

1 Erica Henderson. Jeffrey Henderson
2 c/o 4360 Huntington Drive, South
3 Los Angeles, California
4 [NON-DOMESTIC]

5 Plaintiffs, In Pro Per

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8 *In the United States District Court*

9 *In and For the Central District of California, Los Angeles Division*

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11 ERICA HENDERSON. JEFFREY
12 HENDERSON,
13 Plaintiffs,

14 vs.

15 WILLIAM T. FUJIOKA, et al.
16 Defendants.

) Case No.: _____

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) **MOTION FOR APPOINTMENT OF**
) **COUNSEL**

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- 17 1. Pursuant to 28 U.S.C. § 1915(e), Plaintiffs move for an order appointing counsel
- 18 to represent him in this case. In support of this motion, Plaintiffs state:
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- 20 2. The action is not frivolous or without merit and include exceptional
- 21 circumstances. The facts at issue and many items that will be used as evidence
- 22 are indisputable and all documented in the juvenile court file. From the very
- 23 first statement by one of the Defendants who stated Plaintiffs don't have any
- 24 constitutional rights in the juvenile court system, to the last statement at the last
- 25 hearing when a Defendant admitted on the record that Plaintiffs had not been
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1 properly served notice of hearing, there is ample evidence that Defendants
2 actions caused a deprivation of Plaintiffs' rights.

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4 3. The action is cognizable under § 1983. The deprivation the Plaintiffs face is
5 significant because they involve Plaintiffs interest in maintaining a parent-child
6 relationship which is a compelling one, ranked among the most basic of civil
7 rights.
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10 4. There are triable issues of material fact. Since the law is not clear whether a
11 parent has a right to proceed in pro per in the jurisdictional hearing of a juvenile
12 matter, it will best serve the ends of justice to have both sides of this difficult
13 legal issue presented by those trained in legal analysis.
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15 5. Credibility of Defendants' witnesses are an important factor in this case, and
16 therefore a professionally trained litigator is necessary for investigation and
17 cross-examination. Evidence will be proffered to impeach the honesty and
18 character of the Defendants, and in particular, evidence that shows the
19 Defendants falsified reports, made an unlawful seizure, and gave false and
20 contradictory testimony all of which would be relevant and admissible to
21 establish the defendant's character for honesty and truthfulness. Counsel will be
22 required in order to interview witnesses and obtain other evidence of the
23 dishonest character of the Defendants to show that the defendant acted in
24 conformity with that character at the time of the incident. Furthermore, the
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1 expertise of experienced counsel will be needed in order to use this evidence to
2 impeach any testimony of the defendant at trial with acts showing a morally lax
3 character and hence a readiness to lie; specifically, expertise in the presentation
4 of this type of evidence, in shaping the examination of witnesses; and in the
5 techniques of cross-examination necessary in a case of this nature. In addition,
6 Plaintiff will need to call witnesses to give expert medical, psychological, legal,
7 and law enforcement testimony to show that damages were caused by
8 Defendants against Plaintiffs under color of law.

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12 6. Plaintiffs' financial position greatly limits their ability to litigate. The issues
13 involved in this case are complex, the Defendants are well heeled, Defendants
14 have access to almost unlimited funding, control the cream of the litigation field
15 in these parts, and this complaint will require significant research and
16 investigation. Plaintiffs have no financial resources, limited knowledge of the
17 law, and no knowledge of local statutory procedure.

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21 7. Plaintiffs' complaint is not factually simple and legally straightforward. A trial
22 in this case will likely involve conflicting testimony, and counsel would better
23 enable Plaintiffs to present evidence and cross examine witnesses. The
24 appointment of counsel, the professional briefing on the obvious violations on
25 the record, and the oral argument of said counsel would materially advance the
26 issues presented in the complaint.
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1 8. Plaintiff has made repeated efforts to obtain a lawyer. Attached to this motion
2 (ATTACHMENT "A") is an email sent to following civil rights attorneys who
3 are members of the California Bar:
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- 5 Thomas Arthur Mesereau Jr - #91182
- 6 M Gerald Schwartzbach - #59985
- 7 Joseph Martin Barrett - #143974
- 8 Thomas Joshua Ritz - #172364
- 9 Jeffery John Carlson - #60752
- 10 Linda Susan Klibanow - #74647
- 11 Scott S. Thomas - #106720
- 12 Robert M Kitson - #214091
- 13 Heather Appleton - #162283
- 14 Tonette Josue Jaramilla - #174625
- 15 Karyn Alycia McCreary - #225410
- 16 Michael Linzymiah Kennedy - #269566

17 9. Plaintiffs move the court to appoint counsel to this case as soon as they accept.

18 10. Plaintiffs, Erica and Jeffrey Henderson, two of the people of California, affirm
19 under the pains and penalties of perjury in this court of record that the foregoing
20 facts are true and correct and based on their personal knowledge.

21 11. Executed on 12/07/2012 in Los Angeles County, California.

22 *Respectfully submitted,*

23 By: _____
24 Jeffrey Henderson. Erica Henderson
25 Plaintiffs, In Pro Per

26 (Henderson Family Seal)

ATTACHMENT "A"

request for counsel

Thu, Dec 6, 2012 at 2:24 PM

Bcc: jritz@rrhllp.com, sst@paynefears.com, lklibanow@lsklaw-adr.com, happleton@appletonlg.com, mgs@mgslawyer.com, mesereau@mesereauyu.com, kmccreary@swdlaw.net, jbarrett@cochranfirm.com, rkitson@littlaw.com, carlsonj@cmtlaw.com, michael@estellekennedylaw.com, toni@tjllaw.com, Shawn McMillan <attysawn@netscape.net>, info@parentalrights.org

Dear Counselor,

My wife and I are requesting that you consider championing our complaint against the county of Los Angeles for damages in excess of \$1,000,000. Please review the following documents online which are being filed downtown in the Los Angeles division of the United States District Court this afternoon. Thank you for your time in reviewing this matter. I look forward to hearing from you at your earliest convenience.

<http://www.protectfamilies.org/briefs/7010.pdf>

<http://www.protectfamilies.org/briefs/7011.pdf>

<http://www.protectfamilies.org/briefs/7012.pdf>

<http://www.protectfamilies.org/briefs/7013.pdf>

<http://www.protectfamilies.org/briefs/7014.pdf>

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JE. H. and ER. H.