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8 NAZILA MAHGEREFTEH
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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

12 NAZILA MAHGEREFTEH and
13 OLENA STEPHENS,

14 Plaintiffs,

15 v.

16 ANTON SOTIROV; ACS SECURITY
17 INDUSTRIES, INC. (FTB Suspended);
18 ESTER HURLEY; and DOES 1-10,
19 Inclusive,

20 Defendants.

CASE NO.:

BC 7 0 0 7 1 4

ORIGINAL COMPLAINT FOR:

1. RALPH ACT (Civ. Code § 51.7)
2. BANE ACT (Civ. Code § 52.1)
3. BATTERY
4. FALSE IMPRISONMENT, AND
5. VICARIOUS LIABILITY

DEMAND FOR JURY TRIAL

21 Plaintiffs Nazila Mahgerefteh and Olena Stephens (“PLAINTIFFS”) bring this action
22 against Defendants Anton Sotirov; ACS Security Industries, Inc. (FTB Suspended); Ester
23 Hurley; and Does 1-10, Inclusive, (collectively, “DEFENDANTS”). The following allegations
24 are based on PLAINTIFFS’ personal knowledge, on investigation by PLAINTIFFS’ attorneys,
25 and on their information and belief.

26 **I. INTRODUCTION**

27 1. On Sept. 28, 2017, PLAINTIFFS exercised their state-protected constitutional rights
28 during a lawful protest on a public sidewalk when they were attacked by Defendant Anton

1 Sotirov, a security guard and employee of Defendant ACS Security Industries, Inc. PLAINTIFFS
2 protested Elat Supermarket, Inc. and a Vendor for their roles in the ritual killing of chickens
3 during Yom Kippur. Elat and/or Vendor sold admission tickets to the ritual on the same sidewalk
4 where PLAINTIFFS protested. PLAINTIFFS had previously protested against Elat and Vendor
5 that led to Elat to hire ACS and instruct it to interfere with PLAINTIFFS and intimidate them.
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7 2. Defendant Ester Hurley, a customer of Elat, began arguing with Plaintiff Nazila
8 Mahgerefteh about the protest. Hurley uttered racist, sexist, and other hate speech to
9 Mahgerefteh. Sotirov then interrupted and discouraged Plaintiffs from protesting. Hurley incited
10 Sotirov to attack Mahgerefteh during his interruption. Sotirov snuck up behind and grabbed
11 Mahgerefteh, causing her injury, pain and suffering. Moments later, Sotirov grabbed Plaintiff
12 Olena Stephens, twisted her hand backwards, causing her injury, pain and suffering. ACS later
13 instructed Sotirov to take pictures of PLAINTIFFS to create dossiers for intimidation.
14

15 3. Sotirov targeted and committed violence against PLAINTIFFS who were at all times
16 engaged in state-protected free speech and assembly on the public sidewalk. Sotirov
17 simultaneously ignored Elat and Vendor who were at all times engaged in political, religious, or
18 commercial speech at the same time and location.
19

20 4. PLAINTIFFS now bring this action against DEFENDANTS for having violated their
21 state-protected constitutional rights to assemble, speak, protest against the ritual killing of
22 chickens, to film, and against unreasonable seizure, each while in a traditional public forum; and
23 for battery and false imprisonment; and because DEFENDANTS aided, incited, and are
24 vicariously liable for other DEFENDANTS who violated PLAINTIFFS' rights.
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1 **II. PARTIES**

2 5. PLAINTIFFS Nazila Mahgerefteh (“MAHGEREFTEH”) and Olena Stephens
3 (“STEPHENS”) are competent adults and residents of Los Angeles County.

4 6. PLAINTIFFS are informed, believe, and on that basis allege, that **Defendant Anton**
5 **Sotirov** (“SOTIROV”) is an individual who lives in Los Angeles County and is at all relevant
6 times to suit an employee, servant, and agent of Defendant ACS Security Industries, Inc., and
7 employed by them as a private security guard.

9 7. PLAINTIFFS are informed, believe, and on that basis allege, that **Defendant ACS**
10 **Security Industries, Inc. (FTB Suspended)** (“ACS”) is and at all times relevant to suit was a
11 private security company with its headquarters and principal place of business in Los Angeles
12 County, California. At all times relevant herein and beginning on or about Sept. 3, 2013, ACS
13 was suspended as a corporation by the California Franchise Tax Board and therefore lacks
14 capacity to defend against suit. *Crestmar Owners Ass’n v. Stapakis*, 157 Cal. App. 4th 1223,
15 1230 (2007); *Timberline, Inc. v. Jaisignhani*, 54 Cal. App. 4th 1361, 1365 (1997). See Exhibit A.

17 8. PLAINTIFFS are informed, believe, and on that basis allege, that **Defendant Ester**
18 **Hurley** (“HURLEY”) is an individual who lives in Los Angeles County.

19 9. The true names and capacities, whether individual, corporate, associate, governmental, or
20 otherwise, of DEFENDANTS named herein as **DOES 1-10, Inclusive**, are unknown to
21 PLAINTIFFS, or PLAINTIFFS are not aware of their causes of action against them at this time,
22 and therefore sues said defendants by such fictitious names. PLAINTIFFS will request leave to
23 amend this complaint when the true names and capacities of said defendants have been
24 ascertained. PLAINTIFFS are informed, believe, and thereon allege that each defendant
25 designated herein as a DOE is legally responsible for the events and happenings hereinafter
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1 referred to, and legally caused injuries and damages proximately thereby to PLAINTIFFS, as
2 hereinafter alleged.

3 10. PLAINTIFFS are informed, believe, and thereon allege that at all times herein
4 mentioned, each of the DEFENDANTS was the employee, servant, agent, delegatee, co-
5 conspirator and/or joint-venturer of each of the remaining DEFENDANTS and, in doing the
6 things alleged in this complaint, acted within the full course and scope of said employment,
7 service, agency, conspiracy, delegation and/or joint venture.
8

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10 **III. JURISDICTION AND VENUE**

11 11. This Court has original subject matter jurisdiction pursuant to Article VI, Section 5 of the
12 California Constitution because the damages set forth in the prayer for relief are in excess of
13 twenty-five thousand dollars (\$25,000.00). PLAINTIFFS' claims all arise from the same factual
14 circumstances and this Court represents the proper venue since liability and damages at issue
15 herein occurred in the County of Los Angeles, State of California.
16

17 12. Inasmuch as at least one DEFENDANT resides and/or has its principal place of business
18 and legal residence in Los Angeles County, California, pursuant to Civ. Proc. § 395(a), and
19 pursuant to Los Angeles County Superior Court local rules, venue of this action is therefore
20 proper in the Superior Court of California, Los Angeles County, Central District.
21

22
23 **IV. BACKGROUND**

24 13. PLAINTIFFS are vegan and, as vegans, promote social, political, economic, and legal
25 development in California and other places to help establish legal rights for nonhuman animals,
26 to prevent cruelty, exploitation, and use of said animals as property, and to educate the public
27 and civic leaders why nonhumans should have their lives and liberties protected through social
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1 norms and law. PLAINTIFFS hold their values sincerely and with the traditional conviction that
2 adherents of religions hold their religious values. PLAINTIFFS advocate for chickens and other
3 nonhuman animals through a variety of public outreach events including, but not limited to,
4 protests, boycotts, and demonstrations throughout Los Angeles County. PLAINTIFFS oppose
5 chickens being killed for any reason including for religious rituals such as Kapparot.
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7 14. Kapparot is a religious atonement ritual conducted by some Jewish people on or about
8 Yom Kippur. The ritual typically involves holding a live chicken by her neck or legs and
9 swinging her around the head of the person who seeks atonement. The chicken's neck is then
10 slashed, she is dropped in a trash can, and she is left to bleed to death. Those who practice this
11 ritual believe their sins are transferred to the chicken and then vanish when the chicken dies.
12

13 15. Killing chickens for Kapparot is controversial within the Jewish community. Many
14 Jewish leaders and scholars condemn any killing for Kapparot and call for it to end.

15 16. Chickens are sentient. They have a central nervous system that makes them aware of their
16 surroundings and gives them the capacity to experience emotions, pain, and suffering. Chickens
17 value their own lives: they want to live, birth and raise children, socialize with their kind, and
18 experience the wonderment of existence.
19

20 17. Chickens used for Kapparot suffer before and throughout the ritual. They are typically
21 deprived of food and water, are denied space to stand, walk, or stretch, and are forced to live in
22 their own waste for days. Chickens killed in this ritual suffer from being grabbed by their neck or
23 legs and swung in circles, by having their throats slashed, and by bleeding to death. They suffer
24 pain, writhe, cry, and die in misery throughout the ritual. Thousands of chickens suffer and die in
25 the United States each year due to Kapparot.
26

27 18. The facts asserted in the paragraph, above, constitute *prima facie* violations of Penal
28 Code § 597 (Animal Cruelty, Abuse, Neglect) and § 599 (Animal Welfare).

1 **V. FACTS COMMON TO ALL CAUSES OF ACTION**

- 2 19. Yom Kippur was observed Sept. 29-30, 2017.
- 3 20. Elat Supermarket, Inc., a/k/a Elat Kosher Market (“ELAT”)
- 4 a. Is located at 8730 W. Pico Blvd., Los Angeles, CA 90035.
- 5 b. By and through its employees, knew that PLAINTIFFS in years before 2017 on or about
- 6 Yom Kippur, had protested ELAT several times.
- 7 c. During the several previous years, had called police to interfere with and arrest
- 8 PLAINTIFFS but knew that police refused to arrest PLAINTIFFS.
- 9 d. Anticipated PLAINTIFFS would protest ELAT on or about Yom Kippur 2017.
- 10 e. Hired ACS to provide security on or about Yom Kippur 2017.
- 11 f. Instructed ACS to interfere with and disrupt any protest by PLAINTIFFS.
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- 14 21. On and about Sept. 28, 2017, an unidentified vendor (“VENDOR”)
- 15 a. Is composed of (i) employees, servants, or agents of ELAT, (ii) a business, religious, or
- 16 other independent organization, (iii) employees, servants, or agents of an independent
- 17 organization, or (iv) one or more individuals not associated with any organization.
- 18 b. Was (i) in service of ELAT, (ii) a licensee or permittee of ELAT, or (iii) in a joint-
- 19 venture with ELAT.
- 20 c. Staffed, operated, and maintained tables outside ELAT’s entrance on the public sidewalk,
- 21 to sell admission tickets for Kapparot and to speak to the public about Kapparot.
- 22 d. Partially obstructed the public sidewalk with the tables.
- 23 e. Sold said tickets, or the equivalent, that entitled ticket buyers to participate as
- 24 beneficiaries of the chicken killing ritual.
- 25 f. Engaged in religious, political, economic, or otherwise free speech, and commercial
- 26 speech, while staffing the table and selling tickets.
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- g. Conducted the Kapparot ritual on or about ELAT's property for ticket buyers.
- h. Posted one or more promotional signs on the outside window of ELAT to advertise Kapparot and attract potential ticket buyers. The signs posted on ELAT's window partially obstruct the view in and out of ELAT.
- i. Benefited ELAT directly and/or indirectly with income and/or goodwill.

22. MAHGEREFTEH

- a. Appears to be of Iranian descent and is physically thin.
- b. On Sept. 28, 2017, wore a shirt with the word "VEGAN" in large, legible letters.
- c. Protested ELAT and VENDOR for their promotion of and role in killing chickens.
- d. Stood on the public sidewalk outside ELAT and in the presence of VENDOR.
- e. Spoke with ELAT's customers and others why chickens suffer in commerce generally and Kapparot specifically, why Kapparot is cruel to chickens, why people should not participate in the chicken version of Kapparot, why cruelty to animals harms human society politically, morally, socially, and economically, and why abstaining from cruelty to animals benefits human society.
- f. Encouraged said people to boycott ELAT and VENDOR.
- g. On several occasions, when she was asked about her identity by members of the public, said she was Jewish and Iranian.

23. STEPHENS

- a. Is physically thin.
- b. On Sept. 28, 2017, protested ELAT and VENDOR for their promotion of and role in killing chickens.
- c. Stood on the public sidewalk outside ELAT and in the presence of VENDOR.

- 1 d. Spoke with ELAT's customers and others about the cruelty of killing chickens such as
2 through the Kapparot ritual.
3 e. Encouraged said people to boycott ELAT and VENDOR.
4 f. Used her cell phone to film MAHGEREFTEH interact with the public.
5

6 24. HURLEY

- 7 a. Heard MAHGEREFTEH's protest against ritualized killing of chickens.
8 b. Saw MAHGEREFTEH's shirt with "VEGAN" on it.
9 c. Told MAHGEREFTEH to "go fuck yourself."
10 d. Approached MAHGEREFTEH.
11 e. Said (i) MAHGEREFTEH needs to wear a hijab, (ii) MAHGEREFTEH was Iranian, (iii)
12 she (HURLEY) has grandchildren who have killed Muslims and Iranians, and (iv)
13 MAHGEREFTEH hates Jewish people.
14 f. Said (i) MAHGEREFTEH was lesbian, (ii) MAHGEREFTEH looks like a man because
15 she has small breasts, and (iii) MAHGEREFTEH was not a woman because
16 MAHGEREFTEH's breasts were smaller than hers (HURLEY's).
17 g. Perceived MAHGEREFTEH as vegan, Iranian, Muslim, lesbian, unwomanly, and
18 politically opposed to Kapparot.
19

20 25. SOTIROV

- 21 a. Is 6'00" tall and 195 pounds and is muscular.
22 b. Is trained in martial arts, hand-to-hand fighting, physical combat, or has learned similar
23 skills to hurt, restrain, and disable people.
24 c. Is a California-licensed security guard.
25 d. Has a California license to carry a handgun.
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- e. On Sept. 28, 2017, arrived at ELAT in an official ACS vehicle, namely, a yellow sports/utility truck with “Security ACS” written conspicuously on its side.
- f. Parked in front of ELAT at a red curb.
- g. Violated Vehicle Code § 22500.1 by parking at a red curb.
- h. Wore an ACS security uniform including a metal or metallic looking badge and arm patches with “ACS Security” and “Private Security” written on them.
- i. Had a visible holstered handgun.
- j. Was instructed by ACS to interfere with any protest against ELAT and/or VENDOR by PLAINTIFFS and/or other individuals.
- k. Heard HURLEY’s statements about MAHGEREFTEH as described above.
- l. Knew that ELAT staff and/or customers called police to complain about PLAINTIFFS.
- m. Approached MAHGEREFTEH.
- n. Told MAHGEREFTEH not to protest.
- o. Told MAHGEREFTEH to call police if she had a problem with ELAT and/or VENDOR.
- p. Perceived MAHGEREFTEH as a woman, vegan, Iranian, Muslim, politically opposed to Kapparot, and politically opposed to ELAT and/or VENDOR.

26. MAHGEREFTEH

- a. Told SOTIROV that she had called police but they had not arrived.
- b. Told SOTIROV that she did not have to speak to him.
- c. Turned and walked away from SOTIROV at a slow pace.
- d. Walked on the public sidewalk near VENDOR’s tables.
- e. Continued her protest against ELAT and VENDOR.

27. HURLEY

- a. Was within arm’s reach of SOTIROV and MAHGEREFTEH during their conversation.

- b. Repeatedly tapped SOTIROV's shoulder and repeatedly told SOTIROV that MAHGEREFTEH was "crazy" and "on drugs."
- c. Is not a healthcare professional and has no suitable training to determine if someone is crazy or on drugs.
- d. Told SOTIROV that MAHGEREFTEH was "crazy" and "on drugs" to incite and motivate him to act against MAHGEREFTEH.
- e. Pointed at MAHGEREFTEH and repeatedly yelled at and told SOTIROV to "grab her" as she pointed at MAHGEREFTEH.

28. SOTIROV

- a. Believed MAHGEREFTEH would not voluntarily stop protesting ELAT and VENDOR.
- b. Quickly and silently walked toward and behind MAHGEREFTEH while she was protesting ELAT and VENDOR.
- c. Grabbed MAHGEREFTEH's left upper arm near her armpit with his hand.
- d. Put his hand around the whole circumference of MAHGEREFTEH's upper arm.
- e. Squeezed MAHGEREFTEH's arm with great, injurious, and excessive force.
- f. Prevented MAHGEREFTEH from walking away.
- g. Interrupted and caused MAHGEREFTEH to stop her protest and speech.
- h. Caused injury, bruising, and swelling to MAHGEREFTEH's arm.

29. MAHGEREFTEH

- a. Was surprised that she was grabbed.
- b. Felt pain from SOTIROV's grip.
- c. Tried to remove herself out of SOTIROV's grip.
- d. Was unable to remove herself from SOTIROV's grip.
- e. Screamed at SOTIROV that he was hurting her.

1 f. Was restrained by SOTIROV for several seconds.

2 g. Was released by SOTIROV.

3 30. SOTIROV

4 a. Turned around and walked away from MAHGEREFTEH.

5 b. Saw STEPHENS holding a cell phone.

6 c. Believed STEPHENS was filming him with the cell phone.

7 d. Walked to STEPHENS.

8 e. Swung his arm and hand around with great force toward STEPHENS's face.

9 f. Grabbed STEPHENS's right hand that held her cell phone.

10 g. Held STEPHENS's right hand and jerked it backwards.

11 h. Moved STEPHENS's right hand into an unnatural and injurious position.

12 i. Caused STEPHENS pain, suffering, and nerve damage.

13 j. Caused STEPHENS to stop filming by attacking her and injuring her hand.

14 k. Knew that he had no lawful authority to grab or injure MAHGEREFTEH at any time.

15 l. Knew that he had no lawful authority to grab or injure STEPHENS at any time.

16 31. STEPHENS

17 a. Buckled due to the force and pain SOTIROV caused her hand.

18 b. Attempted to free herself from SOTIROV's grasp.

19 c. Could not free herself from SOTIROV's grasp.

20 d. Was restrained by SOTIROV for several seconds.

21 e. Was released by SOTIROV.

22 32. Los Angeles Police Department officers Villavicenciu (#42423) and Alcala (#41907).

23 a. Arrived at ELAT.

24 b. Received a complaint by MAHGEREFTEH that SOTIROV battered her.

- c. Investigated and interviewed SOTIROV for battery.
- d. Instructed PLAINTIFFS to contact L.A.P.D. detectives.

33. SOTIROV

- a. Made no complaint to law enforcement against PLAINTIFFS
- b. Communicated with an unknown ACS official about the events described herein.
- c. Received instructions from the ACS official to photograph or film PLAINTIFFS.
- d. Was told to record PLAINTIFFS so that ACS could identify PLAINTIFFS and to build a dossier on each PLAINTIFF.
- e. Understood the dossier was to be used to intimidate PLAINTIFFS.
- f. Searched for and hunted PLAINTIFFS for several hours by driving his ACS vehicle around several square miles around ELAT.
- g. Saw PLAINTIFFS on a sidewalk approximately two hours after he physically touched PLAINTIFFS at ELAT and approximately four miles away from ELAT.
- h. Stopped his ACS vehicle and photographed or filmed PLAINTIFFS while seated in the vehicle's driver's seat.

34. PLAINTIFFS

- a. Saw SOTIROV photograph or film them.
- b. Were intimidated by SOTIROV photographing or filming them.
- c. Were frightened by SOTIROV because of the violence he had committed against them as described herein and because he had a handgun.
- d. Did not complete their criminal complaint against SOTIROV to L.A.P.D. wholly or substantially because they were intimidated by ACS and SOTIROV.

1 **VI. CAUSES OF ACTION**

2 **FIRST CAUSE OF ACTION**
3 **RALPH ACT — Civil Code § 51.7(a)**
4 **by PLAINTIFFS against SOTIROV**

5 35. PLAINTIFFS incorporate by reference the allegations contained in the above paragraphs,
6 and each and every part thereof with the same force and effect as though set out at length herein.

7 “All persons within the jurisdiction of this state have the right to be free from any
8 violence, or intimidation by threat of violence, committed against their persons or
9 property because of political affiliation, or on account of any characteristic listed
10 or defined in subdivision (b) or (e) of Section 51, ..., or because another person
11 perceives them to have one or more of those characteristics. The identification in
12 this subdivision of particular bases of discrimination is illustrative rather than
13 restrictive.” Civil Code § 51.7(a).

14 “... sex, race, color, religion, ancestry, national origin, ..., sexual orientation, ...”
15 Civil Code § 51(b).

16 36. SOTIROV committed acts of violence against PLAINTIFFS, and caused them injury,
17 pain and suffering therefrom. SOTIROV did not have PLAINTIFFS’ consent nor lawful
18 authority to grab or otherwise touch PLAINTIFFS.

19 37. SOTIROV’s committed violence against PLAINTIFFS due their actual or perceived
20 political affiliations including, but not limited to, vegan, animal advocates, protestors, opponents
21 of Kapparot and/or ELAT and/or VENDOR; and/or their actual or perceived characteristics
22 including, but not limited to, sex (woman), race (Iranian), color, religion (Muslim), ancestry,
23 national origin, and/or sexual orientation (lesbian).

24 38. SOTIROV was the actual and proximate cause of injury and harm to PLAINTIFFS.

25 **SECOND CAUSE OF ACTION**
26 **BANE ACT — Civil Code § 52.1(b)**
27 **by PLAINTIFFS against SOTIROV**

28 39. PLAINTIFFS incorporate by reference the allegations contained in the above paragraphs,
and each and every part thereof with the same force and effect as though set out at length herein.

1 “If a person or persons, whether or not acting under color of law, interferes by
2 threat, intimidation, or coercion, or attempts to interfere by threat, intimidation,
3 or coercion, ...” Civil Code § 52.1(a).

4 “Any individual whose exercise or enjoyment ... of rights secured by the
5 Constitution or laws of this state, has been interfered with, or attempted to be
6 interfered with, as described in subdivision (a), may institute and prosecute in his
7 or her own name and on his or her own behalf a civil action for damages,
8 including, but not limited to, damages under Section 52, injunctive relief, and
9 other appropriate equitable relief to protect the peaceable exercise or enjoyment
10 of the right or rights secured, including appropriate equitable and declaratory
11 relief to eliminate a pattern or practice of conduct as described in subdivision
12 (a).” Civil Code § 52.1(b).

13 40. SOTIROV interfered with and attempted to interfere with PLAINTIFFS’ rights secured
14 by the Constitution of California, including free speech (Art. I, Sec. 2), free assembly (Art. I,
15 Sec. 3), and against unreasonable seizures (Art. I, Sec. 13), through his conduct, intimidation,
16 and attempts to intimidate PLAINTIFFS including, but not limited to, grabbing, hurting, and
17 holding PLAINTIFFS during their protest with enough force to cause injury, pain, and suffering,
18 interrupting their protest, by hunting for them for hours after attacking them, by photographing
19 and/or filming them for no lawful purpose, and using these actions to intimidate and coerce them
20 not to exercise said rights in the future.

21 41. SOTIROV intended to terrorize, bully, frighten, intimidate, and threaten PLAINTIFFS
22 through his conduct and PLAINTIFFS were terrorized, bullied, frightened, intimidated, and
23 threatened by his conduct.

24 42. PLAINTIFFS committed no crime and gave no consent to be grabbed. SOTIROV had no
25 lawful authority to touch or grab either PLAINTIFF at any time.

26 43. SOTIROV was the actual and proximate cause of injury and harm to PLAINTIFFS.

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1 **THIRD CAUSE OF ACTION**
2 **BATTERY**
3 **by PLAINTIFFS against SOTIROV**

4 44. PLAINTIFFS incorporate by reference the allegations contained in the above paragraphs,
5 and each and every part thereof with the same force and effect as though set out at length herein.

6 To prove battery, a plaintiff must prove that defendant touched plaintiff or caused
7 plaintiff to be touched with the intent to harm or offend her; that plaintiff did not
8 consent to the touching; and that plaintiff was harmed or offended by defendant's
conduct; and that a reasonable person in plaintiff's situation would have been
offended by the touching. CACI No. 1300 (2017).

9 45. SOTIROV grabbed MAHGEREFTEH's arm and STEPHENS's hand with great force
10 and caused them injury, pain and suffering therefrom.

11 46. SOTIROV did not have consent nor other lawful authority to grab or injure either
12 PLAINTIFF.

13 47. SOTIROV intended to harm and offend each PLAINTIFF.

14 48. PLAINTIFFS, each, were harmed and offended by SOTIROV's conduct.
15

16 **FOURTH CAUSE OF ACTION**
17 **FALSE IMPRISONMENT**
18 **by PLAINTIFFS against SOTIROV**

19 49. PLAINTIFFS incorporate by reference the allegations contained in the above paragraphs,
20 and each and every part thereof with the same force and effect as though set out at length herein.

21 To prove false imprisonment, a plaintiff must prove that defendant intentionally
22 deprived plaintiff of her freedom of movement by use of physical force; that the
23 restraint compelled plaintiff to stay for some appreciable time, however short;
24 that plaintiff did not consent; that plaintiff was actually harmed; and that
defendant's conduct was a substantial factor in causing plaintiff's harm.
CACI No. 1400 (2017).

25 50. SOTIROV grabbed MAHGEREFTEH's arm and STEPHENS's hand with great force
26 and restrained each from leaving his grasp and presence for several seconds, each, despite their
27 efforts to escape his grasp.
28

1 51. SOTIROV did not have consent nor other lawful authority to grab either PLAINTIFF.

2 52. PLAINTIFFS, each, were harmed by SOTIROV's conduct.

3 53. SOTIROV's conduct was the sole and substantial factor in causing PLAINTIFFS' harm.

4
5 **FIFTH CAUSE OF ACTION**
6 **AID OF VIOLATIONS OF THE RALPH ACT — Civil Code § 52(b)**
7 **by PLAINTIFFS against ACS**

8 54. PLAINTIFFS incorporate by reference the allegations contained in the above paragraphs,
9 and each and every part thereof with the same force and effect as though set out at length herein.

10 55. ACS values its own goodwill and its customers' loyalty, including ELAT's. ACS has
11 adopted policies, procedures, customs, or other guidelines to provide unlawful security services
12 to foster goodwill and customer loyalty.

13 56. ACS has determined that some of its customers are dissatisfied with the refusal of
14 municipal police to remove law-abiding protestors, including ELAT's dissatisfaction that
15 L.A.P.D. has refused to remove PLAINTIFFS from the public sidewalk outside of ELAT.
16 Therefore, in conformity with ACS's policies, etc., ACS trains some or all of its security guards
17 to intimidate and interfere with the state-protected rights of civilians whom municipal police
18 refuse to remove including, but not limited to, PLAINTIFFS as alleged herein. These policies,
19 etc., give ACS an unfair business advantage over private security companies that do not
20 intimidate or interfere with law-abiding civilians.

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23 57. ACS trained and instructed SOTIROV on how to commit violence upon, intimidate, and
24 interfere with protestors, including as alleged herein, knowing and intending for SOTIROV to
25 commit violence upon, intimidate, and interfere with protestors including PLAINTIFFS.

26 58. ACS aided SOTIROV, its employee, servant, and agent, to intimidate, interfere with, and
27 violate PLAINTIFFS' state-protected rights, as alleged herein, by wrongfully instructing and
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1 training him to do so, and by instructing SOTIROV to search and hunt for PLAINTIFFS after he
2 attacked them by photographing or filming them.

3 59. ACS further aided SOTIROV to intimidate, interfere with, and violate PLAINTIFFS'
4 state-protected rights by failing to investigate, discipline, and terminate SOTIROV for his
5 conduct as alleged herein. Such aid by ACS endorses and/or ratifies SOTIROV's conduct and
6 makes certain that SOTIROV will again intimidate, interfere with, and violate PLAINTIFFS'
7 state-protected rights, as well as the same rights of other individuals similarly situated.
8

9 60. ACS's wrongful training of SOTIROV and SOTIROV's conduct in accordance with his
10 training has profited ACS through the increased goodwill and loyalty of ELAT and other current
11 and potential customers of ACS.
12

13 **SIXTH CAUSE OF ACTION**
14 **BANE ACT — Civ. Code § 52.1(b)**
15 **by PLAINTIFFS against ACS**

16 61. PLAINTIFFS incorporate by reference the allegations contained in the above paragraphs,
17 and each and every part thereof with the same force and effect as though set out at length herein.

18 62. SOTIROV interfered with and attempted to interfere with PLAINTIFFS' state-protected
19 rights, as alleged herein, through violence, intimidation, battery, and false imprisonment in
20 furtherance of ACS's policies and business interests as its security guard.

21 63. ACS was informed by SOTIROV that he had committed violence against PLAINTIFFS,
22 both women. Nonetheless, ACS instructed SOTIROV search and hunt for PLAINTIFFS for
23 hours after SOTIROV attacked PLAINTIFFS, to photograph and/or film PLAINTIFFS, to build
24 a dossier of each PLAINTIFF. ACS intended for PLAINTIFFS to be frightened, intimidated, and
25 threatened by SOTIROV.
26

27 ///
28

1 64. ACS directly intimidated PLAINTIFFS and additionally aided SOTIROV to intimidate
2 PLAINTIFFS, to prevent and interfere with PLAINTIFFS' exercise of state-protected rights
3 including, but not limited to, their right to complain to police and follow through said complaints
4 as witnesses, and their rights to file any administrative, police, or civil complaint against ACS or
5 SOTIROV, its employee, or to continue their protest against ELAT and/or VENDOR.
6

7 65. ACS knew that MAHGEREFTEH made a criminal complaint of battery against
8 SOTIROV and knew or expected that sending the man who battered her to conspicuously
9 photograph and/or film her would further frighten, intimidate, and threaten both PLAINTIFFS.
10

11 66. PLAINTIFFS were frightened, intimidated, and threatened by ACS, and any reasonable
12 person would be frightened, intimidated, and threatened under these facts.

13 67. ACS was the actual and proximate cause of injury and harm to PLAINTIFFS.
14

15 **SEVENTH CAUSE OF ACTION**
16 **VICARIOUS LIABILITY**
17 **by PLAINTIFFS against ACS**

18 68. PLAINTIFFS incorporate by reference the allegations contained in the above paragraphs,
19 and each and every part thereof with the same force and effect as though set out at length herein.

20 To prove vicarious liability, a plaintiff must prove that tortfeasor was defendant's
21 employee; and that tortfeasor was acting within the scope of his employment
22 when he harmed plaintiff. CACI No. 3701 (2017).

23 69. SOTIROV was ACS's employee and injured PLAINTIFFS while he was working for
24 ACS, for ACS's and his own profit, and in furtherance of ACS's policies and business interests.
25

26 **EIGHTH CAUSE OF ACTION**
27 **INCITEMENT OF VIOLATIONS OF THE RALPH ACT — Civil Code § 52(b)**
28 **by MAHGEREFTEH against HURLEY**

70. PLAINTIFFS incorporate by reference the allegations contained in the above paragraphs,
and each and every part thereof with the same force and effect as though set out at length herein.

1 71. HURLEY solicited and incited SOTIROV to commit acts of violence against
2 MAHGEREFTEH in violation of the Ralph Act, namely repeatedly ordering SOTIROV to grab
3 MAHGEREFTEH during her lawful protest, without her consent, and against her will. HURLEY
4 had no lawful authority to grab MAHGEREFTEH herself nor to incite, solicit, or cause another
5 person to grab MAHGEREFTEH.
6

7 72. HURLEY incited SOTIROV by repeatedly ordering him to “grab” MAHGEREFTEH,
8 telling SOTIROV that MAHGEREFTEH was on drugs, telling SOTIROV that
9 MAHGEREFTEH was crazy, and incessantly tapping SOTIROV’s shoulder while telling him
10 the things described herein. HURLEY knew MAHGEREFTEH was protesting ritualized killing
11 of chickens and incited SOTIROV to grab MAHGEREFTEH during her protest and specifically
12 to interfere with her protest.
13

14 HURLEY’s motivation for soliciting violence against MAHGEREFTEH was wholly or
15 substantially motivated by MAHGEREFTEH’s actual or perceived political affiliation and actual
16 or perceived characteristics as described above.
17

18 **VII. DAMAGES**

19 **WHEREFORE**, PLAINTIFFS request for judgment against DEFENDANTS as follows:

20 **For Violations of the Ralph Act by SOTIROV** 21 **(FIRST CAUSE OF ACTION)**

22 73. Actual damages according to proof, including but not limited to medical expenses,
23 impaired earning capacity, pain, suffering, and emotional distress;

24 74. Punitive damages according to proof as allowed by statute;

25 75. A civil penalty of twenty-five thousand dollars for MAHGEREFTEH and twenty-five
26 thousand dollars for STEPHENS as allowed by statute; and

27 76. Attorney fees as allowed by statute.
28

1 **For Violations of the Bane Act by SOTIROV**
2 **(SECOND CAUSE OF ACTION)**

3 77. Actual damages according to proof, including but not limited to medical expenses,
4 impaired earning capacity, pain, suffering, and emotional distress;

5 78. Treble actual damages as allowed by statute;

6 79. No less than one thousand dollars actual damages as allowed by statute; and

7 80. Attorney fees as allowed by statute.
8

9 **For Battery by SOTIROV**
10 **(THIRD CAUSE OF ACTION)**

11 81. General and special damages according to proof; and

12 82. Punitive damages according to proof.

13 **For False Imprisonment by SOTIROV**
14 **(FOURTH CAUSE OF ACTION)**

15 83. General and special damages according to proof; and

16 84. Punitive damages according to proof.

17 **For Aid of Violations of the Ralph Act by ACS**
18 **(FIFTH CAUSE OF ACTION)**

19 85. Actual damages of five hundred thousand dollars for MAHGEREFTEH and five hundred
20 thousand dollars for STEPHENS;

21 86. Punitive damages of five hundred thousand dollars for MAHGEREFTEH and five
22 hundred thousand dollars for STEPHENS;

23 87. A civil penalty of twenty-five thousand dollars for MAHGEREFTEH and twenty-five
24 thousand dollars for STEPHENS as allowed by statute; and

25 88. Attorney fees as allowed by statute.
26
27
28

1 **For Violations of the Bane Act by ACS**
2 **(SIXTH CAUSE OF ACTION)**

3 89. Actual damages of one hundred thousand dollars for MAHGEREFTEH and one hundred
4 thousand dollars for STEPHENS;

5 90. Treble actual damages as allowed by statute; and

6 91. Attorney fees as allowed by statute.
7

8 **For Vicarious Liability by ACS**
9 **(SEVENTH CAUSE OF ACTION)**

10 92. All damages, fees, costs, and other relief of which SOTIROV is found liable.

11 **For Incitement of Violations to the Ralph Act by HURLEY**
12 **(EIGHTH CAUSE OF ACTION)**

13 93. Actual damages according to proof;

14 94. Punitive damages according to proof as allowed by statute;

15 95. A civil penalty of twenty-five thousand dollars for MAHGEREFTEH as allowed by
16 statute; and

17 96. Attorney fees as allowed by statute.

18 **For Costs of Suit, Interest, and Other Relief**
19 **(EACH CAUSE OF ACTION)**

20 97. Costs of suit herein;


21 98. Taxable costs and other damages according to proof and as allowed by law;

22 99. Pre- and post-judgment interest according to proof and as allowed by law; and

23 100. Such further relief as the Court may deem just and proper.
24

25 DATED: March 29, 2018

26
27 By:



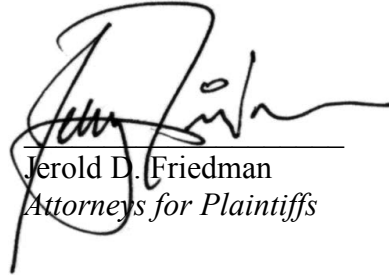
Jerold D. Friedman
Attorneys for Plaintiffs

1 **DEMAND FOR JURY TRIAL**

2 Nazila Mahgerefteh and Olena Stephens hereby respectfully demand trial by jury in this action
3 for all issues that may be tried to a jury.

4 DATED: March 29, 2018

5
6 By:


7 Jerold D. Friedman
8 *Attorneys for Plaintiffs*