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5 **UNITED STATES DISTRICT COURT**

6
7 **NORTHERN DISTRICT OF CALIFORNIA-EUREKA MCKINLEYVILLE DIVISION**

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10
11 **LINDA SUTTER,**

12 Plaintiff,

13 vs.

14 **CRESCENT CITY HARBOR DISTRICT,**
15 **CHAIR GERHARD WEBER, IN HIS**
16 **INDIVIDUAL AND OFFICAL**
17 **CAPACITY; JOHN EVANS, IN HIS**
18 **INDIVIDUAL AND OFFICIAL**
19 **CAPACITY; RICK SHEPHERD, IN HIS**
20 **INDIVIDUAL AND OFFICIAL**
21 **CAPACITY; HARBORMASTER**
22 **MICHAEL RADEMAKER, IN HIS**
23 **INDIVIDUAL AND OFFICIAL**
24 **CAPACITY**

25 CA

Case No.: COMPLAINT FOR INJUNCTIVE
AND DECLARATORY RELIEF

26 **42 U.S.C. § 1983 U.S. CONSTITUTION,**
27 **FIRST, FOURTEENTH AMENDMENTS,**
28 **MONELL LIABILITY UNDER 42 U.S.C. §**
1983, CALIFORNIA CONSTITUTION
ARTICLES 1, 2, AND 3, CALIFORNIA
BANE ACT, CIVIL CODE 52.1
(SUPPLEMENTAL JURISDICTION
UNDER 28 U.S.C. 1367) CALIFORNIA
PUBLIC RECORDS ACT
(SUPPLEMENTAL JURISDICTION
28.U.S.C. § 1367) RALPH M. BROWN
ACT (SUPPLEMENTAL JURISDICTION
UNDER 28 U.S.C. § 1367) SLANDER
CALIFORNIA CIVIL CODE 44
(SUPPLEMENTAL JURISDICTION
UNDER 28 U.S.C. § 1367)

1. **Jurisdiction:** This Court has jurisdiction over this complaint as the action

1 arises under the First and Fourteenth Amendments to the United States Constitution and 42
2 U.S.C. §1983. Jurisdiction is proper under 28 U.S.C §§ 1331 and 1343 (a)(3). Supplemental
3 jurisdiction over related law claims is proper under 28 U.S.C. § 1367(a).
4

5 **2. Venue:** Lies in this District under U.S.C. § 1391(b) because the events giving
6 rise to these claims occurred in Del Norte County, California, within the Eureka Division of this
7 Court.

8 **3. Intradistrict Assignment:** is proper in the Eureka Division of the Northern
9 District of California pursuant to Civil Local Rule 3-2(c) and 28 U.S.C. § 1391. A substantial
10 part of the events and omissions giving rise to the claims occurred in Humboldt County,
11 California, and the defendants reside or operate their principal place of business within the
12 geographic area covered by the Eureka Division.
13

14 **4. Parties:** Plaintiff Linda Sutter is a resident of Del Norte County, California,
15 and an Investigative Reporter for the Crescent City Times online newspaper, civic activist, and
16 regular participant in Crescent City Harbor meetings as well as other local government meetings
17 for past 4 years.

18 Defendant Crescent City Harbor District (“District”) is a California special district
19 organized under the Harbor and Navigations Code and responsible for conducting public
20 business in compliance with the California Brown Act and California Public Records Act.
21

22 Defendants Gerhard Weber, Rick Shepherd, and John Evans are current elected
23 officials of the Crescent City Harbor District, and Michael Rademaker is a Harbormaster of
24 Crescent City Harbor District. Each are being sued in their individual and official capacities. At
25 all relevant times, Defendants acted under the color of state law and within the scope of their
26 official authority. Currently, the elected officials do not have Public Official Bonds as required
27 after elected.
28

Statement of Facts:

42 U.S.C. § 1983 U.S. CONSTITUTION, FIRST, FOURTEENTH AMENDMENTS, MONELL LIABILITY UNDER 42 U.S.C. § 1983,
CALIFORNIA CONSTITUTION ARTICLES 1, 2, AND 3, CALIFORNIA BANE ACT, CIVIL CODE 52.1 (SUPPLEMENTAL
JURISDICTION UNDER 28 U.S.C. 1367) CALIFORNIA PUBLIC RECORDS ACT (SUPPLEMENTAL JURISDICTION 28.U.S.C. § 1367)
RALPH M. BROWN ACT (SUPPLEMENTAL JURISDICTION UNDER 28 U.S.C. § 1367) SLANDER CALIFORNIA CIVIL CODE 44
(SUPPLEMENTAL JURISDICTION UNDER 28 U.S.C. § 1367) - 2

1 5. Plaintiff Sutter regularly attended Harbor District meetings, made oral
2 Statements addressing matters of public concern, including District transparency, fiscal
3 management, and compliance with open-government laws.

4 6. On May 13, 2025, during a Crescent City Harbor District public meeting,
5 following a presentation by Harbormaster Michael Rademaker, Chair Weber opened the forum
6 for questions from the Public. Plaintiff Sutter asked the following relevant questions; 1. What
7 was the status of the \$450,000 dollar South Beach Bathroom grant funds, and 2. Rademaker 's
8 educational background since he had referenced it during his presentation. Instead of answering,
9 Rademaker stated publicly, " Linda Sutter has been profiling me, calling my ex-wife, and
10 contacting my former work associates on a daily basis." Plaintiff responded that this was a lie,
11 approached the dais, and asked Chair Weber to permit her to use the remainder of her three
12 minutes. Weber agreed. Plaintiff acting emotionally to the false and slanderous accusation,
13 stated, " Don't down-talk me like that, I know what you look like with your clothes off and it is
14 not impressive." Commissioner John Evans yelled, "Point of Order!" and asked that Plaintiff be
15 removed from the meeting. As Plaintiff returned to her seat she stated, "That is slander," Evans
16 then ordered Plaintiff to be removed. Plaintiff refused stating, "call the police." The meeting
17 recessed for approximately 10 or more minutes while District's attorney, Ryan Plotz advised
18 Plaintiff could remain. Rademaker was never reprimanded for his slanderous statements. This
19 was done under the color of authority and in their official capacities. Chair Weber and
20 Commissioner Evans are currently without a mandated public officials bond on record through
21 the Del Norte County records office as required by California Elections and the Harbor and
22 Navigations codes. They acted in their official capacities. This was recorded on video.

23 7. On or about September 9, 2025- During general public comment, Plaintiff
24 attempted to address censorship of a commissioner. Chair Weber interrupted, stating plaintiff
25 could not ask the question regarding censorship because it was on the agenda. Plaintiff disputed
26 this. Weber ordered Plaintiff to leave. Plaintiff stated, "Call the police." The meeting was placed
27 on recess. Harbormaster Rademaker contacted attorney Ryan Plotz. When the meeting resumed,
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1 Plotz initially stated Plaintiff could not ask that question. Commissioner Dan Schmidt clarified
2 that the item had been removed from the agenda prior to the meeting. Plotz corrected himself and
3 said: “she can talk about that.” Plaintiff was only given two minutes rather than three. This was
4 done under the color of authority and in Weber’s official capacity. This was recorded on video.

5 8. On or about October 22, 2025, At approximately 1030 a.m. Plaintiff visited
6 the Harbor District office seeking the Harbor facilities plan. Office Manager Kristina Hanks did
7 not know what the harbor facilities plan was. Plaintiff walked to a hallway that was not blocked
8 from the public view and searched white binders that were accessible. Office Manager Kristina
9 Hanks called harbormaster Rademaker and placed him on speaker phone. Plaintiff explained the
10 one-page document was titled “REPAIRS NEEDED AT THE CRESCENT CITY HARBOR
11 DISTRICT.” A list of maintenance projects, not a facility plan. Rademaker told plaintiff she
12 could not review the binders and threatened to call the police. Plaintiff left the premises. There is
13 no video for this.

14 That afternoon during the open public meeting, Commissioner Rick Shepherd falsely stated to
15 the public members that Plaintiff went through a locked cabinet containing his social security
16 number, the hallway where the binders are kept are not behind a door and are not locked up.
17 Later in the meeting after harbormaster Rademaker and fiscal officer Moreno presented financial
18 advice to the board, the chair Weber offered public comment. Plaintiff stated, “ I don’t
19 understand why you board members are taking financial advice from these two people when
20 Rademaker has a past bankruptcy on file and Ms. Moreno has had a past IRS lien.” The board
21 members Evans, Weber, and Shepherd interrupted Plaintiffs speech and stated Plaintiff could not
22 make that statement as it was slander. The district allows their board members to slander the
23 public, but when Plaintiff brings up information readily available from Federal Courts, the
24 Commissioners accuse Plaintiff of slandering in order to suppress her speech. Commissioner
25 Rick Shepherd is not currently bonded with a public official bond as mandated by California
26 State laws as well as Harbor and Navigation code. Rick Shepherd works under the color of
27 authority in his official capacity. This was recorded on video.
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1 9. During the November 12, public meeting, Commissioner Shepherd in his
2 own omission stated he told fishermen Plaintiff was “telling lies to MARAD.” (Maritime
3 Administration) And he “had to straighten that out.” During public comment Plaintiff asked
4 Shepherd, “ whether the Grand Jury reports were lies, or whether Fiscal Officer Sandy Moreno’s
5 letters to USDA regarding bankruptcy were lies?” Shepherd’s comments were retaliatory and
6 intended to damage Plaintiff’s reputation as a journalist exposing Harbor District misconduct.
7 These statements were made under the color of authority in Shepherds official capacity and
8 demonstrates an official policy and custom pattern practiced by the District. This was recorded
9 on video.

10 **Pattern and Practice of Disparate Treatment and Abuse Toward Women.**

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12 10. The allegations of paragraphs 1–10 above are incorporated by reference
13 as though fully set forth herein.

14 **11.** As a Journalist I observed the following incident happening to Stephanie
15 Abrams- August 13, 2025 during a public harbor district meeting, Chair Weber acknowledged
16 Ms. Abrams for public comment within 30 seconds of her comment, Chair Weber gaveled her
17 stating she was off topic. When she tried to tell him she was not off topic Weber told her to leave.
18 Abrams a 78 year old elderly woman said, “call the police.” The meeting recessed approximately
19 10 to 15 minutes, Attorney Plotz was contacted. The board voted 3-2 to allow her to speak. Ms.
20 Abrams no longer attends the public meetings at the Harbor because it is too stressful. This was
21 done under the color of authority in Weber’s official capacity. This was recorded on video.

22 12. As a journalist, I observed the following incident happen to Alicia
23 Williams, a 47 year old civic activist- On September 24, 2025, After her 3 minute comment she
24 asked if she could clarify something. Chair Weber said no. Alicia asked one more time and
25 Weber told her to leave the building. There were two Del Norte Sheriff Captains dressed in
26 uniform sitting in the audience. Chair Weber ordered them to remove Williams from the public
27 meeting. Captain Stevens stated, “this is a public meeting we are not removing anyone from this
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1 meeting.” This conduct of Chair Weber was done under the color of authority in his official
2 capacity. This was recorded on video.

3 13. As a journalist I observed the following incident occur to Donna Westfall
4 Who is about 80 years old and an editor for Crescent City Times as well as Recipient from
5 Howard Jarvis Tax Association tax fighter of the year award. On November 22, 2025, during
6 general public comment, Donna referenced a newspaper item involving public member Roger
7 Gitlin conducting a recall on Commissioner Nehmer and Schmidt. Gitlin who was in the
8 audience screamed out, “DO NOT INVOKE MY NAME IT IS A RULE HERE.” Chair Weber
9 used the gavel to suppress her speech. Ms. Westfall asserted her First Amendment Rights and
10 reclaimed her time. Male disruption was permitted; a female speaker was suppressed. Men are
11 commonly allowed to make outburst and given extended time with their speech, without
12 reprimand or asking for extended time. This was done under the color of authority and in
13 Weber’s official capacity. This demonstrated an official policy and custom pattern practiced by
14 the District. Ms. Westfall was visibly shaken by this action. This was recorded on video.

15 14. As an investigative reporter Plaintiff interviewed Eva Campbel regarding
16 The Following incident. On December 15, 2023, at approximately 10.30 p.m. Harbor District RV
17 tenant Eva Campbel was using the facility shower when harbor patrol locked her in the facility;
18 Ms. Campbel always plays her music loud enough so people who are entering the facility are
19 aware the shower is in use. Eva called the Del Norte Sheriff office who in turn called the Bayside
20 RV park manager who reportedly had no key. The Sheriff Department contacted harbor patrols
21 who subsequently returned to the shower facility and unlocked the door. Ms. Campbell suffers
22 PTSD and fears retaliation and eviction from the harbor administration. This event was
23 discovered by Plaintiff in July of this year by reading the Harbor Patrol Reports generated by
24 harbor patrol. Additionally, it was discovered that harbor patrol officers Brandon Cole, Ethan
25 Gardner, and Lieutenant Justin Hanks commonly refer Eva Campbell as “Shower Nazi” in their
26 patrol reports and refer to other females as “hoes,” tweaker Tweaks” and “ drunkards”. The
27 incident was confirmed from the Del Norte Sheriff Office 911 log in and from the California
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1 Commissioners Schmidt and Nehmer when the May 14th, CPRA request would be filled.
2 Rademaker stated Plaintiff needed to have a meeting with himself and fiscal Officer Sandy
3 Moreno before releasing any information. Plaintiff informed Rademaker that CPRA requests do
4 not have stipulations where requestors must have a meeting to obtain public records. To this
5 date the District has refused to fulfill any of these documents and on November 12, 2025, Chair
6 Weber announced to the public that no CPRA requests would be fulfilled. This was done in
7 Rademaker's official capacity under the color of authority. This violates public transparency and
8 accountability. Even Commissioner Nehmer is not allowed access to public documents. This
9 interfered with my First Amendment newsgathering rights. Supporting Monell liability because
10 the refusal was institutional not accidental.

11 **18.** On July 12, 2025, Plaintiff submitted a CPRA request for the following
12 documents; harbor Patrol Reports for the months of October 2024, November 2024, February
13 2025, and March 2025. Plaintiff received acknowledgement sometime in October but no
14 production. The Request was sent to all Commissioners because they were permitting
15 noncompliance. These actions demonstrated an official policy and custom pattern practiced by
16 the District. Furthermore, these actions prevented Plaintiff from investigating harbor patrol
17 conduct, including misconduct toward women and RV park residents. Additionally, The Board
18 recently stated they wanted all requests of harbor patrol reports redacted when nothing on those
19 reports had been redacted when plaintiff received the December 2023 harbor patrol reports.
20 These actions demonstrated an official policy and custom pattern practiced by the District and
21 interference with a journalist's ability to provide public transparency of the harbor district. By
22 denying Plaintiff access to public documents Respondents obstruct the transparency and
23 accountability of providing information to the public.

24 **19.** On September 12, 2025, Plaintiff submitted a CPRA request for all
25 P.O.S.T. Certificates for all harbor patrol officers, all harbor security employees, proof of any
26 training or certification of any and all patrol officers including Rademaker. This was never
27 fulfilled, never acknowledged, was sent to all commissioners, and was condoned by Evans,
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1 Weber, and Shepherd to disregard the request. This prevented plaintiff from verifying whether
2 harbor patrol is legally qualified, especially in light of misconduct toward women such as Eva
3 Campbell. This demonstrated an official policy and custom pattern practiced by the District. This
4 intentionally violated all transparency and accountability requirements under CPRA and the
5 Brown Act.

6 20. November 10, 2025, Plaintiff submitted a CPRA request for proof of sexual
7 harassment training for the following people harbormaster Michael Rademaker, Fiscal Officer
8 Sandy Moreno, All commissioners, and all Harbor Patrol officers. Also proof of P.C. 832
9 qualifications or guard cards for all patrol officers. Proof of harbormaster Rademakers alleged
10 “field training officer” credentials as he claimed he was qualified to train the harbor patrol
11 officers. These documents were never fulfilled , no acknowledgement of receiving the emailed
12 CPRA request, prevented plaintiff from investigating into officer training , compliance with state
13 law, and safety of women at harbor -operated facilities. Plaintiff has submitted at least 4 major
14 requests between May 2025, and November 2025. The harbormaster Rademaker who is
15 custodian of the harbor district records and supported by Commissioners Evans, Weber and
16 Shepherd consistently failed to acknowledge, failed to respond, failed to produce and acted with
17 clear intent to obstruct plaintiff’s reporting. These actions demonstrated an official policy and
18 custom pattern practiced by the District. These actions were practiced under the color of
19 authority in their official capacities.
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21 **CALIFORNIA RALPH M. BROWN ACT VIOLATIONS**
22 **(SUPPLEMENTAL JURISDICTION UNDER 28 U.S.C. § 1367)**

23 21. The allegations of paragraphs 1–20 above are incorporated by reference
24 though fully set forth herein.

25 22. Ralph M. Brown Act violations within the Harbor District are
26 egregious and
27 persistent, occurring with such frequency that the Del Norte Grand Jury’s 2024 report
28 documented numerous infractions. The District continues to misuse “Special” meetings,

1 as defined by California Government Code § 54956, which are intended solely for
2 addressing specific, urgent, or time-sensitive matters outside the regular schedule.
3 Board members Evans, Weber, and Shepherd routinely permit the Harbormaster to
4 convene special meetings nearly every week, primarily due to the Harbormaster's
5 inability to manage time effectively and to prepare and post agendas at least 72 hours
6 in advance, as mandated by California Government Code § 54954.2. Such practices
7 constitute ongoing violations of the Brown Act's requirements for transparency and
8 public notice.

9 23. The Del Norte Grand Jury report stated the following, Jurors found the
10 Harbor District's website incorrectly lists agendas and board packets (consisting of minutes of
11 prior meetings, financial information, and general items for consideration, and presentations) by
12 calendar year, while in fact they operate on a fiscal year. Jurors also found that the Harbor
13 District did not adhere to "best practices" regarding the Brown Act by failing to publish meeting
14 minutes in the following years; FY 2021- missing minutes for 30 of 35 listed or scheduled
15 meeting agendas; FY 2022 missing minutes for 11 of 32 listed or scheduled day meeting
16 agendas; FY 2023 missing minutes for 17 of 31 listed or scheduled day meeting agendas; FY
17 2024 missing minutes for 18 of the 36 listed or scheduled day meeting agendas.

18 24. In 2025 there have been a total of 24 special meetings that were regularly
19 work agenda meetings that required no urgent matters or time sensitive matters and they were
20 listed as special meetings to avoid the 72 hour notice requirement of posting an agenda and
21 required materials. It is worthy to note that on July 30, 2025 the Crescent City Harbor District
22 was struck with a Tsunami and no special meeting was ever called for this emergency.

23 **SLANDER CALIFORNIA CIVIL CODE 44**
24 **(SUPPLEMENTAL JURISDICTION UNDER 28 U.S.C. § 1367)**

25 25. The allegations of paragraphs 1–24 above are incorporated by reference
26 though fully set forth herein.

27 26. On May 13, 2025, during a public meeting, Harbormaster Michael Rademaker falsely
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1 informed attendees that Plaintiff was “profiling” him, regularly contacting his ex-wife and former work associates.
2 These statements were untrue and appeared calculated to divert attention from Plaintiff’s pertinent questions
3 regarding the disposition of grant funds for the South Beach restroom project and the educational qualifications
4 required for the position of Harbormaster. Harbormaster Rademaker supplied no evidence, back peddled once the
5 meeting came out of recess and stated, “well I heard” at which time Weber stopped him from talking. Rademaker
6 had not offered any proof to the public in what he was stating, he was not reprimanded by the board and caused
7 unnecessary disruption to the meeting. Rademaker made these statements with complete disregard to the truth, in
8 hopes to undermine Plaintiff’s credibility and to distract the public instead of answering pertinent questions
9 regarding the funds for the south beach restroom and his educational requirements.

27. On October 22, 2025, Commissioner Rick Shepherd publicly alleged that Plaintiff had attempted to access locked file cabinets containing sensitive information. Plaintiff was present in an open hallway adjacent to the public restroom, where binders containing public information are routinely kept. Plaintiff did not enter any restricted area or approach locked cabinets. This misrepresentation was a deliberate attempt to defame Plaintiff in retaliation for exposing questionable practices within the Harbor District through local news outlets. Respondent Shepherd made these statements with a complete disregard to truth in order to suppress Plaintiff from providing information regarding the harbor, in hopes to undermine Plaintiff’s credibility.

29. On November 12, 2025, Commissioner Rick Shepherd stated in an open meeting that he had informed fishermen that Plaintiff had lied to the Maritime Administration (MARAD) and that he had to “straighten out the lies.” Plaintiff rebutted these accusations by referencing the accuracy of the Del Norte Grand Jury reports and Fiscal Officer Sandy Moreno’s correspondence with the USDA regarding bankruptcy. These statements were intentionally made in a public forum to damage Plaintiff’s reputation as an investigative reporter who provides evidence of the Harbor District’s fiscal mismanagement to outside agencies. Shepherd presented no evidence, made no inquiry, repeated the lie to fishermen, made the accusation again publicly, did so to undermine Plaintiff’s credibility, and knew the accusation would harm Plaintiff’s reputation. Additionally, Commissioner Shepherd told Commissioner Schmidt who in the new owner of the Triplicate News, in open public forum if the Triplicate news didn’t stop printing negative stories about the harbor, that he would ask the commissioners to “censor” him. This was recorded on video. Plaintiff reports stories for the Triplicate news. This action was done under threat and coercion to prevent Plaintiff from submitting decisions the harbor district makes.

30. Collectively, these actions constitute a pattern of intentional defamation, designed to undermine Plaintiff’s credibility and retaliate against lawful reporting and civic engagement.

FIRST CLAIM FOR RELIEF

(First and Fourteenth Amendments to the U.S. Constitution. 42 U.S.C. § 1983; California Constitution Art. I, § 2a

31. The allegations of paragraphs 1–30 above are incorporated by reference as though fully set forth herein.

1 32. The First Amendment to the United States Constitution and Article I of the
2 California Constitution guarantees the press the right to cover public officials and protect
3 individuals from government interference based on the content or viewpoint of their speech. By
4 interrupting Plaintiff’s public remarks and threatening her with removal, the District unlawfully
5 infringed upon Plaintiff’s constitutionally protected right to freedom of speech.

6 33. Government officials may not silence or punish speakers simply
7 because they disagree with, or take offense at, the content or viewpoint being expressed. The
8 First Amendment squarely prohibits viewpoint discrimination, and criticism of government
9 officials or agencies lies at the very core of protected speech. When officials interrupt, threaten
10 removal, or otherwise retaliate against a speaker for expressing dissent or criticism of
11 government conduct, they engage in unconstitutional suppression of speech. Such actions violate
12 both the United States Constitution and the California Constitution, which safeguard the right of
13 individuals to speak freely on matters of public concern without fear of reprisal from those in
14 power.

15 34. In doing the acts complained of herein, Defendants violated the
16 First Amendment, Fourteenth Amendment, Article I, section 2 of the California Constitution,
17 depriving Plaintiff of her rights under the state and federal constitutions and California statutes.

18 35. As a direct and proximate result of Defendants’ constant threats
19 of removal, intimidation, and coercion, Plaintiff has endured severe and ongoing stress. This
20 stress has manifested in physical symptoms, including muscle spasms and migraine headaches,
21 necessitating multiple medical appointments and treatment. The wrongful actions of the
22 Commissioners proximately caused these conditions, resulting in unnecessary medical
23 intervention and significant emotional and physical suffering.

24 36. And a direct and proximate result of Defendant’s actions this
25 has hindered the reporting of accountability and transparency to the public. Plaintiff is entitled to
26 injunctive relief to require Defendants to end their unlawful policies, practices and customs and
27 of Defendants that caused the violation of Plaintiff’s rights under the federal and state
28 constitutions and statutory law.

SECOND CLAIM FOR RELIEF

42 U.S.C. § 1983 U.S. CONSTITUTION, FIRST, FOURTEENTH AMENDMENTS, MONELL LIABILITY UNDER 42 U.S.C. § 1983,
CALIFORNIA CONSTITUTION ARTICLES 1, 2, AND 3, CALIFORNIA BANE ACT, CIVIL CODE 52.1 (SUPPLEMENTAL
JURISDICTION UNDER 28 U.S.C. 1367) CALIFORNIA PUBLIC RECORDS ACT (SUPPLEMENTAL JURISDICTION 28.U.S.C. § 1367)
RALPH M. BROWN ACT (SUPPLEMENTAL JURISDICTION UNDER 28 U.S.C. § 1367) SLANDER CALIFORNIA CIVIL CODE 44
(SUPPLEMENTAL JURISDICTION UNDER 28 U.S.C. § 1367) - 12

1 **MONELL LIABILITY UNDER 42 U.S.C. § 1983)**

2 37. The allegations of paragraphs 1–36 above are incorporated by reference as
3 though fully set forth herein.

4 38. Defendant Crescent City Harbor District (“District”) is a municipal entity
5 and special district organized under California general law, and Harbor and Navigations code. At
6 all relevant times, the District acted through its policymakers, including the elected
7 Commissioners and the Harbormaster, who exercised final policymaking authority with respect
8 to public meetings, public comment, enforcement of meeting rules, public records compliance,
9 supervision of Harbor Patrol Officers, and the training and discipline of District employees.

10 39. The Constitutional violations alleged herein were caused by the District’s
11 official policies, longstanding customs and widespread practices, including but not limited to :

12 (A). custom and practice of suppressing public comment and engaging in viewpoint
13 discrimination against individuals, particularly women, who criticize District officials or raise
14 concerns regarding fiscal mismanagement, transparency, or compliance with law;

15 (B). A custom and practice of permitting District officials and employees to make false,
16 defamatory, and retaliatory statements about members of the press during public meetings, while
17 using meeting authority and threats of law enforcement to silence rebuttal or dissent;

18 (C). A practice of selectively enforcing meeting rules, including interruptions, gaveling,
19 shortened speaking time, recesses, and threats of removal, in order to chill protected speech;

20 (D). A policy or practice of institutional noncompliance with the California Public
21 Records Act, including refusal to acknowledge requests, refusal to produce records, conditioning
22 production on improper meetings, and public announcements that records would not be released;

23 (E). A custom and practice of tolerating discriminatory, degrading, and retaliatory
24 conduct toward women by Harbor District Officials and Harbor Patrol personnel, including the
25 use of misogynistic language in official reports;
26

1 (F). A failure to implement adequate policies, training, supervision, and discipline
2 regarding constitutional rights, public meeting conduct, public records compliance, harassment
3 prevention, and Harbor Patrol oversight.

4 40. The unconstitutional acts described in this Complaint were committed ,
5 directed, approved, or knowingly tolerated by District Officials who possessed final
6 policymaking authority, including chair Gerhard Weber, Commissioners John Evans and Rick
7 Shepherd and Harbormaster Michael Rademaker. Their actions and inactions constitute official
8 policy attributable to the District.

9 41. The District, through its Board of Commissioners and harbormaster, ratified
10 the unconstitutional conduct by repeatedly failing to discipline, correct, prevent known
11 violations, despite actual knowledge of the conduct, including conduct captured on video, raised
12 during public meetings, reported to legal counsel, and documented through public records
13 requests.

14 42. This District acted with deliberate indifference to the known and obvious
15 consequences of its policies, customs, and failures. Defendants knew that their conduct would
16 result in violations of constitutional rights, including freedom of speech, freedom of press, and
17 equal protection, yet consciously disregarded those risks.

18 43. This District's policies, customs, and practices, ratification, and deliberate
19 indifference were the moving force behind the violations of Plaintiff's rights under the First and
20 Fourteenth Amendments to the United States Constitution, including viewpoint discrimination,
21 retaliation, suppression of protected speech, interruption of protected speech, interference with
22 newsgathering, and disparate treatment.

23 44. As a direct proximate cause of the District's unconstitutional policies and
24 practices, Plaintiff suffered emotional distress, physical manifestations of stress, reputational
25 harm, interference with her professional work as a journalist, and the chilling of her
26 constitutional rights.

1 45. Plaintiff is entitled to declaratory and injunctive relief against Defendant
2 District to prohibit the continuation of these unconstitutional policies, customs, and practices, to
3 require lawful training and supervision, and to ensure future compliance with constitutional and
4 statutory obligations, as well as all other relief permitted under 42 U.S.C. § 1983.
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7 **THIRD CLAIM FOR RELIEF**
8 **VIOLATION OF THE BANE ACT CALIFORNIA CIVIL CODE 52.1**

9 46. The allegations of paragraphs 1–45 above are incorporated by reference as
10 though fully set forth herein.

11 47. The federal and state constitutions, together with relevant statutes,
12 guarantee the right to freedom of the press, the right to speak without unnecessary interruption,
13 and the right to obtain public documents. Defendants, by engaging in the wrongful acts and
14 failures to act alleged above, denied these rights to Plaintiff through threats, intimidation, and
15 coercion, undertaken to deter, prevent, and retaliate against Plaintiff’s exercise of her
16 constitutional and statutory rights. Such conduct constitutes a violation of the Tom Bane Civil
17 Rights Act, California Civil Code § 52.1.

18 48. California Civil Code, Section 52.1, known as the Tom Bane Civil Rights
19 Act, provides that : “if a person or persons, whether or not acting under color of law, interferes
20 by threat, intimidation, or coercion, or **attempts to interfere by threat**, intimidation, or
21 coercion, with the exercise or enjoyment by any individual or individuals of rights secured by the
22 Constitution or laws of the United States, or of the rights secured by the Constitution or laws of
23 this state,” a person may prosecute an action “for damages, including, but not limited to,
24 damages under Section 52, injunctive relief, and other appropriate equitable relief to protect the
25 peaceable exercise or enjoyment of the right or rights secured, including appropriate equitable
26 and declaratory relief to eliminate a pattern or practice of conduct.” Cal. Civ. Code § 52.1.

27 49. As alleged herein, Defendants unlawfully disrupted their own public
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1 Dated: December 14, 2025

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LINDA SUTTER, PRO-SE

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