

# City of Rancho Cucamonga & San Bernardino County Sheriff's Department Sued for Constitutional & Civil Rights Violations

RANCHO CUCAMONGA, CALIFORNIA, USA, December 28, 2020 /EINPresswire.com/ -- Pepe's Towing Services is suing the City of Rancho Cucamonga, County of San Bernardino, San Bernardino County Sheriff's Department, and seven individuals after the unfair and sudden termination of Pepe's Towing Services Agreement with Rancho Cucamonga.



The other seven individuals being sued include San Bernardino County Sheriff's Sergeant Gary Esmond and Chief of Police Donny Mahoney, City of Rancho Cucamonga City Manager John Gillison, City Attorney James Markman, Mayor Dennis Michael, and City Council-members Lynne Kennedy, Ryan Hutchison, Kristine Scott, and Sam Spagnolo.

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The City of Rancho Cucamonga and San Bernardino County Sheriff's Department has a history of unfair and discriminatory practices against Pepe's Towing.”

*Manuel Acosta, President and Co-owner of Pepe's Towing Services*

The Complaint, which was filed against all parties on December 2, 2020, provides details of Pepe's claims, including violation of Pepe's First Amendment and Fourteenth Amendment rights.

The issues began in 2018 when Chief Mahoney issued four reprimands to Pepe's within six weeks alleging Towing Service Agreement violations for arriving a few minutes after the 20-minute mandate. All four reprimands were successfully appealed and removed from Pepe's record.

After the successful appeal, Chief Mahoney unjustly and unfairly directed his deputies to favor the city's other

towing operators.

Thereafter, several instances occurred where a large number of vehicles needed to be towed, and Pepe's Towing was told they were only permitted to tow a fraction of what the other tow operators were allowed to tow despite their availability, capacity, and the requirements of the tow rotation. When Pepe's complained about this discriminatory action, Pepe's Towing Services Agreement was unilaterally terminated.

"The City of Rancho Cucamonga and San Bernardino County Sheriff's Department has a history of unfair and discriminatory practices against Pepe's Towing," said Manuel Acosta, president and co-owner of Pepe's Towing Services. "Despite abiding by protocols and our successful track record with numerous cities and law enforcement agencies, we have been targeted at the direction of Chief Mahoney."

The Complaint also states that San Bernardino County Sheriffs Executive Director John Fogerty showed favoritism and made backdoor deals with other tow companies based on his relationships with the owners.

These actions come at a time where businesses like Pepe's Towing are already struggling amidst the COVID-19 pandemic. Relaxed towing enforcement following stay at home orders have made it even more difficult to stay afloat, coupled with the fact that the City of Rancho Cucamonga has increased the monthly tow operator fees by \$1,000 per month.

Due to the ongoing favoritism and discrimination, Pepe's Complaint includes claims for:

1. Violation of the equal protection clause of the Fourteenth Amendment;
2. Violation of the First Amendment right to free speech;
3. Conspiracy to violate Pepe's Constitutional rights;
4. Failure to prevent the violation of Pepe's Constitutional rights;
5. Monell violations as final policymaker;
6. Monell violations for failure to train;
7. Supervisor liability under §1983; and
8. Monell violation for ratification.

If you have any information related to this case, please contact R.C. Harlan, Partner at [Larson LLP](#) at 213.436.4868 or [rcharlan@larsonllp.com](mailto:rcharlan@larsonllp.com) (Case No. 5:20-cv-02506).

[View and download a copy of the complaint here.](#)

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