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5 Attorneys for Defendants County of San Diego, William D. Gore, Jan Caldwell,
Thomas Seiver, Brendan Cook, Jesse Allensworth, James Breneman, Michael Proctor,
6 San Diego County Sheriff's Department and Bonnie Dumanis

7
8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

10
11 AMERICAN NEWS AND INFORMATION)
SERVICES, INC., a Connecticut Corporation;)
12 EDWARD A. PERUTA; and JAMES C.)
PLAYFORD,)

13 Plaintiffs,

14 v.

15 WILLIAM D. GORE, individually and in his)
official capacity as San Diego County Sheriff;)
16 JAN CALDWELL, individually and in her)
official capacity as San Diego County)
17 Sheriff's Department Public Affairs Director;)
THOMAS SEIVER,)
18 San Diego County Sheriff's Department)
Deputy, individually; BRENDAN COOK,)
19 San Diego County Sheriff's Department)
Deputy, individually; JESSE)
20 ALLENSWORTH, San Diego County)
Sheriff's Department Deputy, individually;)
21 JAMES BRENEMAN, San Diego County)
Sheriff's Department Deputy, individually;)
22 MICHAEL PROCTOR, San Diego County)
Sheriff's Department Deputy, individually;)
23 JOHN DOE 1-10; San Diego County Sheriff's)
Department; WILLIAM LANSDOWNE,)
24 individually and in his official capacity as San)
Diego Police Chief; JOHN DOE 1-10; San)
25 Diego Police Department; and BONNIE)
DUMANIS, individually and in her official)
26 capacity as San Diego County District)
Attorney; JOHN DOE 1-10; San Diego)
27 County District Attorney's Office,)
individually,

28 Defendants.

No. 12-cv-2186-BEN(KSC)

DECLARATION OF THOMAS SEIVER
IN SUPPORT OF DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT

Date: April 22, 2016

Time: 10:30 a.m.

Dept.: 5A - Courtroom of the
Honorable Roger T. Benitez

Trial Date: None

1 I, THOMAS SEIVER, declare as follows:

2 1. I am a Sergeant with the San Diego County Sheriff's Department assigned to
3 the Special Investigations Division. My current assignment is with the San Diego
4 Regional Auto Theft Task Force. In 2010, I was a patrol deputy assigned to the Ramona
5 Substation.

6 2. My first notable contact with James Playford was on February 28, 2010. I
7 was one of two deputies dispatched to a residence in Ramona regarding a male
8 brandishing a handgun. I interviewed the person who brandished the firearm at an
9 intersection near the residence and then drove to the residence to interview the reporting
10 party. After interviewing the reporting party, I had more questions for the other man and
11 returned to interview him.

12 3. As I began the interview, Deputy Ward and I were standing between our
13 patrol vehicles on the shoulder of the road when we heard Mr. Playford yelling at us from
14 across the street while holding a video camera. We tried to ignore him, but the male
15 became nervous as I was trying to get a statement from him. He began focusing on
16 Playford and not responding to my questions. Playford moved to our side of the street
17 and was filming from the side of one of the patrol cars right near to us. I asked him to
18 move back several times until he moved away, but within a couple minutes, he had
19 returned to the same spot and I could not continue the interview because the man was
20 upset about Playford being there.

21 4. I told Playford to move back again so I could complete the interview. He
22 argued with me for several minutes and refused to move. He was hostile and acting
23 irrationally. I stopped the interview, stepped towards him and directed him to move
24 back. Eventually, he moved farther away but continued to yell in our direction during the
25 remainder of the interview.

26 5. At no time did I stop Playford from filming the event; it appeared to me that
27 he was filming the entire time. My concern was completing the investigation and he was
28 preventing me from doing that.

1 6. When I returned to the substation, I reviewed my audio recording of the
2 event and believed that Playford had willfully obstructed and delayed my investigation. I
3 requested a notify warrant be issued for violation of Penal Code section 148(1). Based on
4 my report, the District Attorney issued the case against Playford.

5 7. The only other notable contact I had with Playford was on March 9, 2010. I
6 was at 1400 Main Street in Ramona in the Albertson's parking lot speaking to a woman
7 who was suicidal and also threatening to kill others. The woman was mentally disturbed
8 and I was trying to determine if I could take her into custody pursuant to Welfare and
9 Institutions Code section 5150, which requires that I have reason to believe that she is
10 experiencing a psychological breakdown and in need of immediate care. The woman was
11 upset and scared and was not yet handcuffed. I was trying to talk to her to get her into
12 my patrol car voluntarily so I would not have to use force.

13 8. Just as I had convinced the woman to walk to my patrol car, she looked
14 away and said, "Oh, I don't want my picture taken." I then saw Playford standing
15 between us and my car. I waved my hand at Playford to move out of the way. Playford
16 appeared to be filming with his camera and he was asking the woman questions. As we
17 got closer to him, I asked him to stay back several times. The woman was becoming
18 angry with Playford and was getting tense. She told me she was going to grab the camera
19 from him. Playford refused to move and began arguing with me and then advanced
20 towards us. I told him several times to get back. When he was about 10 feet away, the
21 woman screamed and charged at Playford. I placed myself between the woman and
22 Playford as Deputy Stemper was struggling to control the woman.

23 9. After we were able to get the woman calmed down and into the patrol car, I
24 arrested Playford for obstructing and delaying me in violation of Penal Code section 148.
25 The charges were issued by the District Attorney. I did not prevent Playford from
26 filming and his video was eventually used by the prosecution in the criminal trial.

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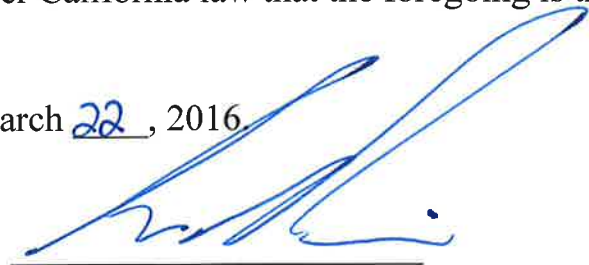
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1 10. I was never the subject of an Internal Affairs investigation of a complaint by
2 Mr. Playford. I based the charges on the intentional acts of Playford obstructing
3 investigations and delaying us in completing them. The arrests were not in retaliation for
4 anything, they occurred because of Playford's conduct at the time of each event and I was
5 not directed by anyone else to make the arrests.

6 11. Based on our training and experience, we know that law enforcement
7 officers' activities in public are subject to being filmed at any time. I have not at any
8 time prevented anyone from filming me in the performance of my duties.

9 I declare under penalty of perjury under California law that the foregoing is true
10 and correct.

11 Executed in San Diego, California, March 22, 2016.



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13
14 THOMAS SEIVER