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20 **UNITED STATES DISTRICT COURT**
 21 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
 22 **WESTERN DIVISION**

23 **WORD AFLAME TABERNACLE,**
 24 **INC.,** a California Non-Profit Corporation;
 25 **PASTOR JOE GARCIA,** an individual;
 26 **MARIE GARCIA,** an individual;

27 Plaintiffs,

28 vs.

CITY OF LA HABRA HEIGHTS;
FABIOLA HUERTA, in her Official

Case No.:

VERIFIED COMPLAINT FOR
VIOLATIONS OF FREE EXERCISE,
ASSEMBLY, SPEECH, EQUAL
PROTECTION, BANE ACT, AND
INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS

1 Capacity as City Manager of La Habra
2 Heights; **JUAN GARCIA**, an individual;

3 Defendants.

4 **INTRODUCTION**

5 1. Plaintiff Word Aflame Tabernacle is a house of worship. Plaintiff Joe Garcia
6 is the lead pastor of Word Aflame Tabernacle and Marie Garcia, his wife, is a senior
7 administrator.

8 2. Since the beginning of the COVID-19 pandemic, Plaintiffs have adapted
9 their religious practices and complied with health orders in holding worship services in
10 spite of the great expense and sacrifice.

11 3. Defendants have repeatedly falsely accused Plaintiffs of violating health
12 orders. Realizing that Plaintiffs were beyond reproach in complying with federal, state,
13 county, and city laws and public health orders, Defendants decided to focus on local
14 subjective noise ordinances to continue to harass and persecute Plaintiffs.

15 4. The underlying issues giving rise to this action started with Defendant Juan
16 Garcia who lives near the church where Plaintiffs hold worship services. In July 2020,
17 after Plaintiffs moved their worship services outside to comply with COVID-19 health
18 orders, Defendant Juan Garcia started yelling at church ushers and members and taking
19 video and pictures of the church members on a weekly basis.

20 5. Juan Garcia made complaints based on false allegations to the Los Angeles
21 County Health Department and the Los Angeles Sherriff's Department, which visited the
22 church numerous times during worship services and found no legal violations.

23 6. Juan Garcia also made and continues to make complaints based on false
24 allegations to the City of La Habra Heights (the "City"). The City and Fabiola Huerta in
25 her official capacity as city manager, erroneously gave credence to Garcia's false
26 accusations and unlawfully joined Juan Garcia in conspiring to harass, fine, and cite
27 Plaintiffs in spite of evidence that Plaintiffs are in full compliance with state and county
28 health orders and with the La Habra Heights Municipal Code ("LHHMC").

1 7. The City also issued a demand letter to Plaintiffs demanding that they cease
2 “noncritical activities such as bible study and prayer groups,” or face a “fine of \$1,000 or
3 six months in county jail, or both.”

4 8. Fabiola Huerta, in her individual capacity, has also unlawfully joined Juan
5 Garcia in conspiring to harass Plaintiffs. She has disrupted worship services by taking
6 videos and pictures of Plaintiffs, repeatedly stalked worship services in an unmarked car
7 with an unknown male passenger, and threatened Plaintiffs on multiple occasions.

8 9. Plaintiffs desire to conduct their worship services in compliance with the
9 law without interference and harassment from Defendants.

10 10. This Action alleges causes of action against La Habra Heights for violating
11 Plaintiffs’ free assembly, free exercise, free speech, and equal protection rights under
12 both the United States and California Constitutions.

13 11. This Action also presents facial and as-applied challenges to LHHMC
14 sections 7.6.30(B) and 4.11.140.

15 12. Finally, this Action alleges causes of action against all Defendants, including
16 Fabiola Huerta, in both in her official and personal capacity, for California’s Bane Act
17 violations and intentional infliction of emotional distress.

18 **PARTIES – PLAINTIFFS**

19 13. Plaintiff WORD AFLAME MINISTRIES (the “Church”) is a California
20 non-profit corporation and a Christian church organized exclusively for religious
21 purposes.

22 14. The Church leases a church building located in the city of La Habra Heights,
23 California. The building is owned by Hillcrest Congregational Church and is located at
24 2000 West Road in La Habra Heights (the “Property”).

25 15. Plaintiff JOE GARCIA is a resident of Los Angeles County and is the lead
26 pastor of the Church.

27 16. Plaintiff MARIE GARCIA is a resident of Los Angeles County, the wife of
28 Joe Garcia, and is a senior Church administrator.

1 **PARTIES – DEFENDANTS**

2 17. Defendant CITY OF LA HABRA HEIGHTS is a municipality organized
3 under the laws of the State of California.

4 18. Defendant FABIOLA HUERTA is the City Manager of La Habra Heights.
5 She is sued in both in her official and individual capacities.

6 19. Defendant JUAN GARCIA is a resident of Los Angeles County.

7 **JURISDICTION AND VENUE**

8 20. This civil rights action raises federal questions under the United States
9 Constitution, specifically the First and Fourteenth Amendments, and under federal law,
10 particularly 42 U.S.C. § 1983.

11 21. This Court has subject matter jurisdiction over the federal claims pursuant
12 to 28 U.S.C. §§ 1331 and 1343.

13 22. This action also arises under Article I, §§ 2, 3 and 4 of the California
14 Constitution as well as California statutory and common law.

15 23. This Court has supplemental jurisdiction over the state claims pursuant to
16 28 U.S.C. § 1367.

17 24. This Court has authority to grant the requested declaratory relief under the
18 Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, implemented through Rule 57
19 of the Federal Rules of Civil Procedure. This Court is also authorized to grant injunctive
20 relief and damages under 28 U.S.C. § 1343, pursuant to Rule 65 of the Federal Rules of
21 Civil Procedure, and reasonable attorney’s fees and costs under 42 U.S.C. § 1988.

22 25. Venue is proper in this Court under 28 U.S.C. § 1391(b)(1)–(2) because all
23 Defendants are situated in this judicial district, and a substantial part of the events or
24 omissions giving rise to Plaintiffs’ claims occurred in this district.

25 **FACTUAL BACKGROUND**

26 **A. COVID-19 Health Orders**

27 26. On March 4, 2020, Governor Gavin Newsom declared a State Emergency
28 because of the threat of COVID-19.

1 27. On March 19, 2020, Governor Gavin Newsom issued Executive Order N-
2 33-20, which prohibited all in-person worship services in California for an indefinite
3 period until the threat of the pandemic subsided.

4 28. From March 19, 2020 to May 31, 2020, the Church did not hold any in-
5 person gatherings.

6 29. On May 25, 2020, Governor Gavin Newsom announced the re-opening of
7 all places of worship in California for both indoor and outdoor services. This was
8 accomplished by the California Department of Public Health (CDPH) issuing guidance
9 for houses of worship to support a safe, clean environment for staff and congregants.

10 30. The Church accordingly resumed indoor services from June 1, 2020 to July
11 13, 2020.

12 31. On July 13, 2020, Governor Newsom ordered the re-closure of *indoor*
13 worship services in much of the state amid a worrying resurgence of new coronavirus
14 cases. Outdoor services remained permitted.

15 32. Los Angeles County and the city of La Habra Heights have followed State
16 orders regarding indoor and outdoor worship services.

17 33. From July 13, 2020 to July 22, 2020, the Church did not hold any in-person
18 services.

19 34. The Church started holding outdoor services on July 26, 2020.

20 35. In transitioning to outdoor services, the Church purchased outdoor tents,
21 rented chairs, and spent countless hours preparing and planning for its services. The
22 Church continuously adapted as federal, state, and local regulations were constantly
23 changing.

24 36. During all outdoor services, the Church strictly followed the decibel
25 standards for noise allowance for both Los Angeles County and the city of La Habra
26 Heights. The Church has a decibel reader that it uses during every service, and it records
27 the decibel readings at various locations on and around the Church property during every
28 worship service.

1 37. The Los Angeles County Department of Public Health inspected the Church
2 on September 6, 2020 to ensure compliance with COVID-19 orders, and it issued an
3 Official Inspection Report stating that “an inspection of this facility revealed it was in
4 compliance with the Health Officer Order.” A true and correct copy of this Inspection
5 Report is attached hereto and is incorporated herein as Exhibit “A.”

6 38. The Los Angeles County Department of Public Health also inspected the
7 Church on October 11, 2020 to ensure compliance with COVID-19 orders, and it issued
8 an Official Inspection Report stating that “an inspection of this facility revealed it was in
9 compliance with the Health Officer Order.” A true and correct copy of this Inspection
10 Report is attached hereto and is incorporated herein as Exhibit “B.”

11 **B. Outdoor Church Services**

12 39. Presently, the Church holds two outdoor worship services every Sunday.
13 The first Sunday service is in Spanish, and it begins at approximately 1:00 PM and ends
14 at approximately 2:30 PM. This service begins with approximately ten minutes of
15 amplified worship music at the beginning and five minutes at the end.

16 40. The second Sunday service begins at approximately 4:00 PM and ends at
17 approximately 6:30 PM. This service begins with approximately 30 minutes of amplified
18 worship music at the beginning of the service and approximately 10 minutes of worship
19 music at the end of the service.

20 41. The worship music during the Sunday services is amplified and typically
21 consists of a keyboard, four worship singers, and caged drums which are indoors in the
22 lobby of the church. The drums are not amplified. The doors to the lobby are cracked
23 open due to electric cords.

24 42. The outdoor Sunday services are conducted in the front of the church,
25 directly outside the lobby.

26 43. The Property owner, Hillcrest Congregational Church, also currently holds
27 outdoor services every Sunday morning with amplified music.
28

1 44. The Church also holds a Wednesday evening outdoor Bible study which
2 begins at approximately 7:00 PM and ends at approximately 8:30 PM. The Bible study
3 begins with approximately 15-20 minutes of amplified worship music at the beginning of
4 the meeting and approximately 5-10 minutes of music at the end of the meeting.

5 45. The Wednesday Bible study is held in a patio area of the Church property,
6 unlike the Sunday services which are held in front of the Church.

7 46. The Church has an average of 25 people who attend its Sunday morning
8 Spanish service, approximately 140 people who attend its second Sunday service, and
9 approximately 90 people who attend the Wednesday Bible study.

10 47. The Church has a sincerely and deeply held religious belief that it is essential
11 for them as Christians to assemble and regularly gather in person for the teaching of God's
12 Word, prayer, worship, baptism, communion, and fellowship. This is based on scriptures
13 from the Bible, including Hebrews 10:25, Acts 2:40-47, and Acts 5:40-42. These
14 activities are primarily fulfilled in the gathering of the Church body for worship services
15 at the same location on Sunday mornings and gathering for the Wednesday night bible
16 studies.

17 48. Based on the Bible, the Church believes that we are eternal beings in this
18 temporary world, and that God's Word (the Bible) is even more essential than food based
19 on the following scripture in Matthew 4:4: "[Jesus] answered, 'It is written, "Man shall
20 not live by bread alone, but by every word that comes from the mouth of God.'" Indeed,
21 the joyful duty to assemble together, in person, for worship services is a central tenet of
22 the Christian faith, both believed and practiced by the Church according to the Bible, a
23 tenet that is especially important to maintain during times of turmoil and trouble: "And let
24 us consider how to stir up one another to love and good works, not neglecting to meet
25 together, as is the habit of some, but encouraging one another, and all the more as you
26 see the Day drawing near." (Hebrews 10:24-25.)

27 49. The Church's congregation is multi-racial and represents a cross-section of
28 society, from rich to poor and of all ages. Its congregation also includes members and

1 visitors running the gamut of essential workers. These essential workers and service
2 providers receive spiritual support, comfort, guidance, and shelter from the ministry of
3 the Church's personnel and from other members.

4 **C. Defendants' Threats, Intimidation, and Harassment of Plaintiffs**

5 50. On multiple occasions during the last several months, Defendant Juan Garcia
6 has taken photos and videos of Church members as they arrive for church. This has caused
7 Church members discomfort, especially those with children whom Juan Garcia records.
8 Concerned parents have their children run out of their cars to avoid being photographed
9 or videoed by Defendant Juan Garcia.

10 51. Based on information and belief, Defendant Juan Garcia has called the Los
11 Angeles Sherriff's Department on multiple occasions and falsely reported that the Church
12 was violating COVID-19 orders and creating a nuisance with loud noise.

13 52. Based on information and belief, Defendant Fabiola Huerta has also called
14 the Los Angeles Sherriff's Department on multiple occasions and falsely reported that
15 the Church was violating COVID-19 orders and creating a nuisance with loud noise.

16 53. Due to the calls about the Church, the sheriff's department visited the
17 Church during worship services on four occasions between July 19, 2020 and August 9,
18 2020. The sheriff's department investigated the Church and found that the Church was
19 complying with all relevant laws.

20 54. On July 26, 2020, because of the unabated and unfounded complaints against
21 the Church, the sheriff's department informed the Plaintiffs of their rights as victims and
22 provided the Church with a document titled "Report information and Victims' Bill of
23 Rights."

24 55. Defendant Juan Garcia has also trespassed onto the Church during worship
25 services to harass Church members during service, including by using disrespectful and
26 foul language. Law enforcement has told Juan Garcia that he is not allowed to go to the
27 Church to harass members because that is against the law.

28 ///

1 56. On July 26, 2020, Defendant Juan Garcia sent out a letter to multiple
2 neighbors soliciting complaints about the Church and falsely accusing the Church of
3 violating the law.

4 57. On July 30, 2020, the City sent a Notice of Violation to the Property Owner,
5 Hillcrest Congregation Church regarding the Church. The notice cited LHHMC 4.11.140:
6 “The use of any audio equipment at a sound volume sufficiently loud to disturb the peace
7 and quiet of persons with ordinary and normal sensitivity is prohibited.” The notice stated
8 the following: “The use of audio equipment must be discontinued immediately.” A true
9 and correct copy is attached hereto as Exhibit “C.”

10 58. Based on information and belief, Defendants Juan Garcia and Fabiola Huerta
11 have called the Los Angeles Department of Public Health on multiple occasions and
12 falsely reported that the Church was violating COVID-19 orders.

13 59. Due to the calls about the Church, the Los Angeles Department of Public
14 Health visited the Church during worship services on five occasions between August 23,
15 2020 and October 25, 2020.

16 60. On September 6, 2020 and October 11, 2020, the Los Angeles Department
17 of Public Health issued Official Inspection Reports stating that “an inspection of this
18 facility revealed it was in compliance with the Health Officer Order,” including social
19 distancing protocols, mask wearing, and other health requirements. (Exhibits “A” and
20 “B.”)

21 61. Based on information and belief, on September 27, 2020, Defendants Juan
22 Garcia and Fabiola Huerta placed threatening handwritten signs on the front door of the
23 Church referencing guns and torture. A true and correct picture of the signs is attached as
24 Exhibit “D.”

25 62. On that same day, September 27, 2020, Defendant Fabiola Huerta was
26 spotted lurking behind bushes videotaping Church attendees during the Spanish worship
27 service. Fabiola Huerta traveled to the Church in an unmarked, white SUV.

28

1 63. Later that same day, September 27, 2020, during the English service,
2 Defendant Fabiola Huerta was spotted again near the Church in the same SUV with an
3 unknown male in the passenger seat. Defendant Fabiola Huerta told Juan Garcia, "I got
4 them," referring to Plaintiffs. Defendant Fabiola Huerta then told Church staff "I'll be
5 back later."

6 64. On October 25, 2020, Defendant Fabiola Huerta again returned to the
7 Church around 1:20 PM prior to the Spanish service, and she also called the Los Angeles
8 County Sheriff's Department to report that the Church was holding services indoors. The
9 Sheriff's Department inspected the Church and found that Defendant Fabiola Huerta's
10 claims were unfounded.

11 65. On August 13, 2020, the City issued two citations and a letter to the Church
12 based on violations of LHHMC section 4.11.140 for the Church's "use of Audio
13 Equipment." A true and correct copy of the letter and attached citations is attached as
14 Exhibit "E."

15 66. On August 25, 2020, the City issued a third citation and a letter to the Church
16 based on alleged "noise ordinance violations." A true and correct copy of this letter and
17 citation is attached as Exhibit "F."

18 67. On August 25, 2020, the City issued a letter to the Church regarding signs
19 the Church placed along the street with a threat of citations if the Church does not remove
20 the signs. A true and correct copy of this letter is attached as Exhibit "G."

21 68. On August 27, 2020, the City issued a letter and two more citations for
22 alleged noise violations. A true and correct copy of the letter and citations is attached as
23 Exhibit "H."

24 69. On August 31, 2020, the City issued two more citations and a letter to the
25 Church based on violations of LHHMC section 4.11.140 for the Church's "use of Audio
26 Equipment." A true and correct copy of the letter and attached citations is attached as
27 Exhibit "I."

28

1 70. On September 3, 2020, Fabiola Huerta told the Church the City will continue
2 to be issue citations as long as Juan Garcia continues submitting noise complaints
3 regarding the Church.

4 71. To date, the City has levied over \$3,000 in fines against the Church based
5 on actions of Fabiola Huerta and Juan Garcia.

6 72. The Church has paid \$1,200 in citations and has requested an appeal for each
7 of the citations issued against it. As of September 16, 2020, the City has acknowledged
8 receipt of the appeals for all citations and stated that appeals have been granted for three
9 of the citations, but no date for an appeal has been provided.

10 73. As of October 5, 2020, the Church has received four notices of delinquent
11 penalties from the City.

12 74. On September 18, 2020, the City sent a cease and desist letter to the Church
13 accusing the Church of being a “drain on police resources.” The letter also threatens the
14 Church with arrests and fines if the Church does not “**Immediately** cease and desist all
15 noncritical services and ceremonies, such as bible study and prayer groups” (emphasis is
16 original). The letter cites LHHMC section 7.6.30(B) and 4.11.140. Attached as Exhibit
17 “J” is a true and correct copy of this letter.

18 75. On October 2, 2020, the City requested that the Church submit a permit
19 application containing several unreasonable and unnecessary restrictions on worship
20 services in order to continue holding worship services. Attached as Exhibit “K” is a true
21 and correct copy of this permit application.

22 76. The City continues to give credence to Fabiola Huerta and Juan Garcia’s
23 false accusations against Plaintiffs. The City continues to conspire with Fabiola Huerta
24 and Juan Garcia to harass, fine, and cite the Church despite evidence that the Church is
25 in full compliance with all relevant laws.

26 77. The Church has had to hire and pay for licensed security guards to protect
27 church members from the Defendants’ actions. Church members have also stopped
28 attending the Church due to the harassment of Defendants, resulting in lower tithing.

1 78. The Church has limited its services and events based on the threats,
2 intimidation, and harassment of the Defendants. This has resulted in financial damages
3 to the Church.

4 79. The Church has also had to rent out other properties to hold services and
5 events to avoid Defendants' interference and harassment.

6 80. The Plaintiffs have endured countless hours of work attempting to mitigate
7 the threats, intimidation, and harassment of the Defendants.

8 81. Despite the fact that Hillcrest Congregation Church holds amplified services
9 outdoors at the same location, Hillcrest Congregation has not been issued any cease and
10 desist letters, citations or fines, nor have Defendants Fabiola Huerta or Juan Garcia visited
11 Hillcrest's services.

12 82. In addition to Hillcrest Congregation, other churches in La Habra Heights
13 hold outdoor services with amplified music. On information and belief, no other church
14 in the City has been subject to cease and desist letters, citations, or fines.

15 83. The Hillcrest Festival of Fine Arts is an annual festival that meets outdoors
16 at the Hillcrest Congregation Property. The festival has occurred annually for
17 approximately 60 years at the same location without any noise issues, fines, citations or
18 complaints despite the fact that the festival has large crowds, heavy traffic, loading and
19 unloading, engine operating, and bands with amplified music.

20 **FIRST CAUSE OF ACTION**

21 **LHHMC SECTIONS 7.6.30(B) and 4.11.140 AND THE CITY'S THREATS,**
22 **CITATIONS, AND FINES VIOLATE PLAINTIFFS' RIGHT TO FREE**
23 **EXERCISE OF RELIGION UNDER THE FIRST AMENDMENT TO THE U.S.**
24 **CONSTITUTION**

25 **(By all Plaintiffs against the City and Fabiola Huerta in her Official**
26 **Capacity)**

27 1. Plaintiffs incorporate by reference the allegations in the preceding
28 paragraphs, as if fully set forth herein.

1 2. The Free Exercise Clause of the First Amendment to the United States
2 Constitution, as applied to the states by the Fourteenth Amendment, prohibits Defendants
3 from abridging Plaintiffs’ right to free exercise of religion.

4 3. LHHMC sections 7.6.30(B) and 4.11.140, on their face and as applied,
5 violate Plaintiffs’ right to the free exercise of religion.

6 4. LHHMC sections 7.6.30(B) and 4.11.140 target Plaintiffs’ sincerely held
7 religious beliefs and practices.

8 5. LHHMC sections 7.6.30(B) and 4.11.140, on their face and as applied,
9 impermissibly burden Plaintiffs’ sincerely held religious beliefs, compel Plaintiffs to
10 either change those beliefs or to act in contradiction to them.

11 6. Defendants lack a compelling, legitimate, or rational interest in the
12 application of differential standards for Plaintiffs.

13 7. Even if the restrictions were supported by a compelling interest, which they
14 are not, they do not employ the least restrictive means to accomplish the government’s
15 purported interest and are not narrowly tailored to said interest.

16 8. The restrictions fail to accommodate Plaintiffs’ sincerely held religious
17 beliefs. Instead, the Defendants use the restrictions to intentionally frustrate Plaintiffs’
18 religious practices.

19 9. The restrictions, on their face and as applied, have caused, are causing, and
20 will continue to cause Plaintiffs immediate and irreparable harm, and actual and undue
21 hardship.

22 10. The regulations are unconstitutionally vague and overboard.

23 11. Plaintiffs have no adequate remedy at law to correct the continuing
24 deprivation of their constitutional rights.

25 12. WHEREFORE, Plaintiffs respectfully pray for the relief against Defendants
26 as hereinafter set forth in the prayer for relief.

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1 **SECOND CAUSE OF ACTION**

2 **LHHMC SECTIONS 7.6.30(B) and 4.11.140 AND THE CITY’S THREATS,**
3 **CITATIONS, AND FINES VIOLATE PLAINTIFFS’ RIGHT TO FREE**
4 **EXERCISE AND ENJOYMENT OF RELIGION UNDER ARTICLE I, §4 OF**
5 **THE CALIFORNIA CONSTITUTION**

6 **(By all Plaintiffs against the City and Fabiola Huerta in her Official Capacity)**

7 13. Plaintiffs incorporate by reference the allegations in the preceding
8 paragraphs, as if fully set forth herein.

9 14. Article I, § 4 of the Constitution of the State of California states, “Free
10 exercise and enjoyment of religion without discrimination or preference are guaranteed.”

11 15. “[T]he religion clauses of the California Constitution are read more broadly
12 than their counterparts in the federal Constitution.” *Carpenter v. City and County of San*
13 *Francisco*, 93 F.3d 627, 629 (1996).

14 16. LHHMC sections 7.6.30(B) and 4.11.140, on their face and as applied,
15 violate Plaintiffs’ right to the free exercise of religion.

16 17. LHHMC sections 7.6.30(B) and 4.11.140 target Plaintiffs’ sincerely held
17 religious beliefs and practices.

18 18. LHHMC sections 7.6.30(B) and 4.11.140, on their face and as applied,
19 impermissibly burden Plaintiffs’ sincerely held religious beliefs, compel Plaintiffs to
20 either change those beliefs or to act in contradiction to them.

21 19. LHHMC sections 7.6.30(B) and 4.11.140 place Plaintiffs in an irresolvable
22 conflict between compliance with the regulations and adherence to their sincerely held
23 religious beliefs.

24 20. LHHMC sections 7.6.30(B) and 4.11.140, as applied, specifically and
25 discriminatorily target the religious beliefs, speech, assembly, and viewpoint of Plaintiffs.

26 21. LHHMC sections 7.6.30(B) and 4.11.140, on their face and as applied,
27 constitute a substantial burden on Plaintiffs’ sincerely held religious beliefs as they are
28 prevented from practicing the teachings of their religious texts.

1 22. The City lack a compelling, legitimate, or rational interest in the application
2 of differential standards for Plaintiffs.

3 23. Even if the restrictions were supported by a compelling interest, which they
4 are not, they do not employ the least restrictive means to accomplish the government's
5 purported interest and are not narrowly tailored to said interest.

6 24. The restrictions fail to accommodate Plaintiffs' sincerely held religious
7 beliefs. Instead, the Defendants use the restrictions to intentionally frustrate Plaintiffs'
8 practices.

9 25. The restrictions, on their face and as applied, have caused, are causing, and
10 will continue to cause Plaintiffs' immediate and irreparable harm, and actual and undue
11 hardship.

12 26. The regulations are unconstitutionally vague and overboard.

13 27. Plaintiffs have no adequate remedy at law to correct the continuing
14 deprivation of their constitutional rights.

15 28. WHEREFORE, Plaintiffs respectfully pray for the relief against Defendants
16 as hereinafter set forth in the prayer for relief.

17 **THIRD CAUSE OF ACTION**

18 **LHMC SECTIONS 7.6.30(B) and 4.11.140 AND THE CITY'S THREATS,**
19 **CITATIONS, AND FINES VIOLATE PLAINTIFFS' RIGHT TO PEACEABLY**
20 **ASSEMBLE UNDER THE FIRST AMENDMENT TO THE U.S.**

21 **CONSTITUTION**

22 **(By all Plaintiffs against the City and Fabiola Huerta in her Official**
23 **Capacity)**

24 29. Plaintiffs incorporate by reference the allegations in the preceding
25 paragraphs, as if fully set forth herein.

26 30. LHMC sections 7.6.30(B) and 4.11.140, on their face and as applied,
27 violate Plaintiffs' right to peaceably assemble.
28

1 31. LHHMC sections 7.6.30(B) and 4.11.140, on their face and as applied, are
2 irrational and unreasonable and impose unjustifiable and unreasonable restrictions on
3 Plaintiffs' constitutionally protected right to peaceably assemble.

4 32. LHHMC sections 7.6.30(B) and 4.11.140, on their face and as applied, are
5 unconstitutionally vague and overbroad as they chill and abridge Plaintiffs' right to
6 peaceably assemble.

7 33. LHHMC sections 7.6.30(B) and 4.11.140, on their face and as applied,
8 unconstitutionally vest unfettered discretion in the hands of Defendants to suppress
9 Plaintiffs' right to peaceably assemble.

10 34. Plaintiffs have no adequate remedy at law to correct the continuing
11 deprivation of their constitutional rights.

12 35. WHEREFORE, Plaintiffs respectfully pray for the relief against Defendants
13 as hereinafter set forth in the prayer for relief.

14 **FOURTH CAUSE OF ACTION**

15 **LHHMC SECTIONS 7.6.30(B) and 4.11.140 AND THE CITY'S THREATS,**
16 **CITATIONS, AND FINES VIOLATE PLAINTIFFS' RIGHT TO PEACEABLY**
17 **ASSEMBLE UNDER ARTICLE I, §3 OF THE CALIFORNIA CONSTITUTION**

18 **(By all Plaintiffs against the City and Fabiola Huerta in her Official Capacity)**

19 36. Plaintiffs incorporate by reference the allegations in the preceding
20 paragraphs, as if fully set forth herein.

21 37. LHHMC sections 7.6.30(B) and 4.11.140, on their face and as applied,
22 violate Plaintiffs' right to peaceably assemble.

23 38. LHHMC sections 7.6.30(B) and 4.11.140, on their face and as applied, are
24 irrational and unreasonable and impose unjustifiable and unreasonable restrictions on
25 Plaintiffs' constitutionally protected right to peaceably assemble.

26 39. LHHMC sections 7.6.30(B) and 4.11.140, on their face and as applied, are
27 unconstitutionally vague and overbroad as they chill and abridge Plaintiffs' right to
28 peaceably assemble.

1 40. LHHMC sections 7.6.30(B) and 4.11.140, on their face and as applied,
2 unconstitutionally vest unfettered discretion in the hands of the City to suppress
3 Plaintiffs' right to peaceably assemble.

4 41. Plaintiffs have no adequate remedy at law to correct the continuing
5 deprivation of their constitutional rights.

6 42. WHEREFORE, Plaintiffs respectfully pray for the relief against Defendants
7 as hereinafter set forth in the prayer for relief.

8 **FIFTH CAUSE OF ACTION**

9 **LHHMC SECTIONS 7.6.30(B) and 4.11.140 AND THE CITY'S THREATS,**
10 **CITATIONS, AND FINES VIOLATE PLAINTIFFS' RIGHT TO FREEDOM OF**
11 **SPEECH UNDER THE FIRST AMENDMENT TO THE U.S. CONSTITUTION**

12 **(By all Plaintiffs against the City and Fabiola Huerta in her Official**
13 **Capacity)**

14 43. Plaintiffs incorporate by reference the allegations in the preceding
15 paragraphs, as if fully set forth herein.

16 44. LHHMC sections 7.6.30(B) and 4.11.140, on their face and as applied,
17 violate Plaintiffs' right to the freedom of speech.

18 45. LHHMC sections 7.6.30(B) and 4.11.140, on their face and as applied, are
19 irrational and unreasonable and impose unjustifiable and unreasonable restrictions on
20 Plaintiffs' constitutionally protected right to freedom of speech.

21 46. LHHMC sections 7.6.30(B) and 4.11.140, on their face and as applied, are
22 unconstitutionally vague and overbroad as they chill and abridge the free speech rights of
23 Plaintiffs.

24 47. LHHMC sections 7.6.30(B) and 4.11.140, on their face and as applied,
25 unconstitutionally vest unfettered discretion in the hands of the City to suppress
26 Plaintiffs' freedom of speech.

27 48. Plaintiffs have no adequate remedy at law to correct the continuing
28 deprivation of their constitutional rights.

1 49. WHEREFORE, Plaintiffs respectfully pray for the relief against Defendants
2 as hereinafter set forth in the prayer for relief.

3 **SIXTH CAUSE OF ACTION**

4 **LHHMC SECTIONS 7.6.30(B) and 4.11.140 AND THE CITY'S THREATS,**
5 **CITATIONS, AND FINES VIOLATE PLAINTIFFS' RIGHT TO FREE SPEECH**
6 **UNDER ARTICLE I, §2 OF THE CALIFORNIA CONSTITUTION**

7 **(By all Plaintiffs against the City and Fabiola Huerta in her Official Capacity)**

8 50. Plaintiffs incorporate by reference the allegations in the preceding
9 paragraphs, as if fully set forth herein.

10 51. LHHMC sections 7.6.30(B) and 4.11.140, on their face and as applied,
11 violate Plaintiffs' right to freedom of speech.

12 52. LHHMC sections 7.6.30(B) and 4.11.140, on their face and as applied, are
13 irrational and unreasonable and impose unjustifiable and unreasonable restrictions on
14 Plaintiffs' constitutionally protected right to freedom of speech.

15 53. LHHMC sections 7.6.30(B) and 4.11.140, on their face and as applied, are
16 unconstitutionally vague and overbroad as they chill and abridge the free speech rights of
17 Plaintiffs.

18 54. LHHMC sections 7.6.30(B) and 4.11.140, on their face and as applied,
19 unconstitutionally vest unfettered discretion in the hands of the City to suppress
20 Plaintiffs' freedom of speech.

21 55. Plaintiffs have no adequate remedy at law to correct the continuing
22 deprivation of their constitutional rights.

23 56. WHEREFORE, Plaintiffs respectfully pray for the relief against Defendants
24 as hereinafter set forth in the prayer for relief.

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SEVENTH CAUSE OF ACTION

**LHHMC SECTIONS 7.6.30(B) and 4.11.140 AND THE CITY’S THREATS,
CITATIONS, AND FINES VIOLATE PLAINTIFFS’ RIGHT TO EQUAL
PROTECTION UNER THE FOURTEENTH AMENDMENT OF THE UNITED
STATES CONSTITUION**

**(By all Plaintiffs against the City and Fabiola Huerta in her Official
Capacity)**

57. Plaintiffs incorporate by reference the allegations in the preceding paragraphs, as if fully set forth herein.

58. The Fourteenth Amendment to the United States Constitution guarantees Plaintiffs the right to equal protection under the law.

59. LHHMC sections 7.6.30(B) and 4.11.140, on their face and as applied, are an unconstitutional abridgement of Plaintiffs’ right to equal protection under the law.

60. LHHMC sections 7.6.30(B) and 4.11.140, on their face and as applied, are an unconstitutional abridgment of Plaintiffs’ right to equal protection because they permit Defendants to treat Plaintiffs differently from other similarly situated businesses and organizations.

61. LHHMC sections 7.6.30(B) and 4.11.140, on their face and as applied, are irrational and unjustifiable and impose irrational and unjustifiable restrictions on Plaintiffs.

62. Plaintiffs have no adequate remedy at law to correct the continuing deprivation of their constitutional rights.

63. WHEREFORE, Plaintiffs respectfully pray for the relief against Defendants as hereinafter set forth in the prayer for relief.

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1 **EIGHTH CAUSE OF ACTION**

2 **VIOLATION OF THE BANE ACT – CAL. CIV. CODE § 52.1**

3 **(By all Plaintiffs against all Defendants)**

4 64. Plaintiffs incorporate by reference the allegations in the preceding
5 paragraphs, as if fully set forth herein.

6 65. The Bane Act allows a person whose rights have been interfered with by
7 means of threats, intimidation, or coercion to sue for damages, injunctive, and other
8 equitable relief. Civ. Code § 52.1(b).

9 66. Defendants violated the Bane Act by infringing on the fundamental
10 constitutional rights of Plaintiffs through intimidating, harassing, threatening, fining,
11 citing, and bullying Plaintiffs for holding worship services.

12 67. By means of threats, intimidation, and coercion, Defendants have interfered
13 with the Plaintiffs' rights, as set forth in the United States and California constitutions.

14 68. WHEREFORE, Plaintiffs respectfully pray for the relief against Defendants
15 as hereinafter set forth in the prayer for relief.

16 **NINTH CAUSE OF ACTION**

17 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

18 **(By all Plaintiffs against all Defendants)**

19 69. Plaintiffs incorporate by reference the allegations in the preceding
20 paragraphs, as if fully set forth herein.

21 70. Defendants' conduct alleged herein is extreme and outrageous and is beyond
22 the bounds of that tolerated in a decent society.

23 71. Defendants engaged in the conduct alleged herein with the intent to cause
24 Plaintiffs extreme emotional distress, or at a minimum, with reckless disregard as to
25 whether it would cause extreme emotional distress.

26 72. The actions alleged herein, including harassing, threatening, citing, fining,
27 and bullying Plaintiffs for holding worship services, were done with malice, fraud,
28 oppression, and in reckless disregard of Plaintiffs' rights.

1 73. By means of threats, intimidation, and coercion, Defendants have interfered
2 with the Plaintiffs' rights.

3 74. As a result of Defendants' conduct, Plaintiffs have incurred and will
4 continue to incur damages in an amount to be proven at trial.

5 75. WHEREFORE, Plaintiffs respectfully pray for the relief against Defendants
6 as hereinafter set forth in the prayer for relief.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiffs pray for relief as follows:

9 A: Against the City and Fabiola Huerta in her Official Capacity:

10 1. That this Court issue a preliminary and permanent injunction enjoining the City
11 and Fabiola Huerta in her Official Capacity, the City's officers, agents, employees,
12 attorneys, and all other persons acting in active concert or participation with them,
13 from enforcing LHHMC sections 7.6.30(B) and 4.11.140 so that:

14 i. The City will not apply LHHMC sections 7.6.30(B) and 4.11.140 in any
15 manner as to infringe Plaintiffs' constitutional and statutory rights by
16 discriminating against their right to assembly, speech, and free exercise of
17 religion.

18 ii. The City will apply LHHMC sections 7.6.30(B) and 4.11.140 in a manner
19 that treats Plaintiffs' on equal terms and in an equal manner with that
20 afforded other organizations.

21 iii. The City will permit Plaintiffs to continue to meet so long as Plaintiffs
22 comply with the COVID-19 Orders and county and city decibel standards;
23 and

24 2. That this Court render a Declaratory Judgment declaring that LHHMC sections
25 7.6.30(B) and 4.11.140 both on their face and as applied by the City and Fabiola
26 Huerta in her Official Capacity are unconstitutional under the United States
27 Constitution and California Constitution;

28

- 1 3. That this Court award Plaintiffs compensatory and general damages in an amount
2 according to proof;
- 3 4. That this Court award Plaintiffs special damages in an amount according to proof;
- 4 5. That this Court award Plaintiffs punitive damage;
- 5 6. That this Court grant civil penalties for each Plaintiff in the statutory amount of
6 \$25,000 for each Civ. Code § 52.1(b) violation;
- 7 7. That this Court adjudge, decree, and declare the rights and other legal relations
8 within the subject matter here in controversy so that such declaration shall have the
9 full force and effect of final judgment;
- 10 8. That this Court retain jurisdiction over the matter for the purposes of enforcing this
11 Court's order;
- 12 9. That this Court declare Plaintiffs are a prevailing party and award Plaintiffs the
13 reasonable costs and expenses of this action, including reasonably attorney's fees
14 in accordance with 42 U.S.C. §1988 and California Civil Code § 52.1(i); and
- 15 10. That this Court grant such other and further relief as this Court deems equitable
16 and just under the circumstances.

17 **B: Against Defendants Juan Garcia and Fabiola Huerta in their Individual Capacities:**

- 18 1. That this Court issue a preliminary and permanent injunction enjoining Juan Garcia
19 and Fabiola Huerta in their Individual Capacities from infringing on the
20 fundamental constitutional rights of Plaintiffs through intimidating, harassing,
21 threatening, and bullying Plaintiffs for holding worship services;
- 22 2. That this Court award Plaintiffs compensatory and general damages in an amount
23 according to proof;
- 24 3. That this Court award Plaintiffs special damages in an amount according to proof;
- 25 4. That this Court award Plaintiffs punitive damage;
- 26 5. That this Court grant civil penalties for each Plaintiff in the statutory amount of
27 \$25,000 for each Civ. Code § 52.1(b) violation;
- 28

- 1 6. That this Court adjudge, decree, and declare the rights and other legal relations
2 within the subject matter here in controversy so that such declaration shall have the
3 full force and effect of final judgment;
- 4 7. That this Court retain jurisdiction over the matter for the purposes of enforcing this
5 Court's order;
- 6 8. That this Court declare Plaintiffs are a prevailing party and award Plaintiffs the
7 reasonable costs and expenses of this action, including reasonably attorney's fees
8 in accordance with 42 U.S.C. §1988 and California Civil Code § 52.1(i); and
- 9 9. That this Court grant such other and further relief as this Court deems equitable
10 and just under the circumstances.

11
12 Respectfully submitted,

13 TYLER & BURSCH, LLP

14
15 Dated: October 28, 2020

/s/ Robert H. Tyler, Esq.
Robert H. Tyler
Attorney for Plaintiffs

16
17
18 NATIONAL CENTER FOR LAW &
19 POLICY

20
21 Dated: October 28, 2020

/s/ Dean R. Broyles, Esq.
Dean R. Broyles
Attorneys for Plaintiffs

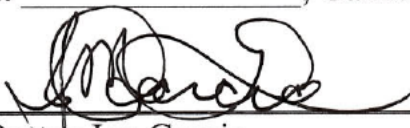
VERIFICATION OF COMPLAINT

1
2
3 On behalf of Word Aflame Tabernacle and as an individual, I, Joe Garcia, declare
4 as follows:

- 5 1. I am a party to this action.
6 2. I have read the foregoing complaint and know of the contents thereof.
7 3. Based on my own knowledge, the contents of the foregoing complaint are
8 true and correct.

9 I declare under penalty of perjury under the laws of the United States of America
10 that the foregoing is true and correct.

11
12 Executed on October 20, 2020, at Los Angeles County, California.

13
14 
15 _____
16 Pastor Joe Garcia

VERIFICATION OF COMPLAINT

I, Marie Garcia, declare as follows:

1. I am a party to this action.
2. I have read the foregoing complaint and know of the contents thereof.
3. Based on my own knowledge, the contents of the foregoing complaint are true and correct.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 20, 2020 at Los Angeles County, California.



Marie Garcia