



NEWS BUSINESS TECH SPORTS ENTERTAINMENT LIVING PUBLICATIONS OPINION MY TOWN

CLASSIFIED JOBS CARS HOMES

[Sign In](#) | [Register](#) | [Newsletters](#)

eEdition | [Subscriber Services](#) | [Mobile](#)

Like 774



Spring is in the Air

Enjoy our **SpringTime savings** 7 days a week

> Book Now 650.561.1580

Rosewood
Sand Hill
Menlo Park, CA

Site Web Search by **YAHOO!**

today's DEALS

San Mateo County Times

San Mateo County

Recommend

Send

2 people recommend this.
[Sign Up](#) to see what your friends recommend.

0

Share

Tweet 2

San Mateo County man who park ranger shot with Taser files civil rights lawsuit

By Joshua Melvin
jmelvin@bayareanewsgroup.com
Posted: 03/21/2013 05:07:10 PM PDT
Updated: 03/21/2013 07:39:57 PM PDT

OAKLAND -- A San Mateo County man filed a federal civil rights lawsuit Thursday against the National Park Service ranger who shot him with a Taser during a confrontation sparked last year by his off-leash dog.

Gary Hesterberg, 51, alleges Ranger Sarah Cavallaro violated his Fourth Amendment right protecting against unreasonable force during arrest when she zapped him on a trail at Rancho Corral de Tierra open space near Montara.

Hesterberg had ignored Cavallaro's orders not to walk away after she stopped and warned him about having one of his two small dogs off-leash Jan. 29, 2012. The area had recently come under control of the National Park Service which started forbidding free roaming dogs there. Some residents, dog owners and Rep. Jackie Speier, D-Hillsborough, were outraged by the use of force.

"A law enforcement officer is only allowed to tase someone if they pose a substantial and immediate threat," said Hesterberg's attorney, Oakland-based attorney Michael Haddad. "But in this case she tased him because he started to walk away."

Cavallaro, who transferred to the Grand Canyon after the incident, was cleared of any wrongdoing, National Park Service spokesman Howard Levitt said. But the report on the investigation was never made public due to federal worker privacy laws. Levitt declined further comment on the suit, which he said he hadn't seen.

Hesterberg, of Montara, claims the ranger ignored his questions about who she was and which agency she worked for.

Advertisement

As the confrontation escalated, Hesterberg said "Do not tase me. I have a heart condition," according to the lawsuit.

He also says he gave her his real name during the incident, which contradicts authorities' allegations he gave a false one.

Finally Hesterberg says the ranger yanked the razor-sharp darts from the shock weapon out of his back as he lay handcuffed on the ground. Prosecutors declined to file any charges against him.

Though Hesterberg sought a \$500,000 settlement from the park service in an earlier claim he filed against the government, there is no dollar figure tied to the lawsuit.

"We'll leave that up to the judge and the jury," said Haddad.

Contact Joshua Melvin at 650-348-4335. Follow him at Twitter.com/melvinreport.

UCSC Silicon Valley Extension

ENGINEERING & TECHNOLOGY
BUSINESS & MANAGEMENT
BIOSCIENCES
EDUCATION

FREE EVENTS MARCH 20-27
ucsc-extension.edu/events

Reprint

BOOKMARK

Print

Email

Font Resize

Font Resize Return to Top



Controversy Over New Steroid Alternative
Dope Plant Increases Muscle

Recommended for You

Advertisement

Your ride is about to get better!

AC Transit has bold new plans in store, and they're rolling out soon.

#aBetterRide



Latest headlines

Carolyn Livengood: City of San Mateo to hold 36th annual Eggstravaganza
Redwood City bicyclist, 14, at fault in collision that killed her, police say
San Carlos' longtime assistant city manager to resign in July
Peninsula bike sharing program hits the streets this summer



San Mateo County Times

Like 774

Related features

San Mateo County crime map
Palo Alto news | Pacifica news
Special report: High-speed rail

News Videos »

Recommendations

[Sign Up](#)

Create an account or [Log In](#) to see what your friends recommend.



Firings, backlash follow tweets of 'sexual' comments at tech conference

34 people recommend this.



Welcome to Shasta County, California's



RARE PIGMENT INCREASES MUSCLE
Growth 700% -- Unfair Advantage?



Weird Food KILLS Blood Pressure

Americas top docs claim weird element may stop Heart attacks



1 Trick of a Tiny Belly

Cut down a bit of belly every day using 1 weird tip

- **San Francisco Giants cut reliever Ramon Ramirez**
- **More Silicon Valley IPO success: Marin Software...**
- **California student killed in Mexico spring...**
- **Purdy: Cal's Robert Thurman provides spark with...**
- **NCAA tournament: Syracuse drubs Montana 81-34**
- **Hicks: Sami Myers will take over Olympus Has Fallen ... togerebet.com**

SPONSORED LINK

Hicks: Sami Myers will take over

:: Reviews

(From DailyMe.com)

Powered by
newstogram™

• FAQ: Article commenting how-tos and tips



Add a comment...

[Comment](#)



David Larkin · Top Commenter · San Francisco, California

he got what he deserved, and Speier should be taking the side of the officer, not that of the person breaking the law. What if he was wanted for murder and started to walk away, and she did nothing.

[Reply](#) · 1 · Like · 18 hours ago



John Lindquist · Top Commenter

False equivocation...one situation is a murder suspect, and the other is a guy harming nobody. Nobody who isn't actively fighting "deserves" to be tased...a Taser is a lethal weapon. You bootlickers have a lot to learn about what a justifiable use of force entails, and I hope you have to learn it by example, because perhaps then it will penetrate your thick skull.

[Reply](#) · 1 · Like · 17 hours ago



Ted Nguyen · Top Commenter · San Jose State University

So if the police order me to stay, I can just walk away because they can't zap me and violate my Fourth Amendment right? If she can't zap him, how would she handle this situation then since you sound so smart.

[Reply](#) · 1 · Like · 17 hours ago



David Larkin · Top Commenter · San Francisco, California

next time a cop pulls you over for a traffic violation, try walking or driving away. next time when someone is spraying graffiti on your house and the cops stop him all he has to do walk away, I think not.

[Reply](#) · 1 · Like · 17 hours ago

[View 1 more](#)



Jeffrey Novick · Top Commenter · Scottsdale, Arizona

What a moron, he was out jogging with his dog off leash which is a violation of the law. When the officer contacted him he was would not cooperate with her. He lied to the officer by giving her a false name. When she realized she was being lied to about his identity he then decided to walk away. He was warned about being tased if he did not stop but continued to walk away. If I had a heart condition and a officer was pointing a taser at me and told me to stop, I would stop. In fact if I had a heart condition I would not be jogging to begin with.

[Reply](#) · Like · 19 hours ago



John Lindquist · Top Commenter

Does the officer really have a defense here? She inappropriately applied lethal force ...she is guilty. Excessive force...abuse under color of authority.

[Reply](#) · Like · 17 hours ago



Rene Moneyk · Top Commenter

Nice to see it settled. Pain compliance by taser has become far too common; regardless if the result wasn't fatal.

[Reply](#) · Like · 18 hours ago



Jeffrey Novick · Top Commenter · Scottsdale, Arizona

Would you prefer being hit with a metal or wooden stick.

[Reply](#) · 2 · Like · 18 hours ago



Rene Moneyk · Top Commenter

There was no need for either, the man was leaving the premises with his dogs. There was no danger and absolutely no need for any sort of violence..maybe that works in arizona, but i suspect you are just being fastidious as usual.

[Reply](#) · Like · 17 hours ago

gun-buying capital
57 people recommend this.

Facebook social plugin

POPULAR HOUR NEWS SPORTS BIZ A&E LIFE

1. Editors' Picks: Top stories on MercuryNews.com
2. CHP investigating hit-run death after woman's body found on I-280 in San Jose
3. Hicks: Ashley Green's home gutted by fire
4. S Ed Reed signs with Houston Texans
5. Firings, backlash follow tweets of 'sexual' comments at tech conference
6. Bay Area's lowest-paid workers struggle to get by as debate rages over minimum-wage hikes
7. Redwood City bicyclist, 14, at fault in collision that killed her, police say
8. More Silicon Valley IPO success: Marin Software gains more than 40 percent in debut

[See the full most-popular-of-the-hour list](#)

Top Classifieds

[RENTALS](#) [JOBS](#) [REAL ESTATE](#) [AUTOS](#)

Application Engineer
Project Engineer
Senior Software Engineer
Financial Analyst
Market Research Analyst
Computer
Computer
Software Engineer

[ALL LISTINGS](#)

Facebook social plugin

San Mateo County

Related Results

Mortgage Rates Hit 2.50% If you owe under \$729k you may qualify for 2.90% APR Govt Refi Plans.

Get Paid to Trade \$ Trade our money. Make \$500/daily profits. No experience Required.

San Francisco Giants Shop Official Houston Astros Gear for San Francisco Giants Fans.

Ads by Yahoo

www.SeeRefinanceRates.comwww.binarybankroll.comFastballFanatics.com/Houston_Astros

Tired of Traffic?
Find a Better Way to Commute to Work Today!

Learn more at Commute.org • Questions? Call (650) 588-8170 or email alliance@commute.org

Limited Time Offer!
FREE Gas Cards, Cash Incentives,
FREE Transit Tickets, FREE
Shuttles and more.

Copyright © 2013 - San Jose Mercury News

[Place an Ad](#) | [About Our Ads](#) | [Help/Contact](#) | [Site Map](#) | [Advertise](#) | [Home Delivery](#) | [Copyright](#) | [Privacy Policy and Terms of Use](#) | [About MediaNews Group](#) | [RSS](#) | [Find San Jose jobs](#) | [Ethics Policy](#) | [About Bay Area News Group](#) |  [MY YAHOO!](#)

A  **MediaNews Group** WEBSITE
MediaNews Group - Bay Area News Group

San Mateo County

**man who park
ranger shot with
Taser files civil
rights lawsuit**

By Joshua Melvin
jmelvin@bayareanewsgroup.com

San Jose Mercury News

Posted:

[MercuryNews.com](#)

OAKLAND -- A San Mateo County man filed a federal civil rights lawsuit Thursday against the National Park Service ranger who shot him with a Taser during a confrontation sparked last year by his off-leash dog.

Gary Hesterberg, 51, alleges Ranger Sarah Cavallaro violated his Fourth Amendment right protecting against unreasonable force during arrest when she zapped him on a trail at Rancho Corral de Tierra open space near Montara.

Hesterberg had ignored Cavallaro's orders not to walk away after she stopped and warned him about having one of his two small dogs off-leash Jan. 29, 2012. The area had recently come under control of the National Park Service which started forbidding free roaming dogs there. Some residents, dog owners and Rep. Jackie Speier, D-Hillsborough, were outraged by the use of force.

"A law enforcement officer is only allowed to tase someone if they pose a substantial and immediate threat," said Hesterberg's attorney, Oakland-based attorney Michael Haddad. "But in this case she tased him because he