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**pro hac vice admission application forthcoming*

14 CALIFORNIANS FOR EQUAL RIGHTS FOUNDATIONS; RICHARD GREENBERG; and ARTHUR RITCHIE,

Petitioners/Plaintiffs,

VS.

18 SAN FRANCISCO HUMAN RIGHTS
COMMISSION; MAWULI
19 TUGBENYOH, in his official capacity as
Executive Director of the SAN
20 FRANCISCO HUMAN RIGHTS
COMMISSION; and CITY AND
COUNTY OF SAN FRANCISCO.

Respondents/Defendants.

Case No.

**VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
DECLARATORY, INJUNCTIVE,
OR OTHER RELIEF**

INTRODUCTION

24 1. San Francisco is engaged in a sordid and unconstitutional enterprise—it is
25 administering funding and wielding public authority to distribute government benefits explicitly
26 based on race and ancestry.

27 2. Through its Reparations Plan, San Francisco has abandoned the principle of
28 individual equality in favor of collective racial entitlement and disadvantage. Though presented

as a response to slavery, San Francisco's plan will impose sweeping racial classifications on present-day residents who neither endured enslavement nor inflicted it.

3. The Reparations Plan does not identify specific instances in which San Francisco violated the Constitution or any statute. It does not identify discrete victims of unlawful government conduct. It does not consider race-neutral alternatives. And it does not sunset. Instead, it replaces individual rights with inherited status and imposes a system of generational liability enforced by government power.

4. Both the United States and California Constitutions forbid this. Government may not allocate benefits, opportunities, or burdens according to race or lineage.

5. Nevertheless, San Francisco has now crossed a decisive constitutional line. Acting by ordinance, it has created a Reparations Fund and assigned a taxpayer-financed city agency—the Human Rights Commission—to administer the fund and serve as the trustee for the assets that will implement its discriminatory scheme. This is not a study, a recommendation, or a private charitable effort. It is government action, backed by public resources and enforced by public officials. By directing an agency funded almost entirely by taxpayer dollars to administer funding solely dedicated to implement race-exclusive benefits, the City is using public money, public employees, and public authority to carry out an unconstitutional racial spoils system that allocates benefits and opportunities based on race and ancestry.

6. Petitioners and Plaintiffs bring this action as taxpayers and citizens to stop that misuse of government power. They seek to vindicate a foundational principle: that government must treat individuals as individuals, not as representatives of a race or lineage, and that courts are charged with enforcing those limits when political actors exceed them.

JURISDICTION AND VENUE

7. This Court has jurisdiction over this petition for writ of mandate and complaint for declaratory and injunctive relief pursuant to Cal. Civ. Proc. Code §§ 1060, 1085, and 526a.

8. Venue is proper in this Court pursuant to Cal. Civ. Proc. Code §§ 393 and 394 because Defendants are a local agency, public officer, and a city and county situated in the County of San Francisco.

PARTIES

Plaintiffs

3 9. Petitioner and Plaintiff Californians for Equal Rights Foundation (CFER) is a
4 California nonprofit and nonpartisan public benefit corporation headquartered in San Diego,
5 California. CFER was established to defend article I, section 31 of the California Constitution and
6 the principle of equality under the law. It engages in grassroots campaigns and education to fight
7 against racial preferences in government programs throughout California. It has successfully
8 fought for the principle of equality via lawsuits, including those brought against Alameda County
9 and the San Diego Housing Commission. Both lawsuits ended with the repeal of unconstitutional,
10 racially discriminatory laws. CFER has members throughout California that pay state and local
11 taxes, including the individual Petitioners and Plaintiffs in this matter who are taxpaying residents
12 of the City and County of San Francisco.

13 10. Petitioner and Plaintiff Richard "Richie" Greenberg is an individual residing in the
14 City and County of San Francisco who has paid taxes, including property taxes each year since
15 around 2019, to the City and County of San Francisco. Mr. Greenberg is a member of CFER.

16 11. Petitioner and Plaintiff Arthur Ritchie is an individual residing in the City and
17 County of San Francisco who has paid taxes, including property taxes each year since around
18 2008, to the City and County of San Francisco. Mr. Ritchie is a member of CFER.

Defendants

20 12. Respondent and Defendant San Francisco Human Rights Commission (HRC or
21 Commission) is a charter commission established under § 4.107 of the San Francisco Charter and
22 exercises its authority, functions, powers, and duties in accordance therein and all rules,
23 regulations, orders, and laws of the City and County of San Francisco, including, without
24 limitation thereto, the applicable provisions of the San Francisco Administrative Code. Members
25 of the Commission swear to the Oath of Public Office to support and defend the Constitution of
26 the United States and the Constitution of the State of California. The Commission and its members
27 have a duty to comply with the United States and California Constitutions by not engaging in

discrimination on the basis of race and ancestry. Members of the Commission are appointed by the Mayor of San Francisco.

3 13. Respondent and Defendant Mawuli Tugbenyoh is the Executive Director of the
4 San Francisco Human Rights Commission. The Executive Director serves as the administrative
5 head of Commission affairs and possesses all of the powers and duties of a department head under
6 the provisions of the San Francisco Charter and the San Francisco Administrative Code, including
7 § 2A.30. The Executive Director is immediately responsible for the administration of the
8 Commission, including all programs, policies, duties, and responsibilities that the Commission
9 administers and carries out. The Executive Director is the designated officer for ascertaining and
10 certifying that all officers and employees of the Commission have taken the oath of affirmation
11 or allegiance to defend the Constitution of the United States and the Constitution of the State of
12 California, as required by State law. The Executive Director has a duty to comply with the United
13 States and California Constitutions by not engaging in discrimination on the basis of race and
14 ancestry. Mr. Tugbenyoh is sued in his official capacity.

14. Defendant City and County of San Francisco is a municipality incorporated under
the laws of the State of California and is both a Charter City and a County under the Constitution
of the State of California, art. XI, § 6. San Francisco has a duty to comply with the United States
and California Constitutions by not engaging in discrimination on the basis of race and ancestry.

STANDING

20 15. Petitioners and Plaintiffs have standing to seek the relief requested in this action
21 as taxpayers and as citizens with a public interest in procuring the Respondents' and Defendants'
22 enforcement of a public duty. Petitioners and Plaintiffs seek to ensure that the respondent and
23 defendant government entities and officer obey and uphold the laws and constitutions of the
24 United States and the State of California, including the right to equal protection of the laws and
25 the prohibition on discrimination based on race, color, ethnicity, or national origin.

26 16. Accordingly, Petitioners and Plaintiffs have standing as an association and as
27 individuals for mandamus, declaratory, and injunctive relief to enjoin Respondents' and
28 Defendants' unlawful conduct. Programs that discriminate on the basis of race "are matters of

1 intense public concern,” and “a claim that such a program violates principles of equal protection
2 and Proposition 209 is precisely the type of claim to which citizen and taxpayer standing rules
3 apply.” *Connerly v. State Personnel Bd.*, 92 Cal.App.4th 16, 29–30 (2001).

4 FACTUAL ALLEGATIONS

5 I. Taxpayer Funds Will Support the San Francisco Human Rights Commissions’ 6 Administration of Funding for a Race- and Ancestry- Based Reparations Plan

7 A. The San Francisco Reparations Plan

8 17. In December 2020, the City and County of San Francisco established the African
9 American Reparations Advisory Committee (AARAC) to advise on the development of a
10 reparations plan. The Reparations Plan would chronicle the legacy of American chattel slavery,
11 post-Civil War government-sanctioned discrimination against African Americans, ongoing
12 institutional discrimination, and city-sanctioned discrimination that has adversely impacted Black
13 San Franciscans. The purpose of reparations would be to “make whole those who have been
14 wronged or who continue to suffer harm from past wrongs, to close racial wealth gaps, and to
15 address ongoing discrimination, anti-Black prejudice, and inequities.”¹

16 18. The Committee would submit the Reparations Plan to the San Francisco Board of
17 Supervisors.²

18 19. The San Francisco Human Rights Commission assisted and provided
19 administrative support to the Committee.³

20 20. On July 7, 2023, the Committee released the Reparations Plan, which was prepared
21 by the Human Rights Commission.⁴

22 21. On September 26, 2023, the Board of Supervisors passed an ordinance accepting
23 the Reparations Plan.⁵

25 ¹ City & County of San Francisco, Ordinance No. 259-20 (Dec. 18, 2020).

26 ² *Id.*

27 ³ *Id.*

28 ⁴ African American Reparations Advisory Committee, *San Francisco Reparations Plan 2023: Final Report* (July 7, 2023), <https://www.sf.gov/sites/default/files/2023-07/AARAC%20Reparations%20Final%20Report%20July%207%2C%202023.pdf>. A true and correct copy of the Reparations Plan is attached as Exhibit A.

⁵ City & County of San Francisco, Resolution No. 460-23 (Sept. 26, 2023).

i. Eligibility

22. To be eligible for the benefits of the Reparations Plan, an individual must be:

- a. An African American descendant of a chattel enslaved person or the descendant of a free Black person prior to the end of the 19th century, or has identified as Black/African American on public documents for at least 10 years;
- b. 18 years or older;
- c. And born in and/or migrated to San Francisco before 2006 and has proof of residency in San Francisco for at least 10 years.⁶

23. In addition, eligible individuals must be able to prove with supporting documentation at least one of the qualifying experiences, which include:

- a. Displacement, or direct descendants as the next surviving direct descendant from someone displaced from San Francisco by actions related to the San Francisco Redevelopment Agency's activities between 1954 and 1973.
- b. Displacement, or direct descendants as the next surviving direct descendant from someone displaced from San Francisco by redevelopment until 2012.
- c. Arrest, prosecution, conviction, and/or sentencing in San Francisco for drug-related crime and/or service of a jail or probation sentence for a drug-related crime in San Francisco during the War on Drugs (June 1971 to present), including receiving offenses or serving as a juvenile, or direct descendants from someone with such background.
- d. Named as a current or former tenant on a San Francisco public or subsidized housing agreement, who can provide documented evidence of living in substandard or dangerous conditions, including residents who reported ongoing maintenance issues, submitted written requests for emergency relocation, and those who witnessed or were exposed to violent crime.
- e. Experience with documented physical injury, psychological trauma, or loss of life at the hands of law enforcement, or direct descendants from someone with such experience.
- f. Attendance at a San Francisco Unified School District school during the time of the consent decree mandating desegregation within the school system, between 1983 and 2005.
- g. Relocation by the San Francisco child welfare/foster system.
- h. Experience with lending discrimination in San Francisco between 1937 and 1968 or, subsequently, experience with lending discrimination in formerly redlined San Francisco communities between 1968 and 2008.⁷

⁶ African American Reparations Advisory Committee, *San Francisco Reparations Plan 2023: Final Report*, *supra*, p. 32.

7 Id.

ii. Benefits

24. The Reparations Plan sets forth over 150 recommendations to implement policies and provide benefits in homeownership, employment, business, education and health for eligible recipients. Benefits for eligible Black San Franciscans include:

- a. A lump-sum payment of \$5 million to each eligible person.
- b. Supplementation of African American income of lower income households to reflect the Area Median Income annually for at least 250 years.
- c. Debt forgiveness of all educational, personal, credit card, and payday loans.
- d. Guaranteed home, renters and commercial insurance backed and paid for by the city at no cost to eligible Black residents.
- e. Coverage for monthly housing costs for new construction, such as homeowners' association fees and parking fees.
- f. Underwriting of costs associated with refinancing existing mortgage loans.
- g. Exemption from property taxes for those who qualify for reparations.
- h. Priority for members of San Francisco's current and past African American communities for employment opportunities, training programs, professional certification, partnerships and contracting.
- i. Additional 50 percent preference and expedited processing in contract evaluation for businesses eligible for reparations.
- j. Preference to Black businesses for city and port-owned real estate leases in high foot traffic commercial districts with low-cost rent.
- k. Preference for Black businesses in all new and existing concessions in San Francisco Recreation and Parks.
- l. Expanded eligibility for the equity incentives in the city's Kindergarten 2 College program to prioritize Black San Francisco Unified School District students at schools across the district.
- m. Elimination of student loan debt for Black individuals in San Francisco who went through San Francisco Unified School District.
- n. Housing stipends for Black educators commensurate with market-rate housing needs.⁸

B. Reparations Funding Ordinance

25. On December 16, 2025, The Board of Supervisors passed Ordinance No. 258-25, establishing the Reparations Fund to receive monies appropriated or donated to support and implement the recommendations described in the Reparations Plan. The ordinance noted that the

⁸ *Id.* pp. 9–13, 16, 18–19, 23.

1 Reparations Plan “outlines a variety of methods to provide restitution, compensation, and
2 rehabilitation to individuals who are Black and/or descendants of a chattel enslaved person and
3 have experienced proven harm in San Francisco.”⁹

4 26. Under the ordinance, the Reparations Fund may receive any legally available
5 monies appropriated or donated to support and implement the recommendations of the
6 Reparations Plan.¹⁰

7 27. The ordinance directs the Human Rights Commission to administer the
8 Reparations Fund and sets forth that the monies in the fund “shall be expended solely for the
9 purposes of supporting and implementing the recommendations described in the Reparations
10 Plan.”¹¹

11 28. Mayor Daniel Lurie approved the Reparations Funding Ordinance on December
12 23, 2025.¹²

13 **C. Public Funding of the Human Rights Commission**

14 29. San Francisco’s General Fund is the source for discretionary spending and funds
15 many basic municipal services such as public safety, health and human services, and public works.

16 30. Property taxes comprise 34.7 percent of the General Fund during the 2025–2026
17 fiscal year and 32.8 percent during the 2026–2027 fiscal year.¹³

18 31. The Commission has a \$30,032,568 budget for the 2025–2026 Fiscal Year.
19 \$29,931,984 comes from the General Fund. \$4,939,058 was allocated for the salaries of
20 Commission staff. It has a \$28,835,032 budget for the 2026–2027 Fiscal Year, of which
21 \$28,734,448 comes from the General Fund. \$5,142,937 is allocated for Commission salaries.¹⁴

22
23
24 ⁹ City & County of San Francisco, Ordinance No. 258-25 (Dec. 23, 2025). A true and correct copy
of the Reparations Funding Ordinance is attached as Exhibit B.

25 ¹⁰ *Id.*

26 ¹¹ *Id.*

27 ¹² *Id.*

28 ¹³ City and County of San Francisco, Budget and Appropriation Ordinance, Ordinance No. 119-
25, File No. 250589 (Dec. 9, 2025) pp. 21–22, https://media.api.sf.gov/documents/FY2026_FY2027_FINAL_AAO.pdf. A true and correct copy of excerpts of the budget
schedule is attached as Exhibit C.

¹⁴ *Id.* at pp. 15, 140.

1 32. General funds allocated to the Commission pay for core Commission operations,
2 which include administrative staff.¹⁵

3 **II. The Reparations Plan Violates the United States and California Constitutions by
4 Using Race and Ancestry to Distribute Government Benefits**

5 **A. The Reparations Plan Violates the Equal Protection Clause of the Fourteenth
6 Amendment to the United States Constitution**

7 33. The Fourteenth Amendment to the United States Constitution provides that “[n]o
8 State shall . . . deny to any person within its jurisdiction the equal protection of the laws.” U.S.
9 Const. amend. XIV, § 1.

10 34. The Reparations Plan restricts eligibility for its benefits on the basis of race and
11 ancestry. As such, the Reparations Plan must satisfy strict scrutiny. *Parents Involved in Cnty.*
12 *Schs. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701, 720 (2007); *see also Kahawaiolaa v. Norton*, 386
13 F.3d 1271, 1277 (9th Cir. 2004) (“Strict scrutiny is applied when the classification is made on
14 ‘suspect’ grounds such as race, ancestry, alienage”); *Rice v. Cayetano*, 528 U.S. 495, 514
(2000).

15 35. Under strict scrutiny, the government has the burden of proving that racial and
16 ancestral classifications both 1) further a compelling governmental interest and 2) are narrowly
17 tailored to further that interest. *Johnson v. California*, 543 U.S. 499, 505 (2005).

18 36. To serve a compelling interest, the Reparations Plan must remedy specific,
19 identified instances of past discrimination that violated the Constitution or a statute. *Students for*
20 *Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 207 (2023).
21 Defendants have not specifically identified any racial discrimination that the racial and ancestral
22 classifications remedy. The Reparations Plan thus fails to serve a compelling interest. Instead, the
23 Reparations Plan seeks to remedy the effects of societal discrimination, which is not a compelling
24 interest. *Shaw v. Hunt*, 517 U.S. 899, 909 (1996). In particular, the Reparations Plan broadly cites
25 the impact of urban renewal as the target of its remedies.¹⁶ “[A] generalized assertion that there
26 has been past discrimination in an entire industry provides no guidance for a legislative body to

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¹⁵ City and County of San Francisco, Human Rights Commission, FY 2025–26 & FY 2026–27
28 Proposed Budget (Jan. 22, 2025) p. 4 (draft), https://media.api.sf.gov/documents/HRC_Budget_Proposal_FY26_FY27_22_Jan_2025_DRAFT.pdf.

¹⁶ *San Francisco Reparations Plan 2023: Final Report*, *supra*, p. 1.

1 determine the precise scope of the injury it seeks to remedy.” *City of Richmond v. J.A. Croson*
2 *Co.*, 488 U.S. 469, 498 (1989).

3 37. The Reparations Plan further lacks a strong basis in evidence required to conclude
4 that remedial action is necessary regarding any supposed racial discrimination in San Francisco.
5 *Hunt*, 517 U.S. at 910.

6 38. Even if Defendants can demonstrate that the Reparations Plan serves a compelling
7 government interest, they cannot prove that the plan’s racial and ancestral preferences are
8 narrowly tailored. Narrow tailoring requires “serious, good faith consideration of workable race-
9 neutral alternatives” and “must be limited in time.” *Grutter v. Bollinger*, 539 U.S. 306, 339, 342
10 (2003). The Reparations Plan does not set forth any attempts to implement any race- or ancestry-
11 neutral alternatives, nor does it have a termination date.

12 39. The Reparations Plan’s use of race and ancestry to distribute government benefits
13 therefore violates the United States Constitution’s guarantee of the equal protection of the laws.

14 **B. The Reparations Plan Violates the California Constitution’s Guarantee of Equal
15 Protection**

16 40. Article I, section 7 of the California Constitution establishes that “[a] person may
17 not be . . . denied equal protection of the laws,” and it provides that “[a] citizen or class of citizens
18 may not be granted privileges or immunities not granted on the same terms to all citizens.” Cal.
19 Const. art. I, § 7(a), (b).

20 41. California’s equal protection guarantee is “substantially the equivalent” or co-
21 extensive with the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution.
22 *Serrano v. Priest*, 18 Cal.3d 728, 763 (1976) (citing *Dep’t of Mental Hygiene v. Kirchner*, 62
23 Cal.2d 586, 588 (1965)). As such, government distinctions on the basis of suspect classifications
24 like race and ancestry are subject to strict scrutiny. *See Molar v. Gates*, 98 Cal.App.3d 1, 13
25 (1979).

26 42. Since the Reparations Plan fails strict scrutiny under the Equal Protection clause
27 of the Fourteenth Amendment, it fails strict scrutiny under article I, section 7 of the California
28

1 Constitution. The Reparations Plan therefore violates the California Constitution's guarantee of
2 equal protection.

3 **C. The Reparations Plan Violates the California Constitution's Prohibition on Racial
4 Preferences in Public Employment, Public Education, and Public Contracting**

5 43. Article I, section 31 of the California Constitution, established by Proposition 209,
6 provides that the State of California and its counties and other subdivisions "shall not discriminate
7 against, or grant preferential treatment to, any individual or group on the basis of race, sex, color,
8 ethnicity, or national origin in the operation of public employment, public education, or public
9 contracting." Cal. Const. art. I, § 31(a), (f).

10 44. Proposition 209 prohibits all discrimination and preferential treatment on the basis
11 of race, even if those activities would be permissible under strict scrutiny. *Connerly*, 92
12 Cal.App.4th at 42.

13 45. The Reparations Plan discriminates against and grants preferential treatment to
14 individuals on the basis of race in the provision of benefits in public employment, public
15 education, and public contracting. Benefits include forgiveness of student loan debt, priority in
16 employment opportunities and contracting, and preferences in contract evaluation and leases of
17 city-owned property for eligible recipients.

18 46. The Reparations Plan therefore violates the California Constitution's prohibition
19 on racial discrimination and racial preferences.

20 **FIRST CAUSE OF ACTION**

21 **Writ of Mandate**

22 **(Code of Civ. Proc. § 1085)**

23 **By All Petitioners and Plaintiffs Against Respondents and Defendants
San Francisco Human Rights Commission, Mawuli Tugbenyoh, and the City and
County of San Francisco**

24 47. Petitioners and Plaintiffs incorporate by this reference each and all of the
25 allegations contained in Paragraphs 1 through 46 hereof, as if fully set forth herein.

26 48. Code of Civil Procedure § 1085 permits this Court to issue a writ of mandate to
27 compel actions required of the State of California.

1 49. Respondents and Defendants are under a clear and present legal duty to follow:
2 (1) the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution;
3 (2) the equal protection guarantee set forth in article I, section 7 of the California Constitution;
4 and (3) the prohibition on racial discrimination and preferences set forth in article I, section 31 of
5 the California Constitution.

6 50. Respondents and Defendants will violate the United States and California
7 Constitutions by using government resources and public funds to administer funding to support
8 and implement policies and programs that discriminate on the basis of race and ancestry in
9 violation of the United States and California constitutions.

10 51. Petitioners and Plaintiffs have a clear, present, and legal right to seek mandamus
11 to protect the public right by compelling Respondents and Defendants to perform their public duty
12 under the constitutional equal protection guarantees and state constitutional prohibition on racial
13 discrimination. Mandamus relief is appropriate to test the constitutional validity of legislative
14 enactments like those challenged here. *Connerly*, 92 Cal.App.4th at 30–31.

15 52. Issuance of a writ of mandate, compelling Respondents and Defendants to perform
16 their duties resulting from their respective offices, trusts, and stations, in a manner in full
17 compliance with the United States and California Constitutions, is required because there exists
18 no plain, speedy, and adequate remedy in the ordinary course of the law which would protect
19 Petitioners' and the public's rights and interests.

SECOND CAUSE OF ACTION

Declaratory and Injunctive Relief

(Code Civ. Proc. § 1060 and 526a)

By All Petitioners and Plaintiffs Against Respondents and Defendants
San Francisco Human Rights Commission, Mawuli Tugbenyoh, and the City and
County of San Francisco

24 53. Petitioners and Plaintiffs incorporate by this reference each and all of the
25 allegations contained in Paragraphs 1 through 52 hereof, as if fully set forth herein.

26 54. An actual and judicially cognizable controversy exists between Plaintiffs and
27 Defendants regarding whether Defendants' use of government resources and public funds
28 violates: (1) the Equal Protection Clause set forth in the Fourteenth Amendment to the United

1 States Constitution; (2) the equal protection guarantee set forth in article I, section 7 of the
2 California Constitution; and (3) the prohibition on racial discrimination and preferences set forth
3 in article I, section 31 of the California Constitution.

4 55. Plaintiffs assert this claim as taxpayers under California Code of Civil Procedure
5 § 526a. A Section 526a claim is particularly appropriate here, since it “provide[s] a general citizen
6 remedy for controlling illegal governmental activity.” *Connerly*, 92 Cal.App.4th at 29.

7 56. Defendants will expend government resources and public funds to administer
8 funding to support and implement policies and programs that discriminate on the basis of race
9 and ancestry. The Equal Protection Clause of the Fourteenth Amendment to the United States
10 Constitution and article I, section 7 of the California Constitution outlaw such discrimination by
11 the government. Article I, section 31 of California Constitution further outlaws preferential
12 treatment on the basis of race and ethnicity by the government. Plaintiffs thus seek a declaration
13 that such expenditures are illegal, wasteful, and injurious, and request that the Court enter an
14 injunction enjoining Defendants from using any government resources or public funds to support
15 such programs so long as they discriminate on the basis of race and ancestry.

THIRD CAUSE OF ACTION

The Reparations Plan Violates the State's Equal Protection Guarantee

(Article I, Section 7 of the California Constitution)

**By All Petitioners and Plaintiffs Against Respondents and Defendants
San Francisco Human Rights Commission, Mawuli Tugbenyoh, and the City and
County of San Francisco**

20 57. Petitioners and Plaintiffs incorporate by this reference each and all of the
21 allegations contained in Paragraphs 1 through 56 hereof, as if fully set forth herein.

58. Article I, section 7 of the California Constitution establishes that “[a] person may not be . . . denied equal protection of the laws,” and it provides that “[a] citizen or class of citizens may not be granted privileges or immunities not granted on the same terms to all citizens.” Cal. Const. art. I, § 7(a), (b).

26 59. Defendants will violate article I, section 7 of the California Constitution by
27 engaging in the conduct described herein.

1 60. The Reparations Plan discriminates on the basis of race and ancestry in violation
2 of the equal protection guarantee.

3 61. Defendants will oversee the administration of funding to create and implement the
4 Reparations Plans, even though they know or should reasonably know that the eligibility criteria
5 for the Reparations Plan violates the guarantee of equal protection of the laws.

6 62. The Reparations Plan is subject to strict scrutiny because it categorizes individuals
7 on the basis of race and ancestry.

8 63. The racial and ancestral classifications of the Reparations Plan do not serve a
9 compelling government interest.

10 64. Defendants have not specifically identified any racial discrimination to be
11 remedied by the Reparations Plan.

12 65. Defendants cannot identify any statute or constitutional provision that would be
13 violated in the absence of their race- and ancestry-based Reparations Plan.

14 66. Defendants lack a strong basis in evidence to conclude that remedial action is
15 necessary regarding any racial discrimination in the City and County of San Francisco.

16 67. Even if Defendants could demonstrate that the Reparations Plan's racial and
17 ancestral classifications serve a compelling government interest, Defendants cannot prove that the
18 racial exclusivity mandated by the Reparations Plan is narrowly tailored towards advancing that
19 interest.

20 68. Defendants have not attempted to implement or administer funding to create and
21 implement any race-neutral alternatives, and the Reparations Plan does not provide any end date
22 for its race-based measures.

23 69. The Reparations Plan's racial classifications use race as a negative.

24 70. The Reparations Plan's racial classifications use race as a stereotype.

25 / / /

26 / / /

27 / / /

28 / / /

FOURTH CAUSE OF ACTION

The Reparations Plan Violates the State's Ban on Discriminatory and Preferential Treatment on the Basis of Race

(Article I, Section 31 of the California Constitution)

**By All Petitioners and Plaintiffs Against Respondents and Defendants San Francisco
Human Rights Commission, Mawuli Tugbenyoh, and the City and County of
San Francisco**

71. Petitioners and Plaintiffs incorporate by this reference each and all of the allegations contained in Paragraphs 1 through 70 hereof, as if fully set forth herein.

8 72. Article I, section 31 of the California Constitution provides that the State of
9 California and its counties and other subdivisions “shall not discriminate against, or grant
10 preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or
11 national origin in the operation of public employment, public education, or public contracting.”
12 Cal. Const. art. I, § 31(a), (f).

13 73. Defendants will violate article I, section 31 of the California Constitution by
14 engaging in the conduct described herein.

15 74. The Reparations Plan discriminates against and grants preferential treatment to
16 individuals on the basis of race.

17 75. The Reparations Plan is not required by “any court order or consent decree” in
18 force as of November 6, 1996. Cal. Const. art. I, § 31(d).

19 76. The Reparations Plan is not necessary to “establish or maintain eligibility for any
20 federal program, where ineligibility would result in a loss of federal funds to the State.” Cal.
21 Const. art. I, § 31(e).

PRAYER FOR RELIEF

23 WHEREFORE, Petitioners and Plaintiffs pray for a judgment against Respondents and
24 Defendants, and each of them, as follows:

25 1. For a writ of mandate commanding Respondents to refrain from using government
26 resources or public funds to administer the funding to support and implement the
27 discriminatory Reparations Plan programs.

2. A declaratory judgment declaring that the racial preferences in Defendants' Reparations Plan violate the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution; and article I, sections 7 and 31 of the California Constitution.
3. For a permanent injunction, pursuant to Cal. Civ. Proc. Code § 525 *et seq.*, enjoining Defendants from using any government resources or public funds to support the Reparations Plan and any of its programs and policies so long as they discriminate and provide preferences on the basis of race and ancestry in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution; and article I, sections 7 and 31 of the California Constitution.
4. An award to Plaintiffs of reasonable attorney fees, costs, and expenses pursuant to Cal. Civ. Proc. Code § 1021.5 and any other applicable authority, for bringing and maintaining this action.
5. An award to Plaintiffs of any other and further relief that this Court deems just and proper under the circumstances of this case.

DATED: February 5, 2026.

Respectfully submitted,

ANDREW R. QUINIO
JACK E. BROWN*
PACIFIC LEGAL FOUNDATION

By s/ Andrew R. Quinio
ANDREW R. QUINIO

Attorneys for Plaintiff

**pro hac vice admission application
forthcoming*

VERIFICATION

2 I, WENYUAN WU, have read the foregoing Verified Petition for Writ of Mandate and
3 Complaint for Declaratory, Injunctive, or Other Relief and know its contents. I am the Executive
4 Director for Californians for Equal Rights Foundation, a party to this action. I am authorized to
5 make this verification for and on behalf of Petitioner and Plaintiff Californians for Equal Rights
6 Foundation and make this verification for that reason. The matters stated in the foregoing
7 Complaint concerning Californians for Equal Rights Foundation are true and correct to my own
8 personal knowledge. The remaining matters are stated on information and belief, and, as to those
9 matters, I believe them to be true.

10 I declare under penalty of perjury under the laws of the State of California that the foregoing
11 is true and correct.

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13 Executed at Forsyth, GA this 4th day of February, 2026.

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15  WENYUAN WU

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DECLARATION OF WENYUAN WU IN SUPPORT OF VERIFIED PETITION FOR WRIT OF MANDATE
AND COMPLAINT FOR DECLARATORY, INJUNCTIVE, OR OTHER RELIEF

VERIFICATION

2 I, RICHARD “RICHIE” GREENBERG, have read the foregoing Verified Petition for Writ
3 of Mandate and Complaint for Declaratory, Injunctive, or Other Relief and know its contents. I am
4 a party to this action. The factual matters stated in the foregoing document concerning the
5 undersigned are true and correct to my personal knowledge. The remaining matters are stated on
6 information and belief, and, as to those matters, I believe them to be true.

7 I declare under penalty of perjury under the laws of the State of California that the foregoing
8 is true and correct.

10 Executed at SAN FRANCISCO, CALIFORNIA this 5TH day of FEBRUARY, 2026.

RICHARD GREENBERG

VERIFICATION

2 I, ARTHUR RITCHIE, have read the foregoing Verified Petition for Writ of Mandate and
3 Complaint for Declaratory, Injunctive, or Other Relief and know its contents. I am a party to this
4 action. The factual matters stated in the foregoing document concerning the undersigned are true
5 and correct to my personal knowledge. The remaining matters are stated on information and belief,
6 and, as to those matters, I believe them to be true.

7 I declare under penalty of perjury under the laws of the State of California that the foregoing
8 is true and correct.

10 Executed at San Francisco, CA this 4th day of February, 2026

Arthur Ritchie
ARTHUR RITCHIE