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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

15 ERICA JIMENEZ, individually and on
16 behalf of a class of similarly situated
17 individuals,

18 Plaintiff,

19 v.

20 DR. ERICA PAN, in her official capacity
21 as Director of the California Department of
22 Public Health; DR. BARBARA FERRER,
23 in her official capacity as Director of the
24 Los Angeles County Department of Public
25 Health; MANUEL CARMONA, in his
26 official capacity as the Director of Public
27 Health for the Pasadena Public Health
28 Department; LOS ANGELES COUNTY
DEPARTMENT OF PUBLIC HEALTH;
and PASADENA PUBLIC HEALTH
DEPARTMENT,

Defendants.

Case No. 2:26-cv-3500

**CLASS ACTION COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF AND
NOMINAL DAMAGES**

**ACTION SEEKING
STATEWIDE OR
NATIONWIDE RELIEF**

INTRODUCTION

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2 1. California funds programs to support pregnant women and new
3 mothers. State, county, and local leaders collaboratively direct vital resources and
4 services toward improving infant and maternal health. But under the State’s Black
5 Infant Health (BIH) program, access to those public benefits turns on race alone.
6 Mothers who meet every other eligibility requirement are turned away if they are not
7 of the government’s preferred race. Race determines who receives help and who is
8 excluded.

9 2. Plaintiff Erica Jimenez experienced that discrimination. A Pasadena
10 resident and new mother who recently gave birth to her first child, she sought support
11 from the local BIH program while pregnant. She qualified in every respect except
12 race. After learning that Mrs. Jimenez is not black, a BIH program coordinator
13 informed Mrs. Jimenez that the program was not for her.

14 3. The consequences were immediate. Mrs. Jimenez was denied publicly
15 funded services for healthy pregnancies and early childhood development—services
16 available to others solely because they fit the government’s preferred race.
17 Mrs. Jimenez’s race alone closed the door.

18 4. Countless other pregnant and new mothers across California suffer the
19 same exclusion. They qualify in every way except the government’s racial criterion.
20 The program sets no income limits—only race decides who gets help. Plaintiff
21 brings this action on behalf of herself and a proposed class of similarly situated
22 individuals who are eligible for BIH services in all respects except race.

23 5. The Constitution forbids this racial discrimination: The Equal
24 Protection Clause bars the government from conditioning public benefits on race.
25 Our civil rights laws forbid this: Title VI prohibits recipients of federal funding from
26 excluding individuals on the basis of race. And basic principles of human dignity
27 forbid it: motherhood should not begin with unequal treatment based on race.
28

JURISDICTION AND VENUE

6. This action arises under the Fourteenth Amendment to the United States Constitution; federal civil rights statutes 42 U.S.C. §§ 1981, 1983, and 2000d *et seq.*

7. This Court has jurisdiction over this federal claim under 28 U.S.C. §§ 1331 (federal question) and 1343(a) (redress for deprivation of civil rights).

8. This Court has authority to issue Declaratory relief, as authorized by the Declaratory Judgment Act, as well as attorneys’ fees and other necessary and proper relief under 28 U.S.C. §§ 2201–2202.

9. Venue is proper in this Court under 28 U.S.C. § 1391(b) because one or more Defendants reside in this district and a substantial part of the events giving rise to the claims occurred or will occur in this district.

PARTIES

10. Plaintiff Erica Jimenez is a United States citizen and resident of Pasadena, California. Mrs. Jimenez is a new mother who is eligible for the challenged program, but for her race. She applied to the Pasadena BIH program but was excluded from the program when a program coordinator learned she was not of the government-preferred race. Mrs. Jimenez remains within the postpartum eligibility window for BIH services but continues to be excluded because of her race, and she intends to have additional children and seek those services in future pregnancies.

11. Defendant Dr. Erica Pan is the Director of the California Department of Public Health (CDPH), which oversees and implements the statewide BIH program. As Director, Dr. Pan has the authority to adopt rules and regulations as are necessary to govern the activities of the department, including implementation of the BIH program. Dr. Pan is sued in her official capacity.

12. Defendant Dr. Barbara Ferrer is the Director of the Los Angeles County Department of Public Health, which administers the county-level BIH program. As Director, Dr. Ferrer is the county health officer with authority to make and enforce

1 rules and regulations as may be necessary or proper to enforce and observe orders,
2 ordinances, and statutes pertaining to public health, including the BIH program.
3 Dr. Ferrer is sued in her official capacity.

4 13. Defendant Manual Carmona is the Director of Public Health for the
5 Pasadena Public Health Department, which administers the city-level BIH program.
6 As Director, Mr. Carmona directs and controls the Department and its programs,
7 including the BIH program, and derives authority from the city manager.
8 Mr. Carmona is sued in his official capacity.

9 14. Defendant Los Angeles County Department of Public Health
10 administers the county-level BIH program. The Department is a local health
11 jurisdiction under relevant sections of the California Health and Safety Code
12 pertaining to local health administration and maternal, child, and adolescent health.
13 The Department, by and through its actions and policies, has caused and continues
14 to cause the injuries alleged herein.

15 15. Defendant Pasadena Public Health Department administers programs
16 for the control and prevention of disease, promotion of maternal and child health,
17 and promotion of public health, including the local BIH program. The Department
18 cooperates with public and private agencies dealing with health needs of residents
19 of the City of Pasadena. The Department is a local health jurisdiction under relevant
20 sections of the California Health and Safety Code pertaining to local health
21 administration and maternal, child, and adolescent health. The Department, by and
22 through its actions and policies, has caused and continues to cause the injuries
23 alleged herein.

24 **FACTUAL ALLEGATIONS**

25 **The Challenged Program**

26 16. The California State Legislature established the BIH program to
27 identify and implement strategies to reduce the rate of black infant mortality and
28 address health disparities among black women, infants, and children. To expand the

1 scope of interventions that the BIH program provides, the state directed the CDPH
2 to establish the California Perinatal Equity Initiative. As part of this initiative, CDPH
3 developed a process to allocate funds to local health jurisdictions and worked with
4 state and local BIH programs for the purpose of improving black infant birth
5 outcomes. *See* Cal. Health & Safety Code §§ 123259 and 123260.

6 17. The statewide BIH program receives funding from federal Title V
7 Maternal and Child Health Services block grants.

8 18. Los Angeles County is one of the local jurisdictions that receives
9 funding to implement the BIH program. For state fiscal years 2024–2025 and 2025–
10 2026, CDPH allocated \$5,524,000 to Los Angeles County, with \$902,405
11 comprising Title V funds.

12 19. Defendant Pasadena Public Health Department contracts with
13 Defendant Los Angeles County Department of Public Health to receive funds and
14 provide BIH services to eligible women in certain geographic areas.

15 20. The statewide BIH website states that the program’s free services are
16 open to “all Black women who are 16 years or older, pregnant or up to six months
17 postpartum at the time of enrollment regardless of income.”

18 21. Los Angeles County’s BIH program limits eligibility to “[p]regnant
19 African American women 18 years of age and older” who live in designated areas.

20 22. The City of Pasadena likewise limits eligibility to the local BIH
21 program to individuals who are at least 16 years old, identify as black or African
22 American, and are pregnant or up to six months postpartum. Applicants to the
23 program provide their contact information, date of birth, pregnancy status, first-time
24 motherhood status, and race.

25 23. If accepted to the program, BIH participants in Pasadena receive 10
26 prenatal and 10 postpartum group sessions offering engaging activities that explore
27 pregnancy and parenting. Participants also receive guidance and referrals on a range
28 of topics, including assistance with applying for health insurance and family

1 planning counseling. These services aim to empower new mothers and improve the
2 health and social conditions of their families.

3 24. All iterations of the BIH program use race to screen and therefore
4 include or exclude pregnant or postpartum mothers on the basis of race.

5 25. California, Los Angeles, and Pasadena BIH programs do not have
6 income limits for eligibility.

7 **The Racial Eligibility Requirements Impact on Plaintiff**

8 26. Mrs. Jimenez is a new mother who resides in Pasadena, California.

9 27. She recently gave birth to her first child in mid-March.

10 28. Mrs. Jimenez is not black. Neither she, nor her child, belong to the
11 government-preferred racial group.

12 29. Prior to her child's birth, Mrs. Jimenez completed the City of
13 Pasadena's BIH online interest form.

14 30. Shortly after submitting the interest form, she received a call from a
15 BIH program coordinator on February 27, 2026.

16 31. The program coordinator explained to Mrs. Jimenez that BIH is only
17 for mothers who meet the racial eligibility criterion, or for mothers whose infants
18 do.

19 32. After learning that Mrs. Jimenez did not meet the racial criterion, the
20 coordinator informed Mrs. Jimenez that she was excluded from the BIH program
21 and referred her to other resources.

22 33. Mrs. Jimenez has been and will continue to be denied access to a
23 government program solely due to her race.

24 34. Any expecting or postpartum mother who meets all the eligibility
25 requirements but for the race requirement is also excluded from the BIH program.
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Class Action Allegations

35. Plaintiff sues individually and as a class representative under Federal Rules of Civil Procedure 23(a) and 23(b)(2) on behalf of all persons who are eligible for the challenged program but are excluded on account of their race.

36. The class includes all persons who meet the nonracial eligibility criteria for the challenged program, but whom Defendants exclude due to race. Defendants injure all class members to the same extent that the named Plaintiff is injured. Notice will be given to individuals, including, but no limited to, participants in statewide and local maternal health programs who would otherwise qualify for BIH but for their race.

37. The named Plaintiff is an adequate class representative because she belongs to the class of persons who are eligible for the challenged program but are excluded on account of their race.

38. The class is so numerous that the joinder of all members is impractical. Only an injunctive class as defined can vindicate the constitutional rights of the members of the class.

39. There are common questions of law and fact that unite the class, including:

- a. Whether the BIH racial exclusion violates class members' Equal Protection rights;
- b. Whether the BIH racial exclusion racially discriminates in violation of Title VI of the 1964 Civil Rights Act.

40. The claims brought by the named Plaintiff are typical of the class, and the named Plaintiff will fairly and adequately protect the interests of the class. Plaintiff has no interests antagonistic to the absent class members.

41. The relief sought is appropriate for the class as a whole because Plaintiff demands declaratory and injunctive relief against Defendants imposing

1 racial eligibility criterion for the BIH program. This relief equally impacts the entire
2 class.

3 **CLAIMS FOR RELIEF**

4 **First Cause of Action**

5 **Violation of the Equal Protection Clause of the Fourteenth Amendment**

6 **(42 U.S.C. § 1983)**

7 42. Plaintiff realleges and incorporates by reference all allegations
8 contained in the previous paragraphs.

9 43. An actual and substantial controversy exists between Plaintiff and
10 Defendants. Plaintiff has the right to equal access to government programs free from
11 the consideration of her race.

12 44. The Fourteenth Amendment to the United States Constitution provides:
13 “No State shall make or enforce any law which shall . . . deny to any person within
14 its jurisdiction the equal protection of the laws.” U.S. Const. amend. XIV, § 1.

15 45. Defendants Dr. Erica Pan, Director of the California Department of
16 Public Health; Dr. Barbara Ferrer, Director of the Los Angeles County Department
17 of Public Health; and Manual Carmona, Director of Public Health for the Pasadena
18 Public Health Department; the Los Angeles County Department of Health; and the
19 Pasadena Public Health Department are each a “person” within the meaning of 42
20 U.S.C. § 1983.

21 46. Defendants have acted and are acting “under the color of state law”
22 within the meaning of section 1983.

23 47. Defendants administer BIH programs and implement the eligibility
24 criteria.

25 48. The eligibility criteria for BIH programs require the exclusion of
26 pregnant and postpartum mothers on the basis of race.

1 49. Governmental classifications on the basis of race violate the Equal
2 Protection Clause unless they are narrowly tailored to serve a compelling
3 governmental interest.

4 50. The racial exclusion does not serve a compelling government interest.

5 51. The racial exclusion does not remediate any specific instances of racial
6 discrimination that violated the Constitution or statutes.

7 52. Even if the racial exclusion served a compelling government interest, it
8 is not narrowly tailored to remediating specific, identified instances of past
9 discrimination.

10 53. The racial exclusion uses race as a negative.

11 54. The racial exclusion stereotypes individuals on the basis of race,
12 mandates racial discrimination, and has no end date.

13 55. Plaintiff has been and will continue to be harmed by Defendants' racial
14 discrimination absent an injunction prohibiting Defendants' enforcement of the
15 racial exclusion.

16 56. Plaintiff is therefore entitled to prospective declaratory and permanent
17 injunctive relief against the continued enforcement of the racial exclusion.

18 **Second Cause of Action**

19 **Intentional Discrimination in Violation of Title VI of the 1964 Civil Rights Act**
20 **(42 U.S.C. § 2000d)**

21 57. Plaintiff realleges and incorporates by reference all allegations
22 contained in the previous paragraphs.

23 58. Defendants have violated Plaintiff's federal statutory right not to be
24 discriminated against in a program or activity receiving federal financial assistance.

25 59. Title VI of the 1964 Civil Rights Act (42 U.S.C. § 2000d) provides, in
26 relevant part: "No person in the United States shall, on the ground of race, color, or
27 national origin, be excluded from participation in, be denied the benefits of, or be
28

1 subjected to discrimination under any program or activity receiving Federal financial
2 assistance.”

3 60. The California Department of Public Health, the Los Angeles County
4 Department of Health, and the Pasadena Public Health Department are recipients of
5 federal funds and consequently are obligated not to discriminate by race under Title
6 VI.

7 61. Despite their Title VI obligations, Defendants discriminated and
8 continue to discriminate against Plaintiff on the basis of race.

9 62. Defendants’ actions were made under color of law.

10 63. Title VI is privately enforceable.

11 64. Discrimination that violates the Equal Protection Clause of the
12 Fourteenth Amendment of the United States Constitution constitutes a violation of
13 Title VI when committed by an institution that accepts federal funds.

14 65. An institution’s use of race or ethnicity that is in any way motivated by
15 prejudice or a stereotype against a particular group violates Title VI.

16 66. Plaintiff has been and will continue to be injured because of
17 Defendants’ racial discrimination.

18 **REQUEST FOR RELIEF**

19 WHEREFORE, Plaintiff respectfully requests the following relief:

20 A. A declaration that the BIH program’s racial exclusion violates the
21 Equal Protection Clause of the Fourteenth Amendment to the U.S.
22 Constitution and Title VI of the 1964 Civil Rights Act;

23 B. A permanent injunction restraining Defendants and Defendants’
24 officers, agents, affiliates, servants, successors, employees, and all
25 other persons in active concert or participation with Defendants from
26 excluding from the BIH program otherwise eligible persons on the basis
27 of race;
28

- 1 C. Judgment for Plaintiff and against Defendants for the deprivation of
- 2 Plaintiff's rights;
- 3 D. An award of attorney fees, costs, and expenses in this action pursuant
- 4 to 42 U.S.C. § 1988;
- 5 E. An award of nominal damages in the amount of \$1.00; and
- 6 F. Any further relief as the Court may deem just, necessary, or proper.

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8 DATED: April 2, 2026.

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10 Respectfully submitted,

11
12 ANDREW R. QUINIO
13 SAMANTHA R. ROMERO-DREW
14 Pacific Legal Foundation

15 By s/ Andrew R. Quinio
16 ANDREW R. QUINIO

17 *Attorneys for Plaintiff*
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