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8 Attorney for Plaintiffs, AUDREY SHABBAS, et al.

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

11 AUDREY PARKS SHABBAS, VICTOR AJLOUNY,	)	
12 YIGAL ARENS, AMAL BARKOUKI-WINTER,	)	NO.
13 JEFFREY BLANKFORT, MANUEL DUDUM, COLIN	)	
14 EDWARDS, CAROL EL-SHAIEB, GEORGE GREEN,	)	<u>CLASS ACTION</u>
15 PAULA KOTAKIS, STEPHEN MASHNEY, HELEN	)	
16 HOOPER MCCLOSKEY, MARGARET ANN MCCORMACK,	)	<u>COMPLAINT</u>
17 DONALD MCGAFFIN, ANNE POIRIER, JOCK	)	[Invasion of
18 TAFT, MARIANNE TORRES and STEVE ZELTZER,	)	Privacy,
19 AGHA K. SAEED	)	California
	)	Constitution,
Plaintiffs,	)	Article I,
	)	Section 1;
v.	)	Civil Code
	)	\$1798.53;
ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH,	)	Civil Code
18 RICHARD HIRSCHHAUT, ROY BULLOCK, THOMAS	)	\$1798.56]
19 GERARD, and DOES ONE through TWO HUNDRED,	)	
	)	
Defendants.	)	

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21 Plaintiffs complain of Defendants and allege as
22 a cause of action for invasion of privacy as follows:

23 THE PARTIES

24 1. Plaintiffs are citizens and residents of the
25 State of California, or at the times hereinafter mentioned,
26 were citizens of the State of California and entitled to
27 privacy under Article I, Section 1 of the Constitution of the
28 State of California.

1 2. Defendant, ANTI-DEFAMATION LEAGUE OF B'NAI
2 B'RITH (ADL), is a non-profit corporation with business
3 offices in the City and County of San Francisco. Plaintiffs
4 are informed that ADL has been granted a federal income tax
5 exemption by reason of its claim that it is organized and
6 operates solely for religious and educational purposes.

7 3. Defendant RICHARD HIRSCHHAUT is the Director of
8 ADL's office in San Francisco.

9 4. Defendant ROY BULLOCK has been paid by Defendant
10 ADL to secretly gather information on California citizens for
11 the past 32 years. Defendant BULLOCK resides in the City and
12 County of San Francisco.

13 5. Defendant TOM GERARD was employed between 1985
14 and 1992 by the Police Department of the City of San
15 Francisco; Plaintiffs are informed and believe Defendant
16 GERARD in the actions hereinafter described was acting outside
17 the scope of his official and/or authorized capacity as a
18 police officer.

19 6. Plaintiffs are informed and believe that in the
20 actions herein described Defendants DOES ONE through TWO
21 HUNDRED were each acting as a principal or agent of Defendants
22 ADL, HIRSCHHAUT, BULLOCK or GERARD in a massive spying
23 operation which constituted an invasion of Plaintiffs'
24 privacy; Plaintiffs are unaware of the true names and
25 capacities of said Defendants DOE and pray leave to amend this
26 Complaint and insert such names and capacities when they may
27 be ascertained.

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CLASS ACTION ALLEGATIONS

7. Plaintiffs bring this action on each of his or her own behalf and on behalf of all persons similarly situated. The class of persons Plaintiffs represent includes past or present citizens of California about whom Defendants have secretly gathered information, including information from state and federal agencies, thereafter disclosing such information to individuals and entities with no compelling need to know such information. Plaintiffs are informed and believe that Defendants have singled out Plaintiffs and individuals in Plaintiffs' class for collection of personal information because of Plaintiffs' expressed views in opposition to (1) apartheid in South Africa and/or (2) Israeli policies, particularly in the occupied territories. The persons in this class upon whom information has been collected are so numerous, consisting of an estimated 12,000 individuals, that the joinder of all such persons is impracticable and the disposition of their claims in a class-action is a benefit to the parties and to the Court.

8. Plaintiffs are informed and believe that for many years, in the City and County of San Francisco, the Defendants secretly gathered or caused to be gathered personal information about Plaintiffs and thereafter intentionally disclosed such information about each of Plaintiffs, not otherwise public, which Defendants knew or should reasonably have known, was obtained from personal information maintained by a state agency or from records within a system of records maintained by a federal agency, in violation of California

1 Civil Code Section 1798.53; the persons and entities to whom
2 Defendants disclosed such information had no compelling need
3 to know such information; Defendants and each of them
4 concealed their invasions of Plaintiffs' individual privacy
5 until within the past year, when the same was disclosed by
6 investigations conducted by the San Francisco Police
7 Department and District Attorney's Office.

8 9. Plaintiffs are further informed and believe that
9 Defendants willfully requested or obtained records containing
10 information about Plaintiffs from a government agency under
11 false pretenses in violation of Civil Code §1798.56.

12 10. There is a well-defined community of interest
13 in the questions of fact and law involved affecting the
14 parties to be represented in that the issues all involve what
15 Plaintiffs are informed and believe was a conspiracy between
16 Defendants ADL, HIRSCHHAUT, BULLOCK, GERARD and DOES ONE
17 through TWO HUNDRED to secretly gather information about
18 members of the class from government agencies and to disclose
19 such information to persons and organizations, including the
20 governments of Israel and South Africa, with no compelling
21 need to know such information. Proof of these common facts
22 will establish the right of each member of the class to
23 recover damages. The claims of the named Plaintiffs are
24 typical of those of the class and Plaintiffs will fairly and
25 adequately represent the interests of the class.

26 11. Plaintiffs are informed and believe that one of
27 the purposes of Defendants was to disclose such information
28 throughout the United States in a manner to discredit

11 Plaintiffs; in many cases Defendants have disclosed
12 information about individual Plaintiffs in order to discredit
13 such Plaintiffs and cause them loss of reputation, jobs or
14 economic benefit.

15 12. The aforesaid actions by Defendants have caused
16 damages to each Plaintiff. Plaintiffs are informed and
17 believe that Defendants' actions were performed with the
18 intent to injure Plaintiffs and/or a conscious disregard of
19 the rights of each Plaintiff, and justify an award of punitive
20 damages in an amount within the jurisdiction of this Court.

21 13. There is no plain, speedy or adequate remedy
22 other than by maintenance of this class action since
23 Plaintiffs are informed and believe that the damage to each
24 Plaintiff may be relatively small, making it economically
25 infeasible to continue to pursue remedies other than a class
26 action. Consequently there would be a failure of justice but
27 for the maintenance of the present class action.

28 WHEREFORE, Plaintiffs and each of them prays
judgment against Defendants and each of them:

1. For actual general and special damages according
to proof;

2. For exemplary damages, in a sum of not less than
\$2,500, pursuant to Civil Code 1798.53 in those cases where
the disclosed information was obtained from government files
or records not otherwise public;

3. For attorneys' fees and other litigation costs
reasonably incurred in this action; and

4. Such other relief as may be appropriate.

Dated: April 13, 1993.

Paul N. McCloskey, Jr.
PAUL N. MCCLOSKEY, JR.
Attorney for Plaintiffs

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VERIFICATION

I declare that I am one of the Plaintiffs in the above-entitled action; that I have read the foregoing COMPLAINT for Invasion of Privacy and know its contents. I declare that the matters stated in the foregoing document are true of my own knowledge, except as to the matters which are stated on information or belief and as to those matters I believe them to be true.

Executed on the 13 day of April, 1993, at Menlo Park, California.

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


AUDREY PARKS SHABBAS