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8 *County of Humboldt*

9
10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 APRIL JAMES, EUNICE
13 SWEARINGER, STEVE BRITTON, and
14 ROUND VALLEY INDIAN TRIBES

15 *Plaintiffs,*

16 v.

17 MATHHEW KENDALL, Sheriff of
18 Mendocino County; COUNTY OF
19 MENDOCINO, WILLIMA HONSAL,
20 Sheriff of Humboldt County; JUSTIN
21 PRYOR, deputy of Humboldt County
22 Sheriff's Office; COUNTY OF
23 HUMBOLDT; SEAN DURYEE,
24 Commissioner of the California Highway
25 Patrol; CALIFORNIA HIGHWAY
26 PATROL; and DOES 1 through 50,

27 *Defendants.*

Case No. 1:25-CV-03736-RMI

ANSWER TO COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF AND DAMAGES

28
29 Defendants County of Humboldt, Humboldt County Sheriff William Honsal,
30 and Humboldt County Deputy Sheriff Justin Pryor (collectively "Humboldt
31 Defendants") answer Plaintiffs' complaint as follows:

INTRODUCTION

1. Answering paragraph 1, Humboldt Defendants deny these allegations.
2. Answering paragraph 2, Humboldt Defendants deny these allegations.
3. Answering paragraph 3, Humboldt Defendants deny these allegations.
4. Answering paragraph 4, insofar as this paragraph contains legal arguments, no answer is required. To the extent that an answer is required, Humboldt Defendants deny these allegations.
5. Answering paragraph 5, insofar as this paragraph contains legal arguments, no answer is required. To the extent that an answer is required, Humboldt Defendants deny these allegations.
6. Answering paragraph 6, Humboldt Defendants deny these allegations.
7. Answering paragraph 7, Humboldt Defendants deny these allegations
8. Answering paragraph 8, Humboldt Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations

JURISDICTION AND VENUE

9. Answering paragraph 9, Humboldt admits that this Court has jurisdiction over the asserted federal claims under federal question jurisdiction and over the state claims under supplemental jurisdiction. Humboldt Defendants

1 admit that Plaintiffs filed tort claims with the County.
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3 10. Answering paragraph 10, Humboldt admits that venue is proper in the
4 Northern District of California.
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6 **PARTIES**
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8 11. Answering paragraph 11, Humboldt Defendants admit that Round Valley
9 Indian Tribes is a federally recognized Indian Tribe in Mendocino County.
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11 12. Answering paragraph 12, Humboldt Defendants lack knowledge or
12 information sufficient to form a belief about the truth of the allegations.
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14 13. Answering paragraph 13, Humboldt Defendants admit this allegation.
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16 14. Answering paragraph 14, Humboldt Defendants admit this allegation.
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18 15. Answering paragraph 15, Humboldt Defendants admit this allegation.
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20 16. Answering paragraph 16, Humboldt Defendants admit this allegation.
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22 17. Answering paragraph 17, Humboldt Defendants admit this allegation.
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24 18. Answering paragraph 18, Humboldt Defendants admit this allegation.
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26 19. Answering paragraph 19, Humboldt Defendants admit this allegation.
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20. Answering paragraph 20, lack knowledge or information sufficient to form a belief about the truth of the allegation.

GENERAL ALLEGATIONS

21. Answering paragraph 21, Humboldt Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation.

22. Answering paragraph 22, Humboldt Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation.

23. Answering paragraph 23, Humboldt Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation.

24. Answering paragraph 24, Humboldt Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation.

25. Answering paragraph 25, Humboldt Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation.

26. Answering paragraph 26, Humboldt Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation.

27. Answering paragraph 27, Humboldt Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation.

28. Answering paragraph 28, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation.

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29. Answering paragraph 29, Humboldt Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation.

30. Answering paragraph 30, Humboldt Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation.

31. Answering paragraph 31, Humboldt Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation.

32. Answering paragraph 32, this paragraph states legal arguments to which no answer is required. To the extent that an answer is required, Humboldt Defendants deny these allegations.

33. Answering paragraph 33, this paragraph states legal arguments to which no answer is required. To the extent that an answer is required, Humboldt Defendants deny these allegations.

34. Answering paragraph 34, this paragraph states legal arguments to which no answer is required. To the extent that an answer is required, Humboldt Defendants deny these allegations.

35. Answering paragraph 35, this paragraph states legal arguments to which no answer is required. To the extent that an answer is required, Humboldt Defendants deny these allegations.

36. Answering paragraph 36, this paragraph states legal arguments to which no answer is required. To the extent that an answer is required, Humboldt

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Defendants deny these allegations.

37. Answering paragraph 37, this paragraph states legal arguments to which no answer is required. To the extent that an answer is required, Humboldt Defendants deny these allegations.

38. Answering paragraph 38, Humboldt Defendants deny these allegations.

39. Answering paragraph 39, Humboldt Defendants deny these allegations.

40. Answering paragraph 40, Humboldt Defendants deny these allegations.

41. Answering paragraph 41, Humboldt Defendants deny these allegations.

42. Answering paragraph 42, Humboldt Defendants deny these allegations.

43. Answering paragraph 43, Humboldt Defendants deny these allegations.

44. Answering paragraph 44, Humboldt Defendants deny these allegations.

45. Answering paragraph 45, Humboldt Defendants deny these allegations.

46. Answering paragraph 46, Humboldt Defendants deny these allegations.

47. Answering paragraph 47, Humboldt Defendants deny these allegations.

48. Answering paragraph 48, Humboldt Defendants deny these allegations.

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49. Answering paragraph 49, Humboldt Defendants deny these allegations.

50. Answering paragraph 50, Humboldt Defendants deny these allegations.

51. Answering paragraph 51, Humboldt Defendants deny these allegations.

52. Answering paragraph 52, Humboldt Defendants deny these allegations.

53. Answering paragraph 53, Humboldt Defendants deny these allegations.

54. Answering paragraph 54, Humboldt Defendants deny these allegations.

55. Answering paragraph 55, Humboldt Defendants deny these allegations.

56. Answering paragraph 56, Humboldt Defendants deny these allegations.

57. Answering paragraph 57, Humboldt Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation.

58. Answering paragraph 58, Humboldt Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation.

59. Answering paragraph 59, Humboldt Defendants deny these allegations.

60. Answering paragraph 60, Humboldt Defendants deny these allegations.

61. Answering paragraph 61, Humboldt Defendants deny these allegations.

1 62. Answering paragraph 62, Humboldt Defendants deny these allegations.

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3 63. Answering paragraph 63, Humboldt Defendants lack knowledge or
4 information sufficient to form a belief about the truth of the allegation.

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6 64. Answering paragraph 64, Humboldt Defendants lack knowledge or
7 information sufficient to form a belief about the truth of the allegation.

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9 65. Answering paragraph 65. Humboldt Defendants admit these allegations.

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11 66. Answering paragraph 66, Humboldt Defendants admit these allegations.

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13 67. Answering paragraph 67, Humboldt Defendants lack knowledge or
14 information sufficient to form a belief about the truth of the allegation.

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16 68. Answering paragraph 68, Humboldt Defendants lack knowledge or
17 information sufficient to form a belief about the truth of the allegation.

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19 69. Answering paragraph 69, Humboldt Defendants lack knowledge or
20 information sufficient to form a belief about the truth of the allegation.

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22 70. Answering paragraph 70, insofar as this paragraph contains legal
23 arguments, no answer is required. To the extent that an answer is required,
24 Humboldt Defendants deny these allegations.

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26 71. Answering paragraph 71, Humboldt Defendants deny these allegations.

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1 72. Answering paragraph 72, Humboldt Defendants deny these allegations.
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4 **FIRST CAUSE OF ACTION**

5 **Unlawful Assertion of Jurisdiction**

6 **(Public Law 280)**

7 **(Against all Defendants)**
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9 73. Answering paragraph 73, Humboldt Defendants reassert their specific
10 answers to all foregoing paragraphs.
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12 74. Answering paragraph 74, Humboldt Defendants deny these allegations.
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14 75. Answering paragraph 75, Humboldt Defendants admit that such
15 controversy does exist.
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17 76. Answering paragraph 76, Humboldt Defendants deny these allegations.
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19 77. Answering paragraph 77, Humboldt Defendants deny these allegations.
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21 78. Answering paragraph 78, Humboldt Defendants deny these allegations.
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23 **SECOND CAUSE OF ACTION**

24 **Infringement of the Tribe's Sovereignty**

25 **(Interference with Tribal Self-Governance)**

26 **(Against all Defendants)**
27
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1 79. Answering paragraph 79, Humboldt Defendants reassert their specific
2 answers to all foregoing paragraphs.

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4 80. Answering paragraph 80, Humboldt Defendants deny these allegations.

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6 81. Answering paragraph 81, Humboldt Defendants deny these allegations.

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8 82. Answering paragraph 82, Humboldt Defendants deny these allegations.

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10 83. Answering paragraph 83, Humboldt Defendants deny these allegations.

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13 **THIRD CAUSE OF ACTION**

14 **Fourth Amendment – Unlawful Search and Seizure**

15 **(42 U.S.C. § 1983)**

16 **(Against all Defendants)**

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18 84. Answering paragraph 84, Humboldt Defendants reassert their specific
19 answers to all foregoing paragraphs.

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21 85. Answering paragraph 85, Humboldt Defendants deny these allegations.

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23 86. Answering paragraph 86, Humboldt Defendants deny these allegations.

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25 87. Answering paragraph 87, Humboldt Defendants deny these allegations.

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27 88. Answering paragraph 88, Humboldt Defendants deny these allegations.

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1 89. Answering paragraph 89, Humboldt Defendants deny these allegations.

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3 90. Answering paragraph 90, Humboldt Defendants deny these allegations.

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FOURTH CAUSE OF ACTION

7

Unlawful Search and Seizure

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(Cal. Const. Art. I, § 13)

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(California Government Claims Act, Cal. Government Code §§ 815.2, 820)

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(Against all Defendants)

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13 91. Answering paragraph 91, Humboldt Defendants reassert their specific
14 answers to all foregoing paragraphs.

15

16 92. Answering paragraph 92, Humboldt Defendants deny these allegations.

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18 93. Answering paragraph 93, Humboldt Defendants deny these allegations.

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20 94. Answering paragraph 94, Humboldt Defendants deny these allegations.

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FIFTH CAUSE OF ACTION

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Bane Act

25

(Cal. Civil Code § 52.1)

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(California Government Claims Act, Cal. Government Code §§ 815.2, 820)

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(Against all Defendants)

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95. Answering paragraph 95, Humboldt Defendants reassert their specific answers to all foregoing paragraphs

96. Answering paragraph 96, Humboldt Defendants deny these allegations.

97. Answering paragraph 97, Humboldt Defendants deny these allegations.

98. Answering paragraph 98, Humboldt Defendants deny these allegations.

99. Answering paragraph 99, Humboldt Defendants deny these allegations.

SIXTH CAUSE OF ACTION

Negligence

(Against all Defendants)

100. Answering paragraph 100, Humboldt Defendants reassert their specific answers to all foregoing paragraphs

101. Answering paragraph 101, Humboldt Defendants deny these allegations.

102. Answering paragraph 102, Humboldt Defendants deny these allegations.

1 103. Answering paragraph 103, Humboldt Defendants deny these
2 allegations.

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4 104. Answering paragraph 104, Humboldt Defendants deny these
5 allegations.

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7 105. Answering paragraph 105, Humboldt Defendants deny these
8 allegations.

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10 106. Answering paragraph 106, Humboldt Defendants deny these
11 allegations.

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13 107. Answering paragraph 107, Humboldt Defendants deny these
14 allegations.

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16 **SEVENTH CAUSE OF ACTION**

17 **Violation of Fourteenth Amendment Equal Protection Rights Against**

18 **Selective Enforcement**

19 **(42 U.S.C. § 1983)**

20 **(Against Defendants Kendal, Mendocino and Does 1-50)**

21
22
23 108. Answering paragraph 108, Humboldt Defendants reassert their
24 specific answers to all foregoing paragraphs

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26 109. Answering paragraph 109, this allegation is not directed at Humboldt
27 Defendants and no answer is required. To the extent that an answer is
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1 required, Humboldt Defendants deny these allegations.

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3 110. Answering paragraph 110, this allegation is not directed at Humboldt
4 Defendants and no answer is required. To the extent that an answer is
5 required, Humboldt Defendants deny these allegations.

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7 111. Answering paragraph 111, this allegation is not directed at
8 Humboldt Defendants and no answer is required. To the extent that an
9 answer is required, Humboldt Defendants deny these allegations.

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11 112. Answering paragraph 112, this allegation is not directed at
12 Humboldt Defendants and no answer is required. To the extent that an
13 answer is required, Humboldt Defendants deny these allegations.

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15 113. Answering paragraph 113, this allegation is not directed at
16 Humboldt Defendants and no answer is required. To the extent that an
17 answer is required, Humboldt Defendants deny these allegations.

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19 114. Answering paragraph 114, this allegation is not directed at Humboldt
20 Defendants and no answer is required. To the extent that an answer is
21 required, Humboldt Defendants deny these allegations.

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23 115. Answering paragraph 115, this allegation is not directed at Humboldt
24 Defendants and no answer is required. To the extent that an answer is
25 required, Humboldt Defendants deny these allegations.

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Prayer for Relief

Humboldt Defendants deny that Plaintiff are entitled to any of the prayed-for relief.

First Affirmative Defense

The Humboldt Defendants allege that they are entitled to qualified immunity.

Second Affirmative Defense

Humboldt Defendants assert that any and all Tribal laws purporting to allow cannabis cultivation are preempted by federal law.

Third Affirmative Defense

Humboldt Defendants assert that Plaintiffs have unclean hands.

Fourth Affirmative Defense

Humboldt Defendants assert that by engaging in illegal cannabis cultivation, Plaintiffs assumed the risk that law enforcement would respond.

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Fifth Affirmative Defense

Humboldt Defendants assert that by engaging in illegal cannabis cultivation, Plaintiffs were contributorily negligent.

Sixth Affirmative Defense

Humboldt Defendants assert that Plaintiffs have engaged in actions constituting waiver of any alleged duty on the part of Humboldt Defendants.

Seventh Affirmative Defense

Humboldt Defendants assert that Plaintiffs' claims are barred by the doctrine of equitable estoppel.

Eight Affirmative Defense

Humboldt Defendants assert that they are immune from liability under Government Code Section 818.8.

Ninth Affirmative Defense

Humboldt Defendants assert that they are immune from liability under Government Code Section 820.4.

Tenth Affirmative Defense

1 Humboldt Defendants assert that they are immune from liability under of
2 Government Code Section 820.6

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4 **Eleventh Affirmative Defense**

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6 Humboldt Defendants assert that they are immune from liability under
7 Government Code Section 821.6

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9 **Twelfth Affirmative Defense**

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11 Humboldt Defendants assert that they are immune from liability under
12 Government Code Section 815.2.

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15 **Thirteenth Affirmative Defense**

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17 Humboldt Defendants assert that they are immune from liability under
18 Government Code Section 822.2

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20 **Fourteenth Affirmative Defense**

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22 Humboldt Defendants assert that they are immune from liability under
23 Government Code Section 821.8.

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25 **Fifteenth Affirmative Defense**

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27 Humboldt Defendants assert that plaintiffs have failed to mitigate their alleged
28 damages.

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Sixteenth Affirmative Defense

Humboldt Defendants assert that Plaintiffs have failed to include indispensable parties.

WHEREFORE, Humboldt prays for judgment as follows:

1. That the entire action be dismissed with prejudice.
2. That judgment be entered in favor of Humboldt Defendants;
3. That Plaintiffs take nothing in this action against Humboldt Defendants;
4. That Humboldt be awarded its costs in defending this action; and
5. Any other relief as the Court may deem proper and just.

Dated: May 27, 2025

Respectfully Submitted,

/s/

Joel Campbell-Blair, Deputy County Counsel
Attorney for the County of Humboldt and
Individual Humboldt Defendants