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LAURA D. DALTON
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8 **BEFORE THE CITY OF BALDWIN PARK**
9 **(Governmental Claim Notice, *Government Code* § 945.6)**
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11 LAURA D. DALTON)	Governmental Claim for Damages
12 Claimant,)	
13 v.)	
14 CITY OF BALDWIN PARK,)	DOL : May 14, 2005
15 MANUEL LOZANO,)	
16 BALDWIN POLICE DEPARTMENT,)	
and DOES 1 through 10, Inclusive,)	
17 Respondents.)	

18 **TO THE ABOVE NAMED RESPONDENTS:**

19 This is a governmental claim. It is respectfully requested that the above
20 respondents accept or deny this claim in the manner set forth in the *California*
21 *Government Code*. If there is a form that should be filed in place of this written claim,
22 demand is hereby made that a copy of the form be forwarded by mail or fax to
23 Claimant's attorneys. All correspondence or contact concerning this claim may be
24 made directly to counsel.

25 **I.**

26 **STATEMENT OF FACTS & STATEMENT OF DAMAGES**

27 This governmental claim relates to an incident that took place on May 14, 2005,
28 near the Danza Indigenas monument at the Baldwin Park Metrolink Station. The

1 Claimant is a senior citizen who attended a peaceful protest against racism engaged
2 in by the City of Baldwin Park through its support of a monument which denounces
3 white and other non-Latinos.

4 Specifically, there was a protest and counter-protest that took place on May 14,
5 2005. The issues that evoked the controversy specifically arise from the fact that the
6 tax-supported monument has quotes that read “It was better before they came
7 [obviously referring to Americans of European or ‘white descent],” and “This land was
8 Mexican once, was Indian always and will be again.” The Mayor of Baldwin Park was
9 present in support of the monument and the protesters who support the continued
10 display of these racist, separatist and discriminatory comments.

11 As such, it readily appears that the Mayor personally/officially endorses and
12 represents that the City endorses such racism. This is a direct violation of Article I,
13 section 31, of the California Constitution which prohibits state-sponsored
14 discrimination and hate against any race, including “whites” or “Caucasians.”
15 Moreover, the actions constitute a violation of 42 U.S.C. § 1983 inasmuch as the
16 Claimant’s civil rights have and continue to be violated. Citizens, including Claimant,
17 have a right to be free of State-sponsored hate-speech. At all times mentioned herein,
18 the Mayor and other City Council members were under the obligations of an oath to
19 uphold the United States and California Constitutions, which includes provisions
20 against the overthrow of the United States government and anti-discriminatory
21 provisions. The City-sponsored Danza Indigenas monument violates both elements of
22 the state and federal constitutions.

23 In any event, during the protests on the day of May 14, 2005, the protesters on
24 both sides were initially kept separate from each other by the Baldwin Park Police
25 Department. The protest activities started around 12:00 pm. By about 12:45 pm, the
26 intensity of the monument supporters had exponentially increased. The increase was
27 caused, in large or substantial part, by the fact that Mayor Manuel Lozano had
28 instigated the protesters and persuaded them through inciteful language to break

1 police lines. At all times, Mayor Lozano appeared to support racist comments made
2 by protesters against Claimant, and endorsed discriminatory comments made by his
3 fellow protesters. Other City Council members were also present at the protest, which
4 eventually turned into an anti-white mob.

5 Furthermore, many of the attendees at the event were known to be here in the
6 United States illegally. Instead of enforcing the law against their illicit presence, and
7 thereby reducing the risk of a large mob mentality, the members of the City Council
8 present at the event actively discouraged any enforcement of the law and actually
9 incited protesters to attack those who were near Claimant. After inciting the crowd,
10 members of the crowd did actually start throwing heavy objects toward Claimant.
11 Claimant LAURA "DOTTIE" DALTON was hit by a full bottle of water that was
12 intentionally hurled at a high velocity at the Claimant at about 1:00 pm.

13 According to the medical records in this case, Claimant presented to Citrus
14 Valley Medical Center as follows:

15 "This is a 66 year-old white female brought in by
16 paramedics who was hit by a bottle that was thrown at her.
17 She did not see it and may have had a loss of
18 consciousness."

19 Claimant was sent to the Intensive Care Unit, and the medical records go on to
20 say that, "The patient had a CT scan of the head read by the radiologist as showing a
21 possible intra cerebral hemorrhage." According to the hospital records, the bottle that
22 hit the Claimant in the forehead was "full." The final discharge impression was that
23 she did indeed suffer a brain hemorrhage as a result of the violence regarding the
24 monument. Specifically, the medical records indicate:

25 "The patient was admitted to the Intensive Care Unit
26 with the admitting diagnosis of status post blunt force
27 trauma to the head with intra cerebral bleed."

28 The Claimant was treated with morphine, vicodin and other treatment

1 modalities as a result of her injuries. Follow up treatment is continuing.

2 As of this date, her medical bills well exceed \$10,000.00.

3 The Claimant continues to suffer from memory loss, confusion, nervousness,
4 vertigo, post-traumatic stress, and other symptoms specifically relating to the incident
5 of May 14, 2005. The Claimant had no preexisting injuries which would account for
6 her medical conditions as complained of herein.

7 II.

8 LIABILITY

9 Claimant' injuries could have been prevented if the Mayor, the City of Baldwin
10 Park, and the Baldwin Park Police Department had taken action to prevent the pro-
11 monument supporters from getting to close to the Claimant and her group. The
12 Claimant's group was being peaceful and did nothing to incite the Mayor's group to
13 violence. The only incitement to violence came from the representatives of the City of
14 Baldwin Park who encouraged the enraged monument supporters and when these
15 same officials did nothing to prevent the crossing of police lines by those who were
16 acting in concert with, participating with, or otherwise acting in cooperation with these
17 officials.

18 Specifically, by about 12:45 pm, it should have been foreseeable to any
19 reasonable person that the pro-monument crowd was out of control and beginning to
20 engage in violence. Specifically, by 1:00 pm, the violent crown began to circle the
21 Claimant's peaceful group and was audibly yelling racist slurs and other hateful
22 comments at the Claimant and her group. There were also statements that were
23 suggestive to any reasonable person that violence was going to be leveled against those
24 who did not support the racist comments on the monument. At all times, the City
25 representatives at this even were aware of the hateful/violent nature of the speech and
26 activities of these persons and yet did nothing about it and even condoned it. If
27 anything, the Mayor and his immediate supporters encouraged the crowd to be more
28 vociferous and demonstrative in their attack against Claimant and her group.

1 Once the Claimant had been injured, the Respondents did nothing to further
2 quell the violence and Claimant laid helpless for at least 15 minutes while being
3 surrounded by violent anti-white protesters who refused to cease in their violent
4 conduct. To make matters worse, the Police Department spoliated evidence by refusing
5 to take a report at the scene. Had the Police Department preserved evidence and
6 quarantined likely suspects (based on the trajectory path of the bottle that hit the
7 Claimant) as would have been required by City policies and protocols, the actual
8 assailant could have likely been identified. Ultimately, a report was not even taken
9 until a friend of the Claimant's demanded that it be taken. This was hours after the
10 actual event. The evidence suggests that the Police Department avoided taking a
11 report in an effort to suppress the facts relating to the involvement of other City
12 officials and to downplay the racist nature of the obvious hate crime perpetrated
13 against the white Claimant.

14 Eventually, a civil complaint will be filed in the United States District Court for
15 violations of Claimant's civil rights and for an injunction requiring the City of Baldwin
16 Park to remove hate speech leveled against certain races on tax-supported property.
17 This claim is being brought in an effort to resolve the governmental claims that are not
18 preempted by federal civil rights law. Additional defendants in any future civil action
19 for assault, battery, negligence, false imprisonment, or other torts will include
20 representatives of the various racist groups who sponsored the protest and the
21 organizations who sponsored the violence taken against my client. As the City
22 Attorney's office will likely advise, RICO laws are designed to remedy situations
23 whereby various persons and organizations get together to commit or assist in crimes.
24 Here, the likelihood of violence and the presence of illegal immigrants, who should
25 have been arrested and deported, was obvious and actually incited by the conduct of
26 the Mayor and his immediate supporters at the event. Moreover, to the extent that the
27 Mayor and his immediate cohorts conspired to bring persons already in violation of
28 immigration laws together for a protest that was likely to result in violence and

1 discrimination against the Claimant, all RICO-related causes of action are reserved for
2 later filing as these claims preempt applicable state tort claims.

3 The actual California tort claims are hereby asserted include, but are not limited
4 to, negligence, assault, battery, civil rights violations, and intentional interference with
5 and intimidation against the exercise of Claimant's civil rights per *California Civil*
6 *Code* § 51.7. When the Mayor of the City of Baldwin Park induced the crowd to
7 heighten its threatening behavior against the peaceful activities of Claimant, the
8 express language of Section 51.7 was undoubtedly violated. Section 51.7 states:

9 "All persons within the jurisdiction of this state have
10 the right to be free from any violence, or intimidation by
11 threat of violence, committed against their persons or
12 property because of their race, color, religion, ancestry,
13 national origin, political affiliation, sex, sexual orientation,
14 age, disability, or position in a labor dispute, or because
15 another person perceives them to have one or more of those
16 characteristics. The identification in this subdivision of
17 particular bases of discrimination is illustrative rather than
18 restrictive."

19 Additional law specifically prohibits the Mayor from encouraging interference
20 with the peaceful exercise of Claimant's First Amendment rights. To wit, *California*
21 *Civil Code* § 52.3 states:

22 "No governmental authority, or agent of a governmental
23 authority, or person acting on behalf of a governmental authority,
24 shall engage in a pattern or practice of conduct by law enforcement
25 officers that deprives any person of rights, privileges, or
26 immunities secured or protected by the Constitution or laws of the
27 United States or by the Constitution or laws of California.

28 Here, there can be no doubt that the violence leveled against Claimant was

1 largely motivated by her national origin and race. Indeed, the very nature of the
2 protest revolved around the fact that America was allegedly “better” before members
3 of the race-class and national origin, to which Claimant belongs, came to the United
4 States. Moreover, the loudspeaker comments of the Mayor were coupled with racist
5 slurs and epithets from the audience which were encouraged by the Mayor. No
6 reasonable person would have felt safe in view of the City of Baldwin Park’s acts and
7 Claimant had no reasonable means of escape from the violence since the Police
8 Department allowed the crowd to get close enough to hurt Claimant and allowed her
9 to be encircled. In fact, it was so bad that the ambulance could not take the most
10 efficient route out of the center of violence.

11 In sum, the conduct of the Mayor and the inefficacy of the Police Department is
12 excruciatingly difficult to accept in a civilized society. One is left at a deep loss to
13 understand how it is that City Officials, bound to an oath to defend the United States
14 against foreign and domestic enemies, would be engaged in behavior that allowed, and
15 at times, condoned and incited, violence against a resident senior citizen who chose to
16 peacefully protest the fact that the City of Baldwin Park allows racist comments to be
17 put in the form of a monument at taxpayer expense. To make matters worse, these
18 same City officials refused to enforce laws against the illegal presence of many of the
19 protesters who encouraged and engaged in violent conduct against Claimant.

20 III.

21 CONCLUSION / RELIEF SOUGHT

22 It is respectfully requested that the Respondent accept this claim and pay
23 Claimant for all damages caused by the tortious conduct alleged herein. Moreover,
24 punitive damages are requested on the civil rights and interference with civil rights
25 claims set forth and alleged herein. Claimant seeks \$1,000,000.00 by way of this claim
26 and an stipulated judgment requiring the City of Baldwin Park to remove any and all
27 racist slurs on property owned or maintained at the Metrolink Station.

28 Finally, Plaintiff demands a repeal of any protest permitting schemes recently

1 adopted by the City in an effort to silence Claimant and persons associated with her.

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Respectfully Submitted:

DATED : June 29, 2005

LIVELY & ACKERMAN

s/s

RICHARD D. ACKERMAN, ESQ.,
Attorney for Claimant,
LAURA D. DALTON.