

**UNITED STATES DISTRICT COURT
SOUTHERN DIVISION OF TEXAS
HOUSTON DIVISION**

JOHN STRANGMEIER,)(
INDIVIDUALLY, and on behalf of a		
Class of All Similarly Situated Persons,)(
Plaintiff,)(CIVIL ACTION NO.: 4:11-cv-3463
V.)(
THE CITY OF HOUSTON, TEXAS,)(JURY TRIAL
and MAYOR ANNISE PARKER,		
INDIVIDUALLY;)(ORIGINAL COMPLAINT
Defendants.)(

PLAINTIFF'S ORIGINAL COMPLAINT & REQUEST FOR CLASS CERTIFICATION

NOW COMES Plaintiff **JOHN STRANGMEIER** complaining of defendants City of Houston and Mayor Annise Parker, Individually, and requesting class certification and will show the Court the following:

JURISDICTION AND VENUE

1. This Court has jurisdiction over Plaintiff's federal claims, under 28 U.S.C. § 1331, 42 U.S.C. §§ 1983 and 1988, and supplemental jurisdiction, under 28 U.S.C. § 1367(a), to hear Plaintiff's state law claims, if any.

2. Venue is proper in this Court, under 28 U.S.C. § 1391(b), because the incident at issue took place in Harris County, Texas, within the United States Southern District of Texas.

PARTIES

3. Plaintiff John Strangmeier is a resident of Harris County, Texas.

4. Defendant City of Houston is a municipality within the U.S. Southern District of Texas and can be served with process by serving the City Secretary, 900 Bagby, Houston, Texas

77002.

5. Defendant Mayor Annise Parker is sued individually and can be served with process at 900 Bagby, Houston, Texas 77002.

I. FACTS

6. John Strangmeier has never been convicted of any crime in his life.

7. In 2006 the City of Houston passed an ordinance that allowed automatic photographing of the license plates of cars running red lights and installed the first of 70 red light cameras at 50 Houston intersections.

8. After traffic data showed that Houston's red light cameras were dangerous and accidents were increasing at the red light camera intersections (while overall accidents in Houston were decreasing) safety-conscious Houston citizens overwhelmingly signed a petition to put a charter amendment on the November, 2010 ballot to outlaw the dangerous revenue generating cameras. The petition was so popular that more than 10,000 extra signatures of Houston registered voters were obtained beyond the approximate 25,000 needed to put the issue on the ballot.

9. The red light camera charter amendment ballot language was then constructed by the City of Houston itself and the Houston City Council voted overwhelmingly to put the charter amendment on the November, 2010 ballot. In the months leading up to the election The City and the Arizona red light camera company vendor spent millions and had a paid Houston Police Officer Union official speak in favor of the dangerous red light camera system. The election campaign by the amendment's opponents was false and misleading stating the red light cameras increased safety when this was blatantly false.

10. A majority of safety-conscious Houston citizens voted out the red light cameras

by charter amendment in the November 2010. After the successful election the Mayor and the City certified the election results and the cameras were turned off in November of 2011. The entire red light camera charter amendment process was legal.

11. The City filed a lawsuit in the instant federal court against ATS seeking a declaration of contract rights. *The City of Houston v. American Traffic Solutions, Inc.*; Civil Action H:10-cv-4545; the Hon. Lynn Hughes, presiding. American Traffic Solutions, Inc. (ATS) countersued saying the election was invalid. ATS is from Arizona, is a corporation and not a Houston citizen, taxpayer or voter and, therefore, had no standing to challenge the election results. Red light camera petition organizers, Houston voters and taxpayers attempting to intervene to provide legal assistance and assert their rights were not allowed to intervene. Such motion to intervene is currently pending in the U.S. Fifth Circuit Court of Appeals. **Case no.: 11-20068.** Hon. Lynn Hughes eventually ruled the election invalid in a 6 page opinion. The case is still pending and the City's request for interlocutory appeal to the U.S. Fifth Circuit Court of Appeals was denied by Judge Hughes. Plaintiff avers Judge Hughes' opinion is incorrect and will be overturned upon any appeal.¹

12. Citing a City budget crunch (and not safety issues) on July 9, 2011, Mayor Parker unilaterally turned the cameras back on without Houston City Council input and on July 24, 2011, the City began issuing red light camera tickets at the 70 red light camera locations until August 24, 2011. Based upon historical data this would be at least 15,000 (FIFTEEN THOUSAND) red light camera tickets.

13. Houston's red light cameras were shown to increase accidents and the total

¹ A full critique of the ruling encompasses dozens of pages and is not necessary for an initial complaint.

number of red light citations increased in the last year of operation--2010. Many red light camera controlled intersections had their yellow light times so short that the citations were up to ten times that of comparable red light camera controlled intersections with TxDOT standard yellow light times.

14. Around September 9, 2011, John Strangmeier received a red light camera citation from the city of Houston that alleged he ran a red light on July 18, 2011, and requesting he pay \$75. John Strangmeier has set a hearing date with the City to challenge the ticket. John has hired the undersigned attorney to represent him on his ticket.

CAUSES OF ACTION

Violations of the Fourth, Fifth and Fourteenth Amendment

15. The Fourth Amendment guarantees everyone the right “to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” *U.S. Const. amend. IV*. Fourth Amendment violation are actionable under 42 U.S.C. Section 1983.

16. Defendants violated John Strangmeier’s Fourth Amendment rights, at least, when they sent him notice of a violation causing him to at least have to read the notice, go on-line to see the alleged violation, and then contact the City of Houston to schedule a hearing. These acts John did not want to do and they violated his liberty interests.

17. The Fifth Amendment guarantees everyone the right to due process before property is taken.” *U.S. Const. amend. V*. Fifth Amendment violations are actionable under 42 U.S.C. Section 1983. The red light camera system was nullified by the Houston voters yet John is still required to defend himself against the ticket and this violates due process as does many other elements of Houston’s red light camera ordinance and procedure including that the affidavits used to enforce the citations are conclusory.

City of Houston Liability

18. The Constitutional violations that plaintiff suffered were the result of policies, practices, customs and procedures of the City of Houston implementing its red light camera system.

Punitive Damages

19. Mayor Parker is sued individually and is liable for punitive damages as The Mayor was consciously indifferent to the plaintiff's constitutional rights and she did the acts knowingly, such acts being extreme and outrageous and shocking to the conscious.

Attorney's Fees

20. John is entitled to recover attorneys' fees and costs to enforce his First, Fourth, Fifth and Fourteenth Amendment rights and under 42 U.S.C. Sections 1983 and 1988, from Defendants.

Class Action

21. The number of red light camera citations issued after the City and Mayor started re-issuing tickets is so numerous as to make joinder impractical. Common issues of fact and law prevail as to all members of this purported class whose civil rights were violated as enumerated above. Plaintiff requests the court to certify a class of all individuals receiving red light camera citations after July 11, 2011, and will file a motion shortly addressing same.

JURY TRIAL

22. John demands trial by jury on all issues triable to a jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff John Strangmeier requests that the Court:

A. Certify a class and enter judgment for Plaintiff and the class against the City and

Mayor Parker individually;

B. Find that Plaintiff and the class are the prevailing parties in this case and award attorneys' fees and costs, pursuant to federal law, as noted against defendant City of Houston and the individually named defendant;

C. Award damages to Plaintiff and the class for the violations of his rights under the Fourth, Fifth and Fourteenth Amendments and her state law malicious prosecution claim;

D. Award Pre- and post-judgement interest;

E. Award Punitive damages against any and all the individually named defendants;

F. Order injunctive relief in the form of stopping all collection efforts on enforcing or collecting on the subject red light camera citations;

G. Grant such other and further relief as appears reasonable and just, to which, Plaintiff shows himself entitled.

RESPECTFULLY SUBMITTED,

/s/ Randall L. Kallinen

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