

1 SIEGAL & RICHARDSON, LLP
Joel H. Siegal (State Bar No. 117044)
2 Laura A. Bandler (State Bar. No. 338828)
Richard Richardson (State Bar No. 250676)
3 1760 Solano Avenue, Suite 202
Berkeley, CA 94707
4 joelsiegal@yahoo.com
(510) 271-6720

5 THE LOUIS D. BRANDEIS CENTER FOR HUMAN RIGHTS UNDER LAW, INC.
6 Paul M. Eckles (State Bar No. 181156)
peckles@brandeiscenter.com
7 Omer Wiczuk (NY State Bar 4321600), *pro hac vice forthcoming*
owiczuk@brandeiscenter.com
8 1330 Avenue of Americas, 23rd Floor
New York, NY 10019
9 Telephone: (212) 653-0630

10 *Attorneys for Plaintiff*

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 FOR THE COUNTY OF ALAMEDA

13 JONATHAN HIRSCH,

14 Plaintiff,

15 vs.

16
17 NATIVE GROUNDS INC.
(D/B/A JERUSALEM COFFEE HOUSE),
18 ABDULRAHIM HARARA,
19 SPITZER TELEGRAPH LLC, EAST BAY
COMMUNITY SPACE, DAVID EARLY, and
20 DOES 1 through 10, inclusive.

21 Defendants

) Case No.:

) VERIFIED COMPLAINT FOR DAMAGES
& INJUNCTIVE RELIEF

) DEMAND FOR JURY TRIAL

22
23 **INTRODUCTION**

24 1. Plaintiff Jonathan Hirsch (“Plaintiff” or “Mr. Hirsch”) brings this action for damages and
25 other relief against Defendants Native Grounds Inc., doing business as Jerusalem Coffee House,
26 Abdulrahim Harara (“Harara”), Spitzer Telegraph LLC, East Bay Community Space, David Early, and
27 DOES 1 through 10, after he was ejected from the coffee shop because he is a Jew. The Defendants
28

1 denial of services, facilities, and privileges to Mr. Hirsch because of his religion, ancestry, and national
2 origin, flagrantly violated the Unruh Civil Rights Act, Cal. Civ. Code § 51.

3 2. The California Unruh Civil Rights Act, enacted at the height of the civil rights movement in
4 1959, requires that business establishments provide equal accommodations and services to all persons
5 regardless of religion, race, color, sex, ancestry, national origin, disability or medical condition. Civ.
6 Code. § 51(b). The law is designed to promote fairness and equality, prohibiting arbitrary
7 discrimination and reinforcing California’s commitment to civil rights in public space.
8

9 3. On October 26, 2024, Plaintiff and his five-year-old son entered the Jerusalem Coffee House,
10 located at 5443 Telegraph Avenue, Oakland, California. Mr. Hirsch was wearing a blue baseball cap
11 that depicted a white Jewish Star of David on the front, with no other writing or symbols. Mr. Hirsch
12 was wearing no articles of clothing containing any other words or symbols and had never been inside
13 the Jerusalem Coffee House prior to that date.
14

15 4. After ordering and paying for a latte, Plaintiff and his son sat down in the chairs at the rear of
16 the establishment and began playing a game of chess. Within minutes and without provocation or
17 prior communication, Harara approached Mr. Hirsch and demanded to know if he was a “Zionist.”
18 When Mr. Hirsch refused to answer the question, Harara demanded that Mr. Hirsch leave the
19 premises, threatened to call the police, subjected him to physical contact and slurs, and claimed that
20 Mr. Hirsch’s cap—which solely bears a Jewish star—was “violent.” Harara also shouted “**Fuck Israel!**
21 **Fuck Zionists!**” at Mr. Hirsch, even though they had never discussed Israel, Zionism, Judaism, or any
22 related topics with Harara or anyone else inside the business.
23

24 5. Upon information and belief, Raven Doe,¹ an employee of East Bay Community Space which
25 leases the property to Defendant Harara, arrived at the coffee shop and demanded that Hirsch leave
26

27 _____
28 ¹ The true name of this individual is unknown to plaintiff.

1 the premises. Mr. Hirsch informed Raven Doe and Harara that it was illegal to remove him from the
2 business based upon his religion. Nonetheless, Raven Doe and Harara insisted that he leave, claiming
3 that their business had a right to refuse service and eject him without reason. Hirsch and his son were
4 subsequently forced to leave the premises.

5
6 6. Defendants' discrimination against Mr. Hirsch violated California's Unruh Civil Rights Act,
7 Civil Code § 51 et seq., which broadly prohibits business establishments from discriminating in the
8 provision of goods and services to the general public. The Unruh Act prohibits discrimination based
9 on religion, ancestry, and national origin. Mr. Hirsch seeks compensatory and punitive damages as a
10 result of this incident pursuant to Civ. Code § 3294. Mr. Hirsch also seeks injunctive relief and
11 declaratory relief to correct Defendants' unlawful practices.

12
13 7. As a direct and foreseeable consequence of the wrongful conduct and/or omissions of
14 Defendants, and each of them, Plaintiff sustained serious emotional injuries, as well as economic
15 losses, as set forth below.

16 **JURISDICTION AND VENUE**

17 8. This Court has jurisdiction under Article VI, Section 10 of the California Constitution and
18 California Code of Civil Procedure §§ 395, 410.10, 525-26, 1060, and 1085.

19
20 9. Upon information and belief, at all relevant times, Defendants resided in and/or did business
21 in the State of California and the events which combined to produce the injuries sustained by Plaintiff
22 in the County of Alameda, State of California.

23 10. Venue in this court is proper in the County of Alameda because a substantial part of the
24 events, acts, omissions, and/or transactions complained of herein occurred in and/or originated from
25 the County of Alameda, State of California. This action is related to an incident that occurred at 5443
26 Telegraph Avenue, Oakland, California, and Defendants Native Grounds Inc., Abdulrahim Harara
27

1 (“Harara”), and East Bay Community Space, all conduct their business at that location. Ca. Civ. Code §
2 395.5.

3 **THE PARTIES**

4 **PLAINTIFF JONATHAN HIRSCH**

5 11. Plaintiff Hirsch is an American Jew and United States citizen who resides in Oakland,
6 California, with his wife and three children, one of which is his five-year old son who accompanied
7 him on his visit to the Jerusalem Coffee House.
8

9 **DEFENDANTS NATIVE GROUNDS INC. & ABDULRAHIM HARARA**

10 12. Upon information and belief, Defendant Native Grounds Inc. is a California Corporation with
11 a principal address of 5443 Telegraph Avenue, Oakland, California, which does business under the
12 name Jerusalem Coffee House.

13 13. Upon information and belief, Defendant Abdulrahim Harara is the Chief Executive Officer,
14 Chief Financial Officer, and Secretary of Native Grounds Inc., which lists an address of 5443
15 Telegraph Avenue, Oakland, California. Defendant Harara is the only individual listed as an officer of
16 Native Grounds Inc. Jerusalem Coffee House is the only coffee shop operating at that location, and
17 Harara represents himself as its owner ([https://oaklandvoices.us/2024/10/28/jerusalem-coffee-](https://oaklandvoices.us/2024/10/28/jerusalem-coffee-house-oakland-palestine/)
18 [house-oakland-palestine/](https://oaklandvoices.us/2024/10/28/jerusalem-coffee-house-oakland-palestine/); [https://sfstandard.com/2024/10/16/jerusalem-coffee-house-oakland-](https://sfstandard.com/2024/10/16/jerusalem-coffee-house-oakland-defends-menu/)
19 [defends-menu/](https://sfstandard.com/2024/10/16/jerusalem-coffee-house-oakland-defends-menu/); <https://www.linkedin.com/feed/update/urn:li:activity:7114999850462547968/>).
20 Defendant Harara is, and was, at all times either the sole or joint owner of the Jerusalem Coffee
21 House.
22

23 **DEFENDANTS SPITZER TELEGRAPH LLC, EAST BAY COMMUNITY SPACE, & DAVID EARLY**

24 14. Upon information and belief, Spitzer Telegraph LLC owns the building at the corner of
25 Telegraph Avenue and 55th Street in Oakland, California, which includes 5447 Telegraph Avenue, 5443
26 Telegraph Avenue, and 507 55th Street. Spitzer Telegraph LLC is a corporation whose sole manager is
27
28

1 David Early, of 2157 Vine Street, Berkeley, California, and whose stated business is the “rental of
2 event space.”

3 15. Upon information and belief, East Bay Community Space is the business operating at 507 55th
4 Street and leases the Telegraph Room (whose entrance is adjacent to the Jerusalem Coffee House on
5 Telegraph Avenue) and the Main Space, whose entrance is at 507 55th Street. East Bay Community
6 Space leases space to the Jerusalem Coffee House ([https://eastbaycommunityspace.org/about-
7 us/our-building/](https://eastbaycommunityspace.org/about-us/our-building/)).

8
9 16. Upon information and belief, Raven Doe was an employee of East Bay Community Space on
10 October 26, 2024.

11 17. Upon information and belief, Spitzer Telegraph LLC is doing business as East Bay
12 Community Space.

13 18. Upon information and belief, David Early is the sole officer of Spitzer Telegraph LLC. David
14 Early represents himself as the owner of the East Bay Community Space (e.g.
15 <https://www.yelp.com/biz/east-bay-community-space-oakland>).

16
17 **DEFENDANTS DOES 1 – 10**

18 19. The true names and capacities, whether individual, corporate, associate or otherwise of the
19 Defendants DOES 1 through DOES 10, inclusive, are unknown to Plaintiffs who therefore sue said
20 Defendants by such fictitious names pursuant to Code of Civil Procedure § 474; Plaintiff further
21 alleges that each of said fictitious Defendants is in some manner responsible for the acts and
22 occurrences hereinafter set forth. Plaintiff will amend this Complaint to show their true names and
23 capacities when the same are ascertained, as well as the manner in which each fictitious Defendant is
24 responsible.
25
26
27
28

1 **AGENCY & CONCERT OF ACTION**

2 20. Upon and information and belief, at all times herein mentioned, Defendants, and each of
3 them, hereinabove, were the agents, servants, employees, partners, aiders and abettors, co-conspirators,
4 and/or joint venturers of each of the other Defendants named herein and were at all times operating
5 and acting within the purpose and scope of said agency, service, employment, partnership, enterprise,
6 conspiracy, and/or joint venture, and each Defendant has ratified and approved the acts of each of
7 the remaining Defendants. Each of the Defendants aided and abetted, encouraged, and rendered
8 substantial assistance to the other Defendants in breaching their obligations to Plaintiffs, as alleged
9 herein. In taking action to aid and abet and substantially assist the commission of these wrongful acts
10 and other wrongdoing complained of, as alleged herein, each of the Defendant acted with an
11 awareness of his/her/its primary wrongdoing and realized that his/her/its conduct would
12 substantially assist the accomplishment of the wrongful conduct, wrongful goals, and wrongdoing.
13
14

15 **STATEMENT OF FACTS**

16 21. On the afternoon of October 26, 2024, Jonathan Hirsch and his five-year-old son were
17 enjoying lunch at Casper's, a restaurant located at 5440 Telegraph Avenue, in Oakland, California.
18 After finishing their meal, Hirsch and his son needed to use the restroom, but Casper's did not
19 provide restrooms for their customers, and their staff directed Hirsch to a coffee shop across the
20 street.
21

22 22. Hirsch and his son crossed Telegraph Avenue and entered the Jerusalem Coffee House,
23 located at 5443 Telegraph Avenue, just after 12:30 P.M. Mr. Hirsch was wearing a blue baseball cap
24 that depicted a white Jewish Star of David on the front, with no other writing or symbols. The
25
26
27
28

1 baseball cap was a recreation of a 1938 baseball cap associated with the Hebrew Orphan Asylum, a
2 large Jewish charitable institution based in New York that hosted many Negro league baseball games.²

3 23. When Mr. Hirsch entered the coffee shop at 5443 Telegraph Avenue, he was not aware that it
4 had been the subject of media attention earlier that month. On October 7, 2024, the one-year
5 anniversary of the attack on the State of Israel by the terrorist organization Hamas, Defendant
6 Jerusalem Coffee House posted its new menu, which included items like “Sweet Sinwar” and “Iced In
7 Tea Fada.” Yahya Sinwar was the terrorist leader of Hamas and mastermind behind the October 7th
8 attack. When asked about the correlation between the date and the named items, Harara provided
9 patently false answers, claiming that Sinwar is simply a common surname among Palestinians. Sinwar
10 does not rank in the top 1,000 most common Palestinian surnames.

11
12 24. Defendants Spitzer Telegraph LLC, East Bay Community Space, and David Early knew or
13 should have known about Defendant Harara’s bias. Indeed, there was significant media coverage about
14 the Jerusalem Coffee House’s pro-Hamas and anti-Semitic menu, including in The San Francisco
15 Standard (<https://sfstandard.com/2024/10/16/jerusalem-coffee-house-oakland-defends-menu/>),
16 Oakland Voices (<https://oaklandvoices.us/2024/10/28/jerusalem-coffee-house-oakland-palestine/>),
17 The National Review ([https://www.nationalreview.com/news/oakland-cafes-new-menu-items-
18 seemingly-praise-hamas/](https://www.nationalreview.com/news/oakland-cafes-new-menu-items-seemingly-praise-hamas/)), the Jewish Telegraphic Agency ([https://www.jta.org/2024/10/11/united-
20 states/palestinian-owned-oakland-cafe-features-drink-named-for-hamas-leader-yahya-sinwar](https://www.jta.org/2024/10/11/united-
19 states/palestinian-owned-oakland-cafe-features-drink-named-for-hamas-leader-yahya-sinwar)).

21
22 25. Mr. Hirsch ordered a latte and paid for his drink. Mr. Hirsch and his son utilized the restroom
23 inside the business, and when they exited, their beverage did not yet appear to have been prepared.

24
25
26 ² The care of orphans in Jewish culture is a significant religious duty, and Jewish communities in the late 19th Century spent
27 significant resources in establishing dedicated orphanages such as the Hebrew Orphan Asylum for children who lost their
28 parents because of large-scale immigration. Mr. Hirsch’s grandparents and great-grandparents were orphans, and his son is
named for his aunt, who herself raised orphans during her lifetime.

1 Mr. Hirsch sat down in the rear of Jerusalem Coffee House, where seating was provided for guests
2 and other patrons. Mr. Hirsch began playing chess with his son.

3 26. Within minutes of sitting down, Mr. Hirsch was approached by Defendant Harara. Harara
4 demanded to know whether Hirsch was a “Zionist.” Up until that moment, Harara and Hirsch had no
5 interactions whatsoever, nor had Hirsch engaged in any conversations about his viewpoints on the
6 State of Israel or any associated matters with anyone inside the coffee shop. When Hirsch refused to
7 answer Harara’s question, Harara demanded that he leave the premises.
8

9 27. Harara threatened to call the police and repeatedly demanded that Hirsch leave the premises,
10 which he described as his private business. Harara and another employee of Jerusalem Coffee House
11 then made physical contact with Hirsch by placing his hand on his back and pushing him toward the
12 exit, attempting to escort him from the premises while repeatedly demanding that he leave. Harara
13 repeatedly threatened to call the police, which Hirsch welcomed given Harara’s conduct. During the
14 interaction, Harara repeatedly raised his voice at Hirsch, intentionally making other patrons aware of
15 the situation. When Hirsch pointed out that he was being asked to leave because his hat depicted a
16 Jewish star, Harara stated that “this is a violent hat, and you need to leave.”
17

18 28. An employee of the East Bay Community Space that identified herself as ‘Raven’ arrived and
19 told Mr. Hirsch that he needed to leave the premises. Mr. Hirsch advised Raven that he was being
20 asked to leave solely because he was wearing a hat with a Jewish star, and Raven stated that it was the
21 business’ right and that “they could ask you to leave for any reason.” Mr. Hirsch again pointed out that
22 a business cannot refuse service to someone solely because they are a member of a protected class or
23 because of their religion. Raven disagreed, claiming “they’re allowed to ask you to leave for any
24 reason” and implied that Hirsch should hide his identity, claiming that “the only reason they know
25 you’re a protected class is that you’re putting on your hat. You’re choosing to be here in this situation.”
26
27
28

1 29. Ultimately two members of the Oakland Police Department arrived at the location and began
2 to investigate the incident. When asked by Hirsch, in the officers' presence, why he was being expelled
3 from the restaurant, Defendants refused to provide a meaningful or lawful answer. Instead, Harara
4 claimed that it was "a private business and I reserve the right not to serve anyone I don't want to."
5 The officers asked Mr. Hirsch to cooperate with their investigation and step outside the Jerusalem
6 Coffee House. He complied with their request.
7

8 30. As Mr. Hirsch walked out of the location, Harara shouted "**Fuck Israel. Fuck Zionists.**"
9 Defendant Harara pursued Mr. Hirsch outside the premises, and proceeded to mock him using slurs,
10 all in the presence of Mr. Hirsch's five-year-old son. He repeatedly called Mr. Hirsch a "bitch" and
11 told Hirsch's son "Hey, your dad's a bitch. Your dad's a bitch."
12

13 31. Nearly this entire incident was captured on video by Mr. Hirsch and can be viewed here:

14 [https://www.dropbox.com/scl/fo/50t00a125gdt3k2h06i9/ANO5kp4-
15 1vSG_ve4Rfu1Lj0?rlkey=da32kq04myqr42sbtvpprcqqt&st=pf8j8rvc&dl=0](https://www.dropbox.com/scl/fo/50t00a125gdt3k2h06i9/ANO5kp4-1vSG_ve4Rfu1Lj0?rlkey=da32kq04myqr42sbtvpprcqqt&st=pf8j8rvc&dl=0)

16 32. The refusal to permit Mr. Hirsch and his son to enjoy the services, privileges,
17 accommodations, and facilities of a business establishment, solely because he was wearing a baseball
18 cap with a Jewish star, constitutes discrimination based on Mr. Hirsch's actual or perceived religion,
19 race, ancestry, and/or national origin.

20 33. Even after the arrival of members of law enforcement, Defendants continued to maintain
21 their right to refuse service to Mr. Hirsch on the sole basis of his religion, race, ancestry, and national
22 origin. Unless enjoined, Defendants will continue to engage in the unlawful acts and discrimination
23 and harassment as described above. Plaintiff therefore also seeks injunctive relief as prayed for herein.

24 34. As a direct and proximate result of Defendants' outrageous conduct, Mr. Hirsch has suffered,
25 and continues to suffer, severe emotional distress, psychological harm, and wage loss in an amount to
26 be proven at trial.
27
28

1 **FIRST CAUSE OF ACTION**

2 **(Violation of The Unruh Act, Civ. Code § 51 et seq.)**

3 35. Plaintiff incorporates by reference the allegations of the above paragraphs as though fully set
4 forth herein.

5 36. The California Unruh Civil Rights Act, enacted at the height of the civil rights movement in
6 1959, requires that business establishments provide equal accommodations and services to all persons
7 regardless of religion, race, color, sex, ancestry, national origin, disability or medical condition. Civ.
8 Code. § 51(b). The law is designed to promote fairness and equality, prohibiting arbitrary
9 discrimination and reinforcing California’s commitment to civil rights in public space.
10

11 37. Unruh compels a recognition of the equality of citizens in the right to services offered by
12 business establishments and prohibits discrimination by business establishments. Put simply, it
13 guarantees equal treatment for all individuals when interacting with businesses in California and
14 guarantees equal access to services and accommodations. The Unruh Act is meant to be interpreted
15 liberally, making all arbitrary discrimination illegal, on whatever basis. *See Marina Point, Ltd., v. Wolfson*
16 *30 Cal.3d 721, 734 (1982).*
17

18 38. While business owners do have a right to establish reasonable rules regulating the conduct of
19 patrons, and to even deny service to a person guilty of unduly offensive conduct to other patrons, an
20 individual that has committed no such misconduct cannot be excluded solely simply because he falls
21 within a class of persons that the owner believes is more likely to engage in misconduct than others.
22 *See Rolon v. Kulwiczky*, 153 Cal.App.3d 289 (1984).
23

24 39. The Unruh Act’s definition of “religion” includes all aspects of religious belief, observance,
25 and practice. Civ. Code § 51(e)(5).

26 40. Judaism is a religion, and Jews are an ethnic group of linked ancestry.
27
28

1 41. The Star of David, also referred to as the Magen David or Shield of David, is a symbol that
2 represents Judaism and Jewish identity. It appears in Jewish synagogues, on Jewish tombstones, on the
3 Israeli flag, and was used by the Nazis to identify Jews; it is inextricably linked with the Jewish people
4 and the Jewish religion.

5 42. On or about October 26, 2024, Defendants refused to provide services and accommodations
6 to Plaintiff Hirsch and demanded that he exit a business establishment on the sole basis that he was a
7 Jew wearing a baseball cap displaying a Star of David and assumed him to be a Zionist. This
8 discriminatory conduct was in direct violation of California Civil Code § 51(b) and caused Plaintiff
9 considerable harm.
10

11 43. Although the Unruh act provides for statutory damages, Plaintiff waives those statutory
12 penalties and instead seeks to present his claims to a jury and have them determine the level of
13 penalty for violation of law.
14

15 44. Plaintiff is entitled to actual damages pursuant to Civ. Code § 52, including damages for pain
16 and suffering, and punitive damages. Plaintiff is also entitled to injunctive relief preventing
17 Defendants continued discrimination.
18

19 **SECOND CAUSE OF ACTION**
20 **(Intentional Infliction of Emotional Distress)**

21 45. Plaintiff incorporates by reference the allegations of the above paragraphs as though fully set
22 forth herein.

23 46. Defendants conduct on October 26, 2024, was outrageous and beyond the bounds of decency.

24 47. Defendants intentionally engaged in conduct that was designed to cause or was reckless
25 and/or negligent in its disregard in the likelihood of causing, Plaintiff severe emotional distress.

26 48. As a direct and proximate cause of Defendants' actions, Plaintiff has suffered severe
27 emotional distress.
28

1 49. Defendants' actions were malicious and done with the intent to harm.

2 **PRAYER FOR RELIEF**

3 WHEREFORE, Plaintiff respectfully requests that this Court order the following relief:

- 4 1. A judgment for punitive damages for Defendants' malicious conduct.
- 5 2. A judgment for compensatory damages borne by Plaintiff as result of Defendants' conduct.
- 6 3. Permanently enjoining all unlawful practices alleged in this complaint and imposing injunctive
- 7 relief prohibiting Defendants, their partners, agents, employees, assignees, and all persons
- 8 acting in concert or participating with them, from continuing the unlawful practices alleged
- 9 herein in violation of Civil Code § 52, including denying services or accommodations to Jews,
- 10 people wearing Jewish stars, Israelis, Zionists, or anyone who appears to be the same.
- 11 4. Grant plaintiff's reasonable attorneys' fees and costs of this suit as provided by statute.
- 12 5. Any and all other relief as the Court may deem just and proper.

13 **DEMAND FOR JURY TRIAL**

14 Plaintiff demands a jury trial on all issues so triable.

15 DATED: March 3, 2025

16 

17 Paul Eckles (State Bar No. 181156)

18 THE LOUIS D. BRANDEIS CENTER FOR HUMAN RIGHTS UNDER LAW, INC.

19 peckles@brandeiscenter.com
20 Omer Wiczuk (NY State Bar No. 4321600) *pro hac vice*
21 owiczuk@brandeiscenter.com
22 1330 Avenue of the Americas, 23rd Floor
New York, NY 10019
(212) 653-0630

23 SIEGAL & RICHARDSON, LLP
24 Joel H. Siegal (State Bar No. 117044)
25 Laura A. Bandler (State Bar. No. 338828)
26 Richard Richardson (State Bar No. 250676)
27 1760 Solano Avenue, Suite 202
Berkeley, CA 94707
joelsiegal@yahoo.com
(510) 271-6720

28 *Attorneys for Plaintiff*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VERIFICATION

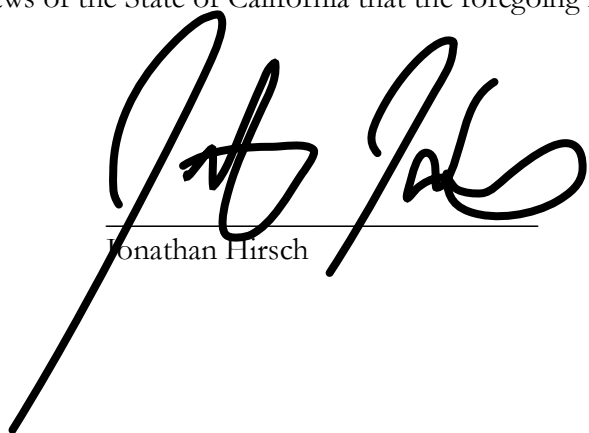
STATE OF CALIFORNIA, COUNTY OF ALAMEDA

I, Jonathan Hirsch, have read the attached VERIFIED COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF and know its contents.

I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters, I am informed and believe that they are true.

Executed on March 3, 2025, at Berkeley, California.

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



Jonathan Hirsch