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12 (formerly known as Local Clicks), dba Doctor
13 Multimedia; Ajay Thakore

14 **UNITED STATES DISTRICT COURT**

15 **SOUTHERN DISTRICT OF CALIFORNIA**

16 GOPHER MEDIA LLC (formerly known
17 as Local Clicks), dba Doctor Multimedia,
18 a Nevada Limited Liability Corporation,
19 Ajay Thakore, an individual

20 Plaintiffs,

21 v.

22 Andrew Melone, an individual;
23 American Pizza Manufacturing, aka
24 American Pizza Mfg., a California
25 business entity; Does 1-10

26 Defendants.

27 CASE NO.: '21CV1909 BAS LL

28 **COMPLAINT FOR:**

- 1) **VIOLATION OF ARTICLE I, SECTION 2 OF THE CALIFORNIA CONSTITUTION;**
- 2) **DISCRIMINATION ON THE BASIS OF RACE IN VIOLATION OF 42 U.S.C. SECTION 1981;**
- 3) **DISCRIMINATION ON THE BASIS OF RACE IN VIOLATION OF 42 U.S.C. SECTION 1982;**
- 4) **DISCRIMINATION ON THE BASIS OF RACE IN VIOLATION OF TITLE II OF THE CIVIL RIGHTS ACT OF 1964 (42 U.S.C. SECTION 2000a);**
- 5) **VIOLATION OF CALIFORNIA CIVIL CODE SECTION 51.7;**
- 6) **VIOLATION OF CALIFORNIA CIVIL CODE SECTION 52.1;**
- 7) **UNFAIR BUSINESS**

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- PRACTICES;**
 - 8) VIOLATION OF CALIFORNIA CIVIL CODE SECTION 43;**
 - 9) FALSE ADVERTISING UNDER SECTION 43(a) OF THE LANHAM ACT;**
 - 10) COMMERCIAL DEFAMATION/TRADE LIBEL;**
 - 11) INJUNCTIVE RELIEF;**
 - 12) DEFAMATION;**
 - 13) VIOLATION OF THE CALIFORNIA CONSUMER LEGAL REMEDIES ACT, CAL. CIV. CODE SECTION 1750**
 - 14) NEGLIGENCE PER SE (CALIFORNIA CIVIL CODE SECTION 1714);**
 - 15) INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS; AND,**
 - 16) DECLARATORY RELIEF**
- JURY DEMANDED**

COMES NOW PLAINTIFF GOPHER MEDIA LLC formerly known as

1 FKA Local Clicks), dba Doctor Multimedia (hereafter “Doctor Multimedia” or
2 "Plaintiff" or "DMM" or "Doctor Multimedia") who complains and alleges as
3 follows against Defendants Andrew Melone ("Melone"); American Pizza
4 Manufacturing, aka American Pizza Mfg. ("APM") and Does 1-10 (“Defendants”)
5 as follows:

6 **THE PARTIES**

7 1. At all times relevant herein, Plaintiff GOPHER MEDIA LLC (formerly
8 known Local Clicks), dba Doctor Multimedia was and is a limited liability
9 corporation incorporated in the State of Nevada with an address of 4471 Dean Martin
10 Drive, # 2009, Las Vegas, Nevada 89103. Doctor Multimedia also operates and
11 does business in the State of California, County of San Diego, City of La Jolla.

12 2. At all times relevant herein, Plaintiff Ajay Thakore resides in and is
13 domiciled in the State of California, County of San Diego, City of La Jolla.

14 3. Upon information and belief and thereupon so alleged, at all times
15 relevant, Defendant Andrew Melone is and was an individual residing in and doing
16 business in, causing harm in, and/or committing torts within the County of San
17 Diego, State of California, City of La Jolla.

18 4. Upon information and belief and thereupon so alleged, at all times
19 relevant, Defendant American Pizza Manufacturing, aka American Pizza Mfg. is and
20 was a limited liability company City of San Diego, County of San Diego, State of
21 California. Upon information and belief and thereupon so alleged, at all times
22 relevant AMP's address was and is 7402 La Jolla Blvd., La Jolla, CA 92037, phone
23 number 858-246-6756.

24 5. The complete and true names, involvement and/or capacities, whether
25 individual, corporate, professional, or otherwise, of the Defendants are not presently
26 fully known and/or are unknown to the Plaintiff who, therefore, sue said Defendants
27 under such fictitious names. The true names and capacities, whether individual or
28 otherwise, of these unknown defendants are unknown to Plaintiff, who use such

1 fictitious names. Plaintiff is informed and believe that each of the Defendants is
2 responsible in some manner for the acts or omissions alleged in this complaint, or
3 otherwise caused them damages. Each of the Defendants was the agent or employee
4 of the other Defendants, and in doing the acts alleged in this Complaint was acting
5 in the course and scope of such agency and employment. Each of the defendants
6 engaged in, joined in, conspired, and aided and abetted the other defendants in
7 carrying out the wrongful acts alleged in this Complaint, and each defendant ratified
8 and authorized the wrongful acts of the other Defendants. Plaintiff requests leave of
9 this Court to amend this Complaint to set forth the true names, involvement, and/or
10 capacities, whether individual, corporate, professional, or otherwise, when the same
11 have been ascertained or adequate discovery is produced, provided and/or obtained.
12 Plaintiff is further informed, believe, and based thereon allege that the unknown
13 defendants have aided, abetted, directly or actively participated in, and/or ratified
14 the conduct complained of herein. Plaintiff further alleges that all of the unknown
15 defendants are responsible for and are a direct and legal cause in some manner of
16 the events, happenings, tortuous conduct, malfeasance and damages complained of
17 herein or referred to, which caused the injuries and damages to Plaintiff as set forth
18 in this Complaint.

19 **JURISDICTION AND VENUE**

20 6. Plaintiff incorporates as though fully set forth herein the allegations
21 contained above in Paragraphs 1 through 5 of this Complaint as well as all
22 allegations stated below in each cause of action in the Complaint.

23 7. This Court has original subject matter jurisdiction over this matter
24 pursuant to 28 U.S.C. § 1331, because the claims at issue are governed by the laws
25 of the United States, specifically the Lanham Act, 42 U.S.C. § 1981, 42 U.S.C.
26 §2000a and related statutes.

27 8. This Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367
28 over other claims brought by Plaintiff because they form part of the same case or

1 controversy as the claims over which this Court has original subject matter
2 jurisdiction.

3 9. This Court has personal jurisdiction over Defendant Melone because
4 he resides and is domiciled in the City of La Jolla, County of San Diego, State of
5 California.

6 10. This Court has personal jurisdiction over Defendant AMP as it is
7 located in, does business in in the City of La Jolla, County of San Diego, State of
8 California.

9 11. Venue in this judicial district is appropriate pursuant to 28 U.S.C.
10 §1391(b)(2) in that a substantial part of the events or omissions giving rise to the
11 claims occurred in this district. Separately, venue is also found pursuant to 28
12 U.S.C. §1391(b)(3) in that all Defendants are subject to the Court's personal
13 jurisdiction and because Defendants reside in and are domiciled in California.

14 **NATURE OF THE ACTION**

15 12. Plaintiff incorporates as though fully set forth herein the allegations
16 contained above in Paragraphs 1 through 11 of this Complaint as well as all
17 allegations stated below in each cause of action in the Complaint.

18 13. This is a civil rights and First Amendment rights violation under
19 federal and state law against Defendants.

20 14. Defendants' unlawful conduct is causing and will continue to cause
21 harm to Plaintiff. On information and belief, Plaintiff has lost sales and
22 relationships with its clients as a result of Defendants' conduct and campaign of
23 deception. This conduct, if not enjoined, will cause irreparable harm to Plaintiff's
24 business relationships.

25 15. Defendants and each of them agreed to commit the acts alleged herein
26 by planning and forming a conspiracy to commit the acts alleged herein.

27 16. Plaintiffs believe that at all times mentioned herein, each wrongful act
28 by Defendants as alleged were done in furtherance of a common design, plan and

1 scheme. Accordingly, each Defendant conspirator is liable, regardless of the degree
2 of his or her or its activity or relative culpability.

3 17. As a direct and proximate result of Defendants' conspiracy to commit
4 that acts alleged herein, Plaintiffs have been damaged in an amount to be proven at
5 the time of trial.

6 **Doctor Multimedia**

7 18. Gopher Media LLC was formerly known as Local Clicks.

8 19. Doctor Multimedia is the dba of Gopher Media LLC.

9 20. Doctor Multimedia is a digital marketing agency which provides
10 marketing and social media services to professionals including, medical doctors,
11 dentists, and others. It helps small businesses grow their online presence through
12 paid and organic search enhancement. It gives small practices a bigger footprint on
13 the world-wide web. Doctor Multimedia handles social media and reputation
14 management, website content creation, email marketing, and SEO optimization for
15 medical and veterinary professionals.

16 21. Doctor Multimedia also handles the management of their clients' Pay
17 Per Click (PPC) campaigns and Search Engine Optimization (SEO) efforts, to help
18 their business grow online while allowing the busy professional to focus on the
19 countless other challenges they face. Services include taking care of the research,
20 building, optimizing, and analyzing a client's web presence and then suggesting
21 ways to increase that presence.

22 22. Clients and its reputation keys to Plaintiff's highly competitive
23 business.

24 **Thakore**

25 23. Ajay Thakore ("Thakore") is an individual that resides and lives in La
26 Jolla, CA. He is a successful businessman and one of the owners and officers of
27 DMM. Plaintiff Thakore is a member of the public whose rights are protected by the
28 provisions the California Constitution, First Amendment of the United States, Unfair

1 Business Practices Act, the Unruh Civil Rights Act and other laws protecting the
2 rights of citizens and members of the public to include those alleged herein.

3 24. Thakore is of Indian descent from the Country of India.

4 25. Thakore's reputation is key to the success of DMM as he is a prominent
5 head figure of that business.

6 **Defendants**

7 26. Upon information and belief, and thereupon so alleged Melone is the
8 sole owner, officer and director of AMP. Upon information and belief, Melone was
9 and is the alter ego of AMP.

10 27. AMP's website is located at <https://www.americanpizzamfg.com/menu>
11 AMP is a pizza and pasta restaurant wherein AMP prepares pizzas that consumers
12 can pick up uncooked and then cook at home. AMP is open to the general public
13 and conducts business therein. AMP has no authority to enforce parking or traffic
14 laws, rules, regulations or municipal codes to include those concerning any public
15 parking spots in front of its restaurant.

16 28. AMP operates and does business in the State of California. Upon
17 information and belief and thereupon so alleged, AMP is a business entity required
18 to be registered with the California Secretary of State but is not. Upon information
19 and belief and thereupon so alleged, AMP may be or is illegally operating in the
20 State of California without all required business permits or required registration or
21 filings to include but not limited to not being properly or fully registered with the
22 California Secretary of State, the City of San Diego, and/or the California Franchise
23 Tax Board.

24 29. Upon information and belief and thereupon so alleged, AMP lacks the
25 capacity to sue or defend itself in the State of California because it is not registered
26 with the California Secretary of State as required by law.

27 30. Upon information and belief and thereupon so alleged, Melone and his
28 business discriminate against anyone that appears to be of Arab or Asian decent to

1 include but not limited to those of Indian descent like Thakore as well as against
2 members of the LGBTQIA community.

3 31. AMP and Melone also harass, threaten and try to intimidate anyone that
4 exercises their First Amendment right to protest against AMP or express an opinion
5 about AMP, its business practices, the quality or lack of quality of its food, its
6 treatment of the public, and/or its discriminatory or harassing treatment of members
7 of the public to include Thakore and his business DMM.

8 32. Upon information and belief and thereupon so alleged, AMP has
9 enlisted its agents, officers, and employees like Melone and its customers to make
10 disparaging, false, and libelous statements about Plaintiffs to the public. Plaintiff
11 is informed and believes that AMP and Melone have made false and defamatory
12 statements about Plaintiffs to cast Thakore and DMM in a bad light and tarnish its
13 image and value.

14 **GENERAL ALLEGATIONS**

15 **RELEVANT TO ALL CAUSES OF ACTION**

16 **AND ALL DEFENDANTS**

17 33. Plaintiff incorporates as though fully set forth herein the allegations
18 contained above in Paragraphs 1 through 32 of this Complaint as well as all
19 allegations stated below in each cause of action in the Complaint.

20 34. The acts of the Defendants are malicious and done with intent to cause
21 injury to Plaintiffs. Their conduct as alleged herein evidences a conscious and
22 willful disregard for the rights of Plaintiffs. Such conduct being wanton, and
23 malicious entitles Plaintiffs to an award of punitive and exemplary damages in an
24 amount to be proven at trial with respect to those causes of action that allow for
25 such damages to be so awarded under the law.

26 35. Californians have long exercised their free speech rights by conducting
27 peaceful demonstrations in public fora, as a means of expressing their views on a
28 wide array of topics. Demonstrations in these public spaces are a time-honored

1 tradition in the State of California that lies at the core of constitutional liberties.

2 36. The California Supreme Court has held, for example, that under the
3 California Constitution, individuals may exercise their free speech rights public and
4 privately-owned public spaces to the same extent as in traditional, publicly-owned
5 public spaces.

6 37. On its website, AMP states, "Our concept is simple: We prepare bake-
7 at-home-in-minutes pizzas and pastas using the finest locally sourced ingredients
8 that spring to life from your oven. Paired with fresh salads and savory desserts, we
9 make hot and delicious home-cooked meals easier than ever. Our vision extends
10 beyond the meal. American Pizza Mfg. stands for the best American ideals: untiring
11 service for the people, unwavering pride in the work and quality ingredients for all."

12 38. AMP claims and advertises to the public that it uses "quality
13 ingredients." It also claims and advertises to the public that all the ingredients it uses
14 and the food it makes is "fresh" and not frozen.

15 39. These claims are not true. AMP uses frozen, not fresh ingredients such
16 as its cauliflower pizza crust which AMP purchases frozen. A true and correct copy
17 of pictures of boxes thrown out by AMP into a public trash can showing this are
18 attached hereto as Exhibits A and B. The boxes disposed of by AMP, as indicted in
19 Exhibits A and B, show that AMP purchases "Rich's" frozen cauliflower crusts and
20 that the instructions for said crusts are to "Keep Frozen."

21 40. Upon information and belief, and thereupon so alleged, all of the pizza
22 crusts of AMP are frozen, not fresh, and/or not of high quality.

23 41. Upon information and belief, and thereupon so alleged, all of the
24 ingredients used by AMP, pizzas made by AMP, and food products sold by AMP
25 are frozen, are not fresh, and/or are not of high quality.

26 42. Upon information and belief, and thereupon so alleged, AMP and
27 Melone know all of the ingredients used by AMP, pizzas made by AMP, and food
28 products sold by AMP are frozen, not fresh, and/or are not of high quality, but

1 misrepresent this fact to the public and to consumers anyway/

2 43. In front of AMP, at the cross-streets of Marine and La Jolla Blvd. on
3 the corner of the street, there is a 15 minute public parking spot ("Parking Spot").

4 44. The Parking Spot is not on private property and is on public property,
5 the public roadway. Upon information and belief and thereupon so alleged, members
6 of the general public to include Thakore have the right to park in the Parking Spot
7 under state law to include the California Vehicle Code; County of San Diego
8 regulations, codes, rules, and laws; and/or City of San Diego regulations, codes,
9 rules, and laws to include the Municipal Code. Defendants have no authority to
10 enforce parking or traffic laws, rules, regulations or municipal codes to include those
11 concerning any public parking spots in front of its restaurant. Defendants do not own
12 the Parking Spot or have any right to control who parks in the spot or when. Members
13 of the public have the right to park in the parking spot. Defendants do not have the
14 right to "save" or "reserve" the Parking Spot for AMP, Melone, AMP's customers,
15 Members of the public have the right to park in the Parking Spot for whatever reason
16 they chose and are not required to be customers of AMP to park there. AMP and
17 Melone have no right to prevent members of the public to include Thakore from
18 parking in the Parking Spot as it is a public parking spot open to the public to park
19 there.

20 45. AMP and Melone have and continue to engage in a campaign of
21 harassment as to any member of the public that park in the Parking Spot that they do
22 not approve of or who are not customers of AMP. AMP and Melone do all that they
23 can to try and reserve the public Parking Spot for Melone, AMP employees,
24 approved customers of AMP, and/or those that Melone and AMP approve of to the
25 exclusion of all other members of the public to include but not limited to Thakore.
26 Any person or member of the public that tries to park in the Parking Spot that AMP
27 does not approve of or that is not Melone, an AMP employee, or an approved
28 customer of AMP is subjected to harassment, threats, name-calling, and intimidation

1 tactics so that they person will not park there or will be so feel so intimidated and
2 threatened that they feel forced to move their car. Melone and AMP's campaign of
3 harassment and intimidation has been and continues to be perpetrated by Defendants
4 and/or their authorized agents in order to save the Parking Spot for Defendants or
5 those they approve of. It is also being perpetrated to prevent and discourage
6 members of the public that Defendants do not approve of from parking in the Parking
7 Spot.

8 46. AMP, Melone, or their authorized agents have gone as far as damaging
9 or threatening to damage or alter vehicles parked in the Parking Spot without their
10 approval. Defendants have done such things as removing stickers or car wraps on
11 said vehicles without permission of the owner. One agent of AMP and Melone was,
12 in fact, arrested after threatening Thakore and attempting to damage his vehicle
13 parked in the Parking Spot by removing the car wrap on his car.

14 47. On one occasion, Thakore attempted to patronize AMP but was refused
15 being told "your kind is not wanted here." Thakore took this to mean that he was
16 being refused service or entry into AMP due to his Indian descent and/or his
17 perceived Arab or Pakistani ethnic or racial background.

18 48. Thakore has and does urge a boycott of AMP due to its practice of
19 harassing members of the public that try to park in the Parking Spot that are not
20 approved of by Defendants and/or that are not customers of AMP. Thakore has also
21 urged a boycott of AMP because of its false representations and advertising to the
22 public regarding the freshness and quality of its ingredients and the food products it
23 sells. Thakore has also urged a boycott of AMP because of its discriminatory and
24 racist treatment of and attitude toward those of Arab, Indian (from India), and/or
25 Asian descent. Thakore has also urged a boycott of AMP because of its
26 discriminatory and racist treatment of and attitude toward members of the
27 LGBTQIA community.

28 49. Thakore and other members of the public, who have a First Amendment

1 right to express their opinions and to protest AMP, have exercised their right to free
2 speech and to publicly protest AMP in a manner that is peaceful and orderly, and
3 that does not restrict or impede pedestrian traffic in or around AMP.

4 50. Demonstrating close to AMP's business is an essential element of
5 Thakore's boycott campaign, since AMP and its misuse of the Parking Spot is the
6 target of said protests, and AMP's customers and potential customers are the
7 intended audience of the boycott efforts.

8 51. Defendants have not permitted Thakore to protest in a location within
9 visual and aural range of AMP. Instead, Defendants and specifically Melone as well
10 as their authorized agents to include employees and customers of AMP, have
11 targeted Thakore for harassment because of his exercise of his First Amendment
12 right to protest and boycott AMP.

13 52. Defendants have also targeted Thakore with their campaign of threats,
14 intimidation tactics, and harassment because he, as a member of the public, has
15 parked in the Parking Spot. Defendants have targeted Thakore because of his Indian
16 descent, because he is not "approved" by AMP and Melone to park in the Parking
17 Spot, and because they want to save the Parking Spot for Melone, AMP employees,
18 AMP customers, and/or those that are "approved of" by Defendants to park there.

19 53. Upon information and belief and thereupon so alleged, Defendants do
20 not want anyone who is of Arab or Asian decent to include but not limited to those
21 of Indian descent like Thakore as well as against members of the LGBTQTIA
22 community to park in the Parking Spot or to patronize AMP's business. Upon
23 information and belief and thereupon so alleged, Defendants have used harassment,
24 threats, and intimidation tactics to discourage and prevent those of Arab or Asian
25 decent to include but not limited to those of Indian descent like Thakore as well as
26 against members of the LGBTQTIA community from parking in the Parking Spot or
27 from entering into the AMP restaurant, being outside the AMP restaurant, and/or
28 being customers of AMP.

1 54. Thakore has been subjected to threats, harassment, attempts to
2 intimidate him. On one occasion, an agent of Defendants, believed to be an
3 employee, attacked and tried to damage Thakore's vehicle to remove stickers
4 protesting AMP. Said agent also attempted, without permission, to remove stickers
5 protesting AMP from Thakore's vehicle.

6 55. Upon information and belief and thereupon so alleged, Melone and
7 AMP not only directed and encouraged this harassment but also rewarded those that
8 harassed Thakore.

9 56. Melone and AMP, in fact, set up an AMP promotion wherein customers
10 received \$10 off their pizzas if they took pictures of Thakore's vehicle when it was
11 parked in the Parking Spot and if they had video of them harassing, threatening or
12 trying to intimidate Thakore or if they damaged his car. At least one or more
13 customers took Defendants up on such an offer in exchange for a discount on their
14 AMP pizza.

15 57. On another occasion, Melone as an individual and as an agent of AMP,
16 approached Thakore to physically threaten, harass and try to intimidate Thakore so
17 that he would feel so threatened, harassed and intimidated that he would not park in
18 the Parking Spot and so that he would not patronize other businesses in the area (as
19 is his right as a member of the public to do). Melone physically threatened Thakore
20 and called Thakore a "Fucking Paki Faggot" and a "Sand Nigger." Upon information
21 and belief and thereupon so alleged, the term "Paki" was meant to refer to Thakore's
22 ethnic and racial descent and specifically meant as "Pakistan" or person from
23 Pakistan. Melone's words were understood and heard by others and were
24 defamatory, threatening, and meant to intimidate Thakore as well as to convey a
25 threat of violence against Thakore.

26 58. Thereafter, when Thakore went into a nearby hair salon, an agent of
27 AMP and Melone, went followed Thakore therein, kicked Thakore's three legged
28 dog, and threatened Thakore. The intent of this authorized agent was to further

1 Defendants' campaign to harass, threaten and intimidate Thakore so that he would
2 feel so threatened that he would not park in the Parking Spot, exercise his First
3 Amendment right to protest or boycott AMP, and/or would not patronize AMP or
4 any nearby business in the area due to Thakore's descent, perceived ethnic or racial
5 background, and/or perceived sexual orientation of being a homosexual male.

6 59. Defendants have also gone as far to contact a local publication in the
7 area and an area Defendants know Thakore resides in (La Jolla), the La Jolla Light,
8 to make false and defamatory claims about Thakore and DMM. Mention is made in
9 the article of DMM in order to falsely suggest that it is involved in Thakore's exercise
10 of his rights to park in the Parking Spot, patronize other businesses in the area, and/or
11 to protest and boycott AMP.

12 60. Defendants have tried to portray themselves as the "victims" in this
13 situation when, in fact, they are the perpetrators of illegal conduct, harassment,
14 threats, and acts of discrimination. Defendants also falsely suggest that Plaintiffs
15 have "harassed them." Not only is this untrue, but in fact, the opposite is true.

16 61. Upon information and belief and thereupon so alleged, Defendants also
17 used the article as a "puff piece" to promote their business and gain sympathy from
18 the public in hopes that consumers will be misled and tricked into patronizing AMP.

19 62. Upon information and belief and thereupon so alleged, Defendants
20 also had the article published and have used the article to further its campaign of
21 harassment, threats, and intimidation against Thakore and any member of the public
22 that tries to protest against AMP, any unapproved member of the public that tries to
23 park in the Parking Spot without Defendants' approval, and/or any member of the
24 public that Defendants do not approve of to include those of Arab or Asian decent
25 to include but not limited to those of Indian descent like Thakore as well as against
26 members of the LGBTQIA community.

27 63. Upon information and belief and thereupon so alleged, Defendants
28 persuaded the La Jolla Light to print the totally one-sided article because AMP is a

1 large advertiser therein. Upon information and belief and thereupon so alleged, no
2 fact checking was done before the article was published and distributed.

3 64. Defendants' restrictions on Thakore's peaceful informational
4 demonstrations set forth herein violate his right to free speech, petition and assembly
5 under the First and Fourteenth Amendments to the United States Constitution and
6 under article I, section 2 of the California Constitution.

7 65. Thakore has been the subject of death threats since the La Jolla Light
8 article was published. DMM and its employees have also been subject to threats,
9 harassment, and false negative reviews online since the La Jolla Light article was
10 published.

11 66. Defendants discriminated against Plaintiff Thakore and humiliated him
12 because of his race.

13 67. Defendants have created such an aggressive and racist environment that
14 Plaintiff Thakore and members of the public that Defendants do not approve of are
15 unable to park in the Parking Spot or patronize AMP without feeling threatened,
16 harassed, and intimidated.

17 68. Defendants have created such an aggressive and racist environment that
18 Plaintiff Thakore and members of the public that Defendants do not approve of are
19 unable to patronize AMP or do so without feeling threatened, harassed, and
20 intimidated.

21 69. Plaintiffs has lost clients, profits, business, goodwill, and suffered other
22 damages as result of the conduct of Defendants. Plaintiffs have been damaged in
23 amount of \$10 million or more according to proof at time of trial.

24 **FIRST CAUSE OF ACTION**
25 **(VIOLATION OF ARTICLE I, SECTION 2**
26 **OF THE CALIFORNIA CONSTITUTION)**
27 **(AGAINST ALL DEFENDANTS)**

28 70. Plaintiff incorporates as though fully set forth herein the allegations

1 contained above in Paragraphs 1 through 69 of this Complaint as well as all
2 allegations stated below in each cause of action in the Complaint.

3 71. By law, the area outside of AMP to include the sidewalk and the
4 Parking Sport are public spaces open to the public and are public forums. (*See. e.g.,*
5 *Fashion Valley Mall, LLC v. National Labor Relations Board* (2007) 42 Cal. 4th
6 850; *Robins v. Pruneyard Shopping Center* (1979) 23 Cal. 3d 899; *Albertson's, Inc.*
7 *v. Young*(2003)107 Cal. App. 4th 106, 122; *Pruneyard Shopping Ctr. v. Robins*
8 (1980) 447 U.S. 74).

9 72. Plaintiff's peaceful demonstrations constitute expressive speech and
10 activity protected by article I, section 2 of the California Constitution.

11 73. No compelling, significant or substantial interest exists to justify the
12 conduct of Defendants or restrictions that Defendants have placed on Thakore's and
13 other members of the public's speech and expressive conduct.

14 74. Even such interests were deemed to exist, the restrictions and conduct
15 of Defendants have imposed on Thakore and other members of the public's speech
16 and expressive conduct are not narrowly tailored to further such interests.

17 75. Defendants have not left open ample alternative channels for
18 communication of Thakore and other members of the public's speech, nor have
19 Defendants given Thakore and other members of the public a reasonable opportunity
20 to reach its intended audience, namely customers and potential customers of AMP.

21 76. Defendants' restrictions are not reasonable or valid time, place or
22 manner restrictions.

23 77. Defendants have imposed an unlawful system of prior restraint on
24 Thakore and other members of the public's speech in violation of the California and
25 United States Constitutions.

26 78. Plaintiffs are informed and believe that Defendants have imposed
27 restrictions on Thakore and other members of the public's speech and expressive
28 conduct based on Thakore's efforts to boycott and protest AMP and, accordingly,

1 Defendants have engaged in unlawful viewpoint discrimination.

2 79. These restrictions on Thakore's constitutional rights, caused irreparable
3 harm to Thakore, and injunctive relief is clearly necessary to prevent this conduct
4 from continuing into the future. An award of damages alone would be an inadequate
5 remedy.

6 80. Plaintiff has demonstrated a likelihood of prevailing on its claims.

7 81. Defendants' restrictions imposed on Thakore rest on no objective
8 guideline and criteria and are in violation of article I, section 2 of the California
9 Constitution.

10 82. There is now existing between the parties an actual, justiciable
11 controversy with respect to which Plaintiff Thakore is entitled to a declaration of its
12 rights and further relief, including a preliminary and permanent injunction.

13 **SECOND CAUSE OF ACTION**

14 **(DISCRIMINATION ON THE BASIS OF RACE**

15 **IN VIOLATION OF 42 U.S.C. § 1981)**

16 **(THAKORE AGAINST ALL DEFENDANTS)**

17 83. Plaintiff incorporates as though fully set forth herein the allegations
18 contained above in Paragraphs 1 through 82 of this Complaint as well as all
19 allegations stated below in each cause of action in the Complaint.

20 84. Thakore is Indian-American.

21 85. Defendants intentionally discriminated against Thakore on the basis of
22 race in his attempts to park in the Parking Spot, patronize AMP, and exercise his
23 First Amendment right to boycott and protest AMP for its discriminatory and unfair
24 business practices.

25 86. AMP and Melone are responsible for the intentional discrimination by
26 its officers, agents, and employees. Alternatively, AMP and Melone have ratified
27 the conduct of their officers, agents, and employees by failing to take meaningful
28 efforts to address their known intentional discrimination and unlawful actions.

1 87. Defendants' conduct violated Thakore's rights.

2 88. Thakore believes, and therefore avers, that Defendants' actions as more
3 fully set forth above, were due to Thakore's protected class, Indian American, and/or
4 because Defendants believe and believed that Thakore belongs to one or more
5 protected groups of people to include but not limited to 1) those of Arab or Asian
6 decent to include but not limited to those of Indian descent like Thakore; and, 2)
7 members of the LGBTQTIA community.

8 89. Defendants have targeted Thakore and those members of the public
9 Defendants do not approve of to include those of Arab or Asian decent to include
10 but not limited to those of Indian descent like Thakore as well as against members
11 of the LGBTQTIA community.

12 90. Defendant authorized or ratified the doing of the acts described herein
13 because the owner engaged in the conduct.

14 91. The acts described herein were reprehensible.

15 92. Defendants' reprehensible acts described herein were witnessed by
16 other employees, members of the public and patrons, can be seen as authorized
17 conduct by Defendants.

18 93. Defendant intentionally engaged in the reprehensible conduct described
19 herein in an effort to harass and intimidate Indian Americans, including Thakore,
20 and those of those members of the public Defendants do not approve of to include
21 those of Arab or Asian decent to include but not limited to those of Indian descent
22 like Thakore as well as against members of the LGBTQTIA community.

23 94. Based upon the foregoing, Plaintiff Thakore alleges that the Defendant
24 violated 42 U.S.C. § 1981.

25 95. Defendants acted outrageously, toward Thakore in a reckless and/or
26 intentional manner not tolerated in a civilized society, and made unlawful by statute,
27 by engaging in the harassing conduct against the Thakore as alleged, and
28 specifically: (1) Calling racist, homophobic, and derogatory names like Fucking Paki

1 Faggot" and a "Sand Nigger; (2) falsely accusing Thakore of harassing AMP and
2 Melone in a deliberate attempt to defame, harass threaten and intimidate Thakore
3 and/or ruin Thakore's reputation and that of his business DMM; (3) threatening,
4 harassing, or trying to intimidate Thakore so that he would not park in the Parking
5 Spot or exercise his First Amendment right to protest and boycott AMP; (4)
6 encouraging AMP customers and AMP employees to threaten, harass, and try to
7 intimidate Thakore or damage his vehicle whenever he tries to park in the public
8 Parking Spot, exercise his First Amendment rights, or patronize any business in the
9 area and rewarding those that harass, intimidate, and threaten Thakore or damage
10 his vehicle to include discounts on AMP pizza ; (5) directing and encouraging one
11 agent of the Defendants to stalk and harass Thakore in a nearby hair salon and
12 attempt to kick and injure his three legged dog; and, (6) causing a false and
13 defamatory article to be published in the La Jolla Light, a publication distributed in
14 La Jolla where Defendants know Thakore's neighbors and friends will see.

15 96. In doing the acts herein alleged, in all parts of this complaint, all named
16 Defendants, and each of them, acted outrageously with the intent of causing (or with
17 reckless disregard of the probability of causing) severe emotional distress to Thakore
18 by doing what is alleged against them in this lawsuit.

19 97. All named Defendants, and all of their actions as alleged in this cause
20 of action and in the allegations herein made in this Complaint, directly and
21 proximately resulted in Thakore suffering and continuing to suffer, physical sickness
22 and injury, severe emotional distress, including stress, anxiety, depression, anger,
23 anguish, humiliation, loss of self-confidence, loss of self-esteem, feelings of
24 hopelessness, and feelings of betrayal, plus future expenses incurred in seeking
25 professional medical treatment for the aforementioned symptoms, all of which was
26 and is to her damage in a sum within the minimum jurisdiction of this Court, to be
27 ascertained according to proof.

28 98. As a direct, foreseeable, and proximate result of the all named

1 Defendants' actions, and each of their actions as alleged in this cause of action,
2 which were intentional, despicable, malicious, oppressive, fraudulent and/or made
3 in a bad faith manner in an attempt to vex, injure, annoy, and/or willfully and
4 consciously disregard of Thakore's rights by taking the actions alleged in this cause
5 of action, the Thakore prays for punitive damages against all named Defendants, and
6 each of them, in a sum within the jurisdiction of this court, to be ascertained,
7 according to proof. In a sufficiently large amount to punish said Defendants, deter
8 future conduct by said Defendants and others behaving like them, and to make an
9 example of said Defendants.

10 99. Plaintiff prays the Defendant be required to provide all appropriate
11 remedies for said violation of 42 U.S.C. § 1981.

12 **THIRD CAUSE OF ACTION**
13 **(DISCRIMINATION ON THE BASIS OF RACE**
14 **IN VIOLATION OF 42 U.S.C. § 1982)**
15 **(THAKORE AGAINST ALL DEFENDANTS)**

16 100. Plaintiff incorporates as though fully set forth herein the allegations
17 contained above in Paragraphs 1 through 99 of this Complaint as well as all
18 allegations stated below in each cause of action in the Complaint.

19 101. Thakore is Indian-American.

20 102. Defendants intentionally discriminated against Thakore on the basis of
21 race in his attempts to park in the Parking Spot, patronize AMP, and exercise his
22 First Amendment right to boycott and protest AMP for its discriminatory and unfair
23 business practices.

24 103. AMP and Melone are responsible for the intentional discrimination by
25 its officers, agents, and employees. Alternatively, AMP and Melone have ratified
26 the conduct of their officers, agents, and employees by failing to take meaningful
27 efforts to address their known intentional discrimination and unlawful actions.

28 104. Defendants' conduct violated Thakore's equal rights.

1 105. Defendants acted outrageously, toward Thakore in a reckless and/or
2 intentional manner not tolerated in a civilized society, and made unlawful by statute,
3 by engaging in the harassing conduct against the Thakore as alleged, and
4 specifically: (1) Calling racist, homophobic, and derogatory names like Fucking Paki
5 Faggot" and a "Sand Nigger; (2) falsely accusing Thakore of harassing AMP and
6 Melone in a deliberate attempt to defame, harass threaten and intimidate Thakore
7 and/or ruin Thakore's reputation and that of his business DMM; (3) threatening,
8 harassing, or trying to intimidate Thakore so that he would not park in the Parking
9 Spot or exercise his First Amendment right to protest and boycott AMP; (4)
10 encouraging AMP customers and AMP employees to threaten, harass, and try to
11 intimidate Thakore or damage his vehicle whenever he tries to park in the public
12 Parking Spot, exercise his First Amendment rights, or patronize any business in the
13 area and rewarding those that harass, intimidate, and threaten Thakore or damage
14 his vehicle to include discounts on AMP pizza ; (5) directing and encouraging one
15 agent of the Defendants to stalk and harass Thakore in a nearby hair salon and
16 attempt to kick and injure his three legged dog; and, (6) causing a false and
17 defamatory article to be published in the La Jolla Light, a publication distributed in
18 La Jolla where Defendants know Thakore's neighbors and friends will see.

19 106. In doing the acts herein alleged, in all parts of this complaint, all named
20 Defendants, and each of them, acted outrageously with the intent of causing (or with
21 reckless disregard of the probability of causing) severe emotional distress to Thakore
22 by doing what is alleged against them in this lawsuit.

23 107. All named Defendants, and all of their actions as alleged in this cause
24 of action and in the allegations herein made in this Complaint, directly and
25 proximately resulted in Thakore suffering and continuing to suffer, physical sickness
26 and injury, severe emotional distress, including stress, anxiety, depression, anger,
27 anguish, humiliation, loss of self-confidence, loss of self-esteem, feelings of
28 hopelessness, and feelings of betrayal, plus future expenses incurred in seeking

1 professional medical treatment for the aforementioned symptoms, all of which was
2 and is to her damage in a sum within the minimum jurisdiction of this Court, to be
3 ascertained according to proof.

4 108. As a direct, foreseeable, and proximate result of the all named
5 Defendants' actions, and each of their actions as alleged in this cause of action,
6 which were intentional, despicable, malicious, oppressive, fraudulent and/or made
7 in a bad faith manner in an attempt to vex, injure, annoy, and/or willfully and
8 consciously disregard of Thakore's rights by taking the actions alleged in this cause
9 of action, the Thakore prays for punitive damages against all named Defendants, and
10 each of them, in a sum within the jurisdiction of this court, to be ascertained,
11 according to proof. In a sufficiently large amount to punish said Defendants, deter
12 future conduct by said Defendants and others behaving like them, and to make an
13 example of said Defendants.

14 **FOURTH CAUSE OF ACTION**

15 **(DISCRIMINATION ON THE BASIS OF RACE IN VIOLATION OF**
16 **TITLE II OF THE CIVIL RIGHTS ACT OF 1964 (42 U.S.C. § 2000A))**

17 **(THAKORE AGAINST ALL DEFENDANTS)**

18 109. Plaintiff incorporates as though fully set forth herein the allegations
19 contained above in Paragraphs 1 through 108 of this Complaint as well as all
20 allegations stated below in each cause of action in the Complaint.

21 110. Thakore is Indian-American.

22 111. Defendants intentionally discriminated against Thakore on the basis of
23 race in his attempts to park in the Parking Spot, patronize AMP, and exercise his
24 First Amendment right to boycott and protest AMP for its discriminatory and unfair
25 business practices.

26 112. AMP and Melone are responsible for the intentional discrimination by
27 its officers, agents, and employees. Alternatively, AMP and Melone have ratified
28 the conduct of their officers, agents, and employees by failing to take meaningful

1 efforts to address their known intentional discrimination and unlawful actions.

2 113. Defendants' conduct violated Thakore's equal rights.

3 114. Defendants acted outrageously, toward Thakore in a reckless and/or
4 intentional manner not tolerated in a civilized society, and made unlawful by statute,
5 by engaging in the harassing conduct against the Thakore as alleged, and
6 specifically: (1) Calling racist, homophobic, and derogatory names like "Fucking Paki
7 Faggot" and a "Sand Nigger; (2) falsely accusing Thakore of harassing AMP and
8 Melone in a deliberate attempt to defame, harass threaten and intimidate Thakore
9 and/or ruin Thakore's reputation and that of his business DMM; (3) threatening,
10 harassing, or trying to intimidate Thakore so that he would not park in the Parking
11 Spot or exercise his First Amendment right to protest and boycott AMP; (4)
12 encouraging AMP customers and AMP employees to threaten, harass, and try to
13 intimidate Thakore or damage his vehicle whenever he tries to park in the public
14 Parking Spot, exercise his First Amendment rights, or patronize any business in the
15 area and rewarding those that harass, intimidate, and threaten Thakore or damage
16 his vehicle to include discounts on AMP pizza ; (5) directing and encouraging one
17 agent of the Defendants to stalk and harass Thakore in a nearby hair salon and
18 attempt to kick and injure his three legged dog; and, (6) causing a false and
19 defamatory article to be published in the La Jolla Light, a publication distributed in
20 La Jolla where Defendants know Thakore's neighbors and friends will see.

21 115. In doing the acts herein alleged, in all parts of this complaint, all named
22 Defendants, and each of them, acted outrageously with the intent of causing (or with
23 reckless disregard of the probability of causing) severe emotional distress to Thakore
24 by doing what is alleged against them in this lawsuit.

25 116. All named Defendants, and all of their actions as alleged in this cause
26 of action and in the allegations herein made in this Complaint, directly and
27 proximately resulted in Thakore suffering and continuing to suffer, physical sickness
28 and injury, severe emotional distress, including stress, anxiety, depression, anger,

1 anguish, humiliation, loss of self-confidence, loss of self-esteem, feelings of
2 hopelessness, and feelings of betrayal, plus future expenses incurred in seeking
3 professional medical treatment for the aforementioned symptoms, all of which was
4 and is to her damage in a sum within the minimum jurisdiction of this Court, to be
5 ascertained according to proof.

6 117. As a direct, foreseeable, and proximate result of the all named
7 Defendants' actions, and each of their actions as alleged in this cause of action,
8 which were intentional, despicable, malicious, oppressive, fraudulent and/or made
9 in a bad faith manner in an attempt to vex, injure, annoy, and/or willfully and
10 consciously disregard of Thakore's rights by taking the actions alleged in this cause
11 of action, the Thakore prays for punitive damages against all named Defendants, and
12 each of them, in a sum within the jurisdiction of this court, to be ascertained,
13 according to proof. In a sufficiently large amount to punish said Defendants, deter
14 future conduct by said Defendants and others behaving like them, and to make an
15 example of said Defendants.

16 118. Plaintiff Thakore believes, and therefore avers, that Defendants' actions
17 as more fully set forth above, were due to Thakore's protected class, Indian American
18 and/or because Defendants believe and believed that Thakore belongs to one or more
19 protected groups of people to include but not limited to 1) those of Arab or Asian
20 decent to include but not limited to those of Indian descent like Thakore; and, 2)
21 members of the LGBTQIA community.

22 119. Defendants have targeted Thakore and those members of the public
23 Defendants do not approve of to include those of Arab or Asian decent to include
24 but not limited to those of Indian descent like Thakore as well as against members
25 of the LGBTQIA community.

26 120. Based upon the foregoing, Thakore alleges that the Defendants violated
27 42 U.S.C. § 2000a, et seq.

28 121. Plaintiff prays the Defendants be required to provide all appropriate

1 remedies for said violation of 42 U.S.C. § 2000a, et seq.

2 122. Thakore seeks a declaratory judgment that Defendants' conduct
3 violated Title II of the Civil Rights Act of 1964.

4 **FIFTH CAUSE OF ACTION**

5 **VIOLATION OF CALIFORNIA CIVIL CODE SECTION 51.7**

6 **(THAKORE AGAINST ALL DEFENDANTS)**

7 123. Plaintiff incorporates as though fully set forth herein the allegations
8 contained above in Paragraphs 1 through 122 of this Complaint as well as all
9 allegations stated below in each cause of action in the Complaint.

10 124. California Civil Code section 51.7, provides that "All persons within
11 the jurisdiction of this state have the right to be free from any violence, or
12 intimidation by threat of violence, committed against their persons or property
13 because of political affiliation, or on account of any characteristic listed or defined
14 in subdivision (b) or (e) of Section 51, or position in a labor dispute, or because
15 another person perceives them to have one or more of those characteristics."

16 125. As alleged herein, Defendants threatened Thakore, harassed Thakore
17 violent, tried to intimidate Thakore, and verbally abuse Thakore in order to make
18 him feel threatened, harassed, intimidated and in fear of bodily harm.

19 126. By the aforesaid acts and omissions of Defendants, and each of them,
20 Plaintiff Thakore has been directly and legally caused to suffer damages in an
21 amount to be proven at trial.

22 127. All named Defendants, and all of their actions as alleged in this cause
23 of action and in the allegations herein made in this Complaint, directly and
24 proximately resulted in Thakore suffering and continuing to suffer, physical sickness
25 and injury, severe emotional distress, including stress, anxiety, depression, anger,
26 anguish, humiliation, loss of self-confidence, loss of self-esteem, feelings of
27 hopelessness, and feelings of betrayal, plus future expenses incurred in seeking
28 professional medical treatment for the aforementioned symptoms, all of which was

1 and is to her damage in a sum within the minimum jurisdiction of this Court, to be
2 ascertained according to proof.

3 128. As a direct, foreseeable, and proximate result of the all named
4 Defendants' actions, and each of their actions as alleged in this cause of action,
5 which were intentional, despicable, malicious, oppressive, fraudulent and/or made
6 in a bad faith manner in an attempt to vex, injure, annoy, and/or willfully and
7 consciously disregard of Thakore's rights by taking the actions alleged in this cause
8 of action, the Thakore prays for punitive damages against all named Defendants, and
9 each of them, in a sum within the jurisdiction of this court, to be ascertained,
10 according to proof. In a sufficiently large amount to punish said Defendants, deter
11 future conduct by said Defendants and others behaving like them, and to make an
12 example of said Defendants.

13 **SIXTH CAUSE OF ACTION**

14 **VIOLATION OF CALIFORNIA CIVIL CODE SECTION 52.1**

15 **(THAKORE AGAINST ALL DEFENDANTS)**

16 129. Plaintiff incorporates as though fully set forth herein the allegations
17 contained above in Paragraphs 1 through 128 of this Complaint as well as all
18 allegations stated below in each cause of action in the Complaint.

19 130. Pursuant to California Civil Code Section 52.1, any individual whose
20 exercise or enjoyment of rights secured by the Constitution or laws of the United
21 States, or of rights secured by the Constitution or laws of this state, has been
22 interfered with, or attempted to be interfered with may institute and prosecute in his
23 or her own name and on his or her own behalf a civil action for damages, including,
24 but not limited to, damages under Section 52, injunctive relief, and other appropriate
25 equitable relief to protect the peaceable exercise or enjoyment of the right or rights
26 secured, including appropriate equitable and declaratory relief to eliminate a pattern
27 or practice of conduct.

28 131. The conduct of the Defendant did and does threaten violence against

1 Thakore and one or more specific groups of persons: 1) those of Arab or Asian
2 decent to include but not limited to those of Indian descent like Thakore; and, 2)
3 members of the LGBTQTIA community. Defendants have targeted Thakore and those
4 members of the public Defendants do not approve of to include those of Arab or
5 Asian decent to include but not limited to those of Indian descent like Thakore as
6 well as against members of the LGBTQTIA community with Defendants' racial slurs,
7 threats of violence and tactics of intimidation.

8 132. Thakore and those members of the public Defendants do not approve
9 of to include those of Arab or Asian decent to include but not limited to those of
10 Indian descent like Thakore as well as against members of the LGBTQTIA
11 community, have been put in reasonable fear that violence will be committed against
12 them or their property and that Defendants have the apparent ability to carry out the
13 threats made by Defendants.

14 133. Defendants through their conduct described above have violated
15 Thakore's rights provided by California law and California Civil Code Section 52.1.

16 134. All named Defendants, and all of their actions as alleged in this cause
17 of action and in the allegations herein made in this Complaint, directly and
18 proximately resulted in Thakore suffering and continuing to suffer, physical sickness
19 and injury, severe emotional distress, including stress, anxiety, depression, anger,
20 anguish, humiliation, loss of self-confidence, loss of self-esteem, feelings of
21 hopelessness, and feelings of betrayal, plus future expenses incurred in seeking
22 professional medical treatment for the aforementioned symptoms, all of which was
23 and is to her damage in a sum within the minimum jurisdiction of this Court, to be
24 ascertained according to proof.

25 135. As a direct, foreseeable, and proximate result of the all named
26 Defendants' actions, and each of their actions as alleged in this cause of action,
27 which were intentional, despicable, malicious, oppressive, fraudulent and/or made
28 in a bad faith manner in an attempt to vex, injure, annoy, and/or willfully and

1 consciously disregard of Thakore's rights by taking the actions alleged in this cause
2 of action, the Thakore prays for punitive damages against all named Defendants, and
3 each of them, in a sum within the jurisdiction of this court, to be ascertained,
4 according to proof. In a sufficiently large amount to punish said Defendants, deter
5 future conduct by said Defendants and others behaving like them, and to make an
6 example of said Defendants.

7 **SEVENTH CAUSE OF ACTION**

8 **UNFAIR BUSINESS PRACTICES**

9 **(AGAINST ALL DEFENDANTS)**

10 136. Plaintiff incorporates as though fully set forth herein the allegations
11 contained above in Paragraphs 1 through 135 of this Complaint as well as all
12 allegations stated below in each cause of action in the Complaint.

13 137. By the acts alleged in the preceding paragraphs, Defendants have
14 committed business acts and practices that are “unlawful” and “unfair” in violation
15 of the Unfair Competition Law (“UCL”), Business & Professions Code § 17200 et
16 seq.

17 138. California Business and Professions Code § 17203 provides that any
18 person who engages, has engaged, or proposes to engage in unfair competition may
19 be enjoined in any court of competent jurisdiction. The court may make such orders
20 or judgments, including the appointment of a receiver, as may be necessary to
21 prevent the use or employment by any person of any practice which constitutes
22 unfair competition, as defined in this chapter, or as may be necessary to restore to
23 any person in interest any money or property, real or personal, which may have been
24 acquired by means of such unfair competition.

25 139. California Business and Professions Code § 17200 defines “unfair
26 competition” as any unlawful, unfair or fraudulent business act or practice and
27 unfair, deceptive, untrue or misleading advertising and any act prohibited by Chapter
28 1 (commencing with Section 17500) of Part 3 of Division 7 of the Business and

1 Professions Code.

2 140. Defendants falsely advertise that their ingredients, crusts, and food sold
3 to the public are "fresh," are not frozen, and/or are of high quality. This is false. In
4 fact, as Exhibits A and B show, Defendants use frozen ingredients and crusts,
5 making their pizzas and food products not "fresh" and not of the quality promised.

6 141. Defendants, as such, have engaged in false advertising and have
7 fraudulently misled consumers and the public about their products.

8 142. Consumers have been misled and deceived into believing that AMP's
9 products are "fresh," are not frozen and are of "high quality." Defendants have
10 profited from these deceptions.

11 143. Further, discriminate against anyone that appears to be of Arab or Asian
12 decent to include but not limited to those of Indian descent like Thakore as well as
13 against members of the LGBTQTIA community.

14 144. AMP and Melone also harass, threaten and try to intimidate anyone that
15 exercises their First Amendment right to protest against AMP or express an opinion
16 about AMP, its business practices, the quality or lack of quality of its food, its
17 treatment of the public, and/or its discriminatory or harassing treatment of members
18 of the public to include Thakore and his business DMM.

19 145. Defendants have harassed, threatened, and tried to intimidate

20 146. Defendants' business practices are within the broad definition of
21 "unfair competition."

22 147. Defendants' business practices are "unlawful," because they violate
23 Unruh Civil Rights Act other laws as alleged herein and may be enjoined under
24 Business & Profession Code § 17203.

25 148. Defendants performed the above-mentioned acts for the purpose of
26 discriminating against, and causing emotional harm to the public.

27 149. Plaintiffs, acting for the general public, are entitled to bring this action
28 for relief, which includes, but is not limited to, injunctive and restitutionary relief.

1 150. AMP and Melone have and continue to engage in a campaign of
2 harassment as to any member of the public that park in the Parking Spot that they do
3 not approve of or who are not customers of AMP. AMP and Melone do all that they
4 can to try and reserve the public Parking Spot for Melone, AMP employees,
5 approved customers of AMP, and/or those that Melone and AMP approve of to the
6 exclusion of all other members of the public to include but not limited to Thakore.
7 Any person or member of the public that tries to park in the Parking Spot that AMP
8 does not approve of or that is not Melone, an AMP employee, or an approved
9 customer of AMP is subjected to harassment, threats, name-calling, and intimidation
10 tactics so that they person will not park there or will be so feel so intimidated and
11 threatened that they feel forced to move their car. Melone and AMP's campaign of
12 harassment and intimidation has been and continues to be perpetrated by Defendants
13 and/or their authorized agents in order to save the Parking Spot for Defendants or
14 those they approve of. It is also being perpetrated to prevent and discourage
15 members of the public that Defendants do not approve of from parking in the Parking
16 Spot.

17 151. AMP, Melone, or their authorized agents have gone as far as damaging
18 or threatening to damage or alter vehicles parked in the Parking Spot without their
19 approval. Defendants have done such things as removing stickers or car wraps on
20 said vehicles without permission of the owner.

21 152. As a proximate result of the above-mentioned acts of the Defendants,
22 Plaintiffs has been deprived of the opportunity to park in the Parking Spot, patron
23 AMP, and/or exercise their First Amendment rights to boycott and protest AMP.
24 Plaintiffs and the public have suffered damage in an amount to be determined in
25 accordance to the proof.

26 153. Plaintiffs will be denied effective and complete remedy absent the relief
27 requested herein. Plaintiffs have suffered and continues to suffer irreparable harm
28 as a result of the activities alleged herein that cannot be adequately remedied at law

1 unless Defendants and all persons acting with them, or on their behalf, are enjoined
2 from engaging in further such acts of unfair competition.

3 154. Such acts impair fair and honest competition and otherwise
4 significantly harms competition in the market for Plaintiff's services.

5 155. Defendants have been unjustly enriched by such unlawful and unfair
6 practices and should be made to disgorge the same.

7 156. Defendants should be enjoined from further representing to the public
8 that their products are "fresh", not frozen or are of "high quality."

9 157. Defendants should be enjoined from further discriminating against
10 Plaintiffs and members of the public as alleged herein.

11 158. Defendants should be enjoined from harassing, threatening, trying to
12 intimidate, and preventing Plaintiffs and members of the public Defendants do not
13 approve of from parking or attempting to park in the Parking Spot

14 **EIGHTH CAUSE OF ACTION**

15 **VIOLATION OF CALIFORNIA CIVIL CODE SECTION 43**

16 **(THAKORE AGAINST ALL DEFENDANTS)**

17 159. Plaintiff incorporates as though fully set forth herein the allegations
18 contained above in Paragraphs 1 through 158 of this Complaint as well as all
19 allegations stated below in each cause of action in the Complaint.

20 160. California Civil Code § 43 states that "Besides the personal rights
21 mentioned or recognized in the Government Code, every person has, subject to the
22 qualifications and restrictions provided by law, the right of protection from bodily
23 restraint or harm, from personal insult, from defamation, and from injury to his
24 personal relations."

25 161. Defendants through their conduct described above have violated
26 Thakore's rights provided by California Civil Code § 43.

27 162. All named Defendants, and all of their actions as alleged in this cause
28 of action and in the allegations herein made in this Complaint, directly and

1 proximately resulted in Thakore suffering and continuing to suffer, physical sickness
2 and injury, severe emotional distress, including stress, anxiety, depression, anger,
3 anguish, humiliation, loss of self-confidence, loss of self-esteem, feelings of
4 hopelessness, and feelings of betrayal, plus future expenses incurred in seeking
5 professional medical treatment for the aforementioned symptoms, all of which was
6 and is to her damage in a sum within the minimum jurisdiction of this Court, to be
7 ascertained according to proof.

8 163. As a direct, foreseeable, and proximate result of the all named
9 Defendants’ actions, and each of their actions as alleged in this cause of action,
10 which were intentional, despicable, malicious, oppressive, fraudulent and/or made
11 in a bad faith manner in an attempt to vex, injure, annoy, and/or willfully and
12 consciously disregard of Thakore's rights by taking the actions alleged in this cause
13 of action, the Thakore prays for punitive damages against all named Defendants, and
14 each of them, in a sum within the jurisdiction of this court, to be ascertained,
15 according to proof. In a sufficiently large amount to punish said Defendants, deter
16 future conduct by said Defendants and others behaving like them, and to make an
17 example of said Defendants.

18 **NINTH CAUSE OF ACTION**
19 **FALSE ADVERTISING UNDER SECTION 43(a)**
20 **OF THE LANHAM ACT**
21 **(AGAINST ALL DEFENDANTS)**

22 164. Plaintiff incorporates as though fully set forth herein the allegations
23 contained above in Paragraphs 1 through 163 of this Complaint as well as all
24 allegations stated below in each cause of action in the Complaint.

25 165. The Lanham Act, [15 U.S.C.A. § 1125\(a\)\(1\)\(B\)](#), prohibits the use in
26 commercial advertising or promotions of “any word, term, name, symbol or
27 device, or any combination thereof, or any ... false or misleading description of
28 fact, or false or misleading representation of fact” that “misrepresents the nature,

1 characteristics, qualities, or geographic origin of his or her or another person's
2 goods, services, or commercial activities." The Lanham Act also authorizes "any
3 person who believes that he or she is or is likely to be damaged by" such a
4 violation to file a civil action for an injunction and compensatory damages.

5 166. Defendants, in connection with goods and services distributed in
6 commerce, has made and is continuing to make false, deceptive and misleading
7 descriptions and representations of fact in commercial advertising and promotion,
8 which misrepresent the nature, characteristics and qualities of AMP's goods,
9 services and commercial activities, in violation of [15 U.S.C.A. §§ 1125\(a\)](#).

10 167. Defendants falsely advertise that their ingredients, crusts, and food sold
11 to the public are "fresh," are not frozen, and/or are of high quality. This is false. In
12 fact, as Exhibits A and B show, Defendants use frozen ingredients and crusts,
13 making their pizzas and food products not "fresh" and not of the quality promised.

14 168. Defendants, as such, have engaged in false advertising and have
15 fraudulently misled consumers and the public about their products.

16 169. Consumers have been misled and deceived into believing that AMP's
17 products are "fresh," are not frozen and are of "high quality." Defendants have
18 profited from these deceptions.

19 170. These violations have injured and will continue to injure Plaintiffs and
20 the public, causing deception, confusion and damage in an amount that cannot
21 presently be ascertained.

22 171. Defendants have and will violate [15 U.S.C.A. §§ 1125\(a\)](#) by
23 misrepresenting the nature, characteristics, and qualities of Plaintiff's services and
24 business.

25 172. These statements have all been made in interstate commerce.

26 173. These misrepresentations are material and are reasonably relied on by
27 potential or actual customers or consumers seeking the type of products (pizza)
28 provided by Defendants.

1 174. Defendants' acts of false advertising and unfair competition have
2 caused irreparable injury to Plaintiff and, unless restrained, will cause further
3 irreparable injury, leaving Plaintiff with no adequate remedy at law.

4 175. By reason of the above, Plaintiff is entitled to permanent injunctive
5 relief against Defendants restraining further acts of false advertising and unfair
6 competition and requiring Defendants to correct its false and misleading
7 statements, and to recover damages caused by reason of Defendants' acts in an
8 amount to be determined at trial.

9 **TENTH CAUSE OF ACTION**

10 **CAUSE OF ACTION**

11 **COMMERCIAL DEFAMATION/TRADE LIBEL**

12 **(AGAINST ALL DEFENDANTS)**

13 176. Plaintiff incorporates as though fully set forth herein the allegations
14 contained above in Paragraphs 1 through 175 of this Complaint as well as all
15 allegations stated below in each cause of action in the Complaint.

16 177. Defendants' statements as alleged in above, were slanderous per se
17 under California Civil Code Section 46 in that such statements impute to Plaintiffs
18 a crime and a lack of professional competence and integrity.

19 178. Among other things, Plaintiffs are informed and believes that
20 employees, officers and agents of AMP, including but not limited to Melone, and
21 other AMP employees, on behalf of AMP, and Melone contacted multiple news
22 publications to include but not limited to the La Jolla Light to make statements to
23 them that were untrue and defamatory about Thakore and DMM. These statements
24 included suggesting that DMM was involved in Thakore's legal exercise of his
25 constitutional rights. The intent of these statements was to falsely suggest to the
26 public that Thakore and DMM are not reputable and are harassing Defendants both
27 of which are not true.

28 179. As a direct, proximate, and foreseeable result of Defendants' unlawful

1 conduct, as alleged above Plaintiff has suffered damages to date in an amount not
2 now known, but Plaintiff is informed and believes, and based there on alleges,
3 exceeds the jurisdictional threshold for classification as an unlimited civil case.

4 **ELEVENTH CAUSE OF ACTION**

5 **INJUNCTIVE RELIEF**

6 **(AGAINST ALL DEFENDANTS)**

7 180. Plaintiff incorporates as though fully set forth herein the allegations
8 contained above in Paragraphs 1 through 179 of this Complaint as well as all
9 allegations stated below in each cause of action in the Complaint.

10 181. As a result of Defendants' foregoing and ongoing acts, Plaintiff has
11 suffered and will continue to suffer immediate and ongoing irreparable injury for
12 which no adequate remedy at law exists.

13 182. Plaintiff is entitled to temporary and permanent injunctive relief for
14 the following:

15 (a) For a temporary restraining order and permanent injunction enjoining
16 Defendants enforcing the restrictions on Thakore and the public's
17 speech that are described above;

18 (b) For a temporary restraining order and permanent injunction enjoining
19 Defendants, and all those in active concert or participation with
20 Defendants (including, but not limited to, officers, directors, agents,
21 servants, wholesalers, distributors, retailers, employees,
22 representatives, attorneys, agents, independent contractors,
23 subsidiaries, related companies, successors, assigns and contracting
24 parties) from distributing, publishing, broadcasting or otherwise
25 disseminating, in any manner or in any medium, any claims stating,
26 suggesting or implying, directly or indirectly, that Plaintiff Thakore is
27 not a reputable person or that his business DMM and its employees,
28 owners, officers, or agents are not reputable.

- 1 (c) For a temporary restraining order and permanent injunction requiring
2 Defendants to withdraw and recall from its sales representatives and
3 any and all channels of distribution any letters, flyers, advertising,
4 promotional materials, office display materials, or any other matter
5 distributed by it or on its behalf bearing any descriptions or
6 representations constituting false advertising concerning Plaintiff, its
7 services, or its business.
- 8 (d) For a temporary restraining order and permanent injunction requiring
9 Defendants and those in active concert or participation with
10 Defendant (including, but not limited to, officers, directors, agents,
11 servants, wholesalers, distributors, retailers, employees,
12 representatives, attorneys, subsidiaries, related companies, successors,
13 assigns and contracting parties) to take affirmative steps to dispel such
14 false impressions that have been created by the false advertising
15 campaign described above, including, but not limited to, notifying all
16 clients exposed to the false claims described above that the statements
17 were and are false.
- 18 (e) For a temporary restraining order and permanent injunction requiring
19 Defendants to identify all companies and/or clients that they
20 distributed disparaging or false information about Plaintiffs;
- 21 (f) For a temporary restraining order and permanent injunction enjoining
22 Defendants from falsely advertising or representing to the public that
23 their ingredients, crusts, pizzas, and food products are "fresh," are not
24 frozen, and are of "high quality."; and/or,
- 25 (g) For a temporary restraining order and permanent injunction enjoining
26 Defendants from harassing, threatening, or trying to intimidate
27 Thakore or any other member of the public from parking in the
28 Parking Spot.

1 183. Unless such injunctive relief is granted, Defendants' ongoing conduct
2 will cause Plaintiff irreparable harm for which no adequate remedy at law exists.

3 **TWELFTH CAUSE OF ACTION**

4 **DEFAMATION CALIFORNIA**

5 **CIVIL CODE SECTION 45 ET. SEQ.**

6 **(AGAINST DEFENDANT MELONE ONLY AND DOES 1-10)**

7 184. Plaintiff incorporates as though fully set forth herein the allegations
8 contained above in Paragraphs 1 through 183 of this Complaint as well as all
9 allegations stated below in each cause of action in the Complaint.

10 185. Defendant Melone has falsely called Thakore a "Paki" and a "faggot"
11 in public where he know others may or would hear such comments. Melone has
12 also fabricated charges that Thakore harassed him in an attempt to defame
13 Thakore. Melone further falsely implied and suggested that DMM was involved in
14 Thakore's lawful exercise of his constitutional rights when he protested against
15 AMP. Melone further falsely stated, implied, and suggested that Thakore was
16 involved in one or more "altercations" at or concerning AMP and Melone.

17 186. The statements made in conjunction with these events were false and
18 unprivileged at the time they were made. They were published to others than the
19 Plaintiffs.

20 187. They injured the Plaintiff Thakore's reputation in both his personal
21 and professional capacities, and ability to earn a living in his occupation.

22 188. They injured DMM's reputation in the community.

23 189. As a proximate result of Defendants' defamation of Plaintiff, Plaintiff
24 has suffered and continues to suffer substantial losses in earnings, and other
25 employment and retirement benefits and has suffered and continues to suffer
26 embarrassment, humiliation and mental anguish all to his damage in an amount
27 according to proof.

28 190. Defendants committed the acts alleged herein maliciously,

1 fraudulently and oppressively, with the wrongful intention of injuring plaintiff,
2 from an improper and evil motive amounting to despicable conduct, and in
3 conscious disregard of plaintiffs rights. Plaintiff is thus entitled to recover punitive
4 damages from Defendants in an amount according to proof.

5 **THIRTEENTH CAUSE OF ACTION**

6 **(VIOLATION OF THE CALIFORNIA CONSUMER LEGAL REMEDIES**
7 **ACT, CAL. CIV. CODE § 1750 et. seq.)**

8 **(THAKORE AGAINST DEFENDANT AMP ONLY AND DOES 1-10)**

9 191. Plaintiff incorporates as though fully set forth herein the allegations
10 contained above in Paragraphs 1 through 190 of this Complaint as well as all
11 allegations stated below in each cause of action in the Complaint.

12 192. Defendant has violated the following provisions of Cal. Civ. Code §
13 1750 et. seq.:

14 (a) Cal. Civ. Code § 1770(a)(5): by representing that its goods or
15 services have sponsorship, approval, characteristics, ingredients, uses,
16 benefits, or quantities which they do not have; and/or,

17 (b) Cal. Civ. Code § 1770(a)(7): by representing that its goods or
18 services are of a particular standard, quality, or grade, if they are of another;

19 193. Defendant undertook the above and acts or practices in transactions
20 intended to result, or which did result, in the sale of its vehicles to customers for
21 personal, family, or household use.

22 194. Plaintiff Thakore and the members of the putative class are all
23 “consumers” within the meaning of the CLRA.

24 195. As a direct, foreseeable, and proximate cause of Defendant’s
25 violations of the CLRA, Plaintiff Thakore and the members of the public that
26 Plaintiff Thakore seeks to represent have suffered harm or legal injury to include
27 paying for AMP food products which are not of the quality promised.

28 **FOURTEENTH CAUSE OF ACTION**

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(NEGLIGENCE PER SE)
(CALIFORNIA CIVIL CODE § 1714)
(THAKORE AGAINST ALL DEFENDANTS)

196. Plaintiff incorporates as though fully set forth herein the allegations contained above in Paragraphs 1 through 195 of this Complaint as well as all allegations stated below in each cause of action in the Complaint.

197. Defendants, negligently violated statutes, ordinances or regulations as alleged herein.

198. Defendants had a duty to comply with the aforementioned statutes, ordinances, or regulations.

199. Plaintiff Thakore is a member of the class of persons for whose protection the statutes, ordinances, or regulations were adopted.

200. Defendants' breach of duty to comply with those statutes, ordinances and/or regulations resulted in foreseeable injury to the Plaintiff Thakore.

201. The injuries to Plaintiff Thakore resulted from an occurrence of the nature which the statute, ordinance, or regulation was designed to prevent.

202. Defendants knew or should have known, at all times, that their actions violated the right of Plaintiff and the public to park in the public Parking Spot, to legally exercise their First Amendment rights, and to not be discriminated against.

203. Despite such knowledge, the Defendants failed and refused to take steps to comply with the applicable laws and statutes as alleged herein. complained of hereinabove.

204. Plaintiff Thakore suffered emotional damages expectedly, normally and naturally associated with a civil rights violation and such violations of the law.

205. Despite knowledge of Plaintiff Thakore' ethnic and racial background, his right to park in the Parking Spot, his right to exercise his First Amendment rights, his emotional injury and denial of civil rights, and other similarly situated persons, the Defendants have carried out a course of conduct of refusing to comply

1 with their legal obligations.

2 206. Defendants' actions evidence despicable conduct in conscious
3 disregard for the rights or safety of Plaintiff Thakore and or other similarly situated
4 persons, justifying an award for exemplary and punitive damages pursuant to
5 California Civil Code § 3294.

6 207. Defendants' actions have been oppressive to Thakore and other
7 members of the public, and have evidenced actual or implied malicious intent
8 toward those members of the public, such as Plaintiff, who have been denied the
9 full and equal access entitled to by law.

10 208. Defendants' refusal, on a day-to-day basis, to correct these problems
11 evidence despicable conduct in conscious disregard for the civil rights of Plaintiff
12 Thakore and other members of the public.

13 209. Plaintiff Thakore prays for an award of punitive damages against the
14 Defendants pursuant to Civil Code § 3294 in an amount sufficient to make a more
15 profound example of Defendants and discourage owners and operators of other
16 public facilities, from willful disregard of the rights of persons with physical
17 disabilities.

18 210. Plaintiff Thakore does not know the financial worth of Defendants, or
19 the amount of punitive damages sufficient to accomplish the public purposes of
20 California Civil Code § 3294 and seeks leave to amend this complaint when such
21 facts are known.

22 **FIFTEENTH CAUSE OF ACTION**

23 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

24 **(THAKORE AGAINST ALL DEFENDANTS)**

25 211. Plaintiff incorporates as though fully set forth herein the allegations
26 contained above in Paragraphs 1 through 210 of this Complaint as well as all
27 allegations stated below in each cause of action in the Complaint.

28 212. Defendants acted outrageously, toward Thakore in a reckless and/or

1 intentional manner not tolerated in a civilized society, and made unlawful by statute,
2 by engaging in the harassing conduct against the Thakore as alleged, and
3 specifically: (1) Calling racist, homophobic, and derogatory names like "Fucking Paki
4 Faggot" and a "Sand Nigger; (2) falsely accusing Thakore of harassing AMP and
5 Melone in a deliberate attempt to defame, harass threaten and intimidate Thakore
6 and/or ruin Thakore's reputation and that of his business DMM; (3) threatening,
7 harassing, or trying to intimidate Thakore so that he would not park in the Parking
8 Spot or exercise his First Amendment right to protest and boycott AMP; (4)
9 encouraging AMP customers and AMP employees to threaten, harass, and try to
10 intimidate Thakore or damage his vehicle whenever he tries to park in the public
11 Parking Spot, exercise his First Amendment rights, or patronize any business in the
12 area and rewarding those that harass, intimidate, and threaten Thakore or damage
13 his vehicle to include discounts on AMP pizza ; (5) directing and encouraging one
14 agent of the Defendants to stalk and harass Thakore in a nearby hair salon and
15 attempt to kick and injure his three legged dog; and, (6) causing a false and
16 defamatory article to be published in the La Jolla Light, a publication distributed in
17 La Jolla where Defendants know Thakore's neighbors and friends will see.

18 213. In doing the acts herein alleged, in all parts of this complaint, all named
19 Defendants, and each of them, acted outrageously with the intent of causing (or with
20 reckless disregard of the probability of causing) severe emotional distress to Thakore
21 by doing what is alleged against them in this lawsuit.

22 214. All named Defendants, and all of their actions as alleged in this cause
23 of action and in the allegations herein made in this Complaint, directly and
24 proximately resulted in Thakore suffering and continuing to suffer, physical sickness
25 and injury, severe emotional distress, including stress, anxiety, depression, anger,
26 anguish, humiliation, loss of self-confidence, loss of self-esteem, feelings of
27 hopelessness, and feelings of betrayal, plus future expenses incurred in seeking
28 professional medical treatment for the aforementioned symptoms, all of which was

1 and is to her damage in a sum within the minimum jurisdiction of this Court, to be
2 ascertained according to proof.

3 215. As a direct, foreseeable, and proximate result of the all named
4 Defendants' actions, and each of their actions as alleged in this cause of action,
5 which were intentional, despicable, malicious, oppressive, fraudulent and/or made
6 in a bad faith manner in an attempt to vex, injure, annoy, and/or willfully and
7 consciously disregard of Thakore's rights by taking the actions alleged in this cause
8 of action, the Thakore prays for punitive damages against all named Defendants, and
9 each of them, in a sum within the jurisdiction of this court, to be ascertained,
10 according to proof. In a sufficiently large amount to punish said Defendants, deter
11 future conduct by said Defendants and others behaving like them, and to make an
12 example of said Defendants.

13 **SIXTEENTH CAUSE OF ACTION**

14 **DECLARATORY RELIEF**

15 **(AGAINST ALL DEFENDANTS)**

16 216. Plaintiff incorporates as though fully set forth herein the allegations
17 contained above in Paragraphs 1 through 215 of this Complaint as well as all
18 allegations stated below in each cause of action in the Complaint.

19 217. An actual controversy has arisen between the parties in relation to the
20 public Parking Spot and, specifically, whether Defendants can save or reserve the
21 Parking Spot for themselves, their agents, their employees, their customers and those
22 they "approve of" to the exclusion of Thakore, those that are not customers of AMP,
23 and other members of the public.

24 218. An actual controversy has arisen between the parties in relation to the
25 public Parking Spot and, specifically, whether the acts of Defendants in threatening,
26 harassing, and trying to intimidate Thakore, those that are not customers of AMP,
27 and members of the general public have the right to park in the Parking Spot
28 regardless of whether Defendants approve of them and/or regardless of whether they

1 work for, are customers of, and/or are affiliated with Defendants.

2 219. Upon information and belief, Defendants do not have the right under
3 California law, the rules and regulations of the County of San Diego, and/or the
4 Municipal Code of the City of San Diego to save and reserve the Parking Spot for
5 themselves, their agents, their employees, or those they "approve of" to the exclusion
6 of Thakore and other members of the public.

7 220. Plaintiffs request a declaration or judgment of the Court that
8 Defendants and specifically AMP and Melone have no right to "save" or "reserve"
9 the Parking Spot for themselves, their customers, their agents, their employees, or
10 for anyone.

11 221. Plaintiffs request a declaration and judgment that that Defendants and
12 specifically AMP and Melone have no right to threaten, harass, or intimidate
13 members of the public to include Thakore from parking in the Parking Spot.

14 **WHEREFORE**, Plaintiffs pray for relief and judgment as follows:

- 15 1. An order or judgment of the Court wherein a declaration is made that
16 Defendants are violating Plaintiff Ajay Thakore's rights under article I,
17 section 2 of the California Constitution;
- 18 2. An award to Plaintiffs of their attorney's fees and costs for enforcing
19 an important right affecting the public interest;
- 20 3. For a temporary restraining order and permanent injunction enjoining
21 Defendants and any person or entity acting in concert with them from:
 - 22 (a) For a temporary restraining order and permanent injunction enjoining
23 Defendants enforcing the restrictions on Thakore and the public's
24 speech that are described above;
 - 25 (b) For a temporary restraining order and permanent injunction enjoining
26 Defendants, and all those in active concert or participation with
27 Defendants (including, but not limited to, officers, directors, agents,
28 servants, wholesalers, distributors, retailers, employees,

1 representatives, attorneys, agents, independent contractors,
2 subsidiaries, related companies, successors, assigns and contracting
3 parties) from distributing, publishing, broadcasting or otherwise
4 disseminating, in any manner or in any medium, any claims stating,
5 suggesting or implying, directly or indirectly, that Plaintiff Thakore is
6 not a reputable person or that his business DMM and its employees,
7 owners, officers, or agents are not reputable.

8 (c) For a temporary restraining order and permanent injunction requiring
9 Defendants to withdraw and recall from its sales representatives and
10 any and all channels of distribution any letters, flyers, advertising,
11 promotional materials, office display materials, or any other matter
12 distributed by it or on its behalf bearing any descriptions or
13 representations constituting false advertising concerning Plaintiff, its
14 services, or its business.

15 (d) For a temporary restraining order and permanent injunction requiring
16 Defendants and those in active concert or participation with
17 Defendant (including, but not limited to, officers, directors, agents,
18 servants, wholesalers, distributors, retailers, employees,
19 representatives, attorneys, subsidiaries, related companies, successors,
20 assigns and contracting parties) to take affirmative steps to dispel such
21 false impressions that have been created by the false advertising
22 campaign described above, including, but not limited to, notifying all
23 clients exposed to the false claims described above that the statements
24 were and are false.

25 (e) For a temporary restraining order and permanent injunction requiring
26 Defendants to identify all companies and/or clients that they
27 distributed disparaging or false information about Plaintiffs;

28 (f) For a temporary restraining order and permanent injunction enjoining

- 1 Defendants from falsely advertising or representing to the public that
2 their ingredients, crusts, pizzas, and food products are "fresh," are not
3 frozen, and are of "high quality."; and/or,
- 4 (g) For a temporary restraining order and permanent injunction enjoining
5 Defendants from harassing, threatening, or trying to intimidate
6 Thakore or any other member of the public from parking in the
7 Parking Spot.
- 8 4. For an award of actual and compensatory damages in an amount of \$10
9 million and/or an amount to be proven at trial.
- 10 5. For a declaration or judgment of the Court that Defendants and
11 specifically AMP and Melone have no right to "save" or "reserve" the
12 Parking Spot for themselves, their customers, their agents, their
13 employees, or for anyone.
- 14 6. For a declaration and judgment that that Defendants and specifically
15 AMP and Melone have no right to threaten, harass, or intimidate
16 members of the public to include Thakore from parking in the Parking
17 Spot.
- 18 7. For restitution of all money wrongfully obtained by Defendants by
19 means of and in connection with the alleged wrongful, unfair, and
20 fraudulent conduct and business practices alleged herein.
- 21 8. For punitive and exemplary damages according to proof;
- 22 9. For damages in the amount of \$10 million or more according to proof;
- 23 10. Pre-and post-judgment interest on its damages, together with all costs
24 and expenses; and,
- 25 11. Awarding such other relief as this Court may deem just and proper.
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MURCHISON & CUMMING, LLP

1 DATED: November 9, 2021
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3
4 /s/Pamela C. Chalk

Anton N. Handal, Esq.
5 Pamela C. Chalk, Esq.
6 Attorneys for Plaintiff

7 **JURY DEMAND**

8
9 Plaintiffs demand a trial by jury as to all claims so triable.

10 **MURCHISON & CUMMING, LLP**

11 DATED: November 9, 2021
12

13 /s/Pamela C. Chalk

14 Anton N. Handal, Esq.
15 Pamela C. Chalk, Esq.
16 Attorneys for Plaintiff

EXHIBIT A

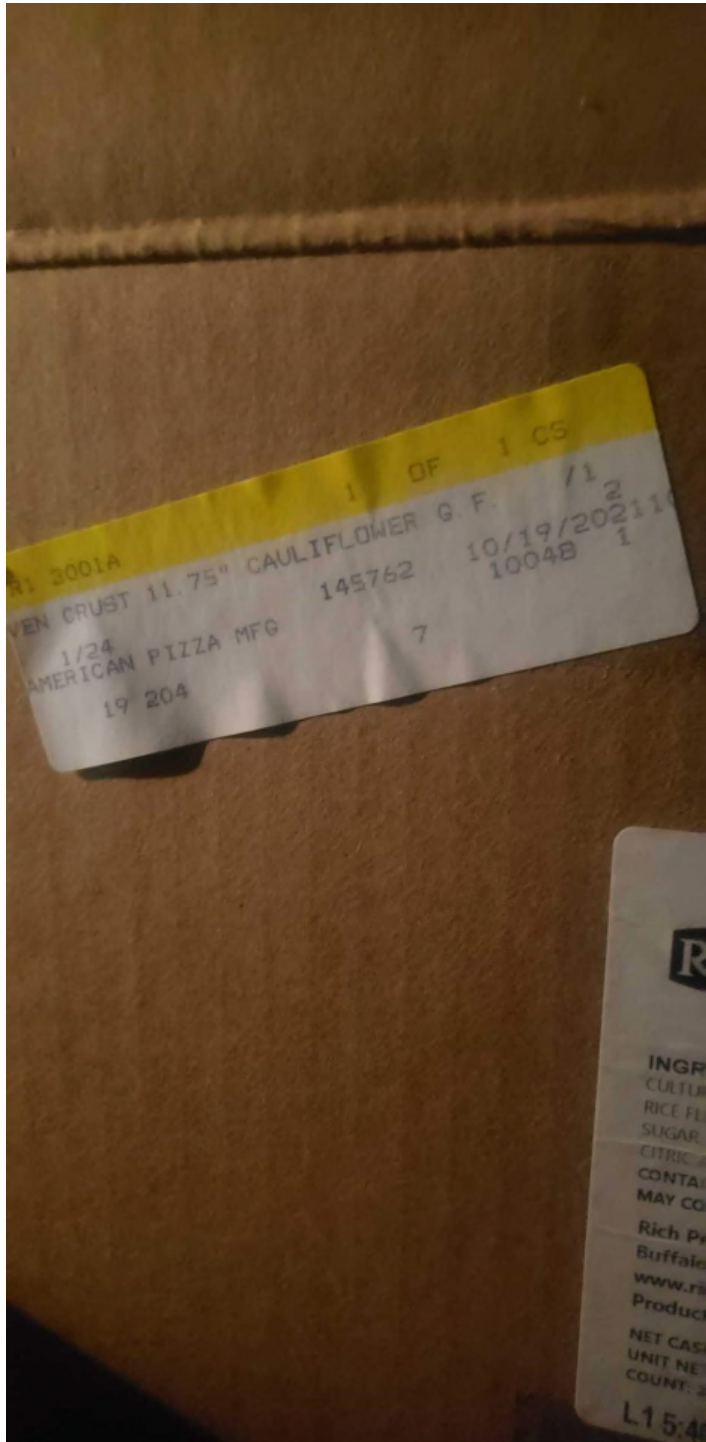


EXHIBIT B

