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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES
STANLEY MOSK COURTHOUSE

Deputy District Attorney JANE DOE, an individual,

Plaintiff,

vs.

STATE OF CALIFORNIA; and DOES 1 through 25, inclusive,

Defendants.

CASE NO:

COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF FOR:

- 1) VIOLATION OF CALIFORNIA'S INFORMATION PRIVACY ACT; AND
- 2) VIOLATION OF RIGHT TO PRIVACY UNDER ARTICLE 1, SECTION 1 OF THE CALIFORNIA CONSTITUTION

REQUEST FOR TRIAL BY JURY

COMES NOW Plaintiff JANE DOE, who alleges as follows:

INTRODUCTION

1. Plaintiff Deputy District Attorney JANE DOE is a veteran Los Angeles County Deputy District Attorney. In her 23-year career as a crime fighter, she has prosecuted some of the worst criminals, including dozens of murderers, countless members of violent street gangs and other criminal syndicates, and other felons with no regard for human life or civil society.

2. Because of the important role she plays in fighting crime in Los Angeles County, California public policy recognizes the danger she faces in her job. Thus, express public policy has made it illegal for government employees to release personally identifying information about

1 her and other crime fighters, including judges, law enforcement officers, and other public
2 officials.

3 3. This public policy underscores the fear that she and others who keep violent
4 criminals off our streets have to contend with on a daily basis; if her address and other personal
5 identifying information were released to members of the public, she would be subject to
6 intimidation, retribution, and violence by the very people she prosecutes or by their criminal
7 associates.

8 4. Because of the ever-present danger she faces, Plaintiff carries a firearm for
9 protection under a concealed carry weapons (“CCW”) permit, as do many judges, law
10 enforcement officers, correctional officers, and other crime fighters.

11 5. As a result of a political stunt by California Attorney General Rob Bonta, Plaintiff
12 and thousands of other crime fighters’ personally-identifying information contained in CCW
13 permit data was publicly released in June. And although the Attorney General has spent the
14 subsequent months downplaying or flat-out ignoring the harmful effect his stunt had on the lives
15 of all affected Californians who hold or applied for CCW permits, for crime fighters like Plaintiff,
16 the danger is acute. She and others like her have had to constantly fear for their lives because
17 some of the criminals they arrested, testified against, prosecuted, or sentenced now have their
18 home addresses and other personally identifying information. And given that the Internet is
19 forever, past and future criminal defendants will have ready access to such information for the
20 foreseeable future.

21 6. The Attorney General’s Office has gone completely silent on how it plans to
22 handle this massive privacy breach, including how it is going to protect all of the public officials
23 like Plaintiff it endangered. This has left local prosecutor’s offices, law enforcement agencies,
24 and courthouse officials scrambling to find ways to identify their vulnerable employees and figure
25 out methods to protect them. Having been reasonably patient to see what the Attorney General’s
26 Office would do to help her and other affected crime fighters, and having watched it do nothing,
27 Plaintiff is now forced to sue to both prevent another politically-motivated leak like this from
28 happening again. She also seeks to compel some action by the state to protect her safety or

1 otherwise compensate her for having to pay for her own increased security measures to mitigate
2 the harm caused by the Attorney General's Office.

3 7. And to not compound the injury to her safety any further, Plaintiff seeks to sue
4 pseudonymously in order to vindicate her privacy rights under California's public policy that
5 should not have been so callously disregarded by California's top law enforcement agency.

6 JURISDICTION AND VENUE

7 8. This Court has jurisdiction over all causes of action asserted in this Complaint
8 under Article VI, section 10 of the California Constitution because the causes of action below are
9 not given by statute to other trial courts or administrative agencies. The amount in controversy
10 exceeds \$25,000.00.

11 9. The injuries suffered by Plaintiff alleged herein were suffered in Los Angeles
12 County, California.

13 PARTIES

14 10. Plaintiff Deputy District Attorney JANE DOE was and is a veteran prosecutor for
15 the County of Los Angeles, as well as resides within the County. She has prosecuted hundreds of
16 felony cases, including dozens of murder cases and cases where the death penalty was sought and
17 imposed. She has imprisoned members of criminal syndicates and violent repeat offenders. At
18 the time her injuries first began, she held a CCW permit.

19 11. Defendant the STATE OF CALIFORNIA (the "State") is the sovereign
20 government of California. Among its executive offices is the Office of the Attorney General,
21 over which Attorney General Rob Bonta presides as the chief law enforcement officer of the
22 State. Included within the Office of the Attorney General is the California Department of Justice,
23 which is responsible, *inter alia*, for maintaining data and information regarding CCW permit
24 holders, including private, personally identifiable information, as well as enforcing laws relating
25 to firearms generally and CCW permit holders specifically. Defendant State has offices within
26 Los Angeles County, including offices of the Department of Justice.

27 12. Plaintiff is informed and believes, and on that basis alleges, that at all times
28 mentioned herein, defendants named or fictitiously designated, and each of them, were the agents,

1 servants, employees or joint venturers of the other defendants, and each of them, and were, at all
2 mentioned times, acting within the course and scope of such agency, employment, or joint venture
3 relationship.

4 13. Plaintiff is informed and believes, and upon such information and belief, alleges
5 that each of the defendants named herein as DOES 1 through 25, were employees of Defendant
6 State who were responsible for, either intentionally or negligently, in the public release of
7 Plaintiff's and other CCW permit holders' private identifying information. Thus, on information
8 and belief, DOES 1 through 25, and each of them, are in some manner negligent or otherwise
9 tortiously or statutorily responsible for the injuries hereinafter alleged. Plaintiff does not
10 presently know the true names and capacities of the defendants sued herein as DOES 1 through
11 25. Plaintiff will seek leave of the Court to amend the complaint to allege DOE defendants' true
12 names and capacities once Plaintiff ascertains them.

13 ALLEGATIONS APPLICABLE TO ALL CAUSES OF ACTION

14 14. In June 2022, the United States Supreme Court issued its landmark *New York State*
15 *Rifle & Pistol Association, Inc. v. Bruen* decision, which reaffirmed an individual's right to carry
16 a firearm in public for self-defense.

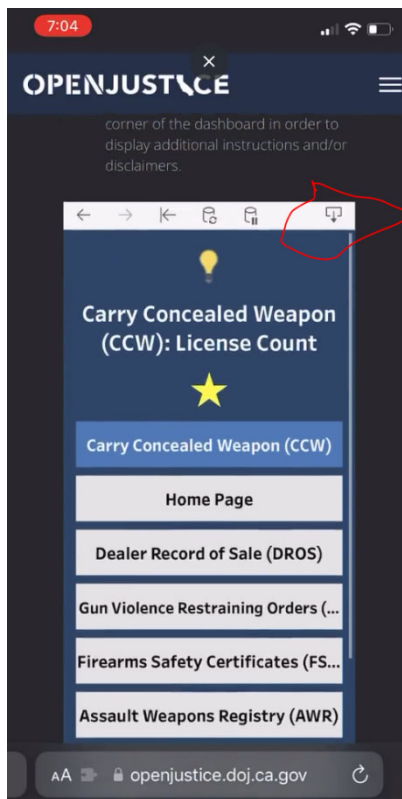
17 15. California's Executive and Legislative branches, including Attorney General
18 Bonta, were incensed by the decision. They issued press releases decrying the decision and
19 issued a flurry of legislation designed to water down or make the exercise of the right to carry a
20 weapon for self defense a nullity.

21 16. For his part, Attorney General Bonta issued a press release four days after the
22 *Bruen* decision announcing that the Department of Justice would be hosting and publishing a web
23 portal filled with CCW permit holders' data. The announced purpose of the web portal was to
24 provide an interactive and easily searchable user experience that would promote public access to
25 information about the holders of CCW permits, the issuance of gun violence restraining orders,
26 and other information related to firearms laws in California. The stated goal of publishing this
27 information was to increase "transparency" and "public trust." The real reason was that the
28 Attorney General wanted to be seen as "doing something" immediately following a Supreme

1 Court decision that was anathema to the firearms views of Bonta and other politicians in
2 Sacramento.

3 17. Thus, on the same day Bonta made his announcement—June 27, 2022—the
4 Department of Justice took the firearms data web portal live. The information was published at
5 <https://openjustice.doj.ca.gov/>.

6 18. From the moment the portal launched, any member of the public who accessed it
7 was able to download the portal’s underlying data in the form of Excel spreadsheets. This was not
8 a flaw or a bug, but a feature. For example, if someone clicked on the download icon located at
9 the top right-hand side of the portal, it would download onto the user’s computer an electronic
10 spreadsheet file of whatever data had been selected. Thus, when a member of the public chose to
11 download CCW permit holder information, the portal allowed such data to be downloaded in an
12 electronic spreadsheet containing information about CCW permit holders and applicants for a
13 particular county or in an electronic spreadsheet containing such information about holders and
14 applicants for the entire state.



28 (Screenshot of the portal as it appeared on June 27, 2022 with download button circled)

1 19. The information about CCW permit holders and applicants that could be
2 downloaded by the public from the portal on a county-by-county or a statewide basis included
3 each CCW permit holder’s or applicant’s name, contained in a line item along with:

- 4 a. Their address;
- 5 b. Their date of birth;
- 6 c. Their gender;
- 7 d. Their CCW License Number;
- 8 e. The issue dates of their permit;
- 9 f. Their DOJ-assigned Criminal Identification and Information (CII) Number;
- 10 g. The type of CCW permit they were issued or applied for. This included the
11 categories “judge,” “custodial officer,” “reserve officer,” “place of
12 employment,” or “standard”; and
- 13 h. The status of their license.

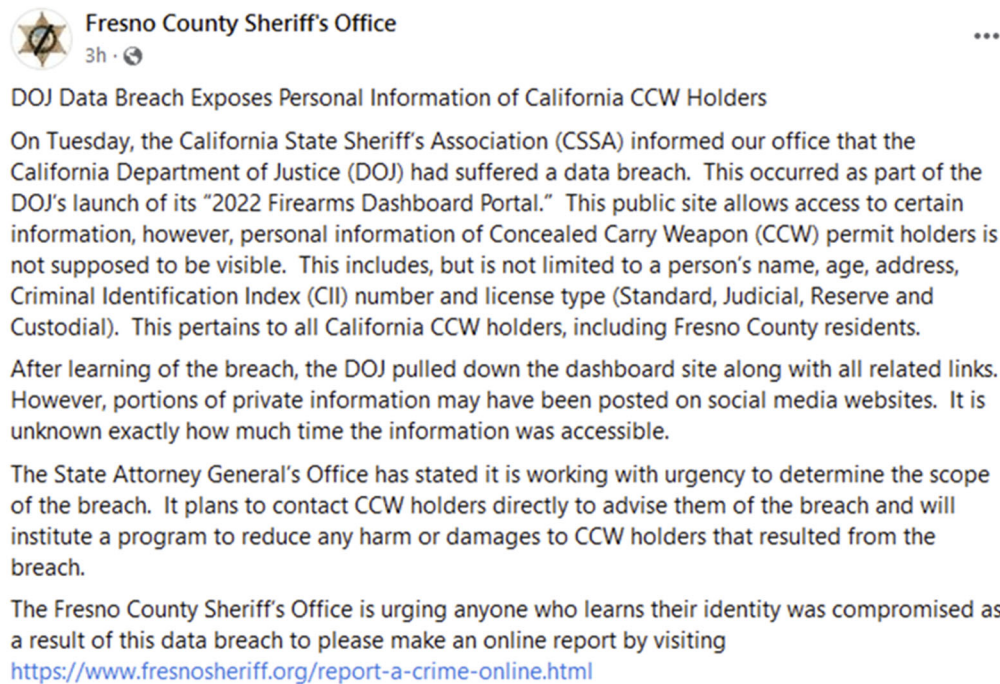
14 20. During the afternoon and evening of June 27, 2022, information began
15 disseminating on Internet message boards and on social media about the private information that
16 was being made available on the portal. People on social media began tagging the Attorney
17 General’s verified Twitter account asking for him to respond to the situation. During the evening
18 of June 27th, the portal was taken offline, but it inexplicably went back online again. When it
19 went online the second time on the evening of the 27th, the download icon was no longer present
20 on the portal. Yet the issue of the availability of private information was still not resolved, as data
21 could still be accessed for each individual county by hovering over it and clicking another icon to
22 access the underlying spreadsheet.

23 21. The Department of Justice did not permanently take down the portal until the
24 morning of June 28, 2022, after it had been publishing private CCW permit holders’ personal
25 information, including Plaintiff’s, for well over twelve hours. As of the afternoon of June 28,
26 2022, the Portal’s site read “Website temporarily unavailable - Please try again in a few minutes.”

27 22. On the afternoon of June 28th, the Attorney General’s Office issued a press release
28 stating “We are investigating an exposure of individuals’ personal information connected to the

1 DOJ Firearms Dashboard. Any unauthorized release of personal information is unacceptable. We
2 are working swiftly to address this situation and will provide additional information as soon as
3 possible.”

4 23. As communicated by the Fresno County Sheriff’s Office and in subsequent
5 Department of Justice correspondence, the Department of Justice began immediately
6 mischaracterizing the June 27-28 publication of the web portal as a “breach.”



27 *(Screenshot of the Fresno County Sheriff’s Twitter feed of a tweet made on June 28, 2022)*

28 24. Despite the Orwellian attempt to characterize the Department of Justice’s

1 intentional publication of the information as a “breach,” it was patent that the Department of
2 Justice *twice* intentionally took the web portal live and published the information. Thus, far from
3 being a “hack” or “breach” of the Department of Justice’s servers as they attempted to
4 characterize it, the publication of the CCW permit holders’ personal information—and the
5 functionality allowing members of the public to download or access that information—was a
6 deliberate act by the Department of Justice. Nobody stole a password and nobody found a
7 backdoor into a server as Attorney General Bonta would like the public to believe. Rather, in a
8 cynical attempt to publicly appear to be on the “right side” of a political debate following a
9 controversial court decision, the Attorney General and DOES 1 through 25 made a deliberate
10 decision to publish the data which included the private or personal information. The only fact that
11 is unknown is whether the decision to include all CCW permit holders’ and applicants’ home
12 address, date of birth, and CII information on the portal was itself deliberate or accidental. So
13 too, it is unknown whether to include any information about prosecutors, judges, and law
14 enforcement officers was also deliberate or accidental.

15 25. Plaintiff has faithfully served the people of the State for almost a quarter of a
16 century. Like many crime fighters and other public servants, she gladly entered into such service
17 relying upon the express and implied promises made in California public policy to protect from
18 disclosure the private, personal identifying information collected by the State and its subdivisions
19 from judges, prosecutors, and correctional and law enforcement officers. If she protected the
20 State, the State promised to protect her and her family. Yet, here it absolutely failed, and, through
21 Bonta’s subsequent inaction, ran away from any effort to fulfill its promise.

22 26. Among the express public policies forbidding the disclosure of Plaintiff’s and
23 other public officials’ information by the State to the public are Civil Code section 1798, et seq.
24 (the “Information Practices Act”) and Government Code section 6254.21. Among the implied
25 policies preventing such disclosure are the right of privacy recognized under Article I, section 1 of
26 the California Constitution, Government Code section 6254(u)’s exception from the Public
27 Records Act of the release of prosecutors’ and other public servants’ CCW permit information in
28 response to a Public Records Act request, and the Penal Code prohibition against public release of

1 individuals' CII information under Penal Code sections 11076 and 13201.

2 27. Plaintiff is an appointed official within the meaning of Government Code section
3 6254.1(f).

4 28. Plaintiff's private, personal, and protected information was included in the June
5 27-28 publication on the web portal, including her home address, date of birth, and CII Number.
6 As a faithful servant of the people, Plaintiff neither consented to nor did she ever expect the
7 State's chief law enforcement officer or its chief law enforcement agency to publicly publish her
8 personal information, including her home address and date of birth derived from her CCW permit
9 application. Notwithstanding the political motivations behind the Attorney General's publication
10 of the web portal, she did expect that once he understood that his decision to publish the portal
11 had endangered the safety of thousands of public servants like her, Bonta would take swift action
12 to protect them. He shockingly has not, and as a result, Plaintiff sues for and is entitled to the
13 relief set forth in the causes of action below.

14 29. Plaintiff certainly did not give her written consent to have her home address posted
15 on the Internet.

16 30. For those claims and causes of action where it is required, Plaintiff has complied
17 with all administrative prerequisites to bringing suit, including the claims presentment
18 requirements of the Government Claims Act, except that for those individuals sued fictitiously
19 herein, she has been unable to identify them in any claims presentment due to the Attorney
20 General's lack of transparency or follow-through regarding the investigation he has purported to
21 undertake into the publication of the web portal.

22 FIRST CAUSE OF ACTION

23 Violation of California's Information Privacy Act (Civil Code section 1798, et seq.)

24 Against Defendant State of California and DOES 1 through 25

25 31. Plaintiff incorporates and realleges Paragraphs 1 through 30 as if fully set forth
26 herein.

27 32. On June 27 and 28, 2022, Defendants, and each of them, disclosed or caused to be
28 disclosed to the public the personal information of Plaintiff as described hereinabove, including

1 information protected under Section 1798.3.

2 33. On information and belief, thousands of individuals downloaded spreadsheets
3 generated by the State's web portal containing Plaintiff's personal information.

4 34. As a result of the disclosure of the information, Plaintiff has been injured in her
5 emotional health and her physical safety and has expended or will have to expend significant
6 amounts to safeguard herself and her family.

7 35. As a result of the disclosures and the injuries resulting therefrom, Plaintiff is
8 entitled to an injunction preventing further disclosure of her information by Defendants and each
9 of them.

10 36. As a result of the disclosures and the injuries resulting therefrom, Plaintiff is
11 entitled to monetary damages from Defendants, and each of them, for general and special
12 damages, all in an amount according to proof, but no less than the jurisdictional minimum of this
13 Court.

14 SECOND CAUSE OF ACTION

15 Violation of Article I, section 1 of the California Constitution

16 Against Defendant State of California and DOES 1 through 25

17 37. Plaintiffs incorporate and reallege Paragraphs 1 through 30 as if fully set forth
18 herein.

19 38. On June 27 and 28, 2022, Defendants, and each of them, disclosed or caused to be
20 disclosed to the public the private information of Plaintiff as described hereinabove, including
21 information protected under the implied right of privacy recognized in Article I, section 1 of the
22 California Constitution.

23 39. At the time Defendants caused to be disseminated Plaintiff's private information,
24 Plaintiff had a privacy interest in her home address, her date of birth, and her CII information, as
25 evidenced by the public policies recognizing such interests set forth in Government Code section
26 6254(u), Penal Code sections 11076 and 13201, and Vehicle Code section 1808.21.

27 40. At the time Defendants disseminated or caused to be disseminated Plaintiff's
28 private information, Plaintiff had a reasonable expectation, based on the aforementioned public

1 policies and her inclusion in the class of persons to be protected under those policies, that the
2 information would be kept private and not disseminated by Defendants.

3 41. As the Attorney General himself has represented in writing, the dissemination of
4 Plaintiff's and other CCW permit holders' information was a serious invasion of their privacy. It
5 was so serious as to cause Plaintiff to fear for her life and for the life of her family members.

6 42. As a result of the disclosure of the information, Plaintiff has been injured in her
7 emotional health and her physical safety and has expended or will have to expend significant
8 amounts to safeguard herself and her family.

9 43. As a result of the disclosures and the injuries resulting therefrom, Plaintiff is
10 entitled to monetary damages for general and special damages, all in an amount according to
11 proof, but no less than the jurisdictional minimum of this Court.

12 44. Where any DOE Defendant is proven to have acted in a capacity other than his or
13 her capacity as an employee or official of Defendant State or any of its departments or
14 subdivisions, Plaintiff is entitled, in addition to other damages and remedies sought against
15 Defendants, for an award of exemplary damages from such DOE or DOES under Civil Code
16 section 1798.53.

17 PRAYER

18 WHEREFORE, Plaintiff prays for the following relief:

19 1. For special and general damages in an amount no less than the jurisdictional
20 minimum of this Court;

21 2. For exemplary damages where allowed under statute;

22 3. For preliminary and permanent injunctive relief to prevent the further
23 dissemination or publication of Plaintiff's home address, date of birth, or CII Number by
24 Defendants or any of them, on the web portal or any other publicly accessible database
25 maintained by the State or any of its departments or subdivisions;

26 4. For a declaration by the Court under Code of Civil Procedure section 1060 as to
27 the rights, responsibilities, and obligations of Plaintiff and Defendants to one another, and each of
28 them, including, specifically, as to the obligation of Defendants to safeguard and refrain from

1 publicly disclosing information obtained or kept by Defendants as a result of Plaintiff's
2 application for or holding of a CCW permit, including specifically, the home address, date of
3 birth, and CII information contained therein, and for any other declarations and orders necessary
4 to effect a remedy sought or available under the causes of action pled hereinabove;

5 5. For attorney's fees as allowed by statute;

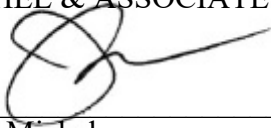
6 6. For an award of interest, including prejudgment interest, at the legal rate as
7 permitted by law; and

8 7. For such other and further relief as the court may deem proper.

9 PLAINTIFFS FURTHER REQUEST A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

10 Dated: , 2022

MICHEL & ASSOCIATES, P.C.



C. D. Michel
Joshua Robert Dale
Konstadinos T. Moros
Attorneys for Plaintiff
Deputy District Attorney JANE DOE

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA
3 COUNTY OF LOS ANGELES

4 I, Christina Castron, am employed in the City of Long Beach, Los Angeles County,
5 California. I am over the age eighteen (18) years and am not a party to the within action. My
6 business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

7 On, 2022, I served the foregoing document(s) described as:

8 **COMPLAINT**

9 on the interested parties in this action by placing

- 10 the original
11 a true and correct copy

12 thereof by the following means, addressed as follows:

13
14 (BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and
15 processing correspondence for mailing. Under the practice it would be deposited with the
16 U.S. Postal Service on that same day with postage thereon fully prepaid at Long Beach,
17 California, in the ordinary course of business. I am aware that on motion of the party
18 served, service is presumed invalid if postal cancellation date is more than one day after
19 date of deposit for mailing an affidavit.

20 (VIA ELECTRONIC SERVICE) Based on a court order or an agreement of the parties to
21 accept service by electronic transmission, I caused the documents to be sent to the persons
22 at the electronic notification addresses listed above.

23 (STATE) I declare under penalty of perjury under the laws of the State of California that
24 the foregoing is true and correct.

25 (FEDERAL) I declare that I am employed in the office of the member of the bar of this
26 court at whose direction the service was made.

27 I declare under penalty of perjury under the laws of the State of California that the
28 foregoing is true and correct.


CHRISTINA CASTRON