



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

Document Scanning Lead Sheet

Dec-04-2015 10:57 am

Case Number: CGC-15-549250

Filing Date: Dec-04-2015 10:45

Filed by: ARLENE RAMOS

Juke Box: 001 Image: 05182602

COMPLAINT

CYNTHIA CERLETTI VS. ROSS MIRKARIMI

001C05182602

Instructions:

Please place this sheet on top of the document to be scanned.

**SUMMONS
(CITACION JUDICIAL)**

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

ROSS MIRKARIMI, in his Official Capacity as Sheriff of the City and County of San Francisco.

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

CYNTHIA CERLETTI

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte puede desechar el caso.

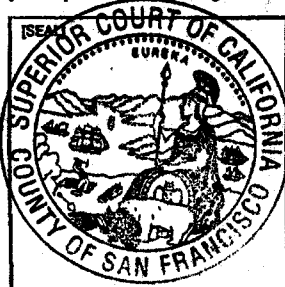
The name and address of the court is:
(El nombre y dirección de la corte es): **SAN FRANCISCO SUPERIOR**
400 McCalister Street
San Francisco, CA 94102

CASE NUMBER:
(Número del Caso): **CGC-15-549250**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Robert Patrick Sticht, PO Box 49457 Los Angeles CA 90049 (310) 889-1950

DATE: **DEC 04 2015** Clerk, by **CLERK OF THE COURT** Deputy
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify):

under: <input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.80 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input type="checkbox"/> other (specify):	
- by personal delivery on (date):

BY FAX

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
ROBERT PATRICK STICHT (SBN138586)
LAW OFFICES OF ROBERT PATRICK STICHT
P.O. BOX 49457
LOS ANGELES CA 90049
 TELEPHONE NO.: **310-889-1950** FAX NO.: **310-889-1864**
 ATTORNEY FOR (Name): **Plaintiff CYNTHIA CERLETTI**

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO
 STREET ADDRESS: **400 McCalister Street - Room 103**
 MAILING ADDRESS
 CITY AND ZIP CODE: **San Francisco CA 94102**
 BRANCH NAME: **Civic Center Courthouse**

FOR COURT USE ONLY

FILED

Superior Court of California
 County of San Francisco

DEC 04 2015

CLERK OF THE COURT
 BY: *Adlene Ramon*
 Deputy Clerk

CASE NAME:
Cynthia Cerletti v. Ross Mirkarimi, in his Official Capacity as Sheriff

CIVIL CASE COVER SHEET

Unlimited (Amount demanded exceeds \$25,000) Limited (Amount demanded is \$25,000 or less)

Complex Case Designation
 Counter Joinder
 Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:
CGC-15-549250

JUDGE:
 DEPT:

Items 1-6 below must be completed (see Instructions on page 2).

1. Check one box below for the case type that best describes this case:
- | | | |
|---|---|--|
| <p>Auto Tort</p> <input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (48) <p>Other PIP/DWD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input type="checkbox"/> Other PIP/DWD (23) <p>Non-PIP/DWD (Other) Tort</p> <input type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input type="checkbox"/> Intellectual property (18)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-PIP/DWD tort (35) <p>Employment</p> <input type="checkbox"/> Wrongful termination (36)
<input type="checkbox"/> Other employment (15) | <p>Contract</p> <input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Rule 3.740 collections (09)
<input type="checkbox"/> Other collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37) <p>Real Property</p> <input type="checkbox"/> Eminent domain/inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (28) <p>Unlawful Detainer</p> <input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38) <p>Judicial Review</p> <input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | <p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</p> <input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <p>Enforcement of Judgment</p> <input type="checkbox"/> Enforcement of judgment (20) <p>Miscellaneous Civil Complaint</p> <input type="checkbox"/> RICO (27)
<input checked="" type="checkbox"/> Other complaint (not specified above) (42) <p>Miscellaneous Civil Petition</p> <input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |
|---|---|--|

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- a. Large number of separately represented parties d. Large number of witnesses
 b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
 c. Substantial amount of documentary evidence f. Substantial postjudgment judicial supervision
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): **One**
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: **December 3, 2015**
ROBERT PATRICK STICHT
 (TYPE OR PRINT NAME)

Robert Patrick Sticht
 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

BY FAX

1 ROBERT PATRICK STICHT (SBN 138586)
2 Law Offices of Robert Patrick Sticht
3 P.O. Box 49457
4 Los Angeles, CA 90049
5 Telephone: (310) 889-1950
6 Facsimile: (310) 889-1864
7 Email: LORPS@verizon.net

8 Sterling E. Norris (SBN 040993)
9 JUDICIAL WATCH, INC.
10 2540 Huntington Drive, Suite 201
11 San Marino, CA 91108
12 Telephone: (626) 287-4540
13 Facsimile: (626) 237-2003
14 Email: jw-West@judicialwatch.org

15 *Attorneys for Plaintiff*

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **COUNTY OF SAN FRANCISCO**

18 CYNTHIA CERLETTI,

19 Plaintiff,

20 v.

21 ROSS MIRKARIMI, in his Official Capacity
22 as Sheriff of the City and County of San
23 Francisco.

24 Defendant.

Case No.:

CGC-15-549250

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

FILED
Superior Court of California
County of San Francisco
DEC 04 2015
CLERK OF THE COURT
BY: *Andreas Ramoy*
Deputy Clerk

25 **INTRODUCTION**

26 1. Plaintiff CYNTHIA CERLETTI, a taxpayer and resident of the City and County of
27 San Francisco, California seeks to enjoin Defendant ROSS MIRKARIMI, in his/her official
28 capacity as Sheriff of the City and County of San Francisco, from expending or causing the
expenditure of taxpayer funds and taxpayer-financed resources to implement, enforce, defend, or
otherwise carry out a March 13, 2015 policy directive prohibiting San Francisco Sheriff's
Department ("SFSD") personnel from providing information to U.S. Immigration and Customs
Enforcement ("ICE") about the citizenship or immigration status of inmates in the SFSD's
custody.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

JURISDICTION AND VENUE

2. Jurisdiction in this case is founded on California's common law taxpayer standing doctrine and Code of Civil Procedure § 526a, which grant California taxpayers the right to sue government officials to prevent unlawful expenditures of taxpayer funds and taxpayer-financed resources. *Connerly v. Schwarzenegger*, 146 Cal. App. 4th 739, 748-749, 751, n. 5 (2007); *Connerly v. State Personnel Bd.*, 92 Cal. App. 4th 16, 29-31 (2001); *Green v. Obledo*, 29 Cal. 3d 126, 145 (1981); *Los Altos Property Owners Assn. v. Hutcheon*, 69 Cal. App. 3d 22, 27 (1977); *Blair v. Pitchess*, 5 Cal.3d 258, 268 (1971), *Ahlgren v. Carr*, 209 Cal. App. 2d 248, 252 (1962); *Silver v. Los Angeles*, 57 Cal. 2d 39, 40-41 (1961). In *Blair*, the Supreme Court of California noted that "the mere expending [of] the time" of paid public officials "performing illegal and unauthorized acts constitute[s] an unlawful use of funds which could be enjoined under section 526a." 5 Cal.3d at 268. The Court also declared that "it is immaterial that the amount of the illegal expenditure is small or that the illegal procedure actually permits a saving of tax funds." *Id.*

3. Venue in this Court is appropriate under Section 393 of the Code of Civil Procedure as Defendant is an official of the City and County of San Francisco and the taxpayer funds at issue are being expended in the City and County of San Francisco. *Regents of the University of California v. Karst*, 3 Cal. 3d 529, 542 (1970) ("[F]or the purposes of venue, the action arises in the county where the agency spends the tax money that causes the alleged injury.").

PARTIES

4. Plaintiff CYNTHIA CERLETTI is a citizen of the State of California and has paid property and other local taxes to the City and County of San Francisco during the one-year period prior to the commencement of this action.

5. Defendant ROSS MIRKARIMI is the Sheriff of the City and County of San Francisco, California, a public officer and the head of the SFSD. As Sheriff of the City and County of San Francisco, Defendant is charged by law with keeping the County jail and receiving

1 all prisoners committed to jail by competent authorities. S.F. Cal. Charter, § 6.105. He is being
2 sued in his official capacity only.

3 **STATEMENT OF FACTS**

4 6. The SFSD receives millions of dollars in taxpayer support annually in order to
5 fund its operations. In Fiscal Year 2014-15, the SFSD was appropriated approximately \$190
6 million from the City and County of San Francisco's general fund to finance its operations. In
7 Fiscal Year 2015-16, the SFSD was appropriated nearly \$200 million from the City and County
8 of San Francisco's general fund to finance its operations. The City and County of San
9 Francisco's adopted budget for Fiscal Year 2016-17 appropriates nearly \$208 million to the SFSD
10 from the general fund to finance the SFSD's operations. The primary source of funds for the City
11 and County of San Francisco's general fund are property taxes and other local taxes such as those
12 paid by Plaintiff.

13 7. On March 13, 2015, Defendant issued a policy directive to "All Personnel" in the
14 SFSD by way of an inter-office correspondence, Reference No. 2015-036, entitled "Immigration
15 & Customs Enforcement Procedures (ICE) Contact and Communications." According to the
16 directive, SFSD "policy is that there shall be limited contact and communication with ICE
17 representatives absent a court issued warrant, a signed court order, or other legal requirement
18 authorizing ICE access." The directive continues:

19 *SFSD staff shall not provide the following information or access to ICE*
20 *representatives:*

21 - *citizenship/immigration status of any inmate.*

22 (emphasis added).

23 8. On information and belief, Defendant expended or caused the expenditure of
24 taxpayer funds and taxpayer-financed resources to prepare and issue the March 13, 2015
25 directive, communicate the directive to all SFSD personnel, and train SFSD personnel on the
26 directive's requirements. On further information and belief, Defendant will likely expend or
27 cause the expenditure of additional taxpayer funds and taxpayer-financed resources to
28

1 communicate the directive to SFSD personnel, train SFSD personnel on the directive's
2 requirements, and implement, enforce, and otherwise carry out the directive.

3 9. Federal law expressly prohibits state or local government officials from limiting
4 communication with ICE about a person's citizenship or immigration status. Specifically, Title 8,
5 Section 1373 states, in pertinent part:

6 (a) In general

7 Notwithstanding any other provision of Federal, State, or local law, a Federal,
8 State, or local government entity or official may not prohibit, or in any way
9 restrict, any government entity or official from sending to, or receiving from, the
10 Immigration and Naturalization Service information regarding the citizenship or
11 immigration status, lawful or unlawful, of any individual.

12 (b) Additional authority of government entities

13 Notwithstanding any other provision of Federal, State, or local law, no person or
14 agency may prohibit, or in any way restrict, a Federal, State, or local government
15 entity from doing any of the following with respect to information regarding the
16 immigration status, lawful or unlawful, of any individual:

- 17 (1) Sending such information to, or requesting or receiving such
18 information from, the Immigration and Naturalization
19 Service.
- 20 (2) Maintaining such information.
- 21 (3) Exchanging such information with any other Federal, State,
22 or local government entity.

23 8 U.S.C. § 1373(a) and (b). Similarly, Title 8, Section 1644 states:

24 Notwithstanding any other provision of Federal, State, or local law, no State or
25 local government entity may be prohibited, or in any way restricted, from sending
26 to or receiving from the Immigration and Naturalization Service information
27 regarding the immigration status, lawful or unlawful, of an alien in the United
28 States.

8 U.S.C. § 1644. "Immigration and Naturalization Service" is now known as "Immigration and
Customs Enforcement" or "ICE."

10. Defendant's issuance of the March 13, 2015 directive has generated opposition
within the government of the City and County of San Francisco, the SFSD, and the taxpayers and
residents of the City and County of San Francisco.

1 1373 and/or 1644 by prohibiting SFSD staff from providing information or access to ICE
2 representatives about the citizenship or immigration status of any inmate. On information and
3 belief, Defendant contends that the directive does not violate 8 U.S.C. §§ 1373 and/or 1644.

4 17. Plaintiff has been irreparably harmed and will continue to be irreparably harmed
5 by Defendant's expenditures of taxpayer funds and taxpayer-financed resources on the illegal
6 directive. On information and belief, these expenditures will continue unless the directive is
7 declared to be unlawful.

8 18. A judicial declaration pursuant to California Code of Civil Procedure § 1060 is
9 necessary and appropriate so that the parties may ascertain their respective legal rights and duties
10 with respect to expenditures of taxpayer funds and taxpayer-financed resources on Defendant's
11 illegal March 13, 2015 directive.

12 19. Plaintiff also has no adequate remedy at law.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, Plaintiff prays for the following relief against Defendant:

15 **First Cause of Action**

16 1. A judgment declaring that Defendant's March 13, 2015 directive violates 8 U.S.C.
17 §§ 1373 and 1644 and is illegal;

18 2. An injunction permanently prohibiting Defendant from expending or causing the
19 expenditure of taxpayer funds or taxpayer-financed resources to implement, enforce, maintain,
20 defend, or otherwise carry out the provisions of the March 13, 2015 directive;

21 3. Costs of suit herein;

22 4. Reasonable attorney's fees under the Private Attorney General Statute, Code of
23 Civil Procedure § 1021.5, the Common Fund Doctrine, and the Substantial Benefit Doctrine; and

24 //

25 //

26 //

27 //

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

5. Such other relief as the Court deems just and proper.

Dated: December 3, 2015



ROBERT PATRICK STICHT (SBN 138586)
Law Offices of Robert Patrick Sticht
P.O. Box 49457
Los Angeles, CA 90049
Telephone: (310) 889-1950
Facsimile: (310) 889-1864
Email: LORPS@verizon.net

Sterling E. Norris (SBN 040993)
JUDICIAL WATCH, INC.
2540 Huntington Drive, Suite 201
San Marino, CA 91108
Telephone: (626) 287-4540
Facsimile: (626) 237-2003
Email: jw-West@judicialwatch.org

Attorneys for Plaintiff