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SUPERIOR COURT
COUNTY OF SAN FRANCISCO

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16 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
17 IN AND FOR THE COUNTY OF SAN FRANCISCO
18 UNLIMITED CIVIL JURISDICTION

19 BOB PLANTHOLD,
20
21 Plaintiff,
22
23 vs.

24 STATE OF CALIFORNIA; SENATE
25 COMMITTEE ON TRANSPORTATION
26 AND HOUSING; CALIFORNIA STATE
27 SENATE; CALIFORNIA STATE
28 ASSEMBLY; SENATE RULES
COMMITTEE; SENATOR MARK
DeSAULNIER; ASSEMBLYMEMBER
ISADORE HALL, III; DOES 1 through 50,
inclusive,
Defendants.

Case No. **CGC-13-534195**

**COMPLAINT FOR INJUNCTIVE
RELIEF AND OTHER
APPROPRIATE RELIEF**

JURY TRIAL DEMANDED

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INTRODUCTION

1. This matter concerns Assembly Concurrent Resolution No. 65 (“ACR 65”), which proposes re-naming the western span of the San Francisco-Oakland Bay Bridge (the “Bay Bridge”) after former San Francisco mayor and State legislator Willie J. Brown, Jr.

2. Construction on the Bay Bridge began in 1933 and was completed in 1936, and for the first time provided an immediate connection between San Francisco and Oakland, opening a route for travel and commerce that had been conceived over 60 years prior. For 77 years, the bridge has been commonly referred to both locally and internationally as “The Bay Bridge” and is a stunning landmark of industrial prowess. Aside from an unofficial dedication in 1986, ACR 65 would mark the first time that the official name of the Bay Bridge has been changed since its construction in 1936.

3. This lawsuit alleges, among other counts, a violation of Plaintiffs’ due process caused by the arbitrary suspension and/or violation of legislative rules and policies that have effectively fast-tracked ACR 65 through committee and toward the Senate Floor. Despite policies mandating the investigation of community consensus and/or opposition, little or no effort has been made to dignify the swelling tide of public opposition to the plan to rename the Bay Bridge or to dignify the legislative processes that exist to ensure transparency and open debate on matters of public concern. Defendants have displayed an errant disregard for legislative standards and, in so doing, have detrimentally undermined the public’s trust.

PARTIES

4. Plaintiff BOB PLANTHOLD (“Plaintiff”) is an individual resident of San Francisco, CA who has paid state and local taxes during the relevant time-periods stated herein. Mr. Planthold previously served seven and a half years on the San Francisco Sunshine Ordinance Task Force and served two years as an officer of San Francisco’s Ethics Commission.

5. Defendant STATE OF CALIFORNIA is a federated state of the United States of America, and is the most populous state in the nation.

6. Defendant CALIFORNIA STATE SENATE is a legislative body and the upper house of the California State Legislature.

1 7. Defendant CALIFORNIA STATE ASSEMBLY is a legislative body and the
2 lower house of the California State Legislature.

3 8. Defendant SENATE RULES COMMITTEE is a sub-committee of the California
4 State Senate, whose jurisdiction includes proposed amendments to the rules and other matters
5 relating to the business of the Legislature.

6 9. Defendant SENATE COMMITTEE ON TRANSPORTATION AND HOUSING
7 is a sub-committee of the California State Senate, whose jurisdiction includes bills relating to
8 waterways, harbors, highways, public transportation systems and airports.

9 10. Defendant SENATOR MARK DESAULNIER is a California State Senator
10 representing Senate District 7 and the Chair of the Senate Committee on Transportation and
11 Housing.

12 11. Defendant ASSEMBLYMEMBER ISADORE HALL, III is a California State
13 Assemblymember representing Assembly District 64, which includes numerous communities in
14 and around the South Los Angeles region.

15 **A. Introduction of ACR 65**

16 12. On June 12, 2013, Assembly Member Isadore Hall, III introduced Assembly
17 Concurrent Resolution No. 65 – Relative to the Willie L. Brown, Jr. Bridge (“ACR 65”).
18 Assembly Member Isadore Hall, III represents California’s 64th Assembly District, which
19 encompasses parts of South Los Angeles and South Bay, Los Angeles. The Coauthors listed on
20 ACR 65 are Assembly Members Bonta, Brown, Holden, Jones-Sawyer, Levine, Mitchell, Ting,
21 and Weber, and Senators Price and Wright.

22 13. If successful, ACR 65 would name the western span of the San Francisco-
23 Oakland Bay Bridge (hereinafter, the “Bridge”) the “Willie L. Brown, Jr. Bridge”. ACR 65 also
24 includes provisions that would have the California State Department of Transportation determine
25 the cost of erecting appropriate signs and, “upon receiving donations from nonstate sources” to
26 erect those signs.

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1 14. According to the Bill History, ACR 65 is classified as follows: Active, Non-
2 Urgency, Non-Appropriations, Majority Vote Required, Non-State-Mandated Local Program,
3 Fiscal, Non-Tax Levy.

4 **B. The Violation of Policies Governing Naming of Facilities**

5 15. Both the Assembly Committee on Transportation and the Senate Committee on
6 Transportation and Housing have adopted multi-pronged policies regarding the naming of
7 highways or structures, which are published and downloadable from the State Legislature's
8 website. Notable among the policies for naming highways or structures are the following key
9 provisions:

- 10 (1) The person being honored must be deceased;
- 11 (2) The author or co-author of the measure must represent the district in which the
12 facility is located;
- 13 (3) The proposed designation must reflect a community consensus; and must be
14 without local opposition;
- 15 (4) The proposed designation must not supercede an existing designation unless the
16 sponsor can document that a good faith effort has uncovered no opposition to
17 rescinding the prior designation.

18 16. ACR 65 fails to meet each of these standards. As to the first two policy mandates,
19 Brown is not deceased, and ACR 65 was neither authored nor co-authored by a representative of
20 the district in which the Bay Bridge is located. The western span of the Bay Bridge lies in the
21 17th Assembly District – which is represented by Assembly Member Tom Ammiano – and in the
22 11th Senate District – which is represented by Senator Mark Leno. Neither Ammiano nor Leno
23 authored or co-authored ACR 65.

24 17. Additionally, and notably, both San Francisco Senators – Mark Leno and Leland
25 Yee – have been silent on the issue of the renaming of the Bridge.

26 **i. Organized community opposition and media criticism of ACR 65.**

27 18. Additionally, there is substantial organized opposition to ACR 65, including
28 approximately 125 signatures on hard-copy petitions that were collected by two individuals over

1 the course of two days. Numerous petitions have circulated online in opposition to the plan to
2 name the Bridge after Willie Brown. One such petition, which proposes naming the Bridge after
3 former San Francisco resident Emperor Joshua Abraham Norton, has garnered over 3,500
4 signatures as of the date of this filing. Emperor Joshua Norton is widely credited with having
5 originally conceived of the San Francisco-Oakland Bay Bridge and a cross-Bay tunnel in three
6 separate proclamations dating from 1872. The petition also notes that Emperor Norton was “a
7 champion of racial and religious unity, an advocate for women’s suffrage [and] a defender of the
8 people.”¹ A second petition site has garnered over 500 signatures.²

9 19. There has also been substantial media coverage of ACR 65, including numerous
10 articles in opposition to the plan to name the Bridge after Willie Brown. On August 14, 2013,
11 Leah Granchik wrote in the San Francisco Chronicle – which employs Mr. Brown a columnist –
12 that the State Assembly Committee on Transportation met to consider ACR 65. The piece notes
13 that during a successful vote on the bill to advance it to committee, San Francisco Assembly
14 Member Tom Ammiano abstained from the vote. Ms. Granchik’s article also claimed that Mr.
15 Brown himself opposed naming the Bridge after himself, but is instead in favor of naming the
16 Bridge after Emperor Norton.³

17 20. On September 3, 2013, the San Francisco Bay Guardian published a Guardian
18 Editorial opposing the current plan to name the Bridge entitled “Forget the Willie Brown Bridge”
19 which, as of September 9, 2013, was the fourth most-read article on the Bay Guardian’s website
20 and has garnered approximately 75 online comments.⁴

23 ¹ <https://www.change.org/petitions/re-name-the-bay-bridge-the-emperor-norton-bay-bridge>

24 ² <http://www.thepetitionsite.com/718/321/237/name-the-san-francisco-bridge-after-emperor-norton-i/>

25 ³ <http://www.sfgate.com/entertainment/garchik/article/How-to-fill-every-S-F-moment-with-delight-4732128.php>

26 ⁴ <http://www.sfbg.com/2013/09/03/forget-willie-brown-bay-bridge>

1 21. On September 8, 2013, the San Francisco Chronicle published an article on the
2 matter entitled “Naming Bay Bridge span after Willie Brown in works”, which was written by
3 resident Chronicle columnists Phil Matier and Andy Ross (“Matier & Ross”). The opening
4 sentence to their column noted both the imminency of the vote – as soon as September 9, 2013 –
5 and the “howls from some very vocal locals” in opposition to the renaming of the Bridge.⁵ As of
6 September 12, 2013 at approximately noon., that article had garnered over 270 user comments,
7 the near unanimity of which are opposed to the ACR 65 renaming proposal.

8 22. On September 10, SF Chronicle columnists Matier & Ross published an article
9 regarding Governor Jerry Brown’s opposition to naming the western span of the Bay Bridge after
10 Willie Brown. The article quotes Governor Brown’s spokesman, Evan Westrup, as stating, “Gov.
11 Brown believes that the iconic Bay Bridge should keep the name that it has had for nearly 77
12 years.” Westrup continues, “It’s a name that lives in the hearts and minds of all Californians.”⁶

13 23. Other media coverage critical of the renaming of the Bridge has appeared in
14 SFist⁷, the Laughing Squid⁹, San Jose Mercury News¹⁰, Good Day Sacramento¹¹, and The Raw
15 Story¹². All of these outlets note the substantial community opposition to ACR 65 and the
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18 ⁵ <http://www.sfgate.com/default/article/Naming-Bay-Bridge-span-after-Willie-Brown-in-works-4795722.php>

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20 ⁶ [http://blog.sfgate.com/matierandross/2013/09/10/brown-vs-brown-jerry-opposes-bay-bridge-
rename-for-willie/](http://blog.sfgate.com/matierandross/2013/09/10/brown-vs-brown-jerry-opposes-bay-bridge-rename-for-willie/)

21 ⁷ http://sfist.com/2013/08/06/effort_to_rename_bay_bridge_after_e.php

22 ⁸ http://sfist.com/2013/09/05/the_willie_brown_bridge_must_be_sto.php

23 ⁹ [http://laughingsquid.com/petition-calls-for-san-francisco-oakland-bay-bridge-to-be-named-
after-emperor-norton/](http://laughingsquid.com/petition-calls-for-san-francisco-oakland-bay-bridge-to-be-named-after-emperor-norton/)

24 ¹⁰ http://www.mercurynews.com/ci_23911382/snapp-shots-move-afoot-honor-historic-s-f

25 ¹¹ [http://gooddaysacramento.cbslocal.com/video/9260754-rename-the-bay-
bridge/#.UiOgp82n2Qo.twitter](http://gooddaysacramento.cbslocal.com/video/9260754-rename-the-bay-bridge/#.UiOgp82n2Qo.twitter)

26 ¹² [http://www.rawstory.com/rs/2013/08/13/petition-to-name-san-franciscos-bay-bridge-after-
emperor-norton-gains-support/](http://www.rawstory.com/rs/2013/08/13/petition-to-name-san-franciscos-bay-bridge-after-emperor-norton-gains-support/)

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1 simultaneous efforts to either not change the name of the Bay Bridge at all, or to rename the
2 Bridge after Emperor Norton.

3 **ii. Lack of good faith effort to show the absence of any opposition to**
4 **rescinding a prior designation.**

5 24. Caltrans records show that in 1986 the entire San Francisco-Oakland Bay Bridge
6 was unofficially named after San Francisco Mayor James “Sunny” Rudolph, the longest serving
7 mayor in San Francisco history who ultimately became the governor of the State of California.
8 There is no evidence that any effort was conducted to uncover opposition to overturning this
9 prior designation. Such an effort would have revealed the substantial public opposition and
10 media criticism to re-naming the Bay Bridge.

11 25. Aside from the opposition to overturn a prior designation at all, there is also an
12 active effort to re-designate the Bay Bridge for Emperor Joshua Abraham Norton. As detailed
13 previously in this Complaint, Emperor Norton is widely credited as first conceiving of the Bay
14 Bridge in a series of proclamations in 1872.

15 **C. The Suspension and Violation of Multiple Parliamentary Rules**

16 26. The legislative history of ACR 65 is fraught with multiple rules violations and the
17 arbitrary suspension of rules which ordinarily would govern the legislative process.

18 **i. Violation of Joint Rule 54**

19 27. Joint Rule 54 states, in pertinent part, “A bill may not be introduced in the first
20 year of the regular session after February 18 and a bill may not be introduced in the second year
21 of the regular session after February 24.”

22 28. ACR 65 was introduced by Senator Isadore Hall, III on June 12, 2013, well after
23 the deadline for the introduction of new legislation, in violation of Joint Rule 54. Upon
24 information and belief, there was no vote conducted to specifically suspend Joint Rule 54 to
25 allow for the late introduction of ACR 65.

26 **ii. Suspension of Joint Rule 62(a)**

27 29. On August 22, 2013, ACR 65 was amended in assembly. Following its
28 introduction, on August 30, 2013, the Senate Committee on Rules voted to waive Senate Joint

1 Rules in order to allow the matter to go to the Senate Committee on Transportation and Housing.
2 On September 3, 2013, that committee voted to suspend Joint Rule 62(a), which governs file
3 notice of any hearing on a bill. Joint Rule 62(a) states, in pertinent part, "Notice of a hearing on a
4 bill by the committee of first reference in each house, or notice of an informational hearing, shall
5 be published in the Daily File at least four days prior to the hearing."

6 30. The motion to suspend Joint Rule 62(a) was made by Senator Mark DeSaulnier,
7 who is the Chair of the Senate Committee on Transportation and Housing.

8 **a. Suspension of Joint Rule 61(a)(12)**

9 31. Joint Rule 61 sets forth multiple deadlines to be observed by both the State Senate
10 and Assembly. Subsection (a) governs odd-numbered years. Sub-subsection (a)(12) states that
11 between September 3 and September 13 of any odd-numbered year, "No committee may meet
12 for any purpose." In spite of this rule, and following the referral of ACR 65 to the Senate
13 Committee on Transportation and Housing on August 29, 2013, the Committee on
14 Transportation and Housing convened on September 3, 2013 to suspend multiple joint rules,
15 including Joint Rule 61(a)(12) prohibiting them from convening to do so.

16 32. The motion to suspend Joint Rule 61(a)(12) was made by Senator Mark
17 Desaulnier, who is the Chair of the Committee on Transportation and Housing.

18 33. Following the suspension of this rule, the Committee on Transportation and
19 Housing met again on September 9, 2013 to conduct a vote on ACR 65 which ultimately referred
20 ACR 65 to the Committee on Appropriations, where it now lies.

21 **b. Violation of Joint Rule 10.6**

22 34. Joint Rule 10.6 states, simply, "A bill may not add a short title that names a
23 current or former Member of the Legislature." The short title of ACR 65 is "The Willie J.
24 Brown, Jr. Bridge". Accordingly, ACR 65 fails to meet the standard set forth in JR 10.6. The
25 record contains no evidence of any vote to waive this joint rule in either house.

26 **D. Current Status of ACR 65**

27 35. On August 22, 2013, ACR 65 came to the State Assembly for a vote. The vote
28 resulted in 68 votes in favor and no vote recorded for 12 assembly members. Among the

1 assembly members for whom no vote was recorded was Assemblyman Tom Ammiano,
2 representative for Assembly District 17, in which the Bay Bridge lies.

3 36. On August 30, ACR 65 was re-referred to the Senate Committee on
4 Transportation and Housing. Despite Joint Rule 61(a)(12)'s prohibition against committee
5 hearings for any purpose between September 3 and September 13, the Senate Transportation and
6 Housing Committee nevertheless reconvened on September 3, 2013 to suspend Joint Rules
7 61(a)(12) and 62(a), and reconvened again on September 9, 2013 to take testimony and to vote
8 on ACR 65.

9 37. Prior to the Committee hearing on September 9, 2013, an analysis of ACR 65
10 noted that ACR 65 was inconsistent with committee policy because it "conflicts with four of the
11 seven provisions of the committee's long-standing policy on highway designations."
12 Nevertheless, on September 9, 2013, the Committee on Transportation and Housing voted to
13 adopt ACR 65 and to re-refer ACR 65 to the Committee on Appropriations.

14 38. On September 10, 2013, ACR 65 was placed on second reading file pursuant to
15 Senate Rule 28.8.

16 39. A Bill Analysis for the Senate Floor issued on September 11, 2013.
17 Conspicuously absent from that analysis is any mention of ACR 65's conflict with committee
18 policy. The Bill Analysis lists 22 organizations in support of ACR 65, but does not include any
19 mention of organized opposition, or any opposition at all, to ACR 65, despite the thousands of
20 signatures that were turned in prior to and at the Senate Committee on Transportation and
21 Housing hearing and the testimony at that hearing of multiple speakers in opposition to the bill.

22 40. On September 11, 2013, ACR 65 was read a second time and ordered to a third
23 reading.

24 **FIRST CAUSE OF ACTION**
25 **Violation of Federal Civil Rights Act (42 U.S.C. §1983) –Due Process Clauses**
26 **of the Fifth Amendment and Fourteenth Amendment**
27 **(Against All Defendants)**

28 41. Plaintiff re-alleges and incorporates herein by reference each and every allegation
contained in this Complaint.

1 42. The Fourth and Fifth Amendments to the Constitution of the United States
2 guarantee and protect vital interests in liberty and privacy, and forbid the United States, and its
3 agencies and officers, from depriving citizens of those rights without due process of law.

4 43. Those vital interests include the ownership interests held and enjoyed by Plaintiff,
5 as a resident of the State of California and the City of San Francisco, along with other members
6 of the public, in public rights of way in California, including the Bay Bridge.

7 44. The formal and legal appellation assigned to public landmarks implicates this
8 interest.

9 45. The rules and procedures promulgated by a state establish a “baseline” for due
10 process, to which the government must adhere. These rules and procedures include Joint Rule
11 61 and other legislative rules designed to ensure adequate notice and an opportunity for
12 meaningful public comment and participation in the naming of landmarks, rights-of-way and
13 other public property.

14 46. There is no compelling interest, important interest, or even legitimate interest
15 justifying the Legislatures suspension and disregard of the safeguards afforded by Joint Rule 61
16 and the other rules suspended or disregarded by Defendants in pushing through ACR 65,
17 especially as the bill is classified as non-urgent.

18 47. Plaintiff and other members of the public have no adequate remedy at law and
19 face the irreparable loss of their rights. By reason of these violations of his constitutional rights,
20 plaintiff is entitled to declaratory judgment and injunctive relief against the enforcement of ACR
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22 **SECOND CAUSE OF ACTION**
23 **Violation of State Due Process Clause Under**
24 **California Constitution Article 1, Section 7**
25 **(Against All Defendants)**

26 48. Plaintiffs re-allege and incorporate herein by reference each and every allegation
27 contained in this Complaint.

28 49. Article I, Section 7 of the California Constitution provides in pertinent part that “a
person may not be deprived of life, liberty, or property without due process of law.”

1 50. The individual’s vital interests in life, liberty, and property include the ownership
2 interests held and enjoyed by Plaintiff, as a resident of the State of California and the City of San
3 Francisco, along with other members of the public, in public rights of way in California,
4 including the Bay Bridge.

5 51. The formal and legal appellation assigned to public landmarks implicates this
6 interest.

7 52. The rules and procedures promulgated by a state establish a “baseline” for due
8 process, to which the government must adhere. These rules and procedures include Joint Rule
9 61 and other legislative rules designed to ensure adequate notice and an opportunity for
10 meaningful public comment and participation in the naming of landmarks, rights-of-way and
11 other public property.

12 53. There is no compelling interest, important interest, or even legitimate interest
13 justifying the Legislatures suspension and disregard of the safeguards afforded by Joint Rule 61
14 and the other rules suspended or disregarded by Defendants in pushing through ACR 65.

15 54. Plaintiff and other members of the public have no adequate remedy at law and
16 face the irreparable loss of their rights. By reason of these violations of his constitutional rights,
17 plaintiff is entitled to declaratory judgment and injunctive relief against the enforcement of ACR
18 65.

19 **THIRD CAUSE OF ACTION**
20 **Violation of First Amendment of the Constitution (42 U.S.C. §1983)**
21 **(Against All Defendants)**

22 55. Plaintiffs re-allege and incorporate herein by reference each and every allegation
23 contained in this Complaint.

24 56. The First Amendment to the Constitution of the United States guarantees the
25 freedom of speech, the right to peaceably assemble, the right to expressive association, the right
26 to petition the Government for a redress of grievances, and freedom from compelled speech.

27 57. Defendants’ disregard of the procedural safeguards provided by Joint Rule 61 and
28 other rules in order to fast-track the passage of ACR 65 abridges Plaintiffs’ First Amendment
rights.

1 58. There is no compelling interest, important interest, or even legitimate
2 governmental interest, for those restrictions of First Amendment rights.

3 59. Plaintiff has no adequate remedy at law and faces the continuing and irreparable
4 loss of his rights. By reason of these violations of his constitutional rights, plaintiffs are entitled
5 to declaratory judgment and injunctive relief against the suspension of Joint Rule 61 and the
6 enforcement of ACR 65.

7 **FOURTH CAUSE OF ACTION**
8 **Violation of State Freedom of Speech Clause Under California Constitution**
9 **(Against All Defendants)**

10 60. Plaintiffs re-allege and incorporate herein by reference each and every allegation
11 contained in this Complaint.

12 61. Article I, section 2 of the California Constitution provides: "Every person may
13 freely speak, write and publish his or her sentiments on all subjects, being responsible for the
14 abuse of this right. A law may not restrain or abridge liberty of speech or press." The California
15 Constitution guarantees the right to speak, the right not to speak, and the right to choose the
16 content of one's message.

17 62. Defendants' disregard of the procedural safeguards provided by Joint Rule 61 and
18 other rules in order to fast-track the passage of ACR 65 abridges Plaintiffs' rights under the
19 California Constitution.

20 63. There is no compelling interest, important interest, or even legitimate
21 governmental interest, for those restrictions of constitutional rights. Plaintiff has no adequate
22 remedy at law and faces the continuing and irreparable loss of his rights. By reason of these
23 violations of his constitutional rights, plaintiffs are entitled to declaratory judgment and
24 injunctive relief against the suspension of Joint Rule 61 and the enforcement of ACR 65.

25 **PRAYER FOR RELIEF**

26 WHEREFORE, Plaintiffs pray for the following relief:

27 1. Injunctive relief to compel the California State Assembly and California State
28 Senate to adhere to Joint Rule 61, Joint Rule 62(a), and Joint Rule 10.6 in considering proposed
Assembly Concurrent Resolution No. 65;

1 2. To prohibit these bodies and their respective subdivisions and committees from
2 suspending or otherwise derogating these rules in consideration of proposed Assembly
3 Concurrent Resolution No. 65;

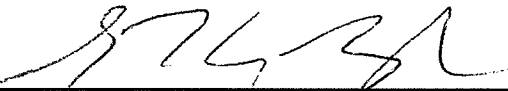
4 3. To prohibit the State of California and to refrain from re-naming the Bay Bridge
5 as proposed in Assembly Concurrent Resolution No. 65, until adherence to these rules has been
6 discharged; and

7 4. Such other injunctive and declaratory relief as the Court deems appropriate.

8 Dated: September 12, 2013

Respectfully submitted,

LAW OFFICES OF WHITNEY LEIGH

10 By: 

11 G. WHITNEY LEIGH
12 Attorney for Plaintiff
13 BOB PLANTHOLD
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DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial by jury on the claims raised herein.

Dated: September 12, 2013

Respectfully submitted,

LAW OFFICES OF WHITNEY LEIGH

By: 

G. WHITNEY LEIGH
Attorney for Plaintiff
BOB PLANTHOLD