

1 Mark E. Merin (State Bar No. 043849)
2 Paul H. Masuhara (State Bar No. 289805)
3 LAW OFFICE OF MARK E. MERIN
4 1010 F Street, Suite 300
5 Sacramento, California 95814
6 Telephone: (916) 443-6911
7 Facsimile: (916) 447-8336
8 E-Mail: mark@markmerin.com
9 paul@markmerin.com

7 Attorneys for Plaintiffs
8 THONGXY PHANSOPHA, JOSHUA RUIZ,
9 DANIEL GARZA, and ELISABETH CROUCHLEY

9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA
11 SACRAMENTO DIVISION

12 THONGXY PHANSOPHA, JOSHUA RUIZ,
13 DANIEL GARZA, and ELISABETH CROUCHLEY,
14 on behalf of themselves and a class of similarly
15 situated persons,

15 Plaintiffs,

16 vs.

17 CITY OF SACRAMENTO, SACRAMENTO
18 POLICE DEPARTMENT, DANIEL HAHN,
19 and DOE 1 to 125,

19 Defendants.

Case No.

**CLASS ACTION COMPLAINT
FOR VIOLATION OF CIVIL AND
CONSTITUTIONAL RIGHTS**

DEMAND FOR JURY TRIAL

INTRODUCTION

22 This class action is brought by THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA,
23 and ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly situated persons, for
24 damages, declaratory relief, and injunctive relief enjoining and declaring unconstitutional the
25 deprivations of the federal and state constitutional rights caused by the CITY OF SACRAMENTO and
26 SACRAMENTO POLICE DEPARTMENT, and their officials and personnel, who subjected Plaintiffs
27 and the class to a policy or custom of unreasonable and excessive use of force by firing rubber bullets to
28 strike and injure non-violent demonstrators exercising their constitutional freedom of speech.

JURISDICTION & VENUE

1
2 1. This Court has jurisdiction over the claims asserted herein pursuant to 28 U.S.C. § 1331
3 (in that they arise under the United States Constitution), and 28 U.S.C. § 1343(a)(3) (in that the action is
4 brought to address deprivations, under color of state authority, of rights, privileges, and immunities
5 secured by the United States Constitution). This Court has supplemental jurisdiction of the state law
6 claims pursuant to 28 U.S.C. § 1367.

7 2. Venue is proper in the United State District Court for the Eastern District of California
8 pursuant to 28 U.S.C. § 1391(b) because Defendants are located in the Eastern District of California and
9 because the acts and/or omissions described herein occurred in the Eastern District of California.

10 3. Intradistrict venue is proper in the Sacramento Division of the Eastern District of
11 California pursuant to E.D. Cal. L.R. 120(d) because the claims asserted herein arise from acts and/or
12 omissions which occurred in the County of Sacramento, California.

PARTIES

13
14 4. Plaintiff THONGXY PHANSOPHA is a resident of the County of Sacramento,
15 California.

16 5. Plaintiff JOSHUA RUIZ is a resident of the County of Sacramento, California.

17 6. Plaintiff DANIEL GARZA is a resident of the County of Sacramento, California.

18 7. Plaintiff ELISABETH CROUCHLEY is a resident of the County of Sacramento,
19 California.

20 8. Defendant CITY OF SACRAMENTO is a “public entity” within the definition of Cal.
21 Gov. Code § 811.2.

22 9. Defendant SACRAMENTO POLICE DEPARTMENT is a “public entity” within the
23 definition of Cal. Gov. Code § 811.2.

24 10. Defendant DANIEL HAHN is, and at all times material herein was, a law enforcement
25 officer and Police Chief for Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE
26 DEPARTMENT, acting within the scope of that employment. Defendant DANIEL HAHN is sued in his
27 individual capacity.

28 11. Defendants DOE 1 to 125 are and/or were agents or employees of Defendants CITY OF

1 SACRAMENTO and/or SACRAMENTO POLICE DEPARTMENT and acted within the scope of that
2 agency or employment and under color of state law. The true and correct names of Defendants DOE 1 to
3 125 are not now known and they are identified by their fictitious names. Plaintiffs THONGXY
4 PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and ELISABETH CROUCHLEY will substitute the
5 true and correct names of Defendants DOE 1 to 125 when ascertained.

6 **GENERAL ALLEGATIONS**

7 12. At all times relevant herein, all wrongful acts described were performed under color of
8 state law and/or in concert with or on behalf of those acting under the color of state law.

9 13. On May 26, 2020, George Floyd, a black man, was murdered by Minneapolis police
10 officer Derek Chauvin, a white man. Chauvin knelt on Floyd's neck for almost nine minutes, as Floyd
11 gasped for air, begged for mercy, and told the officer he could not breathe. Three other Minneapolis
12 police officers looked on, without intervention or protest, as Chauvin slowly killed Floyd. Floyd's killing
13 was captured on camera and went "viral."

14 14. Floyd's murder is consistent with a longstanding, ongoing pattern of cases where
15 minorities—and, most-often, black men—are subject to disproportionate force and sometimes killed by
16 law enforcement without justification. For example, and in addition to Floyd, some other highly
17 publicized and recent killings by law enforcement include Tamir Rice, Michael Brown, Eric Garner,
18 Philando Castile, Joseph Mann, Stephon Clark, and Breonna Taylor.

19 15. Nationwide outcry, protest, and demonstration immediately resulted from Floyd's killing,
20 with many around the country disgusted by and fed-up with law enforcement's all-too-frequent resort to
21 deadly force without accountability. Thousands took to the streets to express their constitutional rights to
22 freedom of speech and petition against government officials who either participated in police violence or
23 idly stood-by while fellow officers engaged in such misconduct.

24 16. Many protests have occurred, and are continuing to occur, in Sacramento, California.

25 17. Demonstrating the very same propensity for the use of unjustified violence that gave rise
26 to these recent nationwide demonstrations, Defendant SACRAMENTO POLICE DEPARTMENT's
27 officers took to the streets in droves, armed for war against their own citizenry, and employed severe and
28 unjustified excessive force against peaceful, non-violent demonstrators.

THONGXY PHANSOPHA

18. On or about the final hours of May 30, 2020, and/or the early hours of May 31, 2020, Plaintiff THONGXY PHANSOPHA (pronouns: they/them) was attending a demonstration occurring in downtown Sacramento near 21st and J Streets.

19. A police line of Defendant SACRAMENTO POLICE DEPARTMENT's officers advanced to J and 21st Streets, where a standoff between protestors and police remained for some time.

20. Plaintiff THONGXY PHANSOPHA was peacefully demonstrating in front of the police line when officers, including Defendants DOE 1 to 25, began indiscriminately to fire their weapons into the crowd of protestors.

21. Plaintiff THONGXY PHANSOPHA observed that several protestors were directly struck with projectiles fired by Defendants DOE 1 to 25.

22. Defendants DOE 1 to 25 were targeting the heads of protestors, intending severely to injure them.

23. Plaintiff THONGXY PHANSOPHA was shot at and hit no less than seven times, including being struck with a gas canister and six rubber bullets.

24. Plaintiff THONGXY PHANSOPHA was struck with a gas canister and three rubber bullets in the head and face, nearly killing them.

25. Plaintiff THONGXY PHANSOPHA was struck with three rubber bullets above the waist.

26. Plaintiff THONGXY PHANSOPHA fell to the ground, incapacitated and bleeding severely from the head.

27. Defendants DOE 1 to 25 continued to fire-on Plaintiff THONGXY PHANSOPHA, even after they fell to the ground, defenseless and injured.

28. Plaintiff THONGXY PHANSOPHA is unable to identify the officers who shot them due to Defendants DOE 1 to 25's uniforms and equipment which obscured their identity. On information and belief, Defendants DOE 1 to 25's indistinguishable uniforms and equipment were employed, at least in part, for the purpose of hiding officers' identities and avoiding accountability.

29. Plaintiff THONGXY PHANSOPHA was admitted to the hospital for numerous and severe injuries caused by the multiple injuries resulting from the projectiles fired at them.

1 30. Plaintiff THONGXY PHANSOPHA sustained numerous cuts, bumps, and bruises from
2 the projectiles.

3 31. Plaintiff THONGXY PHANSOPHA's face was severely injured and a video of some
4 injuries sustained can be viewed at the following location: <https://youtu.be/jEh_2vc3tf8>.

5 32. Plaintiff THONGXY PHANSOPHA required two emergency, life-saving brain surgeries
6 because of the injuries they sustained.

7 33. Plaintiff THONGXY PHANSOPHA continues to experience pain and discomfort
8 resulting from their injuries.

9 34. Plaintiff THONGXY PHANSOPHA wishes to attend further demonstrations, when they
10 are healthy enough to do so. Plaintiff THONGXY PHANSOPHA is hesitant, however, based on the
11 experience and excessive force to which they were subjected.

12 **JOSHUA RUIZ**

13 35. On or about May 31, 2020, Plaintiff JOSHUA RUIZ (pronouns: he/him) was attending a
14 demonstration occurring in downtown Sacramento near Capitol Avenue and L Street.

15 36. Defendant SACRAMENTO POLICE DEPARTMENT's officers, including Defendants
16 DOE 26 to 50, began indiscriminately to fire their weapons into the crowd of protestors, without
17 justification.

18 37. Defendants DOE 26 to 50 fired projectiles directly at the demonstrators, severely injuring
19 many.

20 38. Plaintiff JOSHUA RUIZ was struck several times with projectiles, all over his body.

21 39. Plaintiff JOSHUA RUIZ fell to the ground after initially being struck by projectiles.

22 40. Defendants DOE 26 to 50 continued to fire-on and to strike Plaintiff JOSHUA RUIZ with
23 projectiles, even as he lay on the ground, defenseless and injured.

24 41. Plaintiff JOSHUA RUIZ is unable to identify the officers who shot him due to Defendants
25 DOE 26 to 50's uniforms and equipment which obscured their identity. On information and belief,
26 Defendants DOE 26 to 50's indistinguishable uniforms and equipment were employed, at least in part,
27 for the purpose of hiding officers' identities and avoiding accountability.

28 42. Plaintiff JOSHUA RUIZ was admitted to the hospital for numerous and severe injuries

1 caused by his multiple injuries caused by the projectiles fire at him.

2 43. Plaintiff JOSHUA RUIZ sustained numerous cuts, bumps, and bruises from the
3 projectiles. Plaintiff JOSHUA RUIZ’s liver was found to have been lacerated due to the force with which
4 a projectile struck him.

5 44. Plaintiff JOSHUA RUIZ was hospitalized for multiple days due to his injuries. Plaintiff
6 JOSHUA RUIZ continues to experience pain and discomfort resulting from his injuries.

7 45. Plaintiff JOSHUA RUIZ wishes to attend further demonstrations, when he is healthy
8 enough to do so. Plaintiff JOSHUA RUIZ is hesitant, however, based on the experience and excessive
9 force to which he was subjected.

10 **DANIEL GARZA**

11 46. Plaintiff DANIEL GARZA (pronouns: he/him) is a National Lawyers Guild (“NLG”)
12 Legal Observer who has observed demonstrations across the United States since 2012. Plaintiff DANIEL
13 GARZA is the “Know Your Rights” and NLG Legal Observer trainer for the Sacramento Chapter of the
14 NLG. Plaintiff DANIEL GARZA served 6-years in the United States Navy with two deployments to
15 OIF/OEF aboard the U.S.S. Nimitz (CVN-68).

16 47. Plaintiff DANIEL GARZA was acting in his capacity as an NLG Legal Observer to
17 observe demonstrations occurring in the downtown-area of Sacramento, at all relevant times.

18 48. Plaintiff DANIEL GARZA was wearing a neon-green hat prominently displaying the
19 words “National Lawyers Guild Legal Observer.” NLG Legal Observers, and their neon-green hats, are
20 internationally recognized as observer non-participants and are extended the same rights and access as
21 are members of the press.

22 49. Defendant SACRAMENTO POLICE DEPARTMENT and its officers have long-known
23 of the role and presence of NLG Legal Observers at protest demonstrations—including, for example, the
24 demonstrations held at Defendant SACRAMENTO POLICE DEPARTMENT’s headquarters located at
25 5303 Franklin Blvd., Sacramento, CA 95820, on May 29, 2020.

26 50. On or about May 30, 2020, Plaintiff DANIEL GARZA was conducting legal observation
27 near the Sacramento County Main Jail.

28 51. Plaintiff DANIEL GARZA observed Sacramento County Sheriff’s Department officers

1 use flash-bang grenades and tear gas and fire irritant chemicals at protesters.

2 52. Plaintiff DANIEL GARZA followed the protesters as they moved from I and 7th Streets
3 to K Street.

4 53. Plaintiff DANIEL GARZA followed the demonstration down J Street from 7th Street until
5 it reached 19th Street. Plaintiff DANIEL GARZA began to film the interaction between the protestors
6 and police with a camera and an iPhone held in both hands, simultaneously live-streaming the recordings
7 to Facebook.

8 54. Plaintiff DANIEL GARZA observed a police line form and advance towards the
9 protestors.

10 55. Plaintiff DANIEL GARZA was off to the side of the demonstration, in a parking lot west
11 of 2020 J Street (SNAHC Building), as the police line marched past.

12 56. Plaintiff DANIEL GARZA was behind the police line, after it moved forward towards the
13 demonstration.

14 57. Defendant DOE 51, an officer, told Plaintiff DANIEL GARZA to move in front of the
15 police line.

16 58. Plaintiff DANIEL GARZA refused Defendant DOE 51's requests, recognizing that the
17 officers were preparing to fire on the protesters near the police line. Plaintiff DANIEL GARZA did not
18 want to be exposed to line-of-fire of officers' projectile or chemical weapons.

19 59. Plaintiff DANIEL GARZA told Defendant DOE 51, "We are not part of them" (the
20 demonstration) and "We are not interfering."

21 60. Defendants DOE 51 to 75, the line of officers, forced Plaintiff DANIEL GARZA to move
22 in front of the police line and into the line-of-fire, through physical intimidation, brandishing of weapons,
23 display of force, and an overwhelming police presence.

24 61. Defendants DOE 51 to 75 deployed flash-bang grenades and tear gas while pushing the
25 police lines forward.

26 62. Plaintiff DANIEL GARZA advanced down J Street with the protesters.

27 63. Plaintiff DANIEL GARZA donned a military-style gas mask which permitted him to
28 observe the demonstration without the gas affecting him. Plaintiff DANIEL GARZA continued to wear

1 his high-visibility neon-green hat identifying him as a non-participant NLG Legal Observer.

2 64. The police line, including Defendants DOE 51 to 75, advanced to J and 21st Streets,
3 where a standoff between protestors and police remained for some time.

4 65. Plaintiff DANIEL GARZA spent the majority of his time standing on the sidewalk in
5 front of 2100 J Street (First United Methodist Church).

6 66. Defendants DOE 51 to 75 fired their weapons directly at the protestors and several
7 protestors fell to the ground as they were shot.

8 67. Plaintiff DANIEL GARZA left the sidewalk to assist injured persons who had been shot
9 and were unable to move without assistance.

10 68. Plaintiff DANIEL GARZA assisted at least one person who had been shot in the face with
11 projectiles, causing incapacitation and severe bleeding.

12 69. Plaintiff DANIEL GARZA was not fired-upon by Defendants DOE 51 to 75 when he
13 assisted injured persons from the street to the sidewalk, leading him to believe that the officers
14 recognized that he was not a threat.

15 70. Plaintiff DANIEL GARZA continued filming the line of officers on his camera and live-
16 streaming on Facebook with his iPhone, with a camera in each hand.

17 71. Plaintiff DANIEL GARZA was on the sidewalk about 30 feet from the police line.

18 72. Plaintiff DANIEL GARZA observed that someone from behind and to the right of his
19 location threw an object towards the police line. The object was thrown high above the police line and
20 the landed far behind the police line, without striking any officer.

21 73. Defendant DOE 52 lifted his rifle, in reaction to the object being thrown and landing
22 behind the police line.

23 74. Defendant DOE 52 aimed his firearm at Plaintiff DANIEL GARZA and fired.

24 75. Plaintiff DANIEL GARZA was struck on the left side of his forehead with a projectile.

25 76. Plaintiff DANIEL GARZA fell to the ground, crying-out in pain. A recording can be
26 found at the following location:

27 <https://www.facebook.com/danny.garza.167/videos/10222535335080905/>.

28 77. Plaintiff DANIEL GARZA felt severe pain and blood trickling from his face.

1 78. Plaintiff DANIEL GARZA had been concussed by the projectile that had struck his head.

2 79. Plaintiff DANIEL GARZA stood up, walked to the police line, and confronted the officer
3 who he believed had shot him.

4 80. Plaintiff DANIEL GARZA repeatedly asked for the officer to identify his badge number.

5 81. An officer responded “#1011.” Plaintiff DANIEL GARZA does not know if the officer
6 who provided the badge number is Defendant DOE 52, the officer responsible for shooting him in the
7 face.

8 82. Plaintiff DANIEL GARZA walked towards J and 22nd Streets, where his partner
9 observed his injuries and determined he needed to go to the hospital.

10 83. Plaintiff DANIEL GARZA’s speech and thinking became noticeably impaired.

11 84. Plaintiff DANIEL GARZA was left in the care of a nursing student known as “Raven”
12 and a tall man who identified himself as a physician, as his partner left to retrieve a vehicle.

13 85. Raven and the physician assisted Plaintiff DANIEL GARZA in retreating further into a
14 parking lot to the east of 2100 J Street.

15 86. Raven and the physician sat Plaintiff DANIEL GARZA on the lower rungs of stairs that
16 attached to the building. They cleaned Plaintiff DANIEL GARZA’s head wound.

17 87. Defendants DOE 51 to 75 advanced east on J Street, perpendicular to Plaintiff DANIEL
18 GARZA’s location.

19 88. Raven and the physician attempted to apply a bandage to Plaintiff DANIEL GARZA’s
20 head.

21 89. Defendants DOE 51 to 75 again fired their weapons at Plaintiff DANIEL GARZA, Raven,
22 and the physician, while they were treating Plaintiff DANIEL GARZA’s injuries.

23 90. Plaintiff DANIEL GARZA, Raven, and the physician were each hit with pepper-balls.

24 91. Plaintiff DANIEL GARZA, Raven, and the physician were cornered behind the stairs of
25 the building without any ability to escape Defendants DOE 51 to 75’s continuous assault.

26 92. Plaintiff DANIEL GARZA, Raven, and the physician repeatedly yelled “Medic! Medic!
27 Don’t shoot!”

28 93. Raven was temporarily blinded by the pepper-balls fired and she sustained at least two

1 impact marks on her right bicep from pepper-ball impacts.

2 94. Defendants DOE 51 to 75 deployed flash-bang grenades.

3 95. Plaintiff DANIEL GARZA and the medics attempted to retreat from their cover behind
4 the stairs but, again, were immediately fired-upon by Defendants DOE 51 to 75.

5 96. Plaintiff DANIEL GARZA, Raven, and the physician were eventually able to walk to the
6 front of 2200 K Street (Temple Coffee), from where Plaintiff DANIEL GARZA was transported to the
7 Sacramento Veterans Affairs Hospital by a woman named Claire.

8 97. Plaintiff DANIEL GARZA continues to experience pain, swelling, and severe
9 discoloration to the left side of his face where he was shot, including his left eye swelling shut.

10 98. Plaintiff DANIEL GARZA has experienced significant difficulties with his short-term
11 memory, focus, speech, comprehension, and cognition and exhibits symptoms consistent with a traumatic
12 brain injury.

13 **ELISABETH CROUCHLEY**

14 99. On or about the early morning hours of May 31, 2020, Plaintiff ELISABETH
15 CROUCHLEY (pronouns: she/her) was attending a demonstration occurring in downtown Sacramento
16 near 20th and J Streets.

17 100. Plaintiff ELISABETH CROUCHLEY was peacefully demonstrating about 25 feet from a
18 police line of Defendant SACRAMENTO POLICE DEPARTMENT's officers, including Defendants
19 DOE 76 to 100.

20 101. Defendants DOE 76 to 100 began indiscriminately to fire their weapons into the crowd of
21 protestors.

22 102. Plaintiff ELISABETH CROUCHLEY observed that several protestors were directly
23 struck with projectiles fired by the officers.

24 103. Plaintiff ELISABETH CROUCHLEY turned to run away from Defendants DOE 76 to
25 100's line-of-fire.

26 104. As Plaintiff ELISABETH CROUCHLEY was running away from the officers, she was
27 struck with a rubber bullet on her right buttock and with a bean-bag to the back of her neck.

28 105. Plaintiff ELISABETH CROUCHLEY was yelling, "Don't shoot! Don't shoot!," as she

1 ran away with both of her hands raised above her head.

2 106. Defendants DOE 76 to 100 shot Plaintiff ELISABETH CROUCHLEY with an additional
3 four rubber bullets, striking her on the back of the head, back, hip, and foot.

4 107. Plaintiff ELISABETH CROUCHLEY was admitted to the emergency room at Sutter
5 General Hospital.

6 108. Plaintiff ELISABETH CROUCHLEY required immediate medical treatment for her
7 injuries, including two staples to the back of her head to close the laceration where she had been struck
8 with a rubber bullet.

9 109. The attending nurse filed a police report on Plaintiff ELISABETH CROUCHLEY's
10 behalf because they are a mandatory reporter.

11 110. Plaintiff ELISABETH CROUCHLEY sustained severe bruising from the impact injuries
12 she sustained.

13 111. Plaintiff ELISABETH CROUCHLEY continues to experience pain and discomfort
14 resulting from her injuries.

15 **POLICY AND CUSTOM ALLEGATIONS**

16 112. Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT's
17 Chief of Police, Defendant DANIEL HAHN, is a final policy-making authority under state law and
18 Defendant SACRAMENTO POLICE DEPARTMENT's General Orders. *See* Cal. Gov. Code §
19 38630(a); <<https://www.cityofsacramento.org/Police/Transparency/General-Orders>>. Defendant
20 DANIEL HAHN has served as Chief of Police since August 2017.

21 113. Defendants DOE 101 to 125 possess policy-making authority, based on the delegation of
22 authority from Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT,
23 and/or DANIEL HAHN.

24 **POLICIES**

25 114. Defendant SACRAMENTO POLICE DEPARTMENT maintains General Order 532.11
26 "Crowd & Riot Control Manual," available at: <[https://www.cityofsacramento.org/-](https://www.cityofsacramento.org/-/media/Corporate/Files/Police/Transparency/RMs/RM-53211-Crowd-and-Riot-as-of-1298.pdf?la=en)
27 [/media/Corporate/Files/Police/Transparency/RMs/RM-53211-Crowd-and-Riot-as-of-1298.pdf?la=en](https://www.cityofsacramento.org/-/media/Corporate/Files/Police/Transparency/RMs/RM-53211-Crowd-and-Riot-as-of-1298.pdf?la=en)>.
28 Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN,

1 and DOE 101 to 125’s policies, including General Order 532.11, ch. 2, sec. (A)(3)(e), authorizes officers
2 to use force against non-threatening demonstrations: “If a display of officers accompanied by a dispersal
3 order does not result in voluntary dispersal, more forceful action may be employed.”

4 115. Defendant SACRAMENTO POLICE DEPARTMENT maintains General Order 580.02
5 “Use of Force,” available at: <[https://www.cityofsacramento.org/-
6 /media/Corporate/Files/Police/Transparency/GO/Section-500/GO-58002-Use-of-Force-6820.pdf?la=en](https://www.cityofsacramento.org/-/media/Corporate/Files/Police/Transparency/GO/Section-500/GO-58002-Use-of-Force-6820.pdf?la=en)>.

7 Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN,
8 and DOE 101 to 125’s policies, including General Order 580.02(A)(8)(c), defines projectile weapons
9 fired by officers at persons to be “Less Lethal Force.” In reality, projectile weapons have the ability to
10 severely injure, permanently disable, and kill targets. *See* “Death, injury and disability from kinetic
11 impact projectiles in crowd-control settings: a systematic review,” available at:
12 <<https://bmjopen.bmj.com/content/7/12/e018154>>.

13 116. Defendant SACRAMENTO POLICE DEPARTMENT maintains General Order 580.12
14 “Less Lethal Weapons,” according to General Order 580.02(E)(3)(f). Defendant SACRAMENTO
15 POLICE DEPARTMENT does not make its General Order 580.12 “Less Lethal Weapons” publicly
16 available. *See* <<https://www.cityofsacramento.org/Police/Transparency/General-Orders>>.

17 CUSTOMS

18 117. Use of Unconstitutional Tactics in Response to Demonstration/Protest: Defendants CITY
19 OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 101 to
20 125 maintain an unofficial custom whereby their officers are permitted to employ unconstitutional tactics
21 against persons in or around the area of a demonstration/protest—particularly as it relates to
22 demonstrations/protests concerning the subject of police violence. This custom proximately caused
23 Defendants DOE 1 to 100’s unconstitutional actions against Plaintiffs THONGXY PHANSOPHA,
24 JOSHUA RUIZ, DANIEL GARZA, and ELISABETH CROUCHLEY. In addition to the incidents
25 giving rise to this action, evidence of the existence of this custom is reflected by the circumstances in
26 *Coburn v. City of Sacramento*, E.D. Cal. Case No. 2:19-cv-00888-TLN-AC. In the *Coburn* case, a
27 demonstration protesting the Sacramento County District Attorney’s Office’s refusal to prosecute the
28 police officers responsible for shooting and killing an unarmed black man, Stephon Clark, in his

1 grandmother's backyard, occurred on March 4, 2019. Hundreds of law enforcement officers, including
2 Defendant SACRAMENTO POLICE DEPARTMENT's officers, corralled, "kettled," and trapped 84
3 persons (including participants and non-participants, such as legal observers and press members) on a
4 highway overpass, impeding the demonstrations' movement and preventing and persons from leaving the
5 scene. The officers then declared an unlawful assembly and used force unconstitutionally to detain,
6 arrest, and book all trapped persons. The law enforcement agencies, including Defendants CITY OF
7 SACRAMENTO and SACRAMENTO POLICE DEPARTMENT, agreed to settle the claims that
8 resulted from a civil rights lawsuit pursuant to a stipulated class action settlement agreement. Defendants
9 CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT agreed to pay at least
10 \$414,000.00 to settle the action.

11 118. Use of Unreasonable and Excessive Force/Failure to Train, Supervise, or Discipline:

12 Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN,
13 and DOE 101 to 125 maintain an unofficial custom whereby their officers are permitted to use
14 unreasonable and excessive force against persons with whom they come into contact, without meaningful
15 consequence, discipline, or corrective action. Defendants CITY OF SACRAMENTO, SACRAMENTO
16 POLICE DEPARTMENT, DANIEL HAHN, and DOE 101 to 125's failure to investigate and to
17 discipline officers in the face of widespread constitutional violations has resulted in use of force with
18 impunity. This custom proximately caused Defendants DOE 1 to 100's use of force against Plaintiffs
19 THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and ELISABETH CROUCHLEY. In
20 addition to the incidents giving rise to this action, evidence of the existence of this custom is reflected by:

21 a. The California Department of Justice's "Report & Recommendations" issued on
22 January 29, 2019. *See* <<https://oag.ca.gov/system/files/attachments/press-docs/spd-report.pdf>>. Therein,
23 numerous and "significant deficiencies" are identified and recommendations provided in reference to
24 Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT's use of force
25 policies and training. For example, Defendant SACRAMENTO POLICE DEPARTMENT's use of force
26 policies "should affirm the importance of proportionality"; "should prohibit certain problematic uses of
27 force"; and should "[r]equir[e] officers to intervene during a use of force incident when the force used is
28 outside of departmental policy." Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE

1 DEPARTMENT's use of force training "should place greater emphasis on teaching officers to have a
2 'guardian' mindset"; and "should ensure its use of force training emphasizes critical-decision making
3 skills and require such training annually for all staff, regardless of rank."

4 b. Numerous incidents involving allegations of unreasonable and excessive uses of
5 force by Defendant SACRAMENTO POLICE DEPARTMENT's officers which were substantiated by
6 significant settlements, for example:

7 i. *Clark v. City of Sacramento*, E.D. Cal. Case No. 2:19-cv-00171-JAM-EFB
8 (Alleging that two police officers shot an unarmed man, Stephon Clark, to death on March 18, 2018,
9 while he hid in his grandmother's backyard. The resulting lawsuit was partially settled for \$2,400,000).

10 ii. *Cain v. City of Sacramento*, E.D. Cal. Case No. 2:17-cv-00848-JAM-DB
11 (Alleging that a police officer grabbed, tackled, and punched a man for jaywalking on April 10, 2017,
12 without realizing the beating was recorded. The resulting lawsuit was settled for \$550,000.
13 <<https://www.sacbee.com/news/local/article228710949.html>>).

14 iii. *Hernandez v. City of Sacramento*, E.D. Cal. Case No. 2:17-cv-02311-JAM-
15 DB (Alleging that three police officers chased an unarmed man who had been loitering in front of a
16 convenience store into a hospital where he was then tased, beaten, and pinned to ground until he
17 asphyxiated to the point of coma on March 6, 2017. The resulting lawsuit was settled for \$5,200,000.
18 <<https://www.sacbee.com/news/local/article231173283.html>>).

19 iv. *Mann v. City of Sacramento*, E.D. Cal. Case No. 2:16-cv-01847-WBS-DB
20 (Alleging that a mentally-ill man was falsely reported to have a gun when two police officers
21 unsuccessfully attempted to run-over the man with their patrol vehicle and, after failing to do so, exited
22 the vehicle, pursued the man on foot as he fled, cornered the man, and shot him to death on July 11,
23 2016. The resulting lawsuit was settled for \$719,000.
24 <www.sacbee.com/news/local/article130391109.html>).

25 v. *Namoca v. City of Sacramento*, E.D. Cal. Case No. 2:16-cv-02283-TLN-
26 EFB (Alleging that two police officers falsely accused a minor of "tampering" with a mailbox, tackled
27 him to the ground and dislocated his shoulder, and unlawfully detained him in the back of a police car for
28 nearly an hour while conducting pretextual records searches before finally releasing him when it became

1 apparent that no lawful justification for the arrest could be found on June 7, 2016. The resulting lawsuit
2 was settled for \$40,000. <<https://www.sacbee.com/news/local/article228710949.html>>).

3 vi. *Thompson v. City of Sacramento*, E.D. Cal. Case No. 2:18-cv-00806-KJM-
4 DB (Alleging that a police officer slammed a woman face-first into the frame of a patrol vehicle multiple
5 times, breaking her nose and the orbital around her eye on April 10, 2016. The resulting lawsuit was
6 settled).

7 vii. *Halcomb v. City of Sacramento*, E.D. Cal. Case No. 2:14-cv-02796-MCE-
8 DB (Alleging that three police officers broke into the wrong residence seeking the subject of an arrest
9 warrant who lived at a different address and used excessive and unreasonable force against the resident
10 when he confronted the intruders on August 8, 2014. The resulting lawsuit was settled for \$220,000, after
11 it was discovered that a police officer lied about the existence of a warrant.
12 <<http://www.sacbee.com/news/local/crime/article147296244.html>>. On March 7, 2018, in response to a
13 subsequent citizen complaint against the officer who lied under oath, Defendant DANIEL HAHN found
14 “no violation of Police Department rules or regulations” by the officer that lied, under oath, about the
15 existence of a warrant).

16 **RATIFICATION**

17 119. On information and belief, Defendants CITY OF SACRAMENTO, SACRAMENTO
18 POLICE DEPARTMENT, DANIEL HAHN, and DOE 101 to 125 will fail and/or refuse to hold their
19 officers accountable for the unreasonable and excessive uses of force against Plaintiffs THONGXY
20 PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and ELISABETH CROUCHLEY.

21 120. On information and belief, Defendants CITY OF SACRAMENTO, SACRAMENTO
22 POLICE DEPARTMENT, DANIEL HAHN, and DOE 101 to 125 will determine that the unreasonable
23 and excessive uses of force against Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL
24 GARZA, and ELISABETH CROUCHLEY were justified and/or in compliance with Defendant
25 SACRAMENTO POLICE DEPARTMENT’s policies and general orders, based on the customs
26 described above.

27 **CLASS ALLEGATIONS**

28 121. Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT,

1 DANIEL HAHN, and DOE 101 to 125 deprived Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ,
2 DANIEL GARZA, and ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly
3 situated persons, of their civil rights including, but is not limited to, being subject to uses of force,
4 without a sufficient governmental interest. Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ,
5 DANIEL GARZA, and ELISABETH CROUCHLEY's injuries resulted from policy or custom, a lack of
6 proper training, and/or were ratified by policymaking officials, including Defendants CITY OF
7 SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 101 to 125.

8 122. Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and
9 ELISABETH CROUCHLEY seek to represent the alleged class of non-threatening demonstration
10 attendees who were and/or will be subject to unconstitutional conduct by Defendants CITY OF
11 SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 101 to 125.

12 123. Pursuant to Fed. R. Civ. P. 23(a)(1), the members of the class are so numerous that joinder
13 of all members is impractical, as there are at least 40 class members, on information and belief.

14 124. Pursuant to Fed. R. Civ. P. 23(a)(2), there are many facts common to the class including,
15 but not limited to, whether Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
16 DEPARTMENT, DANIEL HAHN, and DOE 101 to 125 deprived Plaintiffs and the class of their rights
17 and/or had policies or customs permitting or deliberately indifferent to Plaintiffs and the class's rights,
18 including:

- 19 a. indiscriminate and unreasonable uses of force against attendees at demonstrations;
- 20 b. retaliation against attendees at demonstrations concerning police violence; and/or
- 21 c. discrimination against attendees at demonstrations concerning police violence.

22 125. Pursuant to Fed. R. Civ. P. 23(a)(2), there are many questions of law common to the class
23 including, but are not limited to, whether Defendants CITY OF SACRAMENTO, SACRAMENTO
24 POLICE DEPARTMENT, DANIEL HAHN, and DOE 101 to 125 deprived Plaintiffs of their rights
25 and/or had policies or customs permitting or deliberately indifferent to Plaintiffs' rights, including:

- 26 (a) Violations of the Fourth Amendment of the U.S. Constitution, which prohibits
27 unreasonable and excessive force;
- 28 (b) Violations of the Fourteenth Amendment of the U.S. Constitution, which prohibits

1 indiscrimination and unintentional uses of force;

2 (c) Violations of the First Amendment of the U.S. Constitution, which prohibits retaliation in
3 response to protected activity;

4 (d) Violations of the Fourteenth Amendment of the U.S. Constitution, which prohibits
5 unequal treatment of persons under the law;

6 (e) Violations of Article I, Section 13 of the California Constitution, which prohibits
7 unreasonable and excessive force;

8 (f) Violations of Article I, Section 7(a) of the California Constitution, which prohibits
9 indiscrimination and unintentional uses of force

10 (g) Violations of Article I, Sections 1, 2, and 3 of the California Constitution, which prohibits
11 retaliation in response to protected activity;

12 (h) Violations of Article I, Section 7(a) of the California Constitution, which prohibits
13 unequal treatment of persons under the law; and

14 (i) Violations of the Cal. Civ. Code § 52.1, for each of the reasons described in subdivisions
15 (a) through (h), above.

16 126. Pursuant to Fed. R. Civ. 23(a)(3), proposed representative Plaintiffs THONGXY
17 PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and ELISABETH CROUCHLEY's claims are
18 typical of the class they seek to represent, and share the same interests and suffered the same types of
19 injuries as the putative class members, where the alleged claims are based upon the same legal theories
20 and similar facts.

21 127. Pursuant to Fed. R. Civ. P. 23(a)(4), proposed representative Plaintiffs THONGXY
22 PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and ELISABETH CROUCHLEY are prepared
23 fairly and adequately to protect the interests of the class, and their interests are consistent with, and not
24 antagonistic to, the interests of the class.

25 128. On information and belief, identities of the members of the class may be ascertained from
26 records maintained by Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE
27 DEPARTMENT, such as police or force reports; or from records maintained by third-parties, such as
28 hospital records.

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

5 130. Pursuant to Fed. R. Civ. P. 23(b)(1)(B), prosecutions of separate actions by individual
6 members of the class would create a risk of inconsistent adjudications with respect to individual members
7 of the putative class which would, as a practical matter, substantially impair or impede the interests of the
8 other members of the putative class to protect their interests.

9 131. Pursuant to Fed. R. Civ. P. 23(b)(2), Defendants CITY OF SACRAMENTO,
10 SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 101 to 125 have acted on
11 grounds generally applicable to the class, thereby making appropriate the final injunctive or declaratory
12 relief with respect to the class as a whole.

13 132. Pursuant to Fed. R. Civ. P. 23(b)(3), the questions of law and fact, as alleged above, are
14 common to class members and predominate over any questions affecting only individual members.

15 133. Pursuant to Fed. R. Civ. P. 23(b)(3), a class action is superior to other available methods
16 for the fair and equitable adjudication of the controversy between the parties.

17 134. Pursuant to Fed. R. Civ. P. 23(b)(3)(A), the interests of members of the class in
18 individually controlling the prosecution of a separate action is low, where most class members would be
19 unable individually to prosecute any action at all, for example, where the amounts at stake for members
20 of the class may be so small that separate suits would be impracticable, or where most members of the
21 class may not be able to find counsel to represent them.

22 135. Pursuant to Fed. R. Civ. P. 23(b)(3)(B), there exists no other litigation concerning the
23 controversy that has already begun by or against class members, on information and belief.

24 136. Pursuant to Fed. R. Civ. P. 23(b)(3)(C), it is desirable to concentrate all litigation in one
25 forum because it will promote judicial efficiency to resolve the common questions of law and fact in one
26 forum, rather than in multiple forums.

27 137. Pursuant to Fed. R. Civ. P. 23(b)(3)(D), there are not likely to be significant difficulties in
28 managing a class action in this case.

1 138. Pursuant to Fed. R. Civ. P. 23(c)(2), upon certification under Fed. R. Civ. P. 23(b)(3),
2 Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and ELISABETH
3 CROUCHLEY contemplate that individual notice will be given to members of the class at their last-
4 known address by first-class U.S. mail, informing members of the class to the following: (1) the
5 pendency of the class action and the issues common to the class; (2) the nature of the action; (3) a class
6 member's right to "opt-out" of the action within a given time, in which event the class member will not
7 be bound by a decision rendered in the class action; (4) a class member's right, if the class member does
8 not "opt-out," to be represented by the class member's own counsel and to enter an appearance in the
9 case, otherwise the class member will be represented by representative Plaintiffs THONGXY
10 PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and ELISABETH CROUCHLEY and their counsel;
11 and (5) the class member's right, if the class member does not "opt-out," to share in any recovery in
12 favor of the class, and conversely to be bound by any judgment on the common issues adverse to the
13 class.

14 **EQUITABLE ALLEGATIONS**

15 139. There is an actual controversy between Plaintiffs THONGXY PHANSOPHA, JOSHUA
16 RUIZ, DANIEL GARZA, and ELISABETH CROUCHLEY, on behalf of themselves and a class of
17 similarly situated persons, and Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
18 DEPARTMENT, DANIEL HAHN, and DOE 1 to 125 concerning the threat of unreasonable and
19 excessive uses of force by Defendant SACRAMENTO POLICE DEPARTMENT's office pursuant to
20 execution of Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT,
21 DANIEL HAHN, and DOE 101 to 125's policies or customs concerning permitting indiscriminate uses
22 of force against attendees at demonstrations. Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ,
23 DANIEL GARZA, and ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly
24 situated persons, seek a judicial determination of their rights and duties and a declaration as to and
25 Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN,
26 and DOE 1 to 125's constitutional obligations.

27 140. On information and belief, as a direct consequence of Defendants DOE 1 to 100's past
28 conduct and Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT,

1 DANIEL HAHN, and DOE 101 to 125's failure to act and to restrain their officers from using similarly-
2 unconstitutional uses of force, Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL
3 GARZA, and ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly situated
4 persons, have suffered and will continue to suffer violations of their constitutional rights resulting in
5 irreparable harm, including the chilling of free speech and right to petition.

6 **FIRST CLAIM**

7 **Unreasonable and Excessive Force**

8 **(U.S. Const., Amend. IV; 42 U.S.C. § 1983)**

9 141. This Claim is asserted by Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ,
10 DANIEL GARZA, and ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly
11 situated persons, against Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
12 DEPARTMENT, DANIEL HAHN, and DOE 1 to 125.

13 142. Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and
14 ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly situated persons, reallege
15 and incorporate the allegations of the preceding paragraphs 1 to 140, to the extent relevant, as if fully set
16 forth in this Claim.

17 143. Individual Claims: Defendants DOE 1 to 100, acting or purporting to act under color of
18 state law and in the performance of their official duties as law enforcement officers, used unreasonable
19 and excessive force against Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA,
20 and ELISABETH CROUCHLEY, or failed to intercede and/or were integral participants to the use of
21 unreasonable and excessive force, in violation of rights protected by the Fourth Amendment (as
22 incorporated through the Fourteenth Amendment) of the U.S. Constitution.

23 144. Cass Claims: Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
24 DEPARTMENT, DANIEL HAHN, and DOE 101 to 125, acting or purporting to act under color of state
25 law and as policymaking authorities, maintained policies or customs of action and inaction resulting in
26 the violation of the rights of Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA,
27 and ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly situated persons,
28 protected by the Fourth Amendment (as incorporated through the Fourteenth Amendment) of the U.S.

1 Constitution.

2 145. Defendants DANIEL HAHN and DOE 1 to 125's actions and inactions were motivated by
3 evil motive or intent, involved reckless or callous indifference to constitutionally protected rights, or
4 were wantonly or oppressively done.

5 146. As a direct and proximate result of Defendants CITY OF SACRAMENTO,
6 SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 1 to 125's actions and
7 inactions, Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and ELISABETH
8 CROUCHLEY, on behalf of themselves and a class of similarly situated persons, suffered injuries
9 entitling them to receive compensatory damages and equitable (declaratory and injunctive) relief against
10 Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN,
11 and DOE 1 to 125; and punitive damages against Defendants DANIEL HAHN and DOE 1 to 125.

12 WHEREFORE, Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and
13 ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly situated persons, pray for
14 relief as hereunder appears.

15 **SECOND CLAIM**

16 **Unreasonable and Excessive Force**

17 **(U.S. Const., Amend. XIV; 42 U.S.C. § 1983)**

18 147. This Claim is asserted by Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ,
19 DANIEL GARZA, and ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly
20 situated persons, against Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
21 DEPARTMENT, DANIEL HAHN, and DOE 1 to 125.

22 148. Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and
23 ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly situated persons, reallege
24 and incorporate the allegations of the preceding paragraphs 1 to 140, to the extent relevant, as if fully set
25 forth in this Claim.

26 149. Individual Claims: Defendants DOE 1 to 100, acting or purporting to act in the
27 performance of their official duties as law enforcement officers, engaged in conscience-shocking conduct
28 by employing potentially-lethal force with the purpose to harm and/or deliberate indifference and without

1 regard to the known or obvious risks of injury to Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ,
2 DANIEL GARZA, and ELISABETH CROUCHLEY, or failed to intercede and/or were integral
3 participants to the potentially-lethal force, in violation of rights protected by the Fourteenth Amendment
4 of the U.S. Constitution

5 150. Class Claims: Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
6 DEPARTMENT, DANIEL HAHN, and DOE 101 to 125, acting or purporting to act under color of state
7 law and as policymaking authorities, maintained policies or customs of action and inaction resulting in
8 the violation of the rights of Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA,
9 and ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly situated persons,
10 protected by the Fourteenth Amendment of the U.S. Constitution.

11 151. Defendants DANIEL HAHN and DOE 1 to 125's actions and inactions were motivated by
12 evil motive or intent, involved reckless or callous indifference to constitutionally protected rights, or
13 were wantonly or oppressively done.

14 152. As a direct and proximate result of Defendants CITY OF SACRAMENTO,
15 SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 1 to 125's actions and
16 inactions, Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and ELISABETH
17 CROUCHLEY, on behalf of themselves and a class of similarly situated persons, suffered injuries
18 entitling them to receive compensatory damages and equitable (declaratory and injunctive) relief against
19 Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN,
20 and DOE 1 to 125; and punitive damages against Defendants DANIEL HAHN and DOE 1 to 125.

21 WHEREFORE, Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and
22 ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly situated persons, pray for
23 relief as hereunder appears.

24 **THIRD CLAIM**

25 **Retaliation**

26 **(U.S. Const., Amend. I; 42 U.S.C. § 1983)**

27 153. This Claim is asserted by Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ,
28 DANIEL GARZA, and ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly

1 situated persons, against Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
2 DEPARTMENT, DANIEL HAHN, and DOE 1 to 125.

3 154. Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and
4 ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly situated persons, reallege
5 and incorporate the allegations of the preceding paragraphs 1 to 140, to the extent relevant, as if fully set
6 forth in this Claim.

7 155. Individual Claims: Defendants DOE 1 to 100, acting or purporting to act under color of
8 state law and in the performance of their official duties as law enforcement officers, retaliated against
9 Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and ELISABETH
10 CROUCHLEY for engaging in constitutionally protected activity with intent to inhibit that activity, or
11 failed to intercede and/or were integral participants to the retaliation, in violation of rights protected by
12 the First Amendment (as incorporated through the Fourteenth Amendment) of the U.S. Constitution.

13 156. Class Claims: Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
14 DEPARTMENT, DANIEL HAHN, and DOE 101 to 125, acting or purporting to act under color of state
15 law and as policymaking authorities, maintained policies or customs of action and inaction resulting in
16 the violation of the rights of Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA,
17 and ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly situated persons,
18 protected by the First Amendment (as incorporated through the Fourteenth Amendment) of the U.S.
19 Constitution.

20 157. Defendants DANIEL HAHN and DOE 1 to 125's actions and inactions were motivated by
21 evil motive or intent, involved reckless or callous indifference to constitutionally protected rights, or
22 were wantonly or oppressively done.

23 158. As a direct and proximate result of Defendants CITY OF SACRAMENTO,
24 SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 1 to 125's actions and
25 inactions, Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and ELISABETH
26 CROUCHLEY, on behalf of themselves and a class of similarly situated persons, suffered injuries
27 entitling them to receive compensatory damages and equitable (declaratory and injunctive) relief against
28 Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN,

1 and DOE 1 to 125; and punitive damages against Defendants DANIEL HAHN and DOE 1 to 125.

2 WHEREFORE, Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and
3 ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly situated persons, pray for
4 relief as hereunder appears.

5 **FOURTH CLAIM**

6 **Equal Protection**

7 **(U.S. Const., Amend. XIV; 42 U.S.C. § 1983)**

8 159. This Claim is asserted by Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ,
9 DANIEL GARZA, and ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly
10 situated persons, against Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
11 DEPARTMENT, DANIEL HAHN, and DOE 1 to 125.

12 160. Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and
13 ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly situated persons, reallege
14 and incorporate the allegations of the preceding paragraphs 1 to 140, to the extent relevant, as if fully set
15 forth in this Claim.

16 161. Individual Claims: Defendants DOE 1 to 100, acting or purporting to act under color of
17 state law and in the performance of their official duties as law enforcement officers, discriminated
18 against Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and ELISABETH
19 CROUCHLEY in using force against them based on an animus towards attendees at demonstrations
20 concerning police violence and accountability, without a rational relationship to any legitimate state
21 interest, or failed to intercede and/or were integral participants to the discriminatory uses of force, in
22 violation of rights protected by the Fourteenth Amendment of the U.S. Constitution.

23 162. Class Claims: Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
24 DEPARTMENT, DANIEL HAHN, and DOE 101 to 125, acting or purporting to act under color of state
25 law and as policymaking authorities, maintained policies or customs of action and inaction resulting in
26 the violation of the rights of Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA,
27 and ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly situated persons,
28 protected by the Fourteenth Amendment of the U.S. Constitution.

1 163. Defendants DANIEL HAHN and DOE 1 to 125's actions and inactions were motivated by
2 evil motive or intent, involved reckless or callous indifference to constitutionally protected rights, or
3 were wantonly or oppressively done.

4 164. As a direct and proximate result of Defendants CITY OF SACRAMENTO,
5 SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 1 to 125's actions and
6 inactions, Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and ELISABETH
7 CROUCHLEY, on behalf of themselves and a class of similarly situated persons, suffered injuries
8 entitling them to receive compensatory damages and equitable (declaratory and injunctive) relief against
9 Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN,
10 and DOE 1 to 125; and punitive damages against Defendants DANIEL HAHN and DOE 1 to 125.

11 WHEREFORE, Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and
12 ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly situated persons, pray for
13 relief as hereunder appears.

14 **FIFTH CLAIM**

15 **Unreasonable and Excessive Force**

16 **(Cal. Const., Art. I, § 13)**

17 165. This Claim is asserted by Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ,
18 DANIEL GARZA, and ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly
19 situated persons, against Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
20 DEPARTMENT, DANIEL HAHN, and DOE 101 to 125.

21 166. Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and
22 ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly situated persons, reallege
23 and incorporate the allegations of the preceding paragraphs 1 to 140, to the extent relevant, as if fully set
24 forth in this Claim.

25 167. Cass Claims: Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
26 DEPARTMENT, DANIEL HAHN, and DOE 101 to 125, acting or purporting to act under color of state
27 law and as policymaking authorities, maintained policies or customs of action and inaction resulting in
28 the violation of the rights of Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA,

1 and ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly situated persons,
2 protected by Article I, Section 13 of the California Constitution.

3 168. As a direct and proximate result of Defendants CITY OF SACRAMENTO,
4 SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 101 to 125's actions and
5 inactions, Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and ELISABETH
6 CROUCHLEY, on behalf of themselves and a class of similarly situated persons, suffered injuries
7 entitling them to receive equitable (declaratory and injunctive) relief against Defendants CITY OF
8 SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 101 to 125.

9 WHEREFORE, Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and
10 ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly situated persons, pray for
11 relief as hereunder appears.

12 **SIXTH CLAIM**

13 **Unreasonable and Excessive Force**

14 **(Cal. Const., Art. I, § 7(a))**

15 169. This Claim is asserted by Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ,
16 DANIEL GARZA, and ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly
17 situated persons, against Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
18 DEPARTMENT, DANIEL HAHN, and DOE 101 to 125.

19 170. Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and
20 ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly situated persons, reallege
21 and incorporate the allegations of the preceding paragraphs 1 to 140, to the extent relevant, as if fully set
22 forth in this Claim.

23 171. Class Claims: Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
24 DEPARTMENT, DANIEL HAHN, and DOE 101 to 125, acting or purporting to act under color of state
25 law and as policymaking authorities, maintained policies or customs of action and inaction resulting in
26 the violation of the rights of Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA,
27 and ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly situated persons,
28 protected by Article I, Section 7(a) of the California Constitution.

1 inactions, Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and ELISABETH
2 CROUCHLEY, on behalf of themselves and a class of similarly situated persons, suffered injuries
3 entitling them to receive equitable (declaratory and injunctive) relief against Defendants CITY OF
4 SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 101 to 125.

5 WHEREFORE, Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and
6 ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly situated persons, pray for
7 relief as hereunder appears.

8 **EIGHTH CLAIM**

9 **Equal Protection**

10 **(Cal. Const., Art. I, § 7(a))**

11 177. This Claim is asserted by Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ,
12 DANIEL GARZA, and ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly
13 situated persons, against Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
14 DEPARTMENT, DANIEL HAHN, and DOE 1 to 125.

15 178. Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and
16 ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly situated persons, reallege
17 and incorporate the allegations of the preceding paragraphs 1 to 140, to the extent relevant, as if fully set
18 forth in this Claim.

19 179. Class Claims: Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
20 DEPARTMENT, DANIEL HAHN, and DOE 101 to 125, acting or purporting to act under color of state
21 law and as policymaking authorities, maintained policies or customs of action and inaction resulting in
22 the violation of the rights of Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA,
23 and ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly situated persons,
24 protected by Article I, Section 7(a) of the California Constitution.

25 180. As a direct and proximate result of Defendants CITY OF SACRAMENTO,
26 SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 101 to 125's actions and
27 inactions, Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and ELISABETH
28 CROUCHLEY, on behalf of themselves and a class of similarly situated persons, suffered injuries

1 entitling them to receive equitable (declaratory and injunctive) relief against Defendants CITY OF
2 SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 101 to 125.

3 WHEREFORE, Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and
4 ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly situated persons, pray for
5 relief as hereunder appears.

6 **NINTH CLAIM**

7 **Rehabilitation Act**

8 **(29 U.S.C. § 701, *et seq.*)**

9 181. This Claim is asserted by Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ,
10 DANIEL GARZA, and ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly
11 situated persons, against Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE
12 DEPARTMENT.

13 182. Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and
14 ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly situated persons, reallege
15 and incorporate the allegations of the preceding paragraphs 1 to 140, to the extent relevant, as if fully set
16 forth in this Claim.

17 183. Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT
18 each qualify as a “public entity” within the meaning of 42 U.S.C. § 12131(1)(A) and 28 C.F.R. § 35.104.
19 On information and belief, Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE
20 DEPARTMENT receive federal financial assistance. Plaintiffs THONGXY PHANSOPHA, JOSHUA
21 RUIZ, DANIEL GARZA, and ELISABETH CROUCHLEY, on behalf of themselves and a class of
22 similarly situated persons, at all times material herein, were regarded as having a physical or mental
23 impairment that substantially limited one or more major life activities; or perceived to have a physical or
24 mental impairment.

25 184. Individual Claims: Defendants DOE 1 to 100, acting or purporting to act in the
26 performance of their official duties as law enforcement officers, failed reasonably to accommodate
27 Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and ELISABETH
28 CROUCHLEY’s disabilities and personally utilized, failed to intercede and prevent, and/or were integral

1 participants to excessive and unreasonable force used against them because of their apparent or perceived
2 disabilities, in violation of their rights protected by the Rehabilitation Act, 29 U.S.C. § 794, et seq.

3 185. Class Claims: Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
4 DEPARTMENT, DANIEL HAHN, and DOE 101 to 125, acting under color of state law and as policy-
5 making authorities, knew or should have known that law enforcement officers under their command,
6 including Defendants DOE 1 to 100, were inadequately trained, supervised, or disciplined resulting from
7 either the lack of proper training, pursuant to policy, or the result of the lack of policy, resulting in the
8 violation of the rights of Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and
9 ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly situated persons, protected
10 by the Rehabilitation Act, 29 U.S.C. § 701, et seq.

11 186. Defendants DANIEL HAHN, and DOE 101 to 125's actions and inactions were motivated
12 by evil motive or intent, involved reckless or callous indifference to statutorily protected rights, or were
13 wantonly or oppressively done.

14 187. As a direct and proximate result of Defendants CITY OF SACRAMENTO,
15 SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 1 to 125's actions and
16 inactions, Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and ELISABETH
17 CROUCHLEY, on behalf of themselves and a class of similarly situated persons, suffered injuries
18 entitling them to receive nominal, compensatory, and punitive damages and equitable (declaratory and
19 injunctive) relief against Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE
20 DEPARTMENT.

21 WHEREFORE, Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and
22 ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly situated persons, pray for
23 relief as hereunder appears.

24 **TENTH CLAIM**

25 **Americans With Disabilities Act**

26 **(42 U.S.C. § 12101, et seq.)**

27 188. This Claim is asserted by Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ,
28 DANIEL GARZA, and ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly

1 situated persons, against Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE
2 DEPARTMENT.

3 189. Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and
4 ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly situated persons, reallege
5 and incorporate the allegations of the preceding paragraphs 1 to 140, to the extent relevant, as if fully set
6 forth in this Claim.

7 190. Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT
8 each qualify as a “public entity” within the meaning of 42 U.S.C. § 12102(1) and 28 C.F.R. § 35.104.
9 Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and ELISABETH
10 CROUCHLEY, on behalf of themselves and a class of similarly situated persons, at all times material
11 herein, were regarded as having a physical or mental impairment that substantially limited one or more
12 major life activities; or perceived to have a physical or mental impairment.

13 191. Individual Claims: Defendants DOE 1 to 100, acting or purporting to act in the
14 performance of their official duties as law enforcement officers, failed reasonably to accommodate
15 Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and ELISABETH
16 CROUCHLEY’s disabilities and personally utilized, failed to intercede and prevent, and/or were integral
17 participants to excessive and unreasonable force used against them because of their apparent or perceived
18 disabilities, in violation of their rights protected by the Americans with Disabilities Act, 42 U.S.C. §
19 12101, *et seq.*

20 192. Class Claims: Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
21 DEPARTMENT, DANIEL HAHN, and DOE 101 to 125, acting under color of state law and as policy-
22 making authorities, knew or should have known that law enforcement officers under their command,
23 including Defendants DOE 1 to 100, were inadequately trained, supervised, or disciplined resulting from
24 either the lack of proper training, pursuant to policy, or the result of the lack of policy, resulting in the
25 violation of the rights of Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and
26 ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly situated persons, protected
27 by the Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.*

28 193. Defendants DANIEL HAHN, and DOE 101 to 125’s actions and inactions were motivated

1 by evil motive or intent, involved reckless or callous indifference to statutorily protected rights, or were
2 wantonly or oppressively done.

3 194. As a direct and proximate result of Defendants CITY OF SACRAMENTO,
4 SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 1 to 125's actions and
5 inactions, Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and ELISABETH
6 CROUCHLEY, on behalf of themselves and a class of similarly situated persons, suffered injuries
7 entitling them to receive nominal, compensatory, and punitive damages and equitable (declaratory and
8 injunctive) relief against Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE
9 DEPARTMENT.

10 WHEREFORE, Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and
11 ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly situated persons, pray for
12 relief as hereunder appears.

13 **ELEVENTH CLAIM**

14 **Bane Act**

15 **(Cal. Civ. Code § 52.1)**

16 195. This Claim is asserted by Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ,
17 DANIEL GARZA, and ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly
18 situated persons, against Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
19 DEPARTMENT, DANIEL HAHN, and DOE 101 to 125.

20 196. Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and
21 ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly situated persons, reallege
22 and incorporate the allegations of the preceding paragraphs 1 to 140, to the extent relevant, as if fully set
23 forth in this Claim.

24 197. U.S. Const., Amend. IV & Cal. Const., Art. I, § 13 Claims: Defendants CITY OF
25 SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 101 to 125,
26 acting or purporting to act under color of state law and as policymaking authorities, maintained policies
27 or customs of action and inaction resulting in the violation of the rights of Plaintiffs THONGXY
28 PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and ELISABETH CROUCHLEY, on behalf of

1 themselves and a class of similarly situated persons, protected by the Fourth Amendment (as
2 incorporated through the Fourteenth Amendment) of the U.S. Constitution and Article I, Section 13 of
3 the California Constitution.

4 198. Cal. Const., Amend. XIV & Cal. Const., Art. I, § 7(a) Claims: Defendants CITY OF
5 SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 101 to 125,
6 acting or purporting to act under color of state law and as policymaking authorities, maintained policies
7 or customs of action and inaction resulting in the violation of the rights of Plaintiffs THONGXY
8 PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and ELISABETH CROUCHLEY, on behalf of
9 themselves and a class of similarly situated persons, protected by the Fourteenth Amendment of the U.S.
10 Constitution and Article I, Section 7(a) of the California Constitution.

11 199. Cal. Const., Amend. I & Cal. Const., Art. I, §§ 1, 2, 3 Claims: Defendants CITY OF
12 SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 101 to 125,
13 acting or purporting to act under color of state law and as policymaking authorities, maintained policies
14 or customs of action and inaction resulting in the violation of the rights of Plaintiffs THONGXY
15 PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and ELISABETH CROUCHLEY, on behalf of
16 themselves and a class of similarly situated persons, protected by the First Amendment (as incorporated
17 through the Fourteenth Amendment) of the U.S. Constitution and Article I, Sections 1, 2, and 3 of the
18 California Constitution.

19 200. Cal. Const., Amend. XIV & Cal. Const., Art. I, § 7(a) Claims: Defendants CITY OF
20 SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 101 to 125,
21 acting or purporting to act under color of state law and as policymaking authorities, maintained policies
22 or customs of action and inaction resulting in the violation of the rights of Plaintiffs THONGXY
23 PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and ELISABETH CROUCHLEY, on behalf of
24 themselves and a class of similarly situated persons, protected by the Fourteenth Amendment of the U.S.
25 Constitution and Article I, Section 7(a) of the California Constitution.

26 201. As a direct and proximate result of Defendants CITY OF SACRAMENTO,
27 SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 101 to 125's actions and
28 inactions, Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and ELISABETH

1 CROUCHLEY, on behalf of themselves and a class of similarly situated persons, suffered injuries
2 entitling them to receive statutory penalties and equitable (declaratory and injunctive) relief against
3 Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN,
4 and DOE 101 to 125.

5 WHEREFORE, Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and
6 ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly situated persons, pray for
7 relief as hereunder appears.

8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and
10 ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly situated persons, seek
11 Judgment as follows:

12 1. For issuance of a judgment declaring that Defendants CITY OF SACRAMENTO,
13 SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 101 to 125's actions, inactions,
14 and/or policies or customs complained of herein unconstitutional under the U.S. Constitution and the
15 California Constitution;

16 2. For entry of a preliminary and permanent injunction enjoining Defendants CITY OF
17 SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 1 to 125's
18 prospective actions, inactions, and/or policies or customs complained of herein in violation of the U.S.
19 Constitution, the California Constitution, and Cal. Civ. Code § 52.1;

20 3. For an award of compensatory, general, and special damages against Defendants CITY
21 OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 1 to 125,
22 according to proof at trial;

23 4. For an award of exemplary or punitive damages against Defendants DANIEL HAHN and
24 DOE 1 to 125, in an amount sufficient to deter and to make an example of them, because their actions
25 and/or inactions were motivated by evil motive or intent, involved reckless or callous indifference to
26 constitutionally protected rights, or were wantonly or oppressively done;

27 5. For an award of statutory penalties against Defendants CITY OF SACRAMENTO,
28 SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 101 to 125, pursuant to Cal.

1 Civ. Code § 52.1 and any other statute as may be applicable;

2 6. For an award of reasonable attorneys' fees and costs, pursuant to 42 U.S.C. § 1988, 29
3 U.S.C. § 794, 42 U.S.C. § 12205, Cal. Civ. Code § 52.1, Cal. Code Civ. Proc. § 1021.5, and any other
4 statute as may be applicable; and

5 7. For an award of any other further relief, as the Court deems fair, just, and equitable.

6 Dated: June 18, 2020

Respectfully Submitted,

7
8 

9 By: _____

10 Mark E. Merin

Paul H. Masuhara

LAW OFFICE OF MARK E. MERIN

1010 F Street, Suite 300

Sacramento, California 95814

Telephone: (916) 443-6911

Facsimile: (916) 447-8336

Attorneys for Plaintiffs

THONGXY PHANSOPHA, JOSHUA RUIZ,

DANIEL GARZA, and ELISABETH CROUCHLEY

JURY TRIAL DEMAND

A JURY TRIAL IS DEMANDED by Plaintiffs THONGXY PHANSOPHA, JOSHUA RUIZ, DANIEL GARZA, and ELISABETH CROUCHLEY, on behalf of themselves and a class of similarly situated persons.

Dated: June 18, 2020

Respectfully Submitted,



By: _____

Mark E. Merin

Paul H. Masuhara

LAW OFFICE OF MARK E. MERIN

1010 F Street, Suite 300

Sacramento, California 95814

Telephone: (916) 443-6911

Facsimile: (916) 447-8336

Attorneys for Plaintiffs

THONGXY PHANSOPHA, JOSHUA RUIZ,

DANIEL GARZA, and ELISABETH CROUCHLEY