

1 Scott A. McMillan, SBN 212506  
The McMillan Law Firm, APC  
2 4670 Nebo Drive, Suite 200  
La Mesa, CA 91941-5230  
3 Tel (619) 464-1500 x 14 // Fax (206) 600-5095  
email: [scott@mcmillanlaw.us](mailto:scott@mcmillanlaw.us)

4 Alan Alexander Beck, SBN 276646  
5 Attorney at Law  
4780 Governor Drive  
6 San Diego, CA 92122  
Telephone: (619) 971-0414  
7 Email: ngord2000@yahoo.com

8 Attorneys for Dimitirios Karras

9 UNITED STATES DISTRICT COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA

11 DIMITRIOS KARRAS, an individual,

12 Plaintiff,

13 v.

14  
15 WILLIAM D. GORE, SHERIFF, in  
his official capacity, COUNTY OF  
16 SAN DIEGO, a municipal  
corporation, UNKNOWN SAN  
17 DIEGO COUNTY SHERIFF'S  
DEPARTMENT FACEBOOK FAN  
18 PAGE ADMINISTRATORS I  
THROUGH V, in their individual and  
19 official capacities, inclusive, DOES  
20 VI THROUGH XX, inclusive,

21 Defendants.

Case No. '14CV2564 BEN KSC

COMPLAINT FOR DAMAGES,  
DEPRIVATION OF CIVIL RIGHTS,  
DECLARATORY AND  
INJUNCTIVE RELIEF UNDER THE  
FIRST AMENDMENT TO THE  
UNITED STATES CONSTITUTION  
(42 U.S.C. § 1983) AND THE  
CONSTITUTION OF THE STATE  
OF CALIFORNIA

Jury Trial Demanded

22  
23  
24 Plaintiff alleges as follows:

25 **GENERAL ALLEGATIONS**

26 1. This Court has subject matter jurisdiction under 42 U.S.C. § 1983 and 28  
27 U.S.C. §§ 1331, 1343, 2201, and 2202. This Court has supplemental jurisdiction  
28

over state law claims under 28 U.S.C. § 1367.

1 2. Plaintiff is informed and believes, and based thereon alleges, that  
2 Defendant COUNTY OF SAN DIEGO, sued in its capacity as a municipal  
3 corporation, is a municipal corporation incorporated under the laws of the State of  
4 California, and a person subject to liability under 42 U.S.C. § 1983.

5 3. Plaintiff is informed and believes, and based thereon alleges that Defendant  
6 SHERIFF WILLIAM D. GORE, sued in his official capacity is, at all times  
7 relevant herein, an agent acting under color of state law, and a person subject to  
8 liability under 42 U.S.C. § 1983.

9 4. Plaintiff is informed and believes, and based thereon alleges that  
10 Defendants designated as UNKNOWN SAN DIEGO COUNTY SHERIFF'S  
11 DEPARTMENT FACEBOOK FAN PAGE ADMINISTRATORS I THROUGH  
12 V, inclusive, sued in their official and individual capacities are, at all time  
13 relevant herein, agents acting under color of "state" law, and are persons subject  
14 to liability under 42 U.S.C. § 1983, and are responsible, in some manner, for the  
15 events and happening described herein. The true names and capacities of the  
16 various UNKNOWN SAN DIEGO COUNTY SHERIFF'S DEPARTMENT  
17 FACEBOOK FAN PAGE ADMINISTRATORS are not currently known to  
18 Plaintiff. Plaintiff will amend this complaint to reflect the true names and  
19 identities of the aforementioned parties at such time as they become known.

20 5. Plaintiff is informed and believes, and based thereon alleges, that  
21 Defendants, and each of them, including UNKNOWN SAN DIEGO COUNTY  
22 SHERIFF'S DEPARTMENT FACEBOOK FAN PAGE ADMINISTRATORS,  
23 sued in both their personal and official capacity, inclusive, were the agents,  
24 servants, employees, successors, assignees, transferees, and/or joint venturers of  
25 its co-defendants, and each was, as such, acting within the course, scope and  
26 authority of said agency, employment and/or joint venture and was acting with  
27 the consent, permission and authorization of each of the remaining Defendants.  
28 Also, Defendants, when acting as a principal, may have been negligent in the

1 selection and hiring of each and every other Defendant as agent, employee and/or  
2 joint venturer. All actions of each Defendant as alleged herein were ratified and  
3 approved by every other Defendant or its officers or managing agents.

4 6. Defendants, DOES VI THROUGH XX, inclusive, were at all relevant  
5 times employees of Defendants, and in doing the acts herein described, acted  
6 within the course of scope of their employment with Defendants.

7 7. Plaintiff is ignorant of the true names and capacities of Defendants sued  
8 herein as DOES VI THROUGH XX, inclusive, and therefore, sues these  
9 Defendants by such fictitious names. Plaintiff will amend this complaint to allege  
10 their true names and capacities when ascertained.

11 8. This Court has personal jurisdiction over Defendant COUNTY OF SAN  
12 DIEGO because it is a municipal corporation incorporated under the laws of the  
13 State of California.

14 9. This Court has personal jurisdiction over Defendants SHERIFF WILLIAM  
15 D. GORE, in his official capacity, UNKNOWN SAN DIEGO COUNTY  
16 SHERIFF'S DEPARTMENT FACEBOOK FAN PAGE ADMINISTRATORS,  
17 inclusive, in their individual and official capacities, and DOES VI THROUGH  
18 XX, inclusive, because they are agents of a municipal corporation incorporated  
19 under the laws of the State of California.

20 10. This Court also has personal jurisdiction over each of the Defendants  
21 because Plaintiff alleges that they, inter alia, acted under the color of state laws,  
22 policies, customs, and/or practices of the County of San Diego, a municipal  
23 corporation.

24 11. Plaintiff Dimitrios Karras is an individual, residing in the County of San  
25 Diego, California.

26 12. Venue is proper under 28 U.S.C. § 1391.

27 13. Plaintiff hereby demands a jury trial under Fed. R. Civ. P. 38(b).

28 **FACTUAL ALLEGATIONS**

14. Defendants operate a Facebook fan page for the San Diego County

1 Sheriff's Department, where it invites the Internet community to share its  
2 opinions on "on any topic to post anything they want on their social media  
3 accounts" via comment postings on its Facebook fan page. San Diego County  
4 Sheriff's Department, <https://www.facebook.com/sdsheriff> (last visited Oct. 10,  
5 2014). Plaintiff attaches a printed image of the "General Information" section of  
6 the Facebook fan page hereto as Exhibit One. Exhibit One is specifically  
7 incorporated herein as is restated verbatim herein:

8 **About**

9 Sheriff Bill Gore - Official San Diego County Sheriff's Department -  
10 This is a non-emergency communications tool. In an emergency dial  
11 9-1-1.

12  
13 **Description**

14  
15 The San Diego County Sheriff's Department is the chief law  
16 enforcement agency in San Diego County. The department is  
17 comprised of approximately 4,000 employees, both sworn officers  
18 and professional support staff. The department provides general law  
19 enforcement, detention and court services for the people of San  
20 Diego County in a service area of approximately 4,200 square miles.  
21 In addition, the department provides specialized regional services to  
22 the entire county, including the incorporated cities and the  
23 unincorporated areas of the county.

24  
25 **SHERIFF'S ROLE**

26 The Sheriff, elected by the residents of San Diego County, is the  
27 chief executive of the department. He manages seven major  
28 detention facilities as well as eight major patrol stations, four patrol

1 substations, a crime laboratory and an array of support operations  
2 necessary to provide full law enforcement coverage for the County  
3 of San Diego.

4 **GENERAL SERVICE AREAS**

5 The San Diego County Sheriff's Department is organized into six  
6 general service areas which includes the following:

- 7 |Office of the Sheriff
- 8 |Law Enforcement Services
- 9 |Detention Facility Services
- 10 |Court Services
- 11 |Human Resource Services
- 12 |Management Services

13  
14  
15 **Law Enforcement Services**

16  
17 The San Diego County Sheriff's Department provides contract law  
18 enforcement services for the cities of Del Mar, Encinitas, Imperial  
19 Beach, Lemon Grove, Poway, San Marcos, Santee, Solana Beach  
20 and Vista. In these cities the Sheriff's Department serves as their  
21 police department, providing a full range of law enforcement  
22 services including patrol, traffic and investigative services.

23  
24 In the unincorporated (non-city) areas, the Sheriff's Department  
25 provides generalized patrol and investigative services. The  
26 California Highway Patrol has the primary jurisdiction for traffic  
27 services in unincorporated areas.  
28

## **Detention Services**

1  
2 The San Diego County Sheriff's Department operates seven  
3 detention facilities. Male arrestees are booked at the San Diego  
4 Central Jail and Vista Detention Facility, while female arrestees are  
5 booked at the Las Colinas and Vista Detention Facilities. The  
6 remaining jails house inmates in the care of the Sheriff.

7  
8 In order to provide critical services to a daily inmate population over  
9 5,000, the Detention Services Bureau is supported by a  
10 state-of-the-art food services production center, comprehensive  
11 medical services, laundry, commissary, and inmate processing  
12 services. The Inmate Services Division provides a number of  
13 educational and rehabilitative programs aimed at improving the  
14 reentry success of those returning to our communities.

## **Court Services**

15  
16  
17  
18 In January 2000, the former San Diego County Marshal's Office  
19 merged with the Sheriff's Department. Since that time, the Sheriff  
20 has provided court security and related services for the San Diego  
21 Superior Court at several locations throughout the county.

## **General Information**

22  
23  
24  
25 We are not opposed to dissenting opinions on topics we post, but we  
26 ask that our social conversations remain civil, respectful and  
27 on-topic. Many of our postings concern matters of employee and  
28 volunteer successes. We believe it is the height of incivility to use

1 those opportunities to vent about unrelated topics or offer unrelated  
2 insults. We are respectful of the right we all have to free speech. We  
3 invite any users with opinions on any topic to post anything they  
4 want on their social media accounts. We simply ask for a degree of  
5 civility when making comments on our pages. Any user would likely  
6 expect the same of those posting made by others to their pages.  
7 Comments on topics outside these postings may be directed to the  
8 Sheriff's Department via <http://www.sdsheriff.net/>

9 For information about job opportunities with the Sheriff's  
10 Department, visit <http://www.joinsdsheriff.net/>

11  
12 15. Plaintiff alleges that Defendants have a policy and custom to screen  
13 comments after they are posted by individual members of the community, and  
14 later manipulates the nature of discussion by deleting those comments that are  
15 unfavorable to the Defendants, and by keeping comments that are favorable for  
16 display to the public.

17 16. On or about September 2, 2014, Plaintiff posted a comment on the San  
18 Diego County Sheriff's Department's ("Sheriff's Department") Facebook fan  
19 page.

20 17. Within the hour, Defendants removed Plaintiff's comment and banned  
21 Plaintiff from posting on the Sheriff's Department Facebook fan page.

22 18. On or about September 3, 2014, Plaintiff called Defendants and asked for  
23 clarification on the removal of his comment and subsequent banning of his  
24 personal Facebook account.

25 19. Defendant UNKNOWN SAN DIEGO COUNTY SHERIFF'S  
26 DEPARTMENT FACEBOOK FAN PAGE ADMINISTRATOR I, a female,  
27 informed Plaintiff that she "knew who [Plaintiff] was," and that she would not  
28 allow Plaintiff to post on the Sheriff's Department Facebook fan page.

1 20. On September 3, 2014, under the alias “Jim Block,” Plaintiff posted  
2 political commentary in the form of a comment on the Sheriff’s Department  
3 Facebook fan page under a post entitled “#Brake4Buses.” Plaintiff’s comment  
4 comprised of the following:

5  
6 Sheriff Gore: Do you plead the 5th about your involvement in the  
7 MURDER of an unarmed woman who was holding her baby?  
8 REMEMBER RUBY RIDGE.

9  
10 Plaintiff attaches a printed image of the comment hereto as Exhibit Two.  
11 Exhibit Two is specifically incorporated herein as is restated verbatim  
12 herein.

13 21. Less than an hour later, on September 3, 2014, Defendants censored  
14 Plaintiff’s criticism of Defendant SHERIFF WILLIAM D. GORE, by removing  
15 Plaintiff’s comment. Plaintiff attaches a printed image of the Sheriff’s Department  
16 Facebook fan page that shows government censorship hereto as Exhibit Three.  
17 Exhibit Three is specifically incorporated herein as it is restated verbatim herein.

18 22. Defendants provided Plaintiff no notice or opportunity to be heard.

19 23. On or about September 4, 2014, Plaintiff sent a letter to Defendants,  
20 alleging that Defendants have violated the First Amendment by censoring  
21 Plaintiff’s political commentary. Plaintiff attached a printed image of the letter  
22 hereto as Exhibit Four. Exhibit Four is specifically incorporated herein as if it  
23 was restated verbatim herein.

24 24. Despite receiving Plaintiff’s letter, and being on notice of First Amendment  
25 violations, Defendants continue to cherry-pick comments on the Sheriff’s  
26 Department Facebook fan page in order to cultivate a self-serving political image.  
27 Defendants continue to punish those that fail to conform to the government  
28 message by banning them from further discussion.



1 25. In fact, Defendant SHERIFF WILLIAM D. GORE and/or Defendants  
2 UNKNOWN SAN DIEGO COUNTY SHERIFF'S DEPARTMENT FACEBOOK  
3 FAN PAGE ADMINISTRATORS I THROUGH V, inclusive, having final  
4 policy-making authority on the municipal corporation's administration of the  
5 Sheriff's Department Facebook fan page, ratified the decision to delete Plaintiff's  
6 posts and to ban Plaintiff from continued discourse in an act of official  
7 government policy.

8 26. Plaintiff alleges that Defendants have established a policy and custom to  
9 continue to engage in wide-spread censorship of political commentary under the  
10 name of "civility" on the Sheriff's Department Facebook fan page. Plaintiff also  
11 alleges that this is standard operating procedure for Defendants.

12 27. Plaintiff also alleges that Defendants have established a policy and custom  
13 to select and retain desirable comments that praise the Defendants, and that  
14 Defendants delete those that do not, as standard operating procedure. Plaintiff  
15 attaches a printed image of the Sheriff's Department Facebook fan page that  
16 shows positive comments as Exhibit Five. Exhibit Five is specifically  
17 incorporated herein as if it was restated verbatim herein.

18 28. Plaintiff lost valuable time investigating Defendants' First Amendment  
19 violations and notifying Defendants of its First Amendment Violations.  
20 Accordingly, Plaintiff has suffered unnecessary damages in lost productivity.

21 29. Plaintiff suffered irritation, shame, and humiliation of being denied the  
22 same access to a public forum, as any citizen of the United States should enjoy.

23 30. Defendants, by denying Plaintiff's political speech, caused Plaintiff to lose  
24 a critical opportunity to communicate on topics of importance to society.

25  
26  
27  
28

FIRST CAUSE OF ACTION

**CLAIM FOR DAMAGES FOR VIOLATION OF THE FIRST AND  
FOURTEENTH AMENDMENTS TO THE UNITED STATES  
CONSTITUTION AND 42 U.S.C. § 1983**

(Against All Defendants)

31. The First Amendment provides that “Congress shall make no law . . . abridging the freedom of speech . . . .” U.S. Const. amend. I. The protections afforded in the First Amendment are within the protective scope of 42 U.S.C § 1983. Cinevision Corp. v. City of Burbank, 745 F.2d 560, 566 (9th Cir. 1984). Therefore, actions by police officers that amount to retaliation against persons for criticizing government officials violates the First Amendment, and creates a cause of action under 42 U.S.C. § 1983. See Hale v. Townley, 19 F.3d 1068, 1073 (5th Cir. 1994).

32. If a plaintiff seeks injunctive relief, irreparable harm is presumed if he alleges First Amendment violations, even for “minimal periods of time.” See Goldie’s Bookstore, Inc. v. Super. Ct. of Cal., 739 F.2d 466, 472 (9th Cir. 1984); Elrod v. Burns, 427 U.S. 347, 373 (1976) (holding that the district court abused its discretion in denying a preliminary injunction remedy for plaintiffs who alleged threats to First Amendment interests in their complaint). Plaintiff so alleges here.

33. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 32, and each and every part thereof with the same force and effect as though set out at length herein.

34. Plaintiff alleges that the Defendants get their authority under state law, and act under the color of state law when they act in their capacity as agents of a municipal corporation.

35. Plaintiff alleges that Defendants operate the Sheriff’s Department Facebook fan page in such a fashion that it indiscriminately invites and encourages internet users to engage in discussion within its postings.

1 36. Plaintiff alleges that Defendants deleted political commentary that was  
2 unfavorable to Defendants, and forbade Plaintiff from participating on the  
3 Sheriff's Department Facebook fan page for arbitrary reasons. Such speech is  
4 core political speech, a form of expression integral to the system of government.  
5 See Buckley v. Valeo, 424 U.S. 1, 39 (1976).

6 37. Plaintiff alleges that Defendants promoted the view-point that Defendants  
7 are immune from public criticism by selectively keeping comments that praise  
8 Defendants, while eliminating those that cast Defendants in an unfavorable light.

9 38. As a direct and proximate result of Defendants' actions as described above,  
10 Plaintiff has suffered as follows: Plaintiff was compelled to curtail activity and  
11 speech protected by the First and Fourteenth Amendment to the United States  
12 Constitution. Plaintiff was caused to fear the erosion of his civil liberty and rights  
13 as provided by the United States Constitution.

14 39. Plaintiff alleges that no reasonable police officer, knowing that the First  
15 Amendment right to engage in political discourse in a designated public forum is  
16 "clearly established," would so wrongly and arbitrarily regulate political  
17 discourse in the same manner as Defendants.

18 40. Plaintiff alleges that Defendants, even after being placed on notice of First  
19 Amendment violations, ratified its previous wrongful behavior, and continues its  
20 wrongful custom or practice to censor the public debate.

21 41. Plaintiff alleges that such brazen censorship is not in the public interest.

22 42. And that Plaintiff is likely to succeed on the merits of the instant case.

23 43. Plaintiff alleges that Defendants' actions violate the First and Fourteenth  
24 Amendments to the United States Constitution and that the current cause of action  
25 is within this Court's jurisdiction under 42 U.S.C. § 1983.

26 44. Plaintiff has suffered damages, and requests compensatory and punitive  
27 damages against Defendants.

28 45. Plaintiff also seeks injunctive and declaratory relief against Defendants, for

1 attorneys' fees pursuant to 42 U.S.C. § 1988, and for such other reasonable and  
2 just relief as the law permits.

3 46. Defendants' conduct was driven by evil motive or intent, or involved a  
4 reckless or callous indifference to the constitutional rights of others. Morgan v.  
5 Woessner, 997 F.2d 1244, 1255 (9th Cir. 1993). Thus, Plaintiff is entitled to an  
6 award of Punitive damages in an amount according to proof of trial.

7  
8 **SECOND CAUSE OF ACTION**

9 **DUE PROCESS VIOLATION**

10 (Against All Defendants)

11 47. Plaintiff incorporates by reference the allegations contained in paragraphs 1  
12 through 46, and each and every part thereof with the same force and effect as  
13 though set out at length herein.

14 48. Defendants denied Plaintiff's Due Process rights protected under the Fifth  
15 and Fourteenth Amendment to the United States Constitution.

16 49. Plaintiff alleges that Defendants deleted Plaintiff's comments and banned  
17 his further participation of political discussion without any meaningful  
18 explanation.

19 50. Plaintiff alleges that he has no means to appeal the deletion and/or ban or  
20 seek relief from a higher authority.

21 51. Plaintiff alleges that no policies or procedures have been developed or  
22 promulgated to help guide Defendants' decisions and actions to protect  
23 Plaintiff's First Amendment interests.

24 52. Plaintiff seeks injunctive and declaratory relief against Defendants, and for  
25 such other reasonable and just relief as the law permits.

26 53. Plaintiff has suffered damages, and requests compensatory and punitive  
27 damages.

28 54. Defendants' conduct was driven by evil motive or intent, or involved a

1 reckless or callous indifference to the constitutional rights of others. Morgan v.  
2 Woessner, 997 F.2d 1244, 1255 (9th Cir. 1993). Thus, Plaintiff is entitled to an  
3 award of Punitive damages in an amount according to proof of trial.

4  
5 **THIRD CAUSE OF ACTION**

6 **CLAIM FOR DAMAGES FOR VIOLATION OF THE**  
7 **CONSTITUTION OF THE STATE OF CALIFORNIA**

8 (Against All Defendants)

9 55. Plaintiff incorporates by reference the allegations contained in paragraphs 1  
10 through 53, and each and every part thereof with the same force and effect as  
11 though set out at length herein.

12 56. This Court has supplemental jurisdiction over this state law claim, under 28  
13 U.S.C. § 1367.

14 57. Defendants actions, as described above, violated Article 1, Section 2 of the  
15 Constitution of the State of California, and Plaintiff is entitled to injunctive and  
16 declaratory relief, as well as attorneys fees pursuant to Cal. Code of Civ. Proc. §  
17 1021.5.

18 58. Plaintiff is informed and believes, and based thereon alleges, that his  
19 exercise or enjoyment of rights secured by the Constitution or laws of the United  
20 States, or of rights secured by the Constitution or laws of this state, have been  
21 interfered with Defendants, and each of them. Accordingly, Plaintiff may institute  
22 and prosecute in his own name and on his own behalf a civil action for damages,  
23 including, but not limited to, damages under Cal. Civ. Code § 52 and § 52.1,  
24 injunctive relief, for attorneys' fees pursuant to Cal. Civ. Code § 52.1(h), and  
25 other appropriate equitable relief to protect the peaceable exercise or enjoyment  
26 of the rights or rights secured, in accordance with Cal. Civ. Code § 52.1.

27 59. Plaintiff has suffered damages, and requests compensatory and punitive  
28 damages.

1 60. As the conduct set forth is malicious, oppressive, and fraudulent as such  
2 term is used in Cal. Civ. Code § 3295, Plaintiff is entitled to an award of Punitive  
3 damages in an amount according to proof at trial.

4  
5 COUNT 1

6 **CLAIM FOR DAMAGES FOR VIOLATION OF ARTICLE 1**  
7 **SECTION 2 OF THE CONSTITUTION OF THE STATE OF**  
8 **CALIFORNIA**

9 (Against All Defendants)

10 61. Article 1, Section 2 (a) of the Constitution of the State of California  
11 provides that:

12  
13 Every person may freely speak, write and publish his or her  
14 sentiments on all subjects, being responsible for the abuse of this  
15 right. A law may not restrain or abridge liberty of speech or press.

16 62. Defendants actions, as described above, violated Article 1, Section 2 of the  
17 Constitution of the State of California, and Plaintiff is entitled to injunctive and  
18 declaratory relief, as well as attorneys fees pursuant to Cal. Code of Civ. Proc. §  
19 1021.5.

20 63. Plaintiff is informed and believes, and based thereon alleges, that his  
21 exercise or enjoyment of rights secured by the Constitution or laws of the United  
22 States, or of rights secured by the Constitution or laws of this state, have been  
23 interfered with Defendants, and each of them. Accordingly, Plaintiff may institute  
24 and prosecute in his own name and on his own behalf a civil action for damages,  
25 including, but not limited to, damages under Cal. Civ. Code § 52 and § 52.1,  
26 injunctive relief, for attorneys' fees pursuant to Cal. Civ. Code § 52.1(h), and  
27 other appropriate equitable relief to protect the peaceable exercise or enjoyment  
28 of the rights or rights secured, in accordance with Cal. Civ. Code § 52.1.

1 64. Plaintiff has suffered damages, and requests compensatory and punitive  
2 damages.

3 65. As the conduct set forth is malicious, oppressive, and fraudulent as such  
4 term is used in Cal. Civ. Code § 3295, Plaintiff is entitled to an award of Punitive  
5 damages in an amount according to proof at trial.

6  
7 COUNT 2

8 **CLAIM FOR DAMAGES FOR VIOLATION OF THE DUE**  
9 **PROCESS CLAUSE OF THE CONSTITUTION OF THE STATE OF**  
10 **CALIFORNIA**

11 (Against All Defendants)

12 66. Article 1, Section 7 of the Constitution of the State of California provides  
13 that:

14  
15 A person may not be deprived of life, liberty, or property without due  
16 process of law or denied equal protection of the laws . . . .

17 \*\*\*

18 A citizen or class of citizens may not be granted privileges or immunities  
19 not granted on the same terms to all citizens.

20 67. Defendants actions, as described above, violated Article 1, Section 7 of the  
21 Constitution of the State of California, and Plaintiff is entitled to injunctive and  
22 declaratory relief, as well as attorneys fees pursuant to Cal. Code of Civ. Proc. §  
23 1021.5.

24 68. Plaintiff is informed and believes, and based thereon alleges, that his  
25 exercise or enjoyment of rights secured by the Constitution or laws of the United  
26 States, or of rights secured by the Constitution or laws of this state, have been  
27 interfered with Defendants, and each of them. Accordingly, Plaintiff may institute  
28 and prosecute in his own name and on his own behalf a civil action for damages,

1 including, but not limited to, damages under Cal. Civ. Code § 52 and § 52.1,  
2 injunctive relief, for attorneys' fees pursuant to Cal. Civ. Code § 52.1(h), and  
3 other appropriate equitable relief to protect the peaceable exercise or enjoyment  
4 of the rights or rights secured, in accordance with Cal. Civ. Code § 52.1.

5 69. Plaintiff has suffered damages, and requests compensatory and punitive  
6 damages.

7 70. As the conduct set forth is malicious, oppressive, and fraudulent as such  
8 term is used in Cal. Civ. Code § 3295, Plaintiff is entitled to an award of Punitive  
9 damages in an amount according to proof at trial.

10  
11 **PRAYER FOR RELIEF**

12 Wherefore, Plaintiff prays for judgment as follows:

13 **AS TO THE FIRST AND SECOND CAUSES OF ACTION:**

- 14 1. Declaratory judgment that Defendants' administration of the  
15 Sheriff's Department Facebook fan page and the policies governing its use  
16 violate the First Amendment of the United States Constitution;
- 17 2. Declaratory judgment affirming that Defendants' administration of  
18 the San Diego County Sheriff's Department Facebook fan page and the  
19 policies, customs and/or practices governing this administration violate  
20 the Fifth and Fourteenth Amendment of the United States Constitution;
- 21 3. For attorneys' fees, statutory fees and costs under 42 U.S.C. § 1988;
- 22 4. Compensatory damages; and
- 23 5. Punitive damages under 42 U.S.C. § 1983 within the meaning of  
24 Morgan, 997 F.2d at 1255.

25 **AS TO THE THIRD CAUSE OF ACTION:**

- 26 1. Declaratory judgment that Defendants' administration of the  
27 Sheriff's Department Facebook fan page and the policies governing its use  
28 violate the California Constitution;



1           2.     Declaratory judgment that Defendants' administration of the  
2     Sheriff's Department Facebook fan page and the policies governing its use  
3     violate Article 1, Section 2 of the California Constitution;

4           3.     Declaratory judgment affirming that Defendants' administration of  
5     the San Diego County Sheriff's Department Facebook fan page and the  
6     policies, customs and/or practices governing this administration violate  
7     Article 1, Section 7 of the California Constitution;

8           4.     For attorneys' fees, statutory fees and costs under Cal. Code of Civ.  
9     Proc. § 1021.5;

10          5.     For attorneys' fees, statutory fees and costs under Cal. Civ. Code §  
11     52 and § 52.1, including § 52.1(h);

12          6.     Compensatory damages; and

13          7.     Punitive damages for malicious intent and oppressive conduct  
14     against Plaintiff.

15     **AS TO ALL CAUSES OF ACTION:**

16           1.     A temporary restraining order compelling Defendants and/or their  
17     officers, agents, servants, employees, and all persons in concert or  
18     participation with them who receive notice of this injunction, to restore  
19     Plaintiff's deleted posts; to permit Plaintiff to participate in the forum  
20     discussions; and restraining Defendants and/or their officers, agents,  
21     servants, employees, and all persons in concert or participation who receive  
22     notice of this injunction but any person for political speech made on the  
23     Sheriff's Department Facebook fan page and/or removing protected speech  
24     from the Facebook fan page;

25           2.     Preliminary and/or permanent injunctive relief compelling  
26     Defendants and/or their officers, agents, servants, employees, and all  
27     persons in concert or participation with them who receive notice of this  
28     injunction, to restore Plaintiff's deleted posts; to permit Plaintiff to

1 participate in the forum discussions; and restraining Defendants and/or  
2 their officers, agents, servants, employees, and all persons in concert or  
3 participation who receive notice of this injunction but any person for  
4 political speech made on the Sheriff's Department Facebook fan page  
5 and/or removing protected speech from the Facebook fan page;

6 3. Compensatory and/or punitive damages; and

7 4. Such other and further relief, including injunctive relief, against all  
8 Defendants, as may be necessary to effectuate the Court's judgment, or as  
9 the Court otherwise deems just and equitable.

10  
11 Respectfully Submitted,

12  
13 Dated: October 27, 2014

THE MCMILLAN LAW FIRM, A.P.C.

14  
15 BY: /s/ Scott A. McMillan  
16 Scott A. McMillan  
Attorney for Plaintiff  
Dimitrios Karras

17  
18 **DEMAND FOR JURY TRIAL**

19 Plaintiff demands a jury trial on all causes of action so determinable.

20  
21 Dated: October 27, 2014

THE MCMILLAN LAW FIRM, A.P.C.

22  
23 BY: /s/ Scott A. McMillan  
24 Scott A. McMillan  
Attorney for Plaintiff  
Dimitrios Karras