

1 JAN LYNN OWEN, in her Official)
2 and Individual Capacities; RENE)
3 CARTAYA, in her Official and)
4 Individual Capacities; BLAINE)
5 NOBLETT, in his Official and)
6 Individual Capacities; JUNE J.)
7 ARAGO (a.k.a. JOJO ARAGO), in)
8 his Official and Individual)
9 Capacities; and DOES 1 through)
60, Inclusive,)
Defendants.)

11 PLAINTIFF DROR SOREF (HEREINAFTER REFERRED TO AS
12 “PLAINTIFF”) ALLEGES AS FOLLOWS FOR HIS CLAIMS FOR RELIEF
13 HEREIN:

14 **I**

15 **PROCEDURAL ALLEGATIONS AND DEMAND FOR JURY TRIAL**

- 16
17 1. This Court has jurisdiction over the subject matter of this action
18 pursuant to 28 U.S.C. §§1331 and 1343, and over any supplemental
19 claims for relief arising under state law pursuant to 28 U.S.C. 1367(a).
20 This action alleges multiple deprivations of Plaintiff’s civil rights
21 under color of state law brought pursuant to Title 42 U.S.C. §§1983,
22 1985, 1986, 1988, and 2000d, demanding remedies for damages
23 arising therefrom. By this action, Plaintiff seeks all relief to which he
24 may be entitled, under both state and federal laws, including but not
25 limited to compensatory and punitive damages against the non-
26 governmental defendants, attorneys’ fees and costs, and prejudgment
27 interest.
28

2. Venue lies in this Court pursuant to 28 U.S.C.1391(b)(1) and (2).
3. Plaintiff demands a jury trial.

II

GENERAL ALLEGATIONS

A. PARTIES

Plaintiff

4. **Summary of Plaintiff's Injuries:** Plaintiff Dror Soref was falsely arrested and imprisoned for over 140 days for crimes he did not commit and for which he should have never been charged because, *inter alia*, the statute of limitations had run on the overwhelming number of counts. Furthermore, Plaintiff was intentionally kept falsely imprisoned by Defendants insistence that he was a "flight risk" solely because of his national origin. As a result of the negative publicity engendered by his false arrest and imprisonment, his family and reputation have been destroyed, he is unable to find meaningful employment, and any attempts to rebuild his life have been consistently foiled by the stigma associated with the unproven charges.
5. At all times herein mentioned, Plaintiff Dror Soref ("Plaintiff") is and was a citizen of the United States, residing in the County of Los Angeles, State of California. He is also an Israeli National. All persons born in Israel are Israeli citizens for life. United States law permits dual citizenship to citizens of Israel and therefore Plaintiff possesses an Israeli passport.
6. Plaintiff is the father of three children all of whom are citizens of the United States.

- 1 7. Prior to his illegal arrest and confinement, Plaintiff was a successful
2 and award-winning filmmaker who began his career directing music
3 videos for "Weird Al" Yankovic, which helped establish the rock
4 parodist as a major star. Following his success in music videos,
5 Plaintiff directed *Platinum Blonde*, an inspirational short that was
6 nominated for the *Gold Hugo Award* for Best Short Film at the
7 Chicago International Film Festival. As a result of his work on
8 *Platinum Blonde*, Plaintiff was retained under contract to develop,
9 write, and direct film projects at Paramount Pictures Corporation
10 ("Paramount"). With the help of Paramount, *The Seventh Coin*
11 became Plaintiff's debut as a feature film writer/director. *The Seventh*
12 *Coin*, starring Peter O'Toole, won awards at the Philadelphia Film
13 Festival (Best First Time Director), and Worldfest Houston (Silver
14 Award).
15
16 8. Plaintiff maintained a 25-year business relationship with Paramount,
17 wherein Plaintiff founded and served as Chief Executive Officer of
18 "Orbit Productions."
19
20 9. Under Plaintiff's direction, Orbit Productions became one of
21 Hollywood's fastest growing TV commercial production
22 companies at the time, serving companies such as Ford Motor
23 Company, Coca-Cola Corporation and FujiFilm Holdings
24 Corporation. Plaintiff also continued his work as a director and
25 producer, including directing episodes of the hit children's
26 television series "Power Rangers" and co-producing the Columbia
27 Pictures feature length film "Basic" (starring John Travolta and
28 Samuel L. Jackson).

- 1 10. Released theatrically in 2009, Plaintiff wrote and directed the
2 critically-acclaimed thriller *Not Forgotten*, starring Simon Baker, Paz
3 Vega and Chloe Moretz. The film was selected for a Special
4 Screening at the Slamdance Film Festival, and was accorded rave
5 reviews by *The Hollywood Reporter* and *Variety*. It was nominated for
6 the Saturn Award by the Academy of Science Fiction, Fantasy, and
7 Horror in 2010.
- 8 11. Besides his work in entertainment, Plaintiff was active in the
9 community, serving on the Los Angeles Area Chamber of
10 Commerce's Board of Directors.
- 11 12. Up to the time of his unlawful arrest and detention on September 11,
12 2015, Plaintiff remained an active and successful film executive.
- 13 13. Since the time of his arrest, Plaintiff's reputation has been tarnished
14 by the Los Angeles County District Attorney's Office (and as a result,
15 in the the press) as having participated in a "Ponzi Scheme." For
16 example, an October 15, 2015 "news release" issued from the Office
17 of Defendant Jackie Lacey (available online as of the date of this
18 filing at:
19 http://da.co.la.ca.us/sites/default/files/press/101515_Film_Director_In
20 [surance_Agent_Charged_in_215_Ponzi_Scheme_0.pdf](http://da.co.la.ca.us/sites/default/files/press/101515_Film_Director_In)) announced
21 that Plaintiff was "charged for allegedly bilking more than \$21 million
22 from people investing in the 2009 film 'Not Forgotten'" in a scheme
23 that "spanned from 2007 to 2010 and involved nearly 140 investors,
24 most of whom who were elderly." Notably, no announcement appears
25 on the District Attorney's Office website stating that all charges
26 against Plaintiff were subsequently dismissed. With respect to the
27 press, the Los Angeles Times has reported under the headline
28

“Director of 2009 movie flop accused of using Ponzi scheme to fund film” that “After [Not Forgotten’s] completion, Seward and Soref solicited more funds from investors to produce several films through a company called Windsor Pictures LLC. ¶ However, money used to form Windsor Pictures was instead used to pay back investors in the movie flop. ¶ The alleged scheme is thought to be among the most elaborate film investment frauds the [California Department of Insurance] has investigated.” This article remains, as of the filing of this complaint, available online at:

<http://www.latimes.com/local/lanow/la-me-ln-ponzi-scheme-movie-20151015-story.html>

14. Because of Plaintiff’s unlawful arrest and detention, he has been unable to find work in his chosen profession – and indeed, in any profession. Plaintiff has suffered extreme emotional distress (causing, *inter alia*, the break-up of his marriage); and, other damages. Plaintiff’s damages are directly and proximately caused by the devastating reputational impact engendered by his unlawful arrest, detention, and prosecution by Defendants.

Defendants

15. **Summary of Defendants’ Actionable Conduct:** Defendants listed below, including all Doe Defendants, engaged in illegal and actionable conduct, including Monnell violations, that deprived Plaintiff of his liberty and dignity –causing him substantial economic and reputational damages – when they knowingly caused him to be falsely arrested and imprisoned for over 140 days on charges which should have never been brought. Furthermore, Plaintiff was denied equal protection under the law because he was disparately treated due

1 to his national origin. Thus, Defendants knowingly engaged in
2 discrimination while acting as an agency receiving federal funding,
3 conspired to interfere with Plaintiff's civil rights, either refused or
4 acted with negligence in failing to prevent other Defendants
5 interference with Plaintiff's civil rights, and, caused Plaintiff to incur
6 substantial attorneys' fees in filing this rightful action.

7 16. Plaintiff is informed and believes and based thereon alleges that, at all
8 times herein mentioned, Defendant STATE OF CALIFORNIA is and
9 was a governmental public entity subject to the United States
10 Constitution, applicable federal laws and regulations, as well as the
11 Constitution of the State of California.

12 17. Plaintiff is informed and believes and based thereon alleges that, at all
13 times herein mentioned, Defendant COUNTY OF LOS ANGELES is
14 and was a governmental public entity (and therefore "person" for the
15 purposes of applicable federal and state law), duly organized and
16 existing under, by virtue of, and subject to the laws of the State of
17 California, applicable Federal law and the United States Constitution.
18 To wit, Defendant COUNTY OF LOS ANGELES is and was, at all
19 times relevant to this litigation, responsible for hiring, training,
20 supervising and/or enacting the conduct, policies, and practices of the
21 Los Angeles County District Attorneys' Office.

22 18. Plaintiff is informed and believes and based thereon alleges that, at all
23 times herein mentioned, Defendant CALIFORNIA DEPARTMENT
24 OF BUSINESS OVERSIGHT (formerly known as CALIFORNIA
25 DEPARTMENT OF CORPORATIONS and hereinafter referred to as
26 "DBO"), is and was a public entity and a Department of the State of
27 California, duly organized and existing under, by virtue of, and
28

1 subject to the laws of the State of California and was responsible for
2 hiring, training, and supervising the conduct, policies and practices of
3 its employees and agents, and all of its members. The DBO is a state
4 agency that regulates various financial transactions in the State of
5 California, including corporate securities law of 1968. The
6 enforcement Division of the DBO is responsible for enacting,
7 overseeing and supervising all policies regarding investigations and
8 public actions against entities and individuals that violate laws under
9 the DBO's jurisdiction.

10 19. Plaintiff is informed and believes and based thereon alleges that, at all
11 times herein mentioned, Defendant CALIFORNIA DEPARTMENT
12 OF INSURANCE (hereinafter "DOI"), is and was a public entity and
13 a Department of the State of California, duly organized and existing
14 under, by virtue of, and subject to the laws of the State of California
15 and was responsible for hiring, training, and supervising the conduct,
16 policies, and practices of its supervisors, employees and/or agents.
17 Pursuant to its own representations: "The State of California,
18 Department of Insurance is the licensing and regulatory authority of
19 entities and individuals transacting insurance with the State of
20 California. Insurance Code Section 12921 mandates that the Insurance
21 Commissioner enforce the Insurance Code and other laws regulating
22 the business of insurance." The DOI enforces, *inter alia*, state
23 insurance laws in California.

24
25 20. Plaintiff is informed and believes and based thereon alleges, that at all
26 times relevant herein, Defendants, JACKIE LACEY, and DOES 1
27 through 10, inclusive, were residents of the County of Los Angeles,
28 State of California and were the District Attorney of the Los Angeles

1 County District Attorney's Office and/or held other positions within
2 the Los Angeles County District Attorney's Office, and in conjunction
3 with said employment were delegated with the authority and
4 responsibility of carrying out the training, supervisory, and
5 disciplinary functions of the County of Los Angeles District
6 Attorney's Office, including responsibility for the setting and
7 implementation of departmental policy acted upon by its deputy
8 district attorneys, who at all times relevant herein, were acting in the
9 course and scope of their employment and under color of law. Each
10 Defendant named herein is sued both in his/her individual and official
11 capacity.

12 21. Plaintiff is informed and believes and based thereon alleges, that at all
13 times relevant herein, Defendants, DAVE JONES, and DOES
14 11 through 20, inclusive, were residents of the State of California and
15 were the California Insurance Commissioner and/or held other
16 positions within the California Department of Insurance, and in
17 conjunction with said employment were delegated with the authority
18 and responsibility of carrying out the training, supervisory, and
19 disciplinary functions of the California Department of Insurance,
20 including responsibility for the setting and implementation of
21 departmental policy brought by its employees/investigators, who at all
22 times relevant herein, were acting in the course and scope of their
23 employment and under color of law. Each Defendant named herein is
24 sued both in his/her individual and official capacity.

25
26 22. Plaintiff is informed and believes and based thereon alleges, that at all
27 times relevant herein, Defendants, JAN LYNN OWEN, and DOES 21
28 through 30, inclusive, were residents of the State of California and

1 were the Commissioner of the Department of Business Oversight
2 (formerly known as California Department of Corporations) and/or
3 held other positions within the Department of Business Oversight,
4 and, in conjunction with said employment, were delegated with the
5 authority and responsibility of carrying out the training, supervisory,
6 and disciplinary functions of the California Department of Business
7 Oversight, including responsibility for the setting and implementation
8 of departmental policy brought by its employees/investigators, who at
9 all times relevant herein, were acting in the course and scope of their
10 employment and under color of law. Each Defendant named herein is
11 sued both in his/her individual and official capacity.

12 23. Plaintiff is informed and believes and based thereon alleges that, at all
13 times relevant herein, Defendant RENEE CARTAYA (hereinafter
14 referred to as “Cartaya”), and DOES 31 through 40, inclusive, were
15 residents of the County of Los Angeles, State of California, and at all
16 times mentioned herein, were Deputy District Attorneys, supervisors
17 and/or employees of the County of Los Angeles District Attorneys’
18 Office and were acting under color of authority and pursuant to the
19 regulations, customs and usages of the County of Los Angeles District
20 Attorneys’ Office and under color of the authority of that department.
21 Each Defendant herein is sued in his/her individual and official
22 capacity. RENEE CARTAYA was the prosecutor of Plaintiff in Los
23 Angeles Superior Court case No. BA439544.

24
25 24. Plaintiff is informed and believes and based thereon alleges that, at all
26 times relevant herein, Defendant BLAINE NOBLETT (hereinafter
27 referred to as “Noblett”), and DOES 41 through 50, inclusive, were
28 residents of the County of Los Angeles, State of California, and at all

1 times mentioned herein, were attorneys and/or members, supervisors
2 and/or employees of the California Department of Business Oversight,
3 and were acting under color of authority and pursuant to the
4 regulations, customs and usages of the California Department of
5 Business Oversight and under color of the authority of that
6 department. Each Defendant herein is sued in his/her individual and
7 official capacity. Defendant NOBLETT was lead investigator and
8 “Attorney for Plaintiff” for the Department of Corporations (now
9 Department of Business Oversight) in a 2012 lawsuit was entitled
10 “THE PEOPLE OF THE STATE OF CALIFORNIA, BY AND
11 THROUGH THE CALIFORNIA CORPORATIONS
12 COMMISSIONER, vs. PROTÉGÉ FINANCIAL & INSURANCE
13 SERVICE, INC.,NOT FORGOTTEN, LLC; WINDSON
14 PICTURES, LLC; ... MICHELLE KENEN SEWARD, as an
15 individual; DROR SOREF as an individual:” (Los Angeles
16 Superior Court case No. BC492536). Defendant NOBLETT
17 investigated the civil case and served as co-prosecutor in Plaintiff’s
18 criminal case (Los Angeles Superior Court case No. BA439544).
19 Therefore, Defendant NOBLETT had actual knowledge of facts
20 alleged in the criminal complaint well before September 8, 2011,
21 meaning that the statute of limitations had run and the criminal
22 complaint was not timely brought.
23

- 24 25. Plaintiff is informed and believes and based thereon alleges that, at all
25 times relevant herein, Defendant JUNE J. ARAGO (also known as
26 JOJO ARAGO and hereinafter referred to as “Arago”), and DOES 51
27 through 60, inclusive, were residents of the County of Los Angeles,
28 State of California, and at all times mentioned herein, were

1 investigators and member of the California Department of Insurance,
2 and were acting under color of authority and pursuant to the
3 regulations, customs and usages of the California Department of
4 Insurance and under color of the authority of that department. Each
5 Defendant herein is sued in his/her individual and official capacity.
6 Defendant JUNE J. ARAGO was the investigator, and the person who
7 signed the probable cause declaration for the search warrant and
8 Plaintiff's arrest warrant despite personal knowledge that no probable
9 cause existed for the search or Plaintiff's arrest.

10 26. Plaintiff is informed and believes and based thereon alleges that at all
11 times herein mentioned, Defendants and DOES 1 through 60
12 inclusive, committed the herein alleged acts either as individuals
13 and/or in their official capacity as District Attorney, Commissioner of
14 Business Oversight, Commissioner of Insurance, Deputy District
15 Attorneys, Attorneys, Investigators, and/or employees, and agents,
16 policy makers and representatives for the LOS ANGELES COUNTY
17 DISTRICT ATTORNEY'S OFFICE, a department and subdivision of
18 Defendant COUNTY OF LOS ANGELES; CALIFORNIA
19 DEPARTMENT OF BUSINESS OVERSIGHT and CALIFORNIA
20 DEPARTMENT OF INSURANCE, departments and subdivisions of
21 Defendant STATE OF CALIFORNIA.

22
23 27. Plaintiff is unaware of the true names and/or capacities of Defendants
24 sued as Does 1 through 60, inclusive, and, therefore, sue said
25 Defendants by such fictitious names. Plaintiff will amend this
26 complaint, by leave of the court if necessary, to allege their true
27 names and/or capacities when ascertained. Plaintiff is informed and
28 believes and based thereon alleges, that Defendants Does 1 through

60, inclusive, and each of them, were the agents and servants of the other Defendants and at all times were acting, within the scope of said agency and are jointly obligated with the remaining Defendants.

B. STATEMENT OF FACTS

28. Plaintiff met Michelle Seward (“Seward”) in 2005. In 2006, Seward informed Plaintiff that she was a financial planner and able to raise funds for film projects. Seward represented that at no time would more than 10% of any investors’ assets be invested in any film.
29. Seward was an insurance broker licensed by Defendants California Department of Insurance. Seward was the Owner of Protégé Financial and Insurance Services, Inc. and Saxe-Coburg Insurance Solutions, LLC.
30. Relying on Seward’s representations, Plaintiff and Seward formed **Not Forgotten, LLC** – a firm created to finance the movie “Not Forgotten.” The film was completed in 2008 and received critical acclaim, including being chosen as the opening film at the well-respected Slamdance film festival. The film received the Saturn Award and was premiered at the Hollywood Chinese Theater.
31. After the completion of the film, “Not Forgotten,” Seward and Plaintiff formed **Windsor Pictures, LLC** – a firm created for the purpose of developing and producing other film projects.
32. On or around September 8, 2015, the People of the State of California, through the District Attorney of Los Angeles County filed a 72-count felony complaint (Case No. BA439544) in the Los Angeles Superior

1 Court, naming Plaintiff and Seward as co-defendants, alleging 15
 2 violations of Corporations Codes §25110/25540(a) [offering and sale
 3 of unqualified security-issuer transactions], 56 violations of
 4 Corporations Codes §25401(b)/25540(b) [untrue statements and
 5 omissions of material facts communicated in connection with the sale
 6 of securities]; and, one violation of Corporations Code
 7 §25541[maintaining a device, scheme, or artifice to fraud, in
 8 connection with the sale of a security]. Plaintiff and Seward faced
 9 identical charges under the complaint.

- 10 33. On September 11, 2015, Plaintiff was arrested and held in lieu of
 11 \$2,700,000.00 bail. Although both, Plaintiff and his Co-Defendant,
 12 Seward, faced **identical charges** under the Complaint, Seward's bail
 13 was set at \$1,000,000.00 and Plaintiff's bail at \$2,700,000.00.
- 14 34. Curiously, Seward was released on her own recognizance (OR) almost
 15 immediately after her arrest while Plaintiff was forced to spend 140
 16 days in jail.
- 17 35. Of the 72 felony counts charged on September 11, 2015, the earliest
 18 was alleged to have occurred November 14, 2007. CA Penal Code
 19 section 801.5 requires that prosecution of any violation of
 20 Corporations Code §§ 25110, 25540, 25401, 25540 (b), and 25541, in
 21 which fraud is alleged must be commenced within four years after
 22 commission of the offense.
- 23 36. California case law makes clear that an accusatory pleading which
 24 seeks to avoid the bar of the statute of limitations by pleading the
 25 "discovery" provision of the Penal Code must allege facts showing:
 26 (1) the date on which the offense was 'discovered'; (2) how and by
 27 whom the offense was 'discovered'; (3) lack of knowledge, both
 28

actual or constructive, prior to the date of ‘discovery’; (4) the reason why the offense was not ‘discovered’ earlier. (See e.g., People v. Lopez, 52 Cal.App.4th 233, 245; People v. Zamora, 18 Cal.3d 538, 564–565 [fn. 26].) Defendants’ complaint does not meet the jurisprudential requirements for pleading under the “discovery” provision because it does not allege facts stating: lack of knowledge, both actual or constructive, prior to the date of ‘discovery’; and/or, the reason why the offense was not ‘discovered’ earlier.

37. On September 23, 2015, the Los Angeles County Probation Department Services Division prepared a Report of Pretrial Investigation regarding Plaintiff, his danger to the community, and his risk of flight (the “Pretrial Report”). The Pretrial Report concluded that Plaintiff “scored in the low range on the risk assessment.”
38. The Pretrial Report states, without substantiation, that “I/O (CAL. DEPT. OF INSURANCE), CLAIMS THE DEFENDANT *MAY HAVE DUAL CITIZENSHIP (ISRAEL)* [and] IS OPPOSED TO RELEASE O.R. (*sic*) DUE TO HIGH FLIGHT RISK.” No explanation – other than the possibility that Plaintiff possibly had dual citizenship – is offered by the DOI investigating officer as to why Plaintiff was considered to be a “high flight risk.” Plaintiff had no other pending cases and had only one misdemeanor conviction dating back to 1992.
39. On September 28, 2015, Plaintiff appeared with counsel before the trial court for a bail review.
40. At the bail hearing held on September 28, 2015, the trial court questioned Defendant Cartaya whether she contended Plaintiff was “a flight risk.”

1 The Court: All Right. Is your position he's a flight risk?

2 Ms. Cartaya: Yes, the people feel that his ties to Israel make
3 him a flight risk.

4 The Court: Has he ever –has he ever failed to appear, as far
5 as you know?

6 Ms. Cartaya: No, Your Honor.

7 The Court: Any Bench Warrants?

8 Ms. Cartaya: That would have been something that would
9 have shown up on the O.R. Report, and they did not indicate
10 that.

11 The Court: Any recent travel to Israel that you're aware of?

12 Ms. Cartaya: I do not know. I know the D.A. Investigator
13 contacted him within the last month and tried to set up an
14 interview with him or appointment, and he indicated he was
15 out of the country at that time to the D.A. Investigator.

16 The Defendant [Plaintiff Soref]: Not True

17 Mr. Altman: Your Honor, I can speak to that. He was out of
18 state, and we left a message as well.

19 The Court: So as far as you know, he hasn't traveled
20 internationally in the last 10 or 20 years?

21 Ms. Cartaya: No"

- 22
- 23 41. Defendants District Attorney's Office and Does 31 through 40,
24 inclusive, offered no other reason for their estimation that Plaintiff
25 was a "flight risk" other than Plaintiff's "ties to Israel."
26 42. At the hearing, the trial court commented on the disparate treatment
27 offered to Seward and asked Defendants Cartaya and Does 31 through
28 40, inclusive, about their respective culpability.

1 The Court: “What is the relevance – they’re charged the
2 same. What is the relative culpability between the two
3 defendants, as far as you’re concerned?”

4 Ms. Cartaya: “It appears that this Defendant is the more
5 culpable based upon the bank records and the fact that he’s
6 a signatory in the two main companies.”

7 43. This is an outright misrepresentation by Defendants District
8 Attorney’s Office, Cartaya and Does 1 through 10 and 31 through 40,
9 inclusive.

10 44. At the time Defendants Cartaya and/or the Doe Defendants made this
11 statement, Defendants District Attorney’s Office, Cartaya and/or the
12 Doe Defendants, were in possession of substantial amounts of
13 evidence that had not been made available to Plaintiff, including
14 summaries of interviews from dozens of complaining witnesses, all of
15 whom confirmed that all alleged misrepresentations came from Co-
16 Defendant Seward and that they had had no substantive pre-
17 investment communications whatsoever with Plaintiff. Most of the
18 complaining witnesses had never met Plaintiff or knew who he was.

19 45. Additionally, Defendant Arago and Does 51 through 60, inclusive, in
20 his Statement of Probable Cause to the Search Warrant and Affidavit
21 filed with the Los Angeles Superior Court on November 20, 2014
22 (which was also attached to the Probable Cause Declaration of June J.
23 Arago for the Arrest Warrant of Plaintiff in the Felony Complaint
24 BA439544), stated “[A]fter further investigation and interviews with
25 Seward’s clients, your affiant determined that Seward induced her
26 clients in investing into another venture, Windsor, in the form of
27 bridge loans. According to California Secretary of State records, Soref
28

1 is the sole managing member of Windsor; however, through
2 interviews with Seward and Soref, your affiant learned that it was
3 Seward who was running the finances of Windsor and who made
4 contact with the investors. For the bridge loan agreements, Seward
5 told the investors that her agencies, Protégé and Saxe-Coburg were
6 guaranteeing the principal on the loans.” (*Page 11 of the Search*
7 *Warrant and Affidavit.*)

8 46. Defendants District Attorney Cartaya and/or the Doe Defendants’
9 representation to the Court that “*It appears that this Defendant is the*
10 *more culpable based upon the bank records*” “was not only another
11 misrepresentation to the court but also completely lacked any factual
12 basis. The charges alleged – Corp. Code §25110 [unqualified sale of
13 unqualified securities] and Corp. Code §25401(b) [untrue statements
14 in connection with the sale of security] – involved the sale of
15 securities, and Seward remained the only defendant who had been
16 identified as being involved in that process.

17 47. After the September 28, 2015 hearing, the trial court issued a written
18 ruling denying Plaintiff’s request for reduced bail. Incredibly, the trial
19 court characterized the District Attorney’s single unsubstantiated
20 representation – “*It appears that this Defendant is the more culpable*
21 *based upon the bank records*” – as “persuasive” evidence that Plaintiff
22 is more culpable than Seward.

23 48. On October 13, 2015, at the preliminary hearing setting, Defendants
24 District Attorney’s Office and/or the Doe Defendants provided a
25 second tranche of discovery to Plaintiff’s counsel consisting of
26 approximately 562 pages of documents. Among other things, this
27 discovery contained investigative memoranda of witness interviews.
28

- 1 49. Thereafter, Plaintiff filed a Motion for Reconsideration based on the
2 newly produced discovery, which directly contradicted the
3 representations made at the first bail hearing by Defendants District
4 Attorney Cartaya and the Doe Defendants that Plaintiff was the more
5 culpable party. In fact, none of the discovery contained any evidence
6 that Plaintiff ever offered to sell a security or instigated a sale of
7 securities at any time. For example, one of the investigator's reports
8 of one alleged victim contained the following statements: "I asked B
9 and G if they knew Dror Soref and they said no. They said they only
10 knew of Soref's name when it was mentioned in one of Seward's
11 letter (*sic*) to investors, informing them that Soref was not cooperating
12 with her efforts to address the situation."
- 13 50. On October 30, 2015, the Court denied Plaintiff's Motion for
14 Reconsideration.
- 15 51. On December 14, 2015, Plaintiff filed a demurrer to the complaint due
16 to lack of jurisdiction as to Counts 1-59 and 61-71. The demurrer
17 requested alternative relief in the form of an evidentiary hearing on
18 the alleged tolling of the statute of limitations. The attached
19 memorandum clearly states that: "The events underlying these Counts
20 in this matter occurred well over four years ago, some almost eight
21 years prior to the filing of the complaint" – all periods outside the
22 statute of limitations for each alleged count. The Demurrer alerted the
23 Court that Defendants provided no justification for the delay in
24 bringing charges. Further, the Court was made aware that Defendants
25 disingenuously attempted to remedy the defective pleading by
26 "tethering" the discoverability of these acts to an arbitrary starting
27
28

1 point: a letter sent by Seward to the investors exactly four years to the
2 day prior to the filing of the complaint.

3 52. Defendants District Attorney's argument regarding the date of
4 discovery of the alleged violations is undermined by a plethora of
5 evidence and actions taken before the letter was written, including:
6 the lodging of formal and informal complaints by investors,
7 completed and inchoate settlement negotiations with investors, as well
8 as a full-fledged investigation by Defendants DBO, and/or the Doe
9 Defendants months earlier and a formal complaint to the DOI and/or
10 the Doe Defendants, by two of the complaining witnesses over one
11 year earlier.

12 53. Plaintiff's demurrer was overruled on January 7, 2016. However, the
13 hearing on the tolling of the statute of limitations was continued to
14 March 1, 2016.

15 54. At the January 7, 2016 hearing, the matter regarding the bail was also
16 heard. The Court raised the issue whether Plaintiff was a flight risk.
17 Again, Defendant Cartaya indicated that the District Attorney's Office
18 stated that Plaintiff was a flight risk because of the pending charges
19 and Plaintiff's ties to Israel. Bail was reduced from \$2.7 million to
20 \$350,000.00 due to Defendants District Attorneys and/or the Doe
21 Defendants' inability to justify the unreasonably high bail. However,
22 Defendant Michelle Seward, who was charged with exactly the same
23 crimes but had no ties to Israel, had been released on her own
24 recognizance since September.

25
26 55. On February 10, 2017, Plaintiff filed a motion to dismiss counts 1-59
27 and 61-71 due to lack of jurisdiction pursuant to California Penal
28 Code §1385. The events underlying Counts 1-59 and 61-71 in this

1 matter occurred well over four years – some almost eight years – prior
2 to the filing of the complaint.

3 56. Although the law only requires constructive notice to either the
4 alleged victim or law enforcement in order to trigger P.C. §803
5 discovery, the preliminary hearing evidence shows that both the
6 alleged victims and law enforcement were aware of the facts giving
7 rise to the claims well before September 8, 2011 (the date of the letter
8 which Defendants asserted as the discovery date for statute of
9 limitations purposes). In fact, the DBO began formal investigations
10 prior to September 8, 2011, leading the DBO and the DOI to file the
11 civil lawsuit in 2012. These criminal charges were filed in 2015. By
12 the very legal definition of what is required to trigger P.C. §803
13 discovery (“circumstances sufficient to make them suspicious of fraud
14 thereby leading them to make inquiries” [authority]), law enforcement
15 possessed that information well over four years prior to filing the
16 complaint.

17
18 57. Even if each alleged victim was not individually aware that they were
19 victims of a crime, law enforcement was made aware of specific facts
20 which gave them, or should have given them, reason to suspect that a
21 violation of the securities laws had occurred.

22 58. On February 27, 2017, in considering the question of statute of
23 limitations during one of the many sessions that comprised the lengthy
24 Preliminary Hearing (which lasted five weeks), the Court found it was
25 clear from witness testimony that the law enforcement was aware of
26 the specific facts which gave them, or should have given them,
27 reasons to suspect that violations of the securities laws had occurred
28 long before the date of discovery asserted by the Prosecution.

- 1 59. For example, in 2010, the Hashibas filed a complaint with the SEC
2 regarding their investment in Not Forgotten and Windsor Pictures. In
3 late September or early October of 2010, the SEC forwarded that
4 complaint to DBO.
- 5 60. After receiving the Hashibas' complaint from SEC, the DBO opened a
6 case file and began its own investigation. As part of that investigation,
7 the DBO determined **as early as October 2010** that no qualification
8 permit had been issued with respect to the securities at issue.
- 9 61. DBO Senior Counsel Karen Patterson prepared an investigatory
10 memo regarding the Hashibas complaint on October 7, 2010. On
11 February 2011, the Hashibas filed an additional complaint directly
12 with the DBO, asserting specific representations made by Seward and
13 specifically implicating Plaintiff. Between October 2010 and March
14 2011, the DBO's only attempt to contact the Hashibas or to identify
15 other investors consisted of a single email, which received no
16 response, so the file was closed.
- 17 62. The case was reopened in March 2011, when DBO counsel Defendant
18 Noblett was assigned to work on the file. In May 2011, Defendant
19 Noblett determined that the issuers in question were Not Forgotten
20 and Windsor Pictures and focused his investigation on those entities.
21 Subpoenas were issued and responses were received. Even though,
22 DBO had compiled a list of investors of Not Forgotten and Windsor
23 Pictures in May 2011, DBO did not contact any of the investors until
24 December 2011.
- 25 63. As to the Defendants District Attorney's Office and the Doe
26 Defendants, they were first put on notice by investor Sara Floyd on
27 October 18, 2010 when she sent a letter to the Major Fraud Division
28 October 18, 2010 when she sent a letter to the Major Fraud Division

1 of the Los Angeles District Attorney's Office complaining about
2 Seward, Plaintiff and Skyline Pictures and followed up with a formal
3 complaint form in November 2010 and then again in March 2011,
4 when they received an anonymous letter alleging that Seward,
5 Plaintiff, Not Forgotten, Protégé Financial, and Skyline Pictures were
6 perpetrators of a multi-million dollar Ponzi scheme.

7 64. As to Defendants DOI and the Doe Defendants, during the
8 Preliminary Hearing Ms. Hashiba testifies that she informed the DOI
9 about her experiences with Plaintiff and Seward in July 2010, and that
10 the DOI responded within about a week that they had begun an
11 investigation which indicated that there were violations. Defendant
12 Arago testified that the DOI dealt with Ms. Hashiba's insurance issue
13 and, as to the investment issues, it referred her to her local District
14 Attorney's office in November 2010.

15 65. During this time frame, the Federal Bureau of Investigation ("FBI")
16 was conducting its own investigation of Plaintiff and Seward,
17 including interviews with investors. While Plaintiff doesn't know the
18 exact timeline when this investigation began, he does know that it
19 goes back to at least April 2011, when the FBI contacted Winnie
20 Hashiba.

21 66. On February 27, 2017, the Court also heard Plaintiff's motion to
22 dismiss Counts 1-59 and 61-71 for lack of jurisdiction. At the hearing
23 the Court questioned counsel, heard oral arguments and dismissed
24 Counts 1-59 and 61-71. The Court made the following ruling:

25 "Even with that low standard, I believe and find as a matter
26 of law, because there really is no factual dispute, I find as
27 a matter of law that law enforcement and investigative
28

1 agencies as early as 2010, certainly the latter half of 2010
2 and even stronger the last quarter of 2010, were on
3 sufficient notice, actually notice (*sic*) that the statute of
4 limitations starts running for four years after October of
5 2010, which means the statute of limitations would expire
6 in October or November of 2014.

7

8 The People strongly urged the court to adopt a standard, of
9 ‘let us complete our investigation to the point where we
10 really believe we are going to file a complaint, then we
11 should start counting.’ I believe it is an arbitrary standard.
12 *It may be policy of a prosecutorial agency to follow that*
13 *kind of rule, or regulation, or common practice,* but I think
14 it is a recipe for disaster when there is sufficient
15 information and dramatic information which puts the
16 prosecution team well on notice before they decide in their
17 wisdom to actually pick a date and say, ‘we are going to
18 file it.’ *And interestingly enough, there is a date very, very*
19 *much after actual notice.*

20 ...

21 As a legal determination by the court based upon my
22 obligations to follow the dictates of the California
23 Supreme Court and the Courts of Appeal in the State of
24 California, the defense motion to dismiss Counts 1 through
25 59 and 61 through 71 is granted.”
26
27
28

1 67. Plaintiff's motion to dismiss Counts 60 and 72 were heard on March
2 16,2017. The Court dismissed both counts. In doing so, the Court
3 stated:

4 "... As I look to the totality of the evidence in this case and
5 the reasonable inferences that can be made, I find the
6 people have not met their burden as to either Count 60 or
7 72.

8 There are speculations. There can be excellent arguments,
9 but the inferences that the People expect to draw are not
10 based upon a standard of strong suspicion. The elements
11 of intent and knowledge are not satisfactory. And with that
12 in mind, recognizing the appropriate standard of proof at
13 preliminary hearing, the court will grant the defense
14 motion to dismiss Counts 60 and 72 in this case.

15 I find from a legal position that the evidence is insufficient.

16 ...

17 Therefore, the defense motion to dismiss Counts 60 and
18 72 based upon insufficiency of the evidence from a legal
19 stand point is granted. They are dismissed." (Emphasis
20 and underlines added)
21

22 68. As a result of the unlawful and discriminatory acts by the Defendants,
23 Plaintiff Dror Soref, a 66 year-old United States citizen who resided in
24 within Los Angeles County for over 40 years – the adoptive father of
25 a young child, a husband with no meaningful criminal history – spent
26 approximately 140 days¹ in jail on a charges that should never have
27
28

¹ Mr. Soref was arrested on or around September 11, 2015 and released on or around January 28, 2016.

1 unconstitutional deprivation of liberty; defamation of character; stress;
2 and loss of standing in the community.

3 **IV**

4 **CAUSES OF ACTION**

5 **A. FIRST CAUSE OF ACTION AGAINST ALL DEFENDANTS:**

6 **Violation Of 42 USC § 1983 (Unconstitutional [Monell Theory]**
7 **Deprivation of Liberty: Statutory False Imprisonment) and 42 U.S.C. §**
8 **1988**

9
10 73. Plaintiff refers to and incorporates by reference each and every
11 allegation contained in paragraphs 1 through 72 into this section as if
12 fully set forth herein.

13 74. 42 USC § 1983 creates liability to an injured party, including the
14 availability of money damages, for any person “who, under color of
15 any statute, ordinance, regulation, custom, or usage, of any State or
16 Territory or the District of Columbia, subjects, or causes to be
17 subjected, any citizen of the United States or other person within the
18 jurisdiction thereof to the deprivation of any rights, privileges, or
19 immunities secured by the Constitution and laws.”

20 75. Each and every Defendant (including all “Doe” Defendants) named in
21 this complaint is a “person,” “public entity,” policy maker” and/or
22 “public employee” as that term has been defined under United States
23 and California law.

24
25 76. Each and every Defendant (including all “Doe” Defendants) named in
26 this complaint, acting in their official and individual capacities, were,
27 at all times related to the present complaint, acting under the color of
28 state law.

- 1 77. No Defendant named in this suit is a “judicial officer” as
2 contemplated under 42 USC § 1983.
- 3 78. The Fourth Amendment to the United States Constitution, as applied
4 to the several States through the 5th and 14th Amendments, protects all
5 citizens of the United States from arbitrary and unlawful arrest and
6 imprisonment. The California Constitution, and therefore State law,
7 similarly protects California residents from arbitrary arrest and
8 imprisonment.
- 9 79. California Government Code § 815.2 – a state law – provides that “[a]
10 public entity is liable for injury proximately caused by an act or
11 omission of an employee of the public entity within the scope of his
12 employment if the act or omission would, apart from this section,
13 have given rise to a cause of action against that employee or his
14 personal representative.”
- 15 80. California Government Code § 820.4 – a state law – provides that a
16 public employee is not exonerated from liability for false arrest and/or
17 imprisonment.
- 18 81. On or around September 8, 2015, Defendants filed a 72-count felony
19 complaint against Plaintiff alleging 15 violations of CA Corporations
20 Code § 25110/25540(a), 56 violations of CA Corporations Code §
21 25401(b)/25540(b), and 1 violation of CA Corporations Code §
22 25541. The complaint alleged that all counts are related felonies
23 involving a material element of fraud. The statute of limitations for
24 crimes involving fraud under CA Penal Code §§ 801.5 and 803(c)
25 expires after four years of the completion of the offense or discovery
26 of the commission of the offense, whichever is later. The Defendants
27 knew and negligently and/or recklessly disregarded the fact that, at the
28

1 time the complaint was filed, the acts and/or discovery of the acts
2 alleged in Counts 1-59 and 61-71 occurred prior to September 8, 2011
3 – four years prior to the date of the filing and therefore after the
4 statute of limitations had expired. Furthermore, the Defendants knew
5 and negligently and/or recklessly disregarded the fact, at the time the
6 complaint was filed, that Count 60 and Count 72 were not related to
7 any act or omission committed by Plaintiff.

8 82. As a direct and proximate result of the Defendants actions, Plaintiff
9 was deprived of his constitutional rights when he was taken into
10 custody on September 11, 2015 and not released until on or around
11 January 28, 2016 – meaning Plaintiff spent 140 days in custody solely
12 because of the illegal and unjustified conduct of the Defendants while
13 they acted under color of law.

14 83. Each and every Defendant herein named (including all Doe
15 Defendants) committed acts and/or omissions which enacted and/or
16 ratified policies and/or municipal customs which foreseeably and
17 proximately resulted in Plaintiff's unlawful imprisonment.
18

19 84. Further, Defendants are alleged to have maintained, and/or
20 participated in a policy permitting the occurrence of the type of
21 wrongs described herein, and based on the principal set forth in
22 Monell vs. New York City Department of Social Services (1978) 436
23 U.S. 648 and Heller vs. Bushey (9th Cir. 1985) 759 F.2d 1371, are
24 liable for all injuries sustained by Plaintiff. To wit, Defendants knew
25 or should have known that prosecution, and therefore imprisonment,
26 of Plaintiff was barred by the statute of limitations, yet Defendants
27 caused the incarceration of Plaintiff despite said knowledge.
28

1 **85. Judicial Deception -- statute of limitations and the arrest warrant:**

2 As separate and equivalent cause of liability under this cause of
 3 action, Plaintiff alleges that Defendants, and each of them, violated
 4 Plaintiff's civil rights under § 1983 by deceiving a judge and/or
 5 magistrate through the presentation of deliberate falsehoods, omission
 6 of material facts, and/or recklessly disregarding the truth when they
 7 averred to and knowingly omitted material information leading to the
 8 issuance of a criminal complaint. For example, Plaintiff points to the
 9 warrant affidavit omitting the fact that the statute of limitations had
 10 run for the charged offenses. The Defendants, and each of them,
 11 should have known that the statute of limitations had run on the
 12 charged offenses. The omission is "necessary" and "material" to the
 13 issuance of the arrest warrant because the presiding magistrate would
 14 not have found probable cause to arrest if made aware of the
 15 expiration of the statute of limitations. Thus, Defendants, and each of
 16 them, did not act in an objectively reasonable manner in omitting
 17 relevant information in their application for a warrant and enjoy no
 18 qualified immunity. Furthermore, if the affidavit was supplemented
 19 with the omitted fact that the statute of limitations had run, there
 20 would have been no probable cause to arrest Plaintiff.

21
 22 **86. Judicial Deception -- culpability at bail hearing:** As separate and
 23 equivalent cause of liability under this cause of action, Plaintiff
 24 alleges that Defendants, and each of them, violated Plaintiff's civil
 25 rights under § 1983 by deceiving a judge and/or magistrate through
 26 the presentation of deliberate falsehoods, omission of material facts,
 27 and/or recklessly disregarding the truth when they deliberately
 28 misrepresented facts at Plaintiff's bail hearing. For example,

1 Defendants, and each of them – having a duty of candor to the court²
2 –knew or should have known that the investigative material indicated
3 that Michelle Seward was the more culpable of the two co-defendants
4 but maintained the contrary. Thus, Defendants, and each of them, did
5 not act in an objectively reasonable manner in omitting relevant
6 information in their application for bail and enjoy no qualified
7 immunity. Furthermore, if the bail hearing was supplemented with the
8 omitted fact that Michelle Seward was clearly the more culpable co-
9 defendant, there would still be no cause to hold Plaintiff to a higher
10 bail than Ms. Seward.

11 87. **Judicial Deception -- statute of limitations and the preliminary**
12 **hearing:** As separate and equivalent cause of liability under this cause
13 of action, Plaintiff alleges that Defendants, and each of them, violated
14 Plaintiff's civil rights under § 1983 by deceiving a judge and/or
15 magistrate through the presentation of deliberate falsehoods, omission
16 of material facts, and/or recklessly disregarding the truth when they
17 averred to and knowingly omitted material information at the
18 preliminary hearing. For example, Plaintiff points to the omission of
19 the fact that the statute of limitations had run for the charged offenses
20 at the preliminary hearing. The Defendants, and each of them, should
21 have known that the statute of limitations had run on the charged
22 offenses. The omission is "necessary" and "material" to the
23 continuation of the preliminary hearing (which lasted five weeks
24 while Plaintiff was incarcerated) because the presiding judge would
25 not have continued with the preliminary hearing if made aware of the
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² See California Rule of Professional Conduct 5-200 and California Business and Professions Code 6068(d).

1 expiration of the statute of limitations. Thus, Defendants, and each of
2 them, did not act in an objectively reasonable manner in omitting
3 relevant information in their presentation of evidence at the
4 preliminary hearing and enjoy no qualified immunity.

5 88. The aforementioned acts and omissions of each Defendant was done
6 by each Defendant knowingly, intentionally, willfully, maliciously or
7 with such callous disregard with purpose of harassment, oppression and
8 infliction injury upon the Plaintiff. This was done with reckless,
9 wanton and callousness of Plaintiff's civil rights and by reason
10 thereof. Plaintiff claims exemplary and punitive damages from the
11 non-governmental Defendants in a sum to be determined by this Court
12 – but in no case less than \$10 Million – to deter, educate and prevent
13 Defendants from ever inflicting such injuries again upon any
14 individual.

15 89. Each of the acts of Defendants was carried out without justification,
16 without probable cause, in bad faith, and with the motive to seek
17 retribution against Plaintiff for crimes of which he was not guilty, had
18 not been tried for, and was, in no manner, criminally liable for.

19 90. In order to carry out the foregoing violation of Plaintiff's constitutional
20 rights, the Defendants undertook series of acts alleged throughout this
21 Complaint.

22 91. The foregoing conduct of Defendants and statements made in
23 conjunction with that conduct were designed at all times to: deny
24 Plaintiff his right to due process of law, to insure that the Plaintiff would
25 be incarcerated for crimes for which he could not legally be convicted
26 because the statute of limitations had long since expired, to ensure that
27 Plaintiff would be prosecuted in the public eye regardless of the
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outcome of the criminal prosecution so that Plaintiff's reputation would be destroyed, and to ensure the invasion of his privacy.

92. At no time was there probable cause or any good faith belief to believe that Plaintiff was guilty of the alleged criminal charges or that Plaintiff was in any way criminally culpable and, in no event, "more culpable" than his co-defendant Michelle Seward.

93. By reason of the aforementioned acts and omissions of Defendants, and each of them, Plaintiff retained attorneys to represent them and did incur and continue to incur investigation costs, expenses, attorneys' fees, ad legal costs. Plaintiff requests payments by Defendants, and each of the, for compensation of fees and costs pursuant to Title 42 U.S.C. § 1988.

B. SECOND CAUSE OF ACTION AGAINST ALL DEFENDANTS:

Violation of 42 USC § 2000d (Unconstitutional [Monell Theory] Disparate Treatment Based on National Origin) and 42 USC §1988

94. Plaintiff refers to and incorporates by reference each and every allegation contained in Paragraphs 1 through 93 of this complaint into this section as if fully set forth herein.

95. 42 USC § 2000d prohibits discrimination "under any program or activity receiving Federal financial assistance" on the basis of national origin.

96. 42 USC § 2000d-4a(1)(A) defines a program or activity as meaning "all the operations of ... a department, agency, special purpose

1 district, or other instrumentality of a State or of a local
2 government....”

3 97. 42 USC §2000d-7 provides that in “a suit against a State for a
4 violation” of 42 U.S.C. 2000d *et seq.*, “remedies (including remedies
5 both at law and in equity) are available for such a violation to the
6 same extent as such remedies are available for such a violation in the
7 suit against any public or private entity other than a State.”

8 98. The Defendants herein named (including certain Doe Defendants) are
9 departments, agencies, and/or instrumentalities of the State of
10 California and/or the County of Los Angeles. Defendants herein
11 named (including certain Doe Defendants) operate programs receiving
12 Federal financial assistance. For example, for fiscal 2016, Los
13 Angeles County received in \$582 million in federal aid, some portion
14 of which was directed to Defendants.

15 99. As herein alleged, Defendants made statements under oath or as
16 officers of the court that knowingly misstated facts causing a criminal
17 complaint to be filed that foreseeably and proximately resulted in the
18 Plaintiff being unlawfully arrested and imprisoned, despite the
19 expiration of the statute of limitations for those charges.

20 100. As herein alleged, Defendants at each and every bail hearing after
21 Plaintiff’s unlawful arrest asserted that Plaintiff was a “flight risk,”
22 and therefore not eligible for the same protection under the law as his
23 co-defendant, solely based of his Israeli national origin.

24 101. Each and every Defendant herein named (including all Doe
25 Defendants) committed acts and/or omissions which enacted and/or
26 ratified policies and/or municipal customs which foreseeably and
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1 proximately resulted in Plaintiff's unequal treatment under the law
2 solely based on his national origin.

3 102. Further, Defendants are alleged to have maintained, and/or
4 participated in a policy permitting the occurrence of the type of
5 wrongs described herein, and based on the principal set forth in
6 Monell vs. New York City Department of Social Services (1978) 436
7 U.S. 648 and Heller vs. Bushey (9th Cir. 1985) 759 F.2d 1371, are
8 liable for all injuries sustained by Plaintiff. To wit, Defendants knew
9 or should have known that Defendants' national origin was an
10 unconstitutional basis on which to impose different conditions of
11 eligibility for bail, yet Defendants repeatedly asserted that Plaintiff
12 was a flight risk solely based on his Israeli national origin.

13
14 103. Each of the acts of Defendants were carried out without justification,
15 without probable cause, in bad faith, and with the motive to seek
16 retribution against Plaintiff for crimes which he was not guilty of, had
17 not been tried for, and was, in no manner, criminally liable for.

18 104. In order to carry out the foregoing violation of Plaintiff's constitutional
19 rights, the Defendants undertook series of acts alleged throughout this
20 Complaint.

21 105. The foregoing conduct of Defendants and statements made in
22 conjunction with that conduct were designed at all times to: deny
23 Plaintiff his right to equal protection under the law, having the effect of
24 ensuring that Plaintiff remained incarcerated for crimes for which he
25 could not legally be convicted because the statute of limitations had
26 long since expired; to ensure that Plaintiff would be prosecuted in the
27 public eye regardless of the outcome of the criminal prosecution so that
28

1 Plaintiff's reputation would be destroyed; and, to ensure the invasion
2 of his privacy. Notably, Defendants maintained said conduct while a
3 co-defendant remained charged with exactly the same crimes yet was
4 released on her own recognizance.

5 106. At no time was there probable cause or any good faith belief to believe
6 that Plaintiff was guilty of the alleged criminal charges or that Plaintiff
7 was in any way criminally culpable and, in no event, "more culpable"
8 than his co-defendant Michelle Seward.

9 107. **Judicial Deception -- statute of limitations and the arrest warrant:**

10 As separate and equivalent cause of liability under this cause of
11 action, Plaintiff alleges that Defendants, and each of them, violated
12 Plaintiff's civil rights under § 2000d by deceiving a judge and/or
13 magistrate through the presentation of deliberate falsehoods, omission
14 of material facts, and/or recklessly disregarding the truth when they
15 averred to and knowingly omitted material information leading to the
16 issuance of a criminal complaint. For example, Plaintiff points to the
17 warrant affidavit omitting the fact that the statute of limitations had
18 run for the charged offenses. The Defendants, and each of them,
19 should have known that the statute of limitations had run on the
20 charged offenses. The omission is "necessary" and "material" to the
21 issuance of the arrest warrant because the presiding magistrate would
22 not have found probable cause to arrest if made aware of the
23 expiration of the statute of limitations. Thus, Defendants, and each of
24 them, did not act in an objectively reasonable manner in omitting
25 relevant information in their application for a warrant and enjoy no
26 qualified immunity. Furthermore, if the affidavit was supplemented
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1 with the omitted fact that the statute of limitations had run, there
 2 would have been no probable cause to arrest Plaintiff.

3 108. **Judicial Deception -- culpability at bail hearing:** As separate and
 4 equivalent cause of liability under this cause of action, Plaintiff
 5 alleges that Defendants, and each of them, violated Plaintiff's civil
 6 rights under § 2000d by deceiving a judge and/or magistrate through
 7 the presentation of deliberate falsehoods, omission of material facts,
 8 and/or recklessly disregarding the truth when they deliberately
 9 misrepresented facts at Plaintiff's bail hearing. For example,
 10 Defendants, and each of them – having a duty of candor to the court³
 11 –knew or should have known that the investigative material indicated
 12 that Michelle Seward was the more culpable of the two co-defendants
 13 but maintained the contrary. Thus, Defendants, and each of them, did
 14 not act in an objectively reasonable manner in omitting relevant
 15 information in their application for bail and enjoy no qualified
 16 immunity. Furthermore, if the bail hearing was supplemented with the
 17 omitted fact that Michelle Seward was clearly the more culpable co-
 18 defendant, there would still be no cause to hold Plaintiff to a higher
 19 bail than Ms. Seward.
 20

21 109. **Judicial Deception -- statute of limitations and the preliminary**
 22 **hearing:** As separate and equivalent cause of liability under this cause
 23 of action, Plaintiff alleges that Defendants, and each of them, violated
 24 Plaintiff's civil rights under § 2000d by deceiving a judge and/or
 25 magistrate through the presentation of deliberate falsehoods, omission
 26 of material facts, and/or recklessly disregarding the truth when they
 27
 28

³ See California Rule of Professional Conduct 5-200 and California Business and Professions Code 6068(d).

1 averred to and knowingly omitted material information at the
2 preliminary hearing. For example, Plaintiff points to the omission of
3 the fact that the statute of limitations had run for the charged offenses
4 at the preliminary hearing. The Defendants, and each of them, should
5 have known that the statute of limitations had run on the charged
6 offenses. The omission is “necessary” and “material” to the
7 continuation of the preliminary hearing (which lasted five weeks
8 while Plaintiff was incarcerated) because the presiding judge would
9 not have continued with the preliminary hearing if made aware of the
10 expiration of the statute of limitations. Thus, Defendants, and each of
11 them, did not act in an objectively reasonable manner in omitting
12 relevant information in their presentation of evidence at the
13 preliminary hearing and enjoy no qualified immunity.
14

- 15
16 110. The aforementioned acts and omissions of each Defendant were done
17 by each Defendant knowingly, intentionally, willfully, maliciously or
18 with such callous disregard with purpose of harassment, oppression
19 and infliction injury upon the Plaintiff. This was done with reckless,
20 wanton and callousness of Plaintiff’s civil rights and by reason
21 thereof. Plaintiff’s claim exemplary and punitive damages from the
22 non-governmental Defendants in a sum to be determined by this Court
23 – but in no case less than \$10 Million – to deter, educate and prevent
24 said Defendants from ever inflicting such injuries again upon any
25 individual.

26 ///

C. THIRD CAUSE OF ACTION AGAINST ALL DEFENDANTS:

**Violation of 42 USC § 1985 (Conspiracy to Interfere with Civil Rights)
and 42 USC § 1988**

111. Plaintiff refers to and incorporates by reference each and every allegation contained in paragraphs 1 through 110 of this complaint into this section as if fully set forth herein.

112. 42 USC § 1985 (3) provides, in relevant part, that an injured party has an action for the recovery of damages against one or more of the conspirators where “two or more persons in any State ... conspire ... for the purpose of depriving, either directly or indirectly, any person or class of persons ... the equal protection of the laws, or of equal privileges and immunities under the laws” and an act in furtherance of the conspiracy is committed by at least one of the conspirators.

113. Defendants acted in concert and therefore did conspire to deprive Plaintiff, an American citizen, the equal protection of the laws when they asserted that he was a “flight risk” solely on the basis of his national origin.

114. An act in furtherance of the conspiracy was committed when the Defendants asserted that Plaintiff was a “flight risk” solely because of his national origin at multiple bail hearings.

115. An act in furtherance of the conspiracy was committed when any and all approvals, whether given explicitly or tacitly, for actions of the Defendants were given by any other Defendant.

116. Each and every Defendant herein named (including all Doe Defendants) committed acts and/or omissions which enacted and/or ratified policies and/or municipal customs which foreseeably and

1 proximately resulted in Plaintiff's unequal treatment under the law
2 solely based on his national origin.

3 117. Further, Defendants are alleged to have maintained, and/or
4 participated in a policy permitting the occurrence of the type of
5 wrongs described herein, and based on the principal set forth in
6 Monell vs. New York City Department of Social Services (1978) 436
7 U.S. 648 and Heller vs. Bushey (9th Cir. 1985) 759 F.2d 1371, are
8 liable for all injuries sustained by Plaintiff. To wit, Defendants knew
9 or should have known that Defendants' national origin was an
10 unconstitutional basis on which to impose different conditions of
11 eligibility for bail, yet Defendants repeatedly asserted that Plaintiff
12 was a flight risk solely based on his Israeli national origin.

13 118. Each of the acts of Defendants were carried out without justification,
14 without probable cause, in bad faith, and with the motive to seek
15 retribution against Plaintiff for crimes which he was not guilty of, had
16 not been tried for, and was, in no manner, criminally liable for.

17 119. In order to carry out the foregoing violation of Plaintiff's
18 constitutional rights, the Defendants undertook series of acts alleged
19 throughout this Complaint.

20 120. The foregoing conduct of Defendants and statements made in
21 conjunction with that conduct were designed at all times to: deny
22 Plaintiff his right to equal protection under the law, having the effect
23 of ensuring that Plaintiff remained incarcerated for crimes for which
24 he could not legally be convicted because the statute of limitations
25 had long since expired; to ensure that Plaintiff would be prosecuted in
26 the public eye regardless of the outcome of the criminal prosecution
27 so that Plaintiff's reputation would be destroyed; and, to ensure the
28

1 invasion of his privacy. Notably, Defendants maintained said conduct
2 while a co-defendant charged with exactly the same crimes as Plaintiff
3 was released on her own recognizance.

4 121. At no time was there probable cause or any good faith belief to
5 believe that Plaintiff was guilty of the alleged criminal charges or that
6 Plaintiff was in any way criminally culpable and, in no event, “more
7 culpable” than his co-defendant Michelle Seward.

8 122. The aforementioned acts and omissions of each Defendant was done
9 by each Defendant knowingly, intentionally, willfully, maliciously or
10 with such callous disregard with purpose of harassment, oppression
11 and infliction injury upon the Plaintiff. This was done with reckless,
12 wanton and callousness of Plaintiff’s civil rights and by reason
13 thereof. Plaintiff claims exemplary and punitive damages from the
14 non-governmental Defendants in a sum to be determined by this Court
15 – but in no case less than \$10 Million – to deter, prevent and educate
16 said Defendants from ever inflicting such injuries again upon any
17 individual.

18 123. **Judicial Deception -- statute of limitations and the arrest warrant:**

19 As separate and equivalent cause of liability under this cause of
20 action, Plaintiff alleges that Defendants, and each of them, violated
21 Plaintiff’s civil rights under § 1988 by deceiving a judge and/or
22 magistrate through the presentation of deliberate falsehoods, omission
23 of material facts, and/or recklessly disregarding the truth when they
24 averred to and knowingly omitted material information leading to the
25 issuance of a criminal complaint. For example, Plaintiff points to the
26 warrant affidavit omitting the fact that the statute of limitations had
27 run for the charged offenses. The Defendants, and each of them,
28

1 should have known that the statute of limitations had run on the
2 charged offenses. The omission is “necessary” and “material” to the
3 issuance of the arrest warrant because the presiding magistrate would
4 not have found probable cause to arrest if made aware of the
5 expiration of the statute of limitations. Thus, Defendants, and each of
6 them, did not act in an objectively reasonable manner in omitting
7 relevant information in their application for a warrant and enjoy no
8 qualified immunity. Furthermore, if the affidavit was supplemented
9 with the omitted fact that the statute of limitations had run, there
10 would have been no probable cause to arrest Plaintiff.

11 124. **Judicial Deception -- culpability at bail hearing:** As separate and
12 equivalent cause of liability under this cause of action, Plaintiff
13 alleges that Defendants, and each of them, violated Plaintiff’s civil
14 rights under § 1988 by deceiving a judge and/or magistrate through
15 the presentation of deliberate falsehoods, omission of material facts,
16 and/or recklessly disregarding the truth when they deliberately
17 misrepresented facts at Plaintiff’s bail hearing. For example,
18 Defendants, and each of them – having a duty of candor to the court⁴
19 –knew or should have known that the investigative material indicated
20 that Michelle Seward was the more culpable of the two co-defendants
21 but maintained the contrary. Thus, Defendants, and each of them, did
22 not act in an objectively reasonable manner in omitting relevant
23 information in their application for bail and enjoy no qualified
24 immunity. Furthermore, if the bail hearing was supplemented with the
25 omitted fact that Michelle Seward was clearly the more culpable co-
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⁴ See California Rule of Professional Conduct 5-200 and California Business and Professions Code 6068(d).

1 defendant, there would still be no cause to hold Plaintiff to a higher
2 bail than Ms. Seward.

3 **125. Judicial Deception -- statute of limitations and the preliminary**
4 **hearing:** As separate and equivalent cause of liability under this cause
5 of action, Plaintiff alleges that Defendants, and each of them, violated
6 Plaintiff's civil rights under § 1988 by deceiving a judge and/or
7 magistrate through the presentation of deliberate falsehoods, omission
8 of material facts, and/or recklessly disregarding the truth when they
9 averred to and knowingly omitted material information at the
10 preliminary hearing. For example, Plaintiff points to the omission of
11 the fact that the statute of limitations had run for the charged offenses
12 at the preliminary hearing. The Defendants, and each of them, should
13 have known that the statute of limitations had run on the charged
14 offenses. The omission is "necessary" and "material" to the
15 continuation of the preliminary hearing (which lasted five weeks
16 while Plaintiff was incarcerated) because the presiding judge would
17 not have continued with the preliminary hearing if made aware of the
18 expiration of the statute of limitations. Thus, Defendants, and each of
19 them, did not act in an objectively reasonable manner in omitting
20 relevant information in their presentation of evidence at the
21 preliminary hearing and enjoy no qualified immunity.

22
23 **126.** By reason of the aforementioned acts and omissions of Defendants,
24 and each of them, Plaintiff retained attorneys to represent them and
25 did incur and continue to incur investigation costs, expenses,
26 attorneys' fees, and legal costs. Plaintiff requests payments by
27 Defendants, and each of the, for compensation of fees and costs
28 pursuant to Title 42 U.S.C. § 1988.

D. FOURTH CAUSE OF ACTION AGAINST ALL DEFENDANTS:

Violation of 42 USC § 1986 (Neglect or Refusal to Prevent an Interference with Civil Rights)

127. Plaintiff refers to and incorporates by reference each and every allegation contained in paragraphs 1 through 118 of this complaint into this section as if fully set forth herein.

128. Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action.

129. As previously alleged, the wrongs alleged in 42 USC § 1985 includes any conspiracy “for the purpose of depriving, either directly or indirectly, any person or class of persons ... the equal protection of the laws, or of equal privileges and immunities under the laws” and an act in furtherance of the conspiracy is committed by at least one of the conspirators.

130. The wrongs alleged in 42 USC § 1985 includes any conspiracy for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws.

1 131. The herein named Defendants (including all Doe Defendants) had
2 actual and constructive knowledge, or through reasonable diligence
3 could have discovered, the expiration of the statute of limitations with
4 respect to counts 1-59 and 61-71 prior to Plaintiff's illegal arrest and
5 incarceration, had the power to prevent or aid in preventing the acts
6 which directly and proximately resulted in Plaintiff's illegal arrest and
7 incarceration and neglected or refused to do so.

8 132. The herein named Defendants (including all Doe Defendants) had
9 actual and/or constructive knowledge, or through reasonable diligence
10 could have discovered, that the Defendants intended to deny or
11 substantially raise the amount required for Plaintiff's bail solely on the
12 basis of his national origin. Further, Defendants had the power to
13 prevent or aid in preventing the acts which directly and proximately
14 resulted in Plaintiff's continued incarceration due to the unreasonably
15 high bail based on the assertion that he was a "flight risk" solely based
16 on his national origin and neglected or refused to do so.

17 133. Each and every Defendant herein named (including all Doe
18 Defendants) committed acts and/or omissions which enacted and/or
19 ratified policies and/or municipal customs which foreseeably and
20 proximately resulted in Plaintiff's unequal treatment under the law
21 solely based on his national origin.

22 134. Further, Defendants are alleged to have maintained, and/or
23 participated in a policy permitting the occurrence of the type of
24 wrongs described herein, and based on the principal set forth in
25 Monell vs. New York City Department of Social Services (1978) 436
26 U.S. 648 and Heller vs. Bushey (9th Cir. 1985) 759 F.2d 1371, are
27 liable for all injuries sustained by Plaintiff. To wit, Defendants knew
28

1 or should have known that Defendants' national origin was an
2 unconstitutional basis on which to impose different conditions of
3 eligibility for bail, yet Defendants repeatedly asserted that Plaintiff
4 was a flight risk solely based on his Israeli national origin.

5 135. Each of the acts of Defendants was carried out without justification,
6 without probable cause, in bad faith, and with the motive to seek
7 retribution against Plaintiff for crimes which he was not guilty of, had
8 not been tried for, and was, in no manner, criminally liable for.

9 136. In order to carry out the foregoing violation of Plaintiff's
10 constitutional rights, the Defendants undertook series of acts alleged
11 throughout this Complaint.

12 137. The foregoing conduct of Defendants and statements made in
13 conjunction with that conduct were designed at all times to: deny
14 Plaintiff his right to equal protection under the law, having the effect
15 of ensuring that Plaintiff remained incarcerated for crimes for which
16 he could not legally be convicted because the statute of limitations
17 had long since expired; to ensure that Plaintiff would be prosecuted in
18 the public eye regardless of the outcome of the criminal prosecution
19 so that Plaintiff's reputation would be destroyed; and, to ensure the
20 invasion of his privacy. Notably, Defendants maintained said conduct
21 while a co-defendant remained charged with exactly the same crimes
22 yet was released on her own recognizance.

23
24 138. At no time was there probable cause or any good faith belief to
25 believe that Plaintiff was guilty of the alleged criminal charges or that
26 Plaintiff was in any way criminally culpable and, in no event, "more
27 culpable" than his co-defendant Michelle Seward.
28

1 139. The aforementioned acts and omissions of each Defendant was done
2 by each Defendant knowingly, intentionally, willfully, maliciously or
3 with such callous disregard with purpose of harassment, oppression
4 and infliction injury upon the Plaintiff. This was done with reckless,
5 wanton and callousness of Plaintiff's civil rights and by reason
6 thereof. Plaintiff claims exemplary and punitive damages from the
7 non-governmental Defendants in a sum to be determined by this Court
8 – but in no case less than \$10 Million – to deter, prevent and educate
9 said Defendants from ever inflicting such injuries again upon any
10 individual.

11 140. **Judicial Deception -- statute of limitations and the arrest warrant:**

12 As separate and equivalent cause of liability under this cause of
13 action, Plaintiff alleges that Defendants, and each of them, violated
14 Plaintiff's civil rights under § 1986 by deceiving a judge and/or
15 magistrate through the presentation of deliberate falsehoods, omission
16 of material facts, and/or recklessly disregarding the truth when they
17 averred to and knowingly omitted material information leading to the
18 issuance of a criminal complaint. For example, Plaintiff points to the
19 warrant affidavit omitting the fact that the statute of limitations had
20 run for the charged offenses. The Defendants, and each of them,
21 should have known that the statute of limitations had run on the
22 charged offenses. The omission is "necessary" and "material" to the
23 issuance of the arrest warrant because the presiding magistrate would
24 not have found probable cause to arrest if made aware of the
25 expiration of the statute of limitations. Thus, Defendants, and each of
26 them, did not act in an objectively reasonable manner in omitting
27 relevant information in their application for a warrant and enjoy no
28

1 qualified immunity. Furthermore, if the affidavit was supplemented
2 with the omitted fact that the statute of limitations had run, there
3 would have been no probable cause to arrest Plaintiff.

4 **141. Judicial Deception -- culpability at bail hearing:** As separate and
5 equivalent cause of liability under this cause of action, Plaintiff
6 alleges that Defendants, and each of them, violated Plaintiff's civil
7 rights under § 1986 by deceiving a judge and/or magistrate through
8 the presentation of deliberate falsehoods, omission of material facts,
9 and/or recklessly disregarding the truth when they deliberately
10 misrepresented facts at Plaintiff's bail hearing. For example,
11 Defendants, and each of them – having a duty of candor to the court⁵
12 –knew or should have known that the investigative material indicated
13 that Michelle Seward was the more culpable of the two co-defendants
14 but maintained the contrary. Thus, Defendants, and each of them, did
15 not act in an objectively reasonable manner in omitting relevant
16 information in their application for bail and enjoy no qualified
17 immunity. Furthermore, if the bail hearing was supplemented with the
18 omitted fact that Michelle Seward was clearly the more culpable co-
19 defendant, there would still be no cause to hold Plaintiff to a higher
20 bail than Ms. Seward.

21
22 **142. Judicial Deception -- statute of limitations and the preliminary**
23 **hearing:** As separate and equivalent cause of liability under this cause
24 of action, Plaintiff alleges that Defendants, and each of them, violated
25 Plaintiff's civil rights under § 1986 by deceiving a judge and/or
26 magistrate through the presentation of deliberate falsehoods, omission
27
28

⁵ See California Rule of Professional Conduct 5-200 and California Business and Professions Code 6068(d).

1 of material facts, and/or recklessly disregarding the truth when they
 2 averred to and knowingly omitted material information at the
 3 preliminary hearing. For example, Plaintiff points to the omission of
 4 the fact that the statute of limitations had run for the charged offenses
 5 at the preliminary hearing. The Defendants, and each of them, should
 6 have known that the statute of limitations had run on the charged
 7 offenses. The omission is “necessary” and “material” to the
 8 continuation of the preliminary hearing (which lasted five weeks
 9 while Plaintiff was incarcerated) because the presiding judge would
 10 not have continued with the preliminary hearing if made aware of the
 11 expiration of the statute of limitations. Thus, Defendants, and each of
 12 them, did not act in an objectively reasonable manner in omitting
 13 relevant information in their presentation of evidence at the
 14 preliminary hearing and enjoy no qualified immunity.

15 143. By reason of the aforementioned acts and omissions of Defendants,
 16 and each of them, Plaintiff retained attorneys to represent them and
 17 did incur and continue to incur investigation costs, expenses,
 18 attorneys’ fees, ad legal costs. Plaintiff requests payments by
 19 Defendants, and each of the, for compensation of fees and costs
 20 pursuant to Title 42 U.S.C. § 1988.
 21

22
 23 **E. FIFTH CAUSE OF ACTION AGAINST ALL DEFENDANTS: 42 USC**
 24 **§ 1988 (Recovery of Attorney’s Fees in Vindication of Civil Rights)**

25 144. Plaintiff refers to and incorporate by reference each and every
 26 allegation contained in paragraphs 1 through 143 of this complaint
 27 into this section as if fully set forth herein.
 28

1 145. 42 USC § 1988 provides, in relevant part, “In any action or
2 proceeding to enforce a provision of sections ... 1983, 1985,
3 and 1986 of this title, ... the court, in its discretion, may allow the
4 prevailing party, other than the United States, a reasonable attorney’s
5 fee as part of the costs”

6 146. Plaintiff by and through this complaint brings an action to enforce
7 provisions of 42 USC §§1983, 1986, and 1986.

8 147. If any Defendant named herein is found liable for any or all of the
9 causes of action herein alleged, Plaintiff shall be “prevailing party” as
10 that term is intended under 42 USC §1988 and as such shall be
11 entitled to, and demands, reasonable attorneys’ fees as part of any
12 award of costs and/or damages.
13

14 V
15 PRAYER

16 WHEREFORE, PLAINTIFF DROR SOREF PRAYS FOR JUDGMENT
17 ON ALL CAUSES OF ACTIONS AGAINST THE DEFENDANTS, AND EACH
18 OF THEM, AS FOLLOWS:

- 19 1. For general damages in an amount according to proof;
20 2. For medical expenses in an amount according to proof;
21 3. For loss of earnings and earning capacity, according to proof;
22 4. For punitive damages in an amount appropriate to punish only the
23 individual Defendants for their wrongful conduct and as an example
24 for others, in an amount this Honorable Court deems appropriate, but
25 in an amount not less than \$10 million dollars per violation;
26 5. For reasonable attorneys’ fees pursuant to Title 42 of the United State
27 Code, Section 1988(b).
28

6. For costs of suit herein incurred;
7. For pre and post judgment interest as allowed by law; and
8. For such other and further relief as the court deems just and proper.

Dated: August 8, 2017

LAW OFFICES OF ETAN Z. LORANT

By: 

ETAN Z. LORANT, Attorney for Plaintiff

Dated: August 8, 2017

D. SHAWN BURKLEY, Attorney-at-Law

By: 

D. SHAWN BURKLEY, Attorney for Plaintiff

DEMAND FOR JURY TRIAL

The Plaintiff in the above entitled action request a trial by jury pursuant to Rule 38(a) of the Federal Rules of Civil Procedure

Dated: August 8, 2017

LAW OFFICES OF ETAN Z. LORANT

By: 

ETAN Z. LORANT, Attorney for Plaintiff

Dated: August 8, 2017

D. SHAWN BURKLEY, Attorney-at-Law

By: 

D. SHAWN BURKLEY, Attorney for Plaintiff