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12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA

14 COMITE DE JORNALEROS DE
15 REDONDO BEACH, an
16 unincorporated association;
17 NATIONAL DAY LABORER
18 ORGANIZING NETWORK, an
19 unincorporated association,

20 Plaintiffs,

21 v.

22 CITY OF REDONDO BEACH,
23 Defendant.

CV04-9396CBM P/WX
Case No.

COMPLAINT FOR INJUNCTIVE
AND DECLARATORY RELIEF

42 U.S.C. § 1983 (First and Fourteenth
Amendment)

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CENTRAL DIST. OF CALIF.
LOS ANGELES

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1 Plaintiffs allege as follows:

2 1. This civil rights action challenges a Redondo Beach municipal code
3 provision as a violation of the First and Fourteenth Amendments of the United
4 States Constitution. This court has jurisdiction over this action under 28 U.S.C.
5 §§ 1331, 1343(a), and 2201, as well as under 42 U.S.C. § 1983. Under 28 U.S.C.
6 § 1391(b), venue is proper in this district because defendants reside in this district
7 and the events giving rise to the claims occurred and occur in this district.

8 **PLAINTIFFS**

9 2. The Comite de Jornaleros de Redondo Beach (“Comite de
10 Jornaleros”), or Committee of Day Laborers of Redondo Beach, is an
11 unincorporated association comprised of day laborers who seek to defend their
12 rights and to address the difficulties that they face in seeking lawful employment
13 as day workers. The day laborers who make up the Comite de Jornaleros regularly
14 seek day work in the City of Redondo Beach. This includes day laborers who
15 desire to make their availability for day work known through means prohibited by
16 the municipal code provision challenged in this action. But for the code
17 provisions, these members would engage in expressive activity indicating their
18 availability for work on sidewalks and on other public areas of Redondo Beach.

19 3. The National Day Laborer Organizing Network (NDLON) is an
20 unincorporated association whose office is in Los Angeles County. NDLON is a
21 nationwide coalition of day laborers and the agencies that work with day laborers;
22 the aims of the coalition include working for the repeal or invalidation of laws that
23 restrict the right of day laborers to solicit lawful employment. NDLON includes
24 day laborers who desire to make their availability for day work known in the City
25 of Redondo Beach through means prohibited by the municipal code provisions
26 challenged in this action.

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1 that are protected by the First and Fourteenth Amendments of the United States
2 Constitution. This provision therefore should be enjoined and its previous
3 enforcement nullified.

4 **SECOND CLAIM**

5 **(28 U.S.C. § 2201 – Declaratory Relief)**

6 17. Plaintiffs reallege paragraphs 1-16 of this Complaint as though fully
7 set forth here.

8 18. An actual controversy exists between plaintiffs and defendant
9 regarding the constitutionality and legal enforceability of Redondo Beach
10 Municipal Code section 3-7.1601.

11 19. Plaintiffs are entitled to a declaration of their rights with regard to
12 Redondo Beach Municipal Code section 3-7.1601.

13 **PRAYER FOR RELIEF**

14 20. Because of the actions alleged above, plaintiffs seek judgment against
15 defendant as follows:

16 a. That defendant be enjoined in perpetuity from enforcing
17 Redondo Beach Municipal Code section 3-7.1601;

18 b. That Redondo Beach Municipal Code section 3-7.1601 be
19 declared null and void as unconstitutional in violation of the First and Fourteenth
20 Amendments of the United States Constitution;

21 c. That any and all fines, penalties, or records of infractions of
22 Redondo Beach Municipal Code section 3-7.1601 be rescinded or removed, and
23 restitution provided;

24 d. That plaintiffs recover from defendant, under 42 U.S.C. § 1988,
25 all of plaintiffs' reasonable attorney fees, costs, and expenses of this litigation; and

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e. That plaintiffs recover such other relief as the Court deems just and proper.

Dated: 11-16-2004

Respectfully submitted,

MEXICAN AMERICAN LEGAL
DEFENSE AND EDUCATIONAL FUND

By: Shaheena Ahmad Simons
Shaheena Ahmad Simons

Attorneys for Plaintiffs