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JOEL STALLWORTH, TAMIYA DICKERSON,  
7 and Minor Plaintiff S.S.

8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**

10  
11 JOEL STALLWORTH, TAMIYA  
12 DICKERSON, and Minor Plaintiff S.S.

13 Plaintiffs,

14 v.

15 NIKE RETAIL SERVICES, INC.,  
WENDY MAGEE, and DOES 1-10,

16 Defendants.

Case No.: 2:20-cv-05985-VAP (GJSx)

[Assigned to the Honorable Virginia A.  
Phillips – Courtroom #8A]

**FIRST AMENDED COMPLAINT FOR  
DAMAGES**

1. 42 U.S.C. § 1983 – Unlawful Detention and False Arrest and Imprisonment
2. 42 U.S.C. § 1981 – Deprivation of Equal Rights Under The Law
3. 42 U.S.C. § 1985 Deprivation of Rights and Privileges
4. Cal. Civ. Code § 51.5 – Unruh Act
5. Cal. Civ. Code § 52.1 – Bane Act
6. Cal. Civ. Code § 51.7 – Ralph Act
7. Assault
8. Intentional Infliction Of Emotional Distress
9. Cal. Civil Code § 46 – Slander
10. False Imprisonment
11. Negligent Supervision And Retention

**DEMAND FOR JURY TRIAL**



1 Dickerson. Plaintiff S.S. is a citizen of the state of California.

2 **Defendants**

3 5. At all times material herein, Defendant Nike Retail Services, Inc. (“Nike”  
4 herein) has been a corporation that is incorporated and headquartered at 1 SW Bowerman  
5 Dr., Beaverton, Oregon, 97005-0979, and doing business in California at various  
6 locations including the Nike Store located at 395 Santa Monica Place, Santa Monica, CA  
7 90401. Defendant Nike Retail Services, Inc. is a citizen of the state of Oregon, which is  
8 also its principal place of business.

9 6. At all times material herein, Defendant Wendy Magee was the manager at  
10 the Nike Store located at 395 Santa Monica Place, Santa Monica, CA 90401.

11 7. The true names of Doe Defendants 1 through 10, inclusive, are presently  
12 unknown to Plaintiffs, who therefore sue each of these Defendants by such fictitious  
13 names. Upon ascertaining the true identities of the Doe Defendants, Plaintiffs will amend  
14 this Complaint for Damages, or seek leave to do so, by inserting the true names in lieu of  
15 the fictitious names. Plaintiffs are informed and believe, and on the basis of such  
16 information and belief allege, that Defendants Magee, Nike, and each Doe Defendant is  
17 in some manner legally responsible for the acts, omissions, injuries and damages herein  
18 alleged.

19 **JURISDICTION AND VENUE**

20 8. This court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331,  
21 1332, 1343, and 1367 and 42 U.S.C. §§ 1981, 1983, 1985, and 1988. This action is  
22 authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil  
23 Rights Act of 1964, as amended), Section 102 of the Civil Rights Act of 1991, and the  
24 Civil Rights and Enforcement Acts of 1866 and 1871.

25 9. The amount in controversy exceeds \$75,000.

26 10. Venue is proper in the United States District Court for the Central District of  
27 California pursuant to 28 U.S.C. § 1391 because the unlawful conduct alleged herein was  
28 committed within the boundaries of the Central District of California.

## BACKGROUND AND FACTUAL ALLEGATIONS

11. On July 5, 2019 husband and wife Joel Stallworth (“Mr. Stallworth”), TaMiya Dickerson (“Ms. Dickerson”), and their infant son S.S. went to the Nike Store located at 395 Santa Monica Place, Santa Monica, CA 90401. It wasn’t happenstance that they chose to patronize Nike—they felt a deep connection to the brand.<sup>3</sup> That connection disintegrated when they were chased, harassed, and accosted by Wendy Magee, Nike’s store manager. With the color of their skin as “evidence,” Magee ran after the family, accused them of theft, and lunged at Mr. Stallworth in an attempt to snatch his nineteen-month-old son’s first basketball from Mr. Stallworth’s hands. As if she hadn’t traumatized this family enough, Magee then enlisted three armed Santa Monica Police Department officers—at least one of whom was a proven killer<sup>4</sup>—to surround, detain, and intimidate the family and demand proof that they hadn’t stolen the ball.

12. The officers had no problem touching their guns and telling Mr. Stallworth to “calm down” and “stop intimidating” Magee. And when this family went back into the Nike Store to process the return of the ball and rid themselves of the traumatic memento,

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<sup>3</sup> Attached hereto as Exhibit 3 are a series of pre-incident photos, dating back over a decade, showing this family’s commitment to Nike before Nike devalued their lives.

<sup>4</sup> A February 2020 investigation found that a year before the subject incident, Jacob Emanuel, one of the officers enlisted by Nike to detain the Stallworth-Dickerson family, killed Eric Rodriguez. Emanuel placed Mr. Rodriguez, who was unarmed, on his stomach with his hands cuffed behind his back and his legs hobbled, a widely-maligned tactic that can severely restrict breathing.

The DA memorandum is totally silent as to Emanuel’s position on Rodriguez’s body while he subdued him as well as the amount and type of force he applied. It is also totally silent as to the source of various contusions found on Rodriguez’s face. Indeed, the memorandum is so sparse in facts that if Emanuel had done to Rodriguez exactly what Derek Chauvin did to George Floyd, it would contradict nothing in the memorandum. Attached hereto as Exhibit 4 is the February 10, 2020 Memorandum of Los Angeles County District Attorney Jackie Lacey’s Justice System Integrity Division regarding the April 7, 2018 death of Mr. Rodriguez.

Counsel for the Stallworth-Dickerson family believes that counsel’s investigation of this incident, alongside the investigations of organizers and nonprofits, and any and all evidence obtained therefrom will be admissible at trial to show the actual danger that the Stallworth-Dickerson family was placed in by Nike.

1 the officers continued to surround and intimidate them until the family left in shame and  
2 humiliation. Mr. Stallworth and Ms. Dickerson, whose careers rely on their reputations,  
3 were forced to upload video of the incident to protect their public image, which they  
4 feared would be destroyed if one of the many gawking onlookers, or worse, Nike,  
5 uploaded a video and distorted the narrative. The Stallworth-Dickerson video garnered  
6 millions of views and dozens of news stories, with Nike roundly condemned for its  
7 actions. The Stallworth-Dickerson family was and remains deeply traumatized by how  
8 close they came to becoming names on a protest sign.

9 13. The indelible trauma brought upon this family resulted directly from Nike's  
10 failure to adequately train, supervise, and discipline its employees, favoritism in Nike's  
11 ranks, Nike's fraudulent "anonymous" employee reporting system, Magee's decision to  
12 follow her own racial biases, and the Santa Monica Police Department's failure to  
13 exercise independent judgment when confronted with the bogus and racist allegations of  
14 Nike's out-of-control employee.

15 14. The Santa Monica Police Department, operating in and around the Third  
16 Street Promenade, maintains an agreement with shopkeepers whereby its officers detain  
17 any and all individuals shopkeepers accuse of theft or against whom shopkeepers make  
18 citizens arrests or detentions. This agreement substitutes the judgment of private parties  
19 for the SMPD's own authority as SMPD simply carries out the shopkeepers' directions.

20 15. Nike could have prevented this. Magee has a history of degrading and racist  
21 behavior while working at Nike. She persistently racially profiled employees and  
22 customers of color, even ordering employees to stalk NBA champion power forward  
23 Tristan Thompson as he browsed apparel. Magee was known for using racial code  
24 language, frequently radioing "Keep an eye on the VIP customers" to refer to Black  
25 customers whom she wanted her employees to follow around the store. Even more  
26 degrading, Magee conducted searches of Black employees at the ends of their shifts in  
27 which she required them to remove their outerwear and turn it inside out. She also  
28 questioned Black employees' financial capacity to purchase Nike products, even with

1 their employee discounts, and refused to allow Black employees to purchase items unless  
2 she herself processed their transactions.<sup>5</sup> Nike’s widely-maligned<sup>6</sup> “anonymous”<sup>7</sup>  
3 employee reporting hotline likely contributed to the suppression of some employee  
4 voices, but not all. Remarkably, multiple employees were brave enough to call the hotline  
5 and specifically complain about Magee’s racist behavior as early as 2017. Moreover, an  
6 African American employee who assisted in processing Mr. Stallworth’s return of the  
7 basketball after the subject incident specifically told Ms. Dickerson and Rebecca, “She  
8 does this all the time. She has done it multiple times today. As a Black man, I know what  
9 it feels like.”

10 16. For at least two years prior to this incident, Nike was repeatedly made aware  
11 of Magee’s racist and degrading behavior toward employees and customers. Instead of  
12 believing its Black employees, Nike praised Magee: Nike’s district loss-prevention  
13 manager even sent out an internal memo giving her a “high five” for her “loss  
14 prevention” efforts.

15 17. In an attempt to save its public image, Nike fired Magee after the incident.  
16 Magee then filed a wrongful termination lawsuit against Nike, alleging that “Nike fired

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17 <sup>5</sup> Magee’s behavior bears a striking resemblance to the allegations leveled against Nike  
18 by its Chicago NikeTown employees in a case that resulted in a \$7,600,000 settlement.  
19 Attached hereto as Exhibit 5 are (1) the Third Amended Complaint in that case, *Smith v.*  
20 *Nike Retail Services Inc.*, with relevant allegations at paragraphs 45-48 and (2) a July 31,  
2007 article from *The Chicago Tribune* discussing the settlement agreement.

21 <sup>6</sup> Nike’s hotline is the subject of a 2018 lawsuit wherein it was revealed that human  
22 resources complaints had dropped precipitously (by 27%) over a single year, indicating a  
23 total loss of faith by employees in the human resources department. Attached hereto as  
24 Exhibit 6 is a November 30, 2018 article from the *Portland Business Journal* describing  
25 the class action lawsuit which, *inter alia*, “alleges the third-party vendor who operated  
26 Nike’s anonymous hotline also presented information to board members that showed the  
27 company’s employees used the hotline far less than employees at peer companies,  
28 including a ‘shocking’ 27 percent decrease in the use of the hotline in fiscal 2016.”

<sup>7</sup> Though the hotline was marketed to employees as anonymous, it was not anonymous at  
all. Calls made to the hotline were routinely communicated to the manager of the store  
from which the complaint was made, including the name of the employee who made the  
complaint.

1 Ms. Magee because she is Caucasian.”<sup>8</sup> She described the Stallworth-Dickerson family as  
2 “aggressive,” and stated, “Far from being a racial profiler ... Ms. Magee has a child who  
3 is half African-American, and she is engaged to a Mexican-American.” In a predictable  
4 maneuver, Nike maintains that it only terminated Magee because her actions “were in  
5 violation of established Nike policy, which prohibits Nike employees to leave the store to  
6 pursue customers because of a belief they may have stolen Nike property.” In other  
7 words, according to Nike, Magee’s history of egregiously racist behavior and her  
8 decision to enlist armed police to intimidate this Black family *played no role* in Nike’s  
9 decision to terminate her. Nothing could provide a clearer sign to Nike’s Black customers  
10 and employees that Nike is uninterested in their safety and wellbeing.

11 18. Despite Nike’s clear notice of Magee’s racism, and despite the undeniable  
12 trauma that Nike brought upon this family, Nike made no meaningful attempt to atone for  
13 its actions. Rather, Ms. Dickerson received a single email and call from Blanca Gonzalez,  
14 Nike’s Los Angeles Operations Manager. Gonzalez spoke with Ms. Dickerson briefly,  
15 telling Ms. Dickerson that she was on vacation and would call her back after she returned  
16 to the country. Gonzalez never called back. Instead, Nike sought to bury the bad news:  
17 Yelp reviews left by Ms. Dickerson and Mr. Stallworth were reported and removed.<sup>9</sup>

18 19. Nike has added itself to the list of perpetrators in an “increasing number of  
19 scenarios” reflecting the long history of white people calling the police on innocent Black  
20 people and perpetuating terror on the Black community, as such behavior often “result[s]  
21 in arrests, interrogation, and violence against Black people.”<sup>10</sup> America is awakening to

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22 <sup>8</sup> It is unclear whether Magee alleges she was discriminated against because of an  
23 ancestral link to the Caucasus mountains of Russia or is using the word “Caucasian” to  
24 mean “white,” aware or unaware of the word’s decidedly racist history.

25 <sup>9</sup> Attached hereto as Exhibit 7 are the emails received by Mr. Stallworth and Ms.  
26 Dickerson notifying them of the deletion of their Yelp reviews and the purported reasons  
27 therefor.

28 <sup>10</sup> Attached hereto as Exhibit 8 is a *Vox News* article discussing, in the wake of the May  
25, 2020 Central Park incident involving Franklin Templeton VP Amy Cooper, the  
disturbing pattern of white people enlisting armed police to harass and harm innocent  
Black people.

1 this reality, but Nike, for all its earnings-focused lip service, has yet to show that it is on  
2 board with the movement for equality. Neither this family’s deep, decades-long  
3 professional connection with Nike, nor this family’s remarkable community standing, nor  
4 even displays of solidarity by Mandy White,<sup>11</sup> a Nike-sponsored athlete and daughter of  
5 Jordan brand senior Vice President Howard White, were enough to get Nike to care about  
6 the harm it has caused.

7         20. On Friday, June 5, 2020, cornered by the racist reality that America has  
8 shown it can no longer ignore vis-à-vis the worldwide Black Lives Matter movement  
9 inspired by the horrific murder of George Floyd, Nike Chief Executive Officer John  
10 Donahoe sent an open letter to employees stating, “our most important priority is to get  
11 our own house<sup>12</sup> in order ... we have a long way to go. ... We can’t simply go back to  
12 ‘normal,’ because the normal we knew a week ago, a month ago, a year ago, isn’t  
13 acceptable—not for far too many of us.”<sup>13</sup>

14         21. Nike’s “normal” could have cost the Stallworth-Dickerson family its life.  
15 Nike’s “normal” never cared about Black and Brown lives nor the systemic reasons for  
16 which they are endangered. Nike only cares about their wallets. Nike has made that much  
17 clear in the discord between its profitable advertising and its private

18 ///

19 ///

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20 <sup>11</sup> Shortly after the incident, Ms. White posted her sadness about the incident on social  
21 media and posted a picture of herself wearing the very same sweatshirt—which was  
22 designed by Mr. Stallworth—that Mr. Stallworth was wearing at the time of the subject  
23 incident. Attached hereto as Exhibit 9 are two social media posts by Ms. White  
24 exhibiting the same.

25 <sup>12</sup> It is unclear whether Donahoe considers Nike’s international factories to be its “own  
26 house” with respect to the systemic oppression of Black and Brown people. *See* Exhibit  
27 10 (2017 *The Guardian* article describing 500 workers fainting in a single year due to  
28 excessive hours in 99-degree heat at four Nike factories, none of which paid a living  
wage).

<sup>13</sup> Attached hereto as Exhibit 11 is Nike CEO John Donahoe’s Open Letter to Nike  
employees in response to the transformative Black Lives Matter protests that have  
shaken the nation over the past five weeks.



1 behavior.<sup>14 15 16 17</sup>

2 <sup>14</sup> Attached hereto as Exhibit 12 is a September 5, 2019 *Fast Company* article regarding  
3 the one year anniversary of Nike’s Kaepernick advertisement, stating, “Poetic posturing  
4 aside, the brand still fell short for athletes like Allyson Felix, who was forced to leave  
5 the brand over its pregnancy policy. Meanwhile, despite the success of having  
6 Kaepernick as the centerpiece of last year’s campaign, the brand hasn’t really utilized  
7 the unemployed QB since—unless you count the time he saved them from putting a  
8 problematic flag on a special-edition sneaker.” Nike’s profit grew by six billion dollars  
9 as a result of the Kaepernick ad. Attached hereto as Exhibit 13 is a September 5, 2018  
10 *The Atlantic* article explaining, “For Nike, Kaepernick’s cause is simply good  
11 business—if it were anything other than a cynical branding exercise, the company would  
12 surely not be simultaneously doing business with the NFL, which has done its best to  
13 stifle Kaepernick’s protest movement.”

14 <sup>15</sup> Nike’s “commitment,” *vis-à-vis* the Donahoe *open* letter (Exhibit 11), to donate \$40  
15 million dollars “to the Black community” over the next four years in the wake of the  
16 George Floyd protest is, in effect, another advertisement. The \$40 million over four  
17 years amounts to less than 0.025% (one fortieth of one percent) of Nike’s annual  
18 revenue. To put this in perspective, it is the equivalent of \$7.02 to a Nike Store sales  
19 associate, based on the associate’s \$28,080 annual income (\$13.50/hour). Most  
20 importantly, Nike’s act of publishing Donahoe’s letter as “open” functions as an  
21 advertisement, likely recouping this “donation” and then some.

22 <sup>16</sup> Attached hereto as Exhibit 14 is an April 28, 2018 *New York Times* article discussing a  
23 toxic and misogynistic work environment at Nike’s executive headquarters, including  
24 the following:

25 There were the staff outings that started at restaurants and ended at  
26 strip clubs. A supervisor who bragged about the condoms he carried in his  
27 backpack. A boss who tried to forcibly kiss a female subordinate, and another  
28 who referenced a staff member’s breasts in an email to her.

Then there were blunted career paths. Women were made to feel  
marginalized in meetings and were passed over for promotions. They were  
largely excluded from crucial divisions like basketball. When they  
complained to human resources, they said, they saw little or no evidence that  
bad behavior was being penalized.

<sup>17</sup> Nike’s billion-dollar lifetime deal with soccer star Cristiano Ronaldo is Nike’s (and  
the world’s) biggest endorsement contract. When Kathryn Mayorga’s  
contemporaneously-corroborated violent anal rape allegations came out against Ronaldo  
(with hospital records, a police investigation, and DNA confirmation), Nike did nothing.  
In fact, just three months after Mayorga’s civil case was mandated to confidential  
arbitration, Nike released a new Ronaldo ad campaign. Attached hereto as Exhibit 15 are  
four articles: Germany’s *Der Spiegel* (Sept. 29, 2018) (describing the grisly details of the  
alleged rape); *BBC News* (Oct. 4, 2018) (describing Nike’s PR team expressing “deep

1           22. Nike has a decades-long relationship with Wieden+Kennedy advertising  
2 agency, the agency that created its Colin Kaepernick ad campaign. It was that ad  
3 campaign which drew Ms. Dickerson toward the company. Nike began its relationship  
4 with Wieden+Kennedy advertising agency in 1988 when Dan Wieden proposed to Nike  
5 executives that they use the now-ubiquitous slogan, “Just Do It.” The fact that  
6 Wieden+Kennedy’s “Just Do It” was inspired by the last words of a man at his execution  
7 was (and remains) of no consequence to Nike.<sup>18</sup> Evidently, neither does  
8 Wieden+Kennedy’s 2018 promotion of Jason Kreher to Creative Director overseeing the  
9 firm’s Entertainment and Editorial Divisions, despite his history of offensive content in  
10 his tweets and his 2015 published book of “jokes,” including “Why did the policeman  
11 arrest the hippo? Because he was black.”<sup>19</sup>

12           23. As Nike’s profits from the Black community, the conspicuous absence of  
13 any Black representation in its Executive Leadership at all times relevant herein (not to  
14 mention the fact that only 4.8% of Nike’s 4,689 directors are Black) is hard to ignore.  
15 Equally hard to ignore is the suffering that Nike has brought upon this family. Nike  
16 should follow the advice of its own George Floyd ad campaign: “Don’t turn your back on  
17 racism. Don’t make any more excuses.”

18 \_\_\_\_\_  
19 concern” about the allegations), *Fox Business* (Oct. 21, 2019) (describing additional  
20 unearthed details and corroboration of the alleged rape), and *Sports Illustrated* (Feb. 6,  
21 2020) (describing the confidential arbitration order). Attached hereto as Exhibit 16 is a  
22 screenshot of Nike’s May 17, 2020 Cristiano Ronaldo Instagram advertisement and a  
23 screenshot of Nike’s Cristiano Ronaldo product line as displayed on Nike’s website on  
24 June 22, 2020.

25 <sup>18</sup> Regarding Nike’s death-penalty-inspired slogan, Liz Dolan, Nike’s former Chief  
26 Marketing Officer, told the *Washington Post*, “It was sort of a funny thing inside the  
27 company.” Attached hereto as Exhibit 17 is a *Washington Post* article describing Nike’s  
28 capital-punishment-inspired slogan.

<sup>19</sup> Attached hereto as Exhibit 18 is a series of racist, homophobic, and antisemitic tweets  
by Wieden+Kennedy Creative Director Jason Kreher. Attached hereto as Exhibit 19 are  
a series of racist, misogynistic, and hateful jokes from a book published by Jason  
Kreher. Attached hereto as Exhibit 20 is an *AdAge* article showing Kreher’s award for  
“2018 Creative Director of the Year.”

1           24. Plaintiffs are informed and believe and thereon allege that at all times  
2 relevant herein, Defendants and each of them were the agents, employees, servants, joint  
3 venturers, partners, and/or co-conspirators of the other Defendants named in this  
4 Complaint and that at all times, each of the Defendants was acting within the course and  
5 scope of said relationship with Defendants.

6           25. Plaintiffs are informed and believe, and thereupon allege, that at all times  
7 material herein, each of the Defendants was the agent or employee of, and/or working in  
8 concert with, his/her co-Defendants and was acting within the course and scope of such  
9 agency, employment, and/or concerted activity. Plaintiffs allege that to the extent certain  
10 acts and omissions were perpetrated by certain Defendants, the remaining Defendant or  
11 Defendants confirmed and ratified said acts and omissions.

12           26. Whenever and wherever reference is made in this Complaint for Damages to  
13 any act or failure to act by a Defendant or Defendants, such allegations and references  
14 shall also be deemed to mean the acts and failures to act of each Defendant acting  
15 individually, jointly, and severally.

16 **A. The Stallworth-Dickerson Family Has a Generational History of Success and**  
17 **Is Particularly Susceptible to the Trauma Brought Upon Them by Nike**

18           27. As America awakens to the deep roots of institutional racism which thread  
19 through the very power structures that undergird Nike's corporate history and all-white  
20 executive leadership at all times relevant herein, the story of this remarkable family  
21 represents generational success at least as much as Mr. Stallworth and Ms. Dickerson's  
22 life experiences reflect generational trauma.

23 **i. Mr. Stallworth**

24           28. Mr. Stallworth was born the eighth of ten children in Stockton, California in  
25 1983. He was a gifted athlete from a young age. Basketball was in his blood and it is  
26 integral to his identity: His father, Richard, is a Stockton basketball legend and was a  
27 Division I forward at Saint Louis University. Basketball was Mr. Stallworth's safe haven,  
28 as practices kept him sheltered from the dangers of East Stockton. The indispensability of

1 basketball to the Stallworth family identity is particularly on display in the Stallworth  
2 annual family reunion basketball tournament, which rotates back and forth between  
3 Oklahoma and California each year. It is a time for the Stallworth men to come together  
4 and bond over the sport that runs in their blood. Mr. Stallworth and his brother Aaron  
5 keep the tradition alive in Stockton in other ways, too, by coming together for local  
6 celebrity exhibition basketball games to raise money and awareness for the “Gun Down”  
7 antiviolence movement.<sup>20</sup>

8         29. It is a tradition that dates back to Mr. Stallworth’s childhood, as he grew up  
9 playing basketball with his father and uncles. Every day when his father came home from  
10 work, they would shoot hoops together. Richard was also a regular at Mr. Stallworth’s  
11 high school games, and as Richard was a local basketball legend, Mr. Stallworth  
12 cherished his dad’s support. With his father’s presence and tutelage, Mr. Stallworth made  
13 the All-County First Team as a high schooler at Samuel Hancock High, a school founded  
14 by his grandfather Bishop Lewis. He was a versatile player, filling the small forward,  
15 power forward, and center positions as needed.

16         30. Perhaps the greatest testament to Mr. Stallworth’s family connection to  
17 basketball is the fact that the entire starting five of his junior and senior basketball teams  
18 at Samuel Hancock High School was comprised exclusively of his family members: Mr.  
19 Stallworth, his brother Aaron, and his cousins Maurice, Brian, and Michael. Game nights  
20 were thus a decidedly family affair, as the stands were as packed with family as the roster  
21 itself.

22         31. When Mr. Stallworth graduated from high school, he was recruited to play  
23 basketball San Joaquin Delta College, where he attended and played for two years. After  
24 earning his associate degree, Mr. Stallworth transferred to California State University –  
25 Stanislaus’ (“CSUS”). Mr. Stallworth was determined to play basketball at CSUS, and he  
26

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27 <sup>20</sup> Attached hereto as Exhibit 21 is a *209 Times* article describing the July 21, 2019 “Gun  
28 Down Stockton” fundraiser and celebrity basketball game attended by Mr. Stallworth  
and his brother Aaron.

1 made the team as a walk-on, filling the small forward, power forward, and center  
2 positions just as he had in high school. It didn't take long for his coach, Keith Larson, to  
3 see how talented Mr. Stallworth was. After one season, Larson offered him a full athletic  
4 scholarship and named him Team Captain. Coach Larson made the right call, as Mr.  
5 Stallworth went on to lead the team in rebounds, points, or both in 22 of the 27 games  
6 they played during the 2005-2006 season. He remains fifth on the school's All-Time  
7 Leaderboard for his season field goal percentage, which was a remarkable 56%.

8         32. Mr. Stallworth received many awards for his basketball successes: he made  
9 the California Collegiate Athletic Association ("CCAA") All-Conference Basketball  
10 Team and Conference Player of the Week on multiple occasions. And for his academics  
11 and on-the-court performance, he was named the 2005-2006 CSUS Student-Athlete of  
12 the Year. Later, he would be inducted into the CSUS and CCAA Basketball Halls of  
13 Fame.

14         33. Thus, the child-sized basketball that Magee accused Mr. Stallworth of  
15 stealing—the basketball that was to be his son's first ball—was imbued with generational  
16 importance. When Mr. Stallworth saw his son grab that ball, look up at him, and giggle  
17 "ball ball ball!" he knew that there wasn't a chance in hell that he wasn't buying it for  
18 S.S. Seeing that his son was drawn to a basketball, he knew that if he didn't get the ball  
19 for S.S. immediately, the desire might arise again when S.S. was around an uncle or  
20 cousin. Mr. Stallworth, ever the competitor, would not accept anyone but himself giving  
21 S.S. his first ball. It had to be from Mr. Stallworth. He had to be the one to pass the torch.

22         34. As if his basketball prowess weren't enough, Mr. Stallworth was also on  
23 CSUS's Nike-sponsored track team and remains the most decorated track and field  
24 athlete in the school's history. He won the 4x400, 400 meter, and 200 meter dash at the  
25 CCAA Conference Championships and, nearly fifteen years later, he *continues to hold*  
26 the school records in the outdoor and indoor 400 meter (45.40 and 47.31 seconds,  
27 respectively), outdoor 200 meter dash (20.80 seconds), and indoor 4x400 (3:14:75). In  
28 fact, Mr. Stallworth is currently the only person to hold two or more individual CSUS

1 school records in either track and field or cross country.

2 35. Mr. Stallworth is also three-time All-American as a result of his ranking in  
3 the top 3 Division II athletes nationwide for the aforementioned times in the indoor and  
4 outdoor 400 meter dash and indoor 4x400 relay. His accomplishments led to him being  
5 named the 2006 Division II West Region Outdoor Track Athlete of the Year and 2007  
6 Division II West Region Indoor Track Athlete of the Year. As a result of his remarkable  
7 athletic achievements, Mr. Stallworth was inducted into both the CSUS and CCAA Halls  
8 of Fame for both basketball and track and field.

9 36. After college, Mr. Stallworth went on to compete at the international level as  
10 a member of the Nike-sponsored Team USA, for which he won a Gold Medal as a  
11 member of the 4x400 relay at the IAAF World Championship in Valencia, Spain and  
12 qualified for the Olympic Trials. He was lightning fast: His personal bests include 45.40  
13 seconds in the 400 meter, 20.80 seconds in the 200 meter, and 3:08.07 in the 4x400  
14 indoor relay at the IAAF World Indoor Championships. While training for the World  
15 Championship in Spain, Mr. Stallworth shared his gift, coaching for the Nike-sponsored  
16 California Polytechnic State University, Pomona track and field team.

17 37. Today, Mr. Stallworth is a successful designer and business owner whose  
18 store “The Small Shop LA” is a Downtown Los Angeles boutique staple patronized and  
19 supported by people from all over the world, including professional athletes and movie  
20 stars like Kevin Durant, Odell Beckham, Jr., Gabrielle Union, and Quinn Cook.<sup>21</sup> During  
21 his free time, Mr. Stallworth volunteers with Habitat for Humanity, the Boys and Girls  
22 Club, and Gun Down Stockton.

23 38. Mr. Stallworth’s family story is one of Black excellence and remarkable

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24 <sup>21</sup> Attached hereto as Exhibits 22 is a series of photographs showing Mr. Stallworth with  
25 NBA champions Kevin Durant and Quinn Cook, respectively. Additionally, Exhibit 22  
26 contains June, 2020 photographs from the social media accounts actresses Gabrielle  
27 Union and Jessica Alba, and star NFL wide receiver Odell Beckham, Jr. wearing Mr.  
28 Stallworth’s designs (with Ms. Union’s June 18, 2020 Instagram post showing her  
wearing the very same sweatshirt, designed by Mr. Stallworth, that Mr. Stallworth was  
wearing at the time of the incident).

1 success, often against hefty odds. His father, Richard Stallworth, was also a native son of  
2 Stockton and a star forward on the basketball teams of Saint Louis University and  
3 Stockton's Edison High School. Richard Stallworth's name still hangs in the rafters at  
4 both schools—at Edison alongside his close friend and former teammate, NBA legend  
5 John Gianelli.

6 39. Mr. Stallworth's grandfather, Bishop Lewis Dolphin Stallworth, Jr., was an  
7 Oklahoma native and the child of an Oklahoma peanut farmer. He moved his family to  
8 Stockton after serving in World War II, earning his Ph.D. in psychology, becoming the  
9 first African American to independently own an automobile dealership in Stockton. He  
10 founded a church and two schools in the city, and served as the chaplain of the Stockton  
11 Police Department. When he passed away in 2008, Lewis was eulogized on the floor of  
12 the United States House of Representatives by Representative Jerry McNerny. Mr.  
13 Stallworth, his father Richard, and his grandfather Lewis have often been featured in  
14 Stockton's newspaper, *The Record*.<sup>22</sup> Put simply, they are Stockton royalty.

15 40. Mr. Stallworth's grandfather Lewis was born in the 1920s in Boley,  
16 Oklahoma, an all-Black town which, once a hub of Black wealth, faced a rising wave of  
17 racism in the Great Depression and the impending Dust Bowl. Shortly after Lewis' birth,  
18 Boley's nationally-renown, Booker T. Washington-endorsed, and Black-owned and  
19 operated newspaper, *The Boley Progress*, shuttered its doors. In its stead the *State*  
20 *Training School for Incurable Negro Boys* opened. Lewis was determined to leave the  
21 increasingly inhospitable town.

22 41. At thirteen years old, during the height of the Great Depression, Lewis  
23 moved to Wewoka, Oklahoma where he sold chickens to pay for room and board at an  
24 all-boys' school there. Soon after moving to Wewoka, Lewis met Mary Magdalene,  
25 whom he would marry at eighteen and who would be his partner for the remainder of his  
26

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27 <sup>22</sup> Attached hereto as Exhibits 23, 24, and 25 are just a few of the articles that have  
28 appeared in the *Stockton Record* regarding Mr. Stallworth, his father, and his  
grandfather, respectively.

1 life.

2 42. By nineteen Lewis had been drafted into an all-Black company to serve in  
3 World War II. After his army induction in Boston, Lewis boarded a train that took him  
4 through the Deep South on his way to California. While in the Deep South, his all-Black  
5 railcar was ordered to keep their windows up for fear of attack from the very same people  
6 for whose freedom they were being shipped off to fight. When he made it to California,  
7 Lewis experienced a new manifestation of institutional racism, as his company was  
8 ordered to build Japanese internment camps in the Central Valley. Shortly thereafter,  
9 Lewis was shipped to Japan, where he served until 1946 when he was honorably  
10 discharged.

11 43. As the dust bowl was ravaging Oklahoma, Lewis brought his family to  
12 Stockton, where he left an indelible impact. Through personal financial success as a Ford  
13 salesman and with the added assistance of friends and tight savings, Lewis was able to  
14 become the city's first Black auto dealership owner despite being shut out of business  
15 loans from major banks on account of the color of his skin. Lewis' drive for success and  
16 unwillingness to bow to racist obstacles led him to all his other successes: his education,  
17 his church, his reputation in white and black churches across the city and country, his  
18 schools, and his work with the Stockton Police Department. It was also his gift to his  
19 descendants.

20 44. On one occasion, Lewis' success and stature in the community as a pastor, a  
21 wealthy businessman, and the police chaplain, was all that stood between racist police  
22 officers and the life of his son and Mr. Stallworth's father Richard. In 1967, when  
23 Richard was a sixteen-year-old boy, he was stopped by the police, handcuffed, and  
24 accused of rape and burglary. Richard was 6'6" and the victim had identified her  
25 assailant as 5'6". This inconvenient fact meant nothing to the police until, after two  
26 hours, they presented Richard in a highly suggestive lineup where the victim immediately  
27 exonerated him. When Lewis heard about what had happened to his son he contacted  
28 Jack O'Keefe, the Chief of Police, and within moments O'Keefe arrived at their home



1 with the officers who had accused Richard, ordering the officers to shake Richard's hand  
2 and apologize.

3 45. Richard soldiered on, weathering stones and tomatoes hurled at him during  
4 civil rights marches in Stockton and earning a basketball scholarship to Saint Louis  
5 University ("SLU"), which he attended from 1969-1972. At SLU, Richard experienced  
6 new shades of racism. Though protected when he was around coaching staff, Richard  
7 rarely ventured away from campus.

8 46. As it turned out, Richard's protective measures during college weren't  
9 enough to keep him or his friends safe. White police pointed shotguns at him for arriving  
10 to a tow lot with cash in hand to recover his car after white campus police ordered it  
11 towed in retaliation for Richard playing on the 99%-white school's outdoor volleyball  
12 courts. And during his senior year, Richard's white roommate Buzz, the SLU student  
13 body vice president, was beaten and stoned within an inch of his life "for being a nigger  
14 lover" because of his decision to room with Richard.

15 47. After graduating, Richard moved to New Orleans where he worked all of  
16 two months at a boys' home in Orleans Parish. Richard quit soon after his white  
17 supervisor gave him a stick and told him, "This is Mr. Oak; you can hit them three times  
18 and then take a break to see if they've turned red. But don't worry—you blacks don't turn  
19 red." He promptly quit and moved back to Stockton where he worked for the  
20 Employment Development Department for over 30 years. Through his experiences and  
21 those of his father, Richard imparted upon Mr. Stallworth a generational awareness of  
22 racism and how to overcome it.

23 48. Mr. Stallworth's successes as a basketball player, a track star, an  
24 entrepreneur, a father, and a human have not existed beyond obstacles like those faced by  
25 his forebearers, but in spite of them. Like his father, Mr. Stallworth was harassed by  
26 Stockton Police as a child. His neighborhood was a difficult one, with prevalent gangs  
27 and drug use. As a teenager, he was often chased down the street by white police officers  
28 simply for riding his bike home. On one occasion he watched a white police officer

1 pummeled his cousin in the back of the head after he had his hands up against a fence.  
2 “Know that you’re Black” was a common refrain that Mr. Stallworth heard from his  
3 father—a warning about a world that might be less than kind to him.

4 49. Mr. Stallworth heeded his father’s warning, but self-awareness wasn’t  
5 enough to protect him. At nineteen, he was accosted in a Dillard’s department store and  
6 accused of stealing, simply because he entered the store with a box in his hand while  
7 Black.

8 50. In 2010, Mr. Stallworth was detained by police officers in Santa Monica  
9 after a mentally-unstable white homeless man pointed at him and told police that Mr.  
10 Stallworth had beaten him up. One of the officers told Joel, “We are trying to get people  
11 like you off the streets.” He was only freed after the officers witnessed the man continue  
12 to indiscriminately berate passersby.

13 51. In 2013, Mr. Stallworth was detained and forced into the back of a police  
14 cruiser after walking his bike on a metro platform in downtown Los Angeles. He was  
15 only released after officers ran his identification for warrants and confirmed that he had  
16 paid his metro fare. This encounter resulted in an illegal and false ticket for “riding his  
17 bike on a metro platform,” which he contested and won.

18 52. Because of Mr. Stallworth’s experiences with racism, because of the  
19 experiences of his forebearers, and most of all because of his and his forebearers’  
20 transformational success in a world too often stacked against them, he believes as much  
21 in justice as he does in reformation. The grievous harm inflicted upon him and his family  
22 described herein is not irremediable. But with each passing day that Nike remains silent  
23 and fails to own up to the trauma it has caused him and his family, the pain metastasizes,  
24 and he suffers more.

25 **ii. Ms. Dickerson**

26 53. Ms. Dickerson was the first of three children. Like her husband, athletics are  
27 in her DNA. The daughter of football legend Samuel Dickerson, she ran track in  
28 Modesto’s Youth League, and her brother and sister were varsity high school athletes in

1 track and field, football, and softball. Ms. Dickerson attended Lincoln High School—  
2 Stockton’s largest and most academically decorated secondary school, where she was a  
3 straight-A Honors and Advanced Placement student. She also played violin and viola  
4 with the San Francisco Junior Symphony Orchestra, Chabot College Youth Symphony  
5 Orchestra, the Stockton Junior Symphony Orchestra, and the Lincoln High School Band.  
6 She learned Spanish by high school, tutoring other students in the subject. In addition,  
7 Ms. Dickerson was a volunteer with Students Against Drugs and the Treasurer of Lincoln  
8 High School’s Black Student Union.

9       54. Ms. Dickerson’s success was preordained. When financial difficulties  
10 caused her mother to lose her business, Ms. Dickerson forwent acceptances to the  
11 University of California – Davis and the University of California – San Diego to work at  
12 a media manufacturing company in Stockton and take night classes at San Joaquin Delta  
13 College. After a year of rising up the ranks, she moved to Los Angeles and got a job as  
14 the assistant to the CFO at Rainbo Records and enrolled full time at West Los Angeles  
15 College, where she was active in the Black Student Union.

16       55. Soon after moving to Los Angeles, Ms. Dickerson transferred to the  
17 University of Southern California (“USC”), where she completed her B.S. in Business  
18 Administration and Master’s in Accounting, all while continuing to work at Rainbo  
19 Records and serving on the board of the USC Accounting Society. Her successful  
20 academic career landed her a job straight out of college at Deloitte & Touche, America’s  
21 largest consulting firm and fourth largest privately-owned company.

22       56. Today, Ms. Dickerson is a high-ranking partner<sup>23</sup> at Grant Thornton, LLP,  
23 America’s sixth largest accounting and advisory corporation. Ms. Dickerson leads Grant  
24 Thornton’s West Region Advisory practice, where she oversees strategy and brand  
25 development at Grant Thornton’s offices in seven states, all while consulting global

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27 \_\_\_\_\_  
28 <sup>23</sup> Attached hereto as Exhibit 26 is Ms. Dickerson’s professional profile as it appeared on  
Grant Thornton’s website on June 15, 2020.

1 Fortune 100 companies. She made partner in 2015,<sup>24</sup> earning the distinction of becoming  
2 the first Black partner in the history of Grant Thornton’s West Region.

3 57. Ms. Dickerson continues to serve as a mentor at the USC Marshall School of  
4 Business and the USC Black Alumni Association. She is also a member of the Board of  
5 Managers of the Stuart Ketchum Downtown YMCA. In addition, she has served on the  
6 board of the Western Region of the National Association of Black Accountants and on  
7 the cabinet of the United Way of Greater Los Angeles’ Tocqueville Society, where she  
8 works to steer philanthropic investment into communities with acute needs.

9 58. Ms. Dickerson too carries a generational torch of Black excellence. Her late  
10 father, Samuel Dickerson, was a Los Angeles legend and a national treasure. A child of  
11 Stockton and an all-state athlete in basketball, football, baseball and track, he solidified  
12 his legend at USC. His late fourth-quarter 32-yard reception against UCLA in 1969 sent  
13 USC to a then-record fourth consecutive Rose Bowl appearance and is considered by  
14 most to be the most exceptional USC reception of all time.

15 59. Notwithstanding his historic winning catch, Samuel considered his crowning  
16 achievement to be USC’s winning matchup against Alabama in 1970. It was called “the  
17 Game That Changed the Nation,” because never before had an integrated team played in  
18 the Deep South, and play they did, dismantling the Crimson Tide with such technical  
19 precision that they opened the floodgates of integration in college football. Indeed, the  
20 very next day, famed Alabama coach Bear Bryant walked into a Crimson Tide Board of  
21 Trustees meeting and demanded that they allow him to recruit Black players. Just like  
22 that, Southern schools could no longer deny scholarships to promising Black student-  
23 athletes. The Showtime Documentary *Against the Tide* tells the story of Samuel  
24 Dickerson and that monumental game. He was similarly profiled in the book *One Night,  
25 Two Teams: Alabama vs. USC and the Game that Changed a Nation*.

26 60. Samuel Dickerson’s incredible athletic ability, academic accomplishments,

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27  
28 <sup>24</sup> Attached hereto as Exhibit 27 is an *Inside Public Accounting* article describing Ms.  
Dickerson’s rise to partner at Grant Thornton.

1 and work ethic inspired legions of young athletes of all races. His games were among the  
2 first sports games to be nationally-televised, and his outstanding USC team inspired  
3 today's football luminaries, like Seattle Seahawks coach Pete Carroll, who called Samuel  
4 on his death bed to tell him how much he meant to him.

5 61. To Ms. Dickerson, Samuel was dad. He was a loving and intensely involved  
6 father—attending all her violin recitals and school plays, and took her to hundreds of  
7 sporting events, including dozens of Oakland Raiders, Sacramento Kings, and USC  
8 Trojans games. At USC, he was given lifetime passes to seats set just above “Sam’s  
9 Corner,” the corner of the endzone where he made his historic catch.

10 62. Samuel also recounted harrowing tales of his time in Alabama cloistered in  
11 shack shops and fleabag motels—all assigned by the Green Book and the only ones that  
12 would have him and his teammates during America’s apartheid. He and his teammates  
13 were heckled with shouts of “nigger” and other epithets by people in virtually every town  
14 where his bus stopped in Alabama.

15 63. Before passing the torch to Ms. Dickerson, Samuel received it from his  
16 parents. Ms. Dickerson’s grandmother was a star basketball player in Jim-Crow era  
17 northeast Texas. She was selected by her community to attend college in Tyler, Texas  
18 when they pooled their resources to send a select few off to receive higher education. It  
19 was as much a testament to her intelligence as it was to Black resilience during that  
20 painful time.

21 64. Ms. Dickerson’s grandfather was one of exceedingly few wealthy Black  
22 farmers in Texas, having inherited a large cotton farm from his family, who were among  
23 the mere 5,000 Black families (against 1.5 million white families) who received property  
24 under the Southern Homestead Act of 1866. Ms. Dickerson’s grandfather hosted Negro  
25 League Baseball exhibitions on his property in Northeast Texas. Today, Ms. Dickerson  
26 owns 29 acres of her grandfather’s historic property, where another 79 acres are owned  
27 by other family members.

28 65. Ms. Dickerson’s mother, Leslie Clark, was an adoptee to a well-to-do Black

1 Portland, Oregon couple. She had a privileged childhood and was a prolific activist from  
2 a young age. At just fourteen years old she successfully petitioned to end her high  
3 school's sexist ban on girls wearing pants. At just eighteen years old, just after both of  
4 her adopted parents passed away, she enrolled at the University of Portland and served as  
5 the NAACP's representative on the board of the Multnomah County Police Commission  
6 after a rash of unjustified police shootings killed a number of Black teenagers.

7 66. Leslie became a nurse and worked for years at the San Joaquin County Jail  
8 before engaging her passion for service to open, own, and operate a group home for  
9 children who had lost their way. Throughout Ms. Dickerson's childhood, she attended  
10 NAACP meetings with her mother, who was the Stockton Chapter Secretary.

11 67. Because of her committed parents and her committed stepfather Michael—a  
12 San Joaquin County Sheriff and two-time Iraq War veteran (serving in Fallujah and  
13 Mosul)—no obstacle would keep Ms. Dickerson from success. But even as she powered  
14 through her childhood with all of the poise and curiosity of a young woman who picked  
15 up competitive violin by the age of eight and learned to speak Spanish by high school,  
16 she did not live life unaware of the myriad ways in which hateful people saw her skin.

17 68. As a teenager, Ms. Dickerson and a number of Black friends were ordered to  
18 leave their own gated community after police lied that they had "received information  
19 that there was gang and drug activity," when in fact they had simply received a call about  
20 "[Black] kids who look out of place."

21 69. A few years later, Ms. Dickerson's then-boyfriend was pulled over and  
22 handcuffed for "fitting the description of a robbery in the area," even though he was  
23 driving a one-of-a-kind collector car that did not fit the description at all.

24 70. As an accountant, Ms. Dickerson had a "walking while Black" experience in  
25 which she was detained by a police officer and questioned aggressively when leaving her  
26 office late at night on alleged suspicion that she had "broken into the building." The  
27 officer terrified her, barking orders at her with his hand on his firearm and demanding to  
28 know whether she was on parole or had warrants for her arrest.

1           71. While living in Seattle, Ms. Dickerson was assaulted by an event bouncer  
2 who refused to believe that she had a reservation. She had arrived at the restaurant as an  
3 escort for a white friend who had cerebral palsy and was already inside the establishment.  
4 The bouncer threatened to call the police on Ms. Dickerson and refused to believe that  
5 she owned a condominium in the same building.

6           72. While on vacation in Montana and Idaho, Ms. Dickerson was pulled over  
7 and interrogated by police for an alleged “window tint” violation on her un-tinted  
8 vehicle. It wasn’t until the police officer saw and questioned her white passenger that he  
9 let them go.

10          73. Because of these experiences, Ms. Dickerson understands justice as much as  
11 she loathes injustice. The pain Nike brought her, as described herein, has not abated. She,  
12 like her husband and son, seeks redress for the suffering she continues to experience.  
13 This has not gotten easier for her—if anything, it has gotten harder, as the very people  
14 who traumatized her family continue to treat her as though her life and that of her  
15 husband and infant son don’t matter at all.

16          74. Before Nike brought this trauma upon the Stallworth-Dickerson family, and  
17 before Nike utterly failed to show any meaningful contrition and take steps to right its  
18 wrongs, Mr. Stallworth and Ms. Dickerson counted themselves among some of Nike’s  
19 strongest supporters. Nike’s “support” for Mr. Stallworth as a college athlete, as a  
20 professional athlete, and as a coach meant the world to him. Ms. Dickerson has worked  
21 with Nike in her capacity as a board member of the Western Region of the National  
22 Association of Black Accountants and she felt a special connection to the company as a  
23 result of the image Nike appeared to cultivate on racial justice issues. For Nike’s outward  
24 image, Ms. Dickerson was even willing to overlook the time a Nike employee  
25 approached her at an executive meeting at Nike’s headquarters and attempted to recruit  
26 her for a position well below her training and experience. But now that Nike enlisted  
27 armed police to intimidate and endanger her and her family, she can no longer look the  
28 other way.

1           75. The trauma that Nike has brought upon this family and Nike’s total lack of  
2 remorse for the same make clear that Nike’s image is nothing more than a marketing ploy  
3 to access the wealth of the Black community. This became painfully clear on July 5,  
4 2019.

5 **B. Nike’s Racial Profiling and Traumatic Endangerment of the Lives of the**  
6 **Stallworth-Dickerson Family**

7           76. On July 5, 2019, Mr. Stallworth, Ms. Dickerson, and S.S. were hosting their  
8 friend Rebecca and her son Khalil, who were visiting them from the Bay Area. They  
9 decided to take their friends to the Santa Monica Promenade to go shopping and eat  
10 dinner together in celebration of Rebecca’s birthday. Mr. Stallworth, Khalil, and S.S.  
11 went into the Nike Store on the Promenade while Ms. Dickerson and Rebecca finished  
12 shopping at a nearby store. Choosing Nike was not happenstance. Unaware of the slew of  
13 gender and racial discrimination cases lodged against Nike and armed only with Nike’s  
14 clever advertisement campaign messaging, Nike represented to them a new era of  
15 corporate responsibility and awareness—one that intimately represented their own  
16 success.

17           77. Once inside the Nike store and toddling in front of his father, S.S. bee-lined  
18 to an area where children were playing with loose Nike balls. Ms. Dickerson and  
19 Rebecca entered the store shortly thereafter.

20           78. S.S. joined the other kids, pointed at a child-sized basketball and looked up  
21 at his father with a massive grin on his face. This was a big moment. S.S.’s first  
22 basketball represented the continuation of a multi-generational legacy, from Mr.  
23 Stallworth’s grandfather and father and Ms. Dickerson’s grandmother and father all the  
24 way down to S.S. S.S. giggled, “ball ball ball!” Naturally, Mr. Stallworth made sure to  
25 record it on his phone. S.S. picked up the ball and began to toddle around the other  
26 children, all the while looking up at his father with a smile on his face. Mr. Stallworth  
27 continued to record the moment and announced to his friends in real time on Instagram,

28           79. “S.S.’s first basketball!” He handed his credit card to a cashier to purchase



1 the ball.<sup>25</sup> He held onto the receipt, which was rare for him. A few minutes later, the  
2 Stallworth-Dickerson family and their friends left the store.

3 80. Mr. Stallworth and S.S. were happy. Mr. Stallworth mimicked basketball  
4 moves with his son and they walked out of the store and onto the promenade. This happy  
5 moment lasted only a few seconds.

6 81. Magee saw a Black man in a hoodie leave her store with a basketball and  
7 she sprang into action. She had no reasonable suspicion, let alone probable cause, but that  
8 didn't stop her. She bolted out the door and ran after them across the promenade. Magee  
9 shouted at Mr. Stallworth, "Hey, you stole that ball! You need to return that stolen ball!"  
10 She jumped right in front of Mr. Stallworth and S.S. to impede their path. She lunged at  
11 Mr. Stallworth and attempted to snatch the ball from his hands, even touching the ball,  
12 but he hugged it close. Intentionally depriving them of their freedom of movement, she  
13 stood her ground and repeated her accusation several times. She continued to impede Mr.  
14 Stallworth's and S.S.'s path and lunge at Mr. Stallworth. Mr. Stallworth responded, over  
15 and over, "What are you talking about? I bought this. Leave us alone." Mr. Stallworth  
16 was terrified but tried to maintain his composure as an example for his son.

17 82. Hearing the commotion, Ms. Dickerson turned around and repeated that they  
18 had purchased the ball. She was shocked to see Magee verbally attacking Mr. Stallworth,  
19 blocking his and S.S.'s path, and attempting to take the ball from his hands. Ms.  
20 Dickerson, fearing for her own safety, the safety of her child, and the safety of her  
21 husband, started back toward Magee, S.S., and Mr. Stallworth.

22 83. Magee looked at Ms. Dickerson, surely sensing Ms. Dickerson's  
23 determination to protect her family, and she ran off. Ms. Dickerson picked up S.S. and  
24 put him over her chest in a sling.

25 84. Magee ran over to three armed SMPD officers, pointed down the block at  
26

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27 <sup>25</sup> Mr. Stallworth paid full price for the child-sized basketball, not the 30% discount rate  
28 Nike gives to police officers on "Law Enforcement Appreciation Day." See Exhibit 28  
(Nike – Law Enforcement Appreciation Day Advertisement).

1 Mr. Stallworth, and lied to them, telling them that Mr. Stallworth had stolen a child-size  
2 basketball. The three armed SMPD officers, who were wearing bulletproof vests,  
3 followed Plaintiffs, surrounded and detained them, and parroted Magee’s accusations.  
4 One of the officers, Jacob Emanuel, had killed an unarmed man the year before. *See*  
5 footnote 1, *supra*. “Give her the stolen ball,” Emanuel barked as the officers repeatedly  
6 placed their hands on their firearms. The officers, alongside Magee, surrounded the  
7 family and intentionally deprived them of their freedom of movement.

8 85. Magee lied to the officers again, now telling them that she had asked every  
9 employee working that evening and they all told her that the Stallworth-Dickerson family  
10 had stolen the ball. The family was terrified. They were surrounded by guns, bulletproof  
11 vests, and barking officers, all at the behest of a lying, racist Nike employee.

12 86. The officers had taken no steps to confirm Magee’s story before surrounding  
13 the Stallworth-Dickerson family and their friends. They saw a white woman and upon  
14 seeing that she had accused a Black man in a hoodie, family in tow notwithstanding, they  
15 took her word as fact. Indeed, in the police report written by SMPD Officer Emanuel, he  
16 wrote only that “an un-named Nike Employee [ ] told [Emanuel] a subject had stolen a  
17 basketball from the Nike Store” and “pointed to a group walking northbound and stated  
18 the subject in a pink sweatshirt (later identified as Stallworth, Joel) had taken the ball and  
19 still had it.”<sup>26</sup>

20 87. The promenade was busy, and a crowd started to form. Some took out their  
21 phones to record videos and snap photographs. Now, compounding this family’s fear was  
22 a deep sense of shame, the residue of which remains to this day. They were being treated  
23 like dangerous criminals, put up for show in the middle of a busy promenade. Their  
24 reputations and lifetimes of success shriveled into oblivion behind the color of their skin.

25 88. Mr. Stallworth repeated to the armed officers that he had purchased the ball.

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27 <sup>26</sup> *See* Exhibit 4 (February 10, 2020 Memorandum of Los Angeles County District  
28 Attorney Jackie Lacey’s Justice System Integrity Division regarding the April 7, 2018  
death of Mr. Rodriguez (described in footnote 3, *supra*)).

1 Ms. Dickerson told them too, saying “We just told you we bought it. What do you need  
2 the receipt for?”

3 89. Magee repeated the lie: “Because we didn’t have our basketball,” she said.  
4 Mr. Stallworth was upset and continued to plead his case. His pleas fell on deaf ears.  
5 Another officer barked at him, “Calm down! You’re with your son!” Mr. Stallworth  
6 could not calm down precisely because he was with his son. Magee tried to snatch the  
7 receipt from Mr. Stallworth’s hand.

8 90. Mr. Stallworth, terrified for himself and his family, not to mention deeply  
9 ashamed of the spectacle, had had enough. He rolled the ball across the promenade and  
10 tossed the receipt on the ground. One of the officers walked toward the ball with Magee,  
11 picked it up, smiled at her, and placed it in her hands. Another officer picked up the  
12 receipt, snapped at Mr. Stallworth to “chill out,” and showed the receipt to Magee. They  
13 were still surrounded.

14 91. Mr. Stallworth continued to beg his case. He was at least five feet away from  
15 Magee while he pleaded with the officers and Magee. Nevertheless, one of the officers  
16 stepped in front of Mr. Stallworth and Ms. Dickerson, who still had then-19-month-old  
17 S.S. over her chest in a sling. The officer put his hand in Ms. Dickerson and S.S.’s faces  
18 and snarled at Mr. Stallworth, “You’re intimidating her!” Mr. Stallworth responded,  
19 “She’s intimidating me.” Ms. Dickerson chimed in, telling the officers and Magee that  
20 her family had been racially profiled, and stating “She’s intimidating *us*. She is harassing  
21 us, following us, running after us. We bought this!”

22 92. Mr. Stallworth and Ms. Dickerson were rightly horrified. Nike and Magee  
23 had put them on exhibition for the crowded theater of the promenade and they feared for  
24 their safety and the safety of their child. Keeping a watchful eye on the officers’ hands,  
25 which tapped on and off of their guns, the family announced that they intended to return  
26 the ball for a refund immediately.

27 93. Ms. Dickerson, with S.S. still in the sling, walked cautiously with Mr.  
28 Stallworth, Rebecca, and Khalil into the store. They were followed at close clip by the

1 armed officers, who continued to surround them. Even in their efforts to return the ball  
2 and rid themselves of any memento of this terrifying experience, they were being treated  
3 like dangerous criminals. They were overcome with fear and humiliation.

4 94. Mr. Stallworth and Ms. Dickerson processed the return, continuing to look  
5 over their shoulders at the armed officers as they held their perimeter, unrelenting in their  
6 posture as if this family was conniving delinquents rather than an innocent, successful  
7 and proud Black family trying desperately to end this nightmare and maintain their  
8 dignity.

9 95. Ms. Dickerson mustered up the strength to ask to speak with the manager. A  
10 young Black male employee pointed to Magee, the very woman who had brought this  
11 trauma upon them. The same employee had earlier told Ms. Dickerson and Rebecca in a  
12 hushed tone, “She does this all the time. She has done it multiple times today. As a Black  
13 man, I know what it feels like.”

14 96. After returning the ball and getting their refund, the family left. The family  
15 and Rebecca and Khalil went to dinner, desperately trying to forget what they’d just gone  
16 through. After all, the weekend was just beginning. Moreover, it was Rebecca’s birthday  
17 and they wanted more than anything to make it a good one for her.

18 97. But they couldn’t get it out of their mind. They replayed, over and over, the  
19 parade of horrific images of innocent African Americans brutalized by police and private  
20 security that have come to saturate America’s airwaves and bring this country to a  
21 breaking point. Mr. Stallworth couldn’t even eat. He was so distraught that he began to  
22 cry and left the restaurant to go sit in the car, alone with his thoughts. Ms. Dickerson  
23 stayed inside with Rebecca and Khalil to feed S.S., and when dinner was done, they  
24 headed home.

25 98. Once home, Mr. Stallworth and Ms. Dickerson discussed how many people  
26 had witnessed the incident, and how fearful they were that their reputations—the  
27 lifeblood of their careers—could be ruined if someone else posted videos or took control  
28 of the narrative and painted them as bad actors. Mr. Stallworth told Ms. Dickerson, “We

1 have to control this narrative. Those people out there thought that we were stealing.”

2 99. During the days that followed, Ms. Dickerson reached out to senior partners  
3 in order to fulfill her duties (to Grant Thornton, the California Board of Accountancy,  
4 bank clients, and the federal government as a result of her secret clearance) to disclose  
5 potential allegations of ethical violations and conflicts of interest. Ms. Dickerson worried  
6 relentlessly that Nike’s accusations could affect her compliance with Grant Thornton’s  
7 and the California Board of Accountancy’s ethical conduct standards. Additionally, as  
8 Ms. Dickerson oversees consulting services at Grant Thornton’s Oregon office, she  
9 worried that the incident would create a conflict and disrupt their potential revenue  
10 stream with Nike, which Grant Thornton listed as a strategic account for its Portland  
11 office, and for which Ms. Dickerson had written a strategic plan.

12 100. Ms. Dickerson and Mr. Stallworth were overwhelmed. Mr. Stallworth closed  
13 his shop for the next few days and Ms. Dickerson reached out to her office manager to  
14 cancel most of her meetings for the next month and access information about Grant  
15 Thornton’s family assistance program and mental health hotline, which they would use to  
16 pay for Mr. Stallworth’s therapy.

17 101. There was no escaping the devastation this family felt. Rebecca and Khalil  
18 were slated to stay through the weekend, and they did, but Mr. Stallworth and Ms.  
19 Dickerson still feel deep remorse that they were unable to play host because they were  
20 consumed by fear, sadness and anger. Mr. Stallworth and Ms. Dickerson spent the  
21 weekend crying, unable to sleep, and going over all the “what ifs” in their heads. They  
22 reached out to family, and they reached out to friends who could help them spread the  
23 word and save their reputations.

24 102. The family attended an extended-family barbecue in Granada Hills the day  
25 after the incident, where they struggled to face the barrage of questions they received  
26 about what Nike had done to them. That night they cried more, and Mr. Stallworth went  
27 another evening without sleep. In all, Mr. Stallworth did not sleep for four straight nights.  
28 He was consumed with pain and fear for the world his son would inherit. Ms. Dickerson

1 struggled to sleep, too. Neither Mr. Stallworth nor Ms. Dickerson would get a full night's  
2 sleep for weeks. Rebecca and Kahlil could hear Mr. Stallworth and Ms. Dickerson  
3 yelling at each other through the walls. They seemed broken.

4 103. S.S. also had difficulty sleeping. Ms. Dickerson and Mr. Stallworth noticed  
5 it at home, and S.S.'s daycare teachers noticed it too, reaching out to Mr. Stallworth and  
6 Ms. Dickerson to express their concern.

7 104. On the day after the incident, Ms. Dickerson called the Santa Monica Police  
8 Department seeking an incident report and to make a citizen complaint. She asked to  
9 speak with Officer Emanuel, and when she finally got through to him that evening, he  
10 told her, "there will be no report because there was no incident." Ms. Dickerson was  
11 shocked. Officer Emanuel attempted to evade responsibility, claiming that it was "up to  
12 the officer to determine whether there should be a report, and since this incident was  
13 resolved on site there was no report necessary." Ms. Dickerson did not relent and was  
14 eventually told that she could only submit a request for an incident report in person.  
15 Despite the additional trauma of having to return and face Emanuel in person, she  
16 determined to go to the station the next day.

17 105. On Sunday, July 7, 2019, Mr. Stallworth and Ms. Dickerson went to Santa  
18 Monica and met with Emanuel, who finally relented and drafted a report.<sup>27</sup> Despite a  
19 brevity, tenor and tone that wholly fail to reflect the gravity of what occurred, and despite  
20 Emanuel's intentional omission of the names of the other two officers present despite  
21 their appearance on camera detaining the family, Emanuel's report nevertheless makes  
22 clear that the SMPD officers lacked probable cause to do so.<sup>28</sup> Indeed, per Emanuel's

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23 <sup>27</sup> Attached hereto as Exhibit 29 is the police report drafted by SMPD officer Jacob  
24 Emanuel.

25 <sup>28</sup> "Reasonable suspicion exists when the person responsible ... is aware of specific  
26 articulable facts, and inferences from those facts, which reasonably warrant a suspicion  
27 that evidence will be uncovered." *Kirkpatrick v. Los Angeles*, 803 F.2d 485 (9th Cir.  
28 1986). This police report establishes that the SMPD officers acted in the absence of  
reasonable suspicion to detain the Stallworth-Dickerson family at Nike's behest. *Fla. v.*  
*J.L.*, 529 U.S. 266, 272 (2000) ("An accurate description of a subject's readily

1 report, the entirety of the information learned by the SMPD officers prior to detaining the  
2 family was that “an un-named Nike Employee [ ] told [Emanuel] a subject had stolen a  
3 basketball from the Nike Store” and “pointed to a group walking northbound and stated  
4 the subject in a pink sweatshirt (later identified as Stallworth, Joel) had taken the ball and  
5 still had it.”

6 106. Mr. Stallworth and Ms. Dickerson felt and continue to feel a deep sense of  
7 betrayal. Nike, a place they had seen as a progressive corporate refuge from the fear and  
8 danger that too often arises from living while Black in America, turned out to be another  
9 bad actor. Nike had paid tens to hundreds of millions of dollars to Wieden+Kennedy to  
10 cultivate an image of care and concern for Black America all while perpetuating  
11 indifference and violence against it.

12 107. The family tried desperately to get Nike to atone for what it had done. Ms.  
13 Dickerson reached out to Nike but received no response until she spoke with a close  
14 friend with connections to Nike’s corporate office. That response was, in the end, not a  
15 response at all. It was a single email and call from Blanca Gonzalez, Nike’s Los Angeles  
16 Operations Manager. Gonzalez spoke with Ms. Dickerson briefly, telling her that she was  
17 on vacation and that she would call back after she returned to the country. Gonzalez  
18 never called back.

19 108. Through lessons passed down to them and traumatic experiences of their  
20 own, Mr. Stallworth and Ms. Dickerson are hyper-aware and extremely sensitive to the  
21 fact that America has never truly addressed its original sin. They know that no matter  
22 observable location and appearance is of course reliable in this limited sense: It will help  
23 the police correctly identify the person whom the tipster means to accuse. Such a tip,  
24 however, does not show that the tipster has knowledge of concealed criminal activity.  
25 The reasonable suspicion here at issue requires that a tip be reliable in its assertion of  
26 illegality, not just in its tendency to identify a determinate person.”); *United States v.*  
27 *Williams*, 114 F. Supp. 2d 629, 633 (E.D. Mich. 2000) (holding that “an informant’s  
28 bald accusation that Defendant trafficked in illegal drugs and carried a weapon, [even  
when] coupled with Defendant’s apparent nervousness when the police stopped his  
vehicle do[es] not equate to a ‘particularized and objective basis for suspecting’  
Defendant of criminal acts; i.e., reasonable suspicion did not exist.”).

1 how peaceful they are, no matter how successful they are, there are places where their  
2 safety and dignity might be made subordinate to the prejudices of others. If anything  
3 from these last few weeks is clear, America is finally awakening to this reality. But the  
4 Stallworth-Dickerson family hoped and believed there were a growing number of spaces  
5 where they could let their guard down. One of those spaces was supposed to be Nike.

6 109. For Mr. Stallworth and Ms. Dickerson, the depth of this harm cannot be  
7 overstated. Their lives had been deeply enmeshed with Nike. To them, Nike represented  
8 “one of the good guys.” Living their lives as Black in America has its dangerous  
9 obstacles, but they were sure that Nike was on their side. Now they wonder, “If Nike is  
10 dangerous and remorseless, what refuge do we have left?” Ms. Dickerson describes the  
11 feeling of betrayal as akin to witnessing a close family member that she looks up to turn  
12 out to be a serial abuser. And despite going to Santa Monica about twice a month before  
13 the incident to train on the beach and stairs, Mr. Stallworth has refused to return in the  
14 year that has passed since the incident.

15 110. Even more traumatizing, Nike now has the distinction of providing S.S. with  
16 his first exposure to a world where killer armed police might be sicced on him because of  
17 the color of his skin. Nike also humiliated Mr. Stallworth in front of his son. A  
18 generational, once-in-a-lifetime moment—the one where S.S. picked his first basketball  
19 like his father and grandfather before him—was taken away and replaced with a lesson  
20 that no child should have to learn. Mr. Stallworth took his son into what he thought was a  
21 safe place to introduce him to a deep family tradition. Instead of experiencing the elation  
22 that a decorated basketball player and son of a decorated basketball player would feel  
23 when his own son picked up a basketball for the first time, he was endangered and  
24 embarrassed in front of his child.

25 111. The family now constantly finds itself on edge, deeply sad, frustrated  
26 without provocation, and more fearful than ever in retail establishments. Mr. Stallworth  
27 never forgets to keep a receipt, goaded on by the fearful “what if” that has burrowed deep  
28 within him.



1           112. Mr. Stallworth sought therapy after the incident and recalls a particularly  
2 difficult therapy session about a month after the incident, a few days after which he broke  
3 down crying while pushing S.S. in a stroller. He didn't want S.S. to ever have to go  
4 through this. He and Ms. Dickerson had built a life that he had always imagined would  
5 insulate S.S. from being reduced to a criminal for the color of his skin. They are  
6 financially successful and can afford most things that S.S. might want, but no amount of  
7 money and no amount of reliance on spaces like Nike, which profit off a thin veneer of  
8 "wokeness," can shield their son from the dangers of being Black. Nike and Magee put  
9 that in stark relief for Mr. Stallworth, violently stripping away, forever, his confidence in  
10 his own ability to protect his child.

11           113. Mr. Stallworth has continued to struggle since the incident. Even after he  
12 opened back up his store, he was unable to regain his composure. In August of 2019,  
13 when HBO began filming in front of his shop and thus blocking patrons from entry, he  
14 went outside, yelled at them, and kicked their street cones. Mr. Stallworth has prided  
15 himself on his strong reputation among the Downtown Los Angeles athletic and artistic  
16 community as a creative, peaceful, highly sociable, and persistently happy presence. This  
17 reputation has earned his shop visits from some of the biggest names in the NBA. He felt  
18 immense shame for his loss of composure and realized how necessary therapy was for  
19 him to work through the effects of Nike's actions.

20           114. Ms. Dickerson has struggled to regain her edge. Like Nike's executive  
21 leadership,<sup>29</sup> Grant Thornton is disproportionately white. Fewer than ten percent of  
22 partners at Grant Thornton are people of color. She worked hard to become the first  
23 Black partner in Grant Thornton's West Region and to make new space for Black women  
24 in her field, yet she found herself having to reach out to the company's top brass to tell  
25 them that her reputation was in jeopardy, and that she would likely be unable to further  
26 her role in planning and supervising strategy for a top strategic account.

27 \_\_\_\_\_  
28 <sup>29</sup> See Exhibit 1 (Screenshot of Nike's Executive Board as displayed on Nike's website  
on June 9, 2020).

1           115. Ms. Dickerson was humiliated, and she had to cancel her meetings and cut  
2 her workload by 90% for the next month just to regain some semblance of composure.  
3 Even still, she has been unable to recover. Ms. Dickerson was in contention for a coveted  
4 position on Grant Thornton’s Board of Directors. Obtaining the position required an all-  
5 out campaign to garner the support of the majority of the company’s 600 partners. After  
6 the incident, she could not follow through with the rigors that the campaign required. She  
7 slowly withdrew from campaigning and failed to obtain the board position that she so  
8 desperately wanted.

9           116. Being a vocal leader had come naturally to Ms. Dickerson, but now she  
10 experiences fatigue and anxiety and has to put forth twice as much effort to lead, drawing  
11 concern from her friends and coworkers. She started receiving complaints from senior  
12 partners—that she had “lost her optimism,” that she had become “extremely negative,”  
13 that she had become “a complainer.” After an August partner meeting in Las Vegas,  
14 where she oversees strategic development at another one of Grant Thornton’s offices, she  
15 was told that her negativity was palpable, and she was “not like herself.” The next month,  
16 a senior partner approached her and offered to provide her with an executive coach to  
17 help her work through the problems brought upon her by Nike.

18           117. Ms. Dickerson received and continues to receive emails, texts, calls and  
19 comments from coworkers, friends, and acquaintances halfway around the world asking  
20 her about the incident. And in late October, 2019, Ms. Dickerson attended a diversity  
21 summit at Caesar’s Palace, which is one of her clients. During the convention, while she  
22 was entertaining a high profile client, Ms. Dickerson was approached by NAACP board  
23 members and local businessmen who immediately asked her about the incident.

24           118. Mr. Stallworth receives the same kinds of questions and communications,  
25 from current Nike-sponsored athletes to customers, friends, and business partners. For  
26 him, just as for Ms. Dickerson, there is no reprieve.

27           119. Mr. Stallworth and Ms. Dickerson did their best to mitigate the harm from  
28 this incident both in the moment by recording and posting it to social media for their

1 safety, and afterward by speaking with media outlets. Their careers are built around their  
2 reputations, and since many unknown people were present on the promenade and filmed  
3 the incident, it was critical for them to preempt the spread of false narratives. Nike's  
4 actions had imperiled their reputations as much as their physical safety, and forced them  
5 to take these protective measures, which themselves have had unavoidable side effects.  
6 Millions of people have viewed the incident and its aftermath, and not a day goes by  
7 during which this family is not retraumatized by its mention.

8 120. Plaintiffs bring this action for damages against Defendants for general,  
9 compensatory, and statutory damages, costs and attorneys' fees, declaratory and  
10 injunctive relief for Defendants' unlawful and egregious conduct, as alleged herein.  
11 Additionally, Plaintiffs seek punitive damages against the individual Defendants.

12 121. This Complaint seeks damages for violations of the civil rights, privileges,  
13 and immunities guaranteed by the Fourth and Fourteenth Amendments of the United  
14 States Constitution, pursuant to 42 U.S.C. §§ 1983 and 1981, and for violations of  
15 California State law.

## 16 **FIRST CAUSE OF ACTION**

### 17 **42 U.S.C. § 1983 – Unlawful Detention and False Arrest and Imprisonment** 18 **(All Plaintiffs Against All Defendants)**

19 122. Plaintiffs reallege and incorporate by reference each and every allegation  
20 contained above as though fully set herein.

21 123. On or about July 5, 2019, Defendant Magee, acting in concert with the Santa  
22 Monica Police Department and under color of state law, deprived Plaintiffs of the rights,  
23 privileges, and immunities secured by the Constitution and the laws of the United States,  
24 including those secured by the Fourth Amendment to the Constitution, incorporated and  
25 made applicable to the states by the Fourteenth Amendment by subjecting them to  
26 unlawful detention.

27 124. The foregoing wrongful acts and failures to act of Defendants resulted in the  
28 detention of Plaintiffs. As a proximate result of the foregoing wrongful acts of

1 Defendants, Plaintiffs have suffered and will continue to suffer both physical and  
2 emotional injuries, including, but not limited to, stress, humiliation, and anxiety, as  
3 described in detail in paragraphs 27-119, *infra*.

4 125. By engaging in the foregoing wrongful acts and failures to act, Defendants  
5 acted with conscious disregard of Plaintiffs' rights. Defendant Magee had no reason to  
6 seek out the SMPD officers to detain Plaintiffs. When the SMPD officers detained  
7 Plaintiffs, they lacked sufficient information to establish reasonable suspicion, let alone  
8 probable cause. The SMPD officers' detention of Plaintiffs was made pursuant to an  
9 agreement with shopkeepers in and around the Third Street Promenade, including  
10 Defendants Nike and Magee, whereby SMPD detains all individuals shopkeepers accuse  
11 of theft or against whom shopkeepers make citizens arrests or detentions. This agreement  
12 substitutes the judgment of private parties for the SMPD's own authority as SMPD  
13 simply carries out the shopkeepers' directions. Moreover, even after the SMPD officers  
14 confirmed that Mr. Stallworth had purchased the basketball, they nevertheless continued  
15 to restrict Plaintiffs' freedom until their refund was finalized.

16 126. In addition, the training policies of Defendant Nike was not adequate to train  
17 its agents and employees to avoid unlawful arrests and detentions including, but not  
18 limited to, investigatory techniques, racial bias training, theft control training, and  
19 witness interviewing. Defendant Nike was thus deliberately indifferent to the obvious  
20 consequences of the failure to train its agents and employees adequately. This lack of  
21 training led to the unlawful detention and false arrest and imprisonment of Plaintiffs.

22 127. Defendants' conduct was willful, wanton, malicious, and oppressive, thereby  
23 justifying an award of punitive damages against Defendants in an amount adequate to  
24 punish the wrongful conduct alleged herein and to deter such conduct in the future.

## 25 **SECOND CAUSE OF ACTION**

### 26 **42 U.S.C. § 1981 – Equal Rights Under the Law**

#### 27 **(Plaintiff Joel Stallworth Against All Defendants)**

28 128. Plaintiffs reallege and incorporate by reference each and every allegation

1 contained above as though fully set herein.

2 129. California's Unruh Act provides that "No business establishment of any kind  
3 whatsoever shall discriminate against, boycott or blacklist, or refuse to buy from, contract  
4 with, sell to, or trade with any person in this state on account of any characteristic listed  
5 or defined in subdivision (b) or (e) of Section 51." Cal. Civ. Code § 51.5. Subdivision (b)  
6 includes race. *Id.* at § 51. The Fourth Amendment to the United States Constitution and  
7 Section 13 of Article I to the California Constitution protect against unlawful searches  
8 and seizures. The Fourteenth Amendment to the United States Constitution and Section 7  
9 of Article I to the California Constitution protect the individual's right to life, liberty, and  
10 property. And Section 31 of the California Constitution protects the individual's right to  
11 be free from discrimination by the state.

12 130. On or about July 5, 2019, Defendants denied Mr. Stallworth the full and  
13 equal benefit of all laws and proceedings for the security of persons and property as  
14 enjoyed by white people, as secured by 42 U.S.C. § 1981 by, among other things, on  
15 account of his race, singling him out for unlawful oppression by preventing him from  
16 maintaining ownership of his lawfully purchased basketball without providing  
17 Defendants with a paper receipt showing the same. These actions violated California's  
18 Unruh Act. Cal. Civ. Code § 51.5, the Fourth and Fourteenth Amendments to the United  
19 States Constitution, and Sections 7, 13, and 31 to Article I of the California Constitution.  
20 This was purposeful and systematic, as Magee had history, known to Nike at all times  
21 relevant herein, of doing the same to other Black customers and employees. This was  
22 also done in conspiracy with SMPD officers acting with the coercive power of the state.  
23 Plaintiffs are informed and believe and thereon allege that Defendant Magee sold  
24 basketballs to similarly-situated individuals who were not African Americans without the  
25 added condition that they be subjected to detention or provide her with proof of purchase,  
26 and that race motivated her decision to require the same of Mr. Stallworth.

27 131. As a proximate result of the foregoing wrongful acts of Defendant Magee,  
28 Mr. Stallworth suffered and will continue to suffer both physical and emotional injuries,

1 including, but not limited to, stress, humiliation, and anxiety, as described in detail in  
2 paragraphs 27-119, *infra*.

3 132. In addition, the training and policies of Defendant Nike were not adequate to  
4 train and prevent its agents and employees from adding race-based conditions on  
5 purchases, including, but not limited to racial bias policies and training, and theft-control  
6 policies and training.

7 133. Defendants' conduct was willful, wanton, malicious, and oppressive, thereby  
8 justifying an award of punitive damages against Defendants in an amount adequate to  
9 punish the wrongful conduct alleged herein and to deter such conduct in the future.

10 **THIRD CAUSE OF ACTION**

11 **42 U.S.C. § 1985 Deprivation of Rights and Privileges**

12 **(All Plaintiffs Against All Defendants)**

13 134. Plaintiffs reallege and incorporate by reference each and every allegation  
14 contained above as though fully set herein.

15 135. On or about July 5, 2019, Defendants Magee, Nike, and Does 1-10, along  
16 with the Santa Monica Police Department, on Santa Monica, California's Third Street  
17 Promenade, conspired to deprive Plaintiffs of the equal protection of the laws and equal  
18 privileges and immunities of the laws, and for the purpose of hindering the constituted  
19 authorities of the State of California from securing to them the equal protection of the  
20 law.

21 136. The foregoing wrongful acts and failures to act of Defendants were  
22 motivated by Plaintiffs' race and resulted in the detention of Plaintiffs. As a proximate  
23 result of the foregoing wrongful acts of Defendants, Plaintiffs have suffered and will  
24 continue to suffer both physical and emotional injuries, including, but not limited to,  
25 stress, humiliation, and anxiety, as described in detail in paragraphs 27-119, *infra*.

26 137. By engaging in the foregoing wrongful acts and failures to act, Defendants  
27 acted with conscious disregard of Plaintiffs' rights. Defendant Magee had no reason to  
28 seek out the SMPD officers to detain Plaintiffs. When the SMPD officers detained

1 Plaintiffs, they lacked sufficient information to establish reasonable suspicion, let alone  
2 probable cause. The SMPD officers' detention of Plaintiffs was made pursuant to an  
3 agreement with shopkeepers in and around the Third Street Promenade, including  
4 Defendants Nike and Magee, whereby SMPD detains all individuals shopkeepers accuse  
5 of theft or against whom shopkeepers make citizens arrests or detentions. This agreement  
6 substitutes the judgment of private parties for the SMPD's own authority as SMPD  
7 simply carries out the shopkeepers' directions. Moreover, even after the SMPD officers  
8 confirmed that Mr. Stallworth had purchased the basketball, they nevertheless continued  
9 to restrict Plaintiffs' freedom until their refund was finalized.

10 138. In addition, the training policies of Defendant Nike was not adequate to train  
11 its agents and employees to avoid unlawful arrests and detentions including, but not  
12 limited to, investigatory techniques, racial bias training, theft control training, and  
13 witness interviewing. Defendant Nike was thus deliberately indifferent to the obvious  
14 consequences of the failure to train its agents and employees adequately. This lack of  
15 training led to the unlawful detention and false arrest and imprisonment of Plaintiffs.

16 139. Defendants' conduct was willful, wanton, malicious, and oppressive, thereby  
17 justifying an award of punitive damages against Defendants Magee and Nike in an  
18 amount adequate to punish the wrongful conduct alleged herein and to deter such conduct  
19 in the future.

20 **FOURTH CAUSE OF ACTION**

21 **Cal. Civ. Code § 51.5 – Unruh Act**

22 **(All Plaintiffs Against All Defendants)**

23 140. Plaintiffs reallege and incorporate by reference each and every allegation  
24 contained above as though fully set forth herein.

25 141. The Unruh Civil Rights Act, codified at California Civil Code section 51  
26 subdivision (b) provides, "All persons within the jurisdiction of this state are free and  
27 equal and no matter what their sex, race, color, religion, ancestry, national origin,  
28 disability, or medical condition are entitled to the full and equal accommodations,

1 advantages, facilities, privileges, or services in all business establishments of every kind  
2 whatsoever.” Enacted in 1959, the Unruh Civil Rights Act amended an 1897 version of  
3 Civil Code section 51 that was declarative of a common law doctrine requiring places of  
4 public accommodation “to serve all customers on reasonable terms without  
5 discrimination and ... to provide the kind of product or service reasonably to be expected  
6 from their economic role.” In re Cox, 3 Cal. 3d 205, 212 (1970). Subsection 51.5 (a)  
7 provides, “No business establishment of any kind whatsoever shall discriminate against  
8 .... Any person in this state on account of any characteristic listed or defined in  
9 subdivision (b) or (e) of Section 51.”

10 142. The Unruh Civil Rights Act applies to Nike, whose store was managed by  
11 Defendant Magee, and prohibits the kind of racially-motivated discrimination suffered by  
12 Plaintiffs on July 5, 2019. On that day, Defendant Magee, acting at all times within the  
13 scope of her employment at Nike, refused to provide equal access to Nike’s products and  
14 services on account of Plaintiffs’ race by following, harassing, defaming, accosting,  
15 assaulting, and accusing them of stealing a duly purchased basketball.

16 143. As a proximate result of the foregoing wrongful acts of Defendants,  
17 Plaintiffs have suffered and will continue to suffer both physical and emotional injuries,  
18 including, but not limited to, stress, humiliation, and anxiety, as described in detail in  
19 paragraphs 27-119, *infra*.

20 144. Defendants’ conduct was willful, wanton, malicious, and oppressive, thereby  
21 justifying an award of punitive damages against Defendants in an amount adequate to  
22 punish the wrongful conduct alleged herein and to deter such conduct in the future.

23 **FIFTH CAUSE OF ACTION**

24 **Cal. Civ. Code § 52.1 – Bane Act**

25 **(All Plaintiffs Against All Defendants)**

26 145. Plaintiffs reallege and incorporate by reference each and every allegation  
27 contained above as though fully set herein.

28 146. On or about July 5, 2019, Defendant Magee, in the course of her



1 employment at Nike and as an outgrowth of it, attempted to and in fact did interfere with  
2 Plaintiffs' peaceable exercise and enjoyment of rights by threats and acts of violence,  
3 intimidation, and coercion, because of their race.

4 147. Plaintiffs are informed and believe and thereon allege that Defendant Magee  
5 assaulted Mr. Stallworth on multiple occasions, engaged in menacing and threatening  
6 conduct, accused him of criminal activity, and ran after him, falsely imprisoned him,  
7 assaulted him, and attempted to snatch items from his hands, including a basketball and a  
8 paper receipt. These actions caused Ms. Dickerson, who was holding S.S., to start toward  
9 Mr. Stallworth in order to defend him from assault, thus exposing her and S.S. to the  
10 assault and intimidation thereof and resulted in Plaintiffs' detention by SMPD officers.

11 148. Defendant Magee, in the course of her employment with Nike and as an  
12 outgrowth of it, prevented Plaintiffs from leaving peaceably with Mr. Stallworth's  
13 purchase and from being discriminated against on account of race, as was their right  
14 under the laws and Constitutions of the State of California and the United States of  
15 America. In so doing Defendants also imposed additional conditions on the same, and  
16 threatened and engaged the coercive power of law enforcement to effectuate this  
17 interference with their rights.

18 149. As alleged herein, the actions of SMPD officers in unlawfully detaining  
19 Plaintiffs and slanderously accusing Mr. Stallworth of theft without evidence, reasonable  
20 suspicion, or probable cause, as joint tortfeasors in conspiracy with Defendants Nike and  
21 Magee, further support Plaintiffs' claims under this Act against Defendants Nike and  
22 Magee, and indeed are sufficient to independently support the same.

23 150. The foregoing wrongful acts and failures to act of Defendants violated  
24 Plaintiffs' rights under California's Unruh Act. Cal. Civ. Code § 51.5, the Fourth and  
25 Fourteenth Amendments to the United States Constitution, and Sections 7, 13, and 31 to  
26 Article I of the California Constitution.

27 151. In addition, Defendant Nike is vicariously liable because Defendant Magee's  
28 conduct occurred within the scope of and during the regular course of her employment at

1 Nike, as she was acting as an employee attempting to recover a duly purchased basketball  
2 on behalf of Nike.

3 152. As a proximate result of the foregoing wrongful acts of Defendants,  
4 Plaintiffs have suffered and will continue to suffer both physical and emotional injuries,  
5 including, but not limited to, stress, humiliation, and anxiety, as described in detail in  
6 paragraphs 27-119, *infra*.

7 153. Defendants' conduct was willful, wanton, malicious, and oppressive, thereby  
8 justifying an award of punitive damages against Defendants in an amount adequate to  
9 punish the wrongful conduct alleged herein and to deter such conduct in the future.

#### 10 **SIXTH CAUSE OF ACTION**

#### 11 **Cal. Civ. Code § 51.7 – Ralph Act**

#### 12 **(Plaintiff Joel Stallworth Against All Defendants)**

13 154. Plaintiffs reallege and incorporate by reference each and every allegation  
14 contained above as though fully set herein.

15 155. On or about July 5, 2019, Defendant Magee, in the course of her  
16 employment at Nike and as an outgrowth of it, intimidated Mr. Stallworth, by threat and  
17 acts of violence, because of his race.

18 156. Plaintiffs are informed and believe and thereon allege that Defendant Magee  
19 assaulted Mr. Stallworth on multiple occasions, engaged in menacing and threatening  
20 conduct, accused him of criminal activity, ran after him, falsely imprisoned him, and  
21 attempted to snatch items from his hands, including a basketball and a paper receipt, and  
22 engaged the inherently coercive power of the SMPD to detain Plaintiffs.

23 157. As alleged herein, the actions of SMPD officers in unlawfully detaining  
24 Plaintiffs and slanderously accusing Mr. Stallworth of theft without evidence, reasonable  
25 suspicion, or probable cause, as joint tortfeasors in conspiracy with Defendants Nike and  
26 Magee, further support Plaintiffs' claims under this Act against Defendants Nike and  
27 Magee, and indeed are sufficient to independently support the same.

28 158. The foregoing wrongful acts and failures to act of Defendant Magee caused

1 Ms. Dickerson, who was holding S.S. in a sling on the front of her body, to start toward  
2 Mr. Stallworth in order to defend him from assault, thus exposing her and S.S. to the  
3 assault and intimidation thereof.

4 159. In addition, Defendant Nike is vicariously liable because Defendant Magee's  
5 conduct occurred within the scope of and during the regular course of her employment at  
6 Nike, as she was acting as an employee attempting to recover a duly purchased basketball  
7 on behalf of Nike.

8 160. As a proximate result of the foregoing wrongful acts of Defendants,  
9 Plaintiffs have suffered and will continue to suffer both physical and emotional injuries,  
10 including, but not limited to, stress, humiliation, and anxiety, as described in detail in  
11 paragraphs 27-119, *infra*.

12 161. Defendants' conduct was willful, wanton, malicious, and oppressive, thereby  
13 justifying an award of punitive damages against Defendants in an amount adequate to  
14 punish the wrongful conduct alleged herein and to deter such conduct in the future.

## 15 SEVENTH CAUSE OF ACTION

### 16 Assault

#### 17 (Plaintiff Joel Stallworth Against All Defendants)

18 162. Plaintiffs reallege and incorporate by reference each and every allegation  
19 contained above as though fully set forth herein.

20 163. Defendant Magee acted, intending to cause harmful or offensive contact  
21 with Mr. Stallworth, and threatened to touch him in a harmful or offensive manner.

22 164. Mr. Stallworth reasonably believed that he was about to be touched in a  
23 harmful or offensive manner, and it reasonably appeared to him that Defendant Magee  
24 was about to carry out her threats.

25 165. Mr. Stallworth did not consent to Defendant Magee's conduct.

26 166. Defendant Magee's conduct was a substantial factor in causing Mr.  
27 Stallworth's harm.

28 167. Defendant Nike is vicariously liable for the actions of Magee, who was its

1 employee and agent at all times relevant herein.

2 168. As a proximate result of the foregoing wrongful acts of Defendants, Mr.  
3 Stallworth has suffered and will continue to suffer both physical and emotional injuries,  
4 including, but not limited to, stress, humiliation, and anxiety, as described in detail in  
5 paragraphs 27-119, *infra*.

6 169. Defendants' conduct was willful, wanton, malicious, and oppressive, thereby  
7 justifying an award of punitive damages against Defendants Magee and Nike in an  
8 amount adequate to punish the wrongful conduct alleged herein and to deter such conduct  
9 in the future.

## 10 **EIGHTH CAUSE OF ACTION**

### 11 **Intentional Infliction of Emotional Distress**

#### 12 **(All Plaintiffs Against All Defendants)**

13 170. Plaintiffs reallege and incorporate by reference each and every allegation  
14 contained above as though fully set forth herein.

15 171. Mr. Stallworth was followed, harassed, accosted, and assaulted by  
16 Defendant Magee, on account of his race, all while Ms. Dickerson and S.S. were mere  
17 feet away. The conduct of Defendant Magee was plainly outrageous.

18 172. Defendant Magee and engaged in these acts against Mr. Stallworth in front  
19 of Ms. Dickerson and S.S. with reckless disregard to the emotional distress that they  
20 would experience and with the intent that all three Plaintiffs would suffer emotional  
21 distress as a result of her actions. This was exemplified by her baseless accusations and  
22 the racist reasoning that underlaid her aggressive behavior.

23 173. As alleged herein, the actions of SMPD officers in unlawfully detaining  
24 Plaintiffs and slanderously accusing Mr. Stallworth of theft without evidence, reasonable  
25 suspicion, or probable cause, as joint tortfeasors in conspiracy with Defendants Nike and  
26 Magee, further support Plaintiffs' claims for Intentional Infliction of Emotional Distress  
27 against Defendants Nike and Magee, and indeed are sufficient to independently support  
28 the same.

1 174. As a result of this incident, Plaintiffs have suffered significant mental  
2 anguish and trauma as described in detail in paragraphs 27-119, *infra*. Mr. Stallworth has  
3 since suffered from symptoms of post-traumatic stress disorder, depression, anxiety, and  
4 fear, which has significantly affected his daily functioning. S.S. began having trouble  
5 sleeping at home and struggled at daycare. Ms. Dickerson developed symptoms of  
6 depression, anxiety, and fear which have significantly affected her daily functioning.

7 175. Defendant Nike is vicariously liable for the actions of Defendant Magee,  
8 who was its employee and agent at all times relevant herein.

9 176. The acts and failures to act as alleged herein caused severe anxiety, pain,  
10 suffering, and emotional distress and injury to Plaintiffs and they are therefore entitled to  
11 damages in an amount to be proven at trial.

12 177. Defendants' conduct was willful, wanton, malicious, and oppressive, thereby  
13 justifying an award of punitive damages against Defendants in an amount adequate to  
14 punish the wrongful conduct alleged herein and to deter such conduct in the future.

15 **NINTH CAUSE OF ACTION**

16 **Cal. Civ. Code § 46 – Slander**

17 **(Plaintiff Joel Stallworth Against All Defendants)**

18 178. Plaintiffs reallege and incorporate by reference each and every allegation  
19 contained above as though fully set forth herein.

20 179. On a crowded promenade in Santa Monica's core shopping district,  
21 Defendant Magee repeatedly accused Mr. Stallworth of a crime, to wit, theft of a  
22 basketball. She said, "You need to return that stolen ball!" Upon her returning with the  
23 police, another crowd gathered to witness and record the spectacle, and she repeated her  
24 lies in front of them. The SMPD Officers parroted Defendant Magee's lie, stating, "Give  
25 her the stolen ball." Mr. Stallworth is a business owner whose income comes primarily  
26 from word-of-mouth clientele.

27 180. Plaintiffs are informed, believe, and thereon allege that Khalil, who did not  
28 observe Mr. Stallworth purchase the ball during their time in the store, was present when

1 these slanderous statements were made and heard each of them.

2 181. Defendant Magee's accusations were demonstrably false. Mr. Stallworth had  
3 purchased the basketball, which was proven after he was forced to hand over the receipt.

4 182. Even if she believed them to be true, Defendant Magee's accusations were  
5 unreasonable. She did not ask the employee who processed Mr. Stallworth's purchase  
6 whether he had indeed sold Mr. Stallworth the ball.

7 183. Defendant Magee, by accusing Mr. Stallworth of theft based on her racial  
8 biases, was at the very least negligent to the likelihood that her statements were false.

9 184. Defendant Magee's acts and failures to act as alleged herein caused severe  
10 anxiety, pain, shame, mortification, suffering, and emotional distress and injury to Mr.  
11 Stallworth, as described in detail in paragraphs 27-119, *infra*. Moreover, Defendant  
12 Magee's acts and failures to act caused harm to Mr. Stallworth's good name, reputation,  
13 prominence, and good standing both professionally and in the community at large. As a  
14 result, Mr. Stallworth is entitled to damages in an amount to be proven at trial.

15 185. Defendant Magee's conduct was willful, wanton, malicious, and oppressive,  
16 thereby justifying an award of punitive damages against Defendants in an amount  
17 adequate to punish the wrongful conduct alleged herein and to deter such conduct in the  
18 future.

19 186. Defendant Nike is vicariously liable for the actions of Defendant Magee,  
20 who was its managerial employee and agent at all times relevant herein.

## 21 TENTH CAUSE OF ACTION

### 22 False Imprisonment

#### 23 (Plaintiff Joel Stallworth Against All Defendants)

24 187. Plaintiffs were wrongfully confined and detained by Defendant Magee.

25 188. Defendant Magee intentionally deprived Plaintiffs of their freedom of  
26 movement by the use of physical barriers, fraud and deceit, as she placed herself as a  
27 physical barrier to their movement when she accused them of stealing the basketball, and  
28 again thereafter by fraudulently and deceitfully telling the SMPD officers that Plaintiffs

1 had stolen the basketball, resulting in Plaintiffs' detention by the SMPD officers.

2 189. The SMPD officers' detention of Plaintiffs was made pursuant to an  
3 agreement with shopkeepers in and around the Third Street Promenade, including  
4 Defendants Nike and Magee, whereby SMPD detains all individuals shopkeepers accuse  
5 of theft or against whom shopkeepers make citizens arrests or detentions. This agreement  
6 substitutes the judgment of private parties for the SMPD's own authority as SMPD  
7 simply carries out the shopkeepers' directions.

8 190. Both instances of confinement and detention of Plaintiffs compelled  
9 Plaintiffs remain on the Santa Monica Promenade for an appreciable time.

10 191. Plaintiffs did not knowingly or voluntarily consent to this confinement.

11 192. Plaintiffs were harmed by this confinement.

12 193. Defendant Magee's conduct in lying to the SMPD officers about Plaintiffs'  
13 conduct was a substantial factor in causing this harm.

14 194. Defendant Nike is vicariously liable for the actions of Defendant Magee,  
15 who was its employee and agent at all times relevant herein.

16 195. The acts and failures to act as alleged herein caused severe anxiety, pain,  
17 suffering, and emotional distress and injury to Plaintiffs and they are therefore entitled to  
18 damages in an amount to be proven at trial.

19 196. Defendants' conduct was willful, wanton, malicious, and oppressive, thereby  
20 justifying an award of punitive damages against Defendants Magee and Nike in an  
21 amount adequate to punish the wrongful conduct alleged herein and to deter such conduct  
22 in the future.

23 **ELEVENTH CAUSE OF ACTION**

24 **Negligent Supervision and Retention**

25 **(All Plaintiffs Against Defendant Nike)**

26 197. Plaintiffs reallege and incorporate by reference each and every allegation  
27 contained above as though fully set forth herein.

28 198. Defendant Magee's wrongful acts and failures to act against Plaintiffs were

1 a direct and proximate result of Defendant Nike’s negligence in hiring or retaining  
2 Defendant Magee.

3 199. Defendant Magee’s unfitness for employment at Nike became known to  
4 Defendant Nike before her racist acts and failures to act against Plaintiffs. Indeed, an  
5 African American Nike Store employee informed Plaintiffs that she “does this all the  
6 time” with respect to racial profiling.

7 200. Defendant Magee’s unfitness for employment, known to Defendant Nike at  
8 all times relevant herein, created a particular risk to customers of color that they would be  
9 subjected to her racist and actionable behavior.

10 201. The acts and failures to act as alleged herein caused physical and emotional  
11 injuries to Plaintiffs, including but not limited to severe anxiety, pain, suffering, and  
12 emotional distress and injury to Plaintiffs, as described in detail in paragraphs 27-119,  
13 *infra.*, and they are therefore entitled to damages in an amount to be proven at trial.  
14

### 15 **PRAYER FOR RELIEF**

16 WHEREFORE, Plaintiffs pray for the following relief:

- 17 1. For compensatory, general, and special damages against each Defendant,  
18 jointly and severally, amounts to be proven at trial;
- 19 2. Punitive and exemplary damages against Defendants Nike, Magee, and Does  
20 1-10, in an amount appropriate to punish Defendant(s) and deter others from engaging in  
21 similar misconduct;
- 22 3. Prejudgment interest;
- 23 4. For costs of suit and reasonable attorneys’ fees and costs as authorized by  
24 statute or law;
- 25 5. For restitution as the Court deems just and proper;
- 26 6. For such other relief, including injunctive and/or declaratory relief, as the  
27 Court may deem proper.

28 ///



**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand trial by jury in this action.

Dated: December 14, 2020

Respectfully Submitted,

HADSELL STORMER RENICK & DAI LLP

By  /s/ - David Clay Washington

David Clay Washington

Dan Stormer

Attorneys for Plaintiffs