

File With:
City Clerk's Office
City of Fort Bragg
416 N. Franklin Street
Fort Bragg, CA 95437

**CLAIM FOR MONEY OR
DAMAGES AGAINST THE
CITY OF FORT BRAGG**

RESERVE FOR FILING STAMP
CLAIM NO. 2023-08
RECEIVED

APR 25 2023

City of Fort Bragg
City Clerk

A claim must be presented, as prescribed by the Government Code of the State of California, by the claimant or a person acting on his/her behalf and shall show the following:

If additional space is needed to provide your information, please attach sheets, identifying the paragraph(s) being answered.

1. Name and Post Office address of the Claimant:

Name of Claimant: See attached.

Post Office Address:

2. Post Office address to which the person presenting the claim desires notices to be sent:

Name of Addressee: See attached.

Telephone: _____

Post Office Address:

3. The date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted.

Date of Occurrence: Various

Time of Occurrence: _____

Location: _____

Circumstances giving rise to this claim:

See attached.

4. General description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of the presentation of the claim.

See attached.

5. The name or names of the public employee or employees causing the injury, damage, or loss, if known.

See attached.

6. **If amount claimed totals less than \$10,000:** The amount claimed if it totals less than ten thousand dollars (\$10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed.

Amount Claimed and basis for computation:

If amount claimed exceeds \$10,000: If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case. A limited civil case is one where the recovery sought, exclusive of attorney fees, interest and court costs does not exceed \$25,000. An unlimited civil case is one in which the recovery sought is more than \$25,000. (See CCP § 86.)

Limited Civil Case

Unlimited Civil Case

You are required to provide the information requested above in order to comply with Government Code §910.

7. Claimant(s) Date(s) of Birth:
Jacob Patterson: December 22, 1976 David Childs: October 2, 1985
-
8. Name, address and telephone number of any witnesses to the occurrence or transaction which gave rise to the claim asserted:
See attached.
-
-
9. If the claim involves medical treatment for a claimed injury, please provide the name, address and telephone number of any doctors or hospitals providing treatment:
Decline to provide at this time due to privacy and confidentiality concerns.
-
-

If applicable, please attach any medical bills or reports or similar documents supporting your claim.

10. If the claim relates to an automobile accident:
- | | |
|------------------------------|-----------------------|
| Claimant(s) Auto Ins. Co.: | Telephone: |
| Address: | Insurance Policy No.: |
| Insurance Broker/Agent: | Telephone: |
| Address: | |
| Claimant's Veh. Lic. No.: | Vehicle Make/Year: |
| Claimant's Drivers Lic. No.: | Expiration: |
-
-

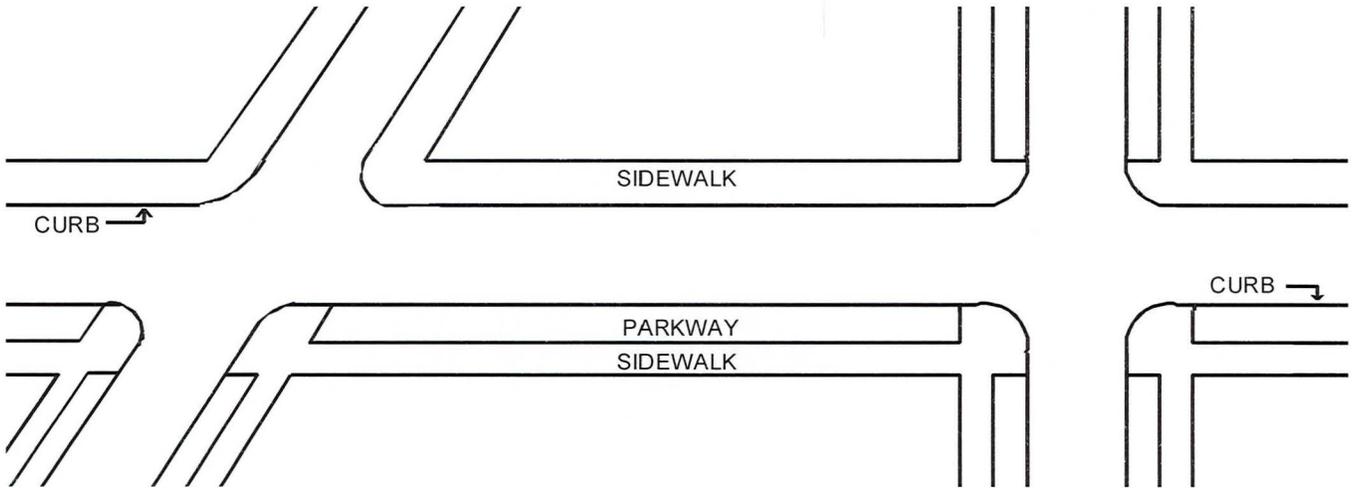
If applicable, please attach any repair bills, estimates or similar documents supporting your claim.

READ CAREFULLY

For all accident claims, place on following diagram name of streets, including North, East, South, and West; indicate place of accident by "X" and by showing house numbers or distances to street corners. If City/Agency Vehicle was involved, designate by letter "A" location of City/Agency Vehicle when you first saw it, and by "B" location of yourself or your vehicle when you first saw

City/Agency Vehicle; location of City/Agency vehicle at time of accident by "A-1" and location of yourself or your vehicle at the time of the accident by "B-1" and the point of impact by "X."

NOTE: If diagrams below do not fit the situation, attach hereto a proper diagram signed by claimant.



Warning: Presentation of a false claim is a felony (Penal Code §72). Pursuant to CCP §1038, the City/Agency may seek to recover all costs of defense in the event an action is filed which is later determined not to have been brought in good faith and with reasonable cause.

Signature:

Date: April 25, 2023

By: Jacob Patterson on behalf of himself and David Childs

**ATTACHMENT TO FORM FOR
CLAIM FOR MONEY DAMAGES AGAINST THE CITY OF FORT BRAGG**

1. CLAIMANT INFORMATION:

Jacob Patterson
444 N. Corry Street
Fort Bragg, CA 95437
(707) 964-2417
DOB: 12-22-1976

David Childs
1950 Franklin Blvd., PMB #4
Eugene, OR 97403
(707) 409-4274
DOB: 10-02-1985

2. ADDRESSES FOR CLAIM NOTICES:

Primary Notice Address:

Lucie Hollingsworth, Attorney at Law
1 Zanco Way
Novato, CA 94947
lucieclare@msn.com

With Copy to:

Jacob Patterson
PO Box 2814
Fort Bragg, CA 95437
jacob@lawjrp.com

Claimants are informed and believe, and upon such information and belief allege:

3. TIMELINE AND DETAILS ABOUT RELEVANT EVENTS GIVING RISE TO THE CLAIMS:

In 2020 during the Covid-19 pandemic, the City of Fort Bragg (City) administered a Tenant Based Rental Assistance program (TBRA) to help pay outstanding past due rent and future rent for qualifying renters in the City limits. City Clerk June Lemos was one of two City Staff who administered the City's Covid-19 TBRA program along with Natalie McLaughlin. Then (now former) City Manager Tabatha Miller also signed program documents. These staff had access to confidential private information regarding TBRA program participants, including but not limited to their identities, their income sources and amounts, the terms of their leases, their personal contact information like home address, the amounts of past due rent, their utility expenses, and other similar information. David Childs and Jacob Patterson were tenants of their mother, Michelle Roberts, who applied for and were approved to participate in the TBRA program based on their incomes being significantly impacted by the Covid-19 pandemic.

Program participants understandably have a reasonable expectation of privacy in such information and the City did not disclose to program participants that their application materials and information might be made public through any means, let alone in response to requests for public records under the California Public Records Act (CPRA) or through staff contacting local reporters or community members asking that they report on or write about the participation of Childs or Patterson as tenants receiving such assistance for rentals where their mother was the landlord while she was also an appointed member of the Fort Bragg Planning Commission and later as a candidate for Fort Bragg City Council.

In and around April of 2021, several City officials, including Lemos and Miller, discussed Patterson's participation in the TBRA program as a tenant of Roberts with a local reporter, Chris Calder, who they apparently encouraged to write an article about what they alleged were improper and potentially fraudulent actions to collect TBRA funding. Lemos was privy to confidential and private information about Patterson and Childs' form their TBRA application materials and it appears that she improperly used her access to this confidential and non-public information to try to attack Patterson and Roberts who had spoken against Lemos' prior actions directed at Patterson when he filed formal complaints about Lemos that resulted in regional new coverage about Lemos and community members calling for her discipline or termination.

According to Calder, who interviewed both Patterson and Roberts about the City officials' allegations, they specifically alleged that Roberts improperly collected additional money by increasing her sons' rent after the program was underway. These allegations were not accurate and Calder refused to write any articles including what arguably amounted to defamatory allegations of fraud and because he may have recognized that tenants' participation in income-qualified public assistance programs was private and not of public interest even though the landlord was a current Planning Commissioner and Patterson was a local activist who frequently participated in civic matters, including matters before the Planning Commission. Calder specifically asked Roberts and Patterson about the alleged increase in rent and they explained that did not actually occur and the different amounts charged beginning July 2020 were due to Roberts moving into a newly-built accessory dwelling unit and Patterson taking over her prior residential unit.

Prior to his interviews with Patterson and Roberts, Calder also submitted at least two published CPRA requests for records relating to the allegations of the City officials concerning Patterson and Roberts, PRA Requests 21-92 and 21-99. The City provided responses to these requests and redacted all information that related to Roberts' other tenant, Childs, and some but not all private information about Patterson. City Clerk Lemos was the City staff contact for the two CPRA requests submitted by Calder in response to the allegations about Roberts and Patterson and she released the documents and performed some redactions based on the Public Interest Exception balancing test after making those determinations.

In August of 2022 Roberts was still serving as a Planning Commissioner and became one of eleven candidates for City Council for the November 8, 2022 election. Incumbent councilmembers Lindy Peters, Tess Albin-Smith, and Marcia Rafanan were also candidates for the three available seats (one two-year short term and two full four-year terms.) There was a controversy concerning the nomination papers of Albin-Smith and Peters and the two different races that were happening for the open City Council seats because Lemos had made a mistake about the filing dates for candidates based on one of the incumbents choosing not to run for reelection thus extending the filing deadline but Lemos failed to clarify that the extension only applied to non-incumbent candidates. Albin-Smith ended up missing the deadline to run for the full four-year term, for which she was an incumbent and had collected nomination signatures

from registered voters, and Peters had already returned his nomination signatures to run for the single two-year short term for which he was not an incumbent. Rafanan timely returned her nomination papers to run for one of the full four-year terms.

By that time, Miller had been replaced by Peggy Ducey as City Manager (Interim City Manager from July to early September 2022 and City Manager beginning in September 2022). Shortly after Ducey's initial appointment as Interim City Manager, Ducey was approached by several City staff, including City Clerk Lemos, who complained about Patterson's active civic engagement and style and his history of interactions and complaints about her. Thereafter, Ducey took a very confrontational approach to Patterson and supported Lemos' opinions and allegations about Patterson being a nuisance and alleged bully based on his frequently critical comments about City work product and staff.

Ducey had various meetings with Patterson, which included discussing the City Council race and her steadfast support for retaining Lemos as City Clerk despite Patterson's serious complaints and objections about Lemos' history of alleged harassment, discrimination, and retaliation toward Patterson following his filing a formal complaint and liability claims based on Lemos and Miller's past actions prior to Ducey's tenure. Patterson had also called for the termination of Lemos as City Clerk, who also serves as the City's elections official, due to the controversy concerning the nomination papers. Specifically, Patterson objected to how Lemos, Peters, and Albin-Smith decided to deal with their nomination papers in ordination with Ducey which involved them collaborating to alter try to alter the nomination papers and switch the races they were running for so Albin-Smith wouldn't have to run against Peters for the single two-year seat leaving one of them unable to continue on after the election. Peters and Albin-Smith both have expressed their support for retaining Lemos as City Clerk and supported hiring Ducey as City Manager.

The non-incumbent challengers were not as openly supportive and some of them expressed real concern about retaining either Lemos or Ducey in their roles. Several candidates in particular were closely affiliated with Patterson and had expressed their support of his advocacy to remove both Lemos and Ducey from their roles as appointed City officials should they be elected to the City Council. Candidates who were viewed as being aligned with Patterson included his mother, Roberts, and Alberto Aldaco, who was running against Peters for the single two-year seat, as well as incumbent Rafanan due to her long-standing relationship with Patterson's close friend and fellow local activist Jenny Shattuck.

After community push back and allegations of impropriety concerning the apparent collusion between Albin-Smith, Peters and Lemos to allow the candidates to alter their nomination papers in an attempt to allow Albin-Smith to run for the two-year term and Peters to run for one of the full four-year terms, Albin-Smith collected new nominating signatures and ran for a four-year seat as a write-in candidate. Patterson's mother, Roberts, was also running for one of the four-year terms along with Rafanan and six other candidates.

In one of the meetings between Ducey and Patterson in August 2022, they discussed Lemos' allegations concerning Paterson's and Roberts' participation in the TBRA program. At this meeting, Patterson informed Ducey that he had been discussing City staffing with most of the candidates for City Council and that he had been advocating for the non-incumbent candidates to replace Lemos as City Clerk should they be elected. Patterson indicated that if the challengers rather than the incumbents were successful, that he thought there was little chance Lemos would remain as City Clerk following her history of alleged misconduct (e.g., the current nomination paper controversy and related to his prior liability claims filed with the City concerning Lemos' alleged retaliation against Patterson following his formal complaints). Patterson also indicated he was advocating for the candidates other than Peters and Albin-Smith to consider removing Ducey as Interim City Manager if they were successful in the election, in part based on Ducey's direct participation in the apparent collusion concerning trying to improperly alter the nomination papers of Peters and Albin-Smith. Following that meeting, Ducey pushed for and was awarded a contract from the City Council to serve as City Manager rather than acting as Interim City Manager. Her employment contract included a clause that purported to prohibit the newly-elected City Council majority from removing her as City Manager prior to July 1, 2023 and to require severance that did not apply when she was serving in an interim capacity.

During the following period, City officials took actions that seemed like attempts to bolster the candidacies of Albin-Smith and Peters, supporters of Lemos and Ducey, and to undermine the candidacies of the candidates viewed as being affiliated with Patterson, including Roberts and Aldaco. This included the City issuing a press release about the nomination papers controversy that attempted to dismiss or diminish the alleged impropriety of Albin-Smith's and Peters' attempted alteration of their nomination papers. In addition, the City proactively began preparing a police body cam video of an incident involving Aldaco acting inappropriately with the responding police officers even though no one had yet requested the City release that video through a CPRA request (or otherwise) at the time staff began redacting confidential content in the body cam video. Moreover, the Chief of Police proactively notified Ducey and Mayor Bernie Norvell via email about the incident on September 23, 2022. Ducey proceeded to ask Mayor Norvell if she should have the Chief of Police notify the other current councilmembers about the Aldaco incident before they heard about it from other sources. He indicated he thought that was a good idea but instead of following through on that action, Ducey instead appeared to only email Albin-Smith and Peters about the incident. Ducey did not notify Rafanan even though she was also on the City Council and running as a candidate. Ducey also did not appear to notify Vice Mayor Jessica Morsell-Haye who was not running for another term and who appeared to have a strained relationship with Ducey once Ducey secured her employment contract in early September.

On September 24, 2022, Matt LaFever, a local online reporter submitted a formal request for the Aldaco body cam footage based on "intel" he received. At that time the City had not released anything publicly and, other than relevant Fort Bragg Police Department officers,

internal City emails show that the Chief of Police only notified Ducey and Norvell. LaFever communicated with both Peters and Norvell about the incident and arranged for a quote from Peters for his article concerning the Aldaco incident. As a result of the harassment Aldaco received when the City released the body cam footage and he was contacted by LaFever, he announced he was withdrawing from the race against Peters for the two-year seat. Based on the timing of the relevant emails between City officials and LaFever, the release of the body cam video, and its preparation for potential release prior to any request to do so, it appears that LaFever's source of "intel" was likely City officials themselves.

In addition to what looks suspiciously like City officials trying to support their preferred candidates Peters and Albin-Smith at the expense of non-incumbent candidates like Aldaco, including in the course of the performance of their official duties, the City took actions that were used to undermine Roberts' candidacy. These actions appear to suggest that people associated with Patterson were being retaliated against by City officials because of their association with him and in an effort to bolster the candidacies of Peters and Albin-Smith, perhaps in part to protect the continued employment of Lemos and Ducey in their appointed roles. This includes a series of (perhaps targeted) actions that harmed Roberts' candidacy and campaign, which included the actual or likely involvement of Lemos, if not Ducey.

Unfortunately, this involved a smear campaign accusing Roberts and Patterson of fraud related to the TBRA program from 2020, the exact same allegations that Lemos and Miller reportedly had made to Calder about Roberts and Patterson in 2021. This included the false and arguably defamatory allegation of Roberts increasing Patterson's rent once he qualified for rental assistance, which was expressed against Roberts online and in the Anderson Valley Advertiser (AVA) by former Councilmember and Mayor Will Lee, who is a close friend and confidant of City Clerk Lemos. Lemos provided Lee with useful information in her role as City Clerk and Custodian of records, including information about Patterson and Roberts that Lee then referenced in his opinion pieces arguing against Roberts' candidacy.

Lee submitted PRA 22-164 on September 26, 2022 concerning Patterson's CPRA requests. Shortly thereafter, Lemos processed PRA Request 22-167 from what appears to be pseudonym "Betty Whynot" concerning the TBRA program payments. Lemos published a spreadsheet listing all of the renters who received assistance under the TBRA program, although it did not pair the tenants with their respective landlords. Patterson and Childs were included in that spreadsheet along with all participating renters. On October 7, 2022, Lee posted another online attack that referenced Roberts and Patterson and the TBRA program, identifying Patterson and Childs as Roberts children and tenants and listing their N. Corry Street address even though that information was not in the spreadsheet Lemos had published. In fact, Lee did not have a likely source for any information about Childs' participation, who was not well known or involved in civic affairs in Fort Bragg, and whose information had been redacted from the City's responses to Calder's prior CPRA request. Lemos, however, had access to that confidential and private information and she appears to have revealed it to Lee even though she herself had deemed it private and confidential when she responded to PRA 21-92.

Following Lemos' publication of the TBRA spreadsheet and Lee's October 7, 2022 smear piece in the AVA, Patterson emailed Ducey to complain about what he alleged was a clear violation of his privacy rights and the rights of all participating renters in the TBRA program, specifically noting that Lee referred to the TBRA allegations. After Patterson complained that Lee's online posts and comments included false and potentially defamatory allegations, Lee deleted some of his more incendiary online posts that repeated the TBRA allegations that Lemos and other City officials apparently revealed to Calder in 2021 and may have discussed with Lee as a way to attack or undermine Roberts' candidacy. Based on all this, is it reasonable to infer that "Betty Whycott" was actually a pseudonym for Lee and/or Lemos in their possible collaboration to undermine Roberts' campaign (although other City insiders may be involved as well), because of Lee's reference to non-public information about Childs and Patterson that Lemos had access to as City Clerk and one of the TBRA administrators.

On October 18, 2022 another anonymous requester going by the name "Mendocino Alliance for Candidate Transparency" (MACT) submitted a series of CPRA requests concerning Roberts, Patterson, and Childs (PRA Requests 22-182 through 22-186) including requesting records related to the TBRA program. At that point, there had been no public information identifying Childs as Roberts' child and tenant or that Childs had participated in the program other than Lee's prior online comments. Lemos had inside knowledge of that information from her involvement administering the TBRA program and Lee mentioned Roberts' two sons being her tenants. However, this new anonymous group conveniently knew to request the records that would demonstrate these connections and then Lemos proceeded to publish TBRA records about Childs and Patterson in response to the request from October 19, 2022 through October 28, 2022. These records include the application materials and other records for both Patterson and Childs that were uploaded on October 27, 2022 with minimal redactions, including not redacting some of the same private and confidential information about Childs that Lemos had redacted from her response to Calder's 2021 request.

Moreover, PRA Request 22-183 specially requested records about Patterson's and Childs' alleged increased rent during the program and about any payments for late fees that were not previously known publicly or available except within the City's internal program records (or the memories of the program staff). This suggests that MACT likely involves one or more City insiders, possibly including Lemos and/or Ducey, or that Lemos or another City official with inside knowledge tipped off their likely collaborators to request these records.

Following Lemos' posting the City's responses to MACT's requests, a letter attacking Roberts was submitted by an anonymous person going by the pseudonym "Outraged in Fort Bragg" and published in the AVA beginning on November 2, 2022, a mere week prior to the November 8, 2022 election for Fort Bragg City Council. This letter included the same false allegations about Roberts and Patterson's supposed abuse or fraud concerning the TBRA program and also referenced inside information that was not available in a public forum or apparently in any of the City's responses to PRA Requests 22-182 through 22-186. Patterson provided a response to

the AVA that refuted all of the false allegations. Both Lemos and Ducey had access to the internal emails and private and confidential information that was referenced in the letter to the AVA that was published on November 2, 2022 and thereafter.

After election day, the County released preliminary election results that showed Roberts ahead of Albin-Smith by a substantial margin, presumably based on the earlier ballots that were likely cast prior to the unfounded attacks against her being published online, which in turn referenced information that the City released about Patterson and Childs applications and participation in the TBRA program. Prior to these allegations about Roberts' integrity by Lee and these anonymous commenters, Roberts was on track for election rather than Albin-Smith. After the attacks, Albin-Smith eked ahead of Roberts for a final difference of a mere three votes. The City's release of private and confidential information about Roberts' sons and tenants facilitated the publication of these unfounded attacks on Roberts and likely played a significant role in the City Council election results. Regardless, neither Patterson nor Childs were running as candidates for public office nor was their participation in an income-based rental assistance program administered by the City relevant to the City Council election, or other matters of public concern, despite apparently serving as a means to falsely attack and undermine the candidacy of Roberts. Even if Roberts' receipt of public funding through the TBRA program was relevant to her candidacy and campaign, information about her tenants' identities, financial situation, income sources, or rental agreement terms was not relevant. However, the City released such private and confidential information anyway and then it was used to falsely accuse Roberts, Childs, and Patterson of fraud and abuse of the TBRA program and to impugn their integrity and reputations.

Following the election, Patterson followed up with the City concerning the release of his private and confidential information, and the TBRA program in general, as well as that of the other renter participants. At some point, City officials must have reviewed the TBRA program files, perhaps to investigate Patterson's inquiries and objections concerning the City's alleged breach of his privacy rights concerning the City's release of his information during the campaign, because an entire file box containing the records of each renter participant was left in the downstairs conference room of City Hall. This conference room is connected to the public lobby and was available for any staff person or member of the public who enters City Hall to access.

These TBRA files were left unattended in that downstairs conference room for what appeared to be several weeks through March 7, 2023 based on Patterson's personal observation of the file box over a series of times he used the conference room to review City records or meet with City Manager Ducey about City business at City Hall. The box was not removed until he brought it to Ducey's attention on March 7, 2023 and asked that she return the box to a secure location and objected to his and all participants TBRA records being left unattended and accessible to anyone who was in the publicly-accessible conference room.

On March 30, 2023, Patterson emailed Ducey to request an in-person review of his own TBRA program file from the box he brought to her attention on March 7, 2023. On March 31, 2023,

Patterson reviewed his own TBRA file and requested copies of all records to verify what information about him, and the other renter participants in the TBRA program, had been left available for anyone in the room to review. The files are labelled with each participant's full name and residential address and the contents include all forms without any redactions for private and confidential information. The files for Patterson and Childs had been pulled by someone and were stored horizontally on the top of the file box with the files for the other renter participants filed vertically underneath the pulled files. Understandably, Patterson objected to his private and confidential information including his monthly income amounts, personal residential address, and other similar information being left unattended and available for anyone present in the downstairs conference room during this period to view. Patterson also requested to review the rest of the TBRA program files for further follow up but has not yet received further access to the rest of the TBRA files stored in the file box.

4. GENERAL DESCRIPTION AND FURTHER BASIS OF INJURIES AND CLAIMS:

Violation Of Privacy Rights

Violation of the privacy rights of Patterson and Childs (as well as those of all other renter participants in the TBRA program) pursuant to Article I, § 1 of the California Constitution (See, e.g., *Hill v. National Collegiate Athletic Assn.*, 7 Cal. 4th 1, 26 Cal. Rptr. 2d 834, 865 P.2d 633 (1994) requiring a plaintiff to establish "(1) a legally protected privacy interest; (2) a reasonable expectation of privacy in the circumstances; and (3) conduct by defendant constituting a serious invasion of privacy.") Article I, § 1 prohibits "the improper use of information properly obtained for a specific purpose, for example, the use of it for another purpose or the disclosure of it to some third party." (See *White v. Davis*, 13 Cal.3d 757, 775 (1975).)

As renter participants in the TBRA program, Claimants did not provide informed consent to violate their rights to privacy in the application documents, and the personal and confidential information contained therein, and the City cannot demonstrate a valid need to invade the program participants' privacy that is compelling enough to overcome the reasonable expectation of privacy in such personal information.

Furthermore, the City's release of Claimants' TBRA application materials including private and confidential information about their personal finances and living arrangements arguably violates their common law rights to privacy, providing a basis for tort claims because the City unlawfully disclosed this private information (public disclosure of private facts), and publicized them in a false light (false light) by suggesting to local reporters and community members that Patterson and/or Childs manipulated or falsified our TBRA application information to maximize the financial benefits to Roberts despite having access to information that demonstrated such allegations were false.

The same facts suggest a violation of Claimants' privacy rights under federal law in addition to California law. For example, the program guidelines and applicable federal legislation included the requirement that the City develop and enforce privacy protection measures for program

participants. (See the Consolidated Appropriations Act of 2021, Division N, Section 501, Subdivision (g)(4), which includes the privacy provisions applicable to Coronavirus pandemic rental assistance.) The City failed to develop such protections and did not protect Claimants' private information when they released such information to third parties (e.g., to Calder or Lee) or published it online in response to records requests without redacting the private and confidential content.

Unlawful Retaliation

City officials' apparent targeting of Patterson and Childs (as well as Roberts and Aldaco) provides the basis for causes of action for unlawful retaliation due to Patterson's frequent exercise of his protected rights (e.g., critical public comments and communications about matters of public concern and requests for public records and information) and his history of raising objections and filing complaints whereby he expressed his opinions that City officials may have violated the law in the performance of their duties, including Lemos, Ducey, Albin-Smith, and Peters (e.g., the City Council nomination paper controversy). Childs is Patterson's brother and is arguably being targeted because of his association with Patterson in a similar manner to how candidates Roberts and Aldaco were apparently targeted with retaliatory action based on their known or perceived close associations with Patterson.

The apparent retaliatory acts are connected to Patterson's prior complaints and liability claims that were filed by Patterson, including on November 11, 2020, February 18, 2021, April 20, 2021, and November 15, 2021. The City has those claim forms and supporting documentation in their current records and they were uploaded to the NextRequest platform as part of the City's response to PRA Request 22-184 on October 25, 2022 and October 27, 2022. These City records should be incorporated by reference into this liability claim as if set forth herein as further evidence and support to demonstrate that City officials' alleged targeting of Patterson with retaliatory acts is part of a continuing pattern and course of conduct by these officials. This is particularly apparent regarding City Clerk Lemos, who has been a common thread linking the events into a continuing pattern of retaliatory actions. More recently, this pattern of retaliatory actions appears to have been extended to known or perceived close associates of Patterson, including his brother Childs and mother Roberts, and involve the conduct and apparent participation of additional City officials, including City Manager Ducey.

Other Potential Causes of Action

The above alleged facts and contentions may also support other causes of actions, including, for example, Intentional or Negligent Infliction of Emotional Distress, and Defamation. Patterson may also further pursue causes of action listed in his prior submitted claims that are arguably part of the same continuing series of interconnected harms as the more recent incidents listed above.

Damages

Claimants are seeking to recover a reasonable amount of economic and noneconomic damages for past and future mental suffering, loss of enjoyment of life, inconvenience, grief, anxiety, humiliation, other emotional distress, and damage to reputation. They may also seek punitive damages due to any intentional acts of City officials that caused their alleged harms, including but not limited to City Clerk Lemos and City Manager Ducey. Claimants seek amounts, in current dollars at the time of payment, that will compensate each of them for these noneconomic damages without further reduction to present cash value.

5. PUBLIC EMPLOYEES AND OFFICIALS CAUSING INJURY, DAMAGE, OR LOSS:

City Manager Peggy Ducey

City Clerk June Lemos

Other City officials who may have participated in the relevant events but whose specific identity may be unknown at this time, including but not limited to current members of the City Council and subordinate City staff and officials.

8. WITNESS INFORMATION:

Too numerous to list but includes the current City Council members, all City Council candidates running in the November 2022 election, Chief of Police Neil Cervenka, and anyone who viewed the allegedly private and confidential information about the claimants that was published by the City online or otherwise disclosed to third parties.

Specific relevant witnesses include but are not limited to:

Alberto Aldaco, 707-357-3337, mendocinotechguru@gmail.com

Bernie Norvell, 707-272-3875, bnorvell@mcn.org

Jason Godeke, 707-409-0034, jasangodeke@hotmail.com

Jay McMartin-Rosenquist, 707-485-4079, jay@mcn.org

Jenny Shattuck, 707-813-1427, jenxvann@yahoo.com

Jessica Morsell-Haye, 323-559-6399, jessicamorsell@yahoo.com

Karen Deitz, 707-367-5699, kdeitz@mcn.org

Lindy Peters, 707-357-0203, linwood24@hotmail.com

Marcia Rafanan, 707-357-4735, marciameadlin13@gmail.com

Michelle Roberts, 707-367-2113, mroberts55@mcn.org

Tess Albin-Smith, 707-972-7833, tess@alumni.ucdavis.edu

Will Lee, 707-367-8060, tonelee@sbcglobal.net and william.lee3@hcahealthcare.com

Enclosed Exhibits:

- *Excerpts from Relevant AVA Publications*
- *Relevant California Public Records Act Request Documents*