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City of Los Angeles Towing Practices Challenged by Cancer Patient's Claim Over Wrongful Tow and Sale of his Vehicle

Public Counsel claims City policy violates constitutional guarantees against unreasonable seizure and due process and impacts persons medically-unable to drive.

LOS ANGELES, CA, August 27, 2019 – Today, Joseph Morrissey, a recovering cancer patient and long-time Los Angeles resident, filed a claim for damages against the City of Los Angeles for violating his due process rights after the wrongful seizure and sale of his vehicle while he was recovering from cancer surgery. The claim seeks to vindicate the rights of Morrissey, who is one of the many Angelenos impacted by the City's practice of citing and towing cars that have not been moved over a 72-hour period. These inflexible policies and practices unfairly and disproportionately impact persons with medical conditions such as Morrissey's and who do not have the financial means to immediately pay towing and impound fees for the return of their cars.

Morrissey, who regularly parked in front of his home in his residential Northeast LA neighborhood for more than six years, left his car parked on the street while he was hospitalized for cancer surgery. He returned home after spending over a week in the hospital, to find a citation for failing to move his otherwise legally-parked car within 72-hours. Three days later, while he recovered in his home and was medically prohibited from driving, the City's Department of Transportation towed Morrissey's car of ten years. His car was safely parked, and following all other traffic and parking regulations. Morrissey immediately contested the ticket and tow, paid the \$68 fine, and submitted evidence of his hospitalization and medical condition. The City acknowledged receipt of his submissions, cashed his check, and then denied Morrissey his legal right to challenge the ticket, towing, and impound fees. Instead, the City sold his car at a lien sale.

"I've never been involved in anything like this. I couldn't afford the fees so I tried to do everything they asked of me while I contested the tow; I submitted the papers, paid the citation. They took my money and still sold my car," explained Morrissey. "The last thing any person fighting cancer in a hospital should have to worry about is whether the only thing they own could be taken and sold by the City."

Morrissey's claim comes just months after the L.A. City Council voted to oppose a bill introduced in Sacramento by Assemblymember David Chiu aimed to address this type of scenario. AB 516 would bar cities from towing and impounding cars that have unpaid parking tickets, and would require cities to provide at least 5 business days' notice before towing a car

parked in one location. The bill is intended to reform towing practices that are particularly devastating to low-income residents forced to pay exorbitant towing and impound fees.

“The City tows otherwise safely parked cars after 72 hours, but then refuses to consider evidence submitted to contest citations and impound. This not only disproportionately impacts low-income residents, but it’s also ableist. These practices discriminate against people like Mr. Morrissey whose medical conditions restrict their ability to move a car and are counterproductive for Angelenos already struggling to get by. Taking a person’s vehicle has rippling consequences for their mental and physical well-being,” said Nisha Kashyap, Staff Attorney at Public Counsel. “In Mr. Morrissey’s case, the City took the only vehicle he owned, when he needed it most for the road to recovery from cancer.”

The City has 45 days to respond to Mr. Morrissey’s government tort claim which alleges that the City’s unconstitutional towing practices harm Mr. Morrissey, and others like him. The submission of the claim today is the first step towards a civil rights lawsuit.

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