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FILED
Superior Court of California
County of Los Angeles

MAR 14 2018

Sherrri R. Carter, Executive Officer/Clerk of Court
By Raul Sanchez, Deputy
Raul Sanchez

7 Attorneys for Defendant COUNTY OF LOS ANGELES

8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**
11

12 ROSA GONZALEZ,

13 Plaintiff,

14 v.

15 COUNTY OF LOS ANGELES, a municipal
corporation, and DOES 1 through 100,
16 inclusive,

17 Defendants.
18
19

CASE NO. BC591056

[Exempt Pursuant to *Gov. Code* § 6103]

(Assigned to Judge Maureen Duffy-Lewis
Department "38")

DEFENDANT COUNTY OF LOS ANGELES' NOTICE OF MOTION AND MOTION *IN LIMINE* NO. 5 TO EXCLUDE "ME TOO" EVIDENCE; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF; DECLARATION OF DIANE MARTINEZ; [PROPOSED] ORDER

Final Status Conference:

Date: April 6, 2018

Time: 9:30 a.m.

Dept.: "38"

Action Filed: 08/13/15

Trial Date: 04/16/18

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24 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD HEREIN:

25 PLEASE TAKE NOTICE that on April 6, 2018 at 9:30 a.m. or as soon as the matter can be
26 heard in Department "38" of the Los Angeles Superior Court for the County of Los Angeles,
27 located at 111 North Hill Street, Los Angeles, California 90012, defendant COUNTY OF LOS
28 ANGELES ("COLA") ("defendant") hereby moves this Court, *in limine*, for an Order precluding

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1 plaintiff ROSA GONZALEZ and her counsel from introducing at trial any evidence of, or
2 reference concerning allegations of retaliation, discrimination, or harassment by other third parties
3 against defendant (*i.e.* “me too” evidence).

4 This Motion is made on the grounds that introduction of such “me too” evidence would be
5 an improper use of character evidence and is irrelevant to prove that plaintiff was retaliated
6 against. Further, such evidence should be excluded because it is unduly prejudicial, is likely to
7 confuse the issues, and will cause an undue consumption of time.

8 Pursuant to this motion, defendant further moves this Court to instruct plaintiff and
9 plaintiff's counsel and to require counsel to advise all witnesses:

10 1. Not to attempt to convey to the jury, directly or indirectly, any of the facts
11 mentioned in this motion without first obtaining permission of the court outside the presence and
12 hearing of the jury;

13 2. Not to make mention of the fact that this motion has been filed; and

14 3. To warn and caution each of plaintiff's witnesses to strictly follow the same
15 instructions.

16 This Motion will be based upon this Notice, the attached Memorandum of Points and
17 Authorities, the Declaration of Diane Martinez and exhibits, and papers, pleadings and documents
18 contained on file, and upon all further oral and documentary evidence as may be presented at the
19 time of the hearing on this motion.

20

21 DATED: March 13, 2018

HURRELL CANTRALL LLP

22

23

By: 

24

THOMAS C. HURRELL

25

DIANE MARTINEZ

26

MARIA TUASON

27

Attorneys for Defendant COUNTY OF LOS
ANGELES

28

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION.**

3 This matter arises from the allegations of plaintiff Rosa Gonzalez (“plaintiff”), a female
4 Sheriff Deputy, that on or about July 29, 2014 to August 4, 2014, she was subjected to sexual
5 harassment and gender discrimination by male Sergeants while assigned to the East L.A. Station.
6 Thereafter, she contends she was retaliated against for reporting the alleged unlawful conduct of
7 Sergeants Peter Hish and Joel Flores. Plaintiff alleges that the retaliatory conduct has taken place
8 in a series of events from August 2014 through March 2016. Plaintiff alleges one cause of action
9 against defendant for retaliation in violation of the California Fair Employment and Housing Act
10 (“FEHA”).

11 By this motion in limine, defendant seeks to preclude plaintiff and her counsel from
12 introducing any “me-too” evidence. Defendant anticipates plaintiff will seek to introduce
13 evidence or testimony that other employees were discriminated, harassed, or were somehow
14 retaliated against by defendant and/or its employee(s). In her deposition, plaintiff has testified that
15 a former deputy at East L.A. Station, Guadalupe Lopez, was referred to as the “The Glob.”
16 (Gonzalez Deposition, 45:21-25, attached as Exhibit A to the Declaration of Diane Martinez in
17 Support of Motion *in Limine* No. 5 (“Martinez Decl.”).) Moreover, plaintiff has testified about
18 Deputy Lopez’s claim that “female deputies were expected to submit and provide sexual favors for
19 male training officers as a form of initiation to become full pledged patrol deputies.” (*Id.* at
20 137:12-138:7 and Exhibit “10” to Gonzalez Deposition.)

21 Plaintiff may introduce such evidence because it is salacious and would pique the interest
22 of the jury. For these same reasons and because such information would distract the jury from the
23 only cause of action in this lawsuit, such information would also be highly prejudicial to the
24 defendant. Although plaintiff has claimed sexual harassment and gender discrimination while she
25 was at East L.A. Station, these alleged wrongful conducts are not at issue in this trial. “Me too”
26 evidence is not relevant to any of the elements that plaintiff needs to prove in her retaliation claim
27 – (1) she engaged in protected activity, (2) she was thereafter subjected to adverse employment
28 action by her employer, and (3) there was a causal link between the two. Thus, “me too” evidence

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1 must be excluded because: (1) it is irrelevant to plaintiff's claims; (2) it is inadmissible character
2 evidence; (3) its probative value is substantially outweighed by its prejudicial effect; and (4)
3 introduction of such evidence would confuse the issues for the jury and consume undue court
4 resources. Accordingly, such "me too" evidence must be excluded from this case.

5 **II. "ME TOO" EVIDENCE IS NOT RELEVANT TO PLAINTIFF'S RETALIATION**
6 **CAUSE OF ACTION.**

7 No evidence is admissible except relevant evidence. (*Evidence Code* § 350.) Evidence is
8 relevant where it has a tendency to prove or disprove a disputed fact that is of consequence to the
9 determination of the action. (*Evidence Code* § 210.) Relevant evidence must tend logically,
10 naturally and by reasonable inference to establish a material fact. (*Brokopp v. Ford Motor Co.*
11 (1977) 71 Cal.App.3d 841, 853.) A party does not have an unlimited right of inquiry into relevant
12 evidence; proffered evidence must have more than "slight relevancy" to the issues presented.
13 (*People v. Greenberger* (1997) 58 Cal.App.4th 298, 353.)

14 In determining the relevancy of evidence, a court should consider the nature of the issue
15 and circumstances of each case. (*Brokopp, supra*, 71 Cal.App.3d at 864; *Huber, Hunt & Nichols*
16 *Inc. v. Moore* (1977) 67 Cal.App.3d 278, 295.) In every case, the possibility of severing relevant
17 from irrelevant portions of evidence ought be considered to protect against undue prejudice.
18 (*People v. Haston* (1968) 69 Cal.2d 233, 245.) Importantly, while courts have broad discretion in
19 determining the relevance of evidence, they wholly lack discretion to admit irrelevant evidence.
20 (*People v. Scheid* (1997) 16 Cal.4th 1, 13-14.)

21 Plaintiff has alleged a single cause of action for retaliation. *Government Code* § 12940(h)
22 makes it unlawful for any employer to "discharge, expel, or otherwise discriminate against any
23 person because the person has opposed any practices forbidden under this part or because the
24 person has filed a complaint, testified, or assisted in any proceeding under this part." (*Gov. Code*
25 § 12940(h).) " 'To establish a prima facie case of retaliation, a plaintiff must show that she
26 engaged in protected activity, that she was thereafter subjected to adverse employment action by
27 her employer, and there was a causal link between the two.' " (*Morgan v. Regents of University of*
28 *California* (2001) 88 Cal.App.4th 52, 69, citing to *Guthrey v. State of California* (1998) 63

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1 Cal.App.4th 1108, 1125, quoting *Fisher v. San Pedro Peninsula Hospital* (1989) 214 Cal. App. 3d
2 590, 614.)

3 Since plaintiff does not have any discrimination claims at issue, none of plaintiff's claims
4 require proof of defendant's alleged discriminatory intent. Thus, there is no basis for admitting
5 "me too" evidence in this case. Plaintiff's retaliation claim stems from her allegation of sexual
6 and gender-based harassment by male deputies and sergeants at East L.A. Station. Due to her
7 belief that she was being discriminated against based on her gender, she filed her grievance against
8 Sergeants Hish and Flores at East L.A. Station. She claims that after she filed a grievance
9 complaining of such wrongful conduct, she was transferred to Norwalk Station and subject to
10 other adverse employment actions.

11 The "me too" evidence is not relevant to any of the elements that plaintiff needs to prove in
12 her retaliation claim – (1) she engaged in protected activity, (2) she was thereafter subjected to
13 adverse employment action by her employer, and (3) there was a causal link between the two. The
14 "me too" evidence pertains to alleged sexual harassment and gender discrimination. Plaintiff does
15 not have a discrimination or harassment cause of action to even consider admission of "me too"
16 evidence. Thus, "me too" evidence is irrelevant and therefore inadmissible.

17 **III. ME TOO EVIDENCE IS IMPROPER CHARACTER EVIDENCE.**

18 Under *Evidence Code* section 1101(a), character evidence "is inadmissible when offered to
19 prove [the person's] conduct on a specified occasion." However, under section 1101(b), evidence
20 of prior acts may be relevant to prove something other than the individuals' disposition to commit
21 the act itself, such as motive or intent. (*Evid. Code* § 1101(b).)

22 In employment discrimination cases, "me too" evidence of an employer's treatment of
23 other employees may be admissible under *Evidence Code* section 1101(b) to show the employer's
24 discriminatory intent. (*Pantoja v. Anton* (2011) 198 Cal.App.4th 87, 110-118; *Johnson v. United*
25 *Cerebral Palsy/Spastic Children's Foundation* (2009) 173 Cal.App.4th 740, 767.) However, it is
26 only admissible to rebut an employer's stated non-discriminatory reason for the adverse
27 employment action. (*Id.*) The rationale for admitting "me too" evidence stems from the difficulty
28 plaintiffs have in refuting an employer's proffered non-discriminatory justification for taking an

1 adverse employment action. (*Johnson, supra*, 173 Cal.App.4th at 766 [the probative value of the
2 evidence “is especially high because of the inherent difficulty of proving state of mind.”])

3 However, “me too” evidence is not per se admissible in employment cases. The U.S.
4 Supreme Court held that relevance of the evidence “is fact based and depends on many factors,
5 including how closely related the evidence is to the plaintiff’s circumstances and theory of the
6 case.” (*Johnson, supra*, 173 Cal.App.4th at 767 citing *Sprint/United Management Co. v.*
7 *Mendelsohn* (2008) 552 U.S. 379.) “Me too” evidence must show discrimination sufficiently
8 similar to that allegedly suffered by plaintiff and must relate to plaintiff’s protected class. (*Hatai v.*
9 *Dept. of Transportation* (2013) 214 Cal.App.4th 1287, 1297-1298, disapproved on other grounds
10 in *Williams v. Chino Valley Independent Fire Dist.* (2015) 61 Cal.4th 97.) Where the “me too”
11 evidence is not substantially relevant to the issues in the case, the Court should exclude it, in part,
12 to avoid several “mini-trials” concerning the employer’s treatment of third parties. (*Id.* at 1298.)

13 Even if any “me too” evidence were relevant at all to plaintiff’s retaliation claim, which it
14 is not, the evidence should nonetheless be excluded because it is improper character evidence.
15 Admission of evidence that other female deputies were allegedly discriminated or harassed by
16 others at East L.A. Station or within the Los Angeles County Sheriff’s Department would raise an
17 inference to the jury that the County acted wrongfully in other instances and thus must have acted
18 in a like manner towards plaintiff. Such testimony would be an improper use of character
19 evidence. The *Evidence Code* prohibits the admission of prior acts of the defendant in order to
20 prove that the defendant acted similarly on some other occasion. (*Evid. Code* § 1101(a).)

21 California courts consistently bar the use of improper character evidence. For example, in
22 *City of Los Angeles v. Superior Court* (1973) 33 Cal.App.3d 778, plaintiff, who alleged he had
23 been beaten by a police officer, sought discovery of the officer’s past conduct. The Court of
24 Appeal reversed the trial court and prohibited such discovery. The Court held that even if such
25 evidence were relevant, other alleged misconduct by the officer was inadmissible as an improper
26 use of character evidence. The Court stated the rule clearly: “[E]vidence of other specific instances
27 of misconduct is not admissible to prove misconduct on the particular occasion.” (*Id.* at 784;
28 accord *Lataille v. Ponte*, 754 F.2d 33, 35 (1st Cir. 1985) (defendant was not permitted to introduce

1 evidence of plaintiff's past history of aggressive conduct to show that plaintiff acted similarly
2 toward defendant: "It is well-settled that prior acts may not be admitted to prove that a person
3 acted in a similar fashion in the case at hand.".)

4 The rationale that a defendant should only be judged on the basis of the acts or conduct at
5 issue in the given action prohibits the use of predisposition evidence. Attempts by the plaintiff to
6 prejudice the jury against defendant based upon alleged prior misconduct involving third parties
7 fits squarely within the rationale supporting the prohibition of such evidence. As such, this Court
8 should grant defendant's motion and exclude the evidence.

9 **IV. "ME TOO" EVIDENCE SHOULD BE EXCLUDED BECAUSE ITS PROBATIVE**
10 **VALUE IS OUTWEIGHED BY ITS PREJUDICIAL EFFECT.**

11 This Court has discretion to exclude "me too" evidence "if its probative value is
12 substantially outweighed by the probability that its admission will (a) necessitate undue
13 consumption of time or (b) create substantial danger of undue prejudice, of confusing the issues,
14 or of misleading the jury." (*Evid. Code* § 352.)

15 Although there are several grounds upon which courts exclude "me too" evidence, it is
16 excluded because it poses a substantial danger of undue prejudice. For example, in *Kelly-Zurian*
17 *v. Wohl Shoe Company*, a sexual harassment constructive termination case, the court properly
18 excluded evidence of claims of sexual harassment brought by employees *other than the* plaintiff
19 noting that such a ruling "served to narrow the case to the extent possible to what happened
20 between Zurian [plaintiff] and Lawicki [plaintiff's supervisor]. [The court] perceive[d] no abuse
21 of discretion in these rulings." (*Kelly-Zurian v. Wohl Shoe Company* (1994) 22 Cal.App.4th 397,
22 410-411.) Further, in *Gibbs v. American Airlines* (1999) 74 Cal.App.4th 1, 14, the plaintiff
23 attempted to introduce the testimony of two co-workers who allegedly had similar experiences as
24 the plaintiff. In upholding the trial court's decision to exclude the co-workers' testimony, the
25 Court of Appeal explained: "The trial court acted well within the bounds of reason in finding the
26 proffered evidence [co-worker testimony about instances of supervisor hostility to requests for
27 medical leave] to be largely 'irrelevant,' 'collateral,' necessitating an 'undue consumption of time'
28 and unduly prejudicial." (*Id.* at 14.) Here, reference to any "me too" evidence has very little

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1 probative value because whether defendant has acted wrongfully in other instances says little
2 about whether defendant had acted wrongfully with respect to plaintiff. There is a danger that the
3 jury will impose liability upon defendant simply to punish them for perceived prior bad conduct,
4 or that the jury will improperly infer that defendant is liable for plaintiff's claims based on
5 unrelated evidence of misconduct. Thus, evidence of, or reference to, such "me too" evidence
6 should be excluded on the ground that the prejudicial effect of such evidence substantially
7 outweighs the probative value of the evidence.

8 **IV. "ME TOO" EVIDENCE MUST BE EXCLUDED BECAUSE IT WILL CONFUSE**
9 **THE ISSUES AND RESULT IN UNDUE CONSUMPTION OF TIME.**

10 In addition to being irrelevant and otherwise inadmissible, "me too" evidence confuses the
11 issues and will unnecessarily lengthen the trial. Introduction of such evidence would effectively
12 require defendant to hold a mini-trial with respect to each of the allegations of inappropriate
13 conduct made by other individuals, confusing the relevant issues for the jurors and unnecessarily
14 consuming judicial resources.

15 In the present case, plaintiff would presumably have the jury hear evidence that other
16 employees were allegedly discriminated, retaliated against, or harassed. This would take the jurors'
17 attention away from the relevant issues in this case: whether plaintiff was subject to retaliation by
18 defendant and/or its employee(s). Additionally, introduction of such "me too" evidence would
19 force the Court to expend valuable judicial resources on irrelevant issues. (See *Evid. Code* § 352
20 (granting a court the discretion to exclude evidence where its admission will necessitate undue
21 consumption of time).) To avoid the confusion and delay that introduction of this evidence would
22 create, such "me too" evidence must be excluded from the trial.

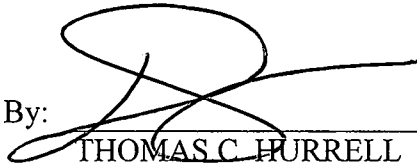
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1 **VI. CONCLUSION.**

2 For the foregoing reasons, defendant respectfully requests that this Court preclude plaintiff
3 and her witnesses from introducing any evidence or testimony regarding allegations of retaliation,
4 discrimination, or harassment by other third parties against defendant (*i.e.* "me too" evidence).

5
6 DATED: March 13, 2018

HURRELL CANTRALL LLP

7
8 By: 

9 THOMAS C. HURRELL
10 DIANE MARTINEZ
11 MARIA TUASON
12 Attorneys for Defendant COUNTY OF LOS
13 ANGELES

HURRELL CANTRALL LLP
300 SOUTH GRAND AVENUE, SUITE 1300
LOS ANGELES, CALIFORNIA 90071
TELEPHONE (213) 426-2000

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DECLARATION OF DIANE MARTINEZ

I, Diane Martinez, declare:

1. I am an attorney duly licensed to practice before this Court and am a partner of Hurrell Cantrall LLP, attorneys of record for COUNTY OF LOS ANGELES herein. The facts set forth herein are of my own personal knowledge and if sworn I could and would testify competently thereto.

2. I make this declaration pursuant to Local Rule 3.57(a) in support of defendant COUNTY OF LOS ANGELES' ("defendant") Motion *in Limine* No. 5 to Exclude "Me Too" Evidence.

3. Attached as **Exhibit "A"** to this declaration are true and correct copies of relevant portions of plaintiff's deposition testimony.

4. On March 2, 2018, I sent a letter to plaintiff's counsel pursuant to Local Rule 3.57 to meet and confer regarding the instant Motion. As of the date of the filing of this Motion, plaintiff's counsel, Diana Wells, has advised that she would not stipulate to the evidentiary issues outlined in this Motion.

5. If this motion is not granted, the jury may be improperly influenced by evidence that has no bearing on defendant's liability as it relates to the subject incident, and would instead encourage the jury to base liability on improper matters, thereby unjustly prejudicing the defendant. Specifically, admission of "me too" evidence would prejudice the defendant because it would pique the interest of the jury on salacious allegations of sexual harassment and gender discrimination, when such causes of action are not at issue in this lawsuit.

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

Executed on March 13, 2018, at Los Angeles, California.



Diane Martinez

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LOS ANGELES, CALIFORNIA 90071
TELEPHONE (213) 426-2000

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

ROSA GONZALEZ,)	
)	
Plaintiff,)	
)	
v.)	Case No. BC591056
)	
COUNTY OF LOS ANGELES, a)	
municipal corporation, and DOES)	
1 through 100, inclusive,)	
)	
Defendants.)	
)	

VIDEOTAPED DEPOSITION OF ROSA GONZALEZ
VOLUME I, PAGES 1 - 74
WEDNESDAY, MARCH 16, 2016, 9:37 A.M.
LOS ANGELES, CALIFORNIA

Reported by Lindsay Pinkham, CSR 3716
CLS Job No. 51837

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Ex A

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

ROSA GONZALEZ,)	
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Plaintiff,)	
)	
v.)	Case No. BC591056
)	
COUNTY OF LOS ANGELES, a)	
municipal corporation, and DOES)	
1 through 100, inclusive,)	
)	
Defendants.)	
)	

VIDEOTAPED DEPOSITION OF ROSA GONZALEZ, VOLUME I,
taken on behalf of Defendant County of Los Angeles,
commencing at 9:37 a.m., Wednesday, March 16, 2016, at
700 South Flower Street, Suite 900, Los Angeles,
California, before Lindsay Pinkham, CSR 3716,
Certified Shorthand Reporter for the State of
California.

03/15/2018

10:38:28 1 And I believe her name is Deputy Alvarez. I'm not sure
10:38:35 2 about her name, but I think that's her name.

10:38:38 3 Q Did you hear any other deputy call a female by
10:38:57 4 the term "The Bus"?

10:38:59 5 A Are you asking me if anybody else was called
10:39:09 6 "The Bus"?

10:39:09 7 Q Whether you heard anybody else call Deputy
10:39:12 8 Alvarez "The Bus," or have you heard any other deputy
10:39:15 9 call any other female "The Bus"?

10:39:17 10 MR. SMITH: Specifically you hearing the
10:39:18 11 deputies calling that name to somebody.

10:39:22 12 THE WITNESS: Well, Hector Contreras called her
10:39:26 13 "The Bus." That's what I remember right now. That's
10:39:29 14 what I can remember right now from the top of my head.
10:39:32 15 I never heard anybody else called "The Bus."

10:39:34 16 Q BY MS. MARTINEZ: Only Deputy Alvarez.

10:39:37 17 A And he told me, "You know why they call her the
10:39:40 18 bus; right?" And I didn't say anything. And he goes,
10:39:43 19 "Because" (indicating), and I took that as, because of
10:39:45 20 her butt.

10:39:46 21 Q Have you personally heard any deputy call a
10:40:00 22 female "Glob," G-l-o-b?

10:40:06 23 A I know that -- I remember hearing Guadalupe
10:40:22 24 Lopez referred to as "The Glob." I can't remember right
10:40:26 25 now by who.

03/15/2018

REPORTER'S CERTIFICATE

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I, Lindsay Pinkham, Certified Shorthand Reporter No. 3716 of the State of California, do hereby certify:

That the witness named in the foregoing deposition, prior to being examined, was by me first duly sworn;

That said deposition was taken before me at the time and place therein set forth and was taken down by me in shorthand and thereafter transcribed into typewriting under my direction and supervision;

That said deposition is a true record of the testimony given by the witness and of all objections made at the time of the examination;

I further certify that I am neither counsel for nor related to any party to said action, nor in anywise interested in the outcome thereof.

In witness whereof, I have subscribed my name this 29th day of March, 2016.

Lindsay Pinkham

Lindsay Pinkham, CSR 3716

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

ROSA GONZALEZ,)	
)	
Plaintiff,)	
)	
vs.)	Case No. BC591056
)	
COUNTY OF LOS ANGELES, a)	
municipal corporation; and)	
DOES 1 through 100, inclusive,)	
)	
Defendants.)	

VIDEOTAPED DEPOSITION OF ROSA MATA GONZALEZ
VOLUME II, PAGES 75 - 224
FRIDAY, MAY 13, 2016, 12:21 P.M.
LOS ANGELES, CALIFORNIA

Reported by Anne L. Woodhead, CSR No. 9942
CLS Job No. 54518

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

ROSA GONZALEZ,)	
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Plaintiff,)	
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vs.)	Case No. BC591056
)	
COUNTY OF LOS ANGELES, a)	
municipal corporation; and)	
DOES 1 through 100, inclusive,)	
)	
Defendants.)	
_____)	

VIDEOTAPED DEPOSITION OF ROSA MATA GONZALEZ,
VOLUME II, taken at 300 South Grand Avenue,
Suite 1300, Los Angeles, California, on Friday,
May 13, 2016, at 12:21 p.m., before Anne L. Woodhead,
Certified Shorthand Reporter, in and for the State of
California.

03/15/2018

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03/15/2018

01:46:12 1 A No, I never received anything back from
01:46:17 2 Chief Denham to tell me, okay, you can return now
01:46:19 3 or -- nothing. I was -- this is just -- I'm sorry,
01:46:29 4 but this is just bull. It's just my dusting off
01:46:34 5 because it makes no sense. I can return at East --
01:46:38 6 as a mentor deputy, but now at this point I already
01:46:42 7 tested 21 for the County for -- as a field training
01:46:45 8 officer, so this letter makes no sense.

01:46:47 9 Q And you were at Cerritos station now,
01:46:51 10 according to this letter?

01:46:51 11 A Yeah.

01:47:14 12 MS. MARTINEZ: I'm going to mark as
01:47:15 13 Exhibit 10 -- it's a -- I'll represent to you that I
01:47:19 14 received this copy from your plaintiff's counsel.
01:47:21 15 It's in the CD of the document production. It's a
01:47:24 16 one-page dated August 5th -- April 5th, 2014.

01:47:28 17 (Exhibit 10 marked.)

01:47:28 18 BY MS. MARTINEZ:

01:47:28 19 Q I want you to review this. Have you had a
01:48:02 20 chance to review the statement?

01:48:03 21 A I remember it.

01:48:04 22 Q Did you prepare this statement marked as
01:48:05 23 Exhibit 10?

01:48:07 24 A I wrote it.

01:48:08 25 Q You wrote it? Okay. And why did you write

01:48:11 1 this statement?

01:48:12 2 A Because of the news media that said that
01:48:17 3 East Los Angeles females in order to get off training
01:48:20 4 have to submit to sexual favors in order to be a full
01:48:28 5 pledged patrol deputy. That was the title of the
01:48:31 6 news heading.

01:48:34 7 Q Okay. And you do not believe what that --

01:48:37 8 A And we did not --

01:48:38 9 Q You do not believe what that news statement
01:48:41 10 said?

01:48:41 11 A No. We're totally -- I mean, I work hard.
01:48:43 12 I earned to be at East L.A. I was so upset. I have
01:48:48 13 a daughter who at this point -- I mean, she's 19 now,
01:48:53 14 but who sees -- I mean, to read that all women -- all
01:48:57 15 the deputies at East Los Angeles station have to
01:48:59 16 submit to sexual favors, that just blows all my hard
01:49:06 17 work ethic out of the water. I -- it was -- I was
01:49:08 18 more than upset. I was embarrassed. It was, like --
01:49:13 19 it was -- I was really upset at that.

01:49:16 20 Q Okay.

01:49:16 21 A We never had to submit -- I never had to
01:49:19 22 submit to any sexual favors in order to get off
01:49:23 23 training, never.

01:49:24 24 Q Okay. And did anybody ask you to prepare
01:49:26 25 this statement?

April 5, 2014

East Los Angeles Station female deputies, both past and present, have come together in mutual indignation after media outlets headlined a lawsuit filed by a female colleague, Los Angeles Sheriff's Deputy Guadalupe Lopez.

The lawsuit filed by Guadalupe Lopez and headlined by the news media claimed a secret club existed at East Los Angeles Station that demanded sex from female trainees. Guadalupe Lopez claimed female deputy trainees were expected to submit and provide sexual favors for male training officers as a form of initiation to become full pledged patrol deputies. Her claims suggest those of us currently holding patrol deputy positions, subjected ourselves in order to maintain our position at the station.

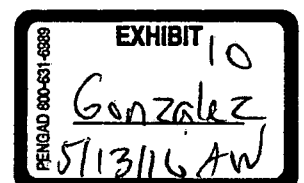
The women at East Los Angeles Station can state without equivocation that they have not experienced such conduct. In making these allegations and pursuing her own agenda, Guadalupe Lopez has diminished, not only what we females at East Los Angeles worked so hard to achieve, but also the progress made and the respect female law enforcement officers across the country have earned. Her claims trivialize our accomplishments and we find it insulting. The claims have affected us on a professional and personal level. Our reputation as female professionals, wives, mothers, etc., is unjustly questioned, as a result of her claims.

We have never been subjected or expected to perform sexual favors for anyone. No such "club" requiring any form of initiation exists. We have never heard of, or witnessed any such vile behavior, as alleged by Guadalupe Lopez. We stand beside our male counterparts as a testament to the cohesiveness that exists between us, and the reputation of the station as a whole.

Our hope is that the Los Angeles Sheriff's commanding officers stand behind us, in an effort to clear our good name, and continue with the progress the Los Angeles Sheriff's Department has made towards the advancement of female deputy sheriffs throughout the county.

Thank you,

03/15/2018



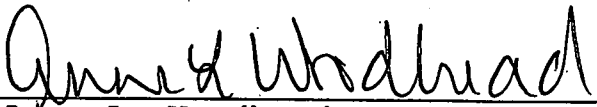
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REPORTER'S CERTIFICATION

I, Anne L. Woodhead, Certified Shorthand Reporter in and for the State of California, do hereby certify:

That the foregoing witness was by me duly sworn; that the deposition was then taken before me at the time and place herein set forth; that the testimony and proceedings were reported stenographically by me and later transcribed into typewriting under my direction; that the foregoing is a true record of the testimony and proceedings taken at that time.

IN WITNESS WHEREOF, I have subscribed my name on this date: May 27, 2016.


Anne L. Woodhead, CSR No. 9942

03/15/2018

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 300 South Grand Avenue, Suite 1300, Los Angeles, California 90071.


On March 14, 2018, I served true copies of the following document(s) described as **DEFENDANT COUNTY OF LOS ANGELES' NOTICE OF MOTION AND MOTION IN LIMINE NO. 5 TO EXCLUDE "ME TOO" EVIDENCE; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF; DECLARATION OF DIANE MARTINEZ; [PROPOSED] ORDER** on the interested parties in this action as follows:

Gregory W. Smith
Diana Wang Wells
Attorneys for Plaintiff
LAW OFFICES OF GREGORY W. SMITH
9100 Wilshire Blvd., Suite 345E
Beverly Hills, CA 90212
Telephone: (310) 777-7894
Facsimile: (310) 777-7895

BY PERSONAL SERVICE: I personally delivered the document(s) directly to the person(s) being served.

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

Executed on March 14, 2018, at Los Angeles, California.



Diane Martinez