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18 **NATIONAL LAWYERS GUILD**
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19
20 **UNITED STATES DISTRICT COURT**

21 **CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION**

22 MULTI-ETHNIC IMMIGRANT WORKERS) CASE NO:CV 07-3072 AHM (FMOx)
ORGANIZING NETWORK, et al.,)
23) FIRST AMENDED COMPLAINT
Plaintiffs,)
24) (FILED AS OF RIGHT)
vs.)
25) FIRST AMENDMENT
CITY OF LOS ANGELES, et al.,) FOURTH AMENDMENT
26) EQUAL PROTECTION
Defendants.) DUE PROCESS
27) CALIF CIVIL CODE §§ 51.7, 52.1
28) ASSAULT AND BATTERY

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

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

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

24 7. At approximately 6:17 p.m., on May 1, 2007, an announcement was made
25 from a helicopter that the permitted rally had been declared an unlawful assembly and
26 those present were ordered to disperse. The announcement was inaudible to most of
27 those in the park, including the LAPD officers present. Radio traffic between LAPD
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1 officers indicated that many of them could not hear the order and were not sure that
2 a declaration of an unlawful assembly had been made. The order given was in English
3 only, even though many, if not most, of the people in the park did not understand
4 English. In addition to members of the media, legal observers from the National
5 Lawyers Guild and peaceful participants in the assembly, families from the
6 surrounding neighborhood were using the park facilities. Even for those who spoke
7 English and heard the garbled order, there was no direction as to how to disperse other
8 than to leave the park. As a result, chaos ensued as people began to run, and the police
9 began to chase them, indiscriminately shooting less-lethal munitions and using baton
10 strikes against the media, legal observers, peaceful participants in the First
11 Amendment assembly, women with their children, and others lawfully using the Park.

12 8. The pretext for the LAPD's action was the purported behavior of a small
13 number of individuals who reacted to the sudden presence of riot-gear clad officers –
14 their identities obscured by face shields and vests and other equipment covering their
15 names and badges in violation of California Penal Code § 830.10– with weapons
16 drawn at what had been a peaceful and lawful assembly for nearly an hour before the
17 appearance of the officers along Alvarado on the east side of the Park. These few
18 individuals posed no harm to any police officers or civilians, at worst threw a few
19 empty water bottles, paper and oranges at police, and were in an area away from the
20 bulk of the persons assembled, and could easily have been isolated from the peaceful
21 participants gathered in the soccer field.

22 9. Rather than isolating and dealing with the small number of people who were
23 throwing things, LAPD declared the entire gathering an “unlawful assembly” and
24 ordered all of the peaceful participants to disperse. The entire park was cleared with
25 brutal force, whether the individuals present were part of the lawful assembly at the
26 soccer field, or were gathered on the sidewalk and grass along Alvarado to observe the
27 massive police presence that formed there at approximately 5:30 p.m., or were simply

1 in the park to enjoy its facilities without any association with anyone else in the park.
2 There was no lawful justification for this police action as even the limited response of
3 a few persons to the earlier police demonstration of force had ended approximately 30
4 minutes before the police swept through the park, assaulting anyone in their path.
5 There was no lawful justification for the failure of defendants to provide ample notice
6 of an order to disperse, unlawful as it may have been, in a language that most of the
7 people in the park could understand, directions as to how to disperse and adequate
8 opportunity to comply voluntarily with the dispersal order. Instead of acting in a
9 lawful manner, defendants acted unlawfully, creating a climate of fear and chaos that
10 compounded the violations of the plaintiffs' rights.

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

26 11. Organizers of the rally attempted to cooperate with LAPD to ensure the
27 lawful assembly would continue. Only a handful of individuals remained in the street.

1 At the request of Deputy Chief Carter, a representative of the rally organizers utilized
2 the amplification system on a police vehicle to advise the few individuals still in the
3 street to enter the park. The vehicle was parked behind the police line. All but
4 approximately two dozen individuals complied with the order. The remaining persons
5 in the street were isolated and isolatable from the lawful assembly, which continued
6 peacefully.

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

22 13. The purported reason for using force to clear the Aztec dancers and others
23 from Alvarado was to open the street for vehicular traffic. In fact, the LAPD never
24 reopened Alvarado to vehicular traffic. Instead, the LAPD lined the street with riot-
25 gear clad officers, ultimately several lines deep. At this point, the riot-gear clad
26 officers became the focus, drawing people away from the permitted program at the
27 stage area to observe the massive show of police force on Alvarado.

1 14. At approximately 6:00 p.m., the police presence began to build even more
2 on Alvarado Boulevard between 7th Street and Wilshire Boulevard, forming a near
3 solid line of officers in the street. Several hundred people were gathered on the public
4 sidewalk and the adjoining grass, watching the police line. The police then ordered
5 everyone to get off the public sidewalk and move onto the grass. As those in the park
6 watched, additional officers arrived and lined Alvarado.

7 15. At approximately 6:15 p.m., still more officers in riot gear appeared along
8 7th Street, south of the park. The pretext for this increased police presence was to
9 address a small group of demonstrators who were “taunting” the police but in reality
10 the deliberate intention of the LAPD was to break up a lawful demonstration. The
11 police could readily have isolated this group and removed them from the Park.
12 Instead, the police pushed the supposed “agitators” into those lawfully assembled in
13 the park. As the peaceful participants simply stood in the park, behind the sidewalk,
14 the police line at 7th Street and Alvarado began moving north into the park. At this
15 point in time, no dispersal order had been given and no objects had been thrown at the
16 police other than a single can that LAPD radio transmissions minimized and stated
17 fell far short of striking an officer. With riot helmets on, batons drawn and rifles
18 aimed to shoot less-lethal munitions, the officers advanced on the peaceful
19 participants. As they neared the peaceful participants, the officers used their batons
20 to shove anyone in their path and to hit people with batons, indiscriminately.

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

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

6 18. Only after the police line had assaulted the peaceful participants for several
7 minutes was any announcement made of an “unlawful assembly.” The announcement
8 was made from a helicopter overhead. The purported announcement was largely
9 unintelligible to those in the Park, particularly with the noise of the helicopter
10 compounded by the screaming and crying of the peaceful participants who were being
11 shot, beaten and shoved by the line officers. Many of those present, including LAPD
12 officers, did not hear the announcement. The announcement was made only in
13 English, despite the fact that both the neighborhood where the rally was held and most
14 of the rally participants are primarily Spanish-speaking immigrants. Finally, the
15 announcement gave no directions regarding dispersal other than to declare an
16 “unlawful assembly.”

17 19. The police line continued to sweep north, crossing Wilshire Boulevard.
18 As the officers moved north, anyone in their path was the target of baton strikes and
19 other force as the officers continued to fire less-lethal rounds indiscriminately into the
20 crowd. The police took aim not only at those in the Park, but those on the sidewalk
21 attempting to escape, shooting anyone in front of the police line. While the peaceful
22 participants ran in an attempt to elude the projectiles and baton strikes, lines of officers
23 blocked Alvarado and Wilshire Boulevards, preventing people from leaving the park
24 to the north or the east, creating confusion and chaos and forcing some unsuspecting
25 individuals back toward the advancing officers who were using force.

26 20. Although the LAPD officers were forcing people out of the park on to 6th
27 Street, the LAPD did not stop vehicular traffic on 6th Street, creating a dangerous
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1 The peaceful participants did not resist arrest, attempt to escape arrest, use force upon
2 any person, or threaten to use force upon any person.

3 24. LAPD officers fired their “less lethal” weapons indiscriminately into the
4 people in the park, aiming at and striking in the upper torsos of peaceful participants,
5 contrary to manufacturer's warnings. Although the munitions used on May Day were
6 “target specific,” as opposed to the “stinger” rounds used at demonstrations in the past,
7 virtually none of the “targets” had committed any unlawful act, justifying such use of
8 force. Plaintiffs are informed and believe and thereon allege that LAPD officers
9 deliberately fired at the upper torsos of peaceful participants, based on their training
10 and with the approval of LAPD command staff. But even if the officers had done
11 nothing more than shoot indiscriminately at the lower torso area of the adults, that put
12 them in direct range of the upper torsos and heads of the children in the park. It was
13 sheer luck that no child was struck with a projectile given the indiscriminate
14 deployment of more than 140 rounds of less-lethal munitions at a peaceful, fleeing
15 assembly. Despite their denomination as “less-lethal,” such weapons have the potential
16 to cause death or great bodily injury under certain circumstances. The manufacturer’s
17 specifications describe these munitions as designed for the incapacitation of
18 aggressive, non-compliant subjects and designed to inflict serious pain.

19 25. There was no probable cause or reasonable suspicion to believe that
20 peaceful participants posed an immediate or credible threat of injury to police or any
21 other person.

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

26 27. Hundreds of peaceful participants including men, women, and children,
27 who had been engaged in no criminal activity – and who were attempting to comply

1 with the LAPD's legally deficient orders to disperse – were physically injured as they
2 were shot with foam batons, struck with batons and/or shoved by the advancing police
3 lines.

4 28. Plaintiffs are informed and believe and on that basis allege that the
5 conduct complained of herein was undertaken pursuant to the policies, practices and
6 customs of the LAPD, an agency of the City of Los Angeles, and the City of Los
7 Angeles and ratified by defendants.

8
9 **THE SETTLEMENT AGREEMENT IN *NATIONAL LAWYERS GUILD***

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

18 30. Under the terms of the settlement in *National Lawyers Guild*,
19 demonstrators, while participating in lawful assemblages, are not to be prevented from
20 using public sidewalks adjacent to a lawful march route.

21 31. The terms of the settlement also expressly provide that LAPD officers are
22 not to use their motorcycles as a weapon of crowd control against peaceful
23 demonstrators.

24 32. The terms of the settlement also expressly provide that less lethal
25 munitions may only be deployed on “aggressive and/or combative suspects in a crowd
26 control situation, on suspects who are a potential physical threat to themselves or
27 others, on suspects armed with weapons other than firearms, or suspects displaying

1 ‘aggressive and/or combative’ actions.”

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

7 34. Finally, the settlement provided that, prior to declaring an unlawful
8 assembly, the LAPD Incident Commander should evaluate the feasibility of isolating
9 and arresting those responsible for any unlawful conduct, and if feasible, shall take
10 such action.

11
12 **MONELL ALLEGATIONS**

13 35. The City, through Chief Bratton and the Los Angeles Police Department,
14 has failed to train its officers in the permissible use of less lethal weapons to disperse
15 a demonstration. The need for training in this instance was obvious. The City has
16 known of the deficiencies in its training since at least 2000 and entered into a
17 settlement agreement in June 2005, agreeing to revised policies, yet the City has failed
18 to promulgate policies effectuating the terms of the settlement agreement and/or to
19 train its command staff and its officers on the revised policies, if any exist

20 36. Chief Bratton, 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, the use of less lethal weapons, and the use
23 of motorcycles as a crowd control tool, are aware of the unlawful policies, practices
24 and customs of the City and the LAPD which resulted in the settlement in *National*
25 *Lawyers Guild v. City of Los Angeles* in June, 2005. Moreover, Chief Bratton and his
26 delegated command staff are aware that the use of force to break up lawful protests is
27 a custom so ingrained in the marrow of the LAPD that it was critical to take all steps

1 necessary to ensure that official policy was implemented in a manner sufficient to
2 address the deeply rooted custom to violate First Amendment rights in the specific
3 ways identified in the *National Lawyers Guild* settlement agreement. The failure to
4 take such steps directly lead to the injuries suffered by the Plaintiffs.

5 37. The City paid more than \$4,000,000 in damages as a result of these same
6 unlawful practices during the DNC. Subsequent to the DNC, the City paid nearly
7 \$1,000,000 for injuries arising from the use of less-lethal weapons during a permitted
8 demonstration on October 22, 2000. Prior to the DNC, the City paid nearly
9 \$2,000,000 in damages arising from the dispersal of peaceful demonstrations through
10 force and intimidation. In all of its actions, the City has acted with deliberate
11 indifference to the rights of the public to engage in lawful expressive activity in
12 traditional public fora within the City.

13 38. Despite its knowledge that the LAPD has had a history of unlawful
14 conduct at demonstrations, and its knowledge that there has been a traditional lack of
15 training of LAPD line and command staff on proper law enforcement conduct at
16 demonstrations, and its agreement in the *National Lawyers Guild* case, *supra*,
17 regarding the use of force at peaceful demonstrations, the City failed to adequately
18 train its officers and command staff in, among other things, the rights of
19 demonstrators, lawful crowd control, dispersal orders, separating those engaged in
20 unlawful conduct from those engaged in lawful conduct, the permissible use of batons
21 in crowd control/demonstration situations, the permissible use of “less-than-lethal”
22 weapons in crowd control/demonstration situations, and the permissible use of force
23 and circumstances justifying it in such situations. This failure amounted to deliberated
24 indifference to the rights of persons with whom the police come into contact, and
25 constituted a conscious choice by the City not to properly train its law enforcement
26 personnel on these issues.

27 39. On information and belief, Chief Bratton delegated final responsibility and
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1 authority to persons within his command staff to act as the final policy maker at the
2 May Day March to decide whether to declare the assembly unlawful and whether to
3 use force. The persons who made these decisions acted as the delegated policy maker
4 for the City of Los Angeles on these issues. There was no time, opportunity or
5 procedure for anyone to review or revise the decisions made by these delegated policy
6 makers prior to their final implementation.

8 **COMMON ALLEGATIONS**

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

19 41. Plaintiffs are informed and believe and thereon allege that defendants
20 declared the gathering an "unlawful assembly," and ordered the peaceful participants
21 to disperse, and used force upon the peaceful participants, and singled out persons
22 perceived to be members of the media, for the purpose of interfering with the First
23 Amendment rights of the peaceful participants.

24 42. Plaintiffs are informed and believe and thereon allege that, in declaring the
25 gathering an "unlawful assembly," and ordering the peaceful participants to disperse,
26 and using force upon the peaceful participants, and singling out persons perceived to
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1 be members of the media, defendants engaged in content-discrimination and
2 viewpoint-discrimination. Defendants' actions were motivated and influenced by the
3 political content, message, and viewpoint of plaintiffs, or by defendants' perception
4 of the political content, message, and viewpoint of plaintiffs. Defendants treated
5 plaintiffs less favorably than others whose speech has a different content, message and
6 viewpoint.

7 43. Assuming that a dispersal order could have been legally justified under all
8 of the facts and circumstances, the order given was, nonetheless, deficient as it was not
9 given until after the officers began advancing on and firing at those present in the
10 park, was unintelligible as delivered from a helicopter, was given only in English, and
11 the order failed to specify how peaceful participants were to disperse and failed to give
12 the peaceful participants sufficient time or opportunity to disperse. All force used to
13 disperse peaceful participants was unreasonable because defendants failed to provide
14 peaceful participants with sufficient time and opportunity to disperse.

15 44. Assuming the dispersal order was lawful, and that defendants provided
16 peaceful participants with sufficient time and opportunity to disperse, the use of force
17 was nonetheless unlawful because class members never presented any threat to the
18 police nor any other person, and were not committing any act which would justify any
19 use of force. All force used to disperse peaceful participants was unreasonable
20 because peaceful participants did not present any threat justifying the use of any force.
21 None of the class representatives were arrested for acts committed on May 1, 2007.

22 45. Defendants' use of force against peaceful participants was unreasonable
23 because defendants used force indiscriminately, including shooting peaceful
24 participants with projectiles, hitting them with batons, and shoving them, all without
25 any individualized justification for the use of such force.

26 46. Defendants' use of force was unreasonable because defendants gave no
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1 warning before using force, including shooting peaceful participants with projectiles
2 or hitting them with batons.

3 47. Defendants use of force was unreasonable because defendants utilized
4 weapons in an improper and unreasonable manner. Guidelines for the “less lethal”
5 projectile weapons carried by defendants specify that, in order to avoid serious injury,
6 such projectiles should not be aimed at the upper torso and should not be used in a
7 non-target specific manner. Defendants improperly fired projectile weapons directly
8 at peaceful participants’ upper bodies, causing physical injuries.

9 48. As a result of defendants’ actions, hundreds of peaceful participants were
10 deprived of their First, Fourth and Fourteenth Amendment rights (and corollary state
11 law rights) and physically and emotionally injured.

12 49. Plaintiffs are informed and believe and thereon allege that the LAPD
13 officers acted in accordance with orders given them by supervisors from the highest
14 command positions, in accordances with policies and procedures instituted by the
15 LAPD and the City of Los Angeles.

17 **PARTIES**

18 **The Class Representative Plaintiffs**

19 50. Plaintiff Multi-Ethnic Immigrant Workers Organizing Network
20 (“MIWON”) is a collaborative effort of the Coalition for Humane Immigrant Rights
21 of Los Angeles (“CHIRLA”), the Koreatown Immigrant Workers Alliance (“KIWA”),
22 the Pilipino Workers Center (“PWC”), the Institute of Popular Education of Southern
23 California (“IDEPSCA”) and the Garment Workers Center (“GWC”). MIWON was
24 formed for the purpose of organizing and educating immigrant workers on their rights.
25 In support of this purpose, MIWON has organized a march and rally every year for the
26 past several years on May Day, which is international workers’ day. MIWON
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1 obtained the permit for the event at MacArthur Park on May 1, 2007, which forms the
2 basis for this action. MIWON suffered injury to its organization work when the
3 defendants arbitrarily and capriciously declared an end to the permitted assembly
4 nearly 3 years hour before its expiration. The action of the Defendants has interfered
5 with MIWON's right to assembly and speech. MIWON plans to hold similar events
6 in the future and is fearful that the unlawful police actions of May 1, 2007 will be
7 repeated absent injunctive relief to prohibit the practices, policies and customs of the
8 LAPD that resulted in the police action against peaceful demonstrators on May 1,
9 2007 at MacArthur Park. MIWON seeks injunctive and declaratory relief only.

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

24 52. Plaintiff Koreatown Immigrant Workers Alliance ("KIWA") was
25 founded in 1992 to empower low-wage immigrant workers and to work with other
26 communities in a progressive constituency in Los Angeles' under-represented
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1 immigrant communities for social change. KIWA is one of the member organizations
2 of MIWON and co-sponsored the permitted event in MacArthur Park on May 1, 2007
3 that forms the basis for this action. The action of the Defendants has interfered with
4 KINA's right to assembly, association and speech. KINA plans to hold similar events
5 in the future and is fearful that the unlawful police actions of May 1, 2007 will be
6 repeated absent injunctive relief to prohibit the practices, policies and customs of the
7 LAPD that resulted in the police action against peaceful demonstrators on May

8 53. Plaintiff Institute for Popular Education of Southern California
9 ("IDEPSCA"), works to create a more humane and democratic society by responding
10 to the needs and problems of disenfranchised people through leadership development
11 and educational programs based on Popular Education methodology. IDEPSCA
12 works to organize and educate members of low-income Latino immigrants concerned
13 with solving their problems in their own communities. IDEPSCA is one of the member
14 organizations of MIWON and co-sponsored the permitted event in MacArthur Park
15 on May 1, 2007 that forms the basis for this action. The action of the Defendants has
16 interfered with IDEPSCA's right to assembly, association and speech. IDEPSCA
17 plans to hold similar events in the future and is fearful that the unlawful police actions
18 of May 1, 2007 will be repeated absent injunctive relief to prohibit the practices,
19 policies and customs of the LAPD that resulted in the police action against peaceful
20 demonstrators on May 1, 2007 at MacArthur Park. IDEPSCA seeks injunctive and
21 declaratory relief only.

22 54. Plaintiff Pilipino Workers Center ("PWC") works to organize and educate
23 low-income workers in the Pilipino immigrant community about their rights both
24 within and outside of the workplace. PWC is one of the member organizations of
25 MIWON and co-sponsored the permitted event in MacArthur Park on May 1, 2007
26 that forms the basis for this action. The action of the Defendants has interfered with
27 PWC's right to assembly, association and speech. PWC plans to hold similar events

1 in the future and is fearful that the unlawful police actions of May 1, 2007 will be
2 repeated absent injunctive relief to prohibit the practices, policies and customs of the
3 LAPD that resulted in the police action against peaceful demonstrators on May 1,
4 2007 at MacArthur Park. PWC seeks injunctive and declaratory relief only.

5 55. Plaintiff Garment Workers Center (“GWC”) was opened in 2001 after 71
6 Thai garment workers were found working in a slave shop in El Monte. The Garment
7 Workers Center advocated for the Thai workers and for Latino workers similarly
8 forced to work in sweatshop conditions in Los Angeles’ garment industry. The GWC
9 works to empower the low-wage workers in the political process. GWC is one of the
10 member organizations of MIWON and co-sponsored the permitted event in MacArthur
11 Park on May 1, 2007 that forms the basis for this action. The action of the Defendants
12 has interfered with GWC’s right to assembly, association and speech. GWC plans to
13 hold similar events in the future and is fearful that the unlawful police actions of May
14 1, 2007 will be repeated absent injunctive relief to prohibit the practices, policies and
15 customs of the LAPD that resulted in the police action against peaceful demonstrators
16 on May

17 56. Plaintiff Kevin Breslin is a member of the National Lawyers Guild and
18 was serving as a Legal Observer at the MIWON march and rally on May 1, 2007 at
19 MacArthur Park. He was struck several times on his legs by at least two baton-
20 wielding officers in black riot-gear uniforms and later hit in the chest.

21 57. Plaintiff Mario Cuellar was in or around MacArthur Park on May 1, 2007.
22 He was attending the MIWON rally. While he was listening to the rally program at
23 the stage, he heard shots and then turned and saw people running. He also saw the
24 police shooting at people and pushing them with batons. As he was trying to help a
25 mother with a baby in a stroller, he was hit on the back with a club. He fell to his
26 hands and knees from the force. He got up and ran. He was frightened because he
27 could not find his wife, who is pregnant, and because the police assault reminded him

1 of how the police had killed many of his friends in El Salvador.

2 58. Plaintiff David Gabriel Eng was in or around MacArthur Park on May 1,
3 2007. He was taking photographs of the events. He was struck multiple times on his
4 head, face and buttocks with a baton and asp.

5 59. Plaintiff Luis Galvez was in or around MacArthur Park on May 1, 2007.
6 As he tried to help people escape from the park, he was hit on the head, neck and back
7 multiple times, and knocked unconscious by a baton strike from behind.

8 60. Plaintiff Gerardo Gomez was in or around MacArthur Park on May 1,
9 2007. He was running from the police when he was hit with a baton. While giving
10 a report of this to a legal observer, he was shot with rubber bullets.

11 61. Plaintiff Jorge Lopez was in or around MacArthur Park on May 1, 2007.
12 He was with friends eating snacks when he heard yelling and shouting and saw people
13 running. He was shot with a rubber bullet in the chest. When he tried to retrieve the
14 ball that hit him, he was shot two more times in the leg.

15 62. Plaintiff Jaime Maldonado was in or around MacArthur Park on May 1,
16 2007. He was going to eat at his favorite restaurant on 6th and Alvarado. He saw
17 people running, and then was hit on the knee and arm with a baton.

18 63. Plaintiff Leopoldo Ortiz was in or around MacArthur Park on May 1,
19 2007. He was walking around the take when the police officers came. One officer hit
20 him multiple times in the stomach, knocking the wind out of him. He fell to the
21 ground and was kicked two times in the backside. He was worried for his life and
22 afraid that the officers might shoot real bullets. Mr. Ortiz is a 76-year-old veteran.

23 64. Plaintiff Romuardo Pedro was in or around MacArthur Park on May 1,
24 2007. He was there with his wife and three children, ages 12, 9 and 6. He was taking
25 photos of the rally when he saw police striking a man on the ground. When he began
26 to take photos of that, he was struck twice with a baton on the leg. He began to run
27 away from the officers and was hit multiple times with rubber bullets, including on his

1 upper back. He ran to collect his family and they all ran out of the park. His children
2 were terrified by the actions of the police and were crying uncontrollably.

3 65. Plaintiff Ester Navarette Plata was in or around MacArthur Park on May
4 1, 2007. She was discussing with friends that the turnout for this year's rally was not
5 as big as last time. They decided to leave. As they walked out of the park, she lost her
6 friends and was in a crowd of people she did not know. Suddenly, she saw a lot of
7 people running and she tried to run also. She was struck with a baton on her left
8 forearm by the police, fracturing her bone. As she ran to escape the police, she fell
9 and suffered a severe bruise to her knee and lower leg.

10 66. Plaintiff Jeremy Rote-Kuschel was in or around MacArthur Park on May
11 1, 2007. When the police came into the park, he was standing around talking to
12 people. He began walking backwards with his hands up and then when he turned
13 around and started walking away fast, he was shot in the right lower back with a
14 rubber projectile.

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

22
23 **Defendants**

24 68. At all times relevant hereto William Bratton was the Chief of Police of the
25 Los Angeles Police Department. Plaintiffs are informed and believe and thereupon
26 allege that Chief Bratton was responsible for the development, establishment and/or
27 implementation of the procedures, policies, regulations, practices and/or customs of

1 the LAPD with respect to the implementation of the settlement in *National Lawyers*
2 *Guild v. City of Los Angeles*, its use of force in response to political protests, its use
3 of “less lethal” projectiles and its overall activities in regard to political protests.
4 Upon information and belief, plaintiffs further allege that at all times relevant hereto,
5 Chief Bratton participated in, approved, and/or ratified the unconstitutional or illegal
6 acts complained of herein. Additionally, upon information and belief, plaintiffs allege
7 that Chief Bratton failed adequately to train, supervise and monitor the actions of
8 officers assigned to protest and/or riot details, or to promulgate adequate policies and
9 regulations to prevent the unlawful acts complained of. Plaintiffs sue Chief Bratton
10 in both his official and personal capacity.

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

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

25 71. Defendant City of Los Angeles is a municipal corporation duly organized
26 and existing under the laws of the State of California. The LAPD is an agency of the
27 City of Los Angeles, and all actions of the LAPD are the legal responsibility of the

1 City. The City of Los Angeles is sued both in its own right and on the basis of
2 *respondeat superior*, under California Government Code § 815.2.

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

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

15 16 CLASS ACTION ALLEGATIONS

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

- 1 c. What opportunity defendants gave the peaceful participants to disperse
- 2 before attacking them with projectiles, batons and other weapons;
- 3 d. What degree of force defendants used against the peaceful participants *e.g.*,
- 4 what degree of force does shooting a person with a “less than lethal” weapon
- 5 actually represent;
- 6 e. What warnings, if any, defendants gave before using force against the
- 7 peaceful participants;
- 8 f. Whether defendants declared the protest an unlawful assembly for the
- 9 purpose of interfering with the peaceful participants right to freedom of speech;
- 10 g. Whether defendants used force against the peaceful participants for the
- 11 purpose of interfering with the peaceful participants right to freedom of speech;
- 12 h. Whether defendants engaged in content-discrimination and viewpoint-
- 13 discrimination.

14 78. In accordance with Fed. R. Civ. P. 23(a), there are questions of law
15 common to the class. Plaintiffs are informed and believe and thereon allege that the
16 common questions of law include but are not limited to, the following:

- 17 a. Whether defendants were legally justified in declaring the gathering an
- 18 unlawful assembly;
- 19 b. Whether (assuming the dispersal order was unlawful) any use of force was
- 20 lawful;
- 21 c. Whether (assuming the dispersal order was lawful) defendants gave peaceful
- 22 participants an adequate opportunity to disperse;
- 23 d. What degree of force (assuming the dispersal order was lawful), if any,
- 24 defendants were permitted to use to disperse the peaceful participants;
- 25 e. Whether defendants were permitted to use force, including firing projectiles
- 26 at peaceful participants, without warning;
- 27 f. Whether defendants were permitted to randomly fire into the dispersing
- 28

1 peaceful participants;

2 g. Whether the force defendants used was constitutionally reasonable.

3 79. In accordance with Fed. R. Civ. P. 23(a), the claims of the representative
4 plaintiffs are typical of the class they represent. Each representative plaintiff was
5 present in or about MacArthur Park on May 1, 2007, between the hours of 5:45 p.m.
6 and 7:30 p.m. Each representative plaintiff was subjected to force in the Park or as he
7 or she attempted to disperse from the Park, or as she or he attempted to disperse along
8 Wilshire Boulevard, Alvarado Boulevard, 7th Street and/or Park View, or in the
9 vicinity of those streets. No representative plaintiff did anything to attack or threaten
10 to attack any person, or interfere with any lawful action of anyone, or resist arrest, or
11 escape. Except for their presence at the Park, and peaceful, verbal, non-violent
12 protests, and observing defendants, plaintiffs did nothing. Defendants had no legal
13 justification for ordering any representative plaintiff to disperse and no legal
14 justification for using force against any representative plaintiff.

15 80. Each representative plaintiff has the same interests and suffered the same
16 type injuries as the class members. The claims of each representative plaintiff arose
17 because of LAPD's dispersal orders and use of force against the peaceful participants.
18 The claims of the representative plaintiffs are based upon the same legal theories as
19 the claims of the class members. Each representative class member suffered actual
20 physical injuries as a result of defendants' dispersal orders and defendants' use of
21 force.

22 81. In accordance with Fed. R. Civ. P. 23(a), the representative plaintiffs will
23 fairly and adequately protect the interests of the class. The interests of the
24 representative plaintiffs are consistent with and not antagonistic to the interests of the
25 class.

26 82. In accordance with Fed. R.Civ.P. 23(b)(1)(A), prosecutions of separate
27 actions by individual members of the class would create a risk that inconsistent or
28

1 varying adjudications with respect to individual members of the class would establish
2 incompatible standards of conduct for the parties opposing the class.

3 83. In accordance with Fed. R.Civ.P. 23(b)(1)(B), prosecutions of separate
4 actions by individual members of the class would create a risk of adjudications with
5 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 to
7 protect their interests.

8 84. In accordance with Fed. R.Civ.P. 23(b)(2), the Defendants have acted,
9 threaten to act, and will continue to act on grounds generally applicable to the class,
10 thereby making appropriate final injunctive relief or declaratory relief with respect to
11 the class as a whole.

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

22 86. In accordance with Fed. R.Civ.P. 23(b)(3), this class action is superior to
23 other available methods for the fair and efficient adjudication of the controversy
24 between the parties. Plaintiffs are informed and believe and thereon allege that the
25 interest of members of the class in individually controlling the prosecution of a
26 separate action is low, in that most class members would be unable to individually
27 prosecute any action at all. Plaintiffs are informed and believe and thereon allege that

1 the amounts at stake for individuals are so small that separate suits would be
2 impossible or impracticable. Plaintiffs are informed and believe and thereon allege
3 that most members of the class will not be able to find counsel to represent them.
4 Plaintiffs are informed and believe that defendants have no or virtually no records or
5 evidence of any kind justifying any use of force against individual peaceful
6 participants, and that defendants' only justifications for any use of force against
7 peaceful participants is based on facts which apply to all peaceful participants equally.

8 87. Plaintiffs are informed and believe that it is desirable to concentrate all
9 litigation in one forum because all of the claims arise in the same location, date and
10 time, *i.e.*, in the vicinity of MacArthur Park on May 1, 2007, between 5:45 p.m. and
11 7:30 p.m., and it will promote judicial efficiency to resolve the common questions of
12 law and fact in one forum, rather than in multiple courts.

13 88. Plaintiffs do not know the identities of all of the class members. Plaintiffs
14 are aware of the identities of approximately 80 class members. Plaintiffs are informed
15 and believe and thereon allege that the identities of some class members may be
16 obtained from organizations which sponsored the march and rally, including MIWON,
17 CHIRLA, KIWA, PWC, GWC and IDEPSCA. Plaintiffs are informed and believe and
18 thereon allege that the identities of class members may also be obtained from calls for
19 assistance made to MIWON, CHIRLA, KIWA, PWC, GWC and IDEPSCA.

20 89. In accordance with Fed. R. Civ. P. 23(b)(3), class members must be
21 furnished with the best notice practicable under the circumstances, including
22 individual notice to all members who can be identified through reasonable effort.
23 Plaintiffs contemplate notice through organizational "hotlines" devoted to the events
24 of May 1, 2007, distribution of leaflets in MacArthur Park, as well as calls to the
25 numbers for Plaintiffs' counsel provided in the Spanish language media. Plaintiffs
26 contemplate that the notice will inform class members of the following:

- 27 a. The pendency of the class action, and the issues common to the class;

- 1 b. The nature of the action;
- 2 c. Their right to ‘opt out’ of the action within a given time, in which event they
- 3 will not be bound by a decision rendered in the class action;
- 4 d. Their right, if they do not ‘opt out,’ to be represented by their own counsel
- 5 and enter an appearance in the case; otherwise, they will be represented by the
- 6 named plaintiffs and their counsel; and
- 7 e. Their right, if they do not ‘opt out,’ to share in any recovery in favor of the
- 8 class, and conversely to be bound by any judgment on the common issues,
- 9 adverse to the class.

10

11 **FIRST CLAIM FOR RELIEF**

12 **FREEDOM OF SPEECH AND ASSOCIATION**

13 (1st and 14th Amendments, 42 U.S.C. Section 1983)

14 (All the class representatives, individually and on behalf of the class

15 they seek to represent, against all defendants)

16 90. Plaintiffs hereby reallege and incorporate by reference as if fully set forth

17 herein the allegations set forth previously and subsequently in this complaint.

18 91. The actions of the defendants, as set forth above, violated plaintiffs’ right

19 to freedom of speech and association guaranteed by the First Amendment of the

20 United States Constitution.

21 92. As a proximate result of the wrongful, malicious and violent acts of

22 defendants, and the fright caused plaintiffs, plaintiffs and each of them, suffered

23 physical injuries and experienced shock and injury to the nervous system and were

24 injured in their health, strength and activity, suffering extreme and severe mental

25 anguish and physical pain, anxiety, humiliation and emotional distress.

26 93. By reason of the aforementioned acts and omissions of defendants and the

27 City of Los Angeles, plaintiffs, and each of them, have incurred and will incur in the

1 future, medical and related expenses, past and future lost earnings, loss of property and
2 other special and general damages, in an amount according to proof, but in excess of
3 the jurisdictional limits of this court.

4 94. In doing the foregoing wrongful acts, defendants, and each of them, acted
5 in intentional, reckless and/or callous disregard for the constitutional rights of
6 plaintiffs. The wrongful acts, and each of them, were willful, oppressive, fraudulent
7 and malicious.

8
9 **SECOND CLAIM FOR RELIEF**

10 **EQUAL PROTECTION**

11 (1st and 14th Amendments, 42 U.S.C. Section 1983)

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

14 95. Plaintiffs them hereby reallege and incorporate by reference as if fully set
15 forth herein the allegations set forth previously and subsequently in this complaint.

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

19 97. Defendants intentionally targeted Plaintiffs, their supporters and associates,
20 because of their status as immigrants and their advocacy on behalf of immigrants'
21 rights, disrupting their permitted assembly and applying a degree of force to a First
22 Amendment activity unseen in several years in this City.

1 **THIRD CLAIM FOR RELIEF**

2 **EXCESSIVE FORCE**

3 (4th and 14th Amendments, 42 U.S.C. Section 1983)

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

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

8 99. The conduct of each defendant violated the right of class members to be
9 secure in home, person, and effects against unreasonable searches and seizures and not
10 to be subjected to the use of excessive force, as guaranteed by the Fourth and
11 Fourteenth Amendments to the United States Constitution, and entitles plaintiffs to
12 bring suit and recover damages pursuant to 42 U.S.C. Section 1983.

13 100. There was no lawful justification for defendants use of force against any
14 of the plaintiffs, or the putative class members, all of whom had a fundamental
15 constitutional right to be present at the permitted assembly, observe the police
16 response, or otherwise enjoy the peaceful and lawful use of MacArthur Park, without
17 being subjected to a violation of their right to be free from unlawful seizure and the
18 use of excessive force.

19
20 **FOURTH CLAIM FOR RELIEF–DUE PROCESS**

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

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

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

26 102. The actions of the defendants, as set forth above, shock the conscience
27 and violate plaintiffs’ right to due process of law guaranteed by the Fourteenth

1 Amendment of the United States Constitution.

2
3 **FIFTH CLAIM FOR RELIEF**
4 **THREATS, INTIMIDATION OR COERCION**
5 **EXCESSIVE FORCE**

6 (Civil Code Section 52.1)

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

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

11 104. The defendants by their conduct interfered by threats, intimidation, or
12 coercion, or attempted to interfere by threats, intimidation, or coercion, with the
13 exercise or enjoyment of plaintiffs rights as secured by the First, Fourth and
14 Fourteenth Amendments to the United States Constitution or laws of the United States,
15 and of the rights secured by the Constitution or laws of the state of California,
16 including but not limited to California Constitution Article I, sections 2,3 and 13.

17 105. There was no lawful justification for defendants to threaten, intimidate
18 or coerce any of the plaintiffs, or the putative class members, or to attempt to use
19 threats, intimidation or coercion to interfere with plaintiffs' and the putative class
20 members' rights from being present at the permitted assembly, observing the police
21 response, or otherwise enjoying the peaceful and lawful use of MacArthur Park.

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1 defendants. Each of the plaintiffs and other persons present in MacArthur Park and
2 subjected to defendants' use of force and threatened use of force was put in fear
3 that s/he would be subjected to an assault and/or battery by the defendants, their
4 agents and employees.

5 111. Defendants' unlawful actions were done willfully, maliciously, and
6 with the specific intent to touch plaintiffs without consent and cause them harm.

7 112. As a direct and proximate consequence of defendants' actions,
8 plaintiffs suffered, and continue to suffer, physical injury, emotional trauma, and
9 pain and suffering, and are entitled to compensatory damages for injury to their
10 person, as well as punitive damages as permitted by law.

11
12 **PRAYER FOR RELIEF**

13 Wherefore, plaintiffs seek judgment as follows:

14 113. A preliminary and permanent injunction against the use of less-lethal
15 munitions in a crowd control situation to disperse a lawful public assembly except
16 and solely as follows:

- 17 a. for their use against specific aggressive, combative individuals
18 b. on suspects who are a potential physical threat to themselves or
19 others,
20 c. on suspects armed with weapons other than firearms, or
21 d. on suspects displaying 'aggressive and/or combative' actions

22 114. A preliminary and permanent injunction against the dispersal of a
23 public assembly without language-appropriate dispersal orders, directions as to
24 how to disperse and adequate time for dispersal;

25 115. A preliminary and permanent injunction against the dispersal of a
26 permitted, lawful assembly based on purportedly unlawful actions of a small group
27 of individuals unless it is impracticable to isolate those suspected of wrongdoing;

1 116. A preliminary and permanent injunction against the use of motorcycles
2 and bicycles as a means of crowd control;

3 117. A preliminary and permanent injunction requiring compliance with
4 California Penal Code § 830.10, requiring law enforcement officers to have their
5 badges and other identifying information clearly visible to the public at all time that
6 they are on duty;

7 118. Compensatory general and special damages for themselves and the
8 class they represent, in an amount according to proof and as permitted by law;

9 119. Damages pursuant to California Civil Code § 52;

10 120. Exemplary damages as permitted by law against each of the individual
11 defendants in an amount sufficient to deter and to make an example of those
12 defendants;

13 121. Attorneys fees and costs as provided for by 42 U.S.C. § 1988, Civil
14 Code § 52.1(h), C.C.P. § 1021.5, and all applicable provisions of law;

15 122. Costs of suit;

16 123. Such other relief as the Court finds just and proper.

17
18 DATED: May 29, 2007

Respectfully submitted,

MAY DAY LITIGATION TEAM

21
22 By: CAROL A. SOBEL