



January 30, 2012

VIA US MAIL

The Honorable Herbert Lefler

Juvenile Filing
Juvenile Justice Center
590 Park Ave. S.
Minneapolis, MN 55415

Re: In the matter of the children of Breann Nichole Morris
Court File No. 27-JV-12-415

Dear Clerk of Juvenile Court:

This case presents issues that Eric Yzaguirre needs to address:

Eric Yzaguirre is represented by this firm. Mr. Yzaguirre's attorney is currently on medical leave. I am staff (not a lawyer) and doing what I can, but Mr. Yzaguirre is entitled to have his attorney (or a substitute who has not been located yet) address issues in this case.

Accommodation is requested.

Ms. Clark is currently on medical leave, and although a number of attorneys are at this time determining what needs to be covered, even that process takes some time, and it is still in process. Ms. Hatcher only sent me a copy of the "order" today, and Ms. Clark has not had an opportunity to analyze or decide what needs to be done.

I am copying the Chair of the District's Committee that handles accommodations, the Honorable Toddrick Barnett. I am also copying Chief Judge Swenson, as I am not sure totally what the procedures are at this time.

JILL CLARK, LLC ATTORNEY AT LAW

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JILL@JILLCLARKLLC.COM

Mr. Yzaguirre is the adjudicated father of at least one child.

It's clear even from the "order" that Ms. Hatcher provided to me, that this firm's client Eric Yzaguirre is the adjudicated father of at least one child. So I do not understand Ms. Hatcher telling me that this CHIPS case is about Breann Morris and not about the Father, Eric Yzaguirre.

Ms. Clark is very concerned about what is happening.

I have spoken briefly with Ms. Clark to relay: 1) the Court told me that the *County Attorney* needs to approve a request to move the 1/31 hearing (I don't understand this - as they are not judges, but attorneys); 2) the 1/31 hearing is still on even though Ms. Clark has questioned the legality of the "order" and other aspects of this case; and 3) Ms. Hatcher is refusing to move the hearing she filed as an "emergency," although the urgency has never been explained and this seems to have popped up right after the City Attorney's Office was informed by this firm that Breann Morris requested to *drop* the criminal prosecution and the no contact order.

This firm does not represent Breann Morris. And I am not a lawyer so I need to ask you the Judge, when in the process do the CHIPS judges look at this case to see if Ms. Morris is being retaliated against because she does not want to criminally prosecute Mr. Yzaguirre? Or if Eric Yzaguirre is being retaliated against because he is suing Hennepin County? (See attached civil complaint, now in federal court. I also attached the appeals that Ms. Clark filed on behalf of Eric Yzaguirre, and I happen to know the matter is currently pending at the State.)

Judge Lefler, did you sign this order? Would you please help me to assist our client Eric Yzaguirre, by letting this office know: 1) what is the statute or rule that this order is signed under? 2) Why didn't anyone contact this office before an "ex parte" order was sought? 3) is this a civil order to show cause, or a criminal one, or a quasi-criminal one?

Thank you for your assistance. I will relay the information to Ms. Clark and the attorneys who are assisting her with managing her medical leave. If this case is going to go forward, it seems that perhaps Judge Lucy Wieland will recuse, since she filed numerous ethics complaints against Ms. Clark.

Sincerely,


Peggy M. Katch

PMK/slf

C: Client, Chief Judge Swenson, Judge Barnett, Judge Wieland, HCAO, Morris

**IN RE ASSESSMENT OF POTENTIAL
MALTREATMENT OR NEGLECT
RE CHILDREN OF ERIC YZAGUIRRE AND BREANN MORRIS**

November 18, 2011

Re: Request for reconsideration of determination by CP Assessment Social Worker

I represent Eric Yzaguirre – who submits this request for reconsideration. Mr. Yzaguirre requests reconsideration of the determination dated **November 5, 2011**, signed by **Patricia A. Rebling**, CP Assessment Social Worker.

I. Mr. Yzaguirre requests his entire file.

Mr. Yzaguirre has been attempting for some weeks to obtain the government's file on him (where he is the subject of the data). These attempts have been unsuccessful, Mr. Yzaguirre has been stonewalled (while others gained an advantage from his lack of information), or have been only partially successful. **Please provide access to the entire file relating to Mr. Yzaguirre and his children: 1) Sydney Yzaguirre; and 2) Houston Yzaguirre.** I have included a release. Please call me if you have any questions, or have your lawyer call me. Yzaguirre reserves his right to modify/amend this request when he received full information.

II. Determination is woefully vague.

The determination is woefully vague. It says merely, "We determined that abuse and neglect occurred..." We cannot even tell what this means. How can we explain to this agency why the determination is flawed – when the determination letter does not even explain what it was "determined" happened? Yzaguirre asserts that the rushed way in which this assessment was concluded (really, shut down), manifests itself in this hurried, rushed, vague "determination." You should also note that the Worker's Supervisor (Powell) was involved in the rushed conclusion of the investigation.

What "abuse" occurred? Yzaguirre cannot defend, if that simple fact is not explained.

Did "neglect" occur? What "neglect?" Yzaguirre needs that information to be able effectively to respond.

III. Agency had 45 days – rushed to a conclusion in just 15.

Per the statute (Subd. 10(e)(a)), the CP Worker had 45 days to conduct a real assessment. Instead, she quickly closed the assessment (for reasons that Yzaguirre asserts are improper).

Subdivision 10(e)(b) states, "After conducting a family assessment, the local welfare agency shall determine whether services are needed to address the safety of the child and other family members and the risk of subsequent maltreatment. The determination did not do this, and certainly did not explain why the conclusion was reached. "After conducting an investigation, the local welfare agency shall make two determinations: first, whether maltreatment has occurred; and second, whether child protective services are needed." Subdivision 10(e)(c). This was not done.

The CP Worker's purported "reasons," were simply: "...interviews, reporter information and physical evidence." This says nothing (it could have been written about any case), and certainly does not put Yzaguirre on notice of what facts support the determination. The determination does not comply with Subdivision 10(f), which requires that the determination letter provide a "summary of the specific reasons for the determination." As the reader will see, below, Yzaguirre points out that the assessment was not fair and balanced, but had an agenda.

The determination also failed to comply with Subdivision 10(f), "The notice must also include a certification that the information collection procedures under subdivision 10, paragraphs (h), (i), and (j), were followed and a notice of the right of a data subject to obtain access to other private data on the subject collected, created, or maintained under this section. In addition, the notice shall include the length of time that the records will be kept under subdivision 11c."

IV. CP charged with protecting children - not assisting prosecutors.

This case shows that the CP assessment did not comply with the Legislature's mandate. Minnesota statute §626.556, Subd. 1, "The legislature hereby declares that the public policy of this state is to protect children whose health or welfare may be jeopardized through physical abuse, neglect, or sexual abuse." (Emphasis added). The statute does not mandate or authorize assessments where the real goal is to assist city prosecutors in winning their case against one of the parents in criminal court.

Also set forth in the above-referenced statute, this assessment was not motivated by "immediate safety concerns and ongoing risks of child maltreatment." This assessment did not "strengthen the family...."

V. Assessment was rushed to prevent Eric Yzaguirre from telling his story

The CP Social Worker had been told significant information that showed Breann Morris was a chronic liar, and had in the past: i) made up stories about Eric Yzaguirre that included claims that he was violent, when he was not (per eye witnesses), ii) told those stories to police and set in motion an expensive criminal prosecution; and iii) then recanted those stories, and claimed she never told them to police. This is *not* a situation where Ms. Morris is recanting because she is a victim of battered women syndrome. She is recanting because she made the stories up, she

knows she made them up; and she does not dare go under cross examination, where she would be shown to have made the story up. (That said, Ms. Morris clearly has mental health issues, and may at times believe the stories she has made up.)

Mr. Yzaguirre has been abused by Ms. Morris (both verbally and physically) for some time. It is difficult for men in this culture to come forward and seek therapy or other services. Ms. Morris has used the system's bias in favor of women as the victim (and against men as the victim) to her advantage to further harass and abuse Mr. Yzaguirre.

Child protection in this assessment worked hard to *not* listen to the information it was being told by Yzaguirre's family and attorney (she Worker did not want to get copies of the audio of Morris, did not wait for significant additional information that the family/attorney wanted to deliver to her). Three pictures of Morris' physical abuse of Yzaguirre were provided to the Worker. In her CP report she claimed she did not know the date. *But she was the one conducting the interview and investigation.* She did not wait to get police reports of Morris causing a scene at midnight outside the Yzaguirre house, screaming until police had to be called (even though Yzaguirre's Attorney told her she had those). She did not wait to obtain a picture of the knife marks on the back of Eric Yzaguirre's neck *on the night in question*, even though Yzaguirre's Attorney told her she had obtained it. The CP Worker worked diligently to avoid any information that would support Yzaguirre's position as articulated here (that he is the abused person, and that Breann Morris is mentally ill and a perpetrator). See also the civil complaint filed against Patricia Rebling and others, Att. A. We urge this agency not to blindly rubber-stamp the CP Worker's determination. These are serious issues, and this case points up how men in this society are mistreated by a woman-dominated system.

Any attempt to base this decision on illegitimate factors (such as what would help Rebling defend her lawsuit) will be investigated and Eric Yzaguirre reserves all of his rights including his right to petition government for redress of just grievances, and his right of access to courts (in other words, sustaining this determination to assist Rebling in civil litigation will violate Eric Yzaguirre's constitutional rights).

VI. Assessment violated Eric Yzaguirre's Fifth Amendment right.

The CP assessors have a pattern or practice of telling those charged with crimes (let's face it, this is almost always the male), that they can either talk with CP, or that CP will make its decision without their input. In this case, Terri Powell acknowledged that "without his input" meant that the allegation would be taken as true because they were not disputed by Yzaguirre.

Yzaguirre was, the entire time of the CP assessment, facing criminal charges (charges he submits are baseless, but he will prove that in the criminal case). CP was demanding that within *days*, Yzaguirre submit to an interview. (He was first contacted on 10/24, and on 10/25 his Attorney was told her had only until 10/31 to

either sit for an interview or suffer the consequences of not doing so. First, there was no need to move this quickly.

Second, if CP works *with* prosecutors, then CP must comply with the Fifth amendment. Stated another way, CP was investigating, on behalf of prosecutors, seeking information to support a malicious punishment of a child criminal charge (or similar), so CP was acting as a directly criminal investigator. An American cannot be forced to talk to government, under penalty that not talking will incriminate him: that violates the Fifth Amendment.

The lack of neutral investigation by CP is further evidence is was seeking to incriminate Yzaguirre.

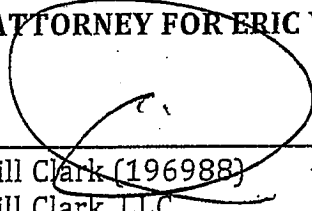
Finally, there is evidence that Breann Morris was threatened by CP, that she had to choose between Eric Yzaguirre or her children. It was this threat that made Morris go forward with her (fictitious) allegations against Yzaguirre. Such a threat is a violation of a number of rights. But it also shows the agenda of CP. Finally, it shows that any allegation by Morris should be disregarded (it is made under duress).

CONCLUSION

For all of the above reasons, and those submitted in the future (after reviewing the entire *unredacted* file on this matter: Yzaguirre is the subject of the data), Yzaguirre seeks reversal of the assessment conclusion. Eric Yzaguirre's mother's complaint that Breann Morris has mental health issues and neglects the children and acts out around them, causing them stress, was shut down. We hope it is investigated.

Dated: November 18, 2011

ATTORNEY FOR ERIC YZAGUIRRE



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(Tel.) 763 417-9102

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

Eric Yzaguirre,

Civil File No. 27-cv_____

Plaintiff,

SUMMONS

vs.

Hennepin County, Minnesota,
Patricia Rebling, Hennepin County
Responsible Authority, designee
of Responsible Authority Jessica
[last name unknown], Breann Morris,
and John Does 1-5,

COPY

Defendants.

THE STATE OF MINNESOTA TO THE ABOVE-NAMED DEFENDANTS:

THIS SUMMONS IS DIRECTED TO _____

1. YOU ARE BEING SUED. The Plaintiffs have started a lawsuit against you.

The Plaintiffs' Complaint against you is attached to this Summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no court file number on this Summons.

2. YOU MUST REPLY WITHIN 20 DAYS TO PROTECT YOUR RIGHTS. You must give or mail to the person who signed this summons a **written response** called an Answer within 20 days of the date on which you received this

Summons. You must send a copy of your Answer to the person who signed this

Summons located at:

ATT. A

Jill Clark, LLC
2005 Aquila Av. N.
Golden Valley, MN 55427

3. YOU MUST RESPOND TO EACH CLAIM. The Answer is your written response to the Plaintiffs' Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiffs should not be given everything asked for in the Complaint, you must say so in your Answer.

4. YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS. If you do not answer within 20 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiffs everything asked for in the Complaint. If you do not want to contest the claims stated in the Complaint, you do not need to respond.

A default judgment can then be entered against you for the relief requested in the Complaint.

5. LEGAL ASSISTANCE. You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. **Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.**

6. ALTERNATIVE DISPUTE RESOLUTION. The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

7. THIS LAWSUIT MAY AFFECT OR BRING INTO QUESTION TITLE TO REAL PROPERTY located in Hennepin County, State of Minnesota, legally described as follows:

3528 Irving Avenue South: Lot 2, Hull-Berg Addition.

The object of this action is to compensate Plaintiffs for the fraud in procuring a foreclosure judgment and amended judgment (this is a summary, only).

Dated: November 6, 2011

ATTORNEYS FOR PLAINTIFF

Jill Clark, Esq. (#196988)
Jill Clark, LLC
2005 Aquila Avenue North
Golden Valley, MN 55427
Phone: (763) 417-9102

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Eric Yzaguirre,

Civil Case No. _____

Plaintiff,

v.

COMPLAINT

Hennepin County, Minnesota,
Patricia Rebling, Hennepin County
Responsible Authority, designee
of Responsible Authority Jessica
[last name unknown], and John
Does 1-5,

Defendants.

SUMMARY OF CASE

Plaintiff Eric Yzaguirre sued for violation of his constitutional rights under 42 U.S.C. §1983, and for Violation of Chapter 13, Minnesota Government Data Practices Act.

PARTIES

1. Plaintiff **Eric Yzaguirre** ("Plaintiff" or "Yzaguirre") is an individual and a resident of Hennepin County.
2. Defendant **Hennepin County, Minnesota** is a municipality that can sue and be sued.

3. Defendant **Patricia Rebling** ("HCMC") is a Child Protection Social Worker employed by Hennepin County. Upon information and relief she is a resident of Hennepin County. She is sued in her individual capacity.

4. Defendant **Responsible Authority** [name unknown at this time] of Hennepin County is the identified individual responsible for the County's compliance with Chapter 13.

5. Defendant **designee of Responsible Authority** Jessica [last name unknown] works in the "records" section of the County, and is a designee of the Responsible Authority.

6. Breann Morris is a resident of Hennepin County and an individual.

7. John Does 1-5 are reserved for those individuals, entities or government agencies that are later identified and responsible for conduct alleged herein.

FACTUAL ALLEGATIONS

8. On October 19, 2011, Breann Morris attacked Plaintiff Eric Yzaguirre with a knife and cut the back of his neck. Their young child was present.

9. Yzaguirre ran toward police when they arrived, and told them that Morris was the problem. Police took a picture of the back of Yzaguirre's neck showing the knife marks.

10. To try to keep herself out of trouble, Morris alleged to police that Yzaguirre had struck the young child. Instead of arresting Morris, police arrested Yzaguirre. Yzaguirre alleges that women and men are treated differently, when it comes to allegations of domestic abuse.

11. Yzaguirre was released from custody the following day, October 19, 2011.

12. The Minneapolis City Attorney's office filed a written complaint against Yzaguirre, alleging he physically abused Morris (and several other charges). The City Attorney's Office has disclosed of its own volition that it reported the allegation of striking the young child to Hennepin County Child Protection Investigations, Human Services and Public Health Department.

13. Defendant Patricia Rebling was assigned to investigate the allegation. She began a family "assessment." On October 24, 2011, Rebling mailed a letter to Eric Yzaguirre, telling him,

Hennepin County Child Protection received a report regarding your daughter [x]. Please contact me at [phone #] to schedule an interview.

This letter did not include any of the following information:

(a) the purpose and intended use of the requested data within the collecting government entity; (b) whether the individual may refuse or is legally required to supply the requested data; (c) any known consequence arising from supplying or refusing to supply private or confidential data; and (d) the identity of other

persons or entities authorized by state or federal law to receive the data.

14. On October 24, 2011, Rebling also telephoned Yzaguirre and left a voicemail. Yzaguirre had his agent (his attorney) returned the call the same day. The Attorney for Yzaguirre told Rebling that she needed to know the nature of the allegation, in order to advise the client as to his Fifth Amendment right to remain silent. Rebling indicated that she was going to close the investigation right away if Yzaguirre did not talk to her.

15. Yzaguirre's Attorney then spoke with Rebling's supervisor, noting that she needed to know what the investigation was about to be able to advise her client as to whether he should waive his Fifth Amendment right and talk to them. Child Protection refused to expand the time to conclude the CP investigation. And it stated it must have an authorization to be able to give any information to the Attorney.

16. The Attorney for Yzaguirre noted that it would not be fair for Child Protection to speedily close its investigation and find against Yzaguirre because he declined to talk to them, when to talk to them would be a waiver of his Fifth Amendment rights, and he had a criminal case pending - perhaps on the same subject matter. Powell said perhaps the CP investigation was not related at all to the criminal matter. But she acknowledged that if Yzaguirre did not talk to Child Protection, that it was likely that not having his story would result in a finding against him.

17. . . Powell did promise to expedite the production of records to Yzaguirre (via his Attorney) within 1-2 days.

18. Yzaguirre speedily provided an authorization permitting Child Protection to release documents/data to his Attorney. On October 25, 2011, said Attorney faxed the data practices request to Child Protection.

19. Specifically contrary to the promise by Powell on behalf of the agency that the data request would be expedited, Responsible Authority designee Jessica [last name unknown] telephoned Yzaguirre's Attorney, and when they spoke, Jessica [last name unknown] told stated that she/the County would not provide the documents for 10 days.

20. This meant that Child Protection was refusing to produce the data about Eric Yzaguirre to Eric Yzaguirre (the subject of the data) within a timeframe that would permit him to evaluate whether to waive his Fifth Amendment right and talk with Child Protection about the complaint.

21. When Yzaguirre's Attorney protested the 10-day waiting period (after specifically being promised it would only be a couple of days), the Responsible Authority's designee hung up on her.

22. No data was provided, and as of the date of this Complaint, it has still not been provided.

23. On the very same day that Jessica [last name unknown] told Yzaguirre's Attorney that the County needed 10 days to comply with the data

request, October 27, 2011, Child Protection (upon information and belief the designee of the Responsible authority) faxed the entire existing CP investigative report to the Minneapolis City Attorney's Office; to use against Yzaguirre in its criminal prosecution of him. CP did not notify Yzaguirre or his agent of this. This speedy fax to prosecutors proves that the Responsible Authority or his designee was capable of providing the data immediately.

24. Yzaguirre wanted to talk to Child Protection about how Breann Morris had abused him in the presence of their young child. But he never got this chance.

25. The data faxed to the City Attorney's Office by Child Protection shows a number of communications between the Prosecutor(s) and Child Protection. It showed that Child Protection was investigating Yzaguirre for (among other things), potential 'malicious punishment of a child,' a crime. Rebling never disclosed this to Yzaguirre or his Attorney. She also did not disclose that she was transmitting information to the Prosecutors.

26. When Yzaguirre's Attorney told Rebling that she knew that the data had been provided to Yzaguirre's adversary, Rebling told Yzaguirre's Attorney to contact a County Attorney, which prevented Yzaguirre's Attorney from talking directly to Rebling. Rebling knew that the purpose of the Attorney's discussions with her was to facilitate Eric Yzaguirre being able to talk to Rebling about the subject of her investigation.

27. Yzaguirre made it clear that he was going to move to enjoin the Child Protection investigation. And that he doubted, based on what he knew, whether Child Protection was neutral, as it appeared Child Protection was working to lure him into an interview in order to use the interview against him in a criminal prosecution prosecuted by the City Attorney's Office.

28. Knowing that Yzaguirre, his family and his Attorney had, and were trying to relay to her: i) a photograph of knife cuts on the back of Yzaguirre's neck (made by Morris); ii) audiotapes and transcripts showing Morris had made false accusations against Eric Yzaguirre to police in the past, and iii) other data that vindicated Eric Yzaguirre and showed that Brean Morris has mental health issues and is the problem, Rebling quickly closed up the 'investigation' in order to avoid these materials, and to come to a non-neutral conclusion. Rebling had 45 days under statute to conclude her investigation, but did so in 15 days.

29. Yzaguirre was then notified that the results of the investigation were that "abuse and neglect occurred." Upon information and belief, Child Protection used Yzaguirre's inability to sit for an interview with them (because he could not even decide whether to do so without data with which to make an intelligent Fifth Amendment decision, because Child Protection was moving so quickly that Yzaguirre could not even catch up with them to sit for an interview, etc.) in order to make a finding against him. In other words, if only Breann Morris' story was in the record, then Child Protection could decide based on that

(and that is precisely what Child Protection had threatened to do).

30. Further, Rebling pressured Morris to testify against Yzaguirre, threatening her that she had to choose between Eric Yzaguirre and her children. Also, although Rebling told Yzaguirre's mother that she tape-records her interviews, Rebling interviewed a 6-year-old child without a parent present, and without tape-recording that interview, then twisted his words to claim he made accusations of abuse against Yzaguirre.

31. Child Protection ignored and/or prevented Yzaguirre from imparting to them: i) evidence that Breann Morris has a habit of making false allegations of abuse against Yzaguirre, ii) Breann Morris has recanted prior stories, stated she never made certain statements to police (that are in the police reports); iii) information that Morris was the perpetrator and she attacked Yzaguirre (Yzaguirre's Attorney told Rebling that she had a picture of Yzaguirre's knife wounds on the back of his neck); iv) that Morris had bragged about conjuring up complaints of abuse against her ex until she put him in prison; and v) other information that would have supported a finding against Morris (and showed her to be a liar who makes numerous false reports), but not against Yzaguirre.

COUNT I
Violation of 42 U.S.C. §1983
(Against all defendants)

32. Plaintiff realleges the above allegations as if hereinafter set forth in full and further states and alleges as follows:

33. This claim arises under Title 42 of the United States Code (Civil Rights Act of 1964, as amended), including but not limited to §1983.

34. Defendants, who acted alone or in concert, deprived Plaintiff of his rights, privileges, and immunities secured by the United States Constitution (and specifically the First, Fourth, and Fourteenth Amendments to the United States Constitution), in conjunction with other rights, including but not limited to the following clearly established rights:

- a. **to access to courts** (Rebling taking quick action to prevent Yzaguirre from bringing a TRO to enjoin the Child Protection investigation, violates Yzaguirre's First Amendment right of access to courts.
- b. **violation of due process.** Rebling failed to perform a sufficient investigation of the report, thereby violating Yzaguirre's due process rights.
- c. **retaliation for exercise of constitutional rights (Fifth Amendment right, First Amendment right to express Fifth Amendment right).** Rebling retaliated against Yzaguirre for communicating that he had a Fifth Amendment right, and wanted

to obtain information before determining whether to waive that Fifth Amendment right, by quickly closing up the investigation thereby preventing him from having any input and finding against him.

35. The Defendants acted under color of law and under statute, ordinance, regulation, resolution, policy, custom or usage when it deprived Plaintiff of his Constitutional rights, privileges, and immunities. Plaintiff specifically asserts *Monell*-type liability of municipal defendants, including but not limited to: a) unconstitutional policy of holding a non-agreement to be interviewed by accused in criminal case against him in maltreatment assessment/investigation; b) others are identified.

36. As a direct and proximate result of the Defendants' conduct, inaction, policy or customs as set forth in more detail above, Plaintiff suffered the deprivation of his constitutional and/or federal statutory rights and suffered personal injuries, including but not limited to physical pain and suffering, medical bills, mental anguish and damage to constitutional rights (and other harm to be proven at trial).

37. By reason of the foregoing, Plaintiff is entitled to judgment against Defendants in a reasonable amount in excess of \$50,000, and his reasonable attorney fees and costs incurred herein.

COUNT II
Assault
(Against Morris)

38. Plaintiff realleges the above allegations as if hereinafter set forth in full and further states and alleges as follows:

39. Conduct by Defendant Morris as set forth above created imminent and reasonable fear or apprehension by Plaintiff for his own personal safety.

40. By reason of the foregoing, Plaintiff suffered damages, including emotional distress and mental anguish, pain and suffering and other harm in a reasonable amount in excess of \$50,000.

COUNT III
Battery
(Against Morris)

41. Plaintiff realleges the above allegations as if hereinafter set forth in full and further states and alleges as follows:

42. Conduct by Defendant Morris constitutes physical contact of Plaintiff to which he did not consent, and which was the proximate cause of damage to him.

43. The aforesaid conduct by Defendant Morris constitutes battery upon Plaintiff.

44. By reason of the foregoing, Plaintiff suffered damages, including

emotional distress and mental anguish, pain and suffering, and other harm in a reasonable amount in excess of \$50,000.

COUNT IV
Violations of Chapter 13, MGDPA
(Against Responsible Authority, and
Designee Jessica [last name unknown] and Rebling)

45. Plaintiff realleges the above allegations as if hereinafter set forth in full and further states and alleges as follows:

46. This claim is brought pursuant to Minn.Stat. §13.08 (providing for civil remedies for violation of Chapter 13).

47. The data that Child Protection had was data in which Eric Yzaguirre was the subject (Yzaguirre was the subject of the data). Defendants willfully refused and/or failed to produce the data immediately (which they clearly were able to do, as evidenced by Child Protection's immediately disclosure of the data to the Minneapolis City Attorney's Office), in violation of Minn. Stat. §13.04, Subd. 3.

48. Defendant Rebling failed to provide Eric Yzaguirre with a Tennesen Warning pursuant to Minn. Stat. §13.04, Subd. 2, at the time they requested an interview of him (which they knew could be used against him in a criminal prosecution).

49. Yzaguirre was not informed pursuant to Minn. Stat. §13.04, Subd. 3, whether the individual is the subject of stored data on individuals, and whether

it is classified as public, private or confidential.”

50. Yzaguirre was not (and still has not, as of the date of this Complaint) been provided copies of the data pursuant to Minn. Stat. §13.04, Subd. 3.

51. Yzaguirre has been damaged, because he was unable to intelligently decide whether to waive his (very important) Fifth Amendment rights, now the Child Protection ‘investigation’ will likely be used (or attempted to be used) in the criminal case against him, making it appear that he is guilty, and other harm and damages to be proven at trial. Yzaguirre also seeks costs and attorney fees pursuant to Minn. Stat. §13.08. Because the violation was willful, Yzaguirre seeks exemplary damages.

WHEREFORE, Plaintiff requests judgment against Defendants as follows:

A. Judgment in a reasonable amount in excess of \$50,000 and including but not limited to compensatory, and exemplary damages;

B. Interest on the aforesaid amount;

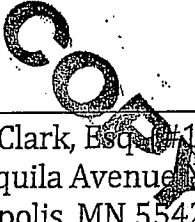
C. Awarding to Plaintiff his reasonable attorney fees and costs and disbursements incurred herein; and

D. Issuing a temporary, and then a permanent prohibitory injunction prohibiting Defendants, their officers, agents, employees, and successors, from engaging in the illegal practices complained of herein.

Plaintiff hereby demands a trial by jury on all applicable Counts.

Dated: November 6, 2011

**ATTORNEYS FOR PLAINTIFF
JILL CLARK, LLC**


By: Jill Clark, Esq. (#196988)
2005 Aquila Avenue North
Minneapolis, MN 55427
(763) 417-9102

ACKNOWLEDGEMENT

The undersigned hereby acknowledged that, pursuant to Minn. Stat. § 549.21, Subd. 2, costs, disbursements, and reasonable attorney and witness fees may be awarded to the opposing party of parties in this litigation if the Court should find that the undersigned acted in bad faith, asserted a claim or defense that is frivolous and that is costly to the other party, asserted an unfounded position solely to delay the ordinary course of the proceedings or to harass, or committed a fraud upon the Court.

Dated: November 6, 2011

**ATTORNEYS FOR PLAINTIFF
JILL CLARK, LLC**

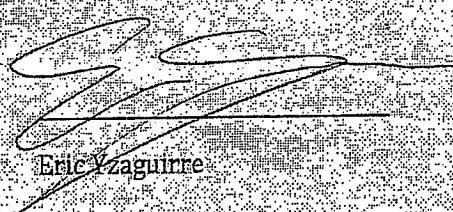
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By: Jill Clark, Esq. (#196988)
2005 Aquila Avenue North
Minneapolis, MN 55427
(763) 417-9102

AUTHORIZATION

I, Eric Yzaguirre, date of birth 7/28/70 hereby authorize any employee of Hennepin County Child Protection to speak with my Attorney, Jill Clark, Esq., or any of her staff, about any data relating to me that is held by Child Protection, or any reports, investigations or other matters relating to me (which includes any data relating to my child(ren) or my ex-girlfriend (Breann)), and to show her any files relating to me, or give her any copies of any documents relating to me.

Dated: October 25, 2011



Eric Yzaguirre



January 13, 2012

Minnesota Dept. of Human Services
Appeals Office P.O. Box 64941
PO Box 64941
St. Paul, MN 55164-0941

Re: Eric Yzaguirre Request for Reconsideration of Maltreatment Determination

Dear Human Services Department.

I represent Eric Yzaguirre and he is appealing the determination of maltreatment by Hennepin County Human Services & Public Health Department.

I have included 2 documents that highlight some problems with the assessment, one is a civil complaint (detailing why Mr. Yzaguirre is suing Hennepin County and several individuals over this purported "investigation") and 1 is a copy of the appeal letter sent to Hennepin County. The facts and arguments in those documents are incorporated in this request for reconsideration. Obviously, Mr. Yzaguirre reserves the right to relay additional facts and legal argument at the appropriate epoint.

A few points are summarized here:

- Breann Morris has a well-documented history of making false accusations against Mr. Yzaguirre. But when County CP was told this – they showed *no interest* in this information, and affirmatively refused not to entertain it.
- Breann Morris has been mediated with Seroquel, and although we are not aware of her precise diagnosis, she exhibits mental health issues and at times a "manic" state. At time, she seems unable to control her behavior.

JILL CLARK, L.L.C. ATTORNEY AT LAW

2005 AQUILA AVENUE NO. • GOLDEN VALLEY, MINNESOTA 55427 • PHONE: 763-417-9102 • FAX: 763-417-9112 • E-MAIL: JILL@JILLCLARKLLC.COM

- Breann Morris has now admitted that she conjured up this incident because she was angry at Mr. Yzaguirre (not verbatim), and that she wants to drop the no contact order and the prosecution. But apparently the City of Minneapolis has refused to do so, and appears to be forging forward for reasons unrelated to protecting the welfare of Minnesotans.
- The County CP did not give Mr. Yzaguirre a chance to tell his side of the story, and together with the Minneapolis City Attorney's Office, there is evidence that Mr. Yzaguirre was falsely arrested so that he could not meet the "deadline" to talk to CP.
- CP gave information to the City Attorney's Office, while refusing to give the same information to Mr. Yzaguirre, so that he could participate in the investigation in a meaningful way. When called on this, CP immediately shut down the investigation, thereby affirmatively preventing Mr. Yzaguirre from telling his side of the story.

Please let us know when this matter will be scheduled for a hearing. Mr. Yzaguirre does suggest that perhaps this matter should be stayed until the civil lawsuit concludes.

Please do not hesitate to contact my office if you require additional information.

Sincerely,



Jill Clark

JEC/slf

Encs.: Civil Complaint copy; copy of appeal at county level