

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Gregory Alarcon

**LOS ANGELES CENTER FOR
COMMUNITY LAW AND ACTION**

1137 North Westmoreland Avenue, #16

Los Angeles, CA 90029

Telephone: (909) 524 6505

GINA HONG (SBN 322256)

gina.hong@laccla.org

TYLER ANDERSON (SBN 301808)

tyler.anderson@laccla.org

NOAH GRYNBERG (SBN 296080)

noah.grynberg@laccla.org

SARAH WALKOWICZ (SBN 330112)

sarah.walkowicz@laccla.org

Attorneys for Plaintiffs

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES — CENTRAL DISTRICT**

Case No.: 20STCV45184

ELODIA AMPARO GONZALEZ,
TERESA ROMAN ROSALES,

Plaintiffs,

v.

MARTIN GARCIA,
DOES 1-100.

Defendants.

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF:**

1. **Violation of the Fair Employment and Housing Act, Gov. Code § 12955**
2. **Violation of the Unruh Act, Civil Code § 51**
3. **Breach of the Common Law Covenant of Quiet Enjoyment**
4. **Breach of the Covenant of Quiet Enjoyment in Violation of Cal. Civ. Code § 1940.2**
5. **Unfair and Unlawful Business Practices in Violation of California Business & Professions Code § 17200, et seq.**
6. **Intentional Infliction of Emotional Distress**
7. **Violation of the Bane Act, Cal. Civ. Code § 52.1**
8. **Breach of the Common Law Duty of Care**
9. **Assault**
10. **Battery**

DEMAND FOR JURY TRIAL

1 **I. INTRODUCTION**

2 That people of all genders should be free from abuse and harassment is, in many
3 circumstances, still an ambitious claim. Tragically, men in positions of power continue to terrorize
4 and fail to meet aspirations for a more equitable world. These men include landlords who use their
5 disproportionate power as landowners to oppress their lessees, not only as tenants, but as women
6 tenants. This case arises because Defendant is one such landlord: Defendant Martin Garcia
7 enforces a campaign of fear and violence on his tenant, Plaintiff Amparo Gonzalez, inflicting
8 collateral damage on her supporters, such as Plaintiff Teresa Roman Rosales. Defendant Martin
9 Garcia is motivated by invidious discrimination against Plaintiff Amparo Gonzalez for her status
10 as a woman and single mother. He must be stopped, and the women he harmed must be made
11 whole to the extent possible in a court of law.

12 **II. PARTIES**

13 1. Plaintiff Elodia Amparo Gonzalez (“Amparo Gonzalez” or “Amparo”) is, and was
14 at all times material hereto, a resident of the County of Los Angeles in the State of California, and
15 a tenant at 2686 Thorpe Ave, Los Angeles, CA 90065 (“the Property”).

16 2. Plaintiff Teresa Roman Rosales (“Teresa Rosales” or “Teresa”) is, and was at all
17 times material hereto, a resident of the County of Los Angeles in the State of California, and a
18 tenant in a building in the same neighborhood as the Property. Plaintiff Teresa Roman Rosales is
19 a friend and supporter of Plaintiff Amparo Gonzalez.

20 3. Defendant Martin Garcia (“Martin Garcia”) was, at all times material hereto, a
21 resident of the County of Los Angeles in the State of California, and the owner and lessor of the
22 Property. He acquired the Property in 2010.

23 4. Wherever reference is made in this Complaint to any act or failure to act by a
24 Defendant or Defendants, such allegations and references shall also mean the acts and failures to
25 act of each Defendant, whether acting individually, or jointly and severally.

26 5. Wherever reference is made to individuals who are not named as Defendants in this
27 Complaint, but who are, or were, employees, agents, associates, joint venturers, managers,
28 directors, board members, partners, trustees, or beneficiaries of a named Defendant and/or the

1 named Defendant's companies or organizations, Plaintiffs assert that the conduct of such
2 individuals at all relevant times was on behalf of the named Defendant and was within the course
3 and scope of their employment or agency.

4 **III. ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

5 6. Amparo Gonzalez is a residential tenant at the Property. She initiated her tenancy
6 thirteen years ago, in 2007, by a verbal lease agreement. The rental agreement included occupancy
7 by her, her children, and her husband at the time, of one of the units at the Property.

8 7. In 2010, Martin Garcia purchased the Property and became Amparo Gonzalez's
9 landlord.

10 8. Two years after Martin Garcia purchased the Property, he verbally informed
11 Amparo Gonzalez and her then-husband that he would be moving into their unit, occupying one
12 of the bedrooms and sharing the living room and kitchen. Amparo Gonzalez's then-husband
13 negotiated to pay less rent for the Property in exchange for Martin Garcia's use of the unit. Shortly
14 thereafter, Defendant did indeed move into the unit.

15 9. In 2018, Amparo Gonzalez separated from her husband, who moved out of the
16 Property.

17 10. To date, Martin Garcia lives in the unit with Amparo Gonzalez.

18 11. In March 2019, Martin Garcia had a girlfriend move into the unit. The girlfriend
19 shortly began acting as his agent, responding to all matters related to Amparo Gonzalez' tenancy.
20 The girlfriend has stated to Amparo Gonzalez on multiple occasions that the Property is the
21 girlfriend's property, and that she is managing the Property. Amparo Gonzalez has understood
22 since the girlfriend moved in that, if there is an issue such as a habitability concern with the unit,
23 the person with whom she must raise those concerns for redress is Martin Garcia's girlfriend.
24 Martin Garcia is aware that his girlfriend manages the Property and has never voiced opposition
25 to it.

26 12. Amparo Gonzalez currently lives with her three minor children: Karen (11 years
27 old), Melanie (6 years old) and Javier (1 year old).

28 **Defendant Martin Garcia violently discriminates against Plaintiff Amparo Gonzalez**

1 **through constant hyper-sexualized verbal assaults and physical threats.**

2 13. Within a month of her husband’s departure, Amparo Gonzalez began to experience
3 increasing harassment, threats and abuse inflicted by Martin Garcia, who immediately began to
4 prey on Amparo Gonzalez because she is not living with a man.

5 14. Shortly after witnessing Amparo Gonzalez’s husband leave, Martin Garcia
6 demanded to know whether she was vacating the unit as well, verbally threatening to terminate
7 her tenancy.

8 15. Approximately six months after Amparo Gonzalez’s husband left, Martin Garcia
9 continued to pressure Amparo Gonzalez into vacating her unit by claiming he had sold the
10 Property, and verbally threatened to terminate her tenancy.

11 16. Since the departure of Plaintiff Amparo’s ex-husband, Defendant Martin Garcia
12 consistently threatens Amparo Gonzalez with termination of her tenancy with vulgar verbal
13 threats, such as, “You’re leaving one way or another—I’m going to get you out.”

14 17. In addition to threatening to terminate her tenancy whenever possible, Martin
15 Garcia enforces a campaign of verbal and physical harassment of Amparo Gonzalez. For example,
16 he has repeatedly stated, “I’m going to do something to you, and you’re never going to forget who
17 I am.”

18 18. Martin Garcia’s behavior has created an environment of terror for Amparo
19 Gonzalez and her children since the departure of her ex-husband. Particularly with the help of his
20 girlfriend, Martin Garcia has continuously waged a campaign of harassment and intimidation
21 against Amparo Gonzalez:

22 19. Since the departure of Amparo Gonzalez’s ex-husband, Martin Garcia and his
23 agents engage in near constant verbal abuse of the Amparo Gonzalez, frequently referring to her
24 as “prostitute,” “daughter of a whore,” and “bitch.” Martin Garcia’s verbal abuse is sexualized and
25 gendered in the basest manner:

26 20. Martin Garcia and his agents frequently state that Amparo Gonzalez needs a man
27 to be able to pay more rent, at times explicitly yelling, “Why don’t you go get [your husband] to
28 give you some money so you can pay more.” He also yells, “Go get a job.”

1 21. Martin Garcia surveilles and keeps track of instances when Defendant Amparo
2 Gonzales' friends support each other through mutual aid in the form of childcare: when other
3 women drop off their children for supervised play-dates with her own children, he threatens to
4 falsely report her to government agencies, such as law enforcement, for making "daycare money."

5 22. Approximately two years ago, when Amparo Gonzalez was pregnant with her
6 youngest child, Martin Garcia's girlfriend and agent got into a physical altercation with Amparo
7 Gonzalez wherein the girlfriend hit Amparo Gonzalez. Amparo Gonzalez demanded that the
8 physical abuse stop because she was pregnant, but the girlfriend insisted that Amparo Gonzalez
9 was lying about the pregnancy. Later, Martin Garcia continued to accost Amparo Gonzalez
10 whenever possible about her status as a pregnant woman, harassing her verbally and accusing,
11 "You only had these children because you're trying to build a case against me so you can stay in
12 this house."

13 23. Approximately a year ago, when Amparo Gonzalez gave birth to her youngest
14 child, Martin Garcia and his agents began to tailor their verbal abuse to target her status as a single
15 mother, frequently commenting on the child being a bastard, and increasing sexualized, harassing
16 verbal assaults about her being a "whore."

17 24. On multiple occasions after Amparo Gonzalez's husband left, Martin Garcia has
18 made false, retaliatory and harassing calls to the Department of Child and Family Services
19 ("DCFS") to falsely accuse Amparo Gonzalez of being an unfit parent, thereby threatening her
20 with the loss of her children. To investigators from DCFS and other tenants at the Property, Martin
21 Garcia has loudly stated that Amparo Gonzalez is a "prostitute." He has also recklessly and
22 blatantly told falsehoods to DCHS investigators that Plaintiff Amparo Gonzalez is a "prostitute"
23 who sleeps with men in front of her children. Martin Garcia has made all communications to DCFS
24 with a reckless disregard as to the truth of any of this accusations.

25 25. Approximately two years ago, the Martin Garcia entered Amparo Gonzalez's
26 bedroom in the middle of the night with nothing but his boxers on. He only left once Amparo
27 Gonzalez's minor daughter Karen woke up and started yelling at him to leave them alone.

28 26. Since Amparo Gonzalez's husband left, Martin Garcia has continuously lodged his

1 verbal attacks against her, irrespective of whether other people are present, whether they are other
2 tenants, or visitors of Amparo Gonzalez: Defendant consistently and overtly sexualizes and
3 objectifies her in front of other people. Martin Garcia continues to verbally denigrate her even
4 when she is holding her youngest child in her arms.

5 27. Indeed, even when service providers, such as the therapists who provide home-
6 visits for Plaintiff Amparo Gonzales’s minor daughter Melanie, visit the Property, Martin Garcia
7 and his agents unfailingly harass Amparo Gonzalez by goading her with comments like, “This is
8 what you do—you make a scene in front of the therapist.” Martin Garcia and his agents directly
9 address the guests to feed malicious and oppressive stories to them. For example, they tell
10 Melanie’s therapists that Amparo Gonzalez is a “bad mother,” or fabricate to social workers that
11 Martin Garcia and Amparo Gonzalez are sexually involved. Martin Garcia has told visitors to the
12 Property that Amparo Gonzalez refuses to leave the Property because, “She is in love with me and
13 she wants money.”

14 28. Martin Garcia also repeatedly threatens to “send someone after” Amparo Gonzalez
15 to “beat her up.” As a result, Amparo Gonzalez and her daughters have experienced spikes in
16 anxiety and nervousness whenever they see anyone whom they do not recognize near the Property.

17 29. At times, Martin Garcia has gone so far as to physically attack Amparo Gonzalez:
18 on one occasion, he walked past her in the kitchen in an attempt to access her bedroom to take
19 more video recordings of her room. She asked him to stop, but he responded by yelling, “I can do
20 whatever I want. This is my house, and I can record wherever I want.” He then struck Amparo
21 Gonzalez across the head.

22 30. Indeed, irrespective of whether her children are with her, Martin Garcia and his
23 agents constantly yell and shout at Amparo Gonzalez, video recording her and shouting at her to
24 “Shut up.” Martin Garcia and his agents accost her verbally whenever she is in the shared kitchen
25 or laundry area, as if punishing her for using both. Whenever Martin Garcia is near her in any
26 communal area in the home, including when she eats with her children in the kitchen, Amparo
27 Gonzalez feels the need to keep her phone video recording function on, in order to protect herself
28 and her children from further escalation by him and his agents.

1 Amparo several times prior to September 2020. One of the women who attacked the Plaintiffs on
2 September 19, 2020, was Martin Garcia’s girlfriend. Amparo also recognized another attacker as
3 the same woman who once served her with a notice from Martin Garcia within the past couple
4 years.

5 *Defendant Martin Garcia instigates and executes a vicious attack on Plaintiff Amparo Gonzalez*
6 *and her minor daughter.*

7 38. On the afternoon of September 19, 2020, Amparo was in the kitchen, finishing up
8 cooking at around 6:30 P.M. She was holding her one-year-old, Javier, in her arms. Her 11-year-
9 old daughter, Karen, was with her. Martin Garcia and his girlfriend then entered the kitchen and
10 demanded that Amparo go to her room because they were going to use the kitchen. Amparo did
11 not answer them; her Karen started saying, “Hurry, mom.” Martin Garcia and his girlfriend then
12 began to provoke Amparo. They began to threaten her, physically menacing and intimidating her,
13 saying, “If you don’t leave right now, I’ll knock your teeth out.”

14 39. Amparo attempted to stay calm and assert herself by saying “You’re not going to
15 hit me. I have my baby in my arms.” She then tried to leave the kitchen area, but she was stopped
16 by Martin Garcia’s girlfriend who refused to let her pass by. Martin Garcia then said, “This is too
17 much. I’m going to call my girlfriends’ daughters, and they’re going to come and beat you up.”
18 Amparo observed his girlfriend calling someone, and Martin Garcia speaking into the phone,
19 telling the recipient to come and “beat this woman up.” Martin Garcia then yelled at Amparo,
20 “Speak! Go ahead and speak!” Amparo did not respond, but tried to take her phone surreptitiously
21 to get to her room and call the police, believing Martin Garcia’s threats. Martin Garcia and his
22 girlfriend started pushing Amparo out of the kitchen, and she then moved toward her room across
23 the laundry room that separates her room and the kitchen.

24 40. Karen then hurried into their bedroom. Martin Garcia was still yelling and arguing,
25 telling Amparo Gonzalez, “Shut up, because her daughters are already on their way. They’re very
26 close. Both of them.” Martin Garcia and his girlfriend continued to verbally harass Amparo as she
27 attempted to physically stay away from them. At some point in the verbal altercation, with years
28 of anguish and recent events involving their threatening behavior towards her children

1 overwhelming her, Amparo yelled out, “Just do it then! Do it!” (*¡Hagalo!*)

2 41. Amidst the commotion, Amparo soon saw the women whom she assumed to be the
3 daughters of Martin Garcia’s girlfriend appear at the door of the kitchen. They advanced towards
4 Amparo, backing her into hallway between the kitchen and her room. She attempted to close the
5 hallway door behind her, but the attackers opened it and entered the hallway. Amparo heard Martin
6 Garcia’s girlfriend say, “Don’t hit her with her baby in her arms” and the attackers respond, “I
7 don’t care.” The attackers then started to physically grab at Amparo.

8 42. Karen began to video record this altercation from inside their bedroom. Amparo
9 saw her six-year-old daughter, Melanie, open the door to their bedroom at the end of the hallway
10 to see Amparo and Karen fending off the attack. Melanie began pleading, “Come to me mommy!
11 Come to me!” (*¡Vénganse para acá! ¡Mami vente!*), “Run! Run!” (*¡Corri! ¡Corri!*). Amparo
12 tried to run into her room, attempting to bring along Karen, who was recording the scene. Attackers
13 were still clawing at Amparo, grabbing for her, as she attempted to shield Javier from physical
14 harm. Amparo sensed that the baby was terrified.

15 43. At some point in this commotion, one of the attackers came into the bedroom to hit
16 Karen, and the tablet in her hands was knocked to the floor. Devastated, Amparo yelled “Don’t
17 touch Karen!” Karen repeated over and over “Mom don’t worry; I’m going to be ok.” Amparo
18 tried to run into the bedroom.

19 44. After this struggle, Amparo made it to her bedroom, and closed the door, locking it
20 behind them. Once inside, Amparo used her phone to call 911, asking the responder to please hurry
21 and send police and a paramedic. She was terrified that the attackers would attempt to enter the
22 room by force, and hyper-aware that her daughter Karen had already suffered blows from the
23 attackers. She wanted medical help for Karen immediately. Amparo put Javier down on the bed
24 while she made this call.

25 45. Meanwhile, Karen was crying, “Oh my God, oh my God,” as she used her phone
26 to call her friend, Teresa Rosales’ daughter, to ask for help: “Please come help! They are hitting
27 my mom and one of them hit me too!” Karen heard her friend confirm that she and her family
28 members were on their way to support Amparo.

1 46. When, at around 7:00 P.M., one of Teresa Rosales' daughter received a call from
2 Karen, asking for help. Teresa, her daughter, and her son Alonzo rushed to the Property to support
3 Amparo and Karen.

4 47. While Amparo and Karen were both trying to get immediate help, neither of them
5 heard any noise from behind the bedroom door. Then, Karen, thinking that her friend had arrived
6 at the Property to support them, opened the door to meet them. Where she expected to see her
7 friend, she instead saw not only Martin Garcia, his girlfriend, and his girlfriend's three daughters,
8 but also a young man in a black shirt that read "Security;" they were huddled up and watching the
9 door.

10 48. Suddenly, the four women rushed forward into the room. Amparo, who was still on
11 the phone with 911, slammed her body into the other side of the door to try and close it again. She
12 flung her phone into the corner of a bed as she did her utmost to push against the door. As she
13 struggled, she saw Javier attempting to crawl off the bed: Amparo was forced to let go of the door
14 to catch Javier before he fell. She was unable to hold the attackers back. They breached the door.

15 49. Immediately the attackers started hitting Amparo. She screamed, "Don't hit me!
16 The police are on their way!" Amparo desperately shielded Javier, and succeeded in putting him
17 down on the floor and beseeching to her six-year-old, Melanie, "Please help me take care of him"
18 (*Por favor mira me lo*). Amparo saw Melanie do her best to hold onto Javier as the attack worsened
19 on Amparo: she was thrown onto the bed.

20 50. The assailant who threw Amparo held her down while others began to rain blows
21 all over her body. Melanie began to scream and cry out for her mother. Even as she was getting
22 hit, Amparo saw that another attacker was hitting Karen in the stomach. Amparo cried out, "No!
23 Don't hit my daughter!" She saw one of the assailants throw Karen against the wall, and heard
24 Martin Garcia's voice say, "No, not her—don't hit her. You'll kill her."

25 51. Someone knocked on the door the Property, just outside Amparo's bedroom. The
26 attack on Amparo escalated even further: one of the assailants put a knee on Amparo's leg, another
27 began to choke her, and Martin Garcia's girlfriend started to pull down Amparo's pants.

28 52. Simultaneously, she heard Karen stumble to the screen door to open it for their

1 friend Teresa. Amparo heard bits and pieces of Teresa trying to deescalate the situation, firmly
2 asking that the problem be resolved without violence: “Please stop hitting Amparo and leave her
3 alone...Everyone calm down, so that when the police arrive we can resolve this situation...Where
4 is the baby? I cannot see the baby.”

5 53. But then, Amparo heard someone yell, “No—that hurts! Don’t do that to me! Stop!
6 Stop! Stop!” She believed it was her daughter Karen. She heard the *crack!* (*trueno*) of someone
7 being thrown down outside, and the faint rhythm of punches landing on a body. As Martin Garcia’s
8 girlfriend yanked at Amparo’s pants, Amparo lost consciousness, thinking, *My daughter is dead.*
9 *They’ve killed her. (Mataron a mi hija. Le mataron.)*

10 54. Several minutes passed before Amparo regained consciousness, muttering “My
11 baby.. You’re killing me. Let me go. I can’t breathe!” One of the attackers responded with “No.
12 You’re going to pay me back. You argue with my mom, so I’m going to take everything from you.
13 I don’t give a shit about your baby.”

14 55. Amparo heard Melanie crying, “No! Not my mom! Mommy!”

15 56. Suddenly, another attacker yelled “Alright, alright— let her go! It looks like the
16 cops are here!” Amparo seized the opportunity to reach for Javier. She did not feel fully conscious,
17 but was lucid enough to glimpse a glass bottle in the room, grabbing for that too. With Javier in
18 one arm and the bottle in the other, she turned to the attackers to demand that they leave: “Get out,
19 or I’ll throw this at you!” The attackers left the room, and Amparo swiftly locked it behind them,
20 rushing afterwards to look out the bedroom window.

21 57. Amparo was relieved to see Karen outside, and terrified to see that it was Teresa’s
22 son, Alonzo, who was being attacked: Martin Garcia helped his agent, the man in the “Security”
23 shirt, grab Alonzo by the shirt and throw him on the ground, and the agent began to physically
24 attack Alonzo. Amparo realized that it was Alonzo whom she heard hitting the ground before she
25 lost consciousness. Amparo saw Teresa being attacked and hit by someone else, but could not
26 bring herself to leave her room, terrified that her assailants would kill her if she opened the door
27 again.

28 58. Amparo saw through the window that several other people, including her neighbors

1 were there, clearly having watched the scene.

2 *Defendant Martin attacks Plaintiff Teresa Rosales and her minor son as collateral damage.*

3 59. When Teresa, her daughter, and her son Alonzo approached the Property, they
4 heard voices screaming from the Amparo's side of the house. They knocked on the door near
5 Amparo's side of the house. As soon as the door opened, they saw three women, including Martin
6 Garcia's girlfriend, beating Amparo Gonzalez inside her room. Teresa saw that Amparo was being
7 attacked on the bed by the door. Martin Garcia and the attackers were also screaming vile,
8 sexualized, and misogynistic insults to Amparo.

9 60. Teresa also observed that Amparo's youngest daughter, Melanie, was inside the
10 room, watching her mother being assaulted. Melanie was crying in terror, and eventually Teresa
11 also heard Javier crying. Amparo's other daughter, Karen, was near the door, watching and
12 terrified.

13 61. Teresa then started asking, "Please! Please stop hitting her!" She attempted to
14 deescalate the situation by emphasizing that violence would not solve any problems, but shortly,
15 the three attackers turned their attention to her. The attackers started hitting her son Alonzo in the
16 face and back, and hurling insults at both of them. Teresa's daughter also shouted, "Don't hit my
17 mom! Don't!"

18 62. Teresa and Alonzo attempted to exit the Property and get away from the attackers.
19 One of the attackers seemed to linger by Amparo's room, but the other two attackers followed
20 them, and one of the women attackers grabbed Teresa Rosales' arm and threw her against the wall.
21 The attacker struck Teresa multiple times, but released Teresa Rosales when she yelled "I'm not
22 going to do anything to you! But I know that you know what you're doing!" Amparo, watching
23 from her room and heard Teresa declare, "I am not going to hit you back!"

24 63. Teresa then resolutely attempted to follow her son, wanting to protect him from
25 other attackers. Teresa witnessed Martin Garcia and the man wearing the "Security" shirt beating
26 and kicking her son on the head and back. Teresa's son cried out for help. Teresa yelled at the man,
27 "Stop! Stop hitting my son!"

28 64. Martin Garcia stood nearby, watching his agent, the man in the "Security" shirt,

1 continue to attack Teresa’s son, and watching the women attack Teresa. Eventually, the man in the
2 “Security” shirt ran from the Property.

3 65. A few minutes later, Teresa also called a friend, who is a fellow community
4 organizer with the Los Angeles Tenants Union, for support. Police then arrived at the scene, and
5 soon after, members of the Los Angeles Tenants Union arrived. Paramedics also arrived around
6 this time, and inspected Karen, but paramedics informed her and Teresa that if they wanted to be
7 taken to the hospital, they would have to pay money. The police arrive shortly thereafter, and told
8 Amparo and Teresa that they should go to the hospital if they do not feel well. The police did not
9 offer any other support or relief to Amparo and Teresa. The two left the scene with their children
10 to go to the hospital with Los Angeles Tenants Union members.

11 **Defendant’s actions have severely distressed Plaintiffs.**

12 66. Defendant’s actions have irrevocably changed the Plaintiffs and their children.

13 67. Amparo Gonzalez and her minor children have been living in a household with de
14 facto domestic abuse for over two years. Amparo Gonzalez has watched her own mental and
15 physical health deteriorate as a result of Martin Garcia’s behavior: Amparo Gonzalez has lost hair
16 as a result of distress and anxiety; she lives in constant fear, wracked by hypervigilance in wait of
17 the next threat lodged by Martin Garcia; she is rarely able to sleep comfortably; despite the
18 immense bravery and courage she embodies by continuing to care for her children in a violent
19 environment created by Martin Garcia, she understandably feels incapable and powerless in the
20 face of his constant attacks.

21 68. Amparo Gonzalez has watched her children’s mental and physical health
22 deteriorate as a result of Martin Garcia’s actions. Her children, ages 11, six, and one, have visibly
23 appeared increasingly stressed and frightened over the past two years. The six-year-old daughter
24 has started wetting the bed as a result of the climate that Martin Garcia devised and controls. The
25 11-year-old daughter frequently disassociates from her surroundings. Even her one-year-old son
26 expresses increasing levels of anger and distress.

27 69. As a result of the September 2020 attack, both Amparo and Teresa suffered physical
28 injuries from this event. Teresa Rosales had bruises all over and fractured a bone in her arm.

1 Amparo Gonzales also had bruises on her face and body, in addition to a torn lip. Amparo Gonzales
2 and Teresa Rosales left the hospital on the night of the attack around 10:00 P.M.

3 70. Amparo Gonzalez suffered from intense fear following the September 2020 attack:
4 a complete inability to be comfortable in her own home. She suffers overwhelming pain from the
5 memory of what happened to her children during the attack.

6 71. Teresa Rosales suffered from loss of sleep for several days following the September
7 2020 attack. She was unable to work for a month due to her injuries from the attack. She suffers
8 grief over the memory of watching her son being physically attacked. She suffers overwhelming
9 powerlessness and pain, even a sense of guilt, from not being able to stop the attack, particularly
10 when she thinks about the children impacted, including the children of Amparo Gonzalez who
11 called Teresa Rosales for help while watching their mother suffer.

12 **IV. CAUSES OF ACTION**

13 **FIRST CAUSE OF ACTION**

14 **Violation of the Fair Employment and Housing Act, Gov. Code § 12955**

15 **(Plaintiff Amparo Gonzalez Against All Defendants)**

16 72. Plaintiffs repeat, replead, and incorporate by reference, as though fully set forth in
17 this paragraph, all the allegations of this Complaint.

18 73. The Fair Employment and Housing Act (“FEHA”) prohibits an owner of a housing
19 accommodation from discriminating against a person on the basis of “the race, color, religion, sex,
20 gender, gender identity, gender expression, sexual orientation, marital status, national origin,
21 ancestry, familial status, source of income, disability, or genetic information of that person.” Gov.
22 Code § 12955(a).

23 74. FEHA prohibits any person from denying rights created by the Unruh Act (Section
24 51 of the Civil Code) or aiding, inciting, or conspiring in such denial. Gov. Code § 12948. FEHA
25 further prohibits any person subject to the Unruh Act, as the Act applies to housing
26 accommodations, from discriminating against any person. Gov. Code § 12955(d).

27 75. FEHA also prohibits any “person to make...any notice, statement, or
28 advertisement, with respect to the sale or rental of a housing accommodation that **indicates** any

1 preference, limitation, or discrimination based on race, color, religion, sex, gender, gender identity,
2 gender expression, sexual orientation, marital status, national origin, ancestry, familial status,
3 source of income, disability, or genetic information or an intention to make that preference,
4 limitation, or discrimination.” Gov. Code § 12955(c).

5 76. FEHA further prohibits any person from aiding, abetting, inciting, compelling, or
6 coercing such discrimination. Gov. Code § 12955(g). It is also unlawful for any owner of housing
7 accommodations under FEHA to “harass, evict, or otherwise discriminate against any person in
8 the sale or rental of housing accommodations when the owner’s dominant purpose is retaliation
9 against a person who has opposed practices unlawful under this section, informed law enforcement
10 agencies of practices believed unlawful under this section, has testified or assisted in any
11 proceeding under this part, or has aided or encouraged a person to exercise or enjoy the rights
12 secured by this part.” Gov. Code § 12955(f).

13 77. The Property is a “housing accommodation” within the meaning of FEHA. Gov.
14 Code § 12927.

15 78. Defendants have violated FEHA through their actions including, but not limited to,
16 by making consistently misogynistic and sexist remarks about Plaintiff Amparo Gonzalez, e.g.
17 “whore,” bitch,” “prostitute,” and making explicit comments about the Plaintiff’s status as a single
18 mother, including calling her youngest child a “bastard” and consistently implying that she needs
19 to be with a man to be able to pay the Defendant Martin Garcia rental income.

20 79. Defendants discriminate, in violation of the FEHA, against Plaintiff Amparo
21 Gonzalez on the basis of sex, gender, gender identity, gender expression, sexual orientation, and
22 familial status.

23 80. As a result of Defendants’ violations of the FEHA, Plaintiff suffered damages,
24 including emotional distress, in an amount to be proven at trial.

25 81. Defendants’ actions were willful, malicious, fraudulent, and oppressive, and were
26 committed with the wrongful intent to injure the Plaintiff in conscious disregard of her rights under
27 the law. Defendant willfully and intentionally, without just cause, deprives the Plaintiff of her civil
28 rights under the laws of the State of California, entitling her an award of exemplary and punitive

1 damages.

2 82. Pursuant to Gov. Code § 12989.2, Plaintiff is entitled to compensatory damages,
3 punitive damages, attorneys' fees and costs.

4 **SECOND CAUSE OF ACTION**

5 **Violation of the Unruh Act, Civil Code § 51**

6 **(Plaintiff Amparo Gonzalez Against All Defendants)**

7 83. Plaintiffs repeat, replead, and incorporate by reference, as though fully set forth in
8 this paragraph, all the allegations of this Complaint.

9 84. The Unruh Act states that, “[a]ll persons within the jurisdiction of this state are free
10 and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability,
11 medical condition, genetic information, marital status, sexual orientation, citizenship, primary
12 language, or immigration status are entitled to the full and equal accommodations, advantages,
13 facilities, privileges, or services in all business establishments of every kind whatsoever.” Civ.
14 Code § 51(b).

15 85. The Unruh Act defines “sex” as including, but not limited to “pregnancy, childbirth,
16 or medical conditions related to pregnancy or childbirth. ‘Sex’ also includes, but is not limited to,
17 a person’s gender.” Civ. Code § 51 (e)(5).

18 86. Defendant has violated the Unruh Act through their actions including, but not
19 limited to, by making consistently misogynistic and sexist remarks about Plaintiff Amparo
20 Gonzalez, e.g. “whore,” “bitch,” “prostitute,” and making explicit comments about the Plaintiff’s
21 status as a single mother, including calling her youngest child a “bastard” and consistently
22 implying that she needs to be with a man to be able to pay the Defendant rental income.

23 87. Defendants discriminate, in violation of the Unruh Act, against Plaintiff Amparo
24 Gonzalez on the basis of sex and marital status.

25 88. As a result of Defendants’ violations of the Unruh Act, Plaintiff suffered damages,
26 including emotional distress, in an amount to be determined at trial.

27 89. Plaintiff Amparo Gonzalez is entitled to statutory damages in any amount that may
28 be determined by a jury, or a court sitting without a jury, up to three times the amount of actual

1 damages, but in no case less than four thousand dollars for each violation of her rights under the
2 Unruh Act. Civ. Code § 52(a).

3 90. Defendant's actions were willful, malicious, fraudulent, and oppressive, and were
4 committed with the wrongful intent to injure the Plaintiff and in conscious disregard of her rights,
5 in that Defendants willfully and intentionally, and without just cause, deprived them of their civil
6 rights under the laws of the State of California, entitling Plaintiff Amparo Gonzalez to an award
7 of exemplary and punitive damages.

8 91. By violating the Unruh Act as alleged, Defendants demonstrated that they are likely
9 to continue to engage in the pattern and practice of unlawful discrimination that is the subject of
10 this complaint. Plaintiff lacks any remedy to prevent such harm, injury, and loss until this Court
11 enjoins the complained-of unlawful conduct and grants other affirmative relief as prayed for
12 herein.

13 92. Pursuant to Civil Code § 3294, Plaintiff Amparo Gonzalez is entitled to punitive
14 damages in an amount to be determined at trial, compensatory damages, attorneys' fees, awards
15 and costs.

16 **THIRD CAUSE OF ACTION**

17 **Breach of the Common Law Covenant of Quiet Enjoyment**

18 **(Plaintiff Amparo Gonzalez Against All Defendants)**

19 93. Plaintiffs repeat, plead, and incorporate by reference, as though fully set forth in
20 this paragraph, all the allegations of this Complaint.

21 94. Every lease contains an implied covenant of quiet enjoyment.

22 95. Defendants breached the implied covenant of quiet enjoyment through their
23 actions, including but not limited to manufacturing oppressive and intolerable living conditions by
24 constantly harassing Plaintiff Amparo Gonzalez.

25 96. As a direct and proximate cause of Defendant's actions and inactions, Plaintiff
26 suffered and/or continues to suffer actual and consequential damages, including diminution in
27 value of the leasehold, out-of-pocket costs, lost wages and benefits, reasonable medical expenses,
28 and property damage in an amount to be determined according to proof, but which amount is within

1 the jurisdictional requirements of this Court.

2 97. As a direct and proximate cause of Defendants' actions and inactions, Plaintiff
3 suffered serious emotional distress including, but not limited to, feelings of anxiety, fearfulness,
4 frustration, depression, anger and rage, worry, discomfort, disgust, and powerlessness.

5 98. Defendant's acts were willful, malicious, and oppressive, amounting to despicable
6 conduct that subjected Plaintiff to cruel and unjust hardship in conscious disregard of her rights,
7 so as to entitle Plaintiff to an award of punitive and exemplary damages in an amount to be
8 determined at trial.

9 **FOURTH CAUSE OF ACTION**

10 **Breach of the Covenant of Quiet Enjoyment in Violation of Cal. Civ. Code § 1940.2**

11 **(Plaintiff Amparo Gonzalez Against All Defendants)**

12 99. Plaintiffs repeat, replead, and incorporate by reference, as though fully set forth in
13 this paragraph, all the allegations of this Complaint.

14 100. At all times relevant herein, Civil Code § 1940.2(a)(3) has made it unlawful for a
15 landlord to "use, or threaten to use, force, willful threats, or menacing conduct constituting a course
16 of conduct that interferes with the tenant's quiet enjoyment of the premises".

17 101. As elaborated above, Defendants breached the covenant of quiet enjoyment through
18 their threatening and menacing actions. Not least, Defendant Martin Garcia engaged in menacing
19 conduct when threatening to and actually physically attacking Plaintiff Amparo Gonzalez. Every
20 instance of verbal abuse in which the Defendant used a sexist slur constitutes a violation. Every
21 instance in which Defendant interfered with the Plaintiff's life by stating falsehoods about her to
22 her visitors, including health professionals, constitutes a violation.

23 102. A tenant who prevails in a claim under Civil Code §1940.2 is entitled to a civil
24 penalty of up to \$2,000 for each violation for each Plaintiff. Cal. Civ. Code § 1940.2(b). Plaintiff
25 is therefore entitled to statutory penalties of \$2,000 for each violation of Section 1940.2 by
26 Defendants.

27 103. Plaintiff seeks civil penalties, compensatory damages, special damages, punitive
28 damages, attorneys' fees, and costs for Defendants' violations of Section 1940.2.

1 **FIFTH CAUSE OF ACTION**

2 **Unfair and Unlawful Business Practices in Violation of California Business & Professions**

3 **Code § 17200, *et seq.***

4 **(Plaintiff Amparo Gonzalez Against All Defendants)**

5 104. Plaintiffs repeat, replead, and incorporate by reference, as though fully set forth in
6 this paragraph, all the allegations of this Complaint.

7 105. Defendants' conduct constitutes a "business practice" under Business &
8 Professions Code § 17200.

9 106. This Complaint asserts claims against Defendants for violations of the Unfair
10 Competition Law ("UCL"), Bus. & Prof. Code §§ 17200, *et. seq.*, and related common law
11 principles, through violations of the laws and regulations described herein.

12 107. Defendants engaged in the unlawful conduct alleged in this Complaint. Each
13 instance of such conduct is a separate and independent instance of unlawful conduct under the
14 UCL.

15 108. Defendants also engaged in unfair conduct under the UCL through the conduct
16 described herein.

17 109. By the continuous violations of the above-referenced statutes and common law,
18 Defendants engaged in per se unlawful business practices.

19 110. By continuous violation of the above-referenced laws, Defendants gained an unfair
20 and unlawful advantage over their competitors who do follow the law.

21 111. Plaintiff has been personally aggrieved by Defendants' unfair and unlawful
22 business acts and practices, including by the loss of money or property.

23 112. Plaintiff suffered, and continue to suffer, irreparable harm due to Defendants'
24 conduct as described above. Plaintiff was injured and in fact suffered monetary and property loss
25 as evidenced by her diminished use of her leasehold and decreased value of her leasehold.

26 113. Pursuant to California Business & Professions Code §17200, *et. seq.*, Plaintiff is
27 entitled to restitution; disgorgement of Defendants' ill-gotten gains; injunctive relief; and an award
28 of attorneys' fees and costs pursuant to California Code of Civil Procedure §1021.5 and other

1 applicable law.

2 **SIXTH CAUSE OF ACTION**

3 **Intentional Infliction of Emotional Distress**

4 **(All Plaintiffs Against All Defendants)**

5 114. Plaintiffs repeat, replead, and incorporate by reference, as though fully set forth in
6 this paragraph, all the allegations of this Complaint.

7 115. Defendant's conduct as to Plaintiff Amparo Gonzalez was outrageous in the
8 extreme. As landlords, managers, and owners of the Property, Defendant is in a position of
9 authority which they consistently abused by, among other things: verbally harassing the Plaintiffs,
10 intruding as offensively as possible into Plaintiffs' home by taking over half of their unit, and
11 belittling and humiliating Plaintiff whenever possible.

12 116. Plaintiff Amparo Gonzalez has lost hair as a result of distress and anxiety; she lives
13 in constant fear, wracked by hypervigilance in wait of the next threat lodged by Martin Garcia; she
14 is rarely able to sleep comfortably; despite the immense bravery and courage she embodies by
15 continuing to care for her children in a violent environment created by Martin Garcia, she
16 understandably feels incapable and powerless in the face of his constant attacks.

17 117. Defendants' conduct as to all Plaintiffs during the September 2020 attack is also
18 outrageous in the extreme. As an owner of land, Defendant Martin Garcia physically attacked,
19 with the deliberate intention of traumatizing and terrorizing the survivors, tenants and visitors on
20 the Property. Indeed, Defendant pursued this attack over an extended period of time, irrespective
21 of whether the victims were minor children, or whether those children had to watch their mothers
22 be physically assaulted.

23 118. Specifically, Amparo Gonzalez suffers from intense fear following the September
24 2020 attack: a complete inability to be comfortable in her own home. She suffers overwhelming
25 pain from the memory of what happened to her children during the attack. Teresa Rosales suffered
26 from loss of sleep for several days following the September 2020 attack. She suffers grief over the
27 memory of watching her son being physically attacked. She suffers overwhelmingly powerlessness
28 and pain, even a sense of guilt, from not being able to stop the attack, particularly when she thinks

1 about the children impacted, including the children of Plaintiff Amparo Gonzalez who called
2 Plaintiff Teresa Rosales for help while watching their mother suffer.

3 119. Thus, Defendants knew, or reasonably should have known, that their conduct would
4 result in Plaintiffs suffering severe and extreme emotional distress. Defendants knew that
5 Plaintiffs—as either tenant or visitors to a residential property—were particularly susceptible to
6 injury through mental distress by virtue of the good Defendants purvey: a home.

7 120. Defendants and their agents have displayed shockingly reckless disregard for the
8 consequences of their conduct. As a direct and proximate cause of Defendants’ conduct, Plaintiffs
9 suffered severe emotional distress and financial damages, including, but not limited to, anxiety,
10 depression, emotional distress, diminished quality of living conditions, social isolation, and
11 ridicule, as well as loss of health.

12 121. Defendants’ acts were willful, malicious, and oppressive, amounting to despicable
13 conduct that subjected Plaintiffs to cruel and unjust hardship in conscious disregard of their rights
14 and humanity, so as to entitle Plaintiffs to an award of punitive and exemplary damages in an
15 amount to be determined at trial.

16 **SEVENTH CAUSE OF ACTION**

17 **Violation of the Bane Act, Cal. Civ. Code § 52.1**

18 **(All Plaintiffs Against All Defendants)**

19 122. Plaintiffs repeat, replead, and incorporate by reference, as though fully set forth in
20 this paragraph, all the allegations of this Complaint.

21 123. Civil Code § 52.1(a) provides that, “[i]f a person or persons, whether or not acting
22 under color of law, interferes by threat, intimidation, or coercion, or attempts to interfere by threat,
23 intimidation, or coercion, with the exercise or enjoyment by any individual or individuals of rights
24 secured by the Constitution or laws of the United States, or of the rights secured by the Constitution
25 or laws of this state, the Attorney General, or any district attorney or city attorney may bring a
26 civil action for injunctive and other appropriate equitable relief in the name of the people of the
27 State of California, in order to protect the peaceable exercise or enjoyment of the right or rights
28 secured.”

1 intended for occupation by human beings, Defendant owes a duty to Plaintiff Amparo Gonzalez
2 under Civil Code § 3304 to keep the Property in a condition so as to preserve Plaintiff's right to
3 quiet enjoyment.

4 131. By virtue of being a landowner, Defendant owes, under Civil Code § 1714 and the
5 common law, Plaintiff Teresa Amparo a duty of care to refrain from negligent injury on another.

6 132. Defendants breached these duties by knowingly constructing and executing a
7 violent climate in which Plaintiff Amparo Gonzalez and her visitors would suffer both verbal and
8 physical harassment. Defendants breached these duties by physically attacking the Plaintiffs
9 during the September 2020 attack.

10 133. Defendants knew, or reasonably should have known, that Plaintiffs would suffer
11 damages as a result of these breaches of duty.

12 134. As a direct and proximate cause of Defendants' actions and inactions, Plaintiffs
13 suffered and/or continue to suffer actual and consequential damages, including diminution in value
14 of the leasehold, out-of-pocket costs, lost wages and benefits, reasonable medical expenses, and
15 property damage in an amount to be determined according to proof, but which amount is within
16 the jurisdictional requirements of this Court.

17 135. As a direct and proximate cause of Defendants' actions and inactions, Plaintiffs
18 have suffered serious emotional distress including, but not limited to, feelings of anxiety,
19 fearfulness, frustration, depression, anger, worry, discomfort, disgust, and powerlessness.
20 Plaintiffs suffering has impacted not only their individual stability, but the stability of their
21 relationship and the health and wellness of their families.

22 136. Defendants' negligence and tortious conduct was a substantial factor in causing
23 Plaintiffs' serious emotional distress, which was a foreseeable, direct, and proximate result of
24 Defendants' actions.

25 137. Defendants' acts were willful, malicious, and oppressive, amounting to despicable
26 conduct that subjected Plaintiffs to cruel and unjust hardship in conscious disregard of their rights,
27 so as to entitle Plaintiffs to an award of punitive and exemplary damages in an amount to be
28 determined at trial.

1 **NINTH CAUSE OF ACTION**

2 **Assault**

3 **(All Plaintiffs Against All Defendants)**

4 138. Plaintiffs repeat, replead, and incorporate by reference, as though fully set forth in
5 this paragraph, all the allegations of this Complaint.

6 139. Defendants agents physically assaulted Plaintiffs by beating, slapping, kicking, and
7 choking them. Defendant's agents attempted to pull off Plaintiff Amparo Gonzalez's clothes.
8 Defendant's agents slammed Plaintiff Teresa Rosales against the wall.

9 140. As a direct and proximate cause of Defendants' agents' actions, Plaintiffs suffered
10 serious emotional distress including, but not limited to, feelings of anxiety, fearfulness, frustration,
11 depression, worry, discomfort, disgust, and powerlessness.

12 141. Defendants' agent's actions were a substantial factor in causing Plaintiffs emotional
13 distress, which was a foreseeable, direct, and proximate result of Defendants' actions. Plaintiffs
14 are therefore entitled to an award of damages.

15 142. Defendants' agent's acts were willful, malicious, and oppressive, amounting to
16 despicable conduct that subjected Plaintiffs to cruel and unjust hardship in conscious disregard of
17 their rights. Plaintiffs are entitled to an award of punitive and exemplary damages in an amount to
18 be determined at trial.

19 **TENTH CAUSE OF ACTION**

20 **Battery**

21 **(All Plaintiffs Against All Defendants)**

22 143. Plaintiffs repeat, replead, and incorporate by reference, as though fully set forth in
23 this paragraph, all the allegations of this Complaint.

24 144. Defendants agents physically battered Plaintiffs by beating, slapping, kicking, and
25 choking them. Defendant's agents attempted to pull off Plaintiff Amparo Gonzalez's clothes.
26 Defendant's agents slammed Plaintiff Teresa Rosales against the wall.

27 145. Defendant Martin Garcia therefore touched Plaintiffs and caused them to be
28 touched with the intent to harm and offend them, despite their not consenting to this touching.

1 146. Plaintiffs were reasonably and deeply offended by this nonconsensual touch.

2 147. As a direct and proximate cause of Defendants' agents' actions, Plaintiffs suffered
3 serious emotional distress including, but not limited to, feelings of anxiety, fearfulness, frustration,
4 depression, worry, discomfort, disgust, and powerlessness.

5 148. Defendants' agent's actions were a substantial factor in causing Plaintiffs emotional
6 distress, which was a foreseeable, direct, and proximate result of Defendants' actions. Plaintiffs
7 are therefore entitled to an award of damages.

8 149. Defendants' agent's acts were willful, malicious, and oppressive, amounting to
9 despicable conduct that subjected Plaintiffs to cruel and unjust hardship in conscious disregard of
10 their rights. Plaintiffs are entitled to an award of punitive and exemplary damages in an amount to
11 be determined at trial.

12 **V. DEMAND FOR JURY TRIAL**

13 150. Pursuant to California Code of Civil Procedure Section 631, Plaintiffs demand a
14 trial by jury on all issues so triable.

15
16 **VI. PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiffs respectfully pray for judgment against Defendants as follows:

18 1. An order enjoining Defendants from continuing to engage in the unlawful acts
19 described herein;

20 2. Actual, compensatory and restitutionary damages in an amount according to proof;

21 3. Emotional distress damages in an amount according to proof;

22 4. Civil penalties and/or statutory damages as allowed by law in an amount according
23 to proof;

24 5. Punitive and exemplary damages in an amount necessary to punish Defendants in
25 amount according to proof;

26 6. Disgorgement of Defendants' ill-gotten gains, in an amount according to proof;

27 7. Attorneys' fees and costs pursuant to Gov. Code § 12989.2, Civil Code § 3294,
28 Civil Code §1940.2, Code of Civil Procedure §1021.5, Civil Code Section 52, and any other law

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

or statute permitting such relief;

8. Prejudgment interest and costs; and

9. Such other relief as the Court deems just and proper.

DATED: 11/24/2020

**LOS ANGELES CENTER FOR
COMMUNITY LAW AND ACTION**

By: _____



Gina Hong
Attorneys for Plaintiffs