

Federal Judge's Ruling Empowers BLM Leader's Civil Rights Case Against LAPD

LOS ANGELES, CALIFORNIA, UNITED STATES, December 8, 2023 /EINPresswire.com/ -- A federal civil rights lawsuit may proceed against the Los Angeles Police Department and several officers in a case that involves officers' beating the founder of Black Lives Matter South Pasadena and shooting her multiple times at point-blank with so-called "less lethal" projectiles.

“

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Civil Rights Attorney V. James DeSimone

Fahren James was left with a hole in her abdomen, embedded with metal fragments from the projectile, multiple contusions, and still suffers from injuries she sustained on May 30, 2020, outside CBS Studios, when citizens were protesting the killing of George Floyd at the hands of Minneapolis Police five days earlier.

Attorneys representing the city and officers had asked the court to dismiss a federal civil rights lawsuit James filed in 2021, arguing that the protest was unlawful and their

actions were not intended to stifle free speech. They also argued that they did not use excessive force on James, and that the doctrine of qualified immunity shielded the officers from civil action, among other claims.

U.S. District Judge Consuelo B. Marshall reviewed officers' body-worn camera footage, and evidence and argument presented by civil rights attorney [V. James DeSimone](#), before issuing her Dec. 5 decision.

Marshall determined that a reasonable jury could find James's act of protesting was a substantial motivating factor in the officers' conduct. “Viewing the facts in the light most favorable to Plaintiff, a reasonable jury could conclude that Plaintiff’s act of protesting at an anti-police rally was a substantial factor that motivated the Defendant Officers’ conduct,” Marshall stated.

She found genuine issues of material fact regarding excessive force by each of the officers relying on Plaintiff’s evidence that she was blindsided, pushed, hit with batons and then immediately shot at close range with less lethal munitions. Marshall also denied the city’s motion for summary judgment based on qualified immunity, finding that the law was clearly established against the use of force in the plaintiff's situation.

The lawsuit addresses serious concerns about First and Fourth Amendment violations made by LAPD, including excessive force and retaliation against peaceful protestors.

"This decision, allowing Ms. James's case to proceed, is a beacon of hope for the protection of free speech and against police brutality," DeSimone said. "The court recognized the gravity of the allegations and the importance of allowing a jury to hear Ms. James's story. This is a step forward in our relentless pursuit of justice and ensuring the constitutional rights of peaceful protesters is respected."

James v. The City of Los Angeles (Case No: 2:21-cv-04525-CBM-AS) was filed June 1, 2021, in U.S. District Court, Central District of California.

Los Angeles employment and civil rights attorney V. James DeSimone has dedicated his 35-year law career to providing vigorous and ethical representation to achieve justice for those whose civil and constitutional rights are violated.

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