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ANTI POLICE-TERROR PROJECT, *et al.*

CITY OF SANTA CRUZ

ANTI POLICE-TERROR PROJECT,)	Claim No.
COMMUNITY READY CORPS, SEAN CANADAY,)	
MICHAEL COHEN, MICHAEL COOPER, ANDREA)	CLAIM PURSUANT TO CALIFORNIA
COSTANZO, JOHNATHAN FARMER, LINDSEY)	GOVERNMENT TORT CLAIMS ACT
FILOWITZ, DANIELLE GAITO, KATIE JOHNSON,)	
BRYANNA KELLY, JENNIFER LI, IAN McDONNELL,)	
MELISSA MIYARA, LINDSEY MORRIS, LEILA)	
MOTTLEY, NICO NADA, AZIZE NGO, NICOLE)	
PULLER, MARIA RAMIREZ, AKIL RILEY, AARON)	
ROGACHEVSKY, TARA ROSE, ASHWIN JAMES)	
RUPAN, DANIEL SANCHEZ, CHRISTINA STEWART,)	
TAYAH STEWART, KATHERINE SUGRU, CELESTE)	
WONG, and QUIACHU ZHANG,)	

Claimants,

vs.

CITY OF ALAMEDA; CITY OF ALBANY; CITY OF
ANTIOCH; CITY OF BENICIA; CITY OF BERKELEY;
STATE OF CALIFORNIA; COUNTY OF CONTRA
COSTA; EAST BAY REGIONAL PARKS DISTRICT;
CITY OF FAIRFIELD; CITY OF FREMONT; CITY OF
HAYWARD; COUNTY OF KINGS; COUNTY OF
MARIN; CITY OF NEWARK; CITY OF PIEDMONT;
CITY OF PLEASANTON; CITY OF REDWOOD CITY;
CITY OF SAN LEANDRO; COUNTY OF SAN MATEO;
CITY OF SANTA CRUZ; COUNTY OF SANTA CRUZ;
CITY AND COUNTY OF SAN FRANCISCO; COUNTY
OF SOLANO; COUNTY OF SONOMA; CITY OF UNION
CITY; CITY OF VACAVILLE, and CITY OF VALLEJO,

Respondents.

1 To the CITY CLERK OF THE CITY OF SANTA CRUZ:

2 You are hereby notified that ANTI POLICE-TERROR PROJECT (“APTP”), COMMUNITY
3 READY CORPS (“CRC”), SEAN CANADAY, MICHAEL COHEN, MICHAEL COOPER, ANDREA
4 COSTANZO, JOHNATHAN FARMER, LINDSEY FILOWITZ, DANIELLE GAITO, KATIE
5 JOHNSON, BRYANNA KELLY, JENNIFER LI, IAN McDONNELL, MELISSA MIYARA, LINDSEY
6 MORRIS, LEILA MOTTLEY, NICO NADA, AZIZE NGO, NICOLE PULLER, MARIA RAMIREZ,
7 AKIL RILEY, AARON ROGACHEVSKY, TARA ROSE, ASHWIN JAMES RUPAN, DANIEL
8 SANCHEZ, CHRISTINA STEWART, TAYAH STEWART, KATHERINE SUGRUE, CELESTE
9 WONG, and QUIACHU ZHANG (collectively “claimants”), who may be contacted through Siegel,
10 Yee, Brunner & Mehta, 475 14th Street, Suite 500, Oakland, CA 94612, claim damages from the
11 City of Alameda, City of Albany, City of Antioch, City of Benicia, City of Berkeley, State of
12 California, County of Contra Costa, East Bay Regional Parks District, City of Fairfield, City of
13 Fremont, City of Hayward, County of Kings, County of Marin, City of Newark, City of Piedmont,
14 City of Pleasanton, City of Redwood City, City of San Leandro, County of San Mateo, City of Santa
15 Cruz, County of Santa Cruz, City and County of San Francisco, County of Solano, County of
16 Sonoma, City of Union City, City of Vacaville, and City of Vallejo (collectively “respondents”) as
17 follows.

18 This claim is based on the use of violent, unlawful, and unconstitutional crowd control
19 tactics against peaceful demonstrators by members of Alameda Police Department and/or Albany
20 Police Department and/or Antioch Police Department and/or Benicia Police Department and/or
21 Berkeley Police Department and/or California Department of Corrections and Rehabilitation
22 and/or California Highway Patrol Department and/or Contra Costa County Sheriff’s Office and/or
23 East Bay Regional Parks Police and/or Fairfield Police Department and/or Fremont Police
24 Department and/or Hayward Police Department and/or Kings County Sheriff’s Office and/or
25 Marin County Sheriff’s Office and/or Newark Police Department and/or Piedmont Police
26 Department and/or Pleasanton Police Department and/or Redwood Police Department and/or
27 San Leandro Police Department and/or San Mateo Sheriff’s Office and/or Santa Cruz Police
28 Department and/or Santa Cruz Sheriff’s Office and/or San Francisco Police Department and/or

1 Solano County Sheriff's Office and/or Sonoma County Sheriff's Office and/or Union City Police
2 Department and/or Vacaville Police Department and/or Vallejo Police Department (collectively
3 "law enforcement agencies"), beginning on May 29, 2020, following the police murder of George
4 Floyd, who was recorded on video reciting the all too familiar and tragic plea "I can't breathe"
5 while a white police officer kneeled on his neck in Minneapolis, Minnesota. Bay Area residents
6 took to the streets of Oakland to protest this injustice and grieve the police murders of other Black
7 and Brown people, including Breonna Taylor, Ahmaud Arbury, and Tony McDade.

8 Over the course of several days, the subject law enforcement agencies deployed
9 constitutionally unlawful crowd control tactics including kettling, indiscriminately launching of
10 tear gas and flashbang grenades into crowds and at individuals, shooting projectiles at
11 demonstrators, and generally using excessive force. These demonstrators included many young
12 Black and Brown people.

13 The law enforcement agencies unjustifiably declared peaceful protests "unlawful
14 assemblies" to excuse their violent tactics; knowingly placed these demonstrators in physical
15 danger through indiscriminate use of excessive force; also knowingly created a danger to public
16 health by forcing demonstrators to break social distancing rules in place due to the COVID-19
17 pandemic; targeted journalists and others simply recording its conduct; and targeted medics who
18 were seeking to give aid to those harmed.

19 The law enforcement agencies' actions, moreover, were in violation of the respective
20 respondents' policy and procedures and/or caused by the omission of needed policy and
21 procedures.

22 Claimant APTP is a Black-led, multi-racial, intergenerational coalition that seeks to build a
23 replicable and sustainable model to eradicate police terror in communities of color. APTP supports
24 families surviving police terror in their fight for justice, documenting police abuses and connecting
25 impacted families and community members with resources, legal referrals, and opportunities for
26 healing. APTP began as a project of the ONYX Organizing Committee. APTP was created following
27 the police killing of Oscar Grant on January 1, 2009, and frequently organizes and leads protests
28 against police misconduct. The actions of the law enforcement agencies, starting on May 29, 2020,

1 discouraged and continue to discourage members of the Oakland community from participating in
2 lawful protest activities, and chilled and continue to chill the exercise of free speech rights by
3 members and supporters of APTP.

4 Claimant CRC is an Oakland-based community organization that combats white supremacy
5 and actively builds and supports Black liberation. CRC frequently organizes and leads protests
6 against police misconduct. The actions of the law enforcement agencies starting on May 29, 2020,
7 discouraged and continue to discourage members of the Oakland community from participating in
8 lawful protest activities, and chilled and continue to chill the exercise of free speech rights by
9 members and supporters of CRC.

10 Except as set forth below, the names of the officers and sheriff's deputies who caused
11 injuries to claimants are not known at this time.

12 Michael Cooper participated in a peaceful protest in Oakland on May 29, 2020. At
13 approximately 9:30 p.m., Mr. Cooper was standing on 7th Street near the Police Administration
14 Building when, on information and belief, he was tear gassed by the law enforcement agencies.
15 Then again at approximately 10:30 p.m., Mr. Cooper was standing and filming on 14th Street
16 when he was tear gassed again by the law enforcement agencies. Mr. Cooper sustained injuries
17 from the tear gas exposure.

18 Andrea Costanzo participated in a peaceful protest in Oakland on May 29, 2020. Between
19 8:30 and 9:30 p.m., on Broadway between 7th and 8th Streets, on information and belief, one or
20 more of the law enforcement agencies hit Ms. Costanzo with a flashbang grenade and tear gassed
21 her and other peaceful demonstrators. Ms. Costanzo suffered injuries to her leg, including bruising
22 and burns, and due to the tear gas exposure.

23 Katie Johnson participated in a peaceful protest in Oakland on May 29, 2020. On
24 information and belief, one or more of the law enforcement agencies shot tear gas and bean bags
25 at Ms. Johnson and other peaceful demonstrators. Ms. Johnson was hit several times and suffered
26 injuries to her thigh, ankle, and mouth.

27 Ian McDonnell participated in the peaceful protests in Oakland. On May 29, 2020, on
28 information and belief, one or more of the law enforcement agencies shot tear gas, flashbangs, and

1 rubber bullets at him and other peaceful demonstrators. On May 31, 2020, on information and
2 belief, OPD and/or the Sheriff tear gassed him and other peaceful protestors. Again, on June 1,
3 2020, on information and belief, one or more of the law enforcement agencies shot tear gas and
4 flashbangs at him and other peaceful protestors, and OPD Officer Maxwell D'Orso applied overly
5 tight used zip ties to handcuff Mr. McDonnell before citing and releasing him for breaking curfew.

6 Melissa Miyara participated in a peaceful protest in Oakland on May 29, 2020. At 7th Street
7 and Broadway, on information and belief, one or more of the law enforcement agencies tear gassed
8 Ms. Miyara and other peaceful demonstrators. Ms. Miyara has allergy induced asthma and
9 suffered injuries from the tear gas exposure.

10 Lindsey Morris participated in a peaceful protest in Oakland on May 29, 2020. Between
11 9:30 and 10:00 p.m., at 7th Street and Broadway, on information and belief, one or more of the
12 law enforcement agencies began to throw tear gas and smoke bombs at the large crowd of peaceful
13 protestors, creating a stampede. In the chaos, Ms. Morris was knocked to the ground and suffered
14 a broken ankle. She was not offered medical aid by one or more of the law enforcement agencies.

15 Nicole Puller participated in the peaceful protests in Oakland. On May 29, 2020, at
16 approximately 9:00 p.m., at 7th Street and Broadway, on information and belief, one or more of
17 the law enforcement agencies tear gassed Ms. Puller and other peaceful demonstrators. On June 1,
18 2020, on information and belief one or more of the law enforcement agencies tear gassed and shot
19 flashbang grenades at Ms. Puller and other demonstrators. Ms. Puller was kettled and detained.
20 She suffered injuries to her shoulder and injury from the tear gas exposure.

21 Maria Gisella Ramirez participated in peaceful protests in Oakland. On May 29, 2020, at
22 7th Street and Broadway, on information and belief, one or more of the law enforcement agencies
23 tear gassed Ms. Ramirez and other demonstrators. Between 11:00 and 11:20 p.m., at the
24 intersection of 27th Street and Broadway, on information and belief, one or more of the law
25 enforcement agencies threw a flashbang grenade into the air near Ms. Ramirez. The grenade
26 exploded and hit Ms. Ramirez in the head causing injury. On June 1, 2020, on information and
27 belief, one or more of the law enforcement agencies tear gassed Ms. Ramirez, detained her, and
28 overly tightly handcuffed her with zip ties and forced her to sit on the curb before citing and

1 releasing her for breaking curfew. Ms. Ramirez sustained injuries to her head and wrists and from
2 the tear gas exposure.

3 Akil Riley participated in the peaceful protests in Oakland. On May 29, 2020, Mr. Riley was
4 hit by a flashbang grenade deployed by, on information and belief by one or more of the law
5 enforcement agencies. On information and belief, one or more of the law enforcement agencies
6 shot tear gas and flashbangs indiscriminately into the crowd. Mr. Riley helped organize the 15,000
7 person youth-led march on June 1, 2020.

8 Tara Rose participated in the peaceful protest on May 29, 2020. On information and belief,
9 one or more of the law enforcement agencies tear gassed and threw projectiles at the
10 demonstrators, including Ms. Rose. At approximately 10:15 p.m., as Ms. Rose was leaving the
11 intersection of Franklin and 7th Street, on information and belief, one or more of the law
12 enforcement agencies shot a projectile at close range directly at her and hit Ms. Rose in the back of
13 her legs. She suffered burns on both legs.

14 Ashwin James Rupan participated in a peaceful protest in Oakland on May 29, 2020.
15 Between 11:00 and 11:30 p.m., on information and belief, one or more of the law enforcement
16 agencies "kettled" the peaceful demonstrators on Webster Street between Hawthorne and 35th
17 Street, blocked their egress, and without warning tear gassed and threw flashbangs at the confined
18 demonstrators, causing a stampede. In the chaos, Mr. Rupan jumped over a hedge and fell
19 approximately 10 feet to the ground and suffered a broken ankle.

20 Katherine Sugrue participated in the peaceful protests in Oakland. On May 29, 2020,
21 around 9:00 p.m., near the intersection of Broadway and 8th Street, on information and belief,
22 one or more of the law enforcement agencies launched flashbangs and tear gas at demonstrators,
23 including Ms. Sugrue. A tear gas canister landed right beneath her. She suffered injuries from tear
24 gas exposure. On June 1, 2020, between 4:30 and 11:00 p.m., near the intersection of 8th Street
25 and Broadway, on information and belief, OPD and/or the Sheriff launched flashbangs, tear gas,
26 and shot projectiles at demonstrators. Ms. Sugrue left the area but was kettled near Frank Ogawa
27 Plaza. She was handcuffed and detained for over an hour. The police forced Ms. Sugrue and other
28 protestors to break social distancing.

1 Johnathan Farmer participated in a peaceful protest on May 30, 2020. At approximately
2 10:30 p.m., at the junction of Telegraph and Broadway, on information and belief, one or more of
3 the law enforcement agencies shot tear gas and flashbang grenades at the demonstrators and hit
4 Mr. Farmer with a projectile. Mr. Farmer sustained injuries to his leg.

5 Daniel Sanchez participated in a peaceful protest in Oakland on May 30, 2020. At
6 approximately 10:00 p.m., Mr. Sanchez stood at or near the corner of Broadway Street and 14th
7 Street, when, on information and belief, one or more of the law enforcement agencies shot him in
8 the eye with a rubber bullet. Mr. Sanchez sustained severe injuries.

9 Sean Canaday participated in the peaceful protest in Oakland on June 1, 2020. At
10 approximately 7:35 p.m., on information and belief, one or more of the law enforcement agencies
11 began to throw flashbang grenades and tear gas and shoot projectiles at the demonstrators. Mr.
12 Canaday was shot with a rubber bullet. He suffered a concussion and injury to his ear.

13 Michael Cohen participated in a peaceful protest on June 1, 2020. At approximately 7:38
14 p.m., at the intersection of Broadway and 8th Street, on information and belief, one or more of the
15 law enforcement agencies threw flashbang grenades and tear gas canisters, and shot projectiles at
16 demonstrators. A flashbang grenade detonated near Mr. Cohen, leaving him with a headache and
17 ringing in his ears. An unknown projectile hit Mr. Cohen, injuring his right thigh and buttock.

18 Lindsey Filowitz participated in the peaceful protest in Oakland on June 1, 2020. At
19 approximately 7:40 p.m., on information and belief, one or more of the law enforcement agencies
20 tear gassed Ms. Filowitz and other peaceful demonstrators. She suffered serious injuries due to her
21 exposure to the tear gas.

22 Danielle Gaito participated in the peaceful protests on June 1, 2020. On information and
23 belief, one or more of the law enforcement agencies tear gassed and shot flashbangs at Ms. Gaito
24 and other demonstrators. Ms. Gaito was hit by a flashbang grenade, kettled and detained. She
25 suffered injuries to her arm and from the tear gas exposure.

26 Bryanna Kelly participated in a peaceful protest in Oakland on June 1, 2020. At
27 approximately 7:40 p.m., Ms. Kelly attempted to escape tear gas by walking on 8th Street toward
28 Clay Street, when she was hit in the knee by a flashbang grenade shot toward her, on information

1 and belief, by one or more of the law enforcement agencies. Ms. Kelly sustained injuries to her
2 knee.

3 Jennifer Li participated in the peaceful protest in Oakland on June 1, 2020. At
4 approximately 7:40 p.m., on information and belief, one or more of the law enforcement agencies
5 threw flashbang grenades and tear gas and shot projectiles at the demonstrators. Ms. Li was shot
6 directly in the back with a flashbang grenade and a rubber bullet. Ms. Li sustained injuries to her
7 back and a perforation in her left ear drum.

8 Leila Mottley participated in the peaceful youth-led march and protest on June 1, 2020. At
9 approximately 7:40 p.m., on information and belief, one or more of the law enforcement agencies
10 tear gassed Ms. Mottley and other demonstrators. Ms. Mottley suffered injuries from the tear gas
11 exposure.

12 Nico Nada participated in the peaceful protests in Oakland beginning on May 29, 2020. At
13 the June 1 protest, on information and belief, one or more of the law enforcement agencies tear
14 gassed demonstrators including Mx. Nada, forcing him up Broadway towards 14th Street. Officers
15 outfitted in riot gear kettled him and other demonstrators and demanded that they sit. OPD
16 Officer Casey Fought grabbed Mx. Nada and put him in a chokehold without cause. Officer Fought
17 pushed Mx. Nada to the ground, got on top of him, put his knee into his back with all his weight
18 and zip tied Mx. Nada's hands together over his thumb, causing great pain. He then forcibly
19 removed Mx. Nada by lifting him and separating him from his companions. Mx. Nada complained
20 about the tightness of the zip ties. He was cited and released for breaking curfew. Mx. Nada
21 suffered physical injuries, including bruises and purple fingers, requiring him to seek medical
22 attention.

23 Azize Ngo participated in the June 1, 2020, youth-led protest beginning at Oakland
24 Technical High School and ending at City Hall. At the end of the protest, Mx. Ngo heard a loud
25 bang and saw a man with a bloody ear stating that he had been hit with a rubber bullet. Mx. Ngo
26 saw crowds of people who had been tear gassed. They appeared distraught by the experience. At
27 approximately 8:10 p.m., at the intersection of 14th Street and Broadway, on information and
28 belief, one or more of the law enforcement agencies kettled Mx. Ngo and others and body tackled

1 kneeling people. Officers stood over Mx. Ngo and others whom one or more of the law
2 enforcement agencies had forced into lying in a pile on the ground with automatic weapons
3 trained on them. One or more of the law enforcement agencies officers acted without masks or
4 regard for social distancing even though protesters complained about officers' failure to wear
5 masks.

6 Aaron Rogachevsky participated in a peaceful protest in Oakland on June 1, 2020. At
7 approximately 7:40 p.m., on information and belief, one or more of the law enforcement agencies
8 tear gassed Mr. Rogachevsky and other peaceful demonstrators. He suffered injuries from tear gas
9 exposure.

10 Christina Stewart participated in peaceful protest on June 1, 2020. At approximately 7:42
11 p.m., at the intersection of Broadway and 8th Street, on information and belief, one or more of the
12 law enforcement agencies tear gassed Ms. Stewart and other demonstrators. Ms. Stewart's pre-
13 existing nerve damage made it very difficult to quickly leave the area and she suffered injuries due
14 to the tear gas exposure.

15 Tayah Stewart participated in peaceful protest on June 1, 2020. Between 7:30-7:40 p.m., at
16 the intersection of Broadway and 8th Street, on information and belief, one or more of the law
17 enforcement agencies tear gassed Ms. Stewart. She suffered injuries from tear gas exposure.

18 Celeste Wong participated in a peaceful protest on June 1, 2020. At approximately 7:45
19 p.m., at the intersection of Broadway and 8th Street, on information and belief, one or more of the
20 law enforcement agencies launched flashbangs and tear gas at demonstrators, including Ms.
21 Wong. She suffered injuries from tear gas exposure.

22 Qiaochu Zhang participated in a peaceful protest on June 1, 2020. Between 7:00 and 7:45
23 p.m., at the intersection of Broadway and 8th Street, on information and belief, one or more of the
24 law enforcement agencies threw flashbang grenades and tear gas at demonstrators, including Mr.
25 Zhang. He suffered injuries from the tear gas exposure. At or around 7:45 p.m. Mr. Zhang was
26 arrested while attempting to return home on foot. He was detained at the Oakland Police Station
27 garage, cited and taken to the West Oakland BART Station parking lot and threatened that if he
28 was caught attending another protest, he would be taken to Santa Rita Jail.

1 Plaintiffs' attorneys continue to investigate these matters.

2 As a result of the actions and inactions of the respondents, claimants suffered damages
3 including medical expenses, loss of income, incidental expenses, loss of enjoyment of life, physical
4 pain and injury, and emotional distress.

5 The damages sought by this claim are within the unlimited jurisdiction of the Superior
6 Court.

7 All notices or other communications with regard to this claim should be sent to Dan Siegel,
8 Attorney for Claimants, Siegel, Yee, Brunner & Mehta, 475 14th Street, Suite 500, Oakland, CA
9 94612.

10
11 Dated: January 28, 2021

12 SIEGEL, YEE, BRUNNER & MEHTA


13
14 By 
15 Emily Rose Johns

16 Attorneys for Claimants
17 ANTI POLICE-TERROR PROJECT,
18 COMMUNITY READY CORPS, SEAN CANADAY, MICHAEL
19 COHEN, MICHAEL COOPER, ANDREA COSTANZO,
20 JOHNATHAN FARMER, LINDSEY FILOWITZ, DANIELLE
21 GAITO, KATIE JOHNSON, BRYANNA KELLY, JENNIFER LI,
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25 ROGACHEVSKY, TARA ROSE, ASHWIN JAMES RUPAN,
26 DANIEL SANCHEZ, CHRISTINA STEWART, TAYAH
27 STEWART, KATHERINE SUGRUE, CELESTE WONG,
28 QUIACHU ZHANG

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Clerk, Risk Manager's Office City of Santa Cruz 809 Center Street, Room 10 Santa Cruz, CA 95060	City of Santa Cruz
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 X I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the US Postal Service on the same day with postage thereon fully prepaid at Oakland, CA in the ordinary course of business.


Christopher Weills