

1 Thomas A. Saenz (SBN 159430)
Luis L. Lozada (SBN 344357)
2 Fernando Nunez (SBN 327390)
MEXICAN AMERICAN LEGAL DEFENSE
3 AND EDUCATIONAL FUND
634 South Spring Street, 11th Floor
4 Los Angeles, CA 90014
Telephone: (213) 629-2512
5 Facsimile: (213) 629-0266
Email: tsaenz@maldef.org
6 llozada@maldef.org
fnunez@maldef.org
7

8 *Attorneys for Plaintiff*
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11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF LOS ANGELES

13 SERGIO MEDINA,

14 Plaintiff,

15 v.

16 GNEL FRANKIAN,

17 Defendant.
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Case No.: **24CHCV01626**

UNLIMITED CIVIL CASE

COMPLAINT FOR DAMAGES:

1. Tom Bane Civil Rights Act of 1987
2. Ralph Civil Rights Act of 1976
3. Civil Assault

DEMAND FOR JURY TRIAL
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1 Plaintiff Sergio Medina, by his attorneys, alleges the following, based upon information
2 and belief, against Defendant Gnel Frankian:

3 **INTRODUCTION**

4 1. Plaintiff Sergio Medina arrived in the United States in 2007 to escape violence in
5 Mexico and to find better opportunities for his family. In 2019, Plaintiff Medina started his fruit
6 vending business, La Palma Fresh Fruit, to create financial stability and the flexibility to spend
7 more time with his family. Plaintiff Medina obtained a permit from the City of Santa Clarita to
8 lawfully operate his fruit vending business in a specific location of the city. Since that time,
9 Plaintiff Medina has become a valued fixture in his community. However, in September 2023,
10 Plaintiff Medina's sense of security and belonging was disrupted when Defendant Gnel Frankian
11 launched a threatening and hateful tirade of racially charged and anti-immigrant language against
12 Plaintiff Medina.
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14 2. Defendant Frankian's actions violated the Tom Bane Civil Rights Act of 1987
15 ("Bane Act"); the Ralph Civil Rights Act of 1976 ("Ralph Act"); and constituted civil assault.
16 Defendant Frankian's violations have inflicted harm and emotional distress on Plaintiff Medina.
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18 **JURISDICTION AND VENUE**

19 3. Jurisdiction is proper in the Los Angeles County Superior Court because it has
20 general subject matter jurisdiction and no statutory exceptions to jurisdiction exist.

21 4. Venue is proper in the County of Los Angeles under California Code of Civil
22 Procedure § 393 because the alleged harm occurred in Santa Clarita, Defendant maintains a
23 business in Los Angeles County and Defendant Frankian is otherwise within this Court's
24 jurisdiction for purposes of service of process.
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PARTIES

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2 5. Plaintiff Sergio Medina is a resident of the County of Los Angeles, California. He
3 is a 36-year-old Latino man and is the owner and operator of La Palma Fresh Fruit, a fruit vending
4 business, since 2019.

5 6. Defendant Gnel Frankian is the current owner and operator of “Northridge Driving
6 and Traffic School” located at 9029 Reseda Boulevard, Suite 202, Northridge, CA 91324. At the
7 time of the incident, Defendant Frankian was employed by Moorpark Unified School District
8 (“MUSD”) as a full-time French teacher at Moorpark High School.
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FACTUAL ALLEGATIONS

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11 7. On September 23, 2023, Plaintiff Medina was operating his fruit stand with his wife
12 when Defendant Frankian arrived and launched a hateful tirade against Plaintiff Medina.

13 8. Prior to the tirade, Defendant Frankian was apparently upset because he could not
14 conveniently enter the gas station beside which Plaintiff Medina was operating his business.
15 Defendant Frankian yelled at some boys who were patrons of La Palma Fresh Fruit to move, but
16 they refused to do so after he insulted them. The cart was not obstructing any entrance to the gas
17 station. Afterwards, Defendant Frankian entered the gas station through another entrance, parked
18 his car, and confronted Plaintiff Medina in a recorded altercation.
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20 9. Plaintiff Medina took his phone out and began recording Defendant Frankian’s
21 tirade. In the video, Defendant Frankian confronted Plaintiff Medina in a Santa Clarita gas station
22 parking lot by using expletives, profane and anti-immigrant language against Plaintiff Medina.
23 Several times, Defendant Frankian called Plaintiff Medina a “Fucking illegal.”
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25 10. Nearby gas station patrons attempted to intervene and defend Plaintiff Medina from
26 Defendant Frankian’s tirade. Nevertheless, Defendant Frankian continued his tirade against
27 Plaintiff Medina and told Plaintiff Medina that he hates “illegals.”
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1 11. When Defendant Frankian attempted to exit the gas station parking lot with his car,
2 Defendant Frankian's car approached and came near Plaintiff Medina. One of the gas station
3 patrons shouted at Plaintiff Medina to watch out for Defendant Frankian's car to avoid injury.

4 12. Defendant Frankian threatened to call the police and immigration authorities to
5 arrest Plaintiff Medina.

6 13. Shortly after Defendant Frankian exited the gas station, Plaintiff Medina
7 approached Defendant Frankian at an intersection. From his car, Defendant Frankian continued
8 to used expletives, profane and anti-immigrant language against Plaintiff Medina.

9 14. On September 23, 2023, the altercation was posted on social media.

10 15. Plaintiff Medina feared for his life when Defendant Frankian's car approached him.
11 He also feared that Defendant Frankian could do something harmful to Plaintiff Medina with the
12 video that Defendant Frankian seemed to be taking.

13 16. Plaintiff Medina suffered from anxiety, and physical and emotional pain after the
14 altercation with Defendant Frankian.

15 17. Plaintiff Medina suffered harm as a result of Defendant Frankian's racist and anti-
16 immigrant tirade against him on the basis of his race, national origin, immigration status, and/or
17 language. Defendant Frankian's illegal behavior caused Plaintiff Medina to suffer harm, including
18 actual damages and emotional distress.

19 **CAUSES OF ACTION**

20 **FIRST CAUSE OF ACTION**
21 **Violation of the Bane Civil Rights Act**
22 **(California Civil Code §§ 52.1, *et seq.*)**

23 18. Plaintiff Medina realleges and incorporates by reference each and every allegation
24 contained above as though fully set forth here.
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1 19. Plaintiff Medina is a person within the jurisdiction of the State of California who
2 resided in California at the time of Defendant Frankian's acts.

3 20. Defendant Frankian resides within the jurisdiction of the State of California.

4 21. Defendant Frankian violated the Bane Civil Rights Act by denying Plaintiff Medina
5 the existence or enjoyment of constitutional or statutory rights secured by the State of California
6 when he interfered by threats, intimidation, or coercion, or attempted to interfere by threats,
7 intimidation, or coercion, with the existence or enjoyment of Plaintiff Medina's right to operate
8 his business.
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10 22. Defendant Frankian intimidated Plaintiff Medina by threat of violence on the basis
11 of Plaintiff Medina's protected characteristics including race, national origin, immigration status,
12 and/or language.

13 23. Plaintiff Medina was harmed as a result of Defendant Frankian's conduct.

14 24. Under Section 52.1 of the Bane Act, Plaintiff Medina is entitled to actual damages
15 suffered, statutory damages of up to three times the amount of actual damages suffered per
16 violation, but no less than \$4,000, and attorneys' fees and costs.
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18 **SECOND CAUSE OF ACTION**
19 **Violation of the Ralph Civil Rights Act**
 (California Civil Code §§ 51.7, et seq.)

20 25. Plaintiff Medina realleges and incorporates by reference each and every allegation
21 contained above as though fully set forth here.

22 26. Plaintiff Medina is a person within the jurisdiction of the State of California who
23 resided in California at the time of Defendant Frankian's discriminatory acts.
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25 27. Defendant Frankian resides within the jurisdiction of the State of California.

26 28. Defendant Frankian violated the Ralph Civil Rights Act by denying Plaintiff
27 Medina the right to be free from any violence, or intimidation by threat of violence, against him
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1 on the basis of his protected characteristics including race, national origin, immigration status,
2 and/or language.

3 29. Defendant Frankian engaged in an act of violence when he attempted to harm
4 Plaintiff Medina with his vehicle as Defendant Frankian left the gas station parking lot.

5 30. Defendant Frankian engaged in intimidation by threat of violence when he
6 attempted to harm Plaintiff Medina with his vehicle, as well as when Defendant Frankian made or
7 threatened to make a claim or report to law enforcement falsely alleging that Plaintiff Medina
8 committed an unlawful activity or an activity that requires law enforcement intervention.
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10 31. Plaintiff Medina was harmed as a result of Defendant Frankian's conduct.

11 32. Under Section 52 of the California Civil Code, Defendant Frankian is liable for a
12 civil penalty of \$25,000; and Plaintiff Medina is entitled to actual damages suffered per violation,
13 punitive damages, and attorneys' fees and costs.

14 **THIRD CAUSE OF ACTION**
15 **Civil Assault**
16 **(California Civil Code § 43)**

17 33. Plaintiff Medina realleges and incorporates by reference each and every allegation
18 contained above as though fully set forth here.

19 34. Plaintiff Medina is a person within the jurisdiction of the State of California who
20 resided in California at the time of Defendant Frankian's acts.

21 35. Defendant Frankian resides within the jurisdiction of the State of California.

22 36. Defendant Frankian engaged in civil assault when he acted with the intent to cause
23 harmful or offensive conduct, or threatened to touch Plaintiff Medina in a harmful or offensive
24 manner when Defendant Frankian intended or threatened to cause offensive conduct against
25 Plaintiff during the verbal altercation, and Defendant Frankian intended or threatened to cause
26 harmful conduct against Plaintiff Medina with his vehicle when he left the gas station parking lot.
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37. Plaintiff Medina reasonably believed that he was about to be touched in a harmful or offensive manner, and/or reasonably believed that Defendant Frankian was about to carry out the threat.

38. Plaintiff Medina did not consent to Defendant Frankian's harmful or offensive conduct.

39. Plaintiff Medina was harmed as a result of Defendant Frankian's conduct.

40. Defendant Frankian engaged in civil assault when he invaded Plaintiff Medina's right to live without being put in fear of personal harm.

41. Plaintiff Medina is entitled to actual damages suffered, and attorneys' fees and costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Medina respectfully requests the following relief:

- i. Trial by jury;
- ii. Statutory damages;
- iii. General damages, including compensatory damages according to proof;
- iv. Punitive damages according to proof;
- v. Costs of the suit;
- vi. Reasonable attorneys' fees and expenses to the extent allowable by law;
- vii. Interest at the maximum legal rate for all sums awarded; and
- viii. For such other and further relief as this Courts deems just and proper.

1 Dated: April 30, 2024

Respectfully submitted,

2 /s/ Luis L. Lozada

3 Luis L. Lozada

4 Thomas A. Saenz

5 Fernando Nunez

6 MEXICAN AMERICAN LEGAL DEFENSE
AND EDUCATIONAL FUND

7 634 South Spring Street, 11th Floor

8 Los Angeles, CA 90014

9 Telephone: (213) 629-2512

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13 fnunez@maldef.org

14 *Attorneys for Plaintiff*