

Patrick M. Hamer Pro Se
P.O. Box 322
Grizzly Flats, CA 95636
530-295-8141

United States Court
Eastern District of California

Pro Se, Patrick Michael Hamer and Donna Lee Hamer and
Does 3-10,

Plaintiffs,

vs.

EDC and Does 1-20 in individual and official capacity:
D.A. Vern Pierson in individual and official capacity:
D.D.A. Dick Jones in individual and official capacity:
Dpty.D.A. Worth Dikemen in individual and official
capacity: B.O.S.(Dist.2) Helen Bauman in individual an
official capacity: Brenda Bailey in individual and
official capacity: B.O.S (Dist 2) Ray Nutting in
individual and official capacity [per Fed. R. Proc.
25d]: Sheriff JEFF NEVES in individual and official
capacity: Under Sheriff FRED KOLLAR in individual and
official capacity: AND Deputy DAN JOHNSON in individua
and official capacity: Assemblyman Ted Gaines in
individual and official capacity: Steve Davey in
individual and official capacity:: Judge James Wagoner
in individual and official capacity: Bob Anderson and
David Randall Private State Actors and Individual
Capacity: California Attorney General Edmond G. Brown
Jr Official Capacity

Defendants

Case No.: 08-cv-2269 MCE EFB PS

VERIFIED COMPLAINT
Jury Trial Demanded

JURY TRIAL DEMANDED

JURISDICTION & VENUE ALLEGATIONS

A. This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States and the Racketeer Influence and Corrupt Organizations Act ("RICO"), 18 U.S.C. §§ 1961-68 (A), 42 U.S.C. § 1983 et seq.,

B. The court has jurisdiction under 28 U.S.C. Section 1331 and 1343 (a)(1),(2),(3). Plaintiffs seek declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiff's claims for injunctive relief are authorized 28 U.S.C. Section 2283 & 2284 and Rule 65 of the Federal Rules of Civil Procedure.

C. As plaintiffs' claims brought under California state law arise out of the same transactions and occurrences, and out of a common nucleus of operative facts as the plaintiff's federal questions claims, this court has jurisdiction over the plaintiffs' California State law claims under its supplemental jurisdiction, and otherwise pursuant to Mine Workers v. Gibbs, 383 U.S. 715 (1996) Because it is where the event giving rise to this claim occurred.

GENERAL ALLEGATIONS

PLAINTIFFS

D. Plaintiffs, Patrick Michael and Donna Lee Hamer, are natural persons, who at all times complained of in this action are and were at all times mentioned herein a resident of the state of California,

residing in the El Dorado County, hereinafter referred to as "EDC", and resided at 7003 Pioneer Drive,
Grizzly Flats, California, 95636, State of California.

DEFENDANTS

- E. EDC is an entity located within the State of California: within the territorial jurisdiction of this court.
- F. All other times complained of herein, Does 1-15 in individual and official capacity: D.A. Vern Pierson in individual and official capacity: D.D.A. Dick Jones in individual and official capacity: Worth Dikemen in individual and official capacity: Board of Supervisor Dist.2 Helen Bauman, hereinafter referred to as BOSD2, in individual and official capacity: Brenda Bailey in individual and official capacity: B.O.S (Dist 2) Ray Nutting in individual and official capacity [per Fed. R. Proc. 25d]: Sheriff JEFF NEVES in individual and official capacity: Under Sheriff FRED KOLLAR in individual and official capacity: AND Deputy DAN JOHNSON in individual and official capacity: Assemblyman Ted Gaines in individual and official capacity: Steve Davey in individual and official capacity: California Attorney General Edmond G. Brown Jr Official Capacity and were at all times complained of in this action were, agents, employees and elected officials of the County of EDC. At all times complained of herein, EDC Elected officials and aids were acting pursuant to their authority as employees and elected officials of EDC, and were acting in the course of and within the scope of their employment with EDC: Judge James Wagoner in individual and official capacity of EDC Superior Court Judge Placerville. Bob Anderson and David Randall and Does 16-20 are Private Actor Citizens Ratified as State Actors as members of a criminal Enterprise under 18 U.S.C. 1962, and Ratified by officials creating an illegal policy of criminal activities by their inaction related to obstruction of justice, terrorist threats, murder threats ratified by EDC officials who willfully and maliciously turned a blind eye to criminal activities of these private actors. Defendant, EDC, is a municipality.

INTRODUCTORY MATTERS

1. Plaintiffs move the court to take Judicial Notice that the following evidence speaks for itself:
Exhibit B "EX. B"-David Randall on March 23, 2007 entered as evidence in EDC Civil Court a "Patient History: David D Randall (7346)" billing indicating Diagnosis of "manic depressive psychosis- unspecified and unspecified personality disorder";
2. Plaintiffs move the court to take Judicial Notice without discretion that the following evidence speaks for itself. An illegal instrument in writing Dated 9-25-07 from EDC defendants was sent from the EDC Board of Supervisor office district 2 and carbon copied to multiple recipients, by interstate wires to members of the Legislature and House of Senate of the State of California, inter alia. It falsely stated with purposeful deceit that El Dorado County Sheriff "responded numerous times and has arrested both parties more than once." A cover-up attempt using false information, during an official

1 investigation, to cause the State Legislature fear Pat Hamer as an overt danger to them that is
2 baseless and not true. This has triggered, and currently is causing terrible consequences to
3 Plaintiffs Liberties casting plaintiffs in a false light. This is plaintiff's evidence exhibit A1 sent
4 to plaintiffs P.O. Box by witness Rob Olmstead, Aide to Senator Dave Cox, offering to assist Plaintiffs
5 in redressing their Grievances, "per your request." Senator Dave Cox, who received this unlawful
6 instrument Ex.A1 mailed it back to plaintiffs in an Envelope titled, "official senate use only" dated
7 9-16-08 containing contents sent to the Senators office from EDC and affixed with the Senator seal.
8 PLAINTIFF also MOVES THE COURT TO ENTER IT AS PRIMA FACIE EVIDENCE SHOWING DECEIT AND FRAUD REQUIRING
9 DEFENDANTS TO AFFIRMATIVELY ANSWER THIS ALLEGATION, or RATIFY THIS ILLEGAL BEHAVIOR.

10 3. Plaintiffs move the court to take Judicial Notice without discretion of An instrument in writing dated
11 9-26-07, ex. A2 sent to Bob Berger of the Sacrament Republican Party Committee, of an admission of
12 wrong doing by EDC official from the Same BOSD2 office, mentioned in the preceding paragraph, casting
13 blame on certain other EDC officials acknowledging the deprivations caused by their malicious course of
14 conduct violating Plaintiffs constitutional rights. Court Take Notice that Defendants did not seek to
15 clear up these matters, consequently, continued they cover-up, by not clearing the good name of Pat
16 Hamer who was a crime victim, not a criminal as stated by them with deceitful libel. Furthermore, in
17 noticing, this is self evident, these defendants made a deliberate choice to follow that course of
18 illegal action made from among various legal alternatives to help Plaintiffs and obey and enforce laws.
19 Therefore acts in this complaint were done to conceal their illegal acts and escape justice at the
20 expense of Plaintiff's who have been unconscionably abused to ruthless callous level of moral
21 turpitude. So, Court Take Judicial Notice, all of these acts by defendants were consciously committed
22 deliberately, recklessly, intentionally, maliciously, or with deliberate indifference, with wanton
23 disregard of Plaintiffs federally protected rights, thus entitling Plaintiffs to punitive damages.

24 4. Plaintiffs move the court to take Judicial Notice without discretion A letter from Superior Court of
25 California EDC dated 12-20-07 -ex. Q. This letter contradicts Penal Code § 929 on its face. This
26 letter makes allegations against plaintiffs that cannot be established by fact. This document is a
27 personal letter from a judge without reference to any docket/case citation number overtly abusing power
28 under the color of authority. Pat and Donna Hamer are not defendants or plaintiffs subjecting them by
some imaginary law to stop reporting crime without due process of law. Furthermore, there is an
ulterior motive by the Judge. Plaintiffs original Grand Jury Complaint, GJ07-007 was alleging only
Sheriff's and D.A. negligence/corruption, not Judicial. Since then, it is apparent, made by facts

1 below, that this Judge was in charge of a criminal trial where obstruction of justice was witnessed by
2 actual real live human beings, and the same witnesses, again witnessed EDC officials ratify criminal
3 activity by inaction, to the detriment of complaining crime victims out of Retaliation.

4 5. Plaintiffs Move the Court to take Judicial Notice Without Descretion that State Attorney General Bill

5 Canepa on 12-24-07 Ex. Qag12-24-07, instructs Donna Hamer to violate Ex. Q alleged "cease and desist"
6 order by inciting her stating, "...writing to the county...or Grand Jury which would have resulted in Pat
7 and Donna Hamer's arrest, apparently an option they would entertain, and we would be out of their way,
8 problems solved, as criminals do but under the color of law.

9 6. It is alleged that the Attorney General assisted in the deprivations, and overtly ignored plaintiffs
10 by a barrage of form letters that only served to place plaintiffs in danger of arrest, the events of
11 the Attorney Generals request set plaintiffs up for possible "arrest and fines"!

12 7. Judge Daniel B. Proud, found Plaintiffs to be credible and Judge Wagoner, being somewhat intelligent,
13 did not want this record shown for some reason. We allege Ex. Q is self evident, a desperate illegal
14 attempt to bar plaintiff's allegations. Therefore, may we impose on the court to help Plaintiffs
15 discover this reason? It can be shown that this Judge had a personal interest in blocking plaintiff's
16 investigation, and this overt act tends to support that theory, as explained in this complaint.

17 Furthermore, PLAINTIFF MOVES THE COURT TO RATIFY THIS BEHAVIOR OR ENTER IT AS PRIMA FACIE EVIDENCE
18 SHOWING DECEIT AND FRAUD REQUIRING DEFENDANTS TO AFFIRMATIVELY ANSWER THIS ALLEGATION.

19 8. Plaintiffs Move the Court to take Judicial Notice Without Descretion Defendant James Wagoner was aware

20 of the Attorney General request to the Plaintiffs and denied plaintiff's clearly established
21 particularized reason, that outweighed the need for grand jury materials authorizing a witness to seek
22 these documents. Particularized need for access to the grand jury transcript is sufficient to outweigh
23 the general public interest in grand jury secrecy. Plaintiffs already know the "secret" of their own
24 testimony to the grand jury and have published it world wide. Plaintiffs did not request testimony in
25 any matter, but just to know if there was an investigation! You will smell the rat soon.

26 Converging Parallel Structure Theory

27 9. Plaintiffs, hereinafter referred to as Pat or Donna Hamer lawfully reported of a crime committed
28 against them case# PO6CRM2100-1 on November 22, 2006. Pat and Donna pointed out some overt official
negligence to sheriffs, and the D.A. and that ignited this dispute.

10. Pat and Donna Hamer were enjoying citizenship as us citizens building the American Dream through
education and business enterprise. However, this all ended into a hellish nightmare that is perpetuated

1 by officials unwilling to take responsibility for actions, and other officials ratifying these illegal
2 actions causing damage to plaintiff's by their inaction.

3 11. This nightmare occurred when destinies converged from two separate parallel structures colliding into
4 turmoil that was pre existing in only one of these structures.

5 12. Structure one, Pat and Donna Hamer's peaceful co-existence in society.

6 13. Plaintiffs Move the Court to take Judicial Notice without discretion of Unclean Hands, of structure
7 two, Defendant Dave Randall's criminal cases¹ and Mental illnesses Ex. B² enhancing his legal troubles
8 and arrest for vandalizing Plaintiffs property for no rational purpose.

9 GENERAL FACTUAL ALLEGATIONS

10 14. Reasonable intervention was sought by EDC Mental Health Department according to Robert Bloom Mental
11 Health Agent, who on June 27th 2007 stated that he attempted to get Randall help from his "directors,"
12 and meetings with "Sheriff Neves" and the "D.A." These efforts were futile to stop our deprivations.
13 Nevertheless, mentally ill stalkers cause fear that would be reasonable to an ordinary person under
14 similar situation.

15 15. Plaintiffs Move the Court to take Judicial Notice without discretion that it is Self Evident that EDC
16 Sheriff (now referred to herein as EDSO) Sgt. Bryan Golmitz noted that "...in the prior 18 to 24 months...'
17 before October 2, 2008, deputies lacked training sufficient to "...respond more appropriately" to people
18 with "...to people with mental health problems." Sacramento Bee Article October 2 2008. This article
19 shows they arrested a person for only 1 incident; they discriminated against plaintiffs in similarly
20 situated circumstances by treating them different for no rational basis.

21 16. Plaintiffs Move the Court to take Judicial Notice without discretion that former D.A. Gary Lacy was
22 vehemently Prosecuting David. D. Randall for 5³ counts of 245A against children under 18 and a car
23 accident victim/witness. See Case # P05CRF0446. Defendant prosecutors filed other separate charges⁴
24 Against David Randal located at the Superior court in Placerville California.

25 17. Plaintiffs Move the Court to take Judicial Notice without discretion David Randall's residence⁵ since
26 2003 has been the focus of approximately 51 official Police visits to Defendant Randall's address see
27 exhibit N. Currently there has been no police activity⁶ or crime on the whole street of 7000Pioneer Dr.
28 since Defendant David Randall was evicted from that foreclosed home on or about March 2007⁷.

18. Plaintiffs Move the Court to take Judicial Notice without discretion that under Vern Pierson, whose
entrance into the situation caused a self evident unnatural paradigm shift away from the Previous

1 administration of Gary Lacey's proactive prosecution efforts to a complete reversal of Defendant Dave
2 Randall's charges without informing crime victims of this violating Crime Victim bill of rights.

3 19. Plaintiff Pat Hamer alleges that Both Defendants, Bob Anderson and Dave Randall in private
4 conversation to Pat Hamer, claimed to have secured a favor of Vern Pierson to fix Randall's 245a
5 assaults. This was stated to Pat Hamer prior to defendants attack on Plaintiffs. Pat and Donna have an
6 affidavit signed by William Gonzales, making similar allegations, and additional obstruction of justice
7 type violations. Other witnesses will be called to make similar statements.

8 20. Plaintiffs Move the Court to take Judicial Notice without discretion Defendant Dave Randall Had 4
9 existing Criminal Restraining orders against him, and 1 civil restraining order against him. Adding to
10 the reasonable fear that Randall would continue harming plaintiffs.

11 21. Plaintiffs Move the Court to take Judicial Notice without discretion Pat and Donna Hamer appeared
12 before Judge Daniel B. Proud EDC Sup.Ct. and presented evidence on two separate occasions⁸ to secure a
13 restraining order against Defendant David. D. Randall. Both appearances, based upon factual evidence,
14 moved the court of Honorable Judge Proud to Protect Plaintiffs with a court order that prohibits the
15 illegal acts of defendants who by inaction annulled this order without due process.

16 22. Plaintiffs Move the Court to take Judicial Notice without discretion due to these court appearances,
17 it was discovered by defendants that Pat and Donna Hamer's testimony and evidence is very credible,
18 enough so, to put Defendant Dave D. Randall under court order restraint and remove his weapons from
19 him, a 2nd Amendment constitutional right. Upon information and good faith belief, EDC may have rearmed
20 David Randall violating state and federal law.

21 23. Regardless, Plaintiff's have been barred unlawfully from local redress by defendants malicious acts
22 explained in this complaint, with intent to deny them access to Jury's and the Courts and hearings,
23 without due process; so that defendants can hide from official record that would harm the offices of
24 Defendants and their private livelihoods if these allegations were allowed to be scrutinized under the
25 full force of the law.

26 24. Evidence will show Elected Official Policy Maker Defendants feared what happened to Defendant Helen
27 Bauman, who was caught red handed by Bob Berger of the Sacramento Republican Party lying to State
28 Officials, who days earlier interviewed her for a legislature position on 9-13-07. Defendant Bauman was
discovered by Bob Berger attempting to cover-up defendant's willful disregard to public safety by
deceitfully instructing him that Pat was so dangerous to society, EDCSO arrested him "more than once,"
this a deceitful factor in the damages to plaintiffs. It is believed upon information and good faith

1 belief, this attributed to her not seeking election in that district. This is a motive the defendants
2 used to hide their acts like defendant Helen Bauman who was punished for her confession. Within months
3 she was arrested for drunk driving and didn't spend a minute in jail, and given more grace than the
4 crime victims Plaintiffs who did no wrong, even the murder victims mentioned in Para. 28, were not
5 given such pity, showing different treatment than similarly situated parties in this matter.

6 25. Defendants responded to Pat and Donnas' reporting of their deprivation of rights complaining of
7 terrifying events, with evil intent and bad motive[s] in retaliation to Plaintiffs, who expressed a
8 strong advocacy criticizing EDC officials policies and practices in order to create public awareness in
9 hopes of reducing murder victims and crime victims similarly situated as they, under the false
10 assertion that they were protected under a restraining order in EDC. See Exhibit E page 4.

11 26. Plaintiffs were intentionally discriminated against as a Class-of-one citizen, and can prove that they
12 were treated different than similarly situated citizens, and there is no rational basis for this
13 different treatment.

14 27. EDSO report Ex.E EGO708272 and Ex. K EG078628. Defendant Deputy Johnson took issue with free speech of
15 political expression on Pats alleged website preventmurder.org that was critical of EDC, and his
16 employer, EDSO mishandling of these type cases. Defendant Dave Randall used this web site as
17 allegations to justify his criminal acts. Defendant Johnson ratified that premise and uses a
18 fundamental right of free speech as evidence against the plaintiff's criminal complaint, violating that
19 free speech, as reason to overtly ignore criminal acts, even when Defendant Randall confessed in the
20 report substantiating Plaintiffs allegations of violation of a court order. Defendant Dan Johnson's
21 overt disdain for Plaintiff's speech was such deterrence and was a substantial or motivating factor in
22 his conduct, as he willfully acted with malice and deliberate indifference and allowed these assaults
23 to continue. All defendants ratified this conduct to chill plaintiff's speech.

24 28. Plaintiffs Move the Court to take Judicial Notice without discretion Jasmine Gonzales, Roy Clayton jr,
25 Art Meis, and Andrew Bailey, are among a few of the dead crime victims in EDC where news media reported
26 that EDC defendants ignored or willfully failed to follow procedure to protect crime victims, and
27 plaintiffs became fearful that this could happen to them.

28 29. The preponderance of evidence will show that an unlawful policy was so overwhelmingly overt and absurd
as is so closely related to the deprivation of the plaintiff's rights as to be the moving forces that
caused the injuries, and where the proximate cause of plaintiffs injuries.

1 30. Pat and Donna Hamer allege that their overt criticism of EDC Republican Party elected officials
2 chilled and deterred plaintiffs speech and due process and this deterrence was a substantial and
3 motivating factor of defendants conduct. This speech engaged in expressive conduct, a motivating
4 factor, which addressed a matter of public concern See exhibit E. All Defendants took an adverse
5 action to this speech as evidence will show that this speech was a substantial motivating factor for
6 retaliation against Plaintiffs.

7 31. Plaintiffs contacted the Dept. of Justice and received a letter dated Dec. 3, 2008 requiring more
8 information. but were barred from submitting the information and Plaintiffs filed a complaint against
9 N'Zinga Adelona for failing to protect crime victims. Plaintiffs will seek discovery and amend the
10 complaint relevant to new information gained.

11 32. Plaintiffs contacted new Defendants California Attorney General Edmond G. Brown Jr. by official
12 complaint to the Public Inquiry Unit [PIU] on multiple occasions. Plaintiffs received PIU#'s of 179833
13 and 194629.

14 33. Plaintiffs complaints fell on deaf ears as the A.G. responded with inaction, by sending the same form
15 letters repeatedly a useless mantra, "...exhaust all local remedy." Plaintiffs received this command on
16 8-21-07, again 11-2-07, again 11-16-07, again 12-24-07, all signed by Bill Canepa, and one by Michael
17 P. Farrell 8-7-07 self evident ratification by inaction.

18 34. Plaintiffs Move the Court to take Judicial Notice without discretion Plaintiffs received a letter
19 dated on November 28 2007 ex. L signed under the name of "Jeff Neves Sheriff Coroner Public
20 Administrator" by "Sergeant Robert Ashworth x/uu. This letter excused the criminal acts of Deputy Dan
21 Johnson, without interviewing the witness affiants we provided, self evident ratification by inaction.

22 CAUSES OF ACTIONS

23 COUNT 1: FIRST CAUSE OF ACTION: Multiple Predicate Acts Against Patrick and Donna Hamer by All
24 Defendants in violation of Civil R.I.C.O. 18 U.S.C. § 1962 (Including but not limited to 42 U.S.C.
25 1341 (the intangible right of honest services) Cal. Penal Code §§ 132, 134 (fraud and deceit,
26 instrument in writing), 182(a)(1)(2)(4)(5)(b), (conspiracy to commit a crime and obstruct justice); 18
27 U.S.C. §§ 1961 through 1968; and 18 U.S.C. §§ 241) (conspiracy to injure or intimidate for the
28 exercising of Federal right).

35. Pat and Donna Hamer repeats and realleges and incorporate by reference the allegations in paragraphs 1
2 through 34 above with the same force and effect as if herein set forth.

36. The following allegations arise out of the following defendants, James Wagoner, Helen Bauman, Brenda
Bailey, Sheriff Jeff Neves, Fred Kollar, Dan Johnson, Vern Pierson, Dick Jones, J., Worth Dikeman and
Does, Bob Anderson, David Randall committing multiple predicate acts against Pat and Donna Hamer out of
their government offices which serves as their criminal enterprise, a separate structure.

1 37. Defendants are associated by a common goal and are continuing unit against the plaintiffs and crime
2 victims of Defendant David Randall where there were multiple schemes that injured more than one crime
3 victim of Defendant and Racketeer David D. Randall

4 38. or Bob Anderson to be proved at jury trial.

5 39. These same defendants affected interstate commerce, and that these defendants operated or managed the
6 enterprise through a pattern of racketeering activity ongoing until present, and that Pat and Donna
7 Hamer are injured in their business or property by reason of the racketeering activity.

8 40. These same defendants conspiring with others, ex's A1,A2,B,E,K,L,Q,R, and Y "under color of official
9 right," using the governmental powers with which they have been trusted to gain personal or
10 illegitimate rewards of obstructing justice, to commit crimes, intimidating falsely to move or maintain
11 an action, cheated and defrauded witnesses and Crime Victims Pat and Donna Hamer, with multiple written
12 instruments as exhibits and other evidence setting in the offices of EDSO the EDC D.A. and the EDC
13 Grand Jury, and the office of Superior Court Judge James Wagoner that was mailed by U.S. Postal Service
14 or interstate wire transfers to interfere with Plaintiffs Interstate commerce activities or overt
15 attempt to conceal their unlawfulness, and depriving the plaintiffs constitutional rights and of the
16 intangible right of honest services.

17 41. Defendant James Wagner's unauthorized use of the power of the courts to hide his conflicts of interest
18 in order to force Patrick and Donna, as if in chains, against their will to believe that the Grand Jury
19 under Defendant James Wagner "...advisor..." [ship] would investigate plaintiffs allegations or that their
20 representatives would abstain from illegally ratifying unlawful acts that are injurious to the public
21 health, morals, and that pervert and obstruct justice or the due administration of the laws. Defendant
22 James Wagoner conforming to an overt pattern of acts, manufactured to deceive individuals that
23 Plaintiffs are not trustworthy and of bad character by conjuring a bad stigma associated with a court
24 order without due process contrary to the 1st and 14th amendment rights, through the creation of a
25 deceitful instrument in writing exhibit Q depriving the plaintiffs of the intangible right of honest
26 services.

27 42. Defendants in their individual capacities, Helen Bauman, Brenda Bailey, Jeff Neves, Fred Kollar, Dan
28 Johnson, Vern Pierson, Dick Jones, Worth Dikeman and Does individual capacity named in EDC Code
enforcement operated within the enterprise a scheme committing multiple predicate acts by conspiring
using interstate wires and interfering with plaintiffs interstate commerce to punish plaintiffs by
casting them in false light to their Constitutional Representatives inter alia.

1 43. Manufacturing plaintiffs as scoundrels depriving them as criminals without trials or juries as if they
2 were under the Authority of King George III 1770 epoch. Defendants intentionally cast a false untrue
3 imagery of Pat Hamer in Irons and dangerous to dignitaries with this damning untrue statement of
4 exhibit A1,

5 44. This malicious letter was transferred through interstate wires. The letter is self evident, and shows
6 by name the conspirators who ratified the criminal enterprise and the illegal deprivations. On the
7 contrary, it reveals that Bob Berger and the staff of Senator Dave Cox, refuse to participate. The
8 defendants denied plaintiffs access to goodwill with officials making their illegal goals easier. Also
9 to punish them in retaliation which interfered with plaintiffs normal operation of interstate commerce.
10 These acts caused deprivations through obstructing justice and creating a bad false stigma about
11 plaintiffs depriving the plaintiffs of the intangible right of honest services, and the right to
12 privacy and good standing in the Community as Building Contractors and Citizens in the county.

13 45. Defendants state in Exh A1, that "Officials...in our county [are] to ensure that all parties involved
14 are receiving the appropriate responses and assistance from the different departments involved" [for
15 clarification]. The overtly particularized evidence to be shown at trial will support this prima facie
16 evidence Exhibit A1, inter alia, that Plaintiffs were punished as "...appropriate responses..." and
17 enemies of Pat and Donna Hamer, that is, defendants Dave Randall and Bob Anderson received illegal
18 "...assistance..." as state protected criminals, as an official policy ratified by all defendants in
19 committing crimes and Dave Randall and Bob Anderson, were the strong arm enforcers used to intimidate
20 or threaten to murder or assault or terrorize or vandalize or abuse the courts processes and that
21 exhibit A1 is prima facie that all conspirators Ratified the acts, excluding Bob Berger who attempted
22 to intervene when they were caught, but they were the law and nobody could stop them, and they chose
23 willfully to attack Pat and Donna Hamer as willful criminals able to suffer the consequences,

24 46. Plaintiffs Move the Court to take Judicial Notice without discretion that you can see by contrast
25 that it is self evident that Senator Dave Cox and Rob Olmstead, and Bob Berger used reasonable due
26 diligence to redress plaintiffs grievance to attempt to help them, and they offered this letter as
27 Plaintiff evidence on September 16 2008, by Honorable Cox, and on September 25, 2007 by Bob Berger.

28 47. Upon information and good faith belief, it should be noted that Defendants Assemblyman Ted Gaines and
his Aide Steve Davey, may have participated in this enterprise directly or indirectly, and plaintiffs
will discover issues and seek to amend the complaint to add them to RICO allegations.

1 48. Plaintiffs had protected property right and lawfully permitted business activity as a state licensed
2 Building Contractor building custom homes for sale in interstate commerce.

3 49. Dave Randall and Bob Anderson, private actors both acting in the enterprise with a continuity of
4 purpose with an understanding of this conspiracy. Defendants Bob Anderson and Dave Randall orchestrated
5 multiple predicate criminal acts other than the criminal enterprise and willfully and maliciously
6 interfered with interstate commerce operated by plaintiffs business marketing plan through interstate
7 wire systems, by obstruction of justice or overtly violating county abatement ordinances willfully for
8 the sole purpose of a "Vendetta" against plaintiffs for his arrest from criminal activities. This
9 deprived the plaintiffs of the intangible right of honest services, see Exhibit C John and Laura
10 Randall affidavit.

11 50. Upon information and good faith belief, Janet Gruber received a criminal protection order against
12 Defendant Dave Randall POCRF04446 dated 10/14/05. Janet alleged that she was stalked on numerous
13 occasions by Defendant Dave Randall. She alleges as an affiant that in October of 2005 Dave Randall
14 stalked her and her children in and was trying to run her off the road, causing her to fear for her and
15 her children's lives. Others will be called to testify these matters.

16 51. Plaintiffs complained to "code enforcement" a vain attempt to enforce a court order prohibiting this
17 overt business interference that defendants were willfully sabotaging plaintiff's business activities
18 by violating abatement and environmental ordinances.

19 52. Plaintiffs Move the Court to take Judicial Notice Defendant Randall was warned by letters dated March
20 28th, 2007, and March 29th Ex.'s M(vehicabate)(envirn) from county officials.

21 53. Defendants knew that officials would not enforce the warnings, following a course of conduct well
22 established, in retaliation to plaintiffs political expression of public criticism of official
23 misconduct that deprived the plaintiffs of the intangible right of honest services. Plaintiffs will
24 discover these operators within code enforcement and amend this complaint to hold them personally
25 accountable.

26 54. Debbie Reid local real estate agent took pictures of residence on July 11th 2008 among many others
27 witnessing this intentional interference of plaintiffs business. By this date property values fell so
28 low that defendants succeeded in their intentional interference causing plaintiffs irreparable damages.

55. Defendant Bob Anderson supplied another scrapped unlicensed scrap vehicle on the property of Shirley
Bishop and on the defaulted residence of 7000 Pioneer drive, It is believed that Shirley Bishop
participated directly or indirectly and authorized this furtherance of abatement and environmental code

1 violations with full knowledge of the illegal enterprise to corruptly influence and damage plaintiffs
2 business and property. Plaintiffs will seek discovery to determine more facts and amend the complaint
3 to add property owner Shirley Bishop as a defendant [or witness] who conspired with defendants by
4 ratifying the unlawful acts of defendants allowing the use of her property to further the conspiracy
5 and racketeering against crime victims depriving the plaintiffs of the intangible right of honest
6 services. Yet similarly situated incidences in the neighborhood show abatement did enforce ordinances 2
7 residences away. From the Defendants property and that is self evident.

8 56. Defendant Dave Randall Vandalized Plaintiffs Property and was arrested on November 22, 2006, repair
9 bill was in excess of \$5000.00 Exh. Y.

10 57. November 30th Plaintiffs are dragged into court on frivolous filing and malicious prosecution of
11 plaintiffs. The case was without merit and dismissed.

12 58. Defendant Dave Randall on February 12th 2007 made a terrorist treat in a manner leading plaintiffs to
13 believe Randall wanted to shoot them, a credible threat, along with obscenities directed at plaintiffs.
14 EDSO Dispatch ratified this threat by inaction.

15 59. March 11 2007 Defendant Dave Randall stalked plaintiffs after making the credible threat.

16 60. March 12 2007 Plaintiffs filed a second request for restraining order.

17 61. March 12 Defendant Randall built a junk pile in plain site of Plaintiffs house telling community
18 members it was a vendetta to harm plaintiffs who were in a business selling their business property on
19 the MLS under contract. Note: he actually had the truck sold for money, read Ex. C John and Laura
20 Randall, but he was so malicious he wanted to create a junk pile to interfere with Plaintiffs business
21 operations. Randall also had been floodlighting the plaintiff's home, similar to ATF tactics against
22 Branch Davidians, in order to torment Pat and Donna all night long for several months which aided in
23 the interfere with interstate commerce. This was the most bizarre events in Plaintiff's lives, and
24 they complained to EDSO who "took pictures," but ratified by EDSO inaction. See also William Gonzales
25 witness who signed a sworn affidavit attesting this on March 21's 2007.

26 62. ON March 16th 2007 after the evidentiary Hearing a Temporary restraining orders was granted and show
27 of cause hearing set for March 23 2007.

28 63. March 16th EDSO charged Defendant Randall with 646.9 felony stalking but failed to arrest Randall see,
EG0702875 on file at EDS0. Defendants ratified these acts by inaction.

1 64. On March 18, 2007 Randall stalked and violated the Temporary order, and sheriff dispatch sent out
2 Sheriffs who harassed plaintiffs for complaining threatening to arrest them if they gathered evidence.
3 Defendants ratified these acts by inaction.

4 65. Plaintiffs Move the Court to take Judicial Notice without discretion that defendant Dave Randall did
5 not have a protection order against Pat or Donna Hamer the Plaintiffs who were innocent crime victims!

6 66. March 19 Dave Randall Blocked Plaintiffs driveway with a barricade. Sheriff Officers told Plaintiffs
7 to "run over it." Plaintiffs refused to comply out of fear and were held captive and were barricaded
8 in their house. Defendants ratified these acts by inaction.

9 67. March 23, 2007 Plaintiffs submitted evidence at a restraining order show cause hearing and complained
10 that Randall violated the temporary hearing. Again Randall was warned by Judge Daniel B. Proud. See
11 court transcripts case number PC 20070153.

12 68. Plaintiffs Move the Court to take Judicial Notice Plaintiffs were granted a 3 year restraining order
13 against Defendant Dave Randall in affect until March 23, 2010.

14 69. May 8th 2007 Randall violated the restraining order

15 70. May 13 2007 EDSO sheriffs awoke plaintiffs from sleep on a Sunday morning under allegations that the
16 Randall's wanted us to be arrested for having a surveillance camera installed at our house.

17 71. May 10th, 2007, While Plaintiff was working Defendant Dave Randall violated the restraining order in a
18 fashion complained by other crime victims, by intentionally running his pickup truck in plaintiffs
19 direction within inches of hitting plaintiff with intent to kill or injure plaintiff Defendants
20 ratified these acts by inaction.

21 72. May 16th Lisa Randall fabricated a story implicating Pat Hamer and William Gonzales and filed this in
22 court. Plaintiffs hired a lawyer. Lisa Randall in this frivolous act dropped the case the night before
23 the hearing abusing court process. Plaintiffs counter filed to move the court to hold them as vexatious
24 and get attorney fees returned as promised by Judge Proud in transcripts. Honorable Judge Proud
25 misnamed parties thinking that Lisa was asking for attorney fees and dismissed the case and Plaintiffs
26 objected and Judge proud allowed for a new hearing, Plaintiffs were chilled to respond again. In
27 addition Lisa Randal is suspected of participating Directly or indirectly in this criminal enterprise
28 due to a web Page www.pretentiousneighbor.today.com where she calls herself "a housewife" venting..."
but actually untruthfully defaming with libel the Plaintiffs and they will discover evidence and seek
to amend to add Lisa Randall as a Defendant to this count and action.

- 1 73. This again occurred in October, 10th 2007 when Defendant Dave Randall filed a frivolous suit against
2 Defendants and dropped the charges [actual date unclear], but verifiable. Defendants ratified these
3 acts by inaction.
- 4 74. In addition, upon information and good faith belief, Dave Randall crossed state lines on or about June
5 11, 2007 with Texas License Plates and violated a restraining order. A call to EDSO was made reporting
6 possible criminal activity, EDSO Defendants ratified these acts by inaction.
- 7 75. August 17th 2007, see EG0708272 at EDSO, defendant Dave Randall dressed in full combat type camouflage
8 gear and wore a mask waving a round shield as a weapon above his head at plaintiff Patrick and
9 attacked plaintiff while he was at work causing him to flee from his lawful activities. Defendants
10 ratified these acts by inaction.
- 11 76. August 27 2007 Defendant Randall Stalked Plaintiffs employee, Mike Gruber, EDSO report EG0708628 to
12 his place of work and threatened to kill Mike Gruber and Janet Gruber violating employees criminal
13 restraining order against Defendant Randall, and Plaintiffs civil restraining order against Randall,
14 making terrorist threats, overtly displaying Defendants Dan Johnson and Vern Pierson policy to allow
15 defendant Randall to commit criminal acts to deter his crime victims from testifying. Stating, by
16 inference, Plaintiffs, were Hostile to Deputies," referring to plaintiffs protected speech as a show
17 that Deputy Johnson lost his neutrality. Defendants ratified these acts by inaction.
- 18 77. On September, 18, 2007 Daniel Randall a witness against Dave Randall and Bob Anderson, Signed and
19 affidavit under penalty of Perjury stating that Bob Anderson threatened him to change his testimony.
- 20 78. ON August 23 2007, William Gonzales alleges in an affidavit Randall attempted to bribe him in a trade
21 for false testimony against Pat Hamer
- 22 79. Upon information and good faith belief, On October 22 2007, Daniel Randall was threatened by Dave
23 Randall with his truck on Grizzly Flat Road at around 8:00 am. The sheriff was called and he was not
24 allowed to "sign a complaint" no arrest was made. Defendants ratified these acts by inaction.
- 25 80. Defendant Dave Randall continues to attack plaintiffs business on their website
26 www.pretentiousneighbor.today.com and gather information about private matters violating a restraining
27 order and interstate commerce. Defendants Reports made.
- 28 81. David Randall went to Jury Trial and was acquitted in December of 2007. Upon information and good
faith belief, after witnesses such as Janet Gruber and crime victims such as Pat and Donna Hamer, gave
the Peoples evidence to Worth Dikeman whose inaction proves that witnesses tampering existed and
obstruction of justice. Upon information and Good faith Belief, Defendant Worth Dikeman disregarded

1 crime victim statutes and ignored these affidavits and hid them from normal prosecution methods, but
2 led plaintiffs and witnesses to believe that they would not be hid from the People of California to aid
3 in Racketeering alleged. These affidavits were provided to Defendant Worth Dikeman in plaintiffs
4 vandalism victimization case People v. David Randall Nov. 22 2006. Plaintiff's fax records show
5 numerous faxes. Janet Gruber, a mother of one of Randall's then crime victims provided under oath of
6 affidavit that she or/and Pat also provided affidavits and complaints to Defendant Worth Dikeman,
7 Deputy D.A. Trish Kelleher inter alia, showing by sworn affiants, defendant Dikemans' suborning of
8 perjury, obstruction of justice, racketeering activity, possible jury tampering, inter alia. Plaintiff
9 Pat Hamer was excused as a witness against Randall for obvious reasons. Defendants ratified these acts
10 by inaction.

11 82. Defendant Worth Dikemen was informed of a defense witness, Defendant Bob Anderson testifying on behalf
12 of David Randall as a character witness. Defendant Bob Anderson who was threatening and intimidating
13 other witnesses by obstructing justice and other crimes, and plaintiffs and crime victim witnesses
14 wanted him Brought to Justice.

15 83. It is upon information and good faith belief, that Anderson lied under oath and falsely stated and
16 intentionally misled to tamper with a jury, that he testified he was only aware of Defendant Dave
17 Randall as a "truthful and honest person" which is an overt lie!

18 84. Defendant James Wagoner in a shocking display of judicial artifice, interrupted the proceedings to
19 inform the Jury that they had to believe that the Defendant Dave Randall's personal testimony had to be
20 viewed as "truthful and honest." It is believed that the jury was forced by this "instruction" to
21 acquit Defendant Dave Randall in furtherance of the scheme to make Dave Randall appear blameless to the
22 public when around 7 eye witnesses saw him do the crime and 0 eyewitness couldn't say otherwise.

23 85. In attempting to discover this "jury instruction" Plaintiffs contacted Robin Seeley, Attorney,
24 Advisory Committee on Criminal Jury Instructions, Judicial Counsel of California on June 30 2009.
25 Robin Seeley responded, "Thank you for you inquiry, I'm not aware of any rule on this subject and I am
26 not sure how a rule could compel a judge to order the jury to believe a defendant's testimony. Perhaps
27 you could help me out by letting me know the basis for your inquiry? ...You have asked me about a rule
28 requiring a specific instruction be given, and I am not aware of any such rule ever existing."

86. Defendant Dan Johnson went to extremes to excel in operating as a member of the criminal enterprise.
Defendant Dan Johnson, falsified an incident report willfully contradicting 5 eyewitness statements as

1 if they were barking dogs. Defendant Jeff Neves conspired with Johnson and unlawfully excused Johnson's
2 criminal acts ratifying by inaction the acts. Exhibit L.

3 87. Defendant Johnson overtly witnessed Defendant Randall violating P.C. 185 the aftermath of a criminal
4 assault against Pat Hamer by Dave Randall in a delusional Rambo attired fashion, and overtly dressed in
5 Camouflage Gear who admitted to being in the road approaching Pat Hamer in violation of the court order
6 as described by plaintiffs to 911 call on August 17 2007. However Randall lied on the report and
7 Johnson failed to investigate and a reasonable well trained officer would not have been deliberately
8 indifferent and willfully maliciously negligent with wanton disregard to plaintiffs safety and rights
9 as crime victims.

10 88. Johnson conspired with Randall while in his house and concocted tales to deceive the public and allow
11 these criminal acts, and overtly stated in the report dated 8/18/07 he did not believe Randall had
12 committed a crime and instead attacked plaintiffs free speech right to complain about public matters.
13 Officer T. Cessna was present, and plaintiffs will discover if she ratified these acts by silence and
14 will move the court to amend the complaint.

15 89. Defendant Johnson, based on accounts of August 17, 2007 conspired with Jeff Neves to commit a crime,
16 and to indict Donna Hamer, even though 5 witnesses contradict their fabricated story see exhibit E.

17 90. Upon information and good faith belief, to show callousness of EDC Defendants, Dave Randall around
18 March of 2007, was alleged to have been caught fleeing Holiday Market, Pleasant Valley Ca. with unpaid
19 goods. Daniel Randall, employee, and Ryan Kelly the assistant Manager, both stated that Dave Randall
20 threatened to Murder at least 3 employees during this crime. The store contacted EDC Sheriff
21 defendants who, callously and unbelievably, ratified these criminal acts purposefully to hide
22 plaintiffs on going allegations to the public. Willfully following a criminal path parting options to
23 help crime victims, in a CRIMINAL ENTERPRISE, a wide spread and so common as standard of practice.

24 91. Plaintiffs Move the Court to take Judicial Notice That Defendants with absurd disdain for plaintiffs
25 safety, instead unlawfully protect David Randall as if he had a right to commit crimes against his
26 alleged crime victims and witnesses who testify against him. Gary Lacy held Randall on a very high bail
27 of \$230,000. and the community was quite. When he was released from Jail, he went on a rampage.

28 92. Plaintiffs timely filed their government claim against EDC and the claim was denied by law lass then 6
months prior to the date of filing the original complaint in this action.

93. Hereinafter refered to as "damages claim" "3 paragraphs" by reference in the following counts: As a
direct and proximate result of defendants' actions, Plaintiffs a. were substantially mentally and

1 emotionally injured; b. incurred medical costs/bills and expenses c. Loss possession, use and enjoyment
2 of personal and real property, and incurred other special, and general damages and expenses; all in an
3 amount to be proven at trial; in excess of \$500,000.000

4 94. The actions by defendants done were consciously committed deliberately, recklessly, intentionally,
5 maliciously, or with deliberate indifference, with wanton disregard of Plaintiffs federally protected
6 rights, thus entitling Plaintiffs to punitive / exemplary against defendants damages⁹ an amount to be
7 proven at trial; in excess of \$500,000.000.

8 95. WHEREFORE plaintiff prays the Court will award him money damages and such other relief as may be
9 reasonable and just under the circumstances including plaintiff's reasonable attorney's fees and costs.
10 COUNT 2: SECOND CAUSE OF ACTION: Cal.Civ.Code § 1708 (duty of care); VIOLATION OF 42 U.S.C. 1983
11 CONSPIRACY TO DEPRIVE RIGHTS (Including but not limited to 42 U.S.C. 1341 (the intangible right of
honest services) Cal. Penal Code §§ 132, 133,134 (false statement, fraud and deceit, instrument in
writing), 182(a)(1)(2)(4)(5)(b),(conspiracy to commit a crime and obstruct justice); 18 U.S.C. § 241)
(conspiracy to injure or intimidate for the exercising of Federal right).

12 96. Pat and Donna Hamer repeats and realleges and incorporate by reference the allegations in paragraphs 1
13 through 92 above with the same force and effect as if herein set forth.

14 97. Defendants Bob Anderson and David D. Randall are private actors in concert with all other defendants
15 who by inaction ratified these named defendants acts, to use them to do their dirty work that has been
16 alleged.

17 98. Elected Defendants Sheriff Jeff Neves, D.A. Vern Pierson, BOSD2 Helen Bauman had final policymaking
18 authority from defendant EDC concerning these act[s]; and
19 when these Elected Defendants engaged in these act[s], They were acting as a final policymaker for
20 defendant entity "EDC". These defendants Ratified Supervisor acts.

21 99. Supervisory Defendants, Undersheriff Fred Kollar, Judge James Wagoner, Dick Jones knew, or reasonably
22 should have known, because they directed and participated in the acts, that Their subordinate[s] were
23 engaging in these act[s] and that their conduct would deprive the plaintiff of these rights; and the
24 defendant failed to act to prevent their subordinate[s] from engaging in such conduct that showed a
25 reckless or callous indifference to the rights of others. These defendants ratified, employees conduct
26 in their departments, that of Deputy. D.A. Worth Dikemand's, or Deputy Sheriff Dan Johnson's or Assist.
27 BOSD2 Brenda Bailey's and Does, act[s] and the basis for it, Sheriff Jeff Neves, D.A. Vern Pierson,
28 BOSD2 Helen Bauman, that is, knew of and specifically approved of the employee's act[s].

100. The training policies of the defendant EDC were not adequate to train its Sheriff Department or
D.A. Office, or Code enforcers, [employees] to handle the usual and recurring situations with which
they must deal.

101. The defendant EDC was deliberately indifferent to the obvious consequences of its failure to train its Sheriff's, and D.A.'s, and Code Enforcement, adequately; and the failure of the defendant EDC to provide adequate training caused the deprivation of the plaintiff's rights by All Defendants, excluding Private Actors who they did train criminally; that is, the defendant's failure to train is so closely related to the deprivation of the plaintiff's rights as to be the moving force that caused the ultimate injury. See EDC Grand Jury Crime victim report 2007 year end report.

102. Herein referred to as, "Generalized conspiracy allegations" are these following 7 paragraphs: "All Defendants in this count violated a duty of care and acted under the color of law.

103. All Defendants deprived Plaintiffs of their Constitutional right under the 1st amendment right to Freedom of Speech and to Redress Grievances, without retaliation, depriving Plaintiffs of Courts and Jury's, and equal protection under law violating the 14th amendment of due process and protected property right of goodwill and honest services.

104. During an ongoing investigation, Defendants named in Exhibit A1 conspired together through an official instrument in writing dated September 25th, 2007, created at tax payer's expense originating from the office EDC BOSD2 at the direction of Helen Bauman.

105. Defendants willfully maliciously with intent to harm plaintiffs in an ongoing investigation Ratified by EDC Defendants, in a ongoing investigation intended to deceive the public at large, even after, Sacramento County Republican Party Member Bob Berger uncovered the ruse, see exhibit A2, they willfully maliciously with intent to harm plaintiffs see exhibit A1.

106. Therefore, **these defendants in this count made a deliberate choice to follow that course of action made from among various alternatives to help Plaintiffs and obey and enforce laws.**

107. All Defendants acted pursuant to an expressly adopted official policy or a longstanding practice or custom of the defendant.

108. All of these acts by defendants were consciously committed deliberately, recklessly, intentionally, maliciously, or with deliberate indifference, with wanton disregard of Plaintiffs federally protected rights, thus entitling Plaintiffs to punitive damages.^{10"}

109. See and incorporate by reference "damages claim" "3 paragraphs" in Count 1: with the same force and effect as if herein set forth.

COUNT 3: THIRD CAUSE OF ACTION: Cal.Civ.Code § 1708 (duty of care); VIOLATION OF 4TH AMENDMENT (UNREASONABLE SEARCH) 1ST AMENDMENT (RIGHT TO REDRESS GRIEVANCES) 42 U.S.C. 1983 CONSPIRACY TO DEPRIVE RIGHTS (Including but not limited to 42 U.S.C. 1341 (the intangible right of honest services) Cal. Penal Code §§ 132,133,136.1, 136.2((prent testimony,false statement, fraud and deceit, instrument in writing, injunction to prevent), 182(a)(1)(2)(4)(5)(b),(conspiracy to commit a crime and obstruct justice); 18 U.S.C. § 241) (conspiracy to injure or intimidate for the exercising of Federal right).

110. Pat and Donna Hamer repeats and realleges and incorporate by reference the allegations in paragraphs 1 through 108 above with the same force and effect as if herein set forth.
111. Defendants Legislature Ted Gaines, and his Aide Steve Davey acting in official Capacity are sued under this count for Declaratory Relief, and are sued in their Individual Capacities for remedy at law.
112. Defendant Assemblyman Ted Gaines and,
113. Defendant Assembly Aide Steve Davey owed a duty... - See and Incorporate by reference the elements and allegatison in this count "Generalized conspiracy allegations" stated in count 2 "7 paragraphs " with the same force and effect as if herein set forth.
114. Defendant Assemblyman Ted Gaines communicated with Pat Hamer on KFBK radio show and stated he wanted Pat to contact him at his office. When Plaintiff contacted Defendant Steve Davey, at Defendant Gaines office, Both defendants retaliated against Pat instead of doing their job as Pats representative under State and Federal Constitutions and denied Pat and Donna their free exercise of speech and redress of grievances, because Pat was critical of his parties friends in EDC abusive cronyism.
115. Furthermore, they deprived property rights and right to privacy of plaintiffs from unreasonable search violating their 4th Amendment Rights, when they ordered CHP Dignitary threat team to converge on plaintiff's residence unlawfully without a warrant or probable cause or exigency.
116. Defendants Steve Davey acting as a 'big shot,' in an effort to do political favors for his cronies, he was protecting by ratifying their criminal and unconstitutional acts, contacted the CHP Dignitary threat unit, with information known to be false exposing an evil intent and bad motive to intimidate Pat and Donna Hamer by ordering this unit to converge on Plaintiffs residence, and seize plaintiff's property by a governmental termination of freedom of movement through means intentionally applied. Defendant Legislature Ted Gaines not only ratified this act by inaction but ordered this act, under the color of law, through the State office owned by the People of California.
117. The CHP team raided plaintiffs house with excessive force and no probable cause excessively armed with back up squad members from the EDSO embarrassing Plaintiffs for no reason.
118. Two detectives led Pat Hamer to believe, they were at his house to take an official complaint to answer Pat's allegations against officials.
119. When Pat opened the door, they came in and took control of the situation in a manner that interfered with Pat and his guests, Lou Punturo's privacy right to possess the property, and then Pat saw many armed officers as back up outside his residence, and became very worried that they were going to do

1 something bad to him out of retaliation, and it is reasonable to believe if he didn't' fully cooperate,
2 their ongoing course of conduct of violations could escalate.

3 120. It was obvious, especially at this date, that they gained consent out of a deceitful purpose.

4 121. Plaintiffs Move the Court to take Judicial Notice that plaintiffs were not arrested nor were
5 plaintiffs, accused of or charged with a crime. CHP Detectives misrepresented themselves to gain access
6 to information that was not available to them by invoking Pat Hamer's trust in his government only to
7 betray that trust with their deceitful objective.

8 122. Plaintiffs Move the Court to take Judicial Notice their presence under the color of law, armed to the
9 teeth was excessive force, not even granted to Murder Victim Art Meiz, just Days from this incident
10 transpiring before Mr. Meiz untimely murder. The search was unreasonable and without warrant where
11 there was no exigent circumstances or lawful arrest!

12 123. CHP detectives, in front of Pat's guest questioned Pat for what seemed an hour or two. My Guest Lou
13 Said He Prayed the whole time, out of concern for me.

14 124. CHP officers warned plaintiff to no longer contact his representatives, an unconstitutional purpose to
15 intimidate, an unlawful act deliberately indifferent to plaintiffs rights for a reasonably well trained
16 officer who would have not done this.

17 125. Plaintiff Pat Hamer exercising his rights contacted his representative Defendants Ted Gaines through
18 his Aide Steve Davey, based upon information and good faith belief, of 9-19-08. The Same CHP officer
19 who raided plaintiff's house contacted Pat Hamer by phone after this conversation with Defendant Steve
20 Davey and further veered from a lawful course and intimidated Pat Hamer and chilled his right of public
21 scrutiny of the peoples business. Pat Hamer reported this to the CHP by phone to officer "Karrell[sp?]
22 on or about September 19 2008 on the same day immediately after that call.

23 126. Plaintiffs Move the Court to take Judicial Notice showing the reasonable lawful acts of Senator Dave
24 Cox's office. Senator Dave Cox's Aide Rob Olmstead, excluded themselves from this complaint by
25 graciously supplying by mail the same documented requested from Defendant Steve Davey a few days
26 earlier naming Defendants Gaines and Davey as having ratified a criminal enterprise by inaction and
27 conspiracy.

28 127. See and incorporate by reference "damages claim" "3 paragraphs" in Count 1: with the same force and
effect as if herein set forth. Except that Plaintiffs sue defendants in this count in their individual
capacity if injunctive relief cannot be achieved.

128. WHEREFORE plaintiff prays the Court will decide what is just in this count and other relief as may be
1 reasonable and just under the circumstances including plaintiff's reasonable attorney's fees and costs.
2 COUNT 4: FOURTH CAUSE OF ACTION: Cal.Civ.Code § 1708 (duty of care); VIOLATION OF CONSPIRACY TO
3 DEPRIVE RIGHTS (Including but not limited to 42 U.S.C. 1341 (Judicial Corruption, the intangible
4 right of honest services) Cal. Penal Code §§ 132, 133,134 (false statement, fraud and deceit,
5 instrument in writing), 182(a)(1)(2)(4)(5)(b), (conspiracy to commit a crime and obstruct justice); 18
6 U.S.C. § 241) (conspiracy to injure or intimidate for the exercising of Federal right).

129. Pat and Donna Hamer repeats and realleges and incorporate by reference the allegations in paragraphs 1
2 through 126 above with the same force and effect as if herein set forth.

130. Defendant Judge James Wagoner acting in official Capacity is sued under this count for Declaratory
3 Relief, and issued in their Individual Capacities for remedy at law.

131. Defendant Judge James Wagoner violated a duty... See and Incorporate by reference the elements and
4 allegations in this count "Generalized conspiracy allegations" stated in count 2 "7 paragraphs " with
5 the same force and effect as if herein set forth.

132. Plaintiff's filed a complaint with the Grand Jury, following the instructions of California Attorney
6 General Edmund G. Brown Jr. The Grand Jury responded in a letter misdated July 11, 2008 received
7 shortly after July 11 2007 by mail. This letter stated that they would make a final report. However,
8 in a course of conduct to keep off record, it is self evident, see exhibit Q that Judge Wagoner
9 conspired with members of the Grand Jury, and the Attorney General to hide plaintiffs complaint from
10 the public, a corrupt move, totally contrary from the purpose of the Grand Jury.

133. It is self evident that Plaintiffs were recognized by the Judge as having an "...interest in the
11 operations of [the]our county" and not violating procedure or law, and didn't require adverse actions
12 such as a court order to cease and desist lawful activities.

134. Exhibits show that the Attorney General, knew of Plaintiff's inability to gain access to the courts and
13 juries, enticed, Donna Hamer into violating a court order 5 days after it was issued.

135. On it's face, this instrument in writing is deficient in fact, contradictory to law, deceitful, untrue,
14 with the exception of it identifying the Plaintiffs as merely having an "...interest in the operations of
15 [the] county." And the good judge "thanks" them. Defendant Wagoner, stole the, paper and ink for the
16 seal, the same as if the local police robbed a bank showing his badge claiming it was in the line of
17 duty, and then walking next door to buy goodies, as if it was legal, and then using this as a defense
18 from prosecution. It is utterly absurd to think otherwise.

136. James Wagoner, in order to be a big shot for his cronies. Got caught breaking the law, and was callous
19 to the rights of Plaintiffs who were damage by these malicious acts casting a false light on defendants
20 to ruin the chances to end going on 3 years now, Murder threats, Assaults, Interference with interstate

1 commerce of plaintiffs business, property damage, emotional scarring inter alis. Defendant James
2 Wagoner made a deliberate choice to follow that course of action made from among various alternatives
3 to help Plaintiffs and obey and enforce laws.

4 137. See and incorporate by reference "damages claim" "3 paragraphs" in Count 1: with the same force and
5 effect as if herein set forth.

6 Count 5: 4TH and 14th AMENDMNT (DEPRIVATION OF PROPERTY) VIOLATION OF CONSPIRACY TO DEPRIVE RIGHTS
7 (Including but not limited to 42 U.S.C. 1341 (the intangible right of honest services) Cal. Penal Code
8 §§ 132, 133,134 (false statement, fraud and deceit, instrument in writing),
9 182(a)(1)(2)(4)(5)(b),(conspiracy to commit a crime and obstruct justice); 18 U.S.C. § 241)
10 (conspiracy to injure or intimidate for the exercising of Federal right).

11 138. Pat and Donna Hamer repeats and realleges and incorporate by reference the allegations in paragraphs 1
12 through 136 above with the same force and effect as if herein set forth.

13 139. All defendants are sued in official and individual capacity; and Pat and Donna Hamer repeats and
14 realleges and incorporate by reference the allegations in paragraphs 96 through 108 above with the same
15 force and effect as if herein set forth.

16 140. Defendant Judge James Wagoner acting in official Capacity are sued under this count for Declaratory
17 Relief, and are sued in their Individual Capacities for remedy at law.

18 141. Defendant Judge James Wagoner violated a duty... See and Incorporate by reference the elements and
19 allegatison in this count "Generalized conspiracy allegations" stated in count 2 "7 paragraphs " with
20 the same force and effect as if herein set forth.

21 142. Plaintiffs were denied good will with representatives, the right to be heard in courts and juries, the
22 free movement to contact Grand Jury without threat of arrest.

23 143. Defendant James Wagoner outside of Jurisdiction of Courts, and judicial authority under the color of
24 power...violated plaintiffs 4th and 14th amendment rights aided by all defendants in concert to a common
25 purpose and goal...

26 144. ...it is self evident that James Wagoner intended to arrest plaintiffs for obeying laws and acting as a
27 free citizen, and in that regard Plaintiffs were arrested, and suffered a criminal sentence without
28 benefit of a Jury or fair Trial,

145. Plaintiffs Move the Court to take Judicial Notice Deprivation of rights without Due process is not an
authorized action by Local Grand Jury's under the United States Constitution.

146. See and incorporate by reference "damages claim" "3 paragraphs" in Count 1: with the same force and
effect as if herein set forth.

Count 6: 1st and 14th Amendment (Redress Grievance and Due Process)

147. Pat and Donna Hamer repeats and realleges and incorporate by reference the allegations in paragraphs 1 through 145 above with the same force and effect as if herein set forth.

148. Defendant Attorney General Edmond G. Brown through his agents Bill Canepa, Michael P. Farrell, Peter A. Meshot, have sent numerous correspondence overtly ignoring the violations alleged in this Complaint. Evidence shows that Defendant Edmond G. Brown ratified acts that could have caused the arrest of plaintiffs for following their instructions and Plaintiffs seek declaratory relief to instruct Defendant A.G. Edmond G. Brown matter of the law to protect crime victims and to sue El Dorado County on behalf of the people.

149. Plaintiffs Move the Court to take Judicial Notice without discretion that the attorney general is attempting to be counsel for coconspirator defendant James Wagoner, a potential conflict of interest.

150. See and incorporate by reference "damages claim" "3 paragraphs" in Count 1: with the same force and effect as if herein set forth.

Count 7: Cal. Civ. Code 1708.7 Stalking

151. Pat and Donna Hamer repeats and realleges and incorporate by reference the allegations in paragraphs 1 through 149 above with the same force and effect as if herein set forth.

152. The defendant David Randall engaged in a pattern of conduct the intent of which was to follow, alarm, or harass the plaintiff. As a result of that pattern of conduct, the plaintiff reasonably feared for his or her safety, or the safety of and immediate family member. The defendant, as a part of the pattern of conduct specified made a credible threat with the intent to place the plaintiff in reasonable fear for his or her safety, or the safety of an immediate family member and, on at least one occasion, the plaintiff clearly and definitively demanded that the defendant cease and abate his or pattern of conduct and the defendant persisted in his pattern of conduct. The defendant violated a restraining order.

153. See and incorporate by reference "damages claim" "3 paragraphs" in Count 1: with the same force and effect as if herein set forth.

Count 8: Intentional Infliction of Emotional Stress

154. Pat and Donna Hamer repeats and realleges and incorporate by reference the allegations in paragraphs 1 through 152 above with the same force and effect as if herein set forth.

155. All defendants' acts were performed intentionally or with reckless disregard. The defendants knew or should have known the acts would foreseeably cause plaintiff severe emotional distress. The conduct

1 was outrageous, indecent, atrocious, odious, uncivilized, and intolerable. Plaintiff suffered severe
2 emotional distress as a direct result.

3 156. See and incorporate by reference "damages claim" "3 paragraphs" in Count 1: with the same force and
4 effect as if herein set forth.

5 Count 9: Conversion

6 157. Pat and Donna Hamer repeats and realleges and incorporate by reference the allegations in paragraphs 1
7 through 155 above with the same force and effect as if herein set forth.

8 158. All defendants deprived the Plaintiffs the right of unobstructed use of their business activities,
9 goodwill, right to honest services. Plaintiffs demanded for return and defendants refused to return
10 these rights

11 159. See and incorporate by reference "damages claim" "3 paragraphs" in Count 1: with the same force and
12 effect as if herein set forth.

13 Count 10: Declaratory Relief

14 160. Pat and Donna Hamer repeats and realleges and incorporate by reference the allegations in paragraphs 1
15 through 158 above with the same force and effect as if herein set forth.

16 161. Plaintiffs request that they be freed from captivity of the court order from Judge Wagoner that
17 threatens plaintiff freedom from lawful acts, and to instruct the Cal. C.J.P. to investigate him.

18 162. Plaintiffs move the court to grant an injunction to prohibit ongoing stalking from Defendant Dave
19 Randall including cyberstalking in violation of a court order.

20 163. Plaintiff moves the court to instruct Defendants Ted Gaines and Steve Davey to stop violating
21 plaintiffs right to representation, and issue a public apology.

22 164. That Code enforcement act to maintain minimum standards, against Defendant Bob Anderson, who resides at
23 the residence owned by Shirly Bishop.

24 165. That the Attorney General recognize this wide spread course of conduct as illegal patterns and Sue EDC
25 and defendants for Damages

26 166. See and incorporate by reference "damages claim" "3 paragraphs" in Count 1: with the same force and
27 effect as if herein set forth.

28 Count 11: Injunction Preliminary

167. Pat and Donna Hamer repeats and realleges and incorporate by reference the allegations in paragraphs 1
through 165 above with the same force and effect as if herein set forth.

168. Imminent likelihood of irreparable harm exists against Plaintiffs business dealings if a temporary injunction is not issued. Defendant Randall is Interfering with interstate commerce of plaintiffs business, and it needs to stop now!. Adequate remedy will not restore the loss through false malicious defamation that has occurred to plaintiff's character and business to individuals who have read this libel he publishes. The harm to plaintiffs outweighs any harm to defendant because libel does not serve a community goal. Granting an injunction will not contravene the public interest. Plaintiff has a substantial likelihood of success on the merits of this case, the cause for which plaintiff seeks is likely to be proven.

169. See and incorporate by reference "damages claim" "3 paragraphs" in Count 1: with the same force and effect as if herein set forth.

Count 12: Duress

170. Pat and Donna Hamer repeats and realleges and incorporate by reference the allegations in paragraphs 1 through 168 above with the same force and effect as if herein set forth.

171. Plaintiffs involuntary accepted the terms of defendants, and circumstances permitted no reasonable alternatives, and the circumstances resulted in the coercive acts of other.

172. See and incorporate by reference "damages claim" "3 paragraphs" in Count 1: with the same force and effect as if herein set forth.

Dated this 9th day of July, 2009

By: _____

Patrick M. Hamer Pro Se

Donna L. Hamer Pro Se

1. ¹ EDC Court David D. Randall PO5CRF0446-1, PO5CRF0511.1 PO6CRM0281-1, PO6CRM2100-1.

² Exhibit B

³ According to Mt. Democrat News paper dated September 8th 2005

⁴ PO5CRF0511.1, PO6CRM0281-1 EDC Court Placerville.

⁵ 7000 Pioneer Drive, Grizzly Flats, CA 95636

⁶ EDC Online Police reports <http://www.edso-apps.org/rms/0102030405list.asp?order=Field7> enter search criteria "pioneer dr" choose [exact phrase]

⁷ Randall returned to 7000 pioneer drive in June of 2007 with Texas license plates on his Dodge truck and violated plaintiffs restraining order by staging a junk pile of a trailer and garbage. EDSO did not respond to plaintiffs call to sheriffs

⁸ March 16th 2007 8:31 AM and March 23rd 2007 4:01 PM Case #PC20070153

⁹ Cal. Gov. Code. §§ 815.3(a)(b)(c)(d)(f); 815.4.; 815.6 ;

¹⁰ Cal. Gov. Code. §§ 815.3(a)(b)(c)(d)(f); 815.4.; 815.6 ;