

1 John B. Kenney
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6 John B. Kenney, In PRO PER

7 UNITED STATES DISTRICT COURT
8 SOUTHERN DISTRICT OF CALIFORNIA

9	JOHN B. KENNEY,	Plaintiff	)	Case No.: 13-cv-0248 WQH DHB
	vs.		)	FIRST AMENDED COMPLAINT
10	City of San Diego, San Diego Police Dep't,		)	FOR CIVIL RIGHTS VIOLATION:
11	(SDPD), SDPD Ex-Chief of Police & Then		)	1. VIOLATION OF CIVIL RIGHTS
12	Mayor of San Diego Sanders, SDPD Chief Lan-		)	UNDER 42 U.S.C. §1983
13	sdowne, SDPD Officers, Thompson, Lawrence,		)	2. UNLAWFUL POLICIES,
14	Stum, U.S. Security, Tyco, SAIC, Titan Corp,		)	CUSTOMS or HABITS 42 U.S.C.
15	cum L-3 Communications, General Atomics,		)	§1983
16	Raytheon, Securitas AB, Pinker-	ton Consulting	)	3. NEGLIGENCE; 4. ASSUALT; 5.
17	& Investigations, US Dep't Homeland Security		)	BATTERY
18	(DHS), Federal Protective Service (FPS), DHS		)	6. FALSE ARREST/ DETENTION -
19	Office State & Local Law Enforcement, Police		)	UNDUE DELAY [add:
20	Exec'tv Research Forum (PERF), the local Fus-		)	MALICIOUS PROSECUTION; see
21	ion Center, National Operations Center (NOC),		)	Karim-Panahi (9th Cir. 1988)]
22	US Justice Department, the FBI, the FBI Joint		)	7. NEGLIGENT &/or
23	Terror- ism Task Force, Terrorism Liaison		)	INTENTIONAL INFLICTION of
24	Officers, Counter Terrorism Information Cen-		)	EMOTIONAL DISTRESS
25	ter, CIA, DEA, US Military, as well as state		)	8. VIOLATION OF CIVIL RIGHTS
26	& local police agencies, Counter Terrorism		)	UNDER CA Civ. Code §§ 51 & 52:
27	Information Center, Border Patrol and the Navy		)	9. CONSPIRACY UNDER 42
28	& other Armed Military Services, Private or		)	U.S.C. § 1985(3) &/or OTHER;
	U.S. Gov't, Intelligence Offices & Officers in		)	Penal Code 182 [add: 1986; see
	San Diego & Does #1-200, San Diego City		)	Karim-Panahi (9th Cir. 1988)]
	Attorneys & Jan Goldsmith, San Diego Sheriff		)	10. STALKING Civil Code § 1708 &
	William Gore formerly of F.B.I. and ALL OF		)	Penal Code §§ 646.9; 18 U.S.C. §
	THE INDIVIDUAL AGENTS & DEF-		)	2261A
	ENDANTS as Articulated Throughout the		)	11. DEFAMATION; CA Civil Code
	Entire Section III. B: INCIDENTS Involving		)	§§ 44-48; 2nd Restatement §§ 564,
	Local(?) Individuals & Organizations Other		)	570-574

1 **Than City of SD & SDPD** including but not
 2 exclusively, Julie Majcher, Raffi Aftandelian,
 3 Tahra Ludwig, Chris McKay, "Shahrokh" &
 4 Labor Union Damian Tyron & Kathy Sorrel,
 5 Eva David, Lynn Ann Garrett, Frank Gormlie,
 6 Todd "Toddynho" or names/alias, Cristie Paris,
 7 Activists (or activist) San Diego and William
 8 Alexander Johnson, Shahrokh Saadat-Nejad,
 9 Pat Barnes & others at Activist San Diego,
 10 Benjamin Cossel, "Gonzo", Ben Liotta, Melissa
 11 Berens, GEO Group & Corrections Corp, Susan
 12 Cratty, Nan Di Giovanni, Ray Lutz, Martha
 13 Sullivan, James Bartoli, and Amir Irani Shoja
 14 -all of, or associated with Occupy San Diego,
 15 among others, & Scam Diego - San Diego
 16 Security Network, Cubic Corp. L-3, U.S. Sec-
 17 urity Associates, Pinkertons, Pinkerton Govern-
 18 mental Services (PGS), SAIC, Tyco Corp., and
 19 others, including their agents at 5076 Saratoga
 20 Ave., Scam Diego, CA, including, ex-Duke
 21 Cunnighamesque "Naval Fighter Pilot" Gor-
 22 don Pettus; Paul "Pablo" Martin, his partner,
 23 psychiatrist and e-mail, electronic surveillance
 24 pretexter Allison, formerly of Apt. #6; Randall
 25 Holmes & ex-wife Dina Holmes, formerly of
 26 Apt. #9; Brett, formerly of Apt. #3, presently
 27 apt. #6; Mitch, presently of Apt. #3; computer
 28 geek Matthew of Apt. #5; and his previous
 room-mate and head-hunter Bernardo, formerly
 of Apt. #5; as well as probably all other present
 occupants of 5076 Saratoga Ave. & Randall's
 ex-"boss" Jim Clark of PGS and San Diego
 Regional Chamber of Commerce; & DOES
 1-20,000, inclusive,

Defendants

Plaintiff JOHN B. KENNEY Alleges & Requests:

Against this creepy *CREEPP* hypocrisy, I dissent.

I come again to appeal to this government's justice. If only that "*justice*" were truly of a "*democracy*".

12. INVASION OF PRIVACY
 UNDER 42 U.S.C. § 1983, 4th
 Amend., 18 U.S.C. §§ 2701 et seq. &
 CA Penal Code §§ 630-633
 (Exceeds \$25,000)
 DEMAND FOR JURY TRIAL
 Court Room: 14B; Hon. William
 Hayes
 Complaint Filed: Jan. 30, 2013

1 Plaintiff, in pro se, protests this local, national and global hypocrisy of Democracy,
2 this subversion of our Constitution and its guaranteed civil liberties at the hands of the
3 small cadre of KGB-STAZIesque, **S-S** secret police-state, crypto-fascist apparatchik
4 elements, working for their corporate and filthy rich greed superiors that want us as
5 docile serfian drones, merely to milk for their dollar-lust and ephemeral corporal
6 pleasures, all the while hiding their hypocrisies under the fraudulent guise of
7 "*patriotism*" and "*national security*". These are merely code-words for a killer-ape
8 warrior mentality of zero-sum game, discriminatory and suppressive,
9 beggar-thy-neighbor so that *we -our* control freak greed tribe, not yours- can swill the
10 fruits of our collective, multi-generational, historical labors- so heavenly high on the
11 hog, and you can... And you can...

12 And *you* in *my* prison.

13 Physical, Financial, Intellectual, Spiritual or otherwise.

14 It is that simple:

15 You either believe in a "*Demo*-cracy" of a *We The "People's economy"* and
16 *government and justice*...

17 Or you don't.

18 You try to steal and suppress for yourself and whatever greed-tribe(s) it is you
19 most identify yourself with.

20 It is *my* tribe versus *you*- The rest of *you*...the community, the world, the
21 very nature of democracy itself.

22 And all in an age of ever-increasing wealth, advantage and scientific and quality of
23 life-style progress and advancement. Can they (You... me... we...?) not control their
24 greed for yet more ungodly richer-than-god wealth and power? Our choice in this land
25 of hypocrisy of democracy is to be decieved -our most intimate privacies invaded and
26 stolen and monetized- by privatized corporations; or to by secretly and
27 crypto-suppressed by the militarized crypto-subversive intel-community,
28

1 incarceration-police-state regime. There is no civil liberty they have envisioned that
2 they don't want to contain, to control, to crush. To sell.

3 A hypocrisy of democracy. A never-ending spiral downwards. A Subversion of
4 our most cherished ideas.

5 I dissent.

6 It is clear that Potemkin village Scam Diego, far worse than in the nadir of the
7 Nixon era, is secretly run by a creepy gaggle of *CREEPPS*, a *Committee to Reelect the*
8 *Plutocrats' Plebes*. From the media outlets, especially the *U-T* and *kpbs* to the
9 *QJK-CLU*, the *Qualcomm-Jacobs-Kyocera Civil Liberties Union*; to the corporate
10 fraud-entities that Generally drone surveil our very Atomic and most intimately private
11 essences, to the specialized military creeps who believe they have a right to bring their
12 methods of death and destruction into and upon our fragile democratic minded psyche;
13 to the pathetically *Titan & SIAC* sickness that all oppression is just another chance to
14 invade and spy and monetized through fraud and deception... All is fraud and smoke
15 and mirrors, and up for sale to the highest bidder.

16 All the worse the shame that there are so many truly good and decent people here in
17 San Diego, the USA, this rapidly advancing world we inhabit. Including even many
18 who have joined or are employed or paid in blood-money by the inner gaggle.

19 So I try again on my quest for justice. My quest to have you recognize and admit
20 your pathetically depraved ways - to see that it can only end very badly. For us all.

21 Certainly it has for me...so very far... So far?

22 Please live up to our principals. Our Constitution. Our Words to each other in
23 this shared humanity.

24 I dissent and I try again:

25 Beginning in the undemocratic, racist, protectionist, predatory and parasitic
26 police-state of Japan, and seriously ramping up after 9/11 and Bush's second theft of
27 our democracy in 2004, Plaintiff, John B. Kenney, has been unconstitutionally
28

1 badgered, assaulted, violated and attacked, 24/7/365, for well-on ten (10) years++
2 now, by various power-drunk police-state, ONI & intelligence community goons,
3 security industrial apparatus fascists, and other sundry conspirators- who are just too
4 myopic to see beyond their false and self-aggrandizing conception of the world where
5 they are virtual saviors of our “*national security*” -or whatever is left of it after this
6 perfidy- and the rest of us are sheep- to be manipulated, monetized and then
7 discarded.

8 It is clear that San Diego, as well as the nation at large, is under the sway of some
9 crypto-fascist, cyper-gulag Intelligence Community police-state incarceration system
10 of privatized corporate and public conspiracy to subvert our Constitution.

11 I, plaintiff in pro se, I dissent.

12 **Plaintiff Requests That City Be Ordered to Strike Defamatory Language:**

13 That *City be Ordered to Strike* their *new Defamations*:

14 There the *City* goes again, using the same tired and low tactic *City Attorneys* scrap
15 bottom with by attempting to discredit Plaintiff by suggesting he's "*crazy*" or
16 something.

17 Witness *Defendants' Motion pg. 21, lines 26-28, (7/11/2013)* "*While perhaps*
18 *those are things Plaintiff may seek from a higher power [Referring to "Plaintiff prays*
19 *'to a greater justice'" and "prays 'we sincerely try'"] or even from within, with the help*
20 *of a person such as a psychiatrist, counselor, the clergy, or a life coach, they are not*
21 *appropriate requests...". (Emphasis added.) These types of defamations of "nuts" or*
22 *"crazy" or "insane" claims, slanders, innuendos, and even publications have been used*
23 *against Plaintiff throughout the past two years in question here in this suit. (Again,*
24 *dating back from long, long before... When Plaintiff first tried to settle in SD, CA.)*
25 Plaintiff respectfully requests this Court order the City to strike this offensive,
26 provocative and defamatory language from all their papers to date, and to refrain from
27 such injurious high-jinx in the future.
28

1 Additionally, Plaintiff has good cause and has been diligently pursuing obtaining
 2 his own evidence. In recent months, since Plaintiff filed his original -timely-
 3 complaint, much heretofore obscured evidence of federal, local and private contractor
 4 abuses of power have come to light and are now part of the public record. [See many
 5 articles in the *New York Times*, *Washington Post*, *The Guardian* and the "*Terror*
 6 *Factory*" about F.B.I. uses of informants, agent provocateurs and obfuscating
 7 exculpatory evidence, etc., to name but a few of the recently revealed -and previously
 8 unavailable sources of evidence.] Included in the newly revealed disclosures: There is
 9 much evidence on NSA, FBI and DHS, etc. -in collusion with their privatized for profit
 10 sub contractors- invasions of privacy and intrusive acts upon law abiding dissenters.
 11 There is also a new proliferation of evidence in publications revealing US Intelligence
 12 Community's extensive use of paid -often criminal- informants, with over 15,000
 13 admitted to already in the past several months.

14 **OFFICIAL & INDIVIDUAL CAPACITY**

15 Plaintiffs' suit is pursuant to Ex Parte Young, and thus all Federal, State and Public
 16 Entity Parties, and their Corporate and Privatized agents are all sued in their official &
 17 individual capacities. (See also *ACLU of Mississippi, Inc. v. Finch*, 638 F.2d 1336,
 18 1342 (5th Cir. 1981) (Government official may automatically be brought before the
 19 court "in both their individual and official capacities within the meaning" of Young.
 20

21 **I. PARTIES:**

22 Plaintiff, JOHN B. KENNEY, is a competent adult, who was born in and is a
 23 citizen of the United States and now resides in the County of San Diego, California.

24 DEFENDANT CITY OF San Diego (City) is a public entity, with its principal place
 25 of business located at B & C St., San Diego, CA 92101.

26 DEFENDANT San Diego POLICE DEPARTMENT (SDPD) is a "public entity",
 27 with its principal place of business located at 1401 Broadway, San Diego, CA
 28

1 DEFENDANTS San Diego Police Department (SDPD) Officers, Thompson,
2 Lawrence, Stum, and Does #1-200, are, and at all times herein mentioned were, police
3 officers in the employ of the DEFENDANT SDPD of DEFENDANT City and
4 conspirators with, other DEFENDANTS in San Diego County, CA.

5 DEFENDANT SDPD Chief of Police William Lansdowne (SDPD-Chief
6 Lansdowne) at all times herein mentioned was/is supervisor to, and conspirator with,
7 other DEFENDANTS, especially all members of SDPD.

8 DEFENDANT Ex-Mayor Sanders of San Diego (Mayor) is a public official, and
9 was supervisor to, and conspirator with, other DEFENDANTS, previously with his
10 principal place of business located at, or near 3rd and B St., San Diego, CA 92101.

11 DEFENDANT Jan Goldsmith, is and at all times herein mentioned was, the CITY
12 ATTORNEY (C.A. Goldsmith) in the employ of the City of San Diego (City) in San
13 Diego County, where most of the following incidents and related acts of interference,
14 malice and oppression occurred, was/is supervisor to, and conspirator with, other
15 DEFENDANTS, and “[was] ...notified of the Plaintiff’s grievances concerning th[ese]
16 particular despicable violation(s) of his person, his possessions and his civil rights,
17 and...elected to callously reject and ignore the Plaintiff’s plight and allow the various
18 law enforcement conspirators to continue to maliciously threaten, intimidate, coerce,
19 invade the privacy of and otherwise do what was within their immediate power and
20 whimsical fancy to interfere with the Constitutional rights of the Plaintiff.” [From
21 2009 Complaint, **Kenney v. Luc**, with Conclusive Video Evidence, yet
22 Un-Constitutionally ignored by Judge Bloom of *CA Superior Court* in San Diego, *CA*
23 *Court of Appeals* in San Diego, and, recently and summarily, even the *U.S. Supreme*
24 *Court*... See also U.S.CD, L.A., **Kenney v. Japan Inc.** 2011]

25
26 DEFENDANTS Federal & Private Contractor Intelligence & Security Police-state
27 Industrial Complex Conspirators, (IC/MIC Conspirators) are supervisor(s) to, and
28 conspirators with, other DEFENDANTS, and their true names and capacities are as

1 yet, unknown to the PLAINTIFF. All other parties in ***III. GENERAL & FACTUAL***
2 ***ALLEGATIONS, parts B. & C.***, are believed to reside or have their places of business
3 in San Diego County.

4 DEFENDANT Sheriff William Gore (Gore) is Chief Supervisor of the San Diego
5 SHERIFF'S DEPARTMENT (SD-Sheriffs), formerly of the F.B.I and co-conspirator
6 with other DEFENDANTS. His principal place of business is located at 9021
7 Ridgehaven Ct., San Diego, CA 92123.

8 ***Individual and Official Capacities:*** At all times material hereto, all supervisor
9 DEFENDANTS were acting in their administrative capacity in providing legal advice
10 to police officers and others, regarding the detention of the Plaintiffs and his constant
11 24/7/365 days a year surveillance, and periodic detention, and search and seizure of
12 both his body and all of his possessions in circumstances where no warr- ants had
13 been obtained and no criminal charges had been filed. They are all sued in their
14 individual and official capacities. All Defendants mentioned herein are co-
15 conspirators & are believed to presently reside, &/or do business in San Diego, CA.

16 DEFENDANTS DOES 1 through 20,000, inclusive, are sued under fictitious
17 names. Their true names and capacities are unknown to the PLAINTIFF. Plaintiff
18 will amend this complaint to allege their true names and capacities when ascertained.
19 Plaintiff is informed and believes and on that basis alleges that each of the fictitiously
20 named DEFENDANTS is responsible for, &/or c-conspirators to, the occurrences
21 alleged in this complaint, and that the DEFENDANTS proximately caused the
22 Plaintiff's claims and damages alleged in this complaint.

23 Plaintiff is informed and believes and on that basis alleges that at all times
24 mentioned herein, the Named Defendants, thus far, and each of them, as named to
25 date, were residents and/or were doing business within the County of San Diego in the
26 State of California, within this judicial jurisdiction, and that the Defendants, and each
27 of them, is responsible to Plaintiff pursuant to the causes of action set forth herein.
28

II. VENUE

This Court is the proper Court to bring this action because the Plaintiff, John B. Kenney resides in the jurisdiction of the Central Division of the Superior Court of the County of San Diego at 5076 Saratoga Avenue, San Diego, CA 92107 in the County of San Diego, California, and many of the incidents happened in San Diego, CA. Pursuant to California **Civil Code § 52.1 (c)**; *“An action brought pursuant to subdivision (a) or (b) may be filed either in the superior court for the county in which the conduct complained of occurred or in the superior court for the county in which a person whose conduct complained of resides or has his or her place of business.”* Plaintiff filed numerous **Complaints/Claims** with the *Citizen's Review Board (CREB)* & with the *City of San Diego (City)* between April and July of 2012 for all grievances alleged herein. The City denied plaintiff’s claims on (1) June 18, 2012, [“Date of Incident: 10/14/2011”]; (2) June 19, 2012, [“Date of Incident: 11/02/2011”]; (3) August 7, 2012, [“Date of Incident: 12/10/2011”]; (4) August 23, 2012, [“Date of Incident: 3/24/2011”]; and (5) October 1, 2012, [“Date of Incident: 1/31/2012”]. SDPD has thus far refused to respond to any of Plaintiff’s complaints, &/or queries.

III. GENERAL & FACTUAL ALLEGATIONS

For the sake of clarity, Plaintiff will break this dissertations of Facts into three (3) separate sections: **A.** Slightly modified, will continue as before as the main facts of the injuries Plaintiff suffered at the hands of the City, the Mayor, the Chief and SDPD, etc. in their individual and official capacities; **B.** Will detail the facts of other local individuals and organizations who also targeted Plaintiff, almost certainly at the direction of their local and federal and corporate power betters, who orchestrated the vast majority of this whole tawdry affair, either by pre-design, or in reaction to events they had predetermined to run otherwise. But whatever their reasons, they willfully participated; **C.** Represents other Federal and Corporate entities whose various obtuse and unconstitutional transgressions are now public knowledge throughout the land.

1 **A. 1.) City of SD, Mayor & SDPD & Co-Conspirators' Incident of 10/14/2011:**

2 On 10/14/2011, Plaintiff was lawfully at San Diego City Plaza, located on B St., San
3 Diego, CA 921010 (SD Plaza), peacefully exercising his 1st Amendment rights of
4 Free Speech. At approximately 7:00am, a large group of police entered the plaza and
5 rushed our group. We were verbally warned to leave but most demonstrators
6 remained in the public square.

7 Plaintiff personally was assaulted 4 times by various SDPD cops, including, two times
8 having his arm aggressively assaulted with a "flesh-ripper" device; and the last time
9 -reacting to a woman who was screaming when the SDPD tried to have her forcibly
10 removed- he moved over to the area she was at. Plaintiff was targeted by a cop who
11 grabbed him by the throat and then slammed him to the ground on his back.

12 Stunned, Plaintiff began to stand up. The same officer was still off to his side. He
13 yelled "Hey" to Plaintiff, and as Plaintiff turned his head to face him, Plaintiff was
14 attacked by a stream of pepper-spray, which penetrated his nose and eyes, causing
15 severe pain and extreme difficulty in breathing.

16 As a proximate result, Plaintiff suffered pain, humiliation, as well as the violation of
17 numerous of his civil rights.

18 **A. 2.) City of SD, Mayor & SDPD & Co-Conspirators' Incident of 11/02/2011:**

19 On 11/02/2011, Plaintiff was lawfully driving to SD Plaza, in order to peacefully
20 express his 1st Amendment rights by participating in a protest against the banks that
21 caused such devastation to our economy.
22

23 At approximately 11:00am he drove by the San Diego Civic Plaza heading south on
24 3rd Ave. Seeing that the well-publicized group of demonstrators, who had informed
25 the City, all local media outlets and SDPD of the demonstration, were already
26 gathering, he honked his horn for about 3-5 seconds in support of them. Many
27 people cheered back at him.
28

1 Again, in a targeted fashion, SDPD Thompson followed Plaintiff into a nearby
2 parking lot, where first he ordered Plaintiff to get out of his car. Other protesters
3 arrived with video cameras, so SDPD Thomson changed his command, and asked for
4 Plaintiff's driver license. Ultimately he wrote Plaintiff up for "*illegal use of horn*",
5 *CVC 27001(b)*.

6 On Sept. 28, 2012 Plaintiff was ultimately fined \$235.00 for being targeted in support
7 of the Occupy movement and the demonstration(s) against the banks.

8 As a proximate result, Plaintiff suffered pain, humiliation, as well as the violation of
9 numerous of his civil rights.

10 **A. 3.) City of SD, Mayor & SDPD & Co-Conspirators' Incident of 12/10/2011:**

11 On 12/10/2011, Plaintiff was lawfully at SD Plaza, peacefully exercising his 1st
12 Amendment rights of Free Speech. At approximately 11:00pm, Plaintiff was in the
13 Civic Center Plaza with various demonstrators laying in his sleeping bag, resting.
14 Several SDPD officers arrived and told Plaintiff he would have to leave. Plaintiff
15 responded he was just resting.

16 The City Attorney's 2007-2011 memorandum and legal documents concerning
17 "*Illegal Lodging*" and *MC 647(e)* were read to the SDPD officers, at that time.
18 Instantly, with no consultation, not even a repeat of what they wanted, SDPD then
19 summarily handcuffed Plaintiff and arrested him, claiming violations of *Codes PC*
20 *148(A)(1)* "*Obstruction, etc./ Pub. Ofcr.*", and *MC 54.0110* "*Illegal Encroachment*".

21 Despite violating no law, being arrested at ~11:30pm on the night of 12/9/2011, and
22 the fact his fiancé and others contacted DEFENDANT Sheriff's department within 2-3
23 hours, (~2am) and promptly paid \$400.00 in bail, they were unable to do anything
24 because Plaintiff was not "in the system" until 12:30pm the next day, paid the posted
25 bail at that time, called the Sheriff's office again at 4pm, yet still he was not released
26 until almost 21 hours later.
27
28

1 As a proximate result, Plaintiff suffered pain, humiliation, as well as the violation of
2 numerous of his civil rights.

3 **A. 4.) City of SD, Mayor & SDPD & Co-Conspirators' Incident of 1/31/2012:** On

4 1/31/2012, Plaintiff was lawfully at SD Plaza, peacefully exercising his 1st
5 Amendment rights of Free Speech, making final arrangements for the Occupy San
6 Diego County Summit, scheduled for 2/4/2012, and which he was one of the principal
7 coordinators/organizers for.

8 At approximately 6:30pm, Plaintiff was speaking to others within several yards of his
9 bag, which had been sitting on the ground next to him for the past 2-3 hours while
10 SDPD officers monitored the people in SD Civic Plaza. Suddenly, with his back
11 turned speaking to others, 2 SDPD cops swung in, grabbed Plaintiff's bag and,
12 literally, ran away with it. Plaintiff ran after them, stating to them, "Officers, that's
13 my bag. Please give me back my bag. Please don't steal my bag."

14 The 2 rushed to a patrol car threw the bag in, then seemed to hesitate as Plaintiff
15 declared over and over to them the above, "Officers, that's my bag. Please give me
16 back my bag. Please don't steal my bag."

17 A Sgt. Lawrence (?) was nearby, so Plaintiff approached her and repeated again that
18 that was his bag and he wanted it back. She was argumentative, stating words to the
19 effect that it was abandoned, or illegal encroachment. Plaintiff repeated it was his
20 bag; it was not abandoned; he wanted it returned to him; and there was proof it was
21 his within the bag. She didn't care, and signaled to the 2 in the patrol car to leave,
22 and they did.

23 Despite multiple calls and being sent to 2 different locations, Plaintiff was not able to
24 obtain his bag until nearly 20 hours later. It had been thoroughly searched,
25 disorganized, some parts damaged, and some of Plaintiff's possessions were missing.
26 As a proximate result, Plaintiff suffered pain, humiliation, as well as the violation of
27 numerous of his civil rights.
28

1 **A. 5.) City of SD, Mayor & SDPD & Co-Conspirators' Incident of 3/24/2011:** On
2 03/24/2012, Plaintiff was peacefully and lawfully driving his wife home after having
3 earlier in the day participated in training for the 99% Spring campaign to bring to light
4 the grotesque greed and thefts of our property and democracy by fat-cat banksters,
5 bloated corporate CEOs, and ilk, and an entirely corrupted government.
6 He was pulled over by SDPD Stum, #6861, on Laurel Ave, about 3 or 4 blocks
7 downhill from 4th Ave. SDPD Stum asked for all of Plaintiff's info. Plaintiff
8 complied, but asked several times why he was being stopped. Finally, he was told he
9 had made a "rolling stop" about 1/2 mile back on 4th. Both Plaintiff, and his wife
10 told SDPD Stum this was incorrect, but he didn't care and wrote Kenney up anyhow
11 on a *CV 21461(a)*.

12 Ultimately Plaintiff contested this illegal targeting and paid yet another fine of
13 \$235.00.

14 As a proximate result, Plaintiff suffered pain, humiliation, as well as the violation of
15 many of his civil rights.

16 ***B: INCIDENTS Involving Local(?) Individuals & Organizations Other Than***
17 ***City of SD & SDPD, etc.:***

18 These are some pertinent dates in the Occupy movement in San Diego, & thus in
19 this action. Plaintiff, John B. Kenney, (JBK) increasingly became the target of various
20 types of attacks, defamations, subterfuge and deceptions, etc., all with the intent to
21 suppress, drive him out of the movement, or entirely discredit him to the point he
22 would be ostracized:

23 All of the persons named herein in this section "***B: INCIDENTS Involving...***" are
24 sued for defamation, and civil rights violations, or whatever other cause of action is
25 described herein, among other things to be detailed as discovered.

26 **B. 1.) Pre-Incident of 10/14/2011:**

27 Almost from day one of the tent-city "Occupy" of Civic Center and at various
28 dates early in our "occupy" of Civic Center, one Joshua Funn became extremely

1 agitated and hostile with the police officers from SDPD, often threatening physical
2 violence against them. Later he would stalk, and defame Plaintiff Kenney (JBK). He is
3 sued for defamation, and civil rights violations, or whatever other cause of action is
4 described herein, among other things to be detailed as discovered.

5 On Oct. 6, 2011, JBK attends 1st "pre-Occupy" in Children's Park; Oct. 9, 2011,
6 "Occupy San Diego" (OSD); marches to City Civic Center and "Occupies" the City
7 Plaza with a mini "tent city"; the "General Assembly" (GA) discussions are dominated
8 in San Diego by the "consensus process", which -unlike many other Occupys around
9 the USA, including OWS- is set at 100% consensus, meaning any one individual on
10 any night may "block" the "consensus" of any agreements. OWS is/was set at 90%
11 consensus from the very first night. The debate -very contentious- is usually 90% vs.
12 100% consensus, or sometimes just 50%+1 majority rule.

13 Oct. 11, 2011, sudden shift in "General Assembly Process" meetings, with "out of
14 process" debates held impromptu, demanded and pressured on a small crew of GA
15 Process working group persons by a woman known only as "Toast" and continue until
16 1am in the morning in a local bar. A form of "flow charting" and others are added.

17 Oct. 12, 2011, a guy named Raffi Aftandelian suddenly makes the scene. Raffi the
18 international moderator, fluent in Russian, French and Farsi. Raffi with security
19 clearance to Moscow, Iran, Chechen & Bosnia. The shift in "General Assembly
20 Process" meetings continues as a woman known only as "Toast" again enters the GA
21 Process meeting and attempts to yet again ad hoc change the entire process and
22 agenda. A "World Cafe" of 3 days of round robin discussions on every controversial
23 point that comes up in OSD that was on anyone's mind, is her advice, and Toast was
24 there to deliver the goods. Later we are to find out Raffi is a long-time professional
25 using "World Cafe"- having "lost his virginity" in 2009 and advocates for "Open Space
26 Technology" as well. Neither of these types of process had anything to do with the
27 type of process being discussed in either OSD or in OWS.
28

1 Oct. 13, 2011, They all seemed to come swarming out... Down to the Civic Center to
2 be heard. All these new faces. All smelling of something so...maybe... So vaguely
3 earnest. Something so very fecund. Smelling perhaps of something so fraud.

4 But we were there in San Diego Civic Center to save the "Occupy". And that day
5 it was Raffi who led the charge. He'd heard enough. Earlier that morning, I, the
6 Plaintiff, was the moderator when we came to consensus that we no longer needed
7 100% consensus on everything we did. NYC Occupy Wall St (OWS) rules of "90%
8 consensus" would suffice. This had been a daily argument in General Assemblies
9 lasting sometimes for hours into the wee-hours of the night. Many people quit
10 coming out of frustration. While some of the debate was legitimate much of it was
11 egged on, planned and orchestrated by a small cadre who just wanted to disrupt OSD,
12 or at least make it as slow moving and as inconsequential as possible. Some of them
13 deliberately angled themselves for positions of prominence from which to crush.

14 Raffi had me targeted. I was made moderator of the "Emergency" impromptu meeting
15 to deal with how to handle the police driving us out of the Civic center. Martin Eder
16 had already persuaded about half of us to move on to Balboa Park. There SDPD
17 arrested a few, tore down their tents, and then broke them up. Now we were half.

18 On this day, Oct. 13, 2011, for the first time, I met Damian Tyron of the Labor
19 Council & Steffanie Jennings. Damian Tyron made it a point to belittle me for quite
20 some time, and I let him know I didn't appreciate it coming from some one whom had
21 never attended any Occupy events that I was aware of.

22 On this day, Raffi persuaded the group I was "hard-headed" and had me thrown off
23 as the moderator of a second impromptu "emergency" meeting -despite of - or more
24 appropriately -because of- just earlier that morning, my moderating successes at
25 helping OSD to come to consensus on a more reasonable 90% consensus model, as
26 was envisioned and used by OWS in New York city
27
28

1 Little was I to know that 3 months later all these people -even the ones I'd helped
2 and partnered with- were all to denounce me as Raffi did.

3 In almost exactly the same way. Just 3 months delayed. The next day, Oct. 14,
4 2011, the City of SD, Mayor & SDPD & Co-Conspirators would come into Civic
5 Center and blow the Occupiers out using mace, flesh rippers, and assault and battery.
6 Raffi's attempt to psy-op neuter us had failed, but he had seriously slandered Plaintiff

7 **For Chronologically: See Immediately ante; A. 1.) City of SD, Mayor & SDPD &**
8 **Co-Conspirators' Incident of 10/14/2011: Maced, A&B etc.; Above.**

9 **B. 2.)(a) During & Post-Incident of 10/14/2011:**

10 I will leave this part to my wife (Who is Japanese and not a perfect English speaker,
11 so I've made minor grammatical changes to keep her style intact, but help the intent
12 become more clear, as best I thought possible.) to explain:

13 *"I have never met Julie Majcher in my life before Occupy SD. I was taking some*
14 *video when SDPD tried to evacuate Occupy SD on October 13th, 2011. At the*
15 *time, Julie was interrupting me from taking the video. First, she stood in front of*
16 *me even I tried to move from her again and again. I didn't notice that she tried to*
17 *interrupt me for a while. And she pushed me strongly with her big body. And she*
started to tell me that 'you are an undercover cop?' I just ignored her first. But She

18 *just kept saying to me that 'you are undercover', or like that.*
19 *Then she talked to Josh, (Joshua Funn, supposedly of the ISO) and he came*
20 *over. He stood right in front of me to take a video of me and he asked me, 'Are*
21 *you a cop?' several times. I called to John to help me because I was scared about*
22 *Julie's -and now Josh's too- way.*

23 *John told Josh and Julie, 'She is my girlfriend'. Then Josh seemed confused. He*
24 *asked me that 'Are you a cop?' again. John talked to him. Finally he stopped.*

25 *Next day, October 14th, 2011, I was sitting at Freedom Plaza (SD Civic*
26 *Center) and John's backpack was also sitting next me. Julie walked by me and*
27 *kicked John's backpack.*

28 *After that, I heard from John that Julie had used abusive language to him many*
times."

To say the least.

Both Josh and Julie were involved in this and several more incidents of
stalking, conspiracy with City/County/Federal agents, and defamation. Julie is a retired
California State employee, ex-SDSU grad and sometimes guest on KPBS in the past.

1 Thus from the very beginning there was the conspiracy amongst various City and state
2 employees to discredit and defame Plaintiff Kenney. It began with Raffi & Julie trying
3 to slander Kenney as "hard-headed" or as an "under-cover cop" it proceeded through to
4 the poster online (*post*) declaring Kenney and "infiltrator" and now it is still being
5 roused about by slandering *City Attorneys* insinuating Plaintiff is "crazy".

6 These defamations continuing to this very day, are the acts and attitude of this *City*
7 *& Co-Conspirators*, which constitute the same *series of incidents, class of actions*, the
8 "*same general set of facts*", *the same "chain of events"* - the same injurious,
9 unconstitutional and untoward attitude of this *City*.

10 Throughout the day Raffi was either not to be found or was in the background,
11 watching or speaking with the police or other *City & Co-Conspirators' "negotiators"*
12 who also were trying to verbal intimidate, persuade, cajole or otherwise "talk" the
13 peaceful civil rights & civil disobedience protesters out.

14 Joshua Funn, Julie Majcher and Raffi named herein are sued for defamation, and
15 civil rights violations, or whatever other cause of action is described herein, among
16 other things to be detailed as discovered.

17 ***B. 2.)(b) Post-Incident of 10/14/2011:***

18 Post incident there was a period of relative peace for Plaintiff. Winston Tecolate, in
19 collaboration with Damian Tyron, Will Johnson, Pat Barnes and Shahrokh tried to
20 have Plaintiff slandered as a thief for collecting close to \$1,000 in donations. Prior to
21 that Shahrokh had taken the collections daily and they all then disappeared with no
22 receipts or any explanation.

23 Plaintiff wanted better controls put on the collection and disbursements. When
24 Winston, who claimed to be an ex-con but was always urging others on to violence,
25 like Joshua Funn, began to slander Plaintiff, threatening to bring him up for censure at
26 General Assembly (GA), Plaintiff got about 70% of his controls put into place, then
27 agreed to relinquish the money to Pat Barnes of ASD. The very next day Damian and
28

1 Pat gave nearly \$800 to a man nick-named "Domicile" to pay for his impounded car.
2 It sounded extremely suspicious and convenient. Plaintiff turns over donations, the
3 next day they are gone.

4 Winston Tecolate, Pat & Damian are sued for defamation and civil rights violations.
5 Otherwise this period was marked by a series of Demands from OSD being
6 consensused on and presented to the City Council, as well as a 30+ day hunger strike
7 to re-occupy the Civic Center by Plaintiff.

8 The Demands included: 1.) A limit to \$250 individual contributions to political
9 candidates; 2.) End to foreign and corporate lobbying in D.C.; 3.) Repeal of Corporate
10 personhood and Citizen United; 4.) A moratorium of fraudulent and robo-signing
11 foreclosures; 5.) Debt- forgiveness programs for mortgage holders and on student debt.

12 There were many efforts to derail the consensus on these "demands"; in
13 particularly orchestrated by Amir Irani Shoja and James Bartoli. Both would later
14 resort to other means to slander and defame and violate Plaintiff's civil rights.

15 They are both sued for such causes of action.

16
17 ***For Chronologically:***

18 See Immediately *ante*; **A. 2.) City of SD, Mayor & SDPD & Co-Conspirators'**
19 **Incident of 11/02/2011:** Ticketed: Honk horn; & **A. 3.) City of SD, Mayor & SDPD**
20 **Incident of 12/10/2011:** Arrested "illegal lodging" "encroachment" "resisting"; *Above.*

21 **B. 3.) Post-Arrest Through the Holidays:**

22 The Over the Holidays I participated in Adopt-an-Occupier. My wife and I had 6 or
23 7 homeless Occupiers to our 1bdm apt. for a total of 8 or 9 nights, about 5 or 6
24 brought in on Christmas and the New Years with all sleeping on our floors.

25 Phase 1 of Occupy was over. SDPD had maced us out of Civic Center. Some of
26 us had moved on to Occupy 2.0, or "organizing" for actions to change the gross
27 inequalities which are growing more and more profound, more virulent, more
28 oppressive. Most of us had just been blown out and quit.

1 I, Plaintiff, was one of the integral "coordinators" for the two biggest Occupy
2 events in early 2012 in SoCal: The 1st was the Occupy San Diego County Summit on
3 F4 (Equals Feb. 4, 2012); The 2nd was the Inter-Occupy SoCal F11 gathering set for
4 SDCC, but then changed at the last minute to Balboa Park as their seemed to be "labor
5 objections" yet again. Both gatherings, with some significant different modus
6 operandi, were to bring all the various independently organized Occupies around 1st to
7 SD County, then all of SoCal -as far North as Los Angeles thru to Ventura, as far East
8 as Riverside- together.

9 Regarding the Occupy San Diego county Summit, I originally had the help of one
10 of the prominent members of Activists San Diego (ASD), a Martin Eder, but then he
11 made himself scarce until the very end of the organizing time-frame, and by that time
12 had joined the organized and orchestrated chorus of voices -some real, many false or
13 being led on or provoked- on a "witch hunt" to have me ousted. ASD also was the
14 source of Pat Barnes - President of "TopSet", a Las Vegas casino related company- I've
15 heard working for Adelson- who was very active in attacking me, defaming me in as
16 many ways as his subterfuge would allow him. He was closely aligned with the
17 Finance Committee, where he pow-wowed with Damian Tyron of the Labor Council,
18 and his "sidekick" or "pet" or "pit-bull" was Shahrokh Saadat-Nejad, a serial web-site
19 owner who not only owned/owns the *sandiegooccupy.org* website that was one of the
20 most prominent sources for posting the slanderous "wanted" poster that snitch-jacketed
21 Plaintiff as a thief and an infiltrator and a cop - he is also (in)famous for suing CAIR
22 and Muslim Communities and Attorney's offices and police organization throughout
23 the state of California. All four of these men, Martin Eder, Pat Barnes, Shahrokh
24 Saadat-Nejad and Damian Tyron are guilty of stalking, conspiracy with
25 City/County/Federal agents, and defamation. Pat and Shahrokh are also guilty of
26 threatening and Assault & Battery. (A&B)
27
28

1 In the Civic Center a new group, later dubbed the Lord of the Flies guys (Used
 2 generically as they were as much women as men...?) moved in, ex-service men,
 3 sometimes wearing their uniforms. I'm sure a cop or an informer or 2 or 10. They
 4 formed the Wellness Committee. They ran false-flag operations and accused people
 5 -like me- of their own transgressions. Of those who are guilty of at least stalking,
 6 conspiracy with City/County/Federal agents, and defamation are "Gonzo" or "Gonz
 7 Ho" aka, Mark Dameron, who participated in another faked/false "police arrest" up in
 8 the Los Angeles area, John Canter, Benjamin Liotta, who decided it was his right to
 9 yell me down and deny me even 1st amendment rights to Free Speech when he ran one
 10 of his Faux GAs, & Tahra Ludwig, a stalker and harasser from the very beginning, her
 11 ex-hubby, new to Occupy with the new year, and organizer of many of the Lord of the
 12 Fly witch hunt assemblies intent on slandering, ridiculing, threatening, suppressing my
 13 voice and then run me out of Occupy meeting on a rail were Benjamin Cossell, and
 14 Lynn Ann Garrett.

15 They are all sued for defamation and civil rights violations, amongst other causes
 16 of actions as they are discovered.

17
 18 **B. 4.) 2012 Occupy 2.0, Organizing for F4 Occupy San Diego County & F11**
 19 **Inter-Occupy SoCal - "Witch Hunt" Missed#1:**

20 The group mentioned above began to deliberately undermine any plan made by
 21 anyone other than their own group -the Wellness Committee- and one or two others.

22 In mid January or so, after Plaintiff and Sandy Naranjo got their Strategic
 23 Planning Committee (SPC) consensused to in GA, a series of incidents happened.

24 The group above tried to block all of SPC's actions, and then to co-opt them by
 25 planning other event on the same day, or just outright claiming the plan was their own
 26 idea, etc. They concocted an "Accountability Committee" whose primary task was to
 27 take Plaintiff Kenney aside for hours of "counseling" and "therapy".

28 At the first SPC meeting, on or about 1/18/2012 Joshua Funn showed up, but not
 Martin Eder who had thought up the idea and worked with Kenney to create it. It was

1 Joshua's first appearance since he tried to start a fight with an SDPD cop on Christmas
2 day, was hand-cuffed, but then mysteriously let go, though others of less offense were
3 taken in. He did all he could to undermine it, including blocking votes on one agenda
4 item, then reversing himself on the next, but ultimately proposing that there be only
5 one or two more meeting and blocked consensus on anything else that day, including
6 the date of the next meeting.

7 A woman named Kathy Sorrel from Labor Council, also showed up for the first time
8 ever. She verbally attacked Plaintiff suspiciously throughout the meeting.

9 On or about 1/21/2012 SPC held its second meeting, Kathy Sorrel showed up, but
10 then walked out claiming it was some how illegitimate. This was after Shahrokh, who
11 had never attended any SPC before, but has "mishandled" hundred of \$\$\$, at least,
12 disrupted the meeting many times, also calling it illegitimate, including calling
13 Plaintiff a "slimy snake", and several other things.

14 Another man dressed in absolutely nothing but one pair of shorts, despite the
15 January cold, swore at us repeatedly, and threatened me and two other women several
16 times. He was labeled as "crazy" and had never attended any meeting before, but
17 then kept insisting we "weren't a committee" and that we had to wait until GA to do
18 anything. (Pretty precise, targeted and knowledgeable for a "crazy" guy who never
19 attended anything at OSD. Clearly he was a plant.)
20

21 One "Brother Hexagon Green" or some such bs, also was there, pretending like he
22 was keeping the peace, but in many way just egging the fake "crazy" guy on and
23 further disrupting the meeting. Ultimately they drove everyone away including
24 Sandy Naranjo of the Labor Council. Avery of Labor Council and ISO began to
25 slander Plaintiff with anyone who talked to him.

26 Kathy Sorrel would later defame and denounce Plaintiff many times, claiming to
27 be "one of his committee members" and then finally just punched Plaintiff in his face.
28

1 Sandy, after collaborating with Sarah Saez, who began calling Plaintiff a "liar" online,
 2 over...(?? I don't know. Never was made clear, though apparently an ex-employee of
 3 Titan Corp., the Abu Gharib abusers, now L-3 Corp., and Intel and corporate spy
 4 specialist company, was involved in some misinformation about Plaintiff's schedule
 5 and organizing for the day.), would abruptly shut down the F4 Summit Meeting
 6 FaceBook page, with hundreds of people *RSVPed* to go, just 3 days before the Summit.

7 Plaintiff was slandered online and in GA by many, including but not
 8 exclusively, Eva David, Matt Blythe, Cheryl Loeffler, Holly -"HollyHawk" and other
 9 aliases- Cambia, Lynn Ann Garrett, Zenyatta Parsley Mondatta or other name/alias,,
 10 some "Anoki" or Anoki Net or OccupyUrCornerAnoki, or something creepy creep, or
 11 other name/alias, Tammy Martin, Frank Gormlie, Tracey Reardon Odman, Todd
 12 "Toddynho" or other name/alias, Cristie Paris, Allan Riner, Benjamin Cossel, Donna
 13 Pirahna, Chris McKay, Nan Di Giovanni, Activists San Diego and William Alexander
 14 Johnson, Shahrokh Saadat-Nejad, Pat Barnes, Tahra Ludwig, Susan Cratty Raffi
 15 Aftandelian, Damian Tyron, Ray Lutz, Martha Sullivan, and Amir Irani Shoja, among
 16 others.

17 All of these persons are sued for defamation, assault and battery, and civil
 18 rights violations, among other causes of action to be discovered.

19 ***For Chronologically:***

20 See Immediately *ante*; **A. 4.) City of SD, Mayor & SDPD & Co-Conspirators'**
 21 **Incident of 1/31/2012: Steal my bag; Above.**

22 **B. 5.) Post-SDPD Mayor Sanders' & Co-Conspirators' crypto-fascist 4th**
 23 **Amendment Illegal Search & Seizure "Please Don' Steal My Bag" Incident of**
 24 **1/31/2012 - "Witch Hunt" Missed#2:**

25 The very next day after Plaintiff Kenney had his back-pack stolen, seized and
 26 searched by SDPD, 2/1/2012, he went by Attorneys Brian Pease & Todd Cardiff's
 27 office as they had represented OSD in court before the latter took Plaintiff to lunch
 28 over the holidays before his son Griffin was born.

1 On his way to the office building a blimp overhead twice switched direction in
2 the same direction as Plaintiff did. After just having his bag stolen by the police and
3 spending the better part of the last 20-odd hours trying to track the bag down and get
4 various persons to assist him, Plaintiff felt the blimp might be suspicious. He videoed
5 it in case something in fact did come of it. It was not outside the building when he
6 exited about 30 minutes later, so he didn't think of it again at that time.

7 That night, 2/1/2012 after OSD GA, Kenney was heading back home, on foot
8 towards his car. A Jennie Melillo called out to Kenney to ask a question about the
9 upcoming F4 Summit. When Kenney stopped and turned Jenni stepped back and
10 Kenney was surrounded by 4 or 5 others from her group: "Gonzo" aka, Mark
11 Dameron, John Canter, Benjamin Liotta, "Zenyatta" & James Bartoli. They claimed
12 to have video of Kenney "videoing us in our home" or apartment, which much later
13 was revealed to have been across the street from the attorneys office, but actually not
14 on a direct line with where the blimp had been at that time.

15 Plaintiff felt threatened, did not believe they had any such video, and certainly did
16 not even know they had lived anywhere in the vicinity at the time, only finding out
17 such a few days later as they proceeded to accuse Kenney of "stalking" them to their
18 homes, "more than 3 times" and then "videoing inside" their apartment(s?).
19

20 Of course this was false, and it happened on the very day Plaintiff recovered his
21 bag from the illegal theft & S&S by SDPD and literally 3 days before Bob Filner was
22 scheduled to debate the OSD about whether they should participate in the electoral
23 process. Plaintiff was "Swift Boated" by a bunch of SDPD or federal agent
24 operatives, employees or &/or informants, or the like.

25 All of these persons named above are sued for defamation, and civil rights
26 violations, among other things to be detailed as discovered.

27 About this time Plaintiff was introduced to a Susan Cratty from the "North Shore",
28 apparently Occupy Encinitas. She claimed to be interested in working on the County

1 Summit and arranged a meeting up in Encinitas. Something was off from the
2 beginning. She seemed ultimately to be spying and acting a front for Raffi, Nan and
3 a Dave Priesner, among others(?). She asked much, promised more, did none of what
4 she said, then basically arranged for Raffi to re-join OSD again for the Summit where
5 he proceeded to disparage Plaintiff again, despite Plaintiff asking him to re-join.

6 2 or 3 months after the "witch hunt" on Plaintiff had run its course this group ran a
7 separate "Recollections" meeting, collected a bunch of names and contacts, and then
8 Plaintiff never heard of them again. Or really much of from the Occupy movement
9 after that for that matter.

10 These parties are all sued for defamation and civil rights violations.

11 **B. 6.) Day Before F4- The Real "Witch Hunt" Begins:** The very day before F4
12 Summit which was supposed to be highlighted with a debate between Joshua Funn of
13 ISO and Bob Filner on the question of whether Occupy should become politically
14 involved, a group of persons go to OSD GA trying to have the entire agenda which
15 was 3 weeks in process turned upside-down. Their new agenda was to be to
16 "impeach" Plaintiff Kenney for "subversion of process" and "undemocratic" ways-
17 whatever those things were supposed to mean. Among those spear-heading the
18 campaign are "Brother Hexagon Green (?) Amir Irani Shoja ((?) Police? Informants?
19 FBI? Those rumors were riff.)), James Bartoli, David Jacobs, and others.

20
21 Over an hour of GA time was spent attacking Kenney for various things, many of
22 them just patently false. Ultimately this effort was blocked, but it was agreed Kenney
23 can't act as moderator, a point already agreed to.

24 The next day is the Summit. Bob Filner never arrives, apparently having been
25 warned that some of the same people who are now slandering Kenney are also going to
26 go after him. That aside, the Summit is the most successful event since November of
27 the year before, drawing 200 to 350 people over the course of the 6-7 hour day, with
28 about 100+ attending the highlighted General Assembly.

1 At the Summit, Plaintiff is soliciting donations -as he has done many times in the
2 past- for the Strategic Planning Committee, with two separate containers he bought &
3 brought himself. Pat of ASD and the OSD "Finance Committee" and others are also
4 there soliciting separately at separate tables.

5 At the end Pat comes over to Plaintiff Kenney as he and another Occupier are
6 counting up the donations he had received. Pat demands them for himself and his
7 committee. Kenney refuses at first, stating all had been agreed to and was done as in
8 OSD and Strategic Committee process. Pat heatedly warns Kenney to the effect of,
9 "That's it. You've been warned. Now you are going to get it." He then leaves.

10 About 10 to 15 minutes later, Shahrokh Saadat-Nejad, whom Plaintiff Kenney had
11 not seen at all earlier in the day, shows up. He too wants the money which was
12 collected all day long out in open by and for the "Strategic Planning Committee"
13 which had arranged and sponsored the entire one-day event. He threatens to "kill"
14 Plaintiff. He stalks and badgers Kenney for over 10-15 minutes. As all are about to
15 leave the now finished Summit, Kenney decides to give the money at that time to a
16 "neutral" 3rd party, to be sorted out later. That party is Bo Elder of ISO. Bo later that
17 night gives the money to Pat & Shahrokh and later joins in ostracizing Kenney as well.

18 **B. 7.) Between F4 & F11: MASSIVE CYBER & PHYSICAL DEFAMATION**
19 **CAMPAIGN RAMPS-UP:**

20 **The "Witch Hunt"**: Beginning on February 5th, 2012, the day after the very
21 successful Summit, until February 9, when the "split" in Occupy SD occurs, every day
22 of every General Assembly is devoted 100% to "impeaching" Kenney or something to
23 that effect. Along with Amir, it was Will Johnson who helped write and bring to
24 OSD the various proposals to have Kenney "impeached", which was later softened to a
25 vote of "non-confidence", with virtually the same harsh "penalties". They both
26 contributed to the 5 day "witch hunt", calling Kenney a thief among other slanders,
27 claiming he had "stolen" the very money Kenney had collected for Strategic Planning
28 but then Pat & Shahrokh threatened Kenney about the money, and ultimately Bo Elder

1 gave it to Shahrokh after all his threats and harassment. Shahrokh even bragged
2 about threatening to harm Kenney on video, which was why he got the money.

3 Proud "Republican" GEOs Group & Corrections Corporation of America
4 representative and Santorum lover "AmusingMelissa" aka Melissa Berens led most of
5 the online communications and facilitations of the "witch hunt".

6 Amir Irani Shoja, Melissa Berens, GEOs Group & Corrections Corporation & Will
7 Johnson are sued for defamation, and civil rights violations, among other things to be
8 detailed as discovered.

9 The list of persons who contribute to the libels and slanders is long at this stage.
10 Plaintiff does not believe he yet has an adequate or complete list but includes some
11 familiar faces:

12 On or about February 9, 2012 a final "vote of non-confidence" on Plaintiff is
13 called at the General Assembly. The discussion on the agenda item lasts about 2
14 hours and is ultimately defeated. Kenney is threatened verbally and physically many
15 times, particularly by "Pat & Damian's pet pit-bull" Shahrokh, who makes numerous
16 martial arts style kicks behind a seated-on-the-ground Plaintiff, coming within feet of
17 Plaintiff's head. Pat Barnes and Shahrokh Saadat-Nejad are sued for defamation,
18 threatening Plaintiff and civil rights violations, among other things to be detailed as
19 discovered.
20

21 Amongst some of the others participating in this daily online streaming video
22 "witch hunt" defamation of Plaintiff are Melissa "Semper Occupare" Berens, (Accused
23 Kenney of being a thief, among other things.) Also Chris McKay, Jenni Melillo,
24 Joshua Funn, Will Johnson, Amir Irani Shoja.

25 All of them are sued for defamation, and civil rights violations, among other things
26 to be detailed as discovered.

27 **The "Split"**: Shortly after the vote is lost, a group of the people who ran and
28 populated the "witch hunt" on Plaintiff for well over one month, decide they will break

1 off from OSD and re-convene in Children's Park. It is noted at the time, during the
2 10-15 minutes discussion before they leave, that in 5 minutes they had done more to
3 "split" Occupy San Diego and to desert the Civic Center than 5 months of SDPD
4 harassment, arrests, macings and other subterfuges had been able to accomplish. Some
5 found this very suspicious.

6 **The "Snitch-Jacketing" - Plaintiff Kenney is a Cop "Infiltrator":** Next, on or
7 about February 9, 2012, and unbeknownst to Plaintiff until about 7-10 days later, Nan
8 Di Giovanni posts an electronic poster showing a picture of Plaintiff Kenney, saying
9 he is an infiltrator, and questions who had been sending it around as an "e-mail". I,
10 Plaintiff, have never heard of anyone else who received that e-mail, but it appears she
11 alone is the first to post it on line, though very shortly it is on numerous sites, including
12 remaining on the *sandiegooccupy.org* owned by Shahrokh and "administered"
13 exclusively by Pat Barnes (He said, though he claimed the site was "hacked by
14 anonymous" when the defamation of Plaintiff Kenney began...(?!?)) of ASD with
15 much help from Will Johnson who shortly thereafter becomes the king of Finance
16 Committee and moves into ASD house in the North Park area.

17
18 Amongst some of the others participating in the online defamation are Martha
19 Sullivan, (Called Kenney "nuts", among other things.) Damian Tryon (Tried to have
20 Kenney banned from an Occupy ListServe, among other things.) Cristie Paris
21 (Threatened to stand in front of Kenney 's house and stalk him around, videoing him,
22 then low & behold, moves into his neighborhood, among other things.) Republican
23 private prison industry and Santorum lover Melissa "Semper Occupare" Berens,
24 (Accused Kenney of being a thief, among other things.) Also Chris McKay, Eugene
25 Davidovich, William Gagan, Jenni Melillo and Winston Tecolate.

26 All of them are sued for defamation, and civil rights violations, among other things
27 to be detailed as discovered.
28

1 **B. 8.) F11: At Inter-Occupy SoCal, which Plaintiff Kenney Was Integral In Making**
2 **Come to Be Plaintiff Kenney = "a cop"! Really?!?!:**

3 At the Inter-Occupy SoCal meeting, which was Plaintiff's idea from the beginning,
4 and which Chris McKay and some of the "anarchists" railed at him for, the flyers
5 claiming Plaintiff was an "infiltrator" were put to great effect. Plaintiff was still
6 unaware of the existence of these defamatory publications. A number of persons
7 Kenney had never seen before treated him very badly. He was called a "cop" several
8 times. One Rick Trujillo of the Labor Council walked up to Kenney while everyone
9 was listening to a speaker and started shouting at Plaintiff, "This man is a spy." Then
10 eventually walked off when Kenney retorted, "Who *are* you?"

11 Otherwise the Children's Park "Splitters", Faux GA, Lord of the Flies ex-military
12 (Really?) crew took over every aspect of the Inter-Occupy meeting, though they had
13 done so much for so long to try to derail it.

14 All of the parties named herein are sued for defamation, and civil rights
15 violations, among other things to be detailed as discovered.

16 **B. 9.) Post- F11: Defamation; Face-Smash A&Bs, Suppression, Slashed Tires-**
17 **Witch Hunt & Purge Continues Unabated:**

18 The next week Plaintiff tried to do what he could to bring the parties to some peaceful
19 resolution if it was possible, though at least a core part of "Splinter" or "refugee" group
20 was clearly out to get him no matter what. He went once to one of their meeting in
21 Children's Park. Ben Liotta and Chris McKay had him barred from even speaking, then
22 Kathy Sorrel came over and punched Plaintiff in the face. For some reason this was
23 yet more reason for this disruptive clique to even further disparage Plaintiff.

24 All of these parties named herein are sued for defamation, assault & battery, and
25 civil rights violations, among other things to be detailed as discovered.

26 **B. 10.) The 99% Spring:**

27 On March 24, 2012 Plaintiff participated in the 99% Spring training in Los Angeles.
28 He met a Chris Dotson that day who was to stalk and harass Plaintiff for some time

1 over the next half year. That night Plaintiff was falsely stopped, detained and written
 2 a ticket for running a stop sign, though he and his wife and SDPD Stum (Now retired.)
 3 all know that is not the truth.

4 Immediately afterwards a Paul "Pablo" Martin, whom had previously entered
 5 Plaintiff's home with his partner, psychiatrist and e-mail, electronic surveillance
 6 pretexter Allison, formerly of Apt. 6, Saratoga Ave. San Diego, began a pretext to
 7 invade Plaintiff's privacy. He set up some bs pretexts of being interested in the 99%
 8 Spring, culminating in asking for all of Plaintiff's contact info. When Plaintiff
 9 demurred, he was never heard from again until just several month back, after this
 10 original complaint was filed, complete with his pretexter spy partner, or wife or
 11 whatever, Allison, as detailed above.

12 Chris Dotson, Paul "Pablo" Martin and Allison are also sued for all of the causes of
 13 action mentioned herein.

14 ***For Chronologically:***

15 See Immediately *ante*; **A. 5.) City of SD, Mayor & SDPD Incident of 3/24/2011:**
 16 Ticketed: Stop sign 1st day of The 99% Spring training; *Above*.

17 **B. 11.) OBRag: Ragging Made False, Nasty & Illegal - Potemkin Village**
 18 **cyber-fraud Gormlie "Progressives" & Hench(wo)men Continue the Slander &**
 19 **Suppression:**

20 By May of 2012 most of the presence of Occupy -other than a few sporadic
 21 FaceBook or online sites- had been almost entirely shattered and the furor of slander
 22 on Plaintiff had largely died down, but was still being stirred up by Julie and some
 23 others, including Frank Gormlie, owner, writer and publisher of the OBRag, online
 24 local newsjournal for the Ocean Beach and San Diego city area, and one of his
 25 henchmen Chris Dotson, who had stalked Plaintiff since the 99% Spring days, often
 26 disparaging him, even one time telling him he had to change his e-mail address
 27 because it had OccupySD in it, though he himself had never participated in any OSD
 28 event, even admitted so.

1 Plaintiff feels badly for anyone who does appreciate the often informative news,
 2 postings and accounts on this site. But just because the source has made some
 3 contribution does not give it any right to abuse Plaintiff, or anyone else, with
 4 defamatory falsehoods.

5 Frank Gormlie and Chris Dotson are sued for defamation and civil rights violations
 6 among other causes of action to be discovered.

7 ***B. 12.) Spring to November 6, 2012:***

8 A supporter of Plaintiff noted the following:

9 *"February accusations against Kenney have been fully refuted. The financial*
 10 *audit by Activist San Diego for Occupy San Diego funds did NOT find any evidence*
 11 *of Kenney... misusing funds.*

12 *The biggest false accusation was stalking and/or surveillance of an activist*
 13 *household. The video that was supposed to be the surveillance of some activist*
 14 *household was actually footage taken upon a visit to an attorney's office (which*
 15 *happened to be across the street from that household) ... The shocking lack of any*
 16 *regard for "evidence" or due process during the general assembly mob hysteria*
 17 *prior to the vote on censure resulted in the fact of the content of the video not even*
 18 *being discussed until AFTER the vote. Nevertheless, the motion*
 19 *to restrict the participation rights of Kenney, FAILED in the General Assembly. It*
 20 *is still available to read online.*

21 *...Even if I were to agree with ANY of your criticisms of Kenney (or even believe*
 22 *them) I would not agree that a correct response for anybody in the movement*
 23 *should be character assassination, posting "wanted" type posters on official*
 24 *Occupy websites, orchestrated campaigns to silence and physically intimidate*
 25 *(including actual assault and slashing tires), telling an activist with whom you*
 26 *disagree that they MUST get out of the movement and stop being an activist. Yet,*
 27 *Frank has point blank told me that he believes Kenney was getting what he*
 28 *"deserved". Nobody in the movement deserves to be treated this way, and especially*
nobody in the OCCUPY movement, which is built upon inclusion of all views and
individuals and guaranteeing a safe space for all to meet and talk and work
together."

26 ***B. 13.) Post-Election to Present- Once Marked for Victimhood- Death be Not Proud,***
 27 ***& Potemkin cyber-Fraud NeverEnding- 'Til Death Do Thy Psy-Op Frauds Assault:***

28 Immediately after the election Chris Dotson published accounts of his poll watching
 at the polling station where Plaintiff votes. Then within a week or so he published an

1 article about people driving into Ocean Beach tracking and stalking people with GPS
2 devices, attaching a PDF with a range of GPS tracking devices in it. The website
3 *sandiegooccupy.org* went silent the next day. The last entry was by Republican and
4 Santorum lover Melissa Berens about Occupy Sandy Hook just as Plaintiff was on the
5 East Coast in attempt to help with the recovery from that Super Storm. Then the
6 election, then silence for almost a year.

7 *B. 14.) HOME ON THE RANGE:* Throughout Plaintiff Kenney's time here in Scam
8 Diego he has been surveilled, monitored and interfered with by the Scam Diego - San
9 Diego Security Network, Cubic Corp. L-3, U.S. Security Associates, Pinkertons,
10 Pinkerton Governmental Services, SAIC, Tyco Corporation, and others, including their
11 agents in the only place Plaintiff was allowed to live in San Diego, 5076 Saratoga Ave.
12 including its' owner, ex-Duke Cunninghamesque "Naval Fighter Pilot" Gordon Pettus,
13 Paul "Pablo" Martin, whom had previously entered Plaintiff's home with his partner,
14 psychiatrist and e-mail, electronic surveillance pretexter Allison, formerly of Apt. #6,
15 5076 Saratoga Ave. San Diego, Randal Holmes, (or Randall K. Holmes, or Randall
16 Kenneth Holmes), formerly of Apt. #9, 5076 Saratoga Ave. and of Pinkerton's &/or
17 Pinkerton Governmental Services (PGS) &/or U.S. Security Services, and his ex-wife
18 Dina Holmes, and his "boss" Jim Clark of PGS and the San Diego Regional Chamber
19 of Commerce; and Brett, formerly of Apt. #3, presently apt. #6, 5076 Saratoga Ave.,
20 and of Tyco Corporation, and SAIC, and Mitch, presently of Apt. #3, 5076 Saratoga
21 Ave. and of computer geek Matthew of Apt. #5, 5076 Saratoga Ave. and his previous
22 roommate and head-hunter Bernardo, formerly of Apt. #5, 5076 Saratoga Ave, as well
23 as probably all other present occupants of 5076 Saratoga Ave.

24 All of the herein mentioned Defendants are sued for defamation, invasion of privacy
25 *NIED &/OR IIED* other civil rights violations, and other causes of action as they are
26 discovered.
27

28 *B. 15.) HONORABLE MENTIONS QJKPBS-CLU:*

1 It is clear that Potemkin village Scam Diego, far worse than in the nadir of the
 2 Nixon era, is secretly run by a creepy gaggle of *CREEPPS*, a *Committee to Reelect the*
 3 *Plutocrats' Plebes*. From the media outlets, especially the *U-T* and *kpbs* to the
 4 *QJK-CLU*, the *Qualcomm-Jacobs-Kyocera Civil Liberties Union*; to the corporate
 5 fraud-entities that Generally drone surveil our very Atomic (*General Atomics &*
 6 *Raytheon, etc. et al*) and most intimately private essences, to the specialized military
 7 creeps who believe they have a right to bring their methods of death and destruction
 8 into and upon our fragile democratic minded psyche; to the pathetically *Titan & SIAC*
 9 sickness that all oppression is just another chance to invade and spy and monetized
 10 through fraud and deception... All is fraud and smoke and mirrors, and up for sale to
 11 the highest bidder.

12 All of the herein mentioned Defendants are sued for defamation, invasion of privacy
 13 *NIED &/OR IIED* other civil rights violations, of being grotesquely myopic, obtuse,
 14 covetous and craving& cravenously greedy, and other causes of action as they are
 15 discovered.

16 *B. 16.) CREEPY CREEPS; POST-OCC EVEN POST COMPLAINT*: Nor have these collective
 17 greed-tribe Defendants stopped their abuses and assaults on Plaintiff just because they
 18 have already crushed or bought off all avenues of law en-FORCE-us, and justice and
 19 forums of free speech.

20 The litany of violations against Plaintiff continues virtually unabated. His privacy
 21 is monitored and invaded 24/7/365. A series of different type drones, camera
 22 systems, GPS, static monitoring networks (Probably DirecTV Murdochian
 23 Adelsonesque satellites, etc.) and other technologies are use to track and stalk and then
 24 interfere and psy-op his life as the greed-tribe(s) whims &/or wills, with or impunity.
 25

26 As just one of the most recent acts of deliberate oppression Plaintiff was pulled over
 27 by Las Vegas PD and written up for a ticket for running a green light, despite the fact
 28 the officer admitted to seeing Plaintiff ***"stopped at the red light"!!?***

1 This was at the *DefCon* hackers' convention where Plaintiff had just been in a
2 discussion with various top U.S. Gov't Intel-Community and Security officials were
3 complaining -almost to lily-white Anglo-Saxon man of them- that they all resented the
4 obtrusive way the U.S. Congress and government actually had the temerity to believe
5 they had a right to oversight and accountability from them.

6 An agent from Japan claimed they had a weak government and no such system.
7 Crap.

8 Thus I sue the City of Las Vegas, LVPD and Adelson and all of the private
9 companies, corporations and for-hire security geeks in association with the drone
10 industry who oppress me and violate my civil rights for defamation, invasion of
11 privacy, interference and other civil rights violations, as well as other causes of action
12 as they are discovered.

13 ***C: INCIDENTS Involving Other U.S. FEDERAL INDIVIDUALS; AGENCIES;
14 DEPARTMENTS etc.; CORPORATE UNACCOUNTABLE PRIVATE ORGANI-
15 ZATIONS; and Their Private Individual Agents; Also Sued Pursuant to Ex Parte
16 Young in Both Their Official & Individual Capacities- Chronology Unknown As
Discovery Is As Yet Denied:***

17 The following have been identified by national media outlets or civil rights
18 organizations as having also participated in targeting and violating various Occupiers'
19 civil rights, ergo Plaintiff also sues them:

20 U.S. Security, Tyco, SAIC, Securitas AB, Pinkerton Consulting and
21 Investigations, US Department of Homeland Security (DHS), Federal Protective
22 Service (FPS), DHS's Office for State and Local Law Enforcement, Police Executive
23 Research Forum (PERF), the local Fusion Center, National Operations Center (NOC),
24 US Justice Department, the FBI, the FBI Joint Terrorism Task Force, Terrorism
25 Liaison Officers, the Counter Terrorism Information Center, the CIA, the DEA, US
26 Military, as well as state and local police agencies, Counter Terrorism Information
27 Center, the Border Patrol and the Navy Intelligence office in San Diego.

28 **III. SUMMARY OF CLAIMS:**

1 Plaintiff's complaint for damages is based on the unlawful acts of the Defendants, and
2 each of them, particularly, but not exclusively, as alleged in the paragraph herein, and
3 Plaintiff's complaint is based on causes of action pursuant to, but not limited to, the
4 *Constitutions of the State of California, Article 1, § 1.*, (Freedom/Independence of
5 enjoying & defending life, liberty, safety, happiness & privacy.) § 2., (Freedom of
6 speech, writings & publishing.) § 3., (Freedom of assembly, due process & equal
7 protection of the law.) § 7., (Due process & equal protection of the law.) § 13.,
8 (Protection from unlawful searches and seizures.) & § 17, (Prohibition of cruel and/or
9 unusual punishment.) and/or the U.S. Constitution, Article Four (Freedom of
10 movement.) & the Bill of Rights, the First (Freedom of assembly, speech,
11 communications, etc.), Fourth (Protection from unlawful searches and seizures.), Fifth
12 (Due process.), Sixth (Right to counsel.), Eighth (Prohibition of cruel and/or unusual
13 punishment.), Ninth (Rights not specifically enumerated, i.e., right of privacy.) &
14 Fourteenth Amendments (Due process & equal protection of the law.). Further,
15 Plaintiff alleges and is informed and herein believes the Defendants, and each of
16 them, acted with negligence and/or intentional malice, oppression and/or fraud in
17 mind.]

18 All parties were acting in the course and scope and employ of some California State
19 and/or Federal agencies which had plaintiff on some "watch list" -or the like- and that
20 their conduct in collectively depriving and interfering with the civil rights of the
21 plaintiff in similar patterns of abusive behavior; threatening, intimidating and coercing
22 in various manners which included and continue to include: a.) False imprisonment,
23 such as detention and handcuffing and prolonged unlawful interrogations and illegal
24 seizures and searches, and countless attempts to interfere with the plaintiff's freedom
25 of movement, travel and right to privacy; in his person, in his communications, in his
26 mind, in his very being, b.) The willfully intentional and reckless infliction of
27 psychological terrorism and spiritual torture which have caused the plaintiff extreme
28

1 emotional distress, anguish and mind numbing, nearly physically paralyzing mental
2 suffering, through illegal means such as stalking, myriad invasions of privacy, illegal
3 surveillance of communications and movements and staking-out the plaintiff- causing
4 extreme strain to- even the cessation of- relationships with friends and family
5 members and places of abode, as well as, c.) Gross professional, personal and civil
6 rights negligence in the performance of their oppression on the plaintiff in total
7 disregard for the plaintiff's safety, economic, residential and mental well-being and
8 his Constitutionally (both the United States of America and the State of California)
9 guaranteed civil rights as enumerated above.

10 ***ALL Defendants*** are co-conspirator, intent upon, or joining in harassing the Plaintiff,
11 never stating any probable cause for their progressively abusive behavior, duped,
12 coerced, manipulated &/or in retaliation for Plaintiff exercising his First Amendment
13 right to free speech (under duress and threats) meant with malice, oppression and/or
14 fraud to interfere, to intimidate, to coerce and to oppress.

15 Upon information and belief Plaintiff alleges that these illegal acts, as evident in
16 *incidents of 10/14/2011, 11/02/2011, 12/10/2012, 1/31/2012, 3/24/2011, ante*, among
17 others were actually undertaken as a direct result of the premeditated decisions of
18 some or ***All Defendants***, particularly the ***Supervisory Defendants***, (See Cause #2
19 *ante, (p.18-20)*) but ultimately condoned and enjoined by all herein named
20 Defendants. Despite the absence of any particularized evidence that would have
21 constituted probable cause or even reasonable suspicion to believe Plaintiff had
22 committed a crime, All Defendants continued/continue to abuse Plaintiff and violate
23 his civil rights.

24 **Illegal Detention, Unlawful Searches & Seizures, etc.**

25
26 Throughout his adult life, Plaintiff has been a strong and vocal advocate for the
27 various Constitutional rights of all people, often taking positions contrary to those of
28 the government of the United States and sometimes that of the State of California.

1 Plaintiff has advocated political views that have been and continue to be contrary to
2 positions taken by the United States Government under the Bush administration, and
3 the near fascist policies of San Diego and its self-anointed elites-- on various political
4 issues, especially with regard to electronic voting, electoral fraud and stolen votes,
5 economic inequality, bankster fraud, etc. There seems to have been some controversy
6 concerning these issues in San Diego as well. Plaintiff has also lawfully associated
7 with individuals and/or organizations that espouse positions on various political issues
8 that were and/or are still contrary to those taken by the United States Government, the
9 State of California &/or the City, SDPD, etc.

10 Plaintiff alleges that *ALL Supervisors* of *ALL* the various *Defendants* , as
11 mentioned herein, Cause #2 *ante*, (p.18-20), had established habits, practices, customs
12 and policies of- and had knowledge of the dangerous propensities of its police
13 officers, were negligent in hiring, employing, training, evaluating and disciplining of
14 its police officers, and had, for all relevant times herein, an established habit, pattern,
15 practice, custom and/or policy of negligence in authorizing and ratifying the
16 continued practice of violence, illegal detention and abuse of many Constitutional
17 rights of U.S. citizens, including this Plaintiff, all in violation of numerous civil rights.

18 Plaintiff is informed and believes and therefore alleges that at all times mentioned
19 herein, each of the Defendants were the agents, servants and/or employees of each of
20 the remaining Defendants, and that in doing the acts alleged herein, all parties were
21 acting in the course and scope and employ of some California State and/or Federal
22 agency, employment, partnership, or other business relationship, with the consent or
23 the ratification of each other regarding the acts alleged herein.

24 Plaintiff alleges, is informed and believes *ALL Defendants*, at least through
25 association & conspiracy, had or found the Plaintiff on a/some “watch list(s)” and/or a
26 like manner or network or database of labeling/targeting the Plaintiff for surveillance,
27 which resulted in a propensity for all involved to feel more and more at liberty to
28

1 deprive, interfere with and oppressively violate the Plaintiff's Constitutionally
2 guaranteed rights. Such continuous actions have created a state of cruel existence
3 for the Plaintiff, which is the proximate cause of much pain, suffering, trauma, mental
4 and emotional distress, regarding the detention of the Plaintiffs and his constant
5 24/7/365 days a year surveillance, sometimes periodic detention, and search and
6 seizure of both his body and all of his possessions in circumstances, where no
7 warrants had been obtained and no criminal charges have ever been filed.

8 Plaintiff continues to sustain injuries that include, but are not limited to, loss of
9 sleep, loss of enjoyment of daily activities, fear of traveling out of his home,
10 humiliation, embarrassment and extreme mental and emotional anxiety- to such an
11 extent that he is in fear of trying to re-educate, re-employ or otherwise gain a viable
12 livelihood, and re-integrate himself into society. Plaintiff has and still is suffering
13 severe anxiety, fear, humiliation and emotional distress as a result of the acts of the
14 officers and having to spend (waste) years of his life locked in a mere defense of his
15 actual life, and cruel existence against the false charges, illegal harassment and
16 surveillance, unlawful searches and seizures, myriad invasions of privacy, negligence,
17 and negligent and intentional inflictions of physical, mental and emotional distress,
18 malicious prosecution, and false arrests, citations, prolonged detentions, etc.

19 Plaintiff's life has been severely curtailed, he seldom travels, but when he does, he
20 knows he will always be detained and/or monitored relentlessly and subjected to
21 constant invasions of his privacy, searches, even curtailment of his movements,
22 perhaps even his person and property. Again.

23
24 **V. FIRST CAUSE: 42 U.S.C. § 1983, Civil Rights Violations: Unlawful**
25 ***Search & Seizure, Excessive Force, Retaliation, Violation of Rights to Privacy,***
26 ***Freedom & CA Penal Code §§ 630-633***

27 Plaintiff realleges and incorporates by reference each and every allegation contained
28 above, as though fully set forth herein.

1 By the acts alleged above, **ALL Defendants** were involved in various unlawful
2 proceedings, as evident in incidents of 10/14/2011, 11/02/2011, 12/10/2012,
3 1/31/2012, 3/24/2011, ante, among others, and all of their Supervisors responsible for
4 the hiring, training, evaluation and disciplining of the officers on site, (*Post*, Cause #2,
5 p.18-20) were acting under the color of the law. Further, Plaintiff was unlawfully
6 detained, cited and arrested and his body and possessions unlawfully seized and
7 searched without a warrant or any probable cause whatsoever. All Defendants created
8 a “special relationship” with the Plaintiff primarily on concocted and false grounds,
9 and then aggressively and unlawfully pursued abusing the Plaintiff, both negligently
10 and with intentional malice, interference, cruelty and oppression in mind. The
11 Defendants acted in outrageous manner and with excessive force in their totally
12 malicious and reckless disregard of the rights, safety and peace of mind of the
13 Plaintiff. As a proximate cause/result of the Defendants’ myriad unlawful actions,
14 the Plaintiff has suffered, and continues to suffer, great damages, much mental
15 anguish, and physical and emotional distress, and many other injuries as alleged
16 herein, therefore the Plaintiff is entitled to damages pursuant to **Title 42 U.S.C. §**
17 **1983**, et seq. in an amount to be proven at trial.

18 Plaintiff has suffered violations of his constitutional rights guaranteed by the First
19 (1st) Amendment, Fourth (4th) Amendment, Fifth (5th) Amendment, Sixth (6th)
20 Amendment, Eighth (8th) Amendment, Ninth (9th) Amendment and the Fourteenth
21 (1^{4th}) Amendment, as well as Article Four (4) of the United States Constitution -the
22 rights to freedom of speech, protection from unlawful searches and seizures,
23 unreasonable and/or excessive force, due process and equal protection of the law, the
24 right to counsel and to be free from false arrest and cruel and/or unusual punishment,
25 the right to privacy and liberty and equal protection of the law, as well as the right to
26 “freedom of movement” and travel.
27
28

1 Plaintiff has the Fourth (4th) Amendment right to defend his body, his mental well
2 being and his possessions from assault and battery, and to be free from unlawful and
3 warrantless searches and seizures of his person and possessions. The Defendants as
4 described herein, used unreasonable, unjustified and excessive force, which
5 constituted an unreasonable and unlawful seizure when they assaulted and battered the
6 Plaintiff. Defendants did unreasonably and unlawfully use excessive force when
7 they seized and searched both the Plaintiff and his property, negligently, and with
8 intentional malice, oppression, fraud and coercive assault in mind, and did so
9 intimidate, coerce, threaten and assault and battery the Plaintiff.

10 Plaintiff alleges that the said negligent and intentional conduct involving threats,
11 intimidation and coercion, was in retaliation and violation of Plaintiff's Constitutional
12 rights to privacy, liberty and freedom of expression as afforded Plaintiff by the U.S.
13 Constitution's Ninth (9th) Amendment, and First (1st) Amendment rights of freedom of
14 speech, the right to peaceably assemble in protest and/ or to join political parties or
15 organizations which rally against positions contrary to that of the U.S. government's,
16 and to petition via the internet or e-mail or any other forms of modern communication
17 against like impositions.

18 The Eight (8th) Amendment prohibits "cruel and unusual punishment" which surely
19 this covert, malicious and conspiratorial oppression and violation of Plaintiff's rights,
20 privacy and movements, wherever and whenever he moves, qualify as such. By
21 further forcing the Plaintiff to suffer the indignities of having to defend himself
22 against the bogus citations, searches, seizures, detentions, arrests and assaults and
23 battery, Plaintiff has also suffered malicious prosecution at the hands of the San Diego
24 system of "justice".

25 Article Four (4) of the Constitution itself articulates the limits of the States' power,
26 specifically laying down the legal basis for "freedom of movement" and travel within
27 and between all States in the Union for all citizens of the United States, without
28

1 oppression, a right which the terrorized, constantly monitored Plaintiff hasn't enjoyed
2 in years, certainly not in the County of San Diego. Article Four (4), as well as the
3 Ninth (9th) Amendment also provide such that the Plaintiff has a "reasonable
4 expectation of privacy and/or solitude", even when out in public, lawfully
5 participating and contributing to society without disturbing or violating the rights of
6 other U.S. citizens.

7 As a proximate result of the acts alleged above, Plaintiff was injured in mind and in
8 body. Plaintiff has and is still incurring substantial economic losses, including being
9 in fear of leaving his home, and searching for residence, continued education and/or
10 livelihood in an environment of such malevolent interference, intentional malice, and
11 oppression, all the while being harassed and stalked, monitored and surveilled while
12 trying to re-educate himself. As a proximate cause/result of the Defendants' myriad
13 unlawful actions set herein, including but not limited to the abusive attitude of the
14 Defendants' monitoring, stalking and staking out Plaintiff, the Plaintiff has suffered,
15 and continues to suffer, great damages, much mental anguish, and physical and
16 emotional distress, such as fear, anxiety and humiliation, to list but a few, and many
17 other injuries as alleged herein, therefore the Plaintiff is entitled to damages pursuant
18 to *Title 42 U.S.C. § 1983*, et seq. in an amount to be proven at trial.

19 Plaintiff is informed and believes, and thereon alleges, *ALL Defendants*, and each
20 of them, acting under the color of law, had a duty of care and were responsible for his
21 safety and protection, and thus required to adhere to lawful due process and equal
22 protection under the law. In fact the Defendants, each and every one of them, all
23 supervisors inclusive, had a "special relationship" with the Plaintiff, which required
24 them to protect his life, liberty and property with due process and equal protection,
25 instead of outrageously abusing him and depriving him of his most basic
26 Constitutional rights.
27
28

1 In committing the intentional, extreme and unlawful acts alleged above, ***ALL***
2 ***Defendants***, and each of them, under the color of law, conspired against him, acted so
3 outrageously and maliciously toward the Plaintiff, with fraud and/or oppression in
4 mind, that they were guilty of wanton and reckless disregard for the rights, feelings,
5 property, safety and emotional state of the Plaintiff and actually and proximately
6 caused the Plaintiff to suffer severe humiliation, mental anguish and emotional and
7 physical distress. Therefore, Plaintiff is entitled to costs, ***legal fees, injunctive relief,***
8 ***exemplary & punitive damages*** in an amount to be proven at trial.

9 **VI. SECOND CAUSE: 42 U.S.C. Sec. 1983, UNLAWFUL POLICIES,**
10 **CUSTOMS OR HABITS**

11 Plaintiff realleges and incorporates by reference each and every allegation contain-
12 ed above, as if fully set forth herein.

13 Plaintiff alleges on information and belief that SDPD Officers involved in *incidents*
14 *of 10/14/2011, 11/02/2011, 12/10/2012, 1/31/2012, 3/24/2011, ante*, among others,
15 and were individuals acting within the course and scope of their employment with
16 ***ALL Supervisor Defendants*** the City, SDPD, SDPD-Chief Lansdowne, Mayor, C.A.
17 Goldsmith, various IC/MIC Co-Conspirators, SD-Sheriff Gore and Does #1-20,000,
18 and are all guilty of this cause, and were acting under the color of law. Said
19 Supervisors are responsible for review and responding to claims, complaints and
20 lawsuits, written or otherwise, for all times mentioned herein. Plaintiff alleges on
21 information and belief that said Supervisors in charge of legal matters, reviews and
22 responding to claims, have unlawful policies, customs and habits of improper and
23 inadequate hiring, training, retention, discipline and supervision of its police officers,
24 including all of the Defendants mentioned herein, legally causing the constitutional
25 deprivations, injuries and damages alleged in the First Cause of Action.

26 Accordingly all of the above Defendants are liable in their capacities as supervisors.
27 Further, each and every one of the ***Defendants*** had the opportunity and the obligation
28 to intervene and stop the improper, malicious and illegal acts alleged above, but did

1 not do so. In fact they all cooperated and conspired in the illegal detention. Each
2 of the Defendants is therefore liable as well for failing to stop or prevent or intervene
3 in the Constitutional civil violations against Plaintiff as enumerated herein. As a
4 proximate result, Plaintiff has suffered, and continues to suffer, great damages, much
5 mental anguish, and physical and emotional distress, therefore the Plaintiff is entitled
6 to damages pursuant to ***Title 42 U.S.C. § 1983***, et seq. in amount to be proven at trial.

7 Furthermore, Plaintiff on information and belief alleges that said Supervisors have
8 unlawful policies, customs and habits of condoning and permitting false “attitude
9 arrests”, which are arrests made in retaliation for lawful exercise of First (1st)
10 Amendment rights to Freedom of Speech and/or defense of other U.S. and/or
11 California Constitutional rights and then filing false reports to cover up the unlawful
12 acts of their police officers, including each and all of them named herein.

13 Plaintiff is informed and believes, and thereon alleges, the Defendants, and each of
14 them, acting under the color of law, were responsible for his safety and protection,
15 required to adhere to lawful due process and equal protection under the law. In fact
16 the Defendants, each and every one of them, all supervisors inclusive, had a “special
17 relationship” with the Plaintiff, and a duty of care, which required them to protect his
18 life, liberty and property with due process and equal protection, instead of outrageously
19 abusing him and depriving him of his most basic U.S. citizen rights. As a proximate
20 result of the unlawful policies, customs and habits alleged above, and the
21 constitutional violations alleged in the First Cause of Action, the Plaintiff has suffered
22 the injuries and damages alleged herein and is entitled to general and compensatory
23 damages in an amount to be proven at trial. Plaintiff also continues to suffer great
24 damages, emotional and physical distress, humiliation, embarrassment and mental
25 anguish, and many other injuries as alleged herein, and as a result, the Plaintiff is
26 entitled to ***costs, legal fees, injunctive relief, exemplary and punitive damages***
27 pursuant to ***Title 42 U.S.C. § 1983***, in an amount to be determined at trial.
28

1 **VII. THIRD CAUSE: NEGLIGENCE**

2 Plaintiff realleges and incorporates by reference each and every allegation contain-
3 ed above as if fully set forth herein.

4 By the acts alleged above, as evident in incidents of 10/14/2011, 11/02/2011,
5 12/10/2012, 1/31/2012, 3/24/2011, ante, among others, **ALL Defendants** were involv-
6 ed in the various illegal proceedings and oppression of Plaintiff, were negligent &/or
7 willful blindness, and breached their duty of due care owed to the Plaintiff, thereby
8 causing the damages and physical and emotional distress, both negligently and
9 intentionally inflicted, upon the Plaintiff, as will be enumerated and proven in trial.

10 **ALL Supervisors** of the various Defendants, as mentioned herein, Cause #2 *ante*,
11 had an established habit, practice, custom & policy of negligence, &/or willful blind-
12 ness, in authorizing and ratifying the continued practice of excessive force and abuse
13 of detained citizens for minor or non existent infractions, and other abuses.

14 As a proximate result of the Defendants' myriad unlawful actions set herein, the
15 Plaintiff has suffered, and continues to suffer, great damages, much mental anguish,
16 and physical and emotional distress, humiliation and embarrassment and many other
17 injuries as alleged herein, therefore the Plaintiff is entitled to general, special and/or
18 compensatory damages in an amount to be proven at trial.

19 **VIII. FOURTH CAUSE: ASSUALT**

20 Plaintiff realleges and incorporates by reference each and every allegation contained
21 above, as though fully set forth herein.

22 **ALL Defendants**, including Defendants City, SDPD, SDPD Officers Does #1-200,
23 SDPD-Chief Lansdowne, Mayor, various IC/MIC Co-Conspirators, and Does
24 #1-20,000 are all guilty of this cause, and were acting under the color of law.

25 Plaintiff alleges that the Defendants, and each of them, intended, particularly through
26 the act of excessive force alleged herein, to cause harmful and/or offensive contact
27 and intended the Plaintiff to be in imminent apprehension of harmful and/or offensive
28

1 acts through various means as alleged above, among others, and were instituted with
2 no probable cause or reasonable suspicion other than to intentionally, outrageously
3 and maliciously offend, intimidate, oppress, coerce and abuse the “special
4 relationship” the law enforcement officers and various other co-conspirators had over
5 the Plaintiff, as a proximate result of which the Plaintiff suffered much fear and
6 apprehension. All such acts were premeditated. Plaintiff further alleges the conduct of
7 the Defendants put the Plaintiff in imminent apprehension as a result, which
8 culminated in an assault upon the Plaintiff. As a proximate result of these intentional
9 and abusive acts the Plaintiff suffered much physical and emotional distress, great
10 damages, much mental anguish, humiliation and embarrassment and many other
11 injuries as alleged herein, entitling him to damages in an amount to be proven in trial.

12 In committing the intentional, extreme and unlawful acts alleged above, the
13 Defendants, and each of them, acted so outrageously and maliciously toward the
14 Plaintiff, with fraud and/or oppression in mind, that they were guilty of wanton and
15 reckless disregard for the rights, feelings and emotional state of the Plaintiff and
16 actually and/or proximately caused the Plaintiff to suffer severe humiliation, mental
17 anguish and emotional and physical distress. By reason thereof the Plaintiff is
18 entitled to exemplary and punitive damages in an amount to be proven at trial.

19
20 **IX. FIFTH CAUSE: BATTERY**

21 Plaintiff realleges and incorporates by reference each and every allegation contained
22 above, as though fully set forth herein.

23 Plaintiff alleges that *ALL Defendants*, including Defendants City, SDPD, SDPD
24 Officers, SDPD Does #1-200, SDPD-Chief Lansdowne, and Does #1-20,000 are all
25 guilty of this cause, and were acting under the color of law, each of them, whether, a.)
26 As officers under the color of law, or b.) As employers and/or supervisors with their
27 respective supervisory or employment relationships to the officers, as named in the
28 Second and Third Causes of Action, also under the color of law, and each of them, are

1 responsible for the acts complained of herein either directly or through vicarious
2 liability, and as Defendants, the officers, and each of them, were the ostensible agents
3 and/or employees of the aforementioned supervisors and employers.

4 Plaintiff alleges, as above, that the intentional unlawful, harmful, offensive and
5 unconsented contact with his person by Defendants, and each of them, through the
6 physical manhandling, which was outrageous and beyond the standards of what any
7 reasonable person or law enforcement officer would deem necessary, in retaliation for
8 Plaintiff exercising his First Amendment right to freedom of speech, and so on, which
9 constituted a battery. Such unlawful battery, trespass and impact to the body of the
10 Plaintiff, physically and with weapons and restraining devices, actually and/or
11 proximately caused Plaintiff to suffer great mental and emotional distress, entitling
12 the Plaintiff to damages pursuant to California law.

13 In committing the intentional, extreme and unlawful acts alleged above, the
14 Defendants, and each of them, acted so outrageously and maliciously toward the
15 Plaintiff, with fraud and/or oppression in mind, that they were guilty of wanton and
16 reckless disregard for the rights, feelings and emotional state of the Plaintiff and
17 actually and proximately caused the Plaintiff to suffer severe humiliation, mental
18 anguish and emotional and physical distress. By reason thereof the Plaintiff is
19 entitled to exemplary and punitive damages in an amount to be proven at trial.

20
21 **X. SIXTH CAUSE: FALSE ARREST/ DETENTION--UNDUE DELAY**

22 Plaintiff realleges and incorporates by reference each and every allegation contained
23 above, as though fully set forth herein.

24 Plaintiff alleges that *ALL Defendants*, including *City, SDPD, SDPD Officers Does*
25 *#1-200, SDPD-Chief Lansdowne, Mayor, C.A. Goldsmith, various IC/MIC*
26 *Conspirators, SD-Sheriff Gore and Does #1-20,000* are all guilty of this cause, and
27 were acting under the color of law, and each of them, whether, a.) As officers under
28 the color of law, or b.) As employers and/or supervisors with their respective

1 supervisory or employment relationships to the officers, as named in the Second and
2 Third Causes of Action, also under the color of law, and each of them, are responsible
3 for the acts complained of herein either directly or through vicarious liability, and as
4 Defendants, the officers, and each of them, were the ostensible agents and/or
5 employees of the aforementioned supervisors and employers.

6 Defendants falsely detained, arrested, &/or unnecessarily delayed releasing Plaintiff
7 in retaliation for his exercising his First Amendment right to freedom of speech,
8 prolonged detention thus effecting a false arrest of the Plaintiff, entitling the Plaintiff
9 to damages pursuant to California law. At no time did the Defendants mention any
10 specific, legal and articulable suspicion of the Plaintiff being involved in, having
11 perpetrated or intending to commit any crime which necessitated his prolonged
12 detention, arrest, &/or unnecessarily delay in releasing him.

13 In committing the intentional, extreme and unlawful acts alleged above, the
14 Defendants, and each of them, acted so outrageously and maliciously toward the
15 Plaintiff, with fraud and/or oppression in mind, that they were guilty of wanton and
16 reckless disregard for the rights, feelings and emotional state of the Plaintiff and
17 actually and proximately caused the Plaintiff to suffer severe humiliation, mental
18 anguish and emotional and physical distress. By reason thereof the Plaintiff is
19 entitled to exemplary and punitive damages in an amount to be proven at trial.
20

21 **XI. SEVENTH CAUSE: NEGLIGENCE AND/OR INTENTIONAL**
22 **INFLICTION OF EMOTIONAL DISTRESS,**

23 *“... even just to freely move about without the threat of harassing police*
24 *presence and obstruction. Plaintiff’s very existence has been reduced to the life of*
25 *one silently and covertly shunned, harassed, mercilessly intimidated and coerced*
26 *into his own private Guantanamo. That era is over.” “... attempt to harm the*
27 *Plaintiff’s life and well-being with the intent of malice and oppression, and in*
28 *reckless disregard of Plaintiff’s rights, safety, health and sheer torturous mental*
duress.” [From 2008 Complaint, with Conclusive Video Evidence, yet
Un-Constitutionally ignored by Judge Bloom; SD/CA Superior Court, CA Court of
Appeals, and U.S. Supreme Court.]

1 Plaintiff realleges and incorporates by reference each and every allegation contained
2 above, as though fully set forth herein, particularly as evident in incidents of
3 10/14/2011, 11/02/2011, 12/10/2012, 1/31/2012, 3/24/2011, and before and during
4 and after, as set out in **III. GENERAL & FACTUAL ALLEGATIONS, parts B. &**
5 ***C., ante***, among others.

6 Plaintiff alleges that **ALL Defendants**, each of them, whether, a.) As officers under
7 the color of law, or b.) As employers and/or supervisors with their respective
8 supervisory or employment relationships to the officers, as named in the Second and
9 Third Causes of Action, also under the color of law, and each of them, are responsible
10 for the acts complained of herein either directly or through vicarious liability, and as
11 Defendants, the officers, and each of them, were the ostensible agents and/or
12 employees of the aforementioned supervisors and employers.

13 Plaintiff alleges by the acts alleged herein, the Defendants acted intentionally,
14 and/or engaged in negligent conduct and/or a willful violation of U.S. and California
15 Constitutional rights, laws and/or statutes, using malicious and reckless acts of
16 unjustified excessive force, outrageous conduct, false arrest, false and malicious
17 prosecution, unlawful search and seizure and multiple due process and equal
18 protection violations, and that the intentional conduct by the Defendants, in public,
19 following a long-standing and omnipresent pattern of constitutional abuse of civil
20 rights of the Plaintiff, was meant to offend and cause outrageous harm to the Plaintiff,
21 and each of them, as described herein, was of a nature that exceeds the bounds of
22 what is generally tolerated in a civilized society, and was done with intentional malice
23 and/or negligence, for the purpose of causing the Plaintiff to suffer humiliation,
24 mental anguish and physical and emotional distress.

25
26 In committing the extreme and unlawful acts alleged above, the Defendants acted
27 intentionally, and/or engaged in negligent conduct and/or a willful violation of U.S.
28 and California Constitutional rights, laws and/or statutes, using malicious and reckless

1 acts of unjustified excessive force, outrageous conduct, intentional, with fraud and/or
2 oppression in mind, that they were guilty of wanton and reckless disregard for the
3 rights, feelings and emotional state of the Plaintiff and actually and proximately
4 caused the Plaintiff to suffer severe humiliation, mental anguish and emotional and
5 physical distress. By reason thereof the Plaintiff is entitled to exemplary and
6 punitive damages in an amount to be proven at trial.

7 **XII. EIGHTH CAUSE: CAL. CIVIL CODE, §§. 51 & 52- VIOLATION OF**
8 **CIVIL RIGHTS & RESPONDEAT SUPERIOR**

9 Plaintiff realleges and incorporates by reference, each and every allegation contained
10 above, as though fully set forth herein. Plaintiff alleges that **ALL Defendants**, each of
11 them, whether, a.) As officers under the color of law, or b.) As employers and/or
12 supervisors with their respective supervisory or employment relationships to the
13 officers, as named in the Second and Third Causes of Action, also under the color of
14 law, and each of them, are responsible for the acts complained of herein, either
15 directly or through vicarious liability, and as Defendants, the officers, and each of
16 them, were the ostensible agents of the aforementioned supervisors and employers.

17 Pursuant to *California Civil Code*, (hereinafter “*CCC*”), **§§ 51 & 52**, particularly,
18 but not limited to **Secs. 51.1(b), 51.7, 52(b) & 52.1**, Plaintiff alleges by the acts
19 herein, in incidents of 10/14/2011, 11/02/2011, 12/10/2012, 1/31/2012, 3/24/2011,
20 *ante*, among others, the Defendants’ wrongful conduct through the acts of unjustified,
21 unreasonable and excessive force, false arrest, false and malicious prosecution,
22 unlawful searches and seizures and multiple due process and equal protection
23 violations, because of the Plaintiff’s political affiliations, as alleged in herein, the
24 Defendants discriminated against and interfered with, or attempted to interfere with
25 the Plaintiff’s freedom, and other inalienable rights, including but not limited to
26 freedom of movement, defending life and liberty, possessing, and protecting one’s
27 property, pursuing and obtaining safety, happiness, public access, personal solitude
28 and privacy, and the right to be secure in his body and possessions against unlawful

1 contact, illegal searches and seizures, and other constitutional rights, as guaranteed by
 2 the California Constitution (Article I, *ββ* 1, 2, 3, 7, 13, 17, 24, 28 & 29) and the U.S.
 3 Constitution, as mentioned in the First Cause of Action, particularly the First (1st)
 4 Amendment, the Fourth (4th), Fifth (5th), Sixth (6th), Eighth (8th), Ninth (9), Fourteenth
 5 (14th) Amendments & Art.Four (4) of the Constitution.

6 Plaintiff further alleges ***ALL Supervisors*** of the various Defendants, as mentioned
 7 herein, Cause #2 *ante*, (p.18-20), had an established habit, practice, custom and policy
 8 of management, training, evaluation and/or disciplining relationships to the employee
 9 police officers, who were acting within the scope of their employment, and are liable
 10 for actions and/or omissions of their employees and/or agents, pursuant to ***CA***
 11 ***Gov.Code ββ 815.2 & 820.4***, and the doctrine of *Respondeat Superior*. (See ***Monell v.***
 12 ***Department of Social Services (1978) 436 U.S. 658***, with ***Robinson v. Solano County***
 13 ***(2002) 278 F. 3rd 1007, etc.***)

14 These wrongful acts by the Defendants were committed through threats of violence
 15 and intimidation, and/or the violence of fear, and/or apprehension and/or the violence
 16 of actual trespass, contact and/or assault and battery, detention and false arrest as
 17 herein alleged, in particular the retaliatory efforts of the Defendants to Quash the
 18 Plaintiff's First Amendment rights to free speech through further detention and
 19 humiliation, threats, intimidation and coercion and/or excessive force against the
 20 Plaintiff and his Constitutional rights, culminating in an unlawful de facto curbside
 21 arrest. Therefore, the Plaintiff is entitled to damages pursuant to ***CCC, ββ 51 & 52***, in
 22 the amount of a (***CCC, β 52(b)(2)***):

24 “civil penalty of twenty-five thousand dollars (\$25,000) to be awarded to the
 25 person denied any right provided by *β 51.7 IN ANY ACTION (Emphasis added)*
 26 brought by the person denied the right” (***CCC, ββ 51.7 & 52.1(a)&(b)***), to “***be***
 27 ***assessed individually against each person*** who is determined to have violated this
 28 section”, (***CCC, β 52(c)***) “engaged in conduct of resistance to the full enjoyment of
 any of the rights” or who, (***CCC, β 52(b)***) “denies the rights... or aids, incites, or
 conspires in that denial” so, therefore, “is liable for each and every offense”.

1 Further the Defendants acted (*CCC, β 52.3 (a)&(b)*), in a “*pattern or practice of*
2 *conduct*” of “*law enforcement officers that deprives any person [Plaintiff] of rights,*
3 *privileges or immunities.*” Furthermore, (*CCC, β 52(e)*), “*Actions brought*
4 *pursuant to this section are independent of any other actions, remedies, or*
procedures that may be available to an aggrieved party pursuant to any other law.”

5 Plaintiff’s complaint for damages is based on the unlawful acts of the Defendants, and
6 each of them, particularly, but not exclusively, as alleged in the paragraphs herein,
7 and above. As a proximate result of these acts the Plaintiff suffered the damages
8 described herein, suffering much emotional distress, humiliation and embarrassment
9 and is entitled to damages to be proven at trial, including *legal costs and fees, treble*
10 *damages*, etc., as provided by *CCC, ββ 51 & 52*, and other available remedies.

11 In committing the intentional, extreme and unlawful acts alleged above, the
12 Defendants, and each of them, acted so outrageously, oppressively and maliciously
13 toward the Plaintiff, with fraud and/or oppression in mind, that they were guilty of
14 wanton and reckless disregard for the rights, feelings and emotional state of the
15 Plaintiff and actually and proximately caused the Plaintiff to suffer severe humilia-
16 tion, mental anguish and emotional and physical distress. Therefore, Plaintiff is
17 entitled to *exemplary & punitive damages* in an amount to be proven at trial. **XIII.**

18 **NINTH CAUSE: CONSPIRACY Under 42 U.S.C. β 1985(3) &/or OTHER:**

19 Plaintiff realleges and incorporates by reference, each and every allegation
20 contained above, as though fully set forth herein.

21 Plaintiff alleges that *ALL Defendants*, each of them, were co-conspirators,
22 whether, a.) As officers under the color of law, or b.) As employers and/or supervisors
23 with their respective supervisory or employment relationships to the officers, as
24 named in the Second and Third Causes of Action, also under the color of law. Also,
25 each of them, are responsible for and guilty of the acts complained of herein, either
26 directly or through vicarious liability, & as Defendants, the officers, and each of them,
27 were the ostensible agents of the aforementioned supervisors and employers.
28

1 **XIV. TENTH CAUSE: STALKING, CA Civ. Code § 1708; Penal Code § 646.9:**
2 Plaintiff realleges and incorporates by reference, each and every allegation contained
3 above, as though fully set forth herein.

4 Plaintiff alleges that **ALL Defendants**, each of them, whether, a.) As officers under
5 the color of law, or b.) As employers and/or supervisors with their respective
6 supervisory or employment relationships to the officers, as named in the Second and
7 Third Causes of Action, also under the color of law, and each of them, are responsible
8 for and guilty of the acts complained of herein, either directly or through vicarious
9 liability, and as Defendants, the officers, and each of them, were the ostensible agents
10 of the aforementioned supervisors and employers.

11 **XV. ELEVENTH CAUSE: DEFAMATION; CA Civil Code §§ 44-48**

12 Plaintiff realleges and incorporates by reference, each and every allegation contained
13 above, as though fully set forth herein.

14 Plaintiff alleges that **ALL Defendants**, each of them, whether, a.) As officers under
15 the color of law, or b.) As employers and/or supervisors with their respective
16 supervisory or employment relationships to the officers, as named in the Second and
17 Third Causes of Action, also under the color of law, and each of them, are responsible
18 for and guilty of the acts complained of herein, either directly or through vicarious
19 liability, and as Defendants, the officers, and each of them, were the ostensible agents
20 of the aforementioned supervisors and employers.

21 **ALL Defendants**, through their various actions, committed false representations,
22 defamation, slander &/or libel on its face, maliciously intent on causing others to feel
23 hatred, contempt, ridicule, obloquy for Plaintiff, which would inherently, on its face,
24 cause Plaintiff to be shunned, avoided and otherwise mentally, emotionally and even
25 physically injured by other 3rd parties.

26 In committing the intentional, extreme and unlawful acts alleged above, **All**
27 **Defendants** acted so outrageously and maliciously toward the Plaintiff, with fraud
28

1 and/or oppression in mind, that they were guilty of wanton and reckless disregard for
2 the rights, feelings and emotional state of the Plaintiff and actually and/or proximately
3 caused the Plaintiff to suffer severe humiliation, mental anguish and emotional and
4 physical distress. Therefore the Plaintiff is entitled to *exemplary and punitive*
5 *damages* per *CA Civ. Code § 48* in an amount to be proven at trial.

6 **XVI. TWELFTH CAUSE: INVASION OF PRIVACY Under *42 U.S.C. § 1983***
7 **& *CA Penal Code §§ 630-633***

8 Plaintiff realleges and incorporates by reference, each and every allegation contained
9 above, as though fully set forth herein.

10 Plaintiff alleges that *ALL Defendants*, each of them, whether, a.) As officers under
11 the color of law, or b.) As employers and/or supervisors with their respective
12 supervisory or employment relationships to the officers, as named in the Second and
13 Third Causes of Action, also under the color of law, and each of them, are responsible
14 for and guilty of the acts complained of herein, either directly or through vicarious
15 liability, and as Defendants, the officers, and each of them, were the ostensible agents
16 of the aforementioned supervisors and employers. *ALL Defendants*, were
17 co-conspirators, and intentionally and willfully acted to deprive Plaintiff of Due
18 Process and equal protection of the law.

19 As a proximate result, Plaintiff has suffered, and continues to suffer, great damages,
20 much mental anguish, and physical and emotional distress, therefore the Plaintiff is
21 entitled to damages pursuant to *Title 42 U.S.C. § 1983*, et seq. in an amount to be
22 proven at trial.

23 In committing the intentional, extreme and unlawful acts alleged above, the
24 Defendants, and each of them, acted so outrageously and maliciously toward the
25 Plaintiff, with fraud and/or oppression in mind, that they were guilty of wanton and
26 reckless disregard for the rights, feelings and emotional state of the Plaintiff and
27 actually and/or proximately caused the Plaintiff to suffer severe humiliation, mental
28 anguish and emotional and physical distress. By reason thereof the Plaintiff is

1 entitled to *legal costs and fees, treble damages, exemplary and punitive damages* in
2 an amount to be proven at trial.

3 **PRAYER FOR RELIEF**

4 I pray to a greater justice than these fallible courts have delivered to me to date.
5 I pray, that I am weak and fallible and so full of faults. I am not strong. I can't
6 separate your horrible acts from who you are. I can't help but to despise you for what
7 you do to me... To humanity... To our evaporating chance to progress beyond... Your
8 myopic world of greed, oppression and fraudulent vain-glory. I pray for the strength to
9 seek a future of reconciliation and progress... But it is not I who stand in the way of
10 this mutually beneficial future we can build. I pray we sincerely try.

11 **WHEREFORE**, Plaintiff prays for judgment against the Defendants, and each of them,
12 as follows:

- 13 1. For compensatory damages, jointly and severally, against Defendants in the
14 amount of at least \$6,00,000.00, &/or any greater amount to be proven at trial.
- 15 2. For a statutory civil penalty in the sum of \$25,000 per offense, per Defendant
16 involved, pursuant to *CA Civ.Code §§ 51.7 & 52(b)*.
- 17 3. For treble damages against Defendants.
- 18 4. For exemplary and punitive damages against Defendants in an amount to be
19 determined by the trier of fact.
- 20 5. For a declaration that Plaintiff cannot be detained, stalked, monitored, GPSed,
21 wiretapped, give subcutaneous implants, etc., by any Defendant absent reasonable
22 suspicion, based on particularized and intelligible evidence, that he has committed
23 or is about to commit a particular crime.
- 24 6. For a preliminary and permanent injunction prohibiting any Defendant from
25 acting or requesting another law enforcement official to detain, stalk, monitor, GPS,
26 wiretap, give subcutaneous implants, etc., Plaintiff absent reasonable suspicion,
27
28

1 based on particularized and intelligible evidence, that he has committed or is about
2 to commit a particular crime.

3 7. For pre-judgment and post-judgment interest.

4 8. For attorney's fees & costs pursuant to *42 U.S.C. §§ 1983, 1985 & 1988*.

5 9. For costs of suit herein incurred.

6 10. For such other and further relief as the Court deems just and proper.

7 ***Plaintiff hereby requests a jury trial in this action.***

9 DATED: October 21, 2013

Respectfully Submitted,

11 _____
12 John B. KENNEY, In Pro Per

13 **VERIFICATION**

14 I, John B. Kenney, am the Plaintiff in the above-entitled action. I read the
15 foregoing complaint and know the contents thereof. The statements are all true to the
16 best of my knowledge, except as to those matters, which are alleged on information and
17 belief, and as to those matters, I believe them to be true.

18 I declare under penalty of perjury under the laws of the United States & the State
19 of California that the foregoing is true and correct.

20 DATED: October 21, 2013

Respectfully Submitted,

22 _____
23 John B. KENNEY, In Pro Per

24 **CERTIFICATE OF SERVICE:**

25 I, John B. Kenney, do hereby certify that I have this day electronically filed the foregoing
26 with the Clerk of Court using the CM/ECF system which will automatically send email
27 notification of such filing to opposing counsel & personally e-mail as well to the attorneys as
28 follows: Morris.Hill@sdcounty.ca.gov, Laura.Flores1@sdcounty.ca.gov,
Nora.Guerra@sdcounty.ca.gov, and to KSteinman@sandiego.gov, LareHart@sandiego.gov