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*Attorneys for Defendants Marie Alvarado-Gil,
in her official capacity as California State Senator;
and Vanessa Bravo, in her official capacity as Chief
of Staff to Senator Alvarado-Gil*

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

KELLEY COELHO,

Plaintiff,

v.

MARIE ALVARADO-GIL, et al.,

Defendants.

Case No. 2:24-CV-02181-KJM-JDP

**DEFENDANTS' ANSWER TO
PLAINTIFF'S COMPLAINT;
DEMAND FOR JURY TRIAL**

Date Action Filed: August 14, 2024

Defendants MARIE ALVARADO-GIL, in her official capacity as California State Senator, and VANESSA BRAVO, in her official capacity as Chief of Staff to Senator Alvarado-Gil (collectively, “Defendants”) answer the Complaint filed by Plaintiff KELLEY COELHO on August 14, 2024 in this action and admit, deny, and allege as follows:

ANSWER TO ALLEGATIONS IN COMPLAINT FORM

1. Answering the allegations on pages 4-5 regarding the action’s basis for jurisdiction, Defendants assert the allegations contain legal conclusions, arguments, and characterizations to which no response is required.

2. Answering the allegations on page 5 of the Complaint provided as an answer to the question “Where did the events giving rise to your claim(s) occur?”, without admitting the Complaint states a claim, Defendants admit they were present at Turlock Police Department Headquarters the afternoon of June 21, 2024.

3. Answering the allegations on page 5 of the Complaint provided as an answer to the question “What date and approximate time did the events giving rise to your claim(s) occur?”, without admitting the Complaint states a claim, Defendants admit they were present at Turlock Police Department Headquarters the afternoon of June 21, 2024.

4. Answering the allegations on pages 5 and 6 of the Complaint provided as an answer to the question “What are the facts underlying your claims(s)?”, Defendants admit that they attended a protest on Central Avenue on June 21, 2024; that at the protest Defendant Alvarado-Gil thanked Plaintiff and Jack Griffith for their efforts related to sexually violent predator issues; and that Defendants were present at Turlock Police Department Headquarters for a press conference later that afternoon. Defendants deny that they attended the protest for “approximately three minutes for a photo op and left immediately.” Defendants further deny that they “directed Chief David Mullins from the Stanislaus County Sheriff’s Department to remove [Plaintiff and Griffith] from Turlock Police Headquarters.” Except as so admitted and denied, Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations

1 contained in said answer, and on that basis deny each and every allegation contained
2 therein.

3 **ANSWER TO ALLEGATIONS IN ATTACHED FAIR EMPLOYMENT &**
4 **HOUSING ACT COMPLAINT**

5 5. The letters from the Civil Rights Department of the State of California
6 attached to the Complaint at pages 7-9 speak for themselves.

7 6. Answering Paragraph 1 of the document attached to the Complaint at page
8 10, Defendants assert the paragraph contains legal conclusions, arguments, and
9 characterizations to which no response is required. Defendant Alvarado-Gil specifically
10 denies she has ever been an employer of Plaintiff's.

11 7. Answering Paragraph 2 of the document attached to the Complaint at page
12 10, Defendants are without sufficient knowledge or information to form a belief as to the
13 truth of the allegations contained in said paragraph, and on that basis deny each and every
14 allegation contained therein.

15 8. Answering the four items comprising Paragraph 3 of the document attached
16 to the Complaint at page 10, Defendants assert the paragraph contains legal conclusions,
17 arguments, and characterizations to which no response is required. To the extent a
18 response is required, Defendants deny the allegations.

19 **ANSWER TO ALLEGATIONS IN ATTACHED JACK GRIFFITH STATEMENT**

20 9. Answering the allegations on page 12 of the Complaint in the Jack Griffith
21 statement, Defendants admit that they, along with other persons, attended a protest on
22 Central Avenue on June 21, 2024; that Defendants encountered Plaintiff and Griffith at
23 the protest; that Griffith hugged and greeted Defendant Alvarado-Gil; that Griffith
24 introduced Defendant Alvarado-Gil to others at the protest, including parents; that
25 Defendant Alvarado-Gil had a conversation with Plaintiff and Griffith at the protest; that
26 Griffith made a joke to Defendant Bravo about him "running against [Defendant
27 Alvarado-Gil] in the last election for State Senate and that [Griffith] was going to run
28 again;" that "there was nothing but smiles and compliments during this interaction;" that

Defendant Alvarado-Gil asked Griffith whether he would be at the press conference at Turlock Police Department Headquarters and that Griffith responded affirmatively; and that Defendants were present at such press conference later that afternoon. Defendants deny that they arrived to the protest “at around 11:40 am;” they arrived in the early afternoon. Defendants further deny that they ordered Plaintiff and Griffith removed from the press conference. Defendant Alvarado-Gil denies that Defendant Bravo is her “media director;” she is her Chief of Staff. Except as so admitted and denied, Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said statement, and on that basis deny each and every allegation contained therein.

10. Except as expressly admitted above, Defendants deny each and every allegation contained in the Complaint.

AFFIRMATIVE DEFENSES

Defendants hereby plead the following separate and additional defenses to the Complaint. By alleging the separate and additional defenses set forth below, Defendants intend no alteration of the burden of proof and/or burden of going forward with evidence that otherwise exists with respect to any particular issue at law or in equity. Furthermore, all such defenses are pleaded in the alternative, and do not constitute an admission of liability or that Plaintiff is entitled to any relief whatsoever. Without limiting or waiving any defenses available to it, and based on information and belief unless otherwise stated, Defendants allege as follows:

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim)

The Complaint, in whole or in part, fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

(Sovereign Immunity)

1 The Complaint, in whole or in part, fails because Defendants are entitled to
2 sovereign immunity under the Eleventh Amendment.

3 **THIRD AFFIRMATIVE DEFENSE**

4 ***(Qualified Immunity)***

5 Defendants are entitled to qualified immunity.

6 **FOURTH AFFIRMATIVE DEFENSE**

7 ***(Discretionary Act Immunity)***

8 The Complaint, in whole or in part, fails because Defendants are entitled to
9 discretionary act immunity.

10 **FIFTH AFFIRMATIVE DEFENSE**

11 ***(Failure to Join a Necessary or Indispensable Party)***

12 The Complaint, in whole or in part, fails because Plaintiff has failed to name and
13 join a necessary or indispensable party.

14 **SIXTH AFFIRMATIVE DEFENSE**

15 ***(No Violation of a Legal Duty)***

16 The Complaint is barred, in whole or in part, because Defendants did not violate
17 any legal duty owed to Plaintiff.

18 **SEVENTH AFFIRMATIVE DEFENSE**

19 ***(Good Faith)***

20 The Complaint, in whole or in part, is barred because Defendants undertook any
21 challenged acts or omissions, in part or in total, in good faith and in conformity with
22 applicable orders, rulings, regulations, and/or interpretations.

23 **EIGHTH AFFIRMATIVE DEFENSE**

24 ***(Unjust Enrichment)***

25 Any recovery by Plaintiff on the Complaint against Defendants would be unfair
26 and would constitute unjust enrichment.

27 **NINTH AFFIRMATIVE DEFENSE**

28 ***(Unclean Hands)***

1 The Complaint is barred, in whole or in part, by the doctrine of unclean hands.

2 **TENTH AFFIRMATIVE DEFENSE**

3 ***(Conduct Not Wrongful)***

4 The Complaint is barred, in whole or in part, because Defendants' conduct was not
5 wrongful or otherwise unlawful.

6 **ELEVENTH AFFIRMATIVE DEFENSE**

7 ***(Superseding and Intervening Acts)***

8 Any damage allegedly sustained by Plaintiff was caused, in whole or in part, by the
9 superseding and intervening acts and omissions of persons or entities for whose conduct
10 Defendants are not responsible.

11 **TWELFTH AFFIRMATIVE DEFENSE**

12 ***(No Causation)***

13 The Complaint is barred, in whole or in part, because Plaintiff's damages, if any,
14 were not caused by Defendants.

15 **THIRTEENTH AFFIRMATIVE DEFENSE**

16 ***(No Damages)***

17 Without admitting that the Complaint states a claim, there has been no damage in
18 any amount, manner, or at all by reason of any act alleged against Defendants in the
19 Complaint, and the relief prayed for in the Complaint therefore cannot be granted.

20 **FOURTEENTH AFFIRMATIVE DEFENSE**

21 ***(Absence of Malice)***

22 Any acts or omissions by Defendants, if any, were not the result of oppression,
23 fraud, or malice.

24 **FIFTEENTH AFFIRMATIVE DEFENSE**

25 ***(No Deprivation of Constitutional Rights)***

26 Defendants were not the proximate cause of the Plaintiff's alleged deprivation of a
27 constitutionally protected right, privilege, or immunity.

28 **SIXTEENTH AFFIRMATIVE DEFENSE**

(Undiscovered Affirmative Defenses Reserved)

Defendants reserve their right to add, delete, or modify any and all defenses which may pertain to the Complaint that are now or may become available in this action through clarification or amendment of the Complaint, through discovery, through further legal analysis of Plaintiff's or Defendant's claims and positions in this litigation, or otherwise.

PRAYER FOR RELIEF

WHEREFORE, Defendants pray that judgment be entered as follows:

1. Plaintiff take nothing by way of their Complaint, and that judgment be entered in favor of Defendants;
2. The Complaint be dismissed with prejudice;
3. Defendants recover costs of suit incurred herein and attorneys' fees as allowed by law or statute; and
4. Defendants be awarded such other relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Defendants hereby demand a trial by jury.

Dated: September 9, 2024

Respectfully submitted,

OFFICE OF LEGISLATIVE COUNSEL
Cara L. Jenkins
Brian A. Bobb
Suli A. Mastorakos

BY: /s/ Brian A. Bobb

Brian A. Bobb

*Attorneys for Defendants Marie Alvarado-Gil, in
her official capacity as California State Senator;
and Vanessa Bravo, in her official capacity as
Chief of Staff to Senator Alvarado-Gil*

PROOF OF SERVICE

At the time of service, I was over 18 years of age and not a party to this action. My business address is 925 L Street, Suite 900, Sacramento, California 95814.

On September 9, 2024, I served the following documents:

**DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT; DEMAND
FOR JURY TRIAL**

XX BY ELECTRONIC MAIL: I caused the above-listed documents to be transmitted by e-mail, with the recipient's consent to receive electronic service, to the email address listed below.

Addressed as follows:

Kelley Coelho
misskcoelho@yahoo.com

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct. Executed at Sacramento, California, on September 9, 2024.

/s/ Brian A. Bobb

Brian A. Bobb