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Superior Court of California  
County of Los Angeles

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16  
17 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
18 FOR THE COUNTY OF LOS ANGELES

19  
20 GLORIA MATA ALVARADO and  
21 TONESHAWA JONES,

22 Plaintiffs,

23 v.

24 SUPERIOR COURT OF CALIFORNIA  
25 FOR THE COUNTY OF LOS ANGELES,

26 Defendant.  
27  
28

CASE NO.

BC 6 2 8 8 4 9

COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF

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28

1                    **INTRODUCTION**

2            1.        This case involves the Superior Court of the County of Los Angeles' unlawful  
3 treatment of low-income defendants who receive traffic and other misdemeanor or infraction  
4 citations. Although state law allows courts to refer defendants who *willfully* fail to pay fines to  
5 the Department of Motor Vehicles (DMV) for license suspension, Defendant Los Angeles  
6 Superior Court unlawfully makes no inquiry whatsoever into an individual's ability to pay  
7 before referring nonpayers to DMV. In so doing, LASC violates the express terms of Vehicle  
8 Code §§ 40509(b) and 40509.5(b) as well as the due process requirements of the federal and  
9 state constitutions.  
10

11  
12            2.        Each year, tens of thousands of people in Los Angeles County are affected by  
13 this practice, losing their right to drive solely because of their poverty. Moreover, many of  
14 these suspensions are for behavior entirely unrelated to driving, such as littering, walking  
15 against a red light, or failing to pay bus fare. Because of the increase in surcharges and fees  
16 associated with traffic tickets in California, a \$100 violation now actually costs nearly \$500. If  
17 a person misses an initial payment deadline, the cost of the ticket increases to \$800 or more,  
18 making an already expensive ticket even less affordable. Plaintiffs Gloria Mata Alvarado and  
19 Toneshawa Jones are two low-income Los Angelenos who have had their driver's licenses  
20 suspended because LASC never asked whether they were too poor to pay.  
21

22  
23            3.        This action seeks to compel Defendant Superior Court of the County of Los  
24 Angeles (hereinafter "LASC") to comply with its non-discretionary duty to make a willfulness  
25 determination before referring a person to the DMV for license suspension. Plaintiffs further  
26 seek an order forbidding LASC from referring nonpayers to DMV unless and until LASC  
27 provides notice to those that receive a traffic ticket informing them: (i) that their financial ability  
28

1 to pay a fine is a critical factor in whether their driver's license will be suspended, (ii) that they  
2 may present evidence to LASC of their financial inability to pay that ticket, and (iii) that LASC  
3 must determine whether they have the ability to pay prior to notifying the DMV of nonpayment.  
4

5 4. LASC's illegal practices impose a terrible hardship on the people who receive  
6 tickets, as well as their families and others who depend on them. Particularly in a county as  
7 large in size and as lacking in adequate public transportation as Los Angeles, a suspended  
8 license often means that a person cannot get to a job, take children to school or to medical  
9 appointments, or care for ill or disabled family members. In addition, lack of a driver's license  
10 impedes the ability of indigent people to obtain public benefits, health care, mental health  
11 services and a broad array of services which will assist the person in a successful reentry to  
12 society.  
13

14 5. Moreover, LASC's unlawful actions do not affect all Angelenos equally. Those  
15 affected by LASC's illegal practices are disproportionately people of color, especially Black  
16 and Latino people. This action seeks to ensure that LASC conducts a racial impact analysis of  
17 its revised policies to ensure that they do not have a disparate impact on Black and Latino  
18 communities, as required by Government Code section 11135.  
19

20 6. The disparate impact of LASC's practices on communities of color in Los  
21 Angeles County has immense collateral consequences for the individuals in those communities.  
22 The loss of jobs, opportunity, and freedom that accompany suspended licenses and arrests for  
23 failures to pay exacerbate and reinforce the economic disparities in communities of color.  
24 Moreover, the traffic stops that lead to traffic citations may themselves be infused with racial  
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1 bias.<sup>1</sup> The issue of bias in policing has been brought to forefront of public awareness recently  
2 due to its sometimes tragic results, including the deaths of motorists Philando Castile and  
3 Sandra Bland, whose deaths occurred after the escalation of routine traffic stops. Such incidents  
4 create a deep mistrust of the justice system in communities of color. By failing to provide notice  
5 of, or an opportunity for, ability-to-pay hearings prior to a driver's license suspension, traffic  
6 courts can exacerbate that distrust and systematically replicate and compound perceived implicit  
7 or explicit bias behind traffic stops and other encounters with the police. Indeed, the U.S.  
8 Department of Justice's report on Ferguson, Missouri,<sup>2</sup> makes that link explicit, since the  
9 practice of funding municipal services through fines and surcharges on low-level infractors was  
10 brought to light in the investigation stemming from the police shooting of Michael Brown.  
11

12  
13 7. Plaintiffs' counsel, as part of a coalition of statewide advocates, has made the  
14 public, Defendant and other California superior courts aware of this issue. In April 2015, a  
15 consortium of legal and civil rights advocates authored and widely distributed a report titled,  
16 "Not Just A Ferguson Problem: How Traffic Courts Drive Inequality in California," which  
17 chronicled problematic traffic court policies and procedures, including those at issue in this  
18 case, and the resulting disparate impact on communities of color.<sup>3</sup> A 2016 follow-up report  
19 titled, "Stopped, Fined, and Arrested: Racial Bias in Policing and Traffic Courts in California,"  
20 documented the ways in which policing and traffic court practices result in disproportionate  
21  
22

23  
24 <sup>1</sup>See, e.g., "A Study of Racially Disparate Outcomes in the Los Angeles Police Department", Ian  
25 Ayres and Jonathan Brodsky, ACLU of Southern California, October 2008, available at:  
26 <https://www.aclusocal.org/wp-content/uploads/2015/09/99227648-Racial-Profilng-the-LAPD.pdf>.

27 <sup>2</sup> Available at: [https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson\\_police\\_department\\_report.pdf](https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf).

28 <sup>3</sup> Available at: <http://wclp.org/wp-content/uploads/2015/04/Not-Just-a-Ferguson-Problem-How-Traffic-Courts-Drive-Inequality-in-California.pdf>.

1 driver's license suspensions and arrests for failures to pay traffic citations in Black and Latino  
2 communities in the Los Angeles area, including in Compton, Bell, Hawthorne and East Los  
3 Angeles.<sup>4</sup>

4  
5 8. On or about September 8, 2015, Plaintiffs' counsel wrote to LASC Presiding  
6 Judge Carolyn B. Kuhl, alerting her to problematic and unlawful traffic policies and practices in  
7 Los Angeles Superior Court, and asking her to take steps to comply with statutory and  
8 constitutional obligations. Advocates in other California counties have likewise attempted to  
9 engage courts in discussions of how better to conform traffic policies to statutory and  
10 constitutional requirements. In several counties, courts have begun a dialog with advocates  
11 over policy changes and in three counties (San Francisco, Contra Costa, and Solano), courts  
12 have changed policies identical to those challenged here or suspended all DMV referrals while  
13 discussions proceed.

14  
15  
16 9. In Los Angeles, however, LASC did not respond to the September 2015 letter.  
17 Plaintiffs' counsel therefore sent a demand letter on or about October 9, 2015, requesting that  
18 LASC change its practices and respond with details regarding those changes by November 1,  
19 2015. A few months later, on January 20, 2016, Defendant replied, indicating that court  
20 policies would not be changed.

21  
22 10. From October 1, 2015 to March 31, 2017, the statutory Statewide Traffic Ticket  
23 Amnesty Program (Vehicle Code § 42008.8) will be in effect. This time-limited program is  
24 implemented by the Superior Court of each county to provide up to 80% reduction in  
25 outstanding court-ordered debt for old traffic tickets and to reinstate driver's licenses that have  
26

27  
28 <sup>4</sup> Available at: [http://wclp.org/wp-content/uploads/2016/04/Stopped\\_Fined\\_Arrested.pdf](http://wclp.org/wp-content/uploads/2016/04/Stopped_Fined_Arrested.pdf).

1 been suspended because of unpaid traffic fines. To participate in the program, one must pay a  
2 \$50 administrative fee, sign up for a monthly payment plan, and make an initial payment to  
3 LASC. There is an additional \$55 reinstatement fee to be paid to the DMV for reinstatement of  
4 the driver's license. Notably, the program does not apply to any open or pending tickets for  
5 which a license suspension has yet to occur. Furthermore, it does not affect LASC's existing  
6 policies as to notification of the DMV when a traffic court defendant fails to pay a fine.  
7

8  
9 11. On or about March 14, 2016, the U.S. Department of Justice, Civil Rights  
10 Division, issued a "Dear Colleague" letter,<sup>5</sup> in which it informed judicial actors that it is  
11 unlawful to suspend an individual's driver's license for failing to pay a fine if the individual was  
12 deprived of his or her due process right to establish an inability to pay.

### 13 THE PARTIES

14  
15 12. Plaintiff Gloria Mata Alvarado (hereinafter "Mata"), a Latina, is a Los Angeles  
16 County resident whose driver's license was suspended for failure to pay a traffic citation. Her  
17 primary language is Spanish and she speaks minimal English. She is disabled due to a hip  
18 injury and receives Supplemental Security Income. In addition, Ms. Mata has gastritis, which  
19 causes her to periodically have significant stomach pain.

20  
21 13. Ms. Mata's husband also has a disability and receives Supplemental Security  
22 Income and Social Security. He suffers from glaucoma and cataracts, and is scheduled to have  
23 eye surgery in August 2016. Together, their combined monthly income is \$1,514. Although  
24 Ms. Mata's husband has been able to do most of the driving in the past, due to his scheduled  
25 eye surgery, he will be unable to drive for at least 5 weeks after the surgery. Because her  
26

27  
28 <sup>5</sup> Available at: <https://www.justice.gov/crt/file/832461/download>.

1 license is suspended, Ms. Mata will be unable to drive her husband to his follow-up medical  
2 appointments.

3  
4 14. In August 2012, Ms. Mata and her husband were driving to a doctor's  
5 appointment in Huntington Park for her gastritis. While a passenger in the car, Ms. Mata's  
6 stomach started hurting so she adjusted her seatbelt. A police officer saw Ms. Mata adjusting  
7 her seatbelt and issued her a ticket for failure to wear a seatbelt. When Ms. Mata explained that  
8 she was adjusting her seatbelt because of her medical condition, the ticketing officer responded  
9 that "that's what everyone says."  
10

11 15. Ms. Mata appeared for her trial in May 2013 with the intention of fighting the  
12 charge. However, she did not understand the proceeding and understood her court-provided  
13 interpreter to say that she had to plead guilty. The interpreter further stated that if she pled  
14 guilty the ticket would be taken care of. After speaking with the interpreter, Ms. Mata appeared  
15 before the judge and pled guilty to the offense.  
16

17 16. Upon information and belief, Ms. Mata was originally ordered to pay \$712.  
18 When she told the judge that she could not pay that amount because she was disabled and  
19 unemployed, the judge reduced the fine to \$600. Although Ms. Mata tried again to explain to  
20 the judge that she could not afford the amount of the citation, the judge refused to further reduce  
21 the amount of the fine and replied that she just had to pay it.  
22

23 17. Immediately after LASC hearing, Ms. Mata went to the cashier and stated again  
24 that she could not pay the ticket because of her indigence. In May 2016, Ms. Mata went to the  
25 DMV in order to renew her license. She was then informed that her license had been suspended  
26 as a result of her failure to pay the aforementioned ticket.  
27  
28

1           18.     At no time prior to referring her case to the DMV for license suspension did  
2 LASC determine that Ms. Mata's failure to pay was willful, inquire into her ability to pay, or  
3 inform her that she could request such a determination.  
4

5           19.     Plaintiff Toneshawa Jones, an African American female, is a Los Angeles  
6 County resident whose driver's license was suspended for failure to pay a traffic citation.

7           20.     Ms. Jones is a single mother living with two children in Section 8 housing. She  
8 is currently unemployed and receives CalWorks, CalFresh and temporary disability benefits.  
9 Her son is two months old and, as a newborn, he requires regular medical check-ups. However,  
10 since her license is suspended, Ms. Jones has had to choose between driving to her son's doctor  
11 appointments despite the suspension or risking his health.  
12

13           21.     Ms. Jones is scheduled to begin a temporary job on August 1, but will not earn  
14 enough to pay her outstanding traffic debts. If she cannot drive, her ability to accept temporary  
15 or permanent employment is severely limited.  
16

17           22.     On or about Aug 23, 2011, Ms. Jones was stopped by a police officer for not  
18 having a proper front license plate. Ms. Jones had the plate inside the car and showed it to the  
19 officer, explaining that she merely lacked the equipment to affix it to the car. Ms. Jones had  
20 recently received an instructional permit and showed this permit to the officer. The officer cited  
21 Ms. Jones for driving without a valid license.  
22

23           23.     On September 13, 2013, Ms. Jones appeared in court unrepresented by counsel.  
24 She pled guilty to all charges and was sentenced to pay a fine of \$599. Because she could not  
25 pay \$599 that day, she was charged \$30 for an extension to pay by January 14, 2013. Her total  
26 balance rose to \$629.  
27  
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1           24.     At the time she was sentenced, Ms. Jones was homeless and receiving public  
2 benefits. She did not have the money to pay the entirety of the fine and was unable to perform  
3 community service in lieu of the traffic fine because the community service sign-up fees were  
4 prohibitively high.  
5

6           25.     On or about January 13, 2013, Ms. Jones attempted to call LASC's Inglewood  
7 Courthouse to inform the court that she was indigent and could not afford to pay this amount.  
8 She got an automated phone message saying that due to budget cuts, there was a shortage of  
9 staff to answer phone calls. Because she was homeless at the time, and was working at a  
10 convalescent home that would not let her change her daytime work schedule, she was unable to  
11 go in person to the courthouse.  
12

13           26.     Because of her indigence, Ms. Jones was not able to pay the \$629 ticket by the  
14 due date. On or about January 30, 2013, a \$300 civil assessment fee was added to her total,  
15 making an outstanding balance of \$929. Shortly thereafter, the court notified DMV that Ms.  
16 Jones had failed to pay her fine.  
17

18           27.     A hold was subsequently placed on her driver's license by the DMV for a failure  
19 to pay. Because she was transient and frequently moving among temporary places of shelter,  
20 she did not receive a mailed notice that her license was suspended.  
21

22           28.     At no time prior to imposing a civil assessment fee of \$300 or referring her case  
23 to the DMV for license suspension did the Court determine that Ms. Jones's failure to pay was  
24 willful, inquire into her ability to pay, or inform her that she could request such a determination.  
25

26           29.     In the last few years, Ms. Jones has been cited several times for driving with a  
27 suspended license due to the failure to pay. She has made the difficult decision to drive in order  
28 to search for and maintain employment, seek shelter for herself and her two children, and attend

1 critical medical appointments. Regrettably, the consequences have profoundly shaped her life.  
2 The citations for driving with a suspended license have been accompanied by arrest,  
3 incarceration, probation, additional monetary penalties, and multiple court appearances. Had  
4 she not been indigent, Ms. Jones would have paid her initial fine without incident, not lost her  
5 license, and thus not incurred further unaffordable citations and fines for driving with a  
6 suspended license. On July 12, 2016, Ms. Jones enrolled in the Traffic Ticket Amnesty Program  
7 in Los Angeles County. Under the Amnesty Program, she is required to continue to pay the civil  
8 assessment fee and driver's license reinstatement fee associated with her referral to the DMV  
9 for failure to pay. However, at the present time, she is unable to afford to pay these fees or  
10 initiate a payment plan.  
11  
12

13 30. Defendant LASC is responsible for adjudicating traffic tickets in Los Angeles  
14 County, and has referred and continues to refer traffic-court defendants, such as Plaintiffs Mata  
15 and Jones, to the DMV for license suspension for failure to pay, without providing adequate  
16 notice or opportunity to be heard on the issue of the individual's ability to pay and without  
17 making a determination that the individual's failure to pay was willful. Defendant expends state  
18 tax dollars on these functions.  
19  
20

### 21 FACTS COMMON TO ALL ALLEGATIONS

22 31. In an effort to cover budget shortfalls and fund various state and county  
23 programs, the Legislature has in recent years dramatically increased the fees and surcharges  
24 applicable to each traffic ticket. For instance, California currently imposes a state penalty  
25 assessment of \$10 for every \$10 of the base fine, a state criminal surcharge of 20% on the base  
26 fine, a court operations assessment of \$40 per fine, a court construction fee of \$5 for every \$10  
27 of the base fine, county fund charge of \$7 for every \$40 of base fine and a DNA fund  
28

1 assessment of \$5 for every \$10 of base fine, among others. *See* Pen. Code §§ 1464, 1465.7,  
2 1465.8; Gov. Code §§ 70372, 76000, 76104.6, 76104.7.

3  
4 32. The addition of these penalty assessments and surcharges means that a \$100  
5 ticket actually costs \$490. *See* Judicial Council of California, Uniform Bail & Penalty  
6 Schedules (2016) at 16, *available at* <http://www.courts.ca.gov/documents/2016-JC-BAIL.pdf>.  
7 A \$35 ticket for failing to signal before changing lanes becomes \$238. *Id.* at 25. A \$20 ticket  
8 for using a cell phone while driving becomes \$162. *Id.* at 31. And if an individual misses the  
9 deadline to pay or appear, a civil assessment of \$300 is often tacked on, bringing the total for  
10 that \$100 ticket to \$815, the \$35 ticket to \$538 and the \$20 ticket to \$462. *Id.*; Penal Code §  
11 1214.1.  
12

13 33. Currently, there are over 600,000 Californians who have been deprived of their  
14 licenses for non-safety related reasons of failure to pay or failure to appear. Ironically, drivers  
15 guilty of safety-related offenses have many more options available to them to keep their  
16 licenses. For example, those convicted of many driving under the influence offenses can  
17 request a restricted license that permits them to drive to and from work. Veh. Code § 13352.4.  
18 No such option exists for those with suspensions for the non-safety related reasons of failure to  
19 pay/failure to appear, making LASC's adherence to the statutory requirements for DMV referral  
20 especially critical.  
21  
22

### 23 Statutory Requirements

24 34. Vehicle Code § 40509(b) provides, in relevant part, if "a person has willfully  
25 failed to pay a lawfully imposed fine within the time authorized by LASC or to pay a fine  
26 pursuant to subdivision (a) of Section 42003, the ... clerk of LASC may give notice of the fact  
27 to the [DMV] for a violation." (emphasis added).  
28

1           35.     Similarly, Vehicle Code § 40509.5(b) provides, in relevant part, if “a person has  
2     willfully failed to pay a lawfully imposed fine, or bail in installments ... within the time  
3     authorized by LASC or to pay a fine pursuant to subdivision (a) of Section 42003, the ... clerk  
4     of LASC may give notice of the fact to the [DMV] for a violation.” (emphasis added).  
5

6           36.     Likewise, section 13365(a) of the Vehicle Code permits the DMV to suspend  
7     licenses only for willful failure to pay, because it provides for suspension only once DMV  
8     receives “notification of a violation of subdivision (a) or (b) of Vehicle Code section 40508.”  
9     Subdivision (a) of Section 40508 refers to willful violation of a promise to appear and  
10    subsection (b) to willful failure to pay.  
11

12          37.     Once the DMV receives a notification that there has been a violation of Vehicle  
13    Code § 40508 (b) (willful nonpayment), and the notification has been given pursuant to § 40509  
14    (a) or (b), the DMV is required to suspend the driver’s license if the person has one or more  
15    prior notifications pursuant to § 40509 or § 40509.5. Vehicle Code § 13365(a). If the  
16    notification is given pursuant to § 40509.5(a) or (b), the DMV is required to suspend the license  
17    on the first notification. *Id.* The person’s license is to remain suspended until the person’s  
18    driving record does not contain any notification of a violation of §§ 40508(a) or (b). Vehicle  
19    Code § 13365(b).  
20  
21

22           **LASC’s Failure to Comply with Statutory Requirements**

23          38.     On information and belief, at no time are individuals notified by Defendant that  
24    their ability to pay is a critical factor in determining whether they will be referred to the DMV  
25    for license suspension. Upon receiving a ticket, a traffic court defendant receives a Notice to  
26    Appear. The Notice to Appear does not contain any instruction on what a person may do if she  
27    cannot afford to pay the citation. The Notice to Appear furthermore does not say that an  
28

1 individual is entitled to present evidence of financial hardship to the traffic court. The Notice  
2 to Appear contains a warning that a failure to pay, appear, or contest the citation may lead to a  
3 driver's license being withheld, suspended, or revoked; but does not state that a person's ability  
4 to pay the fine may affect whether their license will be suspended.  
5

6 39. After receiving a Notice to Appear, traffic-court defendants receive a second,  
7 "Courtesy Notice" notifying them of the amount due on the citation, and instructions on how to  
8 clear or contest the citation. Yet, this second notice still does not inform individuals that they  
9 are entitled to a judicial determination on their ability to pay a citation before their license may  
10 be suspended; nor does it instruct individuals on what to do if they cannot afford to pay the  
11 amount of the ticket. There is no reference to, or instruction about, the possibility of  
12 reduction in the fine amount or community service in lieu of paying the whole fine amount.  
13

14 40. After appearing in court, traffic-court defendants receive a "Court Compliance  
15 Slip" indicating the fine amount owed on the citation, the payment deadline, and instructions on  
16 how to pay the fine. However, this notice does not inform individuals that they are entitled to a  
17 hearing at any time prior to the fine payment deadline to modify or vacate the fine on the  
18 grounds of a change of circumstances with regard to their ability to pay.  
19

20 41. On information and belief, if a person goes to court and is assessed a fine and/or  
21 allowed to complete community service and fails to do so by the due date or any extension date  
22 granted by LASC, that person's case will go into a delinquent status. LASC will send a notice  
23 of this status to the address on file. If the fine remains unpaid, a \$300 civil assessment will be  
24 added and the case will be sent to GC Services (a private collection vendor). After a short  
25 period of time, the DMV will be notified of the failure to pay, and the DMV will place a hold on  
26 the person's driver's license. The DMV will then suspend the person's license.  
27  
28

1           42.     On information and belief, there is no willfulness determination by any judicial  
2 officer prior to LASC's electronic notification to the DMV that triggers a driver's license  
3 suspension under Vehicle Code § 13365. Once a person has failed to pay by the due date,  
4 LASC clerk refers that person to the DMV through an automated process without judicial  
5 action. LASC does not make any inquiry into the reasons for non-payment in order to make the  
6 determination of whether the failure to pay was willful rather than due to an inability to pay. In  
7 violation of the statutory duty to make a willfulness inquiry prior to DMV referral, LASC's  
8 website explains that "[c]ases in this [nonpayment] status are not set for court hearings as there  
9 are no legal matters left for the court to decide."<sup>6</sup>

12           43.     The license suspension will only be released upon payment of the full fine,  
13 including the civil assessment.

14           44.     Vehicle Code § 42003(e) states "[a]t any time during the pendency of the  
15 judgment rendered according to the terms of this section, a defendant against whom a judgment  
16 has been rendered may petition the rendering court to modify or vacate its previous judgment on  
17 the grounds of a change of circumstances with regard to the defendant's ability to pay the  
18 judgment."<sup>6</sup>

19           45.     Despite the mandate of Vehicle Code § 42003(e), neither LASC Compliance Slip  
20 nor the notice that individuals receive after they fail to pay informs them that they may petition  
21 LASC during the pendency of the judgment to consider their ability to pay prior to the  
22 suspension.  
23  
24

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25  
26  
27  
28 <sup>6</sup> Available at <http://www.lacourt.org/division/traffic/TR0033.aspx>.







1 suspension, Defendant misuses public funds intended to ensure compliance with State law and  
2 the State constitution.

3  
4 66. Defendant's actions have resulted in, and unless restrained will continue to result  
5 in, the illegal expenditure and waste of public funds and an injury to the tax paying residents of  
6 the state of California. An injunction against Defendant is therefore warranted.

7 **FIFTH CAUSE OF ACTION**

8 **VIOLATION OF GOVERNMENT CODE § 11135**

9  
10 67. Plaintiffs incorporate by reference all of the above allegations as though fully set  
11 forth herein.

12 68. Section 11135 of the Government Code provides that "[n]o person in the State of  
13 California shall, on the basis of race, national origin, ethnic group identification...color, genetic  
14 information...be denied full and equal access to the benefits of, or be unlawfully subjected to  
15 discrimination under, any program or activity that is conducted, operated, administered by the  
16 state or by any state agency, is funded directly by the state, or receives financial assistance from  
17 the state."

18  
19 69. Plaintiff and others affected by Defendant's illegal actions are disproportionately  
20 African-American and Latino compared to the overall population of Los Angeles County.

21  
22 70. Defendant has intentionally engaged in activity that has the effect of unlawfully  
23 discriminating on the basis of race and national origin.

24 71. Defendant's activities as set forth herein are funded directly by the State and  
25 receive financial assistance from the State.



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**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request that LASC:

1. Issue a declaration that:
  - a. Defendant's failure to offer or make a determination on whether a non-payment was willful prior to referring an individual to the DMV for license suspension for failure to pay violates Vehicle Code §§ 40509(b) and 40509.5(b);
  - b. Defendant's referral for license suspension of persons whose failures to pay were not willful violates Vehicle Code §§ 40509(b) and 40509.5(b);
  - c. Defendant's failure to make a determination on whether a non-payment was willful prior to referring an individual to the DMV for license suspension for failure to pay violates the due process clauses of the United States and California constitutions;
  - d. Defendant's failure to provide adequate notice of the individual's right to an ability to pay determination violates the due process clauses of the United States and California constitutions;
  - e. Defendant's failure to provide adequate notice, and to offer or make a determination on whether Gloria Mata's non-payment was willful prior to notifying the DMV to place a hold on her license for failure to pay violated Vehicle Code §§ 40509(b) and 40509.5(b), Government Code § 11135, and the due process clauses of the United States and California constitutions;

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f. Defendant's failure to provide adequate notice, and to offer or make a determination on whether Toneshawa Jones's non-payment was willful prior to notifying the DMV to place a hold on her license for failure to pay violated Vehicle Code §§ 40509(b) and 40509.5(b), Government Code § 11135, and the due process clauses of the United States and California constitutions;

g. Defendant's failure to offer or make a determination of whether a non-payment due to poverty lacks good cause prior to imposing a \$300 civil assessment fee for failure to pay violates Penal Code § 1214.1;

h. Defendant's failure to offer or make a determination of whether Plaintiffs Gloria Mata and Toneshawa Jones had good cause for failure to pay before imposing a \$300 civil assessment on each plaintiff violated Penal Code § 1214.1; and

h. The disparate impact on Black and Latino communities due to Defendant's failure to make a determination on whether a non-payment was willful prior to referring an individual to the DMV for license suspension for failure to pay violates Government Code § 11135;

2. Issue an injunction:

a. Enjoining Defendant from referring individuals to the DMV for suspension for failure to pay without first determining that nonpayment was willful;

b. Enjoining Defendant from referring individuals to DMV for license suspension until such time as Defendant provides notice to individuals, at

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all stages of traffic court proceedings, that the individuals has the right to an ability to pay determination and that the individual's ability to pay is a critical factor in determining whether the individual's license may be suspended for failure to pay;

c. Enjoining Defendant from referring individuals to DMV for license suspension until such time as Defendant provides a meaningful hearing and makes a meaningful determination on an individual's ability to pay the fines and fees prior to referral to DMV;

d. Enjoining Defendant from implementing of any ability-to-pay notices and meaningful hearing and determinations procedures until such time as Defendant has conducted a racial impact analysis to ensure non-discrimination;

e. Enjoining Defendant from implementing the aforementioned notices and hearing practices until LASC eliminates the disparate impact of its policies and practices on Black and Latino communities;

f. Directing Defendant to inform the DMV that Plaintiffs Gloria Mata's and Toneshawa Jones's driving record contains no violation of failure to pay and to release the holds on Plaintiffs Mata's and Jones's licenses;

g. Directing Defendant to inform the DMV to release the holds on Plaintiffs Gloria Mata's and Toneshawa Jones's licenses without requiring the payment of a \$55 reinstatement fee; and

i. Directing Defendant to vacate the civil assessment fee of \$300 on Plaintiffs Gloria Mata's and Toneshawa Jones's cases.

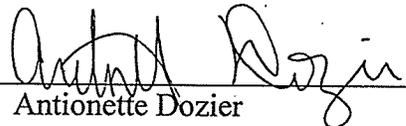
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- 3. For costs of the suit incurred herein, including attorneys' fees and other expenses
- 4. For such other and further relief as this Court may deem just and proper.

DATED: August 1, 2016

Respectfully submitted,

WESTERN CENTER ON LAW AND POVERTY  
CLARE PASTORE, ATTORNEY AT LAW  
RAPKIN & ASSOCIATES LLP  
SCHONBRUN SEPLOW HARRIS & HOFFMAN LLP  
A NEW WAY OF LIFE REENTRY PROJECT

BY:   
\_\_\_\_\_  
Antionette Dozier  
Attorneys for Plaintiffs