

Carrie Armstrong
2955 Champion Way #294
Tustin; Ca 92782
714-832-2952
In Proper Person

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CARRIE ARMSTRONG, an individual,
PLAINTIFF,
vs.
SHIRLEEN WRIGHT-PEARSON;
MANJULA NAIR; WALDINE DOERING;
MARTA SPAETH; JONATHAN AKANNO;
ISMAIL PATEL; LOURDEZ VILLARUZ;
DOES 1 THROUGH 10.
DEFENDANTS.

CASE NO. *LJO*
Z:10-CV-01856-OWW-
JLT

**PLAINTIFF'S MOTION FOR
RECONSIDERATION AND
OPPOSITION TO MOTION FOR
SUMMARY JUDGMENT**

RECEIVED

DEC 05 2012

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____ DEPUTY CLERK

1.0 FACTUAL BACKGROUND

Plaintiff began working as a nurse at Kern Valley State Prison ("KVSP") in ____ of 2006. Contrary to the assertions of defendants, her work was excellent, she worked long hours, and was considered an excellent and caring nurse by those who observed her work. See Declaration of Chester Smith, guard at KVSP who worked with Plaintiff. See also declaration of Bertha Sanchez, employee at KVSP during the time Plaintiff worked there. Far from being a frivolous case as defendants claim, this case involves devious and malicious conduct which has been occurring at KVSP for some time as a pattern of retaliatory behavior towards those who spoke out against

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JLT

**PLAINTIFF'S MOTION FOR
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SUMMARY JUDGMENT**

1.0 FACTUAL BACKGROUND

Plaintiff began working as a nurse at Kern Valley State Prison ("KVSP") in ____ of 2006. Contrary to the assertions of defendants, her work was excellent, she worked long hours, and was considered an excellent and caring nurse by those who observed her work. See Declaration of Chester Smith, guard at KVSP who worked with Plaintiff. See also declaration of Bertha Sanchez, employee at KVSP during the time Plaintiff worked there. Far from being a frivolous case as defendants claim, this case involves devious and malicious conduct which has been occurring at KVSP for some time as a pattern of retaliatory behavior towards those who spoke out against

illegalities there. See Sanchez declaration, paragraphs 11-14. Ms. Armstrong spoke out about illegalities and paid the price for it, including losing her job, and being prosecuted criminally (which resulted in her being found not guilty). She also lost her nursing license, which is touted by defendants as somehow lending credence to their claims. Plaintiff lost her nursing license because she hired an attorney to represent her who took her money and failed to represent her. See Armstrong declaration, paragraph ___. She had no idea she had lost her license until it was too late. That attorney has been disbarred and is now in prison for his conduct. See Armstrong declaration, paragraph ___. It was not until Plaintiff actually experienced her criminal trial that she realized the conduct of the defendants, and how it lead to her termination, and the devious nature of the defendants' conduct, including (1) creating false and fraudulent documents, (2) forging/scanning her signature on documents, and (3) falsely accusing Plaintiff of inappropriate conduct with full knowledge the allegations were untrue.

The conduct of defendants includes the following:

1. Falsifying vital documents of CDCR between all Defendants against Plaintiff Carrie Armstrong. [Plaintiffs added Evidence Exh. 14]
2. Falsifying resignation letters two of them on the same time and day as my Skelly Hearing. [Plaintiffs added evidence Exh. 10]
3. Malicious prosecution all Defendants knew they were making up everything against Plaintiff Carrie Armstrong [Plaintiffs added evidence Exh. 12 Carrie's Decl. & Bertha Sanchez Exh. 13 decl.]
4. All Defendants creating and conspiring to California Nursing Boards with the "false documents and false allegations they all participated in starting the "complaint" on

September 25, 2006 knowing boards would investigate the matter and push Plaintiff needlessly to the D.A. in Kern County .[Plaintiffs added evidence Exh 12 Carrie's decl. & Exh. 13 Bertha's decl.]

5. D.A. pressing charges to "false allegations, and being dragged through the criminal courts and trial where Plaintiff is "acquitted". [Plaintiff's added evidence Exh 12 Decl. & Exh 13 Bertha Sanchez Decl.]
6. Defendants "were and are a major contributer to the downfall and loss of license in Default with all there fraud, deceit and false allegations. [Plaintiffs added evidence Exh. 12 Carrie's Decl. & Exh. 13 Bertha Sanchez Decl.]
7. All Defendants further harm Plaintiff Carrie Armstrong from not being able to practice her Livelihood in her own city and state till currently today.[Plaintiffs added evidence Exh. 12 Carrie Decl. & Exh. 13 Bertha Sanchez Decl.]

2.0 PLAINTIFF'S 1983 ACTION SHOULD BE DECIDED BYA JURY

This opposition will demonstrate that defendants set in motion a series of events which lead to Plaintiff being prosecuted criminally based on false and fraudulent evidence which was provided by defendants. The evidence will show that there is a pattern of such conduct at the prison in question and defendants should be made to answer to a jury for their conduct.

2.1 Noerr Pennington Immunity Defense

2.1.1 This Is A Defense That Was Waived

First and foremost, Plaintiff's argument in relation to the Noerr Pennington doctrine is ineffective because the Noerr Pennington doctrine is an affirmative defense which needs to be pled

under FRCP 8, and defendants have failed to do so. *North Carolina Electric Membership Corp. v. Carolina Power & Light*, 666 F.2d 50, 52 (4th Cir. 1981). This situation is one where discovery is closed and Plaintiff cannot now conduct discovery on this issue. Therefore, allowing an amendment or allowing this defense at this time is prejudicial to Plaintiff.

Secondarily, the Noerr Pennington doctrine does not apply for bad faith conduct such as that outlined herein (doctoring fraudulent documents, forging Plaintiff's signature, and committing malicious and defamatory statements) in an effort to "get" Plaintiff in retaliation for Plaintiff's protected speech. The conduct outlined herein relates to the sham exception to the Noerr Pennington doctrine. *Eastern R. Presidents Conference v. Noerr Motor Freight, Inc.*, 365 U.S. 127, 144 (1961).

Not only is the *Noerr Pennington* doctrine not applicable because of the sham exception, it fits into the fraudulent activities exception. *California Motor Transport, Inc. v. Trucking Unlimited*, 404 U.S. 508, 513 (1972) ("Misrepresentations, condoned in the political arena, are not immunized when used in the adjudicatory process."). The above conduct clearly involves misrepresentations, as well as fraudulent and false documents.

2.3 Qualified Immunity

Defendants attempt to claim they are entitled to qualified immunity. This is simply untrue. The qualified immunity doctrine only applies if the right protected had not been established at the time of the alleged conduct, not whether the individual defendant had notice he or she was actually violating that right. *Anderson v. Creighton*, 483 U.S. 635, 638, 107 S.Ct. 3034 (1987); *Oona R.-S.- by Kate S. v. McCaffrey*, 143 F.3d 473, 476 (9th Cir. 1998) (rejecting this argument in relation to gender discrimination claim because right to be free from gender discrimination established long before the conduct alleged herein (2001). *Lindsey v. Shalmy*, 29 F.3d 1382, 1385-86 (9th

Cir. 1994) (gender discrimination established as violation of rights long before 1988 precluding qualified immunity argument); *Mustafa v. Clark County School District*, 157 F.3d 1169, 1180-81 Cir. 1998):

Finally, Goldman's defense of qualified immunity must fail. "Government officials are entitled to qualified immunity only if a reasonable person would not have been aware that the actions at issue violated well established statutory or constitutional rights." Lowe, 775 F.2d at 1011. A reasonable person would be aware that national origin discrimination violates well established rights.

This court has held that knowledge that one is retaliating against an individual because of that person's speech violates the 1st amendment and is therefore a violation of a known right. *Neveu v. City of Fresno*, 392 F.Supp.2d 1159, 1177-78 (E.D. Cal. 2005).

The case cited by defendants, *Suarez Corporation Industries v. McGraw*, 207 F.3d 676 (4th Cir. 2000) dealt with retaliatory conduct in the form of speech. Here, there is more than speech, there is actual prosecution of Plaintiff criminally and administratively.

Finally, defendants argue that state law provides immunity under 42 U.S.C. 1983 and cite to Cal. Civil Code 43.8 for this proposition. State civil immunities are inapplicable under 42 U.S.C. 1983. *Kimes v. Stone*, 84 F.3d 1121, 1127 (9th Cir. 1996).

2.4 Plaintiff's Speech Which Was The Subject Of Retaliation Is Protected By The First Amendment

Defendant attempts to make hay with its argument that Plaintiff's "self serving" statements are all she has to support her claim that she engaged in speech protected by the first amendment. Merely categorizing Plaintiff's testimony as "self serving" will not win a summary judgment argument. The Ninth Circuit has reversed a lower court that characterized the plaintiff's affidavit as "self serving."

Dominguez-Curry v. Nevada Transportation Dept., 424 F.3d 1027, 1035-36 (9th Cir. 2005).

Next, defendants argue that the speech was part of Plaintiff's job duties. To the contrary, Plaintiff's job functions involved planning and implementing nursing care including administration of medication, therapeutic agents, treatments, administration of disease prevention, and restorative measures ordered by a physician; writing orders for medication with verbal or direct orders from M.D.'s. This included "standard nursing procedures" which include pre-authorized medical procedures from each M.D. in an emergency situations or standard orders for and not limited to CTC and yards in nursing. Plaintiff also obtained specimens for diagnostic testing; performed assessment and ongoing monitoring of patients' physical and psychosocial status; evaluating effectiveness of nursing care and treatment regimens; and collaborating with physicians and other health care providers to provide quality medical care to inmate-patients.

The speech dealt with (1) nurses being forced to write prescriptions for physicians which were outside the scope of their authority under the law; (2) sending nurses to the yard for emergencies when medical doctors were required to do so; (3) the failure of the CDC and managers to promulgate standard policies and procedures to act, thereby creating situations where nurses would be practicing medicine as doctors; (4) complaining about medical doctors not appearing at their own yards to see their own patients, and forcing nurses to see patients who should have been seen by a medical doctor; (5) complaints about one particular inmate who was diabetic and who needed a special diet and who did not receive such a diet. Defendants cite to various California statutes which they claim "require" plaintiff to voice concerns such as the ones listed above. To the contrary, none of the statutes in question require such affirmative conduct. Defendants then cite to a California

regulation dealing with this issue. 16 Cal. Reg. 1443.5(6) dealing with advocating certain positions for a specific client. Nothing in that regulation mandates that Plaintiff complain about (1) nurse being forced to write prescriptions (illegal conduct); (2) nurses sent to the yard to perform work doctors are supposed to perform; (3) failure of the CDC to promulgate standard policies and procedures; (4) medical doctors not appearing to see patients and forcing nurses to act in their stead. Defendants fail to provide any job duties that required Plaintiff to engage in such protected conduct. *Gardner v. Shasta County*, 2007 WL 3243847 (E.D. Cal. 2007) (holding that the speech must be wholly required by job duty and no other reason for the speech exists before *Garcetti* precludes the cause of action). This issue is one which is a question of fact. *Robinson v. York*, 566 F.3d 817, 823-24 (9th Cir. 2009):

Defendants also argue that Robinson's reports were made in conjunction [**11] with his official job duties and therefore were not protected by the *First Amendment* under *Garcetti v. Ceballos*, 547 U.S. 410, 126 S. Ct. 1951, 164 L. Ed. 2d 689 (2006). The scope of Robinson's job duties is a question of fact. *Posey v. Lake Pend Oreille Sch. Dist. No. 84*, 546 F.3d 1121, 1130 (9th Cir. 2008).

2.5 The Speech Involved A Matter Of Public Concern

The four areas of speech noted above all involve the proper medical care of inmates. This cannot be legitimately argued that this is not a matter of public concern. *Swearington v. Cal. Dept. of Corrections*, 2012 U.S. Dist. Lexis 152384 (E.D. Cal. 2012) (complaints about prison conditions matter of public concern); *Gabarrete v. Hazel*, 2012 U.S. Dist. LEXIS 47122 (E.D. Cal. 2012) (same).

2.5 The Claims Are Not Time Barred

Defendant readily admits that Plaintiff was prosecuted by an action which was initiated on July 9, 2008. This court has held that an action under 42 U.S.C. 1983 accrues at the time of the injury,

citing *Fink v. Sheddler*, 192 F.3d 911, 914 (9th Cir. 1999); *Kimes v. Stone*, 84 F.3d 1121, 1128 (9th Cir. 1996). See ORDER ON MOTION FOR JUDGMENT ON THE PLEADINGS, page 5, lines 25 and 26. This means the cause of action for the 1983 claim relating to the prosecution of Plaintiff accrued on July 9, 2008. Plaintiff then had until July 9, 2008 to file this action as this court has acknowledged that the applicable limitations time frame is two years. See ORDER ON MOTION FOR JUDGMENT ON THE PLEADINGS, page 5, lines 19-20. Defendants admit in their points and authorities this action was commenced on April 30, 2010 (see Points and Authorities, page 7, line 24). This makes the complaint in this action timely.

2.5 Causation Issues

Defendants claim that Plaintiff cannot show causation to a host of untrue reasons.

Knowledge Of Protected Conduct

First, defendants claim they did not have knowledge of Plaintiff's protected conduct. To the contrary Plaintiff's declaration sets forth sufficient information in this regard. See Declaration of Armstrong, paragraph ____.

Second, although defendants acknowledge Plaintiff may merely show a temporal proximity between her protected conduct and an adverse action (brief, page 17), defendant then falsely claims that Plaintiff cannot do this. To the contrary, shortly after Plaintiff complained to the defendants about her conduct, defendants put into motion their improper conduct which set into motion the prosecution of Plaintiff. Declaration of Armstrong, par. ____ and UD 17 (approximately three months between conduct and making complaint). *Passantino v. Johnson & Johnson Consumer Products, Inc.*, 212 F.3d 493, 507 (9th Cir. 2000) (timing alone is sufficient to show causation in retaliation case

even when defendant sets forth a legitimate reason for the conduct); *Allen v. Iranon*, 283 F.3d 1070, 1078 (9th Cir. 2002) (“Although an inference from temporal proximity would have been stronger had the gap in time been smaller, an eleven month gap in time is within the range that has been found to support an inference that an employment decision was retaliatory.”); *Coszalter v. City of Salem*, 320 F.3d 968, 977-78 (9th Cir. 2003) (“three to eight months is easily within the time range that supports an inference of retaliation.”)

Defendant next claims Plaintiff needed to show control over the investigative agencies before liability attaches, and cites to *Arnold v. IBM*, 647 F.2d 1350 (9th Cir. 1981) for this proposition. That case dealt with a situation where the Plaintiff could not show that any conduct on the part of defendant led to his arrest:

The district judge granted the defendants' motion for summary judgment. The district judge held that Arnold had shown no facts to support his claim that defendants were the cause of his arrest, search, and indictment. Rather, the judge observed that the evidence implicating Arnold was derived solely from the recorded conversations and interviews that took place in April and May of 1973. The judge stated that "the uncontroverted affidavits of police investigators and prosecutors establish that no employee or agent of IBM said anything to any member of such investigating task force or did anything that caused Plaintiff to be arrested or his home and office to be searched."

Id at 1354.

In light of the above failure, the Plaintiff was found to have failed in showing causation. Here, defendants admit such causation. UD 16-27.

All plaintiff needs to show is that defendants were involved in setting in motion a series of acts which resulted in the adverse action, even if those acts occurred at the hands of others. *Gilbrook v. City of Westminster*, 177 F.3d 839, 854-855 (9th Cir. 1999).

3.0 DEFAMATION CLAIMS SHOULD BE TRIED BY A JURY

The evidence shows that the defamatory comments occurred between the defendants. These are the defamatory comments which are the subject of the defamation claims. These include the following:

1. Wright Pearson: stated that Plaintiff appeared to be on drugs while she was at work. This was heard by fellow employee Sanchez. See Sanchez decl., paragraph 26.
2. Nair: This individual stated in writing to Wright Pearson that Plaintiff was practicing beyond the scope of her authority. See Defendant's Undisputed Facts #11.
3. Villaruz: This individual indicated in writing that Plaintiff had been diverting controlled narcotics when Plaintiff worked at a previous employer. This written statement was given to Nair. See Defendant's Undisputed Facts # 14 and 23.

3.1 The Defamatory Comments Are Defamatory Per Se

These statements are defamatory per se as they (1) impugn Plaintiff's reputation at her job and (2) indicate Plaintiff engaged in illegal conduct.

In relation to the former, Cal. Civil Code Section 46(3) specifically concerns defamation per se affecting a person's occupational reputation. (Washer v. Bank of America (1943) 21 Cal.2d 822, 827.) Civil Code Section 46(3) states: "Slander is a false and unprivileged publication [orally uttered] . . . which: . . . "Tends directly to injure him in respect to his office, profession, trade, or business, either by imputing to him general disqualification in those respects which the . . . occupation peculiarly requires, or by imputing something with reference to his . . . profession, trade, or business that has a natural tendency to lessen its profits [or earnings]. "These definitions [Civ. Code, § 46] have been held to include almost any language which, upon its face, has a natural tendency to injure a

person's reputation, either generally, or with respect to his occupation. . . ." (Washer v. Bank of America (1943) 21 Cal.2d 822, 827.) [Emphasis added.] Cameron v. Wernick (1967) 251 Cal.App.2d 890, 893 provides a concise definition of defamation "per se":

'The code definition of libel is very broad and has been held to include almost any language which, upon its face, has a natural tendency to injure a person's reputation, either generally, or with respect to his occupation. [Citation.] In the determination of this question, the alleged libelous publication is to be construed "as well from the expressions used, as from the whole scope and apparent object of the writer." [Citation omitted.] A person may be liable for what he insinuates as well as for what he says explicitly. [Citation omitted.]" "An article may be libelous on its face even though it is susceptible to an innocent meaning."

Numerous cases set forth below hold commonly occurring criticism of performance can be defamation per se. In fact, the courts have held even a performance review can be defamatory [Jensen v. Hewlett-Packard Co. (1993) 14 Cal.App.4th 958, 965,] if it accuses an employee of "criminal conduct, lack of integrity, dishonesty, incompetence, or reprehensible personal characteristics or behavior."

Clearly the comments set forth herein allege comments which are defamatory per se as they accuse Plaintiff of illegal, dishonest, and reprehensible conduct while working at her chosen profession nursing.

The above statements likewise are defamatory per se as they involve allegations that Plaintiff committed a criminal act in relation to controlled substances. This too constitutes defamation per se as noted in Cal. Civil Code 46.

3.1 Administrative Exhaustion

The issue of administrative exhaustion was discussed by this court in relation to the motion for judgment on the pleadings. The conduct complained of did not occur within the scope of the

defendants' employment as Plaintiff was no longer working at the prison as noted in UD

3.1 No Qualified Privilege

Defendants claim they enjoyed a qualified privilege known as the common interest privilege, and also under Cal. Civil Code 43.8. This privilege can be pierced if Plaintiff shows by a preponderance of evidence that malice exists. Defendants so admit in their motion at page 23, line 10. What defendants fail to note is that for malice in the context of this claim, the standard is low and merely involves an intent to vex, annoy, or injure. *Agarwal v. Johnson*, 25 Cal. 3d 932, 944-945, 160 Cal. Rptr. 941 (Cal. 1979). In addition, malice can be shown with evidence that the defendant "lacked reasonable grounds to believe the statement true and therefore acted with reckless disregard for plaintiff's rights." *Glenda K. Jackson, Inc. v. Roe*, 273 F.3d 1192, 1202 (9th Cir. 2001). Evidence of malice exists as follows:

1. Wright Pearson: Plaintiff appeared to be on drugs while at work. This statement was made without any reasonable grounds because Plaintiff did not work with Wright Pearson and did not see her while working for CDC. See Armstrong declaration, paragraph ____.
2. Nair: Plaintiff was practicing beyond the scope of her authority. Malice is shown by the fact Plaintiff and Nair would constantly argue about illegalities at CDC. *Burnett v. Nat. Enquirer, Inc.* (1983) 144 Cal.App.3d 991, 1007-1008.) ; *Khawar v. Globe Internat., Inc.* (1998) 19 Cal.4th 254, 275, in which the court states, "to prove this culpable mental state [malice] the plaintiff may rely on circumstantial evidence, including evidence of motive." Here, defendant had motive due to their arguments about illegalities. *Widener v. PG&E* , (1977) 75 Cal.App.3d 415, 436; *Reader's Digest Assn. v. Sup. Ct.* (1984) 37 Cal.3d 244, 258 ("the publication was motivated by anger and hostility, or hatred, or ill will toward the employee.").

plaintiff may rely on circumstantial evidence, including evidence of motive." Here, defendant had motive due to their arguments about illegalities. *Widener v. PG&E*, (1977) 75 Cal.App.3d 415, 436; Reader's Digest Assn. v. Sup. Ct. (1984) 37 Cal.3d 244, 258 ("the publication was motivated by anger and hostility, or hatred, or ill will toward the employee.").

3.

The existence of malice is a factual issue. See Shumate v. Johnson Publishing Co. (1956) 139 Cal.App.2d 121, 136. The California Court of Appeals has held on various occasions that:

"... [W]here the defendant alleges that the publication was justified on the ground that it was privileged, actual malice or malice in fact becomes an issue; that the question of whether a publication was inspired by actual malice is essentially and peculiarly a question of fact; that therefore any evidence which would logically tend to solve the question and which is not otherwise objectionable is admissible... and it is for the triers of the fact to determine the weight to be given such evidence." (*Lerrick v. Gilloon* (1959) 176 Cal.App.2d 408, 416 [Emphasis added.]; *Biggins v. Hanson* (1967) 252 Cal.App.2d 16, 21; and Widener v. PG&E (1977) 75 Cal.App.3d 414, 433.)

3. Villaruz: Wrote that Plaintiff had been diverting controlled narcotics when Plaintiff

worked at a previous employer. This individual had no legitimate basis for making

this statement. See Minney declaration. [Defendants added evidence Exh. 29].

Defendant Villaruz "knew from Paul Minney's facts that Plaintiff Carrie Armstrong

was not the cause. Defendant Villaruz still went over and worked at KVSP/CDCR

and "continued with slanderous accusations against Plaintiff Carrie Armstrong that

damaged her financially, emotionally and physically.[See Plaintiffs added evidence

Exh. 12 Carrie Decl. & Bertha Sanchez Exh. 13 Decl.]

4. Plaintiff "prays that the courts will "reconsider" the Opposing Summary Motion

due to all the "exteme undue duress she has been under as well as the duress of

her family as well do to "all of Defendants behaviors" as well as family "tragedies

that have been going on within her immediate family. Plaintiff Carrie Armstrong

"prays that she is heard through this courts now as "this is the only outlet and way

she can prayfully get "justice" and try to gain back her life in "every

area." [Plaintiffs added evidence Exh 12 & Exh. 13 Bertha Sanchez Decl.]

VERIFICATION

I, Carrie Armstrong, am the Plaintiff in the matter of Carrie Armstrong v. Shirleen Wright-Pearson, Manjula Nair, Waldine Doering, Marta Spaeth, Johnathan Akanno, Ismail Patel, and Lourdez Villaruz, United States District Court, Eastern District, Case Number 1:10-CV-01856 JLT.

1 I am employed in the City of Tustin County of Orange, State of California. I am over the age
2 of 18 years and not a party to the within action. My business address is: 2955 Champion Way
3 #294, Tustin, California 92782 (714) 360-9974

4 On November 27, 2012, I served the documents named below on the parties in this action as
5 follows:

6 DOCUMENT(S) SERVED:

7 SERVED UPON

8 Ms. Claudia Ramirez
9 Department Of Justice
10 300 S. Spring Street, Ste. 1702
11 Los Angeles; Ca. 90013
12 213-897-5678 Office

13
14 I declare under penalty of perjury under the laws of the State of California the foregoing is
15 true and correct and that this declaration was executed on Dec 3, 2012 at Tustin, Ca. 92782

16 _____
17 Jennifer Moser

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Signature

1
2 Carrie Armstrong
3 2955 Champion Way #294
4 Tustin, CA 92782
5 Improper
6 (714) 829-2952

7 UNITED STATES DISTRICT COURT

8
9 EASTERN DISTRICT OF CALIFORNIA

10
11
12 Carrie Armstrong,

13 Plaintiff,

14 Vs.

15 SHIRLEEN WRIGHT
16 PEARSON; MANJULA
17 NAIR; WALDINE
18 DOERING; MARTA
19 SPAETH; JONATHAN
20 AKANNO; ISMAIL
21 PAEL; LOURDEZ
22 VILLARUZ, DOES 1-
23 10

24 Defendants.

11) CASE NO. 1:10-CV-01856-JLO-J
12)
13)
14) THE FEDERAL RULES OF
15) CIVIL PROCEDURE
16)
17) JUDICIAL NOTICE
18) DECLARATION OF PLAINTIFF
19) CARRIE ARMSTRONG IN
20) SUPPORT OF OPPOSING ORDER
21) FOR SUMMARY JUDGMENT.

25 **TO ALL PARTIES AND THEIR ATTORNEY OF RECORD:**

26 **DECLARATION OF PLAINTIFF JENNIFER MOSER IN RESPONSE**

27
28 **TO CIVIL MINUTES - GENERAL ORDER FOR PLAINTIFF TO FILE**

A DECLARATION STATING THAT THE ALLEGATIONS FOR
CLAIMS FOR RELIEF IN THE COMPLAINT USED BY (EITHER
SIDE) TO SUPPORT FEDERAL JURISDICTION COMPLY WITH
RULE 11 (b).

I, Carrie Armstrong, declare as follows:

I am the Plaintiff in the above referenced litigation. I have personal knowledge of the facts set forth herein and could competently testify thereto if called to testify as a witness before this court.

I am a current resident of 2955 Champion Way. #294, Tustin; Ca. 92782

JUDICIAL NOTICE

The Plaintiff wishes to point out to the court that she is NOT an individual schooled in the law, but is an individual exercising her rights under law for the proper action of the Court from the unacceptable actions on the part of the Defendants in question. As such, the Plaintiff asks the court to look to the substance of my pleading rather than the form and asks the court to take judicial notice pursuant to Section 32 of the Judiciary Act of 1789 (1 Stat. 73) which specifies that " court respectively shall proceed and give judgment according as the right of the cause and matter in law shall appear unto them, without regarding any imperfections, defects, or want of form." I further ask the court to

1 take judicial notice pursuant to Rule 201 of the Federal Rules of Evidence of the
2 enunciation of principles state in *King v. Knoll* (No. 04-04149-JAR), *Whitney v.*
3 *State of New Mexico* (113 F 3d 1170), and *Haines v. Kerner* (404 U.S. 519),
4 wherein the courts directed that those who are unschooled in law making
5 complaints/pleadings shall have the court look to the substance of the
6 complaint/pleading rather than the form and hereby makes the following
7 pleadings/notices in the above referenced matter WITHOUT waiver of any
8 recourse to relief of claims.
9
10

11 Plaintiff hereby invokes the Full Faith and Credit Clause --- Article IV,
12 Section 1, of the U.S. Constitution --- which provides that the various states
13 must recognize legislative acts, public records, and judicial decisions of the
14 other states within the United States. The Full Faith and Credit Clause ensures
15 that judicial decisions rendered by the courts in one state are recognized and
16 honored in every other state.
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18

19 Plaintiff hereby invokes the Supremacy Clause. Under the Supremacy
20 Clause, everyone must follow federal law, including bankruptcy law, in the face
21 of conflicting state law. It has long been established that "a state statute is void
22 to the extent that it actually conflicts with a valid federal statute" and that a
23 conflict will be either where compliance with both federal and state law stands
24 as an obstacle to the accomplishment and execution of the full purposes and
25 objections of Congress. *Edgar v. Mite Corp.*, 457 U.S. 624, 631 (1982).
26
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1 Similarly, we have held that “otherwise valid state laws or court orders cannot
2 stand in the way of a federal court’s remedial scheme if the action is essential to
3 enforce the scheme. “ Stone v. City and County of San Francisco, 968 F.2d 850,
4 862 (9th Cir. 1992), cert denied 113 S. Ct. 1050 (1993)
5

6 I, Carrie Armstrong filed a Civil Law Action on April 30th, 2010 IN THE
7 EASTERN DISTRICT COURT OF THE STATE OF CALIFORNIA COUNTY
8 OF KERN, Case No. 1:10-CV-01856-LJT-JLT against defendants: SHIRLEEN
9 WRIGHT-PEARSON; MANJULA NAIR; WALDINE DOERING; MARTA
10 SPAETH; JONATHAN AKANNO; ISMAIL PATEL; LOURDEZ VILLARUZ,
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12 DOES 1-10.
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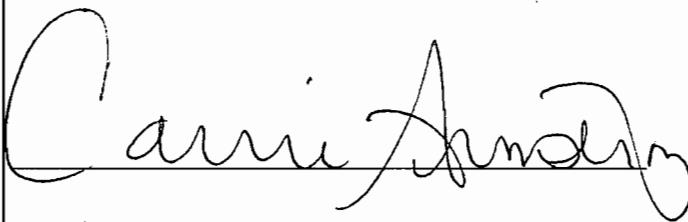
16 1. The court to take Judicial notice on Plaintiffs’ Declaration; Bertha Sanchez
17 Declaration and Chester Smith’s Declaration.
18

19 2. Opposing Summary Motion
20

21 3. Opposing Points and Authorities
22

23 4. Opposing proposed order
24

25 5. Plaintiffs’ Compendium of Exhibits

26 
27 Carrie Armstrong
28

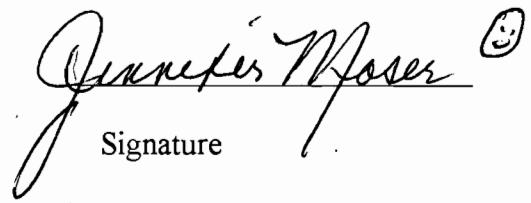
29 Pro-Se

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VERIFICATION

I, Carrie Armstrong, am the Plaintiff in the matter of Carrie Armstrong v. Shirleen Wright-Pearson, Manjula Nair, Waldine Doering, Marta Spaeth, Johnathan Akanno, Ismail Patel, and Lourdez Villaruz, United States District Court, Eastern District, Case Number 1:10-CV-01856 JLT.

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9 I am employed in the City of Tustin County of Orange, State of California. I am over the age
10 of 18 years and not a party to the within action. My business address is: 2955 Champion Way
#294, Tustin, California 92782 (714) 360-9974
11 On November 27, 2012, I served the documents named below on the parties in this action as
12 follows:
13 DOCUMENT(S) SERVED:
14 SERVED UPON
15 Ms. Claudia Ramirez
16 Department Of Justice
16 300 S. Spring Street, Ste. 1702
17 Los Angeles; Ca. 90013
17 213-897-5678 Office
18
19
20 I declare under penalty of perjury under the laws of the State of California the foregoing is
21 true and correct and that this declaration was executed on October 6, 2012 at Tustin, Ca.
21 92782
22
23
24
25 _____
25 Jennifer Moser
26
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28


Signature

1 KAMALA D. HARRIS, State Bar No. 146672
2 Attorney General of California
3 JERALD L. MOSLEY, State Bar No. 106072
Supervising Deputy Attorney General
3 CLAUDIA RAMIREZ, State Bar No. 205340
Deputy Attorney General
4 300 South Spring Street, Suite 1702
Los Angeles, CA 90013
5 Telephone: (213) 897-5678
Fax: (213) 897-1071
6 E-mail: Claudia.Ramirez@doj.ca.gov
Attorneys for Defendants
7 *Shirleen Wright-Pearson, Manjula Nair, Waldine*
Doering, Marta Spaeth, Jonathan Akanno, Ismail
8 *Patel, and Lourdes Villaruz*

9
10 IN THE UNITED STATES DISTRICT COURT
11
12 FOR THE EASTERN DISTRICT OF CALIFORNIA

13 CARRIE ARMSTRONG,

14 Plaintiff,

15 v.

16
17 SHIRLEEN WRIGHT-PEARSON;
MANJULA NAIR; WALDINE DOERING;
18 MARTA SPAETH; JONATHAN
AKANNO; ISMAIL PATEL; LOURDEZ
19 VILLARUZ, DOES 1 THROUGH 10,

20 Defendants.

21 Case No. 1:10-CV-01856 LJO JLT

22 **JOINT STATEMENT OF UNDISPUTED**
FACTS

23 Filed Concurrently With:

(1) Notice of Motion and MSJ/MSA;
(2) Defendants' Statement of Undisputed Fact
(3) Compendium of Exhibits & Declarations;
(4) Request for Judicial Notice; and
(5) Proposed Order

24 Date: December 11, 2012

Time: 8:30 a.m.

Dept: No. 4, 7th Floor

Judge: The Honorable Lawrence J. O'Neill

Trial Date: March 12, 2013

Action Filed: April 30, 2010

25 Pursuant to the Scheduling Order, dated December 20, 2011 [Document No. 40], Plaintiff
26 Carrie Armstrong and Defendants Shirleen Wright-Pearson, Manjula Nair, Waldine Doering,
27 Marta Spaeth, Jonathan Akanno, Ismail Patel, and Lourdes Villaruz submit this Joint Statement
28 Undisputed Facts. This Joint Statement of Undisputed Facts is only for the purposes of
Defendants' Motion for Summary Judgment, or in the Alternative, Summary Adjudication.

///

UNDISPUTED FACTS

1. Plaintiff Carrie Armstrong was issued a registered nursing license by the California Board
2 of Registered Nursing on December 15, 2003.
3. Armstrong was an employee of the California Department of Corrections and
4 Rehabilitation ("CDCR"), Kern Valley State Prison ("KVSP").
5. Armstrong was a CDCR employee at KVSP from March 27, 2006 to September 18, 2006.
6. Armstrong was employed as a Registered Nurse at KVSP.
7. Armstrong was a probationary employee at KVSP.
8. The probationary period was six months.
9. Armstrong's duties were to provide nursing services to inmate-patients at KVSP. Her
10 specific duties included, but were not limited to, planning and implementing nursing care
11 including administration of medication, therapeutic agents, treatments, administration of disease
12 prevention, and restorative measures ordered by a physician; writing orders for medication with
13 prior verbal authorization of a physician (either in person or by telephone); obtaining specimens
14 for diagnostic testing; performing assessment and ongoing monitoring of patients' physical and
15 psychosocial status; evaluating effectiveness of nursing care and treatment regimens; and
16 collaborating with physicians and other health care providers to provide quality medical care to
17 inmate-patients.
18. Manjula Nair, Registered Nurse II, and Waldine Doering, Registered Nurse II, were
19 Armstrong's direct supervisors. Mildred Shirleen Wright-Pearson, Registered Nurse III, was the
20 Director of Nursing.
21. Armstrong was reassigned to a position in the mail room at KVSP, effective July 7, 2006.
22. Armstrong was placed on Administrative Time Off, effective July 21, 2006.
23. On or about August 2, 2006, Lourdes Villaruz, Registered Nurse at KVSP, hand wrote a
24 letter asserting that she suspected Armstrong of diverting narcotics at Delano Regional Medical
25 Center when they were both employed as registered nurses at that facility.
26. Wright-Pearson filed a complaint of illegal and unethical conduct by Armstrong at KVSP
27 with the California Board of Registered Nursing.

1 13. Wright-Pearson filed the complaint with the California Board of Registered Nursing on or
2 about September 25, 2006.

3 14. The California Board of Registered Nursing revoked Armstrong's registered nursing
4 license, effective November 4, 2007.

5 15. Investigator Michael Poore of the California Department of Consumer Affairs, Division of
6 Investigation investigated the allegations in Wright-Pearson's complaint.

7 16. Investigator Poore interviewed Wright-Pearson, Nair, Dr. Jonathan Akanno, Dr. Ismail
8 Patel, and Dr. Marta Spaeth.

9 17. On February 6, 2008, Wright-Pearson told Investigator Poore that Armstrong appeared to
10 be on drugs when she worked at KVSP. She stated that Armstrong was frequently glassy-eyed
11 and would go from hysterical to laughing in a short period of time.

12 18. On February 6, 2008, Nair told Investigator Poore that Armstrong was practicing outside
13 the scope of her authority as a registered nurse by writing orders for medication without obtaining
14 verbal authorization of a physician in advance.

15 19. On February 6, 2008, Nair provided Investigator Poore a copy of the handwritten letter
16 prepared by Villaruz, dated August 2, 2006.

17 20. Investigator Poore completed his investigation of Wright-Pearson's complaint on March 6,
18 2008.

19 21. Investigator Poore referred his investigation report to the Board of Registered Nursing for
20 review and appropriate administrative action against Armstrong's license.

21 22. Investigator Poore referred his investigative report to the Kern County District Attorney's
22 Office for review and consideration of criminal prosecution of Armstrong.

23 23. On or about July 9, 2008, the Kern County District Attorney's Office filed criminal charges
24 against Armstrong in connection with Wright-Pearson's complaint to the California Board of
25 Registered Nursing.

26 24. Armstrong was criminally charged with the following alleged unlawful acts:

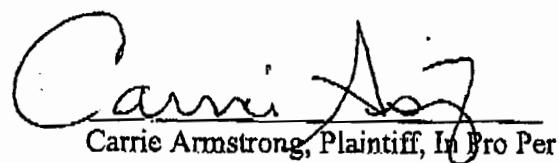
27 a. Count 1: On or about and between April 28, 2006 and June 21, 2006,
28 Armstrong practiced medicine without a license in violation of Business and

1 Professions Code section 2052(a);
2 b. Count 2: On or about April 28, 2006, Armstrong forged a prescription in
3 violation of Business and Professions Code section 4324(a);
4 c. Count 3: On or about May 26, 2006, Armstrong procured or attempted to
5 procure a controlled substance (Vicodin) by fraud, deceit, or misrepresentation; and
6 d. Count 4: On or about May 26, 2006, Armstrong made a false statement in a
7 prescription in violation of Health and Safety Code section 11173(b).
8 25. A criminal trial was held from May 25, 2010 to June 1, 2010.
9 26. Defendants Martha Spaeth, Ismail Patel, and Jonathan Akanno testified at the criminal trial.
10 27. On June 1, 2010, Armstrong was acquitted of the criminal charges in connection with her
11 conduct at KVSP.
12 28. Armstrong filed the Complaint in this civil action for First Amendment retaliation and
13 defamation on April 30, 2010.
14 29. Armstrong did not file a government claim with the California Victim Compensation and
15 Government Claims Board.
16 30. Armstrong's mailing address in this civil action is 3604 McKee Road, Bakersfield,
17 California 93313. This address has been her mailing address since at least February 14, 2008.
18 31. On June 4, 2010, Armstrong petitioned the California Board of Registered Nursing for
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1 reinstatement of her registered nursing license. The petition was denied, effective February 11,
2 2011.

3 Respectfully submitted,

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6 Dated: October 28, 2012


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Carrie Armstrong, Plaintiff, In Pro Per

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6 Dated: October 2, 2012

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Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JERALD L. MOSLEY
Supervising Deputy Attorney General


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CLAUDIA RAMIREZ
Deputy Attorney General
Attorneys for Defendants
Shirleen Wright-Pearson, Manjula Nair,
Waldine Doering, Marta Spaeth, Jonathan
Akanno, Ismail Patel, and Lourdes Villaruz

LA2011503182
60874876.doc

CERTIFICATE OF SERVICE

Case Name: **Carrie Armstrong v. Shirleen Wright-Pearson, et al.**

No. **1:10-CV-01856 LJO JLT**

I hereby certify that on **November 2, 2012**, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

JOINT STATEMENT OF UNDISPUTED FACTS

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

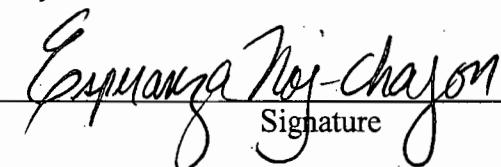
I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

I further certify that some of the participants in the case are not registered CM/ECF users. On **November 2, 2012**, I have caused to be mailed in the Office of the Attorney General's internal mail system, the foregoing document(s) by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within three (3) calendar days to the following non-CM/ECF participants:

Carrie S. Armstrong
P.O. BOX 2913 #824 El Camino Real
Tustin, CA 92782

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **November 2, 2012**, at Los Angeles, California.

Esperanza Noj-Chajon
Declarant



Signature

**CARRIE ARMSTRONG
2913 El Camino Real #824
Tustin, Ca. 92782
714-832-2952
Pro-Se**

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

6
7 CARRIE ARMSTRONG, an individual,
8 Plaintiff,
9 v.
10 SHIRLEEN WRIGHT-PEARSON;
11 MANJULA NAIR; WALDINE
12 DOERING; MARTA SPAETH;
13 JONATHAN AKANNO; ISMAIL
14 PATEL; LOURDEZ VILLARUZ,
15 DOES 1 THROUGH 10,
Defendants.

**CASE NO. 1:10-CV-01856LJO-JLT
PLAINTIFFS OPPOSING RESPONSE
AND EVIDENCE OF UNDISPUTED
FACTS TO DEFENDANTS MOTION
FOR SUMMARY JUDGMENT
SHIRLEEN WRIGHT-
PEARSON;MANJULA NAIR; WALDINE
DOERING; MARTA SPAETH;
JONATHAN AKANNO; ISMAIL PATEL;
LOURDEZ VILLARUZ,**

17 PROPOUNDING PARTY: Plaintiff CARRIE ARMSTRONG
18 RESPONDING PARTY: SHIRLEEN WRIGHT-PEARSON;
MANJULA NAIR; WALDINE DOERING; MARTA SPAETH; JONATHAN AKANNO;
ISMAIL PATEL; LOURDEZ VILLARUZ,

20 Pursuant to Eastern District of California Local Rule 260, Plaintiff Carrie S. Armstrong
21 Submit these Statement of Undisputed facts in opposing Defendants Motion for Summary
22 Judgment and Alternative, Summary Adjudication.

1 COUNTS ONE THROUGH SEVEN FOR FIRST AMENDMENT RETALIATION AGAINST

2 DEFENDANTS

3

4 OPPOSING PARTY'S RESPONSE AND SUPPORTING FACTS.

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7 1. Undisputed

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10 2. Undisputed

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13 3. Undisputed

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16 4. Undisputed

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19 5. Undisputed

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22 6. Disputed – Plaintiff is unaware of nursing policy and procedure

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24 and procedure training, when there wasn't any. [Plaintiff

25 added evidence Exh. 1 Spaeth Decl. & Exh. 12 Carrie Decl.]

1 7. Disputed - Gill never talked to Plaintiff about such matter.

2 Plaintiff added evidence Exh. 12 Carrie Decl.

3

4 8. Undisputed

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6

7 9. Disputed – Plaintiff was not ever verbally counseled, nor written up

8 for such matters. Defendants fail to produce any authentic incident report

9 or any other fact with Plaintiffs knowledge or “true” signature. Plaintiff

10 added evidence Exh. 12 Carrie Decl. and Exh. 2 and Exh. 4

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12 10. Disputed – Plaintiff has no knowledge of such matters

13 regarding Defendant Spaeth. Plaintiff added evidence Exh. 12

14 Carrie Decl. and Exh. 2 and Exh. 4

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17 11. Disputed all over-time was approved and paid

18 Plaintiff has no knowledge of this matter with Defendants Nair and Doering.

19 Plaintiff added evidence Exh. 2 evaluations, Exh. 12 Carrie Decl.

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21

22 12. Undisputed

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25 13. Disputed – Akanno and I worked together on Yard A

26 and he told me that Dr. Spaeth told him she “hated me and she

27 had the power to get me out of K.V.S.P at any cost because she had the power to do so.

28 Plaintiff added evidence Exh. 12 Carrie Decl.

1 14. Disputed – All OTC “over the medications
2 were “verbal standing orders to write.” Also, if a patient
3 was on an OTC medication prior and therapeutic could be re-introduced again. Plaintiff
4 added evidence [Exh. 12 Carrie Decl. & Exh. 13 Trueworthy Decl. & Exh. 2 Evaluations &
5 Exh. 4 Incident report? & Exh. 11 standing orders]
6

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9 15. Disputed – All OTC “over the counter medications
10 were “verbal standing orders to write.” Also, if a patient
11 was an OTC medication prior and therapeutic could be re-introduced again. Plaintiff
12 added evidence [Exh. 12 Carrie Decl. & Exh. 13 Bertha Decl. & Exh. 2 Evaluations &
13 Exh. 4 Incident report? & [Exh. 11 standing orders]
14

15
16 16. Disputed – Plaintiff was not ever told or talked to verbally or written up for such matter.
17 Defendants fail to produce an incident report. Defendants fail to produce any facts/proof with
18 Plaintiff's knowledge or true authentic signature/dates regarding matter. Plaintiff added
19 Evidence [Exh. 12 Carrie Decl. & Exh. 2 Evaluations & Exh. 4 Incident report?]
20

21 17. Disputed – Plaintiff was not ever told or talked to verbally or written up for such matter.
22 Defendants fail to produce an incident report. Defendants fail to produce any facts/proof with
23 Plaintiff's knowledge or true authentic signature/dates regarding matter. Plaintiff added
24 Evidence [Exh. 12 Carrie Decl. & Exh. 2 Evaluations & Exh. 4 Incident report?]
25

26 18. Disputed – Plaintiff was not ever told or talked to verbally or written up for such matter.
27 Defendants fail to produce an incident report. Defendants fail to produce any facts/proof with
28

1 Plaintiff's knowledge or true authentic signature/dates regarding matter. Plaintiff added
2 Evidence [Exh. 12 Carrie Decl. & Exh. 2 Evaluations & Exh. 4 Incident report?]

3 19. Undisputed Plaintiff adds Defendant Doering stated "Plaintiff has the ability to become
4 an outstanding asset to our nursing dept." [Plaintiffs added evidence Exh. 2 evaluations.
5

6 20. Disputed – Standing order verbal approval. [Plaintiffs added evidence Exh. 12 Carrie
7 Decl. & Exh. 13 Bertha Decl. Exh. 11 standing order]

8 9 21. Disputed – Plaintiff was not ever told or talked to verbally or written up for such matter.
10 Defendants fail to produce an incident report. Defendants fail to produce any facts/proof with
11 Plaintiff's knowledge or true authentic signature/dates regarding matter. Plaintiff added
12 Evidence [Exh. 12 Carrie Decl. & Exh. 2 Evaluations & Exh. 4 Incident report?]

13 14 15 22. Disputed – Plaintiff was not ever told or talked to verbally or written up for such matter.
16 Defendants fail to produce an incident report. Defendants fail to produce any facts/proof with
17 Plaintiff's knowledge or true authentic signature/dates regarding matter. Also, if you look at Vicodin
18 orders and above RN Arambula same order and Defendant Dr. Spaeth "no signature either. Why is
19 RN Arambula not in a "criminal matter?"

20 21 Evidence [Exh. 12 Carrie Decl. & Exh. 2 Evaluations & Exh. 4 Incident report? & Exh. 7.]

22 23 24 25 26 27 Plaintiff was not ever told or talked to verbally or written up for such matter.
Defendants fail to produce an incident report. Defendants fail to produce any facts/proof with
Plaintiff's knowledge or true authentic signature/dates regarding matter. Plaintiff added
Evidence [Exh. 12 Carrie Decl. & Exh. 2 Evaluations & Exh. 4 Incident report?]

28 29 30 31 32 Plaintiff was not ever told or talked to verbally or written up for such matter.
Defendants fail to produce an incident report. Defendants fail to produce any facts/proof with

1 Plaintiff's knowledge or true authentic signature/dates regarding matter. Plaintiff added
2 Evidence [Exh. 12 Carrie Decl. & Exh. 2 Evaluations & Exh. 4 Incident report?]

3
4 25. Disputed – Plaintiff was not ever told or talked to verbally or written up for such matter.
5 Defendants fail to produce an incident report. Defendants fail to produce any facts/proof with
6 Plaintiff's knowledge or true authentic signature/dates regarding matter. Plaintiff added
7 Evidence [Exh. 12 Carrie Decl. & Exh. 2 Evaluations & Exh. 4 Incident report?]

8
9 26. Disputed – Plaintiff was not ever told or talked to verbally or written up for such matter.
10 Defendants fail to produce an incident report. Defendants fail to produce any facts/proof with
11 Plaintiff's knowledge or true authentic signature/dates regarding matter. Plaintiff added
12 Evidence [Exh. 12 Carrie Decl. & Exh. 2 Evaluations & Exh. 4 Incident report?]

13
14 27. Disputed – Plaintiff was not ever told or talked to verbally or written up for such matter.
15 Defendants fail to produce an incident report. Defendants fail to produce any facts/proof with
16 Plaintiff's knowledge or true authentic signature/dates regarding matter. Plaintiff added
17 Evidence [Exh. 12 Carrie Decl. & Exh. 2 Evaluations & Exh. 4 Incident report?]

18
19 28. Disputed – Plaintiff has no knowledge of this. Defendant Doering fails to produce any
20 Fact/proof of this matter with Plaintiffs true and authentic signature time/date. Plaintiffs
21 added evidence Exh. 3 clearly shows KVSP employee badge and shows Plaintiff in nursing
22 scrub top that not ever shows breast. Plaintiff knows nothing of such a slanderous/degrading
23 matter against her.

24
25 29. Disputed – Plaintiff was not ever told or talked to verbally or written up for such matter.
26 Defendants fail to produce an incident report. Defendants fail to produce any facts/proof with
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1 Plaintiff's knowledge or true authentic signature/dates regarding matter. Plaintiff added
2 Evidence [Exh. 12 Carrie Decl. & Exh. 2 Evaluations & Exh. 4 Incident report?]

3 30. Disputed – Plaintiff was not ever told or talked to verbally or written up for such matter.
4 Defendants fail to produce an incident report. Defendants fail to produce any facts/proof with
5 Plaintiff's knowledge or true authentic signature/dates regarding matter. Plaintiff added
6 Evidence [Exh. 12 Carrie Decl. & Exh. 2 Evaluations & Exh. 4 Incident report?]

7 31. Disputed – Plaintiff was not ever told or talked to verbally or written up for such matter.
8 Defendants fail to produce an incident report. Defendants fail to produce any facts/proof with
9 Plaintiff's knowledge or true authentic signature/dates regarding matter. Plaintiff added
10 Evidence [Exh. 12 Carrie Decl. & Exh. 2 Evaluations & Exh. 4 Incident report?]

11 32.
12 Disputed – Plaintiff was not ever told or talked to verbally or written up for such matter.
13 Defendants fail to produce an incident report. Defendants fail to produce any facts/proof with
14 Plaintiff's knowledge or true authentic signature/dates regarding matter. Plaintiff added
15 Evidence [Exh. 12 Carrie Decl. & Exh. 2 Evaluations & Exh. 4 Incident report?]

16 33. Disputed – Plaintiff was not ever told or talked to verbally or written up for such matter.
17 Defendants fail to produce an incident report. Defendants fail to produce any facts/proof with
18 Plaintiff's knowledge or true authentic signature/dates regarding matter. Plaintiff added
19 Evidence [Exh. 12 Carrie Decl. & Exh. 2 Evaluations & Exh. 4 Incident report?]

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34. Disputed – Plaintiff was not ever told or talked to verbally or written up for such matter. Defendants fail to produce an incident report. Defendants fail to produce any facts/proof with Plaintiff's knowledge or true authentic signature/dates regarding matter. Plaintiff added Evidence [Exh. 12 Carrie Decl. & Exh. 2 Evaluations & Exh. 4 Incident report?]

35. Disputed – Plaintiff was not ever told or talked to verbally or written up for such matter. Defendants fail to produce an incident report. Defendants fail to produce any facts/proof with Plaintiff's knowledge or true authentic signature/dates regarding matter. Plaintiff added Evidence [Exh. 12 Carrie Decl. & Exh. 2 Evaluations & Exh. 4 Incident report?]

36. Disputed – Plaintiff was not ever told or talked to verbally or written up for such matter. Defendants fail to produce an incident report. Defendants fail to produce any facts/proof with Plaintiff's knowledge or true authentic signature/dates regarding matter. Plaintiff added Evidence [Exh. 12 Carrie Decl. & Exh. 2 Evaluations & Exh. 4 Incident report?]

37. Disputed – Plaintiff had “no knowledge of such letter.” I had authorization where ever I worked at KVSP. If Plaintiff was around unauthorized area, she would not have been able to Check out those keys to get into an unauthorized area, C.O.’s wouldn’t let a nurse check out Keys to get into such an area. Plaintiffs signature is not on letter it’s typed. It was made and Distributed by Summer Williams RN according to Ms. Lorie DeSantiago RN, she called me and told me about matter. Plaintiff was off on medical leave at the time of letter. Plaintiffs added evidence Exh. 2 evaluations & Exh. 12 Carrie Decl. Plaintiff clearly “wrote she disagreed with letter/report. Plaintiff also added that “Defendants could write her up for a supposed love letter but not for Practicing outside scope?”

1 38. Disputed – Plaintiff was not ever told or talked to verbally or written up for such matter.

2 Defendants fail to produce an incident report. Defendants fail to produce any facts/proof with
3 Plaintiff's knowledge or true authentic signature/dates regarding matter. Plaintiff added
4 Evidence [Exh. 12 Carrie Decl. & Exh. 2 Evaluations & Exh. 4 Incident report?]

5

6 39. Disputed – see 37# repeat question?

7

8 40. Disputed – Plaintiff had no knowledge of this matter. Fraud documents that
9 Defendants tried to enter in Plaintiffs deposition hearing 7-12-2012. Plaintiff rejected it, it
10 was not the same second evaluation she received from Defendant Doering. True second
11 Evaluation in Plaintiffs added evidence Exh. 2 evaluations & Exh. 9 Plaintiffs signature &
12 Exh. 12 Carrie Decl. Appears nowhere on that fraud sheet, nor mentioned in second
13 evaluation.

14

15 41. Disputed – Plaintiff has no knowledge of this and it's not in second evaluation. Plaintiffs
16 added evidence Exh. 2 evaluations

17

18 42. Disputed – Defendant Wright-Pearson didn't even show up for Plaintiffs second
19 Evaluation/front entrance of prison just Defendant Doering did. Defendant Wright-
20 Pearson had no knowledge of conversation between Defendant Doering and me. Plaintiffs
21 added evidence Exh. 2 evaluations.]

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24 43. Disputed – Plaintiff was not ever told or talked to verbally or written up for such matter.
25 Defendants fail to produce an incident report. Defendants fail to produce any facts/proof with
26 Plaintiff's knowledge or true authentic signature/dates regarding matter. "Orders must be
27 Signed by a physician within 24 to 72 hours not months and years later. If there is a problem
28

1 With the order the M.D. cancels the disputed order writes a new one within that time frame.

2 Plaintiff added Evidence [Exh. 12 Carrie Decl. & Exh. 2 Evaluations & Exh. 4 Incident
3 report? & Exh. 13 Bertha Decl.]

4 44. Disputed – Plaintiff was not ever told or talked to verbally or written up for such matter.

5 Defendants fail to produce an incident report. Defendants fail to produce any facts/proof with

6 Plaintiff's knowledge or true authentic signature/dates regarding matter. "Orders must be

7 signed by a physician within 24 to 72 hours not months and years later. If there is a problem

8 With the order the M.D. cancels the disputed order writes a new one within that time frame.

9 Plaintiff added Evidence [Exh. 12 Carrie Decl. & Exh. 2 Evaluations & Exh. 4 Incident

10 report? & Exh. 13 Bertha Decl.]

11 45. Disputed – Plaintiff wasn't on grounds since being redirected to the mail room and then

12 paid administrative leave. Irrelevant Plaintiff has no knowledge of matter. Plaintiff in mail

13 room in July 2006 then off on paid leave. [Plaintiffs added evidence Exh. 12 Carrie Decl.

14 46. Disputed – Plaintiffs effective date was only in regard to "skelly hearing "since Plaintiff

15 Didn't know why Skelly hearing was cancelled on September 7 @ 11:00am, till after

16 Plaintiff's criminal proceedings in 2010. Plaintiff had discovered fraud resignation letters in

17 Her personnel file "two" on the same day and same time as Plaintiffs Skelly hearing. [Plaintiff

18 added evidence Exh. 12 Carrie Decl. & Exh. Exh. 10 Fraud resignation letters]

19 47. Disputed – Defendants fail to produce/prove that there was a "true" legal and ethical

20 duty to spread false/slanderous accusations against Plaintiff. [Plaintiff added evidence

21 Exh. 12 Carrie Declaration & Exh. 2 evaluations.

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1 48. Disputed – Defendants fail to produce/prove that there was a “true” legal and ethical
2 duty to spread false/slanderous accusations against Plaintiff. [Plaintiff added evidence
3 Exh. 12 Carrie Declaration & Exh. 2 evaluations.

4 49. Dispute – Plaintiff would never tell a patient to stop a medication unless they have seen
5 The M.D. and they discontinue it. Defendants fail to produce any facts/proof regarding these
6 Matters there is no knowledge that patient had a crisis over this. Defendants fail to produce
7 Facts/proof of matter. No incident report, or verbal or written up for such a matter. [Plaintiffs
8 added evidence Exh. 12 Carrie Decl. Exh. 2 evaluations Exh. 4.

9 50. Dispute – Defendant Wright – Pearson didn’t have a legal ethical duty to report Plaintiff
10 to Zamora or boards. No facts/proof that Plaintiff was being unethical. [Plaintiff added
11 evidence Exh. 2 evaluations & Exh. 12 Carrie Decl.]

12 51. Dispute – Wright – Pearson didn’t have a legal ethical duty to report Plaintiff to the
13 Board of Registered Nursing. Defendant Wright –Pearson fails to provide facts/proof of such
14 matters. [Plaintiff added evidence Exh. 2 evaluations & Exh. 12 Carrie Decl.]

15 52. Dispute – Plaintiff knows of such matters.

16 53. Disputed – Plaintiff has no Knowledge of “what Poore’s position is.”

17 54. Undisputed

18 55. Disputed – Plaintiff has no knowledge “how many false documents Wright-Pearson gave.
19 [Plaintiff added evidence Exh. 2 evaluations, Exh. 12 Carrie Declaration.]

20 56. Disputed – Plaintiff has no knowledge of what Defendant Nair gave, how many false

1 documents given to investigator. [Plaintiffs added evidence Exh. 12 Carrie Declaration &
2 Exh. 2 evaluations.]

3 57. Disputed – Order from Dr. Dileo was “signed” and Plaintiff has not ever seen anything
4 other than that from Dr. Dileo. June 16, 2006 and June 29, 2006 “false” documents from Nair
5 Why would counseling documents bear no signatures, no times or dates why? Why is “vital”
6 Information “crossed out that, added, or is not legible from the original document and new
7 writing over it? I believe that is “unlawful?” [Plaintiffs added evidence Exh. 14 false doc.
8 Exh. 12 Carrie Decl. & Exh. 2 evaluations, Exh. 13 Trueworthy Decl.
9

10 11 58. Disputed – Plaintiff was not ever told or talked to verbally or written up for such matter.
12 Defendants fail to produce an incident report. Defendants fail to produce any facts/proof with
13 Plaintiff’s knowledge or true authentic signature/dates regarding matter. “Orders must be
14 signed by a physician within 24 to 72 hours not months and years later. If there is a problem
15 with the order the M.D. cancels the disputed order writes a new one within that time frame.
16 Plaintiff added Evidence [Exh. 12 Carrie Decl. & Exh. 2 Evaluations & Exh. 4 Incident
17 report? & Exh. 13 Bertha Decl.]

18 19 20 59. Disputed – Plaintiff not aware of this matter. [Plaintiffs added evidence Exh. 12 Carrie
21 Decl.]

22 23 60. Disputed – Plaintiff is “unaware of all “false” documents Defendants given to
24 Investigator Poore. Plaintiffs added evidence Exh. 12. Carrie Decl.
25

1 61. Disputed – Plaintiff is unaware of all “false” documents Defendants gave to
2 investigator Poore. Plaintiffs added evidence Exh. 12. Carrie Decl.

3 62. Disputed – Plaintiff is “unaware of all “false” documents Defendants gave to
4 investigator Poore. Plaintiffs added evidence Exh. 12. Carrie Decl.

6 63. Disputed – Plaintiff is “unaware” of such matters. Plaintiffs added evidence Exh. 12
7 Carrie Decl.

9 64. Disputed – California Board of Nursing “new I was represented by counsel.” Richard
10 Papst was my attorney handling the matter. [Plaintiffs added evidence Exh. 15]

12 65. Disputed – Did not receive letter from Poore “at my parents address, I don’t live with
13 my parents nor at that time either. Poore needed to address my attorney “not me!” [Plaintiffs
14 added evidence Exh. 15]

16 66. Disputed – Plaintiff is unaware, not courtesy copies, “they are my attorneys!”

18 67. Disputed – Irrelevant to this case and case dismissed. [Plaintiffs added evidence
19 Exh. 16 copy of case dismissed.]

21 68. Disputed – It is one thing to get someone “fired” because you don’t like them, it’s another
22 thing to go “after someone’s Livli-hood.” That is what Defendants did. Once a “serious”
23 allegation is made to Board of Nursing “they have to investigate the matter. It was malicious
24 and intentional, they knew what they were doing to “cover their backs, for what is considered
25 criminal behavior.” [Plaintiffs added evidence Exh. 12 Carrie Decl.]

27 69. Disputed – “numerous falsified documents given from KVSP” Poore carried out

1 went forward on investigation. Defendants "were fully aware of what they were doing and
2 did." Started with Defendant "Dr. Spaeth's statement of hating Plaintiff and wanting her out
3 Of KVSP and she was going to do it and had the "power to do it," per Dr. Akanno. [Plaintiff
4 added evidence Exh. 12 Carrie Decl.]

5

6 70. Disputed – Plaintiff is aware there were "several different prosecutor's on this case."
7 Plaintiff is unaware who actually decided to prosecution.

8

9 71. Disputed – Plaintiff has no knowledge of "all details of this matter."

10

11 72. Disputed – Plaintiff has no knowledge of "all details of this matter."

12

13 73. Disputed – Plaintiff is "aware" of license and scope of nursing. If there are "standard
14 orders verbal or in place in a book on the premises, RN doesn't have to get Prior
15 authorization. Defendants continue to "twist facts of Plaintiffs deposition to protect
16 themselves, cover up for each other in this civil action. [Plaintiffs added evidence Exh. 12
17 Carrie Decl. & Exh. 11 standing order]

18

19 74. Disputed – Plaintiff is "aware" of license and scope of nursing. If there are "standard
20 orders verbal or in place in a book on the premises, RN doesn't have to get Prior
21 authorization. Defendants continue to "twist facts of Plaintiffs deposition to protect
22 themselves, cover up for each other in this civil action. [Plaintiffs added evidence Exh. 12
23 Carrie Decl. & Exh. 11 standing order]

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3 75. Undisputed
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76. Undisputed

77. Disputed – Defendants “twist and distort facts to cover up their unlawful actions.”
Plaintiffs added evidence Exh. 12 Carrie Decl.

78. Disputed – Defendants “twist and distort facts to cover up their unlawful actions.”
Plaintiffs added evidence Exh. 12 Carrie Decl.

79. Disputed – Plaintiff has no knowledge of true or authentic materials that Defendant
Wright – Pearson puts in her Declaration “years” later.

80. Disputed – that was not ever taught to Plaintiff. Plaintiff has no such knowledge of this
years later. [Plaintiffs added evidence Exh. 12 Carrie Decl.]

81. Disputed – What back up physician? Plaintiff had the responsibilities of her position
And doing her “supposed supervisors work, all three of them and my added RN duties.”
[Plaintiff added evidence Exh. 12 Carrie Decl. & Exhibit 5 Plata v California.]

82. Disputed – Verbal standard orders. Plaintiffs added evidence Exh. 12 Carrie Decl. &
Exh. 13 Decl.

1 83. Disputed – Standard orders (verbal) KVSP. Defendants are trying to cover up their
2 unethical and “unlawful” behaviors toward Plaintiff. [Plaintiffs added evidence Exh. 12
3 Carrie Decl. & Exh. 13 Bertha.]
4

5 84. Deny – Defendants are trying to “twist Plaintiffs words/facts to cover up their unethical
6 and “unlawful” behaviors. [Plaintiffs added evidence Exh. 12 Carrie Decl.]
7

8 9 85. Deny – Defendants are trying to “twist Plaintiffs words/facts to cover up for their
9 unethical and “unlawful” behaviors. [Plaintiffs added evidence Exh. 12 Carrie Decl.]
10

11 12 86. Deny – [Plaintiffs added evidence Exh. 12 Carrie Decl.]
13

14 15 87. Disputed – KVSP had verbal standing orders from the M.D.’s and my supervisors would
16 Nair, Doering and Wright – Pearson “gave them to me from the M.D.’s verbal. Defendants
17 Once again “twisting Plaintiffs deposition and words” to cover up for themselves regarding
18 “this civil suit.” [Plaintiffs added evidence Exh. 12 Carrie Decl. & Bertha Decl. Exh 13]
19

20 21 88. Dispute – [Plaintiffs added evidence Exh. 12 Carrie Decl. & Bertha Decl. Exh 13]
22

23 24 89. Disputed – Yes they are once again Defendants want to take Plaintiffs words and twist
25 them to fit them to cover up their “unethical behaviors.” Most M.D.’s do provide prescribed
26 diabetic diets for diabetic patients (diabetes I and II). We’re talking about CDCR not “out
27 patient services?” [Plaintiff added evidence Exh. 19]
28

1 90. Disputed – so do RN's part of a nurses duties and their compliance to the diet.

2 [Plaintiffs added evidence Exh. 12 & Exhibit 18 Diabetic Inf.]

3

4 91. Deny – Plaintiff knows no such knowledge. CTC did not have “any diabetic diets kept in
5 the refrigerator for inmate’s emergencies as pt. “Outlaw.” [Plaintiffs added evidence Exh. 12
6 Carrie Decl.]

7

8 92. Deny – [Plaintiffs added evidence Exh. 12 Carrie Decl. & Exh. 19 Diabetic Info.]

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10 93. Undisputed.

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12 94. Deny – Can’t remember exact dates or time Bertha Sanchez became union rep.

13

14 95. Undisputed.

15

16 96. Deny – Plaintiff corrected word from complaint to “orders” from “prescriptions”. In
17 Plaintiff’s deposition hearing on July 12, 2012. The rest is correct. [Plaintiffs added evidence
18

19 Exh. 12 Decl.]

20

21 97. Disputed - “orders” not “prescriptions” [Plaintiffs added evidence Exh. 12 Decl.]

22

23 98. Disputed - “orders” not “prescriptions” [Plaintiffs added evidence Exh. 12 Decl.]

24

25 99. Disputed. Defendants again “twisting deposition from Plaintiff to cover up their

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1 unethical behaviors. [Plaintiffs added evidence Exh. 12 Carrie Decl.]

2

3 Deny – Plaintiffs added evidence Exh. 12 Carrie Decl.]

4

5 99. Disputed – Not sure exact dates of when Bertha Sanchez and I talked about

6 illegalities. Defendants fail to produce “all discovery from Plaintiffs deposition, to avoid

7 discovery.

8

9 [Plaintiffs added evidence Exh. 12 Carries Decl. & Exh. 18 Emails Carrie/Ramirez]

10

11 100. Disputed - “orders” not prescriptions. [Plaintiffs added evidence Exh. 12 Carries

12 Decl.]

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15 101. Dispute – [Plaintiffs added evidence Exh. 12 Carries Decl.]

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17 102. Undisputed

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20 103. Deny.

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22 104. Deny.

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24 105. Disputed – [Plaintiffs added evidence Exh. 12 Carrie Decl.]

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106. Dispute – Defendants “twisting Plaintiffs words again, to cover up for their
1
unethical behavior [Plaintiff added evidence Exh. 12 Carrie Decl. & Exh. 11 standing orders]
2
3

4 107. Dispute - Dispute – Defendants “twisting Plaintiffs words again, to cover up for their
5 unethical behavior [Plaintiff added evidence Exh. 12 Carrie Decl. & Exh. 17 Standing orders]
6

7 108. Disputed – [Plaintiffs added evidence Exh. 12 Carrie Decl. & Exh. 17 Standing orders]
8

9 109. Dispute – [Plaintiffs added evidence Exh. 12 Carrie Decl.
10

11 110. Disputed – [Plaintiff added evidence Exh. 12 Carrie Decl.
12

13 111. Dispute. Defendants “clearly show with Wright-Pearson’s statement right here that
14 They used me as to “set the example” so the other RN’s would fall in line like the other
15 Sheep and not “speak up and turn them in as well for Unlawful behavior/criminal behavior.
16 Plaintiffs added evidence Exh. 12 Carrie Decl.
17

18 112. Disputed - Plaintiffs added evidence Exh. 12 Carrie Decl.
19

20 113. Deny
21

22 114. Disputed – [Plaintiffs added evidence Exh. 12 Carrie Decl.]
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24 115. Disputed – [Plaintiffs added evidence Exh. 12 Carrie Decl.]
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1 116. Disputed – Plaintiffs added evidence Exh. 12 Carrie Decl.
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3 117. Disputed – Plaintiffs added evidence Exh. 12 Carrie Decl.
4

5 118. Disputed – Plaintiffs added evidence Exh. 12 Carrie Decl.
6

7 119. Disputed – Defendant Villaruz was “right in the nursing meetings with me.”
8

9 120. Disputed – Don’t know if supervisors told them of Plaintiffs complaints to her
10 Supervisors Nair, Doering and Wright Pearson “who I never saw come out of her office and
11 Wright – Pearson told me do not knock on my door with your problems, go to your direct
12 Supervisors.” (Doering and Nair.) Plaintiffs added evidence Exh. 12 Carrie Decl.
13

14 121. Disputed – Don’t know if supervisors told them of Plaintiffs complaints to her
15 Supervisors Nair, Doering and Wright Pearson “who I never saw come out of her office and
16 Wright – Pearson told me do not knock on my door with your problems, go to your direct
17 Supervisors.” (Doering and Nair.) Plaintiffs added evidence Exh. 12 Carrie Decl.
18

19 122. Disputed - Nursing license went into default judgment do to Nursing boards “
20 Back dooring Plaintiff.” [Plaintiffs added evidence Exh. 19 Nursing boards doc. Carrie]
21

1 123. Disputed - [Plaintiffs added evidence Exh. 19 Nursing doc. Carrie]
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4 124. Disputed – [Plaintiffs added evidence Exh. 19 Nursing boards docs. Carrie]
5

6 125. Disputed – Plaintiff was not terminated for diverting it was for “not following
7 Policy and procedures. [Plaintiffs added evidence Exh. 19 Nursing boards docs. Carrie]
8

10 126. Disputed – Defendants “had a major action in the whole beginning of her complaint
11 To the board investigation to four years of Plaintiffs life dragged into the criminal courts for
12 No reason. Plaintiff Acquitted on all KVSP charges 2010. Exh. 19 nursing docs. case Carrie]
13

14 127. Deny
15

17 128. Dispute – Defendant did it maliciously and in bad faith. Plaintiff believes Defendants
18 Declarations are done “in bad faith.” It was known Defendant Villaruz did not like
19 Plaintiff either. KVSP had nothing to do with Delano Regional Defendant Villaruz and
20 Plaintiff did not know each other at “all.” I have never talked to Defendant Villaruz “ever.”
21 Defendant Villaruz “knew that Paul Minney (Delano Regional) that it could have been
22 “multiple nurses not proved ever that Plaintiff had anything to do with it.” [Defendants
23 Evidence Exh. 29 Paul Minney Decl.] Plaintiff stopped working at Delano Regional for
24 full time position at KVSP.
25

27 28 129. Disputed – [Plaintiff added evidence Plata v California Exh. 5]

1
2 130. Disputed - With all of Defendants "false documents" I'm sure it did trigger the DA.

3 Plaintiffs added evidence Exh. 12 Carrie Decl.

4
5 131. Disputed - Defendant Wright – Pearson "did say those exact words, but yet Defendant
6 Wright – Pearson also said in her complaint to boards that "Although she did not personally
7 observe Plaintiff Armstrong engage in any unprofessional conduct or illegal activity." So
8 then how could she observe Plaintiffs "glassy eyed and appeared to be on drugs?" Defendant
9 Wright-Pearson said malicious slanderous accusations about Plaintiff but never worked with
10 Plaintiff and never "saw Plaintiff do any illegal behaviors or conduct." Plaintiff believes that
11 Defendant Wright – Pearson's actions were done maliciously to "cover up her own
12 participation in "unlawful conduct herself." [Plaintiffs added evidence Exh. 12 Carrie Decl.
13 & Exh. 21 Wright – Pearson's Nursing Board Complaint.]

14
15 132. Undisputed.

16
17 133. Disputed - Disputed - Defendant Wright – Pearson "did say those exact words, but yet
18 Defendant Wright – Pearson also said in her complaint to boards that "Although she did not
19 personally observe Plaintiff Armstrong engage in any unprofessional conduct or illegal
20 activity." So then how could she observe Plaintiffs "glassy eyed and appeared to be on
21 drugs?" Defendant Wright-Pearson said malicious slanderous accusations about Plaintiff but
22 never worked with Plaintiff and never "saw Plaintiff do any illegal behaviors or conduct."
23 Plaintiff believes that Defendant Wright – Pearson's actions were done maliciously to "cover
24 up her own

1 participation in "unlawful conduct herself." [Plaintiffs added evidence Exh. 12 Carrie Decl.
2 & Exh. 20 Wright – Pearson's Nursing Board Complaint.]
3

4 134. Deny
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6 135. Deny
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8 136. Disputed – [Plaintiffs added evidence Exh. 12 Carrie Decl.]
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10 137. Disputed – [Plaintiffs added evidence Exh. 12 Carrie Decl.]
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12 138. Deny – Don't know Defendants disposition anymore.
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14 139. Deny – Don't know Defendants disposition anymore.
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16 140. Deny – Don't know Defendants disposition anymore.
17

18 141. Undisputed.
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20 142. Undisputed.
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22 143. Undisputed.
23

1 144. Undisputed.

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3 145. Disputed – [Defendants evidence Exh. 29 Paul Minney Decl.]

4

5 146. Disputed – Plaintiff has no knowledge of this until this civil case. Defendant "Villaruz"
6 stated many slanderous allegations that were never FACT. [Plaintiffs added evidence
7

8 Exh. 12 Carrie Decl.]

9

10 147. Disputed – Plaintiff has no knowledge of this until this civil case. Defendant "Villaruz"
11 stated many slanderous allegations that were never FACT. [Plaintiffs added evidence
12

13 Exh. 12 Carrie Decl.]

14

15 148. Deny.

16

17 149. Deny.

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19 150. Deny.

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21 151. Disputed – Plaintiff only left because she was hired at KVSP full time. [Plaintiffs

22 added evidence Exh. 12 Carrie Decl.]

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2 152. Dispute – Defendant did it maliciously and in bad faith. Plaintiff believes Defendants
3 Declarations are done “in bad faith.” It was known Defendant Villaruz did not like
4 Plaintiff either. KVSP had nothing to do with Delano Regional Defendant Villaruz and
5 Plaintiff did not know each other at “all.” I have never talked to Defendant Villaruz “ever.”
6 Defendant Villaruz “knew that Paul Minney (Delano Regional) that it could have been
7 “multiple nurses not proved ever that Plaintiff had anything to do with it.” [Defendants
8 evidence Exh. 29 Paul Minney Decl.] Plaintiff stopped working at Delano Regional for
9 full time position at KVSP.

10
11
12 153. Defendant Nair “had no right to give any of that information as well as
13
14 Defendant Villaruz either. They knew from Paul Minney’s report. He could not prove
15 That Plaintiff Armstrong “had anything to do with it. It could have been other nurses.
16 [Defendants evidence Exh. 29 Paul Minney Decl.]

17
18
19 154. Disputed – Plaintiff doesn’t believe it Plaintiff believes “all false docs and all
20 Declarations from Defendants are done in bad faith “all of them.” Plaintiff believes it’s
21 another example of how Defendants conspired against Plaintiff for no reason than to save
22 their licenses and positions (their necks at any cost to Plaintiff). Make Plaintiff “the fall
23 person” and it is and has been plain to see that Defendants started and continued and still
24 continue to cause a “Witch Hunt” to Plaintiff. [Plaintiffs added evidence Exh. 12 Carrie
25 Decl.]

VERIFICATION

I, Carrie Armstrong, am the Plaintiff in the matter of Carrie Armstrong v. Shirleen Wright-Pearson, Manjula Nair, Waldine Doering, Marta Spaeth, Johnathan Akanno, Ismail Patel, and Lourdez Villaruz, United States District Court, Eastern District, Case Number 1:10-CV-01856 JLT.

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9 I am employed in the City of Tustin County of Orange, State of California. I am over the age
10 of 18 years and not a party to the within action. My business address is: 2955 Champion Way
11 #294, Tustin, California 92782 (714) 360-9974

12 On November 27, 2012, I served the documents named below on the parties in this action as
13 follows:

14 DOCUMENT(S) SERVED:

15 SERVED UPON

16 Ms. Claudia Ramirez
17 Department Of Justice
18 300 S. Spring Street, Ste. 1702
19 Los Angeles; Ca. 90013
20 213-897-5678 Office

21 I declare under penalty of perjury under the laws of the State of California the foregoing is
22 true and correct and that this declaration was executed on October 6, 2012 at Tustin, Ca.
23 92782

24 _____
25 Jennifer Moser

26 Signature

27
28