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11 PROPHET WALKER

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ORIGINAL FILED  
Superior Court Of California  
County Of Los Angeles

MAR 25 2015

Sherri R. Carter, Executive Officer/Clerk  
By: Judi Lara, Deputy

12 SUPERIOR COURT OF CALIFORNIA

13 COUNTY OF LOS ANGELES

14 PROPHET WALKER, an individual,

15 Plaintiff,

16 vs.

17 MIKE GIPSON, an individual; ANGEL  
18 GONZALEZ, an individual, and DOES  
19 1 through 10, inclusive,

20 Defendants.

CASE NO.

**BC 5 76 6 1 5**

COMPLAINT FOR:

- (1) VIOLATION OF ELECTION CODE §20010;
- (2) LIBEL PER SE

1 Plaintiff Prophet Walker ("Plaintiff") alleges as follows against Defendants  
2 Mike Gipson ("Gipson") and Angel Gonzalez ("Gonzalez") (collectively,  
3 "Defendants"):

#### 4 I. INTRODUCTION

5 This case is about a politician's intentional and malicious disregard for  
6 California's election laws and libel laws. Assemblyman Mike Gipson brazenly  
7 violated California election laws in order to win election to his current office.  
8 During his November 2014 election campaign for the 64th California State  
9 Assembly District, Gipson paid thousands of dollars to Angel Gonzalez, a  
10 consultant with a criminal record of producing false and illegal mailers, to falsely  
11 attack his election opponent, Prophet Walker. Gipson then compounded his illegal  
12 campaign tactics by lying to voters, supporters, staff, and direct mail consultant  
13 about how an unlawful mailer attacking Walker was created. Initially blaming a  
14 campaign volunteer, the truth was later revealed that Gipson hired Gonzalez for the  
15 specific purpose of creating a mailer that violated California election code.  
16 Gipson's intention to violate the law was made even more apparent by his own  
17 decision to hide his actions from his campaign consultant.

18 As the election approached, without regard for law or fair play, Gipson  
19 ignored statutory election campaign practices to portray his opponent, Prophet  
20 Walker, in the most heinous light possible by creating a mailer with Gonzalez  
21 depicting a photo-shopped image of Walker in a hooded sweatshirt wielding a gun  
22 juxtaposed against a photo of Gipson in a lawman's uniform. Gipson failed to  
23 include the obligatory statutory language for this campaign advertisement,  
24 clarifying that the depiction was not an accurate factual representation. Gipson's  
25 campaign tactics go far beyond lawful election campaign practices. A candidate  
26 creating a false image of his opponent in a hooded sweatshirt wielding a handgun  
27 without the required statutory disclaimer is clearly outside the law and precisely  
28 the type of campaign tactic the statutes are meant to prevent.



1 complaint with DOE Defendants' true names and identities once that information  
2 is known.

### 3 4 **III. GENERAL ALLEGATIONS**

5 5. Plaintiff and Defendant Gipson were opposing candidates in the  
6 November 2014 election for the 64th California State Assembly District. In the  
7 course of the campaign, numerous political advertisements supporting and  
8 criticizing the parties were distributed to voters in the 64th Assembly District.

9 6. On or about October 31, 2014, Plaintiff discovered a print  
10 advertisement critical of him and supporting Defendant Gipson that featured a  
11 photo of Plaintiff superimposed on the body of an individual in a hooded  
12 sweatshirt and menacingly pointing a handgun (the "Mailer"). A true and correct  
13 copy of the Mailer is attached hereto as Exhibit A. The Mailer includes the  
14 statement "PAID FOR BY MIKE GIPSON FOR ASSEMBLY 2014." Unlike  
15 most fabricated images used by campaigns and created through digital editing  
16 (which are exaggerated or otherwise involve parody), this image was clearly  
17 intended to appear as a real and true photo. Its sole purpose was to persuade voters  
18 that Prophet Walker had been photographed in a hoodie brandishing a handgun in  
19 order to sway the election in Gipson's favor.

20 7. Because the photo of Plaintiff in the Mailer was fabricated and lacked  
21 disclaimers required under the California Elections Code, Plaintiff directed his  
22 legal counsel to send a letter to Gipson on or about October 31, 2014 demanding  
23 that, among other things, Gipson's campaign cease distribution of the Mailer and  
24 issue a statement to any voters who received the piece stating that the photo of  
25 Plaintiff was fabricated and not an accurate representation of fact.

26 8. Defendant Gipson's counsel responded on or about November 1, 2014  
27 claiming the distribution of the Mailer had ceased with an acknowledgment posted  
28 to Defendant Gipson's campaign website. A true and correct copy of the

1 acknowledgment is attached hereto as Exhibit B.

2 9. On information and belief, days before the election, Gipson hired  
3 Angel Gonzalez, a consultant known to have a criminal record of producing false  
4 and illegal mailers, specifically to create the Mailer and sway the election in his  
5 favor. Gipson paid Gonzalez \$7,714.00 for “campaign literature and mailings”  
6 according to Gipson’s campaign financial disclosure report.

7 10. On information and belief, Gipson oversaw, approved and participated  
8 with Gonzalez in the creation and dissemination of the Mailer. Gipson retained  
9 Gonzalez for the specific purpose of creating false ads about Plaintiff as part of his  
10 campaign strategy. Gipson knew of and retained Gonzalez for his reputation and  
11 experience in creating false and illegal mailers for other campaigns. Gipson knew  
12 the Mailer was not true or factual when he authorized its dissemination.

13 11. On information and belief, Gonzalez was convicted of misdemeanors  
14 for sending out misleading mailers twice. On information and belief, in 2002,  
15 Angel Gonzalez was convicted of a felony conspiracy charge — reduced to a  
16 misdemeanor at his sentencing — for sending out attack mailers with copies of  
17 fake official documents.

18 12. On information and belief, in a separate case, he was convicted of two  
19 misdemeanor counts of sending out misleading campaign fliers.

20  
21 **FIRST CAUSE OF ACTION**

22 **(Violation of Elections Code Section 20010 - Against All Defendants)**

23 13. Plaintiff hereby incorporates the allegations contained in paragraphs 1  
24 through 12 above as though fully set forth herein.

25 14. The Mailer contains pictures or photographs of a person or persons  
26 into which the image of Plaintiff was superimposed.

27 15. Use of Plaintiff’s photograph in this manner created a false  
28 representation that Plaintiff actually was in a hooded sweatshirt and was

1 menacingly pointing a handgun. By this, the public were led to believe this image  
2 was a real photograph of Plaintiff and actually depicted him holding a handgun  
3 during the commission of a crime.

4 16. On information and belief, Defendants knew that Plaintiff's image had  
5 been superimposed in the photograph in the Mailer to create such false  
6 representations, or, alternatively, Defendants had a reckless disregard of whether or  
7 not the image of Plaintiff had been superimposed on the photographs to create a  
8 false representation.

9 17. The photograph of Plaintiff in the Mailer does not include, pursuant to  
10 Elections Code Section 20010(b), the statement "This picture is not an accurate  
11 representation of fact."

12 18. Wherefore, Plaintiff prays for relief as set forth below.

13  
14 **SECOND CAUSE OF ACTION**

15 **(Libel per Se, Against All Defendants)**

16 19. Plaintiff hereby incorporates the allegations contained in paragraphs 1  
17 through 18 above as though fully set forth herein.

18 20. The photograph of Plaintiff in the Mailer superimposed on the body of  
19 an individual in a hooded sweatshirt and menacingly pointing a handgun, as  
20 alleged above, is libelous of Plaintiff on its face as it exposes him to hatred,  
21 contempt, ridicule, or obloquy, or causes him to be shunned or avoided, or which  
22 has a tendency to injure him in his occupation.

23 21. Defendants caused the Mailer to be distributed to thousands of  
24 potential voters in the 64th Assembly District.

25 22. The potential voters reasonably understood that the manufactured  
26 photograph was of Plaintiff, as his face was superimposed and his name appeared  
27 below the photograph.

28 23. The photograph of Plaintiff in the Mailer was false as it was created

1 by Defendants by superimposing a photograph of Plaintiff's face onto another  
2 person's body.

3 24. Defendants knew the photograph of Plaintiff in the Mailer was false  
4 or acted with reckless disregard for the truth or falsity of the depiction in the  
5 photograph. Defendants knew, and relied upon, viewers of the Mailer seeing it and  
6 believing that Plaintiff was a gun toting criminal. The very purpose for the Mailer  
7 was for viewers to rely upon the falsity of the Mailer to sway their vote in the  
8 election. Defendants intended for viewers of the Mailer to believe that Plaintiff  
9 was a gun toting criminal running for election and to withhold votes from Plaintiff  
10 in the election or vote for Defendant Gipson instead of Plaintiff.

11 25. In committing the acts alleged herein, Defendants have acted with the  
12 express intent of defaming and besmirching Plaintiff's reputation. Defendants  
13 have acted toward Plaintiff with malice, fraud, and oppression, entitling Plaintiff to  
14 punitive damages pursuant to California Civil Code section 3294 in an amount to  
15 be proved at trial.

16 26. As a result of the dissemination of the Mailer, which was false,  
17 Plaintiff was damaged in his business, occupation and/or reputation. Plaintiff lost  
18 employment opportunities as a result of the Mailer.

19 27. Wherefore, Plaintiff prays for relief as set forth below.  
20

### 21 PRAYER FOR RELIEF

22 WHEREFORE, Plaintiff demands judgment against Defendants as follows:

23 1. That, pursuant to California Elections Code Section 20010(c)(2),  
24 Defendants pay Plaintiff an amount equal to the cost of producing and distributing  
25 the Mailer.

26 2. For an Order permanently enjoining Defendants, their agents,  
27 employees, and all persons acting in concert with them from further publication or  
28 distribution of false photographs of Plaintiff.

1           3.     For an award of damages for Defendants' libel per se, in an amount to  
2 be proved at trial.

3           4.     For punitive damages against Defendants for their malicious,  
4 oppressive, and fraudulent behavior, according to Civil Code section 3294, in an  
5 amount to be proved at trial.

6           5.     For an award of Plaintiff's attorneys' fees and expenses in full,  
7 pursuant to California Elections Code Section 20010(c)(2), in an amount to be  
8 proved at trial.

9           6.     That the Court grant such other relief as it deems just.

10

11

12 Dated: March 25, 2015

13

FREEDMAN + TAITELMAN, LLP

By:  \_\_\_\_\_

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Bryan J. Freedman, Esq.

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David Marmorstein, Esq.

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Attorneys for Plaintiff

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Prophet Walker

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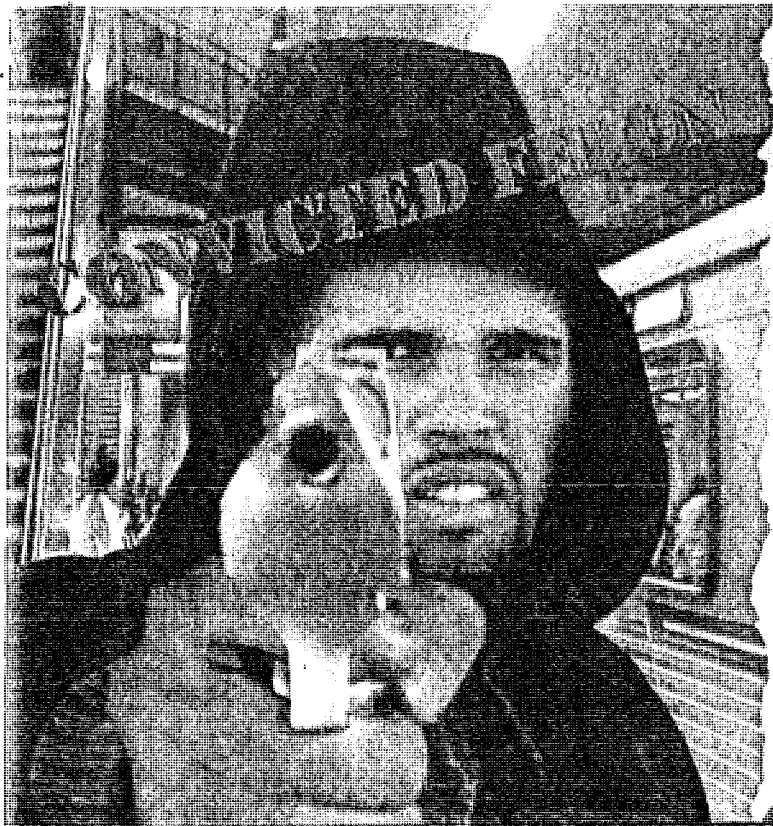
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# **EXHIBIT A**



**FORMER POLICE OFFICER**



# Two Candidates.

Only One Will Protect What's Important to You.

## PROPHET WALKER

*Adjusting to life in our Community.*

- X** Expects to learn how to legislate but he just now started obeying the law.
- X** Hopes he can help our community but hope is not a plan.
- X** 3 Years of Outreach Experience. We can't afford his on the job training.

HOW CAN WE TRUST  
SOMEONE WHO JUST RECENTLY  
STARTED TO BEHAVE?

## Mike Gipson.

*Protecting & Serving our Community.*

- ✓** Always been a law-abiding member of society with strong morality and ethics.
- ✓** Has the Education and Experience to bring prosperity to our community.
- ✓** Served you as a Police Officer, Councilman and is happily Married with Children.

*"A Lifetime of Dedicated  
and Trustworthy  
Public Service."*

Prophet Walker arrest records:  
[www.FalseWalker.com](http://www.FalseWalker.com)

# Compare the Candidates.

How they spent the past 10 years of their lives.



## PROPHET WALKER

Age: 26 Years

- X February 2004: Plead guilty to grand theft and was placed on Home Probation.
- X September 2004: Walker Robbed and beat Victor Ceron nearly to death, admitted guilt, was convicted and sentenced to six years in prison.
- X March 2005: Walker is doing prison time for the assault and robbery of Victor Ceron, Marco Alvarez & Jorge Jimenez.
- X October 2008: Walker is out on probation and at 22, begins working part-time for the first time in his life.
- X From 2010 to 2014: Prophet works as a construction worker for a local developer. While "networking" with Hollywood's rich and famous.

## Mike Gipson.

Age: 46 Years

- ✓ February 2004: As a Union Official, Mike improved teacher pay and school safety.
- ✓ September 2004: Works with school board to reduce class sizes to enable our teachers to better educate our youth.
- ✓ March 2005: Elected to the City Council by a majority vote of the electorate.
- ✓ October 2008: Mike works with the United Teachers of Los Angeles, is a Carson Councilman and an ordained Minister.
- ✓ From 2010 to 2014: Mike continues to work as a Union Organizer and as Councilman for Carson, he has brought in thousands of jobs, improved education and public safety.

PROPHET WALKER LACKS THE EXPERIENCE & INTEGRITY FOR THE STATE ASSEMBLY!!

Mike Gipson is the Best Qualified to Represent us in the Assembly!

**FACT:** In the fall of 2004, Prophet Walker led his gang on a four day robbing spree! His last victim Victor Ceron was severely beaten by Walker and was hospitalized with a broken jaw. To this day Prophet Walker has never apologized to the Ceron family for the pain and suffering he caused.

# **EXHIBIT B**

## Learn the Truth About Prophet Walker

### A NOTE FROM MIKE GIPSON



Dear Voter,

“For the past six months, voters in our district have been subjected to one of the most negative campaigns I’ve ever seen, starting in the primary when I was attacked repeatedly with vicious, misleading campaign ads in mailboxes and in grassroots efforts. During that entire time, I was committed to running a positive campaign, even if that meant turning the other cheek repeatedly.

“Despite those personal attacks in the primary, my campaign took the high road, and I finished in first place with 52% of the vote.

“Sadly, those who attacked me in the primary got even more desperate in the general election. Starting right after Labor Day, this mudslinging quickly escalated to a fevered pitch, with my opposition spending more than one million dollars against me in Super PAC attack ads from a PR firm in New York that have flooded mail boxes in our district. And still, even with these outside attacks, my campaign took the high road and I turned the other cheek.

“But in the past few weeks my opposition engaged in an even more despicable line of personal attacks, not just attacking me, but this time attacking my family and my children. What’s more,

these attacks pushed by the New York PR firm were filled with utter lies. No family deserves to be attacked with a pack of vicious lies over and over again, I finally had to say enough is enough. I had to fight back for the sake of my family.

“I apologize to our community that I could not stand for these vicious personal attacks on my family, so much so that I let my emotions get the better of me, and I permitted a volunteer to design and send out a mail piece to a small amount of voters in our district to set the record straight. I stand by the facts of the mail piece designed by this volunteer, as they are 100% factual, but in retrospect, I realize that some of the volunteer’s graphic design elements might have gone too far. This mail piece was not properly evaluated by my campaign team, it was created by a volunteer and myself. I take full responsibility for its content and 100% truthful message but in hindsight, we could have used different visuals.

“When this campaign ends, I look forward to bringing our community together to heal, and focus on the important priorities to bring positive change and results for our residents and families.”

**Mike Gipson**

State Assembly Candidate

**On Tuesday, November 4, 2014**

**A Vote for Mike Gipson for State Assembly is a Vote for  
Jobs, Education and Public Safety!!**

Click here for Polling Location and Sample Ballot.