

1 BRIAN C. LEIGHTON, SBN 090907
2 LAW OFFICES OF BRIAN C. LEIGHTON
3 P.O. BOX 1323
4 CLOVIS, CA 93613-1323
5 Telephone: (559) 297-6190
6 Facsimile: (559) 297-6194

E-FILED
4/11/2023 3:10 PM
Superior Court of California
County of Fresno

Attorney for Plaintiff
County of Fresno

By: S. Garcia, Deputy

(Exempt from filing fees per Gov't Code Section 6103)

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF FRESNO**

10
11 COUNTY OF FRESNO, a political subdivision
12 of the State of California,

Plaintiff,

v.

14 THE STATE OF CALIFORNIA,

15 Defendant.

CASE NO.: 23CECG01368

**COMPLAINT FOR DECLARATORY
RELIEF; INJUNCTIVE RELIEF [CAL. CODE
CIV. PROC. SECTION 1060; ASSEMBLY BILL
2022, CAL. GOV'T CODE SECTIONS
8899.90, et sec.]; VIOLATION OF
FIRST AMENDMENT**

16
17 Plaintiff COUNTY OF FRESNO (hereinafter "County") pleads for declaratory
18 and injunctive relief against the State of California pursuant to California Code of Civil
19 Procedure Section 1060 as follows:

20 1. County is a charter county and a political subdivision of the State of
21 California. By a majority vote, the County Board of Supervisors voted to authorize this law suit.

22 2. Defendant, The State of California, is sued herein because the California
23 legislature passed and the Governor approved Assembly Bill 2022 (commencing at California
24 Government Code Section 8899.90) which allegedly places obligations and duties upon the
25 County, to which the County objects on behalf of itself and an unincorporated Community in
26 Fresno County, Squaw Valley (at times also referred to as "Community"). Plaintiff seeks
27 declaratory relief regarding the Plaintiff's rights and obligations under said statute, and the
28 legality of this statute on its face and as applied. Plaintiff also seeks injunctive relief enjoining

1 the State from imposing a name change to the Community or its residents, or imposing any
2 requirements on The County with respect to signage, maps or markers relating to that
3 Community. On September 23, 2022, the governor signed AB-2022 which declared that the term
4 “squaw” as a racist and derogatory term, that over 100 geographic features and place names in
5 the State of California contained the term “squaw” and that no geographic feature or place name
6 in the State of California should have a name that includes what the State contends to be racial
7 and sexual slurs, and stereotypes targeting Native Americans. One such name targeted by the
8 Statute is the unincorporated Community of Squaw Valley, located in Fresno County, and which
9 consists of approximately 3,000 inhabitants, and which has been identified by that name since
10 approximately 1871, and by both the federal government and State of California.

11
12 3. The County alleges that the State is without authority to rename or order
13 the County to participate in the renaming of that Community of Fresno County which has
14 utilized that name for over 150 years. The County also alleges that the State is without authority
15 to rename communities that are not on public or state land. This Fresno County Community
16 consists of private businesses and private residents on private land, and the Community name
17 was never intended or adopted by the Community to be derogatory or racist in its intent or
18 cultural meaning in that Community. A significant majority of those in that Community and the
19 Plaintiff County object to said renaming.

20 4. The State contends that it has such authority, and has the authority to
21 preclude the County from replacing any sign, interpretive marker, or any other marker or printed
22 material with the name “Squaw” with any other sign or marker containing the word Squaw, and
23 further orders that that when the County updates a map, or replaces a sign, interpretive marker,
24 or any other marker that the new name chosen by the State must be used. Further, the State
25 mandated that that by January 1, 2025, the word “Squaw” must be removed from all geographic
26 features and place names in the County, and in the entire state.

27 5. The legislature acknowledged that AB 2022 requires that costs to the
28 County mandated by the Bill are to be reimbursed. However, the Bill does not provide

1 changing that name of the Community or any other name the Committee deems “offensive” even
2 when it is not located on state land.

3
4 8. Upon information and belief, this is the first time the State has ordered
5 any city or Community in the State of California to change its name. Fresno County is a charter
6 county and has broader authority within its jurisdiction than do general law counties. Being a
7 charter county, by virtue of the California Constitution, the County has the authority, and indeed,
8 the obligation, to provide for the general welfare and the protection of the residents of Fresno
9 County. The County seeks a declaration from the Court that the State has no authority to order
10 the County to change the name of any Community in the county, or dictate what the new name
11 shall be, nor order the replacement of signs, interpretative markers or any other markers or
12 printed material with any new name for the Community, nor to order the County that map
13 updates and the sign replacements use the new name dictated by the State. County also alleges
14 that the Statute, which also permits the Committee to change any other name the Committee
15 deems “offensive” is also void. Declaratory relief is also sought by the County to declare that
16 provision unlawful. The County is also entitled to injunctive relief, a preliminary and permanent
17 injunction enjoining the state from imposing any new name on the Community or mandating the
18 County to change signs, markers or maps reflecting any new name or changing any such signage.

19
20
21 9. The statute also provides for the County to recommend a replacement
22 name for the Community, but the statute states that the Committee can reject the County
23 recommendation. An informal survey of the residents and businesses operating in the
24 Community showed that eighty-seven percent (87%) of those surveyed and who returned ballots
25 rejected any change to the Community’s name, but if they were required to choose an alternative
26 name, the name most chosen by those in the Community was Bear Mountain. On October 11,
27
28

1 2022, the County Board of Supervisors voted to reject any name change of Squaw Valley. The
2 Board also advised the state Committee and federal BGN that if the residents were required to
3 choose a replacement name, it would be Bear Mountain. Upon information and belief, the State
4 will order the County to rename Squaw Valley to Yokuts Valley, a name rejected by the
5 residents of that Community and the County because the federal BGN has already renamed it
6 Yokuts Valley, and despite the fact DOI Executive order does not, and cannot, mandate the State
7 to follow suit, since that Community is not on federal or state lands.
8

9
10 10. Without an act of Congress, in 2022 the Secretary of the Federal
11 Department of Interior (DOI) issued executive order 3404 commanding federal agencies to
12 change the name of any geographical features that contained the word “Squaw”, which the DOI
13 determined consisted of 650 geographical features nationwide, and approximately 82 in
14 California. Of the approximate 650 names targeted because of the use of the “prohibited” word,
15 the Secretary determined only 7 were associated with the name of a community, with all the
16 others associated with geographic identities. Squaw Valley in Fresno County was one of seven
17 such communities. The Secretary’s order was restricted to federal lands and did not include
18 counties or other civil divisions, and the name change was to be binding only on federal
19 departments and agencies. Ignoring the Community populace, and the County’s objections, the
20 federal BGN renamed Squaw Valley to Yokuts Valley. The DOI acknowledged that each State
21 could maintain its own names databases or have other policies that govern state map production.
22 Upon information and belief, the State will order that Community name changed to Yokuts
23 Valley, as it has already determined the name would be changed to Yokuts Valley, and has
24 indicated that it would follow the BGN determination. AB 2022 states that the Committee shall
25
26
27
28

1 be the official liaison of BGN and consult with it. The 10th Amendment of the U.S. Constitution
2 would otherwise prohibit BGN, by executive Order of DOI, from mandating the state to comply.

3
4 11. The subject Community consists of approximately 3,000 residents and is
5 not located on State or Federal land and has had a recognized existence of that name dating back
6 to at least 1871. The Federal Government has recognized the Community by the name of Squaw
7 Valley dating back to at least 1919 and has periodically referred to it by that name in numerous
8 other instances and throughout various decades since that time. The State has acknowledged and
9 used the that Community name and identity since the Community was formed in the 1870's.

10
11 12. Besides the burden placed on the County by the forced name change, it
12 would be an extraordinary financial and cultural burden on the residents and business owners of
13 that unincorporated Community. The compelled name change is, fundamentally, an erasure of its
14 very existence and long history. Squaw Valley is also known to the hundreds of thousands of
15 people who traverse Highway 180 to and from the Fresno area to the Sierra Nevada and places in
16 between. The costs associated with the name change to those residents of include, but are not
17 limited to, changing the name on property deeds, wills, trusts, passports, drivers licenses,
18 insurance documents (for home, auto and businesses), business cards, stationery, business names,
19 property tax statements per parcel, checks, professional licenses, loans, mortgages, business and
20 personal bank accounts, IRS, Franchise Tax Board, Medi-Care, Social Security data, utilities,
21 stocks and bonds, voter registrations, vehicle registrations, credit cards and delivery addresses
22 for each supplier. AB-2022 does not provide reimbursement for said costs to the residents, nor
23 for their time to accomplish all those required changes

24
25
26 13. The State contends that it has the power to unilaterally change the name of
27 this historical Community and change the name to something not rejected by the County and
28

1 overwhelmingly rejected by the residents of that Community. The State alleges it does have such
2 authority, and the authority to order the County to perform certain acts and express itself in ways
3 that the County rejects. The County alleges the defendant State does not have such authority
4

5 14. The County asserts there is a dispute as to the legal rights and obligations
6 of the County versus the legal rights and prohibitions on the State and therefore is entitled to a
7 declaratory judgment, declaring that AB-2022 is unconstitutional on its face and as applied to the
8 County and Squaw Valley residents. The County also alleges that it is entitled to injunctive
9 relief, a preliminary and permanent injunction, enjoining the state from changing the name of
10 that Community or forcing the County to replace any signage, markers or maps relating to that
11 Community. The County also alleges it is unlawful to permit the Committee to change other
12 names it finds “offensive”, and the County is entitled to declaratory relief that such Committee
13 authority is unlawful.

14 **SECOND CAUSE OF ACTION**

15 **Violation of Free Speech and Association Rights: First Amendment of the**
16 **U.S. Constitution**

17 15. The County has an obligation to provide for and to protect the general
18 welfare of the inhabitants of the County, including those who reside, work, or have businesses in
19 its communities.

20 16. There is an alliance of interest between the County and the people who
21 reside, or have businesses in the Community to protect the long-established heritage of that
22 Community including all its markers, signage and maps that contain “Squaw Valley”.

23 17. The State is compelling the County to replace any sign, interpretive
24 marker, or any other marker or printed material with the name containing the word “Squaw” and
25 that when the County updates and replaces a map or a sign, interpretive marker, or any other
26 marker because of wear or vandalism the new name must be used. The Community is not
27 associated with, nor has ever been associated with the name “Yokuts Valley” nor has the County
28

1 ever used “Yokuts Valley” to identify that Community known for over a century as Squaw
2 Valley.

3 17. The County alleges that compelling the County to replace signage,
4 markers, and maps with a new name, “Yokuts Valley, or any name, is ideological or political
5 speech to which the County vehemently disagrees, on behalf of itself and those that reside, work,
6 or have businesses located in that Community. The County asserts that said compelled name
7 change is not “Government Speech.” The assertion that “Squaw Valley” may be offensive to the
8 Governor, the Legislature, and some people, to order the Community name-change to the name
9 chosen by the State is viewpoint discrimination, and compelled ideological speech, to which the
10 County and the Community people vehemently object.

11 18. The State, mandating the historical name of an unincorporated Community
12 be changed because some object to the name is a slippery slope, is without any meaningful
13 boundaries, and unconstitutionally allows government officials to restrict and compel speech and
14 association rejected by those most impacted. The Statute would also authorize the State
15 Committee to rename any, city, county, or geographical feature because of the ideological
16 preferences of the Committee, Legislature and Governor and that makes AB-2022 a dangerous
17 misuse of the State’s authority, and violates the First Amendment.

18 19. The signage and markers designating “Squaw Valley” on a map, roadway
19 markers or addresses are not government speech since said markers and signage are not
20 associated with the State speaking and said signage has never been used by the State to convey a
21 state message, nor is said signage, markers and maps manufactured or owned by the State. The
22 State has no authority to make it “government” speech just by the brute force of changing the
23 name or ordering the County to be complicit to that name change, and is an abuse of the First
24 Amendment.

25 20. The County alleges that the First Amendment of the U.S. Constitution also
26 protects its rights to speak on behalf of its constituents and call this Community what it has
27 always been named without interference or compulsion by the State. The County has such an
28

1 alliance with the Community keeping its name and rejecting any name change it also intends to
2 vigorously defend the Community in rejecting said name elimination and change.

3 21. With respect to the residents and business owners, and those that are
4 employed by business owners in that Community, the County alleges the said residents and
5 business owners have free speech rights that are aligned with the County's free speech rights but
6 are even more personal and visceral. The impacts of AB-2022 on the residents and business
7 owners are significant and profound. Besides erasing and expunging the historical name of said
8 Community, said residents and business owners would be forced to change the name on
9 numerous documents including, but not limited to: drivers licenses, property deeds, wills, trusts,
10 passports, insurance for home, auto and business, websites, stationery, business cards, property
11 taxes per parcel, professional licenses, loans, mortgages, personal and business bank accounts,
12 IRS and Franchise Tax documents, Medi-Care, social security data, utilities, stocks/bonds, voter
13 registration, vehicle registration, credit cards, subscriptions, etc. AB-2022 does not provide for
14 the reimbursement of expenses to the residents and business owners of that Community. Even if
15 said costs were reimbursed the people of that Community would vehemently disagree with the
16 name change. In compelling those business owners and residents to change said names on said
17 documents is a form of State mandated speech and cancel culture, and viewpoint censorship
18 erasing that Community's history. Requiring the residents and business owners to adopt on said
19 documents the name "Yokuts Valley" or any other name is repugnant to those in that
20 Community and violates their free speech and free association rights under the First Amendment
21 of the U.S. Constitution. The County alleges that it has standing to assert the First Amendment
22 rights of its own constituents who will suffer such an injury, and will vigorously defend and
23 enforce those rights
24

25 22. Pursuant to California Code of Civil Procedures Section 1062.3 and
26 California Rules of Court Sections 3.715(a)(11) and 3.729(2), this declaratory and injunctive
27 relief action has priority for trial setting. There is an urgent need for a speedy trial on the
28 interpretation of AB- 2022, and for the County to avoid alleged violations of AB-2022, and for

1 the residents and business owners of that Community to determine whether their free speech
2 rights could be infringed by the State mandating the name change of their Community. There is
3 also an urgent need for the Court to determine whether this state Committee has the authority to
4 determine and change any other name it deems "offensive."

5 **WHEREFORE, PLAINTIFF PRAYS:**

6 1. That a determination be made by the Court of the rights and duties of the
7 County and the State as a result of AB-2022 as alleged above;

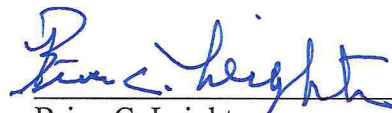
8 2. That a determination be made by the Court of the rights of the County, of the
9 State, as well as the rights of the residents and business owners of Squaw Valley under the First
10 Amendment of the U.S. Constitution, and whether the statute violates the First Amendment.

11 3. That a determination be made by the Court that the provisions of AB-2022 be
12 declared void and not in accordance with law on free speech and association grounds, and that it
13 is beyond the power of the State to mandate the Community name-change that has been in
14 existence for a historically long period of time;

15 4. for Injunctive relief; a preliminary and permanent injunction enjoining the state
16 from expunging the Community name or renaming Squaw Valley, and enjoining the State from
17 compelling the County to change or replace any Squaw Valley signage, markers, maps, or any
18 other indicia of that Community name: and further enjoining the State from removing or
19 replacing any such signage or markers or other indicia of that Community name; and
20

21 5. For the County's costs of action.

22
23 Dated: April 11, 2023



24 Brian C. Leighton,
25 Attorney for Plaintiff,
26 County of Fresno