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U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIF.  
LOS ANGELES

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14 **UNITED STATES DISTRICT COURT**  
15 **CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION**

16 **MULTI-ETHNIC IMMIGRANT WORKERS**  
17 **ORGANIZING NETWORK, an unincorporated**  
association, **COALITION FOR HUMANE**  
18 **IMMIGRANT RIGHTS LOS ANGELES,**  
19 **KOREAN IMMIGRANT WORKERS**  
20 **ALLIANCE, IDEPSCA, PILIPINO WORKERS**  
21 **CENTER, GARMENT WORKERS CENTER,**  
as injunctive relief plaintiffs only; **KEVIN**  
22 **BRESLIN, MARIO CUELLAR, DAVID**  
23 **GABRIEL ENG, LUIS GALVEZ, GERARDO**  
24 **GOMEZ, JORGE LOPEZ, JAIME**  
25 **MALDONADO, LEOPOLD ORTIZ,**  
26 **ROMUARDO PEDRO, JEREMY ROTHE-**  
27 **KUSCHEL, ESTER NAVARRETE PLATA,**  
28 **MARIA ESTER TEJADA, individually, and as**  
class representatives,

CASE NO: CV  
16 **CV 07 3072 GAIF**  
17 **CLASS ACTION: CIVIL RIGHTS (JW)**  
18 **Complaint for**  
19 **FIRST AMENDMENT**  
20 **FOURTH AMENDMENT**  
21 **EQUAL PROTECTION**  
22 **DUE PROCESS**  
23 **CALIF CIVIL CODE §52.1**  
24 **DEMAND FOR JURY TRIAL**

24 Plaintiffs,

25 vs.

26 **CITY OF LOS ANGELES, a Municipal**  
27 **Corporation; WILLIAM BRATTON, CAYLER**  
28 **CARTER, LOUIS GRAY and DOES 1 through**  
10, in their official and individual capacities.

Defendants.

**DOCKETED ON CM**  
**MAY 22 2007**  
BY [Signature] 067

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1 seek to represent for violations of their First, Fourth and Fourteenth Amendment  
2 rights (and corollary state rights), caused by policies, practices and customs of the  
3 Los Angeles Police Department ("LAPD") and the City of Los Angeles. Plaintiffs  
4 and the class they seek to represent were peaceful protestors, members of the media,  
5 delegates, legal observer, persons lawfully enjoying the use of MacArthur Park and  
6 other persons (hereafter collectively "peaceful participants") who were injured after  
7 the LAPD purportedly declared an assembly they were attending or nearby to  
8 unlawful, shot plaintiffs with "less-lethal" projectiles, hit them with batons and  
9 otherwise used force against them and injured them while they attempted to disperse.

10 5. The events giving rise to this action occurred at approximately 6:15 p.m.  
11 during a permitted immigrants' rights march and rally on May 1 in MacArthur Park,  
12 located at Wilshire Boulevard and Alvarado Boulevard.

13 6. On May 1, 2007, the Multi-ethnic Immigrant Worker Organizing Network  
14 ("MIWON") conducted a march and rally, beginning at approximately 2 p.m. at  
15 Vermont Avenue and Third Street, traveling through multi-ethnic communities along  
16 Olympic Boulevard, then north on Alvarado Boulevard to a scheduled rally in  
17 MacArthur Park. The event was permitted to continue until 9:00 p.m. The marchers  
18 began on the sidewalks, as required by their permit, but by the time the group reached  
19 Olympic and Vermont, the number of marchers was so great that the police then  
20 closed two lanes of traffic to facilitate the march. The main rally was held at the  
21 soccer field in MacArthur Park, located in the northwest quadrant of the Park.  
22 Approximately 5,000 people participated in the march. Prior to the event, MIWON  
23 obtained a permit from the City of Los Angeles and met several times with  
24 representatives of the LAPD to work out the details of the planned demonstration.

25 7. At approximately 6:17 p.m., on May 1, 2007, an announcement was made  
26 from a helicopter that the permitted rally had been declared an unlawful assembly and  
27

1 those present were ordered to disperse. The announcement was inaudible to most of  
2 those in the park, including the LAPD officers present. Radio traffic between LAPD  
3 officers indicated that many of them could not hear the order and were not sure that  
4 a declaration of an unlawful assembly had been made. The order given was in  
5 English only, even though many, if not most, of the people in the park did not  
6 understand English. In addition to members of the media, legal observers from the  
7 National Lawyers Guild and peaceful participants in the assembly, families from the  
8 surrounding neighborhood were using the park facilities. Even for those who spoke  
9 English and heard the garbled order, there was no direction as to how to disperse  
10 other than to leave the park. As a result, chaos ensued as people began to run, and the  
11 police began to chase them, indiscriminately shooting less-lethal munitions and using  
12 baton strikes against the media, peaceful participants in the First Amendment  
13 assembly, women with their children, and others lawfully using the Park.

14 8. The pretext for the LAPD's action was the purported behavior of a small  
15 number of individuals who reacted to the sudden presence of riot-gear clad officers  
16 – their identities obscured by face shields and vests and other equipment covering  
17 their badges – with weapons drawn at what had been a peaceful and lawful assembly  
18 for nearly an hour before the appearance of the officers along Alvarado on the east  
19 side of the Park. These few individuals posed no harm to any police officers or  
20 civilians, at worst threw a few empty water bottles, paper and oranges at police, and  
21 were in an area away from the bulk of the persons assembled, and could easily have  
22 been isolated from the peaceful participants gathered in the soccer field. Rather than  
23 isolating and dealing with the small number of people who were throwing things,  
24 LAPD declared the entire gathering an “unlawful assembly” and ordered all of the  
25 peaceful participants to disperse. There was no lawful justification for this police  
26 action as even the limited response of a few persons to the earlier police  
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1 demonstration of force had ended approximately 30 minutes before the police swept  
2 through the park, assaulting anyone in their path.

3 9. Shortly after the march first arrived at the MacArthur Park rally site at  
4 approximately 5:00 p.m., the LAPD made a show of force with officers positioned  
5 across the west end of Wilshire near Park View. The officers wore riot helmets with  
6 face shields down and batons drawn. Victor Narro, who had obtained the permit for  
7 the event and met with the police in the weeks before the event to discuss its  
8 implementation, was told by Defendant Deputy Chief Carter to move the  
9 demonstrators off the street or the police would do it. As the demonstration  
10 organizers began to move the remaining marchers into the park, riot-gear clad officers  
11 with batons drawn began marching east on Wilshire toward the demonstrators. The  
12 marchers in the street were delayed in entering the park because the sidewalk was  
13 crowded with families and other marchers who stopped to watch the police line.  
14 After advancing approximately 50 to 100 feet, the police stopped. Over the next 5  
15 to 10 minutes, the marchers continued to move into the park and clear the street.  
16 When nearly all of the marchers had left the street, the police then returned to their  
17 prior position at Park View and Wilshire Boulevard.

18 10. Organizers of the rally attempted to cooperate with LAPD to ensure the  
19 lawful assembly would continue. Only a handful of individuals remained in the  
20 street. At the request of Deputy Chief Carter, a representative of the rally organizers  
21 utilized the amplification system on a police vehicle to advise the few individuals still  
22 in the street to enter the park. The vehicle was parked behind the police line. All but  
23 approximately two dozen individuals complied with the order. The remaining  
24 persons in the street were isolated and isolatable from the lawful assembly, which  
25 continued peacefully.

26 11. It took a considerable time for all of the thousands of marchers to reach the  
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1 Park. The last group of marchers were the Aztec dancers, who have participated in  
2 nearly every major march and rally in the City for the past several years. The dancers  
3 are predominantly women and children. When the Aztec dancers reached MacArthur  
4 Park, they closed the march with a symbolic dance circle in Alvarado. As they  
5 engaged in their traditional dances on May 1 at approximately 5:30 to 5:40 p.m. in  
6 Alvarado Boulevard, LAPD motorcycle officers used their motorcycles as a means  
7 of crowd control, riding their vehicles into the marchers and those gathered to watch  
8 them, which included many women and small children. At about the same time, riot-  
9 gear clad officers moved in on foot and shoved the group with batons even as the  
10 peaceful dancers and onlookers repeatedly stated that they were moving as directed.  
11 All of this was done without warning and without sufficient opportunity for the Aztec  
12 dancers to collect their drums and other property. Although the people were angry  
13 with the police action, they complied with orders, stepping on to the sidewalk  
14 adjacent to Alvarado.

15 12. At approximately 6:00 p.m., the police presence began to build even more  
16 on Alvarado Boulevard between 7<sup>th</sup> Street and Wilshire Boulevard, forming a near  
17 solid line of officers in the street. Several hundred people were gathered on the  
18 public sidewalk and the adjoining grass, watching the police line. The police then  
19 ordered everyone to get off the public sidewalk and move onto the grass. As those  
20 in the park watched, additional officers arrived and lined Alvarado.

21 13. At approximately 6:15 p.m., still more officers in riot gear appeared along  
22 7<sup>th</sup> Street, south of the park. The pretext for this increased police presence was to  
23 address a small group of demonstrators who were "taunting" the police but in reality  
24 the deliberate intention of the LAPD was to break up a lawful demonstration. The  
25 police could readily have isolated this group and removed them from the Park.  
26 Instead, the police pushed the supposed "agitators" into those lawfully assembled in  
27

1 the park. As the peaceful participants simply stood in the park, behind the sidewalk,  
2 the police line at 7<sup>th</sup> Street and Alvarado began moving north into the park. At this  
3 point in time, no dispersal order had been given and no objects had been thrown at  
4 the police other than a single can that LAPD radio transmissions minimized and  
5 stated fell far short of striking an officer. With riot helmets on, batons drawn and  
6 rifles aimed to shoot less-lethal munitions, the officers advanced on the peaceful  
7 participants. As they neared the peaceful participants, the officers used their batons  
8 to shove anyone in their path and to hit people with batons, indiscriminately.

9 14. As the line of police officers advanced, people began to walk away from  
10 them. The line of officers had advanced only a few feet into the park when several  
11 officers began shooting foam batons and other munitions at the people in front of  
12 them. In response, nearly everyone in the area began to run. Some of the children  
13 who had been in the park began crying as they ran with their mothers to escape the  
14 shots being fired.

15 15. Dozens of individuals were shot at close range as officers simply unloaded  
16 their weapons at anyone in the area. At the same time, officers shoved and struck  
17 virtually anyone with whom they came in contact. The indiscriminate actions of the  
18 officers were exemplified when they came upon a homeless man who had been  
19 sleeping in the park. Officers grabbed him, dragged him to his feet, then started  
20 shoving and hitting him to force him to leave the park.

21 16. Only after the police line had assaulted the peaceful participants for several  
22 minutes was any announcement made of an "unlawful assembly." The announcement  
23 was made from a helicopter overhead. The purported announcement was largely  
24 unintelligible, particularly with the noise of the helicopter compounded by the  
25 screaming and crying of the peaceful participants who were being shot, beaten and  
26 shoved by the line officers. Many of those present, including LAPD officers, did not



1 hear the announcement. The announcement was made only in English, despite the  
2 fact that both the neighborhood where the rally was held and most of the rally  
3 participants are primarily Spanish-speaking immigrants. Finally, the announcement  
4 gave no directions regarding dispersal other than to declare an "unlawful assembly."

5 17. The police line continued to sweep north, crossing Wilshire Boulevard.  
6 As the officers moved north, anyone in their path was the target of baton strikes and  
7 other force as the officers continued to fire less-lethal rounds indiscriminately into the  
8 crowd. While the peaceful participants ran in an attempt to elude the projectiles and  
9 baton strikes, lines of officers blocked Alvarado and Wilshire Boulevards, preventing  
10 people from leaving the park to the north or the east, forcing some individuals back  
11 toward the advancing officers who were using force. Although the LAPD officers  
12 were forcing people out of the park on to 6<sup>th</sup> Street, the LAPD did not stop vehicular  
13 traffic on 6<sup>th</sup> Street, creating a dangerous situation for peaceful participants as they  
14 attempted to comply with some unknown orders to disperse. In one incident, a car  
15 traveling on 6<sup>th</sup> Street stopped short to avoid hitting a woman attempting to flee with  
16 one of her children in tow.

17 18. During the time that the LAPD was engaging in this riotous conduct  
18 against peaceful participants, a small group of demonstrators, numbering no more  
19 than a dozen or so, occupied the northeast corner of the intersection of 6<sup>th</sup> and  
20 Alvarado. In response to the earlier incident in which the police rode their  
21 motorcycles into the Aztec dancers, the group chanted at the police in the intersection  
22 and lobbed empty water bottles and small objects in the direction of the police. With  
23 approximately 600 officers on hand, the LAPD outnumbered this small group of  
24 demonstrators nearly 15 to 1, yet no attempt was made to isolate the group and permit  
25 the lawful assembly to continue. Instead, the LAPD used an unwarranted and  
26 unlawful show of force against peaceful participants to intimidate them into foregoing  
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1 the lawful exercise of their First Amendment rights.

2 19. At or around this same time, a man in a motorized wheelchair entered the  
3 intersection twice to criticize the police. Officers at one point pinned the man's hands  
4 behind his back, but then released him.

5 20. LAPD officers chased hundreds of people assembled in the park,  
6 regardless of whether they had engaged in any unlawful activity, participated in the  
7 rally, or simply come to the park for fresh air with their children, hitting them with  
8 baton, shooting them with so-called "less lethal" munitions, including foam batons  
9 and sponge rounds designed to incapacitate the target, and driving all in their path,  
10 including those not participating in the march, from the Park. LAPD officers did not  
11 use such force to effectuate arrest, overcome resistance to arrest, or in self-defense.  
12 The peaceful participants did not resist arrest, attempt to escape arrest, use force upon  
13 any person, or threaten to use force upon any person.

14 21. LAPD officers fired their "less lethal" weapons indiscriminately into the  
15 people in the park, aiming at and striking in the upper torsos of peaceful participants,  
16 contrary to manufacturer's warnings. Although the munitions used on May Day were  
17 "target specific," as opposed to the "stinger" rounds used at demonstrations in the  
18 past, virtually none of the "targets" had committed any unlawful act, justifying such  
19 use of force. Plaintiffs are informed and believe and thereon allege that LAPD  
20 officers deliberately fired at the upper torsos of peaceful participants, based on their  
21 training and with the approval of LAPD command staff. But even if the officers had  
22 done nothing more than shoot indiscriminately at the lower torso area of the adults,  
23 that put them in direct range of the upper torsos and heads of the children in the park.  
24 It was sheer luck that no child was struck with a projectile given the indiscriminate  
25 deployment of more than 140 rounds of less-lethal munitions at a peaceful, fleeing  
26 assembly. Despite their denomination as "less-lethal", such weapons have the

1 potential to cause death or great bodily injury under certain circumstances. The  
2 manufacturer's specifications describe these munitions as designed for the  
3 incapacitation of aggressive, non-compliant subjects and designed to inflict serious  
4 pain.

5 22. There was no probable cause or reasonable suspicion to believe that  
6 peaceful participants posed an immediate or credible threat of injury to police or any  
7 other person.

8 23. As they swept through the Park removing everyone in sight, LAPD officers  
9 deliberately singled out peaceful participants who were members of the media,  
10 attempting to report on the actions of the police, and subjected them to the same  
11 brutal force as was directed to anyone in the path of the LAPD.

12 24. Hundreds of peaceful participants including men, women, and children,  
13 who had been engaged in no criminal activity – and who were attempting to comply  
14 with the LAPD's legally deficient orders to disperse – were physically injured as they  
15 were shot with foam batons, struck with batons and/or shoved by the advancing  
16 police lines.

17 25. Plaintiffs are informed and believe and on that basis allege that the conduct  
18 complained of herein was undertaken pursuant to the policies, practices and customs  
19 of the LAPD, an agency of the City of Los Angeles, and the City of Los Angeles and  
20 ratified by defendants.

21  
22 **THE SETTLEMENT AGREEMENT IN *NATIONAL LAWYERS GUILD***

23 26. In June, 2005, the City of Los Angeles entered into a settlement  
24 agreement in *National Lawyers Guild, et al. v. City of Los Angeles, et al.*, CV 01-  
25 6877 FMC (Cwx), an action arising from the disruption of lawful assemblies and use  
26 of unlawful force, including the use of less-lethal munitions, during the Democratic  
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1 National Convention (“DNC”) in Los Angeles in 2000 and a subsequent  
2 demonstration on October 22, 2000. The settlement provided for six changes in the  
3 policy and practices of the LAPD as applied to demonstrations. At least four of those  
4 provisions were violated in this instance.

5 27. Under the terms of the settlement in *National Lawyers Guild*,  
6 demonstrators, while participating in lawful assemblages, are not to be prevented  
7 from using public sidewalks adjacent to a lawful march route.

8 28. The terms of the settlement also expressly provide that LAPD officers are  
9 not to use their motorcycles as a weapon of crowd control against peaceful  
10 demonstrators.

11 29. The terms of the settlement also expressly provide that less lethals may  
12 only be deployed on “aggressive and/or combative suspects in a crowd control  
13 situation, on suspects who are a potential physical threat to themselves or others, on  
14 suspects armed with weapons other than firearms, or suspects displaying ‘aggressive  
15 and/or combative’ actions.”

16 30. The settlement agreement entered into by the City expressly provided that  
17 “less lethal weapons should not be used on a lawfully dispersing crowd or  
18 individual.” In addition, the agreement prohibited the use of less lethal munitions  
19 “against a person or a crowd that is retreating unless the person or crowd continues  
20 to engage in unlawful activity that is aggressive and/or combative.”

21 31. Finally, the settlement provided that, prior to declaring an unlawful  
22 assembly, the LAPD Incident Commander should evaluate the feasibility of isolating  
23 and arresting those responsible for any unlawful conduct, and if feasible, shall take  
24 such action.

## MONELL ALLEGATIONS

1  
2 32. The City, through Chief Bratton and the Los Angeles Police Department,  
3 has failed to train its officers in the permissible use of less lethal weapons to disperse  
4 a demonstration. The need for training in this instance was obvious. The City has  
5 known of the deficiencies in its training since at least 2000 and entered into a  
6 settlement agreement in June 2005, agreeing to revised policies, yet the City has  
7 failed to promulgate policies effectuating the terms of the settlement agreement  
8 and/or to train its command staff and its officers on the revised policies, if any exist

9 33. Chief Bratton, as well as those members of his command staff officers to  
10 whom he has delegated his responsibility to enact and implement lawful policies on  
11 the declaration of an unlawful assembly, the use of less lethal weapons, and the use  
12 of motorcycles as a crowd control tool, are aware of the unlawful policies, practices  
13 and customs of the City and the LAPD which resulted in the settlement in *National*  
14 *Lawyers Guild v. City of Los Angeles* in June, 2005. Moreover, Chief Bratton and his  
15 delegated command staff are aware that the use of force to break up lawful protests  
16 is a custom so ingrained in the marrow of the LAPD that it was critical to take all  
17 steps necessary to ensure that official policy was implemented in a manner sufficient  
18 to address the deeply rooted custom to violate First Amendment rights in the specific  
19 ways identified in the *National Lawyers Guild* settlement agreement. The failure to  
20 take such steps directly lead to the injuries suffered by the Plaintiffs.

21 34. The City paid more than \$4,000,000 in damages as a result of these same  
22 unlawful practices during the DNC. Subsequent to the DNC, the City paid nearly  
23 \$1,000,000 for injuries arising from the use of less-lethal weapons during a permitted  
24 demonstration on October 22, 2000. Prior to the DNC, the City paid nearly  
25 \$2,000,000 in damages arising from the dispersal of peaceful demonstrations through  
26 force and intimidation. In all of its actions, the City has acted with deliberate  
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1 indifference to the rights of the public to engage in lawful expressive activity in  
2 traditional public fora within the City.

3 35. Despite its knowledge that the LAPD has had a history of unlawful  
4 conduct at demonstrations, and its knowledge that there has been a traditional lack  
5 of training of LAPD line and command staff on proper law enforcement conduct at  
6 demonstrations, and its agreement in the *National Lawyers Guild* case, *supra*,  
7 regarding the use of force at peaceful demonstrations, the City failed to adequately  
8 train its officers and command staff in, among other things, the rights of  
9 demonstrators, lawful crowd control, dispersal orders, separating those engaged in  
10 unlawful conduct from those engaged in lawful conduct, the permissible use of batons  
11 in crowd control/demonstration situations, the permissible use of "less-than-lethal"  
12 weapons in crowd control/demonstration situations, and the permissible use of force  
13 and circumstances justifying it in such situations. This failure amounted to deliberate  
14 indifference to the rights of persons with whom the police come into contact, and  
15 constituted a conscious choice by the City not to properly train its law enforcement  
16 personnel on these issues.

17 36. On information and belief, Chief Bratton delegated final responsibility and  
18 authority to persons within his command staff to act as the final policy maker at the  
19 May Day March to decide whether to declare the assembly unlawful and whether to  
20 use force. The persons who made these decisions acted as the delegated policy maker  
21 for the City of Los Angeles on these issues. There was no time, opportunity or  
22 procedure for anyone to review or revise the decisions made by these delegated policy  
23 makers prior to their final implementation.

## 24 25 COMMON ALLEGATIONS

26 37. Defendants improperly declared the assembly unlawful. All with the  
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1 possible exception of but a handful of the approximately 5,000 people assembled in  
2 MacArthur Park on May Day for the immigrant workers rally, as well as the families  
3 using the park for recreational purposes, were peaceful. The few protestors who  
4 verbally criticized the police, and the even fewer who threw innocuous objects at the  
5 riot-gear clad police, did not present sufficient, if any, justification for declaring the  
6 assembly unlawful or justify defendants' infringement on the First Amendment rights  
7 of the vast, peaceful majority. All force used to disperse class members after  
8 defendants improperly declared the assembly unlawful was illegal because said force  
9 was a proximate result of an illegal, unconstitutional dispersal order.

10 38. Plaintiffs are informed and believe and thereon allege that defendants  
11 declared the gathering an "unlawful assembly," and ordered the peaceful participants  
12 to disperse, and used force upon the peaceful participants, and singled out persons  
13 perceived to be members of the media, for the purpose of interfering with the First  
14 Amendment rights of the peaceful participants.

15 39. Plaintiffs are informed and believe and thereon allege that, in declaring the  
16 gathering an "unlawful assembly," and ordering the peaceful participants to disperse,  
17 and using force upon the peaceful participants, and singling out persons perceived to  
18 be members of the media, defendants engaged in content-discrimination and  
19 viewpoint-discrimination. Defendants' actions were motivated and influenced by the  
20 political content, message, and viewpoint of plaintiffs, or by defendants' perception  
21 of the political content, message, and viewpoint of plaintiffs. Defendants treated  
22 plaintiffs less favorably than others whose speech has a different content, message  
23 and viewpoint.

24 40. Assuming that a dispersal order could have been legally justified under all  
25 of the facts and circumstances, the order given was, nonetheless, deficient as it was  
26 not given until after the officers began advancing on and firing at those present in the  
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1 park, was unintelligible as delivered from a helicopter, was given only in English, and  
2 the order failed to specify how peaceful participants were to disperse and failed to  
3 give the peaceful participants sufficient time or opportunity to disperse. All force  
4 used to disperse peaceful participants was unreasonable because defendants failed to  
5 provide peaceful participants with sufficient time and opportunity to disperse.

6 41. Assuming the dispersal order was lawful, and that defendants provided  
7 peaceful participants with sufficient time and opportunity to disperse, the use of force  
8 was nonetheless unlawful because class members never presented any threat to the  
9 police nor any other person, and were not committing any act which would justify any  
10 use of force. All force used to disperse peaceful participants was unreasonable  
11 because peaceful participants did not present any threat justifying the use of any  
12 force. None of the class representatives were arrested for acts committed on May 1,  
13 2000.

14 42. Defendants' use of force against peaceful participants was unreasonable  
15 because defendants used force indiscriminately, including shooting peaceful  
16 participants with projectiles, hitting them with batons, and shoving them, all without  
17 any individualized justification for the use of such force.

18 43. Defendants' use of force was unreasonable because defendants gave no  
19 warning before using force, including shooting peaceful participants with projectiles  
20 or hitting them with batons.

21 44. Defendants use of force was unreasonable because defendants utilized  
22 weapons in an improper and unreasonable manner. Guidelines for the "less lethal"  
23 projectile weapons carried by defendants specify that, in order to avoid serious injury,  
24 such projectiles should not be aimed at the upper torso and should not be used in a  
25 non-target specific manner. Defendants improperly fired projectile weapons directly  
26 at peaceful participants' upper bodies, causing physical injuries.





1 only.

2 48. Plaintiff Coalition for Humane Immigrant Rights of Los Angeles  
3 (“CHIRLA”) is a non-profit organization founded in 1986 to advance the human and  
4 civil rights of immigrants and refugees in Los Angeles. As a multi-ethnic coalition  
5 of community organizations and individuals, CHIRLA aims to foster greater  
6 understanding of issues that affect immigrant communities, provide a neutral forum  
7 for discussion, and unite immigrant groups to more effectively advocate for positive  
8 change. CHIRLA is one of the member organizations of MIWON and co-sponsored  
9 the permitted event in MacArthur Park on May 1, 2007 that forms the basis for this  
10 action. The action of the Defendants has interfered with CHIRLA’s right to assembly,  
11 association and speech. CHIRLA plans to hold similar events in the future and is  
12 fearful that the unlawful police actions of May 1, 2007 will be repeated absent  
13 injunctive relief to prohibit the practices, policies and customs of the LAPD that  
14 resulted in the police action against peaceful demonstrators on May 1, 2007 at  
15 MacArthur Park. CHIRLA seeks injunctive and declaratory relief only.

16 49. Plaintiff Korean Immigrant Workers Alliance (“KIWA”) was founded in  
17 1992 to empower low-wage immigrant workers and to work with other communities  
18 in a progressive constituency in Los Angeles’ underrepresented immigrant  
19 communities for social change. KIWA is one of the member organizations of  
20 MIWON and co-sponsored the permitted event in MacArthur Park on May 1, 2007  
21 that forms the basis for this action. The action of the Defendants has interfered with  
22 KIWA’s right to assembly, association and speech. KIWA plans to hold similar  
23 events in the future and is fearful that the unlawful police actions of May 1, 2007 will  
24 be repeated absent injunctive relief to prohibit the practices, policies and customs of  
25 the LAPD that resulted in the police action against peaceful demonstrators on May

26 50. Plaintiff IDEPSCA to create a more humane and democratic society by  
27

1 responding to the needs and problems of disenfranchised people through leadership  
2 development and educational programs based on Popular Education methodology.  
3 IDEPSCA works to organize and educate members of low-income Latino immigrants  
4 concerned with solving their problems in their own communities.

5 IDEPSCA is one of the member organizations of MIWON and co-sponsored the  
6 permitted event in MacArthur Park on May 1, 2007 that forms the basis for this  
7 action. The action of the Defendants has interfered with IDEPSCA's right to  
8 assembly, association and speech. IDEPSCA plans to hold similar events in the  
9 future and is fearful that the unlawful police actions of May 1, 2007 will be repeated  
10 absent injunctive relief to prohibit the practices, policies and customs of the LAPD  
11 that resulted in the police action against peaceful demonstrators on May 1, 2007 at  
12 MacArthur Park. IDEPSCA seeks injunctive and declaratory relief only.

13 51. Plaintiff Pilipino Workers Center ("PWC") works to organize and educate  
14 low-income workers in the Pilipino immigrant community about their rights both  
15 within and outside of the workplace. PWC is one of the member organizations of  
16 MIWON and co-sponsored the permitted event in MacArthur Park on May 1, 2007  
17 that forms the basis for this action. The action of the Defendants has interfered with  
18 PWC's right to assembly, association and speech. PWC plans to hold similar events  
19 in the future and is fearful that the unlawful police actions of May 1, 2007 will be  
20 repeated absent injunctive relief to prohibit the practices, policies and customs of the  
21 LAPD that resulted in the police action against peaceful demonstrators on May 1,  
22 2007 at MacArthur Park. PWC seeks injunctive and declaratory relief only.

23 52. Plaintiff Garment Workers Center ("GWC") was opened in 2001 after 71  
24 Thai garment workers were found working in a slave shop in El Monte. The Garment  
25 Workers Center advocated for the Thai workers and for Latino workers similarly  
26 forced to work in sweatshop conditions in Los Angeles' garment industry. The GWC  
27

1 works to empower the low-wage workers in the political process. GWC is one of the  
2 member organizations of MIWON and co-sponsored the permitted event in  
3 MacArthur Park on May 1, 2007 that forms the basis for this action. The action of the  
4 Defendants has interfered with GWC's right to assembly, association and speech.  
5 GWC plans to hold similar events in the future and is fearful that the unlawful police  
6 actions of May 1, 2007 will be repeated absent injunctive relief to prohibit the  
7 practices, policies and customs of the LAPD that resulted in the police action against  
8 peaceful demonstrators on May

9       53. Plaintiff Kevin Breslin ("BRESLIN") is a member of the National Lawyers  
10 Guild and was serving as a Legal Observer at the MIWON march and rally on May  
11 1, 2007 at MacArthur Park. He was struck at least 5 times on his legs by at least two  
12 officers from the and then hit in the chest.

13       54. Plaintiff Mario Cuellar ("CUELLAR") was in or around MacArthur Park  
14 on May 1, 2007. He was attending the MIWON rally. While he was listening to the  
15 rally program at the stage, he heard shots and then turned and saw people running. He  
16 also saw the police shooting at people and pushing them with batons. As he was  
17 trying to help a mother with a baby in a stroller, he was hit on the back with a club.  
18 He fell to his hands and knees from the force. He got up and ran. He was frightened  
19 because he could not find his wife, who is pregnant, and because the police assault  
20 reminded him of how the police had killed many of his friends in El Salvador.

21       55. Plaintiff David Gabriel Eng ("ENG") was in or around MacArthur Park on  
22 May 1, 2007. He was taking photographs of the events. He was struck multiple times  
23 on his head, face and buttocks with a baton and asp.

24       56. Plaintiff Luis Galvez ("GALVEZ") was in or around MacArthur Park on  
25 May 1, 2007. As he tried to help people escape from the park, he was hit on the head,  
26 neck and back multiple times, and knocked unconscious by a baton strike from  
27

1 behind.

2 57. Plaintiff Gerardo Gomez ("GOMEZ") was in or around MacArthur Park  
3 on May 1, 2007. He was running from the police when he was hit with a baton.  
4 While giving a report of this to a legal observer, he was shot with rubber bullets.

5 58. Plaintiff Jorge Lopez ("J LOPEZ") was in or around MacArthur Park on  
6 May 1, 2007. He was with friends eating snacks when he heard yelling and shouting  
7 and saw people running. He was shot with a rubber bullet in the chest. When he tried  
8 to retrieve the ball that hit him, he was shot two more times in the leg.

9 59. Plaintiff Jaime Maldonado ("MALDONADO") was in or around  
10 MacArthur Park on May 1, 2007. He was going to eat at his favorite restaurant on 6<sup>th</sup>  
11 and Alvarado. He saw people running, and then was hit on the knee and arm with a  
12 baton.

13 60. Plaintiff Leopoldo Ortiz ("ORTIZ") was in or around MacArthur Park on  
14 May 1, 2007. He was walking around the take when the police officers came. One  
15 officer hit him multiple times in the stomach, knocking the wind out of him. He fell  
16 to the ground and was kicked two times in the backside. He was worried for his life  
17 and afraid that the officers might shoot real bullets. Mr. Ortiz is a 76-year-old veteran.

18 61. Plaintiff Romuando Pedro ("PEDRO") was in or around MacArthur Park  
19 on May 1, 2007. He was there with his wife and three children, ages 12, 9 and 6. He  
20 was taking photos of the rally when he saw police striking a man on the ground.  
21 When he began to take photos of that, he was struck twice with a baton on the leg.  
22 He began to run away from the officers and was hit multiple times with rubber  
23 bullets, including on his upper back. He ran to collect his family and they all ran out  
24 of the park. His children were terrified by the actions of the police and were crying  
25 uncontrollably.

26 62. Plaintiff Ester Navarette Plata ("NAVARETTE PLATA") was in or around  
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1 MacArthur Park on May 1, 2007. She was discussing with friends that the turnout  
2 for this year's rally was not as big as last time. They decided to leave. As they  
3 walked out of the park, she lost her friends and was in a crowd of people she did not  
4 know. Suddenly, she saw a lot of people running and she tried to run also, but fell  
5 amongst all of the people. Someone helped her up and told her to run. She fractured  
6 her wrist and forearm and sustained several cuts and bruises on her body.

7 63. Plaintiff Jeremy Rothe-Kuschel ("ROTHE-KUSCHEL") was in or around  
8 MacArthu Park on May 1, 2007. When the police came into the park, he was  
9 standing around talking to people. He began walking backwards with his hands up  
10 and then when he turned around and started walking away fast, he was shot in the  
11 right lower back with a rubber projectile.

12 64. Plaintiff Maria Ester Tejada ("TEJADA") was in or around MacArthur  
13 Park on May 1, 2007. She was in the park watching people arrive for the rally. All  
14 of a sudden she saw the police in riot gear form several lines and begin pushing  
15 people telling them to go. She began running away and fell down. The police were  
16 still coming and she was scared, so she got back up and kept running. The incident  
17 evoked for her the nightmare of the war in El Salvador and she has become very  
18 anxious and preoccupied.

19  
20 **Defendants**

21 65. At all times relevant hereto William Bratton was the Chief of Police of the  
22 Los Angeles Police Department. Plaintiffs are informed and believe and thereupon  
23 allege that Chief Bratton was responsible for the development, establishment and/or  
24 implementation of the procedures, policies, regulations, practices and/or customs of  
25 the LAPD with respect to the implementation of the settlement in *National Lawyers*  
26 *Guild v. City of Los Angeles*, its use of force in response to political protests, its use  
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1 of "less lethal" projectiles and its overall activities in regard to political protests.  
2 Upon information and belief, plaintiffs further allege that at all times relevant hereto,  
3 Chief Bratton participated in, approved, and/or ratified the unconstitutional or illegal  
4 acts complained of herein. Additionally, upon information and belief, plaintiffs  
5 allege that Chief Bratton failed adequately to train, supervise and monitor the actions  
6 of officers assigned to protest and/or riot details, or to promulgate adequate policies  
7 and regulations to prevent the unlawful acts complained of. Plaintiffs sue Chief  
8 Bratton in both his official and personal capacity.

9         66. Defendant Cayler Carter was a deputy chief of police with the LAPD on  
10 May 1, 2007 and served as the Commanding Officer of Central Bureau. Defendant  
11 Carter is sued in his official and individual capacities. He was tasked with  
12 supervising the permitted MIWON march and assembly at Mac Arthur Park on May  
13 1, 2007. At all times relevant herein, Carter was acting under color of state law.

14         67. Defendant Louis Gray is a commander with the LAPD who was assigned  
15 to Central Division on May 1, 2007 and was the Incident Commander at the  
16 MacArthur Park rally. He is sued in his official and individual capacities. With  
17 Defendant Carter, Commander Gray was tasked with making decisions regarding the  
18 deployment of officers and munitions, as well as the decision to declare an unlawful  
19 assembly. Commander Gray was also the Incident Commander on October 22, 2000,  
20 who ordered the unlawful use of less-lethal munitions against peaceful participants  
21 in a lawful, permitted demonstration. At all times relevant herein, Gray was acting  
22 under color of state law.

23         68. Defendant City of Los Angeles is a municipal corporation duly organized  
24 and existing under the laws of the State of California. The LAPD is an agency of the  
25 City of Los Angeles, and all actions of the LAPD are the legal responsibility of the  
26 City. The City of Los Angeles is sued both in its own right and on the basis of  
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1 *respondeat superior*, under California Government Code § 815.2.

2 69. Plaintiffs are ignorant of the true names and capacities of defendants sued  
3 herein as DOES 1 through 10, inclusive, and therefore sue these defendants by such  
4 fictitious names. Plaintiffs will amend this complaint to allege their true names and  
5 capacities when ascertained. Plaintiffs are informed and believe and based thereon  
6 allege that defendants DOES 1 through 10 are responsible in some manner for the  
7 damages and injuries hereinafter complained of.

8 70. Plaintiffs are informed and believe and thereupon allege that at all times  
9 relevant hereto Chief Bratton and Deputy Chief Carter and Does 1 through 10 were  
10 the agents, servants and employees of defendant City of Los Angeles, and were acting  
11 at all times within the scope of their agency and employment and with the knowledge  
12 and consent of their principal and employer, the City of Los Angeles. At all times  
13 herein, defendants and Does were acting under the color of state law.

14  
15 **CLASS ACTION ALLEGATIONS**

16 71. Plaintiffs bring this action on their own behalf and on behalf of a class of  
17 all other persons similarly situated pursuant to Rule 23(b)(1), (b)(2) and (b)(3),  
18 Federal Rules of Civil Procedure. The damages class is defined as those persons  
19 who were present on May 1, 2007 in MacArthur Park at any point between the hours  
20 of 5:30 and 7:00 p.m., who did not engage in any conduct justifying the Defendants'  
21 use of force against them, and who were subjected to the use of force, including those  
22 who 1) were shot with projectiles, struck with batons, 2) were physically injured by  
23 the use of other weapons or force in MacArthur Park, 3) were physically injured by  
24 the use of other weapons or force as they attempted to leave the park and/or disperse  
25 from the area of the park, 4) were physically injured by the use of other weapons or  
26 force as they attempted to disperse along Wilshire Boulevard, Alvarado Boulevard,



1 7<sup>th</sup> Street or Park View Street, or in the vicinity of those streets, 5) were physically  
2 injured by the use of other weapons or force as they observed the activities of  
3 protestors and the police in those areas, or 6) although not physically injured, were  
4 driven from the Park as a result of the LAPD's unlawful use of force were subject to  
5 the threat of force and driven out of the Park under the threat of the use of force. This  
6 class is inclusive of people present in order to peacefully protest and those otherwise  
7 there to observe or to enjoy the use of the Park.

8 72. The injunctive relief class is defined as all persons who have in the past,  
9 or may in the future, participate in, or be present at, demonstrations within the City  
10 of Los Angeles in the exercise of their rights of free speech and petition. Without  
11 intervention by this Court, those class members are at risk of having their rights  
12 violated in the future due to the City's past and threatened future actions. T h e  
13 injunctive relief Plaintiffs have no adequate remedy at law to protect the future lawful  
14 exercise of their constitutional rights, and, without action by this court, will suffer  
15 irreparable injury, thereby entitling them to injunctive and declaratory relief.

16 73. In accordance with F.R.Civ. P. Rule 23(a), the class is so numerous that  
17 joinder of all members is impracticable. Plaintiffs do not know the exact number of  
18 class members. Plaintiffs are informed and believe and thereon allege that there are  
19 in excess of 200 members of the class.

20 74. In accordance with F.R. Civ. P. Rule 23(a), there are questions of fact  
21 common to the class. Plaintiffs are informed and believe and thereon allege that the  
22 common questions of fact include but are not limited to the following:

23 a. What danger, if any, the peaceful participants presented when defendants  
24 declared the gathering an unlawful assembly and ordered the peaceful  
25 participants to disperse;

26 b. What defendants told the peaceful participants regarding the declaration of  
27

1 an unlawful assembly and how they should disperse;

2 c. What opportunity defendants gave the peaceful participants to disperse  
3 before attacking them with projectiles, batons and other weapons;

4 d. What degree of force defendants used against the peaceful participants *e.g.*,  
5 what degree of force does shooting a person with a "less than lethal" weapon  
6 actually represent;

7 e. What warnings, if any, defendants gave before using force against the  
8 peaceful participants;

9 f. Whether defendants declared the protest an unlawful assembly for the  
10 purpose of interfering with the peaceful participants right to freedom of  
11 speech;

12 g. Whether defendants used force against the peaceful participants for the  
13 purpose of interfering with the peaceful participants right to freedom of  
14 speech;

15 h. Whether defendants engaged in content-discrimination and viewpoint-  
16 discrimination.

17 75. In accordance with F.R. Civ. P. Rule 23(a), there are questions of law  
18 common to the class. Plaintiffs are informed and believe and thereon allege that the  
19 common questions of law include but are not limited to, the following:

20 a. Whether defendants were legally justified in declaring the gathering an  
21 unlawful assembly;

22 b. Whether (assuming the dispersal order was unlawful) any use of force was  
23 lawful;

24 c. Whether (assuming the dispersal order was lawful) defendants gave  
25 peaceful participants an adequate opportunity to disperse;

26 d. What degree of force (assuming the dispersal order was lawful), if any,  
27

- 1 defendants were permitted to use to disperse the peaceful participants;
- 2 e. Whether defendants were permitted to use force, including firing projectiles
- 3 at peaceful participants, without warning;
- 4 f. Whether defendants were permitted to randomly fire into the dispersing
- 5 peaceful participants;
- 6 g. Whether the force defendants used was constitutionally reasonable.

7 76. In accordance with F.R. Civ. P. Rule 23(a), the claims of the representative

8 plaintiffs are typical of the class they represent. Each representative plaintiff was

9 present in or about MacArthur Park on May 1, 2007, between the hours of 5:45 p.m.

10 and 7:30 p.m. Each representative plaintiff was subjected to force in the Park or as

11 he or she attempted to disperse from the Park, or as she or he attempted to disperse

12 along Wilshire Boulevard, Alvarado Boulevard, 7<sup>th</sup> Street and/or Park View, or in the

13 vicinity of those streets. No representative plaintiff did anything to attack or threaten

14 to attack any person, or interfere with any lawful action of anyone, or resist arrest, or

15 escape. Except for their presence at the Park, and peaceful, verbal, non-violent

16 protests, and observing defendants, plaintiffs did nothing. Defendants had no legal

17 justification for ordering any representative plaintiff to disperse and no legal

18 justification for using force against any representative plaintiff.

19 77. Each representative plaintiff has the same interests and suffered the same

20 type injuries as the class members. The claims of each representative plaintiff arose

21 because of LAPD's dispersal orders and use of force against the peaceful participants.

22 The claims of the representative plaintiffs are based upon the same legal theories as

23 the claims of the class members. Each representative class member suffered actual

24 physical injuries as a result of defendants' dispersal orders and defendants' use of

25 force.

26 78. In accordance with F.R. Civ. P. Rule 23(a), the representative plaintiffs

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28

1 will fairly and adequately protect the interests of the class. The interests of the  
2 representative plaintiffs are consistent with and not antagonistic to the interests of the  
3 class.

4 79. In accordance with Fed.R.Civ.P. Rule 23(b)(1)(A), prosecutions of  
5 separate actions by individual members of the class would create a risk that  
6 inconsistent or varying adjudications with respect to individual members of the class  
7 would establish incompatible standards of conduct for the parties opposing the class.

8 80. In accordance with Fed.R.Civ.P. Rule 23(b)(1)(B), prosecutions of  
9 separate actions by individual members of the class would create a risk of  
10 adjudications with respect to individual members of the class which would, as a  
11 practical matter, substantially impair or impede the interests of the other members of  
12 the class to protect their interests.

13 81. In accordance with Fed.R.Civ.P. Rule 23(b)(2), the Defendants have acted,  
14 threaten to act, and will continue to act on grounds generally applicable to the class,  
15 thereby making appropriate final injunctive relief or declaratory relief with respect  
16 to the class as a whole.

17 82. In accordance with Fed.R.Civ.P. Rule 23(b)(3), the questions of law or fact  
18 common to the members of the class predominate over any questions affecting only  
19 individual members. Plaintiffs are informed and believe and thereon allege that the  
20 questions of law and/or fact which predominate over any question affecting only  
21 individual members include whether defendants improperly declared an unlawful  
22 assembly depriving peaceful participants of their First Amendment rights, whether  
23 defendants used excessive force against peaceful participants, whether defendants'  
24 motivation was to deprive the peaceful participants of their First Amendment rights,  
25 and whether defendants engaged in content-discrimination and viewpoint-  
26 discrimination.

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1 to freedom of speech and association guaranteed by the First Amendment of the  
2 United States Constitution.

3 89. As a proximate result of the wrongful, malicious and violent acts of  
4 defendants, and the fright caused plaintiffs, plaintiffs and each of them, suffered  
5 physical injuries and experienced shock and injury to the nervous system and were  
6 injured in their health, strength and activity, suffering extreme and severe mental  
7 anguish and physical pain, anxiety, humiliation and emotional distress.

8 90. By reason of the aforementioned acts and omissions of defendants and the  
9 City of Los Angeles, plaintiffs, and each of them, have incurred and will incur in the  
10 future, medical and related expenses, past and future lost earnings, loss of property  
11 and other special and general damages, in an amount according to proof, but in excess  
12 of the jurisdictional limits of this court.

13 91. In doing the foregoing wrongful acts, defendants, and each of them, acted  
14 in intentional, reckless and/or callous disregard for the constitutional rights of  
15 plaintiffs. The wrongful acts, and each of them, were willful, oppressive, fraudulent  
16 and malicious.

17  
18 **SECOND CLAIM FOR RELIEF**  
19 **THREATS, INTIMIDATION OR COERCION**  
20 **FREEDOM OF SPEECH AND ASSOCIATION**

21 (Civil Code Section 52.1)

22 (All class representatives, individually and on behalf of the class  
23 they seek to represent, against all defendants)

24 92. Plaintiffs and each of them hereby reallege and incorporate by reference  
25 as if fully set forth herein the allegations set forth previously and subsequently herein.

26 93. The defendants by their conduct interfered by threats, intimidation, or  
27

1 coercion, or attempted to interfere by threats, intimidation, or coercion, with the  
2 exercise or enjoyment of plaintiffs rights of speech, assembly and association as  
3 secured by the First Amendment to the United States Constitution or laws of the  
4 United States, and rights secured by the Constitution or laws of the state of  
5 California, including but not limited to state Constitution Article I, sections 2 and 3.  
6

7 **THIRD CLAIM FOR RELIEF**

8 **EQUAL PROTECTION**

9 (1st and 14th Amendments, 42 U.S.C. Section 1983)

10 (All the class representatives, individually and on behalf of the class  
11 they seek to represent, against all defendants)

12 94. Plaintiffs them hereby reallege and incorporate by reference as if fully set  
13 forth herein the allegations set forth previously and subsequently in this complaint.

14 95. The actions of the defendants, as set forth above, violated plaintiffs' right  
15 to equal protection of the laws as guaranteed by the Fourteenth Amendment of the  
16 United States Constitution.

17  
18 **FOURTH CLAIM FOR RELIEF**

19 **EXCESSIVE FORCE**

20 (4th and 14th Amendments, 42 U.S.C. Section 1983)

21 (All the class representatives, individually and on behalf of the class  
22 they seek to represent, against all defendants)

23 96. Plaintiffs hereby reallege and incorporate by reference as if fully set forth  
24 herein the allegations set forth previously and subsequently in this complaint.

25 97. The conduct of each defendant violated the right of class members to be  
26 secure in home, person, and effects against unreasonable searches and seizures and  
27



1 not to be subjected to the use of excessive force, as guaranteed by the Fourth and  
2 Fourteenth Amendments to the United States Constitution, and entitles plaintiffs to  
3 bring suit and recover damages pursuant to 42 U.S.C. Section 1983.  
4

5 **FIFTH CLAIM FOR RELIEF**  
6 **THREATS, INTIMIDATION OR COERCION**  
7 **EXCESSIVE FORCE**

8 (Civil Code Section 52.1)

9 (All class representatives, individually and on behalf of the class  
10 they seek to represent, against all defendants)

11 98. Plaintiffs reallege and incorporate by reference as if fully set forth herein  
12 the allegations set forth previously and subsequently in this complaint.

13 99. The defendants by their conduct interfered by threats, intimidation, or  
14 coercion, or attempted to interfere by threats, intimidation, or coercion, with the  
15 exercise or enjoyment of plaintiffs rights as secured by the Fourth Amendment to the  
16 United States Constitution or laws of the United States, and of the rights secured by  
17 the Constitution or laws of the state of California, including but not limited to  
18 California Constitution Article I, section 13.  
19

20 **SIXTH CLAIM FOR RELIEF—DUE PROCESS**

21 (14th Amendment, 42 U.S.C. Section 1983)

22 (All the class representatives, individually and on behalf of the class  
23 they seek to represent, against all defendants)

24 100. Plaintiffs hereby reallege and incorporate by reference as if fully set forth  
25 herein the allegations set forth previously and subsequently in this complaint.

26 101. The actions of the defendants, as set forth above, shock the conscience  
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1 and violate plaintiffs' right to due process of law guaranteed by the Fourteenth  
2 Amendment of the United States Constitution.

3  
4 **SEVENTH CLAIM FOR RELIEF**  
5 **THREATS, INTIMIDATION OR COERCION - DUE PROCESS**

6 (Civil Code Section 52.1)

7 (All class representatives, individually and on behalf of the class  
8 they seek to represent, against all defendants)

9 102. Plaintiffs hereby reallege and incorporate by reference as if fully set forth  
10 herein the allegations set forth previously and subsequently in this complaint.

11 103. The defendants by their conduct interfered by threats, intimidation, or  
12 coercion, or attempted to interfere by threats, intimidation, or coercion, with the  
13 exercise or enjoyment of plaintiffs rights as secured by the Fourteenth Amendment  
14 to the United States Constitution (due process) and laws of the United States, and of  
15 rights secured by the Constitution or laws of the state of California, including but not  
16 limited to California Constitution Article I, section 13 (due process).

17  
18 **PRAYER FOR RELIEF**

19 Wherefore, plaintiffs seek judgment as follows:

20 104. Compensatory general and special damages for themselves and the class  
21 they represent, in an amount according to proof;

22 105. Exemplary damages (against each of the individual defendants) in an  
23 amount sufficient to deter and to make an example of those defendants;

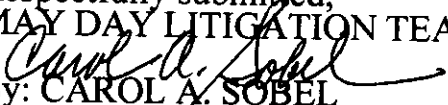
24 106. Attorneys fees and costs as provided for by 42 U.S.C. § 1988, Civil Code  
25 § 52.1(h), C.C.P. § 1021.5, and whatever other provision of law may be applicable;

26 107. Costs of suit;

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108. Such other relief as the Court finds just and proper.

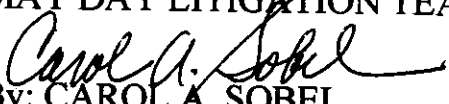
DATED: May 9, 2007

Respectfully submitted,  
MAY DAY LITIGATION TEAM  
  
By: CAROL A. SOBEL  
Attorneys for Plaintiffs

DEMAND FOR JURY TRIAL

The Plaintiffs hereby demand a jury trial in this action.

DATED: May 9, 2007

Respectfully submitted,  
MAY DAY LITIGATION TEAM  
  
By: CAROL A. SOBEL  
Attorneys for Plaintiffs