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8 MARK A. MACKEY, and EDMOND M. FLORES, JR.

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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
RIVERSIDE

FILED

9 UNITED STATES DISTRICT COURT  
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
11 EASTERN DIVISION-RIVERSIDE COURTHOUSE

12 **CV 11 - 03560**

12 BRETT A. CORONADO; MARK A.  
13 MACKEY; and EDMOND M. FLORES,  
14 JR.,

Case No.:

15 Plaintiffs,

COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF AND  
DAMAGES

16 vs.

17 CALIFORNIA HIGHWAY PATROL;  
18 DARREN MEYER, individually and in his  
19 official capacity as an employee of the  
20 California Highway Patrol,

Demand for jury trial.

21 Defendants.

1 COME NOW plaintiffs, by and through counsel, to show the Court the following:

2 **INTRODUCTION**

3 This is a case to vindicate the federal and state constitutional rights of Plaintiffs  
4 Mark A. Mackey, Edmond M. Flores, Jr., and Pastor Brett A. Coronado, all of whom  
5 were arrested outside a California Department of Motor Vehicles for reading aloud  
6 from a Bible or engaging in similar peaceful speech activity relating to the oral  
7 dissemination of their religious views in and around the parking lot and sidewalks  
8 before business hours.

9 **JURISDICTION**

10 1. This civil rights action under 42 U.S.C. § 1983 raises federal claims under  
11 the First, Fourth, and Fourteenth Amendments to the United States Constitution and a  
12 state claim under Article 2, Section 1 of the California Constitution.

13 2. This Court has original jurisdiction over the federal law claims by  
14 operation of 28 U.S.C. §§ 1331 and 1343 and has supplemental jurisdiction over the  
15 state law claim pursuant to 28 U.S.C. § 1367.

16 3. This Court has authority to issue the requested injunctive relief under 28  
17 U.S.C. § 1343; the requested declaratory relief under 28 U.S.C. §§ 2201-02; the  
18 requested damages under 28 U.S.C. § 1343; and costs and attorneys' fees under 42  
19 U.S.C. § 1988(b) and Cal. C.C.P. § 1021.5.

20 **VENUE**

21 **IDENTIFICATION OF THE PLAINTIFFS**

22 4. Plaintiff MARK A. MACKEY is, and was at all times relevant to this  
23 Complaint was, a resident of Hemet in Riverside County, California.

24 5. Plaintiff EDMOND M. FLORES, JR., is and was at all times relevant to  
25 this Complaint was, a resident of Hemet in Riverside County, California.

26 6. Plaintiff BRETT A. CORONADO is, and was at all times relevant to this  
27 Complaint was, a resident of Hemet in Riverside County, California.



1           16. No one else in any apparent position of authority requested that Plaintiffs  
2 leave, and no one else approached Mr. Mackey for approximately 15 minutes as he  
3 continued to read aloud.

4           17. At approximately 8:28 a.m., a uniformed California Highway Patrol  
5 (“CHP”) officer arrived in the DMV parking lot and approached the DMV security  
6 guard.

7           18. After speaking very briefly with the security guard, the first officer on the  
8 scene, Defendant Meyer, approached Mr. Mackey, instructed him to hand the Bible to  
9 Mr. Flores, and told Mr. Mackey that he was under arrest, taking him into custody.

10          19. There was no conversation between any of the Plaintiffs and Defendant  
11 MEYER regarding their presence at the DMV, their activity at the DMV, or a request  
12 by Defendant MEYER that they leave the DMV premises prior to Mr. Mackey’s arrest.

13          20. After Defendant MEYER placed Mr. Mackey under arrest, the arresting  
14 officer was immediately asked what law Mr. Mackey had violated, but the officer did  
15 not cite any specific statute. Instead, the CHP officer told Mr. Mackey that he was not  
16 allowed to “preach” where he was because the individuals present were “a captive  
17 audience.”

18          21. After Mr. Mackey was placed in Defendant MEYER’S patrol vehicle, the  
19 officer turned to Pastor Coronado, who was asking what specific law Mr. Mackey had  
20 violated, and inquired whether Pastor Coronado and Mr. Flores were there with  
21 Mr. Mackey.

22          22. When Pastor Coronado responded in the affirmative, Defendant MEYER  
23 asked if they wanted “to go too,” implying that they could be going to jail as well.

24          23. Pastor Coronado asked the Defendant MEYER, “Are we breaking the  
25 law?” and he responded, “You are if you preach. Do you want to leave or do you want  
26 to be arrested?”

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1           24. Pastor Coronado again asked Defendant MEYER what law prohibited  
2 preaching and told him that he was not even engaging in preaching.

3           25. Defendant MEYER never cited any law that would be violated by  
4 preaching.

5           26. After the security guard told Defendant MEYER that neither Mr. Coronado  
6 nor Mr. Flores were preaching, he ended his conversation with Pastor Coronado.

7           27. After Mr. Mackey was in custody, other law enforcement personnel arrived  
8 at the DMV.

9           28. Another CHP officer approached Pastor Coronado and Mr. Flores and told  
10 them that they had to leave and that if they did not leave, they would be “trespassing.”

11           29. Pastor Coronado asked if they were breaking the law. The newly arrived  
12 CHP officer said, “Yes, you are; you’re trespassing.”

13           30. Pastor Coronado and Mr. Flores then attempted to learn where the officers  
14 were taking Mr. Mackey, and an officer told them that he would tell them once he  
15 knew.

16           31. With no further explanation of any applicable law, the officers detained  
17 and arrested Pastor Coronado and Mr. Flores but permitted other individuals who were  
18 with them to leave the DMV.

19           32. After their arrests, the officers took Plaintiffs to a CHP Inspection Facility  
20 (Inspection Facility), located at 195 Highland Springs Avenue, Beaumont, California,  
21 where they were held, questioned, and subsequently given citations for allegedly  
22 violating Cal. Penal Code § 602.1(b).

23           33. While in the custody of Defendants at the Inspection Facility, Plaintiffs  
24 were handcuffed to a metal table for approximately ninety (90) minutes while awaiting  
25 their release from custody.

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1 ALLEGATIONS OF LAW

2 34. All alleged acts of the Defendants, their officers, agents, servants,  
3 employees, or persons acting at their behest or direction were done [and are continuing  
4 to be done] under the color and pretense of state law, including the statutes, customs,  
5 and policies of the State of California and the CHP.

6 CLAIMS FOR RELIEF

7 I. First Claim: Violation of the Free Speech Clause of the First Amendment of  
8 the United States Constitution (AGAINST ALL DEFENDANTS)

9 35. The Plaintiffs re-allege and incorporate herein by reference paragraphs 1  
10 through 34 and further allege as follows:

11 36. The Plaintiffs' speech activity consisted almost entirely of Mr. Mackey's  
12 oral dissemination of his religious views and doctrines by reading aloud from a Bible at  
13 the Hemet, California Department of Motor Vehicles.

14 37. Plaintiff Mackey engaged in Bible reading in the parking lot of the DMV,  
15 while Plaintiffs Flores and Coronado stood both in the parking lot and on the sidewalk  
16 areas in and around the DMV, observing the activity.

17 38. Plaintiffs' peaceful presence and audible Bible reading on the sidewalk and  
18 in the parking lot of the DMV did not interfere with any of the DMV's self-described  
19 primary purposes of registering vehicles, licensing drivers, recording ownership of  
20 vehicles, maintaining driving records, issuing identification cards, administering  
21 financial responsibility laws, and investigating consumer complaints, regardless of  
22 whether these services require in-person communication with clientele.

23 39. Plaintiffs' presence and Bible reading on the sidewalk and in the parking  
24 lot were not activities that were incompatible with the normal business activities of the  
25 DMV, particularly at an hour before the DMV opened for business.

26 40. The sidewalk and parking lot immediately outside the DMV building is  
27 government property and is freely accessible to the public.

1           41. The sidewalk and parking lot in and around the DMV is virtually  
2 indistinguishable from other public sidewalks.

3           42. The DMV's self-described purposes include registering vehicles, licensing  
4 drivers, recording ownership of vehicles, maintaining driving records, issuing  
5 identification cards, administering financial responsibility laws, and investigating  
6 consumer complaints, regardless of whether these services require in-person  
7 communication with clientele.

8           43. Plaintiffs' Bible reading and peaceful observance of the same did not  
9 impede the DMV's ability to do business, did not obstruct entrance to or exit from the  
10 parking lot or the building, did not intimidate those outside the DMV awaiting its  
11 opening, and did not otherwise disrupt or hinder the DMV's effectiveness for its  
12 intended purposes.

13           44. The CHP officers restricted Plaintiffs' speech because of its religious  
14 viewpoint and stated that they were arresting Plaintiff Mackey because he was  
15 "preaching."

16           45. Plaintiffs were precluded from continuing to engage in any speech activity  
17 when uniformed officers employed by the California Highway Patrol declared that  
18 Plaintiffs' "preaching" was prohibited when the audience was "captive."

19           46. CHP officers humiliated the Plaintiffs when they unreasonably arrested,  
20 handcuffed, and escorted the Plaintiffs in CHP vehicles to the Inspection Facility in  
21 violation of Plaintiffs' First Amendment free speech rights.

22           47. In addition to humiliating the Plaintiffs, the CHP officers took away their  
23 cherished right to disseminate their religious views.

24 **II. Second Claim: Violation of the Liberty of Speech Clause of Article 1, Section**  
25 **2 of the California Constitution (AGAINST ALL DEFENDANTS)**

26           48. The Plaintiffs re-allege and incorporate herein by reference paragraphs 1  
27 through 47 and further allege as follows:

1 49. The DMV is government property and is freely accessible to the public.

2 50. Plaintiffs' peaceful presence and audible Bible reading on the sidewalk and  
3 in the parking lot of the DMV prior to the business's opening did not interfere with any  
4 of the DMV's self-described purposes of registering vehicles, licensing drivers,  
5 recording ownership of vehicles, maintaining driving records, issuing identification  
6 cards, administering financial responsibility laws, and investigating consumer  
7 complaints, regardless of whether these services require in-person communication with  
8 clientele.

9 51. Plaintiffs' peaceful presence and audible Bible reading on the sidewalk and  
10 in the parking lot of the DMV were not activities that were basically incompatible with  
11 the primary use of the DMV parking lot and sidewalk areas, particularly before business  
12 hours.

13 52. Plaintiffs' peaceful presence and audible Bible reading did not obstruct  
14 entrance to or exit from the DMV parking lot or building and did not intimidate those  
15 outside the DMV awaiting its opening from transacting business with the DMV.

16 53. At most, Plaintiffs' speech activity posed a mere annoyance to those who  
17 were waiting outside the closed DMV building.

18 54. The CHP officers restricted Plaintiffs' speech because of its religious  
19 viewpoint and stated that they were arresting Plaintiff Mackey because he was  
20 "preaching."

21 55. Plaintiffs were precluded from continuing to engage in their peaceful  
22 speech activity when uniformed officers employed by the California Highway Patrol  
23 arrested, handcuffed, and escorted the Plaintiffs in CHP vehicles to the local police  
24 department.

25 56. In addition to humiliating the Plaintiffs, the CHP officers took away their  
26 cherished right to disseminate their religious views.

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1           57. Plaintiffs are informed and believe that Defendant CHP has a practice or  
2 policy of prohibiting speech activity in and around DMV premises statewide, or at least  
3 at this single location.

4 **III. Third Claim: Unlawful Arrest under the Fourth Amendment of the United**  
5 **States Constitution (AGAINST ALL DEFENDANTS)**

6           58. The Plaintiffs re-allege and incorporate herein by reference paragraphs 1  
7 through 57 and further allege as follows:

8           59. After speaking briefly to a DMV security guard, Defendant MEYER  
9 unreasonably arrested Plaintiff Mackey without objectively reasonable belief that  
10 Plaintiff Mackey had committed a criminal offense.

11           60. CHP officers, who subsequently arrived on the scene, and Defendant  
12 MEYER unreasonably arrested Plaintiff Flores and Plaintiff Coronado without  
13 objectively reasonable belief that Plaintiffs had committed a criminal offense.

14           61. The officers arrested the Plaintiffs without first obtaining a warrant.

15           62. The uniformed CHP officers acted in accordance with their duties for their  
16 employment with the State of California.

17           63. At the Inspection Facility, the officers cited the Plaintiffs for violation of  
18 California Penal Code 602.1, subdivision (b), which declares intentional interference  
19 with any lawful business of a public agency by obstructing or intimidating clients and  
20 refusal to leave a misdemeanor offense.

21           64. Penal Code 602.1, subdivision (c) exempts persons engaging in  
22 constitutionally protected activity from the offense.

23           65. Plaintiffs were engaging in speech activity protected by both the U.S.  
24 Constitution and the State of California Constitution prior to their arrest.

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1           66. Plaintiffs' peaceful presence and audible Bible reading did not, and was  
2 not intended to, obstruct entrance to or exit from the DMV parking lot or building and  
3 did not, and was not intended to, intimidate those outside the DMV awaiting its opening  
4 from transacting business with the DMV.

5           67. Plaintiffs were lawfully on the DMV premises and never refused to leave  
6 the premises but merely asked what law they were allegedly violating.

7           68. The officers' stated pre-arrest justification for arrest included Plaintiffs'  
8 "preaching" and alleged "trespassing," neither of which under the facts and  
9 circumstances actually known to the officers warranted belief by a reasonably prudent  
10 officer that the Plaintiffs had committed a criminal offense.

11 **IV. Fourth Claim: False Imprisonment/Arrest under California State Law**

12           69. The Plaintiffs re-allege and incorporate herein by reference paragraphs 1  
13 through 68 and further allege as follows:

14           70. After speaking briefly to a DMV security guard, Defendant MEYER  
15 unreasonably arrested Plaintiff Mackey without objectively reasonable belief that  
16 Plaintiff Mackey had committed a criminal offense.

17           71. CHP officers, who subsequently arrived on the scene, and Defendant  
18 MEYER unreasonably arrested Plaintiff Flores and Plaintiff Coronado without  
19 objectively reasonable belief that Plaintiffs had committed a criminal offense.

20           72. The officers arrested the Plaintiffs without first obtaining a warrant.

21           73. The uniformed CHP officers acted in accordance with their duties for their  
22 employment with the State of California.

23           74. At the Inspection Facility, the officers cited the Plaintiffs for violation of  
24 California Penal Code 602.1, subdivision (b), which declares intentional interference  
25 with any lawful business of a public agency by obstructing or intimidating clients and  
26 refusal to leave a misdemeanor offense.

27 ///

1 75. Penal Code 602.1, subdivision (c) exempts persons engaging in  
2 constitutionally protected activity from the offense.

3 76. Plaintiffs were engaging in speech activity protected by both the U.S.  
4 Constitution and the State of California Constitution prior to their arrest.

5 77. Plaintiffs' peaceful presence and audible Bible reading did not, and was  
6 not intended to, obstruct entrance to or exit from the DMV parking lot or building and  
7 did not, and was not intended to, intimidate those outside the DMV awaiting its opening  
8 from transacting business with the DMV.

9 78. Plaintiffs were lawfully on the DMV premises and never refused to leave  
10 the premises but merely asked what law they were allegedly violating.

11 79. The officers' stated pre-arrest justification for arrest included Plaintiffs'  
12 "preaching" and alleged "trespassing," neither of which under the facts and  
13 circumstances actually known to the officers warranted belief by a reasonably prudent  
14 officer that the Plaintiffs had committed a criminal offense.

15 80. Plaintiff were handcuffed to a metal table at the Inspection Facility by  
16 Defendants for approximately ninety (90) minutes, an appreciable period of time, and  
17 were damaged as a result due to Defendant's illegal confinement.

18 81. Defendants acted without reasonable cause to believe that such actions  
19 were lawful or necessary.

20 82. Plaintiffs were intentionally confined against their will by Defendants who  
21 lacked the requisite lawful authority to so confine.

22 **PRAYER FOR RELIEF**

23 Wherefore, Plaintiffs respectfully request the following relief:

24 **As to the First and Second Claims:**

25 a. That this Court permanently enjoin Defendants, their agents, servants,  
26 employees, officials, or any other person acting in concert with them or on their behalf,  
27 from restricting lawful religious speech at the Hemet DMV premises;

1           b.     That this Court enter a declaratory judgment stating that Defendants'  
2 policy or practice of arresting persons who disseminate their religious views and  
3 doctrines in a public forum violates Free Speech under applicable federal and state law;

4 **As to the First and Third Claims:**

5           c.     That this Court award compensatory damages in an amount to be  
6 determined by the finder of fact in accordance with the proof, plus interest at the legal  
7 rate until paid by Defendants;

8 **As to the Third and Fourth Claims:**

9           d.     That this Court permanently enjoin Defendants, their agents, servants,  
10 employees, officials, or any other person acting in concert with them or on their behalf,  
11 from arresting or otherwise restraining Plaintiffs for a violation of Cal. Penal Code §  
12 602.1(b) without objectively reasonable belief that Plaintiffs have in fact taken actions  
13 in violation of said code by impeding an open business.

14           e.     That this Court enter a declaratory judgment stating that Defendants'  
15 policy or practice of arresting persons without objectively reasonable belief that a penal  
16 code has been violated violates applicable federal and state law.

17 **As to all Claims:**

18           f.     That this Court grant Plaintiff an award of nominal damages against all  
19 Defendants;

20           g.     That this Court award the Plaintiffs' costs and expenses of this action,  
21 including a reasonable attorneys' fees award, in accordance with 42 U.S.C. § 1988 and  
22 other applicable law against all Defendants;

23           h.     That this Court grant such other and further relief against Defendants as the  
24 Court deems equitable, just, and proper;

25           i.     That this Court retain jurisdiction as necessary to enforce the Court's  
26 orders.

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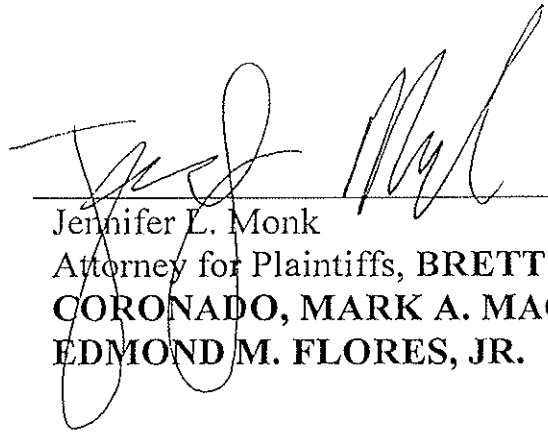
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**JURY DEMAND**

Plaintiffs hereby demand a jury trial.

ADVOCATES FOR FAITH & FREEDOM

Date: April 25, 2011



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Jennifer L. Monk  
Attorney for Plaintiffs, **BRETT A.  
CORONADO, MARK A. MACKEY;  
EDMOND M. FLORES, JR.**