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BY: _____

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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 THE INLAND OVERSIGHT COMMITTEE, **ED CV 12 - 00178**
11 Plaintiff,) CASE NO. _____
12 vs.)
13 CITY OF ONTARIO,)
14 Defendant.)

VAP
(OPX)

COMPLAINT FOR VIOLATIONS OF
THE FIRST AND FOURTEENTH
AMENDMENTS OF THE UNITED
STATES CONSTITUTION [42 U.S.C. §
1983] AND FOR VIOLATIONS OF
THE CALIFORNIA CONSTITUTION

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17 Plaintiff THE INLAND OVERSIGHT COMMITTEE alleges as follows:

18 **Parties**

19 1. Plaintiff is a non-profit organization formed and operating under the laws of the
20 State of California. Among other things, Plaintiff advocates for transparent, accountable, and
21 responsible decision-making by the government, and for the fair, equal, and lawful treatment of
22 members of the public by the government when they interact with government agencies and
23 representatives. Plaintiff's members reside in or near the City of Ontario.

24 2. Defendant CITY OF ONTARIO ("ONTARIO") is a municipality organized and
25 existing under the laws of the State of California.

26 3. Plaintiff is informed and believes and on that basis alleges that, at all times stated
27 in this pleading, each Defendant was the agent, servant, or employee of each other Defendant
28 and was, in doing the things alleged herein, acting within the scope of said agency, servitude,

1 or employment and with the full knowledge or subsequent ratification of his or its principals,
2 masters, and employers. Alternatively, in doing the things alleged herein, each Defendant was
3 acting alone and solely to further his or its own interests.

4 **Background Information**

5 4. Generally speaking, ONTARIO's city council holds regular meetings on the first
6 and third Tuesday of each and every month pursuant to Ontario Municipal Code Section 2-
7 1.102.

8 5. At least for the last 36 months, ONTARIO has allowed for an "invocation" to take
9 place shortly after the beginning of each meeting of the city council ("the Invocations").

10 6. Since January 1, 2009, more than 75 percent of the Invocations (i) were offered
11 "in the name of Jesus," "in the name of Jesus Christ," "in Jesus's name," or otherwise with
12 reference to "Jesus" or "Jesus Christ"; (ii) made no reference to any non-Christian divinity; and
13 (iii) ended with the word "Amen."

14 7. Since January 1, 2009, less than 10 percent of the Invocations have been offered
15 by a person subscribing to a non-Christian religious faith.

16 8. Among other reasons, Plaintiff's members object to ONTARIO's practice of
17 allowing the Invocations, because (i) the Christian bias of the Invocations leads reasonable
18 persons, including Plaintiff's members, to believe that ONTARIO endorses, favors, and
19 promotes Christianity as an official government religion; (ii) the participation of practically
20 every other meeting attendee--by standing for the Invocations, bowing their heads during the
21 Invocations, and saying "Amen" at the end of the Invocations--makes Plaintiff's members feel
22 strong pressure to conform to the practice for fear of embarrassment and potentially even
23 ostracism within the community, even though the members would not otherwise participate in
24 such a practice at a government event; and (iii) such bias and pressure to conform make
25 Plaintiff's members feel as though they are in effect second-class citizens and enjoy fewer legal
26 rights and protections. Furthermore, ONTARIO's practice of allowing the Invocations forces
27 Plaintiff's members to make the painful choice of participating in an exercise in furtherance of
28 a religion to which they do not subscribe or that they do not want associated with their local

1 government, on the one hand, and not attending public meetings where they can observe their
2 public officials as they conduct the public's business, on the other hand. Caring equally about
3 overseeing public officials at work, maintaining the separation between church and state, and
4 maintaining good relations with the other members of their community, Plaintiff's members are
5 forced to make an emotionally, psychologically, and socially difficult choice that the United
6 States Constitution and California Constitution protect them from having to make.

7 **Jurisdiction, Venue, and Exhaustion of Remedies**

8 9. This Court has jurisdiction over this proceeding pursuant to Sections 1331 and
9 1361 of Title 28 of the U.S. Code because this pleading alleges violations of federal law--
10 including but not limited to Section 1983 of Title 42 of the U.S. Code and the First and
11 Fourteenth Amendments of the U.S. Constitution--and seeks to compel ONTARIO to perform
12 duties owed to Plaintiff, its members, and other members of the public and to refrain from
13 actions prohibited by the United States Constitution and the California Constitution.

14 10. Venue is proper in this Court under Section 1391(e) of Title 28 of the U.S. Code,
15 because a substantial part of the events or omissions giving rise to this proceeding were
16 committed in this judicial district.

17 11. Plaintiff has satisfied each and every exhaustion-of-remedies requirement that
18 must be satisfied in order to maintain this proceeding. Alternatively, no exhaustion-of-remedies
19 requirement may be applied to Plaintiff.

20 12. Plaintiff has a beneficial right and interest in Defendant's fulfillment of and
21 compliance with all their legal duties, as alleged in this pleading.

22 **COUNT 1:**
23 **Violation of Establishment Clause of U.S. Constitution**
24 **(Against All Defendants)**

24 13. Plaintiff incorporates by reference paragraphs 1 through 12 above.

25 14. The First Amendment of the U.S. Constitution provides as follows: "Congress
26 shall make no law respecting an establishment of religion, or prohibiting the free exercise
27 thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably
28 to assemble, and to petition the Government for a redress of grievances."

