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8 Attorney for Plaintiffs  
9 **MICHIKO SHIOTA GINGERY, KOICHI**  
10 **MERA and GAHT-US CORPORATION**

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **FOR THE COUNTY OF LOS ANGELES**

13 **MICHIKO SHIOTA GINGERY**, an  
14 individual, **KOICHI MERA**, an individual,  
15 **GAHT-US CORPORATION**, A California  
16 Non-Profit Corporation,

17 Plaintiffs,

18 v.

19 **CITY OF GLENDALE**, A Municipal  
20 Corporation, and **DOES 1 through 20**,  
21 inclusive,

22 Defendants.

Case No.:

**COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF FOR  
VIOLATION OF THE GLENDALE  
MUNICIPAL CODE**

1 Plaintiffs **MICHIKO SHIOTA GINGERY**, an individual, **KOICHI MERA**, an  
2 individual, and **GAHT-US CORPORATION**, a California Non-Profit Corporation,  
3 hereby complain against Defendants and allege as follows:

4 1. Plaintiffs seek injunctive and declaratory relief relating to the presence of a  
5 monument authorized by Glendale and condemning the nation of Japan, and by  
6 implication, all persons of Japanese origin and descent, regarding individuals that have  
7 come to be known as “comfort women.”

8 2. The monument is located on public land in a publicly owned park in Glendale  
9 known as Central Park, located at 201 South Colorado St., Glendale, CA 91205 (the  
10 “Public Monument”).

11 3. Plaintiffs allege herein that the emplacement of the Public Monument violates  
12 Glendale’s Municipal Code, among other things.

13 **PARTIES**

14 4. Plaintiff Michiko Shiota Gingery (“Gingery”) is a long-time resident of Glendale.  
15 Gingery lives in the vicinity of Central Park and the Public Monument. Gingery is a  
16 founding member of Glendale’s Sister City Committee, a committee created to develop  
17 and administer Glendale’s Sister City Program. In this capacity, Gingery made significant  
18 contributions to Glendale’s establishment of a Sister City relationship with the City of  
19 Higashiosaka (at the time called Hiraoka), Japan, Glendale’s first Sister City. Gingery was  
20 born in Japan, and is now a naturalized U.S. citizen. As a Glendale resident of Japanese  
21 heritage, Gingery believes the Public Monument presents an unfairly one-sided portrayal  
22 of the historical and political debate surrounding comfort women and presents the potential  
23 to disrupt the United States’ strategic alliances with its closest East Asian allies, Japan and  
24 South Korea. She also believes the emplacement of the Public Monument represents a  
25 significant obstacle in maintaining friendly relations among Glendale’s sister-cities in  
26 Japan and elsewhere, the primary objective of the Sister City Program.

27 5. Gingery suffers feelings of exclusion, discomfort, and anger because of the position  
28 espoused by her city of residence through its display and endorsement of the Public

1 Monument. Gingery would like to use Glendale’s Central Park and the Adult Recreation  
2 Center located within Central Park. But she now avoids doing so because she is offended  
3 by the Public Monument’s pointed expression of disapproval of Japan and the Japanese  
4 people. In addition, the presence of the Public Monument diminishes Gingery’s enjoyment  
5 of the Central Park and its Adult Recreation Center.

6 6. Plaintiff GAHT-US Corporation (“GAHT-US”) is a non-profit public benefit  
7 corporation organized under the laws of the State of California. The purpose of GAHT-US  
8 is to provide accurate and fact-based educational resources to the public in the U.S.,  
9 including within California and Glendale, concerning the history of World War II and  
10 related events, with an emphasis on Japan’s role. GAHT-US has undertaken this goal in an  
11 effort to enhance a mutual historical and cultural understanding between and among the  
12 Japanese and American people. Given its mission, GAHT-US believes that the Public  
13 Monument advances an unfairly biased portrayal of the Japanese government’s purported  
14 involvement with comfort women during the Second World War. Individual members of  
15 GAHT-US reside in Glendale and nearby cities. GAHT-US’s members suffer feelings of  
16 exclusion, discomfort, and anger by the continued presence of the Public Monument, and  
17 the controversial and disputed stance on the debate surrounding comfort women that it  
18 perpetuates. Although GAHT-US members would like to use Glendale’s Central Park and  
19 its Adult Recreation Center, they no longer intend to do so as a result of their distress due  
20 to the Public Monument. In addition, the presence of the Public Monument diminishes  
21 GAHT-US members’ enjoyment of the Central Park and its Adult Recreation Center.

22 7. Plaintiff Koichi Mera (“Mera”) is a Japanese-American resident of the City of Los  
23 Angeles and the President of GAHT-US. Mera disagrees with and is offended by the  
24 position espoused by Glendale through the Public Monument and its pointed  
25 condemnation of the Japanese people and government. Although Mera would like to use  
26 Glendale’s Central Park and its Adult Recreation Center, as a result of his alienation due to  
27 the Public Monument, he avoids doing so. In addition, the presence of the Public  
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1 Monument diminishes Mera’s enjoyment of the Central Park and its Adult Recreation  
2 Center.

3 8. Defendant, the City of Glendale, is a political subdivision of the State of California  
4 operating under a charter authorized by the State of California that empowers it to pass  
5 lawful ordinances and to govern and administer municipal activities within Glendale’s city  
6 limits, with authority to be sued in its own name. Glendale’s governing authority consists  
7 of city council, composed of five city council members (the “City Council”), one of whom  
8 also serves as the mayor. The City Council makes policy decisions for Glendale, including  
9 decisions regarding the use of public lands.

10 **FACTUAL BACKGROUND**

11 **Glendale’s Public Monument**

12 9. At a Special Meeting on July 9, 2013, the City Council approved the installation of  
13 the Public Monument, described as “a Korean Sister City ‘Comfort Woman’ Peace  
14 Monument,” on a substantial portion of public land immediately adjacent to the Adult  
15 Recreation Center Plaza in Central Park.

16 10. The Public Monument was unveiled 21 days later, on July 30, 2013. The Public  
17 Monument is a 1,100-pound bronze statue of a young girl in Korean dress sitting next to an  
18 empty chair with a bird perched on her shoulder.

19 11. Integral to and alongside the statue is a permanent bronze plaque that reads, among  
20 other things:

21 “I was a sex slave of Japanese military

- 22 • Torn hair symbolizes the girl being snatched from her home by the Imperial  
23 Japanese Army.
- 24 • Tight fists represent the girl’s firm resolve for a deliverance of justice.
- 25 • Bare and unsettled feet represent having been abandoned by the cold and  
26 unsympathetic world.
- 27 • Bird on the girl’s shoulder symbolizes a bond between us and the deceased  
28 victims.
- Empty chair symbolizes survivors who are dying of old age without having  
yet witnessed justice.
- Shadow of the girl is that of an old grandma, symbolizing passage of time  
spent in silence.

- Butterfly in shadow represents hope that victims may resurrect one day to receive their apology.

Peace Monument

In memory of more than 200,000 Asian and Dutch women who were removed from their homes in Korea, China, Taiwan, Japan, the Philippines, Thailand, Vietnam, Malaysia, East Timor and Indonesia, to be coerced into sexual slavery by the Imperial Armed Forces of Japan between 1932 and 1945.

And in celebration of proclamation of “Comfort Women Day” by the City of Glendale on July 30, 2012, and of passing of House Resolution 121 by the United States Congress on July 30, 2007, urging the Japanese Government to accept historical responsibility for these crimes.

It is our sincere hope that these unconscionable violations of human rights shall never recur.

July 30, 2013.”

12. No other monuments are present in this area of Central Park and, upon information and belief, no other permanent markers may be placed there without approval of the City Council.

13. Glendale exercises exclusive custody and control of Central Park and the Public Monument, and upon information and belief, provides all necessary maintenance services for the Public Monument.

**The Historical Background of The Debate Concerning Comfort Women**

14. During World War II and the decade leading up to it, an unknown number of women from Japan, Korea, China, and a number of nations in Southeast Asia, were recruited, employed, and/or otherwise acted as sexual partners for troops of the Japanese Empire in various parts of the Pacific Theater of war. These women are often referred to as comfort women, a loose translation of the Japanese word for prostitute.

15. Beginning in the 1980s, a dispute arose between South Korea and the government of Japan concerning the hardships experienced by Korean comfort women and whether the Japanese government forcefully recruited comfort women.

16. Officials of the Japanese government assert that the Japanese military and Japanese Imperial government were not responsible for or directly involved in the recruitment of comfort women, and that private firms and individuals undertook the recruitment.

1 17. Other governments, including that of South Korea, claim that comfort women were  
2 recruited by and/or forced into sexual slavery by the Imperial Japanese government and/or  
3 officials of the Japanese military.

4 18. The debate concerning historic responsibility for the comfort women camps has  
5 been a significant and ongoing source of tension in recent decades between Japan and  
6 South Korea, both of which are critical American allies. Disagreements concerning  
7 responsibility for comfort women are a major impediment to improved present-day  
8 relations between Japan and South Korea, which are less than cordial.

9 **Efforts by Japan and South Korea to Address the Dispute**

10 19. After some years of controversy regarding the Japanese Imperial Government's  
11 alleged involvement with comfort women, in 1995 Japan established the Asian Women's  
12 Fund to distribute compensation to former comfort women in South Korea, the Philippines,  
13 Taiwan, the Netherlands, and Indonesia, and to provide them with letters of apology from  
14 the Prime Minister of Japan.

15 20. Nonetheless, several governments, including the government of South Korea, have  
16 continued to demand that Japan take additional steps to redress grievances relating to  
17 comfort women.

18 21. The Japanese government asserts that all World War II-related claims against Japan,  
19 including those related to comfort women, were resolved by the Treaty of Peace signed in  
20 San Francisco by Japan, the United States, and 47 other allied nations in 1951 (the "Treaty  
21 of San Francisco"), the Treaty on Basic Relations between Japan and the Republic of  
22 Korea dated June 22, 1965, and/or the Agreement on the Settlement of Problems  
23 Concerning Property and Claims and on Economic Co-operation between Japan and the  
24 Republic of Korea also dated June 22, 1965 (the "Settlement Agreement").

25 22. Article 4(a) of the Treaty of San Francisco provides that claims of Korean and  
26 Chinese nationals relating to Japan's wartime conduct, including issues related to comfort  
27 women, are to be addressed through government-to-government negotiations between  
28 Japan and each of those countries.

1 23. Article 2(1) of the Settlement Agreement provides that the “problem concerning  
2 property, rights and interests of the two Contracting Parties [i.e., Japan and South Korea]  
3 and their nationals (including juridical persons) and concerning claims between the  
4 Contracting Parties and their nationals . . . is settled completely and finally.”

5 24. In December 2011, Japanese Prime Minister Yoshihiko Noda and South Korean  
6 President Lee Myung-bak held talks in Kyoto, Japan in an effort to improve bilateral  
7 relations between the two neighboring countries. The discussions terminated when  
8 President Lee pressed Prime Minister Noda to take additional responsibility for Korean  
9 comfort women. Plaintiffs are informed and believe that no further discussions between  
10 Japan and South Korea have since taken place.

11 **Glendale’s Installation of the Public Monument**

12 25. Glendale has established a Glendale Sister Cities program to initiate ongoing  
13 communication and “promote[] interest and good will” between and among Glendale and  
14 its Sister Cities. As of March 2009, Glendale had six Sister City partnerships:  
15 Higashiosaka, Japan; Hiroshima, Japan; Tlaquepaque, Mexico; Rosarito, Mexico; Ghapan,  
16 Armenia; and Goseong City, the Republic of Korea.

17 26. On September 6, 2011, the City Council instructed Glendale’s Community Services  
18 and Parks staff to explore the possibility of dedicating a portion of public land within  
19 Glendale for acceptance and installation of memorials, monuments, and/or artifacts  
20 representative of Glendale’s sister city partners.

21 27. On March 26, 2013, the City Council voted to dedicate a plot of public land within  
22 Central Park and adjacent to the Adult Recreation Center Plaza for the purpose of sister  
23 city-related monuments and memorials.

24 28. In the spring and summer of 2013, a proposal was made to place a statue in Central  
25 Park dedicated to comfort women. During that period, the City Council received hundreds  
26 of letters and emails in opposition to the installation of the monument, almost entirely from  
27 residents and interested persons of Japanese ancestry.

28

1 29. At a July 9, 2013 Special Meeting the City Council considered and approved a  
2 motion to install the Public Monument, described as a “Korean Sister City ‘Comfort  
3 Women’ Peace Monument,” on public land within Central Park. The report recommending  
4 approval of the installation of the Public Monument, submitted to the City Council in  
5 conjunction with the motion, included a schematic diagram depicting the proposed statue  
6 and its location.

7 30. The schematic diagram of the proposed statue did not include any mention of, or  
8 reference to, the text of the plaque that currently is part of the Public Monument. During  
9 the Special Meeting, City Council Member Ara Najarian asked Glendale Community  
10 Relations Coordinator Dan Bell whether the statue would be accompanied by a plaque and,  
11 if so, its inscription. Mr. Bell advised the City Council that the plaque would say that it  
12 was “commemorating and in honor of the comfort women.” Mr. Bell made no mention of  
13 the text of the plaque that ultimately was installed as part of the Public Monument.

14 31. During the Special Meeting, numerous individuals, including Japanese-Americans,  
15 publicly opposed and condemned the proposed installation of the statue, arguing that the  
16 comfort women issue is a matter of current diplomatic communications between South  
17 Korea and Japan, and the disputed view advanced by the South Korean government on  
18 comfort women.

19 32. Notwithstanding the numerous objections voiced at the Special Meeting, the City  
20 Council approved the installation of the “Korean Sister City ‘Comfort Women’ Peace  
21 Monument” “as shown and described in the Report to Council dated July 9, 2013” by a  
22 vote of 4 to 1. Glendale Mayor Dave Weaver, who voted against installation of the Public  
23 Monument, later explained in a letter to Yoshikazu Noda, Mayor of Higashiosaka, Japan (a  
24 Glendale sister city) that the dispute over comfort women “is an international one between  
25 Japan and South Korea and the City of Glendale should not be involved on either side.”

26 33. Three weeks after the City Council’s approval, on July 30, 2013, the 1,100 pound  
27 bronze Public Monument was unveiled in Central Park. As described above, the statue was  
28 accompanied by a plaque accusing the Japanese government of “coerc[ing]” more than



1 200,000 women “into sexual slavery,” and “urging the Japanese Government to accept  
2 historical responsibility for these crimes,” which it labels an “unconscionable violations of  
3 human rights.” The City Council never voted to approve the language included on the  
4 plaque.

5 34. Following the Public Monument’s installation, at the July 30, 2013 Meeting of the  
6 City Council, Glendale City Council Member Laura Friedman commented: “We really put  
7 the city of Glendale on the international map today by doing this.”

8 35. The installation of the Public Monument prompted opponents of the Public  
9 Monument to commence a petition to compel its removal. The petition, posted on  
10 President Barack Obama’s website “We The People” in late 2013, quickly received more  
11 than 108,000 signatures.

12 **The Japanese Government’s Reaction to the Public Monument**

13 36. Glendale’s decision to install the Public Monument has elicited numerous  
14 unfavorable reactions from the Japanese government.

15 37. On July 24, 2013, Kuni Sato, the press secretary of the Japanese Ministry of  
16 Foreign Affairs, expressed Japan’s official displeasure, remarking that installation of the  
17 Public Monument “does not coincide with our understanding” of the comfort women  
18 dispute.

19 38. On July 25, 2013, Yoshikazu Noda, the Mayor of Glendale’s sister city,  
20 Higashiosaka, Japan, advised the City Council that the installation of the Public Monument  
21 was “an extremely deplorable situation and the people of Higashiosaka are hurt at a  
22 decision made by [Glendale] city to install a comfort woman monument.”

23 39. On July 31, 2013, Kenichiro Sasae, Japanese Ambassador to the United States,  
24 declared that Glendale’s action is “irreconcilable” with the position of the Government of  
25 Japan and is “highly regrettable.”

26 40. On July 31, 2013, Mr. Yoshihide Suga, Japan’s Chief Cabinet Secretary, described  
27 Glendale’s decision to install the Public Monument as “extremely regrettable.” He added  
28

1 that Glendale’s action “conflicts with the [Japanese] government’s view that the issue of  
2 the comfort women should not be part of any political or diplomatic agenda.”

3 41. On August 13, 2013, Japanese Prime Minister Shinzo Abe stated that he was  
4 “extremely dissatisfied” with the installation of the Public Monument.

5 42. On January 16, 2014, after being denied a request to meet with Glendale’s Mayor  
6 and City Council, an association of 321 local Japanese government legislators submitted  
7 an official letter to Glendale, protesting the Public Monument’s installation “in the  
8 strongest terms” and requesting “that the statue be removed immediately.” The letter  
9 advised Glendale that “the distorted view of history that the statue represents . . . will  
10 surely jeopardize world peace and the possibility of a bright future for our children.”

11 **The Public Monument Threatens Irreparable Injury to Plaintiffs**

12 43. Despite vocal domestic and international public protest, Glendale persisted in  
13 installing the Public Monument, forcing Plaintiffs to bring this action.

14 44. Allowing the Public Monument to remain in place in Glendale’s Central Park  
15 threatens irreparable injury to Gingery, Mera, GAHT-US, and its members. As a  
16 longtime resident of Glendale with active involvement in Glendale’s Sister City  
17 Program, the presence of the Public Monument within the designated Sister City area  
18 of Glendale’s Central Park has turned visiting Central Park into a highly offensive  
19 endeavor, effectively denying Gingery full enjoyment of the Park’s benefits.

20 45. The presence of the Public Monument has had a similar impact on GAHT-US’s  
21 members, including Mera, who avoid using and benefitting from Glendale’s Central  
22 Park.

23 46. Plaintiffs have no adequate remedy at law to address the foregoing injuries.

24 47. If the Public Monument is removed, Plaintiffs will again make use of Glendale’s  
25 Central Park and its Adult Recreation Center.

26 48. An actual controversy has arisen and now exists between Plaintiffs and  
27 Defendants.

1 49. Plaintiffs contend that installation of the Public Monument violates Glendale’s  
2 Municipal Code.

3 50. Plaintiffs are informed and believe that Defendants disagree with Plaintiffs’  
4 contentions as set forth in the prior paragraph.

5 51. A justiciable controversy therefore exists between Plaintiffs and Defendants and  
6 a judicial declaration is necessary and appropriate at this time in order to determine the  
7 legality of Glendale’s installation of the Public Monument.

8 **CLAIM FOR RELIEF**

9 **(Against All Defendants)**

10 **(Declaratory Relief - Violation of the Glendale Municipal Code)**

11 52. Plaintiffs repeat and incorporate the allegations in Paragraph 1 through 51, as  
12 though fully set forth herein.

13 53. Glendale Municipal Code Section 2.04.140 provides: “In all matters and things  
14 not otherwise provided for in this chapter, the proceedings of the council shall be  
15 governed under Robert’s Rules of Order, revised copy, 1952 edition.” Pursuant to  
16 Robert’s Rules of Order, to introduce a new piece of business or propose a decision or  
17 action, a motion must be made by a group member. A second motion must then also be  
18 made. And after limited discussion, the group then votes on the motion. A majority  
19 vote is required for the motion to pass.

20 54. The Public Monument was not properly approved by the City Council pursuant  
21 to Glendale Municipal Code Section 2.04.140. An integral part of the Public  
22 Monument—the plaque that specifically attributes responsibility for, inter alia,  
23 “snatching [women] from their homes” and “coerc[ing them] into sexual slavery” to  
24 Japan—was neither proposed to the City Council nor made the subject of a motion to  
25 the City Council, and was not approved by it, as required. In fact, the proposed  
26 language presented to the Council never mentioned Japan at all, and the City Council  
27 was specifically advised that the inscription on the plaque would be different than the  
28 inscription ultimately used.

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55. As a result, the installation of the monument violated the Glendale Municipal Code.


**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray for the following relief:

1. That the Court declare Glendale’s installation of the public monument unconstitutional and null and void;
2. That the Court preliminarily and permanently enjoin and compel Defendants, and each of them, to remove the Public Monument from public property in Glendale, including but not limited to, any area in or adjacent to Central Park;
3. That the Court award Plaintiffs their costs and attorneys’ fees pursuant to California Code of Civil Procedure § 1021.5; and
4. For such other and further relief as the Court deems just and proper.

DATED: September 3, 2014

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