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LOS ANGELES SUPERIOR COURT

DEC 04 2001

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*Summons
issued*

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN THE COUNTY OF LOS ANGELES**
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11
12 JULIET MUSSO, SUSANNE BLOSSOM,
RON MILAM, DEREK IVERSON and
13 CHRISTOPHER WEARE, each as taxpayers,
as individuals and as class representatives, and
14 MELISSA BOYD, as an individual and as a
class representative,

15 Plaintiffs,

16 vs.

17 COUNTY OF LOS ANGELES, a public entity,
SHERIFF LEE BACA, DEPUTY SHERIFFS
18 JONES, BROWN, REBECCA COCOVA, and
DOES 1 - 50, each as individuals and as law
19 enforcement officers, and CITY OF LOS
ANGELES, a municipal corporation, CHIEF
20 OF POLICE BERNARD PARKS,
COMMANDER THOMAS LORENZEN, SGT.
21 D. MEDOF #26146, SGT. SANCHEZ #24083,
MOTORCYCLE OFFICER GERST #21467,
22 DETECTIVE III J. RAHM #22287, LT.
DUNKIN #14113, L. JOHNSON #26312,
23 OFFICER LEE, and DOES 51 - 100 each as
individuals and law enforcement officers,
24 Defendants.

CASE NO: BC249462

FIRST AMENDED COMPLAINT FOR
DAMAGES AND INJUNCTIVE AND
DECLARATORY RELIEF

PROPOSED CLASS ACTION

Taxpayers' Action for Injunction, C.C.P.
§526a; Violation of Civil Code §§ 51.7,
52, 52.1; Battery; False Arrest and
Imprisonment; Violations of Mandatory
Duties; Negligence

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9 **Plaintiffs JULIET MUSSO, SUSANNE BLOSSOM, RON MILAM,**

10 **DEREK IVERSON and CHRISTOPHER WEARE against**

11 **defendants BACA, and DOES 1 - 10**

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24 **FIFTH CAUSE OF ACTION**

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1 Plaintiffs allege:

2 **JURISDICTION AND VENUE**

3 1. This is an action seeking declaratory and injunctive relief against on behalf of people
4 who are arrested, whether lawfully or unlawfully, and taken to Los Angeles County Jails and unlawfully
5 subjected to visual body cavity searches pursuant to a long-standing blanket policy and practice. The
6 searches are conducted without probable cause or reasonable suspicion to believe that weapons or
7 contraband are being concealed. For the unlawful searches and other jail conditions, plaintiffs and class
8 members also seek compensatory damages from defendants COUNTY OF LOS ANGELES, LOS
9 ANGELES SHERIFF DEPARTMENT, and their officials and employees and punitive damages from
10 their individual employees.

11 2. Plaintiffs also seek compensatory damages for false arrest and other deprivations of
12 their rights from defendant CITY OF LOS ANGELES and its officials and employees and punitive
13 damages from the individual employees.

14 3. Each claim herein arises out of an incident within this judicial district in the City of
15 Los Angeles commencing on August 15, 2000, and involves Los Angeles County officials and deputy
16 sheriffs assigned to the jails, and Los Angeles City police officers and officials, in the County of Los
17 Angeles, State of California.

18 4. On or about October 11, 2000, pursuant to Government Code §910 et seq., and in
19 substantial compliance therewith, plaintiffs, as individuals and members of the class, and on behalf of
20 themselves and the members of the class, presented a claim for damages to the Board of Supervisors of
21 defendant COUNTY OF LOS ANGELES. Said claim was denied by operation of law on or about
22 November 25, 2000. A supplemental and amended claim was presented to said Board of Supervisors
23 on behalf of all putative class members on February 15, 2001. Said supplemental and amended claim
24 was denied by operation of law on or about March 30, 2001.

25 5. On or about October 11, 2000, pursuant to Government Code §910 et seq., and in
26 substantial compliance therewith, plaintiffs, as individuals and members of the class, and on their behalf,
27 presented a claim for damages to the City Council of defendant CITY OF LOS ANGELES. Said claim
28 which was denied by operation of law on or about November 25, 2000. A supplemental and amended

1 claim was presented to said City Council on behalf of all putative class members on February 15, 2001.
2 Said supplemental and amended claim was denied by operation of law on or about March 30, 2001.

3
4 **INTRODUCTION**

5 6. On August 15, 2000, during the Democratic National Convention, plaintiffs were
6 lawfully and peacefully riding their bicycles in a group of approximately 100 to 200 people. Some or
7 all of plaintiffs were riding to participate in the ongoing political process and to demonstrate their
8 support for a non-polluting means of transportation. They were suddenly surrounded by Los Angeles
9 police officers who escorted them through traffic signals and corralled them into a location away from
10 public view where, in the presence of and with the personal approval of defendant Chief of Police
11 Bernard Parks, they were arrested without warrants or probable cause to believe they had committed
12 any crime. They were handcuffed by a fence under the 110 Freeway for an unreasonable period of time
13 and despite their right to be released upon their promise to appear to answer to any charges, they were
14 herded onto buses and taken to jail where they were imprisoned. Plaintiffs' bicycles and other items of
15 property were unlawfully seized and were damaged. Misdemeanor charges were fabricated to justify
16 an unreasonable bail and to prolong plaintiffs' false imprisonment.

17 On two separate occasions, the twenty-three women who were arrested were subjected
18 to strip searches and visual body cavity searches. One of the occasions was prior to arraignment and the
19 second was after all charges had been dismissed. It is a crime under California law to subject a
20 misdemeanor arrestee to a strip or visual body cavity search prior to arraignment without probable cause
21 or reasonable suspicion to believe that the person is concealing weapons or contraband. The searches
22 were done in a corridor in the County Jail in the presence of each other and numerous others with the
23 intent to humiliate and embarrass the women.

24 The women were transported to and from court shackled together with chains and all
25 plaintiffs were subjected to unlawful jail conditions and treatment. Telephone calls were unlawfully and
26 unreasonably delayed and denied; medications were withheld; basic hygiene products were not provided;
27 such food as was provided was provided late, was inedible, moldy and/or did not comply with dietary
28 requirements; and plaintiffs were imprisoned for approximately 12 hours after all charges against them

1 had been dismissed.

2
3 **PARTIES**

4 **Plaintiffs**

5 7. Plaintiffs JULIET MUSSO, SUSANNE BLOSSOM, RON MILAM, DEREK
6 IVERSON, and CHRISTOPHER WEARE are each residents of the County of Los Angeles, and each
7 pays taxes in and to said County and each has done so within the past year. They sue herein as
8 individuals, class representatives and as taxpayers of defendant COUNTY OF LOS ANGELES.

9 8. Plaintiff MELISSA BOYD is a resident of the State of California and sues herein
10 as an individual and class representative.

11 9. Plaintiffs JULIET MUSSO, SUSANNE BLOSSOM, RON MILAM, DEREK
12 IVERSON, CHRISTOPHER WEARE, and MELISSA BOYD seek to represent a damages class
13 consisting of the 71 people who were arrested while bicycling on August 15, 2000, including the women
14 members of that group who were twice subjected to strip and visual body cavity searches.

15 10. The plaintiffs and each of the 71 people they seek to represent were each
16 discriminated against because they were, or were perceived to be, members of a group engaged in a
17 political demonstration.

18
19 **Defendants**

20 11. The true names of defendants Does 1 through 100 are not now known to plaintiffs
21 who therefore sue such defendants by fictitious names; but upon ascertaining the true name of a Doe
22 defendant, plaintiffs will seek leave to allege such true name in place of a fictitious name.

23 12. At all times material herein, defendant COUNTY OF LOS ANGELES was a
24 public entity organized and existing as such under the laws of the State of California. Defendant
25 COUNTY is responsible for the actions, omissions, policies, procedures, practices and customs of its
26 agents, employees and officials and has the duty to fund and provide the training for and the operations
27 of its jails, and to pay judgments and settlements in lawsuits against said Department.

28 13. At all times material herein, defendants Sheriff LEE BACA, and DOES 1 to 10

1 were policy-making officials of and for the County of Los Angeles and the Los Angeles Sheriff
2 Department. They have the authority and duty to allocate and expend public monies for the operations
3 of the jails and to pay judgments and settlements arising out of lawsuits based upon unlawful acts or
4 omissions occurring in defendants' jails. They have the further duty to train their employees and to
5 make policies consistent with the constitution and laws to avoid violations thereof and the consequent
6 waste of taxpayer dollars.

7 14. At all times material herein, defendant Sheriff LEE BACA was the Sheriff of Los
8 Angeles County and, as such, is responsible for, and liable for, all acts in the course and scope of
9 employment of all his deputies.

10 15. At all times herein mentioned, defendants JONES, BROWN and REBECCA
11 COCOVA, and DOES 11 to 50 were officials, deputy sheriffs, or other jail workers or employees,
12 employed as such by defendant COUNTY OF LOS ANGELES and at all times herein mentioned, were
13 each acting within the course and scope of their employment and under color of law and as a deputy of
14 defendant Sheriff LEE BACA. Defendants COUNTY OF LOS ANGELES, LEE BACA, JONES,
15 BROWN, REBECCA COCOVA and DOES 1 through 50 are hereafter referred to collectively as "the
16 County defendants."

17 16. At all times material herein, defendant CITY OF LOS ANGELES was a
18 municipality organized and existing as such under the laws of the State of California. Defendant City
19 is responsible for the actions, omissions, policies, procedures, practices and customs of its various agents
20 and agencies, including the Los Angeles Police Department ("LAPD") and its agents and employees.

21 17. At all times material herein, defendants Chief BERNARD PARKS, Commander
22 THOMAS LORENZEN, and Does 51 through 60 were policy-making officials of the City of Los
23 Angeles and the Los Angeles Police Department acting within the course and scope of their employment
24 and under color of state law. They are sued in their individual and their official capacities.

25 18. At all times material herein, defendants SGT. D. MEDOF #26146, SGT.
26 SANCHEZ #24083, MOTORCYCLE OFFICER GERST #21467, DETECTIVE III J. RAHM #22287,
27 LT DUNKIN #14113, L. JOHNSON #26312, and OFFICER LEE and Does 51 through 100, were Los
28 Angeles police officers duly qualified and appointed as such and were at all material times, acting under

1 color of law and within the course and scope of their employment. Defendants CITY OF LOS
2 ANGELES, BERNARD PARKS, THOMAS LORENZEN, SGT. D. MEDOF #26146, SGT. SANCHEZ
3 #24083, MOTORCYCLE OFFICER GERST #21467, DETECTIVE III J. RAHM #22287, LT DUNKIN
4 #14113, L. JOHNSON #26312, and OFFICER LEE and DOES 60 through 100 are hereafter referred
5 to collectively as “the City defendants.”

6 19. Plaintiffs are informed and believe that at all times material herein, each defendant
7 was acting as the employee, agent, representative and officer of every other defendant, within the course
8 and scope of such employment and agency, and under color of state law; and that each defendant herein
9 is in some manner responsible for the injuries and damages herein complained of. All acts and
10 omissions alleged herein were performed by and attributable to all defendants, each acting as agent,
11 employee or under the direction and control of the others; and each defendant instigated, participated
12 in, approved and/or ratified the acts and omissions of other defendants complained of herein.

13
14 **CLASS ALLEGATIONS**

15 20. Plaintiffs bring this action on their own behalf and on behalf of a class of all other
16 persons similarly situated pursuant to Code of Civil Procedure §382, and *City of San Jose v. Superior*
17 *Court*, 12 Cal.3d 447, 115 Cal.Rptr. 797 (1974). The class is defined as those 71 people who were
18 arrested in a mass arrest on August 15, 2000 while riding bicycles in the City of Los Angeles, and
19 includes a sub-class of 23 women. The class is so numerous and dispersed that joinder of all members
20 is impracticable. Some members of the class live in Los Angeles County but other members of the class
21 live elsewhere in California or in other states and at least four members of the class, including two
22 women, reside in foreign countries. There are questions of law or fact common to the class. Plaintiffs
23 are informed and believe and thereon allege that the common questions of fact and law include the
24 following:

25 As to the Searches of the Women Plaintiffs and Sub-class Members: Each of the women
26 plaintiffs and sub-class members was subjected to a strip search and a visual body cavity search shortly
27 after she arrived at the Los Angeles County jail. None of the men were subjected to such strip search
28 or visual body cavity search. Each of the women plaintiffs and sub-class members was subjected to a

1 second strip search and a second visual body cavity search at the Los Angeles County jail after they had
2 been ordered released from custody. None of the men were subjected to such strip search or visual body
3 cavity search. Common questions of law and fact include whether or not each of those searches was
4 reasonable, and/or lawful, and/or violated state law and/or was discriminatory.

5 As to the Arrest, Charges and Custody: Each of the plaintiffs and class members was arrested
6 without a warrant at the same time and place and in the same circumstances and on the same charges and
7 each was later charged with the same offenses which did not include the arrest offense. Common
8 questions of fact and law include whether or not there was probable cause for those arrests, or for the
9 charges on which they were arrested or for the charges filed against them. Additional common issues
10 of fact and law include the reasonableness of the manner of the arrest, which was common to all
11 plaintiffs and class members; the propriety of imprisoning plaintiffs and class members until the
12 arraignment which took place more than 24 hours after they had been arrested; whether and/or to what
13 extent and how long the County of Los Angeles could lawfully imprison plaintiffs and class members
14 after all charges had been dismissed.

15 21. The claims of the representative plaintiffs are typical of the class. Each
16 representative plaintiff was arrested by the LAPD in the same circumstances as the class, each was
17 detained in the same circumstances as the class, and each was over-detained by the County of Los
18 Angeles in the same manner and in the same circumstances as the rest of the class. Each female plaintiff
19 was strip searched twice and subjected to two visual body cavity searches in the same manner and in the
20 same circumstances as each of the female members of the class. The claims of the representative
21 plaintiffs are based upon the same legal theories as the claims of the class members. Each representative
22 class member suffered actual damages to himself or herself as a result of his or her arrest, detention,
23 over-detention, and, in the case of the women members of the class, strip searches and visual body cavity
24 searches. The actual damages suffered by each representative plaintiff are similar in type and amount
25 to the actual damages suffered by each class member of the same gender.

26 22. The representative parties will fairly and adequately protect the interests of the class.
27 The interests of the representative plaintiffs are consistent with and not antagonistic to the interests of
28 the class.

1 23. Prosecutions of separate actions by individual members of the class would create a
2 risk that inconsistent or varying adjudications with respect to individual members of the class would
3 establish incompatible standards of conduct for the parties opposing the class.

4 24. Prosecutions of separate actions by individual members of the class would create a
5 risk of adjudications with respect to individual members of the class which would, as a practical matter,
6 substantially impair or impede the interests of the other members of the class or their ability to protect
7 their interests.

8 25. The questions of law or fact common to the members of the class predominate over
9 any questions affecting only individual members. Plaintiffs are informed and believe and thereon allege
10 that all the facts and circumstances relating to the matters complained of in this complaint are materially
11 identical for each class member and therefore predominate over any individual questions. Those
12 questions of law and/or fact which predominate over any question affecting only individual members
13 include, but are not limited to: Whether and under what circumstances people who are taken in custody
14 to the Los Angeles County Jail may be subjected to a strip and visual body cavity search prior to
15 arraignment; whether and under what circumstances people in the custody of defendant County of Los
16 Angeles who have been ordered released from custody and are entitled to their freedom may be
17 subjected to a strip and/or a visual body cavity search; the manner in which strip and visual body cavity
18 searches are conducted and the lawfulness of that conduct; whether the strip searches and visual body
19 cavity searches of the women violated their rights under the California Constitution, Article 1, §§ 1
20 and 13 and their right to equal protection under the California Constitution, Article 1, §7; whether the
21 detention, arrest, and imprisonment of plaintiffs violated their right to free speech under the California
22 Constitution, Article 1, §2, were made without probable cause, or were otherwise unlawful under the
23 laws of the State of California, including Article 1, §13 of the California Constitution; including holding
24 plaintiffs in custody at the scene of their arrests without taking them to a facility for several hours, failing
25 to provide telephone calls as required by statute, failing to cite and release plaintiffs, and failing to
26 release them on their own recognizance; the lawfulness of the jail conditions including the lack of
27 appropriate food, and whether, or under what circumstances, the defendants are permitted to imprison
28 persons after any and all legal justification for such imprisonment has expired.

1 CHARGING ALLEGATIONS

2 FIRST CAUSE OF ACTION

3 Plaintiffs JULIET MUSSO, SUSANNE BLOSSOM, RON MILAM,
4 DEREK IVERSON and CHRISTOPHER WEARE against defendants
5 BACA, and DOES 1 - 10

6 Code of Civil Procedure, Section 526a, Taxpayers' Claim for Injunction

7 29. By this cause of action, plaintiffs seek only to prevent the continued wrongful
8 expenditure of taxpayer funds by defendant COUNTY OF LOS ANGELES and do not seek to make any
9 public employee liable for any injury. On information and belief, plaintiffs allege that defendants LEE
10 BACA and DOES 1 through 10 each individually made, instigated, participated in, ratified, encouraged
11 and executed the policies and practices sought to be enjoined.

12 30. Defendants' expenditure of taxpayers' funds necessitated by the implementation of
13 the policies and practices challenged herein is unlawful. Plaintiffs JULIET MUSSO, SUSANNE
14 BLOSSOM, RON MILAM, DEREK IVERSON and CHRISTOPHER WEARE have an interest in
15 enjoining the continued unlawful expenditure of tax funds. Pursuant to Code of Civil Procedure §526a,
16 plaintiffs seek extraordinary and injunctive relief to prevent continued harm to themselves and to the
17 public by defendants' use of public monies to carry on the following unlawful policies and practices:

18 31. Defendants BACA, and DOES 1 to 10 maintain a blanket policy of ordering,
19 permitting, authorizing, and encouraging their deputy sheriffs to perform strip searches and visual body
20 cavity searches and other intrusive searches upon arrestees, and a practice and custom of conducting
21 such searches in an unreasonable and unlawful manner, and disproportionately upon women in their
22 custody, without probable cause or reasonable suspicion that they are concealing contraband or weapons,
23 thereby violating the proscription against unreasonable searches and seizures in Article I, Section 7 of
24 the California Constitution, and violating a woman's right to equal protection of the laws contained in
25 Article I, Section 13 of the California Constitution. Said defendants maintain their policy, practice and
26 custom notwithstanding that it violates Penal Code §4030 *et seq.* which makes such conduct a crime;
27 and further, defendants BACA, and DOES 1 to 10 have a policy and practice of ratifying such unlawful
28 conduct.

1 32. On information and belief, plaintiffs allege that deputy sheriffs of defendant
2 COUNTY OF LOS ANGELES expend at least 16,000 hours of their time *per annum* in conducting
3 unlawful strip and visual body cavity searches at an annual cost to the taxpayers of defendant COUNTY
4 OF LOS ANGELES of more than \$300,000 in payroll expense and an amount to be proved in payment
5 of judgments and settlements arising from their unlawful conduct .

6 33. As a result of its foregoing policies, practices and customs, the taxpayers of
7 defendant COUNTY OF LOS ANGELES have paid, and will in the future be required to use public
8 funds to pay wages and salaries, including overtime wages, to deputy sheriffs for conducting such
9 searches, in the amounts set out above; and further, said taxpayers have paid and will in the future be
10 required to pay damages to the victims of such unlawful conduct.

11 34. If defendants are not enjoined, a multiplicity of lawsuits will be required in that
12 defendants' unlawful conduct, policies and practices are continuous and ongoing and the taxpayers of
13 the COUNTY OF LOS ANGELES will be required to continue paying damages to the victims of said
14 policies and practices, and wages to the deputy sheriffs who are executing the policies and practices.
15 A continuation of defendants' conduct will produce great and irreparable injury to plaintiffs and to the
16 public.

17 35. Plaintiffs have no adequate remedy at law in that money damages will not adequately
18 compensate plaintiffs or the public for the expenditure of public monies required by the defendants'
19 deprivation and denial of constitutional and other civil rights and liberties.

20 36. Plaintiffs, in order to prevent further waste of public monies, are entitled to
21 permanent injunctive relief against defendants BACA, and DOES 1 to 10 pursuant to the provisions of
22 § 526a of the California Code of Civil Procedure restraining and enjoining defendants BACA, and
23 DOES 1 to 10 and their successors, agents, employees and all persons acting in concert and participating
24 with them from enforcing and implementing their unconstitutional and unlawful blanket policy and
25 practice of conducting strip searches and visual body cavity searches and from performing strip searches
26 and visual body cavity searches in violation of Penal Code §4030, and disproportionately on women,
27 and in an unlawful manner.

28

1 38. As a proximate cause of the foregoing conduct, plaintiffs suffered injuries in an
2 amount to be proved and are entitled to the damages, statutory minimum damages, treble damages,
3 attorneys fees and costs provided for by Civil Code §§ 52 and 52.1.

4
5 **THIRD CAUSE OF ACTION**

6 All Plaintiffs and Class Members vs. the City defendants

7 **Civil Code Sections 51.7, 52, and 52.1**

8 39. At said time, date and place, defendants BERNARD PARKS, THOMAS
9 LORENZEN, SGT. D. MEDOF #26146, SGT. SANCHEZ #24083, MOTORCYCLE OFFICER GERST
10 #21467, DETECTIVE III J. RAHM #22287, LT DUNKIN #14113, L. JOHNSON #26312, OFFICER
11 LEE and DOES 51 - 100, while acting jointly, interfered by threats, intimidation or coercion with
12 plaintiffs' exercise and enjoyment of rights secured by Article 1, sections 1, 2, 3, (right to assemble) 7,
13 and 13 of the California Constitution and Penal Code §§ 825, 851.5, 853.5 and 853.6 *et seq* in that
14 defendants (a) interfered with and prevented plaintiffs from exercising their rights to associate, to make
15 political statements, and to petition their government, (b) seized plaintiffs and their property without
16 a warrant or legal justification and with the use of unreasonable force, and caused their unlawful
17 imprisonment and (c) violated their rights to make telephone calls, to be released on citation or bail, to
18 be taken without unnecessary delay before a magistrate, and to permit attorneys to visit plaintiffs and
19 maliciously and intentionally fabricated charges against plaintiffs knowing that they were false and
20 without probable cause and thereby caused the setting of excessive bail and which prolonged plaintiffs'
21 false imprisonment.

22 40. As a proximate cause of defendants' conduct, plaintiffs suffered property damage
23 and personal injuries in an amount to be proved and are entitled to the damages, statutory damages,
24 treble damages, attorneys fees and costs provided for by Civil Code §§ 52 and 52.1.

25 ///

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1 concealing weapons or contraband; further, the second of said unlawful searches was conducted after
2 all charges against plaintiffs were dismissed and they were entitled to be released. The searches were
3 conducted upon the women plaintiffs and sub-class members because of their gender and were
4 performed in a manner which was unlawful and which was intended to and did humiliate and embarrass
5 the women plaintiffs and sub-class members.

6 45. On information and belief, plaintiffs allege that defendant BACA personally caused,
7 permitted, ratified or encouraged the violations described in the preceding paragraph.

8 46. As a proximate cause of defendants' conduct, the women plaintiffs and sub-class
9 members suffered injuries in an amount to be proved and they are entitled to recover the damages, treble
10 damages, civil penalty, attorneys' fees, and other damages permitted by Civil Code §§ 51.7, 52 and 52.1.

11
12 **SIXTH CAUSE OF ACTION**

13 All Plaintiffs and Class Members vs. The City Defendants

14 **False Arrest and Imprisonment**

15 47. At or about 6:20 p.m. on August 15, 2000, the City defendants arrested plaintiffs and
16 class members and caused them to be arrested without a warrant or probable cause to believe they had
17 committed a crime; and defendants caused plaintiffs and class members to be imprisoned in jail upon
18 fabricated charges and to be subjected to the unconstitutional and unlawful conduct and conditions
19 described above.

20 48. As a proximate cause of defendants' conduct, plaintiffs and all class members
21 suffered injury in an amount to be proved.

22
23 **SEVENTH CAUSE OF ACTION**

24 All Plaintiffs and Class Members vs. The City Defendants

25 **Violation of Mandatory Duties**

26 49. At said time, date and place, the City defendants had a mandatory duty imposed by
27 Penal Code §841 to advise plaintiffs and class members of the charges for which they were being
28 arrested, and they had a mandatory duty under Penal Code §§853.5 and 853.6 *et seq.*, to release them

1 body cavity searches unless they had probable cause or reasonable suspicion to believe an arrestee was
2 concealing weapons or contraband; and notwithstanding said mandatory duty which was enacted to
3 protect plaintiffs and others similarly situated, defendants violated their duty and committed crimes by
4 subjecting the women plaintiffs and sub-class members to strip searches and visual body cavity searches
5 on two separate occasions.

6 54. As a proximate cause of defendants' conduct, said plaintiffs suffered injuries in an
7 amount to be proved.

8
9 **ELEVENTH CAUSE OF ACTION**

10 All Plaintiffs and Class Members vs. The County Defendants

11 **Violation of Mandatory Duty**

12 55. At said time, date and place, the County defendants had a mandatory duty imposed
13 by Penal Code §851.5 to permit arrestees to make three completed telephone calls immediately upon
14 being booked, and except where physically impossible, no later than three hours after arrest; but
15 notwithstanding said duty, which was enacted to protect plaintiffs and the class members and others
16 similarly situated, defendants unlawfully and unreasonably delayed and denied plaintiffs and class
17 members their right to make telephone calls, all to their damage in an amount as proved.

18
19 **TWELFTH CAUSE OF ACTION**

20 All Plaintiffs and Class Members vs. Defendants City, Parks, Lorenzen and Does 51 – 60

21 **Negligence**

22 56. On or about August 15, 2000, and for some time prior thereto, defendants CITY OF
23 LOS ANGELES, PARKS, LORENZEN and DOES 51 – 60 each had the authority and duty to employ,
24 train, supervise, discipline, assign and discharge sworn personnel of the Los Angeles Police Department.

25 57. On or about August 15, 2000 and for some time prior thereto, defendants CITY,
26 PARKS, and DOES 51 – 60 each knew, or in the exercise of reasonable care, should have known, that
27 defendants SGT. D. MEDOF #26146, SGT. SANCHEZ #24083, MOTORCYCLE OFFICER GERST
28 #21467, DETECTIVE III J. RAHM #22287, LT DUNKIN #14113, L. JOHNSON #26312, OFFICER

1 LEE and DOES 61 – 100 each had propensities for violence and abuse of authority; and notwithstanding
2 such knowledge, defendants CITY, PARKS, LORENZEN and DOES 51 – 60 negligently and carelessly
3 employed, trained, and supervised said defendants and assigned them to duties that enabled them to
4 make warrantless and unlawful arrests and to use unnecessary and unreasonable force upon members
5 of the public, and otherwise to abuse their authority; and as a proximate result thereof, plaintiffs and
6 class members were injured as described herein.

7
8 **THIRTEENTH CAUSE OF ACTION**

9 All Plaintiffs and Class Members vs. County defendants,

10 **False Imprisonment**

11 58. On or about August 15, 2000, and for some time prior thereto, defendants each
12 falsely imprisoned or caused plaintiffs and class members to be falsely imprisoned by unnecessarily and
13 unreasonably delaying their arraignment in violation of Penal Code §§85 and 849, and by failing to
14 release them promptly as so required by court order. As a proximate result thereof, plaintiffs and class
15 members were injured as described herein.

16
17 **FOURTEENTH CAUSE OF ACTION**

18 All Plaintiffs and Class Members vs. County defendants,

19 **Negligence**

20 59. On or about August 15, 2000, and for some time prior thereto, defendants each had
21 a duty to provide lawful conditions of confinement to plaintiffs and class members, including duties to
22 not subject plaintiffs to unlawful searches, delayed arraignment or over detention, and duties to provide
23 proper and reasonable facilities, opportunities and amenities to plaintiffs and class members including
24 the facilities and opportunities to make three completed telephone calls in accordance with Penal Code
25 §825, the provision of necessary medication and food fit for human consumption, and not to abuse their
26 authority to intimidate or frighten plaintiffs and class members and, additionally defendants COUNTY
27 OF LOS ANGELES, BACA, and DOES 1 - 10 each had the duty to provide and maintain lawful
28 conditions of confinement for plaintiffs and class members, including the duty to employ, train,

- 1 reasonable suspicion to believe such persons are concealing weapons or contraband, and
2 3. to develop and implement adequate training, enforcement, tracking, and review
3 procedures to ensure that the unlawful policies and practices cease so that public funds
4 are not expended for salaries and wages for engaging in such unlawful searches or for
5 settlements and judgments resulting from such unlawful searches.
6 4. to submit proof of compliance within a reasonable period to be determined by the court.
7

8 **DECLARATORY RELIEF**


9 That this court declare the respective rights and duties of the parties according to evidence
10 to be presented at trial or other proceeding.
11

12 **MONETARY RELIEF**

- 13 1. Compensatory general and special damages in an amount according to proof;
14 2. Exemplary and punitive damages against each defendant except defendants COUNTY
15 OF LOS ANGELES, and CITY OF LOS ANGELES in an amount as proved;
16 3. In addition to actual damages, treble damages and a civil penalty of \$25,000 for each
17 woman plaintiff and sub-class member pursuant to Penal Code §§52 and 52.1;
18 4. Attorney fees and costs under Civil Code §§ 52, 52.1; and C.C.P. § 1021.5;
19 5. The costs of this suit and such other relief as the court finds just and proper.
20

21 DATED: December 3, 2001

22 MANES & WATSON

23 By 
24 CAROL A. WATSON
25 Attorneys for Plaintiffs
26
27
28

1 PROOF OF SERVICE BY MAIL

2 I am a resident of the county of Los Angeles; I am over the age of 18 and not a party to the within
3 action; my business address is 3435 Wilshire Blvd., Suite 2900, Los Angeles, CA 90010.

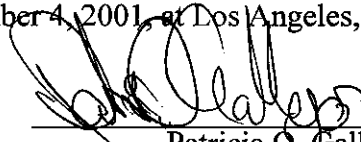
4
5 On December 4, 2001, I served the within FIRST AMENDED COMPLAINT on the person(s)
6 indicated below, by placing true copies thereof enclosed in sealed envelopes with postage thereon fully
7 prepaid in the United States mail at Los Angeles, California, addressed as follows:

8 David D. Lawrence, Esq.
9 Cindy S. Lee, Esq.
10 Michael D. Allen, Esq.
11 Franscell, Strickland, Roberts & Lawrence
12 225 South Lake Avenue, Penthouse
13 Pasadena, CA 91101-3005

14 James K. Hahn, City Attorney
15 Cecil W. Marr, Senior Assistant City Attorney
16 Don W. Vincent, Assistant City Attorney
17 Yong Woo Sohn, Deputy City Attorney
18 1650 City Hall East
19 200 North Main Street
20 Los Angeles, CA 90012-4129

21 I declare under penalty of perjury that the above is true and correct.

22 Executed on December 4, 2001, at Los Angeles, California.

23
24
25
26
27
28


Patricia O. Gallegos