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Successor in Interest and *Guardian Ad Litem*
7 to Alexandria, Elijah and Eternity Moriarty

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IN THE UNITED STATES DISTRICT COURT

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FOR THE SOUTHERN DISTRICT OF CALIFORNIA

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MICHELLE MORIARTY, an individual,
as Successor in Interest to the ESTATE
12 OF HERON MORIARTY and as
GUARDIAN AD LITEM to
13 ALEXANDRIA MORIARTY, ELIJAH
MORIARTY, and ETERNITY
14 MORIARTY,

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Plaintiffs,

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v.

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COUNTY OF SAN DIEGO, DR.
ALFRED JOSHUA, individually, and
18 DOES 1 through 10, Inclusive,

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Defendants.

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Case No.: 3:17-cv-01154-LAB-AGS

**DECLARATION OF JEANNETTE
WERNER IN SUPPORT OF EX
PARTE MOTION FOR LEAVE TO:**

1. TAKE MS. WERNER'S DEPOSITION
2. ADD MS. WERNER TO THE PTO WITNESS LIST; AND
3. COMPEL DEFENDANTS TO PRODUCE MS. WERNER'S RECORDED STATEMENT

Magistrate: Hon. Andrew G. Schopler
Judge: Hon. Larry A. Burns

1 I, Jeanette Werner, declare as follows:

2 1. The facts set forth below are within my personal knowledge and belief,
3 and if called as a witness, I will testify to the following:

4 2. I have worked for the San Diego County Sheriff's Department since
5 August 5, 2008.

6 3. I currently work as a medical records clerk at the Vista Detention
7 Facility. In that capacity, I was present certain days of Mr. Moriarty's detainment,
8 including May 31, 2016. This is not a supervisory position and I am not considered
9 management.

10 4. During Mr. Moriarty's detainment, Mr. Moriarty could be heard
11 howling throughout the jail for at least two days. He sounded like a wounded
12 animal crying out for help. I was forced to plug my ears during work because Mr.
13 Moriarty's wailing and howling was extremely disturbing.

14 5. During Mr. Moriarty's detainment, it was well known throughout the
15 nurses' station that Moriarty was refusing medication and decompensating.

16 6. Myself, and several other medical staff members, knew Mr. Moriarty
17 was a high risk of suicide on May 31, 2016.

18 7. On the morning of May 31, 2016, I was informed by Louis Guillory
19 that Sgt. Weidenthaler rejected the safety cell placement ordered by Amanda
20 Daniels.

21 8. After hearing that, I immediately approached Sgt. Weidenthaler.

22 9. I asked Sgt. Weidenthaler if he rejected Amanda Daniels' safety cell
23 order. Sgt. Weidenthaler said "Yes." In response, I said "Really, don't you hear
24 him howling? He's been howling for two days!" Sgt. Weidenthaler responded,
25 "It's my big five. Do you want to do the paperwork?" I said, "Yes, I can type
26 faster than you talk, I was a certified court reporter. He needs to be placed in the
27 safety cell." Sgt. Weidenthaler recoiled and told me to "Stand down."

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1 10. Based on my conversation with Sgt. Weidenthaler there is no doubt in
2 my mind that he knew Mr. Moriarty was suicidal because I mentioned it when we
3 were arguing. There was no discussion, at any time, regarding Mr. Moriarty's
4 homicidal ideations.

5 11. A few days after Mr. Moriarty's suicide, Sgt. Weidenthaler walked
6 into my office and closed the door behind him. He said I should not talk about
7 what had transpired to anyone.

8 12. Since then, I continue to hear Mr. Moriarty howling in my sleep. It
9 has haunted me for years. I live with guilt and remorse for staying quiet and I have
10 thought about the Moriarty family countless times.

11 13. But I cannot stay quiet any longer because the county continues to put
12 inmates at risk of serious harm.

13 14. On July 13, 2020, I contacted Morris Law Firm to discuss my concerns
14 about the county's failure to adequately safeguard inmates and its employees from
15 infection of COVID-19. During this discussion, I began talking about Mr.
16 Moriarty's suicide. I informed Mr. Morris of the facts set forth above.

17 15. On July 17, 2020, I met with Mr. Morris and Ms. Pena to discuss the
18 information I stated over the phone. I brought an email with me from a county
19 investigator requesting that I make myself available for an interview even though I
20 "had already given a statement about Moriarty in the context of Nishimoto." At
21 that time, I informed Mr. Morris and Ms. Pena that I was interviewed in connection
22 with the *Nishimoto* case.

23 16. Following this discussion with Mr. Morris and Ms. Pena, with their
24 assistance, I retained private counsel to represent me in this matter relating to future
25 interviews or depositions. Since then, I have not had substantive conversations
26 with Morris Law Firm.

27 17. In relation to this matter, I have been interviewed twice by county
28 investigators. The first time was in connection with the *Nishimoto* case wherein I


1 was asked if I knew anything about Mr. Moriarty's suicide. I informed the
2 investigator of the facts set forth above. The second interview with county
3 investigators occurred on August 13, 2020.

4 18. After staying silent for too long, I wish to be deposed and testify at
5 trial.

6 I declare under the laws of the United States of America that the foregoing is
7 true and correct under the penalty of perjury.

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Dated: August 27, 2020

DocuSigned by:


Jeanette Werner
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