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4

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF LOS ANGELES

11 CITY OF LONG BEACH, a municipal )  
corporation, by and through Long Beach City )  
12 Attorney ROBERT E. SHANNON, )

13 Plaintiffs, )

14 vs. )

15 CALIFORNIA CITIZENS FOR )  
NEIGHBORHOOD EMPOWERMENT, )  
16 a general purpose committee established )  
pursuant to Cal. Govt. Code §§82013 and )  
17 82027.5; KINDE DURKEE, as an individual )  
and as Treasurer of California Citizens for )  
18 Neighborhood Empowerment; and DOES 1 )  
through 50, Inclusive, )

19 )  
20 Defendants. )  
21

CASE NO.

COMPLAINT FOR DAMAGES AND  
INJUNCTIVE RELIEF

(Violation of Chapter 2.01 of the Long  
Beach Municipal Code)

22 FIRST CAUSE OF ACTION

(Violation of Sections 2.01.310 and 2.01.610 of the Long Beach Municipal Code)  
(Against All Defendants)

24 Plaintiff, City of Long Beach, a municipal corporation ("City"), hereby alleges as follows:

25 1. City is represented in this action by the City Attorney of the City of Long Beach in  
26 accordance with Long Beach Municipal Code Section 2.01.1120.

27 2. City is informed, believes and therefore alleges that defendant California Citizens for  
28 Neighborhood Empowerment ("CCNE") was and is a "general purpose committee" duly formed

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1 under the laws of the State of California to support or oppose candidates or ballot measures in  
2 various municipal and state elections, and is authorized to and does carry on business in the County  
3 of Los Angeles, State of California.

4 3. City is informed, believes and therefore alleges that defendant Kinde Durkee ("Durkee")  
5 is the duly appointed and acting Treasurer of CCNE and is also an individual member and officer  
6 of CCNE.

7 4. The true names, identities and/or capacities of the defendants sued herein as Does 1  
8 through 50, inclusive, are unknown to City, who therefore sues these defendants by such fictitious  
9 names. City will seek leave of this Court to amend this complaint to allege their true names,  
10 identities and/or capacities when ascertained. City is informed and believes and therefore alleges  
11 that each of the fictitiously named defendants is responsible in some manner for the unlawful  
12 conduct alleged and its effects, and that their acts, conduct and omissions directly caused injury to  
13 City.

14 5. City is informed and believes and therefore alleges that defendants, and each of them,  
15 were and are the agents and employees of each and every other defendant and acting as alleged are  
16 and were acting within the course and scope of such agency and employment.

17 6. Defendants, and each of them, are subject to the jurisdiction of this Court by virtue of their  
18 business and campaign dealings and transactions in the City of Long Beach, County of Los Angeles,  
19 and by their violation of the Long Beach Campaign Reform Act, as is hereinafter alleged. Although  
20 the exact amount of damages owed to City cannot be determined precisely without access to  
21 documents and other information possessed by defendants, the amount sought to be recovered by  
22 City is in excess of the jurisdictional minimum of this Court.

23 7. On or about June 7, 1994, City adopted the Long Beach Campaign Reform Act ("the  
24 Act") as Chapter 2.01 of the Long Beach Municipal Code, which, among other things, was adopted  
25 to help restore public trust in local governmental and electoral institutions and to insure that  
26 individuals and interest groups in the City have a fair and equal opportunity to participate in the  
27 municipal elective and governmental processes. A true and correct copy of the Act is attached hereto  
28 and incorporated herein by this reference as though set forth in full, word for word as Exhibit "A".



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1 City is informed, believes and therefore alleges that CCNE willfully and intentionally made  
2 campaign expenditures in excess of the statutory limits and thereafter failed to provide the requisite  
3 notification as required by the Act.

4 **THIRD CAUSE OF ACTION**  
5 **(Injunctive Relief)**  
6 **(Against All Defendants)**

7 14. City repeats, re-alleges, and incorporates by reference Paragraphs 1 through 13 of this  
8 Complaint as if fully set forth herein.

9 15. City is informed, believes and therefore alleges that unless and until enjoined and  
10 restrained by order of this Court, defendants, and each of them, will continue to violate the Act by  
11 accepting contributions of funds in excess of those permitted by the Act, and that said defendants  
12 will likewise continue to fail to notify the City Clerk and other candidates of independent  
13 expenditures made by defendants which are in excess of the statutorily prescribed amounts.

14 16. Defendants' wrongful conduct, unless and until enjoined and restrained by order of this  
15 Court, will cause great and irreparable injury to City in that said conduct will serve to subvert the  
16 election process in the City by allowing defendants to exercise a disproportionate or controlling  
17 financial influence on the election of candidates in the City by virtue of defendants' acceptance and  
18 expenditure of campaign funds far in excess of those legally available to other candidates in the same  
19 elective race. Furthermore, said conduct will have the effect of undermining the credibility and  
20 integrity of the governmental process by fostering a public perception that votes are being improperly  
21 influenced by monetary contributions and will further create an overwhelming and patently unfair  
22 fund-raising advantage for CCNE and the candidate or candidates it supports, over other candidates  
23 participating in the same race.

24 17. City has no adequate remedy at law for defendants' continued violation of the Act.

25 WHEREFORE, Plaintiff City prays for judgment against all defendants, and each of them,  
26 as follows:

27 1. On the First Cause of Action:

- 28 (a) For general damages, trebled, in a sum according to proof;  
(b) For special damages, including but not limited to attorneys fees and other

1 expenditures incurred in prosecuting this action;

2 2. On the Second Cause of Action:

- 3 (a) For general damages, trebled, in a sum according to proof;
- 4 (b) For special damages, including but not limited to attorneys fees and other
- 5 expenditures incurred in prosecuting this action.

6 3. On the Third Cause of Action:

- 7 (a) For a preliminary injunction and a permanent injunction, enjoining
- 8 defendants, and each of them, and their agents, servants, and employees, and
- 9 all persons acting under, in concert with, or for them:

- 10 (1) From violating Section 2.01.610 of the Long Beach Campaign
- 11 Reform Act;
- 12 (2) From violating Section 2.01.630 of the Long Beach Campaign
- 13 Reform Act.

14 4. On all Causes of Action:

- 15 (a) For attorneys fees incurred to obtain the relief requested;
- 16 (b) For all costs of suit incurred;
- 17 (c) For pre-judgment interest; and
- 18 (d) For such other and further relief as this court deems just and proper.

19

20 Pursuant to the requirements of California Code of Civil Procedure Section 446, the


21 answer to this complaint must be verified.

22

23 Dated: April 17, 2002

24 ROBERT E. SHANNON, City Attorney

25

26 By  \_\_\_\_\_

27 ROBERT E. SHANNON, City Attorney  
Attorney for Plaintiff, City of Long Beach

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