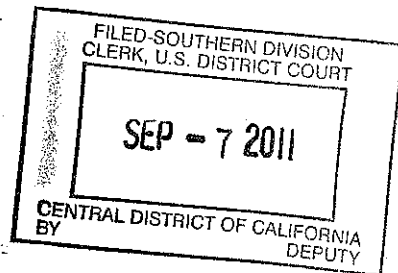


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10 Attorneys for Plaintiff

11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13

14 WILLIAM D. FITZGERALD,
15 Plaintiff,
16 vs.

Case No.:

SACV 11-01355 JVS (MLG)

17 ORANGE COUNTY; BILL
18 CAMPBELL, in his official and
individual capacities; JOHN
19 MOORLACH, in his official and
20 individual capacities; JANET
21 NGUYEN, in her official and
individual capacities; DOES 1 through
22 10, in their official and individual
23 capacities,

COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF AND
NOMINAL DAMAGES

[Pursuant to 42 U.S.C. § 1983 - for
violation of the First and Fourteenth
Amendments; Cal. Const. art. I § 2]

24 Defendants.
25
26
27
28

1 Plaintiff William D. Fitzgerald alleges as follows:

2 1. This action seeks declaratory and injunctive relief, as well as nominal
3 damages, to remedy the deprivation of Mr. Fitzgerald's federal and state
4 constitutional and statutory rights. When Mr. Fitzgerald criticized the Orange
5 County Board of Supervisors during open and public Orange County Board of
6 Supervisor meetings, Defendants silenced him, violating Mr. Fitzgerald's right to
7 free speech, as well as his right to petition the government for redress of
8 grievances.

9 **JURISDICTION AND VENUE**

10 2. This Court has jurisdiction over the federal civil rights claim under 28
11 U.S.C. §§1331 and 1343. Declaratory and/or injunctive relief is authorized under
12 28 U.S.C. §§2201 and 2202. This Court has supplemental jurisdiction over the
13 state law claims under 28 U.S.C. §1367(a).

14 3. Venue is proper in this Court under 28 U.S.C. § 1391(b) because
15 Defendants reside in, and all incidents, events, and occurrences giving rise to this
16 action occurred in, the County of Orange, California.

17 **PARTIES**

18 **A. Plaintiff**

19 4. Plaintiff William D. Fitzgerald is now, and at all times mentioned in
20 this Complaint was, a resident of Orange County, California. Mr. Fitzgerald is one
21 of the Directors of Anaheim Homeowners for Maintaining our Environment
22 ("HOME"), a twenty-two-year-old unincorporated association of Orange County
23 homeowners who oppose government waste and corruption in order to protect
24 homeowners' rights. The majority of HOME's membership now consists of
25 elderly, long-time homeowners.

26 5. Mr. Fitzgerald is military veteran who is deeply interested in local
27 politics. He has spoken at various meetings of the Orange County Board of
28 Supervisors during the portions of the meetings that are reserved for public

1 participation. Mr. Fitzgerald speaks at these meetings to inform elected officials
2 not only of his own opinion and facts on matters, but also of the opinions of
3 members of HOME who are hesitant to speak or too elderly to do so. As a veteran
4 who has fought to defend such important freedoms, he sees such participation as a
5 civic responsibility, which he takes very seriously, and desires to continue to
6 express his opinion on various matters of public concern during appropriate times
7 at Orange County Board of Supervisor meetings.

8 **B. Defendants**

9 6. Defendant Orange County ("County") is a political division of the
10 State of California. The cities and unincorporated areas of the County are divided
11 into five Supervisorial Districts, and each district elects a Supervisor to a four-year
12 term. Each Supervisor can serve two four-year terms. These five elected officials
13 comprise Defendant County's Board of Supervisors ("Board" or "OCBOS"). In
14 its legislative duties, the Board adopts ordinances, resolutions, and minute orders,
15 as well as Rules of Procedures that govern conduct at Board meetings.

16 7. Defendant Bill Campbell is a member of the Orange County Board of
17 Supervisors and is the Chair of the Board. He was first elected to the Board in
18 January 2003. He was elected Chairman of the Board by his colleagues for the
19 first time in January 2005, for a second term in January 2006, and most recently in
20 January 2011. Generally, the Chair acts as the presiding officer at all meetings of
21 the Board, charged with preserving order and decorum and decide all questions of
22 order. ORANGE COUNTY RULES OF PROCEDURE, RULE 9.¹ On information and
23 belief, Defendant Campbell is now, and at all times mentioned in this Complaint
24 was, a resident of Orange County, California.

25 8. Defendant John Moorlach is a member of the Orange County Board
26

27 ¹ Unless otherwise indicated, all references to "Rule" shall mean the
28 Orange County Rules of Procedure, which were adopted by the Orange County
Board of Supervisors on January 27, 2009.

1 of Supervisors and is Vice Chair of the Board. He was first elected to the Board in
2 2006. In the absence, or inability to act, of the Chair, the Vice Chair shall have
3 and exercise all the powers and duties of the Chair. RULE 10. On information and
4 belief, Defendant Moorlach is now, and at all times mentioned in this complaint
5 was, a resident of Orange County, California.

6 9. Defendant Janet Nguyen is a member of the Orange County Board of
7 Supervisors. She was first elected to the Board in February 2007. Defendant
8 Nguyen was elected Chair of the Board in December 2009 and served as Chair
9 until December 2010. As Chair, Defendant Nguyen acted as the presiding officer
10 at all meetings of the Board, charged with preserving order and decorum and
11 decide all questions of order. RULE 9. On information and belief, Defendant
12 Nguyen is now, and at all times mentioned in this complain was, a resident of
13 Orange County, California.

14 10. Plaintiff does not know the true names of Defendants DOE 1 through
15 10 inclusive, and therefore sues them by these fictitious names; however, on
16 information and belief, Plaintiff alleges that at least one of the said Doe
17 Defendants is an Orange County Sheriff deputy responsible for security at Orange
18 County Board of Supervisor meetings. Plaintiff will amend this Complaint to
19 include the true names and capacities of said Doe Defendants once they are
20 ascertained.

21 11. On information and belief, Plaintiff alleges that each of the
22 Defendants designated as a DOE is legally responsible in some manner for the
23 occurrences alleged in this Complaint, and directly involved in unlawfully causing
24 the injuries and damages to Plaintiff as alleged in this Complaint.

25 12. At all times mentioned in this Complaint, unless otherwise alleged,
26 each Defendant is an agent, employee, and/or co-conspirator of every other
27 Defendant, and in doing the acts alleged in this Complaint, was acting within the
28 course, scope, and authority of that agency or employment, and in furtherance of

1 the conspiracy to violate Plaintiff's constitutional and statutory rights, with the
2 knowledge and consent of each of the other Defendants.

3 **FACTS**

4 13. The California Legislature has found and declared that public
5 commissions, boards and councils, like the Orange County Board of Supervisors,
6 exist to aid in the conduct of the people's business, and their actions are intended
7 to be taken openly and their deliberations be conducted openly. *See* CAL. GOV'T
8 CODE § 54950. Accordingly, "[a]ll meetings of the legislative body of a local
9 agency shall be open and public, and all persons shall be permitted to attend any
10 meeting of the legislative body of a local agency." CAL. GOV'T CODE § 54953(a).
11 Moreover, "[e]very agenda for regular meetings shall provide an opportunity for
12 members of the public to directly address the legislative body on any item of
13 interest to the public, before or during the legislative body's consider of the item,
14 that is within the subject matter jurisdiction of the legislative body, provided that
15 no action shall be taken on any item not appearing on the agenda." CAL. GOV'T
16 CODE § 54954.3(a). "The legislative body of a local agency shall not prohibit
17 public criticism of the policies, procedures, programs, or services of the agency, or
18 of the acts or omissions of the legislative body." CAL. GOV'T CODE § 54954.3(c).
19 The local legislative body may, however, "limit[] the total amount of time
20 allocated for public testimony on particular issues and for each individual
21 speaker." CAL. GOV'T CODE § 54954.3(b).

22 **A. Meetings of the OCBOS - Generally.**

23 14. At all relevant times, the Board's meetings are governed by the
24 Orange County Board of Supervisor's Rules of Procedure, which were adopted by
25 the Board on January 27, 2009. The Board also issues "Speaker Guidelines,"
26 which are made available to the public.

27 15. The regular meetings of the Board are held each Tuesday beginning at
28 9:30 a.m. RULE 4. The order of business at regularly scheduled Board meetings

1 includes scheduled agenda items such as the Consent Calendar, Discussion
2 Calendar, and Public Hearings, as well as time for non-agenda items, which are
3 addressed during Public Comments. RULE 23. Board members also have an
4 opportunity to comment during “Board Comments,” which is scheduled after
5 “Public Comments.” *Id.*

6 16. All regular meetings of the Board are open to the public and the
7 public is provided the opportunity to participate in the meeting on items that are
8 either on the agenda or not. RULE 43.

9 17. “Members of the public who wish to discuss a consent, discussion, or
10 public hearing item should complete a speaker request form and deposit it with the
11 Clerk prior to the Clerk’s reading of the agenda item. The Clerk will then advise
12 the Board of such request prior to the vote approving the item.” RULE 44. “Any
13 individual member of the public may pull an item from the consent calendar for
14 discussion and separate vote, and may speak to each item for no longer than three
15 minutes prior to the vote on the item.” *Id.*

16 18. “Under the Public Comments portion of the meeting, members of the
17 public [are] allowed to address the Board regarding any off-agenda item within the
18 subject matter jurisdiction of the Board. No action may be taken on off-agenda
19 items unless authorized by law. Comments under the Public Comments portion of
20 the meeting shall be limited to three (3) minutes per speaker, and twenty (20)
21 minutes for all comments, unless different time limits are set by the Chair.” RULE
22 45.

23 19. Rule 46 of the Orange County Board of Supervisor’s Rules of
24 Procedure, entitled “Addressing the Board,” states in relevant part:

25 Each person who addresses the Board shall refrain from making
26 personal, impertinent, slanderous or profane remarks to any member
27 of the Board, staff or the general public. Any person who makes such
28 remarks, or who utters loud, threatening, personal or abusive

1 language, or engages in any other disorderly conduct which disrupts,
2 disturbs or otherwise impedes the orderly conduct of any Board
3 meeting shall, at the discretion of the Chair, or a majority of the
4 members, be barred from further addressing the Board at the meeting.
5 If such conduct thereafter continues so as to disrupt the orderly
6 conduct of the public's business, the Chair shall order the person
7 removed from the meeting room. Aggravated cases may be
8 prosecuted on appropriate complaint signed by the Chair, a member
9 of the Board or any other County representative.

10 20. Orange County Board of Supervisors Speaker Guidelines state in
11 pertinent part: "Each person who address the Board shall refrain from making
12 personal, impertinent, slanderous or profane remarks to any member of the Board,
13 staff or the general public."

14 21. The Orange County Sheriff's Department, or a representative
15 designated by the Sheriff, serves as the Board's Sergeant-at-Arms at Board
16 meetings and is required to carry out all orders given by the Chair for the purpose
17 of maintaining order and decorum at Board meetings. RULE 41.

18 **B. July 27, 2010 Regular Meeting of the OCBOS.**

19 22. On July 27, 2010, during the Public Comments portion of regularly
20 scheduled OCBOS meeting, the Board refused to allow Mr. Fitzgerald to speak for
21 his allotted three minutes because the Board disagreed with the content and/or
22 viewpoint of Mr. Fitzgerald's speech.

23 23. After approaching the podium, Mr. Fitzgerald, frustrated over the
24 property tax decisions of the County Appeals Board, criticized the Clerk of the
25 OCBOS who operates the Appeals Board for mismanagement, which he believed
26 resulted in unjust taxes to homeowners. Mr. Fitzgerald also criticized then-Chair
27 Defendant Nguyen for her then-recent statements that the Clerk was doing a
28 wonderful job running the Appeals Board. Less than two minutes into his

1 prepared statement, Mr. Fitzgerald then stated "it is apparent that [the Clerk of the
2 Board] is like the commander of a concentration camp. She is just following the
3 orders of her bosses." At that point, Defendant Nguyen and Defendant Moorlach
4 interrupted Mr. Fitzgerald and at least one of the Doe Defendants, an Orange
5 County Sheriff's Department deputy, approached Mr. Fitzgerald and instructed
6 him to leave the podium. Defendant Moorlach scolded Mr. Fitzgerald for not
7 being polite, informed him that they were "in a position of authority" over him,
8 and promptly had him escorted from the meeting.

9 24. After silencing Mr. Fitzgerald, Defendant Moorlach went on to
10 criticize Mr. Fitzgerald, stating that he has no credibility and that, although he
11 believes in freedom of speech, he does not think that Mr. Fitzgerald's freedom of
12 speech allows Mr. Fitzgerald to "attack certain individuals." Defendant Moorlach
13 also expressed that "the five longest years of [his mother's life] were the five years
14 she spent in Nazi-occupied Netherlands" and that he believed Mr. Fitzgerald's
15 comments were inappropriate.

16 **C. August 23, 2011 Regular Meeting of the OCBOS.**

17 25. On August 23, 2011, during the OCBOS public hearing on an Agenda
18 Item regarding redistricting, when speakers are supposed to be permitted to speak
19 for three minutes each, OCBOS refused to allow Mr. Fitzgerald to express his
20 opinions because of the content and/or viewpoint of his speech. After
21 approaching the podium, Mr. Fitzgerald attempted to express his opinion that the
22 County's redistricting plan would unfairly benefit the Vietnamese community and
23 dilute the voting power of Latinos in Orange County. Approximately two minutes
24 into his prepared statement, Mr. Fitzgerald highlighted Latino veterans and
25 criticized the County for what he believed to be a disrespect for the Latino
26 population. Mr. Fitzgerald also criticized some members of the Vietnamese
27 community, who spoke uninterrupted at that hearing, calling some "cowardly".
28 Defendant Campbell abruptly interrupted Mr. Fitzgerald before his allotted three

1 minutes had expired to give the floor to Defendant Nguyen, who proceeded to
2 berate him purely for the content of his speech, calling it “appalling” and “wrong”
3 and indicating that Mr. Fitzgerald was not allowed to criticize “members of any
4 communities coming to this country, this great country, for their freedom and
5 democracy.”

6 **D. September 6, 2011 - Special Meeting of OCBOS.**

7 26. Shortly after the August 23, 2011 meeting, the Board called for a
8 special meeting to conduct a second public hearing on redistricting to be held on
9 September 6, 2011 at 10:00 a.m. Members of the public were allowed to attend
10 and participate in this special meeting by speaking for up to three minutes.

11 27. Mr. Fitzgerald desired to participated in this special meeting, as well
12 as subsequent open and public OCBOS meetings, but because of the Board’s rules
13 and procedures, as well as their past treatment of him, he fears being silenced
14 again and possibly punished for expressing himself.

15 **CAUSES OF ACTION**

16 **FIRST CLAIM FOR RELIEF**

17 [Against Each and Every Defendant]

18 (42 U.S.C. § 1983 - U.S. Const. Amend. I)

19 28. Plaintiff alleges and repleads all the allegations of the preceding
20 paragraphs of this Complaint and incorporates them here by reference.

21 29. Defendants have deprived Mr. Fitzgerald of his rights guaranteed by
22 the First Amendment and Fourteenth Amendment of the United States
23 Constitution.

24 30. At all times, Defendants have been, are presently, and will be, acting
25 under the color and authority of the laws of the United States and State of
26 California.

27 31. Orange County Rule of Procedure 46 (“Rule 46”) and the Orange
28 County Board of Supervisor Speaker Guidelines (“Speaker Guideline”), which

1 prohibits “[e]ach person who addresses the Board” from “making personal,
2 impertinent, slanderous or profane remarks to any member of the Board, staff or
3 the general public,” prohibits and regulates pure speech and other expressive
4 activity in open and public Orange County Board of Supervisor meetings
5 (“Speaker Guideline”).²

6 32. Rule 46 and the Speaker Guideline discriminate among speech and
7 other expressive activity on the basis of content and/or viewpoint, prohibiting and
8 prescribing penalties for speech of particular content or viewpoint while speech of
9 different content, even if expressed in the same time, place, and manner, is not
10 proscribed or regulated.

11 33. Defendants lack either a compelling or substantial legitimate
12 government interest in regulating speech and expression in the manner
13 accomplished by Rule 46 and the Speaker Guideline and by the related actions
14 carried out against Mr. Fitzgerald at the July 27, 2010 and August 23, 2011
15 meetings.

16 34. Rule 46 and the Speaker Guideline are not sufficiently narrowly
17 tailored to serve any appropriate government interest, or are otherwise
18 unreasonable.

19 35. Rule 46 and the Speaker Guideline are unduly vague and ambiguous.
20 Neither provides adequate notice since they both fail to define key terms that
21 would indicate what speech may be permitted.

22 36. Defendants discriminated against Mr. Fitzgerald and arbitrarily and
23 unreasonably silenced him at an open and public Orange County Board of
24 Supervisors meeting because of the content and/or viewpoint of his speech.

25 37. By leaving in place, enforcing, and/or threatening to enforce Rule 46
26 and the Speaker Guideline, Defendants deprive Mr. Fitzgerald and others of rights

27
28 ² There are various speaker guidelines, Plaintiff only challenge the
guideline that proscribes certain remarks.

1 guaranteed by the First and Fourteenth Amendment of the United States
2 Constitution.

3 38. Defendants continue to chill the constitutional rights of Mr.
4 Fitzgerald, as well as other people who wish to speak out and criticize the actions
5 of public officials in Orange County, by enforcing or threatening to enforce a
6 vague, content-based, and/or viewpoint discriminatory rule and speaker guideline
7 that restrict protected expression at open and public Orange County Board of
8 Supervisor meetings.

9 39. All acts to discourage the speech Rule 46 and the Speaker Guidelines
10 prohibit therefore should be enjoined and its previous unconstitutional
11 enforcement remedied and nullified.

12 **SECOND CLAIM FOR RELIEF**

13 [Against Each and Every Defendant]

14 (Free Speech Under Cal. Const. art. I § 2)

15 40. Plaintiff realleges and repleads all the allegations of the preceding
16 paragraphs of this Complaint and incorporates them here by reference.

17 41. Defendants' rules, policies, and action, as alleged in this Complaint,
18 deprive Mr. Fitzgerald, and the general public desiring to speak at Orange County
19 Board of Supervisor meetings, of the right to free speech as guaranteed by Article
20 I, section 2 of the California Constitution.

21 **PRAYER FOR RELIEF**

22 1. Because of the actions alleged above, Mr. Fitzgerald seeks judgment
23 against Defendants as follows:

24 A. That Defendants be enjoined in perpetuity from enforcing Rule
25 46 and the Speaker Guidelines or from undertaking other acts to discourage the
26 speech the rule and guidelines unlawfully prohibit;

27 ///

28 ///

1 B. That Rule 46 and the Speaker Guideline and any attempts to
2 discourage the protected speech that the rule and guideline unlawfully prohibit be
3 declared null and void as unconstitutional in violation of the First and Fourteenth
4 Amendment of the United States Constitution and/or the Free Speech Clause of
5 the California Constitution;

6 C. Nominal damages be awarded;

7 D. For the costs of suit;

8 E. For an award of reasonable attorney fees to counsel for
9 Plaintiff;

10 F. For any other such relief that the Court considers just and
11 proper.

12
13 Dated: September 7, 2011

ACLU FOUNDATION
OF SOUTHERN CALIFORNIA

14
15 By: 
16 Belinda Escobosa Helzer

17 Attorneys for Plaintiff
18 William D. Fitzgerald
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge James V. Selna and the assigned discovery Magistrate Judge is Marc Goldman.

The case number on all documents filed with the Court should read as follows:

SACV11- 1355 JVS (MLGx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

<p>I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>)</p> <p>William D. Fitzgerald</p>	<p>DEFENDANTS</p> <p>Orange County; Bill Campbell, in his official and individual capacities; John Moorlach, in his official and individual capacities; Janet Nguyen, in her official and individual capacities; DOES 1 through 10, in their official and individual capacities</p>
<p>(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)</p> <p>Belinda Escobosa Helzer, ACLU Foundation of Southern California 2140 W. Chapman Avenue #209, Orange, CA 92868 (714) 450-3962 <i>Additional Attorneys on Attached Page</i></p>	<p>Attorneys (If Known)</p>

<p>II. BASIS OF JURISDICTION (Place an X in one box only.)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.)</p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:47%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify): 6 Multi-District Litigation 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: Yes No **MONEY DEMANDED IN COMPLAINT: \$** _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

42 U.S.C. §1983. This is an action against the County of Orange and its Board, agents, and employees for depriving Plaintiff of established federal and state constitutional and statutory rights

VII. NATURE OF SUIT (Place an X in one box only.)

<p>OTHER STATUTES</p> <p><input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes</p>	<p>CONTRACT</p> <p><input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property</p>	<p>TORTS</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions</p>	<p>TORTS</p> <p>PERSONAL PROPERTY</p> <p><input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights</p>	<p>PRISONER PETITIONS</p> <p><input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other</p>	<p>LABOR</p> <p><input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) (405(g)) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609</p>
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SACV 11-01355

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County, California	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

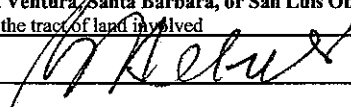
County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County, CA; Bill Campbell, Orange County, CA; John Moorlach, Orange County, CA; Janet Nguyen, Orange County, CA	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
 Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County, California	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties
 Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):



Date September 7, 2011

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

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ATTACHMENT TO CIVIL COVER SHEET

Additional Counsel of Record for Plaintiff

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