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12 Attorneys for Plaintiffs
13 SARA OCHOA, BRANDEN COSTA, JAJUAN JOHNSON, ANTONIO MAY,
14 MICHAEL PERR, KIVON WILLIAMS, GADSEEL QUINONEZ, and JOSE
15 QUINONEZ, individually and on behalf of a class of similarly situated persons,

16 **UNITED STATES DISTRICT COURT**

17 **CENTRAL DISTRICT OF CALIFORNIA**

18 SARA OCHOA, BRANDEN COSTA,)
19 JAJUAN JOHNSON, ANTONIO MAY,)
20 and MICHAEL PERR, KIVON)
21 WILLIAMS, GADSEEL QUINONEZ,)
22 and JOSE QUINONEZ individually and)
23 on behalf of a class of similarly situated)
24 persons,)

25 Plaintiffs,

26 v.

27 CITY OF LOS ANGELES, a legal)
28 subdivision of the State of California;)
BRAXSTON SHAW; MICHAEL)
COBLENTZ; NICOLAS MARTINEZ;)
and DOES 1 through 10, inclusive,)

Defendants.)

CASE NO: 2:20-cv-06963-AB (AGR)

**FIRST AMENDED CLASS
ACTION COMPLAINT FOR
DAMAGES**

- 1. Fourth Amendment Violations
(42 U.S.C. § 1983);
- 2. Fourteenth Amendment -
Substantive Due Process
(42 U.S.C. § 1983);
- 3. First Amendment Violations
(42 U.S.C. § 1983);
- 4. Municipal Liability (*Monell*)
(42 U.S.C. § 1983)

DEMAND FOR JURY TRIAL

COMPLAINT FOR DAMAGES

1
2 1. Public trust is the bedrock of community policing. The allegations in
3 this Complaint shake the very core of that foundation. This action stems from the
4 misclassification of hundreds, if not thousands of City of Los Angeles residents as
5 gang members by at least twenty-seven (27) Los Angeles Police Department
6 (hereinafter “LAPD”) officers, including Braxton Shaw, Michael Coblenz, and
7 Nicolas Martinez, who have been charged with fifty-nine (59) criminal counts.

8 2. Los Angeles Police Department officers routinely falsified field
9 interview (hereinafter “FI”) cards by classifying people who are not gang members,
10 as gang members or gang associates. LAPD and its officers further violated public
11 trust and numerous laws by entering false descriptions of innocent civilians as gang
12 members into an official state-wide database. In many instances LAPD officers
13 falsely stated in official records that the individuals had “self-admitted” gang
14 affiliation when no such admissions had occurred. This resulted in devastating
15 consequences to putative class members, almost all of whom were Black and Latino,
16 including imprisonment, deprivation of civil rights, and practical consequences such
17 as not being able to obtain a job, rent an apartment, or receive financial aid for
18 college.

19 3. As an example, class members, Gadseel Quinonez and Jose Quinonez
20 are two brothers who live in South Los Angeles, California. Gadseel Quinonez and
21 Jose Quinonez are young Latino men who work in a recycling center in South Los
22 Angeles, an area which is patrolled by the Metropolitan Division of the Los Angeles
23 Police Department. In or around 2018, Braxton Shaw who was partnered with
24 Nicholas Martinez, wrote an FI card falsely documenting Gadseel Quinonez and Jose
25 Quinonez as MS 13 gang members with the gang monikers “Squealer” and “Sneaks,”
26 respectively. On July 9, 2020, a fifty-nine (59) count criminal complaint was filed by
27 the Los Angeles County District Attorney against Braxton Shaw, Michael Coblenz
28 and Nicolas Martinez for various crimes, including felonies, for the falsification of

1 FI cards and fabrication of non-existent people as gang members. Among the victims
2 in the criminal complaint are Gadseel Quinonez, Jose Quinonez and Kivon Williams.

3 4. As another example, class member, Sara Ochoa is a young Latina
4 woman who grew up in East Los Angeles and made it out of the low income
5 neighborhood to become a correctional officers of the State of California. Ms. Ochoa
6 served as a public servant for the State of California up until she became a victim of
7 LAPD Officers on January 18, 2020 when Ms. Ochoa was misclassified as a “gang
8 associate” simply for going back to visit the neighborhood she grew up in.
9 Unfortunately, not only was Ms. Ochoa misclassified as a “gang associate,” Ms.
10 Ochoa was subjected to an unreasonable detention by being handcuffed on the street
11 in public display for approximately twenty (20) minutes while her vehicle and
12 belongings in her vehicle were ransacked by LAPD officers.

13 5. Another putative class member is Jajuan Johnson. Mr. Johnson recently
14 graduated from high school in south Los Angeles. Notably, he scored sixty-two (62)
15 points in a varsity basketball game during his 2018 senior year. He is soft-spoken and
16 has no criminal record. On January 13, 2019, Johnson was a passenger in a car being
17 driven in Los Angeles when LAPD officers pulled over the vehicle, ostensibly for
18 tinted windows. Officers came up with a reason to search the car. LAPD officers then
19 blatantly lied in the police report they authored by contending that Mr. Johnson, a
20 college student, Jamba Juice employee and aspiring writer was a member of a Blood
21 street gang. The LAPD officers reasoned that because Mr. Johnson’s cousin was an
22 alleged gang member, he too must be gang affiliated. As a result, Mr. Johnson is
23 currently being prosecuted by the Los Angeles City Attorney’s Office pursuant to a
24 fabricated gang allegation under Penal Code Section 186.22. Mr. Johnson
25 consistently denied any gang membership to no avail. Because of the LAPD’s false
26 claims against him, Mr. Johnson has suffered the loss of employment, damage to his
27 reputation and severe depression. If convicted, Mr. Johnson will be required to
28 register as a gang member.

1 6. Moreover, Branden Costa, a young Black man, had just graduated from
 2 a Palisades area high school and was a Division 1 prospect athlete. One afternoon he
 3 was returning home from visiting a friend at the California Hospital in Downtown
 4 Los Angeles. That day a shooting occurred at a park a short distance from Mr. Costa's
 5 home. Time-verified security footage from the hospital showed Mr. Costa exiting the
 6 lobby ten minutes before the shooting. The shooting location, however, was a twenty-
 7 minute commute from the hospital. Nonetheless, LAPD officers falsely accused Mr.
 8 Costa of being the shooter. In an effort to unlawfully convict Mr. Costa, LAPD
 9 officers prepared and submitted false police reports claiming Mr. Costa was a gang
 10 member, even though LAPD officers had no credible evidence to support this claim.
 11 Mr. Costa expressly told LAPD officers he was not a gang member. Although Mr.
 12 Costa was acquitted of all charges, the falsely contrived gang identification followed
 13 him and has plagued his life every day since, causing him incalculable suffering and
 14 damage.

15 **JURISDICTION AND VENUE**

16 7. This action is properly filed in the Central District of the United States
 17 District Court for the redress of alleged deprivations of constitutional rights as
 18 protected by 42 U.S.C. §§ 1983, 1985, 1986, 1988, the Fourth and Fourteenth
 19 Amendment of the United States Constitution, and the California Constitution.
 20 Jurisdiction is founded on 28 U.S.C. §§ 1331, 1343, and 1367.

21 8. Venue is proper in the Central District of California pursuant to 28
 22 U.S.C. § 1391, as all Defendants and events giving rise to the claims herein occurred
 23 in the Central District of California.

24 **PARTIES**

25 9. At all relevant times, SARA OCHOA is and was an individual residing
 26 in the County of Los Angeles, California.

27 10. At all relevant times, BRANDEN COSTA is and was an individual
 28 residing in the County of Los Angeles, California.

1 11. At all relevant times, JAJUAN JOHNSON is and was an individual
2 residing in the County of Los Angeles, California.

3 12. At all relevant times, ANTONIO MAY is and was an individual residing
4 in the County of Los Angeles, California.

5 13. At all relevant times, MICHAEL PERRY is and was an individual
6 residing in the County of Los Angeles, California.

7 14. At all relevant times, GADSEEL QUINONEZ is and was an individual
8 residing in the County of Los Angeles, California.

9 15. At all relevant times, JOSE QUINONEZ is and was an individual
10 residing in the County of Los Angeles, California.

11 16. At all relevant times, KIVON WILLIAMS is and was an individual
12 residing in the County of Los Angeles, California.

13 17. The Plaintiff classes consist of: 1) approximately one thousand (1,000)
14 individuals, if not more, who were subjected to misclassification as gang members in
15 Los Angeles City reports; 2) approximately five hundred (500) individuals, if not
16 more, who were made part of a gang database; and 3) approximately five thousand
17 (5,000) individuals who were misclassified as gang associated.

18 18. Defendant City of Los Angeles is a municipal corporation duly
19 organized and existing under the Constitution and laws of the State of California. The
20 Los Angeles Police Department is a local government entity and an agency of
21 Defendant City of Los Angeles, and all actions of the LAPD are the legal
22 responsibility of the City of Los Angeles. The City of Los Angeles is sued in its own
23 right on the basis of its policies, customs, and practices which gave rise to Plaintiffs'
24 federal rights claims.

25 19. Defendant BRAXSTON SHAW was, and at all times relevant to this
26 action, a Los Angeles Police Department officer. He is sued in both his individual
27 and official capacities.

28 ///

1 20. Defendant MICHAEL COBLENTZ was, and at all times relevant to this
2 action, a Los Angeles Police Department officer. He is sued in both his individual
3 and official capacities.

4 21. Defendant NICOLAS MARTINEZ was, and at all times relevant to this
5 action, a Los Angeles Police Department officer. He is sued in both his individual
6 and official capacities.

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

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

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

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

25 **FACTUAL ALLEGATIONS**

26 26. The City of Los Angeles Police Department has manipulated the law to
27 criminalize innocent people. Specifically, California Penal Code Section 186.22 is a
28 statute that gives police officers broad discretion to arrest individuals on the premise

1 that the person committed a crime for the benefit, at the direction and in association
2 with a criminal street gang. LAPD officers, since the inception of the statute, created
3 a unwritten custom and practice of using CPC 186.22 to criminalize innocent people
4 and classify them as gang members.

5 27. In many cases, LAPD officers falsely incriminated members of this
6 class by applying gang enhancements to simple offenses like marijuana possession
7 or receiving stolen property. This practice exposed these criminal defendants to
8 extremely harsh sentences. With exposure to aeonic terms of imprisonment, many
9 individuals accepted plea deals to lesser offenses to avoid being locked up for
10 decades. Others, who had the audacity to insist on their innocence, were found guilty
11 by juries based on perjurious LAPD officers' testimony, then sentenced to many
12 years including, in numerous instances, life in prison. Those same individuals have
13 been forced to register annually as gang members at the very police stations where
14 they were framed in the first place.

15 28. In June of 2020, the California Department of Justice department
16 announced it suspended the use of CalGangs, citing questions about its accuracy and
17 the desire to "avoid any adverse impact on individuals, particularly in communities
18 of color." CalGangs is used by law enforcement agencies across the state of
19 California to store names and personal details of nearly eighty thousand (80,000)
20 people suspected of being active gang members or possibly associating with them
21 but has long been controversial.

22 29. LAPD records account for about 25% of all CalGangs entries.

23 30. On July 14, 2020, the California Department of Justice revoked LAPD's
24 access to the California statewide CalGangs database. In 2016, a state audit found
25 that CalGangs was riddled with questionable entries and errors such as the inclusion
26 of year-old children. CalGangs represents racial profiling with little proof to back up
27 the allegations of gang membership. The majority of those in the database are Black
28 and Latino men.

1 31. On July 9, 2020, the L.A. County District Attorney's Office filed a fifty
2 nine (59) count, including felonies, criminal complaint against three (3) LAPD
3 officers -- Braxton Shaw, Michael Coblenz, and Nicolas Martinez. The criminal
4 complaint accuses Braxton Shaw, Michael Coblenz, and Nicolas Martinez of
5 conspiring to file false police reports, fabrication of false court documents,
6 falsification of FI cards, and the fabrication of non-existent people as gang members.
7 Among the victims in the criminal complaint are Gadseel Quinonez, Jose Quinonez
8 and Kivon Williams.

9 32. On July 10, 2020, an LAPD memorandum confirmed that a total of
10 twenty-four (24) LAPD officers are under investigation for falsifying police reports
11 and misclassifying civilians as gang members or gang associates.

12 33. Some putative class members are Gadseel Quinonez and Jose Quinonez.
13 Gadseel Quinonez and Jose Quinonez are two brothers who live in South Los
14 Angeles, California. Gadseel Quinonez and Jose Quinonez are young Latino men
15 who work in a recycling center in South Los Angeles, an area which is patrolled by
16 the Metropolitan Division of the Los Angeles Police Department. In or around 2018,
17 Braxton Shaw who was partnered with Nicholas Martinez, wrote an FI card falsely
18 documenting Gadseel Quinonez and Jose Quinonez as MS 13 gang members with
19 the gang monikers "Squealer" and "Sneaks," respectively.

20 34. Another putative class member is Kivon Williams. Kivon Williams is a
21 young Black man who lives in South Los Angeles. In or around 2018, Braxton Shaw
22 who was partnered with Michael Coblenz, wrote an FI card falsely documenting
23 Kivon Williams as a "77 Swan" gang member with "Swan's" and "77" tattoos on his
24 neck, and a moniker, "Dub Bird."

25 35. One putative class member is Jajuan Johnson. Mr. Johnson recently
26 graduated from high school in south Los Angeles. Notably, he scored sixty (62)
27 points in a varsity basketball game during his 2018 senior year. He is soft-spoken and
28 has no criminal record.

1 36. On January 13, 2019, Johnson was a passenger in a car being driven in
2 Los Angeles when LAPD officers pulled over the vehicle, ostensibly for tinted
3 windows. Officers came up with a reason to search the car. LAPD officers then
4 blatantly lied in the police report they authored by contending that Mr. Johnson, a
5 college student, Jamba Juice employee and aspiring writer was a member of a Blood
6 street gang. The LAPD officers reasoned that because Mr. Johnson's cousin was an
7 alleged gang member, he too must be gang affiliated.

8 37. As a result, Mr. Johnson is currently being prosecuted by the Los
9 Angeles City Attorney's Office pursuant to a fabricated gang allegation under Penal
10 Code Section 186.22. Mr. Johnson consistently denied any gang membership to no
11 avail. Because of the LAPD's false claims against him, Mr. Johnson has suffered the
12 loss of employment, damage to his reputation and severe depression. If convicted,
13 Mr. Johnson will be required to register as a gang member.

14 38. Branden Costa is another putative class member. Branden Costa is a
15 young Black man, had just graduated from a Palisades area high school and was a
16 Division 1 prospect athlete.

17 39. One afternoon he was returning home from visiting a friend at the
18 California Hospital in Downtown Los Angeles. That day a shooting occurred at a
19 park a short distance from Mr. Costa's home. Time-verified security footage from
20 the hospital showed Mr. Costa exiting the lobby ten minutes before the shooting. The
21 shooting location, however, was a twenty-minute commute from the hospital.
22 Nonetheless, LAPD officers falsely accused Mr. Costa of being the shooter. In an
23 effort to unlawfully convict Mr. Costa, LAPD officers prepared and submitted false
24 police reports claiming Mr. Costa was a gang member, even though LAPD officers
25 had no credible evidence to support this claim. Mr. Costa expressly told LAPD
26 officers he was not a gang member. Although Mr. Costa was acquitted of all charges,
27 the falsely contrived gang identification followed him and has plagued his life every
28 day since, causing him incalculable suffering and damage.

1 40. The named Plaintiffs are suing on behalf of a class of similarly situated
2 persons throughout Los Angeles who have been victims of scofflaw Los Angeles
3 Police Department officers who filed fraudulent reports, lied under oath, and abused
4 gang database systems.

5 **CLASS ACTION ALLEGATIONS**

6 41. The named Plaintiffs bring this action individually and on behalf of a
7 proposed class of all other persons similarly situated pursuant to Federal Rules of
8 Civil Procedure Rule 23(b)(1), (b)(2) and (b)(3). The damages classes are defined as:

- 9 A. Approximately one thousand (1,000) individuals, if not more, who were
10 subjected to misclassification as gang members in Los Angeles City reports;
11 B. Approximately five hundred (500) individuals, if not more, who were
12 made part of a gang database; and
13 C. Approximately five thousand (5,000) individuals, if not more, who were
14 misclassified as gang associates.

15 42. Each class is inclusive of people who were misclassified either as gang
16 members of gang associated by LAPD officials. The first class of a presently
17 unknown number but is estimated as in excess of one thousand (1,000) individuals,
18 the second class consists of a presently unknown number but is estimated as in excess
19 of five hundred (500) individuals, and the third class consists of a presently unknown
20 number but is estimated as in excess of five thousand (5,000) individuals.

21 43. Because the issues in the three (3) classes are substantially the same and
22 arise from the same events, the Federal Rules of Civil Procedures Rule 23 criteria for
23 the classes are discussed jointly without differentiating between the different classes.

24 44. Questions of law or fact common to putative class members
25 predominate over any questions affecting only individual members and a class action
26 is superior to other available methods for fairly and efficiently adjudicating this
27 lawsuit.

28 ///

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

3 46. Defendants detained and/or arrested the putative class and sub-classes
4 as a group and treated all similarly, acting on ground applicable to the putative class.
5 The named Plaintiffs claim that the First, Fourth, and Fourteenth Amendment rights
6 were violated raise common question of law and fact. The named Plaintiffs claim
7 also claim their constitutional rights were also violated as a result of a long standing
8 or widespread custom and/or practice which was the moving force behind the
9 constitutional violations and therefore, the City of Los Angeles it liable under
10 municipal liability.

11 47. Questions of law and fact are common to the class and sub-classes,
12 including whether the putative class and sub-classes were misclassified as gang
13 members or gang associates.

14 48. The legal theories and factual predicates upon which the damages
15 classes and sub-classes seek relief predominate over any questions affecting only
16 individual members. The legal harms suffered by the named Plaintiffs and the class
17 Plaintiffs are identical.

18 49. The named Plaintiffs' claims are typical of those of the putative class
19 and sub-class each represents, as each was engaged in or associated with peaceable
20 and lawful free speech and assembly activity when each was subjected to excessive
21 force and/or arrested.

22 50. The named Plaintiffs will fairly and adequately represent the common
23 class interest. The named Plaintiffs have a strong interest in achieving the relief
24 requested in this Complaint, they have no conflicts with members of the Plaintiff
25 class, and they will fairly and adequately protect the interests of the class.

26 51. Counsel for the named Plaintiffs know of no conflicts among or between
27 members of the class, the named Plaintiffs, or the attorneys in this action.

28 ///

1 52. The Defendants have acted and refused to act on grounds generally
2 applicable to the putative class.

3 53. The prosecution of separate actions by individual members of the class
4 would create a risk of inconsistent standards of conduct for the Defendants, thereby
5 making a class action a superior method of adjudicating this lawsuit.

6 54. Plaintiffs do not know the identities of all class members. Plaintiffs are
7 informed and believe and thereon allege the identities of class members in the
8 arrestee class may be obtained from the personal information compelled by
9 Defendants through arrest records.

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

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

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

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

1 the City of Los Angeles. Defendants' conduct described herein has created
2 uncertainty among Plaintiffs with respect to their exercise now and in the future of
3 these constitutional rights.

4 59. An actual controversy exists between Plaintiffs and Defendants in that
5 Plaintiffs contend that the policies, practices, and conduct of Defendants alleged
6 herein are unlawful and unconstitutional, whereas Plaintiffs are informed and believe
7 that Defendants contend that said policies, practices, and conduct are lawful and
8 constitutional. Plaintiffs seek a declaration of rights with respect to this controversy.

9 60. In accordance with Federal Rules of Civil Procedure, Rule 23(a) the
10 members of the class are so numerous that joinder of all members is impracticable.
11 Plaintiffs do not know the exact number of class members. Plaintiffs are informed
12 and believe and thereon allege that there are more than six thousand five hundred
13 (6,500) individuals who were classified as gang members or gang associates by the
14 Los Angeles Police Department. Plaintiffs are informed and believe and thereon
15 allege that the number of persons in the proposed class is in the thousands.

16 61. In accordance with Federal Rules of Civil Procedure, Rule 23(a), there
17 are questions of fact common to the class. Plaintiffs are informed and believe and
18 thereon allege that the common questions of fact include, but are not limited to the
19 following: (1) individuals who were subjected to misclassification as gang members
20 in Los Angeles City reports; (2) individuals who were made part of a gang database;
21 and (3) individuals who were misclassified as gang associates.

22 62. In accordance with Federal Rules of Civil Procedure, Rule 23(a), there
23 are questions of law common to the class. Plaintiffs are informed and believe and
24 thereon allege that the common questions of law include but are not limited to the
25 following: (1) Whether the City of Los Angeles violated the Fourth Amendment
26 rights of people misclassified as gang members or gang associates; (2) Whether the
27 City of Los Angeles violated the Fourteenth Amendment rights of people
28 misclassified as gang members or gang associates; (4) Whether the City of Los

1 Angeles violated the First Amendment rights of people misclassified as gang
2 members or gang associates.

3 63. In accordance with Federal Rules of Civil Procedure, Rule 23(a) the
4 claims of the representative plaintiffs are typical of the class. Plaintiffs were victims
5 of at least twenty-seven (27) Los Angeles Police Department officers, including
6 Braxton Shaw, Michael Coblenz, and Nicolas Martinez who have already been
7 charged with fifty-nine (59) criminal counts. Los Angeles Police Department officers
8 lied on field interview cards by classifying people who are not gang members, as
9 gang members, and/or classifying people who are not associated with a gang as “gang
10 associates.”

11 64. Thus, Plaintiffs have the same interests and have suffered the same type
12 of damages as the class members. Plaintiffs' claims are based upon the same or
13 similar legal theories as the claims of the class members. Each class member suffered
14 actual damages from being subjected to misclassification as gang members or gang
15 associates.

16 65. In accordance with Federal Rules of Civil Procedure, Rule 23 (a), the
17 representative plaintiffs will fairly and adequately protect the interests of the class.
18 The interests of the representative plaintiffs are consistent with and not antagonistic
19 to the interests of the class.

20 66. In accordance with Federal Rules of Civil Procedure, Rule 23(b)(1)(A),
21 prosecutions of separate actions by individual members of the class would create a
22 risk that inconsistent or varying adjudications with respect to individual members of
23 the class would establish incompatible standards of conduct for the parties opposing
24 the class.

25 67. In accordance with Federal Rules of Civil Procedure, Rule 23(b)(1)(B),
26 prosecutions of separate actions by individual members of the class would create a
27 risk of adjudications with respect to individual members of the class which would, as
28 a practical matter, substantially impair or impede the interests of the other members

1 of the class to protect their interests.

2 68. In accordance with Federal Rules of Civil Procedure, Rule 23(b)(2),
3 plaintiffs are informed and believe, and thereon allege the defendants have acted on
4 grounds generally applicable to the class.

5 69. In accordance with Federal Rules of Civil Procedure, Rule 23(b)(3), the
6 questions of law or fact common to the members of the class predominate over any
7 questions affecting only individual members, and this class action is superior to other
8 available methods for the fair and efficient adjudication of the controversy between
9 the parties. Plaintiffs are informed and believe, and thereon allege that the interest of
10 class members in individually controlling the prosecution of a separate action is low
11 in that most class members would be unable to individually prosecute any action at
12 all. Plaintiffs are informed and believe, and thereon allege that the amounts at stake
13 for individuals are such that separate suits would be impracticable in that most
14 members of the class will not be able to find counsel to represent them. Plaintiffs are
15 informed and believe and allege that it is desirable to concentrate all litigation in one
16 forum because all of the claims arise in the same location, i.e., the City of Los
17 Angeles. It will promote judicial efficiency to resolve the common questions of law
18 and fact in one forum, rather than in multiple courts.

19 70. Plaintiffs do not know the identities of all class members. Plaintiffs are
20 informed and believe, and thereon allege the identities of the class members are
21 ascertainable from the Los Angeles County District Attorney's Office, the Los
22 Angeles City Attorney's Office and/or LAPD records, in particular the computer
23 records used to track who are or were alleged gang members and alleged gang
24 associates.

25 71. Plaintiffs are informed and believe, and thereon allege that Los Angeles
26 County District Attorney's Office, the Los Angeles City Attorney's Office and/or
27 LAPD records reflect the identities, including addresses and telephone numbers, of
28 the persons who are or were alleged gang members and alleged gang associates.

1 72. Plaintiffs know of no difficulty that will be encountered in the
2 management of this litigation that would preclude its maintenance as a class action.
3 The class action is superior to any other available means to resolve the issues raised
4 on behalf of the class. The class action will be manageable because reliable records
5 systems exist from which to ascertain the members of the class. Liability can be
6 determined on a class-wide basis. Damages can be determined on a class-wide basis
7 using a damages matrix set by a jury, or by trying the damages of a statistically valid
8 sample of the class to a jury and extrapolating those damages to the class as a whole.
9 Moreover, plaintiffs are represented by counsel with class action litigation
10 experience, particularly against the City of Los Angeles and the Los Angeles Police
11 Department.

12 73. In accordance with Federal Rules of Civil Procedure, Rule 23(b)(3),
13 class members must be furnished with the best notice practicable under the
14 circumstances, including individual notice to all members who can be identified
15 through reasonable effort. Plaintiffs are informed and believe that LA City Attorney's
16 Office and/or LAPD computer records, and certainly police reports and F.1. cards
17 etc., contain a last known address for class members. Plaintiffs contemplate that
18 individual notice be given to class members at such last known address by first class
19 mail. Plaintiffs contemplate that the notice inform class members of the following:

- 20 a. The pendency of the class action, and the issues common to the class;
- 21 b. The nature of the action;
- 22 c. Their right to 'opt out' of the action within a given time, in which event
23 they will not be bound by a decision rendered in the class action;
- 24 d. Their right, if they do not 'opt out,' to be represented by their own counsel
25 and enter an appearance in the case; otherwise, they will be represented by the named
26 plaintiffs and their counsel; and
- 27 e. Their right, if they do not 'opt out,' to share in any recovery in favor of the
28 class, and conversely to be bound by any judgment on the common issues adverse to the

1 class.

2 74. All of the following claims for relief are asserted against all Defendants:

3 **FIRST CLAIM FOR RELIEF**

4 **FOURTH AMENDMENT VIOLATIONS**

5 **(42 U.S.C. § 1983)**

6 **(ALL DEFENDANTS)**

7 75. Plaintiffs repeats and re-alleges each allegation in all the preceding
8 paragraphs of this Complaint with same force and effect as if fully set forth herein.

9 76. In subjecting plaintiffs and class members to the unnecessary, unlawful,
10 demeaning, and outrageous seizures and/or searches when plaintiffs and class
11 members went outside, defendants, and each of them, violated plaintiffs' and class
12 members' rights to be secure in their persons against unreasonable searches and
13 seizures, as guaranteed by the Fourth and Fourteenth Amendments to the United
14 States Constitution. Therefore, plaintiffs and class members are entitled to bring suit
15 and recover damages pursuant to 42 U.S.C. §1983.

16 77. As a direct and proximate cause of the aforementioned acts, plaintiffs
17 and class members were damaged in an amount to be proven at trial.

18 **SECOND CLAIM FOR RELIEF**

19 **FOR VIOLATION OF SUBSTANTIVE DUE PROCESS**

20 **(42 U.S.C. § 1983)**

21 **(ALL DEFENDANTS)**

22 78. Plaintiffs repeats and re-alleges each allegation in all the preceding
23 paragraphs of this Complaint with same force and effect as if fully set forth herein.

24 79. In subjecting plaintiffs and class members to the unnecessary, unlawful,
25 demeaning, and outrageous confinement and prohibition from going outside and/or
26 seizure, detention arrest, jailing and/or prosecution when plaintiffs and class
27 members went outside, defendants, and each of them, violated plaintiffs' and class
28 members' rights to travel and move freely about this state and/or the several states,

1 as guaranteed by the United States Constitution. Therefore, plaintiffs and class
2 members are entitled to bring suit and recover damages pursuant to 42 U.S.C. §1983.

3 80. As a direct and proximate cause of the aforementioned acts, plaintiffs
4 and class members were damaged in an amount to be proven at trial.

5 **THIRD CLAIM FOR RELIEF**

6 **FIRST AMENDMENT VIOLATIONS**

7 **(42 U.S.C. § 1983)**

8 **(ALL DEFENDANTS)**

9 81. Plaintiffs repeats and re-alleges each allegation in all the preceding
10 paragraphs of this Complaint with same force and effect as if fully set forth herein.

11 82. In subjecting plaintiffs and class members to the unnecessary, unlawful,
12 demeaning, and outrageous confinement and prohibition from going outside and/or
13 seizure, detention arrest, jailing and/or prosecution when plaintiffs and class
14 members went outside, defendants, and each of them, violated plaintiffs' and class
15 members' rights to freely associate, communicate and assemble with persons, at
16 times, and in places of their choosing, as guaranteed by the First and Fourteenth
17 Amendments to the United States Constitution. Therefore, plaintiffs and class
18 members are entitled to bring suit and recover damages pursuant to 42 U.S.C. §1983.

19 83. As a direct and proximate cause of the aforementioned acts, plaintiffs
20 and class members were damaged in an amount to be proven at trial.

21 **FOURTH CLAIM FOR RELIEF**

22 **MUNICIPAL LIABILITY (*MONELL*)**

23 **(42 U.S.C. § 1983)**

24 **(By Plaintiffs against Defendant CITY OF LOS ANGELES)**

25 84. Plaintiffs repeats and re-alleges each allegation in all the preceding
26 paragraphs of this Complaint with same force and effect as if fully set forth herein.

27 85. The City, through Chief Moore, and his predecessors, including former
28 Chief Charles Beck, and the LAPD, have failed to train their officers in the

1 constitutional treatment of innocent civilians vis-a-vis misclassification of Los
2 Angeles City residents as gang members or gang associates as revealed by the above
3 allegations. The City has a custom and policy of misclassifying people as gang
4 members or gang associates, submitting fraudulent reports affirming the
5 misclassification, inputting fraudulent information into gang databases and
6 encouraging LAPD officers into further perpetuating the foregoing. The City is well
7 aware of its constitutional duties. The need for training and discipline to enforce
8 Constitutional guarantees in such circumstances is obvious and necessary.

9 86. On information and belief, Chief Moore and his predecessors delegated
10 responsibility and authority to persons within his command staff to act as the final
11 policy maker in determining whether to terminate, reprimand, or terminate LAPD
12 officers who were falsely classifying people and filing false reports which unlawfully
13 identified individuals. The persons who made these decisions, acted as the delegated
14 policy maker for the City of Los Angeles on these matters. There was no time,
15 opportunity, or procedure for anyone other than the policymakers to review or revise
16 the decisions prior to their final implementation.

17 87. Moreover, on and for some time prior to June 1, 2020 (and continuing
18 to the present date), Defendants CITY, and DOES 1-10, acting with gross negligence
19 and with reckless and deliberate indifference to the rights and liberties of the public
20 in general, and of Plaintiffs, and of persons in their class, situation and comparable
21 position in particular, knowingly maintained, enforced and applied an official
22 recognized custom, policy, and practice of:

23 A. Unreasonably detaining and unreasonably arresting Los Angeles City
24 civilians under the guise that said civilians were “gang members;”

25 B. Unreasonably detaining and unreasonably arresting Los Angeles City
26 and County residents under the guise that said civilians were “gang associates;”

27 C. Falsifying official CITY reports affirming the misclassification of a
28 civilian as gang members or gang associates;

1 D. Falsifying information placed into statewide California gang databases
2 including CalGangs by the misclassification of a civilians as a gang members or gang
3 associates;

4 E. Committing perjury in open court by further affirming the
5 misclassification of civilians who were facing criminal charges;

6 F. Acquiescing, ratifying, and condoning the imposition of a criminal
7 sentencing enhancements of an individuals who were misclassified as a gang
8 members or gang associates.

9 G. Inadequately supervising, training, controlling, assigning, and
10 disciplining CITY employees and other personnel, in gang intelligence, the reporting
11 of gang intelligence, and the misclassification of civilians as gang members or gang
12 associates;

13 H. By maintaining grossly inadequate procedures for reporting,
14 supervising, investigating, reviewing, disciplining and controlling the intentional
15 misconduct by Defendants.

16 I. By having and maintaining the aforementioned unconstitutional policy,
17 custom, and practice with a deliberate indifference to individuals' safety and rights;

18 88. By reason of the policies and practices of Plaintiffs and the class
19 Plaintiffs represent were severely injured and were subjected to constitutional
20 violations while the CITY ratified and condoned said conduct. The aforementioned
21 policies and practices of Defendants, including the custom, policy and practice of
22 Defendant CITY in allowing its officers to misclassify civilians and file false reports
23 was a violation of the First, Fourth, and Fourteenth Amendments of the Constitution.

24 89. Defendants CITY and DOES 1-10, together with various other officials,
25 whether named or unnamed, had either actual or constructive knowledge of the
26 deficient policies, practices and customs alleged in the paragraphs above. Despite
27 having knowledge as stated above, these defendants condoned, tolerated and through
28 actions and inactions thereby ratified such policies. Said defendants also acted with

1 deliberate indifference to the foreseeable effects and consequences of these policies
2 with respect to the constitutional rights of Plaintiffs, and other individuals similarly
3 situated.

4 90. Accordingly, Defendants CITY and Does 1-10 each are liable to
5 Plaintiffs for compensatory damages under 42 U.S.C. § 1983.

6 91. Plaintiffs further claim all of Plaintiffs' attorneys' fees and costs
7 incurred and to be incurred in Plaintiffs presenting, maintaining and prosecuting this
8 action under 42 U.S.C. Section 1988.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiff requests entry of judgment in their favor and against
11 Defendants as follows:

- 12 A. General and special damages according to proof;
13 B. As against the individual defendants only, punitive damages according to
14 C. For interest;
15 D. For reasonable costs of this suit and attorneys' fees, including pursuant to 42
16 U.S.C. § 1988;
17 E. For all other damages allowed under federal and state law and;
18 F. For such further other relief as the Court may deem just, proper, and
19 appropriate.

20 Respectfully Submitted,

21 Dated: August 21, 2020

THE JUSTICE X LAW GROUP

22
23
24 By: 

HUMBERTO GUIZAR
AUSTIN R. DOVE
STEPHEN A. KING
CHRISTIAN CONTRERAS
Attorney for Plaintiffs

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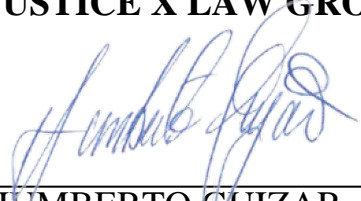
DEMAND FOR JURY TRIAL

Plaintiffs hereby demands a trial by jury.

Dated: August 21, 2020

THE JUSTICE X LAW GROUP

By:



HUMBERTO GUIZAR
AUSTIN R. DOVE
STEPHEN A. KING
CHRISTIAN CONTRERAS
Attorney for Plaintiffs