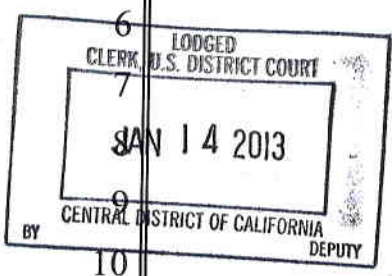


1 Louis G. Fazzi, Esq. SBN84362  
2 Attorney & Counselor at Law  
3 222 N. Mountain Ave., Suite 108  
4 Upland, CA 91786  
5 909-237-6214 Fax 888-483-8961  
6 [louisfazzi@yahoo.com](mailto:louisfazzi@yahoo.com)

7 Attorney for Plaintiff Lisa Kaufman



8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

10  
11 LISA MARIE KAUFMAN,  
12 Plaintiff,

13 vs.

14 CALIFORNIA DEPARTMENT OF  
15 CORRECTIONS AND  
16 REHABILITATION; SPECIAL AGENT  
17 SCOTT WEBB; and SPECIAL AGENT  
18 TIM MOBERG,

19 Defendants.

Case No. **EDCV13-0085** JGB(SPx)

**COMPLAINT AND DEMAND  
FOR JURY TRIAL**

Violation of Civil Rights under  
Color of Law  
[42 U.S.C. § 1983]

20 COMES NOW PLAINTIFF LISA KAUFMAN WHO, FOR A CAUSE  
21 OF ACTION FOR VIOLATION OF CIVIL RIGHTS UNDER COLOR OF  
22 LAW, ALLEGES:

- 23 1. Jurisdiction of the Court arises out of and is based upon 28 U.S.C. §§  
24 1331 and 2201.  
25 2. Defendant California Department of Corrections and Rehabilitation  
26 (hereafter CDCR) is, and at all times herein mentioned was, a governmental  
27 agency organized and existing pursuant to the laws of the State of California and  
28 the United States of America.  
3. Defendants Special Agents Scott Webb and Tim Moberg (hereafter

Louis G. Fazzi, Esq.  
Attorney & Counselor at Law  
222 N. Mountain Ave., Suite 108  
Upland, CA 91786  
909-237-6214

1 Webb and Moberg, respectively) are, and at all times herein mentioned were,  
2 sworn officers of CDCR assigned to, among other things, parole supervisory  
3 duties and the monitoring of parolees released by and under the supervision of  
4 CDCR. Plaintiff is informed and believes and thereon alleges that Defendant  
5 Webb was Defendant Moberg's superior at CDCR, and may or may not have been  
6 Defendant Moberg's supervisor.

7 4. At all times herein alleged, the acts of Defendants Webb and Moberg  
8 were done and engaged in under color of law and pursuant to the official policies,  
9 procedures, practices, ordinances, regulations, customs, and/or usage of the  
10 Defendant CDCR such that the acts of the individual Defendants are and at all  
11 times herein mentioned were the acts of Defendant CDCR.

12 5. At all times herein mentioned, defendants, and each of them, were the  
13 agents and employees of each of the remaining defendants, and were at all times  
14 acting within the purpose and scope of said agency and employment, and each  
15 defendant has ratified and approved the acts of his/her agent.

16 6. In doing the acts herein alleged, Defendants Moberg and Webb  
17 abused the authority granted them by the State of California as sworn peace  
18 officers whose oath of office required them at all times to uphold, protect and  
19 defend the Constitution of the United States of America and the State of  
20 California. In so doing, the Defendants, and each of them, abused their authority to  
21 impose unlawful parole conditions on Plaintiff, to overcome the free will of  
22 Plaintiff Lisa Marie Kaufman and to cause her to obey their wishes and base  
23 desires for their own sexual gratification, by the constant threat of returning  
24 Plaintiff Lisa Marie Kaufman to prison if she did not do as they demanded.  
25 Defendants, and each of them, kept Plaintiff on parole for a longer period of time  
26 than was legally justified or warranted for the purpose of maintaining the ability to  
27 abuse Plaintiff for their own gratification.

28 7. Defendants, and each of them, subjected, or caused to be subjected,

1 Plaintiff Lisa Marie Kaufman, a citizen of the United States, to the deprivation of  
2 any rights, privileges, or immunities secured by the Constitution and laws of the  
3 United States of America, (including but not limited to unreasonable search and  
4 seizure, and violation of Plaintiff's right to privacy) in the following respects:

5 a. Plaintiff Lisa Marie Kaufman is, and at all times herein alleged was, a  
6 parolee of the Defendant CDCR. While on parole, and within the two years last  
7 past, Defendant Moberg became Plaintiff's parole officer (PO). While under  
8 Defendant Moberg's supervision, Moberg introduced Plaintiff to Defendant Webb  
9 and urged Plaintiff to do whatever she could to "please" Defendant Webb, because  
10 things could go well for her if she did. Moberg represented to Plaintiff that  
11 Defendant Webb had a lot of "pull" with CDCR and could make her life pleasant  
12 or difficult, such as by "violating Plaintiff" (meaning citing Plaintiff for parole  
13 violations) and returning her to state prison, depending on how Plaintiff treated  
14 Webb.

15 b. As a consequence of Defendant Moberg's representations and  
16 statements about Defendant Webb, within the two years last past Plaintiff began  
17 cooperating and helping Defendant Webb, including acting as an occasional  
18 confidential informant at Webb's direction.

19 c. (i). Commencing in approximately May 2011, while Defendant  
20 Moberg was her parole agent, Plaintiff was attempting to recover from an  
21 addiction to methamphetamine. One of Plaintiff's parole conditions required her to  
22 submit to periodic unannounced drug testing. During the period of May 2011,  
23 Plaintiff tested dirty approximately four times. On information and belief, Plaintiff  
24 alleges that proper CDCR protocol in the event of dirty drug tests called for one of  
25 several different options in terms of dealing with parolees who test dirty while on  
26 parole. These options included "violating Plaintiff", i.e. citing Plaintiff for  
27 violating the terms of her parole and taking her into custody, or seeking placement  
28 for Plaintiff in a certified alcohol or drug rehabilitation facility, among others.

1 Defendant Moberg chose none of the appropriate options for dealing with  
2 Plaintiff's dirty drug testing.

3 (ii). Instead, Defendant Moberg decided to keep Plaintiff on the  
4 streets, and to use her to gain influence with his superior, Defendant Webb. Thus,  
5 in or between May 25 and 31, 2011, Defendant Moberg instructed Plaintiff to  
6 contact Defendant Webb, who would ostensibly help her deal with her dirty tests  
7 and avoid returning to prison. Plaintiff complied, and at Defendant Moberg's  
8 direction contacted Defendant Webb. Approximately two to three weeks later,  
9 Defendant Webb contacted Plaintiff for the first time. At that time, Defendant  
10 Webb instructed Plaintiff to meet him at a location which he specified, an  
11 unincorporated area just outside Hesperia, California. Plaintiff presented herself to  
12 the location, and met Defendant Webb for the first time. Defendant Webb was in a  
13 State of California official vehicle, and had Plaintiff get in the car with him.  
14 Defendant Webb immediately searched Plaintiff's belongings, and discovered a  
15 sex toy which Plaintiff had in her purse. Defendant Webb asked Plaintiff what the  
16 item was, and after some conversation asked Plaintiff to demonstrate how she used  
17 it on herself. Out of fear that Defendant Webb would have Plaintiff sent back to  
18 prison if she failed to comply, Plaintiff partially disrobed and demonstrated the use  
19 of the sex toy for Defendant Webb. While Plaintiff was so engaged, Defendant  
20 Webb began masturbating in Plaintiff's presence. After he was finished,  
21 Defendant Webb told Plaintiff she was free to go but to make herself available to  
22 him the next time he contacted her. Defendant Webb also made it clear that he  
23 would return Plaintiff to prison if she talked to anyone about what had transpired.

24 d. In or about July 2011, Defendant Webb began calling Plaintiff and  
25 sending her text messages at all times of the day and night, including late at night  
26 and in the early morning hours. On one occasion, Defendant Webb demanded that  
27 Plaintiff send him cell phone photos of her naked breasts. Plaintiff believed she  
28 had no choice but to comply, and did send the photos Webb wanted. Several



1 months later, Plaintiff submitted the photos she had taken to the internal affairs  
2 department of the Defendant CDCR.

3 e. In or about the middle of July 2011, Defendant Webb contacted  
4 Plaintiff by telephone and demanded that Plaintiff meet him a second time.  
5 Defendant Webb instructed Plaintiff to meet him at a cemetery at Mountain Ave.  
6 and G Street in Ontario, California, and told her to be sure she had "those things"  
7 in her purse (meaning the sex toy). Plaintiff complied, and met with Defendant  
8 Webb on that occasion. Once again, Defendant Webb was driving an official State  
9 of California vehicle, and had Plaintiff get in the car with him. Defendant Webb  
10 immediately searched Plaintiff and her belongings, including her purse. Defendant  
11 Webb immediately confiscated Plaintiff's cell phone, and began going through the  
12 device. Defendant Webb deleted all references to calls and text messages between  
13 himself and Plaintiff. Again Defendant Webb found Plaintiff's vibrator in her  
14 purse, and told her to again demonstrate how she used it. Out of fear that  
15 Defendant Webb might cause Plaintiff to be sent back to prison if she failed to  
16 comply, Plaintiff again complied and began masturbating herself using the  
17 vibrator. As Defendant Webb watched Plaintiff, he began masturbating. Once he  
18 had finished, Defendant Webb released Plaintiff and instructed her to make herself  
19 available when he called. Again, Defendant Webb made it clear that he would  
20 return Plaintiff to prison if she talked to anyone about what had transpired.

21 f. In or about early August 2011, Defendant Webb contacted Plaintiff  
22 by telephone and demanded that Plaintiff meet him, and to be sure to bring her sex  
23 toys with her. Defendant Webb came to Plaintiff's residence at the time, driving a  
24 white official State of California van, which was loaded with various kinds of  
25 surveillance equipment. Defendant Webb on this occasion had Plaintiff get into  
26 the vehicle with him, and immediately searched Plaintiff and her belongings,  
27 including her purse. Defendant Webb immediately confiscated Plaintiff's cell  
28 phone, and began going through the device. Defendant Webb deleted all

1 references to calls and text messages between himself and Plaintiff. Again,  
2 Defendant Webb took Plaintiff's vibrator out of the purse, and again demanded  
3 that Plaintiff demonstrate how she used it on herself. Again fearing that if she  
4 failed to comply Defendant Webb could send her back to prison, Plaintiff  
5 complied and began masturbating using the vibrator, and as he observed her  
6 Defendant Webb began masturbating in Plaintiff's presence. After Defendant  
7 Webb finished, he again released Plaintiff with instructions to make herself  
8 available whenever he might call. Defendant Webb also made it clear that he  
9 would return Plaintiff to prison if she talked to anyone about what had transpired.

10 g. In or about the end of August 2011, Defendant Webb contacted  
11 Plaintiff by telephone and demanded that Plaintiff meet him, and to make sure she  
12 had her sex toy with her. On this fourth occasion, Defendant Webb told Plaintiff  
13 he would pick her up at her residence on Jacaranda Street in Ontario, California.  
14 Defendant Webb then arrived at Plaintiff's residence at approximately 2 p.m.  
15 driving another official State of California vehicle, and had Plaintiff get in the  
16 vehicle with him. Defendant Webb again searched Plaintiff and her belongings  
17 immediately after Plaintiff got in the vehicle with him, and then drove Plaintiff  
18 around until he came to a shopping center, where he parked the vehicle. Defendant  
19 Webb again confiscated Plaintiff's cell phone, and began going through the  
20 device. Defendant Webb deleted all references to calls and text messages between  
21 himself and Plaintiff. After some conversation about what was going on with her  
22 and on the streets, Defendant Webb instructed Plaintiff to begin demonstrating  
23 how she used the vibrator on herself. Still fearing that if she failed to comply  
24 Defendant Webb would use his authority to send her back to prison, Plaintiff felt  
25 she had no choice but to comply, and began masturbating using the vibrator.  
26 While Plaintiff did this, Defendant Webb watched Plaintiff and began  
27 masturbating. As he had done on the previous occasions, Defendant Webb gave  
28 Plaintiff instructions on what he wanted Plaintiff to do in order to please him, but

1 was careful to never actually touch Plaintiff. After he had finished, Defendant  
2 Webb took Plaintiff back to her home, and told Plaintiff to continue making  
3 herself available to him whenever he might call. Again, Defendant Webb made it  
4 clear that he would return Plaintiff to prison if she talked to anyone about what  
5 had transpired.

6 h. By other acts or omissions of which Plaintiff is presently unaware. As  
7 soon as Plaintiff learns of the other acts and omissions of Defendants, or any of  
8 them, she will move to amend her Complaint to more specifically allege such other  
9 acts and omissions.

10 8. As a direct and proximate result of the violation of Plaintiff's civil  
11 rights as herein alleged, Plaintiff has suffered general damages in a sum to be  
12 shown at the time of trial, according to proof.

13 9. As a further direct and proximate result of the violation of Plaintiff  
14 civil rights as herein alleged, Plaintiff has suffered great and severe mental and  
15 emotional distress, anger, anxiety, worry, shame, humiliation, loss of self-esteem,  
16 mortification and chagrin, and has been required to seek the services of  
17 practitioners of the healing arts and has incurred medical and related expenses  
18 therefor, all to her special damage in a sum to be shown at the time of trial,  
19 according to proof.

20 10. As a further direct and proximate result of the aforementioned  
21 wrongful conduct of defendants, and each of them, as herein alleged, plaintiff has  
22 been forced to hire the services of attorneys, and has incurred attorney's fees at the  
23 rate of \$385 per hour and will continue to incur attorney's fees at this rate or more  
24 until the resolution of this matter, in a sum to be shown at the time of trial,  
25 according to proof.

26 11. The conduct of the defendants Moberg and Webb was malicious,  
27 intended by these defendants to cause injury to Plaintiff, was despicable conduct  
28 carried on by the defendants with a willful and conscious disregard of Plaintiff's



Louis G. Fazzi, Esq.  
Attorney & Counselor at Law  
222 N. Mountain Ave., Suite 108  
Upland, CA 91786  
909-237-6214

1 rights, and with the intent to vex, injure or annoy Plaintiff, such as to constitute  
2 oppression, fraud or malice, entitling Plaintiff to punitive and exemplary damages  
3 in an amount appropriate to punish or set an example of these individual  
4 defendants.

5 12. Defendant Webb's conduct was particularly egregious, in that his  
6 abuse of power and authority was done with the specific intent and purpose to  
7 intimidate and oppress Plaintiff, and remove from her all sense of decency in order  
8 to force her to comply with his personal sexual desire. Defendant Webb used his  
9 position and the power conferred on him by the State of California to subjugate  
10 and sexually dominate Plaintiff by using Plaintiff's addiction as a means of  
11 controlling Plaintiff to his own sexual gratification, in conscious disregard of  
12 Plaintiff's rights and well being, justifying a significant award of punitive  
13 damages against Defendant Webb personally.

14 WHEREFORE, Plaintiff prays for judgment against defendants, and each of  
15 them, as follows:

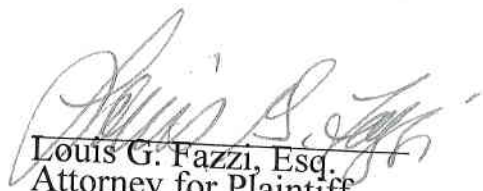
- 16 1. General damages in an amount to be shown at the time of trial,  
17 according to proof;
- 18 2. Special damages for medical and other expenses for practitioners of  
19 the healing arts and sciences, for mental and emotional distress, chagrin, worry,  
20 anxiety, mortification, shame and grief, all to plaintiff's damage in a sum to be  
21 shown at the time of trial, according to proof;
- 22 3. Attorney's fees and incidental out of pocket costs and expenses  
23 pursuant to 42 *U.S.C.* § 1988, all in a sum to be shown at the time of trial,  
24 according to proof;
- 25 4. Punitive and exemplary damages in an amount appropriate to punish  
26 or set an example of defendants Tim Moberg and Scott Webb only;
- 27 5. For prejudgment interest on all damages;
- 28 6. For costs of suit incurred herein; and



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

7. For such other and further relief as the Court may deem just and proper.

Dated: January 8, 2013

  
Louis G. Fazzi, Esq.  
Attorney for Plaintiff

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demand a jury trial on all issues so triable under either law or discretion of the Court.

Dated: January 8, 2013

  
Louis G. Fazzi, Esq.  
Attorneys for Plaintiff

Louis G. Fazzi, Esq.  
Attorney & Counselor at Law  
222 N. Mountain Ave., Suite 108  
Upland, CA 91786  
909-237-6214