RACC”). Although Plaintiff ALDRICH received the  
21 RACC packet in the mail, it did not contain any information about filing a  
22 government claim, a 602 grievance or suit against the prison. The packet  
23 only contained addresses and information about rape crisis and youth  
24 advocate programs.  
25

26 41. Shortly after this conversation, in or around January 2019, Plaintiff  
27 ALDRICH followed up with Sergeant Mejia-Wise about the status of her  
28 case and the length of time it would take to obtain the results of the

1 investigation. All Sergeant Mejia-Wise told Plaintiff ALDRICH was that  
2 “the Internal Affairs guys will let you know.”

3 42. In or around January 2019, Plaintiff ALDRICH found out that her job was  
4 terminated after she got to work and a female counselor named Rayhill told  
5 her that the Warden left a note in Plaintiff’s “C-file” saying she could not  
6 work there anymore.

7 43. After losing her job, experiencing anxiety and depression as a result of the  
8 sexual abuse, and receiving no feedback on the status of her complaints to  
9 OIA, Plaintiff ALDRICH decided to attempt to find a lawyer, and did so as  
10 quickly as possible.

11 **COMPLIANCE WITH GOVERNMENT CLAIM REQUIREMENT**

12 44. On March 12, 2019, Plaintiff ALDRICH’S attorney submitted Plaintiff’s  
13 claim regarding sexual abuse by CDCR employees and application for a late  
14 claim with the Government Claims Program (“GCP”) of the California  
15 Department of General Services. GCP assigned Claim Number 19002749 to  
16 the claim. On May 17, 2019, GCP informed Plaintiff’s attorney that it had  
17 received the claim and had also received and would review Plaintiff’s  
18 application for leave to present a late claim.

19 45. On June 25, 2019, Plaintiff’s attorneys submitted a supplement to the claim  
20 and late claim application to the GCP.

21 46. On November 6, 2019, the GCP informed Plaintiff’s counsel that it had  
22 completed its review. GCP granted the Plaintiff’s application for leave to  
23 present a late claim but denied the underlying claim. Plaintiff brings this  
24 action within 6 months of that denial in compliance with Cal. Gov’t Code  
25 §945.6.

26 //

**STATEMENT OF DAMAGES**

1  
2 47. As a result of Defendants’ unlawful conduct, Plaintiff ALDRICH suffered  
3 and continues to suffer from loss of wages, severe depression, anxiety, pain  
4 and suffering, disciplinary violations and punishment, loss of human dignity,  
5 and loss of security.

6 48. Disclosing the details of the sexual abuse and harassment she experienced at  
7 the hands of Defendant ROMO, Defendant NAVARRO, and Defendant  
8 ORDAZ, to prison officials and being placed in administrative segregation  
9 has led Plaintiff ALDRICH to overdose, physically harm herself, swallow  
10 foreign objects, and attempt to hang herself, resulting in her being  
11 hospitalized multiple times.

12 49. In Fall of 2019 Plaintiff ALDRICH was placed in a psychiatric in patient  
13 (“PIP”) ward at CIW. The CIW prison psychologist deemed Plaintiff  
14 ALDRICH’S depression so severe that she prescribed Plaintiff ALDRICH  
15 heavy medications such as Prozac, Haldol, Thorzine, Triletol, and Proponal  
16 to treat it.

17 50. In addition, Plaintiff ALDRICH has suffered retaliation at the hands of  
18 Defendants. In or around January 2019, Plaintiff ALDRICH was dismissed  
19 from her janitorial work assignment at HFM in retaliation for reporting  
20 Defendant NAVARRO and Defendant ROMO’S sexual misconduct.  
21 Plaintiff ALDRICH’S pay was about to be raised from 40 cents to 45 cents  
22 per hour because her pay increased every three months. Plaintiff ALDRICH  
23 did not receive a new job assignment until a few months later when she was  
24 assigned to a yard crew job where she earned 8 cents per hour, a wage  
25 significantly less than the one she received while working in janitorial  
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1 services at HFM. Plaintiff ALDRICH was later shifted to a job as a porter  
2 where she also earned only 8 cents per hour.

3 51. Defendants maintained a custom, practice, and/or official policy at the CIW  
4 of ignoring, condoning, and/or encouraging the sexual abuse of inmates by  
5 correctional employees including Defendant ROMO, Defendant  
6 NAVARRO, and Defendant ORDAZ.

7 52. Defendants' conduct was intentional, willful, malicious, reckless and in  
8 conscious disregard of Plaintiff ALDRICH'S protected rights.

9 53. Defendants were deliberately indifferent to the substantial risk of sexual  
10 abuse of Plaintiff ALDRICH and to the retaliatory conduct directed at  
11 Plaintiff ALDRICH for reporting the sexual misconduct by Defendant  
12 ROMO, Defendant NAVARRO, and Defendant ORDAZ and/or for  
13 responding to sexual and other demands.

14 54. Defendants acted individually and/or conspired to protect, condone, ratify,  
15 and/or encourage Defendant ROMO, Defendant NAVARRO, and Defendant  
16 ORDAZS' sexual misconduct and to retaliate or threaten to retaliate against  
17 Plaintiff ALDRICH if she reported Defendant ROMO, Defendant  
18 NAVARRO, and Defendant ORDAZ for their illegal conduct.

19 55. To date, Defendants have failed to protect Plaintiff ALDRICH, a young  
20 women who has been subjected to severe sexual abuse, from ongoing  
21 retaliation, sexual abuse, and harassment by Defendants and other  
22 correctional employees. Defendants have also failed to provide adequate  
23 mental health counseling and victim support.

24 56. As such, to deter future similar conduct by Defendants, Plaintiff ALDRICH  
25 is entitled to an award of punitive damages and an injunction against  
26 Defendants.  
27  
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**FIRST CAUSE OF ACTION**

**42 U.S.C. § 1983 - Excessive Force, Sexual Assault**

**Deprivation of Civil Rights Under Color of State Law – Individual Liability  
(Against Defendants ROMO, NAVARRO and ORDAZ)**

57. The foregoing allegations are incorporated as if re-alleged herein.

58. Defendants ROMO, NAVARRO, and ORDAZ acted under color of law and in the scope of their employment deprived Plaintiff ALDRICH of her constitutional rights under the Eighth Amendment, which include, but are not limited to, the right to be free from cruel and unusual punishment and the right not to be subject to sexual assault and the unreasonable or unjustified force against one’s person. The rights set forth are embodied in clearly established state and federal constitutional law

59. During all times mentioned herein, Defendants ROMO, NAVARRO and ORDAZ’S conduct toward Plaintiff ADLRICH was cruel, unusual, unreasonable, unjustified, unlawful, malicious, sadistic, offensive to human dignity, sexually abusive, sexually harassing, without penological justification and for each Defendant’s own gratification,

60. The aforementioned acts and/or omissions of Defendants ROMO, NAVARRO and ORDAZ were willful, intentional, wanton, reckless, and/or accomplished with a conscious disregard of Plaintiff ALDRICH’S rights.

61. As a direct and proximate result of the Defendants ROMO, NAVARRO and ORDAZ’S unlawful conduct, Plaintiff ALDRICH suffered and continues to suffer injuries and damages as alleged herein.

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**SECOND CAUSE OF ACTION**

**42 U.S.C. § 1983 - Supervisory Liability**

**(Against Defendants HILL, MILLER, STARK, and DIAZ)**

62. The foregoing allegations are incorporated as if re-alleged herein.

63. On information and belief, Defendants HILL, MILLER, STARK, and DIAZ were employed by CDCR in supervisory roles.

64. On information and belief, Defendants HILL, MILLER, STARK, and DIAZ were responsible for the supervision of subordinate staff at CIW including, but not limited to, Defendants ROMO, NAVARRO, and ORDAZ.

65. During all times mentioned herein, Defendants HILL, MILLER, STARK, and DIAZ acted under color and pretense of state law, and under color of the statutes, ordinances, regulations, policies, practices, customs, and usages of the CDCR.

66. During all times mentioned herein, the acts and/or failures to act of Defendants, HILL, MILLER, STARK, and DIAZ'S subordinates, deprived Plaintiff ALDRICH of her rights, privileges, and immunities secured to her by the Eighth Amendment to the United States Constitution and the laws of the United States.

67. In willfully committing the acts of sexual misconduct as described in the foregoing paragraphs of this Complaint, Defendants ROMO, NAVARRO, and ORDAZ, deprived Plaintiff ALDRICH of the rights, privileges, and immunities secured to her by the Eighth Amendment to the United States Constitution and the laws of the United States.

68. Defendants HILL, MILLER, STARK, and DIAZ are responsible under a theory of supervisory liability for the act and omissions of Defendants ROMO, NAVARRO, and ORDAZ as alleged herein based on the following:



1 69. Defendants HILL, MILLER, STARK, and DIAZ, acting under color of law,  
2 have implemented, maintained, encouraged, perpetuated, and/or ratified the  
3 custom, practice, or policy of sexual misconduct of inmates by staff at the  
4 California Institution for Women.

5 70. Defendants HILL, MILLER, STARK, and DIAZ acting under color of law,  
6 as a matter of custom, practice, or policy, failed to maintain adequate and  
7 proper training for subordinate staff necessary to educate them as to the  
8 constitutional rights of prisoners; specifically, to prevent the consistent and  
9 systematic use of harassment and assault; and to prevent and report  
10 staff/prisoner rape; failed to adequately supervise or control their staff,  
11 and/or

12 71. Defendants HILL, MILLER, STARK, and DIAZ knowingly refused to  
13 terminate a series of acts by CIW staff that engage in sexual misconduct  
14 with inmates, including Defendants ROMO, NAVARRO, and ORDAZ.  
15 Defendants HILL, MILLER, STARK, and DIAZ knew or reasonably should  
16 have known that their failure to act would cause Defendants ROMO,  
17 NAVARRO, and ORDAZ to deprive Plaintiff ALDRICH of her  
18 constitutional rights as set forth herein.

19 72. Defendants HILL, MILLER, STARK, and DIAZ showed a reckless or  
20 callous indifference to the deprivation of the rights of Plaintiff ALDRICH.

21 73. The individual Defendants named herein, separately and in concert, acted  
22 willfully, knowingly, with reckless disregard and deliberate indifference to  
23 the known consequences of their acts and omissions, and purposefully with  
24 the intent to deprive Plaintiff ALDRICH of her federally protected rights and  
25 privileges, and did in fact violate those rights and privileges, entitling  
26 Plaintiff ALDRICH to punitive and exemplary damages in an amount to be  
27 proven at the trial of this matter.  
28

1 74. As a direct and proximate result of the aforementioned constitutional  
2 violations, Plaintiff ALDRICH suffered and continues to suffer injuries and  
3 damages as alleged herein.

4 **THIRD CAUSE OF ACTION**

5 **42 U.S.C. § 1983 - Retaliation**

6 **(Against All Defendants)**

7 75. The foregoing allegations are incorporated as if re-alleged herein.

8 76. Plaintiff ALDRICH has a First Amendment right to be free from retaliation  
9 for participating in protected speech activities.

10 77. Defendants retaliated against Plaintiff ALDRICH by terminating her job for  
11 exercising her constitutional right and filing PREA grievances against  
12 Defendants ROMO, NAVARRO, and ORDAZ.

13 78. Defendants' retaliatory action did not advance legitimate goals of the  
14 correctional institution.

15 79. Defendants' retaliation caused Plaintiff ALDRICH to suffer harm and  
16 economic damages for loss of past and future earnings, loss of earning  
17 capacity, loss of such employment related opportunities as the opportunity  
18 for advancement and promotion, in amounts according to proof at trial.

19 80. As a direct and proximate result of the unlawful conduct by Defendants  
20 ROMO, NAVARRO, and ORDAZ, Plaintiff ALDRICH suffered and  
21 continues to suffer injuries and damages as alleged herein.

22 **FOURTH CAUSE OF ACTION**

23 **Civil Code § 52.4 - Gender Violence**

24 **(Against Defendants ROMO, NAVARRO and ORDAZ)**

25 81. The foregoing allegations are incorporated as if re-alleged herein.  
26  
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28

1 82. Defendants ROMO, NAVARRO, and ORDAZ committed physical  
2 intrusion or physical invasion of a sexual nature upon Plaintiff ALDRICH  
3 under coercive conditions;

4 83. Defendants ROMO, NAVARRO, and ORDAZ committed acts against  
5 Plaintiff ALDRICH constituting a criminal offense under state law that has  
6 as an element the use, attempted use, or threatened use of physical force  
7 against her, and committed those acts at least in part based on her gender;

8 84. As a result of unlawful conduct by Defendants ROMO, NAVARRO, and  
9 ORDAZ as alleged herein, Plaintiff ALDRICH has suffered, and will  
10 continue to suffer, the above-stated damages in an amount according to  
11 proof. For these damages Plaintiff seeks actual damages, compensatory  
12 damages, punitive damages, injunctive relief, attorneys' fees and costs, and  
13 any other appropriate relief.  
14

15  
16 **FIFTH CAUSE OF ACTION**

17 **California Civil Code Section 52.1 – Bane Civil Rights Act**

18 **(Against all Defendants)**

19 85. The foregoing allegations are incorporated as if re-alleged herein.

20 86. Defendants HILL, MILLER, STARK, and DIAZ, ROMO, NAVARRO, and  
21 ORDAZ interfered with the exercise and enjoyment of Plaintiff  
22 ALDRICH'S clearly established rights under United States and California  
23 law, which include, but are not limited to, the following:

- 24 a. Eight Amendment to the United States Constitution and Article I,  
25 Section 17 of the California Constitution – right to be free from cruel  
26 and unusual punishment;  
27  
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- b. California Civil Code Section 43 - right of protection from bodily restraint or harm, from personal insult, and from defamation;
- c. California Civil Code Section 51.7 - right to freedom from violence; and
- d. California Civil Code Section 52.1 - right to exercise civil rights.

87. Defendants violated Plaintiff ALDRICH'S clearly established rights under United States and California law by threats, intimidation and coercion.

88. Plaintiff ALDRICH reasonably believed that if she tried to refuse or repel the sexual assault, Defendants ROMO, NAVARRO, and ORDAZ would retaliate against her.

89. As a direct and proximate result of the unlawful conduct by Defendants HILL, MILLER, STARK, and DIAZ, ROMO, NAVARRO, and ORDAZ, Plaintiff ALDRICH suffered and continues to suffer injuries and damages as alleged herein.

90. Defendants HILL, MILLER, STARK, and DIAZ, ROMO, NAVARRO, and ORDAZ are liable for injuries to Plaintiff ALDRICH'S proximately caused by acts of its employees as each was acting under the color of law and within the scope of their employment or agency with CDCR.

**SIXTH CAUSE OF ACTION**

**California Civil Code Section 51.7– Ralph Act  
(Against all Defendants)**

91. The foregoing allegations are incorporated as if re-alleged herein.

92. Defendants HILL, MILLER, STARK, and DIAZ, ROMO, NAVARRO, and ORDAZ violated Plaintiff ALDRICH'S right to be free from violence, threat

1 of violence, or intimidation by threat of violence on the basis of Plaintiff's  
2 sex.

3 93. As a direct and proximate result of the unlawful conduct by Defendants  
4 HILL, MILLER, STARK, and DIAZ, ROMO, NAVARRO, and ORDAZ,  
5 Plaintiff ALDRICH suffered and continues to suffer injuries and damages as  
6 alleged herein.

7 94. Defendants HILL, MILLER, STARK, and DIAZ, ROMO, NAVARRO, and  
8 ORDAZ are liable for injuries to Plaintiff ALDRICH'S proximately caused  
9 by acts of its employees as each was acting under the color of law and within  
10 the scope of their employment or agency with CDCR.

11 **SEVENTH CAUSE OF ACTION**

12 **California Government Code § 815.2**

13 **Negligent Supervision and *Respondeat Superior* Liability**

14 **(Against Defendants HILL, MILLER, STARK, and DIAZ)**

15 95. The foregoing allegations are incorporated as if re-alleged herein.

16 96. Defendants HILL, MILLER, STARK, and DIAZ are liable for injuries to  
17 Plaintiff ALDRICH proximately caused by the acts and omission of their  
18 employees within the scope of their employment.

19 97. Defendants HILL, MILLER, STARK, and DIAZ owed Plaintiff ALDRICH  
20 a duty of care to supervise CDCR employees in such a manner to comply  
21 with the law and ensure that the acts alleged herein did not occur.

22 98. Defendants HILL, MILLER, STARK, and DIAZ breached the owed duty of  
23 care by failing to supervise, investigate, and discipline Defendants ROMO,  
24 NAVARRO, and ORDAZ to ensure compliance with the law and prevent  
25 sexual abuse and harassment by correctional employees.  
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1 99. On information and belief, Defendants ROMO, NAVARRO, and ORDAZ  
2 are and were at all times material to this complaint were supervised and  
3 employed by Defendants HILL, MILLER, STARK, and DIAZ and the  
4 wrongful conduct attributed to Defendants ROMO, NAVARRO, and  
5 ORDAZ were caused by their acts in the scope of their employment with  
6 Defendants HILL, MILLER, STARK, and DIAZ.

7  
8 100. As a direct and proximate result of the unlawful conduct by  
9 Defendants ROMO, NAVARRO, and ORDAZ, Plaintiff suffered and  
10 continues to suffer injuries and damages as alleged herein.

11 101. Defendants HILL, MILLER, STARK, and DIAZ are liable for injuries  
12 to Plaintiff proximately caused by acts of its employees as each was acting  
13 under the color of law and within the scope of their employment or agency  
14 with CDCR.

15 **EIGHTH CAUSE OF ACTION**

16 **Assault and Battery**

17 **(Against Defendants ROMO, NAVARRO, and ORDAZ)**

18 102. The foregoing allegations are incorporated as if re-alleged herein.

19 103. Defendants ROMO, NAVARRO, and ORDAZ assaulted and battered  
20 Plaintiff ALDRICH. Defendants ROMO, NAVARRO, and ORDAZ'S  
21 conduct was intentional, nonconsensual, harmful, offensive and without  
22 lawful justification. Further, Defendants ROMO, NAVARRO, and  
23 ORDAZ'S conduct caused Plaintiff ALDRICH to be placed in fear of  
24 personal harm.

25  
26 104. Defendants ROMO, NAVARRO, and ORDAZ are liable for injuries  
27 to Plaintiff proximately caused by acts of its employees as each was acting  
28

1 under the color of law and within the scope of their employment or agency  
2 with CDCR.

3 105. As a direct and proximate result of the unlawful conduct by  
4 Defendants ROMO, NAVARRO, and ORDAZ, Plaintiff ALDRICH  
5 suffered and continues to suffer injuries and damages as alleged herein.

6 **NINTH CAUSE OF ACTION**

7 **False Imprisonment**

8 **(Against Defendant ROMO)**

9 106. The foregoing allegations are incorporated as if re-alleged herein.

10 107. In the course of the sexual abuse of Plaintiff ALDRICH, Defendant  
11 ROMO unlawfully restrained and/or confined Plaintiff ALDRICH with  
12 deliberate malice, violence, menace, and/or oppression that resulted in  
13 harmful contacts to Plaintiff.

14 108. At no time did Plaintiff ALDRICH give valid, lawful consent to any  
15 of the intentional, unlawful, harmful and offensive acts by Defendant  
16 ROMO.

17 109. As a direct and proximate result of the unlawful conduct by Defendant  
18 ROMO, Plaintiff ALDRICH suffered and continues to suffer injuries and  
19 damages as alleged herein.

20 **TENTH CAUSE OF ACTION**

21 **Negligence Per Se- Statutory Violation**

22 **(Against Defendants ROMO, NAVARRO, and ORDAZ)**

23 110. The foregoing allegations are incorporated as if re-alleged herein.

24 111. In the course of their conduct as detailed above, Defendants ROMO,  
25 NAVARRO, and ORDAZ violated numerous California laws, including,  
26 among others, the Child California Penal Code § 243.4, and California Civil  
27 Code §1708.5.  
28

1 112. Defendants ROMO, NAVARRO, and ORDAZ'S violations of these  
2 laws were each substantial factors in causing the harm suffered by Plaintiff  
3 ALDRICH.

4 113. Per California Penal Code § 289.6, Plaintiff ALDRICH has a right to  
5 be free of sexual abuse by prison employees.

6 114. As a direct and proximate result of the negligent conduct by ROMO,  
7 NAVARRO, and ORDAZ, Plaintiff ALDRICH suffered and continues to  
8 suffer injuries and damages as alleged herein.

9  
10 **ELEVENTH CAUSE OF ACTION**

11 **Intentional Infliction of Emotional Distress**

12 **(Against All Defendants)**

13 115. The foregoing allegations are incorporated as if re-alleged herein.

14 116. Defendants HILL, MILLER, STARK, DIAZ, ROMO, NAVARRO,  
15 and ORDAZ'S conduct was willful, extreme, outrageous, and was directed  
16 at causing harm, humiliation, mental anguish, and emotional and physical  
17 distress to Plaintiff ALDRICH. Defendants HILL, MILLER, STARK,  
18 DIAZ, ROMO, NAVARRO, and ORDAZ'S conduct was intended to cause  
19 injury or was in reckless disregard of the probability of causing injury to  
20 Plaintiff ALDRICH and did in fact cause Plaintiff ALDRICH serious injury.

21 117. The failure by Defendants HILL, MILLER, STARK, and DIAZ to  
22 protect Plaintiff ALDRICH from Defendants ROMO, NAVARRO, and  
23 ORDAZ'S repeated abuse against Plaintiff ALDRICH, and failure to  
24 prevent harm to Plaintiff ALDRICH all amount to extreme and outrageous  
25 conduct directed at Plaintiff ALDRICH and caused serious injury to Plaintiff  
26 ALDRICH.



1 118. As a result of Defendants HILL, MILLER, STARK, DIAZ, ROMO,  
2 NAVARRO, and ORDAZ'S unlawful conduct as alleged herein, Plaintiff  
3 ALDRICH has suffered, and will continue to suffer, the above stated  
4 damages in an amount according to proof, including attorney fees and costs,  
5 to remedy the unlawful conduct.

6 **TWELTH CAUSE OF ACTION**

7 **Negligence**

8 **(Against Defendants HILL, MILLER, STARK, and DIAZ)**

9 119. The foregoing allegations are incorporated as if re-alleged herein.

10 120. At all relevant times, Defendants HILL, MILLER, STARK, and  
11 DIAZ, owed Plaintiff ALDRICH the legal duty to act with reasonable care,  
12 to prevent injury or harm to Plaintiff ALDRICH.

13 121. At all relevant times, Defendants HILL, MILLER, STARK, and  
14 DIAZ owed Plaintiff ALDRICH the duty of care owed by a jailer to a  
15 prisoner.

16 122. At all relevant times, Defendants HILL, MILLER, STARK, and  
17 DIAZ owed Plaintiff ALDRICH duties established by the Prison Rape  
18 Elimination Act and the Sexual Abuse in Detention Elimination Act.

19 123. At all relevant times, Defendants HILL, MILLER, STARK, and  
20 DIAZ, owed Plaintiff ALDRICH the legal duty to act with reasonable care  
21 and to refrain from:

- 22 a. violating the right to be free from cruel and unusual punishment; and  
23 b. violating the provisions of section 43 of the California Civil Code,  
24 which provides in pertinent part that every person has the right of  
25 protection from bodily restraint or harm, from personal insult, and  
26 from defamation.  
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1 124. Further, Defendants HILL, MILLER, STARK, and DIAZ owed  
2 Plaintiff the legal duty to adequately train, supervise, set departmental policy  
3 and protocols for their employees, to comply with the Prison Rape  
4 Elimination Act and the Sexual Abuse in Detention Elimination Act, and to  
5 adopt and/or enforce policies and procedures for the proper hiring, training,  
6 and supervision of their employees.

7 125. By their acts and omissions, Defendants HILL, MILLER, STARK,  
8 and DIAZ breached each of the foregoing duties owed to Plaintiff  
9 ALDRICH. Further, it was reasonably foreseeable that such breaches of duty  
10 would cause Plaintiff ALDRICH physical and/or emotional harm.

11 126. As a direct and proximate result of the negligent conduct by HILL,  
12 MILLER, STARK, and DIAZ, Plaintiff ALDRICH suffered and continues  
13 to suffer injuries and damages as alleged herein.

14 **JURY TRIAL DEMAND**

15 127. Plaintiff ALDRICH hereby requests a jury trial in this action.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiff ALDRICH prays for the following relief:

- 18
- 19 1. For general and compensatory damages in an amount according to proof at  
20 trial;
  - 21 2. For punitive and exemplary damages against each defendant in an amount  
22 appropriate to punish Defendants and deter others from engaging in similar  
23 misconduct;
  - 24 3. For injunctive relief including, but not limited to (1) compliance with the  
25 Prison Rape Elimination Act; (2) termination of Defendants ROMO,  
26 NAVARRO, and ORDAZ, from employment with the California  
27 Department of Corrections and Rehabilitation (“CDCR”), pursuant to the  
28 State Civil Service Act, and a prohibition against any rehiring or

1 reinstatement of these defendants; (3) protection from further retaliation  
2 against Plaintiffs by Defendants and other correctional personnel.

- 3 4. For costs of suit and reasonable attorney's fees pursuant to 42 U.S.C. § 1988  
4 and as otherwise authorized by statute or law;  
5 5. For such other relief as the Court may deem just, proper and appropriate.  
6

7  
8 Dated: May 5, 2020

Respectfully submitted,

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10  
11 /s/ Carter C. White  
12 UC Davis School of Law  
13 Civil Rights Clinic

14 /s/Maggy Krell

15  
16 /s/ Jenny C. Huang  
17 JUSTICE FIRST

18 Attorneys for Plaintiff, Keiana Aldrich  
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