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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

JAN 12 2009

ALAN CARLSON, Clerk of the Court

BY: R. LUCEY DEPUTY

8 Attorneys for Plaintiff
The People of the State of California, Ex rel. Edmund
9 G. Brown Jr., Attorney General of the State of
California

10 SUPERIOR COURT OF CALIFORNIA
11 COUNTY OF ORANGE

30-2009

CASE NO. 00117130

13 THE PEOPLE OF THE STATE OF CALIFORNIA,
14 EX REL. EDMUND G. BROWN JR., Attorney
15 General of the State of California,

COMPLAINT FOR CIVIL
PENALTIES
(Ralph Act - Civ. Code, §§ 51.7
et seq.)

16 Plaintiff,

17 v.

JUDGE STEVEN L. PERK
DEPT. C32

18 JAMES JOSEPH KELLY III, an individual, and
19 JUSTIN LOUIS MULLINS, an individual,

20 Defendants.

21 The People of the State of California, by and through Edmund G. Brown Jr., Attorney
22 General of the State of California, allege as follows:

23
24 PARTIES

25 1. This action is brought by the Plaintiff, The People of the State of California, by
26 and through Edmund G. Brown Jr., Attorney General of the State of California (hereinafter
27 "People") to enforce the provisions of the Ralph Civil Rights Act ("Ralph Act"), Civil Code
28 section 51.7. The Attorney General is empowered by the California Constitution to take any

FAKED

1 action necessary to ensure that the laws are uniformly and adequately enforced for the protection
2 of the public rights and interests. (Cal. Const., art. V, § 13.) Further, the Attorney General is
3 statutorily empowered to commence legal actions to enforce the Ralph Act. (Civ. Code § 52,
4 subd. (b).)

5 2. Defendant JAMES JOSEPH KELLY III (“KELLY”), is an individual resident of
6 the State of California.

7 3. Defendant JUSTIN LOUIS MULLINS (“MULLINS”), is an individual resident of
8 the State of California.

9 **VENUE AND JURISDICTION**

10 4. This Court is the appropriate venue for this case because the actions alleged
11 herein took place in the County of Orange, in the State of California. Moreover, this Court has
12 jurisdiction over causes of action alleging violations of the Ralph Act and the penalties sought
13 exceed the minimum jurisdictional limits of this Court.

14 **FIRST CAUSE OF ACTION**

15 **Violation of the Ralph Act Against all Defendants**

16 5. Plaintiff re-alleges and incorporates the allegations of paragraphs 1 through 4, as
17 if fully set forth herein.

18 6. The Ralph Act, Civil Code section 51.7, declares that “[a]ll persons within the
19 jurisdiction of this state have the right to be free from any violence, or intimidation by threat of
20 violence, committed against their persons or property because of political affiliation, or on
21 account of any characteristic listed or defined in subdivision (b) or (c) of Section 51 . . . or
22 because another person perceives them to have one or more of those characteristics.” (Civ.
23 Code, § 51.7, subd. (a).) The characteristics listed in Civil Code section 51, subdivision (b) and
24 defined in subdivision (c)(5) include “race, color, . . . ancestry, [and] national origin.”

25 7. At approximately 2:00 a.m. on August 9, 2007, Defendants KELLY and
26 MULLINS stopped their vehicle at a red traffic light alongside a vehicle driven by Felipe
27 Alvarado at or near the intersection of Magnolia Street and Trask Avenue in the city of Garden
28 Grove in the County of Orange.

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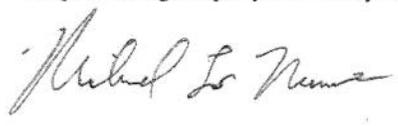
2. That the Court issue an order directing Defendant Justin Louis Mullins to pay to Felipe Alvarado a civil penalty of twenty five thousand dollars (\$25,000.00) pursuant to Civil Code section 52 subdivision (b)(2).

3. That the Court issue and order awarding the People attorney's fees, as determined by the Court, pursuant to Code of Civil Procedure section 1021.8; and

4. That the Court grant such other and further relief as it may deem just, proper, and appropriate.

Dated: January 12, 2009

Respectfully submitted,
EDMUND G. BROWN JR.
Attorney General of the State of California
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Senior Assistant Attorney General
ANGELA SIERRA
Supervising Deputy Attorney General



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