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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

BLACK LIVES MATTER LOS
ANGELES, CANGRESS (DBA LA
CAN), STEVEN ROE, NELSON
LOPEZ, TINA CRNKO, JONATHAN
MAYORCA, ABIGAIL RODAS,
KRYSTLE HARTFIELD, NADIA
KHAN, CLARA ARANOVICH,
ALEXANDER STAMM, MAIA
KAZIM, ALICIA BARRERA-
TRUJILLO, SHANNON LEE MOORE,
DEVON YOUNG, LINUS SHENTU,
individually and on behalf of a class of
similarly situated persons,

PLAINTIFFS,

v.

CITY OF LOS ANGELES, a
municipal entity, CHIEF MICHEL
MOORE, and DOES 1-10 inclusive,

DEFENDANTS.

Case No.: 2:20-cv-05027 CBM-AS

**FIRST AMENDED COMPLAINT:
CLASS ACTION; INJUNCTIVE
RELIEF AND DAMAGES**

**42 U.S.C. § 1983: FIRST, FOURTH
AND FOURTEENTH
AMENDMENTS; CALIFORNIA
CONSTITUTION, ARTICLE 1, §§
2 (FREEDOM OF SPEECH), 3
(RIGHT OF PETITION AND
ASSEMBLY), 7 (DUE PROCESS)
13 (SEARCH AND SEIZURE), 19
(CRUEL AND UNUSUAL PUNISHMENT;
CIVIL CODE § 52.1; PENAL CODE
§853.5; GOVT. CODE §815.**

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I. INTRODUCTION

1. This action arises out of protests across the nation following the murder of George Floyd by Minneapolis Police Department officers. The events in Minneapolis, soon after the deaths of Breonna Taylor and Ahmaud Arbery, brought out millions of people around the country at once to condemn the deaths of black and brown men and women by law enforcement and vigilantes condoned by local law enforcement. Some of the larger demonstrations in the country occurred in the Los Angeles area. Over the course of six days, the Los Angeles Police Department arrested approximately 3000 individuals. Defendant Chief Moore told the public that well more than 92 percent of those arrested were engaged in peaceful protest.¹ Nonetheless, the Los Angeles Police Department ended the protests through the use of force (batons and rubber bullets), and imposed unconstitutional conditions of confinement on arrestees by holding them on enclosed buses for up to six hours or longer, tightly handcuffed, without access to bathroom facilities, food or water.

2. On the buses, arrestees were seated just inches apart, with windows closed and with no ventilation (significantly compounding the potential of exposure to Covid-19). In hundreds of cases, the LAPD made false arrests where the charges filed were solely infractions for which custodial authority does not exist.

3. The LAPD also used unreasonable and unnecessary force directly against residents of Skid Row, both housed and unhoused, and caught them in the crossfire of attacks on protestors through indiscriminate and improper use of kinetic impact projectiles. Perhaps no image embodies this more than the photograph of a homeless man in a wheelchair on Skid Row. He was shot in the head at close range when police fired large projectiles while chasing a small group of protestors.

¹ <https://ktla.com/news/lapd-arrests-more-than-2700-people-amid-protests-chief/>



4. The Plaintiffs' injuries caused by the use of so-called "rubber bullets" are strong evidence in this instance that the training of the LAPD in the use of these potentially lethal weapons was absent, seriously deficient, or intentionally indifferent to the known serious harm that can result from the use and misuse of kinetic impact projectiles (KIPs). The force of KIPS can cause serious organ injuries and death, especially when the point of impact is the head, neck, and torso.² The injuries of just the few plaintiffs identified by name in this class action demonstrate this finding. Several required surgery for head wounds.

5. All told, approximately 3000 LAPD arrests followed by the above described bus detentions occurred over six nights from May 29 to June 3. On May 29, the protests began at the LAPD headquarters at First and Main Streets. The police fired Kinetic Impact Projectiles ("KIPs") at the protestors, causing many in the group

² Haar RJ, *et al.* *BMJ Open* 2017;7:e018154. doi:10.1136/bmjopen-2017-018154

1 to leave and march through downtown's jewelry district before circling back to the
 2 LAPD headquarters. At about 9:30 p.m., an unlawful assembly was declared,
 3 resulting in 533 arrests that night, mostly for failure to disperse, but only after first
 4 using chemical irritants against the protestors. *See* "Arrests During George Floyd
 5 Protests Swell to Near 3000 in L.A. County; Many are Locals," Los Angeles Times
 6 June 2, 2020: [https://www.latimes.com/california/story/2020-06-02-george-floyd-](https://www.latimes.com/california/story/2020-06-02-george-floyd-protests-los-angeles-arrests-locals)
 7 [protests-los-angeles-arrests-locals](https://www.latimes.com/california/story/2020-06-02-george-floyd-protests-los-angeles-arrests-locals).

8 6. On May 30, 2020, most of the arrests occurred in the Fairfax area,
 9 following a peaceful rally organized by BLM LA. When the rally ended in the early
 10 afternoon, many of the participants continued peaceful protests, marching
 11 throughout the Fairfax area, along Beverly and other streets. Throughout the area,
 12 heavily armed officers, several lines deep at times, used unwarranted and unlawful
 13 force to kettle and arrest the protestors. Most of the protestors followed orders yelled
 14 at them by the officers but each time they moved in the direction that they were told
 15 to move, they soon found no avenue to disperse. They were kettled, targeted with
 16 impact projectiles and struck with batons as they were ordered to move back.
 17 Surrounded by officers, there was nowhere for them to move. Defendant Chief
 18 **MOORE** was on site and spoke to the kettled protestors twice, although his words
 19 were inaudible to most of the trapped protestors. Chief Moore authorized, approved,
 20 and ratified the unwarranted assault on the protestors with projectiles and batons.
 21 Alternatively, he did nothing to stop the assault on the protestors as he witnessed it.

22 7. On Sunday, May 31, nearly 700 individuals were arrested, with many
 23 subjected to unlawful force, primarily in downtown Los Angeles. *See* Los Angeles
 24 Times June 2, 2020, available at [https://www.latimes.com/california/story/2020-06-](https://www.latimes.com/california/story/2020-06-02-george-floyd-protests-los-angeles-arrests-locals)
 25 [02-george-floyd-protests-los-angeles-arrests-locals](https://www.latimes.com/california/story/2020-06-02-george-floyd-protests-los-angeles-arrests-locals). Of that total, approximately 10
 26 percent were for property crimes, primarily looting. Tens of thousands of
 27 demonstrators started a march from Pershing Square. While few arrests were made
 28

1 during the day, at approximately 5:45 p.m., the LAPD advised the assembled
2 protestors that a curfew would go into effect at 6 p.m. and they would be arrested.

3 8. On June 1, nearly 600 individuals were arrested in Hollywood, with
4 only 20 or so charged with property crimes, such as looting. Earlier in the day, the
5 LAPD put out a news release “requesting” residents of the City not to come to
6 Hollywood that evening. Shortly before 4 p.m., the City announced the curfew that
7 night would begin at 5 p.m. instead of at 6 p.m. as on previous nights. Barely an hour
8 later, a mobile alert was sent out, announcing the curfew would, in fact, start at 6
9 p.m. Despite the correction, the police began arrests at 5 p.m. In addition to
10 Hollywood, about 100 individuals were arrested on June 1 in a protest in Van Nuys.

11 9. Mass arrests occurred on the evening of June 2, when approximately
12 1000 protestors assembled outside Mayor Garcetti’s Hancock Park home,
13 demanding that the Mayor’s budget defund the police. After a few hours,
14 participants in the protest outside the residence split up, with groups marching away
15 peacefully to the north and south. They were followed and soon kettled by the police,
16 then arrested. Approximately 120 individuals were arrested at about 8 p.m. in the
17 vicinity of Crenshaw Avenue and 8th Street on curfew violation charges, only
18 enforceable as an infraction under the Los Angeles Municipal Code.

19 10. The chart at footnote 3 lists some central arrest events and rough
20 estimates for each.³

21

22

23 ³

DATE	AREA	# ARRESTED
May 29	Downtown LA	533
May 30	Downtown LA	398
May 31	Pan Pacific Park/Fairfax	700
June 1	Hollywood	585

11. On May 29, the third day of protests, protestors blocked the 101 freeway in downtown and engaged LAPD officers who responded. At 9:30 p.m. Defendants declared nearly all of downtown LA an “unlawful assembly” and imposed an immediate curfew for the area from the 10 freeway to the 101 freeway, and from the 110 freeway to Alameda. The curfew was announced on the LAPD and Mayor Garcetti Twitter accounts, and at Mayor Garcetti’s press conference.⁴

12. On Twitter, the LAPD wrote: “This [curfew order] is being made following repeated acts of violence and property damage. Residents should stay inside. Business should close. Those on the street are to leave the area.” This was

June 2	Mayor’s home	200
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4



I.Mayor Eric Garcetti @MayorOfLA

We will always protect free speech and Angelenos’ right to live without fear of violence or vandalism. To increase safety for demonstrators, law enforcement and all citizens of Los Angeles, we are...

pscp.tv

[https://www.pscp.tv/w/caGHIDExMTkzNjN8MWVhS2JRV21lcEJ4WLAXZ0Dzz2-iobDIWBufDWNeHPcCb-7O-UR_4tQbozv4 ...](https://www.pscp.tv/w/caGHIDExMTkzNjN8MWVhS2JRV21lcEJ4WLAXZ0Dzz2-iobDIWBufDWNeHPcCb-7O-UR_4tQbozv4...)

1 inadequate notice as it is unlikely that all, most or even many of the 10 million
2 residents of the City follow the LAPD on Twitter.

3 13. In a similar vein, the May 31 curfew, preemptively declaring all of
4 downtown to be an “unlawful assembly,” was announced in a news release posted
5 on lapdonline.org. See http://www.lapdonline.org/newsroom/news_view/66585.
6 California Penal Code §407 defines an unlawful assembly as two or more people
7 who come together to do “an unlawful act, or to do a lawful act in a “violent,
8 boisterous or tumultuous” manner. To comply with the First Amendment, the
9 California Supreme Court construed this statute narrowly to apply only to assemblies
10 that are “violent or pose a clear and present danger of imminent violence.” *In re*
11 *Brown*, 9 Cal.3d 612, 623 (1973). Defendants could not preempt all public
12 assemblies in downtown on the actions of a few at other locations and other times.

13 14. On June 1, the LAPD posted a news release on the its website, issuing
14 a “request” to the public to stay away from the Hollywood Area. See
15 http://www.lapdonline.org/newsroom/news_view/66592.

16 15. The curfew in place from the night of June 2 to the morning of June 3
17 was also announced in a press release posted on the LAPD website. See
18 http://www.lapdonline.org/newsroom/news_view/66598.

19 16. Although public outcry regarding the LAPD’s/City’s unlawful protest
20 suppression tactics resulted in the cessation of such conduct, nothing guarantees that
21 it will not resume. Resumption of this unlawful conduct is a serious risk confirmed
22 by the fact that this was not the first time that the LAPD has engaged in these tactics,
23 even after committing on prior occasions not to engage in such conduct. See Los
24 Angeles Times, June 15, 2020 (“LAPD Violence Against George Floyd Protests
25 Erodes Decades of Reform”). [https://www.latimes.com/california/story/2020-06-](https://www.latimes.com/california/story/2020-06-14/lapd-protest-history-criticism-heavy-tactics)
26 [14/lapd-protest-history-criticism-heavy-tactics](https://www.latimes.com/california/story/2020-06-14/lapd-protest-history-criticism-heavy-tactics).

27 17. Over the course of the last several decades, the Defendant City has
28 been sued repeatedly for many of the same tactics challenged herein, including

1 kettling (i.e., corralling) protestors before declaring an unlawful assembly and
 2 blocking all exit routes, excessive force with batons and rubber bullets, and
 3 prolonged handcuffing and improper conditions of confinement for arrestees. The
 4 day after George Floyd was killed in Minneapolis, the City of Los Angeles paid a
 5 settlement of \$750,000 for a lawsuit raising many of the same violations in the
 6 protests after the Ferguson Grand Jury decision not to indict the officer who shot and
 7 killed Michael Brown. *See Chua v. City of Los Angeles*, 16-cv-00237-JAK-GJS (C.D.
 8 Ca.). By kettling the demonstrators, detaining them tightly handcuffed on buses for
 9 hours, without access to bathrooms, water or food, and through other conduct
 10 detailed below, Defendants violated Plaintiffs' federal and state constitutional rights.

11 18. This Court has subject matter jurisdiction over the Plaintiffs' claims
 12 pursuant to 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1343 (civil rights
 13 jurisdiction). This Court has jurisdiction to issue declaratory or injunctive relief
 14 pursuant to 28 U.S.C. §§ 2201 and 2202 and Federal Rule of Civil Procedure 57.

15 19. Venue is proper in the Central District of California pursuant to 28
 16 U.S.C. § 1391, as all Defendants and events giving rise to the claims herein occurred
 17 in the Central District of California.

18 **II. PARTIES - PLAINTIFFS**

19 **A. ORGANIZATIONAL PLAINTIFFS:**

20 20. Plaintiff BLACK LIVES MATTER LOS ANGELES ("BLMLA") is
 21 part of a nationwide organization with chapters in many major cities, including Los
 22 Angeles. The organization originated in Los Angeles with demonstrations on July
 23 13, 2013, the date George Zimmerman was acquitted of killing teenager Trayvon
 24 Martin in Florida.
 25

26 21. BLMLA is one of the largest and most active chapters of the
 27 organization, with nearly 500 active members and organized ally groups, including
 28

1 White People for Black Lives. In response to the death of George Floyd, BLMLA
2 sponsored protests in Los Angeles and participated in demonstrations organized by
3 other groups. On average, BLMLA sponsors four actions a week. Defendants'
4 actions interfered with BLMLA's right to assembly and speech. BLMLA plans to
5 assist, plan, participate in, hold similar events in the future, on its own or in
6 conjunction with others, and is fearful that the same unlawful police actions in
7 response to these and similar protests of institutional racism and police brutality will
8 be repeated absent injunctive relief to prohibit the LAPD's practices, policies, and
9 customs that caused the unlawful action in response to the recent protests.

10 22. In response to the murder of George Floyd, BLMLA organized protests
11 in Los Angeles. One such action was held at Pan Pacific Park in Los Angeles on
12 Saturday, May 30, 2020. During the course of this protest and others over the past
13 week, while BLMLA and its members were engaged in lawful First Amendment
14 activity, the LAPD used force to terminate the protests, including the indiscriminate
15 use of so-called "less lethal" weapons that caused injury to its members and instilled
16 fear in them that, if they chose to assemble in public spaces to express their
17 opposition to police violence across the nation against black men and women, they
18 would be the subject of such violence and arrest.

19 23. Plaintiff **CANGRESS**, dba Los Angeles Community Action Network
20 (LA CAN), is a grassroots non-profit organization in Skid Row for approximately
21 two decades. More than 800 low-income residents of Skid Row are involved with
22 LA CAN, many of whom are unsheltered each night. In addition, individuals such
23 as Plaintiff SHENTU are members and supporters of the organization. The primary
24 purpose of the organization is to organize and empower community residents to
25 work collectively to address systemic poverty and oppression in the community.
26 Since its founding in 1999, LA CAN has been the only member-driven organization
27 in Skid Row whose goal is to protect the rights and prevent the further
28 disenfranchisement of homeless and poor people in Los Angeles. LA CAN brings

1 this action on behalf of its members and associates who have been arrested and/or
 2 subjected to the use of less-lethal weapons and other tactics aimed at shutting down
 3 public spaces over the past 10 days by City employees and agents pursuant to the
 4 enforcement policies, practices and customs of the City. As a result of Defendants'
 5 unlawful actions, LA CAN has expended personnel resources to try and prevent at-
 6 risk individuals from being subjected to these unlawful policies, assist those who
 7 have been physically injured by these unlawful policies, and assist their members
 8 and associates to be safe from police actions.

9 **B. MAY 29 ARRESTS AND FORCE PLAINTIFFS**

10 24. Plaintiff **STEVEN ROE** participated in a peaceful protest in downtown
 11 Los Angeles at or about the intersection of Temple and Spring Streets, near City Hall.
 12 Around 9:00 that night, **ROE** observed the police form a line and begin pushing the
 13 protestors toward City Hall. Approximately 100-200 people were assembled. The
 14 crowd moved in compliance with the police orders, but each time the demonstrators
 15 did so, they were met by other lines of police officers that blocked them. The
 16 demonstrators realized that they were being herded by the police into a confined
 17 space as a group and completely surrounded by officers. **ROE** and others asked to
 18 leave the demonstration but were refused by the officers at the scene.

19 25. **ROE** observed a single bottle thrown at the police from behind him.
 20 The police made no effort to isolate that one individual. Instead, the officers
 21 advanced more aggressively toward the demonstrators. An officer took aim at **ROE**
 22 and shot him in the stomach with kinetic impact projectile. **ROE** did not present a
 23 threat to and was walking backward facing the officers when he was struck. The
 24 KIP struck with such force that it broke the skin and caused a deep and very painful
 25 injury. Two weeks after being hit, **ROE** still has a welt under the skin.

26 26. At approximately 9:45 p.m., the LAPD announced that everyone in the
 27 group should sit down on the ground. Before this, **ROE** heard no announcement to
 28 disperse and all requests to the LAPD to leave were ignored or denied for 45 minutes.

1 **ROE** later learned that, at about 9:35 p.m., the LAPD tweeted a declaration of an
 2 unlawful assembly order. **ROE** does not follow the LAPD on Twitter, and besides,
 3 he and more than 100 others were already kettled when the “unlawful assembly”
 4 was declared on Twitter. **ROE** and the others were handcuffed behind their backs
 5 with plastic zip ties that were very tight and caused a lot of pain and discomfort.
 6 After waiting for buses to transport the group to a jail facility, they were loaded onto
 7 buses and held in close contact with each other. They were driven to a location just
 8 a few blocks away and could have walked there faster without extending the time
 9 that they were handcuffed or creating congregate conditions on the buses that
 10 increased the exposure to COVID-19. During the entire time they were in custody
 11 they were not provided with any water or given access to a bathroom. **ROE** and
 12 others asked for the zip ties to be removed because of the pain but their persistent
 13 requests were ignored or refused. In all, **ROE** spent 2 hours and 15 minutes
 14 handcuffed. His fingers were numb, and he had visible injuries from the zip ties.



24 27. Plaintiff **NELSON LOPEZ** participated in a peaceful protest in front
 25 of Los Angeles City Hall at First and Spring Street in downtown Los Angeles on the
 26 evening of May 29, 2020. At approximately 7:30 p.m., he arrived at City Hall. The
 27 crowd was very peaceful, with some children holding signs. **LOPEZ** soon observed
 28 a line of officers form around the group on all sides, blocking anyone from leaving.

1 28. **LOPEZ** never heard a dispersal order. A helicopter flew over the
2 crowd, making it hard to hear. At some point, the group was told to sit on the ground
3 because they were being arrested. After about 40 minutes, LAPD officers informed
4 them that they would be issued a citation, like a traffic ticket. While seated, **LOPEZ**
5 called his mother, a nurse who worked nearby. After ending her 12-hour shift, she
6 came to get him on her way home. She was trapped by the LAPD and arrested.

7 29. It took about two to three hours for everyone in the group trapped at
8 City Hall to be handcuffed. Some homeless people were also swept up in these
9 arrests. Some detainees were screaming because of the tight handcuffs. Others were
10 upset because, after the officers told the group that they would only be cited and
11 release, they were now handcuffed and taken into custody.

12 30. **LOPEZ** estimates that approximately several hundred people were in
13 the group arrested with him. Once handcuffed, they were loaded onto buses and
14 held in close contact with each other. They were taken to what appeared to be a
15 police garage just a few blocks from City Hall. However, **LOPEZ** sat on the bus
16 for approximately 45 minutes, waiting for the bus to enter the garage. When
17 **LOPEZ** entered the garage, he observed approximately 1,000 people inside being
18 processed. He also observed more buses arriving at the location.

19 31. **LOPEZ**'s handcuffs were very tight, bruising his wrists and injuring
20 his shoulder (rotator cuff). He asked an officer to loosen the handcuffs but was told
21 they could not do so because they did not have sufficient replacement zip ties.
22 **LOPEZ** heard multiple, if not most, of the arrestees complain about tight handcuffs.
23 He did not see anyone's handcuffs loosened in response to these complaints. He
24 was not released until approximately 3:30 a.m. He was held in handcuffs for several
25 hours in the garage before being issued a citation for a violation of LAMC 80.02
26 ("obedience to an officer"), which is only punishable as an infraction.



C. MAY 30 ARRESTS AND FORCE PLAINTIFFS

32. Plaintiff TINA ČRNKO attended the Black Lives Matter Los Angeles rally at Pan Pacific Park on May 30, 2020, arriving at approximately 12:30 p.m. At approximately 1 p.m., some of the participants began marching peacefully toward the Beverly Center. After another two hours without incident, the group split into three groups. One group was protesting near the intersection of 3rd Street and Edinburgh peacefully. Plaintiff ČRNKO was part of that group.

33. Sometime before 5:30 p.m., Defendant MOORE arrived and spoke to the group; however, he could not be heard over the protestors as he lacked adequate amplification equipment that would allow him to be heard. At that time, additional officers, wearing riot gear and brandishing more weapons, arrived on the scene. Eventually, several lines of officers in riot gear kettled the group on all sides, preventing everyone from leaving.

34. A short time after Moore spoke to the group, ČRNKO observed protestors running east on 3rd Street, followed by a swarm of LAPD officers. About 30 minutes later, the demonstrators marched south and were able to leave the kettling when Chief MOORE directed the officers on the south to allow people to exit.

35. ČRNKO then marched to the northeast corner of the intersection of 3rd and Fairfax. She observed ever increasing number of LAPD officers arrive at the intersection attired in riot gear, heavily armed and forming what appeared to be an impenetrable wall of officers at least 10 deep stretching across a wide area.

36. Once again, Chief Moore appeared, this time in riot gear, and addressed the crowd but, once again, he could not be heard because of the poor quality of the amplification equipment he used.

37. At about 6:00 p.m., plaintiff observed what appeared to be some panicked protestors running east on 3rd Street, followed by a large number of LAPD officers moving behind them and coming toward the area where ČRNKO was assembled. She began moving east, as well, but soon realized that was not an available option. Soon after that, she observed a line of officers coming toward the group from the west.

38. At approximately 6:25 p.m., she heard shots being fired. She was hit in the left bicep and ribcage by KIPs. As the group she was with moved east, the officers fired KIPs at them, including small projectiles colloquially referred to as “rubber bullets.” She was struck on the forehead above her right eye, causing a temporary hearing loss and extreme pain. She was bleeding profusely. With officers continuing to advance on the group, she could not get help from a medic on site. The resulting wound required seven stitches. She still suffers nerve damage in the area of impact.



39. Plaintiff **JONATHAN MAYORCA** is a journalist for an independent media. On May 30, 2020, along with two crew members, he was filming a peaceful demonstration on Beverly Boulevard in the Fairfax area of Los Angeles. He observed LAPD officers begin to form a line and push back everyone in the area of the protest. Mr. **MAYORCA** soon realized he was trapped by the officers, and they were kettling the group of protestors he was with toward an alley. His press badge was clearly visible, but the LAPD officers ignored his attempts to show his press credentials and continued pushing the entire group toward the alley, surrounding them and refusing all requests to leave. **MAYORCA** did not hear a dispersal order and was not given an opportunity to leave before he was arrested.

40. Once in the alley area, **MAYORCA** was ordered to stop filming and to sit on the ground. The LAPD forced him to the ground, breaking his camera. He was handcuffed tightly with zip ties, causing pain and discomfort. He was then stood up against a wall. After the entire group was handcuffed, they were moved into a van, sitting close together. Others in the same arrest group were protestors, whom **MAYORCA** had filmed engaging in a peaceful protest.

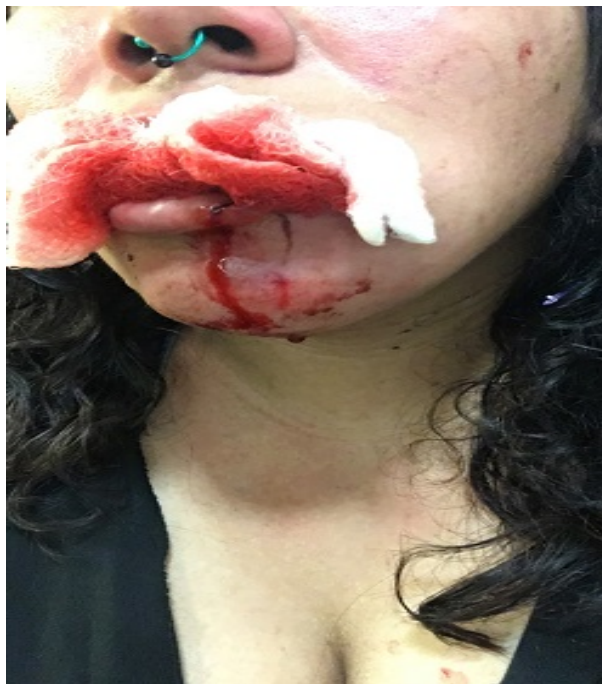
41. After about thirty minutes, the group was driven to the Van Nuys station, a considerable distance away. At the station, Mr. **MAYORCA** was issued a citation for failing to obey lawful orders, LAMC 80.02, which is expressly and only chargeable as an infraction pursuant to the Los Angeles Municipal Code.

42. **MAYORCA** was handcuffed tightly for approximately two hours and 15 minutes. His repeated requests to remove or loosen the handcuffs because of the pain were ignored. During the entire time that the group was handcuffed, they were denied access to a bathroom or water.

43. Plaintiff **ABIGAIL RODAS** participated in a peaceful event organized by BLM LA in the Fairfax area on May 30, 2020 of Los Angeles to protest the murder of George Floyd. She was walking on Beverly Boulevard near LaCienega

1 Boulevard when the protestors were met by a line of LAPD officers, who began to
2 push them back.

3 44. Although there had been no dispersal order, RODAS and a friend
4 decided to leave the protest at that point and began walking toward her car when an
5 officer began shooting projectiles at them. She was struck in the face by a projectile
6 and momentarily lost consciousness. She fell to the ground, bleeding. Someone
7 drove her to nearby Cedar Sinai Hospital, where she was quickly taken to surgery.
8 When she arrived at the hospital, she was unable to talk. She was diagnosed with a



21 severe fracture to her right mandible and underwent surgery. Stitches were required
22 on both the inside and outside of her mouth to close the lacerations, and a steel plate
23 was used to repair the fractured jawbone. RODAS spent two days in the hospital on
24 Monday afternoon and has been recuperating at home since. She was unable to talk
25 for about 10 days. For one week, she could only drink liquids and is still on a soft
26 food diet. Nearly three weeks after the injury, she has screws in her gums and rubber
27 bands to immobilize her jaw while the bones rejoin.
28

1 45. Plaintiff **KRYSTLE HARTSFIELD** participated in a peaceful protest
 2 in the Fairfax area of Los Angeles on the afternoon of May 30, 2020. She is
 3 employed in the Artist Management department of a Los Angeles media company.
 4 When the protestors were near the Trader Joe's on Third Street and Fairfax Avenue,
 5 **HARTSFIELD** observed officers begin to physically direct the movement of the
 6 group of protesters. A short time thereafter, at around 3:30 p.m., she heard a dispersal
 7 order made by the LAPD. At the point the dispersal order was given, the group was
 8 directed to leave through the alleyway next to the Trader Joe's. **HARTSFIELD**
 9 complied and began to leave the area and was walking away when she heard an officer
 10 say "don't let them leave." An officer then grabbed her and pulled her from behind,
 11 and other officers surrounded her in front. As they did this, one of the other female
 12 protesters grabbed her hand and repeatedly said, "don't round her up – don't round
 13 her up" but the officers pulled her away and pushed **HARTSFIELD** into the parking
 14 lot near the alley.

15 46. **HARTSFIELD** and the others were handcuffed and lined up on Third
 16 Street where they remained, tightly handcuffed, for approximately two hours while
 17 they waited to be transported. The group was then put in a van, seated closely
 18 together, and taken to Van Nuys. Despite repeated requests to loosen their handcuffs,
 19 they remained very tightly handcuffed throughout, causing considerable pain. In all,
 20 she was handcuffed for approximately six hours before her release.

21 47. **HARTSFIELD** was not released until approximately 10:30 p.m. She
 22 heard LAPD officers warn those released that if they remained in front of the station,
 23 they would be rearrested for violating the curfew, which went into effect at 8:30 that
 24 night. She was fortunate that family members arrived at the station to take her home.

25 48. Plaintiff **NADIA KHAN** participated in the rally organized by Black
 26 Lives Matter Los Angeles at Pan Pacific Park on May 30, 2020, in the Fairfax area.
 27 She arrived there at approximately 11 a.m. At around noon, the rally concluded and
 28 the protesters left the park and began a march.

1 49. When the march neared the intersection of 3rd and Fairfax, **KHAN**
2 observed lines of police in riot gear. **KHAN** observed the officers shoot projectiles
3 at the group, although she not hit at this time.

4 50. The march continued north on Fairfax to Beverly Boulevard where it
5 met up with a large group of young people. **KHAN** marched with them to the
6 Beverly Center and back on Beverly Boulevard toward Fairfax. When the marchers
7 neared Beverly and Fairfax, the police deployed a chemical irritant that made
8 **KHAN**'s eyes burn and tear up. In addition, the gas got into her lungs, making her
9 cough. At or about the same time, the police were also shooting small pellet-like
10 impact projectiles at the group. She was hit in the legs, but because she was not close
11 to the police and was wearing jeans, she did not suffer serious injury.

12 51. **KHAN** continued with the peaceful protestors north on Fairfax towards
13 Melrose. The police kettled the group there at about 7:45 p.m. There were
14 approximately 100 people detained at this location. All of the demonstrators were
15 handcuffed behind their back with zip ties. **KHAN**'s zip ties were very tight and
16 caused pain. She asked the officers to loosen the zip ties but was ignored. The
17 arrestees were loaded on to two crowded buses. **KHAN** was wearing both a mask
18 and goggles to protect against exposure to COVID-19 contagions but most of the
19 officers and some of the detainees did not have masks.

20 52. The group was taken to Wilshire Division on Venice Boulevard and
21 cited for a violation of LAMC 80.02, an infraction. **KHAN** was released about
22 midnight. She was handcuffed for approximately four hours, leaving her wrists sore
23 and painful for several days.

24 53. Plaintiff **CLARA ARANOVICH** is a filmmaker in Los Angeles. On
25 May 30, 2020, she participated in a peaceful demonstration in the Fairfax district
26 following a rally in Pan Pacific Park organized by Black Lives Matter Los Angeles.
27 **ARANOVICH** arrived in the vicinity between 4:00 p.m. and 5:00 p.m. and observed
28

1 a group of protestors gathered at the intersection of Fairfax Avenue and 3rd Street.
2 She also observed a line of police officers across the street from the protestors.

3 54. Just before 6:00 p.m., **ARANOVICH** observed Defendant Moore
4 addressed the protestors. Initially, he spoke to the protestors without amplification,
5 making it nearly impossible to hear what he was saying. He then used an
6 amplification device that someone handed to him, but it was still difficult to hear
7 him over the crowd noise. **ARANOVICH** did not hear Chief **MOORE** or anyone
8 else make an unlawful assembly announcement, or that the protestors were required
9 to disperse. About 30 minutes after Chief **MOORE** spoke, the line of police officers
10 began to move the protestors back by using aggressive, physical force. As the
11 officers advanced, they used the ends of their batons to jab people with force in their
12 chest and abdomen area. Some of the officers hit protestors with their batons in an
13 overhand swinging motion. **ARANOVICH** was struck in her chest and abdomen
14 multiple times, with sufficient force to cause a painful bruise on her breast.

15 55. As **ARANOVICH** left the protest, she was struck with a kinetic impact
16 projectile in the calf. This resulted in a painful welt and a bruise that was still visible
17 on her leg as of June 18, 2020, almost three weeks later.



C. MAY 31 ARRESTS AND FORCE PLAINTIFFS (SKID ROW)

56. Plaintiff JEFFREY TROTTER is a 51-year-old African American man and a resident of the Rosslyn Hotel on Skid Row. On Sunday, May 31, at about 5 p.m., TROTTER walked two blocks from the Rosslyn, at 5th and Main Streets, to the RiteAid drug store at 5th and Broadway. The Rite Aid was closed, so he started to walk back to the Rosslyn.

57. When he neared 5th and Spring streets, he saw a line of LAPD officers in riot gear. One officer, a white male, stepped toward him and asked where he was going. Mr. TROTTER responded that he was walking home from the Rite Aid. Without further discussion, the officer took a few steps back and shot Plaintiff with hard rubber or foam projectiles at close range four times, once in the chest, twice in the stomach, and once on the left hand. The projectile that hit his chest struck with such force that it tore off skin in the shape of the projectile. The one that hit his hand also tore off a chunk of skin about an inch long and half an inch across.

58. Mr. Trotter collapsed from the impact. As he lay on the ground, the officers stepped over him and walked away. After a period of time, he was able to walk the block back to the Rosslyn. When he arrived there, a friend called the



1 paramedics, who treated him there. He was in intense pain for more than a week and
2 two weeks later, his stomach, chest and hand are still swollen and bruised.

3 59. Plaintiff **ORLANDO HINKSTON**, also known as “Cincinnati,” is
4 disabled and uses a wheelchair for mobility. He is a participant in LA CAN. He was
5 struck multiple in the head, shoulder and back by impact projectiles on Sunday, May
6 31, while sitting in his wheelchair near the Rosslyn Hotel on Skid Row. He was not
7 engaged in any protest and pleaded with police not to use force on him before being
8 shot multiple times. Two weeks after he was struck with projectiles, a red welt is
9 still visible on his shoulder.



21
22 ***D. June 1 Arrests And Force Plaintiffs***

23
24 60. Plaintiff **ALEXANDER STAMM** participated in a peaceful
25 demonstration in Hollywood on the afternoon of June 1, 2020. He arrived at
26 approximately 4 p.m. and was joined by his husband at around 5:30 p.m. While
27 marching, he saw the police block off streets, forcing protestors down side streets.
28

1 As the protestors moved down side streets in response to the lines of officers
2 blocking their march.

3 61. **STAMM** observed that the police kettled the protestors in these side
4 streets so they could arrest them.

5 62. Plaintiff **STAMM** smelled some chemical irritants in the air around the
6 protestors. He also observed someone hit with an impact projectile in the thigh.
7 Terrified by what was happening, **STAMM** and his husband decided to leave and
8 go home to their nearby apartment. At around 8 p.m., they started down Schrader
9 Boulevard because Wilcox was blocked by a police line. As **STAMM** walked down
10 Schrader, between Selma Avenue and Sunset Boulevard, the police blocked the
11 streets and surrounded the group he was walking with. Although he was only a few
12 blocks from his home, he was not permitted to leave.

13 63. There were approximately 200 to 300 people in the group. All were
14 ordered by the police to get on their knees and put their hands behind their backs.
15 There were all handcuffed then. **STAMM** did not hear a dispersal order before being
16 ordered to get down on his knees.

17 64. All the arrestees were loaded onto LASD buses, seated two to a bench
18 with no social distancing. Some people's face masks had fallen down, but they could
19 not reposition the masks because they were handcuffed.

20 65. The arrestees were driven from Hollywood to Jackie Robinson
21 Stadium, on the Veterans Administration property in West Los Angeles. The drive
22 from Hollywood took approximately 45 minutes. Once they arrived at the VA, they
23 were held on the buses for another two hours before their citations were processed
24 and they were released. They were taken off the closed bus only two at a time and
25 then lined up to be processed. During all this time, he remained tightly handcuffed,
26 causing bruising on his wrists, and in an unventilated bus without social distancing
27 or masks.

1 66. At about 1:00 a.m., **STAMM**'s handcuffs were finally removed and he
2 was told he was free to leave. To get home to Hollywood, **STAMM** had to take two
3 buses then walk approximately four miles to his apartment. He did not arrive home
4 until 2:30 a.m., long after the curfew went into effect.

5 67. On June 1, 2020, Plaintiff **MAIA KAZIM** participated in a peaceful
6 demonstration on Spring St. near the intersection of 5th Street in downtown Los
7 Angeles. At about 6:30 p.m., LAPD officers blocked about 300 people from moving
8 north or south on Spring Street, forming a blockade at both ends of Spring Street.
9 Some people tried to leave through a parking lot on Spring, but police blocked them.

10 68. **KAZIM** was at the front of the protestor group. Prior to the blockade
11 by the LAPD, she heard no dispersal order, or warning that the group was in violation
12 of a curfew order, or that they would be arrested if they did not leave the area.

13 69. **KAZIM** was handcuffed with zip ties. About 15 minutes after that, she
14 was given a citation for a curfew violation but not released. Instead, the hundreds
15 of people in the group were loaded on to buses. Eventually, the arrestees were taken
16 from downtown Los Angeles to a UCLA parking lot. Once there, they were kept on
17 the buses from 7:30 until about 1:00 a.m., handcuffed behind their backs, with no
18 access to food, water or bathrooms. While on the bus, **KAZIM** observed a woman
19 on the bus in physical distress from a dislocated shoulder. Someone on the bus was
20 able to access their cell phone and called 911. The woman next to **KAZIM** was
21 panicking because she needed to take medication. Someone on the bus was able to
22 use their cell phone to call 911 for this woman, as well. Requests to the officers to
23 address these situations were ignored.

24 70. When she was finally released, **KAZIM** asked an officer whether her
25 boyfriend would be violating the curfew if he picked her up. The officer responded
26 that it would be a violation of the law, but he should be fine. Uneasy with this
27 response, **KAZIM** did not want to risk arrest of her boyfriend, so she got a ride from
28 the friend of someone on the bus. She was handcuffed behind her back with plastic

1 zip-ties for more than seven hours until she was released at 1:00 a.m. The handcuffs
2 were painful and caused minor tenderness on both wrists for 2-3 days.

3 71. Plaintiff **ALICIA BARRERA-TRUJILLO** also participated in a
4 peaceful protest in downtown Los Angeles on June 1, 2020. She arrived with her
5 younger sister and a friend at 5th and Grand, near the main public library, at
6 approximately 2:00 pm with her younger sister and friend. The crowd was very
7 peaceful and diverse, including families with children holding signs.

8 72. At around 4:00 p.m., she started making plans to leave the area. Soon
9 thereafter, we received a text that the curfew for Los Angeles that night was 5:00
10 p.m. **BARRERA-TRUJILLO** was confused because she also received a text
11 informing her that the curfew was at 6:00 p.m.

12 73. She attempted to leave the area shortly before 5:00 p.m. and observed
13 that the police had blocked off all exit streets. Police surrounded them on all sides,
14 making it impossible for anyone to exit the area. **BARRERA-TRUJILLO** began
15 to panic and observed that everyone around her also appeared to panic as officers
16 surrounded them. **BARRERA-TRUJILLO** never heard a dispersal order,
17 providing notice and an opportunity to leave before the group was kettled. A
18 helicopter flew over the crowd, making it was very hard to hear.

19 74. Once they were kettled, **BARRERA-TRUJILLO** saw some type of
20 rubber bullets being fired into the protest group. She also saw a police officer direct
21 some type of aerosol spray at a woman with a young child. The child was crying
22 and both the woman and the child appeared to be in pain from the effects of the spray.

23 75. Approximately 500 people were in the group before it was split in half
24 to handcuff and process them. **BARRERA-TRUJILLO** was searched, handcuffed
25 and received her citation while detained on the street. She was then placed on a bus
26 and waited an hour for the bus to leave downtown. Ultimately, the arrestees were
27 driven to Westwood, near the National Cemetery.

1 76. While on the bus, she saw several people who seemed to need medical
 2 aide. There were no officers on the bus and no way to get their attention. One of
 3 the arrestees was able to get out of her handcuffs and call for emergency assistance.
 4 Only when the ambulances arrived did the police check on the arrestees on the bus.
 5 Near plaintiff, one woman asked to use the bathroom but was denied by the officers.
 6 When the woman was later taken off the bus, she urinated on herself.

7 77. Once released, **BARRERA-TRUJILLO** and her sister had no way to
 8 get home. Her cell phone was not charged. Several volunteers with the National
 9 Lawyers Guild waited with them until they could arrange a ride home. **BARRERA-**
 10 **TRUJILLO** was handcuffed from about 6:50 p.m. until 4:00 a.m. The tight
 11 handcuffs cut into her wrists, stripping skin off and causing bleeding.

12 **E. JUNE 2 ARRESTS AND FORCE PLAINTIFFS**

13 78. Protests took place in several areas of the City throughout the day on
 14 June 2, 2020. At Hollywood and Vine, a peaceful protest occurred mid-day with
 15 approximately 30 people, most standing on Hollywood Boulevard and a smaller
 16 group of about 10 people on Vine Street. Plaintiff **SHANNON MOORE** arrived
 17 with a friend at the protest shortly before 3 p.m. Within about five minutes, she was
 18 shot in the back of the head by a KIP. A tall male in the group threw a water bottle
 19 at the police as she arrived. Rather than isolate and arrest him, the police shot her.

20 79. Because **MOORE** saw the officer take aim at her head, she was able to
 21 turn away so that she was struck in the back of the head. She was able to prevent
 22 the projectile(s) from hitting her directly in her face and suffered much more serious
 23 injury. She sought medical treatment and suffers intense headaches.



80. Plaintiff **DEVON YOUNG** is a mental health therapist in Los Angeles. On June 2, 2020, she participated in a large, peaceful demonstration outside Mayor Eric Garcetti's house on the corner of South Irving Blvd. and 6th Street in Windsor Square. The protest was organized by Black Lives Matter Los Angeles to protest the killings of George Floyd, Breonna Taylor, Ahmaud Arbery, and the countless other victims of police brutality and racism.

81. **YOUNG** arrived at the protest at approximately 5:00 p.m. and remained in the area until about 8:00 p.m. The group she was with then began marching away from the Mayor's home. While marching, the group was surrounded and kettled by LAPD officers. No one was able to exit the group of about 100 people. The officers pushed the group aggressively and silently toward Crenshaw and 8th Street. Officers ignored the protestors' pleas: "We want to leave. Let us go home!"

82. Finally, at around 8:45 p.m., near the intersection of Crenshaw and 8th Street, the officers announced that they were all under arrest. There was no dispersal order. The officers did not inform them that they were going to be arrested for a curfew violation before the arrests took place. All were handcuffed with their hands behind their backs using zip-ties. **YOUNG** was handcuffed at about 9:45 p.m. The officers separated the group into two lines – one for men and one for women. The

1 officers performed pat down searches that were intrusive and uncomfortable for
2 many of the women. In addition, most of the officers were not wearing masks and
3 came in close proximity to the women during the pat down.

4 83. During the pat down searches, a transgender woman in the group was
5 separated from her female partner because she did not have female sex organs.
6 **YOUNG** asked an officer what was happening to her and he replied that she was
7 being placed in a holding area labeled “other” so she could be searched separately
8 for her own safety. She and her partner were frightened and upset by the separation.

9 84. While handcuffed, **YOUNG’s** skirt was raised up such that her
10 underwear was exposed to the group and she had no ability to pull her skirt down
11 because she was handcuffed. She asked the officers if she could pull her skirt down
12 and they refused to let her do so. Only after she walked through the group with her
13 underwear completely exposed was she allowed to adjust her skirt. She was very
14 uncomfortable and felt humiliated.

15 85. Approximately two hours after they were first detained and handcuffed,
16 the group was loaded onto a bus. The arrestees were forced to be close together,
17 many without masks. The handcuffs were very tight and uncomfortable. When
18 finally uncuffed, **YOUNG** had bruises and marks on her wrist from the handcuffs.

19 86. The group was taken to a parking lot in Van Nuys where they were
20 processed and released with a citation for a violation of LAMC 80.02, a curfew
21 violation. Throughout the time they were detained, the arrestees were denied access
22 to bathrooms, water and food. For some of the women, this situation was
23 compounded by the inability to change their tampon.

24 87. **YOUNG** was released in the middle of the night at 1:30 a.m. with no
25 ability to call for a ride or instruction on how to get home safely. A police officer
26 told them they would be rearrested if they did not go home immediately. Fortunately,
27 some volunteers arrived to give people a ride home.

1 88. Plaintiff **LINUS SHENTU** is a long-time member of CANGRESS. On
2 the evening of June 2, 2020, he was participating in a peaceful protest in Hollywood,
3 near Sunset and Vine. When the protestors marched and reached Van Ness between
4 Melrose and Santa Monica Boulevards, SHENTU observed police starting to block
5 streets and kettle the protestors. The march was accompanied by a car caravan. From
6 a half a block away, SHENTU observed the police dragging people out of cars. All
7 around him, the marchers started running. SHENTU and his partner were able to
8 locate his partner's sister, who had been in the car caravan, and jumped in her car.
9 Because the police had blocked off all of the streets, they could not leave the area.
10 To avoid arrest and be safe until they could safely drive home, they followed other
11 cars to the parking lot of a nearby apartment building.

12 89. As they remained in their car, they observed a few officers enter the
13 parking lot and pull people out of their vehicles. The officers ordered SHENTU, his
14 partner and her sister out of their car, opened the rear passenger door where his
15 partner was seated and yanked her harshly by her arm. SHENTU voluntarily exited
16 the rear passenger seat. They were lined up on the side of the building with their
17 hands zip tied behind their backs. In all, approximately 30 individuals were arrested
18 at this one location and held at Elmwood and Van Ness for approximately one hour
19 while officers filled out Field Interview cards with their personal identifiers.

20 90. After approximately one hour, Sheriff's buses arrived to transport the
21 arrestees. They were driven to a makeshift processing center in Van Nuys at Roscoe
22 and Woodman. There were multiple buses at the location with arrestees who
23 appeared to SHENTU to be protestors. In all, SHENTU estimates that he was
24 detained, handcuffed tightly behind his back, for about four hours. SHENTU, his
25 partner and his partner's sister experienced numbness, bruising and soreness from
26 the handcuffing and the force used to remove them from their vehicle. His partner
27 was pulled from the vehicle with such force that it caused bruises on her forearm.
28

1 91. Defendants' actions interfered with BLMLA's right to assembly and
2 speech. BLMLA plans to assist, plan, participate in, hold similar events in the future,
3 on its own or in conjunction with others, and is fearful that police actions in response
4 to these and similar protests of sanctioned executions will be repeated absent
5 injunctive relief to prohibit the practices, policies, and customs of the LAPD that
6 resulted in the unlawful action in response to the recent protests throughout the City.

7 92. Defendants' actions also interfered with the work of Plaintiff
8 CANGRESS to advocate for racial and economic justice for the residents of Skid
9 Row, both housed and unhoused. Because Defendants indiscriminately arrested
10 individuals on Skid Row for violations of the curfew and assaulted them with less
11 lethal weapons, Plaintiff CANGRESS has had to shift its resources to protecting its
12 members and other residents of Skid Row from the unlawful conduct of the LAPD.
13 Plaintiff CANGRESS' time in recent months was heavily focused on advocating for
14 and protecting a highly-vulnerable population for COVID-19 from the greater
15 likelihood of contracting and dying from the virus based on their poverty, underlying
16 medical conditions and race.

17 93. The Plaintiff injunctive relief class includes all persons who
18 participated, or intend to exercise their First Amendment rights by participating, in
19 future demonstrations, in particular in protest against police violence and racism.

20 94. The Plaintiff damages classes consist of: 1) approximately 3000
21 individuals who were arrested and subjected to excessively tight and prolonged
22 handcuffing, held on buses and in garages for extended periods of time, without
23 access to bathrooms, water or food when they engaged in the spontaneous protests
24 against a number of recent widely publicized police killings of civilians, the most
25 recent spark being the murder of George Floyd in Minneapolis, Minnesota; 2)
26 several thousand individuals who were struck by so-called "rubber bullets" and/or
27 baton strikes administered without lawful justification and in a manner contrary to
28 proper use and inflicted maximum injury; 3) individuals charged solely with

1 infractions who were arrested and taken into custody rather than being released in
2 the field despite their right to field release.

3 **II. PARTIES-DEFENDANTS**

4 95. Defendant **CITY OF LOS ANGELES** is a municipal corporation duly
5 organized and existing under the Constitution and laws of the State of California.
6 The Los Angeles Police Department (“LAPD”) is a local government entity and an
7 agency of Defendant City of Los Angeles, and all actions of the LAPD are the legal
8 responsibility of the City of Los Angeles. The City of Los Angeles is sued in its own
9 right on the basis of its policies, customs, and practices which gave rise to Plaintiffs’
10 federal rights claims.

11 96. Defendant **CHIEF MICHEL MOORE**, is and was, at all times
12 relevant to this action, the LAPD police chief and a policymaker for his department.
13 He is sued in both his individual and official capacities.

14 97. Plaintiffs are informed, believe, and thereupon allege that Does 1
15 through 10 were the agents, servants, and employees of Defendants City of Los
16 Angeles and/or the LAPD. Plaintiffs are ignorant of the true names and capacities of
17 Defendants sued herein as Does 1 through 10, inclusive, and therefore sue these
18 Defendant by such fictitious names. Plaintiffs will amend this Complaint to allege
19 their true names and capacities when ascertained. The individual Doe Defendants
20 are sued in both their individual and official capacities.

21 98. Plaintiffs are informed, believe, and thereupon allege that at all times
22 relevant hereto Does 1 through 10, in addition to the named Defendants, are
23 responsible in some manner for the damages and injuries alleged herein.

24 99. Plaintiffs are informed, believe, and thereupon allege that at all times
25 relevant hereto Defendants, and each of them, were the agents, servants and
26 employees of the other Defendants and were acting at all times within the scope of
27 their agency and employment and with the knowledge and consent of their principal
28 and employer. At all times Defendants were acting under color of state law.

1 100. Plaintiffs are informed, believe, and thereupon allege that the practices,
2 policies, and customs of the City of Los Angeles and/or the LAPD caused the
3 unlawful action taken against Plaintiffs.

4 **III. FACTS**

5 101. On May 25, 2020, Minneapolis Police Officer Derek Chauvin
6 murdered George Floyd, suspected of forgery for attempting to use a purported
7 counterfeit \$20 bill. Officer Chauvin, along with two other officers, held Mr. Floyd
8 on the ground, handcuffed behind his back, and ignored pleas to get off his neck,
9 back and legs and let him breathe. Mr. Floyd died on the street in Minneapolis.

10 102. Because of extensive video by onlookers, security cameras and police
11 body cameras, both the Minneapolis law enforcement and prosecutors, as well as the
12 public, concluded that George Floyd was just the latest person to die at the hands of
13 police because of deliberate and unlawful tactics.

14 103. The death of George Floyd sparked an extraordinary wave of protests
15 across the country and the world. In Los Angeles, tens of thousands of people
16 participated in lawful and peaceful protests. Based on the alleged unlawful conduct
17 of a few, Defendants responded to these mass protests with expansive curfews and
18 mass arrests for curfew violation, failure to disperse, unlawful assembly, failure to
19 follow a “lawful” order of an officer, similar misdemeanors and infractions, all
20 designed to punish protestors. The routine and undifferentiated use of such
21 widespread arrest and dispersal tactics impinged the protestors’ right to engage in
22 protected expressive activity in public spaces without preemption and curtailment
23 based on group guilt.

24 104. California Penal Code § 409, which defines an unlawful assembly, has
25 repeatedly been construed to require a showing of imminent violence that so
26 permeates a lawful expressive activity that law enforcement may curtail the rights
27 of all demonstrators. Facts justifying the declaration of an unlawful assembly order
28 anywhere, let alone throughout the City, or even all of downtown Los Angeles in

1 advance of any expressive activity, did not exist. Instead, Chief **MOORE** and Mayor
2 Garcetti applied a ham-handed approach, announcing an unlawful assembly without
3 adequate notice and unlawfully employing indiscriminate, untargeted use of force,
4 silencing everyone.

5 105. Thousands of peaceful protestors, the arrest class of Plaintiffs (defined
6 further on), were transported to LAPD jails and make-shift detention sites around
7 the City. All those arrested were held on buses for extended periods of time before
8 being off-loaded into garages and parking lots to be cited and released. Because there
9 was no plan for processing mass arrests and despite the fact that the City has
10 repeatedly been sued for the same unlawful policy and practice, many arrestees were
11 held on the buses and driven around the City for long periods of time in close contact
12 in unventilated buses - handcuffed and without any bathroom access - in search of a
13 location where they could be processed and released. As a result, arrestees for
14 infractions and misdemeanors were driven to far distant locations in the City and,
15 after processing, released in the middle of the night without their property and with
16 no way to get home, all the while being out during a time of curfew and risking
17 rearrest if detained again by the LAPD.

18 106. Throughout the time they were arrested and held in LAPD custody,
19 Plaintiffs were handcuffed tightly behind their backs and denied food, water and
20 access to bathroom facilities, resulting in many arrestees urinating on themselves in
21 the closed buses. All arrestees, regardless of the alleged crime, were unnecessarily
22 and unreasonably confined in close, enclosed quarters without any ventilation,
23 increasing the risk of COVID-19 exposure. It is well known and was, or should have
24 been known to Defendants, that being in closed spaces without vigorous air
25 movement significantly increases the risk of COVID-19 exposure. Moreover, both
26 the City and the Defendant **MOORE** were well aware of the increased risk of
27 COVID-19 exposure because 1) of the institution of \$0 bail for low-level offenses
28 and 2) the City and LAPD's involvement in mitigation efforts for COVID-19 for

1 individuals in congregate spaces, including the temporary placement of unhoused
 2 individuals at the City’s recreation centers. All members of the arrest class (defined
 3 in ¶ 123a) were held in restraint for a minimum of three hours, with some held more
 4 than 12 hours in these excruciatingly painful conditions from the time they were first
 5 handcuffed. The class members experienced numbness in their hands and requests
 6 to loosen the zip ties or remove them went unanswered. Without access to bathrooms,
 7 arrestees were forced to urinate on themselves.

8 107. The harm caused by this practice is well-established. The Ninth Circuit
 9 has long recognized that tight handcuffs for even relatively short period of time less
 10 than an hour can cause significant pain and damage. For more than a quarter of a
 11 century, law enforcement in California have “been on notice that abusive
 12 handcuffing can amount to excessive force and no officer could reasonable believe
 13 it is proper to fail to assist arrestees who complain that their handcuffs are too tight”.
 14 *See e.g., Alexander v. County of Los Angeles*, 64 F.3d 1315, 1323 (9th Cir. 1995).⁵

15 108. Arrestees were uniformly held under these unlawful conditions of
 16 confinement despite the fact that, to address the COVID-19 pandemic, California
 17 currently has a \$0 bail for any misdemeanor where the bail would be less than
 18 \$50,000. The prolonged detention of the arrest class is even more unjustified in light
 19 of the California Penal Code § 853.6, which permits individuals suspected of a
 20 misdemeanor violation to be cited and released promptly, in the field or after
 21 booking, unless one of a limited number of restrictions apply.

22 109. Applying § 853.6, in 2013 the Los Angeles Police Commission
 23 conducted a research project that demonstrated that it took an officer approximately
 24

25
 26
 27 ⁵ JJ Payne-James, “[Restraint Techniques, Injuries, and Death:](#)
 28 [Handcuffs](#)” Encyclopedia of Forensic and Legal Medicine, Volume 4 (December
 2016): Lists studies of neurology injuries caused by handcuffing.

1 15 minutes to prepare a cite and release in the field with a Notice to Appear; 45
2 minutes to transport an individual to the station and prepare a “short-form” booking
3 document, cite and release the individual with a Notice to Appear; and two and one-
4 half hours to complete a “long-form” booking document. As a result of this review,
5 a directive was issued to follow the cite-and-release option, while reserving
6 individual discretion to book and release at the station. On information and belief,
7 in this instance the LAPD elected to transport every arrestee, regardless of the
8 offense, to a “station” for booking, even though many, if not nearly all, were
9 processed outside of a building and simply cited and released at that location. This
10 was done to punish demonstrators for their protest activity.

11 110. A large number of individuals in this instance, as many as 1,000 or more,
12 were arrested on infractions. They were handcuffed and many had their citations
13 prepared on site and put in their pockets. Instead of releasing them once the citation
14 was completed, all were held on buses and booked, in violation of Cal. Penal Code
15 § 853.5, which imposes a mandatory requirement to release infraction arrestees on
16 their own recognizance in the field. (“ In all cases, except as specified in Sections
17 40302, 40303, 40305, and 40305.5 of the Vehicle Code, in which a person is arrested
18 for an infraction, a peace officer shall only require the arrestee to present his or her
19 driver’s license or other satisfactory evidence of his or her identity for examination
20 and to sign a written promise to appear contained in a notice to appear.... Only if the
21 arrestee refuses to sign a written promise, has no satisfactory identification, or
22 refuses to provide a thumbprint or fingerprint may the arrestee be taken into
23 custody”). All those arrested and charged with infractions were denied the citation
24 release process guaranteed by § 853.5, which creates a liberty interest for such
25 arrestees to be released in the field so long as they provide sufficient identification
26 and agree to sign a written notice to appear. The infraction arrestees were denied the
27 opportunity for a field release without any individualized determination of whether
28 they met one of the three narrow exceptions allowing a custodial arrest pursuant to

1 § 835.5. Section 835.5 creates a liberty interest in a field arrest for those within the
2 statute's ambit and adherence to it is a mandatory governmental duty within the
3 meaning of Govt. Code § 815.6.

4 111. The unlawful detention of thousands of arrestees pursuant to the City's
5 unlawful policy beginning on or around November 17, 2011, of denying OR release
6 to individuals arrested for engaging in civil disobedience is a policy applied to the
7 Occupy LA protests. According to former LAPD Deputy Chief Perez, who first
8 announced this policy during the 2011 Occupy protests, the decision was made to
9 deny OR release to those engaged in First Amendment activity to "teach people a
10 lesson." Subsequently, small groups of individuals involved in acts of civil
11 disobedience at the Bank of America headquarters on November 17, 2011, were
12 arrested on non-violent misdemeanor offenses arising from protest activity and
13 denied OR release. Again, on November 30, 2011, the City denied OR release to the
14 nearly 300 people arrested in connection with the mass arrests at City Hall made in
15 connection with the Occupy L.A. demonstration.

16 112. The same unlawful actions occurred in the November 2014 mass arrest
17 of persons protesting the decision of the grand jury in Ferguson Missouri not to indict
18 the police officer who shot and killed Michael Brown. In public statements, then-
19 Chief Beck and other command staff in the LAPD stated that protestors would be
20 held and not granted OR, as required by law, for retaliatory reasons and without the
21 requisite individualized suspicion. In this instance, while the Defendants did not
22 deny OR release for arrestees for minor misdemeanors, they nonetheless detained
23 them for up to 14 hours in some instances rather than cite and release them in the
24 field as mandated by California Penal Code § 853.6. On information and belief,
25 Plaintiffs allege that, without any individual suspicion that the arrestees would
26 violate the law if released, Defendants opted to arrest and detain all protestors to
27 preempt even lawful expressive activity.

1 113. Both the Occupy arrests in 2011 and the Ferguson arrests in 2014
2 demonstrate the crucial need for the Defendants to have a plan to respond to similar
3 future protests employing the technology the LAPD regularly uses to run warrants and
4 warrants in the field, not seizing, handcuffing and detaining protestors for prolonged
5 periods of time. The failure to implement such a plan indicates a deliberate decision
6 to inflict punitive measures against protestors exercising their First Amendment
7 rights to assemble and speak.

8 114. In this instance, Defendants' failures were exacerbated because the
9 obligation to release those arrested in the field and charged with infractions is
10 mandatory under § 853.5. LAPD's past history shows Defendants' intent to deny
11 Plaintiffs' basic rights without justification in retaliation for the exercise of their First
12 Amendment rights violated the First, Fourth, and Fourteenth Amendment rights of
13 Plaintiffs and the class members, and with the specific and deliberate intent to
14 interfere with the exercise of Plaintiffs' rights to assembly and due process.

15 115. Defendants had ready alternatives to the prolonged detention of the
16 Arrest Class. The LAPD has the technological capability to cite and release in the
17 field using modern technology. In the Ferguson protests in 2014, the LAPD detained
18 a group of approximately 40-50 protestors at Beverly and Alvarado, kettled them,
19 handcuffed them with twist-ties, brought in computers and video recording
20 equipment, collected the same information as would be done in a booking at a station,
21 then released them with orders to disperse and advised the detainees that they would
22 be taken to jail and held if they were found again that night in violation of the
23 dispersal order. In all, people were handcuffed in the Beverly and Alvarado detention
24 no longer than approximately one hour. No one suffered injury as a result of the
25 prolonged tight handcuffing, no one urinated on themselves in an enclosed bus after
26 being denied bathroom access, and, significantly, no one was a repeat offender that
27 night or any other night as the demonstrations protesting the death of Michael Brown
28 continued. The officers patted down the demonstrators' clothing and searched their

1 personal belongings, including backpacks, as they would do if they were taking them
 2 into custody for booking. LAPD officers ran wants and warrants on each detainee in
 3 the field, as they do for any traffic stop and as they do with unhoused individuals in
 4 the city routinely and released the detainees with a warning. There is no reason why
 5 the protestors in the Plaintiff Arrest Class could not have been processed, without
 6 injury or anguish, exactly the same way.

7 **IV. MONELL ALLEGATIONS**

8 116. The LAPD engaged in repeated, widespread violations of law, as
 9 outlined above, over the course of at least four nights, shutting down the exercise of
 10 First Amendment activities through the use of indiscriminate and unreasonable force
 11 against thousands of protestors; imposing curfews without accommodating, or
 12 attempting to accommodate, the right to peaceable assembly and protest; at times
 13 declaring unlawful assemblies without adequate sound amplification and without
 14 providing both directions, means and opportunity to disperse before taking
 15 aggressive police action; hitting at least close to a thousand protestors with batons
 16 and/or “rubber bullets” through the use of unreasonable and excessive force;
 17 arresting and not releasing in the field at least hundreds of persons charged solely
 18 with infractions in violation of California law; and unlawfully imposing on arrestees
 19 unlawful conditions of confinement for many hours – including but not limited to
 20 tight handcuffing, no bathroom access, no access to food or water, and lack of
 21 ventilation in small congregate spaces – while on buses as previously outlined. In
 22 conjunction with Defendants’ long history of protest-related constitutional
 23 violations (outlined below in sub-sections A and B), Defendants’ repeated
 24 widespread and unlawful acts over several nights and involving many locations
 25 constitute an unlawful custom and policy of violating protest participants’
 26 constitutional rights.

27 117. LAPD chief **MOORE** was fully knowledgeable and apprised of these
 28 actions and was on site on several days and at several locations, including but not

1 limited to the first two days of protest, observing this operation and directing
 2 protestors, without repudiating or stopping the actions of the LAPD officers, thereby
 3 ratifying them. Moreover, in his reports to the Police Commission and in other
 4 public statements, **MOORE** stated that the actions of the LAPD were proper.

5 118. As stated above, the City, through **CHIEF MOORE** and the LAPD,
 6 has failed to train its officers in the appropriate constitutional responses to peaceful
 7 demonstrations. The City is well aware of its constitutional duties in these
 8 circumstances in light of the settlement agreements and consent judgments discussed
 9 below in *National Lawyers Guild v. City of Los Angeles* and *MIWON v. City of Los*
 10 *Angeles*, as well as other settlements entered into specifying these constitutional
 11 duties over the years. The need for training and discipline to preserve constitutional
 12 guarantees in these circumstances is obvious. The City has known of the deficiencies
 13 in its training since at least 2000 and entered into settlement agreements in June 2005
 14 and June 2009, each time agreeing to revised policies and training, yet the City has
 15 failed to promulgate adequate policies effectuating the terms of the settlement
 16 agreement and/or to train its command staff and officers on the revised policies, if
 17 any exist. This constitutes a separate Monell violation from those outlined above.

18 **A. THE SETTLEMENT IN NATIONAL LAWYERS GUILD V. CITY OF LOS**
 19 **ANGELES:**

20 119. In June, 2005, the City of Los Angeles entered into a settlement
 21 agreement in *National Lawyers Guild, et al. v. City of Los Angeles, et al.*, CV 01-
 22 6877 FMC (CWx), an action arising from the disruption of lawful assemblies and
 23 use of unlawful force during the Democratic National Convention (“DNC”) in Los
 24 Angeles in 2000 and a subsequent demonstration on October 22, 2000. The
 25 settlement provided for important changes in the policy and practices of the LAPD
 26 as applied to demonstrations.

27 120. Significantly, the settlement provided that, prior to declaring an
 28 unlawful assembly, the LAPD Incident Commander should evaluate the feasibility

1 of isolating and arresting those responsible for any unlawful conduct, and if feasible,
 2 take action only against those individuals. The settlement also addressed the use of
 3 less-lethal weapons and chemical irritants to disperse peaceful protestors.

4 **B. THE SETTLEMENT IN *MULTI-ETHNIC WORKER ORGANIZING NETWORK***
 5 ***V. CITY OF LOS ANGELES:***

6 121. On May 1, 2007 (May Day), the LAPD assaulted a peaceful, permitted
 7 immigration march in MacArthur Park. The attack on the demonstrators was without
 8 warning. No dispersal order was given until more than three minutes into the police
 9 action and, even then, the dispersal order was grossly inadequate, given from
 10 helicopters in English to a largely Spanish-speaking assembly. During the course of
 11 litigating the *MIWON* action, the LAPD conceded that it had not fully implemented
 12 training and policy orders regarding the *NLG* settlement two years earlier. In fact,
 13 no policy changes were ever finalized.

14 122. On June 24, 2009, the federal district court approved and entered a
 15 Structural Relief Order as part of the settlement of a class action lawsuit brought on
 16 behalf of all those subjected to the LAPD's May Day action. Through this settlement,
 17 the LAPD agreed that it would facilitate demonstrations that may temporarily block
 18 traffic. This latter provision is consistent with established law in the Ninth Circuit,
 19 recognizing the need for local agencies to accommodate "spontaneous" protests in
 20 the streets, particularly in response to allegations of police misconduct.

21 123. The *MIWON* order also set out requirements to declare an unlawful
 22 assembly: an amplified loudspeaker system with an officer at the far side of the
 23 crowd to record the officer; if there is no serious violence occurring, the order shall
 24 be made repeatedly over a period of time, including an "objectively reasonable"
 25 period of time to disperse and identification of "a clear and safe route" to follow to
 26 disperse. The order should be given so that it is heard by the entire crowd. These
 27 requirements were not met in this instance in most locations.

1 124. The terms of the *MIWON* structural relief agreement were to be
 2 included in the LAPD's Crowd Control and Use of Force Manuals and every officer
 3 at the rank of Sergeant I and above, as well as the entire Metropolitan Division, were
 4 to undergo training every two years. Chief Moore, as well as those members of his
 5 command staff to whom he has delegated his responsibility to enact and implement
 6 lawful policies for responding to demonstrations, are aware of the unlawful policies,
 7 practices, and customs of the City and the LAPD which resulted in the settlement in
 8 *National Lawyers Guild v. City of Los Angeles* in June, 2005. Moreover, Chief
 9 Moore and his delegated command staff are aware that the use of unlawful dispersal
 10 orders, baton strikes and "less-lethal" weapons to break up lawful protests, in
 11 particular, is a custom so ingrained in the marrow of the LAPD that it was critical to
 12 take all steps necessary to ensure that official policy was implemented in a manner
 13 sufficient to address the deeply rooted custom to violate First Amendment rights in
 14 the specific ways identified in the *National Lawyers Guild* settlement agreement.
 15 The failure to take such steps directly lead to the injuries suffered by the Plaintiffs.
 16 This failure amounted to an "acquiescence in the constitutional deprivations of
 17 which [the] complaint is made" and deliberate indifference to the rights of persons
 18 with whom the police come into contact, and constituted a conscious choice by the
 19 City not to properly train its law enforcement personnel on these issues.

20 125. The City, through Chief **MOORE** and command staff to whom he
 21 delegated decision-making, also knew from the litigation for the Occupy-protest
 22 arrests, *Aichele v. City of Los Angeles* (filed in 2012), and *Chua v. City of Los*
 23 *Angeles* (filed in 2016) that it was violating Plaintiffs' right to due process and
 24 depriving them of their liberty interest by unlawfully and unreasonably refusing to
 25 release arrestees in the field based not on individualized suspicion but, rather, on
 26 group guilt based on their perceived association with the George Floyd protests.

27 126. On information and belief, to the extent he did not make the decision
 28 and approve the plan himself, Chief **MOORE** delegated responsibility and authority

1 to persons within his command staff to act as the final policy maker in determining
 2 the response to assemblies at various locations where protests of the death of George
 3 Floyd occurred. The persons who made these decisions, acted as the delegated policy
 4 maker for the City of Los Angeles on these issues. There was no time, opportunity,
 5 or procedure for anyone to review or revise the decisions made by these delegated
 6 policy makers prior to their final implementation.

7 **V. CLASS ACTION ALLEGATIONS**

8 **A. CLASS DEFINITION – 23(B)(2) (INJUNCTIVE RELIEF CLASS)**

9 127. The injunctive relief class is defined as all persons who have in the past
 10 participated, presently are participating, or may in the future participate in, or be
 11 present at, demonstrations within the City of Los Angeles in the exercise of their
 12 rights of free speech, assembly and petition in general, and particularly as it relates
 13 to protesting police violence and discrimination against people of color, especially
 14 African-Americans.

15 **B. CLASS DEFINITIONS – 23(B)(3) (DAMAGES CLASSES)**

16 128. One or more of the named Plaintiffs (which are indicated for each class
 17 or subclass) bring this action individually and on behalf of a proposed class of all
 18 other persons similarly situated pursuant to FRCP Rule 23(b)(1), (b)(2) and (b)(3).
 19 The damages classes are defined as:

- 20 a. **Arrest Class:** Beginning May 29, 2020, and continuing until judgment or
 21 other resolution of this case, all persons present at or during the aftermath
 22 of protests regarding the killing of George Floyd in the City of Los Angeles,
 23 who were arrested by the LAPD on misdemeanor charges of failure to obey
 24 a curfew, failure to disperse, failure to follow a lawful order of a police
 25 officer and/or unlawful assembly, and who were held on buses and
 26 subjected to prolonged tight hand-cuffing, denied access to bathrooms,
 27 water and food, and enclosed spaces without ventilation. The Class
 28 Representatives for this class are KRYSTLE HARTSFIELD, DEVON

1 YOUNG, LINUS SHENTU, ALEXANDER STAMM, STEVEN ROE,
2 MAIA KAZIM and JONATHAN MAYORCA.

3 b. **Direct Force Class:** Beginning May 29, 2020, and continuing until
4 judgment or other resolution of this case, all persons present at or during
5 the aftermath of protests regarding the killing of George Floyd in the City
6 of Los Angeles, who were shot with so-called “less-lethal weapons” and/or
7 struck with batons. The Class Representatives for this class are
8 SHANNON LEE MOORE, TINA ČRNKO, CLARA ARANOVICH,
9 STEVEN ROE, ABIGAIL RODAS.

10 c. **Infraction Class:** Beginning May 29, 2020, and continuing until judgment
11 or other resolution of this case, all persons present at or during the
12 aftermath of protests regarding the killing of George Floyd in the City of
13 Los Angeles, who were charged with infractions, arrested and taken into
14 custody and not released in the field, as required by Penal Code § 853.5.
15 The Class Representatives for this class are JONATHAN MAYORCA,
16 NADIA KHAN, NELSON LOPEZ, ALICIA BARRERA-TRUJILLO,
17 MAIA KAZIM, DEVON YOUNG.

18 C. RULE 23 PREREQUISITES

19 i. Numerosity

20 124. Each class is inclusive of people present to protest and those otherwise
21 present in the vicinity as bystanders. In accordance with F.R.Civ. P. Rule
22 23(a), the members of the class are so numerous that joinder of all members
23 is impracticable. The Protest Class is composed of tens of thousands of
24 people. The arrest Class exceeds 2500 people. The Direct Force Class
25 consists of at least several hundred people, likely in excess of 1000. The
26 Infraction Class consists of at least several hundred people. The Homeless
27 Class consists of approximately 100 people.

ii. Common Issues Of Fact Or Law

125. Although the actions complained of in this Complaint occurred at different times and locations, Defendants acted uniformly with respect to each class. For example, all arrestees were placed on buses and subjected to the described conditions of confinement; all those charged with infractions were taken into custody and placed on buses even though they were entitled to field release; and so forth.

126. Plaintiffs are informed and believe and thereon allege that the LAPD officers acted in accordance with orders given by supervisors from the highest command positions, in accordance with policies and procedures instituted by the LAPD and the City of Los Angeles.

127. The common questions of fact include, but are not limited to:

- a. Did Defendants impose curfews without accommodating, or attempting to accommodate, the right to peaceable assembly and protest;
- b. Did Defendants declare unlawful assemblies without adequate sound amplification and without providing both directions, means and opportunity to disperse before taking aggressive and injurious – potentially deadly police action;
- c. Did Defendants routinely break up George Floyd protests through the use of force (batons and rubber bullets) without regard to whether the individuals against whom such force was used were engaged in conduct justifying such force;
- d. Did Defendants routinely, while breaking up George Floyd protests, hit people with batons and/or rubber bullets although those people were not engaging in conduct justifying such force;
- e. When arresting people at the George Floyd protests, did Defendants routinely subject arrestees to prolonged detention on buses, while

1 tightly hand-cuffed, denied access to bathrooms, water and food, and
 2 where they were kept in enclosed spaces without ventilation;

- 3 f. When arresting people at the George Floyd protests, did Defendants
 4 routinely subject arrestees charged solely with infractions to custodial
 5 arrest without regard to whether they were entitled to field release as
 6 provided in Cal. Penal Code § 853.5?

7 128. The common questions of law include, but are not limited to:

- 8 a. Must Defendants, when imposing a curfew based on some present at a
 9 protest that is unlawful, accommodate, or attempt to accommodate, the
 10 right to peaceable assembly and protest?
- 11 b. Must Defendants when declaring unlawful assemblies, provide
 12 adequate sound amplification and provide both directions, means and
 13 opportunity to disperse before taking aggressive and injurious –
 14 potentially deadly - police action?
- 15 c. Did Defendants routine break up George Floyd protests through the use
 16 of force (batons and rubber bullets) without regard to whether the
 17 individuals against whom such force was used were engaged in conduct
 18 justifying such force violate the First, Fourth or Fourteenth
 19 Amendments and their state law analogues?
- 20 d. Did the LAPD, while breaking up George Floyd protests and routinely
 21 hitting people with batons and/or rubber bullets although those people
 22 were not engaging in conduct justifying such force violate the First,
 23 Fourth or Fourteenth Amendments and their state law analogues?
- 24 e. Did the LAPD, after arresting people at the George Floyd protests, and
 25 routinely subjecting arrestees to prolonged detention on buses, while
 26 tightly hand-cuffed, denied access to bathrooms, water and food, and
 27 where they were kept in enclosed spaces without ventilation violate the
 28 Fourth or Fourteenth Amendments and their state law analogues?

- f. Did the LAPD's custodial arrest of people at the George Floyd protests who were charged solely with infractions, and who qualified under Penal Code § 853.5 for field release, violate their rights under 853.5 and/or Govt. Code § 815.6, and their rights under the Fourth and Fourteenth Amendments and their state law analogues.
- g. Did some or all of the conduct described above constitute a policy or custom of Defendants?
- h. Is any individual Defendant sued in his individual capacity entitled to qualified immunity on the federal claims?
- i. Did any of the conduct alleged herein violate Cal. Civil Code § 52.1 (the Bane Act)?
- j. Are general classwide damages available to the various classes?
- k. Are statutory damages under § 52.1 available to the various classes?

129. Defendants detained and/or arrested the putative class and sub-classes as a group and treated all similarly, acting on ground applicable to the putative class. The named Plaintiffs' claims that the First, Fourth, and Fourteenth Amendment rights—and their analogous state Constitution, statutory, and common law rights—were violated raise common question of law and fact. the Defendants have acted, threaten to act, and will continue to act, on grounds generally applicable to the class, thereby making appropriate final injunctive relief or declaratory relief with respect to the class as a whole.

130. The questions of law and fact common to the classes, which are outlined above, predominate over any questions affecting only individual members.

iii. Typicality

131. In accordance with F.R. Civ. P. Rule 23(a), the claims of the representative Plaintiffs are typical of the class. Plaintiffs were all present at Floyd protests in the City of Los Angeles; were subjected to one or more

1 of the violations previously enumerated; and seek redress for the past
 2 violations of their rights and protection to bar the repeat of those violations
 3 in the future.

4 132. Thus, Plaintiffs have the same interests and have suffered the same
 5 type of damages as the class members. Plaintiffs' claims are based upon
 6 the same or similar legal theories as the claims of the class members of
 7 each class. Each class member suffered actual damages as a result of being
 8 subjected to one or more of the violations enumerated above. The actual
 9 injuries suffered by Plaintiffs are similar in type to the actual damages
 10 suffered by each class member although the severity of those injuries may
 11 vary among class members.

12 133. In accordance with F.R. Civ. P. Rule 23(a), the representative Plaintiffs
 13 will fairly and adequately protect the interests of the class. The interests of
 14 the representative Plaintiffs are consistent with and not antagonistic to the
 15 interests of the class.

16 **iv. Adequate Representation**

17 134. The named Plaintiffs will fairly and adequately represent the common
 18 class interest. The named Plaintiffs have a strong interest in achieving the
 19 relief requested in this Complaint, they have no conflicts with members of
 20 the Plaintiff class, and they will fairly and adequately protect the interests
 21 of the class.

22 135. The named Plaintiffs are represented by counsel who are well-
 23 experienced in civil rights and class action litigation and are familiar with
 24 the issues in this case. Attorneys Paul Hoffman, Barry Litt, and Carol Sobel
 25 have successfully litigated a number of class action cases on behalf of
 26 protesters in Los Angeles. They were appointed by the court as class
 27 counsel in *Aichele, et al. v. City of Los Angeles, et al.*, No. 2:12-CV-10863-
 28 DMG (C.D. Cal. August 26, 2012), challenging, *inter alia*, the LAPD's

denial of OR release to those arrested during the Occupy action at Los Angeles City Hall. They were appointed by the court as class counsel in *Chua v. City of Los Angeles*, Case No. CV 2:16-cv-00237-JAK-GJS(x) (C.D. Cal. January 12, 2016), which involved protests over the police killing of Michael Brown in Ferguson Mo.). They were also appointed as class counsel in *Multi-Ethnic Immigrant Worker Network v. City of Los Angeles*, 24 F.R.D. 631 (C.D. Cal. 2007), challenging the LAPD's assault on a lawful immigrant-rights rally in MacArthur Park on May 1, 2007. That case resulted in a settle of \$12,850,000 -- the largest amount ever paid nationally in a protest case in which there were no arrests of the Plaintiffs. In addition to class action protest litigation, attorneys Hoffman, Litt, and Sobel have served as class counsel in a number of other class actions redressing civil rights violations.

136. Counsel for the named Plaintiffs know of no conflicts among or between members of the class, the named Plaintiffs, or the attorneys in this action.

v. Maintenance and Superiority

137. In accordance with Fed.R.Civ.P. Rule 23(b)(1)(A), prosecutions of separate actions by individual members of the classes would create a risk that inconsistent or varying adjudications with respect to individual members of the class would establish incompatible standards of conduct for the parties opposing the class.

138. In accordance with Fed.R.Civ.P. Rule 23(b)(1)(B), prosecutions of separate actions by individual members of the classes would create a risk of adjudications with respect to individual members of the class which would, as a practical matter, substantially impair or impede the interests of the other members of the class to protect their interests.

1 139. In accordance with Fed.R.Civ.P. Rule 23(b)(2), Defendants have acted
2 on grounds generally applicable to the class.

3 140. In accordance with Fed.R.Civ.P. Rule 23(b)(3), the questions of law or
4 fact common to the members of the class predominate over any questions
5 affecting only individual members, and this class action is superior to other
6 available methods for the fair and efficient adjudication of the controversy
7 between the parties. Plaintiffs are informed and believe, and thereon allege,
8 that the interests of class members in individually controlling the
9 prosecution of a separate action is low in that most class members would
10 be unable to individually prosecute any action at all. Plaintiffs are informed
11 and believe, and thereon allege, that the amounts at stake for individuals
12 are such that separate suits would be impracticable in that most members
13 of the class will not be able to find counsel to represent them. Plaintiffs are
14 informed and believe, and thereon allege, that it is desirable to concentrate
15 all litigation in one forum because all of the claims arise in the same
16 location, *i.e.*, the County of Los Angeles. It will promote judicial efficiency
17 to resolve the common questions of law and fact in one forum rather than
18 in multiple courts.

19 141. Plaintiffs do not know the identities of most class members. Plaintiffs
20 are informed and believe, and thereon allege, that the identities of the class
21 members are ascertainable in significant part from LAPD records, at least
22 as it relates to those class members who were arrested. Plaintiffs are
23 informed and believe, and thereon allege, that a significant number of class
24 members may be reached by the use of outreach efforts by organizations
25 that participated in organizing the affected protests.

26 142. Plaintiffs know of no difficulty that will be encountered in the
27 management of this litigation that would preclude its maintenance as a
28 class action. Leading members of Plaintiffs' counsel organized The class

1 action is superior to any other available means to resolve the issues
 2 managed similar litigation with similarly disparate damages as a result of
 3 LAPD conduct in breaking up the May Day 2007 protests that resulted in
 4 the *MIWON* litigation described previously, as well as the *Aichele* and
 5 *Chua* litigation, all of which was against the City of Los Angeles and the
 6 LAPD. Liability can be determined on a class-wide basis. General
 7 damages can also be determined on a classwide.

8 143. In accordance with Fed.R.Civ.P. Rule 23(b)(3), class members must be
 9 furnished with the best notice practicable under the circumstances,
 10 including individual notice to all members who can be identified through
 11 reasonable effort. Plaintiffs are informed and believe that LAPD computer
 12 records contain a last known address for class members who were arrested.
 13 Plaintiffs contemplate that individual notice be given to class members at
 14 such last known address by first class mail, email and cell phone outreach,
 15 social media and efforts of organizations that organized the protests.
 16 Plaintiffs contemplate that the notice inform class members of the
 17 following regarding their damages claims:

- 18 A. The pendency of the class action, and the issues common to the
 19 class;
- 20 B. The nature of the action;
- 21 C. Their right to ‘opt out’ of the action within a given time, in
 22 which event they will not be bound by a decision rendered in
 23 the class action;
- 24 D. Their right, if they do not ‘opt out,’ to be represented by their
 25 own counsel and enter an appearance in the case; otherwise,
 26 they will be represented by the named Plaintiffs and their
 27 counsel; and
 28

1 E. Their right, if they do not ‘opt out,’ to share in any recovery in
 2 favor of the class, and conversely to be bound by any judgment
 3 on the common issues, adverse to the class.

4 144. As a direct and proximate cause of the conduct described herein,
 5 the named individual Plaintiffs and the class members have been denied
 6 their constitutional, statutory, and legal rights as stated herein, and have
 7 suffered general and special damages, including but not limited to,
 8 mental and emotional distress, physical injuries and bodily harm, pain,
 9 fear, humiliation, embarrassment, discomfort, and anxiety and other
 10 damages in an amount according to proof.

11 145. Plaintiffs have not yet filed a Cal. Govt. Code § 910 class claim
 12 addressing their state law damages claims but intend to do so in the near
 13 future. Once that occurs, and the time permitted by California law to
 14 file a lawsuit on such claims has elapsed, Plaintiffs intend to amend this
 15 complaint to add state law damages claims. Because injunctive relief
 16 under state law does not require the filing of a prior administrative
 17 claims, Plaintiffs’ injunctive relief claims currently entail violation of
 18 Plaintiffs’ rights under California as well as federal law, including but
 19 not limited to Cal. Const. Article 1, §§ 1, 2, 3, 7, 13, 17 and 26; Civil
 20 Code § 52.1; Penal Code § 835.5; and Govt. Code § 815.6.

21 146. Defendants’ acts were willful, wanton, malicious, and oppressive,
 22 and done with conscious or reckless disregard for, and deliberate
 23 indifference to, Plaintiffs’ rights.

24 147. All of the following claims for relief are asserted against all
 25 Defendants.

26 148. Although Plaintiffs’ legal theories significantly overlap, they
 27 apply differently to different classes. Accordingly, Plaintiffs state their
 28 claims by class.

1 149. Plaintiffs restate and incorporate by reference each of the
2 foregoing and ensuing paragraphs in each of the following causes of
3 action as if each paragraph was fully set forth therein.

4 **VI. FIRST CLAIM FOR RELIEF – INJUNCTIVE RELIEF**

5 **(First, Fourth And Fourteenth Amendments To The U.S. Constitution, 42**
6 **U.S.C. § 1983; California Constitution Articles 1 §§ 2, 3, 7, 13, Penal Code**
7 **§ 835.5, Civil Code § 52.1, And Civil Code § 815.6 For Injunctive Relief)**

8 150. Plaintiffs reallege and incorporate herein by reference the
9 preceding and any subsequent paragraphs of this Complaint.

10 151. The Defendants engaged in repeated, widespread violations of
11 law, as outlined above, over the course of at least several nights, shutting
12 down the exercise of First Amendment activities through the use of
13 indiscriminate and unreasonable force against thousands of protestors;
14 imposing curfews without accommodating, or 3fen attempting to
15 accommodate, the right to peaceable assembly and protest; at times
16 declaring unlawful assemblies without adequate sound amplification
17 and without providing both directions, means and opportunity to
18 disperse before taking aggressive police action; hitting at least hundreds
19 of protestors with batons and/or rubber bullets through the use of
20 unreasonable and excessive force; arresting and not releasing in the field
21 at least hundreds of persons charged solely with infractions in violation
22 of California law; unlawfully imposing on arrestees unlawful conditions
23 of confinement for many hours – including but not limited to tight
24 handcuffing, no bathroom access, no access to food or water, and lack
25 of ventilation, placing detainees at great risk of exposure to COVID-19
26 – while on buses as previously outlined; and booking and collecting
27 information on arrested individuals.

28 152. The City, through Chief Moore and the LAPD, has failed to train
 its officers in the constitutional responses to peaceful demonstrations as

1 revealed by the above allegations despite the long history of such
2 violations in the past, and Defendants' commitment to correct them in
3 the form of both court orders and settlement agreements. The recurrence
4 of the same violations with respect to these arrests indicates an
5 intentional refusal to preserve the constitutional rights of protestors.

6 153. Without intervention by this Court, the Injunctive Relief class
7 members, who have participated and wish to participate in protest
8 activities, particularly related to police violence, are at risk of having
9 their rights violated in the future due to the Defendants' demonstrated
10 pattern of constitutional violations and threatened future actions. The
11 Injunctive Relief Class has no adequate remedy at law to protect the
12 future lawful exercise of their constitutional rights, and, without action
13 by this court, will suffer irreparable injury, thereby entitling them to
14 injunctive and declaratory relief. The injunctive relief class is
15 represented by Black Lives Matter Los Angeles and CANGRESS, as
16 well as each of the individual class representatives.

17 154. The Defendants have acted and refused to act on grounds
18 generally applicable to the putative class. Injunctive and declaratory
19 relief for the putative class as a whole is appropriate.

20 155. Defendants' policies practices, customs, conduct and acts alleged
21 herein resulted in, and will continue to result in, irreparable injury to the
22 Plaintiffs, including but not limited to violation of their constitutional
23 and statutory rights. Plaintiffs have no plain, adequate, or complete
24 remedy at law to address the wrongs described herein. The Plaintiffs and
25 class members intend in the future to exercise their constitutional rights
26 of freedom of speech and association by engaging in expressive
27 activities in the City of Los Angeles. Defendants' conduct described
28 herein has created uncertainty among Plaintiffs with respect to their

1 exercise now and in the future of these constitutional rights, and has
2 chilled their exercise of these rights.

3 156. Specifically, Plaintiffs are concerned that, if arrested, whether
4 lawfully or unlawfully, they will again be denied the liberty interest
5 codified at California Penal Code § 853.5, will be subjected to unlawful
6 conditions of confinement exposing them to increased risk of COVID-
7 19, and will be subjected to unreasonable and excessive force by LAPD.

8 157. Plaintiffs are also concerned that, when engaged in protest
9 activities, Defendants will impose curfews without accommodating or
10 attempting to accommodate First Amendment rights; will not provide
11 adequate notice in the event unlawful assemblies are declared; will not
12 provide adequate means and opportunity to disperse; and will again
13 employ indiscriminate, unreasonable or excessive force, injuring and
14 terrifying protestors.

15 158. Plaintiffs therefore seek injunctive relief from this court to ensure
16 that Plaintiffs and persons similarly situated will not suffer violations of
17 their rights from Defendants' illegal and unconstitutional policies,
18 customs, and practices described herein.

19 159. Plaintiffs also seek injunctive relief in the form of an order
20 requiring that Defendants seal and destroy and records derived from
21 Plaintiffs' arrests, including fingerprints, photographs, and other
22 identification and descriptive information, and all information, and
23 biological samples and information obtained from such biological
24 samples collected from the Plaintiff class, and identify to the Plaintiff
25 class all entities and agencies to which such information has been
26 disseminated; and that all such disseminated records be collected and
27 destroyed.

VII. SECOND CLAIM FOR RELIEF – ARREST CLASS
(Fourth and Fourteenth Amendment to the U.S. Constitution, 42 U.S.C. §
1983 for damages)

160. Plaintiffs reallege and incorporate herein by reference the preceding and any subsequent paragraphs of this Complaint.

161. All Arrest Class members were arrested on misdemeanor charges of failure to obey a curfew, failure to disperse, failure to follow a lawful order of a police officer and/or unlawful assembly during Floyd protests and were placed on buses and driven to a variety of facilities where they were processed and released. All those arrestees were on the buses for several hours – both to get to their destination and then held on the bus until they were processed. The times the arrest class was held on the congregate space of the buses ranged from and lasting for as long as twelve hours or more. While held on buses or otherwise detained prior to their release, Arrest Class members were subjected to prolonged tight hand-cuffing; denied access to bathrooms, water and food.; and held in enclosed spaces without ventilation, which significantly increased their risk of Covid-19 exposure because, even if they had previously been similarly distanced from others during outside protests, the risk of exposure is significantly greater in enclosed, unventilated spaces.

162. Defendants' above-described conduct violated Arrest Class members' rights to be free from unreasonable seizures under the Fourth Amendment and under the Fourteenth Amendment's due process clause and the state constitutional analogues.

163. As a result of Defendants' wrongful conduct, Arrest Class members suffered damages as alleged above.

1 164. As a result of Defendants’ wrongful conduct, and the potential
2 that such conduct will recur, the Injunctive Relief Class is entitled to
3 relief from the potential that such violations will recur.

4 **VIII. THIRD CLAIM FOR RELIEF – DIRECT FORCE CLASS**
5 **(Fourth and Fourteenth Amendment to the U.S. Constitution 42 U.S.C. §**
6 **1983 for damages)**

7 165. Plaintiffs reallege and incorporate herein by reference the
8 preceding and any subsequent paragraphs of this Complaint.

9 166. All Direct Force Class members were shot with so-called “less-
10 lethal weapons” and/or struck with batons.

11 167. Members of the Direct Force Class who were shot with “rubber
12 bullets” and struck with batons were injured in a manner that evinced
13 that Defendants applied force unlawfully. Many class members were
14 struck with rubber bullets in the face, head, shoulder and neck areas.
15 Video footage of various incidents shows officers shooting straight at
16 peaceful protestors who posed no threat to the police or the public. *See*:
17 Instagram video May 30, 2020 in the Fairfax area, near Pan Pacific Park
18 after the BLMLA rally <https://www.instagram.com/p/CA3GPPYB7dz/>
19 Similarly, individuals suffered baton strikes meant not to compel people
20 to retreat, but to injure and punish them on site.

21 168. Defendants used unreasonable and excessive force in
22 indiscriminately engaging in baton strikes and shooting rubber bullets at
23 protestors, not based on an individualized determination of individual
24 conduct justifying such force, in violation of the Fourth Amendment and
25 its state law analogues. Further, this conduct was deliberately indifferent
26 to the Direct Force Class members’ rights, shocks the conscience, and
27 violates the decencies of civilized conduct, under the Fourteenth
28 Amendment and its state law analogues.

169. As a result of Defendants' wrongful conduct, Direct Force Class members suffered damages as alleged above.

170. As a result of Defendants' wrongful conduct, and the potential that such conduct will recur, the Injunctive Relief Class is entitled to relief from the potential that such violations will recur.

IX. FOURTH CLAIM FOR RELIEF – INFRACTION CLASS
(Fourth and Fourteenth Amendment to the U.S. Constitution 42 U.S.C. § 1983 for damages)

171. Plaintiffs reallege and incorporate herein by reference the preceding and any subsequent paragraphs of this Complaint.

172. All Infraction Class members were charged with infractions, arrested and taken into custody and not released in the field, as required by Penal Code § 853.5. Section 835.5 created a liberty interest for Infraction Class members to be cited and released in the field and not subjected to custodial arrests.

173. The custodial arrests of Infraction Class members violated their rights to be free from unreasonable seizures under the Fourth Amendment and its state constitutional analogue, and their rights under the Fourteenth Amendment's due process clause and its state constitutional analogue not to be deprived of their liberty without due process of law, and violated their rights under Penal Code § 853.5 and Govt. Code § 815.6.

174. As a result of Defendants' wrongful conduct, Direct Force Class members suffered damages as alleged above.

175. As a result of Defendants' wrongful conduct, and the potential that such conduct will recur, the Injunctive Relief Class is entitled to relief from the potential that such violations will recur.

X. REQUEST FOR RELIEF

Wherefore, Plaintiffs seek judgment as follows:

1 1. An order certifying the class and each sub-class defined herein pursuant
2 to Federal Rules of Civil Procedure Rule 23(b)(2) and (3);

3 2. A preliminary and permanent injunction restraining Defendants from
4 engaging in the unlawful and unconstitutional actions detailed above and retaining
5 Court jurisdiction to enforce the terms of the injunction;

6 3. A declaratory judgment that Defendants' conduct detailed herein was a
7 violation of the rights under the Constitution and laws of the United States and of
8 Plaintiffs and the class members;

9 4. An order directing that all arrest records be removed from all criminal
10 databases, whether operated by the City or County of Los Angeles, or the State of
11 California, and that all arrests be reduced to a "detention" other than those cases in
12 which the individual arrested is convicted of the charge;

13 5. General and compensatory damages for Plaintiffs and the class they
14 represent for the violations of their federal constitutional and statutory rights, pain
15 and suffering, all to be determined according to proof;

16 6. An award of attorneys' fees pursuant to 42 U.S.C. § 1988 and Cal. Civil
17 Code §§ 52(b) & 52.1(h) and Cal. Code of Civ. Proc. § 1021.5;

18 7. Costs of suit;

19 8. Pre- and post-judgment interest as permitted by law;

20 9. Such other and further relief as the Court may deem just and proper.

21
22 Dated: June 21, 2020

Respectfully submitted,

23 Schonbrun, Seplow, Harris & Hoffman
24 & Zeldes LLP

25 s/ Paul L. Hoffman

By: Paul L. Hoffman

26 Law Office of Carol A. Sobel

27 s/ Carol A. Sobel

28 By: Carol Sobel

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2 Kaye, McLane, Bednarski & Litt
3 s/ Barrett S. Litt
4 By: Barrett S. Litt

5 Attorneys for Plaintiffs

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7 **DEMAND FOR JURY TRIAL**

8 Plaintiffs hereby make a demand for a jury trial in this action.

9 /s/ Paul L. Hoffman
10 By: Paul L. Hoffman
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