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CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
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Justin G. Reedy
7295 Amherst Street
Sacramento, CA 95822
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Plaintiff, In Pro Per

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Justin G. Reedy,
Plaintiff,

v.

El Dorado County Superior Court,
Hon. Lauren C. Bowers, and
Rebecca Nelson,
Defendants.

No. **2:24-CV-0649 KJM JDP (PS)**

**FIRST AMENDED COMPLAINT –
VIOLATIONS OF CIVIL RIGHTS**

DEMAND FOR JURY TRIAL

- 1. Violation of Title II Americans with Disabilities Act OF 1990 (ADA)**
- 2. 42 U.S.C. § 1983 Violation of U.S. Constitution, Fourteenth Amendment**
- 3. Violation of California Constitution – Equal Protection and Due Process**
- 4. Violation of Cal. Fam. Code § 3049**

SUMMARY OF THE CASE

This complaint is filed by Justin G. Reedy against the Superior Court of El Dorado County, Honorable Lauren C. Bowers, and Child Custody Recommending Counselor, Rebecca Nelson. The complaint alleges that the defendants, acting under color of state law, discriminated against the plaintiff on the basis of his disabilities. The plaintiff alleges violations of Title II of the Americans with Disabilities Act of 1990, the fourteenth amendment, the California

1 Constitution, California Civil Code §§51(f), 54(c), and 54.1(d), California Family Code §3049,
2 and other federal regulations. The defendants are accused of failure to provide reasonable
3 accommodations, denial of equal access, lack of effective communication, disparate treatment,
4 failure to consider the plaintiff's individualized needs on a case-by-case basis consistent with
5 facts and objective evidence, and both deliberate indifference and conscious disregard for the
6 rights and safety of the plaintiff, a disabled father. The complaint seeks injunctive relief,
7 compensatory damages, and any other relief the court deems just and proper.

8 **I. Jurisdiction**

9 A. Plaintiff brings this action pursuant to Title II of the Americans with
10 Disabilities Act of 1990 (ADA) for violations of civil rights; pursuant § 1983
11 deprivation of the protections guaranteed under the Fourteenth Amendment to
12 the United States; and pursuant the California Constitution.

13 B. This court has subject-matter jurisdiction over this matter pursuant to:

- 14 a. Plaintiff is now and has been a U.S. citizen and resident of Sacramento
15 County for all the time during which the actions giving rise to this
16 claim accrued.
- 17 b. 28 U.S.C. §1331 (civil actions arising under the Constitution, laws, or
18 treaties of the United States). This complaint arises out of violation of
19 federal law, including the 14th Amendment Due Process Clause and
20 Equal Protection Clause of the U.S. Constitution, and Americans with
21 Disabilities Act of 1990 and § 504 of Rehabilitation Act of 1973.
- 22 c. 28 U.S.C §1343(3) (states in relevant part, it's intent: "(3) To redress
23 the deprivation, under color of any State law, statute, ordinance,
24 regulation, custom or usage, of any right, privilege or immunity secured
25 by the Constitution of the United States or by any Act of Congress
26 providing for equal rights of citizens or of all persons within the
27 jurisdiction of the United States; (4) To recover damages or to secure
28

equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote.

- d. 28 U.S.C. §1367(a) (in any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy...);
- e. 28 U.S.C §1391(b) (defendant's unlawful violations under color of state law of Plaintiff's constitutional rights giving rise to the claims herein accrued within this district and division);
- f. These constitutional law violations are "capable of repetition, yet evading review." *Roe v. Wade*, 410 U.S. 113, 125 (1973) (citing *Southern Pacific Terminal Co. v. ICC*, 219 U.S. 498, 515 (1911), *Moore v. Ogilvie*, 394 U.S. 814, 816 (1969), *Carroll v. Princess Anne*, 393 U.S. 175, 178-179 (1968), *United States v. W.T. Grant Co.*, 345 U.S. 629, 632-633 (1953));

II. Parties

- A. Plaintiff, Justin G. Reedy.
- B. Superior Court of California, County of El Dorado
- C. Honorable Lauren C. Bowers
- D. Child Custody Recommending Counselor, Rebecca Nelson

III. Introduction

- 1. Plaintiff, Justin G. Reedy, is a natural person. He is not now, nor has he ever been married.

JURISDICTION

- 2. Both an ADA and a 42 U.S.C. § 1983 suit may be permissible if there are alleged

1 violations under each. See *Baumgardner v. County of Cook*,¹ (N.D. Ill. 2000). Plaintiff alleges
2 concrete and particularized violations of Title II of the ADA and 14th Amendment of the U.S.
3 Constitution, the California Constitution, and other state laws. Therefore, the court should not
4 dismiss on the pleadings pursuant *Credle-Brown v. Connecticut*,² (D. Conn. 2007).

5 3. Plaintiff alleges that he has suffered an injury in fact and that there is a causal connection
6 between his injury and the Defendants' collective and individual conduct, and that his injury is
7 likely redressable by a favorable decision. *Lujan v. Defs. of Wildlife*³ (1992). Plaintiff alleges that
8 his injury is "concrete and particularized," and "actual or imminent, not conjectural or
9 hypothetical." *Id.* at 560 (internal quotation marks omitted).

10 IV. Factual Background

11 4. Plaintiff is the Petitioner in a family law proceeding in the Superior Court of California,
12 County of El Dorado, Case Number PFL20180289. The parties in the family law case have one
13 child, DOB: 6/19/2018. Plaintiff filed a Petition to Establish Paternity and a Parental
14 Relationship on 4/16/2018. The parties share joint, equal custody of the child since 5/22/2019.

15 5. The plaintiff is a "qualified" individual under the Americans with Disabilities Act (ADA)
16 42 U.S.C.A. §12131(2): He "meets the essential eligibility requirements for receipt of services or
17 participation in the programs...provided by the [court] with or without reasonable modifications
18 to rules, policies, or practices, removal of ...communication...barriers, or the provision of
19 auxiliary aids and services."

20 6. The plaintiff has provided documentation of his disabilities including a letter from an
21 educational institution where he was tested as an adult (recent) which states that people with
22 learning disabilities *by definition*⁴ have average to above-average intelligence. He provided a
23 second letter from a behavioral health specialist⁵ that states that he has a neuroperceptual
24 condition recognized under the ADA and that due to this condition, he needs the special
25 accommodation of a *support advocate* in court settings.

26 ¹ 108 F. Supp. 2d 1041.

27 ² 504 F. Supp. 2d 292, 299.

28 ³ 504 U.S. 555, 560-61.

⁴ Emphasis is added throughout the text.

⁵ Behavioral specialist qualifications outlined on page 12 lines 14-16.

1 The plaintiff's impairment affects the *speed* at which he is able to *process* both verbal and
2 written *communication*, impacting his cognitive functions, concentration, and ability to
3 effectively communicate, all of which are acknowledged as essential life activities under the
4 ADA. This type of disability is exacerbated in adverse and stressful conditions. Despite this
5 impairment, the plaintiff is legally obligated to engage in court proceedings, irrespective of legal
6 representation, or he risks forfeiting his fundamental right to maintain a parental relationship with
7 his child. The plaintiff underscores that the weakening and/or termination of *paternal* bonds is not
8 only a common and unjust outcome in many custody proceedings, but that loss of custody
9 disproportionately affects disabled parents.⁶ The ADA is designed to "provide a clear and
10 comprehensive national mandate for the elimination of discrimination against individuals with
11 disabilities." [§§12101(b)(1), (b)(4).

12 The plaintiff has a long-term, degenerative orthopedic disability for which he was
13 removed from work in 2019, placed on State Disability, and referred to the Department of
14 Rehabilitation to seek retraining on light duty. He requires frequent treatment for pain and
15 immobility. This disability is gravely exacerbated by excessive driving.

16 7. The plaintiff has provided copies of relevant documentation to the Court; he filed a copy
17 of his GPA on January 19, 2022, which was negligibly lower than the mother's GPA.

18 8. The plaintiff filed an MC-410 Request for Disability Accommodations with the Court on
19 June 7, 2018 asking for ongoing accommodations specifically stating, "[he] may have difficulty
20 understanding implications of decisions and require additional explanation." The request was
21 denied citing that the accommodation "fundamentally alters the nature of the service, program, or
22 activity." The Court offered that he could "ask for clarification of rulings during the
23 proceedings."

24 ⁶ Several studies and reports have highlighted disparities faced by disabled parents in custody proceedings. For
25 instance, a study conducted by Robyn Powell and published in the Berkeley Journal of Gender, Law & Justice found
26 that parents with disabilities experience significant discrimination in child welfare and family law proceedings,
27 leading to a higher likelihood of losing custody compared to parents without disabilities. Another report by the
National Council on Disability titled "Rocking the Cradle: Ensuring the Rights of Parents with Disabilities and Their
Children" also documented numerous instances of discrimination against disabled parents in custody cases.

28 While exact percentages may not be readily available, these studies and reports emphasize the importance of
addressing systemic barriers and biases that contribute to the disproportionate loss of custody by disabled parents.

1 Plaintiff did not have the letter from the behavioral specialist at the time, but without a
2 support advocate or an attorney, the proceedings advance too quickly for the plaintiff to process
3 questions or to anticipate legal implications in the moment. Therefore, the proposed
4 accommodation was not effective for Plaintiff and did not meet the requirements of the ADA.

5 9. Plaintiff appeared in pro se on August 1, 2018 prepared with photos of his home and a
6 written statement for the Court which he was not permitted to read. The mother was represented.
7 The Court would not grant interim orders. Plaintiff didn't know what this meant. The Court
8 referred the parties to Child Connect. Plaintiff didn't know what that was. Due to his processing
9 deficit, he felt rushed and was unclear what he was signing. The bailiff said, "Don't worry,
10 everyone signs it." The form was a referral to supervised visitation. Because the mother retained
11 sole custody by default, she imposed this on the plaintiff and the COURT granted the referral
12 effectively enforcing formal supervised visitation without the necessary findings of harm that are
13 required to impose such restrictions. Plaintiff was told that this would not have happened had he
14 been represented.

15 The parties were ordered to attend Child Custody Recommending Counseling (CCRC)
16 and a follow up hearing was scheduled for October 10, 2018.

17 10. As the petitioner in the family law case, the plaintiff is mandated to participate in CCRC,
18 which is part of Family Court Services, typically called "mediation."

19 CCRC is initiated when a party files a motion to establish or change custody/visitation.
20 The court sets an appointment for an interview and calendars a follow up hearing. The California
21 Rules of Court, Rule 5.210 puts forth the "standards of practice and administration for court-
22 connected child custody mediation services." The Counselor must meet with the parties in a face-
23 to-face interview to identify agreements/issues. The Counselor furnishes the Court and the
24 parties with a confidential report, including their recommendations to the Court, at least 10 days
25 prior to the hearing. Reply declarations can be filed up to five days prior to the hearing.

26 11. Due to the high conflict of this case, the parties have always met separately. There have
27 been six CCRC interviews between 2018 and 2024.

28 12. The plaintiff did not request accommodations for the first four interviews.

1 13. The Court assigned Connie Jo Neustadter, an experienced Licensed Clinical Social
2 Worker, whose associate licensure began in 1990. She conducted the first two interviews with
3 the parties.⁷ She was informed of Plaintiff's learning disabilities by collateral contact with
4 paternal grandmother; she noted this in her *first report*. At no time did Ms. Neustadter indicate
5 any concerns that Plaintiff was unable to participate equally as a parent and make sound decisions
6 for the child. In contrast, she expressed concerns about *the mother's unwillingness to coparent*.

7 14. The parties went to trial on May 22, 2019. They appeared before Honorable Daniel B.
8 Proud shortly before his retirement from the bench. Plaintiff testified. Judge Proud made no
9 observations of adverse behaviors during Plaintiff's half-day appearance in the courtroom. Judge
10 Proud informed the parties' attorneys that he was granting joint equal custody and instructed them
11 to work out the details.

12 15. The mother negotiated a stipulation for another CCRC interview with a new counselor.
13 Plaintiff reluctantly agreed anticipating no changes in custody since it was granted at trial.

14 16. The Court assigned Ady Langer, another experienced Licensed Clinical Social Worker
15 whose associate licensure also began in 1990. Ms. Langer also conducted two interviews with the
16 parties.⁸ Ms. Langer did not recommend any changes to joint equal custody.

17 17. Mother raised the issue of Plaintiff's learning disabilities at least three times between 2018
18 and 2021.⁹ During this time, Judge Proud retired and Judge Jaime Pesce replaced him. Neither
19 of them gave any weight to the mother's unfounded complaints.

20 18. On December 21, 2021, the mother filed a request for a change in custody/visitation and
21 for the child to attend school in her neighborhood. Ms. Langer met with the parties on January 4,
22 2022; her report of February 3, 2022 recommended no changes and for the parties to search for a
23 midway school between their homes. Ms. Langer retired in June 2022.

24 19. The mother filed a new request seeking sole custody on August 16, 2022 triggering
25 another CCRC interview on September 9, 2022 with a new CCRC counselor.

26 ⁷ CJ Neustadter wrote the first two CCRC reports dated 10/1/2018 and 4/30/2019.

27 ⁸ A. Langer: CCRC reports dated 8/30/2019 and 2/3/2022.

28 ⁹ Mother raised the issue of learning disabilities on 10/9/2018, 11/28/2018, and 12/21/2021. (See Plaintiff's Responsive Declaration Re: Vexatious Litigation filed June 20, 2023; Judge Bowers ignored mother's repeated attempts to gain full custody but admonished Plaintiff as a vexatious litigant on several occasions.

1 • REBECCA NELSON

2 20. The Court assigned Rebecca Nelson. She had an Associate License in Social Work from
3 2013 to 2014 but never became fully licensed by the Board of Behavioral Sciences. It was
4 unclear what her qualifications were; She was “exempt” from licensure.

5 21. The Court’s Register of Actions at the time the interview was scheduled indicated that
6 paternal grandmother was a joined party. Plaintiff emailed the family law facilitator asking if she
7 could “accompany [him] to mediation on 9/9/2022 as a support person due to [his] learning
8 disabilities.” He stated, “[she] was also joined to the case.”

9 Believing that paternal grandmother would have an interest as a party to any changes to
10 custody, the facilitator affirmed. Paternal grandmother informed Plaintiff the day before the
11 interview that she could not find the motion for joinder but thought it was vacated and couldn’t,
12 in good faith, attend the interview.

13 The plaintiff was anxious due to not having any accommodations. His concern was that
14 the new Counselor would not read the extensive file, and this put enormous pressure on him to
15 have to “*communicate the history of the case*” from memory.

16 The Court’s misinformation initiated the plaintiff’s email to the family law facilitator.
17 The plaintiff alleges that this left no time to file an MC-410 Request for Disability
18 Accommodations form. The plaintiff alleges that when he raised the issue of disability
19 accommodation with the facilitator’s office, he should have been immediately been directed to
20 the ADA Coordinator regardless of whether another party was joined to the case pursuant
21 California Rules of Court, Rule 1.100(b), (c)(1) which states that “Requests must be forwarded to
22 the ADA coordinator, also known as the access coordinator, or designee, within the time frame
23 provided in (c)(3).”

24 • THE FIRST CCRC INTERVIEW WITH REBECCA NELSON

25 22. On September 9, 2022, Plaintiff was in the hallway when REBECCA NELSON opened
26 the door and asked both parties to come in. Plaintiff had indicated the parties attend separately on
27 the mediation questionnaire. He refused a joint meeting explaining, “she talks circles around
28 [him].” Rebecca Nelson’s demeanor immediately changed. She instructed him harshly to return

1 in 40 minutes. When he returned, he saw the mother leaving, smiling. Rebecca Nelson's
2 demeanor toward her was friendly.

3 23. Rebecca Nelson's demeanor toward the plaintiff was hostile; Her tone of voice was
4 demeaning. The plaintiff experienced emotional distress, anxiety, and agitation further
5 debilitating him in the interview. As a result, he could not answer Rebecca Nelson's questions on
6 equal footing with other parties generally, nor on equal footing with the mother.

7 Rebecca Nelson began the interview stating, "the Court was sick of both of [both of them] and
8 that she was "going to choose one parent." She effectively threatened Plaintiff with the loss of
9 custody as he entered the room. She bullied the plaintiff by persistently asking if he was getting
10 therapy and if he was on any medications. At one point, he asked her if she had asked the mother
11 the same question, pointing out that she had singled him out for this line of questioning.

12 24. Rebecca Nelson grilled the plaintiff on details he couldn't remember. He wasn't able to
13 recall why he was late to a play therapy appointment (it was due to three traffic accidents
14 documented on Apple Maps); he couldn't recall why he missed one play therapy appointment
15 (the day his grandfather died). Given appropriate accommodations and the opportunity to review
16 notes or records, he could have given appropriate answers to these questions.

17 25. Rebecca Nelson asked why the child was dismissed from Brookfield School, a private
18 preschool/daycare he had enrolled the child in on *his parenting time*. He replied he didn't know.
19 He wasn't given a valid reason or consistent answer by the preschool director, Tanisha Day, to be
20 able to answer the question. Plaintiff stated the problems arose after Ms. Day and the mother
21 became friendly.

22 26. Paternal grandmother wrote a Yelp review warning of the problems at Brookfield School.
23 The mother brought this up to Rebecca Nelson in her interview; She could only have been alerted
24 to the Yelp review if someone from the school had contacted her about it.

25 Rebecca Nelson repeatedly badgered the plaintiff with the mother's accusations. She
26 didn't allow him to express his own concerns. Because of the high conflict in this interview, he
27 was having trouble expressing himself clearly. When confronted with accusations about the Yelp
28 review, he asked Rebecca Nelson to speak with paternal grandmother who wrote it.

1 27. Despite his difficulty concentrating and communicating under such extreme duress,
2 Rebecca Nelson reported him specifically stating that she “was not being objective.”

3 28. Rebecca Nelson told Plaintiff that she wanted to speak with his therapist. He gave her his
4 name and explained that he was not currently employed at the medical center where the plaintiff
5 is a client. Rebecca Nelson looked up his therapist online and shoved a HIPAA form toward him.
6 The plaintiff feared that if he didn’t sign it, he would appear to be uncooperative. He signed it
7 under duress. Rebecca Nelson did not inform him that she would obtain his medical records. She
8 did not explain his rights under HIPAA nor offer for him to take the form to an attorney for
9 review and return it. She subsequently disseminated his private medical information in the
10 confidential report she provided to the mother and the Court.

11 29. Rebecca Nelson discriminated against the plaintiff when she failed to perform a balanced
12 inquiry. She contacted Ms. Day as a collateral contact and documented her out-of-court
13 prejudicial statements. She noted that Ms. Day made a comment that the plaintiff has a
14 processing disorder in the report. She did not contact paternal grandmother to ask about the
15 conflict with the preschool or the reason for the Yelp review.

16 She did not seek the plaintiff’s therapist’s current phone number or address through the
17 State Licensing Board – the Board of Behavioral Sciences - where he is mandated to update this
18 information. Had she done so, she could have spoken with him directly instead of obtaining the
19 plaintiff’s medical records.

20 30. The plaintiff alleges that Rebecca Nelson intentionally discriminated against him and that
21 her actions were committed with deliberate animus and conscious disregard for his rights based
22 on his disabilities.

23 31. Rebecca Nelson’s report dated September 27, 2022 recommended the plaintiff lose legal
24 custody and have supervised visits four hours per week. Rebecca Nelson concluded that because
25 of the Yelp review, paternal grandmother was not an appropriate person to supervise the plaintiff
26 during visits with the child. This would mean that the child’s relationship with her father, her
27 grandparents, and her friends would be abruptly severed based on layered hearsay instigated by
28 the mother and obtained by deliberate animus of the Court against the plaintiff.

1 32. Rebecca Nelson’s discrimination led to a three-day trial where Plaintiff had to “prove” to
2 the court that he was a fit parent after nearly four years of joint equal custody without incident.

3 33. On October 6, 2022, Plaintiff filed a formal complaint with the Court citing coercion,
4 violations of HIPAA confidentiality, and unethical, disparaging and harassing treatment on the
5 basis of his disabilities. The Court Administration responded by letter stating Rebecca Nelson
6 denied any wrongdoing and that the complaint was “not a matter that Court Administration can
7 address, but is a matter that the Court, through its decision on the underlying Custody/Visitation
8 action, will address at the pending hearing.”

9 34. The plaintiff alleges that the Court’s inaction in addressing the situation appropriately
10 resulted in ongoing discrimination. The plaintiff alleges that the staff acted with deliberate
11 indifference to his complaint and that they lacked appropriate sensitivity training.

12 35. On October 10, 2022, the plaintiff filed a Reply Declaration to the CCRC report and
13 attached as an addendum the Department of Justice technical assistance publication “Protecting
14 the Rights of Parents and Prospective Parents with Disabilities: Technical Assistance for State
15 and Local Child Welfare Agencies and Courts under Title II of the Americans with Disabilities
16 Act and Section 504 of the Rehabilitation Act.”¹⁰ In doing so, he informed JUDGE BOWERS of
17 the discrimination.

18 • DENIAL OF REASONABLE ACCOMMODATIONS FOR TRIAL

19 36. The plaintiff filed an MC-410 Request for Accommodation on March 6, 2023, weeks prior
20 to trial, asking for extra time to process questions, responses, and written materials; help with
21 organizing papers; and permission to use Live Scribe Echo pen for notetaking. His request was
22 denied in whole stating it does not meet the requirements of Cal. Rules of Court, rule 1.100 and
23 that it changes the basic nature of the court’s service, program, or activity.

24 The plaintiff was not aware at the time that the California Rules of Court, Rule 1.150 (d),
25 provides, “The judge may permit inconspicuous personal recording devices to be used by persons
26 in a courtroom to make sound recordings as personal notes of the proceedings. A person
27

28 ¹⁰ <https://www.ada.gov/resources/protecting-parent-rights/>.

1 proposing to use a recording device must obtain advance permission from the judge. The
2 recordings must not be used for any purpose other than as personal notes.”

3 The Court failed to engage in an interactive process by offering any alternative. The ADA
4 Coordinator did not inform him that he could contact the family law facilitator to seek help with a
5 request from the judge for a personal recording device. Alternatively, the ADA Coordinator has
6 the authority to send the request to the judge. Not being aware of the rules of court pertaining to
7 personal recording devices, the plaintiff didn’t file an appeal on the matter or make a request to
8 the judge himself because he wasn’t aware of the options.

9 The plaintiff was denied reasonable accommodations for a three day trial where he could
10 lose custody. He needed these accommodations to effectively communicate with the COURT
11 and with his attorney. He was denied the opportunity to review each witnesses testimony to
12 effectively prepare rebuttal arguments and cross-examination questions with his counsel, and
13 therefore, he was denied due process of law.

14 37. The plaintiff contacted Disability Rights California to locate a support advocate. He could
15 not find any program for disabled persons that would assist in any family law related matters.
16 The plaintiff’s family were excluded from the hearings as witnesses and could not help with
17 notetaking or organizing papers. The plaintiff did not make a subsequent request for
18 accommodations for the trial because he had no alternatives.

19 • THE MAY 2023 TRIAL

20 38. Rebecca Nelson testified that she had been working as a “Recommending Custody
21 Mediator in El Dorado County” for three years, and she has *never been* a Licensed Clinical Social
22 Worker. She has a master’s degree in Social Work but has no professional licensure; her
23 experience prior was working for Child Protective Services for about 23 years.¹¹

24 39. Rebecca Nelson stated that she has testified “a lot” in court and that she has been
25 “qualified as an expert in child-abuse cases, in family law cases, and child development.”¹² The
26 Court found that REBECCA NELSON is an expert in parenting plans and that she is *not an*

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28 ¹¹ Cert. Trans. 5/23/2023 pg. 137 lines 8-24.

¹² Id. pg. 138 lines 4-11.

1 *expert in child development.*¹³

2 40. Rebecca Nelson testified that her basis for sole legal custody to the mother was that “when
3 she was talking with [Plaintiff] in the office, she questioned his behavior...[the paternal
4 grandmother wrote a Yelp review] and then [she] read the Yelp review and [she] had spoken to
5 the teacher, who was telling [her] that [plaintiff] was not - -”

6 The plaintiff’s attorney objected to hearsay. The objection was sustained.¹⁴

7 41. Rebecca Nelson testified that “Documents that she read regarding [Plaintiff’s] mental
8 health were unclear to [her] and [she] really wanted just to have a professional provide an
9 assessment for the court so [they] could determine what a better parenting plan might be for the
10 child.”¹⁵

11 Rebecca Nelson testified that she “Googled Plaintiff’s therapist” but “did not look for his
12 phone number or address under his licensure with the State.”¹⁶ She agreed under oath that “[h]is
13 opinion in this case could have helped better inform [her] recommendations.”¹⁷

14 The plaintiff alleges that she coerced his consent on the HIPAA form to obtain his medical
15 records for a fishing expedition to see if she could justify taking his custody.

16 42. Rebecca Nelson affirmed in her testimony that “[she] discussed with [Plaintiff] the
17 *appointments* that resulted in the *belief the child had been abused.*”

18 The plaintiff didn’t discern Rebecca Nelson’s distortion of the facts without a Live Scribe
19 pen to help him take notes so he could review the testimony of witnesses with his attorney for
20 rebuttal and cross-examination. Fortunately, his attorney asked him questions on the stand that
21 countered her allegations. Her testimony could have resulted in the plaintiff’s loss of custody
22 because it *constitutes an allegation of abuse*. She is the Court’s expert witness. The plaintiff
23 alleges that her false testimony was intended to justify her recommendations of sole custody to
24

25 ¹³ Id. pg. 144 lines 1-3.

26 ¹⁴ RN used these same hearsay statements in her second CCRC report dated 2/13/2024 to support the same
27 arguments. She didn’t contact Blue Oaks Elementary School where the child is currently attending to enquire about
28 Plaintiff’s engagement with the school officials and teachers or his volunteer participation in the Watch D.O.G.S.
program (Dads of Great Students).

¹⁵ Id. at 11; 5/23/23 pg. 145 lines 22-28; pg. 146 lines 1-27.

¹⁶ Id. at 11; 5/23/23 pg.161 lines 13-28.

¹⁷ Id. at 11; 5/23/23 pg. 162 lines 1-4.

1 mother and supervised visitation for him and that her actions were committed with deliberate
2 animus and conscious disregard for his rights based on his disabilities, and this includes his
3 fundamental right to the care, custody, and control of his child.

4 There were several calls to CPS from mandated reporters that resulted from the plaintiff's
5 phone contact with play therapists to find a suitable provider when his request for play therapy
6 was granted. CPS responded to the calls by coming to the plaintiff's home where the child was
7 interviewed by an Associate Licensed Clinical Social Worker who closed the case when the
8 plaintiff explained that the issue was already before the Court.

9 43. Rebecca Nelson testified that "she was concerned...because every time a child is taken to
10 a doctor or *interviewed by a social worker or anyone else*, it's *traumatizing to the child* when
11 there's been no evidence of abuse."¹⁸

12 44. Rebecca Nelson was asked whether she knew if Plaintiff's disabilities could affect his
13 behaviors. She testified that "[she] has quite a bit of experience with individuals with learning
14 disabilities, and his behaviors in [her] office were different from those of [her] experience with
15 learning disabilities." She was asked if she would rely more on a clinical psychologist to evaluate
16 and describe what behaviors would be normal. She replied that "[she didn't] like the word normal
17 because we're all very different." "But to help determine what is the learning disability versus
18 mental health...[she] had this other component that [she] wasn't sure about..."

19 The plaintiff's attorney said, "We'd rely on the psychologist to weigh in on that..." She
20 responded, "[She relies] on the experts."¹⁹

21 The plaintiff was compelled to subpoena his therapist to court. His therapist had to give up
22 a day with clients to rebut Rebecca Nelson's conclusions about the medical records she obtained.
23 The therapist saw the plaintiff over the course of about 3.5 years since the onset of the legal
24 proceedings. The therapist has 33 years of experience as a Licensed Clinical Social Worker and
25 is Double Board Certified by the American Board of Clinical Social Work in Clinical Practice
26

27
28 ¹⁸ *Id.* at 11; 5/23/23 pg. 149 lines 2-13.

¹⁹ *Id.* at 11; 5/23/23 pg. 170 lines 9-28 – pg. 171 lines 1-8.

1 and in Supervisory Clinical Practice.²⁰

2 The plaintiff's therapist testified that "[he] does not believe there are any mental health
3 issues with father that would prevent him from parenting a young child" and that "[he] believes
4 [plaintiff] is of sufficient intellectual capacity to care for a young child" and he touted the family
5 for their *appropriate support of him in this role and their supportive network for the child*.²¹

6 45. The plaintiff had also seen a Board Certified Adult Psychiatrist on two occasions for a
7 self-referred evaluation to rebut Rebecca Nelson's testimony. She was unable to appear as a
8 witness due to her schedule. The Court determined her testimony would be relevant but also
9 found it would be cumulative and an offer of proof was made relating to a letter the doctor
10 prepared for the plaintiff regarding her assessment.²²

11 46. Tanisha Day of Brookfield School was never called as a witness to allow for cross-
12 examination; her out-of-court statements were objected to in a motion in limine on the basis of
13 prejudicial hearsay, but Judge Bowers allowed Rebecca Nelson to form her opinion based on her
14 conversation. The plaintiff alleges that this is a violation of due process because his attorney had
15 no opportunity to cross-examine Tanisha Day under oath.

16 • EVIDENCE OF CONSCIOUS DISREGARD FOR PLAINTIFF'S RIGHTS

17 47. Plaintiff had been observed by his Double Board Certified Licensed therapist, a Board
18 Certified Adult Psychiatrist, two experienced CCRC counselors who were both Licensed Clinical
19 Social Workers, two prior judges, including a one-day trial before Judge Proud, a Licensed
20 Marriage and Family Therapist who interviewed the parents at play therapy, an Associate
21 Licensed Marriage and Family Therapist who provided the child's play therapy, a Psy.D. Child
22 and Adolescent Psychiatrist who evaluated the child with her parents individually, and a CPS
23 worker who came to his home. None of these professionals raised any concerns about Plaintiff's
24 ability to parent.

25 48. A significant portion of the trial was dedicated to assessing Plaintiff's disabilities and how
26

27 ²⁰ Cert. Trans. 5/31/2023 pg. 26 lines 3-18.

28 ²¹ *Id.* 5/31/23 pg. 36 lines 20-28, pg. 37 lines 1-13.

²² *Id.* 5/31/23 pg. 55 lines 1-8, pg. 57 lines 27-28, pg. 58 line 1.

1 they affect his parenting all resulting from Rebecca Nelson's discriminatory recommendations
2 based on prejudicial hearsay in an attempt to divest him and his child of the paternal relationship.

3 • NO RECOURSE OR REMEDY

4 49. On August 10, 2023, the Court sent a response to a letter the plaintiff submitted with his
5 concerns. The Court instructed the plaintiff to review the Local Rules pertaining to challenges to
6 CCRC counselors or evaluators regarding mediator reassignment. A request to remove Rebecca
7 Nelson from his case would require more litigation, incite more conflict with the mother, and
8 would likely fail since the Administration had already issued a decision on the complaint and the
9 matter was closed.

10 50. Plaintiff filed a motion for reconsideration that was heard on August 24, 2023. He
11 subsequently requested a new trial. Both were denied. He has since filed a Notice of Appeal.

12 51. On November 30, 2023, the mother filed a request to change the visitation schedule. The
13 parties were referred to mandatory Child Custody Recommending Counseling for the sixth time.

14 • THE SECOND CCRC INTERVIEW WITH REBECCA NELSON

15 52. The plaintiff requested and was granted a support advocate for the interview. Paternal
16 grandmother was permitted to help him organize his papers and be present for emotional support.

17 53. The plaintiff alleges that as the interview began on January 11, 2024, Rebecca Nelson
18 stated that "[She] sometimes gets it wrong, like she did with the hearsay, but she doesn't have to
19 get it right because it's the judge's responsibility to get it right." She also said, "[She] wouldn't
20 make the same mistake again."

21 54. She thanked Plaintiff for providing the mediation questionnaire. She then insulted him
22 with a snide comment, stating, "If *you* even wrote it." She grilled him on the questions to see if
23 he knew the answers on the form.

24 Plaintiff brought his responsive declaration and other documents to refer to and an outline he
25 created freeform by connecting central ideas with the details by drawing lines. Paternal
26 grandmother testified at the May 2023 trial that this was a typical approach the plaintiff uses to
27
28

1 identify and work through issues.²³ Rebecca Nelson barred his approved accommodation by
2 refusing to allow paternal grandmother to help him organize his papers.

3 55. Rebecca Nelson informed Plaintiff that she would be interviewing their five-year-old
4 daughter. This caught him by complete surprise. He was concerned that the mother would be
5 bringing her on her parenting time and would coach the child on what to say.

6 She asked if he wanted the interview on his parenting time, and he said he wasn't sure if it
7 was better that her mother brought her. He figured this would prove that she's coaching her, but
8 he didn't process that it would be *harmful to the child* until later.

9 56. Plaintiff had become agitated and anxious in the interview, and paternal grandmother
10 patted him on the shoulder to remind him to keep calm and she reached over and put her hand on
11 his outline to remind him to focus on his issues.

12 57. Rebecca Nelson snapped at her, stating, "He's doing fine," indicating that paternal
13 grandmother was not to reach out or touch him. Paternal grandmother raised the issue that she
14 could see he was feeling overwhelmed. Rebecca Nelson didn't ask how he was feeling; she
15 continued to question him on issues that were not presently before the court that would not be on
16 his outline because they weren't in response to the mother's motion.

17 58. Paternal grandmother again reached over to refocus the plaintiff to the outline so that he
18 wouldn't lose concentration on the issues he brought to discuss. Paternal grandmother did not
19 provide any statements during the interview, but there was a discussion of her role in helping
20 write declarations and researching facts for the declarations when the interview was near an end.

21 59. Rebecca Nelson told him at the end of the meeting that she would have time to review his
22 responsive declaration and anything he filed if he did it soon. He filed them the same day and
23 wrote two more declarations to address the new issues she brought up in the interview.

24 60. Rebecca Nelson tried to intimidate paternal grandmother to prevent active
25 accommodations. She was not present in the interview exclusively as an emotional support person
26 under Local Rule 8.14.01, but also as an accommodation under the California Rules of Court,
27

28 ²³ Cert. Trans. 5/24/2023 pg. 93 lines 18-25.

1 Rule 1.100(a)(3) pursuant the ADA which requires that the accommodation be reasonable and
2 *effective*. Rebecca Nelson refused to allow her to organize his papers in the interview in a way
3 that would help him locate relevant information and discouraged interaction that would help him
4 focus on the issues he brought to discuss. The mother already had her interview and raised her
5 concerns, and he had one hour to provide his own input and needed to be focused on that.

6 61. Plaintiff filed a formal CCRC complaint on January 16, 2024 citing violations of his civil
7 rights. He then contacted the Court Administration to ensure they were aware of his opposition to
8 Rebecca Nelson's interview with his five-year-old daughter over the *schedule*.

9 62. On January 25, 2024, Rebecca Nelson bullied, insulted, and minimized Plaintiff as a
10 parent. She was demeaning to him in front of his child and his family. Plaintiff arrived early
11 with his parents and waited downstairs to see his daughter before the interview. When Rebecca
12 Nelson opened the door, she looked right at him as said, disdainfully, "What are *YOU* doing
13 here?" His parents were shocked but remained quiet. When he asked if he could spend ten
14 minutes with his daughter, she said, "Absolutely not." Despite having testified that any interview
15 is traumatic for a child, she denied him the opportunity to give his daughter emotional support.
16 The plaintiff stated for the record that he didn't consent to the interview and then cited that the
17 American Academy of Pediatrics recommends a support person attend the interview with a young
18 child. Rebecca Nelson disregarded his objections and rejected his alternative proposal. She
19 wouldn't allow paternal grandfather to attend the interview.

20 When the mother arrived, Rebecca Nelson smiled at her and welcomed her as she came
21 down the stairs. Rebecca Nelson's differential treatment demonstrated openly that she viewed the
22 mother as the appropriate parent to be present and Plaintiff as an unwelcome intruder. The child
23 had to be instructed to see her dad by the mother before she would go to him. The plaintiff
24 alleges that Rebecca Nelson's differential treatment was committed with conscious disregard to
25 his rights as a disabled person.

26 63. On January 25, 2024, Plaintiff sent an email Shelby Wineinger, CEO of the Court
27 regarding the disrespectful treatment he'd received from Rebecca Nelson. The Court responded
28 stating it would address the issues but didn't say how the matter would be resolved. The plaintiff

1 alleges deliberate indifference to his rights as a disabled person.

2 64. The CCRC report dated February 13, 2024 was another affront to the plaintiff's rights.
3 The plaintiff alleges that in the report, Rebecca Nelson blatantly lied about paternal
4 grandmother's behavior in the interview, stating it was disruptive. He further asserts that if
5 paternal grandmother was not permitted to continue to be involved as a support advocate, he
6 would be prevented from future accommodations due to the paucity of available disability
7 advocacy groups and their unwillingness to help in any manner involving family law matters.
8 The plaintiff alleges her intention is to isolate him from an *appropriate support network* and
9 cause him to have *no future accommodations* so as to gravely disadvantage him and deny him
10 equal access to Court programs and services.

11 65. The plaintiff was informed by his attorney that there is a hearsay exception for CCRC
12 interviews with children. This exception extends to minor's counsel. Rebecca Nelson demanded
13 to interview the child and then recommended minor's counsel be appointed. Plaintiff alleges that
14 when Rebecca Nelson told him "she wouldn't make the same mistake again" regarding hearsay,
15 she was planning on using the child's statements to intimidate him. He alleges she used the
16 child's unverified, unreliable, and demonstrably coached statements to grant more time with the
17 mother and that appointment of minor's counsel may also pose a new risk to the plaintiff by
18 increasing litigation and litigation costs.

19 66. The plaintiff alleges that Rebecca Nelson's intimidation of him extends to requiring their
20 *five-year-old* be interviewed on a *change in the schedule* and he further alleges that this was in
21 retaliation for her loss in court when her report was not adopted and in retaliation for plaintiff
22 complaining about her previous ADA violations.²⁴

23 67. The plaintiff alleges that Rebecca Nelson's actions were committed with deliberate
24 animus and conscious disregard for his rights based on his disabilities.

25 68. The plaintiff alleges Rebecca Nelson used the interview with the child *to perpetrate harm*
26 *to him regardless of the harm to the child* and that she deliberately compelled the interview
27

28 ²⁴ See October 6, 2022 CCRC complaint.

1 against Plaintiff's objection, and that Rebecca Nelson continued to discriminate against him on
2 the basis of his disabilities through the mechanism of alleged statements the child made in her
3 office.

4 69. The plaintiff's objections contained in his Memorandum of Points and Authorities and his
5 Reply Declaration to CCRC report dated February 13, 2024 are incorporated herein by reference
6 and form a part of this Amended Complaint as if set forth herein in their entirety. (Exhibit A).

7 70. Plaintiff alleges that Rebecca Nelson lied about statements she claimed paternal
8 grandmother made in her office in direct conflict with prior statements made in court. She
9 reported that paternal grandmother stated that she writes the Talking Parents messages and also
10 stated that she made the interview outline. Paternal grandmother testified on May 23, 2023
11 regarding both issues testifying under oath that Plaintiff will often use a "diagram with a central
12 issue and free association" and that "she doesn't respond to inquiries on Talking Parents."²⁵

13 71. Rebecca Nelson's lies imply that Plaintiff *couldn't create the outline himself* and that his
14 disabilities make him *less intelligent and less capable than the mother* without any justification
15 for such a wildly discriminatory falsehood.^{26,27}

16 72. All of these incidents raised the stress level for Plaintiff causing him grave emotional
17 distress and frustration and have culminated in physical symptoms of peptic ulcer.

18 Rebecca Nelson instigated litigation and caused him more conflict with the Court and with the
19 mother by empowering her through her differential treatment to believe she is the superior parent.

20 73. On February 26, 2024, the plaintiff contacted the family law facilitator's office to enquire
21 how to make a formal complaint to the Committee on the Elimination of Bias. He received no
22 response. The plaintiff alleges the Superior Court staff lack the appropriate sensitivity training to
23 communicate with him and that their actions are committed with deliberate indifference to his
24 disability rights.

25
26 ²⁵ *Id.* at 23; 5/24/23 pg. 93 lines 22-25 and pg. 95 lines 24-26.

27 ²⁶ Charles Darwin, Agatha Christie, Albert Einstein, George Washington, and Leonardo da Vinci all were affected
28 with learning disabilities. <https://www.masters-in-special-education.com/lists/5-historical-figures-who-overcame-learning-disorders/>.

²⁷ Paternal grandmother testified at trial that this was a typical approach Plaintiff uses to identify and work through
issues. See f.n. 11.

1 HONORABLE LAUREN C. BOWERS

2 74. Judge Bowers has been assigned to Family Law, Department 5 of the Superior Court of
3 California, County of El Dorado since January 21, 2022.

4 75. On May 23, 2023, during the trial, JUDGE BOWERS allowed Plaintiff “some leeway” to
5 answer a question when he explained that he was having trouble answering due to his disability.²⁸
6 He stated to the opposing counsel, “I need a moment. Please don’t rush me. This is part of my
7 ADA. I’m doing the best I can...” (Id. pg. 55 lines 8-10). He repeated, “[He doesn’t]
8 recall...[He] can’t remember.” (lines 21-22).

9 Plaintiff alleges that he was struggling to answer questions on the stand and that he needed
10 to refer back to materials in the record but didn’t have time. He was without any accommodation
11 for the trial as described herein. He was unable to effectively communicate with his attorney,
12 rendering his presentation of the facts far less “compelling” than the presentation of the opposing
13 party for which he was penalized because the mother’s compelling testimony was cited, in part, as
14 the basis for the Court’s final decision.

15 76. Judge Bowers demanded Plaintiff’s parents were called back to be present in the Court for
16 the ruling. She ignored paternal grandmother’s testimony that she does not participate in medical
17 appointments,²⁹ that she doesn’t make decisions for the child on Plaintiff’s parenting time,³⁰ and
18 that she doesn’t type Plaintiff’s messages on Talking Parents.³¹

19 Judge Bowers stated that “[I]t’s up to [Plaintiff] to parent this child... and the Court sees
20 that your mother steps in a lot and takes over a lot in that role.”³² She then stated, “I understand
21 that you have the learning disabilities that are a challenge and that she offers you assistance to
22 help deal with those. But *what the Court heard in the testimony provided* to it was more than just
23 assistance. What the Court heard is [paternal grandmother] *acting as another parent in the*
24 *household* during your parenting time...”³³

25
26 ²⁸ Id. at 11; 5/23/23 pg. 41 lines 3-10.

27 ²⁹ Id. at 20; 5/31/24 pg. 142 lines 3-4.

28 ³⁰ Id. at 20; 5/31/23 pg. 95 lines 15-20.

³¹ Id. at 20; 5/31/23 pg. 95 21-26.

³² Id. 5/31/23 pg. 81 lines 23-27.

³³ Id. 5/31/23 pg. 82 lines 4-6.

1 77. Judge Bowers found that “[Plaintiff] was not the one who did the research on the schools.
2 [Plaintiff] was not the one who – went out and looked for schools for the minor, but rather it was
3 grandmother who did that,”³⁴ and she addressed paternal grandmother who was shaking her head,
4 NO. Paternal grandmother is not a party to the case and could not respond formally to the Court.

5 78. Although Title II of the ADA does not support associational discrimination claims, it is
6 notable that paternal grandmother was singled out by the COURT. “What the Court sees is even
7 if Ms. McKinney and Mr. Reedy are able to move on ..using the tools and skills that they learn in
8 co-parenting, that is potentially going to be derailed by [paternal grandmother]’s
9 involvement...”³⁵ This is in direct contrast to the testimony of plaintiff’s therapist who touted the
10 family’s “*appropriate support of him in this role and their supportive network for the child.*”³⁶

11 Paternal stepfather has accompanied the plaintiff to exchanges and appointments since his
12 first unsupervised exchange given Kayla McKinney’s extensive criminal and drug history and
13 false accusations throughout the case, but paternal grandmother offers assistance with
14 communications, and as such, the mother has made extra efforts to isolate plaintiff from her
15 specifically because communication is where he is most disadvantaged. In fact, the mother has
16 asked for a 3111 evaluation from the Court mediator (Rebecca Nelson) and that both
17 grandparents be excluded from the custody evaluation, which is counter productive given that
18 custody evaluations done by professionals who are qualified contact as many collateral contacts
19 as they see fit and specifically will contact the family members who have the most involvement
20 with the child to gather information for their report on the child’s welfare. The plaintiff alleges
21 imminent threat of further discrimination and abuse and litigation and threat to the parent-child
22 relationship that will clearly harm both him and the child, who was, by the mother’s own words,
23 “inconsolable” the day before the trial when the plaintiff asked the mother to pick her up early
24 due to the family’s stress over the prospect of losing contact with her at trial.

25 79. Judge Bowers’ ruling on the issue of school choice limited the plaintiff’s constitutional
26

27 ³⁴ *Id.* 5/31/23 pg. 87 lines 24-27.

28 ³⁵ *Id.* 5/31/23 pg. 81 lines 13-18.

³⁶ See pg. 14 line 25.

1 right to the custody and control of his minor child by granting the mother sole authority to choose
2 the school if the parents couldn't agree.³⁷ Yet, she acknowledged that the inability to agree on a
3 school was the reason the parties were at trial.³⁸ She then cited *three reasons* upon which the
4 Court made the determination on school choice.

5 "The Court believes that it is in the best interest to select one of the parents to be the
6 designated school selector...the Court recognizes that in selecting one of the parents that it is more
7 likely than not that *the parent is going to choose the school in their district*...the Court recognizes
8 that in making this selection; However, in determining this, *the Court must determine* the parent
9 that is *better able to focus on the needs of the child*; the parent that is *able to acknowledge and*
10 *support the child's relationship with the other parent* and *the parent that is able to research and*
11 *present information to the Court.*"³⁹ (Emphasis added.)

12 "The Court finds that, *based on the testimony*...Mother is able to focus on the needs of the
13 child; that mother has demonstrated an ability to acknowledge and support the child's relationship
14 with father. In particular, it was mother's testimony about the *issue of the minor being*
15 *unconsolable (sic)* and mother testifying that *the minor was so upset about the possibility of not*
16 *seeing father again* last Monday...the Court believes that mother has made the progress that she
17 needs to make."⁴⁰ And the Court *found her testimony to be credible* about the work she has done
18 to put herself in a place where she can co-parent; that she was able to *identify the skills* that she
19 has learned in co-parenting class, in co-parenting counseling, in the co-parenting books that she
20 has sought out and read; that she was able to *identify the skills* that she uses. The Court *found her*
21 *testimony to be compelling* on that. And that is why the Court believes that mother, at this point,
22 is able to acknowledge and support the child's relationship with father. And the Court does
23 believe that *mother is able to do the research and present the information to the Court.*⁴¹

24 80. Plaintiff alleges that had he been granted reasonable accommodations, he could have

25 ³⁷ *Id.* 5/31/23 pg. 86 lines 3-5.

26 ³⁸ *Id.* 5/31/2023 pg. 86 line 5.

27 ³⁹ *Id.* 5/31/23 pg. 86 lines 9-19.

28 ⁴⁰ The plaintiff emphasizes that the Court's conclusions are not supported by the facts; the mother wants sole legal custody and for him to have supervised visitation. That's why the child was inconsolable. She wasn't going to see her dad. How could the Court conclude the mother is supporting a relationship between father and the child?

⁴¹ *Id.* 5/31/23 pg. 87 lines 1-23.

1 made a more compelling argument about his ability to co-parent given that he took the same class
2 that mother took, he learned the same skills, and he engaged in the same coparenting counseling,
3 obviously, they attended together. He also gets help with communications in a way that helps
4 mediate his frustration. He could have prepared cross-examination and rebuttal if he had
5 appropriate, effective communication with his attorney. His attorney made it very clear that they
6 were present in court for trial because mother filed the request for order seeking sole legal
7 custody and testified that she wanted the Court to adopt Rebecca Nelson's recommendations for
8 sole legal custody with the plaintiff having supervised visitation.⁴²

9 The plaintiff alleges the Court discriminated against him on the basis of his disabilities
10 and ignored the facts of the case in an effort to justify granting the mother school choice.

11 • PLAINTIFF'S FORMAL ALLEGATIONS OF JUDICIAL BIAS

12 81. The plaintiff alleged violations of the ADA in several declarations and cited violations of
13 *Carney* and Cal. Fam. Code §3049 in his motion for reconsideration filed in the court on June 12,
14 2023. On August 24, 2024, Judge Bowers heard the case. She invited the mother to speak freely
15 and even apologized to her when she interrupted the mother's statement. Judge Bowers
16 repeatedly interrupted the plaintiff and made derogatory statements that he was complaining of
17 "inconvenience" when he was trying to explain that the distance of the school was unfair to the
18 child because he can't fully participate on the campus.⁴³

19 Judge Bowers would not allow him equal opportunity to state his position on the record.
20 The plaintiff alleges this is a violation of due process that is motivated by conscious disregard for
21 his rights and that it is based on Judge Bowers discriminatory view of him as a less significant
22 parent due to his disabilities and that her demeanor toward him in the hearing was dismissive and
23 demeaning. She only ascribes 'inconvenience' to the plaintiff's arguments but never to the
24 mother's when the mother has already stated in Court that driving was going to be a problem
25 because she had another baby.

26 The hearing took place on Zoom, and the plaintiff didn't have direct access to alert his

27 _____
28 ⁴² Id. at 23; 5/24/2023 pg. 7 lines 24-27.

⁴³ Cert. Trans. 8/24/23 Pg. 21 lines 15-23.

1 attorney to the issue he wanted to raise during the mother’s testimony. There were multiple
2 people talking, which was too much interference for the plaintiff given his processing deficit.
3 Judge Bowers was insensitive to his needs and did not consider his individualized needs despite
4 being well-informed of his disabilities.

5 Paternal grandmother was present to assist the plaintiff as a support advocate but was
6 instructed she could not intervene in any way when his accommodations were granted. She sat
7 quietly and observed without helping. Therefore, the accommodations proved to be ineffectual.

8 82. In response, Judge Bowers stated, “The assertions raised by [plaintiff] in his declaration
9 are the Court erred in designating the respondent as a designated selector based on his learning
10 disabilities. Nothing could be further from the truth. The Court did not make its ruling based on
11 Mr. Reedy's learning disabilities. Even further, the law cited *supports the Court's position* that a
12 handicap or a condition may be considered *where the Court determines* it will have a *substantial*
13 *and lasting adverse effect* on the best interests of the child. That's the case of *In re Marriage of*
14 *Carney*. The Court does not have the cite for that case. However, as the Court stated, the Court
15 *did not take into consideration [Plaintiff's] learning disabilities* with regard to making its
16 decision of who should be the *final decider on selecting a school*.”⁴⁴

17 83. Plaintiff alleges that Judge Bowers ignored public policy, controlling caselaw, the ADA,
18 and federal regulations and state laws when she failed to consider his “individualized needs” and
19 failed to consider the help that he was receiving from paternal grandmother in the context of his
20 disabilities. There was no evidence that she was “acting as another parent” on his parenting time.
21 There was significant evidence that she was assisting him with tasks related to researching school
22 performance metrics, evaluating GreatSchools data, and gathering travel times and distances to
23 school locations to put into a spreadsheet, which is practical, reasonable help for a person with
24 learning disabilities.

25 84. The plaintiff also alleges discrimination in a prior hearing. On January 23, 2023, Judge
26 Bowers heard the El Dorado County Dept. of Child Support’s motion for rehearing on a motion
27

28 ⁴⁴ *Id.* 8/24/2023 pg. 15 lines 3-17.

1 Plaintiff filed in 2022 seeking financial relief through CalWORKs.

2 Under Cal. Fam. Code § 3086, Plaintiff could be designated the parent eligible to apply for
3 public assistance benefits on behalf of the child. Plaintiff alleges that JUDGE BOWERS did not
4 consider his “*individualized needs*” on a “*case-by-case basis*” when she denied his motion. The
5 mother had been receiving public benefits and had already obtained a bachelor’s degree, was
6 working on a post-graduate degree, and had become pregnant with a second child and moved into
7 a new home with her cohabiting boyfriend. Judge Bowers failed to consider the totality of
8 circumstances including the mother’s resources and earning capacity, Plaintiff’s equal
9 responsibility for caring for the child and his lack of opportunity and earning capacity due to his
10 disabilities. She recommended he continue to seek services from the Department of
11 Rehabilitation and from other programs that “*do not involve the minor,*” treating him as an
12 undeserving, unequal parent.

13 • 42 U.S.C. § 1983 DUE PROCESS AND EQUAL PROTECTION VIOLATIONS

14 85. Plaintiff alleges that on November 28, 2022, his right to due process was violated when
15 the Court failed to process his MC-410 Request for Accommodation prior to the hearing.
16 Pursuant California Rules of Court, Rule 1.100 (e)(2): “The court must promptly inform the
17 applicant of the determination to grant or deny an accommodation request.”

18 86. Plaintiff alleges that on May 23, 24, and 31, 2023, his right to due process and equal
19 protection were violated when the Court denied his request for accommodation for a three-day
20 trial leaving him without the ability to take effective notes that would enable him to confer with
21 his attorney on testimony of witnesses to prepare for cross-examination. The California Rules of
22 Court, Rule 1.150. (d) states: “The judge may permit inconspicuous personal recording devices to
23 be used by persons in a courtroom to make sound recordings as *personal notes of the*
24 *proceedings*. A person proposing to use a recording device must obtain advance permission from
25 the judge. The recordings must not be used for any purpose other than as personal notes.”
26 Plaintiff alleges that he was denied a request for a reasonable accommodation that is permissible
27 and that the ADA Coordinator should have referred his request to the judge for approval or
28 advised Plaintiff that he would need to speak with the family law facilitator to get help with his

1 request. Plaintiff wasn't aware of the rule at the time of the occurrence and was not referred by
2 the Court staff to the facilitator's office to get help on how he could proceed to obtain the
3 necessary permission.

4 87. Plaintiff alleges that on December 15, 2023, his rights to due process and equal protection
5 were violated when the Court failed to process his MC-410 Request for Accommodation. He
6 later obtained a copy of the approved application that was date-stamped the day before the
7 hearing. However, the transcript of the hearing substantiates that the Court did not provide the
8 plaintiff with accommodations.

9 88. The plaintiff alleges that the Court acted with conscious disregard to his rights as a
10 disabled person when they filed the MC-410 application the day prior to the hearing. If his
11 attorney had not raised the issue in open court, there would be no record of the continuing
12 violations.

13 • 42 U.S.C. § 1983 FOURTEENTH AMENDMENT – PERSONAL CAPACITY

14 89. The plaintiff repeats and realleges every allegation in this Amended Complaint. He
15 alleges violations of his Fourteenth Amendment rights by Judge Bowers and Rebecca Nelson in
16 their individual capacities as state actors under color of state law.

17 90. Plaintiff alleges that Rebecca Nelson acted under color of state law when she refused to
18 follow the California Rules of Court that govern her behavior as a mediator. Plaintiff did not
19 know the Rules of Court until after the second interview. His Memorandum of Points and
20 Authorities and Reply Declaration (Exhibit A) describe how by her actions under this authority,
21 she deprived him of due process and equal protection of the law.

22 91. Plaintiff alleges that Rebecca Nelson caused, and continues to threaten, deprivation of his
23 constitutionally protected liberty interest in the care, custody, and control of his child including
24 his ability to direct her education.

25 92. Rebecca Nelson testified that interviewing a young child was harmful and then required
26 the plaintiff's child to be interviewed without good cause. The harm to the child is also harmful
27 to the Plaintiff because under color of state law Rebecca Nelson can act with this level of
28 authority, and he is unable to protect his daughter from her actions. The plaintiff thus alleges that

1 her actions were “for purposes of oppression.” (quoting *Daniels v. Williams*⁴⁵ (1986)) and
2 constitute conscious disregard for his rights as a disabled person.

3 93. Plaintiff alleges that without Rebecca Nelson’s first biased CCRC report, the only issue
4 properly before the Court would have been the matter of where the child would attend school and
5 that he would not have required testimony of experts to re-litigate custody and visitation. “It is
6 well established that the courts are reluctant to order a change of custody and will not do so
7 except for imperative reasons; that it is desirable that there be an end of litigation and undesirable
8 to change the child’s established mode of living.” (*In Re Marriage of Carney* (1979). Thus,
9 Plaintiff alleges her actions are the proximate cause of a three-day trial and that the Court’s
10 actions violate state and federal laws.

11 Plaintiff lost a protected property interest in the money he borrowed for the cost of legal
12 expenses relating to pre-trial motions, trial prep, the trial itself, and post-trial motions, and the
13 continuing litigation that ensued when Judge Bowers claimed the Court may have been thinking a
14 5-5-2-2 schedule was best during the August 24, 2023 hearing.

15 The plaintiff has filed a Notice of Appeal and is attempting to appeal the decision due to
16 the irregularity in the proceedings where he was denied accommodations which prejudiced his
17 case, and due to the discrimination he faced in the CCRC interview process that prejudiced his
18 case, and due to ongoing judicial bias.

19 94. The plaintiff alleges that Judge Bowers acted under color of state law to deprive him of
20 equal protection and due process when she conveyed the authority bestowed on the Court by the
21 California Constitution to adjudicate facts and determine the child’s best interest to the mother.
22 Judge Bowers granted the mother sole discretion to choose the child’s school if the parties
23 couldn’t agree. The Court had already determined that the parties were at an impasse.⁴⁶

24 95. Judge Bowers failed to provide a mechanism for a review hearing on the matter of school
25 choice after ordering the parties to meet and with their coparenting counselor. She refused to hear
26 the plaintiff’s motions regarding the matter after the parties made an unenforceable agreement in

27 ⁴⁵ 474 U.S. 327, 331.

28 ⁴⁶ Cert. Trans. 5/31/2023 pg. 86 line 5.

1 counseling that resulted in the child's enrollment in a midway school with afterschool care.

2 Thus, the plaintiff was denied due process and equal protection of the law and deprived of
3 his liberty interest in maintaining equal authority to direct his daughter's education and to be
4 equally involved in her education where the distance is a deterrent to full participation.

5 In addition, Judge Bowers has encouraged the mother to pursue a vexatious litigant claim
6 to impose a chilling effect on his involvement in the proceedings.

7 96. Plaintiff alleges there is imminent danger that the Court will continue to impair his rights
8 to due process and equal protection of the law pursuant the Fourteenth Amendment and the
9 California Constitution and thereby will further deprive him (and his child) of the fundamental
10 liberty interest in maintaining the parent-child relationship. Parents and children possess a
11 constitutionally protected liberty interest in companionship and society with each other. *Smith v.*
12 *City of Fontana*⁴⁷ (9th Cir. 1987).

13 The Ninth Circuit has held that a parent's liberty interest is neither binary nor automatic,
14 but rather becomes judicially enforceable only when the parent "demonstrates a full commitment
15 to the responsibilities of parenthood by coming forward to participate in the rearing of [the]
16 child." *Kirkpatrick v. Washoe County*⁴⁸ (9th Cir. 2016) (en banc). Plaintiff has demonstrated a
17 full commitment to his child by filing the Petition to Establish a Parental Relationship before the
18 child was born and by borrowing extensively to continue to litigate in this biased court.

19 Plaintiff alleges that his liberty interest...in the "care, custody, and control" of his
20 child...is "perhaps the oldest of the fundamental liberty interests recognized by [the U.S.
21 Supreme Court]. In light of this extensive precedent, it cannot now be doubted that the Due
22 Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make
23 decisions concerning the care, custody, and control of their children. *Troxel v. Granville*⁴⁹ (2000).

24 **Damages**

25 97. ADA § 203, 42 U.S.C. § 12133 (1994) (providing for enforcement under 29 U.S.C. §
26

27 ⁴⁷ 818 F.2d 1411, 1418.

28 ⁴⁸ 843 F.3d 784, 789.

⁴⁹ 530 U.S. 57, at 65-6.

1 794a (1994)) states: (a)

2 (1)The remedies, procedures, and rights set forth in section 717 of the Civil Rights Act of
3 1964 (42 U.S.C. 2000e-16), including the application of sections 706(f) through 706(k) (42
4 U.S.C. 2000e-5(f) through (k)) (and the application of section 706(e)(3) (42 U.S.C. 2000e-
5 5(e)(3)) to claims of discrimination in compensation), shall be available, with respect to any
6 complaint under section 791 of this title, to any employee or applicant for employment aggrieved
7 by the final disposition of such complaint, or by the failure to take final action on such complaint.
8 In fashioning an equitable or affirmative action remedy under such section, a court may take into
9 account the reasonableness of the cost of any necessary work place accommodation, and the
10 availability of alternatives therefor or other appropriate relief in order to achieve an equitable and
11 appropriate remedy.

12 (2)The remedies, procedures, and rights set forth in title VI of the Civil Rights Act of
13 1964 (42 U.S.C. 2000d et seq.) (and in subsection (e)(3) of section 706 of such Act (42 U.S.C.
14 2000e-5), applied to claims of discrimination in compensation) shall be available to any person
15 aggrieved by any act or failure to act by any recipient of Federal assistance or Federal provider of
16 such assistance under §794 of this title.

17 (b) In any action or proceeding to enforce or charge a violation of a provision of this
18 subchapter, the court, in its discretion, may allow the prevailing party, other than the United
19 States, a reasonable attorney's fee as part of the costs.

20 98. Plaintiff's alleges he incurred property damages as a direct and proximate result of the
21 actions of the Court. He borrowed and paid litigation costs for pre-trial hearings, trial preparation,
22 a three-day trial, post-trial motions including the most recent motion to change the schedule and
23 the vacation time that was brought up in the last interview. He is using an estimate of \$40,000 for
24 litigation costs although he anticipates incurring additional expense for appellate review.

25 99. Plaintiff estimates property damages resulting from the trial outcome to be \$250.00 per
26 month for transportation to and from Roseville ongoing. He is unable to take up any child
27 support issues while the mother is on Cash Aid. He has been threatened with vexatious litigation
28 which has put a chilling effect on his ability to request relief under §3086 again.

1 100. Plaintiff's proximate property damages encompass the inability to access CalWORKs
2 benefits from the date of filing his Cal. Fam. Code § 3086 motion. Plaintiff, an impoverished
3 single parent, experiences severe financial hardship exacerbated by the mother's receipt of public
4 benefits when she is able to work with high earning capacity and opportunity. Despite her
5 continued eligibility for assistance, Plaintiff contends her pursuit of higher education and personal
6 situation contrasts starkly with his own.

7 101. Plaintiff has endured and continues to endure mental anguish and emotional distress
8 stemming from the violations of his civil and constitutional rights detailed herein.

9 102. Plaintiff experiences mental anguish due to the fear of further impairment or loss of the
10 parent-child relationship, which is constantly under threat by the alleged indifference,
11 insensitivity, and unethical conduct of Defendants Judge Bowers, Rebecca Nelson, and the El
12 Dorado County Superior Court. There exists a potential scenario where violations of Plaintiff's
13 civil rights may result in an unjust perception of willful abandonment of his parental role, despite
14 his inability to sustain ongoing litigation due to exacerbated costs and duration of proceedings
15 imposed by the Court.

- 16 • 28 C.F.R. §§ 35.170–35.189 (2002).

17 103. The plaintiff filed a formal complaint with the Department of Justice and received a letter
18 stating they would not take on the case due to the burden of their existing caseload but the letter
19 states it does not reflect the merits of his complaint.

20 **Causes of Action**

21 **First Cause of Action – Violations of Cal. Fam. Code §3049**

22 104. The plaintiff repeats and realleges every allegation in this Amended Complaint and
23 alleges that there are multiple violations of § 3049 presented in the factual background that are
24 coincident with other violations that may not be enumerated here.

25 105. The California Supreme Court's holding in *Re Marriage of Carney* 1979 was codified into
26 law as §3049. The plaintiff alleges that the Superior Court ignored the tenets of the law and the
27 construing caselaw and in doing so, violated his rights as a disabled parent.

28 106. Rebecca Nelson failed to presume the plaintiff was fit despite over four years of joint

1 equal custody established by stipulation in the same court in 2019. Disability alone should not
2 presume parental unfitness. The Court was willing to adopt her recommendations, and in doing
3 so, the Court is complicit in violating this section of the family code.

4 In forming her recommendations and expert opinion, Rebecca Nelson relied on outdated
5 stereotypes based on “presumptions as to what a class of individuals with [learning] disabilities
6 can or cannot do.”

7 In determining the child’s best interest, Judge Bowers ignored important elements of
8 paternal grandmother’s testimony and concluded that paternal grandmother was “acting as
9 another parent” based on “presumptions as to what a class of individuals with [learning]
10 disabilities can or cannot do.” “The Court’s preconception, wholly apart from its outdated
11 presumption of proper gender roles,⁵⁰ also stereotypes the plaintiff as a person deemed [] unable
12 to be a good parent simply because he is physically handicapped. Like most stereotypes, this is
13 both false and demeaning.” (quoting *In Re Marriage of Carney* (1979)).

14 The California Supreme Court underscored the importance of providing reasonable
15 accommodations to disabled parents to enable them to fully participate in custody and visitation
16 proceedings. The Court did not provide reasonable accommodations for the trial and did not
17 ensure the plaintiff’s equal access to justice or ensure that as a disabled parent he was not unfairly
18 disadvantaged in the custody dispute.

19 107. The Court failed to take into account the specific nature and extent of the plaintiff’s
20 disability or to recognize the unique circumstances of his family and to “consider the family as a
21 whole” as the Supreme Court instructed. *In Re Marriage of Carney* (1979).

22 108. Consistent with the *Carney* decision are the standards set by the Ninth Circuit and the
23 state legislature enforcing continuity and stability.

24 **Second Cause of Action – Violations of Title II Americans with Disabilities Act (1990)**

25 109. The plaintiff repeats and realleges each and every allegation contained in the preceding
26 paragraphs of this Amended Complaint.

27 ⁵⁰ Rebecca Nelson also testified that “generally the mother will take over and participate in all the education and let
28 dad know what’s going on,” demonstrating gender bias, as well as discriminating on the basis of disability.

1 1. Barrier to Effective Communication

2 110. Under Title II, public entities are required to ensure effective communication with
3 individuals with disabilities. In relevant part, Title II requires the provision of auxiliary aids and
4 services to ensure that communication with individuals who have “communication-related
5 disabilities” is as effective as communication with individuals without disabilities.

6 111. ADA Title II § 202, 42 U.S.C. § 12132 (1990): “[N]o qualified individual with a disability
7 shall, by reason of such disability, be excluded from participation in or be denied the benefits of
8 the services, programs, or activities of a public entity, or be subjected to discrimination by any
9 such entity.”

10 112. The plaintiff alleges that a neuroperceptual learning disability is a communication-related
11 disability. He further alleges that he had barriers to effective communication due to the Court’s
12 failure to allow him the use of an auxiliary aid in the form of a Live Scribe pen to ensure he could
13 hear and process testimony at trial. Without the use of an auxiliary aid, he did not have effective
14 communication with the Court, with his attorney, and in the normal course of the trial, he was
15 unable to process what was said and effectively prepare for cross-examination and rebuttal.

16 2. Americans with Disabilities Act Training and Enforcement

17 113. Plaintiff alleges that defendants Judge Bowers, Rebecca Nelson, and the Court staff did
18 not have the sensitivity training necessary to interact appropriately with the plaintiff.

19 114. The plaintiff alleges that defendants Judge Bowers, Rebecca Nelson, and the Court
20 violated his civil rights by not being adequately responsive to his needs.

21 115. The plaintiff alleges that the Court does not have an efficient and effective administrative
22 procedure for receiving, reviewing, and processing accommodations timely.

23 3. Failure to Provide Reasonable Accommodations

24 116. Americans with Disabilities Act, 42 U.S.C. § 12112(b)(5)(A) The process of identifying
25 and implementing an effective reasonable accommodation requires creative problem solving and
26 a true individualized assessment, as the appropriate accommodation depends on the functional
27 limitations of the individual, the nature of the program or service in which they are participating,
28 and the sensitivity and professionalism of other parties involved.

1 117. The plaintiff alleges that defendants Judge Bowers, Rebecca Nelson, and the Court failed
2 to provide reasonable accommodations as described in the complaint. Despite the plaintiff's
3 communication of his disabilities and requests for accommodations to access the services
4 provided (and mandated) by the Court, the Defendants either failed to respond timely; failed to
5 forward a request to the appropriate personnel; failed to engage in an interactive dialogue; denied
6 reasonable accommodations in whole; prescribed accommodations that were ineffective; and/or
7 failed to allow the plaintiff to utilize accommodations thus rendering them ineffective.

8 The plaintiff alleges that the ongoing pattern of behavior by the Court demonstrates a
9 conscious disregard for the plaintiff's federally protected rights as a disabled person.

10 The plaintiff alleges he was denied access to the courts when his request for
11 accommodation to have documents emailed to him were denied. The drive to and from the Court
12 is approximately 50 minutes each way. When the midway point for exchanges was in the same
13 direction, he could coordinate exchanges with Court business to limit overall time in the car.

14 Neither parent lives in El Dorado County as of August 2022. Since January 26, 2023, the
15 exchanges take place at the child's school or at a midway point between Roseville and
16 Sacramento off Hwy. 80. The drive to and from this Court on Hwy. 50 is in addition to the
17 plaintiff being forced to drive approximately 45 minutes each way to and from the child's school
18 for exchanges due to the outcome of the trial. The distance to the school precludes him from
19 frequently participating in the child's education. In addition, the plaintiff has informed the Court
20 that the excessive driving has placed an undue burden on him due and exacerbates his
21 orthopedic/lumbar disabilities and requested the Court email him conformed documents and
22 minute orders or documents generated by the Court. The plaintiff has experience prolonged
23 delays in obtaining and reviewing court documents that could be provided to him electronically.

24 118. The nondiscrimination requirement of 28 C.F.R. Part 35 relating to public services
25 provides that public accommodations must provide *full and equal* enjoyment of the goods,
26 services, facilities, privileges, advantages, or accommodations. It is impermissible to deny
27 participation, to participation of unequal benefit, or to provide activities separately, unless it is
28 necessary to do so to provide the activity as effectively. [28 C.F.R. §§ 35.130, 35.149].

Third Cause of Action

- Violations of §505 Rehabilitation Act of 1973 and other Federal Regulations

- 29 U.S.C. § 794 [Section 505]- failure to take appropriate steps to ensure communication with the plaintiff was as effective as communications with others

No otherwise qualified handicapped individual in the United States ... shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance... [29 U.S.C. § 794]. "Program or activity" means all of the operations of a department, agency, special purpose district, or other instrumentality of a State or of a local government [29 U.S.C. §794 (1)(A)].

To help effectuate these statutory mandates the Department of Justice (DOJ) under the authority of 42 U.S.C. §12134(a) promulgated regulations regarding the responsibilities of state and local government to disabled persons,..."*Ferguson v. City of Phoenix* (9th Cir. 1998). "The regulations further provide that a public entity shall 'take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.' 28 C.F.R. §135.160(a)..." *Id.*

- Failure to recognize the plaintiff's individualized needs - 28 C.F.R. § 35.130(b)

119. Under federal regulations, individuals with disabilities must be treated on a ***case-by-case basis*** consistent with ***facts and objective evidence***. (See, e.g., 28 C.F.R. § 35.130(b); see also 28 C.F.R. pt. 35, App. B (explaining in the 1991 Section-by-Section guidance to the Title II regulation that, "[t]aken together, the[] provisions [in 28 C.F.R. § 35.130(b)] are intended to prohibit exclusion ... of individuals with disabilities and the denial of equal opportunities enjoyed by others, based on, among other things, presumptions, patronizing attitudes, fears, and stereotypes about individuals with disabilities. Consistent with these standards, public entities are required to ensure that their actions are **based on facts applicable to individuals** and **not presumptions as to what a class of individuals with disabilities can or cannot do.**"); *School*

1 *Bd of Nassau County v. Arline*⁵¹ (1987)). Furthermore, individuals with disabilities must be
2 provided opportunities to benefit from or participate in child welfare programs, services, and
3 activities that are equal to those extended to individuals without disabilities. (See 28 C.F.R. §§
4 35.130(b)(1)(ii)-(iv), (vii), (b)(7); 45 C.F.R. § 84.4(b) (1)(ii)-(iii); see also 28 C.F.R. §
5 42.503(b)(1)(ii), (iii)). This principle can require the provision of aids, benefits, and services
6 different from those provided to other parents and prospective parents where necessary to ensure
7 an equal opportunity to obtain the same result or gain the same benefit. (See, e.g., 28 C.F.R. §
8 35.130(b)(1)(ii)-(iv)).

9 120. The plaintiff alleges that Judge Bowers did not treat him on a case-by-case basis
10 consistent with facts and objective evidence on many occasions. One instance is when she
11 ignored the evidence in a child support hearing where the plaintiff requested financial relief under
12 Cal. Fam. Code §3086 as described in paragraph 84. Another instance is when Judge Bowers
13 ignored essential elements of paternal grandmother's testimony and erroneously concluded that
14 paternal grandmother was "acting as another parent" and that he was not making decisions for his
15 daughter. She ignored that he had "individualized needs" with regard to the school research on
16 performance metrics and erroneously concluded that he had not fully participated in the selection
17 of the schools. She also ignored his "individualized needs" at trial when could not refer to any
18 written materials to refresh his memory on the names, locations, and times/distances of the
19 schools, among other questions, which jeopardized his testimony. The plaintiff alleges Judge
20 Bowers was aware of the denial of reasonable accommodations for the trial and that she
21 proceeded without allowing him to review documents, which he had stated that he would need do
22 to answer the questions accurately, if given the time allowed.

23 121. The plaintiff was denied provision of aids, benefits, and services where necessary to
24 ensure an equal opportunity to obtain the same result or gain the same benefit in violation of
25 federal regulation 28 C.F.R. § 35.130.

26 122. The plaintiff can provide written documents to the Court more effectively than in a
27

28 ⁵¹ 480 U.S. 273,285.

1 hearing. This is another example of her ignoring his individualized needs on a case-by-case basis.
2 The plaintiff alleges Judge Bowers has acted toward him with animus and that he has an ongoing
3 conflict with her regarding judicial bias and her desire to have him classified a vexatious litigant.
4 The plaintiff is aware of at least one other disabled father who was found vexatious on an interim
5 order pending a trial that was canceled. The plaintiff feels threatened by her animus toward him
6 and her willingness to ignore objective evidence of his ability to parent over the last five years.

7 123. Plaintiff alleges that defendants Judge Bowers and Rebecca Nelson discriminated against
8 him on the basis of his disabilities when they failed to acknowledge that the Court had already
9 decided that there were *no long-term adverse effects on the child resulting from his disabilities*.
10 Plaintiff provides the first CCRC report, the first custody determination at the trial on May 22,
11 2019, and the duration of joint custody as evidence that he is not harmful to his child.

12 At trial on May 23, 2023, the Court took judicial notice of the CCRC report dated October
13 1, 2018 in which Ms. Neustadter stated, “The undersigned *does not believe [plaintiff] poses any*
14 *physical or emotional threat* to Ms. McKinney or his child. *Ms. McKinney may pose an*
15 *emotional threat to [plaintiff] and the baby based on her lack of cooperation* with Mr. Reedy's
16 desire to actively parent.”⁵²

17 Fourth Cause of Action

- 18 • Violations of § 504 Rehabilitation Act of 1973 and other Federal Regulations

19 124. § 504 prohibits anyone from interfering with the exercise of rights granted by the law to
20 individuals with disabilities and prohibits discrimination on the basis of handicap in federally
21 assisted programs and activities.

22 Section 504 incorporates the anti-retaliation provision of Title VI of the Civil Rights Act of
23 1964, which “prohibits recipients from intimidating, threatening, coercing, or discriminating
24 against any individual for the purpose of interfering with any right or privilege . . . or because
25 [Plaintiff] has made a complaint, testified, assisted, or participated in any manner in an
26 investigation, proceeding or hearing under this part.”

27
28

⁵² CCRC Report dated 10/1/2018 pg. 7 lines 12-14.

1 34 C.F.R. §104.61 and 34 C.F.R. § 100.7(e). The Americans with Disabilities Act (ADA)
2 provides, “no person shall discriminate against any individual because such individual has
3 opposed any act or practice made unlawful by” the ADA. 42 U.S.C. § 12203(a).

4 Because section 504 uses an anti-retaliation clause that is functionally identical to the
5 ADA, they are generally analyzed together. Individuals who have “opposed any act or practice
6 made unlawful” by Title II of the ADA have standing to sue under the anti-retaliation provisions
7 of the ADA. *Barker v. Riverside Cty. Office of Educ.*,⁵³ (9th Cir. 2009).

8 125. Plaintiff alleges violation of § 504 of the Rehabilitation Act and violations of federal
9 regulations as described herein.

10 Plaintiff alleges that Judge Bowers threats of finding him a vexatious litigant are
11 retaliatory because of his complaints of judicial bias, and he is seeking injunctive relief to avoid
12 further conflict with her over this issue.

13 The plaintiff alleges that Rebecca Nelsons’s demand to interview the plaintiff’s child was
14 retaliatory because her report was obstructed by his motion in limine to exclude prejudicial
15 hearsay and the mother did not prevail at trial when the Court rejected Rebecca Nelson’s
16 recommendations to strip him of legal custody and relegate him to supervised visitation.

17 126. Plaintiff requests only equitable damages resulting from retaliation. (See Prospective
18 Injunctive Relief).

19 **Fifth Cause of Action**

- 20 • Cause of Action for Fourteenth Amendment Due Process Violation

21 127. The plaintiff brings forth this cause of action against Defendants Judge Bowers, Rebecca
22 Nelson, and the El Dorado County Superior Court pursuant to the Fourteenth Amendment §1,
23 which prohibits states from depriving any person of life, liberty, or property without due process
24 of law, and Title 42 U.S.C. § 1983, which provides a mechanism for redress when such
25 deprivations occur under color of state law.

26 128. The plaintiff repeats and realleges every allegation in this Amended Complaint. He
27

28 ⁵³ 584 F.3d 821, 827.

1 alleges that Defendants Judge Bowers and Rebecca Nelson, acting under color of state authority,
2 deprived him of his rights secured by the Constitution of the United States, including both
3 substantive and procedural due process as guaranteed by the Fourteenth Amendment as described
4 in paragraphs 85-95 and throughout this complaint.

5 129. The plaintiff contends that on September 9, 2022, Rebecca Nelson sought to antagonize
6 and threaten Plaintiff in the CCRC interview. She failed to seek balanced collateral contacts. She
7 relied on input from one side of the conflict and prejudicial, out-of-court statements to support her
8 position that the plaintiff was not making decisions about the child. In doing so, she exacerbated
9 a power imbalance between the parties. Rebecca Nelson coerced the plaintiff into signing a
10 HIPAA form for medical records when she could have looked up his therapist's phone number to
11 speak with him directly.

12 130. Rebecca Nelson's actions demonstrate her deliberate bias against the plaintiff and intent to
13 strip him of his legal custody rights and restrict his visitation with his child.

14 131. Judge Bowers neglected to schedule a date for the parties to return after ordering them to
15 meet and confer. She abdicated the court's authority to determine the best interest of the minor
16 regarding school selection to the mother. This failure resulted in an unequal treatment of the
17 parents and unfairly appointed the mother as the sole decision-maker without a substantial state
18 purpose. Judge Bowers actions deprived the plaintiff of his constitutionally protected liberty
19 interest in exercising "care, custody, and control" of his child and directing her education.

20 132. The subsequent denial of consideration of his disabilities by the Court, under the guise of
21 equal treatment under the law, further infringed upon his substantive due process rights
22 guaranteed by the Fourteenth Amendment.

23 133. As a direct and proximate result of the unlawful acts of Defendants Judge Bowers and
24 Rebecca Nelson, Plaintiff suffered damages including but not limited to emotional distress,
25 financial burden, and infringement upon his parental rights.

26 134. Plaintiff seeks redress for the denial of his constitutionally protected property interest,
27 which resulted from excessive litigation costs. These costs were primarily driven by the CCRC
28 report issued September 27, 2022 leading to a prolonged trial for custody, visitation, school

1 choice, and other matters. Litigation costs were further exacerbated by Judge Bowers' statement
2 on August 24, 2023 that the Court may have been thinking that a 5-5-2-2 schedule would be best
3 when, in fact, that schedule was never even been raised at the trial. This resulted in the mother
4 filing for a change in the schedule prompting another CCRC interview, further litigation, and an
5 unnecessary and harmful interview with the plaintiff's five-year-old daughter. The new
6 recommendations include appointment of minor's counsel which will further embroil the child in
7 coparenting issues and involvement with the Court.

8 **Sixth Cause of Action**

- 9 • 42 U.S.C. §1983: Violation of Fourteenth Amendment – Equal Protection

10 135. Plaintiff repeats and realleges each and every allegation contained in the preceding
11 paragraphs of this Amended Complaint.

12 136. Pursuant to the Equal Protection Clause of the Fourteenth Amendment, which mandates
13 that a governmental body may not deny individuals equal protection under its governing laws and
14 requires the state to treat individuals in the same manner as others in similar conditions and
15 circumstances, and in accordance with Title 42 U.S.C. § 1983, which offers recourse when such
16 deprivations arise under the guise of state authority, the plaintiff initiates this cause of action
17 against Defendants Judge Bowers, Rebecca Nelson, and the El Dorado County Superior Court.

18 137. The Fourteenth Amendment's Equal Protection Clause mandates that "no State shall
19 deprive any person within its jurisdiction of the equal protection of the laws," ensuring that all
20 individuals in similar circumstances are treated similarly. It is established in legal precedent such
21 as *F. S. Royster Guano Co. v. Virginia*⁵⁴ (1920), that the Constitution does not require treating
22 things that are inherently different as though they were the same, as held in *Tigner v. Texas*⁵⁵
23 (1940). The determination of what constitutes "different" or "the same" initially lies with the state
24 legislatures (citing *Plyler v. Doe* (1982)).⁵⁶

25 138. In the instant case, the Court's awareness of the plaintiff's disabilities underscores the
26

27 ⁵⁴ 253 U. S. 412, 253 U. S. 415.

28 ⁵⁵ 310 U.S. 141, 310 U. S. 147.

⁵⁶ 457 U.S. 202.

1 recognition of dissimilar circumstances. However, despite this awareness, the Court discriminated
2 against the plaintiff under the Americans with Disabilities Act and other relevant laws and
3 regulations multiple times as described throughout this complaint.

4 In one instance, during the trial in May 2023, the Court concluded that the plaintiff had
5 not conducted research on schools without considering his individualized needs as a disabled
6 person, and subsequently appointed the mother as the sole authority regarding the child's best
7 interest, which is purportedly without substantial state purpose and violates the principle of equal
8 treatment under the law.

9 139. As a direct and proximate result of the unlawful acts of each and every one of the
10 defendants named herein, Plaintiff suffered damages as described in paragraphs 97-102.

11 **Seventh Cause of Action**

- 12 • Violation of California Constitution, Art. I, §7 – Due Process

13 Plaintiff repeats and realleges each and every allegation contained in the preceding paragraphs
14 of this Complaint. Each violation of the due process clause of the fourteenth amendment is also a
15 violation of the California Constitution which states in relevant part, that “A person may not be
16 deprived of life, liberty, or property without due process of law or denied equal protection of the
17 laws...”

18 140. The plaintiff alleges that Judge Bowers and Rebecca Nelson, the defendants named
19 herein, in their official capacities and as individuals, acting under color of state authority,
20 deprived the plaintiff of his rights, privileges, and immunities secured by the Constitution of
21 the United States.

22 **Eighth Cause of Action**

- 23 • Violation of California Constitution, Art. I, §7 – Equal Protection

24 141. The plaintiff repeats and realleges each and every allegation contained in the preceding
25 paragraphs of this Complaint. Each violation of the equal protection clause of the fourteenth
26 amendment is also a violation of the California Constitution which states in relevant part, that “A
27 person may not be deprived of life, liberty, or property without due process of law or denied equal
28 protection of the laws...”

1 142. The plaintiff alleges deprivation of constitutionally protected liberty and property interests
2 described herein and alleges that the actions of Defendants Judge Bowers and Rebecca Nelson
3 were malicious and for the “purpose of oppression.” Defendants actions affecting the plaintiff
4 that are described herein were committed with conscious disregard to his rights protected by the
5 California Constitution.

6 143. The integrity of the judiciary depends on the integrity of the individuals carrying out the
7 day-to-day duties of the Court. Judge Bowers is sworn to protect the rights of individuals.
8 Rebecca Nelson is accorded significant power to make recommendations as the Court’s expert
9 witness. The actions of a State official to discrimination against an individual on the basis of
10 disability in their official capacity is in direct conflict with the superior authority of the California
11 Constitution and violates their oath of office. Official conduct violates substantive due process
12 when it "shocks the conscience." *Gantt v. City of Los Angeles*,⁵⁷ (2013).

13 144. As a direct and proximate result of the unlawful acts of the Defendants named herein, the
14 plaintiff suffered damages as described on paragraphs 97-102.

15 **Ninth Cause of Action**

- 16 • Violation of California Civil Code §§ 51(f), 54(c), and 54.1(d)

17 145. Plaintiff repeats and realleges every allegation in this Amended Complaint. Plaintiff
18 alleges the violations of the ADA Title II. Any violation of the ADA, including Title II, is
19 incorporated as a violation of California law, per Civil Code §§ 51(f), 54(c), and 54.1(d). Treble
20 damages are available for conscious disregard for the rights and/or safety of disabled persons
21 under Cal. Civil Code § 54.3.

22 **V. Requested Relief**

- 23 • **Remedies for Deliberate Indifference / Conscious Disregard**

24 146. The plaintiff alleges the Court was aware of the access barriers and communication
25 barriers and continued denial of access. Deliberate indifference to the discriminatory effect upon
26 the plaintiff and to his rights as a disabled person is a form of intentional discrimination which the
27

28 ⁵⁷ 717 F.3d 702, 707 (9th Cir. 2013) (citing *Wilkinson v. Torres*, 610 F.3d 546, 554 (9th Cir. 2010)).

1 plaintiff argues justifies damages under Title II of the ADA. *Duvall v. County of Kitsap*⁵⁸ (9th
2 Cir. 2001).

3 147. The plaintiff alleges the Court, and specifically Judge Bowers and Rebecca Nelson,
4 repeatedly acted with “conscious disregard” for his rights as a disabled person. He further alleges
5 that Judge Bowers and Rebecca Nelson acted with intent and with animus toward him as
6 described herein and as a result, plaintiff requests treble damages pursuant to California Civil
7 Code § 54.3.

8 • **Injunctive Relief: Title II – Official Capacity**

9 148. Judge Bowers has been assigned the family law department since January 21, 2022.
10 Plaintiff alleges she violated his civil rights as described herein and that there is an imminent risk
11 of being required to have her adjudicate his family law case indefinitely.

12 149. Plaintiff alleges Rebecca Nelson violated his civil rights as described herein and that he
13 has a substantial risk of being required to interview with her again. He is also concerned with
14 interviewing with any Child Custody Recommending Counselor in the same courthouse for a
15 3111 evaluation.

16 There have been six mandated CCRC interviews between 2018 and 2024. The opposing
17 party refuses to stipulate to changing venue to another county; she has repeatedly filed motions to
18 change custody and/or visitation. The past incidents are “evidence bearing on whether there is a
19 real and immediate threat of repeated injury.” *City of Los Angeles v. Lyons*⁵⁹ (1983).

20 150. The plaintiff requests immediate injunctive relief for the allegations against Hon. Lauren
21 C. Bowers and Rebecca Nelson in their official capacities. He seeks to have them both removed
22 from his case under Title II of the ADA and under the Rehabilitation Act pursuant the decision in
23 *Harris v. Mills*, 572 F.3d 66 (2d Cir. 2009).

24 151. Pursuant 42 U.S.C. § 1983, the plaintiff's injury will be redressed by a favorable decision
25 granting him injunctive relief that precludes Rebecca Nelson from conducting or influencing any
26 further interviews or proceedings, and precludes Judge Bowers from adjudicating any further

27 _____
28 ⁵⁸ 260 F.3d 1124.

⁵⁹ 461 U.S. at 102, 103 S.Ct. 1660. (internal quotation marks omitted).

proceedings, involving the family law case.

152. The plaintiff is not required to prove intentional discrimination to prove a violation of ADA Title II in order to obtain injunctive relief. *Crowder v. Kitigawa, Chairman Hawaiian Bd. of Control*⁶⁰ (9th Cir. 1996).

- **Prospective Injunctive Relief**

153. In the alternative, the plaintiff seeks prospective injunctive relief that would effectively remedy the potential for further, repeated harm by an order for the Superior Court of El Dorado County to transfer the venue to Placer County, where the mother resides. The plaintiff alleges the mother has benefitted from the actions of the Defendants and thus has refused to stipulate to move the case despite the fact that it's close to her home, the child support case has already been removed to Placer County where she receives Cash Aid, and neither party resides in El Dorado County.

154. The plaintiff seeks to have both CCRC reports prepared by Rebecca Nelson eliminated from the file, to have a permanent injunction preventing any use or reference to these reports, and to have a notation placed on the file enjoining all parties to refrain from disseminating, duplicating, or invoking these reports in any manner.

- **Compensatory Relief – Title II of the ADA**

155. The U.S. Supreme Court's holding in *Garrett v. Trustees of the University of Alabama*⁶¹ that private civil actions for compensatory and punitive damages are unconstitutional logically extends to Title II as well, except when the public entity subject to suit receives federal funds. The U.S. Supreme Court identified "four statutes prohibiting recipients of federal financial assistance from discriminating based on certain protected grounds" that Congress has enacted pursuant to the Spending Clause, which are Title VII, Title IX, the Rehabilitation Act, and the ACA" and concluded that "legislation enacted pursuant to the spending power is much in the nature of a contract: in return for federal funds, the [recipients] agree to comply with federally

⁶⁰ 81 F.3d 1480.

⁶¹ 531 U.S. 356 (2001).

1 imposed conditions." *Cummings v. Premier Rehab Keller, P.L.L.*⁶². (2022).

2 The Superior Court of California, County of El Dorado receives federal grants. As such, it is
3 subject to compensatory damages. Plaintiff alleges the expense to him in terms of debt to his
4 family for attorney fees, legal costs, transportation, and miscellaneous expenses relating to pre-
5 trial, trial, and post-trial litigation exceeds \$40,000. Plaintiff cites the \$40,000 estimate for
6 practicality.

7 Compensatory damages are presumptively available to Plaintiff for the Superior Court's
8 alleged multiple and repeated violations of his federally protected rights. Pursuant *Franklin v.*
9 *Gwinnett*⁶³(1992) upheld in *Barnes v. Gorman*⁶⁴ (2002). The presumption is based on the
10 doctrine that "the right to recover the damages from the party who violated the statute" is
11 essential "to make good the wrong done."⁶⁵. The general rule is that 'absent clear direction to the
12 contrary by Congress, the federal courts have the power to award any appropriate relief in a
13 cognizable cause of action brought pursuant to a federal statute.'" *Franklin*⁶⁶(1992).

14 [135 Cong. Rec. S10742, S10760 (Sept. 7, 1989)]. In the House Report, Congress
15 indicated a concern over what remedies would be available to make Title II effective in
16 combatting discrimination. See H.R.Rep No. 101-485(II) & (III) reprinted in 1990 U.S.C.C.A.N.
17 303,322,381,445,475. The Report notes: "As with section 504, there is also a private right of
18 action [under Title II] for persons with disabilities, which includes the full panoply of remedies."
19 *Ferguson v. City of Phoenix*⁶⁷ (9th Cir. 1998).

20 ADA § 107(a), 42 U.S.C. § 12117(a) (1994) states: (a) Powers, remedies and procedures:
21 The powers, remedies, and procedures set forth in sections 705, 706, 707, 709, and 710 of the
22 Civil Rights Act of 1964 (42 U.S.C. §§ 2000e-4, 2000e-5, 2000e-6, 2000e-8, and 2000e-9) shall
23 be the powers, remedies, and procedures this title provides to the Commission, to the Attorney
24 General, or to any person alleging discrimination on the basis of disability in violation of any

25 _____
26 ⁶² 142 S. Ct. 1562, 212 L. Ed. 2d 552 at 1569-70.

27 ⁶³ 503 U.S. 60, 112 S.Ct. 1028, 117 L.Ed.2d 208.

28 ⁶⁴ 536 U.S. 181.

⁶⁵ *Id.* at 61; 503 U.S. at 66, 112 S.Ct. 1028.

⁶⁶ *Id.* at 61; 503 U.S. at 70-71, 112 S.Ct. 1028.

⁶⁷ 157 F.3d 668.

1 provision of this Act...”

2 156. Plaintiff alleges that Rebecca Nelson is not immune to damages for her personal actions
3 against him and that her actions affecting the plaintiff were committed with conscious disregard
4 for his federally protected rights under color of state law. Rebecca Nelson therefore runs afoul of
5 the superior authority of the U.S. Constitution. “[She is] in that case stripped of [her] official or
6 representative character and [is] subject in [her] person to the consequences of [her] individual
7 conduct.” (*Ex Parte Young*⁶⁸ (1908).

8 157. Plaintiff alleges that Rebecca Nelson’s role in the Court arguably makes the Court itself
9 liable for treble damages for violating Cal. Civil Code § 54(c). The plaintiff states for the record
10 that he is not requesting treble damages as a punitive award nor to set an example of the Court
11 and thus treble damages should not be barred. The plaintiff makes this request because it would
12 alleviate the burden of the untallied cost to him and will allow him to obtain representation for the
13 future litigation that arises from the violations outlined herein.

14 158. The Court staff acted with deliberate indifference to the plaintiff’s federally protected
15 rights when he filed formal complaints with the administration about Rebecca Nelson’s unlawful
16 actions toward him on October 6, 2022 and February 16, 2024, prior to the child’s interview.

17 159. Judge Bowers acted with conscious disregard to his federally protected rights during the
18 trial when she failed to consider his individualized needs and when he filed a motion for
19 reconsideration which was heard on August 24, 2023 whereby he alleged judicial bias and
20 violations of the ADA. Judge Bowers’ response was that the Court “hadn’t considered his
21 disabilities” when rendering her decision at trial, which conflicts with the Court’s stated findings
22 that the mother is able to research the schools.

23 Judge Bowers acted with conscious disregard to his federally protected rights in a prior
24 hearing when she disfranchised the plaintiff from financial remedies stating he should continue to
25 seek resources from the Department of Rehabilitation and other services that “do not involve the
26 minor” despite his joint equal responsibility for the care of the child and the mother’s advanced
27

28 ⁶⁸ 209 U.S. 123, 159-60.

1 education, and her established ability, opportunity, earning capacity, and cohabiting partner.

2 Judge Bowers repeatedly shut down the plaintiff's efforts to bring his case before the
3 Court by ignoring his individualized needs in the hearings, by ignoring objective facts, by
4 rendering decisions in favor of the mother that were unsupported by the record, and by denying to
5 hear his motions after the Court ordered the parents meet and confer.

6 160. The plaintiff alleges that Judge Bowers intended to intimidate him to provoke a chilling
7 effect on his complaints when she stated that the Court "can make a determination of long-term
8 adverse effects *if it considers his disabilities*." The plaintiff alleges this is a veiled threat that
9 coexists with Judge Bowers threat to find him a vexatious litigant so he cannot pursue any
10 procedural remedies for violations of his rights.

11 161. A favorable decision for compensatory damages would relieve the plaintiff of the
12 financial burden he encumbered when he was forced to go to trial without accommodations to
13 protect his liberty interest in equally participating in the upbringing of his child. The trial resulted
14 from the damaging CCRC report issued by Rebecca Nelson. The plaintiff alleges that the
15 outcome was unfavorable due to barriers to communication and judicial bias.

16 162. Plaintiff will likely have another trial if he can successfully raise the appeal and the case is
17 reversed and remanded. A favorable decision will allow him to retain the attorney.

18 • **Eleventh Amendment Immunity Abrogated by Title II ADA**

19 163. Congress has validly abrogated states' Eleventh Amendment immunity from suit under
20 Title II of the ADA based on denial of access to the courts. In any action against a State for a
21 violation of the requirements of this Act, remedies (including remedies both at law and in equity)
22 are available for such a violation to the same extent as such remedies are available for such a
23 violation in an action against any public or private entity other than a State.

24 164. The state is not entitled to sovereign immunity under Eleventh Amendment, because
25 Congress validly abrogated right to immunity from suit for claims under 42 USCS § 12202, part
26 of Title II of Americans with Disabilities Act of 1990 (ADA), 42 USCS §§ 12131–12165, and the
27 state waived immunity for claims under § 504 of Rehabilitation Act of 1973, 29 USCS § 794
28

1 when it accepted federal funds. *Miranda B. v. Kitzhaber*⁶⁹ (2003).

2 165. Title II of Americans with Disabilities Act of 1990, 42 USCS §§ 12131 et seq., as it
3 applies to class of cases implicating fundamental right of access to courts, constitutes valid
4 exercise of Congress’s authority under U.S. Const. amend. XIV, § 5, to enforce guarantees of
5 Fourteenth Amendment, and thus express abrogation of state sovereign immunity is
6 constitutional. *Tennessee v. Lane*⁷⁰ (2004). There is a well-established due process principle that
7 “within the limits of practicability, a State must afford to all individuals a meaningful opportunity
8 to be heard.” *Tennessee v. Lane* (citing *Boddie v. Connecticut*⁷¹(1971)).

9 **Prayer for Relief**

10 WHEREFORE, Plaintiff prays that this Court:

11 (a) Enter judgment against the defendants;

12 (b) Enter a declaratory judgment declaring the acts of the defendants to be a
13 violation of Plaintiff’s civil rights pursuant Title II of the Americans with Disabilities Act
14 of 1990; The Rehabilitation Act of 1973; and California Civil Code §§51(f), 54(c) and
15 54.1(d)]

16 (c) Issue a declaratory judgment declaring that the actions of defendants toward
17 Plaintiff are unconstitutional;

18 (d) Issue a temporary restraining order, and a preliminary and permanent
19 injunction enjoining Defendants Rebecca Nelson and Judge Bowers to be removed from
20 his family law case, to refrain from taking such actions toward the plaintiff in the future,
21 and to refrain from retaliating against the plaintiff in any way;

22 (e) Issue a permanent order to remove Rebecca Nelson’s CCRC reports from the
23 file and to strike all references to her reports from the record and enjoin all parties to
24 refrain from any duplication and dissemination of the reports, and enjoin future
25 counselors, whether court-appointed or independent, to disregard the reports in their
26

27 ⁶⁹ 328 F.3d 1181 (9th Cir. 2003).

28 ⁷⁰ 541 U.S. 509, 124 S. Ct. 1978, 158 L. Ed. 2d 820, U.S. LEXIS 3386 (2004).

⁷¹ 401 U.S. 371.

entirety to safeguard the plaintiff from their discriminatory effect;

(f) Award Plaintiff compensatory damages in the amount of \$40,000 for legal costs and fees for pre-trial motions, trial prep, three-day trial, and post-trial motions and renewed motion to change the schedule, and retain jurisdiction over any future expenses the plaintiff incurs as a result of discriminatory actions of Rebecca Nelson and Judge Bowers;

(g) Award Plaintiff compensatory damages in the amount he should have received in Cash Aid for a household of two people since the date of filing his motion for Cal. Fam. Code § 3086 relief;

(h) Award Plaintiff costs, interest and reasonable attorneys' fees for this action pursuant to 42 U.S.C. §1988, and other relevant statutes, if applicable;

(i) Order such other and further relief as the Court deems just and proper under the circumstances.

Demand for Jury Trial.

Plaintiff hereby demands a jury trial.

Dated March 31, 2024

Respectfully submitted,



Justin G. Reedy, Plaintiff, In Pro Per