

## Gonzalez Family File Lawsuit Against City

**Ekene Ikeme**

Attorneys for Mario Gonzalez's son filed a wrongful death federal lawsuit Friday, Dec. 17, against three Alameda police officers, the former interim-Alameda police chief and the City of Alameda.

The lawsuit comes a week after the Alameda County Coroner Bureau's office ruled Gonzalez's death a homicide ("Coroner Report Released" Dec. 16).

The suit was filed in the Northern District of California on behalf of Gonzalez's five-year-old son, Mario Jr. The suit names Alameda Police Department (APD) officers Eric McKinley, James Fisher, and Cameron Leahy, then-interim APD Police Chief Randy Fenn and the City as defendants.

Also named as defendants in the suit are John/Jane Does 1 through 10. The plaintiff is reserving the right to sue city employees they deem responsible for the hiring, training, supervision and discipline of the three officers involved in the altercation with Gonzalez, 26. The suit says the identities of the Jane/John Does are currently unknown, but plaintiffs will amend the complaint as soon as the individuals are revealed.

Gonzalez, of Oakland, died after an altercation with the three officers, which included them restraining him in the prone position on April 19. The suit states the officers violated Gonzalez's civil and constitutional right to be free from unreasonable searches and seizures; and free from using excessive and unreasonable force during a seizure, including the use of unlawful deadly force, which are secured under the Fourth Amendment. The claim also declares Mario Jr.'s constitutional right to be free from wrongful government interference with familial relationships and Plaintiff's and Decedent's

right to companionship by using deadly force without a legitimate law enforcement purpose was violated.

Along with the violation of civil and constitutional rights, Gonzalez Jr.'s attorneys are filing five other counts against the defendants. Count two, Municipal and Supervisory Liability, excludes the three officers and names just the City, Fenn and Does 1 through 10 as defendants. The count deems the actions of the three officers were "directed, encouraged, allowed, and/or ratified by policymaking officials for City."

The count cites the Mali Watkins detention on May 23, 2020, ("Arrest Raises Questions for AAPD," June 7, 2020) — Fisher was involved in this incident, according to the lawsuit — and the death of Shelby Gattenby, who was tased by APD officers before his death in December 2018, as examples that city officials have a history of tolerating "the use of unlawful deadly force including permitting and training officers to use deadly force when faced with less than an immediate threat of death or serious bodily injury."

Other counts include negligence, false arrest and imprisonment, and assault and battery.

Mario Gonzalez Jr.'s attorneys are seeking punitive damages for the injuries he sustained as a result of the "acts and omissions" from the defendants. Those injuries include wrongful death of his father; hospital and medical expenses; coroner's fees; and funeral and burial expenses. He is also claiming suffering from loss of familial relationships, includ-

ing loss of love, companionship, comfort, affection and emotional distress.

The coroner report claimed the main cause of Gonzalez's death was the "toxic effects of methamphetamine," but the suit alleges the amount, .9 milligrams per liter, was far too low to cause his death. Also, the report said Gonzalez's alcoholism contributed to his death, but the suit says he did not have any alcohol in his system at his time of death.

On April 19, around 10:42 a.m., McKinley arrived at Scout Park in response to the calls for service of

**"Gonzalez, 26, died after an altercation with the three officers, which included them restraining him in the prone position on April 19."**

— Mario Gonzalez Jr. lawsuit

Minutes after Fisher arrived, the two officers began to apprehend Gonzalez. After failing to place him in handcuffs, McKinley and Fisher took him to the ground. Bodycam footage shows Fisher and McKinley use their body weight to pin Gonzalez down. Gonzalez began struggling and struggling to breathe. Leahy arrived minutes later, and he used his body weight to control Gonzalez's legs.

The suit was filed by Michael J. Haddad and Julia Sherwin for Haddad & Sherwin, LLP. Gonzalez's mother Edith Arenales has retained her own counsel and will likely file a separate lawsuit. The three officers are on paid administrative leave.



## AUSD Provides Rapid At-Home Antigen Tests

**Sun Staff Reports**

The Alameda Unified School District (AUSD) provided two rapid, at-home, antigen tests to every student and employee before Winter Break began on Dec. 20. Their goal is to help identify and respond to positive cases upon the return to school on Jan. 3, 2022.

AUSD wants to identify and respond to positive cases among students and staff as quickly as possible, to prevent or minimize the spread of the virus after winter break. The tests take about one minute to complete and 15 minutes to process. AUSD is asking that all students and staff take the tests on Jan. 2 (the day before they return to school) and again on Jan. 6.

AUSD officials say that if a child tests positive, they should

not return to school on Jan. 3. Instead, they and/or their parent should contact their health provider and enter the student's positive result on the COVID-19 Symptom Tracker on their school's home page.

"We thank you for working with us to keep our community safe," wrote AUSD in a press release.

Students and employees were given full directions, in multiple languages, for taking the tests on the Instructions for the At-Home Rapid Antigen Test web page.

AUSD's PCR testing sites will be closed Dec. 18 through Jan. 1, 2022. Testing will be available at Alameda High School and Encinal Jr. & Sr. High School on Jan. 2 from 9 a.m. to 5 p.m. AUSD's regular testing schedule will begin again on Jan. 3.

## Historic Play at Rhythmix Reflections on Starting Our Third Decade in Alameda

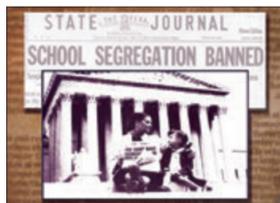
**Sun Staff Reports**

Rhythmix Cultural Works will host a play *Words That Made the Difference: Brown vs. the Board of Education* on Jan. 15, 2022.

*Education* is based on actual events in the fight to end school segregation and is set in the courtrooms of history, capturing the real words in court cases that culminated in *Brown vs. the Board of Education*. The script draws from trial transcripts of the five cases that were brought together in front of the Supreme Court and from Chief Justice Earl Warren's memoirs. The words of *Brown* took effect years after the legal ruling.

As California has faced a recent court order to desegregate a school district (Marin County, 2019), *Brown vs. the Board of Education* has continued meaning as the nation struggles with the need to be an anti-racist society.

The play is written and directed by Dr. Cindy Acker, Ed.D. Acker lives and works in the City of Alameda. She is the founder of The Child Unique



The show begins at 7 p.m. Tickets are \$25 in advance and \$30 the day of the show.

and The Montessori Elementary Intermediate School of Alameda (MEISA) and has served as principal for over 30 years. She has several degrees in education, human development, spirituality, cultural studies and a doctorate in Educational Leadership from UC Berkeley. Acker has also been involved in public policy, representing Montessori schools in California. She is a published author and a national keynote speaker.

The show begins at 7 p.m. Tickets are \$25 in advance and \$30 the day of the show. For more information, visit <https://www.rhythmix.org/events/brown-vs-the-board-of-education>.

**Eric Kos**

As 2021 closes the *Alameda Sun* staff took a moment to reflect on the newspaper's two decades of service. We considered our origins, what we have accomplished, and what the future may bring.

Starting in July 2001, three friends: Jim Spratley, Eric J. Kos and Eric Turowski, who met while working for an East Bay newspaper chain, got together to pursue Spratley's dream of starting a local newspaper focused primarily on Alameda. Kos (the only founder still living in Alameda today) brought in another friend and newspaper veteran, Julia Park (Tracey) as the founding editor.

In September 2001, the dream became a reality when the four partners opened a small office at 3211 "D" Encinal Ave. Spratley, a native-born Alamedan, brought a host of local knowledge and business contacts; Kos, a graduate of Rhode Island School of Design brought his graphic design experience at the Piedmont Post and the Castro Valley Forum; Park Tracey



File photo

Early staff at the Alameda Sun, left to right: Kos, Sharon Reid, Turowski, Solomon Russell, Park Tracey, Ed Moser, Louisa Bryant, Laurel Yeates, Woody Minor, Spratley.

added her journalism and English/creative writing degrees and experience, and Turowski brought a wide set of business and production skills from his experience at various Bay Area newspapers and other publications.

Near the end of the first year, Spratley's life took on a new direc-

tion, and the team wished him a fond farewell. The remaining three partners continued until 2007 when Julia Park Tracey was offered a position with Alameda Magazine. She would go on to serve as Alameda's Poet Laureate

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**Alameda Sun Almanac**

Date	Rise	Set
Today	7:22	16:54
Dec. 24	7:22	16:55
Dec. 25	7:22	16:56
Dec. 26	7:23	16:56
Dec. 27	7:23	16:57
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## Christmas Tree Lane

Once again Thompson Avenue in Alameda brightens up the night sky with a celebration of lights fit for a king. A menagerie of color is on full display at the house on the left. More can be seen on page 3.

Photos by Betty Young.

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