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ABIGAIL KATZ
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Superior Court of California,
County of Los Angeles
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David W. Slayton,
Executive Officer/Clerk of Court,
By C. Vega, Deputy Clerk

Plaintiff In Propria Persona

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

ABIGAIL KATZ an Individual;

Plaintiff,

vs.

UNITE HERE LOCAL 11, a registered
501(c)(3) nonprofit organization; SUSAN
MINATO, an individual; KURT
PETERSEN, an individual; NICHOLAS
GERBER, an individual; CESAR BARBA
DE LA CRUZ, an individual; SAMUEL
FORMAN, an individual; NALLELY
GOMEZ, an individual; JOSE
CALDERON, an individual; VICKY
BEZA, an individual; HERMINIA
VALENCIA, an individual; and DOES 1
through 100, inclusive;

Defendants

Case No. **24STCV30861**

- COMPLAINT FOR
- 1. PRIVATE NUISANCE
 - 2. NEGLIGENCE
 - 3. MALICIOUS PROSECUTION
 - 4. ABUSE OF PROCESS
 - 5. CIVIL CONSPIRACY
 - 6. FALSE IMPRISONMENT
 - 7. ASSAULT
 - 8. BATTERY
 - 9. HARASSMENT
 - 10. DEFAMATION PER SE
 - 11. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
 - 12. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

DEMAND FOR JURY TRIAL

1	INTRODUCTION.....	2
	THE PARTIES.....	2
2	JURISDICTION AND VENUE	4
3	FACTUAL ALLEGATIONS.....	5
	PRIVATE NUISANCE.....	18
4	NEGLIGENCE	22
	FALSE IMPRISONMENT	25
5	MALICIOUS PROSECUTION.....	29
6	ABUSE OF PROCESS	32
	CIVIL CONSPIRACY.....	34
7	ASSAULT.....	37
8	BATTERY	39
	HARASSMENT.....	40
9	DEFAMATION PER SE	43
10	NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS	46
	INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS	49
11	PRAYER FOR RELIEF.....	53
	REQUEST FOR JURY TRIAL	55
12	VERIFICATION.....	56
13	[EXHIBITS].....	57

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Plaintiff Abigail Katz, is informed, believes, and thereon alleges, the following:

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INTRODUCTION

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1. Plaintiff ABIGAIL KATZ ("Plaintiff") brings this action against Defendants UNITE HERE LOCAL 11, its officers, agents, and individual members (collectively, "Defendants"), for engaging in a prolonged and deliberate campaign of harassment, intimidation, violence and nuisance that has caused Plaintiff significant emotional distress, physical harm, and financial losses.

THE PARTIES

2. ABIGAIL KATZ ("Abigail") is, and at all relevant times was, a resident of Los Angeles County, California. Beginning on or about August 7, 2023, Plaintiff leased, took

1 possession of, and has occupied a residential apartment (hereinafter referred to as "the
2 Apartment") located at the southwest corner of the APEX The One building, at 900 S. Figueroa
3 St., Los Angeles, California.

4 3. UNITE HERE LOCAL 11 ("the union") is a registered 501(c)(3) nonprofit
5 organization operating within the County of Los Angeles, State of California.

6 4. SUSAN MINATO, Co-President and Treasurer of UNITE HERE LOCAL 11, a
7 registered 501(c)(3) nonprofit organization operating within the County of Los Angeles, State of
8 California.

9 5. KURT PETERSEN, Co-President of UNITE HERE LOCAL 11, a registered
10 501(c)(3) nonprofit organization operating within the County of Los Angeles, State of California.

11 6. NICHOLAS GERBER, who during the events in question was an employee or
12 agent of UNITE HERE LOCAL 11, a 501(c)(3) nonprofit organization operating within
13 California, and a resident of Los Angeles County, California.

14 7. CESAR BARBA DE LA CRUZ, who during the events in question was an
15 employee or agent of UNITE HERE LOCAL 11, a 501(c)(3) nonprofit organization operating
16 within California, and a resident of Los Angeles County, California.

17 8. SAMUEL FORMAN, who during the events in question was an employee or
18 agent of UNITE HERE LOCAL 11, a 501(c)(3) nonprofit organization operating within
19 California, and a resident of Los Angeles County, California.

20 9. NALLELY GOMEZ, who during the events in question was an employee or
21 agent of UNITE HERE LOCAL 11, a 501(c)(3) nonprofit organization operating within
22 California, and a resident of Los Angeles County, California.

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1 10. JOSE CALDERON, who during the events in question was an employee or agent
2 of UNITE HERE LOCAL 11, a 501(c)(3) nonprofit organization operating within California, and
3 a resident of Los Angeles County, California.

4 11. VICKY BEZA, who during the events in question was an employee or agent of
5 UNITE HERE LOCAL 11, a 501(c)(3) nonprofit organization operating within California, and a
6 resident of Los Angeles County, California.

7 12. HERMINIA VALENCIA, who during the events in question was a member of
8 UNITE HERE LOCAL 11, a 501(c)(3) nonprofit organization operating within California, and a
9 resident of Los Angeles County, California.

10 13. The Plaintiff does not know the true names and capacities of the Defendants sued
11 herein as Does 1 through 100, inclusive, and therefore sues these Defendants by fictitious names
12 pursuant to Section 474 of the California Code of Civil Procedure. the Plaintiff will amend this
13 Complaint to allege the true names and capacities of Does 1 through 100, inclusive, when the
14 same are ascertained. The Plaintiff is informed, believes, and thereon alleges, that each of the
15 Defendants named herein as Does 1 through 100, inclusive, is responsible in some manner for the
16 occurrences, injuries, and other damages alleged in this Complaint.

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JURISDICTION AND VENUE

19 14. Jurisdiction is proper in the SUPERIOR COURT OF THE STATE OF
20 CALIFORNIA, COUNTY OF LOS ANGELES, as this Court has general subject matter
21 jurisdiction over the causes of action stated in this Complaint and no statutory exceptions to
22 jurisdiction apply. This Court also has personal jurisdiction over all Defendants, as they either
23 reside in, conduct business in, or have engaged in acts causing harm within the County of Los
24 Angeles, State of California

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- 1 e. COURTYARD MARRIOTT LOS ANGELES L.A. LIVE, located at 901 West
- 2 Olympic Boulevard, Los Angeles, CA 90015;
- 3 f. HOTEL INDIGO, located at 899 Francisco Street, Los Angeles, CA 90017;
- 4 g. E-CENTRAL HOTEL, located at 1020 South Figueroa Street, Los Angeles, CA
- 5 90015.

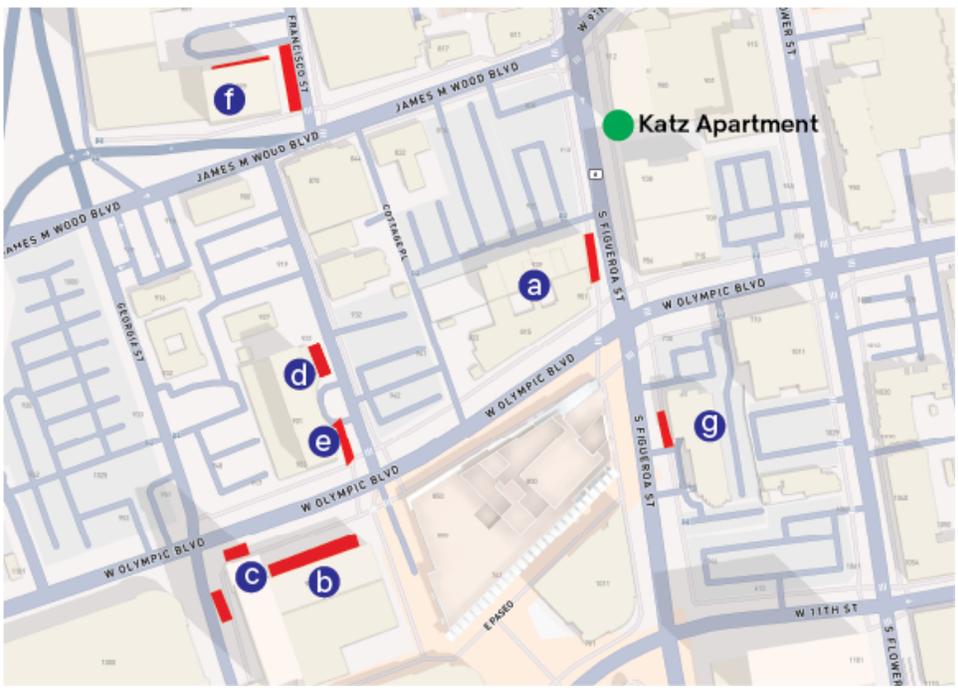


Figure 1: Map of Hotels and Protest Sites highlighted in red (Exhibit B-1).

17 18. The Plaintiff's apartment (the "Apartment") located at 900 South Figueroa Street,
18 Los Angeles, CA is approximately 161 feet from the Hotel Figueroa protest site.

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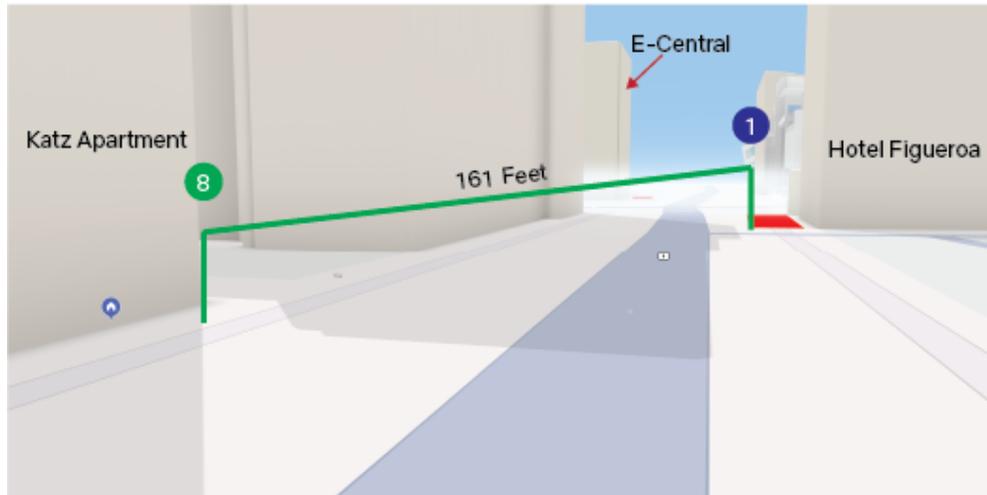


Figure 2: Distance from Hotel Figueroa to the Plaintiff's apartment (Exhibit B-2).

19. During many of these protest actions, Defendants, in violation of the Los Angeles Municipal Code (“LAMC”) Chapter XI, utilized one or more of the following sound-generating devices in a manner which willfully made or continued, or caused to be made or continued, loud, unnecessary, excessive, amplified and unusual high-decibel noise:

- a. Pyle-Pro PMP52BT Siren – 118 dB³: A handheld megaphone with a siren function utilizing a 50-watt high-powered driver and horn system. The siren consistently produces a sound pressure level (SPL) of 118 dB, designed for emergency alert purposes.
- b. ThunderPower 450 built in siren feature– 120 dB⁴: A handheld megaphone equipped with a 35-watt driver generating an SPL of 120 dB. The siren function operates at maximum volume, with no option for adjustment.

³ *Pyle Megaphone Speaker Bullhorn with Built-in Siren*, Amazon, <https://www.amazon.com/Pyle-Megaphone-Speaker-Bullhorn-Built/dp/B00NCPG5V8?th=1> (last visited Sept. 30, 2024).

⁴ *ThunderPower 450 Megaphone*, ThunderPower Megaphones, <https://www.thunderpowermegaphones.com/product/thunderpower-450-megaphone/> (last visited Sept. 30, 2024).

- 1 c. Mechanical Airhorn – 120 dB⁵: A mechanical airhorn that emits a consistent 120
- 2 dB through the force of compressed air.
- 3 d. 24 inch Collapsible Vuvuzela – 141 dB⁶: A plastic horn capable of producing up
- 4 to 141 dB of sound through manual operation. The collapsible design enhances
- 5 resonance and amplifies sound.
- 6 e. Orange Classic Pea-less Whistle – 115 dB⁷: A whistle designed to produce a
- 7 sharp tone at a consistent 115 dB by forcing air through a narrow chamber.
- 8

9 20. On multiple occasions, the Defendants utilized these sound-generating devices
10 during designated quiet hours, in further violation of local noise ordinances. Quiet hours in Los
11 Angeles are defined as the period between 10:00 p.m. and 7:00 a.m., during which noise levels
12 must not exceed 50 dB(A)⁸. For example, without interruption from October 25, 2023, through
13 October 29, 2023, the Defendants utilized these sound-generating devices through both day and
14 night.

15 21. The Plaintiff captured photographs, videos, and audio recordings confirming that
16 the Defendants consistently utilized the above-mentioned sound-generating devices. Additionally,
17 the Plaintiff conducted sound pressure level (SPL) readings in accordance with LAMC SEC.
18 111.02, which confirmed that the noise levels generated by these devices matched the levels

19 _____
20 ⁵ *Handheld Air Horn BANHAO Aluminum for Safety and Sports*, Amazon, <https://www.amazon.com/Handheld-BANHAO-Aluminum-Safety-Sports/dp/B0B5GGVPRX?th=1> (last visited Sept. 30, 2024).

21 ⁶ Swanepoel de W, Hall JW 3rd, Koekemoer D. Vuvuzela sound measurements. *S Afr Med J*. 2010 Mar
22 29;100(4):192; Swanepoel D, Hall JW III, Koekemoer D. Vuvuzela – good for your team, bad for your ears. *S Afr Med J* 2010; 100: 99-100

23 ⁷ *Tri-Foxco Orange Classic Pealess Whistle*, Amazon, <https://www.amazon.com/Tri-Foxco-Orange-Classic-Pealess-Whistle/dp/B00VLV6R4K> (last visited Sept. 30, 2024).

24 ⁸ Los Angeles Municipal Code § 111.03: Presumed ambient noise levels for residential zones are 50 dB(A) during the daytime hours of 7:00 a.m. to 10:00 p.m., and 40 dB(A) during the nighttime hours of 10:00 p.m. to 7:00 a.m.

1 described by their respective manufacturers. This evidence is submitted as (Exhibit C), with
2 further evidence to be presented at trial.

3 22. During these protest actions, the Defendants frequently obstructed pedestrian
4 walkways, forcing pedestrians to enter active traffic lanes on Figueroa Street. Additionally, the
5 Defendants regularly blocked vehicular traffic by parking vehicles in active traffic lanes adjacent
6 to the protest sites or by physically occupying the street, thereby obstructing the flow of vehicles.

7 23. The Plaintiff has captured extensive video and photographic evidence showing
8 the Defendants obstructing pedestrian and vehicular traffic. (This evidence is submitted as Exhibit
9 D1-D3, with further evidence to be presented at trial).

10 24. The Defendants intentionally obscured the timing of their protest actions, making
11 it impossible for residents and businesses to anticipate or avoid the disruptions. The
12 unpredictability of their disruption was a deliberate strategy employed by UNITE HERE Local 11
13 to maximize disruption. Co-President Kurt Petersen confirmed this approach in an interview with
14 the Los Angeles Times, stating: “Early on, managers at some hotels realized that the delivery of
15 portable toilets signaled the union’s plans to carry out a work stoppage and protest in front of the
16 property. To confuse them, the union sent toilets to hotels at random.”⁹

17 25. Throughout the period of excessive noise and disturbances, Plaintiff Abigail Katz
18 made multiple good faith attempts to resolve the situation without resorting to legal action. In
19 seeking a reasonable solution to mitigate the impact of the excessive noise and traffic disruption
20 occurring during the strike, Plaintiff attempted to engage directly with the Defendants and
21 contacted the UNITE HERE office.

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24 ⁹ *Los Angeles Times*, “The Southern California Hotel Strike: One Year Later,” August 22, 2024. Accessed
25 September 2, 2024. <https://www.latimes.com/business/story/2024-08-22/the-southern-california-hotel-strike-one-year-later>.

1 26. Her initial efforts were met with direct and aggressive opposition from the
2 Defendants, who refused to discuss the protests or consider any measures to reduce their impact
3 on residents.

4 27. When Plaintiff called the UNITE HERE office, she was frequently met with a
5 full voicemail box, and on the few occasions when someone answered, the call was immediately
6 terminated.

7 28. On April 12, 2024, and May 12, 2024, Plaintiff sent cease-and-desist letters via
8 certified mail to the UNITE HERE LOCAL 11 office and individual Defendant Nicholas Gerber,
9 notifying them of the emotional and financial harm caused by their actions. These letters
10 explicitly outlined the adverse effects that the noise was having on Plaintiff’s ability to work,
11 sleep, and use her apartment. (Exhibit E1-E2).

12 29. In addition to sending certified letters, Plaintiff Abigail Katz personally delivered
13 a cease-and-desist letter to Defendant Samuel Forman on April 19, 2024, an event which was
14 captured on video. These letters, along with Plaintiff’s personal attempts to engage with
15 Defendants in seeking a peaceful resolution, are well documented.

16 30. The Plaintiff did not receive a response to the letters.

17 31. Furthermore, Plaintiff consistently sought assistance from the Los Angeles Police
18 Department (LAPD) to address the ongoing disturbances. Each call to the LAPD required a
19 response, highlighting the severity of the disturbances.

20 32. The following partial list outlines incidents where the LAPD was notified and
21 responded to active UNITE HERE LOCAL 11 nuisance near Plaintiff Katz’s apartment¹⁰:

- 22 a. September 1, 2023, 6:12 AM*: LAPD notified and responded.

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¹⁰ * Violation of LAMC 112.04(c): Noise levels should not exceed 50 dB(A) between the hours of 10:00 p.m. and 7:00 a.m., which are considered nighttime hours.

- 1 b. September 2, 2023, 1:15 AM*: LAPD notified and responded.
- 2 c. September 20, 2023, 10:32 PM*: LAPD notified and responded.
- 3 d. October 7, 2023, 7:42 AM: LAPD notified and responded.
- 4 e. October 25, 2023, 4:22 AM*: LAPD notified and responded.
- 5 f. October 26, 2023, 1:29 AM*: LAPD notified and responded.
- 6 g. October 26, 2023, 4:55 AM*: LAPD notified and responded.
- 7 h. October 26, 2023, 10:15 PM*: LAPD notified and responded.
- 8 i. October 27, 2023, 6:02 AM*: LAPD notified and responded.
- 9 j. October 27, 2023, 11:37 AM: LAPD notified and responded
- 10 k. March 25, 2024, 10:58 AM: LAPD notified and responded.
- 11 l. May 4, 2024, 8:13 AM: LAPD notified and responded.

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13 33. Further, on October 26, 2023, Plaintiff Abigail Katz filed a police report with
14 LAPD Watch Commander Jose Torres, documenting the ongoing harassment and disturbances
15 caused by the Defendants. This report provides further evidence of the Defendants’ continued
16 unlawful conduct and Plaintiff’s ongoing efforts to seek resolution through lawful and official
17 channels (Exhibit F-1).

18 34. On August 1, 2024, Plaintiff Abigail Katz held a two-hour meeting with LAPD
19 Labor Relations Officers David Han, Angel C. Gomez, and Christopher Jarvis to discuss the
20 ongoing issue. The officers acknowledged the seriousness of the problem and followed up with
21 emails confirming the matter, offering guidance on how to address the protests. These repeated
22 efforts to engage law enforcement reflect Plaintiff’s consistent attempts to mitigate the nuisance
23 caused by Defendants (Exhibit F-2).

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1 35. On July 1, 2024, Plaintiff Abigail Katz filed an official complaint with the
2 California Division of Occupational Safety and Health (CalOSHA) regarding the excessive noise
3 levels generated by the Defendants. The complaint, sent to E. Rosalind Dimenstein, Associate
4 Safety Engineer, outlined the health risks posed by the continuous noise exceeding 120 decibels¹¹.
5 A copy of the complaint was also sent to Victor Copelan, Los Angeles District Manager at
6 CalOSHA.

7 36. In response to the complaint, E. Rosalind Dimenstein acknowledged that the
8 noise levels generated by Defendants exceeded OSHA's permissible limits. CalOSHA recognized
9 that these noise levels posed a significant health risk, particularly due to their frequency and
10 duration, which were likely to cause hearing damage and other health problems for those exposed.

11 37. On July 28, 2024, E. Rosalind Dimenstein confirmed that Defendants had been
12 informed of the noise and safety violations and had agreed to abate the nuisance. Despite this,
13 Defendants failed to take any corrective action, continuing their disruptive activities. This inaction
14 demonstrated Defendants' disregard for public health and safety as outlined by OSHA standards.
15 (CalOSHA related correspondence as Exhibit G).

16 38. The Plaintiff resorted to staging peaceful counter protests. Her activities included
17 handing out flyers, playing music or simply standing or parking in front of her home, across the
18 street from the Defendants.

19 39. As the disruptions continued, Defendants engaged in coordinated actions
20 intended to silence and restrict the movements of Plaintiff Abigail Katz. This campaign included
21 the misuse of legal processes, assault, battery and targeted harassment.

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23 ¹¹ Title 8, Section 5097 of the California Code of Regulations establishes noise exposure limits in workplace
24 environments to prevent hearing loss and other health issues. It mandates that if noise exposure exceeds a time-
25 weighted average of 85 decibels over an 8-hour period, employers must implement a hearing conservation program,
which includes monitoring, protective measures, and employee training. UNITE HERE LOCAL 11 did not follow
CalOSHA guidelines while conducting protest actions.

1 40. Defendants Susan Minato and Nicholas Gerber conspired to file restraining
2 orders against Plaintiff. These restraining order requests were based on baseless speculations or
3 patently false hearsay testimony, alleging Plaintiff’s involvement in activities that were either
4 non-existent, grossly misrepresented or entirely lawful.

5 41. Defendant Herminia Valencia communicated a knowingly false statement to one
6 or more of the other defendants, alleging that Plaintiff Katz committed an act which Plaintiff did
7 not commit, with no regard for the truthfulness of the statement, which was subsequently utilized
8 in obtaining a temporary restraining order.

9 42. The Defendants’ requests for civil harassment restraining orders (24STRO04411
10 and 24STRO04166) were dismissed with prejudice by Superior Court of California, County of
11 Los Angeles Judge Honorable Melanie Ochoa on September 30th, 2024. Dismissal is submitted as
12 (Exhibit H), with further evidence related to relevant causes of action to be presented at trial.

13 43. While the temporary protective order was in effect from June 16, 2024, through
14 September 30, 2024, Defendant Gerber loitered outside the Plaintiff’s home, away from the
15 protest site, for roughly two hours a day, nearly every day, for weeks on end.

16 44. Photos and videos will be presented at trial showing Defendant Gerber loitering
17 away from the hotel, directly in front of Plaintiff’s home in violation of his own temporary order.
18 (Exhibit I1)

19 45. Additional evidence of this conspiracy is demonstrated by the incident on July
20 26, 2024, where Defendant Samuel Forman summoned Defendant Nicholas Gerber to enforce the
21 restraining order against Plaintiff Abigail Katz.

22 46. On that day, Plaintiff was counter-protesting UNITE HERE Local 11 outside her
23 home. Defendant Samuel Forman approached her and claimed she was “not allowed to be here.”
24 Plaintiff informed Defendant Forman that without Defendant Gerber present, nothing prohibited

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1 her from protesting. Defendant Forman proceeded to contact Defendant Gerber, who arrived
2 shortly thereafter.

3 47. The Defendants celebrated Gerber’s arrival by waving to get Plaintiff’s attention
4 and pointing at Defendant Gerber as he approached. Defendant Gerber then stood in the street
5 between Plaintiff and the other Defendants with his arms outstretched. (Exhibit I2)

6 48. On June 28, 2024, Defendant Nick Gerber positioned himself directly across the
7 street from the Plaintiff’s apartment and, despite traveling to her home, placing himself in close
8 proximity to the exit of the Plaintiff’s building and there being no contact between the Plaintiff
9 and the Defendant, proceeded to call the Los Angeles Police Department upon witnessing Plaintiff
10 Abigail Katz exiting her home. Defendant Gerber tried to persuade LAPD Officers Hyung Cho
11 and Jose E. Gutierrez Duran to enforce the restraining order against Plaintiff. The officers sternly
12 declined his request, asked him to leave the area, and noted in their report that “[Defendant
13 Gerber] continues to harass [the Plaintiff] by standing outside [her] residence” (Exhibit J-1).

14 49. The Defendant was aware and informed that by continuing to position himself in
15 front of the plaintiffs’ residence, he was effectively restricting the plaintiffs’ movements and
16 confining her to her home due to the plaintiffs’ fear of arrest.

17 50. Defendant Gerber’s actions led to LAPD involvement on at least six documented
18 occasions (Exhibit J-2).

19 51. The intentional nature of Defendants’ conduct, evidenced by their ongoing
20 presence and behavior nearer the Plaintiff’s residence, despite requests by LAPD officers,
21 establishes a clear pattern of behavior directed specifically toward the Plaintiff.

22 52. Abigail’s forced confinement resulted in significant emotional distress and
23 financial harm, as she was unable to freely conduct her business or daily activities.

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1 53. Throughout the strike, Defendant Nallely Gomez, acting as an agent and member
2 of UNITE HERE LOCAL 11, engaged in repeated and targeted harassment directed specifically
3 at Plaintiff Abigail Katz. On numerous occasions, Defendant Gomez was observed gesturing
4 towards the Plaintiff, dancing, and making provocative movements, including “twerking” and
5 waving directly at her. These actions were not isolated incidents but part of a consistent pattern of
6 behavior which intimidated, mocked, and distressed the Plaintiff (Exhibit K-1).

7 54. Plaintiff has documented evidence, including photographs and videos to be
8 presented at trial, showing Defendant Gomez’s deliberate attempts to engage the Plaintiff,
9 escalating her emotional distress.

10 55. Defendant Gomez's behavior was part of Defendants' coordinated strategy of
11 intentional, not incidental, attempts to engage directly with the Plaintiff.

12 56. Additionally, Plaintiff Abigail Katz experienced frequent surveillance by the
13 Defendants. On numerous occasions, Defendants and their agents intentionally photographed and
14 filmed Plaintiff while she was on her lawfully possessed private property, often without her
15 knowledge and never with her consent. (Exhibit K-2)

16 57. Plaintiff has documented evidence that shows her being targeted while she was
17 on or near her property. This ongoing surveillance escalated Plaintiff’s emotional distress and
18 exacerbated her existing mental health conditions. The photographing of Plaintiff, particularly
19 during moments such as when Defendant Nallely Gomez deliberately danced, twerked, and waved
20 at Plaintiff’s camera, humiliated and distressed the Plaintiff. (Exhibit K-2)

21 58. Defendants' actions escalated to physical intimidation and threats. On July 14,
22 2024, Defendant Cesar Barba De La Cruz blew a vuvuzela directly into Plaintiff Abigail Katz’s
23 ear, causing her pain and disorientation¹². Immediately afterward, Defendant De La Cruz stepped

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25 ¹² Swanepoel de W, Hall JW 3rd, Koekemoer D. Vuvuzela sound measurements. S Afr Med J. 2010 Mar
29;100(4):192

1 into Plaintiff’s personal space, coming nose-to-nose with her, and shouted, “Get the fuck out of
2 here!” This aggressive act, combined with the close-range use of the vuvuzela, constitutes battery,
3 as it involved harmful and offensive contact. The action was unprovoked, inflicting physical harm
4 and significant distress on Plaintiff.

5 59. Plaintiff, fearing for her safety, verbally asserted her right to be present in the
6 area. Defendant De La Cruz then took an intimidating stance, tensing his body, leaning in just an
7 inch from Plaintiff’s face, and signaling his intent to use physical force if she did not comply.

8 60. De La Cruz’s actions placed Plaintiff in reasonable apprehension of imminent
9 harmful or offensive contact. The immediate threat of violence and De La Cruz’s proximity
10 created a hostile and threatening environment, reinforcing the coercive nature of Defendants’
11 actions.

12 61. Defendant Vicky Beza intervened, pulling De La Cruz back, while telling him
13 twice that “it’s not worth it” which de-escalated the situation and allowed Plaintiff to safely retreat
14 to her home.

15 62. Defendant Dela Cruz has demonstrated a consistent pattern of violent and
16 aggressive behavior, culminating in acts of physical intimidation and battery (Exhibit L).

17 63. In addition to the incident on July 14, 2024, Plaintiff Abigail Katz experienced
18 ongoing intimidation, battery and assault from other members or employees of the union, some of
19 whom have been photographed but not yet identified. (Exhibit M-1)

20 64. These acts included, but were not limited to, physical confrontations and threats
21 from other union members or hotel employees.

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Swanepoel D, Hall JW III, Koekemoer D. Vuvuzela – good for your team, bad for your ears. S Afr Med J 2010;
100: 99-100

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1 65. Despite repeated opportunities, the Defendants failed to mitigate the damages
2 caused by their actions. Throughout the 401 days, the Plaintiff made many documented attempts
3 to engage with the Defendants to discuss managing the situation but was consistently denied this
4 opportunity. Consequently, many of the damages sustained by the Plaintiff were directly caused
5 by the Defendants' refusal to cooperate in finding solutions to mitigate the impact of their actions.
6 Further, their refusal to even inform the Plaintiff of the timing of the actions compounded the
7 damages.

8 66. Defendants' complete disregard for cease-and-desist letters, LAPD requests, and
9 CalOSHA directives substantiates a claim of intentional infliction of emotional distress. Their
10 actions were not only intentional but reckless, demonstrated a conscious a disregard for the
11 Plaintiff's rights and the substantial likelihood that their conduct would cause severe emotional
12 distress.

13 67. The unpredictability of the Defendants' intolerable nuisance made it impossible
14 for the Plaintiff to effectively operate her businesses from the Apartment. She was forced to lease
15 additional office space at 1500 S. Los Angeles St., Los Angeles, CA 90015, while remaining in
16 her lease at The Apartment. The need to secure alternate business premises caused Plaintiff
17 substantial financial strain and inconvenience, constituting a significant interference with her
18 property rights. The total expenses for the rented office space, which continue to accrue, will be
19 fully presented and substantiated at trial.

20 68. The financial burden of retaining legal counsel to defend against the frivolous
21 civil harassment restraining order case extended far beyond attorney fees. Evidence presented at
22 trial will show that Plaintiff continues to experience significant financial hardship as a result of
23 Defendants' malicious lawsuit against the Plaintiff.

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1 against neighboring entities disrupting their use and enjoyment of leased premises (22 Cal.App.3d
2 116).

3 73. The Plaintiff is informed, believes, and on that basis alleges, that the excessive
4 noise generated by Defendants through the use of vuvuzelas, drums, air horns, megaphones, and
5 other amplified devices, along with the Defendants' obstruction of pedestrian walkways and
6 vehicle traffic, constitutes a private nuisance within the meaning of California Civil Code Section
7 3479. This conduct interferes with the comfortable enjoyment of life and property, specifically
8 affecting Plaintiff and other nearby residents, causing substantial and unreasonable interference
9 with Plaintiff's use and enjoyment of her Apartment. The California Supreme Court has
10 established in *San Diego Gas & Electric Co. v. Superior Court*¹⁴ that interference is deemed
11 substantial when it directly disrupts the property enjoyment to a significant degree, particularly
12 when the disturbance is persistent and long-lasting (13 Cal.4th 893).

13 74. The private nuisance is specially injurious to Plaintiff Abigail Katz in that the
14 continuous and excessive noise, coupled with blocked access to public walkways and disrupted
15 vehicle routes, significantly impaired her ability to work, sleep, and conduct daily activities within
16 her Apartment. Unlike the general public, Plaintiff suffered specific and significant financial harm
17 due to the necessity of leasing additional office space and the adverse impact on her business
18 operations. Plaintiff has collected extensive video and photographic evidence showing Defendants
19 obstructing traffic, along with objective sound pressure level recordings demonstrating noise
20 levels exceeding 120 decibels. Documentation from OSHA further corroborates the hazardous
21 nature of the noise, indicating that Defendants' actions posed serious health risks. California

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23 ¹⁴ *San Diego Gas & Electric Co. v. Superior Court*, 13 Cal.4th 893 (1996): The California Supreme Court in *San*
24 *Diego Gas & Electric* clarified that an interference must be substantial to qualify as a nuisance, defined by
25 significant, direct, and long-lasting disruption to a plaintiff's property use. This precedent supports Plaintiff's claim
that the ongoing, high-decibel noise and blocked access caused substantial interference with her use and enjoyment
of the Apartment.

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1 courts recognize that private nuisance claims are supported when Plaintiffs suffer unique and
2 particularized injuries beyond those experienced by the general public, as illustrated in *Oliver v.*
3 *AT&T Wireless Services* (76 Cal.App.4th 521)¹⁵.

4 75. The Plaintiff is informed, believes, and on that basis alleges, that from on or
5 about July 2, 2023, through August 6, 2024, Defendants interfered with Plaintiff Abigail Katz’s
6 use or enjoyment of the Apartment by generating excessive noise and obstructing both foot traffic
7 and vehicular access on a near-daily basis, often beginning early in the morning and continuing
8 late into the night.

9 76. The Plaintiff is informed, believes, and on that basis alleges, that Defendants’
10 conduct constitutes a nuisance per se in that it violated multiple statutory and regulatory
11 provisions, including but not limited to: CA Health & Safety Code § 46001, Cal. Penal Code §§
12 370 and 372, Cal. Penal Code § 415, and Los Angeles Municipal Code SEC. 41.57, SEC. 115.02,
13 SEC. 112.01, SEC. 111.00 through SEC. 111.05, and SEC. 112.06. These statutes and ordinances
14 prohibit the creation of noise that may be injurious to health, that disturbs the peace, and that uses
15 amplified devices to produce loud and unnecessary noise.

16 77. The Plaintiff is informed, believes, and on that basis alleges, that the noise and
17 disturbances caused by Defendants are injurious to Plaintiff’s health, are indecent and offensive to
18 Plaintiff’s senses, and obstruct the free use of Plaintiff’s Apartment, thereby interfering with her
19 comfortable use and enjoyment of the property. The noise pollution and physical obstructions
20 align with the categories set out in California Civil Code Section 3479, as they are both injurious
21 to health and obstruct the free use of property.

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23 ¹⁵ *Oliver v. AT&T Wireless Services*, 76 Cal.App.4th 521 (1999): *Oliver* held that a private nuisance claim is
24 actionable when the plaintiff experiences unique injuries distinct from those suffered by the general public. The
25 court found that property owners could recover damages when construction activities caused specific and
particularized harm. This case underscores that Plaintiff’s injuries, such as financial losses and health impacts,
support a private nuisance claim.

1 78. Plaintiff discovered the nuisance caused by Defendants on or about August 1,
2 2023, when the excessive noise and traffic disruptions first interfered with her ability to conduct
3 business from the Apartment. Plaintiff’s business suffered a sharp decline in revenue
4 corresponding with the commencement of Defendants’ conduct, demonstrating substantial loss
5 attributable to the nuisance. The Plaintiff is informed, believes, and on that basis alleges, that
6 Defendants caused the nuisance intentionally, knowing that the noise and obstructions would
7 disrupt the lives of those living and working near the protest sites. Defendants’ public statements
8 and slogans, such as “NO CONTRACT, NO PEACE” and “IF WE DON’T GET NO
9 CONTRACT, YOU DON’T GET NO PEACE,” indicate a deliberate strategy to create a
10 disruptive environment.

11 79. The Plaintiff is informed, believes, and on that basis alleges, that the interference
12 caused by Defendants is unreasonable. An ordinary person would find that the seriousness of the
13 harm to Plaintiff outweighs any social utility derived from Defendants’ conduct. The California
14 Court of Appeal has emphasized that the reasonableness of an interference is assessed by
15 weighing the harm caused against any alleged benefits, and that conduct which substantially
16 outweighs any purported utility constitutes unreasonable interference, as held in *Hellman v. La*
17 *Cumbre Golf & Country Club* (6 Cal.App.3d 143)¹⁶.

18 80. The noise, disruptions to traffic, and obstructions to public access have
19 substantially interfered with Plaintiff Abigail Katz’s use and enjoyment of the Apartment, causing
20 her to suffer substantial actual damages. Plaintiff was unable to use her Apartment for its intended
21 purposes, leading to ongoing financial losses from the need to lease additional office space and
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23 ¹⁶ *Hellman v. La Cumbre Golf & Country Club*, 6 Cal.App.3d 143 (1970): In *Hellman*, the court assessed the
24 reasonableness of interference by weighing the harm to the plaintiff against any alleged social utility. The court
25 held that interference is unreasonable if the harm substantially outweighs the purported benefits. This case is
relevant as it supports Plaintiff’s argument that the severity of her harm due to Defendants’ actions far outweighs
any potential utility from the protests.

1 from lost business opportunities. Plaintiff also suffered emotional distress, requiring medical
2 treatment and therapy, which will be substantiated at trial.

3 81. The Plaintiff is informed, believes, and on that basis alleges, that a person of
4 normal health and sensibilities living in the same community as Plaintiff would be reasonably
5 annoyed or disturbed by the continuous and excessive noise, traffic disruptions, and obstructions
6 created by Defendants. Plaintiff Abigail Katz did not consent to the nuisance created by
7 Defendants. All attempts to resolve the issue through lawful and amicable means were ignored by
8 Defendants.

9 82. The Plaintiff is informed, believes, and on that basis alleges, that the nuisance is
10 continuing in that Defendants persisted in creating excessive noise and obstructing public access
11 for over a year and have shown no intent to cease such conduct without legal intervention.
12 Plaintiff Abigail Katz was harmed by the noise and disturbances caused by Defendants, and
13 Defendants' conduct was a substantial factor in causing this harm. Plaintiff sustained losses in an
14 amount to be proven at trial, representing lost income, additional expenses, and the cost of
15 medical treatment.

16 83. Due to the willful, malicious, and oppressive nature of Defendants' conduct,
17 Plaintiff Abigail Katz seeks an award of punitive damages in an amount sufficient to punish
18 Defendants and to deter such conduct in the future, as authorized by California Civil Code Section
19 3294.

20 84. As a result of the foregoing, Plaintiff seeks relief as set forth in the Prayer for
21 Relief at the conclusion of this Complaint.

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SECOND CAUSE OF ACTION
NEGLIGENCE

1 (PLAINTIFF ABIGAIL KATZ AGAINST ALL DEFENDANTS)

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85. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as though fully set forth herein.

86. The Plaintiff is informed, believes, and on that basis alleges, that Defendants had a duty to exercise reasonable care to avoid causing harm to Plaintiff and other residents in the vicinity of their protests. This duty of care required Defendants to conduct their protests in a manner that did not unreasonably interfere with the health, safety, and well-being of the surrounding community, including ensuring that noise levels did not exceed safe and permissible limits.

87. The ruling in *Molien v. Kaiser Foundation Hospitals*, 27 Cal.3d 916 (1980)¹⁷, established that negligent infliction of emotional distress is actionable where negligence causes serious emotional harm. In *Molien*, the court recognized that a duty to avoid causing emotional distress arises where a Defendant’s conduct foreseeably results in significant emotional harm. This precedent supports Plaintiff’s position that Defendants owed a duty of care to conduct their protests in a manner that would not foreseeably cause emotional harm, given the high-decibel noise and disruptive behaviors.

88. The Plaintiff is informed, believes, and on that basis alleges, that Defendants breached their duty of care by engaging in conduct that was reckless, negligent, and unreasonable. Defendants used vuvuzelas, drums, air horns, megaphones, and other amplified devices to create excessive noise levels, exceeding 120 decibels, on an almost daily basis. This conduct created a

¹⁷ *Molien v. Kaiser Foundation Hospitals*, 27 Cal.3d 916 (1980): In *Molien*, the California Supreme Court held that emotional distress could be compensable in negligence claims, even absent physical harm, if the emotional harm was foreseeable and substantial. This ruling supports Plaintiff’s claim that Defendants had a duty to prevent foreseeable emotional harm caused by their reckless conduct during the protests, particularly the extreme noise levels.

1 hazardous and disruptive environment, which Defendants knew, or should have known, would
2 cause harm to Plaintiff and other nearby residents.

3 89. The Plaintiff is informed, believes, and on that basis alleges, that Defendants'
4 conduct was not only unreasonable but also in violation of numerous statutory and regulatory
5 provisions, including CA Health & Safety Code § 46001, Cal. Penal Code §§ 370 and 372, Cal.
6 Penal Code § 415, and Los Angeles Municipal Code SEC. 41.57, SEC. 115.02, SEC. 112.01,
7 SEC. 111.00 through SEC. 111.05, and SEC. 112.06. These statutes and ordinances establish
8 standards of conduct intended to protect public health and safety, which Defendants failed to
9 adhere to.

10 90. The Plaintiff is informed, believes, and on that basis alleges, that Defendants'
11 negligence directly caused substantial harm to Plaintiff. The excessive noise created by
12 Defendants interfered with Plaintiff's ability to use and enjoy her Apartment, disrupted her
13 business operations, and caused severe emotional distress. As a result, Plaintiff suffered financial
14 losses, including the cost of leasing additional office space and lost business opportunities, as well
15 as physical and emotional harm, requiring medical treatment and therapy.

16 91. The Plaintiff is informed, believes, and on that basis alleges, that Defendants'
17 conduct was a substantial factor in causing the harm to Plaintiff. Defendants knew or should have
18 known that their actions would likely cause harm to Plaintiff and failed to take reasonable steps to
19 prevent such harm. An ordinary person in Defendants' position would have foreseen that creating
20 such excessive noise levels would cause substantial disruption and harm to those living and
21 working nearby.

22 92. The Plaintiff is informed, believes, and on that basis alleges, that Defendants'
23 actions constitute negligence under California law, as Defendants failed to exercise the level of
24 care that a reasonably prudent person would have exercised under similar circumstances.

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1 in front of the Hotel Figueroa roughly 150 feet south of Gerber’s location and the Plaintiff’s
2 apartment.

3 97. Throughout the period from mid-June 2024 to August 6, 2024, Defendant
4 Nicholas Gerber repeatedly utilized the terms of a Temporary Restraining Order (TRO) to
5 unlawfully confine Plaintiff Abigail Katz to her home. These actions were not isolated but part of
6 a calculated and ongoing pattern of harassment aimed at intimidating Plaintiff and restricting her
7 movements.

8 98. On at least six documented occasions, Plaintiff was forced to call the police due
9 to Gerber’s presence outside her residence, where he was actively using the TRO to threaten
10 Plaintiff with arrest. The specific dates and details of these incidents are as follows:

11 a. June 27, 2024, at 8:40 AM: Gerber appeared outside Plaintiff’s home, attempting
12 to provoke a violation of the TRO. Both Gerber and Plaintiff called the police.
13 Gerber sought Plaintiff’s arrest merely for leaving her home, even though there
14 was no contact. LAPD Officers Arturo T. Murillo and Gilberto De Robles
15 Banuelos determined that Gerber was the one violating the TRO and advised him
16 to leave.

17 b. June 28, 2024, at 9:20 AM: Gerber again used the TRO as a pretext to prevent
18 Plaintiff from leaving her home. LAPD Officers Il Hyung Cho and Jose E.
19 Gutierrez Duran responded, highlighting Gerber’s persistent harassing behavior.

20 c. July 2, 2024, at 8:10 AM: Gerber’s misuse of the TRO prompted Plaintiff to call
21 LAPD, resulting in the arrival of Officers Il Hyung Cho and Jose E. Gutierrez
22 Duran.

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- 1 d. July 24, 2024, at 7:50 AM: Gerber used the TRO to prevent Plaintiff from
- 2 leaving, leading to another LAPD response by Officers Il Hyung Cho and Jose E.
- 3 Gutierrez Duran.
- 4 e. July 26, 2024, at 6:20 PM: Gerber’s harassment escalated, necessitating a
- 5 response from LAPD Detective Brian Hadley and Officer Leonel Borja, who
- 6 documented Gerber’s ongoing efforts to intimidate Plaintiff.
- 7 f. August 1, 2024, at 8:00 AM: A two-hour meeting occurred between Plaintiff and
- 8 LAPD Labor Relations Officers David Han, Angel C. Gomez, and Christopher
- 9 Jarvis. The officers recognized the false imprisonment created by Gerber’s
- 10 misuse of the TRO and provided guidance on addressing the harassment.

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12 99. Plaintiff alleges that these repeated actions by Gerber, conducted under the guise

13 of enforcing the TRO, constituted false imprisonment. Gerber’s consistent presence near

14 Plaintiff’s residence, combined with his attempts to provoke a violation of the TRO, effectively

15 confined Plaintiff to her home against her will due to fear of arrest. These actions deprived

16 Plaintiff of her freedom of movement, causing significant emotional distress and restricting her

17 ability to conduct daily activities.

18 100. The false imprisonment created a hostile and threatening environment, where

19 Plaintiff was left with no reasonable choice but to remain in her home to avoid the risk of

20 wrongful arrest. This confinement was not based on any lawful privilege or justification, as the

21 restraining order was obtained through fabricated and false statements, used solely to exert control

22 over Plaintiff.

23 101. The Plaintiff is informed, believes, and on that basis alleges, that Defendants’

24 actions in confining Plaintiff were without lawful privilege or justification. The restraining orders

1 obtained by Defendants were based on fabricated and false statements, which were used as tools
2 to exert control over Plaintiff and to restrict her movements unlawfully.

3 102. The Plaintiff is informed, believes, and on that basis alleges, that the confinement
4 was for an appreciable amount of time. Defendants maintained this course of conduct over several
5 months, consistently creating a hostile environment that confined Plaintiff to her Apartment and
6 restricted her ability to move freely in her community.

7 103. The Plaintiff is informed, believes, and on that basis alleges, that as a direct and
8 proximate result of Defendants' actions, Plaintiff suffered harm, including but not limited to
9 severe emotional distress, anxiety, and financial losses due to her inability to conduct business
10 effectively. The emotional and psychological impact of being unlawfully confined to her
11 Apartment was significant, leading to increased mental health issues necessitating legal and
12 psychological interventions.

13 104. The Plaintiff is informed, believes, and on that basis alleges, that Defendants'
14 coordinated and deliberate actions to use the restraining orders to prevent Plaintiff Abigail from
15 leaving her home clearly meet the requisite elements, as outlined in *Fermino v. Fedco, Inc.*, 7
16 Cal.4th 701 (1994)¹⁸. Defendants' presence at the scene, their attempts to provoke the Plaintiff
17 into a situation where she could be accused of violating the restraining order, and their use of the
18 legal process as a tool for intimidation and to restrict Plaintiff's freedom of movement, constitute
19 false imprisonment under California law. Defendants' conduct was a substantial factor in causing
20 harm to Plaintiff.

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23 ¹⁸ *Fermino v. Fedco, Inc.*, 7 Cal.4th 701 (1994): In *Fermino*, the California Supreme Court held that false
24 imprisonment occurs when a person is confined without legal authority, and the person reasonably believes they
cannot leave. In this case, the Plaintiff was unlawfully detained within her workplace and threatened with arrest.
This precedent supports Plaintiff's claim by affirming that false imprisonment can occur in non-traditional settings,
such as one's home, if the person's freedom of movement is restricted through coercion or threats of legal action.
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1 protests concluded conclusively demonstrated that the lawsuit filed by Defendants lacked
2 probable cause and was pursued for purposes of harassment rather than legal redress.

3 110. Plaintiff is informed, believes, and on that basis alleges, that Defendants
4 Nicholas Gerber, Susan Minato, and UNITE HERE were directly involved in initiating and
5 actively pursuing the SLAPP action. Defendant Gerber and Defendant Minato served as the
6 named petitioners in the false restraining order filed against Plaintiff, with Defendant Minato,
7 acting as a leader of UNITE HERE, authorized, directed, and supported this baseless legal action.
8 As an organization, UNITE HERE further coordinated and endorsed the filing of the SLAPP suit
9 as part of a broader effort to intimidate Plaintiff and prevent her lawful counter-protests.

10 111. Plaintiff is informed, believes, and on that basis alleges, that Defendants initiated
11 the SLAPP without probable cause. Defendants knew or should have known that their allegations
12 against Plaintiff—such as claims of brandishing a weapon and posing a threat—were factually
13 false. Defendants’ claims were entirely fabricated, with no evidence supporting them. At no point
14 did Plaintiff engage in any of the behaviors alleged by Defendants, and Defendants’ own
15 testimony acknowledges that they could not substantiate the accusations. Despite this, Defendants
16 pursued the SLAPP with full knowledge of the falsity of their claims.

17 112. Plaintiff is informed, believes, and on that basis alleges, that Defendants acted
18 with malice in pursuing the SLAPP action. The filing of the SLAPP was intended not as a genuine
19 legal claim but as a tool to inflict emotional and financial harm on Plaintiff, disrupt her peaceful
20 enjoyment of her property, and suppress her lawful activities. Defendants’ actions were intended
21 to intimidate Plaintiff and others into silence and compliance. Their malicious intent is evidenced
22 by their offer to drop the SLAPP suit in exchange for Plaintiff ceasing her lawful activities,
23 indicating that the lawsuit was never about justice but was instead a tactical weapon to achieve an
24 unlawful goal.

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1 113. Plaintiff prevailed in both cases when the court ruled dismissed them on
2 September 30, 2024. The court’s ruling in Plaintiff’s favor constitutes a favorable termination of
3 the proceeding, which is an essential element of a malicious prosecution claim. The dismissal of
4 Defendants’ baseless lawsuit in Plaintiff’s favor conclusively established that the lawsuit lacked
5 any legitimate basis.

6 114. As a direct and proximate result of Defendants’ malicious prosecution, Plaintiff
7 suffered significant harm, including but not limited to:

- 8 a. Financial Harm: Plaintiff incurred substantial legal fees and costs defending
9 against the frivolous SLAPP action, which was intended to burden Plaintiff
10 financially and discourage her from exercising her legal rights.
- 11 b. Emotional Distress: Plaintiff suffered severe emotional distress, including
12 anxiety, fear, and reputational damage, as a result of the false and malicious
13 allegations made against her in the SLAPP suit. This distress was compounded
14 by the Defendants’ misuse of the legal system and their attempts to silence and
15 intimidate Plaintiff.
- 16 c. Damage to Business and Personal Life: Plaintiff’s ability to conduct her business
17 and live peacefully in her residence was significantly impaired by the ongoing
18 litigation and harassment. The malicious prosecution disrupted Plaintiff’s daily
19 life, causing substantial financial and emotional losses.

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21 115. Defendants’ conduct was willful, malicious, and oppressive, entitling Plaintiff to
22 recover not only compensatory damages for the harm caused by their malicious prosecution but
23 also punitive damages to deter similar conduct in the future and to punish Defendants for their
24 malicious misuse of the judicial process.

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1 other than which it was designed, particularly to achieve an advantage not properly obtained
2 through the process itself. In this case, Defendants’ use of the TRO to intimidate, harass, and
3 unlawfully control Plaintiff’s movements exemplifies such an ulterior purpose, as the TRO was
4 exploited not for its protective purpose but rather as a tool of confinement and harassment.

5 121. Plaintiff is informed and believes, and thereon alleges, that Defendants, through
6 the misuse of the TRO, sought to accomplish an ulterior purpose that was not intended by the
7 legal process. Defendants aimed to intimidate and harass Plaintiff, knowing that their actions
8 would constrain her movements, create fear of arrest, and prevent her from participating in lawful
9 counter-protests.

10 122. Plaintiff is informed and believes, and thereon alleges, that Defendants’ willful
11 acts in misusing the TRO included Gerber’s repeated presence in front of Plaintiff’s residence for
12 hours at a time. Additionally, Defendants coordinated with others to invoke the TRO improperly,
13 summoning law enforcement on several documented occasions between June and August 2024,
14 with the sole intent of creating fear and confinement for the Plaintiff.

15 123. As a direct and proximate result of Defendants’ abuse of process, Plaintiff
16 suffered significant harm, including but not limited to severe emotional distress, financial loss,
17 and reputational damage. The abuse caused Plaintiff to fear leaving her residence, interfered with
18 her ability to conduct business and personal affairs, and exacerbated her existing mental health
19 conditions, such as PTSD and agoraphobia. Plaintiff continues to experience ongoing financial
20 strain and emotional trauma as a result of Defendants’ actions.

21 124. Plaintiff is informed and believes, and thereon alleges, that Defendants acted
22 with malice and intent to cause harm. Defendants’ misuse of the TRO was not aimed at enforcing

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24 ulterior motive. The ruling established that a valid abuse of process claim must show the improper use of process to
25 coerce or obtain an advantage not properly obtained through the process itself. This precedent supports Plaintiff’s
claim by demonstrating that Defendants’ use of the TRO to intimidate and control Plaintiff constitutes an abuse of
process under California law.

1 legitimate legal rights but was intended to intimidate, harass, and confine Plaintiff unlawfully. The
2 malicious nature of their actions is evident in their persistence in summoning law enforcement
3 without justification and Gerber’s continuous presence outside Plaintiff’s residence, creating an
4 environment of fear and harassment.

5 125. As a result of the foregoing, Plaintiff seeks relief as set forth in the Prayer for
6 Relief at the conclusion of this Complaint.

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8 SIXTH CAUSE OF ACTION

9 CIVIL CONSPIRACY

10 (PLAINTIFF ABIGAIL KATZ AGAINST ALL DEFENDANTS)

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12 126. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as
13 though fully set forth herein.

14 127. The Plaintiff is informed, believes, and on that basis alleges, that Defendants
15 engaged in a civil conspiracy to commit the torts of harassment, false imprisonment, and
16 intentional infliction of emotional distress against Plaintiff. A civil conspiracy occurs when two or
17 more parties agree to commit an unlawful act or a lawful act by unlawful means. Plaintiff alleges
18 that Defendants acted in concert to carry out a series of coordinated actions designed to harm and
19 intimidate Plaintiff.

20 128. In *Applied Equipment Corp. v. Litton Saudi Arabia Ltd.*, 7 Cal.4th 503 (1994)²⁰,
21 the California Supreme Court held that a civil conspiracy requires an agreement to commit a

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23 ²⁰ *Applied Equipment Corp. v. Litton Saudi Arabia Ltd.*, 7 Cal.4th 503 (1994): This case establishes that civil
24 conspiracy claims in California require an agreement to commit a wrongful act, followed by an overt act that
25 furthers the conspiracy, and damages resulting from these actions. It clarifies that a conspiracy is not an
independent tort but a way to hold all involved parties accountable for the underlying wrongful acts. This supports
Plaintiff’s claims by showing that Defendants acted in concert with an agreement to harm Plaintiff through
unlawful means.

1 wrongful act, an overt act in furtherance of that agreement, and resulting damages. The
2 coordinated harassment and misuse of restraining orders by Defendants meet these criteria,
3 showing a clear conspiracy to cause harm to Plaintiff by unlawfully restricting her freedom of
4 movement and subjecting her to continued harassment.

5 129. The Plaintiff is informed, believes, and on that basis alleges, that Defendants
6 Susan Minato, Nicholas Gerber, and other members of UNITE HERE LOCAL 11 conspired to
7 file baseless requests for restraining orders against Plaintiff Abigail Katz. These restraining orders
8 were part of a concerted effort to restrict Plaintiff's movements, confine her to her home, and
9 prevent her from lawfully counter protesting. The restraining orders were obtained through
10 fabricated and false statements, demonstrating an agreement among Defendants to misuse legal
11 processes to harass and intimidate Plaintiff.

12 130. The California Supreme Court explained in *Wyatt v. Union Mortgage Co.*, 24
13 Cal.3d 773 (1979)²¹, that a civil conspiracy claim is valid when there is an agreement to commit
14 an unlawful act, followed by actions that further the agreement. In this case, Defendants
15 collectively engaged in actions intended to harass Plaintiff through persistent noise disturbances
16 and manipulation of legal processes, aligning with the unlawful conspiracy outlined in *Wyatt*.

17 131. The Plaintiff is informed, believes, and on that basis alleges, that Defendants
18 coordinated their actions to ensure that the presence of Nicholas Gerber and other union members
19 outside Plaintiff's residence would provoke a violation of the restraining order. This was done
20 intentionally to create a situation where Plaintiff could be falsely accused of violating the
21 restraining order, thus causing her to remain confined in her Apartment to avoid wrongful arrest.

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24 ²¹ *Wyatt v. Union Mortgage Co.*, 24 Cal.3d 773 (1979): In *Wyatt*, the court held that parties engaged in a
25 conspiracy can be liable for acts committed by co-conspirators if those acts further the conspiracy's objective. This
case supports the argument that Defendants, by collectively engaging in harassment and intimidation tactics, acted
as co-conspirators with the shared aim of harming Plaintiff.

1 132. On multiple occasions, including June 27, 2024, and July 26, 2024, Defendant
2 Nicholas Gerber, acting in concert with other Defendants, appeared outside Plaintiff’s residence
3 for the purpose of invoking the terms of the restraining order. On these occasions, other
4 Defendants, such as Samuel Forman, would coordinate to have Gerber present to use the
5 restraining order to intimidate Plaintiff, thereby unlawfully restricting her freedom of movement.

6 133. The Plaintiff is informed, believes, and on that basis alleges, that the conspiracy
7 among Defendants extended to their use of excessive noise and other disruptive activities as a
8 means to harass and intimidate Plaintiff. The coordinated and sustained use of noise-producing
9 devices, as well as the intentional targeting of Plaintiff through harassment and intimidation
10 tactics, demonstrates a clear agreement among Defendants to engage in unlawful conduct.

11 134. The Plaintiff is informed, believes, and on that basis alleges, that as part of the
12 conspiracy to harass and intimidate Plaintiff, Defendant Nallely Gomez acted in concert with
13 other members of UNITE HERE LOCAL 11 to target Plaintiff. Her actions, including dancing
14 provocatively, twerking, and waving at Plaintiff’s camera during protests, were designed to mock
15 and provoke Plaintiff, contributing to the campaign of harassment.

16 135. The Plaintiff is informed, believes, and on that basis alleges, that Defendants’
17 actions were part of a deliberate and coordinated plan to cause harm to Plaintiff. The Defendants’
18 agreement to engage in this conduct is evidenced by their public statements, the synchronized
19 actions of their members, and the intentional misuse of legal processes to achieve their objectives.

20 136. Under California law, civil conspiracy requires an agreement between two or
21 more parties to commit a wrongful act, the commission of an overt act in furtherance of the
22 agreement, and resulting damages to the Plaintiff. Plaintiff alleges that Defendants’ coordinated
23 actions, including the filing of baseless restraining orders, harassment, and the use of excessive
24 noise, constitute overt acts in furtherance of their agreement to harm Plaintiff.

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1 caused Plaintiff to fear for her safety. Plaintiff reasonably believed that Defendant De La Cruz
2 was about to inflict imminent harmful or offensive contact, given his aggressive posture and the
3 proximity to her.

4 142. In *So v. Shin*, 212 Cal.App.4th 652 (2013)²², the California Court of Appeal
5 outlined that assault involves an unlawful attempt, coupled with a present ability, to commit a
6 violent injury. Defendant De La Cruz’s actions—stepping into Plaintiff’s personal space and
7 engaging in threatening behavior—satisfy the criteria for assault by creating a reasonable
8 apprehension of imminent harm in the Plaintiff.

9 143. The Plaintiff is informed, believes, and on that basis alleges, that Defendant De
10 La Cruz’s actions were not isolated but part of a broader pattern of conduct by members of
11 UNITE HERE LOCAL 11 to intimidate and harass Plaintiff. The aggressive behavior and
12 physical intimidation tactics employed by Defendant De La Cruz and other Defendants created a
13 hostile and threatening environment for Plaintiff.

14 144. Under California law, assault is defined as an unlawful attempt, coupled with a
15 present ability, to commit a violent injury on the person of another, as stated in Cal. Penal Code §
16 240. Plaintiff alleges that Defendant De La Cruz’s actions meet these elements, as his conduct
17 involved an intentional act that created a reasonable apprehension of imminent harmful or
18 offensive contact.

19 145. The Plaintiff is informed, believes, and on that basis alleges, that as a direct and
20 proximate result of Defendant De La Cruz’s actions, Plaintiff suffered emotional distress, fear,
21 anxiety, and other psychological harm. The assault caused Plaintiff to experience fear for her
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24 ²² *So v. Shin*, 212 Cal.App.4th 652 (2013): In *So v. Shin*, the court clarified that for assault to occur, there must be
an attempt to cause harm that creates a reasonable fear of imminent harm. This supports Plaintiff’s claim that
25 Defendant De La Cruz’s behavior created a justified apprehension of harmful contact.

1 safety, leading to ongoing distress and impacting her ability to conduct her daily activities and
2 business operations.

3 146. As a result of the foregoing, Plaintiff seeks relief as set forth in the Prayer for
4 Relief at the conclusion of this Complaint.

5 EIGHTH CAUSE OF ACTION

6 BATTERY

7 (PLAINTIFF ABIGAIL KATZ AGAINST DEFENDANT CESAR BARBA DE LA
8 CRUZ)

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10 147. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as
11 though fully set forth herein.

12 148. The Plaintiff is informed, believes, and on that basis alleges, that on July 14,
13 2024, Defendant Cesar Barba De La Cruz, acting as an agent and member of UNITE HERE
14 LOCAL 11, intentionally made harmful or offensive contact with Plaintiff Abigail Katz.
15 Specifically, Defendant De La Cruz blew a vuvuzela directly into Plaintiff’s ear at close range,
16 approximately one inch away, causing Plaintiff to experience pain, disorientation, and emotional
17 distress.

18 149. The Plaintiff is informed, believes, and on that basis alleges, that Defendant De
19 La Cruz’s conduct was willful and intentional, designed to intimidate, harm, and humiliate
20 Plaintiff. The use of a vuvuzela, a device known to produce loud and piercing sounds, in such
21 close proximity to Plaintiff’s ear, constitutes harmful or offensive contact. The act was done
22 without Plaintiff’s consent and with the intention of causing harm.

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1 (PLAINTIFF ABIGAIL KATZ AGAINST ALL DEFENDANTS)

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155. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as though fully set forth herein.

156. The Plaintiff is informed, believes, and on that basis alleges, that Defendants engaged in a deliberate and coordinated campaign of harassment against her, designed to cause emotional distress, fear, and disruption of her daily life and business activities. This campaign included repeated, intentional, and offensive acts that were conducted with the purpose of harassing Plaintiff, causing her substantial emotional distress, and interfering with her ability to live peacefully and conduct her business.

157. The Plaintiff is informed, believes, and on that basis alleges, that Defendants' actions included, but were not limited to, the following:

- a. Excessive Noise: Defendants engaged in the continuous and intentional use of vuvuzelas, drums, air horns, megaphones, and other amplified devices, creating noise levels exceeding 120 decibels on an almost daily basis from July 2, 2023, through August 6, 2024. This noise was specifically directed at disturbing the peace of the community, and in particular, causing distress to Plaintiff. Defendants' use of noise was a clear attempt to harass and disrupt the lives of nearby residents, including Plaintiff, as evidenced by their slogans and public statements, such as "NO CONTRACT, NO PEACE" and "IF WE DON'T GET NO CONTRACT, YOU DON'T GET NO PEACE."
- b. Intimidation and Threats: Defendants, including specific individuals such as Cesar Barba De La Cruz and Nicholas Gerber, engaged in actions designed to intimidate Plaintiff physically and emotionally. On multiple occasions,

1 Defendants used their presence to threaten Plaintiff, including Defendant De La
2 Cruz’s act of blowing a vuvuzela in Plaintiff’s ear and then verbally threatening
3 her. Defendants’ presence outside Plaintiff’s residence was used as a tool of
4 intimidation, making Plaintiff feel unsafe and afraid to leave her Apartment.

5 c. Misuse of Legal Processes: Defendants conspired to misuse the legal process by
6 filing baseless restraining orders against Plaintiff. These restraining orders were
7 part of a strategy to limit Plaintiff’s freedom of movement, confining her to her
8 Apartment, and preventing her from lawfully engaging in counter-protest
9 activities. Defendants used these restraining orders not for legitimate protection
10 but as a means to harass Plaintiff and exert control over her.

11 d. Targeted Harassment: Defendants specifically targeted Plaintiff with their
12 harassment, as demonstrated by their coordinated actions to have Defendant
13 Nicholas Gerber and others present at Plaintiff’s residence to invoke the
14 restraining order. These actions were intended to provoke a violation of the
15 restraining order and to create an environment of fear and intimidation for
16 Plaintiff.

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18 158. The Plaintiff is informed, believes, and on that basis alleges, that Defendants’
19 actions were intentional, reckless, and conducted with the knowledge that they would cause
20 severe emotional distress to Plaintiff. Defendants’ conduct went beyond all bounds of decency
21 and was intended to cause, or was done with reckless disregard of the probability of causing,
22 emotional distress to Plaintiff.

23 159. Under California Civil Code § 1708.7, harassment occurs when a pattern of
24 conduct is directed at a specific person that seriously alarms, annoys, or harasses the person and

1 serves no legitimate purpose. Plaintiff alleges that Defendants’ conduct meets these criteria, as
2 their actions were directed specifically at Plaintiff, caused her significant emotional distress, and
3 served no legitimate purpose beyond harassment and intimidation.

4 160. Further, pursuant to California Civil Code § 527.6, which provides for injunctive
5 relief against harassment, a claim for harassment is established when conduct constitutes a
6 credible threat of violence or a knowing and willful course of conduct directed at a specific person
7 that seriously alarms, annoys, or harasses that person, causing substantial emotional distress and
8 serving no legitimate purpose. Plaintiff’s allegations demonstrate that Defendants’ acts were part
9 of an intentional course of conduct designed to alarm and annoy her without legitimate purpose.

10 161. The Plaintiff is informed, believes, and on that basis alleges, that as a direct and
11 proximate result of Defendants’ harassment, Plaintiff suffered significant emotional distress,
12 including anxiety, fear, and other psychological harm. This distress impacted Plaintiff’s ability to
13 conduct her business, live peacefully, and resulted in financial and emotional losses.

14 162. As a result of the foregoing, Plaintiff seeks relief as set forth in the Prayer for
15 Relief at the conclusion of this Complaint.

16 TENTH CAUSE OF ACTION

17 DEFAMATION PER SE

18 (PLAINTIFF ABIGAIL KATZ AGAINST DEFENDANTS HERMINIA VALENCIA,
19 SUSAN MINATO, AND NICHOLAS GERBER)

20
21 163. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as
22 though fully set forth herein.

23 164. The Plaintiff is informed, believes, and on that basis alleges, that Defendants
24 Herminia Valencia, Susan Minato, and Nicholas Gerber each made false and unprivileged

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1 statements of fact concerning Plaintiff Abigail Katz, accusing her of violent and criminal conduct
2 without any basis in fact. These statements were made with reckless disregard for the truth, with
3 the intent to harm Plaintiff's reputation and to cast her in a false and damaging light.

4 165. Specifically:

5 a. Defendant Herminia Valencia falsely claimed that Plaintiff brandished a gun on
6 an unspecified day in September or October 2023, an assertion that is wholly
7 untrue.

8 b. Defendants Susan Minato and Nicholas Gerber publicly alleged that they
9 believed Plaintiff Abigail Katz was a shooter involved in an incident aimed at the
10 protestors, despite also admitting that they had no evidence to substantiate this
11 claim. Their statements included the baseless assertion that Plaintiff had fired at
12 protestors and endangered lives. Initially, Defendants stated they believed the
13 shooter was located in a different building (700 West Olympic), but after
14 learning that Plaintiff resided at 900 S. Figueroa, they altered their position to
15 allege Plaintiff's involvement, demonstrating a willingness to alter their
16 accusations to suit their narrative.

17
18 166. The Plaintiff is informed, believes, and on that basis alleges, that these statements
19 were published to third parties and were therefore widely disseminated. These statements were
20 made publicly and were heard by others who would reasonably believe they referred to Plaintiff
21 Abigail Katz.

22 167. The Plaintiff is informed, believes, and on that basis alleges, that the statements
23 made by Defendants were defamatory per se because they accused Plaintiff of criminal conduct,
24 specifically of violence and gun-related crimes, which would naturally harm Plaintiff's reputation

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1 and impute criminality and a propensity for violence, which is damaging to Plaintiff's personal
2 and professional life.

3 168. The Plaintiff is informed, believes, and on that basis alleges, that Defendants
4 acted negligently or with reckless disregard for the truth, as they failed to undertake any
5 reasonable investigation or verify their claims. Defendants have publicly acknowledged that they
6 possessed no evidence or proof of their allegations, which they admitted were based on mere
7 suspicion without factual support.

8 169. Plaintiff Abigail Katz has suffered harm as a result of these statements, including
9 emotional distress, reputational damage, and potential legal consequences, as the defamatory
10 statements have led to negative perceptions about her character, reliability, and safety.

11 170. The Plaintiff is informed, believes, and on that basis alleges, that these statements
12 were not privileged under any legal theory, and that Defendants had no right or authority to make
13 these accusations. Defendants acted with malice, intentionally or recklessly disregarding the truth,
14 as evidenced by their contradictory and evolving statements regarding the location and identity of
15 the alleged shooter.

16 171. Plaintiff Abigail Katz did not consent to the publication of the defamatory
17 statements. These statements were published without her knowledge or approval and were later
18 utilized to support a temporary restraining order, thereby exacerbating the harm to Plaintiff's life
19 and reputation.

20 172. As a direct and proximate result of Defendants' conduct, Plaintiff Abigail Katz
21 sustained damages in an amount to be proven at trial, representing emotional distress, reputational
22 damage, and other associated losses.

23 173. Plaintiff Abigail Katz is entitled to punitive damages due to Defendants'
24 malicious conduct. Defendants made these false statements with malice, as evidenced by their

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1 lack of substantiation and their willingness to alter their claims for the purpose of defaming
2 Plaintiff, thus showing reckless disregard for the truth and the harm caused to Plaintiff's personal
3 and professional life.

4 174. As a result of the foregoing, Plaintiff seeks relief as set forth in the Prayer for
5 Relief at the conclusion of this Complaint.

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7

ELEVENTH CAUSE OF ACTION

8

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

9

(PLAINTIFF ABIGAIL KATZ AGAINST ALL DEFENDANTS)

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11 175. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as
12 though fully set forth herein.

13 176. The Plaintiff is informed, believes, and on that basis alleges, that Defendants
14 owed a duty of care to Plaintiff to conduct their protest actions and activities in a manner that
15 would not cause unreasonable emotional distress to those living and working nearby, including
16 the Plaintiff. This duty of care included avoiding conduct that would foreseeably cause harm to
17 others, such as creating excessive noise levels and engaging in intimidating and harassing
18 behavior.

19 177. The Plaintiff is informed, believes, and on that basis alleges, that Defendants
20 breached this duty of care by engaging in conduct that was reckless, negligent, and unreasonable.

21 Defendants' conduct included:

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- 23 a. Excessive Noise: Defendants' continuous and intentional use of vuvuzelas,
24 drums, air horns, megaphones, and other amplified devices created noise levels

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1 exceeding 120 decibels. This noise persisted almost daily from July 2, 2023,
2 through August 6, 2024, and was directed at disturbing the peace of the
3 community, including the Plaintiff. The noise was a significant departure from
4 what would be considered reasonable under the circumstances.

5 b. Harassment and Intimidation: Defendants engaged in a campaign of harassment,
6 including the misuse of restraining orders, physical intimidation, and targeted
7 harassment of the Plaintiff. This conduct included specific incidents where
8 Defendants, including Nicholas Gerber and Cesar Barba De La Cruz, used their
9 presence and actions to intimidate the Plaintiff, restrict Plaintiff's movements,
10 and cause emotional distress.

11 c. Misuse of Legal Processes: Defendants' conspiracy to misuse restraining orders
12 to confine Plaintiff Abigail Katz unlawfully and prevent her from exercising her
13 rights created a foreseeable risk of emotional distress. Defendants knew or
14 should have known that their actions in obtaining and using restraining orders in
15 this manner would cause the Plaintiff severe emotional harm.

16 d. Provocative Behavior: The actions of Defendant Nallely Gomez, as described
17 herein, were outrageous and conducted with the intent to cause, or with reckless
18 disregard for the probability of causing the Plaintiff severe emotional distress. By
19 deliberately engaging in provocative behavior directed at Plaintiff Abigail Katz,
20 such as dancing, twerking, and waving at the camera, Defendant Gomez created
21 a foreseeable risk of emotional distress. Defendants knew or should have known
22 that their actions were likely to escalate the emotional distress that Plaintiff was
23 already experiencing due to the excessive noise and ongoing disruptions.

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1 178. The Plaintiff is informed, believes, and on that basis alleges, that Defendants’
2 conduct was a substantial factor in causing the Plaintiff to suffer significant emotional distress.
3 Plaintiff Abigail Katz experienced anxiety, fear, and severe emotional distress as a result of the
4 ongoing harassment, noise pollution, and intimidation by Defendants. This distress was
5 compounded by the knowledge that Defendants’ actions were deliberate and targeted,
6 exacerbating the impact on the Plaintiff’s mental health and well-being.

7 179. Under California law, as established in *Thing v. La Chusa*, 48 Cal.3d 644
8 (1989)²⁴, a claim for negligent infliction of emotional distress (NIED) requires that the Plaintiff
9 demonstrate (1) the Defendant owed a duty of care to the Plaintiff, (2) the Defendant breached
10 that duty, and (3) the breach was a substantial factor in causing the Plaintiff’s emotional distress.
11 The Plaintiff alleges that Defendants’ actions meet these elements, as Defendants failed to act
12 reasonably in conducting their protests and engaged in conduct that they knew, or should have
13 known, would cause emotional harm to the Plaintiff.

14 180. The Plaintiff is informed, believes, and on that basis alleges, that as a direct and
15 proximate result of Defendants’ negligent conduct, the Plaintiff suffered severe emotional
16 distress, requiring medical treatment and therapy. The emotional distress experienced by the
17 Plaintiff has significantly impacted her ability to conduct her business, live peacefully, and
18 maintain her mental health.

19 181. As a result of the foregoing, Plaintiff seeks relief as set forth in the Prayer for
20 Relief at the conclusion of this Complaint.

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23 ²⁴ *Thing v. La Chusa*, 48 Cal.3d 644 (1989); *Thing v. La Chusa* established the elements required for a claim of
24 negligent infliction of emotional distress in California. This case clarified that the Defendant’s duty of care extends
of their conduct.

1 TWELVETH CAUSE OF ACTION

2 INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

3 (PLAINTIFF ABIGAIL KATZ AGAINST ALL DEFENDANTS)

4
5 182. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as
6 though fully set forth herein.

7 183. The Plaintiff is informed, believes, and on that basis alleges, that Defendants
8 engaged in a continuous, deliberate, and malicious campaign of harassment and intimidation
9 against her, designed to cause severe emotional distress. Defendants' actions were extreme,
10 outrageous, and went beyond all bounds of decency tolerated in a civilized society. These actions
11 included, but were not limited to, the following:

12 a. Excessive Noise: Defendants deliberately created excessive noise levels, using
13 vuvuzelas, drums, air horns, megaphones, and other amplified devices to create
14 noise exceeding 120 decibels. This conduct persisted almost daily from July 2,
15 2023, through August 6, 2024, with the specific intent to disrupt Plaintiff's life,
16 cause distress, and disturb her peace. Defendants' slogans such as "NO
17 CONTRACT, NO PEACE" and statements like "IF WE DON'T GET NO
18 CONTRACT, YOU DON'T GET NO PEACE," coupled with public declarations
19 of intent to create "nothing but nonstop noise," demonstrate their intent to harm.

20 b. Harassment and Intimidation: Defendants, including Cesar Barba De La Cruz
21 and Nicholas Gerber, engaged in conduct designed to threaten and intimidate
22 Plaintiff. Defendant De La Cruz's act of blowing a vuvuzela in Plaintiff's ear at
23 close range, followed by verbal threats and physical intimidation, are clear
24 examples of conduct intended to instill fear and emotional distress. Defendant

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1 Gerber’s repeated presence outside Plaintiff’s residence to invoke the terms of a
2 restraining order further underscores the ongoing intimidation and harassment
3 directed at Plaintiff.

4 c. Misuse of Legal Processes: Defendants filed baseless restraining orders against
5 Plaintiff as part of a strategy to harass and intimidate her. These restraining
6 orders were obtained through fabricated evidence and were used not for
7 legitimate protective purposes but as a means to control Plaintiff’s movements
8 and restrict her ability to counter-protest. Defendants’ coordination to ensure the
9 presence of individuals like Nicholas Gerber outside Plaintiff’s residence was
10 intended to provoke a violation of the restraining order and to create a hostile
11 environment for Plaintiff.

12 d. Targeted and Malicious Conduct: Plaintiff made repeated attempts to resolve
13 these issues amicably and lawfully, including sending cease and desist letters to
14 Defendants on April 12, 2024, and May 12, 2024, via certified mail, and
15 delivering a letter to Defendant Samuel Forman on April 19, 2024. Despite these
16 attempts, Defendants continued their harmful conduct unabated, demonstrating a
17 reckless disregard for the Plaintiff’s well-being and showing that their actions
18 were intentional and malicious.

19 e. Provocative Behavior: The actions of Defendant Nallely Gomez, as described
20 herein, were outrageous and conducted with the intent to cause, or with reckless
21 disregard for the probability of causing, Plaintiff severe emotional distress. By
22 deliberately engaging in provocative behavior directed at Plaintiff, such as
23 dancing, twerking, and waving at the camera, Defendant Gomez sought to
24 humiliate and provoke Plaintiff. These actions were not only offensive but were

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1 also intended to escalate the emotional distress that Plaintiff was already
2 experiencing due to the excessive noise and ongoing disruptions. Defendant
3 Gomez’s actions contributed significantly to the severe emotional and
4 psychological harm suffered by Plaintiff, exacerbating her anxiety, agoraphobia,
5 and distress.

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7 184. The Plaintiff is informed, believes, and on that basis alleges, that Defendants’
8 actions were not only intentional but also reckless, showing a conscious disregard for the
9 substantial likelihood that their conduct would cause severe emotional distress to Plaintiff.

10 185. In *Hughes v. Pair*, 46 Cal.4th 1035 (2009)²⁵, the California Supreme Court
11 outlined the criteria for intentional infliction of emotional distress, requiring that the conduct be
12 extreme and outrageous, that the Defendant intend to cause emotional distress or act with reckless
13 disregard of the probability of causing such distress, and that the Plaintiff suffer severe emotional
14 distress as a result. Defendants’ coordinated campaign of harassment, intimidation, and noise
15 disturbances clearly meets these elements, as their conduct was designed to cause severe
16 emotional distress to Plaintiff.

17 186. Defendants’ actions were extreme, outrageous, and beyond what is tolerable in a
18 civilized society. Under California law, Plaintiff alleges that Defendants’ conduct meets these
19 elements, as their deliberate actions were intended to harm Plaintiff emotionally, and they were
20 aware of the distress they were causing.

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23 ²⁵ *Hughes v. Pair*, 46 Cal.4th 1035 (2009): In *Hughes v. Pair*, the court defined the elements of intentional infliction
24 of emotional distress under California law. The case emphasized that the conduct must be extreme and outrageous,
with an intent or reckless disregard to cause emotional distress, and must result in severe emotional distress. This
precedent supports Plaintiff’s allegations by illustrating that the Defendants’ conduct, as described, is actionable as
25 IIED because it was both extreme and intended to cause emotional harm.

1 187. The Plaintiff is informed, believes, and on that basis alleges, that as a direct and
2 proximate result of Defendants’ intentional and malicious conduct, the Plaintiff suffered severe
3 emotional distress, including anxiety, fear, psychological trauma, and other mental health issues,
4 which required medical treatment and therapy. The emotional distress experienced by the Plaintiff
5 significantly impacted her ability to conduct her business, live peacefully, and maintain her
6 mental health.

7 188. As a result of the foregoing, Plaintiff seeks relief as set forth in the Prayer for
8 Relief at the conclusion of this Complaint.

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PRAYER FOR RELIEF

1. WHEREFORE, Plaintiff Abigail Katz respectfully prays for judgment against Defendants, and each of them, as follows:
 2. General Damages: For general damages in an amount according to proof at trial, including but not limited to compensation for emotional distress, pain, suffering, and loss of enjoyment of life as a result of Defendants’ conduct.
 3. Special Damages: For special damages in an amount according to proof at trial, including but not limited to:
 - a. Financial losses incurred from leasing additional office space and business interruptions.
 - b. Costs associated with the loss of use of Plaintiff’s residence.
 - c. Expenses for medical treatment and therapy necessitated by Defendants’ conduct.
 4. Punitive Damages: For punitive and exemplary damages against Defendants who acted with malice, oppression, or fraud, in an amount sufficient to punish Defendants and deter similar conduct in the future, as permitted under California Civil Code § 3294.
 5. Injunctive Relief: For injunctive relief, restraining Defendants from continuing their unlawful conduct, including but not limited to harassment, intimidation, and

1 creation of excessive noise levels, or any other acts that may interfere with
2 Plaintiff's peaceful enjoyment of her property and ability to conduct her business.

3 6. Statutory Damages and Penalties: For statutory damages and penalties as
4 permitted by law for any statutory violations that have been alleged and proven at
5 trial.

6 7. Attorney's Fees and Costs: For reasonable attorney's fees and costs of suit
7 incurred herein, as permitted by statute, contract, or other applicable law.

8 8. Interest: For prejudgment and post-judgment interest on all sums awarded, as
9 permitted by law.

10 9. Equitable Relief: For such other and further relief as the Court may deem just,
11 proper, and equitable, including any additional forms of relief not specifically
12 prayed for but justified by the facts presented at trial.

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REQUEST FOR JURY TRIAL

The Plaintiff Abigail Katz hereby demands a trial by jury on all issues.

Respectfully submitted,

Dated: 11/21/2024

By: 

Plaintiff/Abigail Katz, in Pro Per

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VERIFICATION

I, Abigail Katz, am the Plaintiff in this action. I have read the foregoing ABIGAIL KATZ V. UNITE HERE LOCAL 11, ET AL. – COMPLAINT FOR NUISANCE, HARASSMENT, EMOTIONAL DISTRESS, AND OTHER TORTS AND DEMAND FOR JURY TRIAL and know its contents.

I am authorized to make this verification because I am the Plaintiff. The matters stated in the foregoing Complaint are true of my own knowledge, except as to those matters stated upon information and belief, and as to those matters, I believe them to be true.

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

Executed at Los Angeles, California, this 21 day of November, 2024.

By: 

Plaintiff Abigail Katz, in Pro Per

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[EXHIBITS]

Exhibit A-1

August 7, 2023, Defendants Block Traffic At The Intersection Of Olympic And Figueroa. Plaintiff's Apartment Is Visible In The Background (Top, Center-Right).



Exhibit A-2

September 1, 2023, Defendants Block Traffic At The Intersection Of Olympic And Figueroa.



Exhibit A-3

September 1, 2023, Post On X (Formerly Twitter) By Unite Here Local 11 President Kurt Petersen. Defendants Block Traffic At The Intersection Of Olympic And Figueroa With The Caption: "Shutting Down LA! No Justice, No Peace."



Kurt Petersen @kpetersen11 · Sep 1, 2023



@UNITEHERE11 shutting down LA! No Justice, no peace.

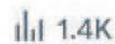
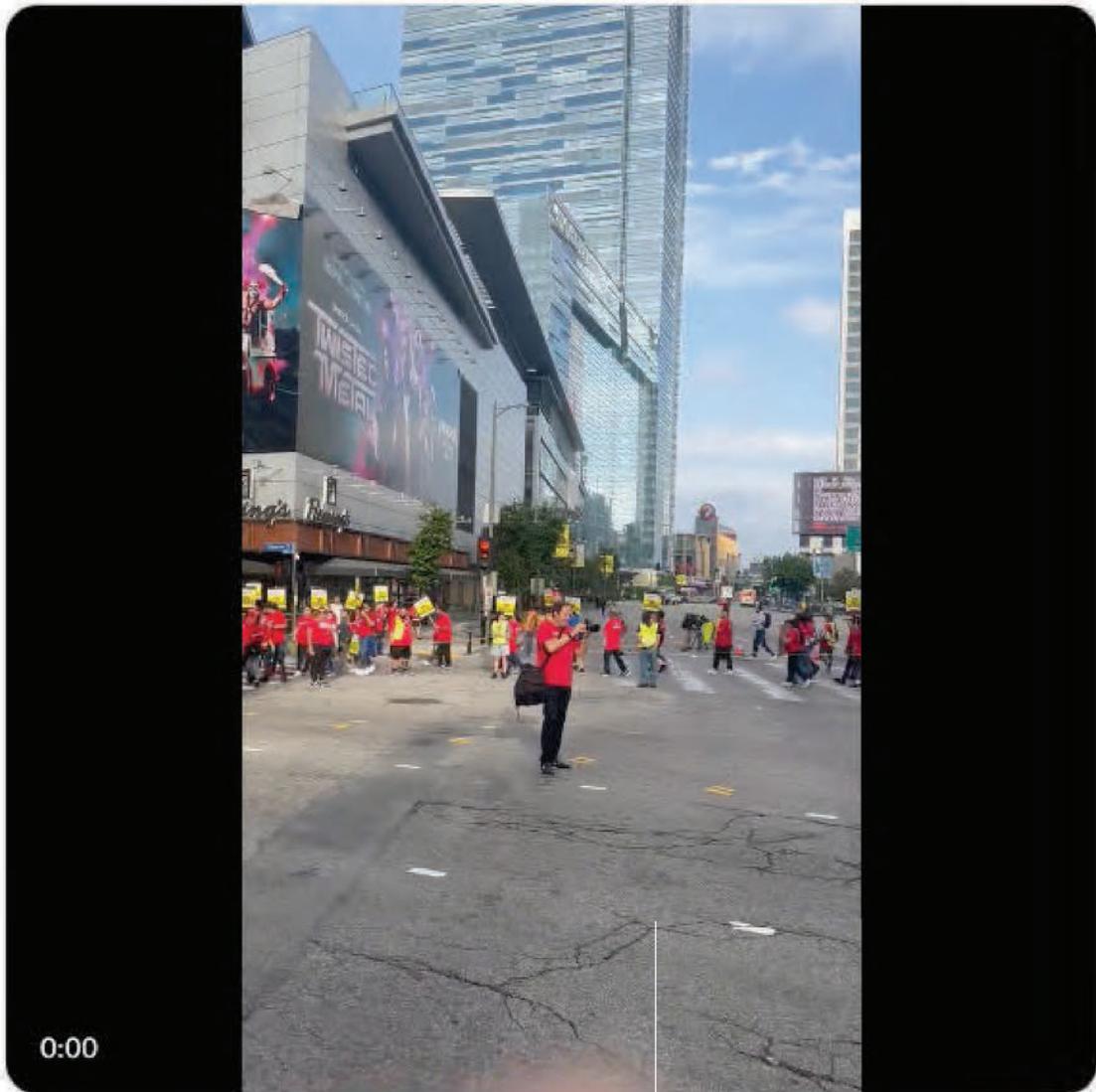
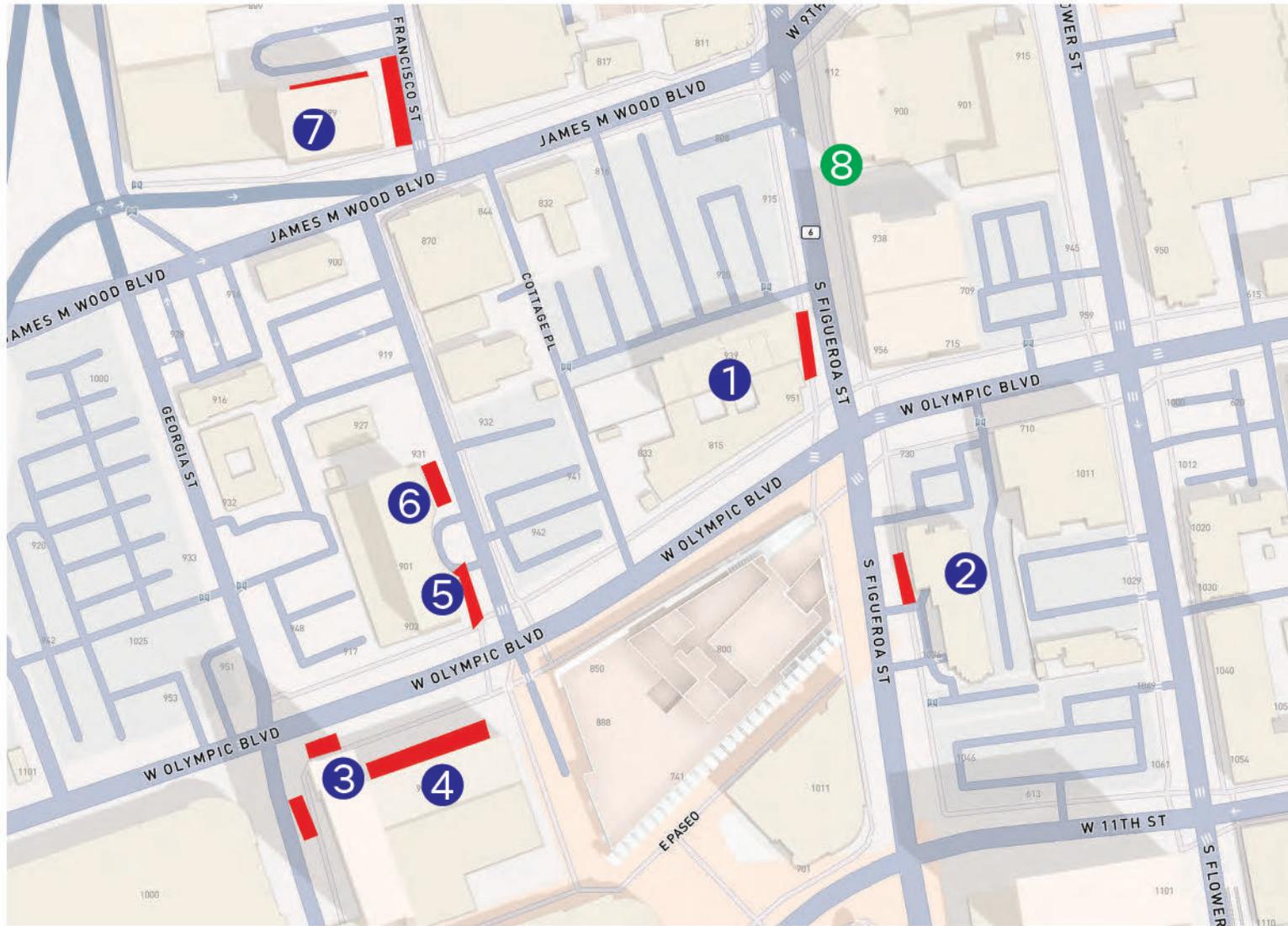


Exhibit B-1

Map: Hotels and Protest Sites

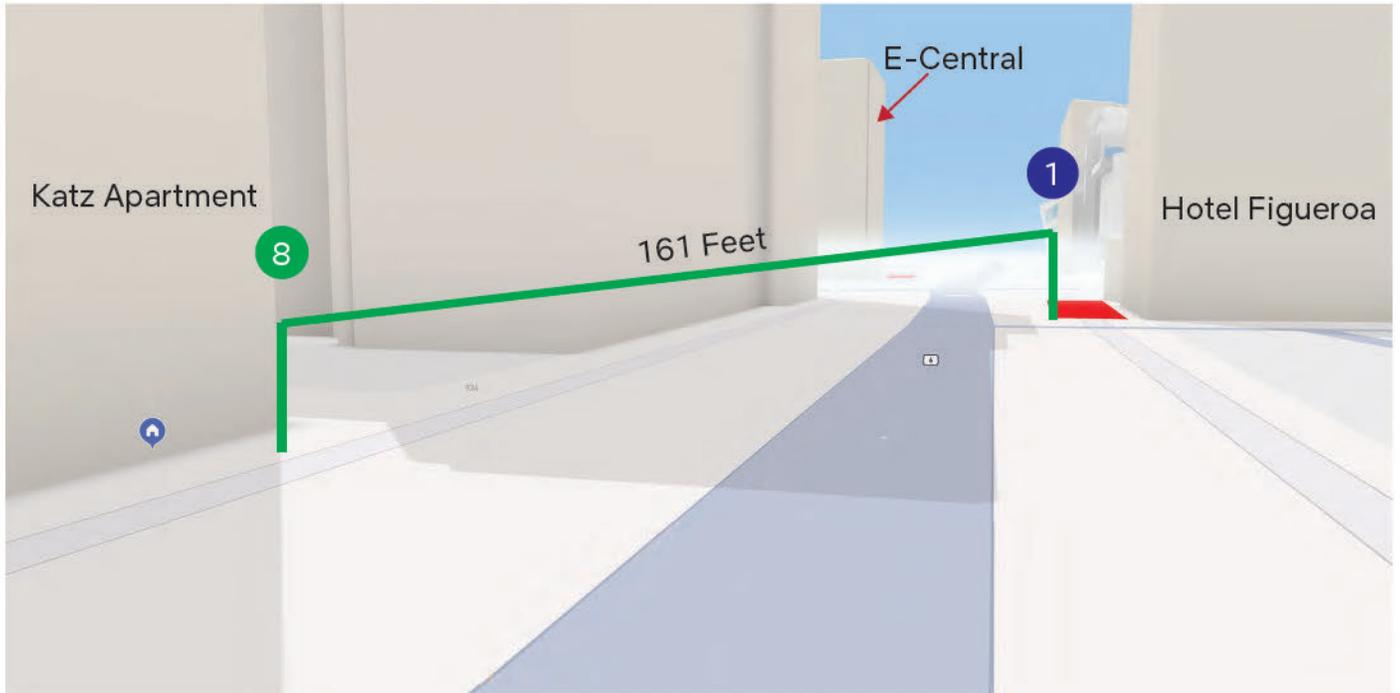


1. Hotel Figueroa
2. E-Central
3. Ritz-Carlton Los Angeles
4. JW Marriott
5. Courtyard Los Angeles L.A. Live
6. Residence Inn Los Angeles L.A. Live
7. Hotel Indigo
8. Katz Apartment

 Protest site

Exhibit B-2

Map: Distance From The Hotel Figueroa To The Katz Apartment Is 161 Feet.



Based on sound decay calculations, a UNITE HERE LOCAL 11 protest at Hotel Figueroa, which is approximately 161 feet from the Plaintiff's apartment, is likely to produce noise levels in excess of 106.8 decibels at the Plaintiff's residence.

Exhibit C

A Sound Pressure Level Report Related to The Defendants' Protest Activity



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PROJECT NAME:
UNITE HERE LOCAL 11

DATE:
START: 6/13/2024 07:00:00 PST
END: 6/13/2024 08:00:00 PST

MEASUREMENT LOCATION: 34.045540, -118.264080

CERT/DISK: NDF_OFFICIAL/NDF

ENVIRONMENTAL CONDITIONS:
AVG. WIND SPEED: 3 MPH
WIND DIRECTION: SSE
TEMPERATURE:
START: 66°F END: 69°F
HUMIDITY:
START: 70% END: 73%
DEW POINT:
START: 59°F END: 59°F
PRECIPITATION: 0.00 IN

RECORDING INSTRUMENT: SPER SCIENTIFIC TYPE 1 SOUND METER
SERIAL NO: SKJ-46536-9388
WINDSCREEN: YES
STANDARDS: ANSI S1.4:2014 TYPE 1
CALIBRATION DATE: 11/25/2023
FIELD CALIBRATION: YES

AVG: 108.485 dB
PEAK: 130.947 dB

AMBIENT AVG: 064.083 dB

DISTANCE FROM SOURCE: 1.899 m

MONITOR LOCATION: 939 S. FIGUEROA ST. 90015
PHOTOS AND VIDEOS: FUJI X-T1, 55-200 XF LENS/ IPHONE 13
PRO 7:00 AM PST, 06/13/2024 FILES IN FOLDER 0700061324HF
AUDIO RECORDINGS: ZOOM H4N PRO STEREO 120°, APEX220 MONO
CH 2 FILES IN FOLDER 0700061324HF

MONITORING RESULTS:
SOUND EXPOSURE EXCEED PEL (OSHA):
START: 07:08:32 PST END: 07:30:24 PST
START: 07:34:26 PST END: 07:56:18 PST
DURATION: 00:43:44
REMAINING TIME PEL (OSHA): -00:13:44

NOTES:
SEE ATTACHED REPORT(S) FOR OBSERVATIONS AND ANALYSIS

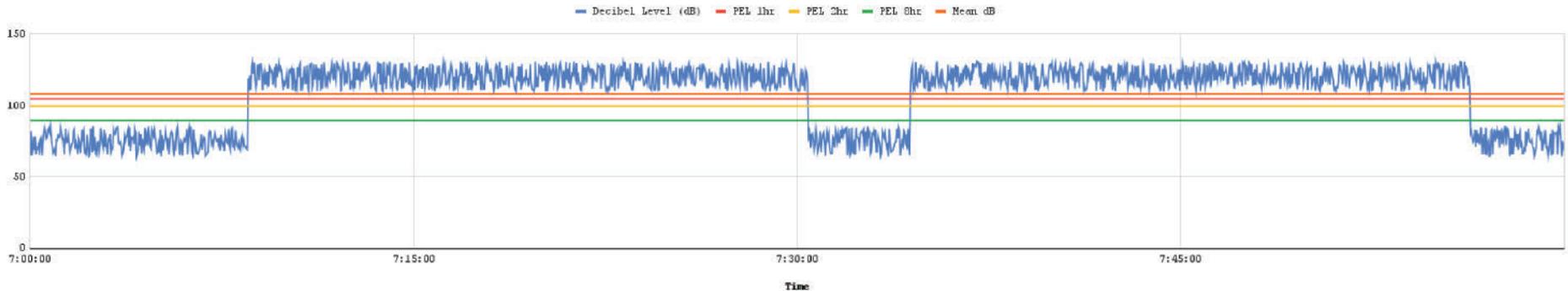


Exhibit D-1

July 26, 2024, Pedestrians Forced To Walk On The Street Due To The Defendants Blocking The Sidewalk Near Hotel Figueroa.



Exhibit D-2

Defendant Gerber Engages With Pedestrians Forced To Walk In The Street, While Standing In An Active Lane Of Traffic Himself Near Hotel Figueroa



October 25, 2023, A post on X (formerly known as Twitter) by union President Kurt Petersen.

 Kurt Petersen reposted

 **Godfrey Santos Plata** @GodfreyPlata · Oct 25, 2023 ...

Being rerouted on the way to a meeting and am late but GO AND GET IT, @UNITEHERE11 hospitality workers!! #SoCalHotelStrike

Stuck in traffic & hating it? The problem isn't protestors! Here are the hotels you can urge to give their workers a fair contract: unitehere11.org/2023-contract-...



 2  6  10  944  

Exhibit E1 -E2

Cease and Desist Letters
Start on the Following Page.

Smart Technologies Group
Abigail Katz
5101 SANTA MONICA BLVD
LOS ANGELES CA 90029-2478

US POSTAGE AND FEES PAID

PRIORITY MAIL
May 06 2024
Mailed from ZIP 97230
1 LB PRIORITY MAIL RATE
ZONE 5 NO SURCHARGE
11923275
Commercial



stamps
endicia

062S0010282487

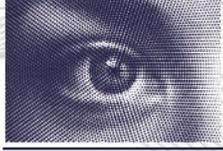
USPS CERTIFIED MAIL



9402 8118 9876 5465 0556 01

Nicolas Gerber
Nicolas Gerber
1286 QUEEN ANNE PL
LOS ANGELES CA 90019-6867





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Group**

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May 5th, 2024

From:

Abigail Katz
900 S. Figueroa st.
Los Angeles, CA 90015
(202) 459-9988
abigail.katz@stgroup.ltd

To:

Nicolas Gerber
1286 Queen Anne PL
Los Angeles, CA, 90019

464 Lucas Ave # 201
Los Angeles, CA 90017

CC:

Benjamin Taylor
The Taylor Law Firm
1880 Century Park East, Suite 714
Los Angeles, CA 90067

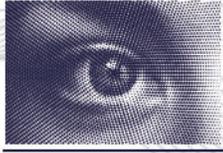
Re: Cease and Desist Demand Due to Exacerbation of Preexisting Condition

Mr. Gerber,

I am compelled to address a matter of grave concern regarding the unlawful nuisance condition you have personally created in front of the Hotel Figueroa, which significantly impacts my daily life. As a nearby resident and an individual with a diagnosed condition of Post-Traumatic Stress Disorder (PTSD), it is imperative that I bring to your attention the legal implications of your actions.

Aggravation of Preexisting Condition: The protests, by virtue of their exceptionally high noise levels—recorded at 131 dB at a distance of two meters—exceed safe sound thresholds and have significantly worsened my PTSD symptoms. As established in *Sanchez v. Kern Emergency Medical Transportation Corp.*, a tortfeasor may be held liable if their negligence exacerbates a preexisting condition. In this instance, the incessant noise and disruption serve as such a tortious act, aggravating my PTSD.

Legal Obligations and Liabilities: Your ongoing activities not only breach local sound ordinances and state law but now, armed with the knowledge of their specific impact on my health, also constitute a willful disregard for my well-being. This disregard could be construed as intentional



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infliction of emotional distress and battery, given the direct link between the protest's effects and the aggravation of my health condition.

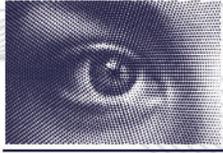
Demand for Action: This letter serves as formal notification of the detrimental effects your actions have on my health, pursuant to the legal principles regarding exacerbation of preexisting conditions. I urge you to immediately reconsider the conduct of your protests to prevent further legal action. Failure to address these concerns will compel me to pursue all appropriate remedies, including but not limited to seeking damages for the intentional aggravation of my condition.

To be absolutely clear, please be advised that if you choose to participate in, orchestrate, assist with, or have prior knowledge of any activities at Hotel Figueroa (or anywhere in its direct proximity) that create an unlawful nuisance condition, you will be held personally accountable. Specifically, you, Nicolas Gerber, will personally be sued in the Los Angeles Superior Court for actual damages, special damages, punitive damages, and any and all associated legal fees, court costs, and other expenses related to the lawsuit.

I trust that this matter will be resolved with the seriousness it warrants and that adjustments will be made to eliminate any risk of harm to my health. Your cooperation in this regard is not only legally prudent but also a moral imperative to uphold the rights and well-being of all impacted residents. For us to consider this matter closed please respond by May 9th 2024 letting us know that you understand and will not participate in unlawful actions moving forward.

Thank you for your prompt attention to this pressing issue.

Yours sincerely,



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Apr 12, 2024

From:

Abigail Katz

900 S. Figueroa st.

Los Angeles, CA 90015

(202) 459-9988

abigail.katz@stgroup.ltd

To:

Unite Here Local 11

464 Lucas Ave # 201

Los Angeles, CA 90017

(213) 481-8530

Re: Cease and Desist Demand Due to Exacerbation of Preexisting Condition

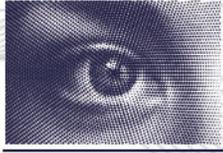
Dear Unite Here Local 11,

I am compelled to address a matter of grave concern regarding the protests held in front of the Hotel Figueroa, which significantly impact my daily life. As a nearby resident and an individual with a diagnosed condition of Post-Traumatic Stress Disorder (PTSD), it is imperative that I bring to your attention the legal implications of your actions.

Aggravation of Preexisting Condition: The protests, by virtue of their exceptionally high noise levels—recorded at 131 dB at a distance of two meters—exceed safe sound thresholds and have significantly worsened my PTSD symptoms. As established in *Sanchez v. Kern Emergency Medical Transportation Corp.*, a tortfeasor may be held liable if their negligence exacerbates a preexisting condition. In this instance, the incessant noise and disruption serve as such a tortious act, aggravating my PTSD.

Legal Obligations and Liabilities: Your ongoing activities not only breach local sound ordinances but now, armed with the knowledge of their specific impact on my health, also constitute a willful disregard for my well-being. This disregard could be construed as intentional infliction of emotional distress and battery, given the direct link between the protest's effects and the aggravation of my health condition.

Demand for Action: This letter serves as formal notification of the detrimental effects your actions have on my health, pursuant to the legal principles regarding exacerbation of preexisting conditions. I urge you to immediately reconsider the conduct of your protests to prevent further legal action. Failure to address these concerns will compel me to pursue all appropriate remedies, including but not limited to seeking damages for the intentional aggravation of my condition.



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I trust that this matter will be resolved with the seriousness it warrants, and that adjustments will be made to eliminate any risk of harm to my health. Your cooperation in this regard is not only legally prudent but also a moral imperative to uphold the rights and well-being of all impacted residents.

Thank you for your prompt attention to this pressing issue.
Yours sincerely,

A handwritten signature in black ink, which appears to read "Abigail Katz". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Abigail Katz

Exhibit F-1, F-2

October 26, 2023, LAPD Police Report Filled by Plaintiff in Response to 48 Hours of
Uninterrupted Protests and Emails from LAPD Labor Relations Unit
Start on the Following Page.

CASE SCREENING FACTOR(S)		REPORT OF INVESTIGATIVE RESULTS		INVEST DIV	INC #	DR #	
<input type="checkbox"/> SUBJECT/USUAL GUN BEARER <input type="checkbox"/> WANTS TO OBTAIN EVIDENCE FOR PROSECUT <input type="checkbox"/> NO GUN BEARING <input type="checkbox"/> WANTS TO OBTAIN EVIDENCE FOR PROSECUT <input type="checkbox"/> NO GUN BEARING <input type="checkbox"/> WANTS TO OBTAIN EVIDENCE FOR PROSECUT <input type="checkbox"/> NO GUN BEARING <input type="checkbox"/> WANTS TO OBTAIN EVIDENCE FOR PROSECUT <input type="checkbox"/> NO GUN BEARING		DISTURBING THE PEACE		Cent	23102600004744		
PREMISES (SPECIFIC TYPE) <input type="checkbox"/> ATM		VICTIM		SEX	DESC	HT	WT
Subwall		LAST NAME FIRST MIDDLE (OR NAME OF BUSINESS)		F	W	510	190
ENTRY (SPECIFY POINT OF ENTRY)		ADDRESS		AGE	DOB		
Subwall		900 S Figueroa St Unit 2805 LA		41	03/13/1982		
METHOD		ZIP		PHONE		X	
		90015		(202) 999-8250		<input type="checkbox"/>	
RESTRAINT/TOOL USED		E-MAIL ADDRESS		CELL PHONE		<input type="checkbox"/>	
		ahigail.katz@securexfl.com					
DR LIC NO (IF NONE, OTHER ID & NO.)		FOREIGN LANGUAGE SPOKEN		OCCUPATION			
D1710718				Computer consultant			
R.D.		DATE & TIME OF OCCURRENCE		DATE & TIME REPORTED TO PD		PRINTS BY PREL INV	
0182		07/15/2023 0430 10/26/2023 0200		10/26/2023 2200		ATTEMPT OBTAINED <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	
TYPE PROPERTY STOLEN/LOST/DAMAGED		STOLEN/LOST		RECOVERED		EST. DAMAGED ARSON / VAND.	
03.04.00 GIVEN		\$		\$		\$	
VICT'S VEH (IF INVOLVED) YEAR MAKE TYPE COLOR LIC NO		NOTIFICATION(S) (PERSON & DIVISION)		CONNECTED REPORT(S) (TYPE & DR #)			
		Cent WC Lt Boyle 35469					
MO IF LONG FORM LIST INVOLVED ACTIONS IF SHORT FORM DESCRIBE SUSPECTS ACTIONS IN BRIEF PHRASES, INCLUDING WEAPON USED. DO NOT REPEAT ABOVE INFO BUT CLARIFY REPORT AS NECESSARY IF ANY OF THE MISSING ITEMS ARE POTENTIALLY IDENTIFIABLE, ITEMIZE AND DESCRIBE ALL ITEMS MISSING IN THIS INCIDENT IN THE NARRATIVE.							
PR resides at location where ongoing Hotel Strikes have occurred, PR hears excessively loud noise, music, amplified speech and sirens from group of employees of the Unite here Local 11 Union. PR unable to sleep.							
THREAT OF SCHOOL VIOLENCE <input type="checkbox"/>		TRANSIT-RELATED INCIDENT <input type="checkbox"/>		MANDATORY MARSY'S RIGHTS CARD PROVIDED TO THE VICTIM <input type="checkbox"/>		MOTIVATED BY HATRED/PREJUDICE <input type="checkbox"/>	
						DOMESTIC VIOLENCE <input type="checkbox"/>	
REPORTING EMPLOYEE(S)		INITIALS, LAST NAME		SERIAL NO.		DIV/DETAIL	
		Torres		39788		cent desk	
		PERSON REPORTING		SIGNATURE		OR RECEIVED BY PHONE <input checked="" type="checkbox"/>	
		NOTE: IF SHORT FORM AND VICTIM/PR ARE NOT THE SAME, ENTER PR INFORMATION IN INVOLVED PERSONS SECTION.					
Complete below sections if any CASE SCREENING FACTOR(S) boxes are not checked.							
SUSP'S VEHICLE		YEAR		MAKE		MODEL	
COLOR(S)		VEH LIC NO		STATE		TYPE	
EXTERIOR		INTERIOR		BODY		WINDOWS	
<input type="checkbox"/> 1 CUSTOM WHEELS <input type="checkbox"/> 2 PAINTED INSCRIPT <input type="checkbox"/> 3 LEVEL ALTERED <input type="checkbox"/> 4 RUST/PRIMER <input type="checkbox"/> 5 CUSTOM PAINT <input type="checkbox"/> 6 VINYL TOP		<input type="checkbox"/> 1 BUCKET SEATS <input type="checkbox"/> 2 DAMAGED INSIDE		<input type="checkbox"/> 1 DAMAGE <input type="checkbox"/> 2 MODIFIED <input type="checkbox"/> 3 STICKER <input type="checkbox"/> 4 LEFT		<input type="checkbox"/> 5 RIGHT <input type="checkbox"/> 6 FRONT <input type="checkbox"/> 7 REAR <input type="checkbox"/> 4 LEFT	
SEX		DESC		HAIR		EYES	
M		H					
HEIGHT		WEIGHT		AGE		CLOTHING	
PERSONAL ODDITIES (UNUSUAL FEATURES, SCARS, TATTOOS, ETC.)		WEAPON		NAME, ADDRESS, DOB, IF KNOWN; NAME, BKG NO., CHARGE, IF ARRESTED.			
SEX		DESC		HAIR		EYES	
HEIGHT		WEIGHT		AGE		CLOTHING	
PERSONAL ODDITIES (UNUSUAL FEATURES, SCARS, TATTOOS, ETC.)		WEAPON		NAME, ADDRESS, DOB, IF KNOWN; NAME, BKG NO., CHARGE, IF ARRESTED.			
INVOLVED PERSON(S) W - WITNESS; R - PERSON RPTG.; S - PERSON SECURING (459); D - PERSON DISCOVERING (459); P - PARENT; CP - CONTACT PERSON (DOMESTIC VIOLENCE)							
NAME		SEX		DESC		DOB	
R							
ADDRESS		CITY		ZIP		PHONE	
R -							
DR. LIC. NO. (IF NONE, LIST OTHER ID & NO.)		FOREIGN LANGUAGE SPOKEN		B -			
E-MAIL ADDRESS		CELL PHONE					
NAME		SEX		DESC		DOB	
R -							
ADDRESS		CITY		ZIP		PHONE	
R -							
DR. LIC. NO. (IF NONE, LIST OTHER ID & NO.)		FOREIGN LANGUAGE SPOKEN		B -			
E-MAIL ADDRESS		CELL PHONE					
NAME		SEX		DESC		DOB	
R -							
ADDRESS		CITY		ZIP		PHONE	
R -							
DR. LIC. NO. (IF NONE, LIST OTHER ID & NO.)		FOREIGN LANGUAGE SPOKEN		B -			
E-MAIL ADDRESS		CELL PHONE					
COMBINED EVID. RPT.		USE THIS SECTION IN LIEU OF PROPERTY REPORT IF NO GUN AND NO MORE THAN THREE ITEMS OF EVIDENCE.				LOC. EVID. BKD	
						10.10.05 GIVEN? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	
ITEM		QUAN.		ARTICLE		SERIAL NO.	
BRAND/DRUG WEIGHT, UNITS		MODEL NO.		MISC.			
NARRATIVE - USE THE FOLLOWING HEADINGS TO DOCUMENT ALL INFORMATION REGARDING THE INVESTIGATION. ADDITIONAL PERSONS INVOLVED (separated by type): SOURCE OF ACTIVITY; INVESTIGATION; ARREST; INJURY/MEDICAL TREATMENT; PHOTOS; RECORDINGS; VIDEOS; DCV, BWV, AND DIGITAL IMAGING; BOOKING; EVIDENCE; CANVASSING; ADDITIONAL COLLISION SUMMARY; PROPERTY STOLEN/LOST/RECOVERED/DAMAGED; AND COURT INFORMATION. NOTE: ANY OF THESE HEADINGS MAY BE OMITTED IF NOT APPLICABLE. SEE GENERAL REPORTING INSTRUCTIONS- FIELD NOTEBOOK DIVIDER, FORM 18.35.01 AND INVESTIGATIVE REPORT FIELD NOTEBOOK DIVIDER, FORM 18.30.01. FOR FURTHER INFO.							
VICTIM INDEMNIFICATION INFORMATION (IF APPLICABLE)		IS ANY OF THE VICTIM'S PROPERTY MARKED WITH AN OWNER APPLIED IDENTIFICATION NUMBER? IF YES, EXPLAIN IN NARRATIVE					
		YES <input type="checkbox"/> NO <input type="checkbox"/>					
APPROVAL AND REVIEW		SUPERVISOR APPROVING		SERIAL NO.		DIVISION	
		DATE & TIME REPRODUCED		CLERK		DIVISION	
						CATEGORY	

CONTINUATION SHEET

Los Angeles Police Department

PAGE NO.		TYPE OF REPORT Disturbing the Peace				BOOKING NO.	DR NO.
ITEM NO.	QU AN	ARTICLE	SERIAL NO	BRAND	MODEL NO.	MISC DESCRIPTION (EG. COLOR, SIZE, INSCRIPTIONS, CALIBER, REVOLVER, ETC)	DOLLAR VALUE

Victim 1 Katz, Abigail DOB 3/13/1982

Source of Activity:

On 10/26/23 at approx. 2140, I, Officer Torres #39788 was in police uniform, assigned Central Division Watch 5 Front desk. I was conducting telephonic follow up on voicemails received at the Front desk. I contacted PR-Katz, who requested to file a report of Disturbing the Peace due to an ongoing noise complaint and sleep deprivation from the Hotel Workers Union Strike at 900 S Figueroa St LA 90015 (RD0182) Incident #23102600004744

Investigation:

Victim stated the following: From the approx. period of. 7/15/23 to 10/26/23, the Hotel Worker Union Local 11 has been conducting a strike in the area of her residence. PR has consistently been hearing loud noise, drums, music, amplified speech, and sirens coming from the individuals conducting the strike. There have been approx. 15 to 40 people engaged in the strike. This has caused PR/Vict sleep deprivation The loud noise, drums, sirens, and amplified speech have carried into early morning hours. There have been Service calls generated for LAPD response to these incidents

PR/Vict requested to file a Police report for Disturbing the Peace due to the multiple incidents.

Arrest:

None

Injury/Medical Treatment:

None

Photos, Recordings, Videos, DICV, BWV, and Digital Imaging

None

Booking:

None

Evidence:

None.

Canvassing:

None

Court Information:

I can testify to the statements made in above mentioned report.

Los Angeles Police Department INVESTIGATIVE REPORT

UCR CODE CC: 2310260000474

COMBINED EVID. REPORT MULTIPLE DR# ON THIS REPORT

TRANSIT SERVICES BUREAU SECURITY SERVICES DIV CTSOB MAJOR CRIMES SHOTS FIRED USE OF FORCE NARCOTICS STOLEN - GND GND/GIT FIREARM STOLEN/ LOST - D5VD & R&I CRIME PROPERTY TT SUPVR CHILD ABUSE JUVENILE DIV EXTRA COPIES

REPORT OF: DISTURBING THE PEACE VICTIM: Katz, Abigail. CASE SCREENING FACTOR(S): SUSPECT/VEHICLE NOT SEEN, PRINTS OR OTHER EVIDENCE NOT PRESENT, MO NOT DISTINCT, PROPERTY LOSS LESS THAN \$5,000, NO SERIOUS INJURY TO VICTIM, ONLY ONE VICTIM INVOLVED. PREMISES: Sidewalk. ENTRY: 459/BFV POINT OF ENTRY. MOBILE: PR resides at location where ongoing Hotel Strikes have occurred. REPORTING EMPLOYEE(S): Torres. INVOLVED PERSON(S): R. COMBINED EVID. RPT. NARRATIVE: VICTIM INDEMNIFICATION INFORMATION IF APPLICABLE.

From: KA ON HAN 44434@lapd.online 

Subject: Ralphps Decision and Moscone Act

Date: August 1, 2024 at 1:25 PM

To: abigail.katz@stgroup.ltd

Cc: ANGEL GOMEZ 34224@lapd.online, CHRISTOPHER JARVIS 36636@lapd.online, JACOB HAN 40159@lapd.online, SUZAN CHIANG 31796@lapd.online

KH

Good afternoon,

It was a pleasure for our unit to meet with you today.

I would like to first address that I am sorry you have to deal with all the loud and raucous noise almost on a daily basis.

Like we talked about, please document all these incidents on your end so that you have a list of complaints filed against the union on your end.

Also as we alluded to earlier, please find attached the Moscone Act and the Ralphps Decision.

I'm sure reading this will give you a better understanding of the legal and lawful boundaries of union activity.

If you ever have any questions, issues, and concerns feel free to reach out to me or the rest of the team (CC'd in this email).

Have a wonderful rest of your day.

Thank you,

Police Officer II David (Ka On) Han

Los Angeles Police Department

Office Of Operations

Labor Relations Unit

100 W. 1st Street

Los Angeles, CA 90012

Main: (213) 486 0637

Direct: (213) 359 5909

Moscone Act.pdf

66 KB



Ralphps Vs UFCW.pdf

386 KB



Exhibit G

CalOSHA Related Correspondence
Starts on the Following Page.

From: Abigail Katz abigail.katz@stgroup.ltd
Subject: Re: A few questions about your complaint submitted on July 1st.
Date: July 5, 2024 at 1:07 PM
To: Dimenstein, Eva@DIR EDimensionstein@dir.ca.gov



Hi Ros,
Sorry about the mixup there. The 202 number is my number. The only number I have for them is (213) 481-8530.

If you have any questions, need any video or audio or both from the incidents please let me know. I have recordings of several situations where noise is excessive and ear protection is not being used. As well as some readings I took with a decibel meter. My concern is seeing their employees exposed to noise in excess of 105dB (average) for almost two hours a day on a daily basis without hearing protection. Unfortunately, when I tried to address the concerns about hearing safety with employees at Unite Here, their reaction was less than appreciative and the behavior hasn't changed.

Thank you for following up with us, hearing safety is something that people don't pay attention to, and I personally know all too well the kind of damage that can result from being careless in this area,
Abby

Abigail Katz
Principal Managing Partner
Production & LBE | Smart
Technologies Group
She/ Her

 (202) 459-9988 | (202) 999-8250
 abigail.katz@stgroup.ltd
 <https://omnividens.com/>
 1500 S. Los Angeles St., Los Angeles, CA, 90015



On Jul 5, 2024, at 9:30 AM, Dimenstein, Eva@DIR <EDimensionstein@dir.ca.gov> wrote:

For Unite Here Local 11's phone number you put 202-999-8250.
Then for YOUR phone number you put the same phone number as above.
Whose phone number is it, please?

[If I don't hear back, I won't put the phone number down anywhere on our form.]
Thank you.
Ros

E. Rosalind Dimenstein ('Ros')
Associate Safety Engineer

Cal OSHA, L.A. District Office
320 West 4th Street, Ste. 820
Los Angeles, CA 90013

Direct Phone: 213-576-7458
General (Clerical) Phone: 213-576-7451
Fax: 213-576-7461

From: Dimenstein, Eva@DIR EDimensionstein@dir.ca.gov 
Subject: RE: A few questions about your complaint submitted on July 1st
Date: July 23, 2024 at 1:23 PM
To: Abigail Katz abigail.katz@stgroup.ltd

ED

Got your message.
I'll get back to you.
Ros

From: Abigail Katz <abigail.katz@stgroup.ltd>
Sent: Tuesday, July 23, 2024 7:41 AM
To: Dimenstein, Eva@DIR <EDimensionstein@dir.ca.gov>
Cc: Kevin Gres <kevin@kevingres.com>
Subject: Re: A few questions about your complaint submitted on July 1st.
Importance: High

CAUTION: [External Email]

This email originated from outside of our DIR organization. Do not click links or open attachments unless you recognize the sender and know the content is expected and is safe. If in doubt reach out and check with the sender by phone.

Hi Ros,
I left you a voice mail this morning regarding the noise at the Hotel Figueroa this morning. I have a recording of the protests today, which are still going and have been for 36 minutes so far with constant horn blowing. There are several Unite Here employees (Nick Gerber) and several hotel employees. Again, no hearing protection, no safety concerns at all. If you want me to submit an additional complaint let me know and I'll be happy to. Otherwise, I'll wait for you to advise.

Thanks,
Abby

ABIGAIL KATZ | PARTNER

Office: [\(202\) 459-9988](tel:2024599988) | Cell: [\(202\) 999-8250](tel:2029998250)
5101 Santa Monica Blvd. Los Angeles, CA 90029
WWW.STG.COM

On Jul 5, 2024, at 9:30 AM, Dimenstein, Eva@DIR <EDimensionstein@dir.ca.gov> wrote:

For Unite Here Local 11's phone number you put 202-999-8250.
Then for YOUR phone number you put the same phone number as above.
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[If I don't hear back, I won't put the phone number down anywhere on our form.]
Thank you.
Ros

E. Rosalind Dimenstein ('Ros')
Associate Safety Engineer

Cal OSHA, L.A. District Office
320 West 4th Street, Ste. 820
Los Angeles, CA 90013

Direct Phone: 213-576-7458
General (Clerical) Phone: 213-576-7451
Fax: 213-576-7461

From: Abigail Katz abigail.katz@stgroup.ltd 
Subject: Complaint 126863 re: UniteHere Local 11, June 30, 2024
Date: July 28, 2024 at 3:36 AM
To: DOSHLA@dir.ca.gov
Cc: 44434@lapd.online, Dimenstein, Eva@DIR EDimensionstein@dir.ca.gov

AK

E. Rosalind Dimenstein ('Ros')
Associate Safety Engineer
California Division of Occupational Safety and Health
320 West 4th Street, Ste. 820
Los Angeles, CA 90013

CC:
Victor Copelan
Los Angeles District Manager
California Division of Occupational Safety and Health

David Han
LAPD Officer
Office of Operations, Labor Relations Unit.

Hi Ros,

I am writing to provide an update on a complaint I filed with your office on June 30th 2024, concerning UniteHere Local 11 and their employees' exposure to numerous Occupational Safety and Health Administration (OSHA) violations.

In my initial complaint, I highlighted several serious concerns, including but not limited to excessive noise levels, the absence of a noise reduction plan, lack of high-visibility clothing, and the failure to provide hearing protection for their workers. These are critical safety issues that need urgent attention.

Since filing the complaint, I have observed UniteHere Local 11 employees continuing their protests on at least half a dozen separate occasions. Unfortunately, during each of these instances, I documented clear and ongoing violations of the aforementioned OSHA regulations. The specific observed violations include:

Lack of High-Visibility Clothing: 29 CFR 1926.201(a) - Signaling. Workers must wear high-visibility garments when exposed to vehicular traffic for their safety.

Standing in the Roadway: 29 CFR 1926.651(d) - Exposure to Vehicular Traffic. Appropriate measures must be taken to protect workers from vehicular traffic. Standing directly in the roadway without protection violates this regulation.

No Traffic Control Measures: 29 CFR 1926.200(g) - Traffic Control Signs and Devices. Construction areas must be posted with traffic control signs and protected by traffic control devices. The absence of such measures is a violation.

Lack of Hearing Protection: 29 CFR 1926.101 - Hearing Protection. Hearing protection must be provided to workers exposed to high noise levels.

Inadequate Pedestrian Safety: 29 CFR 1926.651(d) - Exposure to Vehicular Traffic. Similar to the violation for workers, forcing pedestrians to walk in the street without safety measures is a violation.

Children's Safety: Implied under 29 CFR 1926.20(b) - General Safety and Health Provisions. Employers must provide a safe working environment, which includes protecting children from hazards.

Debris and Clutter: 29 CFR 1926.25 - Housekeeping. Work areas must be kept clean and free from debris to prevent tripping hazards.

Lack of Heat Protection: Implied under 29 CFR 1926.21(b) - Safety Training and Education. Employers must educate employees on recognizing and avoiding unsafe conditions including those related to heat exposure

educate employees on recognizing and avoiding unsafe conditions, including those related to heat exposure.

Sanitation Issues: 29 CFR 1926.51 – Sanitation. Adequate sanitation facilities must be provided.

I have attached photos from their three hour protest on Friday, July 26th, 2024, that vividly show Unite Here Local 11 employees committing serious OSHA violations. This is not an isolated incident; it happens almost every single day. If this continues, it is almost guaranteed that someone will either be hit by a car, seriously injured, or suffer continued hearing damage, among a myriad of other potential dangers. This situation is bedlam. These are employees of an organization, they are at work, and this is how they are acting.

They are not wearing high-visibility vests and are standing directly in the road, with two of them forcing passersby to walk in the street without any cones or protection at all. This includes children being forced to walk in the street. Additionally, there is debris and clutter on the ground, posing tripping hazards and obstructing safe movement. There is no visible provision for heat protection such as shade structures or hydration stations, nor are there proper sanitation facilities available. I cannot understand how this could be allowed to persist. It represents a real and immediate threat to public safety and the safety of these employees.

I understand that your office is busy, and I am sympathetic to the demands placed upon you. However, this continues on a daily basis, and I must stress that with the traffic on Figueroa, it is only a matter of time before someone is seriously hurt. The urgency of addressing these issues cannot be overstated.

The persistence of these violations suggests that if Cal-OSHA has reached out to UniteHere Local 11 regarding these issues, the union has blatantly disregarded any concerns or directives communicated to them. I am deeply concerned for the safety and well-being of the employees involved and urge your office to take immediate and decisive action to ensure compliance with OSHA standards.

Unite Here is likely to protest throughout the week at unspecified times. They also have a planned protest this upcoming Friday, August 2nd, at 4 p.m., according to their new social media page:

<https://www.instagram.com/lahotelwatch/>

Please let me know if there is any additional information or documentation you require from my end to facilitate your investigation. I've documented serious violations going back as far as July of 2023.

Thank you for your attention to this matter. I look forward to your response.

Sincerely,

Abigail Katz

ABIGAIL KATZ | PARTNER

Office: (202) 459-9988 | Cell: (202) 999-8250
5101 Santa Monica Blvd. Los Angeles, CA 90029

WWW.STG.COM



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From: Dimenstein, Eva@DIR EDimensionstein@dir.ca.gov 
Subject: RE: Complaint 126863 re: UniteHere Local 11, June 30, 2024
Date: August 7, 2024 at 12:30 PM
To: Abigail Katz abigail.katz@stgroup.ltd
Cc: DIR DOSHLA DOSHLA@DIR.ca.gov

ED

I believe my coworker took this complaint over.
Or rather started a second complaint because the hazards of the first complaint were abated.

Today's duty officer should see this and contact you if they have further questions.
I'm not on duty today.

Thank you.
Ros

From: Abigail Katz <abigail.katz@stgroup.ltd>
Sent: Wednesday, August 7, 2024 12:24 PM
To: Dimenstein, Eva@DIR <EDimensionstein@dir.ca.gov>
Cc: DIR DOSHLA <DOSHLA@DIR.ca.gov>; 44434@lapd.online
Subject: Re: Complaint 126863 re: UniteHere Local 11, June 30, 2024

CAUTION: [External Email]

This email originated from outside of our DIR organization. Do not click links or open attachments unless you recognize the sender and know the content is expected and is safe. If in doubt reach out and check with the sender by phone.

Hi Ros,

I am writing to follow up on the ongoing OSHA violations by UniteHere Local 11 employees since my last email.

Since my previous communication, these unlawful actions have continued daily without any resolution. Detailed sound recordings confirm that the noise levels are significantly in excess of permissible limits. These violations occur on a daily basis, directly endangering the safety and health of the employees involved and pedestrians walking by.

Additionally, today, **August 7th, 2024, from 4 p.m. to 7 p.m.**, UniteHere Local 11 has planned an event at the Hotel Figueroa in Downtown Los Angeles. It is my understanding that there will be members of the media present and possibly another union, but primarily UniteHere Local 11 employees will be working the event.

As per usual, they will likely exhibit a blatant disregard for safety, violating the same set of OSHA regulations they always do. I'm going to document the event to the best of my ability,

Also, I want to make it exceedingly clear that I am not inferring that the protests themselves are OSHA violations. Of course, the right to protest is protected and lawful. I would never suggest that CalOSHA interfere with someone exercising their right to free speech. My concern is solely about the OSHA violations occurring while the Unite Here employees are lawfully protesting. The union has attempted to create a false equivalence between noise and protest. There is a clear distinction between the two. Their right to protest is protected and lawful, but as we both know excessive noise levels are a separate issue, as established by ample case law at both the state and federal levels.

I am available to provide any further information or documentation as needed.

Thank you for your attention.
Abby Katz

ABIGAIL KATZ | PARTNER

Office: [\(202\) 459-9988](tel:2024599988) | Cell: [\(202\) 999-8250](tel:2029998250)
5101 Santa Monica Blvd. Los Angeles, CA 90029
WWW.STG.COM

Exhibit H

Documents Related to Case Nos. 24STRO04411 and 24STRO04166
Start on the Following Page.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

**Family Division
Stanley Mosk Dept. - 13**

**24STRO04166
Minato, Susan
vs
Katz, Abigail**

**September 30, 2024
1:30 PM**

Honorable Melanie Ochoa, Judge

S. Watson, Judicial Assistant

Keenya Williams (#14632), Court Reporter

NATURE OF PROCEEDINGS: Petitioner's Request for Civil Harassment Restraining Order (filed on June 12, 2024)

The following parties are present for the aforementioned proceeding:

Via LACourtConnect:

Juan Fernando Luna Leon, Attorney for Petitioner

In Person

Kevin Gres, Attorney for Respondent

The matter is called for hearing.

The parties represent to the Court that they have reached a full agreement in this case. The agreement provides for dismissal of the Restraining Order request.

Pursuant to the request of Petitioner, the Request for Restraining Order is dismissed with prejudice. All temporary orders, if any, are dissolved.

Both parties are represented by counsel at the time the Court makes its order in open court. Further notice of this proceeding is not required.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

**Family Division
Stanley Mosk Dept. - 13**

**24STRO04411
Gerber, Nicholas
vs
Katz, Abigail**

**September 30, 2024
1:30 PM**

Honorable Melanie Ochoa, Judge

S. Watson, Judicial Assistant

Keenya Williams (#14632), Court
Reporter

NATURE OF PROCEEDINGS: Petitioner's Request for Civil Harassment Restraining Order (filed on June 21, 2024)

The following parties are present for the aforementioned proceeding:

Juan Fernando Luna Leon, Attorney for Petitioner
Kevin Gress, Attorney for Respondent

The matter is called for hearing.

The parties represent to the Court that they have reached a full agreement in this case. The agreement provides for dismissal of the Restraining Order request.

Pursuant to the request of Petitioner, the Request for Restraining Order is dismissed with prejudice. All temporary orders, if any, are dissolved.

Both parties are represented by counsel at the time the Court makes its order in open court. Further notice of this proceeding is not required.

Exhibit I-1

June 28, 2024, Defendant Gerber Stages Solo Protest Outside of The Plaintiff's Apartment in Violation of His Own Protective Order.



Exhibit I-2

July 26, 2024,: After Being Summoned by Defendant Forman, Defendant Gerber Uses the Temporary Protective Order to Restrict Plaintiff.



Exhibit I-3,4,5

June 16, 2024 - August 6, 2024, Selected Photographs of Defendant Gerber Outside of The Plaintiff's Apartment in Violation of His Own Protective Order.



Exhibit I-6,7,8

June 16, 2024 - August 6, 2024, Selected Photographs of Defendant Gerber Outside of The Plaintiff's Apartment in Violation of His Own Protective Order.



Exhibit I-9,10

June 16, 2024 - August 6, 2024, Selected Photographs of Defendant Gerber Outside of The Plaintiff's Apartment in Violation of His Own Protective Order.



Exhibit J-1, J-2

June 28, 2024, Business Card of LAPD Officers Hyung Cho and Jose E. Gutierrez Duran with Note Regarding Defendant Gerber along with other LAPD business cards related to Defendant Gerber.



PHONE: (213) 486-6606
FAX: (213) 847-2956
TTY: (213) 485-9819
www.lapdonline.org
www.joinlapd.com

LOS ANGELES POLICE DEPARTMENT
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CENTRAL PATROL DIVISION

BY: HADLEY 45503
BONJA 32153
REGARDING D.R. _____
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LOS ANGELES, CA 90014
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CENTRAL PATROL DIVISION

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MURILLO 41848
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1A61-W2
BY: CHO 44703
GUTIERREZ 44717
REGARDING D.R. _____
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Email: 44434@lapd.online

David (Ka On) Han
Police Officer II
LOS ANGELES POLICE DEPARTMENT
Office of Operations
Labor Relations Unit

Office: (213) 486-0637
Direct: (213) 359-5909

100 W. 1st Street
Los Angeles, CA 90012

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Angel C. Gomez
Serial No. 34224

Police Officer III+I

Los Angeles Police Department

34224@LAPD.ONLINE
213-479-5644 Cell
213-486-0634 Office

100 W. 1st Street, Ste 331
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Office: (213) 486-0637
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Los Angeles, CA 90012

Join the LAPD (866) 444-LAPD Recruitment Hotline

DATE: 7/26/24 TIME: 1020 INC. NO.: 5145
 ADVISED SUBJ THEY WERE NOT VIOLATING R/O. ADVISED TO CALL ED BACK DE ANY OTHER ISSUES
 If you wish to comment on the level of service you received, please contact a Department supervisor or telephone (800) 339-6868, or TTY for the hearing-impaired (213) 485-3604.

DATE: 6/27/24 TIME: 8:40 A.M. INC. NO.: 1112
 NICK GERBER POSSIBLY VIOLATING HIS OWN R/O BY SHOWING UP TO PR (KATZ/ADICAIL) RESIDENCE. ADVISED PR TO ALSO OBTAIN R/O.
 If you wish to comment on the level of service you received, please contact a Department supervisor or telephone (800) 339-6868, or TTY for the hearing-impaired (213) 485-3604.

DATE: 7/24/24 TIME: 0750 INC. NO.: 0909
 * MET W PR, VERIFIED TRD, NO CONTACT W SUSP TODAY
 * SCHEDULED FOR HEARING
 If you wish to comment on the level of service you received, please contact a Department supervisor or telephone (800) 339-6868, or TTY for the hearing-impaired (213) 485-3604.

DATE: _____ TIME: _____ INC. NO.: _____
 If you wish to comment on the level of service you received, please contact a Department supervisor or telephone 800-339-6868, or TTY for the hearing-impaired (213) 485-3604.

Date: _____ Time: _____ Inc No.: _____
 If you wish to comment on the level of service you received, please contact a Department supervisor or telephone 800-339-6868 or TTY for the hearing-impaired (213) 485-3604.

DATE: 6/28/24 TIME: 6920 INC. NO.: 0992
 MET W/ PR WHO ADVISED 'SUSP FILED & OBTAINED TRD AGAINST PR. SUSP CONTINUES TO HARASS PR BY MEANS OF STANDING OUTSIDE PR'S RESIDENCE
 If you wish to comment on the level of service you received, please contact a Department supervisor or telephone (800) 339-6868, or TTY for the hearing-impaired (213) 485-3604.

DATE: 7/2/24 TIME: 0810 INC. NO.: 1061
 * LABOR DISPUTE, NO R/O VIOLATION
 * ADV TO GET HEARING FOR MEDIATION
 If you wish to comment on the level of service you received, please contact a Department supervisor or telephone (800) 339-6868, or TTY for the hearing-impaired (213) 485-3604.

DATE: _____ TIME: _____ INC. NO.: _____
 If you wish to comment on the level of service you received, please contact a Department supervisor or telephone 800-339-6868, or TTY for the hearing-impaired (213) 485-3604.

Exhibit K-1

August 2, 2024 From a Series of Photos of Defendant Nallely Gomez Making Provocative Movements Directed at the Plaintiff.

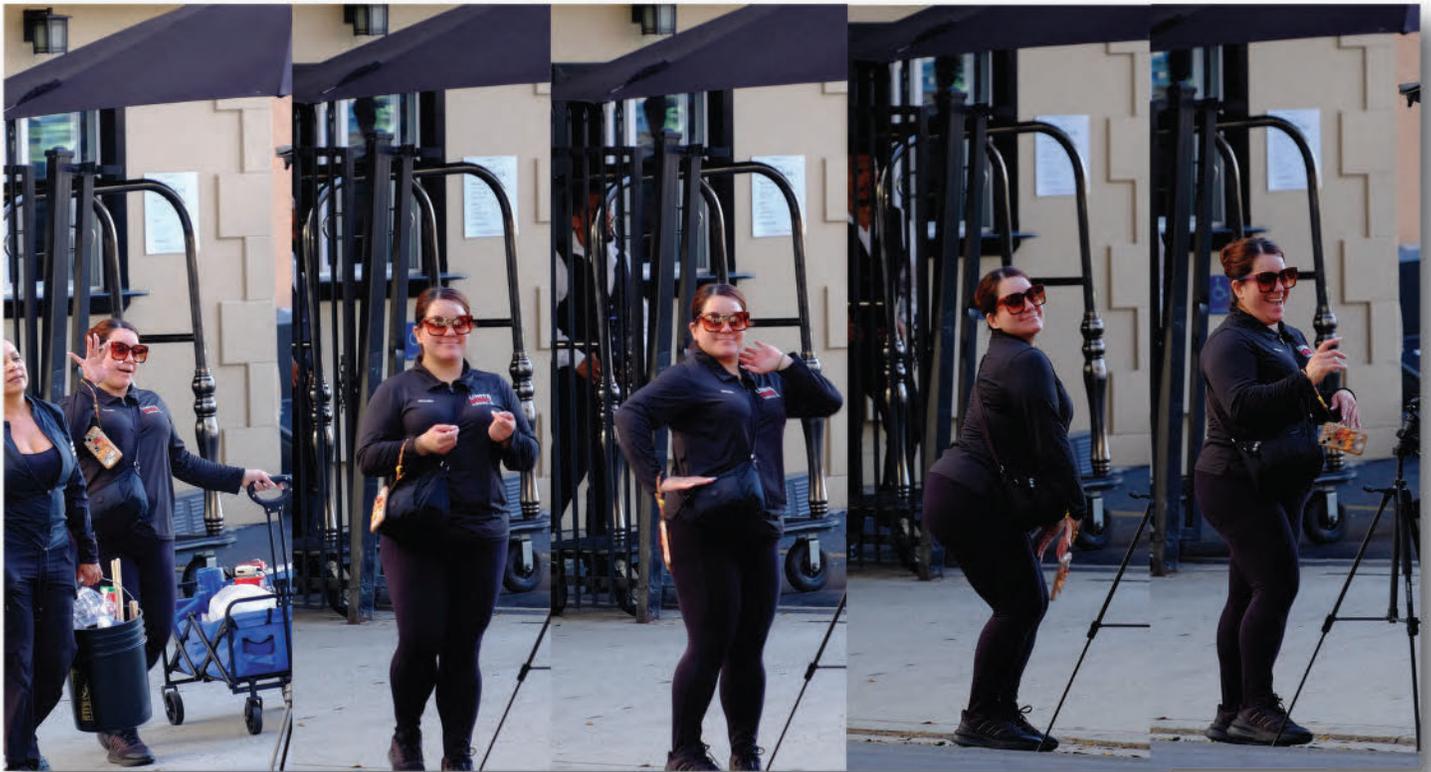


Exhibit K-2

July 24, 2024, Defendant Gomez Waves as Defendant Gerber Takes a Picture of The Plaintiff While on Her Private Property.



Exhibit L

Still Captured From Video of Defendant De La Cruz Attempting to Fight Hotel Guest.



October 27, 2023, Unidentified Union Member Who Grabbed the Plaintiff While Attempting to Vandalize the Plaintiff's Vehicle. LAPD Officers responded to Plaintiff's 911 call at 11:37 AM that day.

