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14 **UNITED STATES DISTRICT COURT**
15 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

16 RAY COMFORT, EMEAL ZWAYNE,

17 Plaintiffs,

18 v.

19 Honorable WILLIAM A.
MacLAUGHLIN, individually and in his
20 official capacity as presiding judge of the
Superior Court of California; Sergeant
21 RALPH GAMA, in his official capacity;
22 Deputy Sheriff HORACE RUDULPH, in
his official capacity; and SALLY
23 CORRADO, individually and in her
24 official capacity as the Executive Officer
for the Los Angeles County Courthouse
25 in Bellflower, California,

26 Defendants.

CASE NO.

**VERIFIED COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF AND
NOMINAL DAMAGES**

[Civil Rights Suit - 42 U.S.C. § 1983]

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I. INTRODUCTION

1. This is a civil rights action, under 42 U.S.C. § 1983, challenging the constitutionality of a General Order issued by the Superior Court of the State of California, which creates a “no speech zone” on all public areas, including sidewalks and walkways, of any Los Angeles County courthouse. This ban applies at all times, and prohibits such free speech activities as picketing, distribution of literature, and demonstration. The ban requires even an individual prospective speaker to get a permit, but fails to provide any objective criteria or time restrictions governing the granting of a permit. Plaintiffs are evangelical Christians committed to sharing their faith with others. After speaking and distributing literature at the Bellflower Courthouse daily for two-and-a-half years without incident, they were removed by police officers from a walkway outside of the courthouse and told not to come back – citing the General Order as authority. They have refrained from any speech activity outside of the Courthouse since that time. As a result, they have suffered, and continue to suffer, irreparable injury to their free speech rights guaranteed by the First Amendment. The constitutional defects in the Defendants’ General Order and corresponding enforcement give rise to both facial and as-applied constitutional challenges. This Court has original jurisdiction over the federal claims asserted in this Complaint by operation of 28 U.S.C. §§ 1331 and 1343.

2. Plaintiffs seek a declaratory judgment that the General Order violates well-recognized constitutional rights, including rights to freedom of speech, assembly, and due process of law. Plaintiffs also seek preliminary and permanent injunctive relief to prevent defendants from enforcing the challenged ordinance in a manner inconsistent with their constitutional rights.

II. JURISDICTION AND VENUE

3. This action raises federal questions under the United States

1 Constitution, particularly the First and Fourteenth Amendments, and 42 U.S.C.
2 § 1983.

3 4. This Court has original jurisdiction over the federal claims by
4 operation of 28 U.S.C. §§ 1331 and 1343.

5 5. This Court has authority to grant the requested injunctive relief under
6 28 U.S.C. § 1343; the requested declaratory relief under 28 U.S.C. §§ 2201-02; the
7 requested damages under 28 U.S.C. § 1343; and costs and attorneys fees under
8 42 U.S.C. § 1988(b).

9 6. Venue is proper in the Central District of California under 28 U.S.C. §
10 1391(b), because a substantial part of the actions giving rise to this case occurred
11 within the Central District of California.

12 III. IDENTIFICATION OF THE PARTIES

13 7. Plaintiff Ray Comfort is, and was at all times relevant to this
14 Complaint, a resident of Bellflower, California in the Central District of California.
15 Mr. Comfort is a professing Christian involved in evangelical work designed to
16 peacefully communicate his Christian beliefs to others.

17 8. Plaintiff Emeal Zwayne is, and was at all times relevant to this
18 Complaint, a resident of Placentia, California in the Central District of California.
19 Mr. Zwayne is a professing Christian involved in evangelical work designed to
20 peacefully communicate his Christian beliefs to others.

21 9. Defendant Hon. William A. MacLaughlin is, and was at all times
22 relevant to this Complaint, a judge in the Superior Court of California, County of
23 Los Angeles. This Defendant is sued both individually and in his official capacity.

24 10. Defendant Ralph Gama is, and was at all times relevant to this
25 Complaint, a Sergeant with the City of La Mirada, California. Among other
26 things, he is charged with the responsibility for enforcing the General Order made
27 the subject of this Complaint. This Defendant is sued in his official capacity.

1 County of Los Angeles or other owner of the building authorizing that
2 activity in a specific space not dedicated to court functions.

3 15. The stated justification for the Order is:

4 To reduce risks to the safe and orderly use of court facilities, and to
5 minimize activities which have unreasonably disrupted, interrupted,
6 and interfered with the fair and orderly conduct of trials, and the
7 orderly and peaceable conduct of the court business in a neutral forum
8 free of actual or perceived partiality, and to facilitate safe and orderly
9 public access to courthouses unhindered by threats, confrontation,
10 noise, pollution or harassment.

11 16. Upon information and belief, the General Order was distributed to and
12 posted in all Los Angeles County courthouses, including the Bellflower
13 Courthouse. And Defendant Corrado, in her role as Executive Officer, is charged
14 with ensuring that the General Order is enforced at the Bellflower Courthouse.

15 17. Plaintiffs Comfort and Zwayne are Christians and believe that they are
16 religiously obligated to communicate their faith with others.

17 18. In carrying out that obligation, Plaintiffs have made it a practice to
18 speak outside the Los Angeles County Courthouse in Bellflower on almost every
19 weekday for the past two-and-a-half years.

20 19. On a typical day, Plaintiffs arrive at the Courthouse at approximately
21 7:40 AM. At that time, people have begun lining up outside of the courthouse
22 waiting for it to open.

23 20. Upon arrival, Plaintiffs hand out literature to anyone who is interested.
24 The Plaintiffs also take turns speaking to the crowd. Both Plaintiffs usually speak
25 for five to ten minutes.

26 21. While speaking, Plaintiffs typically stand at the top of the steps
27 leading to the courthouse; thirty to forty feet away from the courthouse entrance.
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1 22. The Bellflower Courthouse is open from 8:00 AM until 4:30 PM
2 Monday through Friday. Once it opens for business, Plaintiffs complete their
3 message and leave the premises.

4 23. During the two-and-a-half year period in which Plaintiffs engaged in
5 this expressive activity, no courthouse security officer or other employee ever
6 indicated to Plaintiffs that their presence was disrupting or interfering with the
7 conduct of court business or with access to the courthouse.

8 24. Plaintiffs have never obstructed or attempted to obstruct access to the
9 courthouse. Nor have they ever attempted to harass anyone or express themselves
10 other than in a peaceful manner.

11 25. On September 30, 2005 at approximately 7:49 AM, while speaking at
12 the Bellflower Courthouse, Plaintiff Comfort was approached by Defendants Gama
13 and Rudulph. They signaled him to stop speaking, and gave him a copy of the
14 General Order. The two officers instructed the Plaintiffs that they would no longer
15 be permitted to speak or distribute literature at any Los Angeles County
16 Courthouse.

17 26. Later that day, Plaintiffs returned to the Bellflower Courthouse to
18 meet with Defendant Rudulph. Defendant Rudulph confirmed that the General
19 Order prohibited the Plaintiffs from engaging in their speech activities on
20 Courthouse property, and emphasized that the General Order would be strictly
21 enforced.

22 27. Since then, Plaintiffs have refrained from speaking and distributing
23 literature at all Los Angeles County courthouses.

24 28. Plaintiffs desire to continue engaging in this expression at the
25 Bellflower Courthouse. But they fear that doing so will subject them to sanctions
26 and/or arrest. The Order has deterred and chilled Plaintiffs in the exercise of
27 fundamental constitutional rights.

1 compelling government interest exists to justify this restriction, nor is it narrowly
2 tailored to accomplish any permissible purpose sought to be served.

3 39. The General Order restricts substantially more speech than is
4 necessary to accomplish any permissible purpose, and is thus an unconstitutionally
5 overbroad restriction on expressive activity, both on its face and as applied.

6 40. The General Order is also an unconstitutionally vague restriction on
7 expressive activity, both on its face and as applied.

8 41. The General Order is not a content-neutral time, place, and manner
9 restrictions on expression. Further, it is not narrowly tailored, does not serve
10 significant government interests, and does not leave open ample alternative channels
11 of communication.

12 42. As such, the General Order's restriction of expressive activities is an
13 unconstitutional abridgement on its face, and as applied, of the Plaintiffs' right to
14 the freedom of speech under the First Amendment.

15 43. The permit scheme established in the General Order imposes an
16 impermissible prior restraint on constitutionally protected speech, including oral
17 speech and literature distribution of individual speakers, in a traditional public
18 forum.

19 44. The permit scheme also grants County officials unbridled discretion
20 to grant or deny a permit. It fails to provide any objective criteria under which a
21 permit may be granted. It also fails to provide any time restrictions for approving
22 or denying a permit request, or guaranteeing an applicant prompt judicial review.

23 45. Therefore, the permit scheme established in the General Order, on its
24 face, violates the First Amendment to the United States Constitution.

25 46. The General Order restricts Plaintiffs' freedom of association and
26 cannot be supported by a narrowly tailored compelling state interest.

27 47. The General Order restricts Plaintiffs' freedom of press by prohibiting
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1 the distribution of printed materials and cannot be supported by a narrowly tailored
2 compelling state interest.

3 WHEREFORE, Plaintiffs respectfully pray the Court grant the equitable and
4 legal relief set forth in the prayer for relief.

5 **VI. SECOND CAUSE OF ACTION**

6 **Violation of the Right to Peaceable Assembly**
7 **United States Constitution, First Amendment**

8 48. Plaintiffs re-allege and incorporate herein by reference all preceding
9 paragraphs.

10 49. Plaintiffs seek to join with others in their efforts to share their
11 Christian faith with citizens at the Bellflower Courthouse. For fear of sanction
12 and/or arrest, Plaintiffs have refrained from participating in such assemblies.

13 50. The right to peaceable assembly includes and protects the Plaintiffs'
14 right to engage in peaceful communication of their faith to others in a traditional
15 public forum.

16 51. The General Order unconstitutionally chills and abridges, on its face
17 and as applied, Plaintiffs' right to peaceably assemble guaranteed by the First
18 Amendment to the United States Constitution. No compelling government interest
19 exists to justify this restriction, nor is it narrowly tailored to accomplish any
20 permissible purpose sought to be served.

21 WHEREFORE, Plaintiffs respectfully pray the Court grant the equitable and
22 legal relief set forth in the prayer for relief.

23 **VII. THIRD CAUSE OF ACTION**

24 **Violation of the Due Process Clause**
25 **United States Constitution, Fourteenth Amendment**

26 52. Plaintiffs re-allege and incorporate herein by reference all preceding
27 paragraphs.

1 activities in the public areas of Los Angeles County courthouses;

2 D. Issue preliminary and permanent injunctions enjoining Defendants,
3 Defendants' agents, employees, and all persons in active concert or participation
4 with them from enforcing the unconstitutional permit requirement created by
5 Defendants' General Order;

6 E. Adjudge, decree, and declare the rights and other legal relations with
7 the subject matter here in controversy, in order that such declaration shall have the
8 force and effect of final judgment;

9 F. Grant Plaintiffs an award of nominal damages in the amount of \$25.00
10 against the individual defendants, or an amount deemed appropriate by this Court;

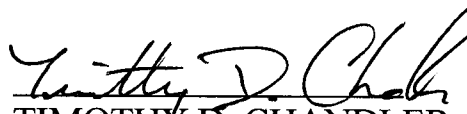
11 G. Grant Plaintiffs' reasonable costs and expenses of this action,
12 including attorneys' fees, in accordance with 42 U.S.C. § 1988;

13 H. Grant such other and further relief as this Court deems just and
14 proper; and

15 I. Retain jurisdiction of this matter for the purpose of enforcing this
16 Court's order.

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18 Respectfully submitted this 13th day of October, 2005

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20 By:


21 TIMOTHY D. CHANDLER
22 Attorney for Plaintiffs
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