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14
15 **SUPERIOR COURT OF CALIFORNIA**
16 **COUNTY OF SAN DIEGO**

17 **LUZ VILLAFANA,**
UHMBAYA LAURY;
18 Plaintiffs,

19 v.

20
21 **COUNTY OF SAN DIEGO,**
22 Defendant.

CASE NO: 37-2018-00031741-CU-MC-CTL
[Assigned: Hon. Ronald L. Styn]
[Dept.: 74]

**FIRST AMENDED COMPLAINT FOR
INJUNCTIVE AND DECLARATORY
RELIEF**

INTRODUCTION

1 1. This action challenges a state-funded program that disproportionately impacts people
2 of color and women. Unlike every other county in the state, Defendant San Diego County (“the
3 County”) forces nearly all persons seeking welfare assistance to submit to home inspections without
4 any reason to believe they are ineligible. The County has other effective means to verify eligibility,
5 yet it continues to waste time and money routinely inspecting the homes of families in distress.

6 2. CalWORKs (“California Work Opportunity and Responsibility to Kids”) is the
7 state’s cash-assistance welfare program. It supports families in making a transition to the work force
8 and provides a safety net for persons who may become income-eligible, including those who suffer
9 a catastrophic loss of income due to job loss or otherwise.

10 3. For over 20 years, the County has required persons in need of CalWORKs benefits
11 to submit to “Project 100%,” also known as “P100,” or face denial of benefits. Under P100, absent
12 any suspicion of ineligibility, nearly all persons applying for CalWORKs benefits must submit to
13 an unannounced home inspection by a law enforcement investigator. The investigators may
14 interrogate applicants about matters such as intimate relationships, childcare, living and sleeping
15 arrangements, and inspect private areas such as closets, cupboards, desks, dressers, hampers, and
16 laundry bags.

17 4. If CalWORKs applicants do not cooperate with P100 inspections, they face denial of
18 their applications, leaving them destitute. When not notified when the inspections will occur, the
19 applicants are effectively held hostage in their homes waiting for the investigator to arrive.

20 5. Plaintiffs bring this action to compel the County to stop operating P100, which
21 adversely impacts thousands of innocent people each year at significant waste of public funds that
22 could be put to better use investigating actual violations of law. The County can and does verify
23 eligibility and prevent fraud through cost-effective means that do not require indiscriminate home
24 inspection. Plaintiffs respectfully request the Court to issue declaratory and injunctive relief to cure
25 the County’s illegal expenditure of taxpayer funds.
26
27
28

1 **PARTIES**

2 6. Plaintiff Luz Villafana is, and at all times mentioned herein, has been a citizen
3 resident of San Diego County. Ms. Villafana owns a home in Escondido and, within the one year
4 before the commencement of this action, has paid property taxes to the County of San Diego and
5 the State of California, and is currently assessed and liable to pay additional taxes therein. Within
6 one year of the commencement of this action, she has also paid income or sales taxes that fund the
7 County of San Diego.

8 7. Plaintiff Uhmbaya Laury is and at all times mentioned herein has been a citizen
9 resident of San Diego County. She has previously applied or re-applied for public benefits under
10 the CalWORKs program. As a condition of seeking benefits, for which she was ultimately
11 approved, she was forced to submit to Project 100%. As a result, she personally suffered adverse
12 impacts from the County's P100 policy. Within one year before the commencement of this action,
13 she has paid sales tax, gasoline tax, or other taxes, charges, or fees routinely imposed in the County
14 of San Diego that fund the County of San Diego.

15 8. Defendant County of San Diego is a public entity responsible for ensuring that the
16 County, its agencies, officers, employees, and agents fulfill the requirements of all applicable
17 provisions of federal and state constitutional law, statutes, and regulations with respect to the
18 administration of public benefits, including CalWORKs.

19 **STATUTORY AND REGULATORY FRAMEWORK**

20 9. Congress enacted Title IV-A of the Social Security Act to "provide assistance to
21 needy families so that children may be cared for in their own homes or in the homes of relatives."
22 42 U.S.C. § 601(a)(1). Public assistance funding under the Social Security Act stems from "the
23 Nation's basic commitment . . . to foster the dignity and well-being of all persons within its borders"
24 and is based upon the recognition "that forces not within the control of the poor contribute to their
25 poverty." *Goldberg v. Kelly*, 397 U.S. 254, 264–65 (1970).

26 10. CalWORKs is the state analog to the federal Temporary Assistance for Needy
27 Families ("TANF") program, formerly known as Aid to Families with Dependent Children
28

1 (“AFDC”). AFDC was established by Title IV-A of the Social Security Act of 1935, 49 Stat. 627,
2 as amended, 42 U.S.C. §§ 601–610.

3 11. CalWORKs exists for the benefit of all otherwise qualified California families to
4 provide a safety net for anyone who might become income-eligible due to job loss or otherwise.

5 12. To receive CalWORKs benefits, a family must be income-eligible. A family of three
6 in San Diego County, for example, must have no more than \$1,292 in net monthly income. *See*
7 California Department of Social Services, *All County Letter No. 16-47*, California Work
8 Opportunity And Responsibility To Kids (CalWORKs): Cost Of Living Adjustment (Cola) Increase
9 To The Minimum Basic Standard Of Adequate Care (MBSAC) Levels, May 27, 2016 at 3; *Manual*
10 *of Policies and Procedures: Eligibility and Assistance Standards* (“MPP”) § 44-207.

11 13. California counties administer the CalWORKs program within their respective
12 localities in conformity with state rules and regulations. CAL. WELF. & INST. CODE §§ 11209, 10802.

13 14. “The basic purpose of the [benefits] application process is to assist the individual in
14 establishing his/her eligibility for aid and services.” MPP § 40-115.1. Gathering the requisite
15 evidence to make an eligibility determination is a “joint responsibility” of the applicant and the
16 County. MPP § 40-157.21. The County requires the applicant to produce “only evidence necessary
17 to determine past or present eligibility for the amount or delivery of aid.” MPP § 40-126.31.

18 15. The regulations spell out the “Steps in the Application Process” to determine
19 eligibility for aid. *See* MPP § 40-115.2. Initially, an applicant discusses with an eligibility worker
20 the circumstances that have led to the application. MPP § 40-115.211. The eligibility worker, in
21 turn, explains the “agency requirements, program limitations, [the applicant’s] rights and
22 responsibilities and what he/she can expect from the agency.” *Id.*

23 16. The applicant completes a “Statement of Facts” form, which is signed under penalty
24 of perjury. MPP §§ 40-115.22, 40-128.1. The application is submitted to the “Applicant System”
25 component of the state’s Income Eligibility Verification System (“IEVS”), administered by the
26 Department of Health Services (“CDHS”). *See* MPP § 40-115.225.

27 17. The IEVS is a “federally-mandated system” consisting of “a coordinated data
28 exchange” among various databases including, but not limited to, “[w]age information from the

1 State Wage Information Collection Agency, . . . [u]nemployment/disability compensation benefits
2 from the agencies administering those programs, . . . [b]enefits/pensions/wage information from the
3 Social Security Administration, . . . Internal Revenue Service (IRS)/Franchise Tax Board (FTB)
4 unearned income data, . . . Social Security number (SSN) verification information from SSA; and
5 [i]nter/intra-county duplicate benefit matches.” MPP § 20-006.1.

6 18. The County must submit “specific identifying information” to CDHS for each
7 CalWORKs applicant, “such as, but not limited to, name, SSN [and] date of birth.” MPP § 20-
8 006.211. The County “shall input applicant data into IEVS at the first available opportunity . . . but
9 no later than five working days after the signed statement of facts is completed.” MPP § 20-006.212.
10 The County “shall use information obtained through the IEVS for the purposes of . . . [v]erifying
11 the applicant’s/recipient’s eligibility . . . [and v]erifying the proper amount of benefits.” MPP § 20-
12 006.3.

13 19. After the application is submitted, the applicant is required to, among other things:
14 (a) complete all documents required in the application process; (b) provide all documents in her
15 possession which are needed to determine eligibility; (c) report all facts the applicant believes to be
16 material to her application or which the County has identified as affecting eligibility; (d) report any
17 change in these facts within five calendar days of the change; (e) identify any third party who may
18 be liable for care and services; and (f) identify any other family member required to be in the
19 assistance unit. *See* MPP §§ 40-105.11–105.16; CAL. WELF. & INST. CODE § 11268.

20 20. Once applicants have been enrolled, they are subjected to “ongoing eligibility
21 verification” through IEVS. *See* California Department of Social Services, “Income and Eligibility
22 Verification System,” available at [http://www.cdss.ca.gov/inforesources/CalFresh-Resource-](http://www.cdss.ca.gov/inforesources/CalFresh-Resource-Center/Policy-Interpretations/IEVS)
23 [Center/Policy-Interpretations/IEVS](http://www.cdss.ca.gov/inforesources/CalFresh-Resource-Center/Policy-Interpretations/IEVS). “Every quarter the [County] shall submit” to IEVS “income
24 and eligibility information on each recipient of CalWORKs . . .” MPP § 20-006.221.

25 21. In addition to using IEVS to verify applicant eligibility and proper benefits amount,
26 the County shall use information obtained through the IEVS for “[d]etermining whether a recipient
27 received benefits to which he/she was not entitled” and where appropriate, “[c]onducting criminal
28 or civil prosecutions.” MPP § 20-006.3.

1 22. The eligibility worker begins the process of compiling “acceptable evidence” to
2 verify the “linking” and “nonlinking” factors of the applicant’s eligibility for aid. MPP § 40-115.22.
3 The regulations set forth in considerable detail what constitutes acceptable evidence for each such
4 factor. *See, e.g.*, MPP § 42-111.1 (regarding proof of age); and MPP § 42-407 (regarding proof of
5 residence).

6 23. “A face-to-face interview with the applicant is required prior to the granting of aid.”
7 MPP § 40-131.11. This interview by the eligibility worker must cover a long list of topics, including
8 the applicant’s obligation to report all facts material to a correct determination of eligibility and the
9 grant amount, the joint responsibility of the County and the applicant for exploring all the facts
10 concerning eligibility, and the “kinds of evidence which may be needed to establish eligibility.”
11 MPP § 40-131.3.

12 24. Within ten calendar days of application, the County must give written notice to the
13 applicant of any “required evidence and examples of alternative evidence, if any, to determine
14 eligibility.” MPP § 40-126.32. The County shall, however, assist the applicant in obtaining any
15 such evidence concerning eligibility from a third party if the applicant has made a good faith effort
16 to obtain such evidence but did not succeed due to the third party’s failure or refusal to provide the
17 necessary information. MPP § 40-126.331. Moreover, the “county shall not deny an application
18 for failure to provide evidence of eligibility if the county has determined that the applicant is
19 continuing to cooperate by attempting to comply in obtaining necessary evidence.” MPP §
20 40.126.34.

21 25. The state has prescribed the methods of gathering evidence of eligibility. *See* MPP
22 § 40-157.2. Throughout the entire application process, the County must “inform the applicant what
23 evidence is desired, why it is needed and how it will be used.” MPP § 40-157.211; *see also* MPP §
24 40-115.223. The applicant, on the other hand, must agree to participate in, and “cooperate with the
25 county in the evidence gathering process to the fullest extent possible.” MPP § 40-157.212; *see*
26 MPP §§ 40-115.221, 40-115.222. “When it is not possible for the applicant to obtain necessary
27 evidence, the county shall obtain it for him.” MPP § 40-157.213. “When evidence is conflicting,
28

1 inconsistent or incomplete, the investigation shall be pursued to the point that the preponderance of
2 evidence supports the determination regarding the applicant's eligibility." MPP § 40-157.14.

3 26. State regulations require a home visit only when "living arrangements or other
4 factors affecting eligibility, or apparent eligibility in cases of immediate need or diversion, cannot
5 be satisfactorily determined without such a visit." MPP § 40-161.

6 **STATEMENT OF FACTS**

7 27. CalWORKs, of which P100 is a part, is a state-funded program or activity, or a
8 program or activity that receives state financial assistance.

9 28. To the extent it could be considered a program or activity separate from CalWORKs,
10 P100 is a state-funded program or activity, or a program or activity that receives state financial
11 assistance.

12 29. With approval of the County Board of Supervisors, P100 began in 1997 as a pilot
13 program proposed by the District Attorney's office and the County Department of Social Services,
14 ostensibly to "increase efforts in Welfare Fraud prevention" at the point of intake. Board of
15 Supervisors Minute Order No. 45, April 29, 1997; CalWORKs Program Guide, Special Notice
16 (hereafter "Special Notice") 98-60 at 1.

17 30. Effective January 4, 1999, the County expanded P100 to require home inspections
18 for all new CalWORKs applications that were not deemed "obvious denials." Special Notice 98-60
19 at 1.

20 31. P100 investigators are and have always been licensed peace officers. They
21 previously worked out of the District Attorney's office. Currently, they are assigned to the Public
22 Assistance Fraud ("PAF") division of the Department of Child Support Services ("DCSS").

23 32. In San Diego County, all applications for CalWORKs benefits that are not denied
24 outright are referred to PAF under P100, regardless of whether the applications present any reason
25 to suspect ineligibility or fraud.

26 33. Apart from P100, the County also conducts investigations of specific individuals
27 suspected of committing welfare fraud, known as "allegation-based" or "referral-based"

1 investigations. The lawfulness of allegation-based or referral-based investigation is not challenged
2 in this action.

3 34. Upon receipt of a P100 referral, a PAF investigator makes an unannounced attempt
4 to investigate the applicant at the address listed on the application. Special Notice 98-60 at 3. If no
5 one is home, the investigator is supposed to leave his or her business card. *See id.*; County of San
6 Diego CalWORKs Program Guide § 20-000.B.5.

7 35. If the applicant “is not home when the second home call attempt is made, another
8 business card will be left with a note on it for the applicant/recipient to call the investigator.” County
9 of San Diego CalWORKs Program Guide § 20-000.B.5.

10 36. There is no standard policy allowing CalWORKs applicants to schedule the
11 investigation of their homes, and applicants are not told they have any such opportunity when they
12 apply for benefits. On information and belief, given the lack of a standard policy or notice to
13 applicants of any opportunity to schedule the investigation, many CalWORKs applicants do not
14 know the investigation can be scheduled and thus believe they must remain at home all or
15 substantially all of the time they are waiting for the investigation to occur, which can take 10 to 14
16 days or more, or they will be denied CalWORKs benefits.

17 37. The notice sent to CalWORKs applicants concerning P100 indicates that the purpose
18 of the investigation is to “verify the facts related to your application for CalWORKs,” and states
19 that County policy “requires” that the investigation be “completed . . . prior to approving ongoing
20 CalWORKs benefits.”

21 38. Because applicants are typically not notified when the investigation will occur, they
22 must often remain effectively confined to their homes awaiting an unannounced and unscheduled
23 visit. As a result, they may be effectively required to postpone job searches, skip medical
24 appointments, and stop taking children to and from school for fear of suffering denial of income
25 necessary to feed their families.

26 39. Applicants often experience significant stress and anxiety waiting for the investigator
27 to conduct an unannounced inspection, fearing the County will refuse assistance desperately needed
28 to support their families if they are not home when the investigator arrives.

1 40. If the applicant is at home, the investigator seeks entry into the home and questions
2 the applicant and others who may be in the home. The interrogation may address a variety of
3 subjects, including matters unrelated to eligibility or that have already been documented and verified
4 during the application process, including but not limited to intimate relationships, child care,
5 sufficiency of toys and food for children, living, and sleeping arrangements.

6 41. The investigation may involve an inspection of the applicant's home, which may
7 entail viewing, among other things, the contents of private rooms, closets, cupboards, desks,
8 dressers, hampers, laundry bags, and other areas or items not in plain view.

9 42. The requirement for families to endure an unannounced home inspection by a law
10 enforcement investigator is significantly invasive, stigmatizing, and traumatizing, especially for
11 low-income women and people of color.

12 43. By requiring families to endure unannounced home inspections by law enforcement
13 investigators as a condition of applying for CalWORKs benefits, the P100 program stigmatizes and
14 traumatizes applicants because it treats them as if they were suspected criminals rather than people
15 in need seeking help in good faith to support their children.

16 44. By invading the sanctity of the home and family, the inspections by law enforcement
17 investigators inflict stigma and trauma not presented by ordinary requirements such as completing
18 an application or other form, speaking with an eligibility worker or non-law enforcement personnel,
19 or providing documents. It is inherently embarrassing and stigmatizing to have a law enforcement
20 investigator ask questions about the intimate details of one's life or inspect private areas of one's
21 home.

22 45. The investigations and interrogations often inflict significant stigma and trauma on
23 families, causing parents to fear their children will be removed and children to fear their parents will
24 be arrested.

25 46. The investigations and interrogations also stigmatize applicants because they attract
26 the attention of neighbors. Many CalWORKs applicants live in close quarters with others, *e.g.*, in
27 apartment buildings with many units where a visitor to one unit attracts the attention of those who
28 live in the other units. An applicant's neighbors may think that a visit from an investigator signals

1 that the applicant is in trouble with law enforcement. An applicant's neighbors may also realize that
2 the visit means that the applicant is applying for public assistance, which may cause the neighbors
3 to judge the applicant and think less of her. Either way, the investigations inflict stigma by
4 potentially attracting the attention of others and causing them to draw a variety of negative
5 inferences about the CalWORKs applicant.

6 47. If the investigator's attempts to contact the applicant are unsuccessful, or if the
7 applicant does not submit to the P100 investigation, the application for benefits is denied.

8 48. According to recent data, 50.33% of San Diego County CalWORKs recipients are
9 Hispanic, while 14.11% are African American.

10 49. Recent data show 33.5% of the County's general population is Hispanic, and only
11 5.5% is African American.

12 50. Recent data show adult women represent 72.73% of enrollees in San Diego County's
13 CalWORKs Welfare-to-Work ("WTW") program.

14 51. Recent data show adult women represent 39% of the County's general population.

15 52. On information and belief, because nearly all CalWORKs recipients are required to
16 participate in the WTW program, with very narrow exemptions, the WTW program's demographics
17 mirror or closely resemble those of the CalWORKs recipient pool.

18 53. The County currently employs several PAF investigators who spend a substantial
19 amount of their time on P100 investigations based on unsubstantiated suspicion that an applicant
20 violated any law. That time could be redirected to investigating suspected violations of law,
21 including, but not limited to, "fraud, perjury, embezzlement, [and] trafficking." MPP § 20-007.113.

22 54. No other county in California operates a program similar to P100. Instead, other
23 counties investigate claims of fraud based on individualized suspicion of applicant fraud rather than
24 conducting indiscriminate home inspections of all applicants.

25 55. Los Angeles County previously operated a program modeled on P100, but it
26 abandoned the program on or about 2009.

27 56. Counties with CalWORKs caseloads of 1,000 cases or more are required to develop
28 and administer fraud investigation programs administered by special investigation units ("SIUs"),

1 which are distinct from county units performing eligibility and benefit determination functions.
2 MPP §§ 20-007.1, 20-007.21. Counties with smaller caseloads “may maintain an SIU,” but if they
3 do not, they must “designate one employee to be responsible for the referral of suspected fraud cases
4 to the prosecuting authority for investigation.” MPP § 20-007.112.

5 57. SIUs “shall be established and organized . . . for the purpose of investigating
6 suspected welfare fraud,” MPP § 20-007.1, and shall “[i]nvestigate any activity, particularly during
7 intake, which may constitute welfare fraud.” MPP § 20-007.31.

8 58. The administration and operation of P100 cause a disproportionate adverse effect on
9 the basis of race, color, national origin, ethnic group identification, or sex.

10 59. P100 is not justified by any legitimate governmental interest in fraud prevention.
11 The costs of operating P100 exceed any savings arising from prevention of any fraud detected
12 through the program.

13 60. Even if P100 were justified by any legitimate governmental interest in fraud
14 prevention, any such interest can be better served through other means that cause less
15 disproportionate adverse effect on protected classes, including, but not limited to, the use of existing
16 procedures for verifying eligibility for CalWORKs benefits and allegation-based or referral-based
17 investigations.

18 **CAUSE OF ACTION FOR ILLEGAL EXPENDITURE OF PUBLIC FUNDS IN**
19 **STATE-FUNDED PROGRAM OR ACTIVITY BY ALL PLAINTIFFS AGAINST**
20 **DEFENDANT COUNTY UNDER CAL. GOV’T. CODE § 11135 AND CAL.**
CODE CIV. PROC. § 526a

21 61. Plaintiffs incorporate herein by reference each and every allegation set forth in
22 Paragraphs 1–60, above, as if set forth in full.

23 62. “No person in the State of California shall, on the basis of sex, race, color, religion,
24 ancestry, national origin, ethnic group identification, age, mental disability, physical disability,
25 medical condition, genetic information, marital status, or sexual orientation, be unlawfully denied
26 full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any
27 program or activity that is conducted, operated, or administered by the state or by any state agency,
28

1 is funded directly by the state, or receives any financial assistance from the state.” CAL. GOV’T.
2 CODE § 11135.

3 63. § 11135 and its implementing regulations, 2 Cal. Code Regs. §§ 11150 *et seq.*, are
4 enforceable by a civil action for equitable relief. CAL. GOV’T. CODE § 11139.

5 64. The County’s administration of CalWORKs, of which P100 is a part, is a program
6 or activity subject to § 11135 and its implementing regulations.

7 65. In the alternative, P100 is a program or activity subject to § 11135 and its
8 implementing regulations.

9 66. § 11135 and its implementing regulations prohibit disparate impact discrimination in
10 the operation of any program or activity that is funded directly by the state, or receives any financial
11 assistance from the state.

12 67. In carrying out CalWORKs and P100, the County is violating § 11135 by causing a
13 disproportionate adverse effect on the basis of race, color, national origin, ethnic group
14 identification, or sex.

15 68. In carrying out CalWORKs and P100, the County is violating 2 Cal. Code Regs. §
16 11154(i) because it is using criteria or methods of administration that (1) have the purpose or effect
17 of subjecting a person to discrimination on the basis of ethnic group identification, sex, or color;
18 and/or (2) have the purpose or effect of defeating or substantially impairing the accomplishment of
19 the objectives of the CalWORKs program with respect to a person of a particular ethnic group
20 identification, sex, or color.

21 69. The County’s policies, practices, and actions as stated in this complaint constitute an
22 illegal expenditure of public funds justifying an injunction under CAL. CODE CIV. PROC. § 526a. For
23 example, the County’s policies, practices, and actions are “illegal” under § 526a because they violate
24 Government Code § 11135.

25 70. There is no adequate remedy at law if the requested injunction does not issue to
26 prevent the illegal expenditure of taxpayer monies.

27 71. There exists a real and present controversy between Plaintiffs and Defendant
28 regarding the implementation of P100 and the administration of CalWORKs in San Diego County.

1 Plaintiffs contend that the actions of Respondents complained of in this complaint violate the law
2 as specified above. Plaintiffs are informed and believe that Defendant contends to the contrary.

3 **PRAYER FOR RELIEF**

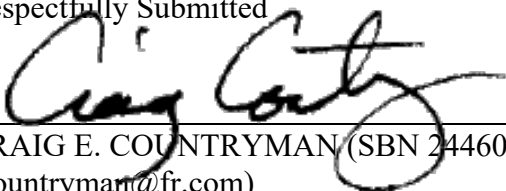
4 **WHEREFORE**, Plaintiffs pray that this court:

- 5 1. Issue a declaratory judgment that P100 is invalid because it constitutes an illegal
6 form of disparate impact discrimination within the meaning of CAL. GOV'T. CODE § 11135 and its
7 implementing regulations;
- 8 2. Issue a declaratory judgment declaring that P100 is invalid because it constitutes an
9 illegal expenditure of public funds;
- 10 3. Issue a permanent injunction restraining Defendant and its officers, agents, servants,
11 employees, representatives, all persons acting in concert with, at the direction or, in combination
12 with, or participating with them, and other persons subject to their authority or control, from
13 implementing in any way any provision of P100;
- 14 4. Grant costs of suit to Plaintiffs;
- 15 5. Award reasonable attorney fees to the extent permitted by law;
- 16 6. Grant such other and further relief as the Court deems just and proper.

17 Dated: December 7, 2018

Respectfully Submitted

18
19 By:


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PROOF OF SERVICE

I am employed in the County of San Diego. My business address is Fish & Richardson P.C., 12390 El Camino Real, San Diego, California 92130. I am over the age of 18 and not a party to the foregoing action. I am readily familiar with the business practice at my place of business for collection and processing of correspondence for personal delivery, for electronic transmission, for mailing with United States Postal Service, for facsimile, and for overnight delivery by Federal Express, Express Mail, or other overnight service.

On December 7, 2018, I caused a copy of the foregoing document to be served on the interested parties as follows:

| | |
|--|--|
| THOMAS E. MONTGOMERY County Counsel County of San Diego THOMAS D. BUNTON, Chief Deputy (SBN 193560) 1600 Pacific Highway, Room 355 San Diego, California 92101-2469 Telephone: (619) 531-6456 Facsimile: (619) 531-6005 | Attorneys for Defendant County of San Diego |
|--|--|

- ☐ **PERSONAL:** Such envelope was delivered by hand to the offices of the addressee. **ONLY TO THOSE SPECIFIED ABOVE**
- ☒ **ELECTRONIC MAIL:** Such document was transmitted by electronic mail to the addressees' email addresses as stated above, per agreement.
- ☐ **FEDERAL EXPRESS:** Such correspondence was deposited on the same day in the ordinary course of business with a facility regularly maintained by Federal Express.

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. I declare under penalty of perjury that the above is true and correct. Executed on December 7, 2018, at San Diego, California.


Elizabeth Wilton