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8 ESTATE OF JOSHUA GARBUTT,  
9 STACY POHLMAYER, and BRIAN GARBUTT

9 UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF CALIFORNIA  
11 SACRAMENTO DIVISION

12 ESTATE OF JOSHUA GARBUTT,  
13 STACY POHLMAYER, and BRIAN GARBUTT,

14 Plaintiffs,

15 vs.

16 COUNTY OF TRINITY, TRINITY COUNTY  
17 SHERIFF’S OFFICE, TIM SAXON, DOUGLAS  
18 CRAIG, MICHAEL NOVAK, MAX MUCKLOW,  
19 MICHAEL WOODSON, MARK BAUMAN,  
20 MICHAEL COINER-WILSON, NICHOLAS  
21 MARTINELLI, NICHOLAS RUCKER,  
22 DOMINQUE CALLAWAY, and DOE 1 to 20,

23 Defendants.

Case No. 2:24-cv-01275-DMC

**FIRST AMENDED COMPLAINT  
FOR VIOLATION OF CIVIL AND  
CONSTITUTIONAL RIGHTS**

**DEMAND FOR JURY TRIAL**

**INTRODUCTION**

23 32-year-old JOSHUA GARBUTT was denied necessary medical care and observation by jail  
24 staff as a pretrial detainee at the Trinity County Correctional Facility in custody of the COUNTY OF  
25 TRINITY and TRINITY COUNTY SHERIFF’S OFFICE, resulting in his death on January 14, 2024.

**JURISDICTION & VENUE**

27 1. This Court has jurisdiction over the federal claims under 28 U.S.C. § 1331 (in that they  
28 arise under the United States Constitution) and 28 U.S.C. § 1343(a)(3) (in that the action is brought to

1 address deprivations, under color of state authority, of rights, privileges, and immunities protected by the  
2 U.S. Constitution). This Court has jurisdiction of the state claims under 28 U.S.C. § 1367.

3 2. Venue is proper in the United State District Court for the Eastern District of California  
4 pursuant to 28 U.S.C. § 1391(b) because Defendants are located in the Eastern District of California and  
5 because many of the acts and/or omissions described herein occurred in the Eastern District of California.

6 3. Intradistrict venue is proper in the Sacramento Division of the Eastern District of  
7 California pursuant to Local Rule 120(d) because the claims asserted herein arise from acts and/or  
8 omissions which occurred in the County of Trinity, California.

9 **EXHAUSTION**

10 4. On February 28, 2024, the ESTATE OF JOSHUA GARBUTT, STACY POHLMAYER,  
11 and BRIAN GARBUTT submitted a government claim to the COUNTY OF TRINITY and TRINITY  
12 COUNTY SHERIFF'S OFFICE relating to the claims asserted in this action. (Claim No. TRI24-0010.)

13 5. On March 12, 2024, the COUNTY OF TRINITY issued a "Notice of Rejected Claim."

14 6. By April 22, 2024, the TRINITY COUNTY SHERIFF'S OFFICE failed or refused to act  
15 on the claim.

16 **PARTIES**

17 7. Plaintiff ESTATE OF JOSHUA GARBUTT appears by and through real-parties-in-  
18 interest Plaintiffs STACY POHLMAYER and BRIAN GARBUTT, the biological parents of JOSHUA  
19 GARBUTT, who bring this action pursuant to California Code of Civil Procedure § 377.30. Plaintiffs  
20 STACY POHLMAYER and BRIAN GARBUTT bring this action as the successors-in-interest on behalf  
21 of JOSHUA GARBUTT. The declarations regarding Plaintiffs STACY POHLMAYER and BRIAN  
22 GARBUTT's status as the successors-in-interest to JOSHUA GARBUTT are filed as ECF No. 1-1, 1-2,  
23 pursuant to California Code of Civil Procedure § 377.32.

24 8. Plaintiff STACY POHLMAYER is a resident of the State of California, County of Shasta.  
25 Plaintiff STACY POHLMAYER is the biological mother of JOSHUA GARBUTT. Plaintiff STACY  
26 POHLMAYER brings this action: (1) in a representative capacity, as a successor-in-interest on behalf of  
27 JOSHUA GARBUTT; and (2) in an individual capacity, on behalf of herself.

28 9. Plaintiff BRIAN GARBUTT is a resident of the State of California, County of Shasta.

1 Plaintiff BRIAN GARBUTT is the biological father of JOSHUA GARBUTT. Plaintiff BRIAN  
2 GARBUTT brings this action: (1) in a representative capacity, as a successor-in-interest on behalf of  
3 JOSHUA GARBUTT; and (2) in an individual capacity, on behalf of himself.

4 10. Defendant COUNTY OF TRINITY is located in the State of California. Defendant  
5 COUNTY OF TRINITY is a “public entity,” pursuant to California Government Code § 811.2.

6 11. Defendant TRINITY COUNTY SHERIFF’S OFFICE located in the State of California,  
7 COUNTY OF TRINITY. Defendant TRINITY COUNTY SHERIFF’S OFFICE is a “public entity,”  
8 pursuant to California Government Code § 811.2.

9 12. Defendant TIM SAXON is and was, at all times material herein, a law enforcement  
10 officer and Sheriff for Defendants COUNTY OF TRINITY and TRINITY COUNTY SHERIFF’S  
11 OFFICE, acting within the scope of employment and under color of state law. Defendant TIM SAXON is  
12 sued in an individual capacity.

13 13. Defendant DOUGLAS CRAIG is and was, at all times material herein, a law enforcement  
14 officer employed by Defendants COUNTY OF TRINITY and TRINITY COUNTY SHERIFF’S  
15 OFFICE, acting within the scope of employment and under color of state law. Defendant DOUGLAS  
16 CRAIG is sued in an individual capacity.

17 14. Defendant MICHAEL NOVAK is and was, at all times material herein, a medical  
18 professional contracted by Defendants COUNTY OF TRINITY and TRINITY COUNTY SHERIFF’S  
19 OFFICE, acting within the scope of agency and under color of state law. Defendant MICHAEL NOVAK  
20 is sued in an individual capacity.

21 15. Defendant MAX MUCKLOW is and was, at all times material herein, a law enforcement  
22 officer employed by Defendants COUNTY OF TRINITY and TRINITY COUNTY SHERIFF’S  
23 OFFICE, acting within the scope of employment and under color of state law. Defendant MAX  
24 MUCKLOW is sued in an individual capacity.

25 16. Defendant MICHAEL WOODSON is and was, at all times material herein, a law  
26 enforcement officer employed by Defendants COUNTY OF TRINITY and TRINITY COUNTY  
27 SHERIFF’S OFFICE, acting within the scope of employment and under color of state law. Defendant  
28 MICHAEL WOODSON is sued in an individual capacity.

1 17. Defendant MARK BAUMAN is and was, at all times material herein, a law enforcement  
2 officer employed by Defendants COUNTY OF TRINITY and TRINITY COUNTY SHERIFF'S  
3 OFFICE, acting within the scope of employment and under color of state law. Defendant MARK  
4 BAUMAN is sued in an individual capacity.

5 18. Defendant MICHAEL COINER-WILSON is and was, at all times material herein, a law  
6 enforcement officer employed by Defendants COUNTY OF TRINITY and TRINITY COUNTY  
7 SHERIFF'S OFFICE, acting within the scope of employment and under color of state law. Defendant  
8 MICHAEL COINER-WILSON is sued in an individual capacity.

9 19. Defendant NICHOLAS MARTINELLI is and was, at all times material herein, a law  
10 enforcement officer employed by Defendants COUNTY OF TRINITY and TRINITY COUNTY  
11 SHERIFF'S OFFICE, acting within the scope of employment and under color of state law. Defendant  
12 NICHOLAS MARTINELLI is sued in an individual capacity.

13 20. Defendant NICHOLAS RUCKER is and was, at all times material herein, a law  
14 enforcement officer employed by Defendants COUNTY OF TRINITY and TRINITY COUNTY  
15 SHERIFF'S OFFICE, acting within the scope of employment and under color of state law. Defendant  
16 NICHOLAS RUCKER is sued in an individual capacity.

17 21. Defendant DOMINQUE CALLAWAY is and was, at all times material herein, a law  
18 enforcement officer employed by Defendants COUNTY OF TRINITY and TRINITY COUNTY  
19 SHERIFF'S OFFICE, acting within the scope of employment and under color of state law. Defendant  
20 DOMINQUE CALLAWAY is sued in an individual capacity.

21 22. Defendants DOE 1 to 20 are and/or were agents, contractors, or employees of Defendants  
22 COUNTY OF TRINITY and/or TRINITY COUNTY SHERIFF'S OFFICE, acting within the scope of  
23 agency or employment and under color of state law. Defendants DOE 1 to 20 are sued by their fictitious  
24 names and their true and correct names and identities will be substituted when ascertained.

25 **GENERAL ALLEGATIONS**

26 23. At all times relevant herein, all wrongful acts described were performed under color of  
27 state law and/or in concert with or on behalf of those acting under the color of state law.

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**Healthcare at the Trinity County Correctional Facility**

1  
2 24. Defendants COUNTY OF TRINITY, TRINITY COUNTY SHERIFF'S OFFICE, and  
3 TIM SAXON are responsible for taking charge of and keeping county jail facilities and the inmates in it,  
4 and are answerable for the inmates' safekeeping, including pursuant to California law and the Trinity  
5 County Sheriff's Office Custody Manual. Defendants COUNTY OF TRINITY, TRINITY COUNTY  
6 SHERIFF'S OFFICE, and TIM SAXON are responsible for supervising all aspects of the jail facilities  
7 under their supervision, including inmates' access to and receipt of healthcare.

8 25. Defendants COUNTY OF TRINITY, TRINITY COUNTY SHERIFF'S OFFICE, and  
9 TIM SAXON are responsible for the actions and/or inactions and the policies and customs of their  
10 employees, agents, and contractors, including the responsibilities for ensuring the provision of  
11 emergency and basic healthcare/medical services to inmates at jail facilities under their care.

12 26. Defendants COUNTY OF TRINITY, TRINITY COUNTY SHERIFF'S OFFICE, and  
13 TIM SAXON have authority to make contracts, to provide for jails and corrections, and to operate and/or  
14 be responsible for county health facilities including jails through contracts.

15 27. Defendants COUNTY OF TRINITY, TRINITY COUNTY SHERIFF'S OFFICE, and  
16 TIM SAXON entered into a contract with Defendants MICHAEL NOVAK and DOE 1 to 20 to provide  
17 healthcare/medical services to inmates in jail facilities.

18 28. Defendants MICHAEL NOVAK and DOE 1 to 20 are responsible for providing a non-  
19 delegable duty and governmental function and, in doing so, stand in the same capacity as Defendants  
20 COUNTY OF TRINITY, TRINITY COUNTY SHERIFF'S OFFICE, and TIM SAXON when carrying  
21 out duties and providing healthcare/medical services to inmates in jail facilities pursuant to contract.

22 29. Defendants COUNTY OF TRINITY, TRINITY COUNTY SHERIFF'S OFFICE, and  
23 TIM SAXON, jointly with Defendants MICHAEL NOVAK and DOE 1 to 20, are and were responsible  
24 for developing joint policies and procedures relating to healthcare/medical services to inmates in jail  
25 facilities, from the time detainees are booked until they are released from custody.

26 30. Defendants COUNTY OF TRINITY, TRINITY COUNTY SHERIFF'S OFFICE, and  
27 TIM SAXON are responsible for overseeing that Defendants MICHAEL NOVAK and DOE 1 to 20  
28 comply with the contractual duties to provide healthcare/medical services to inmates in jail facilities.

**Joshua Garbutt**

31. JOSHUA GARBUTT was a 32-year-old man when he died on January 14, 2024, in custody of Defendants COUNTY OF TRINITY, TRINITY COUNTY SHERIFF'S OFFICE, and TIM SAXON at the Trinity County Correctional Facility.

32. JOSHUA GARBUTT suffered from a diagnosed disability, including substance use disorder. JOSHUA GARBUTT's disability required hospitalization and treatment on occasions prior to his death on January 14, 2024, and substantially limited one or more major life activities, including caring for oneself, concentrating, thinking, and working.

33. JOSHUA GARBUTT was prescribed medications for his disability on occasions that he received medical treatment prior to his death on January 14, 2024.

34. JOSHUA GARBUTT's disability and associated symptoms were exacerbated when he became stressed, discontinued taking medications, and/or abused substances.

**January 11, 2024 (Booking)**

35. JOSHUA GARBUTT was arrested by Trinity County Sheriff's Office deputy Taylor Halsey on suspicion of petty theft and outstanding warrants for minor misdemeanor charges.

36. Around 12:05 p.m., JOSHUA GARBUTT was booked as a pre-trial detainee into the Trinity County Correctional Facility, 701 Tom Bell Road, Weaverville, CA 96093.

37. JOSHUA GARBUTT had a history of incarceration at the jail, including at least four arrests over the previous two months for other minor misdemeanor charges.

38. Defendants COUNTY OF TRINITY and TRINITY COUNTY SHERIFF'S OFFICE's records for JOSHUA GARBUTT documented a "Problem List," including "Chronic hepatitis C," "Abnormal abdominal ultrasound," "Methamphetamine dependence," "Pleuritic chest pain," and "Opioid dependence with withdrawal."

39. On prior occasions of arrest, Defendants COUNTY OF TRINITY and TRINITY COUNTY SHERIFF'S OFFICE's jail staff transported JOSHUA GARBUTT to the hospital for medical clearance prior to booking and incarceration at the jail, including to address drug-related symptoms and withdrawal concerns, because JOSHUA GARBUTT was a documented drug user with a heart condition.

40. On this occasion of arrest, Defendants COUNTY OF TRINITY and TRINITY COUNTY

1 SHERIFF'S OFFICE's jail staff did not transport JOSHUA GARBUTT to a hospital for medical  
2 clearance prior to booking and incarceration at the jail.

3 41. Around 12:42 p.m., Defendant DOUGLAS CRAIG, a correctional deputy, conducted  
4 JOSHUA GARBUTT's booking and classification for housing into the jail.

5 42. During the booking process, JOSHUA GARBUTT told Defendant DOUGLAS CRAIG  
6 that "he had used Fentanyl the previous evening, and that he was not feeling 'great'" and "had been  
7 feeling poorly."

8 43. Defendant DOUGLAS CRAIG completed an "Inmate Request for Health Services Form"  
9 for JOSHUA GARBUTT, which identified that JOSHUA GARBUTT had a past medical history of  
10 "Heart Disease." On the form, JOSHUA GARBUTT wrote-in the following comment: "I will be  
11 withdrawl[ing] from Fentanyl and had to go to hospital the last time I was here to receive Suboxone so I  
12 didn't die," and checked the following conditions related to his medical history:

- 13 (a) "Chest Pain"
- 14 (b) "Heart Disease"
- 15 (c) "Nervous/Depressed/Crying Spells"
- 16 (d) "Weight Loss"
- 17 (e) "Change in Bowel Habits"
- 18 (f) "Recurring Vomiting"
- 19 (g) "Difficulty Sleeping"
- 20 (h) "Painful Urination"
- 21 (i) "Excessive Thirst"
- 22 (j) "Progressive Weakness"

23 44. Defendant DOUGLAS CRAIG completed an "Inmate Medical Pre-Screening" form for  
24 JOSHUA GARBUTT, which included the following information:

- 25 (a) JOSHUA GARBUTT "appeared to be under the influence of drugs or alcohol."
- 26 (b) JOSHUA GARBUTT "claimed that he was coming down from Fentanyl"
- 27 (c) JOSHUA GARBUTT "was a daily Fentanyl user, and that he used approximately  
28 1/2 gram of Fentanyl a day," and that "[t]he last time [JOSHUA GARBUTT] had used Fentanyl had been

1 at an unknown time, the night prior to his arrest.”

2 (d) “Jail Medical (NOVAK) had been noticed on 1/11/2024.”

3 45. Defendant DOUGLAS CRAIG completed a “Brief Jail Mental Health Screen” form for  
4 JOSHUA GARBUTT, which included the following “Officer Comments/Impressions” question-and-  
5 response: “Does the inmate appear to be under the influence of drugs/alcohol?” “Claims that he used  
6 Fentanyl last night, 11/10/2024, feeling like he is already having withdrawals.”

7 46. Defendant DOUGLAS CRAIG completed a “Risk Assessment” questionnaire for  
8 JOSHUA GARBUTT, which included the following information:

9 (a) “Question: During the last 12 months (before being locked up, if applicable)... Did  
10 you use larger amounts of drugs or use them for a longer time than you planned or intended? [X] Answer:  
11 Yes [X] Notes: DAILY FENTANYL USAGE”

12 (b) “Question: During the last 12 months (before being locked up, if applicable)... Did  
13 you spend a lot of time getting drugs, using them, or recovering from their use? [X] Answer: Yes”

14 (c) “Question: During the last 12 months (before being locked up, if applicable)... Did  
15 you get so high or sick from using drugs that it kept you from working, going to school, or caring for  
16 children? [X] Answer: Yes”

17 (d) “Question: During the last 12 months (before being locked up, if applicable)... Did  
18 you continue using drugs even when it led to social or interpersonal problems? [X] Answer: Yes”

19 (e) “Question: During the last 12 months (before being locked up, if applicable)... Did  
20 you spend less time at work, school, or with friends because of your drug use? [X] Answer: Yes”

21 (f) “Question: During the last 12 months (before being locked up, if applicable)... Did  
22 you continue to using drugs even when it was causing you physical or psychological problems? [X]  
23 Answer: Yes”

24 (g) “Question: During the last 12 months (before being locked up, if applicable)... Did  
25 you need to increase the amount of a drug that you were taking so that you could get the same effect as it  
26 did before OR did using the same amount of a drug lead to it having less of an effect as it did before? [X]  
27 Answer: Yes”

28 (h) “Question: During the last 12 months (before being locked up, if applicable)... Did

1 you get sick or have withdrawal symptoms when you quit or missed taking a drug OR did you ever keep  
2 taking a drug to relieve or avoid getting sick or having withdrawal symptoms? [9] Answer: Yes”

3 (i) “Question: Which drug caused the most serious problem during the last 12 months  
4 (choose one)? [9] Answer: Synthetic Opioids - Fentanyl/Iso”

5 (j) “Question: How often did you use Synthetic Opioids - Fentanyl/Iso during the last  
6 12 months? [9] Answer: Daily”

7 (k) “Question: How often did you use Stimulants - Amphetamines (speed) during the  
8 last 12 months? [9] Answer: 1-3 times per month”

9 (l) “Question: How often did you use Stimulants - Methamphetamines (meth) during  
10 the last 12 months? [9] Answer: 1-5 times per week”

11 (m) “Question: How many times before now have you ever been in a drug treatment  
12 program? (Do not include AA/NA/CA meetings) [9] Answer: 2 times”

13 (n) “Question: How serious do you think your drug problems are? [9] Answer:  
14 Extremely”

15 (o) “Question: During the last 12 months, how often did you inject drugs with a  
16 needle? [9] Answer: Daily”

17 (p) “Question: How important is it for you to get drug treatment now? [9] Answer:  
18 Extremely”

19 47. Defendant DOUGLAS CRAIG assigned JOSHUA GARBUTT a “Risk Class Final Score:  
20 9,” which constituted “Severe Disorder,” the highest risk class possible, based on the risk class scoring  
21 range: “From 0 To 1 Negligible disorder”; “From 2 To 3 Mild disorder”; “From 4 To 5 Moderate  
22 disorder”; and “From 6 To 11 Severe Disorder.”

23 48. Defendants MICHAEL NOVAK and DOE 1 to 20 were responsible for ensuring that  
24 JOSHUA GARBUTT’s healthcare needs were met, including by providing necessary and adequate  
25 healthcare/medical services and developing and implementing an individualized treatment plan, based on  
26 Defendants MICHAEL NOVAK and DOE 1 to 20’s contract for providing healthcare/medical services to  
27 inmates with Defendants COUNTY OF TRINITY, TRINITY COUNTY SHERIFF’S OFFICE, and TIM  
28 SAXON.

1 49. Defendant DOUGLAS CRAIG placed a telephone call to Defendant MICHAEL NOVAK,  
2 a physician assistant (PA).

3 50. Defendant MICHAEL NOVAK did not answer the phone when Defendant DOUGLAS  
4 CRAIG called. Defendant DOUGLAS CRAIG left a voicemail message for Defendant MICHAEL  
5 NOVAK describing JOSHUA GARBUTT as a “daily Fentanyl user that had not used the substance in at  
6 least twelve hours” and who “had been here [to jail] before.”

7 51. Defendant MICHAEL NOVAK’s custom and practice was that he “doesn’t answer his  
8 phone” when contacted by jail staff related to inmate medical care. Defendant MICHAEL NOVAK  
9 usually returns calls from jail staff and “it could take [him] up to thirty minutes to return a telephone  
10 call.”

11 52. Defendant MICHAEL NOVAK did not return Defendant DOUGLAS CRAIG’s telephone  
12 call regarding JOSHUA GARBUTT’s condition.

13 53. Defendants COUNTY OF TRINITY, TRINITY COUNTY SHERIFF’S OFFICE, and  
14 TIM SAXON maintained a policy or custom of providing inadequate healthcare/medical to inmates,  
15 including where medical staff were not available or accessible to evaluate, provide treatment, and/or refer  
16 for specialized treatment inmates demonstrating urgent medical needs; and where untrained and  
17 unqualified custody staff were required to make medical decisions relating to the care of inmates  
18 demonstrating urgent medical needs.

19 54. Defendants MICHAEL NOVAK and DOE 1 to 20 exhibited deliberate indifference to  
20 JOSHUA GARBUTT’s safety and serious medical needs, where an intentional decision was made with  
21 respect to the conditions of his confinement and his serious medical condition which put JOSHUA  
22 GARBUTT at substantial risk of suffering serious harm, and reasonable available measures to abate  
23 those risks were not taken, including responding to Defendant DOUGLAS CRAIG’s call; conducting a  
24 medical screening; issuing routine orders such as Clinical Opiate Withdrawal Scale (COWS) and Clinical  
25 Institute Withdrawal Assessment (CIWA) monitoring; prescribing detoxification regimens; and/or  
26 issuing an urgent referral to a medical provider, and a reasonable official in the circumstances would  
27 have appreciated the high degree of risk involved, observed the need for intervention and immediate  
28 medical care, and responded appropriately to JOSHUA GARBUTT’s safety risks and medical

1 emergency, especially based on the documented history of fentanyl and substance use disorders and  
2 present illness.

3 55. Defendants MICHAEL NOVAK and DOE 1 to 20 failed to utilize appropriate policies,  
4 training, standards, and procedures, including in violation of California Code of Regulations title 15 §  
5 1207 (Medical Receiving Screening), § 1208 (Access to Treatment), § 1210 (Individualized Treatment  
6 Plans), § 1213 (Detoxification Treatment); National Commission on Correctional Health Care, Standards  
7 for Health Services in Jails (“NCCHC”) Standard J-F-01 (Ongoing Care for Chronic Illness), Standard J-  
8 E-02 (Receiving Screening), Standard J-E-04 (Initial Health Assessment); and Trinity County Sheriff’s  
9 Office Custody Manual Policy 602 (Incarcerated Persons with Disabilities), Policy 701 (Access to Care),  
10 Policy 703 (Referrals and Coordination of Specialty Care), Policy 710 (Medical Screening), Policy 716  
11 (Detoxification and Withdrawal), Policy 724 (Medical Assessment Protocols).

12 56. Defendant DOUGLAS CRAIG called Defendant MAX MUCKLOW, a corporal and  
13 supervisor. Defendant DOUGLAS CRAIG provided Defendant MAX MUCKLOW with a “rundown”  
14 related to JOSHUA GARBUTT. Defendant MAX MUCKLOW was familiar with JOSHUA GARBUTT  
15 based on his prior incarcerations at the jail, including when he had been transferred from the jail to the  
16 hospital for drug-based symptoms. Defendant MAX MUCKLOW informed Defendant DOUGLAS  
17 CRAIG that “Fentanyl would stay in the system for around twenty-four hours” and that, from a “medical  
18 perspective,” there would be “a little bit of time ... in regards to when ‘DT’s’ would set in.” Defendant  
19 MAX MUCKLOW did not provide Defendant DOUGLAS CRAIG with instructions on how to handle  
20 JOSHUA GARBUTT, such as transferring him to a hospital or facility where he could receive medical  
21 care.

22 57. Around 12:54 p.m., Defendant DOUGLAS CRAIG housed JOSHUA GARBUTT in a  
23 medical observation cell, Holding 1, where safety checks were conducted every 15 minutes.

24 58. Around 3:37 p.m., Defendant MICHAEL WOODSON, a correctional deputy, reassigned  
25 JOSHUA GARBUTT’s housing to D Dorm, cell D102.

26 59. JOSHUA GARBUTT continued to exhibit symptoms of withdrawal and illness, including  
27 vomiting and diarrhea. JOSHUA GARBUTT’s vomit was dark brown or black in color with a lumpy  
28 texture, suggesting blood was present in his gastrointestinal tract and that he was bleeding internally.

1           60. Defendants DOUGLAS CRAIG, MAX MUCKLOW, MICHAEL WOODSON, and DOE  
2 1 to 20 were responsible for ensuring that JOSHUA GARBUTT's healthcare needs were met, including  
3 by classifying and assigning appropriate housing, and requesting and obtaining medical care for inmates  
4 as necessary to respond to immediate medical needs.

5           61. Defendants DOUGLAS CRAIG, MAX MUCKLOW, MICHAEL WOODSON, and DOE  
6 1 to 20 exhibited deliberate indifference to JOSHUA GARBUTT's safety and serious medical needs,  
7 where an intentional decision was made with respect to the conditions of his confinement and his serious  
8 medical condition which put JOSHUA GARBUTT at substantial risk of suffering serious harm, and  
9 reasonable available measures to abate those risks were not taken, including obtaining an informed  
10 medical opinion from a medical professional; following-up on the status of JOSHUA GARBUTT after a  
11 housing decision was made; and/or recommending an urgent referral to a medical provider, and a  
12 reasonable official in the circumstances would have appreciated the high degree of risk involved,  
13 observed the need for intervention and immediate medical care, and responded appropriately to JOSHUA  
14 GARBUTT's safety risks and medical emergency, especially based on the documented history of  
15 fentanyl and substance use disorders and present illness.

16           62. Defendants DOUGLAS CRAIG, MAX MUCKLOW, MICHAEL WOODSON, and DOE  
17 1 to 20 failed to utilize appropriate policies, training, standards, and procedures, including in violation of  
18 California Code of Regulations title 15 § 1207 (Medical Receiving Screening), § 1208 (Access to  
19 Treatment), § 1210 (Individualized Treatment Plans), § 1213 (Detoxification Treatment); California  
20 Commission on Peace Officer Standards and Training ("POST") Learning Domain 31 (Custody); and  
21 Trinity County Sheriff's Office Custody Manual Policy 504 (Safety Checks), Policy 602 (Incarcerated  
22 Persons with Disabilities), Policy 701 (Access to Care), Policy 703 (Referrals and Coordination of  
23 Specialty Care), Policy 710 (Medical Screening), Policy 716 (Detoxification and Withdrawal), Policy  
24 724 (Medical Assessment Protocols).

25           63. Around 4:23 p.m., Jeffrey Hall, a correctional deputy, brought a cleaning bucket to cell  
26 D102. Jeffrey Hall placed the bucket on the floor near JOSHUA GARBUTT's bunk.

27           64. JOSHUA GARBUTT frequently became ill and vomited into the bucket.

28           65. Around 4:42 p.m., meals were made available to inmates in D Dorm. JOSHUA

1 GARBUTT did not leave his bunk to retrieve a meal because he was too ill to get up from his bunk.

2 66. Around 4:56 p.m., Defendants MICHAEL WOODSON and MARK BAUMAN, a  
3 correctional deputy, conducted an inmate “head-check” in D Dorm. The check was late, where the  
4 previous check occurred more than an hour earlier around 3:40 p.m., in violation of California Code of  
5 Regulations title 15 § 1027.5.

6 67. Around 7:42 p.m., Seth Ruiz, a correctional deputy, and Defendant MICHAEL COINER-  
7 WILSON, a correctional deputy, conducted an inmate head-check in D Dorm. The check was late, where  
8 the previous check occurred more than an hour earlier around 6:19 p.m., in violation of California Code  
9 of Regulations title 15 § 1027.5.

10 68. Around 10:31 p.m., Seth Ruiz and Defendant MICHAEL COINER-WILSON conducted  
11 an inmate head-check in D Dorm. The check was late, where the previous check occurred more than an  
12 hour earlier around 9:21 p.m., in violation of California Code of Regulations title 15 § 1027.5.

13 69. JOSHUA GARBUTT never left cell D102 for any period, including for “out-time” when  
14 inmates are permitted to move freely about the dorm, because he was too ill to get up from his bunk.

15 70. JOSHUA GARBUTT ate only an apple the entire day.

16 **January 12, 2024 (D Dorm)**

17 71. JOSHUA GARBUTT woke up “vomiting and screaming,” which fellow cellmates  
18 described as “crazy man screaming.” JOSHUA GARBUTT was not “screaming words” but “was  
19 screaming because he was in pain.” JOSHUA GARBUTT was so ill that he was unable to “stand”  
20 without becoming sick.

21 72. Throughout the day, JOSHUA GARBUTT repeatedly asked “everyone, from inmates to  
22 staff,” for Suboxone, a medication prescribed for opioid detoxification, including “yelling” for the  
23 medication.

24 73. Around 6:56 a.m., meals were made available to inmates in D Dorm. JOSHUA  
25 GARBUTT did not leave his bunk to retrieve a meal because he was too ill to get up from his bunk.

26 74. Around 7:03 a.m., cell D102 was unlocked which permitted inmates to leave the cell and  
27 move about the D Dorm area for out-time. JOSHUA GARBUTT did not leave his bunk for any period of  
28 out-time because he was too ill to get up from his bunk.

1           75.     Around 7:58 a.m., Defendants DOUGLAS CRAIG and MARK BAUMAN conducted an  
2 inmate head-check in D Dorm. The check was late, where the previous check occurred more than an hour  
3 earlier around 6:55 a.m., in violation of California Code of Regulations title 15 § 1027.5.

4           76.     Around 11:37 a.m., meals were made available to inmates in D Dorm. JOSHUA  
5 GARBUTT did not leave his bunk to retrieve a meal because he was too ill to get up from his bunk.

6           77.     Around 3:56 p.m., Defendant MICHAEL WOODSON spoke with JOSHUA GARBUTT  
7 in cell D102. JOSHUA GARBUTT was yelling in pain from his bunk. JOSHUA GARBUTT “asked for  
8 help” from Defendant MICHAEL WOODSON. Defendant MICHAEL WOODSON asked JOSHUA  
9 GARBUTT “why he needed help.” JOSHUA GARBUTT responded that he was “coming down” off  
10 drugs and that “he needed Suboxone or something like that.” Defendant MICHAEL WOODSON  
11 respond that “the physician wouldn’t be able to talk with him until later.”

12           78.     Defendants DOUGLAS CRAIG and MARK BAUMAN repeatedly received notice from  
13 inmates activating the intercom from inside cell D102 that JOSHUA GARBUTT was vomiting,  
14 screaming in pain, and asking for help.

15           79.     Around 4:39 p.m., meals were made available to inmates in D Dorm. JOSHUA  
16 GARBUTT did not leave his bunk to retrieve a meal.

17           80.     Around 4:46 p.m., Defendant MARK BAUMAN brought a mop, bucket, and cleaning  
18 materials to cell D102, which inmates used to clean JOSHUA GARBUTT’s vomit. JOSHUA  
19 GARBUTT asked Defendant MARK BAUMAN for help.

20           81.     Around 4:56 p.m., JOSHUA GARBUTT was vomiting so frequently that he was forced to  
21 move to a lower bunk, to prevent the inmate underneath him from being covered in vomit.

22           82.     Around 5:00 p.m., Defendants DOUGLAS CRAIG and MICHAEL WOODSON  
23 conducted an inmate head-check in D Dorm. The check was late, where the previous check occurred  
24 more than an hour earlier around 3:48 p.m., in violation of California Code of Regulations title 15 §  
25 1027.5.

26           83.     Around 5:10 p.m., inmates complained to Defendants DOUGLAS CRAIG and MARK  
27 BAUMAN about JOSHUA GARBUTT’s condition. Defendants DOUGLAS CRAIG and MARK  
28 BAUMAN observed JOSHUA GARBUTT vomiting, while they were receiving complaints from the

1 inmates in cell D102. JOSHUA GARBUTT told Defendants DOUGLAS CRAIG and MARK BAUMAN  
2 that he was “weak” and unable to “move” from his bunk to reach the toilet where he could vomit  
3 resulting in his “throwing up off of the side of the bunk.”

4 84. Defendant DOUGLAS CRAIG attempted a second time to call Defendant MICHAEL  
5 NOVAK, who had not returned his call from the day before. Defendant MICHAEL NOVAK did not  
6 answer the call. Defendant DOUGLAS CRAIG left a second voicemail message which described that  
7 JOSHUA GARBUTT had “declined in his status, and that he was projectile vomiting while sitting on the  
8 bunk.”

9 85. Defendant DOUGLAS CRAIG provided a shift briefing to Defendant NICHOLAS  
10 MARTINELLI, a corporal and supervisor, including a “rundown” of JOSHUA GARBUTT’s condition.  
11 Defendant NICHOLAS MARTINELLI failed to take any action or to follow-up with respect to JOSHUA  
12 GARBUTT.

13 86. Around 5:46 p.m., an inmate again complained to Defendants DOUGLAS CRAIG and  
14 MICHAEL WOODSON about JOSHUA GARBUTT’s illness.

15 87. JOSHUA GARBUTT never left cell D102 for any period including for out-time because  
16 he was too ill to get up from his bunk.

17 88. Around 5:50 p.m., Defendant MICHAEL NOVAK called the jail by telephone about  
18 JOSHUA GARBUTT and spoke to Defendant MICHAEL WOODSON. Defendant MICHAEL  
19 WOODSON stated that JOSHUA GARBUTT “appeared to have been going through Fentanyl  
20 withdrawals,” that he “had a history of Fentanyl abuse as well as past withdrawals,” and that he “seemed  
21 to be similar in regards to withdrawals [he had] gone through in the past” where hospitalization was  
22 required. Defendant MICHAEL WOODSON identified JOSHUA GARBUTT’s “chief complaints” as  
23 “[v]omiting, nausea and body aches from the withdrawals.” In response, Defendant MICHAEL NOVAK  
24 prescribed Promethazine “for nausea and vomiting” and Ibuprofen “for the body aches and pains.”  
25 Defendant MICHAEL NOVAK told Defendant MICHAEL WOODSON that the jail “needed to notify  
26 him if [JOSHUA GARBUTT] continued to vomit or if his condition deteriorated” because, if those  
27 symptoms persisted, “the facility would no longer be able to hold” JOSHUA GARBUTT and he would  
28 require transportation to the hospital.

1 89. Defendant MARK BAUMAN decided to reassign JOSHUA GARBUTT's housing to A  
2 Dorm, cell A104, because JOSHUA GARBUTT was so ill that he was annoying other inmates present in  
3 cell D102.

4 90. Around 5:54 p.m., Defendant MARK BAUMAN went to cell D102 and ordered JOSHUA  
5 GARBUTT to exit the cell and to bring the bucket filled with vomit with him.

6 91. Around 5:55 p.m., JOSHUA GARBUTT exited the cell D102 carrying a tote bag and  
7 bucket, and was escorted by Defendant MARK BAUMAN to A Dorm, also known as "the hole," and  
8 placed inside cell A104, a single-person solitary cell.

9 92. Around 6:01 p.m., Defendant MARK BAUMAN reassigned JOSHUA GARBUTT's  
10 housing to A Dorm, cell A104. Defendant MARK BAUMAN failed to document in jail records any  
11 justification for reassigning JOSHUA GARBUTT's housing to A Dorm, cell A104.

12 93. Defendant MARK BAUMAN exhibited deliberate indifference to JOSHUA GARBUTT's  
13 safety and serious medical needs, where an intentional decision was made with respect to the conditions  
14 of his confinement and his serious medical condition which put JOSHUA GARBUTT at substantial risk  
15 of suffering serious harm, and reasonable available measures to abate those risks were not taken,  
16 including maintaining non-isolation or non-solitary housing where others could monitor JOSHUA  
17 GARBUTT's medical needs, and a reasonable official in the circumstances would have appreciated the  
18 high degree of risk involved, observed the need for intervention and immediate medical care, and  
19 responded appropriately to JOSHUA GARBUTT's safety risks and medical emergency, especially based  
20 on the documented history of fentanyl and substance use disorders and present illness.

21 94. Defendant MARK BAUMAN failed adequately to review and consider JOSHUA  
22 GARBUTT's medical condition and failed to utilize appropriate policies, training, standards, and  
23 procedures, including in violation of California Code of Regulations title 15 § 1050 (Classification Plan);  
24 California Commission on Peace Officer Standards and Training ("POST") Learning Domain 31  
25 (Custody); and Trinity County Sheriff's Office Custody Manual Policy 502 (Reception), Policy 508  
26 (Classification).

27 95. Around 6:03 p.m., Defendant MICHAEL WOODSON offered medications to JOSHUA  
28 GARBUTT and he accepted the medications, including Promethazine 25 mg and Ibuprofen 200 mg.

1           96. Defendant MICHAEL WOODSON failed to document that JOSHUA GARBUTT was  
2 administered medications on the “Medication Sheet and Administration Records” form, where  
3 medications dispensed to inmates is recorded.

4           97. Defendant MICHAEL COINER-WILSON, a trainer correctional deputy, was working  
5 together with Defendant NICHOLAS RUCKER, a trainee correctional deputy.

6           98. Around 7:54 p.m., Defendants MICHAEL COINER-WILSON and NICHOLAS  
7 RUCKER offered the same medications to JOSHUA GARBUTT which he had received earlier around  
8 6:02 p.m. from Defendant MICHAEL WOODSON. JOSHUA GARBUTT initially refused to get up  
9 from his bunk to receive the medications at his cell door. Defendant MICHAEL COINER-WILSON  
10 convinced JOSHUA GARBUTT that “he had been pretty sick and needed his medications.” Defendant  
11 NICHOLAS RUCKER put the medications into JOSHUA GARBUTT’s hand and he accepted the  
12 medications, including Promethazine 25 mg and Ibuprofen 200 mg.

13           99. JOSHUA GARBUTT received a double-dose of the same medications, including  
14 Promethazine 25 mg and Ibuprofen 200 mg, because Defendant MICHAEL WOODSON failed to  
15 document that JOSHUA GARBUTT was previously administered the medications on the appropriate  
16 form.

17           100. Around 7:59 p.m., Defendants MICHAEL COINER-WILSON and NICHOLAS  
18 RUCKER conducted an inmate head-check in A Dorm. The check was late, where the previous check  
19 occurred more than an hour earlier around 6:27 p.m., in violation of California Code of Regulations title  
20 15 § 1027.5.

21           101. Around 8:30 p.m., Defendant MICHAEL NOVAK called the jail by telephone a second  
22 time about JOSHUA GARBUTT and spoke to Defendants MICHAEL COINER-WILSON and  
23 NICHOLAS RUCKER. During the call, Defendant MICHAEL NOVAK asked about JOSHUA  
24 GARBUTT’s condition and was told that he was “sleeping or resting.” Defendant MICHAEL NOVAK  
25 requested that the jail send him “a set of vitals, when he was up.” Defendant MICHAEL NOVAK did not  
26 ask whether JOSHUA GARBUTT had continued vomiting.

27           102. Defendant MICHAEL NOVAK never evaluated, or asked to evaluate, JOSHUA  
28 GARBUTT. Defendant MICHAEL NOVAK never received, and never followed up on not receiving, a

1 copy of JOSHUA GARBUTT's vitals, and never called the jail to inquire about his condition.

2 103. Defendants MICHAEL NOVAK and DOE 1 to 20 exhibited deliberate indifference to  
3 JOSHUA GARBUTT's safety and serious medical needs, where an intentional decision was made with  
4 respect to the conditions of his confinement and his serious medical condition which put JOSHUA  
5 GARBUTT at substantial risk of suffering serious harm, and reasonable available measures to abate  
6 those risks were not taken, including conducting a medical screening; issuing routine orders such as  
7 Clinical Opiate Withdrawal Scale (COWS) and Clinical Institute Withdrawal Assessment (CIWA)  
8 monitoring; prescribing appropriate detoxification regimens; and/or issuing an urgent referral to a  
9 medical provider, and a reasonable official in the circumstances would have appreciated the high degree  
10 of risk involved, observed the need for intervention and immediate medical care, and responded  
11 appropriately to JOSHUA GARBUTT's safety risks and medical emergency, especially based on the  
12 documented history of fentanyl and substance use disorders and present illness.

13 104. Defendants MICHAEL NOVAK and DOE 1 to 20 failed to utilize appropriate policies,  
14 training, standards, and procedures, including in violation of California Code of Regulations title 15 §  
15 1207 (Medical Receiving Screening), § 1208 (Access to Treatment), § 1210 (Individualized Treatment  
16 Plans), § 1213 (Detoxification Treatment); National Commission on Correctional Health Care, Standards  
17 for Health Services in Jails ("NCCHC") Standard J-F-01 (Ongoing Care for Chronic Illness), Standard J-  
18 E-02 (Receiving Screening), Standard J-E-04 (Initial Health Assessment); and Trinity County Sheriff's  
19 Office Custody Manual Policy 602 (Incarcerated Persons with Disabilities), Policy 701 (Access to Care),  
20 Policy 703 (Referrals and Coordination of Specialty Care), Policy 710 (Medical Screening), Policy 716  
21 (Detoxification and Withdrawal), Policy 724 (Medical Assessment Protocols).

22 105. Around 8:48 p.m., Defendant MICHAEL COINER-WILSON conducted an inmate head-  
23 check in A Dorm. Defendant MICHAEL COINER-WILSON did not look into JOSHUA GARBUTT's  
24 cell when doing so.

25 106. Around 8:55 p.m., Defendant MICHAEL COINER-WILSON returned to A Dorm,  
26 walked to cell A104, and looked into the cell at JOSHUA GARBUTT.

27 107. Around 9:05 p.m., inmate Seth Breshears spoke to JOSHUA GARBUTT from outside cell  
28 A104. Seth Breshears heard JOSHUA GARBUTT vomiting from his cell "throughout the day and

1 night,” and observed that JOSHUA GARBUTT never left his cell or got up from his bunk. When they  
2 spoke, Seth Breshears observed that JOSHUA GARBUTT looked “very skinny” and “really sick” and  
3 had a “bucket full of puke” in his cell. JOSHUA GARBUTT told Seth Breshears that he felt sick.

4 108. JOSHUA GARBUTT never left cell A104 for any period including for out-time because  
5 he was too ill to get up from his bunk.

6 109. JOSHUA GARBUTT did not eat any food the entire day.

7 110. Defendants DOUGLAS CRAIG, MARK BAUMAN, MICHAEL WOODSON,  
8 NICHOLAS MARTINELLI, MICHAEL COINER-WILSON, NICHOLAS RUCKER, and DOE 1 to 20  
9 were responsible for ensuring that JOSHUA GARBUTT’s healthcare needs were met, including by  
10 classifying and assigning appropriate housing, conducting sufficient and timely safety checks, and  
11 requesting and obtaining medical care for inmates as necessary to respond to immediate medical needs.

12 111. Defendants DOUGLAS CRAIG, MARK BAUMAN, MICHAEL WOODSON,  
13 NICHOLAS MARTINELLI, MICHAEL COINER-WILSON, NICHOLAS RUCKER, and DOE 1 to 20  
14 exhibited deliberate indifference to JOSHUA GARBUTT’s safety and serious medical needs, where an  
15 intentional decision was made with respect to the conditions of his confinement and his serious medical  
16 condition which put JOSHUA GARBUTT at substantial risk of suffering serious harm, and reasonable  
17 available measures to abate those risks were not taken, including obtaining an informed medical opinion  
18 from a medical professional; following-up on the status of JOSHUA GARBUTT; more frequently  
19 monitoring JOSHUA GARBUTT’s medical condition to ensure that it did not deteriorate or endanger  
20 him; and/or recommending an urgent referral to a medical provider, and a reasonable official in the  
21 circumstances would have appreciated the high degree of risk involved, observed the need for  
22 intervention and immediate medical care, and responded appropriately to JOSHUA GARBUTT’s safety  
23 risks and medical emergency, especially based on the documented history of fentanyl and substance use  
24 disorders and present illness.

25 112. Defendants DOUGLAS CRAIG, MARK BAUMAN, MICHAEL WOODSON,  
26 NICHOLAS MARTINELLI, MICHAEL COINER-WILSON, NICHOLAS RUCKER, and DOE 1 to 20  
27 failed to utilize appropriate policies, training, standards, and procedures, including in violation of  
28 California Code of Regulations title 15 § 1207 (Medical Receiving Screening), § 1208 (Access to

1 Treatment), § 1210 (Individualized Treatment Plans), § 1213 (Detoxification Treatment); California  
2 Commission on Peace Officer Standards and Training (“POST”) Learning Domain 31 (Custody); and  
3 Trinity County Sheriff’s Office Custody Manual Policy 504 (Safety Checks), Policy 602 (Incarcerated  
4 Persons with Disabilities), Policy 701 (Access to Care), Policy 703 (Referrals and Coordination of  
5 Specialty Care), Policy 710 (Medical Screening), Policy 716 (Detoxification and Withdrawal), Policy  
6 724 (Medical Assessment Protocols).

7 **January 13, 2024 (A Dorm)**

8 113. JOSHUA GARBUTT was too ill to stand up from his bunk and jail staff were “taking  
9 things right to [JOSHUA GARBUTT]’s [cell] door.”

10 114. Around 7:07 a.m., Defendant MARK BAUMAN delivered a food tray to JOSHUA  
11 GARBUTT in his cell because he was too ill to get up from his bunk.

12 115. Around 8:10 a.m., Defendant MICHAEL WOODSON offered medications to JOSHUA  
13 GARBUTT, including Promethazine 25 mg and Ibuprofen 200 mg. JOSHUA GARBUTT refused  
14 medications because he was too ill to get up from his bunk.

15 116. Around 11:04 a.m., Defendants MICHAEL WOODSON and MARK BAUMAN  
16 conducted an inmate head-check in A Dorm. The check was late, where the previous check occurred  
17 more than an hour earlier around 9:49 a.m., in violation of California Code of Regulations title 15 §  
18 1027.5.

19 117. Around 11:50 a.m., Defendant MICHAEL WOODSON delivered a food tray to JOSHUA  
20 GARBUTT in cell A104. JOSHUA GARBUTT never touched or moved the food tray set by Defendant  
21 MICHAEL WOODSON inside of his cell because he was too ill to get up from his bunk.

22 118. Around 12:00 p.m., Defendant MARK BAUMAN offered medications to JOSHUA  
23 GARBUTT, including Promethazine 25 mg and Ibuprofen 200 mg. JOSHUA GARBUTT refused  
24 medications because he was too ill to get up from his bunk. Defendant MARK BAUMAN falsely  
25 reported that JOSHUA GARBUTT accepted the medications, including on the Medication Sheet and  
26 Administration Records form and in an in-custody death investigation interview on January 18, 2024,  
27 despite a jail surveillance recoding disproving that JOSHUA GARBUTT received the medications.

28 119. Defendant MICHAEL WOODSON overheard JOSHUA GARBUTT asking Defendant

1 MARK BAUMAN “a couple of times to go to the hospital.”

2 120. Around 1:00 p.m., Defendant MICHAEL NOVAK called the jail by telephone about an  
3 inmate other than JOSHUA GARBUTT. Defendant MICHAEL NOVAK claims that he spoke to  
4 Defendant MARK BAUMAN who told him that JOSHUA GARBUTT “seemed to be doing fine.”  
5 Defendant MARK BAUMAN reported that he never spoke with Defendant MICHAEL NOVAK on  
6 January 13, 2024, and that JOSHUA GARBUTT was “still [] ill, vomiting and the like,” on that day.

7 121. Around 3:20 p.m., Defendant MARK BAUMAN opened JOSHUA GARBUTT’s cell  
8 door for out-time. JOSHUA GARBUTT did not leave his cell because he was too ill to get up from his  
9 bunk.

10 122. William Davis, an inmate in A Dorm, checked on JOSHUA GARBUTT during his out-  
11 time. William Davis looked at JOSHUA GARBUTT through the window of cell A104. William Davis  
12 observed “vomit all over the room,” including on the [f]loor, side of the bed, on the tote, on the clothes.”  
13 William Davis also observed that the bucket in JOSHUA GARBUTT’s cell was “approximately eight  
14 inches full of what appeared to be vomit,” or “about half of the five gallon bucket had been filled with  
15 vomit.” This is a photograph of the vomit bucket present in JOSHUA GARBUTT’s cell:



1           123.    Around 5:00 p.m., Defendant MARK BAUMAN delivered a food tray to JOSHUA  
2 GARBUTT in his cell because he was too ill to get up from his bunk.

3           124.    Around 6:00 p.m., JOSHUA GARBUTT’s cell was unlocked for out-time. JOSHUA  
4 GARBUTT did not leave his bunk for any period of out-time because he was too ill to get up from his  
5 bunk.

6           125.    Defendants MARK BAUMAN, MICHAEL WOODSON, and DOE 1 to 20 were  
7 responsible for ensuring that JOSHUA GARBUTT’s healthcare needs were met, including by classifying  
8 and assigning appropriate housing, conducting sufficient and timely safety checks, and requesting and  
9 obtaining medical care for inmates as necessary to respond to immediate medical needs.

10          126.    Defendants MARK BAUMAN, MICHAEL WOODSON, and DOE 1 to 20 exhibited  
11 deliberate indifference to JOSHUA GARBUTT’s safety and serious medical needs, where an intentional  
12 decision was made with respect to the conditions of his confinement and his serious medical condition  
13 which put JOSHUA GARBUTT at substantial risk of suffering serious harm, and reasonable available  
14 measures to abate those risks were not taken, including obtaining an informed medical opinion from a  
15 medical professional; following-up on the status of JOSHUA GARBUTT; more frequently monitoring  
16 JOSHUA GARBUTT’s medical condition to ensure that it did not deteriorate or endanger him; and/or  
17 recommending an urgent referral to a medical provider, and a reasonable official in the circumstances  
18 would have appreciated the high degree of risk involved, observed the need for intervention and  
19 immediate medical care, and responded appropriately to JOSHUA GARBUTT’s safety risks and medical  
20 emergency, especially based on the documented history of fentanyl and substance use disorders and  
21 present illness.

22          127.    Defendants MARK BAUMAN, MICHAEL WOODSON, and DOE 1 to 20 failed to  
23 utilize appropriate policies, training, standards, and procedures, including in violation of California Code  
24 of Regulations title 15 § 1207 (Medical Receiving Screening), § 1208 (Access to Treatment), § 1210  
25 (Individualized Treatment Plans), § 1213 (Detoxification Treatment); California Commission on Peace  
26 Officer Standards and Training (“POST”) Learning Doman 31 (Custody); and Trinity County Sheriff’s  
27 Office Custody Manual Policy 504 (Safety Checks), Policy 602 (Incarcerated Persons with Disabilities),  
28 Policy 701 (Access to Care), Policy 703 (Referrals and Coordination of Specialty Care), Policy 710

1 (Medical Screening), Policy 716 (Detoxification and Withdrawal), Policy 724 (Medical Assessment  
2 Protocols).

3 128. Around 6:33 p.m., Defendant NICHOLAS RUCKER conducted a cell check on JOSHUA  
4 GARBUTT's cell. Defendant NICHOLAS RUCKER observed the bucket filled with vomit and vomit on  
5 the floor of JOSHUA GARBUTT's cell.

6 129. Around 7:00 p.m., Defendant MICHAEL COINER-WILSON offered medications to  
7 JOSHUA GARBUTT over the intercom, including Promethazine 25 mg and Ibuprofen 200 mg.  
8 JOSHUA GARBUTT refused medications because he was too ill.

9 130. Around 7:25 p.m., Defendant MICHAEL COINER-WILSON conducted a cell check on  
10 JOSHUA GARBUTT's cell. Defendant MICHAEL COINER-WILSON failed to conduct a direct-view  
11 safety check sufficient to determine whether JOSHUA GARBUTT's presentation indicated the need for  
12 medical treatment. Defendant MICHAEL COINER-WILSON observed the bucket filled with vomit and  
13 vomit on the floor of JOSHUA GARBUTT's cell.

14 131. Around 8:11 p.m., Defendant NICHOLAS RUCKER conducted a cell check on JOSHUA  
15 GARBUTT's cell. JOSHUA GARBUTT was lying unresponsive on his bunk. Defendant NICHOLAS  
16 RUCKER attempted to elicit a response from JOSHUA GARBUTT but he only "moaned" and "that was  
17 about it." Defendant NICHOLAS RUCKER observed the bucket filled with vomit and vomit on the floor  
18 of JOSHUA GARBUTT's cell.

19 132. Around 9:02 p.m., Defendant NICHOLAS RUCKER conducted a cell check on JOSHUA  
20 GARBUTT's cell. JOSHUA GARBUTT was lying unresponsive on his bunk. Defendant NICHOLAS  
21 RUCKER attempted to elicit a response from JOSHUA GARBUTT but he only "moaned" and "that was  
22 about it." Defendant NICHOLAS RUCKER observed the bucket filled with vomit and vomit on the floor  
23 of JOSHUA GARBUTT's cell.

24 133. Around 9:49 p.m., Defendant NICHOLAS RUCKER conducted a cell check on JOSHUA  
25 GARBUTT's cell. Defendant NICHOLAS RUCKER failed to conduct a direct-view safety check  
26 sufficient to determine whether JOSHUA GARBUTT's presentation indicated the need for medical  
27 treatment. Defendant NICHOLAS RUCKER observed the bucket filled with vomit and vomit on the  
28 floor of JOSHUA GARBUTT's cell.



1 intentional decision was made with respect to the conditions of his confinement and his serious medical  
2 condition which put JOSHUA GARBUTT at substantial risk of suffering serious harm, and reasonable  
3 available measures to abate those risks were not taken, including obtaining an informed medical opinion  
4 from a medical professional; following-up on the status of JOSHUA GARBUTT; more frequently  
5 monitoring JOSHUA GARBUTT's medical condition to ensure that it did not deteriorate or endanger  
6 him; more carefully monitoring JOSHUA GARBUTT during direct-view safety checks sufficient to  
7 determine whether his presentation indicated the need for medical treatment; and/or recommending an  
8 urgent referral to a medical provider, and a reasonable official in the circumstances would have  
9 appreciated the high degree of risk involved, observed the need for intervention and immediate medical  
10 care, and responded appropriately to JOSHUA GARBUTT's safety risks and medical emergency,  
11 especially based on the documented history of fentanyl and substance use disorders and present illness.

12 140. Defendants MICHAEL COINER-WILSON, NICHOLAS RUCKER, and DOE 1 to 20  
13 failed to utilize appropriate policies, training, standards, and procedures, including in violation of  
14 California Code of Regulations title 15 § 1207 (Medical Receiving Screening), § 1208 (Access to  
15 Treatment), § 1210 (Individualized Treatment Plans), § 1213 (Detoxification Treatment); California  
16 Commission on Peace Officer Standards and Training ("POST") Learning Domain 31 (Custody); and  
17 Trinity County Sheriff's Office Custody Manual Policy 504 (Safety Checks), Policy 602 (Incarcerated  
18 Persons with Disabilities), Policy 701 (Access to Care), Policy 703 (Referrals and Coordination of  
19 Specialty Care), Policy 710 (Medical Screening), Policy 716 (Detoxification and Withdrawal), Policy  
20 724 (Medical Assessment Protocols).

21 141. JOSHUA GARBUTT was ill inside of his cell and other inmates in A Dorm heard "a lot"  
22 of "violent" sounding vomiting and "gurgling" noises coming from JOSHUA GARBUTT's cell.

23 142. JOSHUA GARBUTT fell from his bunk onto the floor inside of his cell causing a "loud  
24 bang" in A Dorm.

25 143. Around 2:22 a.m., Defendant NICHOLAS RUCKER entered A Dorm to conduct an  
26 inmate head-check.

27 144. Around 2:23 a.m., Defendant NICHOLAS RUCKER looked into cell A104 and observed  
28 JOSHUA GARBUTT lying naked on his back on the floor of cell with "labored breathing," "dark brown

1 vomit” and diarrhea covering his body, and his arms “flailing around in the air.”

2 145. Defendant NICHOLAS RUCKER called out to JOSHUA GARBUTT but he did not  
3 respond.

4 146. Defendant NICHOLAS RUCKER did not “render medical aid[]” to JOSHUA GARBUTT  
5 because “he had not been trained in such,” and did not radio for medical attention.

6 147. Defendants COUNTY OF TRINITY, TRINITY COUNTY SHERIFF’S OFFICE, and  
7 TIM SAXON’s policies, training, and procedures, including Trinity County Sheriff’s Office Custody  
8 Manual Policy 704 (Emergency Health Care Services), failed to require custody staff to provide  
9 immediate medical aid to inmates experiencing a medical emergency until medical staff arrives.

10 148. Defendant NICHOLAS RUCKER exited A Dorm.

11 149. Defendant NICHOLAS RUCKER was responsible for ensuring that JOSHUA  
12 GARBUTT’s healthcare needs were met, including by requesting, obtaining, and/or providing  
13 emergency medical care for inmates as necessary to respond to immediate medical needs.

14 150. Defendant NICHOLAS RUCKER exhibited deliberate indifference to JOSHUA  
15 GARBUTT’s safety and serious medical needs, where an intentional decision was made with respect to  
16 the conditions of his confinement and his serious medical condition which put JOSHUA GARBUTT at  
17 substantial risk of suffering serious harm, and reasonable available measures to abate those risks were not  
18 taken, including requesting emergency medical care; and/or providing emergency medical care, and a  
19 reasonable official in the circumstances would have appreciated the high degree of risk involved,  
20 observed the need for intervention and immediate medical care, and responded appropriately to JOSHUA  
21 GARBUTT’s safety risks and medical emergency, especially based on the observed and present illness.

22 151. Defendant NICHOLAS RUCKER failed to utilize appropriate policies, training,  
23 standards, and procedures, including in violation of California Commission on Peace Officer Standards  
24 and Training (“POST”) Learning Doman 31 (Custody).

25 152. Defendant NICHOLAS RUCKER opened the door of D Dorm, where Defendant  
26 DOMINQUE CALLAWAY, a correctional deputy, was conducting inmate head-checks.

27 153. Defendant NICHOLAS RUCKER told Defendant DOMINQUE CALLAWAY, “I need  
28 your help in A Dorm” because there was a “naked” and “unresponsive” inmate “on the floor” in cell

1 A104. Defendant DOMINQUE CALLAWAY recognized call A104 as the cell in which JOSHUA  
2 GARBUTT was housed alone as an ill inmate.

3 154. Around 2:23 a.m., Defendants DOMINQUE CALLAWAY and NICHOLAS RUCKER  
4 walked together to A Dorm and went to cell A104. Defendant DOMINQUE CALLAWAY used his radio  
5 to request that Defendant MICHAEL COINER-WILSON respond to A Dorm. Defendant DOMINQUE  
6 CALLAWAY did not radio for medical attention.

7 155. Around 2:24 a.m., Defendant DOMINQUE CALLAWAY looked into the window of cell  
8 A104.

9 156. Defendant DOMINQUE CALLAWAY observed JOSHUA GARBUTT “on the floor,”  
10 “laying on his back naked next to his toilet,” and “breathing heavily,” with his “body motioning around,”  
11 “arms [] moving from side to side” and “po[i]nted upward,” and “legs appeared tensed up.”

12 157. Defendant NICHOLAS RUCKER placed the key inside of cell A104, preparing to open  
13 and enter the cell.

14 158. Defendant DOMINQUE CALLAWAY instructed Defendant NICHOLAS RUCKER not  
15 to open the cell until Defendant MICHAEL COINER-WILSON arrived because JOSHUA GARBUTT  
16 could be “combative.”

17 159. Defendant DOMINQUE CALLAWAY was responsible for ensuring that JOSHUA  
18 GARBUTT’s healthcare needs were met, including by requesting, obtaining, and/or providing  
19 emergency medical care for inmates as necessary to respond to immediate medical needs.

20 160. Defendant DOMINQUE CALLAWAY exhibited deliberate indifference to JOSHUA  
21 GARBUTT’s safety and serious medical needs, where an intentional decision was made with respect to  
22 the conditions of his confinement and his serious medical condition which put JOSHUA GARBUTT at  
23 substantial risk of suffering serious harm, and reasonable available measures to abate those risks were not  
24 taken, including requesting emergency medical care; and/or providing emergency medical care, and a  
25 reasonable official in the circumstances would have appreciated the high degree of risk involved,  
26 observed the need for intervention and immediate medical care, and responded appropriately to JOSHUA  
27 GARBUTT’s safety risks and medical emergency, especially based on the observed and present illness.

28 161. Defendant DOMINQUE CALLAWAY failed to utilize appropriate policies, training,

1 standards, and procedures, including in violation of California Commission on Peace Officer Standards  
2 and Training (“POST”) Learning Doman 31 (Custody).

3 162. Around 2:25 a.m., Defendant MICHAEL COINER-WILSON walked into A Dorm.

4 163. Defendant DOMINQUE CALLAWAY opened cell A104, and Defendants DOMINQUE  
5 CALLAWAY and MICHAEL COINER-WILSON entered the cell.

6 164. Defendants DOMINQUE CALLAWAY reported that JOSHUA GARBUTT was lying  
7 naked on the floor, while “breathing remained heavy and seemed difficult,” his “eyes were moving  
8 around constantly and rapidly,” and he was “still showing signs of life.” Defendant MICHAEL  
9 COINER-WILSON reported that JOSHUA GARBUTT “looked as if [he] had been having a seizure.”

10 165. Defendant MICHAEL COINER-WILSON told Defendants DOMINQUE CALLAWAY  
11 and NICHOLAS RUCKER that JOSHUA GARBUTT needed “medical attention.”

12 166. Defendant MICHAEL COINER-WILSON exited the cell, used his radio to call for a  
13 medical response based on an “non-responsive male” in cell A104, and exited A Dorm.

14 167. Around 2:26 a.m., Defendants DOMINQUE CALLAWAY and NICHOLAS RUCKER  
15 stood outside of cell A104, watching JOSHUA GARBUTT lying on the floor and struggling to breathe  
16 without providing any medical aid.

17 168. Defendant DOMINQUE CALLAWAY exited A Dorm, leaving Defendant NICHOLAS  
18 RUCKER standing outside of the cell and JOSHUA GARBUTT alone in the cell.

19 169. Around 2:27 a.m., Defendant DOMINQUE CALLAWAY returned to A Dorm, and  
20 Defendants DOMINQUE CALLAWAY and NICHOLAS RUCKER stood watching JOSHUA  
21 GARBUTT lying on the floor and struggling to breathe without providing any medical aid.

22 170. Around 2:28 a.m., Defendant DOMINQUE CALLAWAY exited A Dorm, leaving  
23 Defendant NICHOLAS RUCKER standing outside of the cell and JOSHUA GARBUTT alone in the  
24 cell.

25 171. Defendants MICHAEL COINER-WILSON, DOMINQUE CALLAWAY, and  
26 NICHOLAS RUCKER were responsible for ensuring that JOSHUA GARBUTT’s healthcare needs were  
27 met, including by providing emergency medical care for inmates as necessary to respond to immediate  
28 medical needs.

1 172. Defendants MICHAEL COINER-WILSON, DOMINQUE CALLAWAY, and  
2 NICHOLAS RUCKER exhibited deliberate indifference to JOSHUA GARBUTT's safety and serious  
3 medical needs, where an intentional decision was made with respect to the conditions of his confinement  
4 and his serious medical condition which put JOSHUA GARBUTT at substantial risk of suffering serious  
5 harm, and reasonable available measures to abate those risks were not taken, including providing  
6 emergency medical care, and a reasonable official in the circumstances would have appreciated the high  
7 degree of risk involved, observed the need for intervention and immediate medical care, and responded  
8 appropriately to JOSHUA GARBUTT's safety risks and medical emergency, especially based on the  
9 observed and present illness.

10 173. Defendants MICHAEL COINER-WILSON, DOMINQUE CALLAWAY, and  
11 NICHOLAS RUCKER failed to utilize appropriate policies, training, standards, and procedures,  
12 including in violation of California Commission on Peace Officer Standards and Training ("POST")  
13 Learning Doman 31 (Custody).

14 174. Justin Hayslett, a correctional deputy, and Defendant DOMINQUE CALLAWAY entered  
15 A Dorm and walked to cell A104.

16 175. Justin Hayslett observed JOSHUA GARBUTT on the floor of the cell, "gargling fluids"  
17 and making "choking[-]type aspirations" with his "breathing appeared extremely labored and agonal,"  
18 and his "pupils were dilated and open" but he was "unresponsive."

19 176. Justin Hayslett requested Defendant NICHOLAS RUCKER to obtain a facemask.

20 177. Justin Hayslett and Defendant DOMINQUE CALLAWAY entered cell A104.

21 178. Around 2:29 a.m., Justin Hayslett and Defendant DOMINQUE CALLAWAY moved  
22 JOSHUA GARBUTT's body into a "recovery position" on his side and used a pillow to brace his head.

23 179. When Justin Hayslett and Defendant DOMINQUE CALLAWAY rolled JOSHUA  
24 GARBUTT into a recovery position, "a large amount of fluid poured out of his mouth."

25 180. "[JOSHUA GARBUTT]'s breathing did not seem to be as labored when [he was] moved  
26 [] into the recovery position" and "[h]is breathing became shallow."

27 181. Around 2:31 a.m., Defendant NICHOLAS RUCKER returned to cell A104 with a  
28 facemask.

1 182. Justin Hayslett stated JOSHUA GARBUTT had an “had an overly strong pulse and was  
2 still breathing.”

3 183. Justin Hayslett monitored JOSHUA GARBUTT’s breathing and “observed little to no rise  
4 and fall of the chest.”

5 184. Justin Hayslett “felt for a carotid pulse again and was unable to feel one.”

6 185. Around 2:38 a.m., medical personnel from the Trinity County Life Support, CalFire, and  
7 Weaverville Fire Department entered A Dorm.

8 186. JOSHUA GARBUTT was moved by medical personnel outside of cell A104 into the  
9 common area of the dorm.

10 187. Around 2:39 a.m., medical personnel began CPR on JOSHUA GARBUTT.

11 188. From around 2:39 a.m. to 3:12 a.m., medical personnel performed life-saving and  
12 resuscitation efforts on JOSHUA GARBUTT.

13 189. Around 3:12 a.m., medical personnel discontinued life-saving and resuscitation efforts on  
14 JOSHUA GARBUTT.

15 190. At 3:14 a.m., JOSHUA GARBUTT was pronounced dead.

16 191. Redding Police Department personnel contacted and informed Plaintiff STACY  
17 POHLMAYER that JOSHUA GARBUTT had died in the Trinity County Jail of suspected  
18 “complications due to drug use.”

19 192. On February 9, 2024, Central Valley Toxicology, Inc. reported “Fentanyl, Lidocaine  
20 Methamphetamine detected” in JOSHUA GARBUTT’s post-death blood sample, including “Fentanyl =  
21 1.2 ng/mL,” “Norfentanyl = 5.0 ng/mL,” “Lidocaine = 14 mg/L,” “d-Methamphetamine = 0.13 mg/L,”  
22 and “d-Amphetamine = 0.05 mg/L.”

23 **Medical Records Request & Denial**

24 193. On January 26, 2024, Plaintiff STACY POHLMAYER, through her counsel, made a  
25 request for JOSHUA GARBUTT’s medical records to the Defendants COUNTY OF TRINITY,  
26 TRINITY COUNTY SHERIFF’S OFFICE, and TIM SAXON, pursuant to California Evidence Code §  
27 1158.

28 194. Defendants COUNTY OF TRINITY, TRINITY COUNTY SHERIFF’S OFFICE, and

1 TIM SAXON ignored and failed to respond to Plaintiff STACY POHLMeyer's medical records  
2 request.

3 195. On February 12, 2024, Plaintiff STACY POHLMeyer, through her counsel, contacted  
4 Defendants COUNTY OF TRINITY and TRINITY COUNTY SHERIFF'S OFFICE's jail commander,  
5 Ryan Lynn, re-sent the medical records request and asked for a response.

6 196. On February 22, 2024, Plaintiff STACY POHLMeyer, through her counsel, contacted  
7 Defendants COUNTY OF TRINITY and TRINITY COUNTY SHERIFF'S OFFICE's records  
8 technicians, including Chelsea Niewinski and Lori Alsup, re-sent the medical records request and asked  
9 for a response.

10 197. On February 23, 2024, Michelle Nasise, an attorney purportedly "represent[ing] the  
11 County of Trinity in the capacity of County Counsel," wrote to Plaintiff STACY POHLMeyer's  
12 counsel, stating that Defendant COUNTY OF TRINITY refused to produce JOSHUA GARBUTT's  
13 medical records and falsely characterized Plaintiff STACY POHLMeyer's medical records request as  
14 one made under the "Public Records Act."

15 198. Later, on February 23, 2024, Plaintiff STACY POHLMeyer's counsel responded to  
16 Michelle Nasise's correspondence explaining that Plaintiff STACY POHLMeyer did "not ma[k]e a  
17 'Public Records Act Request,' as [her] letter characterize[d] it" but, "[r]ather, ... made a request for the  
18 decedent's medical records pursuant to California Evidence Code § 1158." A response was again  
19 requested.

20 199. Defendants COUNTY OF TRINITY, TRINITY COUNTY SHERIFF'S OFFICE, TIM  
21 SAXON, and Michelle Nasise once again ignored and failed to respond to Plaintiff STACY  
22 POHLMeyer's medical records request.

23 200. Defendants COUNTY OF TRINITY, TRINITY COUNTY SHERIFF'S OFFICE, and  
24 TIM SAXON's withholding of JOSHUA GARBUTT's medical records has prevented Plaintiffs  
25 ESTATE OF JOSHUA GARBUTT, STACY POHLMeyer, and BRIAN GARBUTT from discovering  
26 essential facts and circumstances related to JOSHUA GARBUTT's death.

27 **POLICY / CUSTOM ALLEGATIONS**

28 201. Defendant TIM SAXON, in his capacity as Sheriff, is and was a final policymaking

1 official for Defendants COUNTY OF TRINITY and TRINITY COUNTY SHERIFF'S OFFICE,  
2 including as it relates to the maintenance and operation of jail and detention facilities; training,  
3 supervision, and discipline of staff acting under his command; and the safekeeping of inmates/prisoners  
4 in his custody. *See* Cal. Const. Art. XI § 1(b); Cal. Pen. Code § 4000; Cal. Pen. Code § 4006; Cal. Gov.  
5 Code § 26605; Cal. Gov. Code § 26610. Specifically, Defendant TIM SAXON is and was responsible for  
6 the provision of medical care to inmates/prisoners in his custody at Defendants COUNTY OF TRINITY  
7 and TRINITY COUNTY SHERIFF'S OFFICE's jail facilities, including assessment of inmates for  
8 medical emergencies, medical needs, and all policies, procedures, customs, hiring, staffing, supervision,  
9 and training related thereto. Trinity County Sheriff's Office Custody Manual Policy 100 (Organizational  
10 Structure and Responsibility).

11         202. Defendant TIM SAXON has served as Sheriff for Defendants COUNTY OF TRINITY  
12 and TRINITY COUNTY SHERIFF'S OFFICE since 2018.

13         203. Defendants COUNTY OF TRINITY, TRINITY COUNTY SHERIFF'S OFFICE, and  
14 TIM SAXON, including subordinate personnel, Defendants DOUGLAS CRAIG, MICHAEL NOVAK,  
15 MAX MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON,  
16 NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINIQUE CALLAWAY, and DOE 1 to 20,  
17 maintain and/or acted pursuant to inadequate polices, customs, training, and/or supervision, resulting in  
18 the following deficiencies:

- 19             (a) failure adequately to observe, monitor, and supervise inmates within the jail;
- 20             (b) failure adequately to staff the jail with necessary officials, staff, and personnel;
- 21             (c) failure adequately to detect and investigate, intervene, and intercede when  
22 dangerous and emergency conditions are present inside the jail;
- 23             (d) failure adequately to diagnose, monitor, and treat inmates' necessary and  
24 immediate medical needs; and
- 25             (e) failure adequately to summon and provide necessary and immediate medical care  
26 for inmates with necessary and immediate medical needs.

27         204. Defendants COUNTY OF TRINITY, TRINITY COUNTY SHERIFF'S OFFICE, and  
28 TIM SAXON, including subordinate personnel, Defendants DOUGLAS CRAIG, MICHAEL NOVAK,

1 MAX MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON,  
2 NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20,  
3 were deliberately indifferent to JOSHUA GARBUTT's safety and health, and knew or should have  
4 known that JOSHUA GARBUTT was at risk of harm, based on the following circumstances:

5 (a) jail staff, including Defendants DOUGLAS CRAIG, MICHAEL NOVAK, MAX  
6 MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON,  
7 NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20,  
8 failed adequately to observe, monitor, and supervise inmates within the jail, including JOSHUA  
9 GARBUTT;

10 (b) Defendants COUNTY OF TRINITY, TRINITY COUNTY SHERIFF'S OFFICE,  
11 and TIM SAXON failed adequately to staff the jail with necessary officials, staff, and personnel,  
12 including during JOSHUA GARBUTT's incarceration;

13 (c) jail staff, including Defendants DOUGLAS CRAIG, MICHAEL NOVAK, MAX  
14 MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON,  
15 NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20,  
16 failed adequately to detect and investigate, intervene, and intercede when dangerous and emergency  
17 conditions were present inside the jail, including JOSHUA GARBUTT's medical need;

18 (d) jail staff, including Defendants DOUGLAS CRAIG, MICHAEL NOVAK, MAX  
19 MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON,  
20 NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20,  
21 failed adequately to diagnose, monitor, and treat inmates' necessary and immediate medical needs,  
22 including JOSHUA GARBUTT's medical need; and

23 (e) jail staff, including Defendants DOUGLAS CRAIG, MICHAEL NOVAK, MAX  
24 MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON,  
25 NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20,  
26 failed adequately to summon and provide necessary and immediate medical care for inmates with  
27 necessary and immediate medical needs, including JOSHUA GARBUTT's medical need.

28 205. Defendants COUNTY OF TRINITY, TRINITY COUNTY SHERIFF'S OFFICE, and

1 TIM SAXON's policies and customs are inconsistent with California law and widely-accepted standards.

2 For example:

3 (a) California Code of Regulations title 15 § 1027 (Number of Personnel/Medical  
4 Receiving Screening); § 1027.5 (Safety Checks); § 1028 (Access to Treatment); § 1210 (Individualized  
5 Treatment Plans); and § 1213 (Detoxification Treatment).

6 (b) National Commission on Correctional Health Care ("NCCHC") Standards for  
7 Health Services in Jails, including J-A-01 (Access to Care); J-C-04 (Health Training for Correctional  
8 Officers); J-C-07 (Staffing); J-D-08 (Hospitals and Specialty Care); J-E-02 (Receiving Screening); J-E-  
9 04 (Initial Health Assessment); J-E-08 (Nursing Assessment Protocols and Procedures); J-E-09  
10 (Continuity, Coordination, and Quality of Care During Incarceration); J-F-01 (Ongoing Care for Chronic  
11 Illness); and J-F-04 (Medically Supervised Withdrawal and Treatment).

12 (c) Institute for Medical Quality ("IMQ") Standards, including 110 (Transfer of  
13 Inmates with Acute Illness); 204 (Basic Training for Correctional Personnel); 302 (Receiving Screening);  
14 303 (Substance Abuse); 304 (Access to Treatment); 306 (Clinic Care); 307 (Health Inventory &  
15 Communicable Disease Screening); 318 (Standardized Procedures/Treatment Protocols); 319 (Continuity  
16 of Care); and 328 (Health Maintenance).

17 (d) American Correctional Association ("ACA") Standards, including 4-ALDF-2A-15  
18 (Staffing); 4-ALDF-5A-04, 4-ALDF-5A-06, 4-ALDF-5A-07 (Substance Abuse Programs); 4-ALDF-7B-  
19 10 (Training and Staff Development); 4-ALDF-4C-01 (Access to Care); 4-ALDF-4C-05 (Referrals); 4-  
20 ADLF-4C-22 (Health Screens); 4-ALDF-4C-24 (Health Appraisal), 4-ALDF-4C-25 (Health Appraisal);  
21 4-ALDF-4C-36 (Detoxification); 4-ALDF-4C-37 (Management of Chemical Dependency); 4-ALDF-4D-  
22 20 (Transfer); 1-HC-1A-01 (Access to Care); 1-HC-4A-05 (Staffing/Referrals); 1-HC-4A-07 (Transfers);  
23 1-HC-1A-19 (Health Screens); 1-HC-1A-22, 1-HC-1A-23 (Health Appraisal); 1-HC-1A-33  
24 (Detoxification); and 1-HC-1A-34 (Management of Chemical Dependency).

25 206. Defendants COUNTY OF TRINITY, TRINITY COUNTY SHERIFF'S OFFICE, and  
26 TIM SAXON maintain a policy or custom whereby jail staff, including Defendants DOUGLAS CRAIG,  
27 MICHAEL NOVAK, MAX MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL  
28 COINER-WILSON, NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINIQUE CALLAWAY,

1 and DOE 1 TO 20, inadequately diagnose, monitor, and provide care for inmates, including failure to  
2 respond to immediate medical needs. For example:

3 (a) On January 8, 2024 (one week before JOSHUA GARBUTT's death), John Swain,  
4 an inmate housed inside the same cell in which JOSHUA GARBUTT later died, was able to commit  
5 suicide by hanging himself, where medical providers failed to diagnose and refer treatment for his  
6 immediate medical need, and without appropriate detection or intervention by jail staff.

7 (b) On February 26, 2023 (less than one year before JOSHUA GARBUTT's death),  
8 Aron Lewandowski, an inmate at the jail was able to hang himself, where medical providers failed to  
9 diagnose and refer treatment for his immediate medical need, and without appropriate detection or  
10 intervention by jail staff. A civil rights lawsuit has been filed by Aron Lewandowski's family. *S.L. v.*  
11 *County of Trinity*, No. 2:24-cv-01697-JAM-JDP (E.D. Cal.). The case remains pending.

12 (c) On November 24, 2020, Richard Noone, an inmate at the jail died of acute  
13 methamphetamine intoxication, without detection or intervention by jail staff. Richard Noone was  
14 incarcerated at the jail on the same day of his death, early in the morning, and was found in  
15 cardiorespiratory arrest later that day, where medical providers failed to diagnose and refer treatment for  
16 his immediate medical need, and without appropriate detection or intervention by jail staff.

17 207. Defendants COUNTY OF TRINITY, TRINITY COUNTY SHERIFF'S OFFICE, and  
18 TIM SAXON do not meaningfully discipline, re-train, correct, or otherwise penalize jail staff involved in  
19 critical incidents where preventable deaths and injuries are sustained by inmates, including those  
20 described above. Defendants COUNTY OF TRINITY, TRINITY COUNTY SHERIFF'S OFFICE, and  
21 TIM SAXON's failure to correct the inadequate policies, customs, and practices described above, as  
22 evidenced by the preventable deaths and injuries sustained by inmates at the jail prior to JOSHUA  
23 GARBUTT's death, contributed to JOSHUA GARBUTT's death at the jail.

24 208. Defendants COUNTY OF TRINITY, TRINITY COUNTY SHERIFF'S OFFICE, and  
25 TIM SAXON were or should have been on notice regarding the need to discontinue, modify, or  
26 implement new and different versions of the deficient policies or customs because the inadequacies and  
27 deficiencies were so obvious and likely to result in the violation of rights of persons, including the death  
28 of JOSHUA GARBUTT.

1 209. Defendants COUNTY OF TRINITY, TRINITY COUNTY SHERIFF'S OFFICE, and  
2 TIM SAXON's inadequate policies, customs, training, supervision, and control of personnel and inmates  
3 were a moving force behind and contributed to the death of JOSHUA GARBUTT.

4 **FIRST CLAIM**

5 **Deliberate Indifference**

6 **(U.S. Const. Amend. XIV; 42 U.S.C. § 1983)**

7 210. Plaintiff ESTATE OF JOSHUA GARBUTT asserts this Claim (pursuant to California  
8 Code of Civil Procedure § 377.30) against Defendants COUNTY OF TRINITY, TRINITY COUNTY  
9 SHERIFF'S OFFICE, TIM SAXON, DOUGLAS CRAIG, MICHAEL NOVAK, MAX MUCKLOW,  
10 MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON, NICHOLAS  
11 MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20.

12 211. The allegations of the preceding paragraphs 1 to 209 are realleged and incorporated, to the  
13 extent relevant and as if fully set forth in this Claim.

14 212. *Individual Liability:* Defendants DOUGLAS CRAIG, MICHAEL NOVAK, MAX  
15 MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON,  
16 NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20  
17 inadequately screened, classified, assigned, housed, monitored, and responded to JOSHUA GARBUTT  
18 based on an immediate medical need, putting him at substantial risk of suffering serious harm, without  
19 taking reasonable available measures to abate that risk, where a reasonable official in the circumstances  
20 would have appreciated the high degree of risk involved, in violation of the Fourteenth Amendment to  
21 the United States Constitution.

22 213. *Municipal / Supervisory Liability:* Defendants COUNTY OF TRINITY, TRINITY  
23 COUNTY SHERIFF'S OFFICE, and TIM SAXON maintained policies or customs of action and  
24 inaction resulting in harm to JOSHUA GARBUTT, in violation of the Fourteenth Amendment to the  
25 United States Constitution.

26 214. Defendants TIM SAXON, DOUGLAS CRAIG, MICHAEL NOVAK, MAX  
27 MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON,  
28 NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20's

1 actions and inactions were motivated by evil motive or intent, involved reckless or callous indifference to  
2 constitutional rights, or were wantonly or oppressively done.

3 215. JOSHUA GARBUTT was injured as a direct and proximate result of Defendants  
4 COUNTY OF TRINITY, TRINITY COUNTY SHERIFF’S OFFICE, TIM SAXON, DOUGLAS  
5 CRAIG, MICHAEL NOVAK, MAX MUCKLOW, MICHAEL WOODSON, MARK BAUMAN,  
6 MICHAEL COINER-WILSON, NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE  
7 CALLAWAY, and DOE 1 to 20’s actions and inactions, entitling Plaintiff ESTATE OF JOSHUA  
8 GARBUTT to receive compensatory (survival) and nominal damages against Defendants COUNTY OF  
9 TRINITY, TRINITY COUNTY SHERIFF’S OFFICE, TIM SAXON, DOUGLAS CRAIG, MICHAEL  
10 NOVAK, MAX MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-  
11 WILSON, NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE  
12 1 to 20; and punitive damages against Defendants TIM SAXON, DOUGLAS CRAIG, MICHAEL  
13 NOVAK, MAX MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-  
14 WILSON, NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE  
15 1 to 20.

16 WHEREFORE, Plaintiff ESTATE OF JOSHUA GARBUTT prays for relief as hereunder  
17 appears.

18 **SECOND CLAIM**

19 **Title II of the Americans with Disabilities Act**

20 **(42 U.S.C. § 12101, *et seq.*)**

21 216. Plaintiff ESTATE OF JOSHUA GARBUTT (pursuant to Cal. Code Civ. Proc. § 377.30)  
22 asserts this Claim against Defendants COUNTY OF TRINITY and TRINITY COUNTY SHERIFF’S  
23 OFFICE.

24 217. The allegations of the preceding paragraphs 1 to 209 are realleged and incorporated, to the  
25 extent relevant and as if fully set forth in this Claim.

26 218. Defendants COUNTY OF TRINITY and TRINITY COUNTY SHERIFF’S OFFICE  
27 qualify as a “public entity” within the meaning of 42 U.S.C. § 12131(1)(A) and 28 C.F.R. § 35.104.  
28 JOSHUA GARBUTT had an impairment that substantially limited one or more major life activities and

1 had a record of such an impairment.

2           219. *Vicarious Liability*: Defendants DOUGLAS CRAIG, MICHAEL NOVAK, MAX  
3 MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON,  
4 NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20  
5 failed reasonably to accommodate JOSHUA GARBUTT's disability, where they could have provided a  
6 reasonable accommodation, including by: (a) conducting an adequate medical screening for JOSHUA  
7 GARBUTT; (b) issuing routine medical orders for JOSHUA GARBUTT, such as Clinical Opiate  
8 Withdrawal Scale (COWS) and Clinical Institute Withdrawal Assessment (CIWA) assessments, alcohol  
9 and opioid detoxification regimens, or an urgent referral to a medical provider; (c) conducting a timely  
10 medical screening for JOSHUA GARBUTT; (d) transferring JOSHUA GARBUTT to a facility that  
11 could provide necessary medical care or treatment; (e) monitoring JOSHUA GARBUTT based on an  
12 immediate medical need; and/or (f) timely responding to JOSHUA GARBUTT based on an immediate  
13 medical need, with deliberate indifference or reckless disregard, in violation of the Americans with  
14 Disabilities Act, 42 U.S.C. § 12101, *et seq.*

15           220. *Municipal / Vicarious Liability*: Defendants COUNTY OF TRINITY, TRINITY  
16 COUNTY SHERIFF'S OFFICE, and TIM SAXON maintained policies or customs of action and  
17 inaction resulting in harm to JOSHUA GARBUTT, with deliberate indifference or reckless disregard, in  
18 violation of the Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.*

19           221. Plaintiff JOSHUA GARBUTT was injured as a direct and proximate result of Defendants  
20 COUNTY OF TRINITY, TRINITY COUNTY SHERIFF'S OFFICE, TIM SAXON, DOUGLAS  
21 CRAIG, MICHAEL NOVAK, MAX MUCKLOW, MICHAEL WOODSON, MARK BAUMAN,  
22 MICHAEL COINER-WILSON, NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE  
23 CALLAWAY, and DOE 1 to 20's actions and inactions, entitling Plaintiff ESTATE OF JOSHUA  
24 GARBUTT to receive compensatory (survival) and nominal damages against Defendants COUNTY OF  
25 TRINITY and TRINITY COUNTY SHERIFF'S OFFICE.

26           WHEREFORE, Plaintiff ESTATE OF JOSHUA GARBUTT prays for relief as hereunder  
27 appears.

28 \ \ \

**THIRD CLAIM**

**Section 504 of the Rehabilitation Act**

**(29 U.S.C. § 701, *et seq.*)**

222. Plaintiff ESTATE OF JOSHUA GARBUTT (pursuant to Cal. Code Civ. Proc. § 377.30) asserts this Claim against Defendants COUNTY OF TRINITY and TRINITY COUNTY SHERIFF’S OFFICE.

223. The allegations of the preceding paragraphs 1 to 209 are realleged and incorporated, to the extent relevant and as if fully set forth in this Claim.

224. Defendants COUNTY OF TRINITY and TRINITY COUNTY SHERIFF’S OFFICE qualify as a “public entity” within the meaning of 42 U.S.C. § 12131(1)(A) and 28 C.F.R. § 35.104, and receive federal financial assistance. JOSHUA GARBUTT had an impairment that substantially limited one or more major life activities and had a record of such an impairment.

225. *Vicarious Liability:* Defendants DOUGLAS CRAIG, MICHAEL NOVAK, MAX MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON, NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINIQUE CALLAWAY, and DOE 1 to 20 failed reasonably to accommodate JOSHUA GARBUTT’s disability, where they could have provided a reasonable accommodation, including by: (a) conducting an adequate medical screening for JOSHUA GARBUTT; (b) issuing routine medical orders for JOSHUA GARBUTT, such as Clinical Opiate Withdrawal Scale (COWS) and Clinical Institute Withdrawal Assessment (CIWA) assessments, alcohol and opioid detoxification regimens, or an urgent referral to a medical provider; (c) conducting a timely medical screening for JOSHUA GARBUTT; (d) transferring JOSHUA GARBUTT to a facility that could provide necessary medical care or treatment; (e) monitoring JOSHUA GARBUTT based on an immediate medical need; and/or (f) timely responding to JOSHUA GARBUTT based on an immediate medical need, with deliberate indifference or reckless disregard, in violation of the Rehabilitation Act, 29 U.S.C. § 794, *et seq.*

226. *Municipal / Vicarious Liability:* Defendants COUNTY OF TRINITY, TRINITY COUNTY SHERIFF’S OFFICE, and TIM SAXON maintained policies or customs of action and inaction resulting in harm to JOSHUA GARBUTT, with deliberate indifference or reckless disregard, in

1 violation of the Rehabilitation Act, 29 U.S.C. § 794, *et seq.*

2 227. Plaintiff JOSHUA GARBUTT was injured as a direct and proximate result of Defendants  
3 COUNTY OF TRINITY, TRINITY COUNTY SHERIFF'S OFFICE, TIM SAXON, DOUGLAS  
4 CRAIG, MICHAEL NOVAK, MAX MUCKLOW, MICHAEL WOODSON, MARK BAUMAN,  
5 MICHAEL COINER-WILSON, NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE  
6 CALLAWAY, and DOE 1 to 20's actions and inactions, entitling Plaintiff ESTATE OF JOSHUA  
7 GARBUTT to receive compensatory (survival) and nominal damages against Defendants COUNTY OF  
8 TRINITY and TRINITY COUNTY SHERIFF'S OFFICE.

9 WHEREFORE, Plaintiff ESTATE OF JOSHUA GARBUTT prays for relief as hereunder  
10 appears.

11 **FOURTH CLAIM**

12 **Unwarranted Interference with Familial Association**

13 **(U.S. Const. Amend. XIV; 42 U.S.C. § 1983)**

14 228. Plaintiffs STACY POHLMeyer and BRIAN GARBUTT assert this Claim against  
15 Defendants COUNTY OF TRINITY, TRINITY COUNTY SHERIFF'S OFFICE, TIM SAXON,  
16 DOUGLAS CRAIG, MICHAEL NOVAK, MAX MUCKLOW, MICHAEL WOODSON, MARK  
17 BAUMAN, MICHAEL COINER-WILSON, NICHOLAS MARTINELLI, NICHOLAS RUCKER,  
18 DOMINQUE CALLAWAY, and DOE 1 to 20.

19 229. The allegations of the preceding paragraphs 1 to 209 are realleged and incorporated, to the  
20 extent relevant and as if fully set forth in this Claim.

21 230. Plaintiffs STACY POHLMeyer and BRIAN GARBUTT shared a close relationship and  
22 special bond with JOSHUA GARBUTT, which included deep attachments, commitments, and  
23 distinctively personal aspects of their lives and was typical of a loving parent-child relationship, prior to  
24 his death. Plaintiffs STACY POHLMeyer and BRIAN GARBUTT frequently visited and spoke with  
25 JOSHUA GARBUTT.

26 231. *Individual / Municipal / Supervisory Liability:* Defendants COUNTY OF TRINITY,  
27 TRINITY COUNTY SHERIFF'S OFFICE, TIM SAXON, DOUGLAS CRAIG, MICHAEL NOVAK,  
28 MAX MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON,

1 NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20  
2 caused the unwarranted interference with, and premature termination of, Plaintiffs STACY  
3 POHLMAYER and BRIAN GARBUTT's familial association with JOSHUA GARBUTT, in the  
4 violation of the Fourteenth Amendment to the United States Constitution.

5 232. Defendants TIM SAXON, DOUGLAS CRAIG, MICHAEL NOVAK, MAX  
6 MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON,  
7 NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20's  
8 actions and inactions were motivated by evil motive or intent, involved reckless or callous indifference to  
9 constitutional rights, or were wantonly or oppressively done.

10 233. Plaintiffs STACY POHLMAYER and BRIAN GARBUTT were injured as a direct and  
11 proximate result of Defendants COUNTY OF TRINITY, TRINITY COUNTY SHERIFF'S OFFICE,  
12 TIM SAXON, DOUGLAS CRAIG, MICHAEL NOVAK, MAX MUCKLOW, MICHAEL WOODSON,  
13 MARK BAUMAN, MICHAEL COINER-WILSON, NICHOLAS MARTINELLI, NICHOLAS  
14 RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20's actions and inactions, entitling them to  
15 receive compensatory (wrongful death) and nominal damages against Defendants COUNTY OF  
16 TRINITY, TRINITY COUNTY SHERIFF'S OFFICE, TIM SAXON, DOUGLAS CRAIG, MICHAEL  
17 NOVAK, MAX MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-  
18 WILSON, NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE  
19 1 to 20; and punitive damages against Defendants TIM SAXON, DOUGLAS CRAIG, MICHAEL  
20 NOVAK, MAX MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-  
21 WILSON, NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE  
22 1 to 20.

23 WHEREFORE, Plaintiffs STACY POHLMAYER and BRIAN GARBUTT pray for relief as  
24 hereunder appears.

25 **FIFTH CLAIM**

26 **Unwarranted Interference with Familial Association**

27 **(U.S. Const. Amend. I; 42 U.S.C. § 1983)**

28 234. Plaintiffs STACY POHLMAYER and BRIAN GARBUTT assert this Claim against

1 Defendants COUNTY OF TRINITY, TRINITY COUNTY SHERIFF'S OFFICE, TIM SAXON, JAMIE  
2 HERBST, MARIACELINE CLAMOR, DOUGLAS CRAIG, MICHAEL NOVAK, MAX MUCKLOW,  
3 MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON, NICHOLAS  
4 MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20.

5 235. The allegations of the preceding paragraphs 1 to 209 are realleged and incorporated, to the  
6 extent relevant and as if fully set forth in this Claim.

7 236. Plaintiffs STACY POHLMAYER and BRIAN GARBUTT shared a close relationship and  
8 special bond with JOSHUA GARBUTT, which included deep attachments, commitments, and  
9 distinctively personal aspects of their lives and was typical of a loving parent-child relationship, prior to  
10 his death. Plaintiffs STACY POHLMAYER and BRIAN GARBUTT frequently visited and spoke with  
11 JOSHUA GARBUTT.

12 237. *Individual / Municipal / Supervisory Liability:* Defendants COUNTY OF TRINITY,  
13 TRINITY COUNTY SHERIFF'S OFFICE, TIM SAXON, DOUGLAS CRAIG, MICHAEL NOVAK,  
14 MAX MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON,  
15 NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20  
16 caused the unwarranted interference with, and premature termination of, Plaintiffs STACY  
17 POHLMAYER and BRIAN GARBUTT's familial association with JOSHUA GARBUTT, in the  
18 violation of the First Amendment to the United States Constitution.

19 238. Defendants TIM SAXON, DOUGLAS CRAIG, MICHAEL NOVAK, MAX  
20 MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON,  
21 NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20's  
22 actions and inactions were motivated by evil motive or intent, involved reckless or callous indifference to  
23 constitutional rights, or were wantonly or oppressively done.

24 239. Plaintiffs STACY POHLMAYER and BRIAN GARBUTT were injured as a direct and  
25 proximate result of Defendants COUNTY OF TRINITY, TRINITY COUNTY SHERIFF'S OFFICE,  
26 TIM SAXON, DOUGLAS CRAIG, MICHAEL NOVAK, MAX MUCKLOW, MICHAEL WOODSON,  
27 MARK BAUMAN, MICHAEL COINER-WILSON, NICHOLAS MARTINELLI, NICHOLAS  
28 RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20's actions and inactions, entitling them to

1 receive compensatory (wrongful death) and nominal damages against Defendants COUNTY OF  
2 TRINITY, TRINITY COUNTY SHERIFF'S OFFICE, TIM SAXON, DOUGLAS CRAIG, MICHAEL  
3 NOVAK, MAX MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-  
4 WILSON, NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE  
5 1 to 20; and punitive damages against Defendants TIM SAXON, DOUGLAS CRAIG, MICHAEL  
6 NOVAK, MAX MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-  
7 WILSON, NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE  
8 1 to 20.

9 WHEREFORE, Plaintiffs STACY POHLMeyer and BRIAN GARBUTT pray for relief as  
10 hereunder appears.

11 **SIXTH CLAIM**

12 **Failure to Summon Medical Care**

13 **(Cal. Gov. Code § 845.6)**

14 240. Plaintiff ESTATE OF JOSHUA GARBUTT asserts this Claim (pursuant to California  
15 Code of Civil Procedure § 377.30) against Defendants COUNTY OF TRINITY, TRINITY COUNTY  
16 SHERIFF'S OFFICE, TIM SAXON, DOUGLAS CRAIG, MICHAEL NOVAK, MAX MUCKLOW,  
17 MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON, NICHOLAS  
18 MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20.

19 241. The allegations of the preceding paragraphs 1 to 209 are realleged and incorporated, to the  
20 extent relevant and as if fully set forth in this Claim.

21 242. *Individual Liability:* Defendants DOUGLAS CRAIG, MICHAEL NOVAK, MAX  
22 MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON,  
23 NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20  
24 knew or had reason to know that JOSHUA GARBUTT was in need of immediate medical care and failed  
25 to take reasonable action to summon such medical care, in violation of California Government Code §  
26 845.6.

27 243. *Municipal / Supervisory Liability:* Defendants COUNTY OF TRINITY, TRINITY  
28 COUNTY SHERIFF'S OFFICE, and TIM SAXON maintained policies or customs of action and

1 inaction resulting in harm to JOSHUA GARBUTT, in violation of California Government Code § 845.6.

2           244. *Vicarious Liability*: Defendants COUNTY OF TRINITY and TRINITY COUNTY  
3 SHERIFF'S OFFICE are vicariously liable, through the principles of *respondeat superior* and pursuant  
4 to California Government Code §§ 815.2(a), 845.6, for injuries proximately caused by the acts and  
5 omissions of employees acting within the scope of employment, including Defendants TIM SAXON,  
6 DOUGLAS CRAIG, MICHAEL NOVAK, MAX MUCKLOW, MICHAEL WOODSON, MARK  
7 BAUMAN, MICHAEL COINER-WILSON, NICHOLAS MARTINELLI, NICHOLAS RUCKER,  
8 DOMINQUE CALLAWAY, and DOE 1 to 20.

9           245. Defendants TIM SAXON, DOUGLAS CRAIG, MICHAEL NOVAK, MAX  
10 MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON,  
11 NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20's  
12 actions and inactions constituted oppression, fraud, and/or malice resulting in great harm.

13           246. JOSHUA GARBUTT was injured as a direct and proximate result of Defendants  
14 COUNTY OF TRINITY, TRINITY COUNTY SHERIFF'S OFFICE, TIM SAXON, DOUGLAS  
15 CRAIG, MICHAEL NOVAK, MAX MUCKLOW, MICHAEL WOODSON, MARK BAUMAN,  
16 MICHAEL COINER-WILSON, NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE  
17 CALLAWAY, and DOE 1 to 20's actions and inactions, entitling Plaintiff ESTATE OF JOSHUA  
18 GARBUTT to receive compensatory (survival) and nominal damages against Defendants COUNTY OF  
19 TRINITY, TRINITY COUNTY SHERIFF'S OFFICE, TIM SAXON, DOUGLAS CRAIG, MICHAEL  
20 NOVAK, MAX MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-  
21 WILSON, NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE  
22 1 to 20; and punitive damages against Defendants TIM SAXON, DOUGLAS CRAIG, MICHAEL  
23 NOVAK, MAX MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-  
24 WILSON, NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE  
25 1 to 20.

26           WHEREFORE, Plaintiff ESTATE OF JOSHUA GARBUTT prays for relief as hereunder  
27 appears.

28 \\ \

**SEVENTH CLAIM**

**Tom Bane Civil Rights Act**

**(Cal. Civ. Code § 52.1)**

247. Plaintiffs ESTATE OF JOSHUA GARBUTT (pursuant to California Code of Civil Procedure § 377.30), STACY POHLMAYER, and BRIAN GARBUTT assert this Claim against Defendants COUNTY OF TRINITY, TRINITY COUNTY SHERIFF’S OFFICE, TIM SAXON, DOUGLAS CRAIG, MICHAEL NOVAK, MAX MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON, NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20.

248. The allegations of the preceding paragraphs 1 to 246 are realleged and incorporated, to the extent relevant and as if fully set forth in this Claim.

**Deliberate Indifference**

249. *Individual Liability:* Defendants DOUGLAS CRAIG, MICHAEL NOVAK, MAX MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON, NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20 inadequately screened, classified, assigned, housed, monitored, and responded to JOSHUA GARBUTT based on an immediate medical need, putting him at substantial risk of suffering serious harm, without taking reasonable available measures to abate that risk, where a reasonable official in the circumstances would have appreciated the high degree of risk involved, with deliberate indifference or reckless disregard, in violation of the Fourteenth Amendment to the United States Constitution; and Article I, Section 7(a) of the California Constitution.

250. *Municipal / Supervisory Liability:* Defendants COUNTY OF TRINITY, TRINITY COUNTY SHERIFF’S OFFICE, and TIM SAXON maintained policies or customs of action and inaction resulting in harm to JOSHUA GARBUTT, with deliberate indifference or reckless disregard, in violation of the Fourteenth Amendment to the United States Constitution; and Article I, Section 7(a) of the California Constitution.

**Title II of the Americans with Disabilities Act & Section 504 of the Rehabilitation Act**

251. *Vicarious Liability:* Defendants DOUGLAS CRAIG, MICHAEL NOVAK, MAX



1 MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON,  
2 NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20  
3 knew or had reason to know that JOSHUA GARBUTT was in need of immediate medical care and failed  
4 to take reasonable action to summon such medical care, with deliberate indifference or reckless  
5 disregard, in violation of California Government Code § 845.6.

6 255. *Municipal / Supervisory Liability*: Defendants COUNTY OF TRINITY, TRINITY  
7 COUNTY SHERIFF'S OFFICE, and TIM SAXON maintained policies or customs of action and  
8 inaction resulting in harm to JOSHUA GARBUTT, with deliberate indifference or reckless disregard, in  
9 violation of California Government Code § 845.6.

10 (Allegations Common to All Theories)

11 256. *Vicarious Liability*: Defendants COUNTY OF TRINITY and TRINITY COUNTY  
12 SHERIFF'S OFFICE are vicariously liable, through the principles of *respondeat superior* and/or  
13 pursuant to California Government Code §§ 815.2(a), 845.6, for injuries proximately caused by the acts  
14 and omissions of employees acting within the scope of employment, including Defendants TIM SAXON,  
15 DOUGLAS CRAIG, MICHAEL NOVAK, MAX MUCKLOW, MICHAEL WOODSON, MARK  
16 BAUMAN, MICHAEL COINER-WILSON, NICHOLAS MARTINELLI, NICHOLAS RUCKER,  
17 DOMINQUE CALLAWAY, and DOE 1 to 20.

18 257. Defendants TIM SAXON, DOUGLAS CRAIG, MICHAEL NOVAK, MAX  
19 MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON,  
20 NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20's  
21 actions and inactions constituted oppression, fraud, and/or malice resulting in great harm.

22 258. JOSHUA GARBUTT and Plaintiffs STACY POHLMAYER and BRIAN GARBUTT  
23 were injured as a direct and proximate result of Defendants COUNTY OF TRINITY, TRINITY  
24 COUNTY SHERIFF'S OFFICE, TIM SAXON, DOUGLAS CRAIG, MICHAEL NOVAK, MAX  
25 MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON,  
26 NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20's  
27 actions and inactions, entitling Plaintiffs ESTATE OF JOSHUA GARBUTT, STACY POHLMAYER,  
28 and BRIAN GARBUTT to receive compensatory (survival and wrongful death) and treble damages and

1 civil/statutory penalties against Defendants COUNTY OF TRINITY, TRINITY COUNTY SHERIFF'S  
2 OFFICE, TIM SAXON, DOUGLAS CRAIG, MICHAEL NOVAK, MAX MUCKLOW, MICHAEL  
3 WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON, NICHOLAS MARTINELLI,  
4 NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20; and punitive damages against  
5 Defendants TIM SAXON, DOUGLAS CRAIG, MICHAEL NOVAK, MAX MUCKLOW, MICHAEL  
6 WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON, NICHOLAS MARTINELLI,  
7 NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20.

8 WHEREFORE, Plaintiffs ESTATE OF JOSHUA GARBUTT, STACY POHLMAYER, and  
9 BRIAN GARBUTT pray for relief as hereunder appears.

10 **EIGHTH CLAIM**

11 **Intentional Infliction of Emotional Distress**

12 259. Plaintiff ESTATE OF JOSHUA GARBUTT asserts this Claim (pursuant to California  
13 Code of Civil Procedure § 377.30) against Defendants DOUGLAS CRAIG, MICHAEL NOVAK, MAX  
14 MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON,  
15 NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20.

16 260. The allegations of the preceding paragraphs 1 to 209 are realleged and incorporated, to the  
17 extent relevant and as if fully set forth in this Claim.

18 261. Defendants DOUGLAS CRAIG, MICHAEL NOVAK, MAX MUCKLOW, MICHAEL  
19 WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON, NICHOLAS MARTINELLI,  
20 NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20 engaged in outrageous conduct,  
21 including by inadequately screening, classifying, assigning, housing, monitoring, and responding to  
22 JOSHUA GARBUTT based on an immediate medical need in violation of the United States and  
23 California Constitutions, federal and state laws, regulations, policies, standards, general orders,  
24 procedures, training, national and local standards, with intent or reckless disregard of the probability that  
25 JOSHUA GARBUTT would suffer emotional distress and he did suffer severe emotional distress.

26 262. Defendants DOUGLAS CRAIG, MICHAEL NOVAK, MAX MUCKLOW, MICHAEL  
27 WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON, NICHOLAS MARTINELLI,  
28 NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20's actions and inactions



1           267. *Supervisory Liability*: Defendant TIM SAXON owed a duty of care to JOSHUA  
2 GARBUTT, including based on a special relationship with JOSHUA GARBUTT as a jailer, and/or based  
3 on a special relationship with Defendants DOUGLAS CRAIG, MICHAEL NOVAK, MAX  
4 MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON,  
5 NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20 as  
6 an employer, and breached that duty, including by maintaining policies or customs of action and inaction  
7 which resulted in harm to JOSHUA GARBUTT in violation of the United States and California  
8 Constitutions, federal and state laws, regulations, policies, standards, general orders, procedures, training,  
9 national and local standards, and/or California Civil Code § 1714(a).

10           268. *Municipal Liability*: Defendants COUNTY OF TRINITY and TRINITY COUNTY  
11 SHERIFF'S OFFICE maintained policies or customs of action and inaction resulting in harm to  
12 JOSHUA GARBUTT, in violation of California Government Code § 845.6 and California Code of  
13 Regulations title 15 §§ 1027, 1027.5, 1028, 1210, 1213.

14           269. *Vicarious Liability*: Defendants COUNTY OF TRINITY and TRINITY COUNTY  
15 SHERIFF'S OFFICE are vicariously liable, through the principles of *respondeat superior* and/or  
16 pursuant to California Government Code §§ 815.2(a), 845.6, for injuries proximately caused by the acts  
17 and omissions of employees acting within the scope of employment, including Defendants TIM SAXON,  
18 DOUGLAS CRAIG, MICHAEL NOVAK, MAX MUCKLOW, MICHAEL WOODSON, MARK  
19 BAUMAN, MICHAEL COINER-WILSON, NICHOLAS MARTINELLI, NICHOLAS RUCKER,  
20 DOMINQUE CALLAWAY, and DOE 1 to 20.

21           270. Defendants TIM SAXON, DOUGLAS CRAIG, MICHAEL NOVAK, MAX  
22 MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON,  
23 NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20's  
24 actions and inactions constituted oppression, fraud, and/or malice resulting in great harm.

25           271. JOSHUA GARBUTT was injured as a direct and proximate result of Defendants  
26 COUNTY OF TRINITY, TRINITY COUNTY SHERIFF'S OFFICE, TIM SAXON, DOUGLAS  
27 CRAIG, MICHAEL NOVAK, MAX MUCKLOW, MICHAEL WOODSON, MARK BAUMAN,  
28 MICHAEL COINER-WILSON, NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE

1 CALLAWAY, and DOE 1 to 20's actions and inactions, entitling Plaintiff ESTATE OF JOSHUA  
2 GARBUTT to receive compensatory/survival damages against Defendants COUNTY OF TRINITY,  
3 TRINITY COUNTY SHERIFF'S OFFICE, TIM SAXON, DOUGLAS CRAIG, MICHAEL NOVAK,  
4 MAX MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON,  
5 NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20;  
6 and punitive damages against Defendants TIM SAXON, DOUGLAS CRAIG, MICHAEL NOVAK,  
7 MAX MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON,  
8 NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20.

9 WHEREFORE, Plaintiff ESTATE OF JOSHUA GARBUTT prays for relief as hereunder  
10 appears.

11 **TENTH CLAIM**

12 **Wrongful Death**

13 **(Cal. Code Civ. Proc. § 377.60)**

14 272. Plaintiffs STACY POHLMAYER and BRIAN GARBUTT asserts this Claim against  
15 Defendants COUNTY OF TRINITY, TRINITY COUNTY SHERIFF'S OFFICE, TIM SAXON,  
16 DOUGLAS CRAIG, MICHAEL NOVAK, MAX MUCKLOW, MICHAEL WOODSON, MARK  
17 BAUMAN, MICHAEL COINER-WILSON, NICHOLAS MARTINELLI, NICHOLAS RUCKER,  
18 DOMINQUE CALLAWAY, and DOE 1 to 20.

19 273. The allegations of the preceding paragraphs 1 to 271 are realleged and incorporated, to the  
20 extent relevant and as if fully set forth in this Claim.

21 274. *Individual Liability:* Defendants DOUGLAS CRAIG, MICHAEL NOVAK, MAX  
22 MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON,  
23 NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20  
24 caused JOSHUA GARBUTT's death by wrongful act and neglect, including by inadequately screening,  
25 classifying, assigning, housing, monitoring, and responding to JOSHUA GARBUTT based on an  
26 immediate medical need in violation of the United States and California Constitutions, federal and state  
27 laws, regulations, policies, standards, general orders, procedures, training, national and local standards,  
28 and/or California Civil Code § 1714(a).

1           275. *Municipal / Supervisory Liability*: Defendants COUNTY OF TRINITY, TRINITY  
2 COUNTY SHERIFF'S OFFICE, and TIM SAXON caused JOSHUA GARBUTT's death by wrongful  
3 act and neglect, including by maintained policies or customs of action and inaction resulting in harm to  
4 JOSHUA GARBUTT in violation of the United States and California Constitutions, federal and state  
5 laws, regulations, policies, standards, general orders, procedures, training, national and local standards,  
6 and/or California Civil Code § 1714(a).

7           276. *Vicarious Liability*: Defendants COUNTY OF TRINITY and TRINITY COUNTY  
8 SHERIFF'S OFFICE are vicariously liable, through the principles of *respondeat superior* and/or  
9 pursuant to California Government Code §§ 815.2(a), 845.6, for injuries proximately caused by the acts  
10 and omissions of employees acting within the scope of employment, including Defendants TIM SAXON,  
11 DOUGLAS CRAIG, MICHAEL NOVAK, MAX MUCKLOW, MICHAEL WOODSON, MARK  
12 BAUMAN, MICHAEL COINER-WILSON, NICHOLAS MARTINELLI, NICHOLAS RUCKER,  
13 DOMINQUE CALLAWAY, and DOE 1 to 20.

14           277. Defendants TIM SAXON, DOUGLAS CRAIG, MICHAEL NOVAK, MAX  
15 MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON,  
16 NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20's  
17 actions and inactions constituted oppression, fraud, and/or malice resulting in great harm.

18           278. JOSHUA GARBUTT died as a direct and proximate result of Defendants COUNTY OF  
19 TRINITY, TRINITY COUNTY SHERIFF'S OFFICE, TIM SAXON, DOUGLAS CRAIG, MICHAEL  
20 NOVAK, MAX MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-  
21 WILSON, NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE  
22 1 to 20's actions and inactions, entitling Plaintiffs STACY POHLMAYER and BRIAN GARBUTT to  
23 receive compensatory/wrongful death damages against Defendants COUNTY OF TRINITY, TRINITY  
24 COUNTY SHERIFF'S OFFICE, TIM SAXON, DOUGLAS CRAIG, MICHAEL NOVAK, MAX  
25 MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON,  
26 NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20;  
27 and punitive damages against Defendants TIM SAXON, DOUGLAS CRAIG, MICHAEL NOVAK,  
28 MAX MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON,

1 NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20.

2 WHEREFORE, Plaintiffs STACY POHLMAYER and BRIAN GARBUTT pray for relief as  
3 hereunder appears.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiffs ESTATE OF JOSHUA GARBUTT, STACY POHLMAYER, and  
6 BRIAN GARBUTT seek Judgment as follows:

7 1. For an award of compensatory, general, special, and nominal damages (including survival  
8 and wrongful death damages under federal and state law) against Defendants COUNTY OF TRINITY,  
9 TRINITY COUNTY SHERIFF'S OFFICE, TIM SAXON, DOUGLAS CRAIG, MICHAEL NOVAK,  
10 MAX MUCKLOW, MICHAEL WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON,  
11 NICHOLAS MARTINELLI, NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20, in  
12 excess of \$20,000,000, according to proof at trial;

13 2. For an award of exemplary/punitive damages against Defendants TIM SAXON,  
14 DOUGLAS CRAIG, MICHAEL NOVAK, MAX MUCKLOW, MICHAEL WOODSON, MARK  
15 BAUMAN, MICHAEL COINER-WILSON, NICHOLAS MARTINELLI, NICHOLAS RUCKER,  
16 DOMINQUE CALLAWAY, and DOE 1 to 20, in an amount sufficient to deter and to make an example  
17 of them, because their actions and/or inactions, as alleged, were motivated by evil motive or intent,  
18 involved reckless or callous indifference to constitutionally and statutorily protected rights, or were  
19 wantonly or oppressively done; and/or constituted oppression, fraud, or malice resulting in great harm;

20 3. For funeral and/or burial expenses;

21 4. For an award of actual damages, treble damages, punitive damages, civil penalties, and  
22 any other available relief against Defendants COUNTY OF TRINITY, TRINITY COUNTY SHERIFF'S  
23 OFFICE, TIM SAXON, DOUGLAS CRAIG, MICHAEL NOVAK, MAX MUCKLOW, MICHAEL  
24 WOODSON, MARK BAUMAN, MICHAEL COINER-WILSON, NICHOLAS MARTINELLI,  
25 NICHOLAS RUCKER, DOMINQUE CALLAWAY, and DOE 1 to 20, pursuant to California Civil  
26 Code §§ 52, 52.1, and any other statute as may be applicable (except that no punitive damages are sought  
27 against Defendants COUNTY OF TRINITY and TRINITY COUNTY SHERIFF'S OFFICE, pursuant to  
28 California Civil Code § 818);

1           5.       For an award of reasonable attorneys' fees and costs, pursuant to 42 U.S.C. § 1988, 29  
2 U.S.C. § 794, 42 U.S.C. § 12205, California Civil Code § 52.1, California Code of Civil Procedure §  
3 1021.5, and any other statute as may be applicable;

4           6.       For interest; and

5           7.       For an award of any other further relief, as the Court deems fair, just, and equitable.

6 Dated: October 30, 2024

Respectfully Submitted,

7  
8 

9 By: \_\_\_\_\_

10 Mark E. Merin

Paul H. Masuhara

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Attorneys for Plaintiffs

ESTATE OF JOSHUA GARBUTT,

STACY POHLMAYER, and BRIAN GARBUTT

**JURY TRIAL DEMAND**

A JURY TRIAL IS DEMANDED on behalf of Plaintiffs ESTATE OF JOSHUA GARBUTT,  
STACY POHLMAYER, and BRIAN GARBUTT.

Dated: October 30, 2024

Respectfully Submitted,



By: \_\_\_\_\_

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Paul H. Masuhara

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Attorneys for Plaintiffs

ESTATE OF JOSHUA GARBUTT,

STACY POHLMAYER, and BRIAN GARBUTT