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16 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
17 FOR THE COUNTY OF LOS ANGELES

18 [REDACTED] ESTWICK, [REDACTED] BICE, and )  
19 [REDACTED] ROBBINS [REDACTED] on Behalf of )  
20 Themselves and Those Similarly Situated, )  
21 Plaintiffs, )  
22 vs. )  
23 MOUNTAINS RECREATION AND )  
24 CONSERVATION AUTHORITY, JOSEPH )  
25 EDMISTON (in his capacity as Executive )  
26 Director of the MRCA) AND DOES 1 )  
27 THROUGH AND INCLUDING 100, )  
28 Defendants. )

*Class  
3/1 Complaint*

*Alonso  
Gomez*

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES  
MAR 29 2010  
John A. Clarke, Executive Officer/Clerk  
By [Signature] Deputy  
RUGENA LOPEZ

**BC434783**

CASE NO.  
CLASS ACTION COMPLAINT  
(1) Unlawful Business Practices in Violation of California Bus. & Prof. Code §17200, et seq.  
(2) Unfair Business Practices in Violation of California Bus. & Prof. Code §17200, et seq.  
(3) Fraudulent Business Practices in Violation of California Bus. & Prof. Code §17200, et seq.

CIT/CASE: BC434783 LEA/DEF#: [REDACTED]  
RECEIPT #: CCH47728030  
DATE PAID: 03/29/10 02:00:25 PM  
PAYMENT: \$355.00 0310  
RECEIVED:  
CHECK: 355.00  
CASH:  
CHANGE:  
CARD:

1 Plaintiffs [REDACTED] Estwick, [REDACTED] Bice, and [REDACTED] Robbins [REDACTED] (collectively  
2 "Plaintiffs") by their attorneys, allege upon personal knowledge as to their own acts, and as to all  
3 other matters upon information and belief based upon, *inter alia*, the investigation made by and  
4 through their attorneys:

5 **NATURE OF THE CASE**

6 1. This is a class action on behalf of all consumers who received an administrative  
7 citation ("Citation") issued by the Mountains Recreation and Conservation Authority's ("MRCA")  
8 stop sign photo enforcement program ("Enforcement Program") from the date of inception of the  
9 Enforcement Program through the present.

10 2. The Citations which are the subject of this lawsuit were issued pursuant to a local  
11 ordinance that conflicts with, duplicates and contradicts portions of the California Vehicle Code and  
12 therefore are illegal and unenforceable.

13 3. The MRCA has issued thousands of these citations since the inception of the  
14 Enforcement Program and has collected millions of dollars in revenue therefrom.

15 4. Plaintiffs, on behalf of themselves and the class which they seek to represent, seek  
16 injunctive and equitable relief to both end the Enforcement Program and obtain remuneration in the  
17 amounts paid to the MRCA for these Citations.

18  
19 **JURISDICTION AND VENUE**

20 5. This Court has jurisdiction over this action pursuant to *Code of Civil Procedure*  
21 §410.10. The equitable relief sought to be recovered by Plaintiffs and the Class they seek to  
22 represent are, in the aggregate, in excess of the jurisdictional minimum of this Court. The exact  
23 amount of such damages caused to the Class members cannot be precisely determined without  
24 access to Defendants' records.

25 6. This Court has jurisdiction over the Defendants named herein because the MRCA  
26 Defendant is a governmental entity – created by a partnership between the Santa Monica Mountains  
27 Conservancy, a state agency established by the Legislature, the Conejo Recreation and Park District,  
28

1 and the Rancho Simi Recreation and Park District both of which are local park agencies established  
2 by popular vote of residents in those communities.

3 7. Venue is proper in this Court because all the parties reside in this County and all the  
4 transactions complained of herein occurred in this County.

5 **THE PARTIES**

6 8. Plaintiffs ██████████ Bice ("Bice") and ██████████ Estwick ("Estwick") are a married  
7 couple and were residents of Los Angeles County in September 2008. On September 21, 2008, at  
8 approximately 1:49 p.m., Mr. Estwick was driving a car through Temescal Canyon Gateway Park  
9 which is operated by the MRCA. The car is registered to both Mr. Estwick and Ms. Bice.  
10 Sometime thereafter, Ms Bice received by U.S. Mail a Citation from the MRCA (Exhibit A) which  
11 claimed that the car that Mr. Estwick was driving on September 21st, violated Section 4.0 of MRCA  
12 Ordinance 1-2005 (as amended), which requires a vehicle to come to a complete stop. The citation  
13 was issued pursuant to §4.2 of MRCA Ordinance 1-2005 (as amended). The citation provided two  
14 pictures of Ms. Bice and Mr. Estwick's car and indicated that the alleged violation was captured on  
15 video which could be viewed at [www.photonotice.com](http://www.photonotice.com). Neither image included a picture of the  
16 driver. The citation stated that the civil penalty for violating the MRCA Ordinance was \$100.00  
17 which was payable by October 29, 2008. The citation further stated that failure to respond will  
18 result in the assessment of additional fees. Mr. Estwick and Ms. Bice believed that the Enforcement  
19 Program was illegal and declined to pay the Citation. The MRCA ultimately referred the matter to a  
20 collections lawyer to collect the alleged debt. In an effort to preserve their credit, under protest, Mr.  
21 Estwick and Ms. Bice paid the \$100.00 fine, a \$37.50 late fee, and a \$3.78 credit card processing  
22 fee.

23 9. Plaintiff ██████████ Robbins, ██████████ is a resident of Los Angeles County. On  
24 February 1, 2009, at approximately 11:43 a.m., Mr. Robbins was driving a car through Temescal  
25 Canyon Gateway Park which is operated by the MRCA. The car is registered to Mr. Robbins.  
26 Sometime thereafter, Mr. Robbins received by U.S. Mail a Citation from the MRCA (Exhibit B)  
27 which claimed that the car that Mr. Robbins was driving on February 1, violated Section 4.0 of  
28 MRCA Ordinance 1-2005 (as amended), which requires a vehicle to come to a complete stop. The

1 Citation was issued pursuant to §4.2 of MRCA Ordinance 1-2005 (as amended). The citation  
2 provided two pictures of Mr. Robbins' car and indicated that the alleged violation was captured on  
3 video which could be viewed at www.photonotice.com. Neither picture included an image of the  
4 driver. The Citation stated that the civil penalty for violating the MRCA Ordinance was \$100.00  
5 which was payable by March 16, 2009. The Citation further stated that failure to respond will result  
6 in the assessment of additional fees. Although Plaintiff Robbins believed that the Enforcement  
7 Program was illegal, he paid the fine under protest. Mr. Robbins timely requested an administrative  
8 hearing which was subsequently held on May 5, 2009. Mr. Robbins provided testimony which  
9 included the fact that he paid the \$100 citation under protest and was not otherwise waiving any of  
10 his legal rights by attending the hearing. A few days later Mr. Robbins received an Administrative  
11 Decision/Order affirming the Citation (Exhibit C).

12 10. Defendant Mountains Recreation and Conservation Authority ("MRCA") is a local  
13 partnership between the Santa Monica Mountains Conservancy ("SMMC"), which is a state agency  
14 established by the Legislature, and the Conejo Recreation and Park District ("CRPD") and the  
15 Rancho Simi Recreation and Park District ("RSRPD") both of which are local park agencies  
16 established by the vote of the people in those communities. The MRCA was established in 1985  
17 pursuant to the Joint Powers Act provided by Government Code §6500. The MRCA is dedicated to  
18 the preservation and management of local open space and parkland, watershed lands, trails, and  
19 wildlife habitat. The MRCA manages and provides ranger services for almost 60,000 acres of public  
20 lands and parks that it owns and that are owned by the Santa Monica Mountains Conservancy or  
21 other agencies and provides comprehensive education and interpretation programs for the public.  
22 The MRCA works in cooperation with the Conservancy and other local government partners to  
23 acquire parkland, participate in vital planning processes, and complete major park improvement  
24 projects.

25 11. Defendant Joseph Edmiston is the Executive Director of the MRCA and is being sued  
26 in his official capacity.

27 12. Defendant Joseph Edmiston and Defendant MRCA are collectively referred to as  
28 Defendants." The true names and capacities of Defendants sued in this complaint as Does 1

1 through 100, inclusive, are currently unknown to Plaintiffs, who therefore sue such Defendants by  
2 these fictitious names. Each of the Defendants designated herein as a Doe is legally responsible in  
3 some manner for the unlawful acts referred to herein. Plaintiffs will seek leave to amend this  
4 complaint to reflect the true names and capacities of the Defendants designated herein as Does 1  
5 through 100 when such identities become known.

6 **STATEMENT OF FACTS**

7 **THE MRCA**

8 13. Defendant MRCA is a public agency born of a local partnership between three other  
9 public entities: the Santa Monica Mountains Conservancy, the Conejo Recreation and Park District  
10 and the Rancho Simi Recreation and Park District. The MRCA was established pursuant to the Joint  
11 Exercise of Powers Act, California Government Code §6500 *et. seq.* The MRCA can be found on  
12 the web at <http://www.mrca.ca.gov>. The website address ending in “.ca.gov” indicates that the  
13 MRCA operates as a governmental entity of the State of California and confirms that the MRCA is a  
14 local government public entity.

15 14. As part of its duties, the MRCA manages several parklands, primarily those owned  
16 by the SMMC including, but not limited to Temescal Gateway Park (20,000 acres) , Franklin  
17 Canyon Park (605 acres) , Topanga State Park (11,000 acres), the Hollywood Bowl Overlook, and  
18 Topanga Overlook, among others.

19 15. On November 19, 2004, the Joint Exercise of Powers Agreement (“JPA”) was  
20 executed reestablishing the MRCA. The avowed purposes of the JPA was, among other things, to:  
21 (1) establish as a local agency pursuant to applicable State law a legal entity, separate from the  
22 parties to the JPA, to acquire, develop, and conserve additional park and open space lands with special  
23 emphasis on recreation and conservation projects, the protection and conservation of watersheds, and  
24 the development of river parkways; (2) provide for the utilization of the benefit assessment method of  
25 financing of capital acquisitions and improvements, and the maintenance, servicing, and operation  
26 thereof, to the greatest extent permitted pursuant to any applicable provision of the Streets and  
27 Highways Code of the State of California and consistent with the provisions of Proposition 218  
28 adopted by the voters in 1996.

1           16.     Ordinance No. 1-2005 (As Amended) – An Ordinance of the Mountains Recreation  
2 and Conservation Authority Amending the Mountains Recreation and Conservation Authority Park  
3 Ordinance Establishing Park Rules and Regulations and Prescribing the Penalty for Violation  
4 Thereof (“Amended Ordinance”) provides:

5  
6           a.     §1.2(a): The Mountains Recreation and Conservation Authority employs park  
7 rangers who are peace officers pursuant to Penal Code Sec. 830.31(b) to protect the parks  
8 and other property of the Authority and preserve the peace therein. MRCA rangers enforce  
9 state law, local ordinances, and conditions of use pursuant to Public Resources Code  
10 Sections 33211.5 and 33211.6 for properties owned or subject to the management of the  
11 Santa Monica Mountains Conservancy pursuant to reciprocal management agreement(s)  
12 with the Conservancy. The Authority also employs uniformed public officers pursuant to  
13 Public Resources Sec. 5786.17(c)) who are authorized to enforce the provisions of this  
14 Ordinance on lands owned or managed by the Authority.

15  
16           b.     §1.1 (g) defines “Park” as any land, building, park improvement, roadway,  
17 public open space owned or subject to the Authority’s management authority.

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19           c.     § 4.0. Traffic control. (a) No person shall drive any vehicle, as defined in the  
20 California Vehicle Code, upon any MRCA owned or managed parkland,  
21 roadway or parking areas except upon, and subject to, any posted traffic  
22 control signs and/or pavement markings. Traffic control signs include, but are  
23 not limited to, stop signs, speed limit signs, directional signs, turning signs,  
24 road closure signs, road hours of operation sign, commercial truck  
25 restrictions, and signs limiting vehicle use on trails. Traffic control pavement  
26 markings include curb markings, limit lines, lane dividing lines and parking  
27 stall lines. The speed limit for vehicles operating on property owned or  
28 managed by the Authority is 15 miles per hour, unless otherwise posted.

1 Radar enforcement is authorized on roadways in which a traffic engineer has  
2 determined the safe maximum speed limit. (b) No currently registered owner  
3 of a motor vehicle shall permit his or her vehicle to be operated in violation of  
4 §4.0(a). (c) Imposition of liability under this section shall not be deemed a  
5 conviction as an operator and shall not be made part of the operating record  
6 upon whom such liability is imposed. No points authorized by the California  
7 Motor Vehicle Code ("Point System for License Suspension") shall be  
8 assigned to the owner or driver of the vehicle for violation of § 4.0.

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10 d. § 4.2. Automated motor vehicle enforcement. (a) "Automated motor vehicle  
11 enforcement" is any photographic or video equipment linked to any violation  
12 detection system that synchronizes the taking of a photograph, video, or  
13 digital image with the occurrence of a violation of §4.0. (b) "Currently  
14 registered vehicle owner" is the person identified by motor vehicle  
15 registration as the registered owner of the vehicle. (c) "Citation" is the  
16 administrative citation and shall include the following: (1) The name and  
17 address of the currently registered owner of the vehicle; (2) The registration  
18 plate number of the motor vehicle involved in the violation; (3) The violation  
19 charged; (4) The time and location of the violation; (5) The amount of the  
20 administrative penalty imposed and the date by which the administrative  
21 penalty should be paid; (6) A sworn statement signed by the officer or  
22 employee of the Authority that based on inspection of the recorded images,  
23 the subject motor vehicle was being operated in violation of §4.0.

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25 e. § 4.2.1. Enforcement. (a) The only penalty for a violation of § 4.0 that is  
26 enforced by means of automated motor vehicle enforcement shall be by  
27 imposition of an administrative penalty pursuant to § 5.4, as authorized  
28 pursuant to Government Code § 53069.4. (b) The only means of enforcement

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of § 4.0(b) shall be by shall be by imposition of an administrative penalty pursuant to § 5.4, as authorized pursuant to Government Code §53069.4.

f. § 4.2.2. Citation procedure. Park Rangers or other employees of the Authority may examine the photographic or video equipment recordings authorized under this Ordinance to determine whether an offense has occurred. If the Park Ranger or other employee of the Authority determines that an offense has occurred and the license plate number or other source of identification of the ownership of the offending vehicle can be established, the Ranger or employee may, within thirty (30) days of the offense, issue an administrative citation to the registered owner.

g. § 5.4. Automated motor vehicle enforcement. Any violation of § 4.0 which is enforced by means of automated motor vehicle enforcement pursuant to § 4.2 shall be deemed a noncriminal violation for which no points authorized by the California Motor Vehicle Code (“Point System for License Suspension”) shall be assigned to the owner or driver of the vehicle. The only penalty for a violation of § 4.0 that is enforced by means of automated motor vehicle enforcement shall be by imposition of an administrative penalty pursuant to § 5.4, as authorized pursuant to Government Code § 53069.4.

h. § 6.1. Administrative citations. (a) Authority. This section provides for the issuance of administrative citations, as authorized pursuant to Government Code § 53069.4. As an alternative to arrest and citation for a public offense, at the time of violation the Park Ranger may issue an administrative citation for any violation of this Ordinance in addition to any other civil legal remedies which may be pursued by the Authority to address any violation of any of any provision of Chapter 2 (§§ 2.0 through and including § 2.3), Chapter 3 (§§ 3.0





1 through and including § 3.18) or Chapter 4 ( §§ 4.0 and §§ 4.2 ) of this  
2 Ordinance. The use of the remedies and procedures of this section shall be at  
3 the sole discretion of the Park Ranger issuing the citation. (b) Contents of  
4 administrative citation. Each administrative citation shall contain the  
5 following information: the date of the violation; the address or description of  
6 the location of the violation; the section or sections of this code violated and a  
7 description of the acts or omissions constituting the violation; the amount of  
8 the penalty for the code violation; a description of the penalty payment  
9 process, including a description of the time within which and the place to  
10 which the penalty shall be paid; and the name of the citing enforcement  
11 officer. A notice of a right to a hearing, including the time within which the  
12 administrative citation may be contested, and how to request a hearing, will  
13 be provided at the time of citation.

14 17. The operating Ordinance has been subject to multiple amendments over the past  
15 several years. Upon information and belief, prior to 2007, the operating Ordinance did not provide  
16 for the use of photo enforcement nor the use of administrative citations. Rather, any traffic  
17 infractions such as failing to completely stop at a stop sign were violations of the California Vehicle  
18 Code and were prosecuted thereunder.

19 18. Indeed, amendments to the Ordinance were necessary because on March 22, 2007,  
20 the MRCA entered into a contract ("Redflex Contract") with Redflex Traffic Systems, Inc.  
21 ("Redflex") to install, maintain and provide services for a digital photo speed and stop sign  
22 enforcement system, ostensibly to be used pursuant to the freshly minted provision the MRCA  
23 passed to allow itself to use a photo enforcement system. The Redflex Contract provided that  
24 Redflex would install and maintain the enforcement system as well as handle processing of the  
25 citations. The contract provided that:

- 26 a. §1.23 Photo Speed & Stop Sign Violation Criteria: means the standards and  
27 criteria by which potential violations will be evaluated by Park Rangers  
28 employed by the Customer, which standards and criteria shall include, but are

1 not limited to, the speed of travel required or the absence of a complete stop at  
2 a location where a stop sign is located; to deem that a violation has been  
3 committed, all of which shall be in compliance with all applicable laws, rules  
4 and regulations of the MRCA

5 b. enforcement systems would be installed at 10 fixed locations and one mobile  
6 unit. The cameras were split among: (1) Hollywood Bowl Overlook; (2)  
7 Reseda; (1) Temescal; (1) Topanga; and (5) Franklin Canyon. The mobile unit  
8 will be used to service up to 10 additional locations.

9 c. Redflex would receive \$20.00 per image for every photo stop, photo speed  
10 and mobile photo stop image.<sup>1</sup>

11 19. On information and belief, in May 2007, Redflex installed the first stop sign camera  
12 at in Temescal Gateway Park and began photo enforcement a month later.

13 20. Under the Redflex Contract, Redflex is responsible for administering the program  
14 which includes monitoring all videos of vehicles proceeding through the photo enforced stop signs.  
15 Redflex supposedly notifies MRCA of the violations and an MRCA representative then is to  
16 view each video deciding whether a Citation should be issued. The system photographs only the rear  
17 of the vehicle, but in so doing obtains a license plate number. The MRCA subsequently coordinates  
18 with the Department of Motor Vehicles to identify the registered owner, and then provides the  
19 information to Redflex who mails the administrative citation.

20 21. As a result of the Enforcement Program, the MRCA has issued thousands of Citations  
21 and collected millions of dollars worth of fees.

22 22. The MRCA has the right to enforce numerous state laws including the California  
23 Vehicle Code. The MRCA, however, must comport its enforcement efforts consistent with the  
24 mandates of the Vehicle Code. To do otherwise, as it has done by passing an Ordinance inconsistent  
25 with the California Vehicle Code, constitutes as unlawful, unfair and deceptive business practice.

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26  
27 <sup>1</sup> At some point in the spring of 2008, the MRCA and Redflex amended their contract to,  
28 *inter alia*, : (1) change the compensation formula from a per image fee to a fixed monthly fee; and  
Contract, the photo enforcement system in use is still based on the assessment of a vehicle's speed.

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**THE MRCA PHOTO ENFORCEMENT SYSTEM IS ILLEGAL**  
**UNDER THE CALIFORNIA VEHICLE CODE ("CVC")**

23. The Amended Ordinance allowing the use photo enforcement to issue stop sign citations violates the California Vehicle Code in at least the following ways:

- a. CVC §21455.6(c): The authorization in Section 21455.5 to use automated enforcement systems does not authorize the use of photo radar for speed enforcement purposes by any jurisdiction.
- b. CVC §210: An "automated enforcement system" is any system operated by a governmental agency, in cooperation with a law enforcement agency, that photographically records a driver's responses to a rail or rail transit signal or crossing gate, or both, or to an official traffic control signal described in Section 21450, and is designed to obtain a clear photograph of a vehicle's license plate and the driver of the vehicle.
- c. CVC §21455.5 (g)(1): A contract between a governmental agency and a manufacturer or supplier of automated enforcement equipment may not include provision for the payment or compensation to the manufacturer or supplier based on the number of citations generated, or as a percentage of the revenue generated....
- d. CVC § 21: Except as otherwise expressly provided, the provisions of this code are applicable and uniform throughout the State and in all counties and municipalities therein, and no local authority shall enact or enforce any ordinance on the matters covered by this code unless expressly authorized herein.
- e. CVC 21100.1: Whenever any city or county, by ordinance or resolution, permits, restricts, or prohibits the use of public or private highways pursuant to this article, any traffic control device erected by it on or after January 1,

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1981, shall conform to the uniform standards and specifications adopted by the Department of Transportation pursuant to Section 21400.

24. Pursuant to CVC §21455.6(c), any photo radar that is used for **speed** enforcement purposes is manifestly prohibited under the CVC. The photo radar system used by Redflex as part of the MRCA contract does exactly that. By timing the distance between two points, the system determines the speed at which the car is traveling. As a matter of physics, at certain speeds it would be impossible for the car to stop at a given point. When a vehicle's speed exceeds a certain threshold, it triggers the photo enforcement system that results in the Citation.

25. With respect to allowable photo enforcement systems (e.g. at red lights), CVC §210 requires that the system obtain a clear photograph of **both** a vehicle's license plate **and** the driver of the vehicle. The Redflex system does not take a photo of the driver of the vehicle in violation of CVC §210.

26. With respect to CVC sanctioned photo enforcement systems, CVC §21455.5 (g)(1) prohibits any contract between a governmental agency and a manufacturer or supplier of automated enforcement equipment to include compensation based on the number of citations generated, or as a percentage of the revenue generated. In violation of CVC §21455.5 (g)(1) the Redflex contract clearly indicated that Redflex "would receive \$20.00 per image for every photo stop, photo speed and mobile photo stop image."<sup>2</sup>

27. The CVC requires all traffic and vehicular signs to conform with uniform standards and specifications adopted by the Department of Transportation ("Uniform Standards"). MRCA uses a variety of signs associated with its photo enforcement program that are inconsistent with the Uniform Standards.

28. CVC §21 expressly prohibits local authorities from enacting or enforcing any ordinance on the matters covered by the California Vehicle Code. Subsection 4.0 et seq. of the Amended Ordinance is in clear violation of this mandate.

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<sup>2</sup> By amendment in the Spring of 2008, Redflex and the MRCA amended their agreement to compensate the former on a fixed fee as opposed to a per image basis.

1 29. The roads and pathways in each of the properties managed by the MRCA where they  
2 utilize photo enforcement is subject to the California Vehicle Code. The MRCA has no authority, in  
3 and of itself or through the Joint Powers Agreement to countermand any article of the California  
4 Vehicle Code. To the extent the MRCA seeks to enforce traffic violations, it is obligated comply  
5 with the CVC which fully occupies the field of traffic regulation in this State. To do otherwise is  
6 illegal, deceptive and unfair.

7  
8 CLASS ACTION ALLEGATIONS

9 30. Plaintiffs bring this action on behalf of themselves and members of a proposed  
10 statewide Plaintiff class (the "Class"). The proposed Class, which Plaintiffs seeks to represent, are  
11 vehicle owners who received an MRCA administrative citation for violating §4.0 of the MRCA  
12 Ordinance since the inception of the Enforcement Program to date.

13 31. This action has been brought and may properly be maintained as a class action  
14 pursuant to *California Code of Civil Procedure* §382 and the case law thereunder.

15 32. The members of the Class are so numerous that joinder of all members is  
16 impracticable. While the exact number of Class members is unknown to Plaintiffs at this time, and  
17 can only be ascertained through appropriate discovery, Plaintiffs are informed and believe, and on  
18 that basis allege, that thousands of persons throughout California are members of the Class. Should  
19 it become necessary, Class members may be notified of the pendency of this action by published  
20 and/or mailed notice.

21 33. There is a well-defined community of interest in the questions of law and fact  
22 affecting the parties represented in this action.

23 34. Common questions of law and fact exist as to all members of the Class. These  
24 common questions predominate over the questions affecting only individual Class members.

25 35. The questions common to members of the Class are, *inter alia*:

- 26 a. whether Defendants have engaged in deceptive, unfair or illegal acts and  
27 practices in violation of *California Business & Professions Code* §§17200 *et*  
28 *seq.*;

- 1           b.     whether Defendants' use of photo radar to enforce alleged stop sign violations
- 2                     is illegal under the California Vehicle Code;
- 3           c.     whether Defendants have received money that, in equity and good conscience,
- 4                     belongs to the proposed Class;
- 5           d.     whether Plaintiffs and the Class are entitled to equitable relief, including but
- 6                     not limited to injunctions and restitution;
- 7           e.     whether Plaintiffs and the Class are entitled to declaratory relief sought
- 8                     herein; and
- 9           f.     the nature and extent of any other remedies to which proposed Class members
- 10                    are entitled as a result of Defendants' wrongful conduct.

11           36.    Plaintiffs have each justifiably relied on the belief that the California Vehicle Code  
12 operated with full force and effect in the parks managed by the MRCA

13           37.    Plaintiffs' claims are typical of the claims of the members of the Class as all members  
14 of the Class are similarly affected by Defendants' wrongful conduct. Plaintiffs and all members of  
15 the Class have been momentarily harmed resulting from Defendants' violations as alleged herein.

16           38.    Plaintiffs' claims are made in a representative capacity on behalf of members of the  
17 putative Class. Plaintiffs have no interest antagonistic to the interests of the other members of the  
18 proposed Class.

19           39.    Plaintiffs are similarly situated in interest to all of the members of the proposed Class  
20 and are committed to the vigorous prosecution of this action and have retained competent counsel  
21 experienced in the prosecution of Class actions and consumer litigation. Accordingly, Plaintiffs are  
22 adequate representatives of the proposed Class and will fairly and adequately protect the interests of  
23 the Class.

24           40.    A class action is superior to all other available methods for the fair and efficient  
25 adjudication of this controversy, since joinder of all members is impracticable. Furthermore, as the  
26 damages suffered by individual Class members are relatively small, the expense and burden of  
27 individual litigation make it impossible for members of the Class to individually redress the wrongs  
28 done to them. There will be no difficulty in the management of this action as a class action.

1 Individual litigation presents the potential for inconsistent or contradictory judgments. A Class  
2 action presents far fewer management difficulties and provides the benefits of single adjudication,  
3 economy of scale, and comprehensive supervision by a single court.

4 41. By letter dated, October 29, 2009, Plaintiffs made a pre-litigation demand on the  
5 MRCA to modify its practices with respect to the use of photo stop enforcement to be consistent  
6 with the California Vehicle Code and to remunerate those drivers that received tickets issued  
7 through the Enforcement program. Plaintiffs' pre-litigation demand letter was received and  
8 rebuffed.

9  
10 **FIRST CAUSE OF ACTION**

11 **(Unlawful Conduct in Violation of  
12 Business & Professions Code §§17200, et seq.)**

13 42. Plaintiffs reallege and incorporate herein by reference each of the foregoing  
14 paragraphs, and further alleges as follows.

15 43. The UCL defines unfair business competition to include any "unfair," "unlawful," or  
16 "fraudulent" business act or practice. Defendants have violated the "unlawful" prong of the UCL by  
17 promulgating and enforcing Ordinance No. 1-2005 §4.0 *et seq.*, particularly as it relates to the use of  
18 automated motor vehicle enforcement as defined therein (§4.2 *et seq.*), which conflicts with,  
19 duplicates and contradicts portions of the California Vehicle Code. Among other things, the stop  
20 sign photo enforcement system used by the MRCA violates CVC §§ 21455.6(c), 210, 21455.5(g)(1),  
21 21, 21100.1 for the reasons detailed above.

22 44. By engaging in the above described acts and practices, the MRCA has been unjustly  
23 enriched at the expense of the Plaintiffs and members of the proposed class.

24 45. Through its acts of unlawful competition, the MRCA has acquired money from  
25 Plaintiffs and the members of the proposed Class. Thus, Plaintiffs and the members of the proposed  
26 Class request that this Court restore this money to them, and enjoin the MRCA from continuing to  
27 violate California Business & Professions Code §§ 17200, et seq.

28  
B1/BCL



1 **SECOND CAUSE OF ACTION**

2 **(Unfair Conduct in Violation of**  
3 **Business & Professions Code §§17200, et seq.)**

4 46. The UCL defines unfair business competition to include any “unfair,” “unlawful,” or  
5 “fraudulent” business act or practice. A business practice is “unfair” under the UCL if the reasons,  
6 justifications and motives of the alleged wrongdoer are outweighed by the gravity of the harm to the  
7 alleged victims. Alternatively, a business practice is “unfair” if it violates a legislatively declared  
8 policy.

9 47. During the Class Period, the MRCA imposed an administrative ordinance upon the  
10 public that was clearly inconsistent with the normal rules of the road established by the California  
11 Legislature and memorialized in the California Vehicle Code. California residents driving through  
12 the parks managed by the MRCA had every reasonable expectation that the laws of the state were  
13 paramount and would be in full force and effect on the roads where the MRCA employed the photo  
14 stop sign enforcement system. No reasonable driver would expect that the normal rules of the road  
15 as delineated in the California Vehicle Code would be held in abeyance and trumped by simply  
16 driving on a public road within an area managed by the MRCA.

17 48. The MRCA can provide no justification for imposition of a traffic ordinance that  
18 countermands the plain language of the California Vehicle Code. Moreover, the enactment of an  
19 administrative ordinance that conflicts with, duplicates or contradicts state law violates clear  
20 legislative policy and existing jurisprudence. The MRCA’s actions are deceitful, unconscionable  
21 and, therefore, unfair within the meaning of the UCL.

22 49. By engaging in the above described acts and practices, the MRCA has been unjustly  
23 enriched at the expense of the Plaintiffs and members of the proposed Class.

24 50. Through its acts of unfair competition, the MRCA has acquired money from  
25 Plaintiffs and the members of the proposed Class. Thus, Plaintiffs and the members of the proposed  
26 class request that this Court restore this money to them, and enjoin the MRCA from continuing to  
27 violate California Business & Professions Code §§ 17200, et seq., as discussed above.

28 2/29/16

1 **THIRD CAUSE OF ACTION**

2 **(Fraudulent Conduct in Violation of**  
3 **Business & Professions Code §§17200, et seq.)**

4 51. The UCL defines unfair business competition to include any “unfair,” “unlawful,” or  
5 “fraudulent” business act or practice. A business practice is “fraudulent” under the UCL if it actually  
6 deceives or is likely to deceive members of the public.

7 52. During the Class Period, the MRCA imposed an administrative ordinance upon the  
8 public that was clearly inconsistent with the normal rules of the road established by the California  
9 Legislature and memorialized in the California Vehicle Code. California residents driving through  
10 the parks managed by the MRCA had every reasonable expectation that the laws of the state were  
11 paramount and would be in full force and effect on the roads where the MRCA employed the photo  
12 stop sign enforcement system. No reasonable driver would expect that the normal rules of the road  
13 as delineated in the California Vehicle Code would be held in abeyance and trumped by simply  
14 driving on a road within an area managed by the MRCA. The use and imposition of a speed based  
15 photo radar system in a place, where it is not authorized for use by the California Vehicle Code is a  
16 fraudulent practice likely to deceive the average driver.

17 53. By engaging in the above described acts and practices, the MRCA has been unjustly  
18 enriched at the expense of the Plaintiffs and members of the proposed Class.

19 54. Through its fraudulent and deceptive acts, the MRCA has acquired money from  
20 Plaintiffs and the members of the proposed Class. Thus, Plaintiffs and the members of the proposed  
21 class request that this Court restore this money to them, and enjoin the MRCA from continuing to  
22 violate California Business & Professions Code §§ 17200, et seq., as discussed above.

23 **PRAYER FOR RELIEF**

24 WHEREFORE, Plaintiffs, on behalf of themselves and on behalf of the members of the  
25 Class defined herein, pray for judgment and relief on all Causes of Action as follows:


26 1. An order certifying that the action may be maintained as a class action as defined  
27 herein;

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- 2. A temporary, preliminary and/or permanent order:
  - a. enjoining Defendants from enforcing their policy of automated motor vehicle enforcement as complained of herein;
  - b. enjoining the above-described wrongful acts and practices of Defendants;
  - c. providing restitution to all consumers who improperly incurred charges and/or expenses, as a result of Defendants' wrongdoing.
- 3. An order requiring disgorgement of Defendant's ill-gotten gains and to pay restitution to Plaintiffs and all members of the proposed Class and to restore all funds acquired by means of any act or practice declared by this Court to be an unlawful, unfair or fraudulent business act or practice, a violation of laws, statutes or regulations, or constituting unfair competition.
- 4. Reasonable attorneys' fees pursuant to, *inter alia*, Code of Civil Procedure, §1021.5, and/or the common fund doctrine;
- 5. Costs of this lawsuit;
- 6. Pre- and post-judgment interest; and
- 7. Such other and further relief as the Court may deem necessary or appropriate.

Dated: 3-29-10

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3/29/18