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SAN DIEGO COUNTY, CA

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SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO, NORTH COUNTY BRANCH

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10 TRI-CITY HEALTHCARE DISTRICT,)
A Governmental Entity,)
11 RICHARD A. CROOKS, an individual,)
12 Plaintiffs,)
13 v.)
14 KATHLEEN STERLING, an individual)
and DOES 1 through 50, inclusive,)
15 Defendants.)
16
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CASE NO.
37-2011-00052050-CU-PO-NC

COMPLAINT FOR COMPENSATORY
DAMAGES, PUNITIVE DAMAGES AND
DECLARATORY RELIEF

GENERAL CIVIL

REQUEST FOR JURY TRIAL

18 Plaintiff TRI-CITY HEALTHCARE DISTRICT by and through the TRI-CITY
19 HEALTHCARE DISTRICT Board of Directors [hereinafter referred to as "TCHD BOD/Plaintiffs"];
20 and RICHARD A. CROOKS [hereinafter referred to as Plaintiff/CROOKS] bring this Complaint
21 against Defendant KATHLEEN STERLING, an individual, [hereinafter referred to as "Defendant
22 STERLING"] and Does 1 through 50 as follows:

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PARTIES AND VENUE
(All Causes of Action)

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3 1. Plaintiff STERLING is, and at all times relevant herein was, an individual residing in
4 North San Diego County, California and having her residence/principal place of business in North
5 San Diego, County, State of California.

6 2. At all times relevant herein, Defendant STERLING was a censured/sanctioned member
7 of the TCHD Board of Directors who, based on misconduct, had been disciplined and ordered
8 excluded from physically being present at BOD meetings.

9 3. At all times relevant herein, Plaintiffs TRI-CITY HEALTHCARE DISTRICT by and
10 through the TCHD BOD a California Governmental entity and RICHARD A. CROOKS, an
11 individual, were conducting normal business in North San Diego County, State of California. All
12 the incidents complained of herein occurred in the North San Diego County.

13 4. The true names and capacities of the Defendants named herein as DOES 1 through 25,
14 inclusive, are unknown to Plaintiffs, who therefore sues said DOE Defendants, and each of them,
15 by such fictitious names. Said DOE Defendants are, or were at all times relevant herein, officers,
16 employees and/or agents of Defendants and said DOE Defendants reside in the State of California.
17 Plaintiffs will amend this Complaint to show their true names and capacities when they have been
18 ascertained. Plaintiffs are informed and believe and thereon allege that each of said fictitiously
19 named Defendants are responsible in some manner for the occurrences herein alleged and that
20 Plaintiffs' damages as herein alleged were proximately caused by said fictitiously named Defendants.

21 5. The true names and capacities of the Defendants named herein as DOES 26 through 50,
22 inclusive, are unknown to Plaintiffs, who therefore sues said DOE Defendants, and each of them,
23 by such fictitious names. Said DOE Defendants are either: (1) at all times relevant herein, officers,
24 employees and/or agents of Defendants office in the State of California; or, (2) other individuals,
25 foreign or domestic corporations, or other legal entities capable of being sued, doing business in the
26 State of California and/or other states in the United States. Plaintiffs will amend this Complaint to
27 show their true names and capacities when they have been ascertained. Plaintiffs are informed and
28 believe and thereon allege that each of said fictitiously named Defendants are responsible in some

1 manner for the occurrences herein alleged and that Plaintiffs' damages as herein alleged were
2 proximately caused by said fictitiously named Defendants.

3 6. Plaintiffs differentiate between DOES 1-25 and DOES 26-50 and allege that DOES 1-25
4 are individuals who at all times relevant herein were and continue to be residents of the State of
5 California; and, that said DOE Defendants, while in the State of California, either conspired with
6 DOE Defendants 26-50 and to cause the acts, events and occurrences complained of herein; or
7 directly did or caused the same within the State of California.

8 7. Each of the Defendants at all times herein were the agents and/or employees of their
9 co-defendants, and in doing the things hereinafter alleged were acting within the course and scope
10 of such agency/employment and with the knowledge, permission and consent of their co-defendants.

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12 GENERAL ALLEGATIONS
(All Causes of Action)

13 8. At all relevant times herein, Defendant STERLING had been censured/sanctioned
14 repeatedly (approximately 6 times) by the TCHD BOD for her previous misconduct including but
15 not limited to alleged verbal and physical assaults on other TCHD BOD members and violating
16 various California statutory laws applying to TCHD BOD members and common law conflict of
17 interests laws, disrupting meetings and attempting to record portions of a closed-session meeting.

18 9. As part of its sanctions against STERLING, the TCHD BOD ordered her to participate
19 in all TCHD BOD meetings in room 7 a room across the hall from the room in which meeting are
20 held. Defendant STERLING had been duly ordered by the TCHD BOD that she was no longer
21 allowed to be physically present to attend in the assembly room. It was made clear to Defendant
22 STERLING that any violation of these orders would be grounds for further sanctions and legal
23 action.

24 10. Plaintiff CROOKS is the Executive Protection Agent to the TCHD BOD and has been
25 so engaged since 2001, with the exception of 2006. In that assignment, CROOKS is responsible for
26 keeping order and maintaining a secure environment in the actual meeting room, and other locations
27 that the TCHD BOD may designate. Plaintiff CROOKS a retired detective with the Oceanside
28 Police Department, has been a licensed private investigator since 1983 and has over 30 years

1 security experience. Plaintiff CROOKS has also been on the Executive Protection Team for Dr.
2 Henry Kissinger since 1990. Plaintiff CROOKS is also a retired detective from the Oceanside Police
3 Department. Plaintiff CROOKS is a federally credentialed ASO (Private Air Marshall) with the
4 Transportation Security Administration (TSA) and has owned and operated a full service Private
5 Investigative Agency (PACIFIC INVESTIGATIONS PI#9907) for over 25 years.

6 11. On or about Thursday February 24th at 3:28 p.m., in violation of the orders of the TCHD
7 BOD, Defendant STERLING burst through the open door to the TCHD BOD meeting room. Upon
8 seeing this Plaintiff CROOKS, in compliance with his security responsibilities, immediately stepped
9 in front of STERLING, blocking her further forward movement. Plaintiff CROOKS advised her that
10 she was not allowed in these meeting rooms and everything she needed was located in room seven.
11 Defendant STERLING responded "I am a member of the public and want to see who's here."
12 Defendant STERLING then began to assault and batter Plaintiff CROOKS by attacking him using
13 her substantial TCHD body mass (approximately 5'9" and 250+ pounds) to "body bump" attempting
14 to shove Plaintiff CROOKS backward. Plaintiff CROOKS ordered her to stop repeatedly and told
15 her he would prepare a list of attendees and bring it to her and ordered her to leave immediately.
16 Plaintiff CROOKS was joined by TCHD employees who also advised Defendant STERLING she
17 was in violation of TCHD BOD orders, sanctions and restrictions. Defendant STERLING persisted
18 and attempted to get around Plaintiff CROOKS and other TCHD employees. Plaintiff CROOKS
19 stepped in front of her blocking her movement and Defendant STERLING repeatedly rammed into
20 him trying to shove him aside with her body. At no time did Plaintiff CROOKS offensively touch
21 or placed his hands on Defendant STERLING but rather blocked her forward movement with his
22 body as he was trained.

23 12. Defendant STERLING then tried to gain entrance to the TCHD BOD meeting room by
24 moving past 2 uniformed hospital security officers, who also, consistent with the responsibilities of
25 their position blocked her forward movement while she was bumping and pushing into them. On
26 at least 5 distinct physical attacks, Defendant STERLING shoved her body into Plaintiff CROOKS
27 in an attempt to get him to back up or move aside, which he did not do. Mr. CROOKS observed that
28 STERLING attempted to do the same with another TCHD employee and observed her viciously grab

1 his arm in that attempt. The TCHD employee also changed his position to effectively block her
2 forward movement.

3 13. During this entire process Defendant STERLING forced a tape recorder in Plaintiff
4 CROOKS' face approximately 3" from his nose. He observed the red recording light was on,
5 indicating that she was recording the entire incident without consent of CROOKS or others involved.
6 Defendant STERLING continued to rant and rave about wanting to see who was in the room and she
7 was told each and every time to leave the TCHD BOD meeting room and go to room seven.

8 14. As a direct and proximate result of these unprovoked attacks on his person, Oceanside
9 Police was notified the following Monday, incident report no. 11002955. Plaintiff CROOKS
10 accurately reported Defendant STERLING repeatedly pushed "five different people" while trying
11 to enter the hospital's lower-level meeting room just before the public health care district's monthly
12 meeting was scheduled to begin at 3:28 and that at least one hospital employee had been injured.
13 Defendant STERLING indicated that she did nothing wrong. She claimed she merely tried to enter
14 the TCHD BOD's meeting room before the meeting started because she "wanted to say hello to
15 several constituents in the audience and to one of her board colleagues." She claimed she intended
16 to leave when the meeting started as required by several censures against her which have been
17 approved by the board. Defendant STERLING denied pushing any security guards and added that
18 she had no idea how any blood could have been drawn. "Where he got the blood I have no idea,"
19 she said. "It could be made up."

20 15. TCHD BOD meetings are held in assembly rooms one, two, and three, which are
21 connected via the removal of airwalls separating the rooms. For each televised regular monthly
22 TCHD BOD meeting, there is a break of approximately ten minutes between open session and closed
23 session so that the television employees can remove their camera equipment, the airwall between
24 room one and two can be reinserted so that the closed session can take place in rooms two and three
25 only, and members of the public can exit. Closed session is held in assembly rooms two and three
26 only.

27 16. On February 24, 2011 at approximately 7:40 the break described hereinabove occurred.
28 As is customary, Plaintiff CROOKS took a position at door three to unlock allowing the Television

1 personnel to gather the coax cable from the hall and video monitor from room seven. Plaintiff
2 CROOKS had the door to room three about 30% open and was re-locking it with a key, when,
3 without warning, he felt a large heavy human mass coming down on his back forcing him into the
4 partial open door. Instinctively Plaintiff pushed against to door to stop his body from being forced
5 into the edge of the door and simultaneously looked up to see Defendant STERLING aggressively
6 attempting to crawl over his right shoulder. The attack which lasted 15-20 seconds caused Plaintiff
7 CROOKS immediate pain in his lower back area. After defending himself and pushing Defendant
8 STERLING off his body he turned around to address this obvious physical threat and Defendant
9 STERLING picked up her bag and proceeded back in room seven. In addition Defendant
10 STERLING threatened TCHD BOD chair Rosemarie Reno by aggressively yelling into the TCHD
11 BOD room "I want Reno... I want Reno," indicating she wanted to attack TCHD BOD Chair Ms.
12 Reno. After locking the door, CROOKS was approached by a witness who stated that he saw the
13 entire incident and would be happy to submit a statement.

14 17. As a direct and proximate result of the misconduct alleged above, Plaintiffs TCHD BOD
15 and CROOKS have suffered damages in an amount not less than \$100,000.00, all to be shown
16 according to proof at trial. Plaintiffs claims such damages together with their attorneys fees/costs
17 and prejudgment interest pursuant to *Civil Code* § 3287, and any other provision of law providing
18 for prejudgment interest.

19 18. As a direct and proximate result of Defendants' misconduct as alleged above, Plaintiffs
20 have suffered embarrassment, humiliation and severe emotional and mental anguish all to their
21 damage in an amount to be shown according to proof. The acts of Defendants were, taken in
22 context, despicable, and conducted with a conscious disregard of Plaintiffs' rights and with malice,
23 so as to justify an imposition of punitive damages in an amount to be shown according to proof.

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FIRST CAUSE OF ACTION

25 (Damages for Trespass to Land by TCHD BOD against Defendant)

26 19. Plaintiffs refer to and incorporate by reference herein each and every allegation
27 contained in paragraphs 1 through 18 above.

28 20. The acts and omissions of the Defendants as alleged above constituted a violation of the

1 orders of the TCHD BOD and Trespass to the lands/properties under the use possession and control
2 of the TCHD BOD.

3 21. As a direct and proximate result of the Defendants' Trespass of such properties,
4 Plaintiffs have suffered the exposures to legal action, injuries and damages alleged above, and is
5 entitled an amount representing a fair compensation to Plaintiffs for the value of such legal
6 exposures expended by Plaintiffs in defending such actions, rights and interests in their assets and
7 property rights.

8 22. The acts and omissions of the Defendants were undertaken with fraud, oppression or
9 malice, such as to justify an award of punitive damages in favor of Plaintiffs in an amount to be
10 shown according to proof.

11 SECOND CAUSE OF ACTION
12 (Damages for Battery by CROOKS against Defendant)

13 23. Plaintiff CROOKS refers to and incorporates by reference herein each and every
14 allegation contained in paragraphs 1 through 18 above.

15 24. The actions of Defendants toward Plaintiff CROOKS constituted a harmful offensive
16 touching of Plaintiff CROOKS with intentional and full knowledge of the injury which was likely
17 to befall Plaintiff and with a conscious disregard for Plaintiff's rights.

18 25. As a direct and proximate result of Defendant's Battery, Plaintiff has suffered the
19 injuries and damages alleged above.

20 26. The acts and omissions of Defendant were undertaken with fraud, oppression or malice,
21 such as to justify an award of punitive damages in favor of Plaintiff in an amount to be shown
22 according to proof.

23 THIRD CAUSE OF ACTION
24 (Damages For Assault by CROOKS against Defendant)

25 27. Plaintiff CROOKS refers to and incorporates by reference herein each and every
26 allegation contained in paragraphs 1 through 18 above.

27 28. The actions of Defendant toward Plaintiff CROOKS constituted the placing of Plaintiff
28 CROOKS in the immediate apprehension of a harmful offensive touching of Plaintiff CROOKS with

1 intentional and full knowledge of the injury which was likely to befall Plaintiff and with a conscious
2 disregard for Plaintiff's rights.

3 29. As a direct and proximate result of Defendant's Assault, Plaintiff has suffered the
4 injuries and damages alleged above.

5 30. The acts and omissions of Defendant were undertaken with fraud, oppression or malice,
6 such as to justify an award of punitive damages in favor of Plaintiffs in an amount to be shown
7 according to proof.

8 FOURTH CAUSE OF ACTION
9 (Injury to Business Reputation and Dilution by TCHD BOD against Defendant)

10 31. Plaintiffs refer to and incorporate by reference herein each and every allegation
11 contained in paragraphs 1 through 18 above.

12 32. By the acts, alleged above, Defendant has created a likelihood of injury to Plaintiff's
13 business reputation and of dilution of Plaintiffs' business which is grounds for injunctive relief under
14 the laws of the State of California.

15 33. Plaintiffs have suffered injury to its reputation and dilution of the good will associated
16 with it's business and such injury and dilution will continue irreparably unless the acts of Defendant
17 are enjoined by this court.

18 FIFTH CAUSE OF ACTION
19 (Negligence by all Defendants)

20 34. Plaintiffs refer to and incorporate by reference herein each and every allegation
21 contained in paragraphs 1 through 18 above.

22 35. Defendant negligently and carelessly conducted herself in the manner described above
23 and is primarily and solely liable for such activities and the injuries and damages alleged herein.

24 36. As a direct and proximate cause of the wrongful acts of defendants and each of them,
25 Plaintiffs have collectively suffered losses in excess of \$100,000.00 dollars, and have suffered the
26 injuries and damages alleged herein, and Plaintiffs are entitled to sue in tort for all detriment
27 proximately caused by such violations.

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SIXTH CAUSE OF ACTION
(Declaratory Relief Between Plaintiff and all Defendants)

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3 37. Plaintiffs refer to and incorporate by reference herein each and every allegation
4 contained in paragraphs 1 through 18 above.

5 38. An actual controversy has arisen and now exists relating to the rights and duties of
6 Plaintiff and Defendants.

7 39. Plaintiff TCHD BOD contends:

8 (A) That the TCHD BOD have censured/sanctioned repeatedly (approximately 6 times)
9 Defendant STERLING for her previous misconduct including but not limited to alleged verbal and
10 physical assaults on other TCHD BOD members and violating various laws applying to TCHD BOD
11 members and common law conflict of interests laws, disrupting meetings and recording portions of
12 a closed-session meeting.

13 (B) That Defendant STERLING is required by law to observe the censures/sanctions of the
14 TCHD BOD and thus not enter TCHD BOD assembly rooms and her failure to do has causing legal
15 exposures to Plaintiff TCHD BOD which should be awarded as monetary damages to Plaintiffs in
16 an amount to be determined by the judge or jury as appropriate.

17 40. A judicial declaration is necessary and appropriate at this time under the circumstances
18 in order that Plaintiffs may ascertain their rights and profits in association wrongfully and illegally
19 appropriated by Defendants.

20 WHEREFORE, Plaintiffs pray judgment against Defendant as follows:

21 1. For alternative or additional decrees ordering the imposition of resulting and/or
22 constructive trusts, or equitable liens, as the case may be, and an accounting, as against the
23 Defendant for which such relief is sought.

24 2. For alternative or additional rewards against each Defendant of general, special,
25 compensatory, incidental, consequential, economic, or punitive damages as applicable to each
26 particular cause of action as has been alleged and as shall be shown according to proof, plus interest
27 at the legal rate, as against those Defendants for which such relief is sought.

28 3. For actual and punitive damages against each individual DOE Defendant (yet to be

1 specifically named) in the amount to be shown at time of trial;

2 4. For an injunction permanently restraining and enjoining Defendants from engaging
3 in the unfair business practices and other misconduct as set forth herein;

4 5. For a determination of the respective rights of the parties as requested under the
5 Thirteenth Cause of Action for Declaratory Relief;

6 6. For an award of attorneys fees as allowed by law, as against those Defendants and
7 under those causes of action for which such relief is allowed.

8 7. For costs of suit herein incurred; and

9 8. For such other and further damages as the court deems just and proper.

10 CURRAN & CURRAN LAW

11
12 Dated: 3/3/2011

By:


MICHAEL D. CURRAN, ESQ.
Attorney for Plaintiffs


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14 JURY TRIAL DEMANDED

15 Plaintiff demands trial of all issues by jury.

16 CURRAN & CURRAN LAW

17
18 Dated: 3/3/2011

By:


MICHAEL D. CURRAN, ESQ.
Attorney for Plaintiffs