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Attorney for Plaintiff
DADA HOSPITALITY, LLC

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DADA HOSPITALITY, LLC,

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Case No.

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**COMPLAINT FOR
DAMAGES, INJUNCTIVE
AND DECLARATORY
RELIEF**

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Plaintiff,

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**[Violation of Federal
Civil Rights - 42 U.S.C.
Section 1983]**

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vs.

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DEMAND FOR JURY TRIAL

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COUNTY OF SAN BERNARDINO, a
municipal corporation; SAN BERNARDINO
COUNTY FIRE PROTECTION DISTRICT;
COUNTY OF SAN BERNARDINO
SHERIFF'S DEPARTMENT; GREG
BEACH ; AND DOES 1 THROUGH 10
INCLUSIVE,

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Defendants.

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2 Plaintiff DADA HOSPITALITY, LLC ("Plaintiff," "DADA") hereby files the
3 following Complaint and states and alleges as follows:
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5 **JURISDICTION AND VENUE**

6 1. Jurisdiction of the federal court exists pursuant to 28 U.S.C. Section
7 1331 and 28 U.S.C. Section 1343 (a)(3). This action, which arises under the laws and
8 Constitution of the United States, specifically, the Fourth, Fifth and Fourteenth Amendments
9 of the United States Constitution, and involves violations of federal law actionable pursuant
10 to 42 U.S.C. Section 1983.
11

12 2. Venue is proper in this District pursuant to 28 U.S.C. Section 1391(b)
13 in that Defendants COUNTY OF SAN BERNARDINO, a municipal corporation; SAN
14 BERNARDINO COUNTY FIRE PROTECTION DISTRICT; and the COUNTY OF SAN
15 BERNARDINO SHERIFF'S DEPARTMENT ("Defendants," or "County," "FD," "SD"), are
16 public entities in this District and the claims arose in this District.
17

18 **PARTIES**

19 3. Plaintiff is the legal and beneficial owner of real property which
20 operates as a motel commonly known as MOUNTAIN INN located at 2289 S. Mountain
21 Avenue, Ontario, CA 91762 ("Motel").
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23 4. Plaintiff is a California limited liability company formed and
24 operating under the laws of the State of California
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26 5. The County is a municipal corporation formed and operating under its
27 local charter and the laws of the State of California.
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2 6. The FD is a County agency and all hazard emergency services provider
3 that provides fire and emergency medical services with professional firefighters in addition to
4 many specialized services.

5 .7. The SD is a County agency that provides law enforcement services for
6 the County. GREG BEACH ("GB") is the Assistant Fire Marshal of the FD.
7

8 8. The true names and capacities, whether individual, corporate, associate
9 or otherwise, herein named as DOES 1 through 10, and persons heretofore unknown involved
10 in the actions taken against plaintiff are unknown to him at this time. Plaintiff is informed and
11 believes and based thereon alleges that each of the DOE defendants are responsible in some
12 manner for the occurrences herein referred to, and that plaintiff's injuries and damages as herein
13 alleged were proximately caused by those defendants. Plaintiff sues said defendants by such
14 fictitious names on the grounds that the true names and capacities of said defendants are
15 unknown to them at this time. Plaintiff will amend this complaint when the true names and
16 capacities of said DOE defendants are ascertained. Each reference in this complaint to
17 "defendant", "defendants" or a specifically named defendant also refers to defendants sued
18 under fictitious names.
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21 **PRELIMINARY FACTUAL HISTORY**

22 9. On August 8, 2021, the defendants, and each of them, came onto the motel
23 without plaintiff's consent or a warrant and searched and then seized and closed a portion of
24 the motel, including a motel unit, for hours, that in the process destroyed the motel unit
25 searched, claiming to be looking for illegal drugs.
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2 10. As a result of the actions taken by the defendants set forth in paragraph 9 above, the
3 motel unit searched was closed by the defendants, once again without plaintiff's consent or a
4 warrant, closed the unit to the public.

5 11. On August 10, 2021, the defendants GB and FD sent a letter to plaintiff demanding
6 payment as costs of \$1,620.00 in costs for the actions set forth in paragraph 9 above.
7

8 12. No appeal hearing of the defendant's search and seizure of the motel and motel unit
9 was ever provided by the defendants, and on August 20, 2021, the plaintiff by letter delivered
10 to the FD and GB, formally demanded an appeal from the FD and GB of the cost recovery
11 demand and objected to the the actions set forth in paragraphs 9-11 above
12

13 13. The FD and GB to date have failed and refused to provide an appeal hearing to
14 plaintiff as demanded and set forth in paragraph 12 above, claiming and informing plaintiff
15 that no appeal was required and that the costs must be paid pursuant to state and County
16 statute and ordinance; being San Bernardino County Fire Code section 50, County Ordinance
17 No. FPD-20-01, and California Health and Safety Code section 13009.6(a)(1) and 101325, and
18 pursuant to these statutes and ordinances demanded payment of \$1,620.00 within 30 days of
19 the August 10, 2021 letter, threatening legal action if such costs were not paid.
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21 14. As a result of the actions taken by FD and GB set forth in paragraphs 11-13 above,
22 FD and GB recorded an administrative lien on the motel without providing a hearing or
23 obtaining a court order.
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2 Based on the above facts, plaintiff alleges the following claims:

3 **FIRST CLAIM FOR RELIEF**

4 (Violation of Civil Rights Under 42 U.S.C. Section 1983

5 by Plaintiff Against All Defendants)

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7 15. Plaintiff realleges and incorporates herein by reference to each and every
8 allegation contained in Paragraphs 1 through 14, and all its subparts, inclusive, as set forth
9 hereinabove.

10 16. Plaintiff is nformed and believes, and based upon such information and belief
11 alleges, that in doing all of the things herein mentioned, the defendants, and each of them,
12 acted under color of the statutes, regulations, customs and usages of the County of San
13 Bernardino, and the State of California for purposes of "state action" and "color of law" under
14 42 U.S.C. Section 1983.
15

16 17. Plaintiff is further informed and believes, and based upon such information and
17 belief allege, that by taking the actions hereinabove alleged in paragraphs 1-14 above, the
18 defendants, and each of them, violated and further threaten to violate the constitutional and
19 civil rights of plaintiff, in particular its individual rights under the Fourth and Fourteenth
20 Amendments of the United States Constitution to be free from to be free from an unreasonable
21 search and seizure of its property, both on its face and as applied to plaintiff; and further
22 violated and threatens to violate under the Fifth Amendment and Fourteenth Amendments of
23 the United States Constitution the Takings Clause; further violated and ththreaten to violate its
24 individual rights under the substantive and procedural components of the Due Process Clause
25 of the Fourteenth Amendment.
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2 18. The defendants actions described in paragraphs 1-14 above were done pursuant
3 to official policy, custom, or practice of the County, FD and SB, and GB and the individual
4 defendants are not entitled to qualified immunity..

5 19. As a proximate result of the foregoing acts of defendants, and each of them,
6 plaintiff has suffered extreme hardship and damages, which damages include, but is not
7 limited to, economic damages, according to proof at trial, but no less than \$1,000,000.00; and
8 to appropriate declaratory and injunctive relief, against all the defendants, and to its reasonable
9 attorneys fees under 42 U.S.C. section 1988.
10

11 WHEREFORE, Plaintiff prays judgment against Defendants, and each of them, as
12 follows:
13

14 **FIRST CLAIM FOR RELIEF**

- 15 1. For damages according to proof at trial;
16 2. For appropriate declaratory and injunctive relief,
17 3. For attorney's fees pursuant to 42 U.S.C. Section 1988;,
18 4. For costs of suit; and
19 5. For such other and further relief as the Court deems just and proper.
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21 DATED: August 7, 2023

LAW OFFICES OF FRANK A.
WEISER

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24 By: Frank A. Weiser
25 FRANK A. WEISER, Attorney for
26 Plaintiff DADA HOSPITALITY, LLC
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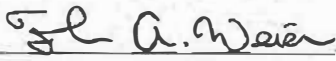
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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial pursuant to F.R.C.P. 38.

DATED: August 7, 2023

LAW OFFICES OF FRANK A.
WEISER

By: 
FRANK A. WEISER, Attorney for
Plaintiff DADA HOSPITALITY, LLC