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20 Attorneys for Plaintiffs,

21 IAN GREENE, DEONDRE MARQUES JONES, and
22 the PUTATIVE CLASS

23 **UNITED STATES DISTRICT COURT**
24 **CENTRAL DISTRICT OF CALIFORNIA**

25 IAN GREENE, and DEONDRE
26 MARQUES JONES, in their Individual
27 and Representative Capacities on Behalf
28 of a Class of All Persons similarly
situated,
Plaintiffs,

v.

CITY OF BEVERLY HILLS, MARK
STAINBROOK, JERRY
WHITTAKER, PIERRE ROMAIN,
SEAN REYNOLDS, JAKE
SPURGEON, ERIC PENA, and
MATTHEW LOPEZ, , inclusive, all
sued in their individual capacities,
Defendants.

Case No. 2:24-cv-05916-FMO-RAO

Judge: Hon. Fernando M. Olguin
Crtrm.: 6D

SECOND AMENDED COMPLAINT

1. MALICIOUS PROSECUTION
2. UNLAWFUL SEIZURES
3. UNLAWFUL SEARCHES
4. MUNICIPAL LIABILITY
5. VIOLATION OF EQUAL
PROTECTION
6. VIOLATION OF BANE ACT
7. FALSE
ARREST/IMPRISONMENT

1
2 **SECOND AMENDED COMPLAINT FOR MONETARY DAMAGES,**
INJUNCTIVE RELIEF, AND DEMAND FOR JURY TRIAL

3 Plaintiffs assert the following claims and hereby demand a jury trial for
4 themselves and all members of the Class.

5 **I. VENUE AND JURISDICTION**

6 1. Plaintiffs IAN GREENE (hereinafter, collectively “Plaintiff,” or
7 “GREENE”), and DEONDRE MARQUES JONES (hereinafter, collectively
8 “Plaintiff,” or “JONES”), bring this action on their own behalf and on behalf of
9 all persons within the class defined herein.

10 2. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and
11 1343(a)(3)-(4) because Plaintiff asserts claims arising under the laws of the
12 United States including 42 U.S.C. § 1983 and the Fourth and Fourteenth
13 Amendments of the United States Constitution. This Court has jurisdiction over
14 the State claims by virtue of supplemental jurisdiction. Venue is proper in this
15 Court under 28 U.S.C. § 1391(b) because Defendants reside in this district and
16 all incidents, events, and occurrences giving rise to this action occurred in this
17 district. The class representatives will not pursue any claims that are
18 inconsistent with the class.

19 **II. CLASS ALLEGATIONS**

20 3. The Class consists of the following: All Black people who were detained
21 or arrested without being convicted of any crime by the City of Beverly Hills
22 Police Department (“BHPD”) from July 15, 2022 forward.

23 4. Further, the Class consists of the following subclasses:

24 a. All Black people who were maliciously prosecuted by the City of Beverly
25 Hills Police Department (“BHPD”) from July 15, 2022 forward.

26 b. All Black people who were detained without reasonable suspicion or
27 arrested without probable cause by the City of Beverly Hills Police Department

1 (“BHPD”) from July 15, 2022 forward.
2

3 c. All Black people who were searched, or property searched, without a
4 warrant or reasonable suspicion by the City of Beverly Hills Police Department
5 (“BHPD”) from July 15, 2022 forward.
6

7 d. All Black people whose vehicles were seized within the meaning of the
8 Fourth Amendment by the City of Beverly Hills Police Department (“BHPD”)
9 from July 15, 2022 forward, in the absence of a valid caretaking purpose.
10

11 5. The BHPD is a subdivision of the Defendant City of Beverly Hills.
12

13 6. The disparate impact of arresting such a disproportionate percentage of
14 Black Americans compared with other races is because of Defendants’ policies,
15 practices and customs that had a discriminatory intent and discriminatory effect.
16

17 **III. COMPLIANCE WITH FEDERAL RULE 23**

18 7. Federal Rule of Civil Procedure 23(a) provides the following requirements
19 for class actions:
20

21 (a) Prerequisites. One or more members of a class may sue or be sued as
22 representative parties on behalf of all members only if:
23

24 (1) the class is so numerous that joinder of all members is impracticable.
25

26 (2) there are questions of law or fact common to the class. Here, the claims
27 for all class members involve civil rights violations subject to the same law and
28 facts.

29 (3) the claims or defenses of the representative parties are typical of the
30 claims or defenses of the class. Here, because the claims all involved civil rights
31 violations with the same law, the defenses and claims are all typical of those of
32 the class.

33 (4) the representative parties will fairly and adequately protect the interests
34 of the class. They will not take an interest contrary to the class.
35

36 8. The attorneys for the class are experienced lawyers in civil rights cases,
37

1 and in class actions.
2

3 9. Local Rule 23-2.2 sets forth similar requirements for class allegations. It
4 provides that the Class Allegations section of a complaint “shall contain
5 appropriate allegations thought to justify the action’s proceeding as a class
6 action, including, but not limited to:

7 “(a) The definition of the proposed class (the class and subclasses are defined
8 above);
9 “(b) The size of the proposed class;
10 “(c) The adequacy of representation by the representative(s) of the class. Here,
11 the plaintiffs are adequate class representatives because they were arrested or
12 detained during the class period, and they were not convicted of any crimes and
13 did not plea to anything, just as the class members they represent;
14 (d) The commonality of the questions of law and fact (see above);
15 (e) The typicality of the claims or defenses of the representative(s) of the class
16 are typical of all class members (see above);
17 (f) If proceeding under F.R.Civ.P. 23(b)(3), allegations to support the findings
18 required by that subdivision are provided herein; and
19 (g) The nature of notice to the proposed class required and/or contemplated.

20 Here, we propose notice via CPT Group, Inc. as Claims Administrator, or such
21 other administrator as the Court approves. The defendants are in possession of
22 the names and addresses of all individuals in the class and thus can provide that
23 information in order to give the class notice.)

24 10. Plaintiffs and the Class will not be able to obtain effective and economic
25 legal redress unless the action is maintained as a class action. Here, Plaintiffs
26 and the Class will not recover economically from defendants without filing as a
27 class. The numerous Plaintiffs makes individual recovery unlikely. Additionally,

1 Plaintiffs are alleging widespread discrimination to a protected class of persons.
2

3 11. There is a community of interest in obtaining appropriate legal and
4 equitable relief for the common law and statutory violations and other
5 improprieties, and in obtaining adequate compensation for the damages and
6 injuries which Defendants' actions have inflicted upon each Plaintiff and the
7 Class as a whole. Here, identifying and remedying racist and discriminatory
8 practice and treatment is of interest both economically and equitably as its both
9 unconscionable and illegal in our Country under the United States Constitution.
10

11 12. There is a community of interest in ensuring that the combined assets and
12 available insurance of the Defendants is sufficient to adequately compensate the
13 members of the Class for the injuries sustained, especially as to the individually
14 named defendants. Here, the United States Constitution provides constitutional
15 rights and equal protection of all its citizens. As such, there's a community
16 interest in economically rectifying racist and discriminatory injuries the
17 members of this protected class experienced.
18

19 13. Without class certification, the prosecution of separate actions by
20 individual members of the Class would create a risk of:
21

- 22 a. Inconsistent or varying adjudications with respect to individual members
23 of the Class which would establish incompatible standards of conduct for
24 Defendants; and/or
- 25 b. Adjudications with respect to the individual members which would, as a
26 practical matter, be dispositive of the interests of other members not parties to
27 the adjudications, or would substantially impair or impede their ability to protect
28 their interests, including but not limited to the potential for exhausting the funds
available from those parties who are, or may be, responsible Defendants; and
- c. Defendants have acted or refused to act on grounds generally applicable to

1 the Class, thereby making monetary and injunctive relief appropriate with
2 respect to the Class as a whole.
3

4 14. Questions of law and fact common to all potential Class Members
5 predominate over any questions affecting only individual Class Members.
6 Among the common questions of law and fact to the Class Members are:

7 a. Whether Defendants maliciously prosecuted Plaintiffs from July 15, 2022
8 forward.
9

10 b. Whether Defendants detained without reasonable suspicion or arrested
11 without probable cause the Plaintiffs from July 15, 2022 forward.
12

13 c. Whether Defendants searched Plaintiffs or Plaintiffs' property without a
14 warrant or reasonable suspicion from July 15, 2022 forward.
15

16 d. Whether Defendants vehicles within the meaning of the Fourth
17 Amendment from July 15, 2022 forward, in the absence of a valid caretaking
18 purpose.
19

20 e. Whether Defendants violated Plaintiffs' constitutional rights to Equal
21 Protection.
22

23 f. Municipal liability.
24

IV. PARTIES

25 15. At all times relevant hereto, Plaintiff IAN GREENE (hereafter also
26 "Plaintiff" or "GREENE"), was and is a Black American. Because of
27 Defendants' widespread policies, practices and customs, he was arrested or
28 detained by the defendants. He was handcuffed, jailed, arrested because of his
identifiably protected characteristic-Black. He was not convicted of any crime.
He did not enter any plea agreement after his arrest. GREENE is a resident of
California.

16. At all times relevant hereto, Plaintiff DEONDRE MARQUES JONES

(hereafter also “Plaintiff” or “JONES”), was and is a Black American. Because of Defendants’ widespread policies, practices and customs, he was arrested or detained by the defendants. He was handcuffed, jailed, arrested and maliciously prosecuted because of his identifiably protected characteristic-Black. He was not convicted of any crime. He did not enter any plea agreement after his arrest. All charges against him were dropped. JONES is a resident of California.

17. On or about December 4, 2023, Plaintiffs filed a government claim, which was rejected on January 17, 2024. Ex. “1” & “2”.

A. CLASS REPRESENTATIVES

18. The class action claims of class representatives, GREENE and JONES are typical of the claims of the Class that class representatives, GREENE and JONES seek to represent.

19. GREENE and JONES will fairly and adequately protect the interests of the Class and Plaintiff do not have any interests that are antagonistic to the Class.

20. The claims or defenses of the representative parties are typical of the claims or defenses of the class.

B. DEFENDANTS

21. At all times mentioned herein, Defendant CITY OF BEVERLY HILLS (hereafter also “CITY” or part of Defendants) was a public entity duly organized and existing under and by virtue of the laws of the State of California. The Beverly Hills Police Department (“BHPD”) is a part of the city.

22. The policy makers in charge of the discriminatory practices were Defendant Police Chief MARK STAINBROOK (Hereinafter “STAINBROOK” or also collectively referred to as “Defendants.”)

23. STAINBROOK as the Chief of Police is an individual who acted under color of law. His actions deprived all of the plaintiffs of their rights under the laws of the United States and the United States Constitution. STAINBROOK

1 had final policy making authority from Defendant CITY OF BEVERLY HILLS
2 concerning these acts and when engaged in these acts, STAINBROOK was
3 acting as the final policymaker for Defendant CITY OF BEVERLY HILLS and
4 its Police Department.

5 24. STAINBROOK delegated some of his final policy making authority to his
6 subordinates and ratified the decisions of his subordinates.

7 25. At all times relevant herein, defendant Officer JERRY WHITTAKER
8 (hereafter also “WHITTAKER” or part of “Defendants”), was a resident of the
9 County of Los Angeles, and was a police officer of the BHPD. At all times
10 relevant hereto, said defendant was acting within the course and scope of his
11 employment and under color of Law. Officer WHITTAKER’s actions took
12 place when he was on duty, during normal working hours or overtime hours as a
13 BHPD police officer. Officer WHITTAKER acted at all times herein under the
14 auspices, direction, command, instruction, and/or control of the BHPD and its’
15 Chief of Police. Defendant by his conduct and actions was carrying out the
16 Department wide policies and practices of violating the civil rights of Black
17 Americans (a recognized protected class) with deliberate indifference.

18 26. At all times relevant herein, defendant Officer PIERRE ROMAIN
19 (hereafter also “ROMAIN” or part of “Defendants”), was a resident of the
20 County of Los Angeles, and was a police officer of the BHPD. At all times
21 relevant hereto, said defendant was acting within the course and scope of his
22 employment and under color of Law. Officer ROMAIN’s actions took place
23 when he was on duty, during normal working hours or overtime hours as a
24 BHPD police officer. Officer ROMAIN acted at all times herein under the
25 auspices, direction, command, instruction, and/or control of the BHPD and its’
26 Chief of Police. Defendant by his conduct and actions was carrying out the

1 Department wide policies and practices of violating the civil rights of Black
2 Americans (a recognized protected class) with deliberate indifference.
3

4 27. At all times relevant herein, defendant Officer SEAN REYNOLDS
5 (hereafter also “REYNOLDS” or part of “Defendants”), was a resident of the
6 County of Los Angeles, and was a police officer of the BHPD. At all times
7 relevant hereto, said defendant was acting within the course and scope of his
8 employment and under color of Law. Officer REYNOLDS’ actions took place
9 when he was on duty, during normal working hours or overtime hours as a
10 BHPD police officer. Officer REYNOLDS acted at all times herein under the
11 auspices, direction, command, instruction, and/or control of the BHPD and its’
12 Chief of Police. Defendant by his conduct and actions was carrying out the
13 Department wide policies and practices of violating the civil rights of Black
14 Americans (a recognized protected class) with deliberate indifference.
15

16 28. At all times relevant herein, defendant Officer JAKE SPURGEON
17 (hereafter also “ SPURGEON ” or part of “Defendants”), was a resident of the
18 County of Los Angeles, and was a police officer of the BHPD. At all times
19 relevant hereto, said defendant was acting within the course and scope of his
20 employment and under color of Law. Officer SPURGEON’s actions took place
21 when he was on duty, during normal working hours or overtime hours as a
22 BHPD police officer. Officer SPURGEON acted at all times herein under the
23 auspices, direction, command, instruction, and/or control of the BHPD and its’
24 Chief of Police. Defendant by his conduct and actions was carrying out the
25 Department wide policies and practices of violating the civil rights of Black
26 Americans (a recognized protected class) with deliberate indifference.
27

28 29. At all times relevant herein, defendant Officer ERIC PENA (hereafter also

1 “PENA” or part of “Defendants”), was a resident of the County of Los Angeles,
2 and was a police officer of the BHPD. At all times relevant hereto, said
3 defendant was acting within the course and scope of his employment and under
4 color of Law. Officer PENA’s actions took place when he was on duty, during
5 normal working hours or overtime hours as a BHPD police officer. Officer
6 PENA acted at all times herein under the auspices, direction, command,
7 instruction, and/or control of the BHPD and its’ Chief of Police. Defendant by
8 his conduct and actions was carrying out the Department wide policies and
9 practices of violating the civil rights of Black Americans (a recognized protected
10 class) with deliberate indifference.

11 30. At all times relevant herein, defendant Officer MATTHEW LOPEZ
12 (hereafter also “LOPEZ ” or part of “Defendants”), was a resident of the County
13 of Los Angeles, and was a police officer of the BHPD. At all times relevant
14 hereto, said defendant was acting within the course and scope of his employment
15 and under color of Law. Officer LOPEZ’s actions took place when he was on
16 duty, during normal working hours or overtime hours as a BHPD police officer.
17 Officer LOPEZ acted at all times herein under the auspices, direction,
18 command, instruction, and/or control of the BHPD and its’ Chief of Police.
19 Defendant by his conduct and actions was carrying out the Department wide
20 policies and practices of violating the civil rights of Black Americans (a
21 recognized protected class) with deliberate indifference.

22 31. At all times relevant herein, all of the defendants engaged in the conduct
23 alleged herein under color of law, and through the auspices of the City of
24 Beverly Hills and BHPD. Plaintiffs allege that the conduct and actions of
25 defendants as alleged herein occurred during defendants normal working hours
26 as Beverly Hills Police Officers, Supervisors, Managers, Captains or Chief or
27

1 occurred under the pretense that either was acting as a BHPD employee or was
2 made possible solely because of his/her/their position as a BHPD Officers,
3 Supervisors, Managers, Captains or Chiefs.
4

5 **V. FACTUAL ALLEGATIONS**

6 32. The City of Beverly Hills has a widespread, policy, practice and custom of
7 racial profiling against Black Americans resulting in unconstitutional detentions,
8 arrests, and, illegal searches and seizure. These are violations of the Due
9 Process rights and Equal Protection rights afforded in the U.S. Constitution. In
10 the City of Beverly Hills. Non-Black Americans are not subject to such
11 profiling. This is demonstrated by the fact that over 90% of all arrests reported
12 are of Black Americans while the City itself is only 1.9% Black.

13 33. As part of this pattern and practice of racial profiling, 1,088 Black
14 Americans were arrested by the BHPD between August 30, 2019 and August 31,
15 2021 without probable cause. None of the 1088 Black people arrested were
16 convicted or plead guilty to any crime. Between August 2019 and August 2020
17 60.2% of the people arrested were Black or Hispanic.

18 34. The profiling of African Americans became worse after August 12, 2020,
19 Chiefs Advisory Committee meeting with Chief Rivetti, where “[q]uestions
20 were asked about the ‘criminal element’ seen in the business district.” Two
21 members of the Advisory Committee told Chief Rivetti “that the criminal
22 element that is seen in the business district has spilled over into the residential
23 neighborhoods, enough to feel uncomfortable outdoors.” They complained that
24 the “criminal element” “was bleeding into other parts of the city.” No one from
25 the CITY could explain what the criminal element looked like. But ‘criminal
26 element” was code for Black people.

27 35. The response to this “criminal element” was to create the Rodeo Drive

1 Team Task Force (RDT). The author of the RDT was Sgt. Fair. To cover up
2 their constitutional violations, BHPD claimed that crime was going up. In
3 actuality, it was down by 17%.

4 36. Sgt. Fair referred to the Black people pulled over by the RDT as animals.
5 Fair also made other derogatory comments about Black and Latin people. Fair's
6 boss for the RDT was Captain Dowling. Dowling referred to Black people as
7 "the n-word." Dowling's use of the "n word" and racial stereotypes would
8 violate BHPD policy, show a discriminatory intent and deliberate indifference.
9 Yet, there was no known discipline of Dowling for his comments, demonstrating
10 ratification. Dowling admits to calling Black employees "lazy" "several times
11 over the years."

12 37. The RDT's stated "situation" was that the City felt too many Black people
13 were visiting which was hurting tourism. The city did not want Black visitors to
14 the city. Former BHPD officer Glover explained the city's rationale was there
15 were too many Black people in Beverly Hills, and it made it look "too Ghetto."
16 The BHPD was specifically targeting Black people giving them false tickets and
17 charging them with crimes on false or exaggerated facts. Officer Duncan told
18 Officer Glover, they would target Black citizens even if they did nothing wrong.
19 Glover was also told that these "thugs" (stereotype for black people) could not
20 afford to shop on Rodeo Drive and the BHPD needed to get them out of Beverly
21 Hills. As justification for this task force, Officer Duncan told Mr. Glover, a
22 black man, that "it doesn't look good" when there are black people seen on
23 Rodeo Drive. Officer Duncan said that's why the "taskforce" to harass all black
24 people present in Beverly Hills was developed." Black people were referred to
25 as "douche bags" and "pieces of shit" as BHPD officers arrested them.

26 38. During its operation (August 29, 2020 – October 24, 2020) the RDT made
27

1 90 arrests. 80 of them were African American. Four were Hispanic. One was
2 other. Three were white. During the same time frame there were 107 arrests for
3 EDD fraud. Of those, 99 were African American. Four were Hispanic. Only
4 two were Caucasian.

5 39. None of the individuals arrested by the RDT, or for EDD fraud were
6 convicted of any crimes. None of them entered any plea deals. These numbers
7 are so far out of proportion to the population of Black and Latin residents that it
8 cannot be explained statistically other than by racial profiling.

9 40. The BHPD treated their constitutional deprivation of Black people's rights
10 as a game. Sgt Fair, the author of the RDT said "invite your friends to come out
11 and play." These arrests are "a dime a dozen." The arrests were so typical, that
12 officers were instructed they could cut and paste information from one arrest to
13 another. Thus there was commonality and typicality based on race.

14 41. Putting the arrests in context, the City of Beverly Hills is only 1.95%
15 Black and the State of California is a mere 5.8% Black. The population of
16 Beverly Hills is 81.93% White. Yet, over 90% of the people arrested by the
17 RDT were Black and just .025 of the individual arrested were White. Such a
18 large disparity in the arrests of Black Americans and White Americans shows
19 racial profiling and selective enforcement against Black Americans.

20 42. The selective enforcement and discrimination against Black Americans
21 during the RDT period is consistent with Beverly Hills' longstanding practice
22 and policy and was ongoing during the Main class period.

23 43. For 26 Field Investigation Cards covering the RDT subclass period of
24 August 29, 2020 – October 24, 2020. The breakdown of those cards is:
25 Black/African American: 11, or 42.31%, Hispanic: 10, or 38.46%,
26 White/Caucasian: 2, or 7.69%, Other race: 3, or 11.54%.

1 44. The fact that over 42% of the FI cards were for African Americans during
2 the RDT has two important common characteristics. First, 42% of the FI cards
3 targeted Black people compared with a population that is 2% or less Black
4 means that Black people were subjected to FIs at a rate 21 times their share of
5 the population. Factoring in the 38% of FI cards that targeted Hispanics
6 compared with a population that is 7% Hispanic shows that Hispanics were
7 subjected to FIs at a rate that is five times their share of the population. Second,
8 while Black people were 42% of the individuals given FI cards, they were
9 approximately 90% of the people arrested leading to a typical result – African
10 Americans were stopped more frequently than other groups, they were subjected
11 to a greater percentage of FI cards, and they were arrested more frequently than
12 other groups during the RDT as well as the full two-year class period.
13

14 45. The discriminatory intent and impact of the RDT on Black people was no
15 accident. The BHPD selected Sgt. Billy Fair to create the Rodeo Drive Team
16 operational plan whose bias against Black Americans was explicit. He referred
17 to Black People arrested by the RDT as “animals”. The BHPD also included
18 Captain Dowling as part of the collaborative management team to form the RDT
19 who referred to people arrested as “domestic terrorists” when discussing
20 criminal activity in the Business District of Rodeo Drive.

21 46. As set forth in the Operational Plan, the stated purpose of the RDT was to
22 stop people for minor quality of life infractions and subject them to searches and
23 warrant checks.

24 47. The focus of the enforcement was almost exclusively on Black people.
25 This was a top down policy implemented by the BHPD and was approved by
26 Chief Rivetti. Sgt. Fair and Lt. Nance prepared the RDT Operational Plan. The
27 Rodeo Drive Team was comprised of specific personnel under a specific

1 operational plan and location. The RDT followed a common operational plan.
2 The common operational plan was approved by multiple levels of supervision.
3 Chief Rivetti was the decision maker over the RDT and approved the plan. Chief
4 Rivetti, Assistant Chief Coopwood and Captain Dowling were part of the
5 collaborative effort to establish the RDT.
6

7 48. RDT members were ordered to follow the Operational Plan. One of the
8 goals of the RDT was to have operational consistency, direction and
9 accountability with a defined core group of officers. The RDT team consisted of
10 Defendants Sgt. Fair, Sgt. Drummond, Ofr. Billy Blair, Ofr. Whittaker, Ofr. De
11 La Cruz, Ofr. Lyga, Ofr. Krug, and Ofr. Ilusorio.
12

13 49. The RDT focused its arrests almost exclusively on Black Americans. The
14 gross statistical disparity in the arrest records shows the overwhelming focus of
15 the RDT was to arrest Black Americans as over 90% of the persons it arrested
16 were Black. The statistics of the persons the BHPD arrested during the RTD
17 period for EDD fraud show a similar gross statistical disparity in the arrests of
18 Black Americans and White people. Out of a total 107 arrests 99 of the arrests
19 were African American and only 2 were White. Accordingly 93% of the arrests
20 were African Americans and only .018% of the arrests were White people.
21

22 50. By all accounts the RDT was a failure and a waste of resources as it didn't
23 result in a single conviction other than one nolo plea to filming without a permit.
24 Nevertheless, according to BHPD Chief Rivetti the RDT accomplished its
25 objectives. Rivetti's satisfaction with the results of the RDT illustrates its goals
26 were not convictions, but rather to selectively target Black People for minor
27 quality of life infractions in the Rodeo Drive district and to clear the area of
28 Black people. From a conviction standpoint the RDT was a monumental failure.
Other than a person filming without a permit (who received diversion) none of

1 the Black Americans or anyone arrested by the RDT was convicted of anything.
2 Shockingly, BHPD Captain Subin said the BHPD is “not concerned with
3 convictions.” Sgt. Fair is unaware of a single RTD arrestee being convicted of a
4 crime.

5 51. The success of the RDT in accomplishing this goal of reducing the
6 presence of Black People on Rodeo Drive was celebrated by Assistant Chief
7 Coopwood who stated “The quality of life issues along Rodeo Drive are
8 beginning to diminish. It is beginning to look more normal again.” In other
9 words, fewer Black People in the Rodeo Drive area.

10 52. This selective enforcement against Black Americans was part of an official
11 policy and practice and was directed and ratified by the BHPD and City.
12 According to Chief Rivetti, “the Rodeo Drive team operational plan gave the
13 mission and what their objective was. According to Captain Subin all of the
14 RDT arrests were consistent with BHPD Policy. Indeed, the City and Chief
15 Rivetti provided the RDT team with an award for its actions (of clearing out
16 Black visitors.)

17 53. The same polices were in place during the entire Main Class Period and
18 continuing.

19 54. The conduct of the officers during the RDT and Main Class periods was
20 ratified and approved of by the City and BHPD.

21 55. No officers on the RDT and or BHPD have been disciplined for racial
22 profiling from August 2019 to 2024.

23 56. The City was so pleased with the work of the Rodeo Drive Team whose
24 arrests were over 92% Black that it gave the task force an award for excellence.
25 Since so few of the arrests were prosecuted, the only goal accomplished by the
26 RDT was to successfully target Black Americans for arrest to discourage their
27

1 presence in Beverly Hills and making Rodeo Drive look "normal again" with
2 less Black people.
3

4 57. As noted in the Los Angeles Times, between 1990 and 1995, Black
5 Americans have filed five lawsuits and more than a dozen claims against
6 Beverly Hills, alleging that police unjustifiably stop and harass minorities. In
7 one case, a Black motorist accused BHPD officers of pointing a gun at his head
8 during a traffic stop. Another man alleged that his car was ransacked in a vain
9 search for drugs. Such lawsuits demonstrate Defendants' knowledge of the
10 practice of profiling Black people that has existed for decades in Beverly Hills

11 58. As part of this long standing policy, practice and custom, Defendants used
12 minor infractions like broken tail lights to justify its practice of targeting Black
13 people for unconstitutional detentions and arrests.
14

15 59. Between 1993 and 1995 the Beverly Hills-Hollywood chapter of the
16 NAACP received 75 complaints about Beverly Hills police officers targeting
17 Black Americans.
18

19 60. In defending the City's targeting of Black Americans, former mayor Chuck
20 Aronberg said, "Blacks have a chip on their shoulder. [They] think bad things
21 happen to them because they're Black." And Mr. Aronberg was exactly right, in
22 Beverly Hills - bad things do happen to Black people.
23

24 61. Illustratively, Jerry Lafayette, a Black American in Beverly Hills, was
25 pulled over more than 20 times in 18 months for simply being Black.
26

27 62. In 1995 the City, its Mayor, Council member, Chief and Captain were sued
28 for having "engaged in a conscious policy of deliberate indifference" by
allowing police harassment of African Americans to go unchecked. There
Defendants were made aware of constitutional violations, and with deliberate
indifference ratified the wrongdoing. Defendants failed to provide adequate

1 training to safeguard the constitutional rights of Black Americans and provide
2 them equal protection. Instead, the City continued and ramped up its' targeting
3 and discrimination against Black Americans in Beverly Hills.
4

5 63. The training policies of Defendant CITY OF BEVERLY HILLS were not
6 adequate to train its police officers to handle the usual and recurring situations
7 with which they must deal. Defendant CITY OF BEVERLY HILLS was
8 deliberately indifferent to the obvious consequences of its failure to train its
9 police officers adequately.
10

11 64. The failure of Defendant CITY OF BEVERLY HILLS to provide adequate
12 training caused the deprivation of the rights of all plaintiffs by the actions of
13 Defendant CITY OF BEVERLY HILLS' police officer employees. That is, the
14 Defendants failure to train is so closely related to the depravation of the
15 plaintiffs' rights as to be the moving force that caused each of them the ultimate
16 injuries such as detentions and arrests without reasonable suspicion and probable
17 cause. False arrest, false imprisonment, fabrication of evidence, and malicious
18 prosecution of Black people for alleged criminal acts they were never found
19 guilty of.
20

21 65. In 1995, a civil rights lawsuit was filed by six Black Americans. Five of
22 the Black Americans suing were teenagers who lived in Beverly Hills and
23 attended local schools, and the sixth was a maintenance man at a Beverly Hills
24 church. The BHPD stopped and harassed Black Americans without "reasonable
25 suspicion," often pulling over Black-American motorists for violations such as
26 broken taillights or detaining minors who were out past the City's 10 p.m.
27 curfew. In 2000, a settlement was reached, which included the City of Beverly
28 Hills setting up a Human Relations Commission to deal with issues of racial
profiling.
29

1
2 66. Indeed, a former Beverly Hills Mayor, Robert Tanenbaum, sued the City
3 for racial profiling, claiming that his “case is about people’s rights to walk the
4 street, to ride cars on public roadways without being terrorized, harassed or
5 abused.” “All we are saying is, treat Black folk like White folk.”

6 67. In 1998, then-Assemblyman Kevin Murray, a Black American, filed suit
7 after his car was stopped by police on his way to celebrate a primary election
8 victory.

9 68. In August 2014, there was a potentially dangerous wrongful arrest of noted
10 Black American film maker and producer Charles Belk. In stereotypical
11 fashion, the BHPD thought the film maker “fit the description” of a bank
12 robbery suspect because Belk was “tall, bald, Black and male.” Objectively,
13 thousands of Black men would fit such a vague description. When stopped,
14 Belk behaved in exemplary fashion. He stated why he was in the city. He
15 related his impressive academic, business and artistic credentials that could have
16 been easily and quickly checked. The BHPD officers did not care. Mr. Belk
17 had to suffer the indignity of being handcuffed and forced to sit on the curb in
18 public. Then the PD successfully imposed an exorbitant amount of bail, forcing
19 Mr. Belk to sit in jail for hours before he could even speak to an attorney. Belk
20 was never even given his Miranda Rights. At the time, Belk (51 years old) was
21 working at a pre-Emmy Awards gifting suite before going to dinner. He was
22 arrested when he walked away from a restaurant on Wilshire Blvd.

23 69. In approximately June 2015, a video entitled “Yellow Fever with Soul”
24 was prepared by Officers Charles Yang and Stanley Shen and posted on “You
25 Tube.” It made fun of Black Americans and Asian Americans. The “Yellow
26 Fever with Soul” video used a racial stereotype of a Black American man
27 holding a chicken leg in his hand. The video referenced racial stereotypes of the

1 sizes of Black men's penis' Officer Yang was shown holding a woman's
2 buttocks in the video. Stanley Shen made comments about slavery and "master"
3 derogatory towards Black Americans. Yang was not punished for this at all.
4 Shen had been fired for a different act of misconduct, but after the Yellow Fever
5 video was publicized, he was reinstated. He has since been promoted to
6 Detective by BHPD's chief.
7

8 70. In March 2016, Sandra SPAGNOLI became the chief of police. There
9 were three finalists for the position. The top candidate was a Black American
10 police chief with Oxnard PD, but she was passed over for promotion because
11 city council members did not want the Black woman to be "the face of Beverly
12 Hills." SPAGNOLI was hired instead. Before she was hired, defendants knew
13 that SPAGNOLI was sued repeatedly while she was the chief at San Leandro,
14 including for various civil rights violations and discrimination.

15 71. As the Chief of Police, not only was SPAGNOLI the final policy maker at
16 the time, but she implemented policies, customs and practices designed to
17 deprive Black Americans of their constitutional rights and with deliberate
18 indifference to the rights of Black Americans which was a moving force behind
19 the constitutional violations suffered by the class as a whole.

20 72. SPAGNOLI also created customs and practices to violate the constitutional
21 rights of Black Americans by ratifying discriminatory treatment of Black
22 Americans by BHPD police officers. Illustratively, SPAGNOLI set the tone of
23 treating Black Americans unconstitutionally by ratifying the "Yellow Fever with
24 Soul" video displayed by members of the BHPD. The "Yellow Fever with
25 Soul" video was put on the Internet. Portions of it were later played on
26 television because the media saw how racist and improper the video was. That
27 video promulgated racial stereotypes of the size of Black mens penis' and stereo

1 types of foods that Black Americans supposedly eat like fried chicken.
2

3 73. Instead of taking corrective action, SPAGNOLI sent a message to the
4 troops that she approved of the video, setting an example for others to follow -
5 that treating Black Americans differently is acceptable, and condoned. Those
6 who shared SPAGNOLI's racist views, were promoted. Accordingly, the
7 "Yellow Fever" creator, Stanley Shen was promoted to Detective by
8 SPAGNOLI. This gave him a raise in pay. Shen was assigned to a specialized
9 unit (CIT) by SPAGNOLI. SPAGNOLI knew that the female officer that Shen
10 was promoted over (Officer Lunsman) is married to a Black American.

11 74. Yet, Yellow Fever was not the only way that SPAGNOLI created a custom
12 and practice of encouraging racism and rewarding those officers who treated
13 Black Americans differently. SPAGNOLI received complaints about Scott
14 Dowling's racist attitudes from Lt. Foxen and Lt. Nutal. They both advised
15 SPAGNOLI that DOWLING referred to Black Americans as "lazy" and used
16 other derogatory stereotypes towards Black Americans. Within days of being
17 told about DOWLING's racist comments which were well known in the BHPD,
18 SPAGNOLI promoted DOWLING to Lieutenant and later, captain. This
19 ratification of racist comments and statements by DOWLING help to show the
20 custom and practice of targeting Black Americans for illegal treatment and is
21 relevant to the class action claims because DOWLING was in charge of the
22 EDD and RDT task forces.

23 75. Thus, DOWLING implemented the EDD, RDT and other practices to
24 target Black Americans with illegal stops, arrests, jailings' and prosecutions.
25 Demonstrating how the defendants had widespread practices and customs to
26 violate the civil rights of Black Americans, and the deliberate indifference
27 towards those civil rights violations as well as the discriminatory moving force

1 targeting Black Americans in the RDT and EDD task forces (also known as the
2 Dowling Task Force/ Operation Safe Streets) DOWLING specifically referred to
3 the Black American individuals arrested in the Dowling Task Force, as
4 “terrorists and animals.”

5 76. Black Americans were unquestionably treated differently than similarly
6 situated members of other classes because of their race - Black and membership
7 in the protected class of Black Americans.

8 77. Former Mayor, Nancy Krasne described Terry Nutall, the highest ranking
9 Black American BHPD officer as “scary looking”, “if you saw him in the hood
10 you would run the other way.” He is a big guy. He looks like an ex-Marine.
11 He’s huge and he’s a bad influence.” As the Mayor, Krasne was a policy maker
12 for the city.

13 78. In approximately August, 2019, there were a series of emails between
14 SPAGNOLI and residents of Beverly Hills regarding the racial profiling of a
15 dark complected individual Defendants believed was Black (and later learned to
16 be Latin American.) The young man was repeatedly pulled over by members of
17 the BHPD when they believed him to be a Black American. Once the officers
18 learned the man was Latin and not Black, the unconstitutional searches and
19 seizures stopped. Indeed, Chief Spagnoli received more than 500 different
20 complaints of racial profiling of Black people. None of them were investigated.
21 No BHPD officer was disciplined because of any such complaints.

22 79. But, the profiling of Black Americans did not stop. Accordingly, on
23 February 9, 2020, Ashley Blackmon, a Black-American female, was driving in a
24 Toyota Rav-4 through Beverly Hills around 9:30 a.m. on her way to a Sunday
25 morning yoga class. Blackmon was thirty years old and had recently moved
26 from New York City to Marina Del Rey for a job at Red Bull corporate
27

1 headquarters as a brand manager. BHPD officers ordered her to pull over.
2 Blackmon immediately complied with all instructions. Yet, five BHPD officers
3 pointed their guns at Blackmon or her car during that stop. All of these BHPD
4 officers had either seen her driving the car alone or had been made aware that
5 the lone driver was Black. Prior to pulling Blackmon over at gunpoint, BHPD
6 officers noted her race on the radio to dispatch and requested air support.
7 Moreover, BHPD officers admitted before the stop that Blackmon and/or her car
8 did not materially match any suspects they were looking out for. Blackmon was
9 released. No reasonable suspicion or probable cause existed to ever stop her. She
10 was not convicted of any crime. She did not plea to any crime.
11

12 80. For 25 years the City has continued to treat Black folks differently than
13 White folks because of a widespread policy, custom and practice. It is time to
14 put such conduct to an end.

15 81. On May 15, 2020, SPAGNOLI was forced to retire due to over a dozen
16 lawsuits alleging misconduct by her including her making derogatory comments
17 against, and discrimination of various “minorities” including Black Americans
18 and Latin Americans, resulting in approximately \$8,000,000.00 in judgments,
19 verdicts and settlements against the city of Beverly Hills. After SPAGNOLI
20 was forced out, RIVETTI became the Interim Police Chief. RIVETTI then
21 ratified and approved of the creation of the RDT.

22 82. Between August 29, 2020 and October 24, 2020, RDT focused on
23 detaining and arresting Black American’s for violations of “crimes” that White
24 people were not detained or arrested for, such as: CVC 21955 (jaywalking);
25 CVC 21456 (crossing against red hand/signal at cross walk); HSC 113.62
(smoking marijuana, and possessing cannabis products); smoking tobacco in a
26 public right of way (including on the sidewalk or alleyway); smoking in a city
27

1 park; CVC 23111 throwing out even an unlit cigarette; California Penal Code §
2 415 (playing loud music); CVC 27150(a) (having a loud exhaust); CV 22102
3 (illegal U-turn in business district); BHMC 5-6-801 (Riding a bicycle,
4 skateboard, or roller skates on sidewalks in the business district (not specifically
5 included in the statute is riding of a scooter, so Black Americans on scooters
6 were arrested with the false charge of riding roller skates on the sidewalk)).

7 83. Other statutes that were enforced against Black Americans because of their
8 race included: solicitation for charitable purposes without a permit; filming
9 without a permit which includes still photography on private or public property
10 without a permit. However, as demonstrated by the defendants' own statistics,
11 non-Black Americans were not get stopped, detained, handcuffed, jailed or
12 maliciously prosecuted. Each of these detentions and arrests of Black people in
13 Beverly Hills was part of a widespread custom and practice or policy of the
14 defendants.

15 84. On or about October 1, 2020, BHPD participated in a traffic stop of a
16 Black driver and passenger near Rodeo Drive. The stop involved at least four
17 officers and three police vehicles; two of the officers repeatedly refused to give
18 their names when asked by a bystander, who was attempting to film them, and
19 treated the would-be videographer with obvious hostility. Ultimately, the
20 officers let the Black driver and passenger go without even a citation because
21 there was not a reasonable suspicion to stop the motorists other than their race.
22 There was no probable cause to arrest them. Nevertheless, the Beverly Hills
23 officers asked the passenger for his identification as well as the driver. This is
24 part of the wide spread custom and practice in Beverly Hills to try and find any
25 little thing they can on Black Americans while not doing the same to non-Black
26 Americans. Thus Black Americans are subjected to more intrusive policing and

1 entanglement with the criminal justice system than white people. White people
2 do not have a swarm of BHPD officers arrive for minor infractions, but they
3 swarm for Black people. White people are not searched for weapons when
4 jaywalking or other minor infractions, but Black people are.

5 85. On or about October 2, 2020, BHPD stopped and searched Versace's Vice
6 President of Mens Footwear, Salehe Bembury. At the time, he was holding a
7 Versace shopping bag near Rodeo Drive. Allegedly, he had jaywalked by going
8 less than one foot out of the cross walk. BHPD officers surrounded him and
9 searched him. They then asked for his ID and ran his name for warrants.
10 Defendants believed that Bembury was suspicious because he was Black and
11 shopping in Beverly Hills. In actuality, Bembury was and is a Vice President of
12 Versace and works in Beverly Hills. While it is common for defendants to stop,
13 surround, question, and search Black Americans for jaywalking near Rodeo
14 Drive, non-Black Americans do not undergo the same treatment. When black
15 people are stopped for minor offenses such as jaywalking they are consistently
16 asked for ID and a warrant check is done, this does not happen for non-black
17 people. Clearly, Black Americans are treated differently and unequally in
18 deliberate indifference to their constitutional rights because of widespread
19 customs and practices with discriminatory effect on Black Americans.

20 86. Because racism is so rampant at BHPD, over 12 employees of the police
21 department filed lawsuits. DOWLING was deposed. In his deposition, he
22 admitted to calling two Black American employees "lazy" and other racial
23 stereotypes, "probably several times over the years." Further, DOWLING
24 referred to the highest ranking Black American in the BHPD at the time, Terry
25 Nutal as "lazy." At the time, Nutal was a lieutenant and a superior to
26 DOWLING.

1 87. Chief SPAGNOLI was advised by two different Lieutenants (Foxen and
2 Natal) that they were concerned about DOWLING being racist, but SPAGNOLI
3 promoted him from Sergeant (a supervisor position) to Lieutenant (a manager
4 position) despite their concerns. Subsequently, SPAGNOLI promoted
5 DOWLING to captain (a policy maker executive position.) Accordingly,
6 SPAGNOLI as the head of the agency, ratified and condoned the statements and
7 actions of DOWLING. RIVETTI was aware of the claims against DOWLING,
8 yet allowed him to remain a Captain and thus in charge of the RDT task force.
9

10 88. A related class action lawsuit, covering the time period of August 20, 2019
11 – August 30, 2021, is pending in Federal Court, CASE NO.: 2:21-cv-08698-
12 FMO (ROAx) before the Honorable Fernando M. Olguin. Yet, that lawsuit, and
13 even media publicity has not stopped the actions of the BHPD. Racial profiling
14 continues, illustrating why an injunction is required as well as monetary
15 damages.

16 89. STAINBROOK set in motion a series of acts by his subordinates, or
17 knowingly refused to terminate a series of acts by his subordinates, that he knew
18 or reasonably should have known would cause the subordinates to deprive Black
19 Americans of their rights under law. Having learned of the unconstitutional
20 conduct by BHPD officers, Defendants failed to act to prevent their subordinates
21 from engaging in such conduct.

22 90. Defendants WHITTAKER, ROMAIN, REYNOLDS, SPURGEON,
23 PENA, and LOPEZ were STAINBROOK’s subordinates, and following their
24 orders, directions, policies, practices and customs to deprive the class of Black
25 Americans of their constitutional rights and based on information and belief
26 were involved in the detention and arrest of GREENE and JONES.

27 91. In 2022, BHPD began reporting data (RIPA) pursuant to Cal. Pen. Code, §

13519.4, which seeks to track and eliminate racial and identity profiling.

92. At all relevant times herein, BHPD used pictures of Black Americans for
target practice. Ex. "9".

93. In the first RIPA report with data from BHPD, the number of stops of
Black Americans by BHPD compared with stops in California was over 1,000%
greater.

94. Accordingly, Defendants engaged in conduct that showed a reckless or
callous indifference to the deprivation by the subordinates of the rights of Black
Americans.

95. JONES is Black American male.

96. On or about September 9, 2022, JONES was driving a friend from out of
town near Rodeo Drive, Beverly Hills, CA.

97. JONES was pulled over by Defendants WHITTAKER and ROMAIN
without reasonable suspicion, probable cause, or any legitimate reason.

98. Without JONES permission, WHITTAKER and ROMAIN unlawfully
searched JONES' vehicle without reasonable suspicion, probable cause, or any
legitimate reason. They allegedly found a gun in the vehicle.

99. JONES' car was seized within the meaning of the Fourth Amendment by
the City of Beverly Hills Police Department ("BHPD") in the absence of a valid
caretaking purpose.

100. Subsequently, JONES was charged with four counts of having a concealed
weapon.

101. On or about February 6, 2023, the Hon. James P. Cooper, III, granted
JONES' motion to suppress pursuant to Penal Code section 1538.5.

Subsequently, all charges were dismissed. WHITTAKER was part of the hand
selected officers for the RDT

1 102. GREENE is a Black American male.
2

3 103. GREENE's father is a retired Lieutenant from the New York Police
4 Department.
5

6 104. On or about February 23, 2023, GREENE was approached by the BHPD
7 because of his race. GREENE was falsely accused of being under the influence
8 of alcohol or drugs while driving (DUI). However, GREENE was not driving
9 and GREENE was not under the influence of alcohol or drugs. GREENE was
10 simply sitting in his car waiting for his friend to meet him. GREENE was
11 listening to the car radio. The car was not running. The officers, REYNOLDS
12 and SPURGEON, asked GREENE for consent to search his car and to search his
13 person. GREENE did not give consent, but nevertheless, REYNOLDS and
14 SPURGEON searched his car and person without reasonable suspicion,
15 probable cause, or any legitimate reason. When the officers asked GREENE for
16 consent to be searched, the officers asked GREENE to step out of his car.
17 GREENE asked them why? They said GREENE was not being arrested, but
18 they said they would be more comfortable if they could pat him down (without
19 reasonable suspicion, probable cause, or any legitimate reason). GREENE was
20 not threatening. Nevertheless, despite saying GREENE was not under arrest,
21 GREENE was handcuffed and arrested.
22

23 105. GREENE was treated very roughly during the arrest. The handcuffs were
24 extremely tight and painful. The officers, REYNOLDS, and SPURGEON,
25 falsely claimed that GREENE's car was running. Thus, GREENE was arrested
26 based on false information from the BHPD officers. GREENE was driven to the
27 jail after GREENE was thrown into the back seat of a police car which was very
28 uncomfortable.
29

30 106. Because of the rough treatment GREENE had to endure from the arresting
31

1 officers, at the jail, GREENE was asked by the Watch Commander if he was
2 okay.
3

4 107. GREENE was locked up in jail 10 or 11 hours. GREENE was forced to
5 sit in a gross drunk tank.
6

7 108. GREENE's car was seized within the meaning of the Fourth Amendment
8 by the City of Beverly Hills Police Department ("BHPD") in the absence of a
9 valid caretaking purpose.
10

11 109. The Watch Commander said he was sorry about what happened to
12 GREENE. The Watch Commander waived the fee for towing Greene's car from
13 the BHPD, but said he could not waive the fee for the tow company. After
14 GREENE release from jail, Greene had to pay approximately \$1800.00 to get his
15 car out of impound.
16

17 110. GREENE was supposedly required to go to court following his false arrest.
18 Greene checked the local court houses. Greene contacted the DA's office, but
19 no where was the a record of his arrest. There was no known court date.
20

21 111. On or about August 10, 2023, GREENE was driving his car with a friend
22 who is white. The officers, PENA and LOPEZ were in front of GREENE.
23 PENA and LOPEZ could not see GREENE's license plate since GREENE was
24 right behind them. They could not have seen GREENE engaged in any type of
25 moving violation because GREENE had just come out of his friends apartment
26 complex and only drove approximately 10-15 feet to go to an overhead street
27 light. At the light, PENA and LOPEZ went straight. GREENE made a left turn.
28 Thereafter, the officers raced to catch up to him. GREENE could see them in
29 the rear view mirror, as they picked up speed and went behind me. GREENE
30 was pulled over. PENA and LOPEZ stopped GREENE without reasonable
31 suspicion, probable cause, or any legitimate reason. Multiple officers arrived.
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GREENE was ordered out of the car and feared for his safety with so many
police officers near him.

112. GREENE was detained by the officers. GREENE's white friend was
asked for his name. He had a warrant out for his arrest, so he lied about his
name to the officers. Nevertheless, the white friend was allowed to leave while
the multiple police surrounded GREENE. PENA and LOPEZ searched
GREENE's car. GREENE was arrested, taken to jail and spent around 5- 7
hours there. GREENE was charged with misdemeanor possession of a
controlled substance by police. GREENE 's car was impounded. Yet, GREENE
has not been charged with any crime by prosecutors. Previously, defendants
took Black individuals to jail for allegedly lying about their names. Those
individuals include but are not limited to Mr. White and Ms. Williams who are
part of the currently pending class action lawsuit before Judge Olguin.

113. Defendants and each of them had a policy, practice and widespread custom
to demand identification of Black People, search them for weapons, detain them
and falsely arrest them with excessive force and false charges when they would
not engage in similar conduct to other racial groups.

114. The false arrests, deliberate fabrication of charges and malicious
prosecution of Black Americans resulted in the deprivation of liberty to all class
members. The actions of the defendants were the cause in fact of the
deprivation of each plaintiffs' liberty. In other words, the injuries and
handcuffing of all of the plaintiffs would not have occurred in the absence of the
conduct. The actions of the defendants in racially profiling all of the plaintiffs in
the class because of their race is a violation of constitutional rights and was the
proximate or legal cause of the injuries. A reasonable person would see the
actions of the defendants and the resultant injury to the plaintiffs as a likely

1 result of the conduct in question.
2

3 115. After prosecutors reviewed the (fabricated) police reports and the
4 incidents, all charges against each class member were dropped or they were
5 found not guilty. Thus, once prosecutors exercised independent judgment, they
6 found there was no probable cause for the arrests of each class member, or
7 Judges and juries determined that each class member was not guilty of any
8 crime.

9 116. Each of the plaintiffs in this action have suffered common and typical
10 harm and injuries as a direct and legal result of the actions of the defendants and
11 each of them. The plaintiffs are entitled to economic and non-economic
12 damages in a sum in excess of the minimum jurisdiction of this court, to fees,
13 costs, penalties, fines, and such further relief as the court deems just. Punitive
14 damages are justified against the individual defendants.

15 117. An injunction is requested to compel the City of Beverly Hills to only
16 arrest Black Americans in accordance with Federal Constitutional requirements,
17 to stop repetitions of unconstitutional conduct towards Black Americans.

18 **FIRST CAUSE OF ACTION**
19 **MALICIOUS PROSECUTION**
20 **ON BEHALF OF JONES & SUB-CLASS MEMBERS**
21 **AGAINST DEFENDANTS WHITTAKER & ROMAIN**

22 118. Each and every allegation set forth in the preceding paragraphs is
23 incorporated herein by this reference with the same effect as if realleged herein.

24 119. The defendants acted under color of law.

25 120. The acts of the defendants deprived the plaintiffs of their rights under the
26 laws of the United States and United States Constitution.

27 121. This claim is brought pursuant to 42 U.S.C. §1983 and the Fourteenth
28 Amendment of the United States Constitution for violation of Plaintiffs'

1 procedural and substantive due process rights and the violation thereof resulting
2 from the malicious prosecution by the defendants named herein and resulting
3 false imprisonment of Black Americans.
4

5 122. As delineated above, JONES, and all class members were wrongfully
6 detained, handcuffed and/or arrested without probable cause, and detained
7 without any justification and/or charged with multiple criminal counts based
8 upon the false charges, statements, police reports, evidence and testimony
9 presented by Defendants.
10

11 123. JONES was wrongfully detained, handcuffed and/or arrested without
12 probable cause, and detained without any justification and/or charged with
13 multiple criminal counts based upon the false charges, statements, police reports,
14 evidence and testimony presented by Defendants WHITTAKER, ROMAIN, and
15 others.
16

17 124. Sub-class members were wrongfully detained, handcuffed and/or arrested
18 without probable cause, and detained without any justification and/or charged
19 with multiple criminal counts based upon the false charges, statements, police
20 reports, evidence and testimony presented by Defendants.
21

22 125. Defendants directed subordinates in actions that deprived the plaintiffs of
23 their constitutional rights.
24

25 126. Additionally, the defendants set in motion a series of acts by their
26 subordinates that the supervisors, managers and policy makers knew or
27 reasonably should have known would cause the subordinates to deprive the
28 plaintiffs of their rights, or defendants knew or reasonably should have known
that their subordinates were engaging in conduct that would deprive the
plaintiffs of their rights and the defendants failed to act to prevent the
subordinates from engaging in such conduct.
29

127. Sub-class members were wrongfully detained, handcuffed and/or arrested
2 without justification and criminally charged based upon the false charges,
3 statements, police reports, evidence and testimony presented by Defendants.

128. Defendants had a widespread custom and practice in violation of Penal
5 Code section 118.1 to knowingly file materially false police reports, and make
6 materially false statements to target Black Americans because of their race with
7 illegal detentions, arrests, imprisonments and prosecutions.

129. At no time did said defendants have probable cause to detain, arrest and/or
9 charge any class members for any crime or to recommend that they be
10 prosecuted. Notwithstanding this, with malice and conscious disregard for their
11 rights to due process, said defendants presented false evidence and
12 recommended all class members be charged and prosecuted. Thereafter, they
13 meaningfully participated in the prosecution to ensure their wrongful conviction
14 and wrongful imprisonment. But the class members were never convicted of
15 any crime.

130. As the actual and proximate result of the acts and omissions of said
17 defendants as described herein, Plaintiffs were made to lose their freedom and
18 liberty, this in violation of the Fourteenth Amendment's procedural and
19 substantive due process guarantees.

131. As a direct and legal result of the actions of defendants and each of them,
21 plaintiffs suffered common and typical types of harm and economic and non
22 economic damages in a sum according to proof and in excess of the minimum
23 jurisdiction of this court and are entitled to costs of suit. Further, plaintiffs have
24 incurred attorneys fees and costs for defending the criminal claims. Plaintiffs
25 have also incurred costs in relation to the criminal case, including without
26 limitation charges for bail, attorneys fees and other special damages all in a sum
27

1 according to proof at time of trial.
2

3 132. Plaintiffs are informed and believe that, unless restrained and enjoined by
4 this court, defendants will continue to falsely imprison and/or maliciously
5 prosecute Black Americans who travel through the City of Beverly Hills. It is
6 extremely likely that defendants will continue with such unconstitutional
7 violations. Indeed, after the related class action lawsuit was filed, the number of
8 stops of Black Americans by BHPD compared with stops in California was over
9 1,000% greater than its population.

10 133. Being stopped by the police has both a lasting and traumatizing effect on
11 Black people's mental and physical health. "There's evidence to show that
12 worsened mental health can occur even after lower levels of contact not
13 involving an arrest or incarceration ." These seemingly minor police interactions
14 can trigger a variety of common and typical responses such as harmful stigma,
15 stress and depressive symptoms. Further, studies show a significant association
16 between police interactions and lowered mental health, including "psychotic
17 experiences, psychological distress, depression, post-traumatic stress. disorder,
18 anxiety, suicidal ideation and attempts, indicating a nearly twofold higher
19 prevalence of poor mental health among those reporting a prior police
20 interaction compared to those with no interaction ." "Racial discrimination has
21 been associated with a range of poorer health outcomes including respiratory
22 conditions, diabetes, somatic complaints and chronic health conditions ." A 2019
23 study suggests that racism can lead to increased inflammation, increased risk of
24 developing heart and kidney. disease and decreased quality of sleep. The effects
25 of defendants actions have harmful and severe health implications.

26 134. The aforementioned acts of said defendants were willful, wanton,
27 malicious, despicable and oppressive and said misconduct shocks the conscience

1 thereby justifying the awarding of exemplary and punitive damages against the
2 individual defendants. (No punitive damages are sought against the city as it is
3 statutorily immune.)
4

5 **SECOND CAUSE OF ACTION**
6 **VIOLATION OF CONSTITUTIONAL RIGHT TO BE FREE**
7 **FROM UNREASONABLE SEIZURES**
8 **ON BEHALF OF ALL PLAINTIFFS**
9 **AGAINST ALL DEFENDANTS EXCEPT CITY**

10 135. Each and every allegation set forth in the preceding paragraphs is
11 incorporated herein by this reference with the same effect as if realleged herein.

12 136. This action is brought pursuant to 42 U.S.C. §1983 and the Fourth
13 Amendment of the United States Constitution.

14 137. At all times relevant hereto, Plaintiffs possessed the right, guaranteed by
15 the Fourth Amendment of the United States Constitution, to be free from
16 unreasonable seizures by peace officers acting under the color of law.

17 138. As described in above, Defendants violated all class members' Fourth
18 Amendment rights by unlawfully and unreasonably detaining, handcuffing,
19 arresting and imprisoning them without reasonable suspicion or probable cause.
20 Moreover, race was a motivating reason for stopping, detaining, handcuffing,
21 jailing and/or arresting the plaintiffs. All of the arrests to the class members
22 were without a warrant. They were intentional and the seizures were
23 unreasonable.

24 139. Further, as described in above, Defendants violated all class members'
25 Fourth Amendment rights by unlawfully and unreasonably seizing Plaintiffs'
26 vehicles absent a valid caretaking purpose.

27 140. GREENE, JONES, and all class members were wrongfully seized by
28 Defendants.

141. In doing the things described herein, said defendants acted specifically
with the intent to deprive all class members of their constitutional rights under
the Fourth Amendment to be free from unreasonable seizures including
unreasonable, excessive force.

142. At all relevant times herein, Defendants were policy makers or
subordinates under the direction and control of the policy makers, and were
acting under color of law.

143. Defendants further set in motion a series of acts by their subordinates, or
knowingly refused to stop unconstitutional actions by the subordinates, that they
knew or reasonably should have known would cause the subordinates to deprive
the civil rights of all class members, but failed to act to prevent their
subordinates from engaging in such conduct.

144. Accordingly, the defendants engaged in conduct that showed a reckless or
callous indifference to the deprivation by the subordinate of the rights of
others.

145. Defendants' conduct was so closely related to the deprivation of all class
members' rights as to be the moving force that caused the ultimate injuries to
each class member.

146. Said defendants subjected all class members to the aforementioned
deprivations by either actual malice, deliberate indifference or a reckless
disregard of their rights under the U.S. Constitution.

147. As a direct and legal result of the actions of defendants and each of them,
plaintiffs suffered harm and economic and non economic damages in a sum
according to proof and in excess of the minimum jurisdiction of this court.
Plaintiffs are entitled to costs of suit and attorneys fees.

148. Plaintiffs are informed and believe that, unless restrained and enjoined by

1 this court, defendants will continue unreasonable seizures of Black Americans
2 who travel through the City of Beverly Hills. It is extremely likely that
3 defendants will continue with such unconstitutional violations. Indeed,
4 according to statements to the media, Beverly Hills plans on setting up further
5 task forces in the future that will continue to perpetuate racial stereotypes and
6 racial profiling if not enjoined.
7

8 149. Being stopped by the police has both a lasting and traumatizing effect on
9 Black people's mental and physical health.
10

11 150. The aforementioned acts of said defendants were willful, wanton,
12 malicious, despicable and oppressive and said misconduct shocks the conscience
13 thereby justifying the awarding of exemplary and punitive damages against the
14 individual defendants. Because the City is immune, punitive damages are NOT
15 sought against City.
16

17 **THIRD CAUSE OF ACTION**
VIOLATION OF CONSTITUTIONAL RIGHT TO BE FREE
FROM UNREASONABLE SEARCHES
ON BEHALF OF ALL PLAINTIFFS
AGAINST ALL DEFENDANTS EXCEPT CITY

18 151. Each and every allegation set forth in the preceding paragraphs is
19 incorporated herein by this reference with the same effect as if realleged herein.
20 However, there are no punitive damages sought against the City.
21

22 152. This action is brought pursuant to 42 U.S.C. §1983 and the Fourth
23 Amendment of the United States Constitution.
24

25 153. At all times relevant hereto, Plaintiffs possessed the right, guaranteed by
26 the Fourth Amendment of the United States Constitution, to be free from
27 unreasonable seizures by peace officers acting under the color of law.
28

154. As described in above, Defendants violated all class members' Fourth

1 Amendment rights by unlawfully and unreasonably searching Plaintiffs and/or
2 Plaintiffs' property without a warrant or reasonable suspicion. Moreover, race
3 was a motivating reason for searching the plaintiffs and/or plaintiffs' property.
4

5 155. GREENE, JONES, and all class members were wrongfully seized by
6 Defendants.
7

8 156. In doing the things described herein, said defendants acted specifically
9 with the intent to deprive all class members of their constitutional rights under
10 the Fourth Amendment to be free from unreasonable searches.
11

12 157. At all relevant times herein, Defendants were policy makers or
13 subordinates under the direction and control of the policy makers, and were
14 acting under color of law.
15

16 158. Defendants further set in motion a series of acts by their subordinates, or
17 knowingly refused to stop unconstitutional actions by the subordinates, that they
18 knew or reasonably should have known would cause the subordinates to deprive
19 the civil rights of all class members, but failed to act to prevent their
20 subordinates from engaging in such conduct.
21

22 159. Accordingly, the defendants engaged in conduct that showed a reckless or
23 callous indifference to the deprivation by the subordinate of the rights of
24 others.
25

26 160. Defendants' conduct was so closely related to the deprivation of all class
27 members' rights as to be the moving force that caused the ultimate injuries to
28 each class member.
29

30 161. Said defendants subjected all class members to the aforementioned
31 deprivations by either actual malice, deliberate indifference or a reckless
32 disregard of their rights under the U.S. Constitution.
33

34 162. As a direct and legal result of the actions of defendants and each of them,
35
36

1 plaintiffs suffered harm and economic and non economic damages in a sum
2 according to proof and in excess of the minimum jurisdiction of this court.
3 Plaintiffs are entitled to costs of suit and attorneys fees.
4

5 163. Plaintiffs are informed and believe that, unless restrained and enjoined by
6 this court, defendants will continue unreasonable searches of Black Americans
7 who travel through the City of Beverly Hills. It is extremely likely that
8 defendants will continue with such unconstitutional violations. Indeed,
9 according to statements to the media, Beverly Hills plans on setting up further
10 task forces in the future that will continue to perpetuate racial stereotypes and
11 racial profiling if not enjoined.
12

13 164. Being stopped by the police has both a lasting and traumatizing effect on
14 Black people's mental and physical health.
15

16 165. The aforementioned acts of said defendants were willful, wanton,
17 malicious, despicable and oppressive and said misconduct shocks the conscience
18 thereby justifying the awarding of exemplary and punitive damages against the
19 individual defendants. Because the City is immune, punitive damages are NOT
20 sought against City.
21

22 **FOURTH CAUSE OF ACTION**
23 **MUNICIPAL LIABILITY FOR VIOLATION**
24 **OF CONSTITUTIONAL RIGHTS**
25 **ON BEHALF OF ALL PLAINTIFFS**
26 **AGAINST DEFENDANT CITY OF BEVERLY HILLS**

27 166. Each and every allegation set forth in the preceding paragraphs is
28 incorporated herein by this reference with the same effect as if realleged herein.
29 However, there are no punitive damages sought against the City.
30

31 167. This action is brought pursuant to 42 U.S.C. §1983 for violation of
32 Plaintiffs' rights under the Fourth and Fourteenth Amendments.
33

34 168. Beginning in November 2021, STAINBROOK has been the chief of the
35

1 BHPD. Prior to STAINBROOK, Rivetti and Spagnoli were the chiefs of police
2 where they emphasized racial profiling by BHPD, which STAINBROOK
3 endorsed and took no corrective action.
4

5 169. While serving as police chief, STAINBROOK is the final policy-making
6 authority for police policy in the City of Beverly Hills.
7

8 170. STAINBROOK like his predecessors Rivetti and Spagnoli exercised
9 control and management over the City's police department and was the final
10 policymaker for Defendants.
11

12 171. As police chief, STAINBROOK promulgated policies wherein police
13 officers were ordered and encouraged to stop, detain, arrest, forcefully seize,
14 and/or prosecute Black Americans who visited the City of Beverly Hills.
15 STAINBROOK implemented policies, procedures and practices that deprived
16 Black Americans of their rights under the laws of the United States and the
17 United States Constitution.
18

19 172. Defendants espoused the false belief that Black Americans were a criminal
20 threat in the City. This is demonstrated by the long standing practice and
21 custom of racially profiling Black Americans, with detentions and arrests that
22 did not lead to any convictions.
23

24 173. STAINBROOK was aware of the racial profiling and constitutional
25 violations of Black Americans because of complaints received from citizens,
26 various lawsuits and newspaper articles. Moreover, STAINBROOK was aware
27 of continuous prosecutorial rejections for charges against Black Americans
28 improperly arrested and charged by BHPD. However, STAINBROOK
implemented an express policy, custom, or widespread practice of targeting
Black Americans as criminals rather than engaging in constitutional policing.
The defendants had deliberate indifference to the violations of constitutional
28

1 rights for Black Americans. BHPD had a policy to violate Federal Law and the
2 US Constitution by deprivation of equal protection, substantive and procedural
3 due process rights and illegal searches and seizures.
4

5 174. At all relevant times herein, class members suffered constitutional
6 deprivations by Defendants WHITTAKER, ROMAIN, REYNOLDS,
7 SPURGEON, PENA, and LOPEZ because these named officers and sergeants
8 were implementing the unconstitutional policies of Chief of Police, and the City
9 of Beverly Hills.
10

11 175. STAINBROOK ratified the unconstitutional actions of subordinates by
12 continually rewarding officers for unconstitutional conduct through awards,
13 positive evaluations, better assignments, promotions, and increased
14 income/overtime.
15

16 176. Thus, the policy, practice and custom of defendants resulted in violating
17 the rights of Black Americans to be free from equal protection, unreasonable
18 seizures, unlawful arrests, and excessive force. Thereafter in violation of
19 Plaintiffs' due process rights Defendants proceeded to falsify evidence, and
20 submit false police reports so as to ensure that Plaintiffs would be wrongfully
21 convicted.
22

23 177. At the time of these constitutional violations, defendants CITY OF
24 BEVERLY HILLS had policies in place, and had ratified customs and practices
25 which permitted and encouraged their police officers to violate the US
26 Constitution.
27

28 178. Said policies, customs and practices also called for the City of Beverly
Hills and its Police Department not to discipline, prosecute, or objectively or
independently investigate known incidents and complaints of unconstitutional
violations of the rights of Black individuals' rights under the Fourth and
29

1 Fourteenth Amendments to the U.S. Constitution. These violations were
2 exacerbated by defendants lack of properly training its officers in constitutional
3 policing.
4

5 179. Defendant CITY OF BEVERLY HILLS was aware of and deliberately
6 indifferent to a pervasive and widespread pattern and practice within the BHPD
7 to violate the rights of Black individuals' rights under the Fourth and Fourteenth
8 Amendments to the U.S. Constitution. Said defendants failed to take any
9 reasonable measures to correct this pattern and practice and as a result ratified
10 the actions, and Defendants have been deliberately indifferent to the civil rights
11 violations which resulted to Black Americans as a class, including those which
12 are described herein.
13

14 180. Said customs and practices called for said defendants, by means of inaction
15 and coverup, to encourage an atmosphere of lawlessness within the police
16 department and to encourage their police officers to believe that engaging in
17 illegal searches, seizures, due process violations and violations of Equal
18 Protection was permissible, and that such conduct would be overlooked or
19 would not result in any discipline for BHPD employees violating the civil rights
20 of Black Americans demonstrating ratification of these customs and practices
21 towards Black Americans as a group.
22

23 181. Said policies, customs and practices of said Defendants and each of them
24 evidenced a deliberate indifference to the violations of the constitutional rights
25 of Plaintiffs. This indifference was manifested by the failure to change, correct,
26 revoke, or rescind or otherwise address said customs and practices in light of
27 prior knowledge by said defendants and their subordinate policymakers of
28 indistinguishably similar incidents of unjustified, unreasonable and unlawful
arrests, falsification of evidence and police reports, excessive force and other

1 constitutional violations against the class of Black citizens.
2

3 182. Defendants and each of them demonstrated a deliberate indifference to the
4 civil rights of Black victims of the BHPD's actions as further evidenced by
5 defendants ignoring the history and pattern of prior civil lawsuits alleging civil
6 rights violations, similar to those alleged herein, arising from such misconduct
7 and the related payment of judgments or settlements of such suits, including
8 those alleging racial discrimination and harassment, which revealed racial
9 animus harbored by supervisors and others at BHPD showing a belief by them
10 that African Americans are inferior to other groups and ratification of racial
11 animus towards the class of Black Americans.

12 183. Deliberate indifference is also evidenced by an absence of or by
13 maintenance of an inadequate system of tort claims tracking and by maintaining
14 an inadequate system of officer discipline and independent and objective
15 investigation by the City of Beverly Hills and its police department which failed
16 to identify and investigate instances of false and unlawful arrests, excessive
17 force, falsification of evidence, denial of equal protection and other acts of
18 wrong doing towards Black Americans.

19 184. Deliberate indifference to the civil rights of victims of the BHPD's
20 unlawful arrests and falsified evidence was also evidenced by the failure of said
21 defendants to adequately train and more closely supervise or retrain officers
22 and/or discipline or recommend prosecution of those officers who engaged in
23 unconstitutional actions towards Black Americans.

24 185. Other systemic deficiencies of said defendants which indicated, and
25 continue to indicate, a deliberate indifference to the violations of the civil rights
26 by the officers of the BHPD towards Black Americans include:

27 a. Illegal detentions and arrests without reasonable suspicion or probable
28

1 cause.

2

3 b. preparation of untrue police reports and investigative reports designed to
4 vindicate and/or justify false and unlawful arrests;

5 c. preparation of investigative reports which uncritically rely solely on the
6 word of BHPD officers involved in unlawful arrests or in the planting of
7 evidence and which systematically fail to credit testimony by non-officer
8 witnesses;

9 d. preparation of investigative reports which omit factual information and
10 physical evidence which contradicts the accounts of the officers involved;

11 e. issuance of public statements exonerating officers involved in such
12 incidents prior to the completion of investigations of wrongful arrests or that are
13 contradicted by actual evidence;

14 186. Said defendants also maintained a system of grossly inadequate training
15 pertaining to the lawful making of arrests, police ethics, the law pertaining to
16 searches and seizures, testifying in trial and perjury, the collection of evidence,
17 and the preparation of police reports regarding the arrests of Black American.

18 187. The foregoing acts, omissions, and systemic deficiencies are practices and
19 customs of said defendants as such caused, permitted and/or allowed under
20 official sanction Defendant STAINBROOK to be unaware of, or intentionally
21 overlook and ignore, the rules and laws governing the unconstitutional actions
22 towards African Americans.

23 188. The foregoing acts, omissions, and systemic deficiencies are practices and
24 customs of said defendants which caused, permitted and/or allowed under
25 official sanction said police officer defendants to believe that unconstitutional
26 arrests would not result in any discipline of them.

27 189. Plaintiffs are informed and believe that, unless restrained and enjoined by

1 this court, defendant City will continue with its unconstitutional policy towards
2 Black Americans. It is extremely likely that defendants will continue with such
3 unconstitutional violations. Defendant has indicated it plans to set up new task
4 forces which are likely to harm the civil rights of Black people.

5 190. Being stopped by the police has both a lasting and traumatizing effect on
6 Black people's mental and physical health.

7 191. As a direct and legal result of the defendants actions, the plaintiffs were
8 harmed, and are entitled to economic and non economic damages in excess of
9 the minimum jurisdiction of this court, to attorneys fees, litigation costs, fines,
10 penalties, interest and such other relief as the court deems just and proper.

12 **FIFTH CAUSE OF ACTION**
13 **FOR VIOLATION OF EQUAL PROTECTION**
14 **ON BEHALF OF ALL PLAINTIFFS**
15 **AGAINST DEFENDANT CITY OF BEVERLY HILLS**

16 192. Each and every allegation set forth in the preceding paragraphs is
17 incorporated herein by this reference with the same effect as if realleged herein.
18 However, there are no punitive damages sought against the City.

19 193. Equal Protection Class Action claims can be brought where one class of
20 people is treated differently than another by a Federal, state or local government
21 or its officials. This is the case when "minorities" bring discrimination claims
22 against governmental entities. Here, the "minorities" are Black Americans.
23 Violations of Equal Protection are particularly appropriate for class action
24 treatment. Illustratively, courts even recognize "class of one" claims. If an
25 individual can show that he or she has been "singled out" for irrational or
26 differential treatment by a Federal, state or local government entity or official,
27 Section 1983 can be used in filing a "class of one claim."

28 194. Here, there is an identifiable class of Black individuals who because of

1 wide spread policies, practices and customs were arrested or detained by
2 Defendants during the class period without a conviction of any crime, and no
3 plea agreement.

4 195. A Class action is the preferred method to resolve the Equal Protection
5 claim because there are multiple parties with essentially identical claims.

6 196. Plaintiffs are part of a recognized, identifiable and protected class.

7 197. Defendant City had a widespread practice and custom of treating Black
8 people differently than other races in Beverly Hills. Black people were viewed
9 by Defendants as “suspicious,” “terrorists” “animals” “lazy” part of the “Black
10 mafia” as “criminals” and otherwise inferior to White people and those who
11 were not Black.

12 198. Defendant City was deliberately indifferent to the discriminatory treatment
13 towards Black Americans - a recognized class.

14 199. The policy of the City to view Black people as inferior, suspicious,
15 “terrorists,” “animals” and otherwise differently than non Blacks was a moving
16 force behind the constitutional violations alleged herein. Defendants wanted to
17 make their streets safe - their policy, practice and custom was to arrest Black
18 people to accomplish their “safe street” objective.

19 200. The City’s policies, practices and customs had a discriminatory effect and
20 intent - over 90% of the arrests were of Black people while less than 2% of the
21 people in Beverly Hills are Black. Black people are part of an identifiable group
22 of citizens. They were treated differently than other races.

23 201. Black people are readily apparent as a race, and the Courts have treated
24 race as a protected characteristic.

25 202. Defendant City’s policies and widespread practices and customs had a
26 discriminatory effect or discriminatory intent.

1 203. Plaintiffs lawfully sought to travel through or visit the City of Beverly
2 Hills.
3

4 204. Under the guise of various euphemisms, Defendants believed Black
5 Americans were an undesirable presence in the City of Beverly Hills.
6 Defendants adopted the false belief of constituents that Black Americans had
7 criminal propensities. As such, Black individuals, in sharp statistical contrast to
8 any other racial group, were racially profiled and regularly stopped and harassed
9 for engaging in innocent conduct. Other racial groups were not stopped and
10 harassed for similar conduct. The arrests of the members of the class and sub
11 classes were unconstitutional as demonstrated by the lack of convictions for any
12 alleged crime.

13 205. Defendants prevented Plaintiffs from lawfully walking in, driving through
14 or otherwise visiting the City of Beverly Hills because Plaintiffs were Black
15 Americans. Defendants implemented a policy to intimidate and deter Black
16 Americans from coming to the City. Defendants utilized the BHPD to violate the
17 constitutional rights of Plaintiffs because of their race which resulted in
18 deterring Black individuals from visiting or traveling through the City of
19 Beverly Hills.
20

21 206. Defendants did not take similar actions against non-Black Americans.
22 Black Americans were treated differently than similarly situated non-Black
23 Americans.
24

25 207. Illustratively, Black Americans were falsely stopped, detained, arrested,
26 imprisoned, maliciously prosecuted and subjected to false, and perjured police
27 reports for “crimes” that only Black people were detained or arrested for,
specifically: “Roller Skating on the Sidewalk” when they were not even on
Roller Skates; stopping one inch or less over a limit line in a car; For J-walking

1 one inch out of a cross walk just before stepping onto the curb; For making a U
2 turn. For smoking cigarettes. White people were not stopped for these same
3 types of activities. The discriminatory impact, coupled with years of racially
4 insensitive and derogatory comments, and repeated acts of discrimination shows
5 conclusively that Defendants had a discriminatory purpose which was a
6 motivating factor of the policy and widespread practices and customs to target
7 and treat Black people differently than any other racial group.

8 208. Plaintiffs are informed and believe that, unless restrained and enjoined by
9 this court, defendant City will continue to treat Black Americans worse, i.e.,
10 violate their constitutional rights, who travel through the City of Beverly Hills. It
11 is extremely likely that defendants will continue with such unconstitutional
12 violations.

13 209. Being stopped by the police has both a lasting and traumatizing effect on
14 Black people's mental and physical health.

15 210. As a direct and legal result of the defendants actions, the plaintiffs were
16 harmed, and are entitled to economic and non economic damages in excess of
17 the minimum jurisdiction of this court, to attorneys fees, litigation costs, interest,
18 penalties and such other relief as the court deems just and proper.

20 **SIXTH CLAIM FOR RELIEF**
21 **BANE ACT**
22 **BY PLAINTIFF GREENE**
23 **AGAINST DEFENDANTS CITY, PENA & LOPEZ**

24 211. Each and every allegation set forth in the preceding paragraphs is
25 incorporated herein by this reference with the same effect as if realleged herein.

26 212. On or about August, 2023, GREENE was driving his car with a friend who
27 is white. The officers, PENA and LOPEZ were in front of GREENE. PENA
and LOPEZ could not see GREENE's license plate since GREENE was right

1 behind them. They could not have seen GREENE engaged in any type of
2 moving violation because GREENE had just come out of his friends apartment
3 complex and only drove approximately 10-15 feet to go to an overhead street
4 light. At the light, PENA and LOPEZ went straight. GREENE made a left turn.
5 Thereafter, the officers raced to catch up to him. GREENE could see them in
6 the rear view mirror, as they picked up speed and went behind me. GREENE
7 was pulled over. PENA and LOPEZ stopped GREENE without reasonable
8 suspicion, probable cause, or any legitimate reason. Multiple officers arrived.
9 GREENE was ordered out of the car and feared for his safety with so many
10 police officers near him.

11 213. GREENE was detained by the officers. GREENE's white friend was
12 asked for his name. He had a warrant out for his arrest, so he lied about his
13 name to the officers. Nevertheless, the white friend was allowed to leave while
14 the multiple police surrounded GREENE. PENA and LOPEZ, searched
15 GREENE's car. GREENE was arrested, taken to jail and spent around 5- 7
16 hours there. GREENE was charged with misdemeanor possession of a
17 controlled substance by police. GREENE 's car was impounded. Yet, GREENE
18 has not been charged with any crime by prosecutors.

19 214. Defendants acted violently against Plaintiff to prevent him from exercising
20 his rights under federal and state laws, e.g., freedom of bodily integrity, freedom
21 from unlawful seizure, freedom from unlawful restraint on movement/liberty,
22 freedom from unlawful searches.

23 215. Defendants intended to deprive Plaintiff of his enjoyment of the interests
24 protected by federal and state laws.

25 216. Plaintiff was harmed as were the other plaintiffs herein.

26 217. Defendants' conduct was a substantial factor in causing Plaintiff's harm.

1 218. The conduct of defendants directly and legally caused Plaintiffs'
2 constitutional violations.
3

4 219. As a direct result of the conduct of defendants, Plaintiffs have suffered
5 with economic and non economic damages in a sum according to proof at time
6 of trial, and in excess of the minimum jurisdiction of this court.
7

8 220. The damages that plaintiffs suffered from also include, but are not limited
9 to, past, present and/or future medical, psychological, psychiatric and/or hospital
10 bills and expenses for treatment for pain, suffering, emotional distress and other
11 injuries caused by the conduct of defendants and each of them. General damages
12 are also sought for emotional distress, grief, anger, fear, trepidation, and chagrin,
13 in a sum according to proof and in excess of the minimum jurisdiction of this
14 court as well as for the loss of the use of money, pre and post judgment interest,
15 litigation costs, attorneys' fees and such other damages set out during trial.
16

17 221. The aforementioned acts of said defendants were willful, wanton,
18 malicious and oppressive and said misconduct shocks the conscience thereby
19 justifying the awarding of exemplary and punitive damages as to all non-
20 municipal defendants. NO punitive damages are sought against the City which is
21 statutorily immune from such claims.
22

23 **SEVENTH CLAIM FOR RELIEF**
24 **FALSE ARREST/FALSE IMPRISONMENT**
25 **BY PLAINTIFF GREENE**
26 **AGAINST DEFENDANTS PENA & LOPEZ**

27 222. Each and every allegation set forth in the preceding paragraphs is
28 incorporated herein by this reference with the same effect as if re-alleged herein.
29

30 223. Pursuant to Cal. Government Code §§ 815.2, 815.3, Defendant CITY is
31 liable for the acts and/or omissions of Defendants since committed in the course
32 and scope of employment. This claim is asserted against the CITY pursuant to
33

1 vicarious liability.
2

3 224. Defendants PENA and LOPEZ arrested Plaintiff without a warrant and
4 without probable cause.
5

6 225. Plaintiff was harmed.
7

8 226. Defendants PENA and LOPEZ conduct was a substantial factor in
9 Plaintiffs' harm.
10

11 227. The damages that plaintiffs suffered from also include, but are not limited
12 to, past, present and/or future medical, psychological, psychiatric and/or hospital
13 bills and expenses for treatment for pain, suffering, emotional distress and other
14 injuries caused by the conduct of defendants and each of them. General damages
15 are also sought for emotional distress, grief, anger, fear, trepidation, and chagrin,
16 in a sum according to proof and in excess of the minimum jurisdiction of this
17 court as well as for the loss of the use of money, pre and post judgment interest,
18 litigation costs, attorneys' fees and such other damages set out during trial.
19

20 228. The aforementioned acts of said defendants were willful, wanton,
21 malicious and oppressive and said misconduct shocks the conscience thereby
22 justifying the awarding of exemplary and punitive damages as to all non-
23 municipal defendants. NO punitive damages are sought against the City which is
24 statutorily immune from such claims.
25

26 WHEREFORE, Plaintiffs pray for the following:
27

1. Compensation for both economic and non-economic damages suffered and
2. to be suffered in a sum according to proof at time of trial;
2. Medical, legal and other expenses incurred by Plaintiffs;
3. Compensatory damages and nominal damages caused by deprivation of
Plaintiffs' constitutional rights;
4. Litigation costs;

- 1 5. Attorneys' fees, as allowed by statute;
- 2 6. Interest;
- 3 7. Civil Penalties as allowed by law.
- 4 8. Punitive damages against individual defendants but not as to Defendant
- 5 CITY;
- 6 9. Injunctive Relief in the form of a consent decree to prevent BHPD from
- 7 engaging in racial profiling of Black Americans again in the future.
- 8 10. Any other relief or damages allowed by law, or statutes not set out above,
- 9 and such further relief as this Court deems just and proper at conclusion of trial.

10 Dated: February 25, 2025

11 Respectfully Submitted,
12 BRAD GAGE LAW, APC

13 By /s/ Milad Sadr
14 Bradley C. Gage
Milad Sadr
15 Attorneys for Plaintiffs