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19 Attorneys for Plaintiffs  
 20 JEFFREY GOLIN, ELSIE GOLIN, and  
 21 NANCY DELANEY as Guardian  
 22 Ad Litem for NANCY GOLIN

23 SUPERIOR COURT OF CALIFORNIA

24 COUNTY OF SAN MATEO

25 CENTRAL BRANCH, COMPLEX LITIGATION

26 JEFFREY R. GOLIN; ELSIE Y. GOLIN;  
 27 and NANCY DELANEY as Guardian Ad  
 28 Litem for NANCY K. GOLIN, an incompe-  
 tent person,

Plaintiffs,

vs.

CLIFFORD B. ALLENBY; THERESE  
 DELGADILLO; STATE OF CALIFORNIA;  
 H. DEAN STILES,

)  
) No. CIV507159

)  
) **SECOND AMENDED COMPLAINT**  
) **FOR DAMAGES AND INJUNCTIVE**  
) **RELIEF**

1 COUNTY OF SANTA CLARA; JAMIE )  
2 BUCKMASTER; MY-LE JACQUELINE )  
3 DUONG; MALORIE M. STREET; SAN )  
4 ANDREAS REGIONAL CENTER, INC.; )  
5 SANTIAGO J. ROGERS; MIRIAM D. )  
6 KINDERLEHRER; TUCKER A. LISKE; )  
7 LISA WENDT, R.N.; CITY OF PALO AL- )  
8 TO, LORI KRATZER; EDNA MANTIL- )  
9 LA, dba EMBEE MANOR; ROSELILY )  
10 TALLA and ANSELMO TALLA, dba )  
11 TALLA HOUSE; STANFORD HOSPITAL )  
12 AND CLINICS, INC.; MARVIN P. MA- )  
13 SADA; M.D.; GEORGIANNA LAMB; and )  
14 DOES, 1-50, )  
15 Defendants. )  
16 )  
17 )  
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Plaintiffs allege:

**NATURE OF COMPLAINT**

1. Nancy Golin is the 41-year-old developmentally disabled daughter of Jeffrey and Elsie Golin. Her parent raised her at home for three decades until one day state agents abruptly took her away and placed her first in a psychiatric facility, and then in a residential care facility. They held Nancy Golin in a secret location without a warrant or other court process. To prevent her parents from rescuing her, they obtained a temporary restraining order, and ultimately falsely prosecuted the parents for abuse, until they were able to procure a conservatorship after which they dropped all charges. They drugged Nancy because she wanted to go home and kept trying to leave. They punished, abused and severely injured her. Nancy still wants to come home and her parents want her home, but her physical condition deteriorates yearly and she continues to suffer medical neglect and abuse.

**PARTIES**

*Plaintiffs*

2. JEFFREY GOLIN and ELSIE GOLIN are the married natural parents of Plaintiff

1 NANCY GOLIN. Nancy Golin is a developmentally disabled autistic adult, who has been raised  
2 and cared for by her parents at home until the age of 31. NANCY DELANEY is the duly appointed  
3 guardian ad litem for plaintiff NANCY GOLIN.

4 *State Defendants:*

5 3. Defendant STATE OF CALIFORNIA is a public entity. It is referred to as DDS  
6 throughout this complaint. Defendants, CLIFFORD B. ALLENBY, and THERESE DELGADILLO  
7 were at all times relevant herein Directors of the State of California Department of Developmental  
8 Disabilities (“DDS”). Allenby served in this position from all times relevant to this complaint, up  
9 to his resignation in December 2005. Each has consecutively served as conservator to plaintiff  
10 Nancy Golin in their official capacities as Director of DDS. Allenby was succeeded by DELGA-  
11 DILLO in 2004. Defendant H. DEAN STILES was at all times relevant herein Lead Attorney with  
12 the Office of Legal Affairs for DDS.

13 *County Defendants:*

14 4. The COUNTY OF SANTA CLARA is a public entity organized under the laws of the  
15 State of California. Defendant JAMIE BUCKMASTER was at all times relevant herein Program  
16 Manager of ADULT PROTECTIVE SERVICES (“APS”), for Defendant COUNTY OF SANTA  
17 CLARA. Defendant MY-LE JACQUELINE DUONG was at all times relevant herein an attorney  
18 with Santa Clara County Counsel’s Office, representing APS. Defendant MALORIE M. STREET  
19 is and was employed by the COUNTY OF SANTA CLARA Office of the Public Defender at all  
20 times noted in this complaint.

21 *Regional Center Defendants:*

22 5. Defendant SAN ANDREAS REGIONAL CENTER, INC. (“SARC”) was at all times  
23 relevant herein a private non-profit corporation and exclusive vendor of state funded services to its  
24 developmentally disabled clients and their families, serving defendant DDS within the catchment  
25 area of Santa Clara, Santa Cruz, San Benito and Monterey Counties. Defendants SANTI J. ROG-  
26 ERS, MIRIAM D. KINDERLEHRER, TUCKER A. LISKE and LISA WENDT, R.N., are, respec-  
27 tively, Director, Regional Manager, District Manager, and Staff Nurse/Consultant, for defendant  
28

1 SARC and have served in those positions at all times relevant herein.

2 *City Defendants*

3 6. Defendant CITY OF PALO ALTO was at all times relevant herein a municipality or-  
4 ganized under the laws of the State of California. Defendant LORI KRATZER was at all times rel-  
5 evant herein a peace officer employed by defendant CITY OF PALO ALTO.

6 *Home Operator Defendants*

7 7. Defendant EDNA MANTILLA was at all times relevant herein the owner and opera-  
8 tor of a six-bed residential board and care facility for developmentally disabled persons, licensed by  
9 the State of California, doing business as EMBEE MANOR. Defendants ROSELILY TALLA and  
10 ANSELMO TALLA at all times relevant herein are owners and operators of a six-bed residential  
11 board and care facility for disabled persons, licensed by the State of California, dba TALLA  
12 HOUSE or Talla Care Homes. From on or about January 17, 2003, until the present, the Tallas  
13 were chosen by SARC as care providers to plaintiff Nancy Golin.

14 *Medical Provider Defendants*

15 8. Defendant STANFORD HOSPITAL AND CLINICS, INC. is a university teaching  
16 hospital and at all times relevant herein a California corporation.

17 9. Defendant MARVIN P. MASADA, M.D is a general practitioner medical doctor li-  
18 censed in the State of California.

19 *Other Defendants*

20 10. Defendant GEORGIANNA LAMB is a former temporary limited conservator of Nan-  
21 cy Golin and since 2003 has been Nancy's SARC appointed "advocate."

22 11. Plaintiffs do not know the true names and capacities of the defendants sued herein as  
23 DOES. Plaintiffs are informed and believe and on that basis allege that said DOES are each respon-  
24 sible in some manner for the injuries plaintiffs sustained herein and that each of the defendants is  
25 the agent, servant, or employee of the others in doing the acts complained of herein and acted within  
26 the scope of that agency or employment. Plaintiff will amend his complaint to allege the identities  
27 of the DOES when ascertained, or as their involvement becomes clearer.

1 12. Plaintiffs are informed and believe and on that ground allege that at all times men-  
2 tioned herein, each of the defendants was the agent, employee, copartner and/or joint venture of  
3 each other defendant, and in doing the things herein alleged, acted within the purpose and scope of  
4 said agency, employment, copartnership and/or in furtherance of such joint venture and such acts  
5 were consented to and ratified by each other defendant.

### 6 **VENUE**

7 13. Venue is proper in this county following an order of Santa Clara County Superior  
8 Court transferring the case to this Court.  
9

### 10 **STATEMENT OF FACTS**

11 14. Nancy is a 41-year-old autistic adult, developmentally disabled since birth. She had  
12 never been institutionalized, living at home safely in the community essentially her entire life until  
13 age 31, when the events causing this complaint began. She was cared for up to then by dedicated  
14 loving parents and co-plaintiffs Golins. She is non-aggressive, has never been diagnosed with men-  
15 tal illness, needed psychiatric medications, and has never been charged with a crime. She has a  
16 propensity to wander away common to many autistics, which the parents had controlled. She can-  
17 not read or write, and speaks few words, yet understands and communicates effectively with ges-  
18 tures. She has a capability for emotional depth of feeling. She has always been outgoing and gre-  
19 garious without self-injurious behaviors. She is ambulatory, can toilet, dress, and until recently  
20 could feed herself and tie her own shoelaces. Since age 22, Nancy has had epilepsy, controlled by  
21 anti-seizure medications.

22 15. At approximately 8 P.M. on November 14, 2001, Nancy wandered away from her  
23 parents at their workshop in Palo Alto. Elsie Golin immediately discovered Nancy's absence and  
24 called the Palo Alto police and the neighboring Mountain View police for help. Elsie Golin  
25 searched all night for Nancy without success. On the morning of November 15, while the Golins  
26 continued to search, Palo Alto police officers asked them to return to the workshop. When they re-  
27 turned, the Golins were detained even though police assured them they were not suspects.

28 16. On November 15, at around 11 A.M. Nancy appeared in the rear driveway, grinning  
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1 and unharmed.

2 17. Elsie took Nancy inside the workshop and locked the door. Jeffrey, who had re-  
3 mained outside, asked to come in. When Elsie opened the door for Jeffrey, at least a dozen Palo  
4 Alto police officers, uniformed and plain-clothed, including Defendant Kratzer barged into the build-  
5 ing without notice or consent. And at least another dozen invaded Jeffrey's separate workshop  
6 space. The Palo Alto defendants conducted a search and took photographs. They grabbed Elsie and  
7 forced her to go outside. Jeffrey followed her, along with Nancy.

8 18. None of the City of Palo Alto police officers had a warrant. Nor did they have proba-  
9 ble cause that any crime had been committed. There were no exigent circumstances excusing a war-  
10 rant nor was there any threat to life or limb justifying an entry under the emergency exception to the  
11 warrant requirement. This was a carefully planned raid orchestrated by the City defendants at the  
12 insistence of several other defendants including but not limited to SARC and the County defend-  
13 ants.

14 19. The Palo Alto defendants maliciously called building inspectors to the Golins' busi-  
15 ness to redtag the electric and gas meters for trivial code violations, putting them out of business.

16 20. The Palo Alto defendants then seized Nancy under the pretense that they were taking  
17 Nancy to Stanford Hospital for a physical examination and with the promise to return her to the Go-  
18 lins once the examination was complete. The Golins were invited to follow behind them.

19 21. When the Golins arrived at Stanford, a group of security guards confronted them and  
20 ordered them to leave immediately under threat of arrest. This prevented the Golins from being pre-  
21 sent for Nancy's examination or providing information to the examining physician. The security  
22 guards informed the Golins that Nancy was being detained as "gravely disabled" under the LPS Act.

23 22. Defendant Kratzer caused Nancy to be held initially for 72 hours as gravely disabled  
24 under the LPS Act despite the fact that Nancy was merely a developmentally disabled person who  
25 could not be detained legally. At the time Kratzer committed her, Kratzer knew or should have  
26 known that Nancy was autistic, not mentally ill, and therefore not gravely disabled under the LPS  
27 Act. Kratzer also had no reason to believe that the Golins failed to provide for Nancy's basic needs.  
28 Thus, the commitment instigated by Kratzer was made without probable cause and by misrepresent-

1 tations to the Golins as to her true intentions, thus vitiating the Golins “consent” for Nancy to be  
2 transported to Stanford.

3 23. Lacking any medical history from Nancy’s parents, Stanford reduced the dosage of  
4 Nancy’s anti-seizure medication, which caused her to suffer grand mal seizures until a neurologist  
5 familiar with Nancy intervened and corrected the dosage.

6 24. On November 16, 2001, Kratzer wrote a police report replete with fabricated state-  
7 ments to obtain an emergency protective order restraining the Golins from having contact with Nan-  
8 cy. No hearing was ever held on the EPO and it expired by its own terms on November 27, 2001.  
9 The defendants continued to hold Nancy after the EPO dissolved. Stanford refused to provide the  
10 Golins with information about Nancy’s condition.

11 25. Kratzer and Palo Alto conspired with Defendants Stanford, SARC, Liske, Kinderleh-  
12 rer, Buckmaster and APS to keep Nancy in custody without due process in the Stanford psych ward  
13 even after Stanford warned the other defendants that Nancy was not safe there.

14 26. Following the 72-hour evaluation, Stanford psychologists certified on November 18  
15 that the commitment be extended for 14 days for intensive treatment. At a certification review on  
16 November 21, it was determined that Nancy did not qualify for further detention. Despite this,  
17 Stanford physicians at the request of SARC and APS continued to hold Nancy. On November 26,  
18 the Santa Clara County Superior Court ruled that Nancy, as a disabled person, was not subject to the  
19 provisions of the LPS Act and ordered her released.

20 27. While admitting that Nancy was harmless and not mentally ill, Stanford kept her on  
21 the hazardous psychotropic drug, Trazidone. They also tied her up in bed and in a wheelchair from  
22 which she fell over while trying to get free to go to the bathroom.

23 28. Stanford allowed Nancy to climb into beds with other patients. Ultimately, Stanford  
24 warned APS that placement at Stanford was dangerous to Nancy with the men there but neverthe-  
25 less acquiesced in her remaining there when APS contended that it had no safe place for her.

26 29. On November 28, without the knowledge or consent of the Golins, Stanford trans-  
27 ferred custody of Nancy to Embee Manor, a placement chosen by APS and SARC. Defendants  
28 Liske, Kinderlehrer and Buckmaster maintained Nancy at Embee under APS/SARC custody for

1 over eight months without judicial process.

2 30. When the Golins appeared at Stanford to pick up Nancy, staff informed them that  
3 Nancy was no longer there and refused to say where she went or with whom.

4 31. During the period from Nancy's removal from Stanford on November 27, 2001 until  
5 around September 15, 2002, Nancy Golin was kept at Embee Manor in her bedroom with the door  
6 locked and was denied recreation and access to visitors. During the period from Nancy's removal  
7 on November 15, 2001 until around September 15, 2002, Nancy Golin was not in a day program.

8 32. Defendant Lamb attempted to visit Nancy at Embee in August 2002 when she discov-  
9 ered Nancy's location from court files, but was turned away when workers at the home put her on  
10 the phone with Buckmaster, who stridently demanded to know how she obtained Nancy's secret ad-  
11 dress. Lamb was refused admittance to see Nancy.

12 33. While at Embee and under the control of SARC and APS, Lamb discovered that Nan-  
13 cy was neglected and abused, but withheld that information at the conservatorship trial after making  
14 a deal to withdraw her own conservatorship petition in exchange for a seat at the table as Nancy's  
15 advocate once DDS obtained conservatorship. She withheld the names and locations of witnesses  
16 who could have testified to Nancy's mistreatment. Lamb knew that Nancy was being kept in isola-  
17 tion, locked in her room for most of the time, having uncontrolled seizures and urinating on the  
18 floor as a result, not going to any day programs, being denied emergency medical treatment when  
19 she was writhing on the floor turning blue from lack of oxygen, being kept in rooms in winter with  
20 very little heating, being kept malnourished, being denied competent medical supervision, being  
21 allowed to wander away and wandering away dozens of times per month, being drugged on psycho-  
22 tropics and being otherwise neglected and abused. Had this information been before the court, the  
23 conservatorship trial would have had a different outcome.

24 34. Nancy started receiving Trazidone, a psychotropic drug at Stanford. Nancy continued  
25 to receive it at Embee solely to control Nancy for the convenience of the caregivers. Nancy ap-  
26 peared at most of the weekly visits (shown in photos) appearing heavily sedated. Nancy had never  
27 received or been prescribed psychiatric drugs at any time during the 31 years she lived with her par-  
28 ents, nor had any ever been ordered by a doctor.



1           35. On January 4, 2002 in an attempt to create the appearance that Nancy's continued de-  
2     tention at Embee Manor was consensual, a SARC employee forged Nancy's signature on an "Indi-  
3     vidualized Placement Plan" (IPP). Nancy indisputably lacked competence to consent to her further  
4     detention and no one else could legally sign for Nancy except the Golins whose consent the County  
5     Defendants and SARC Defendants never sought or obtained. Nancy has never been able to write or  
6     sign her name or even make an "X."

7           36. On January 8, 2002, Defendant Liske wrote to Stanford to request Nancy's records.  
8     The letter was accompanied by a release purportedly signed by Nancy, but which was actually  
9     forged. Liske falsely stated in his letter that Nancy "can sometimes sign her name although it is of-  
10    ten illegible." The word "nancy" is scrawled in longhand on the release. The defendants never  
11    sought or obtained the Golins' consent to the release of her medical records. Stanford complied  
12    with SARC's fraudulent request for records.

13          37. In an effort to control Nancy, Defendant Embee administered a harmful and danger-  
14    ous psychotropic drug, Risperdal, without therapeutic justification. Embee obtained the drug from a  
15    psychiatrist by misrepresenting Nancy's history, claiming that she had once been normal but due to  
16    the supposed trauma of her parents' abuse, she now suffered brain damage, a tale dreamed up by  
17    SARC and APS employees. If SARC, Embee and APS had not misrepresented her history, the psy-  
18    chiatrist said he would never have prescribed it.

19          38. At Embee Manor, Nancy was subjected to physical and emotional abuse. Among  
20    other things, she was drugged, locked in her room, denied life-saving emergency medical care and  
21    not allowed contact with her parents and friends. Embee Manor also knew that Nancy's detention  
22    in its facility was unlawful.

23          39. Nancy remained in the custody of SARC and APS without legal process from No-  
24    vember 15, 2001 until October 15, 2002 when Defendant Lamb was appointed Nancy's temporary  
25    conservator. She remained conservator until February 4, 2003 when the court appointed DDS suc-  
26    cessor temporary limited conservator.

27          40. In May 2002, SARC's selected primary care doctor, Dr. Morgan, referred Nancy to  
28    psychiatrist, Hector Cerezo who put her on a much stronger psych medication, Risperdal, used to

1 treat schizophrenics. Embee Manor aides told Cerezo that Nancy had symptoms of mental illness  
2 and that Nancy stayed with them “because her parents were in jail for abusing her.” Dr. Cerezo tes-  
3 tified at the conservatorship trial that he had no way to diagnose her because she would not com-  
4 municate and he believed her inability to speak had been induced by the Golins’ abuse.

5 41. Dr. Cerezo testified that he thought Nancy had a psychiatric disorder because Stan-  
6 ford doctors had prescribed Trazidone. Nancy has never been diagnosed as schizophrenic. Dr. Ce-  
7 rezo testified during the October 2003 trial that SARC provided him with no medical history. The  
8 Golins did not provide a history either since they did not know Nancy had been taken to Cerezo.

9 42. Dr. Morgan testified that he too had not been furnished medical history for time Nan-  
10 cy lived with the Golins and that he was ignorant of medical facts, which would have been im-  
11 portant considerations in her treatment.

12 43. Defendant Lamb discovered that Nancy was being administered anti-psychotic drugs  
13 after she was appointed temporary conservator on October 15, 2002.

14 By that time, Nancy was showing signs of tardive dyskinesia and Parkinson’s disorder Thereafter,  
15 Risperdal was discontinued abruptly by her new primary doctor, Defendant Marvin Masada, who  
16 then placed her on another psychotropic drug, Zyprexa. Masada is a general practitioner with no  
17 training in psychiatry and no knowledge of psychiatric drug side effects or autistic behaviors.

18 Risperdal and Zyprexa are FDA approved only for schizophrenia. Nancy is not and never has been  
19 schizophrenic.

20 44. During the time Nancy was in local and state custody, the defendants including APS,  
21 DDS, Masada, Lamb, Embee Manor and Talla administered dangerous, degenerative and debilitat-  
22 ing psychotropic medications including but not limited to Trazidone, Risperdal, Ativan and Zyprexa  
23 for chemical restraint and not because they served any therapeutic purpose. These agents include  
24 classes of drugs contraindicated for epileptics because they lower seizure thresholds and thus lead to  
25 more intense and frequent seizures.

26 45. Defendants administered these drugs without the knowledge or consent of the Golins  
27 and without first obtaining a court order.

28 46. Defendant Lisa Wendt is a RN employed by SARC. She coordinates Nancy’s pre-  
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1   criptions and medical care. She has held herself out falsely as Nancy's conservator. Exercising  
2   that presumed authority, Wendt dictates to doctors what drugs will be given. At times, her choices  
3   have been driven by economic considerations rather than Nancy's best interests.

4           47. In 2005, Wendt directed El Camino Hospital to conceal Nancy's admission for life-  
5   threatening seizures, ordering doctors not to disclose that Nancy was there to anyone, especially to  
6   the Golins while Nancy was fighting for her life.

7           48. Wendt refused to allow independent medical or dental opinions to save Nancy's Di-  
8   lantin-loosened teeth. She intervened in 2003 when Nancy's neurologist and dentist strongly urged  
9   that Nancy be weaned off of Dilantin to save her teeth and lessen her bone loss. She continues to  
10  require Nancy to remain on Keppra and Reglan both of which cause acute depression.

11           49. On November 7, 2002, the Golins learned from a doctor at Alta Bates Hospital in  
12  Berkeley that Nancy suffered from an untreated fractured collarbone and dislocated shoulder while  
13  in the custody of APS, SARC and Embee.

14           50. Defendants Kratzer and the City of Palo Alto conspired with Defendants APS, SARC,  
15  Liske, Kinderlehrer, Duong, County, Stanford Hospital, DDS and Stiles to have Jeffrey and Elsie  
16  Golin arrested on false felony dependent adult abuse charges so that no one who cared for Nancy  
17  would be available to protect her. Defendant Kratzer acting on the behalf of City of Palo Alto and  
18  the other Defendants sought and obtained an arrest warrant predicated on the same false information  
19  she used to obtain the EPO. Defendant DDS represented by Stiles appeared in the criminal case to  
20  request a stay away order. The stay away order was served on January 30, 2002. It was dissolved  
21  on January 28, 2003. Criminal charges against the Golins were dismissed in 2003. The Golins  
22  were held under a criminal cloud for 14 months.

23           51. Four months after Nancy was seized, the criminal court allowed her to see her parents  
24  one hour per week in visits supervised by APS workers, including Defendant Buckmaster. During  
25  these visits, the Golins observed Nancy displaying persistent signs of sexual molestation and drug-  
26  ging. Nancy had never exhibited these behaviors before. Buckmaster refused to furnish an explana-  
27  tion but instead threatened to terminate the visit if the Golins persisted in demanding one.

28           52. After Elsie was released from jail on the criminal charges, County jail officials took  
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1 her first to Elmwood jail and then to Valley Medical Center where officials attempted to detain her  
2 on a 72-hour psychiatric hold.

3           53. Around midnight at Elmwood, Elsie Golin observed Palo Alto probate attorney Peter  
4 Stern urgently summoning a psychiatric nurse who rushed in apparently for the sole purpose of at-  
5 tempting to place Elsie on a psychiatric hold. The unnamed nurse, keeping her awake walking her  
6 backwards and forwards all night in shackles and chains, claimed that Elsie Golin was delusional  
7 because she claimed to have money. The nurse challenged Elsie to disclose where the money was.  
8 When Elsie refused to say, a mob of guards piled up on her, placed her in shackles and chains, and  
9 secured her to a chair. The nurse then went back to talk to Stern about what to do with Elsie.

10           54. Elsie was released the following day after being interviewed by a physician-  
11 psychiatrist at Valley Medical Center. She was held almost 24 hours without food and suffered se-  
12 rious heart and blood pressure related symptoms.

13           55. Plaintiffs are informed and believe and on that basis allege that County jail officials,  
14 Mr. Stern and the unknown Doe nurse acted under instructions of defendants APS, SARC, Liske,  
15 Kinderlehrer and Rogers to detain Elsie without probable cause in an attempt to thwart her access to  
16 Nancy who at the time was under no legal restraint.

17           56. In December 2001, SARC asked DDS to act as temporary conservator. DDS refused.  
18 During the next few months, the APS defendants expressed concern that the Golins could take  
19 Nancy if they knew where she was. Defendants Buckmaster and Duong expressed this fear and not-  
20 ed that they could not stop the Golins from taking Nancy if she wanted to go with them and agreed  
21 to “avoid court if possible.” This viewpoint was also shared by Kinderlehrer and Liske. Liske ad-  
22 vocated for criminal prosecution to keep the Golins away from Nancy. Stiles told Golin that the  
23 purpose of the criminal prosecution was to keep them away from Nancy.

24           57. On December 5, 2001, Defendant Rogers with the assistance of Kinderlehrer and  
25 Liske wrote a nomination letter based on false information for SARC to act as temporary conserva-  
26 tor even though none of them had authority to make the nomination. The probate court refused to  
27 act on the petition until the Golins were served.

28           58. On July 31, 2002, DDS served the Golins with a conservatorship petition under H&S  
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1 §416.5. SARC nominated DDS even though it lacked standing to do so. Before that time, defend-  
2 ants had appeared for three hearings and each time the defendants represented in court that the Go-  
3 lins could not be located because they were in jail for abusing Nancy or somewhere in the criminal  
4 justice system. The defendants knew or should have known the whereabouts of the Golins because  
5 during the period in which those hearings took place, APS employees including Defendant  
6 Buckmaster supervised the Golins' visits with Nancy at Clover House, a visitation center in San Jo-  
7 se.

8 59. In May 2002, DDS, Stiles and SARC filed in the probate proceedings a false capacity  
9 declaration that included a dementia diagnosis that would permit drugging on psychotropics without  
10 a court order. The document is purportedly signed by James D. Morgan, M.D. Dr. Morgan later  
11 testified that he did not sign it.

12 60. On August 20, 2002, the Golins nominated Defendant Georgianna Lamb as Nancy's  
13 temporary conservator and also applied for conservatorship themselves. On October 15, 2002, the  
14 court appointed Georgianna Lamb as temporary conservator, pending the favorable resolution of the  
15 Golins' criminal charges. On February 4, 2003, after the end of the Golins' criminal proceedings,  
16 Ms. Lamb was removed as temporary conservator and replaced by DDS.

17 61. In September 2003, a probate court trial was finally held to impose a permanent con-  
18 servatorship on Nancy. By that time, both parents' criminal charges had been dropped. The Golins,  
19 defendant DDS, Russell George, a friend of the Golins and Defendant Lamb sought to be Nancy's  
20 conservator. As the trial progressed, the only contenders for conservator left were the Golins and  
21 DDS.

22 62. Defendant Malorie Street of the Santa Clara County Public Defender's Office was  
23 appointed to represent Nancy in December 2002. She continued to represent Nancy during the con-  
24 servatorship trial. At no time prior to the trial or during the trial did Street speak to the Golins about  
25 the merit of the case or solicit information from them in any other manner. Instead, she announced  
26 to the Golins that she would support DDS's application for conservatorship. Thereafter, Street did  
27 everything possible to suppress the admission of evidence unfavorable to DDS. SARC and APS  
28 thereby putting her client in jeopardy of continued physical and emotional harm. Among others, she

1 committed the following acts prejudicial to the interests of her client:

2 (a) Failed to conduct a reasonable pretrial investigation of her clients circumstances;

3 (b) Repeatedly objected to the introduction of medical record evidence that demonstrat-  
4 ed that Nancy suffered abuse in the physical custody of SARC, DDS and APS.

5 (c) Drs. Morgan and Cerezo were called by the Golins to testify. After giving testimony  
6 favorable to the Golins, Street approached each of them during recesses, cornered them in  
7 an alcove and told them that they needed to side with DDS, assured them that DDS would  
8 protect them and threatened that the Golins would come after them in which case DDS  
9 could not protect them. Street spoke to both of these witnesses in a hostile and aggressive  
10 manner in an effort to obstruct justice.

11 (d) During the examination of Elsie Golin, Street produced falsified Stanford records in  
12 an attempt to impeach Elsie.

13 (e) Street joined in objections to the authenticity of medical records produced in discov-  
14 ery by DDS without verifications. These records showed, *inter alia*, that while in APS,  
15 DDS and SARC custody, Nancy was having intractable seizures causing her to throw up  
16 blood and pieces of her esophageal lining. The records showed that Nancy was being giv-  
17 en inappropriate psychotropic medication including Zyprexa and Risperdal, which lowered  
18 seizure thresholds and thus caused violent seizures, convulsions and esophageal and hiatal  
19 ruptures. At the same time, Nancy's phenobarbital dosage, which controlled the seizures  
20 when Nancy was in the custody of her parents, was lowered.

21 (f) Street supported administration of psychotropic medications to Nancy.

22 (g) Street instructed document witnesses subpoenaed by the Golins not to produce rec-  
23 ords.

24 63. At the conclusion of the trial, the probate court appointed DDS as Nancy's limited  
25 conservator. This appointment was supposed to be reviewed after the first year and every two years  
26 thereafter but DDS acting through SARC never petitioned to have it reviewed until 2009.

27 64. Since October, 2003 and up to the present time, defendants DDS, SARC, the Talla  
28 House defendants, Embee Manor and Liske arbitrarily imposed severe visitation restrictions and at

1 times barred contacts between the Golins and Nancy. They banned photography and video together  
2 with other arbitrary restrictions, such as barring their admission to Embee or Talla.

3 65. Nancy Golin while in state custody has sustained numerous injuries including a bro-  
4 ken left clavicle, partially dislocated left shoulder, ripped out fingernail, possible sexual molesta-  
5 tion, permanent brain damage from chemical assault and chemical restraint from use of inappropri-  
6 ate and illegal drugging on psychotropics, prolonged series of seizures and convulsions due to un-  
7 dermedication by careworkers, neglect and aggravation of a prior chronic gastroesophageal hiatal  
8 hernia, leading to a huge hiatal hernia and esophageal ulcers, pre-cancerous metaplasia of the  
9 esophageal lining (Barrett's esophagus) left to deteriorate, Mallory-Weiss tears, dental neglect, os-  
10 teoporosis, Parkinson's disorder, Tardive dyskinesia, fractured skull and fractured femur.

11 66. Under SARC's continuing care and control, Nancy suffered TD, has seizures, and is  
12 still under the care and supervision of SARC general practitioner Masada, who improperly resumed  
13 Zyprexa. Her drugging has caused her edema, critical gastroesophageal ruptures and hernias, circu-  
14 latory and possible heart failure. Where she once was able to run and hike all day, she is now suf-  
15 fering from muscle rigidity and contractures. She appears no longer to be able to use either hand,  
16 and her elbows are rigid. She has suffered severe neurological damage from recent drugging. She  
17 now sometimes drools, has a grimace rather than a smile, demonstrates tongue thrusting, and often  
18 has a blank expression with little or no eye contact. She has dark circles under her eyes. She is un-  
19 able to use her hands, which are clenched into a fist constantly, and her left hand is mysteriously and  
20 constantly bent at a severe right angle at the wrist, possibly due to the long-term use of restraints.  
21 Her face is puffy. Her shoulders are deformed and she has no flexibility in either elbow. Her hands  
22 shake. She can no longer tie her shoelaces, feed herself, or remove her pants to toilet herself.

23 67. After five years of dental neglect, persistent use of Dilantin as an anti-seizure medica-  
24 tion causing bone loss, and dietary inadequacies in state conservatorship, many of Nancy's rear  
25 teeth rotted out and became infected and most had to be removed in 2006.

## 26 **STATEMENT OF DAMAGES**

27 68. As a direct and proximate result of the incidents alleged in this complaint, plaintiffs  
28

1 sustained injuries and damages including, but not limited to pain, suffering, injuries to their bodies,  
2 as well as severe emotional distress, fear, anxiety, embarrassment and humiliation, all to their gen-  
3 eral damage in an amount according to proof.

4 69. As a further direct and proximate result of the incident alleged in this complaint,  
5 plaintiffs Elsie Golin and Jeffrey Golin suffered humiliation, grief, emotional distress, loss of in-  
6 come, lost opportunities, incurred attorney's fees, bail premiums, court costs, fees for psychological  
7 assessments, expert witness fees, transportation costs and other incidental expenses and were re-  
8 quired to pay for transportation and visits during the period that Nancy Golin was unlawfully de-  
9 tained, all to their special damage in an amount according to proof.

10 70. As a further direct and proximate result of the incident alleged in this complaint, Elsie  
11 Golin lost wages.

12 71. In doing the things alleged herein, the individual defendants acted oppressively, ma-  
13 liciously and in reckless disregard of the plaintiffs' rights justifying an award of punitive damages in  
14 accordance with proof.

15 72. Plaintiffs have been compelled to engage the services of private counsel to vindicate  
16 their rights under the law. Plaintiffs are therefore entitled to reasonable attorney's fees pursuant to  
17 Title 42, United States Code § 1988.

18 **FIRST CAUSE OF ACTION**

19 Violation of the First, Fourth and Fourteenth Amendments to the United States Constitution,  
20 42 U.S.C. Section 1983

21 NANCY GOLIN against KRATZER, PALO ALTO, SANTA CLARA, BUCKMASTER, SARC,  
22 LISKE, KINDERLEHRER, ROGERS, ALLENBY, DDS, STANFORD, EMBEE MANOR and  
DOES 1-50

23 73. Plaintiff incorporates herein by reference the allegations set forth in ¶¶1-72 of this  
24 complaint.

25 74. In doing the things complained of herein, Defendants Kratzer, Palo Alto, Santa Clara,  
26 Buckmaster, Duong, SARC, Liske, Kinderlehrer, Rogers, Allenby, DDS, Stiles, Stanford, Embee  
27 Manor and Does 1-50 acted under color of state law to deprive plaintiff Nancy Golin of constitu-  
28

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1 tionally-protected rights, including but not limited to:

- 2 (a) the right not to be deprived of liberty without due process of law;
- 3 (b) the right to be free from unreasonable interference with parent-child relationships;
- 4 (c) the right to procedural due process;
- 5 (d) the right to be free from unreasonable searches and seizures; and
- 6 (e) the right to be free from arbitrary intrusions on plaintiffs' physical and emotional
- 7 wellbeing; and
- 8 (f) the right of access to the courts to redress her grievances

9 75. Each of the named public entities had unconstitutional policies and practices which  
10 were the driving force behind the violation of plaintiff's rights including the failure to train public  
11 employees in the warrant requirement of the Fourth Amendment and to respect parent-child rela-  
12 tionships in allowing parents to be present for non-routine medical appointments where invasive  
13 procedures are used and serious medical decisions are made.

14 76. In doing the acts complained of herein, defendants directly and proximately caused  
15 damages as alleged herein.

16 77. In doing the acts complained of herein, defendants acted with malice and oppression  
17 and in reckless disregard of plaintiff's rights thereby entitling plaintiff to an award of punitive dam-  
18 ages against the defendants.

19 **SECOND CAUSE OF ACTION**

20 First, Fourth and Fourteenth Amendments  
21 42 U.S.C. Section 1983

22 ELSIE GOLIN and JEFFREY GOLIN against DDS, STILES, KRATZER, PALO ALTO, SANTA  
23 CLARA, BUCKMASTER, DUONG, SARC, LISKE, KINDERLEHRER, ROGERS and EMBEE  
24 MANOR

25 78. Plaintiffs incorporate herein by reference the allegations set forth in ¶¶1-77 of this  
26 complaint.

27 79. In doing the things complained of herein, defendants DDS, Stiles, Kratzer, Palo Alto,  
28 Santa Clara, Buckmaster, Duong, SARC, Liske, Kinderlehrer, Rogers, Embee Manor and Does 1-50

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1 acted under color of state law, to deprive plaintiffs Elsie Golin and Jeffrey Golin as alleged herein  
2 of constitutionally-protected rights including, but not limited to:

- 3 (a) the right not to be deprived of liberty without due process of law;
- 4 (b) the right to be free from unreasonable interference with parent-child relationships;
- 5 (c) the right to procedural due process;
- 6 (d) the right to be free from unreasonable searches and seizures;
- 7 (e) the right to be free from arbitrary intrusions on plaintiffs' physical and emotional  
8 well-being; and
- 9 (f) the right of access to the courts to redress their grievances.

10 80. Each of the named public entities had unconstitutional policies and practices which  
11 were the driving force behind the violation of plaintiff's rights including the failure to train public  
12 employees in the warrant requirement of the Fourth Amendment and to respect parent-child rela-  
13 tionships in allowing parents to be present for non-routine medical appointments where invasive  
14 procedures are used and serious medical decisions are made. In doing the acts complained of here-  
15 in, defendants directly and proximately caused damages as alleged herein.

16 81. In doing the acts complained of herein, defendants acted with malice and oppression  
17 and in reckless disregard of plaintiff's rights thereby entitling plaintiff to an award of punitive dam-  
18 ages against the individually named defendants.

### 19 **THIRD CAUSE OF ACTION**

20 Malicious Prosecution

21 42 U.S.C. Section 1983

22 ELSIE GOLIN and JEFFREY GOLIN against KRATZER, PALO ALTO, SANTA CLARA,  
23 BUCKMASTER, DUONG, DDS, STILES, SARC, LISKE, KINDERLEHRER, ROGERS and  
24 DOES 1-50

25 82. Plaintiffs incorporate herein by reference the allegations set forth in ¶¶1, 3-6, 24, 50-  
26 56, 88-89 of this complaint.

27 83. In initiating the criminal action against the Golins, defendants DDS, Stiles, Kratzer,  
28 Palo Alto, Santa Clara, Buckmaster, Duong, SARC, Liske, Kinderlehrer, Rogers, Allenby, DDS,

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1 Stanford and Does 1-50 acted under color of state law to deprive plaintiffs Elsie Golin and Jeffrey  
2 Golin as alleged herein, of their constitutional right not to be prosecuted maliciously and without  
3 probable cause.

4 84. Each of the named public entities had unconstitutional policies and practices which  
5 were the driving force behind the violation of plaintiff's rights including the failure to train public  
6 employees in the duty to be truthful when seeking EPOs and arrest warrants and to respect parent-  
7 child relationships in allowing parents to be present for non-routine medical appointments where  
8 invasive procedures are used and serious medical decisions are made.

9 85. In doing the acts complained of herein, defendants directly and proximately caused  
10 damages as alleged herein.

11 86. In doing the acts complained of herein, defendants acted with malice and oppression  
12 and in reckless disregard of plaintiffs' rights thereby entitling plaintiffs to an award of punitive  
13 damages.

14 **FOURTH CAUSE OF ACTION**

15 42 U.S.C. 1983 – Civil Conspiracy

16 JEFFREY GOLIN and ELSIE GOLIN against ALL DEFENDANTS except STANFORD.

17 NANCY GOLIN against ALL DEFENDANTS

18  
19 87. Plaintiffs incorporate herein by reference the allegations set forth in ¶¶1-86 of this  
20 complaint.

21 88. Defendants made an agreement for an illegal purpose to:

- 22 (a) remove Nancy from her parents on spurious allegations of abuse and neglect;  
23 (b) detain her on an illegal psychiatric hold;  
24 (c) keep her confined in a secret location without lawful authority and against Nancy's  
25 wishes and those of the Golins;  
26 (d) falsely arrest and imprison the Golins to keep them from rescuing her:  
27 (e) destroy the Golins financial capacity to fight back;  
28 (f) secretly apply for conservatorship for Nancy under HSC §416.5 to keep the Golins

1 from appearing in court;

2 (g) file for temporary conservatorship without notice to the Golins,

3 (h) forge documents to create the appearance that Nancy's false imprisonment was vol-  
4 untary;

5 (i) forge document to obtain Nancy's medical records;

6 (j) prevent Nancy from legally asserting her rights by claiming control over her legal  
7 representation;

8 (k) keeping anyone else away from any records about her care; and

9 (l) attempting to cause alienation of affection of Nancy from her parents by severely  
10 limiting her from their regular contacts and subjecting her to behavior modification treat-  
11 ments and drugging with psychotropics.

12 89. In pursuing these objectives, Defendants and all of them at all times aided and abetted  
13 each other in carrying out the conspiracy and are therefore each jointly and severally liable for the  
14 acts of each other.

15 90. Defendants Stiles and Duong personally owed a fiduciary duty of care to non-client  
16 Nancy that they breached under Restatement (Third) of the Law Governing Lawyers § 51 (2006).

17 91. As a direct and proximate result of defendants' conduct, plaintiffs have suffered gen-  
18 eral and special damages in amounts according to proof.

19 92. In doing the acts complained of herein, defendants acted with malice and oppression  
20 and in reckless disregard of plaintiffs' rights thereby entitling plaintiffs to an award of punitive  
21 damages.

1 **FIFTH CAUSE OF ACTION**

2 Intentional Infliction of Emotional Distress

3 ELSIE GOLIN and JEFFREY GOLIN against DDS, STILES, LAMB, STREET,  
4 KINDERLEHRER, DUONG, LISKE, WENDT, ALLENBY, DELGADILLO, MANTILLA,  
5 TALLA, MASADA, KRATZER, PALO ALTO, SANTA CLARA, SARC

6 NANCY GOLIN against LAMB, STILES, STREET, KINDERLEHRER, LISKE, WENDT,  
7 ALLENBY, DELGADILLO, MANTILLA, TALLA, MASADA, KRATZER, PALO ALTO,  
8 SANTA CLARA, SARC and STANFORD

9 93. Plaintiffs incorporate herein by reference the allegations set forth in ¶¶1-92 of this  
10 complaint.

11 94. Plaintiffs have suffered and continue to suffer extreme emotional from acts of these  
12 defendants that is intentional, reckless, deliberate, spiteful, vindictive, extreme and outrageous, ex-  
13 tended over a lengthy period of time, beyond all bounds normally tolerated by decent society.

14 95. As a direct and proximate result of defendants’ conduct, plaintiffs have suffered gen-  
15 eral and special damages according to proof.

16 96. In doing the acts complained of herein, defendants acted with malice and oppression  
17 and in reckless disregard of plaintiffs’ rights thereby entitling plaintiffs to an award of punitive  
18 damages.

19 **SIXTH CAUSE OF ACTION**

20 Negligence and Negligence Per Se

21 Breach of Statutory Duty–Welfare and Institutions Codes §§4502, 4503, 4620.1, 5150.05, 5152,  
22 5250, 5270.10

23 NANCY GOLIN against ALLENBY, STANFORD, PALO ALTO, SANTA CLARA, KRATZER,  
24 BUCKMASTER, SARC, KINDERLEHRER, ROGERS, LISKE, EMBEE MANOR, TALLA  
25 HOUSE and DOES 1-50

26 97. Plaintiff incorporates herein by reference the allegations set forth in ¶¶ 1-96 of this  
27 complaint.

28 98. Defendants at all times herein owed Nancy Golin a duty of care arising from their  
special relationship with her as a person in their custody and control and as defined by Welfare and  
Institutions Code sections §§4502, 4503, 4620.1, 5250, 5150.05, 5152, 5270.10, and 5275.

99. Defendants negligently breached their duty by neglecting her physical and emotional  
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1 needs, by allowing her to be abused by others, by isolating her, by drugging her, by ignoring her le-  
2 gal rights as a patient, and by holding her in custody without probable cause and failing to seek a  
3 prompt judicial determination of her custodial status, among other things.

4 100. Defendants had a duty under statute to release Nancy when Kratzer's application for  
5 her §5250 hold for grave disability was denied on or about November 23, 2001, Cal. Welf. & Inst.  
6 C. §§5152 and 5270.35, subjecting them to civil penalties under Cal. Welf. & Inst. C. §§5270.10  
7 (failure to release), 5150 (knowingly false statements).

8 101. Defendant Allenby either knew or should have known that the acts of his agents at  
9 SARC were illegal.

10 102. Said violations were not caused by any act or omission of the plaintiff.

11 103. As a direct and proximate result of said breach, plaintiff has suffered general and  
12 special damages in amounts according to proof.

13 **SEVENTH CAUSE OF ACTION**

14 False Imprisonment

15 NANCY GOLIN against PALO ALTO, KRATZER, SANTA CLARA, BUCKMASTER, STILES,  
16 STANFORD, DUONG, SARC, ROGERS, KINDERLEHRER, LISKE, MANTILLA

17 104. Plaintiff incorporates herein by reference the allegations set forth in ¶¶1-103 of this  
18 complaint.

19 105. The defendants intentionally confined Nancy against her will for a significant period  
20 of time without a warrant or other legal process.

21 106. As a direct and proximate result of said breach, plaintiff has suffered general and  
22 special damages in amounts according to proof.

23 107. In doing the acts complained of herein, defendants acted with malice and oppression  
24 and in reckless disregard of plaintiff's rights thereby entitling plaintiff to an award of punitive dam-  
25 ages.

1 **EIGHTH CAUSE OF ACTION**

2 Chemical Assault and Battery

3 NANCY GOLIN against DDS. ALLENBY, DEGADILLO, APS, STANFORD, SARC, ROGERS,  
4 LISKE, WENDT, MANTILLA, TALLAS, STREET, BUCKMASTER, STILES, MASADA,  
5 LAMB, KRATZER and DOES 1-50

6 108. Plaintiff incorporates herein by reference the allegations set forth in ¶¶ 1- 9, 27, 34,  
7 37, 43-46, and 66 of this complaint.

8 109. Defendants intentionally administered drugs to Nancy without her consent or the  
9 consent of the Golins and without a court order.

10 110. Administration of the drugs is offensive to a reasonable person due to their mind-  
11 altering effects and the risk of serious permanent injury.

12 111. In doing the acts complained of herein, defendants directly and proximately caused  
13 damages as alleged herein.

14 112. In doing the acts complained of herein, defendants acted with malice and oppression  
15 and in reckless disregard of plaintiff’s rights thereby entitling plaintiff to an award of punitive dam-  
16 ages.

17 **NINTH CAUSE OF ACTION**

18 Violation of Elder Abuse and Dependent Adult Civil Protection Act

19 Civil Action: W&I Code §§15657-15657.5

20 NANCY GOLIN against MANTILLA, LAMB, TALLAS, SARC, ROGERS, KINDERLEHRER,  
21 LISKE, WENDT, STREET, GREENWOOD, BUCKMASTER, PALO ALTO, SANTA CLARA,  
22 ALLENBY, KRATZER, STANFORD, ALLENBY, and DOES 1-50

23 113. Plaintiffs incorporate herein by reference the allegations set forth in ¶¶1-110 of this  
24 complaint.

25 114. At various times and places relevant herein, Defendants either directly or indirectly  
26 caused Nancy Golin, a dependent adult, to be physically abused, neglected, isolated and to suffer  
27 medical neglect, which resulted in physical harm or pain or mental suffering.

28 115. Defendants have caused Nancy Golin severe mental suffering including fear, agita-  
tion, confusion, and depression.

1 116. Defendants administered unnecessary psychotropic drugs that induce terrorizing  
2 psychotic episodes.

3 117. Defendants have placed Nancy in imminent danger, involving a substantial probabilit-  
4 ity of risk of death or serious physical harm through their actions or inactions.

5 118. Defendants have denied Nancy emergency medical care.

6 119. Defendants have allowed Nancy her to wander from their facilities on hundreds of  
7 occasions thereby increasing the risk that she would be harmed.

8 120. Defendants have left her locked in her room for days and left her in the cold both in  
9 her room and outdoors.

10 121. Defendants have tied Nancy's hands, ankles and arms.

11 122. Defendants have subjected Nancy to assault and battery.

12 123. Defendants have deprived Nancy of food and water.

13 124. In doing the acts complained of herein, defendants directly and proximately caused  
14 damages as alleged herein.

15 125. In doing the acts complained of herein, defendants acted with malice and oppression  
16 and in reckless disregard of plaintiff's rights thereby entitling plaintiff to an award of punitive dam-  
17 ages.

18 126. Defendants acted with recklessness, oppression, fraud or malice in committing the  
19 acts provided herein thus entitling plaintiff to the enhanced remedies provided in Welfare and Insti-  
20 tutions Code §§15657-15657.5.

21 **TENTH CAUSE OF ACTION**

22 **Medical Malpractice**

23 **NANCY GOLIN against SARC, WENDT, MASADA, STANFORD and DOES 1-50**

24 127. Plaintiff incorporates herein by reference the allegations set forth in ¶¶1, 5, 8, 9, 27,  
25 34, 37, 41, 43-46, 48-49, 66 and 67- 126 of this complaint.

26 128. From November, 2001 to the present defendants negligently cared for, diagnosed  
27 and treated plaintiff, and failed to exercise the standard of care ordinarily and reasonably required of  
28

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1 physicians, nurses, interns, etc. by, without limitation, prescribing harmful drugs with little if no  
2 therapeutic benefits, among other negligent acts, which proximately caused the hereinafter de-  
3 scribed injuries and damages to plaintiff.

4 129. As a proximate result of the negligence of defendants, and each of them, plaintiff  
5 was injured in her health, strength and activity, sustaining injury to her body and shock and injury to  
6 her nervous system and person, all of which said injuries caused and continue to cause plaintiff  
7 great mental and physical, and nervous pain and suffering. Plaintiff is informed and believes and on  
8 that basis alleges that said injuries will result in some permanent disability, all to her general dam-  
9 age.

10 130. As a further proximate result of the negligence of the defendants, and each of them,  
11 plaintiff will be required to employ physicians and surgeons to examine, treat and care for her and  
12 will in the future incur medical and incidental expenses. The exact amount of such expenses is un-  
13 known to plaintiff at this time, and plaintiff will ask leave to amend her pleading once the amount  
14 thereof is ascertained.

15 **ELEVENTH CAUSE OF ACTION**

16 Legal Malpractice

17 NANCY GOLIN against COUNTY OF SANTA CLARA, MALORIE STREET and DOES 1-50

18 131. Plaintiff incorporates herein by reference the allegations set forth in ¶¶1, 4 and 62 of  
19 this complaint.

20 132. Defendant Street is and at all times mentioned herein an attorney duly licensed to  
21 practice in the courts of this state. Defendant is an employee of the County of Santa Clara in the  
22 Office of Public Defender who was appointed by the Probate Court to represent Nancy during the  
23 conservatorship proceedings.

24 133. Defendant Street and the County of Santa Clara owed Nancy a duty to exercise due  
25 care in advocating for Nancy, and a duty of loyalty to her client.

26 134. Street breached those duties, sacrificing them to serve the needs of adverse parties  
27 including APS, DDS and SARC.

1 135. If defendants had not breached their duties to Nancy, the outcome of the conserva-  
2 torship trial would have been different and Nancy would have been reunited with the Golins.

3 136. In doing the acts complained of herein, defendant Street directly and proximately  
4 caused damages as alleged herein.

5  
6 **CLAIM PRESENTATION**

7 137. Before the filing of this action and the filing of their earlier federal action, plaintiffs  
8 presented timely claims under Government Code section 910 to defendant Santa Clara County, the  
9 State of California, San Andreas Regional Center, and the City of Palo Alto. Each of the defendant  
10 public agencies denied the claims. Plaintiffs timely filed their complaint in federal court following  
11 denial of the claims.

12 **STATUTE OF LIMITATIONS - TOLLING**

13 138. The statute of limitation as to the Golins on each cause of action did not accrue and  
14 was equitably tolled and tolled by statute until the end of criminal proceedings in August 2003.

15 139. Plaintiffs filed a federal civil rights complaint arising from the same facts asserted in  
16 this complaint as they existed at the time of filing. The case was dismissed in the United States Dis-  
17 trict Court under FRCP Rule 12(b)(6).

18 140. Upon finality of the dismissal of the federal complaint in March 2006, plaintiffs  
19 timely refiled their complaint in state court under 28 U.S.C. section 1367(d).

20 141. At all times relevant to the acts and omissions complained of herein, Nancy Golin  
21 has been under a developmental disability tolling the statute of limitations under Code of Civil Pro-  
22 cedure section 352(a).

23 **RELIEF SOUGHT**

24 **WHEREFORE**, plaintiffs pray for judgment against defendants as follows:  
25

- 26 1. For general damages in accordance with proof at trial;  
27 2. For special damages in accordance with proof at trial;  
28 3. For punitive damages in accordance with proof against defendants Jamie Buckmaster,

1 San Andreas Regional Center, Santiago J. Rogers, Stanford Hospital and Clinics, Miriam  
2 D. Kinderlehrer, Tucker A. Liske, Lisa Wendt, R.N., Roselily Talla, Anselmo Talla dba  
3 Talla House, Edna Mantilla dba Embee Manor, Georgianna Lamb, H. Dean Stiles and  
4 My-Le Jacqueline Duong;

- 5 4. For appropriate injunctive relief;  
6 5. For attorney's fees pursuant to statute;  
7 6. For statutory damages and penalties; and  
8 7. For such other and further relief as the court deems appropriate.

9 DATED: May 11, 2012

10 \_\_\_\_\_  
11 DAVID J. BEAUVAIS  
12 Attorney for Plaintiffs  
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1 **VERIFICATION**

2 I, Plaintiff Jeffrey R. Golin, declare under penalty of perjury that I have read the foregoing  
3 second amended complaint and the facts stated herein are true and correct based on my own person-  
4 al knowledge and as to those facts stated under information and belief, I believe them to be true.  
5 Executed this 11<sup>th</sup> day of May, 2012 at Clovis, California.

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8 JEFFREY R. GOLIN  
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