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FILED
Superior Court of California
County of Los Angeles

OCT 01 2015

Sherril H. Carter, Executive Officer/Clerk
By: *[Signature]* Deputy

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

10 RONALD BROCK
11
12 PLAINTIFF,
13 vs.

14 COUNTY OF LOS ANGELES; LOS
15 ANGELES COUNTY SHERIFF'S
16 DEPARTMENT; PAUL TANAKA; JOSEPH
17 NUNEZ; MARK GUERRERO; KIMBERLY
18 MILROY; MICHAEL SHAPIRO; DANIEL
19 CHAVEZ AND DOES 1 THROUGH 100,
20 INCLUSIVE
21
22 DEFENDANTS.

) Case No.: 2:15-CV-4045
)
) [LASC Case No. BC572875 – Assigned to the
) Hon.: Suzanne G. Bruguera – Dept. 71; Filed on
) February 18, 2015]
)
) PLAINTIFF'S SECOND AMENDED
) COMPLAINT FOR DAMAGES:
) (1) VIOLATION OF GOVERNMENT CODE
) SECTION 1102.5 ET SEQ
) (2) VIOLATION OF THE BANE ACT AND
) THE RALPH ACT
) (3) VIOLATION OF PUBLIC SAFETY
) OFFICER'S PROCEDURAL BILL OF
) RIGHTS (POBRA)
) (4) RACE DISCRIMINATION AND
) HARASSMENT
) (5) RETALIATION IN VIOLATION OF
) GOVERNMENT CODE 12940 ET SEQ.
) (6) FAILURE TO INVESTIGATE AND
) PREVENT DISCRIMINATION AND
) HARASSMENT
) (7) WRONGFUL TERMINATION IN
) VIOLATION OF PUBLIC POLICY
) (8) INTENTIONAL INFLECTION OF
) EMOTIONAL DISTRESS
) (9) DEFAMATION

DEMAND FOR A JURY TRIAL

1 COMES NOW the Plaintiff, RONALD BROCK , who brings the following causes of
2 action against COUNTY OF LOS ANGELES, LOS ANGELES COUNTY SHERIFF'S
3 DEPARTMENT, PAUL TANAKA, JOSEPH NUNEZ, MARK GUERRERO, KIMBERLY
4 MILROY, MICHAEL SHAPIRO, DANIEL CHAVEZ, AND DOES 1 THROUGH 100,
5 INCLUSIVE (collectively hereinafter "DEFENDANTS") and each of them, as follows:

6 **FACTS COMMON TO ALL CAUSES OF ACTION**

- 7 1. PLAINTIFF RONALD BROCK (hereinafter "PLAINTIFF") was employed by the LOS
8 ANGELES COUNTY SHERIFF'S DEPARTMENT (hereinafter "LASD" or
9 "DEFENDANT") for over four years. LASD is a component of DEFENDANT
10 COUNTY OF LOS ANGELES (hereinafter COUNTY), and is a law enforcement
11 agency. PLAINTIFF was qualified for his position, performed his job satisfactorily, and
12 was a loyal and hardworking employee. He is 48 years old and African-American.
- 13 2. At all times herein, PLAINTIFF was a resident of the State of California, County of Los
14 Angeles. At all times herein, PLAINTIFF was a peace officer with the LASD, a
15 component of COUNTY. At all times herein, COUNTY was a public entity duly
16 organized and existing under and by virtue of the laws of the State of California.
- 17 3. At all times relevant herein, DEFENDANTS PAUL TANAKA, JOSEPH NUNEZ,
18 MARK GUERRERO, KIMBERLY MILROY, MICHAEL SHAPIRO, and DANIEL
19 CHAVEZ were residents of the County of Los Angeles, and employees, agents, and
20 representatives of the County of Los Angeles and LASD. At all times relevant herein,
21 DEFENDANTS PAUL TANAKA, JOSEPH NUNEZ, MARK GUERRERO,
22 KIMBERLY MILROY, MICHAEL SHAPIRO, and DANIEL CHAVEZ were acting
23 within the course and scope of their employment, and/or policy makers of the LASD, a
24 department and subdivision of COUNTY.
- 25 4. PAUL TANAKA at all relevant times mentioned herein, was a managing agent of LASD,
26 and was an Assistant Sheriff and then Undersheriff of LASD until 2013. The
27 Undersheriff position is the second-highest ranking officer within LASD. PAUL
28 TANAKA instituted and/or perpetuated the LASD policy known as "working in the

1 gray” which encouraged LASD supervisors, including captain JOSEPH NUNEZ, to
2 allow their deputies to “work in the gray.” This meant ignoring LASD’s written policy
3 relating to inmate treatment and deputy discipline and to allow deputies to engage in
4 widespread violence and abuse towards inmates in contravention of state and federal law.
5 PAUL TANAKA ordered or otherwise sanctioned and condoned the rampant,
6 widespread pattern of violence and inmate abuse by LASD agents and deputies against
7 inmates at the Men’s Central Jail, the Twin Towers Correctional Facility, and other
8 COUNTY jails. PAUL TANAKA ensured that LASD agents and deputies accused of
9 inappropriate violence or abuse towards inmates would not be punished by LASD.
10 5. In early 2011, the FBI launched an undercover probe at the Men's Central Jail to
11 investigate allegations of corruption and inmate abuse. In 2012, the American Civil
12 Liberties Union filed a federal class-action lawsuit against LASD, PAUL TANAKA, and
13 other managing agents of LASD relating to inmate abuse in the COUNTY jails. In
14 September 2012, the Citizens’ Commission on Jail Violence a issued a report accusing
15 PAUL TANAKA and other managing agents of LASD of fostering a culture in which
16 deputies beat and humiliated, covered-up misconduct and formed aggressive deputy
17 gangs in the COUNTY jails. PAUL TANAKA himself was a tattooed member of the
18 Vikings, one of the aforementioned deputy gangs within LASD.
19 6. On May 13, 2015, PAUL TANAKA was indicted on federal obstruction of justice and
20 conspiracy charges in relation to the FBI’s investigation into corruption and inmate abuse
21 at COUNTY jails. The indictment stated, in pertinent part, “Defendants TANAKA and
22 CAREY were well aware of allegations of rampant abuse of inmates at [Men’s Central
23 Jail] and [Twin Towers Correctional Facility] and of allegations of insufficient internal
24 investigations and enforcement of deputy misconduct by the LASD... In approximately
25 2009, defendant TANAKA informed LASD supervisors: (a) they should allow deputies
26 to work in the "gray area"; (b) defendant TANAKA wanted the Internal Affairs Bureau to
27 have approximately 44 fewer investigators than the approximate 45 investigators it then
28 had... From no later than December 2010 and continuing to at least July 2011 allegations

1 surfaced that LASD deputies working on the 3000 floor of [Men's Central Jail], who
2 called themselves the '3000 Boys,' exhibited gang-like and violent behavior, used
3 excessive force against inmates, and falsified reports to cover up wrongdoing... By no
4 later than in or about August 2011, defendants TANAKA and CAREY were aware that
5 the [United States Attorney's Office], FBI, and a federal grand jury were conducting an
6 investigation of abuse and corruption by LASD's employees working within the Los
7 Angeles County Jails... From on or about August 19, 2011, to on or about September 29,
8 2011, defendant PAUL TANAKA corruptly endeavored to influence, obstruct, and
9 impede the due administration of justice, namely, a federal grand jury investigation into
10 abuse and corruption by LASD's employees working within the Los Angeles County
11 Jails."

12 7. On June 24, 2015, LASD deputies Sussie Ayala and Fernando Luviano were found guilty
13 of federal charges of unreasonable force and falsifying records for their roles in beating a
14 handcuffed man who was visiting his inmate brother in Men's Central Jail in February
15 2011. Prosecutors in the case alleged that the deputies repeatedly punched and pepper
16 sprayed the man when he was handcuffed and pinned face-down on the floor. During the
17 trial, former LASD deputies testified that there was a "code of silence" within LASD that
18 prohibits deputies to out other deputies for misconduct. For instance, former LASD
19 deputy Pantamitr Zunggeemoge testified at the trial that "We were all partners... There's a
20 bond. And you don't go against your partners." During his employment with LASD and
21 COUNTY, PLAINTIFF had provided supervision of Deputies Fernando Luviano, Sussie
22 Ayala, and Pantamitr Zunggeemoge.

23 8. PLAINTIFF has devoted most of his working life to law enforcement. From 1992 to
24 1995, he was a reserve police officer with the Compton Police Department. From 1993 to
25 2010, he was employed by the Los Angeles County Office of Public Safety, where he
26 was promoted numerous times for his excellent performance in the field as well as on
27 written exams, eventually earning the rank of lieutenant. In or about March 2010, the Los
28 Angeles County Office of Public Safety and all of its employees, including PLAINTIFF,

1 were required to merge with DEFENDANT LASD by the Los Angeles Board of
2 Supervisors. Although PLAINTIFF was initially led to believe that he would be offered
3 the rank of sergeant, the merger was changed to a "workforce reduction" at the eleventh
4 hour and PLAINTIFF was forced to reapply for his job.

5 9. PLAINTIFF began his employment with LASD on or about March 15, 2010, just months
6 before the FBI launched its investigation into the LASD and TANAKA. Prior to
7 commencing his employment with LASD, PLAINTIFF had been working in law
8 enforcement a total of 17 years, had an outstanding service record, had obtained the rank
9 of lieutenant and held a Management Post Certificate as well as a Master's Degree. Yet
10 due to the forced merger, PLAINTIFF lost his seniority, and was demoted to deputy, the
11 lowest rank in the LASD. PLAINTIFF completed a mandatory lateral orientation class
12 and jail operations class, and was assigned to the Men's Central Jail on or about April 12,
13 2010.

14 10. Plaintiff was required to complete a one year probationary period, which included a three
15 month jail orientation training program. Plaintiff was assigned to custody training officer
16 Eduardo Rodriguez, who Plaintiff later discovered was a member of a large group of
17 deputies called the "2000 boys," whom occupied the second floor of the Men's Central
18 Jail (hereinafter "MCJ"). The "3000 boys" were another group virtually identical to the
19 2000 boys, with a different name only because they occupied the third floor of MCJ.
20 After PLAINTIFF dared to truthfully report and/or otherwise complain about inmate
21 abuse committed by the 2000 boys and other agents of LASD, these deputies, other
22 members assigned to the Century Regional Detention Facility, and other agents of LASD
23 including but not limited to JOSEPH NUNEZ, MARK GUERRERO, KIMBERLY
24 MILROY, MICHAEL SHAPIRO, DANIEL CHAVEZ engaged in a relentless campaign
25 to ostracize, harass, demoralize, threaten, discriminate and retaliate against PLAINTIFF,
26 which included falsely imprisoning him, relieving PLAINTIFF of his duties on or about
27 December 17, 2013, refusing to return PLAINTIFF to his position despite PLAINTIFF
28

1 being cleared to return to full work duties by independent medical professionals, and then
2 forcing PLAINTIFF to go on an indefinite, unpaid administrative leave in May 2015.

3 11. In or about April 2010, PLAINTIFF observed members of the 2000 boys use excessive
4 force on an inmate. PLAINTIFF had initially approached the inmate in an attempt to
5 handcuff him, but he was ordered away by members of the 2000 boys. Soon thereafter,
6 the members of the 2000 boys punched, kicked, and stomped on the inmate, who was
7 lying on the ground. These deputies also used their flashlights as weapons to beat the
8 inmate. A call went out, and additional deputies responded and proceeded to join in on
9 the assault. Sergeant Mark Renfrow from the 2000 floor was also present. The inmate
10 was about 50 years old, and weighed approximately 150 pounds. PLAINTIFF noticed
11 that most of the deputies engaged in this assault were members of the 2000 boys. After
12 the assault, these deputies harassed and intimidated PLAINTIFF, warning him against
13 participating in the official report of the incident. Sergeant Mark Renfrow said that he did
14 not want PLAINTIFF listed as a witness.

15 12. PLAINTIFF was shocked by what he had witnessed, and reasonably believed that the
16 deputies were using excessive force on the inmate in violation of California and federal
17 law. PLAINTIFF verbally complained about the incident to Sergeant Hector Lemus,
18 whom PLAINTIFF used to work with at the Los Angeles County Office of Public Safety,
19 as well as to Sergeant Martha Galindo. Hector Lemus advised PLAINTIFF to refrain
20 from complaining about the incident to anyone else until after he had completed his one
21 year probationary period.

22 13. In or about May 2010, PLAINTIFF witnessed another instance of excessive force by
23 members of the 2000 boys against an inmate. In this instance, Juan Guerrero detained an
24 inmate while PLAINTIFF and another deputy named Michael Rich looked on as back up.
25 Juan Guerrero moved the inmate slightly out of view of the module's camera. Juan
26 Guerrero then told PLAINTIFF and the other deputy that there was a trustee (inmate
27 worker) approaching the group, at which point PLAINTIFF looked the other direction but
28 saw a flurry of activity in his peripheral vision. PLAINTIFF turned back to see Juan

1 Guerrero flinging the inmate face first into the jail bars. The inmate then dropped to the
2 floor and Juan Guerrero began striking him repeatedly with his flashlight. PLAINTIFF
3 grabbed the inmate's feet, and deputy Rich put out a call for assistance while holding the
4 inmate's legs. Juan Guerrero continued to strike the inmate with his flashlight in the
5 inmate's upper extremities as the inmate tried to block the blows. PLAINTIFF saw an
6 individual that was on his stomach trying to protect himself from severe injury.

7 14. Additional deputies arrived, all of whom were members of the 2000 boys, including
8 Sergeant Mark Renfrow, who was the highest ranking officer at the incident. Sergeant
9 Renfrow repeatedly instructed PLAINTIFF to tase the inmate, despite the fact that the
10 inmate was already in a position to be handcuffed. PLAINTIFF followed Sergeant
11 Renfrow's orders, tasing the inmate in the legs and rear end, but Renfrow continued
12 screaming, "tase him, I said tase him!" The bloodied and battered inmate was then
13 handcuffed and taken away for medical attention.

14 15. After the incident, PLAINTIFF wrote a supplemental police report in which he described
15 what he had witnessed and his involvement. PLAINTIFF showed his police report to his
16 substitute training officer David Rodriguez, who told PLAINTIFF that PLAINTIFF
17 needed to change his description of the event and turn in the revised report the next day.
18 PLAINTIFF refused to do so. PLAINTIFF took the same report to training officer
19 Eduardo Rodriguez, who told PLAINTIFF that PLAINTIFF needed to write that the
20 inmate "punched at" Juan Guerrero. PLAINTIFF told Rodriguez that he saw the inmate
21 trying to block the repeated flashlight blows from Juan Guerrero but never witnessed the
22 inmate punch at anyone. Eduardo Rodriguez told him to change his report anyways.
23 PLAINTIFF perceived that Eduardo Rodriguez was attempting to force PLAINTIFF to
24 knowingly submit false information in a police report in violation of CA Penal Code
25 118.1. Eduardo Rodriguez also told PLAINTIFF to write in the revised report that Juan
26 Guerrero requested PLAINTIFF to call a supervisor before using force, per MCJ and
27 LASD policy, which was also false.
28

1 16. PLAINTIFF refused to change his report despite the incredible pressure to do so. Then
2 Sergeant Renfrow threatened PLAINTIFF to coerce him to change the report. Sergeant
3 Renfrow told PLAINTIFF that if PLAINTIFF did not make the changes to his report, he
4 would write PLAINTIFF up for "insubordination" and a "training issue" due to
5 PLAINTIFF's allegedly improper use of the taser against the inmate (i.e. failing to hold
6 back the trigger continuously until the inmate was handcuffed). PLAINTIFF also
7 perceived that Sergeant Renfrow was attempting to force PLAINTIFF to knowingly
8 submit false information in a police report in violation of CA Penal Code 118.1.

9 17. Fearing for his job, and his own safety, PLAINTIFF eventually relented to the incredible
10 pressure and wrote in the report that the inmate was "punching" at Juan Guerrero because
11 LASD viewed the inmate's blocks as punches, but PLAINTIFF refused to change the
12 report to say that Juan Guerrero asked PLAINTIFF to call for a supervisor before
13 initiating force. PLAINTIFF submitted the revised police report.

14 18. After PLAINTIFF re-submitted the report with some but not all of the requested changes,
15 Sergeant Renfrow told PLAINTIFF that he needed to leave "my floor" immediately.
16 PLAINTIFF was escorted off the floor and taken to Lieutenant Lamar Lafave.
17 PLAINTIFF reported to Lamar Lafave (who was not part of the 2000 boys, and was
18 previously a Bureau Chief in the Los Angeles County Office of Public Safety) that
19 Sergeant Renfrow threatened to write PLAINTIFF up for a "training issue" in retaliation
20 for PLAINTIFF refusing to make certain changes to his police report. PLAINTIFF
21 requested to speak to Captain Daniel Cruz.

22 19. Lieutenant Lamar Lafave told PLAINTIFF "let me give you some advice, this is the
23 'Sheriff's House' and this is all deeper than it seems, so you really don't want to see the
24 Captain, you need to get through your probation first." Lieutenant Lafave cautioned
25 PLAINTIFF against bringing forth any complaints about excessive force against the 2000
26 boys to Captain Cruz. PLAINTIFF requested that he no longer be assigned to work with
27 the 2000 boys. After this meeting, PLAINTIFF was reassigned to the fifth floor.
28 PLAINTIFF was also reassigned to a different training officer named Justin Beeman and

1 successfully completed his training program. Nonetheless, PLAINTIFF was soon
2 thereafter issued a training report which included numerous misleading and back dated
3 entries from his former 2000 floor training officer, Eduardo Rodriguez, criticizing
4 PLAINTIFF's performance. PLAINTIFF challenged the accuracy of these entries but his
5 request to change the report was denied by the MCJ training office.

6 20. PLAINTIFF continued to experience harassment by the 2000 boys. PLAINTIFF received
7 a note from inmates at MCJ stating that they had overheard conversations between
8 members of the 2000 boys who were conspiring to bring false allegations against
9 PLAINTIFF in retaliation for his complaints.

10 21. In or about September 2010, PLAINTIFF requested through the union a transfer to Twin
11 Towers Correctional Facility in an attempt to escape the harassment and retaliation at
12 MCJ. There were far fewer members of the 2000 and 3000 boys at Twin Towers.
13 PLAINTIFF's request was eventually granted. PLAINTIFF's request was granted and he
14 worked at Twin Towers from approximately September 2010 to May 2012. In about
15 October 2010, Sergeant Mark Gregory approached PLAINTIFF and told him to "watch
16 out" for himself because deputies from the MCJ were calling Twin Towers and trying to
17 "blackball" PLAINTIFF. PLAINTIFF performed his job duties satisfactorily, scored
18 highly on the sergeant and senior deputy exams, and was promoted from deputy to senior
19 deputy in about May 2012.

20 22. As a result of his promotion, PLAINTIFF was transferred to a women's jail facility
21 known as Century Regional Detention Facility (hereinafter "CRDF"). During
22 PLAINTIFF's time at CRDF, a group of deputies from the MCJ (whom PLAINTIFF
23 recognized as members of the 2000 and 3000 boys) were administratively transferred to
24 CRDF. PLAINTIFF is informed and believes that so many members of the 2000 and
25 3000 boys were being transferred to CRDF because of rampant allegations of inmate
26 abuse at MCJ and on-going department and federal investigations.

27 23. In approximately January 2013, PLAINTIFF advised his supervisor Sergeant
28 KIMBERLY MILROY that a nurse was requesting a deputy escort of an inmate to a

1 hospital. A deputy was available, but KIMBERLY MILROY ordered PLAINTIFF to lie
2 to the nurse at CRDF that a deputy was not available. PLAINTIFF did not lie but rather
3 told the nurse that KIMBERLY MILROY denied her request, at which point the nurse
4 said that per doctor's orders the inmate needed an immediate escort due to the seriousness
5 of the inmate's condition. Plaintiff advised KIMBERLY MILROY who still did not want
6 to send a deputy. Plaintiff re-advised the nurse, at which point the nurse called the
7 paramedics herself, which forced Sergeant KIMBERLY MILROY to send two deputies.

8 24. Sergeant KIMBERLY MILROY became visibly upset and accused PLAINTIFF of
9 telling the nurse to call the paramedics. PLAINTIFF informed Sergeant KIMBERLY
10 MILROY that he did not advise the nurse to call the paramedics and that it was her
11 decision to do so. KIMBERLY MILROY told Plaintiff that she was going to investigate
12 and if she found out that Plaintiff had advised or instructed the nurse to call the
13 paramedics she would take actions against him. After speaking directly with the nurse in
14 the clinic Sergeant KIMBERLY MILROY learned that Plaintiff did not give any advice
15 or instructions to them to call the paramedics. Nonetheless, KIMBERLY MILROY began
16 unjustly accusing PLAINTIFF of not properly completing his work duties.

17 25. PLAINTIFF complained to his immediate supervisor, Sergeant Daniel Hester, and also to
18 Watch Commander Lieutenant Tab Rhodes, about Sergeant KIMBERLY MILROY's
19 behavior of trying to tarnish his reputation by unjustly criticizing him to others.
20 Lieutenant Rhodes told Plaintiff to keep up his good work and that he would speak to her.

21 26. In retaliation for PLAINTIFF's refusal to engage in the illegal activity as well as his
22 complaints against her, KIMBERLY MILROY engaged in constant harassment and
23 attempted bullying of PLAINTIFF. KIMBERLY MILROY tried to sabotage
24 PLAINTIFF's job performance by withholding information from PLAINTIFF that he
25 needed to effectively do his job, overloading PLAINTIFF's work duties and cursing and
26 using degrading language in front of PLAINTIFF on a consistent basis.

27 27. On or about February 4, 2013, PLAINTIFF was working in the booking center when
28 Sergeant DANIEL CHAVEZ intentionally overloaded PLAINTIFF's work duties.

1 PLAINIFF's regular duties in the booking center included high priority tasks such as
2 compiling the court list and obtaining missing probable cause declarations to prevent the
3 unintentional release of numerous inmates. In addition to these duties, DANIEL
4 CHAVEZ ordered PLAINIFF to pick up inmate complaint forms for the entire facility.
5 These forms were supposed to be picked up by a sergeant, not a senior deputy, and
6 especially not a senior deputy assigned to the booking center. DANIEL CHAVEZ,
7 however, gave the assignment to PLAINIFF to try to get him in trouble when he knew
8 PLAINIFF did not have time to pick up the forms himself.

9 28. Because of errors in the paperwork from the previous shift's personnel, PLAINIFF did
10 not have time to pick up the forms until much later in his shift. DANIEL CHAVEZ tried
11 to get PLAINIFF written up for this. PLAINIFF also discovered that someone had
12 impersonated him over the in-house phone to the watch sergeant stating that the forms
13 had been picked him when in fact they had not. Plaintiff is informed and believes that
14 Sergeant Chavez's actions were motivated by the same retaliatory animus displayed by
15 Sergeant KIMBERLY MILROY, as well as former MCJ deputies that worked at CRDF.
16 Plaintiff is informed and believes that DANIEL CHAVEZ was aware of PLAINIFF's
17 complaints against KIMBERLY MILROY and the members of the 2000 boys at MCJ,
18 and wanted to retaliate against him for those complaints.

19 29. Thereafter, PLAINIFF complained in an email to Lieutenant John Burcher that he was
20 being set up and was working in a hostile work environment. PLAINIFF met with
21 Lieutenant Burcher and explained the situation, at which point Lieutenant Burcher
22 forwarded the complaint to Captain Joseph Nunez. The complaint included
23 PLAINIFF's request to transfer from the facility, which was denied by Captain Nunez.

24 30. PLAINIFF had also requested a transfer from the facility in September 2012 because of
25 the large amount of 2000 boys and 3000 boys at CRDF and the underlying harassment,
26 and hostility directed towards him. PLAINIFF'S request was denied at that time also.

27 31. In August 2013, PLAINIFF discovered that some of the inmates on discipline were
28 forced to spend up to 30 days in the disciplinary module without receiving their required

1 disciplinary review board hearings as required under Title 15 of the California Code of
2 Regulations. PLAINTIFF complained about this matter to one of the sergeants involved
3 in the practice, and the sergeant ignored his complaint.

4 32. Plaintiff also learned that some of the inmates' mail was being illegally withheld from
5 them, as well as certain hygiene items. These all were violations of Title 15 of the
6 California Code of Regulations. Plaintiff complained about this to his supervisor,
7 Sergeant Ottawa Cureton, who agreed with Plaintiff that these actions were unlawful and
8 should not have been implemented. Plaintiff brought the matter to the attention of Watch
9 Commander Lieutenant Tab Rhodes and showed him the policy and law prohibiting such
10 type of treatment. Lieutenant Rhodes told Plaintiff that Sergeant MICHAEL SHAPIRO
11 had implemented this practice but that he would look into speaking with him and ending
12 it. No administrative actions were ever undertaken by DEFENDANTS to address these
13 illegal practices.

14 33. In or about September 2013 PLAINTIFF started becoming increasingly singled out and
15 isolated for not going along with LASD's efforts to "work in the gray" and for violating
16 the LASD "code of silence." "Working in the gray" was a phrase used and encouraged by
17 former Undersheriff PAUL TANAKA, himself a tattooed Lynwood Vikings member, as
18 a way to circumvent department policy relating to inmate treatment and discipline.
19 "Working in the gray" is an informal policy that directs LASD members to operate
20 outside the confines on the law, in contravention of state and federal laws. The LASD
21 "code of silence" was a well-known, but unwritten policy of LASD that forbids law
22 enforcement officers to out other officers for misconduct.

23 34. In or about September 2013, PLAINTIFF was informed by Mental Health Director Laura
24 Bastianelli that she had witnessed LASD deputy M. Conde pepper spray an inmate in the
25 face for no apparent reason. The inmate was inside her jail cell and did not pose or make
26 any threats toward deputy Conde. PLAINTIFF investigated the allegation and confirmed
27 with the relevant witnesses that there was no relevant necessity for Deputy Conde to use
28 the pepper spray against this inmate. PLAINTIFF reasonably believed this action to be a

- 1 violation of state and federal law. PLAINTIFF reported the incident to Sergeant L.
2 Dancel, who conducted a force investigation.
- 3 35. In October 2013, PLAINTIFF's car tires were damaged and thereby flattened on two
4 separate occasions about one week apart. PLAINTIFF is informed and believes that these
5 incidents were committed by DEFENDANTS or other members of the LASD gangs at
6 the direction of DEFENDANTS in retaliation for PLAINTIFF's refusal to work "in the
7 gray" and for violating the LASD "code of silence."
- 8 36. Between November and December 2013, PLAINTIFF started seeing an increase of
9 deputy misconduct occurring on the mental health modules at CRDF. The misconduct
10 was brought to PLAINTIFF's attention by other deputy personnel, facility inmates, and
11 his own observation. PLAINTIFF made verbal complaints to this and past incidents of
12 misconduct to his supervisors and other LASD agents, including but not limited to
13 Lieutenant Rhodes, Lieutenant Villanueva, Sergeant Cureton, Sergeant Dancel, Sergeant
14 Bedogne, Sergeant Shaw, Senior Deputy Nalls, Senior Deputy Ferrera, and Lieutenant
15 Angela Walton. All of these complaints were related to various forms of inmate abuse
16 that PLAINTIFF believed violated federal and state law, including but not limited to
17 locking inmates down without proper documentation or supervisor approval, knowingly
18 refusing medical treatment to inmates in need, denying chaplain services to inmates, and
19 falsifying records regarding recreational time. PLAINTIFF felt that bringing light to these
20 serious issues and illegalities was the only way to put an end to them.
- 21 37. On or about December 13, 2013, PLAINTIFF reported his concerns about the harassment
22 he was receiving and about the various issues related to inmate abuse to Lieutenant John
23 Burcher. During the conversation, Lieutenant Burcher stated that Sergeant Milroy was a
24 problem employee and a "bully," but that it was difficult to take action against her.
- 25 38. On December 14, 2013, Sergeant KIMBERLY MILROY and Sergeant Chavez came into
26 PLAINTIFF's office and threatened him for reporting his concerns about LASD's illegal
27 conduct. Sergeant KIMBERLY MILROY told Plaintiff that he "better shut up" about
28 how KIMBERLY MILROY runs her program "or else." PLAINTIFF perceived that he

1 either needed to stop his investigation into the misconduct on the mental health floors and
2 other illegal activities or he would suffer harm to his employment, or person, or both.

3 39. PLAINTIFF spoke with MARK GUERRERO later that day. During this conversation,
4 MARK GUERRERO made a veiled threat against PLAINTIFF by telling him a story
5 about how the dictator of North Korea executed his own uncle and the uncle's immediate
6 family for being "disloyal." Lieutenant MARK GUERRERO told PLAINTIFF three
7 more similar stories from history illustrating "what happens" to people who are
8 "disloyal." Lieutenant MARK GUERRERO told PLAINTIFF that LASD would not be
9 responsible if "something happened" to a person reporting misconduct within LASD,
10 implying that PLAINTIFF may suffer violence and harm if he continued to report
11 misconduct in violation of the LASD "code of silence" and if he continued to refuse to
12 participate in illegal activities such as working in the gray.

13 40. Later that afternoon, PLAINTIFF discovered that KIMBERLY MILROY and other
14 agents of LASD from the mental health floor had been denying the Chaplain access to the
15 module for religious services. PLAINTIFF believed this activity, which was in violation
16 or noncompliance with state and federal laws and/or regulations, had been ongoing for
17 months. PLAINTIFF complained in writing to Captain NUNEZ that he believed the
18 LASD and COUNTY were discriminating against the Chaplain and inmates on the basis
19 of their race (African American).

20 41. On or about December 15, 2013 there was a previously scheduled town hall meeting
21 within one of the mental health modules (Module 3100). MARK GUERRERO and
22 several sergeants were present at the meeting, which was an opportunity for inmates to
23 voice concerns about any mistreatment or other issues. PLAINTIFF took notes during
24 this meeting and later typed up a summary of what was said in the meeting and submitted
25 it to LASD.

26 42. Approximately 20 inmates out of a total of 90 were invited to attend. Most of the 20
27 inmates reported some form of inmate abuse by deputies, including many deputies and
28 other agents of LASD that PLAINTIFF had previously complained about. The inmates

1 alleged that deputies were overly aggressive, used excessive profanity, put inmates on
2 lockdown without cause, and failed to respond to medical emergencies, among other
3 illegal conduct. One of the incidents reported in the town hall meeting involved a deputy
4 not allowing the inmate out of her cell to see the nurse during an asthma attack. Inmate
5 Reina Salazar said that she needed her medical inhaler and was refused to be let out of
6 her cell by Deputy Conde and an unknown male deputy. Inmate Salazar said she had to
7 use a plastic bag inside her room to help her breath in order not to pass out.

8 43. Inmate Christina Arreseigor reported that this group of deputies appeared mad and kept
9 cussing them out for no apparent reason. Several other inmates reported similar
10 behavior.

11 44. Inmate Doris Portillo said she was battered by her cellmate and asked Deputy Villa to let
12 her out of her cell to see the nurse because of a head injury. Deputy Villa reportedly
13 accused her of lying and refused to allow her to seek medical treatment. Deputy Villa
14 also declined to take a report on the incident. PLAINTIFF later verified there was no
15 incident report or medical injury report completed by Deputy Villa regarding this
16 incident, nor was there any record of medical treatment of this inmate on this date, all of
17 which is required under LASD policy and CA state law.

18 45. PLAINTIFF assigned Deputy Jose Flores to write a follow up report regarding this
19 incident, which PLAINTIFF noticed contained false and misleading information,
20 including but not limited to a statement that a deputy took inmate Portillo to a nurse for
21 medical treatment the same day of the attack, which PLAINTIFF confirmed as false.
22 PLAINTIFF brought this report to MARK GUERRERO who agreed that it was not
23 accurate and looked suspicious.

24 46. On December 16, 2013, while writing the summary of the town hall meeting, numerous
25 deputies and agents of LASD came into PLAINTIFF's office and implicitly or explicitly
26 threatened him. Other deputies tried to look at his computer to see what he was writing.
27 There was serious concern that PLAINTIFF would write a truthful recap of the town hall
28 meeting and submit it to administration such that the various deputies and agents of

1 LASD involved in these illegalities would be facing an investigation and potential
2 discipline. A custody assistant named David Rodgers told PLAINTIFF that "they" knew
3 what he was up to and that if he submitted the report, "fraternization" charges would be
4 brought against PLAINTIFF in retaliation.

5 47. Plaintiff reported the threat to Lieutenant MARK GUERRERO but nothing was done. As
6 the shift went on Plaintiff could sense tension and hostility building in the atmosphere.
7 Plaintiff knew that word had gotten out throughout the facility of what the inmates had
8 complained about during the town hall meeting, and agents of LASD were attempting to
9 intimidate and threaten PLAINTIFF to protect themselves.

10 48. PLAINTIFF met with MARK GUERRERO again and MARK GUERRERO himself
11 intimidated and threatened PLAINTIFF. PLAINTIFF felt so uncomfortable that he called
12 911 from his office phone, but realized that the call was routed to a LASD station and he
13 hung up. PLAINTIFF told MARK GUERRERO that he had a family emergency and
14 needed to leave the facility.

15 49. MARK GUERRERO looked at PLAINTIFF with a sarcastic expression and stated,
16 "what's wrong." PLAINTIFF left the office and MARK GUERRERO followed him and
17 stated, "what's wrong, you don't want to play anymore?" PLAINTIFF went home to
18 check on his family.

19 50. While at home, PLAINTIFF received a call from MARK GUERRERO who ordered
20 PLAINTIFF back to the facility. PLAINTIFF refused. MARK GUERRERO then stated
21 that if PLAINTIFF did not return to the facility immediately that he would be charged
22 with abandoning his position.

23 51. PLAINTIFF returned to the facility under duress and was met by several armed sergeants
24 including DANIEL CHAVEZ, as well as Lieutenant MARK GUERRERO, who was also
25 armed. Plaintiff was ordered into a conference room and interrogated by Lieutenant
26 MARK GUERRERO and another lieutenant. At least four armed Sergeants stood outside
27 the conference room guarding the exit. Plaintiff was then ordered to write a statement.
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1 52. PLAINTIFF asked if he could provide the statement at a later time because of his
2 exhausted state, and also asked if he could speak with an attorney or representative about
3 his legal rights. PLAINTIFF had been awake for over 22 hours at this point, and had been
4 subjected to a relentless barrage of harassing and threatening behavior throughout the day
5 by agents of LASD. PLAINTIFF's requests were denied. PLAINTIFF was told that after
6 he wrote the statement he would be allowed to leave.

7 53. PLAINTIFF wrote a statement under duress, and in a dazed and semi-conscious state due
8 to his lack of sleep and emotional distress. After providing the statement, PLAINTIFF
9 was still not allowed to leave. He was brought into Lieutenant Guerrero's office and held
10 there against his will and re-interrogated. Eventually, Plaintiff was finally allowed to
11 leave.

12 54. On December 17, 2013, PLAINTIFF was relieved of his duties by LASD and captain
13 JOSEPH NUNEZ with pay "pending a psychological evaluation." Relieving PLAINTIFF
14 of his duties was sanctioned and condoned by LASD and COUNTY managing agents,
15 including but not limited to PAUL TANAKA.

16 55. In December 2013, PLAINTIFF was experiencing such immense emotional distress
17 caused by DEFENDANTS' retaliatory and discriminatory adverse employment actions
18 against him that he decided to receive treatment from a hospital. PLAINTIFF was not a
19 danger to himself, or to others, and was not gravely disabled. Nevertheless,
20 DEFENDANTS directly and/or indirectly communicated to the hospital staff that
21 PLAINTIFF should be placed on a 5150 hold, and PLAINTIFF was thereafter held
22 against his will for approximately 72 hours. DEFENDANTS' aforementioned
23 communications to hospital staff members that led to PLAINTIFF's 5150 hold were
24 motivated by retaliatory and discriminatory animus against PLAINTIFF as set forth
25 throughout this complaint.

26 56. In January and March of 2014, PLAINTIFF submitted written complaints to the LASD
27 Internal Affairs and Equity Unit which detailed DEFENDANTS' harassment, retaliation,
28 and discrimination of PLAINTIFF. PLAINTIFF had previously reported these allegations

1 to Channel 5 news and the FBI in or about December 2013. PLAINTIFF called the FBI
2 in or about December 2013 and stated that LASD and its agents were engaging in, and
3 covering up, inmate abuse and mistreatment inside COUNTY jails, and that
4 DEFENDANTS were retaliating against PLAINTIFF (including by causing PLAINTIFF
5 to be placed on an improper 5:50 hold) when he reported the illegal conduct up the chain
6 of command. PLAINTIFF also called the FBI in or about January 2014 to report similar
7 allegations.

8 57. From approximately February through March 2014, PLAINTIFF underwent a series of
9 medical evaluations by independent medical professionals. The results of all of these
10 evaluations were that PLAINTIFF was physically and mentally fit to return to his full
11 work duties as a LASD Deputy Sheriff without restrictions.

12 58. For instance, on or about March 11, 2014, PLAINTIFF underwent an examination by Ian
13 P. Chand, Ph. D, who concluded in a letter dated March 31, 2014 that "it is my opinion
14 that Mr. Brock ... is ready to return to regular work as a Law Enforcement Officer
15 carrying firearms and without any restrictions." PLAINTIFF was also evaluated on or
16 about March 25, 2014 by Tandra Michelle Green, LCSW. Following the evaluation, Ms.
17 Greene wrote in a work status report that "Mr. Brock was evaluated on 3-25-14 and
18 deemed capable of returning to work on 3-26-14 at full capacity." On March 20, 2014,
19 PLAINTIFF was also evaluated by Yelena R Sergeyeva MD, who stated in a
20 correspondence dated March 20, 2014 that PLAINTIFF "has no restrictions to work at
21 this time."

22 59. PLAINTIFF was also evaluated by independent medical professionals relating to his
23 improper 5:50 hold. For instance, on or about February 17, 2014 PLAINTIFF was
24 evaluated by Susan Lopresti, LCSW who stated that PLAINTIFF was not suicidal,
25 homicidal or gravely disabled at that time. PLAINTIFF was also evaluated by Lisa
26 Delgadillo LCSW on or about February 19, 2014 and February 27, 2014. Ms. Delgadillo
27 stated that PLAINTIFF was not suicidal, homicidal or gravely disabled during either of
28 those evaluations. Ms. Delgadillo also stated in a February 27, 2014 correspondence that

1 she had reviewed Mr. Brock's medical records from Kaiser Permanente dating back to
2 November 4, 2011, and she had concluded that "there was no indication you were
3 suicidal, homicidal or gravely disabled in any of those appointments based upon the
4 assessment of the treating therapists at that time." PLAINTIFF promptly provided all of
5 the aforementioned correspondence to LASD.

6 60. PLAINTIFF provided the results of all of these medical evaluations to LASD and
7 COUNTY in approximately March or April of 2014. As such, PLAINTIFF provided
8 evidence to LASD and COUNTY through independent medical professionals that he was,
9 and continues to be, both physically and mentally capable of performing his work duties.
10 LASD and COUNTY have consistently ignored PLAINTIFF's evidence in this regard
11 and repeated requests for reinstatement. LASD and COUNTY have refused to return
12 PLAINTIFF to his position of Deputy Sheriff.

13 61. On or about March 28, 2014, PLAINTIFF underwent the psychological examination
14 mandated by LASD through the Occupational Health Programs (OHP). Following the
15 evaluation, LASD and the COUNTY refused to reinstate PLAINTIFF to his position, but
16 failed to tell PLAINTIFF why, and refused to provide PLAINTIFF with any
17 documentation relating to his March 28, 2014 psychological examination.

18 62. In June 2014, PLAINTIFF received an unfairly critical and negative performance
19 evaluation.

20 63. In November 2014 PLAINTIFF retook the Sergeant Exam for the 2014 calendar year.
21 DEFENDANTS had previously attempted to prevent PLAINTIFF from taking the exam
22 by misleading him and withholding from him vital information about the exam. After
23 PLAINTIFF appealed to the personnel unit, PLAINTIFF was allowed to take the exam,
24 and he scored a 98.7% on the written portion, one of the highest scores in the department
25 and better than almost 3000 other deputies that took the same exam. LASD Personnel
26 Director Captain Judy Gerhardt, a PAUL TANAKA supporter, refused to release the
27 remainder of PLAINTIFF's exam scores and overall ranking, which would have placed
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1 PLAINTIFF in a high position on the promotional list that was published department-
2 wide.

3 64. On or about December 3, 2014, PLAINTIFF received notification that he was removed
4 from consideration for the Sergeant Custody Career Track because LASD classified
5 PLAINTIFF as "physically or mentally unfit to perform the duties of a Sergeant."
6 However, PLAINTIFF had previously provided evidence to LASD through independent
7 medical professionals that he was both physically and mentally fit to perform his work
8 duties. DEFENDANTS have consistently denied PLAINTIFF's repeated requests for
9 reinstatement. DEFENDANTS have also consistently refused to release the results of
10 PLAINTIFF's psychological evaluation.

11 65. On February 18, 2015, PLAINTIFF filed a Complaint for Damages against
12 DEFENDANTS in Los Angeles Superior Court in the County of Los Angeles. Within
13 two days of filing the complaint, DEFENDANTS demanded to meet with PLAINTIFF at
14 the Century Sheriff Patrol Station, the location where PLAINTIFF had previously been
15 relieved of his duties, and which was the home of LASD deputy gangs such as the
16 Regulators and the Vikings. During the meeting, which took place on March 5, 2015,
17 PLAINTIFF and his attorney were met by six agents of LASD, some of whom carried
18 firearms, in a small conference room within the Century Sheriff Patrol Station. Only one
19 agent of LASD spoke during the meeting, who merely read from a single document.
20 DEFENDANTS could have simply sent that same document to PLAINTIFF's attorneys.
21 DEFENDANTS' decision to demand an in-person meeting with PLAINTIFF at the same
22 location where he had previously been relieved of his duties and with a number of
23 extraneous armed deputies constituted a continuing act of retaliation and intimidation by
24 DEFENDANTS against PLAINTIFF.

25 66. On or about March 31, 2015, PLAINTIFF received notice of DEFENDANTS' intent to
26 place him on an unpaid administrative leave effective April 16, 2015. Within this letter,
27 DEFENDANTS unilaterally set a skelly hearing for April 16, 2015, which was later
28 continued to May 5, 2015.

1 67. On or about March 31, 2015, PLAINTIFF was finally provided with the "results" of his
2 March 2014 psychological evaluation by the OHP. The entirety of these "results"
3 consisted of a copy of a February 9, 2015 letter from OHP Chief of Psychological
4 Services, Dr. Sepideh A. Souris, to LASD captain Judy Gerhardt which contained
5 nothing more than conclusory findings regarding PLAINTIFF's fitness for duty. Within
6 that letter, it was noted that "we have determined that Mr. Brock does not meet criteria
7 established under California Government Code § 1031(f)...and may not be returned to
8 duty as a peace officer/safety sensitive position...Furthermore, Mr. Brock is deemed as
9 not fit for any other positions at this time and in the foreseeable future."

10 68. On April 13, 2015, April 24, 215, and May 5, 2015, PLAINTIFF, through his
11 representatives, requested all documents, materials, reports, and other items that OHP
12 reviewed, considered, analyzed, and/or otherwise relied upon regarding their unilateral
13 determination that PLAINTIFF was not fit to return to his former position, or any
14 position, within LASD. All of PLAINTIFF's requests in this regard were denied.
15 PLAINTIFF, through his representatives, complained to LASD and COUNTY that
16 PLAINTIFF was being denied his procedural rights as articulated by the California
17 Supreme Court in Skelly v. State Personnel Board (1975) 15 Cal.3d 194.

18 69. On or about May 24, 2015, the COUNTY and LASD placed PLAINTIFF on an
19 indefinite, unpaid administrative leave. The indefinite, unpaid suspension had the same
20 effect as a termination. This action was the culmination of years of harassing, retaliatory,
21 and discriminatory conduct by DEFENDANTS against PLAINTIFF. PLAINTIFF was
22 harmed and DEFENDANTS' aforementioned conduct was a substantial factor in causing
23 PLAINTIFF's harm.

24 70. DEFENDANTS had a pattern and practice of retaliating against, harassing, coercing, and
25 intimidating LASD deputies such as PLAINTIFF when they complained about illegal
26 activities such as inmate abuse or corruption within LASD, or otherwise engaged in in
27 whistleblowing activities. DEFENDANTS engaged in this illegal conduct instead of
28 informing whistleblowing employees of their protections under the law and implementing

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any plan to protect them from retaliation and harassment within LASD. Rather, DEFENDANTS intentionally sought out to protect the LASD agents that retaliated against whistleblowers such as PLAINTIFF, and ordered or otherwise condoned retaliatory actions against whistleblowers such as PLAINTIFF.

71. The aforementioned acts of DEFENDANTS, committed by and through its managing agents (including PAUL TANAKA) and agents were done with the knowledge of DEFENDANTS and or were ratified and condoned by DEFENDANTS and their managing agents (including PAUL TANAKA), and each of them, were willful, wanton, malicious, intentional, oppressive and despicable and were done in willful and conscious disregard of the rights, welfare and safety of PLAINTIFF, and were done by managerial agents of DEFENDANTS (including PAUL TANAKA), and DOES 1 through 100, and with the express knowledge, consent, and ratification of managerial employees of DEFENDANTS, thereby justifying the awarding of punitive and exemplary damages in an amount to be determined at the time of trial.

72. Plaintiff has exhausted his administrative remedies by filing a claim for damages with the County of Los Angeles on June 13, 2014, and an amended claim on July 8, 2014. PLAINTIFF was informed that both of his claims were rejected by the County of Los Angeles by correspondence that was sent to him on August 20, 2014. PLAINTIFF has also exhausted his administrative remedies by filing timely complaints with the DFEH and the California Division of Labor Standards Enforcement ("Labor Commissioner"), and by filing an internal appeal of DEFENDANTS' decision to place PLAINTIFF on an indefinite, unpaid administrative leave effective May 24, 2015.

FIRST CAUSE OF ACTION

VIOLATION OF CAL. LABOR CODE § 1102.5

(Against COUNTY, LASD and DOES 1 Through 100, Inclusive)

73. PLAINTIFF repeats and realleges each and every allegation set forth in the preceding paragraphs and incorporates them herein by reference with the same effect as if realleged herein.

1 74. At all times herein, PLAINTIFF was a resident of the State of California, County of Los
2 Angeles. At all times herein, PLAINTIFF was a peace officer with the LASD, a
3 component of COUNTY. At all times herein, COUNTY was a public entity duly
4 organized and existing under and by virtue of the laws of the State of California.

5 75. At all times relevant herein, DEFENDANTS JOSEPH NUNEZ, MARK GUERRERO,
6 KIMBERLY MILROY, MICHAEL SHAPIRO, and DANIEL CHAVEZ were residents
7 of the County of Los Angeles, Sheriffs of the LASD, and employees, agents, and
8 representatives of the County of Los Angeles. At all times relevant herein,
9 DEFENDANTS JOSEPH NUNEZ, MARK GUERRERO, KIMBERLY MILROY,
10 MICHAEL SHAPIRO, and DANIEL CHAVEZ were acting within the course and scope
11 of their employment, and/or policy makers of the LOS ANGELES COUNTY
12 SHERIFF'S DEPARTMENT, a department and subdivision of DEFENDANT
13 COUNTY OF LOS ANGELES.

14 76. Defendants LASD, COUNTY and Does 1 through 100, inclusive were qualified to do
15 business in California and conducted business in Los Angeles California. The wrongful
16 relieving PLAINTIFF of his duties occurred in California and was ratified and condoned
17 by LASD and COUNTY and their managing agents. At all times herein mentioned,
18 PLAINTIFF was employed by LASD, a component of COUNTY, and Does 1 through
19 100, Inclusive in the County of Los Angeles, State of California.

20 77. PLAINTIFF was at all times employed directly and/or indirectly by DEFENDANTS and
21 Does 1 through 100, who were the agents, principals, subsidiaries, parents, joint
22 venturers, joint employers, alter egos, of each other and ratified the conduct of each
23 defendant respectively. The true nature of the relationship between the DEFENDANTS
24 and Does 1 through 100 inclusive will be the subject of further discovery and
25 PLAINTIFF reserves the right to amend and or supplement this complaint once more
26 information is obtained.

27 78. Plaintiff is informed and believes, and thereon alleges, that at all times relevant herein,
28 each Defendant designated, including DOES 1-100, herein was the agent, employer,

1 managing agent, principal, owner, partner, joint venturer, representative, supervisor,
2 manager, servant, employee, joint employer, alter ego, and/or co-conspirator of each of
3 the other DEFENDANTS, and was at all times mentioned herein acting within the course
4 and scope of said agency and employment relationship, and that all acts or omissions
5 alleged herein were duly committed with the ratification, knowledge, permission,
6 encouragement, authorization and consent of each Defendant designated herein.

7 79. PLAINTIFF is ignorant of the true names and capacities, whether corporate, associate,
8 individual or otherwise, of Defendants sued herein as Does 1 - 100, Inclusive, and
9 therefore sue said Defendants, and each of them, by such fictitious names. PLAINTIFF
10 will seek leave of court to amend this Complaint to assert the true names and capacities
11 of the fictitiously named Defendants when the same have been ascertained. PLAINTIFF
12 is informed and believe, and thereon allege, that each Defendant designated as "Does"
13 herein is legally responsible for the events, happenings, acts, occurrences, indebtedness,
14 damages and liabilities hereinafter alleged and caused injuries and damages proximately
15 thereby to the PLAINTIFF, as hereinafter alleged.

16 80. PLAINTIFF is informed and believes, and thereon alleges, that at all times relevant
17 herein, each Defendant designated, including Does 1-100, herein was the agent,
18 managing agent, principal, owner, partner, joint venturer, representative, supervisor,
19 manager, servant, employee and/or co-conspirator of each of the other Defendants, and
20 was at all times mentioned herein acting within the course and scope of said agency and
21 employment, and that all acts or omissions alleged herein were duly committed with the
22 ratification, knowledge, permission, encouragement, authorization and consent of each
23 Defendant designated herein.

24 81. At all times herein mentioned, Labor Code Section 1102.5 provided in pertinent part:
25 (A) An employer, or any person acting on behalf of the employer, shall
26 not make, adopt, or enforce any rule, regulation or policy preventing an
27 employee from disclosing information to a government or law
28 enforcement agency, to a person with authority over the employee, or to

1 another employee who has authority to investigate, discover, or correct
2 the violation or noncompliance, or from providing information to,
3 testifying before, any public body conducting an investigation, hearing or
4 inquiry if the employee has reasonable cause to believe that the
5 information discloses a violation of state or federal statute, or a violation
6 or noncompliance with a local, state or federal rule or regulation,
7 regardless of whether disclosing the information is part of the employee's
8 job duties."

9 (B) An employer, or any person acting on behalf of the employer, shall not
10 retaliate against an employee for disclosing information, or because the
11 employer believes that the employee disclosed or may disclose
12 information, to a government or law enforcement agency, to a person with
13 authority over the employee or another employee who has authority to
14 investigate, discover, or correct the violation or noncompliance, or for
15 providing information to, or testifying before, any public body conducting
16 an investigation, hearing or inquiry, if the employee has a reasonable
17 cause to believe that the information discloses a violation of state or federal
18 statute, or a violation or noncompliance with a local, state or federal rule
19 or regulation, regardless of whether disclosing the information is part of
20 the employee's job duties.

21 (C) An employer, or any person acting on behalf of the employer, shall
22 not retaliate against an employee for refusing to participate in an activity
23 that would result in a violation of state or federal statute, or violation or
24 noncompliance with a local, state or federal rule or regulation.

25 (D) An employer, or any person acting on behalf of an employer, shall not
26 retaliate against an employee for having exercised his or her rights under
27 subdivision (a), (b) or (c) in any former employment.
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1 (E) A report made by an employee of a government agency to his or her
2 employer is disclosure of information to a government or law enforcement
3 agency pursuant to subdivision (a) and (b).

4 82. DEFENDANTS and each of them violated California Labor Code 1102.5 (a) through (e)
5 by (1) making, adopting and enforcing rules, regulations and policies (such as the LASD
6 "code of silence") that discouraged or prevented employees such as PLAINTIFF from
7 disclosing information to government agencies such as the FBI and up the LASD chain of
8 command relating to inmate abuse and mistreatment at LASD and COUNTY jails, (2) by
9 retaliating against PLAINTIFF for his disclosure of information relating to inmate abuse
10 and mistreatment at LASD and COUNTY jails to persons within LASD who had
11 authority over PLAINTIFF and/or authority to investigate, discover or correct the
12 violations, as well as for reporting the information about illegal activities within the
13 LASD to outside government agencies such as the FBI, the Fontana Police Department,
14 the Department of Fair Employment and Housing, and the California Division of Labor
15 Standards Enforcement, and (3) by retaliating against PLAINTIFF for his refusal to
16 participate in activities such as adhering to the "code of silence" and "working in the
17 gray" that would have resulted in a violation or noncompliance with a local, state or
18 federal law or regulation.

19 83. PLAINTIFF reported to DEFENDANTS and LASD employees violations of state and
20 federal law, and made repeated complaints to DEFENDANTS and LASD employees
21 regarding violations of local, state and federal regulations, including but not limited to
22 Title 15 of the California Code of Regulations, California Penal Code sections 118.1,
23 147, 149 and 673, 18 U.S. Code sections 241 and 242, 42 U.S. Code 1983, Cal. Gov.
24 Code section 12940 et seq, various local, LASD and COUNTY regulations and policies,
25 Article I Section 7 of the California Constitution, and the Fourth, Eighth and Fourteenth
26 Amendments of the U.S. Constitution). Plaintiff and his counsel continue to investigate
27 the various local, state and federal statutes, regulations, and codes involved. Therefore
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1 plaintiff reserves the right to amend and or supplement the statutory and regulatory
2 violations up to and including the time of trial.

3 84. In retaliation for PLAINTIFF's aforementioned disclosure of information relating to
4 inmate abuse and mistreatment within LASD and COUNTY jails, as well as corruption
5 within the LASD, and/or DEFENDANTS' belief that PLAINTIFF had disclosed or may
6 have disclosed this information, DEFENDANTS engaged in various wrongdoings,
7 including harassing PLAINTIFF, suspending PLAINTIFF with pay, relieving
8 PLAINTIFF of his duties, denying PLAINTIFF's requests for transfers, threatening
9 PLAINTIFF and/or his family, intimidating PLAINTIFF, coercing PLAINTIFF,
10 irreparably damaging PLAINTIFF's reputation, diminishing PLAINTIFF's chances for
11 promotions, unfairly criticizing PLAINTIFF's job performance, causing PLAINTIFF to
12 be improperly placed on a 5150 hold, refusing to reinstate PLAINTIFF to his position
13 despite PLAINTIFF being medically cleared to return to work without restrictions by
14 independent medical professionals, refusing to release the results of PLAINTIFF's
15 psychological evaluation, removing PLAINTIFF from consideration for the position of
16 Sergeant, and eventually forcing PLAINTIFF to go on an indefinite administrative leave
17 without pay.

18 85. DEFENDANTS, and each of them, violated Labor Code 1102.5(a) by having policies
19 and practices, including but not limited to the LASD "code of silence" and "working in
20 the gray," that discouraged, dissuaded, coerced or otherwise prevented whistleblowing
21 employees such as PLAINTIFF from reporting what they reasonably believed to be
22 illegal activity within the LASD. The LASD "code of silence" was an unwritten policy
23 that prohibited LASD agents from outing other LASD agents for misconduct. Former
24 LASD deputy Pantamitr Zunggemoge described the code of silence as follows: "We
25 were all partners... There's a bond. And you don't go against your partners." As set forth
26 above, PLAINTIFF observed or otherwise gained information about inmate abuse,
27 inmate mistreatment, and corruption within the LASD, which he then complained about.
28 Plaintiff made these complaints on numerous occasions to persons with authority over

1 him and to other employees of LASD and COUNTY over PLAINTIFF who had authority
2 to investigate, discover, or correct the violations or noncompliances PLAINTIFF was
3 complaining about. The subject of Plaintiff's complaints included but was not limited to
4 abuse and mistreatment of inmates by agents of LASD and COUNTY, such as locking
5 inmates down without proper documentation or supervisor approval, knowingly refusing
6 medical treatment to inmates in need of it, using improper amounts of force with inmates,
7 pepper spraying inmates for no reason, denying chaplain services to inmates, denying
8 mail and hygiene items to inmates, and falsifying records regarding recreational time.
9 PLAINTIFF had reasonable cause to believe that the information he disclosed to
10 demonstrated violations of state or federal laws and violations or noncompliance with
11 local, state and federal rules and regulations (including but not limited to Title 15 of the
12 California Code of Regulations, California Penal Code sections 118.1, 147, 149 and 673,
13 18 U.S. Code sections 241 and 242, 42 U.S. Code 1983, Cal. Gov. Code section 12940 et
14 seq, various local, LASD and COUNTY regulations and policies, Article I Section 7 of
15 the California Constitution, and the Fourth, Eighth and Fourteenth Amendments of the
16 U.S. Constitution). Plaintiff and his counsel continue to investigate the various local, state
17 and federal statutes, regulations, and codes involved. Therefore plaintiff reserves the
18 right to amend and or supplement the statutory and regulatory violations up to and
19 including the time of trial.

20 86. PLAINTIFF made these complaints to his supervisors, other employees of LASD and
21 COUNTY with authority over him, and to LASD and COUNTY employees who had
22 authority to investigate, discover, or correct the violation or noncompliance, including
23 but not limited to JOSEPH NUNEZ, MARK GUERRERO, KIMBERLY MILROY,
24 DANIEL CHAVEZ, MICHAEL SHAPIRO, Lieutenant Rhodes, Lieutenant Villanueva,
25 Sergeant Cureton, Sergeant Dancel, Sergeant Bedogne, Sergeant Shaw, Sergeant Dancel,
26 Senior Deputy Nalls, Senior Deputy Ferrera, and Lieutenant Angela Walton. PLAINTIFF
27 also made a complaint to the FBI in about December 2013.

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1 87. As set forth throughout this complaint, DEFENDANTS and each of them made, adopted,
2 and enforced rules, regulations, and policies that were designed to prevent
3 whistleblowing employees such as PLAINTIFF from disclosing the rampant abuse and
4 mistreatment of inmates within LASD, as well as the corruption within LASD, to LASD
5 agents with authority over whistleblowers and to other government or law enforcement
6 entities such as the FBI. These rules, regulations and policies included the LASD "code
7 of silence" and PAUL TANAKA ordering supervisors to allow their deputies to "work in
8 the gray" regarding their abuse and mistreatment of inmates and to intimidate, retaliate
9 against and coerce any deputy who did not want to go along with the policy. Other
10 managing agents and agents of LASD and COUNTY, as well as the leaders of the various
11 deputy gangs, such as the Vikings, the Regulators, the Jump Out Boys, and the 2000 and
12 3000 boys, also ordered their subordinates to intimidate, retaliate against and coerce any
13 deputy that was attempting to disclose information to the FBI or up the chain of
14 command within LASD regarding inmate abuse or mistreatment. These individuals were
15 aware of, and extremely concerned about the ongoing investigations into this illegal
16 activity by the FBI and the USAO, and were seeking to stonewall these investigations as
17 much as possible, including by preventing access of the FBI and the USAO to
18 whistleblowers such as PLAINTIFF as well as other informants employed by LASD and
19 COUNTY, or held as inmates in COUNTY jails. DEFENDANTS' actions in violation of
20 Labor Code 1102.5(a) include, but are not limited to the following:

21 A) In or about May 2010, PLAINTIFF witnessed another instance of excessive force by
22 members of the 2000 boys against an inmate. PLAINTIFF wrote a truthful report
23 about the incident, and refused to change his report despite the incredible pressure to
24 do so. Then Sergeant Renfrow threatened PLAINTIFF. Sergeant Renfrow told
25 PLAINTIFF that if PLAINTIFF did not make the changes to his report, he would
26 write PLAINTIFF up for "insubordination" and a "training issue" due to
27 PLAINTIFF's allegedly improper use of the taser against the inmate (i.e. failing to
28 hold back the trigger continuously until the inmate was handcuffed).

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B) Fearing for his job, and his own safety, PLAINTIFF eventually relented to the incredible pressure and wrote in the report that the inmate was "punching" at Juan Guerrero because LASD viewed the inmate's blocks as punches, but PLAINTIFF refused to change the report to say that Juan Guerrero asked PLAINTIFF to call for a supervisor before initiating force. PLAINTIFF submitted the revised police report.

C) After PLAINTIFF re-submitted the report with some but not all of the requested changes, Sergeant Renfrow told PLAINTIFF that he needed to leave "my floor" immediately. PLAINTIFF was escorted off the floor and taken to Lieutenant Lamar Lafave. PLAINTIFF reported to Lamar Lafave (who was not part of the 2000 boys, and was previously a Bureau Chief in the Los Angeles County Office of Public Safety) that Sergeant Renfrow threatened to write PLAINTIFF up for a "training issue" in retaliation for PLAINTIFF refusing to make certain changes to his police report. PLAINTIFF requested to speak to Captain Daniel Cruz.

D) Lieutenant Lamar Lafave told PLAINTIFF "let me give you some advice, this is the 'Sheriff's House' and this is all deeper than it seems, so you really don't want to see the Captain, you need to get through your probation first." Lieutenant Lafave cautioned PLAINTIFF against bringing forth any complaints about excessive force against the 2000 boys to Captain Cruz. PLAINTIFF requested that he no longer be assigned to work with the 2000 boys. After this meeting, PLAINTIFF was reassigned to the fifth floor. PLAINTIFF was also reassigned to a different training officer named Justin Beeman and successfully completed his training program. Nonetheless, PLAINTIFF was soon thereafter issued a training report which included numerous misleading and back dated entries from his former 2000 floor training officer, Eduardo Rodriguez, criticizing PLAINTIFF's performance. PLAINTIFF challenged the accuracy of these entries but his request to change the report was denied by the MCJ training office.

E) PLAINTIFF continued to experience harassment by the 2000 boys. PLAINTIFF received a note from inmates at MCJ stating that they had overheard conversations

1 between members of the 2000 boys who were conspiring to bring false allegations
2 against PLAINTIFF in retaliation for his complaints.

3 F) In or about September 2013, PLAINTIFF was informed by Mental Health Director
4 Laura Bastianelli that she had witnessed LASD deputy M. Conde pepper spray an
5 inmate in the face for no apparent reason. The inmate was inside her jail cell and did
6 not pose or make any threats toward deputy Conde. PLAINTIFF investigated the
7 allegation and confirmed with the relevant witnesses that there was no relevant
8 necessity for Deputy Conde to use the pepper spray against this inmate. PLAINTIFF
9 reasonably believed this action to be a violation of state and federal law. PLAINTIFF
10 reported the incident to Sergeant L. Dancel, who conducted a force investigation.

11 G) In October 2013, PLAINTIFF's car tires were damaged and thereby flattened on two
12 separate occasions about one week apart. PLAINTIFF is informed and believes that
13 these incidents were committed by DEFENDANTS or other members of the LASD
14 gangs at the direction of DEFENDANTS in retaliation for PLAINTIFF's numerous
15 complaints and to intimidate or coerce PLAINTIFF from making future complaints.

16 H) On December 14, 2013, Sergeant KIMBERLY MILROY and Sergeant Chavez came
17 into PLAINTIFF's office and threatened him for reporting his concerns about
18 LASD's illegal conduct. Sergeant KIMBERLY MILROY told Plaintiff that he "better
19 shut up" about how KIMBERLY MILROY runs her program "or else." PLAINTIFF
20 reasonably perceived from this comment that he either needed to stop his
21 investigation into the misconduct on the mental health floors and other illegal
22 activities within LASD or he would risk suffering harm to his career, or person, or
23 both.

24 I) MARK GUERRERO made a veiled threat against PLAINTIFF by telling him a story
25 about how the dictator of North Korea executed his own uncle and the uncle's
26 immediate family for being "disloyal." Lieutenant MARK GUERRERO told
27 PLAINTIFF three more similar stories from history illustrating "what happens" to
28 people who are "disloyal." Lieutenant MARK GUERRERO told PLAINTIFF that

1 LASD would not be responsible if "something happened" to a person reporting
2 misconduct within LASD, implying that PLAINTIFF may suffer harm if he continues
3 to report misconduct within LASD.

4 J) On December 16, 2013, while writing the summary of the town hall meeting,
5 numerous deputies and agents of LASD came into PLAINTIFF's office and
6 implicitly or explicitly threatened him. Other deputies tried to look at his computer to
7 see what he was writing. There was serious concern that PLAINTIFF would write a
8 truthful recap of the town hall meeting and submit it to administration such that the
9 various deputies and agents of LASD involved in these illegalities would be facing an
10 investigation and potential discipline. A custody assistant named David Rodgers told
11 PLAINTIFF that "they" knew what he was up to and that if he submitted the report,
12 "fraternization" charges would be brought against PLAINTIFF in retaliation.

13 K) Plaintiff reported the threat to Lieutenant MARK GUERRERO but nothing was done.
14 As the shift went on Plaintiff could sense tension and hostility building in the
15 atmosphere. Plaintiff knew that word had gotten out throughout the facility of what
16 the inmates had complained about during the town hall meeting, and agents of LASD
17 were attempting to intimidate and threaten PLAINTIFF to prevent further disclosure
18 of information that would have evidenced various illegalities and violations of state
19 and federal laws and regulations.

20 L) Instead of taking any steps to correct the illegal activity and to protect PLAINTIFF
21 from retaliation, harassment and abuse, DEFENDANTS continued to harass,
22 intimidate and retaliate against PLAINTIFF, including DEFENDANTS relieving
23 PLAINTIFF of his duties on or about December 17, 2013 pending a "psychological
24 evaluation." On December 17, 2013, PLAINTIFF was relieved of his duties by
25 LASD, COUNTY and captain JOSEPH NUNEZ with pay "pending a psychological
26 evaluation."

27 M) PLAINTIFF underwent the psychological examination mandated by LASD and
28 COUNTY on or about March 28, 2014. PLAINTIFF had previously received

1 clearance from independent medical professionals that he could return to full work
2 duties at LASD without restrictions. Nonetheless, LASD and COUNTY refused to
3 return PLAINTIFF to his position of senior deputy and refused to release any
4 supporting documentation regarding the results of the PLAINTIFF's psychological
5 examination to PLAINTIFF.

6 N) In June 2014, PLAINTIFF received an unfairly critical and negative performance
7 evaluation. On or about December 3, 2014, PLAINTIFF received notification that he
8 was removed from consideration for the Sergeant Custody Career Track because
9 LASD and COUNTY classified PLAINTIFF as "physically or mentally unfit to
10 perform the duties of a Sergeant." PLAINTIFF has provided evidence to LASD
11 through independent medical professionals that he is both physically and mentally
12 capable of performing his work duties, but LASD has consistently ignored
13 PLAINTIFF's evidence and repeated requests for reinstatement.

14 O) On or about May 24, 2015, the COUNTY and LASD placed PLAINTIFF on an
15 indefinite, unpaid administrative leave. This had the practical effect of a termination.

16 88. DEFENDANTS and each of them violated Labor Code 1102.5 (b) by retaliating against
17 PLAINTIFF for his disclosure of information relating to inmate abuse and mistreatment
18 within COUNTY jails, as well as corruption within the LASD, (and/or for
19 DEFENDANTS' belief that PLAINTIFF disclosed or would disclose this information) to
20 persons employed by LASD and COUNTY that had authority over PLAINTIFF, to
21 persons employed by LASD and COUNTY that had authority to investigate, discover,
22 or correct the various illegalities that PLAINTIFF disclosed, and to governmental
23 entities, including the FBI, the Fontana Police Department, the Department of Fair
24 Employment and Housing, and the California Division of Labor Standards Enforcement.
25 PLAINTIFF reasonably believed the information he provided to these individuals and
26 entities disclosed various illegalities and violations of local, state, and federal rules and
27 regulations including but not limited to Title 15 of the California Code of Regulations,
28 California Penal Code sections 118.1, 147, 149 and 673, 18 U.S. Code sections 241, 242,

1 371, 1503(a), 1623, 42 U.S. Code 1983, Cal. Gov. Code section 12940 et seq, various
2 local, LASD and COUNTY regulations and policies, Article I Section 7 of the California
3 Constitution, and the Fourth, Eighth and Fourteenth Amendments of the U.S.
4 Constitution. Plaintiff and his counsel continue to investigate the various local, state and
5 federal statutes, regulations, and codes involved. Therefore plaintiff reserves the right to
6 amend and or supplement the statutory and regulatory violations up to and including the
7 time of trial.

8 89. In retaliation for PLAINTIFF's aforementioned disclosures, and/or DEFENDANTS'
9 belief that PLAINTIFF had disclosed or may have disclosed this information,
10 DEFENDANTS engaged in various wrongdoings, including harassing PLAINTIFF,
11 suspending PLAINTIFF with pay, relieving PLAINTIFF of his duties, denying
12 PLAINTIFF's requests for transfers, threatening PLAINTIFF and/or his family,
13 intimidating PLAINTIFF, coercing PLAINTIFF, irreparably damaging PLAINTIFF's
14 reputation, diminishing PLAINTIFF's chances for promotions, unfairly criticizing
15 PLAINTIFF's job performance, causing PLAINTIFF to be improperly placed on a 5150
16 hold, refusing to reinstate PLAINTIFF to his position despite PLAINTIFF being
17 medically cleared to return to work without restrictions by independent medical
18 professionals, refusing to release the results of PLAINTIFF's psychological evaluation,
19 removing PLAINTIFF from consideration for the position of Sergeant, and eventually
20 forcing PLAINTIFF to go on an indefinite administrative leave without pay.

21 90. DEFENDANTS and each of them also violated Labor Code 1102.5 (c) by retaliating
22 against PLAINTIFF for PLAINTIFF's refusal to participate in activities that would result
23 in violations of state and federal statutes or violations of local, state, or federal rules or
24 regulations. These activities included, but were not limited to, PLAINTIFF's refusal to
25 participate in inmate abuse and mistreatment by other LASD deputies and officers,
26 PLAINTIFF's refusal to abide by the LASD "code of silence," PLAINTIFF's refusal to
27 "work in the gray," PLAINTIFF's refusal to participate in cover-ups and conspiracies to
28 cover-up allegations of inmate abuse and mistreatment by LASD deputies and agents,

1 PLAINTIFF's refusal to knowingly submit false information in police reports,
2 PLAINTIFF's refusal to omit allegations of abuse alleged by inmates during a December
3 15, 2013 town hall meeting in a summary he wrote about the meeting, and PLAINTIFF's
4 refusal to remain silent and not report instances of inmate abuse by deputies and other
5 agents of LASD. PLAINTIFF has not completed his investigation of the facts and
6 reserves the right to amend the complaint to incorporate additional illegal activities that
7 he refused to engage in up to and including at the time of trial.

8 91. PLAINTIFF refused to participate in the aforementioned activities that would have
9 resulted in violations of state and federal statutes, or violations of local, state, or federal
10 rules or regulations, including but not limited to California Penal Code sections 118.1,
11 147, 149 and 673, 18 U.S. Code sections 241, 242, 371, 1503(a), 1623, 42 U.S. Code
12 1983, Cal. Gov. Code section 12940 et seq, Article I Section 7 of the California
13 Constitution, the Fourth, Eighth and Fourteenth Amendments of the U.S. Constitution,
14 and various local, LASD and COUNTY regulations and policies. PLAINTIFF was faced
15 with extraordinary pressure from DEFENDANTS LASD, COUNTY, PAUL TANAKA,
16 JOSEPH NUNEZ, MARK GUERRERO, KIMBERLY MILROY, MICHAEL
17 SHAPIRO, and DANIEL CHAVEZ to participate in these illegal activities, which he
18 refused to do.

19 92. In retaliation for PLAINTIFF's refusal to engage in these illegal activities,
20 DEFENDANTS engaged in various wrongdoings, including harassing PLAINTIFF,
21 suspending PLAINTIFF with pay, relieving PLAINTIFF of his duties, denying
22 PLAINTIFF's requests for transfers, threatening PLAINTIFF and/or his family,
23 intimidating PLAINTIFF, coercing PLAINTIFF, irreparably damaging PLAINTIFF's
24 reputation, diminishing PLAINTIFF's chances for promotions, unfairly criticizing
25 PLAINTIFF's job performance, causing PLAINTIFF to be improperly placed on a \$150
26 hold, refusing to reinstate PLAINTIFF to his position despite PLAINTIFF being
27 medically cleared to return to work without restrictions by independent medical
28 professionals, refusing to release the results of PLAINTIFF's psychological evaluation,

1 removing PLAINTIFF from consideration for the position of Sergeant, and eventually
2 forcing PLAINTIFF to go on an indefinite administrative leave without pay.

3 93. As a direct and legal result of the acts and omissions of DEFENDANTS, and each of
4 them, as alleged herein, PLAINTIFF has suffered or likely will suffer a significant loss of
5 wages and a significant loss of his ability to obtain and maintain gainful employment in
6 the future.

7 94. As a direct and legal result of the acts and omissions of DEFENDANTS, and each of
8 them, PLAINTIFF was rendered sick, disabled and disordered, both internally and
9 externally, and suffered, among other things, numerous internal injuries, severe fright,
10 shock, pain, discomfort and anxiety. The exact nature and extent of said injuries are not
11 known to the Plaintiff, who will pray leave of court to insert the same when they are
12 ascertained. Plaintiff does not at this time know the exact duration or permanence of said
13 injuries, but is informed and believes, and thereon alleges, that some of the said injuries
14 are reasonably certain to be permanent in character.

15 95. As a further direct and legal result of the acts and conduct of DEFENDANTS, as
16 aforesaid, PLAINTIFF has been caused, and did suffer, and continues to suffer severe
17 and permanent emotional and mental distress and anguish, humiliation, embarrassment,
18 fright, shock, pain, discomfort and anxiety. The exact nature and extent of said injuries is
19 presently unknown to Plaintiff, who will pray leave of court to assert the same when they
20 are ascertained.

21 96. The aforementioned acts of DEFENDANTS, committed by and through their managing
22 agents (including PAUL TANAKA), supervisors, alter egos, were done with the
23 knowledge of DEFENDANTS and or were ratified and condoned by DEFENDANTS,
24 and each of them, were willful, wanton, malicious, intentional, oppressive and despicable
25 and were done in willful and conscious disregard of the rights, welfare and safety of
26 PLAINTIFF, and were done by managerial agents, agents, supervisors and alter egos of
27 DEFENDANTS, and with the express knowledge, consent, and ratification of managerial
28 employees of DEFENDANTS.

1 97. Plaintiff has been generally damaged in an amount within the jurisdictional limits of this
2 court.

3 98. Further, DEFENDANTS and each of them, their managing agents (whose identity is
4 known to DEFENDANTS, and will be the subject of discovery in this case) had advance
5 notice that their managers and managing agents and supervisors were violating the law.

6 99. As a result of the illegal acts of Defendants in violation of Labor Code 1102.5 et seq and
7 in violation of codes and regulations designed to protect the public at large, and each of
8 them, as alleged herein, Plaintiff is entitled to reasonable attorneys' fees and costs of said
9 suit as specifically provided in California as provided by Labor Code. 1021.5.

10 **SECOND CAUSE OF ACTION**

11 **For Violation of the Bane Act (Cal. Civ. Code § 52.1) and the Ralph Act (Cal. Civ. Code §**
12 **51.7) against ALL DEFENDANTS and DOES 1 Through 100, Inclusive.**

13 100. PLAINTIFF repeats and realleges each and every allegation set forth in the preceding
14 paragraphs and incorporates them herein by reference with the same effect as if realleged
15 herein.

16 101. DEFENDANTS, and each of them, interfered with, and/or attempted to interfere with
17 PLAINTIFF's statutory rights, including but not limited to his rights under Labor Code
18 section 1102.5 to report activity he had a reasonable basis to believe was illegal, as well
19 as his constitutional rights, including but not limited to PLAINTIFF's free speech rights
20 under California Constitution Art. I, § 2. DEFENDANTS interfered with or attempted to
21 interfere with these rights of the PLAINTIFF by threatening violent acts against
22 PLAINTIFF, and intimidating and coercing PLAINTIFF. PLAINTIFF reasonably
23 believed that if he exercised his aforementioned statutory and constitutional rights to
24 report inmate abuse within LASD and to other governmental agencies that
25 DEFENDANTS would commit violence against him. DEFENDANTS had the apparent
26 ability to carry out the threats.

27 102. DEFENDANTS, and each of them, made threats of violence against PLAINTIFF causing
28 PLAINTIFF to reasonably believe that if he exercised his statutory and/or constitutional

1 rights to report illegal abuse and mistreatment of inmates at COUNTY jails,
2 DEFENDANTS would commit violence against him. DEFENDANTS had the apparent
3 ability to carry out the threats.

4 103. For instance, on December 14, 2013, Sergeant KIMBERLY MILROY and Sergeant
5 Chavez came into PLAINTIFF's office and threatened him for reporting his concerns
6 about LASD's illegal conduct. Sergeant KIMBERLY MILROY told Plaintiff that he
7 "better shut up" about how KIMBERLY MILROY runs her program "or else."
8 PLAINTIFF perceived that he either needed to stop his investigation into the misconduct
9 on the mental health floors and other illegal activities or he would suffer physical harm.

10 104. PLAINTIFF spoke with MARK GUERRERO later that day. During this conversation,
11 MARK GUERRERO made a veiled threat against PLAINTIFF by telling him a story
12 about how the dictator of North Korea executed his own uncle and the uncle's immediate
13 family for being "disloyal." Lieutenant MARK GUERRERO told PLAINTIFF three
14 more similar stories from history illustrating "what happens" to people who are
15 "disloyal." Lieutenant MARK GUERRERO told PLAINTIFF that LASD would not be
16 responsible if "something happened" to a person reporting misconduct within LASD,
17 implying that PLAINTIFF may suffer violence and harm if he continued to report
18 misconduct in violation of the LASD "code of silence" and if he continued to refuse to
19 participate in illegal activities such as working in the gray.

20 105. Another motivating reason for DEFENDANTS' threats of violence against PLAINTIFF,
21 as well as DEFENDANTS' intimidation and coercion of PLAINTIFF, was PLAINTIFF's
22 African American race, and his complaints on behalf of African American inmates and
23 chaplains. Race is a protected class under Civil Code section 51.7.

24 106. PLAINTIFF made complaints against and brought to light various illegal activities
25 committed by his non-African American co-workers, including but not limited to
26 DEFENDANTS and other members of the LASD gangs and cliques, such as the Vikings,
27 the Regulators, the Jump Out Boys, and the 2000 and 3000 boys. These complaints
28 included harsher mistreatment and abuse by DEFENDANTS toward African-American

1 inmates than toward Caucasian inmates. Plaintiff is informed and believes that these
2 groups have a pattern and practice of racially-motivated conflicts and aggressions
3 towards minority deputies within LASD. Plaintiff is informed and believes that these
4 conflicts and aggressions towards minorities deputies have been and continue to be
5 motivated by an ideology of white supremacy that pervades LASD gangs such as the
6 Vikings, the Regulators, the Jump Out Boys, and the 2000 and 3000 boys. PLAINTIFF
7 believes that he was targeted by DEFENDANTS not just because of his complaints, but
8 also because of his race.

9 107. PLAINTIFF also discovered that KIMBERLY MILROY and other agents of LASD from
10 the mental health floor had been denying the Chaplain access to the module for religious
11 services. PLAINTIFF believed this activity, which was in violation or noncompliance
12 with state and federal laws and/or regulations, had been ongoing for months. Caucasian
13 inmates were not denied access to a chaplain as often as African-American inmates. Nor
14 were Caucasian Chaplains prevented from seeing inmates as often as African-American
15 chaplains. PLAINTIFF exercised his statutory right under Labor Code section 1102.5 to
16 complain in writing to Captain NUNEZ that he believed the LASD and COUNTY were
17 discriminating against the Chaplain and inmates on the basis of their African-American
18 race.

19 108. DEFENDANTS, and each of them, aided, incited and/or conspired in the attempted
20 interference of PLAINTIFF's right under Cal. Civ. Code § 51.7.

21 109. DEFENDANTS threats, intimidation and coercion of PLAINTIFF included, but were not
22 limited to, the following:

23 A) In approximately January 2013, PLAINTIFF advised his supervisor Sergeant
24 KIMBERLY MILROY that a nurse was requesting a deputy escort of an inmate to a
25 hospital. A deputy was available, but KIMBERLY MILROY ordered PLAINTIFF to
26 lie to the nurse at CRDF that a deputy was not available. PLAINTIFF did not lie but
27 rather told the nurse that KIMBERLY MILROY denied her request, and the nurse
28 eventually called the paramedics herself, which forced Sergeant KIMBERLY

1 MILROY to send two deputies. Sergeant KIMBERLY MILROY became visibly
2 upset and accused PLAINTIFF of telling the nurse to call the paramedics.
3 PLAINTIFF informed Sergeant KIMBERLY MILROY that he did not advise the
4 nurse to call the paramedics and that it was her decision to do so. KIMBERLY
5 MILROY told Plaintiff that she was going to investigate him and if she found out that
6 Plaintiff had advised or instructed the nurse to call the paramedics she would take
7 actions against him.

8 B) In October 2013, PLAINTIFF's car tires were damaged and thereby flattened on two
9 separate occasions about one week apart. PLAINTIFF is informed and believes that
10 these incidents were committed by DEFENDANTS or other members of the LASD
11 gangs at the direction of DEFENDANTS in retaliation for PLAINTIFF's numerous
12 complaints and to intimidate and coerce PLAINTIFF from making future complaints.

13 C) On December 14, 2013, Sergeant KIMBERLY MILROY and Sergeant Chavez came
14 into PLAINTIFF's office and threatened him for reporting his concerns about
15 LASD's illegal conduct. Sergeant KIMBERLY MILROY told Plaintiff that he "better
16 shut up" about how KIMBERLY MILROY runs her program "or else." PLAINTIFF
17 reasonably perceived from this comment that he either needed to stop his
18 investigation into the misconduct on the mental health floors and other illegal
19 activities within LASD or DEFENDANTS would commit violence against him.

20 D) During one of PLAINTIFF's conversation with MARK GUERRERO, MARK
21 GUERRERO made a veiled threat against PLAINTIFF by telling him a story about
22 how the dictator of North Korea executed his own uncle and the uncle's immediate
23 family for being "disloyal." Lieutenant MARK GUERRERO told PLAINTIFF three
24 more similar stories from history illustrating "what happens" to people who are
25 "disloyal." Lieutenant MARK GUERRERO told PLAINTIFF that LASD would not
26 be responsible if "something happened" to a person reporting misconduct within
27 LASD, implying that PLAINTIFF would suffer violence and harm if he continued to
28

1 report misconduct in violation of the LASD "code of silence" policy and to refuse to
2 participate in illegal activities such as working in the gray.

3 E) On December 16, 2013, while writing the summary of a town hall meeting in which
4 inmates had complained of abuse of mistreatment, numerous deputies and agents of
5 LASD came into PLAINTIFF's office and implicitly or explicitly threatened him
6 with physical harm if he submitted the summary with those complaints.

7 F) Plaintiff reported the threats to Lieutenant MARK GUERRERO but nothing was
8 done. As the shift went on Plaintiff could sense tension and hostility building in the
9 atmosphere. Plaintiff knew that word had gotten out throughout the facility of what
10 the inmates had complained about during the town hall meeting, and agents of LASD
11 were attempting to intimidate and threaten PLAINTIFF with physical harm to protect
12 themselves.

13 G) PLAINTIFF met with MARK GUERRERO again and MARK GUERRERO himself
14 intimidated and threatened PLAINTIFF. PLAINTIFF felt so uncomfortable that he
15 called 911 from his office phone, but realized that the call was routed to a LASD
16 station and he hung up. PLAINTIFF told MARK GUERRERO that he had a family
17 emergency and needed to leave the facility.

18 H) MARK GUERRERO looked at PLAINTIFF with a sarcastic expression and stated,
19 "what's wrong." PLAINTIFF left the office and MARK GUERRERO followed him
20 and stated, "what's wrong, you don't want to play anymore?" PLAINTIFF went
21 home to check on his family.

22 I) While at home, PLAINTIFF received a call from MARK GUERRERO who ordered
23 PLAINTIFF back to the facility. PLAINTIFF refused. MARK GUERRERO then
24 stated that if PLAINTIFF did not return to the facility immediately that he would be
25 charged with abandoning his position.

26 J) PLAINTIFF returned to the facility under duress and was met by several armed
27 sergeants including DANIEL CHAVEZ, as well as Lieutenant MARK GUERRERO,
28 who was also armed. Plaintiff was ordered into a conference room and interrogated

1 by Lieutenant MARK GUERRERO and another lieutenant. At least four armed
2 Sergeants stood outside the conference room guarding the exit. PLAINTIFF was told
3 he was not allowed to leave and that if he tried he would be physically harmed.
4 Plaintiff was then ordered to write a statement.

5 K) PLAINTIFF asked if he could provide the statement at a later time because of his
6 exhausted state, and also asked if he could speak with an attorney or representative
7 about his legal rights. PLAINTIFF had been awake for over 22 hours at this point,
8 and had been subjected to a relentless barrage of harassing and threatening behavior
9 throughout the day by agents of LASD. PLAINTIFF's requests were denied.
10 PLAINTIFF was told that after he wrote the statement he would be allowed to leave.

11 L) PLAINTIFF wrote a statement under duress, and in a dazed and semi-consciousness
12 state due to his lack of sleep and emotional distress. After providing the statement,
13 PLAINTIFF was still not allowed to leave. He was brought into Lieutenant
14 Guerrero's office and held there against his will and re-interrogated. Eventually,
15 Plaintiff was finally allowed to leave.

16 M) DEFENDANTS and each of them then continued their interference or attempted
17 interference with PLAINTIFF's exercise of his rights under Labor Code section
18 1102.5 by communicating to the hospital staff and to Fontana Police Department that
19 PLAINTIFF should be placed on a 5150 hold, and PLAINTIFF was thereafter held
20 against his will for approximately 72 hours.

21 N) DEFENDANTS and each of them coerced PLAINTIFF by interrogating him for
22 hours and making him write a statement under duress. DEFENDANTS and each of
23 them also coerced PLAINTIFF by intentionally misleading him to believe that
24 DEFENDANTS would be investigating his various complaints (when in reality
25 PLAINTIFF's complaints were never investigated by anyone employed by LASD or
26 COUNTY) and thereby preventing PLAINTIFF from making even more complaints
27 to outside governmental entities such as the FBI.
28

1 110. PLAINTIFF was harmed by all of the aforementioned conduct. PLAINTIFF suffered
2 personal and bodily injuries, and during said time he suffered and continues to suffer
3 severe emotional and psychological pain, suffering, anxiety, depression, anguish, shock,
4 and fear. Further, PLAINTIFF will likely be required to hire medical specialists for
5 treatment and therapy for his injuries. Plaintiff has also experienced and will continue to
6 experience a significant loss of wages and benefits, as well as a significant loss of his
7 ability to obtain and maintain gainful employment in the field of law enforcement as a
8 proximate result of the aforementioned misconduct of all DEFENDANTS.

9 111. DEFENDANTS' conduct was a substantial factor in causing Plaintiff's harm.

10 112. The aforementioned acts of DEFENDANTS, and each of them, were willful, wanton,
11 malicious, intentional, oppressive and despicable and were done in willful and conscious
12 disregard of the rights, welfare and safety of PLAINTIFF, thereby justifying the awarding
13 of punitive and exemplary damages in an amount to be determined at the time of trial.
14 The DEFENDANTS, their managing agents, and alter egos' conduct as set forth herein
15 was reprehensible. The harm to PLAINTIFF was "physical" in the sense that it affected
16 his emotional and mental health, rather than being a purely economic harm. (State Farm,
17 supra, 538 U.S. at p. 419.) It was objectively reasonable to assume that DEFENDANTS'
18 unlawful acts toward PLAINTIFF would affect his emotional well-being, and therefore
19 DEFENDANTS' "conduct evinced an indifference to or a reckless disregard of the health
20 or safety of others." Roby v. McKesson (2009)47 Cal. 4th 68. PLAINTIFF is seeking
21 punitive damages as allowed by law.

22 113. As a result of the illegal acts of DEFENDANTS, and each of them, as alleged herein,
23 Plaintiff is entitled to reasonable attorneys' fees and costs of said suit as specifically
24 provided in Civil Code section 52.1(h).

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THIRD CAUSE OF ACTION

VIOLATION OF PUBLIC SAFETY OFFICER'S PROCEDURAL BILL OF RIGHTS

(POBRA): CAL. GOV. CODE SECTION 3300, et seq.

(Against COUNTY, LASD and DOES 1 Through 100, Inclusive)

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

115. At all relevant times, PLAINTIFF was a peace officer.

116. PLAINTIFF was forced to submit to interrogations by MARK GUERRRO, LASD and COUNTY without notice of the charges and without legal representation. PLAINTIFF was held under armed guard, refused any representation, interrogated for hours, and ordered to submit a statement in violation of the POBRA.

117. As set forth more fully in this complaint, DEFENDANTS have taken punitive action against PLAINTIFF for his exercise of rights given under POBRA.

118. Defendants LASD and COUNTY violated POBRA as to PLAINTIFF causing him damages. Plaintiff seeks statutory civil penalties, attorney's fees, litigation costs and damages for the harm caused to him by DEFENDANTS. See Cal. Gov. Code § 3309.5.

FOURTH CAUSE OF ACTION

For Race Discrimination and Harassment in Violation of California Government Code § 12940 et seq. against LASD, COUNTY and DOES 1 Through 100, Inclusive

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

120. At all times mentioned herein, PLAINTIFF was and is an individual residing in the County of Los Angeles, State of California. PLAINTIFF was at all times herein an African American employee and within the protected class of individuals as set forth in Government Code 12940 et seq. prohibiting race discrimination in California.

121. Defendants LASD, COUNTY and Does 1 through 100, inclusive were qualified to do business in California and conducted business in Los Angeles California, and were qualified employers as defined by Government Code section 12940 et seq. The wrongful

1 relieving PLAINTIFF of his duties occurred in California and was ratified and condoned
2 by LASD and their managing agents. At all times herein mentioned, PLAINTIFF was
3 employed by LASD, and Does 1 through 100, Inclusive in the County of Los Angeles,
4 State of California.

5 122. PLAINTIFF was at all times employed directly and/or indirectly by DEFENDANTS and
6 Does 1 through 100, who were the agents, principals, subsidiaries, parents, joint
7 venturers, joint employers, alter egos, of each other and ratified the conduct of each
8 defendant respectively. The true nature of the relationship between the DEFENDANTS
9 and Does 1 through 100 inclusive will be the subject of further discovery and
10 PLAINTIFF reserves the right to amend and or supplement this complaint once more
11 information is obtained.

12 123. Plaintiff is informed and believes, and thereon alleges, that at all times relevant herein,
13 each Defendant designated, including DOES 1-100, herein was the agent, employer,
14 managing agent, principal, owner, partner, joint venturer, representative, supervisor,
15 manager, servant, employee, joint employer, alter ego, and/or co-conspirator of each of
16 the other DEFENDANTS, and was at all times mentioned herein acting within the course
17 and scope of said agency and employment relationship, and that all acts or omissions
18 alleged herein were duly committed with the ratification, knowledge, permission,
19 encouragement, authorization and consent of each Defendant designated herein.

20 124. PLAINTIFF is ignorant of the true names and capacities, whether corporate, associate,
21 individual or otherwise, of Defendants sued herein as Does 1 - 100, Inclusive, and
22 therefore sue said Defendants, and each of them, by such fictitious names. PLAINTIFF
23 will seek leave of court to amend this Complaint to assert the true names and capacities
24 of the fictitiously named Defendants when the same have been ascertained. PLAINTIFF
25 is informed and believe, and thereon allege, that each Defendant designated as "Does"
26 herein is legally responsible for the events, happenings, acts, occurrences, indebtedness,
27 damages and liabilities hereinafter alleged and caused injuries and damages proximately
28 thereby to the PLAINTIFF, as hereinafter alleged.

1 125. PLAINTIFF is informed and believes, and thereon alleges, that at all times relevant
2 herein, each Defendant designated, including Does 1-100, herein was the agent,
3 managing agent, principal, owner, partner, joint venturer, representative, supervisor,
4 manager, servant, employee and/or co-conspirator of each of the other Defendants, and
5 was at all times mentioned herein acting within the course and scope of said agency and
6 employment, and that all acts or omissions alleged herein were duly committed with the
7 ratification, knowledge, permission, encouragement, authorization and consent of each
8 Defendant designated herein.

9 126. At all times relevant to this action, the DEFENDANTS and each of them discriminated
10 against PLAINTIFF based on his race. As set forth above, PLAINTIFF made complaints
11 against and brought to light various illegal activities committed by his non-African
12 American co-workers, including but not limited to DEFENDANTS and other members of
13 the LASD gangs and cliques, such as the Vikings, the Regulators, the Jump Out Boys,
14 and the 2000 and 3000 boys. These complaints included harsher mistreatment and abuse
15 by DEFENDANTS toward African-American inmates than toward Caucasian inmates.
16 Plaintiff is informed and believes that these groups have a pattern and practice of racially-
17 motivated conflicts and aggressions towards minority citizens, inmates and deputies
18 within LASD. Plaintiff is informed and believes that these conflicts and aggressions
19 towards minorities have been and continue to be motivated by an ideology of white
20 supremacy that pervades LASD gangs such as the Vikings, the Regulators, the Jump
21 Out Boys, and the 2000 and 3000 boys.

22 127. For instance, PLAINTIFF discovered that KIMBERLY MILROY and other agents of
23 LASD from the mental health floor had been denying the Chaplain access to the module
24 for religious services. PLAINTIFF believed this activity, which was in violation or
25 noncompliance with state and federal laws and/or regulations, had been ongoing for
26 months. PLAINTIFF exercised his statutory right under Labor Code section 1102.5 to
27 complain in writing to Captain NUNEZ that he believed the LASD and COUNTY were
28 discriminating against the Chaplain and inmates on the basis of their African-American

1 race. Caucasian inmates were not denied access to a chaplain as often as African-
2 American inmates. Nor were Caucasian Chaplains prevented from seeing inmates as
3 often as African-American Chaplains.

4 128. PLAINTIFF also believed that DEFENDANTS created a hostile work environment
5 towards PLAINTIFF through their various mind games, deliberate sabotage efforts,
6 ostracism, and threats of violence because of PLAINTIFF's race.

7 129. PLAINTIFF was targeted by DEFENDANTS with an onslaught of various wrongdoings,
8 including but not limited to harassing PLAINTIFF, suspending PLAINTIFF with pay,
9 relieving PLAINTIFF of his duties, denying PLAINTIFF's requests for transfers,
10 threatening PLAINTIFF and/or his family, intimidating PLAINTIFF, coercing
11 PLAINTIFF, irreparably damaging PLAINTIFF's reputation, diminishing PLAINTIFF's
12 chances for promotions, unfairly criticizing PLAINTIFF's job performance, causing
13 PLAINTIFF to be improperly placed on a 5150 hold, refusing to reinstate PLAINTIFF to
14 his position despite PLAINTIFF being medically cleared to return to work without
15 restrictions by independent medical professionals, refusing to release the results of
16 PLAINTIFF's psychological evaluation, removing PLAINTIFF from consideration for
17 the position of Sergeant, and eventually forcing PLAINTIFF to go on an indefinite
18 administrative leave without pay. PLAINTIFF's race was a substantial motivating factor
19 in these adverse employment actions. PLAINTIFF was harmed and DEFENDANTS'
20 conduct was a substantial factor in causing PLAINTIFF's harm.

21 130. DEFENDANTS, and each of them, knew, or should have known, of the prohibitions and
22 requirements of FEHA, including the prohibitions set forth in Government Code §12940
23 et seq. against discrimination and termination on account of a person's race and the
24 requirement as set forth in Government Code §12940 et seq.

25 131. By the aforesaid acts and conduct of DEFENDANTS, and each of them, Plaintiff has
26 been directly and legally caused to suffer actual damages pursuant to California Civil
27 Code § 3333 including, but not limited to, loss of earnings and future earning capacity,
28 medical and related expenses for care and procedures both now and in the future,

1 attorney's fees, and other pecuniary loss not presently ascertained, for which plaintiff will
2 seek leave of court to amend when ascertained.

3 132. As a direct and legal result of the acts and conduct of DEFENDANTS, as aforesaid,
4 Plaintiff has been caused, and did suffer, and continue to suffer severe and permanent
5 emotional and mental distress and anguish, humiliation, embarrassment, fright, shock,
6 pain, discomfort and anxiety. The exact nature and extent of said injuries is presently
7 unknown to plaintiff, who will pray leave of court to assert the same when they are
8 ascertained.

9 133. Plaintiff exhausted his administrative remedies by filing a timely claim for damages with
10 the County of Los Angeles on June 13, 2014, and an amended claim on July 8, 2014.
11 PLAINTIFF was informed that both of his claims were rejected by the County of Los
12 Angeles by correspondence that was sent to him on August 20, 2014. PLAINTIFF also
13 exhausted his administrative remedies by filing complaints with the DFEH and the Labor
14 Commissioner and by filing an internal appeal of DEFENDANTS' decision to place
15 PLAINTIFF on an indefinite, unpaid administrative leave effective May 24, 2015.

16 134. As a further direct and legal result of the acts and conduct of DEFENDANTS, as
17 aforesaid, Plaintiff has been caused to suffer and did suffer a loss of earnings, earning
18 capacity, medical benefits, including insurance and other benefits to which they were
19 entitled. The exact nature and extent of said injuries is presently unknown to plaintiff,
20 who will pray leave of court to assert the same when they are ascertained.

21 135. Plaintiff has been generally damaged in an amount within the jurisdictional limits of this
22 court.

23 136. The aforementioned acts of DEFENDANTS and DOES 1 through 100, and each of
24 them, were willful, illegal, wanton, malicious, intentional, oppressive and despicable and
25 were done in willful and conscious disregard of the rights, welfare and safety of plaintiff,
26 and were done by managerial agents of DEFENDANTS and DOES 1 through 100, and
27 with the express knowledge, consent, and ratification of managerial employees,
28 supervisors, alter egos of DEFENDANTS and DOES 1 through 100. The actions of the

1 DEFENDANTS', and Does 1 through 100, their supervisors, and alter egos were ratified
2 and condoned by DEFENDANTS, and Does 1 through 100, Inclusive.

3 137. As a result of the discriminatory and illegal acts of DEFENDANTS, and each of them, as
4 alleged herein, Plaintiff is entitled to reasonable attorneys' fees and costs of said suit as
5 specifically provided in California Government Code § 12965(b).

6 **FIFTH CAUSE OF ACTION**

7 **(For Retaliation Violation of California Government Code § 12940 et seq. violation of**
8 **Article I, Section 8 of the California Constitution Against Defendants LASD, COUNTY**
9 **AND and DOES 1 Through 100, Inclusive)**

10 138. PLAINTIFF repeats and re-pleads all of the preceding paragraphs as though set forth in
11 full herein, and incorporates all of the same as though set forth in full herein

12 139. PLAINTIFF is informed and believes, and thereon alleges, that at all times relevant
13 herein, each Defendant designated, including DOES 1-100, herein was the agent,
14 employer, managing agent, principal, owner, partner, joint venturer, representative,
15 supervisor, manager, servant, employee, joint employer, alter ego, and/or co-conspirator
16 of each of the other DEFENDANTS, and was at all times mentioned herein acting within
17 the course and scope of said agency and employment relationship, and that all acts or
18 omissions alleged herein were duly committed with the ratification, knowledge,
19 permission, encouragement, authorization and consent of each Defendant designated
20 herein.

21 140. PLAINTIFF is ignorant of the true names and capacities, whether corporate, association,
22 individual, or otherwise, of Defendants sued herein as Does 1-100, Inclusive, and
23 therefore sue said Defendants, and each of them, by such fictitious names. PLAINTIFF
24 will seek leave of court to amend this Complaint to assert the true names and capacities
25 of the fictitiously named Defendants when the same have been ascertained. PLAINTIFF
26 is informed and believes, and thereon alleges, that each Defendant designated as "Does"
27 herein is legally responsible for the events, happenings, acts, occurrences, indebtedness,
28 damages and liabilities hereinafter alleged and caused injuries and damages proximately

1 thereby to the PLAINTIFF, as hereinafter alleged.

2 141. At all times relevant to this action, the DEFENDANTS and each of them discriminated
3 against PLAINTIFF based on his race. As set forth above, PLAINTIFF made complaints
4 against and brought to light various illegal activities committed by his non-African
5 American co-workers, including but not limited to DEFENDANTS and other members of
6 the 2000 and 3000 Boys. These complaints included harsher mistreatment and abuse by
7 DEFENDANTS toward African-American inmates than Caucasian inmates. Some of
8 PLAINTIFF's complaints also included allegations that he was being discriminated
9 against based on his race. PLAINTIFF complained that he was subjected to a hostile
10 work environment by DEFENDANTS through their various mind games, deliberate
11 sabotage efforts, ostracism, and threats of violence towards him because of his race.

12 142. PLAINTIFF discovered that KIMBERLY MILROY and other agents of LASD from the
13 mental health floor had been denying the Chaplain access to the module for religious
14 services. PLAINTIFF believed this activity, which was in violation or noncompliance
15 with state and federal laws and/or regulations, had been ongoing for months. PLAINTIFF
16 exercised his statutory right under Labor Code section 1102.5 to complain in writing to
17 Captain NUNEZ that he believed the LASD and COUNTY were discriminating against
18 the Chaplain and inmates on the basis of their African-American race. Caucasian inmates
19 were not denied access to a chaplain as often as African-American inmates. Nor were
20 Caucasian Chaplains prevented from seeing inmates as often as African-American
21 chaplains.

22 143. In retaliation for these complaints, PLAINTIFF was then targeted by DEFENDANTS
23 with an onslaught of various wrongdoings, including but not limited to harassing
24 PLAINTIFF, suspending PLAINTIFF with pay, relieving PLAINTIFF of his duties,
25 denying PLAINTIFF's requests for transfers, threatening PLAINTIFF and/or his family,
26 intimidating PLAINTIFF, coercing PLAINTIFF, irreparably damaging PLAINTIFF's
27 reputation, diminishing PLAINTIFF's chances for promotions, unfairly criticizing
28 PLAINTIFF's job performance, causing PLAINTIFF to be improperly placed on a 5150

1 hold, refusing to reinstate PLAINTIFF to his position despite PLAINTIFF being
2 medically cleared to return to work without restrictions by independent medical
3 professionals, refusing to release the results of PLAINTIFF's psychological evaluation,
4 removing PLAINTIFF from consideration for the position of Sergeant, and eventually
5 forcing PLAINTIFF to go on an indefinite administrative leave without pay.

6 144. Defendants' actions were in retaliation for PLAINTIFF's complaints, including his
7 complaints of race discrimination against LASD agents and managing agents.
8 PLAINTIFF was harmed and DEFENDANTS' conduct was a substantial factor in
9 causing PLAINTIFF's harm.

10 145. DEFENDANTS, and each of them, knew, or should have known, of the prohibitions and
11 requirements of FEHA, including the prohibitions set forth in Government Code §12940
12 et seq. against retaliation on account of a person's complaints of race discrimination.
13 DEFENDANTS, and each of them, knew, or should have known, the prohibitions set
14 forth in Article I section 8 of the California Constitution that a person may not be
15 disqualified from pursuing a profession because of his race.

16 146. By the aforesaid acts and conduct of DEFENDANTS, and each of them, Plaintiff has
17 been directly and legally caused to suffer actual damages pursuant to California Civil
18 Code § 3333 including, but not limited to, loss of earnings and future earning capacity,
19 medical and related expenses for care and procedures both now and in the future,
20 attorney's fees, and other pecuniary loss not presently ascertained, for which plaintiff will
21 seek leave of court to amend when ascertained.

22 147. As a direct and legal result of the acts and conduct of DEFENDANTS, as aforesaid,
23 Plaintiff has been caused, and did suffer, and continues to suffer severe and permanent
24 emotional and mental distress and anguish, humiliation, embarrassment, fright, shock,
25 pain, discomfort and anxiety. The exact nature and extent of said injuries is presently
26 unknown to PLAINTIFF, who will pray leave of court to assert the same when they are
27 ascertained.

28 148. Plaintiff exhausted his administrative remedies by filing a timely claim for damages with

1 the County of Los Angeles on June 13, 2014, and an amended claim on July 8, 2014.
2 PLAINTIFF was informed that both of his claims were rejected by the County of Los
3 Angeles by correspondence that was sent to him on August 20, 2014. PLAINTIFF also
4 exhausted his administrative remedies by filing complaints with the DFEH and the
5 California Division of Labor Standards Enforcement, and by filing an internal appeal of
6 DEFENDANTS' decision to place PLAINTIFF on an indefinite, unpaid administrative
7 leave effective May 24, 2015.

8 149. As a further direct and legal result of the acts and conduct of DEFENDANTS, as
9 aforesaid, PLAINTIFF has been caused to suffer and did suffer a loss of earnings, earning
10 capacity, medical benefits, including insurance and other benefits to which they were
11 entitled. The exact nature and extent of said injuries is presently unknown to
12 PLAINTIFF, who will pray leave of court to assert the same when they are ascertained.

13 150. PLAINTIFF has been generally damaged in an amount within the jurisdictional limits of
14 this court.

15 151. The aforementioned acts of DEFENDANTS and DOES 1 through 100, and each of them,
16 were willful, illegal, wanton, malicious, intentional, oppressive and despicable and were
17 done in willful and conscious disregard of the rights, welfare and safety of plaintiff, and
18 were done by managerial agents of DEFENDANTS and DOES 1 through 100, and with
19 the express knowledge, consent, and ratification of managerial employees, supervisors,
20 alter egos of DEFENDANTS and DOES 1 through 100. The actions of the
21 DEFENDANTS', and Does 1 through 100, their supervisors, and alter egos were ratified
22 and condoned by DEFENDANTS, and Does 1 through 100, inclusive.

23 152. As a result of the discriminatory and illegal acts of DEFENDANTS, and each of them, as
24 alleged herein, Plaintiff is entitled to reasonable attorneys' fees and costs of said suit as
25 specifically provided in California Government Code § 12965(b).

26 ///
27 ///
28 ///

SIXTH CAUSE OF ACTION

(For Failure to Investigate and Failing to Prevent Discrimination and Retaliation in Violation of California Government Code § 12940 et seq. against LASD, COUNTY and DOES 1 Through 100, Inclusive)

153. PLAINTIFF repeats and re-pleads all of the preceding paragraphs as though set forth in full herein, and incorporates all of the same as though set forth in full herein.

154. At all times mentioned herein, PLAINTIFF was and is an individual residing in the County of Los Angeles, State of California. PLAINTIFF was at all times herein an African American employee and within the protected class of individuals as set forth in Government Code 12940 et seq. prohibiting race discrimination in California.

155. Defendants LASD, COUNTY and Does 1 through 100 were qualified employers as defined by Government Code section 12940 et seq. The wrongful placing of PLAINTIFF on an indefinite unpaid suspension occurred in California and was ratified and condoned by LASD and their managing agents. At all times herein mentioned, PLAINTIFF was employed by LASD, and Does 1 through 100, Inclusive in the County of Los Angeles, State of California.

156. At all times relevant to this action, the DEFENDANTS and each of them discriminated against PLAINTIFF based on his race. As set forth above, PLAINTIFF made complaints against and brought to light various illegal activities committed by his non-African American co-workers, including but not limited to DEFENDANTS and other members of the 2000 and 3000 Boys. Some of PLAINTIFF's complaints included allegations that he was being discriminated against based on his race. PLAINTIFF was then targeted by DEFENDANTS with an onslaught of various wrongdoings, including but not limited to harassing PLAINTIFF, suspending PLAINTIFF with pay, relieving PLAINTIFF of his duties, denying PLAINTIFF's requests for transfers, threatening PLAINTIFF and/or his family, intimidating PLAINTIFF, coercing PLAINTIFF, irreparably damaging PLAINTIFF's reputation, diminishing PLAINTIFF's chances for promotions, unfairly criticizing PLAINTIFF's job performance, causing PLAINTIFF to be improperly placed

1 on a 5150 hold, refusing to reinstate PLAINTIFF to his position despite PLAINTIFF
2 being medically cleared to return to work without restrictions by independent medical
3 professionals, refusing to release the results of PLAINTIFF's psychological evaluation,
4 removing PLAINTIFF from consideration for the position of Sergeant, and eventually
5 forcing PLAINTIFF to go on an indefinite administrative leave without pay.

6 157. Defendants' actions were in retaliation for PLAINTIFF's complaints, including his
7 complaints of race discrimination against LASD agents and managing agents.

8 Defendants' actions were also motivated by discriminatory animus based upon
9 PLAINTIFF's race. PLAINTIFF was harmed and DEFENDANTS' conduct was a
10 substantial factor in causing PLAINTIFF's harm.

11 158. The harassment, discrimination and retaliation against PLAINTIFF continue even now.

12 159. Instead of taking any steps to correct the illegal activity and to protect PLAINTIFF from
13 further harassment, discrimination and retaliate, LASD, COUNTY and their agents
14 continued to harass, discriminate against, and retaliate against PLAINTIFF.

15 160. Instead of taking any steps to prevent the harassment, discrimination and retaliation,
16 LASD, COUNTY and their agents actively engaged in the illegal practices instead of
17 trying to stop them and protect PLAINTIFF.

18 161. By the aforesaid acts and conduct of DEFENDANTS, and each of them, PLAINTIFF has
19 been directly and legally caused to suffer actual damages pursuant to California Civil
20 Code § 3333 including, but not limited to, loss of earnings and future earning capacity,
21 medical and related expenses for care and procedures both now and in the future,
22 attorney's fees, and other pecuniary loss not presently ascertained, for which plaintiff will
23 seek leave of court to amend when ascertained.

24 162. As a direct and legal result of the acts and conduct of DEFENDANTS, as aforesaid,
25 PLAINTIFF has been caused, and did suffer, and continues to suffer severe and
26 permanent emotional and mental distress and anguish, humiliation, embarrassment,
27 fright, shock, pain, discomfort and anxiety. The exact nature and extent of said injuries
28 are presently unknown to PLAINTIFF, who will pray leave of court to assert the same

1 when they are ascertained.
2 163. Plaintiff exhausted his administrative remedies by filing a timely claim for damages with
3 the County of Los Angeles on June 13, 2014, and an amended claim on July 8, 2014.
4 PLAINTIFF was informed that both of his claims were rejected by the County of Los
5 Angeles by correspondence that was sent to him on August 20, 2014. PLAINTIFF also
6 exhausted his administrative remedies by filing complaints with the DFEH and the
7 California Division of Labor Standards Enforcement, and by filing an internal appeal of
8 DEFENDANTS' decision to place PLAINTIFF on an indefinite, unpaid administrative
9 leave effective May 24, 2015.

10 164. As a further direct and legal result of the acts and conduct of DEFENDANTS, as
11 aforesaid, PLAINTIFF has been caused to suffer and did suffer a loss of earnings, earning
12 capacity, medical benefits, including insurance and other benefits to which they were
13 entitled. The exact nature and extent of said injuries is presently unknown to
14 PLAINTIFF, who will pray leave of court to assert the same when they are ascertained.

15 165. PLAINTIFF has been generally damaged in an amount within the jurisdictional limits of
16 this court.

17 166. The aforementioned acts of DEFENDANTS and DOES 1 through 100, and each of them,
18 were willful, illegal, wanton, malicious, intentional, oppressive and despicable and were
19 done in willful and conscious disregard of the rights, welfare and safety of plaintiff, and
20 were done by managerial agents of DEFENDANTS and DOES 1 through 100, and with
21 the express knowledge, consent, and ratification of managerial employees, supervisors,
22 alter egos of DEFENDANTS and DOES 1 through 100. The actions of the
23 DEFENDANTS', and Does 1 through 100, their supervisors, and alter egos were ratified
24 and condoned by DEFENDANTS, and Does 1 through 100, inclusive.

25 167. As a result of the discriminatory and illegal acts of DEFENDANTS, and each of them, as
26 alleged herein, Plaintiff is entitled to reasonable attorneys' fees and costs of said suit as
27 specifically provided in California Government Code § 12965(b).
28

SEVENTH CAUSE OF ACTION

WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY

(Against COUNTY, LASD and DOES 1 Through 100, Inclusive)

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

169. At all times herein mentioned, Labor Code Section 1102.5 was in full force and effect and binding on DEFENDANTS. The public policy behind Labor Code Section 1102.5 required DEFENDANTS to refrain from retaliating against any employee of COUNTY and LASD who disclosed information about illegal activities by agents of LASD or COUNTY.

170. DEFENDANTS and each of them violated California Labor Code 1102.5 (a) through (e) by (1) making, adopting and enforcing rules, regulations and policies (such as the LASD "code of silence") that discouraged or prevented employees such as PLAINTIFF from disclosing information to government agencies such as the FBI and up the LASD chain of command relating to inmate abuse and mistreatment at LASD and COUNTY jails, (2) by retaliating against PLAINTIFF for his disclosure of information relating to inmate abuse and mistreatment at LASD and COUNTY jails to persons within LASD who had authority over PLAINTIFF and/or authority to investigate, discover or correct the violations, as well as for reporting the information about illegal activities within the LASD to outside government agencies such as the FBI, the Fontana Police Department, the Department of Fair Employment and Housing, and the California Division of Labor Standards Enforcement, and (3) by retaliating against PLAINTIFF for his refusal to participate in activities such as adhering to the "code of silence" and "working in the gray" that would have resulted in a violation or noncompliance with a local, state or federal law or regulation.

171. PLAINTIFF reported to DEFENDANTS and LASD employees various violations of state and federal law, and made repeated complaints to DEFENDANTS and LASD employees regarding violations of local, state and federal regulations, including but not

1 limited to Title 15 of the California Code of Regulations, California Penal Code sections
2 118.1, 147, 149 and 673, 18 U.S. Code sections 241 and 242, 42 U.S. Code 1983, Cal.
3 Gov. Code section 12940 et seq, various local, LASD and COUNTY regulations and
4 policies, Article I Section 7 of the California Constitution, and the Fourth, Eighth and
5 Fourteenth Amendments of the U.S. Constitution). Plaintiff and his counsel continue to
6 investigate the various local, state and federal statutes, regulations, and codes involved.
7 Therefore plaintiff reserves the right to amend and or supplement the statutory and
8 regulatory violations up to and including the time of trial.

9 172. At all times herein mentioned, the FEHA was in full force and effect and binding on
10 DEFENDANTS. The public policy behind the FEHA required DEFENDANTS to refrain
11 from discriminating against any employee of COUNTY and LASD on the basis of race,
12 and to refrain from retaliation against employees who brought complaints of race
13 discrimination.

14 173. DEFENDANTS and each of them also violated the FEHA and Government Code section
15 12940 et seq. by discriminating against PLAINTIFF based on his race, and by retaliating
16 against PLAINTIFF for his complaints of race discrimination. As set forth above,
17 PLAINTIFF made complaints against and brought to light various illegal activities
18 committed by his non-African American co-workers, including but not limited to
19 DEFENDANTS and other members of the 2000 and 3000 Boys. These complaints
20 included harsher mistreatment and abuse by DEFENDANTS toward African-American
21 inmates than Caucasian inmates.

22 174. PLAINTIFF discovered that KIMBERLY MILROY and other agents of LASD from the
23 mental health floor had been denying the Chaplain access to the module for religious
24 services. PLAINTIFF believed this activity, which was in violation or noncompliance
25 with state and federal laws and/or regulations, had been ongoing for months. PLAINTIFF
26 exercised his statutory right under Labor Code section 1102.5 to complain in writing to
27 Captain NUNEZ that he believed the LASD and COUNTY were discriminating against
28 the Chaplain and inmates on the basis of their African-American race. Caucasian inmates

1 were not denied access to a chaplain as often as African-American inmates. Nor were
2 Caucasian Chaplains prevented from seeing inmates as often as African-American
3 chaplains.

4 175. PLAINTIFF was targeted by DEFENDANTS with an onslaught of various wrongdoings
5 that eventually culminated in DEFENDANTS forcing PLAINTIFF to go on an indefinite
6 administrative leave without pay.

7 176. The acts of DEFENDANTS in removing PLAINTIFF from his position, refusing to
8 reinstate PLAINTIFF to his former position or any other position within LASD, and then
9 forcing PLAINTIFF to go on an, unpaid, indefinite administrative leave constituted a
10 wrongful termination by DEFENDANTS.

11 177. This wrongful termination was motivated by discriminatory and retaliatory animus in
12 violation of public policy as set forth by Labor Code Section 1102.5, Government Code
13 Section 12940 et. seq.

14 178. The wrongful termination also violated the public policies set forth in, including but not
15 limited to, the 42 U.S. Code 1983, Civil Code sections 51.7 and 52.1, the POBRA,
16 Article I Section 8 of the California Constitution, and the First, Eighth and Fourteenth
17 Amendments to the U.S. Constitution.

18 179. By the aforesaid acts and conduct of DEFENDANTS, and each of them, PLAINTIFF has
19 been directly and legally caused to suffer actual damages pursuant to California Civil
20 Code § 3333 including, but not limited to, loss of earnings and future earning capacity,
21 medical and related expenses for care and procedures both now and in the future,
22 attorneys' fees, and other pecuniary loss not presently ascertained, for which PLAINTIFF
23 will seek leave of court to amend when ascertained.

24 180. As a direct and legal result of the acts and conduct of DEFENDANTS, as aforesaid,
25 PLAINTIFF have been caused, and did suffer, and continues to suffer severe and
26 permanent emotional and mental distress and anguish, humiliation, embarrassment,
27 fright, shock, pain, discomfort and anxiety. The exact nature and extent of said injuries is
28

1 presently unknown to PLAINTIFF, who will pray leave of court to assert the same when
2 they are ascertained.

3 181. As a further direct and legal result of the acts and conduct of DEFENDANTS, as
4 aforesaid, PLAINTIFF have been caused to suffer and did suffer a loss of earnings,
5 earning capacity, medical benefits, including insurance and other benefits to which he
6 was entitled. The exact nature and extent of said injuries is presently unknown to
7 PLAINTIFF, who will pray leave of court to assert the same when they are ascertained.

8 182. PLAINTIFF has been generally damaged in an amount within the jurisdictional limits of
9 this court.

10 183. The aforementioned acts of DEFENDANTS, committed by and through its managing
11 agents, supervisors, were done with the knowledge of DEFENDANTS and or were
12 ratified and condoned by DEFENDANTS, and each of them, were willful, wanton, mali-
13 cious, intentional, oppressive and despicable and were done in willful and conscious
14 disregard of the rights, welfare and safety of PLAINTIFF, and were done by managerial
15 agents of DEFENDANTS, and DOES 1 through 100, and with the express knowledge,
16 consent, and ratification of managerial employees of DEFENDANTS, thereby justifying
17 the awarding of punitive and exemplary damages in an amount to be determined at the
18 time of trial.

19 184. The harm to PLAINTIFF was "physical" in the sense that it affected his emotional and
20 mental health, rather than being a purely economic harm. (State Farm, supra, 538 U.S. at
21 p. 419.) It was objectively reasonable to assume that DEFENDANT employer's,
22 managing agents, acts of discrimination and harassment toward PLAINTIFF would affect
23 his emotional well-being, and therefore DEFENDANTS Employer's "conduct evinced
24 an indifference to or a reckless disregard of the health or safety of others." PLAINTIFF
25 were employees who quickly depleted their savings and lost their medical insurance
26 as a result of their termination, and therefore it appears that they "had financial
27 vulnerability." *Roby v McKesson* (2009)47 Cal. 4th 686.
28

EIGHTH CAUSE OF ACTION

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

(Against DEFENDANTS LASD, COUNTY, PAUL TANAKA, MARK GUERRERO,

KIMBERLY MILROY, MICHAEL SHAPIRO, and DANIEL CHAVEZ and DOES 1-100)

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

186. At all times herein, PLAINTIFF was a resident of the State of California, County of Los Angeles. At all times herein, PLAINTIFF was a peace officer with the LASD, a component of COUNTY. At all times herein, COUNTY was a public entity duly organized and existing under and by virtue of the laws of the State of California.

187. At all times relevant herein, DEFENDANTS PAUL TANAKA, MARK GUERRERO, KIMBERLY MILROY, MICHAEL SHAPIRO, and DANIEL CHAVEZ were residents of the County of Los Angeles, and employees, agents, and representatives of the COUNTY and LASD. At all times relevant herein, DEFENDANTS MARK GUERRERO, KIMBERLY MILROY, MICHAEL SHAPIRO, and DANIEL CHAVEZ were acting within the course and scope of their employment, and/or policy makers of the LOS ANGELES COUNTY SHERIFF'S DEPARTMENT, a department and subdivision of DEFENDANT COUNTY OF LOS ANGELES.

188. During PLAINTIFF's employment with LASD and COUNTY, DEFENDANTS LASD, COUNTY, MARK GUERRERO, KIMBERLY MILROY, MICHAEL SHAPIRO, and DANIEL CHAVEZ and DOES 1-100, as hereinbefore alleged, engaged in an intentional and injurious course of conduct which, was in conscious disregard of PLAINTIFF's rights. DEFENDANTS' behavior was extreme and outrageous and cannot be considered normal personnel actions.

189. DEFENDANTS LASD, COUNTY, MARK GUERRERO, KIMBERLY MILROY, MICHAEL SHAPIRO, and DANIEL CHAVEZ subjected PLAINTIFF to a campaign of adverse employment actions, including extreme harassment, retaliation, and intimidation, that jeopardized his job, health, and career. (Yanowitz v. L'Oreal USA, Inc.

1 (2005) 36 Cal.4th 1028, 1060). Such actions were unjustified and were meant to punish
2 plaintiff for his whistleblowing activities as it related to inmate abuse and mistreatment
3 by LASD agents, and to punish Plaintiff for his race and for his complaints of race
4 discrimination. These actions were either ordered or sanctioned by PAUL TANAKA and
5 his "work in the gray" policy.

6 190. DEFENDANTS LASD, COUNTY, PAUL TANAKA, MARK GUERRERO,
7 KIMBERLY MILROY, MICHAEL SHAPIRO, and DANIEL CHAVEZ and each of
8 them, also abused a position of authority over PLAINTIFF. DEFENDANTS knew the
9 plaintiff was susceptible to injuries through mental distress, and DEFENDANTS acted
10 intentionally or unreasonably with the recognition that DEFENDANTS' acts were likely
11 to result in illness to PLAINTIFF through mental distress. DEFENDANTS' actions were
12 illegal, and DEFENDANTS knew they were illegal, and DEFENDANTS carried them
13 out with a malicious intent to harm plaintiff. DEFENDANTS' extreme and outrageous
14 actions include, but are not limited to, the following:

15 A. After PLAINTIFF dared to truthfully report and/or otherwise complain about inmate
16 abuse committed by the 2000 boys and other agents of LASD, these deputies, other
17 members assigned to the Century Regional Detention Facility, and other agents of
18 LASD including but not limited to MARK GUERRERO, KIMBERLY MILROY,
19 MICHAEL SHAPIRO, DANIEL CHAVEZ engaged in a relentless campaign to
20 ostracize, harass, demoralize, threaten, discriminate and retaliate against PLAINTIFF,
21 which included falsely imprisoning him, relieving PLAINTIFF of his duties on or
22 about December 17, 2013, refusing to return PLAINTIFF to his position despite
23 PLAINTIFF being cleared to return to full work duties by independent medical
24 professionals, and then forcing him to go on indefinite, unpaid administrative
25 leave.

26 B. PLAINTIFF was transferred to a women's jail facility known as Century Regional
27 Detention Facility ("CRDF"). During PLAINTIFF's time at CRDF, a group of
28 deputies from the MCJ (whom PLAINTIFF recognized as members of the 2000 and

1 3000 boys) were administratively transferred to CRDF. PLAINTIFF is informed and
2 believes that so many members of the 2000 and 3000 boys were being transferred to
3 CRDF because of rampant allegations of inmate abuse at MCJ and on-going
4 department and federal investigations.

5 C. In approximately January 2013, PLAINTIFF advised his supervisor Sergeant
6 KIMBERLY MILROY that a nurse was requesting a deputy escort of an inmate to a
7 hospital. A deputy was available, but KIMBERLY MILROY ordered PLAINTIFF to
8 lie to the nurse at CRDF that a deputy was not available. PLAINTIFF did not lie but
9 rather told the nurse that KIMBERLY MILROY denied her request, at which point
10 the nurse said that per doctor's orders the inmate needed an immediate escort due to
11 the seriousness of the inmate's condition. Plaintiff advised KIMBERLY MILROY
12 who still did not want to send a deputy. Plaintiff re-advised the nurse, at which point
13 the nurse called the paramedics herself, which forced Sergeant KIMBERLY
14 MILROY to send two deputies.

15 D. Sergeant KIMBERLY MILROY became visibly upset and accused PLAINTIFF of
16 telling the nurse to call the paramedics. PLAINTIFF informed Sergeant KIMBERLY
17 MILROY that he did not advise the nurse to call the paramedics and that it was her
18 decision to do so. KIMBERLY MILROY told Plaintiff that she was going to
19 investigate and if she found out that Plaintiff had advised or instructed the nurse to
20 call the paramedics she would take actions against him. After speaking directly with
21 the nurse in the clinic Sergeant KIMBERLY MILROY learned that Plaintiff did not
22 give any advice or instructions to them to call the paramedics. Nonetheless,
23 KIMBERLY MILROY began unjustly accusing PLAINTIFF of not properly
24 completing his work duties.

25 E. PLAINTIFF complained to his immediate supervisor, Sergeant Daniel Hester, and
26 also to Watch Commander Lieutenant Tab Rhodes, about Sergeant KIMBERLY
27 MILROY's behavior of trying to tarnish his reputation by unjustly criticizing him to
28

1 others. Lieutenant Rhodes told Plaintiff to keep up his good work and that he would
2 speak to her.

3 F. In retaliation for PLAINTIFF's refusal to engage in the illegal activity as well as his
4 complaints against her, KIMBERLY MILROY engaged in constant harassment and
5 attempted bullying of PLAINTIFF. KIMBERLY MILROY tried to sabotage
6 PLAINTIFF's job performance by withholding information from PLAINTIFF that he
7 needed to effectively do his job, overloading PLAINTIFF's work duties and cursing
8 and using degrading language in front of PLAINTIFF on a consistent basis.
9 KIMBERLY MILROY threatened PLAINTIFF with physical and/or reputational
10 harm if he continued to violate the LASD "code of silence."

11 G. On or about February 4, 2013, PLAINTIFF was working in the booking center when
12 Sergeant DANIEL CHAVEZ intentionally overloaded PLAINTIFF's work duties.
13 PLAINTIFF's regular duties in the booking center included high priority tasks such
14 as compiling the court list and obtaining missing probable cause declarations to
15 prevent the unintentional release of numerous inmates. In addition to these duties,
16 DANIEL CHAVEZ ordered PLAINTIFF to pick up inmate complaint forms for the
17 entire facility. These forms were supposed to be picked up by a sergeant, not a senior
18 deputy, and especially not a senior deputy assigned to the booking center. DANIEL
19 CHAVEZ, however, gave the assignment to PLAINTIFF to try to get him in trouble
20 when he knew PLAINTIFF did not have time to pick up the forms himself.

21 H. Because of errors in the paperwork from the previous shift's personnel, PLAINTIFF
22 did not have time to pick up the forms until much later in his shift. DANIEL
23 CHAVEZ tried to get PLAINTIFF written up for this. PLAINTIFF also discovered
24 that someone had impersonated him over the in-house phone to the watch sergeant
25 stating that the forms had been picked up when in fact they had not. PLAINTIFF is
26 informed and believes that Sergeant DANIEL CHAVEZ took part in this
27 impersonation to try to intentionally cause PLAINTIFF harm in his employment for
28 false reasons. PLAINTIFF is informed and believes that DANIEL CHAVEZ was

1 motivated by the same retaliatory animus displayed by Sergeant KIMBERLY
2 MILROY, as well as former MCJ deputies that worked at CRDF. Plaintiff is
3 informed and believes that DANIEL CHAVEZ was aware of PLAINTIFF'S
4 complaints against KIMBERLY MILROY and the members of the 2000 boys at
5 MCJ, and wanted to retaliate against him for making those complaints, and for
6 PLAINTIFF'S breaking of the LASD "code of silence."

- 7 I. Thereafter, PLAINTIFF complained in an email to Lieutenant John Burcher that he
8 was being set up and was working in a hostile work environment. PLAINTIFF met
9 with Lieutenant Burcher and explained the situation, at which point Lieutenant
10 Burcher forwarded the complaint to Captain Joseph Nunez. The complaint included
11 PLAINTIFF'S request to transfer from the facility, which was denied by Captain
12 Nunez.
- 13 J. PLAINTIFF had also requested a transfer from the facility in September 2012
14 because of the large amount of 2000 boys and 3000 boys at CRDF and the underlying
15 harassment, and hostility directed towards him. PLAINTIFF'S request was denied at
16 that time also.
- 17 K. In August 2013, PLAINTIFF discovered that some of the inmates on discipline were
18 forced to spend up to 30 days in the disciplinary module without receiving their
19 required disciplinary review board hearings as required under Title 15 of the
20 California Code of Regulations. PLAINTIFF complained about this matter to one of
21 the sergeants involved in the practice, and the sergeant ignored his complaint.
- 22 L. Plaintiff also learned that some of the inmates' mail was being illegally withheld from
23 them, as well as certain hygiene items. These all were violations of Title 15 of the
24 California Code of Regulations. Plaintiff complained about this to his supervisor,
25 Sergeant Ottawa Cureton, who agreed with Plaintiff that these actions were unlawful
26 and should not have been implemented. PLAINTIFF brought the matter to the
27 attention of Watch Commander Lieutenant Tab Rhodes and showed him the policy
28 and law prohibiting such type of treatment. Lieutenant Rhodes told Plaintiff that

1 Sergeant MICHAEL SHAPIRO had implemented this practice but that he would look
2 into speaking with him and ending it. No administrative actions were ever undertaken
3 by DEFENDANTS to address these illegal practices.

4 M. In or about September 2013 PLAINTIFF started becoming increasingly singled out
5 and isolated for not abiding by the LASD "code of silence" and refusing to go along
6 with LASD's efforts to "work in the gray" regarding treatment and discipline of
7 inmates. "Working in the gray" was a phrase used and encouraged by former
8 Undersheriff PAUL TANAKA, himself a tattooed Lynwood Vikings member, as a
9 way to circumvent department policy relating to inmate treatment and discipline.
10 "Working in the gray" is an informal policy that directs LASD members to operate
11 outside the confines of the law, in contravention of state and federal laws.

12 N. In or about September 2013, PLAINTIFF was informed by Mental Health Director
13 Laura Bastianelli that she had witnessed LASD deputy M. Conde pepper spray an
14 inmate in the face for no apparent reason. The inmate was inside her jail cell and did
15 not pose or make any threats toward deputy Conde. PLAINTIFF investigated the
16 allegation and confirmed with the relevant witnesses that there was no relevant
17 necessity for Deputy Conde to use the pepper spray against this inmate. PLAINTIFF
18 reasonably believed this action to be a violation of state and federal law. PLAINTIFF
19 reported the incident to Sergeant L. Dancel, who conducted a force investigation.

20 O. In October 2013, PLAINTIFF's car tires were damaged and thereby flattened on two
21 separate occasions about one week apart. PLAINTIFF is informed and believes that
22 these incidents were committed by DEFENDANTS or other members of the LASD
23 gangs at the direction of DEFENDANTS in retaliation for PLAINTIFF's violation of
24 the LASD "code of silence" and his refusal to work "in the gray."

25 P. Between November and December 2013, PLAINTIFF started seeing an increase of
26 deputy misconduct occurring on the mental health modules at CRDF. The misconduct
27 was brought to PLAINTIFF's attention by other deputy personnel, facility inmates,
28 and his own observation. PLAINTIFF made verbal complaints to this and past

1 incidents of misconduct to his supervisors and other LASD agents, including but not
2 limited to Lieutenant Rhodes, Lieutenant Villanueva, Sergeant Cureton, Sergeant
3 Dancel, Sergeant Bedogne, Sergeant Shaw, Senior Deputy Nalls, Senior Deputy
4 Ferrera, and Lieutenant Angela Walton. All of these complaints were related to
5 various forms of inmate abuse that PLAINTIFF believed violated federal and state
6 law, including but not limited to locking inmates down without proper documentation
7 or supervisor approval, knowingly refusing medical treatment to inmates in need,
8 denying chaplain services to inmates, and falsifying records regarding recreational
9 time. PLAINTIFF felt that bringing light to these serious issues and illegalities was
10 the only way to put an end to them.

11 Q. On or about December 13, 2013, PLAINTIFF reported his concerns about the
12 harassment he was receiving and about the various issues related to inmate abuse to
13 Lieutenant John Burcher. During the conversation, Lieutenant Burcher stated that
14 Sergeant Milroy was a problem employee and a "bully," but that it was difficult to
15 take action against her.

16 R. On December 14, 2013, Sergeant KIMBERLY MILROY and Sergeant Chavez came
17 into PLAINTIFF's office and threatened him for reporting his concerns about
18 LASD's illegal conduct. Sergeant KIMBERLY MILROY told Plaintiff that he "better
19 shut up" about how KIMBERLY MILROY runs her program "or else." PLAINTIFF
20 perceived that he either needed to stop his investigation into the misconduct on the
21 mental health floors and other illegal activities or he would suffer harm to his
22 employment, or person, or both.

23 S. PLAINTIFF spoke with MARK GUERRERO later that day. During this
24 conversation, MARK GUERRERO made a veiled threat against PLAINTIFF by
25 telling him a story about how the dictator of North Korea executed his own uncle and
26 the uncle's immediate family for being "disloyal." Lieutenant MARK GUERRERO
27 told PLAINTIFF three more similar stories from history illustrating "what happens"
28 to people who are "disloyal." Lieutenant MARK GUERRERO told PLAINTIFF that

1 LASD would not be responsible if "something happened" to a person reporting
2 misconduct within LASD, implying that PLAINTIFF may suffer violence and harm if
3 he continued to report misconduct in violation of the "code of silence" and continued
4 to refuse to participate in illegal activities such as working in the gray.

5 T. Later that afternoon, PLAINTIFF discovered that KIMBERLY MILROY and other
6 agents of LASD from the mental health floor had been denying the Chaplain access to
7 the module for religious services. PLAINTIFF believed this activity, which was in
8 violation of noncompliance with state and federal laws and/or regulations, had been
9 ongoing for months.

10 U. On or about December 15, 2013 there was a previously scheduled town hall meeting
11 within one of the mental health modules (Module 3100). MARK GUERRERO and
12 several sergeants were present at the meeting, which was an opportunity for inmates
13 to voice concerns about any mistreatment or other issues. PLAINTIFF took notes
14 during this meeting and later typed up a summary of what was said in the meeting and
15 submitted it to LASD.

16 V. Approximately 20 inmates out of a total of 90 were invited to attend. Most of the 20
17 inmates reported some form of inmate abuse by deputies, including many deputies
18 and other agents of LASD that PLAINTIFF had previously complained about. The
19 inmates alleged that deputies were overly aggressive, used excessive profanity, put
20 inmates on lockdown without cause, and failed to respond to medical emergencies,
21 among other illegal conduct. One of the incidents reported in the town hall meeting
22 involved a deputy not allowing the inmate out of her cell to see the nurse during an
23 asthma attack. Inmate Reina Salazar said that she needed her medical inhaler and was
24 refused to be let out of her cell by Deputy Conde and an unknown male deputy.
25 Inmate Salazar said she had to use a plastic bag inside her room to help her breath in
26 order not to pass out.

1 W. Inmate Christina Arreseigor reported that this group of deputies appeared mad and
2 kept cussing them out for no apparent reason. Several other inmates reported similar
3 behavior.

4 X. Inmate Doris Portillo said she was battered by her cellmate and asked Deputy Villa to
5 let her out of her cell to see the nurse because of a head injury. Deputy Villa
6 reportedly accused her of lying and refused to allow her to seek medical treatment.
7 Deputy Villa also declined to take a report on the incident. PLAINTIFF later verified
8 there was no incident report or medical injury report completed by Deputy Villa
9 regarding this incident, nor was there any record of medical treatment of this inmate
10 on this date, all of which is required under LASD policy and CA state law.

11 Y. PLAINTIFF assigned Deputy Jose Flores to write a follow up report regarding this
12 incident, which PLAINTIFF noticed contained false and misleading information,
13 including but not limited to a statement that a deputy took inmate Portillo to a nurse
14 for medical treatment the same day of the attack, which PLAINTIFF confirmed as
15 false. PLAINTIFF brought this report to MARK GUERRERO who agreed that it was
16 not accurate and looked suspicious.

17 Z. On December 16, 2013, while writing the summary of the town hall meeting,
18 numerous deputies and agents of LASD came into PLAINTIFF's office and
19 implicitly or explicitly threatened him. Other deputies tried to look at his computer to
20 see what he was writing. There was serious concern that PLAINTIFF would write a
21 truthful recap of the town hall meeting and submit it to administration such that the
22 various deputies and agents of LASD involved in these illegalities would be facing an
23 investigation and potential discipline. A custody assistant named David Rodgers told
24 PLAINTIFF that "they" knew what he was up to and that if he submitted the report,
25 "fraternization" charges would be brought against PLAINTIFF in retaliation.

26 AA. Plaintiff reported the threat to Lieutenant MARK GUERRERO but nothing was
27 done. As the shift went on Plaintiff could sense tension and hostility building in the
28 atmosphere. Plaintiff knew that word had gotten out throughout the facility of what

1 the inmates had complained about during the town hall meeting, and agents of LASD
2 were attempting to intimidate and threaten PLAINTIFF to protect themselves.

3 BB. PLAINTIFF met with MARK GUERRERO again and MARK GUERRERO
4 himself intimidated and threatened PLAINTIFF. PLAINTIFF felt so uncomfortable
5 that he called 911 from his office phone, but realized that the call was routed to a
6 LASD station and he hung up. PLAINTIFF told MARK GUERRERO that he had a
7 family emergency and needed to leave the facility.

8 CC. MARK GUERRERO looked at PLAINTIFF with a sarcastic expression and
9 stated, "what's wrong." PLAINTIFF left the office and MARK GUERRERO
10 followed him and stated, "what's wrong, you don't want to play anymore?"
11 PLAINTIFF went home to check on his family.

12 DD. While at home, PLAINTIFF received a call from MARK GUERRERO who
13 ordered PLAINTIFF back to the facility. PLAINTIFF refused. MARK GUERRERO
14 then stated that if PLAINTIFF did not return to the facility immediately that he would
15 be charged with abandoning his position.

16 EE. PLAINTIFF returned to the facility under duress and was met by several armed
17 sergeants including DANIEL CHAVEZ, as well as Lieutenant MARK GUERRERO,
18 who was also armed. Plaintiff was ordered into a conference room and interrogated
19 by Lieutenant MARK GUERRERO and another lieutenant. At least four armed
20 Sergeants stood outside the conference room guarding the exit. Plaintiff was then
21 ordered to write a statement.

22 FF. PLAINTIFF asked if he could provide the statement at a later time because of his
23 exhausted state, and also asked if he could speak with an attorney or representative
24 about his legal rights. PLAINTIFF had been awake for over 22 hours at this point,
25 and had been subjected to a relentless barrage of harassing and threatening behavior
26 throughout the day by agents of LASD. PLAINTIFF's requests were denied.

27 PLAINTIFF was told that after he wrote the statement he would be allowed to leave.
28

1 GG. PLAINTIFF wrote a statement under duress, and in a dazed and semi-conscious
2 state due to his lack of sleep and emotional distress. After providing the statement,
3 PLAINTIFF was still not allowed to leave. He was brought into Lieutenant MARK
4 GUERRERO's office and held there against his will and re-interrogated. Eventually,
5 Plaintiff was finally allowed to leave.

6 HH. On December 17, 2013, PLAINTIFF was relieved of his duties by LASD and
7 captain JOSEPH NUNEZ with pay "pending a psychological evaluation." Relieving
8 PLAINTIFF of his duties was sanctioned and condoned by LASD and COUNTY
9 managing agents, including but not limited to PAUL TANAKA.

10 II. In December 2013, PLAINTIFF was experiencing such immense emotional distress
11 caused by DEFENDANTS' retaliatory and discriminatory adverse employment
12 actions against him that he decided to receive treatment from a hospital. PLAINTIFF
13 was not a danger to himself, or to others, and was not gravely disabled. Nevertheless,
14 DEFENDANTS directly and/or indirectly communicated to the hospital staff that
15 PLAINTIFF should be placed on a 5150 hold, and PLAINTIFF was thereafter held
16 against his will for approximately 72 hours. DEFENDANTS' aforementioned
17 communications to hospital staff members that led to PLAINTIFF's 5150 hold were
18 motivated by retaliatory and discriminatory animus against PLAINTIFF as set forth
19 throughout this complaint.

20 JJ. In January and March of 2014, PLAINTIFF submitted written complaints to the
21 LASD Internal Affairs and Equity Unit which detailed DEFENDANTS' harassment,
22 retaliation, and discrimination of PLAINTIFF. PLAINTIFF had previously reported
23 these allegations to Channel 5 news and the FBI in about December 2013.

24 KK. From approximately February through March 2014, PLAINTIFF underwent a
25 series of medical evaluations by independent medical professionals. The results of all
26 of these evaluations were that PLAINTIFF was physically and mentally fit to return
27 to his full work duties as a LASD Deputy Sheriff without restrictions.
28

1 LL. For instance, on or about March 11, 2014, PLAINTIFF underwent an examination by
2 Ian P. Chand, Ph. D, who concluded in a letter dated March 31, 2014 that "it is my
3 opinion that Mr. Brock ... is ready to return to regular work as a Law Enforcement
4 Officer carrying firearms and without any restrictions." PLAINTIFF was also
5 evaluated on or about March 25, 2014 by Tandra Michelle Green, LCSW. Following
6 the evaluation, Ms. Greene wrote in a work status report that "Mr. Brock was
7 evaluated on 3-25-14 and deemed capable of returning to work on 3-26-14 at full
8 capacity." On March 20, 2014, PLAINTIFF was also evaluated by Yelena R
9 Sergeyeva MD, who stated in a correspondence dated March 20, 2014 that
10 PLAINTIFF "has no restrictions to work at this time."

11 MM. PLAINTIFF was also evaluated by independent medical professionals relating to
12 his improper 5150 hold. For instance, on or about February 17, 2014 PLAINTIFF was
13 evaluated by Susan Lopresti, LCSW who stated that PLAINTIFF was not suicidal,
14 homicidal or gravely disabled at that time. PLAINTIFF was also evaluated by Lisa
15 Delgadillo LCSW on or about February 19, 2014 and February 27, 2014. Ms.
16 Delgadillo stated that PLAINTIFF was not suicidal, homicidal or gravely disabled
17 during either of those evaluations. Ms. Delgadillo also stated in a February 27, 2014
18 correspondence that she had reviewed Mr. Brock's medical records from Kaiser
19 Permanente dating back to November 4, 2011, and she had concluded that "there was
20 no indication you were suicidal, homicidal or gravely disabled in any of those
21 appointments based upon the assessment of the treating therapists at that time."

22 PLAINTIFF promptly provided all of the aforementioned correspondence to LASD.

23 NN. PLAINTIFF provided the results of all of these medical evaluations to LASD and
24 COUNTY in approximately March or April of 2014. As such, PLAINTIFF provided
25 evidence to LASD and COUNTY through independent medical professionals that he
26 was, and continues to be, both physically and mentally capable of performing his
27 work duties. LASD and COUNTY have consistently ignored PLAINTIFF's evidence
28

1 in this regard and repeated requests for reinstatement. LASD and COUNTY have
2 refused to return PLAINTIFF to his position of Deputy Sheriff.

3 OO. On or about March 28, 2014. PLAINTIFF underwent the psychological
4 examination mandated by LASD through the Occupational Health Programs (OHP).
5 Following the evaluation, LASD and the COUNTY refused to reinstate PLAINTIFF
6 to his position, but failed to tell PLAINTIFF why, and refused to provide PLAINTIFF
7 with any documentation relating to his March 28, 2014 psychological examination.

8 PP. In June 2014, PLAINTIFF received an unfairly critical and negative performance
9 evaluation.

10 QQ. In November 2014 PLAINTIFF retook the Sergeant Exam for the 2014 calendar
11 year. DEFENDANTS had previously attempted to prevent PLAINTIFF from taking
12 the exam by misleading him and withholding from him vital information about the
13 exam. After PLAINTIFF appealed to the personnel unit, PLAINTIFF was allowed to
14 take the exam, and he scored a 98.7% on the written portion, one of the highest scores
15 in the department and better than almost 3000 other deputies that took the same exam.
16 LASD Personnel Director Captain Judy Gerhardt, a PAUL TANAKA supporter,
17 refused to release the remainder of PLAINTIFF's exam scores and overall ranking,
18 which would have placed PLAINTIFF in a high position on the promotional list that
19 was published department-wide.

20 RR. On or about December 3, 2014, PLAINTIFF received notification that he was
21 removed from consideration for the Sergeant Custody Career Track because LASD
22 classified PLAINTIFF as "physically or mentally unfit to perform the duties of a
23 Sergeant." However, PLAINTIFF had previously provided evidence to LASD
24 through independent medical professionals that he was both physically and mentally
25 fit to perform his work duties. DEFENDANTS have consistently denied
26 PLAINTIFF's repeated requests for reinstatement. DEFENDANTS have also
27 consistently refused to release the results of PLAINTIFF's psychological evaluation.
28

1 SS. On February 18, 2015, PLAINTIFF filed a Complaint for Damages against
2 DEFENDANTS in Los Angeles Superior Court in the County of Los Angeles.
3 Within two days of filing the complaint, DEFENDANTS demanded to meet with
4 PLAINTIFF at the Century Sheriff Patrol Station, the location where PLAINTIFF had
5 previously been relieved of his duties, and which was the home of LASD deputy
6 gangs such as the Regulators and the Vikings. During the meeting, which took place
7 on March 5, 2015, PLAINTIFF and his attorney were met by six agents of LASD,
8 some of whom carried firearms, in a small conference room within the Century
9 Sheriff Patrol Station. Only one agent of LASD spoke during the meeting, who
10 merely read from a single document. DEFENDANTS could have simply sent that
11 same document to PLAINTIFF's attorneys. DEFENDANTS' decision to demand an
12 in-person meeting with PLAINTIFF at the same location where he had previously
13 been relieved of his duties and with a number of extraneous armed deputies
14 constituted a continuing act of retaliation and intimidation by DEFENDANTS against
15 PLAINTIFF.

16 TT. On or about March 31, 2015, PLAINTIFF received notice of DEFENDANTS' intent
17 to place him on an unpaid administrative leave effective April 16, 2015. Within this
18 letter, DEFENDANTS unilaterally set a skelly hearing for April 16, 2015, which was
19 later continued to May 5, 2015.

20 UU. On or about March 31, 2015, PLAINTIFF was finally provided with the "results"
21 of his March 2014 psychological evaluation by the OHP. The entirety of these
22 "results" consisted of a copy of a February 9, 2015 letter from OHP Chief of
23 Psychological Services, Dr. Sepideh A. Souris, to LASD captain Judy Gerhardt which
24 contained nothing more than conclusory findings regarding PLAINTIFF's fitness for
25 duty. Within that letter, it was noted that "we have determined that Mr. Brock does
26 not meet criteria established under California Government Code § 1031(f)...and may
27 not be returned to duty as a peace officer/safety sensitive position...Furthermore, Mr.
28

1 Brock is deemed as not fit for any other positions at this time and in the foreseeable
2 future.”

3 VV. On April 13, 2015, April 24, 2015, and May 5, 2015, PLAINTIFF, through his
4 representatives, requested all documents, materials, reports, and other items that OHP
5 reviewed, considered, analyzed, and/or otherwise relied upon regarding their
6 unilateral determination that PLAINTIFF was not fit to return to his former position,
7 or any position, within LASD. All of PLAINTIFF's requests in this regard were
8 denied. PLAINTIFF, through his representatives, complained to LASD and
9 COUNTY that PLAINTIFF was being denied his procedural rights as articulated by
10 the California Supreme Court in Skelly v. State Personnel Board (1975) 15 Cal.3d
11 194.

12 WW. On or about May 24, 2015, the COUNTY and LASD placed PLAINTIFF on an
13 indefinite, unpaid administrative leave. The indefinite, unpaid suspension had the
14 same effect as a termination. This action was the culmination of years of harassing,
15 retaliatory, and discriminatory conduct by DEFENDANTS against PLAINTIFF.
16 PLAINTIFF was harmed and DEFENDANTS' aforementioned conduct was a
17 substantial factor in causing PLAINTIFF's harm.

18 XX. DEFENDANTS had a pattern and practice of retaliating against, harassing,
19 coercing, and intimidating LASD deputies such as PLAINTIFF when they
20 complained about illegal activities such as inmate abuse or corruption within LASD,
21 or otherwise engaged in in whistleblowing activities. DEFENDANTS engaged in this
22 illegal conduct instead of informing whistleblowing employees of their protections
23 under the law and implementing any plan to protect them from retaliation and
24 harassment within LASD. Rather, DEFENDANTS intentionally sought out to protect
25 the LASD agents that retaliated against whistleblowers such as PLAINTIFF, and
26 ordered or otherwise condoned retaliatory actions against whistleblowers such as
27 PLAINTIFF.
28

1 YY. The aforementioned acts of DEFENDANTS, committed by and through its
2 managing agents (including PAUL TANAKA) and agents were done with the
3 knowledge of DEFENDANTS and or were ratified and condoned by DEFENDANTS
4 and their managing agents (including PAUL TANAKA), and each of them, were
5 willful, wanton, malicious, intentional, oppressive and despicable and were done in
6 willful and conscious disregard of the rights, welfare and safety of PLAINTIFF, and
7 were done by managerial agents of DEFENDANTS (including PAUL TANAKA),
8 and DOES 1 through 100, and with the express knowledge, consent, and ratification
9 of managerial employees of DEFENDANTS, thereby justifying the awarding of
10 punitive and exemplary damages in an amount to be determined at the time of trial.

11 ZZ. DEFENDANTS' actions are reprehensible given that PLAINTIFF was a loyal and
12 hardworking employee who was simply trying to prevent illegal abuse and
13 mistreatment of inmates in COUNTY jails.

14 191. DEFENDANTS acted with intentional or reckless disregard of PLAINTIFF's rights and
15 these actions were completed with malicious intent to harm PLAINTIFF.
16 DEFENDANTS acted with intentional or reckless disregard of the probability that
17 PLAINTIFF would suffer emotional distress knowing that PLAINTIFF was present when
18 DEFENDANTS' illegal activity occurred. DEFENDANTS' conduct was in
19 contravention of the Public policy as set forth in Labor Code 1102.5, precluding
20 retaliation for certain protected activity. Defendants' conduct in violation of Labor Code
21 1102.5 as set forth herein constitutes outrageous conduct because the employer-employee
22 relationship cannot encompass conduct that is obnoxious to the interests of the state and
23 contrary to public policy.

24 192. DEFENDANTS LASD, COUNTY, MARK GUERRERO, KIMBERLY MILROY,
25 MICHAEL SHAPIRO, and DANIEL CHAVEZ knew their actions were illegal but
26 ignored the law. DEFENDANTS knew the law required them to not retaliate against
27 PLAINTIFF after he complained about illegal activities, instead DEFENDANTS ignored
28 the law, conspired to harass, coerce, intimidate, and discriminate against PLAINTIFF,

1 and then relieve him of his duties and force him to take an indefinite unpaid
2 administrative leave, when they should have been taking steps to protect him.
3 DEFENDANTS actions displayed a conscious disregard for the rights of whistleblowing
4 employees such as PLAINTIFF. DEFENDANTS had a pattern and practice of retaliating
5 against, harassing, coercing, and intimidating employees when they complained about
6 illegal abuse and mistreatment of inmates, instead of informing these employees of their
7 protections under the law and instead of implementing any plan to protect them from
8 retaliation and harassment.

9 193. DEFENDANTS LASD, COUNTY, MARK GUERRERO, KIMBERLY MILROY,
10 MICHAEL SHAPIRO, and DANIEL CHAVEZ knew or, in the exercise of reasonable
11 care, should have known that the abusive and outrageous conduct would cause, and did
12 cause, PLAINTIFF mental distress that was so extreme so as to exceed all bounds of that
13 usually tolerated in a decent and civilized society. As set forth above, DEFENDANTS'
14 actions were illegal and in contravention of state and federal codes, regulations, standards
15 and statutes. PLAINTIFF continues to suffer emotional distress as result of
16 DEFENDANTS' actions.

17 194. By the aforesaid acts and conduct of DEFENDANTS, and each of them, PLAINTIFF has
18 been directly and legally caused to suffer actual damages pursuant to California Civil
19 Code § 3333 including, but not limited to, loss of earnings and future earning capacity,
20 medical and related expenses for care and procedures both now and in the future,
21 attorneys' fees, and other pecuniary loss not presently ascertained, for which PLAINTIFF
22 will seek leave of court to amend when ascertained.

23 195. As a direct and legal result of the acts and omissions of DEFENDANTS, and each of
24 them, PLAINTIFF was rendered sick, sore, lame, disabled and disordered, both internally
25 and externally, and suffered, among other things, numerous internal injuries, severe
26 fright, shock, pain, discomfort and anxiety. The exact nature and extent of said injuries
27 are not known to the PLAINTIFF, who will pray leave of court to insert the same when
28 they are ascertained. PLAINTIFF does not at this time know the exact duration or

1 permanence of said injuries, but is informed and believes, and thereon alleges, that some
2 of the said injuries are reasonably certain to be permanent in character.

3 196. As a further legal result of the acts and omissions of the DEFENDANTS, and each of
4 them, PLAINTIFF has been forced to incur expenses for medical care, and laboratory
5 costs, and is informed and believes, and thereon alleges, that PLAINTIFF will in the
6 future be forced to incur additional expenses of the same nature, all in an amount which
7 is at present unknown. PLAINTIFF will pray leave of court to show the exact amount of
8 said expenses at the time of trial.

9 197. As a further direct and legal result of the acts and conduct of DEFENDANTS, as
10 aforesaid, PLAINTIFF has been caused, and did suffer, and continues to suffer severe
11 and permanent emotional and mental distress and anguish, humiliation, embarrassment,
12 fright, shock, pain, discomfort and anxiety. The exact nature and extent of said injuries is
13 presently unknown to PLAINTIFF who will pray leave of court to assert the same when
14 they are ascertained.

15 198. PLAINTIFF has been generally damaged in an amount within the jurisdictional limits of
16 this court.

17 199. The aforementioned acts of DEFENDANTS, and each of them, were willful, wanton,
18 malicious, intentional, oppressive and despicable and were done in willful and conscious
19 disregard of the rights, welfare and safety of PLAINTIFF, thereby justifying the awarding
20 of punitive and exemplary damages in an amount to be determined at the time of trial.
21 The DEFENDANTS, their managing agents, and alter egos' conduct as set forth herein
22 was reprehensible. The harm to PLAINTIFF was "physical" in the sense that it affected
23 his emotional and mental health, rather than being a purely economic harm. (State Farm,
24 supra, 538 U.S. at p. 419.) It was objectively reasonable to assume that DEFENDANTS
25 unlawful acts toward PLAINTIFF would affect his emotional well-being, and therefore
26 DEFENDANTS' "conduct evinced an indifference to or a reckless disregard of the health
27 or safety of others." Roby v. McKesson (2009)47 Cal. 4th 68. PLAINTIFF is seeking
28 punitive damages as allowed by law.

NINTH CAUSE OF ACTION

FOR DEFAMATION

**(Against DEFENDANTS LASD, COUNTY, JOSEPH NUNEZ, MARK GUERRERO,
KIMBERLY MILROY, MICHAEL SHAPIRO, and DANIEL CHAVEZ and DOES 1-100**

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

201. Defendants LASD, COUNTY, JOSEPH NUNEZ, MARK GUERRERO, KIMBERLY MILROY, MICHAEL SHAPIRO, and DANIEL CHANEZ defamed PLAINTIFF by removing him from his position for false reasons pending a "psychological evaluation," making false statements to the Fontana Police Department and the hospital staff at Kaiser to cause PLAINTIFF to be placed in an improper 5150 hold, and making libelous and slanderous statements to other law enforcement agencies regarding PLAINTIFF.

202. On December 17, 2013, PLAINTIFF was relieved of his duties by LASD, COUNTY and captain JOSEPH NUNEZ with pay "pending a psychological evaluation."

203. In coming to this decision LASD, COUNTY and captain JOSEPH NUNEZ relied in large part on the statements of MARK GUERRERO, who claimed that PLAINTIFF was crazy and mentally unfit to perform his work duties and needed to be psychologically evaluated and/or placed under a 5150 hold. These statements were false and DEFENDANTS knew them to be false.

204. DEFENDANTS directly and/or indirectly communicated to the hospital staff and to the Fontana Police Department that PLAINTIFF "was a danger to himself, or to others" or was "gravely disabled" and therefore should be placed on a 5150 hold. DEFENDANTS knew these statements were false, but made them anyways. PLAINTIFF was thereafter held against his will for approximately 72 hours. DEFENDANTS' aforementioned communications to hospital staff members and the Fontana Police Department that led to PLAINTIFF's 5150 hold were motivated by retaliatory and discriminatory animus against PLAINTIFF as set forth throughout this complaint.

1 205. PLAINTIFF underwent a psychological examination mandated by LASD and COUNTY
2 on or about March 28, 2014. PLAINTIFF received clearance from independent medical
3 professionals to return to full work duties at LASD without restrictions. Yet LASD, and
4 COUNTY have refused to return PLAINTIFF to his position of senior deputy and has
5 refused to release the full results of the PLAINTIFF's psychological examination to
6 PLAINTIFF.

7 206. On or about December 3, 2014, PLAINTIFF received notification that he was removed
8 from consideration for the Sergeant Custody Career Track because LASD classified
9 PLAINTIFF as "physically or mentally unfit to perform the duties of a Sergeant."
10 PLAINTIFF has provided evidence to LASD through independent medical professionals
11 that he is both physically and mentally capable of performing his work duties, but LASD
12 has consistently ignored PLAINTIFF's evidence and repeated requests for reinstatement.

13 207. On or about March 31, 2015, PLAINTIFF received notice of DEFENDANTS' intent to
14 place him on an unpaid administrative leave effective April 16, 2015. Within this letter,
15 DEFENDANTS unilaterally set a skelly hearing for April 16, 2015, which was later
16 continued to May 5, 2015.

17 208. On or about March 31, 2015, PLAINTIFF was finally provided with the "results" of his
18 March 2014 psychological evaluation by the OHP. The entirety of these "results"
19 consisted of a copy of a February 9, 2015 letter from OHP Chief of Psychological
20 Services, Dr. Sepideh A. Souris, to LASD captain Judy Gerhardt which contained
21 nothing more than conclusory findings regarding PLAINTIFF's fitness for duty. Within
22 that letter, it was noted that "we have determined that Mr. Brock does not meet criteria
23 established under California Government Code § 1031(f)...and may not be returned to
24 duty as a peace officer/safety sensitive position...Furthermore, Mr. Brock is deemed as
25 not fit for any other positions at this time and in the foreseeable future."

26 209. On or about May 24, 2015, the COUNTY and LASD placed PLAINTIFF on an
27 indefinite, unpaid administrative leave.
28

1 210. PLAINTIFF is informed and believes that DEFENDANTS, and each of them, following
2 PLAINTIFF being relieved of his duties, communicated with agents of other law
3 enforcement agencies that PLAINTIFF was "crazy", "psychologically unstable", "cared
4 more about inmates than deputies", and "not to be trusted." DEFENDANTS knew these
5 statements were false, but made them anyways to cause PLAINTIFF harm. As a result,
6 PLAINTIFF has not been able to find another job in the profession he loves and has
7 devoted his life to.

8 211. Defendants knowingly made these false statements, and continue to make these false
9 statements in order to prevent PLAINTIFF from returning to his position, or any position
10 within LASD, as well as any position in any other law enforcement agency.

11 212. By all of the heretofore mentioned actions, PLAINTIFF now has to tell future potential
12 employers that he was relieved of his duties and placed on an indefinite unpaid
13 administrative leave because he was alleged to have been psychologically unfit to return
14 to work at LASD causing self-compelled defamation. PLAINTIFF's once promising
15 career in law enforcement is now irreparably damaged.

16 213. PLAINTIFF further alleges that DEFENDANTS, and each of them, and their
17 representatives, when making the libelous and defamatory charges, knew that
18 PLAINTIFF would have to repeat the charges to prospective employers, even though
19 they were false, when he interviewed for and with prospective employers.

20 214. PLAINTIFF is informed and believes and thereon allege that when Defendants,
21 representatives made slanderous and libelous defamatory charges, such charges were
22 made maliciously, deliberately, and intentionally with knowledge of the falsity of those
23 charges and with the intent to defame the PLAINTIFF and were motivated out of ill will
24 and not for any legitimate business purpose. These false allegations both written and
25 verbal damaged PLAINTIFF's reputation, his career, and his ability to find a new job.
26 Law enforcement agencies in particular will not hire someone who has been accused in
27 the past of psychological issues.
28

1 215. The above acts and conduct of Defendants, and each of them, and their representatives,
2 constituted and constitute defamation as they are both libelous and slanderous.
3 DEFENDANTS' act(s) of telling employees of the LASD and COUNTY that
4 PLAINTIFF was "mentally unfit" to return to his former position, or any position,
5 constitutes publication because "publication occurs when a statement is communicated to
6 any person other than the party defamed." [Citation omitted.] "Under principles of
7 respondeat superior, an employer may be held liable for a defamatory statement made by
8 its employee." [Citation omitted.] That publication may involve internal corporate
9 statements as recognized in *Agarwal v. Johnson* (1979) 25 Cal.3d 932, 944 [Citation
10 omitted.], the court stating that internal company statements regarding the PLAINTIFF's
11 'lack of job knowledge and cooperation' were 'published.' "*Kelly v. General Telephone*
12 *Co.* (1982) 136 Cal.App.3d 278, 284. (Publication by former supervisor to other
13 employees and personnel officers.

14 216. LASD and COUNTY are liable for the defamatory statements of its agents. A master is
15 subject to liability from defamatory statements made by an agent acting within the scope
16 of his authority." (*Di Giorgio Fruit Corp. v. AFL-CIO* (1963) 215 Cal.App.2d 560, 576.)
17 "It is well established that a principal can be liable for the malicious torts of his
18 employee committed within the scope of his employment, despite any contention that the
19 employee may not have had authority to engage in tortious conduct." (*Mercado v.*
20 *Hoeffler* (1961) 190 Cal.App.2d 12, 17.)

21 217. By the aforesaid acts and conduct of Defendants and each of them, PLAINTIFF has been
22 directly and legally caused to suffer actual damages pursuant to California Civil Code §
23 3333 including, but not limited to, loss of earnings and future earning capacity, medical
24 and related expenses for care and procedures both now and in the future, attorney's fees,
25 and other pecuniary loss not presently ascertained, for which PLAINTIFF will seek leave
26 of court to amend when ascertained.

27 218. As a direct and legal result of the acts and omissions of Defendants, PLAINTIFF was
28 rendered suffered, among other things, severe fright, shock, pain, discomfort, anxiety,

1 and reduced economic opportunities. The exact nature and extent of said injuries are not
2 known to the PLAINTIFF, who will pray leave of court to insert the same when they are
3 ascertained. PLAINTIFF does not at this time know the exact duration or permanence of
4 said injuries, but are informed and believe, and thereon allege, that some of the said
5 injuries are reasonably certain to be permanent in character.

6 219. As a further result of each acts and omissions of Defendants and each of them,
7 PLAINTIFF has been forced to incur expenses, and is informed and believe, and thereon
8 allege, that he will in the future be forced to incur additional expenses of the same nature,
9 all in an amount which is at present unknown. PLAINTIFF will pray leave of court to
10 show the exact amount of said expenses at the time of trial.

11 220. Prior to the occurrence of the incidents, PLAINTIFF was an able-bodied individual, but
12 since said incidents has been unable to engage fully in his occupation, and is informed
13 and believes, and thereon alleges, that PLAINTIFF will be not allowed or unable to
14 perform his usual work for an indefinite period of time in the future, all to PLAINTIFF's
15 damages in an amount which is at present un-ascertained. PLAINTIFF will pray leave of
16 court to show the total amount of loss of earnings at the time of trial.

17 221. As a further direct and legal result of the acts and conduct of Defendants, as aforesaid,
18 PLAINTIFF has been caused, and did suffer, and continue to suffer severe and permanent
19 emotional and mental distress and anguish, humiliation, embarrassment, fright, shock,
20 pain, discomfort and anxiety. The exact nature and extent of said injuries is presently
21 unknown to PLAINTIFF, who will pray leave of court to assert the same when they are
22 ascertained.

23 222. The aforementioned acts of Defendants , and Does 1 through 100, committed by and
24 through their managing agents, supervisors, were done with the knowledge of Defendants
25 and Does 100 and or were ratified and condoned by Defendants and Does 1 through 100,
26 and each of them, were willful, wanton, malicious, intentional, and illegal and were
27 oppressive and despicable and were done in willful and conscious disregard of the rights,
28 welfare and safety of PLAINTIFF, and were done by supervisors, alter egos, managerial

1 agents of and Does through 100, and with the express knowledge, consent, and
2 ratification of managerial employees of Defendants, and Does 1 through 100, thereby
3 justifying the awarding of punitive and exemplary damages in an amount to be
4 determined at the time of trial.

5 223. As a result of the discriminatory and retaliatory acts of Defendants and Does 1 through
6 100, and each of them, as alleged herein, PLAINTIFF is entitled to reasonable attorneys'
7 fees and costs of said suit as specifically provided in California.

8 224. PLAINTIFF has been generally damaged in an amount within the jurisdictional limits of
9 this court.

10 **PRAYER**

11 WHEREFORE, the PLAINTIFF prays for judgment against the DEFENDANTS, and
12 each of them and Does 1 through 100, as follows:

- 13 1. For general damages in an amount within the jurisdictional limits of this court;
- 14 2. For medical expenses and related items of expense, according to proof;
- 15 3. For loss of earnings, earning capacity and benefits, according to proof;
- 16 4. For attorneys' fees according to proof;
- 17 5. For prejudgment interest according to proof;
- 18 6. For costs of suit incurred herein; and
- 19 7. For interest as allowed by law and
- 20 8. Civil Penalties as authorized by statutes set out herein above; and
- 21 9. For such other and further relief as the court may deem just and proper, and
- 22 10. For exemplary and punitive damages in an amount according to proof.

23
24
25
26 **JURY TRIAL DEMAND**

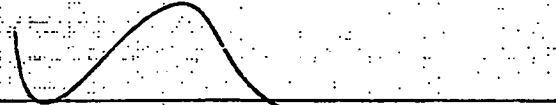
27 The PLAINTIFF hereby demands a trial by jury.

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DATED: June 26, 2015

LAW OFFICES OF MARYANN P. GALLAGHER

By



MARYANN GALLAGHER

LANCE M. WILLIAMS

Attorneys for PLAINTIFF