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ACCO,(SKx),DISCOVERY,MJDAP\_OUT

**UNITED STATES DISTRICT COURT for the CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)  
CIVIL DOCKET FOR CASE #: 2:16-cv-08888-DMG-SK**

Balubhai G. Patel et al v. City of Los Angeles, et al  
Assigned to: Judge Dolly M. Gee  
Referred to: Magistrate Judge Steve Kim  
Cause: 42:1981 Housing Discrimination

Date Filed: 12/01/2016  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Balubhai G. Patel**

represented by **Frank A Weiser**  
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*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Viranbhai Patel**

represented by **Frank A Weiser**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Plaintiff Tenants**

represented by **Frank A Weiser**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**City of Los Angeles**  
*a municipal corporation*

represented by **Amy Brothers**  
Los Angeles City Attorney  
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Date: 04/04/2017  
Submitted in PLUM Committee  
Council File No: 15-1038  
Item No. 8  
Deputy: Comm. from Public

**Patrick James Hagan**  
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**Defendant****Does***1-10 inclusive*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
12/01/2016	<u>1</u>	COMPLAINT Receipt No: 0973-18977456 - Fee: \$400, filed by Plaintiffs Balubhai G. Patel, Plaintiff Tenants, Viranbhai Patel. (Attorney Frank A Weiser added to party Balubhai G. Patel(pty:pla), Attorney Frank A Weiser added to party Viranbhai Patel(pty:pla), Attorney Frank A Weiser added to party Plaintiff Tenants(pty:pla))(Weiser, Frank) (Entered: 12/01/2016)
12/01/2016	<u>2</u>	CIVIL COVER SHEET filed by Plaintiffs Balubhai G. Patel, Viranbhai Patel, Plaintiff Tenants. (Weiser, Frank) (Entered: 12/01/2016)
12/01/2016	<u>3</u>	Initial DISCLOSURE of Notice of Interested Parties re Complaint (Attorney Civil Case Opening), <u>1</u> filed by Plaintiffs Balubhai G. Patel, Viranbhai Patel, Plaintiff Tenants (Weiser, Frank) (Entered: 12/01/2016)
12/01/2016	<u>4</u>	Request for Clerk to Issue Summons on Complaint (Attorney Civil Case Opening), <u>1</u> , Disclosure <u>3</u> , Civil Cover Sheet (CV-71) <u>2</u> filed by Plaintiffs Balubhai G. Patel, Viranbhai Patel, Plaintiff Tenants. (Weiser, Frank) (Entered: 12/01/2016)
12/01/2016	<u>5</u>	NOTICE TO COUNSEL re Magistrate Judge Direct Assignment Program. This case has been randomly assigned to Magistrate Judge Alka Sagar. (Attachments: # <u>1</u> CV-11C) (esa) (Entered: 12/01/2016)
12/01/2016	<u>6</u>	21 DAY Summons issued re Complaint <u>1</u> as to defendant City of Los Angeles. (esa) (Entered: 12/01/2016)
12/01/2016	<u>7</u>	NOTICE OF DEFICIENCIES in Attorney Case Opening. The following error (s) was found: Other error(s) with document(s): The correct event for Notice of Interested Parties is Certificate of Interested Parties. It was filed under the disclosure event. No further action is required regarding this item. (esa) (Entered: 12/01/2016)
12/16/2016	<u>8</u>	STIPULATION Extending Time to Answer the complaint as to City of Los Angeles answer now due 1/20/2017, re Complaint (Attorney Civil Case Opening), <u>1</u> filed by Defendant City of Los Angeles.(Attorney Patrick James Hagan added to party City of Los Angeles(pty:dft))(Hagan, Patrick) (Entered: 12/16/2016)
01/13/2017	<u>9</u>	REMINDER NOTICE re Magistrate Judge Direct Assignment Program. Each

		party must file form CV-11C within the consent deadlines pursuant to L.R. 73-2. Additionally, the parties are directed to L.R. 73-2.2 Proof of Service. In any case in which only a magistrate judge is initially assigned, plaintiff must file a proof of service within 10 days of service of the summons and complaint as to each defendant. (afe) (Entered: 01/13/2017)
01/13/2017	<u>10</u>	ELECTION REGARDING CONSENT to Proceed before a United States Magistrate Judge Declined, in accordance with Title 28 Section 636c filed by Defendant City of Los Angeles. The Defendant does not consent. (Hagan, Patrick) (Entered: 01/13/2017)
01/17/2017	<u>11</u>	NOTICE OF REASSIGNMENT of MJDAP case from Magistrate Judge Alka Sagar to Judge Dolly M. Gee for all further proceedings. Any discovery matters that may be referred to a Magistrate Judge are assigned to U.S. Magistrate Judge Steve Kim. The case number will now reflect the initials of the transferee Judges 2:16-cv-08888 DMG(SKx). (m) (Entered: 01/17/2017)
01/19/2017	<u>12</u>	MINUTE ORDER (IN CHAMBERS) - TRANSFER OF CASE TO JUDGE GEE by Judge Dolly M. Gee: Please take notice that this action has been reassigned to the HONORABLE DOLLY M. GEE, United States District Judge, pursuant to the Order re Transfer Pursuant to General Order 14-03 filed on January 17, 2017. Please substitute the initials DMG in place of the current initials, so that the case number will now read CV 16-8888-DMG (SKx). (iv) (Entered: 01/19/2017)
01/19/2017	<u>13</u>	INITIAL STANDING ORDER upon filing of the complaint by Judge Dolly M. Gee. (iv) (Entered: 01/19/2017)
01/20/2017	<u>14</u>	NOTICE OF MOTION AND MOTION to Dismiss Complaint or Stay Action filed by Defendant City of Los Angeles. Motion set for hearing on 3/3/2017 at 09:30 AM before Judge Dolly M. Gee. (Attachments: # <u>1</u> Declaration of Patrick Hagan, # <u>2</u> Proposed Order) (Hagan, Patrick) (Entered: 01/20/2017)
01/20/2017	<u>15</u>	NOTICE OF MOTION AND MOTION to Strike portions of Complaint (Attorney Civil Case Opening), <u>1</u> filed by Defendant City of Los Angeles. Motion set for hearing on 3/3/2017 at 09:30 AM before Judge Dolly M. Gee. (Attachments: # <u>1</u> Declaration of Patrick Hagan, # <u>2</u> Proposed Order) (Hagan, Patrick) (Entered: 01/20/2017)
02/09/2017	<u>16</u>	FIRST AMENDED COMPLAINT against Defendants City of Los Angeles, Does amending Complaint (Attorney Civil Case Opening), <u>1</u> JURY DEMAND, filed by Plaintiffs Balubhai G. Patel, Plaintiff Tenants, Viranbhai Patel(Weiser, Frank) (Entered: 02/09/2017)
02/13/2017	<u>17</u>	MINUTES (IN CHAMBERS) ORDER DENYING DEFENDANTS MOTION TO DISMISS AND MOTION TO STRIKE AS MOOT <u>14</u> <u>15</u> by Judge Dolly M. Gee: On February 9, 2017, Plaintiffs filed a First Amended Complaint ("FAC") as a matter of course under Rule 15(a). <u>16</u> See Fed. R. Civ. P. 15(a)(1) (B) ("A party may amend its pleading once as a matter of course within... 21 days after service of a motion under Rule 12(b)...."). In light of the foregoing, Defendant motion to dismiss <u>14</u> and motion to strike <u>15</u> , filed on January 20, 2017, are DENIED as moot. The March 3, 2017 hearing on that motion is VACATED. IT IS SO ORDERED. (kti) (Entered: 02/13/2017)

02/23/2017	<u>18</u>	NOTICE TO PARTIES by U.S. Magistrate Judge Steve Kim. Effective, March 1, 2017, Judge Kim's courtroom will be COURTROOM 23 on the 3rd floor, located at 312 N. Spring Street, Los Angeles, California 90012. All Court appearances shall be made in Courtroom 23 of the Spring Street U.S. Courthouse. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (rrp) TEXT ONLY ENTRY (Entered: 02/23/2017)
02/23/2017	<u>19</u>	NOTICE OF MOTION AND MOTION to Dismiss Complaint or Stay Action filed by Defendant City of Los Angeles. Motion set for hearing on 3/24/2017 at 09:30 AM before Judge Dolly M. Gee. (Attachments: # <u>1</u> Proposed Order) (Hagan, Patrick) (Entered: 02/23/2017)
02/23/2017	<u>20</u>	NOTICE OF MOTION AND MOTION to Strike Portions of Amended Complaint/Petition <u>16</u> filed by Defendant City of Los Angeles. Motion set for hearing on 3/24/2017 at 09:30 AM before Judge Dolly M. Gee. (Attachments: # <u>1</u> Proposed Order) (Hagan, Patrick) (Entered: 02/23/2017)
03/02/2017	<u>21</u>	MEMORANDUM in Opposition to NOTICE OF MOTION AND MOTION to Dismiss Complaint or Stay Action <u>19</u> <i>Opposition to Motion to Dismiss First Amended Complaint; Memorandum of Points and Authorities in Support Thereof</i> filed by Plaintiffs Balubhai G. Patel, Viranbhai Patel, Plaintiff Tenants. (Weiser, Frank) (Entered: 03/02/2017)
03/03/2017	<u>22</u>	MEMORANDUM in Opposition to NOTICE OF MOTION AND MOTION to Strike Portions of Amended Complaint/Petition <u>16</u> <u>20</u> <i>Opposition to Motion to Strike; Memorandum of Points and Authorities in Support Thereof</i> filed by Plaintiffs Balubhai G. Patel, Viranbhai Patel, Plaintiff Tenants. (Weiser, Frank) (Entered: 03/03/2017)
03/10/2017	<u>23</u>	REPLY in support of NOTICE OF MOTION AND MOTION to Dismiss Complaint or Stay Action <u>19</u> filed by Defendant City of Los Angeles. (Attachments: # <u>1</u> Request for Judicial Notice)(Hagan, Patrick) (Entered: 03/10/2017)
03/10/2017	<u>24</u>	REPLY in support of NOTICE OF MOTION AND MOTION to Strike Portions of Amended Complaint/Petition <u>16</u> <u>20</u> filed by Defendant City of Los Angeles. (Hagan, Patrick) (Entered: 03/10/2017)
03/23/2017	<u>25</u>	(IN CHAMBERS) ORDER by Judge Dolly M. Gee: The Court finds that Defendant's Motion to Dismiss First Amended Complaint or Stay Action <u>19</u> and Defendant's Motion to Strike <u>20</u> presently scheduled for hearing on March 24, 2017, are appropriate for decision without oral argument. Fed. R. Civ. P. 78 (b); C.D. L.R. 7-15. Accordingly, the motions are taken UNDER SUBMISSION and the hearing is vacated. IT IS SO ORDERED. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (kti) TEXT ONLY ENTRY (Entered: 03/23/2017)

**PACER Service Center**

**Transaction Receipt**

04/04/2017 05:22:39

<b>PACER Login:</b>	Einstein:2799523:0	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:16-cv-08888-DMG-SK End date: 4/4/2017
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Attorney for Plaintiffs BALUBHAI  
G. PATEL, VIRANBHAI PATEL and  
PLAINTIFF TENANTS

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

BALUBHAI G. PATEL; VIRANBHAI  
PATEL; AND PLAINTIFF TENANTS,

) No. CV16-08888 DMG-SK  
)  
) FIRST AMENDED  
) COMPLAINT FOR DAMAGES;  
) DECLARATORY AND  
) INJUNCTIVE RELIEF;  
) STATE SUPPLEMENTAL  
) CLAIMS  
)  
) {Violation of Federal  
) Civil Rights}

Plaintiffs,

vs.

CITY OF LOS ANGELES, a municipal  
corporation;; DOES 1-10  
INCLUSIVE,

Defendants.

Plaintiffs BALUBHAI G. PATEL, VIRANBHAI PATEL, and  
their Plaintiff Tenants ("B. Patel", "V. Patel", "Plaintiff  
Tenants", or collectively "Plaintiffs") hereby files this

1 First Amended Complaint as a matter of right pursuant to  
2 Federal Eules of Civil Procedure 15(a) and state and allege  
3 against Defendants as follows:

4 JURISDICTION AND VENUE

5 1. Jurisdiction of the federal court exists  
6 pursuant to 28 U.S.C. Section 1331 and 28 U.S.C. Section 1343  
7 (a)(3). This action, which arises under the laws and  
8 Constitution of the United States, specifically, the First,  
9 Fourth, Fifth and Fourteenth Amendments, which involve  
10 violations of federal law pursuant to 42 U.S.C. Section 1983;  
11 and 42 U.S.C. Section 3604(b). State supplemental  
12 jurisdiction exists pursuant to 28 U.S.C. Section 1367.

13 2. Venue is proper in this District pursuant to  
14 28 U.S.C. Section 1391(b) in that Defendant CITY OF LOS  
15 ANGELES is a public entity in this District, the individual  
16 defendants reside in this District and the claims arose in  
17 this District.

18 PARTIES

19 3. Plaintiff B. Patel was at all times material  
20 herein the owner of a residential hotel commonly known as the  
21 Adams Garden Inn ("AGI" or "Property") located at 4805 W.  
22 Adams Blvd., Los Angeles, California 90016.

23 4. Plaintiff B. Patel was at all times material  
24 herein also lessor of the AGI to Plaintiff V. Patel who  
25 operates AGI.

26 5. Plaintiffs B. Patel and V. Patel are Asian-  
27 Indian and their Plaintiff Tenants are low-income residents  
28 of AGI who are of minority racial and ethnic status status.

1           7. Defendant CITY OF LOS ANGELES ("City") is a  
2 municipal corporation organized and existing under the  
3 Constitution and laws of the State of California.

4           9. The true names and capacities, whether  
5 individual, corporate, associate or otherwise, herein named  
6 as DOES 1 through 10 and persons heretofore unknown involved  
7 in the actions taken against Plaintiffs, but are hereby sued  
8 in their individual and official capacities. Plaintiffs are  
9 informed and believe and based thereon alleges that each of  
10 the DOE defendants is responsible in some manner for the  
11 occurrences herein referred to, and that plaintiffs'  
12 injuries and damages as herein alleged were proximately  
13 caused by those defendants. Plaintiffs sue said defendants  
14 by such fictitious names on the grounds that the true names  
15 and capacities of said defendants are unknown to them at this  
16 time. Plaintiffs will amend this complaint as and when the  
17 true names and capacities of said DOE defendants are  
18 ascertained. Each reference in this complaint to  
19 "defendant," "defendants" or a specifically named defendant  
20 also refers to defendants sued under fictitious names.

21  
22                           FACTS COMMON TO ALL CLAIMS

23           10. The AGI has at all times material herein been  
24 operating under a valid business license under B. Patel's  
25 name.

26           11. On October 21, 2015 the City imposed a  
27 conditional use permit ("CUP") on the AGI imposing certain  
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1 conditions in the operation of the property because of  
2 alleged crime at and surrounding the property that was  
3 attributed by the City to the operation of the property.

4 12. The City's imposition of the CUP in 2015 was  
5 disputed by B. Patel and V. Patel who contended that any  
6 crime surrounding the AGI was attributable to the general  
7 conditions in the general area where the property is located.

8 13. The CUP including a requirement, among other  
9 conditions that the motel registration books be subject to  
10 warrantless and non-consensual inspections under Los Angeles  
11 Municipal Code Section 41.49 ("LAMC Section 41.49") despite  
12 the fact that such motel search section has been declared  
13 facially unconstitutional under the Fourth Amendment by the  
14 U.S. Supreme Court in a case entitled City of Los Angeles v  
15 Patel, 135 S.Ct. 2443 (2015); and that instead of a 24 hour  
16 security patrol that a 24 hour on-site security guard be  
17 placed on the property.

18 14. Plaintiffs B. Patel and V. Patel objected to  
19 the imposition of conditions of the CUP, objecting that the  
20 AGI was not a crime problem and not a public nuisance and  
21 that the conditions were cost prohibitive and also violated  
22 the Fourth, Fifth and Fourteenth Amendment Due Process and  
23 Equal Protection Clause of the United States Constitution.

24 15. On October 21, 2015, the City Council convened  
25 and adopted a resolution to impose the AGI's CUP, but the  
26 proceedings to impose the CUP, and the evidence did not  
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1 justify imposition of the CUP.

2 16. The constitutional notice of the proceedings  
3 was not given to Plaintiffs' tenants and that as a result, an  
4 additional reason exists that the City lacked jurisdiction  
5 to impose the CUP.

6 17. The imposition of the CUP also violates their  
7 rights both under the United States Constitution and the  
8 Federal Fair Housing Law, 42 U.S.C. Section 3604(b) in that  
9 any displacement of plaintiffs without making reasonable  
10 accommodations would have a disparate impact on the tenants  
11 and Plaintiffs including their on site manager who is also  
12 Asian-Indian.

13 18. Pursuant to California Code of Civil Procedure  
14 Section 1094.6, Plaintiffs B. Patel and V. Patel and  
15 Plaintiff Tenants are statutorially entitled that the City  
16 give them written notice of the City Council's decision to  
17 impose the CUP and that such notice be given by the City  
18 Clerk sending the notice to them by certified registered  
19 mail, return receipt requested and further informing them  
20 that they had 90 days from the date of the City Council's  
21 October 21, 2016 decision to impose the CUP to appeal the  
22 matter to a court of competent jurisdiction under California  
23 Code of Civil Procedure Section 1094.5.  
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19. The City and City Clerk have failed to perform their statutory duties set forth in paragraph 18 above and have failed to provide Plaintiffs B. Patel and V. Patel of written notice of the City Council's October 21, 2016 decision to impose the CUP.

20. Instead, within the last year from the date of this filing and on multiple occasions, the City of Los Angeles Police Department ("LAPD") officers upon instructions from the City entered and trespassed upon the AGI without Plaintiffs prior notice, consent or a valid court order and said defendants then proceeded to speak to the tenants at the AGI informing them that the AGI was to be closed by the City and that the tenants should no longer pay rent.

21. Further, in entering the AGI, said LAPD officers entered the motel manager's personal residence and searched such residence and also searched the motel registration records, all without consent or a court order.

22. In doing so, the City and LAPD police officers also have threatened the motel manager with placing him in jail and cited him with violation of the CUP, despite the fact that the CUP was not imposed against him and is without probable cause. The citations have not been filed by the City with the state court.

23. The City also threatened Plaintiffs with revocation of the CUP and closure of the AGI despite the numerous jurisdictional, constitutional and statutory violations in imposition and execution of the CUP.

1           24. Plaintiff B. Patel, just prior to the above  
2 referenced actions by the City in paragraphs 3-23 above was  
3 an outspoken critic of the City's treatment of himself and  
4 other Asian-Indian motel owners and is a member of the group  
5 that sued the City in the Supreme Court Patel case and was  
6 engaged in other litigation over his other motels operating  
7 in the City.

8           25. After filing and service of this lawsuit, the  
9 City Zoning Administrator, with notice of this action, held  
10 an administrative zoning hearing to determine plaintiff B.  
11 Patel's compliance with the CUP.

12           27. Plaintiffs appeared at the zoning hearing as  
13 did various city officials and plaintiffs opposed the  
14 jurisdiction of the zoning administrator to hear the matter  
15 pending the legal determinations of the CUP and this lawsuit.

16           28. Plaintiff tenants testified, some who were  
17 elderly and disabled, and such testimony stated that they  
18 were long time permanent residents at the motel and were  
19 indigent and unable to find alternative affordable housing  
20 and further testified that the motel was not a public  
21 nuisance or crime ridden but that such alleged criminal  
22 activity, if any, arises from the neighborhood in general  
23 surrounding the motel but not from the motel itself.

24           29. Such plaintiff tenants requested that the motel  
25 not be closed and that they be accommodated by the City in  
26 that closing the motel without relocation assistance would  
27 cause them to be homeless.  
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1           30. On January 18, 2017, the zoning administrator  
2 issued a decision revoking the CUP for one year, in effect  
3 closing the motel.

4           31. The zoning administrator's decision recognized  
5 the severe impact to the plaintiff tenants in displacement  
6 but the City has not provided, and refuses to provide,  
7 relocation assistance or reasonably accomodate the housing  
8 needs of the plaintiff tenants.

9           32. On January 27, 2017, plaintiff B. Patel filed a  
10 timely appeal of the zoning administrator's decision to  
11 revoke the CUP to the City Council which is still pending.

12           33. Pursuant to the Ninth Circuit's well established  
13 case law, this case is not subject to Pullman abstention as  
14 there is no novel California state takings at issue and  
15 pursuant to this circuit's case law a petition for writ of  
16 administrative mandamus under California Code of Civil  
17 Procedure Section 1094.5 is a "special proceeding" and has no  
18 preclusive effect on a federal civil rights action under 42  
19 U.S.C. Section 1983.

20           34. Pursuant to this circuit's case law, a  
21 reservation of federal claims in a state court under England  
22 v Louisiana State Board of Medical Examiners, 375 U.S. 411  
23 (1964) ("England"), there is no preclusive effect on the  
24 reserved federal issues in a federal civil rights action  
25 under 42 U.S.C. Section 1983 or 42 U.S.C. Section 3604(b),  
26 thus, preventing abstention on such issues.  
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35. Pursuant to England and this circuit's case law permitting an England reservation in a federal district court action itself, plaintiffs reserve all federal issues in this lawsuit and do not expose such federal issues or claims by way of their state supplemental claims.

36. Pursuant to this circuit's case law, abstention is improper as to federal statutory claims such as plaintiffs' claims under 42 U.S.C. Section 3604(b).

Based on the above facts, Plaintiffs allege the following claims:

FIRST CLAIM FOR RELIEF

(Violation of Civil Rights Under 42 U.S.C. Section 1983 by All Plaintiffs Against All Defendants)

37. Plaintiffs and the Plaintiff Tenants reallege and incorporate herein by reference to each and every allegation contained in Paragraphs 1 through 36, and all its subparts, inclusive, as set forth hereinabove.

38. Plaintiffs are informed and believe, and based upon such information and belief allege, that in doing all of the things herein mentioned, defendants, and each of them, acted under color of the statutes, regulations, customs and usages of the City of Los Angeles for purposes of "state action" under 42 U.S.C. Section 1983.

1           39. By taking the actions hereinabove alleged in  
2 paragraphs above, defendants, and each of them, violated the  
3 onstitutional and civil rights of plaintiffs, and in  
4 particular their right under the First Amendment, and in  
5 particular under the Petition for Grievances Clause of that  
6 Amendment and the associational rights of Plaintiffs under  
7 said First Amendment, as said amendment is incorporated by  
8 the Fourteenth Amendment of the United States Constitution;  
9 the Fourth Amendment as said amendment is incorporated by the  
10 Fourteenth Amendment of the United States Constitution to be  
11 free from unreasonsonable searches and seizures; the  
12 substantive and procedural components of the Due Process  
13 Clause of the the Fourteenth Amendment of the United States  
14 Constitution for arbitrary and capricious actions and without  
15 notice and opportunity to be heard and an adequate  
16 opportunity to litigate the imposition of the CUP; and also  
17 in violation of the Equal Protection Clause of the  
18 Fourteenth Amendment of the United States Constitution as  
19 similarly situated properties have not been subjected to the  
20 actions taken by the Defendants as described in paragraphs 1-  
21 36 above.

22  
23           40. Also by taking the actions hereinabove alleged  
24 defendants also violated the constitutional and civil rights  
25 of plaintiffs, in particular by among other things;  
26 violationing theirv rights under the Fifth Amendment, in  
27 particular that the exercise of the governmental police power  
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1 be for a "public use", as incorporated by the Fourteenth  
2 Amendment of the United States Constitution, but rather was  
3 exercised in a manner to drive Plaintiffs Patel and Arrellano  
4 out of business in order to transfer the property to a  
5 private developer, these actions constituting a "private  
6 taking" under said amendment which further results in the  
7 unconstitutional taking of not only their interests in the  
8 property but of V. Patel's leasehold interest and the  
9 Plaintiff Tenants.

10 41. The resolution imposing the conditions of the  
11 CUP are also facially unconstitutional under the Fourth  
12 Amendment and is "void for vagueness".

13 42. Defendants in engaging in the above-described  
14 conduct, in violating plaintiffs' constitutional and civil  
15 rights as described above, acted according to official  
16 policy, custom and practice of the Defendant City.

17 43. As a proximate result of the foregoing acts of  
18 defendants, and each of them, Plaintiffs have suffered and  
19 continue to suffer extreme hardship and damages, which  
20 damages include, but is not limited to, severe emotional  
21 distress and financial and business damages to the motel and  
22 property. Plaintiffs are informed and believe, and based  
23 upon such information and belief alleges, that the damages  
24 they have collectively suffered and continue to incur is  
25 according to proof at trial but in a sum in not less than  
26 \$10,000,000.00 and that they are also entitled to appropriate  
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1 injunctive relief to prevent the Defendant City, or city  
2 officials, from closing the operation of the Travelers as  
3 threatened by the Defendants. Plaintiffs are also entitled to  
4 reasonable attorneys fees under 42 U.S.C. section 1988.

5 SECOND CLAIM FOR RELIEF

6 (Violation of The Federal Fair Housing Act

7 Under 42 U.S.C. Section 3604(b) by

8 All Plaintiffs Against All Defendants)

9 44. Plaintiffs reallege and incorporate herein by  
10 reference each and every allegation contained in  
11 Paragraphs 1-43, and all its subparts, inclusive, as set  
12 forth hereinabove.

13 45. Plaintiffs are further informed and believe,  
14 and based upon such information and belief alleges, that  
15 the actions of the defendants, and each of them, has had the  
16 effect of discriminating against Plaintiffs which status is  
17 protected based on their race and/or national origin from  
18 discrimination in the sale or rental of residential housing  
19 under 42 U.S.C. Section 3604(b).

20 46. As a proximate result of the foregoing acts of  
21 defendants, and each of them, plaintiffs have suffered and  
22 continue to suffer hardship and damages, which damages  
23 include, but is not limited to, economic damages and non-  
24 economic damages such as emotional distress. Plaintiffs are  
25 informed and believe, and based upon such information and  
26 belief alleges, that the damages they have suffered and  
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1 continue to incur will be according to proof at trial but in  
2 a sum in excess of \$10,000,000.00 and that they are also  
3 entitled to appropriate declaratory and injunctive relief.

4 47. As a result of defendants' above alleged  
5 conduct, plaintiffs have been compelled to retain legal  
6 counsel to prosecute this action and have incurred and will  
7 continue to incur attorney's fees and costs. Plaintiffs are  
8 entitled to recover reasonable attorney's fees from  
9 defendants under the Federal Fair Housing Act.

10 THIRD CLAIM FOR RELIEF

11 (Petition for Writ of Mandate by

12 All Plaintiffs against Defendant City)

13 48. Plaintiff reallege and incorporate herein by  
14 reference to each and every allegation contained in  
15 Paragraphs 1-47, and all its subparts, inclusive, as set  
16 forth hereinabove.

17 49. Petitioners' equitable state remedy in  
18 seeking review of the City's decision in adopting the  
19 decision to revoke the CUP is to seek mandamus review by way  
20 of this petition under California Code of Civil Procedure  
21 Section 1094.5.

22 50. The City violated its duties under both state  
23 law and federal law, and specifically although not limited  
24 to, violated by adopting the resolution to impose the CUP  
25 abused its discretion by failing to proceed in a manner  
26 required by law, and further in adopting the resolution to  
27 impose the CUP without support of competent admissible  
28

1 evidence; and in violation of the First, Fourth, Fifth and  
2 Fourteenth Amendments of the U.S. Constiotution, and thus  
3 the decision of the City Council of October 21, 2016 must be  
4 set aside.

5 51. By failing to give the required notice as set  
6 forth in California Code of Civil Procedure Section 1094.6  
7 and paragraph 18 above, Plaintiffs filing of this petition  
8 for writ of mandate is tolled.

9 FOURTH CLAIM FOR RELIEF

10 (Inverse Condemnation  
11 by Plaintiffs B. Patel and V. Patel  
12 against Defendant City)

13 52. Plaintiffs realleges and incorporates herein  
14 by reference to each and every allegation contained in  
15 Paragraphs 1-51, and all its subparts, inclusive, as set  
16 forth hereinabove.

17 53. In the alternative to the "takings" claim  
18 under the Fifth and Fourteenth Amendments of the United  
19 States Constitution, under Article I, Section 19 of the  
20 California Constitution, plaintiff alleges that as a direct  
21 and inevitable result of the actions by the defendant City  
22 described above, said Plaintiffs' Patel and Arrellano  
23 property and business has been damaged.

24 54. In taking the actions described hereinabove,  
25 there has been a "taking" of plaintiffs' property and  
26 business and an entitlement protected under state law under  
27 Article I, Section 19 of the California Constitution.  
28

1           55. Plaintiffs have received no compensation for  
2 the "taking" of their property or business, protected under  
3 state law.

4           56. As a result of the wrongful actions of the  
5 defendant, plaintiffs have suffered and continue to suffer  
6 extreme hardship and damages, which damages include, but are  
7 not limited to, loss of income on their motel business, in  
8 economic loss in the value of and his investment in the  
9 property, loan fees, lost profits and opportunity, and loss  
10 of financing. The damages plaintiffs have suffered and  
11 continues to incur is according to proof at trial.

12           57. Plaintiffs have incurred and will incur  
13 attorney's fees because of this proceeding which is  
14 recoverable under the provisions of Section 1036 of the  
15 California Code of Civil Procedure.

16           WHEREFORE, Plaintiffs and Petitioners pray  
17 judgment against Defendants and Respondent, and each of  
18 them, as follows:

19                   FIRST CLAIM FOR RELIEF

- 20           1. For damages according to proof at trial;  
21           2. For declaratory and injunctive relief;  
22           3. For attorney's fees pursuant to 42 U.S.C. Section  
23           1988;

24                   SECOND CLAIM FOR RELIEF

- 25           4. For damages according to proof at trial;  
26           5. For declaratory and injunctive relief;  
27           6. For attorney's fees pursuant to 42 U.S.C. 3604(b)  
28           and the Federal Fair Housing Act;

