

1 Glenn A. Murphy (SBN: 255994)
2 LITIGATION & ADVOCACY GROUP
3 4215 Tierra Rejada Road, Suite 197
4 Moorpark, California 93021
Tel: (310) 743-6438

5 Attorneys for Plaintiff Charles Williams

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

MAR 09 2012

John A. Clarke, Executive Officer/Clerk
BY Rafaela Joliano Deputy

6
7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES
10

11
12 CHARLES WILLIAMS,

13 Plaintiff,

14 v.
15

16 BRUCE HANLEY; COVENANT,
17 INC.; EDWARD SAUCERMAN;
18 TITAN EMPIRE, INC.; STEPHEN
19 GONZALEZ; JANET HENSON; and
DOES 1 to 10,

20 Defendants.
21

) Case No. BC446304
)
)

) **SECOND AMENDED COMPLAINT**
)
)

) Dept.: 31
)

) Hon. Alan S. Rosenfield, Judge
)
)
)

22
23 1. This action is brought pursuant to California Civil Code §§ 51.7 and 52,
24 and for assault and intentional infliction of emotional distress against Defendants
25 Bruce Hanley, Covenant, Inc., Edward Saucerman, Titan Empire, Inc., Stephen
26 Gonzalez and Janet Henson and Does 1 to 10 (collectively "Defendants") from
27 actively discriminating against persons of African-American descent and causing
28 them personal physical injuries.

1 2. Plaintiff CHARLES WILLIAMS, an individual, is a qualified disabled
2 individual as provided in the California Civil Code and other statutory measures
3 which refer to the protection of the rights of physically disabled persons.

4 3. Defendant BRUCE HANLEY is, and at all times mentioned herein was,
5 an individual domiciled, doing business and otherwise present in the County of Los
6 Angeles, State of California.

7 4. Defendant COVENANT, INC. is, and at all times mentioned herein
8 was, a business or corporation or franchise organized and existing, and doing
9 business under the laws of the State of California. Plaintiff is informed and believes
10 and thereon alleges that Defendant Covenant, Inc. is, and at all times mentioned
11 herein was, owned, operated and controlled by Defendant Bruce Hanley.

12 5. Defendant EDWARD SAUCERMAN is, and at all times mentioned
13 herein was, an individual domiciled, doing business and otherwise present in the
14 County of Los Angeles, State of California.

15 6. Defendant TITAN EMPIRE, INC. is, and at all times mentioned herein
16 was, a business or corporation or franchise organized and existing, and doing
17 business under the laws of the State of California. Plaintiff is informed and believes
18 and thereon alleges that Defendant Titan Empire, Inc. is, and at all times mentioned
19 herein was, owned, operated and controlled by Defendant Edward Saucerman.

20 7. Defendant STEPHEN GONZALEZ is, and at all times mentioned
21 herein was, an individual domiciled, doing business and otherwise present in the
22 County of Los Angeles, State of California.

23 8. Defendant JANET HENSON is, and at all times mentioned herein was,
24 an individual domiciled, doing business and otherwise present in the County of Los
25 Angeles, State of California.

26 9. DOES 1 to 10, are individuals and business entities. DOES 1 to 10, are
27 responsible in some manner for the acts, omissions, courses of dealing and
28 occurrences herein alleged, and the damages herein alleged were actually and

1 proximately caused, in whole or part, by DOES 1 through 10. The true names and
2 capacities of DOES are unknown to Plaintiff at this time. DOES are therefore sued
3 as such fictitious names until their true identities can be ascertained.

4 10. Plaintiff Charles Williams (herein "plaintiff") is a seriously disabled
5 paraplegic, who has no use of his legs and must use a wheelchair to ambulate.
6 Plaintiff needs hand controls to drive an automobile. Due to plaintiff's disability his
7 reaction time in controlling an automobile is slower than non-disabled drivers.

8 11. In 2009, private investigator Bruce Hanley and his investigation firms,
9 Covenant, Inc. and Hanley Associates, and private investigator Edward Saucerman
10 (herein "defendants"), began investigating and conducting surveillance on plaintiff
11 in relation to a then pending disability discrimination lawsuit that plaintiff filed
12 against a corporate hotel franchisor, which was resolved by a jury verdict in
13 plaintiff's favor before this lawsuit was filed. Plaintiff is filing this lawsuit for
14 damages arising from defendants' conduct.

15 12. On or about July 20, 2009, plaintiff noticed defendants following him.
16 Plaintiff attempted to ignore defendants, but defendants kept getting closer and
17 becoming increasingly aggressive, demanding plaintiff's attention by making
18 middle finger and clenched fists hand gestures, while mouthing the words "f-you."
19 Defendants, who were pointing a camera and attempting to photograph plaintiff,
20 became more aggressive and physically intimidating the more plaintiff ignored
21 defendants. This was not careless driving by defendants, but rather was an attempt
22 to use an automobile to threaten, frighten and intimidate plaintiff, careless in doing
23 so, and improperly supervising persons, who at the time, were unknown to plaintiff.
24 Plaintiff Charles Williams was terrified, a result intended by defendants. Later,
25 plaintiff Charles Williams learned the identities of the defendants, and accordingly
26 has sued them for their wrongful and careless activities after he learned their
27 identities and therefore knew who to sue.

28 13. At all times herein mentioned, defendants were aware that plaintiff

1 Charles Williams was a disabled person, and that plaintiff Charles Williams was a
2 paraplegic who was seriously disabled, who had no use of his legs, and was
3 therefore unable to protect himself by running away, leaving the area, protecting
4 himself or otherwise avoiding any physical confrontation that could result in injury.
5 Defendants also knew that plaintiff Charles Williams had been a victim of violent
6 crime, was paralyzed as a result of violent crime, and accordingly would be terrified,
7 and feel threatened by aggressive and threatening violence directed at him.

8 14. Thereafter, on or about July 22nd, plaintiff was trying to cross the
9 street, while using a wheelchair which is the only way plaintiff can ambulate, when
10 defendants Hanley and Saucerman drove a car very fast at plaintiff, swerved at the
11 last second, then slammed on the brakes and blew the car horn while speeding by
12 plaintiff. Defendants' conduct was deliberately intended to and/or was careless in
13 that the conduct, and in fact did, terrify plaintiff; who was moving slowly across the
14 street in his wheelchair. Defendant pulled to the side of the road and got out of his
15 car after passing plaintiff, then stood in the street and was taking pictures of
16 plaintiff, sticking up his middle finger and mouthing the words "f-you" at plaintiff.
17 Plaintiff proceeded to his car and drove away. Fortunately, defendants did not
18 follow.

19 15. After this incident, that occurred on or about July 22nd, plaintiff parked
20 his car in the basement of his apartment building in fear that defendants would
21 actually run him down.

22 16. The next day, on or about July 23rd, plaintiff left the parking garage in
23 his building to go out for an appointment in his car. As plaintiff was turning right
24 on his street, plaintiff saw the same vehicle from the previous incident approaching
25 at a high rate of speed. The vehicle was a new black Nissan Xterra, with very dark
26 tinted side-windows, no license plate, and a paper sticker that appeared to be of the
27 type used on new automobiles. Since the front windshield of the vehicle was not
28 tinted plaintiff was able to spot defendant Bruce Hanley, who was pointing what

1 looked like a camera at plaintiff. Defendant drove his vehicle toward the left side
2 driver door of plaintiff's car, then started honking the horn, going on and off the
3 brakes and swerving very quickly to make his vehicle rock back and forth, as
4 defendant sped by plaintiff. Plaintiff's car was partly in the street so plaintiff
5 accelerated out the apartment driveway, thinking it was safer to leave then to stop
6 and risk violence from defendant. As plaintiff drove off he saw through the tint in
7 the back window of the vehicle that the device in defendant's hand was no longer
8 there. Plaintiff was rattled as he drove down the street so he decided to go around
9 the block, then return home and park in his garage. Plaintiff was going around the
10 block to return home when defendant Hanley once again came at plaintiff speeding,
11 rocking his vehicle and slamming on the brakes. Plaintiff turned left into an alley
12 directly adjacent to his apartment building to avoid a collision. Defendant turned his
13 vehicle left, to follow plaintiff down the alley. Defendant's vehicle narrowly missed
14 plaintiff's car as it ran up on the left side of plaintiff's car and swerved. Plaintiff
15 swerved then nearly collided with a parked car, and almost hit a woman walking
16 near the parked car. Fortunately, plaintiff missed both the parked car and the
17 woman, who appeared to be was very upset at plaintiff. Plaintiff or another innocent
18 person could have been seriously injured or killed when defendant Hanley literally
19 ran plaintiff off the road, all of which was a result of careless or intentional conduct,
20 and which it was is information known to defendant Hanley.

21 17. This event, combined with the other physical threats and careless
22 actions by defendants, including but not limited to physical threats made by
23 defendants in Long Beach, California, all left plaintiff extremely rattled and in fear
24 of his life.

25 18. At all times herein mentioned, defendant Hanley employed and had
26 working for him various persons, including defendants Edward Saucerman, Titan
27 Empire, Inc., Stephen Gonzalez, and Janet Henson, and all of these persons drove
28 automobiles and conducted themselves so as to threaten plaintiff Charles Williams,

1 and all of these activities were a direct and proximate result of the negligent failure
2 of defendant Hanley to properly supervise and train these employed defendants so
3 that they would conduct themselves properly and in accord with acceptable and
4 legal standards required of such employees. As a direct and proximate result of the
5 failure to supervise and the actions of defendants, and each of them, plaintiff was
6 injured as hereinafter alleged.

7 19. When in July 2009, while plaintiff Charles Williams was in fear for his
8 life, plaintiff went to the police department to report what occurred. Unfortunately,
9 since plaintiff did not know the names or identities of defendants, nor any license
10 plate number, the police stated there was nothing they could do. Plaintiff was told
11 by the police that if he saw the man or the vehicle again to call "911" immediately
12 and then they could investigate matters.

13 20. Since the police could not do anything, and plaintiff did not know the
14 names or identities of defendants at that time, and had no way to determine that
15 information, plaintiff returned home and since he was in a state of fear, plaintiff did
16 not go outside of his apartment for almost a week.

17 21. Defendants used the fact that plaintiff is a disabled quadriplegic who
18 uses a wheelchair to engaged in the acts alleged herein. Due to the acts or inactions
19 of defendants as alleged herein, plaintiff reasonably believes defendants are
20 extraordinarily aggressive, prone to physical threats of violence and intent on
21 committing physical violence directly against plaintiff.

22 **FIRST CAUSE OF ACTION**

23 **FOR VIOLATIONS OF THE UNRUH CIVIL RIGHTS ACT**

24 **[Cal. Civil Code § 51.7 and 52]**

25 22. Plaintiff hereby incorporates paragraphs 1 through 21, alleged
26 hereinabove as if fully alleged hereinbelow.

27 23. Plaintiff had the right to be free from any violence, or intimidation by
28 threat of violence, committed against his person or property on account of his

1 disability. Defendants violated said right by engaging in the acts alleged herein.

2 24. For acting or failing to act as herein alleged plaintiff is entitled to:
3 punitive damages against defendants in an amount to be determined by a jury; a civil
4 penalty of twenty-five thousand dollars (\$25,000) to be awarded against defendants
5 for each act or threat of violence alleged herein; and attorney's fees as may be
6 determined by the court.

7 **SECOND CAUSE OF ACTION**

8 **FOR ASSAULT**

9 25. Plaintiff hereby incorporates all paragraphs 1 through 21, alleged
10 hereinabove as if fully alleged hereinbelow.

11 26. Plaintiff had the right to live without being put in fear of personal harm,
12 and "the right of protection from bodily restraint or harm" under Civil Code § 43.
13 Defendants violated said rights by engaging in the acts alleged herein and causing
14 the anticipation of harm to occur to plaintiff.

15 27. By acting or failing to act as herein alleged plaintiff is entitled to
16 damages against defendants in an amount to be determined by the jury.

17 **THIRD CAUSE OF ACTION**

18 **FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

19 28. Plaintiff hereby incorporates all paragraphs 1 through 19, alleged
20 hereinabove as if fully alleged hereinbelow.

21 29. By acting or failing to act as herein alleged defendants engaged in
22 extreme and outrageous conduct with the intention of causing, or reckless disregard
23 of the probability of causing, plaintiff emotional distress.

24 30. By acting or failing to act as herein alleged defendants caused plaintiff
25 to suffer severe or extreme emotional distress as alleged herein.

26 31. Defendants' outrageous actions or inactions as herein alleged were the
27 actual and proximate cause of the emotional distress plaintiff suffered.

28 32. Due to defendants' conduct plaintiff is entitled to damages for

1 emotional distress to be determined by the jury.

2
3 **PRAYER FOR RELIEF**

4 **AS TO THE FIRST CAUSE OF ACTION**

- 5 1. For compensatory damages to be determined by the jury.
- 6 2. For emotional distress, physical injury other general damages in an
- 7 amount to be proven at the time of trial;
- 8 3. For a civil penalty of twenty-five thousand dollars (\$25,000) to be
- 9 awarded against each defendant for each act or threat of violence alleged herein;
- 10 4. For punitive damages;
- 11 5. For special/consequential damages, according to proof;
- 12 6. For interest at the legal rate;
- 13 7. For costs of suit, incurred herein; and
- 14 8. For such other and further relief as to the Court seems just and proper.

15 **AS TO THE SECOND CAUSE OF ACTION**

- 16 14. For emotional distress, physical injury other general damages in an
- 17 amount to be proven at the time of trial;
- 18 15. For special/consequential damages, according to proof;
- 19 16. For punitive damages;
- 20 17. For interest at the legal rate;
- 21 18. For costs of suit, incurred herein; and
- 22 19. For such other and further relief as to the Court seems just and proper.

23 **AS TO THE THIRD CAUSE OF ACTION**


- 24 20. For emotional distress, physical injury other general damages in an
- 25 amount to be proven at the time of trial;
- 26 21. For special/consequential damages, according to proof;
- 27 22. For punitive damages;
- 28 23. For interest at the legal rate;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

24. For costs of suit, incurred herein; and

25. For such other and further relief as to the Court seems just and proper.

Dated: March 5, 2012

By: 
Glenn A. Murphy
LITIGATION & ADVOCACY GROUP
Attorneys for Plaintiff Charles Williams

PROOF OF SERVICE

At the time of service I was over 18 years of age and not a party to this action. My business address is 4215 Tierra Rejada Road, Suite 197, Moorpark, California 93021.

On the date stated below, I served the following documents:

SECOND AMENDED COMPLAINT

I served the document(s) on the persons at the address as follows:

Michael B. Lawler, Esq.	Attorneys for defendants
Murchison & Cumming, LLP	Bruce Hanley, Covenant, Inc. and Hanley
801 South Grand Avenue, 9 th Floor	Associates Investigations
Los Angeles, CA 90017	

Keith G. Hunter, Esq.	Attorneys for defendant
Law Office of Craig A. Holtz	Edward Saucerman, Titan Empire, Inc.,
100 W Broadway, Suite 1150	Stephen Gonzalez and Janet Henson
Glendale, CA 91210	

The documents were served by the following means:

☐ (By **PERSONAL SERVICE**) I personally delivered the documents to the persons at the addresses listed above. For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office, between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence or business with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

☐ (By **OVERNIGHT DELIVERY**) I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons listed above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

☒ (By **U.S. MAIL**) I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses listed above and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

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

Dated: 3/5/2012



DECLARANT