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27 ATTORNEYS FOR PLAINTIFFS

18 SUPERIOR COURT OF THE STATE OF CALIFORNIA
19 COUNTY OF MONTEREY

20
21 SARA KHALIL, MARYAM KHALIL, a
22 minor by and through her Guardian ad
23 Litem Magdi Khalil, and PEARL
24 WARRICK,

25 Plaintiffs,

26 v.

27 MAX STEINER and DOES ONE
28 through FIFTY, inclusive,

Defendants.

Case No.

COMPLAINT FOR DAMAGES

1. Negligence
2. Bane Act (Civ. Code Sec. 52.1)
3. Ralph Act (Civ. Code Sec. 51.7)
4. Assault
5. Battery

DEMAND FOR JURY TRIAL

1 **I. INTRODUCTION AND OVERVIEW**

2 1. The right to free speech is enshrined in our Constitution. Regardless of
3 creed, ethnicity or religious belief, all members of our community have the right to
4 peacefully express their opinions and disagree in a manner that enables the vibrant
5 marketplace of ideas. Civil Code §43 explicitly recognizes the right to be protected
6 from bodily restraint or harm, and from personal insult or defamation. This case is
7 brought to vindicate those rights, and to remedy the violent, racist and hateful
8 response to it.

9 **II. FACTUAL BACKGROUND**

10 2. Plaintiffs Sara Khalil, Maryam Khalil, a minor by and through her
11 Guardian ad Litem Magdi Khalil, and Pearl Warrick are individuals and residents of
12 the County of Monterey, State of California.

13 3. At all times herein, Defendants Max Steiner and Does One through
14 Twenty are individuals and residents of the State of California.

15 4. The true names, capacities or involvement, whether individual,
16 corporate, governmental or associate of the defendants named herein as DOE are
17 unknown to plaintiffs, who therefore sue said defendants by such fictitious names.
18 Plaintiffs are informed and believe, and upon such information and belief allege that
19 each of said defendants is negligently, intentionally or otherwise legally responsible
20 in some manner for the events and happenings herein alleged and that said
21 defendants negligently or otherwise acted or omitted to act and that such negligence
22 or other basis of liability legally caused the injuries and damages hereinafter set
23 forth. Plaintiffs pray leave to amend this Complaint to insert herein the true names,
24 capacities, functions, occupations and businesses, along with the factual basis for
25 liability of said defendants, when the same are ascertained.

26 5. At all times herein mentioned, each and every of the Defendants herein
27 was the agent, servant, partner, joint venturer, employee, and/or franchisee of each
28 of the other Defendants, and each was at all times acting within the course and scope

1 of such agency, service, employment, joint venture, partnership, and/or franchise.

2 6. On or about October 12, 2023, plaintiffs made a trip to the sand dunes
3 near the Sand City exit of Highway 1 in the County of Monterey.

4 7. The plaintiffs used sticks, shrubs and ice plant to form a sign that
5 stated “Free Gaza” along the sand embankment. This sand embankment has long
6 been a site where residents would write messages to be seen from the highway.



17 8. Shortly thereafter, plaintiffs were confronted by Defendants Max
18 Steiner and Does 1-10. Mr. Steiner was riding his bike, but stopped to get off. He
19 approached the plaintiffs and called them terrorists. He accused them of killing
20 babies and be-heading children. He told them they were fortunate to be in America
21 driving a BMW as Palestinians.

22 9. Defendant Steiner further accused plaintiffs of being members or
23 supporters of Hamas.

24 10. Defendant Steiner then started violently dismantling their sign and
25 charged directly at the girls while continuing to threaten them.

26 11. When plaintiffs videotaped the encounter using their phones,
27 Defendants accosted 13-year old plaintiff Maryam Khalil, grabbed her around the
28 neck and waist, and threw her cell phone on the bike path, shattering it in the

1 process.

2 12. Defendant Steiner has been criminally charged as a result of his conduct
3 (*People v. Steiner*, Monterey County Superior Court No. 23 CR 009688).

4 **FIRST CAUSE OF ACTION**

5 **(Negligence)**

6 13. Plaintiffs hereby reallege and incorporate by reference as though fully
7 set forth herein the allegations contained above.

8 14. On or about October 12, 2023, defendants and each of them, were
9 negligent in that they carelessly failed to exercise due care by confronting and
10 engaging in a verbal confrontation with plaintiffs as alleged herein.

11 15. Plaintiffs sustained economic and emotional harm as a result, and
12 defendants conduct was a substantial factor in causing that harm.

13 **SECOND CAUSE OF ACTION**

14 **(Bane Act (Cal. Civ. Code § 52.1))**

15 16. Plaintiffs hereby reallege and incorporate by reference as though fully
16 set forth herein the allegations contained above.

17 17. At all relevant times alleged herein, defendants engaged in threats,
18 intimidation or coercion that caused plaintiffs to reasonably believe that if they
19 exercised their right to free speech and expression, then defendants would commit
20 violence against them and that defendants had the apparent ability to carry out the
21 threats Defendants engaged in this conduct in violation of Plaintiffs' civil rights,
22 including but not limited to the rights afforded to them by Civ. Code §43 *et seq.* to be
23 free from bodily harm or insult.

24 18. At all relevant times alleged herein, defendants acted violently against
25 plaintiffs and their property to prevent them from exercising their right to free
26 speech and expression, and violently retaliated against plaintiffs for having exercised
27 those rights.

28 19. By doing so, defendants intentionally intended to deprive plaintiffs of

1 their enjoyment of the interests of the right to freedom of speech and expression in
2 violation of Civ. Code §43 *et seq.*

3 20. Plaintiffs sustained economic and emotional harm as a result, and
4 defendants conduct was a substantial factor in causing that harm.

5 **THIRD CAUSE OF ACTION**

6 **(Ralph Act (Cal. Civ. Code § 51.7))**

7 21. Plaintiffs hereby reallege and incorporate by reference as though fully
8 set forth herein the allegations contained above.

9 22. On or about October 12, 2023, Defendants committed a violent act
10 against Plaintiffs and their property.

11 23. A substantial motivating reason for Defendants' conduct was their
12 perception of Plaintiffs' national origin, race, citizenship, and political affiliation.

13 24. Plaintiffs sustained economic and emotional harm as a result, and
14 defendants conduct was a substantial factor in causing that harm.

15 **FOURTH CAUSE OF ACTION**

16 **(Assault)**

17 25. Plaintiffs hereby reallege and incorporate by reference as though fully
18 set forth herein the allegations contained above.

19 26. On or about October 12, 2023, Defendants acted, intending to cause
20 harmful or offensive contact.

21 27. At or near that time, Plaintiffs reasonably believed that they were about
22 to be touched in a harmful or offensive manner.

23 28. At no time did Plaintiffs consent to Defendants conduct.

24 29. Plaintiffs sustained economic and emotional harm as a result, and
25 defendants' conduct was a substantial factor in causing that harm.

26 **FIFTH CAUSE OF ACTION**

27 **(Battery)**

28 30. Plaintiffs hereby reallege and incorporate by reference as though fully

1 set forth herein the allegations contained above.

2 31. On or about October 12, 2023, Defendants touched Plaintiffs with the
3 intent to harm or offend them.

4 32. At no time did Plaintiffs consent to the touching.

5 33. Plaintiffs sustained economic and emotional harm as a result, and
6 defendants conduct was a substantial factor in causing that harm.

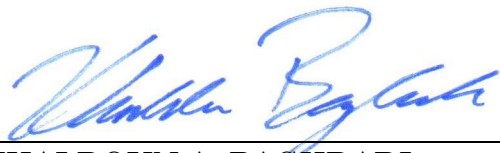
7 WHEREFORE, plaintiffs demand judgment against defendants as hereinafter
8 set forth.

9 **PRAYER FOR RELIEF**

- 10 a. For general (non-economic) damages according to proof;
- 11 b. For special (economic) damages according to proof;
- 12 c. For exemplary and punitive damages according to proof;
- 13 d. For prejudgment interest;
- 14 e. For costs of this suit;
- 15 f. For attorney fees to the extent authorized by statute or caselaw
16 according to proof at the time of trial; and
- 17 g. For such other and further relief as the Court may deem proper.

18 Dated: March 15, 2024

WALKUP, MELODIA, KELLY & SCHOENBERGER

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20 By: 
21 _____
22 KHALDOUN A. BAGHDADI
23 KELLY L. GANCI
24 Attorneys for Plaintiffs
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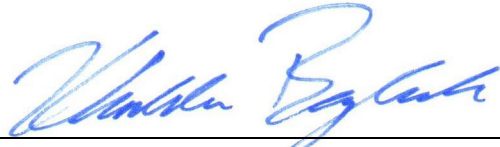
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DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a jury trial.

Dated: March 15, 2024

WALKUP, MELODIA, KELLY & SCHOENBERGER

By: 

KHALDOUN A. BAGHDADI
KELLY L. GANCI
Attorneys for Plaintiffs