

EXHIBIT A

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ENDORSED
FILED
Superior Court of California
County of San Francisco

JUN - 3 2011

CLERK OF THE COURT
BY: MARY A. MORAN
Deputy Clerk

8 Attorney For Plaintiffs
9 MAHEEN GHANI TASEER AND SHAHBAZ ALI TASEER

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 SAN FRANCISCO COUNTY—UNLIMITED JURISDICTION

12 MAHEEN GHANI TASEER AND
13 SHAHBAZ ALI TASEER,

Case No. CGG-11-508779

**FIRST AMENDED
COMPLAINT FOR DAMAGES**

14 Plaintiffs,

15 vs.

16 AMERICAN AIRLINES; CITY AND
17 COUNTY OF SAN FRANCISCO;
18 SAN FRANCISCO POLICE
19 DEPARTMENT; SAN FRANCISCO
20 CHIEF OF POLICE GREG SUHR,
21 OFFICER CUNNINGHAM (Badge
22 #236); OFFICER LEE (Badge #81);
23 and DOES 1-100, inclusive,

- 1) Violations of Civil Code Sections 51, 51.5, 51.7, 52, 52.1;
- 2) Violation of California Constitution Article 1, Sections 2, 4, 7;
- 3) Violation of California Government Code Section 11135;
- 4) Negligence
- 5) Assault
- 6) Battery
- 7) False Imprisonment/False Arrest
- 8) Intentional Infliction of Emotional Distress
- 9) Negligent Infliction of Emotional Distress
- 10) 42 USC Sections 1983 and 1985

24 Defendants.

25 Plaintiffs MAHEEN GHANI TASEER AND SHAHBAZ ALI TASEER allege as
26 follows:

27 1. This is an action for monetary relief. It arises from a common set of factual
28 issues regarding the racial profiling by American Airlines, the City and County of San
29 Francisco, and the San Francisco Police Department of Plaintiffs Maheen Ghani Taseer and
30 Shahbaz Ali Taseer, prominent and respectful citizens of Pakistan, when they were on board an
31 American Airlines flight at San Francisco International Airport. As a result of Defendant's

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1 unjust actions, Plaintiffs have suffered physical harm, extreme humiliation and embarrassment,
2 harm to their reputations and a fear of travel.

3 **JURISDICTION AND VENUE**

4 2. This Court is proper because injuries to the plaintiffs occurred within the
5 jurisdictional boundaries of this Court, and because Defendants, and each of them, operate
6 within the jurisdictional boundaries of this Court.

7 3. Plaintiffs hereby request a jury trial on all claims.

8 **THE PARTIES**

9 4. Plaintiff, MAHEEN GHANI TASEER, is a citizen of Pakistan, and is of Middle
10 Eastern heritage and descent, and is a Muslim.

11 5. Plaintiff, SHAHBAZ ALI TASEER, is a citizen of Pakistan, and is of Middle
12 Eastern heritage and descent, and is a Muslim. He is the son of Salman Taseer, the prominent
13 and well respected recently assassinated Governor of the Punjab Province of Pakistan.

14 6. Defendant, AMERICAN AIRLINES, is a commercial air carrier, and a
15 corporation doing business in the state of California and operating an airline at San Francisco
16 International Airport in San Francisco, California.

17 7. Defendants CITY AND COUNTY OF SAN FRANCISCO and the SAN
18 FRANCISCO POLICE DEPARTMENT were acting under the authority of Defendant City and
19 County of San Francisco. Defendants SAN FRANCISCO CHIEF OF POLICE GREG SUHR,
20 OFFICER CUNNINGHAM (Badge #236), and OFFICER LEE (Badge #81), acted within their
21 authority.

22 8. Plaintiffs do not know the true names of defendants DOES 1 through 100,
23 inclusive, and therefore sue them by those fictitious names. In addition, plaintiffs are informed
24 and believe, and on that basis allege, that each of those defendants was in some manner
25 negligently and proximately responsible for the events and happenings alleged in this
26 Complaint and for plaintiffs' damages.

1 9. Pursuant to Government Code §§900, et seq., Plaintiffs are required to file a
2 notice of claim against certain public entities. Plaintiffs did file such claim. Plaintiffs timely
3 filed this action upon rejection of said claim.

4 FACTS

5 10. On July 27, 2010, Plaintiffs traveled from Pakistan to the United States for
6 vacation. They looked forward to spending a few weeks traveling in the United States.
7 Plaintiffs were young, successful and recently married. Plaintiff Shahbaz Ali Taseer is the son
8 of the recently assassinated Governor of the Punjab Province of Pakistan. Governor Taseer was
9 a close ally of the United States Government, and the Plaintiffs herein had no history of
10 militant, subversive, or terrorist activity. In fact they, like their father, were allies, friends and
11 admirers of the United States and our system of government and law. They spent a week in
12 New York, New York before heading to California where they spent a week in Los Angeles,
13 and then flew to San Francisco where they spent the remaining 10 days of their vacation.

14 11. On August 19, 2010, Plaintiffs were passengers who held valid tickets for
15 passage aboard American Airlines Flight 24 from San Francisco, California to John F. Kennedy
16 Airport in New York. After a brief layover in New York, Plaintiffs were scheduled to board a
17 Pakistan International Airlines flight to travel home to Lahore, Pakistan. Flight 24, scheduled
18 to depart San Francisco at 7:30 a.m. was delayed until 9:30 a.m.

19 12. Plaintiffs passed through airport security in the San Francisco International
20 Airport without problem. At no time did they exhibit suspicious behavior and they were not
21 singled out for additional searches or questioning. They passed TSA screening without
22 question or concern.

23 13. Plaintiffs boarded American Airlines flight 24 at or about 9:00 a.m. Plaintiffs
24 stowed their carry-on luggage and took their assigned seats in the back of the plane. They
25 settled in and drifted off to sleep.

26 14. At 10:00 a.m., after taxiing, the pilot stopped the plane and announced that there
27 was a delay. The plane remained on the tarmac. Plaintiffs, thinking it would just be a short
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1 delay, continued to sleep. An hour later the pilot said the delay was indefinite and that the
2 plane would return to the gate.

3 15. Over the intercom the pilot assured the passengers that any connecting flights
4 would be rebooked and told them they were free to use their cellular phones, computers and
5 personal listening devices. At 11:30 a.m. Plaintiff Mr. Taseer used his cellular phone to call a
6 friend in the San Francisco area to ask him to come pick Plaintiffs up from the airport as it
7 looked like they might not be able to get on another flight immediately.

8 16. The pilot came over the intercom again and announced that there was a small
9 security issue and that police officers would be boarding the plane to escort the passengers off,
10 two at a time. Plaintiff has no reason to know or understand why they were singled out by
11 Defendant San Francisco Police Department, handcuffed and arrested. On information and
12 belief, American Airlines Captain Tom Rice, later told San Francisco Police Officers that
13 Plaintiffs, who were seated in row 41h appeared to look "agitated" during the delay. On
14 information and belief Defendant American Airlines suggested to, or conspired with, the other
15 Defendants to point an accusatory finger at Plaintiffs, that they were involved in some illegal
16 activity, simply because of their national origin and religion. That assumption proved false,
17 and is vile and racist. At 12:45 p.m. officers boarded the back of the plane, near Plaintiffs
18 seats, and approached them. An officer asked Plaintiff if his name was "Basheer." Plaintiff
19 replied, "No, my name is Shahbaz Ali Taseer." Plaintiffs were asked to identify their carry on
20 luggage and told they would be handcuffed as part of "normal security protocol." Plaintiffs
21 were then handcuffed in full view of the other passengers. No other passengers were
22 handcuffed. Plaintiffs had no idea what was happening and were embarrassed, shocked and
23 humiliated because they had been singled out.

24 17. Plaintiffs were escorted off of the plane and led to separate police cars, located
25 just below the wings of the plane. The cars were situated so that Plaintiffs were unable to see
26 each other. Plaintiffs were still not told why they had been arrested.

27 18. On information and belief, the Bomb Squad arrived and boarded the plane.
28 Because Plaintiffs were handcuffed directly beneath the plane, and confined in the patrol cars,

1 they feared for their lives. Plaintiff Mr. Taseer, whose father was the pro-American high
2 profile Governor of Punjab, feared that he was being framed for political purposes. With no
3 information regarding the status of a supposed bomb aboard the plane, Plaintiffs sat in fear for
4 their lives during the entire hour that the Bomb Squad searched the plane. Had a bomb
5 exploded while they were in handcuffs beneath the plane, Plaintiffs would have been in grave
6 danger. During the hour that they waited, all the while handcuffed, they had never been so
7 scared in their lives.

8 19. After the plane was emptied and searched, Plaintiffs were driven to a new
9 location in the airport. They were then taken into separate rooms and handed over to the FBI.
10 Plaintiff Mr. Taseer was only then read his Miranda rights. He gave the officers permission to
11 search his bag and answered all of their questions. The officers told him that there had been a
12 call stating that two Pakistanis were going to bomb/hijack the plane. Plaintiff asked if he had
13 been personally identified and the officers admitted that he had not.

14 20. In another room, FBI agents questioned Plaintiff Mrs. Taseer. They told her that
15 she had been randomly selected and other passengers were also being questioned. This was a
16 not true; Plaintiffs were the only passengers to be questioned. Plaintiff Mrs. Taseer informed
17 the officers that she was newly married and on vacation with her husband. She answered all of
18 their questions. She had never been so frightened in her life. In addition, due to back problems
19 that were aggravated by wearing the handcuffs, Plaintiff Mrs. Taseer was in extreme pain
20 during the entire interrogation.

21 21. After several hours, Plaintiffs were released. They were told to sign a
22 Certificate of Release that stated that they had been subject to a detention and not an arrest.
23 Anxious to leave, Plaintiffs signed the forms. When Plaintiffs returned to the American
24 Airlines counter to see about boarding another flight home, the area was crawling with media,
25 there to investigate the "terrorist" threat. The media crowded around Plaintiffs who had never
26 felt so humiliated and embarrassed in their lives. Plaintiffs were unable to book an immediate
27 flight and their return home was delayed by 3 days.

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1 22. Plaintiff Mrs. Taseer has a history of neck, shoulder and back pain which has
 2 gotten substantially worse after this incident. Her pain was aggravated by the prolonged time
 3 in handcuffs with her body hunched over in the back of the police car. Her doctor has
 4 prescribed muscle relaxers and physical therapy, but she has only had a mild improvement.
 5 She has difficulty sleeping as the pain keeps her up at night.

6 23. Due to Defendants' unlawful treatment, Plaintiffs are afraid to travel. After the
 7 incident there was extensive media coverage and Plaintiffs were humiliated because they had
 8 been labeled as terrorists. This experience has left Plaintiffs anxious, humiliated, embarrassed
 9 and confused. Plaintiff Mrs. Taseer's physical injuries affect her quality of life and serve as a
 10 constant reminder of the painful and humiliating experience she suffered at the hands of
 11 Defendants.

12 24. As reported in the press following the incident there was no credible evidence
 13 linking these plaintiffs to any illegal activity. They were singled out, and treated differently,
 14 only because of their name and national origin, and religion. In fact, Plaintiffs' father/father-in-
 15 law was a respected governor of the State of Punjab, a strong ally of the United States. He was
 16 recently assassinated by fundamentalists in his country in an effort to stifle free speech and
 17 democracy. It is ironic that Plaintiffs' father and father-in-law were assassinated in Pakistan by
 18 radicals, simply for espousing a belief in freedom and liberty, the very qualities that were
 19 denied to Plaintiffs in the United States.

20 **FIRST CAUSE OF ACTION**

21 **Violation of California Civil Code §§ 51, et seq.—Civil Rights Act**

22 **(Against all Defendants)**

23 25. Plaintiffs repeat and reallege paragraphs 1-24, as though set forth fully herein.

24 26. By defendants' aforesaid allowance of hostile action, defendants have violated
 25 plaintiffs' right to be free from discrimination and retaliation as guaranteed by Civ. Code §§ 51,
 26 et seq.
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 28

1 27. As a direct and proximate result of conduct of defendants, and each of them,
2 plaintiffs have suffered and will continue to suffer physical injuries, humiliation, and mental
3 anguish.

4 28. Defendants' violation of plaintiffs' civil rights as guaranteed by Civ. Code §§
5 51, et seq., entitles plaintiffs to receive compensatory damages, reasonable attorney's fees, and
6 injunctive relief, all of which are provided for in Civ. Code § 52 and are prayed for below.

7 29. In doing the acts alleged in this Complaint, defendants knew or should have
8 known that their actions and inactions were likely to cause harm to Plaintiffs. Plaintiffs are
9 informed and believe, and on that basis allege, that defendants intended to cause injury to
10 plaintiffs and acted with a willful and conscious disregard of plaintiffs' rights as secured by
11 Civ. Code §§ 51, et seq., thereby entitling plaintiffs to recover treble damages, or a minimum of
12 \$4,000, pursuant to Civ. Code § 52, subd. (a).

13 30. Additionally, as to Defendant American Airlines, Federal statute, 49 U.S.C.
14 §40127, *et alia*, prohibits discrimination on the basis of race, color and national origin in air
15 transportation. Defendant American Airlines discriminated against Plaintiffs, citizens of
16 Pakistan, on the basis of race, color or national origin; Defendant's actions in violation of the
17 law caused Plaintiffs damages in the form of: embarrassment, humiliation and mortification,
18 physical injury, and severe mental anguish and emotional distress.

19 **SECOND CAUSE OF ACTION**

20 **Assault**

21 **(Against San Francisco Police Department and the City and County of San Francisco)**

22 31. Plaintiffs repeat and reallege paragraphs 1-30, as though set forth fully herein.

23 32. Defendants intended to cause or place Plaintiffs in apprehension of an
24 immediate harmful or offensive contact.

25 33. As a result of the acts alleged above, Plaintiffs were in fact placed in great
26 apprehension of harmful or offensive contact with Defendant San Francisco Police Department.

27 34. As a direct and proximate result of the acts of Defendants as alleged above,
28 Plaintiff Mrs. Taseer was hurt and injured, sustaining injuries to her body in the form of an

1 aggravated back, neck and shoulder injury, all of which caused, and continue to cause Plaintiff
2 great mental and physical pain and suffering.

3 35. As a direct and proximate result of Defendants' conduct, Plaintiffs have
4 sustained damages, all to their injury, detriment and damage in amounts not fully ascertained,
5 but within the jurisdiction of this Court.

6 36. Defendant San Francisco Police Department's conduct as alleged herein was
7 authorized by Defendant City and County of San Francisco. Defendant City and County of San
8 Francisco is liable to Plaintiffs under the doctrine of *respondeat superior*.

9 **THIRD CAUSE OF ACTION**

10 **Battery**

11 **(Against San Francisco Police Department and the City and County of San Francisco)**

12 37. Plaintiffs repeat and reallege paragraphs 1-36, as though set forth fully herein.

13 38. Defendants acted intentionally which resulted in harmful and offensive contact
14 with Plaintiffs.

15 39. The harmful and offensive contact caused injury, harm, damage or loss to
16 Plaintiffs.

17 40. As a direct and proximate result of the acts of Defendants as alleged above,
18 Plaintiff Mrs. Taseer was hurt and injured, sustaining injuries to her body in the form of an
19 aggravated back, neck and shoulder injury, all of which caused, and continue to cause Plaintiff
20 great mental and physical pain and suffering.

21 41. As a direct and proximate result of Defendants' conduct, Plaintiffs have
22 sustained damages, all to their injury, detriment and damage in amounts not fully ascertained,
23 but within the jurisdiction of this Court.

24 42. Defendant San Francisco Police Department's conduct as alleged herein was
25 authorized by Defendant City and County of San Francisco. Defendant City and County of San
26 Francisco is liable to Plaintiffs under the doctrine of *respondeat superior*.

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1 **FOURTH CAUSE OF ACTION**

2 **False Arrest/False Imprisonment**

3 **(Against All Defendants)**

4 43. Plaintiffs repeat and reallege paragraphs 1-42, as though set forth fully herein.

5 44. Plaintiffs are informed and believe and thereon allege that Defendants caused
6 the Plaintiffs to be arrested and imprisoned without reasonable or probable cause to believe that
7 they committed any crimes as alleged in this Complaint.

8 45. Defendant's action of confining Plaintiffs to a bounded area in a police car, and
9 later in an interrogation room was without Plaintiffs' consent.

10 46. As a result of the false arrest and/or false imprisonment by Defendants,
11 Plaintiffs suffered the damages and injuries as alleged heretofore in this Complaint.

12 47. The acts of Defendants as alleged herein, were done within the course and scope
13 of their employment for Defendant City and County of San Francisco. Defendant City and
14 County of San Francisco is therefore liable for said false arrest and/or false imprisonment as
15 *respondeat superior*.

16 **FIFTH CAUSE OF ACTION**

17 **Negligence**

18 **(Against All Defendants)**

19 48. Plaintiffs repeat and reallege paragraphs 1-47, as though set forth fully herein.

20 49. Defendants and each of them owed a duty of care; said duty was breached
21 proximately harming plaintiffs in an amount to be proven at trial.

22 **SIXTH CAUSE OF ACTION**

23 **Intentional Infliction of Emotional Distress**

24 **(Against all Defendants)**

25 50. Plaintiffs repeat and reallege paragraphs 1-49, as though set forth fully herein.

26 51. Defendants' conduct as alleged herein was intentional, outrageous and
27 malicious, exceeding all bounds usually tolerated by a decent society, and was especially
28 calculated to cause, and did cause plaintiffs to suffer severe and enduring emotional distress.

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EIGHTH CAUSE OF ACTION

Violation of Cal. Const. art. I, § 4

(Against all Defendants)

59. The allegations set forth in paragraphs 1-58 inclusive are incorporated into this cause of action by reference as if set forth in full.

60. Defendants' actions as described above interfered with plaintiff's free exercise of religion in violation of Cal. Const. art. I, § 4, in that plaintiff is unable to freely assert their views.

NINTH CAUSE OF ACTION

Violation of California Government Code Section 11135

(Against all Defendants)

61. The allegations set forth in paragraphs 1-60 inclusive are incorporated into this cause of action by reference as if set forth in full.

62. Defendants' actions as described above interfered with Plaintiffs' free exercise of religion in violation of Government Code Section 11135 in that Plaintiffs were unable to freely assert their views.

TENTH CAUSE OF ACTION

Violation of Federally Protected Rights under 42 U.S.C. Section 1983

(Against Defendants Individually)

63. Plaintiffs repeat and reallege paragraphs 1-62, as though set forth fully herein.

64. Defendants, while acting under the color of state law, deprived Plaintiffs of their rights protected by Federal law.

65. Defendants' actions were intentional, and were based on a clearly expressed, official policy of Defendants.

66. As a direct and proximate cause of Defendants' actions, Plaintiffs have suffered extreme embarrassment and humiliation, and emotional distress, accompanied by various physical symptoms, including but not limited to sleeplessness, nervousness, and extreme anxiety, as well as physical injury. Plaintiffs have also suffered damages in excess of the

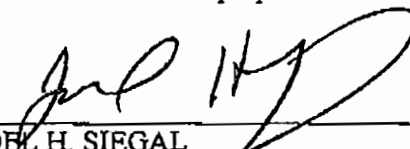
1 minimum established for this court. Plaintiffs' damages are uncertain at this time, and
2 Plaintiffs will amend this Complaint to state their damages with particularity once they are
3 known.

4 WHEREFORE, plaintiffs pray for judgment against defendants as follows:

5 **PRAYER**

- 6 1. For general damages according to proof;
7 2. For special damages according to proof;
8 3. For treble damages pursuant to Civ. Code § 52, subd. (a);
9 4. For reasonable attorney's fees, according to proof, pursuant to Civ. Code § 52,
10 subd. (a);
11 5. For costs of suit herein.
12 6. For such other and further relief as the Court finds proper.

13
14 Dated: June 3, 2011



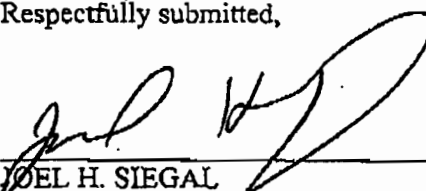
15 JOEL H. SIEGAL
16 Attorney for Plaintiffs
17 Maheen Ghani Taseer and Shahbaz Ali Taseer

18 **REQUEST FOR JURY TRIAL**

19 Plaintiffs hereby request a trial by jury on all claims for relief.

20 Respectfully submitted,

21
22
23 Dated: June 3, 2011



24 JOEL H. SIEGAL
25 Attorney for Plaintiffs
26 Maheen Ghani Taseer and Shahbaz Ali Taseer