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CHIN-LI MOU  
4141 Boneso Circle  
San Jose, CA 95134

ADR

(408) 954-8085

Pro Se

UNITED STATES FEDERAL COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CHIN-LI MOU,

Plaintiff,

vs.

CITY OF SAN JOSE, SAN JOSE  
PUBLIC LIBRARY EDUCATION PARK  
BRANCH

Defendants.

CASE NO. **07 05740**

RS

COMPLAINT FOR VIOLATION OF  
CIVIL RIGHTS, FIRST, EIGHTH AND  
FOURTEENTH AMENDMENTS OF THE  
UNITED STATES CONSTITUTION

PLAINTIFF alleges:

1. Plaintiff Chin-Li Mou, hereinafter also referred to as Plaintiff, is informed and believes and thereon alleges that the Defendant, City of San Jose and Defendant, San Jose Public Library Education Park Branch are operating under the laws of the

1 State of California, and situated in the County of Santa Clara,  
2 City of San Jose, California.

3 The United States Federal Court, Northern District of  
4 California, San Jose Division is the proper court for this  
5 action.

6  
7 2. Plaintiff Chin-li Mou is a citizen of the United States  
8 and therefore entitled to all protections provided for by the  
9 United States Constitution.

10  
11 3. Plaintiff filed a claim for damages for an incident in  
12 and around the San Jose Public Library, Education Park Branch,  
13 with the Office of the City Attorney for the City of San Jose on  
14 April 26, 2007.

15  
16 4. On or about May 18, 2007, Plaintiff received a Notice of  
17 Rejection of Claim for the damages from the Office of the City  
18 Attorney for the City of San Jose for the incident complained of  
19 on April 26, 2007. Said Notice of Rejection of Claim is attached  
20 hereto as an exhibit.

21  
22 5. Plaintiff Chin-Li Mou now brings the following complaint  
23 against the Defendant, City of San Jose and Defendant, San Jose  
24 Public Library Education Park Branch.

1           6. On or about November 3, 2006, Plaintiff Chin-Li Mou was  
2 utilizing the San Jose Public Library Education Park Branch when  
3 she was confronted by the branch supervisor, a Ms. Daisy Porter,  
4 and Plaintiff Chin-Li Mou was asked to leave the premises.  
5 Plaintiff Chin-Li Mou was alleged to be using her husband's  
6 library card on the computer instead of her own. Plaintiff had  
7 only been in the library for about 15 minutes. Immediately prior  
8 to Plaintiff's being asked to leave, a student from a nearby  
9 Independent high school had confronted Plaintiff in the library  
10 as Plaintiff had asked other students that were acting in a  
11 disruptive manner to please be a little quieter and considerate  
12 so others in the library could concentrate. The students were  
13 engaged in everything from arm wrestling to the playing of  
14 musical instruments. The Plaintiff had witnessed this type of  
15 conduct in the past at the San Jose Public Library Education Park  
16 Branch. The library staff would not enforce the normal rules for  
17 silence and respect for other patrons with these students.  
18 Plaintiff Chin-Li Mou left the library without argument. Once  
19 outside, the Plaintiff was confronted by a female student from  
20 the Independent high school who then physically attacked her and  
21 the attacker was eventually pulled away by other students in the  
22 quickly assembled crowd. Plaintiff Chin-Li Mou who is small in  
23 stature was bruised and shaken by the incident and feared for her  
24 life. Plaintiff immediately called 911 and when the San Jose  
25 police officers arrived, the Independent high school security  
26 sent the San Jose police officers away. They told them that there

1 was in fact no problem and that they could leave without the  
2 necessity of taking any lengthy report.

3 On or about November 7, 2006 my attacker, the female student  
4 from the Independent high school again entered the  
5 San Jose Public Library Education Park Branch. I feared for my  
6 safety and immediately called San Jose police officers. Upon  
7 their arrival, Ms. Daisy Porter, the branch supervisor,  
8 deliberately stated to the investigating officers that nothing  
9 had happened with the students from the Independent high school.  
10 When the officers concluded the questioning of Ms. Porter they  
11 returned to interview me. San Jose Police Officer Kimberly  
12 Hudson, Badge No. 2495 began to discuss the incident with me. Her  
13 attitude was rude and disrespectful to me and it seemed that I  
14 became a victim a second time. The first statement from her was  
15 the students from Independent high school were born in this  
16 country and since I was not fortunate enough to be born here my  
17 rights were subordinated to their rights. I was further warned by  
18 San Jose Police Officer Kimberly Hudson, Badge No. 2495 that if I  
19 so much as talked to the Independent high school students that I  
20 would then and there be arrested even though it was the students  
21 that initiated the conversation and violence with me.

22 I was further admonished by Ms. Carol Frost, a person of  
23 higher-level management with San Jose Martin Luther King Library  
24 Branch, that I had to get permission from Ms. Porter before I  
25 could summon the police for help. I was then banned by both  
26 librarians from using the public library system for a period of 6  
27  
28

1 months just for trying to protect myself by calling the police. I  
2 hired an attorney and he was unable to have the library personnel  
3 voluntarily reverse the ban.

4 I find it ironic that the freedoms and protections that I  
5 came to this country to enjoy were stripped from me in a matter  
6 of moments. I would have expected this treatment in China not  
7 here. I have lived in this country since 1988 and have been a  
8 United States citizen since 1997.

9 It is my contention that my Constitutional rights have  
10 been violated specifically but not limited to my First, Eighth  
11 and Fourteenth Amendment rights. These rights have been violated  
12 by the Defendants and I have been damaged accordingly.

13 Defendants knew or should have known the high degree of  
14 embarrassment and public humiliation that Plaintiff was enduring  
15 as a result of Defendants' conduct.

16 Plaintiff suffered severe mental distress and was injured in  
17 her health as a direct result of Defendants' conduct. Plaintiff  
18 continues to suffer great mental, nervous, physical and emotional  
19 pain.

20  
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22  
23 WHEREFORE, Plaintiff prays for judgment as follows;

- 24 1. For damages in the sum of \$250,000.00 representing  
25 damages for her Constitutional rights violations.  
26 2. For medical expenses to date and for those anticipated in  
27  
28

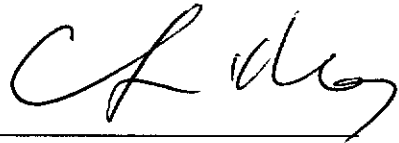
1 the future.

2 3. For a public apology and retraction of all defamatory  
3 statements made by librarians Ms. Porter and Ms. Frost

4 4. For costs of suit incurred herein;

5 5. For such other costs and further relief as the court  
6 deems proper.

7  
8  
9 Dated: November 13, 2007

  
Chin-Li Mou

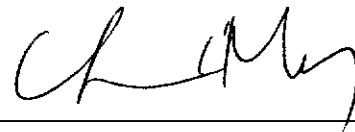
Plaintiff in pro se

VERIFICATION

I, the undersigned, declare as follows:

I am the Plaintiff in this action; I have read the foregoing Complaint and know the contents thereof; that same is true of my knowledge, except as to those matters which are therein stated on my information and belief, and as to those matters I believe it to be true.

I declare under penalty of perjury and under the laws of the State of California that the foregoing is both true and correct. Executed this 13, day of Nov 2007, at San Jose, California.



A handwritten signature in black ink, appearing to be 'CH May', is written over a horizontal line.



*Office of the City Attorney*

RICHARD DOYLE, CITY ATTORNEY

**NOTICE OF REJECTION OF CLAIM**

May 17, 2007

Chin-Li Mou  
4141 Boneso Circle  
San Jose, CA 95134

Re: Claim No.: C-11288-07  
DOI: 11/3/2006  
Claimant: Chin-Li Mou

NOTICE IS HEREBY GIVEN that the claim which you presented to the City Clerk of the City of San José on 4/26/2007, was rejected by the City of San José.

**WARNING**

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the United States mail to file a court action on the stated causes of action contained within this claim. See Government Code Section 945.6. This warning does not apply to federal causes of action and does not extend any statutes of limitations for federal causes of action.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Very truly yours,

RICHARD DOYLE, City Attorney

By

  
Cinda McCann, Investigator

**PROOF OF SERVICE BY MAIL**

I am a citizen of the United States, over 18 years of age, employed in Santa Clara County, and not a party to the within action. My business address is 200 East Santa Clara Street, San Jose, California 95113-1905, and is located in the county where the service described below occurred. I caused to be served a copy of the above notice by MAIL, by depositing it into a sealed envelope, with postage fully prepaid, and causing the envelope to be deposited for collection and mailing on the date indicated below. I further declare that I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service. Said correspondence would be deposited with the United States Postal Service that same day in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on 5/18/07, at San Jose, California.

  
Sharon Estes

200 East Santa Clara Street, San José, CA 95113-1905 tel (408) 535-1900 fax (408) 998-3131