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*Exempt from filing fees pursuant to
Government Code section 6103*

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County of Los Angeles
10/30/2024 5:02 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By A. Munoz, Deputy Clerk**

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

**THE PEOPLE OF THE STATE OF
CALIFORNIA,**

Plaintiff,

v.

THE CITY OF BEVERLY HILLS

Defendants.

Case No. **24STCV28644**

**COMPLAINT FOR INJUNCTIVE
RELIEF**

(Cal. Const., art. I, §§ 1, 1.1; Health & Saf.
Code, § 123460, et seq.)

1 Plaintiff, the People of the State of California, by and through Attorney General Rob
2 Bonta (“Plaintiff” or “the People”), alleges the following, on information and belief:

3 **INTRODUCTION**

4 1. In June 2022, the United States Supreme Court revoked the constitutional right to
5 abortion in *Dobbs v. Jackson Women’s Health Organization* (2022) 597 U.S. 215. In response,
6 and reflecting the state’s strong support for reproductive rights and bodily autonomy, in 2022,
7 California voters approved Proposition 1, which amended the California Constitution to enshrine
8 the right to reproductive choice:

9 The state shall not deny or interfere with an individual’s reproductive freedom in
10 their most intimate decisions, which includes their fundamental right to choose to
11 have an abortion and their fundamental right to choose or refuse contraceptives.
12 This section is intended to further the constitutional right to privacy guaranteed by
13 Section 1, and the constitutional right to not be denied equal protection
14 guaranteed by Section 7. Nothing herein narrows or limits the right to privacy or
15 equal protection.

16 (Cal. Const., art. I, § 1.1.)

17 2. Due to California’s robust protections for reproductive rights, the State has
18 become an important resource for patients denied essential abortion healthcare in their home
19 states. In the wake of the devastating *Dobbs* decision, numerous states enacted draconian bans on
20 abortion, resulting in more than 171,000 patients in 2023 traveling to other states for their
21 abortion healthcare.¹ California saw a 16.3% increase in abortion care between 2020 and 2024,
22 with more than 5,000 abortions provided to out-of-state patients in 2023.² To ensure that the
23 State remains a refuge for its own residents as well as the individuals traveling from other states
24 to access care, California must ensure a welcoming environment for abortion providers to operate
25 and for patients to receive care.

26 ¹ Molly Cook Escobar, et al., *171,000 Traveled for Abortions Last Year*, N.Y. Times (June
27 13, 2024), <https://www.nytimes.com/interactive/2024/06/13/us/abortion-state-laws-ban-travel.html>.

28 ² Guttmacher Instit., *Monthly Abortion Provision Study*, <https://www.guttmacher.org/monthly-abortion-provision-study#interstate-travel> (last visited Oct. 28, 2024); Mackenzie Mays, *Cal. Saw a Surge in Abortions after Dobbs*, L.A. Times (Apr. 12, 2024), <https://www.latimes.com/california/story/2024-04-12/california-abortion-surged-after-dobbs-providers-brace-for-more-following-arizona-court-decision>.

1 **JURISDICTION AND VENUE**

2 9. This Court has jurisdiction pursuant to article VI, section 10 of the California
3 Constitution. The Court has jurisdiction over the People’s claims, which arise under the
4 Constitution, laws, and regulations of the State of California. The Court has jurisdiction over the
5 parties to this action.

6 10. The violations of law alleged in this Complaint occurred in the County of Los
7 Angeles.

8 11. Venue is proper in Los Angeles County pursuant to Code of Civil Procedure
9 section 394 because the City is situated within Los Angeles County. (*See* Civ. Proc. Code, § 394,
10 subd. (a).)

11 **FACTUAL ALLEGATIONS**

12 **I. PROTEST ACTIVITY IN THE CITY OF BEVERLY HILLS**

13 12. Historically, Beverly Hills has been the location of numerous protest activities,
14 such as against retailers who use animal fur in their clothing and at foreign states’ consuls that are
15 located in the City.

16 13. Beginning in 2020, however, the protest activity in Beverly Hills intensified. The
17 City faced large protests involving the Black Lives Matter movement, as well as protests
18 regarding public health requirements in response to the COVID-19 pandemic. One series of
19 protests, known as the Freedom Rally and occurring weekly on Saturdays in Beverly Hills,
20 attracted significant media attention to the City. And, one of the protests even turned violent.

21 14. Detective Mark Schwartz of the Beverly Hills Police Department (“BHPD”)
22 provided his view of this period:

23 And things just changed from 2020 on. Everything
24 was -- like everything got more extreme even before
25 that where you're looking at extremist groups.

1 15. Former Mayor Julian Gold (“Mayor Gold”)—who was the City’s mayor between
2 April 2023 and April 2024 and had been on the City Council during this period of intensified
3 protest activity—offered his view of this activity:

4 A. -- protests are protected speech. We get
5 it. And certainly, we support that. But protests by
6 their nature are very disruptive. They, not
7 infrequently, in my opinion, impinge on other people's
8 rights in the pursuit of their own free speech.

9 ***

10 All of these are unfunded by anybody. The
11 city picks up the tab for all of this. And, you know,
12 is that a great use of city money? You know, wouldn't
13 it be nice to be able to use those dollars to support
14 senior healthcare or more library hours or a nicer
15 park? But yet we burn dollars in these events that,
16 you know, we have no choice. We have to keep people
17 safe, and we have to protect these First Amendment
18 rights.

19 But at the end of the day, there's a cost,
20 and the city as a whole bears it. And so I think
21 that, you know, frankly, it's the rights of the
22 individual over the rights of the many, and, you know,
23 that perhaps needs to be rebalanced.

24 16. This context is critical to understanding the City’s actions in this case.

25 **II. DUPONT’S EFFORTS TO OPEN IN BEVERLY HILLS MEDICAL CENTER**

26 17. In 2021, DuPont, a Washington D.C.-based reproductive healthcare clinic, decided
27 to open a second location in California. DuPont, which offered all-trimester abortions in its D.C.
28 clinic, chose California due to the state’s public support for abortion rights.

 18. In June 2022, DuPont selected Suite 635 in the Beverly Hills Medical Center
 (“the Building”) and entered into lease negotiations with the Building’s landlord, Douglas
 Emmett. In September 2022, DuPont and Douglas Emmett executed the lease, and in October
 2022, DuPont announced on social media that it planned to expand to Los Angeles and began

1 preparations for construction on the Suite. DuPont also added a “Coming Soon” page to its
2 website about the expansion into Los Angeles.

3 19. In November 2022, flyers objecting to DuPont opening in Beverly Hills appeared
4 in and around the Building, and in response DuPont reached out to contacts at the Washington
5 D.C. FBI office and asked for a contact at the Los Angeles FBI office. The D.C. FBI office
6 connected DuPont to a Los Angeles-based FBI Special Agent. In December 2022, that Special
7 Agent spoke with DuPont’s Chief Medical Officer (“CMO”) and suggested connecting her with
8 Detective Mark Schwartz, in the BHPD Intelligence Unit. The same day, the Special Agent
9 forwarded the DuPont CMO’s contact information to Det. Schwartz, suggesting that Det.
10 Schwartz reach out, which Det. Schwartz agreed to do.

11 III. BHPD’S INTRODUCTION TO DUPONT

12 20. Shortly after receiving the FBI Special Agent’s email, Det. Schwartz forwarded
13 the email to his supervisor, Sergeant Matthew Stout:

14 On Dec 22, 2022, at 20:10, Mark Schwartz <mschwartz@beverlyhills.org> wrote:

15 FYI. Late-term abortion clinic opening in BH. I was going to put this in my weekly as preliminary
16 information only. Once I get more details I will put out a more detailed specific email.

17 **From:** Mark Schwartz <mschwartz@beverlyhills.org>
18 **Sent:** Wednesday, December 21, 2022 1:26 PM
19 **To:** Allan Mackins <armackins@fbi.gov>
20 **Subject:** Re: Accepted: [EXTERNAL EMAIL] - Invitation: DuPont Clinic/Agent Mackins @ Wed Dec
21 21, 2022 4pm - 5pm (EST) (armackins@fbi.gov)

22 Thanks buddy for the kind words and for letting me know. I will absolutely reach out and
23 you’re always welcome to share my contact info. I’m back in town next week and will
24 make contact.

25 Mark

26 21. In Sgt. Stout’s response, he flagged that DuPont opening in the City could be
27 controversial to the City’s officials:

28 **From:** Matthew Stout <mstout@beverlyhills.org>
Sent: Thursday, December 22, 2022 8:13 PM
To: Mark Schwartz <mschwartz@beverlyhills.org>
Cc: Max Subin <msubin@beverlyhills.org>
Subject: Re: Accepted: [EXTERNAL EMAIL] - Invitation: DuPont Clinic/Agent Mackins @ Wed Dec 21,
2022 4pm - 5pm (EST) (armackins@fbi.gov)

Thank you Mark. We need to make sure everyone knows about this.

1 26. On April 13, 2023, Det. Schwartz featured DuPont in his weekly “Intel Brief”
2 email, and he included a description of the projection incident. The same day, Capt. Giovanni
3 Trejo, who recently had transitioned from BHPD’s public information officer to leading the field
4 services division, called Assistant City Manager Ryan Gohlich about DuPont and followed up by
5 forwarding Det. Schwartz’s “Intel Brief.” Gohlich, in turn, forwarded the information to City
6 Manager Nancy Hunt-Coffey:

From: Nancy Hunt-Coffey
Sent: Thursday, April 13, 2023 7:20 PM PDT
To: Ryan Gohlich
Subject: RE: Weekend Events/Intel Brief 4/13-4/16

OK, thank you.

From: Ryan Gohlich <rgohlich@beverlyhills.org>
Sent: Thursday, April 13, 2023 4:41 PM
To: Nancy Hunt-Coffey <nhuntcoffey@beverlyhills.org>
Subject: FW: Weekend Events/Intel Brief 4/13-4/16

Just FYI below regarding the Dupont Clinic, which is coming to BH. Nothing urgent, but Gio specifically gave me a call on this one since the clinic’s medical director called PD to let them know they were moving to the below building and have had some incidents/threats in the past from anti-abortion groups. They are currently in the permitting process. I can brief you further whenever/if you want.

From: Giovanni Trejo <gtrejo@beverlyhills.org>
Sent: Thursday, April 13, 2023 4:32 PM
To: Ryan Gohlich <rgohlich@beverlyhills.org>
Subject: FW: Weekend Events/Intel Brief 4/13-4/16

Per our conversation.

Gio

19 27. These emails reflect that Sgt. Stout was accurate in his initial impression that
20 DuPont’s opening could be controversial to City officials.

21 **V. APRIL 18, 2023 CITY COUNCIL MEETING**

22 28. An exchange of emails among Deputy City Manager (and former Chief
23 Communications Officer) Keith Sterling, Hunt-Coffey, and Gohlich in the afternoon of April 18,
24 2023 reveals that the issue of DuPont operating in the City was becoming a more significant issue
25 for City officials:

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From: Ryan Gohlich <rgohlich@beverlyhills.org>
Date: April 18, 2023 at 3:36:23 PM PDT
To: Nancy Hunt-Coffey <nhuntcoffey@beverlyhills.org>
Subject: RE: dupont

They haven't pulled their permits yet, but they are ready to issue so it could be any time that they start. They are completely gutting the suite and building out fully new, so it is fairly extensive. My best guess is that they will not be able to open until at least late summer, if not into fall.

From: Nancy Hunt-Coffey <nhuntcoffey@beverlyhills.org>
Sent: Tuesday, April 18, 2023 3:29 PM
To: Keith Sterling <ksterling@beverlyhills.org>; Ryan Gohlich <rgohlich@beverlyhills.org>
Subject: RE: dupont

Ryan, can you find out the timing of the tenant improvements—like when do we think they be open?

Thanks.

From: Keith Sterling <ksterling@beverlyhills.org>
Sent: Tuesday, April 18, 2023 12:00 PM
To: Nancy Hunt-Coffey <nhuntcoffey@beverlyhills.org>; Ryan Gohlich <rgohlich@beverlyhills.org>
Subject: dupont

<https://dupontclinic.com/coming-soon/>

29. At the time she received Sterling's initial email, Hunt-Coffey was most likely aware that a speaker would be commenting about DuPont's clinic at the City Council meeting in the evening of April 18, 2023 and wanted information about DuPont so she was prepared for questions from the City Council members arising from the public comment:

A I -- I'm fairly certain -- again, I'm a little fuzzy on the particulars of this day and time, but I'm fairly certain we knew there would be at least one person speaking at city council about DuPont, and so I wanted to be prepared if city council asked, you know, when they would be opening, that sort of thing.

30. Shortly after receiving Gohlich's email, at approximately 3:52 p.m., Hunt-Coffey forwarded the information to the City's Police Chief, Mark Stainbrook, and Fire Chief, Gregory Barton, to which Chief Stainbrook responded with a request to brief the City Council in "closed session":

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From: Nancy Hunt-Coffey
Sent: Tuesday, April 18, 2023 7:19 PM PDT
To: Mark Stainbrook
Subject: RE: dupont

I talked with Larry and unfortunately it's not a topic that we can discuss in closed session. It's not a potential threat to a public facility. 😊

From: Mark Stainbrook <mstainbrook@beverlyhills.org>
Sent: Tuesday, April 18, 2023 3:53 PM
To: Nancy Hunt-Coffey <nhuntcoffey@beverlyhills.org>; Gregory Barton <gbarton@beverlyhills.org>
Subject: RE: dupont

Closed session briefing to CC in order?

From: Nancy Hunt-Coffey <nhuntcoffey@beverlyhills.org>
Sent: Tuesday, April 18, 2023 3:52 PM
To: Mark Stainbrook <mstainbrook@beverlyhills.org>; Gregory Barton <gbarton@beverlyhills.org>
Subject: Fwd: dupont

Just fyi regarding timing of the construction at the late term abortion clinic.

31. For “closed session” meetings, the City Council conducts business without public attendance. In California, where the presumption is that government decisionmakers conduct their business within the public eye, the types of briefings and decisions that such decisionmakers can undertake in closed session is significantly limited. (See, e.g., Gov. Code §§ 54956.7 – 54957 [outlining circumstances where closed sessions can be held].)

32. According to Chief Stainbrook, his request for a closed-session briefing was to discuss “potentially any security issues.” But upon learning that a closed-session briefing was not appropriate, Chief Stainbrook notably made no effort to have the discussion in open session, despite the fact that he has provided such briefings in open session in other circumstances.

33. When asked about her view on Chief Stainbrook’s suggestion, Hunt-Coffey confirmed that she also wanted to speak about DuPont in closed session. For her part, Hunt-Coffey thought a closed-session briefing would be useful to speak with the City Council not only about potential safety issues about DuPont but also about whether DuPont was “opening legally” and “if they [DuPont] were going to be following the law.”

34. During the City Council formal meeting, at approximately 7:31 p.m., Hunt-Coffey sent an email to all of the City Council members in which she provided information about

1 DuPont’s planned opening in the Building in the late summer or fall 2023, notably flagging that
2 the clinic could be “the focus of protests, rallies and unfortunately other more violent actions on
3 occasion”:

4 **From:** Nancy Hunt-Coffey <nhuntcoffey@beverlyhills.org>
5 **Sent:** Tuesday, April 18, 2023 7:31:38 PM
6 **To:** Nancy Hunt-Coffey <nhuntcoffey@beverlyhills.org>
7 **Cc:** Mark Stainbrook <mstainbrook@beverlyhills.org>; Ryan Gohlich <rgohlich@beverlyhills.org>; Timmi
8 Tway <ttway@beverlyhills.org>; Keith Sterling <ksterling@beverlyhills.org>; Gregory Barton
9 <gbarton@beverlyhills.org>; Meena Janmohamed <mjanmohamed@beverlyhills.org>
10 **Subject:** FW: dupont

11 BCCC

12 Dear Mayor and Councilmembers. We were recently informed that the Dupont Clinic will be opening in
13 Beverly Hills at 8920 Wilshire, 6th Floor.
14 <https://dupontclinic.com/coming-soon/>. This is a clinic that offers birth control services as well as
15 abortions. They offer abortions after 26 weeks, which are sometimes referred to as late-term
16 abortions. Late-term abortion clinics can be the focus of protests, rallies and unfortunately other more
17 violent actions on occasion. The clinic is currently conducting substantial tenant improvements and will
18 likely open late summer or in the fall. We will provide more information as it becomes available.

19 Best,

20 Nancy

21 35. After Hunt-Coffey sent that email, as expected, three individuals appeared at the
22 April 18, 2023 City Council meeting to express their opposition to DuPont opening a clinic in the
23 City. One of the individuals who spoke was the organizer of the Freedom Rally, which, as
24 described above, had attracted significant media attention to the City. Hunt-Coffey, who knew of
25 the Freedom Rally founder, was “very surprised” that she appeared to speak in opposition to
26 DuPont. Another speaker identified herself as representing Stop DuPont Clinic, which she
27 described as an “effort to keep a particular unethical business out of California.” All three
28 speakers asked the City Council to block DuPont from opening in the City, with the Stop DuPont
representative explicitly asking that the City Council withhold approval of DuPont’s building
permits.

36. At approximately 7:41 p.m., during the first speaker’s comments opposing
DuPont, Councilmember Sharona Nazarian responded to Hunt-Coffey’s email about DuPont:

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From: 14-Sharona Nazarian <snazarian@beverlyhills.org>
Sent: Tuesday, April 18, 2023 7:41 PM
To: Nancy Hunt-Coffey <nhuntcoffey@beverlyhills.org>
Subject: Re: dupont

How did this get through?

Sharona R. Nazarian, PsyD
Beverly Hills City Councilmember
City of Beverly Hills

37. Nazarian’s response, which occurred during the City Council meeting, suggested two things: 1) that the City had a way to block DuPont from opening in Beverly Hills; and 2) that Nazarian was unhappy about DuPont operating in the City.

38. Shortly after, Hunt-Coffey replied to Nazarian to clarify that the City could not officially block DuPont:

From: Nancy Hunt-Coffey
Sent: Tuesday, April 18, 2023 7:44 PM PDT
To: 14-Sharona Nazarian
Subject: RE: dupont

Well, it’s a private business renting space in a private building. We don’t have anything in our code that prevents it...

39. The day after the City Council meeting, on or around April 19, 2023, the Stop DuPont representative sent an email about DuPont to Mayor Gold, in which she sought to persuade Mayor Gold that DuPont would be disadvantageous to the City:

Dear Mayor Gold,
My name is [REDACTED] and I’m from Stop DuPont Clinic. I had the privilege during public comment last night to inform the city council about DuPont Clinic, the extreme abortion clinic which wants to open up at 8920 Wilshire Blvd, Beverly Hills.
Abortion is a polarizing issue, but elective third trimester abortions is something that most people completely disagree with. It’s actually quite offensive to the community of Beverly Hills that this city was picked to host California’s first and only extreme, late term abortion on demand clinic.
I would also like a chance to explain some of the practical, unemotional reasons why DuPont Clinic should not be allowed in Beverly Hills. For example, practically all those serviced at the clinic will be from out of state, so this is not something that benefits the residents of Beverly Hills.
There’s many other factors to consider and I’d like a chance to discuss it with you. Additionally, I’m asking that this issue be placed on the agenda for a future city council meeting, and that Stop DuPont Clinic would be allowed to prepare a panel and presentation to present to the city.
Thank you.
[REDACTED]
Sacramento Coordinator

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From: Ryan Gohlich
Sent: Friday, April 21, 2023 2:57 PM PDT
To: Dorina Mohan
CC: Nancy Hunt-Coffey
Subject: Meeting needed

Hi Dorina,

Can you please reach out to [REDACTED] (he's an SVP at Douglas Emmett) to see if you can get a meeting (virtual is fine) scheduled with him. Nancy and I would like to discuss one of their BH properties with him and go over some potential safety concerns. The meeting should include Nancy, Chief Stainbrook, and me. Contact info is below.

Thanks,

Ryan

[REDACTED]
[REDACTED] 7750
[REDACTED]@douglasemmett.com

45. The Office Manager followed through on Gohlich's request a few days later, contacting the Douglas Emmett SVP and suggesting May 3, 2023 for a meeting with Gohlich and Hunt-Coffey. A few hours later, however, the Office Manager sent another email to the Douglas Emmett SVP:

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From: Dorina Mohan [dmohan@beverlyhills.org]
Sent: Mon 4/24/2023 10:08:32 PM Coordinated Universal Time
To: [REDACTED]@douglasemmett.com; [REDACTED]@douglasemmett.com
Sent on behalf of: Dorina Mohan <dmohan@beverlyhills.org>
Subject: RE: Meeting w/City of Beverly Hills

Hello Mr. [REDACTED],

Nancy and Ryan would like to meet sooner rather than later, are you available tomorrow 4/25 at 3pm?

Thank you,
Dorina

46. That Hunt-Coffey and Gohlich wanted to meet the next day reflects that the two City officials felt urgency in meeting with Douglas Emmett. The City's outreach to Douglas Emmett is particularly striking because such contact was atypical. The City's contact with Douglas Emmett—rather than DuPont—is also notable, especially because, as Gohlich and Hunt-Coffey knew, DuPont and BHPD had already been in contact.

47. The proposed meeting happened the next day, as Gohlich and Hunt-Coffey wanted: Hunt-Coffey, Gohlich, and Chief Stainbrook met with a Douglas Emmett Regional

1 Property Manager (“RPM”) responsible for the Building as well as Douglas Emmett’s Director of
2 Security.

3 48. During the call, the City representatives informed the Douglas Emmett
4 representatives about the individuals who had appeared at the April 18, 2023 City Council
5 meeting and expressed surprise and alarm about those individuals. Despite lacking intelligence
6 about a specific threat, the City representatives claimed that with DuPont as a tenant, the Building
7 could be subject to protests, bomb threats, and “lone-wolf” active shooters. The City
8 representatives communicated that the City had “very limited resources,” and that the City was
9 “not going to be, you know, a substitute for [Douglas Emmett’s] private security.” The concern,
10 at least for Hunt-Coffey, “was for things like larger scale protest activity that might take place”
11 and ensuring that “patients for all of the suites in that building were able to get the care they need
12 without being disrupted.” The City representatives also highlighted their concern that protest
13 activity against DuPont would result in the City receiving negative media attention.

14 49. The Douglas Emmett representatives informed the City representatives that
15 Douglas Emmett was analyzing the security at the Building and were “working on it.”

16 50. Toward the end of the call, the City representatives directly asked whether
17 Douglas Emmett’s lease with DuPont was “100 percent happening” and whether there was a way
18 to “unwind” the lease. According to contemporaneous notes from the Douglas Emmett RPM,
19 when he confirmed that DuPont was going to move into the building, the City representatives
20 were “visibly uncomfortable” and “scared.”

21 2. Activity in Late April and Early May 2023

22 51. A couple of days later, on April 27, 2023, then-Councilmember (and now Mayor)
23 Lester Friedman sent an email from his personal account to an email address appearing to belong
24 to a tenant in the building, in which Friedman stated that the “person who oversees the Douglas
25 Emmett westside portfolio of properties” was the Douglas Emmett RPM who appeared at the
26 April 24, 2023 meeting. The next day, Friedman forwarded his email to Mayor Gold:

From: LESTER FRIEDMAN <[REDACTED]@aol.com>
Sent: Friday, April 28, 2023 10:49 AM
To: Julian Gold
Subject: Fwd: Office Building

Information—

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]@aol.com
Date: April 27, 2023 at 8:06:09 PM PDT
To: [REDACTED]@gmail.com
Subject: Office Building
Reply-To: [REDACTED]@aol.com

The person who oversees the Douglas Emmett westside portfolio of properties is [REDACTED].
Lester

52. This email suggests that Mayor Friedman, after learning the identity of the Douglas Emmett RPM, shared that information with a tenant in the Building. The timing of this email is notable because only in mid-May 2023—after Mayor Friedman’s email—did Douglas Emmett appear to begin receiving email communications from any of the Building tenants about DuPont.

53. On May 4, 2023, BHPD had a meeting about DuPont, which was followed by a May 11, 2023 meeting that included both BHPD and City officials and in which the subject was both DuPont and the Freedom Rally. The next day (i.e., May 12, 2023), the City’s Office Manager reached out to the Douglas Emmett RPM to schedule another meeting between Douglas Emmett and the City, which she set for May 24, 2023.

3. The City’s Creation of a Tenant Letter

54. At some point before the May 24, 2023 meeting, the City devised a plan to send a letter to the tenants in the Building regarding purported safety risks from DuPont opening (“Tenant Letter”). The idea of the Tenant Letter originated with BHPD, who shared the concept with Hunt-Coffey and Gohlich, who, in turn, shared the idea with then-Mayor Gold.

1 55. A letter from the City aimed at the tenants in the Building is notable given that
2 neither the City nor BHPD had ever sent that kind of letter to tenants in other buildings where
3 protests regularly occurred.

4 56. On May 22, 2023, Det. Schwartz drafted the first version of the Tenant Letter,
5 which he sent to Capt. Max Subin, who ran the Investigative Services division and was in Det.
6 Schwartz's chain of command. On May 24, 2023, Capt. Subin sent a revised version of the letter
7 to Chief Stainbrook. In both draft versions of the Tenant Letter, Det. Schwartz and Capt. Subin
8 highlighted that a "reproductive health care provider" [i.e., DuPont] provided abortion services
9 and that providers offering such services could be targeted with violence and vandalism. The
10 BHPD officers included this information despite not having any intelligence about any specific
11 threats of violence against DuPont.

12 4. **May 24, 2023 Meeting**

13 57. The Tenant Letter was one of the issues discussed in the meeting between the City
14 and Douglas Emmett that occurred on or around May 24, 2023. For this call, Mayor Gold
15 planned to and did attend the meeting, as well as Hunt-Coffey, Gohlich, and Chief Stainbrook.
16 For Douglas Emmett, the Director of Security and the Douglas Emmett RPM again attended.

17 58. In the May 24, 2023 meeting, the City again expressed concerns about DuPont
18 moving into Beverly Hills. Mayor Gold, in particular, used a raised voice to bring up the
19 prospect of bomb threats, active shooters, and the safety of other tenants, and noted that, as a
20 doctor, he knew other tenants in the Building. Mayor Gold emphasized that protests against
21 DuPont would "overwhelm[]" the City's resources and would be a "lightning rod" for the City,
22 commenting that the City would receive negative press attention. Mayor Gold questioned
23 whether Douglas Emmett had plans to protect the building and the tenants, stating that Douglas
24 Emmett would be "responsible" and "liable" if anything happened as result of DuPont moving
25 into the building. He also claimed that BHPD had only eight to nine patrol officers on each shift.

26 59. In response to Mayor Gold's concerns about security, the Douglas Emmett
27 representatives stated that Douglas Emmett was evaluating security at the building and putting
28 together plans.

1 60. As the conversation continued, Mayor Gold raised the Tenant Letter, stating that
2 the City wanted to provide information to the community about security threats. Mayor Gold
3 asked Chief Stainbrook whether the Tenant Letter was ready to send. Although the concept of the
4 Tenant Letter came up in the meeting, the substance of the letter was not discussed. The Douglas
5 Emmett RPM requested that Douglas Emmett see any letter before sending to the Building
6 tenants.

7 61. Like Chief Stainbrook in the April 24 meeting, Mayor Gold asked whether
8 Douglas Emmett was going to “move forward” with DuPont’s lease and eventual operation in the
9 building. After the Douglas Emmett RPM again confirmed that DuPont was going to open in the
10 fall, Mayor Gold fell quiet.

11 62. Towards the end of the meeting, the Douglas Emmett RPM recommended a
12 follow-up discussion with Douglas Emmett and the City that would also include DuPont. In a
13 subsequent email from the Douglas Emmett RPM to the City about meeting with DuPont, the
14 City representatives agreed.

15 **5. Revisions of the City’s Tenant Letter**

16 63. On May 25, 2023, Chief Stainbrook further revised the Tenant Letter and sent it to
17 Hunt-Coffey. In this version of the Tenant Letter, Chief Stainbrook removed the explicit
18 reference to DuPont providing abortion services, although he continued to identify that a
19 “reproductive health care provider” was moving into the Building. Chief Stainbrook’s draft
20 identified “several areas related to public safety and potential safety implications for” the
21 Building tenants, including “privacy” for patients; “increased noise and pedestrian traffic . . . due
22 to protests or other disruptive activity”; “violence or acts of vandalism”; and “harassment” or
23 “[i]ntimidation of patients and staff may occur.”

24 64. The same day, Hunt-Coffey sent Chief Stainbrook’s draft of the Tenant Letter to
25 Mayor Gold for review and feedback. Mayor Gold responded:

From: 12-Julian Gold
Sent: Thursday, May 25, 2023 9:46 PM PDT
To: Nancy Hunt-Coffey
Subject: Re: Letter

Ok-
I thought he was going to suggest a locking door for the garage, security to get in the elevators, security officers with/without guns, bomb sniffing dogs etc.
I will send you a letter I sent to Larry for his opinion. Read the email below and my response.
We will see if Larry is ok with it. I don't mind turning up the heat a little.

Julian A. Gold, M.D.
Mayor
City of Beverly Hills

65. Asked about his comment that he did not “mind turning up the heat a little,”

Mayor Gold stated:

A. Oh, I don't mind turning up the heat a little bit. Yeah, as I said, I was trying to motivate some sort of sense that they were going to do something. And I guess, at this moment, I didn't have a sense that anybody was taking us seriously and I just wanted to, you know, get it done.

66. On May 26, 2023, Hunt-Coffey forwarded Mayor Gold’s feedback to Chief Stainbrook and Capt. Subin, with the suggestion to “include security tips or offer evaluations of office spaces.” On May 28, 2023, Capt. Subin replied that BHPD would adopt those suggestions.

6. May 31, 2023 Meeting

67. On May 31, 2023, the meeting between Douglas Emmett, DuPont, and the City occurred, with the Douglas Emmett RPM and Director of Security attending for Douglas Emmett; DuPont’s CMO and CEO attending for DuPont; and Hunt-Coffey, Gohlich, Chief Stainbrook, and Mayor Gold attending for the City.

68. In this meeting, the DuPont CMO and CEO introduced themselves and provided information about their practice and their experience in DuPont’s Washington D.C. facility. The DuPont CMO explained that she was aware of security issues that other clinics had experienced

1 but that DuPont's Washington D.C. clinic experienced only one or two protestors per day and that
2 DuPont had not had any notable incidents. She also told the City representatives that DuPont had
3 received a grant to increase security for its facility, so the City would not have to expend any
4 additional resources.

5 69. Mayor Gold nevertheless expressed concerns about safety and security issues
6 arising from DuPont moving into the Building, again emphasizing the City's lack of resources as
7 well as complaints he had received privately from tenants in the Building who were doctors that
8 he knew. He believed that Douglas Emmett had not made "any real progress" on the security
9 issues surrounding DuPont. He wanted Douglas Emmett to have "looked at the facility" and
10 "determined that [it] need[ed] to do X, Y, and Z . . . to make this a safer environment." As Mayor
11 Gold explained, referring to Douglas Emmett:

12 For me it was they had not done anything,
13 which by inference would be not enough. And I was
14 just hoping that they would move it along and do
15 whatever they were going to do. I didn't want to be
16 ignored.

17 Q. Were you under the impression that you were
18 being ignored?

19 A. Well, there was no -- to the extent that I
20 could tell, there was no forward motion, yes.

21 Q. What led you to believe that there was no
22 forward motion?

23 A. You know, just that they hadn't reported the
24 fact that, thank you very much; we're doing it.

25 70. Mayor Gold's concerns about "being ignored" and Douglas Emmett making no
26 "forward motion" are notable given that both Hunt-Coffey and Chief Stainbrook stated that the
27 City was not mandating that Douglas Emmett do anything with regard to security measures, that
28 the City was merely providing "recommendations."

1 71. In a striking exchange, Mayor Gold also stated his belief that pregnant individuals
2 visiting the Building would be harassed by anti-abortion activists protesting DuPont. When the
3 DuPont CMO pointed out that most of DuPont’s patients need their services for “very sad
4 reasons” and are not noticeably pregnant, Mayor Gold retorted “at 32 weeks?,” evincing his
5 displeasure at DuPont’s performance of later abortions.

6 72. The City representatives again raised the issue of sending the Tenant Letter to the
7 Building tenants, with Mayor Gold asking Douglas Emmett for a list of the tenants’ emails to
8 distribute the letter. Consistent with Mayor Gold’s request, shortly after the meeting, Capt. Subin
9 sent the Tenant Letter along with a BHPD “Safety Tips” worksheet to the DuPont CMO and the
10 Douglas Emmett representatives.

11 **7. Communications among the City, DuPont, Douglas Emmett**
12 **about the Tenant Letter**

13 73. On May 31, 2023, shortly after receiving Capt. Subin’s email with the draft of the
14 Tenant Letter, the DuPont CMO contacted the Douglas Emmett RPM, noting that the Tenant
15 Letter “isn’t great” and asking to “huddle about a response.” The DuPont CMO also wrote back
16 to Capt. Subin to inquire about the timing for the letter. Capt. Subin replied: “No specific date.
17 We’d like to get it out sooner than later.”

18 74. Only a couple of days later, on June 2, 2023, Hunt-Coffey asked Capt. Subin when
19 the letter would go to the Building tenants. Capt. Subin replied that he had not yet received any
20 feedback on the letter. He relayed his plan to discuss with DuPont and Douglas Emmett the
21 distribution of the letter at a June 5, 2023 security walk-through of the Building. He explained
22 that BHPD would either need a “list of tenants to email them the letter or walk the building and
23 hand deliver the letter to each tenant.” But, he ultimately expected that the Tenant Letter could be
24 distributed by June 6 or June 7, 2023—within a week from the May 31 meeting, and two to three
25 months before DuPont planned to open in the Building.

26 75. After Capt. Subin’s exchange with Hunt-Coffey about when the letter would go
27 out, on June 2, 2023, the DuPont CMO provided her feedback on the Tenant Letter:
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Hi Max,

Would it be possible for us to discuss this on Monday during the walkthrough before it is sent out?

I want to make sure it's clear to tenants that there are protections for us that would also protect the other tenants under federal and state law. As I assume you are aware, this includes the [FACE Act](#) and [CA Reproductive Rights Law Enforcement Act PC sections 13775 through 13779](#). I have a great deal of experience, as does Matt, in using these laws to protect patients and staff through work with local law enforcement and the US Department of Justice. These protections apply during construction as well as after the clinic opens.

I have a few concerns about the way violence is presented in the letter causing significant anxiety disproportionate to the actual risk for tenants and leading to disruptions for both DuPont and Douglas Emmett. We are already spending a lot of time working with tenants on their comfort level and ensuring that they understand that we are all fully invested in making sure their patients and staff are safe.

Thanks,

■

■ MD MPH
Chief Medical Officer
 **DUPONT CLINIC**

76. Hunt-Coffey, who was copied on the DuPont CMO's email, responded to Capt. Subin about the feedback:

From: Nancy Hunt-Coffey
Sent: Friday, June 2, 2023 4:58 PM PDT
To: Max Subin
CC: Mark Stainbrook
Subject: FW: 8920 Wilshire Blvd Letter

Hi there. I read through the below and I don't know a lot about what she is referring to regarding FACE Act and the other Act. I guess my thought is that the letter is ours and no one controls the content but us. Having said that, if you and the Chief feel that she raises any points that we should consider, please make whatever changes you feel are appropriate. But, just to be clear, the letter is ours and this isn't a collaborative process so don't feel compelled to include any language just because the tenant or owner suggests or asks for it.

Thanks.

Nancy

77. Hunt-Coffey explained her comment that "the letter is ours and this isn't a collaborative process":

1 A. We indicated on the -- at the May 31st meeting
2 that we would provide a copy of the letter to [REDACTED]
3 [REDACTED] I don't recall us telling her that we would
4 welcome her feedback and incorporate what -- anything
5 she sent to us. I don't recall saying that, because I
6 don't think we did.

7 So we provided her a copy of the letter.
8 She took the opportunity to provide feedback. And so,
9 again, my email to Captain Subin and Chief Stainbrook
10 was to indicate that the letter was ours.

11 And if they felt that it was okay, as it
12 stood, then it was our letter. But if [REDACTED] had
13 feedback that they felt should be incorporated, that
14 they should incorporate it.

15 78. Hunt-Coffey's assertions about the Tenant Letter are striking because the City had
16 never before taken this step of sending direct communication about protest and security concerns
17 related to a single tenant to all of the other tenants in a building. That the City did not welcome
18 feedback from DuPont, the *subject* of the protest activity at the Building, underscores that the
19 City did not see DuPont as a victim to be shielded, but rather as an annoyance to be dealt with.

20 79. On June 5, 2023, representatives from BHPD, the Los Angeles FBI, Douglas
21 Emmett, and DuPont toured the Building, during which the Douglas Emmett RMP and the
22 DuPont CMO discussed the Tenant Letter with Capt. Subin. Capt. Subin informed them that the
23 City intended to distribute the letter to the Building tenants "very, very soon." Capt. Subin
24 explained that Mayor Gold was "very anxious" to distribute the letter.

25 80. The Douglas Emmett RPM told Capt. Subin that Douglas Emmett was still
26 digesting the letter and was considering pairing it with an introduction letter from DuPont. The
27 Douglas Emmett RPM explained that Douglas Emmett was concerned with the letter's language
28 and how the tenants would receive it, and he offered to have Douglas Emmett send something to
the Building's tenants on the City's behalf. Capt. Subin pointedly refused, stating that the
communication had to come from the City.

1 81. Capt. Subin also declared that the City would distribute the Tenant Letter to the
2 Building tenants “with or without” Douglas Emmett’s assistance. The City was willing to scrape
3 their databases for the tenants’ emails or would even have cadets hand-deliver the Tenant Letter
4 door-to-door. The Douglas Emmett RPM told Capt. Subin that cadets hand-delivering the Tenant
5 Letter was a “really bad idea,” because cadets—essentially police officer trainees—would know
6 very little about the underlying issue but nevertheless would be delivering to “very smart, very
7 invested doctors who are running businesses,” which would lead to “a thousand questions that
8 these young cadets are not going to be prepared to answer.” The Douglas Emmett RPM asked
9 Capt. Subin for a couple of days to consider, which Capt. Subin approved but noted that the letter
10 would go out on a “very short timeline.”

11 82. The next day, June 6, 2023, Capt. Subin and the DuPont CMO exchanged emails
12 in which Capt. Subin agreed to include language about federal and state statutes that would
13 protect the BHMC tenants. Capt. Subin also outlined the options for DuPont and Douglas
14 Emmett regarding distribution of the Tenant Letter:

15 On Tue, Jun 6, 2023 at 4:56 PM Max Subin <msubin@beverlyhills.org> wrote:

16 We spoke about the below:

17 1. One email to all tenants.

- 18 • Our Letter
19 • Workplace Tips
20 • Social Media Flyer
21 • Your Letter

22 2. Hand delivering to tenants through our Cadets or a service that we use, “Walking Man.”
23 The last resort is receiving the email addresses through licensing/permits, and we send our
24 letter.

25 I feel that option 1 is best; it shows collaboration. The City wants to make sure that all tenants
26 receive our letter.

27 Let me know what you think.

28 Max

1 83. On June 7, 2023, the Douglas Emmett RPM responded to Capt. Subin and the
2 DuPont CMO that he was “having some internal conversations today” and would get back to
3 Capt. Subin.

4 84. The same day, the Douglas Emmett RPM sent two emails to Hunt-Coffey,
5 Gohlich, and Mayor Gold asking for a call and for the City to pause distribution of the Tenant
6 Letter. On June 8, 2023, the City and Douglas Emmett had the requested call, with Mayor Gold
7 and Hunt-Coffey participating for the City, and the Douglas Emmett RPM and Douglas Emmett
8 Vice President of Commercial Property (“VP”), participating for Douglas Emmett. In that call,
9 the Douglas Emmett VP asked Mayor Gold and Hunt-Coffey about the tone of the Tenant Letter,
10 to which they repeated their previous points that the City only has eight officers on patrol each
11 shift; that the City would not be able to police the Building; and that the City was concerned.

12 85. In that call, the Douglas Emmett VP said that the company was “working on
13 something” and asked for a pause on distribution of the letter. Mayor Gold agreed to pause
14 distribution for one week. According to Mayor Gold, he had the following response to the call
15 with Douglas Emmett:

16 Q. Okay. What were your thoughts when you got
17 that request from Douglas Emmett?

18 A. We're making progress.

19
20 86. Mayor Gold’s reaction reveals that the City considered the Tenant Letter to be
21 leverage against Douglas Emmett. That Mayor Gold considered Douglas Emmett “working on
22 something” and asking for a pause on distribution of the Tenant Letter to be “progress” supports
23 that the leverage was not actually to ensure increased security at the Building but rather to block
24 DuPont from opening there at all.

25 **8. Douglas Emmett’s Rescission of DuPont’s Lease**

26 87. Notably, the “something” Douglas Emmett was “working on” turned out to be the
27 rescission of DuPont’s lease. Prior to the call with the City, the Douglas Emmett VP and RMP
28 called the DuPont CMO and informed her that Douglas Emmett was “highly concerned” about

1 the Tenant Letter and was unaware of “what a [b]ig issue” DuPont’s operation would be.
2 Although the DuPont CMO responded that the City was “overreacting,” the Douglas Emmett VP
3 stated that the “City has put [Douglas Emmett] on notice” and that Douglas Emmett was
4 considering rescinding DuPont’s lease.

5 88. On June 12, 2023, the City’s office manager contacted the Douglas Emmett VP
6 and requested a meeting on June 15, 2023 with Mayor Gold and Hunt-Coffey. Later that same
7 day, Douglas Emmett sent a letter notifying DuPont of its intent to rescind DuPont’s lease.
8 Douglas Emmett copied both Mayor Gold and Hunt-Coffey on the letter.

9 89. In the letter to DuPont, Douglas Emmett identified the Tenant Letter as part of the
10 reason for the rescission, noting that the letter was “very concerning” and “indicates that the other
11 tenants in the Building should anticipate ‘violence and vandalism’ and asserts that ‘intimidation
12 of patients and staff may occur.’”

13 90. On June 15, 2023, the City and Douglas Emmett met to discuss Douglas Emmett’s
14 rescission of DuPont’s lease. According to contemporaneous notes taken during the meeting, the
15 City representatives thanked Douglas Emmett, with someone making the comment that this
16 “serves our best interests.”

17 9. The City Targeted DuPont

18 91. The City interfered with DuPont’s lease because of the abortion services that
19 DuPont planned to provide and the protests that DuPont would attract. The City’s conduct makes
20 clear that rather than seeing DuPont as the target of anti-abortion activity and a potential victim of
21 more serious misconduct, the City considered DuPont the source of disruption and potential
22 security risks. Chief Stainbrook encapsulated this perspective, stating that not only did he **not**
23 consider DuPont a victim of the anti-abortion activities that occurred, but instead that DuPont’s
24 move into the City would be a “work pill” that would increase his and BHPD’s work.

25 92. The repeated claims from City officials, including then-Mayor Gold, about
26 DuPont’s operations “overwhelm[ing]” the City’s resources is not credible in light of the
27 significant investments that the City has made into public safety and policing resources. The City
28 has over 2,500 closed-caption cameras that feed into a “Real Time Watch Center” that BHPD

1 monitors 24 hours per day, seven days per week. The City also has approximately 50 automated
2 license plate readers placed throughout the City, which capture all license plates of passing cars
3 along with the date, time, and location of the captured image. These readers also alert BHPD if a
4 car with a license plate matching plate numbers that BHPD has loaded into its internal system.
5 BHPD also has a drone that it flies twelve hours per day, during which BHPD can monitor high
6 crime areas, support officers who are on calls, and track stolen vehicles or vehicles in pursuits.

7 93. Mayor Gold's comments are also not credible in light of the City's security
8 preparations for high-profile events that it hosts, like the Golden Globes, which can also be the
9 source of security threats, like bomb threats and lone-wolf shooters. According to Hunt-Coffey,
10 for those events an eight-person patrol is not an issue:

11 Q How do you handle the Golden Globes with
12 eight BHPD officers?

13 A No. We -- we plan ahead, right. We know
14 it's going to happen. And so we hire up officers and
15 traffic control officers, and fire personnel are there
16 -- you know, fire is a -- is a concern, right. Lots of
17 people in -- congregated in one space. We open our
18 emergency operation center when the Golden Globes is
19 going on.

20 94. Hunt-Coffey's statements reveal that if the underlying event or entity is one the
21 City finds favorable, the City can and will be ready to address any concomitant security concerns.
22 In contrast, the City was unwilling to do so for DuPont.

23 95. The City's actions following notice of Douglas Emmett's rescission underscores
24 that the City's true motive was to prevent DuPont from moving into Beverly Hills to avoid any
25 resulting protest activity. On June 15, June 22, and June 29, 2023 the City again met with
26 Douglas Emmett and repeatedly asked Douglas Emmett to publicize its rescission of DuPont's
27 lease to try to avoid a planned anti-abortion protest in July 2023. Mayor Gold highlighted that the
28 anti-abortion opposition to DuPont involved the organizer of the series of Freedom Rally protests,
who was "effective in mobilizing people" and was a "thorn in [the City's] side." In those

1 meetings, Mayor Gold also highlighted the “bad press” that the City had received during the
2 Freedom Rally protests.

3 96. In a further attempt to dissuade the anti-abortion protest from occurring, between
4 July 11 and 18, 2023, the City, through Det. Schwartz, directly informed both the organizer of the
5 protest and the Stop Dupont Clinic representatives that Douglas Emmett had rescinded DuPont’s
6 lease. On July 26, 2023, in an effort to persuade the organizer to call off the protest, Mayor Gold,
7 along with Det. Schwartz, City Attorney Wiener, and Deputy City Manager Sterling, even met
8 with the protest organizer to assure him that Douglas Emmett had rescinded DuPont’s lease. And
9 on July 27, 2023, Sterling sent written confirmation to the protest organizer about the lease
10 rescission.

11 97. Despite the fact that it was aware that a potentially large protest was planned at the
12 Building in July 2023, the City notably took no steps to communicate with the Building tenants
13 about the protest. According to Hunt-Coffey, because the protest was “planned for later” and
14 “wasn’t imminent,” the City felt no need to engage in outreach to the Building tenants. The
15 City’s approach with regard to this known protest stands in marked contrast to the urgency with
16 which it wanted to distribute the Tenant Letter, despite Douglas Emmett’s and DuPont’s concerns
17 and that DuPont would not begin operations until months later in the fall.

18 98. In sum, the City’s conduct interfered with access to essential reproductive
19 healthcare, in violation of California law.

20 **B. The City’s Interference with DuPont’s Permits**

21 99. Following the April 18, 2023 City Council meeting, the City engaged in a second
22 form of interference by conditioning and delaying the issuance of DuPont’s building permits.

23 100. In October 2022, DuPont contacted the City’s permitting department and informed
24 the department that DuPont’s planned use for its suite in the BHMC was “medical/ambulatory.”
25 In February and March 2023, DuPont applied for its permits, and on March 30, 2023, the City’s
26 permitting department approved DuPont’s building permits.

27 101. On April 18, 2023, following the public comments opposing DuPont’s operations
28 at the City Council meeting, City Attorney Wiener researched DuPont and discovered language

1 on DuPont’s website that he was concerned could conflict with California’s laws governing
2 abortions. In particular, Wiener was concerned that DuPont would be willing to offer abortions in
3 California after fetal viability, without the pregnant individual’s health being at risk.

4 102. Between April 18 and April 24, 2023, Wiener instructed the City’s permitting
5 department not to issue DuPont’s permits until he had spoken with DuPont about his concerns,
6 which he was confident he could accomplish because DuPont needed the permits to issue to
7 continue its construction.

8 103. On April 24, 2023, DuPont’s contractors requested issuance of the approved
9 building permits, at which point the permitting department informed them that there was “hold on
10 the project” because the “City Attorney is looking into the matter and determining whether the
11 proposed use is allowed or not.”

12 104. On April 24, 2023, DuPont’s attorney contacted Wiener about the “hold” on
13 DuPont’s permits. On April 25, 2023, Wiener and DuPont’s attorney had a call in which they
14 discussed Wiener’s concerns about DuPont’s abortion services. Wiener admitted that his
15 concerns were triggered by DuPont’s abortion services and that if DuPont was a plastic surgery
16 practice, he would not have flagged the permits. Wiener also told DuPont’s attorney that it would
17 be “easier” for the City if DuPont would provide a letter confirming its intention to comply with
18 California law. Wiener also considered a letter from DuPont about its compliance with California
19 law to be “political cover” for the City. In the call, Wiener expressly said that the letter was not a
20 condition of DuPont’s permitting issuing.

21 105. On April 25, 2023, DuPont’s attorney emailed Wiener to inform him that the
22 DuPont CMO was willing to provide the letter that Wiener had requested. DuPont’s attorney also
23 repeated her understanding that the letter was “separate and apart” from the issuance of the
24 approved permits.

25 106. On April 28, 2023, Wiener contacted the permitting department to let them know
26 that DuPont’s approved permits could issue. At the time that Wiener contacted the permitting
27 department, he believed that DuPont would provide the letter he requested.
28

1 107. By stopping the issuance of the permits until he had the opportunity to speak with
2 them, Wiener not only guaranteed that he could speak with DuPont about his concerns but also
3 effectively conditioned the issuance of its permits on DuPont speaking with him. Consultation
4 with the City Attorney, however, was outside of the City’s permitting procedure. Additionally,
5 although DuPont never provided the letter about its compliance with California law, Wiener
6 released the permits only after DuPont had agreed to provide the letter.

7 108. This conduct also amounts to interference with access to essential reproductive
8 healthcare, in violation of California law.

9 **CAUSES OF ACTION**

10 **FIRST CAUSE OF ACTION**

11 **(Interference with Reproductive Freedom)**

12 **(Cal. Const., art. I, § 1.)**

13 109. The People reallege all paragraphs set forth above and incorporate them by
14 reference as though they were fully set forth in this cause of action.

15 110. California law prohibits the “state” from “deny[ing] or interfer[ing] with an
16 individual’s reproductive freedom in their most intimate decision, which includes their
17 fundamental right to choose to have an abortion and their fundamental right to choose or refuse
18 contraceptives.” (Cal. Const., art. I, § 1.1.) “State” includes local municipalities, like Beverly
19 Hills. (Cal. Const., art. XI, § 2-7.)

20 111. The City violated this provision in at least two ways. First, the City delayed the
21 issuance of DuPont’s building permits on account of the City Attorney’s concern over the nature
22 of the services provided by the Clinic, thereby denying and interfering with Californians’ right to
23 reproductive freedom. Second, the City engaged in a pressure campaign under the guise of public
24 safety leading to the termination of DuPont’s tenancy, which effectively denied Californians’
25 their ability to exercise their reproductive freedom in Beverly Hills.

26 //

27 //

28 //

1 **SECOND CAUSE OF ACTION**

2 **(Interference with the Right to Privacy)**

3 **(Cal. Const., art. I, § 1.)**

4 112. The People reallege all paragraphs set forth above and incorporate them by
5 reference as though they were fully set forth in this cause of action.

6 113. The California Constitution guarantees that “[a]ll people are by nature” entitled to
7 a right to privacy. (Cal. Const., art. I, § 1.) The State’s privacy rights extend to a person’s right
8 to decide whether to have an abortion. (See *Committee to Defend Repro. Rights v. Myers* (1981)
9 29 Cal.3d 252, 257; see also *Am. Academy of Pediatrics v. Lungren* (1997) 16 Cal.4th 307, 332.)

10 114. The City of Beverly Hills, through its intervention in DuPont’s opening, violated
11 Californians’ right to choose whether to continue a pregnancy, as protected under the
12 constitutional right to privacy. First, the City delayed the issuance of DuPont’s building permits
13 on account of the City Attorney’s concern over the nature of the services provided by the Clinic.
14 Second, the City engaged in a pressure campaign under the guise of public safety leading to the
15 termination of DuPont’s tenancy. The City’s actions infringed on constitutional guarantees to
16 privacy.

17 **THIRD CAUSE OF ACTION**

18 **(Violation of the Reproductive Privacy Act)**

19 **(Health & Saf. Code, §§ 123460, et seq.)**

20 115. The People reallege all paragraphs set forth above and incorporate them by
21 reference as though they were fully set forth in this cause of action.

22 116. The RPA prohibits the “state” from “deny[ing] or interfer[ing] with a . . . pregnant
23 person’s right to choose or obtain an abortion prior to viability of the fetus, or when the abortion
24 is necessary to protect the life or health of the woman or pregnant person.” (Health & Saf. Code,
25 § 123466, subd. (a).) The RPA applies to municipalities, like the City of Beverly Hills. (Health
26 & Saf. Code, § 123464, subd. (c) [“‘State’ means the State of California, and every county, city,
27 town and municipal corporation, and quasi-municipal corporation in the state.”].)
28

1 Dated: October 31, 2024

Respectfully submitted,

2

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Attorney General of California

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