

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Mel Red Recana

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ZHOIE PEREZ
6

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **FOR THE COUNTY OF LOS ANGELES**
9

10 ZHOIE PEREZ, an individual;
11 Plaintiff,

12 vs.

13 CITY OF COMMERCE, a public entity; LOS
ANGELES COUNTY, a public entity; LOS
14 ANGELES COUNTY SHERIFF DEPARTMENT,
a public entity; MICHAEL FISHER, an Individual;
15 EULISES ADAME, Individually and as a Peace
Officer; LENA SCHAMAY, an Individual; and
16 DOES 1 to 50, Inclusive;
17 Defendants.

CASE NO.:
20STCV15916

COMPLAINT FOR DAMAGES FOR:

1. **ASSAULT AND BATTERY**
2. **FALSE IMPRISONMENT**
3. **NEGLIGENCE**
4. **VIOLATIONS OF THE RALPH CIVIL RIGHTS ACT, CIVIL CODE § 51.7; AND**
5. **VIOLATIONS OF THE BANE CIVIL RIGHTS ACT, CIVIL CODE § 52.1**
6. **VIOLATIONS OF THE UNRUH ACT, CIVIL CODE § 51, 52**

**** DEMAND FOR JURY TRIAL ****

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19
20 COMES NOW, Plaintiff ZHOIE PEREZ, an individual, who complains and alleges against
21 the defendants, CITY OF COMMERCE, a public entity, LOS ANGELES COUNTY, a public
22 entity, LOS ANGELES COUNTY SHERIFF DEPARTMENT, a public entity, MICHAEL
23 FISHER, an individual, EULISES ADAME, individually and as a peace officer, and LENA
24 SCHAMAY, an individual, and each of them, including DOES 1 through 50, Inclusive (hereinafter
25 collectively referred to as "DEFENDANTS"), the following:

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PARTIES

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2 1. Plaintiff ZHOIE PEREZ (hereinafter referred to as “PLAINTIFF”) is, and at all
3 times relevant herein was, a resident in County of Los Angeles, California.

4 2. Defendant CITY OF COMMERCE is and was at all relevant times a public entity
5 and subdivision of the State of California with the capacity to sue and be sued. At all relevant times
6 herein, Defendant CITY OF COMMERCE was responsible for the actions, omissions, policies,
7 procedures, practices, and customs of the CITY OF COMMERCE and its various agents, agencies,
8 and employees and assuring that the actions, omissions, policies, procedures, practices, and customs
9 of the CITY OF COMMERCE and its agents, agencies, and employees complied with the laws and
10 Constitutions of the United States and of the State of California.

11 3. Defendant COUNTY OF LOS ANGELES (hereinafter referred to as “COUNTY”) is
12 and was at all relevant times a public entity and subdivision of the State of California with the
13 capacity to sue and be sued. At all relevant times herein, Defendant COUNTY is responsible for
14 the actions, omissions, policies, procedures, practices, and customs of the COUNTY and its various
15 agents, agencies, and employees, including the Los Angeles County Fire Department and
16 Defendant LOS ANGELES COUNTY SHERIFF DEPARTMENT and their agents and employees.
17 At all times relevant to the facts alleged herein, Defendant COUNTY was responsible for assuring
18 that the actions, omissions, policies, procedures, practices, and customs of the COUNTY and its
19 agents, agencies, and employees, including the Los Angeles County Fire Department and
20 COUNTY OF LOS ANGELES SHERIFF DEPARTMENT and their agents, agencies, and
21 employees, complied with the laws and Constitutions of the United States and of the State of
22 California.

23 4. Defendant COUNTY OF LOS ANGELES SHERIFF DEPARTMENT (hereinafter
24 referred to as “COUNTY SHERIFF DEPARTMENT”) is and was at all relevant times a public
25 entity with the capacity to sue and be sued. At all times relevant to the facts alleged herein,
26 Defendant COUNTY SHERIFF DEPARTMENT was responsible for assuring that the actions,
27 omissions, policies, procedures, practices, and customs of the COUNTY SHERIFF
28 DEPARTMENT and its agents, agencies, and employees and assuring that the actions, omissions,

1 policies, practices, and customs of the COUNTY SHERIFF DEPARTMENT and its agents,
2 agencies, and employees complied with the laws and Constitutions of the United States and of the
3 State of California.

4 5. Defendant MICHAEL FISHER was, at all times mentioned herein, a Los Angeles
5 County Fire Department and Defendant COUNTY firefighter and/or employee acting within the
6 course and scope of his employment and under color of state law. Each of the Defendants
7 COUNTY and Doe Defendants caused and is responsible for the unlawful conduct and resulting
8 damages to PLAINTIFF by, inter alia, personally participating in the conduct, or acting jointly and
9 in concert with others who did so by, without limitation, authorizing, acquiescing or failing to take
10 action to prevent the unlawful conduct, by promulgating policies and procedures pursuant to which
11 the unlawful conduct occurred, by failing an refusing, with deliberate indifference, to
12 PLAINTIFF’S rights, to initiate and maintain adequate supervision and/or training, and, by
13 ratifying the unlawful conduct that occurred by MICHAEL FISHER, who was at all relevant times
14 under their direction and control. Whenever and wherever reference is made in this Complaint to
15 any act by Defendant MICHAEL FISHER, such allegation and reference shall also be deemed to
16 mean the acts and failures to act of Defendant COUNTY and Doe Defendants, individually, jointly,
17 and severally. MICHAEL FISHER is sued in his individual and official capacity and in some
18 manner is responsible for the acts and omissions alleged herein.

19 6. Defendant Director LENA SCHAMAY (hereinafter referred to as “DIRECTOR
20 SCHAMAY”), was, at all times mentioned herein, a Director with Defendant CITY OF
21 COMMERCE, acting within the course and scope of her employment and under color of state law.
22 Each of the Defendants CITY OF COMMERCE and Doe Defendants caused and is responsible for
23 the unlawful conduct and resulting damages to PLAINTIFF by, inter alia, personally participating
24 in the conduct, or acting jointly and in concert with others who did so by, without limitation,
25 authorizing, acquiescing or failing to take action to prevent the unlawful conduct, by promulgating
26 policies and procedures pursuant to which the unlawful conduct occurred, by failing an refusing,
27 with deliberate indifference, to Plaintiff’s rights, to initiate and maintain adequate supervision
28 and/or training, and, by ratifying the unlawful conduct that occurred by DIRECTOR SCHAMAY,

1 who was at all relevant times under their direction and control. Whenever and wherever reference
2 is made in this Complaint to any act by Defendant DIRECTOR SCHAMAY, such allegation and
3 reference shall also be deemed to mean the acts and failures to act of Defendant COUNTY and Doe
4 Defendant, individually, jointly, and severally. DIRECTOR SCHAMAY is sued in her individual
5 and official capacity and in some manner is responsible for the acts and omissions alleged herein.

6 7. Defendant Sheriff Deputy EULISES ADAME, Badge Number 619562 (hereinafter
7 referred to as "DEPUTY ADAME"), was, at all times mentioned herein, a deputy sheriff with
8 Defendant COUNTY and COUNTY SHERIFF DEPARTMENT, acting within the course and
9 scope of his employment and under color of state law. Each of the Defendants COUNTY,
10 COUNTY SHERIFF DEPARTMENT, and Doe Defendants caused and is responsible for the
11 unlawful conduct and resulting damages to PLAINTIFF by, inter alia, personally participating in
12 the conduct, or acting jointly and in concert with others who did so by, without limitation,
13 authorizing, acquiescing or failing to take action to prevent the unlawful conduct, by promulgating
14 policies and procedures pursuant to which the unlawful conduct occurred, by failing an refusing,
15 with deliberate indifference, to PLAINTIFF'S rights, to initiate and maintain adequate supervision
16 and/or training, and, by ratifying the unlawful conduct that occurred by EULISES ADAME, who
17 was at all relevant times under their direction and control. Whenever and wherever reference is
18 made in this Complaint to any act by Defendant EULISES ADAME, such allegation and reference
19 shall also be deemed to mean the acts and failures to act of Defendant COUNTY and Defendant
20 COUTNY SHERIFF DEPARTMENT, and Doe Defendants, individually, jointly, and severally.
21 DEPUTY EULISES is sued in his individual and official capacity and in some manner is
22 responsible for the acts and omissions alleged herein.

23 8. Plaintiff is informed, believes and thereon alleges that at all times relevant and
24 mentioned herein, DEFENDANTS, including DOES 1 through 50, Inclusive, and each of them,
25 were the agents, servants, employees, employers, co-conspirators, and/or joint venturers of their co-
26 DEFENDANTS, and each of them, was acting within the course, scope and authority of said
27 agency, employment and/or venture, and that each and every DEFENDANT, as aforesaid, when
28 acting as a principal, was negligent in the selection and hiring, retention, training and supervision of

1 each and every other DEFENDANT as an agent, employee and/or joint venturer.

2 9. The true names and capacities, whether individual, plural, corporate, partnership,
3 associate, or otherwise, of Doe Defendants 1 through 50, inclusive, are unknown to PLAINTIFF,
4 who therefore sues said defendants by such fictitious names. The full extent of the facts linking
5 such fictitiously sued defendants is unknown to PLAINTIFF. PLAINTIFF is informed and believes
6 and thereon alleges that each of the Defendants designated herein as a DOE was, and is, negligent,
7 or in some other actionable manner, responsible for the events and happenings hereinafter referred
8 to, and thereby negligently, or in some other actionable manner, legally and proximately caused the
9 hereinafter described injuries and damages to PLAINTIFF. PLAINTIFF will hereafter seek leave
10 of the Court to amend this Complaint to show the Defendants' true names and capacities after the
11 same have been ascertained.

12 **JURISDICTION AND VENUE**

13 10. The acts which are the subject of this Complaint took place at or near CITY OF
14 COMMERCE City Hall, 2535 Commerce Way, Commerce, California 90040.

15 11. This Court has jurisdiction because the alleged acts and omissions giving rise to the
16 allegations contained herein occurred in the County of Los Angeles and the Defendants conduct
17 business and/or reside in the State of California, County of Los Angeles.

18 12. Venue is proper in this county in accordance with California *Code of Civil*
19 *Procedure* §§ 395(a) and 395.5 because the obligation or liability arose in this county and breaches
20 occurred in this county.

21 13. On October 25, 2019, PLAINTIFF presented the CITY OF COMMERCE,
22 COUNTY, and COUNTY SHERIFF DEPARTMENT Claims for Damages based on the acts,
23 omissions, damages, and injuries herein complained of, pursuant to Government Code section
24 911.2. PLAINTIFF'S claims were rejected expressly and/or by operation of law pursuant to
25 Government Code section 911.6(a).

26 **GENERAL ALLEGATIONS**

27 14. At all times relevant herein, PLAINTIFF, a 46-year old transgender woman and First
28 Amendment activist and journalist, was injured by DEFENDANTS, including without limitation,

1 by sustaining physical injuries as a result of assault and battery, having her civil rights violated
2 based upon, without limitation, PLAINTIFF'S identity as a woman and transgender individual, and
3 having her property related to her protected First Amendment activities destroyed.

4 15. Plaintiff is a First Amendment auditor and journalist documenting the transgender
5 experience, including without limitation, the treatment and mistreatment of transgender people by
6 videotaping and broadcasting her experiences as a transgender woman. Plaintiff believes that
7 through the public dissemination of the mistreatment of transgender people that the community will
8 see the unfair treatment of transgender people and help to end it.

9 16. On April 26, 2016, at approximately 11:00 a.m., PLAINTIFF was inside the CITY
10 OF COMMERCE City Hall, peacefully and non-violently exercising her constitutionally-protected
11 rights in a public space, including her right to document and record her experience and interactions
12 with CITY OF COMMERCE employees.

13 17. During her initial interactions, PLAINTIFF engaged in conversation with a number
14 of CITY OF COMMERCE employees. PLAINTIFF'S experience and interactions with CITY OF
15 COMMERCE employees inside City Hall were recorded by the CITY OF COMMERCE via CITY
16 OF COMMERCE owned and/or controlled closed circuit video equipment located in the hallways,
17 offices, and exterior of the CITY OF COMMERCE City Hall.

18 18. After some time, PLAINTIFF was confronted by an Animal Control Officer for the
19 CITY OF COMMERCE, who unlawfully told her to stop recording in violation, without limitation,
20 of her First Amendment rights. PLAINTIFF lawfully refused to stop recording and was not
21 breaking any laws, nor was she ever informed by DEFENDANTS that she was breaking any laws
22 as a result of her filming.

23 19. After some time had elapsed, Defendant MICHAEL FISHER of the Los Angeles
24 County Fire Department and COUNTY confronted PLAINTIFF, unlawfully ordered PLAINTIFF
25 to leave and to stop documenting her interactions, and physically and forcibly attempted to damage
26 and/or take PLAINTIFF'S camera while she was in the foyer of City Hall.

27 20. When PLAINTIFF lawfully refused to leave the foyer of the CITY OF
28 COMMERCE City Hall, COUNTY employee MICHAEL FISHER unlawfully restrained

1 PLAINTIFF and proceeded to physically push her outside of the CITY OF COMMERCE City Hall
2 foyer through the front doors. During this time and while on camera, COUNTY employee
3 MICHAEL FISHER intentionally made false statements to PLAINTIFF and her camera that
4 PLAINTIFF was attempting to “head-butt” him in an apparent attempt to make a false record of
5 what he was about to do to PLAINTIFF.

6 21. PLAINTIFF was thrown down the stairs outside of the CITY OF COMMERCE City
7 Hall and to the ground by COUNTY employee MICHAEL FISHER. As a result of COUNTY
8 employee MICHAEL FISHER’S actions, PLAINTIFF sustained, without limitation, physical
9 injuries, and personal property she used related to her protected First Amendment activities to
10 document her experience as an auditor and journalist were destroyed, including her cellular phone,
11 recording microphone, and camera rig.

12 22. These actions by COUNTY employee MICHAEL FISHER constituted both threats
13 of violence and violent actions against PLAINTIFF.

14 23. PLAINTIFF remained on the public sidewalk and continued to non-violently record
15 to document the interaction. At all times relevant herein, PLAINTIFF’S lawful and non-violent
16 recording of her interaction while on public property, including while at CITY OF COMMERCE
17 City Hall and while standing on public property, including the adjacent public sidewalk, was a
18 protected exercise of her free speech rights guaranteed under the California and United States
19 Constitution.

20 24. After COUNTY employee MICHAEL FISHER had shoved PLAINTIFF outside the
21 CITY OF COMMERCE City Hall and onto the public sidewalk, PLAINTIFF was told by CITY OF
22 COMMERCE Community Service Officers that COUNTY SHERIFF DEPARTMENT had been
23 summoned to the scene. PLAINTIFF was informed by the CITY OF COMMERCE Community
24 Service Officers that she needed to wait for COUNTY and/or COUNTY SHERIFF
25 DEPARTMENT deputies to arrive and, in fact, PLAINTIFF did wait for the deputies to arrive.

26 25. Based upon information and belief, at all relevant times, DEFENDANTS were in
27 constant, real time communication with one another, including without limitation, by phone, radio,
28 and in-person communication. Plaintiff is informed and believes that DEFENDANTS conspired

1 with one another and discussed with corporate decision makers of THE COUNTY, COUNTY
2 SHERIFF DEPARTMENT, and/or CITY OF COMMERCE, and with one another, an intent to
3 effectuate a false arrest and/or imprisonment of PLAINTIFF even though DEFENDANTS knew
4 that PLAINTIFF, at all relevant times, was only lawfully and peacefully existing on public
5 property, including without limitation, on and around the CITY OF COMMERCE City Hall and
6 knew that it was COUNTY employee MICHAEL FISHER who had, in fact, unlawfully assaulted
7 and battered PLAINTIFF.

8 26. Upon arriving at the scene, three COUNTY SHERIFF DEPARTMENT and/or
9 COUNTY deputies, including EULISES ADAME, first spoke with COUNTY employee
10 MICHAEL FISHER and two CITY OF COMMERCE Community Service Officers before
11 approaching PLAINTIFF. PLAINTIFF lawfully demanded a private person arrest of COUNTY
12 employee MICHAEL FISHER to the COUNTY SHERIFF DEPARTMENT and/or COUNTY
13 deputies for MICHAEL FISHER'S assault and battery of her. The deputies failed and refused to
14 effectuate PLAINTIFF'S demand for a private person arrest because of, without limitation, her
15 transgender identity. COUNTY SHERIFF DEPARTMENT and/or COUNTY deputies, including
16 EULISES ADAME, refused to effectuate the private citizen's arrest of MICHAEL FISHER,
17 notwithstanding COUNTY and/or COUNTY SHERIFF DEPARTMENT policies and procedures to
18 effectuate the arrest, notwithstanding that COUNTY and/or COUNTY SHERIFF DEPARTMENT
19 deputies were trained to effectuate such arrest, and notwithstanding the fact that MICHAEL
20 FISHER's assault against PLAINTIFF was documented on closed circuit camera and that
21 DEFENDANTS had access to the video and sufficient time to review the footage showing
22 MICHAEL FISHER'S assault against PLAINTIFF.

23 27. PLAINTIFF was subsequently handcuffed by COUNTY and/or COUNTY
24 SHERIFF DEPARTMENT deputies.

25 28. After being handcuffed, Deputy EULISES ADAME, in the presence of CITY OF
26 COMMERCE employees and two other COUNTY and/or COUNTY SHERIFF DEPARTMENT
27 deputies, unzipped the front of PLAINTIFF'S hoodie sweatshirt, exposing PLAINTIFF'S breasts in
28 public for all to see. No explanation was offered by Deputy EULISES ADAME to explain his

1 action after being asked by PLAINTIFF why he was unzipping her hoodie sweatshirt, nor was an
2 explanation for unzipping her hoodie sweatshirt given by the other two adjacent COUNTY and/or
3 COUNTY SHERIFF DEPARTMENT deputies. PLAINTIFF remained handcuffed on the public
4 sidewalk with her breasts exposed.

5 29. At no time did COUNTY SHERIFF DEPARTMENT deputies, including EULISES
6 ADAME, explain to PLAINTIFF why it was EULISES ADAME, a male deputy, who unzipped
7 PLAINTIFF'S hoodie sweatshirt, leaving her breasts exposed.

8 30. PLAINTIFF is informed and believes that Deputy EULISES ADAME'S actions,
9 aided and abetted by the two other COUNTY and/or COUNTY SHERIFF DEPARTMENT
10 deputies, COUNTY employee MICHAEL FISHER, and CITY OF COMMERCE employees, were
11 taken to humiliate her because of her protected status sex and gender status as a woman and
12 transgender individual.

13 31. Deputy EULISES ADAME then proceeded to place PLAINTIFF into his COUNTY
14 and/or COUNTY SHERIFF DEPARTMENT vehicle, refusing PLAINTIFF'S request to zip up her
15 sweatshirt to cover her breasts or to have PLAINTIFF'S sweatshirt zipped up by the female deputy
16 on the scene.

17 32. While in the COUNTY and/or COUNTY SHERIFF DEPARTMENT vehicle and
18 despite her multiple requests to cover her breasts whenever a deputy returned to the vehicle,
19 PLAINTIFF'S sweatshirt remained unzipped, fully exposing her breasts to the public outside of the
20 CITY OF COMMERCE City Hall entrance. EULISES ADAME turned off the air conditioning in
21 the COUNTY and/or COUNTY SHERIFF DEPARTMENT vehicle, and PLAINTIFF was left for
22 approximately 1 hour in the hot vehicle even after notifying EULISES ADAME and the deputies
23 that the car was hot, getting increasingly hotter, and that PLAINTIFF was in need of air.

24 33. PLAINTIFF is informed and believes that the COUNTY and/or COUNTY
25 SHERIFF DEPARTMENT has/have issued citations for leaving a dog in a vehicle for less than an
26 hour without proper ventilation.

27 34. These actions by COUNTY and/or COUNTY SHERIFF DEPARTMENT deputies,
28 including EULISES ADAME, including without limitation sexually assaulting PLAINTIFF by

1 stripping her of her sweatshirt hoodie and leaving her breasts exposed to the public and
2 subsequently locking her in a hot COUNTY and/or COUNTY SHERIFF DEPARTMENT vehicle
3 without sufficient air circulation, constituted both threats of violence and violent actions against
4 PLAINTIFF.

5 35. PLATINIFF is informed and believes that COUNTY and/or COUNTY SHERIFF
6 DEPARTMENT deputies, including EULISES ADAME, aided and abetted by CITY OF
7 COMMERCE employees, including two Community Service Officers, and COUNTY employee
8 MICHAEL FISHER, wrongfully left PLAINTIFF with her breasts exposed because of her identity
9 as a transgender woman.

10 36. After PLAINTIFF was assaulted by COUNTY employee MICHAEL FISHER and
11 handcuffed, publicly stripped, and taken into custody by COUNTY and/or COUNTY SHERIFF
12 DEPARTMENT deputies, CITY OF COMMERCE employee and DIRECTOR SCHAMAY
13 unlawfully and wrongfully executed a Private Person Arrest of PLAINTIFF that was encouraged
14 by, without limitation, CITY OF COMMERCE employees, including two Community Service
15 Officers, COUNTY employee MICHAEL FISHER, and COUNTY SHERIFF DEPARMENT
16 personnel, including EULISES ADAME. DEFENDANTS conspired with one another to have
17 PLAINTIFF falsely arrested even though it was known that PLAINTIFF was unarmed, had been
18 unlawfully assaulted and battered by COUNTY employee MICHAEL FISHER, was not told that
19 she was in violation of any laws, posed no danger to the public, and that she was only peacefully
20 documenting her experiences.

21 37. At all relevant times, COUNTY employee MICHAEL FISHER remained uniformed
22 as COUNTY and Los Angeles County Fire Department employee and firefighter employed by the
23 COUNTY to act with the full authority as a firefighter and/or peace officer of the COUNTY and
24 CITY OF COMMERCE and, at all relevant times, acted within the course and scope of his
25 employment and/or agency with the COUNTY and CITY OF COMMERCE.

26 38. At all relevant times, COUNTY and/or COUNTY SHERIFF DEPARTMENT
27 deputies, including EULISES ADAME, remained uniformed as COUNTY and/or COUNTY
28 SHERIFF DEPARTMENT deputies employed by the COUNTY and/or COUNTY SHERIFF

1 DEPARTMENT to act with the full authority as deputies and/or peace officers of the COUNTY,
2 COUNTY SHERIFF DEPARTMENT, and CITY OF COMMERCE and, at all relevant times,
3 acted within the course and scope of their employment and/or agency with the COUNTY,
4 COUNTY SHERIFF DEPARTMENT, and CITY OF COMMERCE.

5 39. At all relevant times, CITY OF COMMERCE, including Community Service
6 Officers and DIRECTOR SCHAMAY, COUNTY employee MICHAEL FISHER, and COUNTY
7 and/or COUNTY SHERIFF DEPARTMENT deputies, including EULISES ADAME, committed
8 the wrongful acts described hereinabove within the course and scope of their employment and/or
9 agency with the COUNTY, COUNTY SHERIFF DEPARTMENT, and/or CITY OF COMMERCE
10 to, without limitation, protect the CITY OF COMMERCE City Hall and, at all relevant times, used
11 their actual and/or apparent authority as such to, without limitation, protect the premises of the
12 CITY OF COMMERCE City Hall.

13 40. PLAINTIFF has suffered physical and emotional injuries including, without
14 limitation, pain, suffering, humiliation, threats of violence, violent actions, and past and ongoing
15 emotional distress. Furthermore, as a result of Ralph Act, Bane Act, and Unruh civil rights
16 violations, PLAINTIFF's civil rights have been violated and PLAINTIFF is entitled to applicable
17 statutory civil penalties and attorneys' fees against all DEFENDANTS.

18 41. DEFENDANTS' actions contained herein against PLAINTIFF were done
19 intentionally with the intent to hurt PLAINTIFF and to deprive her of her freedom of movement
20 and to deprive PLAINTIFF of her freedom to exercise her First Amendment rights by use of
21 physical force and by effectuating a false imprisonment and/or arrest, and by destroying
22 PLAINTIFF'S property.

23 42. PLAINTIFF is informed and believes, and thereon alleges DEFENDANTS' battery,
24 assault, and false imprisonment and/or arrest of PLAINTIFF were done, without limitation, because
25 of DEFENDANT'S sex and/or gender identity as a woman and/or transgender individual.

26 43. PLAINTIFF is informed and believes, and thereon alleges that DEFENDANTS
27 authorized and ratified the unlawful actions explained herein by DEFENDANTS and each of them,
28 aiding and abetting the unlawful and discriminatory actions of each Defendant and of one another

1 and conspiring with one another to act in furtherance of PLAINTIFF's assault and battery and to
2 violate her civil rights as a transgender woman preventing her from lawfully documenting her
3 experiences as a First Amendment auditor and journalist.

4 44. Plaintiff is informed and believes that Defendants CITY OF COMMERCE,
5 COUNTY, and COUNTY SHERIFF DEPARTMENT knew and/or should have known that,
6 without limitation, MICHAEL FISHER, EULISES ADAME, and DIRECTOR SHAMAY were
7 unfit to perform their work.

8 **FIRST CAUSE OF ACTION FOR ASSAULT AND BATTERY**

9 **(BY PLAINTIFF AGAINST ALL DEFENDANTS)**

10 45. Plaintiff incorporates herein by reference, each and every allegation and statement
11 contained in paragraphs 1 through 44, *supra*, as if the same had been set forth fully below.

12 46. Defendant COUNTY employee MICHAEL FISHER, individually and as an agent
13 and/or employee of DEFENDANTS, did commit the assault and battery upon PLAINTIFF during
14 the attack by causing PLAINTIFF to have an imminent apprehension of harmful and offensive
15 contact and great fear and apprehension of immediate bodily harm, including without limitation,
16 when Defendant COUNTY employee MICHAEL FISHER unlawfully restrained PLAINTIFF and
17 physically pushed her outside of the CITY OF COMMERCE City Hall foyer through the front
18 doors and down the exterior stairs of the COMMERCE City Hall.

19 47. At all relevant times, COUNTY employee MICHAEL FISHER remained uniformed
20 as a COUNTY firefighter security and used his actual and/or apparent authority during the time
21 when he threatened and physically assaulted and battered PLAINTIFF with physical force.

22 48. These actions by COUNTY employee MICHAEL FISHER constituted both threats
23 of violence and violent actions against PLAINTIFF and were committed against PLAINTIFF
24 because of her identity as a woman and transgender individual.

25 49. As a result of COUNTY employee MICHAEL FISHER'S actions, PLAINTIFF
26 sustained, without limitation, physical and emotional injuries and damage to her personal property
27 that she used for her protected First Amendment activities to document her experience as an auditor
28 and journalist, including destruction of her cellular phone, recording microphone, and camera rig.

1 50. Defendant COUNTY and/or COUNTY SHERIFF DEPARTMENT deputy
2 EULISES ADAME, individually and as an agent and/or employee of DEFENDANTS, did also
3 commit assault and battery, including sexual assault and battery, upon PLAINTIFF while she was
4 unlawfully and wrongfully being taken into custody. Upon being handcuffed, Deputy EULISES
5 ADAME, in the presence of CITY OF COMMERCE employees and two other COUNTY and/or
6 COUNTY SHERIFF DEPARTMENT deputies, unzipped the front of PLAINTIFF'S hoodie
7 sweatshirt, exposing PLAINTIFF'S breasts in public for all to see. No explanation was offered by
8 Deputy EULISES ADAME to explain his action after being asked by PLAINTIFF why he was
9 unzipping her hoodie sweatshirt, nor was an explanation for unzipping her hoodie sweatshirt given
10 by the other two adjacent COUNTY and/or COUNTY SHERIFF DEPARTMENT deputies.
11 PLAINTIFF remained handcuffed on the public sidewalk with her breasts exposed.

12 51. These actions by COUNTY and/or COUNTY SHERIFF DEPARTMENT deputies,
13 including EULISES ADAME, including without limitation sexually assaulting PLAINTIFF by
14 stripping her of her sweatshirt hoodie and leaving her breasts exposed to the public and
15 subsequently locking her in a hot COUNTY and/or COUNTY SHERIFF DEPARTMENT vehicle
16 without sufficient air circulation, constituted both threats of violence and violent actions against
17 PLAINTIFF.

18 52. PLAINTIFF is informed and believes that Deputy EULISES ADAME'S actions,
19 aided and abetted by the two other COUNTY and/or COUNTY SHERIFF DEPARTMENT
20 deputies, COUNTY employee MICHAEL FISHER, and CITY OF COMMERCE employees, were
21 taken to humiliate her because of her protected status as a woman and transgender individual.

22 53. Deputy EULISES ADAME then proceeded to place PLAINTIFF into his COUNTY
23 and/or COUNTY SHERIFF DEPARTMENT vehicle, refusing PLAINTIFF'S request to zip up her
24 sweatshirt to cover her breasts or to have PLAINTIFF'S sweatshirt zipped up by the female deputy
25 on the scene.

26 54. At all relevant times, COUNTY employee MICHAEL FISHER and COUNTY and
27 COUNTY SHERIFF DEPARTMENT deputy EULISES ADAME were acting within the course
28 and scope of their employment and/or agency with DEFENDANTS.

1 55. COUNTY employee MICHAEL FISHER and COUNTY and/or COUNTY
2 SHERIFF DEPARMTNE deputy EULISES ADAME, individually and as agents and/or employees
3 of DEFENDANTS, did commit the assault and battery described herein upon PLAINTIFF and did
4 subject plaintiff to harmful and offensive contact, including harmful and offensive sexual contact,
5 because of PLAINTIFF’S sex and/or gender.

6 56. In doing the wrongful acts alleged herein COUNTY employee MICHAEL FISHER
7 and COUNTY and/or COUNTY SHERIFF DEPARTMENT deputy EULISES ADAME did so
8 with the intent to make harmful and offensive contact with PLAINTIFF’S person and/or to place
9 the Plaintiff in apprehension of a harmful or offensive contact because of PLAINTIFF’S sex and/or
10 gender.

11 57. At all relevant times, COUNTY and/or COUNTY SHERIFF DEPARTMENT
12 deputy EULISES ADAME remained uniformed as a COUNTY and/or COUNTY SHERIFF
13 DEPARTMENT deputy and used his actual and/or apparent authority during the time when he
14 threatened and physically assaulted and battered PLAINTIFF.

15 58. PLAINTIFF did not at any time consent to any of the wrongful conduct described
16 hereinabove.

17 59. PLAINTIFF was harmed and offended by DEFENDANTS’ wrongful conduct
18 described hereinabove.

19 60. As a direct, legal and proximate cause of the aforementioned conduct of
20 DEFENDANTS, and each of them, including Defendant Does 1 through 50, Inclusive, PLAINTIFF
21 suffered injuries to her physical health, strength and activity, and shock and injury to her nervous
22 system, all of which said injuries have caused, and continue to cause her great physical, mental, and
23 nervous pain and suffering. PLAINTIFF is further informed and believes, and thereon alleges that
24 said injuries may or will result in permanent disability, all to her general damages in an amount
25 which will be stated according to proof, but are in an amount that exceeds the minimum jurisdiction
26 of this Court.

27 61. As a further direct and proximate cause of the aforementioned conduct of
28 DEFENDANTS, and each of them, including Defendant Does 1 through 50, Inclusive, PLAINTIFF

1 has employed and will have to employ the services of hospitals, physicians, surgeons, nurses, and
2 the like to care for and treat PLAINTIFF. Hospital, medical, professional, and incidental expenses
3 were incurred, and will be incurred, of which the exact amount will be stated according to proof.

4 62. As a further direct and proximate cause of the aforementioned conduct of
5 DEFENDANTS, and each of them, including Defendant Does 1 through 50, Inclusive,
6 PLAINTIFF has incurred and will continue to incur economic losses in an amount to be stated
7 according to proof.

8 63. The conduct of DEFENDANTS, and each of them, was willful, malicious,
9 oppressive, and/or reckless, and done with the intent to oppress PLAINTIFF and with a conscious
10 disregard for PLAINTIFF'S safety and well-being. Further, the foregoing intentional acts subjected
11 PLAINTIFF to cruel and unjust hardship in conscious disregard of PLAINTIFF'S rights. As a
12 result of the foregoing, PLAINTIFF is entitled to punitive damages against DEFENDANTS, and
13 each of them, in an amount according to proof.

14 **SECOND CAUSE OF ACTION FOR FALSE IMPRISONMENT**

15 **(BY PLAINTIFF AGAINST ALL DEFENDANTS)**

16 64. Plaintiff incorporates herein by reference, each and every allegation and statement
17 contained in paragraphs 1 through 63, *supra*, as if the same had been set forth fully below.

18 65. On April 26, 2019, at various times both before and after PLAINTIFF was
19 handcuffed and placed in the COUNTY and/or COUNTY SHERIFF DEPARTMENT vehicle
20 without any proper ventilation for approximately one hour by COUNTY and/or COUNTY
21 SHERIFF DEPARTMENT deputies, including deputy EULISES ADAME, PLAINTIFF was
22 unlawfully and unreasonably deprived of her freedom of movement by physical force, menace, and
23 unreasonable duress. At all relevant times the actions of COUNTY and/or COUNTY SHERIFF
24 DEPARTMENT deputies, including by EULISES ADAME, were within the course and scope of
25 their employment and/or agency with COUNTY, COUNTY SHERIFF DEPARTMENT, and CITY
26 OF COMMERCE.

27 66. COUNTY and/or COUNTY SHERIFF DEPARTMENT deputy EULISES ADAME,
28 individually and as an agent and/or employee of DEFENDANTS, unlawfully and unreasonably

1 deprived PLAINTIFF of her freedom of movement when PLAINTIFF was handcuffed and placed
2 into the COUNTY and/or COUNTY SHERIFF DEPARTMENT vehicle.

3 67. Based upon information and belief, Defendants CITY OF COMMERCE, including
4 Community Service Officers and DIRECTOR SCHAMAY, and COUNTY, including MICHAEL
5 FISHER, intentionally summoned, reported, and/or pointed out to law enforcement officers,
6 knowingly, falsely and without cause, that PLAINTIFF'S actions while interacting with CITY OF
7 COMMERCE employees and documenting her interactions with employees inside the CITY OF
8 COMMERCE City Hall were in violation of law when in fact they were not. Moreover, based upon
9 information and belief, CITY OF COMMERCE, including Community Service Officers and
10 DIRECTOR SCHAMAY, and COUNTY employee MICHAEL FISHER intentionally summoned,
11 reported, and/or pointed out to law enforcement officers, knowingly, falsely, and without cause that
12 it was PLAINTIFF who assaulted and battered COUNTY employee MICHAEL FISHER when, in
13 fact, CITY OF COMMERCE, including Community Service Officers and DIRECTOR
14 SCHAMAY, and COUNTY, including MICHAEL FISHER, knew that it was MICHAEL FISHER
15 who had wrongfully assaulted and battered PLAINTIFF.

16 68. After PLAINTIFF was assaulted by COUNTY employee MICHAEL FISHER and
17 handcuffed, publicly stripped, and taken into custody by COUNTY and/or COUNTY SHERIFF
18 DEPARTMENT deputies, CITY OF COMMERCE employee and DIRECTOR SCHAMAY
19 unlawfully and wrongfully executed a Private Person Arrest of PLAINTIFF that was encouraged
20 by, without limitation, CITY OF COMMERCE employees, including two Community Service
21 Officers, COUNTY employee MICHAEL FISHER, and COUNTY SHERIFF DEPARTMENT
22 personnel, including EULISES ADAME. DEFENDANTS conspired with one another to have
23 PLAINTIFF falsely arrested even though it was known that PLAINTIFF was unarmed, had been
24 unlawfully assaulted and battered by COUNTY employee MICHAEL FISHER, was not told that
25 she was in violation of any laws, posed no danger to the public, and that she was only peacefully
26 documenting her experiences.

27 69. Moreover, when CITY OF COMMERCE, including Community Service Officers
28 and DIRECTOR SCHAMAY, and COUNTY, including MICHAEL FISHER, communicated with

1 law enforcement officers, they did so within the course and scope of their employment and/or
2 agency with the COUNTY and CITY OF COMMERCE and used their actual and/or apparent
3 authority as such to protect the premises of the CITY OF COMMERCE City Hall.

4 70. As a result of DEFENDANTS' wrongful conduct, PLAINTIFF was unlawfully and
5 unreasonably handcuffed, detained, confined, falsely imprisoned, and deprived of her liberty
6 against her will because law enforcement personnel were knowingly and falsely informed by
7 Defendants CITY OF COMMERCE, including Community Service Officers and DIRECTOR
8 SCHAMAY, and COUNTY, including MICHAEL FISHER that Plaintiff's conduct had been
9 unlawful when, in fact, DEFENDANTS knew her conduct, at all relevant times, had been lawful.

10 71. At no time did PLAINTIFF consent to her unlawful and unreasonable detention,
11 confinement, false imprisonment, and/or deprivation of her liberty which was instigated,
12 perpetuated, and carried out by DEFENDANTS.

13 72. As a direct, legal and proximate cause of the aforementioned conduct of
14 DEFENDANTS, and each of them, including Does 1 through 50, Inclusive, PLAINTIFF suffered
15 injuries to her physical health, strength and activity, and shock and injury to her nervous system, all
16 of which said injuries have caused, and continue to cause her great physical, mental, and nervous
17 pain and suffering. PLAINTIFF is further informed and believes, and thereon alleges that said
18 injuries may or will result in permanent disability, all to her general damages in an amount which
19 will be stated according to proof, but are in an amount that exceeds the minimum jurisdiction of this
20 Court.

21 73. As a further direct and proximate cause of the aforementioned conduct of
22 DEFENDANTS, and each of them, including Does 1 through 50, Inclusive, PLAINTIFF has
23 employed and will have to employ the services of hospitals, physicians, surgeons, nurses, and the
24 like to care for and treat PLAINTIFF. Hospital, medical, professional, and incidental expenses
25 were incurred, and will be incurred, of which the exact amount will be stated according to proof.

26 74. As a further direct and proximate cause of the aforementioned conduct of
27 DEFENDANTS, and each of them, including Does 1 through 50, Inclusive, PLAINTIFF has
28 incurred and will continue to incur economic losses in an amount to be stated according to proof.

1 81. As a direct, legal and proximate cause of the aforementioned conduct of
2 DEFENDANTS, and each of them, including Does 1 through 50, Inclusive, PLAINTIFF suffered
3 injuries to her physical health, strength and activity, and shock and injury to her nervous system, all
4 of which said injuries have caused, and continue to cause her great physical, mental, and nervous
5 pain and suffering. PLAINTIFF is further informed and believes, and thereon alleges that said
6 injuries may or will result in permanent disability, all to her general damages in an amount which
7 will be stated according to proof, but are in an amount that exceeds the minimum jurisdiction of this
8 Court.

9 82. As a further direct and proximate cause of the aforementioned conduct of
10 DEFENDANTS, and each of them, including Does 1 through 50, Inclusive, PLAINTIFF has
11 employed and will have to employ the services of hospitals, physicians, surgeons, nurses, and the
12 like to care for and treat PLAINTIFF. Hospital, medical, professional, and incidental expenses
13 were incurred, and will be incurred, of which the exact amount will be stated according to proof.

14 83. As a further direct and proximate cause of the aforementioned conduct of
15 DEFENDANTS, and each of them, including Does 1 through 50, Inclusive, PLAINTIFF has
16 incurred and will continue to incur economic losses in an amount to be stated according to proof.

17 84. The conduct of DEFENDANTS, and each of them, was willful, malicious, oppressive,
18 and/or reckless, and done with the intent to oppress plaintiff and with a conscious disregard for
19 PLAINTIFF'S safety, well-being, and deprivation of her liberty. Further, the foregoing intentional
20 acts subjected PLAINTIFF to cruel and unjust hardship in conscious disregard of PLAINTIFF'S
21 rights. As a result of the foregoing, PLAINTIFF is entitled to punitive damages against
22 DEFENDANTS, and each of them, in an amount according to proof.

23 **FOURTH CAUSE OF ACTION FOR VIOLATION OF THE RALPH CIVIL RIGHTS ACT**

24 **PURSUANT TO CIVIL CODE SECTION 51.7**

25 **(BY PLAINTIFF AGAINST ALL DEFENDANTS)**

26 85. PLAINTIFF incorporates herein by reference, each and every allegation and
27 statement contained in paragraphs 1 through 84, *supra*, as if the same had been set forth fully
28 below.

1 86. At all times mentioned herein above, PLAINTIFF was the subject of, without
2 limitation, harassment, discrimination, intimidation, humiliation, threats of violence, and acts of
3 violence by COUNTY employee MICHAEL FISHER and COUNTY and/or COUNTY SHERIFF
4 DEPARTMENT deputies, including EULISES ADAME, individually and as agents and/or
5 employees of Defendants COUNTY, COUNTY SHERIFF DEPARTMENT, and CITY OF
6 COMMERCE, based on, without limitation, PLAINTIFF’S gender and/or sex.

7 87. Based on information of belief, COUNTY employee MICHAEL FISHER, CITY OF
8 COMMERCE Community Service Officers and DIRECTOR SCHAMAY, and COUNTY and/or
9 COUNTY SHERIFF DEPARTMENT deputies, including EULISES ADAME, individually and as
10 employees and/or agents of DEFENDANTS, knew that PLAINTIFF was a woman and/or
11 transgender individual.

12 88. The physical assault and battery described hereinabove by COUNTY employee
13 MICHAEL FISHER constituted both threats of violence and violent actions against PLAINTIFF.

14 89. The physical and sexual assault described hereinabove by COUNTY and/or
15 COUNTY SHERIFF DEPARTMENT deputies, including EULISES ADAME, including without
16 limitation sexually assaulting PLAINTIFF by stripping her of her sweatshirt hoodie and leaving her
17 breasts exposed to the public and subsequently locking her in a hot COUNTY and/or COUNTY
18 SHERIFF DEPARTMENT vehicle without sufficient air circulation, constituted both threats of
19 violence and violent actions against PLAINTIFF.

20 90. Said acts described hereinabove constitute a violation of the Ralphs Civil Rights Act,
21 as well as the California Constitution and various other state legislative enactments.

22 91. At all relevant times, DEFENDANTS, including COUNTY employee MICHAEL
23 FISHER and COUNTY and/or COUNTY SHERIFF DEPARTMENT deputies, including
24 EULISES ADAME, were acting within the course and scope of their employment and/or agency
25 with Defendants COUNTY, COUNTY SHERIFF DEPARTMENT and CITY OF COMMERCE.
26 DEFENDANTS, including COUNTY employee MICHAEL FISHER and COUNTY and/or
27 COUNTY SHERIFF DEPARTMENT deputies, including EULISES ADAME, remained uniformed
28 as a COUNTY and/or COUNTY SHERIFF DEPARTMENT employees and used their actual

1 and/or apparent authority during the time when they made PLAINTIFF the subject of harassment,
2 discrimination, threats of violence, intimidation by threat of violence, and violence itself based on
3 PLAINTIFF'S transgender identify and/or her actual and/or perceived sex, gender, race, ethnicity,
4 color, national origin, and/or ancestry. Moreover, the hot vehicle in which PLAINTIFF was
5 confined without sufficient air circulation and to deprive her unlawfully and unreasonably of her
6 freedom of movement that was used by COUNTY and/or COUNTY SHERIFF DEPARTMENT
7 deputies, including EULISES ADAME, was provided by the COUNTY and/or COUNTY
8 SHERIFF DEPARTMENT for use within their course and scope of their employment and/or
9 agency with DEFENDANTS.

10 92. As a direct, legal and proximate cause of the aforementioned conduct of
11 DEFENDANTS, and each of them, including Does 1 through 50, Inclusive, PLAINTIFF suffered
12 injuries to her physical health, strength and activity, and shock and injury to her nervous system, all
13 of which said injuries have caused, and continue to cause her great physical, mental, and nervous
14 pain and suffering. PLAINTIFF is further informed and believes, and thereon alleges that said
15 injuries may or will result in permanent disability, all to her general damages in an amount which
16 will be stated according to proof, but are in an amount that exceeds the minimum jurisdiction of this
17 Court.

18 93. As a further direct and proximate cause of the aforementioned conduct of
19 DEFENDANTS, and each of them, including Does 1 through 50, Inclusive, PLAINTIFF has
20 employed and will have to employ the services of hospitals, physicians, surgeons, nurses, and the
21 like to care for and treat PLAINTIFF. Hospital, medical, professional, and incidental expenses
22 were incurred, and will be incurred, of which the exact amount will be stated according to proof.

23 94. As a further direct and proximate cause of the aforementioned conduct of
24 DEFENDANTS, and each of them, including Does 1 through 50, Inclusive, PLAINTIFF has
25 incurred and will continue to incur economic losses in an amount to be stated according to proof.

26 95. As a result of DEFENDANTS' wrongful and illegal conduct as alleged hereinabove,
27 PLAINTIFF is entitled to reasonable attorneys' fees and costs of said suit and a civil penalty of
28 \$25,000.00 as provided in Cal. Civil Code § 52.

1 96. Furthermore, a result of DEFENDANTS, and each of their wrongful and illegal
2 conduct as alleged hereinabove, PLAINTIFF is entitled to a civil penalty and exemplary damages
3 as provided in Cal. Civil Code § 52.

4 97. The conduct of DEFENDANTS, and each of them, was willful, malicious,
5 oppressive, and/or reckless, and done with the intent to oppress plaintiff and with a conscious
6 disregard for plaintiff's safety, well-being, and deprivation of her liberty. Further, the foregoing
7 intentional acts subjected PLAINTIFF to cruel and unjust hardship in conscious disregard of
8 PLAINTIFF'S rights. As a result of the foregoing, PLAINTIFF is entitled to punitive damages
9 against DEFENDANTS, and each of them, in an amount according to proof.

10 **FIFTH CAUSE OF ACTION FOR VIOLATION OF THE BANE CIVIL RIGHTS ACT**

11 **PURSUANT TO CIVIL CODE SECTION 52.1**

12 **(BY PLAINTIFF AGAINST ALL DEFENDANTS)**

13 98. Plaintiff incorporates herein by reference, each and every allegation and statement
14 contained in paragraphs 1 through 97, *supra*, as if the same had been set forth fully below.

15 99. At all times mentioned herein above, PLAINTIFF was the subject of harassment,
16 discrimination, threats of violence, intimidation by threat of violence, and violence itself by
17 COUNTY employee MICHAEL FISHER and COUNTY and/or COUNTY SHERIFF
18 DEPARTMENT deputies, including EULISES ADAME, individually and as agents and/or
19 employees of Defendants COUNTY, COUNTY SHERIFF DEPARTMENT, and/or CITY OF
20 COMMERCE, so as to intentionally interfere with PLAINTIFF'S civil rights. Without limitation,
21 said Defendants intentionally interfered with PLAINTIFF'S right to peacefully document her
22 experience as a transgender woman as both a First Amendment auditor and journalist.

23 100. By physical assaulting PLAINTIFF, including without limitation, physically shoving
24 her out of the CITY OF COMMERCE City Hall and throwing her down the stairs and onto the
25 cement ground below, COUNTY employee MICHAEL FISHER acted violently against
26 PLAINTIFF and PLAINTIFF'S property that she used to conduct her constitutionally protected
27 activities as a First Amendment auditor and journalist. Specifically, COUNTY employee
28 MICHAEL FISHER acted violently against PLAINTIFF and her property to deprive her of her

1 enjoyment of interests protected by the Constitution and laws of the United States and the
2 Constitution and laws of the State of California. Namely, COUNTY employee MICHAEL
3 FISHER, individually and as an agents and/or employees of DEFENDANTS, attempted to and
4 indeed did interfere – through threats, intimidation, coercion, and violence – with PLAINTIFF’S
5 exercise and enjoyment of her First Amendment rights to free speech and her right to be free from
6 violence motivated by her sex and gender. As a result of MICHAEL FISHER’s violent actions,
7 PLAINTIFF’s property related to her activities as a First Amendment auditor and journalist were
8 destroyed, including her cellular phone, recording microphone, and camera rig.

9 101. By physically and sexually assaulting PLAINTIFF, handcuffing her, stripping her of
10 her sweatshirt hoodie so as to expose her breasts to the public, removing her filming equipment
11 from her, and unlawfully imprisoning her inside of a hot vehicle without proper air circulation,
12 COUNTY and/or COUNTY SHERIFF DEPARMENT deputies, including EULISES ADAME,
13 acted violently against PLAINTIFF to deprive her of her enjoyment of interests protected by the
14 Constitution and laws of the United States and the Constitution and laws of the State of California.
15 Namely, COUNTY and/or COUNTY SHERIFF DEPARMENT deputies, including EULISES
16 ADAME, individually and as an agents and/or employees of DEFENDANTS, attempted to and
17 indeed did interfere – through threats, intimidation, coercion, and violence – with PLAINTIFF’S
18 exercise and enjoyment of her First Amendment rights to free speech and her right to be free from
19 violence motivated by her sex and gender.

20 102. At all relevant times, COUNTY employee MICHAEL FISHER and COUNTY
21 and/or COUNTY SHERIFF DEPARTMENT deputies, including EULISES ADAME, were acting
22 within the course and scope of their employment and/or agency with DEFENDANTS, including
23 without limitation, to protect the premises of the CITY OF COMMERCE City Hall.

24 103. Moreover, DEFENDANTS aided and/or incited MICHAEL FISHER and EULISES
25 ADAME in making PLAINTIFF the subject of harassment, discrimination, threats of violence,
26 intimidation by threat of violence itself.

27 104. DEFENDANTS and each of their actions were in violation of, without limitation,
28 Plaintiffs First and Fourteenth Amendment rights; as well as California Civil Code §§ 43, 51 *et*

1 *seq.*, and 51.7; California Penal Code §§ 240, 242, 422.6, 422.7, 422.8, 1170.75; as well as the
2 California Constitution; and common law interpreting the California Constitution and the statutes
3 enacted by the State of California.

4 105. Said acts constitute a violation of the Bane Civil Rights Act, Civil Code § 52.1, as
5 well as the California Constitution and various other state legislative enactments.

6 106. As a direct, legal and proximate cause of the aforementioned conduct of
7 DEFENDANTS, and each of them, including Does 1 through 50, Inclusive, PLAINTIFF suffered
8 injuries to her physical health, strength and activity, and shock and injury to her nervous system, all
9 of which said injuries have caused, and continue to cause her great physical, mental, and nervous
10 pain and suffering. PLAINTIFF is further informed and believes, and thereon alleges that said
11 injuries may or will result in permanent disability, all to her general damages in an amount which
12 will be stated according to proof, but are in an amount that exceeds the minimum jurisdiction of this
13 Court.

14 107. As a further direct and proximate cause of the aforementioned conduct of
15 DEFENDANTS, and each of them, including Does 1 through 50, Inclusive, PLAINTIFF has
16 employed and will have to employ the services of hospitals, physicians, surgeons, nurses, and the
17 like to care for and treat PLAINTIFF. Hospital, medical, professional, and incidental expenses
18 were incurred, and will be incurred, of which the exact amount will be stated according to proof.

19 108. As a further direct and proximate cause of the aforementioned conduct of
20 DEFENDANTS, and each of them, including Does 1 through 50, Inclusive, PLAINTIFF has
21 incurred and will continue to incur economic losses in an amount to be stated according to proof.

22 109. As a result of DEFENDANTS' and their agents' and/or employees' illegal acts as
23 alleged herein, PLAINTIFF is entitled to reasonable attorneys' fees and costs of said suit and a civil
24 fines as provided in Cal. Civil Code § 52.1. Furthermore, as a result of DEFENDANTS, and each
25 of their wrongful and illegal conduct as alleged herein, PLAINTIFF is also entitled to three times
26 their actual damages, which in no case shall be less than \$4,000.00.

27 110. The conduct of DEFENDANTS, and each of them, was willful, malicious,
28 oppressive, and/or reckless, and done with the intent to oppress PLAINTIFF and with a conscious

1 disregard for PLAINTIFF'S safety, well-being, and deprivation of her liberty. Further, the
2 foregoing intentional acts subjected PLAINTIFF to cruel and unjust hardship in conscious disregard
3 of PLAINTIFF'S rights. As a result of the foregoing, PLAINTIFF is entitled to punitive damages
4 against DEFENDANTS, and each of them, in an amount according to proof.

5 111. PLAINTIFF shall further be entitled to appropriate equitable remedies to be proven
6 at trial.

7 **SIXTH CAUSE OF ACTION FOR VIOLATION OF THE UNRUH ACT PURSUANT TO**
8 **CIVIL CODE SECTIONS 51 and 52**
9 **(BY PLAINTIFF AGAINST ALL DEFENDANTS)**

10 112. PLAINTIFF incorporates herein by reference, each and every allegation and
11 statement contained in paragraphs 1 through 111, *supra*, as if the same had been set forth fully
12 below.

13 113. At all times mentioned herein above, COUNTY employee MICHAEL FISHER and
14 COUNTY and/or COUNTY SHERIFF DEPARTMENT deputies, including EULISES ADAME,
15 and CITY OF COMMERCE employees, including Community Service Officers and DIRECTOR
16 SCHAMAY, individually and as an agents and/or employees of Defendants CITY OF
17 COMMERCE, COUNTY, and COUNTY SHERIFF DEPARTMENT, discriminated against and
18 denied full and equal advantages, facilities, and/or privileges to, without limitation, use of the CITY
19 OF COMMERCE City Hall and the public sidewalk immediately adjacent to the CITY OF
20 COMMERCE City Hall because of her sex and gender, including her identity as a transgender
21 woman.

22 114. Said acts included hereinabove constitute a violation of the Unruh Civil Rights Act,
23 Civil Code §§ 51 and 52, *et seq.*

24 115. At all relevant times, COUNTY employee MICHAEL FISHER, COUNTY and/or
25 COUNTY SHERIFF DEPARTMENT deputies, including EULISES ADAME, and CITY OF
26 COMMERCE employees, including Community Service Officers and DIRECTOR SCHAMAY,
27 were acting within the course and scope of their employment and/or agency with DEFENDANTS.

28 116. PLAINTIFF was discriminated against and denied full and equal access to, without

1 limitation, the CITY OF COMMERCE City Hall and its adjacent public sidewalk.

2 103. Moreover, DEFENDANTS aided and/or incited MICHAEL FISHER and EULISES
3 ADAME in their discrimination against PLAINTIFF and in the denial of full and equal advantages,
4 facilities, and privileges of PLAINTIFF.

5 104. As a result of DEFENDANTS' wrongful and illegal conduct as alleged hereinabove,
6 PLAINTIFF is entitled to statutory damages, reasonable attorneys' fees and costs of said suit and a
7 civil penalty of \$25,000.00 as provided in Cal. Civil Code § 52.

8 105. Furthermore, a result of DEFENDANTS' wrongful and illegal conduct as alleged
9 herein, PLAINTIFF is entitled to a civil penalty and exemplary damages as provided in Cal. Civil
10 Code § 52.

11 106. The conduct of DEFENDANTS, and each of them, was willful, malicious,
12 oppressive, and/or reckless, and done with the intent to oppress PLAINTIFF and with a conscious
13 disregard for PLAINTIFF'S safety, well-being, and deprivation of her liberty. Further, the
14 foregoing intentional acts subjected PLAINTIFF to cruel and unjust hardship in conscious disregard
15 of PLAINTIFF'S rights. As a result of the foregoing, PLAINTIFF is entitled to punitive damages
16 against DEFENDANTS, and each of them, in an amount according to proof.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, PLAINTIFF prays for judgment against all DEFENDANTS, and each of
19 them, including Does 1 through 50, Inclusive, as follows:

20 **On Plaintiff's First Cause of Action for Assault and Battery as follows:**

- 21 1. For general damages in an amount to be proven at trial;
22 2. For special damages in an amount to be proven at trial; and
23 3. For exemplary and punitive damages according to proof at the time of trial.

24 **On Plaintiffs' Second Cause of Action for False Imprisonment as follows:**

- 25 1. For general damages in an amount to be proven at trial;
26 2. For special damages in an amount to be proven at trial; and
27 3. For exemplary and punitive damages according to proof at the time of trial.

28 **On Plaintiffs' Third Cause of Action for Negligence as follows:**

1. For general damages in an amount to be proven at trial;
2. For special damages in an amount to be proven at trial; and
3. For exemplary and punitive damages according to proof at the time of trial.

On Plaintiffs' Fourth Cause of Action For Violation of The Ralph Civil Rights Act, Civil Code

§ 51.7 as follows:

1. For general damages in an amount to be proven at trial;
2. For special damages in an amount to be proven at trial;
3. For a civil penalty of \$25,000.00;
4. For exemplary and punitive damages according to proof at the time of trial; and
5. For attorneys' fees according to proof at the time of trial.

On Plaintiffs' Fifth Cause of Action For Violation of The Bane Civil Rights Act, Civil Code §

52.1 as follows:

1. For general damages in an amount to be proven at trial;
2. For special damages in an amount to be proven at trial;
3. For treble actual damages, which in no case shall be less than \$4,000.00;
4. For a civil penalty of \$25,000.00;
5. For exemplary and punitive damages according to proof at the time of trial;
6. For attorneys' fees according to proof at the time of trial; and
7. Equitable remedies.

On Plaintiffs' Sixth Cause of Action For Violation of The Unruh Act, Civil Code §§ 51 and 52

as follows:

1. For general damages in an amount to be proven at trial;
2. For special damages in an amount to be proven at trial;
3. For treble actual damages, which in no case shall be less than \$4,000.00;
4. For a civil penalty of \$25,000.00;
5. For exemplary and punitive damages according to proof at the time of trial; and
6. For attorneys' fees according to proof at the time of trial.

As to all Causes of Action:

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1. For costs of suit incurred herein;
2. For pre-judgment and post-judgment interest as permitted by law; and
3. For such other and further relief as the Court deems just and proper.

Dated: April 24, 2020

CARPENTER ZUCKERMAN & ROWLEY

BY John Carpenter
 JOHN C. CARPENTER
 Attorneys for Plaintiff,
 ZHOIE PEREZ

DEMAND FOR JURY TRIAL

Plaintiff ZHOIE PEREZ hereby demands a trial of all causes by jury.

Dated: April 24, 2020

CARPENTER ZUCKERMAN & ROWLEY

BY John Carpenter
 JOHN C. CARPENTER
 Attorneys for Plaintiff,
 ZHOIE PEREZ