

1 LAW OFFICES OF  
2 **WALKUP, MELODIA, KELLY & SCHOENBERGER**  
3 A PROFESSIONAL CORPORATION

4 650 CALIFORNIA STREET, 26TH FLOOR  
5 SAN FRANCISCO, CALIFORNIA 94108-2615  
6 (415) 981-7210

7 MICHAEL A. KELLY (State Bar #71460)  
8 MATTHEW D. DAVIS (State Bar #141986)  
9 ATTORNEYS FOR PLAINTIFFS

10  
11 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 COUNTY OF SAN FRANCISCO – UNLIMITED JURISDICTION

13 DANIELLE BOLOGNA, individually and as the  
14 successor-in-interest to ANTHONY  
15 BOLOGNA, MICHAEL BOLOGNA and  
16 MATTHEW BOLOGNA; ANDREW  
17 BOLOGNA; and FRANCESCA BOLOGNA,  
18 by-and-through her *guardian ad litem*  
19 DANIELLE BOLOGNA,

20 Plaintiffs,

21 v.

22 CITY AND COUNTY OF SAN FRANCISCO,  
23 a public entity; GAVIN NEWSOM, an  
24 individual; HEATHER FONG, an individual;  
25 WILLIAM SIFFERMAN; and DOES 1 through  
26 100, inclusive,

27 Defendants.

Case No.

**COMPLAINT FOR DAMAGES  
[MULTIPLE WRONGFUL DEATHS;  
CAUSES OF ACTION FOR:  
(1) NEGLIGENCE;  
(2) NEGLIGENT INFLICTION OF  
EMOTIONAL DISTRESS;  
(3) STATE CIVIL RIGHTS VIOLATIONS;  
(4) FEDERAL CIVIL RIGHTS  
VIOLATIONS (42 U.S.C. § 1983); AND  
(5) RACKETEER INFLUENCED AND  
CORRUPT ORGANIZATIONS  
VIOLATIONS [18 U.S.C. § 1601, *ET SEQ.*]);**

**JURY TRIAL DEMAND**

28 Plaintiffs DANIELLE BOLOGNA, individually and as the successor-in-interest to  
29 ANTHONY BOLOGNA, MICHAEL BOLOGNA and MATTHEW BOLOGNA, ANDREW  
30 BOLOGNA and FRANCESCA BOLOGNA, by-and-through her *guardian ad litem* DANIELLE  
31 BOLOGNA, allege as follows:

**GENERAL ALLEGATIONS**

**A. The Parties**

1. Plaintiff Danielle Bologna is an individual. During all times relevant to the

1 allegations made in this complaint she was married to and the loving and devoted wife of Anthony  
2 “Tony” Bologna. She is also the loving mother of plaintiff Andrew Bologna, plaintiff Francesca  
3 Bologna, Michael Bologna and Matthew Bologna. Anthony, Michael and Matthew Bologna are  
4 now deceased. Plaintiff Danielle Bologna is thus the surviving wife of Anthony Bologna, and the  
5 surviving mother of Michael and Matthew Bologna, and is their heir at law. She is the successor-  
6 in-interest to and succeeds to their causes of action pursuant to Code of Civil Procedure section  
7 377.11. The required declarations are attached as Exhibits 1, 2 and 3.

8           2. Plaintiff Andrew Bologna is an individual. He is the loving son of Danielle  
9 Bologna and the late Anthony Bologna. He is also the loving brother of plaintiff Francesca  
10 Bologna and the late Michael and Matthew Bologna.

11           3. Plaintiff Francesca Bologna is a minor child with a date of birth of November 19,  
12 1997. She is the loving daughter of Danielle Bologna and the late Anthony Bologna. She is also  
13 the loving sister of Andrew Bologna and the late Michael and Matthew Bologna.

14           4. Before the commencement of this action, the above-entitled court, by its Order  
15 regularly made and entered, appointed Danielle Bologna, as the *guardian ad litem* of the minor  
16 Francesca Bologna.

17           5. Plaintiffs are ignorant of the true names, capacities, and involvements of defendants  
18 named herein as DOES ONE through ONE-HUNDRED, inclusive, and therefore sues these  
19 defendants under such fictitious names. Plaintiffs will amend this Complaint to allege their true  
20 names, capacities, and involvements when same are finally determined. Plaintiffs are informed  
21 and believes, and thereupon alleges, that each of the fictitiously named defendants are negligently,  
22 strictly liable, or otherwise responsible in some manner for the occurrences alleged herein, and  
23 plaintiffs’ injuries as alleged herein were legally caused by the negligence or other actionable  
24 conduct of these defendants.

25           6. At all times herein-mentioned, defendant City and County of San Francisco (the  
26 “City” or “CCSF”) was and is a governmental entity existing under and by virtue of the laws of  
27 the State of California. At all times herein-mentioned, the San Francisco Police Department  
28 (“SFPD”) and the Juvenile Probation Department (“JPD”) were and are agencies and departments

1 of defendant CCSF.

2 7. Defendant Gavin Newsom is an individual who is and at all times relevant to the  
3 allegations made in this complaint was the Mayor of CCSF.

4 8. Defendant Heather Fong is an individual who is and at all times relevant to the  
5 allegations made in this complaint was the Chief of the SFPD.

6 9. Defendant William Sifferman is an individual who is and at all times relevant to the  
7 allegations made in this complaint was the Chief of the JPD.

8 10. At all times herein-mentioned, each and every of the defendants was the agent,  
9 servant, employee, co-conspirator, partner, joint venturer, alter ego, affiliate, and/or franchisee of  
10 each of the other defendants, and each was at all times acting within the scope of such agency,  
11 service, partnership, employment, joint venture, affiliation and/or franchise.

12 11. Within six months of the happening of the matters herein alleged, plaintiffs timely  
13 filed with the governing board of CCSF an administrative claim in compliance with the applicable  
14 provisions of the California Government Code. Subsequently, said claim was denied. This  
15 complaint is timely filed within the time permitted by law after the denial of such a claim.

16 **B. The Deaths of Plaintiffs' Decedents**

17 12. This lawsuit arises out of the murders of Anthony Bologna, 48, and his two sons,  
18 Michael Bologna, 20, and Matthew Bologna, 16 (collectively, the "decedents"). On June 22,  
19 2008, Edwin Ramos ("Ramos") shot the decedents as they sat in the family car. Andrew Bologna  
20 was also in the family car and he saw his father and brothers receive fatal injuries. This crime  
21 occurred in the City and County of San Francisco.

22 13. Ramos was born in El Salvador but had resided in or near San Francisco for years  
23 before the Bologna murders. When he murdered the decedents he belonged to an organized street  
24 gang and criminal enterprise known as Mara Salvatrucha, also known as Mara, MS and MS-13  
25 ("MS-13"). Ramos had belonged to MS-13 for years. MS-13 is known to traffic in illegal drugs  
26 and narcotics throughout the United States including in San Francisco, and its members are known  
27 to ruthlessly maintain and increase the gang's share of the illegal drug market by committing  
28 murder and other crimes of violence, sometimes for no purpose other than to cause terror and fear.

1 Plaintiffs are therefore informed and believed and on that basis allege that Ramos was heavily  
2 involved in the illegal drug trade in San Francisco for years before the Bologna murders, and that  
3 the murders were related to his membership in MS-13.

4 14. Ramos spent time in or resided in the City and County of San Francisco for years  
5 before the murders. He was unlawfully present in the United States, in violation of the  
6 Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101, *et seq.*, when he committed the  
7 Bologna murders and during all other times relevant to the allegations made in this Complaint.

8 15. Ramos is currently incarcerated and awaiting trial for committing the Bologna  
9 murders and other felonies. If convicted, he faces a sentence of death or life without the  
10 possibility of parole. If acquitted, he faces deportation. Plaintiffs do not name him as a defendant  
11 to this lawsuit because a civil suit against him would be a futile act.

12 **C. Defendants’ Illegal Sanctuary Policies and Practices**

13 16. Ramos, as a person unlawfully present in the United States, as well as other  
14 similarly situated persons (“illegal aliens”), are subject to removal from the United States pursuant  
15 to United States statutes. On and before the date of the Bologna murders, United States statutory  
16 law prohibited “harbor[ing]” an illegal alien, “knowing or in reckless disregard of the fact that an  
17 alien has come to, entered, or remains in the United States in violation of law.” 8 U.S.C. §  
18 1324a(1)(A)(iii). This law was enacted to, among other things, protect the citizens of San  
19 Francisco and the United States from violent crimes against their persons committed by illegal  
20 aliens.

21 17. On and before the date of the Bologna murders, United States statutory law  
22 prohibited “transport[ing], or mov[ing] such [illegal] alien within the United States;” 8 U.S.C. §  
23 1324(a)(1)(A)(ii). This statutory law was enacted to, among other things, protect the citizens of  
24 San Francisco and the United States from crimes of violence against them committed by illegal  
25 aliens.

26 18. On and before the date of the Bologna murders, United States statutory law  
27 prohibited “encourag[ing] or induc[ing] an alien to come to, enter, or reside in the United States,  
28 knowing, or in reckless disregard of the fact, that such coming to, entry, or residence is or will be

