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and **Pastor Mike McClure**

8
9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

11
12 **CALVARY CHAPEL SAN JOSE**, a
California Non-Profit Corporation;
13 **PASTOR MIKE MCCLURE**, an
individual;

14 Plaintiffs,

15 vs.

16 **SANTA CLARA COUNTY**; and
17 **SAFE GRAPH**;

18 Defendants.

Case No.:

COMPLAINT FOR DAMAGES

- 1) **Deprivation of the Fourth Amendment**
- 2) **Deprivation of the Establishment Clause to the First Amendment**
- 3) **Deprivation of the Free Exercise Clause to the First Amendment**
- 4) **First Amendment Retaliation**

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20
21 **INTRODUCTION**

22 1. In early 2020, Santa Clara County (“the County”), at the behest of Dr.
23 Sara Cody and County Counsel James Williams, enforced the Nation’s first shelter-
24 in-place order to combat the spread of the novel respiratory virus – dubbed COVID-
25 19. Governments across the country followed suit and soon nearly the entire Nation
26 was under house arrest. Throughout the year, the County issued subsequent orders
27 that dictated when, how, and where individuals could go.



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1 2. Many governments chose not to strictly enforce their orders, leaving
2 their edicts as guidelines that people could choose to follow or ignore. However, the
3 County vigorously enforced its orders and adopted a fine system that authorized
4 crippling fines on churches and other entities that did not comply.

5 3. Indeed, the County still seeks to collect millions in fines from Calvary
6 Chapel San Jose and Pastor Mike McClure (collectively, “Calvary”) for gathering
7 during the COVID-19 pandemic, even though the United States has admonished the
8 County for issuing unconstitutional orders. *See, e.g., South Bay Pentecostal Church,*
9 *v. Newsom*, 141 S. Ct. 716 (2021); *Gateway City Church v. Newsom*, 141 S. Ct. 1460
10 (2021).

11 4. Unbeknownst to the public, Defendants embarked on an invasive and
12 warrantless geofencing operation to track residents in the County. The Defendants
13 used this tool under the auspices of researching so-called superspreader events and
14 activities.

15 5. Geofencing is a location-based tool used by the government to track
16 individuals through their cell phone data. This tool is generally used in police
17 investigations of criminal activity and requires the government to obtain a warrant,
18 which is limited in time and scope.

19 6. The Defendants specifically targeted Calvary Chapel San Jose
20 (“CCSJ”) to demonstrate the church was a large superspreader. The County hoped
21 to use this information in its ongoing state enforcement action against the church.
22 To this day, the County cannot trace one COVID-19 case to the church.

23 7. The Defendants put multiple geofences around the church’s property so
24 they could track when and where individuals were on the premises. This operation
25 took place over a year with seemingly no oversight, boundaries, or limitations –
26 meaning the Defendants could track churchgoers in the sanctuary, prayer room, or
27 bathroom.

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1 14. Plaintiff MIKE MCCLURE is a resident of Santa Clara County and
2 serves as the lead pastor of CCSJ. He, too, vigorously opposed the COVID-19 orders
3 because they infringed upon the Church’s religious tenets regarding worship,
4 fellowship, and prayer.

PARTIES - DEFENDANT

6 15. Defendant SANTA CLARA COUNTY is a political subdivision of the
7 State. It is sued herein under *Monell v. Department of Social Services*, 436 U.S. 658
8 (1978).

9 16. Defendant SAFEGRAPH is headquartered in Denver, Colorado but has
10 an office in San Francisco, California. It is a data company that sells location data
11 from the cell phones of millions of users. SafeGraph also acquires its location data
12 from other data brokers and government agencies. SafeGraph’s clients include hedge
13 funds, real-estate investors, advertisers, governments, and more. SafeGraph is
14 considered one of the leading sources for points-of-interests data, business listings,
15 and visitor foot-traffic insights.

16 17. In 2019, SafeGraph launched its subsidiary, Veraset, which offers
17 granular population movement data and unaggregated visitation data. Together, they
18 offer expansive location-based data relied upon by marketers, retailers, advertisers,
19 investors, governments, and more.

JURISDICTION AND VENUE

21 18. This civil rights action raises federal questions under the United States
22 Constitution and federal law, particularly 42 U.S.C. § 1983.

23 19. This Court has subject matter jurisdiction over the federal claims
24 pursuant to 28 U.S.C. §§ 1331 and 1343.

25 20. This Court has authority to grant the requested declaratory relief under
26 the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, implemented through
27 Rule 57 of the Federal Rules of Civil Procedure. This Court is also authorized to
28 grant injunctive relief and damages under 28 U.S.C. § 1343, pursuant to Rule 65 of



1 the Federal Rules of Civil Procedure, and reasonable attorney’s fees and costs under
2 42 U.S.C. § 1988.

3 21. Venue is proper in this Court under 28 U.S.C. § 1391(b)(2) because a
4 substantial part of the events or omissions giving rise to Plaintiff’s claims occurred
5 in this district.

6 STATEMENT OF FACTS

7 I. SafeGraph Tracks CCSJ Congregants’ Private, Sensitive Location 8 History At The Behest Of The County

9 22. Throughout the COVID-19 pandemic, SafeGraph worked with
10 government entities like the Center for Disease Control and Prevention (CDC), San
11 Francisco, San Jose, and Santa Clara County to help inform the pandemic response
12 by researching visit patterns at various businesses and organizations.

13 23. SafeGraph’s research and data was derived from cell phone users’
14 location data.

15 24. Location data helped these government entities analyze their stay-at-
16 home orders and other COVID-19 orders and the places people traveled that
17 presented the biggest risk of COVID-19 spread.

18 25. At the behest of the County, SafeGraph put two geofences around CCSJ
19 and surveilled the churchgoers going to and from the church for over a year during
20 the COVID-19 pandemic.

21 26. The Defendants specifically targeted CCSJ because of the County’s
22 ongoing state enforcement action against Calvary.

23 27. The first geofence, identified in red in Figure 1, surrounds the parcel of
24 CCSJ, including the lawn and parking lots and extends to the adjacent streets.

25 28. The second geofence, identified in yellow in Figure 1, surrounds the
26 buildings within the parcel of land, including the sanctuary, Calvary Christian
27 Academy (i.e. church school), and apartments.

28



Figure 1

29. The County did not simply approve or acquiesce to SafeGraph’s surveillance of CCSJ.

30. The surveillance was initiated by the County, and the County gave SafeGraph specific instructions to monitor the visit patterns of CCSJ in comparison to other businesses and organizations within the County.

31. The surveillance operation was ratified by County Counsel James Williams and County Health Officer Dr. Sara Cody – officials who are considered final policy makers in their respective departments.

32. Dr. Sara Cody oversees the County’s health department and had final authority regarding the implementation of policies to combat the spread of COVID-19, as well as research projects analyzing the effects of the County’s orders.

33. James Williams oversaw the County’s legal department and provided legal advice to the County throughout the COVID-19 pandemic. Specifically, he was required to approve of the Defendants’ geofencing operation to ensure it complied with the law.



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1 34. On information and belief, the Defendants were able to gather location
2 information of all individuals who entered the geofences.

3 35. The Defendants did not narrow the search parameters of their
4 geofencing operation. In other words, the Defendants were able to gather location
5 data from congregants from anywhere within the bounds of the geofences, including
6 the nursery, prayer room, offices, classrooms, sanctuary, and bathroom.

7 36. As ratified by Dr. Cody and James Williams, the Defendants collected
8 location data from CCSJ and other businesses and organizations within the County
9 for over one year – as part of a well-orchestrated geofencing operation.

10 37. The County sought to weaponize the location data against CCSJ in their
11 ongoing lawsuit filed in the Santa Clara County Superior Court, where they seek to
12 collect millions from the church for violating COVID-19 public health orders.

13 38. Geofencing is a location-based tool that tracks individuals through their
14 cell phone data. Geofencing involves constructing a virtual bound around a
15 geographic area using machine learning and identifying all users present within that
16 area during a given time window.

17 39. Geofences are created using mapping software and rely on location
18 data. Location data consists of data indicating the geographical position of a device,
19 including data relating to the latitude, longitude, or altitude of the device, the
20 direction of travel of the user, or the time the location information was recorded.

21 40. Generally, geofences are enforced by law enforcement after they
22 acquire a warrant from a judge. Warrants are limited in time and scope.

23 41. On information and belief, the Defendants did not acquire a warrant
24 prior to putting a geofence around CCSJ.

25 42. Even though geofences generally derive from anonymized data, the
26 privacy of users within the geofence is still at issue.

27 43. Location data is more precise and revealing than cell-site location
28 information, as it shows a person's pattern of life.



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1 44. Geofences reveal sensitive, private information about where people
2 travelled and can create inferences about what a person might have been doing.
3 These tools provide a story about where and with whom people social, visit, worship,
4 and much more.

5 45. As the court in *United States v. Chatrie* astutely observed, “[e]ven
6 anonymized location data – from innocent people – can reveal astonishing glimpses
7 into individuals’ private lives when the Government collects data across even a one-
8 or-two-hour period.” 590 F. Supp. 3d 901, 931 n. 39 (E.D. Va. 2022).

9 46. Researchers have repeatedly demonstrated cross-referencing datasets
10 can reveal the identifying information of nearly every anonymized user.

11 47. Data scientists from Imperial College London and UCLouvain found
12 that it was not particularly hard for companies to identify the person behind
13 “anonymized” data using other data sets. The researchers developed a machine
14 learning model that was able to correctly re-identify 99.98% of Americans in any
15 anonymized dataset using just 15 characteristics including age, gender, and marital
16 status. A true and correct copy of this study is attached hereto as **Exhibit A**.

17 48. In another study that investigated smartphone location data, researchers
18 were able to uniquely identify 95% of the individuals in a data set with just four
19 spatio-temporal points. A true and correct copy of this study is attached hereto as
20 **Exhibit B**.

21 49. The County was also able to acquire private, sensitive information of
22 CCSJ congregants through its geofencing operation because of its prior knowledge
23 of CCSJ’s operations.

24 50. For instance, during its ongoing legal battles against Calvary in its state
25 enforcement action, it took the depositions of numerous CCSJ employees and
26 congregants where it gleaned information such as when and where individuals work
27 at CCSJ.
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1 51. Thus, even if SafeGraph says its data is anonymized, it can still identify
2 the identities of CCSJ churchgoers within the geofences.

3 **II. SafeGraph’s Gathers Its Location Data Through Various Means**

4 **A. SafeGraph’s Software Development Kit**

5 52. SafeGraph harvests its user location data from the apps that use its
6 SDK. SafeGraph’s SDK gathers information from any geo-tracking feature in cell-
7 phone apps. Thus, if a user grants an app permission to use location, SafeGraph
8 could also receive that data.

9 53. Among the top apps that contain SafeGraph are a basketball forum
10 (RealGM Forum), a forum for firearms enthusiasts (Ruger Forum), an off-road travel
11 forum (SA 4x4 Community Forum), and an Apple products discussion forum (iMore
12 Forums).

13 54. Indeed, SafeGraph and its subsidiary, Veraset, have touted the fact that
14 it sources from thousands of apps and SDKs to avoid a biased sample.

15 55. Smartphone users who download these apps are not aware that
16 SafeGraph has access to their location data.

17 56. The apps do not inform Smartphone users that their location data is
18 being disclosed to third-party data companies like SafeGraph.

19 **B. Google’s Real-Time Bidding Auctioning Process and Location** 20 **History**

21 57. SafeGraph also gathers location data through Google’s real-time
22 bidding (RTB) auction process. Google customers are unaware their personal
23 information is sold in Google’s RTP process.

24 58. RTB is the process by which publishers auction off ad space in their
25 apps or on their websites. In doing so, they share sensitive user data – including
26 geolocation, device IDs, and browsing history with dozens of different data
27 companies and data brokers like SafeGraph.

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1 59. Each RTB auction typically sees a user data passing through various
2 layers of companies on its way from a device to an advertiser. This convoluted
3 system of data collection enables surveillance by advertisers and data brokers like
4 SafeGraph. SafeGraph, therefore, can acquire data from Google’s location history
5 database.

6 60. In 2009, Google introduced location history, a feature that allows users
7 to see where they have been. Google stores this information from anyone who has
8 opted in.

9 61. Location history is collected from users of both Android devices and
10 Apple iPhones.

11 62. Google apps frequently prompt users to enable location history, and
12 information in the database is held indefinitely, unless the user deletes it.

13 63. Google’s location history database contains information about
14 hundreds of millions of devices around the world.

15 64. Google’s location history is generated from search queries, users’ IP
16 addresses, device sensors, and device signals including Global positioning Systems
17 (GPS) information cellular networks provide to a device, information from nearby
18 Wi-Fi networks, and information from nearby Bluetooth devices. *See Chatrie*, 590
19 F. Supp. 3d at 908. This allows Google to determine where a user is at a given date
20 and time. *Id.* at 908.

21 65. Google captures location data from different services like the Android
22 operating system, Google-owned mobile applications, and in-browser mobile
23 searches via Google.

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1 66. 85% of Americans currently own a smartphone with mobile internet. ¹
2 Approximately 46.8% of these smartphone users operate on Google’s Android
3 operating system.

4 67. Google owns three of the five most popular smartphone applications in
5 the United States, including Gmail, Google Maps, and Google Search.²

6 68. Google controls about 62% of mobile browsers, 69% of desktop
7 browsers, and the operating systems of 71% of mobile devices. 92% of internet
8 searches go through Google.

9 69. Any smartphone user can opt into Google’s Location History when they
10 create a Google account.

11 70. Google also prompts users to turn on Location History anytime they set
12 up an app that has location-powered features such as Google Maps, Google Photos,
13 and Google Assistant.

14 71. On Google Maps, a user can inadvertently opt into Location History by
15 clicking on “YES I’M IN” in response to the prompt, “Get the most from Google
16 Maps.” The prompt makes no mention of Location History.

17 72. Within Google Maps, the “LEARN MORE” option does not direct the
18 user to any specific language concerning location data or Location History.

19 73. Google’s Terms of Service does not mention Location History, and
20 Google’s Privacy Policy, which is 27 pages, only mentions Location History twice.
21 The court in *Chatrie* explains why the notice is inadequate and misleading:

22 In the first instance, it says, in full: “You can also turn on Location
23 History if you want to create a private map of where you go with your
24 signed-in devices.” If anything, the phrase “private map” is misleading
 and suggests that Google does not have access to the data. In the second

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27 ¹ *Mobile Fact Sheet*, PEW RSCH. CTR. (Apr. 7, 2021), <https://perma.cc/5UX9-P7PU>.

28 ² S. O’Dea, *U.S. Smartphone Subscriber Share by Operating Platform 2012-2021, by Month*, STATISTA (Aug. 11, 2021), <https://perma.cc/3KRQ-TS53> (to locate, select “View the live page”).

1 instance, the policy says, in full: “Decide what types of activity you’d
2 like saved in your account. For example, you can turn on Location
3 History if you want traffic predictions for your daily commute, or you
4 can save your YouTube Watch History to get better video suggestions.”
5 Of course, “traffic predictions” do not begin to suggest that Google will
6 keep a 24/7 “journal” of a user’s whereabouts. But even if it did, a user
7 would have no way of knowing that the pop-up “opt-in” screen relates to
8 the Location History feature.

7 74. In the Google Assistant set-up process, users are notified that Location
8 History may be saved in any Google service and that changes can be made in their
9 settings at account.google.com.

10 75. However, users are not notified how frequently Google collects their
11 data and the amount of data Location History collects.

12 76. Google does not inform users that Location History is collected
13 regardless of whether users are actively engaging with Google apps and even when
14 users have their phones in airplane mode.

15 77. A user must also navigate a confusing maze to pause and delete
16 Location History.

17 78. Opting into Location History may be automatic on mobile devices
18 running the android operating system.

19 79. Internal communications among Google employees revealed that the
20 company’s own engineers were not even sure how to delete Location History.

21 80. Even if a user figures out how to delete his or her Location History data,
22 that information is still available to Google.

23 81. Even if a user knowingly consents to allow Google to track their
24 location history, they do not consent to their data being shared and sold among
25 hundreds of unseen parties through the real-time bidding process.

26 82. SafeGraph acquires location data from smartphones, including Android
27 and iPhone users like Plaintiffs.
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FIRST CAUSE OF ACTION
Violation of the Fourth Amendment to the United States Constitution
(42 U.S.C. § 1983)

83. Plaintiff re-alleges and incorporates by reference the allegations in the preceding paragraphs 1 through 82, as if fully set forth herein.

84. The Fourth Amendment protects “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” U.S. Const. Amend. IV.

85. “The ‘basic purpose of this Amendment,’ our cases have recognized, ‘is to safeguard the privacy and security of individuals against arbitrary invasions by governmental officials.’” *Carpenter v. United States*, 138 S. Ct. 2206, 2213 (2018) (citing *Camara v. Municipal Court of City and County of San Francisco*, 387 U.S. 523, 528 (1967)).

86. “When an individual ‘seeks to preserve something as private,’ and his expectation of privacy is ‘one that society is prepared to recognize as reasonable,’ ... official intrusion into that private sphere generally qualifies as a search and requires a warrant supported by probable cause.” *Carpenter*, 138 S. Ct. at 2213 (quoting *Smith v. Maryland*, 442 U.S. 735, 740 (1979)).

87. Santa Clara County’s acquisition of location data through a geofence intruded upon the Plaintiffs’ reasonable expectation of privacy because it disclosed private, sensitive information about the Plaintiffs.

88. As the Supreme Court in *Carpenter* affirmed, access to such information implicates two lines of precedent: one addressing a “person’s expectation of privacy in his physical location and movements” and the other “draw[ing] a line between what a person keeps to himself and what he shares with others.” 138 S. Ct. at 2215-16.

89. The Defendants’ geofence operation implicated the Plaintiffs’ “reasonable expectation of privacy in the whole of [their] physical movements.” *Id.*



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1 at 2217. By obtaining historical location data generated by cell phone holders, the
2 Defendants could obtain “an all-encompassing record of the holder’s whereabouts,”
3 thus “revealing not only his particular movements” but the most intimate details of
4 his or her life. *Id.* at 2217-18; *see also Riley v. California*, 573 U.S. 372, 403 (2014)
5 (“With all [modern cell phones] contain and all they may reveal, they hold for many
6 Americans ‘the privacies of life.’”).

7 90. CCSJ is also a sacred place where congregants go to worship God in an
8 intimate setting. Plaintiffs do not go with the expectation that they will be covertly
9 surveilled by the government.

10 91. On information and believe, Defendants did not obtain a warrant before
11 putting a geofence around CCSJ property to track the church congregants.

12 92. Even if Defendants obtained a warrant, they did not have probable
13 cause. Plaintiffs were not suspected criminals. They were, and are, law-abiding
14 citizens who were exercising their constitutionally protected rights.

15 93. The Defendants’ geofence operation was not limited in time and scope.
16 Indeed, the operation, which took place over one year, had seemingly no oversight,
17 boundaries, or limitations. The Defendants had unbridled discretion to search any
18 person who came within the bounds of the geofence at any time and in any location
19 such as the parking lot, nursery, prayer room, church school, or bathroom.

20 94. The government’s interests in understanding the effects of social
21 distancing during the COVID-19 pandemic or its goal of obtaining incriminating
22 evidence against CCSJ do not justify departure from the customary Fourth
23 Amendment requirements.

24 95. As a direct and proximate result of Defendants’ violation of the Fourth
25 Amendment, Plaintiffs have suffered the loss of their fundamental constitutional
26 rights. Plaintiffs are entitled to nominal damages, compensatory damages in an
27 amount to be proven at trial, and attorneys’ fees under 42 U.S.C. § 1988.
28

1 **SECOND CAUSE OF ACTION**

2 **Violation of the Establishment Clause under the First Amendment to the**
3 **United States Constitution**
4 **(42 U.S.C. § 1983)**

5 96. Plaintiff re-alleges and incorporates by reference the allegations in the
6 preceding paragraphs 1 through 95, as if fully set forth herein.

7 97. “[T]he First Amendment forbids an official purpose to disapprove of a
8 religion or of religion in general.” *Church of Lukumi Babalu Aye, Inc. v. City of*
9 *Hialeah*, 508 U.S. 520 (1993). The government neutrality required under the
10 Establishment Clause is thus violated as much by government disapproval of
11 religion as it is by government approval of religion. *Epperson v. Arkansas*, 393 U.S.
12 97, 104 (1968); *See also School Dist. of Abington particular v. Schempp*, 374 U.S.
13 203, 215 (1963).

14 98. The Supreme Court has instructed that “the Establishment Clause must
15 be interpreted by reference to historical practices and understandings.” *Kennedy v.*
16 *Bremerton School Dist.*, 142 S. Ct. 2407, 2428 (2022) (cleaned up). “The line that
17 courts and governments must draw between the permissible and the impermissible
18 has to accord with history and faithfully reflect the understanding of the Founding
19 Fathers.” *Id.*

20 99. SafeGraph, at the behest of the County, impermissibly targeted CCSJ,
21 so the County could obtain incriminating evidence against the church in their
22 ongoing state enforcement action where they seek to collect millions from the
23 church.

24 100. The surveillance was comprehensive and continuous.

25 101. There were no specific precautions taken to limit the scope and duration
26 of the surveillance.

27 102. The Defendants’ conduct was a practice the Framers sought to prohibit
28 when they adopted the First Amendment.



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1 103. As the Supreme Court affirmed, “[h]istory abundantly documents the
2 tendency of Government – however benevolent and benign its motives – to view
3 with suspicion those who most fervently dispute its policies....The price of lawful
4 public dissent must not be a dread of subjection to an unchecked surveillance
5 power.” *United States v. U.S. Dist. Ct. for E. Dist. of Mich., S. Div.*, 407 U.S. 297,
6 314 (1972).

7 104. Defendants did not implement their geofencing operation to advance a
8 legitimate, secular goal such as promoting public health or curtailing criminal
9 activity. If so, Defendants would have monitored all businesses and entities in the
10 County.

11 105. The Defendants targeted CCSJ, so they County could weaponize
12 potentially incriminating evidence against the church in the County’s ongoing state
13 enforcement action.

14 106. Defendants ultimately demonstrated hostility towards religion –
15 namely CCSJ – because the impetus driving their surveillance operation was CCSJ’s
16 refusal to comply with the County’s orders restricting their religious exercise (i.e.
17 prayer, worship, etc).

18 107. As a direct and proximate result of Defendants’ violation of the First
19 Amendment, Plaintiffs have suffered irreparable harm, including the loss of their
20 fundamental constitutional rights. Plaintiffs are entitled to nominal damages,
21 compensatory damages in an amount to be proven at trial, and attorneys’ fees under
22 42 U.S.C. § 1988.

23 **THIRD CAUSE OF ACTION**

24 **Violation of the Free Exercise Clause under the First Amendment to the**

25 **United States Constitution**

26 **(42 U.S.C. § 1983)**

27 108. Plaintiff re-alleges and incorporates by reference the allegations in the
28 preceding paragraphs 1 through 107, as if fully set forth herein.



1 109. A regulation is not neutral and generally applicable if it discriminates
2 against a religious practice on its face, or if in its real operation it targets a religious
3 practice. *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520,
4 534 (1993). Further, a regulation or practice is not generally applicable where it
5 “treat[s] any comparable secular activity more favorably than religious exercise.”
6 *Tandon v. Newsom*, 141 S. Ct. 1294, 1296 (2021) (emphasis in original).

7 110. The Defendants’ geofencing operation was not neutral and generally
8 applicable because not all businesses and entities were subject to surveillance.

9 111. The Defendants specifically targeted CCSJ because of the County’s
10 ongoing state enforcement action.

11 112. Defendants have no rational, legitimate, or compelling interest in
12 surveilling a church to obtain incriminating evidence against it.

13 113. As a direct and proximate result of Defendants’ violation of the First
14 Amendment, Plaintiffs have suffered irreparable harm, including the loss of their
15 fundamental constitutional rights. Plaintiffs are entitled to nominal damages,
16 compensatory damages in an amount to be proven at trial, and attorneys’ fees under
17 42 U.S.C. § 1988.

18 **FOURTH CAUSE OF ACTION**

19 **First Amendment Retaliation**

20 **(42 U.S.C. § 1983)**

21 114. Plaintiff re-alleges and incorporates by reference the allegations in the
22 preceding paragraphs 1 through 113, as if fully set forth herein.

23 115. Clearly established law bars the government from retaliating against
24 Americans for exercising their constitutional rights and from taking actions designed
25 to deter people from exercising their constitutional rights.

26 116. During the COVID-19 pandemic, Plaintiffs were exercising their
27 sincerely held religious beliefs by gathering at CCSJ in worship, prayer, and
28 fellowship.



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117. In the fall of 2020, the County initiated a state enforcement action against Calvary to collect unpaid fines relating to their violations of the County’s COVID-19 orders. In other words, the County sought to punish Calvary for exercising their religious rights in violation of their draconian orders.

118. In addition to issuing crippling fines against Calvary, the County, with the help of SafeGraph, sought to punish Calvary by spying on church congregants during the COVID-19 pandemic. They sought to weaponize location data against Calvary in the County’s ongoing state enforcement action.

119. Again, the impetus of the Defendants’ geofencing operation was Calvary’s refusal to abdicate their religious tenets during the COVID-19 pandemic.

120. As a direct and proximate result of Defendants’ violation of the First Amendment, Plaintiffs have suffered irreparable harm, including the loss of their fundamental constitutional rights. Plaintiffs are entitled to nominal damages, compensatory damages in an amount to be proven at trial, and attorneys’ fees under 42 U.S.C. § 1988.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs prays for relief as follows:

1. Nominal damages for violation of their civil rights;
2. Damages for Plaintiffs in an amount to be proven at trial;
3. For costs, attorneys’ fees and interest, as allowed by law; and
4. For such other relief the Court determines is proper.

Respectfully submitted,

DATED: August 24, 2023 ADVOCATES FOR FAITH & FREEDOM

By: _____

Mariah Gondeiro, Esq.
Attorneys for Plaintiffs

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