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9 **UNITED STATES DISTRICT COURT**
10 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
11 **EASTERN DIVISION-RIVERSIDE COURTHOUSE**

12 BRETT A. CORONADO; MARK A.
13 MACKEY; and EDMOND M. FLORES,
14 JR.,

15 Plaintiffs,

16 vs.

17 CALIFORNIA HIGHWAY PATROL;
18 DAMEN MEYER, individually and in his
19 official capacity as an employee of the
20 California Highway Patrol,

21 Defendants.

) Case No.:

) **COMPLAINT FOR**
) **DECLARATORY AND**
) **INJUNCTIVE RELIEF AND**
) **DAMAGES**

) Demand for jury trial.

1 COME NOW plaintiffs, by and through counsel, to show the Court the following:

2 **INTRODUCTION**

3 This is a case to vindicate the federal and state constitutional rights of Plaintiffs
4 Mark A. Mackey, Edmond M. Flores, Jr., and Pastor Brett A. Coronado, all of whom
5 were arrested outside a California Department of Motor Vehicles for reading aloud
6 from a Bible or engaging in similar peaceful speech activity relating to the oral
7 dissemination of their religious views in and around the parking lot and sidewalks
8 before business hours.

9 **JURISDICTION**

10 1. This civil rights action under 42 U.S.C. § 1983 raises federal claims under
11 the First, Fourth, and Fourteenth Amendments to the United States Constitution and a
12 state claim under Article 2, Section 1 of the California Constitution.

13 2. This Court has original jurisdiction over the federal law claims by
14 operation of 28 U.S.C. §§ 1331 and 1343 and has supplemental jurisdiction over the
15 state law claim pursuant to 28 U.S.C. § 1367.

16 3. This Court has authority to issue the requested injunctive relief under 28
17 U.S.C. § 1343; the requested declaratory relief under 28 U.S.C. §§ 2201–02; the
18 requested damages under 28 U.S.C. § 1343; and costs and attorneys’ fees under 42
19 U.S.C. § 1988(b) and Cal. C.C.P. § 1021.5.

20 **VENUE**

21 **IDENTIFICATION OF THE PLAINTIFFS**

22 4. Plaintiff MARK A. MACKEY is, and was at all times relevant to this
23 Complaint was, a resident of Hemet in Riverside County, California.

24 5. Plaintiff EDMOND M. FLORES, JR., is and was at all times relevant to
25 this Complaint was, a resident of Hemet in Riverside County, California.

26 6. Plaintiff BRETT A. CORONADO is, and was at all times relevant to this
27 Complaint was, a resident of Hemet in Riverside County, California.

1 **IDENTIFICATION OF THE DEFENDANTS**

2 7. Defendant CALIFORNIA HIGHWAY PATROL (“CHP”) is a public
3 entity established, organized, and authorized under and pursuant to the laws of the State
4 of California, with the authority to sue and be sued in its own name.

5 8. Defendant DAMEN MEYER (Badge No. 1561) at all times relevant herein
6 was an employee and officer for the CHP. This Defendant is sued both individually and
7 in his official capacity.

8 **FACTUAL ALLEGATIONS**

9 9. On Wednesday, February 2, 2011, Plaintiffs were at the Hemet, California
10 Department of Motor Vehicles (“DMV”) located at 1200 South State Street, Hemet,
11 California 92543. The DMV at this location opened at 9:00 a.m. on that morning.

12 10. At approximately 8:10 a.m., Mr. Mackey, while standing in the general
13 vicinity of the parking lot of the DMV, began to engage in speech activity with other
14 individuals who were gathered outside of the closed DMV.

15 11. Mr. Mackey’s speech activity consisted almost entirely of his reading
16 aloud from the Bible. Mr. Flores and Pastor Coronado also stood in the parking lot and
17 on the sidewalk surrounding the DMV, observing the activity.

18 12. At no time prior to their arrests did any of the Plaintiffs obstruct free
19 movement or intimidate any of the individuals who were waiting outside the closed
20 DMV.

21 13. Plaintiffs’ activity consisted solely of peacefully being present in the
22 DMV’s parking lot and sidewalks and of Mr. Mackey’s reading aloud from the Bible.

23 14. Plaintiffs possess video footage of all of their interactions with individuals
24 outside the DMV both before and shortly after Mr. Mackey’s arrest.

25 15. At approximately 8:13 a.m., a security guard, apparently employed by the
26 DMV, approached Mr. Mackey and informed him that he needed to “go someplace
27 else.” Mr. Mackey declined and continued to read aloud from the Bible.

1 16. No one else in any apparent position of authority requested that Plaintiffs
2 leave, and no one else approached Mr. Mackey for approximately 15 minutes as he
3 continued to read aloud.

4 17. At approximately 8:28 a.m., a uniformed California Highway Patrol
5 (“CHP”) officer arrived in the DMV parking lot and approached the DMV security
6 guard.

7 18. After speaking very briefly with the security guard, the first officer on the
8 scene, Defendant Meyer, approached Mr. Mackey, instructed him to hand the Bible to
9 Mr. Flores, and told Mr. Mackey that he was under arrest, taking him into custody.

10 19. There was no conversation between any of the Plaintiffs and Defendant
11 MEYER regarding their presence at the DMV, their activity at the DMV, or a request
12 by Defendant MEYER that they leave the DMV premises prior to Mr. Mackey’s arrest.

13 20. After Defendant MEYER placed Mr. Mackey under arrest, the arresting
14 officer was immediately asked what law Mr. Mackey had violated, but the officer did
15 not cite any specific statute. Instead, the CHP officer told Mr. Mackey that he was not
16 allowed to “preach” where he was because the individuals present were “a captive
17 audience.”

18 21. After Mr. Mackey was placed in Defendant MEYER’S patrol vehicle, the
19 officer turned to Pastor Coronado, who was asking what specific law Mr. Mackey had
20 violated, and inquired whether Pastor Coronado and Mr. Flores were there with
21 Mr. Mackey.

22 22. When Pastor Coronado responded in the affirmative, Defendant MEYER
23 asked if they wanted “to go too,” implying that they could be going to jail as well.

24 23. Pastor Coronado asked the Defendant MEYER, “Are we breaking the
25 law?” and he responded, “You are if you preach. Do you want to leave or do you want
26 to be arrested?”

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1 24. Pastor Coronado again asked Defendant MEYER what law prohibited
2 preaching and told him that he was not even engaging in preaching.

3 25. Defendant MEYER never cited any law that would be violated by
4 preaching.

5 26. After the security guard told Defendant MEYER that neither Mr. Coronado
6 nor Mr. Flores were preaching, he ended his conversation with Pastor Coronado.

7 27. After Mr. Mackey was in custody, other law enforcement personnel arrived
8 at the DMV.

9 28. Another CHP officer approached Pastor Coronado and Mr. Flores and told
10 them that they had to leave and that if they did not leave, they would be “trespassing.”

11 29. Pastor Coronado asked if they were breaking the law. The newly arrived
12 CHP officer said, “Yes, you are; you’re trespassing.”

13 30. Pastor Coronado and Mr. Flores then attempted to learn where the officers
14 were taking Mr. Mackey, and an officer told them that he would tell them once he
15 knew.

16 31. With no further explanation of any applicable law, the officers detained
17 and arrested Pastor Coronado and Mr. Flores but permitted other individuals who were
18 with them to leave the DMV.

19 32. After their arrests, the officers took Plaintiffs to a CHP Inspection Facility
20 (Inspection Facility), located at 195 Highland Springs Avenue, Beaumont, California,
21 where they were held, questioned, and subsequently given citations for allegedly
22 violating Cal. Penal Code § 602.1(b).

23 33. While in the custody of Defendants at the Inspection Facility, Plaintiffs
24 were handcuffed to a metal table for approximately ninety (90) minutes while awaiting
25 their release from custody.

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1 **ALLEGATIONS OF LAW**

2 34. All alleged acts of the Defendants, their officers, agents, servants,
3 employees, or persons acting at their behest or direction were done [and are continuing
4 to be done] under the color and pretense of state law, including the statutes, customs,
5 and policies of the State of California and the CHP.

6 **CLAIMS FOR RELIEF**

7 **I. First Claim: Violation of the Free Speech Clause of the First Amendment of**
8 **the United States Constitution (AGAINST ALL DEFENDANTS)**

9 35. The Plaintiffs re-allege and incorporate herein by reference paragraphs 1
10 through 34 and further allege as follows:

11 36. The Plaintiffs' speech activity consisted almost entirely of Mr. Mackey's
12 oral dissemination of his religious views and doctrines by reading aloud from a Bible at
13 the Hemet, California Department of Motor Vehicles.

14 37. Plaintiff Mackey engaged in Bible reading in the parking lot of the DMV,
15 while Plaintiffs Flores and Coronado stood both in the parking lot and on the sidewalk
16 areas in and around the DMV, observing the activity.

17 38. Plaintiffs' peaceful presence and audible Bible reading on the sidewalk and
18 in the parking lot of the DMV did not interfere with any of the DMV's self-described
19 primary purposes of registering vehicles, licensing drivers, recording ownership of
20 vehicles, maintaining driving records, issuing identification cards, administering
21 financial responsibility laws, and investigating consumer complaints, regardless of
22 whether these services require in-person communication with clientele.

23 39. Plaintiffs' presence and Bible reading on the sidewalk and in the parking
24 lot were not activities that were incompatible with the normal business activities of the
25 DMV, particularly at an hour before the DMV opened for business.

26 40. The sidewalk and parking lot immediately outside the DMV building is
27 government property and is freely accessible to the public.

1 41. The sidewalk and parking lot in and around the DMV is virtually
2 indistinguishable from other public sidewalks.

3 42. The DMV's self-described purposes include registering vehicles, licensing
4 drivers, recording ownership of vehicles, maintaining driving records, issuing
5 identification cards, administering financial responsibility laws, and investigating
6 consumer complaints, regardless of whether these services require in-person
7 communication with clientele.

8 43. Plaintiffs' Bible reading and peaceful observance of the same did not
9 impede the DMV's ability to do business, did not obstruct entrance to or exit from the
10 parking lot or the building, did not intimidate those outside the DMV awaiting its
11 opening, and did not otherwise disrupt or hinder the DMV's effectiveness for its
12 intended purposes.

13 44. The CHP officers restricted Plaintiffs' speech because of its religious
14 viewpoint and stated that they were arresting Plaintiff Mackey because he was
15 "preaching."

16 45. Plaintiffs were precluded from continuing to engage in any speech activity
17 when uniformed officers employed by the California Highway Patrol declared that
18 Plaintiffs' "preaching" was prohibited when the audience was "captive."

19 46. CHP officers humiliated the Plaintiffs when they unreasonably arrested,
20 handcuffed, and escorted the Plaintiffs in CHP vehicles to the Inspection Facility in
21 violation of Plaintiffs' First Amendment free speech rights.

22 47. In addition to humiliating the Plaintiffs, the CHP officers took away their
23 cherished right to disseminate their religious views.

24 **II. Second Claim: Violation of the Liberty of Speech Clause of Article 1, Section**
25 **2 of the California Constitution (AGAINST ALL DEFENDANTS)**

26 48. The Plaintiffs re-allege and incorporate herein by reference paragraphs 1
27 through 47 and further allege as follows:

1 49. The DMV is government property and is freely accessible to the public.

2 50. Plaintiffs’ peaceful presence and audible Bible reading on the sidewalk and
3 in the parking lot of the DMV prior to the business’s opening did not interfere with any
4 of the DMV’s self-described purposes of registering vehicles, licensing drivers,
5 recording ownership of vehicles, maintaining driving records, issuing identification
6 cards, administering financial responsibility laws, and investigating consumer
7 complaints, regardless of whether these services require in-person communication with
8 clientele.

9 51. Plaintiffs’ peaceful presence and audible Bible reading on the sidewalk and
10 in the parking lot of the DMV were not activities that were basically incompatible with
11 the primary use of the DMV parking lot and sidewalk areas, particularly before business
12 hours.

13 52. Plaintiffs’ peaceful presence and audible Bible reading did not obstruct
14 entrance to or exit from the DMV parking lot or building and did not intimidate those
15 outside the DMV awaiting its opening from transacting business with the DMV.

16 53. At most, Plaintiffs’ speech activity posed a mere annoyance to those who
17 were waiting outside the closed DMV building.

18 54. The CHP officers restricted Plaintiffs’ speech because of its religious
19 viewpoint and stated that they were arresting Plaintiff Mackey because he was
20 “preaching.”

21 55. Plaintiffs were precluded from continuing to engage in their peaceful
22 speech activity when uniformed officers employed by the California Highway Patrol
23 arrested, handcuffed, and escorted the Plaintiffs in CHP vehicles to the local police
24 department.

25 56. In addition to humiliating the Plaintiffs, the CHP officers took away their
26 cherished right to disseminate their religious views.

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1 57. Plaintiffs are informed and believe that Defendant CHP has a practice or
2 policy of prohibiting speech activity in and around DMV premises statewide, or at least
3 at this single location.

4 **III. Third Claim: Unlawful Arrest under the Fourth Amendment of the United**
5 **States Constitution (AGAINST ALL DEFENDANTS)**

6 58. The Plaintiffs re-allege and incorporate herein by reference paragraphs 1
7 through 57 and further allege as follows:

8 59. After speaking briefly to a DMV security guard, Defendant MEYER
9 unreasonably arrested Plaintiff Mackey without objectively reasonable belief that
10 Plaintiff Mackey had committed a criminal offense.

11 60. CHP officers, who subsequently arrived on the scene, and Defendant
12 MEYER unreasonably arrested Plaintiff Flores and Plaintiff Coronado without
13 objectively reasonable belief that Plaintiffs had committed a criminal offense.

14 61. The officers arrested the Plaintiffs without first obtaining a warrant.

15 62. The uniformed CHP officers acted in accordance with their duties for their
16 employment with the State of California.

17 63. At the Inspection Facility, the officers cited the Plaintiffs for violation of
18 California Penal Code 602.1, subdivision (b), which declares intentional interference
19 with any lawful business of a public agency by obstructing or intimidating clients and
20 refusal to leave a misdemeanor offense.

21 64. Penal Code 602.1, subdivision (c) exempts persons engaging in
22 constitutionally protected activity from the offense.

23 65. Plaintiffs were engaging in speech activity protected by both the U.S.
24 Constitution and the State of California Constitution prior to their arrest.

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1 66. Plaintiffs' peaceful presence and audible Bible reading did not, and was
2 not intended to, obstruct entrance to or exit from the DMV parking lot or building and
3 did not, and was not intended to, intimidate those outside the DMV awaiting its opening
4 from transacting business with the DMV.

5 67. Plaintiffs were lawfully on the DMV premises and never refused to leave
6 the premises but merely asked what law they were allegedly violating.

7 68. The officers' stated pre-arrest justification for arrest included Plaintiffs'
8 "preaching" and alleged "trespassing," neither of which under the facts and
9 circumstances actually known to the officers warranted belief by a reasonably prudent
10 officer that the Plaintiffs had committed a criminal offense.

11 **IV. Fourth Claim: False Imprisonment/Arrest under California State Law**

12 69. The Plaintiffs re-allege and incorporate herein by reference paragraphs 1
13 through 68 and further allege as follows:

14 70. After speaking briefly to a DMV security guard, Defendant MEYER
15 unreasonably arrested Plaintiff Mackey without objectively reasonable belief that
16 Plaintiff Mackey had committed a criminal offense.

17 71. CHP officers, who subsequently arrived on the scene, and Defendant
18 MEYER unreasonably arrested Plaintiff Flores and Plaintiff Coronado without
19 objectively reasonable belief that Plaintiffs had committed a criminal offense.

20 72. The officers arrested the Plaintiffs without first obtaining a warrant.

21 73. The uniformed CHP officers acted in accordance with their duties for their
22 employment with the State of California.

23 74. At the Inspection Facility, the officers cited the Plaintiffs for violation of
24 California Penal Code 602.1, subdivision (b), which declares intentional interference
25 with any lawful business of a public agency by obstructing or intimidating clients and
26 refusal to leave a misdemeanor offense.

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1 75. Penal Code 602.1, subdivision (c) exempts persons engaging in
2 constitutionally protected activity from the offense.

3 76. Plaintiffs were engaging in speech activity protected by both the U.S.
4 Constitution and the State of California Constitution prior to their arrest.

5 77. Plaintiffs' peaceful presence and audible Bible reading did not, and was
6 not intended to, obstruct entrance to or exit from the DMV parking lot or building and
7 did not, and was not intended to, intimidate those outside the DMV awaiting its opening
8 from transacting business with the DMV.

9 78. Plaintiffs were lawfully on the DMV premises and never refused to leave
10 the premises but merely asked what law they were allegedly violating.

11 79. The officers' stated pre-arrest justification for arrest included Plaintiffs'
12 "preaching" and alleged "trespassing," neither of which under the facts and
13 circumstances actually known to the officers warranted belief by a reasonably prudent
14 officer that the Plaintiffs had committed a criminal offense.

15 80. Plaintiff were handcuffed to a metal table at the Inspection Facility by
16 Defendants for approximately ninety (90) minutes, an appreciable period of time, and
17 were damaged as a result due to Defendant's illegal confinement.

18 81. Defendants acted without reasonable cause to believe that such actions
19 were lawful or necessary.

20 82. Plaintiffs were intentionally confined against their will by Defendants who
21 lacked the requisite lawful authority to so confine.

22 **PRAYER FOR RELIEF**

23 Wherefore, Plaintiffs respectfully request the following relief:

24 **As to the First and Second Claims:**

25 a. That this Court permanently enjoin Defendants, their agents, servants,
26 employees, officials, or any other person acting in concert with them or on their behalf,
27 from restricting lawful religious speech at the Hemet DMV premises;

1 b. That this Court enter a declaratory judgment stating that Defendants'
2 policy or practice of arresting persons who disseminate their religious views and
3 doctrines in a public forum violates Free Speech under applicable federal and state law;

4 **As to the First and Third Claims:**

5 c. That this Court award compensatory damages in an amount to be
6 determined by the finder of fact in accordance with the proof, plus interest at the legal
7 rate until paid by Defendants;

8 **As to the Third and Fourth Claims:**

9 d. That this Court permanently enjoin Defendants, their agents, servants,
10 employees, officials, or any other person acting in concert with them or on their behalf,
11 from arresting or otherwise restraining Plaintiffs for a violation of Cal. Penal Code §
12 602.1(b) without objectively reasonable belief that Plaintiffs have in fact taken actions
13 in violation of said code by impeding an open business.

14 e. That this Court enter a declaratory judgment stating that Defendants'
15 policy or practice of arresting persons without objectively reasonable belief that a penal
16 code has been violated violates applicable federal and state law.

17 **As to all Claims:**

18 f. That this Court grant Plaintiff an award of nominal damages against all
19 Defendants;

20 g. That this Court award the Plaintiffs' costs and expenses of this action,
21 including a reasonable attorneys' fees award, in accordance with 42 U.S.C. § 1988 and
22 other applicable law against all Defendants;

23 h. That this Court grant such other and further relief against Defendants as the
24 Court deems equitable, just, and proper;

25 i. That this Court retain jurisdiction as necessary to enforce the Court's
26 orders.

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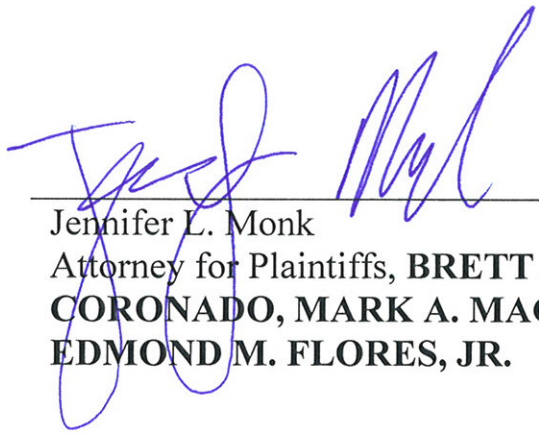
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JURY DEMAND

Plaintiffs hereby demand a jury trial.

ADVOCATES FOR FAITH & FREEDOM

Date: April 25, 2011



Jennifer L. Monk
Attorney for Plaintiffs, **BRETT A.
CORONADO, MARK A. MACKEY;
EDMOND M. FLORES, JR.**