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8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 HOLLY CRANDON, D.C., a minor by and) Case No: 18-02601-NC
through her guardian ad litem, HOLLY)
11 CRANDON, ROGER CORZA,) **JOINT CASE MANAGEMENT**
Plaintiffs,) **STATEMENT and STATUS REPORT**
12 vs.)
13 MIGUEL MASSO, individually and in his)
14 official capacity as police officer for the City)
of Hollister; and DOES 1 through 25,)
15 inclusive,)
Defendants,)

16
17
18 The Parties to the above-entitled action jointly submit this JOINT CASE MANAGEMENT
19 STATEMENT pursuant to the United States District Court Northern District of California San
20 Jose Division, Standing Order Regarding Case Management Civil Cases dated February 10,
21 2017, and Civil Local Rule 16 et seq.

1 **STATUS REPORT**

2 The Parties have settled the case (February 22, 2019) and are in the final process of
3 completing the Minor’s Compromise. Currently, the attorneys are seeking signatures from the
4 various parties to complete the process. Counsel for Defendant anticipates scheduling a Notion
5 and Motion In Support of Minor’s Compromise forthwith.

6 All other Case Management Information contained herein is the same as the most recent
7 case management statement and are hereby incorporated by reference. (This “shorten” case
8 management statement is done in the interest of judicial economy.)

9 **1. JURISDICTION & SERVICES**

10 The Parties agree that this Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and
11 1343(a)(3)-(4) because Plaintiffs assert claims arising under the laws of the United States
12 including 42 U.S.C. § 1983 and the Fourth and Fourteenth Amendments of the United States
13 Constitution. The Parties further agree that this Court has supplemental jurisdiction over
14 Plaintiffs’ claims arising under state law pursuant to 28 U.S.C. § 1367(a), because those claims
15 are so related to the federal claims that they form part of the same case or controversy under
16 Article III of the United States Constitution.

17 No issues exist regarding personal jurisdiction or venue. No parties remain to be served.

18 **2. FACTS**

19 **a. Plaintiff’s Statement of Facts**

20 On or about May 6, 2017, late in the evening MS. CRANDON was home with her
21 significant-other MR. CORZA watching T.V. in their living room when they heard a knock at
22 the door. The lights were off so the house was dark. They decided not to answer the door for
23 company since it was so late. They turned off the T.V. and waited for whomever it was to leave.

1 Suddenly the front door opened and flashlights were shown around the room and in their
2 faces as they sat on the sofa. MS. CRANDON immediately got up from the sofa and turned on
3 the lights. OFFICER MASSO stated, "Police" when he opened the front door. MS. CRANDON
4 asked OFFICER MASSO why he opened the door without permission and he stated, "Because
5 the door was unlocked." At this point MS. CRANDON was scared and upset at the intrusion into
6 her home. OFFICER MASSO mentioned something about searching for someone. There was a
7 total of three City of Hollister police officers standing on or near the door's threshold.

8 OFFICER MASSO just stepped inside their home and asked for identification from MS.
9 CRANDON and MR. CORZA. MS. CRANDON told OFFICER MASSO they were not going
10 to produce identification because he (OFFICER MASSO) had entered the house (living room)
11 without a warrant or permission.

12 OFFICER MASSO then tried to grab MS. CRANDON and detain her, but she moved out of
13 his reach. While trying to grab MS. CRANDON, OFFICER MASSO threatened to pull MS.
14 CRANDON outside and arrest her. After MS. CRANDON argued with OFFICER MASSO for a
15 few minutes about his unlawful entry into her home, a second City of Hollister police officer
16 asked OFFICER MASSO to stop and step away so he could speak with MS. CRANDON. After
17 speaking with the second City of Hollister police officer for a couple of minutes the officers left.

18 On or about May 17, 2017, on an early Wednesday evening, MS. CRANDON and MR.
19 CORZA, and MS. CRANDON'S, at the time, nine (9) year old daughter D.C. came back home
20 from doing their laundry. MS. CRANDON parked the vehicle in the carport next to her home.
21 As MS. CRANDON was getting out of her vehicle, she looked over and saw that MR. CORZA
22 was being arrested by OFFICER MASSO. MS. CRANDON heard MR. CORZA ask OFFICER
23 MASSO, "What did I do?" OFFICER MASSO replied, "Shut up! You know what you did."

1 MS. CRANDON then walked over and asked OFFICER MASSO why MR. CORZA was being
2 arrested. OFFICER MASSO ordered MS. CRANDON to stand back because it was none of her
3 business. MS. CRANDON kept asking why MR. CORZA was being arrested. OFFICER
4 MASSO then threatened to arrest MS. CRANDON.

5 Both MS. CRANDON and MR. CORZA asked OFFICER MASSO to check MR. CORZA'S
6 driver's license (identification) to make sure he was arresting the right person. MR. CORZA was
7 detained and sitting on the sidewalk curb outside their home with his hands handcuffed behind
8 his back. MS. CRANDON then called her mother on her cell phone to let her know what was
9 going on. MS. CRANDON began walking towards the front door of her home, with her back to
10 OFFICER MASSO, when OFFICER MASSO suddenly tackled MS. CRANDON from behind
11 onto the hard walkway. The force of the attack caused MS. CRANDON to drop her purse and
12 her cell phone. MS. CRANDON'S sandals even flew off because of the impact.

13 MS. CRANDON'S stomach was completely flat on the ground after the rear tackle by
14 OFFICER MASSO. MS. CRANDON'S daughter D.C. was then screaming for help. MS.
15 CRANDON saw other people walking by possibly taping the incident. Some people were
16 stopping to look. MS. CRANDON screamed for someone to call her mother for help. OFFICER
17 MASSO grabbed MS. CRANDON and raised her to her feet and handcuffed her hands behind
18 her back. MS. CRANDON was then placed in the back of a police vehicle. Meanwhile, MS.
19 CRANDON'S daughter D.C. had called her grandmother to come and help her. MS. CRANDON
20 sat in the police vehicle for what seemed like an hour.

21 Plaintiffs are informed and believe that after a several minutes City of Hollister Sergeant
22 Weiss arrived. Sometime later, Sergeant Weiss removed the handcuffs and gave MS.
23 CRANDON a criminal citation for resisting arrest. MR. CORZA was also released after the

1 police finally checked his identification to verify that OFFICER MASSO had arrested the wrong
2 person.

3 MS. CRANDON received injuries to her arms, knees and has trouble with her left knee since
4 the rear tackle by OFFICER MASSO. MS. CRANDON missed work because of this incident.
5 MS. CRANDON'S daughter D.C. suffered shock and emotional trauma because of the incident.
6 MS. CRANDON's Constitutional Right, both federal and state, were violated by OFFICER
7 MASSO's excessive force and illegal detention and arrest of her. Mr. CORZA Constitutional
8 Rights were violated by OFFICER MASSO's illegal detention and arrest of him.

9 **b. Defendant's Statement of Facts**

10 During the late evening hours of May 5, 2017, Hollister Police Officer Miguel Masso was
11 dispatched to a residence regarding a domestic disturbance. After speaking with the
12 complainant, Officer Masso took the information provided by the complainant and drove to the
13 last known location of the alleged assailant. When Officer Masso arrived at the residence of
14 Plaintiff Holly Crandon, he approached the front door of the residence and heard what appeared
15 to be the voices of two men and one woman coming from inside the residence. Officer Masso
16 also heard the television on saw that lights were on inside the residence.

17 Officer Masso knocked on the front screen door of the residence and instead of the
18 occupants opening the front door, they turned the lights and television off and waited in the dark.
19 Officer Masso knocked three additional times without any response. Due to the seriousness of
20 the attack on the complainant, Officer Masso needed to speak with the alleged assailant before
21 any additional harm/injury was done to individuals or property. He tried the front door and
22 opened the door slowly and shone his flashlight into the dark residence. He found two
23 individuals sitting and laying on the couch in total darkness. Officer Masso identified himself as

1 a police officer and explained he was looking for a suspect in a reported assault. The suspect
2 was the brother of Plaintiff Holly Crandon. After several minutes of attempting to ascertain the
3 identity of the occupants and their repeated refusal to provide identification, Officer Masso and
4 his fellow officer walked back to their respective police vehicles. Prior to leaving the area,
5 Officer Masso took photographs of broken glass in front of the residence, as well as a metal pipe,
6 as part of the ongoing investigation of the reported assault from earlier that evening.

7 On or about May 17, 2017, Officer Masso returned to Plaintiff Crandon's residence and
8 saw Plaintiff Corza exiting a vehicle in the driveway of the residence. Officer Masso placed
9 Plaintiff Corza in handcuffs, under the mistaken but good faith belief that Plaintiff Corza was the
10 suspect in the prior reported assault of May 5, 2017. Plaintiff Crandon became agitated and
11 began yelling at Officer Masso as she approached Officer Masso and Plaintiff Corza. Officer
12 Masso instructed Plaintiff Crandon to keep her distance and refrain from yelling. When Plaintiff
13 Crandon refused to comply with Officer Masso's repeated instructions to remain back and stop
14 yelling, Officer Masso informed Plaintiff Crandon that he was placing her under arrest. Plaintiff
15 Crandon then turned and as best as Officer Masso can determine, Plaintiff Crandon tripped and
16 fell to the ground. Officer Masso placed handcuffs on Plaintiff Crandon and another officer
17 escorted her to a police vehicle.

18 **3. LEGAL ISSUES**

19 **a. Plaintiff's Statement of Legal and Factual Issues**

- 20 1. The manner, extent, and reasonableness of the use of force against Plaintiff Crandon;
- 21 2. The factual basis for the detention and arrest of Plaintiffs Crandon and Corza;
- 22 3. Whether Officer Masso tackled Plaintiff Crandon from behind knocking her to the
23 ground causing injuries;

- 1 4. Whether Officer Masso is entitled to qualified immunity;
- 2 5. The training provided to Officer Masso in identifying suspects, executing warrants
- 3 and in conducting detentions and arrests;
- 4 6. The legal and factual basis for the District Attorney's Office for not bringing a
- 5 resisting arrest charge against either Plaintiff Crandon or Corza;
- 6 7. The extent of Plaintiffs' Crandon, DC, and Corza damages;
- 7 8. The factual basis for the negligently caused emotional distress suffered by Plaintiff
- 8 DC;
- 9 9. The legal and factual basis for the interference, and attempted interference, by threats,
- 10 intimidation and coercion pursuant to California Civil Code § 52.1.

11 **b. Defendant's Statement of Legal and Factual Issues**

- 12 1. Whether Defendant's actions were reasonable, necessary, justified and in good faith
- 13 under the circumstances;
- 14 2. Whether Defendant violated Plaintiff Crandon's and Plaintiff Corza's Fourth
- 15 Amendment rights;
- 16 3. Whether Defendant violated California Civil Code § 52.1;
- 17 4. Whether Defendant is entitled to qualified immunity;
- 18 5. Whether Defendant's conduct subjects him to liability for Plaintiffs' state law claims,
- 19 including negligent infliction of emotional distress;
- 20 6. The nature and extent of Plaintiffs' claimed damages, if any.

21 **4. MOTIONS**

22 There are no pending motions.

1 Plaintiff will file discovery motions as necessary, including, but not limited to, discovering
2 Officer Masso's personnel file.

3 Defendant may move for summary judgment or partial summary judgment based on
4 discovery.

5 The parties reserve their rights to bring all appropriate motions.

6 **5. AMENDMENTS TO THE PLEADINGS**

7 Plaintiff reserves the right to amend the pleadings to add new parties based upon further
8 discovery, for which leave of the Court will be sought. (Fed. R. Civ. Proc. 15(a)(2) and Fed. R.
9 Civ. Proc. 20.)

10 **6. EVIDENCE PRESERVATION**

11 The Parties have reviewed the Guidelines Relating to The Discovery of Electronically Stored
12 Information ("ESI Guidelines"). Further, counsel for Plaintiff and Defendant will meet and
13 confer pursuant to Fed. R. Civ. Proc. 26(f) regarding any necessary preservation of evidence
14 relevant to the issues reasonably evident in this action pursuant to ESI Guidelines 2.01 and
15 2.202, and the Checklist for ESI Meet and Confer. The vast majority of electronic evidence in
16 this matter is contained within the custody and control of Hollister Police Department database
17 system.

18 Plaintiff have preserved all evidence known to them.

19 Defendant has preserved all evidence known to him.

20 **7. DISCLOSURES**

21 The Parties have agreed to exchange initial disclosures pursuant to the requirements of Fed.
22 R. Civ. Proc. 26 and as set forth in "Order Setting Initial Case Management Conference and
23 ADR Deadlines," on or before July 25, 2018. (Dkt #5, filed 5/3/18.)

1 The parties have agreed to serve initial disclosures pursuant to Federal Rule of Civil
2 Procedure 26(a)(1) on July 30, 2018.

3 **8. DISCOVERY**

4 The Parties do not propose limitations or modifications of the discovery rules and are
5 considering entering into a stipulated e-discovery order.

6 The parties have met and conferred on a protective order, based on the Northern District
7 model order, regarding, among other things, discovery of confidential peace officer personnel
8 records and any medical records of Ms. Crandon, Mr. Corza, and minor D.C.

9 The Parties intend to participate in ADR process which will affect the proposed discovery
10 dates.

11 The following is the proposed discovery plan pursuant to Fed. R. Civ. Proc. 26(f):

- 12 1. Initial Disclosures: July 25, 2018
- 13 2. Interrogatories, Request for Production of Documents: _____
- 14 3. Deposition Notice: _____
- 15 4. Depositions by: _____
- 16 5. Witness Subpoenas by: _____
- 17 6. Experts Reports by: _____
- 18 7. Expert Deposition done by: _____
- 19 8. Discovery Deadline: _____

20 The parties agree that there have been no identified discovery disputes.

21 **9. CLASS ACTION**

22 Not applicable in this matter.

23 **10. RELATED CASES**

1 There are no related cases.

2 **11. RELIEF**

3 a) **Plaintiff’s Relief Statement**

- 4 1. For general and special damages according to proof;
- 5 2. For treble and punitive damages, including but not limited to: Civil Code § 51,
- 6 § 52, § 3294, civil penalty of \$25,000 under Civil Code § 51 and § 52;
- 7 3. For attorney’s fees and costs of litigation, including but not limited to: Civil Code §
- 8 52, 42 U.S.C. § 1983, and § 1988;
- 9 4. For emotional distress;.
- 10 5. For punitive damages.

11 Defendant Miguel Masso denies Plaintiffs are entitled to any damages.

12 **12. SETTLEMENT and ADR**

13 The Parties complied with ADR Civil Local Rule 3-5 by filing required ADR certifications.

14 An ADR telephone conference was held on July 12, 2018.

15 **13. CONSENT TO MAGISTRATE FOR ALL PURPOSES**

16 All parties consent to have a magistrate judge conduct all further proceedings, including trial
17 and entry of judgment.

18 **14. OTHER REFERENCES**

19 The case is not suitable for reference to binding arbitration, a special master, or the Judicial
20 Panel on Mulidistrict Litigation.

21 **15. NARROWING OF ISSUES**

22 The Parties will explore what if any issues can be resolved.

23 **16. EXPEDITED TRIAL PROCEDURE**

1 The Parties submit that this is not the type of case that could be handled on an expedited
2 basis with streamline procedures.

3 **17. SCHEDULING**

4 The following is the proposed scheduling plan:

- 5 1. Designation of Experts: _____
- 6 2. Discovery cut-off date: _____
- 7 3. Dispositive Motion to be heard by: _____
- 8 4. Pretrial Conference: _____
- 9 5. Trial date: _____

10 Defendant Miguel Masso proposes the following schedule:

- 11 a. Fact Discovery Cutoff: April 12, 2019
- 12 b. Expert Disclosures Due: May 10, 2019
- 13 c. Rebuttal Expert Disclosures Due: June 7, 2019
- 14 d. Last Day to File Dispositive Motions: April 12, 2019
- 15 e. Expert Discovery Cutoff: November 8, 2019
- 16 f. Pretrial filings Due: 2nd week of December 2019
- 17 g. Final Pretrial Conference: 3rd week of January 2020
- 18 h. Trial Start Date: 2nd week of February 2020

19 **18. TRIAL**

20 The matter is set for a jury trial and Plaintiff believes the trial will to take five (5) court days.
21 Defendant Miguel Masso estimates the jury trial will take approximately 5-7 days.

22 **19. DISCLOSURE OF NON-PARTY INTERESTED ENTITIES OR PERSONS**

1 The Parties have filed their “Certification of Interested Entities or Persons” required by Civil
2 Local Rule 3-5.

3 The parties are unaware of any non-parties whose interests could be substantially affected by
4 the outcome of the proceeding.

5 **20. PROFESSIONAL CONDUCT**

6 All attorneys of record for the parties have reviewed the Guidelines for Professional Conduct
7 for the Northern California District of California.

8 **21. OTHER**

9 There are no other matters at this time that may facilitate the just, speedy and inexpensive
10 disposition of this matter.

11
12 Dated: May 22, 2019

Respectfully submitted,
LAW OFFICE OF CRAIG A. BRANDT

13
14 /s/ Craig A. Brandt
Craig A. Brandt, Esq.
Attorney for Plaintiffs

15
16
17 Dated: May 22, 2019

Respectfully submitted,
CASEY LAW GROUP

18
19 /s/ Colin McCarthy
Colin McCarthy, Esq.
Attorney for Defendant