

1 GREGORY W. SMITH (SBN 134385)  
2 DIANA WANG WELLS (SBN 284215)  
3 **LAW OFFICES OF GREGORY W. SMITH**  
4 9100 Wilshire Boulevard, Suite 345E  
5 Beverly Hills, California 90212  
6 Telephone: (310) 777-7894  
7 Telecopier: (310) 777-7895

8 JASON M. WYMOND (SBN 235426)  
9 23670 Hawthorne Boulevard, Suite 100  
10 Torrance, California 90505  
11 Telephone: (310) 975-5535  
12 Telecopier: (310) 672-4544

13 Attorneys for Plaintiff  
14 GUADALUPE LOPEZ

15 **UNLIMITED JURISDICTION**  
16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
17 **FOR THE COUNTY OF LOS ANGELES**

18 GUADALUPE LOPEZ,

19 Plaintiff,

20 vs.

21 COUNTY OF LOS ANGELES, a municipal  
22 corporation, and DOES 1 through 100,  
23 inclusive,

24 Defendants.

**CASE NO. BC 540 387**

**[Assigned to the Hon. Gregory  
Alarcon, Judge, Dept. 36]**

**FIRST AMENDED COMPLAINT FOR  
DAMAGES:**

1. **SEXUAL  
HARASSMENT/HOSTILE  
WORK ENVIRONMENT IN  
VIOLATION OF CALIFORNIA  
FAIR EMPLOYMENT AND  
HOUSING ACT**
2. **RETALIATION IN VIOLATION OF  
CALIFORNIA FAIR  
EMPLOYMENT AND HOUSING  
ACT**

**DEMAND FOR JURY TRIAL**

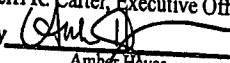
**Action Filed: March 25, 2014**

**GENERAL ALLEGATIONS**

1. At all times relevant hereto, GUADALUPE LOPEZ ("Plaintiff") was and is a resident of the County of Riverside, State of California, and at all times relevant hereto,

**FILED**  
Superior Court Of California  
County Of Los Angeles

MAY 30 2014

Sherri R. Carter, Executive Officer/Clerk  
By:  Deputy  
Amber Hayes

05/02/2014

1 Plaintiff was and is a competent adult.

2       2.     At all times relevant hereto, Plaintiff was and is currently a Deputy Sheriff  
3 employed by the Los Angeles County Sheriff's Department and has been so employed  
4 since July 10, 2003.

5       3.     Plaintiff is informed and believes and thereon alleges that, at all times  
6 relevant hereto, Defendant Los Angeles County Sheriff's Department ("Defendant" or  
7 "Department"), was an entity engaged as a matter of commercial actuality in purposeful  
8 economic activity within the County of Los Angeles, State of California and at all times  
9 relevant hereto, operated the Los Angeles County Sheriff's Department, which is an  
10 administrative agency of Los Angeles County.

11       4.     Plaintiff is informed and believes and thereupon alleges that Defendants  
12 DOES 1 through 100, inclusive, and each of them, were at all times relevant hereto,  
13 residents of the County of Los Angeles, State of California, and were agents, partners,  
14 and/or joint venturers of Defendants and/or each other, acting as supervisors, managers,  
15 administrators, owners, and/or directors or in some other unknown capacity.

16       5.     The true names and capacities of Defendants DOES 1 through 100, and  
17 each of them, whether individual, corporate, associate or otherwise, are unknown to  
18 Plaintiffs at this time, who therefore sue said Defendants by such fictitious names.  
19 Plaintiff will file DOE amendments, and/or ask leave of court to amend this complaint to  
20 assert the true names and capacities of these Defendants when they have been  
21 ascertained. Plaintiff is informed and believes, and upon such information and belief  
22 alleges, that each Defendant herein designated as a DOE was and is in some manner,  
23 negligently, wrongfully, or otherwise, responsible and liable to Plaintiff for the injuries and  
24 damages hereinafter alleged, and that Plaintiff's damages as herein alleged were  
25 proximately caused by their conduct.

26       6.     Plaintiff is informed and believes, and thereupon alleges, that at all times  
27 material herein the Defendants, and each of them, were the agents, servants, and  
28 employees, or ostensible agents, servants, or employees of each other Defendant, and as

1 such, were acting within the course and scope of said agency and employment or  
2 ostensible agency and employment, except on those occasions when Defendants were  
3 acting as principals, in which case, said Defendants, and each of them, were negligent in  
4 the selection, hiring, and use of the other Defendants.

5 7. Plaintiff is further informed and believes, and there upon alleges, that at all  
6 times relevant hereto, Defendants, and each of them, acted in concert and in furtherance  
7 of the interests of each other Defendant.

8 8. Plaintiff has complied with and/or exhausted any applicable claims statutes  
9 and/or administrative and/or internal remedies and/or grievance procedures, or is excused  
10 from complying therewith.

11 **FACTS APPLICABLE TO ALL CAUSES OF ACTION**

12 9. Plaintiff is a Hispanic female sheriff's deputy employed by the Los Angeles  
13 County Sheriff's Department. Plaintiff has been subjected to sexual harassment and  
14 retaliation by male deputies of the Los Angeles Sheriff's Department ("LASD") as set forth  
15 below.

16 10. Plaintiff began her career as a Deputy Sheriff with the Los Angeles Sheriff's  
17 Department in 2003. Plaintiff was initially assigned to Los Angeles County Jail. On or  
18 about May 19, 2011, Plaintiff transferred to East LA Station (hereinafter "East LA") where  
19 Plaintiff began her training to become a patrol officer. Plaintiff was initially trained by Field  
20 Training Officer Eric Valdez (hereinafter "FTO Valdez"), whom would eventually become  
21 known to Plaintiff as the "Godfather" of East LA.

22 11. During training, Plaintiff was made aware by other female deputies that it  
23 was expected of "female" trainees of FTO Valdez to "submit" and provide sexual favors for  
24 male training officers and their associates. Plaintiff was made to understand that she was  
25 expected to be "One of the Girls" which included drinking, partying, and the fulfillment of  
26 the "sexual needs" of her male training officers and their associates, including, but not  
27 limited to, the performance of oral sex.

28 12. Plaintiff was additionally informed many of these deputies were members

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1 and associates of an East LA Station clique/gang called the "Banditos," with an estimated  
2 membership of 80 sheriff's deputies, notorious for their efforts to exert control over the  
3 East LA station, its deputies and operations. The Banditos clique/gang is similar to others  
4 currently under investigation by the LASD for activities inconsistent with Department  
5 polices and a myriad other misconduct not limited to the treatment of inmates, but also  
6 violations of Department policy directed towards other deputies not favored by the  
7 Banditos clique/gang.

8 13. Plaintiff was informed and believes that deputies at East LA become  
9 tattooed members of the Banditos by earning their way in by performing "initiation task"  
10 during the probationary period. Probationers are usually called "Prospects" or "Puppies."  
11 Once accepted, new members go through the initiation rituals that require new inductees  
12 to obtain a numbered tattoo of a skeleton with a sombrero, bullet sash, and a pistol  
13 demonstrating membership in the clique/gang. Posters, pictures, and other items relating  
14 to the Banditos are posted throughout the East LA station.

15 14. Plaintiff was subjected to continual unwanted, uninvited, and unwarranted  
16 sexual harassment, including sexually derogatory comments, sexual overtures and  
17 innuendo from other male deputies at East LA, many of whom were members, prospects  
18 or associates of the Banditos. Plaintiff was constantly asked if she wanted to "party" with  
19 other male deputies. During this same period, Plaintiff was made aware by Deputy  
20 Ortega that there were sexually explicit photos of other female deputies having oral sex  
21 with male field training officers and members of the Banditos.

22 15. FTO Valdez systematically delegated Plaintiff's training to other deputies at  
23 East LA. During Plaintiff's first two weeks of training, FTO Valdez assigned her to work a  
24 shift with Deputy Christopher Wargo. Deputy Wargo was a prospect associate of the  
25 Banditos. During the shift, Plaintiff witnessed Deputy Wargo "purchase 12 reports." This  
26 apparently meant that Deputy Wargo would take over the responsibility of writing the  
27 arrest reports for the arresting deputies as part of his initiation. Deputy Wargo was  
28 engaging in the writing of arrest reports that were essentially fabricated. When Plaintiff

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1 asked Deputy Wargo what was going on and why the arresting deputies were not writing  
2 their own reports, Plaintiff was told that she was a trainee and to mind her own business.

3 16. During her training period, Plaintiff began to experience sexually harassing  
4 and intimidating behavior from other male deputies. Plaintiff was constantly asked if she  
5 wanted to "party" with associates and members of the "Banditos". Plaintiff was told by  
6 Deputy Joshua Smilor (Bandito associate), that, "[She] needed to "submit" to the program  
7 of FTO Eric Valdez kids!" Deputy Smilor also told Plaintiff that she was expected to call  
8 her FTO Valdez "Daddy." It was made clear to Plaintiff that her ability to complete her  
9 probationary period at East LA was dependent upon her compliance and that by failing to  
10 submit to the program, Plaintiff's probation could be extended indefinitely.

11 17. In an attempt to further intimidate, humiliate, and apparently educate  
12 Plaintiff, Deputy Benjamin Zaredini (Bandito associate), followed Plaintiff into the garage  
13 area at East LA, and then he kicked over a garbage can and yelled over to Plaintiff, in  
14 front of inmates working in the garage, "Hey trainee, why don't you come over here and  
15 clean up the "fucking mess" you made?" One of the inmates whom had witnessed the  
16 incident offered to assist Plaintiff in picking up the garbage.

17 18. Plaintiff had no interest in participating in the demeaning, ritualistic traditions  
18 and culture of the Banditos and their associates at East LA. Plaintiff made it known that  
19 she was not interested in "partying," and that family, career, and education were her  
20 priorities. Plaintiff is a well-educated female Deputy Sheriff and having completed her  
21 Bachelors and Masters degrees and her first year of law school, Plaintiff was preparing  
22 herself for advancement within the Department.

23 19. Approximately halfway through Plaintiff's training she was removed from  
24 FTO Valdez as her training officer and, she was assigned to Field Training Officer Edwin  
25 Hernandez (Hereinafter FTO Hernandez) for the remainder of her training period.

26 20. It soon became apparent to Plaintiff that FTO Hernandez was not in favor  
27 with FTO Valdez or any of FTO Valdez's trainee associates at East LA. It was apparent to  
28 Plaintiff that there was a power struggle within the East LA station and those associated

1 with FTO Hernandez were ostracized by members of the group associated with FTO  
2 Valdez – primarily consisting of “Bandito” members, probationers, associates and female  
3 deputies who associated with the clique/gang, usually considering themselves “One of the  
4 Girls” in reference to their association.

5 21. On or about November 2011, Plaintiff was accosted by Deputy Andrew  
6 Hernandez, also a known associate of the Banditos, in the hallway just as she was exiting  
7 the East LA women’s locker room. Deputy Hernandez began leering and pointing down at  
8 Plaintiff’s breast and said to a second male deputy, “Look at these!” “What do you think  
9 bro?” Deputy Hernandez then began taunting Plaintiff by telling her, “What are you going  
10 to do about it?” “What are you going to do?” Plaintiff was shocked, frightened, and  
11 humiliated by Deputy Hernandez’s brazen and sexually inappropriate behavior directed  
12 towards her.

13 22. On or about December 23, 2011, Deputy Eduardo Sanchez, (Bandito  
14 associate) began cursing at Plaintiff and demanded that Plaintiff “meet up with him.”  
15 Plaintiff knew the sexual implications of what Deputy Sanchez was asking and informed  
16 Deputy Sanchez that she would not meet with him alone. Deputy Sanchez continued to  
17 harass Plaintiff and said, “I don’t understand why you don’t want to meet up, are you  
18 worried about your reputation?” Approximately two days later, Plaintiff encountered  
19 Deputy Sanchez again at East LA and he again cursed and berated Plaintiff because she  
20 would not “meet up” alone with him.

21 23. In late December 2011, Plaintiff was given a priority call. Deputy  
22 Christopher Wargo (Bandito associate) became enraged by how Plaintiff handled the call.  
23 Deputy Wargo drove to the location of Plaintiff’s call and blocked Plaintiff’s patrol car so  
24 she could not move the vehicle. Deputy Wargo ordered Plaintiff to park across from the  
25 location of the call. Deputy Wargo then ordered Plaintiff out of her patrol car and took  
26 Plaintiff to the rear of the car where he leaned over her and began screaming and  
27 admonishing Plaintiff. Aware of Deputy Wargo’s capacity for violence, Plaintiff feared for  
28 her safety. As Plaintiff tried to move around Deputy Wargo in order to reenter her patrol

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1 car, Deputy Wargo blocked her movement, and in a very threatening and aggressive  
2 manner Deputy Wargo told Plaintiff, "You are a product of Valdez (FTO Valdez), and he is  
3 a "God" at East LA Station, and if you don't "submit" to the program, you "will" have  
4 problems here!"

5 24. On or about January 2012, Plaintiff again encountered Deputy Andrew  
6 Hernandez (Bandito associate) while servicing a call. Deputy Hernandez began cursing  
7 at Plaintiff while she was interviewing a crime victim. At the end of the call, Deputy  
8 Hernandez followed Plaintiff to her patrol car and slammed his hands down on the driver's  
9 side door and said to Plaintiff, "What the fuck is wrong with you?" "You meet up with us  
10 when we tell you to!" When Plaintiff did not provide a sufficient answer, Deputy  
11 Hernandez yelled at Plaintiff, "Fuck you!" "You are on your own!" The aggressive and  
12 demeaning treatment of Plaintiff continued to escalate from verbal threats to actual  
13 physical violence against her.

14 25. On or about January 16, 2012, Deputy Zaredini (Bandito associate) and  
15 Plaintiff crossed paths at East LA station in the hallway just outside the Watch Duty's  
16 door. Plaintiff was carrying a "loaded shotgun" and Deputy Zaredini approached Plaintiff,  
17 dipped his shoulder, and attempted to knock Plaintiff to the ground. So violent and  
18 deliberate was the collision initiated by Deputy Zaredini that Plaintiff fell backwards into  
19 the wall, while still trying to maintain control of the shotgun, and hit the back of her head  
20 against the wall.

21 26. Plaintiff's treatment at East LA Station continued to deteriorate. In direct  
22 contravention to Department procedure and policy, Plaintiff was placed in peril when she  
23 was denied proper backup when she responded to calls, and at other times she did not  
24 receive backup at all. Plaintiff was told not to respond to calls even when she was the  
25 assigned assisting unit.

26 27. On or about March 6, 2012, a Sheriff's Department Personnel Transfer  
27 Request was posted in the report writing room at East LA with Plaintiff's name on it. FTO  
28 Hernandez brought the "phony" transfer request to Sergeant Jennifer Barsh. Plaintiff was

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1 on patrol and ordered back to the station by Sergeant Barsh at which time Plaintiff  
2 informed Sergeant Barsh of the sexually explicit and violent behavior that she had been  
3 subjected to by male deputies at East LA, specifically those associated with FTO Valdez  
4 and the Banditos.

5 28. March 8, 2012, Sergeant Barsh filed a Policy of Equality Report ("POE") on  
6 Plaintiff's behalf mentioning that Plaintiff was a "strong female" and informed Captain  
7 Henry Romero of the threats, harassment, and workplace violence that Plaintiff had been  
8 subjected to at East LA, and that Plaintiff was in fear for her safety and very fearful of  
9 retaliation from those deputies implicated in Plaintiff's POE. Captain Romero offered  
10 Plaintiff to transfer, but Plaintiff did not feel she had done anything to warrant such  
11 treatment. Further, because of the culture in the LACSD, if Plaintiff was transferred to  
12 another area, Plaintiff would be subjected to ostracism and taunting by deputies for  
13 moving to another area. Plaintiff remained at the East LA station, but was moved to day  
14 shift in an impotent gesture that was supposed to provide Plaintiff a reprieve from the  
15 harassment perpetrated by those deputies on her current shift.

16 29. Deputies Christopher Wargo, Benjamin Zaredini, Andrew Hernandez, and  
17 Eduardo Sanchez were implicated in Plaintiff's POE and subsequently placed on loan to  
18 other stations pending the outcome of the POE investigation. The change in Plaintiff's  
19 shift in conjunction with the loan of the implicated officers had little deterrent effect on the  
20 continued harassment from other associates of the Banditos, in that FTO Valdez and FTO  
21 Christopher Valente, who were also implicated in Plaintiff's POE, remained at East LA for  
22 the duration of the investigation.

23 30. The sexual harassment of Plaintiff described above was part of a pattern  
24 and practice of sexual harassment against female deputies in the Department by deputy  
25 cliques/gangs. The Department and its Command Staff, including Undersheriff Paul  
26 Tanaka, knew about and ratified this pattern and practice of sexual harassment for many  
27 years. The Department failed to take any action to protect Plaintiff from sexual  
28 harassment or stop the cliques and provide a safe working environment. After Plaintiff's



1 POE complaint was filed, Plaintiff was still subjected to a hostile work environment as  
2 described below in paragraphs 31 through 47.

3 31. Subsequent to filing the POE, Plaintiff was subjected to multiple acts of  
4 retaliation, in that: [1] On or about March 26, 2012, Deputy Zaredini ran Plaintiff's vehicle  
5 off the road; [2] Plaintiff was not provided adequate time to prepare her administrative  
6 paperwork, supervisors at the station refused to sign off on Plaintiff's reports, and  
7 detectives refused to file or investigate her cases; [3] Plaintiff was regularly sent on calls  
8 minutes before the end of her shift; [4] On or about August 10, 2012, Deputy Krautkramer,  
9 upset with the felony DUI arrest of Deputy Christopher Wargo, whom had been loaned out  
10 to another station pending Plaintiff's POE, pulled alongside Plaintiff in the rear parking lot  
11 of the East LA station and used his vehicle to spray dirt in Plaintiff's face and on Plaintiff's  
12 uniform; [5] Dispatch refused to respond to Plaintiff's calls or provide Plaintiff backup or  
13 assistance; [6] On or about October 25, 2012, Plaintiff's car was vandalized and her tire  
14 was punctured while in the parking lot at East LA.

15 32. On or about December 27, 2012, without notifying Plaintiff, the Department  
16 returned to East LA station those deputies implicated in Plaintiff's POE complaint whom  
17 had been loaned to other stations pending the determination of the POE complaint. In so  
18 doing, the Department violated its own policy by failing to notifying Plaintiff in writing within  
19 (30) days of the determination of the Plaintiff's POE complaint, which was apparently  
20 rendered by the Department's Equity Oversight Panel almost two weeks earlier on  
21 December 13, 2012. (Plaintiff was not notified until approximately 75 days later.)

22 33. Because the County's Policy of Equality complaint process is an internal  
23 administrative grievance procedure, the statute of limitations for Plaintiff to file a DFEH  
24 charge should be equitably tolled from March 8, 2012, to December 13, 2012. See  
25 *McDonald v. Antelope Valley College* (2008), 45 Cal. 4th 88, 114.

26 34. Immediately after seeing the deputies had been returned to East LA, Plaintiff  
27 began to suffer extreme fear and anxiety, chest pains and shortness of breath. Plaintiff  
28 immediately left East LA and drove herself to the emergency room at Kaiser-Riverside

1 where she was treated for a stress-induced pre-heart attack condition, and as a result,  
2 Plaintiff was placed on medical leave by her treating emergency room doctor. While on  
3 medical leave, Plaintiff lost overtime, sick time, vacation time and pay that could impact  
4 her pension.

5 35. Plaintiff attempted to return to work on February 2, 2013, but was again  
6 subjected to the same intimidation and retaliatory harassment by those same deputies  
7 and their associates at East LA. On February 3, 2013, Plaintiff was again placed on leave  
8 by her treating physician, though Plaintiff's leave did not stop the retaliation.

9 36. April 10, 2013, Plaintiff found a dead rat under the driver-side door of her  
10 car, a clear message that she was considered a "Rat" for filing her POE. The following  
11 day, eggs were thrown at Plaintiff's vehicle and "fuck you" was written on the rear window  
12 of Plaintiff's vehicle.

13 37. Plaintiff has achieved the necessary level of experience, educational  
14 requirements, and requisite qualifications to promote the rank of Sergeant, and in June  
15 2013, Plaintiff signed up to take the Sergeant's exam and received her examination date  
16 for July 2013. However, because of the continued stress, retaliatory harassment,  
17 Plaintiff's legitimate fear for her own safety, and the Department's disinterest and inability  
18 to provide any semblance of adequate security for Plaintiff in the current climate at East  
19 LA, Plaintiff was constructively precluded from being able to take the promotional  
20 sergeant's examination.

21 38. On or about August 8, 2013, Plaintiff was taken off disability by her treating  
22 doctor and cleared to return to work. Plaintiff contacted the "Back to Work Unit," but was  
23 told that they could not help her and advised her to contact the Station Director. Plaintiff  
24 then spoke with Sergeant Betty Lascono. Sergeant Lascono placed Plaintiff on the  
25 schedule to return to work at East LA on August 9, 2013. Plaintiff was contacted once  
26 again by Sergeant Lascano and told to report to work on August 11, 2013.

27 39. Plaintiff was extremely apprehensive in that she did not want to be placed  
28 back in the hostile environment of East LA, so that same day, August 9, 2013, Plaintiff

1 contacted her union, ALADS, for assistance. Plaintiff was immediately told that they could  
2 not assist her. Later that same afternoon, Plaintiff was contacted by Union  
3 Representative Julie Patrelli ("Patrelli"). Patrelli informed Plaintiff that East LA Captain  
4 James Wolak was willing to send Plaintiff to Cerritos Station. Plaintiff informed Patrelli  
5 that she would go anywhere except for East LA. At the end of the conversation, Plaintiff  
6 was under the impression she would be going to Cerritos Station.

7 40. Patrelli called Plaintiff for a second time and informed her that she would not  
8 be going to Cerritos Station, but that she would be going to the County Services Bureau –  
9 USC Hospital location, and that she, Patrelli would call Plaintiff on Monday, August 11,  
10 2013 for her schedule at USC Hospital.

11 41. Plaintiff never received a return call back from Patrelli. Plaintiff eventually  
12 contacted Patrelli and she, Patrelli, informed Plaintiff that Captain Wolak could not send  
13 her to County Services Bureau at USC Hospital. Patrelli then scheduled a meeting with  
14 Division Commander Henry Romero (formerly Plaintiff's Captain at East LA). Plaintiff  
15 requested that Patrelli accompany her to the meeting, but Patrelli refused to accompany  
16 Plaintiff or to send any other union representation with Plaintiff. Patrelli then stated to  
17 Plaintiff, "You should be grateful that Commander Romero is willing to meet with you!"

18 42. On August 14, 2013, Plaintiff met with Commander Romero and  
19 Commander Walker. Both were aware of Plaintiff's POE and the hostile environment  
20 Plaintiff had encountered at East LA, especially Commander Romero since on March 8,  
21 2012, he was personally handed a copy of Plaintiff's POE complaint in his capacity as  
22 Plaintiff's then Captain at East LA Station, the very day Plaintiff's POE was filed with the  
23 Intake Specialist Unit by Sergeant Jennifer Barsh.

24 43. Once again Plaintiff was asked by Commander Romero where she wanted  
25 to go. A "legitimate" Sheriff's Department Transfer Request form was produced by  
26 Commander Romero's secretary listing Plaintiff's choices of San Dimas Station or Walnut  
27 Station. Plaintiff requested a copy of the transfer request form, but Commander Romero  
28 refused to provide Plaintiff with a copy. Commander Romero then informed Plaintiff that

1 she would be placed on loan to Century Station pending the approval of her transfer to  
2 San Dimas or Walnut.

3 44. Upon arrival at Century Station, Plaintiff was assigned to the Youth Activity  
4 League, a position where Plaintiff could be warehoused with no possibility to advance in  
5 her career. Plaintiff's Lieutenant at Century Station, Lieutenant Infante had previously  
6 been a Lieutenant at East LA and was intimately aware of Plaintiff's POE complaint and  
7 Plaintiff's difficulties with her prior superiors and the Banditos at East LA. Lieutenant  
8 Infante made it known to Plaintiff's Sergeant at Century Station, Sergeant De La Rosa,  
9 that he, Infante, did not want Plaintiff at Century Station.

10 45. On December 3, 2013, Plaintiff was informed by Sergeant De La Rosa that if  
11 she, Plaintiff, wanted to stay at Century Station, she would have to complete a transfer  
12 request immediately. Plaintiff was informed by Commander Gooden and Chief Goran that  
13 if she did not put in the transfer that she would have to go back to East LA. Captain  
14 Chavez at Century Station had already signed the transfer and Plaintiff signed the transfer  
15 "Under Protest". She did not understand what was going on or what had happened to her  
16 previously filed transfer to San Dimas or Walnut. It appeared that the Department was  
17 engaging in a form of retaliation and discrimination by subjecting Plaintiff to a form of  
18 "freeway therapy."

19 46. Plaintiff attempted to contact Commander Romero to inquire as to the status  
20 of her transfer that he had put in for her on August 14, 2013, but he was not available.  
21 Plaintiff went to Area Command and requested a copy of her transfer that was supposed  
22 to have been filed by Commander Romero. Plaintiff discovered that the transfer was still  
23 in her file and signed by both Commander Romero and Captain Wolak, but the transfer  
24 was never filed or placed in the system for processing.

25 47. Plaintiff was then instructed by Sergeant De La Rosa to execute a new  
26 transfer application and put Century Station as her first choice followed by San Dimas and  
27 Walnut, and that if she did not sign the transfer, she would be sent back to East LA.  
28 Under duress and out of fear and apprehension of being sent back to East LA, Plaintiff

1 signed the transfer to Century Station. However, as of the date of this complaint,  
2 Plaintiff's transfer has not been processed and Plaintiff remains assigned to East LA, but  
3 on loan to Century Station.

4 **FIRST CAUSE OF ACTION**  
5 **FOR SEXUAL HARASSMENT (HOSTILE WORK ENVIRONMENT) IN VIOLATION OF**  
6 **THE CALIFORNIA FAIR EMPLOYMENT**  
7 **AND HOUSING ACT AGAINST DEFENDANTS, AND EACH OF THEM**

8 48. Plaintiff incorporates the allegations set forth in paragraphs 1 through 47 as  
9 if set forth in full herein.

10 49. During the term of Plaintiff's employment, Plaintiff was subjected to  
11 discrimination, including but not limited to, sexual harassment, including, *inter alia*, a  
12 hostile work environment. The hostile work environment consisted of sexual harassment  
13 directed at Plaintiff. The harassing conduct was unwelcome and sufficiently severe or  
14 pervasive that it had the purpose or effect of altering the conditions of Plaintiff's  
15 employment and creating an intimidating, hostile, abusive, or offensive working  
16 environment. The environment created by the conduct would have been perceived as  
17 intimidating, hostile, abusive, or offensive by a reasonable man in the same position as  
18 the Plaintiff, and the environment created was perceived by the Plaintiff as intimidating,  
19 hostile, abusive, or offensive. The hostile work environment caused Plaintiff injury,  
20 damage, loss, or harm.

21 50. The harassment included, but was not limited to, the above mentioned  
22 verbal and physical harassment, epithets, derogatory comments, and/or slurs, as well as  
23 other harassment.

24 51. Said actions and conduct of Defendants, and each of them, consisting of the  
25 aforementioned unwelcome sexual conduct and sexual discrimination based on Plaintiff's  
26 gender, resulted in a hostile work environment and unlawful employment practices  
27 pursuant to *California Government Code* Sections 12940, et seq.

28 52. The aforesaid acts and conduct of Defendants, and each of them,

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1 constituted unlawful employment practices. Such violations were a substantial factor in  
2 causing damages and injuries to Plaintiff's as set forth below.

3 53. Plaintiff has duly filed a new administrative complaint with the California  
4 Department of Fair Employment and Housing ("DFEH") substantially alleging the acts and  
5 conduct of the County as herein above described. The DFEH issued a "right-to-sue"  
6 notice on or about June 24, 2013. A true and correct copy of said notice is attached  
7 hereto as Exhibit "1."

8 54. As a legal result of the conduct of Defendants, and each of them, Plaintiff  
9 has suffered and will continue to suffer physical, mental, and emotional injuries, pain,  
10 distress, suffering, anguish, fright, nervousness, grief, anxiety, worry, shame, mortification,  
11 injured feelings, shock, humiliation and indignity, as well as other unpleasant physical,  
12 mental, and emotional reactions, damages to reputation, and other non-economic  
13 damages, in a sum to be ascertained according to proof.

14 55. As a further legal result of the conduct of Defendants, and each of them,  
15 Plaintiff was required, and/or in the future may be required, to engage the services of  
16 health care providers, and incurred expenses for health care, services, supplies,  
17 medicines, health care appliances, modalities, and/or other related expenses in a sum to  
18 be ascertained according to proof.

19 56. As a further legal result of the conduct of Defendants, and each of them,  
20 Plaintiff has suffered loss of earnings, past and future, including but not limited to,  
21 reimbursement of vacation and sick pay, loss of overtime, loss of ability to promote to the  
22 rank of sergeant, and pension loss all according to proof.

23 57. As a further legal result of the conduct of Defendants, and each of them,  
24 Plaintiff is entitled to attorneys' fees and costs in an amount according to proof pursuant to  
25 California *Government Code* Section 12965(b).

26 58. As a further legal result of the conduct of Defendants, and each of them,  
27 Plaintiff is entitled to prejudgment interest pursuant to *California Civil Code* Section 3287  
28 and/or any other provision of law providing for prejudgment interest.



1           64. It is well known in the Sherriff's Department that Century Station's Youth  
2 Activity League assignment is used as a "dumping ground" for experienced deputies the  
3 Department considers "troublemakers." Furthermore, as a direct result of the  
4 Department's retaliatory conduct, Plaintiff's ability to promote to the rank of sergeant or be  
5 moved to any coveted assignments and advance in the Department has been completely  
6 destroyed.

7           65. Plaintiff's life was and is put in jeopardy by deputies that have, and will in the  
8 future, refuse to back her up and provide support while she is working the field.

9           66. Said actions and conduct of the Department, consisting of the  
10 aforementioned retaliation against Plaintiff, constituted unlawful employment practices  
11 under California *Government Code* section 12940(h).

12           67. The aforementioned unlawful employment practices on the part of the  
13 Department were a substantial factor in causing damages and injuries to Plaintiff.

14           68. As a result of the aforesaid unlawful acts of the Department, Plaintiff has lost  
15 and will continue to lose income, in an amount to be proven at time of trial. Plaintiff claims  
16 such amount as damages together with prejudgment interest pursuant to California *Civil*  
17 *Code* section 3287 and/or any other provision of law providing for prejudgment interest.

18           69. As a result of the aforesaid unlawful acts of the Department, Plaintiff was  
19 personally humiliated and had become mentally upset, distressed and aggravated.  
20 Plaintiff claims general damages for such mental distress and aggravation in an amount of  
21 be proven at time of trial.

22           70. As a result of the unlawful conduct of the Department, Plaintiff was required  
23 to retain attorneys and is entitled to attorneys' fees pursuant to *Government Code* section  
24 12965.

25           71. Plaintiff has duly filed a new administrative complaint with the California  
26 Department of Fair Employment and Housing ("DFEH") substantially alleging the acts and  
27 conduct of the County as herein above described. The DFEH issued a "right-to-sue"  
28 notice on or about June 24, 2013. A true and correct copy of said notice is attached



1 hereto as Exhibit "1."

2 **PRAYER**

3 **WHEREFORE**, Plaintiff seeks judgment against Defendants, and each of them, as  
4 follows:

5 1. On each cause of action, for physical, mental, and emotional injuries, pain,  
6 distress, suffering, anguish, fright, nervousness, grief, anxiety, worry, shame, mortification,  
7 injured feelings, shock, humiliation and indignity, as well as other unpleasant physical,  
8 mental, and emotional reactions, damages to reputation, and other non-economic  
9 damages, in a sum to be ascertained according to proof;

10 2. On each cause of action, for health care, services, supplies, medicines,  
11 health care appliances, modalities, and other related expenses in a sum to be ascertained  
12 according to proof;

13 3. On each cause of action, for loss of wages, income, earnings, earning  
14 capacity, benefits, and other economic damages in a sum to be ascertained according to  
15 proof;

16 4. Other actual, consequential, and/or incidental damages in a sum to be  
17 ascertained according to proof;

18 5. Attorney fees and costs of suit pursuant to *California Government Code*  
19 *Section 12965(b), C.C.P. 1021.5*, and other authorities;

20 6. Costs of suit herein incurred;

21 7. Pre-judgment interest;

22 8. Such other and further relief as the Court may deem just and proper.

23  
24 Dated: May 29, 2014

LAW OFFICES OF GREGORY W. SMITH

25  
26 By: *Diana Wang Wells*  
27 GREGORY W. SMITH  
28 DIANA WANG WELLS  
Attorneys for Plaintiff  
GUADALUPE LOPEZ

06/02/2014

**EXHIBIT "1"**

06/02/2014



**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

2218 Kausen Drive, Suite 109 | Elk Grove | CA | 95758  
800-884-1684 | Videophone 916-226-5285 | TDD 800-700-2320  
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

Jun 24, 2013

Guadalupe Lopez  
9100 Wilshire Blvd. Suite 345E  
Los Angeles, CA 90212

**RE: Notice of Case Closure and Right to Sue**  
DFEH Matter Number: 133215-57331  
Right to Sue: Lopez / COunty of Los Angeles [Sheriff's Department],

Dear Guadalupe Lopez:

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective Jun 24, 2013 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

**This letter is also your Right to Sue notice.** According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing

Enclosures

cc: County of Los Angeles , County of Los Angeles Agent for Service for COunty of Los Angeles [Sheriff's Department],

06 / 02 / 2014

PROOF OF SERVICE

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STATE OF CALIFORNIA )  
 )  
COUNTY OF LOS ANGELES )

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years of age, and am not a party to the within action; my business address is 9100 Wilshire Boulevard, Suite 345E, Beverly Hills, California 90212.

On the date hereinbelow specified, I served the foregoing document, described as set forth below on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes, at Beverly Hills, addressed as follows:

DATE OF SERVICE : May 30, 2014  
DOCUMENT SERVED : **SUMMONS ON FIRST AMENDED COMPLAINT; FIRST AMENDED COMPLAINT FOR DAMAGES**  
PARTIES SERVED : Elizabeth M. Kessel, Esq.  
Armineh Megrabyan, Esq.  
Kessel & Associates  
2410 Beverly Boulevard  
Los Angeles, California 90057

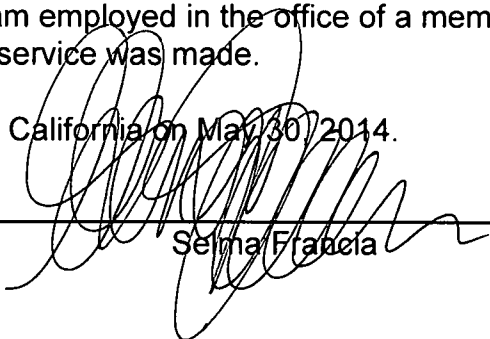
XXX (BY REGULAR MAIL) I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at Beverly Hills, California. I am "readily familiaPr" with firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

— (BY PERSONAL SERVICE) I personally delivered by hand to the offices of the addressee(s).

XXX (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

— (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

EXECUTED at Beverly Hills, California on May 30, 2014.

  
\_\_\_\_\_  
Selma Francia