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CENTRAL DISTRICT OF CALIF.
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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION

CV12-00625 MMM(FUCK)

UN

12 JAMES BOZAJIAN,
13 Plaintiff,
14 V.

) CASE NO.
)
) COMPLAINT FOR DAMAGES,
) INJUNCTIVE RELIEF, AND
) DECLARATORY RELIEF

15 COUNTY OF LOS ANGELES; STEVE)
16 COOLEY, individually and in his)
17 official capacity; CURTIS HAZELL,)
18 individually and in his official capacity,)
19 JOHN SPILLANE, individually and in)
his official capacity; JOHN ZAJEC,)
20 individually and in his official capacity;)
JACQUELYN LACEY, individually)
21 and in her official capacity, JANET)
MOORE, individually and in her)
22 official capacity ; SHARON)
MATSUMOTO; and DOES 1-10;)
23 Defendants.

) DEMAND FOR JURY TRIAL

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JURISDICTION AND VENUE

This Court has subject matter jurisdiction over this case under 28 U.S.C. Section 1331, as this action arises under the First and Fourteenth Amendments to the United States Constitution; under 28 U.S.C. Sections 1343 (a)(3), in that Plaintiff seeks redress for deprivations made under color of State Laws of Rights, Privileges, and immunities secured by the U.S. Constitution ; under 28 U.S.C. Sections 1343 (a)(4), in that Plaintiff seeks damages and equitable relief under 42 U.S.C. Sections 1983, which provide a cause of action for the protection of civil rights; under 42 U.S.C. Section 1988 (b) for an award of attorney fees; under 28 U.S.C. Section 2201(a) to secure declaratory relief; and under 28 U.S.C. Section 2202 to secured preliminary and permanent injunctive relief.

Venue is proper in the United States District Court for the Central District of California under 28 U.S.C. Section 1391(b) , because the events giving rise to Plaintiff's claims described in this Complaint occurred within Los Angeles County.

1 **PARTIES**

2
3 Plaintiff James R. Bozajian (^aPlaintiff^o) is a Deputy District Attorney for the County of
4 Los Angeles. He has been employed in that capacity since 1990.

5 Defendant Steve Cooley (^aCooley^o) is the District Attorney of Los Angeles County. He
6 has served in that capacity since being elected to office in 2000.

7
8 Defendant Jacquelyn Lacey (^aLacey^o) is presently the Chief Deputy District Attorney of
9 Los Angeles County. She previously served as an Assistant District Attorney and as a
10 Bureau Director.

11 Defendant John Spillane (^aSpillane^o) is presently a Head Deputy District Attorney
12 for Los Angeles County. He previously served as Chief Deputy District Attorney,
13 as an Assistant District Attorney, and as a Bureau Director.

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15 Defendant John Zajec (^aZajec^o) is presently a Head Deputy District Attorney for Los
16 Angeles County. He previously served as a Bureau Director.

17
18 Defendant Janet Moore (^aMoore^o) is presently a Bureau Director for Los Angeles
19 County. She previously served as a Head Deputy District Attorney.

20 Defendant Sharon Matsumoto (^aMatsumoto^o) is presently an Assistant District Attorney
21 for Los Angeles County.

22
23 Defendant Curtis Hazell (^aHazell^o) is presently an Assistant District Attorney for Los
24 Angeles County. He previously served as a Bureau Director.

1 Plaintiff is informed and believes and thereon alleges that at all relevant times herein,
2 each of the fictitiously named Defendants was an agent, employee, or co-conspirator
3
4 of one or more of the named Defendants, and was acting within the course and scope
5 of said agency or employment. Plaintiff is further informed and believes, and thereon
6 alleges that each of the fictitiously named Defendants aided and assisted the named
7 Defendants in committing the wrongful acts alleged herein, and that Plaintiff's
8 damages, as alleged herein, were proximately caused by such Defendants.

9 Plaintiff is informed, believes and thereon alleges that Defendants, and each of them,
10 conspired and agreed amongst themselves to do the acts complained of herein and
11 were, in doing such acts, acting pursuant to and in furtherance of said conspiracy, and
12 each Defendant sued herein is jointly and severely liable to Plaintiff for the damages
13 alleged herein.

14
15 Defendants, and each of them, and/or their agents/employees knew or should have
16 known that each of the remaining Defendants, individually and together in
17 combinations, were engaging in the conduct alleged herein.

18 **FACTS**

19 **1.**

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22 **DEFENDANTS ENGAGED IN A PATTERN OF DISCRIMINATION AND**
23 **HARASSMENT OF PLAINTIFF DESPITE PLAINTIFF'S OUTSTANDING RECORD**

24 1. Plaintiff has served as an elected member of the Board of Directors of the Los
25 Angeles County Association of Deputy District Attorneys (^aADDA^o) continuously
26 since 1993. He was President of ADDA in 1996 and 1997, and has also served
27

1 several terms as Vice- President and Secretary during his tenure on the Board.
2 Plaintiff is the longest-serving Director in the history of the organization and one
3 of its most active members. These facts were well known to Defendants at all
4 time periods relevant to the instant matter.

5
6 2. In sworn testimony taken at administrative hearings in 2008-11, Defendants
7 acknowledged that they did not know of any prosecutor who has been more active in ADDA
8 for a longer period of time than Plaintiff.

9 3. Plaintiff has routinely received "Outstanding" ratings on his annual "Performance
10 Evaluations" and has been highly enough regarded by his colleagues to be
11 elected and re-elected to the ADDA Board of Directors by wide margins for 19
12 consecutive years.

13
14 2. Plaintiff has served as an elected member of the Calabasas City Council since
15 1997. He was/is Mayor of Calabasas in 1998-99, 2003-04, 2007-08, and
16 2011-12.

17 3. Plaintiff has served as an elected member of the Board of Directors of the
18 California Contract Cities Association since 2008. He is currently President of the
19 organization.

20
21 4. In addition to the foregoing, Plaintiff is actively involved in many aspects of
22 municipal, state, and federal politics. The level of Plaintiff's political and union
23 activities has at all relevant times been well known to Defendants.

24
25 5. Now in its 56th year of existence, ADDA is the largest local organization of
26 prosecutors in the country, representing the approximately 1,000 prosecutors in
27 the District Attorney's Office. In 2008, ADDA became the formal union

1 representing rank-and-file Deputy District Attorneys in Los Angeles County.
2 Plaintiff was one of a small handful of individuals who were instrumental in
3 converting ADDA into a full-fledged union. This fact was well known to
4 Defendants at all relevant time periods.
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7 6. During Cooley's tenure as District Attorney, Defendants have consistently used
8 their positions of authority over Plaintiff to coordinate attempts to embarrass,
9 threaten, harass and intimidate him. These actions were executed in order to
10 retaliate against Plaintiff for engaging in union-related activities and for opposing
11 Cooley's political agenda.
12

13 7. During the course of presiding over numerous formal Grievances filed by Plaintiff
14 (2003 to present), Defendants have steadfastly refused to comply with the
15 District Attorney's selfpromulgated procedures for conducting Grievance
16 hearings.
17

18 8. During his initial campaign for District Attorney in 2000, Cooley pledged to
19 maintain a close working relationship with ADDA. He criticized his predecessor
20 for being "afraid to face his troops and the public, communicating instead through
21 a phalanx of political mouthpieces." Similarly, Cooley denounced the incumbent
22 for "being at war with the ADDA for years and insulting all deputies by refusing to
23 attend ADDA meetings." Once he assumed office, however, Cooley's
24 relationship with ADDA deteriorated. By 2004-05, he severed ties with and begun
25 a formal "boycott" of all ADDA events and activities. At his direction, Cooley's
26 management staff (including Defendants) has followed suit.
27
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1 9. On multiple occasions, Defendants have actively sought to interfere with ADDA's
2 internal elections. As early as 2001-02, Cooley personally confronted Plaintiff and
3 advised him not to seek re-election to the ADDA Board of Directors. In 2005-06,
4 Cooley tacitly endorsed and supported a rival slate of candidates to run against
5 incumbent board members, including Plaintiff.

6 10. The incumbents (including Plaintiff) prevailed in the election by overwhelming
7 margins.

8
9 11. The District Attorney's Office has long employed two internal devices to facilitate
10 intra-office communications: ^aCounty Messenger,^o to deliver regular mail and
11 physical objects from place to place; and ^aLotus Notes,^o an internal e-mail
12 network. Both systems are publicly funded and operated. Despite clearly
13 delineated administrative rules governing the use of these communicative tools,
14 Defendants have repeatedly used them for partisan political purposes, including
15 the destruction of the union.

16 12. Concomitantly, Defendants have prevented ADDA and Plaintiff from using these
17 same media to respond to anti-union propoganda disseminated by Defendants.
18 This history of content-based restrictions, prior restraints, and selective
19 enforcement of applicable administrative rules dates back to 2002 and continues
20 to the present time.

21
22 13. From at least 2005 to the present, Plaintiff has personally led efforts by ADDA to
23 curtail Defendants' ongoing consumption of public resources in the manner
24 described herein. These efforts were well known to Defendants .

25
26 14. Defendants have sought to curtail prosecutors' use of the Internet to
27 communicate with each other, even when those communications originate from
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1 private sources and County time and resources are not consumed. From 2002 to
2 2006, there were at least 113 mass e-mails sent by Deputy District Attorneys
3 from private, outside computers to all fellow prosecutors at County office
4 locations. Additionally, there were an untold number of other such e-mails sent
5 from prosecutors to their colleagues utilizing office computers. Many of these
6 communications were political in nature, some of them involving ADDA and
7 unionization. For nearly four years, the Administration neither dissuaded
8 employees from engaging in this conduct nor initiated any form of disciplinary
9 action.

10 **Injuries Being Sustained by Plaintiff**

11 **Directly as a Result of Defendants' Policy of Discrimination**

12
13 15. Suddenly and without warning, the District Attorney dispatched two pairs of District
14 Attorney Investigators in 2006 to personally serve two ADDA Board members (one of
15 them then President Steve Ipsen, the other one Plaintiff) with letters signed by Spillane.
16 The letters ordered Plaintiff to cease sending out e-mails relating to ADDA business,
17 threatening consequences up to and including termination of employment — even
18 though Plaintiff had never, in fact, sent any such communications. No other personnel
19 were so warned. This episode occurred during a highly contentious ADDA election cycle
20 where the Administration was supporting a slate of rival candidates to oust incumbent
21 board members like Plaintiff.

22
23 16. After this incident, Defendants permitted and even encouraged other
24 deputies to distribute information critical of ADDA using precisely the same
25 media — again, without reprisal.

1 17. In 2003, the Cooley sent out an e-mail to all personnel in the form of a campaign
2 letter from an individual (not employed with the County), for the express purpose of
3 promoting that person's candidacy for public office. The individual to whom this free
4 advertisement was provided actually mentioned an endorsement by Cooley in the very
5 text of the e-mail. In an explanatory message accompanying the letter, the
6 Administration acknowledged that it was sending out the email free of charge; that it
7 was to be considered a one-time-only "exception" to standard office policy; and that its
8 distribution was based on a previous agreement to send out the letter due to a
9 "misunderstanding" of County rules when making the commitment. The person in
10 question happened to be one of the District Attorney's more powerful political allies, and
11 had tendered a \$1,000 contribution to Cooley's re-election bid just before the e-mail was
12 authorized for distribution.

13
14 18. During his 2004 re-election campaign, Cooley formally asked ADDA to hold an
15 office-wide plebiscite. In past election cycles, ADDA had traditionally conducted straw
16 polls of all deputies to determine their preferences among the prospective candidates
17 for District Attorney. The ADDA Board of Directors submitted to the District Attorney's
18 request. During the plebiscite, Cooley actively encouraged use of office time and
19 resources to handle the election process. ADDA Board members were permitted to use
20 County Messenger to deliver and collect ballots, to use office telephones and computers
21 for communication, and to count ballots in the District Attorney's own conference room
22 during working hours.

23 19. In 2005, Cooley used the Lotus Notes system to announce his intentions with
24 respect to seeking a partisan political office.

25
26 20. Other internal mass e-mails having nothing to do with criminal prosecution have
27 been distributed by Defendants in violation of the Administration's own written

1 guidelines governing the use of Lotus Notes. These communications included such
2 things as a notice for the private sale of a gun (2003), and multiple advertisements for
3 alcohol and tobacco products (2006-11).

4
5 21. From 2005 to the present time, Plaintiff has taken a leading role in criticizing the
6 Cooley Administration in various public media. Much, if not most, of this criticism was
7 undertaken on behalf of ADDA. Plaintiff's political criticisms were well known to
8 Defendants at all relevant time periods.

9
10 22. From 2005 to 2011, Plaintiff served Defendants with a series of requests pursuant
11 to the California Public Records Act (Government Code Section 6250, et seq.). Several
12 of these requests were made on behalf of ADDA and/or in Plaintiff's capacity as a
13 Director thereof. Much of the information collected from these requests have proven
14 politically damaging to Defendants, who have at various times expressed open
15 displeasure with Plaintiff's actions in this regard.

16
17 23. In his 2005-06 annual publication entitled, "Report to the People," Cooley
18 plagiarized 24 essays actually authored by ADDA members (including Plaintiff) solely in
19 an effort to promote his own public image. When Plaintiff, acting through ADDA,
20 requested that the record be corrected, Cooley refused.

21
22 24. Since 2006, Cooley has ordered that ADDA Board members be banned from
23 communicating with each other or other employees through the County Messenger and
24 Lotus Notes systems — the latter, even when the messages are sent after working
25 hours and from outside computers. These orders have been enforced, in part, by
26 Defendants.

1 25. In 2006, Cooley personally ordered the removal of the entire ADDA Board of Directors
2 from the exterior portion of a County building while the Board was being sworn into office
3 for a new term in office.

4
5 **II. Acts and Admissions by Defendants Evidencing**

6 **Their Policy of Harassment and Discrimination against Plaintiff Herein**

7
8 26. During the early stages of becoming a fledgling union (2007-09), Defendants
9 stepped up their campaign to cripple ADDA. Among other tactics, Defendants
10 discouraged prosecutors from becoming involved in ADDA and/or union activities.
11 During sworn testimony taken at administrative hearings in 2009-10, Defendants Cooley
12 and Lacey admitted to engaging in this conduct.

13
14 27. In 2007, Cooley sent one of his top assistants to provide adverse and misleading
15 testimony about unionization at a formal hearing before the Employee Relations
16 Commission (^aERCOM^o), the County administrative agency legally empowered with
17 granting approval for unionization.

18
19 28. Simultaneously, Cooley began a behind-the-scenes campaign to further thwart
20 ADDA's unionization efforts. ADDA responded by sending the District Attorney a formal
21 letter rebuking him for ignoring his legal and ethical obligations to remain neutral and
22 refrain from engaging in anti-union activities.

23
24 29. When formally asked by the ADDA Board of Directors in 2007-08 to remain publicly
25 neutral on the question of unionization, both Cooley and Lacey categorically refused to
26 do so.

1 30. Notwithstanding Defendants' efforts, in 2008 ERCOM approved formal
2 unionization for prosecutors for the first time since 1989.

3
4 31. In 2007, Lacey attended an ADDA Board meeting wherein she stated that she had
5 been specifically instructed by Cooley to discredit ADDA's union-related activities
6 inasmuch as they involved criticisms of the District Attorney's re-election efforts.

7 32. In an attempt to dissuade involvement with ADDA, Cooley has used his position as
8 an elected official to launch unprovoked attacks against those active in the organization.
9 Most of these attacks have been made publicly; some have attracted attention from the
10 news media.

11
12 33. While addressing the entire Board of Directors during one of its meetings in 2005,
13 Cooley called the ADDA President a "whore." Likewise, during a public appearance
14 before a professional legal organization in 2007, he referred to the President as "a piece
15 of dirt." During sworn testimony at an administrative hearing in 2010, Cooley referred to
16 the entire ADDA Board of Directors, including Plaintiff, as "shit."

17 34. Defendants have also used these media to disseminate rumors and engage in idle
18 gossipmongering about ADDA Board members, including Plaintiff. In a string of one
19 such email communications in 2007, members of the Administration derisively and
20 repeatedly referred to Plaintiff and several other ADDA Board members as "apes."

21
22 35. Defendants have refused to recognize ADDA's status as a union, and have refused
23 to negotiate with the union in good faith.

1 **III. INJURIES WERE SUSTAINED BY PLAINTIFF DIRECTLY AS A RESULT OF**
2 **DEFENDANTS' POLICY OF DISCRIMINATION AND ILLEGAL RETALIATION**

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4 36. In 2008, Defendants implemented a new ^aPerformance Evaluation^o policy without
5 seeking or permitting input from ADDA. ERCOM subsequently ordered the Cooley
6 Administration to discard the new evaluation procedures because of its failure to
7 negotiate with ADDA. Despite repeated protests, Plaintiff has not received an annual
8 ^aPerformance Evaluation^o (as required by the Los Angeles County Civil Service rules)
9 since 2007.

10 IV.

11
12 **APPLICATION OF THE UNION DISCRIMINATION POLICY TO**
13
14 **PLAINTIFF AS A LONGSTANDING BOARD MEMBER OF ADDA**

15 37. Since ADDA achieved formal union status in 2008, Defendants have escalated their
16 efforts to discourage union membership. Chief among these are the Administration's
17 continued penchant for ordering frequent, punitive transfers of union activists (including
18 Plaintiff). These measures are designed to have a chilling effect on the willingness of
19 Deputy District Attorneys to join and participate in the union. The District Attorney has
20
21 repeatedly imposed disciplinary actions — including suspensions and threats of
22 termination of ADDA Board members — for contrived reasons. Defendants have
23 continued to use public resources in the form of County Messenger and Lotus Notes to
24 distribute anti-union materials and impose political, content-based restrictions on what is
25 disseminated. According to recent and undisputed testimony at administrative
26 proceedings, Cooley and others acting on his behalf have personally approached
27 individual Deputy District Attorneys and solicited them to undermine the union. On at
28

1 least one occasion, Cooley used a member of his management team to improperly
2 secure records from the County in the form of lists of those prosecutors who signed
3 ADDA's initial petition in favor of unionization.

4
5 38. In anticipation of the 2008 California Primary Election, Plaintiff published a political
6 newsletter (^aThe Loyal Opposition^o) in May 2008 critical of then-incumbent Cooley (a
7 candidate for reelection). Among other places, hard copies of that newsletter were
8 mailed via U.S. Post (at Plaintiff's own expense) to Deputy District Attorneys throughout
9 the County at their various office locations. After hastily conferring on the day the
10 newsletter landed, Cooley, Spillane, Lacey, and Matsumoto conspired to order the
11 illegal impoundment of this properly stamped and delivered mail. That same day,
12 Plaintiff's personal office was ransacked by District Attorney Investigators acting at
13 Defendants' direction; Plaintiff's effects were searched; and property belonging to ADDA
14 went missing. At the time, Plaintiff was absent from work in order to attend a municipal
15 conference on behalf of the City of Calabasas. That same day, Cooley ordered Lacey,
16 Spillane, and Zajec to transfer Plaintiff immediately to an undesirable, punitive, entry-
17 level assignment despite Plaintiff's status as a veteran prosecutor.

18 39. Aside from the legalities involved, Defendants' outrageous conduct was in diametric
19 conflict with prior direction provided to deputies regarding the proper distribution of
20 political/labor mass mailings. Specifically, these guidelines had been previously
21 articulated by none other than Lacey herself to the ADDA Board of Directors at a formal
22 meeting. At the time the newsletter was confiscated, the Administration authorized the
23 distribution of another mailing in precisely the same manner. That mailing was an
24 invitation to an election night ^avictory party^o to be hosted by the Cooley campaign on
25 Election Night.

1 40. During 2008-10, Defendants conducted labor-management negotiations with ADDA
2 in bad faith.

3 41. At one session in 2009, Lacey admitted to ADDA's representatives that the District
4 Attorney had routinely authorized her to do little more than set the date for future
5 meetings. During testimony provided at one administrative hearing in 2009, Zajec —
6 speaking on behalf of the Administration — labeled labor-union negotiations as a "waste
7 of time." On two occasions in 2009, the Administration's entire delegation to
8 labor-management negotiating sessions abruptly rose and left the negotiating chamber,
9 never to return. Afterwards, Matsumoto and Lacey sent a letter on District Attorney
10 stationery to ADDA Board members who had participated at these meetings. These
11 letters implied that the prosecutors could be subject to discipline for the "unprofessional"
12 tenor of their comments during the session. Such letters were designed solely to
13 intimidate union officials during the negotiating process. Shortly thereafter, Cooley
14 distributed a letter to every employee via Lotus Notes blaming ADDA for the breakdown
15 in negotiations. Neither Plaintiff nor ADDA was not permitted to issue any kind of
16 response utilizing the same medium.

17
18 42. Immediately after an unprecedented federal injunction was leveled against Cooley
19 and his Administration in 2010 (for engaging in what the injunctive language termed
20 "explicit retaliation" against union leaders "that is both striking and rampant"), Cooley
21 wrote and distributed via Lotus Notes an open letter to all employees attacking those
22 whom he felt were responsible for initiating the injunction. At a subsequent deposition in
23 2011 relating to the federal injunction, Cooley testified under oath that Plaintiff was one
24 of the primary targets of that very letter. Neither Plaintiff nor ADDA was permitted to
25 respond to this attack using Lotus Notes or other office resources.

1 43. Since at least 2004, ADDA's political battles against Defendants have garnered and
2 continue to receive widespread coverage in the media. They are a topic of considerable
3 interest in political circles. Plaintiff has personally appeared in much of the media coverage
4 on behalf of ADDA.

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9 V.

10 **DEFENDANTS' ACTS OF RETALIATION AGAINST PLAINTIFF**

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12 **ARE IN VIOLATION OF HIS CONSTITUTIONAL RIGHTS AND ARE ACTS OF**

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14 **HARASSMENT AND DISCRIMINATION SUBJECT TO PUNITIVE SANCTIONS**

15 44. In 2006-07, Defendants ordered Plaintiff's immediate supervisors to lower his
16 annual Performance Evaluations from "Outstanding" to lesser ratings. Under oath, Zajec
17 admitted that no other employee assigned to Plaintiff's work location (wherein at any
18 given time 25-30 prosecutors worked) had been treated in such fashion. Because
19 Plaintiff's immediate supervisors refused such instructions, Defendants transferred
20 Plaintiff to another work location so that another supervisor could lower future
21 Performance Evaluations.

22
23 45. At a deposition conducted in 2011 in connection with related federal proceedings,
24 Cooley testified under oath that Plaintiff was one of two Deputy District Attorneys (out of
25 approximately 1,000) who were "at the top of the list" of his political enemies within the
26 District Attorney's office. Cooley further stated that he had shared his strong sentiments
27 about Plaintiff with his management staff.

1 VI.

2 **DEFENDANTS ACTS OF RETALIATION AND DISCRIMINATION ARE**
3 **VIOLATIONS OF PLAINTIFF'S FIRST AMENDMENT RIGHTS TO FREE**
4 **SPEECH AND FREEDOM TO ASSEMBLE.**
5

6 46. As a direct result of Plaintiff's political- and union-related activities during Cooley's
7 tenure in office (2001 to present), Defendants have sought to punish Plaintiff by
8 damaging his professional and political career.
9

10 47. Between 2001 and 2011, Defendants have transferred (or sought to transfer)
11 Plaintiff on virtually an annual basis. This amount of movement is practically
12 unprecedented for a Deputy District Attorney of Plaintiff's level of seniority and
13 experience. Moreover, several of these assignments were clearly punitive in nature,
14 generally unheard of for a prosecutor with Plaintiff's professional background. In total,
15 Defendants have ordered Plaintiff to 11 assignments in 11 years. Cooley
16 personally ordered at least one and quite possibly two of these transfers,
17 something that is otherwise rarely if ever done.
18

19 VII.

20 **PLAINTIFF BOZAJIAN PUNITIVE TRANSFERS**
21 **SOLELY AS RETALIATION BY DEFENDANTS**
22

23 48. During this time period, Defendants personally monitored Plaintiff at the highest
24 levels within the chain of command on a regular basis, frequently limiting the scope of
25 his duties at particular office locations. This conduct is also outside the scope of normal
26 office operations.
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2001 PUNITIVE TRANSFER

49. In 2001, Defendants transferred Plaintiff (a full-time employee) to a drug court position otherwise held by part-time employees.

2001 SECOND PUNITIVE TRANSFER

50. Later in 2001, Defendants transferred Plaintiff to a low-level assignment in the juvenile courts generally reserved for newly hired deputies.

2005 THIRD PUNITIVE TRANSFER

51. In 2005, Defendants transferred Plaintiff to a specialized unit which is commonly reserved only for those individuals seeking the assignment (which Plaintiff did not).

2007 FOURTH PUNITIVE TRANSFER

52. In 2007, Defendants transferred Plaintiff to a low-level assignment under the direct supervision of an individual who was set to be a key adverse witness against Plaintiff at an administrative hearing that was scheduled to commence within days of the transfer. The transfer in question was to another low-level position which could have been filled with any one of more than 100 prosecutors. Lacey personally executed written instructions that upon his arrival, Plaintiff was not to be given duties normally associated with prosecutors at his level of experience. This transfer was executed in order to harass Plaintiff and damage his professional career.

1 **2011 FIFTH PUNITIVE TRANSFER**

2
3 53. In 2011, Defendants attempted to transfer Plaintiff solely in order to accommodate
4 Spillane's wishes that he [Spillane] not work at the same location as Plaintiff. Only under
5 the threat of potential intervention by a federal district court was this transfer ultimately
6 rescinded.

7 54. Cooley had explored the possibility of running for State Attorney General in 2006.
8 While Cooley was considering entering the race in 2005, Plaintiff made clear his
9 [Plaintiff's] intention to support another candidate for that position. This fact was known
10 to Defendants at all relevant time periods.

11
12 VIII. **DEFENDANTS AUTHORIZED AND ENCOURAGED**
13 **OPEN DISPLAYS OF HARASSMENT AGAINST PLAINTIFF**

14 55. On occasion, Defendants have tolerated and even encouraged open displays of
15 harassment against Plaintiff. In one unprovoked incident, Plaintiff was verbally
16 assaulted by a supervisor in 2007 in the presence of several other employees. Despite
17 formally reporting this matter through the chain of command (specifically, to Zajec,
18 Lacey, and Spillane), there was no intervention whatsoever.

19
20 56. During the course of administrative hearings before the Los Angeles County Civil
21 Service Commission ("Civil Service Commission") and ERCOM in which both Plaintiff
22 and ADDA were involved (2005 to present), Defendants ignored validly served
23 subpoenas and refused to attend proceedings on several occasions. Moreover, in
24 attempts to dissuade them from appearing at these proceedings, Defendants have
25 actively sought to interfere with subpoenas validly served on County employees who
26 were to provide adverse testimony to Defendants.

1 from adverse employment action substantially motivated by protected speech.

2
3 62. At all times pertinent hereto, Defendants and each of them, knew, or should have
4 known, of the aforementioned Constitutional Rights clearly established under Federal
5 Law.

6 63. Defendants' and each of their patterns and policies of Discrimination and
7 Harassment with regard to Plaintiff, and all such situated Plaintiffs, has effected and
8 hindered Plaintiff and other such members of ADDA from speaking out freely.

9
10 64. Defendant's actions of Harassment, intimidation and Discrimination directly lead to
11 their intended consequence, chilling free speech of Plaintiff and other such Plaintiffs
12 who were members active in ADDA, so they would not speak out about public policy
13 matters as they did not want to risk exposure to Defendants' policy or retaliory
14 discrimination.

15
16 65. Defendants' Retaliory Discrimination Policy against Plaintiff, and all such ADDA
17 members, violates the right of free speech guaranteed by the First Amendment to the
18 United States Constitution, made applicable to state and local governments through the
19 Due Process Clause of the Fourteenth Amendment and is actionable pursuant to 42
20 U.S.C. Section 1983.

21 66. Plaintiff has suffered injuries, damages and losses as a result of Defendants'
22 conduct as stated forth herein. These damages and losses have been incurred over a
23 lengthy period of time and have increased specifically due to Defendants' acts of
24 selective Discrimination and Retaliation. As such Defendants should also be found
25 liable for Punitive Damages herein.

1 **THIRD CAUSE OF ACTION**

2
3 **(Violation of the U.S. Constitution, Amendment I-Freedom of Association)**

4 67. Plaintiff hereby incorporates by reference all of the foregoing allegations as if fully
5 set forth herein.

6
7 68. At all times pertinent hereto, it was clearly established Federal Law Plaintiff had the
8 right to Freedom of Association as guaranteed by the First Amendment to the
9 Constitution of the United States.

10 69. At all times pertinent hereto, it was clearly established Federal Law that Plaintiff had
11 a right to be free from actions, including harassment and discrimination, taken by a
12 governmental employer intended to 'chill the exercise of these First Amendment Rights
13 and Freedoms.

14
15 70. At all times pertinent hereto, it was clearly established in Federal Law that the First
16 Amendment right to Freedom of Association is violated by actions or threats of
17 retaliation against persons, such as Plaintiff, desiring to exercise that right. This is
18 clearly the case for situations of actual retaliation occurring after the fact as well.

19
20 71. At all times pertinent hereto, each Defendant knew, or should have known, of the
21 aforementioned constitutional rights clearly established under Federal Law.

22 72. Defendant Cooley, and all such Defendants, have attempted to defame, discredit,
23 and disparage Plaintiff from exercising his Constitutional rights of freedom of speech
24 and assembly. Defendants and each of them have a concerted and coordinated effort to
25 effectuate a pattern of Discrimination designed to crush any potential opposition to their
26 points of political interest.
27
28

1 73. Accordingly Defendants' actions by way of consistently discriminating and
2 retaliating against Plaintiff, violated Plaintiff's right of both freedom of association
3 and freedom of speech, guaranteed by the First Amendment to the United States
4 Constitution, made applicable to state and local governments through the Due
5 Process Clause of the Fourteenth Amendment and is actionable pursuant to 42
6 U.S.C. Section 1983.

7
8 74. As a legal and proximate result of the above-described conduct of said
9 defendants, Plaintiff has sustained, and will continue to sustain severe and
10 permanent physical, mental and emotional injuries, pain, distress, suffering,
11 anguish, fright, nervousness, grief, anxiety, worry, shame, mortification, injured
12 feelings, shock, humiliation and indignity, as well as other unpleasant physical,
13 mental and emotional reactions, damages to reputation, and other non-economic
14 damages, in addition to all recognized economic damages herein.

15 75. As a further legal and proximate result of the above-described conduct of said
16 Defendants, Plaintiff was and will be hindered, prevented, and/or precluded from
17 performing Plaintiff's action and customary usual activities, work, education, and
18 City Work, and other occupations, causing Plaintiff to sustain damages in the form
19 of loss of income, wages, benefits, salary and other wage/benefit increases, as
20 well as future loss of earning capacity, and other economic damages, in an amount
21 to be ascertained according to proof herein.

22
23 76. As a further legal and proximate result of the above-described conduct of said
24 defendants, Plaintiff suffered incidental, consequential, and/or special damages,
25 in an amount to be determined according to proof.

1 77. As a further legal and proximate result of the above-described conduct of said
2 Defendants, plaintiffs have and will sustain Attorneys' Fees and Costs in an
3 amount according to proof.

4
5 78. Plaintiff further requests pre-judgment interest as allowed by law.

6 79. As the aforementioned acts directed specifically toward Plaintiff were carried
7 out with such conscious disregard for Plaintiff's rights, and with such animosity and
8 with the intention to vex, injure, and annoy Plaintiff, such as to constitute malice
9 herein, Plaintiff is entitled to exemplary and/or Punitive Damages in a sum which
10 is an amount appropriate to punish and set an example of the individual
11 Defendants, and each of them, to act as a deterrent for such reprehensible
12 conduct in the future, for them and all in the future.

13
14 80. In 2005, Plaintiff sought promotion from being a Grade III to a Grade IV Deputy
15 District Attorney. The promotion in question would have allowed Plaintiff to assume
16 greater job responsibilities in addition to increasing his wages.

17 81. Despite background qualifications and experience that exceeded most of the other
18 applicants for the available positions, Defendants conspired to prevent Plaintiff from
19 being within the eligible pool of potential appointees. Among other actions, Defendants
20 assessed Plaintiff's ^aAppraisal of Promotability^o at a level lower than any of the other
21 hundreds of applicants and promulgated at least one forged document in Plaintiff's
22 personnel file. Defendants later admitted to the forgery. Plaintiff alleges that Defendants
23 engaged in these actions in order to retaliate against him for engaging in political- and
24 union-related activities. Defendants' actions directly resulted in Plaintiff not being
25 promoted from 2005 to the present time.
26
27
28

1 82. Plaintiff responded to Defendants' actions in denying him a promotion from Grade
2 III to Grade IV by filing an administrative appeal to the Civil Service Commission in
3 2006. This was done after Plaintiff was specifically informed in writing by both the
4 District Attorney's Office and the Los Angeles County Department of Human Resources
5 that such would be Plaintiff's only avenue for appeal.

6
7 **IX. PLAINTIFF HAS PROVED IMPROPER DISCRIMINATION**

8 83. In 2006, the Civil Service Commission accepted jurisdiction over the matter,
9 unanimously agreed that Plaintiff had made a prima facie case of improper discrimination,
10 and awarded Plaintiff a full administrative hearing in order to render a final determination.
11

12 84. The administrative hearing process mandated by the Civil Service Commission
13 commenced in 2006 and ended abruptly in 2010. During that time period, Plaintiff
14 expended more than three years' worth of time and financial resources in litigation
15 against the District Attorney's Office. In 2010, the Commission on its own motion
16 terminated the hearing. Although the Commission's purported justification was that it
17 lacked jurisdiction over the proceedings, it should be noted: that the legal premises cited
18 by the Commission actually pre-dated the hearings in question; and that nothing arose
19 during the course of the hearing itself to alter the facts/law relied upon in order to confer
20 the original grant of jurisdiction.

21 85. The County's delayed actions as outlined caused Plaintiff to incur substantial
22 expenses and prevented him from pursuing other potential appellate remedies. When
23 Plaintiff subsequently sought to litigate these same issues in another forum (to wit,
24 ERCOM), his petitions were dismissed as untimely.
25
26
27
28

1 X. **DEFENDANTS INTENTIONAL PUNITIVE ACTIONS**

2
3 86. During the litigation of Plaintiff's Civil Service petition, Defendants conspired to take
4 punitive and retaliatory measures against Plaintiff in order to gain tactical advantages
5 during the proceedings. These tactics included interference with validly served
6 subpoenas and politically motivated transfers as outlined elsewhere in this complaint.

7 **FOURTH CAUSE OF ACTION**

8
9 **(VIOLATION OF U.S. CONSTITUTION, AMENDMENT XIV-EQUAL PROTECTION)**

10 87. Plaintiff hereby incorporates by reference all of the foregoing allegations as if more
11 fully set forth herein.

12
13 88. The Equal Protection Clause of the Fourteenth Amendment requires government to
14 treat similarly-situated persons equally.

15
16 89. Defendants, by there actions, violated Plaintiff's rights under the Constitution to
17 Assembly and Free Speech, in part because of his association and leadership with
18 ADDA; whereas other similarly-situated County Employees were able to enjoy their
19 Constitutional rights without any interference.

20 90. Defendants have violated Plaintiff's fundamental constitutional rights by treating him
21 in such a discriminatory manner.

22
23 91. Defendants have no rational justification for their discrimination or actions which
24 were and continue to violate First Amendment Rights of Plaintiff herein.

25
26 92. As a legal and proximate result of said actions by Defendants, and each of them,
27 Plaintiff has sustained general damages in a sum to be determined by the Court.

1 93. As a further legal and proximate result of the above-described conduct of said
2 Defendants, Plaintiff was and will be hindered, prevented, and/or precluded from
3 performing Plaintiff's action and customary usual activities, work, education, and City
4 Work, and other occupations, causing Plaintiff to sustain damages in the form of loss of
5 income, wages, benefits, salary and other wage/benefit increases, as well as future loss
6 of earning capacity, and other economic damages, in an amount to be ascertained
7 according to proof herein.

8
9 **XI. DEFENDANTS' CONTINUAL ACTS OF RETALIATION AS TO PLAINTIFF**

10 94. Defendants have actively sought to damage Plaintiff's career since Plaintiff first
11 brought to the public's attention in 2006 the fact that Hazell committed prosecutorial
12 misconduct during Hazell's prosecution of the capital case of People v. Adam Miranda.
13 Hazell has been one of Cooley's closest friends and advisors since the two of them
14 were college roommates many years ago.

15
16 95. Miranda was charged with murder in two separate cases (hereinafter referred to as
17 ^aMiranda I^o and ^aMiranda II^o). The jury trial in Miranda I concluded with a conviction and
18 death sentence in 1982. The murder in Miranda II was used as a ^aspecial
19 circumstance,^o making the defendant eligible for the death penalty in Miranda I under
20 the theory of his having committed multiple murders. After being sentenced to death in
21 Miranda I, the defendant pled guilty in Miranda II and received a life sentence in the
22 second case in 1983. For the next 25 years, Miranda moved closer to execution as his
23 appeals wound their way through state and federal court proceedings.

24
25 96. Meanwhile, the defense filed a pair of habeas corpus petitions with the California
26 Supreme Court citing prosecutorial misconduct by Hazell. The first petition alleged that
27 the prosecution withheld exculpatory evidence from the defense in the form of several
28

1 100. When served in 2006 with a Public Records Act request for all materials in the
2 District Attorney's possession with respect to the Miranda cases, Cooley responded by
3 issuing a statement that the District Attorney's Office was "unable to locate" the files.
4 The day after Plaintiff publicly revealed the details involving Hazell's scandalous
5 conduct (2006), Cooley belatedly provided formal notification to the defense of the
6 relationship in question — 24 years after it had begun.

7
8 101. While the twin habeas petitions in the Miranda case continued to receive
9 widespread coverage in the print and broadcast media, Cooley steadfastly refused
10 several invitations to comment. Meanwhile, Cooley has promoted Hazell three times,
11 most recently to the third-in-command position of Assistant District Attorney. Ironically,
12 as part of his duties Hazell oversees the Public Integrity Division and chairs the Special
13 Circumstances Committee, which monitors the prosecution of all capital cases in the
14 County. Ultimately, the District Attorney's Office declined to re-try the Miranda II case,
15 essentially conceding that there was insufficient evidence to prove him guilty of the
16 crime charged.

17 **FIFTH CAUSE OF ACTION**

18
19 **(Violation of U.S. Constitution, Amendment I and VIX-Monell Claims)**

20
21 **(Plaintiff Claims Against Defendant Steven Cooley, in his official**
22 **capacity as the District Attorney for the County of Los Angeles)**

23
24
25 102. Plaintiff hereby incorporates by reference all of the foregoing allegations as if set
26 forth fully herein.

1 103. The acts of the individually named Defendants, as stated herein, occurred under
2 color of law and constituted deprivations to the Plaintiff herein as to his rights secured
3 by the First and Fourteenth Amendments to the United States Constitution.

4
5 104. The acts of the individual Defendants named herein were undertaken pursuant to
6 policies established and initiated by Defendant Cooley acting in his official capacity as
7 the District Attorney of Los Angeles County and the County of Los Angeles.
8 Specifically, Defendant Cooley instituted as a policy of the District Attorney of Los
9 Angeles County a policy of and pattern of Discrimination specifically with regard to
10 Plaintiff, James Bozajian, as well as to the members and potential members of ADDA.
11 Defendant Cooley, and other Defendants, at his specific instruction, created a condition
12 of fear, distrust, harassment, retaliation and discrimination, as against Plaintiff and
13 others, evidenced by transfers, matters of promotions, discipline for engaging in ADDA
14 activity, or for engaging in protected acts of assembly and speech.

15 105. These specific actions by Defendant Cooley and others, and pattern of
16 Discrimination amounted to a deliberate indication of indifference to the constitutional
17 rights of Plaintiff as stated herein.

18
19 106. Defendant Cooley's policy of selective Discrimination as to Plaintiff and ADDA was
20 the cause or moving force behind this underlying constitutional violation.

21
22 107. Plaintiff has and continues to suffer injuries, damages, and losses as a result of
23 the application of this pattern of selective discrimination violative of the constitution.

24 108. Defendants have repeatedly used administrative regulations regarding
25 "professionalism" as a pretextual means of disciplining those (like Plaintiff) who become
26 active in ADDA and otherwise oppose the District Attorney's political agenda.
27
28

1 109. During Cooley's tenure in office, for example, at least two Deputy District Attorneys
2 suffered unique consequences for breaking the law: They were promoted to
3 management-level positions. Deputy District Attorney Richard Doyle was arrested for,
4 charged with, and convicted of driving under the influence of alcohol (Vehicle Code
5 Section 23152). Doyle was reportedly combative with the arresting police officers. Less
6 than three months after being placed on criminal probation for that offense, Cooley
7 promoted him to a management-level position. Shortly thereafter, Cooley elevated him
8 to higher levels of management two more times. Deputy District Attorney Robert Foltz
9 was also arrested for, charged with, and convicted of driving under the influence of
10 alcohol (Vehicle Code Section 23152). When arrested, Foltz was actually driving one of
11 the vehicles used in Cooley's campaign. Cooley twice promoted him to management-
12 level positions after being placed on criminal probation.

13
14 110. In 2008, Cooley, Spillane, Lacey, and Zajec ordered that Plaintiff be suspended
15 without pay for five days. In 2010, Cooley, Spillane, Lacey, Moore, and Matsumoto
16 ordered that Plaintiff be suspended without pay for 30 days. These suspensions were
17 executed in retaliation for Plaintiff's political-and union-related activities, and are a direct
18 product of Defendants' anti-union animus.

19 111. During this same time period, then-ADDA President Steve Ipsen was suspended
20 and served with a "Notice of Intent to Terminate."

21
22 112. Since 2005, Cooley and his Administration (including Defendants) have been
23 engaged in an ongoing dispute with the California District Attorneys Association
24 ("CDAA"). What began as a political discussion over the future of California's "Three
25 Strikes" statutes rapidly descended into a maelstrom embarrassing behavior on
26 Cooley's part. Eventually, after leveling a series of public attacks against his colleagues,
27 Cooley was obliged to resign from CDAA because of this intemperate conduct in 2006.

1 113. In his resignation speech, Cooley compared the CDAA Board of Directors to the
2 [former Soviet Union's] "Politburo." He immediately implemented a policy prohibiting his
3 deputies from participating in CDAA's multitude of educational activities and events.
4 This edict was followed by an announcement that the District Attorney's Office was
5 formally withdrawing its financial support for CDAA's extensive training and lobbying
6 efforts. Finally, during a public speech to a group of criminal defense attorneys in 2006,
7 he actually told California's 57 other District Attorneys to "fuck off." On numerous
8 occasions since 2005, Plaintiff and ADDA have taken public positions in favor of CDAA
9 in its political disputes with Cooley. This fact was well known to Defendants at all
10 relevant time periods.

11
12 114. Since 2005, ADDA has consistently and publicly opposed much of Cooley's
13 political agenda on such issues as California's "Three Strikes" law. This fact was well
14 known to Defendants at all relevant time periods.

15 115. After a jury granted an acquittal in the high-profile celebrity murder case of People
16 v. Robert Blake in 2005, Cooley publicly stated that the verdict was rendered by an
17 "incredibly stupid" jury. Plaintiff and ADDA were critical of these remarks. This fact was
18 well known to Defendants at all relevant time periods.

19
20 116. In 2005-06, Cooley sued the citizens of Los Angeles County, at taxpayer expense,
21 in an effort to overturn voter-imposed term limits and thereby extend his own tenure in
22 office. Plaintiff and ADDA criticized this action. This fact was well known to Defendants
23 at all relevant time periods.

24 117. Since assuming office in 2000, Cooley has successfully lobbied for large pay
25 raises for himself. From 2000 to the present time his salary increased by more than
26 100%, and he is now the County's highest paid elected official. Plaintiff and ADDA have
27

1 been critical of the extent of these increases. This fact was well known to Defendants at
2 all relevant time periods.

3
4 118. Since 2008, Defendants have testified at numerous administrative hearings before
5 the Civil Service Commission and ERCOM, and at depositions relating to civil cases in
6 federal court. All of the referenced proceedings refer to matters involving ADDA, and
7 Plaintiff was involved in each one of them either as a party or named witness. On
8 several occasions, Defendants have provided false and misleading testimony under
9 oath. There have, in fact, been findings that some Defendants — including Cooley
10 himself — have given false testimony.

11 119. From 2006 to 2011, Plaintiff was a named witness in the federal civil case of Eng
12 v. Cooley, et al. During the course of the proceedings, Plaintiff provided testimony and
13 exhibits adverse to the interests of Cooley and his Administration. This fact was well
14 known to Defendants at all relevant time periods.

15
16 120. From at least 2003 onwards, Cooley has attempted to undermine Plaintiff's
17 political standing as an elected public official. In addition to many other actions, Cooley
18 personally contacted at least one member of the Calabasas City Council in 2008 to
19 thwart Plaintiff's authority as Mayor of Calabasas.

20
21 121. In 2009 and 2010, Plaintiff actively (and successfully) worked to oppose Cooley's
22 campaign for California Attorney General. This fact was well known to Defendants at all
23 relevant time periods.

24 122. Plaintiff, Bozajian, has and continues to suffer and sustain injuries, damages and
25 losses as a result of Defendants' and each of their actions in violating Plaintiff's
26 Constitutional Rights. Plaintiff requests a decree of judgement as against all Defendants
27 herein, or those specifically responsible, for all damages stemming therefrom.

1 **SIXTH CAUSE OF ACTION**

2 **(Violation of U.S. Constitution, Amendment I-Freedom of Speech**

3
4 23. Plaintiff hereby incorporates by reference all of the foregoing allegations as if fully
5 set forth herein.

6
7 24 . At all times pertinent hereto, it was clearly established Federal Law Plaintiff had
8 the right to Freedom of Speech as guaranteed by the First Amendment to the
9 Constitution of the United States.

10
11 25. . At all times pertinent hereto, it was clearly established Federal Law that Plaintiff
12 had a right to be free from actions, including harassment and discrimination, taken by a
13 governmental employer intended to 'chill the exercise of these First Amendment Rights
14 and Freedoms.

15
16 26. At all times pertinent hereto, it was clearly established in Federal Law that the First
17 Amendment right to Freedom of Speech is violated by actions or threats of retaliation
18 against persons, such as Plaintiff, desiring to exercise that right. This is clearly the case
19 for situations of actual retaliation occurring after the fact as well.

20
21 27. At all times pertinent hereto, each Defendant knew, or should have known , of the
22 aforementioned constitutional rights clearly established under Federal Law.

23
24 28. Defendant Cooley, and all such Defendants, have attempted to defame, discredit,
25 and disparage Plaintiff from exercising his Constitutional rights of freedom of speech and
26 assembly. Defendants and each of them have a concerted and coordinated effort to
27 effectuate a pattern of Discrimination designed to crush any potential opposition to their
28 points of political interest.

1 129. Accordingly Defendants' actions by way of consistently discriminating and
2 retaliating against Plaintiff, violated Plaintiff's right of both freedom of association
3 and freedom of speech, guaranteed by the First Amendment to the United States
4 Constitution, made applicable to state and local governments through the Due
5 Process Clause of the Fourteenth Amendment and is actionable pursuant to 42
6 U.S.C. Section 1983.

7
8 130. . As a legal and proximate result of the above-described conduct of said
9 defendants, Plaintiff has sustained, and will continue to sustain severe and
10 permanent physical, mental and emotional injuries, pain, distress, suffering,
11 anguish, fright, nervousness, grief, anxiety, worry, shame, mortification, injured
12 feelings, shock, humiliation and indignity, as well as other unpleasant physical,
13 mental and emotional reactions, damages to reputation, and other non-economic
14 damages, in addition to all recognized economic damages herein.

15 131. As a further legal and proximate result of the above-described conduct of said
16 Defendants, Plaintiff was and will be hindered, prevented, and/or precluded from
17 performing Plaintiff's action and customary usual activities, work, education, and
18 City Work, and other occupations, causing Plaintiff to sustain damages in the form
19 of loss of income, wages, benefits, salary and other wage/benefit increases, as well
20 as future loss of earning capacity, and other economic damages, in an amount to
21 be ascertained according to proof herein.

22
23 132. As a further legal and proximate result of the above-described conduct of said
24 defendants, Plaintiff suffered incidental, consequential, and/or special damages, in
25 an amount to be determined according to proof.

26
27
28

1 134. . As a further legal and proximate result of the above-described conduct of
2 said Defendants, plaintiffs have and will sustain Attorneys' Fees and Costs in an
3 amount according to proof.

4
5 136. . Plaintiff further requests pre-judgment interest as allowed by law.

6 137. . As the aforementioned acts directed specifically toward Plaintiff were carried
7 out with such conscious disregard for Plaintiff's rights, and with such animosity and
8 with the intention to vex, injure, and annoy Plaintiff, such as to constitute malice
9 herein, Plaintiff is entitled to exemplary and/or Punitive Damages in a sum which
10 is an amount appropriate to punish and set an example of the individual
11 Defendants, and each of them, to act as a deterrent for such reprehensible conduct
12 in the future, for them and all in the future.

13
14 138. In 2005, Plaintiff sought promotion from being a Grade III to a Grade IV
15 Deputy District Attorney. The promotion in question would have allowed Plaintiff to
16 assume greater job responsibilities in addition to increasing his wages.

17
18 139. Despite background qualifications and experience that exceeded most of the other
19 applicants for the available positions, Defendants conspired to prevent Plaintiff from
20 being within the eligible pool of potential appointees. Among other actions, Defendants
21 assessed Plaintiff's "Appraisal of Promotability" at a level lower than any of the other
22 hundreds of applicants and promulgated at least one forged document in Plaintiff's
23 personnel file. Defendants later admitted to the forgery. Plaintiff alleges that Defendants
24 engaged in these actions in order to retaliate against him for engaging in political- and
25 union-related activities. Defendants' actions directly resulted in Plaintiff not being
26 promoted from 2005 to the present time.

1 140. . Plaintiff responded to Defendants' actions in denying him a promotion from
2 Grade III to Grade IV by filing an administrative appeal to the Civil Service Commission
3 in 2006. This was done after Plaintiff was specifically informed in writing by both the
4 District Attorney's Office and the Los Angeles County Department of Human Resources
5 that such would be Plaintiff's only avenue for appeal.

6
7 **WHEREFORE**, Plaintiff prays for judgement against Defendants, and
8 requests that the Court:

9 A.) Adjudge, decree and declare the rights and other legal relations of the parties
10 and to the subject matter and claims in controversy in order that such declarations shall
11 have the force and effect of a final judgment and that the Court retain jurisdiction of this
12 matter for the purpose of enforcing the Court's Orders;

13
14 B.) Pursuant to 28 U.S.C. Sections 2201, et. sec., declare that Defendants'
15 policies and practices, as alleged herein, violated and do violate the First and Fourteenth
16 Amendments to the United States Constitution.

17 C.) Award Plaintiff all such general damages as may be appropriate herein;

18
19 D) Award Plaintiff all exemplary damages and/or punitive damages against each
20 individual Defendant in an amount sufficient to punish and set an example/deterrent of
21 such individual defendants, in an amount to be determined by a jury herein;

22
23 E) Award Plaintiff damages in a sum and nature to be determined by a jury for
24 injuries, physical and emotional, and all other appropriate non-economic damages .

25
26 F) Award Plaintiff damages in such sums to be determined by a jury, for loss of
27 wages, income, earnings, earning capacity, benefits, future loss of earnings and earning

1 capacity, advances or raises, and all other economic damages to be determined by a
2 jury at the time of Trial herein;

3
4 G) Award Plaintiff damages for such other actual, consequential, and/or incidental
5 damages in such sums and nature as shall be determined by a jury;

6
7 H) Pursuant to 42 U.S.C. Section 1988 et. sec., and all other applicable law, an
8 award is hereby requested for Plaintiff's costs and expenses incurred in the entirety of
9 pursuing and bringing this action before this Court, including, but not limited to ,
10 reasonable attorneys' fees;

11 I) Award to Plaintiff pre-judgement interest as available by law; and,

12
13 J) Grant such other and further relief as the Court deems just and proper.

14
15 **REQUEST FOR JURY TRIAL**

16 Plaintiff requests a Jury Trial for issues so Triable.

17
18 DATED: January 24, 2012

19
20 Respectfully Submitted,

21 David J. Shapiro (SBN 118325)

22
23 By: _____

24 David J. Shapiro

25 Attorney for Plaintiff James Bozajian
26
27
28

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes
If yes, list case number(s): CV 09-7931 ODW (SSx)

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): [Signature] Date January 24, 2012

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))