

FILED

2014 FEB -6 AM 10: 24

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY: _____

1 CALDWELL LESLIE & PROCTOR, PC
LINDA M. BURROW, State Bar No. 194668
2 burrow@caldwell-leslie.com
ANDREW ESBENSHADE, State Bar No. 202301
3 esbenshade@caldwell-leslie.com
JEFFREY M. CHERMERINSKY, State Bar No. 270756
4 chemerinsky@caldwell-leslie.com
725 South Figueroa Street, 31st Floor
5 Los Angeles, California 90017-5524
Telephone: (213) 629-9040
6 Facsimile: (213) 629-9022

7 ACLU FOUNDATION OF SOUTHERN CALIFORNIA
MARK D. ROSENBAUM, State Bar No. 59940
8 mrosenbaum@aclu-sc.org
PETER ELIASBERG, State Bar No. 189110
9 peliasberg@aclu-sc.org
1313 W. 8th Street
10 Los Angeles, California 90017
Telephone: (213) 977-9500
11 Facsimile: (213) 977-5297

12 Attorneys for Plaintiffs

13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

16 REVEREND FATHER IAN ELLIOTT
DAVIES; REVEREND J. EDWIN
17 BACON, JR.; SHAKEEL SYED;
RABBI HAROLD M. SCHULWEIS;
18 REVEREND TERA LITTLE; RABBI
JOHN RO SOVE; REVEREND PETER
19 LAARMAN; DAVID N. MYERS;
AND RABBI AMY BERNSTEIN,

20 Plaintiffs,

21 v.

22 LOS ANGELES COUNTY BOARD
23 OF SUPERVISORS; AND WILLIAM
T FUJIOKA,

24 Defendants.
25
26
27
28

Case No. -0907 CAS-JEMx
COMPLAINT

1 **JURISDICTION**

2 1. This court has jurisdiction over Plaintiffs' claims under 28 U.S.C §
3 1331, because those claims arise under the Constitution of the United States, under
4 28 U.S.C. § 1343(a)(3), because those claims seek to redress deprivations, under
5 color of state authority, of rights, privileges and immunities secured by the United
6 States Constitution; and under 28 U.S.C. § 1343(a)(4), because those claims seek to
7 secure equitable relief under an Act of Congress, specifically under 42 U.S.C. §
8 1983. The court also has jurisdiction over Plaintiffs' state law claims under 28
9 U.S.C. § 1367.

10 **VENUE**

11 2. Venue is proper in the Central District of California under 28 U.S.C.
12 § 1391(b) because Defendants are located in this District and all of the acts and/or
13 omissions complained of herein have occurred or will occur in the District.

14 **INTRODUCTION**

15 3. Symbols of religious faith are the principal means by which organized
16 religion communicates the common belief systems and bond among adherents.
17 Such symbols are instantly and universally recognizable for the religion each
18 exclusively represents. The best known examples are: the cross, as the preeminent
19 symbol of Christianity; the Star of David, as the preeminent symbol of Judaism; and
20 the Crescent and the Star, as the preeminent symbols of Islam.

21 4. The cross is the most readily and widely identifiable of all religious
22 symbols. As both the Ninth Circuit and California state courts have stated, the cross
23 "represents with relative clarity and simplicity the Christian message of the
24 crucifixion and resurrection of Jesus Christ, a doctrine at the heart of Christianity."
25 *Ellis v. La Mesa*, 990 F.2d 1518, 1525 (9th Cir. 1993) (quoting *Okrand v. City of*
26 *Los Angeles*, 207 Cal.App.3d 566, 579-80, 254 Cal.Rptr. 913, 922 (1989)).

1 5. The cross is the iconic Christian symbol. The cross is omnipresent in
2 Christian religious observances and celebrations: for example, as backdrop for
3 baptisms, weddings, Easter sunrise services, Christmas masses. The cross is
4 frequently found in Christian households, on automobile dashboards and as jewelry
5 worn by Christians. Just this past December, *TIME* named Pope Francis as “Person
6 of the Year”: the cover photograph showed the Pope wearing a necklace with a
7 large and prominent cross and a ring bearing the cross.

8 6. The universal religious message of the cross to Christians begins with
9 its symbolism as the instrument of the crucifixion and triumph of Jesus Christ and
10 includes the message to all Christians of God’s love in sacrificing his son for
11 humanity. This significance is expressed in Scripture: *See, e.g., Colossians 2:15*
12 (“Having disarmed the powers and authorities, he made a public spectacle of them,
13 triumphing over them by the cross.”). Throughout the canonical gospels, Christ
14 states: “And he who does not take his cross and follow after Me is not worthy of
15 Me.” *Matthew 10:38-39; 16:24-25; Mark 8:34-35; Luke 9:23-24, 14:27.*

16 7. One of the most famous verses in the New Testament states that
17 acceptance of the doctrine symbolized by the cross – that Jesus is the son of God
18 who was crucified for man’s salvation – provides the means of eternal life. *John*
19 *3:16* (“For God so loved the world, that he gave his only begotten Son, that
20 whosoever believeth in him should not perish, but have everlasting life.”).

21 8. The same chapter of the New Testament also states that those who do
22 not accept the doctrine symbolized by the Cross will not be saved. *John 3:18* (“He
23 that believeth on him is not condemned: but he that believeth not is condemned
24 already, because he hath not believed in the name of the only begotten Son of
25 God.”). In other words, by adding the principal symbol of Christianity to a county
26 seal, the county is lending its authority to a symbol that not only signifies that Jesus
27 is the son of God, but also that anyone who does not accept him as the savior is
28 unworthy of salvation.

1 9. Notwithstanding the clear and unequivocal religious significance of the
2 cross, the Los Angeles County Board of Supervisors approved on January 7, 2014
3 the restoration of a cross to the official County seal, placing it conspicuously and
4 starkly on the image of the San Gabriel Mission. Just ten years earlier, in 2004, the
5 Board removed the cross from the County seal in acknowledgment of the fact that
6 its continued presence constituted an endorsement in both actuality and appearance
7 of religious preference. Indeed, in the initial seal, adopted in 1957, the Board
8 included the cross to expressly communicate the influence of the church. Neither
9 the 1957 seal nor the 2014 seal even attempts to moderate the cross's religious
10 message or the preferred status of Christianity with respect to Los Angeles County
11 by including either the symbols of other secular organizations or institutions or
12 comparable symbols of other religions.

13 10. The County seal is affixed prominently in County government
14 buildings, including the County Hall of Administration and other seats of County
15 governmental authority, on the uniforms and badges of County governmental
16 officials and law enforcement personnel, on County governmental motor vehicles,
17 and on official County documents and correspondence.

18 11. Los Angeles County has a widely diverse religious population as well
19 as a large population which does not affiliate with any religious congregation.
20 According to 2000 County population data published by the Los Angeles Almanac
21 website, of the approximate 58% of County residents who identify as affiliated with
22 a religious congregation, 68.8% (3,806,377) identify as adherents to the Christian
23 faith, 10.2% (564,700) identify as Jewish, 1.7% (92,919) identify as Muslims, 1.3%
24 (70,000) identify as Buddhists, and 1.3% (70,000) identify as Hindu. Nearly four
25 million County residents do not identify as affiliating with any religious
26 congregation.

27 12. The restoration of the cross to the County seal favors the Christian
28 religion over all other religions and divides County residents by religion and by

1 adherence or non-adherence to religious beliefs. As such, the County seal including
2 the restored cross violates the Establishment Clauses of the United States and
3 California Constitutions, and the “No Preference Clause” and the “No Aid Clause”
4 of the California Constitution.

5 **PARTIES**

6 13. Plaintiff Reverend Father Ian Elliott Davies has been rector of St.
7 Thomas the Apostle Episcopal Church in Hollywood since 2002. Previously, Father
8 Davies was the assistant priest at the Anglo-Catholic parish of All Saints, Margaret
9 Street, London. He objects to and is offended by the Board’s decision to alter the
10 County seal solely to add a cross to it while excluding the symbols any of the other
11 faiths practiced by citizens of Los Angeles. St. Thomas the Apostle Hollywood
12 states that it is “Anglo-Catholic by tradition, meaning we have a great respect for
13 both the rich liturgical heritage of the church, and for living the message of social
14 justice proclaimed by Jesus Christ.” The symbol of St. Thomas the Apostle is the
15 cross.

16 14. Plaintiff Reverend J. Edwin Bacon, Jr. has been the rector of All Saints
17 Church in Pasadena, California since 1995. Rev. Bacon graduated from the Candler
18 School of Theology at Emory University, which named him their Whiteside
19 Distinguished Preacher. In May, 2005, Church Divinity School of the Pacific
20 conferred on Rev. Bacon an honorary Doctor of Ministry degree. In December,
21 2005, he was named an Honorary Canon of the Cathedral of St. Paul by the Bishop
22 of the Episcopal Diocese of Los Angeles. He objects to and is offended by the
23 Board’s decision to alter the County seal solely to add a cross to it while excluding
24 the symbols of any of the other faiths practiced by citizens of Los Angeles. All
25 Saints Church’s “Mission and Vision” is “[f]ollowing our prophetic call, we seek to
26 embody the inclusive love of God in Christ through Spirituality, Community, and
27 Peace and Justice.” All Saints Church describes itself as “worship centered”: “Our
28 pastoral, educational and discernment ministries are strengthened and transformed

1 by gathering for Word, sacrament and corporate prayer.” All Saints Church also
2 states that it is “education minded”: “We prize learning, seeking to know the mind
3 and will of God through Scripture, reason, tradition and human experience.” The
4 symbol of All Saints Church is the cross.

5 15. Plaintiff Shakeel Syed is a member of the Los Angeles Council of
6 Religious Leaders and Past Chairman of the Board of Clergy & Laity for Economic
7 Justice in Los Angeles. Plaintiff Syed is a devout Muslim and a lay leader in the
8 Southern California Muslim community. He regularly speaks about Islam and
9 Muslims at Churches, Synagogues and other houses of worship and at schools and
10 universities. He is a Los Angeles County citizen and taxpayer. Plaintiff Syed
11 regularly comes into contact with the County seal during meetings at various county
12 offices, including at the Sheriff’s Department and in visits to the County jail as a
13 volunteer Muslim chaplain. He objects to and is offended by the Board’s decision
14 to alter the County seal solely to add a cross.

15 16. Plaintiff Rabbi Harold M. Schulweis has been rabbi at Valley Beth
16 Shalom in Encino, California since 1970. Rabbi Schulweis is one of the nation’s
17 most respected rabbis. He combined a Talmudic education at Yeshiva College with
18 graduate studies in modern philosophical and theological thought at New York
19 University, the Jewish Theological Seminary and the Pacific School of Religion,
20 from which he received his Ph.D in Theology. Rabbi Schulweis has been
21 instrumental in the development of synagogue programs which address issues of
22 Jewish education and interfaith dialogue and is the Founding Chairperson of the
23 Jewish Foundation for the Righteous, an organization that identifies and awards
24 grants to non-Jews who risked their lives to aid those threatened by Nazis. He has
25 received numerous honors and awards, including the 2008 National Jewish Book
26 Award, the Spirit of the Immortal Chaplains Award (2006), and the Israel Prime
27 Minister’s Medal (1975). He objects to and is offended by the Board’s decision to
28 alter the County seal solely to add a cross to it while excluding the symbols of any

1 of the other faiths practiced by citizens of Los Angeles. The philosophy of Valley
2 Beth Shalom is to build “a synagogue community committed to the quest for a
3 Jewish life that is Godly, meaningful, and purposeful.” Its mission statement
4 includes the following: “[W]e are commanded in the Torah: . . . ’You will be holy,
5 as I am holy,’ (*Leviticus* 19).” The symbol of Valley Beth Shalom is the Star of
6 David.

7 17. Reverend Tera Little serves as minister at Throop Unitarian
8 Universalist Church in Pasadena. She also serves as regional staff for her
9 denomination. She was ordained in 2011. Rev. Little received her M.Div. from
10 Meadville Lombard Theological School in 2010, and was awarded an honor of
11 excellence in religious education. She is a resident and taxpayer of the County of
12 Los Angeles. Rev. Little objects to and is offended by the Board’s decision to alter
13 the County seal solely to add a cross to it while excluding the symbols of any of the
14 other faiths practiced by citizens of Los Angeles.

15 18. Plaintiff Rabbi John Rosove has been Senior Rabbi of Temple Israel of
16 Hollywood since 1988. He received a Masters in Hebrew Letters from Hebrew
17 Union College Jewish Institute of Religion (“HUC-JIR”), Los Angeles and Rabbinic
18 Ordination, from HUC-JIR, New York. Rabbi Rosove describes his mission as “to
19 build Jewish community and draw Jews and their families close to God, the Torah,
20 Jewish tradition, the Jewish people, and the State of Israel as a Jewish national
21 home.” The symbol of Temple Israel of Hollywood includes the Star of David. He
22 objects to and is offended by the Board’s decision to alter the County seal solely to
23 add a cross to it while excluding the symbols of any of the other faiths practiced by
24 citizens of Los Angeles.

25 19. Plaintiff Reverend Peter Laarman recently retired from his position as
26 Executive Director of Progressive Christians Uniting. He was ordained by the
27 United Church of Christ in 1993. Rev. Laarman was called directly from seminary
28 to serve as senior minister at New York City’s historic Judson Memorial Church,

1 where he worked for more than ten years. He is a resident and taxpayer of the
2 County of Los Angeles. He regularly comes into contact with the County seal,
3 including when he attends meetings of the Board of Supervisors. He objects to and
4 is offended by the Board's decision to alter the County seal solely to add a cross to it
5 while excluding the symbols of any of the other faiths practiced by citizens of Los
6 Angeles.

7 20. Plaintiff David N. Myers is the Professor and Chair of the UCLA
8 Department of History and former Director of the UCLA Center for Jewish Studies.
9 Dr. Myers received his A.B. from Yale College in 1982, and undertook graduate
10 studies at Harvard and Tel Aviv Universities before completing his doctorate at
11 Columbia in 1991. He has written extensively in the fields of modern Jewish
12 intellectual and cultural history and teaches courses in ancient, medieval and modern
13 Jewish history. Among other topics, Professor Myers has written and taught about
14 the history of anti-Semitism, and is thus cognizant of the recurrent acts of violence
15 against Jews by Christians acting under the cover of the Cross (though often in
16 violation of Church policy). He objects to and is offended by the Board's decision
17 to alter the County seal solely to add a cross to it while excluding the symbols of
18 any of the other faiths practiced by citizens of Los Angeles.

19 21. Plaintiff Rabbi Amy Bernstein serves as associate rabbi at Kehillat
20 Israel. Originally from Atlanta, Georgia, she received her B.A. in English Literature
21 and Cultural Anthropology from Northwestern University. Rabbi Bernstein
22 attended the Reconstructionist Rabbinical College in Philadelphia for her rabbinic
23 training, which included one year as a visiting graduate student at Ben Gurion
24 University of the Negev in Israel. Prior to coming to Los Angeles, Rabbi Bernstein
25 served as the rabbi of Temple Israel in Duluth, Minnesota for 13 years. As the only
26 rabbi in the Northland Region Rabbi Bernstein represented the Jewish community to
27 the greater Northland community. She served two terms as the President of the
28 Arrowhead Interfaith Council and six years on the Board of Trustees of the College

1 of St. Scholastica, where she was also on the founding board of the Oreck/Alpern
2 Interreligious Forum. She was a scholar in residence for the Jewish Chautauqua
3 Society and lectured widely throughout the Northland. She objects to and is
4 offended by the Board's decision to alter the County Seal solely to add a cross to it
5 while excluding the symbols of any of the other faiths practiced by citizens of Los
6 Angeles.

7 22. Defendant Los Angeles County Board of Supervisors (the "Board") is
8 the governing body of the County of Los Angeles, a charter county. The Board
9 functions as the executive and legislative head of the largest county government in
10 the United States. The population of Los Angeles County exceeds 10 million
11 people. The Board consists of five elected Supervisors: Supervisor Gloria Molina
12 (District No. 1), Supervisor Mark Ridley-Thomas (District No. 2), Supervisor Zev
13 Yaroslavsky (District No. 3), Supervisor Don Knabe (District No. 4) and Supervisor
14 Michael D. Antonovich (District No. 5). The Board is sued in its official capacity.
15 At all times pertinent to the acts and omissions complained of by this lawsuit, the
16 Board was acting under color of state law, thereby violating 42 U.S.C. § 1983.

17 23. Defendant William T Fujioka serves as the Chief Executive Officer of
18 the County of Los Angeles. In this capacity, he oversees implementation of the
19 Board's directives and will be responsible for executing the change to the County
20 seal. Mr. Fujioka is sued in his official capacity. At all times pertinent to the acts
21 and omissions complained of by this lawsuit, he was, and is, acting under color of
22 state law.

23 **FACTUAL ALLEGATIONS**

24 ***A. The Board Initially Adopts the Seal in 1957 as a Religious Statement***

25 24. The Board of Supervisors of the County of Los Angeles adopted an
26 official seal for Los Angeles County on January 2, 1957. The seal depicted a Latin
27 cross to symbolize the religious influence of the church and the missions of
28 California. The seal also included in separate frames the Roman goddess of gardens

1 and fruit trees, Pomona, the Spanish galleon San Salvador which sailed into San
2 Pedro Harbor on October 8, 1542, a tuna representing the fishing industry of the
3 county, a cow representing the dairy industry of the county, the Hollywood Bowl,
4 representing the county cultural activities, two stars representing the motion picture
5 and television industries and oil derricks representing oil fields discovered on Signal
6 Hill. The cross was situated over the Hollywood Bowl. Contemporaneous with this
7 adoption, the County submitted documentation to the Secretary of State of
8 California which stated that the presence of the cross on the seal was intended, in
9 part, to represent religion. The seal became effective on March 1, 1957. A copy of
10 the 1957 seal is attached to the complaint as Exhibit 1.

11 ***B. The Board Removes the Cross in 2004 in Recognition that It***
12 ***Represented an Inappropriate Statement of Religious Faith***

13 25. The 1957 seal served as the official County seal until 2004. In 2004,
14 the ACLU Foundation of Southern California (“ACLU”) stated to County officials
15 that it was prepared to litigate to have the cross removed from the official seal.

16 26. Shortly thereafter and in response to the ACLU statement, the Board
17 voted to redesign the seal. The resulting seal did not include a cross. In all, the
18 cross, the goddess Pomona and the oil derricks were removed. A sketch of the
19 Mission San Gabriel and an Indian woman carrying a basket were put in the frames
20 on the seal where the cross and Pomona had been situated. No image was
21 substituted for the oil derricks. A copy of the 2004 seal is attached to this complaint
22 as Exhibit 2.

23 27. The removal of the cross proved divisive because of the cross’s
24 religious significance. There resulted considerable controversy, which included
25 lengthy and emotional testimony accusing the Board of diminishing the religious
26 significance of the seal along with public protests in opposition to the removal for
27 the same reasons. An editorial in The Los Angeles Times supported removal of the
28 cross from the seal on account of its religious message.

1 28. On June 8, 2004, at the first of two public hearings about the seal, the
2 Board heard hours of testimony from irate citizens and residents who both supported
3 and objected for religious reasons to the removal of the cross. After listening to
4 considerable testimony, Supervisor Yvonne Burke of the Second District stated with
5 respect to the objectors as follows:

6 SUP. BURKE: I'VE LISTENED HERE FOR A FEW
7 HOURS AND I KEPT THINKING THAT, IF THIS
8 CASE GOES TO TRIAL, I WOULD HATE FOR THEM
9 TO PLAY THIS HEARING BECAUSE, IF THERE'S
10 EVER ANY QUESTION OF WHAT WAS BEING
11 MOVED FORWARD AND WHAT THE OBJECTION
12 WAS TO THE VOTE THAT HAD BEEN TAKEN, IT
13 WAS CLEARLY, IT WAS A RELIGIOUS ONE. THAT
14 MOST OF THE PEOPLE HERE SPOKE . . .

15 [INTERJECTIONS]

16 Supervisor Burke, a self-described Christian, was repeatedly interrupted by
17 supporters of maintaining the cross on the seal, which she described as a "religious
18 frenzy."

19 29. Supervisor Michael D. Antonovich of the Fifth District stated during
20 this hearing that ". . . these individuals do have the right of free speech and religious
21 speech is still a freedom of speech that's given to everyone."

22 30. The second public hearing before the Board took place on
23 September 24, 2004. At this hearing, Supervisor Antonovich objected to the
24 depiction of the San Gabriel Mission ultimately adopted because

25 WHAT IS DEPICTED IS A BACK DOOR, THE REAR
26 END OF THE CHURCH. THAT IS NOT THE SYMBOL
27 OF THE MISSION. THE SYMBOL OF THE MISSION

1 WAS AN OPEN DOOR TO BRING THE GOOD NEWS

2 . . .

3 Christians often refer to the gospel (the four books in the Bible that describe the life
4 of Jesus Christ” as the “good news” of redemption through the life and death of
5 Jesus). In fact, “gospel” derives from an Old English word meaning “good news.”

6 **C. *The Cross Is Restored to the County Seal***

7 31. On January 7, 2014, Supervisors Antonovich and Knabe, who had cast
8 the two dissenting votes to the 2004 motion to remove the cross from the then-
9 County seal, introduced a motion to restore a cross to the County seal by placing it
10 on the apex of the roof of the San Gabriel Mission. The motion did not propose any
11 other changes to the seal, nor does the revised seal include any contextualization to
12 even suggest that the addition of the cross serves any secular purpose.

13 32. The motion was opposed by the ACLU and by the Anti-Defamation
14 League (“ADL”). In a letter to the Board dated January 6, 2014, the ADL stated in
15 pertinent part:

16 If you vote to add a cross to the County seal, you send the
17 divisive and exclusive message that you not only endorse
18 religion over non-religion, but also prefer Christianity over
19 all the other diverse faiths within the County. This
20 message is contrary to your legal and moral responsibility
21 to treat all people alike. While a cross may be appropriate
22 on a house of worship, private school or university, it is
23 unsuitable on a government seal that represents a
24 religiously and ethnically diverse county of over 10
25 million people. It is also important to note the Mission
26 was added to the seal in 2004 without the cross, and it
27 currently reflects the historical influence of missions in
28 California without promoting a single religious view.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

33. An editorial by The Los Angeles Times dated January 3, 2014 also opposed restoration of the cross to the County seal. The editorial stated in pertinent part:

Los Angeles County Supervisors Don Knabe and Michael D. Antonovich are beginning 2014 by reopening the contentious debate over whether there should be a Christian cross on the county seal. Words almost fail, but here's one that comes to mind: Seriously?

...

Their argument – that the depiction of the mission is “artistically and architecturally inaccurate” because in real life there is now a cross on top of the main building – is laughable. The little image of the mission on the county seal doesn't include bells, either, and San Gabriel's bells are famous.

But of course, this is not about the depiction and it's not about the bells, either. It's about a not-very-subtle attempt by two elected officials who were on the losing end of the 2004 vote to change the county seal to now sneak the primary symbol of Christianity back in.

34. The motion to restore the cross to the County seal passed 3-2, with Supervisors Molina and Yaroslavsky voting against the motion. As the ADL letter states, the presence of the San Gabriel Mission on the 2004 seal represents the historical role of missions in Southern California without promoting or endorsing a particular religion or religious belief. The purpose and effect of the motion was to favor the Christian faith over other religious and non-religious beliefs. A copy of

1 the new seal, adopted by the Board on January 7, 2014, is attached to this complaint
2 as Exhibit 3.

3 35. Each of the plaintiffs is a Los Angeles County taxpayer and will see the
4 County seal frequently. Each plaintiff is deeply offended by the inclusion in the
5 County seal of a clearly identifiable religious symbol and each believes that the
6 inclusion was deliberately intended to promote a sectarian purpose of favoring
7 Christianity among all religions practiced in Los Angeles County and disfavor other
8 religious and non-religious beliefs.

9 36. The County seal is prominently displayed throughout the County,
10 including outside County buildings, on County vehicles, on the County letterhead,
11 and numerous other places. The change to the County seal will cost taxpayers
12 thousands of dollars.

13 37. The violations described in the preceding paragraphs are ongoing and
14 will continue until and unless this court grants the relief Plaintiffs seek by this
15 Complaint.

16 **CAUSES OF ACTION**

17 **First Cause of Action**

18 **Violation of 42 U.S.C § 1983 (Based on the Violation of the Establishment
19 Clause of the United States Constitution as incorporated by the Fourteenth
20 Amendment)**

21 38. Plaintiffs incorporate by reference the foregoing paragraphs of this
22 Complaint as though fully set forth herein.

23 39. Defendants, who are charged with respecting on equal terms the
24 religious and non-religious beliefs and affiliations of all residents within Los
25 Angeles County, have denied and continue to deny Plaintiffs their right to practice
26 their faith and religious beliefs freely and without disfavor by their government or
27 government officials. Defendants are denying Plaintiffs rights of religious freedom
28

1 equality and to government impartiality as guaranteed by the First and Fourteenth
2 Amendments.

3 40. Defendants have threatened to and will implement the addition of the
4 cross to the Seal in violation of Plaintiffs' rights under the First and Fourteenth
5 Amendments.

6 41. As a direct and proximate result of Defendants' unlawful conduct,
7 Plaintiffs will further suffer irreparable harm.

8 **Second Cause of Action**

9 **Violation of the California Constitution, Article I, § 4**

10 42. Plaintiffs incorporate by reference the foregoing paragraphs of this
11 Complaint as though fully set forth herein.

12 43. Defendants, who are charged with non-discrimination against and
13 affording no preference toward any religion or religious beliefs, have denied and
14 continue to deny Plaintiffs their right to practice their faith and religious beliefs
15 freely and without disfavor by their government or government officials.
16 Defendants are denying Plaintiffs rights of religious freedom, equality and to
17 government impartiality as guaranteed by Article I, § 4 of the California
18 Constitution.

19 44. Defendants have threatened to and will implement the addition of the
20 cross to the Seal in violation of Plaintiffs' rights under Article I, § 4 of the
21 California Constitution.

22 45. As a direct and proximate result of Defendants' unlawful conduct,
23 Plaintiffs will further suffer irreparable harm.

24 **Third Cause of Action**

25 **Violation of the California Constitution, Article XVI, § 5**

26 46. Plaintiffs incorporate by reference the foregoing paragraphs of this
27 Complaint as though fully set forth herein.
28

1 47. Defendants, who are charged with not providing any aid to a sectarian
2 purpose under Article XVI, § 5 have violated that duty by authorizing the
3 expenditure of County taxpayer funds to alter the County seal for the sole purpose of
4 adding the preeminent symbol of Christianity to that seal.

5 48. Defendants have threatened to and will implement the addition of the
6 cross to the Seal in violation of Plaintiffs’ rights under Article XVI, § 5 of the
7 California Constitution.

8 49. As a direct and proximate result of Defendants’ unlawful conduct,
9 Plaintiffs will further suffer irreparable harm.

10 **REQUEST FOR RELIEF**

11 Plaintiffs request relief as follows:

12 A. An injunction prohibiting the Board, its officers, agents, and employees
13 from implementing and displaying the newly adopted official seal containing the
14 cross.

15 B. A declaration that the Board’s action to restore a cross to the official
16 seal of the County of Los Angeles is unconstitutional under the federal and
17 California Constitutions, as violating Plaintiffs’ rights under the First and Fourteenth
18 Amendments under the United States Constitution, and Article I, § 4 and Article
19 XVI, § 5 of the California Constitution.

20 C. Costs of suit pursuant to 28 U.S.C § 1920 and 42 U.S. § 1988.
21
22
23
24
25
26
27
28

1 D. Attorneys fees pursuant to 42 U.S.C § 1988 and California Code of
2 Civil Procedure § 1021.5 and any other appropriate statutory basis.

3 E. Such other relief as the Court deems just and proper.
4

5 DATED: February 5, 2014

Respectfully submitted,

6 CALDWELL LESLIE & PROCTOR, PC
7 LINDA M. BURROW
8 ANDREW ESBENSHADE
9 JEFFREY M. CHEMERINSKY

10 ACLU FOUNDATION OF SOUTHERN
11 CALIFORNIA
12 MARK D. ROSENBAUM
13 PETER ELIAS ERG

14 By Mark Rosenbaum

15 MARK D. ROSENBAUM

16 Attorneys for Plaintiffs
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit 1



Seal of the County of Los Angeles, Adopted March 1, 1957

Exhibit 2



Seal of the County of Los Angeles, Adopted September 14, 2004

Exhibit 3



Seal of the County of Los Angeles, Adopted January 7, 2014

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Christina A. Snyder and the assigned Magistrate Judge is John E. McDermott.

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

2:14-cv-00907 CAS-JEMx

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.

Clerk, U. S. District Court

February 6, 2014

Date

By SBOURGEOIS

Deputy Clerk

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 Street, G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701

Eastern Division
3470 Twelfth Street, Room 134
Riverside, CA 92501

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

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

CENTRAL District of CALIFORNIA

REVEREND FATHER IAN ELLIOTT DAVIES; REVEREND J. EDWIN BACON, JR.; SHAKEEL SYED; RABBI HAROLD M. SCHULWEIS; REVEREND TERA LITTLE; RABBI JOHN ROSOVE; REVEREND PETER LAARMAN; DAVID N. MYERS; AND RABBI AMY BERNSTEIN

Plaintiff(s)

v.

LOS ANGELES COUNTY BOARD OF SUPERVISORS; AND WILLIAM T FUJIOKA,

Defendant(s)

Civil Action No.

CV14-0907CAS-JEMx

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

LOS ANGELES COUNTY BOARD OF SUPERVISORS AND WILLIAM T. FUJIOKA

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

CALDWELL LESLIE & PROCTOR, PC
LINDA M. BURROW
725 S. FIGUEROA STREET, 31ST FLOOR
LOS ANGELES, CA 90017-5524

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: FEB. 4, 2014

CLERK OF COURT
Signature of Clerk or Deputy Clerk

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

I. (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) REVEREND FATHER IAN ELLIOTT DAVIES; REVEREND J. EDWIN BACON, JR.; SHAKEEL SYED; RABBI HAROLD M. SCHULWEIS; REVEREND TERA LITTLE; RABBI JOHN ROSOVE; REVEREND PETER LAARMAN; DAVID N. MYERS; AND RABBI AMY BERNSTEIN	DEFENDANTS (Check box if you are representing yourself <input type="checkbox"/>) LOS ANGELES COUNTY BOARD OF SUPERVISORS; AND WILLIAM T FUJIOKA
---	---

(b) County of Residence of First Listed Plaintiff <u>LOS ANGELES</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i>	County of Residence of First Listed Defendant <u>LOS ANGELES</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i>
---	---

(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information. CALDWELL LESLIE & PROCTOR, PC LINDA M. BURROW 725 S. FIGUEROA STREET, 31ST FLOOR LOS ANGELES, CA 90017-5524	Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.
---	---

II. BASIS OF JURISDICTION (Place an X in one box only.)

1. U.S. Government Plaintiff
 2. U.S. Government Defendant
 3. Federal Question (U.S. Government Not a Party)
 4. Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only
 (Place an X in one box for plaintiff and one for defendant)

Citizen of This State	PTF DEF	<input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF DEF	<input type="checkbox"/> 4 <input checked="" 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

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

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

CLASS ACTION under F.R.Cv.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.)
 Violation of 42 U.S.C. s. 1983 (U.S. Const. amends. I and XIV); Violation of Cal. Const., Art. I, s. 4; and Violation of Cal. Const., Art. XVI, s. 5.

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

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	Habeas Corpus:	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	TORTS	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	TORTS	PERSONAL PROPERTY	<input type="checkbox"/> 530 General	SOCIAL SECURITY
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	PERSONAL INJURY	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 371 Truth in Lending	Other:	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 330 Fed. Employers' Liability	BANKRUPTCY	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	FEDERAL TAX SUITS
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE/PENALTY	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 350 Motor Vehicle	CIVIL RIGHTS	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	REAL PROPERTY	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	LABOR	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 740 Railway Labor Act	
		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 751 Family and Medical Leave Act	
			<input type="checkbox"/> 448 Education	<input type="checkbox"/> 790 Other Labor Litigation	
				<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY: Case Number: _____

CV 14-0907

COPY

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

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

Question A: Was this case removed from state court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	STATE CASE WAS PENDING IN THE COUNTY OF:		INITIAL DIVISION IN CACD IS:
	<input type="checkbox"/> Los Angeles		Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo		Western
	<input type="checkbox"/> Orange		Southern
	<input type="checkbox"/> Riverside or San Bernardino		Eastern

Question B: Is the United States, or one of its agencies or employees, a party to this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	If the United States, or one of its agencies or employees, is a party, is it:		INITIAL DIVISION IN CACD IS:
	A PLAINTIFF? <small>Then check the box below for the county in which the majority of DEFENDANTS reside.</small>	A DEFENDANT? <small>Then check the box below for the county in which the majority of PLAINTIFFS reside.</small>	
	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern
<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western	

Question C: Location of plaintiffs, defendants, and claims? (Make only one selection per row)	A. Los Angeles County	B. Ventura, Santa Barbara, or San Luis Obispo Counties	C. Orange County	D. Riverside or San Bernardino Counties	E. Outside the Central District of California	F. Other
Indicate the location in which a majority of plaintiffs reside:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C.1. Is either of the following true? If so, check the one that applies:

2 or more answers in Column C

only 1 answer in Column C and no answers in Column D

Your case will initially be assigned to the SOUTHERN DIVISION.
Enter "Southern" in response to Question D, below.

If none applies, answer question C2 to the right. →

C.2. Is either of the following true? If so, check the one that applies:

2 or more answers in Column D

only 1 answer in Column D and no answers in Column C

Your case will initially be assigned to the EASTERN DIVISION.
Enter "Eastern" in response to Question D, below.

If none applies, go to the box below. ↓

Your case will initially be assigned to the WESTERN DIVISION.
Enter "Western" in response to Question D below.

Question D: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, or C above: →	WESTERN

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

IX(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): _____

IX(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.

**X. SIGNATURE OF ATTORNEY
(OR SELF-REPRESENTED LITIGANT):**

[Handwritten Signature] for Linda M. Burroay DATE: FEB. 5, 2014

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. 405 (g))