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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

KEVIN DE LEÓN,

 Plaintiff,

vs.

SANTOS LEON, an individual;
KARLA VASQUEZ, an individual; and
DOES 1 through 100 inclusive,

 Defendants.

CASE NO. **23STCV24461**

COMPLAINT FOR DAMAGES FOR:

- 1. INVASION OF PRIVACY**
- 2. NEGLIGENCE**
- 3. NEGLIGENCE PER SE**

UNLIMITED CIVIL JURISDICTION

DEMAND FOR JURY TRIAL

1 **INTRODUCTION**

2 KEVIN DE LEÓN is a lifelong public servant to the City of Los Angeles and all
3 Californians. He has been a champion for those who do not have a voice regardless of their
4 ethnicity or station in life. The defendants in this case, known and unknown, have irreparably
5 harmed Mr. de León’s reputation, not to mention, unlawfully invaded his privacy. In this era of
6 24/7 scandal, so called legacy media outlets are more concerned with clickbait than facts. Any
7 scofflaw can prey on a high profile target when data analytics mean everything and consequences
8 are non-existent. Relying on antiquated legal theories, dying outlets publish any scurrilous
9 information regardless of its provenance. It used to be referred to pejoratively as yellow journalism
10 but the bar has fallen so low that today that this reprehensible conduct is rewarded. Consider the
11 suspicious political timing of the illegally recorded conversation between then City Council
12 President Nury Martinez, former Council Member Gilbert Cedillo, and then LA Fed head Ron
13 Herrera and Mr. de León. In a classic October surprise in the midst of a heated Mayoral campaign
14 this illegal recording was fodder for many while literally stomping on the totality of Mr. de León’s
15 life’s work. Nuance was ignored, context was hijacked and a frenzy was manufactured leading to
16 a public hue and cry for Mr. de León’s resignation.

17 The illegally recorded conversation focused on redrawing political boundaries based on
18 2020 census data, and how districts based on the data could best represent the city’s evolving
19 ethnic demographics. At one point, the discussion turned to the jarring discrepancy that Latinos
20 make up half the city’s population but hold only four of 15 seats on the Los Angeles City Council.
21 Contrary to the conspiracy fueled narrative, all African American districts remained protected,
22 which Mr. de León strongly supported and advocated for. At this point, the conversation turned to
23 comments made (not by Mr. de León) that were highly offensive by many people. The comments
24 were taken out of context or were improperly interpreted from Spanish slang to English by those
25 who did not have a full understanding of the meaning let alone context of the terms. But the most
26 glaring fact omitted from the public discourse over this conversation is that Mr. de León never
27 made any comment that was even remotely offensive during the illegally recorded conversation.
28 He was, in fact, silent during those comments. He publicly apologized for not cutting off his

1 colleagues when their comments crossed a line. His apology failed to satisfy let alone mollify his
2 critics nor dampen their vitriol. His critics continue to engage in guilt by association for comments
3 that were not his. His lifetime of public service was called into question because he failed to object
4 to comments made by his colleagues. The individuals responsible for the recording have never
5 been held accountable. The recording was made by employees of the LA Fed and revealed to the
6 public at a time when it could do maximum political damage on the eve of an election. Under our
7 justice system, there is no justification for this illegal wiretap, regardless of the conversation's
8 content. While Plaintiff broke no law, the defendants committed crimes under California law. And
9 yet, on the eve of the conversation's two-year anniversary, and almost a year after the recordings
10 were discovered, not a single individual has been arrested or prosecuted.

11 Plaintiff KEVIN DE LEÓN hereby submits this Complaint for Damages against
12 Defendants SANTOS LEON, KARLA VASQUEZ, and DOES 1 through 100, (collectively,
13 "Defendants"), and alleges, based on information and belief, the following:

14 **THE PARTIES**

15 **I. PLAINTIFF KEVIN DE LEÓN**

16 1. Plaintiff KEVIN DE LEÓN was and is, at all relevant times, an individual over the
17 age of eighteen residing in Los Angeles County, California

18 **II. DEFENDANTS**

19 2. SANTOS LEON was and is, at all relevant times, an individual over the age of
20 eighteen residing in Los Angeles County, California

21 3. KARLA VASQUEZ was and is, at all relevant times, an individual over the age of
22 eighteen residing in Los Angeles County, California

23 4. At all relevant times mentioned herein, the true names and capacities, whether
24 individual, corporate, associate or otherwise, of Defendant DOES 1 through 100 inclusive ("Doe
25 Defendants"), are currently unknown to Plaintiff, who therefore brings this action against these
26 Defendants by their fictitious names and capacities. Plaintiff is informed and believes and
27 thereupon alleges that each fictitiously named Defendant, whether acting for itself or as an agent,
28 corporation, association, or otherwise, is liable or responsible to Plaintiff and proximately caused

1 injuries and damages to Plaintiff as alleged herein. While at this time Plaintiff is unaware of the
2 true names and capacities of the DOE Defendants, Plaintiff will amend the Complaint to show the
3 names and capacities of DOES 1 through 100 when those identities have been ascertained.

4 **JURISDICTION AND VENUE**

5 5. Jurisdiction is proper in the Los Angeles County Superior Court of the State of
6 California pursuant to California Code of Civil Procedure § 410.10, because, among other reasons,
7 the Defendants’ negligent, illegal conduct and other related transactions and occurrences giving
8 rise to this Complaint, took place in substantial part in Los Angeles County, California; Plaintiff
9 resides in Los Angeles County, California.

10 6. Venue is proper in this County pursuant to Section 395(a) of the California Code
11 of Civil Procedure because the alleged wrongs occurred in this county.

12 **GENERAL ALLEGATIONS**

13 7. Plaintiff KEVIN DE LEÓN was an Assembly Member of the California State
14 Assembly from 2006 to 2010. Plaintiff represented the 22nd state senate district from 2010 to
15 2014, and the 24th state senate district from 2014 to 2018. He was President pro tempore of the
16 California State Senate from October 15, 2014 to March 21, 2018. In 2020, Plaintiff was elected
17 and currently serves on the Los Angeles City Council for Council District 14.

18 8. On or around October 18, 2021, Plaintiff KEVIN DE LEÓN met with Ron Herrera,
19 former President of the LA Fed in a private conference room at the LA Fed headquarters in Los
20 Angeles, California. Nury Martinez, the former Los Angeles City Council president, and Gilbert
21 Cedillo, former Council member, were also at the meeting.

22 9. Defendants surreptitiously recorded the conversation without Plaintiff’s knowledge
23 or consent.

24 10. On information and belief, Defendants were employees of the LA Fed or connected
25 with the LA Fed, and as such had access to the inner sanctum of one of the most powerful
26 organizations in the nation, and compromised a conference room where the meeting was held to
27 secretly record the conversation.

28

1 11. On information and belief, the meeting recordings are just a small portion of a much
2 larger set of secret recordings Defendants made at the LA Fed headquarters.

3 12. For 12 months the recordings of Plaintiff's conversation remained a secret.
4 Defendants uploaded the audio recordings to Reddit.com, a social news aggregator and discussion
5 website where users can anonymously upload content for other users to comment on.

6 13. On October 7, 2022, Plaintiff discovered the privacy violation when a Twitter
7 account alerted reporters and others to the existence and location of the recordings on Reddit. The
8 recordings were a matter of national media attention and spread perversely online. Plaintiff was
9 unaware of these recordings whatsoever until that time.

10 14. The release of the recordings was a textbook "October Surprise" designed to
11 kneecap Plaintiff's political integrity and character and inflict maximum damage on his reputation.

12 15. Los Angeles Police Department's Major Crimes Division investigated the felony
13 violation of California's eavesdropping law. Detectives issued several warrants focused on
14 identifying the individual Reddit and Twitter users connected to the recordings' provenance. Both
15 companies cooperated. Two years have passed since this crime was committed against Plaintiff,
16 but to date no arrests have been made.

17 **FIRST CAUSE OF ACTION**

18 **INVASION OF PRIVACY**

19 **(Pen. Code Sections 632 and 637.2**

20 **(As to all Defendants)**

21 16. Plaintiff KEVIN DE LEÓN hereby re-alleges and incorporates the preceding
22 paragraphs as though set forth in full herein;

23 17. All Defendants intentionally eavesdropped on and recorded Plaintiff KEVIN DE
24 LEÓN's conversation in a private conference room at the LA Fed headquarters by using an
25 electronic device;

26 18. Plaintiff KEVIN DE LEÓN had a reasonable expectation of privacy at the time that
27 the conversation was not being overheard or recorded;

28 19. At all times herein mentioned Defendants did not have the consent of all parties to

1 the conversation to eavesdrop on or record it;

2 20. Plaintiff KEVIN DE LEÓN was harmed as a direct and proximate result of these
3 recordings including but not limited to being the target of verbal assault, ethnic slurs, death threats,
4 being spat on, and permanent damage to his reputation and political future.

5 21. Defendants' conduct was a substantial factor in causing Plaintiff KEVIN DE
6 LEÓN's harm.

7 **SECOND CAUSE OF ACTION**

8 **NEGLIGENCE**

9 **(As to All Defendants)**

10 22. Plaintiff KEVIN DE LEÓN hereby re-alleges and incorporates the preceding
11 paragraphs as though set forth in full herein.

12 23. At all times herein mentioned, all Defendants, and each of them, had a duty to act
13 with reasonable care and in a reasonable manner free from surreptitious recordings and violations
14 of privacy.

15 24. Defendants breached this duty when they so negligently, carelessly, recklessly,
16 unlawfully and wantonly violated Plaintiff KEVIN DE LEÓN's privacy;

17 25. Defendants' negligence was a substantial factor in causing Plaintiff KEVIN DE
18 LEÓN's harm because the violation of Plaintiffs' privacy was the direct, legal and proximate
19 result of the illegal recordings; and

20 26. Plaintiff KEVIN DE LEÓN was harmed as a direct and proximate result of these
21 recordings including but not limited to being the target of verbal assault, ethnic slurs, death
22 threats, being spat on, and permanent damage to his reputation and political future.

23 **THIRD CAUSE OF ACTION**

24 **NEGLIGENCE PER SE**

25 **(As to All Defendants)**

26 27. Plaintiff KEVIN DE LEÓN hereby re-alleges and incorporates the preceding
27 paragraphs as though set forth in full herein.

28 28. At all times herein mentioned, All Defendants violated the legal standard under

1 Pen. Code Sections 632 and 637.2;

2 29. Defendants' violation of Pen. Code Sections 632 and 637.2 was a substantial factor
3 in causing Plaintiff KEVIN DE LEÓN's harm because the violation of Plaintiffs' privacy was the
4 direct, legal and proximate result of the illegal recordings;

5 30. The harm to Plaintiff KEVIN DE LEÓN was the type of harm the Pen. Code
6 Sections 632 and 637.2 seek to prevent, because those laws were designed to protect the right to
7 privacy;

8 31. Plaintiff KEVIN DE LEÓN was among those the statute was designed to protect,
9 because under California law, everyone has a right to privacy.

10 **PRAYER FOR RELIEF**

11 **WHEREFORE**, Plaintiff prays for judgment against Defendants, and each of them, and
12 for all damages to which Plaintiff may be entitled, including, but not limited to, the following:

- 13 1. Consequential damages;
- 14 2. Compensatory damages;
- 15 3. General damages;
- 16 4. Punitive Damages;
- 17 5. Pre-judgment and post-judgment interest as allowed by law; and
- 18 6. Such other and further legal and equitable relief as the Court deems just and
19 proper.

20 DATED: October 6, 2023

GERAGOS & GERAGOS, APC

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22 By: Kimberly Casper
23 Kimberly Casper
24 Attorneys for Plaintiff
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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury.

DATED: October 6, 2023

GERAGOS & GERAGOS, APC

By: *Kimberly Casper*
Kimberly Casper
Attorneys for Plaintiff