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

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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 REPUBLICAN PARTY,
a general purpose committee established)
16 pursuant to Cal. Govt. Code §§82013 and)
82027.5; and DOES 1 through 50, Inclusive,)

17)
18 Defendants.)
19

CASE NO.

COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF

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

20
21 FIRST CAUSE OF ACTION

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

22
23 Plaintiff, City of Long Beach, a municipal corporation ("City"), hereby alleges as follows:

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

26 2. City is informed, believes and therefore alleges that defendant California Republican
27 Party ("Party") was and is a "general purpose committee" duly formed under the laws of the State
28 of California to support or oppose candidates or ballot measures in various municipal and state

1 elections, and is authorized to and does carry on business in the County of Los Angeles, State of
2 California.

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

10 4. City is informed and believes and therefore alleges that defendants, and each of them,
11 were and are the agents and employees of each and every other defendant and acting as alleged are
12 and were acting within the course and scope of such agency and employment.

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

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

25 7. The Act establishes limitations on monetary and non-monetary contributions from
26 individuals, organizations and political action committees who donate funds or in-kind services for
27 the purpose of influencing or attempting to influence the actions of the voters of the City for or
28 against the election of any City candidate. The Act further limits those persons making independent

1 expenditures on behalf of or in opposition to a particular candidate from accepting any contribution
2 in excess of those limits established by the Act, and likewise establishes certain requirements relating
3 to the reporting of independent expenditures made in support of or in opposition to any candidate
4 for elective office in the City.

5 8. City is informed, believes and therefore alleges that Party is a "general purpose
6 committee" as that term is defined in California Government Code Sections 82013 and 82027.5 and
7 was formed and operating, in part, to accept campaign contributions and make expenditures on
8 behalf of a candidate for Mayor in City's 2002 primary and general elections.

9 9. On April 9, 2002, the City received a document entitled "Late Independent Expenditure
10 Report" executed by Party which indicated that Party had made an "independent expenditure," as
11 that term is defined in California Government Code Section 82031, on behalf of a candidate for
12 Mayor in the City's primary election. A true and correct copy of this document is attached hereto
13 and incorporated herein by this reference as Exhibit "B."

14 10. City is informed, believes and therefore alleges that Party illegally accepted campaign
15 contributions for the purpose of making this independent expenditure, supporting a clearly
16 identifiable candidate for Mayor of the City of Long Beach, which contributions are and were grossly
17 in excess of the limitations on contributions as established by the Act.

18 11. As a direct result of the violations of the Act, City is entitled to three times the amount
19 of the illegal contributions accepted by Party together with attorneys' fees in accordance with the
20 Long Beach Municipal Code Sections 2.01.1120 and 2.01.1140.

21 **SECOND CAUSE OF ACTION**
22 **(Injunctive Relief)**
23 **(Against All Defendants)**

24 12. City repeats, re-alleges, and incorporates by reference Paragraphs 1 through 11 of this
25 Complaint as if fully set forth herein.

26 13. City is informed, believes and therefore alleges that unless and until enjoined and
27 restrained by order of this Court, defendants, and each of them, will continue to violate the Act by
28 accepting contributions of funds in excess of those permitted by the Act, and that said defendants

1 will likewise continue to fail to notify the City Clerk and other candidates of independent
2 expenditures made by defendants which are in excess of the statutorily prescribed amounts.

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

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

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

16 1. On the First Cause of Action:

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

20 2. On the Second Cause of Action:

- 21 (a) For a preliminary injunction and a permanent injunction, enjoining
22 defendants, and each of them, and their agents, servants, and employees, and
23 all persons acting under, in concert with, or for them, from violating Section
24 2.01.610 of the Long Beach Campaign Reform Act;

25 3. On all Causes of Action:

- 26 (a) For attorneys fees incurred to obtain the relief requested;
27 (b) For all costs of suit incurred;
28 (c) For pre-judgment interest; and

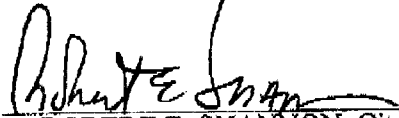
(d) For such other and further relief as this court deems just and proper.

Pursuant to the requirements of California Code of Civil Procedure Section 446, the answer to this complaint must be verified.

Dated: May 2, 2002

ROBERT E. SHANNON, City Attorney

By



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Attorney for Plaintiff, City of Long Beach

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