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ORIGINAL FILED

JUL 16 2010

LOS ANGELES
SUPERIOR COURT
NORTHEAST DISTRICT

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA
17 FOR THE COUNTY OF LOS ANGELES,
18 NORTHEAST DISTRICT

19 JUDICIAL WATCH, INC.,

20 Plaintiff,

21 v.

22 PASADENA POLICE DEPARTMENT;
23 CHRISTOPHER O. VICINO, in his official
24 capacity for Pasadena Police Department,

25 Defendants.

Case No. 00045609

VERIFIED COMPLAINT FOR
INJUNCTION (Violation of Cal. Gov. Code
§6250 et seq.)

26 GENERAL ALLEGATIONS

27 1. Plaintiff JUDICIAL WATCH, INC. is a non-profit organization with a principal place of
28 business in Washington, D.C., and a Regional Headquarters located in Los Angeles County,
California.

Complaint for Injunction

1 2. Defendant PASADENA POLICE DEPARTMENT ("PPD") is, and at all relevant times
 2 has been, an agency of the City of Pasadena, County of Los Angeles, State of California,
 3 and is a law enforcement agency charged with enforcement of law and order. On
 4 information and belief, Defendant PPD maintains the records described below in Los
 5 Angeles County.

6 3. Defendant CHRISTOPHER O. VICINO ("VICINO") is, and at all relevant times has been,
 7 the Chief of Police of PPD.

8 4. Defendant PPD maintains the following records (the "REQUESTED RECORDS"):

9 (a) PPD's policies, procedures, or directives concerning, regarding, or related to
 10 undocumented (illegal) aliens.

11 (b) PPD's policies, procedures, or directives concerning, regarding, or relating to
 12 contacts or communications between PPD officers or employees and federal
 13 immigration officials regarding a person's immigration status.
 14

15 5. At all relevant times, Defendant has been responsible for maintaining the REQUESTED
 16 RECORDS and has been responsible for disclosing the REQUESTED RECORDS
 17 pursuant to lawful requests under the California Public Records Act (Cal. Gov. Code §
 18 6250 et seq.) (the "ACT").

19 6. On information and belief, the information contained in the REQUESTED RECORDS is
 20 subject to disclosure under the ACT and is not subject to the exemptions to disclosure
 21 provided for in the ACT.

22 **CAUSE OF ACTION FOR INJUNCTIVE RELIEF**

23 7. Plaintiff incorporates Paragraphs 1-6 above as though fully set forth herein.

24 8. On or about June 4, 2010, Plaintiff submitted to Defendant PPD a written request that
 25 Defendants provide Plaintiff with copies of the aforementioned REQUESTED
 26 RECORDS. Plaintiff's request reasonably described the REQUESTED RECORDS and
 27
 28

1 was made in accordance with Defendant PPD's rules stating the time, place, and
 2 procedures for obtaining copies of records under the ACT. A true and correct copy of
 3 Plaintiff's June 4, 2010, written request is attached hereto as Exhibit A and is incorporated
 4 by reference as though fully set forth herein.

5 9. Plaintiff's June 4, 2010 written request for records also requested a waiver of fees for
 6 copies of the REQUESTED RECORDS, but Plaintiff is ready and willing to tender
 7 reasonable fees to cover Defendants' costs in providing copies to the REQUESTED
 8 RECORDS if Plaintiff's request for waiver of fees is reasonably denied.

9 10. To date, Defendants have submitted no response to Plaintiff regarding this request and
 10 have not provided Plaintiff with copies of the REQUESTED RECORDS.

11 11. Plaintiff has exhausted all administrative remedies provided by Defendant PPD in that
 12 Plaintiff has complied with the proper procedure for requesting records under the ACT.

13 12. Plaintiff has no adequate remedies at law in that monetary damages will not compensate
 14 Plaintiff for deprivation of access to the information which Plaintiff is seeking, and the
 15 REQUESTED RECORDS are vital to the mission of Plaintiff as a non-profit organization
 16 dedicated to increasing public understanding of the operations of government and the
 17 importance of ethics and the rule of law.

18 13. Plaintiff has incurred costs and reasonable attorney's fees in maintaining this action in an
 19 amount to be determined according to proof.

20 Wherefore, Plaintiff prays judgment against Defendants as follows:


- 21 (1) For a permanent injunction enjoining Defendants, and their agents, servants, and
 22 employees, and persons acting under, in concert with, or for Defendants, to provide
 23 Plaintiff with copies of the REQUESTED RECORDS forthwith;
 24 (2) In the alternative, if portions of the REQUESTED RECORDS are found to be
 25 subject to nondisclosure under the ACT, for a permanent injunction enjoining
 26
 27
 28

1 Defendants, and their agents, servants, and employees, and persons acting under, in
 2 concert with, or for Defendants, to provide Plaintiff with copies of all portions of
 3 the REQUESTED RECORDS which are not subject to nondisclosure under the
 4 ACT;

- 5 (3) For reasonable attorney's fees as determined by the Court and as authorized by Cal.
- 6 Gov. Code § 6259(d);
- 7 (4) For costs of suit incurred herein; and
- 8 (5) For such other relief as the Court may deem proper.

9
 10
 11 Dated: July 16, 2010

By:


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Attorneys for Plaintiff
 JUDICIAL WATCH, INC.

VERIFICATION

I, the undersigned, certify and declare that I have read the foregoing document entitled VERIFIED COMPLAINT FOR INJUNCTION (Violation of Cal. Gov. Code § 6250 et seq.), and know its contents. I am a staff attorney for Judicial Watch, Inc., the Plaintiff in this action. The matters stated in the document described above are true of my own knowledge and belief, except as to those matters stated on information and belief, and as to those matters I believe them to be true.

Executed on July 14, 2010, at Washington, D.C.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


MICHAEL BEKESHA



Judicial Watch

June 4, 2010

Because no one is above the law!

VIA CERTIFIED MAIL AND FACSIMILE

Pasadena Police Department
Attention: Records
207 N Garfield Ave
Pasadena, CA 91101

Re: California Public Records Act Request

Dear Sir/Madam:

Pursuant to the provisions of the California Public Records Act (CPRA), Cal. Gov't Code §§ 6250 *et seq.*, Judicial Watch, Inc. requests from the Pasadena Police Department ("PPD"), within ten (10) business days, access to and a copy of:

1. Any and all records of PPD's policies, procedures, or directives concerning, regarding, or relating to undocumented (illegal) aliens.
2. Any and all records of PPD's policies, procedures, or directives concerning, regarding or relating to contacts or communications between PPD officers or employees and federal immigration officials regarding a person's immigration status.

For your reference and to assist with your search for responsive records, I have enclosed a *San Gabriel Valley Tribune* article reporting that Interim Police Chief Chris Vicino described the PPD's policy as "not asking about anybody's legal status unless it is a matter of national security."

For the purposes of this request, the term "public records" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by the Pasadena Police Department, regardless of physical form or characteristics. Cal. Gov't Code § 6252(e).

Also for purposes of this request, the term "writing" means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thin any form of communication or

CPRA/Sunshine Request**June 4, 2010****Page 2 of 2**

representation, including letters, words, pictures, sounds or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. Cal. Gov't Code § 6252(g).

Within ten (10) days of receipt of this request, you are required to determine whether the request, in whole or in part, seeks copies of disclosable public records in your possession and to notify us promptly of your determination and the reasons therefore. Cal. Gov't Code § 6253(c).

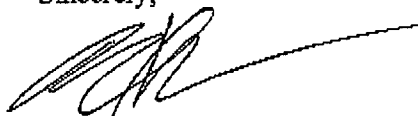
Except with respect to records exempt from disclosure by express provision of law, you are also required to make the requested records promptly available up on payment of any fees covering direct costs of duplication or any applicable statutory fees. Cal. Gov't Code § 6253(b).

Any reasonably segregable portion of a record otherwise exempt from disclosure is required to be made available after deletion of the portions that are exempted by law. Cal. Gov't Code § 6253(a).

Finally, Judicial Watch requests a waiver of any direct costs of duplication or statutory fees. Judicial Watch is a non-profit, tax-exempt 501(c)(3) educational organization dedicated to increasing public understanding of the operations of government as well as the importance of ethics and the rule of law. Judicial Watch regularly requests information from public agencies about their operations and activities and disseminates this information to the public in furtherance of its educational mission.

If you do not understand this request or any portion thereof, or if you feel you require clarification of this request or any portion thereof, please contact us immediately at 202-646-5172 or mbekesha@judicialwatch.org.

Sincerely,



Michael Bekesha
Judicial Watch, Inc.

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Address
 B. Received by (Printed Name) Date of Delivery *1/20/11*

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Pasadena Police Department
 Records Department
 207 N Garfield Ave
 Pasadena, CA 91101

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail G.O.D.
 4. Restricted Delivery? (Extra Fee) Yes No

2. Article Number **7010 0290 0003 6123 1782**
 (Transfer from service label)

PS Form 3811, February 2004
 Domestic Return Receipt

102915-02-01-1540