



ALLISON BLACK,	*
Defendant, and	*
	*
SANDY HOUSER,	*
Defendant, and	*
	*
LAUREN WHITESIDES,	*
Defendant, and	*
	*
APRIL GULLATE,	*
Defendant, and	*
	*
BRITTANY DEAL	*
Defendant, and	*
	*
JASON HUGHES	*
Defendant, and	*
	*
ASHLEY WESSON	*
Defendant, and	*
	*
BRENDA KELLY-KIRBY	*
Defendant, and	*
	*
ANN KILLIAN	*
Defendant, and	*
	*
ANN PAYSEUR	*
Defendant, and	*
	*
CHARLES BOHLEN	*
Defendant, and	*
	*
NORMA BOHLEN	*
Defendant, and	*
	*
SIX UNKNOWN FOSTER PARENTS	*
OF FAITH HARRIS AND RYAN HARRIS	*
TO BE IDENTIFIED	*
Defendants, and	*
	*
TEN UNKNOWN SOCIAL WORKERS	*
AND/OR EMPLOYEES OF LCDSS TO	*
BE IDENTIFIED	*
Defendants.	*

## **PLEADING UNKNOWN DEFENDANTS**

1. Gillispie v. Civiletti, 629 F. 2d 637 (9<sup>th</sup> Cir. 1980), held that where a plaintiff is unaware of the identity of alleged defendants, “plaintiff should be given an opportunity through discovery to identify the unknown defendants...” None of the unknown defendants reside in California, and, on information and belief, all of the unknown defendants reside in North Carolina.

2. The Lincoln County Department of Social Services and Matthew Hillman, Director, and Fielding Yelverton, Legal Counsel, have refused to provide Plaintiff with the names of the social workers and employees and foster parents and others who participated in the actions which violated the rights of Plaintiff, as alleged herein.

3. Discovery to reveal the identities of the unknown defendants will be initiated as soon as possible.

## **JURISDICTION AND VENUE**

4. This court is granted jurisdiction over this matter under 28 U.S.C. § 1332. Plaintiff, an individual citizen and resident of California, is suing Defendants, none of whom are citizens or residents of California. The amount in controversy is greater than \$75,000.00, not counting interest and costs of court. Plaintiff is domiciled in Chico, California. None of the defendants are domiciled in California.

5. Venue of this action is in the Eastern District of California pursuant to 28 U.S.C. § 1391. “A civil action may be brought in... (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred....” All of the

events giving rise to the claims sued hereon and where Plaintiff suffered violations of his rights occurred in the Eastern District of California. Plaintiff resides in the Eastern District of California. This case should be assigned to the Sacramento Division because a substantial part of the acts or omissions which give rise to this lawsuit occurred in Butte, Glenn, and Colusa counties.

## **PARTIES**

### **Plaintiff**

6. Plaintiff is the stepfather of Amanda Harris (Amanda). Amanda was a teenager when Plaintiff became her “Dad” by marrying her mother, Donna Harris (Donna).

7. Amanda is the mother of Ryan Robert Harris (Ryan), now twelve years old, and Faith Leigh Harris (Faith), now five years old.

8. Their home has been with Plaintiff in Chico, California from the day Faith was born.

9. Plaintiff has raised and supported Ryan and Faith in loco parentis for their entire lives. Both children were born out of wedlock, with absentee fathers. Plaintiff attended each of their births and assumed the role of de facto parent and custodial caretaker of each of them. Plaintiff is the only father either of the children has ever known.

10. Plaintiff, as the children’s “Papa,” established a permanent familial relationship with each of the children. Plaintiff has provided all the children’s needs,

including their home and necessities, their medical care, their schooling, and, most importantly, love. The bond between Plaintiff and each of the children is everlasting.

11. Under the law, Plaintiff is considered to be a nonrelative extended family member who has an established... familial... relationship with [each of the children], and a ‘relative who is an adult’... related to [each of the children] by... affinity... as a stepparent... responsible for [the children’s] health and welfare, and entrusted with [their] care...”

### **Defendants**

12. Defendant, Lincoln County Department of Social Services, 1136 E. Main Street, Lincolnton, North Carolina 28093-0130, is an agency of Lincoln County, North Carolina, charged with child protective services, among other things. The designation “LCDSS” refers to the Lincoln County Department of Social Services and, as the context requires, the other defendants. All of the defendants share the LCDSS address set forth above.

13. The Board of Directors of the LCDSS, which is charged with responsibility for the actions of the LCDSS, are defendants Chrystal Hoyle, Sherry Hoyle, Jill Eaddy, Daphne Ingram, and Cathy Davis (Board of Directors). The Director of the LCDSS is Matthew Hillman (Hillman). The Deputy Director of the LCDSS is Kelly Miles (Miles). The legal counsel for the LCDSS, responsible for providing legal representation to the director, employees, and the board of the LCDSS, is Jessica Fielding Yelverton (Yelverton).

14. Defendant Kelly Pendleton (Pendleton) is a Social Worker of the LCDSS. Defendant Mendie Kelly (Kelly) is a Children's Services Program Manager of the LCDSS. Defendant Allison Black (Black) is a Child Protective Services Supervisor of the LCDSS. Defendant Sandy Houser (Houser) is a Child Protective Services Supervisor of the LCDSS. Defendant Lauren Whitesides (Whitesides) is a Child Protective Services Supervisor of the LCDSS. Defendant April Gulate (Gulate) is a Foster Care/Adoptions Supervisor of the LCDSS. Defendant Brittany Deal (Deal) is a Foster Care/Adoptions Supervisor of the LCDSS. Defendant Jason Hughes (Hughes) is a Children's Services Program Manager of the LCDSS. Defendant Ashley Wesson (Wesson) is a Social Worker of the LCDSS. Defendant Brenda Kelly-Kirby (Kirby) is a Social Worker of the LCDSS. Defendant Ann Killian (Killian) is a Guardian Ad Litum Supervisor of the LCDSS. Defendant Ann Payseur (Payseur) is a Guardian Ad Litum Attorney Advocate of the LCDSS. Defendant Charles Bohlen (C Bohlen) is a Guardian Ad Litum of the LCDSS. Defendant Norma Bohlen (N Bohlen) is a Guardian Ad Litum of the LCDSS. Defendants Six Unknown Foster Parents of Faith Harris and Ryan Harris are to be identified through discovery. Defendants, Ten Unknown Social Workers and/or Employees of the LCDSS are to be identified through discovery.

### **STATEMENT OF FACTS**

15. Ryan and Faith, two remarkably bright and attractive children, became the subjects of an investigation by the LCDSS while the children were in North Carolina visiting Donna and staying with their mother in a home on Donna's property.

16. Amanda's stepsister, Bonnie Manning (Manning), was involved in a dispute with her mother, and carried a grudge against Amanda because Amanda was staying on Donna's property. Manning spitefully lied to her friend, Pendleton, that Ryan and Faith were in need of child protective services.

17. The defendants do not dispute that the LCDSS opened a case and, after a thorough investigation, the LCDSS determined that there was no need for Ryan and Faith to receive any protective services and closed the case, which ended the LCDSS's legal involvement with the children.

18. The defendants do not dispute that on April 6, 2023, the LCDSS issued a letter to Amanda that indicated that the LCDSS had found the children to be well and safe and that the LCDSS would no longer be involved:

“Regarding Ryan and Faith: We have completed the Family Assessment. The following determination has been made: No need of services... Your case will be closed.” **Please see Exhibit One.**

19. The defendants do not dispute that the LCDSS had previously confirmed that Ryan and Faith were no longer in North Carolina. Pendleton texted Plaintiff on April 3, 2023, acknowledging that Amanda, who the LCDSS had confirmed had custody of Faith, had given Plaintiff permission to take Faith back to Faith's home in California.

**Please see Exhibit Two.**

20. On April 5, 2023, the day before the letter closing the case was issued, Valerie, a LCDSS social worker, in a virtual face to face telephone contact with Plaintiff

and Ryan and Faith, had determined that the children were safe and well in Plaintiff's care in their home in Chico, California. **Please see Exhibit Three.**

21. Despite the lack of authority over the children, and after issuing the letter closing the case, the LCDSS filed a non-noticed, perjurious petition in a North Carolina, Lincoln County court to secretly obtain a five day Temporary Nonsecure Custody Order over Faith.

22. Later actions by the LCDSS confirmed that the LCDSS had hatched a plan to abduct both children from California, unlawfully transport them to North Carolina, and unlawfully deposit them in the LCDSS foster care system.

23. Filing a non-noticed perjurious petition with a North Carolina, Lincoln County court to get a custody order was part of the plan.

24. North Carolina law requires that, absent a critical emergency, notice of filing a petition relating to custody of a child must be served on the person having physical custody of the child.

25. The defendants do not dispute that, despite knowing that both Ryan and Faith were in Plaintiff's physical custody in California, the LCDSS did not serve notice of the petition on Plaintiff, or anyone else.

26. The LCDSS is an all powerful agency in Lincoln County, North Carolina, with virtually unchecked power and authority over children. On information and belief, the LCDSS routinely gets away with illegal behavior.



27. The LCDSS knew that the North Carolina, Lincoln County court had no jurisdiction over a child that had already been determined by the LCDSS to be well and safe and was residing in a different state.

28. The LCDSS committed perjury in statements in the petition about Faith's condition, and did not inform the court that the LCDSS had already determined that taking custody of Faith from Plaintiff was not warranted, and had closed the case, and that a LCDSS social worker, Valarie, just a day prior to filing the petition, had confirmed that Faith was safe and well in her home in California. **Please see Exhibit 4.**

29. The perjurious statements in the LCDSS's verified petition (underlined), which the court accepted as true, and upon which the court based its decision, are juxtaposed against the facts below:

A. "...this court has jurisdiction over the subject matter of this proceeding and of the person of the juvenile." (The court did not have jurisdiction and the LCDSS knew it. Amanda had sent the children back to California and the LCDSS had confirmed they were well and safe there with Plaintiff. The LCDSS had never had custody of the children. On March 17, 2023, the LCDSS acknowledged that fact in a Temporary Parental Safety Agreement signed by the LCDSS that specifically stated: "I [Amanda] understand that I still have custody of my children and still have decision making authority over their wellbeing needs." **Please see Exhibit Five.**

B. "...the juvenile has been abandoned..." (Pendleton and Kelly admitted they knew from their fellow social worker, Valerie, that Faith was, in fact, safe and well. Vallerie had confirmed, the day before the petition was filed, in a virtual face to face meeting with Ryan, Faith, and Plaintiff, that Ryan

and Faith were well and safe and happy in the home in which they had been raised by Plaintiff in California.)

- C. “...the juvenile is exposed to a substantial risk of physical injury or sexual abuse because the... caretaker has created conditions likely to cause injury or abuse...” (Neither Pendleton nor Kelly had seen Faith for many days. The only information they had about Faith was from Valerie. They knew from Valerie that Faith and Ryan were safe and well in California under the care of their Papa, a fit parental caretaker who had raised Faith from birth, and that, after a virtual tour of Plaintiff’s house, Valerie had verified that Faith and Ryan each had their own room and were happy. Pendleton and Kelly knew that the LCDSS had determined there was no need for LCDSS’s services, and that Faith was safe and well, and that LCDSS had already issued the letter to Amanda closing the case, which put a final LCDSS stamp of approval on Faith’s situation in California.)
- D. “...the juvenile is in need of medical treatment to cure, alleviate or prevent suffering serious physical harm which may result in death...” (Pendleton and Kelly have admitted that they knew that the only physical problem Faith had were some dental cavities, and that arrangements had already been made with a dentist to deal with them. Cavities are not serious physical harm that may result in death. Pendleton and Kelly knew from their own observations, before Faith went back to California, that Faith was an active, healthy, little girl, with no physical problems or ailments.
- E. “...efforts to prevent the need for the juvenile’s placement were precluded by an immediate threat of harm to the juvenile...” (This is the most blatant lie of all. There was no emergency. Confirming that all was well was the fact that the LCDSS had already determined that there was no need for services and had closed the case.)

30. Pendleton and Kelly, in addition to perjuring themselves, concealed from the court that the LCDSS had ended the LCDSS investigation and closed the case after determining that both children were well and safe in California.

31. Pendleton and Kelly, knowing that the case was closed and the LCDSS had terminated the LCDSS's involvement with the children, who had both returned to California, concealed from the court that Ryan and Faith were no longer in North Carolina when the petition was filed.

32. Because of no notice, there was no opposition. The petitioners presented the court with a perjurious petition and concealed the true facts. It is not surprising, but very unfortunate that the judge took the petitioners at their word. The court granted the LCDSS a five day Temporary Nonsecure Custody Order. The LCDSS used the fraudulently obtained order to steal the children from their family.

33. Everything that the LCDSS has done since acquiring the fraudulently obtained order and abducting the children from Plaintiff has been tainted. It is true that the 4<sup>th</sup> Amendment and the 14<sup>th</sup> Amendment were invoked by the Supreme Court of the United States to deal with evidentiary matters. However, the same reasoning applies in this case. The LCDSS has been exploiting their unjustly obtained power over children, which they managed to acquire illegally. Everything the LCDSS has done since determining there was "no need of services," and closing the case has been fruit of the poisoned tree.

34. There has never been a legitimate determination that Plaintiff, Amanda, and Donna are not fit parents. The immoral, unjustifiable placement of Faith in foster care is cruel punishment and cannot be legitimized no matter how much the social workers lie.

35. The defendants do not dispute that the same day the order was granted, the LCDSS faxed a copy of the perjurious petition and the fraudulently obtained order to the Butte County Department of Social Services (BCDSS), in Chico, California, with a letter requesting that the BCDSS remove Faith from Plaintiff's custody and hold her until the LCDSS could send someone to come and get her. **Please see Exhibit 6.**

36. It is not disputed by the defendants that the letter that the LCDSS faxed to the BCDSS is on Lincoln County, North Carolina, letterhead, under the auspices of "Department of Social Services – Mathew Hillman, Director, and Board of Social Services - Chrystal Hoyle, Chair, Alex Patton, Timothy Johnson, and Dr. Sherry Hoyle."

37. The letter is signed by Pendleton and Kelly, and contains the following sentence: "After speaking with our legal team, Lincoln County Department of Social Services filed a non-secure custody order for legal and physical custody of Faith Harris...."

38. The sentence quoted is revealing. The import of the sentence and the numerous lies in the letter are set forth below:

- A. The legal team included Hillman and Yelverton. Discovery will disclose others. It can be assumed that the legal team reviewed the language of the petition, or perhaps prepared it.

- B. Yelverton, as an officer of the court, put her license on the line by approving statements she knew were perjurious in a petition that was presented to a court regarding a child.
- C. We can be sure that Judge Champion was persuaded not to examine the veracity of the statements in the petition after being told, as he certainly would have been, that the LCDSS attorney had stamped the petition with her imprimatur.
- D. The “legal team” knew that the LCDSS had already issued a letter to Amanda stating that there was “No need of services... Your case will be closed.” The legal team knew that Amanda had custody and every right to send the children to California, back to their home with Plaintiff. The legal team knew that Plaintiff had not taken Faith back to California without Amanda’s permission.
- E. The LCDSS’s letter was drafted to cast aspersions on Plaintiff. Plaintiff had met with Pendleton and Valerie, and other LCDSS social workers many times and spoken with Yelverton more than once. The social workers knew the history and the parental role Plaintiff occupied.
- F. However, their lies in the petition were so glaring they did their best to vilify Plaintiff, who saw through their subterfuge.
- i. It is true that Plaintiff did fly back to North Carolina to fetch Faith and bring her home to live with Plaintiff and her brother.
  - ii. It had been determined in early March, 2023, with the LCDSS social worker’s and Yelverton’s approval, that Ryan should return to live

with Plaintiff and continue school in California, since he was able, at age 12, to fly by himself. Plaintiff indicated to Amanda and Donna and the LCDSS that Plaintiff would come and get Faith early in April.

- iii. Ryan, flying by himself, returned to California on March 9, 2023, and plans were made for Plaintiff to fly to North Carolina to pick up Faith and return her to California to be with Plaintiff, her Papa, and her brother. Amanda confirmed her request that Plaintiff take Faith home to California.
- iv. It is realleged that the LCDSS, after investigation, had determined neither of the children was at risk and had prepared a Temporary Parental Safety Agreement confirming Amanda's custody, dated March 17, 2023, taking into consideration that the children were living with Donna. The TPSA, which was signed by Amanda, Donna, and the LCDSS, specifically stated, "I [Amanda] understand that I still have custody of my children and still have decision making authority over their wellbeing needs"

39. The LCDSS had not and did not assert any custodial authority, whatsoever, over either child before they left North Carolina and re-established their residence in California.

40. At Amanda's request, Plaintiff came to North Carolina, and with Amanda's permission and the LCDSS's knowledge, Plaintiff and Faith flew back to California on April 3, 2023, with Plaintiff as the legal caretaker of both Ryan and Faith.

41. It is realleged that on April 5, 2023, two days later, the LCDSS contacted Plaintiff to confirm that the children were both safe and well and living with Plaintiff as their legal caretaker in California. The LCDSS social worker, Valerie, who spoke with Plaintiff, Ryan, and Faith in a face to face virtual meeting, confirmed to her satisfaction that the children were safe and well and happy, and confirmed to Plaintiff that the LCDSS's case regarding both children was closed.

42. It is realleged that on April 6, 2023, the LCDSS sent the letter to Amanda regarding Ryan and Faith that stated: "We have completed the Family Assessment. The following determination has been made: No need of services... Your case will be closed."

43. It is necessary to reallege the foregoing because the LCDSS in the letter to the BCDSS stated: "Ms. Harris (referring to Donna, with whom Faith was living during the property dispute over Amanda's home on Donna's property) does not have custody, guardianship, **or parental** or Department permission to send the child to an **unrelated person, especially one across the country.**"

44. The statement is a blatant lie. The fact that Pendleton later tried to get Amanda to deny giving permission to Plaintiff to take Faith home to live with Plaintiff and her brother in order to corroborate the false statement in the LCDSS letter is

reasonable proof that it is a lie. Amanda, when she understood what Pendleton was trying to do, signed a Declaration, under penalty of perjury, to file in a North Carolina court stating that the LCDSS had lied in the letter to the BCDSS, and that Amanda had surely given Plaintiff permission to take Faith back to California. **Please see Exhibit 7.**

45. The day after receiving the Fax from the LCDSS, two BCDSS social workers and two Butte County sheriff's officers came to Plaintiff's residence early. They banged on the door, and threatened to take Faith on the basis of the fraudulently obtained Temporary Nonsecured Custody Order, and the LCDSS's letter.

46. They terrified Faith. She was sobbing and clinging to Plaintiff in a death grip.

47. Plaintiff finally got the social workers and officers to listen, and then spent the next three hours being investigated, while calming Faith and Ryan.

48. The sheriff's officers, after investigating, acknowledged that Plaintiff had lived in the same house in Chico since 2017, was a respected member of the community, and that the children were safe and well in Plaintiff's care. Then they left.

49. The BCDSS social workers stayed and continued to interact with Plaintiff and Ryan and Faith, and to conduct an even more extensive investigation of his fitness. They inspected Plaintiff's home thoroughly.

50. After completing their investigation, the social workers from the BCDSS determined that the children were safe, well cared for, and happy, and that Plaintiff's



home provided a satisfactory environment, and that the children should continue to reside in Plaintiff's care and custody as their legal caretaker.

51. In Plaintiff's presence the lead BCDSS social worker contacted the LCDSS by telephone and informed the LCDSS that the BCDSS was not going to remove either child from Plaintiff's custody; and that both children were well and safe and happy.

52. The BCDSS prepared and issued a BCCSD Safety Plan Field Sheet confirming Plaintiff as Faith's legal caretaker, substantiating Faith's wellness and safety, and expressing the BCDSS's approval of Faith remaining in Plaintiff's care and custody as her legal caretaker.

53. In a follow-up telephone call with the LCDSS, in Plaintiff's presence, the BCDSS lead social worker informed the LCDSS that the BCDSS had determined that none of the LCDSS social worker's statements set forth in the sworn petition attached to the Temporary Order for Nonsecure Custody of Faith appeared to be true.

54. She told LCDSS personnel that it was clear that Faith had not been abandoned.

55. She told LCDSS personnel that it was clear that Faith was not exposed to a substantial risk of physical injury or sexual abuse.

56. She told LCDSS personnel that it was clear that Faith was healthy and did not have any apparent need for medical treatment for a life threatening condition;

57. She told LCDSS personnel that it was clear that approval of Faith in Plaintiff's care and custody as her legal caretaker was justified, and was, in fact, the best solution.

58. Plaintiff and the BCDSS social worker decided it would be worthwhile for Plaintiff to go to North Carolina with both children to figure out what the LCDSS was doing, and why, and to straighten out the mess the LCDSS was causing.

59. The BCCSD Safety Plan Field Sheet, confirming that the children were safe and well in Plaintiff's care and custody, that had been prepared by the BCDSS social worker, was signed by the BCDSS social worker and Plaintiff. The BCDSS social worker faxed a signed copy to the LCDSS.

60. Plaintiff embarked for North Carolina two days later. Plaintiff and the BCDSS informed the LCDSS that Plaintiff was returning to North Carolina with the children and they were enroute by automobile.

61. Perhaps fearing that their unlawful behavior and perjurious statements would be exposed upon Plaintiff's coming to North Carolina, the LCDSS put in place an even more terrible plan to accomplish their dreadful conspiracy to obtain control of the children.

62. On the day after the fraudulently obtained five day Temporary Nonsecured Custody Order for Faith expired, Plaintiff, in a telephone call, told the LCDSS that he and the children had reached Mesquite, Nevada, over 800 miles East of Plaintiff's home in California, and intended to continue to North Carolina.

63. After the LCDSS personnel talked with Plaintiff and both children on the conference call, Plaintiff was informed by the LCDSS personnel and the LCDSS attorney, Yelverton, that the LCDSS did not want Plaintiff to come back to North Carolina. Plaintiff was directed by the LCDSS personnel and attorney to return with the children to California.

64. Plaintiff learned later that the LCDSS was aware that the fraudulently obtained Temporary Nonsecured Custody Order for Faith had expired, and the LCDSS did not want Plaintiff back in North Carolina where Plaintiff could easily uncover the LCDSS's lies and reveal to the North Carolina court that Pendleton and Kelly had committed perjury and perpetrated a fraud on the court.

65. Unknown to Plaintiff, the LCDSS's direction to Plaintiff to turn around and travel back to California was a trap.

66. Since the LCDSS's effort with the fraudulently obtained Temporary Nonsecured Custody Order had failed to convince the BCDSS to remove the children from Plaintiff's custody, and the Order had expired, the LCDSS had modified their plan to get the children.

67. There is a significant market for attractive children. According to the U.S. Department of Health, there are 36 prospective adoptive parents in the United States for every child available for adoption and 37% of adoptions nationwide are by foster parents.

68. The foster care system is an adoption pipeline. The LCDSS designates who can become foster parents.

69. Foster parents of a child are given preference as adoptive parents for that child.

70. Not only does the LCDSS select foster parents, the LCDSS is also the agency that administers foster parent adoptions.

71. There is a significant opportunity and incentive for personnel in the LCDSS to profit from putting children in foster care with prospective adoptive parents.

72. As part of their monstrous plan to get the children, the LCDSS had called in a false Amber Alert claiming that Plaintiff had abducted Faith.

73. Pursuant to the LCDSS's direction, Plaintiff turned around and started back for California with the children.

74. On the return trip, after a long drive, at 10:00 pm that night, Plaintiff had reached Williams, Colusa County, California, only about eighty miles from his home in Chico, California.

75. The children were tired and, instead of continuing, Plaintiff got some food and a motel room and prepared to get the children into bed. Plaintiff called the BCDSS social worker and told her he was going to spend the night in Williams and asked to meet with her in the morning. She was surprised he was back in California, and agreed to meet.

76. Plaintiff was not aware that the Amber Alert network had located him by his use of a credit card to pay for the motel.

77. At about 11:00 pm, there was a knock on the motel door. When Plaintiff opened the door, there were approximately fifteen policemen, sheriff's deputies, and highway patrolmen, hands on their guns, awaiting Plaintiff. They told Plaintiff that Plaintiff had been accused of abducting Faith and placed on an Amber Alert. Plaintiff was handcuffed. The children were terrified.

78. Over the next hour, handcuffed, Plaintiff explained the situation and all but one of the officers left. The officer, a Williams, California, policeman, unhandcuffed Plaintiff and verified that the children were safe and well. He even tried to calm Faith. He will testify that he could see that the children had not been abducted, but that he had to make the arrest anyway.

79. About two hours later a social worker from the Colusa County, California, Department of Social Services (CCDSS) showed up. Faith was terrified and sobbing as she was taken away by the CCDSS.

80. Plaintiff has been through many crises in his life, including the death of two children and the death of Plaintiff's wife, but the night the LCDSS stole Faith was the most traumatic of Plaintiff's life. It did not get better. The next day the LCDSS stole Ryan.

81. The Williams police officer allowed Plaintiff to call Plaintiff's brother who lives in Willows, California, about 40 miles from Williams, California. Plaintiff's brother

and his wife came to Williams and drove Plaintiff's automobile with Ryan back to their home.

82. Plaintiff was handcuffed again and transported in the cage of the Williams Police patrol vehicle to the Colusa County, California, jail, where he was incarcerated.

83. Plaintiff later learned that the LCDSS, in their effort to get rid of anyone who could obstruct the LCDSS's monstrous plan to kidnap the children, had also falsely accused Donna of abducting Faith.

84. Plaintiff was accused by LCDSS of abducting Faith in California and Donna was accused by LCDSS of abducting Faith at the same time in North Carolina.

85. Based on the LCDSS's lies, Donna had been arrested and had been incarcerated in the Lincoln County, North Carolina, jail on the LCDSS's charge that she had abducted Faith. Donna, 65 years old, was terrified.

86. Plaintiff was distraught to find that Donna, whom Amanda and the LCDSS had approved as Faith's caretaker three weeks earlier, had been accused by the LCDSS of kidnapping Faith after the children were already in California and had been confirmed by the LCDSS to be safe and well in Plaintiff's custody. **Please see Exhibit 8.**

87. While Plaintiff and Donna were under false arrest and false imprisonment, the LCDSS arranged for the children to be stolen from California and brought back to North Carolina.

88. The LCDSS had Faith forcibly taken from the motel the night when Plaintiff was falsely arrested. The LCDSS had Ryan forcibly taken from Plaintiff's brother's home, the next day, while Plaintiff was falsely jailed.

89. The Sheriff's officers and the CCDSS personnel showed up at Plaintiff's brother's home and dragged away a terrified twelve year old boy, who had just watched his Papa get handcuffed and his little sister taken away. Ryan has been traumatized and suffered depression ever since.

90. Yelverton had confirmed that Donna has letters of guardianship of Ryan when he flew back to California, and that Donna had sent him back to California to live with Plaintiff. There was no legal basis, whatsoever, for the LCDSS to take Ryan.

**Please see Exhibit 9.**

91. Plaintiff was never charged with a crime and was released from jail the day after being incarcerated.

92. Plaintiff was falsely accused, falsely made the subject of an Amber Alert, falsely arrested, and falsely jailed, all as a result of the LCDSS's corrupt and malicious criminal acts.

93. Before abducting the children, the LCDSS admitted that the children were safe and well and happy under Plaintiff's care and custody in their home in California. The BCDSS determined that the children were safe and well and happy under Plaintiff's care and custody in their home in California.

94. The LCDSS, since abducting Ryan and Faith and taking them to North Carolina, has not allowed either child to leave the state.

95. The LCDSS cannot produce a single document, not obtained by fraud and perjury, giving the LCDSS the right to do what they have done.

96. The LCDSS cannot cite a single legal basis for what they have done.

97. The LCDSS cannot cite a single rational reason for what they have done.

98. Neither Plaintiff, nor Amanda, nor Donna have ever been found or declared to be unfit parents. The LCDSS has acknowledged that Plaintiff has acted in loco parentis as the children's de facto father and legal caretaker and has exercised custody over both children for years, and that the children were in Plaintiff's custody when they were abducted by the LCDSS.

99. The LCDSS perpetrated fraud on Judge Brad Champion in the General Court of Justice, District Court Division, of Lincoln County, North Carolina, and used Judge Champion's perjurally obtained Order in File No. 23JA34, issued on April 6, 2023, to commit fraud on a sister agency, the BCDSS, in California, and as a basis for issuing a false Amber Alert against Plaintiff, and falsely accusing Plaintiff, causing his arrest and incarceration without charges, and falsely accusing Donna, and for illegally taking custody of two innocent children, Ryan and Faith, and illegally placing them in foster homes and refusing to release them to their family and guardian, and for illegally restraining them from leaving North Carolina, and for committing multiple criminal acts.



100. Since committing perjury to obtain an order of custody for Faith, the LCDSS has done everything conceivably possible to injure Plaintiff and Ryan and Faith, and to injure Amanda, their mother, and Donna, their grandmother and Ryan's guardian.

### **JOINDER**

101. A similar question of law and fact exists with regard to the liability of each of the defendants, based upon each of their participation in abducting two innocent children from Plaintiff in California, and their participation in illegally transporting the children across the United States to North Carolina, and their participation in illegally holding the children hostage and refusing to return them to Plaintiff.

### **INJUNCTIVE RELIEF SOUGHT**

102. An injunction requiring the LCDSS to stop all proceedings related to the children, and ordering the LCDSS to return the children to Plaintiff, with whom they were legally residing when they were abducted, is critically necessary to prevent the LCDSS from irreparably damaging Ryan and Faith and Plaintiff further.

103. Plaintiff is a fit caretaker and custodian for the children, and the children are well and safe and happy in Plaintiff's care in California.

104. The LCDSS did not acquire control over the children legally or for any legitimate reason.

105. The defendants cannot produce a single reason or a scintilla of evidence that suggests that such an injunction should not be granted.

106. It is documented that the LCDSS suborned perjury, perpetrating a fraud on a North Carolina, Lincoln County court by claiming Faith to be in North Carolina, in need of child protection, and under the custody of the LCDSS when, in fact, the LCDSS had issued a letter the same day the perjurious petition was filed, confirming that there was no need of child protective services for Faith or Ryan and that the LCDSS had terminated the involvement of the LCDSS with Faith and Ryan.

107. Ordering the LCDSS to return the children to Plaintiff will have no negative consequences whatsoever. The children will be back in the home from which they were stolen, and which the LCDSS and the BCDSS found to be a fit place for them to reside with Plaintiff.

108. A Temporary Restraining Order and a Preliminary Injunction is necessary.

103. The LCDSS, an uncaring, corrupt governmental agency, and a legion of co-conspirators, caused Plaintiff to be falsely arrested so they could kidnap Plaintiff's five year old darling, who Plaintiff loves more than his life. The LCDSS managed to arrange to have her torn from Plaintiff's arms in the middle of the night as Plaintiff, handcuffed, helplessly watched them turn her life and his upside down.

104. The defendants have devastated Ryan, who the LCDSS stole the day after the LCDSS stole Faith. Plaintiff raised three other sons and one stepson, and none ever received more love than Plaintiff has for Ryan. It is reciprocated.

105. The LCDSS tore Ryan, an adored grandson, from Plaintiff's custody, disrupting Ryan's schooling and creating an anger in him that no child should be forced to endure or overcome.

106. The latest LCDSS ploy hurting Ryan is the LCDSS's proposal in the hearing on September 19, 2023, that he be torn by the LCDSS for the second time this year from his school, where currently he is enjoying an "A-" average and from Donna's home and sent to an unnamed military type boarding school, which in the view of his Papa, who has successfully loved him and carefully home schooled him through four grades with an average class grade of "A", will destroy him.

107. The LCDSS has stated that they know what is best for the children. Considering the LCDSS's effort to supplant the wisdom of the family with their own, the admonition of the Supreme Court of North Carolina in *Price v. Howard*, 484 S.E. 2d 528 (N.C.1997) is applicable. Speaking to pompous martinets populating county departments of social services who think they know better than families how to raise children, the supreme court stated "...We have recognized on numerous occasions that the relationship between parent and child is constitutionally protected.... The custody, care and nurture of the child reside first in the parents.... The Court has found that the relationship of love and duty in a recognized family unit is... entitled to constitutional protection.... The importance of the familial relationship, to the individuals involved and to the society, stems from the emotional attachments that derive from the intimacy of daily association... We have little doubt that the Due Process Clause would be offended 'if a State were to attempt to force the breakup of a natural family,, without some showing of unfitness, and for the sole reason that to do so was thought to be in the

children's best interest.... it is not within the power of... a social agency, to make significant decisions concerning the custody of children, merely because it could make a better decision or disposition.... the State,, has not displaced the parent in right or responsibility... Indeed , the courts and the law would, under existing constitutional principles, be powerless to supplant parents except for grievous cause or necessity....”

108. The North Carolina Supreme Court in *Price v. Howard*, *ibid*, quoted the statement of the Court of Appeals of New York using constitutional principles in *Bennett v. Jeffreys*, 40 N.Y.2d 543, 356 N.E.2d 277, 387 N.Y.S.2d 821 (1976)

“...t]he resolution of cases must not provide incentives for those likely to take the law into their own hands. Thus, **those who obtain custody of children unlawfully, particularly by kidnapping... must be deterred.** Society may not reward, except at its peril, the lawless....” (Emphasis added.)

109. The LCDSS obtained custody of both children unlawfully by kidnapping them from Plaintiff, their legal caretaker in California, and unlawfully transporting them to North Carolina, where the LCDSS is unlawfully holding them hostage. Plaintiff, the children's mother and Ryan's guardian, the children's grandmother, have all demanded the return of the children by the LCDSS to Plaintiff's home in California. The LCDSS has unlawfully refused to return the children to Plaintiff's care, or to allow them to be returned to Plaintiff's care.

110. It is in the children's best interest that an injunctive order be issued restricting the LCDSS from continuing to exert control over the children and requiring the LCDSS to return the children to Plaintiff. Plaintiff, Donna, Amanda, Ryan, and Faith agree that it is currently in the children's best interest that both children be returned to Plaintiff's care and custody in California. The lawless LCDSS should be forced to do the right thing and return the children to Plaintiff, from whom they were stolen.

111. The abduction of two children from their legal caretaker in California by the LCDSS, and the refusal to release them by the LCDSS, is in furtherance of a criminal conspiracy.

112. The defendants must be deterred. The lawless LCDSS and the other defendants in this action, must not be rewarded for their unlawful acts.

113. The stated purpose of the Department of Social Services of Lincoln County, North Carolina, as set forth in the LCDSS website, is to “assist... in providing a safe, nurturing home environment for the children.... “ The LCDSS is not doing that. The LCDSS has torn the children from their home in California, is interfering with Ryan’s schooling, and is making sweet little Faith cry every day.

114. The LCDSS was not fulfilling its purpose when it engaged in the unlawful acts enumerated herein. The purpose of the LCDSS is not to unlawfully abduct children from parents, guardians or caretakers who have a lawful right to care for the children, or to unlawfully hold children hostage under the LCDSS’s control and unlawfully place children in foster homes and refuse to return children to their parents, guardians or caretakers who have a lawful right to care for the children, or to overlook, excuse, disregard, countenance and condone stealing children and exercising unlawful control over children based upon lies and court orders fraudulently obtained, or to ignore the welfare of children and unlawfully remove them from their families and unlawfully refuse to return them to their families, or to issue a false Amber Alert against Plaintiff, particularly when the LCDSS and officials and employees of the LCDSS are aware that there was no abduction and that the child claimed by the LCDSS to have been abducted is safe and well, and that the person against whom the Amber Alert is issued is the legal caretaker of the child and has legal custody, or to charge with abduction Donna, a person

approved by the LCDSS as the child's caretaker, and who is a member of the child's family with whom the child's mother has placed the child, and who is the legal caretaker and has custody under state law, or to countenance and condone a fraudulent Custody Order known to have been obtained as a result of perjury after the LCDSS had closed the case on the children.

115. Doing those criminal acts is outside the scope of LCDSS duties and responsibilities. The LCDSS employees who have participated in any manner in doing so are acting outside the scope of their employment. The LCDSS and other defendants have committed and are committing illegal acts, none of which are part of their legal duties and responsibilities.

116. The defendants' illegal acts, done with malice and corrupt intent, were the cause of Plaintiff's injuries and damages.

117. Expedited discovery is necessary to determine the identity of the individual perpetrators and their motives and actions in unlawfully issuing an Amber Alert against Plaintiff and having him arrested and jailed, with no charges; and in unlawfully charging Donna with abducting Faith and having her arrested and jailed; and in abducting the children in California; and in transporting them from California to North Carolina; and in placing the children in foster homes; and in using court orders known to have been unlawfully obtained; and in forbidding Donna from returning Ryan to Plaintiff; and in refusing to return Faith to Plaintiff; and in depriving the children and Plaintiff of rights under color of law.

118. The foregoing enumerated acts of the LCDSS and the defendants have been injurious and damaging and emotionally devastating to Plaintiff.

119. The acts of defendants as enumerated herein were part of an illegal conspiracy and violated state and federal RICO statutes, and violated 42 U.S.C. § 1983.

120. The lives of two children are at risk as a consequence of the actions of the LCDSS. The LCDSS is perpetuating irreparable injury to Plaintiff, and Amanda, and Donna, and Ryan, and Faith by continuing to unlawfully hold the children as hostages in North Carolina after kidnapping them from Plaintiff in California.

121. In the process of balancing equities between Plaintiff and defendants, there are no elements of fairness and justice that would suggest that using fraud and subterfuge, as defendants have done to obtain control over vulnerable children, should be rewarded, or that any equities fall on the defendants' side of the scale.

122. All of the equities that can be divined from the facts of this case fall on the side of reuniting the children and Plaintiff, and restoring the happy, successful relationship between the children and their Papa, their mother, and their grandmother which the children enjoyed prior to being irreparably damaged by the criminal acts of the defendants.

123 There is no basis in reason or law to allow the defendants to continue to interfere with the children's happiness and wellbeing. Plaintiff has never been found to be a person unsuited to care for the children. He has cared for them successfully for their entire lives. He has been recognized under the law and by the LCDSS and BCDSS as the persons to whom the children's custody belongs.

124. An injunction restraining the LCDSS and the defendants, which have shown by their actions that they are untruthful, immoral, and willing to violate the law, is in the public interest.

125. An injunctive order should be issued enjoining the LCDSS from any further actions with regard to the children and ordering them to return the children to the custody of Plaintiff in California immediately.

126. It is in the public interest to return these precious children to their family and to the Papa that has provided them with everything they have needed, including great love, from their birth.

#### **REQUEST FOR EXPEDITED DISCOVERY**

127. Because of the cloak of secrecy that surrounds the misuse of power by a government agency dealing with minors, the LCDSS has been able to conceal and get away with their horrible acts.

128. Because of the position of power that the LCDSS occupies, the defendants are able to shield themselves from scrutiny.

129. Because of their nearly unlimited power over children and families, and the manner in which they have lied and committed perjury, and continue to lie, it is only by discovery in this action that it will be possible to bring to light the depth and extent of the malicious and corrupt behavior of the defendants toward Ryan and Faith and, by extension, Plaintiff and Amanda and Donna.



130. Data, documents, and information necessary to prosecute this action are being purposely and maliciously withheld from Plaintiff by the LCDSS, and particularly Hillman, and Yelverton. Such data, information, and documents are needed to support the motion for a preliminary and permanent injunction to prevent the continuing injury and crimes the LCDSS is perpetrating upon Ryan and Faith.

### **QUALIFIED IMMUNITY**

131. The unlawful acts engaged in by the LCDSS and employees and officers and personnel thereof and the conspiracy engaged in by the LCDSS and employees and officers and personnel thereof to unlawfully take children from the custody of their caretaker and to use the power of the LCDSS, as a government agency to commit crimes, were done ostensibly under color of law.

132. However, the unlawful acts were not within the official duty of the LCDSS and were not for any legitimate governmental purpose.

133. Committing perjury, defrauding the courts, making false accusations, illegally taking children, and engaging in a conspiracy to unlawfully put children in foster homes are not within the scope of legal duties of the county or the county agency, and were not for any governmental purpose.

134. None of the unlawful acts of the LCDSS or the unlawful acts of employees or officials or personnel of the LCDSS were the type of acts of which public policy deems worth granting immunity. None of the unlawful acts involved compliance with a basic governmental policy, program, or objective.

135. Though the acts of the LCDSS and Lincoln County and officers and employees thereof were purported by them to be done under color of law, they were criminal.

### **MONETARY DAMAGES SOUGHT**

137. Plaintiff will prove monetary damages at trial, including economic, compensatory, and punitive damages, as warranted by the facts and the law.

138. The jury will be asked to put a price on the trauma and effect of having children precious to Plaintiff stolen and held hostage; on the trauma and effect of Plaintiff having been unjustly accused, unjustly arrested, and unjustly jailed; on the value and effect of Plaintiff losing months of precious children's lives, never to be regained; of the value and effect of the emotional trauma of seeing loved ones unjustly accused, unjustly arrested, and unjustly jailed; of the value and effect of the trauma and emotional distress of the illegal acts of the LCDSS; of the value and effect of having an uncaring, corrupt government agency rob you of your rights; of the value and effect of being denied watching the magical stages of your five year old's development, or your twelve year olds computer programming or skate boarding, or coming home from school beaming with an "A"; of the value and effect of not being able to tuck them in or fix their favorite meals; of value and effect of not being able to share their birthdays, or Halloween, or Christmas, or . . . , or . . . , or . . . ; of the value and effect of having your face splashed all over the print media and social media as a child abductor; of the value and effect of having your friends calling to find out why you are being portrayed as a criminal; of the

value and effect of having a child torn from the care of your brother and stolen; of the value and effect of months of worry about what is happening to children you have raised; of the value and effect of watching corrupt, lying social workers making rules designed to entrap your children and their mother and grandmother; of the value of the disruption of your life at an advanced age, of the value of etc., etc., etc.

139. Plaintiff is seeking damages of Twenty Five Million Dollars (\$25,000,000.00).

**FIRST CAUSE OF ACTION – OUTRAGEOUS INFLICTION OF SEVERE  
EMOTIONAL INJURY ON PLAINTIFF, THE CHILDREN, THEIR MOTHER,  
AND THEIR GRANDMOTHER**

**Paragraphs 6 - 126 are realleged and incorporated in this cause of action.**

140. The defendants have intentionally or recklessly inflicted severe emotional distress, or were certain, or substantially certain, that such distress would result from the defendants' conduct.

141. The defendants' issuance of a false Amber Alert against Plaintiff directly resulted in Plaintiff being met late at night by multiple law enforcement officers, hands on their guns, who accused him of kidnapping his adored Faith, then forcibly removed her, sobbing and protesting, from Plaintiff's care, causing Plaintiff to suffer nearly unbearable anguish.

142. Branding Plaintiff as a child abductor directly caused Plaintiff to be handcuffed while Ryan and Faith watched in horror.

143. The defendants' issuance of a false Amber Alert against Plaintiff directly resulted in Plaintiff being arrested, booked, and incarcerated and was so extreme and outrageous as to exceed all possible bounds of decency. Such an action, issuing a false Amber Alert against a law abiding citizen, is atrocious, and utterly intolerable in a civilized community.

144. The actions of the defendants caused Plaintiff severe emotional distress. The emotional distress suffered by the plaintiff was so severe that no reasonable man could be expected to endure it.

145. The Colusa County police officer that arrested, handcuffed, transported Plaintiff in a cage in a police vehicle, and booked Plaintiff into the Colusa County jail will testify that Plaintiff was tearing his hair out from the moment Faith was taken from him.

146. The inmates in the jail cell on the night of Plaintiff's incarceration will be identified from jail records and will testify that Plaintiff was sobbing and severely depressed.

147. Plaintiff was released from jail with no charges ever filed against Plaintiff, because he was not guilty, the next day.

148. The actions of the defendants before Plaintiff was released, in forcibly taking Plaintiff's twelve year old Ryan from Plaintiff's brother's home, were so extreme and outrageous as to exceed all possible bounds of decency. The actions of the defendants were atrocious, and utterly intolerable in a civilized community.

149. The actions of the defendants in forcibly taking Ryan, when made known to Plaintiff caused Plaintiff severe emotional distress. The emotional distress suffered by the plaintiff was so severe that no reasonable man could be expected to endure it.

150. Plaintiff's brother and his wife will testify that Plaintiff was so distraught they feared for him and worried about his ability to drive safely from their home to his home.

151. Donna and Amanda and friends and school administrators and teachers and others who Plaintiff was forced, because of their relationship to the children, to inform about what the LCDSS had done, will testify that Plaintiff was so distraught he could not sleep, looked terrible, was so sad, and so clearly in agony they worried if he could ever recover.

152. The effect on Plaintiff of defendants' actions in continuing to hold Faith in a foster home, refusing to return her to Plaintiff, and refusing to allow Plaintiff to have any contact with her, and the effect on Plaintiff of watching Faith, when Amanda surreptitiously put her on a video call, as she sobbed for her Papa, her little lips quivering and her eyes full of tears, and the effect on Plaintiff of not being able to offer Faith any relief, and the defendants' actions in refusing to allow Ryan to leave North Carolina and return to his Papa, even though Ryan is in the custody of Donna, his guardian, and both have requested permission to allow Ryan to return home to his Papa over and over, and the defendants' continued harassment of Ryan and Faith and Amanda and Donna, and the defendants' threats to disrupt Ryan's schooling and threats to take him from Donna and

put him in a foster home, were and continue to be outrageous in that the defendants, by their actions, intentionally inflicted and are inflicting emotional distress on Plaintiff and Ryan and Faith and Amanda and Donna.

153. The defendants, whether intentionally or recklessly, are inflicting severe emotional distress, and know that such distress results from their conduct.

154. The actions of the defendants have caused and are causing Plaintiff severe emotional distress. The emotional distress suffered by the plaintiff was and is so severe that no reasonable man could be expected to endure it.

155. The defendants' actions were done and are now being done intentionally with complete disregard of how their actions affect Plaintiff, and how their actions are affecting Plaintiff's adored Ryan and Faith. The distress and depression caused by the defendants affect Plaintiff and cause Plaintiff severe emotional anguish.

156. The defendants have acted and are acting individually, independent of their positions in the LCDSS, in ways injurious to Plaintiff and Ryan and Faith, and by extension, Amanda and Donna.

157. The defendants have acted and are abusing their power in ways that they know have caused and are causing severe emotional distress to Plaintiff, Ryan, Faith, Amanda, and Donna.

158. The LCDSS personnel are so incredibly arrogant that, because the LCDSS is a governmental agency with nearly unlimited legal power and authority over children,

the defendants do whatever they want to do, even when it is extremely damaging to children and their families and causes severe emotional distress.

159. The LCDSS mantra seems to be, “You will do what we say and accept what we do. PERIOD! Even when we know, and have admitted that it is in the best interests of the children to be together in the home where they have grown up with their Papa, we can take them. Even though we gave you notice that we formally ended our involvement in the children’s lives, we can take them. Even though the children are living in a different state when we abduct them, we can take them. Even though we must lie to the court in order to do so, we can take them. We can take them from California to North Carolina and throw them into our foster care system. Try and stop us.” The emotional distress is nearly unbearable.

160. Since the LCDSS has nearly unlimited power, and caretakers are nearly powerless, and the courts in North Carolina are impotent when the LCDSS commits perjury, the only way to challenge the criminal behavior of the LCDSS is to initiate a lawsuit such as this action.

161. The LCDSS attitude is, “if we decide we want to bring the children under our control and throw them into a foster care system in North Carolina, we have the right to break any law or commit any horrible act to impose our will.” That is what the LCDSS has done in this case. The actions of the defendants have caused unbelievably severe emotional distress.

162. The foregoing description of how the LCDSS operates shows the LCDSS's reckless disregard for the consequences of their criminal actions. However, the conduct of the LCDSS in this case is more than that. It is not just a reckless disregard, but an intentional infliction of emotional harm in furtherance of the LCDSS conspiracy to steal the children.

163. The defendants' conduct was and is egregious and outrageous. Any reasonable person would say that it was and is extreme. It is exactly as though the defendants want Plaintiff, Ryan, Faith, Amanda, and Donna to suffer. The emotional distress caused by the actions of the defendants is such that almost anyone would find it unbearable. It has been going on since the LCDSS caused the Plaintiff to be arrested and stole the children from Plaintiff.

## SECOND CAUSE OF ACTION – DEFAMATION

### **Paragraphs 6 - 126 are realleged and incorporated in this cause of action.**

164. On April 11<sup>th</sup> or 12<sup>th</sup>, 2023, the LCDSS contacted the Amber Alert network and issued an EMA report that Plaintiff had abducted Faith.

165. The LCDSS knew that Plaintiff had not abducted Faith and had verified that Faith and Ryan were both safe and well with Plaintiff.

166. The LCDSS knew that the BCDSS had confirmed that Faith was safe and well with Plaintiff, and had refused to remove Faith from Plaintiff's custody, and had executed a Safety Plan that approved Faith in Plaintiff's custody that had been faxed to



the LCDSS and was in the LCDSS's possession at the time the LCDSS falsely reported to the Amber Alert network that Plaintiff had abducted Faith.

143. It is estimated that, within the first twenty four hours after the Amber Alert was posted over 4,800,000 people had seen it and reacted to it.

144. The defendants' statements to the EMR Amber Alert network were false and the defendants knew they were false.

145. The Plaintiff was libeled and slandered as a result of the defendants' maliciously false statements, which they knew would go to every law enforcement agency, every social media outlet and television station. The defendants made a point of identifying Plaintiff by name.

146. Making false statements such as the defendants made were a perfect way to trash Plaintiff's reputation. The defendants succeeded in doing so.

### **THIRD CAUSE OF ACTION – INTENTIONALLY CASTING PLAINTIFF IN A FALSE LIGHT**

#### **Paragraphs 6 – 126 are realleged and incorporated in this cause of action.**

147. Not only did the defendants defame Plaintiff, they also cast Plaintiff in a false light. The defendants well knew that Plaintiff was not a kidnapper or child abductor. However, they published that Plaintiff was a kidnapper and child abductor. Not only that, they identified the Plaintiff as kidnapping his own step grand daughter, who everyone that had ever heard of Plaintiff knew he had cared for since her birth.

148. The portrayal of Plaintiff was highly offensive and embarrassing. The defendants published the offensive statements and representations with reckless, or no regard for their offensiveness.

149. The defendants purposely created false negative and disgusting impressions of Plaintiff in an intentional effort to injure him and to place him in a highly negative and offensive false light.

#### **FOURTH CAUSE OF ACTION – DENIAL OF THE RIGHT TO DUE PROCESS**

##### **Paragraphs 6 - 126 are realleged and incorporated in this cause of action.**

150. As a matter of due process, an accused has a constitutional right, as well as a regulatory right, to fair and impartial treatment under the law.

151. The defendants ignored basic tenets of fairness when the defendants accused Plaintiff of kidnapping Faith, resulting, as should reasonably have been expected in the accusation, arrest and incarceration of Plaintiff who was never charged with a crime.

152. The defendants' actions were criminal, malicious, and corrupt, and intended to severely injure Plaintiff. The defendants succeeded.

#### **FIFTH CAUSE OF ACTION – ACTIONS IN VIOLATION OF THE RICO**

##### **STATUTES**

##### **Paragraphs 6 - 126 are realleged and incorporated in this cause of action.**

153. The defendants have, through a pattern of racketeering activity, directly or indirectly, participated in operations, or conspired to do the aforementioned in an

enterprise that affects interstate or foreign commerce and Plaintiff is entitled to treble damages, court costs, attorney's fees, and equitable relief as a result of injuries suffered by Plaintiff as a consequence of defendants' criminal activities.

**SIXTH CAUSE OF ACTION – VIOLATION OF 42 U.S.C. § 1983**

**Paragraphs 6 - 126 are realleged and incorporated in this cause of action.**

154 Under 42 U.S.C. 42 § 1983 every person who, under color of law, subjects, or causes to be subjected, any citizen to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law. Each of the defendants is liable under the statute.

**SEVENTH CAUSE OF ACTION – TORTIOUS INTERFERENCE WITH  
PARENTAL AND/OR CUSTODIAL RIGHTS**

**Paragraphs 6 – 127 are realleged and incorporated in this cause of action.**

155. Plaintiff's relationship with Ryan and Faith, established over their entire lifetimes, is a constitutionally protected and valuable right, protected by common law.

156. Plaintiff's claim that the defendants should pay damages for interfering with and infringing upon Plaintiff's custodial rights, and thereby injuring Plaintiff in congruent with the fundamentally decent values that must be upheld by a civilized society.

157. Plaintiff has a fundamental right to establish and maintain a custodial relationship with both Ryan and Faith, and has done so, and the defendants' interference

with that relationship willfully and intentionally interfered with Plaintiff's custodial relationship with both children.

158. The defendants, by removing the children and detaining the child from returning to Plaintiff without Plaintiff's consent, and by preventing Plaintiff from exercising Plaintiff's custodial rights, caused harm to the custodial, emotional, and established parental relationship and damages resulted from the defendants' criminal activities.

159. Plaintiff is entitled to recover from defendants compensatory damages, based upon money Plaintiff lost establishing custodial rights, plus punitive damages.

160. The defendants had no good faith belief that their malicious, corrupt, and criminal behavior, and their interference with Plaintiff's custodial rights, were necessary to protect the children in any respect.

161. The defendants did not reasonably believe in good faith that Plaintiff did not have a right to establish and maintain a custodial relationship with the children.

162. A consideration claimed by Plaintiff in assessing damages for defendants' interference with Plaintiff's custodial rights is that the defendants actively misled the courts, the departments of social services, and the law enforcement agencies with deliberate lies in order to create the tortious interference with Plaintiff's custodial rights over the children and to damage Plaintiff's long established relationship with them.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully requests that this Court enter Judgment for Plaintiff against defendants, and each of them, individually and jointly, and provide Relief for Plaintiff as follows:

A. Grant all the relief requested in this Complaint to the extent permitted by law; and

B. Grant a Temporary Restraining Order, Preliminary Injunction, and Permanent Injunction Ordering any and all of the defendants to immediately stop any actions, of whatsoever kind or nature, relating to Ryan Robert Harris and Faith Leigh Harris, or either of them, in North Carolina, or elsewhere; and

C. Order the defendants to immediately desist from exercising any custody or control or involvement over or in the lives and persons of Ryan Robert Harris and Faith Leigh Harris, or either of them, and to immediately cease and desist from initiating, pursuing, and participating in any and all actions, including but not limited to court proceedings, foster care, medical care, schooling, or custodial care of any kind relating to Ryan Robert Harris and Faith Leigh Harris, or either of them, in North Carolina, and all other states; and

D. Order the Lincoln County Department of Social Services to immediately safely transport Ryan Robert Harris and Faith Leigh Harris to Chico, California and deliver Ryan Robert Harris and Faith Leigh Harris to Plaintiff.

E. Order that Defendants, individually and collectively be found liable to Plaintiff for the sum of Twenty Five Million Dollars (\$25,000,000.00), and order the Defendants to pay such sum to Plaintiff immediately.

F. Order such other injunctive relief as is necessary to compel performance of the obligations imposed on the Defendants by the orders and judgment of this Court.

G. Order such other relief as to this Court shall seem just and proper.

### **REQUEST FOR JURY TRIAL**

Under Federal Rules of Civil Procedure, Rule 38 (b), Plaintiff demands a jury trial on any and all issues triable by right by a jury.

### **VERIFICATION**

I, Orion Douglas Memmott, declare as follows:

I am the Plaintiff in this case, a citizen of the United States of America, and a resident of the State of California.

I have personal knowledge of the truthfulness of the statements in this Verified Complaint for Injunctive Relief and for a Civil Case and declare them to be true, except for those statements on information and belief and, as to those statements, I believe them to be true.

If called on to testify I would competently testify as to the matters stated herein.

I verify under penalty of perjury under the laws of the United States of America and the State of California that the foregoing declaration is true and correct.

Executed this 19<sup>th</sup> day of October, 2023

/s/ Orion Douglas Memmott  
Orion Douglas Memmott, Pro Se  
309 St. Michael Ct.  
Chico, Butte County, California 95973  
Telephone: (831) 207-6782  
Email: [douglasmemm@gmail.com](mailto:douglasmemm@gmail.com)

### **CERTIFICATION**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information and belief that this Complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

Executed this 19<sup>th</sup> day of October, 2023

/s/ Orion Douglas Memmott  
Orion Douglas Memmott Pro Se  
309 St. Michael Ct.  
Chico, Butte County, California 95973  
Telephone: (831) 207-6782  
Email: [douglasmemm@gmail.com](mailto:douglasmemm@gmail.com)

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

COMPLAINT

MEMMOTT V. DEPARTMENT OF SOCIAL SERVICES OF LINCOLN COUNTY, NC

EXHIBIT ONE

The LCDSS's letter determining there was no need for services and closing the case.



**Lincoln County  
Department of Social Services**

P.O. Box 130  
Lincolnton, North Carolina 28093-0130  
(704) 732-0738

MATTHEW HILLMAN  
DIRECTOR

04/06/2023  
Date

Re: Faith and Ryan  
Child/Children

Dear Amanda Harris:

As you are aware, our agency has received a report alleging the children named above are in need of protective services due to child abuse, neglect, or dependency. Your case was assigned as:

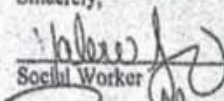
Family Assessment     Investigative Assessment.

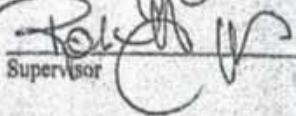
We have now completed our assessment and have reached the following conclusion:

- We did not find abuse, neglect, or dependency under the legal definition.
- We have completed the Family Assessment. The following determination has been made:  
No need of services
- We have determined \_\_\_\_\_ exists and will provide continued protective services and supervision in compliance with legal guidelines.
- Your case will be closed.

Comments:

Sincerely,

  
\_\_\_\_\_  
Social Worker

  
\_\_\_\_\_  
Supervisor

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

COMPLAINT

MEMMOTT V. DEPARTMENT OF SOCIAL SERVICES OF LINCOLN COUNTY, NC

EXHIBIT TWO

Pendleton's Text confirming the children were taken by Plaintiff to California with  
Amanda's permission and LCDSS's knowledge.

---





Wednesday, Mar 29 • 9:32 AM

I had seen that Amanda posted on Facebook. I sent her a message but it says she will not receive it because she does not get messages from those not on her friend list.

Can you please send her a message to contact me ASAP, please?

Monday, Apr 3 • 12:52 PM

Hi Doug, this is Kelly with Lincoln County ↓ 'S. I'm trying to figure out who

  | Text message  



Monday, Apr 3 • 12:52 PM

Hi Doug, this is Kelly with Lincoln County DSS. I'm trying to figure out who Amanda spoke with and gave permission to move her daughter from one side of the country to the other.

Tuesday, Apr 4 • 9:16 AM

Oh

I will be free to talk at noon my time. Ryan will be in school and has a chiropractor appointment afterward, ↓ I would love

⊕ 📎 Text message 😊 🎤

Amanda spoke with and gave permission to move her daughter from one side of the country to the other.

Tuesday, Apr 4 • 9:16 AM

Oh

I will be free to talk at noon my time. Ryan will be in school and has a chiropractor appointment afterward, but I would love to talk with you. Let me know what will work in the time slot from noon to 2:30 my time.



Text message



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

COMPLAINT

MEMMOTT V. DEPARTMENT OF SOCIAL SERVICES OF LINCOLN COUNTY, NC

EXHIBIT THREE

LCDSS social worker, Valerie's, Appointment on April 5, 2023, for a virtual meeting with Plaintiff, Ryan, and Faith.

1:21  1:23





   60%

  Vallery NC S...   

Hey Doug. Can we do another virtual visit this afternoon?

Tuesday, Apr 4 • 9:12 AM

Sure, depending on your schedule. He has school until 2:30 and then a chiropractor appointment at 3:00. The office is about 25 minutes away so we usually don't get back until about 4:00. Tomorrow is OK also, without t<sup>h</sup> doctor appointment.

  Text mess...  






   

10/14/23, 2:27 PM

Screenshot\_20231014\_132125\_Messages.jpg

1:21  17:39

   60%

  Vallery NC S...   

appointment.

Tuesday, Apr 4 • 11:47 AM





Okay. We can shoot for tomorrow then. What time

Tuesday, Apr 4 • 12:49 PM

How about noon my time which is 3 o'clock your time, and then Ryan can be with us. Thanks. Let me know.

Yes that works

Wednesday, . . . 5 • 11:53 AM

  Text mess...  








10/14/23, 2:27 PM

Screenshot\_20231014\_132125\_Messages.jpg

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   60%

  Vallery NC S...   

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Wednesday, . . . 5 • 11:53 AM

  Text mess...  

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

COMPLAINT

MEMMOTT V. DEPARTMENT OF SOCIAL SERVICES OF LINCOLN COUNTY, NC

EXHIBIT FOUR

The North Carolina court's April 6, 2023, Temporary Nonsecure Custody Order for Faith.

**STATE OF NORTH CAROLINA**

Lincoln County

File No. 23JA34

In The General Court Of Justice  
District Court Division

**IN THE MATTER OF**

**FILED**

2023 APR -6 P 5 12

**ORDER FOR NONSECURE CUSTODY**

Name And Address Of Juvenile  
Faith Leigh Harris  
2829 Long Circle  
Lincolnton NC 28099

Name And Address Of Parent/Guardian/Custodian/Caretaker  
Amanda Anne Harris  
2829 Long Circle  
Lincolnton NC 28099

Name And Address Of Parent/Guardian/Custodian/Caretaker  
Jason Alan Lazenby  
7132 Houghton Dr.  
Davison MI 48423

Based upon the verified petition, this Court has jurisdiction over the subject matter of this proceeding and of the person of the juvenile.

- As grounds for the issuance of this Order, the Court finds that there is a reasonable factual basis to believe that the matters alleged in the petition are true, that there are no other reasonable means available to protect the juvenile, and (check one or more)
  - a. the juvenile has been abandoned.
  - b. the juvenile has suffered physical injury, sexual abuse, or serious emotional damage as defined by G.S. 7B-101(1)e.
  - c. the juvenile is exposed to a substantial risk of physical injury or sexual abuse because the parent, guardian, custodian, or caretaker has created conditions likely to cause injury or abuse or has failed to provide, or is unable to provide, adequate supervision or protection.
  - d. the juvenile is in need of medical treatment to cure, alleviate, or prevent suffering serious physical harm which may result in death, disfigurement, or substantial impairment of bodily functions, and the juvenile's parent, guardian, custodian, or caretaker is unwilling or unable to provide or consent to the medical treatment.
  - e. the parent, guardian, custodian, or caretaker consents to the nonsecure custody order.
  - f. the juvenile is a runaway and consents to nonsecure custody.

2. Efforts by DSS to prevent or eliminate the need for the juvenile's placement were reasonable and include:

\_\_\_\_\_

\_\_\_\_\_

OR

3. Efforts to prevent the need for the juvenile's placement were precluded by an immediate threat of harm to the juvenile, and placement of the juvenile in the absence of such efforts was reasonable. (Describe immediate threat of harm.) *Child has unmet medical needs*

On or about 4/3/23, Temporary Safety Placement of the child (maternal grandmother) sent the child to her (grandmother's) ex-husband in California. The ex-husband is not biologically related to the Minor Child. The grandmother did not have custody, guardianship, or parental or Department permission to send the child to an unrelated person, especially one in another state.

4. Based on the above findings, the Court concludes that it is contrary to the juvenile's welfare to remain in the home.

4a. Based on an inquiry of the petitioner, the Court finds that the petitioner  does not know  knows  has reason to know that the juvenile is an Indian Child.

(if applicable) Following the inquiry, the Court instructed the petitioner to notify the Court if petitioner subsequently obtains information that provides reason to know that the juvenile is an Indian Child.

4b. (if applicable) The juvenile is an Indian Child and a member of or eligible for membership in the \_\_\_\_\_ tribe.

(if applicable) Emergency removal or placement is necessary to prevent imminent physical damage or harm to the Indian Child.

5. Based on the (check one or both)  petition and request for nonsecure custody,  testimony of the petitioner, the Court concludes that a less intrusive remedy than entering private property to take physical custody of the juvenile is not available.

6.  A former foster parent of the juvenile,  nonrelative kin of the juvenile,  other person(s) with legal custody of a sibling of the juvenile, \_\_\_\_\_ (name person(s)), is/are willing and able to provide proper care and supervision in a safe home, and placement of the juvenile with this person/these persons  would  would not be in the juvenile's best interests for the following reasons: \_\_\_\_\_

**TO ANY LAW ENFORCEMENT OFFICER OR DIRECTOR OF A COUNTY DEPARTMENT OF SOCIAL SERVICES**

YOU ARE ORDERED to take physical custody of the above-named juvenile(s) for placement in nonsecure custody and to make due return on this Order. You are also ordered to give a copy of this Order to the juvenile's parent, guardian, custodian, or caretaker named above.

The juvenile(s) shall be placed in nonsecure custody with:

- 1. the Department of Social Services of the county named above. The department may place the juvenile in a licensed foster home, a home otherwise authorized by law to provide temporary residential care, a facility operated by the department, or the home of a parent, relative, nonrelative kin, or other person with legal custody of a sibling, which the Court hereby approves:

The department is authorized to arrange for, provide, or consent to routine medical and dental care or treatment including, but not limited to, treatment for common pediatric illnesses and injuries that require prompt intervention; emergency medical, surgical, psychiatric, psychological, or mental health care or treatment; and testing and evaluation in exigent circumstances unless pursuant to G.S. 7B-505 1(a), the court orders the following exceptions to the department's authorization:

*(If blank, the department has no exceptions to the statutory authorization).*

- The department is authorized to consent to treatment the medical provider recommends in order to cure, alleviate, or prevent the juvenile from suffering physical harm, pursuant to 1.d set forth above as a ground for nonsecure custody.
- The department is authorized to consent to a Child Medical Evaluation. The following findings demonstrate the director's compelling interest in having the juvenile evaluated prior to the hearing on the need for continued nonsecure custody:

- 2. (designate person, if the Court places the juvenile directly, not through DSS) \_\_\_\_\_  
A further hearing to determine the need for continued nonsecure custody, whether with DSS or someone else shall be held:

Date Of Hearing	Time Of Hearing <input type="checkbox"/> AM <input type="checkbox"/> PM	Place Of Hearing
-----------------	----------------------------------------------------------------------------	------------------

- 3. The juvenile is a member of a State-recognized tribe. The Department of Social Services shall notify the juvenile's State-recognized tribe of the need for nonsecure custody for the purpose of locating relatives or nonrelative kin for placement.
- 4. The Department of Social Services shall make diligent efforts to notify relatives and, if applicable, other persons with legal custody of the juvenile's sibling, of nonsecure custody and subsequent hearings.

**TO ANY LAW ENFORCEMENT OFFICER**

- (No. 8 on Site One must be checked) YOU ARE AUTHORIZED to enter private property to take custody of the juvenile, and you are authorized to make forcible entry at any hour if that is required by exigent circumstances of the case.

Date <u>April 6, 2023</u>	Signature Of Judge/Judge's Designee <u>J. Brent Champion</u>
Maximum Duration Of Custody <u>April 11, 2023</u>	Name Of Judge/Judge's Designee (type or print) <u>CHAMPION</u>

**If the person above gives telephonic approval:**

Title <input type="checkbox"/> AM <input type="checkbox"/> PM	Name And Title Of Person Receiving Telephonic Approval	Signature Of Person Receiving Telephonic Approval
------------------------------------------------------------------	--------------------------------------------------------	---------------------------------------------------

**RETURN ON ORDER**

Date Order Received	Date Order Returned
---------------------	---------------------

- 1. The juvenile named in this Order was taken into custody at \_\_\_\_\_  AM  PM, on (date) \_\_\_\_\_ and taken to \_\_\_\_\_ I gave a copy of this Order to the person named below.
- 2. Though diligently sought, the juvenile named in this Order could not be found in this county. (Add any comments or information about the juvenile's possible whereabouts.)

Name Of Person Who Has Personally Received A Copy Of This Order (type or print)	Signature And Title Of Person Making Return
Relationship To Juvenile	Department Or Agency

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

COMPLAINT

MEMMOTT V. DEPARTMENT OF SOCIAL SERVICES OF LINCOLN COUNTY, NC

EXHIBIT FIVE

The LCDSS's confirmation that Amanda had custody of Faith when she sent Faith to California to live with Plaintiff. (See Page 7 of the Exhibit.)

2829 Long Circle In  
Iron Station, NC

NORTH CAROLINA  
SAFETY ASSESSMENT

Page 1 of 8

Case Name: Harris Date: 3/17/23  
 County Name: Lincoln Date Report Received: 3/15/23  
 Social Worker Name: Winters  
 Children: Bryan & Faith  
 Caretakers: Amberle + Donna

**Part A. FACTORS INFLUENCING CHILD VULNERABILITY**  
 Mark all that apply to any child.

Child is special  
 Child has diagnosed or suspected medical or mental condition, including medically fragile  
 Child has history of or is in a medically accessible support network

Child has diminished physical capacity  
 Child has diminished physical capacity  
 None apply

The vulnerability of each child needs to be considered throughout the assessment. Younger children and children with diminished mental or physical capacity or repeated victimization should be considered more vulnerable. Complete this assessment based on the most vulnerable child.

**Part B. CURRENT INDICATORS OF SAFETY**  
 The following are components of safety indicators, defined as behaviors or conditions that describe a child being in imminent danger of serious harm. Assess the above household for each of the safety indicators. Mark "yes" for any and all safety indicators present at the family's current situation and mark "no" for any and all of the safety indicators absent from the family's current situation based on the information at the time. Mark all that apply.

1. Yes  No  Caretaker caused and/or allowed serious physical harm to the child or made a plausible threat to cause serious physical harm in the current assessment as indicated by:

Serious injury or abuse to the child other than accidental  
 Caretaker fears he/she will retaliate the child  
 Threat to cause harm or retaliate against the child  
 Substantial or unreasonable use of physical force  
 Drug-exposed infant/child  
 Caretaker committed act that placed child at risk of significant/serious pain that could result in impairment or loss of bodily function  
 Caretaker intended to hurt child and does not show remorse  
 Death of a child.

Comments: \_\_\_\_\_

2. Yes  No  Child sexual abuse is suspected to have been committed by:

Parent  
 Other caretaker, OR  
 Unknown person AND the parent or other caretaker cannot be ruled out, AND circumstances suggest that the child's safety may be of immediate concern.

Comments: \_\_\_\_\_

DSS 5224 (Rev. 01/2017)  
 Child Welfare Services

Initials  
 Initials

NORTH CAROLINA  
SAFETY ASSESSMENT

Page 2 of 8

Caretaker is aware of the physical harm AND swelling, OR unable to protect the child from serious harm or discomfort from abuse. This may include physical abuse, emotional abuse, sexual abuse, or neglect. (Domestic violence behaviors should be explained under indicator 10.)

3. Yes  No

Caretaker fails to prevent child from serious harm or threatened harm by other family members, other household members, or other having regular access to the child.

An individual(s) with recent, chronic, or severe violent behavior resides in the home or caretaker allows access to the child.

Comments: \_\_\_\_\_

---

4. Yes  No

Caretaker's explanation or lack of explanation for the injury to the child is questionable or inconsistent with the type of injury, and the nature of the injury suggests that the child's safety may be of immediate concern.

Medical exam shows injury is the result of abuse; caretaker offers no explanation, denies, or attributes to an accident.

Caretaker's explanation for the observed injury is inconsistent with the type of injury.

Caretaker's description of the cause of the injury minimizes the extent of harm to the child.

Caretaker's and/or collateral contacts' explanation for the injury has significant discrepancies or contradictions.

Comments: \_\_\_\_\_

---

5. Yes  No

Caretaker fails to provide supervision to protect child from potentially serious harm.

Caretaker present but child wanders outdoors alone, plays with dangerous objects, or on window ledges, etc.

Caretaker leaves child alone (period of time varies with age and developmental status).

Caretaker makes inadequate/inappropriate child care arrangements or plans very poorly for child's care.

Caretaker's whereabouts are unknown.

Comments: \_\_\_\_\_

---

6. Yes  No

Caretaker does not meet the child's immediate needs for food or clothing.

No food provided or available to the child, or child is starved/deprived of food/drink for long periods.

Child appears malnourished.

Child is without minimally warm clothing in cold months.

Comments: \_\_\_\_\_

---

DSS-5231 (Rev. 01/2017)  
Child Welfare Services

Initials **DA**  
Initials **AA**

NORTH CAROLINA  
SAFETY ASSESSMENT

Page 3 of 8

7. Yes  No  Caretaker does not meet the child's immediate needs for medical or critical mental health care (including suicide).

- Caretaker does not seek treatment for child's immediate medical condition(s) or does not follow prescribed treatments.
- Child has exceptional needs that parent/caretaker will not meet.
- Child is suicidal and parents will not take protective action.
- Child is homicidal and parents will not take protective action.
- Child shows effects of maltreatment (i.e. emotional symptoms, lack of behavior control, or physical symptoms).

Comments: \_\_\_\_\_

---

8. Yes  No  Physical living conditions are hazardous and immediately threatening to the health and/or safety of the child.

- Leaking gas from a stove or heating unit.
- Dangerous substances or objects stored in unlocked lower shelves or cabinets, under sink, or in the open.
- Lack of water, heat, plumbing, or electricity and provisions are inappropriate (i.e. using stove as heat source).
- Open/broken/ missing windows.
- Exposed electrical wires.
- Excessive garbage or rotted or spoiled food that threatens health.
- Serious illness/significant injury due to current living conditions (i.e. lead poisoning, rat bites, etc.)
- Evidence of human or animal waste throughout the living quarters.
- Guns and other weapons are not stored in a locked or inaccessible area.
- Dangerous drugs are being manufactured on premises with child present.

Comments: \_\_\_\_\_

---

9. Yes  No  Caretaker's current substance abuse seriously impacts his/her ability to supervise, protect, or care for the child.

- The caretaker is currently high on drugs or alcohol.
- There is a current, ongoing pattern of substance abuse that leads directly to neglect and/or abuse of the child.

Comments: \_\_\_\_\_

---

10. Yes  No  Domestic violence exists in the household and poses an imminent danger of serious physical harm and/or emotional harm to the child.

- Child was in immediate danger of serious physical harm by being in close proximity to an incident(s) of assaultive behavior/domestic violence between adults in the household. This includes the child(ren) being in visual or hearing proximity of domestic violence events in the home.

Comments: \_\_\_\_\_

---

DSS-5231 (Rev. 01/2017)  
Child Welfare Services

Initials: CH  
Initials: AA



NORTH CAROLINA  
SAFETY ASSESSMENT

Page 4 of 8

10. Yes  No  Caretaker persistently describes the child in predominantly negative terms or acts toward the child in negative ways. AND these actions make the child a danger to self or others, suicidal, act out aggressively, or severely withdrawn.

- Caretaker repeatedly describes the child in a demeaning or degrading manner (i.e. as evil, possessed, stupid, ugly, etc.)
- Caretaker repeatedly curses and/or puts child down.
- Caretaker repeatedly scapegoats a particular child in the family.
- Caretaker blames child for a particular incident, or distorts child's behavior as a reason to abuse.
- Caretaker repeatedly expects unrealistic behavior(s) for the child's age/developmental stage.
- Caretaker views child as responsible for the caretaker's or family's problems.

Comments: \_\_\_\_\_

11. Yes  No  Caretaker's physical ability, emotional stability, developmental status, or cognitive deficiency seriously impairs his/her current ability to supervise, protect, or care for the child.

- Caretaker has a physical condition that seriously impairs his/her ability to parent the child.
- Emotional instability, acting out, or distorted perception is seriously impeding ability to parent.
- Depression or feelings of hopelessness/helplessness immobilize the caretaker, who then fails to maintain child/home.
- Caretaker is overwhelmed by child's dysfunctional emotional, physical, or mental characteristics.
- Caretaker's cognitive delays result in lack of knowledge about basic parenting skills.

Comments: \_\_\_\_\_

12. Yes  No  Family currently refuses access to or hides the child and/or seeks to hinder an assessment.

- Family currently refuses access to the child and cannot or will not provide the child's location.
- Family removed the child from a hospital against medical advice.
- Family has previously fled in response to a CPS assessment.
- Family has a history of keeping the child away from peers, school, or other outsiders for extended periods to avoid CPS assessment.
- Family is otherwise attempting to block or avoid CPS assessment.

Comments: \_\_\_\_\_

Initials *DA*  
Initials *AA*

NORTH CAROLINA SAFETY ASSESSMENT

14. Yes No Current circumstances, combined with information that the caretaker has or may have previously maltreated a child in his/her care, suggest that the child's safety may be of immediate concern based on the severity of the previous maltreatment or the caretaker's response to the previous incident.

- checkboxes: Prior death of a child, Prior serious harm to any child, Termination of parental rights, Prior removal of any child, Prior CPS substantiation or services needed finding, Prior threat of serious harm to child, Caretaker failed to benefit from previous professional help.

Comments:

15. Yes No Child is fearful of caretaker, other family members, or people living in or having access to the home.

- checkboxes: Child cries, cowers, cringes, trembles, or exhibits or verbalizes fear in relation to certain individuals, Child exhibits anxiety, nightmares, or insomnia related to a situation associated with a person in the home, Child fears unreasonable retribution/retaliation from caretaker, others in the home, or others having access to the child.

Comments:

16. Yes No Other (specify): Mgm disclosed she did lock Ryan out of the home

Initials: [Handwritten initials]

THE ALLEGATIONS ALONE DO NOT CONSTITUTE THE NEED FOR A SAFETY INTERVENTION/SAFETY AGREEMENT.

If any Indicators of Immediate Safety are marked "Yes", skip the bottom of this page and continue on the next page. If all Indicators of Immediate Safety 1 through 16 are "No", check this box [ ] Safe and complete the part below (the remaining pages do not need to be completed).

Table with 4 columns: SIGNATURES, Child's Parent or Legal Guardian, Date Signed, Child's Parent or Legal Guardian, Date Signed, Child's Parent or Legal Guardian, Date Signed, CPS Social Worker, Date Signed, Other Party, Date Signed, CPS Supervisor, Date Signed.

Table with 3 columns: Who Can I Contact?, CPS Social Worker's Name, Phone Number, Email Address, CPS Supervisor's Name, Phone Number, Email Address.

NORTH CAROLINA  
SAFETY ASSESSMENT

Page 6 of 8

PART C: SAFETY INTERVENTIONS

Directions: For each factor identified in Section B, consider the resources available in the family and the community that might help to keep the child(ren) safe. Check each response necessary to protect the child(ren) and explain below.

Family Safety Interventions (Safe with a plan)

- 1. Monitoring and/or use of direct services by county child welfare agency.
  - 2. Use family, neighbors, or other individuals in the community in the development and implementation of a safety agreement.
  - 3. Use community agencies or services.
  - 4. The alleged perpetrator will leave or has left the home—either voluntarily or in response to legal action.
  - 5. A protective caretaker will move or has moved to a safe environment with the child(ren) and there are no restrictions on protective caretaker's access to the child(ren).
  - 6. Identification of a Temporary Safety Provider by the parent with the social worker monitoring.
    - A Temporary Safety Provider will move into the family home.
    - The child(ren) will reside in the home of a Temporary Safety Provider.
- Explain why responses 1-5 were insufficient.

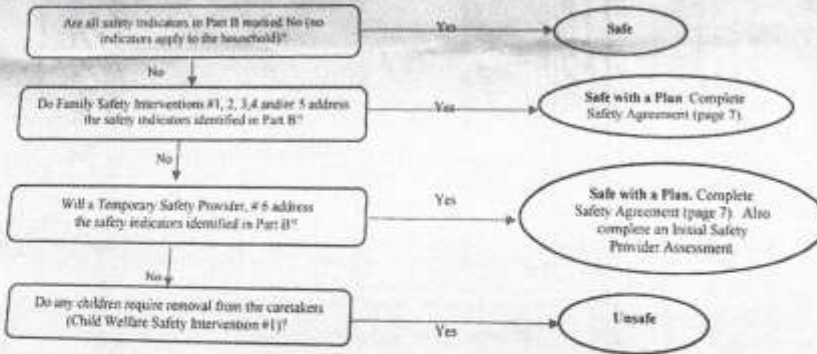
Child Welfare Safety Intervention (Unsafe)

- 1. Removal of any child in the household; interventions 1-6 do not adequately ensure the child(ren)'s safety.
- Explain why a Family Safety Intervention (1-6) could not be used to protect the child.

PART D: SAFETY DECISION

Directions: Identify the safety decision by checking the appropriate line below. Check one line only. This decision should be based on the assessment of all safety indicators, child vulnerability, and any other information known about this case.

- A. Safe:  There are no children likely to be in immediate danger of serious harm. (Indicators of Immediate Safety all marked No, Marked Safe on Page 5).
- B. Safe with a plan:  One or more safety indicators are present; Safety Agreement required.
  - Family Safety Interventions 1, 2, and/or 3 will address safety indicators.
  - The alleged perpetrator left the home.
  - A protective caretaker moved to a safe environment with the child(ren).
  - Use of a Temporary Safety Provider.
- C. Unsafe:  One or more children were removed in response to legal action.



055-5282 Revised 01/17  
Child Welfare Services

Initials  
Initials

### TEMPORARY PARENTAL SAFETY AGREEMENT

#### PART E: SAFETY AGREEMENT

**Purpose:** A safety agreement is used only when there is a specific threat to a child in the immediate or foreseeable future. The plan must be created with the family and must be written in practical, action-oriented language.

**Instructions:** The social worker and the family complete this document. Describe what tasks will be done to assure safety, by whom, how often, and duration. The tasks identified should include actions that need to be taken to keep children safe now, address risks to safety, and/or are necessary for the children to be able to return to the home (if the children leave the home). Indicate how the social worker will be monitoring the plan. The social worker then reviews it with each parent, guardian, custodian and caretaker who will sign the agreement. The social worker ensures that the parent or caretaker has read and/or understands the document and has initialed each applicable field. The social worker will work with the family to arrange for a review of the plan. The social worker then provides a copy to each person who signs the form.

Family Name:	What is the specific situation or action that causes the child to be unsafe? What is the safety threat?	What actions need to be taken right now to keep the child safe?	Who is responsible for ensuring that these actions are taken?	Date:	Responsible Party's initials
	Mom admitted to taking mom out of the home	Mom agrees to use proper discipline in accordance with LC community standards	Mom + Mom	3/17/23	DA DA

I understand that I still have custody of my children and still have decision making authority over their well-being needs.

Child's Parent or Legal Guardian: \_\_\_\_\_  
Child's Parent or Legal Guardian: \_\_\_\_\_

**PART I: STATEMENTS OF UNDERSTANDING AND AGREEMENT**

<b>PARENT OR CARETAKER</b>	<b>INITIALS</b>		
1. I (the parent or caretaker) agree that I participated in the development of and reviewed this safety agreement. I agree to work with the providers and services as described above.	DA		
2. My participation in this agreement is not an admission of child abuse or neglect on my part and cannot be used as an admission of child abuse or neglect.	AA		
3. I understand that I have the right to revoke and/or have the Temporary Parental Safety Agreement reviewed <u>at any time</u> . (See bottom of page.) I also understand that if a Safety Agreement cannot be agreed upon or if the actions in the Safety Agreement are not followed, the county child welfare agency may have the authority to request that the court make a determination on how the child(ren)'s safety will be assured.	↓		
4. I (the parent or caretaker) confirm that this agreement does not conflict with any existing court order, or if I am affected by a court order, all parties affected by the court order agree to this safety agreement on a temporary basis.	↓		
5. I (the parent or caretaker) understand that CPS may refer for further services, may restrict access to my child(ren), or may ask the court to order that I complete services or place the child in foster care.	↓		
6. If a Temporary Safety Provider is utilized, I understand that CPS will share any information with the Temporary Safety Provider for the safety and welfare of my child while the child lives in that home or the Temporary Safety Provider resides in the family home.	↓		
7. This safety agreement will cease to be in effect when I am notified by my social worker or CPS is no longer providing services to my family.	↓		
<b>TEMPORARY SAFETY PROVIDER</b>			
1. If the parent is unable to provide a safe environment for the child and the court names the county child welfare agency as the child's legal custodian, I will be given consideration as a placement for the child if I agree and continued placement is determined to be safe.	↓		
2. If I (the person providing care as Temporary Safety Provider) am unable to carry out this plan successfully, or if the child in my care is considered to be in an unsafe situation, the child will be moved to a different placement and further CPS involvement may be necessary, including court intervention.	↓		
<b>SIGNATURES</b>			
Child's Parent or Legal Guardian:	Date Signed: 3/17/23	Child's Parent or Legal Guardian:	Date Signed:
Child's Parent or Legal Guardian:	Date Signed:	CPS Social Worker:	Date Signed: 3/17/23
Other Party:	Date Signed: 3/17/23	CPS Supervisor:	Date Signed: 3/17/2023
Temporary Safety Provider:	Date Signed:	Temporary Safety Provider:	Date Signed:
<b>Who Can I Contact? (Who can I contact if circumstances change, if I have questions about CPS involvement, or if I have questions about this safety agreement? Who do I contact to revoke any or all parts of this agreement?)</b>			
CPS Social Worker's Name:	Phone Number:	Email Address:	
CPS Supervisor's Name:	Phone Number:	Email Address:	

**REVOCACTION: I revoke my consent to the Temporary Parental Safety Agreement.**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

COMPLAINT

MEMMOTT V. DEPARTMENT OF SOCIAL SERVICES OF LINCOLN COUNTY, NC

EXHIBIT SIX

The letter from the LCDSS to the BCDSS requesting that the BCDSS go get Faith.

04-06-'23 18:49 FROM-

T-442 P0002/0005 F-809



DEPARTMENT OF SOCIAL SERVICES  
MATTHEW HILLMAN, DIRECTOR

BOARD OF SOCIAL SERVICES  
CHRystal HOYLE, CHAIR  
ALEX PATTON  
TIMOTHY JOHNSON  
DR. SHERRY HOYLE

04/06/2023

Child: Faith Leigh Harris (04/26/2018)

Butte County CPS Intake:

Lincoln County Department of Social Services made a report today in your county regarding Faith Harris. Mr. Douglas Memmott came to Lincoln County, North Carolina and took Faith Harris to California with him on Monday, April 3, 2023. Faith was in placement with her maternal grandmother, Donna Harris, who allowed Faith to leave after being told on multiple occasions that Faith could not leave the state of North Carolina. Ms. Harris does not have custody, guardianship, or parental or Department permission to send the child to an unrelated person, especially one across the country.

After speaking with our legal team, Lincoln County Department of Social Services filed a non-secure custody order for legal and physical custody of Faith Harris. Custody was granted by Judge Brad Champion on April 6, 2023. Attached you will find the signed order of non-secure custody.

Lincoln County Department of Social Services is asking Butte County to go to the residence of Mr. Memmott and serve him with the non-secure order. Mr. Memmott resides at 309 Saint Michael Court, Chico, CA 95973-0583. His contact number is 831-207-6782. Mr. Memmott is to return Faith Harris to the Lincoln County of Department of Social Services **no later than Monday, April 10, 2023**. Should Mr. Memmott refuse to comply, Lincoln County Department of Social Services is requesting that Butte County provide respite care until we can get a worker from North Carolina there to collect her.

Our Department will be closed until Monday but please feel free to contact me at 980-429-0079, with any questions or concerns that you may have. I will make sure that I am available to assist as needed. **Please keep us updated as things progress so that we can get this child home in a timely manner.**



C. 980-429-0079  
F. 704-732-1023



[wendstarr@lincolncounty.org](mailto:wendstarr@lincolncounty.org)



P.O. Box 130 | LINCOLNTON NC 28093-0130  
1138 EAST MAIN STREET | LINCOLNTON NC

04-06-'23 18:50 FROM-

T-442 P0003/0005 F-809



DEPARTMENT OF SOCIAL SERVICES  
MATTHEW HILLMAN, DIRECTOR

BOARD OF SOCIAL SERVICES  
CHRYSTAL HOYLE, CHAIR  
ALEX PATTON  
TIMOTHY JOHNSON  
DR. SHERRY HOYLE

Thank you,

Kelly Pendleton, SW  
Lincoln County Department of Social Services  
In-Home Services  
704-736-2697 – Office  
704-736-8692 – Fax

Mendie Kelly, Program Manager  
Lincoln County Department of Social Services



C. 980-428-0079  
F. 704-732-1023



[kpendleton@lincolncounty.org](mailto:kpendleton@lincolncounty.org)



P.O. Box 130 | LINCOLNTON NC 28093-0130  
1136 EAST MAIN STREET | LINCOLNTON NC



TIME RECEIVED  
April 6, 2023 at 3:40:09 PM PDT  
04-06-23 18:49 FROM-

REMOTE CSED

DURATION  
1:31

PAGES  
5

STATUS  
Received

T-442 P0001/0005 F-809

# Lincoln County Department of Social Services

PO Box 130 1136 E. Main Street Lincolnton, NC 28093-0130

704-732-0738

Fax # : 704-736-8692

HIPPA SECURE - can be used to transmit and receive Medical and Confidential Information

## FAX

- Request for Services
- Medical Release
- URGENT
- FOR REVIEW
- Assist Request
- PLEASE REPLY
- REQUESTED INFORMATION

Date Transmitted: 04/06/2023

# Of PAGES (including this cover sheet): 5

REGARDING: Request for Assistance

TO: Butte County

Name of Person to View FAX:

**Intake - Bee Lee,  
SW**

Fax #: 530-534-5921

FROM:

Lincoln County Department of Social Services

Name of Worker sending FAX:

**Kelly Pendleton**

Email: kpendleton@lincolncounty.org

Worker's Phone Number: 704-736-2697

Fax: 704-736-8692 or 704-732-1023

COMMENTS:

**THIS IS AN IMMEDIATE REQUEST**

Thank you,



Kelly Pendleton

In-Home Services

Lincoln County DSS

CONFIDENTIALITY STATEMENT - The information transmitted in this facsimile is intended only for the use of the individual(s) and entity named as recipients of this message. This facsimile may contain information that is confidential and / or legally privileged material under NC General Statute 105-250 and in accordance with the Health Insurance and Portability Accountability Act of 1996 (Standards for Privacy of Individually Identifiable Health Information) Section 45 CFR parts 160 and 164. Any review, retransmission, dissemination or other use of, or taking action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender by telephone at 704-736-2697, in order to notify the sender that you have received this facsimile in error. Please shred and discard the entire contents contained within this transaction if possible or you return the original message to us at the above address via the U.S. Postal Service. Thank you

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

COMPLAINT

MEMMOTT V. DEPARTMENT OF SOCIAL SERVICES OF LINCOLN COUNTY, NC

EXHIBIT SEVEN

Amanda's Affidavit under penalty of perjury.

NORTH CAROLINA  
LINCOLN COUNTY

GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
FILE NO.: 23-JA-50

IN THE MATTER OF RYAN ROBERT HARRIS )  
and FAITH HARRIS )

AFFIDAVIT OF AMANDA HARRIS

I, the undersigned, Amanda Harris, hereby make the following declaration:

1. On March 15, 2023, my sister, Bonnie Manning, and her boyfriend, Daniel Koehler, with whom my mother, Donna Harris, is engaged in a lawsuit over title to her property (File No. 23 SP 77 in the General Court of Justice), lied to a Lincoln County Department of Social Services (hereinafter LCDSS) social worker, that my two children, who were then living with my mother, were being abused. I believe the lie was delivered solely out of spite and in an effort to hurt me.

2. On March 17, 2023, LCDSS performed a Safety Assessment. The conclusion was that the children were "Safe with a Plan," and a Temporary Parental Safety Agreement (hereinafter TPSA) was signed by me, as the mother of the two children. The TPSA signed by me specifically provided, "I understand that I still have custody of my children and still have decision making authority over their needs."

3. I was incarcerated on false charges made by Bonnie in early March, and released from jail on March 27, 2023. I spoke with my father, Douglas Memmott, on the telephone numerous times during the period I was incarcerated and after I was released. Ryan had already been relocated to California and I wanted the children to be together. I informed my father that I wanted the children to be together, that I had custody and I wanted him to take Faith to his home in California, where she had lived her entire life, until we moved to North Carolina.

4. My father finally came and got Faith on April 3, 2023, and took her to California. I had custody at that time, but Faith was living with my mother. Sometime after Faith had flown to California, LCDSS social worker, Kelly Pendleton, showed up with a document she had created. I now understand it said I had not given my father permission to take Faith to California.

5. Kelly told me I had to sign the document to get LCDSS to drop the cases involving Ryan and Faith. I didn't read the document. I trusted her and I wanted LCDSS to drop the cases, so I signed the document she gave me.

8. I have not seen the document I signed since the day I signed it. I do not have a copy. If the document I signed says that I did not give my father permission to take Faith to California, it is false. I absolutely gave my father, Douglas Memmott, permission to take Faith to California.

IN WITNESS WHEREOF, I have executed this Affidavit, and testify under penalty of perjury under the laws of North Carolina, that it is true and correct of my own knowledge, except as to matters stated on my information and belief, and as to those matters, I believe it to be true.

Dated: May 17, 2023

  
Amanda Harris

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

COMPLAINT

MEMMOTT V. DEPARTMENT OF SOCIAL SERVICES OF LINCOLN COUNTY, NC

EXHIBIT EIGHT

Donna's Affidavit under penalty of perjury.

NORTH CAROLINA

GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION

LINCOLN COUNTY

FILE NO.: 23-JA-50

IN THE MATTER OF RYAN ROBERT HARRIS )  
and FAITH HARRIS )

AFFIDAVIT OF DONNA HARRIS

I, the undersigned, Donna Harris, hereby make the following declaration:

1. On March 15, 2023, my daughter, Bonnie Manning, and her boyfriend, Daniel Koehler, with whom I am engaged in a lawsuit over title to my property (File No. 23 SP 77 in the General Court of Justice), lied to the Lincoln County Department of Social Services (hereinafter LCDSS), by filing a report that my two grandchildren, Ryan and Faith, who were then living with me, needed child protective services.

2. On March 17, 2023, LCDSS performed a Safety Assessment. The conclusion of LCDSS was that the children were "Safe with a Plan." A Temporary Parental Safety Agreement (hereinafter TPSA) was signed by Amanda Harris, their mother. The plan was accurate in that the children were safe and well. It contained misstatements by LCDSS regarding my purported admission to "locking Ryan out of the home," which never happened. My agreement to use proper discipline has been scrupulously followed and has never been questioned by LCDSS or anyone else.

3. The TPSA signed by Amanda specifically provided. "I understand that I still have custody of my children and still have decision making authority over their needs."

4. On April 3, 2023, the children had both relocated to Chico, California, with Amanda's full permission. They were living with Douglas Memmott, their grandfather by marriage, who had been their caretaker for the previous five years (until they moved to North Carolina). Douglas had provided Ryan with care from his birth and had home schooled Ryan from third to fifth grade. Ryan had excelled. Douglas had provided home and care for Faith from her birth.

5. LCDSS was aware of the children's relocation to California. LCDSS acknowledged by text to Douglas, which I have seen, that Douglas had received Amanda's permission to bring Faith home to California, where both children had lived continuously before their move to North Carolina. Ryan told me, and Douglas confirmed that a social worker for LCDSS named Valery called Douglas on a Google Meet on April 5, 2023, and talked to Ryan and Faith and Douglas face to face and told them that everything seemed fine and the cases would be closed.

6. On April 6, 2023, LCDSS issued a letter stating that "We have completed the Family Assessment and have reached the following conclusion: ... We have completed the Family Assessment. The following determination has been made: No need of services ... Your case will be closed."

7. On the very same day, April 6, 2023, Kelly Pendleton and <sup>Mendie Kelly</sup> Valery (last name unknown), LCDSS social workers, for reasons unknown to me, filed a verified petition with the Court that contained the following lies:

- Faith has been abandoned.
- Faith is exposed to substantial risk of physical injury or sexual abuse
- Faith is in need of medical treatment to prevent serious physical harm which may result in death
- Efforts to prevent the need for Faith's placement were precluded by an immediate threat of harm

Because of the fraudulent petition filed by LCDSS, the Court issued a Nonsecure Custody Order on April 6, 2023. The Order was not provided to me or Amanda or Douglas.

8. To the best of my knowledge and belief, on April 7, 2023, a Butte County, California DSS social worker contacted Douglas at his home, at the request of LCDSS, and evaluated the situation, examined both children at length, and placed the children with Douglas.

9. The Butte County social worker documented the placement with a Butte County DSS Safety Plan Field Sheet hereinafter BCSPFS). Douglas agreed he would return Faith to North Carolina to straighten out the mess. On April 9, 2023, Douglas began driving the children back to North Carolina. No date for returning the children to North Carolina was specified by the BCSPFS, and Douglas was purposely not required to be in North Carolina by a specific date. After driving 800 miles, on April 11, 2023, Douglas again contacted LCDSS. A LCDSS group spoke with Douglas and the children by telephone. LCDSS was informed of Douglas's and the children's location in Mesquite, Nevada and of the children's well being, which the children confirmed. It was decided that Douglas should return to California. Knowing the children were safe and well and where they were, and having talked with them, LCDSS, never-the-less, issued an EMA (Amber Alert) against Douglas on that same day. It was a, false accusation. He was arrested in California on April 12, 2023, falsely imprisoned, and released a day later with no charges ever filed against him. No charges have ever been filed against him.

10. On the same day, April 11, 2023, Kelly and <sup>Mendie Kelly</sup> Valery filed a charge against me for abduction. I did not abduct anybody, ever. I was falsely accused, falsely arrested, imprisoned, and held for three days, and released.

11. On April 14, 2023, LCDSS filed a Juvenile Petition in this case. The supporting Affidavit As To Status Of Minor Child filed by LCDSS contains numerous lies and misstatements, including that Douglas agreed to return Faith to North Carolina by April 10, 2023, and that he would not respond to any phone calls, texts, or emails from the LCDSS. Those are blatant lies, as can be shown by the phone records and the BCSPFS which placed Faith with Douglas.

12. The LCDSS Petition also stated the obvious lie that, "On 4/3/23, the man with whom Ryan's guardian had placed him, Doug Memmott, illegally took Ryan's sister, Faith, from her home in NC and took her to CA." Amanda gave permission for Douglas to take Faith to California. Amanda had custody on April 3<sup>rd</sup>, the day Faith traveled. LCDSS had no custody or control over Faith on April 3<sup>rd</sup>, the day Faith traveled. The TPSA specifically stated that Amanda

had decision making authority, which had never been modified or revoked. Kelly later admitted to me that LCDSS had no authority over either child on the day Douglas took Faith to California.

13. Subsequently, Ryan and Faith were forced to return to North Carolina by LCDSS. Ryan was placed in my care after a short period in a foster home where he was bullied and abused. Faith was placed in foster care immediately, where LCDSS admitted in court she was sexually abused.

14. Kelly claimed to me that at some point after April 3, 2023, she had obtained a document signed by Amanda that Amanda had not given Douglas permission to take Faith to California. That is a lie. LCDSS has been unwilling to provide that document to me despite numerous requests. Amanda told me that she did give permission to Douglas to take Faith to California. She said that Kelly had showed up after Faith was already in California, with a document that Kelly told Amanda she had to sign in order to get Faith back. Amanda said she didn't even read the document. She just foolishly trusted Kelly and signed it.

15. Both children should be together with me, in my home at 2829 Long Circle, Iron Station, NC 28080. They could also live with Douglas in his home at 309 St. Michael Ct., Chico, California 95988, where Amanda and both children lived for five years prior to coming to North Carolina. Neither of them should ever be placed in a foster home.

16. On May 9, 2023, Kelly came to my house. She told me that only if I signed a Continuing Needs and Safety Requirements form (CNSR) that she had prepared would LCDSS be able to drop the case involving Ryan. Foolishly, I trusted her, and, without reading the document fully, I signed it. After Kelly left I read the document more carefully. It contains misstatements. The misstatements are set forth below.

17. This is the second time of which I am aware that a signature on a document containing misstatements has been obtained by Kelly. Amanda told me that Kelly got her to sign a document that she did not give permission to take Faith to California, which is a lie, by tricking her. Amanda gave specific permission and requested that Douglas come and get Faith. On April 3, 2023, Kelly sent Douglas a text, which I have seen, acknowledging that she knew that Amanda had given permission to take Faith across the country.

18. As noted above, the CNSR form which Kelly got me to sign May 9, 2023, contains misstatements. The misstatements are identified and the truth is set forth below:

**MISSTATEMENTS:** Need: Mental Health Ryan has a mental health diagnosis of ODD and ADHD. That is false. The TRUTH is:

Ryan is not diagnosed with ADHD or ODD. He is unhappy and angry about being returned to North Carolina from California, but we are working closely with the principal and counselors of East Lincoln Middle School to deal with that, and he is doing very well at home. I love him and he loves me.

MISSTATEMENTS: Need: Parenting/Mental Health Donna has admitted her inability to parent, provide protection or adequately supervise Ryan safely. (That is a blatant lie. The statement is false. I have never admitted such a thing. I parent both children very successfully and have for many years and LCDSS knows it. LCDSS has consistently placed both children in my care.) Donna has admitted to locking Ryan out of the home as a form of discipline in the past. (That is another blatant lie. The statement is false.) The TRUTH is:

I am totally capable of parenting both children, as LCDSS has determined on a number of occasions, and as I have done for many years. Ryan has never been inappropriately disciplined. I never locked him out of the house as a form of discipline. I have never admitted such a thing. It never happened. Months ago, after I terminated his electronic time at the agreed hour and he objected, he said he wanted to go outside. I gave him a pillow and blankets and he went into the carport. He came back in the house after less than fifteen minutes. In the interest of full disclosure and because it was amusing, I told Kelly about the incident, but when Kelly brought it up with Ryan, at first he couldn't even remember it. Later he remembered he had asked to go out.

19. As far as the statement on the CNSR which reads, "The following activities and/or services have been recommended for your family and will be discussed during the development of your Family Services Agreement." is concerned, the responses are as follows:

**Need:** Mental Health – Donna to complete a mental health assessment and complete all recommendations.

**RESPONSE:** I have consulted a neurologist, and have been diagnosed with pseudo dementia. As explained by the neurologist, I do not have dementia of any sort, but I have suffered and am suffering the consequences of stress from the actions of LCDSS. I have never been diagnosed with either dementia or depression. As the neurologist explained, pseudo dementia is not dementia. Some symptoms similar to symptoms of dementia appear when a person is under severe stress. When the stress goes away, the symptoms go away. LCDSS has put me under severe stress by taking my grandchildren away from me for no reason and putting them in foster homes where they have been abused. I have been Ryan's caretaker, with Douglas, since he was born and his guardian since he was two and I have been Faith's caretaker, with Douglas, since she was born. I am perfectly capable, mentally and physically, to parent Ryan and Faith, and LCDSS knows that.

**Need:** Mental Health – Ryan to start therapy and for Donna to follow through with all recommendations made by therapist for Ryan.

**RESPONSE:** Ryan has had therapy and the most successful has been the Nurtured Heart approach. Currently, we are working closely with Heather Myers, Principal of East Lincoln Middle School, and Ryan's teachers and counselors. I have no objection to Ryan receiving therapy and will initiate it as recommended by Ms. Myers.

**Need:** Parenting – Donna to complete parenting and to apply it to daily interactions with Ryan

**RESPONSE:** I am continuing to complete parenting. I have learned over the years that what is most effective with Ryan is unconditional love, providing a sense of security and stability, and a structured environment, agreed upon between myself and Ryan regarding



privileges; and behavioral plans for use of Ryan's time (particularly electronics) enforced with reasonableness and kindness. LCDSS has, obviously, approved my parenting style, as has Ryan, as evidenced by the continual placement of Ryan in my care by LCDSS and by his happiness and success while in my care.

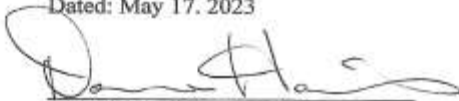
20. As the LCDSS letter of April 6, 2023, pointed out, there is no need for services, and this case should be closed.

I will be happy to get back to a normal life with my grandchildren, where I do not have to worry about my grandson being bullied or my granddaughter being sexually abused in a foster home.

My grandchildren have never suffered in the least with me or with Douglas, as LCDSS well knows. They have been loved, protected, taught, and guided, and have thrived. I was taking care of both of them when Bonnie lied to LCDS and, when their mother was incarcerated, LCDSS placed them with me under the TPSA. I am parenting Ryan successfully now and am eager to resume the responsibility of caring for Faith as well. Keeping my sweet little Faith in foster care and away from her family for no reason is horrible.

IN WITNESS WHEREOF, I have executed this Affidavit, and testify under penalty of perjury under the laws of North Carolina, that it is true and correct of my own knowledge, except as to matters stated on my information and belief, and as to those matters, I believe it to be true.

Dated: May 17, 2023



Donna Harris

NORTH CAROLINA

LINCOLN COUNTY

I, Donna Harris, being first duly sworn, depose and say that I am the declarant in the foregoing AFFIDAVIT OF DONNA HARRIS, and, as such, that I have read the foregoing AFFIDAVIT OF DONNA HARRIS and know the contents thereof; that the same is true and correct to my knowledge, except those matters and things therein stated on information and belief and, as to those matters, I believe them to be true.




Donna Harris

NORTH CAROLINA

LINCOLN COUNTY

I, Elisabeth Ottomer, a Notary Public for the State of North Carolina, do hereby certify that Donna Harris personally appeared before me this day and acknowledged that she is the declarant and has read and understands this AFFIDAVIT OF DONNA HARRIS and knows the contents thereof to be true of her own personal knowledge, except for those matters and things set forth upon information and belief and, as to those matters and things, she believes them to be true, and has duly executed the AFFIDAVIT OF DONNA HARRIS.

Sworn and subscribed before me this 7 day of August, 2023

  
Notary Public

My commission expires 10-04-2025

Elisabeth D Homer Notary Public Catawba County, North Carolina My Commission Expires 10/04/2025
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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

COMPLAINT

MEMMOTT V. DEPARTMENT OF SOCIAL SERVICES OF LINCOLN COUNTY, NC

EXHIBIT NINE

Donna's Letters of Guardianship over Ryan.

GC-250

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Donna Jene Memmott</b> <b>925 Windsor Street</b> <b>Santa Cruz, California 95062</b>	FOR COURT USE ONLY  <div style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">FILED</div> NOV 16 2012 ALEX CALVO, CLERK BY RENA PETRI DEPUTY, SANTA CRUZ COUNTY
TELEPHONE NO.: 541 441 1893 E-MAIL ADDRESS (Optional): douglasmem@aol.com ATTORNEY FOR (Name): Self Represented	FAX NO. (Optional):
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Cruz STREET ADDRESS: 701 Ocean Street, Room 110 MAILING ADDRESS: 701 Ocean Street, Room 110 CITY AND ZIP CODE: Santa Cruz, California 95060 BRANCH NAME:	
GUARDIANSHIP OF (Name): Ryan Robert Harris	
LETTERS OF GUARDIANSHIP <input checked="" type="checkbox"/> Person <input type="checkbox"/> Estate	
MINOR  CASE NUMBER: <b>PR045836</b>	

**LETTERS**

1. (Name): Donna Jene Memmott  
of (name): Ryan Robert Harris is appointed guardian of the  person  estate
2.  Other powers have been granted and conditions have been imposed as follows:
- a.  Powers to be exercised independently under Probate Code section 2590 are specified in attachment 2a (specify powers, restrictions, conditions, and limitations).
  - b.  Conditions relating to the care and custody of the property under Probate Code section 2402 are specified in attachment 2b.
  - c.  Conditions relating to the care, treatment, education, and welfare of the minor under Probate Code section 2358 are specified in attachment 2c.
  - d.  Other powers granted or conditions imposed are  specified on attachment 2d.  specified below.  
 Guardian shall have the same authority with respect to the person of the ward as a parent having legal custody of a child and may exercise such authority without notice, hearing, or court authorization, instructions, approval, or confirmation in the same manner as if such authority were exercised by a parent having legal custody of a child, subject to the provisions of the Probate Code.
3.  The guardian is not authorized to take possession of money or any other property without a specific court order.
4. Number of pages attached: 0

WITNESS, clerk of the court, with seal of the court affixed.



Date: **NOV 16 2012**  
 Clerk, by **ALEX CALVO**

*Rena Petri*  
**RENA PETRI**, Deputy

GUARDIANSHIP OF (Name): Ryan Robert Harris	CASE NUMBER:
MINOR	

7. b. (Name):  
(Address):

(Telephone):

is appointed guardian of the ESTATE of (name):  
and Letters shall issue upon qualification.

8.  Notice of hearing to the persons named in item 2b is dispensed with.

9. a.  Bond is not required.

b.  Bond is fixed at: \$  
provided by law.

c.  Deposits of: \$  
location):

to be furnished by an authorized surety company or as otherwise  
are ordered to be placed in a blocked account at (specify institution and

and receipts shall be filed. No withdrawals shall be made without a court order.  Additional orders in Attachment 9c.

d.  The guardian is not authorized to take possession of money or any other property without a specific court order.

10.  For legal services rendered on behalf of the minor,  parents of the minor  minor's estate shall pay to  
(name): the sum of: \$  
 forthwith  as follows (specify terms, including any combination of payors):

11.  The guardian of the estate is granted authorization under Probate Code section 2590 to exercise independently the powers specified in Attachment 11  subject to the conditions provided.

12.  Orders are granted relating to the powers and duties of the guardian of the person under Probate Code sections 2351-2358 as specified in Attachment 12.

13.  Orders are granted relating to the conditions imposed under Probate Code section 2402 upon the guardian of the estate as specified in Attachment 13.

14.  Other orders as specified in Attachment 14 are granted.

15.  The probate referee appointed is (name and address):

16. Number of boxes checked in items 8-15: 4

17. Number of pages attached: One

Date: 11/16/12

[Signature]  
MICHAEL E. BOEKMANN  
PROBATE REFEREE

SIGNATURE FOLLOWS LAST ATTACHMENT

Attachment 14.

The Guardian, Donna Jene Memmott, is granted the same authority with respect to the person of the ward as a parent having legal custody of a child and may exercise such authority without notice, hearing, or court authorization, instructions, approval, or confirmation in the same manner as if such authority were exercised by a parent having legal custody of a child, subject to the provisions of the Probate Code.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Donna Jene Memmott 925 Windsor Street Santa Cruz, California 95062		TELEPHONE AND FAX NOS.: 541 441 4138	GC-240 FOR COURT USE ONLY <b>FILED</b> NOV 16 2012 ALEX CALVO, CLERK BY <i>[Signature]</i> DEPUTY, SANTA CRUZ COUNTY
ATTORNEY FOR (Name): Self Represented SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Cruz STREET ADDRESS: 701 Ocean Street, Room 110 MAILING ADDRESS: 701 Ocean Street, Room 110 CITY AND ZIP CODE: Santa Cruz, California 95060 BRANCH NAME:			
GUARDIANSHIP OF THE Ryan Robert Harris		<input checked="" type="checkbox"/> PERSON <input type="checkbox"/> ESTATE    OF (Name):	
		MINOR	
ORDER APPOINTING GUARDIAN OF		<input checked="" type="checkbox"/> MINOR <input type="checkbox"/> MINORS	CASE NUMBER: <b>PR 045836</b>
<b>WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.</b>			
1. The petition for appointment of guardian came on for hearing as follows (check boxes c, d, and e to indicate personal presence):			
a. Judge (name): <i>Timothy R. Volkman</i>			
b. Hearing date: <i>11-16-12</i> Time: <i>8:30am</i> <input checked="" type="checkbox"/> Dept: <i>4</i> <input type="checkbox"/> Room:			
c. <input checked="" type="checkbox"/> Petitioner (name): <i>Donna Jene Memmott</i>			
d. <input type="checkbox"/> Attorney for Petitioner (name):			
e. <input type="checkbox"/> Attorney for minor (name, address, and telephone):			
<b>THE COURT FINDS</b>			
2. a. <input checked="" type="checkbox"/> All notices required by law have been given.			
b. <input checked="" type="checkbox"/> Notice of hearing to the following persons <input type="checkbox"/> has been <input checked="" type="checkbox"/> should be dispensed with (names): <i>Amanda Anne Harris, minor's father, + minor's paternal grandfather</i>			
3. <input checked="" type="checkbox"/> Appointment of a guardian of the <input checked="" type="checkbox"/> person <input type="checkbox"/> estate of the minor is necessary and convenient. <i>LRD</i>			
4. <input type="checkbox"/> Granting the guardian powers to be exercised independently under Probate Code section 2590 is to the advantage and benefit and is in the best interest of the guardianship estate.			
5. <input type="checkbox"/> Attorney (name): _____ has been appointed by the court as legal counsel to represent the minor in these proceedings. The cost for representation is: \$			
6. <input checked="" type="checkbox"/> The appointed court investigator, probation officer, or domestic relations investigator is (name, title, address, and telephone): <i>Office of the Court Investigator          701 Ocean St, Santa Cruz, CA 95060</i>			
<b>THE COURT ORDERS</b>			
7. a. (Name): <i>Donna Jene Memmott</i> (Address): <i>925 Windsor Street</i> <i>Santa Cruz, California 95062</i> (Telephone): <i>541.441.4138</i>			
is appointed guardian of the PERSON of (name): <i>Ryan Robert Harris</i> and Letters shall issue upon qualification.			
Do NOT use this form for a temporary guardianship.		(Continued) on reverse	
Form Approved by the Judicial Council of California GC-240 (Rev. January 1, 2008)		<b>ORDER APPOINTING GUARDIAN OF MINOR</b>	
		Probate Code, §§ 1514, 2310	

GUARDIANSHIP OF (Name): Ryan Robert Harris	CASE NUMBER:	GC-250
MINOR		

**NOTICE TO INSTITUTIONS AND FINANCIAL INSTITUTIONS**  
(Probate Code sections 2890-2893)

When these *Letters of Guardianship (Letters)* are delivered to you as an employee or other representative of an *Institution or financial institution* (described below) in order for the guardian of the estate (1) to take possession or control of an asset of the minor named above held by your institution (including changing title, withdrawing all or any portion of the asset, or transferring all or any portion of the asset) or (2) to open or change the name of an account or a safe-deposit box in your financial institution to reflect the guardianship, you must fill out Judicial Council form GC-050 (for an institution) or form GC-051 (for a financial institution). An officer authorized by your institution or financial institution must date and sign the form, and you must file the completed form with the court. There is no filing fee for filing the form. You may either arrange for personal delivery of the form or mail it to the court for filing at the address given for the court on page 1 of these Letters.

The guardian should deliver a blank copy of the appropriate form to you with these Letters, but it is your institution's or financial institution's responsibility to complete the correct form, have an authorized officer sign it, and file the completed form with the court. If the correct form is not delivered with these Letters or is unavailable for any other reason, blank copies of the forms may be obtained from the court. The forms may also be accessed from the judicial branch's public Web site free of charge. The Internet address (URL) is [www.courtinfo.ca.gov/forms/](http://www.courtinfo.ca.gov/forms/). Select the form group *Probate—Guardianships and Conservatorships* and scroll down to form GC-050 for an institution or form GC-051 for a financial institution. The forms may be printed out as blank forms and filled in by typewriter (nonfillable form) or may be filled out online and printed out ready for signature and filing (fillable form).

An *institution* under California Probate Code section 2890(c) is an insurance company, insurance broker, insurance agent, investment company, investment bank, securities broker-dealer, investment advisor, financial planner, financial advisor, or any other person who takes, holds, or controls an asset subject to a conservatorship or guardianship other than a financial institution. Institutions must file a *Notice of Taking Possession or Control of an Asset of Minor or Conservatee* (form GC-050) for an asset of the minor or conservatee held by the institution. A single form may be filed for all affected assets held by the institution.

A *financial institution* under California Probate Code section 2892(b) is a bank, trust (including a Totten trust account but excluding other trust arrangements described in Probate Code section 82(b)), savings and loan association, savings bank, industrial bank, or credit union. Financial institutions must file a *Notice of Opening or Changing a Guardianship or Conservatorship Account or Safe-Deposit Box* (form GC-051) for an account or a safe-deposit box held by the financial institution. A single form may be filed for all affected accounts or safe-deposit boxes held by the financial institution.

**LETTERS OF GUARDIANSHIP  
AFFIRMATION**

I solemnly affirm that I will perform according to law the duties of guardian.

Executed on (date): 11/16/12 , at (place): Santa Cruz, California

Donna Jene Memmott

(TYPE OR PRINT NAME)



(SIGNATURE OF APPOINTEE)

**CERTIFICATION**

I certify that this document, including any attachments, is a correct copy of the original on file in my office, and that the Letters issued to the person appointed above have not been revoked, annulled or set aside, and are still in full force and effect.



Date: NOV 16 2012

ALEX CALVO

Clerk, by



RENA PETRI

, Deputy

GC-250 (Rev. January 1, 2009)

**LETTERS OF GUARDIANSHIP**  
(Probate—Guardianships and Conservatorships)

Page 2 of 2