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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

COLIN SCHOLL, JOHN VAESAU, DWIGHT ANDERSON, AND JAMES CHO,

Plaintiffs

v.

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION,

Defendant.

Case No. 24CV091030

FIRST AMENDED CLASS ACTION COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND, IN THE ALTERNATIVE, CONVERSION AND UNJUST ENRICHMENT

[Code Civ. Proc. §§ 1085, 1060; Gov. Code § 11350; Civ. Code § 3337]

I. INTRODUCTION

1. Every year, more than 30,000 people complete California state prison sentences and are released back into their communities. Formerly incarcerated people have the chance to close a difficult chapter when they leave the prison gates, but they also face new and sometimes equally difficult challenges upon reentry. Successful reentry benefits both formerly incarcerated people and the entire community by enhancing public safety and reducing recidivism. In recognition of this, the state of California has charged the California Department of Corrections and Rehabilitation ("CDCR" or "Defendant") with coordinating and implementing some discrete reentry services. As part of this responsibility, the state Legislature requires CDCR to provide $200 of release funds, also known as "gate money," to most people released from prison as a small but vital aid as they make their way home.

2. Plaintiffs file this action because CDCR routinely fails to fulfill this statutory obligation. CDCR has openly acknowledged its non-compliance with state law. In 1994, the Department promulgated a regulation that explicitly violated the state law that guarantees gate money. Since 1994, CDCR has released approximately 2.5 million people from prison, according to the U.S. Department of Justice's Bureau of Justice Statistics. Assuming that CDCR was following its own unlawful regulation during this time, the Department has shortchanged well over one million people who were entitled to that gate money. In doing so, CDCR contravenes state law, undermines rehabilitation, and jeopardizes public safety. Accordingly, Plaintiffs bring this action to declare unlawful the Department's policy of withholding gate money from those entitled to it. Plaintiffs also seek prospective equitable relief to ensure CDCR complies with its ongoing statutory duties under Penal Code section 2713.1, including by evaluating the eligibility of Plaintiffs and the Class members for gate money using the correct legal standard.

3. CDCR's failure to pay gate money harms people in the most vulnerable moment of their lives. For many incarcerated people, release from prison marks the start of a sort of shadow sentence that extends far beyond their official punishment. People released from prison face widespread stigmatization and the challenge of navigating the 3,000 state laws that constrain formerly incarcerated people's choices and opportunities. Human Impact Partners, *Rehabilitating Corrections in California: The Health Impacts of Proposition 47* 26-27 (Sept. 2014), https://perma.cc/4NET-R2WK. One result of these obstacles is that people recently released from prison have an unemployment rate of over 27%, a figure that exceeds the unemployment rate during the Great Depression. Lucius Couloute & Daniel Kopf, *Out of Prison & Out of Work: Unemployment among formerly incarcerated people*, Prison Policy Initiative (July 2018), https://perma.cc/9TZ9-4ANY. Those released from prison are also 10 times more likely to be unhoused than the general population. Lucius Couloute, *Nowhere to Go: Homelessness among formerly incarcerated people*, Prison Policy Initiative (Aug. 2018), https://perma.cc/78C3-WC5E. For many low-income people and people of color released from prison, these reentry challenges are compounded by the added difficulties attendant to poverty and racial discrimination.

4. Two hundred dollars is a small sum, but it is not insignificant. Research emphasizes the importance of the first 72 hours after release as a period that sets the stage for people's long-term reentry success. Stanford Criminal Justice Ctr., *The First 72 Hours of Re-Entry: Seizing the Moment of Release* (Sept. 12, 2008), https://perma.cc/H6UV-LW6E. Gate money allows people to find a full meal and a safe bed on their first day and night out of prison. It enhances public safety by keeping people out of desperate or vulnerable circumstances in that crucial period after release.

5. In recognition of these benefits, the California Legislature voted more than fifty years ago to provide people with $200 of gate money upon their release from prison. After receiving bipartisan and nearly unanimous support in the Legislature,

the gate money bill was signed into law by then-Governor Ronald Reagan. *See* Assemb. B. 476, 1973-1974 Reg. Sess. (Cal. 1973) (codified at Cal. Pen. Code § 2713.1); ASSEMB. JOURNAL, 1973-1974 Reg. Sess. 8869-70 (Cal. 1973); Act of Sept. 14, 1973, Cal. Stats. of 1973, ch. 1006, 2000-01.

6. The gate money statute, Penal Code section 2713.1, has remained essentially unchanged for half a century. Yet rather than provide each eligible person with the $200 to which they are entitled, CDCR routinely withholds some or all of the funds based on eligibility criteria of its own making, criteria that violate the plain language of the law. For decades and until after this lawsuit was filed, CDCR's policy was to deduct the cost of clothing and transportation from people's gate money when they lacked other transportation or clothing options, and sometimes even when they had other options. 15 Cal. Code Regs. § 3075.2(d). To this day, CDCR frequently withholds gate money from people it releases into the custody of county jails, even though such releasees are entitled to gate money. *See* Cal. Dept. of Corrections & Rehabilitation, Memorandum, *Procedures to Process Release Funds for Offenders Discharged While Out to Court* 1 (July 11, 2013). These unlawful practices—along with other policies that similarly obstruct people's statutory right to receive gate money—are not only violations of law but are also exceptionally cruel. With these unlawful regulations, CDCR has chosen to target people who do not even have clothes and transportation pre-arranged for them by loved ones, and who are among the most vulnerable people CDCR is tasked with assisting.

7. The legislative history of the gate money statute makes clear that CDCR never had the authority to withhold gate money for reasons that are not specified in the statute. When Governor Reagan signed Penal Code section 2713.1 in 1973, he did so over the objection of the Department of Corrections. The Department's primary objection to the bill was that it fixed the amount of gate money owed to people released from prison, rather than giving CDCR the discretion to decide how much to provide.

The Legislature rejected CDCR's recommendation, as did Governor Reagan, and enacted a law that bound CDCR to provide exactly $200 of gate money in all but a few circumstances, such as for those who willfully abscond or serve sentences shorter than six months. Accordingly, CDCR's practice of routinely withholding gate money violates the law and undermines the integrity of the justice system. CDCR, which is charged with incarcerating those who break the law, is itself breaking the law every day.

8. Plaintiffs and the Class members they seek to represent have all been released from CDCR custody after serving a sentence of more than six months' incarceration. They served the prison time imposed by the courts, yet CDCR failed to provide them with the gate money they are owed by law. Plaintiffs bring this action to require CDCR to effectuate its statutory duty to apply the correct legal standard when calculating the amounts due to Class members, to calculate the correct amount for Class members where an incorrect legal standard was previously applied, and to furnish any previously unremitted sums that it deems are owed upon recalculation.

II. JURISDICTION AND VENUE

9. This Court has jurisdiction pursuant to Article VI, Section 10 of the California Constitution and Code of Civil Procedure section 410.10.

10. Venue is proper in this Court pursuant to Code of Civil Procedure section 401(1).

III. PARTIES

A. Plaintiffs/Petitioners

11. **Plaintiff Colin Scholl** resides in Los Angeles, California. He spent twelve years in CDCR custody. On July 22, 2021, CDCR released Scholl from Salinas Valley State Prison. State law obligated CDCR to provide him with $200 of gate money upon his release. CDCR did not meet its obligation.

12. On the day before Mr. Scholl's release, CDCR activated a JPay Progress Prepaid Mastercard for him and loaded it with $169.56 in release funds. According to

CDCR's Form 102, this amount represented $200 in total release funds minus a $30.44 deduction for clothing that CDCR provided to Mr. Scholl without his request or consent.

13. Before giving Mr. Scholl his JPay card, however, CDCR used it to purchase a $55.00 Amtrak ticket that Mr. Scholl did not authorize or use. CDCR did not record the Amtrak ticket purchase on Mr. Scholl's CDCR Form 102 release document. Accordingly, the JPay card only held $114.56 in release funds when CDCR provided it to Mr. Scholl. By giving Mr. Scholl only $114.56 of the $200 it owed him, CDCR violated state law.

14. Mr. Scholl maintains that his claims, and the relief he seeks, are better suited for a mandamus action and are thus not subject to the Government Claims Act ("GCA"). Nevertheless, Mr. Scholl filed a Government Claims Act claim with the California Department of General Services on June 16, 2025, on behalf of himself and others similarly situated raising the issues addressed in this complaint. Mr. Scholl filed his claim in response to this Court's May 30, 2025 order characterizing the relief sought as "retrospective" and directing compliance with the GCA. Mr. Scholl did not file a GCA claim sooner because his mandamus claim was based on a theory of *ultra vires* government action not typically subject to the GCA. *See*, *e.g.*, *Board of Administration v. Wilson*, 52 Cal. App. 4th 1109, 1126 (1997) (mandamus action to enforce mandatory duty regarding future funding of retirement system was not one for money or damages and thus, was not subject to the GCA's claim-filing requirement). He also did not file sooner because CDCR led him to believe through its own written materials that he received all he was due under the law, presenting its practices as legitimate and lawful. He had no reason to believe a GCA claim was required prior to this Court's May 30, 2025 order.

15. **Plaintiff John Vaesau** resides in San Francisco, California. He spent three decades in CDCR custody. On June 26, 2023, CDCR transferred Mr. Vaesau

from Folsom State Prison to a San Francisco jail for resentencing. He was discharged from the San Francisco jail on September 5, 2023. State law obligated CDCR to provide Mr. Vaesau with $200 of gate money upon his release, notwithstanding the fact that Mr. Vaesau was discharged after a CDCR transfer to a county jail. Cal. Dept. of Corrs. & Rehab., *Dept. Operations Manual*, § 81010.6, https://perma.cc/SD4U-MTB9.

16. CDCR did not provide Mr. Vaesau with any of his gate money. Upon his release, Mr. Vaesau contacted CDCR to request his gate money, but he never received a response. By failing to furnish gate money to Mr. Vaesau, CDCR violated state law.

17. Mr. Vaesau maintains that his claims are not subject to the Government Claims Act. Nevertheless, Mr. Vaesau filed a Government Claims Act claim with the California Department of General Services on June 16, 2025, on behalf of himself and others similarly situated raising the issues addressed in this complaint. Mr. Vaesau filed his claim in response to this Court's May 30, 2025 order characterizing the relief sought as "retrospective" relief and directing compliance with the GCA. Mr. Vaesau did not file a GCA claim sooner because his mandamus claim was based on a theory of *ultra vires* government action not typically subject to the GCA. *See Wilson*, *supra*. He also did not file sooner because CDCR led him to believe through its own written materials that he received all he was due under the law, presenting its practices as legitimate and lawful. He had no reason to believe a GCA claim was required prior to this Court's May 30, 2025 order.

18. **Plaintiff Dwight Anderson** resides in San Francisco, California. On September 3, 2024, CDCR released Mr. Anderson from Pelican Bay State Prison after he spent one year in CDCR custody.

19. According to CDCR's Form 102, CDCR activated Mr. Anderson's JPay card five days before his release and loaded the card with $190.00 in release funds, reflecting a $10 deduction for transportation costs. The following day, CDCR used the

card to pay $87 to Amtrak for a train ticket that Mr. Anderson neither wanted nor requested.

20. Mr. Anderson maintains that his claims are not subject to the Government Claims Act. Nevertheless, Mr. Anderson filed a Government Claims Act claim with the California Department of General Services on June 16, 2025, on behalf of himself and others similarly situated raising the issues addressed in this complaint. Mr. Anderson filed his claim in response to this Court's May 30, 2025 order characterizing the relief sought as "retrospective" relief and directing compliance with the GCA. Mr. Anderson did not file a GCA claim sooner because his mandamus claim was based on a theory of *ultra vires* government action not typically subject to the GCA. *See Wilson*, *supra*. He also did not file sooner because CDCR led him to believe through its own written materials that he received all he was due under the law, presenting its practices as legitimate and lawful. He had no reason to believe a GCA claim was required prior to this Court's May 30, 2025 order.

21. **Plaintiff James Cho** resides in Los Angeles, California. He served four separate terms in CDCR custody, with prison terms ending in 2007, 2009, 2012, and 2015. Each term was at least six months long. State law obligated CDCR to provide Mr. Cho with $200 of gate money upon each release. Each time, CDCR illegally withheld some portion of Mr. Cho's gate money. When he was last released in 2015, CDCR used approximately $50 of Mr. Cho's gate money to pay for transportation and clothing that he had not requested. In withholding portions of the gate money it owed Mr. Cho across multiple releases, CDCR violated state law.

22. Mr. Cho is covered by the GCA claim filed on June 16, 2025 by Mr. Scholl, Mr. Vaesau, and Mr. Anderson on behalf of themselves and a class of similarly situated individuals. Mr. Cho did not file a GCA claim on his own behalf sooner because his mandamus claim is based on a theory of *ultra vires* government action not typically subject to the GCA. *See Wilson*, *supra*. He also did not file sooner because CDCR led

him to believe through its own written materials that he received all he was due under the law, presenting its practices as legitimate and lawful. He had no reason to believe a GCA claim was required prior to this Court's May 30, 2025 order.

23. Plaintiffs have complied with the presentation requirements of the California Government Claims act by filing a timely written claim in accordance with Government Code sections 910 et seq. on June 16, 2025, which was deemed rejected by operation of law by Defendant's failure to respond within 45 days. This action is timely filed within the period prescribed by Government Code section 945.6.

B. Defendant

24. Defendant California Department of Corrections and Rehabilitation is a state agency created pursuant to the laws of California.

IV. STATUTORY BACKGROUND

25. In 1973, the State Assembly unanimously passed Assembly Bill 476 to codify the general requirement that people being released from state prison be given $200 in gate money. Enrolled Bill Memorandum to Governor, CA Assembly Bill 476 (Sept. 25, 1973). AB 476 received broad support in the Senate too, with all but one member voting in support.

26. The bill was designed to help people released from prison get started as responsible members of society. Nevertheless, the Department of Corrections opposed the bill and encouraged the Governor to veto it. *See* Enrolled Bill Memorandum to the Governor on Assemb. B. 476, 1973-1974 Reg. Sess. (Sept. 25, 1973); Cal. Dep't of Corr., Enrolled Bill Report on Assemb. B. 476, (Sept. 24, 1973), accessed in the Governor's Chaptered Bill File for Assemb. B. 476, Reg. Sess. 1973-74. Over the Department's objections, the Legislature approved the bill and Governor Ronald Reagan signed it into law as Penal Code section 2713.1.

27. Since 1973, Penal Code section 2713.1 has provided that, "each prisoner upon his release shall be paid the sum of two hundred dollars ($200)." Penal Code

§ 2713.1. The statute only authorizes CDCR to implement narrow exceptions to this general rule. Specifically, it provides that,

> [t]he department may prescribe rules and regulations
>
> (a) to limit or eliminate any payments provided for in this section to prisoners who have not served for at least six consecutive months prior to their release in instances where the department determines that such a payment is not necessary for rehabilitation of the prisoner,
>
> (b) to establish procedures for the payment of the sum of two hundred dollars ($200) within the first 60 days of a prisoner's release, and
>
> (c) to eliminate any payment provided for in this section to a parolee who upon release has not been paid the entire amount prescribed by this section and who willfully absconds after release on parole, but before the remaining balance of the two hundred dollar ($200) release funds has been paid.
>
> The provisions of this section shall not be applicable if a prisoner is released to the custody of another state or to the custody of the federal government.

Penal Code § 2713.1.

28. Thus, CDCR is obligated to provide gate money to everyone released from prison, other than those released to the custody of another state or the federal government. The law dictates no other exceptions, and only grants CDCR the discretion to withhold funds from people who abscond from the jurisdiction or who serve less than a six-month sentence. In the case of those with sentences of less than six-months, CDCR can provide less than $200 only "in instances where the department determines that such a payment is not necessary for rehabilitation of the prisoner." Penal Code § 2713.1.

29. Despite this clear statutory mandate, CDCR has promulgated policies and regulations directing its employees to give people less than the statutorily-required $200. For example, in direct contravention of Penal Code section 2713.1, CDCR promulgated a regulation directing its employees to deduct the cost of release apparel and transportation from people's release money, which has long resulted in people receiving less than the $200 required by law. 15 Cal. Code Regs. § 3075.2(d). The

Department exceeded its statutory authority when adopting this regulation since the language directly conflicts with the authorizing statute.

30. Indeed, a Court of Appeal ruled in 2008 that CDCR's gate money regulation, as written at the time, was unlawful. In *Sabatasso v. Superior Court*, 167 Cal. App. 4th 791, 797 (2008), the Court of Appeal ordered that gate money be paid to an individual from whom CDCR had wrongly withheld it under the regulation. The Court wrote: "Because the language of section 2713.1 is clear, it may not be changed by title 15, section 3075.2." The *Sabatasso* decision made clear that parts of section 3075.2 are contrary to state law. Yet, even after *Sabatasso*, CDCR did not bring its regulatory language or practices into compliance with the law. CDCR continued to distribute gate money in accordance with unlawful parts of the regulation throughout the sixteen years since *Sabatasso*, until after this lawsuit was filed. The *Sabatasso* court did not require the plaintiff to pursue the claim under the rubric of the Government Claims Act, and CDCR does not appear to have argued that he was required to do so.

31. Just three weeks after Plaintiffs filed the original complaint in this action, CDCR issued a memo directing staff to stop deducting the cost of clothing and transportation from release allowances. Def.'s Responses to Requests for Production, Set One, AGO 1039-1040. Then, on January 24, 2025, CDCR initiated the process of amending California Code of Regulations, title 15, section 3075.2, subdivision (d), so it no longer directs employees to unlawfully deduct the cost of clothing and transportation from release allowances. Cal. Dept. of Corrections & Rehabilitation, *Notice of Change to Regulations*, NCR No. 25-02, at 1 (Jan. 24, 2025), https://perma.cc/AAQ9-2FHM. After a months-long notice and comment period, the California Office of Administrative Law approved the regulatory change on June 17, 2025. Cal. Office of Admin. Law, Notice of Approval of Regulatory Action, OAL Matter No. 2025-0505-04 (June 17, 2025) p. 1. The newly adopted language goes into effect on

October 1, 2025. *Id.* However, CDCR has not indicated that the change is permanent and retains the ability to modify its regulations at any time absent a court order.

V. FACTS

32. Every year CDCR releases more than 30,000 people from custody. Though the Department is obligated to provide $200 to nearly all of them, it routinely fails to do so.

33. CDCR's *ultra vires* approach to gate money causes real harm beyond just the millions of dollars wrongfully withheld from individuals. People who are recently released from prison are uniquely vulnerable to homelessness, victimization, and recidivism among other risk factors. The critical transition from incarceration to freedom presents difficult challenges for formerly incarcerated people, for the justice system, and for public safety. The $200 in gate money which CDCR "shall" provide these individuals can only help to mitigate these risks if it is actually provided, as the law requires.

34. Although $200 cannot buy much in 2025, particularly when it comes to lodging, food, or transportation, gate money is still a critical lifeline for the tens of thousands of people released from prison each year. For many of these people, gate money may mean the difference between sleeping in a bed or on the streets the first night out of detention. It may mean the difference between having a warm meal or confronting the desperation of hunger.

35. For Plaintiffs, and the Class they seek to represent, gate money promotes the "rehabilitative purpose" intended by the Legislature, 15 Cal. Code Regs. 3075.2(d), but only if CDCR complies with the law.

36. CDCR has not only harmed releasees by withholding their gate money, but also by systematically misrepresenting the lawfulness of its conduct. Since at least 1994, CDCR has continuously presented its unlawful deductions as legitimate through official regulations, departmental policies, and materials distributed to releasees. For

example, CDCR's Department Operations Manual § 74070.17 provides that "state-issued release clothing shall be charged against the inmate's release allowance."

37. CDCR also provides all releasees with Form 102 documents that disguise unlawful transportation and apparel deductions as legitimate "charges" and official line-item deductions, complete with formal deduction fields labeled "Less Clothing" and "Less Transportation Charges," followed by spaces for dollar amounts and signature lines requiring the releasee to acknowledge these deductions. These forms carry the full weight of CDCR's regulatory authority, appearing alongside other lawful administrative requirements and presented as part of the Department's official compliance with state regulations. For individuals whose time in custody has been governed by CDCR regulations and paperwork, these official documents inevitably carry the imprimatur of legal validity.

a. Total State Allowance	$	200.00
b. Less Clothing (From Section III)	$	-30.44
c. Less Transportation Charges (Voucher # _____)	$	
d. Less Advance to Temporary Release	$	
Net State Allowance: (a to d)	$	169.56

38. When asked about the propriety of its gate money deductions, CDCR has defended them. For example, during a Notice and Comment period in 1994 for California Code of Regulations, title 15, section 3075.2, subdivision (d), a commenter explicitly challenged the deduction of transportation costs from gate money—not on the basis that it was unlawful under Penal Code 2713.1, but because it was unfair that people being released have "no voice in the choice" of the transportation that is arranged, yet are being forced to pay. Def.'s Responses to Requests for Production, Set One, AGO 240. The agency defended the regulation, explaining that the "costs of transportation [are] absorbed by the parolee rather than the taxpayer who has supported the parolee completely during their period of incarceration." These kinds of statements obscure the fact that CDCR lacked legal authority to make such deductions.

39. The systematic presentation of these deductions through formal administrative channels—from departmental manuals to standardized forms to regulatory notices posted within institutions—creates a comprehensive veneer of legality that not only makes the deductions appear legitimate, but suggests they are legally mandated components of the release process. Misrepresentations like these prevented Plaintiffs and Class members from discovering the unlawfulness of CDCR's conduct until the filing of this action on September 11, 2024, bringing this issue to light and prompting a CDCR policy change.

40. Although CDCR can be presumed to have known the language of Penal Code section 2713.1 since it was enacted in 1973, the Department has nevertheless presented its unlawful policies as legitimate for at least the last 31 years. The 2008 *Sabatasso* decision reinforced that CDCR's regulations conflicted with the explicit language of the statute, yet CDCR continued to represent its unlawful practices as proper.

41. Class members had no reason to suspect CDCR was violating the law because CDCR's own official materials, regulations, and procedures all conveyed that the deductions were authorized. These were common misrepresentations that cover the entire class period. Moreover, Class members were confined under CDCR's supervision for at least six months—and in many cases years or decades—without the ability to research the legality of CDCR's policies. The vulnerable circumstances of people leaving prison, which the Legislature recognized when enacting the gate money statute, further limited Class members' ability to investigate potential legal violations. CDCR's affirmative misrepresentations about the lawfulness of its conduct thus prevented Class members from discovering their injuries and deterred them from filing timely claims challenging CDCR's practices.

VI. CLASS ACTION ALLEGATIONS

42. Plaintiffs Colin Scholl, John Vaesau, Dwight Anderson, and James Cho bring this action pursuant to California Code of Civil Procedure section 382 on behalf of themselves and a Class of similarly situated individuals defined as follows:

> All persons who (a) were released from the custody of the California Department of Corrections or Rehabilitation on or after July 27, 1994 after serving a term of incarceration of at least six consecutive months; (b) who were provided less than $200 by CDCR upon release; and (c) who were not released into the custody of another state or the federal government.

Excluded from the Class are: (1) any parolee who was determined to have willfully absconded after release; (2) any Judge or Magistrate presiding over this action and members of their families; (3) Defendant and its officers and directors; (4) Plaintiffs' counsel and Defendant's counsel; and (5) the legal representatives, successors, and assigns of any such excluded persons.

43. **Numerosity:** The exact number of Class members is not currently available to Plaintiffs, but individual joinder is clearly impracticable. On information and belief, the Class size exceeds hundreds of thousands of individuals.

44. **Commonality and Predominance:** There are many questions of law and fact common to the claims of Plaintiffs and the proposed Class, and those questions predominate over any questions that may affect individual members of the Class. Common questions for the Class include, but are not limited to, the following: (a) whether CDCR's regulations, including California Code of Regulations, title 15, section 3075.2, subdivision (d), as currently in effect, exceed statutory authority or are otherwise unlawful; (b) whether CDCR has unlawfully withheld any portion of the $200 release money from Plaintiffs and the proposed Class; (c) the amount which CDCR owes members of the proposed Class; and (d) whether CDCR misrepresented the lawfulness of its gate money policies to Class members.

45. **Typicality and Adequate Representation:** Plaintiffs will fairly and adequately represent and protect the interests of the proposed Class, and have retained counsel competent and experienced in complex litigation and class actions. Plaintiffs' claims are representative of the claims of the other members of the proposed Class. They were all denied some or all of their $200 entitlement after serving a term of six months or more in CDCR's custody. They were injured because of Defendant's unlawful conduct. Plaintiffs have no interests antagonistic to those of the proposed Class, and Defendant has no defenses unique to Plaintiffs. Plaintiffs and their counsel are committed to vigorously prosecuting this action on behalf of the proposed Class and have the resources to do so. Neither Plaintiffs nor their counsel have any interest adverse to the proposed Class.

46. **Predominance and Superiority:** Class proceedings are superior to all other available methods for the fair and efficient adjudication of this controversy, as joinder of all members of the Class is impracticable. Individual litigation would not be preferable to a class action because individual litigation would increase the delay and expense to all parties due to the legal and factual controversies presented in this Complaint. By contrast, a class action presents far fewer management difficulties and provides the benefits of single adjudication, economy of scale, and comprehensive supervision by a single court. Economies of time, effort, and expense will be fostered and uniformity of decisions will be ensured. Moreover, the harm suffered by the individual members of the proposed Class is relatively small compared to the burden and expense of prosecuting individual actions to redress Defendant's wrongful conduct. Absent a class action, it would be difficult for members of the proposed Class to obtain effective relief from Defendant.

47. **Policies Generally Applicable to the Class:** This class action is appropriate for certification because Defendant has acted on grounds generally applicable to the Class as a whole, thereby requiring the Court's imposition of uniform

relief to ensure compatible standards of conduct towards the members of the Class and making final injunctive relief appropriate with respect to the Class as a whole. The policies that Plaintiffs challenge apply to and affect members of the Classes uniformly, and Plaintiffs' challenge of these policies hinges on Defendants' conduct with respect to the Classes as a whole, not on facts or law applicable only to Plaintiffs. The factual and legal bases of Defendants' liability to Plaintiffs and to other members of the Classes are the same.

VII. CLAIMS—PROSPECTIVE

FIRST CAUSE OF ACTION
Writ of Mandate (CCP § 1085)
Effectuate § 2713.1's Statutory Mandate to Release Funds
(On behalf of Plaintiffs and the Class)

48. The foregoing allegations are re-incorporated and re-alleged herein.

49. Defendant has a non-discretionary duty, under Penal Code section 2713.1, to pay $200 of gate money to every person upon their release after a period of custody of at least six consecutive months, so long as the person is not released into the custody of another state or the federal government.

50. Plaintiffs and each member of the proposed Class were in Defendant's custody for at least six consecutive months and were not released into the custody of another state or the federal government.

51. However, Defendant failed to pay Plaintiffs and each of the proposed Class members the $200 required by Penal Code section 2713.1.

52. Instead, Defendant acted unlawfully and beyond the scope of its statutory authority by deducting unauthorized sums from the amounts distributed to Plaintiffs and each of the proposed Class members. Defendant's actions were also arbitrary and capricious, an abuse of discretion, and contrary to law and the public interest.

53. Plaintiffs and the proposed Class have no plain, speedy, or adequate remedy at law other than the relief sought herein. Other legal remedies, such as

actions for conversion or negligence, cannot compel CDCR's ongoing compliance with its statutory duty under Penal Code section 2713.1, including by evaluating the eligibility of Plaintiffs and each proposed Class member for gate money using the correct legal standard mandated by statute, and effectuating any payments determined to be due as a result of such proper evaluation. To put a finer point on it, Plaintiff's mandamus action would not require the Court to calculate any amounts owed to Plaintiffs or the members of the Class. It would only require the Court to determine whether the regulations and policies CDCR used to calculate Class members' entitlement complied with Penal Code section 2713.1, and if not, to order CDCR to calculate each member of the Class's entitlement using the correct legal rule as prescribed by the statute and confirmed by the Court. In contrast, an action for conversion or negligence would require the amount of damages claimed to be proved in this Court. Only a writ of mandate can provide the relief sought by Plaintiffs.

54. Under California law, the relief sought here is considered "prospective," not retrospective. *Cf.* Gov. Code § 12926(a) ("'Affirmative relief' or 'prospective relief' includes the authority to order reinstatement of an employee, awards of backpay, reimbursement of out-of-pocket expenses . . . and any other similar relief that is intended to correct unlawful practices under this part."). Federal courts have similarly recognized that mandamus actions seeking to compel compliance with statutory duties constitute prospective relief even when monetary payments may result. *Scholl v. Mnuchin*, 494 F. Supp. 3d 661, 681 (N.D. Cal. 2020) (characterizing an order requiring the federal government to reconsider previously filed claims as a form of prospective relief suitable for injunction).

55. This action fundamentally seeks mandamus relief to compel CDCR's compliance with clear statutory obligations, not monetary damages. The Government Claims Act therefore does not apply. While CDCR's compliance may ultimately result in gate money payments to Class members—as the agency properly evaluates

entitlements under the correct legal standards and makes lawfully required disbursements pursuant to those calculations—such incidental monetary consequences do not transform this into a damages action subject to the GCA. California law is unambiguous: the Government Claims Act does not govern suits where "the primary outcome sought [is] not money or damages, but an order compelling performance of a mandatory duty." *Wilson*, 52 Cal. App. 4th at 1126. Like actions "to compel by ministerial act the release of funds," this lawsuit primarily seeks enforcement of mandatory governmental duties and thus constitutes mandamus relief, "not one for damages from the sovereign"—regardless of whether the government's compliance necessarily involves transferring funds. *County of Sacramento v. Lackner*, 97 Cal. App. 3d 576, 588 (1979); *see also Harris v. State Personnel Bd.*, 170 Cal. App. 3d 639, 643 (1985) ("Those actions which seek injunctive or declaratory relief and certain actions in mandamus, . . . and where money is an incident thereto, are exempted from the [Government Claims Act]."); *Snipes v. City of Bakersfield*, 145 Cal. App. 3d 861, 870 (1983). ("[An] action for specific relief does not lose its exempt status solely because incidental money damages are sought. . . . Back pay clearly is specific monetary relief *incidental* to the requested orders."). The provision of any monetary relief here would be merely incidental to an order requiring CDCR to discharge its statutory mandate in compliance with the law.

SECOND CAUSE OF ACTION
Writ of Mandate (CCP § 1085)
Require CDCR's Policies and Practices to Comply With Law
(On Behalf of Plaintiff John Vaesau and the Class)

56. The foregoing allegations are re-incorporated and re-alleged herein.

57. Defendant has a non-discretionary duty to ensure that its internal policies, practices, and regulations comply with and effectuate the requirements of Penal Code section 2713.1.

58. CDCR maintains policies that contravene the mandate of Penal Code section 2713.1 by placing impermissible restrictions on releasees' receipt of gate money,

including by failing to provide such money to people who are released to county jails for resentencing.

59. Defendant's continued implementation and enforcement of such unlawful policies constitutes a failure to perform its mandatory duty to comply with state law and ensure that its subordinate policies conform to statutory requirements.

60. CDCR recently adopted new language in Title 15, California Code of Regulations, section 3075.2, removing the provisions that authorized deductions from release allowances for clothing and transportation. Cal. Office of Admin. Law, Notice of Approval of Regulatory Action, OAL Matter No. 2025-0505-04 (June 17, 2025) p. 1. CDCR purports to have made these changes to align its regulations with Assembly Bill 157 (Ch. 994, Stats. 2024), a trailer bill to California's Budget Act of 2024. Accordingly, there is nothing preventing CDCR from reverting to its previous unlawful regulatory language on the basis that the provisions of AB 157 expired at the end of the 2024–2025 fiscal year. Notwithstanding CDCR's new regulatory language, judicial intervention is necessary to ensure CDCR's permanent compliance with Penal Code section 2713.1 given its decades long track record of non-compliance.

THIRD CAUSE OF ACTION
Declaratory Relief (CCP § 1060, Gov. Code § 11350)
(On behalf of Plaintiffs and the Class)

61. The foregoing allegations are re-incorporated and re-alleged herein.

62. California Penal Code section 2713.1 requires Defendant to pay $200 to each person released from its custody who has served a term of incarceration lasting at least six consecutive months and who is not released directly into the custody of another state or the federal government.

63. California Penal Code section 2713.1 does not authorize Defendant to make deductions from the $200 payment to eligible individuals.

64. Nevertheless, Defendant adopted a regulation purporting to authorize deductions from the $200 statutory entitlement. The unlawful regulation, as currently

in effect, provides: "The cost of the following items shall be deducted from the inmate's release allowance in connection with the inmate's release: Release apparel not previously purchased by the inmate or inmate's designee. Any transportation costs paid by the state." 15 Cal. Code Regs. § 3075.2(d).

65. This regulation is *ultra vires* and exceeds the statutory authority provided to CDCR.

66. Plaintiffs and members of the proposed Class were directly harmed by Defendant's unlawful regulation because they were denied payment of their $200 statutory entitlement pursuant to it.

67. Plaintiffs and the proposed Class seek a judicial declaration holding that 15 Cal. Code Regs. section 3075.2(d) is invalid, contrary to law, and exceeds statutory authority to the extent that it purports to authorize deductions to be applied against the $200 release allowance which are not authorized by California Penal Code section 2713.1.

VIII. CLAIMS—RETROSPECTIVE

FOURTH CAUSE OF ACTION
Conversion (In the Alternative)
(On behalf of Plaintiffs and the Class)

68. The foregoing allegations are re-incorporated and re-alleged herein.

69. This cause of action is pleaded in the alternative to Plaintiffs' First Cause of Action for Writ of Mandate per the Court's May 30, 2025 order. Plaintiffs maintain that mandamus is the appropriate remedy for Defendant's failure to perform its mandatory statutory duty under Penal Code section 2713.1. However, in the event that this Court determines that mandamus relief is not appropriate, Plaintiffs plead this conversion claim in the alternative.

70. California Penal Code section 2713.1 creates a statutory entitlement for Plaintiffs and members of the proposed Class to receive $200 of gate money upon their release from CDCR custody. This statutory entitlement provides Plaintiffs and Class

members with an ownership interest and right to possession in the gate money such that substantial interference constitutes conversion. *See Farmers Ins. Exchange v. Zerin*, 53 Cal. App. 4th 445, 452 (1997) ("Money can be the subject of an action for conversion if a specific sum capable of identification is involved.").

71. CDCR substantially interfered with Plaintiffs' and Class members' possession of their gate money by withholding some or all of it, or by spending portions of it rather than remitting it to Plaintiffs and the Class. Plaintiffs and Class members did not consent to CDCR's interference with their gate money.

72. CDCR's conversion harmed plaintiffs and Class members. The legislature and governor enacted California Penal Code section 2713.1 to aid people during the critical period following release. The legislative history makes clear that, without release money, people are more likely to suffer and more likely to recidivate. Indeed, as a result of CDCR's conversion, Plaintiffs and Class members could not afford shelter, food, hygiene supplies, and other essentials. Their lack of adequate funds upon release was a direct result of CDCR impermissibly withholding, spending, or forcing them to spend their gate money upon their release.

73. Plaintiffs and the Class therefore seek payment by Defendant to them of all amounts of gate money unlawfully withheld or diverted from them, along with interest from that time. Cal. Civ. Code § 3336.

74. Plaintiffs Anderson, Vaesau, and Scholl filed a Government Claims Act claim with the California Department of General Services on June 16, 2025 on behalf of themselves and others similarly situated raising the issues addressed in this complaint. Plaintiffs filed this claim by presenting it to the state within one year of the accrual of Mr. Anderson's cause of action, which is the timeline applied to any causes of action other than those regarding "death or for injury to person or to personal property or growing crops." Cal. Gov. Code § 911.2. Mr. Scholl and Mr. Vaesau did not file sooner because they maintain that mandamus is the appropriate remedy for CDCR's

statutory violation and because CDCR led them to believe, through its own materials presenting its practices as legitimate, that its failures to perform a statutory duty were legal. They had no reason to believe a GCA claim was required prior to this Court's May 30, 2025 order.

FIFTH CAUSE OF ACTION
Unjust Enrichment (In the Alternative)
(On behalf of Plaintiffs and the Class)

75. The foregoing allegations are re-incorporated and re-alleged herein.

76. This cause of action is pleaded in the alternative to Plaintiffs' First Cause of Action for Writ of Mandate per the Court's May 30, 2025 order. Plaintiffs maintain that mandamus is the appropriate remedy for Defendant's failure to perform its mandatory statutory duty under Penal Code section 2713.1. However, in the event that this Court determines that mandamus relief is not appropriate, Plaintiffs plead this claim for unjust enrichment in the alternative.

77. Plaintiffs and Class members were lawfully entitled to $200 in gate money upon their release from CDCR custody.

78. CDCR unlawfully used and/or withheld Plaintiffs' and Class members' gate money. It benefitted from doing so by using these funds to cover its own expenses.

79. Plaintiffs and Class members needed their gate money to cover essential expenses. Instead of providing them with their gate money, CDCR unjustly retained the benefit of these funds at the expense of Plaintiffs' and Class members' urgent reentry needs.

80. Plaintiffs and the Class therefore seek payment by Defendant to them of all amounts of gate money unlawfully withheld or diverted from them, along with interest from that time. Cal. Civ. Code § 3336.

81. Plaintiffs Anderson, Vaesau, and Scholl filed a Government Claims Act claim with the California Department of General Services on June 16, 2025 on behalf of

themselves and others similarly situated raising the issues addressed in this complaint. Plaintiffs filed this claim by presenting it to the state within one year of the accrual of Mr. Anderson's cause of action, which is the timeline applied to any causes of action other than those regarding "death or for injury to person or to personal property or growing crops." Cal. Gov. Code § 911.2. Mr. Scholl and Mr. Vaesau did not file sooner because they maintain that mandamus is the appropriate remedy for CDCR's statutory violation and because CDCR led them to believe, through its own materials presenting its practices as legitimate, that its failures to perform a statutory duty were legal. They had no reason to believe a GCA claim was required prior to this Court's May 30, 2025 order.

IX. PRAYER FOR RELIEF

81. Plaintiffs respectfully pray for relief as follows:

(a) Certification of the proposed Class, appointment of Plaintiffs as Class Representatives, and appointment of Plaintiffs' counsel as Class Counsel;

On the First through Third Causes of Action:

(b) Issue a writ of mandate directing Defendant to prospectively re-evaluate the eligibility of each Plaintiff and member of the proposed Class for a $200 release payment without applying unlawful deductions and impermissible requirements, and finally disburse the balance of any portion of that entitlement that has not been paid;

(c) Issue a writ of mandate directing Defendant to invalidate and revise all policies and regulations that conflict with the statutory mandate provided by California Penal Code section 2713.1;

(d) Issue a declaratory judgment that Defendant exceeds its statutory authority and violates the requirements of California Penal Code section 2713.1 by promulgating policies and effectuating practices that reduce or withhold release payments in a manner not prescribed by the statute;

In the Alternative, on the Fourth and Fifth Causes of Action:

(e) Award monetary damages to Plaintiffs and Class members in the amount of all gate money unlawfully withheld, diverted, or converted by Defendant;

On All Causes of Action:

(f) Award pre-judgment and post-judgment interest on sums unlawfully withheld from Plaintiffs and members of the proposed Class;

(g) Award the payment of attorneys' fees and costs; and,

(h) For such other and further relief as the Court deems just and proper.

Respectfully submitted,

Dated: August 12, 2025

By: /s/ *Yaman Salahi*

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