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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 _____
MARK LANE,
12 Plaintiff,
13 vs.
14 BEN KALASHO; and DOES 1 through 100,
15 Defendants.

CASE NO. '18CV1687 BEN NLS
**COMPLAINT FOR DAMAGES AND
DECLARATORY AND INJUNCTIVE
RELIEF BASED ON VIOLATIONS OF
CIVIL AND OTHER RIGHTS**

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17
18 Plaintiff MARK LANE ("Plaintiff") allege as follows:

19 **Introductory Statement**

20 1. Plaintiff has been an advocate for social justice on a variety of issues throughout San
21 Diego County for many years. One of the local public officials who abuses his office and the
22 constituents he serves more than most is El Cajon City Councilman Ben Kalasho ("KALASHO").
23 Plaintiff has openly criticized KALASHO for abusing his office and the public. Rather than listening
24 to Plaintiff and trying to learn from the criticism, KALASHO has shut him down.

25 2. KALASHO maintains a Facebook websites in order to communicate with the public
26 about official City of El Cajon matters and other public affairs. Members of the public who do not air
27 their concerns about KALASHO and keep their criticisms to themselves are allowed to post comments
28 on his Facebook website. Plaintiff is not so lucky; he has been completely blocked from posting critical

1 or negative comments on this website. KALASHO has blocked Plaintiff as “pay back” for past
2 criticism and to prevent him from publicizing his concerns in the future.

3 **Parties**

4 3. Plaintiff was at all relevant times a resident of the County of San Diego in the State of
5 California.

6 4. Defendant KALASHO was at all relevant times a member of the City of El Cajon City
7 Council. He is not currently being sued in an official capacity.

8 5. Plaintiff is informed and believes and on that basis alleges that, at all times stated in this
9 pleading, each Defendant was the agent, servant, or employee of every other Defendant and was, in
10 doing the things alleged in this pleading, acting within the scope of said agency, servitude, or
11 employment and with the full knowledge or subsequent ratification of his principals, masters, and
12 employers. Alternatively, in doing the things alleged in this pleading, each Defendant was acting alone
13 and solely to further his own interests.

14 6. The true names and capacities of the Defendants identified as DOES 1 through 100 are
15 unknown to Plaintiff, who will seek the Court’s permission to amend this pleading in order to allege
16 the true names and capacities as soon as they are ascertained. Plaintiff is informed and believes and
17 on that basis alleges that each of the fictitiously named Defendants 1 through 100 has some degree of
18 liability to Plaintiff or has some other cognizable interest in this lawsuit.

19 **Jurisdiction and Venue**

20 7. This Court has federal-question jurisdiction over this lawsuit pursuant to Section 1983
21 of Title 42 of the United States Code.

22 8. Venue is proper in this District pursuant to Section 1391 of Title 28 of the United States
23 Code because a substantial part of the events or omissions giving rise to the claim occurred in the
24 County of San Diego.

25 **FIRST CAUSE OF ACTION:**
26 **Violation of Federal Constitutional Rights**
(Against All Defendants)

27 9. The preceding allegations in this pleading are fully incorporated into this paragraph.

28 10. Plaintiff is informed and believes and on that basis alleges that at all relevant times:

1 A. The cover photo of KALASHO’s Facebook website identifies him as “Ben
2 Kalasho (Councilman).” Whenever KALASHO posts to his Facebook timeline, the post’s header
3 identifies him as “Ben Kalasho – El Cajon Councilmember.” A true and correct copy of this portion
4 of KALASHO’s Facebook website is attached to this pleading as Exhibit “A.”

5 B. The “Details About Ben” portion of the “About” section of KALASHO’s
6 Facebook website describes him as “Councilman.” A true and correct copy of this portion of
7 KALASHO’s Facebook website is attached to this pleading as Exhibit “B.”

8 C. KALASHO’s Facebook website includes a link to “BenKalasho.com.” The
9 “Meet Ben” portion of “BenKalasho.com” begins by describing KALASHO’s feelings about “[b]eing
10 on the City Council” and ends by letting readers know that he “want[s] to be as accessible as possible
11 to my constituents.” A true and correct copy of this portion of “BenKalasho.com” is attached to this
12 pleading as Exhibit “C.”

13 D. KALASHO routinely posts to his Facebook website to engage with friendly
14 members of the public on matters involving City of El Cajon business and other public affairs. A true
15 and correct copy of examples of such posts is attached to this pleading as Exhibit “D.”

16 E. KALASHO uses his Facebook website to distribute information about the City
17 of El Cajon and other public affairs and to allow members of the public other than Plaintiff to post
18 comments. A true and correct example of an unblocked member of the public being allowed to post
19 a comment (posted by Cory Briggs as “Testing 1, 2, 3”) on one of KALASHO’s Facebook posts on July
20 24, 2018, is attached hereto as Exhibit “E.”

21 F. Plaintiff was blocked from posting comments on KALASHO’s Facebook website
22 after the latter began to be criticized by the former on City of El Cajon business and other public affairs.
23 One more than one occasion – and as recently as July 24, 2018 – Plaintiff has attempted to access
24 KALASHO’s Facebook website but was unable to do so. The reason why he could not do so is that
25 KALASHO has blocked him in retaliation for past criticism. A true and correct copy of the messages
26 Plaintiff received when he attempted to access KALASHO’s Facebook website on July 24, 2018, is
27 attached hereto as Exhibit “F.”

1 G. For purposes of members of the public exercising their free-speech and/or
2 government-petitioning rights, the Facebook website maintained by KALASHO constitutes a public
3 forum.

4 11. Defendants’ retaliatory conduct as alleged in this pleading violated and continues to
5 violate, among other things, Plaintiff’s rights of free expression and to criticize the government as
6 guaranteed by the United States Constitution.

7 12. Defendants’ criticism-suppressing conduct as alleged in this pleading violated and
8 continues to violate, among other things, Plaintiff’s rights of free expression and to criticize the
9 government as guaranteed by the United States Constitution.

10 13. As a result of Defendants’ illegal conduct as alleged in this pleading, Plaintiff has
11 suffered a legally cognizable injury in an amount to be proven at trial and has “chilled” his political
12 speech for fear of being the victim of further retaliation and criticism suppression by Defendants and
13 other public agencies and officials.

14 **SECOND CAUSE OF ACTION:**
15 **Violation of State Constitutional Rights**
(Against All Defendants)

16 14. The preceding allegations in this pleading are fully incorporated into this paragraph.

17 15. Defendants’ retaliatory conduct as alleged in this pleading violated, among other things,
18 Plaintiff’s rights of free expression and to criticize the government as guaranteed by the California
19 Constitution.

20 16. Defendants’ criticism-suppressing conduct as alleged in this pleading violated, among
21 other things, Plaintiff’s rights of free expression and to criticize the government as guaranteed by the
22 California Constitution.

23 **Prayer**

24 FOR ALL THESE REASONS, Plaintiff respectfully prays for the following relief against
25 Defendants jointly and severally:

- 26 A. General, special, incidental, and/or nominal damages according to proof;
- 27 B. Punitive damages according to proof;

28

1 C. Any and all legal fees and other expenses incurred by Plaintiff in connection with this
2 lawsuit, including but not limited to reasonable attorney fees and costs; and

3 D. Any and all further relief that this Court may deem appropriate.

4 Date: July 24, 2018.

Respectfully submitted,

5 BRIGGS LAW CORPORATION

6 By: s/ Cory J. Briggs

7 Attorneys for Plaintiff Mark Lane

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**COMPLAINT FOR DAMAGES AND DECLARATORY AND INJUNCTIVE RELIEF
BASED ON VIOLATIONS OF CIVIL AND OTHER RIGHTS**

Exhibit "A"



Ben Kalasho
(Councilman)

Add Friend Message

Timeline About Friends 16 Mutual Photos More

DO YOU KNOW BEN?

To see what he shares with friends, send him a friend request.

Add Friend

Intro

Lives in San Diego, California

Married to Jess Kalasho

BenKalasho.com

Photos



Ben Kalasho — El Cajon Councilmember
21 hrs · 🌐



Like Comment Share

63

View 5 more comments

Adi Satsangi Ben Kalasho : ask fake news media to interview you on that number and pls make sure you give them your piece of mind
Like · Reply · 9h

Thomas John Sargon 619 is 619 upside down.
Like · Reply · 8h

Adi Satsangi replied · 2 Replies · 5 hrs

Jack Sulaiman I wouldn't call you. 😏 1

Chat (9)

**COMPLAINT FOR DAMAGES AND DECLARATORY AND INJUNCTIVE RELIEF
BASED ON VIOLATIONS OF CIVIL AND OTHER RIGHTS**

Exhibit "B"



Ben Kalasho
(Councilman)

Add Friend Message

Timeline About Friends 16 Mutual Photos More

DO YOU KNOW BEN?

To see what he shares with friends, send him a friend request.

Add Friend

About

To see what he shares with friends, send him a friend request.

Add Friend

Overview

Work and Education

Places He's Lived

Contact and Basic Info

Family and Relationships

Details About Ben

Life Events

ABOUT BEN

No additional details to show

OTHER NAMES

Councilman

Other

Ben J. Kalasho

Other

FAVORITE QUOTES

If I'm in a political argument, I think I can, with reasonable accuracy and without boasting, put the other person's side of the case at least as well as they could. One has to be able to say that in any well-conducted argument.

Friends

Add Friend

Mutual Friends

Chat (9)



**COMPLAINT FOR DAMAGES AND DECLARATORY AND INJUNCTIVE RELIEF
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Exhibit "C"

HOME

MEET BEN

PLATFORM

GET INVOLVED

DONATE



MEET BEN

New Leadership Delivering Results for Our Community

Being on the City Council is a responsibility I value greatly. I've always believed that local politics effects our lives more then State or even National. The decisions I will be making will have a direct effect on your safety, wallet and quality of life. It is for that reason that I entered politics. The desire to raise the standard of living for my community is to me the ultimate achievement a man can make. What better legacy to leave behind than the one of a person who comes into power and leaves a place more wonderful then he found it. What better way to honor a mans friends, neighbors and family than to ensure that their home is safer, that their children are getting a better eduction and that jobs are abundant. I chose the life of service because I was good at serving. Actually I was great at it. I saw things through the lens of pragmatism and simple common sense. I don't waste time meddling around with Politics. Instead, I spend hours a day on results. My hope is that you will notice positive changes in our city. And when you are driving, walking or biking through El Cajon, you will notice the many real changes I've made. I see a lot of potential in this city. I've met wonderful, passionate people along the way. I've been lucky to have been seated next to business leaders who understand the dynamics of commerce and economy. All these things I take with me. All the people I encounter are my teachers in this journey, whether they know it or not. Let it be known that I want to be as accessible as possible to my constituents. Feel free to contact me anytime you like.

Your obedient Servant.

B. Kal



JOIN THE CAMPAIGN!

Name *

Email *

Subject

Message

Send

REGISTER TO VOTE!



**COMPLAINT FOR DAMAGES AND DECLARATORY AND INJUNCTIVE RELIEF
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Exhibit "D"

Ben Kalasho Timeline Recent

Add Friend

Lives in San Diego, California
Married to Jess Kalasho

BenKalasho.com

Photos



Friends

English (US) · Español · Português (Brasil) · Français (France) · Deutsch

Ben Kalasho — El Cajon Councilmember
July 3 at 8:40 PM
I was the only Councilman who voted NO on automatic raises for City Executives across the board. Check out this video! #Balls



959 Views

Like Comment Share

61

1 Share

Tim Deddeh Well stated Ben. Couldn't agree more with how raises shouldn't be viewed as on a block of positions but individually at the position. Like you said people do get complacent in positions and if they were to receive a raise by doing to bare minimum or lack there of you just wasted additional compensation that could have gone to training someone eager to excel in that position and earn a raise.
Like · Reply · 2w

Ben Kalasho Thanks Tim
Like · Reply · 2w

Write a reply...

Nick Ketelsen Well said, way to mlm speak up for the people.
Like · Reply · 2w

Ben Kalasho Thank you Nick
Like · Reply · 2w

Nick Ketelsen Absolutely, glad you are fight for what common

Ben Kalasho Timeline Recent

Add Friend

BenKalasho.com

Photos



Friends

English (US) · Español · Português (Brasil) · Français (France) · Deutsch

Ben Kalasho — El Cajon Councilmember — with Jess Kalasho. June 13 · At the County Board of Supervisors testifying before the hearings on Community Enhancement project grants. #MustacheOnPoint #WifeOnPoint



Like Comment Share

101

1 Share

View 1 more comment

John Moreno that double breasted vest tho 🔥🔥🔥 Like Reply · 5w Ben Kalasho replied · 1 Reply

Jess Kalasho You were splendid 😊 Like Reply · 5w

Loreana Wrench both of you have a timeless beauty about you. no matter where in history you happened to find yourself you would be memorable Like Reply · 5w Ben Kalasho replied · 1 Reply

Ben Kalasho Timeline Recent

Add Friend

BenKalasho.com

Photos



Friends

English (US) · Español · Português (Brasil) · Français (France) · Deutsch

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Ben Kalasho — El Cajon Councilmember June 11 · Final Cut Pro X ·

Police station caught on fire twice and local government



1.7K Views

Like Comment Share

66

5 Shares

View 12 more comments

George Matti | see, thanks and keep it up! 1 Like · Reply · 5w

Alec Wood The old police station caught on fire May 17 and May 19. Both times during the day. They said the expected escrow to close in 30 days, which based on the date stamp of this video would have been June 8. Security should have been in place the days the old police station caught on fire. And should be backed up by occasional regular police patrols. 2 Like · Reply · 5w

Ben Kalasho replied · 1 Reply

Joe Jaboro



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Exhibit "E"

Mobile Uploads



Like

Comment

Share

Tag Photo

Options

Send in Messenger

Like · Reply · 1w

Mario Padilla replied · 2 Replies

Russell Ekblom Our government's got to realize pushing these people aside is not going to get rid of them. Treatment medical treatment can help a lot of these people get themselves out of there rut there in.. and until we change our medical system to where people can actually afford it without going broke this is what's going to continue to happening.. mental health is important... Poverty is real

Like · Reply · 6d

Russell Ekblom replied · 2 Replies

Nick Walker Hirsch There's no single cause of homelessness, and no single solution, but I tend to be deeply skeptical of any version that tries to "fix" the problem by making it harder for desperate people to survive.

The job program is a step in the right direction, b... [See More](#)

Like · Reply · 5d

Cory Briggs Testing 1, 2, 3

Like · Reply · 1m



Write a comment...

**COMPLAINT FOR DAMAGES AND DECLARATORY AND INJUNCTIVE RELIEF
BASED ON VIOLATIONS OF CIVIL AND OTHER RIGHTS**

Exhibit "F"



(14) Facebook

www.facebook.com



Search for people, places and things

Mark Home [Profile Icons]

⚠️ Sorry, this content isn't available right now

The link you followed may have expired, or the page may only be visible to an audience you're not in.

[Go back to the previous page](#) [Go to News Feed](#) [Visit our Help Center](#)

Content Not Found

The page you requested cannot be displayed right now. It may be temporarily unavailable, the link you clicked on may be broken or expired, or you may not have permission to view this page.

[Back to home](#)