

1 Your name:

Dennis Bruce Allums

2 Address:

1871 Solano Ave. Berkeley California

3 #7152 94707

4 Phone Number:

510-730-5424

5 Fax Number:

6 E-mail Address:

dennisallums@gmail.com

7 Pro Se [Select one: Plaintiff or Defendant]

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 [Select one location: San Francisco / Oakland / San Jose / Eureka]

11 Dennis Bruce Allums

Case Number:

CV 25-8837

12 Plaintiff(s),

Title of Document:

Complaint

13 vs.

14 Bay Area Rapid Transit

15 Defendant(s).

28 TITLE OF DOCUMENT: CASE NO.:

PAGE NO. OF [JDC TEMPLATE]

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NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA — OAKLAND DIVISION

DENNIS BRUCE ALLUMS,
Plaintiff,

1831 Solano Ave, #7152 Berkeley, California 94707 510 (510) 239-3514
v.S.

BAY AREA RAPID TRANSIT DISTRICT (BART), ET ALL.
Defendant.

Address: 2150 Webster Street, 10th Floor, Oakland, CA 94612

Phone (main): (510) 464-6000

Case No.

COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF
(Jury Trial Demanded)

I. INTRODUCTION

This civil rights action arises from an incident on **April 28, 2025**, at the **El Cerrito Plaza BART Station**, during which **Plaintiff Dennis Bruce Allums**, a **legally disabled individual**, was subjected to discrimination, elder abuse, and unlawful treatment by a BART station agent and subsequently by BART Police.

Defendant BART and its agents violated Plaintiff's rights under the **Americans with Disabilities Act (42 U.S.C. §12132)**, **Section 504 of the Rehabilitation Act (29 U.S.C. §794)**, the **Unruh Civil Rights Act (Cal. Civ. Code §51)**, and the **Elder Abuse and Dependent Adult Civil Protection Act (Cal. Welf. & Inst. Code §15600 et seq.)**, among other laws.

II. JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction pursuant to **28 U.S.C. §1331, §1343(a)(3)-(4), and 42 U.S.C. §1983**, as this action arises under the Constitution and federal statutes, including the ADA and the Rehabilitation Act.
 2. Supplemental jurisdiction is proper under **28 U.S.C. §1367(a)** for Plaintiff's related state-law claims.
 3. Venue is proper under **28 U.S.C. §1391(b)**, as the events occurred in **Contra Costa County, California**, within the Northern District of California, Oakland Division.
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III. PARTIES

4. **Plaintiff Dennis Bruce Allums** is a 65-year-old disabled resident of **El Cerrito, California**, who suffers from cardiac and neurological impairments requiring 22 daily medications and ongoing medical supervision.
 5. **Defendant Bay Area Rapid Transit District (BART)** is a public transportation agency and political subdivision of the State of California that receives federal funding and is thus subject to the ADA, Section 504, and the Unruh Civil Rights Act.
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IV. NARRATIVE

6. On April 28, 2025, Plaintiff entered the **El Cerrito Plaza BART Station** to travel to Berkeley. After realizing he had forgotten personal items, he exited and re-entered the station with the permission of the on-duty station agent.
7. The agent subsequently seized Plaintiff's Clipper card, forcibly charged him for reasons unknown and refused to return the card and lectured him about leaving the station to get his personal belongings insisting that he was too slow.
8. Plaintiff was then mocked and verbally demeaned despite explaining his disability-related memory impairments.
9. Upon contacting **BART Police**, responding officers (including Officer **R. Apentsui, Badge #887**) refused to document the theft and in fact indicted that the theft was not theft as he was wrong for going back to his card in which is why his fee was gone and that there was no theft.
10. The incident, as video shows resulted in severe stress, humiliation, and physical distress requiring **emergency room treatment at Kaiser Permanente** later that day.
11. Internal Affairs confirmed investigation under **Case No. IA2025-040**, monitored by BART's **Office of the Independent Police Auditor (OIPA)**
12. He was then encourage to travel illegally without proper documentation in which would certainly result in arrest as due to the theft, it looked as if he never tagged in.

13. He was effectively detained by the station agent, and he was unjustly detained against his will
 14. When it became clear to second Bart officer, who took over for the first due to the volatile situation, he then committed the worst offense by offering the plaintiff a bribe to drop his complaint and not report the crime/theft by the employee.
 15. Bart Video, repeatedly, falsely stating that there is no video and it was deleted until I investigated and proved there was.
 16. Lying by officers on incident report CPRA 25-336 Stating factual circumstances surround incident was “ Fare Dispute” and not theft despite the overwhelming evidence of theft and civil rights violations.
 17. Refusal to supply agents name or officer’s names who violated civil rights. They were also left off the incident report, even plaintiffs name is left off the incident report as part of the coverup to avoid any media attention or discovery of violations.
 18. Refusal to supply plaintiff with Bart video of the civil rights violations lying and saying it didn’t exist then switching from stating the video didn’t exist to a new excuse, there was an ongoing investigation depriving plaintiff of evidence of the civil rights violations.
 19. The theft was not the main incident; the theft was in retaliation for plaintiffs’ complaint about his unlawful detainment and then the theft followed after his complaint. Again, the initial dispute was whether disabled people with memory problems can go to their cars twice. The agent insisted on the plaintiff telling her why he had such bad memory, and would not release the plaintiff until he did. The plaintiff’s repeated complaints about the detainment resulted in the retaliation and the unprovoked theft of his fare and was forced to travel as a fare evader as he was no longer able to continue the ride but was deceitfully allowed to in order to assist in he being charged as a fare evader at his exit station.
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V. LEGAL CLAIMS

COUNT I — VIOLATION OF AMERICANS WITH DISABILITIES ACT, TITLE II (42 U.S.C. §12132)

12. Title II of the ADA prohibits public entities from discriminating against qualified individuals with disabilities.
13. Plaintiff, a qualified individual with disabilities, was denied reasonable accommodation and subjected to differential treatment.
14. Defendant failed to train its employees in ADA compliance and denied Plaintiff equal access to transit services.

Authorities:

- *Tennessee v. Lane*, 541 U.S. 509 (2004) — Title II applies to public services.

- *Duvall v. County of Kitsap*, 260 F.3d 1124 (9th Cir. 2001) — Failure to provide reasonable accommodation constitutes intentional discrimination.
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COUNT II — SECTION 504 OF THE REHABILITATION ACT (29 U.S.C. §794)

15. Defendant BART receives federal funding and is thus subject to Section 504.
16. Defendant denied Plaintiff participation in and benefits of its programs because of his disability.

Authorities:

- *Alexander v. Choate*, 469 U.S. 287 (1985) — Intentional exclusion or discrimination constitutes violation.
 - *Mark H. v. Lemahieu*, 513 F.3d 922 (9th Cir. 2008) — Public agencies must make reasonable accommodations for qualified individuals.
-

COUNT III — UNRUH CIVIL RIGHTS ACT (Cal. Civ. Code §51)

17. Defendant, through its employees, denied Plaintiff full and equal access to transportation services based on his disability.
18. This discriminatory conduct constitutes a violation of the Unruh Civil Rights Act.

Authorities:

- *Munson v. Del Taco, Inc.*, 46 Cal.4th 661 (2009) — Unruh liability may be established through ADA violations.
-

COUNT IV — ELDER ABUSE AND NEGLECT (Cal. Welf. & Inst. Code §15600 et seq.)

19. Plaintiff, aged 65, qualifies as an “elder” under the statute.
20. The conduct of BART staff constituted abuse and neglect through emotional harm, humiliation, and reckless disregard for safety.

Authorities:

- *Delaney v. Baker*, 20 Cal.4th 23 (1999) — Reckless neglect of an elder’s rights is actionable.

- *Sababin v. Superior Court*, 144 Cal.App.4th 81 (2006) — Failure to provide necessary care to an elder supports liability.
-

COUNT V — NEGLIGENCE AND NEGLIGENT TRAINING (Cal. Civ. Code §1714)

21. Defendant owed Plaintiff a duty to operate its public transit system safely and non-discriminatorily.
 22. Defendant breached that duty through negligent hiring, supervision, and training of personnel in ADA compliance and disability sensitivity.
 23. Plaintiff suffered physical and emotional harm as a result.
-

COUNT VI — UNLAWFUL DETENTION / FOURTH AMENDMENT (42 U.S.C. §1983)

24. Defendant's agent unlawfully detained Plaintiff by withholding his property and restricting his movement without cause.
25. This conduct violated Plaintiff's Fourth Amendment rights to be free from unreasonable seizure.

Authorities:

- *Graham v. Connor*, 490 U.S. 386 (1989).
 - *Lester v. City of Chicago*, 830 F.2d 706 (7th Cir. 1987).
-

Count VII. Bribery

- **Bribery/Obstruction (CA & Federal):** Allege that the officer “corruptly offered a thing of value to Plaintiff to prevent reporting/prosecution and to influence statements,” citing **PC § 137**, **PC § 136.1**, and **18 U.S.C. §§ 1510, 1512**; if records were falsified, add **PC § 118.1** and **18 U.S.C. § 1519**. If the scheme ties to BART's federally funded operations/transactions (≥ \$5,000), include **18 U.S.C. § 66**
- **Civil Rights:** Plead a **Bane Act** claim (**Civ. Code § 52.1**) for coercive interference with your rights, and—if you're also bringing federal civil-rights claims—frame the conduct as **under color of law** violating due process/equal protection (**18 U.S.C. § 242** is criminal, but its elements track the §1983 theory you'll plead).

- **Entity Liability:** Attach Gov't Code § 815.2(a) to reach BART for its officer's acts; anticipate discretionary-act defenses and preserve exceptions.

Count VIII. Concealment of Evidence/Cover-up

Defendant Bay Area Rapid Transit (BART), acting through its security and video personnel, knowingly and willfully concealed the existence of surveillance footage relevant to Plaintiff's ADA complaint, constituting obstruction of justice under 18 U.S.C. § 1519, false statements under 18 U.S.C. § 1001, and a violation of Plaintiff's due process rights under the Fourteenth Amendment. Such concealment also violated Title II of the ADA, 42 U.S.C. § 12132, and implementing regulations at 28 C.F.R. § 35.130, by depriving Plaintiff of equal access to the administrative and judicial process."

RELATED CIVIL RIGHTS VIOLATIONS

1. False Imprisonment

- **Definition:** The unlawful restraint of a person's freedom of movement without legal justification or consent.
- **Legal Basis:**
 - *Common law tort* recognized in all U.S. jurisdictions.
 - **California Penal Code § 236** defines false imprisonment as "the unlawful violation of the personal liberty of another."
- **Elements (Civil):**
 1. Defendant intentionally restrained, detained, or confined the plaintiff.
 2. The restraint was without the plaintiff's consent.
 3. The restraint was unlawful (no legal authority or probable cause).

Case Example:

Fermino v. Fedco, Inc., 7 Cal.4th 701 (1994) — A retail employee's detention by store security was deemed potentially actionable as false imprisonment.

2. Violation of Civil Rights (Under Color of Law)

If the employee acted **with state authority or in concert with police**, it can rise to a **civil rights violation** under 42 U.S.C. § 1983.

- **Legal Claim:**

- Deprivation of liberty without due process, violating the **Fourth and Fourteenth Amendments**.
- Applies if the detention was done “under color of state law” — e.g., if the employee acted as an agent or informant for law enforcement.

Case Example:

Lugar v. Edmondson Oil Co., 457 U.S. 922 (1982) — A private party can be liable under §1983 when acting jointly with state officials to deprive someone of rights.



3. Unlawful Detention / Illegal Arrest

- **Definition:** Detaining someone without lawful justification or probable cause.
- If the employee or security guard acts beyond the scope of *shopkeeper's privilege* (the limited right to detain suspected thieves briefly and reasonably), it becomes **unlawful detention**.

California Authority:

- *Collyer v. S.H. Kress Co.*, 5 Cal.2d 175 (1936): “Detention must be reasonable both in manner and time; otherwise, it is false imprisonment.”
-



4. Civil Rights Violation – Unlawful Seizure

If the detention involved cooperation with or direction by police, it can qualify as a **Fourth Amendment unlawful seizure**.

- **Statute:** 42 U.S.C. § 1983
 - **Constitutional Basis:** Fourth Amendment (right to be free from unreasonable searches and seizures).
 - **Case Example:** *Terry v. Ohio*, 392 U.S. 1 (1968) — Seizure requires reasonable suspicion; anything more can violate constitutional rights.
-



5. Intentional Infliction of Emotional Distress (IIED)

If the employee's conduct was outrageous, humiliating, or threatening, it can also constitute **IIED**.

- **Elements:**
 1. Extreme and outrageous conduct.

2. Intent or reckless disregard to cause emotional distress.
3. Severe emotional distress suffered by the victim.

Case Example: *Hughes v. Pair*, 46 Cal.4th 1035 (2009).



6. Discrimination or Retaliation (Civil Rights Act / ADA)

If the unjust detention was motivated by **race, disability, age, or other protected traits**, it may also violate:

- **Title II or III of the Americans with Disabilities Act (42 U.S.C. §12132, §12182)**
- **Civil Rights Act of 1964, Title II (42 U.S.C. §2000a)** — Public accommodations discrimination.
- **California Civil Code § 51 (Unruh Civil Rights Act)** — Protects individuals from arbitrary discrimination

DAMAGES

26. Plaintiff suffered the following injuries and damages:

- Emotional distress and public humiliation;
- Exacerbation of cardiac condition requiring emergency medical care;
- Financial loss and theft of public transit funds;
- Ongoing anxiety and insomnia.

27. Plaintiff seeks **compensatory damages of \$250,000**, plus costs and attorney's fees under **42 U.S.C. §1988**.

28. Plaintiff also seeks **injunctive relief** requiring BART to:

- Implement comprehensive ADA and elder-sensitivity training;
 - Issue a written apology;
 - Revise fare dispute procedures for disabled passengers.
-

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Enter judgment in favor of Plaintiff and against Defendant;
2. Award compensatory and general damages

3. Award punitive damages as beyond the theft, there was retaliation. bribery. onlawful detainment, concealing of evidence, etc....
4. Grant injunctive relief requiring ADA compliance and training reforms;
5. Award costs of suit and reasonable attorney's fees under 42 U.S.C. §1988; and
6. Grant such other relief as the Court deems just and proper.

Dated: 10/10/2025
Respectfully submitted,

/s/ Dennis Bruce Allums

Dennis Bruce Allums

926 Avis Drive

El Cerrito, CA 94530

Phone: (510) 730-5424

Email: DennisAllums@gmail.com

Plaintiff, Pro Se

A handwritten signature in cursive script that reads "Dennis Allums". The signature is written in dark ink and is positioned below the typed name and contact information.

False Bart Incident Report



BAY AREA RAPID TRANSIT POLICE DEPARTMENT

Kevin Franklin, Chief of Police

2018th Street

San Francisco, CA 94607-9

www.bart.gov/police

DATE: 9/5/2025

RE: CPRA 25-336

Per your request, pursuant to Government Code §7923.615, the following information is disclosed:

Time, substance, and location of all complaints/request for assistance	1435 hrs, 6699 Fairmount Ave, El Cerrito, CA 94530
Time, nature and response	1440 hrs, station agent required reporting party to use clipper card to exit
Time/date/location of occurrence	4/28/2025, 1435 hrs, 6699 Fairmount Ave, El Cerrito, CA 94530
Time/date of the report	1437 hrs, 4/28/25, 2025-023666
Factual circumstances surround incident	Fare Dispute
General description of any injuries, damages, weapons	N/A
Name/age of the victim	N/A