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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

JULIA SOROKIN, LOUIS A. BRAVO,  
  
Plaintiffs,  
  
vs.  
  
JULIO SANDOVAL, in his official  
capacity as San Diego County Sheriff's  
Detective, SHERIFF'S DEPARTMENT  
OF SAN DIEGO COUNTY, CARLOS  
VASQUEZ, in his official capacity as San  
Diego Sheriff's Detective, LENICE  
LOPEZ, in her official capacity as San  
Diego County Sheriff's Detective, LAS  
COLINAS WOMEN DETENTION  
FACILITY, COUNTY OF SAN DIEGO  
  
Defendants.

CASE NO. 10cv1842 WQH (BLM)  
**ORDER**

HAYES, Judge:

The matter before the Court is Plaintiffs' Motion for Summary Judgment (ECF No. 9).

**BACKGROUND**

On September 3, 2010, Plaintiffs filed the Complaint. (ECF No. 1).

On September 23, 2010, Defendants Sheriff's Department of San Diego County, Lenice Lopez, Las Colinas Women Detention Facility, and County of San Diego filed an Answer and on September 28, 2010, Defendants filed an Amended Answer. (ECF No. 6).

November 3, 2010, Plaintiffs filed a Motion for Summary Judgment. (ECF No. 9).  
On November 18, 2010, Defendants filed an Opposition to Plaintiffs' Motion for Summary

1 Judgment. (ECF No. 11). On December 3, 2010, Plaintiffs Submission of Evidence In  
2 Support of Motion for Summary Judgment was filed. (ECF No. 15). On December 8,  
3 2010, Plaintiffs' Final Submission of Evidence in Support of Motion for Summary  
4 Judgment was filed. (ECF No. 17).

### 5 **ALLEGATIONS OF THE COMPLAINT**

6 Plaintiffs' unverified Complaint alleges that New York Police Department  
7 ("NYPD") Detective Terrance Hayes instructed San Diego Sheriff County Detectives Julio  
8 Sandoval, Carlos Vasquez, and Lenice Lopez to assist in an unlawful arrest and extradition  
9 of Plaintiff Julia Sorokin. (ECF No. 1 at 4-5). On December 2, 2008, Detectives Sandoval  
10 and Vasquez "assaulted" Sorokin, who was three months pregnant, "with the use of  
11 extreme violence and the use a Taser gun." *Id.* at 5. Sorokin was handcuffed and searched  
12 in the street outside her home. Defendants drove Sorokin around while they interrogated  
13 her and eventually took her to Las Colinas Women's Detention Facility ("Las Colinas").  
14 Sorokin was not provided medical care or food and water at Las Colinas and was subject to  
15 sexual advances by a male Sheriff's Deputy. Sorokin appeared before a judge but was not  
16 told the charges against her.

17 NYPD Detective Hayes and Defendants Sandoval and Vasquez searched Sorokin's  
18 house without a search warrant. The private information obtained without a search warrant  
19 was used against Sorokin in a criminal prosecution in New York.

20 On December 16, 2008, NYPD Detective Hayes came to Las Colinas with  
21 Defendants Sandoval and Vasquez, NYPD Detective Hayes put a sweater on Sorokin  
22 during a hot day, and then they all took Sorokin to the San Diego airport for transport to  
23 New York.

24 Plaintiffs were evicted from their home, they lost all of their property, and they lost  
25 their businesses because Defendants Sandoval and Vasquez told Plaintiffs' property  
26 management company that Plaintiffs were conducting illegal activity from their apartment.

27 Plaintiffs assert claims of deprivation of rights under color of law, conspiracy,  
28 violations of the fourth, sixth, and eighth amendments, and negligence.

1 **CONTENTIONS OF THE PARTIES**

2 Plaintiffs assert that, “[n]othing can change the fact that” the events happened as  
3 Plaintiffs allege in the Complaint. (ECF No. 9-1 at 2.) Plaintiffs contend that “[w]here the  
4 law of a case, as here, is so compellingly controlling that the material facts already  
5 established dictate a result that cannot be altered by the jury’s making any finding of  
6 immaterial fact ... this court should grant summary judgment as a just and economical use  
7 of its limited judicial resources.” *Id.* at 7. Plaintiffs contend that Sorokin was never told  
8 of the charges against her, she refused to sign the waiver during the proceeding, and her  
9 signature on the waiver of extradition form was forged. Plaintiffs state that they will be  
10 requesting to “submit to a forensic document handwriting exam during discovery in order  
11 to prove this accusation.” (ECF No. 15 at 3-4, 14).

12 Defendants assert that Detectives Sandoval and Vasquez arrested Sorokin pursuant  
13 to a New York extradition warrant and transported her to Las Colinas. Defendants assert  
14 that they did not interrogate Sorokin or perform a search on her residence. Defendants  
15 assert that on December 4, 2008, Sorokin appeared before Superior Court Judge  
16 Szumowski, Sorokin was provided a public defender, and Sorokin admitted to being the  
17 person against whom the criminal proceedings had been initiated and voluntarily agreed to  
18 waive extradition. Defendants assert that on December 16, 2008, detectives from New  
19 York arrived to extradite Sorokin and Defendants Sandoval and Vasquez provided  
20 transportation to the airport.

21 **DISCUSSION**

22 Plaintiffs submit a copy of the minutes from Sorokin’s hearing before San Diego  
23 Superior Court Judge Szumowski on December 4, 2008, and the transcript from that  
24 hearing, as well as a copy of the minutes from Superior Court Judge Szumowski’s review  
25 hearing conducted on December 24, 2008, to show that Sorokin was not informed of the  
26 charges against her. Plaintiffs submit a copy of Sorokin’s true signature and a copy of  
27 Sorokin’s forged signature, as well as the “Waiver of Extradition” bearing the signature of  
28 Julia Sorokin. Finally, Plaintiffs submit part of the transcript from Sorokin’s arraignment in

1 New York in which Plaintiffs' rental application was discussed to show that Defendants  
2 Vasquez and Sandoval illegally searched Plaintiffs' apartment.

3 Defendants submit a waiver of extradition dated December 4, 2008, bearing the  
4 signature of Julia Sorokin. Defendant Lopez submits a Declaration in which she states that  
5 she believed and continues to believe the extradition warrant was valid and she is not aware  
6 of any San Diego County Sheriff's Department officer having searched Sorokin's  
7 residence. Defendant Sandoval also submits a Declaration and states that he believed the  
8 warrant was valid. Sandoval states in his Declaration that he and his partner Vasquez  
9 arrested Sorokin outside her residence using no force other than placing her wrists in  
10 handcuffs behind her back. Sandoval states in his Declaration that he and Vasquez did not  
11 interrogate Sorokin, they conducted an inventory of the possessions Sorokin was carrying  
12 but did not search her residence, and they brought Sorokin to Las Colinas within an hour of  
13 the arrest. Sandoval stated in his Declaration that he told Sorokin that she was wanted by  
14 the New York District Attorney to be transported to New York to face fraud charges.  
15 Sandoval stated in his Declaration that on December 16, 2008, he and Vasquez drove  
16 Sorokin and NYPD Detective Hayes to the San Diego airport while Sorokin was wearing  
17 the same clothes she had been arrested in.

18 Summary judgment is appropriate under Rule 56 of the Federal Rules of Civil  
19 Procedure where the moving party demonstrates the absence of a genuine issue of material  
20 fact and entitlement to judgment as a matter of law. Fed. R. Civ. P. 56(c); *see also Celotex*  
21 *Corp. v. Catrett*, 477 U.S. 317, 322 (1986). A fact is material when, under the governing  
22 substantive law, it could affect the outcome of the case. *Anderson v. Liberty Lobby, Inc.*,  
23 477 U.S. 242, 248 (1986). A dispute over a material fact is genuine if "the evidence is such  
24 that a reasonable jury could return a verdict for the nonmoving party." *Id.*

25 A party seeking summary judgment always bears the initial burden of establishing  
26 the absence of a genuine issue of material fact. *See Celotex*, 477 U.S. at 323. If the  
27 moving party satisfies its initial burden, the nonmoving party must "go beyond the  
28 pleadings and by her own affidavits, or by the depositions, answers to interrogatories, and

1 admissions on file, designate specific facts showing that there is a genuine issue for trial.”  
2 *Id.* at 324 (quoting Fed. R. Civ. P. 56(e)).


3 In ruling on a motion for summary judgment, the Court must view all inferences  
4 drawn from the underlying facts in the light most favorable to the nonmoving party. *See*  
5 *Matsushita Elec. Indus. Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986).  
6 “Credibility determinations [and] the weighing of evidence . . . are jury functions, not those  
7 of a judge, [when] he is ruling on a motion for summary judgment.” *Anderson*, 477 U.S. at  
8 255.

9 Plaintiffs Complaint is unverified and cannot be considered as evidence. *Moran v.*  
10 *Selig*, 447 F.3d 748, 759-60 (9th Cir. 2006) (citations omitted). Plaintiffs have not satisfied  
11 their burden of establishing that there is an absence of a genuine issue of material fact and  
12 they are entitled to judgment as a matter of law.

13 **CONCLUSION**

14 **IT IS HEREBY ORDERED** that Plaintiffs’ Motion for Summary Judgment (ECF  
15 No. 10) is **DENIED**.

16 DATED: February 4, 2011

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18 **WILLIAM Q. HAYES**  
19 United States District Judge

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