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12 UNITED STATES DISTRICT COURT

13 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION  
14

15 HUMAN RIGHTS DEFENSE CENTER,

16 Plaintiff,

17 v.

18 COUNTY OF PLACER; DEVON BELL,  
Sheriff, individually and in his official  
19 capacity; DARRELL STEINHAUER,  
Corrections Commander, individually and  
20 in his official capacity; and JOHN AND  
JANE DOES 1-10, Staff, individually and  
21 in their official capacities,

22 Defendants.  
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Case No.

**COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF AND  
DAMAGES UNDER THE CIVIL  
RIGHTS ACT, 42 U.S.C. § 1983,  
CALIFORNIA CIVIL CODE, § 52.1,  
AND THE CALIFORNIA  
CONSTITUTION**

**JURY TRIAL DEMANDED**

**INTRODUCTION**

1  
2 1. Plaintiff Human Rights Defense Center (“HRDC” or “Plaintiff”) brings this  
3 action to enjoin Defendants from censoring books that it publishes and/or distributes  
4 mailed to incarcerated persons at Placer County’s Auburn Mail Jail. Defendants have  
5 adopted and implemented mail policies and practices that unconstitutionally prohibit  
6 delivery of books mailed by Plaintiff to persons incarcerated at the Jail, and that deny due  
7 process of law to senders, like Plaintiff, whose mail is censored, by failing to provide  
8 adequate notice and an opportunity to challenge each instance of censorship. Plaintiff  
9 alleges that Defendants’ actions violate its rights under the First and Fourteenth  
10 Amendments to the United States Constitution, Article I, Section 2 and Article I, Section 7  
11 of the California Constitution, and the Bane Act, Cal. Civ. Code § 52.1, and seeks  
12 injunctive and declaratory relief pursuant to 42 U.S.C. § 1983, and damages in an amount  
13 to be proven at trial.

**JURISDICTION AND VENUE**

14  
15 2. This action is brought pursuant to 42 U.S.C. § 1331 (federal question), as  
16 this action arises under the Constitution and laws of the United States, and pursuant to 28  
17 U.S.C. § 1343 (civil rights), as this action seeks redress for civil rights violations under 42  
18 U.S.C. § 1983.

19 3. Venue is proper under 28 U.S.C. § 1391(b). At least one Defendant resides  
20 within this judicial district and the events giving rise to the claims asserted herein all  
21 occurred within this judicial district.

22 4. Plaintiff’s claims for relief under federal law are brought pursuant to 42  
23 U.S.C. § 1983, which authorizes actions to redress the deprivation, under color of state  
24 law, of rights, privileges and immunities secured by the First and Fourteenth Amendments  
25 to the United States Constitution and laws of the United States.

26 5. This Court has jurisdiction over claims seeking declaratory and injunctive  
27 relief pursuant to 28 U.S.C. §§ 2201 and 2202, and Rules 57 and 65 of the Federal Rules of  
28 Civil Procedure, as well as nominal and compensatory damages, against all Defendants.

1           6.       Plaintiff's claim for attorneys' fees and costs for its federal claims is  
2 predicated upon 42 U.S.C. § 1988, which authorizes the award of attorneys' fees and costs  
3 to prevailing plaintiffs in actions brought pursuant to 42 U.S.C. § 1983.

4           7.       This Court has supplemental jurisdiction over Plaintiff's state law claims  
5 pursuant to 28 U.S.C. § 1367, as they arise from the same case or controversy as Plaintiff's  
6 claims under federal law.

7           8.       Plaintiff's claims for relief under state law are predicated upon the Bane Act  
8 (Cal. Civ. Code § 52.1), which authorizes actions to protect the exercise or enjoyment of  
9 rights secured under federal or California law, as well as upon the direct causes of action to  
10 enforce constitutional rights guaranteed under Article I, Section 2 and Article I, Section 7  
11 of the California Constitution.

12           9.       Plaintiff's claim for attorneys' fees and costs under state law is predicated  
13 upon California Civil Code § 52.1, which authorizes the award of attorneys' fees and costs  
14 in an action brought under that statute, and California Code of Civil Procedure § 1021.5,  
15 which authorizes the award of attorneys' fees and costs to prevailing plaintiffs whose  
16 actions vindicate important rights.

17           10.      Plaintiff is informed, believes, and based thereon alleges that the individual  
18 Defendants as described herein with reckless disregard for Plaintiff's rights and/or with the  
19 intent to injure, vex, annoy and harass Plaintiff, and subjected Plaintiff to cruel and unjust  
20 hardship in conscious disregard of Plaintiff's rights with the intention of causing Plaintiff  
21 injury and depriving it of its constitutional rights. As a result of the foregoing, Plaintiff  
22 seeks compensatory and punitive damages against the individual Defendants.

23       **EXHAUSTION OF PRE-LAWSUIT PROCEDURES FOR STATE LAW CLAIMS**

24           11.      Plaintiff submitted a state tort claim for damages to Defendant COUNTY OF  
25 PLACER on July 18, 2019. Defendant COUNTY OF PLACER notified Plaintiff that the  
26 claim was rejected by letter dated August 8, 2019, which was received by Plaintiff on  
27 August 12, 2019.

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**PARTIES**

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12. Plaintiff HUMAN RIGHTS DEFENSE CENTER is a not-for-profit charitable organization recognized under § 501(c)(3) of the Internal Revenue Code, incorporated in the state of Washington and with principal offices in Lake Worth, Florida. For nearly thirty years, HRDC has focused its mission on public education, advocacy and outreach to incarcerated persons and the public about the economic and social costs of prisons to society, and to help incarcerated persons educate themselves about their constitutional and human rights and to learn about accessing education while incarcerated. HRDC accomplishes its mission through advocacy, litigation, and publication and/or distribution of books, magazines and other information concerning prisons and the rights of incarcerated persons. Prison Legal News is a wholly-owned project and publishing arm of HRDC. Through its publishing project, HRDC engages in core protected speech and expressive conduct on matters of public concern, such as the operation of correctional facilities, prison and jail conditions, and the health, safety and the constitutional and human rights of incarcerated persons. HRDC publishes and distributes two monthly magazines covering corrections and criminal justice news and analysis, and publishes and distributes books about the criminal justice system and legal issues affecting incarcerated persons, which HRDC distributes by mail to incarcerated persons, lawyers, courts, libraries, and the public throughout the United States.

13. Defendant COUNTY OF PLACER (the “County”) is a political subdivision of the State of California organized and existing under the laws of California. The County is, and at all relevant times herein was, responsible for the actions and/or inactions and the policies, procedures, customs, and practices of the Placer County Sheriff’s Department and its employees and agents. The Placer County Sheriff’s Office is and was responsible for adopting and implementing mail policies governing incoming mail for incarcerated persons at all the County’s jails, including the Auburn Main Jail (“the Jail”).

14. Defendant DEVON BELL is the Sheriff of the County of Placer, and has held that position since February 2017. Sheriff Bell is employed by and is an agent of

1 Defendant COUNTY OF PLACER and the Placer County Sheriff's Office. He is  
2 responsible for overseeing the management and operations of the County's jails, and for  
3 the hiring, screening, training, supervision, discipline, counseling, and control of the  
4 personnel at the Auburn Main Jail who interpret and apply its incoming mail policies. As  
5 Sheriff, Defendant BELL is a final policymaker for Defendant COUNTY OF PLACER  
6 with respect to the operation of its jails, inclusive of the Auburn Main Jail, including for  
7 policies and practices governing incoming mail for incarcerated persons. He is sued in his  
8 individual and official capacities.

9 15. Defendant DARRELL STEINHAUER is the Corrections Commander at the  
10 Auburn Main Jail, and has held that position since July 2017. Defendant STEINHAUER  
11 is employed by and is an agent of Defendant COUNTY OF PLACER and the Placer  
12 County Sheriff's Office. He is responsible for overseeing the management and operations  
13 of the Auburn Main Jail, and for hiring, screening, training, supervision, discipline,  
14 counseling, and control of the personnel at the Jail who interpret and apply the Jail's  
15 inmate mail policy. As Corrections Commander, Defendant STEINHAUER is a  
16 policymaker for Defendant COUNTY OF PLACER with respect to the operation of the  
17 Auburn Main Jail, including for policies governing incoming mail for incarcerated  
18 persons. He is sued in his individual and official capacities

19 16. The true names and identities of Defendants DOES 1 through 10 are  
20 presently unknown to HRDC. Each of Defendants DOES 1 through 10 are or were  
21 employed by and are or were agents of Defendant COUNTY OF PLACER and were  
22 personally involved in the adoption and/or implementation of the policies and practices  
23 governing incoming mail for incarcerated persons at the County's jails, including the  
24 Auburn Main Jail, and/or are or were responsible for the hiring, screening, training,  
25 retention, supervision, discipline, counseling, and/or control of the Auburn Main Jail staff  
26 who interpret and implement these incoming mail policies and practices. They are sued in  
27 their individual and official capacities. HRDC will seek to amend this Complaint as soon  
28 as the true names and identities of Defendants DOES 1 through 10 have been ascertained.

1 17. At all times material to this action, the actions of all Defendants as alleged  
2 herein were taken under the authority and color of state law.

3 18. At all times material to this action, all Defendants were acting within the  
4 course and scope of their employment as agents and/or employees of Defendant COUNTY  
5 OF PLACER.

6 **FACTUAL ALLEGATIONS**

7 19. For more nearly thirty years, the focus of HRDC's mission has been public  
8 education, advocacy and outreach on behalf of, and for the purpose of assisting, prisoners  
9 who seek legal redress for infringements of their constitutionally guaranteed and other  
10 basic human rights. HRDC's mission, if realized, has a salutary effect on public safety.

11 20. To accomplish its mission, HRDC publishes and distributes books,  
12 magazines, and other materials containing news and analysis about prisons, jails and other  
13 detention facilities, prisoners' rights, court rulings, management of prison facilities, prison  
14 conditions, and other matters pertaining to the rights and/or interests of incarcerated  
15 individuals. HRDC's publications contain political speech and social commentary, which  
16 are core First Amendment rights and are entitled to the highest protection afforded by the  
17 United States Constitution.

18 21. Sending publications through the mail to incarcerated persons is essential to  
19 accomplishing the mission of HRDC. The primary aim of HRDC is to communicate with  
20 incarcerated persons about developments in the law and protection of one's health and  
21 personal safety while in prison or jail. Reading materials enable incarcerated persons to  
22 engage in productive activity rather than sitting idle, thus helping to avoid conflicts and  
23 incidents of violence in correctional facilities and encouraging lawful methods of dispute  
24 resolution. In addition, reading allows incarcerated persons to keep their minds sharp,  
25 helping them prepare to become productive citizens when released back into society.

26 22. HRDC publishes and distributes an award-winning monthly magazine titled  
27 *Prison Legal News: Dedicated to Protecting Human Rights*, which contains news and  
28 analysis about correctional facilities, the rights of incarcerated persons, court opinions,

1 prison and jail conditions, excessive force, and religious freedom. HRDC also publishes a  
2 second monthly magazine titled *Criminal Legal News*, which contains news and analysis  
3 about individual rights, court rulings, and other criminal justice-related issues.

4 23. HRDC also publishes and/or distributes several different soft-cover books on  
5 subjects on criminal justice, health, and legal issues that are of interest to incarcerated  
6 persons and others. HRDC publishes and distributes the *Prisoners' Guerilla Handbook: A*  
7 *Guide to Correspondence Programs in the United States and Canada* ("Prisoners'  
8 *Guerilla Handbook*"), which provides information on enrolling at accredited higher  
9 educational, vocational and training schools. HRDC does not publish, but is the sole  
10 national distributor of *Protecting Your Health and Safety* ("PYHS"), which describes the  
11 rights, protections and legal remedies available to persons concerning their health and  
12 safety while they are incarcerated.

13 24. Since 1990, HRDC has sent its publications by mail to incarcerated persons  
14 and law librarians in more than 3,000 correctional facilities in all fifty states, including at  
15 death row housing units and "supermax" prisons, including the federal Administrative  
16 Maximum Facility at Florence, Colorado, which is known as the most secure prison in the  
17 United States. The publications and books that HRDC distributes are mailed to hundreds  
18 of persons incarcerated in California jails and prisons, including at San Diego County's  
19 Vista Detention Facility, Los Angeles County's Twin Towers Correctional Facility,  
20 Orange County's Theo Lacy Facility, San Bernardino County's West Valley Detention  
21 Center, Sacramento County's Rio Consumnes Correctional Center, Fresno County Jail,  
22 Humboldt County Correctional Facility, Madera County Jail, Santa Clara County's Main  
23 Jail, Alameda County's Santa Rita Jail, San Joaquin County Jail, Ventura County Jail, and  
24 32 prisons run by the California Department of Corrections and Rehabilitation ("CDCR").

25 25. The Defendants' incoming mail policy ("Defendants' Mail Policy") for  
26 persons incarcerated at the Jail is posted on the public website of the Placer County  
27 Sheriff's Office at <https://www.placer.ca.gov/2486/Inmate-Rules-Information> (last visited  
28 February 6, 2020). This policy provides, in pertinent part:

1 Authorized Books, Newspapers or Periodicals must come directly from the  
2 publisher. No hard back or leather bound books will be accepted.  
3 Authorized Book distributors: Amazon.com, Bartleby.com or  
4 christianbook.com. These approved distributors may change without  
5 advance notice at the discretion of the Jail Commander. Packages from  
independent sellers will not be accepted. All requests for religious material  
will be directed to the Jail Chaplaincy for review. No obscene, nude or  
sexually explicit material, any matter concerning unlawful gambling or an  
unlawful lottery; or, material intended to incite violence.

6 The Placer County Sheriff's Office public website also includes a hyperlink to the Inmate  
7 Rule Book for Auburn Jail and South Placer Jail. The section of the Inmate Rule Book on  
8 books and periodicals is substantially similar to the policy posted on the website, except  
9 that it lists a fourth approved distributor:

10 Inmates are permitted to purchase, receive, and read any books, newspapers,  
11 or periodicals accepted for distribution by the U.S. Postal Service. The  
12 exception is for those items determined by the Jail Commander potentially  
13 posing a threat to the safety and security of the facility. Books and  
14 periodicals sent directly from the distributor's approved list by Jail  
15 Administration will be accepted: **Amazon, Bartleby, Zooba and Christian  
Book Distributor, Peabody MA.** Books not on this approved list must be  
approved by Jail Administration on a case by case basis.... The Placer  
County Jails will not accept used books, hardback books and books ordered  
from distributors not listed on the authorized list of approved vendors....

16 26. Defendants' Mail Policy is both unconstitutional on its face and as applied,  
17 and is unduly broad and vague. There is no legitimate penological justification for  
18 Defendants to refuse to accept books and other publications for delivery at the Jail unless  
19 they are mailed "directly from the Publisher" or from one of three or four "Authorized  
20 Book distributors," and for banning books published or distributed by HRDC or other  
21 neutral publishers and distributors who are not one of the three or four "Authorized Book  
22 distributors," except at the unfettered "discretion of the Jail Commander." The policy also  
23 does not provide for notice of censorship to a sender or an appeal process to challenge  
24 censorship decisions.

25 27. From May 2019 to the present, Defendants have been censoring books  
26 mailed by HRDC to incarcerated persons held in custody at the Jail by refusing to deliver  
27 these books to the intended recipients, and by returning items to HRDC's offices via the  
28 Return to Sender service of the United States Postal Service.



1 28. HRDC has identified at least thirty (30) instances since May 2019 where  
2 books that HRDC mailed to incarcerated persons, individually addressed and separately  
3 mailed with postage fully paid, were not delivered to intended recipients who were  
4 incarcerated at the Jail at the time the books arrived in the mail.

5 29. On May 10, 2019, HRDC mailed ten (10) copies of the *Prisoner's Guerilla*  
6 *Handbook* and ten (10) copies of *PYHS* to ten (10) incarcerated persons at the Jail. On  
7 June 14, 2019, HRDC mailed another ten (10) copies of the *Prisoner's Guerilla Handbook*  
8 and ten (10) copies of *PYHS* to a different ten (10) incarcerated persons at the Jail. At least  
9 fifteen (15) copies of the *Prisoner's Guerilla Handbook* and fifteen (15) copies of *PYHS*  
10 were not delivered to the intended recipients, and were instead returned by Defendants  
11 using the Return to Sender service of the United States Postal Service, at Plaintiff's  
12 expense.

13 30. Each returned item was marked with an ink stamp that contained the words  
14 "RETURN TO SENDER" and "Contents NOT Accepted" in large-sized letters across the  
15 top. The stamp also contained five short statements in smaller-sized letters directly  
16 underneath, which read as follows:

- 17  Available from Commissary
- 18  Stickers/Stamps
- 19  Greeting Card
- 20  Violates Jail Policy
- 21  Other

22 In each instance, the " Other" category was checked, and the phrase "UNAUTH  
23 VENDOR" was handwritten in ink on the returned item.

24 31. For every item that was returned to Plaintiff in this manner, HRDC staff  
25 confirmed that the intended recipient was still incarcerated at the Jail at the time that the  
26 item was received by HRDC.

27 32. On information and belief, other books mailed by HRDC to persons  
28 incarcerated at the Jail were also censored by Defendants.

1           33. Defendants did not provide HRDC with notice or opportunity to appeal the  
2 censorship decisions in any of these instances where HRDC's books were rejected for  
3 delivery to persons incarcerated at the Jail.

4           34. Defendants' conduct prohibiting HRDC from mailing its books to persons  
5 incarcerated at the Jail violates the First Amendment by censoring these expressive  
6 activities and has a chilling effect on future speech and expression directed at the persons  
7 incarcerated at the Jail.

8           35. HRDC will continue to mail copies of its books to subscribers, customers,  
9 and other persons incarcerated at the Jail.

10          36. The accommodation of the free speech, free expression, and due process  
11 rights of HRDC with respect to written speech will not have any significant impact on the  
12 Jail's staff, other incarcerated persons at the Jail, or Defendants' allocation of resources.

13          37. Due to Defendants' actions as described above, HRDC has suffered  
14 damages, and will continue to suffer damages, including, but not limited to: the  
15 suppression of HRDC's speech; the impediment of HRDC's ability to disseminate its  
16 political message; frustration of HRDC's non-profit organizational mission; diversion of  
17 resources; the loss of potential subscribers and customers; an inability to recruit new  
18 subscribers and supporters; the loss of reputation; and the cost of printing, handling,  
19 mailing, and staff time, among other damages.

20          38. Defendants' actions and inactions were and are motivated by ill motive and  
21 intent, and were and are all committed under color of law with deliberate indifference to  
22 HRDC's rights.

23          39. Defendants, and other agents of the Jail, are responsible for or personally  
24 participated in creating and implementing these unconstitutional policies, practices, and  
25 customs, or for ratifying or adopting them. Further, Defendants are responsible for  
26 training and supervising the staff persons whose conduct has injured and continues to  
27 injure HRDC.

28

1 40. Defendants' unconstitutional policy, practices, and customs are ongoing,  
2 continue to violate HRDC's rights, and were and are the moving force behind the injuries  
3 HRDC suffered as a direct result of the constitutional violations. As such, HRDC has no  
4 adequate remedy at law.

5 41. Plaintiff is entitled to injunctive relief prohibiting Defendants from refusing  
6 to deliver or refusing to allow deliver of books published and/or distributed by HRDC to  
7 incarcerated persons at the Jail, and prohibiting Defendants from censoring mail without  
8 due process of law.

9 **FIRST CLAIM FOR RELIEF**

10 **(Violations of the First Amendment (Free Speech)—42 U.S.C. § 1983)**

11 42. HRDC re-alleges and incorporates the allegations of paragraphs 1 through 41  
12 of the Complaint as if fully set forth herein.

13 43. Defendants' acts described above constitute violations of HRDC's right to  
14 communicate with persons incarcerated at the Jail under the First Amendment to the  
15 United States Constitution.

16 44. The conduct of Defendants was objectively unreasonable and was  
17 undertaken recklessly, intentionally, willfully, with malice, and with deliberate  
18 indifference to the rights of others.

19 45. HRDC's injuries and the violations of its constitutional rights were directly  
20 and proximately caused by the policies and practices of Defendants, which were and are  
21 the moving force of the violations.

22 46. Defendants' acts described above have caused damages to HRDC, and if not  
23 enjoined, will continue to cause damage to HRDC.

24 47. HRDC seeks declaratory and injunctive relief, and nominal and  
25 compensatory damages against all Defendants. HRDC also seeks punitive damages solely  
26 against the individual Defendants in their individual capacities.

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**SECOND CLAIM FOR RELIEF**

**(Violation of the Fourteenth Amendment (Due Process)—42 U.S.C. § 1983)**

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3 48. HRDC re-alleges and incorporates the allegations of paragraphs 1 through 47  
4 of the Complaint as if fully set forth herein.

5 49. HRDC has a constitutionally-protected liberty interest in communicating  
6 with persons incarcerated at the Jail by sending books to them via the United States Postal  
7 Service, a right clearly established under existing case law.

8 50. HRDC has a right under the Due Process Clause of the Fourteenth  
9 Amendment to receive notice and an opportunity to object and/or appeal Defendants'  
10 decisions to prevent the books mailed by HRDC to from reaching the incarcerated persons  
11 at the Jail to whom they were mailed.

12 51. Defendants have failed to give HRDC sufficient notice of the censorship of  
13 its books, and an opportunity to be heard with respect to that censorship. In doing so,  
14 Defendants have deprived and continue to deprive HRDC of liberty and property without  
15 due process of law, in violation of the Fourteenth Amendment to the United States  
16 Constitution.

17 52. The conduct of Defendants was objectively unreasonable and was  
18 undertaken recklessly, intentionally, willfully, with malice, and with deliberate  
19 indifference to the rights of others.

20 53. HRDC's injuries and the violations of its constitutional rights were directly  
21 and proximately caused by the policies and practices of Defendants, which were and are  
22 the moving force of the violations.

23 54. Defendants' acts described above have caused damages to HRDC, and if not  
24 enjoined, will continue to cause damage to HRDC.

25 55. HRDC seeks declaratory and injunctive relief, and nominal and  
26 compensatory damages against all Defendants. HRDC also seeks punitive damages solely  
27 against the individual Defendants in their individual capacities.  
28

1 **THIRD CLAIM FOR RELIEF**

2 **(Violation of the right to free speech—California Constitution Art. I, Sec. 2)**

3 56. HRDC re-alleges and incorporates the allegations of paragraphs 1 through  
4 55of the Complaint as if fully set forth herein.

5 57. The acts describes above constitute violations of HRDC’s speech rights  
6 under Article 1, Section 2 of the California Constitution and have caused damage to  
7 HRDC, and will continue to cause damage.

8 58. HRDC’s injuries and the violations of its constitutional rights were directly  
9 and proximately caused by the policies and practices of Defendants, which were and are  
10 the moving force of the violations.

11 59. As a result of the conduct of Defendants, HRDC seeks declaratory and  
12 injunctive relief against all Defendants.

13 **FOURTH CLAIM FOR RELIEF**

14 **(Violation of the right to due process —California Constitution Art. I, Sec. 7)**

15 60. HRDC re-alleges and incorporates the allegations of paragraphs 1 through 60  
16 of the Complaint as if fully set forth herein.

17 61. By failing to give HRDC sufficient notice of the censorship of its books and  
18 an opportunity to be heard with respect to that censorship, Defendants have deprived and  
19 continue to deprive HRDC of liberty and property without due process of law, in violation  
20 of Article I, Section 7 of the California Constitution, and have caused damage to HRDC,  
21 and will continue to cause damage.

22 62. HRDC’s injuries and the violations of its constitutional rights were directly  
23 and proximately caused by the policies and practices of Defendants, which were and are  
24 the moving force of the violations.

25 63. As a result of the Defendants’ conduct, HRDC seeks declaratory and  
26 injunctive relief against all Defendants.

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**FIFTH CLAIM FOR RELIEF**

**(Violations of the Bane Act—California Civil Code Sec. 52.1)**

64. HRDC re-alleges and incorporates the allegations of paragraphs 1 through 63 of the Complaint as if fully set forth herein.

65. By their actions as described above, Defendants, acting in conspiracy and/or in concert, with threat, intimidation, and/or coercion, violated HRDC’s rights under California Civil Code § 52.1 and interfered with the exercise or enjoyment of HRDC’s clearly established rights secured by the Constitution and laws of the United States and Constitution and laws of California. Defendants’ actions have caused actual damages to HRDC within the meaning of California Civil Code §§ 52 and 52.1.

66. The conduct of Defendants described above was objectively unreasonable and was undertaken recklessly, intentionally, willfully, with malice, and with deliberate indifference to the rights of others.

67. HRDC’s injuries and the violations of its constitutional rights were directly and proximately caused by the policies and practices of Defendants, which were and are the moving force of the violations.

68. As a proximate result of the conduct of Defendants, HRDC is also entitled to injunctive relief and an award of exemplary damages, civil penalties, and attorneys’ fees, as provided by California Civil Code §§ 52 and 52.1.

**REQUEST FOR RELIEF**

WHEREFORE, the Plaintiff respectfully requests relief as follows:

1. A declaration that Defendants’ policies and practices violate the First and Fourteenth Amendments to the United States Constitution; Article 1, Section 2 and Article 1, Section 7 of the California Constitution; and California Code Section 52.1;

2. A preliminary and permanent injunction preventing Defendants and their employees, agents, and any and all persons acting in concert with them from further violation of HRDC’s civil rights under the First and Fourteenth Amendments to the United States Constitution; Article 1, Section 2 and Article 1, Section 7 of the California

1 Constitution; and California Code Section 52.1; and providing other equitable relief;

2 3. Nominal damages for each violation of HRDC's rights by the Defendants;

3 4. Compensatory damages in an amount to be proved at trial;

4 5. Punitive damages against the individual Defendants in an amount to be  
5 proved at trial;

6 6. Costs, including reasonable attorneys' fees, under 42 U.S.C. § 1988 and  
7 under other applicable law, including but not limited to California Civil Code § 52.1 and  
8 California Code of Civil Procedure § 1021.5; and

9 7. Any other such relief that this Court deems just and equitable.

10 **JURY DEMAND**

11 Plaintiff, by and through its attorneys, hereby demands a trial by jury pursuant to  
12 Federal Rule of Civil Procedure 38(b) on all issues so triable.

13  
14 DATED: February 6, 2020

Respectfully submitted,

15 ROSEN BIEN GALVAN & GRUNFELD LLP

16  
17 By: /s/ Jeffrey L. Bornstein  
18 Jeffrey L. Bornstein

19 Attorneys for  
20 HUMAN RIGHTS DEFENSE CENTER