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9 Attorneys for Plaintiffs
10 MICHIKO SHIOTA GINGERY, KOICHI MERA, and
GAHT-US CORPORATION
11

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**
14

15 MICHIKO SHIOTA GINGERY, an
individual, KOICHI MERA, an
16 individual, GAHT-US Corporation, a
California non-profit corporation,
17

18 Plaintiffs,

19 v.

20 CITY OF GLENDALE, a municipal
corporation, SCOTT OCHOA, in his
21 capacity as Glendale City Manager,
22

23 Defendants.
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Case No. 2:14-cv-1291

**COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

1 Plaintiffs Michiko Shiota Gingery, Koichi Mera and GAHT-US Corporation
2 (“GAHT”), allege as follows:

3 **JURISDICTION**

4 1. This action arises under, *inter alia*, 42 U.S.C. § 1983; the foreign
5 affairs powers of the United States, U.S. Const. art. II, sec. 1, cl. 1; sec. 2, cl. 1;
6 sec. 2, cl. 2; and sec. 3; and the Supremacy Clause, U.S. Constitution, art. VI, cl. 2.
7 This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and
8 1343(a)(3), and the power to grant declaratory and injunctive relief under 28
9 U.S.C. §§ 2201 and 2202. This Court also has supplemental jurisdiction under 28
10 U.S.C. § 1367 over all claims that are so related to claims in the action within
11 original jurisdiction such that they form part of the same case or controversy.

12 2. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b)
13 because the conduct complained of occurred, is occurring, and/or will continue to
14 occur in Glendale, California, within this judicial district. Defendant City of
15 Glendale (“Glendale”) maintains its offices in Glendale, California. Defendant
16 Scott Ochoa (“Ochoa”), who is sued in his official capacity as the City Manager of
17 Glendale, maintains his offices in Glendale, California.

18 **NATURE OF THE ACTION**

19 3. Plaintiffs seek injunctive and declaratory relief relating to the
20 presence of a monument authorized by Glendale and Ochoa and condemning the
21 nation of Japan for its involvement with and treatment of what have come to be
22 known as “comfort women.” The monument is located on public land in a publicly
23 owned park in Glendale known as Central Park, located at 201 South Colorado St.,
24 Glendale, CA 91205 (the “Public Monument”). Plaintiffs seeks this relief on the
25 grounds that the Public Monument exceeds the power of Glendale, infringes upon
26 the federal government’s power to exclusively conduct the foreign affairs of the
27 United States, and violates the Supremacy Clause of the U.S. Constitution.

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1 Gingery suffers feelings of exclusion, discomfort, and anger because of the
2 position espoused by her city of residence through its display and endorsement of
3 the Public Monument. Gingery would like to use Glendale's Central Park and the
4 Adult Recreation Center located within Central Park. But she now avoids doing so
5 because she is offended by the Public Monument's pointed expression of
6 disapproval of Japan and the Japanese people. In addition, the presence of the
7 Public Monument diminishes Gingery's enjoyment of the Central Park and its
8 Adult Recreation Center.

9 7. Plaintiff GAHT-US Corporation ("GAHT-US") is a non-profit public
10 benefit corporation organized under the laws of the State of California. The
11 purpose of GAHT-US is to provide accurate and fact-based educational resources
12 to the public in the U.S., including within California and Glendale, concerning the
13 history of World War II and related events, with an emphasis on Japan's role.
14 GAHT-US has undertaken this goal in an effort to enhance a mutual historical and
15 cultural understanding between and among the Japanese and American people.
16 Given its mission, GAHT-US believes that the Public Monument advances an
17 unfairly biased portrayal of the Japanese government's purported involvement with
18 comfort women during the Second World War. Individual members of GAHT-US
19 reside in Glendale and nearby cities. GAHT-US's members suffer feelings of
20 exclusion, discomfort, and anger by the continued presence of the Public
21 Monument, and the controversial and disputed stance on the debate surrounding
22 comfort women that it perpetuates. Although GAHT-US members would like to
23 use Glendale's Central Park and its Adult Recreation Center, they no longer intend
24 to do so as a result of their distress due to the Public Monument. In addition, the
25 presence of the Public Monument diminishes GAHT-US members' enjoyment of
26 the Central Park and its Adult Recreation Center.

27 8. Plaintiff Koichi Mera ("Mera") is a Japanese-American resident of the
28 City of Los Angeles and the President of GAHT-US. Mera disagrees with and is

1 offended by the position espoused by Glendale through the Public Monument and
2 its pointed condemnation of the Japanese people and government. Although Mera
3 would like to use Glendale's Central Park and its Adult Recreation Center, as a
4 result of his alienation due to the Public Monument, he avoids doing so. In
5 addition, the presence of the Public Monument diminishes Mera's enjoyment of
6 the Central Park and its Adult Recreation Center.

7 9. Defendant Glendale is a political subdivision of the State of California
8 operating under a charter authorized by the State of California that empowers it to
9 pass lawful ordinances and to govern and administer municipal activities within
10 Glendale's city limits, with authority to be sued in its own name. Glendale's
11 governing authority consists of city council, composed of five city council
12 members (the "City Council"), one of whom also serves as the mayor. The City
13 Council makes policy decisions for Glendale, including decisions regarding the use
14 of public lands.

15 10. At all relevant times hereto, defendant Ochoa has been the duly
16 appointed City Manager of Glendale with supervisory responsibility over the day-
17 to-day administration of Glendale's various departments and staff, including but
18 not limited to Glendale's Department of Community Services and Parks,
19 Department of Public Works, Department of Community Development, and
20 Department of Management Services; these departments in one or another manner
21 are involved in the management and operation of Central Park and/or the Public
22 Monument. Ochoa effectively acts as, and is publicly held out to operate as,
23 Glendale's Chief Executive Officer. At all relevant times with respect to the
24 Public Monument, Ochoa acted under color of state law and with the power and
25 authority granted to him by the State of California and Glendale to deprive
26 Plaintiffs of their federal constitutional rights, for which Plaintiffs seek injunctive
27 and declaratory relief.

28

1 **FACTUAL BACKGROUND**

2 **Glendale’s Public Monument**

3 11. At a Special Meeting on July 9, 2013, the City Council approved the
4 installation of the Public Monument, described as “a Korean Sister City ‘Comfort
5 Woman’ Peace Monument,” on a substantial portion of public land immediately
6 adjacent to the Adult Recreation Center Plaza in Central Park. The Public
7 Monument was unveiled 21 days later, on July 30, 2013. The Public Monument is
8 a 1,100-pound bronze statue of a young girl in Korean dress sitting next to an
9 empty chair with a bird perched on her shoulder. Integral to and alongside the
10 statue is a permanent bronze plaque that reads:

11 I was a sex slave of Japanese military

- 12 • Torn hair symbolizes the girl being snatched from her
- 13 home by the Imperial Japanese Army.
- 14 • Tight fists represent the girl’s firm resolve for a
- 15 deliverance of justice.
- 16 • Bare and unsettled feet represent having been abandoned
- 17 by the cold and unsympathetic world.
- 18 • Bird on the girl’s shoulder symbolizes a bond between us
- 19 and the deceased victims.
- 20 • Empty chair symbolizes survivors who are dying of old
- 21 age without having yet witnessed justice.
- 22 • Shadow of the girl is that of an old grandma, symbolizing
- 23 passage of time spent in silence.
- 24 • Butterfly in shadow represents hope that victims may
- 25 resurrect one day to receive their apology.

26 Peace Monument

27 In memory of more than 200,000 Asian and Dutch
28 women who were removed from their homes in Korea,

1 China, Taiwan, Japan, the Philippines, Thailand,
2 Vietnam, Malaysia, East Timor and Indonesia, to be
3 coerced into sexual slavery by the Imperial Armed
4 Forces of Japan between 1932 and 1945.

5
6 And in celebration of proclamation of “Comfort Women
7 Day” by the City of Glendale on July 30, 2012, and of
8 passing of House Resolution 121 by the United States
9 Congress on July 30, 2007, urging the Japanese
10 Government to accept historical responsibility for these
11 crimes.

12
13 It is our sincere hope that these unconscionable violations
14 of human rights shall never recur.

15
16 July 30, 2013.

17 12. No other monuments are present in this area of Central Park and, upon
18 information and belief, no other permanent markers may be placed there without
19 approval of the City Council.

20 13. Glendale exercises exclusive custody and control of Central Park and
21 the Public Monument, and upon information and belief, provides all necessary
22 maintenance services for the Public Monument.

23 **The Historical Background Of The Debate Concerning Comfort Women**

24 14. During World War II and the decade leading up to it, an unknown
25 number of women from Japan, Korea, China, and a number of nations in Southeast
26 Asia, were recruited, employed, and/or otherwise acted as sexual partners for
27 troops of the Japanese Empire in various parts of the Pacific Theater of war. These
28

1 women are often referred to as comfort women, a loose translation of the Japanese
2 word for prostitute.

3 15. Beginning in the 1980s, a dispute arose between South Korea and the
4 government of Japan concerning the hardships experienced by Korean comfort
5 women and whether the Japanese government forcefully recruited comfort women.

6 16. Officials of the Japanese government assert that the Japanese military
7 and Japanese Imperial government were not responsible for or directly involved in
8 the recruitment of comfort women, and that private firms and individuals
9 undertook the recruitment.

10 17. Other governments, including that of South Korea, claim that comfort
11 women were recruited by and/or forced into sexual slavery by the Imperial
12 Japanese government and/or officials of the Japanese military.

13 18. The debate concerning historic responsibility for the comfort women
14 camps has been a significant and ongoing source of tension in recent decades
15 between Japan and South Korea, both of which are critical American allies.
16 Disagreements concerning responsibility for comfort women are a major
17 impediment to improved present-day relations between Japan and South Korea,
18 which are less than cordial.

19 **Efforts By Japan and South Korea To Address The Dispute**

20 19. After some years of controversy regarding the Japanese Imperial
21 Government's alleged involvement with comfort women, in 1995 Japan
22 established the Asian Women's Fund to distribute compensation to former comfort
23 women in South Korea, the Philippines, Taiwan, the Netherlands, and Indonesia,
24 and to provide them with letters of apology from the Prime Minister of Japan.

25 20. Nonetheless, several governments, including the government of South
26 Korea, have continued to demand that Japan take additional steps to redress
27 grievances relating to comfort women.

28

1 21. The Japanese government asserts that all World War II-related claims
2 against Japan, including those related to comfort women, were resolved by the
3 Treaty of Peace signed in San Francisco by Japan, the United States, and 47 other
4 allied nations in 1951 (the “Treaty of San Francisco”), the Treaty on Basic
5 Relations between Japan and the Republic of Korea dated June 22, 1965, and/or
6 the Agreement on the Settlement of Problems Concerning Property and Claims and
7 on Economic Co-operation between Japan and the Republic of Korea also dated
8 June 22, 1965 (the “Settlement Agreement”).

9 22. Article 4(a) of the Treaty of San Francisco provides that claims of
10 Korean and Chinese nationals relating to Japan’s wartime conduct, including issues
11 related to comfort women, are to be addressed through government-to-government
12 negotiations between Japan and each of those countries.

13 23. Article 2(1) of the Settlement Agreement provides that the “problem
14 concerning property, rights and interests of the two Contracting Parties [*i.e.*, Japan
15 and South Korea] and their nationals (including juridical persons) and concerning
16 claims between the Contracting Parties and their nationals . . . is settled completely
17 and finally.”

18 24. In December 2011, Japanese Prime Minister Yoshihiko Noda and
19 South Korean President Lee Myung-bak held talks in Kyoto, Japan in an effort to
20 improve bilateral relations between the two neighboring countries. The
21 discussions terminated when President Lee pressed Prime Minister Noda to take
22 additional responsibility for Korean comfort women. Plaintiffs are informed and
23 believe that no further discussions between Japan and South Korea have since
24 taken place.

25 Glendale’s Installation Of The Public Monument

26 25. Glendale has established a Glendale Sister Cities program to initiate
27 ongoing communication and “promote[] interest and good will” between and
28 among Glendale and its Sister Cities. As of March 2009, Glendale had six Sister

1 City partnerships: Higashiosaka, Japan; Hiroshima, Japan; Tlaquepaque, Mexico;
2 Rosarito, Mexico; Ghapan, Armenia; and Goseong City, the Republic of Korea.

3 26. On September 6, 2011, the City Council instructed Glendale's
4 Community Services and Parks staff to explore the possibility of dedicating a
5 portion of public land within Glendale for acceptance and installation of
6 memorials, monuments, and/or artifacts representative of Glendale's sister city
7 partners.

8 27. On March 26, 2013, the City Council voted to dedicate a plot of
9 public land within Central Park and adjacent to the Adult Recreation Center Plaza
10 for the purpose of sister city-related monuments and memorials.

11 28. In the spring and summer of 2013, a proposal was made to place a
12 statue in Central Park dedicated to comfort women. During that period, the City
13 Council received hundreds of letters and emails in opposition to the installation of
14 the monument, almost entirely from residents and interested persons of Japanese
15 ancestry.

16 29. At a July 9, 2013 Special Meeting the City Council considered and
17 approved a motion to install the Public Monument, described as a "Korean Sister
18 City 'Comfort Women' Peace Monument," on public land within Central Park.
19 The report recommending approval of the installation of the Public Monument,
20 submitted to the City Council in conjunction with the motion, included a schematic
21 diagram depicting the proposed statue and its location. The inclusion of the
22 motion to approve installation of the Public Monument in the Special Meeting
23 agenda was submitted to and approved by Ochoa.

24 30. The schematic diagram of the proposed statue did not include any
25 mention of, or reference to, the text of the plaque that currently is part of the Public
26 Monument. During the Special Meeting, City Council Member Ara Najarian
27 asked Glendale Community Relations Coordinator Dan Bell whether the statue
28 would be accompanied by a plaque and, if so, its inscription. Mr. Bell advised the

1 City Council that the plaque would say that it was “commemorating and in honor
2 of the comfort women.” Mr. Bell made no mention of the text of the plaque that
3 ultimately was installed as part of the Public Monument.

4 31. During the Special Meeting, numerous individuals, including
5 Japanese-Americans, publicly opposed and condemned the proposed installation of
6 the statue, arguing that the comfort women issue is a matter of current diplomatic
7 communications between South Korea and Japan, and the disputed view advanced
8 by the South Korean government on comfort women.

9 32. Notwithstanding the numerous objections voiced at the Special
10 Meeting, the City Council approved the installation of the “Korean Sister City
11 ‘Comfort Women’ Peace Monument” “as shown and described in the Report to
12 Council dated July 9, 2013” by a vote of 4 to 1. Glendale Mayor Dave Weaver,
13 who voted against installation of the Public Monument, later explained in a letter
14 to Yoshikazu Noda, Mayor of Higashiosaka, Japan (a Glendale sister city) that the
15 dispute over comfort women “is an international one between Japan and South
16 Korea and the City of Glendale should not be involved on either side.”

17 33. Three weeks after the City Council’s approval, on July 30, 2013, the
18 1,100 pound bronze Public Monument was unveiled in Central Park. As described
19 above, the statue was accompanied by a plaque accusing the Japanese government
20 of “coerc[ing]” more than 200,000 women “into sexual slavery,” and “urging the
21 Japanese Government to accept historical responsibility for these crimes,” which it
22 labels an “unconscionable violations of human rights.” The City Council never
23 voted to approve the language included on the plaque.

24 34. Following the Public Monument’s installation, at the July 30, 2013
25 Meeting of the City Council, Glendale City Council Member Laura Friedman
26 commented: “We really put the city of Glendale on the international map today by
27 doing this.”
28

1 35. The installation of the Public Monument prompted opponents of the
2 Public Monument to commence a petition to compel its removal. The petition,
3 posted on President Barack Obama’s website “We The People” in late 2013,
4 quickly received more than 108,000 signatures.

5 **The Japanese Government’s Reaction To The Public Monument**

6 36. Glendale’s decision to install the Public Monument has elicited
7 numerous unfavorable reactions from the Japanese government.

8 37. On July 24, 2013, Kuni Sato, the press secretary of the Japanese
9 Ministry of Foreign Affairs, expressed Japan’s official displeasure, remarking that
10 installation of the Public Monument “does not coincide with our understanding” of
11 the comfort women dispute.

12 38. On July 25, 2013, Yoshikazu Noda, the Mayor of Glendale’s sister
13 city, Higashiosaka, Japan, advised the City Council that the installation of the
14 Public Monument was “an extremely deplorable situation and the people of
15 Higashiosaka are hurt at a decision made by [Glendale] city to install a comfort
16 woman monument.”

17 39. On July 31, 2013, Kenichiro Sasae, Japanese Ambassador to the
18 United States, declared that Glendale’s action is “irreconcilable” with the position
19 of the Government of Japan and is “highly regrettable.”

20 40. On July 31, 2013, Mr. Yoshihide Suga, Japan’s Chief Cabinet
21 Secretary, described Glendale’s decision to install the Public Monument as
22 “extremely regrettable.” He added that Glendale’s action “conflicts with the
23 [Japanese] government’s view that the issue of the comfort women should not be
24 part of any political or diplomatic agenda.”

25 41. On August 13, 2013, Japanese Prime Minister Shinzo Abe stated that
26 he was “extremely dissatisfied” with the installation of the Public Monument.

27 42. On January 16, 2014, after being denied a request to meet with
28 Glendale’s Mayor and City Council, an association of 321 local Japanese

1 government legislators submitted an official letter to Glendale, protesting the
2 Public Monument's installation "in the strongest terms" and requesting "that the
3 statue be removed immediately." The letter advised Glendale that "the distorted
4 view of history that the statue represents . . . will surely jeopardize world peace and
5 the possibility of a bright future for our children."

6 **The Executive Branch's Foreign Policy Position On Comfort Women**

7 43. The Executive Branch of the United States, which has primary
8 authority over the direction and conduct of U.S. foreign affairs, consistently has
9 sought to avoid having the United States become embroiled in the contentious
10 historical debate concerning comfort women between its two most important East
11 Asian allies.

12 44. For example, on May 8, 2001, the United States filed a Statement of
13 Interest in connection with a lawsuit brought by 15 former comfort women against
14 Japan entitled *Joo v. Japan*, United States District Court for the District of
15 Columbia, Case No. 1:00-cv-02233-HHK. That Statement of Interest warned that
16 addressing the comfort women issue in the United States could disrupt Japan's
17 "delicate" relations with China and Korea, thereby creating "serious implications
18 for stability in the region."

19 45. Based upon the Statement of Interest, the United States Court of
20 Appeal for the District of Columbia Circuit dismissed the *Joo* case as presenting
21 nonjusticiable political questions, holding that "choosing between the interests of
22 two foreign states . . . would adversely affect the foreign relations of the United
23 States."

24 46. The United States continues to encourage resolution of the comfort
25 women issue between Japan and its neighbors through government-to-government
26 negotiations. During a January 7, 2013 press briefing, White House Spokesperson
27 Victoria Nuland reported that the Administration "continue[s] to hope that the
28 countries in the region can work together to resolve their concerns over historical

1 issues in an amicable way and through dialogue. As you know, we have no closer
2 ally than Japan. We want to see the new Japanese Government, the new South
3 Korean Government, all of the countries in Northeast Asia working together and
4 solving any outstanding issues, whether they are territorial, whether they're
5 historic, through dialogue.”

6 47. During a trip to Seoul, South Korea in February 2014, U.S. Secretary
7 of State John Kerry said: “It is up to Japan and [South Korea] to put history behind
8 them and move the relationship forward. And it is critical at the same time that we
9 maintain robust trilateral cooperation.” “We urge our friends in Japan and South
10 Korea, we urge both of them to work with us together to find a way forward to
11 help resolve the deeply felt historic differences that still have meaning
12 todayWe will continue to encourage both allies to find mutually acceptable
13 approaches to legacy issues from the past.”

14 48. In February 2014, Daniel Russel, the U.S. Assistant Secretary of State
15 for East Asian and Pacific Affairs, commented that the U.S.’s position on the
16 comfort women issue is to continue efforts to help manage “sensitive historical
17 legacy problems in a way that contributes to healing and forgiveness in []
18 conversations in Japan and elsewhere in the region.”

19 **The Public Monument Threatens Irreparable Injury to Plaintiffs**

20 49. Despite vocal domestic and international public protest, Glendale
21 persisted in installing the Public Monument, forcing Plaintiffs to bring this action.

22 50. Allowing the Public Monument to remain in place in Glendale’s
23 Central Park threatens irreparable injury to Gingery, Mera, GAHT-US, and its
24 members. As a longtime resident of Glendale with active involvement in
25 Glendale’s Sister City Program, the presence of the Public Monument within the
26 designated Sister City area of Glendale’s Central Park has turned visiting Central
27 Park into a highly offensive endeavor, effectively denying Gingery full enjoyment
28 of the Park’s benefits.

1 51. The presence of the Public Monument has had a similar impact on
2 GAHT-US's members, including Mera, who avoid using and benefitting from
3 Glendale's Central Park.

4 52. Plaintiffs have no adequate remedy at law to address the foregoing
5 injuries.

6 53. If the Public Monument is removed, Plaintiffs will again make use of
7 Glendale's Central Park and its Adult Recreation Center.

8 54. An actual controversy has arisen and now exists between Plaintiffs
9 and Defendants.

10 55. Plaintiffs contend that installation of the Public Monument
11 unconstitutionally intrudes on the Executive Branch's authority to conduct
12 American foreign policy, and that Glendale's installation of the Public Monument
13 violates Glendale's Municipal Code.

14 56. Plaintiffs are informed and believe that Defendants disagree with
15 Plaintiffs' contentions as set forth in the prior paragraph.

16 57. A justiciable controversy therefore exists between Plaintiffs and
17 Defendants and a judicial declaration is necessary and appropriate at this time in
18 order to determine the legality of Glendale's installation of the Public Monument.

19 **FIRST CLAIM FOR RELIEF**

20 **(Unconstitutional Interference With Foreign Affairs Power)**

21 58. Plaintiffs repeat and incorporate the allegations of Paragraph 1
22 through 57 herein.

23 59. The Public Monument interferes with the Executive Branch's primary
24 authority to conduct foreign relations by disrupting federal foreign policy as to the
25 resolution of the historical debate concerning comfort women. The Public
26 Monument also violates the Supremacy Clause.

27 60. The Executive Branch's authority in the field of foreign affairs is
28 violated by state or local actions that have more than an incidental or indirect effect

1 on, or that have the potential for disruption or embarrassment of, United States
2 foreign policy.

3 61. Glendale's installation of the Public Monument has a direct impact on
4 U.S. foreign policy that is neither incidental nor indirect. By installing the Public
5 Monument, Glendale has taken a position in the contentious and politically-
6 sensitive international debate concerning the proper historical treatment of the
7 former comfort women. More specifically, given the inflammatory language used
8 in the plaque that is prominently featured alongside the statue, Glendale has taken
9 a position at odds with the expressed position of the Japanese government.

10 62. The Public Monument is inconsistent with the dual foreign policy
11 objectives promulgated by the Executive Branch on this controversial issue: (1)
12 avoid taking sides in this sensitive historical and political debate between the
13 United States' two most important East Asian allies; and (2) encouraging a
14 resolution to the current diplomatic impasse between the two countries through
15 further government-to-government negotiations.

16 63. As the reactions from the highest echelons of the Japanese
17 government make clear, Glendale's actions have great potential for disrupting the
18 delicate diplomatic line struck by the Executive Branch on this contentious issue.
19 The Public Monument thus threatens to undermine the U.S. government's foreign
20 relations with a critical Asian ally and, more generally, to destabilize already
21 strained diplomatic relations in this important region of the world.

22 64. Glendale's action also takes a position on a matter of foreign policy
23 with no claim to be addressing a traditional state responsibility.

24 65. The actions of Glendale and the City Council in approving and
25 installing the Public Monument are beyond its authority, in violation of the U.S.
26 Constitution's foreign affairs power and the Supremacy Clause, and the Public
27 Monument therefore must be removed.

28

1 66. The actions of defendant Ochoa in approving and submitting the
2 proposal to install the Public Monument on public land, and in including a motion
3 to approve the installation in the Special Meeting Agenda, are beyond his authority
4 and unconstitutional, and the Public Monument therefore must be removed.

5 **SECOND CLAIM FOR RELIEF**

6 **(Violation of the Glendale Municipal Code)**

7 67. Plaintiffs repeat and incorporate the allegations in Paragraph 1
8 through 66 herein.

9 68. Glendale Municipal Code Section 2.04.140 provides: “In all matters
10 and things not otherwise provided for in this chapter, the proceedings of the
11 council shall be governed under Robert’s Rules of Order, revised copy, 1952
12 edition.” Pursuant to Robert’s Rules of Order, to introduce a new piece of business
13 or propose a decision or action, a motion must be made by a group member. A
14 second motion must then also be made. And after limited discussion, the group
15 then votes on the motion. A majority vote is required for the motion to pass.

16 69. The Public Monument was not properly approved by the City Council
17 pursuant to Glendale Municipal Code Section 2.04.140. An integral part of the
18 Public Monument—the plaque that specifically attributes responsibility for, *inter*
19 *alia*, “snatching [women] from their homes” and “coerc[ing them] into sexual
20 slavery” to Japan—was neither proposed to the City Council nor made the subject
21 of a motion to the City Council, and was not approved by it, as required. In fact,
22 the proposed language presented to the Council never mentioned Japan at all, and
23 the City Council was specifically advised that the inscription on the plaque would
24 be different than the inscription ultimately used.

25 70. As a result, the installation of the monument violated the Glendale
26 Municipal Code.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for the following relief:

- 1. That the Court declare Glendale’s installation of the Public Monument unconstitutional and null and void;
- 2. That the Court preliminarily and permanently enjoin and compel defendants, and each of them, to remove the Public Monument from public property in Glendale, including but not limited to, any area in or adjacent to Central Park;
- 3. That the Court award Plaintiffs their costs and attorneys’ fees pursuant to 42 U.S.C. § 1988; and
- 4. For such other and further relief as the Court may deem just and proper.

Dated: February 20, 2014

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