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**ATTORNEYS FOR DEFENDANTS CITY OF LOS ANGELES, CHARLIE  
BECK, JEFFREY BERT and ANDREW SMITH**

**UNITED STATES DISTRICT COURT**

**FOR THE CENTRAL DISTRICT OF CALIFORNIA**

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,  
CAPT. JEFF BERT, and DOES 1 - 10,  
inclusive,

Defendants.

Case No.: CV 16-00237 JAK (GJSx)

Honorable Judge: John A. Kronstadt

Honorable Magistrate Judge: Gail J. Standish

**ANSWER OF DEFENDANTS CITY  
OF LOS ANGELES, CHARLIE  
BECK, JEFFREY BERT AND  
ANDREW SMITH TO  
PLAINTIFFS' AMENDED  
COMPLAINT [DKT #15] AND  
DEMAND FOR JURY TRIAL**

**COME NOW DEFENDANTS CITY OF LOS ANGELES, CHARLIE**

**BECK, JEFFREY BERT and ANDREW SMITH, answering Plaintiffs' Amended**

1 Complaint [Dkt #15] in the above-entitled action, for themselves and for no other  
2 party, hereby admit, deny, and allege as follows:  
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4 1. Answering paragraph 1 of the Complaint, no factual allegations are made  
5 therein, and on that basis the paragraph goes unanswered.

6 2. Answering paragraph 2 of the Complaint, defendants admit the allegations  
7 contained therein.  
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9 3. Answering paragraph 3 of the Complaint, defendants admit the allegations  
10 contained therein.  
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12 4. Answering paragraph 4 of the Complaint, defendants deny the allegations  
13 contained therein.  
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15 5. Answering paragraph 5 of the Complaint, defendants deny the allegations  
16 contained therein.  
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18 6. Answering paragraph 6 of the Complaint, defendants deny the allegations  
19 contained therein.  
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21 7. Answering paragraph 7 of the Complaint, defendants deny the allegations  
22 contained therein.  
23

24 8. Answering paragraph 8 of the Complaint, no factual allegations are made  
25 therein, and on that basis the paragraph goes unanswered.

26 9. Answering paragraph 9 of the Complaint, no factual allegations are made  
27 therein, and on that basis the paragraph goes unanswered.  
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1           10.    Answering paragraph 10 of the Complaint, no factual allegations are  
2 made therein, and on that basis the paragraph goes unanswered.  
3

4           11.    Answering paragraph 11 of the Complaint, no factual allegations are  
5 made therein, and on that basis the paragraph goes unanswered.  
6

7           12.    Answering paragraph 12 of the Complaint, no factual allegations are  
8 made therein, and on that basis the paragraph goes unanswered.  
9

10          13.    Answering paragraph 13 of the Complaint, no factual allegations are  
11 made therein, and on that basis the paragraph goes unanswered.  
12

13          14.    Answering paragraph 14 of the Complaint, no factual allegations are  
14 made therein, and on that basis the paragraph goes unanswered.  
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16          15.    Answering paragraph 15 of the Complaint, no factual allegations are  
17 made therein, and on that basis the paragraph goes unanswered.  
18

19          16.    Answering paragraph 16 of the Complaint, no factual allegations are  
20 made therein, and on that basis the paragraph goes unanswered.  
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22          17.    Answering paragraph 17 of the Complaint, no factual allegations are  
23 made therein, and on that basis the paragraph goes unanswered.  
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25          18.    Answering paragraph 18 of the Complaint, defendants deny the  
26 allegations contained therein.  
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1           19.    Answering paragraph 19 of the Complaint, defendants lack sufficient  
2 information and belief upon which to answer the allegations contained therein, and on  
3 that basis deny the allegations.  
4

5           20.    Answering paragraph 20 of the Complaint, defendants lack sufficient  
6 information and belief upon which to answer the allegations contained therein, and on  
7 that basis deny the allegations.  
8

9           21.    Answering paragraph 21 of the Complaint, defendants lack sufficient  
10 information and belief upon which to answer the allegations contained therein, and on  
11 that basis deny the allegations.  
12

13           22.    Answering paragraph 22 of the Complaint, defendants lack sufficient  
14 information and belief upon which to answer the allegations contained therein, and on  
15 that basis deny the allegations.  
16

17           23.    Answering paragraph 23 of the Complaint, defendants lack sufficient  
18 information and belief upon which to answer the allegations contained therein, and on  
19 that basis deny the allegations.  
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21           24.    Answering paragraph 24 of the Complaint, defendants lack sufficient  
22 information and belief upon which to answer the allegations contained therein, and on  
23 that basis deny the allegations.  
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1           25.    Answering paragraph 25 of the Complaint, defendants lack sufficient  
2 information and belief upon which to answer the allegations contained therein, and on  
3 that basis deny the allegations.  
4

5           26.    Answering paragraph 26 of the Complaint, defendants lack sufficient  
6 information and belief upon which to answer the allegations contained therein, and on  
7 that basis deny the allegations.  
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9           27.    Answering paragraph 27 of the Complaint, defendants lack sufficient  
10 information and belief upon which to answer the allegations contained therein, and on  
11 that basis deny the allegations.  
12

13           28.    Answering paragraph 28 of the Complaint, defendants lack sufficient  
14 information and belief upon which to answer the allegations contained therein, and on  
15 that basis deny the allegations.  
16

17           29.    Answering paragraph 29 of the Complaint, defendants lack sufficient  
18 information and belief upon which to answer the allegations contained therein, and on  
19 that basis deny the allegations.  
20

21           30.    Answering paragraph 30 of the Complaint, defendants lack sufficient  
22 information and belief upon which to answer the allegations contained therein, and on  
23 that basis deny the allegations.  
24

25           31.    Answering paragraph 31 of the Complaint, defendants deny the  
26 allegations contained therein.  
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2           32. Answering paragraph 32 of the Complaint, no factual allegations are  
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4 made therein, and on that basis the paragraph goes unanswered.

5           33. Answering paragraph 33 of the Complaint, defendants lack sufficient  
6  
7 information and belief upon which to answer the allegations contained therein, and on  
8 that basis deny the allegations.

9           34. Answering paragraph 34 of the Complaint, defendants lack sufficient  
10  
11 information and belief upon which to answer the allegations contained therein, and on  
12 that basis deny the allegations.

13           35. Answering paragraph 35 of the Complaint, no factual allegations are  
14  
15 made therein, and on that basis the paragraph goes unanswered.

16           36. Answering paragraph 36 of the Complaint, defendants lack sufficient  
17  
18 information and belief upon which to answer the allegations contained therein, and on  
19 that basis deny the allegations.

20           37. Answering paragraph 37 of the Complaint, no factual allegations are  
21  
22 made therein, and on that basis the paragraph goes unanswered.

23           38. Answering paragraph 38 of the Complaint, defendants deny the  
24  
25 allegations contained therein.

26           39. Answering paragraph 39 of the Complaint, no factual allegations are  
27  
28 made therein, and on that basis the paragraph goes unanswered.

1           40.    Answering paragraph 40 of the Complaint, defendants lack sufficient  
2 information and belief upon which to answer the allegations contained therein, and on  
3 that basis deny the allegations.  
4

5           41.    Answering paragraph 41 of the Complaint, defendants lack sufficient  
6 information and belief upon which to answer the allegations contained therein, and on  
7 that basis deny the allegations.  
8

9           42.    Answering paragraph 42 of the Complaint, defendants lack sufficient  
10 information and belief upon which to answer the allegations contained therein, and on  
11 that basis deny the allegations.  
12

13           43.    Answering paragraph 43 of the Complaint, defendants lack sufficient  
14 information and belief upon which to answer the allegations contained therein, and on  
15 that basis deny the allegations.  
16

17           44.    Answering paragraph 44 of the Complaint, defendants lack sufficient  
18 information and belief upon which to answer the allegations contained therein, and on  
19 that basis deny the allegations.  
20

21           45.    Answering paragraph 45 of the Complaint, defendants lack sufficient  
22 information and belief upon which to answer the allegations contained therein, and on  
23 that basis deny the allegations.  
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1           46.    Answering paragraph 46 of the Complaint, defendants lack sufficient  
2 information and belief upon which to answer the allegations contained therein, and on  
3 that basis deny the allegations.  
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5           47.    Answering paragraph 47 of the Complaint, defendants lack sufficient  
6 information and belief upon which to answer the allegations contained therein, and on  
7 that basis deny the allegations.  
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9           48.    Answering paragraph 48 of the Complaint, defendants deny the  
10 allegations contained therein.  
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12           49.    Answering paragraph 49 of the Complaint, defendants deny the  
13 allegations contained therein.  
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15           50.    Answering paragraph 50 of the Complaint, defendants lack sufficient  
16 information and belief upon which to answer the allegations contained therein, and on  
17 that basis deny the allegations.  
18

19           51.    Answering paragraph 51 of the Complaint, defendants lack sufficient  
20 information and belief upon which to answer the allegations contained therein, and on  
21 that basis deny the allegations.  
22

23           52.    Answering paragraph 52 of the Complaint, defendants lack sufficient  
24 information and belief upon which to answer the allegations contained therein, and on  
25 that basis deny the allegations.  
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1           53. Answering paragraph 53 of the Complaint, defendants lack  
2 sufficient information and belief upon which to answer the allegations contained  
3 therein, and on that basis deny the allegations.  
4

5           54. Answering paragraph 54 of the Complaint, no factual allegations are  
6 made therein and on that basis the paragraph goes unanswered.  
7

8           55. Answering paragraph 55 of the Complaint, defendants deny the  
9 allegations contained therein.  
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11           56. Answering paragraph 56 of the Complaint, defendants deny the  
12 allegations contained therein.  
13

14           57. Answering paragraph 57 of the Complaint, defendants deny the  
15 allegations contained therein.  
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17           58. Answering paragraph 58 of the Complaint, defendants deny the  
18 allegations contained therein.  
19

20           59. Answering paragraph 59 of the Complaint, defendants deny the  
21 allegations contained therein.  
22

23           60. Answering paragraph 60 of the Complaint, no factual allegations are  
24 made therein, and on that basis the paragraph goes unanswered.  
25

26           61. Answering paragraph 61 of the Complaint, no factual allegations are  
27 made therein, and on that basis the paragraph goes unanswered.  
28

1           62.    Answering paragraph 62 of the Complaint, no factual allegations are  
2 made therein, and on that basis the paragraph goes unanswered.  
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4           63.    Answering paragraph 63 of the Complaint, no factual allegations are  
5 made therein, and on that basis the paragraph goes unanswered.  
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7           64.    Answering paragraph 64 of the Complaint, no factual allegations are  
8 made therein, and on that basis the paragraph goes unanswered.  
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10          65.    Answering paragraph 65 of the Complaint, no factual allegations are  
11 made therein, and on that basis the paragraph goes unanswered.  
12

13          66.    Answering paragraph 66 of the Complaint, no factual allegations are  
14 made therein, and on that basis the paragraph goes unanswered.  
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16          67.    Answering paragraph 67 of the Complaint, no factual allegations are  
17 made therein, and on that basis the paragraph goes unanswered.  
18

19          68.    Answering paragraph 68 of the Complaint, no factual allegations are  
20 made therein, and on that basis the paragraph goes unanswered.  
21

22          69.    Answering paragraph 69 of the Complaint, no factual allegations are  
23 made therein, and on that basis the paragraph goes unanswered.  
24

25          70.    Answering paragraph 70 of the Complaint, no factual allegations are  
26 made therein, and on that basis the paragraph goes unanswered.  
27

28          71.    Answering paragraph 71 of the Complaint, no factual allegations are  
made therein, and on that basis the paragraph goes unanswered.

1           72.    Answering paragraph 72 of the Complaint, no factual allegations are  
2 made therein, and on that basis the paragraph goes unanswered.  
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4           73.    Answering paragraph 73 of the Complaint, no factual allegations are  
5 made therein, and on that basis the paragraph goes unanswered.  
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7           74.    Answering paragraph 74 of the Complaint, no factual allegations are  
8 made therein, and on that basis the paragraph goes unanswered.  
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10          75.    Answering paragraph 75 of the Complaint, no factual allegations are  
11 made therein, and on that basis the paragraph goes unanswered.  
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13          76.    Answering paragraph 76 of the Complaint, no factual allegations are  
14 made therein, and on that basis the paragraph goes unanswered.  
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16          77.    Answering paragraph 77 of the Complaint, no factual allegations are  
17 made therein, and on that basis the paragraph goes unanswered.  
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19          78.    Answering paragraph 78 of the Complaint, no factual allegations are  
20 made therein, and on that basis the paragraph goes unanswered.  
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22          79.    Answering paragraph 79 of the Complaint, no factual allegations are  
23 made therein, and on that basis the paragraph goes unanswered.  
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25          80.    Answering paragraph 80 of the Complaint, no factual allegations are  
26 made therein, and on that basis the paragraph goes unanswered.  
27

28          81.    Answering paragraph 81 of the Complaint, no factual allegations are  
made therein, and on that basis the paragraph goes unanswered.

1           82.    Answering paragraph 82 of the Complaint, no factual allegations are  
2 made therein, and on that basis the paragraph goes unanswered.  
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4           83.    Answering paragraph 83 of the Complaint, no factual allegations are  
5 made therein, and on that basis the paragraph goes unanswered.  
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7           84.    Answering paragraph 84 of the Complaint, no factual allegations are  
8 made therein, and on that basis the paragraph goes unanswered.  
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10          85.    Answering paragraph 85 of the Complaint, no factual allegations are  
11 made therein, and on that basis the paragraph goes unanswered.  
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13          86.    Answering paragraph 86 of the Complaint, no factual allegations are  
14 made therein, and on that basis the paragraph goes unanswered.  
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16          87.    Answering paragraph 87 of the Complaint, no factual allegations are  
17 made therein, and on that basis the paragraph goes unanswered.  
18

19          88.    Answering paragraph 88 of the Complaint, which incorporates by  
20 reference the allegations of other paragraphs of the pleading, defendants to the same  
21 extent incorporate by reference the answers provided herein to those paragraphs.  
22

23          89.    Answering paragraph 89 of the Complaint, no factual allegations are  
24 made therein, and on that basis the paragraph goes unanswered.  
25

26          90.    Answering paragraph 90 of the Complaint, which incorporates by  
27 reference the allegations of other paragraphs of the pleading, defendants to the same  
28 extent incorporate by reference the answers provided herein to those paragraphs.

1           91.    Answering paragraph 91 of the Complaint, no factual allegations are  
2 made therein, and on that basis the paragraph goes unanswered.  
3

4           92.    Answering paragraph 92 of the Complaint, which incorporates by  
5 reference the allegations of other paragraphs of the pleading, defendants to the same  
6 extent incorporate by reference the answers provided herein to those paragraphs.  
7

8           93.    Answering paragraph 93 of the Complaint, no factual allegations are  
9 made therein, and on that basis the paragraph goes unanswered.  
10

11           94.    Answering paragraph 94 of the Complaint, which incorporates by  
12 reference the allegations of other paragraphs of the pleading, defendants to the same  
13 extent incorporate by reference the answers provided herein to those paragraphs.  
14

15           95.    Answering paragraph 95 of the Complaint, no factual allegations are  
16 made therein, and on that basis the paragraph goes unanswered.  
17

18           96.    Answering paragraph 96 of the Complaint, no factual allegations are  
19 made therein, and on that basis the paragraph goes unanswered.  
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21           97.    Answering paragraph 97 of the Complaint, which incorporates by  
22 reference the allegations of other paragraphs of the pleading, defendants to the same  
23 extent incorporate by reference the answers provided herein to those paragraphs.  
24

25           98.    Answering paragraph 98 of the Complaint, no factual allegations are  
26 made therein, and on that basis the paragraph goes unanswered.  
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1           99. Answering paragraph 99 of the Complaint, no factual allegations are  
2 made therein, and on that basis the paragraph goes unanswered.  
3

4           100. Answering paragraph 100 of the Complaint, which incorporates by  
5 reference the allegations of other paragraphs of the pleading, defendants to the same  
6 extent incorporate by reference the answers provided herein to those paragraphs.  
7

8           101. Answering paragraph 101 of the Complaint, no factual allegations are  
9 made therein, and on that basis the paragraph goes unanswered.  
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11           102. Answering paragraph 102 of the Complaint, no factual allegations are  
12 made therein, and on that basis the paragraph goes unanswered.  
13

14           103. Answering paragraph 103 of the Complaint, which incorporates by  
15 reference the allegations of other paragraphs of the pleading, defendants to the same  
16 extent incorporate by reference the answers provided herein to those paragraphs.  
17

18           104. Answering paragraph 104 of the Complaint, no factual allegations are  
19 made therein, and on that basis the paragraph goes unanswered.  
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21           105. Answering paragraph 105 of the Complaint, no factual allegations are  
22 made therein, and on that basis the paragraph goes unanswered.  
23

24           106. Answering paragraph 106 of the Complaint, no factual allegations are  
25 made therein, and on that basis the paragraph goes unanswered.  
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1 107. Answering paragraph 107 of the Complaint, which incorporates by  
2 reference the allegations of other paragraphs of the pleading, defendants to the same  
3 extent incorporate by reference the answers provided herein to those paragraphs.  
4

5 108. Answering paragraph 108 of the Complaint, no factual allegations are  
6 made therein, and on that basis the paragraph goes unanswered.  
7

8 **AFFIRMATIVE DEFENSES**

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

12 **FIRST AFFIRMATIVE DEFENSE**

13 Plaintiffs' failure to state a claim to each and every cause of action against each  
14 Defendant.  
15

16 **SECOND AFFIRMATIVE DEFENSE**

17 The force used against plaintiff(s), if any, was caused and necessitated by the  
18 actions of plaintiff(s), and was reasonable and necessary for self-defense.  
19

20 **THIRD AFFIRMATIVE DEFENSE**

21 The force used against plaintiff(s), if any, was caused and necessitated by the  
22 actions of plaintiff(s), and was reasonable and necessary for the defense of others.  
23

24 **FOURTH AFFIRMATIVE DEFENSE**

25 The state claims are barred for plaintiff's failure to comply with the provisions of the  
26 California Tort Claims Act, Government Code § 910 et seq.  
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**FIFTH AFFIRMATIVE DEFENSE**

The action is barred for lack of standing to sue.

**SIXTH AFFIRMATIVE DEFENSE**

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

**SEVENTH AFFIRMATIVE DEFENSE**

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

**EIGHTH AFFIRMATIVE DEFENSE**

Defendant is immune from liability pursuant to the provisions of each of the following California statutes, each of which is set forth as a separate and distinct affirmative defense:

Government Code §§ 815.2, 815.6, 818, 818.8, 820.2, 820.4, 82-.8, 821.6, 822.2

Penal Code §§ 834, 834a, 835, 836, 836.5

**NINTH AFFIRMATIVE DEFENSE**

Plaintiffs failed to mitigate their damages.

///





1 fingerprints, photographs, identification, and descriptive information collected the  
2 Plaintiff class;

3  
4 4. An order denying disclosure made in writing to Plaintiffs, the class they  
5 represent, and the Court as to all entities and agencies to which such material has been  
6 disseminated and by whom gathered; and that all records disseminated be collected  
7 and sealed, including all copies of such disseminated records that may have been  
8 subject to dissemination by others.

9  
10  
11 5. An order denying a request that arrests occurring near Sixth and Hope be  
12 determined to be null and void;

13 6. And order determining that such conduct was lawful;

14  
15 7. That Plaintiffs take nothing by this action;

16 8. That the action be dismissed;

17  
18 9. That Defendants be awarded costs of suit;

19 10. That Defendants be awarded other and further relief as the Court may  
20 deem just and proper, including an award of attorney's fees pursuant to 42 U.S.C. §  
21 1988.

22  
23 DATE: June 1, 2016

24  
25 **MICHAEL N. FEUER, CITY ATTORNEY**

26 BY: */s/ Craig J. Miller*

27 **CRAIG J. MILLER, DEPUTY CITY ATTORNEY**  
28 **ATTORNEYS FOR DEFENDANTS CITY OF LA, et al.**

**DEMAND FOR JURY TRIAL**

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

DATE: June 1, 2016

**MICHAEL N. FEUER, CITY ATTORNEY**

BY: *CS* - Craig J. Miller

**CRAIG J. MILLER, DEPUTY CITY ATTORNEY  
ATTORNEYS FOR DEFENDANTS CITY OF LOS  
ANGELES, CHARLIE BECK, JEFFREY BERT and  
ANDREW SMITH**