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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

CHARMAINE CHUA, TORIE  
RIVERA, LYDIA HICKS, and KYLE  
TODD, individually and on behalf of a  
class of similarly situated persons, and  
the NATIONAL LAWYERS GUILD,

PLAINTIFFS,

vs.

CITY OF LOS ANGELES, a  
municipal entity, CHIEF CHARLIE  
BECK, COMMANDER ANDREW  
SMITH, and DOES 1-10 inclusive,

DEFENDANTS.

Case No.:

**COMPLAINT: CLASS ACTION  
INJUNCTIVE RELIEF AND  
DAMAGES**

**42 U.S.C. § 1983: FIRST, FOURTH  
AND FOURTEENTH  
AMENDMENT**

**CALIFORNIA CONSTITUTION:  
ARTICLE I, § 1, 2, 3, 7**

**CALIF. CIVIL CODE §52.1**

**FALSE ARREST/ FALSE  
IMPRISONMENT**

**CALIF. CIVIL CODE § 1798.14**

**DEMAND FOR JURY TRIAL**

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1 1. This action arises out of the unlawful detention and arrest of  
2 approximately 170 individuals engaged in demonstrations at or near the intersection  
3 of Beverly and Alvarado Streets on November 24, 2014, and Sixth and Hope Streets  
4 on November 26, 2014. The police herded Plaintiffs as they marched, finally  
5 surrounding them and preventing them from moving forward on the sidewalk. By  
6 kettling the demonstrators, detaining, interrogating and searching them, and  
7 arresting those at Sixth and Hope without first issuing a lawful order to disperse,  
8 Defendants violated Plaintiffs' rights under the U.S. and California constitution, as  
9 well as their statutory and common law rights.

10 **JURISDICTION AND VENUE**

11 2. This Court has subject matter jurisdiction over the Plaintiffs' claims  
12 pursuant to 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1343 (civil rights  
13 jurisdiction), and 28 U.S.C. § 1367 (supplemental jurisdiction). This Court has  
14 jurisdiction to issue declaratory or injunctive relief pursuant to 28 U.S.C. §§ 2201  
15 and 2202 and Federal Rule of Civil Procedure 57.

16 3. Venue is proper in the Central District of California pursuant to 28  
17 U.S.C. § 1391, as all Defendants and events giving rise to the claims herein occurred  
18 in the Central District of California.

19 **PARTIES**

20 4. Plaintiff Charmaine Chua was peaceably and lawfully protesting in  
21 downtown Los Angeles on November 26, 2014 in response to the decision of the  
22 grand jury not to indict police officer Darren Wilson for the shooting death of  
23 Michael Brown in Ferguson, Missouri. Ms. Chua, without notice or warning, was  
24 surrounded by police officers and kettled on the sidewalk at Sixth and Hope streets.  
25 Immediately after she was kettled on the sidewalk, Ms. Chua approached an officer  
26 and asked if she was being detained and asked to leave. The officer told Ms. Chua  
27 that she was not permitted to leave. Ms. Chua was arrested and held for almost an  
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1 entire day. No criminal charges were filed against Ms. Chua. She sues as an  
2 individual and on behalf of a class of similarly situated individuals.

3 5. Plaintiff Lydia Hicks is a resident of Los Angeles. On November 26,  
4 2014, she was engaged in lawful and peaceful protesting when she was kettled by  
5 the LAPD at Sixth and Hope, when, without notice or warning, she was detained and  
6 arrested. No criminal charges were filed against her. She sues as an individual and  
7 on behalf of a class of similarly situated individuals.

8 6. Plaintiff Torie John Rivera is a resident of Los Angeles County and  
9 works in downtown Los Angeles. On November 26, 2014, Mr. Rivera was peaceably  
10 and lawfully participating in a protest in downtown Los Angeles in response to a  
11 grand jury decision not to indict police officer Darren Wilson for the shooting death  
12 of Michael Brown in Ferguson, Missouri. Mr. Rivera, without notice or warning,  
13 was surrounded by police officers and kettled on the sidewalk at Sixth and Hope  
14 streets. Mr. Rivera was arrested and held for almost an entire day. No criminal  
15 charges were filed against Ms. Rivera. He sues as an individual and on behalf of a  
16 class of similarly situated individuals.

17 7. Plaintiff Kyle Todd is an attorney and a member of the National  
18 Lawyers Guild. He is a resident of Los Angeles. He acted as a legal observer during  
19 a protest on November 28, 2014, when he was kettled by LAPD officers, without  
20 notice or warning, while with a group of protestors on a public sidewalk at Beverly  
21 and Alvarado. The entire assembly was detained for more than an hour, without a  
22 prior dispersal order and an opportunity to leave. Todd, like the others with him,  
23 had his personal property searched, even though Todd expressly did not consent to  
24 the search. On threat of arrest, he was required to provide personal identifying  
25 information to the LAPD before he was finally cleared and given an individual  
26 dispersal order. He sues as an individual and on behalf of similarly situated  
27 individuals.

1           8.       Plaintiff National Lawyers Guild, Los Angeles Chapter (“NLG-LA”),  
2 is the local chapter of the nation’s first racially integrated voluntary bar association,  
3 formed in 1937 with a mandate to advocate for fundamental principles of human and  
4 civil rights, including the protection of rights guaranteed by the United States  
5 Constitution. Since then, the Guild has been at the forefront of efforts to develop  
6 and ensure respect for the rule of law and basic legal principles. The NLG-LA works  
7 to ensure legal and practical access to demonstrations in Southern California by  
8 regularly providing legal observers at demonstrations to observe and document  
9 potentially unlawful or unjustified interference with demonstrators’ rights from law  
10 enforcement. The NLG-LA also works to ensure the right to protest by helping to  
11 secure legal representation for demonstrators facing criminal charges arising out of  
12 demonstration activity and affirmative civil cases against local governments and law  
13 enforcement agencies for unlawful interference with demonstrators’ rights. It  
14 expends money conducting work to protect the right to lawfully demonstrate without  
15 police interference in Los Angeles. The NLG-LA has also served as an  
16 organizational Plaintiff in cases challenging interference with demonstrators’ rights,  
17 including an action arising from the disruption of lawful assemblies and use of  
18 unlawful force during the Democratic National Convention (“DNC”) in Los Angeles  
19 in 2000 and a subsequent demonstration on October 22, 2000. The settlement in that  
20 action provided for important changes in the policy and practices of the LAPD as  
21 applied to demonstrations.

22           9.       In addition, the NLG-LA has long advocated against unlawful  
23 surveillance of persons engaged in protected First Amendment activity, including  
24 the compilation of databases of participants in public protest. The NLG-LA suffered  
25 injury when the Defendants kettled the demonstrators, issued an unlawful and  
26 inadequate dispersal order, arrested them, denied them released on their own  
27 recognizance, and collected personal identifiers on individuals engaged in lawful  
28 First Amendment activity. On information and belief, the NLG-LA alleges that the

1 LAPD used both individual officers and electronic equipment to collect personal  
2 information on those engaged in the protests in November 2014, including the use  
3 of a Stingray and similar electronic equipment to sweep up any cell phone numbers  
4 used at the time and in the vicinity of the protests. Defendants' actions interfered  
5 with the NLG-LA's right to assembly and speech. The NLG-LA plans to assist, plan,  
6 participate in, hold similar events in the future, on its own or in conjunction with  
7 others, and is fearful that the police actions of November, 2014, including the  
8 unlawful collection of information on those participating in First Amendment  
9 activity in public places, will be repeated absent injunctive relief to prohibit the  
10 practices, policies, and customs of the LAPD that resulted in the unlawful action  
11 against peaceful demonstrators on November 26, 2014 in downtown Los Angeles.

12 10. The Plaintiff class consists of approximately 170 individuals who were  
13 unlawfully kettled by the LAPD in November 2014 in the protests against a number  
14 of recent widely publicized police killings of civilians, the most recent spark being  
15 the grand jury decision in Ferguson, Missouri. The class consists of two subclasses:  
16 all those at Beverly and Alvarado on November 28, 2014, who were kettled, detained,  
17 interrogated and forced to give up personal information; and all those detained and  
18 arrested at Sixth and Hope on November 26, 2014, then denied OR release, but who,  
19 ultimately, were not prosecuted. The Beverly and Alvarado subclass consists of  
20 approximately 40 persons; the Sixth and Hope subclass consists of approximately  
21 130 persons.

22 11. Defendant City of Los Angeles is a municipal corporation duly  
23 organized and existing under the Constitution and laws of the State of California.  
24 The Los Angeles Police Department ("LAPD") is a local government entity and an  
25 agency of Defendant City of Los Angeles, and all actions of the LAPD are the legal  
26 responsibility of the City of Los Angeles. The City of Los Angeles is sued in its own  
27 right on the basis of its policies, customs, and practices which gave rise to Plaintiffs'  
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1 federal rights claims, and on the basis of respondent superior, under California  
2 Government Code § 815.2, for Plaintiffs' state law claims.

3 12. Defendant Chief Charlie Beck, is and was, at all times relevant to this  
4 action, the LAPD police chief and a policymaker for his department. He is sued in  
5 both his individual and official capacities.

6 13. Defendant Commander Andrew Smith, was the field commander  
7 directing the operations. He is sued in both his individual and official capacities in  
8 that he was delegated the policy making authority by Defendant Chief Beck for these  
9 incidents.

10 14. Plaintiffs are informed, believe, and thereupon allege that Does 1  
11 through 10 were the agents, servants, and employees of Defendants City of Los  
12 Angeles and/or the LAPD. Plaintiffs are ignorant of the true names and capacities of  
13 Defendants sued herein as Does 1 through 10, inclusive, and therefore sue these  
14 Defendant by such fictitious names. Plaintiffs will amend this Complaint to allege  
15 their true names and capacities when ascertained. The individual Doe Defendants  
16 are sued in both their individual and official capacities.

17 15. Plaintiffs are informed, believe, and thereupon allege that at all times  
18 relevant hereto Does 1 through 10, in addition to the named Defendants, are  
19 responsible in some manner for the damages and injuries alleged herein.

20 16. Plaintiffs are informed, believe, and thereupon allege that at all times  
21 relevant hereto Defendants, and each of them, were the agents, servants and  
22 employees of the other Defendants and were acting at all times within the scope of  
23 their agency and employment and with the knowledge and consent of their principal  
24 and employer. At all times Defendants were acting under color of state law.

25 17. Plaintiffs are informed, believe, and thereupon allege that the practices,  
26 policies, and customs of the City of Los Angeles and/or the LAPD caused the  
27 unlawful action taken against Plaintiffs.

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**FACTS**

**THE ARRESTS AT SIXTH AND HOPE:**

18. On Wednesday, November 26, 2014, a crowd of peaceful protesters gathered in front of the federal courthouse on Temple and Spring Street at 3:00 pm in protest over a grand jury’s decision not to indict Ferguson, Missouri police officer Darren Wilson in the shooting death of Michael Brown.

19. At the conclusion of the rally at the Federal Courthouse, the protesters peacefully marched to the LAPD Headquarters on 1st Street. LAPD officers monitored and traveled alongside the march.

20. From LAPD Headquarters, the protesters marched through part of downtown Los Angeles. At approximately 7:00 p.m., the protesters marched south on Flower street and attempted to turn west on 7th Street. LAPD officers formed a line on Seventh Street to the west of the demonstrators and in front of Figueroa Street and prevented the demonstrators from continuing west on Seventh Street.

21. Soon thereafter, LAPD officers formed a line at Flower and Seventh, preventing the demonstrators from heading east on Seventh and cutting off all access to Flower Street. These two lines blocked all access to both Flower and Figueroa Streets, kettling the protesters on the single block of Seventh Street.

22. Once LAPD established the line at Seventh and Flower and kettled the protesters, the LAPD officers at Seventh and Figueroa moved their line to the east, pushing the demonstrators east and concentrating them on the eastern portion of the block of Seventh Street between Figueroa and Flower.

23. According to subsequent media reports, LAPD Captain Jeff Bert issued a dispersal order around this time. *See, e.g.*, “L.A. files few charges in Ferguson police shooting protests despite mass arrests”” LOS ANGELES TIMES, July 29, 2015: <http://www.latimes.com/local/crime/la-me-lapd-mass-arrests-20150716-story.html>.



1 However, as reported by the Los Angeles Times, Captain Bert concedes that the  
2 dispersal order was inadequate. Plaintiffs never heard a dispersal order, if one was  
3 given. After approximately ten to fifteen minutes of kettling the protesters on  
4 Seventh Street, LAPD officers then opened the police line on Flower and Seventh  
5 Streets to allow the protesters to proceed north on Flower. Based on this action,  
6 Plaintiffs believed that they were free to continue to protest since they were released  
7 by the LAPD with no instruction to disperse. The LAPD continued to block Flower  
8 to the South and Seventh to the east and west. With northbound on Flower as the  
9 only option, the protesters proceeded in that direction.

10 24. When the demonstrators attempted to head west on Wilshire Boulevard,  
11 the LAPD blocked the intersection of Wilshire and Figueroa. The demonstrators  
12 continued north on Lebanon Street, an alley-like street that runs north-south from  
13 Seventh to Sixth Streets between Figueroa and Flower Streets. When Lebanon Street  
14 came to a dead end at Sixth Street, the protesters turned west of Sixth Street.

15 25. LAPD formed another line at the intersection of Sixth and Figueroa  
16 Streets, blocking Figueroa Street on the south side of the intersection and Sixth Street  
17 on the west side of the intersection. LAPD officers in full “tactical” or “riot” gear  
18 were seen running north up Figueroa toward the police line and protesters. Having  
19 come from the east and without access to the south or west, the protesters turned  
20 north up Figueroa.

21 26. One block up, at Fifth and Figueroa, the LAPD formed lines at the  
22 intersection blocking Fifth Street to the west and Figueroa to the north. LAPD  
23 officers, including the officers in full “tactical” or “riot” gear, continued up Figueroa  
24 from the south. The only direction open to the protesters was east on Fifth Street.  
25 The protesters went east.

26 27. At Fifth and Flower Streets, LAPD officers instructed demonstrators to  
27 continue east on Fifth Street. But when the demonstrators began to head east on Fifth  
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1 Street, they saw a separate group of LAPD officers in full “tactical” or “riot” gear  
2 jogging toward them from the east on Fifth Street.

3 28. Without other options, the protesters proceeded through the walkways  
4 of the Central Library. LAPD officers closed in around the bushes on the north and  
5 west sides of the Library. The protesters proceeded through the walkways around  
6 the Central Library to the south side of the building where Hope Street dead-ends at  
7 Library building, just north of Sixth Street.

8 29. LAPD officers then kettled the demonstrators on Hope Street between  
9 Sixth Street and the Central Library. Throughout all of this time, since the failed  
10 attempt to give a dispersal order some distance away, no further attempt was made  
11 to give a dispersal order of any type. Chua and other Plaintiffs requested but were  
12 denied permission to leave. After approximately fifteen minutes after they were  
13 trapped on Hope Street, without any instruction or information, the LAPD  
14 announced that all of the Plaintiffs were under arrest.

15 30. Officers arrested approximately 130 individuals at this location. Each  
16 was arrested on charges of misdemeanor Failure to Disperse pursuant to Penal Code  
17 § 409.

18 31. Among those who were indiscriminately kettled and arrested were  
19 individuals who were not participating in the demonstration but were simply  
20 bystanders waiting for the bus on the northeast corner of the intersection of Sixth  
21 and Hope Streets, or walking by, or otherwise present in the area at the time the  
22 LAPD kettled the area. The statute applied to Plaintiffs, Penal Code § 409, has long  
23 been interpreted to require that law enforcement distinguish between participants  
24 who engaged in a clear and present danger of imminent violence and innocent  
25 bystanders. This cardinal rule was not applied in this instance.

26 32. Officers separated Plaintiffs into groups of six and each group was  
27 processed on-site by two LAPD officers. The officers photographed Plaintiffs,  
28

1 collected and recorded their names, searched them, handcuffed them using zip-ties,  
2 and loaded them onto buses.

3 33. Plaintiffs were then transported to the LAPD's Metropolitan Detention  
4 Center (MDC) or the Van Nuys jail. On information and belief, Plaintiffs allege that,  
5 prior to their release, many of those arrested at Sixth and Hope were first transported  
6 to the 77th Station jail in South Los Angeles.

7 34. The majority of Plaintiffs were incarcerated for approximately 14 hours,  
8 despite the fact that they were entitled to release on their own recognizance (OR)  
9 pursuant to California Penal Code § 853.6.

10 35. LAPD Lieutenant Andy Neiman was quoted in the media as saying all  
11 demonstrators who were unable to post bail would be held until they were able to  
12 appear in court early the following week. Commander Andy Smith told news media  
13 that while LAPD would typically release individuals with similar charges OR, "In  
14 this case, because these people are part of a protest that is continuing, they will not  
15 be released on their own recognizance." After holding Plaintiffs for an extended  
16 period of time, they were finally released OR only because Chief Beck decided to  
17 let them go at that time.

18 36. Penal Code § 853.6 imposes a mandatory requirement to release  
19 misdemeanor violators on their own recognizance either before or immediately after  
20 booking unless individualized probable cause exists to believe that one or more  
21 exceptions to the statute exists as a basis to deny OR release. There was no  
22 reasonable basis to believe that each and every one of the Plaintiffs came within any  
23 of these enumerated exceptions, but no individual assessment was made. The entire  
24 Plaintiff class was denied the individuals assessment of criminal liability that is the  
25 hallmark of due process and each had their liberty unlawfully restricted as a result  
26 of a deliberate decision by Defendant City to ignore the command of Penal Code  
27 § 853.6.

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1           37. This action was in keeping with the City's unlawful policy, beginning  
2 on or around November 17, 2011, of denying OR release to individuals arrested for  
3 engaging in civil disobedience. According to LAPD Deputy Chief Perez, who first  
4 announced this policy during the Occupy protests in Los Angeles in 2011, the  
5 decision was made to deny OR release to those engaged in First Amendment activity  
6 to "teach people a lesson." Subsequently, small groups of individuals involved in  
7 acts of civil disobedience at the Bank of America headquarters on November 17,  
8 2011, were arrested on non-violent misdemeanor offenses arising from protest  
9 activity and denied OR release. Again, on November 30, 2011, the City denied OR  
10 release to the nearly 300 people arrested in connection with the mass arrests at City  
11 Hall made in connection with the Occupy L.A. demonstration.

12           38. Such a basis for a blanket decision to deny Plaintiffs' liberty and detain  
13 them without justification for prolonged times violates the First, Fourth, and  
14 Fourteenth Amendment rights of Plaintiffs and the class members, and was done  
15 with the specific and deliberate intent to interfere with the exercise of Plaintiffs'  
16 rights to assembly and due process.

17  
18 **THE DETENTION AT BEVERLY AND ALVARADO:**

19           39. At approximately 3:00 p.m. on November 28, 2014, Plaintiffs gathered  
20 at Grand Park across from Los Angeles City Hall. Peaceful protestors, legal  
21 observers, pedestrians, and members of the media spoke out against the Ferguson  
22 grand jury's decision not to indict Darren Wilson for the murder of Mike Brown.

23           40. After an hour, Plaintiffs began to march peacefully west on Beverly  
24 Boulevard. They traveled approximately 2.5 miles, with LAPD officers monitoring  
25 the march, traveling alongside by foot, bicycle, motorcycle, patrol car, and,  
26 eventually, helicopter. At the start of the march, officers instructed Plaintiffs that  
27 they would be arrested if they marched in the street. Plaintiffs adhered to this  
28 instruction and marched on the sidewalks. After some time, however, the LAPD

1 intentionally blocked the Beverly Boulevard sidewalk with officers and motorcycles,  
2 forming a line across the sidewalk and the bike lane. The demonstrators were ordered  
3 by the LAPD to continue the protest by marching in the street. Plaintiffs proceeded  
4 with some hesitation to obey this new contradictory command. Not long after,  
5 officers approached Plaintiffs again and threatened to arrest anyone marching in the  
6 street. Plaintiffs quickly returned to the sidewalk, only to be faced with another  
7 LAPD motorcycle blockade just ahead of them. Once again, the officers directed  
8 Plaintiffs to walk in the street. At least one protestor responded that he would not  
9 walk in the street, because he feared he would be arrested.

10 41. Notwithstanding the LAPD's disruptive activities, the march was  
11 peaceful, with no violence or threat of violence by the protestors. The only threats  
12 to traffic or safety were created by the LAPD when they ordered Plaintiffs to march  
13 in the street because the LAPD was blocking the sidewalks with officers and  
14 motorcycles. At approximately 5:15 p.m., Plaintiffs turned north onto Alvarado  
15 Street. Plaintiffs did not get much farther; LAPD officers lined the road ahead,  
16 waiting to kettle and detain Plaintiffs. Approximately 100 riot-gear clad LAPD  
17 officers advanced on Plaintiffs. LAPD officers on foot, bicycles, motorcycles, in  
18 patrol cars, and helicopters, quickly surrounded approximately forty Plaintiffs even  
19 though at this point, the march had not been declared an "unlawful assembly" and  
20 no order to disperse was given.

21 42. More than an hour after Plaintiffs were kettled, the LAPD finally read  
22 a "dispersal order" in English and Spanish. Many of those present did not hear or  
23 understand the announcement. The Order stated that the march had been declared  
24 an unlawful assembly and that Plaintiffs would not be released until after being  
25 questioned individually. It did not inform the protestors of the possibility to leave  
26 within a set time and by an announced route.

27 43. The pretext for the LAPD's actions was the purported interference with  
28 traffic caused by the march. Several LAPD officials represented to the media that

1 the march constituted an unlawful assembly because “demonstrators ran into traffic  
2 and blocked motorists” after being “warned repeatedly” to “stay off the street” and  
3 “remain on the sidewalk.” Contrary to these assertions, video footage of the march  
4 shows the LAPD blocking the sidewalk with motorcycles and ordering the  
5 demonstrators to walk in the street. Any “interference” with traffic was caused and  
6 created by the LAPD itself.

7 44. The LAPD detained the Plaintiffs, handcuffed them with zip-ties, and  
8 compelled them to provide private identifying information, including social security  
9 numbers, birthplace, employment, telephone numbers, and home addresses before  
10 being released. At least one person was asked to identify any non-visible tattoos  
11 although he did not have any tattoos visible to the officer. The officers patted down  
12 the demonstrators’ clothing and searched their personal belongings, including  
13 backpacks and wallets, without consent or proper cause. LAPD officers ran warrants  
14 and warrants on each Plaintiff. After all of this, an officer read a dispersal order to  
15 one individual at a time. Another officer stood nearby, video recording the faces of  
16 each individual as the other officer read the dispersal letter.

17 45. On information and belief, the LAPD collected Plaintiffs’ personal  
18 information for the purpose of maintaining a database of protestors and for the  
19 dissemination of this information to other law enforcement and government agencies.  
20 The LAPD has a long history of engaging in unlawful surveillance and information  
21 collecting on those engaged in lawful expressive activity, a practice declared  
22 unconstitutional by both the California Supreme Court and Court of Appeal in two  
23 separate cases. The LAPD also has a history of allowing its confidential information  
24 to be shared with private advocacy and ideological groups.

25  
26 **MONELL ALLEGATIONS**

27 46. The City, through Chief Charlie Beck and the LAPD, has failed to train  
28 its officers in the constitutional responses to peaceful demonstrations as revealed by

1 the above allegations. The City is well aware of its constitutional duties in light of  
2 the settlement agreements discussed below in *National Lawyers Guild v. City of Los*  
3 *Angeles* and *MIWON v. City of Los Angeles*, as well as other agreements entered into  
4 on these issues over the years. The need for training and discipline to enforce  
5 constitutional guarantees in such circumstances is obvious. The City has known of  
6 the deficiencies in its training since at least 2000 and entered into a settlement  
7 agreements in June 2005 and June 2009, each time agreeing to revised policies and  
8 training, yet the City has failed to promulgate adequate policies effectuating the  
9 terms of the settlement agreement and/or to train its command staff and officers on  
10 the revised policies, if any exist.

11  
12 **THE SETTLEMENT IN NATIONAL LAWYERS GUILD V. CITY OF LOS ANGELES:**

13 47. In June, 2005, the City of Los Angeles entered into a settlement  
14 agreement in *National Lawyers Guild, et al. v. City of Los Angeles, et al.*, CV 01-  
15 6877 FMC (CWx), an action arising from the disruption of lawful assemblies and  
16 use of unlawful force during the Democratic National Convention (“DNC”) in Los  
17 Angeles in 2000 and a subsequent demonstration on October 22, 2000. The  
18 settlement provided for important changes in the policy and practices of the LAPD  
19 as applied to demonstrations. At least three of those provisions were violated by the  
20 LAPD’s actions at Beverly and Alvarado as alleged above.

21 48. Under the terms of the settlement in *National Lawyers Guild,*  
22 demonstrators, while participating in lawful assemblages, are not to be prevented  
23 from using public sidewalks to march.

24 49. The terms of the settlement also expressly provided that LAPD officers  
25 are not to use their motorcycles as a form of crowd control against peaceful  
26 demonstrators.

27 50. Finally, the settlement provided that, prior to declaring an unlawful  
28 assembly, the LAPD Incident Commander should evaluate the feasibility of isolating

1 and arresting those responsible for any unlawful conduct, and if feasible, take action  
2 only against those individuals.

3  
4 **THE SETTLEMENT IN *MULTI-ETHNIC WORKER ORGANIZING NETWORK V. CITY***  
5 ***OF LOS ANGELES*:**

6 51. On May 1, 2007, the LAPD assaulted a peaceful, permitted  
7 immigration march in MacArthur Park. The attack on the demonstrators was  
8 without warning. No dispersal order was given until more than three minutes into  
9 the police action and, even then, the dispersal order was grossly inadequate, given  
10 from helicopters in English to a largely Spanish-speaking assembly. During the  
11 course of litigating the *MIWON* action, the LAPD conceded that it had not fully  
12 implemented training and policy orders regarding the *NLG* settlement two years  
13 earlier. In fact, no policy changes were ever finalized.

14 52. On June 24, 2009, the federal district court approved and entered a  
15 Structural Relief Order as part of the settlement of a class action lawsuit brought on  
16 behalf of all those subjected to the LAPD's May Day action. Through this settlement,  
17 the LAPD agreed that it would not obstruct the use of sidewalks by protestors and,  
18 significantly, that, where practicable, the LAPD would consider facilitating  
19 demonstrations that may temporarily block traffic. This latter provision is consistent  
20 with established law in the Ninth Circuit, recognizing the need for local agencies to  
21 accommodate "spontaneous" protests in the streets, particularly in response to  
22 allegations of police misconduct.

23 53. The *MIWON* order also set out requirements to declare an unlawful  
24 assembly: an amplified loudspeaker system with an officer at the far side of the  
25 crowd to record the officer; if there is no serious violence occurring, the order shall  
26 be made repeatedly over a period of time, including an "objectively reasonable"  
27 period of time to disperse and identification of "a clear and safe route" to follow to  
28



1 disperse. The order should be given so that it is heard by the entire crowd. These  
2 requirements were not met in this instance.

3 54. The terms of the *MIWON* structural relief agreement were to be  
4 included in the LAPD's Crowd Control and Use of Force Manuals and every officer  
5 at the rank of Sergeant I and above, as well as the entire Metropolitan Division, were  
6 to undergo training every two years. Chief Beck, as well as those members of his  
7 command staff officers to whom he has delegated his responsibility to enact and  
8 implement lawful policies on the declaration of an unlawful assembly and the use of  
9 motorcycles as a crowd control tool, are aware of the unlawful policies, practices,  
10 and customs of the City and the LAPD which resulted in the settlement in *National*  
11 *Lawyers Guild v. City of Los Angeles* in June, 2005. Moreover, Chief Beck and his  
12 delegated command staff are aware that the use of unlawful dispersal orders to break  
13 up lawful protests, in particular, is a custom so ingrained in the marrow of the LAPD  
14 that it was critical to take all steps necessary to ensure that official policy was  
15 implemented in a manner sufficient to address the deeply rooted custom to violate  
16 First Amendment rights in the specific ways identified in the *National Lawyers*  
17 *Guild* settlement agreement. The failure to take such steps directly lead to the injuries  
18 suffered by the Plaintiffs. On information and belief, Plaintiffs allege that this did  
19 not occur.

20 55. Chief Beck, as well as those members of his command staff officers to  
21 whom he has delegated his responsibility to enact and implement lawful policies on  
22 the declaration of an unlawful assembly, are aware of the unlawful policies, practices,  
23 and customs of the City and the LAPD which resulted in the settlements in *NLG* and  
24 *MIWON*. Moreover, Chief Beck and his delegated command staff are aware that the  
25 use of unlawful dispersal orders to break up lawful protests is a custom so ingrained  
26 in the marrow of the LAPD that it was critical to take all steps necessary to ensure  
27 that official policy was implemented in a manner sufficient to address the deeply  
28 rooted custom to violate First Amendment rights in the specific ways identified in

1 the settlement agreements. The failure to take such steps directly lead to the injuries  
2 suffered by the Plaintiffs. This failure amounted to an “acquiescence in the  
3 constitutional deprivations of which [the] complaint is made” and deliberate  
4 indifference to the rights of persons with whom the police come into contact, and  
5 constituted a conscious choice by the City not to properly train its law enforcement  
6 personnel on these issues.

7 56. The City, through Chief Beck and his command staff to whom he  
8 delegated decision-making, also knew from the recent litigation involving the  
9 Occupy-protest arrests, *Aichele v. City of Los Angeles*, that it violated Plaintiffs’  
10 right to due process and deprived them of their liberty interest in violation of Penal  
11 Code § 853.6 based on their perceived association with the protest.

12 57. On information and belief, Chief Beck delegated final responsibility  
13 and authority to persons within his command staff to act as the final policy maker in  
14 declaring the assembly unlawful at the November 26 and 28, 2014 marches. The  
15 persons who made these decisions, including Defendant Commander Andrew Smith,  
16 acted as the delegated policy maker for the City of Los Angeles on these issues.  
17 There was no time, opportunity, or procedure for anyone to review or revise the  
18 decisions made by these delegated policy makers prior to their final implementation.

19  
20 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

21 58. Plaintiffs timely filed class claims with the Defendant City pursuant to  
22 Cal. Gov’t Code § 910 et seq. Defendant City of Los Angeles denied the claims.

23  
24 **CLASS ACTION ALLEGATIONS**

25 59. The named Plaintiffs bring this action individually and on behalf of a  
26 proposed class of all other persons similarly situated pursuant to FRCivP Rule  
27 23(b)(1), (b)(2) and (b)(3). The damages class is defined as persons who were  
28 present at either Sixth and Hope on November 26, 2014, or Beverly and Alvarado

1 on November 28, 2014, and who were kettled, detained, and/or arrested, then denied  
2 OR release by the LAPD, all in association with the protest against the grand jury  
3 decision in Ferguson, Missouri in the killing of Michael Brown.

4 60. There are two damages sub-classes: the first damages sub-class (“Sixth  
5 and Hope Sub-Class”) is defined as those persons who were present on November  
6 26, 2014 near or at Sixth and Hope Streets and who were arrested by the LAPD in  
7 association with a protest against the grand jury decision in Ferguson, Missouri in  
8 the killing of Michael Brown. This sub-class is represented by Plaintiffs Chua, Hicks  
9 and Rivera. The second damages sub-class (“Beverly and Alvarado sub-class”) is  
10 defined as those persons who were present on November 28, 2014, near or at the  
11 intersection of Alvarado and Beverly Boulevard and who were detained, handcuffed,  
12 interrogated and/or searched in association with a protest against the grand jury  
13 decision in Ferguson, Missouri in the killing of Michael Brown. This sub-class is  
14 represented by Plaintiff Todd. Each class is inclusive of people present in order to  
15 peacefully protest and those otherwise present in the vicinity as bystanders. The first  
16 sub-class consists of approximately 130 individuals; the second sub-class consists  
17 of approximately 40 individuals.

18 61. The injunctive relief class is defined as all persons who have in the past,  
19 or may in the future, participate in, or be present at, demonstrations within the City  
20 of Los Angeles in the exercise of their rights of free speech and petition. Without  
21 intervention by this Court, those class members are at risk of having their rights  
22 violated in the future due to the City's past and threatened future actions. The  
23 injunctive relief Plaintiffs have no adequate remedy at law to protect the future  
24 lawful exercise of their constitutional rights, and, without action by this court, will  
25 suffer irreparable injury, thereby entitling them to injunctive and declaratory relief.  
26 The injunctive relief class is represented by the National Lawyers Guild, as well as  
27 the individual class representatives.

28

1           62. Because the issues in the damages sub-classes are the same (except for  
2 the addition of the arrest and denial of OR release for the Sixth and Hope Sub-Class),  
3 the Rule 23 criteria for the classes and sub-classes are discussed jointly without  
4 differentiating between the different classes.

5           63. Questions of law or fact common to putative class members  
6 predominate over any questions affecting only individual members and a class action  
7 is superior to other available methods for fairly and efficiently adjudicating this  
8 lawsuit. Alternatively, Defendants have acted on grounds generally applicable to the  
9 class, thereby making class-wide declaratory and injunctive relief appropriate.

10           64. The claims of the putative class satisfy the requirements of Federal Rule  
11 of Civil Procedure 23(b)(3) and, alternatively, Rule 23(b)(2).

12           65. The putative class consists of approximately 170 individuals – 130  
13 individuals in the Sixth and Hope Sub-Class and 40 in the Beverly and Alvarado  
14 Sub-Class -- and is so numerous as to render joinder impractical.

15           66. Defendants detained and/or arrested the putative class and sub-classes  
16 as a group and treated all similarly, acting on ground applicable to the putative class.  
17 The named Plaintiffs' claims that the First, Fourth, and Fourteenth Amendment  
18 rights—and their analogous state Constitution, statutory, and common law rights—  
19 were violated raise common question of law and fact. the Defendants have acted,  
20 threaten to act, and will continue to act, on grounds generally applicable to the class,  
21 thereby making appropriate final injunctive relief or declaratory relief with respect  
22 to the class as a whole.

23           67. Questions of law and fact are common to the class and sub-classes,  
24 including whether the putative class and sub-classes were detained and/or arrested  
25 without probable cause and based on unlawful or non-existent dispersal orders and  
26 whether the Sixth and Hope sub-class members were denied the liberty interest in  
27 OR release as codified in California Penal Code § 853.6.

28

1           68. The legal theories and factual predicates upon which the damages  
2 classes and sub-classes seek relief predominate over any questions affecting only  
3 individual members. The legal harms suffered by the named Plaintiffs and the class  
4 Plaintiffs are identical.

5           69. The named Plaintiffs' claims are typical of those of the putative class  
6 and sub-class each represents, as each was engaged in or associated with peaceable  
7 and lawful free speech and assembly activity when each was detained or arrested on  
8 November 26, 2014 and November 28, 2014.

9           70. The named Plaintiffs will fairly and adequately represent the common  
10 class interest. The named Plaintiffs have a strong interest in achieving the relief  
11 requested in this Complaint, they have no conflicts with members of the Plaintiff  
12 class, and they will fairly and adequately protect the interests of the class.

13           71. The named Plaintiffs are represented by counsel who are well-  
14 experienced in civil rights and class action litigation and are familiar with the issues  
15 in this case. Attorneys Paul Hoffman, Barry Litt, and Carol Sobel have successfully  
16 litigated a number of class action cases on behalf of protesters in Los Angeles. Most  
17 recently, they were appointed by the court as class counsel in *Aichele, et al. v. City*  
18 *of Los Angeles, et al.*, No. 2:12-CV-10863-DMG (C.D. Cal. August 26, 2012),  
19 challenging, *inter alia*, the LAPD's denial of OR release to those arrested during the  
20 Occupy action at Los Angeles City Hall. They were also appointed as class counsel  
21 in *Multi-Ethnic Immigrant Worker Network v. City of Los Angeles*, 24 F.R.D. 631  
22 (C.D. Cal. 2007), challenging the LAPD's assault on a lawful immigrant-rights rally  
23 in MacArthur Park on May 1, 2007. That case resulted in a settle of \$12,850,000 --  
24 the largest amount ever paid nationally in a protest case in which there were no  
25 arrests of the Plaintiffs. In addition to class action protest litigation, attorneys  
26 Hoffman, Litt, and Sobel have served as class counsel in a number of other class  
27 actions redressing civil rights violations.

28

1 72. Counsel for the named Plaintiffs know of no conflicts among or  
2 between members of the class, the named Plaintiffs, or the attorneys in this action.

3 73. The Defendants have acted and refused to act on grounds generally  
4 applicable to the putative class. Injunctive and declaratory relief for the putative  
5 class as a whole is appropriate.

6 74. The prosecution of separate actions by individual members of the class  
7 would create a risk of inconsistent standards of conduct for the Defendants, thereby  
8 making a class action a superior method of adjudicating this lawsuit.

9 75. Plaintiffs do not know the identities of all of the class members.  
10 Plaintiffs are informed and believe and thereon allege that the identities of class  
11 members may be obtained from the personal information compelled by Defendants  
12 at the November 28, 2014 incident at Beverly and Alvarado, and from the arrest  
13 records from the November 26, 2014 incident at Sixth and Hope.

14  
15 **GENERAL ALLEGATIONS**

16 76. Defendants improperly declared the assemblies unlawful. All the  
17 Plaintiffs involved in the demonstrations at issue herein on November 26 and  
18 November 28, 2014, were peaceful. The few protestors who were walking in the  
19 street were forced to do so as a result of the LAPD's unlawful blockade of public  
20 sidewalks; this is no justification for declaring a peaceful assembly unlawful, nor  
21 does it justify Defendants' infringement on the First Amendment rights of the  
22 peaceful majority.

23 77. Plaintiffs are informed and believe and thereon allege that Defendants  
24 declared each gathering an "unlawful assembly," and ordered the peaceful  
25 participants to disperse, and unlawfully kettled Plaintiffs for the purpose of  
26 interfering with the First Amendment rights of the peaceful participants.

27 78. Assuming that a dispersal order could have been legally justified under  
28 all the facts and circumstances, the orders given were, nonetheless, deficient as they

1 were not given until long after the officers kettled those participating in the marches,  
2 failed to allow the participants any opportunity to disperse, and were unheard or  
3 unintelligible by the vast majority of the demonstrators, some of whom were not  
4 even participating in the protest at the point where the police allege they gave an  
5 admittedly deficient dispersal order. Any such dispersal orders were not in  
6 compliance with state law as well as prior agreements and court orders regarding the  
7 LAPD's use of such dispersal orders.

8 79. Plaintiffs are informed and believe and thereon allege that the LAPD  
9 officers acted in accordance with orders given by supervisors from the highest  
10 command positions, in accordance with policies and procedures instituted by the  
11 LAPD and the City of Los Angeles, including an order to collect personal identifiers  
12 on the demonstrators.

13 80. As a direct and proximate cause of the conduct described herein, the  
14 named individual Plaintiffs have been denied their constitutional statutory, and legal  
15 rights as stated herein, and have suffered general and special damages, including but  
16 not limited to, mental and emotional distress, physical injuries and bodily harm, pain,  
17 fear, humiliation, embarrassment, discomfort, and anxiety and other damages in an  
18 amount according to proof.

19 81. Defendants' acts were willful, wanton, malicious, and oppressive, and  
20 done with conscious or reckless disregard for, and deliberate indifference to,  
21 Plaintiffs' rights.

22 82. Defendants' polices practices, customs, conduct and acts alleged herein  
23 resulted in, and will continue to result in, irreparable injury the Plaintiffs, including  
24 but not limited to violation of their constitutional and statutory rights. Plaintiffs have  
25 no plain, adequate, or complete remedy at law to address the wrong described herein.  
26 The Plaintiffs and class members intend in the future to exercise their constitutional  
27 rights of freedom of speech and association by engaging in expressive activities in  
28 the City of Los Angeles. Defendants' conduct described herein has created

1 uncertainty among Plaintiffs with respect to their exercise now and in the future of  
2 these constitutional rights. Specifically, Plaintiffs are concerned that, if arrested,  
3 whether lawfully or unlawfully, they will again be denied the liberty interest codified  
4 at California Penal Code § 853.6 and will be detained until their arraignment unless  
5 and until they post a monetary bond. The Beverly and Alvarado sub-class is  
6 concerned that Defendants have created a database with the information Plaintiffs  
7 were forced to provide to the LAPD and that Plaintiffs will be treated more harshly  
8 if an unlawful assembly order issues in the future when they engage in First  
9 Amendment activities, even though their identification was compelled under threat  
10 of arrest and they were released without arrest. Plaintiffs therefore seek injunctive  
11 relief from this court to ensure that Plaintiffs and persons similarly situated will not  
12 suffer violations of their rights from Defendants' illegal and unconstitutional policies,  
13 customs, and practices described herein.

14 83. Plaintiffs also seek injunctive relief in the form of an order requiring  
15 that Defendants seal and destroy and records derived from Plaintiffs' arrests,  
16 including fingerprints, photographs, and other identification and descriptive  
17 information, and all information, and biological samples and information obtained  
18 from such biological samples collected from the Plaintiff class, and identify to the  
19 Plaintiff class all entities and agencies to which such information has been  
20 disseminated; and that all such disseminated records be collected and destroyed.

21 84. An actual controversy exists between Plaintiffs and Defendants in that  
22 Plaintiffs contend that the policies, practices, and conduct of Defendants alleged  
23 herein are unlawful and unconstitutional, whereas Plaintiffs are informed and  
24 believe that Defendants contend that said policies, practices, and conduct are lawful  
25 and constitution. Plaintiffs seek a declaration of rights with respect to this  
26 controversy.

27 85. All of the following claims for relief are asserted against all Defendants  
28



**FIRST CLAIM FOR RELIEF**

**First Amendment to the U.S. Constitution (42 U.S.C. § 1983); California Constitution, Article I, §§ 2 & 3**

86. Plaintiffs reallege and incorporate herein by reference the preceding and any subsequent paragraphs of this Complaint.

87. Defendants’ above-described conduct violated Plaintiffs’ rights to freedom of speech, assembly, and association under the First Amendment to the United States Constitution and the analogous provisions of the California Constitution.

**SECOND CLAIM FOR RELIEF**

**Fourth Amendment to the U.S. Constitution (42 U.S.C. § 1983); California Constitution, Article I, § 7**

88. Plaintiffs reallege and incorporate herein by reference the preceding and any subsequent paragraphs of this Complaint.

89. Defendants’ above-described conduct violated Plaintiffs’ rights to be free from unreasonable seizures, excessive or arbitrary force, and arrest or detention without reasonable or probably caused under the Fourth Amendment to the United States Constitution. Defendants detained, seized, handcuffed, searched their persons and their personnel property and, in the case of those at Sixth and Hope, arrested Plaintiffs without legal authority when Defendants could not have reasonably believed that they had committed or were about to commit any crime or public offense. Plaintiffs were falsely arrested without probable cause for such arrests.

**THIRD CLAIM FOR RELIEF**

**Fourteenth Amendment to the U.S. Constitution (42 U.S.C. § 1983); California Constitution, Article I, § 7**

90. Plaintiffs reallege and incorporate herein by reference the preceding and any subsequent paragraphs of this Complaint.

1 91. Defendants’ conduct deprived Plaintiffs of liberty without due process  
2 of law under the Fourteenth Amendment to the United States Constitution. Based on  
3 their perceived association with the protests against the grand jury’s decision not to  
4 indict police officer Darren Wilson for the shooting death of Michael Brown in  
5 Ferguson, Missouri and their purported engagement in “civil disobedience,”  
6 Plaintiffs were uniformly denied the mandatory “liberty” interested codified at  
7 California Penal Code § 853.6 when they were denied release on their own  
8 recognizance and held in custody for approximately fourteen hours.

9  
10 **FOURTH CLAIM FOR RELIEF**

11 **Fourteenth Amendment to the U.S. Constitution (42 U.S.C. § 1983);**

12 **California Constitution, Article I, § 13**

13 92. Plaintiffs reallege and incorporate herein by reference the preceding  
14 and any subsequent paragraphs of this Complaint.

15 93. Defendants’ above-described conduct violated Plaintiffs’ rights to  
16 equal protection of the laws under the Fourteenth Amendment to the United States  
17 Constitution.

18 94. Defendants, in kettling Plaintiffs, refusing to allow Plaintiffs to disperse,  
19 and arresting them without legal justification, intentionally and unlawfully  
20 restrained and confined Plaintiffs and intentionally and unlawfully violated Plaintiffs’  
21 personal liberty in violation of California law.

22  
23 **FIFTH CLAIM FOR RELIEF**

24 **Violation of California Constitution, Article I, § 1 – Right of Privacy**

25 95. Plaintiffs reallege and incorporate herein by reference the preceding  
26 and any subsequent paragraphs of this Complaint.

27 96. The Defendants, by their conduct, violated the right of privacy of the  
28 Beverly & Alvarado sub-class members by compelling them to disclose personal

1 identifiers as a condition of being allowed to disperse from the area without arrest.  
2 The collection of such information, including Social Security numbers and other  
3 personal information, was done based on Plaintiffs' perceived association with the  
4 demonstration against police killings of civilians.

5 97. On information and belief, Plaintiffs allege that their private identifiers  
6 were compelled for the purpose of compiling a database of protestors and for the  
7 dissemination of this information to other law enforcement and government agencies.  
8 As a consequence of Defendants' actions, Plaintiffs suffered irreparable injury to  
9 their constitutional rights.

10  
11 **SIXTH CLAIM FOR RELIEF**

12 **Violation of California Civil Code § 52.1**

13 98. Plaintiffs reallege and incorporate herein by reference the preceding  
14 and any subsequent paragraphs of this Complaint.

15 99. The Defendants by their conduct interfered by threats, intimidation, or  
16 coercion, or attempted to interfere by threats, intimidation, or coercion, with the  
17 exercise or enjoyment of Plaintiffs' rights as secured by the First, Fourth, and  
18 Fourteenth Amendments to the United States Constitution or laws of the United  
19 States, and of the rights secured by the Constitution or laws of the state of California,  
20 including but not limited to California Article I, §§ 1, 2 & 7.

21 100. There was no lawful justification for Defendants to threaten, intimidate  
22 or coerce any of the Plaintiffs or the putative class members or to attempt to use  
23 threats, intimidation, or coercion to interfere with Plaintiffs' and the putative class  
24 members' rights from being present at the lawful demonstration.

**SEVENTH CLAIM FOR RELIEF**

**INFORMATION PRACTICES ACT – CIVIL CODE § 1798.14**

101. Plaintiffs reallege and incorporate herein by reference the preceding and any subsequent paragraphs of this Complaint.

102. California Civil Code Section 1798.14, part of the Information Practices Act of 1977, provides that public agencies “shall maintain in its records only personal information which is relevant and necessary to accomplish a purpose of the agency required or authorized by the California Constitution or statute or mandated by the federal government.”

103. California Civil Code Section 1798.45(c) authorizes an individual to bring a civil action for any violation of the Information Practices Act of 1977 when the agency fails to comply with any provision of the law in “a way as to have an adverse effect on an individual.” Any agency that fails to comply with any provision of the Information Practices Act of 1977 may be enjoined by any court of competent jurisdiction.

104. The retention of Plaintiffs’ credit card information, phone numbers, social security numbers, places of birth, home address, and place of employment, is not information “relevant and necessary to accomplish a purpose of the agency required or authorized by the California Constitution or statute or mandated by the federal government.” The retention of such information will have an adverse effect on Plaintiffs. Moreover, the dissemination of this information to other law enforcement agencies and other groups will also have an adverse effect on Plaintiffs.

**EIGHTH CLAIM FOR RELIEF**

**FALSE ARREST/FALSE IMPRISONMENT**

105. Plaintiffs reallege and incorporate herein by reference the preceding and any subsequent paragraphs of this Complaint.

1 106. In kettling Plaintiffs, refusing to let them disperse, handcuffing and  
2 arresting them without probable cause, then denying them OR release, Defendants  
3 intentionally and unlawfully restrained and confined Plaintiffs and intentionally and  
4 unlawfully violated Plaintiffs' personal liberty in contravention of California law.

5  
6 **REQUEST FOR RELIEF**

7 Wherefore, Plaintiffs seek judgment as follows:

8 1. An order certifying the class and each sub-class defined herein pursuant  
9 to Federal Rules of Civil Procedure Rule 23(b)(2) and (3);

10 2. A preliminary and permanent injunction restraining Defendants from  
11 engaging in the unlawful and unconstitutional actions detailed above;

12 3. A preliminary and permanent injunction requiring Defendants to seal  
13 and destroy all records derived from this arrest, including all fingerprints,  
14 photographs, identification, and descriptive information collected the Plaintiff class;

15 4. Entry of an order that disclosure be make in writing to Plaintiffs, the  
16 class they represent, and the Court as to all entities and agencies to which such  
17 material has been disseminated and by whom gathered; and that all records  
18 disseminated be collected and sealed, including all copies of such disseminated  
19 records that may have been subject to dissemination by others;

20 5. Entry of an order declaring the arrests of the Sixth and Hope sub-class  
21 null and void;

22 6. A declaratory judgment that Defendants' conduct detailed herein was a  
23 violation of the rights under the Constitution and laws of the United States and  
24 California of Plaintiffs and the class members;

25 7. General and compensatory damages for Plaintiffs and the class they  
26 represent for the violations of their federal and state constitutional and statutory  
27 rights, pain and suffering, all to be determined according to proof;

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8. An award of punitive and exemplary damages against the individual Defendants to be determined according to proof;

9. An award of statutory damages and penalties pursuant to Cal. Civil Code § 52(b) to be determined according to proof;

10. An award of attorneys’ fees pursuant to 42 U.S.C. § 188 and Cal. Civil Code §§ 52(b) & 52.1(h) and Cal. Code of Civ. Proc. § 1021.5;

11. Costs of suit;

12. Pre- and post-judgment interest as permitted by law;

13. Such other and further relief as the Court may deem just and proper.

Dated: January 12, 2016

Respectfully submitted,

Kaye, McLane, Bednarski & Litt, LLP  
Law Office of Carol A. Sobel  
Schonbrun, Seplow, Harris & Hoffman  
Law Office of Colleen Flynn  
Law Office of Matthew Strugar

/s/ Carol A. Sobel

By: CAROL A. SOBEL  
Attorneys for Plaintiffs

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiffs respectfully request a jury trial on all issues and claims triable to a jury.

Dated: January 12, 2016

Respectfully submitted,

/s/ Carol A. Sobel  
By: CAROL A. SOBEL  
Attorneys for Plaintiffs

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