

NOV 07 2013

John A. Clarke, Executive Officer/Clerk  
By SHAUNYA WESLEY, Deputy

1 Terry M. Goldberg, Esq., Cal. S.B. No. 55674  
Bradley C. Gage, Esq., Cal. S.B. No. 117808  
2 Milad Sadr, Esq., Cal. S.B. No. 245080  
3 **LAW OFFICES OF GOLDBERG & GAGE**  
A Partnership of Professional Law Corporations  
23002 Victory Boulevard  
4 Woodland Hills, California 91367  
Tel: (818) 340-9252 Fax: (818) 340-9088

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5 Attorneys for Plaintiffs,  
6 MICHAEL RATHBUN & JAMES SEXTON

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF LOS ANGELES**

*57 help her*

10 **BC526951**

11 MICHAEL RATHBUN; JAMES SEXTON,

CASE NO.:

12 Plaintiff,

**COMPLAINT FOR DAMAGES AND DEMAND  
FOR JURY TRIAL**

13 v.

- 1. CAL. LABOR CODE § 1102.5
- 2. FEHA HARASSMENT
- 3. FEHA DISCRIMINATION
- 4. FEHA RETALIATION
- 5. FAILURE TO TAKE CORRECTIVE ACTION
- 6. BANE ACT
- 7. VIOLATION OF PUBLIC SAFETY OFFICER'S PROCEDURAL BILL OF RIGHTS (POBRA)
- 8. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

14 COUNTY OF LOS ANGELES; LEROY  
BACA, IN HIS INDIVIDUAL CAPACITY )  
15 AND AS SHERIFF WITH THE LOS )  
ANGELES COUNTY SHERIFF'S )  
16 DEPARTMENT; PAUL TANAKA, IN HIS )  
INDIVIDUAL CAPACITY AND AS )  
17 UNDERSHERIFF WITH THE LOS )  
ANGELES COUNTY SHERIFF'S )  
18 DEPARTMENT; GREG THOMPSON IN HIS )  
INDIVIDUAL CAPACITY AND AS A )  
19 LIEUTENANT WITH THE LOS ANGELES )  
COUNTY SHERIFF'S DEPARTMENT; )  
20 MICHAEL CAMACHO, IN HIS )  
INDIVIDUAL CAPACITY AND AS A )  
21 DEPUTY WITH THE LOS ANGELES )  
COUNTY SHERIFF'S DEPARTMENT; )  
22 MATTHEW THOMPSON IN HIS )  
INDIVIDUAL CAPACITY AND AS A )  
23 DEPUTY WITH THE LOS ANGELES )  
COUNTY SHERIFF'S DEPARTMENT; )  
24 MICKEY MANZO, IN HIS INDIVIDUAL )  
CAPACITY AND AS A DEPUTY WITH THE )  
25 LOS ANGELES COUNTY SHERIFF'S )  
DEPARTMENT; GERARD SMITH, IN HIS )  
26 INDIVIDUAL CAPACITY AND AS A )  
DEPUTY WITH THE LOS ANGELES )  
27 COUNTY SHERIFF'S DEPARTMENT, and )  
DOES 1-100, inclusive, )

RECEIPT #: CCR465980078  
DATE PAID: 11/07/13 02:52 PM  
PAYMENT: \$435.00 310  
RECEIVED:  
CHECK: \$435.00  
CASH: \$0.00  
CHANGE: \$0.00  
CARD: \$0.00

CITICASE: BC526951  
LEA/DEF#:

FILED  
Los Angeles Superior Court

NOV 07 2013

John A. Clarke, Executive Officer/Clerk  
Deputy  
SHARVA WESLEY

5-11-13

1 Defendants. )  
2 \_\_\_\_\_ )

3 COME NOW MICHAEL RATHBUN ("Rathbun") and JAMES SEXTON ("Sexton")  
4 (collectively referred to as "Plaintiffs") who demand a jury trial, and seek monetary compensation against  
5 Defendants, as follows:

- 6 1. At all times herein, Plaintiff MICHAEL RATHBUN was a resident of the State of California. At  
7 all times herein, Plaintiff JAMES SEXTON was a resident of the State of California. Plaintiffs'  
8 addresses are confidential pursuant to the California Penal Code. Plaintiffs are peace officers with  
9 the Los Angeles County Sheriff's Department, a component of defendant COUNTY OF LOS  
10 ANGELES.
- 11 2. At all times mentioned herein, defendant COUNTY OF LOS ANGELES (hereafter also  
12 "COUNTY") was a public entity duly organized and existing under and by virtue of the laws of the  
13 State of California.
- 14 3. On or about April 9, 2013, Rathbun filed a government claim with the County of Los Angeles. A  
15 true and correct copy of the County's Government Claim is attached hereto as Exhibit "1". On or  
16 about April 9, 2013, Rathbun filed a government claim with the California Labor Commissioner.  
17 A true and correct copy of the Labor Commissioner's Government Claim is attached hereto as  
18 Exhibit "2".
- 19 4. Similarly, on or about April 16, 2013, Sexton filed a government claim with the County of Los  
20 Angeles. A true and correct copy of the County's Government Claim is attached hereto as Exhibit  
21 "3". On or about April 16, 2013, Sexton filed a government claim with the California Labor  
22 Commissioner. A true and correct copy of the Labor Commissioner's Government Claim is  
23 attached hereto as Exhibit "4".
- 24 5. On or about August 9, 2013, Rathbun and Sexton filed a supplemental government claim with the  
25 County of Los Angeles. A true and correct copy of the County's Second Government Claim is  
26 attached hereto as Exhibit "5". On or about October 29, 2013, Rathbun and Sexton filed a  
27 supplemental government claim with the County of Los Angeles and the Labor Commissioner.

1 True and correct copies of the Government Claims are attached hereto as Exhibit "6".

2 6. On or about April 9, 2013, Rathbun filed a complaint with the Department of Fair Employment &  
3 Housing and received an immediate right to sue letter. A true and correct copy of the DFEH  
4 Complaint and Right to Sue Letter is attached hereto as Exhibit "7".

5 7. On or about April 18, 2013, Sexton filed a complaint with the Department of Fair Employment &  
6 Housing and received an immediate right to sue letter. A true and correct copy of the DFEH  
7 Complaint and Right to Sue Letter is attached hereto as Exhibit "8". On or about August 5, 2013,  
8 Sexton filed an amended complaint with the Department of Fair Employment & Housing and  
9 received an immediate right to sue letter. A true and correct copy of the Amended DFEH  
10 Complaint and Right to Sue Letter is attached hereto as Exhibit "9".

11 8. On or about April 23, 2013, Plaintiffs filed a federal lawsuit, which contained the same allegations  
12 and state claims alleged herein. Subsequently, the parties entered into a stipulation to dismiss the  
13 federal action in order to permit re-filing of state claims in state court. On or about October 17,  
14 2013, the U.S. District Court dismissed the federal action.

## 15 II. PARTIES

16 9. At all times relevant herein, defendant LEROY BACA (hereafter also "BACA") was a resident of  
17 the County of Los Angeles, and Sheriff of the Los Angeles County Sheriff's Department  
18 (hereinafter also "LASD") and an employee, agent and representative of the County of Los  
19 Angeles. At all times relevant hereto, said defendant was acting within the course and scope of his  
20 employment as a sheriff, and/or policy maker of the Los Angeles County Sheriff's Department, a  
21 department and subdivision of defendant County of Los Angeles.

22 10. At all times relevant herein, defendant PAUL TANAKA (hereafter also "TANAKA") was a  
23 resident of the County of Los Angeles, and Undersheriff of the Los Angeles County Sheriff's  
24 Department (hereinafter also "LASD") and an employee, agent and representative of the County of  
25 Los Angeles. At all times relevant hereto, said defendant was acting within the course and scope of  
26 his employment as an Undersheriff, and/or policy maker of the Los Angeles County Sheriff's  
27 Department, a department and subdivision of defendant County of Los Angeles.

11/07/2013

1 11. At all times relevant herein, defendant GREG THOMPSON (hereafter also "THOMPSON"), and  
2 DOES 1 through 10, were residents of the County of Los Angeles, and were Sheriff's deputies,  
3 lieutenants, detectives, and/or civilian employees, agents and representatives of the Los Angeles  
4 County Sheriff's Department (hereinafter also "LASD") and employees, agents and representatives  
5 of the County of Los Angeles. At all times relevant hereto, said defendants were acting within the  
6 course and scope of their employment as deputies, lieutenants, captains and sheriffs, policy  
7 makers, and/or civilian employees of the Los Angeles County Sheriff's Department, a department  
8 and subdivision of defendant County of Los Angeles.

9 12. At all times relevant herein, defendant MICHAEL CAMACHO (hereafter also "CAMACHO"),  
10 and DOES 11 through 20, were residents of the County of Los Angeles, and were Sheriff's  
11 deputies, lieutenants, detectives, and/or civilian employees, agents and representatives of the Los  
12 Angeles County Sheriff's Department (hereinafter also "LASD") and employees, agents and  
13 representatives of the County of Los Angeles. At all times relevant hereto, said defendants were  
14 acting within the course and scope of their employment as deputies, lieutenants, captains and  
15 sheriffs, policy makers, and/or civilian employees of the Los Angeles County Sheriff's  
16 Department, a department and subdivision of defendant County of Los Angeles.

17 13. At all times relevant herein, defendant MATTHEW THOMPSON (hereafter also "THOMPSON")  
18 and DOES 21 through 30, were residents of the County of Los Angeles, and were Sheriff's  
19 deputies, lieutenants, detectives, and/or civilian employees, agents and representatives of the Los  
20 Angeles County Sheriff's Department (hereinafter also "LASD") and employees, agents and  
21 representatives of the County of Los Angeles. At all times relevant hereto, said defendants were  
22 acting within the course and scope of their employment as deputies, lieutenants, captains and  
23 sheriffs, policy makers, and/or civilian employees of the Los Angeles County Sheriff's  
24 Department, a department and subdivision of defendant County of Los Angeles.

25 14. At all times relevant herein, defendant MICKEY MANZO (hereafter also "MANZO") and DOES  
26 31 through 40, were residents of the County of Los Angeles, and were Sheriff's deputies,  
27 lieutenants, detectives, and/or civilian employees, agents and representatives of the Los Angeles  
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11/07/2013

1 County Sheriff's Department (hereinafter also "LASD") and employees, agents and representatives  
2 of the County of Los Angeles. At all times relevant hereto, said defendants were acting within the  
3 course and scope of their employment as deputies, lieutenants, captains and sheriffs, policy  
4 makers, and/or civilian employees of the Los Angeles County Sheriff's Department, a department  
5 and subdivision of defendant County of Los Angeles.

6 15. At all times relevant herein, defendant GERARD SMITH (hereafter also "SMITH") and DOES 41  
7 through 50, were residents of the County of Los Angeles, and were Sheriff's deputies, lieutenants,  
8 detectives, and/or civilian employees, agents and representatives of the Los Angeles County  
9 Sheriff's Department (hereinafter also "LASD") and employees, agents and representatives of the  
10 County of Los Angeles. At all times relevant hereto, said defendants were acting within the course  
11 and scope of their employment as deputies, lieutenants, captains and sheriffs, policy makers,  
12 and/or civilian employees of the Los Angeles County Sheriff's Department, a department and  
13 subdivision of defendant County of Los Angeles.

14 16. At all times relevant herein, defendant LEROY BACA was Los Angeles County Sheriff's  
15 Department sheriff and engaged in the conduct alleged herein under color of State Law, and  
16 through the auspices of the County of Los Angeles and Los Angeles County Sheriff's Department.  
17 Plaintiff alleges that the conduct and actions of BACA as alleged herein occurred during BACA's  
18 normal working hours as Los Angeles County Sheriff's Department sheriff or occurred under the  
19 pretense that either was acting as a Los Angeles County Sheriff's Department sheriff or was made  
20 possible solely because of his position as a Los Angeles County Sheriff's Department deputy.

21 17. At all times relevant herein, defendant PAUL TANAKA was Los Angeles County Sheriff's  
22 Department undersheriff and engaged in the conduct alleged herein under color of State Law, and  
23 through the auspices of the County of Los Angeles and Los Angeles County Sheriff's Department.  
24 Plaintiff alleges that the conduct and actions of TANAKA as alleged herein occurred during  
25 TANAKA's normal working hours as Los Angeles County Sheriff's Department Undersheriff or  
26 occurred under the pretense that either was acting as a Los Angeles County Sheriff's Department  
27 Undersheriff or was made possible solely because of his position as a Los Angeles County  
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1 Sheriff's Department deputy. Plaintiff further alleges that TANAKA acted at all times herein under  
2 the auspices, direction, command, instruction, and/or control of the Los Angeles County Sheriff's  
3 Department, and Sheriff Leroy Baca.

4 18. At all times relevant herein, defendant GREG THOMPSON , and DOES 1 through 10 were Los  
5 Angeles County Sheriff's Department lieutenants and engaged in the conduct alleged herein under  
6 color of State Law, and through the auspices of the County of Los Angeles and Los Angeles  
7 County Sheriff's Department. Plaintiff alleges that the conduct and actions of THOMPSON, and  
8 DOES 1 through 10 as alleged herein occurred during THOMPSON's, and DOES 1 through 10's  
9 normal working hours as Los Angeles County Sheriff's Department lieutenants or occurred under  
10 the pretense that either was acting as a Los Angeles County Sheriff's Department lieutenants or  
11 were made possible solely because of their position as a Los Angeles County Sheriff's Department  
12 deputies. Plaintiff further alleges that THOMPSON, and DOES 1 through 10 acted at all times  
13 herein under the auspices, direction, command, instruction, and/or control of the Los Angeles  
14 County Sheriff's Department, Sheriff Leroy Baca, and Undersheriff Paul Tanaka.

15 19. At all times relevant herein, defendant MICHAEL CAMACHO, and DOES 11 through 20 were  
16 Los Angeles County Sheriff's Department deputies and engaged in the conduct alleged herein  
17 under color of State Law, and through the auspices of the County of Los Angeles and Los Angeles  
18 County Sheriff's Department. Plaintiff alleges that the conduct and actions of CAMACHO, and  
19 DOES 11 through 20 as alleged herein occurred during CAMACHO's, and DOES 11 through 20's  
20 normal working hours as Los Angeles County Sheriff's Department deputies or occurred under the  
21 pretense that either was acting as a Los Angeles County Sheriff's Department lieutenants or were  
22 made possible solely because of their position as a Los Angeles County Sheriff's Department  
23 deputies. Plaintiff further alleges that CAMACHO, and DOES 11 through 20 acted at all times  
24 herein under the auspices, direction, command, instruction, and/or control of the Los Angeles  
25 County Sheriff's Department, Sheriff Leroy Baca, and possibly also Undersheriff Paul Tanaka.

26 20. At all times relevant herein, defendant MATTHEW THOMPSON, and DOES 21 through 30 were  
27 Los Angeles County Sheriff's Department deputies and engaged in the conduct alleged herein  
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1 under color of State Law, and through the auspices of the County of Los Angeles and Los Angeles  
2 County Sheriff's Department. Plaintiff alleges that the conduct and actions of THOMPSON, and  
3 DOES 21 through 30 as alleged herein occurred during THOMPSON's, and DOES 21 through  
4 30's normal working hours as Los Angeles County Sheriff's Department deputies or occurred  
5 under the pretense that either was acting as a Los Angeles County Sheriff's Department lieutenants  
6 or were made possible solely because of their position as a Los Angeles County Sheriff's  
7 Department deputies. Plaintiff further alleges that THOMPSON, and DOES 21 through 30 acted  
8 at all times herein under the auspices, direction, command, instruction, and/or control of the Los  
9 Angeles County Sheriff's Department, Sheriff Leroy Baca, Undersheriff Paul Tanaka, and Lt. Greg  
10 Thompson. Baca as the Sheriff is the ultimate decision maker.

11 21. At all times relevant herein, defendant MICKEY MANZO, and DOES 31 through 40 were Los  
12 Angeles County Sheriff's Department deputies and engaged in the conduct alleged herein under  
13 color of State Law, and through the auspices of the County of Los Angeles and Los Angeles  
14 County Sheriff's Department. Plaintiff alleges that the conduct and actions of MANZO, and DOES  
15 31 through 40 as alleged herein occurred during MANZO's, and DOES 31 through 40's normal  
16 working hours as Los Angeles County Sheriff's Department deputies or occurred under the  
17 pretense that either was acting as a Los Angeles County Sheriff's Department lieutenants or were  
18 made possible solely because of their position as a Los Angeles County Sheriff's Department  
19 deputies. Plaintiff further alleges that MANZO, and DOES 31 through 40 acted at all times herein  
20 under the auspices, direction, command, instruction, and/or control of the Los Angeles County  
21 Sheriff's Department, Sheriff Leroy Baca, Undersheriff Paul Tanaka, and Lt. Greg Thompson.

22 22. At all times relevant herein, defendant GERARD SMITH, and DOES 41 through 50 were Los  
23 Angeles County Sheriff's Department deputies and engaged in the conduct alleged herein under  
24 color of State Law, and through the auspices of the County of Los Angeles and Los Angeles  
25 County Sheriff's Department. Plaintiff alleges that the conduct and actions of SMITH, and DOES  
26 41 through 50 as alleged herein occurred during SMITH's, and DOES 41 through 50's normal  
27 working hours as Los Angeles County Sheriff's Department deputies or occurred under the  
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1 pretense that either was acting as a Los Angeles County Sheriff's Department lieutenants or were  
2 made possible solely because of their position as a Los Angeles County Sheriff's Department  
3 deputies. Plaintiff further alleges that SMITH, and DOES 41 through 50 acted at all times herein  
4 under the auspices, direction, command, instruction, and/or control of the Los Angeles County  
5 Sheriff's Department, Sheriff Leroy Baca, Undersheriff Paul Tanaka, and Lt. Greg Thompson.

6 23. At all times relevant herein, defendants DOES 51 through 100, were residents of the County of  
7 Los Angeles, and were Sheriff's deputies, sergeants, detectives, captains, lieutenants, sheriffs,  
8 and/or civilian employees, agents and representatives of the Los Angeles County Sheriff's  
9 Department and employees, agents and representatives of the County of Los Angeles. At all times  
10 relevant hereto, said defendants were acting within the course and scope of their employment as  
11 officers, sergeants, captains and sheriffs, policy makers, and/or civilian employees of the Los  
12 Angeles County Sheriff's Department, a department and subdivision of defendant County of Los  
13 Angeles. At all times relevant herein, said defendants were acting under color of law, to wit, under  
14 the color of the statutes, ordinances, regulations, policies, customs, practices and usages of  
15 defendant COUNTY OF LOS ANGELES, its sheriff's department and/or the State of California.

16 24. Plaintiff is ignorant of the true names and capacities of defendants sued herein as DOE defendants  
17 1 through 100 inclusive, and therefore sues these defendants by such fictitious names. Plaintiff will  
18 amend this complaint to allege their true names and capacities when ascertained. Plaintiff is  
19 informed and believes and thereon alleges that each of the fictitiously named defendants is  
20 responsible in some manner for the occurrences herein alleged, and that Plaintiff's injuries as  
21 herein alleged were proximately caused by the acts and/or omissions of said fictitiously named  
22 defendants.

### 23 III. FACTUAL ALLEGATIONS

24 25. Each and every allegation set forth in the preceding paragraphs is incorporated herein by this  
25 reference with the same effect as if realleged herein.

26 26. At all relevant times herein, Rathbun has been a deputy with the Los Angeles County Sheriff's  
27 Department ("LASD"). Rathbun followed in his father's footsteps, a retired 35-year LASD  
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11/07/2013

- 1 veteran.
- 2 27. At all relevant times herein, Sexton has been a deputy with the Los Angeles County Sheriff's  
3 Department ("LASD"). Sexton's father is presently a chief at LASD and a former sheriff in  
4 Alabama (and prior recipient of "Sheriff of the Year").
- 5 28. On or about October 2009, Sexton was assigned to Operation Safe Jails ("OSJ").
- 6 29. On or about July 2011, Rathbun was assigned to Operation Safe Jails ("OSJ").
- 7 30. The primary role of OSJ is gang intelligence gathering with the objective of preventing facility  
8 violence between rival gangs, inmates of different races, and the influence of prison gangs on the  
9 inmate population.
- 10 31. OSJ provides facility and division executives with updated information regarding ongoing trends  
11 which affect day-to-day operations of the facilities; thereby allowing executives to make informed  
12 decisions. OSJ is recognized as a leader in providing gang intelligence to the law enforcement  
13 community.
- 14 32. Specifically, Rathbun and Sexton turned inmates into informants, looking for tips on crimes and  
15 gang activity inside the nation's largest jail system. Further, Rathbun and Sexton specialized in  
16 dealing with white supremacy jail gangs.
- 17 33. While at OSJ, the unit supervisor was Lt. Greg Thompson. Moreover, OSJ members were told that  
18 the unit was one of Assistant Sheriff/Undersheriff Paul Tanaka's operations. Thus, OSJ members  
19 were informed that if any issues ever arose, Tanaka's door was always open. On information and  
20 belief, Tanaka was kept abreast of all OSJ matters and operations.
- 21 34. On or about August 2011, Lt. Thompson ordered Rathbun, Sexton, and other members of OSJ to  
22 transfer and hide a specific inmate.
- 23 35. Rathbun and Sexton learned that the inmate was being hidden from the Federal Bureau of  
24 Investigation. The inmate was an FBI informant, tasked with reporting misconduct and any  
25 wrongdoing by LASD in the jails. On information and belief, the order to hide the inmate came  
26 from Sheriff Baca and Undersheriff Tanaka in an effort to obstruct a federal investigation.
- 27 36. Increasingly, Thompson ordered OSJ to engage in activities meant to "keep the FBI out of the  
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1 jails." In fact, discussions were held about wiring interview rooms when FBI agents or informants  
2 were present. On information and belief, Thompson was carrying out the directives of Sheriff Baca  
3 and Undersheriff Tanaka.

4 37. To cope with the intense pressure, Rathbun began to develop a dependency on alcohol. In late  
5 2011, Rathbun informed his superiors about his problems. The OSJ superiors voiced their support  
6 for Rathbun.

7 38. On or about February 2012, an informant told Rathbun and Sexton that Deputy Joseph Britton,  
8 who was assigned to Men's Central Jail, was engaged in illegal behavior in association with a  
9 powerful white gang member (while on-duty and using his powers as a law enforcement official),  
10 who was in charge of illicit activity at MCJ. Rathbun and Sexton provided a confidential  
11 intelligence memorandum to Lt. Thompson. Moreover, Rathbun had the powerful white gang  
12 member moved to high-powered housing.

13 39. On the same day, Sexton provided Thompson with an analogous memorandum about another  
14 prison official, Remington Orr, and improper association with a prison gang.

15 40. A few days later, Rathbun followed up with Lt. Thompson about the memorandum. Thompson  
16 informed Rathbun that he showed the memorandum to Deputy Britton and inquired whether the  
17 allegations were true.

18 41. Rathbun was stunned. The memorandum was unredacted and thus, Britton was informed about  
19 Rathbun and Sexton's identities as well as the identity of the informant. Thompson had  
20 intentionally placed Rathbun, Sexton, and the informant in danger in retaliation for Plaintiffs'  
21 whistleblowing activities. .

22 42. On information and belief, Thompson showed Britton the memorandum in order to intimidate  
23 Rathbun and Sexton as well as give Britton the heads up and thus, permit Britton to cover-up any  
24 illegal activity.

25 43. In contrast, Thompson forwarded the Orr memo to ICIB, which ensnared Orr in a narcotics sting.  
26 Subsequently, Orr was terminated.

27 44. Britton and Orr were treated completely different. While Orr is black, Britton is Caucasian. The  
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11/07/2013

1 disparate treatment of deputies within the unit based on protected characteristics was common. For  
2 instance, Deputy Manzo sent a racially derogatory email to all members of OSJ, which ridiculed  
3 African-Americans. Lt. Thompson did nothing and LASD swept the issue under the rug. However,  
4 after Plaintiffs complained to insiders and outsiders about the incident, LASD decided to begin an  
5 investigation. Nevertheless, Manzo and other LASD personnel harassed and retaliated against  
6 Plaintiffs.

7 45. In retaliation for their protected activities, news of Rathbun and Sexton's confidential  
8 memorandum was disseminated throughout the jail system by Thompson and other LASD  
9 personnel. Rathbun and Sexton were now referred to as snitches by LASD deputies and officials.

10 46. Additionally, LASD deputies and officials began to use inmates against Rathbun and Sexton. An  
11 inappropriate relationship exists between certain LASD personnel and various inmate jail gangs,  
12 especially white supremacist gangs. LASD personnel use these jail gangs as proxies or agents to  
13 retaliate against other LASD deputies and inmates. Within these inappropriate alliances, the gangs  
14 are given certain privileges that they are otherwise legally precluded from. Similarly, the gangs  
15 provide LASD personnel with certain benefits, which include carrying out certain tasks on behalf  
16 of LASD personnel. Thus, these gangs often act under color of law because of powers delegated or  
17 provided by LASD. (LASD deputies also were in their own gangs such as Vikings, Regulators,  
18 and the 3000 Boys.

19 47. In late February 2012, Sexton was cornered in the OSJ office. Two OSJ deputies told Sexton in a  
20 threatening manner that he and Rathbun "better shut up or else" about the Britton matter. Both  
21 deputies were on-duty, and in department uniform. Officially, LASD deputies are not permitted to  
22 wear their firearms in certain parts of jail facilities. On information and belief, the deputies were  
23 following orders from Lt. Thompson, Sheriff Baca and/or Undersheriff Tanaka to threaten, coerce,  
24 intimidate and/or silence Sexton and Rathbun.

25 48. The OSJ team at Men's Central Jail refused to work or cooperate with Rathbun and Sexton. In  
26 fact, MCJ deputies accused Rathbun of "fucking up their program" by moving the powerful white  
27 gang member from MCJ. At all relevant times, certain members of OSJ associated with, and  
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11/07/2013

1 cooperated with, certain jail gangs, including partaking in illicit activities. Sheriff Baca and/or  
2 Undersheriff Tanaka knew or should have known about these improper relationships, but took no  
3 action to stop it and implicitly ratified the improper conduct.

4 49. Soon thereafter, Rathbun and Sexton's informant was moved without their consent. The informant  
5 was moved out of protective custody and into the general population. Consequently, the  
6 informant's life was placed in serious jeopardy. After Rathbun and Sexton interceded, the MCJ  
7 OSJ team claimed it had no answer as to why the informant was moved out of protective custody.

8 50. Subsequently, Sexton was informed that Lt. Thompson ordered the move of the informant after  
9 Rathbun and Sexton's confidential memorandum. On information and belief, Thompson wanted to  
10 neutralize the informant by providing white supremacy gangs with access to him. Moreover,  
11 Thompson intended to send Rathbun and Sexton a "message" that bad things would happen (i.e.,  
12 physical or bodily harm) if Rathbun and Sexton did not backtrack or drop the Britton matter.  
13 Sheriff Baca and/or Undersheriff Tanaka knew or should have known about Thompson's actions.  
14 On information and belief, Sheriff Baca and/or Undersheriff Tanaka supported and ratified  
15 Thompson's misconduct.

16 51. On or about March 2012, Sexton conducted an interview of a suspect at LASD custody facilities.  
17 Besides members of LASD and the inmate, no one else was present. The interview somehow  
18 ended up on YouTube. Sexton's identity was publicly disclosed and thus, his well-being placed in  
19 jeopardy. Defendants attempted to threaten, coerce, and/or intimidate Plaintiffs. OSJ deputies are  
20 often at risk because jail gangs and connected outside criminal organizations target deputies for  
21 retribution.

22 52. Sexton asked Lt. Thompson to investigate the incident, but Thompson replied that Sexton should  
23 forget about it. Thompson took no action or any investigation about how an in-custody interview  
24 found its way on the internet. On information and belief, LASD personnel, including but not  
25 limited to Lt. Thompson, leaked the interview in order to further threaten, coerce, and/or  
26 intimidate Rathbun and Sexton.

27 53. With the increased stress, Rathbun had a relapse and got into a fender bender. Rathbun was  
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11/07/2013

1 charged with misdemeanor DUI.

2 54. On or about April 2012, Sexton received a phone call from the LA Times on a confidential work  
3 phone seeking information about Sexton, Rathbun, and various issues. Sexton reported the contact  
4 to Lt. Leavins, who headed a second unit involved in the Brown matter. Subsequently, Lt.  
5 Thompson learned that the LA Times was contacting Sexton. Thompson regularly interrogated  
6 Sexton about media contacts. Thompson informed Sexton that if either he or Rathbun spoke to the  
7 press, then there would be serious consequences and they would regret it.

8 55. On or about April 2012, Rathbun sought further assistance at a facility for his drinking. Yet, a  
9 video of Rathbun's arrest was posted onto the LASD intranet even though Rathbun's arrest report  
10 was booked under a confidential uniform report number. Sheriff Baca and/or Undersheriff Tanaka  
11 knew or should have known about the leak. In fact, LASD officials even attempted to leak the  
12 video to the media in a further effort to retaliate against, and/or threaten, coerce, and intimidate  
13 Rathbun.

14 56. Subsequently, "white power" literature was left at Rathbun's home. No other homes had such  
15 material distributed and no prior incidents of this nature had previously occurred. Rathbun's home  
16 address is confidential because he is a peace officer and thus, his life would be placed in jeopardy  
17 if the information was either public or known to certain individuals. Members of LASD are the  
18 only individuals with access to such sensitive information. On information and belief, LASD  
19 officials, including members of the OSJ teams, used their contacts with white supremacy gangs to  
20 threaten, coerce, and/or intimidate Rathbun.

21 57. LASD personnel, using jail gangs as their agents, labeled Rathbun and Sexton as "race traitors."

22 58. Meanwhile, the LASD continued to cover up the incidents and dismiss Thompson's actions as  
23 simply poor judgment. The investigation was under the direct purview of Sheriff Baca.

24 59. Meanwhile, an OSJ deputy threatened Sexton and warned that Sexton and Rathbun better keep  
25 their mouths shut about Thompson and Britton. The threat was relayed to LASD officials, who  
26 took no action. The OSJ deputy was on-duty and in uniform when the threat was delivered.

27 Moreover, the threat was delivered at the direction of Sheriff Baca, Undersheriff Tanaka, and/or  
28

1 Lt. Thompson, in a further effort to retaliate against, and/or threaten, coerce, and intimidate  
2 Rathbun and Sexton.

3 60. On a fairly regular basis, Sexton received threats from various deputies, including Lt. Thompson's  
4 son, Matt. The message was the same: Sexton and Rathbun needed to shut up about illegal activity  
5 or they would suffer serious harm. Most of these threats were issued while deputies were on-duty,  
6 in uniform, and on LASD property. Further, the threats were only carried out through access and  
7 opportunity afforded to deputies as a result of their police powers and positions. LASD officials  
8 were aware of these threats, yet LASD did nothing and ratified the threatening behavior. On  
9 information and belief, the campaign of intimidation, harassment, and coercion was carried out at  
10 the direction of Sheriff Baca, Undersheriff Tanaka, and/or Lt. Thompson.

11 61. When internal affairs finally began its investigation into the matter, investigators acknowledged  
12 that Sexton and Rathbun had well-founded concerns. However, investigators never intended to  
13 undertake a good-faith, legitimate investigation. In fact, at one point, investigators were switched  
14 when the initial investigator actually seemed to want to investigate.

15 62. On or about April 2012, right before his IA interview, Sexton received a call from Lt. Thompson.  
16 Sexton was off-duty, but Thompson was on-duty. Thompson had access to Sexton's confidential  
17 telephone number only because of Thompson's position in law enforcement. Thompson inquired  
18 whether Sexton was planning to speak with IA and ICIB. After Sexton answered in the  
19 affirmative, Thompson hung up.

20 63. Sexton informed the IA investigator about Thompson's apparent attempt to coerce, threaten, and  
21 intimidate him. Yet, the other IA investigator informed Thompson that Sexton had reported the  
22 call.

23 64. After his IA interview, Lt. Thompson ordered Sexton to come to his office. Sgt. Gutierrez was  
24 present. Subsequently, Thompson began interrogating Sexton about Rathbun's status as well as the  
25 various IA investigations, including the ones involving Thompson.

26 65. Later, in May 2012, Sexton was contacted by ICIB investigator who was previously assigned to  
27 Century Station and is a member of the Regulators. The investigator refused to inform Sexton  
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11/07/2013

1 whether he was the subject or witness of the ICIB investigation. This was a blatant violation of the  
2 Public Safety Officer's Procedural Bill of Rights (POBRA).

3 66. Days later, Sexton was forced to submit to interrogation by the investigator in Lt. Thompson's  
4 office without legal representation. Again, another violation of POBRA. The investigator  
5 claimed to be investigating a 2011 use of force against an inmate with a rich history of fighting  
6 with jail officials. The incident had already been thoroughly investigated and no adverse finding  
7 was made. Thus, there was no legitimate reason for this interview in violation of the POBRA.

8 67. Soon thereafter, Sexton discovered that one of his informants was assaulted by Deputy Camacho.  
9 Sexton reported the matter to ICIB. However, the investigation was watered down and the serious  
10 incident of violence against an inmate swept under the rug.

11 68. As a result, Sexton spoke to the FBI and LA Times about Deputy Camacho. Sexton reported that  
12 Camacho was regularly abusive toward an inmate informant, saying the informant and other  
13 inmates were "routinely assaulted, intimidated, and threatened with violence" by Camacho. For  
14 example, Camacho escorted the informant into a custodial closet at the Inmate Reception Center  
15 custody line, and lectured him about "proper inmate behavior" while punching him in the ribs. Per  
16 Sexton, Camacho routinely threatened to send the informant back to general population, an area  
17 informants are often kept from to protect them from retribution by other inmates.

18 69. Without any notice, Rathbun's DUI charge was increased to a felony. Rathbun's criminal attorney  
19 was not notified. Fortunately, Rathbun discovered the new charges and appeared in court.  
20 Otherwise, a bench warrant would have been issued for Rathbun and he would have been taken to  
21 Men's Central Jail, exposing him to criminals he had been investigating for years.

22 70. Absolutely, no legal or factual basis ever existed for a felony DUI.

23 71. On or about June 2012, homicide detectives admitted to Sexton that Lt. Thompson violated  
24 numerous laws. Moreover, Sexton and Rathbun were in jeopardy of personal harm.

25 72. Soon thereafter, Sexton spoke to Sheriff Baca about the ordeal he and Rathbun were going  
26 through. However, Baca was dismissive and unmoved about the situation, failing to take proper  
27 corrective action.



1 73. In the summer of 2012, Rathbun and Sexton went to the FBI and disclosed various information,  
2 including evidence about LASD's violation of various state and/or federal laws. At this time,  
3 LASD personnel were under unofficial orders from the department not to speak or cooperate with  
4 the FBI. Rathbun and Sexton were under no official duty to report the various legal violations but  
5 did so despite directives from LASD to the contrary.

6 74. In the summer of 2012, Rathbun was suspend without pay. Rathbun plead his case with Chief  
7 Yim, who ignored Rathbun's concerns. Numerous members of the department who committed a  
8 DUI are given much greater leniency. On information and belief, LASD officials discovered that  
9 Rathbun had spoken to the FBI, and thus, his suspension without pay was retaliation for the  
10 disclosure.

11 75. In contrast, Lt. Thompson was transferred to Narcotics Division. The new assignment was a  
12 coveted position. Sheriff Baca and/or Undersheriff Tanaka made sure Thompson was given the  
13 new position.

14 76. After the Thompson transfer, Sexton was confronted by various armed, on-duty LASD deputies (in  
15 uniform) at a training event. The deputies promised Sexton that they "would take care of people"  
16 responsible for the Thompson transfer.

17 77. Subsequently, Sgt. Gutierrez, another Viking, interrogated Sexton about the Thompson transfer.

18 78. On or about July 2012, Sexton pleaded with Lt. Dempsey and Cmdr. Fender to be transferred out  
19 of custody to patrol. Numerous prior requests had been ignored. Sexton did not feel safe in  
20 custody. Moreover, patrol offered many more opportunities for promotions, experience, and over  
21 time pay. However, Sexton was simply informed that he could not be moved (without further  
22 explanation). In testimony before the CCJV, high-ranking LASD officials admitted that long-term  
23 custody assignments were detrimental for deputies.

24 79. On or about July 2012, Sexton formally wrote up Deputy Camacho for continued excessive force  
25 on inmates.

26 80. In July 2012, IA investigators claimed Lt. Thompson had simply used poor judgment and did not  
27 do anything criminal.  
28

- 1 81. On or about August 2012, the Los Angeles Times ran an article on Rathbun and Sexton's plight.  
2 Rathbun and Sexton cooperated with the newspaper because LASD was sweeping everything  
3 under the rug and the FBI was not providing any meaningful assistance. Rathbun and Sexton  
4 hoped they could achieve a certain level of personal security if their dilemma and other issues were  
5 made public. Moreover, Rathbun and Sexton felt the public needed to know about the wrongdoing  
6 committed by LASD and better understand the problems with the County's jails ran much deeper  
7 than the public was being told.
- 8 82. Shortly after the Los Angeles Times article, Sheriff Baca personally called Rathbun and set up a  
9 meeting with him. On information and belief, Baca and other LASD officials knew or believed  
10 Rathbun and Sexton were providing information to the Times.
- 11 83. At the meeting with Sheriff Baca, Rathbun expressed his grave concerns about his safety as well as  
12 the various legal violations committed by LASD members. However, Baca minimized Rathbun's  
13 serious concerns and dismissed them out of hand.
- 14 84. Moreover, Baca informed Rathbun that a misdemeanor DUI would not jeopardize his position at  
15 LASD. Also, Baca later called Rathbun's father to inform him that the DA, not LASD, was behind  
16 the elevation of the charge from misdemeanor DUI to felony DUI.
- 17 85. Similarly, Sexton had an analogous and futile meeting with Sheriff Baca.
- 18 86. On or about August 2012, Cmdr. Pietrantoni, an individual with a well-documented history of  
19 racial insensitivity, interrogated Sexton and demanded to know whether he and Rathbun were  
20 speaking to the press, the FBI, and anyone else. Pietrantoni is very close to Sheriff Baca and was  
21 handpicked by him to review the jails. In fact, Pietrantoni was about to retire when Baca suddenly  
22 promoted him to commander and placed him in custody despite no requisite prior experience.
- 23 87. Pietrantoni often made Anti-Semitic comments or statements at work.
- 24 88. In August 2012, Sexton was unjustifiably chastised by one of the IA investigators from the  
25 Thompson investigation during a training session at Men's Central Jail. Moreover, LASD  
26 personnel spoke openly about the LA Times article, which they attributed to Rathbun and Sexton.
- 27 89. On or about August 2012, Sexton went to Century Station to book evidence. Sexton was  
28

1 incessantly harassed by LASD personnel.

2 90. On or about August 2012, Deputy Camacho threatened Sexton with bodily harm.

3 91. On or about August 2012, Rathbun and Sexton testified before a federal grand jury. Pursuant to  
4 new LASD directives, they informed the Department of their appearance.

5 92. On or about September 2012, Sexton was going to stop by Temple Station. Lt. Thompson was  
6 now assigned to Lakewood. Sgt. Mead ordered Sexton not to enter the station for his own personal  
7 safety.

8 93. Sexton continued to be harassed at work by other LASD personnel.

9 94. On or about September 2012, ICIB investigators told Sexton that Deputy Camacho had violated  
10 the Penal Code, but the Los Angeles District Attorney would never file criminal charges.

11 95. On or about September 2012, officials at LASD's Palmdale station assured Rathbun that the DA,  
12 not station personnel, escalated the DUI charge.

13 96. On or about October 2012, Sexton interceded to assist an informant from bogus charges of assault  
14 on a deputy.

15 97. On or about October 2012, LASD personnel attempted to write up Sexton for bogus charges.

16 98. On or about November 2012, Rathbun plead out to misdemeanor DUI. Rathbun had no prior  
17 convictions before and has not had any other issues since then.

18 99. On or about November 2012, Rathbun's Captain told him he will get a 15-30 day suspension.

19 100. On or about November 2012, an administrative law judge ruled that Rathbun should have been  
20 returned to work. LASD vigorously contested the matter.

21 101. Rathbun was temporarily reinstated, but assigned meaningless duties and assignments.

22 102. On or about November 2012, Deputy Camacho, while on-duty, advised that he would "smash" or  
23 "bash" in Sexton's face.

24 103. On or about November 2012, Lt. Thompson's son, Deputy Matt Thompson, and another LASD  
25 deputy cornered Sexton. The two men informed Sexton that "the boss is aware that Rathbun and  
26 he testified in front of the grand jury." But the "boss" did not think he would get indicted, yet  
27 Sexton and Rathbun will "answer" for their testimony. Thompson's son and the other LASD  
28

1 employee delivered their threat while on-duty and in uniform. Matt Thompson indicated that  
2 Sexton and Rathbun would be physically harmed if they did not stop cooperating with law  
3 enforcement and/or the press. On information and belief, the threat was conveyed at the direction  
4 of Sheriff Baca, Undersheriff Tanaka, and/or Lt. Thompson.

5 104. Shortly thereafter, Deputy Manzo and Deputy Gerard Smith once again informed Sexton and  
6 Rathbun that they would be dealt with soon for reporting illegal activities to law enforcement as  
7 well as the press. The deputies indicated that Sexton and Rathbun would be physically harmed if  
8 they did not stop cooperating with law enforcement and/or the press. Additionally, Manzo and  
9 Smith asserted that Rathbun and Sexton's careers were over.

10 105. Manzo and Smith are very close to Lt. Thompson.

11 106. On or about late 2012, Rathbun's vehicle was vandalized on LASD property.

12 107. In late 2012, high-ranking LASD officials expressed concern Lt. Thompson may attempt to kill  
13 Sexton and Rathbun.

14 108. In late 2012, Rathbun discovered that LASD personnel, including Detective Perkins, were the ones  
15 who escalated his DUI charge from a misdemeanor to a felony.

16 109. In late 2012, IA investigator Bracken attempted to write up Sexton for insubordination because he  
17 failed to appear at an interview that he was never notified about.

18 110. In late 2012/early 2013, portions of Sexton's personnel file were publicly disseminated. Similarly,  
19 portions of Chief Sexton's personnel file were also publicly disseminated. Both files are  
20 confidential and only accessible by LASD officials.

21 111. In early 2013, Deputy Camacho continued to threaten Sexton with bodily harm.

22 112. On or about March 2013, high-ranking LASD officials recommended that Rathbun be terminated.

23 113. However, numerous LASD deputies, including several members of OSJ, have been convicted of  
24 DUIs (including more than one), but have never been threatened with termination.

25 114. In fact, unlike Rathbun, who was moved out of OSJ, several OSJ deputies kept the coveted  
26 assignment despite multiple DUIs.

27 115. Rathbun reached out to Sheriff Baca for an explanation and some guidance, but Baca refused to  
28

1 now meet with Rathbun.

2 116. Rathbun and Sexton have each been targets of bogus IA investigations, which are merely meant to  
3 ruin their careers further. In fact, Rathbun and Sexton have been involved in multiple internal  
4 investigations each. The LASD has a practice and pattern of using internal investigations to  
5 retaliate against employees. Sheriff Baca and Undersheriff Tanaka put into place such practices  
6 and used it extensively against Plaintiffs.

7 117. On or about April 2013, Rathbun and Sexton filed complaints with the DFEH, County of Los  
8 Angeles, and Labor Commissioner. On or about April 2013, Plaintiffs filed a federal lawsuit  
9 alleging civil rights, FEHA, and other violations.

10 118. Subsequently, LASD reopened the IA involving Rathbun's DUI even though the investigation had  
11 already been completed. LASD officials indicated Rathbun would be terminated.

12 119. Sexton continued to request transfers out of custody, but the requests continued to be denied.

13 120. Nevertheless, Sexton's ability to do his job has been seriously hampered. Sexton is deprived of  
14 resources given to others. Moreover, Sexton had job duties taken away including the ability to  
15 perform investigations.

16 121. In the summer of 2013, Rathbun was officially terminated by LASD.

17 122. In the summer of 2013, Sexton was repeatedly ordered to submit to drug tests. No other members  
18 of his unit were given similar orders. In fact, no member of the unit had been drug tested for years.  
19 No reasonable suspicion existed for the drug tests. Instead, Sexton's Fourth Amendment rights  
20 were continuously violated by LASD in retaliation.

21 123. In the summer of 2013, LASD opened additional false investigations against Sexton.

22 124. In the summer of 2013, LASD broke from its policy and practice of conducting complainant  
23 investigations by threatening Sexton if he did not submit to interrogation in connection with  
24 administrative and civil claims.

25 125. In October 2013, Sexton's time cards were audited without any legal suspicion or basis in  
26 department policy.

27 126. In October 2013, Sexton's work computer was suddenly seized by LASD without legal  
28

1 justification or any other basis.

2 127. Lt. Thompson is a close confidante of Undersheriff Paul Tanaka. Thompson, like Tanaka, is a  
3 tattooed member of the "Vikings." In fact, Tanaka got his "Viking" tattoo when he was a sergeant,  
4 which is odd because it is quite rare to have supervisors get such a tattoo.

5 128. On or about 1991, the Hon. Terry Hatter found the "Vikings" were a racist group of deputies who  
6 existed within the Los Angeles County Sheriff's Department and Lynwood Station. *Thomas v.*  
7 *County of Los Angeles*, case no. CV 90-5217. Thompson was a named individual defendant in  
8 *Thomas v. County of Los Angeles*. This group had terrorized minority members of the general  
9 public by using unjustified force, fabricating evidence, and engaging in cover-ups. On information  
10 and belief, Tanaka and Thompson adopted the "Viking" brand of law enforcement.

11 129. In fact, Tanaka allowed and encouraged the further development of deputy gangs within the  
12 LASD. For instance, the Regulators flourished in the Department. When some LASD officials  
13 tried to stop these gangs, they were stopped and retaliated against by Tanaka. Similarly, Tanaka  
14 allowed and encouraged deputy gangs in the jails. At various points in time, Tanaka would recite a  
15 version of his "working in the gray" message.

16 130. Tanaka's "working in the gray" is an informal policy that directs LASD members to operate  
17 outside the confines of the law, in contravention of state and federal laws. Lt. Thompson and  
18 Deputy Britton "work in the gray." LASD officials' attempts to obstruct justice and interfere with  
19 federal investigations is pursuant to the "work in the gray" policy.

20 131. While Tanaka directed/ordered such illegal activities, Sheriff Baca ratified the unlawful actions.  
21 Baca has tolerated Tanaka's misdeeds. Baca has done nothing to break up the deputy gang-cliques  
22 inside the LASD. Baca has done nothing to combat discrimination, harassment, and retaliation  
23 based either on protected activities or protected characteristics.

24 132. In mid-2012, Capt. Patrick Maxwell, after years of complaints about Tanaka's activities and  
25 advocacy of unlawful conduct, went public and told the Citizen's Commission on Jail Violence, an  
26 entity created by the Los Angeles County Board of Supervisors, the truth about Tanaka. As a  
27 result, Maxwell suffered further discrimination, harassment, and retaliation.

1 133. On or about May 29, 2009, Sergeant Timothy Cooper, a Viking and Regulator threatened Sgt.  
2 Mark Moffett by pointing his gun at Moffett, while making death threats. Even after a water-  
3 downed internal investigation, LASD officials recommended that Cooper be punished through  
4 demotion to deputy. However, Undersheriff Tanaka personally interceded and refused to go along  
5 with the recommendation. Instead, Cooper was given a few days off, which could be grieved into  
6 simple additional training.

7 134. The County of Los Angeles has in place, and has ratified customs and practices which permitted  
8 and encouraged their deputies to violate state, federal, and/or constitutional rights/laws.

9 135. Said customs and practices also called for the County of Los Angeles and its Sheriff's Department  
10 not to discipline, prosecute, or objectively and/or independently investigate or in any way deal with  
11 or respond to known incidents and complaints of wrongful conduct by deputies, the giving of false  
12 testimony in trial to cover-up and conceal such wrongful conduct by officers of the Los Angeles  
13 County Sheriff's Department, and for the County of Los Angeles to fail to objectively and/or  
14 independently investigate or in any way deal with or respond to or the related claims and lawsuits  
15 made as a result of such misconduct. Defendant County of Los Angeles is aware of and is  
16 deliberately indifferent to a pervasive and widespread pattern and practice within the LASD of  
17 concealing known instances of evidence planting, evidence tampering, perjury, falsified police  
18 reports, witness coercion, excessive force, on-duty criminal acts and on-duty acts of moral  
19 turpitude. This pattern and practice was identified and documented by various entities including  
20 the ACLU, U.S. Department of Justice, Kolts Commission, Office of Independent Review,  
21 Merrick Bobbs, and the Commission on Jail Violence.

22 **VII. FIRST CLAIM FOR RELIEF**  
23 **WHISTLEBLOWER RETALIATION**  
24 **[AS TO DEFENDANT COUNTY]: CAL. LABOR CODE § 1102.5.**

25 136. Each and every allegation set forth in the preceding paragraphs is incorporated herein by this  
26 reference with the same effect as if realleged herein.

27 137. Plaintiffs reported violations of state and federal law (including but not limited to Penal Code §§  
28 68, 118.1, 127, 135, 136.1, 182, 243; 18 U.S.C. §§ 1509, 1510, 1512, 1513; 42 U.S.C. § 1983,

1 1985) to the LASD.

2 138. Plaintiffs reported violations of state and federal law (including but not limited to Penal Code §§  
3 68, 118.1, 127, 135, 136.1, 182, 243; 18 U.S.C. §§ 1509, 1510, 1512, 1513; 42 U.S.C. § 1983,  
4 1985) to the FBI.

5 139. In retaliation, Defendants engaged in various wrongdoings, including suspension without pay,  
6 putative transfers, denial of transfers, threats of bodily harm (either directly or through agents),  
7 intimidation, coercion, harm to reputation, diminished chances for promotions and better  
8 assignments, etc. (as stated more fully above).

9 140. Plaintiffs suffered personal and bodily injuries, and they suffered, and continue to suffer, severe  
10 emotional and psychological pain, suffering, anxiety, depression, anguish, shock, and fear. Further,  
11 Plaintiffs will likely be required to hire medical specialists for treatment and therapy for their  
12 injuries. Plaintiffs have experienced or likely will suffer with a significant loss of wages and a  
13 significant loss of their ability to obtain and maintain gainful employment as a proximate result of  
14 the misconduct of defendants, which is alleged herein.

15 **VIII. SECOND CLAIM FOR RELIEF**  
16 **HARASSMENT**  
**[AS TO ALL DEFENDANTS]: CAL. GOV. CODE § 12920**

17 141. Each and every allegation set forth in the preceding paragraphs is incorporated herein by this  
18 reference with the same effect as if realleged herein.

19 142. Rathbun is a Jewish, Caucasian male. Sexton is a Caucasian male. Sexton is half Jewish, as  
20 apparent by his grandfather's name, which is Sexton's middle name.

21 143. Members of LASD were aware Rathbun is Jewish and Sexton is half-Jewish.

22 144. After Plaintiffs brought to light wrongdoing by non-Jewish, Caucasian co-workers, they were  
23 branded "race traitors" by LASD personnel and their agents, including white supremacist jail  
24 gangs. Consequently, Plaintiffs were subjected to unwanted harassing conduct.

25 145. The harassing conduct ranged from threats of bodily harm to impeding Plaintiffs' ability to carry  
26 out their job duties.

27 146. The harassing conduct was severe or pervasive.  
28



1 147. A reasonable person with Plaintiffs' protected characteristics in Plaintiffs' circumstances would  
2 have considered the environment as hostile. Plaintiffs certainly considered the environment  
3 hostile.

4 148. Lt. Thompson helped create the hostile work environment. As a Viking, Thompson exhibited  
5 distaste for non-Caucasians, including Jews. Thompson regularly made derogatory comments  
6 about minorities, including Jews. Moreover, Thompson subscribed to the notion that Caucasians,  
7 who assisted or associated with minorities and/or opposed improper conduct by other Caucasians,  
8 were "race traitors."

9 149. The LASD and its agents, including Sheriff Baca and Undersheriff Tanaka, were well aware of  
10 racial problems, including Thompson's proclivities. In fact, Sheriff Baca has made derogatory  
11 comments about Jews. For instance, Baca interrogated a subordinate about the leanings of  
12 Hollywood "and Jew money" for the coming 2014 elections. Similarly, Baca has targeted Jewish  
13 members of the department with retaliatory investigations. Also, Baca recently honored a racist  
14 comedian at a department luncheon even after the comedian did an incendiary stand-up routine.

15 150. Plaintiffs were harmed and the conduct was a substantial factor in causing Plaintiffs' harm.

16 151. Plaintiffs suffered personal and bodily injuries, and they suffered, and continue to suffer, severe  
17 emotional and psychological pain, suffering, anxiety, depression, anguish, shock, and fear. Further,  
18 Plaintiffs will likely be required to hire medical specialists for treatment and therapy for their  
19 injuries. Plaintiffs have experienced or likely will suffer with a significant loss of wages and a  
20 significant loss of their ability to obtain and maintain gainful employment as a proximate result of  
21 the misconduct of defendants, which is alleged herein.

22 **IX. THIRD CLAIM FOR RELIEF**  
**DISCRIMINATION**

23 **[AS TO DEFENDANT COUNTY]: CAL. GOV. CODE § 12920**

24 152. Each and every allegation set forth in the preceding paragraphs is incorporated herein by this  
25 reference with the same effect as if realleged herein.

26 153. Rathbun is a Jewish, Caucasian male. Sexton is a Caucasian male. Sexton is half Jewish, as  
27 apparent by his grandfather's name, which is Sexton's middle name.

- 1 154. Members of LASD were aware Rathbun is Jewish and Sexton is half-Jewish.
- 2 155. After Plaintiffs brought to light wrongdoing by non-Jewish, Caucasian co-workers, they were  
3 branded "race traitors" by LASD personnel and their agents, including white supremacist jail  
4 gangs.
- 5 156. Defendants engaged in various wrongdoings, including suspension without pay, putative transfers,  
6 denial of transfers, threats of bodily harm (either directly or through agents), intimidation,  
7 coercion, harm to reputation, diminished chances for promotions and better assignments, etc. (as  
8 stated more fully above).
- 9 157. As a Viking, Thompson exhibited distaste for non-Caucasians, including Jews. Thompson  
10 regularly made derogatory comments about minorities, including Jews. Moreover, Thompson  
11 regularly treated individuals differently based upon their race. For instance, Britton and Orr had  
12 committed the same type of misconduct. While Orr was terminated, Britton was protected.  
13 Additionally, Thompson subscribed to the notion that Caucasians, who assisted or associated with  
14 minorities and/or opposed improper conduct by other Caucasians, were "race traitors."
- 15 158. The LASD and its agents, including Sheriff Baca and Undersheriff Tanaka, were well aware of  
16 racial problems, including Thompson's proclivities. In fact, Sheriff Baca has made derogatory  
17 comments about Jews. For instance, Baca interrogated a subordinate about the leanings of  
18 Hollywood "and Jew money" for the coming 2014 elections. Similarly, Baca has targeted Jewish  
19 members of the department with retaliatory investigations. Also, Baca recently honored a racist  
20 comedian at a department luncheon even after the comedian did an incendiary stand-up routine.
- 21 159. Plaintiffs were harmed and the conduct was a substantial factor in causing Plaintiffs' harm.
- 22 160. Plaintiffs suffered personal and bodily injuries, and they suffered, and continue to suffer, severe  
23 emotional and psychological pain, suffering, anxiety, depression, anguish, shock, and fear. Further,  
24 Plaintiffs will likely be required to hire medical specialists for treatment and therapy for their  
25 injuries. Plaintiffs have experienced or likely will suffer with a significant loss of wages and a  
26 significant loss of their ability to obtain and maintain gainful employment as a proximate result of  
27 the misconduct of defendants, which is alleged herein.
- 28

**X. FOURTH CLAIM FOR RELIEF  
RETALIATION**

**[AS TO DEFENDANT COUNTY]: CAL. GOV. CODE § 12920**

- 1  
2  
3 161. Each and every allegation set forth in the preceding paragraphs is incorporated herein by this  
4 reference with the same effect as if realleged herein.
- 5 162. Plaintiffs pointed out to Defendant that it was treating employees differently based upon race. For  
6 instance, Britton and Orr had committed the same type of misconduct. While Orr was terminated,  
7 Britton was protected. Orr is black and Britton is white. Further, Deputy Manzo sent a racially  
8 derogatory email to all members of OSJ, which ridiculed African-Americans. Lt. Thompson did  
9 nothing and LASD swept the issue under the rug. However, after Plaintiffs complained to insiders  
10 and outsiders about the incident, LASD decided to begin an investigation. Nevertheless, Manzo  
11 and other LASD personnel harassed and retaliated against Plaintiffs.
- 12 163. In response, Defendants engaged in various adverse actions, including suspension without pay,  
13 putative transfers, denial of transfers, threats of bodily harm (either directly or through agents),  
14 intimidation, coercion, harm to reputation, diminished chances for promotions and better  
15 assignments, etc. (as stated more fully above).
- 16 164. Defendant has a regular practice or custom of retaliating against individuals who point out  
17 violations of law.
- 18 165. Plaintiffs were harmed and the conduct was a substantial factor in causing Plaintiffs' harm.
- 19 166. Plaintiffs suffered personal and bodily injuries, and they suffered, and continue to suffer, severe  
20 emotional and psychological pain, suffering, anxiety, depression, anguish, shock, and fear. Further,  
21 Plaintiffs will likely be required to hire medical specialists for treatment and therapy for their  
22 injuries. Plaintiffs have experienced or likely will suffer with a significant loss of wages and a  
23 significant loss of their ability to obtain and maintain gainful employment as a proximate result of  
24 the misconduct of defendants, which is alleged herein.

**XI. FIFTH CLAIM FOR RELIEF**

**FAILURE TO TAKE CORRECTIVE ACTION**

**[AS TO DEFENDANT COUNTY]: CAL. GOV. CODE § 12920**

- 25  
26  
27 167. Each and every allegation set forth in the preceding paragraphs is incorporated herein by this  
28

11/07/2013

1 reference with the same effect as if realleged herein.

2 168. Defendant had an obligation to take corrective action to prevent further harassment of Plaintiff, but  
3 failed to do so in violation of Cal. Gov. Code Sections 12940(k) and 12940(j)(1). Defendants  
4 failed to conduct proper investigations, implement  
5 proper policies to prevent discrimination, harassment or retaliation, and failed to properly punish  
6 those who engaged in misconduct to deter further such actions in the future.

7 169. After Plaintiffs complained about and opposed the harassing, discriminatory, and retaliatory  
8 conduct set forth above, Defendant COUNTY failed to conduct proper investigations, implement  
9 proper policies to prevent discrimination, harassment or retaliation, and failed to take corrective  
10 action or to properly punish those who engaged in misconduct, to deter further such actions.

11 170. As a direct and legal result of the conduct by Defendants towards Plaintiffs, Plaintiffs have  
12 suffered economic and non-economic damages in a sum according to proof at time of trial, and in  
13 excess of the minimum jurisdiction of this Court.

14 **XII. SIXTH CLAIM FOR RELIEF**  
**VIOLATION OF BANE ACT**

15 **[AS TO THE COUNTY OF LOS ANGELES, LEROY BACA, PAUL TANAKA, GREG**  
16 **THOMPSON, MICHAEL CAMACHO, MATTHEW THOMPSON, MICKEY MANZO, GERARD**  
**SMITH AND DOES 1-12]: CAL. CIV. CODE § 52.1**

17 171. Each and every allegation set forth in the preceding paragraphs is incorporated herein by this  
18 reference with the same effect as if realleged herein.

19 172. On a continuous basis, Sheriff Baca, Undersheriff Tanaka, and Lt. Thompson ordered or directed  
20 subordinates to threaten, intimidate, and/or coerce Plaintiffs. Moreover, Sheriff Baca, and  
21 Undersheriff Tanaka manipulated and/or fabricated bogus internal investigations, which is their  
22 pattern or custom, in order to threaten, intimidate, and/or coerce Plaintiffs.

23 173. On or about November 2012, Deputy Camacho, while on-duty, advised that he would "smash" or  
24 "bash" in Sexton's face.

25 174. On or about November 2012, Lt. Thompson's son, Deputy Matt Thompson, and another LASD  
26 deputy cornered Sexton. The two men informed Sexton that "the boss is aware that Rathbun and  
27 he testified in front of the grand jury." But the "boss" did not think he would get indicted, yet  
28

1 Sexton and Rathbun will "answer" for their testimony. Thompson's son and the other LASD  
2 employee delivered their threat while on-duty, and in uniform. Matt Thompson indicated that  
3 Sexton and Rathbun would be physically harmed if they did not stop cooperating with law  
4 enforcement and/or the press. On information and belief, the threat was conveyed at the direction  
5 of Sheriff Baca, Undersheriff Tanaka, and/or Lt. Thompson.

6 175. Shortly thereafter, Deputies Manzo and Smith once again informed Sexton and Rathbun that they  
7 would be dealt with soon for reporting illegal activities to law enforcement as well as the press.  
8 The deputies indicated that Sexton and Rathbun would be physically harmed if they did not stop  
9 cooperating with law enforcement and/or the press.

10 176. The threats by Camacho, Thompson, Manzo, and Smith have been continuous.

11 177. Defendants made threats of violence against Plaintiffs causing Plaintiffs to reasonably believe that  
12 if they exercised their statutory and/or constitutional rights, Defendants would commit violence  
13 against them and that Defendants had the apparent ability to carry out the threats. Rathbun and  
14 Sexton had witnessed unjustified physical violence and other coercive or intimidating conduct  
15 committed by these defendants. Thus, Plaintiffs knew what deplorable acts these individuals were  
16 capable of doing.

17 178. Defendant County, Sheriff Baca, Undersheriff Tanaka, and Lt. Thompson were aware of the  
18 threats toward Plaintiffs at all relevant times herein. Defendant County, Sheriff Baca, Undersheriff  
19 Tanaka, and Lt. Thompson directed or ratified the threats in order to silence Plaintiffs and cover-  
20 up the various illegal activities reported. Defendants continue to enforce the unofficial policy or  
21 custom of threatening or silencing whistleblowers such as Plaintiffs.

22 179. Plaintiffs were harmed.

23 180. Defendants' conduct was a substantial factor in causing Plaintiffs' harm.

24 **XIV. SEVENTH CLAIM FOR RELIEF**  
25 **VIOLATION OF PUBLIC SAFETY OFFICER'S PROCEDURAL BILL OF RIGHTS (POBRA)**  
**[AS TO DEFENDANT COUNTY]: CAL. GOV. CODE § 3300, et seq.**

26 181. Each and every allegation set forth in the preceding paragraphs is incorporated herein by this  
27 reference with the same effect as if realleged herein.

1 182. At all relevant times, Plaintiffs were peace officers.

2 183. Plaintiffs have been forced to submit to interrogations without notice of the charges and without  
3 legal representation, including within the last six months.

4 184. Defendant has taken putative action against Plaintiffs for their exercise of rights given under  
5 POBRA.

6 185. On information and belief, Defendant has searched Plaintiffs' storage or locker areas, work  
7 stations, work computers, etc., without Plaintiffs' presence or knowledge.

8 186. Defendants violated POBRA as to Plaintiffs causing them damages. Plaintiffs seek statutory civil  
9 penalties, attorneys fees, litigation costs and damages for all harm caused to Plaintiffs by  
10 defendants. *See Cal. Gov. Code § 3309.5.*

11 **XII. EIGHTH CLAIM FOR RELIEF**  
12 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
13 **[AS TO LEROY BACA, PAUL TANAKA, GREG THOMPSON, MICHAEL CAMACHO,**  
14 **MATTHEW THOMPSON, MICKEY MANZO, GERARD SMITH AND DOES 1-50]**

15 187. Each and every allegation set forth in the preceding paragraphs is incorporated herein by this  
16 reference with the same effect as if realleged herein.

17 188. All Defendants have either directed others or made threats of bodily harm or injury towards  
18 Plaintiffs in order to intimidate, coerce, and/or silence them.

19 189. Said threats have been made in violation of the California Penal Code. Moreover, said threats have  
20 been made in an attempt to deter Plaintiffs from continued cooperation with federal law  
21 enforcement as well as to deter further disclosure of illegal activity by Defendants.

22 190. BACA, TANAKA, and THOMPSON abused their position's of authority by either directing  
23 and/or ratifying threats, intimidation, and/or coercion toward Plaintiffs. At all relevant times,  
24 BACA as Sheriff had the ability to put at stop to the threats, intimidation, and/or coercion. At all  
25 relevant times, especially before his retirement from LASD, TANAKA as Undersheriff had the  
26 ability to put at stop to the threats, intimidation, and/or coercion. At all relevant times,  
27 THOMPSON had the ability to put at stop to the threats, intimidation, and/or coercion.

28 191. BACA and THOMPSON had meetings with Plaintiffs wherein fear for their safety as well as the  
threats, intimidation, and/or coercion suffered by them was related. TANAKA, as Undersheriff

1 (running day-to-day LASD operations), confidante of THOMPSON, as well as moles throughout  
2 the Department, was aware Plaintiffs feared for their safety, and suffered threats, intimidation,  
3 and/or coercion.

4 192. Defendant County is liable for the misconduct of individual defendants pursuant to Government  
5 Code section 815.2.

6 193. Defendants actions as set forth herein occurred during the course and scope of their employment  
7 for the COUNTY OF LOS ANGELES, through the LASD, and were both intentional and  
8 malicious. The conduct of defendants BACA, TANAKA, THOMPSON, CAMACHO,  
9 THOMPSON, MANZO, SMITH AND DOES 1-50, and each of them was willful, wanton,  
10 oppressive, fraudulent, despicable, threatening, evil, intimidating and beyond that which should be  
11 tolerated by a civilized society. The acts of these Defendants were carried out with a conscious  
12 disregard of the likelihood of causing injury, suffering, or distress to Plaintiffs, and involved  
13 reckless and callous indifference to the state and federally protected rights of others. Therefore  
14 punitive damages in a sum according to proof, consistent with the net worth of these Defendants  
15 and in a sum sufficient to deter similar such conduct in the future is also sought against all  
16 individual and non municipal defendants.

17 194. As a legal result of such intentional misconduct, exhibited by BACA, TANAKA, THOMPSON,  
18 CAMACHO, THOMPSON, MANZO, SMITH and DOES 1-50, Plaintiffs sustained injuries and  
19 damages in a sum to be ascertained according to proof. As a further legal result of Defendants'  
20 intentional misconduct, Plaintiffs suffered and continues to suffer severe anxiety, worry, emotional  
21 distress, and mental anguish, all resulting in damages in a sum to be ascertained according to  
22 proof.

23 195. As a further legal result of such misconduct, Plaintiffs incurred expenses for medicines, medical  
24 treatment, therapy, and/or other related expenses in a sum to be ascertained according to proof.

25 196. As a further legal result of Defendants' intentional misconduct, Plaintiffs suffered incidental and  
26 consequential damages in an amount according to proof.

27 197. Because the acts and omissions of BACA, TANAKA, THOMPSON, CAMACHO, THOMPSON,  
28

1 MANZO, SMITH and DOES 1-50, inclusive, were carried out in a deliberate, cold, callous,  
2 intentional and/or unreasonable manner, causing injury and damage to Plaintiffs as set forth above,  
3 and done with a conscious disregard of Plaintiffs' rights and safety, Plaintiffs request the  
4 assessment of punitive damages against said Defendants, in an amount appropriate to punish or set  
5 an example of said Defendants.  
6

7 WHEREFORE, Plaintiffs pray for the following:

- 8 1. Loss of earnings and back pay including any increased tax liability thereon;
- 9 2. Loss of future earnings, promotions, opportunities to promote, front pay and all other  
10 employment benefits, such as pension rights;
- 11 3. All other lost pension, insurance and other employment benefits;
- 12 4. Medical, hospital and psychological bills, including past, present and future bills;
- 13 5. General damages (pain, suffering, emotional distress and other non economic damages);
- 14 6. Litigation costs;
- 15 7. Attorneys fees;
- 16 8. Civil Penalties as authorized by statutes set out herein above;
- 17 9. Interest;
- 18 10. Punitive damages against non-public entity defendants;
- 19 11. Damages for increased income tax payments; and
- 20 12. Any other relief or damages allowed by law, or statutes not set out above and such further relief as  
21 the Court deems just and proper at conclusion of trial.

22 Dated: November 7, 2013

Respectfully Submitted,  
Law Offices of Goldberg & Gage  
A Partnership of Professional Law Corporations

23  
24  
25 By: 

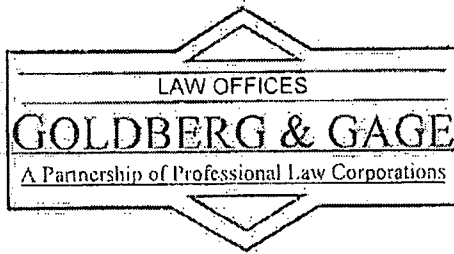
Bradley C. Gage  
Milad Sadr  
Attorneys for Plaintiffs



"Exhibit 1"

11-07-2013

Terry M. Goldberg\*



Bradley C. Gage\*

Milad Sadr

\*A PROFESSIONAL LAW CORPORATION

\*A PROFESSIONAL LAW CORPORATION

23002 VICTORY BOULEVARD ~ WOODLAND HILLS, CA 91367 ~ (818) 340-9252 ~ FAX (818) 340-9088  
Email: [tgoldberg@goldbergandgage.com](mailto:tgoldberg@goldbergandgage.com) Email: [bgage@goldbergandgage.com](mailto:bgage@goldbergandgage.com)

April 9, 2013

**Via Certified Mail, Return Receipt Requested**

**7012 0470 0001 4964 7417**

County of Los Angeles  
Executive Officer, Board of Supervisors  
500 West Temple St.  
Attn: Claims, Room 383  
Kenneth Hahn Hall of Administration  
Los Angeles, California 90012

**Re: Government Claim Michael Rathbun**

Dear Sir or Madam:

Please consider this a notice of governmental claim, and to the extent any such claims are more than six months old, as an application for a late claim pursuant to California Government Code, Section 911.4. To the extent applicable, please also consider this a supplemental governmental claim.

**A. NAME OF THE CLAIMANTS:**

Michael Rathbun

**B. ADDRESS TO SEND ALL NOTICES:**

Law Offices of Goldberg & Gage, 23002 Victory Blvd., Woodland Hills, CA 91367.

**C. THE DATE, PLACE AND OTHER CIRCUMSTANCES OF THE OCCURRENCE OR TRANSACTIONS WHICH GIVE RISE TO THE CLAIMS ASSERTED:**

Retaliation, discrimination, harassment under the Fair Employment and Housing Act  
Whistle Blower Retaliation  
Violation of POBRA.  
Failure to take corrective action.  
42 U.S.C. § 1983

While assigned to Operation Safe Jails (OSJ), Deputy Rathbun reported numerous violations of federal and state law to the Los Angeles County Sheriff's Department. In retaliation,

11/07/2013

the LASD took numerous adverse actions against Rathbun, including several within the last six months. After Rathbun disclosed said violations to federal authorities, the LASD intensified its retaliation against him, including threatening him with termination as well as threats of bodily injury and/or death.

**D. GENERAL DESCRIPTION OF THE INJURY, DAMAGE OR LOSS INCURRED.**

General, special (economic and non economic) damages and punitive including without limitations: damages for potential medical treatment; psychological treatment; psychiatric treatment; loss of earnings opportunities and future earning opportunities; loss of reputation; embarrassment and humiliation. Attorneys fees, and future attorneys fees, litigation costs and experts charges all in a sum to be proven at time of trial and such other damages as presented at trial. Plaintiff also suffered job loss, lost opportunities, retaliation preventing him from other job opportunities. Lost reputation, damages to reputation, and lost interest and such other damages as determined at time of trial.

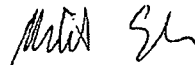
**E. NAME OF PUBLIC EMPLOYEES CAUSING THE INJURY, DAMAGE OR LOSS TO COMPLAINANTS INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING:**

Sheriff Baca; Undersheriff Tanaka; Lt. Greg Thompson.

**F. THE AMOUNT OF CLAIMED DAMAGES EXCEEDS \$10,000 AND JURISDICTION WILL BE PROPER IN LOS ANGELES SUPERIOR COURT.**

If you contend this is not the proper location for a Governmental Claim, please advise of the proper address. Further, if County contends there are any administrative claims or remedies not pursued by complainant, please advise so that we can fulfill any administrative remedy requirements now. Thank you.

Very truly yours,  
Law Offices of Goldberg & Gage  
A Partnership of Professional Law Corporations.



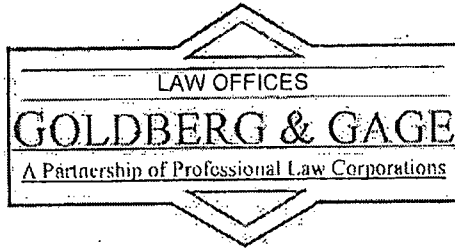
By Milad Sadr

11/07/2013

"Exhibit 2"

11-13-78-201-3

Terry M. Goldberg\*



Bradley C. Gage\*

Milad Sadr

\*A PROFESSIONAL LAW CORPORATION

\*A PROFESSIONAL LAW CORPORATION

23002 VICTORY BOULEVARD ~ WOODLAND HILLS, CA 91367 ~ (818) 340-9252 ~ FAX (818) 340-9088  
Email: [tgoldberg@goldbergandgage.com](mailto:tgoldberg@goldbergandgage.com) Email: [bgage@goldbergandgage.com](mailto:bgage@goldbergandgage.com)

April 9, 2013

**Via Certified Mail, Return Receipt Requested**  
**7012 0470 0001 4964 7400**

Division of Labor Standards Enforcement  
Retaliation Complaint Investigation Unit  
2031 Howe Ave., Ste. 100  
Sacramento, CA 95825

Re: **Claim of Deputy Michael Rathbun**

Dear Madam or Sir:

Please consider this a notice of claim for exhaustion of any potential jurisdictional requirements.

**A. NAME OF THE CLAIMANTS:** Michael Rathbun, c/o Law Offices of Goldberg and Gage, 23002 Victory Blvd., Woodland Hills, CA 91367.

**B. ADDRESS TO SEND ALL NOTICES:**

Law Offices of Goldberg & Gage, 23002 Victory Blvd., Woodland Hills, CA 91367.

**C. THE DATE, PLACE AND OTHER CIRCUMSTANCES OF THE OCCURRENCE OR TRANSACTIONS WHICH GIVE RISE TO THE CLAIMS ASSERTED:**

While assigned to Operation Safe Jails (OSJ), Deputy Rathbun reported numerous violations of federal and state law to the Los Angeles County Sheriff's Department. In retaliation, the LASD took numerous adverse actions against Rathbun, including several within the last six months. After Rathbun disclosed said violations to federal authorities, the LASD intensified its retaliation against him, including threatening him with termination as well as threats of bodily injury and/or death.

**D. GENERAL DESCRIPTION OF THE INJURY, DAMAGE OR LOSS INCURRED.**

General, special (economic and non economic) damages and punitive including without

11/07/2013

Governmental Claim  
April 9, 2013  
Page 2

limitations: damages for potential medical treatment; psychological treatment; psychiatric treatment; loss of earnings opportunities and future earning opportunities; loss of reputation; embarrassment and humiliation. Attorneys fees, and future attorneys fees, litigation costs and experts charges all in a sum to be proven at time of trial and such other damages as presented at trial. Plaintiff also suffered job loss, lost opportunities, retaliation preventing him from other job opportunities. Lost reputation, damages to reputation, and lost interest and such other damages as determined at time of trial.

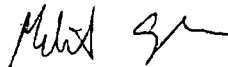
**E. NAME OF PUBLIC EMPLOYEES CAUSING THE INJURY, DAMAGE OR LOSS TO COMPLAINANTS INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING:**

Sheriff Baca; Undersheriff Tanaka; Lt. Greg Thompson.

**F. THE AMOUNT OF CLAIMED DAMAGES EXCEEDS \$10,000 AND JURISDICTION WILL BE PROPER IN LOS ANGELES SUPERIOR COURT.**

If you contend this is not the proper location for a Governmental Claim, please advise of the proper address. Further, if County contends there are any administrative claims or remedies not pursued by complainant, please advise so that we can fulfill any administrative remedy requirements now. Thank you.

Very truly yours,  
Law Offices of Goldberg & Gage  
A Partnership of Professional Law Corporations

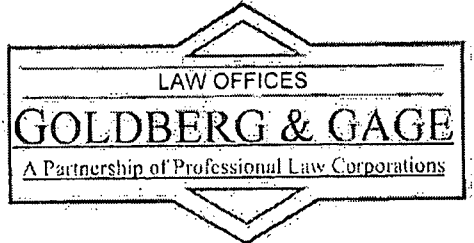


By Milad Sadr

1-1-0-7-2-0-1-3

**"Exhibit 3"**

Terry M. Goldberg\*



Bradley C. Gage\*

Milad Sadr

\*A PROFESSIONAL LAW CORPORATION

\*A PROFESSIONAL LAW CORPORATION

23002 VICTORY BOULEVARD ~ WOODLAND HILLS, CA 91367 ~ (818) 340-9252 ~ FAX (818) 340-9088  
 Email: [goldberg@goldbergandgage.com](mailto:goldberg@goldbergandgage.com) Email: [bgage@goldbergandgage.com](mailto:bgage@goldbergandgage.com)

April 16, 2013

**Via Certified Mail, Return Receipt Requested**

7012 0470 0001 4964 7479

County of Los Angeles  
 Executive Officer, Board of Supervisors  
 500 West Temple St.  
 Attn: Claims, Room 383  
 Kenneth Hahn Hall of Administration  
 Los Angeles, California 90012

Re: **Government Claim James Sexton**

Dear Sir or Madam:

Please consider this a notice of governmental claim, and to the extent any such claims are more than six months old, as an application for a late claim pursuant to California Government Code, Section 911.4. To the extent applicable, please also consider this a supplemental governmental claim.

**A. NAME OF THE CLAIMANTS:**

James Sexton

**B. ADDRESS TO SEND ALL NOTICES:**

Law Offices of Goldberg & Gage, 23002 Victory Blvd., Woodland Hills, CA 91367.

**C. THE DATE, PLACE AND OTHER CIRCUMSTANCES OF THE OCCURRENCE OR TRANSACTIONS WHICH GIVE RISE TO THE CLAIMS ASSERTED:**

Whistle Blower Retaliation  
 Violation of POBRA.  
 Failure to take corrective action.  
 42 U.S.C. § 1983

While assigned to Operation Safe Jails (OSJ), Deputy Sexton reported numerous violations of federal and state law to the Los Angeles County Sheriff's Department. In retaliation, the LASD took numerous adverse actions against Sexton, including several within the last six

11/07/2013



months. After Sexton disclosed said violations to federal authorities, the LASD intensified its retaliation against him, including threatening him with threats of bodily injury and/or death.

**D. GENERAL DESCRIPTION OF THE INJURY, DAMAGE OR LOSS INCURRED.**

General, special (economic and non economic) damages and punitive including without limitations: damages for potential medical treatment; psychological treatment; psychiatric treatment; loss of earnings opportunities and future earning opportunities; loss of reputation; embarrassment and humiliation. Attorneys fees, and future attorneys fees, litigation costs and experts charges all in a sum to be proven at time of trial and such other damages as presented at trial. Plaintiff also suffered job loss, lost opportunities, retaliation preventing him from other job opportunities. Lost reputation, damages to reputation, and lost interest and such other damages as determined at time of trial.

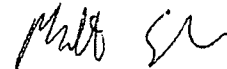
**E. NAME OF PUBLIC EMPLOYEES CAUSING THE INJURY, DAMAGE OR LOSS TO COMPLAINANTS INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING:**

Sheriff Baca; Undersheriff Tanaka; Lt. Greg Thompson.

**F. THE AMOUNT OF CLAIMED DAMAGES EXCEEDS \$10,000 AND JURISDICTION WILL BE PROPER IN LOS ANGELES SUPERIOR COURT.**

If you contend this is not the proper location for a Governmental Claim, please advise of the proper address. Further, if County contends there are any administrative claims or remedies not pursued by complainant, please advise so that we can fulfill any administrative remedy requirements now. Thank you.

Very truly yours,  
Law Offices of Goldberg & Gage  
A Partnership of Professional Law Corporations



By Milad Sadr

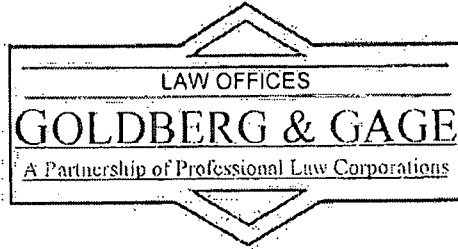


**"Exhibit 4"**



11/07/2013

Terry M. Goldberg\*



Bradley C. Gage\*

Milad Sadr

\*A PROFESSIONAL LAW CORPORATION

\*A PROFESSIONAL LAW CORPORATION

23002 VICTORY BOULEVARD ~ WOODLAND HILLS, CA 91367 ~ (818) 340-9252 ~ FAX (818) 340-9088  
Email: [tgoldberg@goldbergandgage.com](mailto:tgoldberg@goldbergandgage.com) Email: [bgage@goldbergandgage.com](mailto:bgage@goldbergandgage.com)

April 16, 2013

**Via Certified Mail, Return Receipt Requested**

7012 0470 0001 4964 7509

Division of Labor Standards Enforcement  
Retaliation Complaint Investigation Unit  
2031 Howe Ave., Ste. 100  
Sacramento, CA 95825

Re: **Claim of Deputy James Sexton**

Dear Madam or Sir:

Please consider this a notice of claim for exhaustion of any potential jurisdictional requirements.

**A. NAME OF THE CLAIMANTS:** James Sexton, c/o Law Offices of Goldberg and Gage, 23002 Victory Blvd., Woodland Hills, CA 91367.

**B. ADDRESS TO SEND ALL NOTICES:**

Law Offices of Goldberg & Gage, 23002 Victory Blvd., Woodland Hills, CA 91367.

**C. THE DATE, PLACE AND OTHER CIRCUMSTANCES OF THE OCCURRENCE OR TRANSACTIONS WHICH GIVE RISE TO THE CLAIMS ASSERTED:**

While assigned to Operation Safe Jails (OSJ), Deputy Sexton reported numerous violations of federal and state law to the Los Angeles County Sheriff's Department. In retaliation, the LASD took numerous adverse actions against Sexton, including several within the last six months. After Sexton disclosed said violations to federal authorities, the LASD intensified its retaliation against him, including threatening him with threats of bodily injury and/or death.

**D. GENERAL DESCRIPTION OF THE INJURY, DAMAGE OR LOSS INCURRED.**

General, special (economic and non economic) damages and punitive including without

11/07/2013

Governmental Claim

April 16, 2013

Page 2

limitations: damages for potential medical treatment; psychological treatment; psychiatric treatment; loss of earnings opportunities and future earning opportunities; loss of reputation; embarrassment and humiliation. Attorneys fees, and future attorneys fees, litigation costs and experts charges all in a sum to be proven at time of trial and such other damages as presented at trial. Plaintiff also suffered job loss, lost opportunities, retaliation preventing him from other job opportunities. Lost reputation, damages to reputation, and lost interest and such other damages as determined at time of trial.

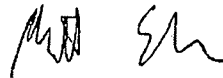
**E. NAME OF PUBLIC EMPLOYEES CAUSING THE INJURY, DAMAGE OR LOSS TO COMPLAINANTS INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING:**

Sheriff Baca; Undersheriff Tanaka; Lt. Greg Thompson.

**F. THE AMOUNT OF CLAIMED DAMAGES EXCEEDS \$10,000 AND JURISDICTION WILL BE PROPER IN LOS ANGELES SUPERIOR COURT.**

If you contend this is not the proper location for a Governmental Claim, please advise of the proper address. Further, if County contends there are any administrative claims or remedies not pursued by complainant, please advise so that we can fulfill any administrative remedy requirements now. Thank you.

Very truly yours,  
Law Offices of Goldberg & Gage  
A Partnership of Professional Law Corporations

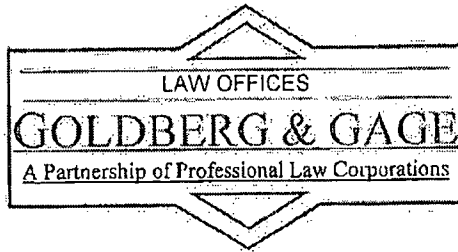


By Milad Sadr

"Exhibit 5"

1170772013

Terry M. Goldberg\*



Bradley C. Gage\*

Milad Sadr

\*A PROFESSIONAL LAW CORPORATION

\*A PROFESSIONAL LAW CORPORATION

23002 VICTORY BOULEVARD ~ WOODLAND HILLS, CA 91367 ~ (818) 340-9252 ~ FAX (818) 340-9088  
Email: [tgoldberg@goldbergandgage.com](mailto:tgoldberg@goldbergandgage.com) Email: [bgage@goldbergandgage.com](mailto:bgage@goldbergandgage.com)

August 9, 2013

**Via Certified Mail, Return Receipt Requested**

**7012 2210 0002 7473 6400**

County of Los Angeles  
Executive Officer, Board of Supervisors  
500 West Temple St.  
Attn: Claims, Room 383  
Kenneth Hahn Hall of Administration  
Los Angeles, California 90012

Re: **Government Claim James Sexton & Michael Rathbun**

Dear Sir or Madam:

Please consider this a notice of governmental claim, and to the extent any such claims are more than six months old, as an application for a late claim pursuant to California Government Code, Section 911.4. To the extent applicable, please also consider this a supplemental governmental claim.

**A. NAME OF THE CLAIMANTS:**

James Sexton & Michael Rathbun

**B. ADDRESS TO SEND ALL NOTICES:**

Law Offices of Goldberg & Gage, 23002 Victory Blvd., Woodland Hills, CA 91367.

**C. THE DATE, PLACE AND OTHER CIRCUMSTANCES OF THE OCCURRENCE OR TRANSACTIONS WHICH GIVE RISE TO THE CLAIMS ASSERTED:**

Whistle Blower Retaliation; Violation of POBRA; Failure to take corrective action; 42 U.S.C. § 1983; Bane Act; Assault & Battery; Intentional Infliction of Emotional Distress; Negligence/Negligent Supervision

While assigned to Operation Safe Jails (OSJ), Deputy Sexton & Rathbun reported numerous violations of federal and state law to the Los Angeles County Sheriff's Department. In retaliation, the LASD took numerous adverse actions against Sexton & Rathbun, including several within the last six months. After Sexton & Rathbun disclosed said violations to federal

11/07/2013

authorities, the LASD intensified its retaliation against them, including threatening them with threats of bodily injury and/or death.

**D. GENERAL DESCRIPTION OF THE INJURY, DAMAGE OR LOSS INCURRED.**

General, special (economic and non economic) damages and punitive including without limitations: damages for potential medical treatment; psychological treatment; psychiatric treatment; loss of earnings opportunities and future earning opportunities; loss of reputation; embarrassment and humiliation. Attorneys fees, and future attorneys fees, litigation costs and experts charges all in a sum to be proven at time of trial and such other damages as presented at trial. Plaintiff also suffered job loss, lost opportunities, retaliation preventing him from other job opportunities. Lost reputation, damages to reputation, and lost interest and such other damages as determined at time of trial.


**E. NAME OF PUBLIC EMPLOYEES CAUSING THE INJURY, DAMAGE OR LOSS TO COMPLAINANTS INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING:**

Sheriff Baca; Undersheriff Tanaka; Lt. Greg Thompson; Deputies Michael Camacho; Matthew Thompson, Mickey Manzo, Gerard Smith, etc.

**F. THE AMOUNT OF CLAIMED DAMAGES EXCEEDS \$10,000 AND JURISDICTION WILL BE PROPER IN LOS ANGELES SUPERIOR COURT.**

If you contend this is not the proper location for a Governmental Claim, please advise of the proper address. Further, if County contends there are any administrative claims or remedies not pursued by complainant, please advise so that we can fulfill any administrative remedy requirements now. Thank you.

Very truly yours,  
Law Offices of Goldberg & Gage  
A Partnership of Professional Law Corporations

  
By Milad Sadr



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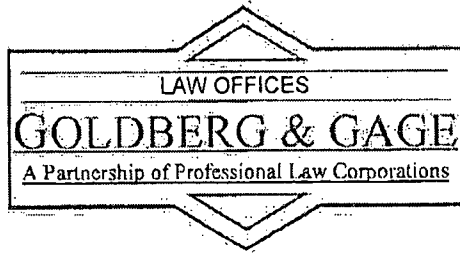
**"Exhibit 6"**

11-10-77-2-91-3



Terry M. Goldberg\*

Bradley C. Gage\*



Milad Sadr

\*A PROFESSIONAL LAW CORPORATION

\*A PROFESSIONAL LAW CORPORATION

23002 VICTORY BOULEVARD ~ WOODLAND HILLS, CA 91367 ~ (818) 340-9252 ~ FAX (818) 340-9088  
Email: [tgoldberg@goldbergandgage.com](mailto:tgoldberg@goldbergandgage.com) Email: [bgage@goldbergandgage.com](mailto:bgage@goldbergandgage.com)

October 29, 2013

**Via Certified Mail, Return Receipt Requested**

Division of Labor Standards Enforcement  
Retaliation Complaint Investigation Unit  
2031 Howe Ave., Ste. 100  
Sacramento, CA 95825

7012 0470 0001 4964 7547

Re: **Claim of James Sexton & Michael Rathbun**

Dear Sir or Madam:

Please consider this a notice of claim, and to the extent any such claims are more than six months old, as an application for a late claim pursuant to California Government Code, Section 911.4. To the extent applicable, please also consider this a supplemental governmental claim.

**A. NAME OF THE CLAIMANTS:**

James Sexton & Michael Rathbun

**B. ADDRESS TO SEND ALL NOTICES:**

Law Offices of Goldberg & Gage, 23002 Victory Blvd., Woodland Hills, CA 91367.

**C. THE DATE, PLACE AND OTHER CIRCUMSTANCES OF THE OCCURRENCE OR TRANSACTIONS WHICH GIVE RISE TO THE CLAIMS ASSERTED:**

Whistle Blower Retaliation; Violation of POBRA; Failure to take corrective action; 42 U.S.C. § 1983; Bane Act; Intentional Infliction of Emotional Distress; Negligence/Negligent Supervision

While assigned to Operation Safe Jails (OSJ), Deputy Sexton & Rathbun reported numerous violations of federal and state law to the Los Angeles County Sheriff's Department. In retaliation, the LASD took numerous adverse actions against Sexton & Rathbun, including several within the last six months. After Sexton & Rathbun disclosed said violations to federal authorities, the LASD intensified its retaliation against them. In fact, on October 29, 2013, LASD seized the computer of Sexton for illegitimate purposes. Additionally, LASD has refused to address Rathbun and Sexton's personal safety concerns.

11/07/2013

**D. GENERAL DESCRIPTION OF THE INJURY, DAMAGE OR LOSS INCURRED.**

General, special (economic and non economic) damages and punitive including without limitations: damages for potential medical treatment; psychological treatment; psychiatric treatment; loss of earnings opportunities and future earning opportunities; loss of reputation; embarrassment and humiliation. Attorneys fees, and future attorneys fees, litigation costs and experts charges all in a sum to be proven at time of trial and such other damages as presented at trial. Plaintiff also suffered job loss, lost opportunities, retaliation preventing him from other job opportunities. Lost reputation, damages to reputation, and lost interest and such other damages as determined at time of trial.

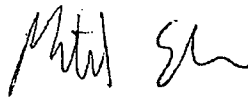
**E. NAME OF PUBLIC EMPLOYEES CAUSING THE INJURY, DAMAGE OR LOSS TO COMPLAINANTS INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING:**

Sheriff Baca

**F. THE AMOUNT OF CLAIMED DAMAGES EXCEEDS \$10,000 AND JURISDICTION WILL BE PROPER IN LOS ANGELES SUPERIOR COURT.**

If you contend this is not the proper location for a Governmental Claim, please advise of the proper address. Further, if County contends there are any administrative claims or remedies not pursued by complainant, please advise so that we can fulfill any administrative remedy requirements now. Thank you.

Very truly yours,  
Law Offices of Goldberg & Gage  
A Partnership of Professional Law Corporations



By Milad Sadr



**"Exhibit 7"**

11-07-2013



STATE OF CALIFORNIA - STATE AND CONSUMER SERVICES AGENCY

GOVERNOR EDMUND G. BROWN JR.

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

DIRECTOR PHYLLIS W. CHENG

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
(800) 864-1684 | Videophone (916) 228-5286 | TDD (800) 700-2320  
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

April 09, 2013

Bradley C. Gage  
23002 Victory Blvd.  
Woodland Hills, CA 91367

RE: 106822-47532 - Rathbun Michael - Right To Sue

NOTICE TO COMPLAINANT'S ATTORNEY

Attached is a copy of your client's complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900, et seq. Also attached is a copy of your client's Notice of Case Closure, which constitutes your client's right-to-sue notice. Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer.

Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California.

Sincerely,

Department of Fair Employment and Housing

11/07/2013



STATE OF CALIFORNIA - STATE AND CONSUMER SERVICES AGENCY

GOVERNOR EDMUND G. BROWN JR.

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

DIRECTOR PHYLLIS W. CHENG

2218 Kausen Drive, Suite 100 | 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

April 09, 2013

RE: 106822-47532 - Rathbun Michael - Right To Sue

**Notice of Filing of Discrimination Complaint**

Enclosed is a copy of a complaint that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. Complainant has requested an authorization to file a lawsuit. This complaint is not being investigated and is being closed immediately. A copy of the closing letter and right to sue is enclosed for your records.

**NO RESPONSE TO DFEH IS REQUESTED OR REQUIRED.**

Please see the next page for the Respondent(s) name and address

11/07/2013



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

DIRECTOR PHYLLIS W. CHENG

2218 Kausan Drive, Suite 100 | 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

April 09, 2013

RE: 106822-47532 - Rathbun Michael - Right To Sue

Notice of Filing of Discrimination Complaint

Agent for Service for Los Angeles County  
Sheriff's Department  
4700 Ramona Blvd.  
Los Angeles CA 91754

Paul Tanaka Los Angeles County  
Sheriff's Department  
4700 Ramona Blvd.  
Los Angeles CA 91754

Greg Thompson Los Angeles County Sheriff's  
Department  
4700 Ramona Blvd.  
Los Angeles CA 91754

Leroy Baca Los Angeles County  
Sheriff's Department  
4700 Ramona Blvd.  
Los Angeles CA 91754

11/07/2013



CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING  
EMPLOYMENT

COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

DFEH INQUIRY NUMBER:  
106822-47532

COMPLAINANT NAME:  
Michael Rathbun

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

RESPONDENT NAME,	RESPONDENT ADDRESS.	TELEPHONE NUMBER:
Los Angeles County Sheriff's Department,	4700 Ramona Blvd. Los Angeles, CA, 91754	(323) 526-5000

AGENT FOR SERVICE,	AGENT FOR SERVICE ADDRESS:	CITY/STATE/ZIP:
--------------------	----------------------------	-----------------

NO. OF EMPLOYEES/MEMBERS 500	DATE MOST RECENT DISCRIMINATION TOOK PLACE: Apr 09, 2013	TYPE OF EMPLOYER: State/Local Govt
---------------------------------	---	---------------------------------------

CO-RESPONDENT(S):

NAME	ADDRESS
Paul Tanaka Los Angeles County Sheriff's Department Greg Thompson	4700 Ramona Blvd. Los Angeles CA 91754
Los Angeles County Sheriff's Department	4700 Ramona Blvd. Los Angeles CA 91754
Leroy Baca Los Angeles County Sheriff's Department	4700 Ramona Blvd. Los Angeles CA 91754

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right to sue. I understand that if I want a federal right to sue notice, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure and Right to Sue," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint, I am declaring under penalty of perjury under the laws of the State of California that, to the best of my knowledge, all information contained in this complaint is true and correct, except matters stated on my information and belief, and I declare that those matters I believe to be true.

DATED April 09, 2013 At Woodland Hills VERIFIED BY: Bradley C. Gage, Attorney

DFEH-300-030 (07/12)  
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

DATE FILED: Apr 09, 2013  
MODIFIED: Apr 09, 2013

STATE OF CALIFORNIA  
Page 1/2

11/07/2013



**CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**  
EMPLOYMENT

**COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT**

I ALLEGE THAT I EXPERIENCED:  
Discrimination, Harassment, Retaliation

ON OR BEFORE: Apr 09, 2013

BECAUSE OF MY ACTUAL OR PERCEIVED: Ancestry, Association with a member of a protected class, Color, Engagement in Protected Activity, National Origin - Including language use restrictions, Race, Religion

AS A RESULT, I WAS: Demoted, Denied a work environment free of discrimination and/or retaliation

STATE WHAT YOU BELIEVE TO BE THE REASON(S) FOR DISCRIMINATION:

11/07/2013





STATE OF CALIFORNIA - STATE AND CONSUMER SERVICES AGENCY

GOVERNOR EDMUND G. BROWN JR

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

DIRECTOR PHYLLIS W. CHENG

2218 Kausen Drive, Suite 100 | 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

Apr 09, 2013

Michael Rathbun

c/o: Law Offices of Goldberg Gage 23002 Victory Blvd.  
Woodland Hills, CA 91367

RE: 106822-47532 - Rathbun Michael - Right To Sue

Notice of Case Closure and Right to Sue

Dear Michael Rathbun:

This letter informs you that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective Apr 09, 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.

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

Department of Fair Employment and Housing

cc: , Agent for Service for Los Angeles County Sheriff's Department

Paul Tanaka

Greg Thompson

Los Angeles County Sheriff's Department Los Angeles County Sheriff's Department  
Leroy Baca

Los Angeles County Sheriff's Department

11/07/2013





**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

2218 Kausen Drive, Suite 100 | 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

April 18, 2013

Bradley Gage  
23002 Victory Blvd.  
Woodland Hills, CA 91367

**RE: Notice to Complainant's Attorney**  
DFEH Matter Number: 109866-48684  
Right to Sue: Sexton / Los Angeles County Sheriff's Department

Dear Attorney:

Attached is a copy of your client's complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your client's Notice of Case Closure and Right to Sue. Pursuant to Government Code section 12982, DFEH will not serve these documents on the employer.

Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California.

Sincerely,

Department of Fair Employment and Housing

11/07/2013



STATE OF CALIFORNIA | State and Consumer Services Agency

GOVERNOR EDWARD G. BROWN JR.  
DIRECTOR PHILIP S. V. CHUNG

## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | 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

April 18, 2013

**RE: Notice of Filing of Discrimination Complaint**  
DFEH Matter Number: 109866-48684  
Right to Sue: Sexton / Los Angeles County Sheriff's Department

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair employment and Housing (DFEH) in accordance with Government code section 12960. This constitutes service of the complaint pursuant to Government Code Section 12962. The complainant has requested an authorization to file a lawsuit. This completed is not being investigated by the DFEH and is being closed immediately. A copy of the closing letter and Right to Sue notice is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

**This letter is for informational purposes only. No response to DFEH is requested or required.**

Sincerely,

Department of Fair Employment and Housing

11/07/2013



COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

DFEH MATTER NUMBER 109866-48684

COMPLAINANT James Sexton

NAMED IS THE EMPLOYER, PERSON, AGENCY, ORGANIZATION OR GOVERNMENT ENTITY WHO DISCRIMINATED AGAINST ME

RESPONDENT Los Angeles County Sheriff's Department ADDRESS 4700 Ramona Blvd. Los Angeles CA 91754 PHONE (323) 526-5000

AGENT FOR SERVICE ADDRESS PHONE

NO. OF EMPLOYEES 500 MOST RECENT DISCRIMINATION TOOK PLACE Apr 18, 2013 TYPE OF EMPLOYER State/Local Govt

CO-RESPONDENT(S) ADDRESS

Leroy Baca Los Angeles County Sheriff's Department 4700 Ramona Blvd. Los Angeles CA 91754

Paul Tanaka Los Angeles County Sheriff's Department 4700 Ramona Blvd. Los Angeles CA 91754

Greg Thompson Los Angeles County Sheriff's Department 4700 Ramona Blvd. Los Angeles CA 91754

11/07/2013



**COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE  
CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT**

DFEH MATTER NUMBER  
109866-48684

I ALLEGE THAT I EXPERIENCED Discrimination, Harassment, Retaliation  
ON OR BEFORE Apr 18, 2013  
BECAUSE OF MY Ancestry, Association with a member of a protected class, Color, Engagement  
in Protected Activity, National Origin - Including language use restrictions, Race  
AS A RESULT, I WAS Denied a work environment free of discrimination and/or retaliation, Denied or  
forced to transfer

STATEMENT OF FACTS

11/07/2013



**COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE  
CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT**

DFEH MATTER NUMBER  
109866-48684

SIGNED UNDER PENALTY OF PERJURY

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right to sue. I understand that if I want a federal right to sue notice, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure and Right to Sue," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint, I am declaring under penalty of perjury under the laws of the State of California that, to the best of my knowledge, all information contained in this complaint is true and correct, except matters stated on my information and belief, and I declare that those matters I believe to be true.

Verified by Bradley Gage and dated on April 18, 2013 at Woodland Hills, CA.



**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

2216 Kausen Drive, Suite 100 | 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

Apr 18, 2013

James Sexton  
c/o: Law Offices of Goldberg Gage 23002 Victory Blvd.  
Woodland Hills, CA 91367

**RE: Notice of Case Closure and Right to Sue**  
DFEH Matter Number: 109866-48684  
Right to Sue: Sexton / Los Angeles County Sheriff's Department

Dear James Sexton:

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective April 11, 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: Agent for Service for Los Angeles County Sheriff's Department  
Leroy Baca  
Paul Tanaka  
Greg Thompson

11/07/2013





14-00772013

**"Exhibit 9"**



**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 | Videophone 916-226-5285 | TTY 800-700-2320  
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

Aug 05, 2013

Law Offices of Goldberg & Gage  
23002 Victory Blvd.  
Woodland Hills, CA 91367

RE: **Notice to Complainant's Attorney**  
DFEH Matter Number: 109866-62857  
Right to Sue: Sexton / Los Angeles County Sheriff's Department

Dear Attorney:

Attached is a copy of your client's complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your client's Notice of Case Closure and Right to Sue. **Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer.**

Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California.

Be advised that the Department of Fair Employment and Housing does not review or edit this complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Department of Fair Employment and Housing

11/07/2013



**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 | Videophone 916-226-5285 | TTY 800-700-2320  
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

Aug 05, 2013

**RE: Notice of Filing of Discrimination Complaint**

DFEH Matter Number: 109866-62857

Right to Sue: Sexton / Los Angeles County Sheriff's Department

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. This case is not being investigated by the DFEH and is being closed immediately. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

**No response to DFEH is requested or required.**

Sincerely,

Department of Fair Employment and Housing

11/07/2013



**COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT**

DFEH MATTER NUMBER  
109866-62857

COMPLAINANT  
James Sexton

NAMED IS THE EMPLOYER, PERSON, AGENCY, ORGANIZATION OR GOVERNMENT ENTITY WHO DISCRIMINATED AGAINST ME

RESPONDENT	ADDRESS	PHONE
Los Angeles County Sheriff's Department,	4700 Ramona Blvd. Monterey Park CA 91754	(323) 526-5000

AGENT FOR SERVICE	ADDRESS	PHONE

NO. OF EMPLOYEES	MOST RECENT DISCRIMINATION TOOK PLACE	TYPE OF EMPLOYER
500	Aug 05, 2013	State/Local Govt

CO-RESPONDENT(S)	ADDRESS
Leroy Baca Los Angeles County Sheriff's Department	4700 Ramona Blvd. Monterey Park CA 91754
Paul Tanaka Los Angeles County Sheriff's Department	4700 Ramona Blvd. Monterey Park CA 91754
Greg Thompson Los Angeles County Sheriff's Department	4700 Ramona Blvd. Monterey Park CA 91754

11/07/2013



**COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE  
CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT**

DFEH MATTER NUMBER  
109866-62857

---

I ALLEGE THAT I EXPERIENCED	Discrimination, Harassment, Retaliation
ON OR BEFORE	Aug 05, 2013
BECAUSE OF MY	Ancestry, Association with a member of a protected class, Color, Engagement in Protected Activity, National Origin - including language use restrictions, Race, Religion
AS A RESULT, I WAS	Denied a work environment free of discrimination and/or retaliation, Denied or forced to transfer

---

STATEMENT OF FACTS

**COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE  
CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT**DFEH MATTER NUMBER  
109866-62857

SIGNED UNDER PENALTY OF PERJURY

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right to sue. I understand that if I want a federal right to sue notice, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure and Right to Sue," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint, I am declaring under penalty of perjury under the laws of the State of California that, to the best of my knowledge, all information contained in this complaint is true and correct, except matters stated on my information and belief, and I declare that those matters I believe to be true.

Verified by Bradley Gage, Attorney for Complainant, and dated on Aug 05, 2013 at Woodland Hills, CA.



**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

2218 Kausen Drive, Suite 100 | Elk Grove | CA 95758  
800-884-1684 | Videophone 916-226-5285 | TTY 800-700-2320  
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

Aug 05, 2013

James Sexton  
c/o: Law Offices of Goldberg Gage 23002 Victory Blvd.  
Woodland Hills, CA 91367

**RE: Notice of Case Closure and Right to Sue**  
DFEH Matter Number: 109866-62857  
Right to Sue: Sexton / Los Angeles County Sheriff's Department,

Dear James Sexton:

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective Aug 05, 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: , Agent for Service for Los Angeles County Sheriff's Department  
Leroy Baca Los Angeles County Sheriff's Department  
Paul Tanaka Los Angeles County Sheriff's Department  
Greg Thompson Los Angeles County Sheriff's Department

11/07/2013

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Bradley C. Gage, Esq. SBN: 117808 LA W OFFICES OF GOLDBERG & GAGE 23002 Victory Blvd., Woodland Hills, CA 91367 TELEPHONE NO.: (818) 340-9252 FAX NO.: (818) 340-9088 ATTORNEY FOR (Name): Plaintiffs, MICHAEL RATHBUN & JAMES SEXTON		FOR COURT USE ONLY <b>FILED</b> <b>Los Angeles Superior Court</b>  <b>NOV 07 2013</b>  John A. Clarke, Executive Officer/Clerk By <u>SHAUNYA WESLEY</u> , Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street, Los Angeles, CA 90012 MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, 90012 BRANCH NAME: CENTRAL DISTRICT		CASE NUMBER: <b>BC 526951</b> JUDGE: DEPT:
CASE NAME: RATHBUN; SEXTON v. COUNTY OF LOS ANGELES, et al.		

<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	<b>Complex Case Designation</b> <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER: <b>BC 526951</b> JUDGE: DEPT:
---	--	--	--

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37)	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
<b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23)	<b>Real Property</b> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26)	<b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20)
<b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35)	<b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38)	<b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42)
<b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input checked="" type="checkbox"/> Other employment (15)	<b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties	d. <input type="checkbox"/> Large number of witnesses
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve	e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. <input type="checkbox"/> Substantial amount of documentary evidence	f. <input type="checkbox"/> Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a.  monetary b.  nonmonetary; declaratory or injunctive relief c.  punitive

4. Number of causes of action (specify): Eight (8)

5. This case  is  is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

BY FAX

Date: November 7, 2013  
 Bradley C. Gage, Esq./Milad Sadr, Esq.   
 (TYPE OR PRINT NAME) (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

11/07/2013



FILED  
Los Angeles Superior Court

NOV 07 2013

John A. Clark, Executive Officer/Clerk  
by SHAWNA WESLEY

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**INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET**

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

**CASE TYPES AND EXAMPLES**

- |   |  |  |
|---|--|--|
| <p><b>Auto Tort</b><br/>                 Auto (22)—Personal Injury/Property Damage/Wrongful Death<br/>                 Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)</p> <p><b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b><br/>                 Asbestos (04)<br/>                 Asbestos Property Damage<br/>                 Asbestos Personal Injury/Wrongful Death<br/>                 Product Liability (not asbestos or toxic/environmental) (24)<br/>                 Medical Malpractice (45)<br/>                 Medical Malpractice—Physicians &amp; Surgeons<br/>                 Other Professional Health Care Malpractice<br/>                 Other PI/PD/WD (23)<br/>                 Premises Liability (e.g., slip and fall)<br/>                 Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)<br/>                 Intentional Infliction of Emotional Distress<br/>                 Negligent Infliction of Emotional Distress<br/>                 Other PI/PD/WD</p> <p><b>Non-PI/PD/WD (Other) Tort</b><br/>                 Business Tort/Unfair Business Practice (07)<br/>                 Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)<br/>                 Defamation (e.g., slander, libel) (13)<br/>                 Fraud (16)<br/>                 Intellectual Property (19)<br/>                 Professional Negligence (25)<br/>                 Legal Malpractice<br/>                 Other Professional Malpractice (not medical or legal)<br/>                 Other Non-PI/PD/WD Tort (35)</p> <p><b>Employment</b><br/>                 Wrongful Termination (36)<br/>                 Other Employment (15)</p> | <p><b>Contract</b><br/>                 Breach of Contract/Warranty (06)<br/>                 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)<br/>                 Contract/Warranty Breach—Seller Plaintiff (not fraud or negligence)<br/>                 Negligent Breach of Contract/Warranty<br/>                 Other Breach of Contract/Warranty<br/>                 Collections (e.g., money owed, open book accounts) (09)<br/>                 Collection Case—Seller Plaintiff<br/>                 Other Promissory Note/Collections Case<br/>                 Insurance Coverage (not provisionally complex) (18)<br/>                 Auto Subrogation<br/>                 Other Coverage<br/>                 Other Contract (37)<br/>                 Contractual Fraud<br/>                 Other Contract Dispute</p> <p><b>Real Property</b><br/>                 Eminent Domain/Inverse Condemnation (14)<br/>                 Wrongful Eviction (33)<br/>                 Other Real Property (e.g., quiet title) (26)<br/>                 Writ of Possession of Real Property<br/>                 Mortgage Foreclosure<br/>                 Quiet Title<br/>                 Other Real Property (not eminent domain, landlord/tenant, or foreclosure)</p> <p><b>Unlawful Detainer</b><br/>                 Commercial (31)<br/>                 Residential (32)<br/>                 Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)</p> <p><b>Judicial Review</b><br/>                 Asset Forfeiture (05)<br/>                 Petition Re: Arbitration Award (11)<br/>                 Writ of Mandate (02)<br/>                 Writ—Administrative Mandamus<br/>                 Writ—Mandamus on Limited Court Case Matter<br/>                 Writ—Other Limited Court Case Review<br/>                 Other Judicial Review (39)<br/>                 Review of Health Officer Order<br/>                 Notice of Appeal—Labor Commissioner Appeals</p> | <p><b>Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)</b><br/>                 Antitrust/Trade Regulation (03)<br/>                 Construction Defect (10)<br/>                 Claims Involving Mass Tort (40)<br/>                 Securities Litigation (28)<br/>                 Environmental/Toxic Tort (30)<br/>                 Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)</p> <p><b>Enforcement of Judgment</b><br/>                 Enforcement of Judgment (20)<br/>                 Abstract of Judgment (Out of County)<br/>                 Confession of Judgment (non-domestic relations)<br/>                 Sister State Judgment<br/>                 Administrative Agency Award (not unpaid taxes)<br/>                 Petition/Certification of Entry of Judgment on Unpaid Taxes<br/>                 Other Enforcement of Judgment Case</p> <p><b>Miscellaneous Civil Complaint</b><br/>                 RICO (27)<br/>                 Other Complaint (not specified above) (42)<br/>                 Declaratory Relief Only<br/>                 Injunctive Relief Only (non-harassment)<br/>                 Mechanics Lien<br/>                 Other Commercial Complaint Case (non-tort/non-complex)<br/>                 Other Civil Complaint (non-tort/non-complex)</p> <p><b>Miscellaneous Civil Petition</b><br/>                 Partnership and Corporate Governance (21)<br/>                 Other Petition (not specified above) (43)<br/>                 Civil Harassment<br/>                 Workplace Violence<br/>                 Elder/Dependent Adult Abuse<br/>                 Election Contest<br/>                 Petition for Name Change<br/>                 Petition for Relief From Late Claim<br/>                 Other Civil Petition</p> |
|---|--|--|

11/07/2013

SHORT TITLE: RATHBUN & SEXTON v. COUNTY OF LOS ANGELES, et al.

CASE NUMBER

## CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION (CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

**Item I.** Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL?  YES CLASS ACTION?  YES LIMITED CASE?  YES TIME ESTIMATED FOR TRIAL 14  HOURS/  DAYS

**Item II.** Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

**Step 1:** After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

**Step 2:** Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

**Step 3:** In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

### Applicable Reasons for Choosing Courthouse Location (see Column C below)

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. Class actions must be filed in the Stanley Mosk Courthouse, central district.</li> <li>2. May be filed in central (other county, or no bodily injury/property damage).</li> <li>3. Location where cause of action arose.</li> <li>4. Location where bodily injury, death or damage occurred.</li> <li>5. Location where performance required or defendant resides.</li> </ol> | <ol style="list-style-type: none"> <li>6. Location of property or permanently garaged vehicle.</li> <li>7. Location where petitioner resides.</li> <li>8. Location wherein defendant/respondent functions wholly.</li> <li>9. Location where one or more of the parties reside.</li> <li>10. Location of Labor Commissioner Office</li> </ol> |
|---|---|

**Step 4:** Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

BY FAX

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/ Property Damage/ Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4. 1., 4. 1., 3. 1., 4.

11/07/2013

SHORT TITLE: RATHBUN & SEXTON v. COUNTY OF LOS ANGELES, et al.

CASE NUMBER

Non-Personal Injury/Property  
Damage/ Wrongful Death Tort

Employment

Contract

Real Property

Unlawful Detainer

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons- See Step 3 Above
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input checked="" type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation      Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

5102 / 2011

SHORT TITLE: RATHBUN & SEXTON v. COUNTY OF LOS ANGELES, et al.

CASE NUMBER

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

11/07/2013

SHORT TITLE: RATHBUN & SEXTON v. COUNTY OF LOS ANGELES, et al.	CASE NUMBER
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**Item III. Statement of Location:** Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

<b>REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.</b>  <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		<b>ADDRESS:</b> 500 West Temple St.
<b>CITY:</b> Los Angeles	<b>STATE:</b> CA	<b>ZIP CODE:</b> 90012

**Item IV. Declaration of Assignment:** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Superior courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: November 7, 2013

  
 \_\_\_\_\_  
 (SIGNATURE OF ATTORNEY/FILING PARTY)

**PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:**

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

11/07/2013