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11 WILLIAM BRATTON

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

FILED
CLERK OF DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES
JUN 27 11 29 AM '07

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

Plaintiffs

v.

29 **CITY OF LOS ANGELES**, a Municipal
30 Corporation; **WILLIAM BRATTON**, **CAYLER**
31 **CARTER**, **LOUIS GRAY** and **DOES 1** through
32 **10**, in their official and individual capacities,

Defendants.

CASE NO. CV07-3072 AHM(FMOx)

ANSWER OF DEFENDANTS
CITY OF LOS ANGELES AND
WILLIAM BRATTON TO
PLAINTIFFS' FIRST
AMENDED COMPLAINT;
DEMAND FOR JURY TRIAL

FILED
JUN 27 2007
BY

33 Defendants CITY OF LOS ANGELES, a municipal corporation, and WILLIAM
34 BRATTON answering Plaintiff's First Amended Complaint for themselves and for no
35 other parties, admit, deny and allege as follows:

36 \\\

1 1. Answering paragraph 1, no factual allegations are made therein, and on that
2 basis the paragraph goes unanswered.

3 2. Answering paragraph 2, Defendants lack sufficient information and belief
4 upon which to answer the allegations contained therein, and on that basis deny the
5 allegations.

6 3. Answering paragraph 3, Defendants deny the allegations contained therein.

7 4. Answering paragraph 4, Defendants deny the allegations contained therein.

8 5. Answering paragraph 5, Defendants deny the allegations contained therein.

9 6. Answering paragraph 6, Defendants deny the allegations contained therein.

10 7. Answering paragraph 7, Defendants deny the allegations contained therein.

11 8. Answering paragraph 8, Defendants deny the allegations contained therein.

12 9. Answering paragraph 9, Defendants deny the allegations contained therein.

13 10. Answering paragraph 10, Defendants deny the allegations contained therein.

14 11. Answering paragraph 11, Defendants deny the allegations contained therein.

15 12. Answering paragraph 12, Defendants deny the allegations contained therein.

16 13. Answering paragraph 13, Defendants deny the allegations contained therein.

17 14. Answering paragraph 14, Defendants deny the allegations contained therein.

18 15. Answering paragraph 15, Defendants deny the allegations contained therein.

19 16. Answering paragraph 16, Defendants deny the allegations contained therein.

20 17. Answering paragraph 17, Defendants deny the allegations contained therein.

21 18. Answering paragraph 18, Defendants deny the allegations contained therein.

22 19. Answering paragraph 19, Defendants deny the allegations contained therein.

23 20. Answering paragraph 20, Defendants deny the allegations contained therein.

24 21. Answering paragraph 21, Defendants deny the allegations contained therein.

25 22. Answering paragraph 22, Defendants deny the allegations contained therein.

26 23. Answering paragraph 23 Defendants deny the allegations contained therein.

27 24. Answering paragraph 24, Defendants deny the allegations contained therein.

28 25. Answering paragraph 25, Defendants deny the allegations contained therein.

- 1 26. Answering paragraph 26, Defendants deny the allegations contained therein.
- 2 27. Answering paragraph 27, Defendants deny the allegations contained therein.
- 3 28. Answering paragraph 28, Defendants deny the allegations contained therein.
- 4 29. Answering paragraph 29, Defendants deny the allegations contained therein.
- 5 30. Answering paragraph 30, Defendants deny the allegations contained therein.
- 6 31. Answering paragraph 31, Defendants deny the allegations contained therein.
- 7 32. Answering paragraph 32, Defendants deny the allegations contained therein.
- 8 33. Answering paragraph 33, Defendants deny the allegations contained therein.
- 9 34. Answering paragraph 34, Defendants deny the allegations contained therein.
- 10 35. Answering paragraph 35, Defendants deny the allegations contained therein.
- 11 36. Answering paragraph 36, Defendants deny the allegations contained therein.
- 12 37. Answering paragraph 37, Defendants deny the allegations contained therein.
- 13 38. Answering paragraph 38, Defendants deny the allegations contained therein.
- 14 39. Answering paragraph 39, Defendants deny the allegations contained therein.
- 15 40. Answering paragraph 40, Defendants deny the allegations contained therein.
- 16 41. Answering paragraph 41, Defendants deny the allegations contained therein.
- 17 42. Answering paragraph 42, Defendants deny the allegations contained therein.
- 18 43. Answering paragraph 43, Defendants deny the allegations contained therein.
- 19 44. Answering paragraph 44, Defendants deny the allegations contained therein.
- 20 45. Answering paragraph 45, Defendants deny the allegations contained therein.
- 21 46. Answering paragraph 46, Defendants deny the allegations contained therein.
- 22 47. Answering paragraph 47, Defendants deny the allegations contained therein.
- 23 48. Answering paragraph 48, Defendants deny the allegations contained therein.
- 24 49. Answering paragraph 49, Defendants deny the allegations contained therein.
- 25 50. Answering paragraph 50, Defendants deny the allegations contained therein.
- 26 51. Answering paragraph 51, Defendants deny the allegations contained therein.
- 27 52. Answering paragraph 52, Defendants deny the allegations contained therein.
- 28 53. Answering paragraph 53, Defendants deny the allegations contained therein.

- 1 54. Answering paragraph 54. Defendants deny the allegations contained therein.
- 2 55. Answering paragraph 55, Defendants deny the allegations contained therein.
- 3 56. Answering paragraph 56, Defendants deny the allegations contained therein.
- 4 57. Answering paragraph 57, Defendants deny the allegations contained therein.
- 5 58. Answering paragraph 58, Defendants deny the allegations contained therein.
- 6 59. Answering paragraph 59, Defendants deny the allegations contained therein.
- 7 60. Answering paragraph 60, Defendants deny the allegations contained therein.
- 8 61. Answering paragraph 61, Defendants deny the allegations contained therein.
- 9 62. Answering paragraph 62, Defendants deny the allegations contained therein.
- 10 63. Answering paragraph 63, Defendants deny the allegations contained therein.
- 11 64. Answering paragraph 64, Defendants deny the allegations contained therein.
- 12 65. Answering paragraph 65, Defendants deny the allegations contained therein.
- 13 66. Answering paragraph 66, Defendants deny the allegations contained therein.
- 14 67. Answering paragraph 67, Defendants deny the allegations contained therein.
- 15 68. Answering paragraph 68, Defendants deny the allegations contained therein.
- 16 69. Answering paragraph 69, the cause of action is not alleged against the
17 answering Defendants, and on that basis the paragraph goes unanswered.
- 18 70. Answering paragraph 70, the cause of action is not alleged against the
19 answering Defendants, and on that basis the paragraph goes unanswered.
- 20 71. Answering paragraph 71, Defendants admit the allegations contained
21 therein.
- 22 72. Answering paragraph 72, Defendants admit the allegations contained
23 therein.
- 24 73. Answering paragraph 73, Defendants admit the allegations contained
25 therein.
- 26 74. Answering paragraph 74, Defendants deny the allegations contained therein.
- 27 75. Answering paragraph 75, Defendants deny the allegations contained therein.
- 28 76. Answering paragraph 76, Defendants deny the allegations contained therein.

1 77. Answering paragraph 77, Defendants deny the allegations contained therein.

2 78. Answering paragraph 78, Defendants deny the allegations contained therein.

3 79. Answering paragraph 79, Defendants deny the allegations contained therein.

4 80. Answering paragraph 80, Defendants deny the allegations contained therein.

5 81. Answering paragraph 81, Defendants deny the allegations contained therein.

6 82. Answering paragraph 82, Defendants deny the allegations contained therein.

7 83. Answering paragraph 83, Defendants deny the allegations contained therein.

8 84. Answering paragraph 84, Defendants deny the allegations contained therein.

9 85. Answering paragraph 85, Defendants deny the allegations contained therein.

10 86. Answering paragraph 86, Defendants deny the allegations contained therein.

11 87. Answering paragraph 87, Defendants admit the allegations contained
12 therein.

13 88. Answering paragraph 88, Defendants lack sufficient information and belief
14 upon which to answer the allegations contained therein, and on that basis deny the
15 allegations.

16 89. Answering paragraph 89, Defendants lack sufficient information and belief
17 upon which to answer the allegations contained therein, and on that basis deny the
18 allegations.

19 90. Answering paragraph 90, which incorporates by reference the allegations of
20 other paragraphs of the pleading, Defendants to the same extent incorporate by reference
21 the answers provided herein to those paragraphs.

22 91. Answering paragraph 91, Defendants deny the allegations contained therein.

23 92. Answering paragraph 92, Defendants deny the allegations contained therein.

24 93. Answering paragraph 93, Defendants deny the allegations contained therein.

25 94. Answering paragraph 94, Defendants deny the allegations contained therein.

26 95. Answering paragraph 95, which incorporates by reference the allegations of
27 other paragraphs of the pleading, Defendants to the same extent incorporate by reference
28 the answers provided herein to those paragraphs.

1 96. Answering paragraph 96, Defendants deny the allegations contained therein.

2 97. Answering paragraph 97, Defendants deny the allegations contained therein.

3 98. Answering paragraph 98, which incorporates by reference the allegations of
4 other paragraphs of the pleading, Defendants to the same extent incorporate by reference
5 the answers provided herein to those paragraphs.

6 99. Answering paragraph 99, Defendants deny the allegations contained therein.

7 100. Answering paragraph 100, Defendants deny the allegations contained
8 therein.

9 101. Answering paragraph 101, which incorporates by reference the allegations
10 of other paragraphs of the pleading, Defendants to the same extent incorporate by
11 reference the answers provided herein to those paragraphs.

12 102. Answering paragraph 102, Defendants deny the allegations contained
13 therein.

14 103. Answering paragraph 103, which incorporates by reference the allegations
15 of other paragraphs of the pleading, Defendants to the same extent incorporate by
16 reference the answers provided herein to those paragraphs.

17 104. Answering paragraph 104, Defendants deny the allegations contained
18 therein.

19 105. Answering paragraph 105, Defendants deny the allegations contained
20 therein.

21 106. Answering paragraph 106, which incorporates by reference the allegations
22 of other paragraphs of the pleading, Defendants to the same extent incorporate by
23 reference the answers provided herein to those paragraphs.

24 107. Answering paragraph 107, Defendants deny the allegations contained
25 therein.

26 108. Answering paragraph 108, Defendants deny the allegations contained
27 therein.

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1 109. Answering paragraph 109, Defendants deny the allegations contained
2 therein.

3 110. Answering paragraph 110, Defendants deny the allegations contained
4 therein.

5 111. Answering paragraph 111, Defendants deny the allegations contained
6 therein.

7 112. Answering paragraph 112, Defendants deny the allegations contained
8 therein.

9 **AFFIRMATIVE DEFENSES**

10 As separate and distinct affirmative defenses, defendants allege each of the
11 following:

12 113. The force used against plaintiffs, if any, was caused and necessitated by the
13 actions of the plaintiffs, and was reasonable and necessary for self defense.

14 114. The force used against plaintiffs, if any, was caused and necessitated by the
15 actions of plaintiffs, and was reasonable and necessary for the defense of others.

16 115. The state claims are barred for plaintiffs' failure to comply with the
17 provisions of the California Tort Claims Act, Government Code § 910 et seq.

18 116. The action is barred for lack of standing to sue.

19 117. The action is barred by the doctrine of res judicata.

20 118. As to the federal claims and theories of recovery, the answering defendants
21 are protected from liability under the doctrine of qualified immunity, because defendants'
22 conduct did not violate clearly established statutory or constitutional rights of which a
23 reasonable person would have known.

24 119. Defendant City of Los Angeles and all defendants sued in their official
25 capacities are immune from the imposition of punitive damages.

26 120. Defendants are immune from liability pursuant to the provisions of each of
27 the following California statutes, each of which is set forth as a separate and distinct
28 affirmative defense:

1 Government Code §§ 815.2; 818; 818.8; 820.2; 820.4; 820.6; 820.8; 821; 821.2;
2 821.6; 845

3 Penal Code §§ 836.5; 847

4 **DEMAND FOR JURY TRIAL**

5 Defendants hereby demand and request a trial by jury in this matter.

6 WHEREFORE, defendants pray for judgment as follows:

- 7 1. That plaintiffs take nothing by this action;
8 2. That the action be dismissed;
9 3. That defendants be awarded costs of suit;
10 4. That defendants be awarded other and further relief as the Court may

11 deem just and proper, including an award of attorney's fees pursuant to 42 U.S.C. § 1988.

12 DATED: June 21, 2007

ROCKARD J. DELGADILLO, City Attorney
MICHAEL L. CLAESSENS, Sr. Asst. City Attorney
CORY M. BRENT, Supv. Assistant City Attorney

14 By: 
15 **GEOFFREY PLOWDEN**
16 Deputy City Attorney

17 Attorneys for Defendants CITY OF LOS ANGELES,
18 a municipal corporation, and WILLIAM BRATTON
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**PROOF OF SERVICE
(Via Various Methods)**

I. MARIA CRUZ, declare as follows:

I am over the age of 18 years, and not a party to this action. My business address is 200 North Main Street, 600 City Hall East, Los Angeles, California, which is located in the county where the mailing described below took place.

On June 21, 2007, I served the foregoing document described as:

ANSWER OF DEFENDANTS CITY OF LOS ANGELES AND WILLIAM BRATTON TO PLAINTIFF'S FIRST AMENDED COMPLAINT; DEMAND FOR JURY TRIAL

on all interested parties in this action, by placing a true copy thereof in a sealed envelope addressed as follows:

SEE ATTACHED MAILING LIST

[] BY PERSONAL SERVICE - () I delivered by hand, or (xx) I delivered by via messenger service, such envelope(s) to the offices of the addressee with delivery time prior to 5:00 p.m. on the date specified above.

[] BY FACSIMILE TRANSMISSION TO:
I transmitted to the offices of the addressee via facsimile machine, prior to 5:00 p.m. on the date specified above. The facsimile machine I used was in compliance with Rule 2003(3) and the transmission was reported as complete without error. Pursuant to Rule 2008(e), I caused a copy of the transmission report to be properly issued by the transmitting facsimile machine.

[XX] BY MAIL - I deposited said envelope(s) in the mail at Los Angeles, California, with first class postage thereon fully prepaid. I am readily familiar with the business practice for collection and processing of correspondence for mailing. Under that practice, it is deposited with the United States Postal Service on that same day, at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postage cancellation date or postage meter date is more than one (1) day after the date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the bar of this court at whose direction this service was made.

Executed on June 21, 2007, at Los Angeles, California.



MARIA CRUZ

**Multi-Ethnic Immigrant Workers Organizing Network v. City of Los Angeles
CV07-3072 AHM (FMOx)**

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Multi-Ethnic Immigrant Workers Organizing Network v. City of Los Angeles
CV07-3072 AHM (FMOx)

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