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9 the Proposed Class

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION
13

14 JUAN HERNANDEZ, an individual; NATHAN
VELASQUEZ, an individual; FRANK
15 VELASQUEZ, an individual; RACHEL CASEY,
an individual; MARK DOERING, an individual;
16 MARY DOERING, an individual; BARBARA
ARIGONI, an individual; DUSTIN HAINES-
17 SCRODIN, an individual; ANDREW ZAMBETTI,
an individual; CHRISTINA WONG, an individual;
18 CRAIG PARSONS, an individual; I.P., a minor
individual; GREG HYVER, an individual; and
19 TODD BROOME, an individual, on behalf of
20 themselves and all others similarly situated,
21

22 Plaintiffs,

23 v.

24 CITY OF SAN JOSE, a municipal corporation;
SAM LICCARDO, sued in his individual capacity;
25 EDGARDO GARCIA, sued in his individual
capacity; ANTHONY YI, an individual; H.A., a
26 minor individual; S.M., a minor individual; and
DOES 1-38, individuals,
27

28 Defendants.

Case Number:

**CLASS ACTION COMPLAINT FOR
CIVIL RIGHTS VIOLATIONS AND
RELATED CLAIMS**

DEMAND FOR JURY TRIAL



1 Plaintiffs Juan Hernandez, Nathan Velasquez, Frank Velasquez, Rachel Casey, Mark
2 Doering, Mary Doering, Barbara Arigoni, Dustin Haines-Scrodin, Andrew Zambetti, Christina
3 Wong, Craig Parsons, I.P., a minor, Greg Hyver, and Todd Broome, on behalf of themselves and
4 all others similarly situated, bring this class action lawsuit against Defendants the City of San Jose,
5 its mayor, Sam Liccardo, in his individual capacity, its chief of police, Edgardo Garcia, in his
6 individual capacity, and DOES 1 through 15, inclusive, (collectively, the “City Defendants”), for
7 compensatory, punitive, equitable, and injunctive relief following the City Defendants’ many
8 violations of the constitutional and statutory rights of the class of attendees of the Donald J. Trump
9 presidential campaign rally (“Trump Rally”) held on June 2, 2016, in San Jose, California.
10 Plaintiffs Juan Hernandez, Dustin Haines-Scrodin, Andrew Zambetti, I.P., Nathan Velasquez,
11 Frank Velasquez, Rachel Casey, Barbara Arigoni, Mark Doering, and Mary Doering, also bring
12 individual claims against their attackers, including Anthony Yi, H.A., a minor, S.M., a minor, and
13 DOES 16-38.

14 **INTRODUCTION**

15 1. This Action concerns the City Defendants’ deprivation of the free speech, free
16 assembly, and due process rights of the class alleged herein, which attended the Trump Rally, only
17 to be directed by the City Defendants or their agents, many wearing riot gear, into a mob of
18 approximately four hundred anti-Trump protesters, where they were violently threatened,
19 intimidated, and coerced, and several were brutally assaulted. The City Defendants were fully
20 aware of the already volatile situation involving hundreds of protesters outside the Trump Rally,
21 and knowingly created a dangerous situation for all Trump Rally attendees by requiring all persons
22 leaving the event to walk directly into and through a mob of physically violent and aggressive anti-
23 Trump protestors, and by restricting their ability to exit safely, in alternative directions, away from
24 the violent mob. In addition to creating this dangerous situation, the City Defendants directed the
25 approximately 250 San Jose police officers, or other local officers subject to the City Defendants’
26 control, not to intervene as they witnessed the many violent criminal acts perpetrated by dozens of
27 anti-Trump protesters on the Class members.

28 2. As a result of the City Defendants’ acts and omissions, the Class members have been

1 deprived of their constitutional and statutory rights to free speech, freedom of assembly, and due
2 process, and seek compensation for the harm caused by the City Defendants' intentional,
3 deliberate, reckless, and/or negligent conduct, and injunctive relief to prevent the City Defendants
4 from repeating their wrongful conduct.

5 3. Plaintiffs attended the Trump Rally and were subjected to the violent acts of the anti-
6 Trump protesters, as a result of the City Defendants' conduct. For example, Juan Hernandez was
7 struck in the head by an anti-Trump protester and suffered a broken nose. Dustin Haines-Scrodin
8 was also repeatedly hit in the face by a protester. Andrew Zambetti was struck in the head with a
9 bag full of hard objects believed to be rocks, causing bloodshed and injury.

10 4. I.P., a fourteen-year old, was hit in the back of the head, twice, by H.A., an anti-
11 Trump protester. He then ran to a nearby San Jose Fire Department vehicle to ask for help, but I.P.
12 was denied any help, and shortly thereafter, he was chased and tackled to the ground by S.M.,
13 another protester.

14 5. Nathan Velasquez was struck in the head by Anthony Yi, causing him severe physical
15 trauma, including a concussion, and extreme emotional distress.

16 6. Rachel Casey was attacked by a mob of protesters, who threw eggs, a tomato, a
17 bottle of water, and other objects, and also spat on her, while surrounding and wrongfully confining
18 her against the Marriott Hotel.

19 7. Barbara Arigoni, a seventy-one year old woman, was attacked by three female
20 protesters who pulled her hair and broke her glasses. Mark Doering intervened, only to be struck in
21 the head and shoulders, while his wife, Mary Doering, called on the nearby police for assistance.
22 Her pleas went unanswered. Instead, the police waited for the attack to conclude, and then
23 belatedly apologized to the Doerings and Arigoni, stating that they could not intervene, and could
24 not arrest the attackers, who remained nearby and subject to apprehension, had the officers tried.

25 8. In addition to suing the City Defendants as class representatives, these Plaintiffs
26 bring claims against their attackers, many of whom have yet to be identified publicly by the
27 authorities, and therefore are sued as Doe defendants.

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JURISDICTION AND VENUE

9. This action arises under 42 U.S.C. § 1983 in relation to the City Defendants’ deprivation of the class’s constitutional rights. Accordingly, this Court has federal question jurisdiction under 28 U.S.C. §§ 1331, 1343, and supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over the related state claims.

10. Venue is proper in this judicial district under 28 U.S.C. § 1391, because a substantial part of the acts or omissions giving rise to the claims for relief occurred in or were directed to this District, and each of the Defendants is subject to the personal jurisdiction of this Court.

11. This Court has personal jurisdiction over the Defendants, because each Defendant is domiciled in the State of California, has sufficient minimum contacts with California, and otherwise has intentionally availed himself, herself, or itself of significant benefits provided by the State of California, rendering the exercise of jurisdiction by this Court permissible under traditional notions of fair play and substantial justice

INTRADISTRICT ASSIGNMENT

12. This Action is properly assigned to the San Jose Division of the Court, as the conduct giving rise to this dispute occurred in Santa Clara County, California.

PARTIES

13. Juan Hernandez (“Hernandez”) is an individual who, at all times relevant to the Complaint, was domiciled in Santa Clara, California.

14. Craig Parsons is an individual, who at all times relevant to the Complaint, was domiciled in Hollister, California.

15. I.P. is a fourteen-year-old individual who, at all times relevant to the Complaint, was domiciled in Hollister, California. I.P. is the child of Craig Parsons.

16. Nathan Velasquez is an individual who, at all times relevant to the Complaint, was domiciled in San Jose, California.

17. Frank Velasquez is an individual who, at all times relevant to the Complaint, was domiciled in San Jose, California. Frank Velasquez is the father of Nathan Velasquez.

18. Rachel Casey (“Casey”) is an individual who, at all times relevant to the Complaint,

1 was domiciled in San Jose, California, and currently resides in Loxahatchee, Florida.

2 19. Mark Doering is an individual who, at all times relevant to the Complaint, was
3 domiciled in Campbell, California.

4 20. Mary Doering is an individual who, at all times relevant to the Complaint, was
5 domiciled in Campbell, California.

6 21. Barbara Arigoni (“Arigoni”) is an individual who, at all times relevant to the
7 Complaint, was domiciled in San Jose, California.

8 22. Dustin Haines-Scrodin (“Hanes-Scrodin”) is an individual who, at all times relevant to
9 the Complaint, was domiciled in San Jose, California.

10 23. Andrew Zambetti (“Zambetti”) is an individual who, at all times relevant to the
11 Complaint, was domiciled in Walnut Creek, California.

12 24. Christina Wong (“Wong”) is an individual who, at all times relevant to the Complaint,
13 was domiciled in Castro Valley, California.

14 25. Greg Hyver (“Hyver”) is an individual who, at all times relevant to the Complaint, was
15 domiciled in Soquel, California.

16 26. Todd Broome (“Broome”) is an individual who, at all times relevant to the Complaint,
17 was domiciled in Sunnyvale, California.

18 27. Defendant City of San Jose (the “City”), is a municipal entity duly organized and
19 existing under the laws of the State of California.

20 28. Defendant Sam Liccardo (“Liccardo”) is an individual, who at all times relevant to the
21 Complaint, was the Mayor of the City and was domiciled in San Jose, California. Liccardo is being
22 sued in his individual capacity.

23 29. Defendant Edgardo Garcia (“Garcia”) is an individual, who at all times relevant to the
24 Complaint, was the Chief of Police for the City and domiciled in San Jose, California. Garcia is being
25 sued in his individual capacity.

26 30. Defendant Anthony Yi (“Yi”) is an individual who, at all times relevant to the
27 Complaint, was domiciled in San Jose, California.

28 31. Defendant H.A. is an individual and minor who, according to press releases from the

1 San Jose Police Department, at all times relevant to the Complaint, was domiciled in San Jose,
2 California.

3 32. Defendant S.M. is an individual and minor who, according to press releases from the
4 San Jose Police Department, at all times relevant to the Complaint, was domiciled in Milpitas,
5 California.

6 33. Plaintiffs are unaware of the true names and/or capacities of defendants sued herein as
7 DOES 1 through 38, inclusive, and therefore sue said defendants by such fictitious names. Plaintiffs
8 will amend this Complaint to allege their true names and capacities when ascertained. Plaintiff
9 believes and alleges that each of the DOE defendants is legally responsible and liable for the incident,
10 injuries, and damages set forth in this Complaint. Each defendant proximately caused injuries and
11 damages because of their active participation in the subject incident, and/or because of their
12 negligence, breach of duty, negligent supervision, management or control, violation of public policy,
13 or tortious conduct. Each defendant is liable for his/her personal conduct, vicarious or imputed
14 negligence, fault, or breach of duty, whether severally or jointly, or whether based upon agency,
15 employment, ownership, entrustment, custody, care or control or upon any other act or omission.
16 Plaintiffs will ask leave to amend this Complaint subject to further discovery.

17 34. In committing the acts alleged herein, the City, Liccardo, Garcia, and DOES 1 through
18 15, inclusive, and each of them, acted within the course and scope of their employment.

19 35. In doing the acts and/or omissions alleged herein, the City Defendants, and each of
20 them, acted under color of authority and/or under color of law.

21 36. Due to the acts and/or omissions alleged herein, the City Defendants, and each of them,
22 acted as the agent, servant, and employee and/or in concert with each of said other City Defendants
23 herein.

24 37. In order to comply with all applicable administrative claim requirements under
25 California law, Plaintiffs have filed on behalf of themselves and all those similarly situated claims to
26 the proper City entity duly charged with processing such claims.

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FACTUAL BACKGROUND

Plaintiffs Attend Donald Trump Rally

38. In or around May, 2016, Donald J. Trump (“Trump”) became the presumptive nominee of the Republican Party for President of the United States, by virtue of amassing the number of pledged delegates around the United States and territories, to secure the nomination at the Republican National Convention.

39. Trump’s presidential campaign team, working in conjunction with local Republican Party members in the San Francisco Bay Area, organized a Trump campaign rally to take place on June 2, 2016, at the McEnery Convention Center in San Jose, California.

40. Upon learning of the planned Trump Rally, several organizations, including Silicon Valley Rising and the South Bay Labor Council began to organize and promote a “Dump the Trump” counter-rally and protest, scheduled for the same day, and organized to take place outside the McEnery Convention Center.

41. Liccardo, the mayor of San Jose, is a registered Democrat and an outspoken critic of Trump.

42. Just prior to the Trump Rally, and in accordance with its policies, the San Jose Police Department shut down the streets surrounding the convention center to vehicle and pedestrian traffic.

43. In a public statement before the Trump Rally, Police Chief Garcia stated, “we will do everything possible to protect the First Amendment, those attending our Community, and our Officers.”

44. Despite this representation, Defendants not only failed to protect those attending the Trump Rally, but created the danger that ultimately harmed the class members and deprived them of their constitutional and statutory rights.

San Jose Police Direct Rally Attendees into the Mob of Violent Protesters

45. At the conclusion of the Trump Rally, the attendees were directed to leave from the east-northeast exit of the McEnery Convention Center by the San Jose police, and police officers and other personnel from nearby cities and counties, who did so at the direction of the City Defendants.

1 Liccardo and Garcia each acted as a final policymaker for the City in directing the officers actions.

2 46. Outside this exit, a police line directed the Trump supporters to turn north and to
3 proceed along Market Street, into the crowd of violent anti-Trump protesters.

4 47. The police also actively prevented the Trump Rally attendees from proceeding south
5 along Market Street, away from the anti-Trump protesters, or from leaving the convention center
6 through alternative exits.

7 48. As detailed below, the class members were chased and subjected to violence,
8 harassment, and intimidation on the basis of their real or perceived political affiliations, and several
9 were beaten, victimized by theft, had objects such as bottles and eggs thrown at them by the
10 protesters in full view of hundreds of police officers. Protesters also hurled insults, accused the
11 class members of being racists, and held signs reading, “We need socialism” and “A vote for
12 Trump is a vote for fascism,” while others waved Mexican flags. At least one individual was seen
13 burning an American flag, and another burning a hat displaying Trump’s “Make America Great”
14 campaign slogan.

15 49. The violence continued to escalate, until dozens of fights had broken out amongst
16 the crowd, leaving many class members bruised and bloodied.

17 **The City Defendants Fail to Protect Class Members from the Dangers They Created**

18 50. The City Defendants instructed and directed the police officers and other City
19 employees not to intervene in the many brutal attacks made against the Trump Rally attendees, or
20 otherwise failed properly to train the police officers to protect against the same.

21 51. Instead of stopping the attacks, and as a result of the direction of the City Defendants,
22 several officers and other city personnel, including members of the San Jose Fire Department, refused
23 to respond to pleas for help from several of the Trump supporters. These refusals were made despite
24 the fact that the San Jose police officers were armed and, in many cases, wearing riot gear, and were
25 often mere feet away from ongoing acts of physical violence.

26 52. Several officers told Trump supporters that the police were not permitted to provide
27 assistance to those trying to return to their vehicles and leave the area, stating that providing assistance
28 to these citizens was not a part of the City’s plan or procedure in relation to the Trump Rally.

1 53. The San Jose Police Department failed to declare the demonstration an unlawful
2 assembly until a full thirty minutes or more of violent altercations had ensued, following the
3 conclusion of the Trump Rally.

4 54. It was not until approximately one hour after the Trump Rally's conclusion that police
5 brought out megaphones and told demonstrators to leave or face arrest.

6 55. Very shortly after these events, Liccardo used the situation as a platform to express
7 his personal political views, and cast blame on Trump for the violence, stating publicly:

8 San Jose police officers performed admirably and professionally to
9 contain acts of violence and protect individuals' rights to assemble,
10 protest, and express their political views. While it's a sad statement
11 about our political discourse that Mr. Trump has focused on stirring
12 antagonism instead of offering real solutions to our nation's challenges,
there is absolutely no place for violence against people who are simply
exercising their rights to participate in the political process.

13 56. On information and belief, the City Defendants acted with discriminatory animus
14 against the class members, based upon the real or perceived political affiliations of the class members,
15 intending to prevent, or with reckless disregard that their conduct would so prevent, the class members
16 from supporting the candidate of their choice, and to discourage others from doing the same.

17 57. In so doing, the City Defendants violated the class members' constitutional and
18 statutory rights to free speech, peaceful assembly, and due process.

19 58. The Plaintiffs and class members were subjected to the violent acts of approximately
20 four hundred anti-Trump protesters, without police intervention, because the City Defendants
21 required the class members to exit the Trump Rally directly into the mob located a block away, in
22 furtherance of the City Defendants' own political objectives and biases. The individual stories and
23 claims of the Plaintiffs are set forth below.

24 **Hernandez and Haines-Scrodin Are Repeatedly Struck in the Face**

25 59. Hernandez and Haines-Scrodin attended the Trump Rally, exited the east-northeast exit
26 of the McEnery Convention Center, and were directed by the San Jose police to walk through the
27 anti-Trump protesters, rather than being allowed to turn south, in the direction of safety.

28 60. Soon after following the directions of the San Jose police, Hernandez and Haines-

1 Scrodin were struck repeatedly in their faces and heads by an anti-Trump protester.

2 61. The anti-Trump protester also yelled racial slurs at Hernandez and Haines-Scrodin.

3 62. Hernandez suffered a broken nose, abrasions, and other severe bodily injuries as a
4 result of the attack, as well as severe emotional distress.

5 63. Haines-Scrodin also suffered bodily injuries and severe emotional distress as a result
6 of the attack.

7 64. Despite the San Jose police being in close proximity to this attack, the San Jose police
8 did not intervene or offer their assistance, and failed to do so at the direction of the City Defendants.

9 **Frank and Nathan Velasquez Are Assaulted; Nathan Is Struck by Anthony Yi**

10 65. Frank Velasquez and his son, Nathan Velasquez, attended the Trump Rally and
11 exited the east-northeast exit of the convention center.

12 66. After being directed by the San Jose police to walk through the anti-Trump protest,
13 rather than to the south, Anthony Yi, an anti-Trump protester, took Nathan Velasquez's hat, which
14 Nathan had been wearing.

15 67. After running approximately twenty-five yards, however, Yi slipped and fell near the
16 intersection of San Carlos Street and Almaden Boulevard.

17 68. As Yi had taken more than one hat from the Trump supporters, Frank Velasquez
18 picked one up to determine whether this hat was the one taken from Nathan.

19 69. Nathan then tried to help Yi get back on his feet, as well as determine whether either of
20 the other hats were the hat that Yi had taken from him.

21 70. As Yi stood up, Yi struck Nathan in the head with his fist, causing Nathan severe
22 bodily harm, including a concussion, and severe emotional distress.

23 71. Yi also possessed a knife at this time, but dropped the knife on the ground during the
24 altercation.

25 72. Immediately following the attack, Nathan was pursued by a reporter who asked
26 Nathan Velasquez several questions pertaining to the events that just occurred.

27 73. As the reporter was questioning Nathan, Yi and other protesters stood opposite the
28 reporter and continued to make verbal threats and hand gestures indicating that Yi and other

1 protesters intended to continue their attack.

2 74. Shortly thereafter, Nathan and his father moved quickly back to the police line,
3 which was about one hundred yards away from the location of the original attack on the corner of
4 San Carlos Street and Almaden Boulevard, and were pursued by Yi and five or six other protesters.

5 75. After explaining the situation to the police, Frank and his son were permitted to
6 stand in vicinity of the police, where they hoped that the violent attacks against them would not
7 continue.

8 76. Nathan Velasquez has been unable to work due to his injuries and the emotional
9 distress caused by Yi's conduct. Frank Velasquez has also suffered emotional distress arising from
10 these events, which have negatively affected his ability to manage the affairs of his San Jose based
11 business, particularly as his customers, employees, and vendors have witnessed an unclear
12 narrative of these events on national news, as well as witnessing police standing by and doing
13 nothing to prevent the assaults.

14 **Protesters Taunt, Chase, Corner, and Throw Eggs at Casey**

15 77. Casey, who was wearing a Trump jersey that she purchased on her way into the
16 convention center, decided to leave the Trump Rally about an hour after arriving, and was met
17 with the same police line, which refused to intervene between the protesters and those departing the
18 Trump Rally, and which directed her into the waiting, violent mob.

19 78. As she walked away from the police line, however, Casey began to feel uncomfortable
20 due to the chants and taunts being shouted at her by the crowd of protesters.

21 79. Two protesters, one wearing a green shirt and the other wearing a black and white
22 mask, approached Casey, raised their middle fingers in her direction, and began yelling, "Fuck
23 Trump!"

24 80. As Casey continued to make her way through the protest, the crowd began to follow
25 and throw objects at her.

26 81. Fearing for her safety, Casey made her way to the entrance of the Marriot hotel, located
27 approximately two hundred feet from where the police line was located, but she was initially refused
28 entry, as the security guards in the hotel held the doors shut.

1 82. Bystanders inside the Marriot began yelling to let her inside as the protesters continued
2 to surround and throw objects at Casey, including approximately seven eggs, a tomato, and a bottle of
3 water, while others spat at her. She was struck in the head by at least one egg that smashed upon
4 impact.

5 83. The crowd continued to yell “Fuck Trump” as they attacked her, while she remained
6 trapped between the large crowd of violent protesters and the closed Marriot doors.

7 84. Eventually, the Marriot guards opened the doors and allowed Casey to escape the mob.

8 85. Despite the police officers being nearby, and having directed Casey into the violent
9 mob in the first place, the police did not take any action to come to Casey’s aid.

10 **I.P. Is Assaulted and Denied Assistance by the San Jose Fire Department**

11 86. I.P., a fourteen-year-old minor, attended the Trump Rally with his father, Craig
12 Parsons.

13 87. After the rally concluded, I.P. and his father exited the east-northeast exit of the
14 McEnery Convention Center, where a line of police officers prevented I.P. and his father from
15 turning right, to safety. Instead, I.P. and his father were directed by police to turn left, into the anti-
16 Trump protesters.

17 88. Thereafter, I.P. was struck in the back of his head, twice, by H.A., without warning,
18 and without seeing the attacker approaching.

19 89. At this time, members of the crowd began repeatedly shouting, “Kill him!”

20 90. I.P. then ran towards a nearby San Jose Fire Department vehicle while being chased
21 by a mob of anti-Trump protesters, and asked for the Fire Department employees’ assistance.

22 91. The San Jose Fire Department refused to offer I.P., a minor, any assistance, despite
23 his pleas for help and the imminent danger.

24 92. Shortly after being denied help, I.P. was chased by protesters and S.M. tackled I.P.
25 to the ground.

26 93. Still, the San Jose Police and Fire Departments, which were present in large numbers
27 in the vicinity, failed to come to I.P.’s aid.

28 94. After being attacked, I.P. made his way to a police skirmish line, and was only later

1 allowed to cross the line to safety.

2 95. I.P.'s father, Craig Parsons, saw I.P. cross the skirmish line, approached the police,
3 told them that I.P. was his son, and requested to cross the skirmish line to be with I.P., a recent
4 victim of several violent attacks.

5 96. The police denied Craig Parsons' request.

6 **Zambetti Is Beaten with a Bag of Rocks**

7 97. Zambetti also attended the Trump Rally, left through the east-northeast exit and was
8 directed by the San Jose police to walk through the anti-Trump protest, rather than through
9 alternative, safe routes.

10 98. Shortly after following the directions of the police, Zambetti was hit in the head by
11 an individual with a bag containing hard objects, which Zambetti believes to have been rocks.

12 99. Zambetti suffered a concussion and other severe bodily injuries as a result of this
13 attack, and was bleeding from the face and ear area at the scene.

14 100. Despite the hundreds of San Jose police in close proximity to this attack, they refrained
15 from intervening or offering their assistance, as instructed by the City Defendants.

16 **Mark and Mary Doering and Arigoni Are Assaulted by Three Females**

17 101. Mark and Mary Doering, a married couple, and Arigoni, a seventy-one-year old
18 woman, attended the Trump Rally, arriving separately by the municipal light rail.

19 102. Upon exiting the rally, the Doerings were directed by the San Jose police, or other
20 officers under the control of the City Defendants, to return to the light rail system. Arigoni was
21 similarly directed to the light rail station by the police.

22 103. The Doerings, following the police's instruction, walked to the light rail station
23 along with another individual.

24 104. The Doerings then carefully made their way through the mob of anti-Trump
25 protesters until they were met with additional police officers near the intersection of West San
26 Carlos Street and Market Street.

27 105. Again, the Doerings were told by the police to proceed to the light rail station.

28 106. After arriving at light rail station, they discovered that the station was inoperable

1 because a police skirmish line near the intersection of West San Carlos Street and Almaden
2 Boulevard, and many protesters, blocked the light rail tracks into the convention center station, or
3 otherwise rendered service to the station impossible.

4 107. The Doerings met Arigoni at the light rail station, where Arigoni was waiting with
5 two other women.

6 108. The Doerings, Arigoni, and the three other women then left the station towards the
7 San Jose Civic and Montgomery Theater, away from the protesters and the police skirmish line, in
8 order to take a bus out of the area.

9 109. At this time, the police began declaring from a police helicopter circling overhead
10 that the assembly as unlawful, and that the protesters must disperse.

11 110. The Doerings and Arigoni walked up the north-facing sidewalk of West San Carlos
12 Street, as per the instructions received from an officer from the Santa Clara Sherriff's Office,
13 acting under the control of the City Defendants, towards the bus.

14 111. As the Doerings and Arigoni approached the intersection of West San Carlos and
15 Market Street, a group of three females, who had covered their faces with bandanas, attacked Arigoni,
16 pulled her by the hair, removed her glasses from her head and broke them, causing her to fear for her
17 safety and suffer bodily harm.

18 112. One of these females told Arigoni to "go back to [her] country."

19 113. On information and belief, these individuals attacked Arigoni on the basis of her real or
20 perceived nationality and/or her political affiliations.

21 114. As this attack was occurring, approximately eight San Jose police officers, or other
22 officers under the control of the City Defendants, stood nearby, but did not intervene.

23 115. Witnessing these events, and upon learning that the San Jose police were not coming to
24 Arigoni's aid, Mark Doering confronted the attackers himself, who then focused their attack on Mark.

25 116. One of the females attempted to bite Mark Doering, while two others started punching
26 him in the shoulders and head, knocking off his glasses and ripping his shirt. This caused Mark and
27 Mary Doering to fear for their safety, and Mark Doering to suffer bodily harm and property damage.

28 117. Throughout the attack, Mary Doering screamed for help from the nearby police, who

1 stood on the opposite side of the street.

2 118. Approximately eight police officers were within approximately thirty-feet of the attacks
3 on Arigoni and the Doerings.

4 119. None of these officers intervened during the attacks, called for reinforcement, or gave
5 verbal instructions for the attackers to stop.

6 120. Shortly after the attacks, a police officer came over to Arigoni and the Doerings and
7 apologized twice, stating, “I’m so sorry,” but also stated that the police could not do anything, and that
8 they would not arrest the three females that had attacked Mark Doering and Arigoni, all of whom
9 remained nearby and could have been apprehended, had the police desired to do so.

10 121. Overhearing the police officer’s remarks, one of the attackers began shouting that the
11 police would not interfere, encouraging other protesters to commit additional illegal acts against other
12 Trump supporters.

13 122. Despite the San Jose police directing the Doerings and Arigoni into the mob, toward
14 the location where the attacks occurred, and being present in large numbers during attacks, the San
15 Jose police and other City employees did not intervene or offer any assistance – the police merely
16 watched and apologized.

17 **Christina Wong and Her Son Are Assaulted**

18 123. Wong attended the Trump Rally with her eighteen-year-old son, hoping to expose
19 her son to a major political rally before he casts his vote for the first time.

20 124. Upon arriving at the convention center, Wong parked in the garage next to the
21 convention center’s South Hall.

22 125. When the rally ended, Wong and her son exited the main auditorium and headed
23 towards the direction of the parking garage entrance door, located on South Market Street.

24 126. Upon reaching the exit closest to the parking garage, Wong and her son were met
25 with a police line and metal fences blocking the most direct path to her vehicle, in the parking
26 garage.

27 127. Wong told a San Jose police officer that she had parked in the nearby garage, and
28 that she and her son simply wished to leave.

1 128. Rather than permit Wong and her son to walk the short distance of approximately
2 two hundred feet, the officer directed her and her son away from the garage, towards the anti-
3 Trump protesters.

4 129. The officer said “Good luck!” as she and her son began to make their way towards
5 the violent protest.

6 130. After hearing the screams, chants, and loud commotions in the direction of where the
7 officer instructed her to go, she told her son that they needed to find an alternative route, in the
8 opposite direction.

9 131. Wong and her son then climbed over a fence in order to get to Almaden Street, while
10 discussing whether and how to conceal their Trump signs and hat.

11 132. Despite climbing over the fence, Wong and her son were soon confronted by anti-
12 Trump protesters who shoved Wong’s son in the shoulder as he passed.

13 133. Wong and her son then ran for their vehicle, while protesters screamed “Fuck
14 Donald Trump!” and helicopters circled overhead.

15 **Hyver Dashes for His Car to Escape the Danger**

16 134. Hyver attended the Trump Rally, and parked his car near the intersection of South
17 2nd Street and East Williams Street, to the southwest of the convention center.

18 135. Rather than permit Hyver to turn to south, along Market Street, as he requested, the San
19 Jose police instructed him to turn north, directly into the violent protest.

20 136. When he left the rally, Hyver decided not to wear his Trump t-shirt for fear of his
21 safety.

22 137. Despite taking such precautions, several of the anti-Trump protesters taunted and jeered
23 at Hyver as he made his way through the crowd, in the near-opposite direction of his vehicle.

24 138. As he eventually approached his car, Hyver noticed that several people were following
25 him.

26 139. Frightened for his safety, Hyver ran the approximately 100 remaining feet to his car.

27 140. As a result of the City Defendants’ conduct, including knowingly directing Hyver into
28 a dangerous situation, Hyver does not feel safe attending another Trump event.

The Police Direct Broome, His Wife, and Three-Year-Old Son into the Mob

141. Broome attended the Trump Rally with his wife, Michelle Broome, and his three-year-old son.

142. Prior to leaving the rally, Broome spoke with police officers inside the rally, emphasizing his concerns over getting his family safely to his car in the nearby parking garage.

143. The San Jose police officers stated that they could not help him, and that providing assistance to individuals going back to the parking garage was not a part of the San Jose Police Department plan.

144. Upon leaving the convention center, Broome was directed by the police into the anti-Trump mob of protesters.

145. Several protesters personally accosted Broome and his family as they made their way through the mob of protesters, and eventually to safety.

Class Action Allegations

146. Plaintiffs Hernandez, Nathan Velasquez, Frank Velasquez, Casey, Mark Doering, Mary Doering, Arigoni, Haines-Scrodin, Zambetti, Wong, Parsons, I.P., Hyver, and Broome (collectively, the “Class Representatives”) bring this Action as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure. The class that the Class Representatives seek to represent is composed of and defined as follows:

All persons who attended the June 2, 2016 Trump Rally at the McEnery Convention Center in San Jose, California, and exited the rally from the east-northeast exit. Excluded from the Class are Defendants’ officers and directors and the immediate families of the Defendants’ officer and directors. Also excluded from the Class are the Defendants’ legal representatives, heirs, successors or assigns, and any entity in which Defendants have or have had a controlling interest (the “Class”).

147. This Class is so numerous that joinder of all members is impracticable. An estimated 7,000 and 10,000 persons attended the Trump Rally, and a majority, if not all, were directed by the police as instructed by the City Defendants, directly into the violent anti-Trump mob.

148. Many common questions of law and fact involve and affect the parties to be

1 represented. These common questions of law or fact predominate over any questions affecting only
2 individual members of the Class. Common questions include, but are not limited to, the following:

3 a. Whether the City violated the Class’s constitutional rights of due process, freedom of
4 speech, and peaceful assembly by directing the Class members into a violent mob and ordering the
5 police not intervene as the Class members were heckled and attacked by anti-Trump protesters, or
6 otherwise failing to train the police and fire department to respond to the dangerous situation the City
7 Defendants created in an effective manner;

8 b. Whether Liccardo is individually liable, as a final policymaker for the City, for
9 directing the Class members into the violent mob, and ordering the police not to intervene as the Class
10 members were heckled and attacked by anti-Trump protesters;

11 c. Whether Garcia is individually liable, as a final policymaker for the City, for directing
12 the Class members into the violent mob, and ordering the police not intervene as the Class members
13 were heckled and attacked by anti-Trump protesters;

14 d. Whether the Class is entitled to equitable relief.

15 149. The Class Representatives’ claims are typical of the claims of the Class they seek to
16 represent, in that the Class Representatives, and all members of the proposed Class (a) attended the
17 Trump Rally on June 2, 2016, in San Jose, California, (b) were directed by San Jose police, or other
18 local police officers acting at the direction of the City Defendants, into the mob of violent anti-Trump
19 protesters, (c) were prevented from exiting the McEnery Convention Center through alternative, safer
20 routes, (d) were not assisted by the police or fire department employees, which refused to intervene or
21 actively protect the Class from the anti-Trump protesters, such that (e) the City Defendants deprived
22 the Class members of their constitutional rights.

23 150. The Class Representatives will fairly and adequately protect the interests of the Class,
24 and have retained attorneys experienced in class actions and complex litigation as their counsel.

25 151. The City Defendants have acted on grounds generally applicable to the Class, thereby
26 making final injunctive relief appropriate.

27 152. The Class Representatives aver that the prerequisites for class action treatment apply to
28 this action, and that questions of law or fact common to the Class predominate over any questions

1 affecting only individual members and that class action treatment is superior to other available
2 methods for the fair and efficient adjudication of the controversy which is the subject of this action.
3 The Class Representatives further state that the interest of judicial economy will be served by
4 concentrating litigation concerning these claims in this Court, and that the management of this Class
5 will not be difficult.

6 **FIRST CLAIM FOR RELIEF**

7 **Violation of the First and Fourteenth Amendments (42 U.S.C. § 1983)**
8 **(By Class Against City of San Jose, Liccardo, in his individual capacity,**
9 **Garcia, in his individual capacity, and DOES 1-15)**

10 153. The Class Representatives incorporate by reference their allegations in the preceding
11 paragraphs as if fully set forth herein.

12 154. Liccardo, Garcia, and/or high-ranking City officials, including high-ranking police
13 supervisors such as DOES 1-15, and/or each of them, acting as final policymakers for the City with
14 regard to the decisions on when, how, and where to restrict the movement of the Class members and
15 the anti-Trump protestors, required that the Class members exit the Trump Rally by walking directly
16 into the violent mob, or otherwise failed to train and supervise the San Jose police officers at the
17 Trump Rally.

18 155. The Class Representatives are also informed and believe and thereon allege that the
19 City Defendants and/or DOES 1-15, and/or each of them, knew and/or reasonably should have known
20 not to direct the Class members into the violent mob of anti-Trump protestors as the Class members
21 left the Trump Rally.

22 156. The City Defendants created a dangerous situation by denying the Class members the
23 ability to exit the Trump Rally safely, through alternative routes, by affirmatively directing the Class
24 members to the violent mob of anti-Trump protestors, and by failing to train and/or supervise the San
25 Jose police officers, and other locally affiliated police officers, to handle and respond to the events
26 alleged herein safely.

27 157. The City Defendants and/or DOES 1-15, and/or each of them, acting as final
28 policymakers for the City with regard to whether, when, and how to instruct the San Jose police

1 officers monitoring the event to intervene in the violent acts perpetrated on the Class members,
2 directed the San Jose police officers and Fire Department employees not to intervene and/or failed to
3 direct officers to intervene in the numerous illegal acts perpetrated by the anti-Trump protestors
4 against the Class members.

5 158. By directing the San Jose police officers and Fire Department employees not to
6 intervene, and/or failing to direct the San Jose police officers to intervene in the dangerous situation
7 that the City Defendants created, the City Defendants deprived the Class members of their
8 constitutional rights to free speech, peaceful assembly, and due process under the First and Fourteenth
9 Amendments.

10 159. The Class Representatives are informed and believe and herein allege that Liccardo and
11 Garcia acted maliciously and in bad faith in depriving the Class members of their constitutional rights,
12 and targeted the Class members on the basis of their real or perceived political affiliations.

13 160. As a result of the deliberate indifference, reckless and/or conscious disregard of the acts
14 of the City Defendants, and/or DOES 1-15, and/or each of them, the City Defendants encouraged the
15 police officers to continue to act wrongfully and/or failed to train and/or failed to supervise these
16 individuals, resulting in the violation of the Class members' constitutional rights to free speech,
17 freedom of assembly, and due process, under the First and Fourteenth Amendments.

18 161. As a direct and proximate consequence of the City Defendants' violations of the Class
19 members' federal civil rights under 42 U.S.C. § 1983 and the First and Fourteenth Amendments, the
20 Class members were physically, mentally, and emotionally injured and damaged, in addition to being
21 deprived of their constitutional rights.

22 162. The Class Representatives found it necessary to engage the services of private counsel
23 to vindicate their rights under the law. The Class Representatives are therefore entitled to an award of
24 attorneys' fees and/or costs pursuant to 42 U.S.C. § 1988.

25 163. The Class is also entitled to compensatory damages and seeks injunctive relief,
26 enjoining the City Defendants from further violating the Class's civil rights, including by requiring the
27 City Defendants to protect attendees of all future political rallies in San Jose from physical attacks or
28 other displays of violence by protestors, prohibiting the City Defendants from instructing the police,

1 fire department employees, or other agents under their control to the contrary, and prohibiting the City
2 Defendants from maintaining a policy or practice that allows, permits, or encourages these violent
3 acts.

4 **SECOND CLAIM FOR RELIEF**

5 **Violation of Right to Enjoy Civil Rights (Cal. Civ. Code § 52.1)**

6 **(By Class Against City of San Jose, Liccardo, his individual capacity,**

7 **Garcia, in his individual capacity, and DOES 1-15)**

8 164. The Class Representatives incorporate by reference their allegations in the preceding
9 paragraphs as if fully set forth herein.

10 165. The City Defendants and DOES 1-15, inclusive, by committing the above-described
11 conduct, interfered, and attempted to interfere, by threats, intimidation, and coercion, with the Class
12 members' peaceable exercise and enjoyment of rights secured by the Constitution and the laws of the
13 United States and California, including the deprivation of the rights to free speech, peaceful assembly,
14 and due process.

15 166. The City Defendants instructed police officers to require the Class members to exit the
16 convention center in the direction of the violent mob, prevented the Class members from using
17 alternative, safer routes, and failed to assist the Class members after directing them to the dangerous
18 situation. Such actions constitute threats, intimidation, or coercion, and resulted in violations of the
19 Class members' civil and statutory rights.

20 167. A substantial motivating reason for the City Defendants' conduct was the Class
21 members' real or perceived political affiliations.

22 168. The Class Representatives are informed and believe and herein allege that Liccardo and
23 Garcia acted maliciously and in bad faith in depriving the Class members of their constitutional rights,
24 and targeted the Class members on the basis of their real or perceived political affiliations.

25 169. As a result of the wrongful acts alleged herein, the Class members are entitled to
26 damages.

27 170. The City Defendants committed the wrongful acts alleged herein maliciously,
28 fraudulently, and oppressively, and/or with reckless and conscious disregard for the rights and safety

1 of the Class members and/or with an improper and evil motive amounting to malice. The Class
2 members are thus entitled to recover punitive damages, in addition to compensatory damages, from
3 the City Defendants in an amount according to proof.

4 171. The Class is also entitled to attorneys' fees pursuant to California Civil Code § 52.1(h)
5 and seeks injunctive relief, enjoining the City Defendants from further violating the Class's civil
6 rights, including by requiring the City Defendants to protect attendees of all future political rallies in
7 San Jose from physical attacks or other displays of violence by protesters, prohibiting the City
8 Defendants from instructing the police, fire, and other parties under their control to the contrary, and
9 prohibiting the City Defendants from maintaining a policy or practice that allows, permits, or
10 encourages these violent acts.

11 **THIRD CLAIM FOR RELIEF**

12 **Violation of State Statutory Rights (Cal. Civ. Code § 51.7)**

13 **(By Class Against City of San Jose, Liccardo, in his individual capacity,**
14 **Garcia, in his individual capacity, and DOES 1-15)**

15 172. The Class Representatives incorporate by reference their allegations in the preceding
16 paragraphs as if fully set forth herein.

17 173. The City Defendants and DOES 1-15 knowingly directed the Class members toward
18 the violent mob of protesters, thereby denying the Class members their constitutional rights to free
19 speech, peaceful assembly, and due process.

20 174. The City Defendants also aided, incited, or conspired in the denial of these rights to the
21 Class members, by directing the Class members toward the anti-Trump protesters, and by failing to
22 intervene in the dangerous situation the City Defendants had created.

23 175. The Class Representatives are informed and believe and thereon allege that the City
24 Defendants' acts of actual or intended violence or intimidation by threat of violence, including by
25 refusing the Class members the ability to leave the convention center through alternative routes and
26 maliciously subjecting the Class members to the violence and intimidate of the mob, were motivated
27 by prejudice against the Class members, based on the Class members' real or perceived political
28 affiliations, which the City Defendants perceived based upon the Class members' attendances at the

1 Trump Rally.

2 176. The City Defendants' actions were directed against each of the Class members, as the
3 City Defendants required each of them to exit the Trump Rally in the direction of the violent mob of
4 anti-Trump protesters.

5 177. As a direct and proximate result of the City Defendants' wrongful conduct, each of the
6 Class members were denied their civil liberties, and were required to walk through a violent mob that
7 attacked, taunted, or otherwise intimidated the Class members based upon their real or perceived
8 political affiliations.

9 178. Under the provisions of California Civil Code § 52(b), the City Defendants are liable
10 for punitive damages for each violation of Civil Code § 51.7, in addition to compensatory damages,
11 reasonable attorneys' fees, and an additional penalty of \$25,000 per violation.

12 179. The Class also seeks injunctive relief, enjoining the City Defendants from further
13 violating the Class's civil rights, including by requiring the City Defendants to protect attendees of all
14 future political rallies in San Jose from physical attacks or other displays of violence by protesters,
15 prohibiting the City Defendants from instructing the police, fire department employees, and other
16 parties under their control to the contrary, and prohibiting the City Defendants from maintaining a
17 policy or practice that allows, permits, or encourages these violent acts.

18 **FOURTH CLAIM FOR RELIEF**

19 **Negligence**

20 **(By Class Against City of San Jose and DOES 1-15)**

21 180. The Class Representatives incorporate by reference their allegations in the preceding
22 paragraphs as if fully set forth herein.

23 181. At all times herein mentioned, the City and DOES 1-15, inclusive, had a duty of care to
24 avoid causing unnecessary physical harm and distress to persons by restricting the Class members'
25 ability to depart from the Trump Rally safely, and to avoid directing the Class members into a violent
26 mob of anti-Trump protesters, and to provide aid after creating the dangerous situation that caused the
27 Class members harm.

28 182. The wrongful conduct of the City and DOES 1-15, inclusive, as set forth herein, did not

1 comply with the standard of care to be exercised by reasonable persons, and proximately caused each
2 of the Class members to suffer injuries and damages set forth herein.

3 183. Pursuant to Government Code § 815.2(a), the City is vicariously liable to the Class for
4 injuries and damages suffered as alleged herein, incurred as a proximate result of the aforementioned
5 wrongful conduct of the City and DOES 1-15, inclusive.

6 184. As a proximate result of the City and DOES 1-15, inclusive, negligent conduct, the
7 Class have suffered severe emotional and mental distress from being chased, assaulted, intimidated,
8 and/or otherwise aggressively confronted by the violent mob of anti-Trump protesters, and several
9 were beaten and/or struck with objects, which occurred as a result of the City's and DOES 1-15,
10 inclusive, conduct.

11 185. The Class is therefore entitled to compensatory damages, according to proof at trial.

12 **FIFTH CLAIM FOR RELIEF**

13 **Assault**

14 **(By Juan Hernandez and Dustin Haines-Scrodin against DOE 16)**

15 186. Hernandez and Haines-Scrodin incorporate by reference all allegations in the preceding
16 paragraphs as if fully set forth herein.

17 187. DOE 16 intentionally, willfully, wantonly, and maliciously threatened to strike
18 Hernandez and Haines-Scrodin, each, and to inflict severe bodily injury, in a manner so as to cause
19 Hernandez and Haines-Scrodin reasonably to believe that each was about to be struck in a harmful and
20 offensive manner.

21 188. In light of DOE 16's violent demeanor and conduct surrounding these events, including
22 but not limited to striking Hernandez and Haines-Scrodin in the head, a reasonable person in
23 Hernandez and Haines-Scrodin's situation would have been offended by the threatened violent
24 touching.

25 189. At no time did Hernandez or Haines-Scrodin consent to DOE 16's threatened conduct.

26 190. As a direct and proximate result of DOE 16's threatening conduct, coupled with the
27 present ability to carry out such threats, Hernandez and Haines-Scrodin felt imminent apprehension of
28 such contact, and therefore suffered severe emotional distress and other injuries to their persons, in an

1 amount to be shown according to proof.

2 191. DOE 16's conduct was not limited to threats; rather, DOE 16 actually struck Hernandez
3 and Haines-Scrodin in their heads, repeatedly.

4 192. As a direct and proximate result of DOE 16's conduct, Hernandez and Haines-Scrodin
5 were required to obtain medical services and treatment in an amount according to proof at trial, and
6 will, in the future, be compelled to incur additional obligations for medical treatment in an amount
7 according to proof at trial.

8 193. Hernandez and Haines-Scrodin are informed and believe and allege thereon that such
9 acts directed towards each of them were malicious and belligerent, and were done with a conscious
10 disregard of Hernandez and Haines-Scrodin's right to be free from such tortious and criminal
11 behavior, such as to constitute oppression, fraud, or malice pursuant to California Civil Code § 3294,
12 entitling Hernandez and Haines-Scrodin to punitive damages, in addition to compensatory damages, in
13 an amount appropriate to punish and set an example of DOE 16.

14 **SIXTH CLAIM FOR RELIEF**

15 **Battery**

16 **(By Juan Hernandez and Haines-Scrodin against DOE 16)**

17 194. Hernandez and Haines-Scrodin incorporate by reference all allegations in the preceding
18 paragraphs as if fully set forth herein.

19 195. DOE 16 intentionally and/or recklessly struck Hernandez in the head, broke his nose,
20 and inflicted severe bodily injury on Hernandez, and also struck Haines-Scrodin in the face repeatedly.

21 196. DOE 16 did such acts with the intent to cause a harmful or offensive contact with the
22 body of Hernandez, and with the body of Haines-Scrodin.

23 197. At no time did Hernandez or Haines-Scrodin consent to DOE 16's harmful touching.

24 198. As a direct and proximate result of DOE 16's conduct, Hernandez and Haines-Scrodin
25 each suffered severe bodily injuries. Hernandez and Haines-Scrodin have also suffered damages
26 related to the shock and emotional distress of being violently attacked, as well as physical pain and
27 suffering.

28 199. As a direct and proximate result of DOE 16's conduct, Hernandez was required to

1 obtain medical services and treatment in an amount according to proof at trial, and will, in the future,
2 be compelled to incur additional obligations for medical treatment in an amount according to proof at
3 trial.

4 200. As a direct and proximate result of DOE 16's conduct, Haines-Scrodin was harmed, in
5 an amount according to proof at trial.

6 201. Hernandez and Haines-Scrodin are informed and believe and allege thereon that such
7 acts directed towards them were malicious and belligerent, and the acts were done with a conscious
8 disregard of Hernandez and Haines-Scrodin's right to be free from such tortious and criminal
9 behavior, such as to constitute oppression, fraud, or malice pursuant to California Civil Code § 3294,
10 entitling Hernandez and Haines-Scrodin to punitive damages, in addition to compensatory damages, in
11 an amount appropriate to punish and set an example of DOE 16.

12 **SEVENTH CLAIM FOR RELIEF**

13 **Violation of State Statutory Rights (Cal. Civ. Code § 51.7)**

14 **(By Juan Hernandez and Haines-Scrodin against DOE 16)**

15 202. Hernandez and Haines-Scrodin incorporate by reference all allegations in the preceding
16 paragraphs as if fully set forth herein.

17 203. DOE 16 used violence, or intimidation by threats of violence, against Hernandez and
18 Haines-Scrodin, including by striking Hernandez and Haines-Scrodin in the head, causing each of
19 them injury.

20 204. Hernandez and Haines-Scrodin are informed and believe and thereon allege that DOE
21 16's acts of actual or intended violence or intimidation were motivated by prejudice against
22 Hernandez and Haines-Scrodin, based on Hernandez and Haines-Scrodin's real or perceived political
23 affiliations and/or real or perceived races or nationalities, which DOE 16 perceived based upon,
24 among other reasons, Hernandez and Haines-Scrodin's attendance at the Trump Rally and
25 appearances.

26 205. As a direct and proximate result of DOE 16's wrongful conduct, Hernandez and
27 Haines-Scrodin suffered harm, including physical bodily injury and emotional distress.

28 206. Under the provisions of California Civil Code § 52(b), DOE 16 is liable for punitive

1 damages under of Civil Code § 51.7, in addition to compensatory damages, reasonable attorneys' fees,
2 and an additional penalty of \$25,000, per violation.

3 **EIGHTH CLAIM FOR RELIEF**

4 **Assault**

5 **(By Andrew Zambetti against DOE 17)**

6 207. Zambetti incorporates by reference all allegations in the preceding paragraphs as if fully
7 set forth herein.

8 208. DOE 17 intentionally, willfully, wantonly, and maliciously threatened to strike
9 Zambetti and to inflict severe bodily injury, in a manner so as to cause Zambetti to reasonably believe
10 he was about to be struck in a harmful and offensive manner.

11 209. In light of DOE 17's violent demeanor and conduct surrounding these events, including
12 but not limited to striking Zambetti in the head with a bag filled with hard objects, believed to be
13 rocks, a reasonable person in Zambetti's situation would have been offended by the threatened, violent
14 touching.

15 210. At no time did Zambetti consent to DOE 17's threatened conduct.

16 211. As a direct and proximate result of DOE 17's threatening conduct, coupled with the
17 present ability to carry out such threats, Zambetti felt imminent apprehension of such contact, and he
18 therefore suffered severe emotional distress and other injuries to his person, in an amount to be shown
19 according to proof.

20 212. As a direct and proximate result of DOE 17's conduct, Zambetti was required to obtain
21 medical services and treatment in an amount according to proof at trial, and will, in the future, be
22 compelled to incur additional obligations for medical treatment in an amount according to proof at
23 trial.

24 213. Zambetti is informed and believes and alleges thereon that such acts directed toward
25 him were malicious and belligerent, and the acts were done with a conscious disregard of Zambetti's
26 right to be free from such tortious and criminal behavior, such as to constitute oppression, fraud, or
27 malice pursuant to California Civil Code § 3294, entitling Zambetti to punitive damages, in addition to
28 compensatory damages, in an amount appropriate to punish and set an example of DOE 17.

NINTH CLAIM FOR RELIEF

Battery

(By Andrew Zambetti against DOE 17)

214. Zambetti incorporates by reference all allegations in the preceding paragraphs as if fully set forth herein.

215. DOE 17 intentionally and/or recklessly performed acts which resulted in striking Zambetti in the head, inflicting severe bodily injury.

216. DOE 17 performed such acts with the intent to cause a harmful or offensive contact with the body of Zambetti.

217. At no time did Zambetti consent to DOE 17's harmful touching.

218. As a direct and proximate result of DOE 17's conduct, Zambetti suffered severe bodily injuries. Zambetti has also suffered damages related to the shock and emotional distress of being violently attacked, as well as physical pain and suffering.

219. As a direct and proximate result of DOE 17's conduct, Zambetti was required to obtain medical services and treatment in an amount according to proof at trial, and will, in the future, be compelled to incur additional obligations for medical treatment in an amount according to proof at trial.

220. Zambetti is informed and believes and alleges thereon that such acts directed toward him were malicious and belligerent, and the acts were done with a conscious disregard of Zambetti's right to be free from such tortious and criminal behavior, such as to constitute oppression, fraud, or malice pursuant to California Civil Code § 3294, entitling Zambetti to punitive damages, in addition to compensatory damages, in an amount appropriate to punish and set an example of DOE 17.

TENTH CLAIM FOR RELIEF

Violation of State Statutory Rights (Cal. Civ. Code § 51.7)

(By Andrew Zambetti against DOE 17)

221. Zambetti incorporates by reference all allegations in the preceding paragraphs as if fully set forth herein.

222. DOE 17 used violence, or intimidation by threats of violence, against Zambetti,

1 including by striking Zambetti in the head, severely injuring Zambetti.

2 223. Zambetti is informed and believes and thereon alleges that DOE 17's acts of actual or
3 intended violence or intimidation were motivated by prejudice against Zambetti, based on Zambetti's
4 real or perceived political affiliations, which DOE 17 perceived based upon, among other reasons,
5 Zambetti's attendance at the Trump Rally.

6 224. As a direct and proximate result of DOE 17's wrongful conduct, Zambetti suffered
7 harm, including physical bodily injury and emotional distress.

8 225. Under the provisions of California Civil Code § 52(b), DOE 17 is liable for punitive
9 damages under of Civil Code § 51.7, in addition to compensatory damages, reasonable attorneys' fees,
10 and an additional penalty of \$25,000.

11 **ELEVENTH CLAIM FOR RELIEF**

12 **Assault**

13 **(By I.P. against H.A. and S.M.)**

14 226. I.P. incorporates by reference all allegations in the preceding paragraphs as if fully set
15 forth herein.

16 227. H.A. and S.M. intentionally, willfully, wantonly, and maliciously threatened to strike
17 I.P. and to inflict severe bodily injury, in a manner so as to cause I.P. to reasonably believe he was
18 about to be struck, tackled, or otherwise harmed, and did so in a harmful and offensive manner.

19 228. In light of H.A. and S.M.'s violent demeanor and conduct surrounding these events,
20 including but not limited to H.A. striking I.P. in the head twice and S.M. chasing and tackling I.P., a
21 reasonable person in I.P.'s situation would have been offended by the threatened, violent touching.

22 229. At no time did I.P. consent to H.A. and S.M.'s threatened conduct.

23 230. As a direct and proximate result of H.A. and S.M.'s threatening conduct, coupled with
24 the present ability to carry out such threats, I.P. felt imminent apprehension of such contact, and he
25 therefore suffered severe emotional distress and other injuries to his person, in an amount to be shown
26 according to proof.

27 231. As a direct and proximate result of H.A. and S.M.'s conduct, I.P. was harmed in an
28 amount according to proof at trial, and will, in the future, be compelled to incur additional obligations

1 for medical treatment in an amount according to proof at trial.

2 232. I.P. is informed and believes and alleges thereon that such acts directed towards him
3 were malicious and belligerent, and the acts were done with a conscious disregard of I.P.'s right to be
4 free from such tortious and criminal behavior, such as to constitute oppression, fraud, or malice
5 pursuant to California Civil Code § 3294, entitling I.P. to punitive damages, in addition to
6 compensatory damages, in an amount appropriate to punish and set an example of H.A and S.M.

7 **TWELETH CLAIM FOR RELIEF**

8 **Battery**

9 **(By I.P. against H.A. and S.M.)**

10 233. I.P. incorporates by reference all allegations in the preceding paragraphs as if fully set
11 forth herein.

12 234. H.A. and S.M. intentionally and/or recklessly did acts, which resulted in H.A. striking
13 I.P. in the head twice, and S.M. tackling I.P., and thereby inflicting bodily injury.

14 235. H.A. and S.M. acted with the intent to cause a harmful or offensive contact with the
15 body of I.P.

16 236. At no time did I.P. consent to any of H.A. and S.M.'s harmful touching.

17 237. As a direct and proximate result of H.A. and S.M.'s conduct, I.P. suffered severe bodily
18 injuries. I.P. has also suffered damages related to the shock and emotional distress of being violently
19 attacked, as well as physical pain and suffering.

20 238. As a direct and proximate result of H.A. and S.M.'s conduct, I.P. was required to obtain
21 medical services and treatment in an amount according to proof at trial, and will, in the future, be
22 compelled to incur additional obligations for medical treatment in an amount according to proof at
23 trial.

24 239. I.P. is informed and believes and alleges thereon that such acts directed towards him
25 were malicious and belligerent, and the acts were done with a conscious disregard of I.P.'s right to be
26 free from such tortious and criminal behavior, such as to constitute oppression, fraud, or malice
27 pursuant to California Civil Code § 3294, entitling I.P. to punitive damages, in addition to
28 compensatory damages, in an amount appropriate to punish and set examples of H.A and S.M.

THIRTEENTH CLAIM FOR RELIEF

Violation of State Statutory Rights (Cal. Civ. Code § 51.7)

(By I.P. against H.A. and S.M.)

240. I.P. incorporates by reference all allegations in the preceding paragraphs as if fully set forth herein.

241. H.A. and S.M. used violence, or intimidation by threats of violence, against I.P., including by H.A. striking I.P. in the head, twice, and S.M. chasing and tackling I.P. to the ground.

242. I.P. is informed and believes and thereon alleges that H.A. and S.M.'s acts of actual or intended violence or intimidation were motivated by prejudice against I.P., based on I.P.'s real or perceived political affiliations and/or race, which H.A. and S.M. perceived based upon, among other reasons, I.P.'s attendance at the Trump Rally and his appearance.

243. As a direct and proximate result of H.A. and S.M.'s wrongful conduct, I.P. suffered harm, including physical bodily injury and emotional distress.

244. Under the provisions of California Civil Code § 52(b), H.A. and S.M. are liable for punitive damages under of Civil Code § 51.7, in addition to compensatory damages, reasonable attorneys' fees, and an additional penalty of \$25,000, per violation.

FOURTEENTH CLAIM FOR RELIEF

Assault

(By Nathan Velasquez and Frank Velasquez against Anthony Yi)

245. Nathan Velasquez and Frank Velasquez incorporate by reference all allegations in the preceding paragraphs as if fully set forth herein.

246. Yi intentionally, willfully, wantonly, and maliciously threatened to violently touch Nathan Velasquez and Frank Velasquez, and to inflict severe bodily injury, in a manner so as to cause Nathan Velasquez and Frank Velasquez to reasonably believe that each was about to be struck or violently touched in a harmful and offensive manner.

247. In light of Yi's violent demeanor and conduct surrounding these events, including but not limited to striking Nathan Velasquez in the head, a reasonable person in Nathan Velasquez and Frank Velasquez's situation would have been offended by the threatened violent touching.

1 248. At no time did Nathan Velasquez or Frank Velasquez consent to Yi's threatened
2 conduct.

3 249. As a direct and proximate result of Yi's threatening conduct, coupled with the present
4 ability to carry out such threats, Nathan Velasquez and Frank Velasquez felt imminent apprehension
5 of such contact, and they therefore suffered severe emotional distress and other injuries to their
6 persons, in an amount to be shown according to proof.

7 250. As a direct and proximate result of Yi's conduct, Nathan Velasquez was required to
8 obtain medical services and treatment in an amount according to proof at trial, and will, in the future,
9 be compelled to incur additional obligations for medical treatment in an amount according to proof at
10 trial. Frank Velasquez also suffered harm in an amount according to proof at trial.

11 251. Nathan Velasquez and Frank Velasquez are informed and believe and allege thereon
12 that such acts directed towards them were malicious and belligerent, and the acts were done with a
13 conscious disregard of Nathan Velasquez and Frank Velasquez's right to be free from such tortious
14 and criminal behavior, such as to constitute oppression, fraud, or malice pursuant to California Civil
15 Code § 3294, entitling Nathan Velasquez and Frank Velasquez to punitive damages, in addition to
16 compensatory damages, in an amount appropriate to punish and set an example of Yi.

17 **FIFTEENTH CLAIM FOR RELIEF**

18 **Battery**

19 **(By Nathan Velasquez against Anthony Yi)**

20 252. Nathan Velasquez incorporates by reference all allegations in the preceding paragraphs
21 as if fully set forth herein.

22 253. Yi intentionally and/or recklessly did acts which resulted in striking Nathan Velasquez
23 in the head, inflicting severe bodily injury.

24 254. Yi did such acts with the intent to cause a harmful or offensive contact with the body of
25 Nathan Velasquez.

26 255. At no time did Nathan Velasquez consent to Yi's harmful touching.

27 256. As a direct and proximate result of Yi's conduct, Nathan Velasquez suffered severe
28 bodily injuries. Nathan Velasquez has also suffered damages related to the shock and emotional

1 distress of being violently attacked, as well as physical pain and suffering.

2 257. As a direct and proximate result of Yi's conduct, Nathan Velasquez was required to
3 obtain medical services and treatment in an amount according to proof at trial, and will, in the future,
4 be compelled to incur additional obligations for medical treatment in an amount according to proof at
5 trial.

6 258. Nathan Velasquez is informed and believes and alleges thereon that such acts directed
7 towards him were malicious and belligerent, and the acts were done with a conscious disregard of
8 Nathan Velasquez's right to be free from such tortious and criminal behavior, such as to constitute
9 oppression, fraud, or malice pursuant to California Civil Code § 3294, entitling Nathan Velasquez to
10 punitive damages, in addition to compensatory damages, in an amount appropriate to punish and set
11 an example of Yi.

12 **SIXTEENTH CLAIM FOR RELIEF**

13 **Violation of State Statutory Rights (Cal. Civ. Code § 51.7)**

14 **(By Nathan Velasquez and Frank Velasquez against Anthony Yi)**

15 259. Nathan Velasquez and Frank Velasquez incorporate by reference all allegations in the
16 preceding paragraphs as if fully set forth herein.

17 260. Yi used violence, or intimidation by threats of violence, against Nathan Velasquez and
18 Frank Velasquez, including by striking Nathan Velasquez in the head, severely injuring Nathan
19 Velasquez, and by threatening both with violent touching.

20 261. Nathan Velasquez and Frank Velasquez are informed and believe and thereon allege
21 that Yi's acts of actual or intended violence or intimidation were motivated by prejudice against
22 Nathan Velasquez and Frank Velasquez, based on Nathan Velasquez and Frank Velasquez's real or
23 perceived political affiliations, which Yi perceived based upon, among other reasons, Nathan
24 Velasquez and Frank Velasquez's attendance at the Trump Rally.

25 262. As a direct and proximate result of Yi's wrongful conduct, Nathan Velasquez and
26 Frank Velasquez suffered harm, including physical bodily injury and emotional distress.

27 263. Under the provisions of California Civil Code § 52(b), Yi is liable for punitive
28 damages, in addition to compensatory damages, under of Civil Code § 51.7, reasonable attorneys'

1 fees, and an additional penalty of \$25,000 per violation.

2 **SEVENTEENTH CLAIM FOR RELIEF**

3 **Intentional Infliction of Emotional Distress**

4 **(By Nathan Velasquez against Anthony Yi)**

5 264. Nathan Velasquez incorporates by reference all allegations in the preceding paragraphs
6 as if fully set forth herein.

7 265. Yi's above-described conduct was extreme, unreasonable, and outrageous.

8 266. In engaging in the above-described conduct, Yi intentionally ignored or recklessly
9 disregarded the foreseeable risk that Nathan Velasquez would suffer extreme emotional distress as a
10 result of Yi's conduct.

11 267. As a direct and proximate result of Yi's conduct, Nathan Velasquez suffered severe
12 emotional distress, and has been unable to return to work.

13 268. Nathan Velasquez is informed and believes and alleges thereon that such acts directed
14 towards him were malicious and belligerent, and the acts were done with a conscious disregard of
15 Nathan Velasquez's right to be free from such tortious and criminal behavior, such as to constitute
16 oppression, fraud, or malice pursuant to California Civil Code § 3294, entitling Nathan Velasquez to
17 punitive damages, in addition to compensatory damages, in an amount appropriate to punish and set
18 an example of Yi.

19 **EIGHTEENTH CLAIM FOR RELIEF**

20 **Negligent Infliction of Emotional Distress**

21 **(By Nathan Velasquez against Anthony Yi)**

22 269. Nathan Velasquez incorporates by reference all allegations in the preceding paragraphs
23 as if fully set forth herein.

24 270. Yi's above-described conduct was extreme, unreasonable, and outrageous, including by
25 striking Nathan Velasquez in the head.

26 271. In engaging in the above-described conduct, Yi negligently disregarded the foreseeable
27 risk that Nathan Velasquez would suffer extreme emotional distress as a result of Yi's conduct.

28 272. As a direct and proximate result of Yi's conduct, Nathan Velasquez suffered severe

1 emotional distress, and has been unable to return to work.

2 273. Nathan Velasquez is informed and believes and alleges thereon that such acts directed
3 towards him were malicious and belligerent, and the acts were done with a conscious disregard of
4 Nathan Velasquez's right to be free from such tortious and criminal behavior, such as to constitute
5 oppression, fraud, or malice pursuant to California Civil Code § 3294, entitling Nathan Velasquez to
6 punitive damages, in addition to compensatory damages, in an amount appropriate to punish and set
7 an example of Yi.

8 **NINETEENTH CLAIM FOR RELIEF**

9 **Assault**

10 **(By Rachel Casey against DOES 18-35)**

11 274. Casey incorporates by reference all allegations in the preceding paragraphs as if fully set
12 forth herein.

13 275. DOES 18-35 intentionally, willfully, wantonly, and maliciously threatened to violently
14 touch Casey and to inflict severe bodily injury, in a manner so as to cause Casey to reasonably believe
15 she was about to be touched in a harmful and offensive manner.

16 276. In light of DOES 18-35s' violent demeanor and conduct surrounding these events,
17 including but not limited to striking Casey in the head, a reasonable person in Casey's situation would
18 have been offended by the threatened, violent touching.

19 277. At no time did Casey consent to DOES 18-35s' threatened conduct.

20 278. As a direct and proximate result of DOES 18-35s' threatening conduct, coupled with
21 the present ability to carry out such threats, Casey felt imminent apprehension of such contact, and she
22 therefore suffered severe emotional distress and other injuries to her person, in an amount to be shown
23 according to proof.

24 279. As a direct and proximate result of DOES 18-35s' conduct, Casey was harmed in an
25 amount according to proof at trial.

26 280. Casey is informed and believes and alleges thereon that such acts directed towards her
27 were malicious and belligerent, and the acts were done with a conscious disregard of Casey's right to
28 be free from such tortious and criminal behavior, such as to constitute oppression, fraud, or malice

1 pursuant to California Civil Code § 3294, entitling Casey to punitive damages, in addition to
2 compensatory damages, in an amount appropriate to punish and set examples of DOES 18-35.

3 **TWEENTIETH CLAIM FOR RELIEF**

4 **Battery**

5 **(By Rachel Casey against DOES 18-35)**

6 281. Casey incorporates by reference all allegations in the preceding paragraphs as if fully set
7 forth herein.

8 282. DOES 18-35 intentionally and/or recklessly did acts which resulted in object being
9 thrown at Casey, inflicting bodily injury.

10 283. DOES 18-35 did such acts with the intent to cause a harmful or offensive contact with
11 the body of Casey.

12 284. At no time did Casey consent to DOES 18-35s' harmful touching.

13 285. As a direct and proximate result of DOES 18-35s' conduct, Casey suffered severe
14 bodily injuries. Casey has also suffered damages related to the shock and emotional distress of being
15 violently attacked, as well as physical pain and suffering.

16 286. As a direct and proximate result of DOES 18-35s' conduct, Casey was harmed in an
17 amount according to proof at trial.

18 287. Casey is informed and believes and alleges thereon that such acts directed towards her
19 were malicious and belligerent, and the acts were done with a conscious disregard of Casey's right to
20 be free from such tortious and criminal behavior, such as to constitute oppression, fraud, or malice
21 pursuant to California Civil Code § 3294, entitling Casey to punitive damages, in addition to
22 compensatory damages, in an amount appropriate to punish and set examples of DOES 18-35.

23 **TWENTY-FIRST CLAIM FOR RELIEF**

24 **Violation of State Statutory Rights (Cal. Civ. Code § 51.7)**

25 **(By Rachel Casey against DOES 18-35)**

26 288. Casey incorporates by reference all allegations in the preceding paragraphs as if fully set
27 forth herein.

28 289. DOES 18-35s used violence, or intimidation by threats of violence, against Casey,

1 including by throwing objects at Casey, injuring her.

2 290. Casey is informed and believes and thereon alleges that DOES 20-35s' acts of actual or
3 intended violence or intimidation were motivated by prejudice against Casey, based on Casey's real or
4 perceived political affiliations, which DOES 18-35s' perceived based upon, among other reasons,
5 Casey's attendance at the Trump Rally.

6 291. As a direct and proximate result of DOES 18-35s' wrongful conduct, Casey suffered
7 harm, including physical bodily injury and emotional distress.

8 292. Under the provisions of California Civil Code § 52(b), DOES 18-35 are liable for
9 punitive damages under of Civil Code § 51.7, in addition to compensatory damages, reasonable
10 attorneys' fees, and an additional penalty of \$25,000 each.

11 **TWENTY-SECOND CLAIM FOR RELIEF**

12 **False Imprisonment**

13 **(By Rachel Casey against DOES 18-35)**

14 293. Casey incorporates by reference all allegations in the preceding paragraphs as if fully set
15 forth herein.

16 294. DOES 18-35 intentionally deprived Casey of her freedom of movement by use of
17 threats, force, threats, and intimidation.

18 295. The confinement, restraint, and/or detention compelled Casey to stay or go until she
19 was permitted to enter the Marriott.

20 296. Casey did not knowingly or voluntarily consent to this confinement, restraint, and/or
21 detention.

22 297. As a direct and proximate result of DOES 18-35s' wrongful conduct, Casey was
23 harmed in an amount according to proof at trial.

24 298. Casey is informed and believes and alleges thereon that such acts directed towards her
25 were malicious and belligerent, and the acts were done with a conscious disregard of Casey's right to
26 be free from such tortious and criminal behavior, such as to constitute oppression, fraud, or malice
27 pursuant to California Civil Code § 3294, entitling Casey to punitive damages, in addition to
28 compensatory damages, in an amount appropriate to punish and set examples of DOES 18-35.

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TWENTY-THIRD CLAIM FOR RELIEF

Assault

(By Barbara Arigoni against DOES 36-38)

299. Arigoni incorporates by reference all allegations in the preceding paragraphs as if fully set forth herein.

300. DOES 36-38 intentionally, willfully, wantonly, and maliciously threatened to harmfully and offensively touch Arigoni, and to inflict severe bodily injury, in a manner so as to cause Arigoni to reasonably believe she was about to be harmed.

301. In light of DOES 36-38s' violent demeanor and conduct surrounding these events, including but not limited to pulling Arigoni's hair and breaking her glasses, a reasonable person in Arigoni's situation would have been offended by the threatened, violent touching.

302. At no time did Arigoni consent to DOES 36-38s' threatened conduct.

303. As a direct and proximate result of DOES 36-38s' threatening conduct, coupled with the present ability to carry out such threats, Arigoni felt imminent apprehension of such contact, and she therefore suffered severe emotional distress and other injuries to her person, in an amount to be shown according to proof.

304. As a direct and proximate result of DOES 36-38s' conduct, Arigoni was harmed in an amount according to proof at trial.

305. Arigoni is informed and believes and alleges thereon that such acts directed towards her were malicious and belligerent, and the acts were done with a conscious disregard of Arigoni's right to be free from such tortious and criminal behavior, such as to constitute oppression, fraud, or malice pursuant to California Civil Code § 3294, entitling Arigoni to punitive damages, in addition to compensatory damages, in an amount appropriate to punish and set examples of DOES 36-38.

TWENTY-FOURTH CLAIM FOR RELIEF

Battery

(By Barbara Arigoni against DOES 36-38)

306. Arigoni incorporates by reference all allegations in the preceding paragraphs as if fully set forth herein.

1 307. DOES 36-38 intentionally and/or recklessly did acts which resulted in pulling
2 Arigoni's hair, taking her glasses, and breaking her glasses, and causing her bodily injury.

3 308. DOES 36-38 did such acts with the intent to cause a harmful or offensive contact with
4 the body of Arigoni.

5 309. At no time did Arigoni consent to DOES 36-38s' harmful touching.

6 310. As a direct and proximate result of DOES 36-38s' conduct, Arigoni suffered severe
7 bodily injuries. Arigoni has also suffered damages related to the shock and emotional distress of being
8 violently attacked, as well as physical pain and suffering.

9 311. As a direct and proximate result of DOES 36-38s' conduct, Arigoni was harmed in an
10 amount according to proof at trial.

11 312. Arigoni is informed and believes and alleges thereon that such acts directed towards her
12 were malicious and belligerent, and the acts were done with a conscious disregard of Arigoni's right to
13 be free from such tortious and criminal behavior, such as to constitute oppression, fraud, or malice
14 pursuant to California Civil Code § 3294, entitling Arigoni to punitive damages, in addition to
15 compensatory damages, in an amount appropriate to punish and set examples of DOES 36-38.

16 **TWENTY-FIFTH CLAIM FOR RELIEF**

17 **Violation of State Statutory Rights (Cal. Civ. Code § 51.7)**

18 **(By Barbara Arigoni against DOES 36-38)**

19 313. Arigoni incorporates by reference all allegations in the preceding paragraphs as if fully
20 set forth herein.

21 314. DOES 36-38 used violence, or intimidation by threats of violence, against Arigoni,
22 including by pulling Arigoni's hair and breaking her glasses, injuring Arigoni.

23 315. Arigoni is informed and believes and thereon alleges that DOES 36-38s' acts of actual
24 or intended violence or intimidation were motivated by prejudice against Arigoni, based on Arigoni's
25 real or perceived political affiliations, which DOES 36-38 perceived based upon, among other reasons,
26 Arigoni's attendance at the Trump Rally.

27 316. As a direct and proximate result of DOES 36-38s' wrongful conduct, Arigoni suffered
28 harm, including physical bodily injury and emotional distress.

1 317. Under the provisions of California Civil Code § 52(b), DOES 36-38 are liable for
2 punitive damages under of Civil Code § 51.7, in addition to compensatory damages, reasonable
3 attorneys' fees, and an additional penalty of \$25,000.

4 **TWENTY-SIXTH CLAIM FOR RELIEF**

5 **Assault**

6 **(By Mark Doering and Mary Doering against DOES 36-38)**

7 318. Mark Doering and Mary Doering incorporate by reference all allegations in the
8 preceding paragraphs as if fully set forth herein.

9 319. DOES 36-38 intentionally, willfully, wantonly, and maliciously threatened to harmfully
10 and offensively touch Mark Doering and Mary Doering, and to inflict severe bodily injury, in a
11 manner so as to cause the Doerings to reasonably believe they were about to be harmed.

12 320. In light of DOES 36-38s' violent demeanor and conduct surrounding these events,
13 including but not limited to attempting to bite Mark Doering, striking his head and shoulders, and
14 breaking his glasses, a reasonable person in the Doerings' situation would have been offended by the
15 threatened, violent touching.

16 321. At no time did Mark Doering or Mary Doering consent to DOES 36-38s' threatened
17 conduct.

18 322. As a direct and proximate result of DOES 36-38s' threatening conduct, coupled with
19 the present ability to carry out such threats, Mark Doering and Mary Doering felt imminent
20 apprehension of such contact, and therefore suffered severe emotional distress and other injuries to
21 their persons, in an amount to be shown according to proof.

22 323. As a direct and proximate result of DOES 36-38s' conduct, Mark Doering and Mary
23 Doering were harmed in an amount according to proof at trial.

24 324. Mark Doering and Mary Doering are informed and believe and allege thereon that such
25 acts directed towards them were malicious and belligerent, and the acts were done with a conscious
26 disregard of the Doerings' right to be free from such tortious and criminal behavior, such as to
27 constitute oppression, fraud, or malice pursuant to California Civil Code § 3294, entitling Mark
28 Doering and Mary Doering to punitive damages, in addition to compensatory damages, in an amount

1 appropriate to punish and set examples of DOES 36-38.

2 **TWENTY-SEVENTH CLAIM FOR RELIEF**

3 **Battery**

4 **(By Mark Doering against DOES 36-38)**

5 325. Mark Doering incorporates by reference all allegations in the preceding paragraphs as if
6 fully set forth herein.

7 326. DOES 36-38 intentionally and/or recklessly did acts which resulted in striking Mark
8 Doering in his head and shoulders, taking his glasses, and breaking his glasses, and causing him
9 bodily injury.

10 327. DOES 36-38 did such acts with the intent to cause a harmful or offensive contact with
11 the body of Mark Doering.

12 328. At no time did Mark Doering consent to DOES 36-38s' harmful touching.

13 329. As a direct and proximate result of DOES 36-38s' conduct, Mark Doering suffered
14 severe bodily injuries. Mark Doering has also suffered damages related to the shock and emotional
15 distress of being violently attacked, as well as physical pain and suffering.

16 330. As a direct and proximate result of DOES 36-38s' conduct, Mark Doering was harmed
17 in an amount according to proof at trial.

18 331. Mark Doering is informed and believes and alleges thereon that such acts directed
19 towards him were malicious and belligerent, and the acts were done with a conscious disregard of
20 Mark Doering's right to be free from such tortious and criminal behavior, such as to constitute
21 oppression, fraud, or malice pursuant to California Civil Code § 3294, entitling Mark Doering to
22 punitive damages, in addition to compensatory damages, in an amount appropriate to punish and set
23 examples of DOES 36-38.

24 **TWENTY-EIGHTH CLAIM FOR RELIEF**

25 **Violation of State Statutory Rights (Cal. Civ. Code § 51.7)**

26 **(By Mark Doering and Mary Doering against DOES 36-38)**

27 332. Mark Doering and Mary Doering incorporates by reference all allegations in the
28 preceding paragraphs as if fully set forth herein.

1 333. DOES 36-38 used violence, or intimidation by threats of violence, against Mark
2 Doering and Mary Doering, including by attempting to bite Mark Doering, hitting his head and
3 shoulders, and by breaking Mark Doering's glasses, and otherwise injuring Mark Doering.

4 334. Mark Doering and Mary Doering are informed and believe and thereon allege that
5 DOES 36-38s' acts of actual or intended violence or intimidation were motivated by prejudice against
6 Mark Doering and Mary Doering, based on Mark Doering and Mary Doering's real or perceived
7 political affiliations, which DOES 36-38 perceived based upon, among other reasons, the Doerings'
8 attendance at the Trump Rally.

9 335. As a direct and proximate result of DOES 36-38s' wrongful conduct, Mark Doering
10 and Mary Doering suffered harm, including Mark Doering suffering physical bodily injury and Mark
11 Doering and Mary Doering suffering emotional distress.

12 336. Under the provisions of California Civil Code § 52(b), DOES 36-38 are liable for
13 punitive damages under of Civil Code § 51.7, in addition to compensatory damages, reasonable
14 attorneys' fees, and an additional penalty of \$25,000 per violation.

15 **PRAYER FOR RELIEF**

16 WHEREFORE, Plaintiffs pray on behalf of themselves and all those similarly situated for
17 the following:

- 18 i. For all damages legally and/or proximately caused to Plaintiffs by Defendants in an
19 amount to be determined at trial;
- 20 ii. For punitive and exemplary damages for all claims for which such damages are
21 authorized;
- 22 iii. For temporary, preliminary, and permanent injunctive relief, enjoining the City
23 Defendants from further violating the Class's civil rights, including by requiring the
24 City Defendants to protect attendees of all future political rallies in San Jose from
25 physical attacks or other displays of violence by protesters, prohibiting the City
26 Defendants from instructing the police, fire department employees, and other parties
27 under their control to the contrary, and prohibiting the City Defendants from
28 maintaining a policy or practice that allows, permits, or encourages these violent acts;

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- iv. For civil penalties under California Civil Code §52(b) for which such penalties are authorized;
- v. For an award of attorneys’ fees incurred in bringing this Action against the City Defendants, pursuant to 42 U.S.C. § 1988 and Cal. Civ. Code §§ 52.1(h), 52(b);
- vi. For costs of suit incurred herein; and
- vii. For such other and further relief as the Court deems just and proper.

Date: July 14, 2016

DHILLON LAW GROUP INC.

By: 

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DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiffs on behalf of themselves and all those similarly situated demand trial by jury in this action of all issues so triable.

Date: July 14, 2016

DHILLON LAW GROUP INC.

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